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## Creating the Client Who Can Create Himself and His Own Fate – the Tragedy of the Citizens' Contract

### **Abstract**

This article is about the emergence of new forms of active citizenry, empowerment, and self-help that meet in the so-called citizens' contract. Based on Danish social policy, the article shows how the articulation of the citizen as 'fellow citizen' has led to the current contractualization of the relationship between the administration and the individual citizen. Citizens' contracts are employed not only to commit clients to a specific behavior, but first and foremost to commit them to a particular inner dialogue about obligation and freedom. Economic assistance becomes dependent on this dialogue and they thus become contracts both between the administration and the citizens and between the citizens and their own selves. The article moves beyond the Foucault-inspired categorization by identifying the tragic consequences of these self-contracts.

### **Keywords**

Active citizenship; Contractualism; Luhmann; Koselleck; Semantics; Governmentality

*And if society alone is responsible for the cramping of our lives,  
then the protagonist must needs be so pure and faultless as to force  
us to deny his validity as a character.*

Arthur Miller  
"Tragedy and the Common Man"

The relationship of the citizen to the state has become increasingly contractual. Stuart White (2000), for example, has identified a tendency toward "welfare contractualism" in England and examined the conditions under which this tendency may or may not be compatible with our received notions of social rights and social citizenry. Anna Yeatman (1997, 1998) has proposed that we are seeing the emergence of "a new contractualist discourse", by which individual freedom can no longer be presupposed but must be determined specifically through contracts. Barbara Sullivan (1997) refers to contracts as a regulative strategy, designed to

promote citizens' ability to choose, be independent and self-regulating. Social services administrations in Australia, New Zealand and England write up contracts for their citizens. In England, for example, jobseeker contracts were established in the Jobseekers Act of 1995, youth crime contracts in the Youth Justice and Criminal Evidence Act of 1999 and school-parent contracts in the School Standards and Framework Act of 1995 (Vincent-Jones 2006). There is also an increase in the use of contracts in the Scandinavian countries. Norway, for example, has introduced a comprehensive system of immigrants' contracts. Finally, over the past five years, Denmark has seen a dramatic increase in the number of citizens' contracts so that contracts between citizens and the state now include family contracts, juvenile delinquency contracts, student contracts, school-home contracts, immigrant contracts, suicide contracts, diet contracts, circumcision contracts and marriage contracts with immigrants of Muslim descent (Andersen 2003, 2004).

This article is about the emergence of these new forms of active citizenry, empowerment, and self-help, all of which meet in the citizens' contract. Based on Danish social policy, the article shows how the articulation of the citizen as 'fellow citizen' leads to the contractualization of the relationship between the administration and the individual citizen. Citizens' contracts are employed not only to commit clients to a specific behavior, but first and foremost to commit them to a particular inner dialogue about obligation and freedom. Economic assistance becomes dependent on this dialogue and they thus become contracts both between the administration and the citizens and between the citizens and their own selves.

Foucault refers to this kind of practice as "self-technology". He makes a distinction between subjugation and subjectivation in the way that the social sphere addresses an individual (Foucault 1988, 1997a; Balibar 1994). *Subjugation* occurs when an individual or a collective is proclaimed to be a subject within a specific discourse. The individual or collective is offered a specific space in the discourse that determines whether and how one can speak and act meaningfully. *Subjectivation* occurs when the individual or collective has not only been made subject but also *wishes* to be so. Subjecting, therefore, indicates the space where one *receives oneself* whereas subjectivation indicates the space where *one gives oneself to oneself* (Schmidt 1990: 101, 352).

It is precisely in this way that the social services administration invokes the client. In offering up the contract, the social services administration does not speak to the client as its subject. In offering up the citizens' contract, the client is given a choice between being the sovereign or the subject, between subjugation and subjectivation. If the client chooses to accept the contract offer, he also accepts the obligation to transform himself. The citizens' contract requires the client to not merely receive himself passively but to actively give himself to himself. It is a way of admonishing the subject to invoke itself.

Foucault describes self-technologies as technologies that allow individuals to influence operations concerning their body, soul, thoughts and way of being in order that they can *transform* themselves in the direction of achieving a particular level of happiness, purity, wisdom, perfection, or immortality (Foucault 1997b). In other words, self-technologies are procedures that tell the individual how to define its identity, maintain it and develop it in order to meet certain goals of self-control and self-consciousness (Foucault 1997a). These technologies are designed to preoccupy the self with itself (Dean 1994, 1998; Rose 1998; Rimke 2000).

Because it is ultimately not the client, however, who seeks out the social services administration as self-service station but instead the administration that stages the client's self-occupation through the contract technology, the social

services administration is left with a fundamental problem of control. How do I as social worker interpret the client as the other? More radically: How do I as social worker interpret the other of the client?

Some of the critics of the new contractualism have tried to suggest improvements to the citizen contracts. Stuart White identifies the problems of citizens' contracts in their neo-paternalism. He finds that these contracts might be legitimate if they can be linked to a "fair reciprocity approach" (White 2000: 509, 521). Kaneshka Jayasuriya identifies the problem in the neo-liberal approach and its anti-political understanding of the nature of agency. To Jayasuriya the hope lies in a movement towards a republican model of democratic contractualism that enhances the capacity of individual participation and democratizes the structure of contractual governance (Jayasuriya 2001).

On my view, however, the problems of citizens' contracts are deeply rooted in their basic, historical formation and are not easily repairable. Foucault raises the issue of self-technology; I will focus on the history of self-contracting. This article therefore places itself in the context of a range of discursive analyses of the shift from help to self-help (Miller & McHoul 1998), active citizenry and its inherent tensions (Lister 2001; Rimke 2000), and the literature about governmentality, empowerment and self-technologies at large (Dean 1994, 1998; Cruikshank 1999: 71). But I will also move beyond Foucault-inspired categories by identifying the tragic consequences of these self-contracts. Not only do the authorities that administer social services develop expectations of the client, the structure of expectations is doubled and come to form the social services administration's expectations of the client's self-expectations. Such contractualization, I want to argue, sets a tragic process in motion that cuts through the full range of social policies: the social services administration is unable to observe and control whether the citizen has actually entered into a contract with himself and hence whether it has been observed or not. The object of steering, we might say, is not within what Derrida calls the order of visibility (1996: 90).

The tragedy can thus be characterised in rather rigorous terms. In order to enter the dialogue the citizen must commit to self-improvement. Unfortunately there is no room for improvement: in order to foster the process of self-improvement, the social policy apparatus must invalidate the very self that was to be improved. In the attempt by the social services administration to close the distance between client and social worker it undermines precisely the values it was intended to defend. In its attempt to foster equality and presence, and to establish a space of empowerment (a space that fosters the emancipation and self-development of the client's resources), values such as individuality, responsibility and self-development are eroded. The reciprocity that the contract is supposed to establish suitable conditions for becomes a one-sided project that is simply *folded* in the administration's representation of the client. Thus, the distance between client and social worker is actually increased, with the important new twist that any scruples about intervention in the intimate lives of clients are removed. The impossibility of realizing the project of shaping one's self (the client's) in terms provided by another (the social services administration) arranges the initial conditions for a process whose only final outcome can be the erasure of the client's subjectivity. In its attempt to cross the distance between them, one side is fated to deny that the distance is real, i.e., to invalidate the character on the other side.

## Analytical Strategy

Since the tragedy of the client's drama seems to turn on a paradox, I take a primarily semantic approach in this article, tracing the history not of the contracts themselves but of their meaning. The focus is on the development of a conceptual reservoir and related practices. The article is influenced by the conceptual historian Reinhart Koselleck and by Niklas Luhmann's theory of social systems of communication. Though Luhmann is most famous for his theory of autopoietic system, he actually wrote a half dozen of books on modern semantic history. As Gibson, Gregory and Robinson have correctly noticed, I read systems theory as a pool of discursive analytical strategies rather than a grand theory (Gibson, Gregory and Robinson 2005: 4; Andersen 2003). They use this opening to establish a link between grounded theory and systems theory, which they describe as a link between the study of "everyday communication alongside an analysis of everyday social semantic" (Gibson, Gregory and Robinson 2005: 17). While I appreciate and recognize the fruitfulness of the combination they suggest, I will focus on everyday social semantics and leave the issue of everyday communication for later studies of contractual interaction. My aim here is to practice is kind of deconstructive systems theory (Andersen 2006) by employing a second-order *textual* approach. At the center of Luhmann's systems theory is the observation of observation as observation (Andersen 1999, 2003). I am not going to observe clients or citizens. I am going to observe the way social policy and the social services administration observe clients and citizens, and the way in which the contract might become the form through which observation takes place.

Luhmann defines observation as an indication within the framework of a difference. All observations operate by means of a difference. When an observation attaches itself to something in the world, a distinction is drawn between this "something" and everything else. That which the observer sees only becomes indicated and visible through the observation's relationship to that which it is distinguished from. That means that it is the difference that comes to indicate how observation takes place. A citizen, for example, is not simply a citizen, but always a citizen to an observer, and the way in which a citizen becomes visible in an observation depends on the difference in operation.

The point is that every observation is an operation, drawing a distinction which at the same time remains invisible to the observation itself. The observation always indicates one side of this distinction and leaves the other side unmarked, although it still guides the observation. The distinction defines both the gaze and the blind spot of the observation. With reference to Spencer-Brown, Luhmann refers to the inside of the difference as the indicated side (m) and the outside of the difference as the non-indicated side (Spencer-Brown 1969). The blind spot constitutes the very unity of the difference, which both separates the two sides and holds them together in one difference. This is called the form of difference:

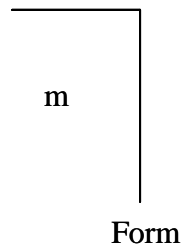


Figure 1 Calculus of form

A difference can be folded and thereby become a part of itself. Luhmann and Spencer-Brown call this moment “re-entry”, when a difference is sometimes copied and reintroduced in the space as created by the difference itself (Spencer-Brown 1969: 69–76). A reintroduced difference is a difference that occurs in the space created by the difference (Luhmann 1993a: 484). This is the Luhmannian way of describing the infinity of a discourse. A reentry always constructs some kind of paradox because the difference appearing in the space is both the same and distinct from the difference making the space. Identifying and specifying re-entries plays an important role in the kind of second order analysis I employ here because they indicate the formal properties of the discursive machinery that guides communication. A re-entry can be illustrated like this:

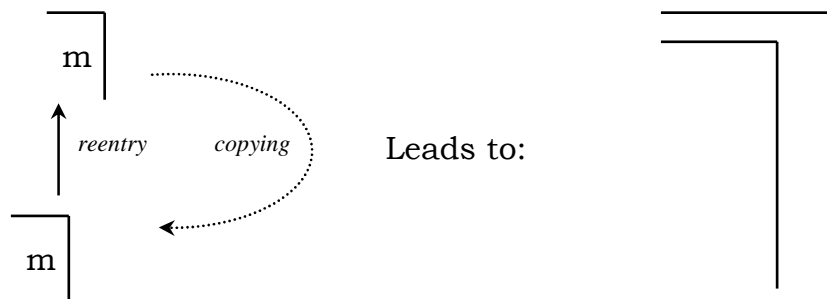


Figure 2 Reentry

Operating differences can be traced to conceptual distinctions; the former are fixed and condensed instances of the latter. Luhmann distinguishes between a system of communication and semantics. Semantics are defined as special structures that connect communication with communication by providing different forms of meaning, which the system of communication treats as worthy of preservation (Luhmann 1995: 282). Semantics are the reserve of generalized forms of differences (concepts, ideas, images, symbols, and so forth) which can be used in the selection of meaning in the systems of communication. Semantics are, in other words, condensed and replicable forms of meaning available to communication. These generalized forms of meaning are relatively independent of the situation and obtain their concrete content in the communication that selects them (Luhmann 1993b: 9–72).

A concept *condenses* a multiplicity of expectations to form semantic reservoirs, which are then made available to communication and can be identified by semantic analysis. Concepts, however, are never unambiguously definable. If we are told that someone is a social worker, it immediately creates a horizon of different expectations, such as for example “s/he categorizes people”, “s/he is probably a liberal”, “s/he is social and caring”, “s/he smokes a pipe”, “s/he removes children from their homes”. A concept thus structures expectation. Using a specific concept in specific communication activates specific expectations. These expectations, condensed by concepts, are the *meaning* of the communication. The multiplicity of meaning always becomes fixed in the form of concepts by the difference between concept and counterconcept:

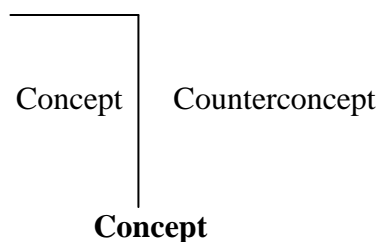


Figure 3 The concept of concept

There cannot be a concept without a counter-concept to keep the concept in its place (Koselleck 2004: 155-192; Luhmann 1991:15-17). The counter-concept defines restrictions for the concept. A social worker, for example, is only a social worker in relation to a client, and what can be expected of a social worker therefore depends entirely on the expectations that attach to the counter-concept of client. The struggle over the meaning of “social worker” takes place in the description of clients and the expectations that are attached to them. The range of possible descriptions is condensed in the concept of client, who may be “self-reliant, active and independent” or “dependent, helpless and weak”.

The semantic analysis asks, how are meaning and expectations formed and how are these condensed and generalized into concepts, which then establish a semantic reservoir for systems of communication? This includes the question of how concepts are displaced so that they might be given new counter-concepts or that counter-concepts become counter-concepts to new concepts or a counter-concept becomes unspecified, occasioning a struggle to fill it out. We are here studying concrete operations of distinctions and how they build particular horizons of expectations.

In short, if we want to understand how meaning is created, stabilized and condensed in the form of new concepts, we must trace the shifts in the concepts and their relations, including the replacement of the concepts’ counter-concepts. That means that I am going to focus on the conceptual distinctions through which social policy observes and the effect of these on the view of the client (Luhmann 1993b; Andersen 2003; Koselleck 1985). And it also includes how distinctions between concept and counter-concept might be re-entered and become a part of their own whole establishing a particular logic of paradoxical communication (Luhmann 1999).

The archive for this analysis consists of 500 so-called reflexive texts, that is, texts that discuss practice and conditions for practice as opposed to case documents, decisions, etc. The reflexive texts have been chosen because the nurturing focus of their semantic content makes them a comparatively richer material for analysis. I have looked through all issues of the journal *Socialrådgiveren* (The Social Worker) from 1980 until today and approximately 300 articles have been read closely, mapping distinctions that make the client observable in communication. In addition, I have systematically gone through various more theoretical journals in the field from the same period, reports and draft Bills, not only from social policy in a more restricted sense but also employment policy, the annual reports from the association of social services executives in Denmark from 1980 until today and other publications from that organization. I have also included different social-policy textbooks and debate contributions. Moreover, I have tried to locate different concepts used in plans of action and contracts including the standards that different institutions have sought to establish.

## **The history of the notion of client**

### ***1980-1983: Individual assessment of needs***

It is useful to review the history of citizens' contracts in Denmark. The period 1980-1983 is largely focused on the issue of case consideration, of mediating between law and judgment, between the generalized client and the singular complexity of the individual case. Throughout this period, the agenda is dominated by the question of how the social services administration may differentiate its services so that they remain sensitive to the individual case, the individual family, or the individual client without decreasing public legal security and abolishing the calculability of the services. The client's self-relation, however, is not on the agenda. The individualization of help is merely an attempt to make the social services administration more sensitive to individual variables.

Anna Koch's book *Socialt arbejde – helhedsprincip og behovsvurdering på fagligt grundlag* ("Social Work – the holistic principle and needs assessment on a professional basis") represents a good example of this debate. The book is a monument in Danish social policy and was for a long period of time required reading at the different schools of social work. The book focuses on the registration of insecurity among social workers with respect to the concepts "the holistic principle" and "needs assessment" and seeks to define these concepts and their impact on the relationship between law and judgment. The book distinguishes between two approaches to social services administration: the legal approach, which concerns the equal treatment of clients in accordance with the law, and the professional approach, which is based on requirements from the Social Security Act about individualization and a holistic approach. The holistic principle is defined by Anne Kock as the act not only of observing the client but of observing client and context as a unified whole, which means localizing factors in the environment that relate to the client's problem (whether the client is an individual or a family). The needs assessment, therefore, has to be an assessment of the need-as-part-of-a-whole and can never be general, but has to be specific and sensitive to the complexity of the individual case. Anna Koch identifies certain assumptions behind the latter approach. These are:

1. The social worker is confident that the services have an effect because he or she knows from experience that doing something together with people leads to development.
2. It is presupposed that the client has an interest in changing his or her situation.
3. It is presupposed that social work represents an actual alternative for the client.
4. It is presupposed that the client accepts working to achieve the chosen changes (Koch 1982:21)

This establishes a clear distinction between social worker and client. It is the social worker who helps and the client who needs help. However, the difference is not defined so straightforwardly that it is merely a difference between the active and the passive person, between the one giving and the one receiving. The recipient must be willing to receive and to work independently with the help provided. It is required, in other words, that the client *actively receives* help. Therefore, the client's self-relation becomes relevant to the social services administration in the sense that the client has to want to be helped. Motivation means to approach the social worker with a willingness to receive help.

### **1983-1989: Privatization of responsibility**

In 1982, the non-socialist parties formed a new conservative government in Denmark. This happened concurrently with the emergence of the discourse on New Public Management in Denmark (Andersen 1995). The boundary between administration and citizen became a topic for discussion at, to take one example, a conference that sought new "ideas for self-regulatory mechanisms", organized by the Ministry of Finance in 1985.

In an interview in *Socialrådgiveren* in 1983, conservative Minister of Finance, Palle Simonsen, said,

No matter how expansive we make the social budgets, we will never be able to solve all social problems. No one can solve all social problems. Instead, the goal must be to try to get people to show a little more interest in one another and to realize that not all problems can be solved by the Department of Social Services  
 (...) To a large degree, privatization is also about the effort to do something for oneself or one's group. (*Socialrådgiveren* 1983a: 4-5)

In a subsequent article, he writes that "we have to review the tendency by the State to always choose demeaning institutional solutions instead of self-administration" (Simonsen 1989: 256).

Hardly anyone involved in social work in the mid 1980s supports the notion of privatization of responsibility. Many see the statements as a "hidden measure to cut back social services and to re-privatize social misery" (*Socialrådgiveren* 1983b: 15). The forceful rejection can be seen in the context of attempts to formulate a new ideal for social policy, whose concept of the individual and the client are antagonistically opposed to the ideal of the privatization of responsibility. What the social workers want to put on the agenda is the individual-in-the-local-community.



The alternative “individual-in-the-community” discourse finds expression in an editorial in the journal *Socialrådgiveren*:

On a local level we have to increase user-influence and strengthen the sense of collective responsibility, and we have to decrease the current individualization of social responsibilities. (...) We have to generally ensure popular involvement in social work. Users, residents’ associations and unions ought to participate in the local administration of social work in the same way that they participate in general debates about social policies. (...) We need to see new initiatives in social work aiming at increased user-influence and self-organization, reconstruction of social networks, establishment of mutual solidarity in residential environments, families etc. – with the support of municipal associations, the unions, companies, general medical practices, residents’ associations, etc. (*Socialrådgiveren* 1984:13)

Karin Holland, associate professor at the College for Social Work says:

When people’s environment and resources fall apart, it does not help for the state to offer support to the individual client – the goal must be to reconstruct the environment or to find new ones. The goal is to enable people to act together and to strengthen their right to impact their own lives and the societal debate (...) The clients are not disempowered because of the social system but because they have been placed outside society and have been pushed into the social system (...) But we have to empower the clients and give them an identity as citizens, both locally and in society at large, and ensure their ability to influence their own lives, residential environment, local politics, etc. (and also specific policies/social work). (*Socialrådgiveren* 1986: 12-13)

This discursive outline in the two quotations has its origin in the following perspective: an individual is nothing in itself. Part of making decisions with respect to one’s own life is to have an influence on the community, which forms the background of one’s life. Identity can only be obtained as part of a collective whole, which can be the local community, one’s residence, a people or simply society. Such entities represent cosmologies and outside them one does not exist. Outside them is disempowerment. That is why the privatization of responsibility as suggested by Palle Simonsen, a conservative member of parliament, is unacceptable. To him, the individual is already independent and determined. It already has a self outside the collective to which one might appeal. In the above quote from Karin Holland and the editorial in *Socialrådgiveren*, on the other hand, the client does not own himself until the self is mediated through a collective. The client’s problems cannot be solved without the creation of a collective will, which the client can then assume. The client does not come into his own until he has been constituted as political subject, which actively takes possession of his environment together with other subjects.

### **1989 until today: The empowerment of the individual self**

From around 1989, we can see another shift in the question of the self. The self-relation of the self is put on the agenda as the central concern of social policy. It seemingly begins as a questioning of the relations of power between social worker and client. Social worker Annette Andersen writes in *Socialrådgiveren*:

As social workers we have to be careful not to exercise the relations of power between social worker and client to the extent that the clients become **too** dependent on us (...) Therefore, as a profession, we must seek to use the power we have to liberate the clients from their dependence on us and the system so that they can become better equipped to work independently – have the right to make their own choices. (*Socialrådgiveren* 1989a: 4-5)

Similarly. Eva Gailhed writes:

Power should not lead to disempowerment, but to the opposite, empowerment. It should be used to set someone free from dependence on the social worker, on the system. Therefore, the social worker has to strengthen the client's self-esteem, sense of responsibility, active participation and independent action. (*Socialrådgiveren* 1989c:19)

It is a specific set of concepts and counterconcepts which we see in these quotes. I have tried to summarize the discussion's conceptual/counterconceptual pairs in the following figure:

<b><u>Concept</u></b>	<b><u>Counterconcept</u></b>
•Respect	•Saving the client
•The client's own problem	•The God syndrome
•Stimulate the curiosity of the client	•The passive role as recipient makes people dull
•Inquire into different possibilities	•Creates more clients
•Allow the client to introduce ideas	•Stigmatizing
•Processes of change	•Power relations are a reality
•Work with the client	•Work for the client
•Liberate the client from their dependence on us	•The overall situation of the client
•The client's self-respect	•Disempowerment
•The client's self-responsibility	
•The client's own active initiative and contribution	
•Room for the process	
•Involvement	
•Empowerment	
•Transparency of power	
•Independence is rewarded	

Figure 4

One of the issues here is the fact that power as such is seen as an impediment to providing help. Power encumbers the active, self-reliant and involved client. Power produces dependence instead of independence. Therefore, power has to be made transparent in order to be proscribed or at least restricted. When we look at the above quotes and the ones to come, asking from where power becomes visible and from where the responsibility of the client becomes visible, the answer is from power itself. The difference between power and non-power, between regulator and regulated re-enters into itself in such a way that what is to be regulated is the self-

regulation of the regulated person. The form of power becomes the power over the client's power relation with himself. The objective of power becomes the maximization of the client's power over himself. The more the client is in control of himself, the more content and purpose is potentially available to the conversation with the client. What has really happened is an articulation of the fact that the power of social policy ends with the client's power over himself. Power is made at once visible and invisible by the same operation of distinction. How does that happen? It has been decided by social policy that the client is to make independent decisions. It is the responsibility of social policy that the client assumes responsibility for his own situation. It is the will of social policy that the client wants to make something of himself. But only the client side is indicated in the observation of social policy. What we can observe is a peculiar privatization of power, where the public administration alone is able to observe whether the client is empowered or powerless and where it is up to the client to prove his empowerment through public self-presentation.

Barbara Cruikshank provides a thorough description of this doubling of power in her book about the will to empower, which comprises a critical and clearheaded study of empowerment in liberal feminist movements as well as in conservative groups who fight poverty in the US. She shows how the empowerment figures create a focus on the lack of self-esteem and on the way power is exercised by the disempowered against themselves. The precondition, she argues, is the establishment of a way of seeing that divides the world into the empowered and the disempowered. The empowered clients can only be produced on the basis of the disempowered client (Cruikshank 1999:71). In other words, social policies have to first produce the clients as disempowered before they can become empowered, i.e., become people who take responsibility for themselves. Thus it is a double fabrication. Both empowered and disempowered clients are produced but this fact remains invisible to social policies. To them, clients are simply disempowered, tied up in relations of dependency and without initiative.

However, it is not only power that is a problem to power. Help in certain forms can obstruct itself and turn into non-help. The difference between help and non-help is re-entered, which allows for a number of forms of help to become articulated as non-help.

The holistic perspective, for example, is no longer seen as help because it defines the social worker as the observer and the client as a mere object. Instead, it is now referred to as a shared perspective. Thomas Thomsen says:

A shared perspective would be a true and honest name for the social worker's most important activity in the encounter with the client. (...) We see together with the client (...) A shared perspective is a binding and engaging activity for the social worker and it transforms the client into an equal if not leading partner in the establishing of such a shared perspective. (*Socialrådgiveren* 1992b: 12)

Even the concept of "social worker" is defined as a counter-concept and becomes the expression of non-help:

We have to challenge the function of social worker. Stop being social workers. The very concept is problematic because it implies that only one person acts. And that someone else is acted upon and hence pacified. The concept of social worker is void of mindful content. (*Socialrådgiveren* 1990:11)

All passive means, including the different forms of help presented by Anna Kock in the beginning of the 1980s, are defined as help that represents non-help. Only active and engaged means really work as help:

If we want to turn passive means into active means – then we have to first turn passive clients into active clients. This is done through the recreation of self-esteem and self-respect. Then the motivation will originate in the client. (*Socialrådgiveren* 1992b: 7-9)

Or in the words of former Minister for Social Affairs, Karen Jespersen: “Today the issue is largely (...) to have faith in one’s abilities, power to act and ability to partake in the community, or in what has been called “the inner welfare” (Jespersen 2000: 17). True help is based on recreation of self-esteem, creating spaces within which the client is able to independently formulate problems and mobilize influence.

This self-help figure leads to a displacement of the reciprocal ranking of the semantic dimensions. This can be seen by the fact that problems are transferred from a factual dimension to a time dimension where they are referred to as personal development and growth. It also means that diagnosing becomes proceduralized. This is an exceedingly sophisticated displacement of the communication of help.

What we are able to observe is a doubling of needs for help into needs of a first and second order respectively. First order needs are needs for help that offer a remedy to a problem. This could be the need for assistance and appliances in the home, the need for relief, the need for placement in a rehabilitation clinic, the need for home care, etc. This is first-order social policy. Second-order needs for help diagnose the self-relation of the self as a problem. These problems include the lack of responsibility for oneself, the lack of motivation and the lack of responsibility towards one’s family. On one hand, the client is invited to be the co-author and co-negotiator of his own problems. On the other hand, this is no longer where the problem is. The second-order problem is the client’s difficulty relating to his own problem. If the client is able to articulate his own problem so that the social worker recognizes the problem as a particular need for help, then the client does not have a second-order need for help. The “real” needs for help are comprised solely by the second-order needs, because if the client did not have a problem with his self-relation he would already, on his own initiative, have solved the first-order need or been in the process of solving it.

### ***Historical Conclusions***

From 1980 until today, we have moved from the individual assessment of needs via collective empowerment to the empowerment of the individual, from the self being relevant only as the active recipient of help via the self as collectively mediated to the self-relation of the self as the overriding theme and from first-order needs for help to second-order needs for help with respect to the creation of the self who is able to be self-reliant:

<b>Period</b>	<b>1980-1983</b>	<b>1983-1989</b>	<b>1989-2002</b>
<b>Form of problem</b>	Problem-intervention	Mastering of environment	Self-mastering
<b>Agenda</b>	Individual assessment of needs, judgment and comprehensive perspective	Privatization of responsibility vs. the collectivization of the local	Empowerment of the individual self
<b>Self-relevance</b>	Active reception	Individual-in-collective	The-self-in-relation-to-itself
<b>Help</b>	First-order help	First-order help	Second-order help

Figure 5

In the first period, a distinction is drawn between two forms of problem ascription: Problems can either be self-inflicted effects of a chosen fate or the self of the client is itself an effect of its fate, whether the client's background, class or social conditions in the widest sense came to decide his fate. No matter what, the problem is not the client's self. The self represents an external circumstance in relation to the problem.

In the second period, there is the same distinction; however, a new distinction is introduced so that one's fate can be defined as self-created but where the client is still not seen as being in control of the consequences of the chosen fate. Someone may choose an education to become a typographer, but this does not prevent them from being unemployed or a welfare recipient.

The issue looks radically different in the third period. Now, the social services department defines the problem as the very self, and the problem is a question of creating the self that is able to self-create, that can create its own fate. Or we could say that the problem is how to create the self that is able to make itself responsible for its own fate. Everything is about the self-relation of the self in the third period. There are no external references that do not at the same time concern the self's self-relation. The outer side is an unmarked space. However, we might ask whether the unmarked space is not precisely the space that the motivation-based strategy makes available to the economic strategy and which can be filled by a fate for the self that has been sanctioned by the social policy if the attempt to establish a self-responsible self fails. The movement might be formalized like this:

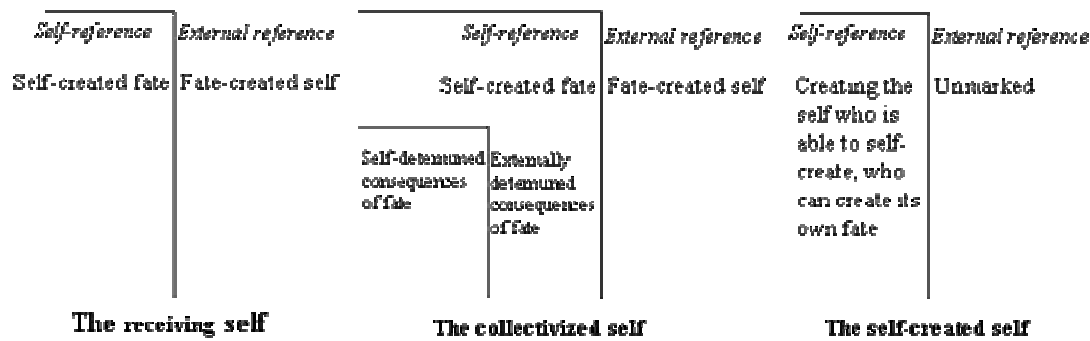


Figure 6 Problem ascription and the self of the client

## From plan of action to citizens' contract

The new figure of empowerment about the self-created self established a focus on new tools and on the modification of old tools to fit new problems. I am going to focus on a single tool: the action plan. I am going to show the way that plans of action are gradually recreated as citizens' contracts and are seen as a solution to the problem of how to create self-responsible, motivated, active and self-empowered clients.

### *The return of the plan of action as plan*

Plans of action in the social services field date back to the 1960s, however, from the late 1980s they receive renewed interest. One example from 1989 concerns the placement of children and adolescents outside their homes:

On an experimental basis, the municipality of Copenhagen is to work out a "social plan of action" in relation to the placement of children and adolescents outside their home. (...) All caseworkers in Copenhagen have to fill out a form called "social plan of action". The form is to be signed by the caseworker and group leader after discussions with both parents and child if the child is over 12 years old and the family's attitude towards the plan of action is to be noted on the form. On this basis, it will be possible to reach a decision concerning placement with or without the consent of the parents. The plan of action is followed up with new discussions every six months. (*Socialrådgiveren* 1989b: 6)

This is clearly a traditional approach to the plan of action. It is a plan for action in the social services administration concerning children and adolescents and their possible removal from their home. As a plan it decides on premises for future decisions in the social services administration regarding the fate of the children and parents. The plan is, in other words, a decision proposal for the social services administration which has to comprise certain obligatory elements such as, for example, a short description of the reason(s) for placement, previously implemented aid provisions, the expected duration of the placement and expected support provisions for the child during the placement.

### ***The proceduralization and dialogization of the plans of action***

In the 1990s, dialogical elements increasingly become more prevalent in the design and practice of plans of action. As part of the jobservice, for example, it is said that “through a professional approach to guidance, interviews about plans of action and other mobilization interviews can become one among a number of development interviews which people are exposed to/given the opportunity to take in their life” (*Socialrådgiveren* 1999: 11) Social worker John Nielsen sees these plans of action as “an instrument, which is designed to establish a certain level of *compulsory dialogue* between parents and the administration which can have a positive impact for the so-called yo-yo kids” (*Socialrådgiveren* 1991b: 7, my italicizations).

The conversation with the client becomes increasingly more important and the plan of action is seen as a tool to enforce the conversation. However, the conversation is not a goal in itself. The conversation is beginning to be considered a means to stage the clients’ articulation of their self-relation. For example, social workers Per Hansen and Poul Nielsen write:

The working methods employed consisted of a long and thorough conversation at the first contact. The conversation was unconventional because it took as its starting point questions of quality of life and the desire and need of the participants to change their lives. Subsequently, plans of action were worked out together with the participants. The rehabilitation provisions in these plans were on different levels.” (*Socialrådgiveren* 1991a: 8)

Plans of action no longer constitute a plan for ways in which social workers can act on their client’s problem. The plan of action is a procedural and dialogical tool that helps the clients establish a distance to themselves, articulate themselves and act on themselves (Born & Jensen 2001; Olesen 2001). The social worker has become displaced as someone who mediates the client’s relating to himself and his problems. The social worker initiates the staging of the relation client-problem-action.

### ***The reconstruction of the plan of action as contract***

Finally the plans of action are transformed into contracts. The notion of plan of action is replaced by the notion of contract. A contractual semantic that comprises concepts like agreement, breach of agreement and voluntary contractual agreements emerges. It is no longer simply a question of informed consent but of signing a contract with mutual obligations.

In the book *I have plans, or do I? – Social plans of action and practice*, Bertil Michael Mahs (2002) writes:

One important purpose of working with plans of action is to actively include the citizen in his possibilities and to assume responsibility for his choices. Ideally, the plan of action constitutes an agreement and to a certain extent even a contract with the user. A contract in which administration and citizen together express agreement about the social problem, its origin and extent and specifies measures which may solve or restrict the problems. (p. 13)

However, it is not a standard contract since the aim from the perspective of the administration is to empower the citizen with respect to his own situation, to actively include the citizen in his possibilities. The administration wants the citizen to want something for himself.

Knud Ramian and Erik Adolph (Ramian & Adolph 2002) suggest a tool that they refer to as “the personal plan”:

The personal plan is the individual person’s reflection of his life and answers to questions such as: what is important and not important in the present situation? What things do I wish or not wish to change and how? Agreements in the personal plan are with no one but oneself. (pp. 17-18)

Ramian and Adolph’s suggestion is that the administration or others have to help the client in developing a plan for himself in order to give him a space from which he can relate to the administration. Such a plan is an agreement – not with the administration but with the citizen himself. It is a self-contract about one’s ambitions with one’s life.

Social worker Britta Lissner has this view of citizens’ contracts:

The use of contractual ideas in relation to agreements is something I have been interested in as a way to increase the client’s ability to look after his own interests in the system. It is based on a recognition of the fact that the interests of the administration and the client are not necessarily identical and that the relationship requires careful negotiations: this is my position – what is yours? Where and about what are we able to meet? (*Socialrådgiveren* 1994: 4-5)

The administration does not enter into a contract with another legal entity, a *bonus pater* with own interests and a certain level of rationality. The administration enters into a contract with a client all the while relying on the client to realize himself in the contract negotiations as the representative of own interest and hence take control of his own life. The contract is a tool for the creation and realization of difference of interest.

The municipality of Frederikshavn writes:

Words such as caseworker and clients have disappeared. Now everyone is an employee, employed in a shared workplace, the activation department. The former clients are asked: What are your abilities and what do you want? Once they have answered those questions, they are employed, and if they do not observe a contractual agreement, they get a cut in pay. The social workers no longer want to steal the clients’ problems – the clients have to take responsibility for their own lives. But being tough is not easy, it is often easier to say yes than to say no. (*Socialrådgiveren* 1992a: 3)

The contract is an educational tool used to impress responsibility and the ability to live within one’s means. The cut in pay is symbolic, which is emphasized by the fact that “being tough is not easy”. It almost hurts the social worker to have to cut the “employee’s” pay. The pay is not withheld because the administration did not get anything in return for its money. But in order not to “steal the clients’ problems”, the administration cannot simply continue to pay the client. The cut in benefits is meant to benefit the client. It is really a way of respecting him.

In the municipality of Karlebo contracts with citizens are discussed in this way:

We want to reserve the possibility of withholding some of the welfare payments for families with criminal children. We might write it into the contract that the child in question is to stay away from public spaces after 10 pm. If the family is unable to observe such a simple and sensible rule, we might cut their welfare payments (...) A family contract might include



stipulations saying that the family has to share at least one meal a day and discuss the events of the day. Their responsibility is to talk about what the child is doing. That would help them regain their sense of parenthood. (*Jyllandsposten* 1992b: 2)

The municipality of Vojens has developed a tool called “family contracts”. Leif Petersen, psychologist and administrative director in the municipality of Vojens makes the following argument in favor of using family contracts:

We are dealing with a group of people where there is usually issues of alcohol abuse, unemployment, low level of education and changing partners. Often there is violence in the home and the children witness a lot of moving in and out of the home. The result is single mothers. Now we are able to seriously tell these mothers that it is their duty to change their lives. (...) Parents are required to sign a written psychological contract, which could include many different things such as requirements about drug abuse treatment, requirements for the person to find a job or accept job training or a declaration saying that the person will not become involved with another man until she is in control of her children. Another requirement can be for the woman to have a contraceptive ampoule implanted which ensures contraception for several years, says Leif Petersen who has experienced a number of mothers who, in his opinion, would have been in a better situation if they had not had their third or fourth child. If clients are unwilling to accept a contractual agreement, the social services department takes a tougher line – Our fuse becomes very short and that could mean that the children are removed from the home, says Leif Petersen. (*Jydske Vestkysten* 2001)

The vice mayor of Vojens at the time, Hans Christian Schmidt, explains it as follows to the magazine *Socialrådgiveren*:

These are voluntary contracts, and therefore they can be terminated immediately and without consequences (...) The purpose of the contracts is to gain control of one’s life. (...) And we become rather personal when the contract includes demands about not having too many changing partners. But we do it to help the children. Too much change is not good for the children. Everybody who works in social work knows this or they walk through life blindfolded. (*Socialrådgiveren* 2001: 3)

In the same article, Leif Petersen, the administrative director says:

Obviously we need to observe the service act which means that there will never be simplified messages such as: now that you have become pregnant despite our agreement that you would not get pregnant, we will remove your children. We will always establish a comprehensive judgment of the situation of the children and of the family. But if the contract is breached, the client is on the way towards disqualification. (*Socialrådgiveren* 2001: 3)

However, according to Tove Sunddal, leading caseworker in Vojens, a breach of contract could mean that the children are placed outside the home (*Berlingske Tidende* 2002).

As these quotes make very clear, it is an unusual concept of contract that we are dealing with in Vojens: they are claimed to be “voluntary contracts”, yet failure to sign them could have consequences. The contracts are claimed to contain “no sanctions” and it is said that they can be cancelled immediately immediately “without

consequences”, yet any breach of contract means that the person is “on the way towards disqualification”. We are clearly dealing with a case of institutionalized double talk.

### Conclusion on the dislocation of plan

Thus, at the same time as problems come to revolve around the self-relation of the self, we can also observe a contractualization of the relationship between administration and client. First, plans of action are given meaning simply as plans. Plans of action are created as a *plan for* how the social worker might *act* in response to the client’s problem. Thus, plan of action refers back to dichotomies between problem/solution, social worker/client, subject/object, etc., that is, first-order needs for help. Subsequently, plans of action are displaced so that the focus becomes the way in which they are used to organize dialogue. The procedural elements become more important than the purely substantial ones and the plans of action start to be given the characteristics of agreement. Finally a new tool called citizens’ contracts emerges as an independent structure, established precisely as a contract between the social services department and the citizen. These contracts are designed to support the client’s creation of a self. This movement is summarized in the following table:

Plan of action	Plan of action with informed consent	Citizens’ contract
The plan of action is a plan, which means that it defines the premises for future action taken by the social services department in response to the client.	The plan of action is still a plan but the process of planning becomes dialogized and proceduralized, partly in order to create a greater degree of responsibility in the administration in relation to the individual client’s wishes and needs and partly in relation to the communication of knowledge and to create reconciliation between knowledge and feelings in the client.	The citizens’ contract represents a mutual obligation between administration and client about the client’s responsibilities in relation to himself, including commitments toward self-development and taking responsibility. The contract does not primarily create a commitment toward an exchange between the parties of the contract but rather toward a specific personal image of the future. In that way the contract is about the commitment to commit oneself. It is a commitment toward development
The action taken by the administration in response to the client.	The action taken by the administration in response to the client’s action in relation to himself.	The administration responds to the client’s self-commitment toward the definition of goals for self-development and to reflect and act in relation to these goals.

Figure 7

## The tragedy of the citizens' contract

But what is a contract and what are the special characteristics of the citizens' contracts? Niklas Luhmann proposes the observation of modern contracts as a particular form of communication, operating with the distinction obligation/freedom (Luhmann 1981:250). A contract represents the unity of the distinction obligation/freedom. What is particular about this form of communication is that it only operates on the inner side of the form. Contract communication is about the specification of mutual obligations but it presupposes the freedom to become obligated on the part of the participants to communication. Freedom is always located outside of communication and as an "outside" it constitutes the possibility for the continuation of communication. We may formalize the form of contract like this:

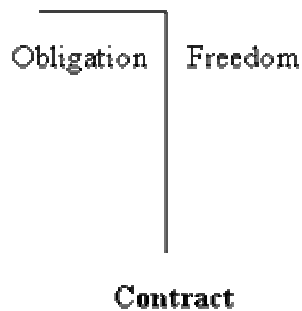


Figure 8

Citizens' contracts, however, constitute a slightly different form. They do not presuppose the freedom of the client. The client's freedom as the ability to take on obligation is precisely what the administration seeks to create by means of the contracts. What it hopes to achieve is a situation in which the client, once the one-sided statement is replaced by the mutual form of the contract and the subject is invoked to voluntary commitment, realizes and recognizes himself as free. The obligation, which the social services administration seeks to concretize through citizens' contracts, is the clients' obligation to act as if they were free, wanting freedom and to be responsible for their freedom. It is about the obligation to commit oneself, to give oneself to oneself as free. The form of the citizens' contract becomes rather paradoxical. It requires that freedom be reentered as obligation, but it has to at the same time presuppose freedom because otherwise there could not be any obligation towards freedom. What is an unmarked but absolutely necessary precondition for contracting is attempted to be given a public form addressed as a floating and mediated object for contractual negotiations. Freedom as the universal other side of obligation in the form of contract is becoming a negotiable particularity in the citizen contract and the universal quality of freedom is therefore polluted. That can be summed up like this (Andersen 2004):

**The social contract**

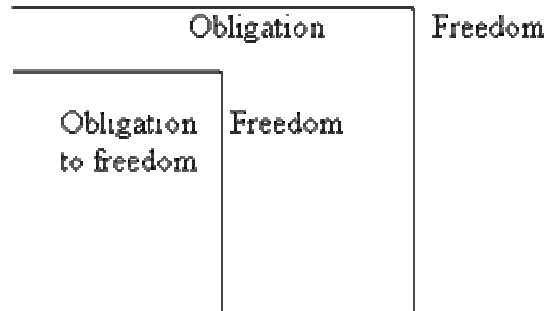
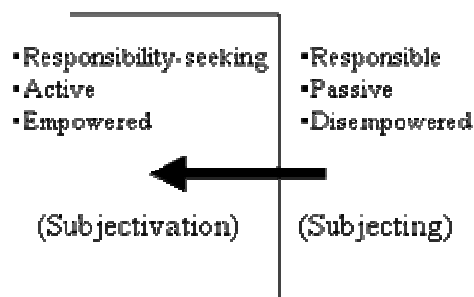


Figure 9

Citizens' contracts seem to continually create and deconstruct themselves with respect to their characteristics as contract. The form of the citizens' contract seems to suggest that administration and citizen must recognize each other as equal parties to a negotiation, while at the same time suggesting that the administration is the only free participant in it. One might be tempted to say that the client is presumed to be unable to fulfill a promise, but the point is that they are observed as not even being capable of making a promise because of their lack of capacity to represent themselves and their inner will. With its stipulation about focusing on the effort to liberate the client, only the administration acknowledges itself as free while the client is observed as being not yet free, not yet responsible, not yet capable of making a promise. The administration's promise of reciprocity is at once made and withdrawn as the administration reserves for itself the right to decide when the client appears free/not yet free. The contract is at once created and cancelled.

In this way the contract is an obligation towards a specific form of freedom for the client. The contract is an obligation to translate obligation into freedom through the act of relating to oneself as free.

The citizens' contract can be described as a self-technology through which the already invoked client is able to transform himself from responsible to responsibility-seeking, which means that the client puts his own development on the agenda and takes responsibility for it. Here, the individual becomes a "client-for-self-development-and-for-independently-chosen-freedom". The transformational character of the citizens' contract can be illustrated like this:



**The transformational form of the social contract**

Figure 10

The citizens' contract establishes *self-occupation* since what is put into contract is the self-relation of the client. The contract concerns the development of the client whether with respect to making sure that the children go to school in the morning, that the family shares meals, that one learns to get up in the morning and attend job training in a workshop or that one establishes a goal to complete a formal qualifying education. The content becomes self-occupation through the staging of a dialogical negotiation in which the client is invited to bring himself into play vis-à-vis the social services administration. In these negotiations, singular themes can be linked to a common chain so that the willingness to get up in the morning can be linked to the possibility for interesting job-training, where the ability to present one's history as a CV story is linked to a definition of a possible future education, where personal hygiene and disease prevention is linked to questions about the ability to function as mother, and where the ability to get one's children to school on time becomes linked to a possible cut in benefits. The emphasis put on the time dimension in the citizens' contracts, on the client as projected into the future, ensures the continuity of the self-occupation. The dialogue about the client's self-relation does not end with the signing of the contract, however, once the contract has been signed, a direction has been given and status interviews will follow - a contractual aftermath.

## Final Conclusion

The entire practice of citizens' contracts, then, is tragic in its basic construction. The problem is that the object of steering is not within what Derrida calls the order of visibility (Derrida 1996: 90). The object of steering is the inner self-relation of the client. This self-relation is expected to be represented in the contract dialogue. But the self-relation is not just something natural invisible, which can be brought into the open and exposed to an external light. Self-relations belong to the order of absolute invisibility.

What the citizens' contract establishes, in fact, is a social worker who talks to a client who is supposed to talk to himself about his own relationship between obligation and freedom. The form of the citizens' contract creates a problem of expectation: the social worker's expectation of the client's expectation of himself. This represents a monstrous challenge for the social services administration about how to control the way in which the client creates his way of establishing himself. How can the social services administration even establish a language for the self-relation of the other? How to observe the internal self-observation of the other and define these observations as premises for administrative actions and decisions?

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