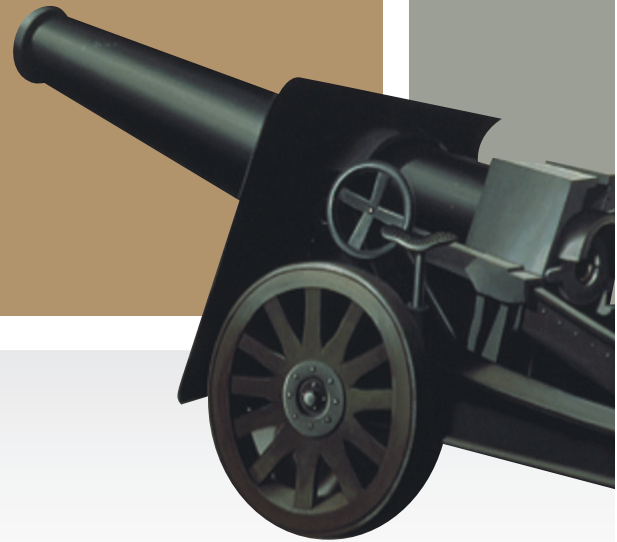


GOVERNING CITIZENS

FRISO VAN HOUDT



The government of citizenship, crime
and migration in the Netherlands

GOVERNING CITIZENS

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crime and migration in the Netherlands

GOVERNMENTALITY IN NEDERLAND

De hedendaagse bestuursmentaliteit in relatie
tot burgerschap, criminaliteit en migratie

PROEFSCHRIFT

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For my mother and father

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List of abbreviations

The following abbreviations appear in the text. Below they are ordered by date:

SAC 1985	Society and Crime/ Samenleving en Criminaliteit: een Beleidsplan voor de Komende Jaren
LIM 1990	Law In Motion/Recht in Beweging: een Beleidsplan voor Justitie in de Komende Jaren
ISR 1993	Integral Safety Report/Integrale Veiligheidsrapportage
CIEM 1994	Contourennota Integratiebeleid Etnische Minderheden/1994 Outline Integration Ethnic Minorities
SPD 1995	Safety Policydocument/Nota Veiligheidsbeleid 1995-1998
YFCP 1996	Youth and Family: Crime Prevention from a Judicial Perspective/ Jeugd en Gezin: Gezinsbeleid vanuit justitieel perspectief
CRIEM 1997	Criminaliteit in Relatie tot Integratie Etnische Minderheden/Crime in relation to Ethnic Minorities
KKKP 1998	Nota Kansen krijgen, kansen pakken/1998 Integration Policy (1999-2002)
WIN 1998	Wet Inburgering Nieuwkomers/1998 Civic Integration Newcomers Act
ISP 199	Integral Safety Policy/Integraal Veiligheidsprogramma
CC 2000	Crime Control/Criminaliteitscontrole: Investeren in een Zichtbare Overheid
TSS 2002	Towards a Safer Society/Naar een Veiliger Samenleving
IIP 2002	Integration in Immigration Perspective/Nota integratie in het perspectief van immigratie/
OCIA 2004	Outline Civic Integration Act/Herziening van het Inburgeringsstelsel
SBBP 2007	Safety Begins by Prevention/Veiligheid Begint bij Voorkomen
APFN 2008	Actieplan Overlast en Verloedering: maatregelen ter intensivering van de lokale aanpak
APRYEO 2009	Aanpak risicojongeren van Antilliaanse en Marokkaanse afkomst

Acknowledgements

Governing Citizens studies the striking changes in the government of migration, crime and citizenship in the Netherlands over the past thirty years. The study is based on a reconstruction of Foucault's governmentality lectures (Foucault 2007a, 2008). Citizenship is studied from a governmentality perspective as a technique that functions in relation to other techniques of sovereignty, discipline and government. Hence, citizenship is connected to the mushrooming detention facilities, parenting courses, the rise of assimilation, selective incapacitation, responsabilization, managerialism and several other techniques of power. This dissertation charts the spread of these techniques and argues that citizenship is part of a configuration of techniques that was invented to govern contemporary predicaments of control (e.g., the crime control predicament and the migration control predicament). *Governing Citizens* also illustrates how this can be related to the emergence of a new governmentality: *neoliberal communitarianism*.

Portions of this dissertation, especially parts of chapter 5, have been published in *The British Journal of Sociology* (2010), *International Sociology* (2011), *Theoretical Criminology* (2013) and *The Sociological Review* (2014). However, although this book is based on these publications, I have reassembled the material, clarified some of the views and pushed some lines of thought to the limit to invent new material, make sharper arguments, come to bolder generalizations and create new concepts (e.g., *the migration control predicament and the reconfiguration of sovereignty, discipline and government*). Moreover, the content of chapter 5 is now related to the other chapters that are based on new material intended to ground the published ideas in terms of methodology, aimed at exploring new and especially historical sources and positioning my research in relation to fields of study and positions taken by other scholars.

I take sole responsibility for the contents of this book but not for the credits because *Governing Citizens* is primarily an effect of collective thinking, co-writing and critique. I therefore wish to thank my co-authors, the various anonymous reviewers and editors of the above mentioned journals for their valuable suggestions, criticism and encouragement to take some of the arguments just a step further to broaden the impact. Furthermore, I would like to record my thanks to the scholars publishing in the fields of governmentality (especially Mitchell Dean and Nikolas Rose), punishment & society, migration, and citizenship studies because I have benefitted from their work. Moreover, I wish to thank my colleagues of the Sociology department (especially Jack Burgers and my former roommates (Marianne van Bochove and Sanne Boersma), and the members of CIMIC, Citizenship & Identity (in particular Carolina Ivanescu) and Monitoring Modernity) for their support, comments and suggestions.

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CHAPTER I
INTRODUCTION:
GOVERNING CITIZENS IN THE PRESENT

'Are we witnessing the birth of a new politics?'
(Rose 2000a: 1395)

The King's Speech and fragments from a sociologist's notebook

In his King's Speech ['troonrede'] of 17 September 2013 the Dutch King announced the programs of action of the national administration. The King's speech is, therefore, a 'strategic event' (Merton 1987) for those interested in the government of citizens in the present. The Dutch cabinet (Rutte II) proclaimed a transformation towards a 'participation society'. The term was introduced as a neologism. However, 'participation society' was also used by the Dutch administration in 2005 (PM Balkenende). Moreover, the concept even has a longer history. It was already used in 1991 (PM Kok) in an attempt to formulate a different kind of government beyond the welfare state. Confronted with the history of the term PM Rutte responded that this indicated 'the continuity in Dutch administration'.¹ Therefore, a relevant question is: have we witnessed the birth of a new governmentality?

It is the aim of this dissertation to answer this question on the government of citizens in the present. To understand the present government of ourselves, others and the state (Foucault 2007a; Dean 1999) the chapters below scrutinize the prominence of citizenship in the government of crime and migration in the Netherlands since the 1980s. A study of these topics allows for a good understanding of the more general transformation in the strategy of government. It is in these fields that previous forms of government related to the welfare state (welfarism) were intensely problematized, that new formulations about the proper relations between state and (non-)citizens emerged and that a new economy of responsibility between state, market and society was proposed.

Hence, the triangle of citizenship, migration and crime can be understood as a 'strategic case' in both the Mertonian (1987) and Foucaultian (2008) sense to study the government of citizens. A strategic case in the Mertonian sense means that a research site, object or event exhibits 'the phenomena to be explained or interpreted to such advantage and in such accessible form that they enable the fruitful investigation of previously stubborn problems and the discovery of new problems for further inquiry' (Merton 1987: 1-2). In the Foucaultian sense it means that a phenomena under study allows for a good understanding of the combination of political rationalities (understood as strategy; see chapter 2) in the present government of citizens.

Moreover, the Dutch case is an interesting and important one. In international (e.g., Geddes 2003) and national (e.g., Entzinger 2002, 2003) literature the Netherlands stands out as one of the countries that officially waged multicultural policies that was followed by a striking retreat of multiculturalism in the nineties. Known and praised for its multicultural approach it shifted to an assimilationist and the strictest model in Europe (Jacobs & Rea 2007). In addition, in terms of penal government the Netherlands is presented as 'a beacon dimmed' (Downes & Van Swaaningen 2007). This is often illustrated by the decline of the rehabilitative ideal, the six-fold increase of the prison rate and the emergence of various emergency measures in the government of crime (e.g., Cavadino & Dignan 2006). Therefore, the Dutch case is interesting and important because it is often described as frontrunner in the new government of social problems as several European nation-states followed suit (see, for example, this argument in relation to the government of migration: Jacobs & Rea 2007; Joppke 2007a/b).

Citizenship plays an important role in the new government of crime and migration. In the field of

¹ http://pauwenwitteman.vara.nl/Politiek.4217.0.html?tx_varamedia%5Bmediaid%5D=242899&cHash=6e80a04f0330dcf81d0b375e61a35c5f (accessed 19 September 2013)

crime it is conceptualized as 'active citizenship' and thus primarily a technique of responsabilization (Garland 2001: 124). In the field of migration 'good citizenship' is the objective of citizenship tests and thus primarily a technique of discipline (Löwenheim & Gazit 2009). Interestingly, the role of citizenship differs in both fields while both the fields of crime and government witnessed what can be called a "punitive turn": that is the deployment of sovereign techniques of, for instance, punishment and exclusion (e.g., banishment). Citizenship is, therefore, part of a more general deployment of power and network of techniques of government in both fields of regulation. This study aims to understand precisely how the fields of crime and migration are governed and what the role of citizenship as technique of government is in this more general strategy of government.

This dissertation is part of what Foucault called the *history of problematizations*: How, why and in what exact way, did migration and crime become a problem in the last three decades of the 20th century, why has it become an important one and what is new in its government? (Foucault 2007b). It is therefore also a *history of the present*. However, instead of presenting a progressive or regressive reading of the present (i.e., narratives that see the present as progressing into the good or regressing into the bad and worse) this study presents a narrative that aims to *defamiliarize the familiar* (Bauman & May 2001). It aims to understand the peculiarity or singularity of the present (Foucault 2000) and asks whether we have witnessed the birth of a new governmentality (cf. Rose 2000a). This study is not aimed at saying that anything is good or bad. However, it has a critical dimension. The critical dimension of this study is to raise one question *at the end*: 'do we want to govern ourselves, others and the state the way we do?'. But before this question can be raised an adequate answer has to be found on the question of how we govern ourselves and others in the present.

This question is also related to the specific role of the sociologist and the author of the present study. This is an important and continuously returning question. For example, a variety of roles can be deduced from the founders of sociology: the sociologist as engineer (Comte), prophet or liberator (Marx), doctor (Durkheim), bureaucrat (Weber) or stranger and flâneur (Simmel).² In addition, a sociological role can be invented (sociologist as Partisan) in a critique of another (sociologist as Zoo-keeper) (Gouldner). This pressing question has been put firmly on the agenda in the present by Michael Burawoy in a presidential address to the "American Sociological Association" in 2004. He diagnosed the present state of sociology as favoring a kind of instrumental sociology (a self-oriented professional sociology and power-oriented policy sociology) over a reflexive sociology. Against this dominance Burawoy argued in favor of a public sociology that is reflexive and engages multiple publics in multiple ways. However, in his specific interpretation of public sociology (Burawoy's 11th thesis) as defense against the tyranny of the market and the despotism of the state he brings sociology close to the role of prophet, pedagogue and legislator.

This study is sympathetic to his interpretation of sociology as a reflexive practice (Burawoy), even more as a martial art to be used in self-defense against all kinds of nonsense (Bourdieu), but it is more in favor of the sociologist on the side of counter-power that no longer consists in legislating and prophesizing (laying down the law or using claims of truth to see the past and the future) but a sociology that gives itself the task of interpreting interpretations (Bauman) while making visible

² See Merton's (1973[1941]) *Znanięcki's Social Role of the Man of Knowledge* for another typology of social roles of men of knowledge.

the existence of techniques, programs and strategies of power to raise questions whether we want to govern ourselves, others and the state the way we do (Foucault). This implies also, for example, a reflexive study of social science not so much in terms of true/false but in terms of power, a reflexive study of power-knowledge not in terms of good/bad but in terms of dangerous existence, and a study of subjects not as source of true/false knowledge but as inventions of power/knowledge. Hence, this dissertation is not only interested in the government of citizens in relation to citizenship, crime and migration. It is also interested in the birth of, for example, sociology and the substance given to the role of sociologist and its relation to power and invention of subjects (see chapter 4 and 5).

This role is defined by the perspective of governmentality (Foucault 2007a, 2008; see chapter 2). Governmentality can be regarded as a “strategic theory”. This is related to Merton’s “Three fragments from a sociologist’s notebook” already hinted at above. Merton discusses the use of ‘strategic research materials’.³ In addition, Merton also notices the need for a ‘theoretical sensitive observer’ in selecting and generalizing about these strategic data (Merton 1987: 16, 20). However, he does not mention or suggest anything about theory, or what can be called strategic theories (ST’s). The governmentality perspective is selected here as a strategic theory because it is in advantage, compared to other theories, for enabling the fruitful study of the phenomena at hand (e.g., crime, migration and citizenship but also neoliberalism and the role of sciences) and the opening up of a new field of research and invention of new concepts in the study of the government of citizens.

The stakes in this governmentality study

This study is a reflection on what the present is, where we are, who we are, what we know (and the limits of what we know), how we govern (including the excesses of power) and how we are governed (Foucault 2007c: 50-1, 57; Foucault 2007b: 129-30). At stake in this dissertation is an understanding of the ‘government of the present’ (Miller & Rose 2008). However, government and governing can be aimed at a plurality of things, phenomena and people. This study is about the political government of humans as citizens (cf. Foucault 2008: 2). It studies political rationalities closely because these lay at the root of many general ideas, commonplaces and practices (Foucault 2000: 416; cf. Dean 1999: 210-1). This is not only an academic exercise but relevant for anyone interested in the structure of his/her habitus in relation to the government of him/herself, others and the state. For example, where does this common talking and thinking on social cohesion, immigrant integration and national community come from? Why is there a common adherence to values of the market, a talking in terms of human capital and a general introduction of techniques of competition?

One dominant interpretation is that we are presently governed by neoliberalism. This is something you can hear in political pamphlets, newspaper articles and cabaret, for example.⁴ But what does that

³ More precisely, in his Merton uses the term ‘strategic research materials’ or ‘SRM’s’ that take different forms such as the ‘strategic research site (SRS)’ (i.e., location) and the ‘strategic research event (SRE)’ (Merton 1987: 10-11) that enable access to otherwise obstinate problems (Merton 1987: 12). For example, the selection and examination (s/e) of the lungs of frogs as an SRS because of their simplicity and transparency for the understanding of the way blood moves through capillaries in biology (Malpighi), the s/e of a variety of revolutions to understand a revolution experienced at first hand (Sorokin), the s/e of England to understand the capitalist mode of production because of its development and manifestation in most typical form (Marx), the s/e of Protestantism and capitalism to formulate a perspective on the interplay between the sphere of ideas and the material sphere (Weber), the s/e of repressive- and restitutory sanctions to analyze the shift from mechanic- to organic solidarity (Durkheim), the s/e of the stranger to understand the synthesis and effects of nearness-remoteness in human interaction (Simmel) or the selection of behavior of immigrants to understand the marginal man (Park) (Merton 1987).

mean? How are citizens governed when they are governed by neoliberalism? Is neoliberalism the sole political rationality influencing the current strategy of government? These specific questions, this particular focus and the peculiar vocabulary of this study are related to the perspective that is used in this study: 'governmentality'.

Governmentality was developed by Michel Foucault in his 1978 and 1979 lecture courses at the *Collège de France* and became available in English in 2007 and 2008. In these courses Foucault developed tools to study power (Foucault 2007a) and to come to terms with the then emerging and recharged mentality of liberal government: neoliberalism (Foucault 2008). He attacked the common understanding of neoliberalism as a revival of Adam Smith, as prophetically decoded and rejected by Marx and as Solzhenitsyn on a world scale (Foucault 2008: 130-1). Instead, he scrutinized its singularity, variety and the complexity of neoliberalism. Foucault, for example, discusses how neoliberalism differs from classical liberalism, he studied its various flavors (a German and American variant) and he explored neoliberalism in its deployment of power, its relation to knowledge and construction of subjects of government (see chapter 2).

This is precisely one aspect of what a governmentality study is about: to understand the government of ourselves, others and the state and the consequences thereof (Dean 1999). Government is about guiding, leading, directing and constraining a plurality of phenomena such as self, children, souls, families, communities but also the state. Government is about the conduct of conducts: 'the way in which one conducts the conduct of men' (Foucault 2008: 186). Hence, government should not be reduced to 'state administration'. Government implies management, regulation, leading or directing of a variety of phenomena. The government of citizens, the government of crime or the government of migration should be understood in this broad sense (compare to the Dutch notion "bestuur"). The use of the concept of government in governmentality is therefore not state centered but involves a perspective on the state as internally incoherent and as only one actor in the government of citizens.

This it shares with the literature on "governance". However, there are some strings attached to the use of "governance" (Rose 1999a: 15-20). For example, there is a booming literature on 'good governance' that is based on the idea of less government (state) and more governance (hence a *normative use of governance* best illustrated by Osborne & Gaebler 1993, which is something the governmentality perspective analyzes from a second-order perspective). Furthermore, the governmentality perspective differs from the extensive descriptive literature on the real practices of governance. What Nikolas Rose calls '*the sociology of governance*' is informed by a realism that differs from the governmentality perspective because the latter is not directly focused on real practices of government, though it tries to come as close as possible by focusing on the rationalities and conceptualizations of government (Foucault 2008: 2). Also, the governmentality has a diagnostic and critical aim. And finally, a literature where governance implies not state, nor market but self-organizing networks ('self-governance') which is too reductive from the perspective of governmentality.⁵ This is why a governmentality perspective uses the concept of government (instead of governance) albeit in the broad sense of the conduct of conduct.

Governmentality is a grid that makes us understand how, where and to what end we govern when we govern ourselves, others and the state. Studies of governmentality make use of the conceptual triangle

⁴ See, for example, comedian Theo Maassen's latest show (Oudejaarsconference "Einde Oefening").

⁵ See on this difference between "government" from a governmentality perspective and "governance" (Rose 1999a: 15-19; cf. Dean 2007: 47-52).

of power-knowledge-subject (see chapter 2). Its focus is on specific configurations of technologies of power, specific knowledge (e.g., science) and newly invented subjects of government. Governmentality focuses on the problematization of objects (e.g., how crime and criminals and migration or migrants were problematized), the various technologies of power that are deployed in the government of citizens (mapping the complex topology of power and rule in terms of sovereign techniques, disciplinary techniques and techniques of government), the relation between power and knowledge (studying the relation between discourses of truth and government, e.g., the study of science not in terms of true/false but in terms of power) and the constructions of subjects of government (e.g., divisions within a population and constructions of citizens as 'active citizens' or 'homo economicus'). This all is related to a study of the dominant political rationalities. For example, it describes how neoliberalism implies a specific economic knowledge of social phenomena, how it critiques and programs the state and invents subjects of government as enterprises.

Interestingly, 'governmentality studies' are prominent approaches in the Anglo-Saxon countries, Germany and Scandinavia but it is a perspective that, relatively speaking, lacks attention in the Netherlands (e.g., Burchell et al. 1991; O'Malley 1992; Dean 1999; Rose 1999a/b; Miller & Rose 2008; Donzelot & Gordon 2008; cf. Lemke 2001). This study aims to fill this gap applying it to both past regimes of Dutch government (classical liberalism and welfarism are studied respectively in chapter 3 and 4) and the present (neoliberal communitarianism: chapter 5). Thus this dissertation aims at an application of governmentality to the past and present government of citizens in the Netherlands.

This study is not intended as an introduction to governmentality (see, for instance, Dean 1999, 2010) or a review of governmentality studies (see, for example, Rose, O'Malley & Valverde 2006). Both an introduction and a review requires an extensive involvement with Foucault and also the field of governmentality studies. These are beyond this author's experience, capacity, and objective. Instead, this study makes use of some of the tools provided by Foucault. This toolbox that consists of saws, hammers and nails is used to construct a specific narrative about the government of citizens in the Netherlands. The present study deliberately focuses on Foucault's governmentality lectures and surpasses the debates within the field of governmentality studies. Perhaps, if there is a contribution to the field of governmentality studies, it is "to bring Foucault back in" and to add a case study of the Dutch government of citizens (cf. Van Houdt & Schinkel 2014). The aim is to contribute to an understanding of the government of ourselves, others and the state in the present and to invent new concepts.

While surpassing the major debates in governmentality studies, however, some important comments on governmentality were noted and also played an important role in the present governmentality study. For example, Mitchell Dean (a scholar who has written extensively on Foucault and governmentality and also produced a valuable introduction: Dean 1999, 2010) urged governmentality scholars to be more attentive to the deployment of sovereign powers. Thus, Dean argues that governmentality scholars should be more attentive to the deployment of punishment, coercive control over people and territories and techniques of exclusion, for example, deportation and banishment (Dean 2007; cf. Stenson 1998, 2005). In addition, Nikolas Rose (2000a) pointed at the emergence of what can be called communitarian governmentality (something Foucault was also attentive to) (cf. Delanty 2003) Furthermore, David Garland (1997) described how a neoliberal mentality had emerged in contemporary penal government

while adding some important comments on the limitation of governmentality. These important reflections on the governmentality literature were used as additional beacons, as warnings and as searchlights to Foucault's lectures on governmentality.

Governmentality is a perspective that provides specific research questions and -tools. It is important to remark that a governmentality study doesn't study actual government as such but the mentality of government (Foucault 2008: 2). It is thus not aimed at the particular situations, problematics of implementations and actual use of the instruments. Instead it tries to come as close as possible to grasp how governmental practices emerge in reflections on how to govern in the best possible way. These reflections are called the 'art of government' (Foucault 2008: 2). That is why the king's speech and reflections on a transformation towards a 'participation society' are strategic to a study of the government of citizens.

From the bottom up

It is at the local level of the city of Rotterdam that this governmentality study first started to explore the problematization of crime and migration in relation to the invention of citizenship as technique of government. The city of Rotterdam is a highly interesting case of the recent changes in the management of crime and safety, and of the accompanying articulations of citizenship (Wacquant 2009: 104-9). Rotterdam is often considered to be a 'policy laboratory' (Noordegraaf 2008). It provides also a good example of the problematization of crime and migration and the invention of citizenship as a technique of government in relation to political rationalities, such as, neoliberalism (Van Houdt & Schinkel 2014).

The issues of migration, integration, crime and citizenship dominated both the 2002 local election campaign and subsequent programs of government. In 2002 and for the first time in the history of Rotterdam the labour party (PvdA) was forced into opposition. A government coalition emerged that consisted of the liberal party (VVD), Christian democrats (CDA) and the winner of the elections (the political party of populist maverick politician Fortuyn) Liveable Rotterdam (LR) (from 0 to win 17 out of 45 seats). However, before this coalition was installed some major disagreements and distrust had to be brushed away. LR was a newcomer and its tough rhetoric on governing urban problems and (migrant-)citizens in relation to crime and integration was viewed with suspicion by both VVD and CDA (Van Schendelen 2004). Due to the mediation of policy scientist Van Schendelen the parties were brought together. In his role of political broker ['informateur'] Van Schendelen proposed to use the concept of citizenship as the leading theme of the new coalition programme (Van Schendelen 2004). This was because citizenship allowed for both a tough approach of citizens (stressing their duties and responsibilities) as well as stressing their rights (Van Schendelen 2004: 261). As such, citizenship functioned as a political bridge between parties and a technique of government.

Moreover, citizenship was also invented as a technique in the local government of crime and migration. For example, 'active citizenship' [*Methodiek Actief Burgerschap*] was invented as technique for making citizens responsible for a clean and safe environment (Rotterdam City Council 2002, 2009) and 'good citizenship' was used as the end stage of civic integration courses aimed to discipline and moralize citizens with an immigrant background into good Rotterdam citizens (Rotterdam City Council

2002). In addition to citizenship, other techniques were also invented to govern various local issues. Hence, citizenship is part of various adaptations and new interventions in the local government of citizens. A relevant question in this respect is:

‘What were these adaptations and interventions? A proper answer to this question would document a multitude of tiny, mundane actions and techniques spreading across the social field in a process of imitation, re-invention and recurrence rather like the emergence and spread of disciplinary techniques that Foucault describes in early modern Europe.’

(Garland 2001: 159)

A relational perspective makes us see that citizenship is part of a network of techniques invented to govern socially constructed problems. It is part of a network of techniques that consists of, for example, community policing, zero tolerance and a hot spot approach (Wacquant 2009). It is combined with urban restructuring and social mixing as state-led gentrification (Uitermark, Duyvendak & Kleinhans 2007), selective settlement policies [The 2005 Rotterdam Act to govern the influx of deprived low (cultural, social and economic) capital citizens], behavioural codes [The Rotterdam Code stressing how to behave in public space, e.g., speaking Dutch], an integral approach by multi-agency-intervention teams and city marines (Schinkel & Van den Berg 2011), new monitoring devices (camera’s, databases and other surveillance practices sometimes behind the front door of private homes) (Schinkel 2011), the invention of a civic integration market, parenting courses (Van den Berg 2013), programs that intervene in families to teach responsibility (Schinkel & Van Houdt 2010a), partnerships between state and non-state actors et cetera (see also Snel & Engbersen 2009; cf. Tops 2007). Hence, citizenship is part of a configuration of techniques that has been invented and deployed in the local government of crime and migration.

So, how to understand the local government of citizens from a governmentality perspective? What do we see when looking at the micro-level while using the governmentality lens? How to study this while using power-knowledge-subjects in relation to political rationalities? A first possible interpretation of the local government of crime and migration from a governmentality perspective is to understand it in terms of power. As will be described in more detail below (chapter 2) Foucault constructed a triangle of power to distinguish between three technologies of power: sovereignty, discipline and government. In relation to this, one should be wary of reductive accounts that only sees the deployment of one technology of power (e.g., interpreting Rotterdam as example of “the punitive city” that would be based on the sole deployment of sovereign techniques of punishment, banishment and other techniques of exclusion). Instead, a governmentality analysis would give a more complex account that maps the deployment and reconfiguration of the three different technologies of power (cf. Dean 2007: 84). This local case, for example the local government of crime-citizenship-migration in the present in Rotterdam, consists of a combination of sovereign techniques (punishment and exclusion), disciplinary techniques (surveillance and correction) and techniques of government (e.g., responsabilization of the population and market actors but also techniques to increase the effectiveness, performance and efficiency of state government) (cf. Garland 2001; Stenson 2005). Hence, the first example is to map the complex local topology of power with the governmentality perspective (see chapter 2 and 5).

Secondly, from a governmentality perspective one not only pays attention to power but also to the relation between power and knowledge. The complex triangulation of power in local government is facilitated by an eclectic use of social scientific knowledge.⁶ For example, in the local government of crime several criminological theories are translated and used to program and support preventative and repressive interventions contributing to a specific safety infrastructure (see chapter 5). Again, in relation to the previous discussion of power, it would be too reductive to only focus on repression because there has been a major investment in crime prevention. Here reference is made to the 'broken windows approach', 'community policing', 'communities that care', but also a translation of the 'life course perspective' that supports early intervention in families, the 'hot spot approach' (both to target high-risk neighbourhoods and to legitimate exceptional measures such as preventive frisking), and also 'social bonding theories' to promote the attachment of (primarily immigrant)youth to the community and 'rational choice theories' with the threefold aim of target hardening, increasing surveillance and reducing opportunities to commit crime. In addition to this knowledge dimension of power, sociologists and scholars in public administration are instrumental in their mapping of the morality of migrants in terms of their integration, in the identification of citizens- and groups at risk and in their advice on the mixing and merging of different categories of citizen-subjects (see Schinkel 2007). A governmentality study is primarily interested in these kinds of relations between regimes of power and regimes of truth (power-knowledge) (see Van Houdt & Schinkel 2013a).

Thirdly, a governmentality perspective is not only sensitive to power-knowledge but also to the invention of subjects of government.⁷ Thus a governmentality perspective tries to study the invention of subjects in regimes of power-knowledge. If, therefore, reference is made to subjects of government in this study they should always be read in quotation marks. For example, the local government of crime-migration-citizenship correspond to three important subject-images (Van Houdt & Schinkel 2014). The first dominant image in the present local government of urban citizens is the active citizen. This subject of government is understood as the properly socialized and responsible citizen who can be connected to a governmental network of state and non-state actors. Secondly, the *low risk citizen*. This is the citizen-subject who is considered to be morally, socially or biologically at risk and in need of and also receptive to disciplinary correction. Thirdly, the *high risk citizen* who is argued to be beyond correction and in need of exclusion. The first citizen-subject is inserted in a governmental regime of state and non-state actors that is aimed at the government of various social problems such as the government of crime, the second is targeted by a governmental regime to be disciplined to become such a proper citizen that can be inserted in such a network, and the third is the citizen-subject that is expelled to cause no problems, warehoused in a special facility or banned from certain places. This way, a third element can be added to power-knowledge: the governmental 'subject'.

This is how the governmentality triangle of power-knowledge-subject can be projected upon the local government of problems. It enables us to see differently. One important remark is that the

⁶ But also medicine: the life course of youngsters growing up in Rotterdam is monitored in the 'generation R-project' generating knowledge and intervention strategies (see <http://www.generationr.nl/het-onderzoek.html> accessed December 2013).

⁷ As Rose, O'Malley & Valverde (2006: 85) and Dean (2010: 136-7, 146, 177) point out this is one of the interesting things of the governmentality perspective because it shows how the objects of government are sometimes understood as sheep of a flock to be cared for, as economic subjects with interest, as legal subjects with rights, as social subjects of need, as individuals to be disciplined, or as prudential subjects of responsibility.

local government of problems cannot be isolated from national trends of problematization. Indeed, there has been a close relation and cooperation between the local government of Rotterdam and the national administration. For example, in previous decades the national state deliberately increased the responsibilities, techniques and regulations of local governments. And, vice versa, local governments and especially the city of Rotterdam were experimenting with new techniques of government that needed financial and regulatory back-up from above. This also relates to the specific status attributed to Rotterdam. Although it is sometimes argued by scientists and (local) politicians that the local government of Rotterdam is exceptional and revolutionary, others argue that the local government of Rotterdam is comparable to the government of other cities, for example, the local government of Amsterdam and therefore an “exemplary case” instead of a “deviant case” (see Engbersen, Snel & Weltevrede 2005).

According to the latter, the local case of Rotterdam is less revolutionary than often presented. One argument is that the general pattern of government is already present in national programs of government in the 1980s and 1990s (see, for example, this argument in relation to the government of crime: Van Swaaningen 2008: 101). Instead of revolutionary or exceptional the local case of Rotterdam then becomes paradigmatic and strategic. It shows a more general pattern of (local) government. This allows for a contextualization of local government in time and space. This is also related to the observation that national programs of government are often translated in local programs of government (Ossewaarde 2007). Indeed, the issues of crime and migration have a longer history of problematization on the national level and these issues figure prominently in the reconfiguration of a strategy of government called welfarism (cf. Brants 1986). This is also related to a fourth angle of the governmentality perspective: political rationalities.

Fourthly, the governmentality perspective is sensitive to the importance of political rationalities. For example, the political rationality of neoliberalism (Foucault 2008). Wacquant (2009) presents the case of Rotterdam as an example of the emergent neoliberal state and the European road towards neoliberalism. He argues that there is a specific European, Dutch and Rotterdam mentality of government (Wacquant 2009: 4). It is precisely this singular strategy of government, this specific governmentality that I am interested in. If one accepts Wacquant’s diagnosis of a neoliberal local government in Rotterdam it also becomes clear that neoliberalism is complemented by other political rationalities. In other words, the neoliberal government of citizens, crime and migration is supplemented, problematized or merged with another political rationality.

The local government of citizens in Rotterdam is not only framed in terms typical of neoliberalism (see chapter 2 and 5) but also in terms of a political rationality that stresses community, social cohesion, identity, reciprocity of rights and duties and norms and values (cf. Tops 2007). Hence, in addition to the market-competition game, this political rationality has introduced ‘a new diagram of power or a new game of power: the community-civility game. It involves new conceptions of those who are to be governed and the proper relations between the governors and the governed’ (Rose 2000a: 1399). Important questions that can be raised from a governmentality perspective are: ‘How to understand this shift towards community?’, ‘What are the effects of this conjoining of neoliberalism with another political rationality?’ and ‘Have we witnessed the birth of a new governmentality?’

To explore these kind of questions this study has *added two dimensions to the local practices* of

governing crime-migration-citizenship in Rotterdam: time and space. Hence the local case of Rotterdam will be “stretched” in terms of *space* to include the national level and in *time* to include previous regimes of government. This way, this study tried to work “from the bottom up”. It goes from a study of local practices, such as active citizenship, to a more general analysis of power-knowledge-subjects in relation to political rationalities. This way, the present study goes the opposite direction of the “localization of the sociological and criminological gaze” and the “molecular turn in the social sciences” that focuses on the city, urban problems and local government. Indeed, the local and the city are relevant topics and differences between both local cases and between the local government of problems and the national level can be legitimately stressed. However, it is also important to notice that this “localization of the scientific gaze” is or can be related to the “localization of power”.⁸ Furthermore, while the differences between local and national cases can be stressed, this can be opposed with arguments stressing homologies of the local and the national. In a sense then, this study moves upwards from the local and micro-practices of government to construct a more general narrative. The local government of crime-citizenship-migration has been used as a strategic point of entry to study past and present governmentality in the Netherlands. At stake is in adequate understanding of the way we govern ourselves, others and the state also to make understandable how the local government of citizens is part of a newly emerging governmentality.

Research questions and the methodological strategies of a governmentality study

The research questions formulated in this dissertation are informed by the governmentality perspective. As already became clear, to study phenomena such as citizenship, migration and crime from a governmentality perspective has major implications. Of crucial importance is the how-question. For example, ‘how are citizens governed in the present?’, ‘how has crime been problematized and how does this differ from previous time-place configurations?’, and ‘how is migration problematized and how should we understand this in terms of power-knowledge?’. In sum, I ask the following questions:

- How to understand the government of citizens in the present in terms of political rationalities, programs and techniques of government in relation to the government of citizens in the past?
- How to understand the problematization (i.e., singularity) of crime and migration in the Netherlands at the local and national level (i.e., these issues have been problematized before, but what is new)?
- Have we witnessed the birth of a new governmentality and, if so, is this a typical local phenomenon, national phenomenon or does it have broader applicability?

⁸ For example, in a 1993 national policy document on crime it was the local level, especially the neighborhood level, that was targeted as the prime level to govern crime. Even further back, already in 1985 it was argued that penal government should aim to responsabilize local governments (Society & Crime 1985). In addition, the concepts of community safety and broken windows were introduced to figure out new ways of local government in the 1990s (see below chapter 5). Therefore, the 1980s and 1990s prepared the ground for the initiatives that could be implemented in 2000s. It is of course understandable to study neighborhood safety and the local government of crime. However, this in itself is something that is facilitated in time (prepared in the 1980s) and space (prepared on the national level in terms of finance and regulation). Thus, the local turn may also be understood as a development in governmentality. Moreover, the 1990s prepared for the terms of problematization and local government of migration and integration (see chapter 5). For example, in 1994 a policy document argued that local governments and the market were responsible in the context of a transformation of the state into a facilitator in government (Outline Integration Ethnic Minorities 1994).

I focus on the following sub-questions:

- ◇ How are the technologies of power (sovereignty, discipline and government) deployed and re-configured when we compare the present government of citizens to past strategies of government and what is the role of citizenship as a relational technique of government?
- ◇ According to what scientific and truth-discourses are citizens governed?
- ◇ What are the dominant subject-images of government?
- ◇ What is the dominant strategy or dominant political rationality?

To answer these questions I have studied some strategically chosen sources that come close to past practices of government and some of the major policy documents on crime and migration in present. The selection of sources and their study is based on a reconstruction of Foucault's lectures on governmentality. This will be described in chapter 2. There I will describe what kind of questions are asked from a governmentality perspective (how questions), how to select your sources (because of their importance in terms of problematization), and how to study them (in terms of the truth regime, technologies and techniques of power and their invention of subjects of government). Hence, chapter 2 does what a chapter on methodology does traditionally.

Two examples illustrate the "methodological strategy" governing this governmentality study. Firstly, paragraph 3.1 describes the government of poverty in the 1850s. This period witnessed an intense problematization of poverty (Boer 1850) and the formulation of the first Dutch Poor Law in 1854. Instead of social citizenship rights other techniques were chosen (e.g., moralization and exclusion in the context of a free economy). To understand the rationality of the 1854 Poor Law I selected a text that was written by political economist Mees. This selection was based on the fact that this text comes very close to the actual formulations of the 1854 Poor Law, but also because it makes clear how these formulations and techniques of government were rationalized from the perspective of political economy. In addition, the text was selected because it combined several political economic positions (e.g., Malthus, Bentham and Ricardo: cf. Foucault 2007a: 35; see 2.2.2). Moreover, the text was selected because of its relative importance (it figures as a prominent reference in other texts at that time), its clarity and because of its prominence in secondary literature (cf. Foucault 2008: 234n1-2; see 2.2.2). The text itself was studied in terms of what it does in relation to power, objectification of subjects and truth regime. This way the art, rationality or mentality of classical liberalism is fleshed out in relation to a very precise and specific analysis of the government of poverty.

Secondly, in relation to the government of the present the reader will find an overview of the various policy documents on both crime and migration since the 1980s. It is in these texts that the production of both a crime control predicament and a migration control predicament emerged and that citizenship popped up as technique of government. Again, these texts have been selected because of their specific problematization (in this case of crime and migration) and studied in relation to the triangle of power-knowledge-subjects and the corresponding political rationalities. Hence, governmentality is a specific way of discourse analysis and this will be of interest to various scholars.

A “Weberian disclaimer”

The overview of documents on the government of immigrant integration and migration in the Netherlands in relation to citizenship will be of interest to scholars in the field of migration studies because this study not only gives an overview of the remarkable developments in Dutch policy but also because of its interpretation in terms of political rationalities, the role of social scientists in government, the construction of citizen-subjects, the invention of the neologism of the migration control predicament and the reconfiguration of power (sovereignty, discipline and government) it entails. This will be complemented by a similar sensitivity to the government of crime in the Netherlands since the 1980s. This will be of interest to scholars in penal government, criminologists and scholars in the field of punishment and society. Moreover, the study might be interesting in terms of general sociology because of its attempt to generalize from these specific and specialized fields a strategy of government that describes how prominent concepts in the fields of political theory and philosophy are instrumentally and eclectically combined in the government of citizens in the present. Moreover, the contents of this study will not only be of interest to scholars interested in Dutch case studies of local and national government, but also to scholars who are interested in ‘the Dutch case’ (e.g., as paradigm or model: cf. Joppke 2007a/b) or because of this studies’ application of the newly invented concepts to other cases (e.g., the U.K.). Furthermore, scholars in history or (the history of) public administration might find this dissertation of their interest because of its focus on the history of government (albeit from a very specific perspective: governmentality) in both the past and the present.

This study is, therefore, positioned on the crossroads of various disciplines and scholarly fields. However, with this also comes the danger and pitfalls of this study. Hence this is also the place to put forward the “Weberian disclaimer” (see Weber at the end of his introduction to the *Protestant Ethic and the Spirit of Capitalism*) that the study is led by a specific perspective, by modest aims and the hopes that specialists in these fields will not find mistakes so big as to make the present study intolerable. It is governed by the aim to contribute to the existing knowledge of past and present government in such a way that has not been done before (e.g., in terms of the perspective, in terms of interpreting (old) sources, in terms of concepts and in terms of both relating the past and present and the different topics of government) and tried to attain, on the one hand, a tolerable degree of substance that can be allowed to a non-specialist and, on the other, the selectivity and partiality allowed to a genealogist.

Below the reader will be introduced into the contents of what follows. For those who want a quicker summary to navigate to their chapter of interest: chapter 2 reconstructs how Foucault conducted his governmentality studies and develops the tools for a study of the government of citizens in the Netherlands, chapter 3 studies the classical liberal government of citizens (roughly the period 1840-1890 in relation to the government of poverty (lack of social citizenship rights), political citizenship and penal government), chapter 4 studies the government of citizens in relation to welfarism and the emergence of the welfare state (schematically the period 1945-1975 in relation to programs of social security and social work (social citizenship) and penal welfarism) and chapter 5 consists of a genealogy of neoliberal communitarianism (a history of the present in relation to the triangle of citizenship-crime-migration). The concluding chapter 6 aims to generalize some of the findings of this study to other cases, it discusses the findings and ends with relating governmentality to critique.

The contents of this dissertation: an outline of what follows

'What should now be studied, therefore, is the way in which the specific problems of life and population have been posed within a technology of government which, although far from always having been liberal since the end of the eighteenth century has been constantly haunted by the question of liberalism.'

(Foucault 2008: 323-324)

Chapter 2 describes the governmentality perspective as it will be used in this study to scrutinize past and contemporary mentalities of government. Governmentality is understood as a way of seeing, of conducting research and of narrating the history of the political government of men and things. This chapter focuses primarily on Foucault's lecture courses on governmentality (Foucault 2007a, 2008) and not so much on governmentality studies per se. Foucault invented the concept of governmentality and presented "a history of governmentality" (2.1). This will be summarized by using the four aspects that can be found in Foucault's own work: political rationalities, power, knowledge and subjects.

Chapter two describes, for example, how Foucault understands the political rationalities of *raison d'État*, liberalism and neoliberalism. This enabled him to study the emergence and transformation of three universals (often taken for granted entities): state, economy and society. Subsequent governmentality give different content to these transactional phenomena and rearrange not only their subsequent substance but also their formal relations (reminiscent of Simmel's study of the dyad and the triad). Liberalism, for example, invented the domain of the free economy and discovered natural processes in civil society to limit the absolute power of the state while the latter itself is understood by Foucault as an invention of *raison d'État*. In addition to this, this chapter describes how the science of political economy was involved in this liberal transformation of government. The primary subject that was invented with liberalism is the homo economicus, the subject that must be set free which has important consequences for the governmental architecture.

Furthermore, the second chapter focuses primarily on Foucault's understanding of neoliberalism because it is crucial for this studies' endeavor to understand present government. Foucault analyzed both the singularity and variety of neoliberalism and he discussed two dominant schools of neoliberalism: *German Ordoliberalism* and *American Chicago School neoliberalism*. Both will be described and attention will be paid to Foucault's suggestion of the internal debate within (neo)liberalism between those stressing the individual position and those stressing the community pole. With neoliberalism it is the market that becomes the alpha and omega of government, thereby rearranging the formal relations between state, market and society in a fundamental way. Ordoliberalism is less radical in its application and saves some space for an integrated community and a strong state. However, in American neoliberalism the market is used as a tribunal of state government and the market is radically applied to all fields under scrutiny. This chapter also describes how neoliberalism differs from classical liberalism and why common interpretations of neoliberalism fail to capture its variety, complexity and singularity.

Moreover, chapter 2 reconstructs "Foucault in action", that is, it describes how Foucault conducted his studies of governmentality (2.2). Attention will be paid to his methodological nominalism (focusing

on the birth, transformations and effects of concepts in relation to struggle and the use or deployment of the concepts), the triangle of power-truth-subject and Foucault's unpacking of the power dimension (his distinction of technologies of power already hinted at above: sovereignty, discipline and government). The chapter also discusses how Foucault related governmental crises to the importance of thinking as problematization and the reprogramming of government. This is relevant because Foucault himself was writing in a period of governmental crisis: the crisis of welfarism and its problematization by neoliberal thinking. More specific, it describes how Foucault selected and treated his sources from a governmentality perspective and how this genealogical approach differs from his previous archeological approach. Hence, this reconstruction allows for a study of documents and other sources from a specific governmentality perspective. A summary table is presented to give an overview of the most important governmentality concepts as they are used in the present study. Finally, this chapter describes how Foucault and affiliated *scholars* studied the specific domains I am interested in: the fields of citizenship, crime and migration (2.3). Armed with this perspective the chapters that follow study the government of citizens in classical liberal governmentality (chapter 3), welfarism (chapter 4) and in the present (chapter 5).

Chapter 3 studies the emergence of Dutch liberalism in the 19th century. While the Hobbesian solution to the problem of order was absolutism the Lockean/Smithian solution was liberalism (Joas & Knöbl 2009: 31). Stuurman (1992) argues that 19th century liberalism was even more influential in the Netherlands than in the U.K., hence, a relevant question in this respect is: how to understand the liberal mentality of governing citizens? From a governmentality perspective classical liberalism is not understood as political philosophy but as an art of government, a practice of problematization and governing citizens. Following Foucault this chapter understands classical liberalism as economic government in a double sense: 1) as frugal, scarce and limited government, and 2) as government in correspondence with the science of political economy. The primary subject of government invented by liberalism is the *homo economicus*. Liberalism is understood as a critique of excessive government and consists of a reconfiguration of power that sets the economy and *homo economicus* free while reorienting government to secure these processes and public order. Foucault's suggestions on liberal government will be deployed to study the birth of Dutch liberalism and his comments are complemented by the most informative accounts on governmentality (e.g., Dean 1991, 1999; Hindess 1993; Garland 1985, and; Pasquino 1991).

Governmentality studies aim to come as close as possible to real practices of government. This is done by a study of primary documents that are understood and studied as reflections upon the proper art of government (cf. Foucault 2008: 2). Chapter 3 studies, for example, the work of political economist Mees (1844) who formulated a program on the government of poverty and the economy that corresponded to the ideas of Malthus, Ricardo and Bentham. In fact, Mees's program comes very close, if not precise, to the actual formulations of the first and influential 1854 Dutch Poor Law. Furthermore, this chapter gives a new interpretation of one of the first, best and short treatise on liberalism in Europe (De Wit 1980: 44). It is a text written by Thorbecke on political citizenship and democracy. It will be described how Thorbecke "discovered" political laws to 1) limit sovereignty, 2) transpose the source of sovereignty to the population and 3) how he invented criteria to limit political rights to only a small but productive and rational part of the population in relation to a program of freeing the economy. Finally, the chapter studies the liberalization of penal government. Firstly, by scrutinizing a secret document

sent by Minister of Justice Donker Curtius in 1849 to local magistrates. The document describes informatively how order should be governed from a liberal perspective. Secondly, the liberalization of penal government will be studied in relation to the birth of the prison and the 1886 Penal Code.

What chapter 3 describes, in sum, is the homological transformation in the government of citizens that corresponds to the ideas of political economy. Both the government of poverty, democracy and penal government are transformed by this new regime of (scientific) truth (in this case political economy). This is related to civil rights, political rights and a lack of social rights. However, following Foucault into the field also means to be attentive to counter-conducts or counter-rationalities. At the end of this third chapter a counter-governmentality will be described that is related to a different regime of truth, a different configuration of power and a different construction of subjects of government: political theology. The relation between liberalism and political theology is scrutinized in a case study of the government of poverty and the death penalty. This suggests that a strategy of government emerged that consists of paradoxes and contradictions. It also suggests that we should be sensitive to the possibility of combinations of political rationalities into a strategy of government (see chapter 5).

Chapter 4 deliberately skips half a century and studies the period 1945-1970. Just like Foucault who did not aim to write *the* history of liberalism, this study aims not to write the history of Dutch government. Both chapter 3 and 4 can be understood as an introduction, albeit a long one, to a study of the present (chapter 5). However, these chapters are needed to get an adequate understanding of the government of the present. Hence, the past is used to shed light on the present. Welfarism, it will be suggested, is a critique and reprogramming of classical liberalism. This fourth chapter consists of three parts. The first part aims to define welfarism as a formula of government. This takes some pages because a clear operationalization of welfarism from the perspective of governmentality is lacking in Foucault's lecture courses, as he made only some minor comments on welfarism. An understanding of welfarism from a governmentality perspective allows for the second part of this fourth chapter: a study of the birth of welfarism in the Netherlands. This leads to the third part which introduces the crisis of welfarism and the suggests the emergence of a new consensus.

As mentioned, Foucault himself was not so much interested in welfarism but he made some comments and these are taken as point of departure here. He suggested that welfarism is a specific mentality of government (a singularity) that was formulated in the context of a general crises of government in the 1930s-40s. Only after the economic depression and the second world war a mentality of government emerged that fundamentally transformed classical liberalism. In terms of conditions of possibility, therefore, the governmental crisis of the 1930s-40s is crucial to understanding welfarism. However, it will be argued that this welfarist governmentality picked up some programs of reform that were already present and formulated since the 19th century to problematize classical liberalism for failing to deliver social wellbeing, economic progress and public order. The singularity of welfarism and its use of these programs of reform will be illustrated by a study from the perspective of governmentality of a text that was written by Lord Beveridge in 1944. In this text Beveridge fundamentally reformulates the relation between state, economy and society and argues in favor of a program of social security in the government of citizens.

These suggestions are used to define welfarism as a strategy of government that perceives

the state as the primary political subject to take care of the collective wellbeing and security of the citizens -a task that is entrusted to professional administrators (an elite of scientific experts)- while maintaining democracy and a capitalist mode of production. This definition is based on the insertion of the work of a Dutch sociologist (Thoenes) in our present governmentality frame and will be used to compare welfarism with classical liberalism, socialism and fascism. This comparison aims at a better understanding of the singularity of welfarism as strategy of government.

It will be argued that welfarism is a strategy that is primarily based on the programs of social security, social work and penal welfarism (cf. Garland 1985). Both the operationalization of welfarism and its programs will then be used to study the emergence of welfarism in the Netherlands in the period 1945-70. One of the most remarkable features of welfarism is the inclusion of the whole population of citizens by programs of social security. In addition, welfarism is also related to the program of social work. While programs of social security aim at the population at large the program of social work targets individual families and citizens. This chapter describes the emergence of programs of social security in the period 1945-1970. It furthermore describes the program of social work and its government of individuals and families who were constructed as beyond the norm of good, social and responsible citizenship. The work of social scientists is crucial in this respect. Chapter 4 describes the influence of sociologists who constructed scales to measure citizens according to their deviance. Furthermore, this chapter describes how psychiatrists worked in camps that were used to normalize families and individuals. Hence, social scientists are important operators of power in modern societies and this continues even today (see also chapter 5).

In addition to this, it will be argued that welfarism is mirrored in the penal field by penal welfarism. Of crucial importance is the program of re-socialization. Both the emergence and the decline of the resocialization as ideal of government are described. This will be done by a description of the policy documents that were formulated in the period 1950-1980.

In sum, welfarism will be understood as a specific relation of state-economy-society and a reconfiguration of power-knowledge-subject. Instead of painting a too rosy picture of welfarism as consisting of a cosy bosom and caring left hand of the state, the governmentality perspective enables seeing it as a specific configuration of power with a massive investment in sovereign techniques (e.g., taxation), discipline (normalization and resocialization), added with major trust in and unaccountability of (scientific) experts and bureaucratic government. However, in contrast to painting too dark a picture, welfarism can also be described by stressing its reliance on the techniques of tolerance and its aim to decrease the use and depth of imprisonment. In other words, welfarism consists of a specific configuration of the right hand and the left hand of the state, and this configuration has both tough- and soft sides (indeed a social bosom). Both elements are to be stressed if one aims at a complex understanding of welfarism. In addition to this, the point of this chapter is also that welfarism is a specific mentality of government whose conditions of possibility must be related to the economic and political crisis of the 1930-50 period. As such, although it reconfigured elements that may have a *longue durée*, it is, from this studies' perspective inadequate to call the period before the 1930s a period of the welfare state or to construct a teleological narrative about it. The problematization and transformation of this welfarist type of government continues even today and has been the important condition in

the government of the present. One element of this new mentality is the model of the “participation society”. This will be explored in the next chapter.

Chapter 5 studies the government of citizens in the present. It scrutinizes the changes in the government of crime and migration in relation to citizenship from the 1980s onwards. Both penal government and the government of migration-integration are said to be (re)organized around a governmental predicament: a *crime control predicament* (Garland 2001) and what will be called a *migration control predicament*. Hence the concept of a migration control predicament is developed in analogy to what David Garland (2001) has called the crime control predicament by which he means ‘*the normality of high crime rates and the acknowledged limitations of the criminal justice state*’ (Garland 2001: 106; see 2.3.2). This chapter studies the emergence of the crime control predicament, its specific formulations and corresponding responses in terms of power-knowledge-subjects and political rationalities in the Netherlands. It describes how and when the Dutch crime control predicament emerged in the official discourse on penal government in the Netherlands.

Moreover, it describes the emergence of a paradoxical strategy of government: neoliberal communitarianism. It describes how neoliberalism and communitarianism combine in Dutch penal government, looking at the ways penal government (power) is intertwined with criminological theories (knowledge) and the invention of subjects of government (cf. Cohen 1985; Foucault 2008; Lacey 2013: 278). Thus, it brings together a wide variety of dominant criminological theories and show how the core mechanisms and concepts they embody are related to neoliberal and communitarian rationalities and techniques of government. This will be projected into a two-dimensional space to illustrate how penal governing in terms of both “prevention” and “punishment” is informed both by “neoliberal” and “communitarian” theories, and by theories that in themselves combine neoliberal and communitarian elements (such as the *broken windows* and *life course perspectives*). It is therefore not solely a genealogy of punishment, nor a genealogy of prevention but a genealogy of penal government in the present.

By analogy to the crime control predicament, this fifth chapter invents the migration control predicament. It will describe the emergence of a cluster of problematization that consists of a problematization of the high rates of migration, a realist position on problems of integration and a problematization of (previous) national state policies to deal with these issues. The singularity of the migration control predicament is that it is constructed as posing a threat to both sovereignty, the disciplinary-moral order as well as a problem of actually existing (welfare) government. Both the formulation of the migration control predicament and the proposed solutions are subtracted from a governmentality study of the policy document and advisory reports.

The response to the migration control predicament will be analysed as a mobilization of all three forms of power discerned by Foucault. It will be described how, in terms of *government*, there is the introduction of a market order government and the responsabilization of the immigrant, a numbers’ game of performance and the selection of skilled migration. It will be described how *disciplinary* techniques are introduced to produce good citizens and how sociologists assist in the mapping of the morality of migrants (in terms of integration and the production of integration maps). In addition, the chapter describes how techniques are introduced to restore *sovereignty*: these are the techniques of detection & detention, deportation and deterrence.

Both the crime control predicament and the migration control predicament are said to be related to a neoliberal communitarian regime of government. Hence, chapter 5 also invents a neologism to capture the present government of ourselves, others and the state in terms of political rationalities. Thus, it illustrates how one of the central debates in the political theory of the last decades – the debate between liberalism and communitarianism (cf. Mulhall & Swift 1992) – finds expression in the government of populations of citizens, state and economy. It will be described how elements from a *neoliberal political rationality* combined with elements from a *communitarian political rationality* merge into a *neoliberal communitarian strategy*. Again, their coming together is scrutinized by taking as the main empirical material the major – that is, agenda setting – policy and advisory documents on migration and crime in the last thirty years. It will be described how these are indicating historical changes regarding problematization, responsabilization and transformation of Dutch government. It is within this strategy of government that citizenship figures as a technique of sovereignty, discipline and government. This study, therefore, contributes to the governmentality literature by a case study of citizenship, crime and migration in the Netherlands and by showing and developing an analysis that shows the entwinement of neoliberalism with communitarianism.

This implies that the following chapters study three different periods in relation to several different fields of problematization. This obviously raises some important methodological issues, such as: why these three periods and why these specific and different fields? First of all, the present governmental strategy (discussed as neoliberal communitarianism) is developed primarily in relation to a previous strategy of government (welfarism and the welfare state), which is itself a strategy that was developed in relation to a previous strategy of government. Hence, one way to understand the present is to contrast it with the previous periods relevant in its formation. This way, comparison can not only be used to study similarities but also to bring to light sharp differences. Moreover, by showing the inventiveness of thinking as both problematizing and critiquing government it aims to show that the present is and was not inevitable and that the present itself will differ from the future. As will become clear, neoliberal communitarianism became possible as a consequence of particular adaptations to welfarism, which itself was formed out of highly specific transformations of classical liberalism. For this reason, this dissertation studies classical liberalism, welfarism and neoliberal communitarianism. These names, however, are not so much intended to designate epochs but try to single out styles of governmentality, a certain coherence in the ways that problems are framed with of course a plurality of possible and contradicting positions (cf. Rose 1999a: 28). This coherence often implies a paradoxical combination of different and sometimes even opposing political rationalities (e.g., neoliberal communitarianism).

Moreover, discussion of the three periods is marked by one significant continuity, which is the government of the penal field. This selection is based on both theoretical and practical reasons. As said above, the issue of crime is a strategic case (Merton 1987) to study the government of ourselves, others and the state (Foucault 2007a, 2008; cf. Garland 1985, 2001; Young 1981; Wacquant 2009). Moreover, this attention given to at least one field allows for a comparison in time (although this is not primarily my ambition). Classical liberal government of the penal field implies a focus on sovereign techniques of repression (power) in relation to ideas of political economy (knowledge) and primarily an economic subject of government. In contrast, penal welfarism implies a focus on the technique of resocialization

(disciplinary power) based on the ideas of a “penal welfare positivism” (knowledge) and a social subject of government. Neoliberal communitarianism implies a combination of techniques of prevention and repression (power) based on criminological theories that correspond with neoliberalism or communitarianism (knowledge) and active citizens contrasted with risky subjects of government.

In addition to this continuity, each chapter also studies other fields of problematization (e.g., the government of poverty and later migration). This is primarily related to the focus on citizenship, which is itself a strategic case for a study of the relation between state, market, society and the government of citizens (see Turner & Hamilton 1994). Citizenship has played a major role in different fields of problematization such as democratization of sovereignty, the government of poverty, welfare, crime and of course migration. Hence, the focus on citizenship led to a focus on different fields of problematization. In different periods, different substantial transformations of citizenship have been empirically relevant (cf. Marshall 1963). For this reason, next to the focus on the government of crime, each period discussed focuses on a different field in which, at that time, the transformation of citizenship was particularly salient (poverty, democracy and civil rights in chapter 3, social citizenship rights in chapter 4 and active or good citizenship in relation to crime and migration in chapter 5), and citizenship was salient with long term consequences that can be traced in the current neoliberal communitarian governmentality.

Hence, this selection of crime and citizenship as strategic entry points for a study of governmentality is in line with arguments claiming 1) that the government of crime tells much about the government of ‘society’ and vice versa (Young 1981; Cohen 1985; Garland 1985, 2001; Simon, 2007; Wacquant 2009) and 2) that the question and debates on citizenship is related to more general developments such as democratization, legitimization and st(r)atification (Turner & Hamilton 1994). Furthermore, the themes are also closely related. For example, in the period of ‘welfarism’ citizenship was extended with a social dimension (Marshall 1963) and the corresponding management of crime is called ‘penal welfarism’ (Garland 1985, 2001).

Moreover, the government of ‘others’ tells much of the government of state and society. This has been explored by Foucault (1965) in *Madness and Civilization* a book that studied the problematization and regulation of difference, insanity or madness in different periods. Therefore, the selection of the problematization and government of migration and integration is another strategic case in the government of ‘others’ and thereby ourselves in the present (Schinkel 2007). However, adding to 150 years of penal government and the study of citizenship in different fields another time consuming study of primary sources of 150 years of the government of immigration was practically impossible (see on the history of the government of migration and immigrant integration in the Netherlands: Heijs 1995). Hence, this has been limited to a study of the major policy documents on migration and immigrant integration of the past 30 years.

Taking its clues from the previous chapters, the final **chapter 6** is organized around the triangle of generalization, discussion and critique. In an attempt to *generalize* one of the primary results and concepts of this study I will extend the concept of neoliberal communitarianism to other contexts and fields of administration. This is not a fully developed argument or study of these fields but intended as opening up a new perspective and an invitation to study other fields with the concepts developed in this study (e.g., the same amounts to, for example, the study of the migration control predicament in other

countries). Neoliberal communitarianism will be extended in application both horizontally to other fields of government (social security) and the government of migration and crime in the U.K. and France (i.e., a horizontal generalization). In addition, the concept is extended by moving vertically (downwards) to study both the local government of issues such as crime and public space and (upwards) to the government of the EU and more specific EU-labor policy (i.e., a vertical generalization). The aim is to put the concept of neoliberal communitarianism to the test and to try to understand and capture what others often describe as paradoxical developments in the present government of ourselves, others and the state.

In addition, this concluding chapter discusses a possible way to understand the birth of neoliberal communitarianism by relating it, firstly, to the third way program that was presented by scholars affiliated with Ordoliberalism (Röpke) that would add to Foucault's interest in the spread of the German model (something Foucault didn't understand in terms of the totalitarian variant but in terms of a neoliberal governmentality), and, secondly, to the "neo-third way" problematization of neoliberalism by communitarians (e.g., Giddens, Etzioni) in the 1980s and 1990s. Perhaps, it is suggested, both sources add to the emergence of a specific European model of government (cf. Wacquant 2009): neoliberal communitarianism. Furthermore, the aim is to understand the different (conflicting) positions that can be taken within the discursive space of neoliberal communitarianism.

The last paragraph of the last chapter raises the question whether we want to govern the way we govern ourselves, others and the state. If this studies' understanding and answers on the research questions is adequate in making visible the current strategy, programs and techniques of government (also in making understandable citizenship as a relational technique of government) this may contribute to an intensification of points of struggle and debate. Hence, this study also aims to show that following the advice to forget Foucault (as suggested by Baudrillard) would be a mistake because his work not only allows for a change of the self but also for a change in the government of others. It is this critical understanding of the present government of ourselves, others and the state that is at stake in the following chapters.

CHAPTER II
GOVERNMENTALITY AND THE GOVERNMENT OF CITIZENS

'Governmentality:

how we think about governing others and
ourselves in a wide variety of contexts.'

(Dean 1999: 209)

Chekhov's law and Foucault's guns

At least two dramaturgical elements are relevant to sociology. First, Goffman's dramaturgical perspective that studies the social as theatre. A second is the introduction of dramaturgical techniques to sociological analysis and sociological writing. For example, Chekhov's law. This can be summarized as follows: if a murder is committed in the third act of a play then the gun must have been introduced in the first act (*introduction of a theory before its use*), or, one should not introduce ten guns in the first act if there is only one shot in the third (*strategic selection of one theory instead of many if only one is used*) (see Reve 2011: 45). Hence, this chapter introduces the perspective of governmentality before it will be used in the later chapters. It develops answers to the following questions: 'what is governmentality?', 'how did Foucault conduct his studies in governmentality?', and; 'how can I study the government of citizens (in relation to citizenship, crime and migration) from a governmentality perspective?'. Hence, reminiscent of Chekhov's law this chapter provides the *Foucaultian* guns that are used in this study of Dutch governmentality.

The focus will be on the elements of governmentality that are helpful as a background of the present study. The aim is not to write an introduction to governmentality (see Dean 1999, 2010) or to present a review survey of studies of governmentality (see Rose, O'Malley & Valverde 2006), neither to contextualize the course lectures (see Senellart 2007: 369-401) nor to criticise and amend the perspective (e.g., Garland 1997). The aim is to focus on those aspects that I think are relevant for my own study of governmentality and the government of citizenship, crime and migration in the Netherlands. Hence it is also a very selective reconstruction of his lectures on governmentality.

Foucault stimulated such an approach. For example, in his 1976 lecture course entitled *Society Must Be Defended* he remarked that the aim of his lectures was to present suggestions for research, ideas, schemata, outlines, instruments. As he said there

'do what you like with them. Ultimately, what you do with them both concerns me and is none of my business. It is none of my business to the extent that it is not up to me to lay down the law about the use you make of it. And it does concern me to the extent that, one way or another, what you do with it is connected, related to what I am doing.'

(Foucault 2004: 2)

I take this as a fundamental intellectual principle and experience: there is no such thing as a governmentality school or one governmentality approach. Foucault doesn't want to be a sovereign dictator laying down the law or teacher who disciplines his students. In addition, the invention of governmentality was also an experiment. Foucault makes clear that his reflections on governmentality must be regarded as work in progress that is not finished and that involves hypotheses and possible tracks for conducting research (Foucault 2007a: 135-6). Foucault's lecture courses on governmentality can be regarded as a new way of asking questions, finding answers and doing it all over again by re-thinking it. Hence, governmentality is a way of conducting research.

Governmentality studies the *mentalities of government*. It is a grid that studies the combination

⁹ Thanks to Godfried Engbersen for introducing to me this transposition of a dramaturgic technique into social science.

of government and mentalities. *Governing* is about guiding, leading, directing and constraining a plurality of phenomena such as self, children, souls, families, communities but also the state. Government is about the conduct of conducts: 'the way in which one conducts the conduct of men' (Foucault 2008: 186). *Mentality* is understood as rationality, calculation and reflection. This makes it possible to construct a genealogy of the modern state (Foucault 2007a: 354) and to study how we govern ourselves and others (Dean 1999).

Foucault is not concerned with how governors really govern but he wants to come as close as possible to governmental practice (Foucault 2008: 2). Foucault studies the art of government understood as the reasoned way of governing best (Foucault 2008: 2). As he says in *The Birth of Biopolitics*:

'by "art of government" I did not mean the way in which governors really governed. I have not studied and do not want to study the development of real governmental practice by determining the particular situations it deals with (...) I wanted to study the art of governing, that is to say, the reasoned way of governing best and, at the same time, reflection on the best possible way of governing.'

(Foucault 2008: 2)

A central feature of Foucault's governmentality lectures is the argument that phenomena such as state, population and subjects, but also madness and crime, are actively constructed and contested phenomena that are written into reality through practices and techniques of power that have real effects (Foucault 2007a: 115; Foucault 2008: 2-3, 297). His assumption is that phenomena are part of the transactional reality that is opposed to something like an immediate and given or historical-natural reality (Foucault 2008: 3-23n4, 297).¹⁰ Hence, Foucault studies the emergence of phenomena such as state and population born precisely from the interplay of relations of power and how they are formed, questioned (problematized) and transformed (Foucault 2008: 4, 297). This is also why he studies the history of governmentality: it makes us understand the singularity of how, where, what and why we govern. Thus, governmentality is a grid

'for the analysis of conducting the conduct of mad people, patients, delinquents, and children (that) may equally be valid when we are dealing with phenomena of a completely different scale, such as an economic policy, for example, or the management of a whole social body, and so on.'

(Foucault 2008: 186)

Because there are thousands of different modalities of government Foucault delimits his study to the political rationalities in the government of men (Foucault 2008: 2). Governmentality studies *political*

¹⁰ It goes beyond the aim of this study and my own expertise to explore the relationship between Foucault and pragmatism in general and Foucault and Dewey (and, for example, both their conceptualizations of 'transaction') in particular. Rabinow (2011) explored some points of contact between Foucault and Dewey. For example, both use the triangle of thinking-problem situation-resolution: 'Foucault, like Dewey, asserted and affirmed that thinking arose in problematic situations; that it was about clarifying those situations, and that ultimately it was directed towards achieving a degree of resolution of what was problematic in the situation' (Rabinow 2011: 12). As I will illustrate below this is related to a study of the triangle of crisis of government, the study of thinkers and a focus on technologies of power.

rationalities (such as liberalism and neoliberalism) because these lay at the root of many general ideas, commonplaces and practices (Foucault 2000: 416; cf. Dean 1999: 210-1). Moreover, Foucault is interested in the way that government is restructured by a specific rationalization of government in terms of truth, more specific the truth regime of science (Foucault 2007c: 50). As he says:

'The point of all these investigation concerning madness, disease, delinquency, sexuality and what I am talking about now, is to show how the coupling of a set of practices and a regime of truth form an apparatus (dispositif) of knowledge-power that effectively marks out in reality that which does not exist and legitimately submits it to the division between true and false.'

(Foucault 2008: 19, italics original)

Foucault describes how from the 19th century onwards a positivist science and a state system developed and came together thereby rationalizing the government of citizens (Foucault 2007c: 50-1). This is all related to technologies of power and the various ways of objectification that transform human beings into subjects (Foucault 1982). In sum, *governmentality studies political rationalities in relation to the triangle of power-knowledge-subject*.

I will reconstruct Foucault's lectures based on these four aspects that can be found in his own work. I will describe how these lectures can be understood as a specific way of telling the history of the political government of citizens (2.1). My focus is primarily on his study of the political rationalities of liberalism and neoliberalism. This I do because I will study the emergence of liberal governmentality (chapter 3) and neoliberalism in the Netherlands (chapter 5). I will also describe how Foucault conducted his governmentality research (2.2). Foucault constructed conceptual triangles (such as power-truth-subject) and unpacked these with new conceptual triangles (e.g., on power the triangle of sovereignty-discipline-government) and he studied crises of government in relation to thinkers who produced these crises and formulated new rationalities of government. Hence, this paragraph also describes how to select your sources and how to study them from a governmentality perspective. The last paragraph (2.3) describes how Foucault and other scholars affiliated with governmentality dealt with the specific issues I am interested in: citizenship, crime and migration.

2.1 A history of governmentality

Foucault remarks that instead of 'Security, Territory, Population' a better title for his 1978 lecture course would have been *a history of governmentality* (Foucault 2007a: 108). He primarily studied the political rationalities he called *raison d'État*, liberalism and neoliberalism. Crucial for a governmentality analysis is the sensitivity for struggles, conflict and oppositions between various mentalities of government. His governmental history consists of tracing down 'governmentality actually exercised' (Foucault 2008: 246) and oppositional governmentalities: 'the history of the governmental ratio, and the history of the counter-conducts opposed to it, are inseparable from each other' (Foucault 2007a: 357). It is from these struggles that we can understand the genesis of phenomena such as the modern state (Foucault 2007a: 357; 2008: 2-3, 6).

Foucault, for example, argues that the 16th century witnessed the emergence of an intense problematization of government: government of self (neo-stoicism), government of souls (Reformation and Contra reformation), the government of children (pedagogy) but also the government of the state.

'On the one hand, there is the movement of state centralisation, and, on the other, one of religious dispersion and dissidence: I think it is at the meeting point of these two movements that the problem arises, with particular intensity in the sixteenth century, of "how to be governed, by whom, to what extent, to what ends and by what methods."

(Foucault 2007a: 89)

In the context of demographic, economic and political changes the sixteenth century witnessed an explosion of the problem of conduct in relation to religious disputes and centralisation of the state. This meant, on the one hand, an internal reorganisation of the religious field and intensification of the religious pastorate (Reformation and contra-reformation). On the other hand there emerged a new art of government: *raison d'État* (Foucault 2007a: 236-361).

2.1.1 Raison d'État

Foucault argues that *raison d'État* is the first modern rational government of citizens (Foucault 2007a: 227-254). It is invented by a loose network of thinkers called *the politiques*. They carved out a domain they called state and invented a rationality based on the state: *raison d'État* (Foucault 2007a: 348, 355-6; 2008: 3-7). This is also the birth of the science of the state (the predecessor of political science) (Foucault 2007a: 238). It is in relation to the state that they invented the aim, programs and techniques of governing citizens. The aim of *raison d'État* is strengthening and preserving the state (salvation of the state) that is projected in a European domain of competing states. Within this domain equilibrium between all powers is strived for. The programs and techniques of government are related to mercantilism, police, a permanent military-diplomatic apparatus and statistics.

Raison d'État is externally limited by other states, however, of crucial importance is that it has no internal limitation. Therefore, several oppositional reflections of government emerged. These are called counter-conducts (Foucault 2007a: 191-226, 355). Being a crucial discourse of limitation Foucault focuses on the legal reflection that can be found in legal theories by jurists and the corresponding judicial institutions. It is the historical-judicial reflection based on natural law, contract law and natural rights. The target of these counter-discourses is the unlimited internal objectives of *raison d'État* and its corresponding police state. According to these reflections there are some fundamental laws or entities (God or natural laws) that already existed before the state. They are, therefore, outside the state and should be respected by the state. When actions of the state exceed the boundaries defined by legal reflection then these actions are seen as illegal and illegitimate (Foucault 2008: 7-10). However, these limitations are external references they are not intrinsic to government itself but. Foucault argues that with the birth of liberal governmentality a rationality of government emerged that has as its primary principle the acceptance of internal limitation of power.

2.1.2 Liberalism

In the middle of the 18th century a new art of government appears: it is the birth of liberal governmentality. Liberalism is understood as a counter-conduct and critique of *raison d'État*. The latter is criticized for governing too much. The principle regulating liberal governmentality is frugal government: good government is less government (it is economic, sparing and thrifty) (Foucault 2008: 28). Liberal governmentality is a kind of permanent critique of governmental reason (Foucault 2008: 319). One 'always risks governing too much' (Foucault 2008: 17). Liberalism invents the domains of economy and (civil) society as more or less external domains of the state. Political intervention in these domains should be restricted and at least permanently justified. Hence, it is a rationality of limited government that is organized around the complex triangle of state-economy-society. Liberalism is correlated to a specific regime of *truth*, a specific configuration of *power* and specific *subjects* of government.

Liberalism is linked to a particular regime of *truth*: the science of political economy (Foucault 2008: 29; cf. Dean 1991: 33; Dean 2010: 135). Political economy emerged in the middle of the 18th century (e.g., in the period of Adam Smith who lived between 1723-1790) (Foucault 2008: 20). In the strict sense political economy is understood as the analysis of production and circulation of wealth of a nation, however, political economy is also a 'sort of general reflection on the organization, distribution, and limitation of powers in a society' (Foucault 2008: 13). Political economy is the 'intellectual instrument, the form of calculation and rationality that made possible the self-limitation of governmental reason' (Foucault 2008: 13). It is not so much interested in questions of legitimacy but in questions of effect: good government is effective government and needs to be based on scientific knowledge.

Hence, science, the scientific rationality, the methods of science and rules of scientific evidence becomes intimately linked and essential for good government (Foucault 2007a: 350-351). From this moment up to the present, governmentality is related, guided and limited by a scientific truth regime (Foucault 2008: 18, 38; cf. Foucault 2007c: 50-1). This 'coupling of a set of practices and a regime of truth form an apparatus (*dispositif*) of knowledge-power that effectively marks out in reality that which does not exist and legitimately submits it to the division between true and false' (Foucault 2008: 19, italics original). A good government has knowledge of the nature of phenomena it governs and respects that nature or tries to work with it (Foucault 2007a: 349-353). Liberal government is correlated to the science of political economy.

This also effects the techniques of liberal government: 'It will be necessary to arouse, to facilitate, and to *laisser faire*, in other words to manage and no longer to control through rules and regulations' (Foucault 2007a: 353, italics original). With liberalism and the science of political economy two new spheres of government were invented. Firstly, the self-governing domain of *economy*.¹¹ It is argued that the economy is governed by general natural economic laws. This goes against mercantilism (a

¹¹ This interpretation is based on Foucault (2007a, 2008) and Dean (1999: 114-5). However, Timothy Mitchell (2002) opposes this "standard" account (that can be found in Polanyi, Tribe, Foucault et cetera) arguing instead that "the economy" (as a separate self-governing domain) was only made in the twentieth century. Mitchell argues that after the 1930s an economic discourse emerged (e.g., with Keynes, Polanyi) that projected back onto the 19th century the emergence of "the economy" as a separate domain and that this projection itself produced "the economy" as a self-governing domain, or system (in Parsons) (Mitchell 2002: 82, 118). This amounts to a critique of Foucault who, albeit studying the invention, emergence and production of state, society, the sovereign, subjects etcetera himself produced or took for granted "the economy". I think that this production of "the economy" is worthy of a whole dissertation in itself, something that can be done with the nominalistic methodology or anti-universalist approach typical of governmentality studies (cf. Foucault 2008: 2-3). However, it goes beyond the scope of this study that follows Foucault and others in this respect.

program of *raison d'État*) that thought of economy on the level of the private family and governed through detailed regulation and sovereign techniques of prohibition (Foucault 2007a: 29-54). Hence, the principle object of liberal interventions is not the economy because that domain should be let free to operate according to its own natural laws.

The second domain is *civil society* and 'the state must see to the management of this civil society' (Foucault 2007a: 350, 286; Foucault 2008: 296-313). Civil society, which will quickly be called society and later also nation, is invented by liberal governmentality as principle that makes both limitation and intervention possible (Foucault 2008: 296). Like the economy this domain of society also has a specific naturalness (as discovered, for example, by Malthus: Foucault 2007a: 77; see chapter 3). Moreover, it obeys certain laws that government must know and respect (Foucault 2008: 349-53). For example, the political economists argue that it is a law of nature that a population moves to a place with the highest wages (Foucault 2008: 16). Furthermore, political economist Malthus argues that the population and the means of existence increase according to natural laws and that poverty is a consequence of a population outgrowing the means of existence (Dean 1999a: 115; see chapter 3). Therefore, government has to be related to the true knowledge of society (a will to know that invites knowledge of society and makes possible the emergence of, for example, sociology). Hence, the liberal limitation of power is related to natural laws discovered by the science of political economy.

Liberalism also invented new *subjects* of government. Firstly, the subject of interest called *homo economicus* (Foucault 2008: 267-316). According to Foucault the subject of interest, the rational subject or *homo economicus* is a fundamental discovery and mutation in western thought (Foucault 2008: 271). *Homo economicus* is understood as operating in an environment he neither controls nor oversees but in which he makes his rational calculations based on his own interest (Foucault 2008: 277-8). Behaving rationally according to his egoistic nature he unwillingly contributes to the collective interest. Therefore, if one sets human actors free then the collective interest will be spontaneously produced. In terms of power *homo economicus* is untouchable, a unit of *laissez-faire*, he is the person who must be left alone (Foucault 2008: 270). In terms of governmentality this means that the sovereign power-knowledge apparatus (based on absolute knowledge and techniques of rule) are inadequate and even impossible (*Adam Smith's Thesis*: see Foucault 2008: 274-286). *Homo economicus* must freely follow his egoistic nature thereby limiting political interventions to the production of disciplined freedom and securing the natural course of things (Foucault 2008: 15, 312, 349).

The economic subject is not identical with and should be governed differently than the subject of right (the *homo legalis* or *homo juridicus*). The subject of right is related to sovereignty and the economic subject to self-government (Foucault 2008: 270-6, 283). In addition to these two subjects of government, a third subject of government pops up with the invention of civil society: this is the social subject and can be called the *homo sociologicus*. This social subject is governed and related to others by 'disinterested interest (...), instinct, sentiment, and sympathy' (Foucault 2008: 301) by local bonds, loyalty and community (cf. Foucault 2008: 302). It can be argued that the social subject is governed by sympathy and feelings of belonging but equally by disgust and hatred (Lazzarato 2009: 129-30). The social subject is related to the family, village, corporation and the nation. Here we witness the birth of a communitarian dimension of liberalism (see also chapter 5):

'Civil society does not coincide with humanity in general (..) Civil society, Ferguson says, leads the individual to enlist "on the side of one tribe or community". Civil society is not humanitarian but communitarian. And in fact we see civil society appear in the family, village and corporation, and, of course, at higher levels, reaching that of the nation in Adam Smith's sense (..) The nation is precisely one of the major forms, but only one of the possible forms, of civil society.'

(Foucault 2008: 302)

Liberal governmentality (as Foucault remarks in his footnotes) is a practice, a solution, as well as an organizing model: 1) the acceptance of an internal limitation of government that is not based on an external right (compared to reason of state); 2) a practice of determining the boundaries of limitation of government and a measurement of its effects (based on knowledge of and respect for natural laws and a discourse of freedom as a right but primarily on freedom as utilitarian calculation while asking questions of effect rather than legitimacy (Foucault 2008: 39; cf. Foucault 2008: 273-6); 3) the solution of maximum limitation of forms and domains of government action (reason of least state, e.g., opposed to detailed regulation of the police state); 4) a model that is based on transaction for organizing the specific methods for defining the limitation of government practices (a constitution, parliament and democracy, freedom of speech and press, investigative commissions and inquires; e.g., *the democratization of sovereignty*: Dean 2007) (Foucault 2008: 20-1).

Foucault, in sum, understands liberalism as an art of limited government. It is a governmentality that is primarily governed by the scientific truth of political economy. It invented new domains and subjects of government. It also thought of new ways of governing these domains and subjects in relation to each other. These suggestions on liberal government will be used in chapter 3 to study the emergence of liberal governmentality in the Netherlands in the 19th century. After sketching the appearance of liberal governmentality in Europe in the middle of the 18th century (Foucault 2007) Foucault (2008) continues to take a closer look at the period just before and after World War II. He wants to understand the nature and singularity of today's neoliberal program (Foucault 2008: 78).

2.1.3 Neoliberalism

To study neoliberalism Foucault skips two centuries of liberal programming arguing that his aim is not to write the history of liberalism (Foucault 2008: 78). He argues that neoliberalism can take different forms and distinguishes between two main forms: German neoliberalism (Foucault 2008: 75-184, 240-3) and American neoliberalism (Foucault 2008: 215-266). In addition or better in between, Foucault also studied the birth of French neoliberal governmentality (Foucault 2008: 185-214). All forms of neoliberalism have as their main doctrinal enemy Keynes and the Keynesian practices of state-controlled economy, state interventionism and the technique of planning. The different strands of neoliberal governmentality also exchanged arguments, books and had common references like Von Mises and Hayek (Foucault 2008: 79). Below I will describe how Foucault reconstructed German neoliberalism (the Freiburg School of ordoliberalism) and American Neoliberalism (the Chicago School neoliberalism). I conclude this paragraph with Foucault's understanding of the singularity of neoliberalism and how

the two versions of neoliberalism pick up on the old liberal debate between “communitarianism” and “radical individualism”. This is relevant because I want to study whether, when and how neoliberalism emerged in the Netherlands.

German neoliberalism: ordoliberalism and the construction of the social market economy

Foucault calls German neoliberalism *ordoliberalism* (Foucault 2008: 103). *Ordo* is a journal founded by Eucken (1891-1950) who formed the ‘Freiburg School’ and grouped the ‘ordoliberals’ (Foucault 2008: 103). It is in this journal that the German neoliberal program, its objectives, field of opponents and technical resources were developed (Foucault 2008: 122n1, 322).

The ordoliberals constructed a field of adversaries they called anti-liberalism (Foucault 2008: 107-15). This field is inhabited by everyone or everything in favour of direct state government of the economy (national socialism, soviet socialism and Keynesianism). These opponents are all regarded as the enemies of freedom. Neoliberals argue that eventually every anti-liberal regime leads towards a Nazi economy, a super state and the destruction of society (because over-bureaucratization, massification and new economic distortions all lead to a new spiral of intervention and limitation of freedom) (Foucault 2008: 106-15, 323). Ordoliberals argue that the only way to guarantee freedom is to begin and end with the market. The aim of the ordoliberal project is the construction of a *social market economy* (Foucault 2008: 144, 323). Their objective is to produce a society and a state from the perspective of the market economy (Foucault 2008: 118).

This implies a specific relation of the triangle of economy-state-society. Ordoliberals program government in such a way to make possible the general regulation of state and society by the market. It is about the active construction of a free economic space guaranteed and actively constructed by the state, regulated by competition and inhabited by entrepreneurial subjects (Foucault 2008: 75-100). This is the “limited task” of the ordoliberal state: constructing the market economy, securing an integrated community and facilitating the market (cf. Tribe 2009). Instead of the naturalist classical liberal assumption of the economy this is a constructivist approach of the market. Instead of *laissez-faire* this implies active, vigilant and permanent intervention by the state, however, without direct involvement in the economy (e.g., planning). For example, the ordoliberal state should actively construct spaces of competition through an enormous anti-monopolistic framework that prevents intervention in that space by private or public actors.

Furthermore, ordoliberal government aims at 1) the regulation of inflation and 2) the organisation of the framework of the market order. First, *the regulation of inflation* means that German neoliberals prioritize the regulation of inflation above anything else. All other possible objectives are subsumed under the regulation of inflation. Ordoliberals critique “welfarist” social policy (see chapter 4) for being anti-economic and irrational policy. Their own “social policy” is programmed according to economic principles: a) it is based on economic mechanisms and especially competition (e.g., governing through income inequality instead of equalization); b) as a governing without (or only marginal) income transfers from those who over-consume to those who are (e.g., as a consequence of disabilities and incalculable events) in a state of under-consumption, and; c) as a governing through privatization and an individualization of social security (e.g., stimulating private property and individual insurance

against misfortune) (Foucault 2008: 143-4). Second, ordoliberalism aims at *the organization of the market framework*. This means (the possibility of) heavy (state) intervention on all the social factors constituting the framework of the market order. This implies intervention on the population, education, culture, the legal system, and on the technical and scientific elements (Foucault 2008: 140-2).

Hence, ordoliberalism is about the active construction of the 'enterprise society': a society of thousands of small fields of competition and individuals, households, neighbourhood communities as enterprises (Foucault 2008: 147-8). Of prime importance is the technique of competition. This also implies the redefinition of the subject as *entrepreneur*. This means, for example, the redefinition of "the unemployed" as 'entrepreneur in transition between an unprofitable to a profitable activity' (Foucault 2008: 139). But the construction of the enterprise society also means the multiplication of transactions and conflict and therefore the need for judicial mediation and the emergence of the judicial society (Foucault 2008: 149-150; 159-84). This task of securing, constructing and facilitating the market-economy legitimates the state while state sovereignty itself is understood as a product of the economy (economic growth) (Foucault 2008: 84). Economic growth is therefore the tribunal of the actually existing government.

What is important is that while German neoliberalism project the market upon both the state and society they also want to 'ensure "a community which is not fragmented" and guarantee cooperation between men who are "naturally rooted and socially integrated."' (Foucault 2008: 243). Ordoliberals, therefore, aim to reprogram the "social" as *enterprise society* and *cohesive community* at the same time. Here, community is understood as a domain of morality, cosiness and care, a domain of natural embedding and social belonging (cf. Foucault 2008: 242-3). Ordoliberalism is a kind of 'sociological liberalism' (Foucault 2008: 146) or organicist liberalism (cf. Foucault 2008: 148):

'the return to the enterprise is therefore at once an economic policy (...) but at the same time a policy which presents itself or seeks to be a kind of Vitalpolitik with the function of compensating for what is cold, impassive, calculating, rational, and mechanical in the strictly economic game of competition.'

(Foucault 2008: 242, italics original)

Thus, in addition to the market-economy, German neoliberalism also demands 'a strong state and an integrated community' (Tribe 2009: 693). Ordoliberalism is a formulae of government that is based on: 1) the market as alpha and omega; 2) a strong, active and vigilant state, and; 3) an integrated community. This is why Foucault argues that

'the enterprise society imagined by the ordoliberals is therefore a society for the market and a society against the market, a society oriented towards the market and a society that compensates for the effects of the market in the realms of values and existence.'

(Foucault 2008: 242)

The calculated effect of the ordoliberal program of capital is de-territorialization and disintegration but this is countered by the ordoliberal program of community that facilitates territorialisation (of the state)

and integration of the *homo economicus*. This may include both feelings of sympathy and inclusion and of internal or external racism and exclusion (Lazzarato 2009: 129-30). Here, again, Foucault makes us sensitive to a communitarian dimension of (neo)liberal thinking. This *communitarian dimension* of the ordoliberal market order and their objective of an *integrated community* opens up important research questions how this is achieved, through what technologies and techniques (sovereignty, discipline, regulatory), with what practical objects (problematizations) and by which political subjects (responsible actors)?

The sensitivity to communitarianism in liberal thinking (present in the birth of liberalism with Ferguson and here in ordoliberalism) is important to understand the present and to distinguish between forms of (neo)liberalism (see chapter 5) and other forms of governmentality (see chapter 4). Foucault argues that this German neoliberal program spread to France (see his eighth lecture of 7 March 1979 that is devoted to a close analysis of the diffusion of the German neoliberal model to France: Foucault 2008: 192-207) and other countries affiliated with neoliberalism. However, it was also a primary source *against* which the *anarcho-capitalist or libertarian American neoliberalism* was formulated (Foucault 2008: 145). This is the radical and more individualist variant of neoliberalism.

American neoliberalism: Chicago school and the theory of human capital

The American type of neoliberalism is called the Chicago School of neoliberalism (e.g., Foucault 2008: 247). As with the other neoliberal governmentalities Foucault remarks that he studies only some elements of American neoliberal governmentality (Foucault 2008: 219). The most important element of American neoliberal rationality is the theory of 'human capital' (Foucault 2008: 219-237). This can be called the neoliberal turn to the subject. With the theory of human capital neoliberals 1) deepen the study of the economic field itself, and 2) extend economic analysis to other domains previously thought of in non-economic terms.

First, the theory of capital *deepens* the study of the economic field. Classical economics is criticized for being preoccupied with land and capital (forgetting labour) while neoliberals aim to study labour from the perspective of human capital (Foucault 2008: 219). This means analysing how individuals are active economic subjects choosing between scarce means and alternative ends (Foucault 2008: 222-3). This is the return of *homo economicus* but not the classical liberal version (understood as man of exchange and analysed by the theory of utility and the problematic of need: Foucault 2008: 225). With the theory of human capital neoliberals analyse and program human beings as 'ability-machines' (skills) creating earnings and as human capital with investments (Foucault 2008: 219-226).

Contrary to the Marxist version of the labourer as alienated object neoliberal *homo economicus* is understood as an active subject who (physically, psychologically and sociologically) labours on him- or herself to generate income. The new economic subject is 'an entrepreneur, an entrepreneur of himself' (Foucault 2008: 226). Hence, 'economics is the science of human behaviour as a relationship between ends and scarce means which have mutually exclusive uses' (Robbins quoted by Gary Becker quoted in Foucault 2008: 222).

This also implies, second, an *extension* of economic analysis to other domains. Firstly, to fields and elements previously understood and analysed in non-economic terms. This is related to the following neoliberal question: how is human capital formed and accumulated? (Foucault 2008: 227). Neoliberals

argue that human capital consists of both innate and acquired elements. From this perspective neoliberals are able to study a huge variety of new elements as “investments in human capital”. It enables them to study the problem of hereditary, genes, risk and reproduction from the perspective of human capital: with neoliberalism ‘the use of genetics arises in terms of the formation, growth, accumulation and improvement of human capital’ (Foucault 2008: 227-8). It also means studying education as investments by individuals in themselves or investments by parents in their children in terms of type, quality and quantity of investments (Foucault 2008: 229-230). Furthermore, it makes it possible to study healthcare, public hygiene and migration as investments in human capital (Foucault 2008: 230).

The extension of economic analysis makes it also possible, secondly, to scrutinize the activities of public authorities and state government (Foucault 2008: 246). Foucault remarks that while the aim of the early 20th century project of logical positivism was to filter every statement in terms of logic and nonsense, this neoliberal ‘economic positivism’ filters all governmental policy in terms of the market and nonsense (Foucault 2008: 247). Neoliberals apply their economic schema to the activities of public authorities in a big project of purification. They hereby built an economic tribunal of the government by the state, a permanent critique of ‘governmentality actually exercised’ (Foucault 2008: 246). However, this is not a critique in terms of politics of rights but a critique in terms of the market to evaluate government in terms of costs, benefits, harmfulness, abuse and excess (Foucault 2008: 247).

Neoliberalism’s singularity: not a revival of Smith, not decoded by Marx, not Solzhenitsyn on a world scale

Foucault was not convinced by the more or less accepted prism that views neoliberalism sociologically through *Marx* (as deciphered and rejected in Book I in *Capital* and through neo-Marxist clichés of the society of the market and spectacle), economically as a revival of *Adam Smith* (e.g., as revival of *laissez-faire*), and politically as *Solzhenitsyn* on a world scale (i.e., the hidden implementation of an extensive state apparatus that is morphologically similar to the spread of Gulag and concentration camps all over the world): ‘these three types of response ultimately make neoliberalism out to be nothing at all, or anyway, nothing but always the same thing, and always the same thing but worse’ (Foucault 2008: 130-1). Foucault’s rejection of the Marxist lens should be placed in the political and cultural context of the late 1970s (a context that is captured by films such as *Der Baader Meinhof Komplex*, *Das Leben der Anderen* and *Goodbye Lenin*: Tribe 2009: 681). It is in the context of an actually existing socialist governmentality that was founded upon the “scientific truth” of Marxism, connected up to a police state (Foucault 2008: 92-3) and repressively guarded in France by professional thinkers and political groups (cf. Behrent 2009: 547; Tribe 2009: 680-1). Foucault wanted to understand the singularity of neoliberalism: how it is something else than a revival of Smith and Solzhenitsyn on a world scale and something new in relation to Marx’ decoding of classical liberalism (Foucault 2008: 130).

Foucault argues that neoliberals fundamentally revise the classical liberal and welfarist assumptions (see, on the latter, chapter 4). *One fundamental mutation in neoliberalism is that it starts from the market and ends with the market. In contrast, classical liberal governmentality began with the state and tried to carve out a free domain of the market that was called upon to increase the powers of the state.* However, in the context of a general critique of the state and the absence and mistrust of the state the market economy is called upon to shape both state and society (Foucault 2008: 117). Neoliberals legitimate

and limit the state by the market and reorganize society from the perspective of the market. At stake is not only freeing the economy but the extent to which both society and the state can be informed and reformed by the powers of the market economy (Foucault 2008: 118). Hence, the neoliberal aim is to secure freedom of and through the market.

Another important revision of classical liberalism is the constructivist perspective of neoliberalism. This is opposed to what can be called “the naïve naturalist perspective” of classical liberal governmentality (Foucault 2008: 120; Donzelot 2008: 123).¹² Neoliberals argue that the judicial and economic are reciprocally related and political interventions are needed to free the market and regulate the different domains conform the market.

Another important revision concerns the governmental subject. Foucault here notices both the return and mutation of *homo economicus* (Foucault 2008: 225-6). Classical liberal governmentality analyzed *homo economicus* as partner of exchange with needs and interest. It reasoned that this economic subject should be left free. Neoliberal governmentality analyzes *homo economicus* as entrepreneur with human capital, as active source of income that can be governed by manipulating the environment through interventions (Foucault 2008: 270-271).

Another difference is related to the struggle within classical liberalism between two discourses while this is eclipsed in neoliberalism to just one of them. Classical liberal governmentality was split into a political liberal discourse (the juridical deductive discourse based on rights) and an economic liberalism (the empirical utilitarian approach based on independence). In contrast, neoliberalism seems to revive and mutate primarily the latter discourse of the market, utilitarian evaluation and independence (Foucault 2008: 247).

Another revision seems to be a fundamental mutation of social and penal policy as it has been developed in the West over two centuries (Foucault 2008: 204-5, 259-260). Foucault suggests that neoliberalism indicates a move away from a “heavy” disciplinary and normalizing approach of problems towards a “lighter” and more “tolerant” approach. This can be found in his lecture notes where Foucault adds that if neoliberal governmentality would be implemented it would mean a ‘massive withdrawal with regard to the normative-disciplinary system’ that has been developed in the West (Foucault 2008: 259-260):

‘what appears on the horizon of this kind of analysis is not at all the ideal or project of an exhaustively disciplinary society in which the legal network hemming in individuals is taken over and extended internally by, let’s say, normative mechanisms. Nor is it a society in which mechanisms of general normalization and the exclusion of those who cannot be normalized is needed. On the horizon of this analysis we see instead the image, idea, or theme-program of a society in which there is an optimization of systems of difference,

¹² This can be called the *naturalistic fallacy of classical liberalism* as understood by the ordoliberalists. It is well summarized by Donzelot: “The ordoliberalists ask: what is the deficiency of classical liberal thought which exposes the economy to increasing pressure for state intervention? And they find this flaw to be its “naïve” confidence in the virtue of *laissez-faire*, in the illusion that the market is a natural phenomenon that only has to be respected. This naturalistic “naivety” then obliges the state to intervene to deal with problems and needs that the market cannot resolve or satisfy on its own (...) The state must thus intervene because of the market (...). But in doing so this one is setting the state to work against the market” (Donzelot 2008: 123, italics original). Ordoliberalism argues that it is the state itself that is bearer of intrinsic defects and they fence off the market from critique. They use a constructivist perspective on the market to argue that the state cannot be trusted to adequately deal with the irrational rationality of capitalism; however, ordoliberalists argue that their governmentality of the market state-society can.

in which the field is left open to fluctuating processes, in which minority individuals and practices are tolerated, in which action is brought to bear on the rules of the game rather than on the players, and finally in which there is an environmental type of intervention instead of the internal subjugation of individuals.'

(Foucault 2008: 259-260)

This type of neoliberal thinking, Foucault suggests, is very far away from the disciplinary society. Neoliberals are not so much interested in aetiological questions, inquisitorial investigations by state or non-state actors (e.g., bureaucrats and social scientist) concerning questions: 'who are you?', 'why are you unemployed?', or 'why do you commit crimes?' Instead of this, neoliberals accept an economic schema, an economic threshold below which one receives support assuming everyone (including, e.g., criminals) to behave economically as entrepreneur of himself or herself (Foucault 2008: 204-5, 259). The thick and complex notion of human nature is discarded in favour of a thin or economic (both literal and figuratively speaking meaning sober) conception of the subject of government.

This neoliberal critique of governing too much is also visible in their critique of the aims and techniques of actually existing ("excessive") welfarist government. The birth of welfarism in the Netherlands will be studied in chapter 4. Post-war welfarist social policy aimed at the elimination of poverty and the normalization of the poor and constructed massive programs of social security. Neoliberal governmentality is more limited in its aims and accepts poverty and the poor and constructs a program of 'minimal existence' a "vital minimum" below which people may not fall: 'the only problem is "absolute poverty", that is to say the threshold below which people are deemed not to have an adequate income for ensuring that they have a sufficient consumption. (...) Absolute poverty is relative for every society': Foucault 2008: 205). This means a division between an enterprise population and a "liminal population" that is minimally secured and is permanently on the move and stimulated to become entrepreneurs again in favourable times and pushed back under unfavourable market conditions (Foucault 2008: 206).

Hence, neoliberalism differs from classical liberalism in various ways. Both neoliberal governmentalities are about the construction of enterprise society, a formalization of society based on the market, making competition the regulator and the enterprise be the formative power of society, analysing and programming citizens as a subtype of *homo economicus* as entrepreneurs in an economic game guaranteed by the state (Foucault 2008: 148, 201, 225). However, American neoliberalism is more radical in its application of this principle (Foucault 2008: 243). This way, an old liberal debate fires up, now between American Chicago School neoliberalism and German Freiburg School neoliberalism. While American neoliberals radically project the market upon both the state and society, ordoliberalism is a kind of liberalism that acknowledges the domain of community and already propose a liberal government combined with elements some communitarians will propose in the 1980s. Thus, discussing the birth of civil society and communitarianism in Ferguson and the communitarian dimension in ordoliberalism, Foucault traced back the lineages of the liberal-communitarian debate even before it started. These pivotal suggestions will inform chapters 5 and 6.

2.2 Foucault in action

In his lectures on governmentality Foucault presented a specific way of looking and invented conceptual tools for analysis. Equipped with that subtle analytics of government one is able to study past and contemporary forms of governing ourselves, others and the state. Foucault is primarily interested in how-questions: e.g., how are the mad, criminals, children problematized and governed and what does it tell us about who we are in the present. This paragraph reconstructs how Foucault conducted his research on governmentality. It will describe how Foucault used the technique of conceptual triangles, how he selected his sources and how he studied them. This is relevant because the aim of this dissertation is to take Foucault into the field and study the government of citizens in the Netherlands.

2.2.1 Foucault's conceptual triangles

A primary technique of structuralism is the binary code (e.g., rational-irrational; normal-pathological). The primary technique that Foucault seems to be using in the 1978 and 1979 lectures is the conceptual triangle.¹³ This consists of using three analytical concepts in relation to each other and its value can be found in its possibility to produce a dynamic analysis of a phenomenon (cf. Valverde 2007: 168). One of the most important Foucaultian analytical techniques is the power-truth-subject triangle (Foucault 2007c: 47, 57; cf. Rose 1999a: 29 nt. 26). In his lecture courses on governmentality Foucault unpacks these elements of the power-truth-subject triangle and establishes triangles within triangles et cetera.

One way to understand the 1978 lectures on governmentality is the unpacking of this power-truth-subject triangle and especially the dimension of power. To study power Foucault introduces a 'triangle: sovereignty, discipline, and governmental management' (Foucault 2007a: 107). These are called the 'technologies of power' and they should be differentiated from 'techniques of power' (Foucault 2007a: 8-9; cf. Foucault 2007a: 115-20). Techniques are the concrete forms of intervention on individual bodies, souls or populations. For example, the technique of the prison (Foucault 2007a: 8). Technologies are systems of power. For example, the technology of sovereignty, discipline and government. It can be studied how at different times and different places these technologies of power are assembled (Foucault 2007a: 8-9, 107-8; cf. Collier 2009; Dean 2007; Garland 1997: 188). With this conceptual triangle of technologies of power, Foucault enables us to look at power and rule from three angles (at the same time). It is an analytical device to map the complex topography of rule (Dean 2007: 84; cf. Rose 1999a: 23-4) that is the heterogeneous and multiform field of power relations (Dean 2007: 91).¹⁴

First, the *technology of sovereignty* is based on a model that goes back to the prince who defends his territory who marks his boundaries and lays down the law that forbids with punishment and exclusion as primary techniques. In short it is the model based on territory, safety and the sovereign right to kill with the primacy of obedient or excluded subjects (Foucault 2007a: 1-28; cf. Foucault 2004: 239-264). Sovereignty can be related to the monopoly of legitimate violence (Weber), monopoly of decision

¹³ I am indebted to Gerd Baumann for teaching me to think with triangles.

¹⁴ The new cartographic project started by Foucault aimed to map power in a three-dimensional way by focusing on sovereignty-discipline-government (at the same time) (Dean 2007). In these governmentality lectures Foucault retakes his previous lectures and analysis described in *Discipline and Punish* in which he presented a more totalizing and functionalist account of government (rigorously and convincingly scrutinized by Collier 2009). Foucault reinvented himself and argues that he is not suggesting a total shift from a society based on sovereignty to a disciplinary society and finally towards a society of government. Instead he argues that there are reconfigurations of the triangle of sovereignty-discipline-government (Foucault 2007a: 107-8).

making (Schmitt) and is primarily based on deduction (taxation, death) (Foucault) (Dean 2007: 92). Although Foucault is primarily concerned with the other technologies of power he also suggests that the modern art of government does not eliminate the problem of sovereignty; 'on the contrary, it is made more acute than ever' (Foucault 2007a: 107).

We should therefore pay attention to the technology of sovereignty and its transformation (e.g., Foucault himself studied the transformation of the right to kill in *Society Must be Defended*: Foucault 2004). This has also been suggested by Mitchell Dean who argues that governmentality studies should recover sovereignty (Dean 2007: 15). Instead of assigning it a marginal role as outdated model governmentality studies should incorporate sovereignty and its transformation in the analysis of power and rule: 'it would be a mistake to underestimate the continued, if reconfigured, importance of the themes of territory, of society and nation, and the role of the formal political system and its use of sovereign powers, within contemporary forms of power and rule' (Dean 2007: 91; cf. Dean 2007: 15, 85, 87).

Second, the *technology of discipline* aims at the perfection of the individual. It encloses a group and individualizes using the techniques of enclosure and partitioning. It controls activity using time exhaustively to train and correct the individual habitus such as bodily gestures, knowledge and emotions. The exercise of discipline is based on hierarchical observation, and the normalizing judgment and all these elements come together in the examination (Foucault 2007a: 1-28; cf. Foucault 1977).

Third, the *technology of government* and its related to techniques of freedom and security. They aim at securing the population and economy. Often these domains are regarded as self-regulating or in need of self-regulating (e.g., self-governing citizens) (Foucault 2007a: 1-28; cf. Walters 2002). In relation to this third technology of power and with the emergence of contemporary forms of rule in 'advanced liberalism' (Rose 1999a), Mitchell Dean suggest that governmentality researchers should take into account what he calls the 'governmentalization of government' or the 'government of government' (Dean 2010: 175-227). Advanced liberal government (of government) now also encompasses the remedies proposed (e.g., by neoliberalism) to govern differently than welfarist government (e.g., constructing quasi markets 'as a solution to the excessive expenditure, rigidity, bureaucracy and dependency of the welfare state': Dean 2010: 175). The values of the market are folded back on government itself to secure, on the one hand, the mechanisms of government itself and, on the other, to secure individuals and institutional conduct as consistent with these market values (Dean 2010: 200-1).¹⁵

In sum, Foucault presents a subtle analytical apparatus for studying the government of self, others and the state. A prime triangle is power-truth-subject while the dimension of power itself can be unpacked as a triangle of sovereignty-discipline-government. He argues that 'we should not see things as the replacement of a society of sovereignty by a society of discipline, and then of a society of discipline by a society, say, of government. In fact we have a triangle: sovereignty, discipline, and governmental management' (Foucault 2007a: 107). Following Foucault we must be sensitive to different configurations of sovereignty-discipline-government at different times (cf. Dean 2007: 87; Collier 2009). This must be related to two other elements: 1) crises or predicaments of government and; 2) thinkers on government producing problematizations and reconfigurations of sovereignty-discipline-government.

¹⁵ Primary techniques of advance liberal government are the new prudentialism, the technologies of agency and performance and a contemporary pluralism (Dean 2010: 192-200).

2.2.2 A research program on "crises of government" and the study of thinkers

It is important to notice that Foucault is also lecturing in the context of a 'crisis of liberalism' (Foucault 2008: 69). He is interested in these crises of governmentality (Foucault 2008: 70). These crises of governmentality are related to but cannot be reduced to crises of capitalism (Foucault 2008: 70):

'You can find crises of liberalism linked to crises of the capitalist economy. But you can also find them with a chronological gap with regard to these crises, and in any case the way in which these crises manifest themselves, are handled, call forth reactions, and prompt re-organizations is not directly deducible from crises of capitalism. It is the crisis of the general apparatus (dispositif) of governmentality, and it seems to me that you could study the history of these crises of the general apparatus of governmentality which was installed in the eighteenth century.'

(Foucault 2008: 70, italics original)

This is also remarkably pressing in the current context. It is in the work of thinkers who identify and problematize certain phenomena or tendencies, who problematize actually existing forms of government (configurations of power-knowledge-subjects) and invent new ways of thinking, acting and relating to subjects that crisis of government are (re)presented and reconfigurations of technologies of power can be found (cf. Collier 2009: 95; Rabinow & Rose 2003: 11-2).

As described above, Foucault makes clear that he wants to study the mentalities of government that come close to the real governmental practices (Foucault 2008: 2). This implies that a) he must be aware of the practices of government, for example laws, edicts or norms, and then b) take a step back to discover the mentality of government. He finds the governmentalities in specific texts by various thinkers. Thus, Foucault studies the work of thinkers who problematize (alternative and actually existing forms of) governmentality and themselves propose different *dispositifs* (ways of thinking and acting). This is how Foucault studied thinkers of government in relation to governmental crisis and to the reconfiguration of power:

'they are situated amid upheaval, in sites of problematization in which existing forms have lost their coherence and their purchase in addressing present problems, and in which new forms of understanding and acting have been invented (...) They are actively engaged in recombining elements of sovereign power and security, and adapting them to the problems (...)'

(Collier 2009: 95)

Foucault's analysis of *raison d'État* is primarily based on an analysis of the texts written by Guillaume de la Perrière, Botero, Palazzo, Naudé, Von Justi and Delamare. *Liberalism* is primarily based on the texts of Beccaria, the French *économistes*, the English empiricists (e.g., Hume) and political economists (Adam Smith, Bentham and Ferguson). *Ordoliberalism* is reconstructed primarily through the texts written by Eucken, Müller-Armack and Röpke, while Hayek and Von Mises are important on the background. *French*

neoliberalism is primarily based on an analysis of texts and speeches of Giscard d'Estaing, Barre and Stoffsæ. *American neoliberalism* is based on an analysis of texts written by Simons, Gary Becker, Stigler, Eatherly and Moore and articles written in the Journal of Political Economy. In addition to these primary sources, Foucault also relied on secondary sources, primarily Bilger (1964) and Poncet (1970) (Tribe 2009: 688), and on what can be called tertiary studies – studies presenting an overview of overview studies – such as Silverman (1970) and Miller (1962) on American neoliberalism (see Foucault 2008: 234n1-2).

However, Foucault's genealogical treatment of these texts is different than his previous methods (the archaeological approach) (Foucault 2007a: 36). Scrutinizing how Foucault conducted his governmentality studies is important because it gives instruments to select and study texts from a governmentality perspective. A good illustration is how Foucault selected and studied a text written by Abeille on the problem of grain (see Foucault 2007a: 33-49). First, Abeille is placed in the context of a crisis of government. Foucault argues that this text can be understood as a *problematization* of the actually existing government of grain, its regulating mentality and the corresponding arrangement of the technologies of power. At the same time it proposed a different governmentality to secure the population's food provision based on a different programming of government. Foucault argues that the dominant reflection in the 17th and 18th century on scarcity was based on a cosmological-political concept of fortune and a juridical-moral concept of man's evil that was integrated into the general framework of *raison d'État* and its program of mercantilism. This programmed the techniques of power in the government of scarcity: it meant price controls, regulating low wages, prohibitions, limitations and restrictions on production, circulation and export of grain (Foucault 2007a: 31-3). The intense *problematization* of this type of government presented a *governmental crisis*. The dominant mentality of government was argued to be failing because it could not provide the adequate provision of food in the context of population growth.

Foucault focuses on one text that he picks out of a 'whole package of texts, projects, programs, and explanations' (Foucault 2007a: 35). It is the text written by Abeille. Foucault argues that this text is positioned in the centre of thought on government and other texts are argued to be based on the same principles with some modifications (Foucault 2007a: 35):

'I will refer to just one of these, which is both the most schematic and clearest and was, moreover, very important. It is a text dating from 1763 entitled Lettre d'un négociant sur la nature du commerce des grains. It was written by someone called Louis-Paul Abeille, who is important both for the influence his text exerted and by the fact that, as a disciple of Gournay, he actually combined most of the physiocratic positions.'

(Foucault 2007a: 35, italics original).

From his new governmentality perspective Foucault asks the simple but very important question 'what does it do?' (Foucault 2007a: 35). The question 'what does the text of Abeille do?' is placed in the context of his new research on technologies of *power* and its relation with *knowledge* and the invention of *subjects*. He himself explained his new way of handling this text by Abeille:

'(...) instead of considering it in terms of an archaeology of knowledge, I would like to consider it from the perspective of a genealogy of technologies of power. I think we could reconstruct the function of the text, not according to the rules of formation of its concepts, but according to its objectives, the strategies that govern it, and the program of political action it proposes.'

(Foucault 2007a: 36)

According to Foucault this text is 'a new way of conceiving and programming things' (Foucault 2007a: 41). It is a new way of perceiving and governing. Abeille argues that the problem of scarcity has to be analysed as a natural phenomenon (see also 2.1.1 on liberalism). This implies a critique of the dominant governmental reflection of scarcity in terms of fortune or virtue. Based on a new mentality (*physiocracy*) this text proposes new techniques of government: free commerce, free circulation and free production of grain and thus suppressing prohibitions (Foucault 2007a: 37). It is argued that in a system of free trade the economic processes follow their own course and if a shortage occurs there are natural checks to prevent scarcity from happening. If there is a period of shortage then prices will rise and this attracts new grain to the market. Hence, freedom is a technique of this new governmentality.

Foucault argues that this text, in addition to the new mentality and techniques of government, also produces, invents and discovers a self-regulating population that consists of individuals behaving as *homo economicus*. Hence, it is the invention of new domains and subjects of government. However, not everyone is argued to behave rationally. Foucault describes how Abeille uses *rational behaviour* as a *dividing practice* to distinguish between the population and the people (see also below: 3.2). Individuals who behave irrationally on the basis of bad calculation are not members of the *population* but part of the *people*. These people disrupt the system of self-government while endangering the population (Foucault 2007a: 43). Abeille concludes that nothing is more harmful than overturning the rights of the propertied population to provide for food for the people (Foucault 2007a: 52n23). Thus the text, in other words, is also a program on the government of poverty and the people (see also chapter 3).

This is also how Foucault analyses the invisible hand as described by Adam Smith. Foucault understands this text as a critique of actually existing government and a program of government itself (Foucault 2008: 274-286). Based on his governmentality perspective Foucault describes the invisible hand argument as a critique of sovereign power-knowledge: a critique of the possibility of a total and detailed knowledge-power system by an absolute sovereign. It is a critique of a sovereign model of government based on the sovereign techniques of total inspection, regulation, prohibitions and punishment in favour of opacity, *laissez-faire* and liberalization. Adam Smith opposes the idea of the possibility of a total knowledge about socio-economic processes, he disqualifies sovereign planning and he criticises a sovereign state model that encapsulates everything (Foucault 2008: 283). The reach of political sovereignty is limited in favour of a free domain of economy and regulation of civil society.

Another illustration of Foucault's new approach is his eighth lecture of 7 March 1979 that is devoted to a close analysis of the diffusion of the German neoliberal model to France (Foucault 2008: 192-207). The emergence of French neoliberal governmentality is studied in the context of the then present *governmental crisis* in the 1970s (Foucault 2008: 93, 179). This governmental crisis, Foucault argues,

is a complex of problematizations of rates of unemployment, balance of payments, inflation and the increase of energy prices in the context of the oil crisis and of the actually existing welfare policies. In this context liberalism was understood as the self-evident and only viable solution (the French version of there is no alternative). Foucault selected and studied the speeches and writings of French presidents, ministers and advisers and directly detected the kinship between his German and French data: for example, a book written by one of the closest advisors of the then present state government (Christian Stoffaëns) proposed the implementation of the ordoliberal model of the social market economy (Foucault 2008: 194; see above 2.1.3). In the next pages Foucault reconstructed French neoliberalism primarily based on a strategically chose paper by Giscard d'Estaing who as a minister of finance introduced the neoliberal model in France in 1972.¹⁶

2.2.3 Political rationalities, programs of action and techniques of government

Foucault provided a general research program and conceptual apparatus to study the government of men and things (e.g., the triangle of power-truth-subject; the triangle of power, his interest in governmental crisis and study of mentalities of government and a new way of studying texts and handling sources). However, Foucault and other governmentality scholars use a specific vocabulary that is sometimes puzzling and confusing (Garland 1997). I will structure my research in relation to the triangles above and add the following conceptual triangle (implicitly) provided by governmentality studies: political rationalities, programs and techniques (cf. Dean 1999; Donzelot 1979; Rose & Miller 1992; Rose 1999a). This will all be summarized in a table.

Political rationalities: political rationality, strategy and struggle

One fundamental assumption of Foucault's study of governmentality is that 'political rationality is the root of a great number of postulates, commonplaces of all sorts, institutions and ideas we take for granted, [so] it is both theoretically and practically important to go on with this historical criticism, this historical analysis of political rationality' (Foucault 2000: 416). According to Foucault there is no universal rationality but only historical rationalities that have to be studied (Foucault 2000: 405).

Political rationalities are the rationalities explicitly concerned with the exercise of political government (cf. Dean 1999: 210-1). The dominant modern form of political rationality is liberalism in its classical and neoliberal form. This rationality has been given subsistent cover by Foucault and other "governmentality scholars" (see above). However, as Foucault himself shows it is always a history of a variety of rationalities. Therefore, I think that we must also think of conservatism, socialism and

¹⁶ Foucault describes how d'Estaing's neoliberal program criticizes the actually existing welfarist government and how the text argues that social policy should break with the welfare assumption of a community taking care of everyone (Foucault 2008: 203-4). French neoliberalism consists of a merging of ordoliberal and Chicago school ideas in a French context. Foucault sums up three important pulleys or points of transformation: 1) the governmental *context*, in France the 'strongly state-centred, interventionist and administrative governmentality' (Foucault 2008: 192); 2) the *timing*, because the diffusion took place in the period marked by an 'initially relatively limited, and now acute economic crisis which is the motive, pretext, and reason for the introduction and implementation of the model and, at the same time, what checks it' (Foucault 2008: 192) and 3) the agents of the spread and implementation because they are 'precisely those who administer and direct the state in this context of crisis' (Foucault 2008: 192). French neoliberals argued that the French economy must be inserted into the internal European- and world market and that the previous objectives of full employment, redistribution of wealth and provision of social services had to be succeeded by the objectives of the social market economy (Foucault 2008: 194-7). Foucault also studies the technique of the negative tax that was proposed by Chicago School neoliberals (Foucault 2008: 203). Here Foucault shows how French neoliberalism merges the ideas of ordoliberalism and its project of the social market economy with techniques presented by American neoliberals.

communitarianism as political rationalities that aim at specific configurations of technologies of power.

In addition, two or more political rationalities can be combined. Then they form what I call a *strategy*. Strategies emerge out and are formed, most often unconsciously, out of conflict and *struggle* (cf. Feeley and Simon 1992). This makes us sensitive to combinations of political rationalities, for example, neoliberal communitarianism (see chapter 5). This logic of strategy (Foucault 2008: 42) makes it possible to understand that the state or other phenomena (e.g., citizenship) are not always internally coherent. Hence, from a governmentality perspective the state is regarded as the mobile effect of multiple overlapping and sometimes contradicting political rationalities. The field of the state and, for example, a technique such as citizenship are outcome and input of struggle between opposing and actually existing political rationalities. A study of governmentality should try to be sensitive to these struggles and emerging strategies of government.

Programs: problematization, practical objects and political subjects

Political programs are more or less coherent texts in which certain objects are problematized and constructed as practical problems (*practical objects*) and certain *political subjects* are made responsible for dealing with these problems (Garland 1985: 112). This means we have ourselves two axes of governmental programs: a practical axis of *problematization* and a political axis of responsibility. For example, the way churches are political subjects dealing with the practical object of the poor or the way the state became the prime political subject in the government of poverty. These programs often make use of a 'dividing practice' to split between, for example, the normal and the pathological (problematic object) (cf. Rose 1999b: xi; Dean 2007: 14-5). Of crucial importance is whether this split is based on a supposed "essential difference" (therefore beyond restoration, correction and discipline thus advising exclusion) or based on "relative difference" and a continuum (thus optimistic about possibility of inclusion by normalization, therapeutic intervention or even tolerance) (cf. De Folter 1987).

Furthermore, it is important to be sensitive to manifest and latent *problematizations*. For example, when adjectives are used in a program, for example good/active (e.g., the active citizen) it also produces, although not always explicitly mentioned, its negative other: in this example the bad/passive citizen. Then it is primarily the latter that is targeted by interventions as a practical object. Furthermore, programs often problematize prior constructions of practical objects and actually existing attributions of responsibility. When we insert the dimension of time then we can also think of changes in the government of certain objects and shifts in responsible subjects: for example, processes of *statification* when the state takes responsibility for dealing with practical objects or, vice versa, individualization/privatization when individual citizens are urged to take responsibility for social security (Foucault 2008: 143-4). This latter process has been called responsabilization (Dean 1991; cf. Garland 2001). Another important process has been the emergence of specialist or experts who are made responsible for dealing with problems (Rose 1999b: xi-xii).

Political programs are influenced and constructed by what can be called *political programmers* or 'policy entrepreneurs' (see chapter 5). Especially relevant are the programmers situated in the center of the power-knowledge apparatus such as the *scientists* at universities and *top administrators* of the state bureaucracy. Modern forms of power and rule are often based on discourses of truth, especially those

forms of knowledge called science (Foucault 2000: 416-7). The latter can be understood as “‘veridical discourses’ about human beings: discourses organized around scientific norms of truth and hence subject to critical correction’ (Rose 1999a: 9, 30). Science is a knowledge that is itself governed by rules, methods and norms that prescribe when one speaks the truth (Rabinow & Rose 2003: 7).

As described above it is primarily *political economy* that has been prioritized in Foucault's lectures on governmentality. However, in other contexts Foucault is also sensitive to modern forms of rule that are based on *medicine* legitimating programs of public hygiene or racism (e.g., Foucault 2004: 252) and the birth of *criminology* (Foucault 1977). A study of governmentality is therefore also a study of the relation between knowledge produced by scientists and power. Furthermore, the truth of science is part of contestation, for example, by forms of *political theology* (Dean 2007: 5; cf. Rose 1999a: 8). A study of governmentality can be sensitive to the enforcement or opposition to scientific inspired programs by, for example, “Christian” inspired programs of government with their own locus of truth, technologies and techniques of government and economy of responsibility and problematization (see chapter 3).

Important sources of political programs (but not the only source) are formal programmatic statements (e.g., the king's speech), speeches and policy documents (Rose 1999a: 4). It can be argued that it is often (but again not solely) in policy documents that important reflections on government occur (these also occur less formally in a variety of practical rationalities: Rose 1999a: 4). Chapter 5 is primarily based on a study of policy documents on immigration and crime.¹⁷ The emergence of policy documents is itself part of an important development: the professionalization of the bureaucratic field and the rise of state apparatuses gathering information and formulating documents. Studying the mentalities of government in the present is, therefore, different from what it was 150 years ago. Studying the period of 1850 means studying major laws, edicts (themselves often primary indicators of the sovereign technology) and (sometimes secret) governmental messages in relation to the surrounding discourse (as Foucault did himself).

Techniques: punishment, discipline and management

Techniques are the concrete forms of intervention on individual bodies, souls and populations. For example, the pastoral techniques of self-examination (Foucault 2000: 310) or social insurance as a technique of ‘welfarism’ (O'Malley 1992: 258). Foucault further seems to distinguish between sovereign techniques, disciplinary techniques and governmental techniques (these are techniques embedded in the technologies of power discussed above: 2.2.1). Edicts, laws and punishment are examples of the sovereign techniques (Foucault 2007a: 102). The sovereign model is based on exclusion and illustrated by the treatment of leprosy: banning the lepers out of the city. Sovereign techniques of exclusion derive from the sovereign right to kill and by killing Foucault means not simply murder as such but also forms of indirect murder (exposing someone to death or increasing the risk thereof, but also political death, banishment and rejection) (Foucault 2004: 256). As I will illustrate, for example in chapter 5, citizenship

¹⁷ Although others may oppose this selection of policy documents (e.g., Dean 2007: 83; Garland 1997) it is my opinion that policy documents can be used as a source of governmentality. This is also the position that is taken by Rose (1999a: 4) who distinguishes between two sources for an analytics of government: 1) formally rationalized programmatic statements, policy documents, pamphlets and speeches (e.g., Beveridge's program of social insurance), and 2) less formally articulated within particular types of practices (e.g., practices of social work or police work). However, using formal documents as source is also based on Foucault (2007a: 59) where he himself uses edicts, rules and regulations to study (transformations of) governmentality.

is one of the sovereign techniques of inclusion and exclusion in the political community. As a marker of boundaries citizenship is used to revitalize the sovereign state and to reject alien others and expose them to danger. Hence I will describe the relevance of the sovereign techniques of detention and of deportation in relation to the government of non-citizens in the present.

The *Panopticon* is an example of a disciplinary technique and discipline has as its model the treatment of the plague. Disciplinary techniques are, for example, closure (grouping), partialization (individualization) and examination (hierarchical observation and documentation combined with a system of punishment and reward). It aims at the correction, perfection and cure of individuals (Foucault 1977; Foucault 2007a: 44). As I will illustrate in chapter 5, the citizenship tests can be understood as a disciplinary technique aimed at the production of the good citizen.

Governmental techniques are based on freedom and security. These techniques aim at the management and regulation of phenomena (such as economy, society and government itself) based on, for example, risk calculation and the determination of thresholds of tolerance. It has the treatment of smallpox as its model. Chapter 5 illustrates, for example, how citizenship is used as technique of responsabilization and as technique to select skilled labor and govern the economy.¹⁸

Hence, technologies of power and techniques should be distinguished. It is also possible to analyze just one technique from the perspective of the triangle of technologies of power. When seen through this triangle, a technique of government branches out, as in a kaleidoscope, into three views: it becomes visible as a technique of sovereignty (1), of government (2) and of discipline (3). For example, the technique of deportation (a relevant technique in the present and studied in chapter 5 in relation to citizenship and the government of alien others, there primarily understood as element of the sovereign technology of power) can be understood as a technique of sovereignty, government and of discipline at the same time.

Deportation as sovereign technique is a practice that derives from the right of the sovereign to control its territory, from his discretionary competence to deny a non-citizen access and residence to its territory and as a technique to defend itself against (political) enemies of the state (e.g., regarded enemies of the state, such as revolutionaries). Furthermore, the dramatization of deportations may strengthen and glorify sovereign power. However, at the same time it is possible to speak of a 'governmentalization of deportation' (Walters 2002: 278) that amounts to a second interpretation of the technique of deportation. The second interpretation of a technique, from the perspective of government and security, is to understand deportation as a technique aimed at the health and wealth of a population, its economy or its welfare arrangements (government). Thus the mad, the fugitive offender and religious deviant (e.g., Jews, Protestants or Muslims) became subject to deportation because they were understood as social enemies or threats to the (e.g., racially or religiously defined)

¹⁸ In addition to these medical models, Foucault gives other examples to contrast these techniques. One such example is theft (Foucault 2007a: 4-7). The sovereign treatment of theft is based on the penal law as prohibition correlated to punishment. It deals with theft by a penal law forbidding to steal and punishment such as hanging, banishment or a fine. The disciplinary treatment of theft connects to this sovereign model a series of surveillance before one breaks the law and an apparatus of correction and moralization in penitentiaries thereby breaking with some of the sovereign techniques that would make discipline impossible. The technique of security uses both the sovereign techniques (penal law and punishment) and disciplinary techniques (prevention, surveillance and normalization) but relates it to a series of 1) probable events (prediction), 2) calculation of costs (how much does crime cost to whom and how much does punishment cost, what are the costs of repression and what is the aim of punishment and what is possible against which costs, what are the costs of continuous repression compared to exemplary repression?), and 3) average (determining an optimal average and developing a line of tolerance implying one will not strive towards elimination while accepting a line that may not be exceeded) (Foucault 2007a: 4-6).

population. Furthermore, economies are governed by active recruitment in periods of economic boom and deportation in periods of economic decline. This way, deportation secures the labour market. In addition, deportation may be used to close off welfare arrangements. In sum, deportation as a technique of government aims to mould a population, to shape the labour market and to defend existing arrangements of government (Walters 2002). Furthermore, third, as a technique of discipline “rates of deportation” may become targets to discipline an administration or the threat with deportation may be used as part of a configuration of punishment and reward to stimulate certain conduct. In a similar vein the technique of (immigrant) detention (glorifying sovereign power, protecting ‘fair economic competition’ or as technique of correction) or the citizenship test (sovereign exclusion, biopolitical mould or disciplinary technique) may be analysed as *multi-faceted* techniques of power. This way the triangle is used as tri-angle producing a kaleidoscopic view of one technique. It furthermore shows how the history of technologies of power should be distinguished from the history of a technique of power (Foucault 2007a: 8-9).

Table 2.1 summarizes the most important concepts as they have been introduced above and are deployed in this study.

Table 2.1 Conceptual tools governing this governmentality study

Conceptual triangle	Research <i>technique</i> Foucault seems to use that consists of using three analytical concepts to produce a dynamic analysis of a phenomenon (e.g., <i>power-truth-subject, sovereignty-discipline-government</i>)
Dividing practice	<i>Technique</i> of division (e.g., splitting a population between the normal/pathological, the active/passive, the citizen/alien, or the confessional splitting of the self)
Discipline	A <i>technology of power</i> that aims at the perfection of the individual; the training and correction of the individual habitus (e.g., bodily gestures, knowledge and emotions) is based on disciplinary <i>techniques</i> such as enclosure, partitioning, hierarchical observation, normalizing judgment and examination and aims to produce spiritually saved souls, politically obedient citizens and economically productive <i>subjects</i>
Economy	<i>Transactional reality</i> first conceptualized in its modern sense by political economy and argued to be a self-governing domain regulated by natural laws that should be known and allowed by governors, thus limiting <i>state</i> intervention; with <i>neoliberalism</i> it is conceptualized as a market and it becomes the alpha and omega of freedom and a domain to be actively constructed by government
Freedom	<i>Technique of liberal government</i> that is sometimes produced by limitation of intervention and sometimes produced by <i>discipline</i> (aimed at producing free self-governing and responsible <i>subjects</i>)
Government	A <i>technology of power</i> that aims to secure the population and economy (regarded as self-regulating with <i>freedom</i> as primary <i>technique</i>); contemporary forms of governmentality also aim to secure government itself (i.e., <i>neoliberalism</i> is to be understood as a 1 of welfarist government and its solution is to fold the market back on government, i.e., the ‘governmentalization of government’)
Govern-mentality (study)	The (study of the) mentality (rationality, calculation and reflection) of governing (guiding, leading, managing and constraining) ourselves, others (e.g., the mad, the sick, the criminal, children, families, communities) and the <i>state</i> (and the study of its effects)

Governmental Crisis Problematic situations or predicaments for the actually existing government (*power-knowledge-subject* apparatus of governing) produced in one or various (and connected) subfield(s) of governmental administration and responded to by *political programs* that implies a reconfiguration of *technologies* and *techniques* of government; somehow related to but not deducible from economic crisis (e.g., the governmental crisis and reorganization of government of the 16th century and *raison d'État* and the late 18th century with liberalism)

Homology In addition to internal specificities, subfields of the administrative domain are problematized by the same sort of questions, concepts, economy of responsibility consistent with a certain political rationality. In other words, the government and transformation of the government of fields correspond in terms of assumptions, practical objects, techniques of government and political responsibility.

Liberalism (classical-) The art of limited government based on the suspicion that one always risks governing too much. It is primarily based on the *truth* of political economy, it invented the domains of *economy* and *society* to limit the *state* because these domains are argued to be governed by natural processes and inhabited by economic *subjects* who should be set free (and social *subjects*) and argued to be irreducible to legal *subjects*. Utility and effects are primary tools to question government, freedom and security the primary techniques of intervention and, transaction the prime model to structure government (e.g., parliament and the democratization of *sovereignty*). Liberalism is also a field of permanent debate between proponents of political-juridical liberalism and political-economic liberalism and between individualist and communitarian approaches

Neoliberalism The art of limited government that fundamentally transforms *classical liberalism* because of its rejection of the liberal assumption of *economy* as natural domain. Neoliberalism also rejects the eliminative ideal of problem solving typical of both liberalism and welfarism. More in general it rejects welfarist modes of government. Neoliberalism begins and ends with the market as the sole source and guarantee of freedom. In its German form (ordoliberalism or Freiburg School) neoliberalism is a constructivist governmentality aimed at the construction of a social market economy that requires an active and vigilant state that intervenes on the framework of the market economy (e.g., on the population, education, culture, the legal system, and on the technical and scientific elements) and to construct an enterprise society while at the same time producing an integrated community. This communitarian dimension is rejected in the American form (Chicago school) of neoliberalism that projects the market, market values and its human capital theory upon all domains of the state and society (e.g., migration is studied as investment in human capital and the market is folded back upon state intervention to evaluate government)

Political economy The science that revealed the existence of phenomena, processes, and regularities that can and must be known by government because it is argued to be impossible to suspend them. In liberalism this knowledge forced a reappraisal of governmental practice. It did not discover natural rights that exist prior to the exercise of governmentality but a certain naturalness specific to the practice of government itself, which is an internal limitation of government

Political rationality	The rationalities explicitly concerned with the political government of men (e.g., <i>liberalism</i> , conservatism, (national-) socialism, <i>neoliberalism</i> and communitarianism) and therefore prominent in a study of governing citizens
Political program	The more or less coherent texts (e.g., laws, edicts, policy documents, tractates) in which certain objects are <i>problematized</i> and constructed as practical problems (<i>practical objects</i>) and certain <i>political subjects</i> are made responsible for dealing with these problems. A single text can be studied as program (i.e., in terms of its program of action etc.) but also a cluster of texts may constitute a program. Fundamental assumption of governmentality studies is that programs have effect but in the end always fail (e.g., produce side-effects) and are themselves object of new <i>problematization</i> .
Political programmer	The thinkers and writers producing or influencing <i>political programs</i> (e.g., scientists or top administrators), also called policy entrepreneur
Political subject	The responsible actor(s) for governing <i>practical objects</i> of <i>problematization</i> (e.g., the state [statification], experts [professionalization], or responsibility can be folded back upon individual citizens themselves [responsibilization])
Practical object	Objects (e.g., the poor, the criminal, the economy or government itself) constructed as problems to be dealt with by <i>political subjects</i> and specific <i>techniques</i>
Problematization (history of-)	How, why and in what way something became an important and new (<i>singular</i>) problem
Power-truth subject	Analytics of governmentality are concerned with the triangle of <i>power</i> , <i>truth</i> and <i>subjectification</i>
Singularity	Research <i>technique</i> that aims to understand the uniqueness of types of practice, ways of <i>problematization</i> , <i>techniques</i> of government and configurations of <i>technologies</i> etc. instead of saying that what exists now is the same (but worse) as it was before (e.g., <i>neoliberalism</i> is not the revival of Smith, not decoded and adequately grasped by Marxism and not Solzhenitsyn on a world scale). It is a research technique that aims to understand the new way of <i>problematization</i> of, for example, madness, sexuality or, as in this study, crime and migration
Society (civil-)	Administrative domain and <i>transactional reality</i> that was invented by <i>liberalism</i> as civil society in the 18 th century. It is a field that makes limitation and intervention possible. It will quickly be called society and later also nation and the social. A dominant interpretation is that modern government should be based on knowledge of society and therefore requires/needs/desires knowledge of society (later delivered by, for example, sociology)
Sovereignty	A <i>technology of power</i> that is symbolized by the sword, the sceptre, and the right to kill; it goes back to the model of the prince who defends his territory against external and internal enemies and is based on the sovereign <i>techniques</i> of laying down the law, raising taxes and the right to kill (directly as murder or indirectly of exposing someone to death, increasing the risk of death for some people and of political death, expulsion, rejection) while demanding obedient <i>subjects</i> ; this <i>technology of power</i> and its transformations should receive more attention in studies of governmentality (e.g., the democratization of sovereignty, the importance of territory, the construction of and defence against enemy others and the use of sovereign techniques such as punishment and exclusion)

State	<i>Transactional reality</i> invented by the politiques in the 16 th century and the <i>political rationality</i> of ' <i>raison d'État</i> ' (that aimed at its preservation and growth), a rationality that was externally limited by other states and internally unlimited and, therefore, criticized and reprogrammed by liberalism. The 'governmentalization of the state' is the process that allowed the state to survive by limiting its functions (e.g., allowing freedom, calculating utility) and extending its functions to secure the <i>economy</i> and <i>society</i> . From a governmentality perspective the state is always and nothing else but the mobile effect of incessant transactions (which modify, drastically change, or insidiously shift sources of finance, decision-making centres, control, and of struggle between local powers and the central authority)
Strategy	Combination of <i>political rationalities</i> that, often unconsciously, emerge out of <i>problematization</i> , struggle and debate (e.g., neoliberal communitarianism)
Subject	Part of the <i>conceptual triangle</i> of power-truth-subject; subjects are invented and produced in a process of subjectification by power-knowledge apparatuses (prime examples are the legal subject of rights, the economic subject of exchange, the social subject of bonds)
Technology of power	Element of the <i>conceptual triangle</i> of power-truth-subject; the element of power is divided into the technologies of <i>sovereignty</i> , <i>discipline</i> and <i>government</i> ; based on the production of and response to <i>governmental crisis</i> and -predicaments the technologies of power are reconfigured; this is studied by governmentality analysis
Technique	The concrete forms of intervention (e.g., on individual bodies and souls or populations, for example, the pastoral technique of self-examination, the welfarist technique of social insurance, the <i>sovereign technique</i> of exclusion, the <i>disciplinary technique</i> of examination, the <i>governmental technique</i> of freedom); the history of a <i>technique</i> (e.g., prison, deportation or citizenship) must be distinguished from a history of (reconfigurations of) <i>technologies of power</i>
Thinking	Activity of <i>problematization</i> and resolution of the problematic situation, when related to political government then considered as <i>political program</i>
Transactional reality	Phenomena such as civil <i>society</i> and madness are 'real' but not as primary, historical-natural given, stable and immediate reality; fundamental assumption in governmentality studies is that 'reality' emerges out of the interplay of relations of power between governors and the governed; transactional figures are actively constructed, discussed and did not always exist but are invented realities that have consequences (e.g., intervention) and always open to redefinition, debate and struggle
Truth	Part of the <i>conceptual triangle</i> of power-truth-subject. Modern forms of government are correlated to a specific regime of truth namely scientific knowledge (a specific rationality dividing truth-falsity that itself is governed by rules, methods and norms that prescribe when one speaks the truth), which invents subjects and techniques of government (e.g., with political economy the invention of <i>homo economicus</i> and techniques of freedom)

Note: primarily based on Foucault (2004, 2007a/b, 2008), Dean (1999, 2010), Rose (1999a/b) and Garland (1985)

2.3 Taking Foucault into the field

This paragraph describes how Foucault and other scholars affiliated with the governmentality project have written about the specific topics I am interested in: citizenship (2.3.1), crime (2.3.2) and migration (2.3.3). Together with the history of governmentality and conceptual tools provided above they set the stage for studying past and contemporary forms of governing citizens in the Netherlands.

2.3.1 Governmentality and citizenship

This project is a study of citizenship and governmentality. It started in 2008 and can be regarded as partly an effect of the translation of the lecture course Foucault gave at the Collège de France in 1978 and 1979 (Foucault 2007a, 2008). Foucault ended his lecture course in 1979 with the following *research program*:

'What should now be studied, therefore, is the way in which the specific problems of life and population have been posed within a technology of government which, although far from always having been liberal since the end of the eighteenth century has been constantly haunted by the question of liberalism.'

(Foucault 2008: 323-324)

In the same year of 2008 Colin Gordon remarked that

'For heuristic reasons Foucault drew a distinction between his field of research on governmental practices and the history of the political doctrine of sovereignty and its legitimate foundation, the history of citizens and their rights. This may have been initially necessary and effective as a means to establish and make visible a new object of study (...) but I think it is time now for a more connected approach so that we can look, for instance, at what relation there might be between a certain notion of citizenship and a certain way of being governed.'

(Donzelot & Gordon 2008: 58)

While Foucault drew a distinction between, on the one hand, the study of sovereignty, rights and citizenship and, on the other hand, governmentality, it is my aim to insert the element of citizenship into an analysis of governmentality. I think that a study of citizenship from the perspective of governmentality will generate important new insights in how we are governed as citizen-subjects but also how citizenship can be understood as technique of government. Furthermore, to my knowledge in 2008 governmentality studies hadn't been applied to the Netherlands or in relation to citizenship (and equally crime and migration) in the Netherlands. This means that a whole field of study can be opened up. It concerns the governmental role (e.g., the ordering, normalizing, disciplinary and exclusionary) role of citizenship in several contexts and periods.

The governmentality perspective emphasizes the "technical" role of citizenship. From this perspective citizenship can be understood as a highly potential *technique of government*. For instance, citizenship functions as *technique of distinction* in the international management of populations

(Hindess 2000). Hence, it is a technique of lumping and splitting (Zerubavel 1996). It functions as a technique of inclusion and exclusion. It divides a global population into subpopulations to be governed by various authorities, especially the state. This means that citizenship is crucial in the regulation of migration and border control. The lack of a specific citizenship status may also have tough consequences: for example, administrative detention and a denial to entering the soil of a nation-state.

Moreover, citizenship can be considered as a *technique of attribution* because it accords rights (e.g., civil rights, political rights and social rights: Marshall 1963) and duties (such as paying taxes, serve in the army and the duty to labor). In addition, citizenship can also function as a *technique of mobilization* and '*dividing practice*' (Foucault 2000: 326) at the same time. For example, to differentiate a demarcated population into good/bad, moral/immoral, active/passive citizens by using adjective such as good, active and responsible (cf. Dean 2007: 119-20). Time and again we touch upon several axis used by political rationalities at a certain time: the ax of ideal/practice, inclusion/exclusion, passive/active or formal/moral.

This is how the city of Rotterdam uses the notion of 'active citizenship' and values the *active citizen* (see chapter 1). However, this also and directly implies the production of the other side: the *passive citizen*. It implies asking the question: 'what if 'active citizenship' is seen as lacking?' This question is explicitly asked by the Rotterdam City Council: 'What if the context of active citizenship is not present, for example because people are dealing with social or physical problems or because an area has to be re-conquered, then other tactics are necessary (intervention teams, hot spots, city marines etc.)' (Rotterdam City Council 2006: 26). As such, citizenship can be used as a way to mobilize citizens and as a way to intervene in the lives of 'deviant citizens'. This is also how citizenship emerged as the primary technique in the local city of Rotterdam since 2002 (see Van Schendelen 2004).

This allows for another observation about citizenship from the perspective of governmentality. Citizenship is also a *relational technique of government*. As described above, citizenship is one, albeit a very important one, of the techniques of government at a certain period. Citizenship figures in a network of techniques of government that varies from sovereign to disciplinary and governmental techniques. This means that it is possible to study the internal developments or forms of citizenship at a certain moment and to relate this 'internal history of citizenship' to other techniques of government at a time, for example the birth of the prison in the 19th century or the rise of a nationwide network of safety houses in the 21st. Instead of solely focusing on citizenship and writing a history of citizenship it becomes an entry point to enter the field of governing populations and the history of political government. Instead of solely studying a history of one technique, this makes it possible to study networks of techniques and also configurations of technologies of power.

In sum, this dissertation understands citizenship from a governmentality perspective as a complex, contextual and relational technique of government. Citizenship is "complex" because it consists of several dimensions and "contextual" because it takes different forms in different places and times (cf. Roche 2002). Furthermore, citizenship is "relational" because it is what it is precisely because it is related to a network of other techniques and configuration of technologies of power deployed by a dominant governmentality.

I am aware that to regard citizenship as a technique of governmentality is to focus on one specific aspect of citizenship. Hence, I do not pretend to be writing 'the' history of citizenship or to study 'all' aspects of citizenship. I just focus on some of its "technical" aspects. This focus on citizenship leads

to a focus on different fields of problematization because in different periods different substantial transformations of citizenship have been empirically relevant (cf. Marshall 1963). For example, civil rights can be related to the liberal invention of the free market, political rights to the liberal democratization of sovereignty and social rights to the welfarist government of economy and society (see chapters 3, 4 and 5; cf. Dean 1999). But then it is also interesting to look at the period just before social rights were implemented: how was poverty governed by classical liberalism and why was it governed this way? (chapter 3). Hence, from a governmentality perspective citizenship can be regarded as a highly potential *technique of government* and it is the varied uses of citizenship in this sense that interest me here.

2.3.2 Governmentality and crime

Foucault was very much interested in the study of crime and penal government. He described penal government from the perspective of classical liberalism and neoliberalism. He also studied the period in-between that witnessed the birth of criminology. His suggestions on penal government will be described below and they inform all the empirical chapters that follow. Moreover, this paragraph discusses the work of David Garland who is an important commentator on past and present penal government and has some major affiliations with governmentality.

Classical liberalism: political economy, homo economicus and the dream of eradication

Foucault argues that the penal reforms of the 18th and 19th century are a manifestation of the introduction of questions of political economy into the penal field. Here he refers primarily to Beccaria and Bentham (e.g., Foucault 2008: 248). Especially the introduction of the

*'phenomenal theme of interest [that] is interposed between the crime, on the one hand, and the sovereign authority with the right to punish, possibly with death, on the other (...)
As a result punishment appeared as something to be calculated in terms of the injured party's interest, in terms of redress for damages etcetera. Punishment will be rooted only in the play of interest (...)*

(Foucault 2008: 46)

It is the concept of interest that indicates the change towards liberal governmentality (cf. Foucault 2008: 45-7, 248-50; see chapter 3). With the insertion of interest new questions can be asked: what interest is there in punishing? What is the interest of society? Is there an individual interest? How much will it cost? (Foucault 2008: 46). It also played a part on the side of the criminal who was regarded as a *homo economicus*. *Homo economicus* was argued to be a subject "like us" who behaved rationally and should be governed by techniques aimed at influencing the rational calculations. Moreover, the technique of the prison was invented because it mirrored the importance of freedom (Garland 1985). Freedom, interest, *homo economicus* are important features of liberal government of the penal field (see chapter 3).

Foucault argues that the penal reforms were primarily legalistic reforms because the law was understood to be the most economical solution (Foucault 2008: 248-9). Hence, the law was chosen as the primary technique of liberal government. Interestingly, the aim of the liberal reforms is the

elimination and eradication of crime. Hence, the technique of the Panopticon developed by Bentham was a materialization of the liberal dream of complete nullification of crime (Foucault 2008: 255-6). Although liberal government is wary of governing too much, this does not eliminate the objective of elimination in the government of social problems. This is also why crime rates become important and begin to telling the truth about a regime.

Moreover, Foucault suggests that it was from the inside of the prison that a new knowledge was created. This also invented a new subject: positivist criminology and *homo criminalis* (Foucault 1977; cf. Foucault 2008: 249-250). *Homo economicus* was to be replaced by *homo criminalis* who was understood as a biologically, psychologically, physiologically or sociologically determined species: “an-other”. It was argued that positivist criminology should be used to classify criminals and that power should relate to this new knowledge to punish or treat criminals accordingly (Pasquino 1991; see more extensively on liberalism and the government of the penal field: chapter 3).

Neoliberalism: the anthropological erasure of the criminal and the management of crime

The major neoliberal intervention in penal government is ‘an anthropological erasure of the criminal’ (Foucault 2008: 258) and the introduction of the market game of crime. From a neoliberal perspective crime is studied as a market phenomenon. This is the reinsertion of *homo economicus* and economic analysis in the field of crime and penal policy (Foucault 2008: 253-261). Penal policy and the state should be programmed accordingly.

From a neoliberal perspective, the penal system is something that has to deal with actors as risk-calculators, who invested in skills trying to gain wins and prevent (economic and other) losses. Hence, the neoliberal understanding of the objects of government as an active economic subject instead of psychologically or anthropologically different as invented by positivist criminology implies the erasure of the image of the criminal as *homo criminalis*. Whatever pathological label given to an offender, for neoliberals (s)he is primarily a *homo economicus* (Foucault 2008: 259-260). This also makes the individual ‘governmentalizable’ because this way the individual and government can be reconnected (Foucault 2008: 252).

Moreover, the state should be considered as one of the actors operating in the penal field. However, neoliberals argue that the whole project and all the costs of law enforcement should be taken into consideration. Neoliberal penal government tries to determine all the costs and benefits in the market game of crime. Compared to the classical liberal program on crime that was described above, neoliberalism aims not at the elimination or eradication of crime because the costs will be too high (the economic costs in terms of investment but also in terms of loss of freedom etcetera) but at the management of crime and its effects. Hence, it is about determining a threshold that may not be exceeded, a reduction of crime to a certain level but at the same time tolerating some crimes and favouring the de-penalization of others (Foucault 2008: 253-261; cf. Foucault 2007a: 4-6). This way, the old liberal dream of the elimination of crime is substituted for the study and management of crime in all its relations.

In contrast to recent accounts of neoliberalism that regard neoliberalism to be solely responsible for the harsher penal regime of the last few decades (Cavadino & Dignan 2006; Wacquant 2009; cf. Lacey 2013; see chapter 5) Foucault (in 1979) seems to have a more favourable or perhaps ambiguous take

on neoliberalism. These and other questions on the government of crime are also relevant to David Garland who is one of the most influential commentators on past and contemporary penal government and cannot be dismissed if one is studying contemporary penal government.

David Garland on governmentality and the problem of crime

David Garland seems to have some major affiliations with but also criticism of Foucault and governmentality (Garland 1985, 1996, 1997, 2001). Garland's texts (e.g., Garland 1996, 2001) can be reconstructed by his use of the triangle of power-knowledge-subject in combination with the study of governmental crisis. In his *Governmentality and the Problem of Crime* (Garland 1997) described how in the 1980s a distinct and new style of government emerged: neoliberalism. While Foucault dealt primarily with the neoliberal texts written in the late 1960s (e.g., Gary Becker) Garland describes how this economic style of reasoning put forward by other thinkers than the ones studied by Foucault (such as Cornish, Felson and Clarke, the emphasis on rationality, opportunity, risk, market metaphors linked with the criminological theories of rational choice, crime opportunity theory but also managerial approaches of criminal justice) started to influence state government in the 1980s (Garland 1997; see chapter 5). He argues that this is, partly, related to what he calls a late modern predicament of crime control (Garland 1997: 185).¹⁹

This late modern predicament of crime control is based on '*the normality of high crime rates and the acknowledged limitations of the criminal justice state*' (Garland 2001: 106). Garland argues that late modern societies are characterized by a growth of crime: 'that is a massive and incontestable social fact [multi-dimensionally caused by] (i) increased opportunities for crime, (ii) reduced situational controls, (iii) an increase in the population "at risk", and (iv) a reduction in the efficacy of social and self-controls as a consequence of shifts in social ecology and changing cultural norms' (Garland 2001: 90). Here Garland presents his own realist account of crime rates and an explanatory framework something a governmentality study would not present itself but study from a second order perspective. Garland argues that these high crime rates are accompanied by fear of crime, media coverage and an intense political coverage of crime and these issues have become a normal part of life (Garland 1996: 451). This effectuated the 'erosion of the sovereign myth' (the myth that the sovereign state is able to defend its territory against internal and external enemies) (Garland 1996: 448-9).

Garland (1996) analyses *two general tracks of government responses* to the late modern crime control predicament: 1) the archaic state response of restoring sovereignty (denial as reaction to the predicament that is based on increasing punishment, tough on crime, emphasising moral discipline and the theatre of sovereign power to restore authority) (Garland 1996: 459-61) and; 2) the adaptive invention of new modes of governing crime described as 'a series of governmental and organizational responses' (based on responsibilization of non-state actors, the introduction of managerial techniques of organization, defining deviance down and redefining success and failure) (Garland 1996: 450-9).

Both tracks are guided by *different forms of knowledge*. The punitive sovereign response is guided

¹⁹ Garland also discusses the limits of governmentality (Garland 1997: 193-204). He argues that some of its concepts are confusing, he criticizes its incompleteness (although acknowledging that every perspective is incomplete), he adds that it should pay attention to the irrational aspects of government (emotion, populism as against rationalism and scientism), he argues that governmentality analysis should acknowledge its relation with historical-sociological accounts of government and socialization and that it should take into account the failure of programs and come up with alternative problematizations. See Rose (1999a) as a response to this kind of critique.

by a criminological discourse of the other (the criminal is understood as an essentially (biologically, psychologically and culturally) different and dangerous other that should be eliminated with the aim of protecting the public) and the adaptive governmental response is guided by a criminology of the self and everyday life (here the criminal appears as rational opportunist and thus as someone like us and crime is considered as an event that is inscribed in the routines of everyday life that happens without necessary disposition; governmental advice from this criminological discourse is the focus on situational crime prevention and responsabilization, however, Garland acknowledges that it influences policy in another direction and that is the advice to use harsh penal sentences to deter rationally calculating subjects) (Garland 2001: 129-30; Garland 1996). In addition, both responses are guided by *different actors*. The punitive sovereign rhetoric is primarily used by politicians while the adaptive response is primarily used by administrative actors (Garland 2001: 111-2).

Furthermore, both responses seem to resonate with two *political rationalities*. The punitive sovereign response resonates with neo-conservatism while adaptive responses resonate with neoliberal calculations of government (e.g., the criminology of the self resonates with the neoliberal image of rational man and because of the neoliberal interpretation of high rates of imprisonment as ineffective waste) (Garland 2001: 137-8; cf. Garland 1996).²⁰ Thus, Garland adds to the primary focus of governmentality studies to neoliberalism another influential, at least in the U.S.A., political rationality called neo-conservatism (see also above: 2.2.3).

Moreover, both responses seem to be guided by *two different forms of power*. The punitive response is based on the archaic model of sovereignty (sovereign power is negative, extractive and destructive based on the vengeful, occasional and spectacular infliction of punishment to display its splendid power) while the adaptive response implies that the criminal justice state, although partly, is 'shedding its "sovereign" style of governing by top-down command and developing a form of rule close to that described by Michel Foucault as "governmentality" –a modality that involves the enlistment of others, the shaping of incentives, and the creation of new forms of cooperative action' (Garland 2001: 125). Garland argues that the tactic of adaptation is related to government and denial related to sovereign response. What is eclipsed is the correctional program of penal welfarism and its program of resocialization (Garland 1996, 2001; see chapter 4). This doesn't imply the elimination of discipline but a relocation because discipline is primary to neo-conservative governmentality.

Table 2.2 summarizes the contemporary government of crime according to David Garland.

²⁰ Interestingly, Garland here seems to take a stand in the discussion about the attribution of the harsh penal climate of the 1980s-1990s. This is often attributed to neoliberalism (e.g., Cavadino & Dignan 2006; Wacquant 2009; see on this also Lacey 2013), however, Garland seems to attribute it primarily to neo-conservatism. Mitchell Dean also notices that (besides his remark that one should not draw too strict a line between the two) while neo-liberalism and neo-conservatism share the same diagnosis of the problem of the corruption of the people it is the neo-conservative who often adopts the sovereign instrument of law and punishment (Dean 2010: 190-1, 201). Likewise, a harsher penal climate may just as easily be attributed to communitarianism or the collusion of the tough side of both political rationalities (Van Houdt & Schinkel 2013a). Neoliberalism can both support a harsher penal climate (e.g., then it is argued that harsh punishment deters rationally calculating criminals) and used to criticize it (then it is argued that the financial, social and psychological costs are too high, because of the severe consequences for freedom).

Table 2.2 *The responses to a contemporary predicament of control: crime*

Crime Predicament	The normality of high crime rates and the acknowledged limitations of the criminal justice state	
Response	Adaptation	Denial
Political rationality	Neo-liberalism	Neo-conservatism
Primary actors	Administrators	Politicians
Primary knowledge	Criminology of the Self	Criminology of the Other
Primary techniques	<ol style="list-style-type: none"> 1. Managerialization 2. Commercialization 3. Defining deviance down 4. Redefining success/failure 5. Concentrate upon consequences (e.g., focus upon fears and victims) 6. Relocating/redefining responsibilities (e.g., promoting active citizenship) 	Restoring authority, emphasizing moral discipline and individual responsibility <ol style="list-style-type: none"> a. Control b. Punishment c. Control/Punishment selectively targeted at specific categories/individuals
Technology of power	Government	Sovereignty, Discipline

Based on: Garland (1996, 1997, 2001)

Garland described the homologies in late modern penal government in the UK and the USA. However, Garland acknowledges, first, that there are important differences between the UK and USA (e.g., the USA is argued to be more repressive, more racially and socially divided, to have a more explosive history, and that the competing political parties in both countries are different). Secondly, Garland argues that a more extensive comparison of late modern penal regulation can show other regimes of penal government while responding to the same social and economic disruptions of late modernity (Garland 2001: 202). Thirdly, Garland criticizes some aspects of governmentality (e.g., its conceptual confusion) and also urges governmentality analysis to take into account compatible sociological studies, questions and tools (Garland 1997: 204-5), points I take serious in this study.

In chapter 5 I will use Foucault's reflections and this informative account of penal regulation presented by Garland to study late modern crime regulation in the Netherlands and its supporting criminological discourse (5.1). I will describe, for example, how neoliberalism can inform both a harsher and a tolerant approach of crime. I will also study the input of communitarianism and communitarian theories of penal government both in relation to the harsher penal climate and crime prevention. Furthermore, I will transpose Garland's idea of crime control predicament to the field of migration and integration and combine it with Foucault's insights on the study of crisis of government and the reconfiguration of sovereignty-discipline-government (5.2).

2.3.3 Governmentality and migration

In contrast to crime, Foucault did not explicitly study migration and integration. However, there are some important remarks and suggestions. For example, in his discussion of American neoliberalism Foucault notices how the theory of human capital is applied to all kind of topics. He remarks that from a neoliberal perspective migration is understood as something that is interpreted as a material and psychological investment aimed to improve status and income. From a neoliberal perspective 'migration is an investment; the migrant is an investor [and the migrant is an] individual enterprise, or enterprise of oneself with investments and incomes' (Foucault 2008: 230). If we take this further we can notice that political parties may use the same vocabulary: for example, what are the costs and benefits of migration and integration?

From a governmentality perspective migration and integration can be studied by asking the following set of questions: when did migration and integration become problematized and who were important (e.g., by whom was migration and integration problematized, can we talk of a consensus on a governmental predicament)? How was it problematized (e.g., according to what political rationalities, who/what are the practical objects and how are they understood (e.g., migrant as entrepreneur, as potential citizen, as risk or threat), what are the objectives)? How was it dealt with (e.g., what technologies of power and what techniques are proposed, who was made responsible)? Is it possible to transpose the idea of governmental crisis or control predicament (e.g., as described by Garland on the field of crime) to the field of migration? These questions and the answers guide the second part of chapter 5. I will study how migration and integration are problematized, by whom and how this involved the production of a migration control predicament. The response to this governmental predicament involves a reconfiguration of sovereignty-government-discipline.

Conclusion

Foucault's lectures on governmentality provide me with a perspective to conduct a study of the government of citizens in relation to citizenship, crime and migration. Hence this chapter does what a chapter on methodology traditionally does. It introduced the lectures on governmentality and described what governmentality is about and how to conduct a governmentality study (e.g., how to ask questions, how to select sources and how to study them). It focuses on the conduct of conduct: the calculated and rational way of governing ourselves, others and the state. Of prime importance is the study of political rationalities (such as liberalism, neoliberalism but also welfarism and, for example, communitarianism). This is related to the triangle of power-knowledge-subject. In relation to power, Foucault discerned three technologies of power: sovereignty, discipline and government. In addition, modern forms of government are primarily related to a scientific truth regime. Hence, governmentality is also a reflexive study of the social sciences in relation to power. Moreover, governmentality studies are sensitive to the objectification of humans into subjects of government. For example, the subject as homo economicus.

The chapters below describe the government of citizens in the Netherlands from a governmentality perspective. At stake is the task of telling what the present is, where we are, who we are, how we were invented, what we know (and the limits thereof), how we govern, how we are governed and whether we want to (be) govern(ed) that way (Foucault 2007c: 50-1, 57; Foucault 2007b: 129-30). Chapter 3 describes

the birth of classical liberalism in the Netherlands. This will be followed by a chapter that studies welfarism from a governmentality perspective (chapter 4) and chapter 5 is a history of the present that focuses on the triangle of citizenship-crime-migration.

CHAPTER III
CLASSICAL DUTCH LIBERALISM

'Even more so than in England (...) the transformation of the Dutch state was dominated by liberalism. The Netherlands has probably never been more liberal and bourgeois than in the period between 1848 and 1901.'

(Stuurman 1992: 364)

'(..) this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge **political economy**, and as its essential technical means apparatuses of security.'

(Foucault 2007a: 108, emphasis added)

The irony of the appointment of a young public servant and a lecture as battle cry

I am not sure everyone remembers the following event that happened in 1850.²¹ It is the appointment of a young man at the Dutch ministry of Home Affairs. He had a name that indicated nobility: Quarles van Ufford. Several newspapers criticized and opposed the appointment of this man: how could Thorbecke, the liberal democratic statesman, appoint this man? Having “two names” indicated nobility, however, so it was argued, the time of privilege, status and tradition should be over. Only men of skills and merit should be appointed (see Van Limburg Stirum 1904).²² This suspicion and the ensuing public outrage designates a move away from a government based on tradition (status, privilege and heritage) to one that is based on the ideas of political economy (rationality, skills and merit). Ironically, the same Quarles van Ufford later remarked that

‘The increasing attention in and the practice of political economy is a joyful event. The evaluation of current order by practitioners of this political economy must effectuate the implementation of its lessons. This cannot be delayed, for political economy is the science of true happiness of the population because its lessons will lead to an increasing prosperity of the population. Eventually, prosperity and a general dissemination of its ideas to all classes will make political economy common sense.’

(Quarles van Ufford 1854, italics original)

Quarles van Ufford reasoned that political economy is a truth that should be taught to and obeyed by the governors and governed alike because it would lead to salvation understood as the happiness and prosperity of the population. Hence, political economy is a truth that must be taught by newspapers and public debates and, especially, at the universities.

The science of political economy was already taught at Dutch universities since 1820. All Dutch students had to follow a course on political economy and it was even an obligatory course at Dutch high schools. Thus, in the 1830-40s all members of parliament and political, social and economic elites were acquainted with or influenced by political economy (Boschloo 1989: 27-28, 199). This is the moment that Dutch governmentality connected up to a particular regime of truth: political economy and the market (cf. Foucault 2008: 29). At this time, politics and science became closely related and there was a close affinity between political elites and chairs at universities. Hence, it mattered for political elites who taught the *sciences of the state* at the universities (Boschloo 1989: 28-37).

In the same year of Thorbecke’s appointment of the young Quarles van Ufford he also appointed Vissering to the influential chair in political economy at Leiden University (Boschloo 1989: 250).²³ Vissering opened his inaugural lecture with the following words: ‘I wish to speak about FREEDOM,

²¹ In his inaugural lecture at the College de France Foucault explicated that one of his primary techniques of conducting research is to never lose sight of the concrete examples or events as illustrations or manifestation of important ruptures or processes.

²² Van Limburg Stirum was Minister of War in 1872-3 and he was the one who translated and introduced the work of Comte in the Netherlands (De Valk 1979: 25).

²³ It is especially the University of Leiden that became the centre of power-knowledge and the merging of state science and political economy (see Boschloo 1989: 19). The courses in political economy were primarily based on the ideas of Adam Smith and the ideas of the French School (Say and Bastiat) and the English School (Ricardo and Malthus) (Boschloo 1989).

THE FUNDAMENTAL PRINCIPLE OF POLITICAL ECONOMY' (Vissering 1850, cap. or.). This lecture is not only about the principles of political economy. In this lecture one can find the mentality of a liberal government based on political economy.²⁴ What the text does is giving substance to the domains of economy, society and state in a specific way, inventing the subjects of government and critiquing all governments that ignore the political economic truth. Therefore, this text is an important illustration of political economy as a critique of actually existing government and a liberal program of government.

Already with the Dutch the opening sentence we become aware that this text is a "battle cry". Although it seems trivial to us, the inaugural lecture is presented in Dutch. Vissering himself remarks that the possibility of lecturing in Dutch is one of the merits of the struggle against old habits of a government based on tradition, privileges, inequality before the law and the system of guilds (Vissering 1850: 572, 583). Hence, this text is positioned in a field of struggle between two regimes of governmentality: on the one hand a regime based on privilege, tradition and the fiscal policies of a sovereign despot, and, on the other hand, a regime that is based on freedom, a government based on political economy and the free economy governed by *homo economicus*. The text is also in Dutch because Vissering wants everyone to understand the lessons of political economy. That is why his inaugural lecture was also disseminated to the wider public. One of the primary techniques of the Dutch political economists is to program Dutch citizens and public opinion according to the principles of political economy. Therefore, the political economists were major *publicistes* and were very present in public media (Boschloo 1989: 27-28, 199).

Vissering remarks that political economy and its fundamental principle of freedom were born with Adam Smith who fundamentally reformulated the ideas of the physiocrats. According to Vissering Smith had distanced himself from empiricism and grounded his political economic theory on freedom, human nature and economic laws (Vissering 1850: 584). The history of freedom is a permanent and progressive struggle towards its unfolding (Vissering 1850: 574-584). However, nowadays (i.e., 1850) freedom has an important ally: truth (Vissering 1850: 588). It is the truth that is taught by political economy.

The fundamental lesson of political economy is that freedom of labour is the one and only true condition of the welfare of each and all (Vissering 1850: 574, 584-5). Human beings are by nature creative and egoistic creatures who fulfil their own needs in cooperation with others (Vissering 1850: 586). Social life is regulated by the interaction between these two principles of human nature: egoism and reciprocity. Both are served by freeing labour. Free labour makes it possible for everyone to pursue his or her own interest *thereby* unknowingly contributing to the interest of all. Hence, while pursuing their own interest people unintentionally fulfil the principle of mutual help (Vissering 1850: 587). Thus, Vissering argues that Dutch government should facilitate the Dutch subject of both interest and exchange and leave the Dutch *homo economicus* alone (cf. Foucault 2008: 270).

Vissering aims at a government through freedom based on the truth that is discovered by political economy. He connects this freedom of labour to a network of other freedoms: freedom of consciousness, freedom of speech and freedom of voice in relation to public matters (Vissering 1850: 588). This freedom is only limited by securing order:

²⁴ It is here that one finds the basic principles of a belief in progress, in the necessity of liberty and free development (in several connected spheres), the primacy of the individual and individual autonomy, the existence of powerful socio-economic laws to be discovered by science, the primacy of self-interest and the assumption that competition and free market are optimum conditions for human improvement and specialisation (Boschloo 1989: 179; cf. Foucault 2007a, 2008).

'every freedom has its natural limits. Free labour does not include the freedom not to labour and the choice to live at the expenses of others. Freedom is limited by obligations and reciprocity. Freedom is limited by order and security of the state, i.e., taxes and abidance to the law. Furthermore, freedom may be limited periodically in times of need. It is the task of science to secure the unlimited development of freedom while at the same time determining its limits.'

(Vissering 1850: 591)

Hence, the text uses the liberal couple of freedom-security to program the government of state, economy and society. This inaugural lecture is a program that aims to secure a balance of *interests*: it is a program that tries to *secure freedom* of both economy and the population of citizens considered as economic subjects and *order* in the state. Moreover, it invokes the invisible hand of Adam Smith and produces a power-knowledge critique of absolute sovereign power and knowledge (cf. Foucault 2008: 274-286).

Both Quarles van Ufford and Vissering “embody” a mutation in Dutch governmentality and they should be placed in the context of the *governmental crisis* of the mid-19th century. Quarles van Ufford argues in favour of the application of the ideas of political economy in the domain of government and Vissering gives a general account how this would look like. The context of these remarks is important. 1848 was a crucial year of governmental crisis and change (cf. Gordon 1991). It is the period of revolt in several European cities such as Berlin, Paris and Vienna (targeting the governmentality proposed by Metternich). Aware of these crises and trying to prevent a revolution in the Netherlands itself the Dutch king Willem II (who ruled from 1840-1849) ordered a group of liberal politicians who were led by the Donker Curtius and Thorbecke to form an advisory committee on a liberal Dutch Constitution.

The changed constitution, mainly written by Thorbecke, was implemented in 1848. It meant the final blow to the Dutch *ancien regime* (Stuurman 1992). It was against this regime that Vissering's public lecture was targeted. In effect, the changed Dutch constitution also changed the rules of the political game and the new elections brought to power persons with different ideas on the regulation of people and events. Far from solving concrete problems, this of course only increased the debate and significance of the problems of government. The pressing questions at that time were: How to govern through freedom, security, rights and utility? What are the problems of our time and how to govern these problems? In sum: how to govern citizens from a liberal governmentality?

To understand how liberalism challenged actually existing government and proposed its own governmentality I have selected some of the major *political programs* written in the period 1848-1901. This period is, according to Stuurman (1992: 364), the most liberal period in the Netherlands. The selected texts all consists of reflections on three issues of intense *problematization* at that time: 1) poverty and the question of social citizenship (paragraph 3.1); 2) democracy and the question of political citizenship (paragraph 3.2), and; 3) penal government and the question of civil rights and civic duties (paragraph 3.3). Together these programs form a complex set of answers on the question how to govern citizens, citizenship and crime from a liberal perspective.

3.1 **Liberal government of poverty**

'Among the central issues of our time stands the issue of poverty and pauperism'

(Boer 1850)

Care for the poor has been an important element in the government of citizens (Dean 1991). The 1854 Poor Law was an important moment in the Dutch government of poverty. It settled a long period of intense debate about poor relief and socio-economic government. This was also needed because of a vague formulation in the 1848 Dutch constitution. Article 195 stated the following: poor relief is of enduring concern for the state and has to be regulated by law. This left the question of the government of poverty and the poor unresolved and even made the problem more acute (Van Reenen 1853: 195). In this context many proposals were written and debated. Not only in parliament, but also in science, in newspapers and at church congregates (Boschloo 1989). This resulted in the 1854 Poor Law. I will first introduce the 1854 Poor Law (3.1.1) and then study a text that comes very close to the new Poor Law (3.1.2). This will be followed by a short paragraph that summarizes the liberal governmentality in the government of poverty and pauperism (3.1.3).

3.1.1 Dutch 1854 Poor Law

The first Dutch Poor Law passed both Chambers of Parliament in 1854.²⁵ It formulated the following principles of government:

1854 Poor Law

art. 20 Poor relief is primarily the task of churches and private institutions.

art. 21 State authorities will not grant poor relief...

art. 22 State authorities will only interfere based on the principle of necessity...

art. 25 Poor relief will consist primarily of food, fuel, clothing, rent and furniture and no amount of money or only a small amount will be given.

(...)

art. 62 Beggars, vagrants and vagabonds will be placed in pauper asylums...

art. 63 The disciplinary regime in these pauper asylums consists of the withholding of the usual food; a lessening of the reward for labour and solitary confinement for a maximum of one week

In the annotation to the Poor Law (Memorie van Toelichting referred to as Van Reenen 1853), Minister of Home Affairs Van Reenen argued that an answer had to be found on the primal question:

²⁵ My data consists of several primary documents such as the Poor Law itself but also the Royal Message and the Annotations accompanying the poor law. These documents are all dated 3 December 1853. However, the law finally passed the First Chamber of Parliament on 26 July 1854. This was announced publicly in a Circular in August 1854 and this message urged everyone involved to implement the Poor Law (Smidt 1942: 242).

'should the law interfere and, if so, how far should the law interfere in matters of religious and private poor relief?'

(Van Reenen 1853: 195)

It is a question about the proper agenda/non-agenda of the state and about the division of responsibility between state and non-state actors. In addition, the Minister of Home Affairs explicated some of the fundamental principles of the 1854 Poor Law:

'no one has a right of public poor relief (...) poor relief is primary a moral and not a civil duty (...)²⁶ everyone may ask for help, but this is limited by the order in the state, otherwise it becomes begging (...) begging is forbidden because it endangers public order and tranquillity in the state and the state has a duty to guard of danger and therefore to police and monitor poverty.'

(Van Reenen 1853: 196, italics original)

The 1854 Poor Law formalized a situation in which the churches and private organisations became the prime *political subjects* dealing with the *practical object* of poverty and the poor. Local authorities were ordered to refrain from intervention and the state was urged to withhold any subsidy for poor relief. The granting of social citizenship rights were seen as improper techniques of government. Local state authorities only interfered when 1) the church or other special institutions of care are unable to deal with the problem, and 2) the problem endangers public order. Begging is forbidden and vagrants should be sentenced to the pauper asylums (workhouses) in Veenhuizen and Ommerschans. Furthermore, people could voluntarily apply to these pauper asylums.²⁷ The aim of the poor law was to expand private and religious poor relief and, in the end, to annihilate state intervention (Smidt 1942).

In terms of governmentality it has been argued that it is primarily based on religious principles (e.g., Smidt 1942). Indeed, one sentence hints at that:

'The spirit of the constitution brings forth the free movement and operation of the church as far as possible. It follows from the religious principle of care that poor relief is one of the central concerns belonging to the church (...) therefore, the law should contribute to a situation of poor relief whereby it is the primary responsibility of the churches.'

(Van Reenen 1853: 195)

However, this is as far as the annotation to the Poor Law goes. It lacks any further rationalization of governing poverty. Another interpretation is that it is primarily based on liberalism and the ideas of political economy (Boschloo 1989). To scrutinize its governmentality we need to try to come as close as

²⁶ 'een zedelijk, geen burgerlijke pligt' (Van Reenen 1853: 195)

²⁷ See Mees (1844: 220-1) about the rationality behind the formulation of voluntary application to a pauper asylum: it legitimates the prohibition of begging for this makes it possible for everyone to turn to a pauper asylum and work for a living; it also gives more freedom for the special caring institutions for denying care to someone because one can be certain that everyone can be taken care of, the last station being the pauper asylum, and no one should die from starvation (e.g., Van Reenen 1853: 202).

possible to the rationality behind the poor law.

I think that it is in the text of Willem Cornelis Mees written in 1844 that we find the specific rationality of the poor law. Here we find the same principles, practical objects and political subjects as the 1854 Poor Law. Hence, the same diagnosis and measures but thoroughly rationalized from the perspective of political economy (cf. Boer 1850).²⁸ The text is interesting because it combines, in a very clear and concise way, several political economic positions. This text is also important because it figures prominently in other documents of that time (cf. Boer 1850) and because it is considered a prime text on the government of poverty in secondary literature (Boschloo 1989). Furthermore, the author of the text, Mees, was not only nationally but also internationally known for his publications. For example, in 1838 he published two books. The first was a history of Dutch banking that was praised by the later Dutch prime minister Pierson as the history of Dutch banking (Pierson 1884: 102). In that same year his dissertation appeared. This dissertation received international fame and was praised by the then famous Savigny (Vissering 1885: 49).

It is in a book that Mees published in 1844 with the title *Workhouses for the Poor Understood from the Perspective of Political Economy* [De Werkinrigtingen voor Armen uit een Staathuishoudkundig oogpunt Beschouwd] that we find a rationality that comes very close to the 1854 Poor Law. This book is an eclectic application of the ideas of Malthus (the principle of population), the principle of capital that comes close to Ricardo, and of Bentham's ideas on pauper management (based on the principle of security, less eligibility and deterrence). It is from this book that we gain understanding how poverty is governed from a liberal perspective: that is, how political economy programs the techniques of governing poverty (*moralization via churches* and deterrence and discipline via the workhouses while *lacking social citizenship rights*) and how it constructs the subjects of government.

3.1.2 Political economy and workhouses for the poor: Mees (1844)

'All attempts to alleviate and repress poverty, whether by special institutes or the state, should be grounded on thorough principles, fostered by the essence of things, prescribed by nature itself. Ignorance and other means to combat evil will fail and eventually lead to the contrary. It is true that the increasing pauperism, where everyone complains about, is caused by ignorance of the principles we developed or its neglect.'

Boer (1850: 409-410)

'Unfortunately no knowledge is so rare as the knowledge when to do nothing. It requires an acquaintance with general principles, a confidence in their truth and a patience of the gradual process by which obstacles are steadily but slowly surmounted, which are among the last acquisitions of political science and experience.'

Mees (1844: 276)

²⁸ My interpretation of the dominant influence of political economy on the Dutch 1854 Poor Law is primarily based on the perspective of governmentality introduced by Foucault (2007a, 2008; cf. Dean 1991) and supported by secondary literature such as Boschloo (1989), Stuurman (1992) and, indirectly and more ambiguously, Smidt (1942).

In 1844 Mees published a book with the title *Workhouses for the Poor Understood from the Perspective of Political Economy*. Studying this text from a governmentality perspective means studying what the text does (e.g., the techniques of power and subjects of government and the division of responsibility). The text does three things.

The first is primarily theoretical. Mees wants to understand poverty, the regulation of the poor, and, more specifically, workhouses for the poor from the perspective of political economy. He aims to understand why so many experiments of poor relief have been tried without ever succeeding and argues that it is from the perspective of political economy that this issue should be studied (Mees 1844: 1-6). The second is related to critique. This can be found on page 129 and in a footnote on page 222-223. Here Mees argues that the actually existing system of poor relief 'is dangerously heading towards a general system of public poor relief by the state' (Mees 1844: 129). Therefore, this book is also a problematization of the actually existing government of poor relief and proposition of a new system of governing the economy and the poor according to the principles of political economy. Thirdly, Mees also wanted to deal with the bitter attacks on political economy. Opponents of political economy argued that its sole advice to government was to "let go" and unleash the automatic forces and checks of the laws discovered to be at work in the economy and society. Hence, it was argued that this would amount to an advice of misery and death (Mees 1844: 10, 32). However, Mees describes how political economy makes other types of intervention possible, for example, *moral interventions* (Mees 1844: 32-36).

The text is primarily based on the work of three masters of political economic thought: Malthus, Ricardo and Bentham. Mees demonstrates how liberal governmentality is a political rationality that corresponds to the lessons of political economy that limits state intervention in the domain of the economy and makes certain interventions (but not solely or primarily by the state) possible in domain of civil society (moralization, pauper asylums and a system of social insecurity that lacks social citizenship rights). This it does, for example, by prescribing a certain conduct of life based on a the image of the subjects of government as homo economicus.

The text is primarily and explicitly based on the work of the political economist Malthus and his *Essay on the Principle of Population*.²⁹ Mees directly brings government into the domain of truth. He argues that Malthus discovered a 'scientific truth' about populations (Mees 1844: 1-43): 'Malthus proved that *populations have a natural tendency to increase, thereby extending the means of existence*' (Mees 1844: 10, italics original). From Malthus Mees derives two general questions: 1) how long does it take for a population to multiply itself? 2) how long does it take for means of existence to increase (Mees 1844: 11, 13). Two mathematical formulas are used to make the two natural laws visible: 1) the geometric sequence (1, 2, 4, 8, 16, etc.) makes the increase of population visible, and 2) the arrhythmic sequence (1, 2, 3, 4, etc.) makes the increase of the means of existence visible. Mees agrees with Malthus that the increase of means of existence is by far outpaced by the increase of population (Mees 1844: 14) and concludes that populations have a natural tendency to increase and extend the means of existence (Mees 1844: 25).³⁰

Mees then asks 'how is a population constrained within the boundaries of the means of existence'

²⁹ This 'Malthusian frame' is in fact a *scientific reformulation* of the famous aphorism formulated by Mirabeau (cf. Foucault 2007a: 71, 82n20). One year later Foucault uses Mirabeau's aphorism to summarize the objectives of political economy: 'Its objective was the simultaneous, correlative, and suitably adjusted growth of population on the one hand, and means of subsistence on the other' (Foucault 2008: 14).

(Mees 1844: 25). There are three natural checks: 1) birth control; 2) death; 3) migration (Mees 1844: 25). Societies are primarily governed by the *automatic starvation* of the lower strata: 'the lower strata are the intolerable ill and rotten parts of society (...) often cut off by death' (Mees 1844: 26). Both misery and wickedness cause the rotten parts of society to be aborted (Mees 1844: 27). Hence, death is the fateful but powerful check on overpopulation (Mees 1844: 28). This is, furthermore, also prevented by fewer births. This demands, however, prudence: 'a virtue that occurs less within the lower strata' (Mees 1844: 28). So, death and birth control are the primary techniques of populations for controlling themselves in relation to the means of existence.

Mees then asks 'what does this principle of population described by political economy mean for the government of poverty and the poor?' (Mees 1844: 29). The principle of population explains the miserable situation of the lower parts, it explains their poverty and illuminates on the necessity of checks. It also allows to criticize the actually existing government of the poor because it is not based on the rationality of natural mechanisms that can be found in society and economy. Hence, Foucault's remarks can be extended in application:

'Political economy revealed the existence of phenomena, processes, and regularities that necessarily occur as a result of intelligible mechanisms. These intelligible and necessary mechanisms may, of course, be impeded by the practices of some form of governmentality. They may be impeded, jammed, or obscured, but they cannot be avoided and it will not be possible to suspend them totally and definitely. In any case, they will force a reappraisal of governmental practice. In other words, political economy does not discover natural rights that exist prior to the exercise of governmentality; it discovers a certain naturalness specific to the practice of government itself. The objects of governmental action have a specific nature.'

(Foucault 2008: 15)

Political economy discovers natural laws and a wise government takes notice of these laws. Hence, liberalism can also be argued to be a certain naturalism (Foucault 2007a, 2008). This is clearly visible in the text. Mees concludes that if a system of poor relief is not based on the science of political economy and the laws of economy and society then it will never terminate poverty because it doesn't understand the root cause. Instead, the current system of poor relief only makes matters worse: it only stimulates a steeper increase of the population in relation to the means of existence. In the end the current system of poor relief will make poverty and misery a general feature of society (Mees 1844: 29-30). Thus, political economy is a critique of the actually existing governmentality and functions as a 'new self-limiting governmental *ratio* [because] governmental practice can only do what is has to do by respecting this nature' (Foucault 2008: 16, it.or.).

30 'de bevolking heeft dus de strekking om in eene zoogenaamd meetkundige reeks voort te gaan, als: 1, 2, 4, 8, 16, enz. (Mees 1844: 13); 'Malthus meende te mogen aannemen, dat onder de gunstigste omstandigheden de middelen van bestaan slechts de strekking hebben om in eene zoogenaamd rekenkundige reeks, als in 1, 2, 3, 4, enz. toe te nemen (Mees 1844: 14). Interestingly, Mees accepts the first (about population) as a social law while he denies it for the second: he argues that the means of existence are so dependable of situational circumstances that it cannot be a natural law and, as such, it cannot be framed in one formula. This, however, does not imply that Mees deviates from Malthus's diagnosis and advice (Mees 1844: 14).

Then something interesting happens in the text (Mees 1844: 32-36). Mees seems to ask himself: *what*, next to doing nothing, *can a government do* in relation to the natural laws of population and subsistence? Mees argues that political economy 'provides also the cure that touches the root cause, and that cure lays in the moral and religious uplifting of the people' (Mees 1844: 33). Thus, Mees adds something to a *governing through the automatic checks of nature* (implying non-intervention with starvation and death as primary techniques of governing overpopulation). This is related to Mees's other concern: rescuing political economy from the severe attacks by its critics. Political economy is rebuked by its critics because it would only lead to an encouragement of misery, despair and immorality (Mees 1844: 32).

Mees targets the (im)morality of the population, the conduct of life of especially the lower labouring classes, as a *practical object* of intervention. The moralization of the lower strata is the most economic intervention (argued to be less costly and the best investment) that will cut both sides: 'it is the best way of extending the means of existence because it increases the skills and morality of the population, while at the same time it is a humanitarian check on the population because it binds to morality' (Mees 1844: 33). Hence, this political economic text is also an advice to do something instead of nothing but in the context of natural laws discovered by science. It is an advice that selects the techniques of moralization and the teaching of prudence based on rational subjectivities.

The primary technique of teaching rationality and morality, according to Mees, is marriage. Hence, marriage is used a primary technique to commit citizens to morality. Marriage urges people to save money and develop labour skills, and 'it makes it both moral and understandable to refrain from procreation if there is no foresight of self-reliance' (Mees 1844: 34-35). So, Mees proposes a *governing through moralization* that governs in relation to the natural laws and is based on the *techniques* of moral restraint and marriage to control births and increase labour skills. The aim of this interventionist moralization is to produce a situation of self-government in relation to the automatic laws discovered by science: if a population exceeds the means of existence it must automatically check itself (see Mees 1844: 34).

Hence, Mees prescribes a certain conduct of life. This is also how Malthus's Essay should be understood: as a prescription of a certain conduct of life targeting specific social categories and, thereby, limiting the responsibilities of the state (Dean 1991: 68). The prescription of a certain conduct is based on the teaching a *worldly asceticism* (Dean 1991: 82). Citizens are themselves responsible for making rational choices because the laws of nature commands an ascetic way of life. This also limits the responsibility of the state. In the end then, poverty is seen as caused by individuals failing to be responsible, rational, prudent and productive citizens. Hence, the positive intervention in the lives of citizens is based on the laws discovered by science and a way of life prescribed by science. As such, these individuals should not be rewarded for their behaviour, but nature should have its course: starvation, death or loss of independence in the workhouse.

From this it also follows why poor relief should not be a social right of citizenship. According to Mees

'It is hazardous to grant poor relief as a right because people will count on that. This would secure the future and produce such a strong incentive for the population to reproduce itself even beyond the means of existence. This will become such a great burden that in the end will defeat even the powers of the richest nation.'

(Mees 1844: 203)

Mees argues that poor relief should not become a right and should not be systematically embedded. One should prevent poor relief from becoming something to be counted on (something calculating subjects do). This would prevent the teaching of the moral lessons and forestall the uplifting of the lower classes (Mees 1844: 201, 203 cf. 228, 236, 246, 249, 274-275). This way, the economic subject and the moral/prudent subject are one and the same (cf. Dean 2010: 136-7).

The classical liberal government of poverty is not based on the guarantee of social rights as part of citizenship but is based on the security of the civil right to sell and contract labour. The liberal government of economy and poverty implies a *responsibilization* of individual citizens to govern themselves as rational and moral units in accordance with the laws of economy and society (cf. Dean 1991: 13). This is why Mees warns against the actually existing government of poverty that comes close to poor relief as a right and argues that it should be abolished. In addition, Mees argues that it is not the state but churches and private initiative that should be the primary *political subjects* governing poverty and the poor. Not only because of their moralizing mission, but poor relief by churches will always remain uncertain because it depends upon compassion (Mees 1844: 203). Because this type of poor relief is always uncertain individuals of the lower strata will not and cannot *count* on this type of relief and are forced to behave rationally and morally (Mees 1844: 203). Hence, instead of a system of social security Mees argues in favour of a system of *social insecurity* as a technique that teaches the virtues of individual responsibility and savings (e.g., to balance between good and bad days, employment and unemployment), discipline and hard work.

Thus far I have reconstructed the text in relation to the question of what the text does in terms of diagnosis of poverty from the perspective of political economy and the ways to deal with that. But what about the technique of the workhouse? His understanding of this question is based on Malthus and Ricardo. From the Malthusian frame Mees concludes that workhouses for the poor are dangerous. Unemployment is understood by Mees as an indicator, a warning sign or signal that the population extends the means of existence. This situation requires prudence, for example, the limitation of luxury, migration, or lesser and later marriages and refraining from procreation (Mees 1844: 236-237).³¹ Labour-schemes take away this warning sign and even stimulate a further increase of the population: the misery of the people is temporarily alleviated and there is no teaching of the virtue of prudence. As a consequence, even a greater problem emerges: more population, more unemployment and more misery (Mees 1844: 238).

His understanding of the workhouses is also related to another master of political economic thought: David Ricardo (Boschloo 1989: 118-9).³² Mees uses his political economic angle of capital, taxation and the free market to argue that workhouses interfere with the natural course of the market while extracting capital (Mees 1844: 44-76). Free competition and free circulation of capital, not interfered with by sovereign intervention and extraction by taxation, will stimulate labour and economic growth and social welfare. When there is a shortage of capital one should use science to improve legislation so to make capital cheaper and secure. Then capital will flow back and will generate labour and prosperity

³¹ This way, Mees understands migration from the perspective of political economy as a rational and prudent response to a problematic situation.

³² Boschloo (1989: 118-9) argues that Mees has been the most pronounced and truthful follower of the English direction of political economy and notices that he definitely works within the frames presented by Malthus and Ricardo although not so much referring to them. With Ackersdijck Mees seems to have derived his ideas on taxation, capital and the free market primarily from Ricardo (Boschloo 1989: 119).

(Mees 1844: 49). In contrast, the technique of the workhouse tries to solve the problem of poverty by distraction of capital and by putting the unemployed poor to work. Hence, the labour-schemes distract capital from the free market and turn the natural course of competition around:

'in the natural course of business, the best and most skilful win the competition. A surplus will remain who cannot find jobs and become poor. However, through labour schemes one turns the natural course around: one secures a sure victory of the unskilled and the worst, while one distracts capital from the better labourers who it would have employed'

(Mees 1844: 51).

In addition, the products created by the labour schemes are more costly or else compete with the products delivered on the free market. They are, therefore, unfair competition that harms the economy (Mees 1844: 55-76, 84).

Based on the laws of capital and a free market Mees proposes the techniques of freedom and competition: 'the strongest incentive of progress is free trade and competition; as soon as one weakens this incentive everything slows and cracks down' (Mees 1844: 82).³³ Thus, the technique of the workhouse is denounced because it takes away the warning signal, distracts capital and obstructs the free market. The cumulated effect is a weakening of the motives in the poor people to behave rationally and productively while at the same time burdening the state and obstructing the economy. Hence, the workhouse only leads to more misery instead of wealth.

However, Mees argues that there are two situations when the technique of the workhouse is useful. Firstly, based on a utility calculation it is argued that it is a useful technique of government when it secures the health of the good labour force. This is only allowed based on the following restrictions: (a) they should be used only temporarily in situations of economic crisis, (b) on a very small scale, and (c) only for the good labourers. Only then they will not interfere with the normal course of the liberated market. Secondly, workhouses are useful as a *disciplinary technique* for the paupers who depend on poor relief and as a *technique of deterrence* for the labouring class (Mees 1844: 125-278). Hence, workhouses are generally unfavourable but in the context of the free economy its use should be limited to keep the good workers fit in times of crisis and, more in general, as technique of deterrence and discipline.

This way, Mees rationalized a system of tough relief by the state in the workhouses of the pauper colonies as a kind of "residue technique" that is embedded in a program that frees the economy and limits state interference in matters of poor relief. This is also where the third master of political economy, Jeremy Bentham, comes in. Mees uses the work of Bentham to advice on the use and organization of the workhouses. This, because Bentham was author of a tractate on pauper management and argued that workhouses are useful in matters of security, morality and public order (Dean 1991). This is how we can understand the rationality behind the 1854 Poor Law in its use of the workhouses in the pauper colonies,

³³ Using a cost and benefits analysis Mees agrees that the liberal program of the free market is accompanied by destruction that has some disadvantages, however, this is outweighed by the advantages (Mees 1844: 82-83). Although the burden of progress befalls on some unfortunates, the best and skilled will win and eventually the balance will restore itself while the future delivers the needs with less sacrifices (Mees 1844: 83).

the rationality behind the prohibition of begging and even the organization of the pauper colonies.

Mees argues that begging must be forbidden and dealt with by the state (political subject) with a sentence to the pauper colony (technique) because of its subversive effects on the labouring class (cf. 1854 Poor Law above). This way the government of begging is aimed at two practical objects: the labouring classes and the paupers. He argues that a tough regimes in the pauper asylum should 1) *deter* the *lower labouring strata* making unproductivity a *less eligible choice*, and 2) the tough conditions and forced labour must *discipline* the *paupers*, thereby enforcing a different mode of conduct (Mees 1844: 179, 188-189, 225). Hence, political economy is about a programming of government in terms of choice and, as described above, a certain conduct of life.

Moreover, economic principles are even used to advice the regime: the pauper asylums should mimic prisons and they must 1) be cheap; 2) have deteriorating conditions so as to deter paupers, and 3) physically and mentally cure the residents (Mees 1844: 188-189). Hence, political economy is an advice of discipline and aims at the construction of a disciplinary infrastructure. The principles of less eligibility and the certainty of law enforcement (both based on rational choice) should also minimize begging and deter the lower classes. It should ensure their participation in the labour market and self-government while the tough conditions and forced labour in the pauper asylums will be a powerful cure for the residents (Mees 1844: 189-191). While Mees concluded that the asylums must mimic prisons, it can be argued that the 1854 Poor Law mimics this political economic rationality.

3.1.3 Governing the economy and poverty from the perspective of political economy

Mees produced a critique of actually existing government because it was not based on the principles of science and therefore argued to be unsuccessful. It discusses government in terms of its effect and its rationality. Mees brought the regulation of state, economy and society in the domain of truth and a specific rationality: political economy. He argues in favour of a governing in accordance to 1) the law of population and means of subsistence (Malthus); 2) the law of capital, taxation and the free market (Ricardo) and 3) security and pauper management (Bentham). His system of government is based on the assumption that progress occurs once government corresponds to the true principles of political economy.

This means a limitation of state government of both economy and society (poverty and the poor). It implies a regime of government based on a form of life and the behaviour of *homo economicus*. He is critical of a government that obscures the spirit of *homo economicus* and of the government of economy through means of prohibition and artificial techniques (e.g., mercantilism: Mees 1844: 66-72). Facilitating competition and setting *homo economicus* free through economic liberalization will increase the means of subsistence. However, Mees acknowledges that even then there are times that a population exceeds the means of subsistence. Then it is rational behaviour to be prudent and limit consumption and procreation. The production of this ascetic way of life is the aim of moralization. Furthermore, this makes poverty something individual (individualization of poverty), the consequence of individual choice and therefore and individual responsibility, not of the state. Poverty is the result of bad choices; irresponsible behaviour and individuals should face the consequences of starvation. One way of putting it is that Mees proposes to *govern through the moralization of labour and the liberation of capital*.

Mees proposes a system of government that is based on the rationality and autonomy of the

citizens. The state should facilitate the free workings of the laws of economy and population through the creation of a legal framework consistent with the principles of political economy. The state should not become a caretaker of the poor but it must secure the natural processes of economy and society. Government should secure the self-government of citizens as rational, autonomous and responsible subjects, and at the same time the state has to be a forceful fist that deters the labouring strata and disciplines the paupers. Poor relief is primarily attributed to the churches.

Hence, only in matters of security the state intervenes to maintain public order. Beggars and vagrants could be sentenced to the pauper asylums in Veenhuizen and Ommerschans where they could be disciplined. In addition, this would deter others and it ensures both their participation in the labour market and their responsibility for members of their own family (cf. Dean 2010: 138). It is only by giving up one's citizenship rights ones liberty and dignity that a person receives state aid (cf. Marshall 1963). It is the rational, independent citizen who is free to contract his labour and responsible for himself and a select group of others that characterizes classical liberal government of poverty as embodied in the 1854 Poor Law and *not the guarantee of social rights as part of citizenship*.

The next paragraph discusses the emergence of political rights in the Netherlands in relation to the democratization of sovereignty.

3.2 Liberal government of sovereignty

'Francois Pierre Guillaume Guizot. – (...) Order in the sense of Guizot was resistance to freedom instead of regulating freedom (...) Guizot's fate is a prime example that preservation is more dangerous than change. He didn't seize the moment to extend citizenship rights and bring the nation to the fore (...) He wanted to maintain order and abused the true principles of governing through representation (...) In France the government and the people have been separated as if they are unrelated by a national bond. But now, suddenly, reform is everywhere. What had been wisdom for years, has become force. The fact that governments align themselves to the citizens is no evil; but whether this force will carry the fruits of wisdom is something to be seen.'

(Thorbecke 7 March 1848)

It is the specific aim of this paragraph to understand the emergence of democracy and political rights in relation to liberal governmentality. Hence I study the 'democratization of sovereignty' (Dean 1999: 113; cf. Dean 2007: 15, 85) in the Netherlands.

Following Foucault it can be said that liberalism and democracy are not necessarily related. In his notes Foucault noticed that constitutions, parliaments and democracy (in addition to freedom of speech and press, investigative commissions and inquires) have been important techniques limiting and transforming power (Foucault 2008: 20-1). Liberal governmentality found in democracy a way or technique to limit the absolute sovereignty of the monarch. In addition, democracy also resonated with liberalism because it relates government to the rationality of the people (Foucault 2008; cf. Dean 1999:

117-23; Dean 2007: 85-6) and because the idea of *transaction* between the governed and the governors resonates with the idea of *exchange* on the market. On the one hand, representative democracy limits the exercise of absolute political power because it relates political power to the freedom and rationality of the governed. On the other hand, it also limits the participation of the governed in the operation of government (Dean 2010: 143-4). The democratization of sovereignty and the development of representative parliament implies both the participation of the governed as well as their exclusion (displaced by elected representatives and bureaucrats) (Dean 2010: 144-5). However, as will be described, another form of exclusion is also relevant.

This paragraph scrutinizes the emergence of democracy and the attribution of political rights in the Netherlands in relation to liberal governmentality and its principal form of knowledge political economy. This is explored by the study of the changes and effect of the 1848 constitution (3.2.1) and a close reading of a text written by the main architect of that constitution: Thorbecke (3.2.2). From a governmentality perspective I think this text does at least four things: 1) it means the democratization of sovereignty based on the existence of powerful socio-political laws discovered by science and to be acknowledged by the wise governor (see also the discussion of Mees and Thorbecke's comments on Guizot quoted above), 2) it implies a transposition of sovereignty from the monarch to the population; 3) it uses the market to tell the truth about the membership and wisdom of a person and his worth of political rights, thereby splitting the population into free, autonomous and rational citizens worthy of political rights and those who are unworthy; 4) it is a program that relates political freedom to the freedom of the market, thereby arguing in favor of fiscal liberation and critiquing the actually existing governmentality.

3.2.1 Dutch 1848 Constitution

The changed 1848 Dutch constitution is based on the idea of universal citizenship (see Thorbecke 1844). Indeed, it meant a change in the attribution of political rights. From this moment government is based on the rationality and freedom of the citizens. However, this was a very "exclusive universalism" (cf. Brubaker 1992). The new situation attributed political rights based on a census, age and gender: after 1848 political rights were attributed to those male persons of age who were prosperous enough to pay a certain amount of taxes. In the period under scrutiny (1848-1888) only 11-12% of the male population above 23 had the right to vote (Daalder 1991: 56) and only the most wealthy and propertied could be elected to the Senate (First Chamber of Parliament). This amounted to 1.000 persons on a total population of 3.000.000 (Daalder 1991: 54-55). The members of parliament (Second Chamber) were chosen directly.

How to understand this birth of Dutch liberal-democracy? How to understand democracy and this specific attribution of political rights from a liberal governmentality? To answer these questions I have selected a speech given by Thorbecke in 1844 to the Royal Amsterdam Institute. Thorbecke was the main architect of the new constitution and its corresponding criteria of selection (rationality and freedom). This speech is argued to be one of the first, best and short treatise of liberalism in Europe (De Wit 1980: 44).

3.2.2 About contemporary citizenship: Thorbecke (1844)

'This century is best characterized politically as the century of citizenship. Citizenship is manifold, however I take citizenship in a specific, superior sense. Citizenship is the right to participate in the exercise of political power or the right to act as an elector of members of such a body at the local, regional or national level.'

(Thorbecke 1844: 84)³⁴

Thorbecke characterized the 19th century in political terms as the century of citizenship (Thorbecke 1844: 84). Thorbecke here speaks of that 'superior aspect of citizenship that is political rights' (Thorbecke 1844: 84). The speech consists of two parts: 1) an analysis of the unstoppable law and progress of political-history, and; 2) an "empirical evaluation" of the current situation in light of this interpretation. He argues that political rights and democracy are the primary movers of his time and the French Revolution discovered this law with a violent force. Hence, a wise governor should understand and govern according to the laws discovered by science.

According to Thorbecke there exists a political-historical law like movement towards both a centralization of power in the state and democracy (self-government or a common participation in political power) (Thorbecke 1844: 85, 89).³⁵ On the one hand the French Revolution was the final station of the drive towards central power by the state. On the other hand, it meant the displacement of the locus of sovereignty from the monarch to the autonomous community (Thorbecke 1844: 85-86).³⁶ This implies a fundamental change in the relation between state and individual citizens.

As a consequence, a mighty state stands in direct relation to the citizen(s) and increasingly claims its citizens, for example to pay taxes and serve in its army. Now every citizen was treated equally by the state and this meant an end to all privileges (Thorbecke 1844: 86). Moreover the state increasingly takes care of the life, safety, prosperity and morality of its citizens (Thorbecke 1844: 86-87). However, Thorbecke also signifies the reverse: 'the more the state became publicly involved, the more the citizen was urged to participate or get involved [and] the more developed the organism, the freer its parts, and the more involved they are in the government of the whole (Thorbecke 1844: 88). Therefore, 'the new, not yet written, constitution should have as its first principle the imagination of a national community that is ordered by the members themselves' (Thorbecke 1844: 88). Hence, the text itself also produces such an image.

34 This quote is taken from a speech with the title 'About Contemporary Citizenship' ['Over het Hedendaagsche Burgerschap']. In Dutch it reads: 'Men kenmerkt politisch onze eeuw, wanneer men haar de staatsburgerlijke eeuw noemt. Staatsburgerschap heeft velerlei, neemt het nu in eenen zeer bepaalden, in den hoogsten zin. Burgerschap zij stemregt in de regering der gemeente, plaatselijke, provinciale of rijksgemeente, waarvan men burger is. Staatsburgerschap, een woord dat onze Grondwet mijdde, zal dan beteekenen medewerking of stemregt, krachtens het lidmaatschap van den Staat, bij de algemeene regering' (Thorbecke 1844: 84).

35 There is a close affinity between Thorbecke and Tocqueville's analysis of *democracy in America* (2011[1835, 1840]). It seems that Thorbecke was well aware of Tocqueville and was influenced by his contemporary in his history of the present; not only was Tocqueville's *Democracy in America* present in the personal library of Thorbecke also some specific formulations or thesis show close affinity (see also Heldring [27-10-]2005).

36 Thorbecke wrote: 'Ik waag twee stellingen in overweging te geven: Vooreerst: dat de revolutie, ten aanzien van den opbouw des Staatsmagt, beginnende waar de oude praktijk had geëindigd, eene lang aangevangen taak volbragt; ten andere: dat deze ontwikkeling van het oppergezag het hedendaagsche Staatsburgerschap noodzakelijk in haar gevolg had'. He illustrated this by an historical account of the development of local power and feudal society into the absolute state power of Lodewijk IV whereby no political rights were attributed to others than the king. According to a dialectical interpretation of Thorbecke, this development was unnatural (following Montesquieu's degenerative analysis of political systems) and necessarily led to a reaction which was the French revolution. As an teleological and evolutionary thinker, Thorbecke then seems to be arguing that these two events eventually led to the right and natural course of history: self-government (cf. Thorbecke 1844: 85-89).

Thus, Thorbecke assumes the existence of an autonomous community capable of self-government. One of the prime consequences of this is related to the question of *political subjectivity*: the locus of sovereignty is transposed from the sovereign monarch to the community, a community of autonomous individuals (cf. Hindess 1993). However, now that the locus of sovereignty has been transposed from the monarch to the political community it is not anymore the wisdom of the prince but the wisdom of the citizens that becomes important. I think that this is the key to understand the following question:

'although we see the image of a self-governing national community looming, the road ahead is uncertain and disclosed. (...) Is it more than a dream of a Platonic Community? Is it possible for a majority to rule? Are wisdom and skill not the attributes of the few? (...) Should it not be aristocratic rule instead of democratic government?'

(Thorbecke 1844: 88-9)

What Thorbecke asks here is the question of the wisdom and the characteristics of political citizens. So, the text is characterized by a fundamental "ontological ambiguity": on the one hand it assumes the existence of a sovereign autonomous community, a community that consists of autonomous people capable of self-government, and on the other hand, there is also a hesitation about the matter of existence of such a community of autonomous individuals (Hindess 1993). It is this paradox that is productive in relocating sovereignty from the monarch to the national community (assuming the existence of a self-regulating community) and to differentiate within that community between political citizens and non-political citizens (assuming the existence of only a small fraction of the national community capable of self-government).

This leads to the second part. Here, Thorbecke evaluated the current system in 1844 and noticed that it only attributes political rights to a small proportion of the people. From his previous historical analysis he concludes that this goes against the powerful law of political-history. But he then does something very important. He invents a *liberal apologia* that 1) deals at once with the natural course of history towards democracy and the self-governing community, and 2) legitimates a situation that limits political rights to a small part of the male population. Thorbecke argues that from a liberal-democratic position the present political situation of limited political rights would be right when

'Political rights are attributed to male individuals of age who are in full possession of their civil rights and civic honor. Only those people are excluded whose situation of freedom of judgment is (temporarily) disturbed because of their personal characteristics. Such a law would not be incompatible with the spirit of its time.'

(Thorbecke 1844: 92-93)

Thorbecke argues that the attribution of political rights must be based on rationality, autonomy and freedom. Those who are productive members of Dutch society are seen as true members. Hence, this text invents the proper subjects of democratic government. This is based on the ideal of the free, rational, productive citizen and a free, rational and productive society (Stuurman 1992). The *dividing practice* is based on the liberal way of life (Hindess 1993: 301; see also above on the prescription of the liberal

way of life in the domain of poverty). This way government is regulated by the principle of universal citizenship and linked to the rationality of the citizens. Freedom and rationality are used to limit membership of the state (political community) and to attribute political rights (Thorbecke 1844: 93).

The question then becomes a very practical one: how to determine rationality and freedom? He argues that the capacities of freedom and rationality of the current population can be determined by property and a census (Thorbecke 1844: 93). Hence, it is the market that becomes the locus of truth: the market tells the truth about the political membership of the citizen. According to Thorbecke 'the majority of the people are not ready for full application of the system' (Thorbecke 1844: 93). This means that, firstly, the dependent poor are excluded because they have lost their civil rights and civic honor:

'He who is not self-sufficient depends on others. His perspective is limited only to his practical needs and he is not able to deal with public affairs. Political rights are based on the assumption of autonomy. How is he, who is not free, who has no possessions, able to govern? Therefore, the law denies political rights to those who miss the necessary freedom while it is at the same time faithful to the principle of universal citizenship.'

(Thorbecke 1844: 93)

This way the market tells the truth about a persons' rationality. A certain amount of property and income are understood as signs of autonomy and rationality. Property and income depend upon an individual's capacity to operate on a neutral market and his rationality can be measured by the "neutral" medium of money (Stuurman 1992: 368). This way, the market and the class position of an individual tells the truth about a persons' rationality, about his capacity to govern himself and others. In addition, only male citizens are included as rational citizens. It becomes clear that liberalism does not mean the end of patriarchy: only male persons of age can be understood as rational and free persons. Therefore, following Dean this is also a very *patriarchal liberal governmentality* (Dean 1991).

However, Thorbecke is not finished. He continues to argue that this system of limiting political rights based on the truth of the market and rationality of male citizens is only allowed in the situation of a free economy. The class of property-owners and, therefore, the political class may not be closed off. If property is closed off this in effect limits political rights to only one class. Then the new system is the same as the old system where political rights are based on status (Thorbecke 1844: 94). Property would then acquire the status of privilege. This would go against the principle of universal political rights and interfere with the natural course of history. This could only lead to a violent rupture. It must be possible for every male citizen to reach the criteria and acquire political rights.

Thus, here, at the end of his text, Thorbecke criticizes the then current juridical-economic order because it is not based on the ideas of the free market, because there is no free competition and no free entrance of people to property and ownership. Moreover, as with Vissering above, there is a circular relation between different forms of freedom/rights. Civic freedom and civil rights are needed because the lack thereof conflicts with the development of political freedom and the necessary historical-evolution of universal political rights. Hence, at the end of the text Thorbecke criticizes the Dutch situation or the wrong agenda/non-agenda of government at that time: the present state was involved in matters of religion, science and

economy while it only had to facilitate freedom and allow the laws of politics and economy (cf. De Wit 1980: 89, 100-7). This is why this text is both a critique and program of liberal government.

3.2.3 Democratization of sovereignty, political citizenship and freeing the market

From a governmentality perspective Thorbecke's speech can be understood as a critique and program of government at once. This speech discovers a fundamental political law and invents a democratic society based on a community of autonomous and rational citizens. Therefore, Foucault's remarks on liberal governmentality and its relation to fundamental laws discovered by science is not only limited to "economic laws" but also to "political laws". Furthermore, this text also divides the invented democratic community based on rationality. This rationality is *verified* by the market while using the techniques of the census. In addition, Thorbecke proposes a program of economic reform based on freedom and liberalization.

Thorbecke not only transposes sovereignty to the Dutch people, he also links political rights to civil rights and he relates political freedom and democracy to the free market (cf. De Wit 1980: 135). So, after reformulating the political subject (the political community) based on the principle of universal citizenship (political rights), this text also formulates a practical program of action that consisted of a program of the free market and invents as an apologia the technique of the census as a measure of freedom and rationality. This is how we may understand the democratization of sovereignty and the post-1848 situation whereby government is based on a self-regulating community of rational citizens, a situation where political rights are attributed to those who were prosperous enough to pay a certain amount of tax and a situation of limited government based on a free market program.

3.3 Liberal government of the penal field

'(...) when the problem of reform of penal law is taken up at the end of the eighteenth century the question posed by reformers really was a question of political economy, in the sense that it involved an economic analysis or at any rate an economic style of reflection on politics or the exercise of power. It was a matter of using economic calculation, or at any rate of appealing to an economic logic and rationality to criticize the operation of penal justice as it could be observed (...)'

(Foucault 2008: 248)

'The abolishment of both enforced labour, denial of rights (degradation civique), corporal punishment and lately also death penalty already demolished the penal system that was based on the French Code that spoiled with threat of dishonourable punishments and denied moral improvement by punishment.'

(Smidt 1891: 7)

The aim of this paragraph is to understand the transformation of the Dutch penal field in the period

1848-1886. This period witnessed the gradual “liberalization” of the penal field that culminated in the Dutch Penal Code in 1886. Before 1848 the penal field was governed by the French Code Pénal and its corresponding rationality and *techniques*. The primary penal *techniques* were death penalty, exile, physical punishment, enforced labour and communal imprisonment.³⁷ It was introduced during the French occupation and maintained by King Willem I and the Minister of Justice Van Maanen who dominated the penal field for almost thirty years withholding any change of the field (Bosch 1965: 35; Franke 1990: 133, 145).

However, there was a permanent *problematization* of this actually existing regulation of the penal field. The major two *problematizations* were 1) the *techniques* of punishment (e.g., death penalty, corporal punishment or imprisonment as favourable techniques of punishment), and 2) the *aims* of punishment (e.g., retribution, deterrence or corrective improvement) (Pompe 1956: 227, 300, 308). In 1854 imprisonment (solitary confinement) supplanted corporal punishment as the main technique of punishment. Furthermore, the last execution on Dutch European soil took place in 1861 and death penalty was abolished in 1870 (Smidt 1891; Bonger 1933: 260; see for a critical account of the abolition of Dutch death penalty: Peters 1986). In that same year, a state committee (De Wal Committee) was formed that aimed to arrive at a genuine Dutch Penal Code which had to surpass the 1810/1811 Code Pénal (Bosch 1965). In 1886 a genuine Dutch Penal Code was passed through both chambers of parliament (Smidt 1891). Imprisonment became the primary *technique* of punishment (with a regime of cellular confinement and temporary and life sentences; completed by monetary fines). In relation to the objectives of punishment there was a “technical chronology”: 1) retribution, 2) deterrence and 3) individual reform.

This paragraph studies the transformation of the Dutch penal field. Following Foucault I will argue that this based on the translation of the ideas of political economy in the penal domain. I will describe how an economic rationality influenced the problematization of the dominant regulation of the penal field and proposed a government with its own techniques, objectives and relations between state, market and citizens. This I will do by analysing two documents that together span this time: 1) a document written in 1849 by Donker Curtius, and 2) the 1880-6 Dutch Penal Code.

3.3.1 Securing order by a rational and free people worthy of freedom: Donker Curtius (1849)

Donker Curtius was one of the leaders of the liberal movement in the 1830s-1840s (Stuurman 1992). After the constitutional changes and the new elections Donker Curtius became Minister of Justice. Dated January 10, 1849 Dutch Minister of Justice Donker Curtius disseminated his ideas how to govern crime from a liberal perspective. This he did in a secret document that he sent to all the magistrates, municipalities and the police. I think that this short text can be regarded as a clear and concise response to this question of order and is perhaps one of the earliest official manifestations in the Netherlands of

³⁷ The French Code Pénal is a hybrid code (Bosch 1965: 33-34). In contrast to the earlier 1791 Code Pénal (embedded in the ideas of the French revolution of Enlightened optimism about the ‘correctability’ of man), the 1810/1811 Code Pénal was primarily based on the idea that recidivist and monsters were impossible to correct, had lost their membership of society and therefore lost the rule and protection of the ‘social contract’ (Van Ruller & Faber 1995). Based on a war model, therefore, severe measures, such as death penalty, exile, physical punishment, and enforced labour were legitimated (Van Ruller & Faber 1995: 9-10). However, several authors remark that the *actual existing Dutch penal code* (how it worked in practice) was transformed by Dutch practitioners (e.g., the magistrates) into a more mild system than its tough formulation as a law (e.g., Peters 1986; Van Ruller & Faber 1995).

³⁸ I take this text to be of more importance than Van Ruller & Faber (1995: 13-16) who I owe because they discovered and reprinted this text. I will refer to this document as: Donker Curtius 1849.

the liberal transformation of the penal field.³⁸ This text is a nice illustration of the rationality Foucault associates with liberal governmentality and economic government (cf. Foucault 2008: 248). It makes a threefold operationalization: 1) a limited, *effective and repressive state* apparatus aiming at securing order and freedom; 2) *prudent and rational citizens* cooperating with the state to maintain order and showing worthy of freedom, 3) the *class of the poor*, who are regarded as free and rational individuals capable of self-regulation, who have to be paid with punishment for wrongful deeds and have to be deterred from making wrong calculations in the future.

The opening sentence of this text explicitly refers to the events of 1848: 'The Dutch have entered a new era. An era in which the citizens/bourgeois have been entitled Representatives of the Dutch Nation' (Donker Curtius 1849). After the new liberal government was installed a prime question was: how to secure order and regulate crime from a liberal perspective? This explains the title: 'Securing order by a rational and free people worthy of freedom'. Donker Curtius starts with arguing that the social base of society consists of the security of life and property. Therefore the objective of government is to secure the social base of society and protect life and property. This will lead to an increase of wealth. The primary *political subject* that is constructed in the text is the state. However, intervention by the state is limited to infringements of the law. Hence, this text produces a state limited to repression and governed by the law. Moreover, the text primarily constructs one class as its *practical object*: the poor. Donker Curtius argues that it is the poor who have to be imprinted with the truth that security of property and life is crucial for societies progress and that this is even in their own interest. As such, liberal penalty is also a kind of class justice (cf. Peters 1986).

Donker Curtius argues that a certain but proportional response has to follow once a crime has been committed. Hence, the repressive state has to be an effective penal state. Punishment has to be something of a just measured desert to be calculated and balanced between proportionality, deterrence and retribution. This way punishment becomes a technique to pay someone for his wrong calculations (i.e., technique of retribution), and it becomes something to be counted on thereby influencing future calculations (i.e., technique of deterrence). Here, Donker Curtius invents the liberal subject of calculation.

Hence, the text does more. It produces an image of the Dutch nation and of citizens who are regarded as free and rational individuals. Moreover, it is related to a specific conceptualization of the relation between state, economy and (fragments of) society. The limitation of the state to repression, for example, has broader implications. Freedom is argued to be the product of a free market, a limited but watchful state and prudent rational citizens worthy of their freedom. Hence, the state should neither interfere with the market nor become a caretaker of the poor (see also 3.1). Thus, indirectly it is a text that programs the specific relations between state-economy-society.

Furthermore, the text explicates how order and freedom can be secured based on the lowest cost and maximum effect possible. State agencies should cooperate with citizens to produce a situation of transparency. This text is about the construction of a transparent repressive machine. Donker Curtius urges citizens to cooperate and defend order, which is argued to be the civic duty of 'good citizenship'. This means a responsabilization and active involvement of citizens in penal government. This can be interpreted as a revival of an old legal tradition: the shared responsibility of crime fighting (Van Ruller & Faber 1995: 16). However, this can also be understood as a 'transposition' of a technique from

one strategy to another (cf. Foucault 1980). The technique now operates in a different configuration of techniques, programs and rationality than before. In the 1850s it figures in a regime that aims at repression (today it figures as a technique of both prevention and repression).³⁹ Here, good citizenship is used as a technique of economic government. Donker Curtius argues that citizens and state agencies must create a situation of transparency that automatically responds to violations. Hence, *underlying this text is the idea of an effective, repressive, panoptic machine that operates with low costs and especially targets the poor-class*. That is how a rational and free people worthy of freedom secures order.

3.3.2 1886 Dutch Penal Code

'I accepted my position at the university in 1880 and felt no need to explicate the principles and direction of my juridical practice and teaching of criminal law. I felt it was unnecessary because the direction was common and followed by all the practitioners at that time. (...) It was generally assumed that the struggle that began in the second half of the 18th century had led to a definite victory of modern criminal law (...) This revolution found its moment of rest in our new penal code (...) There was a general consensus about and this further proved that there were no fundamental disagreement about the direction.'

(Pols 1894:2-3)

The preparatory work for the 1886 Penal Code was done by the De Wal state committee (1870-1875). It consisted of seven prominent legal scholars: 'all members of the committee were liberal minded (...) all were proponents of the classical school of juridical thought' (Bosch 1965: 54). According to Criminal Law Professor Pols in 1894 this kind of thinking was common in the 1880s and also regulating the 1886 penal law (Pols 1894). The De Wal committee was committed to the liberal idea of limited government: 'one has to be precautious with an overzealous government' (Manneke 1993: 18). As such, it is committed to the liberal principle that one always risks governing too much (Foucault 2008: 28). The president of the De Wal Committee argued that the 'attribution of crimes is based on the free will of the criminal' (De Wal in Pompe 1956: 283-284). Moreover, it was Modderman, one of the members of the De Wal committee, who became Minister of Justice and introduced and defended the new penal law in parliament.⁴⁰

The 1886 Dutch Penal Code is based on the doctrine of free will (Bonger 1933). This means that crime was seen as an act that is wilfully chosen and calculated by an *economic subject*. Hence, also in this formal document it is the figure of "homo economicus" that dominates reflections on government. Like payment for work, punishment was seen as a just desert, a deserved payment: 'punishment is nothing less than a *deserved* evil, the payment for a *committed* evil' (Pols 1894: 5, italics original). People are

³⁹ In chapter 5 we will see how 'responsibilization' is used at the end of the 20th century in another way. Then it is no more responsibilization as only a way of fighting crime but responsibilization as a technique of preventing crime by urging people to take responsibility for crime prevention in a facilitative way (facilitative responsibilization) and by producing citizens who are ready to take responsibility and prevent crime (repressive responsibilization).

⁴⁰ Already in 1854 Modderman had *criticized* the Dutch Code Pénal as 'being an unscientific and draconian piece of legislation, a disgrace for a civilization and an ignorance of both the interest of state and the citizens' (Modderman 1854 in Pompe 1956: 291).

⁴¹ This is a fundamental assumption about human nature that is based on voluntarism. Only a small amount of the population is seen as non-rational (Young 1981: 3). This will be the main debate between classicism and positivism which is a debate about voluntarism and determinism. According to positivist criminology people are determined either genetically or environmentally. From a minor part of the population, here, determinism is stretched to encompass all the population; some to be corrected, others seen as uncorrectable and definite danger (see chapter 4).

argued to be governed by self-interest. It is the fundamental assumption that (in most cases) people act rationally and are responsible for their actions (Van der Meij 1904:14-15; cf. Garland 1985 14-5).⁴¹ There was only one minor exception to this rule: art. 37 of the 1886 Penal Code stated that crime cannot and will not be attributed in case of insanity (Van der Meij 1904: 50). Hence, rationality/insanity is the dividing *technique* of the population to distinguish between the rational majority and the insane minority.

The penal code introduced the *technique* of cellular imprisonment as its cornerstone (complemented by the monetary fine: Bonger 1933: 261). There is no more use of the *techniques* of corporal and capital punishment and no banishment or dishonouring punishments (Smidt 1891: 148 ff.). This implies a refocus of techniques of power from the body to the two principles of political economy: money and freedom. An important reason for introducing only two primal sentences is that it makes comparison and calculation possible (Smidt 1891: 149). Hence, it is based on rational grounds. This was demanded by the need for proportionate punishment. The first five years of imprisonment would take place in absolute solitude with no communication with other inmates, including forced labour in the cells but no special investments in education (Smidt 1891: 226 ff.; Bonger 1933: 262).

Solitary cellular confinement is a message of individual responsibility (Garland 1985: 17). Hence, the basic message is self-reliance and individual responsibility. The prisoner himself is responsible for his own transformation. Only the cellular architecture, a regime of total government and visits from philanthropic and church organisations were to facilitate the offender to look inside and let reason prevail (Foucault 1977; Garland 1985; cf. Goffman 1961). The 1886 Penal Code is based on the idea that the state is not a kind of guardian who takes care of the prisoner or makes special investments in what will later be called 'resocialisation' other than allowing private initiative. It is also a message of formal equality because there is no "individualization" in treatment. This means that no difference is made in treatment and everyone is treated equally. This is a 'formal equality' instead of a 'substantial equality' that would take material inequality into account and would give the state the role of caretaker (Young 1981).

Moving to the parliamentary debates I think another important element becomes clear: the concept of interest. Not only self-interest pointing towards the idea of *homo economicus* as the penal image of man, but there is also an image of *governing as a balancing of interests*. Foucault makes clear that it is this concept of interest (instead of a civilizing process) that indicates the change towards liberal governmentality and he explicitly refers to the changes in the penal system (Foucault 2008: 45-7). This mentality based on interest becomes clear in the parliamentary debates (see Smidt 1891), for instance, when Modderman argues that the previous Code Pénal sacrifices the individual in the interest of society. In contrast, the new penal code tries to balance the interests of both society and the individual (Modderman 1881 in Smidt 1891: 30).

Modderman distinguished between three penal theories. The first theory is the theory of deterrence: threatening with or actually delivering punishment. According to Modderman, this theory is focused solely on the interest of society while sacrificing the individual. The second theory is based on individual reform. Modderman argues that this theory focuses on the interest of the individual while the interest of society only comes second. The third theory is 'the theory that constitutes this Penal Code and foregrounds the *interest* of society but doesn't do away with the *interest* of the individual' (Modderman 1880 in Smidt 1891: 153, italics FvH). Hence, Modderman uses the concept of interest and balance to come up with a new system of penal regulation. Following Foucault, I think that we

must be careful not to understand this (primarily) as a change of cultural sensitivity towards a milder humanitarian stance or a civilizing process (cf. Franke 1990) but from a governmentality perspective it is the insertion of interest and a change in rationality that explains these changes (Foucault 2008: 46).

The new law was ready in 1881 and went into effect in 1886 (Smidt 1891; Bonger 1933: 260). The delay was primarily caused by the need to construct the new cellular prisons (four new cellular prisons had to be constructed and one existing building was to be transformed; the costs were calculated at about 3 million guilders) and the other entire cellular infrastructure such as cellular train-wagons and other forms of transport (Franke 1990: 148, 150; Smidt 1891: 199). Based on this and the suggestions provided by others (see chapter 2) I will now reconstruct the liberal government of the penal field based on the triangle of *power-knowledge-subject*.

3.3.3 The liberal program transforming the government of the penal field

The 1886 penal code is embedded in a new rationality of government and a product of legal-specialists who were affiliated with a special knowledge: classical criminology or the *classical school of legal theory* (Pompe 1928; Bonger 1933; Peters 1986; Franke 1990; Pasquino 1991: 235; cf. Young 1981; Garland 1985). The *classical school of legal theory* is the liberal penal program that from the second half of the 18th century successfully reformed the legal systems of Europe (Radzinowicz 1965). This is related to the upcoming bourgeoisie and embedded in ideas of the free market and minimal state (cf. Garland 1985; Peters 1986; Focqué & 't Hart 1990). The classical school of juridical thought *translated the ideas of political economy into the penal domain* (Young 1981; Garland 1985; cf. Foucault 2008).

Early figures of classical legal theorist are Beccaria (Italy), Anselm Feuerbach (Germany) and Jeremy Bentham (England) (Foucault 2007a; Pasquino 1991: 240-241). There is a 'double historical move of classical legal theory' (Pasquino 1991: 237). On the one hand, limiting the power of the state, and on the other hand, defending social order:

'In classical theory, penal justice is constructed around a triangle formed by law, crime and punishment: The relation between these three terms are defined in three canonical formulae: nulla poena sine lege; nulla poena sine crimine; nullum crimen sine poena legale: no punishment except on the basis of existing law – an act is punishable only if it violates the law; no punishment without a crime – the existence of a criminal act must be proved; and lastly, a crime consists simply in an infraction defined by law.'

(Pasquino 1991: 237, italics original)

The central place accorded to the law resonates with the idea of economic government and limited state interference. According to Foucault it is the law that resonates with liberal government because it limits government: 1) no crime without law; 2) punishments are fixated and determined in laws; 3) the severity of punishment is related to the severity of the crime; 4) the judge only has only to apply the law which protects against arbitrariness. The law is reasoned to be a simple, economic and effective mechanism to react on behavior that is determined to be harmful to society. Thus the use of law itself is reasoned to be economic government (Foucault 2008: 249).

The liberal penal image of man is a *complex* one (Pompe 1928). It is a Janus-faced image. On the one hand it is the image of the 'citoyen' regarded as *homo legalis*: the man of the French revolution who is a free and sovereign individual claiming political rights against governmental interference. On the other hand it is the image of the 'bourgeois' regarded as the man of business or *homo economicus*: the image of man as a rational and calculating agent (Pompe 1928; cf. Pompe 1957). This complex image of man is based on the two concepts of freedom that were used to limit state intervention: right and utility (Foucault 2008: 27-50).

Foucault remarks that the fundamental question that the penal reformers had to answer was: if there is a need to limit state intervention, what is corresponding public law? (cf. Foucault 2008: 38). The reformers came up with two answers to this question based on a different conception of freedom and two different subjects (Foucault 2008: 27-50). The first liberal solution is based on the revolutionary or juridical-deductive conception of freedom. Here freedom appears as an individual and unalienable right against sovereign power. This is connected to the oppositional legal discourse of *raison d'État* of the 17th century (see chapter 2). It is the freedom that is based on the conception of the subject of right (Foucault 2008: 39; cf. Foucault 2008: 273-6). The second liberal solution is based on a conception of freedom as the independence of the governed versus governors and government. It is the utilitarian empirical conception of freedom. It is the freedom that is based on the *subject of interest* or *homo economicus*. Moreover, the dominance of the latter is mirrored in the importance of *homo economicus*, the independent subject of interest, in liberal penal theory (Young 1981; Garland 1985; Pasquino 1991).⁴²

Homo penalis, the Janus-faced citizen who can be legally punished, is in fact *homo economicus* (Foucault 2008: 249). Liberal penal mentality is primarily reduced to the image of citizens as free, responsible and rational and crime is argued to be an individual choice (Garland 1985: 17). The fundamental assumption is that human beings are governed by self-interest. Behaviour is calculated based on a pleasure/pain or cost/reward continuum (Pompe 1928: 12; cf. Young 1981; Foucault 2008: 272). Crime is understood as a wilful violation of the law committed because of a calculated gain in terms of pleasure or reward (Young 1981).

So, there is also no need of a *special knowledge* because crime can be explained by a *general knowledge* ('a general anthropology'): actions are to be explained according to the general logic of political economy (Pasquino 1991: 237; cf. Foucault 2008: 248-9). Therefore classical legal theory doesn't ask that pivotal question later asked by positivist criminology ('who are you?') to a criminal (Foucault 2008: 34-5) because it already knows who he is: a *homo economicus* (Foucault 2008: 249; cf. Garland 1985: 15). It is from the perspective of the 'orderly civil society' that crime must be treated as an erroneous calculation and that criminal deeds should be punished (Garland 1985: 17-18). Retribution should annihilate the utility aspect and deterrence should deal with future calculations.

Hence, with political economy and the corresponding economic style of reasoning the regulation of crime and the penal field changed immensely in the 19th century (Foucault 2008: 248). This change not only occurred in the Netherlands. Referring to Victorian England, Garland argues that

⁴² Both images have in common the following elements: autonomy, self-sustenance, individual freedom, and a stress on formal equality (Pompe 1928: 13). However, both images of the citizen have a totally different relation with power (Foucault 2008: 273-5). The complex image of man is often reduced to the simplex image of *homo economicus*. According to Foucault it is the first conception of freedom (subject of right) that is often eclipsed by the second (*homo economicus*). However, Foucault acknowledges that both systems can also be thought together; this is what Foucault means while opposing the strategic logic to the logic of dialectics. Foucault also remarks, however, that sometimes the freedom-as-a-right discourse gains force (Foucault 2008: 41-2).

'The prison, penal law and the judicial process of this period effectively transferred the concepts of economic liberalism into the realm of punishment. In direct replication and support of broader ideologies, their practices combined to constitute the offender as an individual subject, the carrier of responsibility, reason and liberty.'

(Garland 1985: 17-18)

Classical legal theory and the government of the penal field are embedded in the liberal rationality of a minimal but effective state, the free market and the subject of interest. This is how the liberal government of the penal field corresponds to the transformations that occurred in other fields of administration, such as poverty and the democratization of sovereignty.

Conclusion and discussion

This chapter studied the liberal government of citizens in the period 1848-1900. This period can be considered as the most liberal period in Dutch government (Boschloo 1989; Stuurman 1992; Van Doorn 1996). From a governmentality perspective I have tried to understand how citizens are governed by liberalism: how is power limited and reconfigured, how does political economy dominate in reflections on government, what types of subjects were invented, how are the relations between state-economy-society programmed and what is the role of citizenship?

This period witnessed the production of what can be called a "control predicament" in relation to poverty and pauperism, in terms of sovereignty and political government and in relation to the government of crime and public order. I searched for major ruptures in actually existing government that I found in official laws and documents. These laws were often accompanied by major debates and struggles. I selected texts that clarified in a concise way the governmentality that came closest to the new practices of government. All the texts criticized in their own way the previously way of governing citizens because, so it was argued, it was not based on scientific truth (political economy) and limitation (hence, economic government in the strict and broad sense).

From a governmentality perspective all the texts can be understood as indicating a 'specific rationalization of government' in terms of the specific truth regime of science: political economy. With political economy as primary discourse of truth a homology in terms of practical objects, political subjects and techniques in government was produced. Out of all the texts a mentality of government emerges that is based on a limited but effective and rational state, a free economy regulated by the fundamental laws of economy and a free and rational people governed by self-interest and the laws of population, means of existence and capital. The domains of state, economy and society are primarily inhabited by economic subjects. This was not only present in the text by Mees that primarily dealt with the issue of political economy and poverty and argued against social citizenship rights but also in the texts by Thorbecke who limited political citizenship to those who are rational and productive citizens but also in the texts on penal government with the primary image of the homo economicus as the rational subject who contributed to the creation of a transparent and repressive machine or had to be influenced in his calculation to commit crime.

Moreover, all texts argue in favor of a liberal way of life. If this conduct was argued to be lacking it

had to be taught through moralization. This implies the teaching of a general form of life that is based on the idea of individual responsibility, rationality and virtuous human beings. The liberal conduct of life is based on industry (wage labour), independence (from relief), frugality (in the sphere of state intervention) prudence (moral restraint), foresight (savings) and a private sphere of full responsibility (Dean 1991: 154).

Table 3.1 aims to summarize the singularity of liberal governmentality.

Table 3.1 Homologies in the government of state, economy and society

	Poverty	Democracy	Penalty
Formal laws	1854 Poor Law	1848 Constitution	1886 Penal Code
Primary data	Mees (1844) Vissering (1850) Parliamentary debates	Thorbecke (1844) Parliamentary debates	Donker Curtius (1849) De Wal Committee (1870-5) Parliamentary debates
Primary knowledge	Political Economy	Political Economy	Political Economy
Primary subjects of government	Homo economicus (also a prudential subject)	Homo economicus (also a political subject)	Homo economicus Subject of right
Practical object	Poverty and pauperism in the context of a free economy and limited state	Democratization of sovereignty in the context of a free economy	Securing order and governing crime in the context of a free economy and limited state that targets the poor
Political subject (responsible)	Self-governing economy; Self-governing society (private initiative of churches); Limited (repressive) state	Self-governing political community	Limited and effective state linked to free and rational citizens
Citizenship	Lack of social rights	Political rights	Civil rights Civic duty
Techniques	Moralization Deterrence Discipline Social insecurity (lack of social rights)	Census	Imprisonment Fines

However, this also leads to a discussion. The governmentality perspective is also sensitive to struggle between opposing governmental rationalities that can be formulated internally (for example “within” the field of political economy) or externally (for example “outside” the knowledge of political economy) (see chapter 2). Therefore, I think I have to answer at least two questions. First, was there no internal debate within the field of political economy itself (cf. Procacci 1991)? I think this question can be answered as follows. Although there were some minor debates and of course differences between

different authors, Dutch political economy was dominated by economic or *laissez-faire* liberalism and this lasted until the end of the 19th century (Boschloo 1989; see Table 3.2).

Table 3.2 Mapping 19th century field of economic thought: the dominant schools in different periods⁴³

	1800	1840	1880
Economic Patriotism*	Van Hogendorp Tydeman		
Economic Liberals (Laissez-faire)**		Thorbecke Vissering Sloet tot Oldhuis De Bosch Kemper Mees Ackersdijck Wttewaal	
Social-Liberals (Historical School) ***			Van Rees Levy Goeman Borgesius Pekelharing De Jong van Beek en Donk

*) Van Hogendorp and Tydeman introduced political economy in the Netherlands. Tydeman was in favor of a more interventionist agenda for the state, for example a state regulated system of poor relief and labor-schemes.

**) The Liberal Economists were dominant in the period 1848-1878, a period that is spanned by Vissering (who spoke of liberty as the primary principle of political economy: see above), who chaired the most influential chair in political economy at Leiden University (in the period 1850-1878) and was appointed by Thorbecke to consolidate the liberalism-politics-science (cf. Boschloo 1989: 37). Two economic liberal schools can be distinguished: a more optimistic "French School" inspired by Bastiat and Say and based on the idea that freeing the economy will lead to progress and eliminate all problems and the dominant and more pessimist "English School" inspired by Malthus and Ricardo (Mees, see paragraph 3.1, was part of this group).

***) The *Historical School* or the *School of Social Liberals* became influential at the end of the 19th century. They opposed the natural law-like socio-economic regulation of society and introduced time and space dependency. They argued in favor of a thicker agenda of state intervention because of the failure of the *laissez-faire* inspired programs to provide progress and alleviate poverty through a free market economy and church poor relief. They opposed classical liberal programs of government and disqualified economic liberalism as 'vulgar liberalism'.

Economic liberalism and the key concepts of freedom, self-interest, competition and progress dominated the fields of the university, the field of politics and, as this study suggests also influenced the dominant governmentality. This has been explained by, for example, the Dutch demographic composition and its lack of higher nobility and the increasing strength of the bourgeoisie who were affiliated with the ideas of economic liberalism (Stuurman 1992). Furthermore, all state government governors were a kind of state nobility educated by the universities in the principles of economic liberalism (Boschloo 1989). Moreover, economists were very active with informing their publics and spreading their ideas (Boschloo 1989). In a sense, it was a "public economy". The rationalization of government according to the principles of political economy was argued to be the source of economic progress and freedom. Social problems such as poverty would be marginalized into individual problems. A free economy, a limited and effective state defending order and moralizing interventions primarily aimed at the laboring classes through private initiatives were key elements of Dutch liberal government. In sum, albeit there were

⁴³ Based on Boschloo (1989). I adapted his book to this "map".

some minor differences there was no internal competitor able to defy this type of liberalism and there was no influential political economic counter-discourse present in this period (Boschloo 1989: 251).

This brings me to a second question: wasn't there a competing mentality of government "outside" the field of political economy and liberal governmentality? While Foucault's perspective on governmentality makes us sensitive to the ideas of political economy and the reconfiguration of power and objectification of subjects, he also argued that researchers should keep an open lens for (other) counter-conducts. I think that it is outside the field of political economy that an influential counter-governmentality was formulated. This may be called "political theology" (cf. Dean 2007: 4-5, 69; chapter 2). My preliminary and sensitizing description of Dutch classical *political theology* is that it is a governmental rationality that is based on an external reference to God, with the ruler as a shepherd leading the subjects of the flock to eternal salvation with the Bible as locus of truth/knowledge.

Although it is not my intention to fully investigate this topic, I want to illustrate this relation by studying and presenting two cases: poor relief and the death penalty. From these cases it becomes clear that these differing rationalities were sometimes tactical allies (producing a strategy of government based on the merging of the rationalities of both the Merchant and the Preacher) and sometimes opposed to each other.

Case 1 Poverty and poor relief

The 1854 Dutch Poor Law settled a long period of discussion between a discourse of *state maximization* in poor relief and a discourse of *state minimization*. The *state maximalist discourse* is best illustrated by the 1847 proposal of Tydeman, Heemskerk and Tydeman (Boschloo 1989). These authors argued in favour of a system of state regulated poor relief. The *state minimalist discourse* on poor relief consists of, on the one hand, liberal Dutch *political economists* (e.g., Vissering, Mees, Boer) and, on the other hand, Dutch *political theologians* (e.g., Groen van Prinsterer). They found each other in terms of *practical object* and *political subject*, albeit sometimes arrived based on fundamentally differing arguments (Boschloo 1989: 71-74). In terms of *political subjects* both the political theologians and the political economists were against state interference in poor relief and in favour of churches dealing with this matter. In terms of *practical object*, poverty and the poor were made a matter of individual responsibility and responsabilization. As described above, the practical solution was the moralization of the poor: a teaching of responsibility by private initiatives and religious organizations (see above 3.1; cf. Boschloo 1989: 71-74).

"Political theologian" Groen van Prinsterer argued that poor relief was not a matter of the state. The church had to guide the poor individually, not so much by material support but a governing though example, advice and attention (Groen van Prinsterer in Smidt 1942: 239-242). Groen van Prinsterer followed the governmental advice of the Scottish reverend Thomas Chalmers (Boschloo 1989: 72). Interestingly, Chalmers followed the ideas of political economist Malthus (Dean 1991: 96), who was also the prime source used by political economists such as Mees (see paragraph 3.1). Hence, *both political theologians and political economist used the same Malthusian frame*. However, coming from two different positions they reinforced each other and were able to mobilize support for the Dutch 1854 Poor Law and the specific relation between state, economy and the morphology of citizenship. They reinforced each other in their common assumptions of individualism, prudence, self-reliance,

respectability and productivity with the churches as primary political governing through moralization (cf. Garland 1985: 41-2).

This sheds another light on the following historian's puzzle. Some Dutch historians argue that the Poor Law is the product of the political theologians. Others point at the influence of the liberal political economists who were heavily debating the issue of free market and poverty in parliament, science and public opinion (Boschloo 1989). However, what emerges here is not a pure political rationality but a *strategy* that combines two political discourses (see chapter 2). This emerging strategy or combination of rationalities might solve the historians puzzle.

Case 2 Death penalty and the prison sentence

However, political economy and political theology were not always 'tactical allies'. This becomes clear in the debate about death penalty. The penal debates at the time under scrutiny were based on a *problematization* of capital punishment, torture and corporal punishment and the results of the introduction of cellular confinement as primary *technique* of punishment (Pompe 1956: 227). Dutch politicians choose for solitary cellular confinement in 1851 and this became the prime technique of punishment in 1886. Already in 1870 41% received a prison sentence, a number that increased to about 70% in 1877 (Smidt 1891: 227). In addition to this, other countries were using the prison and evaluating its success (Franke 1990). So there was some "data" about the "results" of cellular confinement. This data was heavily debated in parliament, science and public media.

Some argued that imprisonment was an effective solution as both a technique of successful retribution, deterrence and reform. However, there were some indicators showing that the numbers on recidivism were high. This could be interpreted as failure of implementation and the need for further improvement of cellular confinement. For example, by increasing the longevity of stay, a toughening up of the conditions and thereby increasing the deterrent effect based on the principle of less eligibility. As such, prison life had to be worse than the living conditions outside the prison. This principle of less eligibility granted the state the right to worsen prison conditions instead of granting the state the right to improve social conditions and develop a program of social rights (Franke 1990: 145).

Other politicians, however, argued in favour of (reintroducing) the death penalty. For example, MP De Savornin Lohman argued that the God of the Old Testament is a God of revenge, a God angry of injustice and that crimes are acts of injustice that must be revenged. Accordingly, the penal law and punishment is nothing else but revenge and an instrument derived from God. Here we see how the penal program of political theology is based on the sovereign model of power that uses the symbols of sword, blood and the right to kill. Punishment is a delegated sovereign right to kill. That is why the state should apply death penalty (cf. De Savornin Lohman 1880 in Smidt 1891: 170-171). He further clarifies the opposition between politicians using the ideas of political economy and those using political theology. MP De Savornin Lohman argued that it is neither theories ('some are blinded by theories' De Savornin Lohman 1880 in Smidt 1891: 171) nor statistics ('I have no concern in statistics: neither in favour nor against capital punishment') that should be used but only the 'true principles' of government that can be found in the bible (De Savornin Lohman 1880 in Smidt 1891: 170-172). Therefore, this debate can also be understood as a debate between proponents of a truth regime based on science (derived

from political economy) and those who were using the truth regime of religion. It is a debate about the source of truth (scientific knowledge versus theological knowledge), technologies and techniques of power (death penalty or prison sentence) and subjects of government (e.g., subjects of sin and belief).

Although it may seem that political theology comes close to classical legal theory in its adherence to retribution, the first is based on the sovereign model of revenge and the latter on the government model of payment. Furthermore, the source of truth and the character of the law is different: political theology is based on the bible and the laws of God and political economy is based on economic theory and economic laws. In addition, the subject of political theology is the *subject of sin* while the primary liberal subject is an *economic subject*. Political theology divides populations differently, for example, according the binary code of believer/pagan. In addition, the techniques of government are different because death penalty is favoured by political theology while denounced by classical legal theory.

This way, this chapter has been the first to experiment with the perspective of governmentality in the Netherlands. Although I could not stand on the shoulders of others I have made use of Foucault's suggestions on liberalism and his specific apparatus of selecting and studying texts from the perspective of political rationalities in relation to power-knowledge-subjects and his sensitivity to struggle, the formations of strategies (hence, also a study of political theology in terms of power-knowledge-subjects) and his methodological nominalism that focuses on the invention and reconfiguration of domains, relations and subjects of governments. Moreover, I have inserted the work and comments of some important scholars affiliated with the governmentality perspective to this study of classical liberal government of citizens in the Netherlands.

The next chapter deliberately skips half a century to study the emergence of a new strategy of government that consists of a fundamental critique of classical liberal governmentality and its corresponding programs and techniques of government. This is also one of the reasons why this dissertation studied classical liberalism. It is against this mentality of government that counter-governmentalities were formulated. Not only from a perspective that was called political theology but also, for example, by social democracy, socialism and neo-liberalism. The next chapter studies the birth of *welfarism* ('what is new?', 'what is different?' and 'how are citizens governed from a welfare governmentality?'). This is relevant because welfarism is the strategy of government that is attacked in the 1970s and out of this problematization a new strategy emerged that governs citizens in the present.

CHAPTER IV
GOVERNMENTALITY & WELFARISM

‘Twice in this century the onset of cyclical depression has been arrested by the outbreak of war (..) The test of statesmanship in the near future lies in finding a way to avoid depressions without plunging into war.’

(Beveridge 1944: 254)

‘Like the modern welfare state of which it formed a part, penal-welfarism developed as a strategic solution to an historically specific problem of order and was underpinned by a particular kind of collective experience and collective memory.’

(Garland 2001: 45)

The rise of Dutch sociology and the image of society as race (Steinmetz 1910)

The aim of this chapter is to understand welfarism from a governmentality perspective. In addition to this, it aims to understand the birth of sociology and the way it was programmed at different times. A governmentality perspective is sensitive to the ways “universals” such as state, economy and society are reprogrammed by thinkers and to the role that, for example, the social sciences play (see chapter 2). The birth of sociology is important because it is related to a general critique of classical liberalism out of which welfarism emerged. Moreover, this study of sociology and the way it is programmed by the first sociologist (Steinmetz), and later by Litjens (described below) will be used to get a different understanding of the power, role and imagination of contemporary sociology. One of the continuities in Dutch sociology seems to be the practice of sociology as ‘zoo keeper’ aimed at finding and captivating exotic citizens and facilitating interventions in spaces, minds and bodies (see 5.2.2).

Sociology was first introduced in the Netherlands in 1900 in a public lecture held by Sebald Rudolf Steinmetz (1862-1940) (cf. Van Doorn 1964).⁴⁴ Steinmetz is important because his pupils (not Bongers) became leading sociologists at Dutch universities in the post-world war II period. In a text entitled *The Future of Our Race* [De Toekomst van Ons Ras] Steinmetz developed a sociological perspective on the state and direction of Dutch society (cf. Steinmetz 1897: 17). In addition, the text makes clear how Steinmetz programmed sociology and how he gave substance to the role sociologists should play (see also 5.2). Furthermore, Steinmetz criticized the development of both political and social citizenship rights. He attacked the democratic movement in politics and the development of some techniques of social security because these ‘practices of care for everyone would interfere with natural processes of selection’ (Steinmetz 1910: 17, 33).

Steinmetz used the territorial boundaries to demarcate his topic to the Dutch population. In his text “society” emerges not (primarily) as a political-juridical or political-economic community but it is perceived of as a *race* (Steinmetz 1910: 20). It is based on an alarming message: the future of the race is endangered (Steinmetz 1910: 44). This way, Steinmetz gives both society and sociology a biological foundation and individual citizens appear as biological subjects or *subject of species*. Steinmetz was influenced by the British physiologist John Berry Haycraft, by Darwin and Galton and by the developments in social-medicine. His metaphors resonate with gardening, cultivation and selection. Consider as example, ‘we do not eliminate the weak but allow them to grow next to the good’ (Steinmetz 1910: 19) and ‘selection and cultivation has been practiced and understood by green keepers and cultivators of livestock already for a long time: good offspring needs good origin’ (Steinmetz 1910: 22).⁴⁵ He constructed a program that criticized the then current mentality of government, the role of the state and produced a different perspective to secure the future of the Dutch race.

Steinmetz aimed to program a ‘gardening state’ (Bauman 1989: 13). Sociologists should become the

⁴⁴ Although Bongers was appointed the first Dutch professor in ‘Sociology and Criminology’ in 1922, Steinmetz is argued to be the first Dutch sociologist (Van Doorn 1964).

⁴⁵ ‘wij wieden ze niet, wij laten de slechten naast de goeden opgroeien’ (Steinmetz 1910: 19); ‘de planten- en dierenkwekers hebben het lang begrepen en toegepast: men teelt goede kroost alleen uit goede ouders’ (Steinmetz 1910: 22). In 1897 Haycraft uses the same words ‘De feiten der selectie sedert lang aan tuinlieden en fokkers bekend’ (Haycraft 1897: 71). This book was introduced and translated by Steinmetz.

“gardening-experts” making decisions about the quality and the life, reproduction and death of the citizen-plants. All interventions of government should be evaluated according to the following criterion: what effect does it have on procreation and selection (Steinmetz 1897: 21)? *Here socio-biology is folded back upon government as a permanent tribunal of government.* However, it is primarily a specific type of evolutionary socio-biology. Steinmetz argues that too much emphasis environmental factors such as upbringing, schooling and socio-economic improvements (Steinmetz 1910: 14-16, 45-6; cf. Steinmetz 1897). While these environmental practices are perhaps benefiting some individuals or groups it does not improve the Dutch race.

Developments in biology and psychology should be used to determine ‘the enemies of our race’ (Steinmetz 1910: 46). With the use of the technique of taxonomy (hierarchical classification) and consistent with his bio-social program Steinmetz distinguished the racial population into five categories: the best, the good, the middle, the low and the wrong classes (Steinmetz 1910: 13). Individual positions are determined by prenatal and post-natal factors but the inherited elements determine the environmental factors (Steinmetz 1910: 13-4). He argued that it is an illusion to think that environmental factors determine a person (Steinmetz 1910: 14). Therefore, he denounces both social liberalism and socialism as ‘untrue’ (Steinmetz 1910: 17). This way, Steinmetz proposes that government is transposed from economics and environmentalism to biology and social medicine. The latter regimes of truth speaking should guide practical government interventions.

In other words, *Steinmetz’ program aimed to force a transition from a government based on an invisible hand programmed by political economy to a gardening state programmed by bio-sociological knowledge. Moreover, expert knowledge is related to sovereign notions and techniques of government to eliminate the unworthy and stimulate the worthy of living.* The sovereign notions of enemy and friend are used as technique of distinction and the sovereign technology of power should be used to eliminate procreation of the bad while governmental techniques should be aimed to secure the procreation of the good population. This way, social scientists contribute to the improvement of society considered as race.

Hence, this text is interesting because it sheds a light on the birth of Dutch sociology as part of a new *dispositive* (power-knowledge apparatus). This is not some curiosity of the past because it can also be used to get a different understanding of the power, role and imagination of contemporary sociology. There is an important continuity in the role that sociologists play (see 5.2.2). In addition, the text is also relevant because it was part of a whole package of reform-programs that were developed at the fold of the 19th-20th century in western-European countries. These were the reform-programs of social security, social work, eugenics and criminology (Garland 1985). Steinmetz combined elements of these programs to problematize the direction of government. Out of the intense *problematization* of classical liberalism, which gained force after the economic crisis of the 1930s and world war II, a new strategy of government was invented: welfarism.

It is welfarism as a strategy of government that is studied in this chapter. It consists of three parts. The first part (4.1) introduces welfarism from the perspective of governmentality as a specific formula of government. This is used in the second part (4.2) to study some elements of the birth of welfarism in the Netherlands. This is primarily related to issues concerning citizenship (especially social citizenship rights) and penal government (penal welfarism). The last part (4.3) describes the problematization of

welfarism and the emergence of a new consensus. An adequate understanding of welfarism makes sense because it is the formula of government that will be attacked from the 1970s on. Out of this a new strategy of government emerged that governs the present. Hence, together with the previous chapter 3, this chapter can also be read as a long introduction to chapter 5 that studies the government of the present. Our present governmentality is primarily constructed in opposition to welfarism, the welfare mentality and the welfare state. Hence, how to understand welfarism from a governmentality perspective (4.1) and how are citizens governed by welfarism, especially in relation to citizenship and penal government (4.2)?

4.1 Welfarism as governmentality

From a governmentality perspective both 'welfare state' and 'welfare economy' must be understood as an effect of the strategy of welfarism. However, how to understand welfarism from a governmentality perspective? How are issues such as citizenship and penal government understood and governed? How are citizens governed (in terms of power-knowledge-subject) in welfarism? The argument developed in this paragraph consists of three steps. The first step is based on Foucault's suggestion that welfarism must be understood as a singular governmentality formulated in a period of governmental crises (thus after the 1930s-1940s) while reconfiguring programs formulated in the pre-war period. The second step consists of a study of a text by Lord Beveridge. The third step defines welfarism as a governmental strategy. Thus, *this is not intended to write the history of welfarism.*

4.1.1 The singularity of welfarism as governmentality

Foucault was mainly concerned with the birth of liberal governmentality in the middle of the 18th century and the birth of neo-liberalism in the 20th century. However, he constructed a research program on the study of crises of liberal governmentality in relation to but not derived from crises of capitalism (chapter 2). In this context he made some remarks about welfare government in relation to the governmental crisis of the period 1929-1945. He sometimes spoke of 'welfare state' (Foucault 2008: 187, 190), 'welfare policy' and 'welfare measures' (Foucault 2008: 68) and also of 'welfarist economy' and 'social policy in a welfare economy' (Foucault 2008: 142). Foucault uses these terms to pinpoint a period in America that started with Roosevelt's welfare policy in 1932. In Europe its perfection took place in the period 1950-60 in the context of post-war reconstruction and economic boom (Foucault 2008: 68-9). This way, Foucault brings us to the governmental crises of the 1930s and (post)world war II and to the construction and response to these crises of government.

At these moments all governments had to decide about their agenda or 'the things it must concern itself with' (Foucault 2008: 195). He sums up the major elements governments had to consider: full employment, growth of GNP, provision of social services, redistribution of income and wealth, stable prices and equilibrium of the balance of payment (Foucault 2008: 195). He seems to argue that it is in this period that the schism between welfarism and neoliberalism occurred. Both shared a different conception on government compared to classical liberal governmentality. However, *neoliberal governmentality* in its German form is based on the principles of price stability and balance of payments

(Foucault 2008: 195; chapter 2). *Welfarist governmentality*, in contrast, is concerned with other objectives: full employment, growth, equalization of income and the provision of public services.

Welfarism is about Keynesian interventions, the New Deal, the Beveridge-plan and European post-war programs of fighting poverty, providing education and social security (Foucault 2008: 79, 142, 190, 217). Of crucial importance, not only as the major technique of post-war reconstruction but especially also for its later neoliberal critics, is the technique of planning and the plan (Foucault 2008: 79, 172-174). It is about coordinated reconstruction, planning, socialization and social objectives '(...) all of which entailed interventionist policy on the allocations of resources, price stability, the level of savings, the choice of investments, and a policy of full employment (...)' (Foucault 2008: 80).

To understand *welfarism* Foucault spoke of its emergence in Europe and the United States of America. Foucault takes the New Deal as entry point for some remarks on welfarism in the USA. He argues that 'Roosevelt's welfare policy (...) starting from 1932, was a way of guaranteeing and producing more freedom in a dangerous situation of unemployment: freedom to work, freedom of consumption, political freedom, and so on' (Foucault 2008: 68). Hence, we are still within the liberal framework of freedom-security. For Europe he discusses the after-liberation policies of France and England. He argues that these policies are based on the same set of *problematization* (Foucault 2008: 197). Massive unemployment was argued to be the major problem. This because the absence of full employment caused the economic crisis, social and political unrest and eventually world war II. Hence, unemployment is problematized as the major practical object.

Based on this diagnosis, a policy of growth was formulated that aimed at a system of social security for citizens who face certain risks. Welfarist social policy is programmed as compensator, corrector or neutralizer of the destructive effects of economic processes on society. Primary techniques of welfarism are the transfer of income and family allowances to balance the inequality due to economic processes, the guarantee of public services such as public health through socialization of production and consumption and the acceptance of the principle that stronger economic growth implies a more generous social policy because of the effects of that growth (Foucault 2008: 142-3). This implies a reprogramming and reconfiguration of the substance and relations between state, economy and society (see below).

Foucault suggests that the emergence of welfarism must be related to crises of capitalism and to something else: war. Both elements were necessary to produce a crisis of government that brought forth a rupture in governmentality. This suggests that welfarism must be understood as a singular governmentality, as very specific mentality of government, that only was possible in relation to these two predicaments of government (as conditions of possibility). Foucault argues that welfarism is based on the principle to prevent war and secure freedom. Welfarism itself is modelled on the principle of war:

'the model for achieving these objectives was war, that is to say, the model of national solidarity (...). Anything that happens to an individual in terms of shortage, accident, or unknown causes must be taken care of by the whole community in the name of national solidarity (...) it was up to the entire community to provide cover for the risks faced by individuals.'

(Foucault 2008: 197-8)

Post-war social policy was based on a model of national solidarity and the 'pacts of security [created] at the moment of a demand for war' (Foucault 2008: 216):

'It would be very interesting to study this set of documents, analyses, programs and research for itself, because it seems to me that, if I am not mistaken, this is the first time that entire nations waged war on the basis of a system of pacts which were not just international alliances between powers, but social pacts of a kind that promised –to those who were asked to go to war and get themselves killed– a certain type of economic and social organization which assured security (of employment, with regard to illness and other kinds of risk, and at the level of retirement): they were pacts of security at the moment of a demand for war. The demand for war on the part of governments is accompanied (...) by this offer of a social pact and security.'

(Foucault 2008: 216)

Welfarism was the promised reward for war, it was a pact of security to prevent war and it was based on the model of war: national solidarity and also the planned war economy were transformed into a planned post-war economy based on welfarism as a governmentality. *The point that should be taken from this is the singularity of welfarism as a mentality of government that cannot be traced back to the years before 1930.*

Hence, welfarism is a specific formulae of government formulated in a specific period (1930s-50s) and place (the so called "western world"). This doesn't imply, however, that with welfarism all the programs and techniques were invented. Welfarism derived its primary techniques from reform-programs that were formulated in the post-war period and aimed at problematization of classical liberalism. Hence, welfarism coopted and transposed programs and techniques that were formulated in the period before, although the mentality of these programs was fundamentally different.⁴⁶ Nikolas Rose (1996, 1998) and David Garland (1985) both described how classical liberalism was attacked for failing to produce the promised economic progress, social order and moral effects. Of primary importance were the four reform-programs of social security, social work, eugenics and criminology (Garland 1985).

Firstly, the reform-program of *social security* is based on an inclusive technique that socializes risk and embodies solidarity between citizens (Rose 1996, 1998; Garland 1985; see below 4.2.1). Secondly, the reform-program of *social work* is an individualizing program that targets "problematic cases" and aims at individuals and families who are argued to fall beyond the norm of good, social and responsible citizenship (Rose 1996, 1998; Garland 1985; see below 4.2.2). Thirdly, the reform-program of *eugenics* (Garland 1985). This is a program that is based on the "science of eugenics" that is 'the study of the (alleged) inheritance of physical, intellectual, and social characteristics in human populations' (Dickinson 2004:

⁴⁶ Consider as (Dutch) example the following: De Beus argues that although the social liberals (Pierson cabinet) implemented some elements of social government at the fold of the 19th-20th century these programs were embedded in a totally different way of thinking because these measures were still in line with the ideas of classical political economy and their inventors would radically oppose Keynesian government typical of welfarism (De Beus 1996). My point here is related to the debate between *longue duree* and singularity. Although programs have a longer history, a specific governmentality seems related to a period (often about 40 years and often, but not always (because also related to political and cultural/spiritual crisis), related to economic turmoil).

3). It consists of three shared assumptions: 1) there are fundamental inherited qualitative individual differences (some individuals are good, some normal and others inferior and this quality is inherited); 2) this can be translated and evaluated in financial and economic terms (the good were argued to be of high value because they are stronger, healthier, smarter, responsible and more productive etcetera and the inferior were argued to be of less value and a cost to society); 3) there is a fear or diagnosis of crisis (translated as degeneration or war between the races) (Dickinson 2004: 8, 20-1; see also Steinmetz in the introduction of this chapter).

The fourth reform-program is *criminology* (Garland 1985). In contrast to liberal penal government (see chapter 3) positivist criminology rejected the liberal subject of free will, legal responsibility and modelled as *homo economicus* (but also of proportionality, equal treatment and civil rights: chapter 3). These notions are replaced by a new subject of government: *homo criminalis*. The new question asked to the criminal and to be answered by scientific methods was: 'who are you?' (Foucault 2008: 34-5). Based on this question the primary research unit became the individual (*individualization*). It was argued that there is a qualitative difference between the criminal and the non-criminal (*differentiation*). The criminal was argued to deviate from the norm (*pathologization*). Furthermore, the criminal is determined to act in a certain way by (inherited) biological, psychological or social factors (*causality and determinism*) (Garland 1985: 90-7). *This new program of knowledge and the new subject also rearranged power*. Based on social medicine (hygienic prevention, therapeutic remedies and surgical operations of elimination) criminology proposes three techniques of penal government: *individual reform* (normalization, correction and reintegration), *elimination* (capital punishment, banishment, segregation) and *future oriented prevention* (eliminating causes, preventing the formation of new generations criminals) (Garland 1985: 95-6). These should be targeted at different practical objects and executed by different political subjects thereby granting more power to the state and experts (see below 4.2.3).

In sum, whereas Foucault suggests that welfarism is a singular governmentality limited to a specific time and place, Rose and Garland seem to suggest that it picked up on some of the major reform-programs formulated since the end of the 19th century (primarily social security, social work and criminology). This becomes evident in a famous text that was written by Beveridge in 1944. In this text one of the architects of welfarism problematized classical liberalism and formulated fundamentally new principles of government (located in the U.K., and timed in 1944).

4.1.2 The leverage of Beveridge (1944)

It was during wartime that Beveridge looked back at the first part of the 20th century and formulated some new principles on government: he argued that good government should preserve freedom and avoid the Scylla of economic depression and the Charybdis of war. He argued that this preservation of freedom was only possible with a program of (social) security. More security and the production of security was necessary to produce or maintain freedom. Beveridge (1944) advised on a program of government that wages 'a new war' but by other means against 'the five giant social evils': want, disease, ignorance, squalor and idleness (Beveridge 1944: 255-6).

Beveridge proposed a policy of social security and full employment. This is based on the need and possibility of collective action. This new governmentality grants a new and massive role to the state.

During wartime the state and state administration had proved to be capable of dealing with major responsibilities. Hence, the state proved to be a capable political subject (of responsibility) instead of a major practical object (problem) as it is today. Moreover, this also meant a major change, a fundamental rupture in the relation between state, economy and society compared to classical liberalism and, in addition, implied the granting of social citizenship rights.

Beveridge argued that the state must ensure and maintain the demand for the products of industry thereby preventing mass scale unemployment (this is a socialization of consumption while preserving the basics of capitalist production, i.e., rational private enterprise aimed at profitmaking: Beveridge 1944: 205). The state must redistribute income through a program of social security and it has to improve the conditions of life (e.g., town and country *planning*: see above). His formula of government is constructed as a *planned* attack against the common enemies of everyone (Beveridge 1944: 255-6).

The aim is to preserve freedom by producing security under scrutiny of democratic control. Therefore, Beveridge also adds the continuous scrutiny of state activities by the citizens and their representatives because ‘the essence of democracy is effective means of changing the government without shooting’ (Beveridge 1944: 257). This way, Beveridge formulated the principles of welfare government that guided the first post-war period (1945-75) not only in the U.K. but also in the Netherlands (De Rooy 1996: 163). It was his advice that was taken over by the Van Rijn-committee that formulated the principles of Dutch welfarism (e.g., Schuyt 2013: 10).

4.1.3 Defining welfarism as governmentality

Both the depression and world war II were important in the emergence of welfarism. Indeed, welfare state was first coined by Zimmern in 1938 to distinguish it from the warfare state (Schuyt 2013). Both state are ‘faring’ states because they lead, guide or govern citizens into war (warfare) or wellbeing (welfare). Welfarism can be understood as a fundamentally new perspective on the art of government (see 2.2.3 on singularity).⁴⁷ From a governmentality perspective welfarism *is a strategy of government that views the state as primary political subject to take care of the collective wellbeing and security of the citizens - a task that is entrusted to professional administrators (an elite of scientific experts)- while maintaining democracy and a capitalist mode of production.*⁴⁸

Welfarism is a formula of government that consists of consensus between several political parties and consists of a combination of elements derived from different political rationalities (therefore a strategy) but is most closely related to the political rationality of social democracy (cf. Judt 2005). This way, *welfarism* can also be distinguished from other political rationalities. Welfarism can be

⁴⁷ The *singularity-thesis* of welfarism is based on Foucault (2008; see above) and is consistent with, for example, De Beus (1996 ; see note above), Thoenes (1971) and Schuyt (2013). Foucault seems to argue that welfarism is a formula of government that was invented to problematize classical liberalism in the context of major crises of government (economic crisis of government and war). Furthermore, Thoenes (1971: 125n2, 137-8) argues that the welfare state is a *new* type of society that was produced by men like Beveridge and Keynes although they were careful (unaware, reluctant or as political tactic) not to present it as such. In addition, Schuyt (2013) seems to confirm this singularity of welfarism in a recent lecture. He argues that the welfare state is a specific type of society produced by the specific material and idealistic conditions in the 1945-1980 period. Thus the singularity-thesis of welfarism is opposed to a study of *the longue duree* (e.g., De Swaan 2004).

⁴⁸ This is based on sociologist Thoenes (1971). His classical study of the welfare state is here adapted to the governmentality frame. Thoenes described the welfare state as follows: ‘de verzorgingsstaat is een maatschappijvorm die gekenmerkt wordt door een op democratische leest geschoeid systeem van overheidszorg, dat zich –bij handhaving van een kapitalistisch productiesysteem- garant stelt voor het collectieve welzijn van haar onderdanen.’ (Thoenes 1971: 124). A major point of his book is that welfarism is characterized by a tension between the newly emerging scientific/professional elite and democracy (democratic government and control) (Thoenes 1971: 187-202).

distinguished from classical liberalism, communism and fascism (cf. Thoenes 1971). For example, it differs from its liberal predecessor (studied in chapter 3) because it attributes the major responsibility for the collective wellbeing of the citizens to the state and its new professional/administrative elite. The state is accorded the major responsibility for the domains of economy, society, culture and health. This it shares with socialism (Thoenes 1971). Although social wellbeing was also a concern for classical liberalism this was a formulae of limited government that understood a free economy as the source of progress and primarily delegated care and the responsibility for problems to private initiative (e.g., churches and philanthropy) allowing the state to interfere in exceptional circumstances and in matters of order (Thoenes 1971: 127-8; see chapter 3).

However, welfarism also shares some elements with classical liberalism. Although welfarism programs capitalism differently (it corrects and limits capitalism) it also secures the main elements of capitalist production (*civil citizenship rights* and private property, rational enterprise and profit). This it shares with classical liberalism and sets it apart from its rival: socialism. Furthermore, both classical liberalism and welfarism emphasize democracy and the rule of law while lacking a strong emphasis on “the collective” (Thoenes 1971). In contrast, strong collectivism and the lack of democracy are major elements of communism and fascism. With the latter two, however, welfarism shares a general faith in the possibilities of social engineering by the state.

In sum, welfarism implies a specific relation between state, economy and society: ‘the purposes of this government were conceived as enframing society within mechanisms of security by which the state would care for the welfare of the population “from the cradle to the grave”’ (Dean 2010: 176). This implied the attribution of a social dimension to citizenship and a massive extension of social citizenship rights (Marshall 1963). In addition, a new subject of government was produced: the “social subject” with the rights of social protection and duties of social responsibility (Dean 2007: 118-9; Dean 2010: 215; Rose 1996). Therefore, from the start welfarism had to balance the conflicting demands of different subjects of government: the social subject of need, the prudential subject of responsibility, the economic subject of interest and the judicial subject of right (Dean 2010: 177). Another tension is the stress on democracy and democratic subjects and the stress on the need for elitist government by scientific experts (Thoenes 1971). Welfarism is an art of balancing conflicting positions that can be compared to walking a tight rope. It is an art of government that strives to maintain the tensions between the individual and collective, the citizen and state and between different groups so to prevent harsh individualism and stern collectivism (Schuyt 2013: 14).

4.2 Welfarism in the Netherlands (1945-80): social security, social work and penal welfarism

The Great depression and the Great war provided a governmental predicament and a general consensus emerged on welfarism (see Judt 2005). Exiled in London the Dutch government installed an advisory committee (Van Rhijn committee 1943) that advised on new formula of government once the war was over. The Beveridge reports (partly described above in terms of mentality) were the prime source of inspiration (De Rooy 1996). Dutch welfarism is primarily based on elements derived from the programs

of social security (described in 4.2.1), social work (4.2.2) and modernist criminology (programmed by penal welfarism described in 4.2.3), while the program of negative eugenics was tabooed because of its association with Nazi-governmentality.

4.2.1 The program of social security: social citizenship rights and the state as primary political subject

While the monopolization of violence and taxation were crucial aspects of state formation it is the collectivization of care and risk that is typical for the genealogy of the welfare state (cf. De Swaan 2004: 172). The latter can be traced back to the specific mentality of welfarism. It implied a new problematization and a reformulation of issues like unemployment and poverty (Thoenes 1971: 146). One of the most remarkable features of welfarism is the government of citizens and the inclusion of the whole population by programs of social security. The program of social security is based on an inclusive technique that socializes risk and embodies solidarity (albeit enforced and abstract) between citizens (cf. Rose 1996). The Dutch state, programmed by welfarism as welfare state, is attributed the role of providing social security to all its citizens.

In relation to this, there is emphasis on citizenship in terms of rights, belonging, and pride (Thoenes 1971). First of all, these programs of social security are related to the development of social citizenship rights (Marshall 1963). This means that citizenship now consists of a civil, political and a social dimension. The citizen is partly redefined as social subject of need. The state not only guarantees financial security but also medical-, judicial- and educational assistance (Thoenes 1971: 130). In addition, second, it is related to belonging: in addition to an expansive international agenda, welfarism and social security are primarily aimed at national citizens who benefit from the guaranteed citizenship rights. Third, social security becomes something to be proud of: it is about the construction of a ‘welfare nationalism’ (Thoenes 1971: 131).

The government of citizens in relation to state guaranteed social security can be illustrated by the major programs of social security that were developed in the period 1945-75. Table 4.1 gives an overview of the Dutch welfare programs on social security. Note hereby that is not the aim to study the actual implementation of these programs but primarily the mentality of which these programs are part.

Table 4.1 The welfare program of social security

1947	Noodpensioenwet (onder Drees)
1952	Werkloosheidsverzekering
1956	Algemene Ouderdomswet
1963	Algemene Bijstandswet
1967	Wet op de Arbeidsongeschiktheidsverzekeringen
1968	Algemene wet bijzondere Ziektekosten
1976	Algemene Arbeidsongeschiktheidswet

Source: De Swaan (2004: 222-3)

It is important to notice that the government of citizens in relation to a state-provided program of social security has major consequences for the government of other domains as well. In other words,

the provision of social security by the state fundamentally changes the relations between state, economy and society. To the state is attributed the responsibility to guarantee full employment, adequate wages, a necessary level of demand for the products of industry, the proper civilization of citizens and the provision of citizenship in such a way that both physical and mental health of the population is secured as it is prescribed by professionals of the medical and social sciences at that time (Thoenes 1971: 128-34). The consequence is that the welfare state takes an active role in the programming and planning of the domains of economy and society. This is a task mostly fulfilled by a new elite of government experts often sealed off and beyond democratic scrutiny (an important contradiction because welfarism aimed at securing democracy) (Thoenes 1971: 126-7, 187-202). Hence, it is the move towards a 'professional society' (Garland 2001: 47).

To guarantee full employment the state has to accept the responsibility for the government of the labour market in terms of an active program of industrialization, education and stimulation of consumption (Thoenes 1971: 128-9). It also means actively programming the living conditions of the citizens in terms of urban planning. Furthermore, the state has to balance the wages in correspondence with both the demands of capital and labour. This means governing the relations between both employers and employees and the acceptance of the labour unions as partners of government. It also implies the production of national images and the gathering of statistics of performance, for example, about the "national economy" (Thoenes 1971: 129). Moreover, to guarantee the social security of the citizens a program of economic growth is needed. Therefore, the state must actively stimulate the demand side of economics, for example, through investment in public provisions and subsidizing consumption (e.g., advertisement and commercials). Furthermore, it implies a redistribution of income and therefore the need for an adequate apparatus of taxation (Thoenes 1971: 130). In sum, welfarism makes the state responsible for the provision of social security and the programming of economy and society. This fundamentally changes the substance of the "universals" of state, economy and society and their formal relations. This is all related to another program of welfare government that aims at a different target with different techniques: the program of social work.

4.2.2 The program of social work: the correction of problematic individual cases

Welfarism is also related to the program of social work. Social work is based the technique of individualization and the targeting of "problematic cases" such as individuals and families who are argued to fall beyond the norm of good, social and responsible citizenship (Rose 1996). In the period after the Second World War the notion of 'good citizenship' is used as a technique of division to distinguish between the normal and so called 'abnormal' or 'non-social family' that are understood as a danger to society (Dercksen & Verplancke 1987: 91).

In the early post-war years some families were constructed as undermining the precarious order. These families were problematized as 'infectious moral disease' (Dercksen & Verplancke 1987: 92). The vocabulary was explicitly medical-psychiatric and it was argued that these ill-families had to be quarantined and cured. New techniques were invented to re-socialize these "cases" into proper citizens. For example, in 1951 the *Eyssen Committee (Rapport Onmaatschappelijke Gezinnen)* proposed to create a specific law (*Wetsontwerp Ondertoezichtstelling van Gezinnen die Maatschappelijk Verworden Zijn*) that

would make it possible to place these families under state surveillance. Accompanying the bill were the following remarks:

'in mentioned families, we found sources of crime that, in addition to being social evil themselves, also contaminates their environment, consequently poisoning other children (...) These families are capable of evading justice and prosecution and therefore continue to live a criminal life (...) No longer can we tolerate the further propagation of this unacceptable situation of non-social families. A reaction is needed in the interest of crime prevention and the closing down of the sources of societal evil. However, nor the criminal law, nor the child laws are capable of producing solutions. Therefore, a new instrument is needed to cope with this intolerable behaviour of non-social families.'

(Memorie van Toelichting Wetsontwerp Ondertoezichtstelling van Gezinnen die Maatschappelijk Verworden Zijn quoted in Dercksen & Verplancke 1987: 102-103)

The *Eysen Committee* emphasized the need to normalise these families. This had to be based on principles of socialisation, education and crime prevention instead of punishment and repression (Dercksen & Verplancke 1987: 104). This implies a different timing of government. Moreover, it was argued that more research was necessary. Hence the 'normalisation' of problematized families expanded enormously. The Dutch social work program created two sites of intervention: 1) segregation in special correctional camps, and 2) intervention in the local habitat of the families (Dercksen & Verplancke 1987: 105).

The first tactic of the social work program was the *segregation* of 'non-social families' into camps. The history of these camps is interesting (see Dercksen & Verplancke 1987: 69). They were first constructed as labour camps during the economic crisis of the 1930s. During the Second World War these camps were inhabited by evacuees/refugees but also by families who were regarded 'abnormal' (often poor) or declared 'unwanted' by the NSB-police (Dutch Nazi-police). The camp commander was given huge discretionary powers. During these times several experiments were conducted. This also cumulated in new knowledge about these families.

These experiences were argued to be very relevant and there emerged a strong lobby to keep these camps open even after the war was ended. Two months after the war was ended (July 1945) the government of Rotterdam deported 40 families to these camps (Dercksen & Verplancke 1987: 75-81). Furthermore, other municipalities refused to take back the 'abnormal families'. In addition, scientists wanted to continue the project of normalisation in these special camps. Eventually, Dutch politicians decided to keep them open. The camps were renamed as 'family resorts' ('gezinsoorden') (Dercksen & Verplancke 1987: 82). In 1949 thirteen camps were operational and 830 adults and 160 children inhabited them.

In 1952 a more systematic approach emerged under professional guidance and social expertise led by the new Ministry of Social Work that was constituted in 1952. This new department was made responsible for both the family resorts and also the local social work programmes (Dercksen & Verplancke 1987: 86). The family camps were regarded as 'social experiments' and 'social scientific laboratories' (Dercksen & Verplancke 1987: 107). Social scientists such as psychiatrists, psychologists, pedagogics and sociologists were observing, diagnosing and prescribing interventions on individuals

and families. The scientific aura also attracted more esteem and funding.

The families were placed in a camp after administrators of the Ministry of Social Work conducted an in-depth investigation of the family that was based on psychiatric research, rumours, and information given by the reverent, doctor, social security officer, neighbours. In addition, the families were also visited in their private environment. All the information was stored in a family dossier. Once a family was diagnosed as “problematic but correctable” they were deported to one of the camps that were located in the countryside of the Netherlands. Reasons for deportation were criminal behaviour, debts, alcoholism and so called ‘immoral behaviour’ such as not visiting church (Dercksen & Verplancke 1987: 115-116). While the families had to be willing to move (the voluntary base), Dercksen and Verplancke make clear this was generally not the case. Often, for example, a man submitted himself and his family to a family resort based on a promise of financial relieve or as a condition for his release out of prison (Dercksen & Verplancke 1987: 119).

More and new personnel staffed the camps. Psychiatrists were stationed that kept records of all the families and their individual members. Hence, the “family dossier” also became a crucial disciplinary technique because it consisted of detailed information about behaviour of family members. The camp regime consisted of a specific economy of discipline and normalization: the men had to work, the women learned how to manage a household and the children were schooled (Dercksen & Verplancke 1987: 82). After a while, whether successfully “corrected” or not, the families were often relocated in special local places of ‘normalisation’ (e.g., in Rotterdam the so called White Village or Brabant Town) or in working-class neighbourhoods. This was to be followed with after-care by social work agents or organisations related to churches. These actors were delivering half-yearly reports on the families so as to keep on monitoring their behaviour (Dercksen & Verplancke 1987: 171-172).

This is related to the second spatial tactic of the social work program. In addition to the special camps, also a localized approach emerged. Most political parties argued that the national state had to finance local governments to take care of ‘problematic families’ (Dercksen & Verplancke 1987: 174-179). Since 1955 municipalities were subsidized by the Ministry of Social Work according to the ‘specialized family treatment and neighbourhood care regulation’. In 1958 20,000 families were targeted as ‘problematic’ and a 1961 report figured out that there were at least 235,000 problematic families in the Netherlands that harmed Dutch society for at least 242,800,000 guilders (Dercksen & Verplancke 1987: 105).

In sum, the program of social work is primarily related to the work of social scientists. Both the camps and the localized approach primarily depend on social science. The work in the camps depended on psychiatrists, psychologists, pedagogics and sociologists. Moreover, sociologists primarily constructed the reports on abnormal families. Hence, sociologists were instrumental to power and very influential in debates about normalisation and the correction of ‘problematic families’ (see also 5.2.2). For example, in 1953 the sociologist Litjens assumed the existence of a consensus on ‘universal values’ and ‘criteria of civilization’ that consisted of a combination of Christian and Bourgeois values (such as visiting church, withholding of extra-marital intercourse but also self-reliance). He used the indicators of work (low qualified jobs were scored as ‘abnormal’), crime (one conviction meant ‘endangered’), social milieu (for example, good or bad neighbourhood), sexual morality (living as a married couple is seen as ‘normal’ and having sexual intercourse before marriage, divorce as abnormal) and religiosity (going to church on Sundays is constructed as ‘normal’) to differentiate the population between ‘normal’, ‘endangered’ and

'abnormal' families (Dercksen & Verplancke 1987: 105; cf. Litjens 1961). Based on the then dominant functionalist-sociological perspective he assumed that there is consensus about social norms and values and deviation could be detected, measured and corrected. The diagnosis had to be followed by intervention.

Thus, underlying is a change in the dominant truth regime from a bio-social (Steinmetz) to a functionalist sociological account of pathology (cf. Dercksen & Verplancke 1987: 195). However, the role of the sociologist as "mapper of deviance" remained the same (see this chapter's introduction on Steinmetz and 5.2.2).

4.2.3 Penal welfarism: the missing lemma in the Sage dictionary of criminology

Welfarism also changed the government of the penal field. In the context of the general program of (described above in terms of social security, social citizenship rights and the program of social work) the penal field was governed by a program that can be called 'penal welfarism' (Garland 1985, 2001). In the words of David Garland:

"These penal-welfare arrangements were also part of the wider scheme of things. Their basic structure and functioning were rooted in the differentiated institutional arrangements of modern society, and their programmes and working ideologies were integral elements of the post-war welfare state and its social-democratic politics."

(Garland 2001: 28)

As such, welfarism is mirrored in penal government by penal welfarism. However, what is this penal welfarism? How are the elements of power-knowledge-subject reconfigured by penal welfarism? How to understand this missing lemma in the Sage Dictionary of Criminology?

1) Penal welfarism: the program of resocialization

Following Garland this study understands penal welfarism as based on two (unquestioned) principles: the first is that '*social reform together with affluence would eventually reduce the frequency of crime*' (Garland 2001: 38, it.or.) and the second is that '*the state is responsible for the care of offenders, as well as their punishment and control*' (Garland 2001: 39, it. or.). Therefore, the distinguishing and fundamental feature of penal welfarism is its specific stress on the technique of resocialization (on correction after a conviction and not deterrence or elimination) in the general context of programmes of social security and social work (Garland 1985, 2001). Hence, the emphasis on the resocialization of prisoners is important. This is so because resocialization is not just one value among others:

'rather it was the hegemonic, organizing principle, the intellectual framework and value system that bound together the whole structure and made sense of it for practitioners. It provided an all-embracing conceptual net that could be cast over each and every activity in the penal field, allowing practitioners to render their world coherent and meaningful, and to give otherwise unpleasant, troublesome practices something of a benign, scientific gloss.'

(Garland 2001: 35)

This implies, in terms of techniques of *power*, that penal welfare government is itself primarily focused on the individual offender and the treatment of individual dispositions (e.g., psychiatric treatment and the provision of education), however, all in the context of general programs of reform (such as the programs of social security and social work described above). The primary political subject is the national state (criminal justice). This implies a “statification” or the “de-responsibilization” of individual citizens, society and the market. Thus, the state takes care of structural reform and social security, normalization through social work and professional correction of individual offenders in special facilities. However, there is a special division of labour between the diffuse programs of social reform and penal welfare government. *From the perspective of “bureaucratic space” penal welfare government is locked inside the domain of justice (no governing through crime: cf. Simon 2007) and from the perspective of “time” it remains re-actionary* (Garland 2001: 42).

Penal welfarism reconfigures the priority, emphasis and budget in the configuration of the sectors of normalization, correction and elimination: it emphasizes normalization and correction (discipline) and marginalizes elimination and punishment (sovereignty). There is an aversion of punishment as deterrence and elimination (Garland 1985, 2001). Punishment as both necessary revenge and response to crime (i.e., positive retributivism: Duff & Garland 1994) is regarded as archaic and an indication of authoritarianism typical of totalitarian and fascist regimes. The singularity of penal welfarism is that it aims to refrain from harsh authoritarian penal measures typical of nazi-penality (Loader 2006).

Therefore the technique of the prison (studied in chapter 3) decentres as well as transforms (Garland 1985, 2001). The prison decentres because it no longer became the primary response of penal government (complemented by fines, conditional punishment, pardon) and it was supplemented by correctional facilities such as therapeutic clinics. In addition, the prison itself (its architecture and regime) had to mimic and operate as a correctional facility (providing care, education etcetera). Elimination (e.g., long term imprisonment) is marginalized and only allowed in relatively few cases (this because of a combination of optimism about human malleability and pessimism about punitive power and the impact on human beings: cf. Loader 2006). Only in the latter case the prison functioned as residue of elimination aimed at the segregation of persons regarded beyond correction and as danger to society (Garland 1985, 2001).

In terms of *knowledge* it can be said that penal welfarism is also 1) a professionalized government of the penal field (a general feature of welfarism as was described above), and 2) based on a penal welfare positivism. Firstly, this implies the penetration of the penal field by new experts, such as social workers, pedagogues, psychologists, psychiatrists and probation officers who were granted huge discretionary powers without being accountable or subject to judicial critique or public scrutiny (the fundamental problem of welfarism: Thoenes 1971):

‘their views on normal psychology, on the sources of anti-social behaviour, on how families should function and how individuals should behave, were assumed to be neutral, clinical judgements based upon scientific understanding and empirical research. Their normalizing practices and enforcement powers also tended to escape scrutiny, despite their implications for the privacy and liberty interests of the individuals with whom they dealt.’

(Garland 2001: 36)

Hence penal welfarism is based on expert government. This is also characterized by a specific relation between the fields of politics, mass media and penal government. Aside from the continuous presence of crime issues in parliamentary debates and public media and besides the occurrence of crimes in daily life and reports in newspapers, the issues of crime and penal government played no major role in elections or public debate (Brants 1986; Brizée 1985; Downes & Van Swaaningen 2007: 41; Garland 2001: 48-51). As such, penal welfarism is based on elitist penal government and the penal field is shielded off from public scrutiny and the rhetoric of law and order (that is a discourse based on free choice and a demand for discipline and harsh punishment: Downes & Morgan 2002).

Secondly, the corresponding scientific program (modern truth-regime) may be called “penal welfare positivism” (cf. Young 1994). It is based on a general faith in social engineering, in the capacities of the state and in positivist criminological science (Garland 2001: 40). The assumption of this paradigm is that crime is caused by anti-social conditions (e.g., poverty, insecurity, poor socialization). From this perspective it is assumed that crime will decrease in the context of general improvement of social conditions (e.g., social security) and individual rehabilitation (resocialization based on psychiatric interventions and education) (Young 1994). Penal welfare positivism consists of a network of criminological theories (cf. below 5.1) that varied from psycho-pathology to social deprivation theory (stressing bad socialization, poverty and neglect) (Garland 2001: 43). Hence, there was a general shared belief in the possibility of individual- and social reform. Consistent with the new trust in “statification” and “professionalization” it was assumed that the state and the allied professional scientist should and could improve the social conditions to eliminate the sources of deprivation (especially poverty) and facilitate the rehabilitation of offenders. Therefore, both social conditions and individual dispositions individual perpetrators were targeted as objects of reform (Garland 2001: 42).

Hence, as a paradigm, the penal welfare paradigm also has: a) “anomalies” and b) “blind spots”. Let us consider first the “anomalies” of the penal welfare paradigm (that what it does not expect, causes a problem and triggering adaptations or otherwise crisis). The causes of crime are argued to be primarily social (structural or in terms of bad socialization) or social-psychological. Hence, crime should be dealt with accordingly: social reform and treatment of individual dispositions. From this it becomes clear that the penal welfare paradigm can also be criticized in situations of 1) an increase of crime in the context of increased welfare, 2) a decrease of crime in the context of worsened social conditions and 3) in a situation of the failure of the program of resocialisation (this is called the problem of aetiology: Young 1994) because it indicates the rigidity of subjects. Therefore, crime rates in general and rates of recidivism are contested and “explosive” figures. These can only be detonated (e.g., by demanding further improvement, better implementation and more funding of the programs of social security, social work and resocialization, criticizing the methods of measurement in the production of these figures, etc.) as long as penal welfarism is accepted, something that is only possible *as long as the general paradigm of welfarism and penal welfarism is accepted* (cf. Garland 2001: 64; see below 4.3).

Secondly, let us consider the “blind spots” of penal welfare positivism (that what it doesn’t see or does not focus at). Schematically the assumption of positivism is that crime is determined and caused by individual and social factors, that social order is based on consensus and that coercion should be aimed at deviants who break the law and other social norms. Individuals should be diagnosed and

treated by experts until they are cured and resocialized (Young 1981). In the struggle for the domination of the interpretation of the individual pole of the positivist continuum it were the psychiatric and socio-psychological interpretations that reigned over bio-criminal approaches. The first were dominant because they fitted the general paradigm that stressed correctable developmental- and social causes. The latter argued that crime should be explained biologically and invented the bio-criminal subject of government subjected to techniques of government that aimed at these biological causes (with sterilization and euthanasia as extreme techniques). The bio-criminal approaches were present in the pre-war period but tabooed and criticized for their role in the Nazi-governmentality. Therefore, the first blind spot of penal welfare positivism is a bio-criminological approach because it did not fit in (cf. Fijnaut 1980; see below 5.1.3 on the re-emergence of bio-criminology and perhaps the emergence of a “biological culture of control” out of the cracks of the rupture that the present forces with penal welfarism).

In addition, while penal welfare positivism problematized structural inequalities it more or less accepted the existence of consensus and the need for coercion. Hence, it did not radically problematize the existing order demanding revolutionary change or problematize the effects of the norm and coercion (stigmatization) itself (cf. Young 1981). Thus, Marxism and labelling are no part of it. Finally, another important blind spot of penal welfare positivism is its disqualification of the classical liberal theories (studied in chapter 3) based on rational choice and a subject considered as homo economicus and penal government based on retribution and deterrence (Garland 2001: 42).

In terms of *subjects of government*, penal welfarism aimed at a balanced combination of both the right (repressive) hand of the state and the left (caring) hand of the state in relation to the offender. It can be argued that the subject of penal government is the offender who is constructed as victim. Thus, it is not that penal welfarism lacks consideration for the victim because it projects the victim inside the offender. The offender (subject of government) became a homo duplex who remained a responsible, accountable subject but is now also a social subject of need to be cared for or taken care of by the state:

‘the state was to be an agent of reform as well as of repression, of care as well as control, of welfare as well as punishment. *Criminal justice in the emerging welfare state was no longer, or no longer exclusively, a relation between a Leviathan and an unruly subject. Instead, the criminal justice state became, in part, a welfare state, and the criminal subject, especially one who was young, or disadvantaged, or female, came to be seen as a subject of need as well as guilt, a “client” as well as offender. In the post-war decades, the standard response to problems of crime and delinquency –indeed the standard response to most social problems- came to be a combination of social work and social reform, professional treatment and public provision.*

(Garland 2001: 39, italics original)

In sum, of primary importance to penal welfarism is the program of resocialization, the decentering of the prison, the penal welfare paradigm of knowledge and the social subject of government. Moreover, as a governmental paradigm it also has its anomalies and blind spots. Taking these remarks on penal welfarism on board the paragraph below describes the emergence of penal welfarism in the Netherlands,

which is followed by an analysis of the crisis of penal welfarism (in relation to the anomalies of rising crime rates and failure of resocialization).

2) Penal welfarism in the Netherlands (1945-80)

‘The first few decades after World War II were years of growing optimism and prosperity that gave penal reformers the opportunity to embrace what David Garland (1985) termed “penal-welfarism”, a framework of generous welfare provision for all, within which prisoners came to be included. For some decades Dutch penal policy was the epitome of this era. A social democratic political economy linked scientific modernism with liberal and social and cultural values within a shared moral framework. Momentum was given to reductionist penal policies by the unique philosophy of the “Utrecht School” and by a crime rate that rose only slowly until the end of the 1960s. (...) A minimal resort to coercions and punishment combined with a maximum investment in welfare and rehabilitation was the dominant narrative in relation to crime. Even when the crime rate rose steeply in the 1970s and a key error in forecasting future prison capacity led to a shortfall in prison cells, Dutch liberal pragmatism evolved several devices for avoiding overcrowding: waiting for a prison place, juggling with home leave, and so on.’

(Downes 2007: 93)

Dutch penal government in the period 1890-1940 transformed only slowly towards an incorporation of the “modern” ideas of criminology (e.g., 1901/5 Child Laws, 1915 Conditional Condemnation Act, 1924 Preventive Detention Law, the 1925 Psychopath Laws: see Bongers 1933). This compromise between classical-liberalism and modern criminology was attacked in the 1930s by the ‘new penalty’ (see Bongers 1935; Van Ruller 1980). This was a new formula of penal government that emphasized eugenics, punishment, deterrence and elimination as primary techniques of penal government. Until then the prison system was still based on solitary cellular confinement with poor and deteriorated conditions and retribution and deterrence as leading principles (Downes & Van Swaaningen 2007). This changed after World War II (De Jonge 2007) in the general context of welfarism.

Just after the war a committee was installed that advised on the future of the Dutch prison system. Several members of the committee were imprisoned during the Nazi-occupation (Soetenhorst-de Savornin Lohman 1976). The committee members themselves had experienced the depth of imprisonment (Van Ruller 2009). The 1947 Fick Report meant a final blow to the cellular system and the leading principles of penal government (De Jonge 2007). The leading principle of the Fick Committee was the ‘socialization of the prisoner and his reintegration in Dutch society’ (Soetenhorst-de Savornin Lohman 1976: 32). The new system should be based on resocialization, selection and a differentiation of regimes that was based on individualized treatment (Franke 1990; Van Ruller 2009). The size of the prisons should be scaled down and the living conditions “normalized” (i.e., mimic life outside the prison instead of being less eligible) based on a progressive regime leading towards freedom (De Jonge 2007). In addition, the report argued that the staff, social services and social agents should be improved to facilitate individual reform and resocialization (De Jonge 2007).

This report influenced the 1953 Penitentiary Regulation. Article 26 formalized the principle of resocialization:

'While maintaining the nature of punishment, the execution should facilitate the return of the prisoner in society.'

(Article 26, 1953 Penitentiary Regulation)⁴⁹

This complex formulation (the stress on both punishment and treatment or rehabilitation) emerged out of the parliamentary debate and political compromise between conservatives (who were stressing punishment) and progressive politicians (Soetenhorst-de Savornin Lohman 1976: 32). However, this combination of punishment *and* rehabilitation also reflects the position of the members of the influential and famous members of the Utrecht School (e.g., Pompe; the name given by the French professor Léauté in 1959) who combined or balanced a 'liberalism of fear' (placing emphasis on human responsibility and the limitation of state power and thereby stressing both retribution and proportionality) with a 'liberal optimism' (a belief in the possibility of human and social reform by professional elites serving the state, the community and individual offenders) (cf. Loader 2006).

The members of the Utrecht School played a very important role in the transformation of Dutch penal policy in the period 1950-60 (Downes 1982, 1988; Downes & Van Swaaningen 2007: 39-40). They were positioned at key sites, developed a specific penal welfare mentality (resocialization and reduction of imprisonment) and influenced penal policy and the choices of the members of the criminal justice system and intellectual strata in a period of almost twenty years (Downes 2007). For example, the 1953 *Penitentiary Regulation* also constituted a *General Advisory Board of the Prison System, of the Treatment of Psychopaths and the Probation Service* and Pompe and Kempe were important members of this advisory board (Moedikdo 1976: 109). In addition to this, in 1958 Rijk Rijkse (another member of the Utrecht School) published a book that had a major impact on the sentencing practices of the magistrates because it was based on interviews with prisoners and documented the destructive effects of imprisonment (Downes & Van Swaaningen 2007: 40).

These penal reformers transformed Dutch penal government together with penal policy makers and administrators into one that was based on the principle of resocialisation: stressing care, education, and citizenship rights (Downes & Van Swaaningen 2007: 34, 39-40; cf. Van Emmerik 1983). Members of the Utrecht School were also involved in the constitution of several new treatment facilities dispersing people away from punishment and imprisonment (e.g., several psychiatric centres were built in the 1950s, such as the psychiatric Van der Hoeven Clinique in 1955: Moedikdo 1976: 109). The mentality of penal government was 'delinquent centred' that never viewed deviants as enemies (like the Social Defence Movement) but as human beings capable of exercising responsibility at all times (Moedikdo 1976: 114). Therefore, they were also not fully committed to a perspective of pure determinism (cf. Garland 2001: 43-4). So, although resocialization and an instrumentalist perspective became dominant, the decisions were still influenced by 'negative retributivist ideas' (cf. Duff & Garland 1994: 9).⁵⁰ This

⁴⁹ 'Met handhaving van het karakter van de straf of de maatregel wordt hun tenuitvoerlegging mede dienstbaar gemaakt aan de voorbereiding van de terugkeer der gedetineerden in het maatschappelijk leven' (artikel 26 Beginselenwet Gevangeniswezen)

also put a limit on the penetration of the medical-correctional model in the penal field.

The embrace of penal welfarism is clearly visible in the embrace of a therapeutic model in sentencing (Downes 1982, 2007). For example, in the period 1950-1960 Dutch magistrates embraced the psychiatric-therapeutic model as a serious alternative for imprisonment: in 1955 1/3rd of the total institutionalized population was sentenced as “in need of therapy”: TBR (compared to only 1/10th in 1975) (Downes, 2007: 94-95).⁵¹ At the same time, prisons themselves were to be transformed into correctional (instead of purely segregating) facilities. A newly created social expert, a social worker (‘sociaal ambtenaar’) was assigned to take care of the prisoner, for example, establishing contacts with “the outside world” while also dealing with his/her social problems (Franke 1990: 281). In addition, from the 1950s onwards the probation service developed into a social service at the service of the convict who became considered as a client in need (Van Duyne 1986). Furthermore, most of the Dutch magistrates were opposed to imprisonment or viewed it as a necessary evil while embracing the ideal of resocialisation (Downes 1982).

It was also a period that public punitiveness and close scrutiny by the media was evaded. The operations of the penal field were sealed off; the general public was passive or lacked authoritarian voice, and the governing elites were paternalist governors knowing what was best (Downes 1982). Penal welfarism was supported by senior bureaucrats, intellectuals and academics (cf. Garland 2001: 50; Loader 2006). Most politicians, ranging from social democrats, liberals and the progressive sections of conservative parties shared the penal welfare frame of thought (Van Duyne 1986). Almost all politicians and intellectuals shared the penal welfare paradigm: even protestant and catholic thinkers argued that proper penal government was incompatible with pure retribution, punishment and criminal law (Van Duyne 1986). There was general commitment to a mild and relatively reduced penal climate: ‘explicit expressions of punitiveness became increasingly rare (...) punitive justice came to be regarded as suspect and detrimental to a rational penology’ (Garland 2001: 41). For example, in 1977 the actual time spent in prison was on average 1.3 months, while for instance for the U.K. this was 5.0 months (Downes 1982: 334).

In sum, it was in the first post-war period that Dutch penal government adapted to the principles of penal welfarism: ‘Dutch penal policy from the Fick report of 1947 until the mid-1980s was arguably the best example of what David Garland termed “penal welfarism”’ (Downes & Van Swaaningen 2007: 38-9). Resocialization was formalized in 1953, the prison decentered because of the construction of new psychiatric facilities and the embrace of the therapeutic-psychiatric alternatives. There was a general commitment to reduce punishment in favour of treatment, social rights, education, generous visiting rules and care (Downes & Van Swaaningen 2007: 32, 34). It is argued that penal welfarism effectuated a historically and relatively exceptional low point of 17 or 18 per 100,000 in 1973 (Van Swaaningen 1997: 109; Downes & Van Swaaningen 2007: 34). This was primarily related to the practices in the different phases of the penal welfare system: the use of pardoning, the waiver of prosecution, a commitment to use the prison only as a last solution and a policy of one prisoner on a cell while accepting waiting lists instead of penal expansion (Downes & Van Swaaningen 2007).

⁵⁰ There is a stress on ‘negative retribution’ that implies that only the guilty may be punished but one should not always punish (Duff & Garland 1994: 9). In contrast, ‘positive retribution’ prescribed that one should always punish the one guilty of a crime: ‘positive retribution was typically dismissed as outmoded and reactionary: the reigning consensus was that penal policy should be oriented towards the treatment and training of offenders, and the main debate was about which techniques would best promote these reformative ambitions’ (Duff & Garland 1994: 9).

⁵¹ Downes recalls a judge who joked that in the 1950s you could get TBR for a bicycle theft (Downes 2007: 95)

3) The crisis of Dutch penal welfarism: crime rates and the decline of the rehabilitative ideal

Penal welfarism dominated the period 1945-75 (Downes 2007). Hence, it did not last forever. As described above the paradigm penal welfarism has its own anomalies. Young (1988, 1994) then talks of 'problems of aetiology': problems that cannot be explained by the dominant theory. Two major anomalies were used to problematize penal welfarism: 1) *rising crime rates* in the context of increased welfare and, 2) the *failure* of the program of *resocialization*. However, both anomalies had to be actively constructed and politically translated. Hence, they are no facts waiting to be observed but facts that were produced as weapons. In addition, if a consensus settles and the existing program is successfully critiqued then a new program of government has to be formulated, based on different political rationalities, to govern the predicament (see chapter 5).

The debate on crime rates and victimology from a governmentality perspective

Let us first consider the problem of *rising crimes* in the context of increased welfare, social security, focused interventions of social work and the program of resocialization. At present times there is a consensus on the increase in crime rates in western countries (e.g., Garland 2001). However, it must be noticed that this was an issue of fierce debate. This is related, first of all, to the problem of "crime rates" in official statistics. The official figures do not represent all crimes nor do they just represent trends of increase or decrease. This can be illustrated by taking into account what Young called 'the square of crime': a relational analysis of the square formed by 1) the criminal justice system, 2) the offender(s), 3) the victim(s) and 4) the general public (Young 1994).

Official crime rate statistics are problematic as "real indicators of crime developments" because of the methodological problems in the measurement of crime (Young 1994). Following Young (1994) it can be argued that the problem with these figures is that one does not know "what" these figures measure: e.g., rising crime rates may reflect more state action (e.g., measuring an increase of arrests due to an increase of size and efficiency of the criminal justice system), more legislation (measuring an increase of penalized human action or waves criminalization) or more sensitivity (measuring an increase of crime being reported to the police) and informal control by the general public. This also has a qualitative aspect that implies that police action and or citizens may be more sensitive to certain crimes. Furthermore, the increase of certain crimes may be an effect of reclassification by actors involved in the reports (e.g., in the 1960s something was called a simple theft on the street and later it is called a robbery) (Young 1994). Moreover, taking the media into account can extend the square of crime. For example, the reports of the (problematic) official figures, the attention to certain crimes and the dramatization and mechanisms of the mass media may have contributed to an increase in the fear of crime, even in the context of decreasing crime rates, making people more sensitive to report crime but also demanding more protection by the state which can be translated into the measurement of crimes (cf. Downes 2007).

Moreover, since Quetelet crime rate reports are haunted by the spectre of "the dark figure": the amount of crime that goes unreported. This implies, for example, if we assume that the amount of crime in a period stayed the same but the amount of registered crime increased that therefore the amount of unregistered crime decreased. From a governmentality perspective it can be concluded that this makes it impossible to say anything definitive about trends. Hence, one asks: "what do these figures

do”, for example in terms of power and in terms of programs of political action (cf. Foucault 2007a: 35-36). In addition, one can ask: “what was invented to solve these problems and what do these solutions do in terms of power and political program?”

To solve these problems criminologists invented the Victimization Surveys (and Self Report Surveys). The Victimization Surveys are the epistemological contribution of the subfield of crime studies called victimology.⁵² In the context of this governmentality study, victimology is important for two reasons. First, it problematized the penal welfare projection of the victim in the perpetrator (described above). The consequence was a decrease of the identification of the perpetrator as a victim of circumstances (poverty, poor socialization, inequality) and the emancipation of the victim as research object in itself. The second reason is epistemological, which is, from a governmentality perspective, also governmental. It can be argued that victimology claimed and gained status because it argued that it was close to solving the epistemological problem of the dark figure. It set up (national and since 1988 international) victim surveys to monitor patterns of victimization.

From a governmentality perspective this specific new knowledge is interesting because it was used to problematize the actually existing policy (the configuration of technologies of power) of crime (cf. Van Dijk, Groenhuijsen & Winkel 2007: 19) and used to rearrange attention to new subjects and new objects of government (“a *victimization* of penal government”). For example, a new governmentality was formulated that was based on the solidarity of victims of crime as a shared experience in late-modern societies (Boutellier 1993). Indeed, after its emergence in the subfield of science the victim also became a prime figure in the media, politics and eventually in the government of the penal field (e.g., more attention is given to the victim since the late 1980s in terms of treatment and communication by actors of the criminal justice system and the role of victims in the criminal trials: Van Dijk, Groenhuijsen & Winkel 2007; cf. Garland 2001).

The point of this discussion on the problems of crime rates is this: crime rates are products of a complex and fuzzy web of interactions and they are medium and outcome of struggle. Therefore, it is not easy to say something definitely about or accept something that is said about crime rates at face value. However, there is a point where someone or members of some collective stop problematizing and stop asking fundamental questions (or the other way around) (reminiscent of the famous Figure I.6 presented by Latour in *Science in Action*). From the late 1970s to the 1990s the field of criminology witnessed a fierce debate about crime rates. For example, the crime rates were used to solidify a position (e.g., create the new field of victimology) or to attack other positions (problematizing the actually existing penal welfare government of crime). Then, a consensus emerged on the validity of the position that crime rates were going up. This is called the ‘realist position’ against the great deniers and false idealists (cf. Franke 1990; Young 1994). This was used to problematize the actually existing penal welfare government that primarily relied on individual psychology and sociological accounts. It was argued that penal welfarism was ineffective and based on the wrong assumptions because crime rates were going up in the context of increased welfare while the assumption of the penal welfare paradigm was that they had to go down.

⁵² This developed into a scientific subfield in the 1980s after it was explored by pioneers who had all experienced world war II (Von Hentig, Mendelsohn, Nagel and Schaefer). The pioneers were preoccupied with typical questions such as the penal couple (the interaction between the perpetrator and victim), good/evil, and retribution/reconciliation (Van Dijk, Groenhuijsen & Winkel 2007). It “professionalized” into a primarily empirical scientific subfield in the 1980s with Popper as source of philosophical inspiration (Van Dijk, Groenhuijsen & Winkel 2007: 15).

The decline of the program of resocialization

In this context, the safeguarding tactics to save the penal welfare paradigm by formulating help-theories (e.g., need of better implementation of the existing welfare program) proved ineffective (Garland 2001). This must be related both to the second anomaly of penal welfarism (described directly below) and to a general crisis of welfarism as governmentality (4.3).

In addition to the first anomaly that is related to crime rates, the second anomaly that was produced and caused problems for penal welfarism is the *failure of the program of resocialization*. As already described above, the failure of and attack on resocialization would touch upon the core of penal welfarism (Garland 2001). Therefore, the decline of the rehabilitative ideal is a very important indicator of the problematization and crisis of penal welfarism. A study of the official documents on the Dutch prison system in the period 1950-95 (Table 4.2) clearly indicates the decline of resocialization in the Netherlands.⁵³

Table 4.2 The decline of the rehabilitative ideal: the Dutch case

1953	Penitentiary Regulation (<i>Artikel 26 Beginselenwet Gevangeniswezen</i>)
1964	Report on the Dutch Prison System (<i>Nota Scholten</i>)
1976-7	Report on the Dutch Prison System (<i>Nota Zeevalking</i>)
1982	Task and Future of the Dutch Prison System (<i>Nota Scheltema</i>)
1994	Effective Detention (<i>Nota Kosto</i>)

As described above, resocialization was formalized in the 1953 *Penitentiary Regulation*. The 1964 *Report (Nota Scholten)* was an optimistic report with full commitment in the ideal of resocialization and a belief in the possibility of individual reform (De Jonge 2007). The report aimed at further improvement of the program of resocialization (Van Ruller 2009). Imprisonment itself was argued to be one of the main obstacles. Therefore, prisons should be opened up to mimic even further life outside. In addition, the methods of selection, differentiation and institutional therapy guided by psychiatrists and psychologists had to be improved and extended (De Jonge 2007). Moreover, new techniques were introduced, for example socio-therapy and social casework (Van Ruller 2009). Finally, more attention was given to prisoners' rights inside the prison (e.g., possibility to appeal decisions) and his/her social rights (e.g., care and help by the probation service and social security rights) outside the prison (De Jonge 2007). This reductionist trend continued and led to the closure of prisons in 1972 (Downes & Van Swaaningen 2007: 40-1).

The 1976-7 *Zeevalking Report* concluded that the expectations of imprisonment as technique of resocialization were too high (Van Ruller 2009). The crime rate and the numbers of recidivism were interpreted as indicators of the failure of the resocialization program. Imprisonment was argued to have damaging consequences. Therefore, imprisonment should only be used as a last resort. Furthermore, the aims should be reconsidered: in addition to resocialization, for example other principles should be taken into considerations, such as retribution, deterrence and the protection of society (Van Ruller 2009).

The 1982 *Task and Future of the Dutch Prison System (Nota Scheltema)* brought about the final

⁵³ In addition to this "official" decline of the resocialization ideal the same tendency is also argued to be present in the sentencing practices of the magistrates and public support as shown by opinion polls (Downes 2007).

blow to the general regime of resocialization (Downes & Van Swaaningen 2007: 46). It was written in a context of the problematization of the prison system: there had been some recent incidents and it was attacked in politics and in the media while a new managerial elite substituted the idealistic and pastoral prison director (De Jonge 2007). Punishment increased, the prison population expanded and the shortage in capacity was problematized. The state secretary of the Ministry of Justice argued that 'resocialisation is an unrealistic ideal and expectations of it need to be tempered' (*Task and Future of the Dutch Prison System* 1982: 21). Based on scientific research (the now famous *Martinson reports* that claimed that nothing works: Garland 2001) it was argued that the program of resocialization had failed (De Jonge 2007) and imprisonment was argued to be incapable of individual reform (Van Ruller 2009). More emphasis was given to individual responsibility of the inmates themselves (De Jonge 2007). In addition, it was argued that the prison population itself had become more complex with severe and multiple problems (De Jonge 2007).

The decline of rehabilitation is sealed by the final document of this period, the *1994 Effective Detention Report* (Nota Kosto). This report was founded upon totally different principles: cost reduction and a lack of attention for the offender (De Jonge 2007; Downes & Van Swaaningen 2007: 61-2). Punishment and imprisonment were argued to be prime techniques of crime control. Therefore, several new prisons were built (20 new prisons were constructed and the capacity doubled) while at the same time the budget of the prison administration was substantially lowered (Van Ruller 2009). This led to a different prison regime that aimed at reducing the costs, increasing efficiency and flexibility. It was argued that the majority of the inmate population was beyond reform and they were submitted to a standard sober regime (Van Ruller 2009). A general regime based on resocialization was argued to be no longer suitable (Downes & Van Swaaningen 2007: 61). This implied major cuts of daily activities (De Jonge 2007). Moreover, investments in resocialization are only geared towards those individuals with clear prospects of successful resocialization (Van Ruller 2009).

In sum, rehabilitation declined from a general principle and ideal into a marginal and selectively applied principle ("selective resocialization" that will be accompanied by selective incapacitation: see below 5.1).⁵⁴ Moreover, crime rates were used to critique penal welfarism and demand a new governmentality. This is related to the general crisis of welfarism and the emergence of a new consensus.

4.3 The problematization of welfarism and the emergence of a new consensus

Welfarism was criticized from the beginning by some 'die-hard academics and hotheads such as Hayek, Popper and Röpke' (Thoenes 1971: 159n20) but it came under fierce and more general political attack in the 1970s (see, for example, Hellema 2012). It was problematized from several different angles at the same time. Schematically, there emerged a configuration of two interrelated aspects in the critique and problematization of welfarism: 1) a practical critique, and 2) an intense political problematization. The *practical critique* of welfarism consists of a configuration of evaluations of welfare intervention in terms

⁵⁴ In addition, the intellectual support fragmented and diminished. For example, resocialization was attacked by neo-marxists and labeling theorists (Van Ruller 2009).

of 1) its results, 2) its unintended consequences and 3) economic performance. However, these practical problematizations and anomalies are never enough to effectuate what can be called a “governmental paradigm switch”.⁵⁵ It is primarily to the change in political rationalities that attention should be focused because social changes always have to be interpreted and political rationalities are at the root of these interpretations (Feeley 2003cf. Foucault 2000c). The strategy of welfarism was attacked from various positions using different political rationalities that aimed at a different government of ourselves, others and the state. Neoliberalism has been one of the toughest and most influential opponents (Foucault 2008).

One important indicator for this is the change in direction of Dutch political parties. Consider as an example, the (in party-political sense) liberal party VVD (De Beus 1996: 89-97). In the 1950s the VVD did not pick up on German ordoliberalism, later it was Rawls who was the leading figure of the Dutch liberal party VVD. However, from the 1980s onwards the leading thinker became Hayek and the social market economy (De Beus 1996). The new principles of government were formulated in the 1980 Liberal Declaration (Beginselverlaring 1980) and the 1981 Liberal Manifesto (Liberaal Manifest 1981). The Rosenthal Committee reaffirmed this in 1988. These programs formulated the principles for the period 1980-2008 and introduced the concepts of the ordoliberal ‘social market economy’ (see also chapter 2). It argued that general freedom is founded by economic freedom, moreover it formulated a field of opponents (e.g., actually existing welfare state and the corresponding techniques of social security⁵⁶) and it formulated the techniques of government (privatization, deregulation, lowering taxes, decrease of public spending, fighting crime, nuisance and social security fraud). From the late 1980s the VVD added to these *problematizations* also the issues of crime and migration and immigrant integration (e.g., the need for a restrictive migration policy and the requirement of assimilation of migrants in the Netherlands) (De Beus 1996: 89-97).

Other political parties changed their direction too. For example, in 1982 the Christian Democrats (since the 1980s grouped in the CDA) also turned to the neoliberal agenda of reform (Van Doorn 1996: 126-35) while merging it with the concept of the ‘caring society’ (Engbersen & Komter 1988). Under CDA-statesman Lubbers the VVD and CDA formed two coalitions and governed in the period 1982-9 while Lubbers also headed the 1989-94 coalition between CDA and the Labour Party (PvdA). This period witnessed the introduction of a Dutch variant of Reaganism and Thatcherism that can be coined ‘Lubbercism’ (Fijnaut 1988: 45). The new governmentality was pushed with firm conviction by all government coalitions (VVD, CDA, PvdA, D66) in the 1980s and 1990s (Van Doorn 1996: 131). ‘Ruud Shock’, as the Times called it, changed the government of citizens in the Netherlands and Lubbercism was even more effective than Thatcherism in the U.K. (Hellema 2012: 288-9).

Albeit later than VVD and CDA the Labour Party changed its direction too (De Rooy 1996: 173-8). While Den Uyl forcefully attacked neoliberalism in 1977, a new generation of social democrats aimed at a programmatic renewal (installing three advisory-committees to formulate a new governmentality). It was argued that a new orientation was needed that cleansed itself from socialism while pegging into

⁵⁵ “Governmental paradigm shifts” seem to be related to clusters of problematization and general crises of government. For example, the Great Depression and Great War were used as a problematization of previous government and influenced the emergence of the governmentality of welfarism.

⁵⁶ In 1984 the scientific bureau of the Dutch liberal party ‘Teldersstichting’ formulated its own program of social security and public health care and this was put forward by Bolkestein (De Beus 1996: 95-6). It would be interesting to compare the current system of social security with this program.

its other source of inspiration: progressive liberalism (De Rooy 1996: 175). A major part of the neoliberal program was accepted and, as a consequence, New Dutch Labour became “salonfähig” again (Hellema 2012: 289).⁵⁷ According to the new Labour PM Kok (who governed two lib-lab coalitions in the period 1994-2002) the shaking loose of the socialist ideological feathers is indeed a freeing experience. New Dutch Labour as it was programmed by, for example, Paul Scheffer (also key to the emergence of a consensus on the ‘migration control predicament’ with his pamphlet *The Multicultural Drama*: see below 5.2) and Paul Kalma renewed itself by a definitive rupture with socialism and the traditional socialist movement: a social-democratic program without socialism (De Rooy 1996: 175-8).

However, the emerging consensus is not solely based on neoliberalism. There is also a strong communitarian discourse that stresses community, civic virtues and citizenship (elements of Bolkestein’s VVD; see De Beus 1996: 95-7), and demands to restore norms and support values (elements of the CDA: see Van Doorn 1996: 134) and for moralization and social cohesion (elements of PvdA: see Bovens 1998: 146). Communitarianism has been formative at least since the late 1980s in the transformation of both Christian-Democracy and Social-Democracy but it is also present in the Dutch liberal party VVD. Bovens argues that all major Dutch political parties have been inspired by communitarianism: they all make use of communitarian notions such as community values, social cohesion, citizenship and moralization (Bovens 1998). Hence, all political parties formulate a critique on welfarism and program a new governmentality based on an eclectic mix of neoliberal and communitarian rationalities (cf. De Haan 1993). Thus, below incidental and polemical party politics a new consensus emerged that determined the parameters of power-knowledge-subjects. This is why the next chapter answers the research question whether we have witnessed the birth of a new governmentality (see chapter 1) in the affirmative.

Conclusion

The first paragraph of this chapter described welfarism in relation to governmentality. It provided a definition and framework to study the emergence of welfarism in the Netherlands. This was described in the second paragraph. The period from 1950-1975 was understood as the heyday of Dutch welfarism and penal welfarism which combined general social reform, social security and welfare of the citizens with specific care and punishment of offenders under sole responsibility of the state executed by professionals at a safe distance of public scrutiny and influence (cf. Garland 2001: 35-51; cf. Downes 2007).

This period added the social dimension to citizenship. This was based on a reformulation of the citizen as subject of need. Welfarism also consisted of a rearrangement of the techniques of sovereign government (heavy investment in the apparatus of taxation but a decrease in the sovereign techniques of punishment), discipline (e.g., the production of economically productive and politically democratic subjects, for example, by focusing on specific individuals and families targeted by social work and resocialisation in the prison) and government (social government with a primary role for elites, for example, political elites and professional elites often working together). Of primary importance were

⁵⁷ Bieling (2006) would describe this as the third wave of social democratic revisionism after the first wave of revisionism in interwar period giving up the revolution and embracing democracy, the second wave after the second world war) about the acceptance of some basic capitalist elements and the third wave is about the acceptance of the basic tenants of neoliberalism.

the social sciences that programmed and operated the welfare machine but later also critiqued it in favour of new programs of government.

In the context of a practical critique, and an intense political problematization of welfarism by neoliberalism and (later) communitarianism new mentalities of governing citizens gained force, often also in opposition to each other (De Haan 1993). One of the new models of government beyond the welfare state is the 'participation society'. The next chapter presents a study of Dutch governmentality in the present in relation to the triangle of citizenship-crime-migration. In relation to what has been described in chapter 3 and 4 it consists of a genealogy of neoliberal communitarianism.

CHAPTER V
A GENEALOGY OF NEOLIBERAL COMMUNITARIANISM

'I will say that it's the history of *problematizations*, that is, the history of the way in which things become a problem. How, why and in what exact way, does madness become a problem in the modern world, and why has it become an important one? (...) in what new way did illness become a problem; illness which was obviously always a problem. But it seems to me, that there is a new way of problematizing illness starting with the 18th and 19th centuries'

(Foucault 2007b: 141, italics original)

Contemporary predicaments of control and reconfigurations of power-knowledge-subjects

This chapter aims to understand the government of citizens in the present.⁵⁸ It constructs a narrative about the present problematization and government of crime & safety and immigration & integration. Both fields were intensely problematized in the last three decades and citizenship figures as one of the techniques in the government of these fields. The Netherlands stands out as a frontrunner in relation to the assimilationist turn in the government of migration and immigration and as a beacon dimmed in terms of penal government. This chapter aims to understand how crime and migration were problematized, how citizenship functions in relation to other techniques of government and what can be said about general transformations of government if one accepts that crime-migration-citizenship are strategic cases. Hence, in addition to understanding the changes in the government of crime, immigration and immigrant integration, the stake in this research is an understanding of the government of citizens (ourselves, others and the state) in the present.

Both the fields of crime and migration are said to be (re)organized around the production of a governmental predicament: a crime control predicament and a migration control predicament. The *predicament of crime control* has been described by David Garland to understand late modern penal regulation in the U.K. and U.S.A. (a problematization of crime rates and fear of crime in relation to a critique of previous national policies of penal welfarism to deal with that: see chapter 2). This chapter studies the emergence of the crime control predicament in the Netherlands, it studies precisely how crime was problematized and how citizenship is part of a configuration of techniques that were developed to deal with the problem of crime and safety. Garland also stimulated research on the changing government of crime in other countries as well and suggested that the appeal to “active citizenship” is part of the new governmental response to crime (Garland 2001: 124). The focus will be on the relation between knowledge (especially criminology), power (technologies and techniques) and the invention of subjects of government (5.1).

By analogy to what David Garland has called the crime control predicament this chapter also describes the emergence of the *migration control predicament*: a problematization of the rates of migration combined with a realist position on the problems of integration and an acknowledgement of the limitation of the national state and its previous policies of multiculturalism to deal with these issues. This new concept aims to grasp precisely how migration, integration and the national state policies were problematized in the Netherlands since the 1990s. It will be argued that the migration control predicament poses at once a challenge to the sovereign state, a disciplinary problem and is used as indicator of the failing of previous forms of government. Moreover, the chapter aims to illustrate how this problematization entails a reformulation of three forms of power discerned by Foucault: sovereignty, discipline and government with citizenship playing an important role in the government of the migration control predicament as a technique of discipline, distinction and exclusion. Again, the focus will be on power, knowledge (here primarily sociology) and the invention of subjects (5.2).

⁵⁸ Portions of this chapter have been published in *The British Journal of Sociology* (Schinkel & Van Houdt 2010), *International Sociology* (Van Houdt, Suvarierol & Schinkel 2011), *Theoretical Criminology* (Van Houdt & Schinkel 2013) and *The Sociological Review* (Van Houdt & Schinkel 2014).

This will be related to political rationalities. This chapter invents the notion of *neoliberal communitarianism* to grasp the present strategy of governing citizens. Neoliberal communitarianism of course denotes a combination of neoliberalism and communitarianism. Neoliberalism is an epithet often used to denote grand visions (Dean 2007: 7) or regimes in thought and (economic) practice. As described in chapter 2, studies of governmentality often take a more nuanced approach (Foucault 2008; cf. Rose, O'Malley & Valverde 2006: 97). There, neoliberalism is understood as a specific political rationality (or a reorganization of political rationalities) (Foucault 2008; cf. Brown 2006: 693; Miller & Rose 2008: 80) or an assemblage of mentalities of rule (Dean 1999: 155).

Foucault notes how neoliberalism programs the market economy as alpha and omega of government. However, in contrast to classical liberalism this doesn't mean *laissez-faire*. Neoliberalism is based on vigilant state activity that facilitates the operation of the market and knows how, when and where to touch by intervention. Neoliberalism is a rationality that aims to construct both state and society on the basis of market principles. Hence, competition, the company and enterprise are constructed as prime regulators of government. From a neoliberal perspective all phenomena (*including previously non-economic issues such as crime and migration and state policies*) are analyzed from an economic perspective (in terms of costs, efficiency, human capital etcetera) (Foucault 2008: 215-65). The citizen is regarded as rational enterprising individual (*subject of enterprise*) and as active and rational subject the citizen becomes relinked to government in different ways (Foucault 2008: 252). However, neoliberalism should not be regarded as a monolith. For example, Foucault himself describes two versions of neoliberalisms (see chapter 2).

Furthermore, it is also possible that forms of governing defined as neoliberal occur in paradoxical combinations. Neoliberalism is in a sense too limited a concept to describe the rationale of governing that combines such diverse elements and joint focus on both *individual responsibility* and *community values*. If neoliberalism can be regarded as a political rationality, so can communitarianism. Communitarianism can be described as a doctrine of citizenship that holds that 'being a citizen involves belonging to a historically developed community' (Van Gunsteren 1998: 19).

An apt phrase, at least from this studies' perspective, is that of a 'governmental communitarianism' (Delanty 2002: 160, 166-7). Key figures to be identified with this governmental communitarianism are sociologists such as Amitai Etzioni (Delanty 2002: 167) and Anthony Giddens (Rose 2000a). For Etzioni (1994), for instance, community means a moral foundation for individual citizenship. In practice, this means, as Mulhall and Swift note, 'insofar as persons must be understood as partly individuated by their membership of traditions, the history of their lives will be embedded in the larger narrative of a historically and socially extended argument about the good life for human beings' (Mulhall & Swift 1992: 90). Taking such presuppositions on board, communitarianism can, from a governmentality perspective, be regarded as a rationale of governing the conduct of individuals through tradition, which involves various rights and duties associated with community. This governmental communitarianism

'has become popular in Britain and North America, frequently becoming interchangeable with a civic kind of nationalism. It was central to the political rhetoric of the British Labour Party in the historic election campaign in 1997 when the terms "nation" and "society" became interchangeable (...) The language of community and morality is increasingly entering political discourse.'

(Delanty 2002: 166)

Communitarianism was formulated in response to the dominance of a specific type of neoliberalism (what Foucault calls American- or radical neoliberalism) and rational choice theory. It aims to restore community and virtues, a sense of responsibility and morality as fundamentals of citizenship, schooling, the family and identity (Delanty 2002: 167; cf. Bieling 2006). Delanty comments that although Etzioni frequently argues that his communitarianism is no simple return to the traditional community (Gemeinschaft) his diagnosis is based on the assumption of community as something of the past that needs to be restored (Delanty 2002).

Furthermore, communitarianism is primarily a voluntarism that absolves the state from responsibility for society and social citizenship (contrasting it with what can be called social democracy and welfarism). Thus, it can be used to legitimate cutbacks and to rationalize the reliance on the involvement of communities of active citizens (for example, modeled as "participation society": see chapter 1). This way, active citizenship is not so much programmed by a narrow republican used to limit it to political participation but it is transposed into all spheres of life by communitarianism. Hence, Delanty argues, communitarianism suffers from a lack of attention to political citizenship. Moreover, its idea of community as a cohesive unit in need of defense by a strong state may be indicative for its authoritarian potential (Delanty 2002: 166-8; cf. Hughes 1996; Crawford 1999).

In relation to this governmental communitarianism, Nikolas Rose has also been attentive to the 'technologies of community' (Rose 2000a, 1999a: 188; cf. Cohen 1979). He refers to ways of governing communities through adherence to values, and to various expert techniques of doing so. One important technique of this governmental communitarianism is the moralization of social problems and the re-moralization of subjects ('ethical reconstruction') to the virtuous community (Rose 2000a: 1407).⁵⁹ Indeed, one dominant trend in the Dutch government of migration and integration has been the "moralization of citizenship" (see below). In addition, moralization has been an important justificatory of the intensification of punishment (see below). Moreover, this also implied the invention of the technique of "repressive responsabilization" (the teaching, intervention and disciplining of citizens to become moral and active citizens in relation to "facilitative responsabilization" that connects with active citizens) (see below).

Nikolas Rose also describes how next to tacking on to prominent figures who can serve as spokespersons for various 'communities'

⁵⁹ Although Rose is very sensitive to this newly emerging governmentality and I have benefited from his work, he only seems to see the pluralist communitarian position (Rose 2000a: 1401-2; cf. Driver & Martell 1997). However, communitarianism, as will be described below, is deeply shaped by nationalism and mainly involves a nationalist image of community (cf. Calhoun 1999) that must be defended (*community must be defended*) primarily through techniques of sovereignty (deportation and punishment) and discipline (assimilation and repressive responsabilization).

'other techniques are also used to mobilize territories in the name of community self-management. Programs of community policing, community safety and community development grid these territories with new circuits of communication. (...) In the name of community, political programs, both at the micro-level and at the macro-level, disperse the tasks of knowing and governing through a myriad of micro-centers of knowledge and power.'

(Rose 1999a: 189-190)

Hence, a great deal of things can be and are related to some form of 'community'. This chapter describes how the concept of community and communitarianism figures prominently in the contexts of crime & safety and migration & immigrant integration. It will be argued that communitarianism has been influential in the new mentality of Dutch government.⁶⁰ However, this is not to say that it is the sole influential political rationality. In addition to communitarianism, the present government of citizens is also strongly influenced by neoliberalism. Their coming together in a strategy of government is captured with the concept of neoliberal communitarianism and this will be scrutinized in the pages below.

5.1 Governing the crime control predicament (1980-2009)

The punishment and society literature refers to the Dutch case of governing crime as 'a beacon dimmed' (Cavadino & Dignan 2006) and as heading towards penal dystopia (Downes & Van Swaaningen 2007). The Dutch case is often presented as following the U.S.A. This is based on a one-to-one transposition of Garland's *Culture of Control* theses (e.g., Van Swaaningen 2004). This implies, for example, an interpretation of penal government in the Netherlands in terms of neoliberalism and neo-conservatism (Schuilenburg & Van Swaaningen 2013; cf. Feeley 2003; Cavadino & Dignan 2006; see also chapter 6). Moreover, while neoliberalism and neo-conservatism are condemned for their disastrous effects on penal government, "critical criminologists" support communitarianism as an alternative (Van Swaaningen 1995, 1999). Indeed, much can be learned from this. However, the aim of this paragraph is to contribute to a *specific understanding* of Dutch penal government in the past thirty years (see also Schuilenburg 2012). It describes the coming together of neoliberalism and communitarianism in the government of crime in the Netherlands. Moreover, it aims to show the complexity of neoliberal power and the tough side of communitarianism. This will be related to criminological theories and subjects of government. Hence, it is a genealogy of neoliberal communitarianism (Van Houdt & Schinkel 2013a).

Table 5.1 gives an overview of the main policy documents written in the last 30 years. I will first introduce these documents and describe the general trends of Dutch penal government. The aim of this introduction is to extract the emergence of the crime control predicament (Garland 2001) in the Netherlands. The government of the crime control predicament will be analyzed in terms of political rationalities in relation with power-knowledge-subjects (5.1.1). In addition, 5.1.2 describes three trends to illustrate the new government of crime in the Netherlands (1: a punitive turn in relation to

⁶⁰ See, for example, the following documentary on the influence of Etzioni on Dutch Prime Minister Balkenende (2002-2010): <http://tegenlicht.vpro.nl/aflleveringen/2004-2005/de-waardenfluisteraar-van-balkenende.html>

the intensification and pluralization of the sovereign technique of punishment and a preventive turn; 2: the actuarialization of crime and the invention of problematic subjects of government, and; 3: the institutional transformation of crime regulation in relation to citizenship). Finally, the last part describes how penal welfarism (see chapter 4) is recalibrated by the new mentality of governing crime (5.1.3).

Table 5.1 Political programs on crime and penal government in the Netherlands

1985	<i>Society and Crime</i>
1990	<i>Law in Motion</i>
1993	<i>Integral Safety Approach</i>
1995	<i>Safety Policy (1995-1998)</i>
1996	<i>Youth and Family: Crime Prevention</i>
1997	<i>Crime in Relation to the Integration of Ethnic Minorities Policy Paper</i>
1999	<i>Integral Safety Policy</i>
2001	<i>Crime Control: Investing in Visible Government</i>
2002	<i>Towards a Safer Society</i>
2007	<i>Safety Begins by Prevention: continuing to build a safer society</i>
2008	<i>Action Program Fighting Nuisance and Urban Degeneration</i>
2009	<i>Action Program Targeting Risk Youth of Ethnic Origin</i>

In the 1980's it was argued that a new approach towards crime was needed: crime became regarded as a serious problem and the strategy of penal welfarism was regarded unsuccessful and fundamentally untrue (Brizée 1985). Two documents, written in the 1980's, are highly relevant to understand the present. The first document was written in 1984 by a special committee (Roethof Committee) set up to investigate the causes of the rising crime rates and to advise on the adequate reactions towards crime. This led to the formulation of another important document: the 1985 policy paper called *Society and Crime* (SAC 1985) drafted by the Ministry of Justice.⁶¹ One commentary, referring to the famous Dutch water management and water resisting system (*Deltawerken*), famously coined SAC as the Dutch 'Deltaworks against crime' (Van Ruller 1999: 18) because it was setting up an agenda for crime prevention and crime fighting which still dominates the policy field of crime (cf. Van de Bunt & Van Swaaningen 2004).⁶²

SAC aimed to force a rupture with the previous period (penal welfarism: see chapter 4). It was argued that this was too narrowly focused on perpetrators, resocialization, state responsibility and repression (SAC 1985: 36). Instead, 'effective' penal government should focus more on prevention and repression, responsabilization and a variety of other objectives (e.g., expression and confirmation of norms, hence, a moralization through the penal) for punishment. In SAC the Dutch government made a distinction between 'small crime' and 'tough crime' (SAC 1985: 8-9). Regarding 'small crime' an important change took place. While before the 1980's crime was seen exclusively as a central government responsibility,

⁶¹ This is not to say that the Roethof-report was taken over entirely because SAC implied a very narrow, administrative and specific political interpretation. It is precisely this narrow interpretation that I am interested in.

⁶² However, it should be noticed that this is a metaphor itself is to be positioned within a realist discourse as if there was a real and objective increase crime (like the 1953 water flood was real). Although this is the position of most commentators nowadays (Garland 2001; Young 1994) other positions are possible. It is important to remember the struggle about the production of the crime control problem.

with SAC for the first time the government acknowledged that it was not able to cope with crime alone. As was the case in the UK and the USA, the Netherlands faced the 'crime control predicament' Garland (2001: 105-106) discusses: late modern societies are faced with high levels of crime and acknowledge that the state lacks the resources to deal with it. In SAC the government argued for the mobilization of 'individual citizens and civil society, including local governments and the private sector, to fight the mass manifestation of crime' (SAC 1985: 37). This meant a 'responsibilization' (Burchell 1993) of other actors, like private parties and 'society' in general (cf. Garland 1997, 2001). Repeatedly it is argued that a 'reconfiguration of responsibilities' is needed with a focus on the 'prime role of local governments' (SAC 1985: 43), an 'active civil society' (SAC 1985: 40) and the 'responsibility of citizens themselves to prevent crime' (SAC 1985: 40; cf. SAC 1985: 15, 36-38, 43, 57, 103-105).

In addition to the need to mobilize civil society and individual citizens, four other elements were introduced. First, prevention became a prime goal of government, including all non-Justice departments (such as the departments for Transport, Education, Public Health and Social Security) (SAC 1985: 58-103; see below). Second, the penal field was restructured, based on 'managerial' principles dominating the so-called 'penal chain' (Steenhuis 1984) of the criminal justice enterprise (SAC 1985: 32-33; see below). Moreover, based on 'social control theories' (cf. Hirschi 1969; Roethof Committee 1984) it was argued that both more (possibilities for) functional surveillance (e.g., police officers, private surveillance agencies, techno-prevention and architecture) and a stronger normative attachment (or a 'bond') of citizens were needed to prevent crime from occurring (SAC 1985: 40). Thirdly, SAC also rationalized an extension of the repressive architecture. This amounted to a massive increase of prisons. Finally, SAC argued that 'tough crime' should be the exclusive responsibility of the central state as it has special resources (monopoly on violence), knowledge and authority to deal with it (SAC 1985: 9, 15, 39, 46-48; see the reports of the Van Traa Committee and 't Hart (1994) on the consequences of the instrumentalist mentality of the policy documents).

This policy path continued in the 1990s. The *Law in Motion* policy paper (LIM 1990) promulgated 'network cooperation' between state departments (LIM 1990: 3, 29) and between state and non-state actors like citizens and 'the community' (LIM 1990: 3, 33-35, 37; cf. Van Ruller 1999: 53). LIM intensified the restoration, expansion and modernisation of the Criminal Justice Enterprise (LIM 1990: 3, 8). However, LIM also articulated a more communitarian concern about the morality of citizens and their normative attachment to society and gives a strong voice to restoring public order (LIM 1990: 7, 19). With LIM it is argued that for too long only the rights of citizens were emphasized without articulating the obligations citizens have towards other citizens and the community (LIM 1990: 18). It is argued that 'citizens have forgotten their duties as citizens to respect the law, as citizens now see the law as one among several other behavioural options of which they choose' (LIM 1990: 7). Therefore, in LIM there is a tendency to tolerate less and to punish more: 'the quota of criminal justice reaction and punishment of crime has reached a historically low level. This will be substantially increased' (LIM 1990: 23) because this 'qualitatively improved justice will remind citizens of their rights and duties as flowing from our social order' (LIM 1990: 8). The sovereign stick of punishment transformed from *ultimum remedium* to *premium remedium* in the moralization of citizens.

This was further elaborated in the 1993 *Integral Safety Report* (ISR 1993), jointly drafted by several

ministerial departments. Crime became semantically encapsulated in the concept of 'safety and security' (*veiligheid*). As Van de Bunt & Van Swaaningen (2004) argue, this was more than just a semantic shift. Most notably, the *range* of the safety and security assemblage is much broader, and its *impact* is much deeper. For instance, 'feelings of insecurity' (concerning crime but also neighbourhood decline, nuisance, dirt et cetera) became one of the leading targets of intervention while at the same time 'feelings of insecurity' led to policy targets (e.g., more attention given to nuisance). As a consequence it became possible to link crime, nuisance and neighbourhood decline into a network of safety, and the actors in the 'safety chain' (ISR 1993: 12-13) were to cooperate.⁶³

In addition to this, crime, now as a safety issue, became once more a central issue for local government and thereby for the relation between citizens, 'local community' and local government (ISR 1993: 15-18). From this moment, the 'Broken Windows Approach' (Wilson & Kelling 1989) starts influencing the national policy documents (e.g., ISR 1993; SPD 1995: 30; TSS 2002) and the local government of crime (Rotterdam City Council 2002). Hence, *broken Windows* has been one of the most influential sources of contemporary penal government at both the national and local level. It can be understood on the one hand as *broadening the assemblage of crime* (linking concepts of crime to safety, public order, nuisance, fear, removing unpredictable people, and neighborhood conditions such as street lighting, playgrounds and condition of the road) and as broadening the 'crime chain' (making other public- and private actors responsible for crime fighting). On the other hand, it *reduces crime approaches* by disavowing social-structural factors, such as socio-economic inequalities, which contrasts the neoliberal communitarian approach with general welfare programs of penal welfarism (see also below: Figure 5.1 and paragraph 5.1.3).

Next to this, a central focus on 'risk' was introduced in the discourse of crime and safety. However, as a technique 'risk' is not a neutral phenomenon because, from a governmentality perspective, 'risk' can be regarded as a social construction (cf. Ewald 1991). All kinds of 'risky populations' were hence constructed. Especially 'ethnic youth', and more specifically the Moroccan-Dutch and Antillian-Dutch among them, were constructed as important objects of attention and intervention (SR 1993: 68-69). Of special importance is the 1997 *Crime in Relation to the Integration of Ethnic Minorities Policy Paper* (CRIEM 1997). It problematizes two categories of 'ethnic groups' in particular: 'Moroccans' and 'Antilleans' (CRIEM 1997: 1). CRIEM specified for the first time the formal vision of the relation between crime and culture, specifically in the form of essentialist conceptions of 'ethnicity' (Schinkel 2007). Hence, the crime control predicament in the Netherlands is specifically framed in culturalized terms.

In addition, penal government starts experimenting with selective incapacitation in the 1995 Safety Policy Document [SPD], which is another idea that can be related to James Q. Wilson (1983). Moreover, the 1996 policy document entitled *Youth and Family: Crime Prevention from a Judicial Perspective* (YFCP 1996) prioritized early intervention into families and youth from a life course perspective. This is repeated time and again in later documents (see below). In sum, in addition to a continuity, the programs of the late 1990s also introduced broken windows, selective incapacitation, a cultural positivism and the

⁶³ This semantic shift can be understood as, in the words of Stanley Cohen, 'thinning the mesh and widening the net' (Cohen 1979: 346-350). Accordingly, this opened up the possibility for criminal justice to fight nuisance (non-crime issues) and for the civic administration apparatus to deal with (little)crime (introduced ten years later in the 2002 Safety program 'Towards a Safer Society; see below).

life course perspective into the penal field.

The following decade marked continuity but also added new elements. The 2002 *Safety program Towards a Safer Society* (TSS 2002) exhibited a strong continuity in that it echoed the agenda set up in 1985, in which local governments, private actors (businesses) and citizens are urged to cooperate (TSS 2002: 5). However, even more attention was given to 'law and order'. In addition, three practical objects were introduced. First, attention was given to the so-called 'frequent offender' (*veelpleger*) (TSS 2002: 32-35). Second, it entailed a focus on youth at risk or 'risk youth' (meaning 'potential perpetrators') (TSS 2002: 35-36). And third, more attention was given to a 'visible government' and to more 'social control', especially in so-called 'risk spaces' and at 'risk times' (TSS 2002: 55-64). Moreover, this document also introduced the Communities that Care approach (TSS 2002: 41). The aim of TSS is the reduction of crime and nuisance with 20-25 per cent in four years and to make citizens 'feel safe again' (TSS 2002: 10).

These elements have also been the venture point of the latest major safety and crime policy document *Safety Begins by Prevention: continuing to build a safer society* (SBP 2007). It is argued that 'a lot has been accomplished: the Netherlands became safer and the crime rates went down. However, a general reduction of 25 per cent has not been accomplished. Therefore, the goal stays the same but new measures have to be taken' (SBP 2007: 13). In addition to 'law and order', SBP articulated the dimension of prevention more strongly. Local governments, local communities demarcated by the lines of neighbourhoods and individual citizens are urged to become active and work together in preventative partnerships (SBP 2007: 7, 11, 13, 23). In addition, an individualized approach of offenders is developed with obligatory after-care and early intervention programmes deployed to intervene as early as possible. As was the case in the UK and the USA,

Hence, based on the policy documents described above, it can be argued that the past thirty years witnessed the production of a crime control predicament in Netherlands (i.e., the problematization of the crime rates and feelings of insecurity in relation to a critique of penal welfarism). Society and Crime (1985) and Law in Motion (1990) can be regarded as levers that both criticise penal welfarism and together propose, with the later documents, a different program of governing crime. While there are some discontinuities or differences between the several programs, this dissertation studies the more general or structural change of the Dutch mentality of crime regulation (cf. Garland 2001: 22). Together, the documents are based on the same fundamental assumption of the crime control predicament. Together, they propose several different (sometimes contradicting) techniques and construct different subjects of government that are based on several different criminological theories to deal with this problem.

However, the differences should not distract from the fact that the social world is often paradoxical. The pages below scrutinize how neoliberalism and communitarianism combine in Dutch penal government by looking at the ways penal government (power) is intertwined with criminological theories (knowledge) (cf. Cohen 1985; Foucault 2008; Lacey 2013: 278). Thus, it brings together a wide variety of dominant criminological theories and show how the core mechanisms and concepts they embody are related to neoliberal and communitarian rationalities and techniques of government. This will be projected into a two-dimensional space to illustrate how penal governing in terms of both "prevention" and "punishment" is informed both by "neoliberal" and "communitarian" theories, and by theories that in themselves combine neoliberal and communitarian elements (such as the *broken*

windows and life course perspectives). It is, therefore, not solely a genealogy of punishment, nor a genealogy of prevention but a genealogy of the neoliberal communitarian government of crime.

5.1.1 Power-knowledge in the neoliberal communitarian government of crime

'(...) penal policies over the past two decades have been formed by regimes that amalgamate and combine rather contradictory governing rationalities. Unity between them is possible, as we have seen, because of certain shared values and assumptions [a shared focus on the market and hostility to welfarism] (...) However, these and many other points of overlap nevertheless disguise quite distinct and often contradictory positions.'

(O'Malley 1999: 188)

The main interest here is in the ways in which criminological theory informs the various policy programs (see on this topic also Brants 2002) and techniques operative within the field of neoliberal communitarianism. The focus is on the way power and knowledge are dynamically interrelated and on the *translation of theories into policy*. The data consist of the main documents that together span the period of 1985-2010. The focus is on the major policy documents, although some 'action programs' are discussed that are to be regarded as more detailed in terms of specific interventions and also local crime policy documents related to the city of Rotterdam. As the major policy documents most often lack references to scientific literature some further digging had to be done for instance by looking for advisory reports influencing the policy. The variety of criminological perspectives is interpreted in terms of their communitarian and/or neoliberal orientations. Such theories of course rarely explicitly adhere to either of these political rationalities (cf. Fijnaut 1990). However, communitarianism and neoliberalism constitute two opposite poles of a community/individual dualism, a dualism central to the emergence of sociological and criminological theory in the 19th century. It is possible to trace elements of their subsequent development in criminological approaches. Some approaches easily combine neoliberal and communitarian elements.

Table 5.2 provides a general overview of the policy documents described above but now in terms of techniques & diagnoses, in relation to political rationalities, and, in relation to the theoretical background. Where applicable, it also mentions the specific *political programmers* (see chapter 2) or policy entrepreneurs (cf. Hughes, McLaughlin & Muncie 2002) influential in establishing power-knowledge or policy-knowledge connections.

Table 5.2 Political programs on crime and the theoretical background thereof

Policy Document	Diagnosis & Techniques	Theoretical Background	Policy Entrepreneur(s)
1985 <i>Society and Crime</i> [SAC]	Rising Crime: current strategy ineffective	James Q. Wilson	
	Penal Company	Blumstein & Larson (1969)	Dato Steenhuis (1984)
	Bonding & Social Control	Hirschi	Roethof Committee (e.g., Junger-Tas) (1984)
	Rationality & Opportunity	Mayhew, Clarke, Sturman and Hough (1976) Cohen and Felson (1979)	Roethof Committee (e.g., Junger-Tas) (1984)
	Need for active civil society and active citizens	Responsibilization	
1990 <i>Law in Motion</i> [LIM]	Dutch citizens are relatively more victimized	(Comparative) Victimology	Van Dijk
	Demand for 'realist criminology': criminologists argued to be 'idealists' and responsible for inadequate analysis and strategy of government	'Criminological Realism'	Van Dijk
	Communitarian & culture-pessimistic: restore moral order by norm enforcement and socialization of youth	Zijderveld	Steenhuis
	Rearranging responsibilities and Self-sustainability		Denkers
	"Scientifically supported populist punitivism": surveys show that 'the public supports punitive responses'		Sociaal Cultureel Planbureau
1993 <i>Integral Safety Approach</i> [ISR]	Invention of risk and (safety)chain-cooperation	New Public Management	
1995 <i>Safety Policy Document</i> [SPD]	Focus on youth: youth action program, monitoring devices (e.g., client follow system), prevention and repression		Montfrans Committee (e.g., Junger-Tas) 1994
	Focus on drug-addicts: selective incapacitation of drug addicts ('strafrechtelijke opvang verslaafden')	James Q. Wilson (1983)	

Policy Document	Diagnosis & Techniques	Theoretical Background	Policy Entrepreneur(s)
	Focus on safe environment (wijkveiligheid): 'clean, proper and safe', active citizenship, public order maintenance	Broken Windows (Wilson & Kelling)	
1996 <i>Youth and Family: Crime Prevention [YFCP]</i>	Focus on youth: risk and life course	"Actuarial" life course perspective (Loeber, Farrington)	Junger-Tas (1996)
1997 <i>Crime in Relation to the Integration of Ethnic Minorities Policy Paper [CRIEM]</i>	Focus on immigrant youth: these are seen as lacking adequate bonds to the Dutch community	Social Bonding (Hirschi)	Junger-Tas
	Early detection & intervention: early intervention in families, 'broad school approach', monitoring, individualized trajectories	"Actuarial" life course perspective (Loeber, Farrington)	Junger-Tas
1999 <i>Integral Safety Program [ISP]</i>	Communitarian diagnosis" of lack of bonding and community cohesion: introduction of the techniques of 'integralization', 'community building' and 'communities that care'	Communitarianism, New Public Management, Communities that Care (Hawkins & Catalano)	Bram Peper sr., Junger-Tas
2001 <i>Crime Control: Investing in Visible Government [CC]</i>	Crime rates are argued to be relatively high because of: <ul style="list-style-type: none"> • lack of state control and state visibility, • lack of certainty and speed of punishment, • lack of individualized sanctions 	Opportunity and control theory, neo-correctionalism	
	Invention of 'career criminal' ('veelpleger'): crime can be significantly reduced when specific techniques target the 'career criminal'	Selective incapacitation (Wilson 1983)	
	Selective Intervention in space and time: 'Hot Spot Approach'	Hot Spot Approach (Eck)	

Policy Document	Diagnosis & Techniques	Theoretical Background	Policy Entrepreneur(s)
2002-7 <i>Towards a Safer Society [TSS]</i>	“Community must be defended”: introduction of ‘ambitious, unorthodox and effective measures’ (structural financial investments ‘locked’ for the period 2003-08 and extension of state competences and capacities) that aim at 25% reduction of ‘objective crime’ and need to improve ‘subjective feelings of safety’	Communitarianism	
	Targeting crime and nuisance: introduction of the local Rotterdam Approach on a national level	Broken Windows (Wilson & Kelling 1989)	
	Frequent Offender Institution (operational since 2004): technique targeting the ‘career criminal’	Selective Incapacitation (Wilson 1983), community protection (e.g., Etzioni 1994)	
	Targeting ‘risk youth’: special correction facilities and individual trajectories	Actuarial life course perspective and neo-correctionalism (e.g., Loeber 1997)	
	Early intervention in families and ‘Communities That Care’	Actuarial life course perspective, Communities That Care Approach (Hawkins & Catalano)	Junger-Tas
	Monitoring and evaluation: contracts and measurement	New Public Management	
	Stimulating active involvement of local governments, neighborhood communities and individual citizens	Responsibilization	
2007 <i>Safety Begins by Prevention: continuing to build a safer society [SBBP]</i>	Stimulating active involvement of local governments, neighborhood communities and individual citizens	Responsibilization	
	Specific focus on ‘persisting criminals’ and early individualized intervention based on risk-indicators and risk-profiles	Actuarial life course approach, neo-correctionalism	

Policy Document	Diagnosis & Techniques	Theoretical Background	Policy Entrepreneur(s)
	Specific focus on local neighborhoods (krachtwijken) to improve social cohesion (living, working, integrating and safety)	Community safety	
	Invention of 'safety houses': technique that brings together all actors involved in the production and management (prevention, care and repression) of risk	(Integral) systems approach	
2010 <i>Results and Future Safety Program</i>	Invention of risk monitoring and early intervention system (Pro-Kid) targeting children below 12 years	New correctionalism, actuarial life course perspective	

N.b. Later documents often miss specific references. Therefore: when a document explicitly refers to an author this is shown in column 3 by the author's name, while a lack of explicit references is solved by our interpretation of the theoretical background.

1) Communitarian influences on the Dutch government of crime

What does it mean to govern crime from a communitarian perspective? A possible answer can be found in Etzioni's *The Spirit of Community* (1994) that was highly influential in the Netherlands. Following Etzioni very closely, his communitarian analysis of crime can be summarized as follows: 1) crime has risen in western nation-states while income has risen too; therefore, material conditions are not relevant for crime analysis; 2) the level of crime is influenced by the total community fabric defined as the combined effort of strong families, schools and intact communities which teach values, 3) the community needs to be defended against hard core psychopaths and criminals preferably by a strong state, and; (4) as there are too many rights and too few responsibilities, the constitutional rights need to be reconsidered from the perspective of public safety, community needs and crime fighting, so as to allow more interference in citizens' lives (Etzioni 1994: 1-22, 163-191).

The communitarian impulse to restore moral order is at the same time translated into the governing of crime in the form of a communitywide responsabilization and moralization and an institutional cooperation in which civil society plays a key role (cf. Rose 2000a; see below). It is important to notice that Etzioni presents nothing in relation to the government of the economy and the consequences of the structural organization of society and its impact on citizens, except an analysis of their moral deficit and the possibility of choice for everyone (see Etzioni 1994: 65-66; cf. Hughes 1996). Moreover, communitarian penal government is primarily and uncritically related to the criminological theories of James Q. Wilson (cf. Crawford 1996). Hence, communitarian penal government is primarily based on ideas of 'right realism', 'selective incapacitation' and 'broken windows' (see the policy documents described above; cf. Giddens 2000). Based on this, it might be concluded that communitarianism is (1) a strategy of solely governing morality and takes economic government for granted, (2) needs to be seen as additional to

more encompassing and economic rationalities or (3) as restoring strategies based on (neo)liberal logic.

Several policy documents adhere to this communitarian perspective and diagnosis of crime and society. A good example of this 'communitarian' governmentality can be found in LIM (1990), which argues that what is lacking in Dutch society is 'good citizenship', meaning the individual's civic duties towards other citizens and the community as a whole ('society') (LIM 1990: 7, 18). While rights have been strongly developed, so it is argued, the duties of citizens and responsibilities for other citizens and the community are neglected. Hence, citizens need to be reminded of their duties, for example, by law enforcement (LIM 1990: 7-8). Thus, since the 1990s it has been used to argue for the 'remoralization' of society through the penal.

In addition, the communitarian perspective is also related to the work of other criminologists. Most commentators suggest the work of John Braithwaite on 'reintegrative shaming' as typically informed by a communitarian perspective (cf. Hughes 1996). This is put into practice in the Netherlands in the development of alternative forms of punishment such as the HALT-approach. Petty crime offenders at the age of 12-18 years get the choice whether their offence is prosecuted by the DA-office or by alternative form of punishment in the community based on a program of education (including the parents) and reparation (material and relational).

Beyond this, it is fruitful to consider the degree to which a variety of perspectives share a communitarian stance towards crime. A good example is Hirschi's 'social bond-' or 'social control theory'. In his *Causes of Delinquency* Travis Hirschi argues the importance of 'the *bond* of the individual to *society*' (Hirschi 1969: 16, emphases in original). The weakness of such bonds is related to delinquency, and the way to prevent crime is by reinforcing the ties to the community (Hirschi 1969). Hirschi (1986) argues that one aspect is crucial: 'social control', or the relational way in which norms and values are taught, conformity is monitored and deviance is punished.

The influence of the 'bonding' or 'social control' approach to crime on Dutch policy has been very significant and is related to the work of 'policy entrepreneur' Junger-Tas, who was director of the Dutch Scientific Research Committee 'WODC'. As Dutch policy is often based on special advisory reports, this can be illustrated by two very influential advisory reports in the 1980s and 1990s. Firstly, in the 1980s a special committee (Roethof Committee 1984) was set up to investigate the causes of the rising crime rates and to advice on the adequate reactions towards crime. This led to the formulation of SAC (1985), which influenced all the documents formulated since. Secondly, in the 1990s a special committee (Montfrans Committee 1994) advised on how to deal with juvenile delinquency, which led to the focus of SPD (1995), YFCP (1996) and later documents on the relation between youth and crime. Both research reports refer several times to the 'social control' approach as explanatory frame (e.g., Roethof Committee 1984: 27-28, 152-166; Montfrans Committee 1994: 9-14). This is related to programs of early detection and early intervention.

Another example of the social control approach is the way the rising crime rates in the 1970s-1980s are explained in the policy documents of this period: crime is seen as a consequence of the loss of social control which is triggered by the implosion of the Dutch Pillarization structure (with the pacification between religious and ideological divisions politics) and the rise of egoistic- individualism (e.g., SAC 1985; LIM 1990). Proposed interventions are aimed at the restoration of the moral order (for example

through norm enforcement) and introduction of more *formal* and *informal* control (e.g., SAC 1985: 40). Lastly, the bonding perspective is prominently visible in the governing of crime in relation to immigrant youth. Especially CRIEM (1997) can be seen as influenced by this perspective, relating lack of ‘bond to society’, interpreted as faulty ‘integration’, to crime by ‘ethnic youth’ (see below).

Moreover, another example of the communitarian inspiration is to be found in the ISP (1999): ‘crime is the consequence of individualisation and lesser attachment to each other and societal norms and values, in short: a fragmentation of society and lesser social cohesion’ (ISP 1999: 17). In addition to this, while most commentators stress the communitarian emphasis on re-integration, communitarians like Etzioni (1994) also stress that ‘community must be defended’ (cf. Foucault 2004) against hard-core psychopaths and criminals preferably by a strong state, hereby mimicking approaches of selective incapacitation often understood as neoliberal. This is clearly visible in TSS (2002) that formalized the Frequent Offender Institution (see below).

This illustrates, first of all, how a harsher penal climate can easily be compatible with what can be called a communitarian governmentality. For example, using the penal infrastructure as a way of moralization and to defend the community against enemies (demanding selective incapacitation, less regard for due process and a focus on duties and responsibility towards the community). This can be related to what is called the punitive turn in the Netherlands (see below). However, communitarianism is also related to programs and techniques of prevention that corresponds to a reorganization of the preventive infrastructure in terms of programs of socialization, early intervention and communities that care, and, in addition, to techniques of re-integration (see below). Hence, the tough side of communitarianism can be related to a punitive agenda while communitarianism could also imply a less stark rupture with penal welfarism.

Table 5.3 summarizes the communitarian governing of crime.

Table 5.3 The communitarian governing of crime

Theme	Characteristics	Theories
<i>Causes of crime</i>	Lack of bonding, lack of social control, individual moral deficit, cultural moral deficit	Social bond theory, moral poverty
<i>Framing of response to crime</i>	Restoration of moral order, remoralization of individuals and society, exclusion of hard core criminals	Reintegrative shaming, social control theory, social defense
<i>Governing of crime</i>	Law enforcement, civil society, family-intervention programs, broad schools, re-integration programs	Communitarianism (Etzioni), reintegrative shaming (Braithwaite), bonding (Hirschi) reintegrative bonding (Sampson & Laub)

2) Neoliberal influences on the Dutch government of crime

In addition to economic- and social policies being influenced by neoliberal governmentality (Hellema 2012; Wacquant 2009), since the 1970s this specific type of crime analysis gained increasingly attention.

One of the early proponents of the economic approach to crime and justice was Gary Becker (1968; cf. Foucault 2008). However, it is not primarily Gary Becker who dominated neoliberal thinking of crime and penal government (cf. Collier 2009: 100). In criminology most often 'rational choice' and 'routine activities approach' are seen as neoliberal approaches to crime (Garland 1997, 2001).

Indeed, Dutch policy and advisory reports are often informed by this neoliberal governmentality (see also Table 5.2). For example, the Roethof committee argues that several forms of crime can be explained simply because of the increased opportunities to crime: 'Not poverty, not a personal deficit, but the opportunity makes a thief' (Roethof Committee 1984: 26; cf. Felson and Clarke 1998). As primary sources, the report refers to Mayhew, Clarke, Sturman and Hough (1976), Cohen and Felson (1979) and Ron Clarke (1983). These references indicate the influence of a specific economic approach to issues of crime and prevention, namely 'routine activities' and 'rational choice'

Both the 'rational choice' (e.g., Clarke 1980) and 'routine activities' theory (cf. Cohen and Felson 1979) reject 'dispositional' approaches to crime (cf. Foucault's notion of the anthropological erasure of the criminal). Instead, according to Clarke, crime needs to be understood as the outcome of choice (Clarke 1980: 138) and following this line of reasoning, crime rates can be controlled by reducing the opportunities for offending and increasing the chance of getting caught, for instance by increasing surveillance (SAC 1985; CC 2001; cf. Clarke 1980: 139-143). Accordingly, we see in Dutch policy a huge emphasis on a) informal and formal surveillance, b) the responsabilization of individuals and communities for crime prevention, c) the need for architects and urban developers to take into account the possibilities of crime prevention and community sur- and sousveillance, and d) a strong focus on a variety of 'risks' and the development of crime management as risk management.

Next, it has been widely noticed how managerial techniques and models were introduced in the public sector and the penal sphere (cf. O'Malley 1999; Cavadino & Dignan 2006). A good example is how criminal justice became represented and (re)modeled as a serial-chained production company focused on efficacy, efficiency and output measurement (SAC 1985; see below). This is connected to the dominance of New Public Management (NPM), and it remained the primary way of speaking about criminal justice (e.g., LIM 1990; TSS 2002). NPM also influenced the local level, which is indicated by the increasing use of 'performance indicators', 'monitoring systems', the 'publication of outcomes' and 'accountability' (e.g., Rotterdam City Council 2002). At the same time, neoliberalism is also one explanation for the dominance of efficiency over rights (e.g., Becker 1993).

In this context, a renewed belief in imprisonment occurred as well as a transformation of the function of the prison from correction to the 'storing' of risky waste (cf. Simon 2013: 76-77). On the one hand, from an economic perspective it is argued that increasing the costs of crime (by increasing punishment and the chance to get caught) will deter people of committing crimes. On the other hand, it is argued that selective incapacitation will rearrange the distribution of offenders in society and as such prevent inmates from crime for the time they are imprisoned. This renewed status of the prison and imprisonment may not only result in an increased prison population. It can also be related to facilities for special convicts based on 'selective incapacitation'. This is not so much or just a punitive populism because the renewed belief in punishment is said to be evidence based: special programs can be targeted at specific individuals to be identified based on 'risk-indicators' (CC 2001: 40).

However, in addition to this attribution of the harsher penal climate to neoliberalism, it should be noticed that there is also an ambiguity or tension within neoliberal governmentality: 1) it can imply a rupture with the disciplinary focus typical of European government, and 2) when the costs of the preventive-repressive apparatus become too high (e.g., financial costs, constraints of freedom) neoliberal rationality can be used to demand major cutbacks, to determine levels of tolerance and as rationalization of de-penalization (Foucault 2008). This is another way of understanding neoliberalism: as a critique of governing too much. Hence, attributing a punitive turn solely to neoliberalism forgets two things: 1) the inner complexities of the neoliberal mentality and its configuration of power (hence a talking of neoliberalism as monolith and always bad), and; 2) the possibility that a harsh penal climate can be supported by the communitarianism so often hailed by critical scholars and framed as an alternative to neoliberalism.

Table 5.4 summarizes the neoliberal governing of crime.

Table 5.4 The neoliberal governing of crime

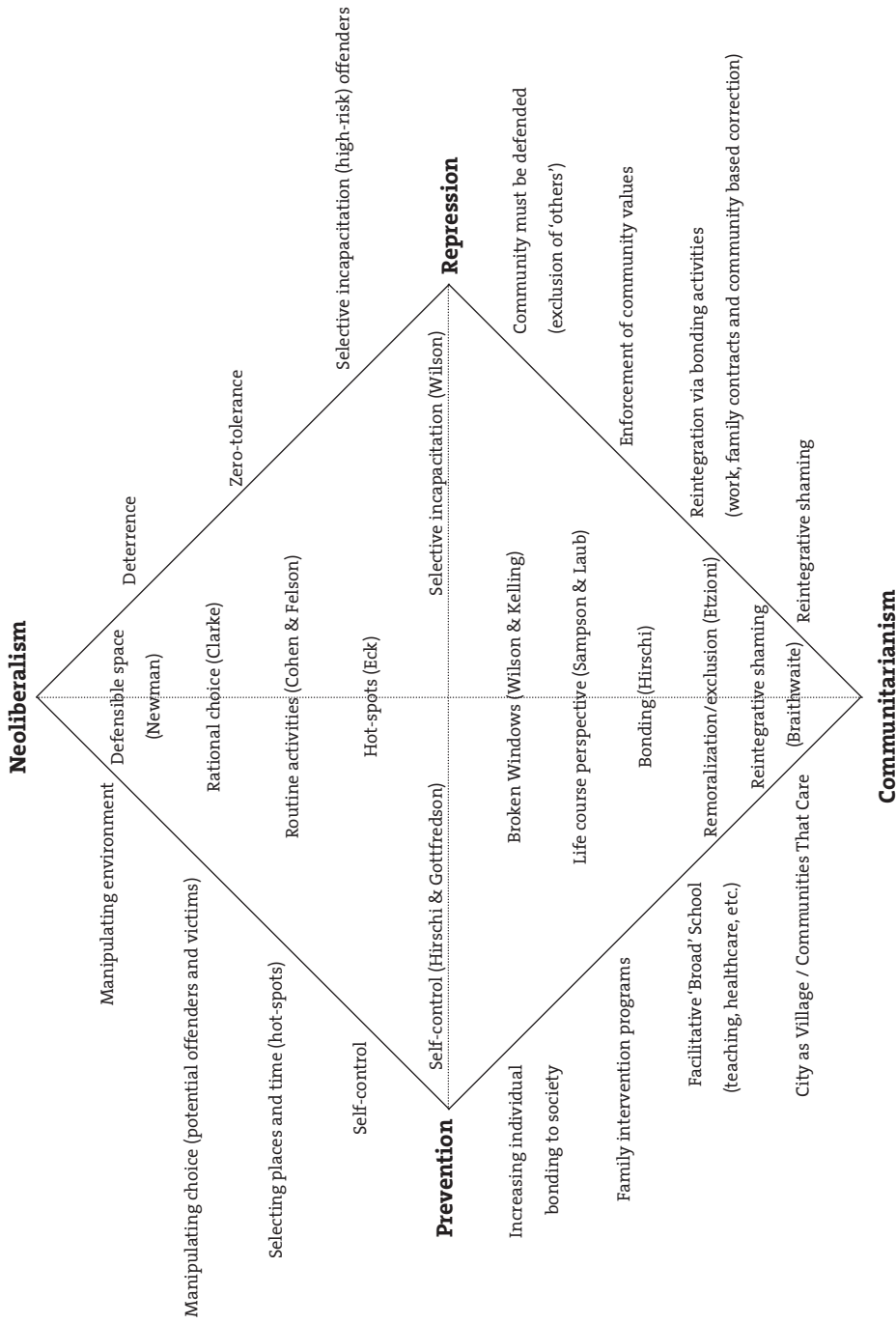
Theme	Characteristics	Theories
<i>Causes of crime</i>	Crime as choice, opportunity	Rational choice theory, routine activities approach
<i>Framing of response to crime</i>	Faith in incarceration, prevention by risk management, prevention by manipulating choice and environment	Selective incapacitation theories, actuarial justice approaches, defensible space
<i>Governing of crime</i>	Managerial approach to crime	New Public Management

3) Neoliberal communitarian approaches: mixing and merging

The discursive space opened up by neoliberal communitarianism thus allows for a number of combinations and a shifting combination of elements originating in a variety of theoretical research traditions. Figure 5.1 charts this space, using as main axes ‘neoliberalism – communitarianism’ and ‘prevention - repression’ while at the same time positioning the influential authors as referred to by Dutch policy (see again Table 5.2 above). The centre represents the space of ‘knowledge’ (the dominant criminological theories) while at the margins the techniques of power are represented (e.g., early intervention, selective incapacitation et cetera). This figure of the neoliberal communitarian power/knowledge nexus makes clear how crime is understood in the Netherlands in the period 1985-2010 and how power is based on a specific space of knowledge and vice versa.

At the same time the figure makes clear which theories are placed outside the dominant order (e.g., strain-theories, labelling theories i.e., all the theories demanding structural economic reform based on solidarity and critical theories of power). Finally, reminiscent of the research questions of this dissertation, this illustrates how “active citizenship” is a relational technique in the government of crime that can be related to various other techniques that have a different theoretical background or are embedded in a different technology of power (sovereignty, discipline and government).

Figure 5.1 The power/knowledge nexus of neoliberal communitarianism



As pointed out by O'Malley (1999; cf. Garland 2001), in policy and as techniques several approaches can be combined, complementing each other or simply being deployed next to each other. What this figure gives is a discursive space in which elements, however distantly situated, can be combined. The manipulation of the offender's environment, for instance, is compatible with policies aimed at the exclusion of others (informed by the 'defence of society' argument). In such cases, it is possible to speak of the *mixing* of communitarianism and neoliberalism (*combining neoliberal theories with those affiliated with communitarianism*).

A *merging* of neoliberalism and communitarianism occurs as well (*combination of neoliberalism and communitarianism within one theory*). This is represented in the figure by the positions gravitating to the center. It is, for example, possible to identify the merging of neoliberal and communitarian in the hot-spots approach (e.g., Eck 2005) or in the Communities that Care approach (e.g., Hawkins & Catalano 1992). Another example is the 'broken windows theory', introduced by Wilson and Kelling in 1982, which later became 'community policing' and 'problem oriented policing' (Wilson & Kelling 1989). 'Broken windows' merges a neoliberal focus on reducing the state to 'maintaining order', 'punishment' and a focus on 'direct-intervention-causing-effect' with a communitarian focus on 'community needs' and rebalancing rights and duties. Consider as an example:

'(...) we have become accustomed to thinking of the law in essentially individualistic terms. The law defines my rights, punishes his behavior and is applied by that officer because of this harm. (...) It may be their greater sensitivity to communal as opposed to individual needs that explains why the residents of small communities are more satisfied with their police than are the residents of similar neighborhoods in big cities.'

(Wilson & Kelling 1982: 36)

This comes very close to what LIM (1990) and the Municipality of Rotterdam (Rotterdam City Council 2002, 2006) will argue later (cf. Etzioni 1994). Another quote illustrates the *instrumentalism* of neoliberal communitarianism:

'(...) the link between order-maintenance and crime-prevention, so obvious to early generations, was forgotten. (...) over the past two decades, the shift of police from order-maintenance to law enforcement has brought them increasingly under the influence of legal restrictions, provoked by media complaints and enforced by court decisions and departmental orders. As a consequence, the order maintenance functions of the police are now governed by rules developed to control police relations with suspected criminals.'

(Wilson & Kelling 1982: 30-31)

A second example of theoretical merging concerns the 'life-course perspective' (e.g., Sampson & Laub 1992; Laub et al., 1995; Loeber 1997; Farrington 2000, 2003), which was taken aboard in Dutch policy as well. Although the editors (Donker et al. 2004: 322) of a special issue in the *Dutch Criminological Journal* dedicated to the life-course perspective complained of a lack of attention, the influence of this approach

is already present in YFCP (1996) policy document described above (Junger-Tas 1996). However, it also influenced the more 'repressive' agenda of CC (2001) and TSS (2002) because of the heavy focus on 'persistent offenders' claimed to be responsible for the majority of crime which is the primary practical object of 'life course' scholars (e.g., Loeber 1997).

Additionally, the Dutch government finances several projects based on the life course perspective. Hence, it is one of the major themes of the leading 'administrative criminologists' working at the National Institute for the Study of Crime and Law Enforcement (NSCR). As one of the leading scholars of the life-course perspective, David Farrington, puts it: 'life-course criminology is concerned with three main issues: the development of offending and antisocial behaviour, risk factors at different ages, and the effects of life events on the course of development' (Farrington 2003: 221). The policy implications of life course criminology are specific and concrete: early detection of anti-social behavior and parent training programs in early childhood (varying from risk factors connected to individuals, the family and the neighborhood), parenting programs, full-service-schools, and enhancing a stronger sense of community in the city and developing strong interpersonal ties (attachment) in marriage or work and the reintegration of offenders in society (Laub et al., 1995). All these techniques are operative within the neoliberal communitarian governing of crime.

5.1.2 Trends in the neoliberal communitarian governing of crime in the Netherlands

Since the 1980s crime has been high on the Dutch political agenda (Downes 2007). The issue of crime gained increasing attention in politics, policymaking, science (e.g., philosophy of law and criminology), public discourse and media (Brizée 1985; Brants 1986). One indication is to be found in a one-third increase of the police capacity in the period 1990-2010 (Terpstra 2010: 41). Another indication of a prioritization of crime is the development of the budget of the Dutch Ministry of Justice, which rose from 1711 million Euros in 1990 to 5788 million in 2008 while also the amount spent on security care in other areas became significant higher (CBS 2011). These numbers refer only to the expenditures by the Ministry of Justice. The prioritization of crime in terms of budgets can be expected to be even more pronounced, since an increasing number of departments have taken issues of 'safety' on board as a permanent priority (Simon 2007). Three trends are important in order to illustrate how neoliberal and communitarian elements have combined in penal government over the last decades: 1) a punitive turn in relation to the intensification and pluralization of the sovereign technique of punishment, which is accompanied by a preventive turn; 2) the actuarialization of crime and the invention of problematic subjects of government; 3) the institutional transformation of crime regulation.

1) *The punitive turn (the sovereign technique of punishment) and the preventive turn*

It can be argued that the period under scrutiny witnessed an intensification and pluralisation of punishment. In the Netherlands, punishment first of all refers to repression in the traditional sense, which involves incapacitation through incarceration. In the period under scrutiny the rate of incarceration rose from 18 per 100,000 in 1973 to 110 per 100,000 in 2007. Significant is the rise between 1995 and 2007, which involves a near doubling from 66 per 100,000 to 110 per 100,000 (Downes & Van Swaaningen 2007). This primarily means 'incapacitation' which is plural itself in that it focuses both

on segregation and on reintegration (i.e., *selective incapacitation* and *selective rehabilitation*: see on the latter chapter 4). Second, it entails a broader repertoire of possible forms of punishment e.g., fines and re-integrative shaming. Third, it refers to a variety of tactics deployed to suppress 'risky' behavior as well as 'risky' characteristics of subjects selected through actuarial archives in the form of 'prepression' (Schinkel 2011). And fourth, punishment becomes plural in the sense that it becomes a task that is both executed and conceived by a broader circle of actors and agencies than is traditionally the case (not only the sovereign state but also local governments and administrations).

However, especially in the context of the recent declining prison rates, another feature of penal government seems equally important. The last 30 years not only witnessed a 'punitive turn' but also a 'preventive turn' (Hughes 2007). Penal government in the last thirty years is not only about the reinvention of the prison, repression and punishment but also about 'the expanding infrastructure of crime prevention and community safety' (Garland 2001: 16). A study of penal government, therefore, should understand both the repressive and preventive transformations of the penal field (see below).

2) The actuarialization of crime and the problematic subjects of government

In the causal analysis of crime, a debate existed in the 1960s and 1970s resulting in what Young (1988) has called 'the etiological crisis'. In a sense, this crisis has been surpassed by circumventing the concept of causality and introducing the concept of risk. As a result, three factors have risen to prominence in the Netherlands since the 1980s: 1) a transformation from the criminal subject as causally determined towards a criminal subject as a bundle of *risk* factors, 2) the discovery of *culture* as a risk factor in crime and 3) a focus on the *calculating* citizen.

Since the late 1980s risk has become a dominant frame in the field of crime regulation (O'Malley 1992). Based on a business mentality and market principles, a 'reinvented government' (Osborne & Gaebler 1993) uses measurable risks to increase the efficiency, effectiveness and legitimacy of public policy and interventions. This also affected the field of penology and justice, giving rise to what Feeley and Simon (1992) call the new penology and actuarial justice which are based on (selective) incapacitation, preventive detention and profiling. As described above, the classification of populations 'at risk' has become pivotal (cf. Wilson 1983). This occurs in two dominant types: *youth at risk* and *high-risk offenders*.

'Youth at risk' (e.g., TSS 2002 15-16, 21-22; cf. SBP 2007) refers to youth who haven't committed a crime but are argued to be on the path towards it and to so-called first offenders (cf. Cohen 1985: 53, 60). This classification is based on a culmination of individual risk factors (biological, genetic, psychological), behavioral risk factors (not attending school regularly, using soft drugs, thrill seeking behavior or police contact), and more general social risk factors (risky families, unemployment, friends) (Junger-Tas 1996). Hence, *this is a continuation of the homo criminalis by actuarial means* (in contrast to the erasure of the *homo criminalis* as suggested by Foucault). The aim is to intervene as early as possible (SBP 2007: 27-28).

The second dominant type is 'society at risk', considered a consequence of 'the risk of recidivism by persistent or high-risk offenders'. A new type of intervention was constructed, called the 'Frequent Offender Institution' (FOI) and in operation since 2004. Under FOI, frequent offenders can be incarcerated for two years because of 'their habits'. A 'frequent offender' is: 1) (s)he who committed a serious crime; 2) a person convicted in the last five years for at least three other crimes; 3) a serious threat for the safety of

persons and goods (Struijk 2007: 350-354). The primary goal of measures aimed at such persons is 'social defence' (art. 38m sub 2 Sr; cf. Struijk 2007: 353; Downes & Van Swaaningen 2007). In addition to this a treatment can be added (art. 38m sub 2 Sr; cf. Struijk 2007: 353). In the period 2004-2007 more than 1,000 persons have been thus incarcerated (Tollenaar 2007). Finally, risk plays a role in probation service, in which the 'RISC'-instrument (*recidive inschattings schalen*) is used to differentiate between high risk and low risk persons. The current aim is to control every 'high-risk' offender at least one year after release.

In addition to the risk-citizen, Dutch policy is aimed at the *calculating citizen* who deliberately chooses to commit crime in the context of valuable targets and the lack of capable guardians (SAC 1985). According to LIM (1990: 7) Dutch citizens rationally calculate to conform or violate the law. As a consequence several techniques aim to influence the rational citizen: e.g., by manipulating choice and opportunities, target hardening, activating guardianship by means of mobilizing 'active citizenship', preventive frisking in hot-spot zones but also increasing clearance rate, swift punishment, swift execution and tougher punishment to deter the calculating citizen from committing crime. This way, active citizenship is related to techniques of both prevention and repression (cf. chapter 3 where it is solely related to repression).

While a focus on both 'risk' and 'choice' are predominantly of neoliberal character, the related *discovery of culture and morality* exhibits more of what is identified here as communitarian elements. In general, Dutch analysis is prominently based on an analysis of de-pillarization, secularization, the loss of informal social controls and bad socialization of youth (SAC 1985; Junger-Tas 1996). Therefore several policy documents aim at a *remoralization of Dutch society through the penal*. Furthermore, it can be argued that welfarism was a governing trough the social (Garland 1985), nowadays there is a *governing through the cultural*. More specifically, in the wake of debates on immigrant integration (Schinkel 2007; cf. Schinkel & Van Houdt 2010b), the idea that *the 'culture' of immigrants could be considered a problem in and of itself* gradually took root.

In this regard, the 1997 *Crime in Relation to the Integration of Ethnic Minorities* Policy Paper (CRIEM 1997) is of special importance. CRIEM specified for the first time the formal vision of the relation between crime and culture, specifically in the form of essentialist conceptions of 'ethnicity'. It problematizes two categories in particular, which it considers to be 'ethnic groups': 'Moroccans' and 'Antilleans' (CRIEM 1997: 1). The following quote can be taken as an illustration here:

'Crime is often caused by a complex of factors which can be summarized under the heading of inadequate bonding to society. This explains the crimes of both autochthonous citizens and, especially, crimes of ethnic minorities. Crime of the latter problematic group can only be repressed by tackling the underlying cultural sources (...). Our aim is to prevent crime. Preventing crime means integrating ethnic minorities into Dutch society: by raising the children, by education and with jobs.'

(CRIEM 1997 20)

This has been repeated since then by several programs. One of the more recent 'action programs' on 'risk youth of ethnic origin' (Action Program Targeting Risk Youth of Ethnic Origin [APRYEO]: 2009) argues that special programs are needed for youth with an 'Moroccan' and 'Antillean' background because of their risk caused by their cultural lack, failed socialization and lack of integration.

3) The new safety infrastructure: the penal company, active citizenship and crime prevention

In the 1980s, penal welfarism came under attack for being 'inefficient' and 'ineffective' (SAC 1985: 31). Resocialization was argued to be an unrealistic ideal (chapter 4). Moreover, SAC 1985 referred to J.Q. Wilson by arguing that interventions that try to deal with structural causes of crime are ineffective (SAC 1985: 36). It argued instead for an 'effective crime politics' (SAC 1985: 35). Elements of both neoliberal and communitarian governmentality have also brought about an institutional transformation in the regulation of crime. This entails: (A) the introduction of a market order in the penal field aimed at a disciplinarization of the state and an extension of state competences; (B) a more encompassing privatization and responsabilization with active citizenship as important technique of government, and (C) an integralization of the institutional field of crime regulation.

(A) The penal company: introduction of the market order in the penal field

In order to make criminal justice both more 'effective' and 'efficient' a business model was introduced: the 'criminal justice enterprise' organised in serial related chains (police, the public prosecutor's office, judges, and executioners' office) (SAC 1985: 51; cf. Feeley and Simon 1994: 187-188; Garland 1997). This is accompanied by the introduction of a system approach to the penal field. This kind of thinking can be traced back to the 1960s. A group of people around American Defence Secretary Robert McNamara trained in operations research and systems analysis used their 'thinking about kill-ratios, body counts, pacification projects and other forms of situational violence prevention strategies [in this] new war on crime' (Feeley 2003: 119):

'indeed, this group coined the term, "the criminal justice system", a term that suggests that each component part should serve the common objective of producing more efficient and effective controls. And it designed the "funnel of justice" that came to replace a blindfolded Lady Justice as the icon for the modern system of justice.'

(Feeley 2003: 119)

This model has been the leading model for criminal justice in the Netherlands since 1985 (SAC 1985: 50-53, 82; LIM 1990; see also Rutherford 1996). Its introduction is associated with Dato Steenhuis (Rutherford 1996: 15, 59-83). Steenhuis was 'a very senior prosecutor who has also held top research posts within the Ministry of Justice, (...) and a central player in efforts to give criminal policy more public credibility. The strident managerialism propagated by Steenhuis did much to displace the liberal humanitarianism which had long characterized this area of public policy' (Rutherford 1996: 15). Steenhuis introduced this model of criminal justice in the Netherlands and coined it 'the penal system' (Steenhuis 1984, 1986).

Steenhuis problematized the actually existing government of crime in the Netherlands and proposed a different way of governing the penal field (and beyond). He argued that Dutch penal regulation was outdated (Steenhuis 1984). It had functioned well in the relatively stable society of the 1960 with its limited crime rates (Steenhuis 1986: 233). In this period offenders, potential offenders and conformists were effectively influenced by the system ('the criminal justice system delivers as it were a 3-in-1 package': Steenhuis 1986: 233). However, Dutch society has lost its stability and crime rates

continued to rise. Steenhuis asked: how should we model criminal justice so that its coordination can be improved, its effectiveness increased and its credibility restored? (Steenhuis 1986: 230).

Steenhuis followed Blumstein & Larson to argue that the penal system must be understood as consisting of serial-chains: the police-public prosecutor-judge-executioners (the prison system; probation service; child care; psychopath care) (see also SAC 1985: 51). The *product* of this *penal company* is 'behavioural influence' using prevention, threat and punishment. The *clients* are grouped into three categories: 1) the conformists, 2) potential perpetrators and 3) actual perpetrators. The penal company must sustain and enforce the morality of conformists through law enforcement. In addition, it should deter the potential perpetrators by the threat of punishment. Furthermore, the real perpetrators must be punished (Steenhuis 1984: 401-402). He argues that the criminal justice system has focused too much on perpetrators (probably a critique of resocialization) and too little on conformists (including victims) who need the enforcement of norms and potential perpetrators who should be deterred (Steenhuis 1984: 407).

It becomes clear that the vocabulary Steenhuis uses is based on market metaphors such as optimal allocation, efficiency, market and partners (e.g., Steenhuis 1984: 410). He argues that the penal company loses much when there is no coordination between the parts of the system. Then the costs will be high and the products bad or only half fabricates. In the end, an ineffective criminal justice system will itself create anomie:

'when there is a systematically lack of attention for some facts, then the following happens: the group of conformists will doubt their internalized norm. The conformists then transforms into a potential perpetrator. With a different production process this could have been stopped.'

(Steenhuis 1984: 413)

This way, the organization of the penal field itself is argued to be a major cause of rising crime rates. Thus: it can also be reversed. This means that it is assumed by Steenhuis that the right organization of penal government effectively (re)moralizes the population.

How to solve the problems of the penal system? Steenhuis comes up with a multi-layered solution. The first solution, like in every other business facing problems of this kind, is to increase its production capacity. However, Steenhuis argues, there are four interrelated factors why this road was not taken in the Netherlands: 1) the assumption that the increase of crime is to be attributed to exogenous factors, independently from criminal justice; 2) it was politically impossible; 3) criminologists relativized the crime problem; 4) the central government is inflexible to reallocate public sector funds in flexible ways. Although Dutch politics in SAC (1985) increased the production capacity, Steenhuis argues it to be no fundamental expansion.

It is, therefore, necessary to make better use of the available production capacity (Steenhuis 1986: 237). He argues in favour of a reallocation of sources. Good examples are administrative processing of fines and more power given to the public prosecutor. In addition, Steenhuis argues that it is needed to come up with a coherent and integrated policy for the criminal system as a whole. Steenhuis designs his ideal criminal justice system using the work of Mintzberg (*The Structure of Organizations*).

'If it is desired to achieve a higher degree of coordination, the only solution is to make more far-reaching changes in the organisation. If this is impossible via the structure, then it will have to be done via the culture. I believe, therefore, that an important instrument to improve the coordination of production in the criminal justice system would be the adoption of a common organisation culture. As I have already indicated, each part of the system now has its own cultural peculiarities. These cannot disappear entirely, nor is this necessary since they are bound up with the specific task of the given part in the production process as a whole (...) It is of great importance for an organisation to have a coherent underlying philosophy. The attention which has traditionally been given to this subject in Japanese industry had led the West too to see that the development of a common business philosophy can make a coherent whole out of the acts of the various individuals and entities which compromise a business.'

(Steenhuis 1986: 243)

Hence, Steenhuis wants to cultivate that everyone operating in the criminal justice system 'is inclined to see the criminal justice system as a whole and with this in mind to coordinate the production of the various parts in which they work' (Steenhuis 1986: 245). Steenhuis deliberately uses the term 'indoctrination' (Steenhuis 1986: 244). He wants to use basic training courses and more in depth courses to cultivate styles of management according to 'key concepts from management science, business management and organisational theory' (Steenhuis 1986: 244). Thus, it is his 'intention' to induce structural change via cultural change. Moreover, he wants to attract a different 'breed of candidate' (Steenhuis 1986: 245)

'Effort must be made to ensure that throughout the training course the philosophy of the criminal justice system as a whole (...) is given such prominence that the participants feel themselves in the first instance to be an employee of the system and only in the second instance police officer, prison officer and so forth.'

(Steenhuis 1986: 245)

So we see here the intention to induce structural change of the operations of criminal justice via cultural change: a business model and new training courses for public prosecutors and judges. Therefore, if Downes (1982) places emphasis on the culture of the judiciary to explain the trend of decarceration in the period 1945-1965 and the limited penal capacity in 1965-1975, this explanation can now also be turned around. There have been deliberate interventions aimed at changing the judicial habitus to toughen things up and moralize the community. This idea of the penal chain and its focus on efficiency was central to the reorganizations of the penal field proposed by Society & Crime (1998) and Law in Motion (1990).

In addition, the reach of managerialism went further. In 1994 the Donner-committee (chaired by later minister of Justice Donner) used it to advise on the reorganisation of the public prosecutor services and the judiciary. The ideas influenced the later reorganisation of the Dutch magistrates in 1999 ('t Hart 1999).⁶⁴ The Donner Committee problematized the Dutch judicial culture for being too constitutionally oriented, too individualistic and ineffective. Instead, the community must be protected. In 1999-2002

a new law was implemented that reorganized the organisation of the public prosecutor service and magistrates. The public prosecutor service was reorganised based on a hierarchy of command while the relative independence of the public prosecutor in relation to the Minister of Justice decreased ('t Hart 1999). Furthermore, following the Leemhuis Committee (1998) the Kok II administration reorganized the structure of Dutch magistracy. The new organisation is based on modern discipline and new public management: a detailed organisation of processes, a focus on input and output, hierarchical control and several techniques of performance measurement and punishment or reward are introduced.

Several commentators argued against these developments (e.g., Bovend' Eert & Kortman 2000; Huls 2000; Cleiren & De Roos). According to Cleiren and De Roos (2004) there is a lot of pressure coming from parliament and the media on the magistrates to punish more and more severely. Huls argues that this is the birth of the 'managerial judge' (Huls 2000: 1776-1777). Another argument against this development is that the normative and human dimension easily gets lost in a context of efficiency and caseloads to be processed. Recently this debate fired up with Corstens, president of the Dutch High Court of Justice, arguing against the current tendency of managerialism, production rates and modern discipline. It comes as no surprise that *it is Steenhuis who attacked the attack on managerialism (and managerial communitarianism)*.

The rise of the business model and the priority of penalty also influenced the probation service. Before the 1980s it was a service based on the principles of 'social care' and the social worker was a professional working with persons in need. In 1982 a severe budget cut caused a major reorganisation of the probation service (Fiselier 1998: 58). The same happened in 1995. The Ministry of Justice increased its steering capacity and 'governs-from-a-distance' using qualitative and quantitative demands attached to the subsidy (Fiselier 1998: 58). This also led to a process of 'creaming': the probation service selects the group that has the most potential of success (Schuyt 1998: 235). At the same time the probation service is focused on output instead of outcome to gain monetary funds: subsidies are related to the equation of 'realised production' and 'planned production' (Fiselier 1998: 61; cf. Fijnaut 1989).

In sum, since 1985 penal government has been reorganized based on managerial principles. This influenced all the actors involved in 'the chain' including the judiciary, police and probation service. This has also been implemented in other contexts. For example, both national and local states are working with 'contracts' and 'performance indicators' (e.g., TSS 2002; APRYEO 2009: 11). Hence, it can be argued that *managerialism has been an influential model to discipline the state*.

In addition to this, there has also been an extension of state competences and capacities. The critique of penal welfarism involved a targeting of society as a whole from a criminal justice perspective. Under the dual flag of prevention *and* repression the criminal justice system cast a wider net and thins its meshes (SAC 1985: 35-37; cf. Cohen 1979). Harsher punishment, new prisons, less tolerance and alternative punishments came to be 'solutions' for perpetrators and, additionally, deterring others (SAC 1985: 36-38) while more (formal and informal) surveillance, bonding and intervention based on risk were selected as primary tools of prevention. This was backed by communitarian concerns over the

⁶⁴ According to 't Hart (1994) the Donner report lacked constitutional concerns, a focus on due process and lacks attention to the independence of judges and protection of citizens against too much interference by the state. This is all in the name of the protection of the community.

lack of citizen involvement, an overemphasis on citizens' rights and a waning of informal forms of community control. LIM 1990 argued that an imbalance had grown between citizens and the state in favour of the citizens' rights (LIM 1990: 7). It called for more law enforcement, more punishment and this included more personnel and possibilities of intervention and more efficacy (LIM 1990: 23, 37).

Likewise, TSS 2002 repeated these concerns ('Dutch society needs to be safer'; TSS 2002: 4, 7, 13) and introduced 'unorthodox' measures to support them: 1) the introduction of 'compulsory identification' on Dutch soil for everyone (TSS 2002: 36) – and as such 'the border is everywhere' (Feeley & Simon 1994: 181); 2) the introduction of 'local spaces of emergency' dubbed 'Hot Spot Zones' which brings with it exceptional powers such as random body searches otherwise prohibited in the Netherlands (TSS 2002: 34-35), and 3) the 'Frequent Offenders Institution Order', which allows for a maximum incarceration of two years for offenders or drug users deemed incorrigible (TSS 2002: 20). There are also extra prosecutorial competences to enforce behavioral interventions (therapy or other treatment) even before the judge has sentenced a punishment (APFN 2008: 11).

In the early years 2000, extra administrative competences (primarily attributed to the city mayor, hence, a "localization of power") have been invented to exclude persons or families from areas, to enforce social intervention in families and to demand information and cooperation of social care agencies (enforced 'integralization': see below). Moreover, there is an extension of possibilities for social care intervention and surveillance (extension of the possibilities of social surveillance of families: an increase from 6.322 families under surveillance in 1998 to 33.164 in 2009: Berends et al., 2010: 15) and 'outreaching care' to intervene in private sphere (e.g., the placement of family coach and a research committee investigates the possibility to enforce care with financial threats: APFN 2008: 26; APRYEO 2009: 7, 16). Thus, on the one hand, law and justice are instrumentalized ('t Hart 1994), while on the other hand, where the law gets in the way of government – for instance where issues of privacy are at stake – exceptional measures are taken to by-pass the law (cf. Schinkel & van den Berg 2011), for instance by granting exceptional executive powers to local government (e.g., mayors and DA-officers).

(B) Encompassing privatization and responsabilization

In 1985 the Dutch government acknowledged for the first time that it was not able to cope with crime by itself and argued for the mobilization of 'individual citizens and civil society, including local governments and the private sector, to fight the mass manifestation of crime' (SAC 1985: 37). This 'responsibilization' is one of the important mantras of Dutch crime policy from 1985 onward: time and again it is argued that a 'reconfiguration of responsibilities' is needed, which includes the need of an 'active civil society' as it is the 'responsibility of citizens themselves to prevent crime' (SAC 1985: 40) and a 'prime role of local governments' (SAC 1985: 15, 36-38, 43, 57, 103-105; see also TSS 2002; SBP 2007). This context of making local governments and citizens responsible for the government of crime and safety is important to understand the emergence of active citizenship as a primary technique of governing crime (Rotterdam City Council 2009).

While responsabilization has been noted before, a distinction is in order between *facilitative responsabilization* and *repressive responsabilization* (Schinkel & Van Houdt 2010a/b). Facilitative responsabilization assumes the pre-existing autonomous citizen, a citizen already properly socialized,

only to be mobilized and called into active service. This is related to a more neo-liberal approach of governing crime (Garland 2001: 124). But when autonomy is seen not as pre-existing but lacking, responsibility is coercively learned in special programmes focused on underclass and ethnic families or in boot camps for 'recalcitrant youth' (cf. APFN 2008; APRYEO 2009). For example, 'troublesome families' are monitored and a variety of efforts exist as morally educating them in Dutch norms and values as a way of taking responsibility for their children and society (APFN 2008; APRYEO 2009; cf. Garland 2001: 127). This is a form of *repressive responsabilization*, which is situated in the arena of 'interventions'. This can be regarded as the more communitarian form of responsabilization. These take place where 'risky citizens' are located, and it involves active efforts at (re)socialization into 'responsible citizens' (APRYEO 2009: 7; cf. Schinkel & Van Houdt 2010b). In practice, this involves mainly immigrant families (e.g., APRYEO 2009). It may be concluded that we witness *the shift from a belief in resocialisation (until the 1970s) to a belief in presocialization*. The weight of the penal enterprise has shifted towards the time before the crime (based on a logic discussed under the heading pre-crime: Zedner 2007).

In relation to privatization, the private security market in the Netherlands has grown from 10.000 persons employed in 1981 to 39.000 in 2008 and its turnover grew from 1,07 billion in 2002 to 1,43 billion in 2008 (Algemene Rekenkamer 2009: 2). Another development in terms of privatization and responsabilization is the more communitarian oriented mobilization of ethnic communities to become more involved in crime prevention. For example, a 2009 action program urges 'the Moroccan-Dutch community to get involved, to correct their own troublesome youth and families and to renounce troublesome behaviour and cooperate with the authorities' (APRYEO 2009: 8).

(C) Integralization of the institutional field of penal government

Integralization can be regarded as the institutional culmination of the other developments mentioned here. Integralization points at a development towards a holistic, all-inclusive approach, in which the institutions correlated to the many life fields involved in the production of risk (from child care and health to welfare, police and criminal justice) are connected to each other. An important policy document to understand 'integralization' is ISR (1993), jointly drafted by several ministerial departments and the 1999 *Integral Safety Program* (ISP 1999). Since 1993, the concept of crime has become semantically embedded in the concept of 'safety' and 'security' (*veiligheid*). As a consequence, crime became part of a safety-assemblage stretching from concepts such as nuisance, liveability, (immigrants) integration, subjective and objective safety, and risk (Van de Bunt & Van Swaaningen 2004). This opened up the possibility for criminal justice to fight nuisance and for the civic administration apparatus to deal with crime (as such blurring the boundaries between maintaining order and fighting crime) (cf. Wilson and Kelling 1982).

At the same time welfare agencies are linked to penal agencies, also because welfare interventions are increasingly backed by penal measures. An institutional 'chain cooperation'⁶⁵ between preventive and repressive actors was set up, meaning cooperation and sharing of information between social work, youth justice, teachers, health care officials and police officers. Several interconnected electronic archive-systems have been constructed to store and share information (see: Schinkel 2011). The aim

65 The notion of a safety and risk 'chain' was introduced in 1993 (IVR 1993: 62).

is to 'intervene' as early as possible (e.g., SBP 2007: 27-28). Some of these archives gather information of children from 0-19 years, sometimes starting before birth, as prenatal care is also part of the chain. Since 2007 the actors in the safety chain are physically brought together into an encompassing network of 'Safety and Security Houses' ('veiligheidshuizen' SBP 2007: 24-29).

'Integral safety' consists of several phases: 'pro-action, prevention, preparation, repression and aftercare' (SR 1993: 12). Some of these elements, especially prevention, repression and aftercare are closely linked. In order to be taken seriously, it is for instance argued, prevention strategies are to be backed by repressive measures (e.g., CRIEM 1997; ISP 1999). Thus, the government of crime is transformed from a reactive to a combined pro- and reactive approach. The concept of 'integral safety' is further clarified in ISP (1999) as referring both to an 'optimal synergy between preventive and repressive measures' (ISP 1999: 11) and to 'partnership in safety' (ISP 1999 12). Therefore, 'integral safety' not only means cutting across compartments of the 'bureaucratic field' (ISP 1999 11). It is also used to cut across public-private distinctions as both public actors and private actors, including citizens, need to cooperate in a so called 'safety chain' (ISP 1999: 2, 7, 11, 12, 13, 27, 28, 32; cf. TSS 2002; SBP 2007). Hereby, as suggested by Wacquant (2009), the left hand of the state is transformed as elements of the right hand, such as penalties, reliance of duties, and coercion, are introduced.

5.1.3 The recalibration of penal welfarism by neoliberal communitarianism

The governing of crime in the last three decades is comprised of a combination of neoliberal and communitarian elements, and these go together surprisingly well. Policies based on the mixing and merging of neoliberal and communitarian elements find in the competing approaches within criminological theory fertile ground to underpin and legitimate policy techniques. Neoliberal communitarianism is a governmental strategy that combines a focus on individual responsibility, community and a selectively tough state. It combines a vocabulary of the state as enterprise, facilitator and moralizer with an image of the state as defender of 'the' community, and of the state as punisher. To shed light on this newly emerging strategy this chapter focused sharply on the transformations occurring in the political programs and techniques used in the government of crime.

The birth of neoliberal communitarianism as described above is not to claim that political or cultural path-dependency plays no role and that the 'old' welfarist strategy has been defeated and disappeared. However, welfarism is 'reinscribed' within this new governmental configuration (cf. Rose & Miller 1992; Garland 2001; Wacquant 2009). Thus, the 'strategic' field that has been described consists of a configuration of neoliberal and communitarian rationalities and a welfarist infrastructure. Neoliberal communitarianism effectuated a recalibrating of 'penal welfarism' thereby also blurring the supposedly stark contrast between neoliberalism and welfarism (summarized in Table 5.5; see also chapter 6).

However, neoliberal communitarianism does signal a major political change (a political rupture) in the Netherlands which has made possible, for example, the re-entry of (socio-)biological approaches to crime, unthinkable in the 1970s (Fijnaut 1980). This can be expected to be one of the next subjects in the government of crime: the citizen genetically or biologically at risk (see Rose 2000b). *Perhaps that out of this crack, this rupture in governmentality, a new biological culture of control emerges.*

Table 5.5 The recalibration of penal welfarism by neoliberal communitarianism

Theme	Penal Welfarism	Neoliberal Communitarianism
<i>Crime</i>	<ul style="list-style-type: none"> • Focused on delinquent 	<ul style="list-style-type: none"> • Concerns whole society, but differentially (differentiated in groups: victims, law abiding citizens, risk citizens, delinquents)
<i>Approach of delinquent</i>	<ul style="list-style-type: none"> • Resocialisation 	<ul style="list-style-type: none"> • Reintegration, based on individual and supra-individual risk factors • Segregation (selective incapacitation)
<i>Causes of crime</i>	<ul style="list-style-type: none"> • Socio-economic deprivation, labelling and stigmatization • Psychological pathology 	<ul style="list-style-type: none"> • Risk factors • Opportunity • Lack of bonds
<i>Stages of intervention</i>	<ul style="list-style-type: none"> • Repression • Resocialisation 	<ul style="list-style-type: none"> • Prevention • Repression • Prepression • Assistance • Reintegration/control
<i>Construction of citizen</i>	<ul style="list-style-type: none"> • Rights • Guarantees 	<ul style="list-style-type: none"> • Duties • Responsibilities
<i>Construction of subject(s) of government</i>	<ul style="list-style-type: none"> • Accountable social subject of need 	<ul style="list-style-type: none"> • Active citizen • Calculating Citizen • Risk citizen (low/high)
<i>Larger social response</i>	<ul style="list-style-type: none"> • Tolerance • Lack of politicization 	<ul style="list-style-type: none"> • Enforcement/surveillance • Politicization
<i>Governance</i>	<ul style="list-style-type: none"> • Professional autonomy • Limited competences • Permissiveness • Integral Safety Approach • Distance between politics, bureaucracy and public 	<ul style="list-style-type: none"> • More competences • Plural punishment • (enforced) Cooperation
<i>Surveillance</i>	<ul style="list-style-type: none"> • Informal 	<ul style="list-style-type: none"> • Informal and formal
<i>Organisation of law</i>	<ul style="list-style-type: none"> • Procedures 	<ul style="list-style-type: none"> • Efficiency
<i>Responsibilities</i>	<ul style="list-style-type: none"> • State, national level 	<ul style="list-style-type: none"> • State: national and local government • Repressive and facilitative responsabilization

Contemporary Dutch government of crime involves a space of governing opened up between the opposites of neoliberalism and communitarianism. It may involve conflict, as communitarian-inspired actors may for instance oppose neoliberal crime policies. Crucially, such contradictions are productive in shaping the field of crime and safety policies. A 'rationale of governing' can in this respect be seen as a complex reservoir of often contradictory yet practically compatible orderings, attributions and legitimations.

The strength of neoliberal communitarianism as such a rationale lies in its bridging of the field between the 19th century opposition between individual and community. It therefore combines a wide array of criminological knowledge in the governing of crime. An equally wide range of policy *problematizations*, from individual to cultural community, is opened up, giving rise to often paradoxical combinations. Moreover, on the level of organization, both neoliberal forms of governance and communitarian holistic approaches to social problems amount to pleas for 'institutional cooperation' and against existing bureaucracies that are perceived as failing in the penal field. Significantly, on the aspects of organization and regulation, neoliberalism and communitarianism appear most compatible. This concerns precisely the executive side of crime and safety policies.

Most importantly, neoliberal communitarianism has emerged as a *differentiating strategy* in the articulation of *citizenship* and *subjects of government*. First, it draws new lines across the space between citizen and the state (which, like the concept of citizen, is only one effect of a larger ensemble of government). Second, it differentiates along these new lines between good and faulty citizens. And third, it reframes both these conceptions. This leads then not to two images of the citizen but to a threefold differentiation between: 1) the active citizen; 2) the low risk citizen; 3) the high risk citizen. The latter category consists of those to whom neither facilitative nor repressive responsabilisation is geared, but who are 'selectively incapacitated' and hence exempted from the larger community. This three-tiered hierarchy of governing images of citizens signals crucial shifts in the self-reflection of government as it increasingly moves away from a rationality based on conceptions of welfare.

One might argue that in the end, rhetoric of communities, responsible citizens and contracts between citizens and the state may turn out to be just that: mere rhetoric of governing. However, as this paragraph aimed to show that it is a powerful rhetoric that provides images, rationalities and techniques of governing citizens and the state. In addition, one might argue that neoliberal communitarianism is typical Dutch and, therefore, only one of the European roads "to the penal treatment of poverty and inequality, characterised by the *conjoint* intensification of *both social-welfare and penal interventions* (rather than the replacement of one by the other as in America)" (Wacquant 2009: 4; italics original). However, given its likely presence in, for example, the U.K., it may also be considered as the typical European road to neoliberalism (see, for example, Downes & Morgan 2002; McLaughlin 2002; Atkinson and Helms 2007; Hughes 2007; cf. Rose 2000a: 1407). Moreover, with Foucault it can be argued that this European version of neoliberalism has more to do with ordoliberalism and cannot be equated with Chicago school neoliberalism in the U.S.A. (see chapter 2 and also chapter 6).

However, before plunging into such a general discussion, the next paragraph explores whether *neoliberal communitarianism has broader applicability* to other bureaucratic fields in the Netherlands. This is based on a study of the emergence and government of the migration control predicament in the field of migration and immigrant integration.

5.2 Governing the migration control predicament (1980-2008)

In various countries a critique has emerged on a former policy of 'multiculturalism'. Voiced at different moments but with a similar dismissal of a 'naïve' and 'disinterested' cultural *laissez-faire* attitude, Nicholas Sarkozy, Angela Merkel, David Cameron and Jan-Peter Balkenende gave seminal speeches in which an end to this 'multiculturalism' was announced. This was only one step in a process under way much longer, as Rogers Brubaker in 2001 signalled what was then still a 'modest return of assimilation' (Brubaker 2001: 535, 539). Likewise, Joppke (2004) signalled a shift in Western European policies from 'multiculturalism' to 'civic integration'. In the Netherlands, this shift dates back to 1994, when 'immigrant integration' came to be defined in state policy as 'citizenship' (see below). Hence, the Netherlands makes an interesting case because it is something of a forerunner. It was one of the first to radically break with a discourse now deemed 'multiculturalist'. In fact, it is often cited as an example of a radically harsh policy and public debate vis-à-vis migrants (Buruma 2006; Schinkel 2007; Eyerman 2008). Moreover, within continental Europe it is often presented as one of the first extended welfare states to have undertaken the path towards neoliberal policies, which in the field of migration and integration plays out in terms of individualization, a market order and responsabilization (Schinkel & Van Houdt 2010b).

The aim of this paragraph is to understand the problematization and government of migration and immigrant integration in the Netherlands in the period 1980-2008. The analysis consists of three parts. I will first present a short introduction to the topic that will lead to a summary of three trends in the government of migration and integration in the Netherlands: 1) a transition in policy discourse from pluralist and open to assimilationist and restrictive; 2) from thin to thick identification, and; 3) from state responsibility to individual and market-based responsibility (5.2.1).

This will be followed by a description of three major aspects of the government of migration and immigrant integration in the Netherlands: 1) the emergence of a consensus on the migration control predicament (*the problematization of the rates of migration, a realist position on the problems of integration and a problematization of previous national policies to deal with these issues*); 2) the emergence of the double helix of neoliberalism and communitarianism (the dominant developments in the government of migration and integration, for example, the focus on citizenship and the trends of individualization, responsabilization, introduction of a market order, assimilation, moralization and sacralization of the community can be captured by the concept of neoliberal communitarianism), and; 3) the moralization of citizenship (naturalization and integration) (5.2.2).

In terms of knowledge, this paragraph describes the relation between power-sociology and the role sociologists play as "zoo keepers". This will be contrasted to the role of the governmentality-scholar aimed at understanding the government of the human zoo. Finally, in terms of power and subjects the last part describes how the government of the migration control predicament can be understood as a reconfiguration of the three technologies of power discerned by Foucault (see chapter 2) and to newly invented subjects: 1) in terms of *government* there is the introduction of a market order in relation to the migrant entrepreneur, 2) in terms of *discipline* there is the introduction of the citizenship test aimed at the production of the good citizen, and 3) in terms of *sovereignty* there is the process of territorialization (based on the techniques of detention, deportation and deterrence) in relation to the non-citizen (5.2.3).

This is all based on a study of the major policy documents on migration and integration of the

past 30 years (see Table 5.6) in terms of political rationalities and the triangle of power-knowledge-subject (see Table 5.7). Moreover, this is related to an understanding of the government of citizens in the present in relation to 1) the problematization of migration and integration in the Netherlands, 2) the role of citizenship as a relational technique of government and, 3) political rationalities and the triangle of power-knowledge-subjects.

Table 5.6 Political programs on migration and integration

1983	<i>Minority Policy</i>
1985	<i>Dutch Citizenship Act</i>
1994	<i>Outline Integration Ethnic Minorities</i>
1994	<i>Investing in Integration</i>
1994	<i>Compulsory Identification Act</i>
1994	<i>Prevention Fake Marriages Act</i>
1995(8)	<i>Linkage Act</i>
1998	<i>Integration Policy 1999-2002</i>
1998	<i>Civic Integration Newcomers Act</i>
2000(1)	<i>Alien Act</i>
2002	<i>Integration in Immigration Perspective</i>
2003	<i>Adaptation 1985 Dutch Citizenship Act</i>
2003	<i>Return Memorandum</i>
2004	<i>Outline Civic Integration Act</i>
2004(6)	<i>Civic Integration Abroad Act</i>
2006	<i>Naturalization Ceremonies</i> (addition of art. 60a en 60b)
2006(7)	<i>Civic Integration Act</i>
2007	<i>Integration Memorandum 2007-2011</i>

5.2.1 Migration and integration in the Netherlands: a short introduction

Immigration to the Netherlands in the 20th century is often reconstructed as ‘three waves’, each wave having its specific ‘type of immigrants’ (Driouichi 2007). The first period covers 1945-1960 and consisted of postcolonial migration from Indonesia and Surinam. The second wave occurred between 1955-1973 and consisted of ‘guest workers’ (*gastarbeiders*), first from Spain, Italy and Yugoslavia and later also from Turkey and Morocco. After the oil crisis of 1973 the active recruitment of guest workers stopped, but family reunification, and up to 1980 (following Surinamese independence in 1975) a steady inflow of Surinamese, led to continued migration (Entzinger 1984). The third wave of immigrants, during the 1990’s, consisted of asylum seekers, first from communist countries, later from all parts of the world but mainly African countries and Iraq, Iran and Afghanistan.

In the seventies it was thought that especially guest workers would not want to stay permanently, yet slowly awareness rose that the idea of return was a ‘myth’ and that new policies were needed (Driouichi 2007). More in general, the mentality of government started to change at the end of the eighties. New programs of problematization and government were formulated. The transformation of policy discourse

with respect to migration, naturalization and integration can be summarized as follows: 1) a transition in policy discourse from pluralist and open to assimilationist and restrictive; 2) from thin to thick identification; 3) from state responsibility to individual and market-based responsibility (Entzinger 2003; Driouichi 2007; Joppke 2007a/b; Schinkel 2007; Spijkerboer 2007; Vermeulen 2007; Fermin 2009).

Table 5.7 introduces and summarizes the substance of the major policy documents and gives extra information about the context. It also indicates the emergence of the migration control predicament in the 1990s, how a consensus emerged on the migration control predicament in 2000 and the way it is toughened up in terms of techniques in the first decade of the 21st century.

Table 5.7 Political programs on migration and integration: diagnosis/techniques/context

Policy programs	Diagnosis and techniques	Context
< 1980	<ul style="list-style-type: none"> • 1973 labor migration ended • 1975 general regularization of undocumented migrants 	<ul style="list-style-type: none"> • Oil crisis (>1973) • Macro-economic changes • Publication of <i>Ethnic Minorities</i> (Scientific Council for Government Policy 1979): advised to accept the presence of migrants and restrictive admissions policy
1983 <i>Minority Policy</i>	<ul style="list-style-type: none"> • State responsibility to support minority groups: focus on socio-economic participation, strong juridical position and emancipation • Leading principles: equality, emancipation and plurality 	<ul style="list-style-type: none"> • Publication of <i>Immigrant Policy</i> (Scientific Council for Government Policy 1989): argued that migration will be lasting, it identified problems of integration and marginalization (in relation to unemployment, educational drop out and crime) and argued that new policy is needed
1991 <i>Zeevalking Report</i>	<ul style="list-style-type: none"> • Problematization of 'illegal immigration'; • Assumed the problem to be unsolvable but manageable (e.g., possible to prevent misuse of welfare state arrangements) • Problematization of the policy of 'allowing what is strictly speaking illegal' (illegal residence) because expulsion is needed; • Advice to introduce limited compulsory identification, • Advice to exclude 'illegal aliens' from welfare arrangements (to cut off possibilities to illegally sustain economically a living in the Netherlands) • Advice to counter illegal labor 	<ul style="list-style-type: none"> • Growing perception of a system in crisis (cf. Geddes 2003: 106): <ul style="list-style-type: none"> ◊ Numbers migrants rising (peaking in 1994); ◊ Lengthy procedures (up to 3 years); ◊ Removal rates low; ◊ High unemployment rate migrants ◊ Problematization welfare solution for legal and illegal aliens

Policy programs	Diagnosis and techniques	Context
1994 <i>Outline</i> <i>Integration</i> <i>Ethnic</i> <i>Minorities</i>	<ul style="list-style-type: none"> • Diagnosis based on three observations: <ol style="list-style-type: none"> 1. The normality of high rates of migration; 2. Problems of immigrant integration 3. The need for a new relation between state and citizens • <i>Minority policy</i> reframed as <i>integration policy</i> • Citizenship as leading principle (implies a responsabilization and individualization) 	<ul style="list-style-type: none"> • First acknowledgement of migration control predicament: <ol style="list-style-type: none"> 1. Normality of high rates of migration 2. 'Realist' position on the problems of integration 3. Failure of previous policies and limited possibilities of national state
1994 <i>Compulsory</i> <i>Identification Act</i>	<ul style="list-style-type: none"> • Authorizes state actors to request identification of suspected aliens (surveillance); • Obliges employers to check identification 	
1994 <i>Preventing</i> <i>Sham</i> <i>Marriages Act</i>	<ul style="list-style-type: none"> • Preventing the marriage of Dutch citizens with an alien or denying the legality of previously registered marriages because of the suspicion that these marriages are solely aimed at gaining residency in the Netherlands 	
1995 <i>Linkage Act</i>	<ul style="list-style-type: none"> • Social benefits linked to legal residency (exclusion from welfare arrangements) 	
1997 <i>Crime in</i> <i>Relation to the</i> <i>Integration</i> <i>of Ethnic Mi-</i> <i>norities Policy</i> <i>Paper</i>	<ul style="list-style-type: none"> • Problematization of immigrant youth in relation to crime: understood as lacking adequate bonds to the Dutch community 	
1998 <i>Integration</i> <i>Policy (1999-</i> <i>2002)</i>	<ul style="list-style-type: none"> • 'Active citizenship' and 'active integration policy' as leading principles • Responsibilization (individuals and immigrant communities) • Acknowledgement of problems of 'integration' (e.g., unemployment, crime) • Specific action programs formulated to deal with 'integrating vulnerable risk groups' (interventionist role of the state needed to prevent 'poverty culture') • Focus on culture, bonding, norms and values, socialization (e.g., parenting courses) 	<ul style="list-style-type: none"> • Parliamentary debates focused on NPM and duties of migrants; in politics and media emerged a problematization of immigrants having a 'double nationality'

Policy programs	Diagnosis and techniques	Context
1998 <i>Civic Integration Newcomers Act</i>	<ul style="list-style-type: none"> Extension of the (relatively thin) integration course to all newcomers 	
2000(1) <i>Aliens Act</i>	<ul style="list-style-type: none"> Sharpening conditions for family reunification and making it more difficult to gain asylum Extension of state competences for police surveillance (e.g., to stop persons and to enter private houses) 	Publication of <i>The Multicultural Drama</i> by center-left wing publicist (Scheffer 2000) indicating the emergence of a consensus on the migration control predicament
2002 <i>Integration in Immigration Perspective</i>	<ul style="list-style-type: none"> Acknowledgement of Dutch society as 'immigration society' Realist position on problems of integration in relation to continuing influx of migrants Introduction of measures to curb immigration Discursive and financial prioritization of immigrant integration: 'full citizenship' as leading principle 'Integration contracts' used to commit local governments and immigrants to integration Responsibilization of individuals migrants and other non-state actors 	Publication <i>Dutch Society is a Society of Immigration</i> (Scientific Council for Government Policy 2001)
2003 <i>Amendment of 1985 Law on Dutch Citizenship</i>	<ul style="list-style-type: none"> Reformulated in more culturalized and restrictive terms: demands to discard original nationality and Implementation of extensive naturalization/civic integration test 	
2003 <i>Return Memorandum</i>	<ul style="list-style-type: none"> Aims to stop the influx of irregular migrants and to increase amount of deportations Problematization of (the current) administration (e.g., results) of irregular migration and return; Effective deportation as part of migration policy Introduced measures to increase efficiency and efficacy of deportation (e.g., prioritization, improving surveillance, centralizing the administrative organization, , chain cooperation, NPM, increasing detention capacity) Purposive strategy to communicate and send a signal to irregular migrants, administrators and logistic entrepreneurs that deportation is a priority and primary non-state responsibility (responsibilization) Active cooperation with other national governments 	In 2002 irregular migration was prioritized in the <i>Towards a Safer Society Policy document</i> (introducing detention center from the perspective of safety and security)

Policy programs	Diagnosis and techniques	Context
2004 <i>Illegal Aliens Memorandum</i>	<ul style="list-style-type: none"> • Problematization of illegal residence of aliens in terms of crime, nuisance, marginality and exploitation, disturbing labor market competition • Intensification of surveillance and apprehension and increase of detention capacity • Indirect penalization (using the 'ongewenstverklaring') • Repression of human trafficking, economic exploitation and local nuisance • Shortening procedures 	
2004 <i>Outline Civic Integration Act</i>	<ul style="list-style-type: none"> • Argues for a 'real policy change' or rupture in government • Introduces the <i>market order</i> in the field of immigrant integration; • Introduces NPM (e.g., focus on measurable result and accountability) • Thickening of citizenship tests and more demands from migrants (e.g., instead of 'effort obligation' a 'result obligation') • Integration problems explained culturally 	
2006 <i>Civic Integration Abroad Act</i>	<ul style="list-style-type: none"> • Stipulates that culturally non-western alien outsiders must pass a civic integration course in country of origin to gain residence permit • After passing a test, obligatory civic integration continues 	
2006 <i>Introduction of Naturalization Ceremonies</i>	<ul style="list-style-type: none"> • Obligatory naturalization ceremonies: 'becoming Dutch is a special occasion' 	
2007 <i>Civic Integration Act</i>	<ul style="list-style-type: none"> • Introducing new civic integration courses: including aspects of identification and emotional feeling of belonging and 'result obligation' 	
2007 <i>Integration Memorandum (2007-2011)</i>	<ul style="list-style-type: none"> • Citizenship and individual responsibility continued to be the leading principles 	

Policy programs	Diagnosis and techniques	Context
2007 <i>General regularization for specific category of asylum applicants</i>	<ul style="list-style-type: none"> Aliens who applied for asylum before April 2001 and can prove that they have stayed in the Netherlands and are not convicted for committing crimes will be regularized and granted amnesty 	In 2009 about 30.000 aliens have been regularized this way

5.2.2 Trends in the government of migration and integration (1983-2008)

In the eighties a 'pluralist perspective' was dominant in the Netherlands (Schinkel 2007). The demand to discard one's original nationality in the process of naturalization was seen as needlessly complicating the process of naturalization and, in addition, argued to be blocking the process of socio-economic integration. At this point, only basic language skills were required for naturalization (Fermin 2009: 19). 'Minorities' were expected to respect the democratic constitutional state (Minority Policy 1983: 11). The leading principles were equality, emancipation and plurality (Driouichi 2007: 18). The state assumed responsibility to support minority groups and their emancipation (Verwey Jonker Instituut 2004; Driouichi 2007: 20). Policies aimed at providing access to the labour market, providing accommodation and welfare benefits (Geddes 2003: 106). It was assumed that both a strong juridical position based on equality in Dutch society and a strong cultural position within minority communities would further socio-economic participation and emancipation (Schinkel 2007; Spijkerboer 2007; Vermeulen 2007; Fermin 2009).

However, this mentality of government started to change at the end of the eighties. Then, a perspective focusing on the socio-economic position and participation of immigrants and citizens became dominant (Joppke 2004: 247; Driouichi 2007). The context is one of an increased *politization of immigration* (Brants 1986), a *problematization of the welfare solution* for unemployment (receiving social security benefits), the *problematization of continuation of immigration* (cf. Driouichi 2007: 21) and the beginning of a *problematization of 'illegal immigration'* with the 1991 Zeevalking Report. This report was taken up by right-wing politicians who argued in favor of toughening up Dutch policy against illegal migrants (e.g., closing the welfare system, expulsion policy, compulsory identification measures) (Engbersen & Van der Leun 2001; Schinkel 2009: 783).

New policy paths were taken that are reflected in terminology, leading principles and perspectives. I will describe three trends to understand the changes in the government of migration and integration: 1) the emergence of the migration control predicament in relation to a shift from 'minority policy' to 'integration policy' with citizenship becoming the leading principle; 2) the emergence of a double helix of neoliberalism and communitarianism, and; 3) the moralization of citizenship.

1) The emergence of the migration control predicament

The 1994 *Outline Integration Ethnic Minorities* policy document (*Contourennota Integratiebeleid Etnische Minderheden [CIEM 1994]*) encompasses three observation observations: 1) the normality of high rates of migration, and 2) the need for a new relation between the state and citizens: the national state must

step back and more autonomy and responsibility was expected from citizens and local governments (CIEM 1994: 4-5), and; 3) it is argued that there is a reciprocal relation between continuing migration and problems of immigrant integration (CIEM 1994: 52). The control of migration, therefore, through a restrictive migration policy is argued to be a necessary condition for integration policy (CIEM 1994: 52-3). Hence, with CIEM (1994) there is a first acknowledgement of the migration control predicament: a problematization of the high rates of migration in relation to a realist position on the problems of integration and a problematization of previous national policies to deal with these issues.

At this moment 'minority policy' was reframed as 'integration policy' (CIEM 1994: 6). 'Citizenship' became the leading principle (CIEM 1994: 5, 24-50). This implied the following: (1) citizenship was considered to be a reciprocal process involving not only rights but also duties, (2) citizenship was seen as an individual(ized) status (versus the categorical approach prevalent before) and (3) citizenship was argued to be the responsibility of 'allochtons' (literally meaning 'not from this soil'; cf. Schinkel 2008) themselves (CIEM 1994: 5, 6, 24-50; Spijkerboer 2007: 14-15). With citizenship as leading principle it is emphasized that everyone has the choice (sic) and responsibility to participate in Dutch society (CIEM 1994: 52-3). The focus on citizenship is used to emphasise both the individual responsibility of migrants and a facilitative role for the state. In addition, however, also a tougher stance is taken: if necessary it is argued that the state has to force welfare depending citizens to integrate and to prevent 'newcomers' from lagging behind. They must learn the Dutch language, they must educate themselves and must accept any job offer. If they reject this their social allowance will be cut (CIEM 1994: 32).

This means that there is also a will to a more repressive and restrictive approach. This is, for instance, visible in three important acts that were passed in this period: 1) the 1994 *Compulsory Identification Act* (Wet op de Identificatieplicht) that authorizes state actors to request identification of suspected aliens and obliged (responsibilized) employers to check identification; 2) the 1994 *Preventing Sham Marriages Act*, and; 3) the 1995 *Linkage Act* (Koppelingswet) that coupled legal residency to social benefits (cf. Geddes 2003: 106). The first aims primarily at surveillance (inclusion in the gaze) and the third at closure (exclusion from welfare arrangements) (Broeders 2009). The second aims to prevent the marriage of Dutch citizens with foreigners or to deny the legality of previously registered marriages in situations where there is a suspicion that these marriages are solely aimed at gaining residency in the Netherlands.

In 1998 a new policy document was formulated entitled *Integration Policy 1999-2002* (Kansen Krijgen, Kansen Pakken [KKKP 1998]).⁶⁶ KKKP (1998) adds the dimension of 'activity' to integration-cum-citizenship policy. Hence, 'active citizenship' and an 'active integration policy' are the 'new' leading principles. This implies both a focus on individual responsibility and self-reliance but also a more active approach by the national and local governments (cf. KKKP 1998: 4). Just 'like all other citizens' (notice here that there is a stress on equality which implies that migrants are treated as all other citizens who are argued to be self-responsible) minority-members are argued to be responsible for themselves and that they need to be self-reliant and autonomous because they themselves have chosen to stay in Dutch society (KKKP 1998: 8). They have to be(come) active citizens. It is argued that they must also realise that next to rights come

⁶⁶ The parliamentary debates were primarily focused on two issues: 1) there was an emphasis on measurement, evaluation and accountability of state government of migration and integration (previous policy was problematized because of their lack of measurable targets, unclear formulations and, so it was argued, perhaps ineffective); 2) it was argued that more emphasis on duties of migrants was needed (see Verwey Jonker Instituut 2004: 52).

duties. For example, the duty to take a responsibility to educate children well (KKKP 1998: 8).

In addition, it is argued that many minority-members are becoming active citizens but that there are some real problems of integration (KKKP 1998: 9). Especially with the integration of 'Antilleans', 'Surinamese', 'Turks' and 'Moroccans' in relation to educational level, unemployment and crime. Specific 'action programs' are formulated to deal with these 'vulnerable risk groups' (KKKP 1998: 11). Although there is some attention given to problems of discrimination and prejudice, the problems are primarily explained in cultural terms (Schinkel 2007). For example, culture-related aspects of raising children are argued to be the main cause of deprivation (KKKP 1998: 10). The socio-economic problems and concentration of problems in these neighbourhoods and these segments of the population are primarily analysed in socio-cultural terms: patterns in norms and values and socialization (KKKP 1998: 10). In the end a 'poverty culture' might be developing that further decreases the opportunities and leads towards criminal careers and this should be actively approached (KKKP 1998: 10). This can also include parenting courses (KKKP 1998: 26-7).

In the same year of KKKP (1998) the 1998 *Civic Integration Newcomers Act (Wet Inburgering Nieuwkomers [WIN 1998])* came into force. Under WIN (1998) the reach of the integration course was extended to all newcomers. They had to attend to a civic integration course. These courses focused on learning cognitive skills like language. Next to this, the changes of the nineties also influenced the process of naturalization. In this period double nationalities became a problem once more (in politics but now also in the media). It was argued that not discarding the original nationality meant that migrants were not focused on Dutch society but focused on their own ethnic group and that this would block integration in Dutch society (Fermin 2009).

To summarize: the 1990s witnessed the first formulations of the elements of the migration control predicament. Active citizenship became the leading principle, which led to both an *individualization* and a *responsibilization* in the government of migration and integration. Moreover, with the neoliberal focus on individual responsibility (responsibilization) came a decentralization to the local level (e.g., of the organization of civic integration courses) involving input from civil society organizations such as immigrant communities. However, the central state not only takes up a facilitative role. Hence, although many speak of a major rupture after 2000 it can also be argued that the contours of the problematization of migration and immigrant integration and the more active, restrictive and repressive approach were already formulated on the national level in the 1990s and especially since 1998. Perhaps it is better to speak of a toughening up instead of a rupture in the government of migration and immigrant integration in the Netherlands. Finally, increasingly culture (both Dutch and non-Dutch) receives more attention.

2) The double helix of neoliberalism and communitarianism

It is possible to speak of a *culturalization* of citizenship starting in the 1990s (Van Reekum 2012). This corresponds to the general attention given to culture in other domains (Nash 2001), not least in debates concerning 'integration' (Schinkel 2007). From 2000 onwards policy and discourse in the Netherlands made a decisively *assimilationist turn*, meaning that both the individualized and responsibilized strategy remained, but that now adaptation to cultural values and norms were prioritized and also enforced. Several things have contributed to the rise of assimilationism. First there was a more general western European

move towards assimilationism, particularly vis-à-vis Muslim minorities (Balibar 1991; Brubaker 2001; Joppke 2007a/b). Second, the continued critique of the welfare state and welfarism (see chapter 4) which, given the overrepresentation of members of minority groups in social security benefits and statistics on crime and school 'drop outs', focused particularly on such groups. Third, popular and scientific concern about incidents like 9/11, the rise of the populist maverick politician Fortuyn, as well as the murder of filmmaker Theo van Gogh (Buruma 2006; Eyerman 2008) are relevant to understand this change in the Netherlands (Spijkerboer 2007: 17). A point of crystallization is the publication of *The Multicultural Drama* in 2000 by labour-party member and essayist Paul Scheffer (see also Geddes 2003: 117).

Scheffer's publication encompasses all the ingredients of what is called the migration control predicament: 1) the realist claim that there are problems of integration, and, in relation to this; 2) the problematization of (the rates of) migration, and; 3) the failure of national policies to deal with these issues. Therefore, Scheffer argues, new policies and techniques are needed. To deal with these serious issues a more compulsory, coercively, moralizing and decisive approach to integration and migration is needed. Scheffer's publication found fertile ground in an already existing problematization of migration, integration and culture that started with politicians such as Bolkestein (1991) who very similar to Huntington argued that the battleground of the clash of civilizations was to be found on Dutch soil. However, the importance of this publication is the acknowledgement of the migration predicament by a key figure of Dutch new labour. *It can be argued that with this toughening up of the new labour discourse a new realist consensus emerged in the field of migration and integration* (Prins 2004; see below).

It is this new realist position that influenced the policy documents in the period 2000-2010. The 2002 policy document *Integration in Immigration Perspective [IIP 2002]* acknowledges that Dutch society has become an immigration society and that the problems of integration are related to the continuing influx of migrants (IIP 2002: 3). Several measures aim at the government of the problem of migration or integration. Firstly, *measures are taken in relation to migration*. A primary measure that was taken to curb immigration was the new *Aliens Act (Vreemdelingenwet 2000)* implemented in 2001[AA 2001]). AA (2001) sharpened the conditions for family reunification (IIP 2002: 3) and made it more difficult to gain asylum in the Netherlands (Vermeulen 2007: 55). Furthermore, in 2003 the 1985 *Dutch Citizenship Act* was reformulated in more restrictive and culturalized terms. In addition, the 2003 *Return Memorandum* (Terugkeernota) and successive policy papers (in 2004, 2005) prioritized the problem and administration of irregular migration and return (Broeders 2009: 144; see below). A chain approach based on cooperation between successive actors in the migration chain (and the connection of migration with integration) and monitoring of the results and numbers is argued necessary (IIP 2002: 4).

Secondly, *measures were taken to deal with the problems of integration*. The issue of integration was prioritized both discursively and financially: the budget for civic integration of "oldcomers" went from 5.5 million in 1999 to 95 million euros in 2002 and a budget of 136 million euros was reserved for the integration of newcomers (IIP 2002: 39). In addition to this, IIP (2002) urges other non-state actors (schools, individual citizens) to take their responsibility. Furthermore, the technique of the 'contract' was used to commit local governments and old comers to the civic integration courses (IIP 2002: 40). Enforcement of these contracts, rewards and other 'positive stimuli' were proposed to *push* ('drang' and not (yet) coerce 'dwang') old comers towards attending civic integration course (IIP 2002: 40). Acquiring

full citizenship is argued to be the aim of integration policy (IIP 2002: 59).

However, it is the 2004 *Outline Civic Integration Act* [OCIA 2004] that formulated the key principles regulating the government of the field of migration and integration for the next decade (e.g., it laid the foundations of the 2006 *Civic Integration Abroad Act* and the 2007 *Civic Integration Act*). It argued that a real change of policy is necessary. Past policy has been too facilitating and too little demanding (OCIA 2004: 1). It is argued that this time an effective policy is needed that is based on a market order, individual responsibility, measurable results and accountability (OCIA 2004: 22; see 5.2.3). While WIN (1998) was based on an 'effort obligation', which implied that the immigrant had to put some effort in the course but the result was inconsequential, the new civic integration is based on a 'result obligation' implying that the immigrant has to pass all tests (OCIA 2004: 3-4). The substance of these tests themselves has been 'thickened' (e.g., next to language also practical knowledge and knowledge of Dutch society). It thus reiterated a strong focus on norms, values and national identity (Spijkerboer 2007: 41-2) as well as the migrant's individual responsibility in gaining knowledge of Dutch language and norms and values (Driouichi 2007: 52-3). Hence, OCIA (2004) merges a neoliberal approach based on individual responsibility, market metaphors and market behaviour with a conformist communitarian approach that is based on homogeneity, nationalist communality and the duty to conform to the specific and dominant Dutch values (Schinkel & Van Houdt 2010b).

In 2006, the *Civic Integration Abroad Act* (*Wet Inburgering Buitenland*) was passed (adaptation of the 2000 Alien Act [art. 16 lid1]). It stipulated that alien outsiders are to pass a civic integration course in their own country to get an entrance visa that entitles the holder to Dutch territory. If a person passes the tests, obligatory civic integration continues in the Netherlands (Driouichi 2007: 82-3). In this new system some (implicit/explicit) selection criterion are at work that are based on (1) economic participation perceived as cultural proximity (and vice versa; hence Japanese, who nearly always work, are counted as 'western immigrants') (Vermeulen 2007); (2) a perceived role as child rearers and educators. First, a distinction is made between Western and non-Western 'culture' although this is operationalized in terms of economic success (Spijkerboer 2007: 47). Here the operative image is that of the good citizen as a working ('participating') citizen (Spijkerboer 2007: 46). The failure of immigrants to properly participate (economically) is explained culturally. It is moreover seen as their individual responsibility and failure (Spijkerboer 2007). Therefore, non-western immigrants have to "close the cultural gap". Secondly, specific emphasis is put on immigrant 'mothers' and 'imams' in their role respectively as child raisers and educators of youth (see Van den Berg 2013). It is argued that without basic language skills their 'lag' will be passed on to children and therefore they are specifically targeted as in need of (forced) integration (Spijkerboer 2007: 46). In addition, the 2007 *Civic Integration Act* (*Wet Inburgering*) established new civic integration courses that now contained aspects of identification and emotional feelings of belonging.

In sum, the last thirty years witnessed three transitions in policy discourse: a) from pluralist and open to assimilationist and restrictive, b) from thin to thick identification and, c) from state responsibility to individual and market-based responsibility. Dominant trends in the government of migration and integration are, on the one hand, individualization, responsabilization and the introduction of a market order typical of neoliberalism, and, on the other hand, an emphasis on assimilation, moralization and a sacralization of the community typical of communitarianism. These transitions and trends can be

captured by the concept of neoliberal communitarianism. While the individualizing and responsabilizing strategy of the nineties has remained a *communitarianized* perspective was taken up with a focus on cultural assimilation both as a goal in itself and as a means to socio-economic integration. When 'community' is emphasized in recent policy documents only one 'ethnic community' is preferred. This is 'Dutch society' that is characterized by its 'dominant culture' based on 'Dutch norms and values'.⁶⁷ This way it becomes clear that Dutch governmental communitarianism is a civic kind of nationalism that merges "nation", "society", "community" and "morality" (Delanty 2002: 166; cf. Calhoun 1999).

3) Earning citizenship, the moralization of citizenship and sociologists as "zoo keepers"

Neoliberal communitarianism is also related to the trend that can be called 'earning citizenship'. This is not only visible in the Netherlands but also in the U.K. and France (Van Houdt, Suvarierol & Schinkel 2011; cf. Joppke 2013). It can be argued that citizenship is something that increasingly has to be *earned* through moral conversion - both in the form of 'Dutch' cultural assimilation and in the form of a neoliberal acculturation. In addition, more emphasis is placed both on the *duties* and on the *individual responsibilities* of immigrants to participate in the market economy and to integrate in the moral and cultural Dutch community (Van Houdt, Suvarierol & Schinkel 2011).

Furthermore, as described above, citizenship became the leading principle for governing migration and integration. Citizenship is a technique of inclusion and exclusion. Citizenship can be understood in the formal sense as inclusion in a state (referring to the judicially codified rights and duties of citizens-members of states: e.g., civil, political and social rights and duties) and in the moral sense as inclusion in an ethical community (moral citizenship referring to the counterfactual ideal of the good citizen as active and participating member) (Schinkel 2010: 268). Communitarian approaches of citizenship (e.g., Etzioni 1994, 2007) give relatively more weight to moral citizenship than liberal approaches (Schinkel 2010: 268).

One of the dominant trends in the Dutch government of migration and integration has been the 'moralization of citizenship' typical of governmental communitarianism (Schinkel & Van Houdt 2010b; cf. Rose 2000a: 1407): minority policy became integration policy and integration became defined as citizenship and later as active/moral citizenship. Consequently, moral citizenship increasingly functions a technique of inclusion and exclusion. This technique of moralization is targeted at two different types thus operating in two different ways: A) it targets non-citizens who lack a formal citizenship status but who want to become Dutch citizens; B) it targets those who are in possession of the formal citizenship status but are regarded as lacking in 'integration'. Because of their lack of cultural adjustment these are seen as improper citizens and in need of *(re-)moralization*.

A) The moralization of naturalization: conversion to the sacred dutch community

In the current situation the non-Dutch citizen who wants to become Dutch citizen must first become a moral citizen (which amounts to integration in Dutch society) before he or she can become a formal citizen (Schinkel 2010: 272). This cultural and relatively moralizing emphasis has become apparent in naturalization policies. Concerning *naturalization*, in 2003 the 1985 *Law on Dutch Citizenship* was

⁶⁷ This is mirrored in changes in subsidies for immigrant organizations, which were restricted if they were not for the purpose of connecting different ethnic groups, thus preventing the formation of 'ethnic communities' (Uitermark et al. 2005).

reformulated in more restrictive and culturalized terms: 1) the demand to discard the original nationality was reactivated; 2) an extensive naturalization test or civic integration test was implemented (Vermeulen 2007: 55). Citizenship has accordingly come to be seen in terms of 'loyalty' to the 'Dutch society' (Schinkel 2007). The civic integration test consists of oral and written examination of language skills, knowledge of 'Dutch society' and Dutch political organization (IND 2009: 4). 'Norms and values' were incorporated and given a prominent place in the naturalization exams (Van Huis & De Regt 2005; Bjornson 2007; Schinkel 2008). Since 2006 naturalization ceremonies are obliged if one is to receive Dutch nationality.

Real entry into 'Dutch society' is possible only through moral citizenship, which amounts to a moral conversion (Schinkel 2009; cf. Spijkerboer 2007; Vermeulen 2007; Löwenheim & Gazit 2009). Since 2006 naturalization ceremonies are obliged if one is to receive Dutch nationality, for 'becoming Dutch is a special occasion' (IND 2009). This amounts to a ritualization of the entry to the Dutch community (Van Houdt, Suvarierol & Schinkel 2011) and therefore to a sacralization of 'Dutch society' (cf. Brubaker 1992: 138, 143, 182).⁶⁸ Citizenship thereby changes from a right to be different to a duty to be similar, i.e., assimilated (Van Gunsteren 2008). Zooming in on the *integration policy discourse*, another moralizing element comes in sight.

B) *The virtualization of citizenship*

Many persons subject to scrutiny with respect to their 'integration' are in possession of legal citizenship and are thus citizens in the formal sense. If it then turns out they are lacking in 'integration', given the political and policy equalization between 'integration' and 'citizenship', they are not proper citizens after all. This implies that their citizenship status is *virtualized*: 1) instead of being an actuality, a status, it becomes a virtual possibility, a status yet to be attained; 2) it becomes a *virtus*, a virtue as it was for the Roman humanists (Schinkel 2010: 271-2).

While this on the one hand entails a rearticulation of a republican *concept* of citizenship, it is on the other hand by no means the republican *content* of citizenship that is adhered to, since it emphasizes 'active citizenship' in a dual sense. First of all, 'active citizenship' refers to an assimilationism to 'Dutch norms and values' that comes closest to certain communitarian notions of citizenship (cf. Delanty 2003; Etzioni 2007). Second, it entails a (neo)liberal emphasis on 'individual responsibility' (Delanty 2002) and learning the virtues of the market (Dean 2010; see below). This chimes well with the development of discourse on immigrant integration, which in the 1990s saw the individualization of integration, a concept that in the 1980s still referred to a group-wise emancipation of minority groups. This individualization allows for the one-sided allocation of responsibility for a person's integration to that person himself or herself. It also codes lack of integration as a lack of *will* to integrate. And it thereby turns citizenship into a status that is not fully ascribed because it is not fully achieved.

This happens only in case of 'non-western allochtons' and it effectuates a discursive 'ethnicization' of notions of the 'active citizen' that appear in policy documents and political statements. Various policy discourses moreover entail discussions and specific policy programmes on 'single mothers', 'radicalization', 'raising one's children well' and other issues (Schinkel & Van den Berg 2011). These

⁶⁸ A point I cannot develop any further here but that is partly based on Durkheim's instruction to identify "the sacred" or processes of "sacralization" in unexpected places and developments.

issues are formulated in terms of 'active citizenship', but they are selectively problematized in case of 'non-western allochtons'. Issues such as 'radicalization' are restricted to immigrants of 'Muslim origin'. The effect of this one-sided problematization of 'citizenship' is a discursive disenfranchisement of citizens who are citizens in the formal sense but are deemed lacking in the moral sense.

C) *Power-knowledge: sociological "zoo keeping" meets governmentality*

Sociologists play a major role in the problematization and government of migration and immigrant integration (Schinkel 2007). This is also typical of modern forms of power. Modern forms of government are often based on discourses of truth, especially those forms of knowledge called science (Foucault 2000: 416-7). A study of governmentality is, therefore, also a study of the social sciences and the relation of sociology to regimes of government.⁶⁹ This is also why chapter 4 studied the emergence of sociology and the way Steinmetz and Litjens programmed the role of sociologists (see chapter 4).

Hence, the interest in this paragraph is to study how sociologists as producers of sociological knowledge understood/understand their relation with power, whether they reflect on the effects of their objectification in terms of subjectification and, how, in general, they think of their role as sociologists. Hence, this paragraph aims to contribute to an understanding of the role of sociologists in the past and the present. Although this quest is a very personal one (what is my role as sociologist?) it should not be reduced to that. Time and again the questions of 'whose side are we (sociologists) on?', 'what role do we (sociologists) play?' and 'what role should we play?' come up in the field of sociology. Based on what has been described above (chapter 4 and 5) three "samples" are taken out of the field of Dutch sociology to study one of the primary roles of Dutch sociologists. This is the role of the sociologist as "zoo keeper" (cf. Gouldner 1968) and this will be contrasted with the role of the sociologist as "governmentality scholar".

In 1900 *Steinmetz* argued that Dutch sociologists should differentiate the Dutch race into the genetically strong and weak citizen-subjects and advice the state how to govern this issue. The sociologist's role was defined as that of a gardener in a more general bio-social regime of government (see chapter 4). In a similar vein, in the 1950s *Litjens* assumed the existence of a consensus on 'universal values' and 'criteria of civilization' that consisted of a combination of Christian and Bourgeois values (such as going to church, withhold of extra-marital intercourse but also self-reliance) and measured the population accordingly. He differentiated between the socially normal and socially pathological individuals and families. This aimed at facilitating government intervention in the morality of citizens (see chapter 4).

Present day sociologists have contributed to the intense problematization of immigration and migration and have turned to the "measurement of cultural deviation" and the 'integration of immigrant citizens in Dutch society' (see Schinkel 2007). Based on large databases the sociologist's gaze (both as academics and as administrators or most often in-between) is projected upon citizens that have a 'migration background'. The subjects of measurement are called 'allochtons' and they are imprisoned in classificatory tables. They are measured according to indicators of cultural integration

⁶⁹ Hence, this is also one of the continuities of the present study (e.g., chapter 3 studied the influence of political economists). Furthermore the previous section on crime and penal government has scrutinized the power-knowledge connection in terms of criminological theories informing neoliberal communitarian penal government. This is one way of studying power-knowledge. In terms of coherence then this paragraph should have studied the way sociological theories inform the political programs in the government of migration and integration. However, here another route is taken. This is related to the birth of sociology that was studied in chapter 4.

(e.g., their adherence to Dutch norms and values), social integration (e.g., their social interaction with autochthonous Dutch citizens), economic integration (e.g., their position on the labour market) and spatial integration (e.g., their places of living) (Schinkel 2007: 138-143). It is this clinical task of the scientific (claimed to be objective) monitoring, control and diagnosis of the health of the social body that makes sociology one of the elements in the advice and exercise of contemporary power (Schinkel 2007: 416-24).

Thus, *one* of the continuing roles of Dutch sociology has been the “objective” measurement of “citizen deviation” in terms of their health, morality and activity. One way of understanding this continuity in Dutch sociology is to frame it in terms of “zoo keeping” (cf. Gouldner 1968). Armed with essentialist notions of biology, morality or culture, sociologists go into the field to observe exotic specimen and to construct taxonomies of citizen-subjects that are used to direct interventions of power to certain areas, certain times and certain bodies et cetera. As such, the social sciences are part and parcel of modern constellations of operations of power-knowledge. It seems, however, that this is not only a Dutch phenomenon. For example, Burawoy (2004) argues that a power-oriented policy sociology is one of the dominant flavors of current sociology.

However, other roles for the social sciences are possible. From a governmentality perspective the role of the sociologist is a *reflexive power-oriented* one. It then reflects on itself in terms of conditions of possibility, in relation to the effects of objectification in terms of subjectification and its relation to regimes of power. Hence, *at stake in this study is not “zoo keeping” but an “understanding of the rules and government of the human zoo”* (i.e., 1: how do we govern ourselves, others and the state?, 2: what are the consequences thereof?, and 3: do we want to govern this way?) (cf. Sloterdijk 1999). It is this role that has influenced what has been described above in terms of the migration control predicament, neoliberal communitarianism and the role of citizenship and sociologists in the contemporary government of citizens. Moreover, it is this role that is taken up again in the next paragraph: *to study the government of the migration control predicament*.

5.2.3 Governing the migration control predicament: reconfiguring government-discipline-sovereignty

Foucault invented the triangle of government-discipline-sovereignty in his studies of governmentality thereby proposing a complex topography of power (chapter 2; cf. Dean 2007: 84-5).⁷⁰ The policy programs described above can be interpreted as formulations and also of the propositions to face the migration control predicament. Hence, one way to analyse the government of migration and integration in the Netherlands is to understand it as the emergence of a consensus on the migration control predicament:

⁷⁰ In chapter 2 I distinguished schematically between two broad uses of the triangle of sovereignty-discipline-government. The *first* application is a technical one. When seen through this triangle, a technique of government branches out, as in a kaleidoscope, into three views: it becomes visible as a technique of sovereignty (1), of government (2) and of discipline (3). However, to analyse the responses to the migration predicament I will use this conceptual triangle of power in a *second* way and start to produce a kaleidoscopic view of governing the migration control predicament. I am aware of the limitations of this attempt (e.g., it can be criticised for being too limited but this interpretation is not meant exhaustive, it can be criticized for drawing the boundaries too tightly or creating distinctions between the technologies of power arguing it should be understood as a merging of the technologies whereby difference cease to exist, or it can be criticized for interpreting a process as belonging to a certain technology of power while it could also be analysed differently). However, my aim is to flesh out the contours of a cartography of the complex responses to the migration control predicament thereby shedding a new light on a complex and multifaceted phenomenon.

a *problematization* of the rates of migration combined with a *realist position* on the problems of integration and an *acknowledgement* of the limitation of the national state and previous policy to deal with these issues. Another is to use the power triangle to analyse the policy responses to the migration control predicament. Thus, the policy programs described above can be analysed as producing the migration control predicaments and as attempts to face it by mobilizing and reconfiguring all three forms of power at the same time.

The rise of the migration control predicament has had consequences for all three forms of power in Foucault's triangle. It challenged sovereignty, was understood as a problem of a lack of moral discipline, and as posing too much pressure on government. In part, it developed because the problematization it entails became understood as both a disciplinary problem, a problem of government and a problem of sovereignty at the same time. The combined effect of the policy programs is a mobilization, reorganization and revitalization of all three forms of power at the same time. The reconfiguration of sovereignty-discipline-government as response to the migration control predicament is shaped in particular by three techniques and three types of subjects: 1) responsabilization and the introduction of the market order in relation to the migrant entrepreneur; 2) examination and discipline in relation to the production of the good citizen, and; 3) territorialization in relation to the exclusion of non-citizen aliens. The pages below describe this reconfiguration of, subsequently (analytically distinguished along the lines of Foucault's power triangle), government, discipline and sovereignty.

1) Government: the market order and the migrant entrepreneur

A primary response in the government of the migration control predicament is the modification of previous forms and techniques of government itself. For example, the previous regime of governing of migration and integration is criticized for being ineffective and too bureaucratic. A new and effective government is argued to be necessary (OCIA 2004: 3; cf. Dean 2010: 200-1, 207). This is part of the process that is called the *governmentalization of government* and the emergence of *reflexive government* (Dean 2010: 205).

This new government is argued to be effective because it uses the values of the market that are folded back upon public government. This way quasi-markets are established and other actors are made responsible as producers and consumers of integration (Dean 2010: 200-1; cf. Rose & Miller 1992: 199). This first response to the migration control predicament primarily concerns the transformation of government by responsabilization and the introduction of the market order. It targets and reconfigures both the institutional organization and individual migrant in terms of the market (cf. Lemke 2001: 201). This is also applied to attract skilled labour migrants thereby regulating the economy.

The technique of *responsibilization* (which is also one of the primary techniques in the government of the crime control predicament: see above; cf. O'Malley & Palmer 1996) has been a major response to migration control predicament. It is one of the continuities in the government of migration and integration since the 1990s. The national state is considered not solely responsible for dealing with the problem of migration and integration. This includes the responsabilization of local governments, the private market and individual migrants and their families. This also implied a "contractualization" of migrants and the state that dates back to the early 1990s (cf. Rose & Miller 1992: 199).⁷¹ The "form" of the

contract resonates with neoliberalism and new public management techniques of government (Rose 1999a: 165). However, its “content” is more communitarian and related to Dutch norms and values (Van Houdt, Suvarierol & Schinkel 2011).

Another response has been *the introduction of the market order*. The 2004 Outline Civic Integration Act that introduces what can be called the market order in the field of integration: 1) it uses a “market discourse” and “new public management” principles to formulate and evaluate (past) policy in terms of effects, efficiency, optimal allocation, optimal price, costs, accountability, benefits; 2) it establishes the formation of a “civic integration market”, 3) it subjectivates migrants as “individual entrepreneurs”. The field of integration is remodeled as a market to be regulated by supply and demand, competition and enterprise (OCIA 2004: 3, 11-3). National government only formulates and measures the end results (the outcome of the market process), immigrants initially pay and search for the civic integration courses themselves on a market of civic integration suppliers (OCIA 2004: 3). On a market of civic integration suppliers, migrants are thought to choose their citizenship training, while the market will realize the optimum price/quality relation (OCIA 2004: 12). The market itself will be monitored by the state (OCIA 2004: 13). In addition, local governments are responsabilized (OCIA 2004: 13-17).

Furthermore, OCIA (2004: 10) uses ‘positive and negative stimuli’ to reorganize the environment: the positive stimuli consist of financial rewards (repayment after graduation; reduced tariffs for special categories) and the distribution of visa. The negative stimuli consist of financial punishment (administrative penalties) (OCIA 2004: 20). A primary assumption seems to be that freedom or emancipation is made possible by learning to behave in a market environment (cf. Dean 2010: 182-3). This way the market order indirectly teaches the virtues of liberal civilization by implanting the norms and values of the market (Dean 2010: 189-90). This is the neoliberal version of assimilation (Schinkel & Van Houdt 2010b). Furthermore, migrants come to be understood as an individual enterprise, as entrepreneurs (of themselves) or ability-machines (skills) creating earnings or as human capital with investments and incomes (cf. Foucault 2008: 219-226).

This is also related to the selection of highly skilled migrants. The twofold aim is to secure socio-economic processes and the residue of welfare government at the same time. A special regime is implemented for highly educated or ‘high potential immigrants’.⁷¹ It is argued that, under the current restrictive regime, an exception must be made for those who will contribute to the Dutch economy. The high potential migrant is allowed to enter Dutch soil and to search for a job or to start an innovative enterprise. After one year the successful migrant can opt for a more permanent stay as “knowledge migrant (kennismigrant)”. This way the labour market is governed by attracting the skilled who are regarded as contributing to Dutch economy. In addition, the new regime tries to secure welfare government as it aims to select those types of migrants that won’t become dependent on it but turn out to be self-reliable entrepreneurs.

The last governmental response may be called *the dramaturgic game of numbers*. It is part of

⁷¹ Genealogically the (integration) contract dates back to the early 1990s. The term “civic integration contract” (*inburgeringscontract*) is literally used in the Netherlands in the 1994 Coalition Program (‘Er komen inburgeringscontracten voor nieuwkomers met sancties op het niet-naleven ervan’: 1994: 27). Time and again the contract is used as a technique of government. For example, in 2013 it is used by the minister of Social Affairs Asscher who argues that newcomers must sign a contract and declare that they share the fundamental Dutch norms and values (<http://www.nrc.nl/nieuws/2013/02/20/nieuwkomers-moeten-van-asscher-integratiecontract-ondertekenen/>).

⁷² http://www.ind.nl/nl/inbedrijf/actueel/Met_ingang_van_1_januari_2009_toelatingsregeling_voor_hoogopgeleiden.asp consulted on 9 June 2009

the contemporary governmental 'dramaturgy of performance' (cf. Goffman 1961: 96-9) whereby governmental organizations use the technique of 'dramatic realization' and positive 'idealization' to give the right presentation of their institutional selves (cf. Goffman 1990: 40-59). It takes three forms.

The *first* game of numbers is related to performance, which concerns the establishment of indicators and monitors to optimize the performance of government institutions (cf. Dean 2010: 197). This includes the introduction of the techniques of new public management (cf. Rose 1998) in the government of migration and integration. One example is the setting of targets (Broeders 2009: 129). The *second* aspect in the numbers game is about definitions. Once indicators are in place a struggle emerges to redefine success and failure (see on the redefinition of success and failure in the field of crime: Garland 1996: 458-9). Figures and numbers are arranged in a specific way to highlight certain results and make others less visible. For example, the Immigration Services (IND) reported a "success rate" of 60%. This was countered by research claiming this figure to be below 40% (Broeders 2009: 138-9). This suggests a struggle about performance indicators that involves the manipulation of numbers, redefinition of objectives and selection and selective presentation of information. Another example would be the selective communication of information (for instance, the expansion of the immigration detention capacity was quite well communicated but information about decreasing rates of expulsion not: Leerkes & Broeders 2013: 98). The *third* technique of the dramaturgic game of numbers is about relieving the system by minimizing the number of applicants. One example is the 2008 amnesty and legalization of asylum seekers that had been in the country for years. In addition to other reasons, a primary reason may be to reduce the possible numbers of people caught in the nets of the system and thereby relieving the pressure on the administrative system.

2) Discipline: the citizenship test and the good citizen

As described above, one interesting development in relation to immigration and integration is the emergence of so-called 'integration courses' and 'citizenship tests'. The citizenship test is obligatory to apply for full membership of the Dutch nation-state. In terms of genealogy it must be noticed that it has been used before. As a *liminal technique* it can be used both as a technique of 'exclusion' and 'inclusion' (Löwenheim & Gazit 2009: 147). In the Netherlands, until the 1990s, citizenship tests were grounded in a thin conceptualization of citizenship. Only basic language skills were needed. However, from the middle 1990s there is a tendency in Netherlands (according to Etzioni also noticeable in the US, the UK and France) towards a more communitarian substance of the citizenship tests (Etzioni 2007: 361; Van Houdt, Suvarierol & Schinkel 2011). Citizenship tests have been given substance by 'thick' or communitarian notions of citizenship aimed at the reflection on and production of the good citizen and centering on a substantial conception of the (in this case: national) community (cf. Etzioni 2007).

The Dutch citizenship regime consists of one exam to be completed abroad and a civic integration test to be passed in the Netherlands. Once in the Netherlands the potential citizen has to apply, pass and pay for a civic integration test at a certified examination center. These examination rules 'construct what Foucault called a "ceremony of power", in which the immigrant is physically subjected to the classifying and normalizing gaze of the state' (Löwenheim & Gazit 2009: 152). Moreover, here the state is produced and fear and respect for it created (Löwenheim & Gazit 2009).

In the Dutch citizenship exam, this ceremony of power takes the following shape.⁷³ On the

examination day one has to be present half an hour before the examination starts. One has to show identification at the front desk and, as shown by the introductory movie, this will be checked rigorously (and twice). After this, one has to wait patiently in a waiting room until one is called for. Only a jacket may be brought inside, everything else has to be placed inside a locker. Once in the examination room everyone is subjected to general examination rules. Everyone is accorded an individual place and receives an instruction, for example, not to disturb the examination. If one wishes to ask a question one must raise a hand and wait until the examiner visits and everyone must switch their telephone off.

At the time of writing (so it may be somewhat different now but mentality is more or less the same) the Dutch citizenship test consisted of four elements: (1) knowledge of Dutch society (especially knowledge about finding a job, renting a house and about Dutch the school system primarily aimed at migrant children as shown by the film); (2) mastering Dutch language (orally question-answer examination done by telephone in an examination room); (3) answering questions about living in the Netherlands (electronic exam about work, housing, schooling, childrearing and the medical system); (4) mastering practical living (showing one is capable of actively living, contributing and participating in Dutch society: for instance, 20 exhibits of proof of “interaction rituals” with, for example, teachers, doctors and illustrating one is capable of economic transactions and passing an assessment of interaction-rituals whereby actors mimic real life situations). To receive a diploma one has to pass for all these elements.

From a governmentality perspective the citizenship test can be regarded as a *disciplinary technique*. It encloses a group of potential citizens and partitions/individualizes this group into individual potential citizens. It controls their activity by repetitively training and the correction of deviating bodily gestures, knowledge and emotions. Furthermore, the exercise of discipline is based on hierarchical observation and on the normalizing of judgment. All these elements come together in the examination (Foucault 1977). Therefore, citizenship tests are not simply means of exclusion as often understood but must also be understood as a technique of discipline or examination.

The citizenship test as a disciplinary technique involves establishing hierarchical relations between ‘expert authorities’ and pupils, producing possibilities of classifications and judgments, thereby making the pupil and his/her skills visible and amenable to advise, punishment, reward en correction (Löwenheim & Gazit 2009). It aims to socialize ‘the immigrant’ by way of teaching, normative judgment and a system of punishment and reward. Professionals are given the power to classify those who may reside inside and those who have to stay outside the moral community. The citizenship test makes the supposedly dominant values manifest and aims at the conformation of migrants to these values (Löwenheim & Gazit 2009: 156). The “correct answers” manifest a truth regime that (selectively, unproblematically) produces the identity of the nation-state (Löwenheim & Gazit 2009: 154). At the same time it implies the practice of revealing the truth of the examinee him/herself as a kind of *confession* of inner values and political rationalities (as sins) to the authority. This way, ‘citizenship is thus a form of personal salvation achieved by confessing the right values’ (Löwenheim & Gazit 2009: 156). In addition to the aim of shaping the good citizen (and regardless of the effectiveness of the test

73 See: <http://www.inburgering.org/inburgeraar/klantenservice/filmpjes/filmpjes.asp> (consulted 9 April 2010). One already has to master Dutch language to understand the substance of the citizenship test as illustrated by a short movie (<http://www.inburgering.org/inburgeraar/examen/examen.asp> (consulted 11 February 2013).

in doing so by its own standards), the citizenship test shapes 'the state', making that abstract entity a concrete entity that materializes in practices of discipline. As such, it posits a *sacralized community*, a community that is set apart and one has to be loyal to, to be respected, nurtured and loved (cf. Brubaker 1992: 147). The truth regime of the test presupposes a consensus about values. In the age of migration and diversity, these tests give expression to an *official consensus*. The immigrant is to become a convert in the secular religion of the national community (Löwenheim & Gazit 2009: 155-6).

This illustrates the political substance of the citizenship tests against the supposedly technical, objective and apolitical character many citizenship tests and examiners try to uphold (Löwenheim & Gazit 150-1). It is based on two political rationalities: communitarianism and neoliberalism. The *communitarianization* implies an extension of the demands that are placed on potential citizens. Future citizens must prove they have become 'good citizens' and that they have internalized the norms and values and show that they will be participating in both the political and economic community. An important feature of the communitarian approach of citizenship and the citizenship test is the emphasis on responsibilities, duties and bonding of the individual in relation to both the state (the political community and commitment to the law) and the civic community (in terms of values and institutions). It is argued that mere knowledge of language and rights is not enough. A good citizen is bonded to the national community. This implies knowledge of the legal, civic and (historical) cultural aspects of the national community *and* the involvement, commitment and belief of the migrant in the community (cf. Etzioni 2007: 359). Moreover, there is also strong emphasis on the need to earn one's status. The tests aim to produce self-governing individuals able to compete in a competitive market society (see Löwenheim & Gazit 2009). This resonates with the neoliberal rationality of government (Schinkel & Van Houdt 2010b). These tests are thus related to the neoliberal communitarian conception of good citizens: producing self-governing politically conforming, emotionally attached and economically productive subjects (cf. Foucault 1977).

3) Sovereignty: territorialization and the non-citizen

One of the most striking developments regarding the government of the migration control predicament is what can be called *territorialization* and the corresponding revitalization of sovereignty and its corresponding techniques. Territorialization relates both to terra (land, earth, soil, nourishment) and *terrere* (to frighten, terrorize, exclude, warn off) (Rose 1999a: 34):

'it is a matter of marking out a territory in thought and inscribing it in the real, topographing it, investing it with powers, bounding it by exclusions, defining who or what can rightfully enter. Central to modern governmental thought has been territorialization of national spaces: states, countries, populations, societies.'

(Rose 1999a: 34)

Applying this to the Dutch situation territorialization means the sovereign state response to the migration control to gain identity, strength and unity for itself. This manifests itself in defending its territory, marking its boundaries, investing in its sovereign capacities and competences (techniques of

exclusion) while unleashing its strength on the *non-citizen*, the person who lacks Dutch citizenship. This concerns the opposition between the sovereign and the *homo sacer* (the non-member who is excluded from the community: cf. Agamben 1998; Schinkel 2009). Territorialization can thus be considered the sovereign tactic of regulating the migration control predicament.

Territorialization here concerns the repressive control over the territory. It is a process that points towards the techniques used by the sovereign state to seal off its soil and to exclude persons considered 'illegal'. This entails frightening off others considered not valuable as future citizens. It is primarily related to the sovereign decision who is included/excluded from the juridical-political order and how immigrants and refugees are treated (Dean 2007: 94). The migration control predicament has led to an increasing problematization of the sovereign, for instance concerning the (in)capacity to subject immigrant populations living on Dutch soil and the (in)capacity to seal off national territory and regulate migration flows.

Migration control and especially 'illegality' is suited for revitalizing sovereignty: 'the state is not a sitting duck waiting to be replaced (...). While globalization is said to lead to a diminishing relevance of both "space" and of the nation state, the case of the illegal immigrant illustrates that states are able to redefine themselves and turn challenges into chances' (Schinkel 2009: 782). A key element of sovereignty concerns the decision who can be included and excluded (Stumpf 2006: 410). The sovereign bans, punishes and, at least potentially, kills those who are regarded 'illegal', outside, disorder and bad. In the field of migration politicians may thus try to ensure the public of the strength of the state and its general capacity to deal with problems (Stumpf 2006: 413).

While the techniques of discipline (the citizenship test and examination) are aimed at the habitus of the migrant, the sovereign mechanisms are primarily focused at the migrant body. This sovereign (re)territorialization consists of three techniques: detection and detention (A), deportation (B) and deterrence (C).

A) *Detection & detention*

The first element of territorialization is *detection and detention*. It is about the increase of surveillance and the emergence of detention as a primary technique of governing migration. While detection is related to the monitoring eye of the sovereign searching its territory and checking its liminal points, detention is the iron fist of the state that hammers down on 'illegal' foreigners to fixate their bodies between walls. This is the penal face of the transformed welfare state (Wacquant 2009). As Melossi argues: 'penalty (or administrative detention) is in a sense one of the very few "services" that are "open" to undocumented foreigners' (Melossi 2013: 427). Increasingly this category of human beings is framed as unwanted, problematic and criminal. The recalibration of welfarism is also visible in the withdrawal of foreign aid that aimed at solving economic inequalities and the criminalization of migration and a penalization of the international poor (Schinkel 2009: 786). Instead of the welfarist image of an 'international subject in need' there appears the image of the 'international vagabond' (Bauman 1998).

The primary aim of the regulatory reforms (laws and policy) and administrative reorganisations is the increase of surveillance, detention and eventually deportation of irregular migrants (Broeders 2009: 125). There has been a substantial increase of the possibilities and actors of surveillance since the 1990s:

'a "surveillant assemblage" aimed at regular and irregular migrants is clearly emerging' (Broeders 2009: 149). The 1994 *Law on Compulsory Identification* increased the possibilities and competences of the police and other actors involved to control and check the territory for irregular migrants (Broeders 2009: 125; Geddes 2003: 106). The 2000 *Aliens Act* further broadened the police competences for internal control. For example, it made it easier for the Alien Service to stop and investigate someone and to enter private houses (Broeders 2009: 125). Furthermore, the 2003 reorganization of the Alien Service into the Aliens Police meant an intensification of operational surveillance of irregular migrants (Broeders 2009: 124-6). Targets were set to stimulate surveillance activities (Broeders 2009: 129). The increased opportunities and capacities for and priority of surveillance resulted in an increase of apprehensions of irregular migrants rising from 12,000 in 1998-9 to 23,000 in 2003-4 (Broeders 2009: 127). In 2007 a new return organization (*Dienst Terugkeer en Vertrek*) became operational that specifically deals with returns (Broeders 2009: 144). Moreover, targets were set for the police in 2007 to arrest 11,882 'illegal' migrants that year. Districts that live up to these targets receive a bonus of € 240,000 (Schinkel 2009: 789). This way the police is construed as a managerial body and bounty hunter. In addition, 'illegality' as mere presence without appropriate documents will be penalized in the near future (this is under consideration at the time of writing).

The expanding role of detection is correlated to the expanding role of detention. Detention is one of the tougher sides of *non-citizenship* in the receiving country. The 'detention centre for illegal migrants' is a relatively new phenomenon and policy technique in the Netherlands. Up until 1982 there were relatively few places of detention (45 places) for so called 'undocumented migrants' (Broeders 2009: 134). The common practice was 'allowing what is strictly speaking illegal' a practice called *gedogen* (Schinkel 2009: 785). Those irregular migrants that were detained (approximately 450 each year) were kept inside for a period of less than a month (Van Kalmthout 2007; Broeders 2009: 134). In the beginning of the 1990s it was still possible for 'illegal' migrants to gain access to the formal labour market and to have access to public welfare arrangements (Van der Leun & Engbersen 2004: 235).

However, in the 1990s this changed rapidly into legalistic repression, penalization and detention and deportation (Schinkel 2009: 785). Detention centers are often located at the entry points (close to the airport or harbor) or are special detention facilities on the territory. Specific detention centres were constructed in Tilburg, Ter Apel, Zeist and Rotterdam (including two detention boats) and the so-called *border shelters* at Amsterdam Airport and Rotterdam Airport (Broeders 2009: 134). The capacity for detaining irregular migrants increased from only a few in 1980 to 400 in 1990 to 2,429 in 2005 and 3,310 in 2006 (Boone & Moerings 2007:10; Broeders 2009: 134).

Furthermore, in the last 20 years the detention regime was toughened up. The detention regime for irregular migrants is considered to mimic prison regimes and is sometimes argued to be harsher than actual prison regimes in terms of punitiveness, sobriety, restriction of activities (recreation, work or sports) and limited outside-cell-time (migrants are locked inside the cell for 20 to 21 hours) (Van Kalmthout 2007: 96-9). Furthermore, there is lack of medical attention, legal aid, there is often overcrowding and unqualified staff (Broeders 2009: 144). At least until 2009 the Netherlands have no limits on the period an 'illegal' migrant can be detained. Long-term detention of eighteen months is no exception (Broeders 2009: 133). Consistent with the aim of deportation there is also lack of education although many of the long-term incarcerated cannot be deported and will return back on the streets (Broeders 2009: 144).

B) Deportation

The second element of territorialization is *deportation*. Deportation is an apt phrase because it is about forced removal or banishment of human beings who are unwilling to leave by themselves but considered harmful to the community and the state (see also Broeders 2009). Repatriation can also be used, however, etymologically this term seems closer to a kind of willingness of the person return to the pastoral power of the patriarch waiting to devote his attention to the lost sheep (cf. Foucault 2007a: 163-90). Deportation is firmly embedded in a thorough and formal action of elimination of banishment and removal (Rutherford 1997).

Detection and detention are necessary steps towards deportation. Deportation can be regarded as 'the indispensable closing section of any serious restrictive immigration policy, which certainly characterizes the Dutch policy with respect to non-EU nationals' (Leerkes & Broeders 2012: 83). Most deportations are conducted by airplane (Broeders 2009: 139). However, there is no unproblematic funneling towards deportation. Sometimes apprehended migrants 'leak away'. For example, when there are problems with the identification of someone, because of administrative errors or when 'sending countries' do not accept a person denying that his/her citizenship status has been proven. In effect, three techniques have been developed. The first is to release the person back onto the streets that may lead to another cycle of detection, detention, and deportation/leaking away. Second, countries may be paid to take back their citizens. Or third, other countries (third countries) are paid to take in foreign citizens. Some official figures show a deportation rate of 45% (for example, in 2003 10,331 persons were successfully deported) (Schinkel 2009: 789). Other figures (the 2005 IND figure) show a deportation rate of 60% (Broeders 2009: 138). This indicates that there is an organizational game of defining rates up or down (cf. Garland 2001: 117-9).

In terms of deportation ratio the policies can hardly be regarded as successful. However, it may also be beneficial that 'the problem' remains. 'Illegal' migrants are suitable solutions for the *Schmittian problem* (the political need to construct enemies) in effect producing both sovereignty and community (cf. Wacquant 2012). The issue of 'illegal' migrants both challenges and recharges the workings of sovereignty.

C) Deterrence

The third element of territorialization is *deterrence*. In a sense, deterrence might be seen as an effect of each and all elements of the configuration combined. For example, a formal or informal effect of the visible increase of surveillance and noticeable intensification of control might be deterrence (cf. Leerkes & Broeders 2013: 89). Furthermore, a harsh detention regime might be used to deter irregular migration (Broeders 2009: 145). In addition, exclusion from labor market opportunities and welfare institutions is used to deter and push migrants to other EU-countries (Leerkes & Broeders 2013: 90). Analytically a distinction can be made between *specific deterrence* and *general deterrence*. For example, the detention of irregular migrants is both a specific deterrent aimed at the detained migrant and a general deterrent aimed at potential unwanted migrants (Leerkes & Broeders 2013: 87). Deterrence as a sovereign technique makes use of the rational choices and calculations of non-citizens. It aims to increase the cost and decrease reward.

5.3 **Governmental realism and the merging of crime and migration: crimmigration**

This final paragraph adds some observations in terms of homologies and the merging of migration and crime. A first way of observing homologies in the fields of study is to notice the strategy of neoliberal communitarianism. A second is the study both fields in terms of predicaments of control (respectively crime control predicament and migration control predicament). A third way of observing homologies is to argue that the current Dutch governmental regime can be understood as “governmental realism”. That is, both predicaments of control are based on a variant of ‘realism’: a *multiculturalism* and a *criminological realism*.

The standpoint of *multiculturalism* is that it sees things as they really are without being restrained by political correctness (Schinkel 2008: 273). From this position it is argued that there are real problems of integration and that this is related to “the culture” of immigrants and that the continuing influx of these types of migrants only increases this problem. “Their culture” is argued to be incompatible with “our Culture” typical of the clash of civilizations that is fought here and now on Dutch soil. These real problems are *denied* by post-modern elitist proponents of relativism and their political correct multiculturalism that dominated past policy. Hence, the new realist position in the field of migration and integration can be summarized as follows: 1) it presents itself as realistic and argues to be neutral, objective and common sense; 2) it breaks, at least rhetorically, with the past (past policy is denounced as post-modern multicultural idealism) and attacks its supposedly political correctness; 3) it preaches governmental decisiveness that all the problems must and can be solved; 4) it positions itself rhetorically as underdog opposing the dominant movement of the great deniers composed of left-wing idealists plotting against them and against real solutions while attacking every counter-diagnosis as denial of the dominant left-church (Schinkel 2008).

The standpoint of *criminological realism* is that there has been a rise in crime and that this has caused an aetiological problem for the actually existing government of the penal field that was based on penal welfarism (Young 1994, 1988; Garland 2001). The realist position denounces what is called the great denial (the position denying that crime or criminality had really risen e.g., arguing that the statistics show the increase of detection caused by an increase of police, that an increase in law making and decrease in tolerance made more actions punishable and people less tolerant) (Young 1994). However, based on the relation between social order and justice two versions of criminological realism can be distinguished: a right-wing realist position and a radical or left-wing realist position. The realism of the right (e.g., James Q. Wilson) prioritizes order over justice. Right realist programs use techniques such as selective incapacitation in the interest of order (allowing violations of standards of justice). Left realism (e.g., Ian Taylor, Jock Yong) prioritizes justice over order. Injustice (e.g., economic marginalization, arbitrary intervention and discrimination by the police and courts) informs alienation and may transform into crime (governing through order without justice fosters crime). Their programs aim at governing through justice (assuming that this program leads to order).

In addition to homologies, a merging takes place as well and this brings me to my last point of this paragraph. As described above, one development concomitant to the neoliberal communitarian

reconfiguration of citizenship in naturalization and integration policy is the rise in salience of issues relating to crime and safety. More specific it is the intertwining of the governing of migrants and migration with crime control or the merging of the penal field with the field of migration. Perhaps it is best to describe this process as the occurrence of, on the one hand, the penalization of the field of migration and, on the other hand, the *migrationization* of the penal field (e.g., criminal justice actors focusing on migrants, children of migrants who have not migrated themselves etc.).

This process was noticed already in the 1990's (e.g., Brants & Klip 1997) and can be called 'cimmigration' (Stumpf 2006). Cimmigration is a neologism that points at the emerging nexus of the fields of crime control and migration control. Stumpf notices how cimmigration occurs at three fronts:

'1) the substance of immigration law and criminal law increasingly overlaps, 2) immigration enforcement has come to resemble criminal law enforcement, and 3) the procedural aspects of prosecuting immigration violations have taken on many of the earmarks of criminal justice.'

(Stumpf 2006: 381)

In addition, both fields can be characterized by two similar processes: 1) a shift towards harsher policy based on retribution, deterrence, incapacitation and the expressive power of the state; 2) the primacy of sovereign techniques of power (Stumpf 2006: 402-18). In coherence with the narrative presented above, Stumpf argues that the shift from penal welfarism (resocialisation) towards retribution, deterrence and incapacitation in the penal field has been accompanied by the same shift and motivations in the field of migration. For example, the U.S. 1996 Immigration Act and its enforcement are based on retribution, incapacitation and deterrence. Before the 1980s an infringement of the immigration law did not trigger sanctions and deportation was an ultimate solution. Criminal conduct was treated as such and not related to immigration and deportation (Stumpf 2006: 407).

In addition, in previous periods both fields were regulated by more 'inclusionary approaches' of membership. However, since the 1980s both fields are governed by a more exclusionary approach of membership in combination with a focus on civic virtues (e.g., Stumpf 2006: 396-409, 397 nt. 169, 406 nt. 235). Enforcement, incapacitation/deportation and exclusion became central and increased after the 1980s. For example, deportation is used more often as a sanction (either for violating immigration laws or criminal laws, and more and even minor crimes are punished by deportation: Stumpf 2006: 408). Deportation fulfills all the traditional purposes of punishment: incapacitation, deterrence and in some instances it is also justified as retribution (Stumpf 2006: 419 nt. 318): 'the ascendance of these harsher rules concurrently with the shift in criminal penology suggests a different premise – that more exclusionary notions of membership in both areas resulted in reliance on harsher ideologies of punishment' (Stumpf 2006: 408). In addition, both images increasingly merge: the ex-offender becomes synonymous with the alien-other and aliens become synonymous with criminals (Stumpf 2006: 419). The sovereign state treats both as literally and figuratively as non-members without rights and privileges who solely deserve punishment in terms of retribution, incapacitation and deterrence.

Conclusion

This chapter aimed to understand the government of citizens in the present in terms of problematization, political rationalities and the triangle of power-knowledge-subjects. It described how two political rationalities combine into a strategy of governing citizens that is called neoliberal communitarianism. The emergence of neoliberal communitarianism was studied in two fields of intense problematization since the 1980s: the field of migration & immigrant integration and the field of crime.

Both fields were said to be reorganized around a predicament of control: 1) a crime control predicament (the problematization of the crime rates and of feelings of insecurity in relation to a critique of penal welfarism), and 2) a migration control predicament (the problematization of the rates of migration, a realist position on problems of immigrant integration and a critique of multicultural rationalities and techniques of government). This has been related to forms of governmental realism (a multiculturalism and a criminological realism).

Moreover, it described the various techniques that were introduced to govern these modern predicaments of control. It analysed how citizenship functions as technique of government (e.g., active citizenship as technique of facilitative responsabilization) in relation to market mechanisms and a market order, as technique of discipline (repressive responsabilization, the moralization of citizenship and the focus on assimilation) in relation to other techniques of socialization and correction, and, as technique of exclusion (lack of formal citizenship) in relation to techniques of punishment, detention and deportation. This is how citizenship can be studied from a governmentality perspective that focuses on the relational aspects of citizenship as technique of government.

In terms of subjects it has been argued that the field of crime is primarily organized around the subject images of the active citizen and the risk citizen while the image of the migrant entrepreneur, the good citizen and the unwanted non-citizen govern the field of migration and integration. Moreover, both criminology and sociology have been instrumental in the neoliberal communitarian government of crime and migration. This has been analysed in terms of criminological theories translated into policy documents and the sociologist's role as "zoo keeper". Instead, this dissertation tried to understand the government of the human zoo, that is, it aims to understand how citizens are governed in the present. This is summarized in Table 5.8.

Table 5.8 Governing citizens in the present

	Field of Crime and Safety	Field of Migration and Integration
Control Predicament	Crime Control Predicament: Problematicization of 1. High rates of crime 2. Problems of (fear of) safety 3. (Previous) national policies to deal with this	Migration Control Predicament: Problematicization of 1. High rates of immigration 2. Problems of immigrant integration 3. (Previous) national policies to deal with this
Primary Political Rationalities	Neoliberalism Communitarianism	Neoliberalism Communitarianism
Reconfigurations of Power	1. Government <ul style="list-style-type: none"> • Responsibilization (facilitative: e.g., active citizenship) • Introduction of the Market Order (e.g., new management styles, commercialization) 2. Discipline <ul style="list-style-type: none"> • Repressive responsabilization (e.g., early intervention into families) 3. Sovereignty <ul style="list-style-type: none"> • Intensification of Punishment • Banishment • Exclusion in special facility 	1. Government <ul style="list-style-type: none"> • Responsibilization • Introduction of the Market Order • Dramaturgic Game of Numbers 2. Discipline <ul style="list-style-type: none"> • Citizenship Test • Assimilation/Moralization 3. Sovereignty <ul style="list-style-type: none"> • Detection & Detention • Deportation • Deterrence
Primary Subjects	1. Active Citizen 2. Risk Citizen <ul style="list-style-type: none"> • Low/Medium/High • Biological/Rational/Cultural 	1. Migrant Entrepreneur 2. Good Citizen 3. Non-citizen
Primary Knowledge	1. Criminology 2. Administrative Monitoring (SCP/WODC/CPB)	1. Sociology 2. Administrative Monitoring (SCP/WODC/CPB)
Governmental Realism	Criminological Realism	Multiculturealism

Based on the merging of these fields of problematization and the specific government of both fields it can be argued that both fields, and especially the fold (cimmigration), function as “pockets” of (national) sovereign power in a period that is often regarded as undermining, eroding and constraining sovereignty. This is one way how a governmentality study may contribute to an understanding of power and citizenship in the present. More in general, this is one way to insert the technology of sovereignty back into the frame of governmentality (cf. Dean 2007).

In addition, the governmentality perspective has been useful to understand how various rationalities and techniques are combined in the present government of citizens and the way that the social sciences are instrumental. Thus, the governmentality perspective is very useful as a critical perspective to understand the present governing of ourselves, other and the state in terms of individual responsibility, efficiency, active citizenship, social cohesion, norms and values, community et cetera. Moreover, it is capable of understanding how present government is not only a government-at-a-distance but very much also a government-nearby that intervenes in homes or manipulates the environment, that moralizes the habitus or forces assimilation, and also hammers down on bodies with a sovereign fist.

The last and concluding chapter aims at positioning this dissertation in the specific scholarly debates, at generalizing, extending and discussing the concept of neoliberal communitarianism and relating governmentality to critique.

CHAPTER VI
GOVERNING CITIZENS IN THE PRESENT

At stake in this study is an understanding of the government of citizens in the present. The research questions (chapter 1) can be summarized as follows: 'How are citizens governed in the present in relation to citizenship, crime and migration and have we witnessed the birth of a new governmentality?' The study was based on a specific reconstruction of Foucault's governmentality lectures (chapter 2). It has been described that three elements are of special importance: the focus on problematization, political rationalities and the triangle of power-knowledge-subjects. Reminiscent of Foucault's style this study applied the governmentality perspective to past and present government.

To understand the singularity of the present chapters 3 and 4 discussed classical liberalism and welfarism. These chapters described, for example, that the emergence of a new governmentality is often related to a governmental crisis, predicaments of control and a critique of previous governmentality. However, the primary role of these chapters was to contrast the present with the past. They were constructed to understand how the governmentality of the present (e.g., 'participation society') differs from, for example, classical liberalism ('*laissez-faire*') or welfarism ('welfare state'). Moreover, what different kind of configuration of power do they have? How are citizen-subjects constructed? What kind of truth regime do they have, and what is the role of social scientists? In addition, these chapters were also constructed to show that the present is not inevitable.

To understand the present this study selected the triangle of citizenship-migration-crime as a strategic research case. These topics were used as entrance for the fruitful study of a very stubborn and complex question of the present government of ourselves, others and the state. Both migration and crime have been heavily problematized since the 1980s and citizenship has figured as one of the prime concepts and techniques in the government of both fields. Chapter 5 described how this can be understood in terms of problematization (specific predicaments of control), political rationalities and configurations of power-knowledge-subjects.

Moreover, reminiscent of Foucault's creative and generous habit of developing new concepts to see differently, this dissertation was also a training ground for the invention of new concepts. One of the contributions to the debate on governing the present has been the invention of the notion of *neoliberal communitarianism*. This also allows for positioning this dissertation in the specialized fields of "punishment and society studies" and "migration and immigrant integration studies". In addition to this relational work described below, the contents of this final chapter consists of 1) an attempt of extending neoliberal communitarianism to other fields of study, 2) a discussion of the sources of neoliberal communitarianism, and 3) a reflection on the relation between critique and governmentality.

Positioning the dissertation in the field of *punishment and society studies*

Various scholars in the field of penal government and 'punishment and society studies' (Simon & Sparks 2013) have seen neoliberal penal government as the successor of penal welfarism (see Lacey 2013). Wacquant (2009) has been very influential in this debate and his audience consists not only of scholars but also of left-wing activists (Valverde 2010: 117). Wacquant uses the U.S.A. as a "paradigmatic case" to sketch the contours of the neoliberal state. This state is liberal at the top and repressive on the bottom. Typical of the neoliberal state, according to Wacquant, is economic deregulation, welfare state retraction, expansive penal government and the stress on individual responsibility. He argues that the

lower classes are primarily governed through punishment by a penalization of social welfare and an expansive penal apparatus. Moreover, the neoliberal state is primarily to the benefit of the middle- and especially the higher classes. Wacquant argues that all advanced societies move inevitably towards the U.S.A.-model of government (Campbell 2010).

The strength of Wacquant's analysis is not only the vivid presentation but especially evocative is the coupling of different fields of government (social security and crime). Scholars often specialize and focus on one field (e.g., solely on social security or penal government). However, Wacquant focused on the interaction between two different fields of government and makes interesting connections and observations. In addition, his reinsertion of class is a welcome attribution in the context of a "culturalization of the scientific gaze". Furthermore, his usage of the Bourdieusian notions of the social bosom, the caring hand and the iron fist is easy applicable and transposable.

However, a major problem is his generalization of what other scholars argue is the 'exceptional trajectory of the USA' (Mayer 2010: 96-7; cf. Campbell 2010: 69-71). In addition, Wacquant considers neoliberalism in monolithic terms ("everything is neoliberalism") and denounces it for everything bad ("producing a gulag on a world scale"). Moreover, Mayer (2010) asks why Wacquant did not include community development programs, why he is not interested in the variety of social welfare programs that still exist and why he only sees more police surveillance and punishment painting a regressive story of the present. In relation to this, she argues that Wacquant has a too rosy picture of the welfare-past, that he sees no continuity (after reading Wacquant, it seems 'like there is hardly any public aid anymore': Mayer 2010: 98), and that he is unable to capture the internal transformation of the left hand of the state towards a more activating approach. In sum, Wacquant only sees stark rupture towards a harsher neoliberal penal regime of the last few decades (Mayer 2010).

Indeed, other scholars on penal government allow for a more complex, volatile and contradictory understanding in terms of political rationalities and techniques of government (O'Malley 1999). For example, David Garland's influential account of the *Culture of Control* (Garland 2001; see chapter 2) describes how contemporary penal government responded to a crime control predicament (high rates of crime as a normal social fact) based on two different political rationalities: neoliberalism and neo-conservatism. In addition, Garland seems to offer a more ambiguous interpretation of neoliberalism, instead of denouncing it on forehand as bad or leading towards a punitive culture it may also lead to more tolerance, different techniques of state government and a critique of massive and intrusive interventions (cf. Foucault 2008). However, also in Garland's account it seems as if the case of the U.S.A. is treated as paradigmatic instead of exceptional (at least if one follows Feely's 2003 reading). However, in Garland's defense and also because this is productive for the aims of this dissertation, Garland (2001: 201-3) acknowledges that penal government in other countries may respond differently to the same structural features of late modernity. He therefore invites other scholars to study and compare how different societies, for instance, the Netherlands (Garland 2001: 202), respond differently to the same structural features (e.g., the crime control predicament) of late modernity.

Such a comparative challenge has been taken up by Cavadino & Dignan (2006). They developed a framework to study penal government in different countries. They differentiated between neoliberalism, conservative corporatism, social democratic corporatism and oriental corporatism. Albeit

somewhat reluctant and aware of an uneasy fit of the Dutch case in their model, these authors place the Netherlands in the box of conservative corporatist government with a tendency towards neoliberalism. The Dutch case is regarded by Cavadino & Dignan (2006) as a beacon dimmed that moves towards neoliberalism and, *therefore*, a harsher penal regime.

The argument in this dissertation is that Dutch penal welfarism has been superseded by a political strategy best characterized as *neoliberal communitarianism*. Neoliberalism cannot be squarely opposed to communitarianism; likewise, a harsher penal climate cannot be solely attributed to neoliberalism but can just as easily be compatible with what can be called a communitarian governmental rationality. In illustrating the existence of what can be called a neoliberal communitarian strategy this dissertation expands on Nicola Lacey's illustration of the naïve acceptance of the 'softer' character of communitarian penalty against the 'harshness' often attributed to neoliberalism (Cavadino & Dignan 2006; Currie 1997; Feeley 2003; Van Swaaningen 1999: 24; cf. Hughes 1996; Crawford 1999; Lacey 2013: 265, 269).

For example, the Netherlands is considered as less communitarian than before by Cavadino & Dignan (2006: 116). In addition, Van Swaaningen (1999: 24; cf. Van Swaaningen 1995) advises Dutch government to add more communitarianism to its penal government and interpretation of social control. Here communitarianism is hailed from the perspective of a "progressive" or "critical" criminologists because it supposedly leads to a stress on welfare (cf. Van Swaaningen 1999). However, these comments lack attention to what can be called the "tough side" of communitarianism. Indeed, communitarianism can also be used to stress more sovereign or authoritarian interventions (cf. Lacey 2013: 265; Hughes 1996). Hence, one way of understanding the transformations of Dutch penal government under influence of communitarianism is that both sides of the communitarian medal are stressed. This, on the one hand, makes for a continuity with penal welfarism (stress on socialization, re-integration and its ability, see Mayer's comments above, to account for a transformation of the left hand of the state) and, on the other hand, with the tough side coming to the fore communitarianism supports measure to defend the community, stress culture and pre-socialization while excluding hard-core delinquents.

Hence, this dissertation takes seriously Garland's invitation to comparative studies of penal government in the present. This also adds a new dimension (communitarianism) and a bit more complexity to the framework used by Cavadino & Dignan (2006: 15). Building further on their own history of Dutch penalty which is sensitive to communitarianism (Cavadino & Dignan 2006: 115) and neoliberalism (Cavadino & Dignan 2006: 119) this dissertation also adds a study that is based on the governmentality perspective. Hence, it studied policy documents and the rationalities thereof. This is a different method than Cavadino & Dignan's who solely use 'indicators' such as individualization, church going and secondary interpretations to conclude that the Netherlands is a 'less communitarian society' (Cavadino & Dignan 2006: 116). In contrast, this dissertation studied the emergence of practices (albeit not their implementation) and their rationalizations in political speeches, advisory reports and policy documents to understand the mentality of government. In addition, the convergence of neoliberalism and communitarianism adapts the 'ideal type' construction proposed by Wacquant (2009) who tends to attribute all/most of what is happening solely to neoliberalism.

Furthermore, we should be wary not to eclipse the debate solely to repression or punishment. Indeed, the punitive turn in the government of crime needs to be understood but this is complemented

by what can be called a preventive turn (Hughes 2007). It can be argued that the reduction of the debate to the punitive turn is related to the preoccupation of the field (*'punishment and society'*), however, a study of contemporary penal government should try to take into account the developments in practices of both prevention and repression. David Garland, for example, argues that the most visible forms of penal government deploy a punitive logic while this has been accompanied by a much less visible and scientifically supported construction of a new preventative infrastructure (Garland 2001: 17). Indeed, the punitive turn in the Netherlands has received much justified attention, but especially in the Dutch case there have been major developments in the preventative government of crime ranging from family intervention programs, the facilitation of individual bonding to the community, communities that care, increased surveillance, manipulating the environment and choices, the introduction of risk and hot-spot selections. It is of this configuration of both preventive and repressive techniques that the technique of active citizenship is part and it is this *penal dispositive*, this combination of repression and prevention that this dissertation has tried to understand in terms of power-knowledge-subject and the concept of neoliberal communitarianism.

Hence, the concept of neoliberal communitarianism put forward in this study also contributes, as noticed by one reviewer of *Theoretical Criminology*, to the more general debate about neoliberal government versus welfare government. This debate is often described in stark, monolithic and contrasting terms. The variety of neoliberalism and the existence of a strong communitarian dimension in contemporary penal government has major implications, not only for an understanding of penal government but more in general for the transformation of welfarism and the welfare state. Neoliberal communitarianism blurs this supposedly stark contrast between welfarism and present government while at the same time allowing for change and internal transformation of the left hand of the state (cf. Mayer 2010). Moreover, neoliberalism (as a critique of governing too much) may support a more tolerant approach while communitarianism can be used to support the rise of a penal state aimed at moralization and the elimination of enemies of the community.

To make even a stronger argument, this study has also taken into account another field of administration. Because of its pivotal position as a field of problematization this dissertation also studied the government of migration and immigrant integration. This was also suggested by Mayer (2010: 99) in her response to Wacquant that other areas of government, for example, the study of immigration should be included in his analysis of the neoliberal state. Hence, how to position this dissertation in the field of migration and immigrant integration studies?

Positioning the dissertation in the field of *migration and immigrant integration studies*

In international (e.g., Geddes 2003) and national (e.g., Entzinger 2002, 2003) literature the Netherlands stands out as one of the countries that officially waged multicultural policies that was followed by a striking retreat of multiculturalism in the nineties. Known and praised for its multicultural approach it shifted to an assimilationist and the strictest model in Europe (Jacobs & Rea 2007). This is often interpreted as a punitive and ethno-assimilationist turn. The Netherlands is presented as frontrunner as several European nation-states followed suit (Joppke 2007a/b; Jacobs & Rea 2007). The Dutch case is, therefore, also from a European perspective strategic indeed.

In relation to this, Joppke (2007a) observed a general tendency towards convergence in immigrant integration policies in European countries. Instead of focusing on long-term traditions of cultural self-understanding to distinguish between different models in the government of migration, citizenship and integration (Brubaker 1992) Joppke adopted a more policy- and politically oriented approach (Joppke 2007b). This study builds further on these comments and tries to contribute to this debate by studying migration, citizenship and immigrant integration from the perspective of governmentality. Hence, it not only pays attention to 1) new or different political rationalities to move beyond standard accounts and classifications, but it also pays attention to 2) ways of problematization and 3) the different arrangement of technologies of power in relation to subjects of government and the instrumental role of sociology.

In relation to the former political rationalities this study pays attention to the neoliberal- and communitarian government of migration and integration. These are often neglected or only partially studied in the debates on governing immigration and integration. In relation to problematization, this study contributed by inventing the notion of the migration control predicament and by adding an understanding of these neoliberal and communitarian elements in the government of migration. In relation to power it builds further on the contribution of Löwenheim & Gazit (2009) who understood citizenship-tests from a Foucaultian perspective but primarily as a technique of disciplinary power. These authors also pointed at the paradoxical political content of citizenship tests although this remains implicit and underdeveloped, because (in their defense) it was not the primary focus of their study. The present study aimed to build further on this valuable work by adding a more fully developed analysis of the technologies of power by relating citizenship tests to other techniques and technologies of power (not only discipline but also sovereignty and government),

Neoliberal communitarianism also contributes to an understanding of contradictory elements that should not be brushed away but instead understood by a contradictory strategy of government and its internal tensions (see also Joppke 2010: 14-15). It is also a model (see Van Houdt, Suvarierol & Schinkel 2011) that is able to understand both convergence (Joppke 2007a/b) and the still relevant divergent models of migration, citizenship and immigrant integration in different European countries (Jacobs & Rea 2007). Indeed, existing typologies and classifications should be updated (as suggested by Jacobs & Rea 2007: 280-1) something this study does by interpreting recent changes in terms of neoliberalism and communitarianism. However, in contrast to the Jacobs & Rea (2007) this study did not focus on the level of incidental politics, temporarily competing political factions or the lack of clear-cut consecutive political consensus as indicative of a lack of an overarching paradigm (Jacobs & Rea 2007: 276). It focused, instead, on the level of the emerging consensus out of conflict and the overarching paradigm in terms of political rationalities or (structural) strategy that has emerged (in terms of PM Rutte 'the striking continuity in Dutch administration').

Furthermore, this dissertation has aimed to contribute to an understanding of the role of citizenship in relation to its formal and moral dimensions but also as a technique of inclusion and exclusion. One important trend was called the moralization of citizenship (Schinkel & Van Houdt 2010b). This relates to the analytical lens that is deployed. In line with Rose (see above) who argues that an important technique of communitarianism is the moralization of problems and the re-moralization of government (Rose 2000a: 1407) this dissertation describes how communitarian approaches of citizenship, such as

Etzioni's (2007), give more weight to moral citizenship than liberal approaches. With communitarianism this study is able to understand this trend of the moralization of citizenship (see on the neoliberal communitarian trend of earning citizenship below and Joppke 2013).

Moreover, this governmental communitarianism appears in a double helix with neoliberalism because it merges with a stress on individual responsibility and market metaphors. Hence, based on an analysis of the major relevant policy documents, advisory reports and interventions in public debate (1980-2010) and consistent with Foucault's suggestion of homology this study has interpreted the new government of the field of migration and integration in relation to the double helix of neoliberal communitarianism. This allows for a new interpretation of this field of government in terms of political rationalities and as contribution to the debate on the divergence and convergence of citizenship models (e.g., Jacobs & Rea 2007; Joppke 2007a/b). While neoliberal communitarianism is a trend or model that can be observed in other countries as well, for example, in the U.K., France and the Netherlands, it is flexible enough to allow for differences and unique elements (Van Houdt, Suvarierol & Schinkel 2011; see below Figure 6.2).

In addition, neoliberal communitarianism provides an understanding of the contradictory elements in the government of migration, integration and citizenship that has been observed by several scholars. As Joppke observes, while commenting on the notion of a double helix of neoliberalism and communitarianism, it helps to understand conflicting and destabilizing tendencies within the present government of migration, integration and citizenship because the neoliberal component may undermine the communitarian dimension (and, of course, vice versa) (Joppke 2010: 14-5). Furthermore, Joppke refers to the neoliberal communitarian trend towards earned citizenship as an explicit European phenomenon that may perhaps be extended in application because it is imported by other countries, for instance, Australia and Canada (at least at the level of what Joppke calls political rhetoric) (Joppke 2013: 2-3, 9).⁷⁴

In addition to this, the present study also contributes to an understanding of the singularity of the problematization of migration and integration in the period 1980-2010. Therefore another concept was invented: the "migration control predicament". The response to this governmental predicament has been analyzed as consisting of a reconfiguration of the technologies of power: sovereignty, discipline and government. This makes it possible to open up an (international) research agenda on 1) the different formulations and timing of the migration control predicament, 2) the different configurations of power formulated in response to the migration control predicament, and 3) differences in inventions of subject images.

6.1 Generalization: the "horizontal" and "vertical" expansion of neoliberal communitarianism

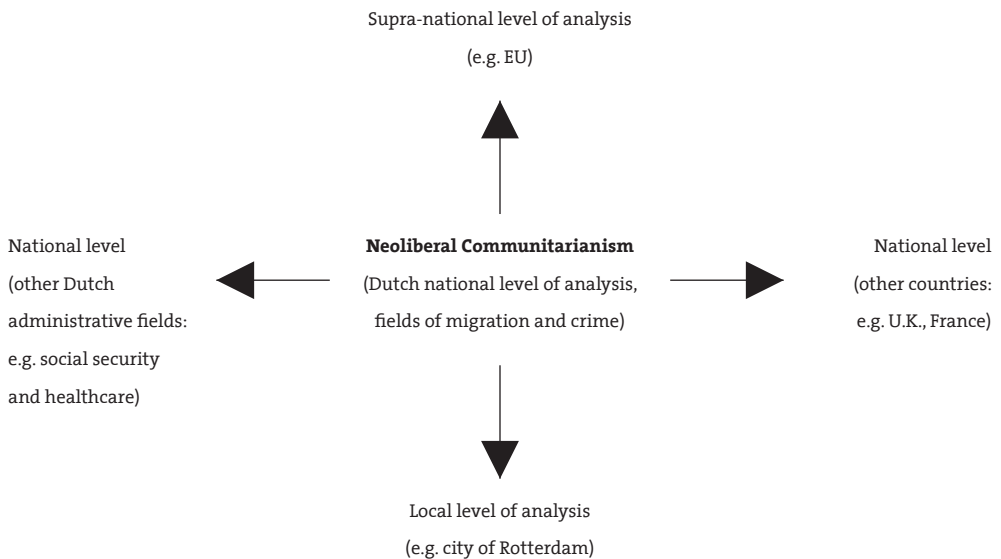
A conclusion is also governed by the expectation of generalization: formulating broader, daring and sweeping statements that apply beyond the specific level and subject of analysis. Indeed it would be interesting to see whether the combination of neoliberalism and communitarianism can be expanded

⁷⁴ Compare Stasiulis (2013) who uses the concept of neoliberal communitarianism to understand the government of migration and integration in Quebec.

in application. The aim then, however, is not to explain everything. It is more of an analytical exercise and an invitation to understand some of the major transformations in the government of self, others and the state through the lens of neoliberal communitarianism. This generalization of the concept of neoliberal communitarianism might also be understood as a kind of test of the “applicability” of the concept. When concepts can be understood as toolboxes they should be put to use. If too much work has to be done to use it, other concepts should be invented (cf. Rose 1999a: 9). This is also very important academic work because nothing is more practical than a good theory (Joas & Knobl 2009).

From the current level of analysis (citizenship-crime-migration at the national level) the extension in application of neoliberal communitarianism is possible by using two axes: a horizontal and a vertical one. First, the “horizontal” expansion implies the application of neoliberal communitarianism at the same (i.e. national) level of analysis but to other cases. For example, to study other subfields of Dutch administration such as social security or to study the government of citizenship, migration and crime at the national level of other countries. Second, the “vertical” application implies a moving upwards or downwards to other (i.e., non-national) levels of analysis (local or supra-national) (Figure 6.1).

Figure 6.1 The “horizontal” and “vertical” expansion of neoliberal communitarianism



The first “horizontal” expansion is the study of the emergence of neoliberal communitarianism in the other subfields of Dutch government. This would also correspond to one of the major assumptions of this project: *homology* and the homological transformation of fields of government by new formulae or strategies of government. That is, next to internal- and field specific problems, there is a certain sameness in problematization and proposed solutions. For example, the sameness in the problematization of state government and the solution of active citizenship to deal with that problem. An interesting case for this horizontal expansion of neoliberal communitarianism would be to study the transformation of social

security and social care and to contribute to the debate about the transformation of the welfare state, welfare rights and social citizenship towards 'the participation society'. The contribution of this study to the field of social security and welfare government would then be the identification of a new world of welfare government (Esping-Anderson 1990): neoliberal communitarianism.

From a governmentality perspective the neoliberalization of welfare government could be said to imply 1) the facilitation of the *game of differentiation* (instead of equalization the securing of a vital minimum based on a marginal transfer of income from the maxima to the minima); 2) *privatization* (instead of collectivization of risks of life) in the context of economic growth argued to be the only true or real social policy (Foucault 2008: 142-5), and 3) a '*degovernmentalization of government*' (Dean 2010: 200-1) that consists of a folding back of market on state government and the construction of quasi-markets (cf. Foucault 2008: 246).

In addition, a communitarianization of social security would imply a recalibration of rights, duties and responsibilities. From a communitarian perspective both the reciprocal and moral dimension of citizenship is stressed: citizens have obligations towards the community while the latter has duties towards the citizen. Citizens, for example, are obliged to work, raise their children well and support their family, develop skills and master the dominant language and have social responsibilities to other citizens. Communitarianism also involves the deployment of moralizing programs and techniques of repressive responsabilization aimed at 'ethical reconstruction' (Rose 2000a). The communitarian state is Janus faced. It is both a moralizing paternalistic state (repressively enforcing the dominant norms and values while intervening in private lives) and an activating state (facilitating citizens to participate actively in several spheres) (cf. Rose 2000a). Interestingly, some scholars at the beginning of the 1990s already noticed the influence of communitarianism in the Dutch government of welfare and social citizenship (Dercksen & Engbersen 1992: 132, 149; De Haan 1993; cf. Engbersen 2009). It was also in this period that 'participation society' was coined.

One strategic case would be the new government of care as formulated in the WMO 2007 (Wet Maatschappelijke Ondersteuning). Another is to study the recent developments in Dutch welfare government since the 1990s. This has been described by Romke van der Veen as a 'paradigm shift' (Van der Veen 2009a/b). Three trends stand out: 1) *reduction* of both the general and specific expenditures on social welfare, 2) *privatization* (e.g., decollectivization of risk and privatization of services) and 3) an increase of expenditure on techniques of *activation* (Van der Veen 2009a: 249-51).⁷⁵ According to Van der Veen a new mentality of welfare government has emerged in the last three decades (cf. Van der Veen 2009: 255). Van der Veen argues that the new paradigm of new welfarism (Taylor-Gooby) is based on the construction of the state as both "enabling state" (Gilbert) and "social investment state"

⁷⁵ Van der Veen illustrates the paradigm shift in the mentality of government with several case studies on social security and care. A first case is the transformation in the government of social security. This can be summarized by four indicators: *privatization* (e.g., of risk and of services), *re-commodification* (instead of collective protection against risks the new techniques aim at facilitative and repressive guidance to work i.e., investing in human capital), *selective targeting* (making it more difficult to apply for social security, placing more demands and stressing duties) and *conditional solidarity* (emphasizing membership of the community or communities instead of universal social rights) (Van der Veen 2009a: 252-3; 2009b: 179-90). A second case is about the changes in the government of the subfield of health insurance. The 2006 Health Insurance Act produced a "health insurance market". The old situation of welfarism was based on broad program of care under state responsibility and collective funds (Van der Veen 2009a: 268). The new situation has *competition* as the fundamental principle of government, it transformed the *state into a manager* of the market, health insurance organizations into *enterprises* and citizens into *clients*. Van der Veen remarks that this latter case is interesting because of its smooth introduction without much debate, which is an indicator that the new paradigm has settled.

(Giddens) (Van der Veen 2009b).

Beyond the messiness and contradictions of everyday policy change a new strategy was formulated based on a reformulation of the program of social welfare government:

'on the one hand retrenchment, decentralization and privatization are taking place, resulting in a certain liberalization of social policies, leading to recommodification. On the other hand (...) the idea of universal, solidaristic social policies, leading to recalibration of existing policies. This recalibration is directed at upholding universality and solidarity while making social policies more activating and more compatible with economic policies. To this end social policies are becoming more targeted (more selective) but still with a universal range.'

(Van der Veen 2009b: 190)

However, we still need to understand this change in overall strategy (combination of rationalities) of government. From a governmentality perspective we then have to look at the political rationalities (see chapter 2). Indeed, the features of the game of differentiation, privatization and governmentalization of government are present in the Dutch government of welfare and, therefore, the new mentality may be understood as a general move towards neoliberalism (Van der Veen 2009a: 248). Hence, there are some indications of a neoliberalization of welfare government in the Netherlands (which, however, should be further explored but that is beyond the present paragraph). However, this seems to be accompanied by a stress on communitarian values and techniques of government. This would also allow for an understanding of the paradoxes that are noticed by Van der Veen.

Perhaps neoliberal communitarianism would make us understand why there has been an increase in both public responsibility and individual responsibility, and an introduction of a policy of activation (the enabling state, or social investment state as formulated by Giddens) in the context of an introduction of the market, market mechanisms and privatization (Van der Veen 2009b: 191-2).⁷⁶ Neoliberal communitarianism involves the construction of the Dutch citizen as homo duplex: the citizen subject is at the same time entrepreneur subjected to market competition and a subject of community subjected to care and duties of the group. At the same time, market mechanisms are folded back upon the state, the market is governing more domains of administration and the state is transformed into an activating state. It would be interesting to understand or capture the (paradoxical) trends and developments described by Van der Veen in terms of the neoliberal communitarian government of welfare.

A second "horizontal" expansion of neoliberal communitarianism would be to analyze the emergence of this strategy at the national levels of other countries. The first case study of other countries studies the emergence of neoliberal communitarianism in relation to the government of migration and citizenship in the United Kingdom, France and the Netherlands. This was explored in an article published in

⁷⁶ This is also supported by an increase in the electoral support of the neoliberal program that stresses individual responsibility and marketization (Van der Veen 2009a: 273-4). However, there is also an increase in electoral support of a program to transform solidarity that was based on distributive equalization to a solidarity based on reciprocity (Van der Veen 2009a: 275). This would add a new element to our discussion of neoliberal communitarianism: electoral support for both.

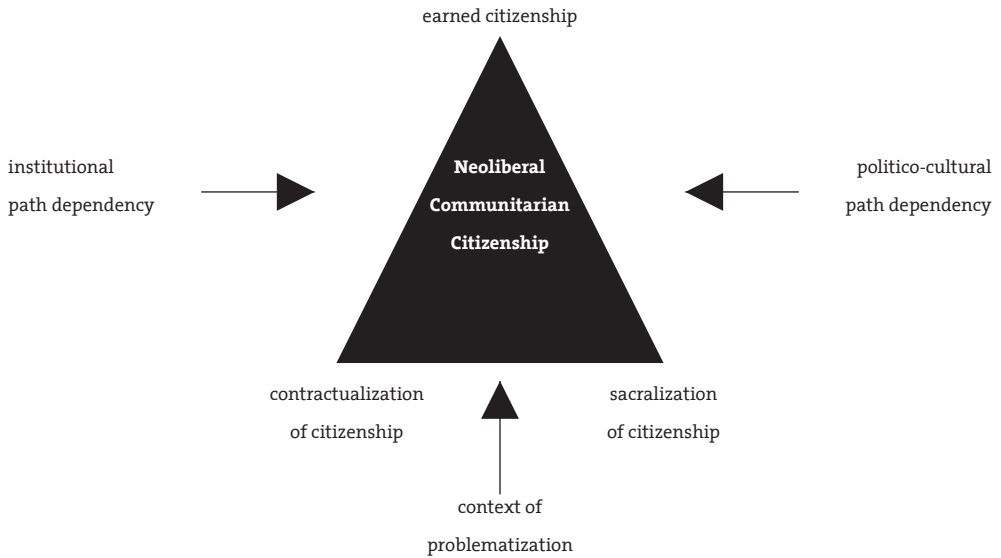
International Sociology (Van Houdt, Suvarierol & Schinkel 2011). It can be argued that the political programs of citizenship in relation to immigration and integration in the UK, France, and the Netherlands manifest on the one hand a “neoliberalization” of citizenship that involves an increased emphasis on the need to earn one’s citizenship and on the other hand an increased “communitarianization” (Etzioni 2007) or in the words of Brubaker (1992) a “sacralization” of the nation in response to immigration. This led to an adjustment of citizenship criteria that was based on an “individualizing” focus on earned citizenship with a “de-individualizing” focus on the national community typical of a neoliberal communitarian strategy of government. Under a neoliberal communitarian regime, it becomes one’s responsibility, expressed in the form of ‘earning’ one’s citizenship to convert to a nation that is sacralized as a bounded community of values.

All three countries used the technique of the contract and all countries, albeit in varied degrees, stressed the individual responsibility of migrants. In the UK, this explicitly takes the form of a notion of “earned citizenship”. It is the responsibility of the individual to earn his or her rights, obligations, and the appending benefits. In France, a similar process has taken place, albeit less accentuated. Nonetheless, since 2003 a package of demands has been placed upon the immigrant who, in living up to these demands, has to illustrate her/his virtuous citizenship. This is, as described in chapter 5, even more pronounced in the Netherlands, where immigrants are obliged to arrange their own civic integration course in the context of a market. Here, as in the UK, the demand for individual responsibility entails the individual’s responsibility to learn individual responsibility (which is characteristic of the citizen). Becoming a citizen is conceptualized as a prize one is to attain individually. This exclusive character of citizenship in these countries also emerges in the form of a more culturally exclusive focus.

These three processes, 1) the newly formulated social contracts, 2) the sacralization of the national community, and 3) ‘earned citizenship’ with a focus on individual responsibility, are perhaps indications of a wider emergence of ‘neoliberal communitarianism’ beyond the Netherlands. However, whereas neoliberal communitarianism can be regarded as the guiding strategy of political programs of citizenship in differing countries such as the UK, France and the Netherlands, some distinctive national features still remain. This is possible because neoliberal communitarianism itself is a flexible strategy whereby the neoliberal or communitarian elements can be emphasized differently according to place (country) and time. In other words, it can be argued that politico-cultural (Brubaker 1992) and institutional path-dependency (Jacobs and Rea 2007) still play a role in the specific conceptualization of citizenship and community (e.g., Etzioni 2007: 360-1; see Figure 6.2, next page).

A second case study of other countries is related to penal government in the U.K. This extension of application would be supported by Cavadino & Dignan (2006: 120) (albeit in a different sense than their initial suggestion) who argue that there is a close relation between government rationalities in the U.K. and the Netherlands. However it would be opposed to Garland who seems to relate penal government in the UK to the USA., while using the combination of neoliberalism and neo-conservatism. Although the present dissertation seems to be running against Garland’s views it can also be argued that both Garland’s analysis and my own of the double helix of neoliberalism and communitarianism are adequate but that the timing of their adequacy is different. That is, both analyses are adequate but for different periods.

Figure 6.2 Neoliberal communitarian citizenship in the Netherlands, U.K. and France



Source: Van Houdt, Suvarierol & Schinkel (2011: 424)

The study of Garland is primarily aimed at understanding the rupture in penal government in the 1970s-1980s. He has published his studies at the beginning and middle of the 1990s (e.g., Garland 1996, 1997). His influential *Culture of Control* was based on these publications and appeared in 2001 as a history of the present. In addition, his book was guided by some basic methodological rules, such as '*Do not mistake short-term movements for structural change*' (Garland 2001: 22, italics original). Perhaps this methodological technique and his accumulated work prevented Garland to notice the communitarian rupture in penal government since the middle of the 1990s and especially since New Labour went into office (from 1997-2010).

The communitarian transformation of penal government was, however, noticed by other scholars (Hughes 1996, 2007; McLaughlin 2002; cf. Rose 2000a: 1407). For example, Hughes (2007: 8) comments that it is hard to disagree with the communitarian turn of the government of crime and other social problems. In addition, McLaughlin (2002) described how communitarianism and a new approach to crime were critical in the transformation of the Labour party and its penal government. New Labour aimed to find a middle way between state oriented social democracy and market centered neoliberalism (cf. Giddens 2000) and a middle way between individual responsibility and the social causes of crime. From the beginning of the 1990s New Labour embraced a tougher stance on penal government (with the new sound bite 'tough on crime and tough on the causes of crime'). They wanted to reinvent government by changing the relations between state, individual citizens and community. In general Blair and Brown aimed at a general re-moralization and re-responsibilization of community (McLaughlin 2002: 92). New Labour stressed individual responsibility, cohesive communities (especially

the family) and an active (both preventive and repressive) state. The family was prioritized as the site of socialization into discipline and responsible behavior (McLaughlin 2002).

Prime examples of the emerging communitarian penal government in the U.K. are the 1998 *Crime and Disorder Act* and the 1999 *Youth Justice and Criminal Evidence Act* (McLaughlin 2002). This consists of early intervention programs into families and facilitative and compulsory parenting courses were developed, added with a tough approach of both antisocial behavior (zero tolerance) and persistent youth criminals, welfare to work programs for young unemployed, and the program of community safety stressing not only tough repression but also a general program to reclaim the streets (based broken windows and quality of life policing aimed at sweeping the streets of drug addicts, beggars and graffiti) while paying attention to the social aspects of crime, fear of crime and support for victims (from the mid-1980s taken up by local labor governments while gaining strength after the 1991 *Morgan Report*: McLaughlin 2002: 91-94). Typical of this approach of crime is the responsabilization of local government, multi-agency partnerships and an obligation and right of the state to intervene in dysfunctional and disorderly communities aimed at re-socialization, re-responsibilization and re-education (McLaughlin 2002: 92-5). Indeed, this all comes very close to what this study has described for the Netherlands.

In addition to these horizontal movements, neoliberal communitarianism may also be expanded by moving vertically down to local government or moving up to the supranational level. A first vertical expansion moves downwards and would study neoliberal communitarianism at the local level, for example, the local government of cities. This is also where the present study started: the local level of Rotterdam. It was also here that I first observed the combination of the two governmental rationalities of neoliberalism and communitarianism in relation to citizenship, crime and migration (see chapter 1). Moreover, both neoliberalism and communitarianism appear to be present in the government of local public spaces. This has been taken up in a recent dissertation by Zijderwijk (2014) who used the concept of neoliberal communitarianism to understand the government of local public space.

A second vertical expansion of neoliberal communitarianism moves upwards to the supranational level to, for example, the European Union. This has been explored, albeit from a different (primarily Gramscian) perspective by Bieling (2006: 207-21). Bieling (2003, 2006) comes very close to what in this study is called neoliberal communitarianism.⁷⁷ Bieling argues that the program of European integration and the construction of a “Single European Market” are driven by the neoliberal political rationality ‘of intensified competition via deregulated and more flexible markets for goods, capital, services and labour’ (Bieling 2003: 52) and ‘(..) economic modernization, sound budgetary policies and low inflation’ (Bieling 2003: 53). This European *programme of neoliberalization* (the adherence to the macro-economic monetarist doctrine of low inflation⁷⁸ and the micro-economic policies of deregulation, flexibilization and privatization: Bieling 2003: 54) and ‘the logic of “competitive” and “decreed” austerity (...) deeply

⁷⁷ I came to know this work and his concept of communitarian neoliberalism somewhere at the end of March 2013 when I was writing my conclusions. I contacted Bieling by email and he replied me by thanking me for my interest in his studies and attaching three articles on neoliberalism, communitarianism and employment policy in the European Union. This is also how science works: having similar ideas at the same time but also the flows of informal contact etc.

⁷⁸ In this respect The 1992 Maastricht Treaty has been crucial because there it was argued on the EU-level that inflation was the main enemy and not unemployment and, in addition, from this moment national macro-economic policy became something of the past (Bieling 2003: 72n3,7).

affect the capacity of the states to provide social security and to fight the unemployment problems by means of Keynesian deficit spending and demand management' (Bieling 2003: 52).

However, 'to understand the conceptual foundations of the emerging multi-level structure of employment regulation it is not sufficient to look only at the neoliberal constraints for more socially motivated strategies. Current employment strategies are not simply neoliberal but are based on the idea of an "activating state"' (Bieling 2003: 52-3). Bieling argues that neoliberalism is accompanied by a communitarianism that cushions, modifies and completes the overall objective of European neoliberal restructuring (Bieling 2003: 53, 61-71): 'neoliberal strategies have over the past few years been transformed and modified into something that for want of a better term should be characterized as (practical) "*communitarian neoliberalism*" (Bieling 2003: 53, it. or.).⁷⁹ This new European consensus emerged in the mid-1990s. It is about the production of "competitive cohesive communities" within the European Union (Bieling 2003: 59).

6.2 Discussion: neoliberal communitarianism and the challenge of neo-conservatism

It can be argued that neoliberal communitarianism provides a new common view in Europe (cf. Bieling 2003: 69) and might perhaps be called the singular European governmentality of the 21st century that goes back to Ordoliberalism as described by Foucault (chapter 2). Hence, what about the birth of neoliberal communitarianism (and its sources)? Moreover, Foucault argued that neoliberalism is much more complex and varied than the quick, monolithic and ideological denouncement of neoliberalism as a revival of Adam Smith, already decoded by Marx and source of all evil or Gulag on a world scale (chapter 2). But: what about the internal complexities of communitarianism? Moreover: what about the political rationality of neo-conservatism, in other words, has there been no challenge from other political rationalities?

6.2.1 The birth of neoliberal communitarianism

Foucault stressed both the singularity neoliberalism, its variety and also the complexity of its deployment of power. Neoliberalism is understood as a new way of thinking about government that emerged in the 20th century. He also picked up an old debate within liberalism between "individualist liberalism" and "communitarian liberalism" that he traced back to Ferguson and his construction of civil society. Hence, Foucault was already sensitive to the liberal-communitarian debate even before it started. This, so it can be argued, is also the major distinction between two major variants of neoliberalism: American neoliberalism and Ordoliberalism. While the former can be placed at the individual pole the latter saves space for communitarian concerns.

⁷⁹ Bieling (2003) distinguishes three phases in the rise of neoliberalism in Europe: 1) the euphoric rise of neoliberalism in the 1980s (EMS 1979) and 2) the phase of disciplinary neoliberal restructuring (with the German Bundesbank in charge of disciplinary power and accompanied by a change in orientation of the political and economic elite), a phase that also produced discontent or social disintegration, problems of political legitimacy and a communitarian rethinking, and 3) the phase of the communitarian transformation of neoliberalism that has had A) no profound impact on the socio-economic foundations of government, although it alleviates some social problems without relapsing into welfarism and B) from time to time brings tensions between EU neoliberalism and nationalist inspired communitarianism.

One way to expand on these suggestions is to discuss some of the sources of neoliberal communitarianism. A first source of inspiration of neoliberal communitarianism goes back to the 1930s-50s to Ordoliberalism and a sociologist who in 1942 seems to be the first to call his program the 'third way': Wilhelm Röpke (e.g., Röpke 1992[1942]: 176; cf. Foucault 2008: 104). Written in 1942 Röpke argues that

'we must resolutely resist any demagogic attempt to present the situation as being a simple choice between two possibilities: the social Darwinism of laissez-faire (...) and an all-embracing public welfare system which aims at protecting each individual from the cradle to the grave (...). We are most decidedly of the opinion that (...) there is a Third Way which alone can lead to a satisfactory solution.'

(Röpke 1992: 164)

Röpke (1992: 178-9) described his third way as a 'counter-program' or a 'many-sided and comprehensive general program' that has competition and self-sufficiency as pillars of the new social order (Röpke 1992: 180).⁸⁰ This new social order has three ingredients: 1) the necessity of competition, a strong state and integrated community (Röpke 1992: 180-1). The principle of competition should be introduced as prime regulator (Röpke 1992: 179-84). The strong state should be a state that has the courage to govern and the wisdom to refrain from government, that knows how to touch but also with the highest standards of professional ethics and integrity and independent of interest (Röpke 1992: 192-4).

What is interesting in this regard is that neoliberalism is often regarded as a rupture with welfarism. However, with Röpke it can be argued that this rupture may not be so stark as it is argued to be. He, for example, argues that the idea of the welfare state has many elements that should not be rejected on forehand: 'our concern, therefore, is not simply to condemn the welfare state as such but to determine its limits and dangers'(Röpke 1960: 154). According to Röpke the welfare state has outlived its necessity and lost its urgency because voluntary self-help by individuals and groups themselves are existing (Röpke 1960: 154-5). In addition, the actually existing welfare state has changed its meaning from helping the weak to becoming a tool for equalization and paternalist normalization and its motive has changed from compassion to envy (Röpke 1960: 154-9). The principal danger of the welfare state is its inevitable expansion (Röpke 1960: 162). The secret of a 'healthy society' is the sense of individual responsibility and a "desacralization" of the state (Röpke 1992: 164). Individual responsibility and small communities should be encouraged (Röpke 1960: 164). Hence, this is a search for a third way that is against both monopolies (*laissez-faire* liberalism) and collectivism (Röpke 1960: 183). Indeed, it is with Röpke that we are 'seeing the birth of (...) a new art of government' (Foucault 2008: 176) that comes close to neoliberal communitarianism.

In one sense then, this study has taken Foucault's objective of the study of the spread of the German model (Foucault 2008: 179; i.e., not the model of the all-powerful police state but the model of the Social Market Economy and Rule of Law) even further, describing its influence over the years not only to the

⁸⁰ In the present situation of the current economic crisis it is interesting that Röpke makes clear that in some situations, for example, economic depression the technique of nationalization is not a collectivist enterprise but may be very well be in line with third way neoliberalism. If only the market economy is respected by the state as entrepreneur (Röpke 1992: 189-190).

Netherlands but to the varying levels of Europe. With Foucault it can be argued that this European version of neoliberalism that goes back to Röpke cannot be equated with American neoliberalism. It can be argued that it is here that we witness something of the birth of a neoliberal communitarianism which is indeed a third way that was reformulated or picked up in the 1990s and became the actually existing governmentality in European countries like England, France and the Netherlands (cf. Dean 2010: 73). Instead of the Americanization of European policy this would allow for an argument of the Europeanization of American philosophy, sociology and policy (in the 1970s and 1980s) *and then back*.

However, this would only identify one lineage. Because a second important moment in the birth of neoliberal communitarianism is to see its formative years in the 1980s and 1990s. In the context of an actually existing neoliberalism some sociologists, for example, Etzioni and Giddens formulated a communitarian critique of neoliberalism (cf. Bieling 2003, 2006; Rose 2000a). Out this problematization of neoliberalism a new strategy of government emerged. Neoliberal communitarianism is then an apparatus of power-knowledge with sociologists as both its major programmers and workers on the ground: it can be argued that there is a division of labor between sociologists: some sociologists “programmed” the machine and others “work” the machine, e.g., as we have seen in chapter 5 sociologists are mapping the integration of migrants and formulating programs of social cohesion and techniques of intervention etcetera.

Etzioni has been given proper attention in this dissertation but it is also relevant to point at another influential account that was written by Giddens (2000) who formulated his famous ‘third way’ program almost 50 years after Röpke (cf. Rose 2000a). Although it has some affinity with Ordoliberalism and Röpke’s ‘third way’ it is important to understand the singularity of this “new third way”. Programmed by Giddens in the 1990s it retakes the quest for a third way but in a totally different and new context. Thus it can also be considered as a singular governmental reflection on what can be called the government of the present: it is a reflection on governing a new situation (in the context of the rise of Thatcherism and Reaganism, the end of the cold war and the fall of actually existing socialism), with new dilemma’s (globalization, individualism, left and right, political agency and ecological problems) and the formulation of a new relation between state (the social investment state), civil society (community) and the market (against market fundamentalism). What these two sources suggest is that neoliberal communitarianism is related to both a debate within neoliberalism (e.g., the communitarian versus the individualist position as already identified by Foucault) and to communitarian programs that are formulated as alternatives to neoliberalism (cf. Adams & Hess 2001: 16).

6.2.2 The complexity of communitarianism: the Dutch variant and internal debates

In addition to what has been described above, at the local level something interesting happens with the use of communitarian discourse. Two versions of community or communitarianism may be used, for example, in opposition each other. First, the national Dutch community can be projected upon the local community to construct programs that demand “Dutchness”, “speaking Dutch” and “behaving Dutch”. This happened with the so-called Rotterdam-code. Then the Rotterdam community is constructed as an exclusionary and exclusive Dutch community aimed to govern culturally deviant people while at the same time solidifying a specific image of the Dutch community. Here, communitarianism is programmed

by nationalism (see Calhoun 1999). On the other hand, the local community can be programmed on a more “cosmopolitan key” that stresses diversity, tolerance and reflexivity (cf. Giddens 2000: 143-151). For example, this identification can be used as counter-conduct to oppose the exclusionary projection of the nationalist local community. In sum, community can be programmed differently as, for example, a cosmopolitan community or a specific local community (“Rotterdamness” or “O10”) that is clearly distinguished from nationalist or other local communities (e.g., “Amsterdamness” or “O20”). This points at an internal complexity within communitarianism that must be adequately accounted for.

Communitarianism has been understood as a specific political rationality but it can also be “splitted” by a variety of dimensions, axes and levels on which it can be given substance. This complexity should be taken into account if one is to study the communitarian reflection of government. At the same time it is necessary to understand this complexity because of the possible internal debates within communitarianism and the possibilities for resisting “governmental communitarianism” *from a communitarian position*. It is also important to notice the possibility of different communitarian positions, especially if one argues that there is a need to implement a communitarian governmentality. Then the question is: what “kind” of communitarianism does one propose? This is precisely at stake in Gordon Hughes’ attempt to formulate a radical communitarian governmentality in relation to penal government that is opposed to the dominant moral authoritarian communitarianism (Hughes 1996). It is also important to acknowledge the complexity because a specific communitarian position may be incorporated or coopted by a different communitarian agenda that is based on different positions.

Communitarian governmentality can be analyzed along six different dimensions (Driver & Martell 1997). The first is the dimension of conformism – pluralism. The *conformist communitarian* position is based on homogeneity, communality, and the duty to conform to the dominant values at risk of stigmatization, punishment and exclusion. The *pluralist communitarianism* is related to heterogeneity, pluralism and based on choice and acceptance of difference. The second is the continuum of more conditional – less conditional. The *more conditional communitarian* position emphasizes the duties a person has to apply for rights as a member of the community and stresses the reciprocal bonding in a community. The *less conditional communitarian* position is based on the idea of solidarity and mutual care are intrinsic objectives on their own without emphasizing reciprocity or stressing duties. The third is related to the couple of conservative – progressive. *Conservative communitarianism* is primarily based on hierarchy and authority, nationalism, the nuclear family and domestic role for women, traditional education, the attribution of individual responsibility for crime and the limitation of gay rights. This is contrasted by *progressive communitarianism* stressing progressive values of the community (e.g., equality, multiculturalism, women and gay rights, penal reform related to social reform and alternative forms of education). The fourth communitarian dimension is related to the continuum of prescriptive – voluntary. *Prescriptive communitarianism* prescribes the norms, values and duties of the members who must believe and behave conformingly (e.g., conservatism is an example of prescriptive communitarianism). In contrast, *voluntary communitarianism* is related to free entrance, self-government and voluntary action. In addition, communitarianism can be distinguished by a fifth dimension: moral – socioeconomic. According to *moral communitarianism* social cohesion is founded upon shared moral and cultural values. In contrast, *socioeconomic communitarianism* argues that social

cohesion is related to socio-economic conditions and the redistribution of income. The first demands moralization and adherence of common values, the latter demands universal social rights and material and social-material equality. Finally, sixth, the dimension of individual – corporate. In *individual communitarianism* ‘it is the individual who is subject to obligations, responsibilities, rights and duties’ (Driver & Martell 1997: 32). Individuals have duties and responsibilities towards the community and on this condition rewarded with some rights. *Corporate communitarianism* constructs corporations as subjects of obligations, rights and duties towards the community.

From our study of crime and migration it can be concluded that Dutch communitarianism (in the context of neoliberalism) is primarily *conformist* rather than pluralist, *more conditional* rather than less, *conservative* in the field of crime and *ambiguous* in the field of migration (a combination of both in the sense of a “progressive nationalism” that aims to assimilate migrants into the “Enlightened Dutch Community” and uses the technique of the promotion of gay rights in citizenship movies to deter specific migrants: cf. Schinkel & Van Houdt 2010b), *prescriptive* in terms of moral substance (but voluntary in terms of individual membership of migrants), *moral* rather than socioeconomic, and as *individual* rather than corporate.

However, at different times and in different contexts different positions and conflict within the communitarian debate is possible. This is how we can understand the conflict between a pluralist and a conformist conservative communitarianism at the local level as was described above. However, it can also be argued that some of the positions are less likely because of its combination in a strategy of government that consists of a combination with neoliberalism. For example, because of its alliance with neoliberalism and its opposition to welfarism the position of socioeconomic communitarianism is less likely (although scale may be important here). Furthermore, this discussion makes clear what the battleground is for communitarians who oppose and want to problematize the actually existing Dutch communitarian governmentality in its alliance with neoliberalism. It also enables a complex understanding of communitarianism and the way it can be deployed to analyze (Dutch) governmentality.

6.2.3 The (neo-)conservative challenge or cementing of neoliberal communitarianism?

Of course, neoliberal communitarianism does not encompass everything and it is not my intention to do so. However, as a paradox itself it is able to encompass seemingly contradictory political rationalities and as a concept it is an insightful tool for analyzing the present government of citizens and the state. In addition, one of the primary assumptions of governmentality analysis is conflict, struggle and disagreement about government. As such, it is assumed and possible that “at the ground level” some tendencies of neoliberalism can be checked or challenged by more communitarian practices and vice versa. This is perhaps even one of the primary sources for the production of neoliberal communitarianism. However, this research and the concept of neoliberal communitarianism have to face the challenge that is posed by other researchers on the present government of citizens in terms of other political rationalities. This is especially the case with interpretations based on neo-conservatism.

This challenge came primarily from concurring interpretations in the field of crime and penal government. This is related to the lucid, convincing and omnipresent analysis of David Garland. As already described above, Garland analyses penal government in the U.S.A. and U.K. in the 1970s to

the 1990s and argues this to be a combination of neoliberalism and neo-conservatism. Although Garland stimulated the study of penal change and differences in other countries, his analysis has been accepted on a one-to-one basis for the Netherlands and transposed to the Dutch situation by Dutch criminologists (see, for example, Van Swaaningen 2004). However, to me and based on my own research and for several other reasons this interpretation of the dominant governmentality in the Dutch case via *neo-conservatism* has not been convincing.

This rejection is, of course, related to my own position and the forces governing the field of (social) science: trying to come up with new perspectives to gain symbolic capital in a field while challenging conventional wisdoms provided by already arrived scholars (indeed challenging some who embraced the concept of communitarianism as antidote to neoliberalism). This then would be an example of how the struggle for classification is also fought in the academic field, which is, therefore, also a struggle for positions. As such, both author and reader should be aware that neoliberal communitarianism is a technique of distinction and distancing. In addition to this, the “political” position also seems to matter. For example, “critical scholars” often present a “regressive analysis” of the present in terms of neoliberalism and neo-conservatism while embracing, accepting and cleansing communitarianism of its authoritarian techniques of government (cf. Lacey 2013). However, there are other reasons for not accepting an easy transposition of the U.S.A. paradigm and neo-conservatism to the Netherlands. To put it simply: for me an interpretation of Dutch governmentality via neo-conservatism is 1) *misplaced*, 2) *outdated* and 3) *impoverished*.

Firstly, one prime reason for not accepting the presence of neo-conservatism as a dominant rationality in the Netherlands is related to place or the primary “localization” of neo-conservatism in the United States of America. Nash (2006), for example, understands neo-conservatism as a complex movement that consists of libertarians, anti-communists and evangelical fanatics. As such, neo-conservatism might be understood as a typical phenomenon of the U.S.A. My first intuition then is to be very careful not to transpose it to other countries such as the U.K. and the Netherlands. However, David Garland (2001) himself argued that neo-conservatism has been very present in the U.K. Moreover, some Dutch scholars, for example recently Schuilenburg & Van Swaaningen (2013), easily transpose Garland’s analysis to the Dutch case and claim, albeit without much further exploration and supporting material, that neo-conservatism is dominant in the Netherlands.

What is this neo-conservatism that Garland talks about? Garland relates neo-conservatism primarily to a mentality of government that has emerged in the U.S.A. in the work of, for instance, Ernst Van den Haag (a conservative thinker and proponent of racial segregation and the death penalty) and Bennett, DiIulio & Walters (see Garland 1999, 2001). Neo-conservatives diagnose the present as a desperate and ticking time bomb and society at the edge of collapse. Based on this diagnosis it calls for desperate measures against an existing class of ‘super predators’ that is roaming the streets in search for prey (i.e., innocent citizens). The first solution to this problematic situation is a ‘moral jihad’ that is based on a ‘renewal of religious faith and the revitalization of religious institutions’ and the second is the extension of the prison and death penalty as primary techniques in the war against crime (Garland 1999: 362-4).

For me it was and is very difficult to locate this cocktail of 1) libertarians, anti-communists and evangelical fanatics, and 2) a hysterical apocalyptic discourse and its proposed techniques in the

Netherlands. Perhaps only a marginal neo-conservative discourse can be found in the Netherlands but this seems not a very strong and influential one. However, as also argued and described in this dissertation, some conservative elements are present in the contemporary government of citizens. But these can also be explained by the conservative elements of neoliberal communitarianism. Again, this is not just a minor point because at stake is an adequate understanding of the present government of ourselves, others and the state and a study of the consequences thereof. A too easy or quick acceptance of neo-conservatism might miss the specificity or singularity of the Dutch case. In addition, it would add itself, albeit in a different way, to the Americanization of Dutch policy(-analysis) and public discourse. Based on this, a one-to-one transposition of neo-conservatism to the Netherlands is in my opinion *misplaced* or at least underdeveloped.

But, perhaps then, secondly, a Dutch version of neo-conservatism was developed? If we would accept this then it should be studied more intensively instead of claimed (taking into account that, for example, already in 1974 J.A.A. van Doorn found it very difficult to define and find it as a movement in the Netherlands). In addition to this, the timing of neo-conservatism should be taken into account. Perhaps neo-conservatism would make us understand what happened in the 1970s-80s (Hellema 2012). But what about developments from the late 1980s to the present and the third way movement of social democratic reform inspired by communitarianism? Furthermore, how to account for both conservative and progressive elements, proposals and techniques (a combination than can be explained by the program of communitarianism that aimed to move beyond left and right: Joas & Knobl 2009: 499)? This is why I think that to stick to neo-conservatism (even in a Dutch version) would be *outdated* (both in terms of an analysis of the present and as a way of thinking determined to squeeze everything in the 19th century ideological model of left and right).

Thirdly, neoliberal communitarianism incorporates conservative elements, proposals or techniques as well as progressive aspects. Hence, it has *more (empirical) "content"* and presents a richer account when compared to neo-conservatism. Not only is it, as a paradox, capable of taking into account contradictory movements, it is also possible to understand the government of different fields. Moreover, this understanding of neoliberal communitarianism as a richer account is also related to what can be called "research effects".

Firstly, I have been moving back and forth between two fields (the government of migration and crime both in relation to citizenship) and communitarianism and neoliberalism provided me with an interesting tool for analyzing what happened in both fields. For example, I started researching the government of the field of migration and integration first published in the field of migration and immigration studies.⁸¹ The neologism of neoliberal communitarianism was welcomed by the academic public (e.g., the reviewers, editors and later readers and other scholars because it was picked up and cited) as a valuable contribution to the academic debate.⁸² Moreover, the neo-conservative position on

⁸¹ This was followed by a study of penal government and then back to the field of migration and immigrant integration again: after my study of the field of crime I moved back again to the field of migration and used the idea of the crime control predicament developed by Garland and transposed it to the field of migration to understand the emergence of a migration control predicament and analyzed it in terms of the reconfiguration of sovereignty-discipline-government.

⁸² Based on the suggestion of the emergence of a double helix of neoliberalism and communitarianism in the fields of migration and crime, one reviewer of *The British Journal of Sociology* who was convinced of the argument of a double helix of neoliberalism and communitarianism in the field of migration noticed that he was also curious how this would play out in the penal field. This is further explored in *A Genealogy of Neoliberal Communitarianism* that appeared in *Theoretical Criminology* (Van Houdt & Schinkel 2013a; see above chapter 5).

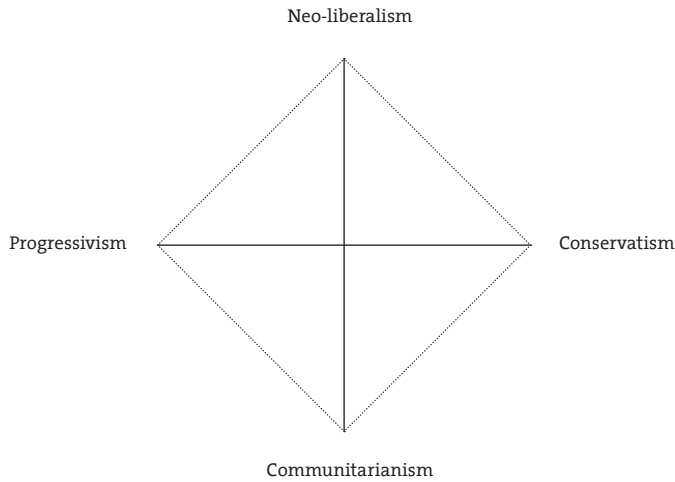
(im)migration is blurred, incoherent and not clearly developed making it difficult to use this concept to understand the government of migration from this perspective. In addition, the concept of neoliberal communitarianism was also injected to the field of punishment and society studies. Hence, the first research effect is related to the reward system of the academic field based on academic capital (publications and originality).

In addition, the second “research effect” is related to one of the guiding assumptions of this research: the homological transformations of the administrative field. Although I tried, I could not convince myself of the presence of neo-conservatism in both fields and this strengthened me in my non-acceptance of neo-conservatism as dominant political rationality. It is to other scholars to criticize this assumption of homology and allow for different combinations of political rationalities in different fields (e.g., neoliberal communitarianism in the field of migration and neoliberalism and neo-conservatism in the field of crime control?). Therefore, my reluctance to accept neo-conservatism is also related to my own movement from the study of the field of migration to the field of crime and the richness of the concept of neoliberal communitarianism.

Hence, the conservative tendencies can be grasped by neoliberal communitarianism. Thus, the presence of conservative rationalities or techniques is not a sole indicator of neo-conservatism. For example, communitarians such as both Etzioni (1994) and Giddens (2000: 96-9) “coopt” what can be called conservative interpretations of crime (e.g., James Q. Wilson and Kelling & Coles). Moreover, Etzioni aims to retrieve notions such as morality and the technique of moralization that is monopolized by archconservatives (Etzioni 1994: 13). Conversely, this doesn’t mean that communitarianism is solely a conservative doctrine. Bieling, for example, sees communitarianism as ‘a more liberal and modernized variation of neo-conservatism’ (Bieling 2003: 63). Perhaps conservative positions within neoliberalism and communitarianism functions as a bridge providing a kind of middle ground (cf. De Haan 1993). It can be argued that both conservative neoliberal and the conservative communitarian positions merged in their support of a tough approach of problematized issues (e.g., supporting discipline and punishment).

This conservative cementing of neoliberalism and communitarianism allows for some conservative elements to be incorporated into the discursive space of neoliberal communitarianism. However, at the same time some progressive elements can be articulated, thereby, as both Etzioni and Giddens remark, moving beyond the traditional left-right schemata (Etzioni 1994; Giddens 2000; cf. Joas & Knobl 2009: 499). On both sides, hence also within neoliberalism, conservative factions must battle with progressive factions in the discursive space of neoliberal communitarianism (Figure 6.3). Perhaps one way to analyze this would be to compare the versions of Etzioni and Giddens, the former leaning more towards a conservative communitarian program (cf. Hughes 1996) and the latter allowing for a more progressive communitarian agenda? The same can be said of neoliberals where progressive and conservative factions differ and some may rationalize tolerance (cf. Foucault 2008) and others a penal state.

Figure 6.3 The discursive space of neoliberal communitarianism



6.3 Critique and governmentality

Foucault was very inventive in the construction of new concepts but at the same time not always consistent in his use (Rose 1999a: 23). For example, he used the term governmentality in a broad sense (analytics of the government of self and others) and a *specific* sense (as government: a distinctive form of power) (Lemke 2012: 88-9). Some scholars adopt the latter position and merge it with the construction of a history of regimes of government (raison d'État, liberalism, welfarism and neoliberalism) arguing that this is a progressive succession towards freedom: a succession of regimes from sovereignty to discipline and finally a government through freedom. The present study rejects this line of reasoning (this projection of progress upon the history of governmentality) while trying to avoid slipping to the other side (seeing the present as worse than before, as beacons dimmed or painting a too rosy picture of past regimes of government). Instead, this study aimed to contribute to an understanding of the successive regimes of government as different configurations of technologies of power.

This is related to an observation about present governmentality studies that it ignores the “power play” of sovereignty (Dean 2007: 91; cf. Dean 2007: 15, 85, 87; Lemke 2012: 89-90). Indeed, if one doesn't pay attention to sovereign techniques of deportation, punishment and elimination one can construct a story of the marginalization of sovereignty and perhaps see a progressive unfolding of freedom. In contrast, this study tried to deal with this criticism by paying attention to the different configurations of sovereignty, discipline, and government with different consequences in different periods and regimes of government. As such, the role of a governmentality scholar is a reflexive power-oriented one that aims at an understanding of the workings of technologies of power, truth/knowledge (especially science) and inventions of subjects of government in relation to political rationalities.

It has been described how the present strategy of government of neoliberal communitarianism consists of a specific configuration of technologies of power. Neoliberal communitarian power consists

of a double move in relation to sovereign power: both a *disinvestment* of sovereignty (in specific elements of the government of the economy) and a *reinvestment* of sovereignty (in the government of society and economy understood as community and (non-)citizens). Perhaps this is contra-intuitive for some because a common argument is that there has been a disinvestment of sovereignty as the economy (mobility of capital, labor etcetera) is set free and nation-states hand over major parts of their sovereignty to the European Union. However, using Foucault's triangular perspective on power it becomes clear that there has also been a major reinvestment in the technology of sovereignty and especially the techniques of punishment, deterrence and exclusion. Neoliberal communitarianism consists of a transformation of sovereignty instead of a decline. In terms of critique this study raises the question whether we want to govern through sovereignty the way we do (e.g., do we want to govern non-citizen aliens the way we do?).

This study also described how the disciplinary projects are primarily geared towards "culturally" different subjects. Those who are understood as culturally different are to be socialized and assimilated into good and active citizens. Several programs were developed that aim at educating immigrant mothers and immigrant youth sometimes even before migrants are migrating into the Netherlands. At the same time, however, in the penal field the programs of resocialization in prisons were downsized and only selectively applied. This trend was understood as a shift from *resocialization* to *presocialization*. Do we want this?

Furthermore, based on market metaphors the welfare state is downsized and disciplined. A different type of government emerged that is primarily constructed as a market using metaphors of competition, performance, efficiency while combined with a stress on community cohesion, vital coalitions and active citizenship. Do we want that? Because political rationalities lay at the root of our common understandings it is possible that both neoliberalism and communitarianism are part and parcel of common presuppositions and everyday knowledge. Do we know that, do we know the limits of our thought?

Hence, whatever the limitations of this dissertation and the perspective of governmentality may be, I think it would be a mistake to forget the creative and critical theoretical work of Foucault. Thus, one way to understand this dissertation is to see it as an attempt to show the relevance of past theories, perspectives and concepts in the present. The governmentality perspective not only allows for a change of the self but also for a change in the government of others and the state. Indeed, as Rose remarks, governmentality studies are 'stressing the role of thought in making up our present, in making it governable, such studies also suggest that thought has a role in contesting the ways it is governed' (Rose 1999a: 58). Hence it also has a critical dimension, because it not only aims to know or understand but also to cut and question. Hence, this dissertation not only tried to answer the question on governing citizens in the present but also raises one critical question at the end: **do we want to govern the way we govern our-selves, others and the state in the present?**

SUMMARY

**"GOVERNING CITIZENS:
THE GOVERNMENT OF CITIZENSHIP, CRIME AND
MIGRATION IN THE NETHERLANDS"**

Governing Citizens presents an analysis of the government of citizens in the present.⁸³ This dissertation is based on a governmentality study of the recent toughening up of the government of citizenship, migration and crime in the Netherlands. The cases can be regarded as ‘strategic cases’ (Merton 1987; see chapter 1). The Netherlands is strategic because it is a frontrunner in new ways of governing social problems. The government of crime and migration is strategic because they allow new insights in the way we govern ourselves, others and the state. Citizenship is strategic because all major social developments leave their marks on it (Marshall 1963; Foucault 1977; Young 1981; Cohen 1985; Garland 1985; Turner & Hamilton 1994; Dean 1999; Rose 1999a; Garland 2001; Entzinger 2003; Cavadino & Dignan 2006; Jacobs & Rea 2007; Joppke 2007a/b; Schinkel 2007; Simon, 2007; Wacquant 2009). Hence, these cases are strategic in the Mertonian sense because they enable the fruitful study of the more general question of how we govern ourselves, others and the state (cf. Dean 1991).

The Netherlands makes an interesting case because it can be seen as something of a forerunner. Within continental Europe it is often presented as one of the first extended welfare states to have taken the path towards neoliberal policies (De Haan 1993; Wacquant 2009). In addition, in international (e.g., Geddes 2003) and national (e.g., Entzinger 2002, 2003) literature the Netherlands stands out as one of the countries that officially waged multicultural policies, which was followed by a striking retreat of multiculturalism in the nineties. It shifted to an assimilationist model – the strictest in Europe – while other countries followed suit (Jacobs & Rea 2007; cf. Joppke 2007a/b). In fact, the Netherlands is often cited as the major example of the radically harsh policies and public debates vis-à-vis migrants (Buruma 2006; Schinkel 2007; Eyerman 2008). Furthermore, in terms of penal government it is presented as a beacon dimmed (Cavadino & Dignan 2006) and as heading towards penal dystopia (Downes & Van Swaaningen 2007). This is often illustrated by the decline of the rehabilitative ideal, the six-fold increase of the prison rate in the period 1973-2006 and the invention of various new techniques to govern crime (e.g., Cavadino & Dignan 2006; Downes & Van Swaaningen 2007; Van Swaaningen 2008). Hence, the Dutch government of migration and crime is interesting because an extension is warranted for a variety of other Western-European countries (see below).

Moreover, citizenship plays an important role in the new government of migration and crime. In the field of crime it is conceptualized as ‘active citizenship’ and thus primarily a technique of responsabilization (Garland 2001: 124). In the field of migration ‘good citizenship’ is the objective of citizenship tests and thus primarily a technique of discipline (Löwenheim & Gazit 2009). Interestingly, the role of citizenship differs in both fields while both fields witnessed what can be called a “punitive turn”: that is the deployment of sovereign techniques of, for instance, punishment and exclusion (e.g., elimination and deportation). Citizenship is, therefore, part of a more general deployment of power and of a network of techniques to govern crime, migration and immigrant integration.

This focus on citizenship as a relational technique of government is related to the perspective of governmentality. The governmentality perspective was selected here as a “strategic theory”. This because

⁸³ This dissertation is based on the governmentality perspective (Foucault 2007a, 2008; described below). Government is about the conduct of conducts: ‘the way in which one conducts the conduct of men’ (Foucault 2008: 186). Hence, government is synonymous to management, regulation, leading or directing of a variety of phenomena. Thus, government should not be reduced to ‘state administration’. This it shares with ‘governance’, however, there are some strings attached to the use of governance (a normativity, a realism and a reductionism (see chapter 1). This is why this dissertation uses the concept of government (instead of governance) in the broad sense of the conduct of conduct (e.g., the government of citizens, the government of crime and the government of migration).

it has the advantage, compared to other theories, of enabling the fruitful study of the phenomena at hand (e.g., problems of crime and migration in relation to citizenship as technique but also neoliberalism, the role of sciences and invention of subjects), of opening up new fields of research, and of inventing of new concepts (cf. Merton 1987). Moreover, 'governmentality studies' are prominent approaches in the Anglo-Saxon countries, Germany and Scandinavia but it is a perspective that, relatively speaking, lacks attention in the Netherlands (Rose, O'Malley & Valverde 2006). This study aims to fill this gap applying it to both past regimes of Dutch government (classical liberalism and welfarism are studied in chapter three and four respectively) and the present (chapter five). In addition, studying citizenship, migration and crime in the Netherlands from the perspective of governmentality not only aims at contributing to the field of "governmentality studies", but is also intended to contribute to the diverging fields of "citizenship studies", "punishment and society studies", and "migration and immigrant integration studies".

The substance of this summary consists of three parts: 1) an introduction of governmentality, the research questions and the research strategy (based on chapters one and two), 2) an analysis of the government of citizens in the present (based on chapter five), and; 3) a discussion of the results, contribution to the field of knowledge and it ends with a final question (based on chapter six).

1. Governmentality, research questions and research strategy

Governmentality: a reconstruction of foucault's governmentality lectures

Michel Foucault developed governmentality in his 1978 and 1979 lecture courses at the Collège de France (Foucault 2007a, 2008). He developed tools to study power (Foucault 2007a) and to come to terms with the then emerging and recharged mentality of liberal government: neoliberalism (Foucault 2008). The governmentality lectures can be reconstructed in terms of 1) *problematization*, 2) *political rationalities*, and, 3) *power-knowledge-subject*.

Governmentality is part of what Foucault called the *history of problematizations*: How, why and in what exact way, did a phenomenon (e.g., migration, crime, citizenship, welfare state) become a problem in a certain period (e.g., in the last three decades of the 20th century), why has it become an important one and what is new in its government? (Foucault 2007b). Governmentality studies the mentalities of government. Governing is about guiding, leading, directing and constraining a plurality of phenomena such as self, children, souls, families, communities, but also the state. It is about the conduct of conducts (Foucault 2008: 186). Mentality is understood as rationality, calculation and reflection. Governmentality studies the art of government understood as the reasoned way of governing best (Foucault 2008: 2). A central feature of Foucault's governmentality lectures is that phenomena such as state, population and subjects, but also migration and crime, are actively problematized and contested phenomena that are written into reality through practices and techniques of power-knowledge that have real effects (Foucault 2007a: 115; Foucault 2008: 2-3, 297).

Problematization is related to *political rationalities*, *power*, *knowledge* and *subjects* of government. Because there are thousands of different modalities of government Foucault delimits his study to the *political rationalities* in the government of citizens (Foucault 2008: 2). It studies political rationalities such as classical liberalism and neo-liberalism because these lay at the root of many general ideas, commonplaces and practices (Foucault 2000: 416; cf. Dean 1999: 210-1). Moreover, Foucault is

interested in the way government is being restructured by a specific rationalization of government in terms of truth or *knowledge*, more specifically the truth regime of (social) science (Foucault 2007c: 50). Foucault describes how from the 19th century onwards a positivist science and a state system developed and came together, thereby rationalizing the government of citizens (Foucault 2007c: 50-1). Classical liberalism, for example, is a mentality of government (not a political philosophy but a way of critiquing and governing) that is correlated to political economy. This is all related to the various ways of objectification that transform human beings into subjects (Foucault 1982). For example, homo economicus is the primary subject of government in classical liberalism. Finally, this is related to an analysis of *power*. One way to understand Foucault's lectures on governmentality is as an unpacking of the dimension of power. Here Foucault introduces a 'triangle: sovereignty, discipline, and governmental management' (Foucault 2007a: 107). Techniques of sovereignty are related to punishment and elimination, techniques of discipline to correction and normalization and techniques of government to self-government, responsabilization and market mechanisms (see chapter two).

Research questions

As described above, *governmentality studies the government of citizens in terms of political rationalities, problematizations, and the triangle of power-knowledge-subject*. This also informs the research questions formulated in this dissertation:

- How to understand the government of citizens in the present in terms of political rationalities, programs and techniques of government in relation to the government of citizens in the past?
- How to understand the problematization (i.e., singularity) of crime and migration in the Netherlands at the local and national level (i.e., these issues have been problematized before, but what is new)?
- Have we witnessed the birth of a new governmentality and, if so, is this a typical local phenomenon, national phenomenon or does it have broader applicability?

In relation to this, this dissertation also focuses on the following sub-questions:

- ◇ How are the technologies of power (sovereignty, discipline and government) deployed and re-configured when we compare the present government of citizens to past strategies of government and what is the role of citizenship as a relational technique of government?
- ◇ According to what scientific and truth-discourses are citizens governed?
- ◇ What are the dominant subject-images of government?
- ◇ What is the dominant strategy or dominant political rationality?

Methodological strategy of a governmentality study

Governmentality is not only a specific way of asking questions but also a specific way of studying sources (see on the selection and study of sources from a governmentality perspective chapters one and two). This dissertation, for example, has selected and studied the major policy documents on crime and

migration written in the Netherlands in the past thirty years to understand the present government of citizens (see chapter five). These sources have been studied from a governmentality perspective. This implies a study of sources in relation to problematization, political rationalities and the triangle of power-knowledge-subjects.

Firstly, documents are studied in terms of *problematization*: how are crime, migration and immigrant integration problematized, what is new and in what terms? Secondly, in terms of *political rationalities*: a policy document or scientific theory is scrutinized as a political program that formulates a critique of or corresponds to a political rationality (such as neo-liberalism or communitarianism). In addition, in terms of *power* the documents are explored in relation to sovereignty (e.g., do the sources introduce techniques of punishment, prohibition, elimination?), discipline (e.g., do the sources introduce techniques of moralization, assimilation, and correction?) and government (e.g., do the sources introduce techniques of self-government, responsabilization or techniques aimed at ‘the government of government’ (Dean 2010: 175) related to the introduction of a market order?). Moreover, in relation to *knowledge* the instrumental role of the social sciences (e.g., criminological theories and the role of sociologist) is studied and, in relation to *subjects* it studies the invention of types of subjects (e.g., how are subjects constructed, for example, as active citizen, migrant entrepreneur or as unwanted?). Hence, governmentality is a specific way of doing research and studying sources (cf. Foucault 2007a: 35-36).

2. Governing citizens in the present: a genealogy of neoliberal communitarianism

This dissertation argues that the present government of citizens consists of a coming together of two *political rationalities* into a strategy of government that is called neoliberal communitarianism. In terms of *problematization* it is argued that both fields are reorganized around a predicament of control: a crime control predicament (CCP) and a migration control predicament (MCP). The responses thereto consist of a reconfiguration of the triangle of *power-knowledge-subjects*. Citizenship was programmed by neoliberal communitarianism as one of the techniques to govern these predicaments of control and functions in relation to other techniques of sovereignty, discipline and government.

1. Neoliberal communitarianism: the double helix of neoliberalism and communitarianism

Neoliberal communitarianism of course denotes a combination of neoliberalism and communitarianism. Foucault (2008; see chapter two) notes how the *political rationality* of neoliberalism programs the market economy as alpha and omega of government. It consists of a problematization of welfarism and the welfare state (see on the latter chapter four). Moreover, in contrast to classical liberalism (studied in chapter three) this doesn't mean *laissez-faire*. Neoliberalism is based on vigilant state activity that facilitates the operation of the market and knows how, when and where to touch by techniques of *power*. Neoliberalism is a rationality that aims to construct both state and society on the basis of market principles. Hence, individual responsibility, competition, and enterprise are constructed as prime regulators of government. From a neoliberal perspective all phenomena (*including previously non-economic issues such as crime and migration and state policies*) are analyzed from an *economic perspective* (in terms of costs, efficiency, human capital etcetera) (Foucault 2008: 215-65). The citizen is regarded as a rational enterprising individual (*subject of enterprise*) and as an active and rational subject (e.g., “active citizenship”) the citizen

becomes relinked to government in different ways (Foucault 2008: 252). Moreover, Foucault describes two major versions of neoliberalism: Ordoliberalism or Freiburg neoliberalism (based on the “social market economy” that leaves space for an “integrated community” and a “strong state”) and the Chicago School of neoliberalism (the radical and individualist variant) (see chapter two).

It is also possible that forms of governing defined as neoliberal occur in paradoxical combinations. Neoliberalism is in a sense too limited a concept to describe the rationale of governing combine such diverse elements of a joint focus on both *individual responsibility* and *community values* (e.g., norms and values, identity and belonging, assimilation and moralization, social cohesion and community). If neoliberalism can be regarded as a **political rationality**, so can communitarianism. An apt phrase, at least from this study's perspective, is that of a ‘governmental communitarianism’ (Delanty 2002: 160, 166-7). Communitarianism can be described as a doctrine of citizenship that holds that ‘being a citizen involves belonging to a historically developed community’ (Van Gunsteren 1998: 19). Key figures to be identified with this governmental communitarianism are **sociologists** such as Amitai Etzioni (Delanty 2002: 167) and Anthony Giddens (Rose 2000a).

Communitarianism can, from a governmentality perspective, be regarded as a rationale of governing the conduct of individuals through tradition, which involves various rights and duties associated with community. This governmental communitarianism

‘has become popular in Britain and North America, frequently becoming interchangeable with a civic kind of nationalism. It was central to the political rhetoric of the British Labour Party in the historic election campaign in 1997 when the terms “nation” and “society” became interchangeable (...) The language of community and morality is increasingly entering political discourse’

(Delanty 2002: 166).

Communitarianism is a **problematization** of the dominance of a specific type of neoliberalism (what Foucault calls American- or radical neoliberalism), rational choice theory and their effects on the moral community and the state. It aims to restore community and virtues, a sense of responsibility and morality as fundamentals of citizenship, schooling, the family and identity (Delanty 2002: 167; cf. Bieling 2006). Although Etzioni frequently argues that his communitarianism is no simple return to the traditional community (*Gemeinschaft*) his diagnosis is based on the assumption of community as something of the past that needs to be restored (Delanty 2002). Moreover, the communitarian idea of community as a cohesive unit in need of defense by a strong state may be indicative for its authoritarian potential (Delanty 2002: 166-8; cf. Crawford 1999; Hughes 1996). One important technique of **power** of this governmental communitarianism is the moralization of social problems and the re-moralization of subjects (‘ethical reconstruction’) to the virtuous community (Rose 2000a: 1407).

The coming together of neoliberalism and communitarianism as political rationalities into a one strategy (combination of political rationalities: see chapter two) is captured by the neologism of *neoliberal communitarianism*. This can be extracted by a governmentality study of the major policy documents on the government of crime and migration in relation to citizenship as a technique of government.

2. The neoliberal communitarian governing of the crime control predicament (5.1)

The Dutch case of penal government is often presented in terms that are typical of the U.S.A. This is based on a one-to-one transposition of Garland's *Culture of Control* thesis (e.g., Van Swaaningen 2004). This implies, for example, an interpretation of penal government in the Netherlands in terms of neoliberalism and neo-conservatism (e.g., Schuilenburg & Van Swaaningen 2013). Moreover, while neoliberalism and neo-conservatism are condemned for their disastrous effects on penal government, "critical criminologists" support communitarianism as an alternative (Van Swaaningen 1995, 1999). Indeed, much can be learned from this. However, this dissertation is based on a *specific understanding* of Dutch penal government in the past thirty years in terms of problematization, political rationalities and power-knowledge-subjects.

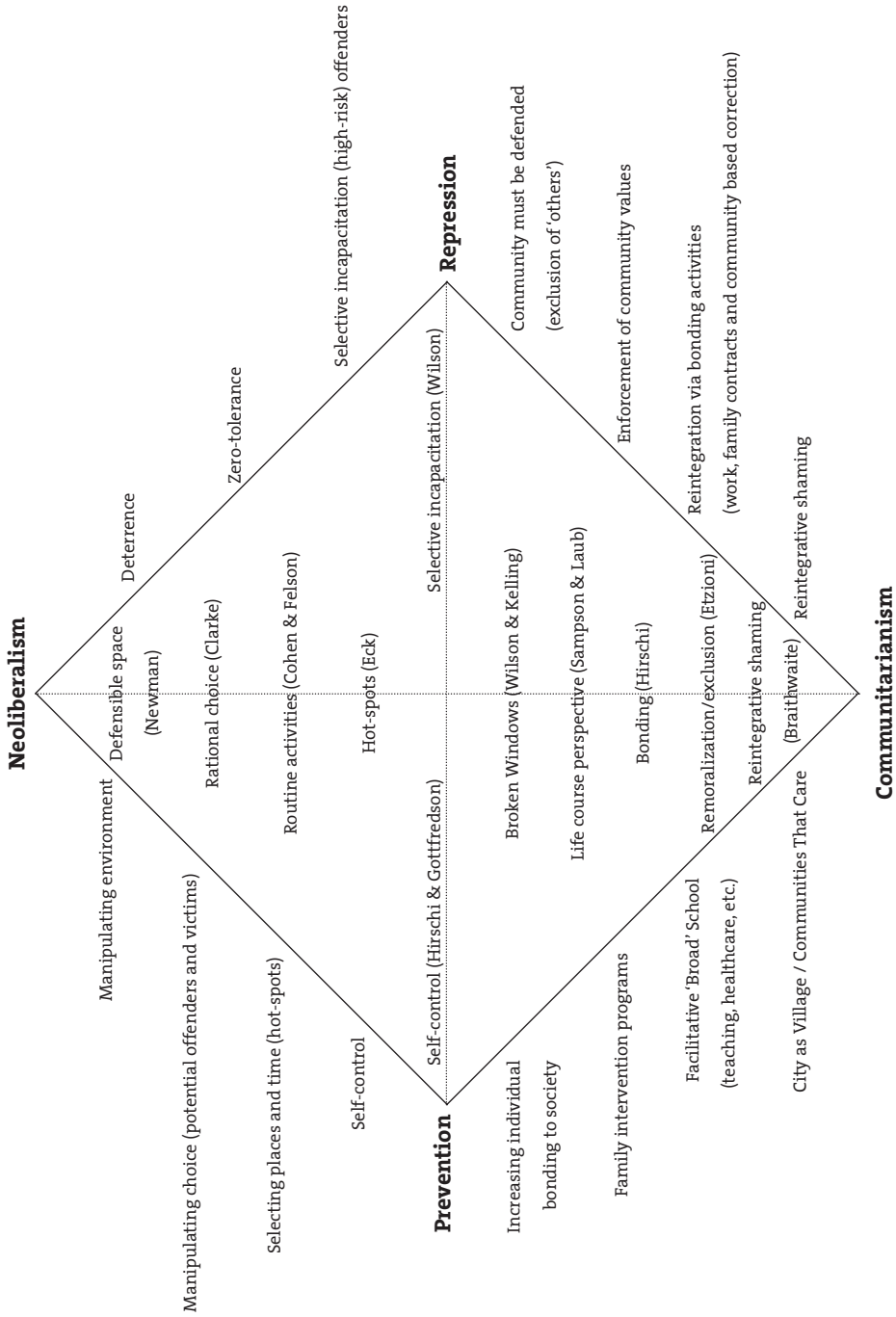
In terms of problematization it can be argued that the Netherlands has faced the crime control predicament (CCP) that Garland (2001: 105-106) discusses in relation to the U.K. and the U.S.A. The CCP consists of 1) a realist position on the problems of crime, in relation to, 2) feelings of insecurity, and 3) a problematization of the previous policies of penal welfarism. The emergence of the CCP in the Netherlands can be traced back to the policy documents of the 1980s and the 1990s (especially *Society and Crime* 1985). All later policy documents are based on the elements of CCP and invented together a new way of governing crime (see Van Houdt & Schinkel 2013a/b, 2014).

Hence, the policy documents transformed and invented new techniques of **power** to govern the CCP in the Netherlands. A good example is the invention of the technique of "active citizenship" that is part of the strategy of "facilitative responsabilization" (making other actors than the national state responsible for the government of crime while the state facilitates in terms of finance and regulations). Another example is the technique of early intervention in families to teach responsibility and socialize them into good citizens (this can be called "repressive responsabilization" aimed to moralize subjects into good citizens). Many other techniques were invented as well, for example, early interventions into families, parenting courses, target hardening, zero tolerance, selective incapacitation of high-risk offenders in a special facility. Hence, citizenship functions in a configuration of other techniques that were invented in response to the CCP.

In terms of **knowledge** it is interesting that these techniques are based on several different and sometimes even contradicting criminological theories: rational choice theory, broken windows, zero tolerance, the life course perspective, selective incapacitation, social bonding and social control theories, the hot spot approach, communities that care et cetera. However, what these criminological theories have in common is their orientations that correspond to the **political rationalities** of communitarianism and/or neoliberalism. Hence, the discursive space opened up by neoliberal communitarianism allows for a number of combinations and a shifting combination of elements originating in a variety of theoretical research traditions.

Figure S.1 charts this space, using as main axes 'neoliberalism – communitarianism' and 'prevention – repression' while at the same time positioning the influential authors as referred to by Dutch policy (see also Table 5.2). The centre represents the space of 'knowledge' (the dominant criminological theories) while at the margins the techniques of power are represented (e.g., early intervention, selective incapacitation et cetera). This figure of the neoliberal communitarian power/knowledge nexus makes clear how crime is understood in the Netherlands in the period 1985-2010 and how power is based on

Figure S.1 The power/knowledge nexus of neoliberal communitarianism



Source: Van Houdt & Schinkel (2013a: 508)

a specific space of knowledge and vice versa. At the same time the figure makes clear which theories are placed outside the dominant order (e.g., strain-theories, labelling theories i.e., all the theories demanding structural economic reform based on solidarity and critical theories of power). Moreover, reminiscent of the research questions of this dissertation, this figure also illustrates how “active citizenship” is a relational technique in the government of crime that can be related to various other techniques that have a different theoretical background or are embedded in a different technology of power as discerned by Foucault (sovereignty, discipline and government).

In addition, neoliberal communitarianism has emerged as a differentiating strategy in the articulation of **subjects** of government. First, it draws new lines across the space between citizen and the state (which, like the concept of citizen, is only one effect of a larger ensemble of government). Second, it differentiates along these new lines between good and faulty citizens. And third, it reframes both these conceptions. This leads then to a threefold differentiation between: 1) the active citizen; 2) the low-risk citizen; 3) the high-risk citizen. The latter category consists of those to whom neither facilitative nor repressive responsabilization (described above) is geared, but who are ‘selectively incapacitated’ and hence eliminated from the larger community. This three-tiered hierarchy of governing images of citizens signals crucial shifts in the self-reflection of government as it increasingly moves away from a rationality based on conceptions of welfare and penal welfarism.

Finally, the neoliberal communitarian government of the CCP seems to have had three important consequences. Firstly, a punitive turn that is accompanied by a preventive turn (both facilitated by neoliberalism as well as communitarianism). Secondly, an actuarialization of crime and the invention of the three subjects of government described above as the active citizen, the low-risk citizen and the high-risk citizens. Finally, an institutional transformation of crime regulation that effectuated a new penal infrastructure that consists of the introduction of a penal company and new public management, an encompassing responsabilization and privatization of which active citizenship is part, and the integralization of the institutional field that brings together all phases of penal government and connects all actors involved in the government of crime.

3. The Neoliberal Communitarian Governing of the Migration Control Predicament (5.2)

In various countries a critique has emerged of former policies of ‘multiculturalism’. Voiced at different moments but with a similar dismissal of a ‘naïve’ and ‘disinterested’ cultural *laissez-faire* attitude, Nicolas Sarkozy, Angela Merkel, David Cameron and Jan-Peter Balkenende gave seminal speeches in which an end to this ‘multiculturalism’ was announced. Likewise, Joppke (2004) signalled a shift in Western European policies from ‘multiculturalism’ to ‘civic integration’.

In the Netherlands, this shift dates back to 1994, when ‘immigrant integration’ came to be defined in state policy as ‘citizenship’. In terms of **problematization** it is the same 1994 policy document (*Outline Integration Ethnic Minorities 1994*) that formulated for the first time the elements that encompass “the migration control predicament” (MCP). The MCP consists of 1) a *problematization of the rates of migration*, 2) a *realist position on the problems of integration*, and, 3) a *problematization of previous (multicultural) policies to deal with it*. The singularity of the MCP is that it consisted of a problem of sovereignty, discipline and (welfare) government at once. The emergence of the MCP can traced back

to the 1990s. However, a broad consensus on the MCP emerged in 2000 with the publication of *The Multicultural Drama* by a key figure of Dutch 'New Labor' (Scheffer's pamphlet contains all elements that together form the MCP) (cf. Geddes 2003). All major policy documents on migration and immigrant integration after 1994 were based on the MCP, although the policy documents formulated in the first decade of the 21st century can be argued to have toughened things up (see Table 5.7).

Hence, the 1990s witnessed the first formulations of the elements of the migration control predicament. Moreover, active citizenship became the leading principle of policy since 1994. This led to both *individualization* and *responsibilization* in the government of migration and integration. This is typical of the **political rationality** of neoliberalism. Moreover, with the neoliberal focus on individual responsibility (responsibilization) came decentralization to the local level (e.g., of the organization of civic integration courses). From 2000 onwards policy and discourse in the Netherlands made a decisively *assimilationist turn*, meaning that both the individualized and responsibilized strategy remained, but that adaptation to cultural values and norms were now prioritized and also enforced. This is related to the political rationality of communitarianism.⁸⁴

The double helix of neoliberalism and communitarianism is especially visible in the 2004 *Outline Civic Integration Act* that formulated the key principles regulating the government of the field of migration and integration for the next decade (Spijkerboer 2007; Vermeulen 2007). It merges a neoliberal approach based on individual responsibility, market metaphors and market behaviour with a conformist communitarian approach that is based on homogeneity, nationalist communality and the duty to conform to the specific and dominant Dutch values (cf. Driver & Martell 1997). Hence, while the individualizing and responsibilizing strategy of the nineties has remained, a *communitarianized* perspective was taken up with a focus on cultural assimilation both as a goal in itself and as a means to socio-economic integration. When 'community' is emphasized in recent policy documents only one 'ethnic community' is preferred. This is 'Dutch society' that is characterized by its 'dominant culture' based on 'Dutch norms and values'. Hence, Dutch governmental communitarianism is a civic kind of nationalism that merges "nation", "society", "community" and "morality" (Delanty 2002: 166; cf. Calhoun 1999).

Two trends are typical of neoliberal communitarian citizenship. Firstly, the trend of "earning citizenship": it is something that increasingly has to be *earned* through moral conversion - both in the form of 'Dutch' cultural assimilation, identity and belonging and in the form of a neoliberal acculturation as enterprising subject. Thus, more emphasis is placed both on the *duties* and on the *individual responsibilities* of immigrants to participate in the market economy and to integrate in the moral and cultural Dutch community (see Van Houdt, Suvarierol & Schinkel 2011). The second trend is the "moralization of citizenship" (Schinkel 2010). This is targeted at two types of subjects: 1) non-Western citizens who lack a formal citizenship status but who want to become Dutch citizens, and 2) those who are in possession of the formal citizenship status but are regarded as lacking in 'integration'. Both are regarded as cultural deviants and in need of (*re-*)*moralization* (see Schinkel & Van Houdt 2010b).

In terms of **knowledge** it can be said that sociologists play a major role in the problematization and

⁸⁴ Dutch communitarianism is deeply shaped by nationalism and mainly involves a nationalist image of community (cf. Calhoun 1999) that must be defended (*community must be defended*) primarily through techniques of sovereignty (deportation and punishment) and discipline (assimilation and repressive responsibilization). Moreover, it aims to govern primarily through self-governing or vital communities.

government of migration and immigrant integration. Present day sociologists have contributed to the intense problematization of immigration and migration in terms of essentialist notions of culture and have turned to the “measurement of cultural deviation” and the ‘integration of immigrant citizens in Dutch society’ (Schinkel 2007). However, at stake in this governmentality study is not “zoo keeping” (Gouldner 1968) but an “understanding of the government of the human zoo” (cf. Sloterdijk 1999). Hence, it aims to understand the government of the MCP that can be understood as a reconfiguration of **power** in relation to newly invented **subjects**: 1) in terms of *government* there is the introduction of a market order in relation to the migrant entrepreneur, 2) in terms of *discipline* there is the introduction of the citizenship test aimed at the production of the good citizen (assimilation), and 3) in terms of *sovereignty* there is the process of territorialization (detention, deportation and deterrence) in relation to the non-citizen. Thus, citizenship is a technique that is programmed by neoliberal communitarianism to govern the MCP and functions in relation to techniques of sovereignty, discipline and government.

3. Governing Citizens in the present: Conclusion and Discussion

The research questions of this dissertation can be summarized as follows: ‘how are citizens governed in the present in relation to citizenship, crime and migration and have we witnessed the birth of a new governmentality?’ The substance of the analysis is summarized in the table below.

	Field of Crime and Safety	Field of Migration and Integration
Control	Crime Control Predicament:	Migration Control Predicament:
Predicament	Problematization of <ol style="list-style-type: none"> 1. High rates of crime 2. Problems of (fear of) safety 3. (Previous) national policies to deal with this 	Problematization of <ol style="list-style-type: none"> 1. High rates of immigration 2. Problems of immigrant integration 3. (Previous) national policies to deal with this
Primary Political	Neoliberalism	Neoliberalism
Rationalities	Communitarianism	Communitarianism
Reconfigurations of Power	<ol style="list-style-type: none"> 1. Government <ul style="list-style-type: none"> • Responsibilization (facilitative: e.g., active citizenship) • Introduction of the Market Order (e.g., new management styles, commercialization) 2. Discipline <ul style="list-style-type: none"> • Repressive responsibilization (e.g., early intervention into families) 3. Sovereignty <ul style="list-style-type: none"> • Intensification of Punishment • Banishment • Exclusion in special facility 	<ol style="list-style-type: none"> 1. Government <ul style="list-style-type: none"> • Responsibilization • Introduction of the Market Order • Dramaturgic Game of Numbers 2. Discipline <ul style="list-style-type: none"> • Citizenship Test • Assimilation/Moralization 3. Sovereignty <ul style="list-style-type: none"> • Detection & Detention • Deportation • Deterrence

Primary	1. Active Citizen	1. Migrant Entrepreneur
Subjects	2. Risk Citizen	2. Good Citizen
	• Low/Medium/High	3. Non-citizen
	• Biological/Rational/Cultural	
Primary	1. Criminology	1. Sociology
Knowledge	2. Administrative Monitoring (SCP/WODC/CPB)	2. Administrative Monitoring (SCP/WODC/CPB)
Governmental	Criminological Realism	Multiculturalism
Realism		

The contributions of this study primarily relate to the fields of governmentality studies, comparative studies on government, migration studies, punishment and society studies and citizenship studies. Firstly, as the Dutch case hasn't been studied from a governmentality perspective before, this dissertation contributes to that field with a case study of Dutch government in the past and in the present. Moreover, it re-inserts Foucault back into the field (Van Houdt & Schinkel 2014). In addition, it inserts the technology of sovereignty back into the frame of governmentality (cf. Dean 2007). It can be argued that both the fields of crime and migration function as "pockets" of (national) sovereign power in a period that is often regarded as undermining, eroding and constraining sovereignty.

In terms of comparison it would be interesting to study the emergence of neoliberal communitarianism in other bureaucratic subfields of the Netherlands (a strategic case would be the analysis of social security and social care: cf. Van der Veen 2009a/b). It would be equally interesting to study the emergence of neoliberal communitarianism in other countries. For example, the neoliberal communitarian trend of 'earning citizenship' is also visible in the U.K. and France (Van Houdt, Suvarierol & Schinkel 2011).⁸⁵ Furthermore, given the likely presence of neoliberal communitarian penal government in the U.K. (see, for example, Downes & Morgan 2002; McLaughlin 2002; Atkinson and Helms 2007; Hughes 2007; cf. Rose 2000a: 1407), and on the European level (Bieling 2003, 2006) neoliberal communitarianism may perhaps be considered a typical European form of governmentality. Hence, with Foucault it can be argued that this European version of neoliberalism has more to do with Ordoliberalism and a third way (Ropke 1960; Giddens 2000) that cannot be equated with Chicago school neoliberalism in the U.S.A.

In addition, this dissertation has aimed to contribute to the field of citizenship studies. Studying citizenship from a governmentality perspective implies to study it as a relational technique of government. This makes us understand how citizenship functions, firstly, as a technique of responsabilization (e.g., active citizenship) in relation to market mechanisms and a market order, secondly, as a technique of discipline (repressive responsabilization, the moralization of citizenship and the focus on assimilation) in relation to other techniques of socialization and correction, and, thirdly, as a technique of sovereignty (lack of formal citizenship) in relation to techniques of punishment, detention and deportation. Of course, studying citizenship from the governmentality perspective with its focus on the technical and relational aspects of citizenship is only one way to study citizenship, but

a highly interesting one that generates new insights.

In relation to the field of migration studies this dissertation has added a specific understanding of the Dutch case but it has also invented a new concept: the “migration control predicament”. The response to this governmental predicament has been analyzed as consisting of a reconfiguration of the technologies of power: sovereignty, discipline and government. This makes it possible to open up an (international) research agenda on: 1) the different formulations and timing of the migration control predicament; 2) the different configurations of power formulated in response to the migration control predicament, and; 3) differences in inventions of subject images.

Finally, the concept of neoliberal communitarianism put forward in this study also contributes to the field of punishment and society studies. As was noticed by one reviewer of *Theoretical Criminology*, the variety of neoliberalism and the existence of a strong communitarian dimension in contemporary penal government has major implications, not only for an understanding of penal government but more in general for the transformation of welfarism and the welfare state. Neoliberal communitarianism blurs this supposedly stark contrast between welfarism and present government while at the same time allowing for change and internal transformation of the left hand of the state. Moreover, it contributes to a different understanding of neoliberalism (as a critique of governing too much that is far from a disciplinary or punitive society: Foucault 2008), while communitarianism, so often hailed by critical criminologists, can be used to support the rise of a penal state aimed at moralization and the elimination of enemies of the community.

Hence, the governmentality perspective has helped to understand how various political rationalities and techniques (including citizenship) are combined in the present government of citizens and how the social sciences are instrumental in these matters. Moreover, the governmentality perspective is very useful for a critical understanding of the present governing of ourselves, others and the state in terms of individual responsibility, efficiency, active citizenship, social cohesion, assimilation, norms and values, community et cetera. Finally, it enables an understanding of present government, which is not only a government-at-a-distance but very much also a government-nearby that intervenes in homes or manipulates the environment, that moralizes the habitus and hammers down on bodies with a sovereign fist.

Hence, this study not only leads to answers but also to one question in the end: do we want to govern ourselves, others and the state this way?

85 As observed by Joppke (2013) this neoliberal communitarian trend of “earning citizenship” is also imported by other countries, for instance, Australia and Canada.

SAMENVATTING

**GOVERNMENTALITY IN NEDERLAND:
DE HEDENDAAGSE BESTUURSMENTALITEIT IN RELATIE
TOT BURGERSCHAP, CRIMINALITEIT EN MIGRATIE**

Governmentality In Nederland analyseert de hedendaagse bestuursmentaliteit in relatie tot burgerschap, criminaliteit en migratie.⁸⁵ Nederland staat alom bekend om het drastisch veranderd beleid ten aanzien van migranten en criminaliteit. Opmerkelijk is dat burgerschap in beide velden een belangrijke techniek van bestuur is. In het veld van migratie valt daarbij op dat sociale wetenschappers interesse hebben in vormen van burgerschap die het traditionele staatsburgerschap overstijgen, terwijl beleidsmakers en politici eerder neigen naar een verzwaring van dat nationaal staatsburgerschap met nieuwe dimensies.⁸⁶ Dit laatste zien we tegenwoordig in beleid terug door een nieuwe nadruk op 'goed burgerschap' die sterk gekoppeld is aan nationale cultuur, bijvoorbeeld aan 'normen en waarden', het spreken van de Nederlandse taal en het inburgeringsritueel (Gemeente Rotterdam 2002). Hierbij functioneert burgerschap vooral als instrument van disciplineren ofwel een techniek van 'rood-wit-blauw-verven' (cf. Löwenheim & Gazit 2009). Deze tendens tot *moralisering* hangt samen met het feit dat burgerschap centraal is komen te staan in het integratiebeleid en met de opkomt van een communitaristisch vertoog (Schinkel & Van Houdt 2010b; vgl. Rose 2000a).

Tegelijkertijd is burgerschap centraal komen te staan in het criminaliteitsbeleid. De gemeente Rotterdam, bijvoorbeeld, probeert burgers te betrekken en verantwoordelijk te maken bij het beleid dat gericht is op 'schoon, heel en veilig'. Een goed voorbeeld hiervan is *Werken aan een Veiliger Rotterdam, de Aanpak: Methodiek voor Actief Burgerschap* (Gemeente Rotterdam 2009): 'De aanpak is er op gericht bewoners en het maatschappelijk middenveld meer verantwoordelijkheid te laten nemen voor de buurt of de wijk en hen in staat te stellen zelf oplossingen te vinden voor problemen. In plaats van daarvoor een beroep te doen op de overheid' (Gemeente Rotterdam 2009: 3). Actief burgerschap neemt daarin een belangrijke plaats: 'Daarbij gaat het om bewoners de ruimte te geven en te ondersteunen bij het nemen van hun eigen verantwoordelijkheid voor het verbeteren van de veiligheid in hun directe omgeving' (Gemeente Rotterdam 2009: 3). Dit gaat gepaard met reflecties op een veranderende rol van de staat: 'de rol van de overheid bij deze coalities is er een van helpen en ondersteunen, niet van voorschrijven en overnemen' (Gemeente Rotterdam 2009: 16). Burgerschap functioneert hierbij vooral als techniek van *responsabilisering* op basis van een neoliberale bestuursmentaliteit (Van Houdt & Schinkel 2013a; vgl. Garland 2001).

Burgerschap is dus centraal komen te staan in verschillende velden van bestuur waarin het verschillende rollen vervult. Aan de ene kant als techniek van disciplineren en aan de andere kant als techniek van responsabilisering. Opmerkelijk is dat zowel het veld van migratie als het veld van criminaliteit tegelijkertijd een enorme investering in soevereine technieken van bestuur heeft meegemaakt. Hierbij gaat het om technieken van bestraffing, verbanning en deportatie. Volgens sommige wetenschappers en politici is dit een kenmerk van het neoliberale tijdperk. Zo haalt Wacquant (2009) de stad Rotterdam aan als voorbeeld van de manier waarop het neoliberalisme zich in navolging van Amerika over de hele wereld verspreid. In Rotterdam en in Nederland lijkt er echter naast een neoliberale bestuursrationaliteit toch in ieder geval ook sprake te zijn van een andere mentaliteit van bestuur. Centrale elementen zijn bijvoorbeeld normen en waarden, een nadruk op plichten, Nederlandse

⁸⁵ Delen van deze samenvatting zijn gepubliceerd in *Krisis* (2009), *Beleid & Maatschappij* (2009), *Bestuurskunde* (2011) en *Sociologie* (2013).

⁸⁶ Sociologen analyseren en pleiten bijvoorbeeld voor 'transnationaal burgerschap' (Bauböck 1994; Soysal 1994; Sassen 2006; cf. Van Bochove 2012), voor 'kosmopolitisch burgerschap' of voor 'wereldburgerschap' (Habermas 1996; Benhabib 2004). Saskia Sassen constateert zo een denationalisering van burgerschap ondanks gelijktijdige pogingen tot renationalisering ervan (Sassen 2006: 22).

taal en identiteit, sociale cohesie, verbinding en opvoedingsondersteuning. Dit zijn elementen uit een communitaristisch vertoog waarin gemeenschap centraal staat (Bovens 1998; Delanty 2002). De vraag die nu dus opkomt: is er sprake van een *nieuwe bestuursmentaliteit* in Nederland? (cf. Rose 2000). Centrale onderzoeksvragen in deze dissertatie zijn:

- Hoe worden burgers vandaag de dag in Nederland bestuurd?
 - ◇ Welke bestuursmentaliteit is dominant en hoe verschilt dit van andere periodes?
 - ◇ Hoe kan de problematisering en het bestuur van criminaliteit en migratie worden begrepen?
 - ◇ Welke rol(len) speelt burgerschap als techniek van bestuur?

Hierbij gaat het dus om inzicht te krijgen in de manier waarop wij onszelf, anderen en de staat besturen (Dean 1991). Dit vergt dan ook een specifieke of andere rol van de socioloog. Het gaat dan niet zozeer om het opsporen van exotische mensensoorten wat volgens Gouldner past bij de rol van 'zoo keeping' (Gouldner 1968; vgl. hoofdstuk 4 en 5) maar om het *in kaart brengen van de regels van het mensenpark* (vgl. Sloterdijk 1999). Dit moet uiteindelijk de kritische vraag faciliteren of wij onszelf en anderen op deze manier willen besturen.

Om deze problematiek te onderzoeken is gekozen voor een analyse van burgerschap-migratie-criminaliteit in Nederland. Deze thema's fungeren als een strategische ingang om de manier waarop burgers in Nederland bestuurd worden te onderzoeken. Historisch gezien hebben veranderde bestuursmentaliteiten namelijk altijd hun weerslag in de manier waarop *burgerschap* als techniek van bestuur functioneert (zie Marshall 1963). *Nederland* is hierbij interessant vanwege de sterk uitgebouwde verzorgingsstaat en de manier waarop vanaf 1980 gezocht is naar andere bestuursvormen (De Haan 1993). In deze periode hebben zich tegelijkertijd ook enorme veranderingen voorgedaan in het bestuur van *criminaliteit en migratie* (Entzinger 2003; Van Swaaningen 2004; Downes & Van Swaaningen 2007; Schinkel 2007; Spijkerboer 2007). Burgerschap en de manier waarop migratie en criminaliteit in Nederland worden bestuurd zijn hierbij dus 'strategisch' (Merton 1987) omdat ze toegang geven tot de meer algemene problematiek van het begrijpen van de manier waarop wij onszelf, anderen en de staat besturen. Om dit alles te onderzoeken wordt gebruik gemaakt van het 'governmentality-perspectief'. Dit is eind jaren '70 ontwikkeld door de Franse denker Michel Foucault in zijn "governmentality-colleges" aan het *Collège de France* van 1978 en 1979.

Governmentality: Foucault's analytica van bestuur

In de context van een opkomend neoliberalisme en algemene kritiek op de staat ontwikkelde Michel Foucault een nieuw perspectief op bestuur. Dit staat centraal in **hoofdstuk 2**. Foucault stelde voor te letten op wat hij 'gouvernementalité' noemde (Foucault 2007a, 2008). Dit is in het Engels vertaald als 'governmentality' en kan daarnaast in het Nederlands begrepen worden als 'bestuursrationaliteit' of 'bestuursmentaliteit'. Het perspectief is vooral in Angelsaksische landen, Duitsland en Scandinavië opgepikt maar heeft relatief gezien weinig aandacht gekregen in Nederland (Rose, O'Malley & Valverde 2006). *Dit is een belangrijke reden om het governmentality perspectief toe te passen in de Nederlandse of Rotterdamse context.*

Governmentality is een perspectief voor de analyse van de manieren van het bestuur van ‘gekken’, ‘patiënten’, ‘kinderen’ maar ook ‘criminelen’ en breder van ‘staat’, ‘economie’ en ‘samenleving’ (Foucault 2008: 186). Bestuur (‘government’) wordt hier opgevat als de rationele, berekende en bedachte vormen van het sturen, leiden en reguleren van onszelf, anderen en de staat. Bestuur betreft dus een veelheid aan actoren (dus niet alleen de staat) die zich baseren op kennis en daarbij gebruikt maken van een veelheid aan technieken (Dean 1999). Dit kan betrekking hebben op allerlei onderwerpen zoals criminaliteit, migratie maar ook de manier waarop wij onszelf besturen in relatie tot bijvoorbeeld de opkomende neurowetenschap.

Vanuit het governmentality-perspectief worden specifieke vragen gesteld. Bijvoorbeeld ‘hoe worden ‘gekken’ bestuurd?’, ‘door wie worden ‘kinderen’ bestuurd?’ en ‘met welk doel en op basis van welke technieken worden ‘delinquenten’ bestuurd?’ (cf. Foucault 2007a: 88-9). Het is onderdeel van wat Foucault een *geschiedenis van problematisering* noemt. Hoe werd in een bepaalde periode de problematisering van een bepaald fenomeen mogelijk, wat is daar bijzonder aan en welke vorm van bestuur werd hierbij ontwikkeld? Beleidsdocumenten zijn hierbij goede bronnen omdat daar de mentaliteit expliciet gemaakt wordt hoe het beste te besturen.⁸⁷ Daarin worden praktische objecten geproblematiseerd en politieke subjecten verantwoordelijk gemaakt (cf. Garland 1985).

In zijn governmentality-analyses gaat Foucault voorbij aan zowel politieke filosofie, de traditionele ideeëngeschiedenis als de hedendaagse sociologie van beleidspraktijken en bestuurskunde. Hij stelde dat de klassieke politieke filosofieën al te zeer van geïdealiseerde verhoudingen uitgingen en dat ze bovendien te zeer gefixeerd waren op de legitimering van het abstracte begrip soevereiniteit zonder te letten op de specifieke problematisering en bestuur van populaties van burgers, markten en staten.⁸⁸ Daarnaast gaat zijn aandacht uit naar mentaliteiten en rationaliteiten van bestuur met een kritische inslag wat het doet verschillen van het realisme dat kenmerkend is voor bestuurskunde of sociologie van beleidspraktijken. Hierbij is het de koppeling van *macht* aan zowel *waarheid* als *subjectivering* die zijn perspectief onderscheidt van traditionele vormen van ideeëngeschiedenis (Rose 1999a).

De nadruk op *macht* betekent een verschuiving van ‘archeologie’ (Foucault 1966) naar ‘genealogie’. Foucault stelt hierbij voor om een bron niet meer archeologisch in termen van de conceptuele formatie en denklagen te analyseren maar in termen van de specifieke problematisering van een fenomeen, de machtstechnieken die worden voorgesteld en de economie van verantwoordelijkheden om daarmee om te gaan (cf. Foucault 2007a: 36). Dit is dus het specifieke van een discoursanalyse vanuit het perspectief van governmentality. Een belangrijk uitgangspunt van Foucault is dat moderne vormen van bestuur zich baseren op een specifieke vorm van *waarheid*: wetenschap. Modern bestuur wordt niet meer zozeer gebaseerd op theologische vormen van waarheidsspreken maar gekoppeld aan een ‘veridisch discours’: discourses georganiseerd op basis van wetenschappelijke normen van waarheid (Rose 1999a: 8-9). In verschillende analyses heeft Foucault laten zien hoe wetenschap mogelijk werd door vormen van machtsuitoefening en hoe machtsuitoefening gebaseerd is op wetenschap. Wetenschappelijke waarheidsuitspraken functioneren hierbij in belangrijke mate als bronnen van objectivering van

⁸⁷ Maar formele bronnen zijn niet de enige bronnen omdat ook in praktijken zelf (bijvoorbeeld sociaal werk of politie) de rationaliteit van bestuur bestudeerd kunnen worden (Rose 1999a).

⁸⁸ Foucault vat termen als staat, populatie en markt overigens nominalistisch op door te stellen dat geanalyseerd moet worden hoe en wanneer bijvoorbeeld staat, markt en populatie opkwamen en steeds aan conflicterende en veranderende invullingen onderhevig zijn.

subjecten tot 'delinquent', 'patiënt' of 'homo economicus' die vervolgens door machtstechnieken aangegrepen worden waardoor weer nieuwe kennis ontstaat et cetera (Foucault 1982).

Deze conceptuele driehoek van **macht-weten-subject** wordt in de governmentality-colleges verder uitgepakt waarbij het vooral gaat om de uitwerking van de dimensie van macht. Hier ontstaat een nieuwe analytische triangel: soevereine macht, disciplinaire macht en bestuurlijke macht (Foucault 2007a, 2008). Dit zijn de 'technologieën van macht' en die moeten onderscheiden worden van concrete 'technieken' zoals de gevangenis, het examen of bijvoorbeeld burgerschap. De *soevereine machtstechnologie* gaat terug op het model van de prins die zijn territorium verdedigt, die de wet en verbodsbepalingen formuleert, heffingen doet (bijvoorbeeld belasting), het recht heeft te doden (met bijbehorende symbolen van de scepter, bloed en het zwaard) en niet-loyale subjecten straft en verbant (vgl. Dean 1999). De *disciplinaire machtstechnologie* is gericht op de productie van politiek conformistische en economisch productieve individuen. Centraal staat de normalisering van abnormale individuen. Disciplinaire technieken zijn bijvoorbeeld het indelen van de ruimte, het uitputtend gebruik van tijd op basis van roosters en een toenemende moeilijkheidsgraad van de training, het hiërarchisch toezicht en het normaliserende oordeel waarbij sprake is van een regime van enerzijds beloning en anderzijds correctie van deviantie. Dit alles komt samen in het examen (Foucault 1977). De *bestuurlijke machtstechnologie* is gebaseerd op het managen van de populatie en reguleren van de economie op basis van het koppel vrijheid-veiligheid. Bijvoorbeeld het terughoudend of beperkt besturen op basis van zelfregulerende processen in de economie of via verantwoordelijke zelfsturende burgers (vgl. Dean 1999). Met de kritiek op de verzorgingsstaat is een nieuwe vorm van bestuur opgekomen die gericht is op een 'bestuur van het bestuur' (Dean 2010: 200-1) waarbij de markt (marktmechanismen zoals de nadruk op competitie, effectiviteit en vrijheid) teruggevouwen wordt op staatsbestuur.

Deze drie technologieën van macht worden in verschillende periodes op verschillende manieren geassembleerd.⁸⁹ Het is dus onjuist om te spreken van een overgang van soevereine samenleving, naar de disciplinaire samenleving en vervolgens naar een controlesamenleving (Foucault 2007a: 107). In plaats daarvan kunnen deze drie machtsvormen als heuristisch instrument gebruikt worden om de complexe topografie van macht in kaart te brengen (Dean 2007; cf. Collier 2009). Het is zelfs mogelijk om van één techniek (bijvoorbeeld deportatie of burgerschap) de soevereine, disciplinerende als ook de bestuurlijke dimensies te analyseren (Walters 2002). *Een belangrijk punt van kritiek hierbij is dat in bestaande analyses van governmentality de soevereine machtstechnologie te weinig is meegenomen terwijl de "reconfiguratie" van alle drie de machtsvormen (dus inclusief soevereiniteit) een interessant element is van het governmentality-perspectief* (Dean 2007).

Foucault brengt dit alles in zijn governmentality-analyses in relatie met **politieke rationaliteit** en dan vooral het klassiek liberalisme en de varianten van het neoliberalisme. Hierbij gaat het om rationaliteiten die betrekking hebben op het politiek bestuur: het bestuur van burgers. De aanname die Foucault hierbij doet is dat veel van het dagelijkse spreken, gangbare ideeën en bestaande instituties te herleiden zijn tot of beïnvloed worden door politieke rationaliteiten en het dus van groot belang is om dit element te

⁸⁹ Hoewel veel sociologen en criminologen gestopt zijn met het lezen van Foucault na *Discipline, Toezicht en Straffen* en zijn analyses reduceren tot 'disciplineren' of dit alleen van horen zeggen hebben meegekregen blijkt hieruit dat Foucault voortdurend bezig is met experimenteren en het uitdagen van zijn eigen denkkaders. De governmentality colleges zijn dan ook deels te begrijpen als het ontwikkelen van een conceptueel apparaat voor een dynamisch perspectief op macht met daarin naast discipline ook aandacht voor soevereiniteit en bestuur.

analyseren (Foucault 2000: 416). Centraal punt hierbij is dat een politieke rationaliteit als het klassiek liberalisme aan de ene kant een problematisering van overdadig bestuur is (liberalisme als kritiek) en tegelijkertijd zelf een programma behelst (liberalisme als manier van doen) Zo laat Foucault zien hoe klassiek liberaal bestuur op twee manieren een vorm van economisch bestuur is. In de eerste plaats een economisch bestuur omdat het correleert met een specifieke vorm van weten namelijk politieke economie (met daarbij de homo economicus als dominante subject van bestuur). In de tweede plaats is het economisch in de zin van sober, terughoudend en beperkt bestuur (zie uitgebreider hoofdstuk 2).

Foucault bestudeert daarnaast de complexiteit van het neoliberalisme: de singulariteit, het waarheidsdiscours, de machtstechnieken (in relatie tot de alom aanwezige kritiek op de staat) en de kenmerkende vormen van subjectivering. Foucault zet zich af tegen de dominante opvatting waarin neoliberalisme wordt gezien als een terugkeer van/naar Adam Smith, daarmee al ontcijferd door Marx en als verantwoordelijk voor de productie van een goelag op wereldschaal en dus verantwoordelijk voor al het kwaad op de wereld. In zijn aantekeningen merkt Foucault op dat neoliberalisme juist ook een tactiek van tolerantie en kritiek op teveel bestuur kan rationaliseren. In zijn notities merkt Foucault bijvoorbeeld op dat de neoliberale mentaliteit helemaal geen zware disciplinerende en soevereine interventies hoeft te betekenen. Het gaat hierbij echter te ver om Foucault als liberaal neer te zetten (Behrent 2009).⁹⁰

Foucault onderscheidt twee varianten van het neoliberalisme namelijk het Ordoliberalisme en het neoliberalisme van de Chicago school. Hierbij is de Amerikaanse variant veel radicaler en individualistischer terwijl de Duitse variant de markt ook wel als alfa en omega van bestuur ziet maar tegelijkertijd ruimte laat voor een geïntegreerde gemeenschap en sterke interveniërende staat (bijvoorbeeld als de sociale cohesie dreigt af te nemen) (vgl. Lazzarato 2009). Kenmerkend voor beide neoliberale benaderingen is echter een programma waarbij het bestuur van zowel de staat als de samenleving zoveel mogelijk op basis van marktprincipes georganiseerd moet worden. Dat betekent dat de markt en marktwerking actief door de staat georganiseerd en gemonitord moeten worden.

Bij neoliberalisme gaat om de introductie van de principes van competitie en onderneming in zoveel mogelijk sferen en een subjectivering van burgers als ondernemers. Daarnaast gaat het om economische analyses van voorheen niet-economische fenomenen die traditioneel buiten de economische blik vielen (zoals immigratie en criminaliteit) en om economische analyse van de staat in termen van kosten en andere marktprincipes (Foucault 2008: 215-65). Hierbij worden bestuur en burger op een nieuwe manier aan elkaar gekoppeld. De calculerende burger en de crimineel als homo economicus worden hierbij opnieuw geïntroduceerd als een actief en rationeel subject (Foucault 2008: 252). Dit betekent aan de ene kant dat de staat als onderneming georganiseerd en geanalyseerd wordt en anderzijds dat bepaalde taken overgedragen worden aan de markt. Er is sprake van een permanent economisch tribunaal van bestuur. Hierbij is neoliberalisme echter niet zozeer een vorm van terughoudend bestuur maar juist heel actief: het gaat hierbij om op de juiste manier te interveniëren en om interventie in verschillende sferen om de markt of een marktmentaliteit (en in de Duitse variant een geïntegreerde gemeenschap) mogelijk te maken.

⁹⁰ Wat Foucault van de ontwikkelingen van het neoliberalisme na zijn dood in 1984 gevonden zou hebben is onderwerp van een themanummer van *Theory, Culture & Society* (2009, vol.26 nr.6)

Foucault besteedde dus veel aandacht aan de politieke rationaliteit van het klassiek liberalisme en de varianten van het neoliberalisme. Dit is ook opgepikt en verder uitgewerkt door de andere governmentality-onderzoekers. *Een belangrijke aanvulling hierbij is dat ook andere vormen van politieke rationaliteit moeten worden meegenomen in een governmentality-onderzoek zoals politieke theologie (hoofdstuk 3), welfarisme (hoofdstuk 4) en vandaag de dag communitarisme (hoofdstuk 5). Tegelijkertijd brengt een governmentality analyse de **politieke rationaliteit** altijd in verband met het aspect van **problematisering** en de triangel van **macht-weten-subject**.*

Een geschiedenis van governmentality in Nederland: een genealogie van liberaal communitarisme

Het governmentality perspectief van Foucault heeft dus relatief weinig aandacht gekregen in Nederland vandaar de uitgebreide toelichting in het Nederlands waardoor deze samenvatting ook een heel andere samenvatting is dan de Engelse hierboven. De hoofdstukken 3, 4 en 5 van deze dissertatie beschrijven mede daarom de bestuursrationaliteiten in Nederland in verschillende periodes. Op deze manier probeer ik een aantal voorbeelden te geven van de manier waarop de conceptuele gereedschapskist van Foucault sociaal-historisch gehanteerd kan worden om verschuivingen in de bestuursmentaliteit te analyseren en het heden met het verleden te contrasteren. Hierbij moet deze contrastwerking enerzijds de singulariteit van het verleden en het heden doen oplichten en tegelijkertijd ook veranderlijkheid in kaart brengen. Het heden is hierbij niet een noodzakelijke noch een onvermijdelijke ontwikkeling waardoor verandering mogelijk is en dus de vraag gesteld kan worden of wij onszelf en anderen op deze manier willen besturen.

Hoofdstuk 3 beschrijft de verandering in het bestuur van burgers die optreedt in het midden van de 19e eeuw met de opkomst van de politieke rationaliteit van het klassiek liberalisme. In vergelijking met het heden is dit een periode die gekenmerkt wordt door de afwezigheid van sociale burgerschapsrechten. Hoe werd zo iets als armoede in deze periode geproblematiseerd en bestuurd? Dit is ook een relevante vraag omdat armoede in deze periode centraal stond in de politiek en wetenschap (Boer 1850). Er is sprake van een “armoedecontroleprobleem” en dat betekent dat er veel over werd geschreven met uiteindelijk als resultaat dat in 1854 voor het eerst in Nederland een armenwet werd geformuleerd. De Memorie van Toelichting geeft echter weinig informatie over de achterliggende mentaliteit van bestuur maar dit wordt wel duidelijk uit een tekst die correspondeert met de uiteindelijke wet: Mees (1844) (vgl. Boschloo 1989).

Mees combineert de inzichten van verschillende grootmeester van de politieke economie (vooral Malthus, Ricardo en Bentham) om uit te komen op een formule van bestuur die lijkt op die van de armenwet. De politiek economen ontdekten wetmatigheden waarmee rekening gehouden moest worden in het bestuur van burgers en dingen. Hieruit blijkt onder meer dat het waarheidsdiscours van de politieke economie dominant werd (weten). Dit correspondeert met de manier waarop macht wordt geprogrammeerd. De klassiek liberale staat moet zorgen voor een vrije economie en alleen interveniëren als de publieke orde en veiligheid in het geding is. Dit correspondeert met een rationale subjectopvatting die zelf verantwoordelijk is. Daarom worden geen sociale burgerschapsrechten ontwikkeld, zijn kerken en het privaat initiatief primair verantwoordelijk en worden paupers als het echt niet anders kan opgesloten in een inrichting om enerzijds gedisciplineerd te worden en anderzijds de onderklasse af te schrikken.

Dit is ook zichtbaar in de andere velden. Er is sprake van een homologe transformatie in termen van problematisering en bestuur op basis van de inzichten van de politieke economie. Dit is bijvoorbeeld zichtbaar in de ontwikkeling van politiek burgerschap en het veld van criminaliteit. Thorbecke analyseerde de politieke geschiedenis in termen van een wetmatige ontwikkeling richting democratisering van de soevereiniteit en hanteerde rationaliteit en productiviteit als instrument ter verdeling van de populatie in (on)volwaardige burgers om zo politieke burgerschapsrechten toe te kennen in de context van een vrije markt. Dit werd met de grondwet van 1848 daadwerkelijk geformaliseerd. Daarnaast is de invloed van politieke economie ook zichtbaar in de transformatie van het criminaliteitsbestuur. De punitieve technieken veranderden van eliminatie/stigmatisering naar een effectief, terughoudend en tegelijkertijd repressief bestuur dat de techniek van de gevangenis en opsluiting centraal stelde. Vrijheid wordt hierbij gespiegeld door onvrijheid en de boodschap van de penale architectuur is eigen verantwoordelijkheid. De dominante liberale burgerbeelden waren die van de homo economicus en de prudentie burger. Interessant hierbij is dat actief burgerschap een belangrijke bestuurstechniek is. In het klassiek liberalisme functioneert het echter niet zoals in het heden als preventieve en repressieve techniek maar alleen als een techniek van repressie.

In de periode van 1950-75 is er sprake van een hele andere manier van bestuur: welfarisme. Dit staat centraal in **hoofdstuk 4**. Welfarisme is een strategie van bestuur waarbij de staat de primaire verantwoordelijkheid krijgt toebedeelt om zorg te dragen voor het welzijn van burgers onder handhaving van zowel democratie als kapitalisme. Welfarism programmeerde de verzorgingsstaat en de uitvoering van de programma's is vooral in handen van wetenschappelijke professionals (vgl. Thoenes 1971: 124). Drie programma's zijn van belang: sociale zekerheid (sociale burgerschapsrechten), sociaal werk (moreel burgerschap) en verzorgingspenalisme in het veld van criminaliteit. Hierbij omsluit het programma van sociale zekerheid alle burgers in een sociaal vangnet wat is gebaseerd op een abstract begrip van solidariteit, en is het sociaal werk gericht op het disciplineren van abnormale burgers en pathologische gezinnen (onder meer in kampen). In het veld van criminaliteit is sprake van een criminologisch positivisme gebaseerd op de naoorlogse consensus dat criminaliteit vooral wordt veroorzaakt door slechte omstandigheden: antisociale omstandigheden veroorzaken antisociaal gedrag. De techniek van opsluiting in de gevangenis werd zoveel mogelijk teruggedrongen en resocialisatie (behandeling en therapie) werd sinds 1953 het officiële uitgangspunt. Dit betekent dus een verschuiving van de soevereine uitsluitende straf naar disciplineren. Het dominante subjectbeeld was dat van de sociaal gedepriveerde burger: de delinquent als een verantwoordelijk maar ook behoeftig subject.

Hoofdstuk vier was onder meer van belang omdat de hedendaagse mentaliteit van bestuur zich er steeds van afzet. Welfarism krijgt vanaf 1970 te maken met een praktische en tegelijkertijd ook politieke problematisering. Het neoliberalisme is daarbij de grootste tegenstander maar daarnaast komt ook het communitarisme op (deels weer in oppositie tot het neoliberalisme) (De Haan 1993). Sterker nog, het lijkt wel alsof alle politieke partijen zowel neoliberale als communitaristische elementen in hun programma's hanteren (De Beus 1996; Van Doorn 1996; Bovens 1998).

Communitarisme behelst zowel een problematisering van welfarisme alsook een kritiek op de radicale variant van het neoliberalisme (Chicago school neoliberalisme en de rationele keuzebenadering). Het communitarisme is voornamelijk geprogrammeerd door sociologen als Etzioni (1994) en Giddens

(2000) (Rose 2000a; Delanty 2002). Het is een politieke rationaliteit waarin burgerschap begrepen wordt als lidmaatschap van een historisch ontwikkelde morele gemeenschap (Van Gunsteren 1998). Communitarisme is dus een programma van het besturen van burgers op basis van traditie met daarbij een nadruk op gemeenschap en de reciprociteit van rechten en plichten. Het is een politieke rationaliteit die vanaf de jaren 1990 in verschillende landen populair werd (Groot Britannië, Noord Amerika maar ook in bijvoorbeeld Nederland: zie De Haan 1993; Hughes 1996; Bovens 1998; Calhoun 1999; Delanty 2002). Het communitarisme wordt hierbij vooral bepaald door een nationalistisch beeld van de gemeenschap waardoor gemeenschap inwisselbaar is met de natie (Calhoun 1999). Vier aspecten smelten zo samen: natie, samenleving, gemeenschap en moraliteit (Delanty 2002: 166).

Op basis van een diagnose van verval in waarden en normen, afname van sociale cohesie, gebrekkige binding, verwaarloosde socialisatie en afnemende betrokkenheid richt het communitarisme zich op herstel van de gemeenschap, herstel van moraliteit, bevestiging van (de nationale) identiteit met daarbij een nadruk op plichten, moralisering en bescherming van de gemeenschap. De linkerkant van de staat krijgt naast de zorgende taak ook een moraliserende taak (typerend voor het communitarisme is de techniek van de moralisering van sociale problemen en ethische reconstructie van subjecten: Rose 2000a), waarbij bepaalde taken worden overgedragen aan de gemeenschap en de ijzeren vuist van de staat zich richt op het beschermen van de gemeenschap. Communitarisme is dus een programma met zowel een potentie aan zorg als een potentie aan autoritarisme (Hughes 1996; Driver & Martell 1997). De kracht van het communitarisme (t.o.v. bijvoorbeeld het neoconservatisme) is hierbij dat het de traditionele links-rechts indeling overstijgt en progressieve en conservatieve elementen combineert (Joas & Knobl 2009: 499).

Hoofdstuk 5 analyseert hoe geleidelijk aan vanaf 1990 een nieuwe strategie van bestuur ontstaat: neoliberal communitarisme. Niet zozeer de verzorgingsstaat maar de markt en gemeenschap gaan functioneren als nieuw diagram van bestuur en het modelleren van de verhouding tussen staat, economie en samenleving en de relatie tussen burgers. Neoliberaal communitarisme behelst een nieuwe configuratie van macht, weten en nieuwe burgerbeelden. Burgerschap krijgt hierbij als belangrijke techniek van bestuur verschillende invullingen. Dit manifesteert zich bijvoorbeeld in de velden van migratie en criminaliteit. Dit kan in termen van **problematisering** en **macht-weten-subject** in relatie tot de **politieke rationaliteiten** van neoliberalisme en communitarisme worden begrepen.

Tot begin jaren 1980 was de omgang met criminaliteit uitsluitend een verantwoordelijkheid van de nationale overheid. In deze periode echter, die samenvalt met de hierboven summier aangestipte 'crisis van de verzorgingsstaat', wordt criminaliteit in het publieke discours steeds vaker geïncrimineerd. Zowel de 'subjectieve gevoelens' van onveiligheid als 'objectieve cijfers' van criminaliteit wezen op een stijging van criminaliteit (Van Ruller 1999). In termen van *problematisering* kan worden gesteld dat ook Nederland te maken krijgt met het door Garland beschreven **criminaliteitscontroleprobleem**: de normaliteit van hoge criminaliteitscijfers en de erkenning van de beperkingen van de nationale overheid (Garland 2001: 106). Dit gaf aanleiding tot beleid zoals het invloedrijke Samenleving en Criminaliteit (S&C 1985). De beleidslijnen die hierin werden uitgezet domineren nog steeds de preventieve en repressieve agenda van criminaliteitsbestrijding in Nederland (Van de Bunt & Van

Swaaningen 2004). De reactie bestaat uit verschillende elementen.

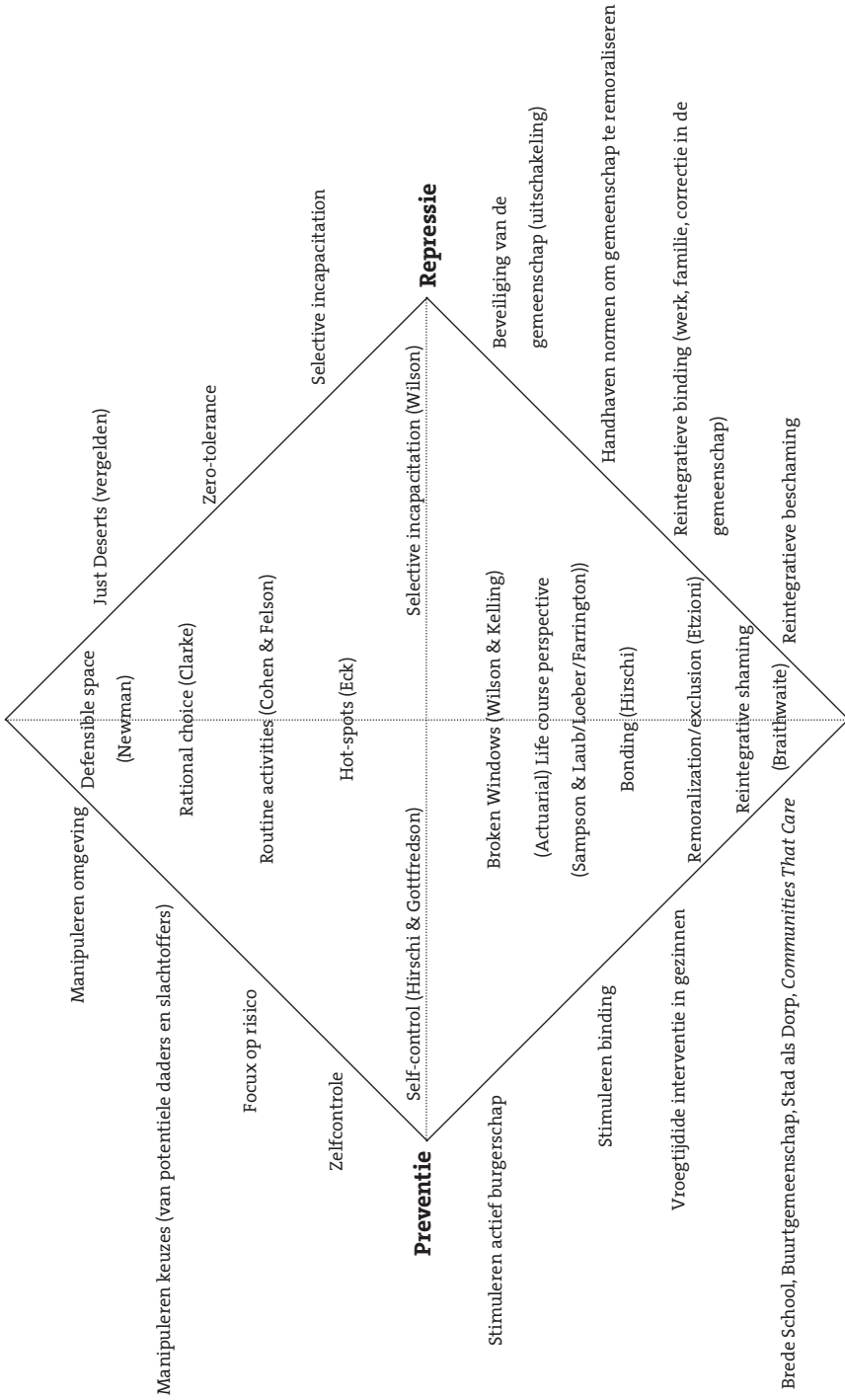
Ten eerste gaat het om een kwantitatieve en kwalitatieve verbetering van de strafrechtspleging (S&C 1985: 35). Dit betekent het vergroten van de capaciteit van de strafrechtsketen maar ook het reorganiseren van de strafrechtsketen om de ketens effectiever op elkaar aan te laten sluiten via een bedrijfsmatige aanpak (Steenhuis 1984). Daarnaast betekent het een intensivering van de soevereine technieken van macht zoals bestraffing (o.a. zichtbaar in de bouw van gevangenissen). Ten tweede is de opvatting van belang dat de rijksoverheid niet meer alleen in staat is om met het criminaliteitsprobleem om te gaan en dat individuele burgers, de samenleving, lokale overheden en de markt verantwoordelijk gemaakt moeten worden voor criminaliteitsbestrijding: 'Met de commissie-Roethof is het kabinet van oordeel dat de criminele politiek in de komende jaren gericht dient te zijn op een verdere mobilisering van individuele burgers en maatschappelijke organisaties, waaronder de lokale overheden en het bedrijfsleven, tegen massale vormen van (kleine) criminaliteit' (S&C 1985: 37).

Deze **machtstechniek** wordt ook wel 'responsabiliseren' genoemd (Burchell, 1993: 76; cf. Garland 2001). Burgers en lokale overheden worden actief betrokken bij criminaliteitsbestrijding en dit wordt onder andere zichtbaar in de hierboven in de inleiding genoemde Methodiek voor Actief Burgerschap (Gemeente Rotterdam 2009). Actief burgerschap is echter maar één van de vele technieken die worden ingezet om met het criminaliteitscontroleprobleem om te gaan. Zo is er sprake van een vroegtijdige interventie in gezinnen, een zogenaamde hot-spot aanpak maar ook de opsluiting van bepaalde burgers in de zogenaamde Instelling Stelselmatige Daders (ISD).

Van belang hierbij zijn specifieke **criminologische theorieën** die deze technieken voorschrijven en evalueren. Deze kunnen worden gerelateerd aan de **politieke rationaliteit** van ofwel neoliberalisme ofwel communitarisme. De discursieve ruimte die geopend wordt door liberaal communitarisme laat verschillende combinaties van benaderingen en technieken toe. Deze discursieve ruimte wordt in de Figuur hieronder weergegeven: hierbij functioneren neoliberalisme-communitarisme en preventie-repressie als assen waarbinnen de meest invloedrijke auteurs en criminologische theorieën worden gepositioneerd. Deze binnenruimte is de ruimte van weten en aan de buitenkant staan de machtstechnieken weergegeven. Deze figuur van macht-weten maakt zichtbaar hoe criminaliteit in Nederland de afgelopen 30 jaar is begrepen en welke machtstechnieken gehanteerd zijn om daarmee om te gaan. Het maakt tegelijkertijd duidelijk welke theorieën buiten de dominante orde geplaatst zijn. Het maakt daarnaast duidelijk hoe burgerschap functioneert in een hele configuratie aan technieken die ontwikkeld zijn om met het criminaliteitscontroleprobleem om te gaan maar selectief door neoliberalisme en communitarisme geprogrammeerd wordt.

91 Dit wordt goed geïllustreerd aan de hand van de Vroegtijdige Interventie Gezinnen (VIG) van de gemeente Rotterdam (2006). VIG is erop gericht 'een einde [te] maken aan de vaak chaotische situatie bij Multi-probleem-gezinnen: door ouders weer te leren verantwoordelijkheid voor de opvoeding van kinderen op zich te nemen. Door het terugdringen en voorkomen van criminaliteit. Door het verbeteren van de kansen op de arbeidsmarkt, voor ouders en kinderen. Door het bevorderen van de integratie in de samenleving' (Gemeente Rotterdam 2006: 1). De selectie vindt plaats op basis van signalen uit het veld. Het gezin krijgt dan via drang en dwang te maken met een gezinscoach. Een gezinscoach is 24 uur per dag en zeven dagen in de week beschikbaar en probeert structuur aan te brengen in het gezin (Gemeente Rotterdam 2006: 2). Hierbij gaat het om het aanleren van verantwoordelijkheid, het volgen van taalcursussen, schoonmaken, eten, opstaan, administreren en post beantwoorden. Ook anderen zoals bureaus en woningcorporaties worden bij het gezin betrokken. Langzaam krijgen de ouders de verantwoordelijkheid terug en na zes maanden houdt de directe begeleiding van het gezin op. De normale hulpverlening neemt het dan over of men kan 'op eigen kracht verder' (Gemeente Rotterdam 2006: 3).

Neoliberalisme



Bron: Van Houtdt & Schinkel (2013b)

Actief burgerschap is hierbij niet alleen een vorm van responsabilisering. Het spreken over de 'actieve burger' produceert namelijk tegelijkertijd ook de 'passieve burger'. De gemeente Rotterdam merkt op dat vooral jongeren en allochtonen niet te bereiken zijn als actieve burgers (Gemeente Rotterdam 2009: 16). Maar ook hiervoor heeft men een oplossing bedacht: 'En wanneer de context niet aanwezig is voor actief burgerschap, bijvoorbeeld omdat mensen sociale of psychische problemen hebben of omdat een gebied eerst "heroverd" moet worden, zijn andere strategieën nodig (interventieteams, hot spots, stadsmariniers etc.)' (Gemeente Rotterdam 2009: 26). Zo gezien is burgerschap niet alleen een techniek van responsabilisering maar dus ook een bestuurstechniek die de populatie verdeelt op basis waarvan andere interventies mogelijk worden gemaakt.⁹¹

Hieruit blijkt dat de overheid enerzijds op een faciliterende manier optreedt (facilitatieve responsabilisering), anderzijds op een repressieve manier (repressieve responsabilisering). Deze twee technieken hangen samen met de belangrijkste **burgerbeelden**. Ten eerste de actieve burger en ten tweede de risicoburger. De actieve burger wordt betrokken bij beleid en de risicoburger wordt via disciplinerende maatregelen aangespoord een goede, verantwoordelijke en actieve burger te worden. Maar wanneer het risico te groot blijkt te zijn dan is er geen sprake van zelfbestuur via faciliterende responsabilisering of disciplinerende repressieve responsabilisering maar van eliminatie en verbanning. Op deze manier worden de drie technologieën van macht georganiseerd en gereorganiseerd rondom de dominante burgerbeelden van neoliberal communarisme.

Burgerschap functioneert daarnaast ook als bestuurstechniek in het veld van migratie en integratie. Want niet alleen in het bestuur van criminaliteit maar ook in het probleemveld van de integratie van immigranten zijn belangrijke veranderingen opgetreden. Vanaf midden jaren 1990 ontstaat er een consensus in het beleid en omringende discours over het probleem van migratie en integratie: het **migratiecontroleprobleem**. Dit betreft een cluster aan onderling gerelateerde problemen zoals 1) de problematisering van migratie (bijvoorbeeld in termen van aantallen en in termen van illegaliteit), 2) een realistische positie ten aanzien van problemen van integratie (de positie dat er echt grote problemen zijn met betrekking tot de 'integratie van allochtonen' zoals zichtbaar in statistieken van criminaliteit, werkloosheid en andere achterstandscijfers) en 3) een problematisering van de nationale overheid en de bestaande verzorgingsarrangementen om met deze problemen om te gaan. Het specifieke aan de manier waarop het migratieprobleem is geformuleerd is dat het tegelijkertijd gezien wordt als een probleem van soevereiniteit, als een moreel probleem en als een bestuurlijk probleem. In deze problematisering hebben **sociologen** en andere sociaal wetenschappers een sleutelrol gespeeld (Schinkel 2007).

De opkomst van het migratiecontroleprobleem laat zich goed analyseren aan de hand van de ontwikkelingen van het migratie- integratiebeleid (Spijkerboer 2007; Vermeulen 2007). In de Minderhedennota van 1983 ging het vooral om sociaaleconomische integratie van immigranten waarbij de overheid de belangrijkste verantwoordelijkheid op zich nam. Hierbij ging het om 'integratie met behoud van eigen culturele identiteit'. Immigranten werden op groepsgewijze manier aangesproken als etnische minderheden die zich onder begeleiding van de staat moesten emanciperen. Dit veranderde in het begin van de jaren 1990 toen een individualistische benadering werd gekozen zoals blijkt uit de beleidsdocumenten Contourennota Integratiebeleid Etnische Minderheden en Investeren in Integratie uit 1994 en de Wet Inburgering Nieuwkomers van 1998. Volgens de neoliberale

rationaliteit deed de centrale overheid een stap terug en bedeede de verantwoordelijkheid toe aan individuele migranten, decentrale overheden en de markt. Integratie werd burgerschap en individuele migranten werden allochtonen (letterlijk: mensen 'niet van deze bodem') die zelf verantwoordelijk werden gemaakt voor hun integratie=actief burgerschap (Ossewaarde 2006: 110). Het uitgangspunt werd 'zelfredzaamheid'. Een belangrijke techniek om dit te bereiken was de inburgeringscursus voor zowel nieuwkomers als oudkomers, waarbij vooral opvoeders en werklozen centraal staan en gesproken wordt van verplicht inburgeren.

Vanaf 2000 werden de eisen aan allochtonen steeds verder opgeschroefd en de plicht tot identificatie steeds 'dikker'. Dit blijkt uit de verschillende beleidsdocumenten uit deze tijd (vgl. de Vreemdelingenwet van 2000; Integratie in het Perspectief van Immigratie 2002; de Contourennota van 2004; de Wet Inburgering Buitenland van 2006; de Wet Inburgering van 2007). Allochtonen bleven zelf verantwoordelijk om actief burgerschap te bereiken door op een markt inburgeringscursussen te kiezen en deze te volgen en voor het examen te slagen (resultaatverplichting) (Spijkerboer 2007). Echter allochtonen moesten nu zowel economisch integreren als cultureel integreren en kennismaken van de Nederlandse waarden en zich met Nederland identificeren (o.a. via een naturalisatieceremonie: IND 2009).

Deze verschillende tendensen kunnen in termen van **politieke rationaliteit** als tendensen van neoliberalisme en communitarisme begrepen worden. Het neoliberaal communitarisme dat in Nederland in het veld van immigratie en integratie tot stand kwam legt aan de ene kant de nadruk op eigen verantwoordelijkheid en marktwerking en aan de andere kant de nadruk op de Nederlandse normen en waarden en assimilatie. De nadruk op de Nederlandse normen is hierbij niet nieuw. Zo werd in de jaren 1980 ook de nadruk gelegd op het houden aan de normen van de rechtsstaat (Driouichi 2007), echter de nadruk op waarden is er een van recenter datum en kan worden begrepen vanuit het dominante communitaristische discours in Nederland. Dit gaat echter gepaard met de opkomst van neoliberalisme.

De bestuurlijke reactie op het migratiecontroleprobleem bestaat uit een veelheid van (soms tegenstrijdige) **technieken**. Vanuit het governmentality-perspectief kan dit, als ware het een caleidoscoop, geanalyseerd worden in termen van een "reconfiguratie" van soevereine, disciplinerende en bestuurlijke macht in relatie tot verschillende **burgerbeelden**. In termen van *bestuur* is er sprake van de introductie van marktwerking (bv. een integratiemarkt) en van responsabilisering. Dit behelst het beeld van de migrant als actieve ondernemer van zichzelf die in staat is eigen verantwoordelijkheid te nemen. Daarnaast is er ook sprake van de inzet van *disciplinaire* technieken gericht op het produceren van politiek conforme, economisch productieve en sociaal loyale burgersubjecten. Een goed voorbeeld van dit 'rood-wit-blauw-verven' van migranten is de burgerschapskursus. Tot slot functioneert het veld van migratie en integratie als een belangrijke bron voor de ontplooiing van *soevereine macht*. Hier manifesteert zich het monitorende oog en de harde vuist van de soeverein die neerslaat op het naakte lichaam van de ('illegale') migrant op basis van de soevereine technieken van detectie, detentie, deportatie en afschrikking.

Conclusie en Discussie

Governmentality In Nederland analyseert de hedendaagse bestuursmentaliteit in relatie tot burgerschap, criminaliteit en migratie. Dit is vanuit het governmentality perspectief onderzocht. Vanuit het

governmentality perspectief werden de onderzoeksvragen heel specifiek gericht op politieke rationaliteit, problematisering en macht-weten-subject. In dit onderzoek is zowel gekeken naar het verleden waarbij de klassiek liberale mentaliteit van bestuur en welfarism werden bestudeerd om zo uiteindelijk de geschiedenis van het heden te schrijven. Hoe worden burgers vandaag de dag in Nederland bestuurd? Om dat te onderzoeken is gekozen voor de casus van burgerschap, migratie en criminaliteit. De resultaten werden hierboven besproken en de tabel hieronder vat alles in het kort samen.

	Veld van Criminaliteit	Veld van Migratie en Integratie
Controleprobleem	Criminaliteit controleprobleem	Migratiecontroleprobleem
	Problematisering van 1. Criminaliteitscijfers 2. Gevoelens van onveiligheid 3. Verzorgingspenalisme	Problematisering van 1. Migratiecijfers 2. Problemen van integratie 3. Multiculturalisme
Primaire Politieke Rationaliteit	Neoliberalisme Communitarianisme	Neoliberalisme Communitarianisme
Re-configuratie van Macht	1. Bestuur <ul style="list-style-type: none"> • Responsabilisering (facilitatief: bv., actief burgerschap) • Introductie van de marktorde 2. Discipline <ul style="list-style-type: none"> • Repressieve responsabilisering • Opvoedingscursus 3. Soevereiniteit <ul style="list-style-type: none"> • Intensivering van bestraffing • Verbanning • Eliminatie (bv. in ISD) 	1. Bestuur <ul style="list-style-type: none"> • Responsabilisering • Introductie van de marktorde 2. Discipline <ul style="list-style-type: none"> • Burgerschapstoets • Assimilatie/Moralisering 3. Soevereiniteit <ul style="list-style-type: none"> • Detectie en Detentie • Deportatie • Afschrikking
Primaire Subjecten	1. Actieve burger 2. Risicoburger <ul style="list-style-type: none"> • Laag/medium/hoog • Biologisch/calculerend/cultureel 	1. Ondernemende burger 2. Goede burger 3. Niet-burger
Primaire Vorm van Wetten	1. Criminologie 2. SCP/WODC/CPB	1. Sociologie 2. SCP/WODC/CPB

Neoliberaal communitarisme is de nieuwe bestuursmentaliteit die de afgelopen twee decennia in Nederland is opgekomen. Niet zozeer de staat maar de markt en gemeenschap zijn centraal komen te staan als diagram van bestuur. Neoliberaal communitarisme zorgt ook voor een herprogrammering van zowel de staat als de formele verhoudingen tussen staat-markt-samenleving. Met het neoliberalisme worden de markt en de individuele burger verantwoordelijk gemaakt en worden marktmechanismen teruggevouwen op de staat. Aan de andere kant zorgt het communitaristisch vertoog voor een zekere continuïteit met welfarism. Te vaak wordt het heden als radicale breuk met het verleden gezien (na het lezen van Wacquant denk je dat er geen sociale programma's van verzorging meer over is). Het communitarisme zorgt hierbij wel voor een transformatie van de linkerhand van de staat (de zorgende kant) die meer verplichtend en moraliserend is geworden en die taken overdraagt aan allerlei gemeenschappen. Tegelijkertijd heeft het communitarisme (zeker in combinatie met het neoliberalisme) ook een harde kant die zich manifesteert in de ijzeren vuist die de gemeenschap moet beschermen en een nationalistisch programma dat zich uit in het 'rood-wit-blauw-verven' van geproblematiseerde burgers of toekomstige burgers.

Neoliberaal communitarisme is een formule van bestuur die in specifieke programma's en in geproblematiseerde velden, zoals veiligheid & criminaliteit en migratie & integratie een specifieke vorm krijgt. Neoliberaal communitarisme is een paradoxale combinatie van enerzijds een nadruk op eigen verantwoordelijkheid en anderzijds op gemeenschap. In eerste instantie lijkt het erop dat de staat vanuit de strategie van neoliberal communitarisme andere actoren verantwoordelijk maakt en terugtreedt (facilitatieve responsabilisering). Er is sprake van een besturen op afstand via het aansluiten bij de vrijheid, vormen van zelfbestuur en eigen verantwoordelijkheid van burgers.

Maar juist op die gebieden waar de eigen verantwoordelijkheid of de gemeenschap (of: 'sociale cohesie' of 'samenhang') verondersteld wordt niet voldoende aanwezig te zijn, neemt de staat het heft in handen (repressieve responsabilisering). Hier heeft de neoliberal communitaristische aanpak grote en vaak ook selectieve gevolgen. Via monitors wordt het ongeboren kind in de gaten gehouden, via interventieteams het huishouden in sommige buurten, in veiligheidsrisicogebieden de inhoud van kleding en voertuigen en via camera's de publieke ruimte. Tegelijkertijd behelst neoliberal communitarisme ook een enorme investering in soevereine machtstechnieken zoals bestraffing en deportatie. Gesteld kan worden dat de velden van migratie en criminaliteit als bron van soevereine macht functioneren. Juist het governmentality perspectief laat zich niet inzetten voor een al snel depolitiserende analyse van hedendaagse vormen van bestuur op afstand maar is als kritisch perspectief nuttig om vrijheid, eigen verantwoordelijkheid, actief burgerschap, gemeenschap en sociale cohesie als bestuurstechnieken te analyseren.

Belangrijke vragen die dan uiteindelijk nog opkomen en uitgewerkt worden in hoofdstuk 6 zijn: 1) is neoliberal communitarisme een adequate beschrijving van bestuur in Rotterdam en Nederland en kan het concept gebruikt worden voor de analyse van de bestuursmentaliteit in andere steden en landen (generalisatie)? 2) hoe zijn de controleproblemen van criminaliteit en migratie in andere landen geformuleerd en welke machtsontplooiing heeft zich daar voltrokken (vergelijking en vervolg onderzoek)? 3) willen wij onszelf, anderen en de staat op deze manier besturen (kritiek)?

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Governing Citizens is about the striking changes in the government of migration, crime and citizenship in the Netherlands over the past thirty years. The dissertation is based on a reconstruction of Foucault's governmentality lectures. Citizenship is studied from a governmentality perspective as a technique that functions in relation to other techniques of sovereignty, discipline and government. Hence, it is related to mushrooming detention facilities, parenting courses, assimilation, selective incapacitation, responsabilization and other techniques invented to govern contemporary predicaments of control. The book presents new concepts to understand the present government of citizens such as *neoliberal communitarianism*, *the migration control predicament*, and the distinction between *facilitative resonsibilization* and *repressive responsabilization*. It raises one question in the end: do we want to govern (non-)citizens the way we do?

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