University of Groningen

Book review: Cruel, inhuman or degrading treatment? Benefit sanctions in the UK

Vonk, Gijsbert

Published in:
European Journal of Social Security

DOI:
[10.1177/1388262719870696](https://doi.org/10.1177/1388262719870696)

IMPORTANT NOTE: You are advised to consult the publisher's version (publisher's PDF) if you wish to cite from it. Please check the document version below.

Document Version
Publisher's PDF, also known as Version of record

Publication date:
2019

[Link to publication in University of Groningen/UMCG research database](#)

Citation for published version (APA):

Vonk, G. (2019). Book review: Cruel, inhuman or degrading treatment? Benefit sanctions in the UK. *European Journal of Social Security*, 21(3), 289-291. <https://doi.org/10.1177/1388262719870696>

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Book reviews

European Journal of Social Security

2019, Vol. 21(3) 289–303

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DOI: 10.1177/1388262719870696

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Michael Adler, *Cruel, inhuman or degrading treatment? Benefit sanctions in the UK*, 2018, Palgrave Socio-Legal Studies, Basingstoke, U.K., 171 pages, ISBN 978-3-319-90356-9.

Reviewed by: Gijsbert Vonk, *University of Groningen, the Netherlands*

DOI: 10.1177/1388262719870696

This is a book about social security sanctions in the UK. It delves deep into the dark layers, which have been deposited by years of activation policies pursued by governments on both sides of the British political divide. Emphasising personal responsibility, these policies introduced increasingly stringent behavioural conditions coupled with ever stricter sanctions for those who fail to meet the activation expectations mounted upon them.

The author, who is one the two editors of this distinguished journal, wastes little time in making clear that the world of sanctions is not a pretty one. Already in the title, this world is associated with cruel, inhuman and degrading treatment. This phrase derives its meaning from one of the absolute human rights in international law: the prohibition of torture, also laid down in Article 3 the European Convention on Human Rights (ECHR). This is a hefty claim. But the author does not set out to develop an intricate human rights argument from a legal point of view. The title is a teaser, which disappears after the introduction and only reappears again in the conclusion. Its purpose is not to argue that the UK sanctions regime violates Article 3 ECHR in the strict sense of the word, but that this regime defies the very notion of justice. The chapters in between serve to provide the evidence for this statement.

Whatever the opinions of the author are, they are always supported by logical reasoning and by a variety of empirical evidence and anecdotal illustrations. This is the strong point of this book. It can be seen as 360-degree reconnaissance of the world of sanctions. It approaches this world from a variety of angles: public opinion, historical development, incidence and scope, conceptual implications, effectiveness, administrative justice, minimum legal standards, a comparison with court fines, the rule of law and, finally, policy alternatives. The mixed normative/empirical scope makes the study genuinely a socio-legal one. Some empirical evidence is secondary, in the sense that it relies on other studies and reports, such as the studies carried out within the framework of the Welfare Conditionality Programme of Peter Dwyer et al.¹ Other evidence, particularly in the chapter on the impact and effectiveness of benefit sanctions, relies on official data from the

1. Available at <http://www.welfareconditionality.ac.uk/>

Department for Work and Pensions (DWP), which prompts the author to conclude that the DWP can hardly be considered to be ignorant of the ineffectiveness of its policies and the impact they have on the beneficiaries.

Yet, the book can also be appreciated as one drawn out, linear argument. This argument kicks off by observing that public opinion is not sensitive to the plight of beneficiaries who are the victim of sanctions, but then proceeds by pointing out that sanctioning has harsh consequences without the policies being effective, while basic legal standards are ignored: all in order to impress upon the reader that the plight of the beneficiaries should be taken more seriously. In this linear sense, the book can also be read as an argument against the system as it has developed.

In my view, some chapters are more successful than others. Chapter 7, which depicts 'the changing fortunes of administrative justice', is a pearl. The 'changing fortunes' are made visible in an evaluation of six models of administrative justice. While the bureaucratic and professional models have been somewhat meandering over time, the juridical model has been sacrificed to the managerial and market models, which is probably bad news for access to justice for those who wish to challenge sanctions through the adjudication system. Chapter 8 dealing with the role of law in protecting the right to a social minimum, on the other hand, is rather sketchy and could have included a more systematic overview of the relevant international norms in this area. A short treatise on the implications of Articles 2 and 3 ECHR for state obligations in the case of extreme vulnerability could have been beneficial for example, however high the threshold for inhuman and degrading treatment may turn out to be.

Another remark I want to make deals with the definition of sanctions. For the author, these do not seem to cover the system of administrative fines, which are offered to claimants in lieu of prosecution when they have committed fraud. As far as I understand it, this system has been in operation since the Social Security Fraud Act of 1997, while sanctions were further increased by the Social Security Fraud Act of 2001, and then again by the Welfare Reform Act of 2009 and the Welfare Reform Act of 2012.² In my perception, work-related sanctions and administrative fines are very much birds of a feather. But somehow in the British academic discourse they are not connected. Yet, it would be interesting to know whether a similar process of acceleration in terms of number and severity of administrative fines for committed welfare fraud has been taking place in the UK. On my side of the channel, in the Netherlands, it definitely has.

Finally, the reader is forewarned that this monograph is only about the UK. In the introduction, the author explains that he was not able to accommodate a European perspective, apparently because available OECD data on sanctions from surveys from 2011 and 2014 are not sufficiently commensurable. Fortunately, there are now other sources to fall back upon, such as the comparative work presented by Anja Eleveld.³ Even without these data, the book could have benefited from a *tour d'horizon* of conditionality and sanctions regimes in some other countries. It could, for example, have opened a window to the British readers of how courts in other parts of the world deal with sanctions and the protection of minimum income standards or how some countries experiment with even harsher work-related sanction regimes than the UK. But perhaps we should leave this

2. For an overview, see McKeever, G. (2009) 'Balancing Rights and Responsibilities: The case of social security fraud', *Journal of Social Security Law*, 17(2), 71-99.

3. Eleveld, A. Work-Related Sanctions in European Welfare States: An Incentive to Work or a Violation of Minimum Subsistence Rights? ACCESS EUROPE Research Paper No. 2016/01.

type of comparative work over to future research carried by a next generation of academics who will then benefit very much from Adler's perfect single country study.

Author biography

Gijsbert Vonk is Professor of Social Security Law at the University of Groningen in the Netherlands. His research interests cover social security, poverty, migration, socio-economic human rights and European law.

Tineke Dijkhoff and Letshokwa George Mpedi (eds.), *Recommendation on Social Protection Floors – Basic Principles for Innovative Solutions*, 2018, Kluwer Law International BV, 308 pp., ISBN 978-90-411-8634-8.

Reviewed by: Lorena Ossio Bustillos, *German University of Administrative Sciences Speyer, Germany*.
DOI: 10.1177/1388262719870676

In 2019, the International Labour Organisation (ILO) celebrates its 100th anniversary. The ILO was established as a unique tripartite international organisation with representatives of employers, workers and governments. In this particular context, the book under review becomes extremely relevant, as its main objective is to analyse the International Labour Organisation's Social Protection Floors Recommendation, 2012 (No. 202), focusing on its basic principles. Prestigious experts in the field of social protection law were invited to analyse the national innovative solutions put forward in the Protection Floors Recommendation, and in doing so, they indirectly dealt with the global challenges for the ILO in the 21st century. One of the most notable aspects of the Protection Floors Recommendation, 2012 (No. 202) is the addressee, namely the poor, the most vulnerable and socially excluded members of society.

The book is divided into three parts. Part I contains four chapters. In the introductory chapter, the editors describe the main objective of the book, which is to provide insight into and understanding of the fundamental principles of Recommendation No. 202, whose implementation and application are prerequisites for the creation of a social protection floor (p. 7). The second chapter, written by Tineke Dijkhoff, explains in detail the set of principles selected on the academic criterion of better systematisation with a practical orientation, based on Recommendation No. 202 but not considering all the principles mentioned there. The next two chapters can be read as independent units: The third chapter, on 'Implementing the Principles of Social Protection Floors Recommendation, 2012 (No. 202)', was written collectively. It embodies an impressively deep understanding of the institutional function of the ILO and on the supervisory system. It also refers to a rich literature on this field from a global perspective. The fourth chapter, written by Stephen Devereux, poses the important question of the limits of Recommendation No. 202 regarding the guarantees of income security through cash or in-kind transfers and the realisation of the right to food.

Part II contains the so-called case studies of emerging economies and developing countries. Most of the contributors, who are mainly from Latin America (Argentina, Chile and Mexico) and from South Africa, were involved in research projects developed at the former Max Planck