

ORIGINAL ARTICLE

From national activation legislation to local practices in Norway—Why the same law gives diverse practices

Håkon Solbu Trætteberg  | Anne Skevik GrødemInstitute for Social Research, Oslo,
Norway**Correspondence**Håkon Solbu Trætteberg, Institute
for Social Research, PO Box 3233
Elisenberg, NO-0208 Oslo, Norway.
Email: h.s.tratteberg@
samfunnsforskning.no**Funding information**The Norwegian Directorate of Labour
and Welfare**Abstract**

Social policies are legislated nationally and implemented locally, and despite national attempts at vertical policy coordination, implementation varies. The aim of this article is to better understand variations in local implementation of national policies, emphasising, in particular, structural conditions. Our case is a legislative change in Norway that obliged municipalities to implement compulsory participation and conditionality for young recipients of social assistance. We conducted a comparative case study analysis in which, through 28 qualitative interviews, we compared six municipalities. We found that municipalities that have conceptualised compulsory participation as physical work and long hours in catch-all programmes are also the municipalities that sanction through benefit cuts. The municipalities that were more reluctant to cut benefits were those with the least straining requirements in terms of content and scope. We discuss local variation in terms of local-level path dependence, the size of the municipality and state supervision of municipalities.

KEYWORDS

activation, compulsory participation, implementation, Norway, path dependence, social assistance, street-level bureaucrat, street-level organisation

INTRODUCTION

Social policies are legislated nationally, but implemented locally. On the way from national assemblies to locally based users, policies are interpreted by bureaucrats and professionals at different levels and reframed to fit local contexts. Still, this spatial dimension of social policy is somewhat understudied and typically neglected in comparative research (as argued, for instance, in Kazepov, 2010). When the issue is raised, the emphasis is typically on the practices, characteristics and attitudes of frontline workers (Brodkin & Marston, 2013; Gjersøe et al., 2020;

van Berkel, 2017; van Berkel et al., 2017). Institutional differences at the local level are, however, less discussed, and the studies that exist tend to focus on governance in multi-actor settings (e.g. de Graaf et al., 2011). The aim of this article is to expand on this literature by focusing explicitly on local variation in the implementation of national compulsory participation policies for recipients of social assistance. We place institutional features of the municipalities, most importantly access to resources and path dependencies, at the centre of the analysis, and discuss the inherent difficulties of vertical policy coordination and multi-level governance (Tosun et al., 2019).

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We investigate these issues through the lens of one particular policy change: the national requirement for compulsory participation for young recipients of social assistance in Norway. Until January 2017, it had been up to each municipality to determine if they wanted to demand activity when working with this user group, but with the legislative change, the national government wanted to coordinate public sector efforts and make the municipal approach to social assistance recipients more uniform. Participation became mandatory, and non-compliance would be sanctioned by benefit cuts (conditionality).

We know from the early evaluations of this legislative change that municipalities have implemented this requirement in very different ways (Dahl & Lima, 2018; Hernæs, 2021; Lidén & Trættemberg, 2019), creating a wide variation in the activities offered, the requirement to participate, and practices of benefit sanctioning. This is a source of frustration for researchers studying transitions out of social assistance: the reform appears—so far—to have had very little effect at the national level, but this may partly be due to the fact that we barely know what changes the municipalities have actually implemented (Hernæs, 2021). The question therefore arises as to why municipalities respond to a requirement from the national state in such different ways. Variations in social workers' use of professional discretion is part of the explanation (Gjersøe et al., 2020), but this alone cannot explain why entire municipalities opt for different organisational arrangements. In this article, we therefore examine other features of the municipalities, including size and (hence) resources, local traditions for activation and dialogue with other actors in the multi-level governance chain. How do such institutional features of municipalities affect their implementation of new national legislation governing social assistance? This is our research question, which we aim to answer through a comparative case study of Norwegian municipalities.

In what follows, we first review some key contributions to the literature on local-level policy implementation, with an emphasis on recent Norwegian and Nordic studies. We then introduce the Norwegian case in more depth, followed by our cases, data, methods and empirical findings. The article ends with a concluding discussion, in which we link back to the literature and attempt to explain the variation we observed between municipalities.

IMPLEMENTATION IN THE FRONT LINE

Most comparative social policy studies, including those focusing on social assistance, study variation at the national level (e.g. Lødemel & Moreira, 2014; Minas et al.,

2018). These studies concentrate on the *formal* side of social assistance schemes at the *national* level. By contrast, relatively few studies have analysed local policy implementation (as pointed out by van Berkel, 2017). Moreover, studies on local-level implementation tend to downplay the issues of how mandatory participation and sanctioning of non-compliance are understood and implemented institutionally, as these issues are assumed to be resolved at the national level. Instead, implementation studies examine the attitudes and value orientations of frontline staff (Terum et al., 2018; Zacka, 2017), the impact of variations in frontline workers' professional competence (Sadeghi & Fekjær, 2019; Terum & Jessen, 2015), and the challenges of governance (Brodikin & Marston, 2013; van Berkel et al., 2011).

An important vein in implementation studies typically focuses on frontline interaction, often highlighting the ambiguities and dilemmas that such policies entail. Several recent contributions have focused on how inherent dilemmas shape practices and understandings in the frontline of welfare services (Gjersøe et al., 2020; Sadeghi & Terum, 2020), emphasising how the ideals of social work may jar with the role of frontline workers as gatekeepers to benefits. Another dilemma relates to the relationship between the clients' right to autonomy on the one hand and the caseworkers' benevolent desire to guide and supervise clients into a different (work-oriented) lifestyle on the other. How can citizens of free countries legitimately be subjected to strict paternalism, and how can paternalism be justified (e.g. Molander & Torsvik, 2015)? A third dilemma runs between the clients' right to a given standard of living and the conditionality of benefits upon 'desirable' behaviour (Dwyer, 2018; Eleveld, 2018). As we shall see, these dilemmas are not limited to frontline professionals; they can also be found in the dialogue in the chain of governance.

Participation and activation

The dilemmas in frontline work are accentuated by the increased use of conditionality for recipients of social assistance. Western governments increasingly make these last resort benefits conditional on certain behaviours, typically participation in some form of mandatory activity (e.g. Minas et al., 2018). Drawing on the mapping of activation measures outlined by Dinan (2019), one can say that such measures address the supply side of the labour market (the potential job seekers) with negative financial incentives (the threat of benefit cuts). As such, they make up a very small part of the vast landscape of activation policies in welfare states (Bonoli, 2013; Dinan, 2019). Nevertheless, the literature on activation is useful for our

purposes because it provides a set of concepts that illuminate the variation in the implementation of compulsory participation.

Much of the literature on activation, as noted by Bonoli (2013, p. 23), draws a line between ‘good’ policies, which are about improving human capital, and ‘bad’ policies, which use essentially negative incentives to move people from social assistance into employment. As a more nuanced and less normative approach will consist of disentangling different dimensions of activation policies, Bonoli (2013, Table 2.1) distinguished between pro-market employment orientation (the extent to which the objective of policy is to promote unsubsidised market employment) and investment in human capital. The Norwegian compulsory participation initiative for young recipients of social assistance is clearly pro-market oriented, but there is a great deal of variation in the degrees of human capital-orientation. As we will show, this is one of the main ways in which municipalities differ.

DRIVERS AND BARRIERS TO THE NATIONAL COORDINATION OF LOCAL POLICIES

Recently, policy coordination has been put on the agenda in social welfare studies (Tosun et al., 2019). Our case is a matter of the national coordination of municipal practices, and the relevant literature surprisingly has little to say about vertical policy coordination and its determinants (Adam et al., 2019). An important distinction is, however, between soft governance tools, such as information sharing and encouragement, and hard governance tools, such as legislation (Koutalakis et al., 2010).

When the Norwegian state legislated compulsory participation for recipients of social benefits, it moved from soft to hard governance of the municipalities. Studies of social welfare reform from other contexts have shown that two aspects of the local conditions, in particular, influence how local authorities create manoeuvring spaces when they adapt to national steering (Jacobsson et al., 2017; Künzel, 2012). First, developing a local conceptualisation demands administrative resources in the form of staff with skills, time and administrative room for development work; and second, paths of local governance stemming from previous experiences influence how new information and legislation is processed locally. The two aspects are in line with general public administration literature, which stresses that when adapting to new legislation, administrative and economic resources, existing institutional arrangements and interactions with external stakeholders are important institutional frames for action (Egeberg, 2007).

The availability of administrative resources is instrumental to an organisation’s ability to ‘initiate policies, develop alternatives, or implement final decisions’ (Egeberg, 2007, p. 78). In practical terms, this implies that the level of administrative resources, which is determined by the size of the population, may influence the scope of available implementation strategies for the municipality.

The path of local governance is important. As the literature on incremental institutional change has made clear, institutional change rarely happens as revolutions in the wake of shocking exogenous events. Rather, institutions change gradually through processes of layering, replacement, drift, or conversion (Mahoney & Thelen, 2010). We argue that the concept of layering is particularly useful in our case. Layering involves the introduction of new rules on top of, or alongside, existing ones. However, rather than introducing wholly new institutions or rules, layering involves making amendments, revisions, or additions to existing ones (Mahoney & Thelen, 2010, pp. 15–16). Hence, older institutions will often have a highly ‘layered’ quality. The local contexts at the outset of a legislative change can consequently be part of the explanation for diverging practices of the same set of rules.

When different regulations and practices are layered onto existing ones, the result may be a multifaceted structure with a lack of internal cohesion or even a coherent logic. The introduction of nationally mandated activation policies can lead to changes in competence at the central and local levels (van Berkel et al., 2011). This change is crucial when different actors in the governance chains maintain different images of how to interpret and implement the relevant policy changes.

The hierarchical coordination of the state is thus challenged by potential local resistance, where local trajectory may influence the *willingness* to resist and the local level of resources may influence the *ability* to resist. The state coordinates the municipalities ex ante through legislation and ex post through supervision conducted by the state representative in each county, the County Governor. Different actors in the governance chain, such as state and municipality, can weigh the relevant concerns differently, reflecting the different conceptualisations. The different conceptualisations of what new legislation means can be accentuated by the complexity of rules and even more so when decision-making involves managing normative dilemmas.

The Norwegian context

The Scandinavian countries, and Norway in particular, provide a useful context for a study of local-level implementation because of the strong tradition of local self-rule

(Ladner et al., 2016). In line with this tradition, a number of responsibilities within the health and social care areas rest with the municipalities. As noted by Brodtkin (2013), there is a Scandinavian tradition of passing framework laws that leaves much manoeuvring space to the local level. Norway is thus a good case to explore how local institutional setups result in varying conceptualisations of the same legislative change.

The social assistance benefit in Norway is a case in point; it is administered and funded by the municipalities within a loose framework of non-binding national guidelines. Social assistance is a benefit of the last resort and is intended as short-term relief. However, about 40% of claimants receive the benefit for 6 months or more (Grødem & Terum, 2019). Since the 1990s, the act regulating social assistance has allowed municipalities to demand that users ‘undertook suitable tasks in the municipality’. From 1 January 2017, an amendment to the Social Welfare Act came to effect. The requirement of users to participate in activity is thus no longer a ‘can clause’ but a ‘shall clause’ for clients under age 30. The new clause stipulates that participation shall be demanded ‘unless weighty reasons speak against this’. It allows benefits to be reduced in cases of non-compliance but emphasises that ‘the conditions must be closely connected to the decision’ and that ‘they must not be unreasonably burdensome for the recipient or limit his or her freedom of choice and action in any way.’ This statement gives considerable freedom of interpretation to the local organisations. However, not having access to suitable activities is not a reason not to offer activation; municipalities are obliged to establish relevant services for all user groups. Municipalities were compensated for the extra costs imposed by the guideline.

Some municipalities practiced compulsory participation for young users prior to the 2017 guideline. Studies from these municipalities indicate that this practice reduced the number of recipients but that it was unclear whether those who disappeared from the benefit rolls actually transitioned into employment (Dahl & Lima, 2016). These studies also indicated that what was understood by ‘activation’ or ‘participation’ varied widely between the municipalities, although none of them made systematic attempts to explain why these variations occurred.

Social assistance offices have historically been separate municipal units, but since 2010, they have been part of the Norwegian Labour and Welfare Administration (NAV), which is a one-stop shop (Minas, 2014) and includes labour market services and social security services. This makes NAV a unique construction in Norwegian administration in that it combines ‘a state line’ (social security and labour market services) and ‘a municipal line’ (social assistance) in the same office. Through the state line, NAV offers a wide variety of measures aimed at work training

and/or human capital development, delivered by three main actors: ordinary enterprises, pre-approved service providers, and market-based service providers (Grødem & Vilhena, 2019).

All municipal services, including those delivered in the municipal line in NAV, are overseen by the County Governor (Statsforvalteren). The County Governor, who is the state’s representative in local counties, is responsible for monitoring the decisions, objectives and guidelines set out by the national authorities. The County Governor is not mandated to overrule local self-rule, but shall oversee that municipal practices are within the law, and it also has an important role in dissemination and coordination of information. In this role, the County Governor represents an important link between municipalities and central government. Recipients of social assistance who are unhappy about municipal decisions can complain to the County Governor, and rulings from the County Governor in singular cases make precedents for the practice in local NAV offices.

DATA AND METHODS

To answer the research question, we used comparative case studies of six municipalities. The municipalities were selected to incorporate a diversity of cases, which is beneficial ‘where different combinations of variables are assumed to have effects on an outcome’ (Gerring, 2008, p. 651). In this case, we aimed to ensure variation in geographic location, population size, the proportion of inhabitants who received benefits, and the extent to which the municipality had a tradition of using conditionality prior to 2017. For population size, we regarded municipalities with less than 15,000 inhabitants as small, with less than 80,000 as mid-sized, and with more than 80,000 as big. All six municipalities had mayors from the Labour Party during the period under study, which eliminated ideological cleavages as drivers of variation (Horn et al., 2020). Moreover, local political authorities largely stay out of decisions made in administrative units, so we expect this to be of little consequence. Table 1 summarizes the central characteristics of the municipalities.

The data consisted mainly of 28 interviews, complemented by local policy documents and statistics where these were available and relevant. In the municipalities, we spent time observing the routines and interactions that took place. The interview guide centred on the content of activities used in the municipality, why they had chosen these activities, how they matched user and activity, how the compulsory activities fit into their preferred form of work with the users, the use of exemptions from activity, the use of sanctions, and the overall assessment of the

TABLE 1 Characteristics of the case municipalities

	Municipality 1	Municipality 2	Municipality 3	Municipality 4	Municipality 5	Municipality 6
Geographic location	North	Middle of the country	Capital area	Capital area	Inland	South-east
Size	Small	Big	Big	Mid-size	Mid-size	Mid-size
Conditionality before 2017?	No	No	No	No	Yes	Yes
New activity with new legislation	No, but a temporary activity made permanent	No activity, but established a team for close follow-up in work application	Only slight amendments to existing activity	Yes	Established activity in anticipation of change in national legislation	Amendments to existing activity
Share of young citizens who receives benefits	Medium	Medium	Above medium	Less than medium	Medium	Above medium
Interviews						
NAV leader	1	1	1	1	1	1
Caseworkers	3	2	2	2	3	2
Activity leaders	1	1	1	2	1	2

new requirements. A research assistant transcribed the interviews.¹

In each municipality, we interviewed a NAV leader who was familiar with the process leading up to the current practices as well as the street-level bureaucrats involved in day-to-day interactions with users. As the practical ‘activation’ work took place outside the NAV office, we also interviewed leaders at the organisations/centres/services where mandatory participation took place. Thus, we were able to grasp the same reality from various viewpoints. In the analysis, we triangulated findings from different perspectives and stepwise summed up findings from each municipality, enabling us to make comparisons between municipalities in the next step.

EMPIRICAL FINDINGS

The aim of this study was to understand variations in the practices of the new governmental guidelines across municipalities. A first observation, however, was that, in some aspects, there were striking similarities across all municipalities. The understanding of the target group is similar across municipalities with different characteristics: the informants described a user group consisting of individuals with very different needs—from the ones falling temporarily out of ordinary work to the ones suffering with mental illness and/or substance abuse and where integration in ordinary work is a long-term project. The law makes it clear that all users have the right to activation measures that are adapted to their circumstances and an obligation to participate in the measures offered.

Practically all informants supported the principle of mandatory participation. That is, they were positive towards mandatory participation—the 2017 regulation—as it is interpreted and implemented by their own NAV office. In all municipalities, we found that employees at the NAV office had converged towards a shared understanding of what the new principle entailed and how they needed to adapt their practice to fulfil the new requirements. Notably, these understandings were shared by all actors *within* the municipality but varied *between* municipalities.

In all municipalities, users who applied for economic benefits met with a caseworker, who formally assigned the user to an activation measure (or grant an exception). This measure can be municipal, where these exist, or private. The caseworker remained the one responsible for all

¹The work was funded by the Directorate of Labor and Welfare as part of their evaluation of the legislative change obliging municipalities to provide activation for recipients of social assistance benefits under the age of 30. The report from the evaluation is freely available online (Lidén & Trættemberg, 2019).

TABLE 2 Key findings from the municipalities

Municipality	Scope of municipal measure: Hours a week?	Content of measure: Physical work?	Economic sanctions for non-compliance?
Soft approach			
Municipality 1	A few hours, three days a week	No, not wanted	No, denied by County Governor
Municipality 2	Appointments a few times a week	Only for small teams	No, denied by County Governor
Municipality 3	Short presence every day	Only for small teams	Only in very few cases
Hard approach			
Municipality 4	Normal work days, four days a week	Yes, catch all	Limited due to bureaucratic strain
Municipality 5	Normal work days, four days a week	Yes, catch all	Automatic when no show
Municipality 6	Normal work days, four days a week	Yes, catch all	Automatic when no show

economic aspects, including possible sanctioning, while the staff at the activation measure had the daily contact and follow-up with the user.

The understanding of the user group, widespread support for the principle of compulsory participation and this basic set-up were shared across all six municipalities. As for differences, we found variation along three broad dimensions: (1) the organisation of the measures, including the length of the working day, (2) the content of the services, and (3) the sanctions for non-compliance. Table 2 presents these differences.

These dimensions tended to cluster, dividing the municipalities into two main groups. In the remainder of this section, we elaborate on the differences between municipalities close to a 'soft' ideal type and those close to a 'hard' ideal type. Our use of the notions of 'hard' and 'soft' draws on insights from the debate on the human capital dimension in activation measures (Bonoli, 2013; Horn et al., 2020), yet we use the terms in a much narrower sense, referring only to variation along these three dimensions. In discussing the findings from certain municipalities, we included the municipality number from Table 2 in parentheses to ease the interpretation of our findings.

Nature of activities: Soft ideal type—Municipality 1, 2 and 3

Three of the municipalities presented an understanding of compulsory participation that was close to the 'soft' ideal type outlined above.

The *scope* of the activities in these municipalities was limited to a few hours, not necessarily every day of the week. All these measures were in place before 2017. There was thus no expansion of the scope of activities in response

to the legislative change. These municipalities responded to the 2017 directive by reorganisations to speed up case-work for young claimants.

As mentioned, the municipalities received some economic compensation from the state to fulfil their obligations under the new legislation. The amount was not enough to establish new activity in the small municipality and represented only a small expansion of an already complex set of activities in the large ones. One of the larger municipalities (3) appointed frontline workers to work, especially with users under age 30, to swiftly place them in an activity and offer close monitoring and guidance. The other large municipality (2) established a new unit for rapid labour market integration to better serve users who were deemed close to the labour market. The aim of this unit, according to several employees in these municipalities, was to 'turn them around at the door' and push them towards ordinary work as soon as they applied for benefits. There was accordingly no need for a more comprehensive scope of measures, as these users would swiftly become economically independent.

Notably, when asked about the new regulation, all employees in this municipality proudly pointed to this new initiative. The existing courses targeting users with more complex challenges were not seen as part of the offices' work with the activation of young social assistance recipients. The small municipality (1) was already running a temporary three-day-a-week course, which was made permanent in response to the 2017 regulation.

Regarding the *content* of the measures, none of these municipalities required their users to undertake physical work. Both big cities (2 and 3) had a wide set of activities available for users, but they chose not to have physical work as a core activity. This decision was partly a result of professional discretion, but it also reflected that these large

municipalities had access to a wide set of activities and thus did not need to establish one designated activity to cover a large group of users. However, one big city (3) had small groups that performed practical work for the municipality, but participation in these groups was voluntary for users. The small municipality (1) explicitly decided not to include physical work for the municipality because of the social stigma they feared would be associated with such work, as one employee explained: *‘And carrying out casual municipal work, it can quickly get a little stigmatised here. You know right away if you see someone wearing a municipal jacket that he is not really employed there’.*

Economic sanctioning was limited. The small municipality (1) and one of the larger (2) never cut benefits, while the other big city (3) did in certain cases. However, never cutting benefits was not the municipalities’ choice: local staff wished to cut benefits, but the County Governor in the two regions where these municipalities belonged vetoed this practice. Clients who had experienced sanctioning had complained to the County Governor, and this body had assessed that benefit cuts undermine the stated ambition of the law, namely, that levels should secure a dignified living. This outcome created new binding practices for the local offices. These practices were specific to the regions in question, as other County Governors have different practices (see below). Not being able to sanction benefits frustrated the caseworkers, as they believed that this deprived them of an important tool for their social work. As one leader put it, *‘We do not reduce just for the sake of it or to make the client’s situation difficult or ... it’s because we see it has worked’.* In his view, it ‘worked’ because he had seen that sanctioning in effect re-established contact and brought the claimant to a place where they could be worked on from a social work perspective (as also observed by Gjersøe et al., 2020). In the view of this leader, claimants have the right to be activated, allowing them to simply opt out infringes on this right. The County Governor’s decision, which emphasised the claimants’ right to a decent standard of living, jarred with this perspective on what social work with this claimant group ought to be.

Sanctioning, then, was seen in these municipalities as an instrument for good social work. This view was also the dominant view in the large city (3) that cut benefits in certain cases. This municipality was located in a region where the County Governor supports benefit cuts, but problems arise in communication with the providers of the courses established through the state line, who are all private actors. The information flow was not good enough to cut with immediate effect, and sanctioning long after the breach of rules had taken place would not send the right message of care and concern; rather, it would likely be interpreted as random punishment. In this municipality too, frontline workers used sanctioning with care.

In summary, the three municipalities had an approach to compulsory participation that did not involve physically straining activities or long hours and where sanctioning was considered primarily a tool for good social work. The legislative reform only led to minor changes in terms of activities as more efficient casework from caseworkers was prioritised. Before the legislative change, the municipalities were dominated by a ‘soft’ approach, and the reforms were interpreted and implemented locally in line with this conceptual context.

Nature of activities: Hard ideal type—Municipalities 4, 5 and 6

The three remaining municipalities chose an approach closer to the ‘hard’ ideal type.

The *scope* of the activities was wide and dependent on one municipal activity established in response to the legislative change. Caseworkers referred to this measure as ‘the *compulsory activity*’. Their understanding of what legislative change entails is thus intimately connected to one activity. Two of the municipalities (5 and 6) had established separate compulsory activities in preparation for the new guideline. The third municipality (4) had used its park maintenance unit for job training for several years. The additional funds made available to the NAV office to implement the new guideline were spent expanding this measure after 2017. The direct effect of the legislative change was, thus, a pooling of economic resources and personnel in these activities to expand them to all users.

All three municipalities designated that ‘compulsory activities’ should be practiced for a normal workday of 8 h, usually for 4 days a week, with the fifth day being used for applying for work, attending medical appointments and performing other necessary tasks.

The *content* of the measures was predominantly physical work. The work can be physically demanding and would not be suitable for all. One activity leader explained:

Someone who struggles physically will not cope. Even if we ask them to take it easy and do only what they manage. Doing garden work at home for half an hour, anyone can do that, but 7.5 h a day—it is heavy.

Frontline workers in these municipalities also reasoned around the new guidelines in ways we did not find in the more human capital-oriented municipalities. They were much more likely than caseworkers in the ‘soft’ municipalities to explicitly use efficiency arguments: reducing municipal expenses was the stated aim, and claimants who did not really need benefits were incentivised to find other sources

of income. As one informant said, *‘It functions like a hidden threat. I have experienced people come and say that if this is how it is going to be, they will get a regular job. That someone needs an incentive, that’s for sure’*.

Economic sanctioning was a normal procedure in these municipalities. One of these municipalities (4) cut benefits on a discretionary basis, similar to one of the big municipalities mentioned in the previous section. Two municipalities (5 and 6) cut benefits for every day a user is not present on a weekly basis. In these municipalities, the flow of information is smooth between the activity and caseworkers. Many informants described the use of cuts in benefits as an educational tool for users to get used to the realities of ordinary working life. A case manager claimed, *‘It is not primarily for punishment; it is primarily for showing what the situation is like in today’s Norway. You show up at work, and then you get paid for showing up’*.

Frontline workers in these municipalities also shied away from conceptualising sanctioning as punishment, but their understanding also deviated from the dominant understanding in the municipalities that practice ‘soft’ activation: it was less important to display care and concern than to teach the claimant a necessary and valuable lesson. Sanctioning was seen as a form of ‘tough love’.

As noted, this practice was not limited by the County Governor in any of the municipalities, but the NAV leaders in at least one of these settings (6) were still unsure about whether they had understood the new guideline correctly. The new regulation was seen as unclear, and the NAV employees expressed hope for clarification from the County Governor. The manager described it as follows: *‘When this [compulsory participation] was introduced, the county governor would say nothing about it [how it should be interpreted], ... so I almost wish that we got a complaint. Then we would learn how to do this’*. This excerpt illustrates the uncertainty of how to discipline through cuts in entitlements, even within municipalities that do this on a regular basis. Social benefits are a right the users have, and compulsory activation is not only a right to activity but also an obligation of the municipalities to activate. The tension between the rights of the user, finding the right tools to motivate users, and the demands on the municipality is fundamental and challenging to deal with. In the complex governance structure, the municipality was frustrated with the passivity of the body just above them in the governance chain.

In conclusion, the three mid-sized municipalities developed a coherent concept of compulsory participation centred on their in-house activities. For these municipalities, the new legislation was embodied in this activity. At the same time, the work of caseworkers and counsellors was centred on these efforts, as these in-house activities were regarded as instrumental in getting to know the users better and offering better follow-ups.

WHY THE DIFFERENT PRACTICES?

This article shows how a new guideline on mandatory participation has been interpreted differently in different municipalities within the same national context in terms of the organisation and scope of activity, the content of the measures and the role of economic sanctioning. We demonstrated that different indicators cluster together: municipalities that have conceptualised compulsory participation as physical work and long hours in catch-all programmes were also the municipalities that sanction through benefit cuts. The municipalities that were more reluctant to cut benefits were those with the least straining content and scope of activities. The wide variety in interpretation and implementation at the local level illustrates the limitations of studies relying only on formal regulation generally. They also complement the studies that highlight the characteristics of frontline workers as the main explanations for variation between local contexts (Djuve & Kavli, 2015; Sadeghi & Fekjær, 2019; Terum & Jessen, 2015; Terum et al., 2018).

To explain the limitations of the state’s vertical policy coordination, we suggest that the new guideline on mandatory participation for young recipients of social assistance should not be seen as a breach of existing standards but rather as a new aspect that is simply layered onto existing practices and standards. We observed how the conceptualisation of the new guideline depended on the situation prior to the legislative change. All municipalities based their practices on what they conceived of as good social work, and this understanding was not changed by a new guideline. Pre-existing understandings and state–municipal interactions within NAV contributed to maintaining a certain local-level path dependence. The new regulation thus merely prompted an incremental change in the form of layering (Mahoney & Thelen, 2010). In all municipalities, the implementation followed existing work with the user groups. The big cities already had a wide set of activities and only made amendments. The small municipalities had a temporary activity that they made permanent and had no intention of expanding further. The three mid-sized municipalities had existing activities that they could expand to catch-all concepts. The different local organisations were all layered institutions, and the form and shape of the ‘compulsory participation layer’ was largely determined by their existing institutional set up. Our case thus demonstrates an under-communicated feature of the street-level bureaucracy literature: the stickiness of fundamental institutional structures that can absorb external changes in ways that, over time, can produce important modifications.

The size of the municipalities plays a central role in how this layering plays out. In Norway, the principle of

a generalist municipality is at the core of public welfare, which means that smaller and larger municipalities (in population numbers) have the same generalist status and roles in the government system; they are subject to the same laws and financial regulations and are required to perform the same tasks. Applied to the question of ‘how to demand activity’, this invariably means that the size of the municipality—and hence the number of users—matters. Our six case studies illustrate the significance of size. The three municipalities that had established catch-all activities based on physical work were all mid-sized, which implies that they were large enough to establish a well-staffed municipal activity with a comprehensive scope in terms of hours a week and content. This set-up is not an option for the small municipality as it could not muster sufficient resources. The small municipality then piggy-backed on the state line in NAV and operated only a very limited measure of its own. On the other hand, the mid-sized municipalities were too small to maintain a larger number of activation measures tailored to different user groups; the lack of a critical number of users in each category rendered it impossible to make such diverse offers defensible. The larger cities could maintain a wider set of activities. They had many users with different needs and, thus, the opportunity to maintain a differentiated set of participation measures.

These two factors—the number of users and corresponding availability of resources, and local preconception of what activation is and how it should be implemented—go a long way to explain the observed differences. As a third aspect, we highlight challenges related to governance and vertical policy coordination (Tosun et al., 2019). The NAV exists in a multi-actor universe, and governance of the various tasks can be a genuine challenge (Andreassen & Fossetøl, 2014). Some arise ‘upwards’, between NAV and the state in the form of the County Governor. Two of the NAV offices answering to two different County Governors had effectively been banned from sanctioning benefits. The inability to sanction was a source of frustration for the frontline workers and their managers, as they believed that sanctioning could be a tool for good social work. As our data stem only from the municipalities, we are careful to conclude why we observe this variation in practices from County Governors. However, it is likely that the trade-off between the rights of users—social benefit is a right if one fulfils the criteria—and the obligation to activate is part of the explanation. The role of the County Governor is to make the boundaries for this trade-off transparent and equal across the country; it is the primary tool for the state to secure vertical coordination of practices. Paradoxically, the variation in County Governors’ practices increased differences at the local level, the opposite of the formal role, because of the inherent dilemmas in policies involving mandatory participation and conditionality.

Another challenge of governance arises ‘downward’, that is, between NAV and the private (profit or non-profit) actors that deliver activation services. Across all municipalities, informants reported that the use of private providers hampered the flow of information to the extent that benefit sanctioning was difficult to carry out. The frontline workers in NAV, who were responsible for starting and stopping the pay-out of benefits, would often not know that the claimants had stopped showing up to the compulsory measure until much later. Stopping benefits to sanction behaviour that took place weeks or even months earlier was not seen as a good social work practice. The use of private providers is part of a national policy introduced by the same ministry that implements the mandatory participation measure. We thus see that one attempt at vertical coordination by the state hampers the effect on another.

We argue that our findings complement and give nuance to existing research. Nevertheless, we recognise the limitations of our approach. The findings from our six municipalities point towards diversity in how the new guideline for mandatory participation and conditionality is conceptualised, but six cases are obviously not enough to make robust conclusions about overarching patterns. More quantitative work is needed to make robust generalisations. We have argued that the Norwegian context with a strong tradition of municipal independence is a good point of departure for exploring the importance of local institutional settings. The precise mechanisms we described may be limited to the Norwegian case, but the ways in which local resources, modes of multi-level governance and local path dependencies influence social work are overarching concerns that can be explored in other national contexts.

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DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available from the corresponding author upon reasonable request.

ORCID

Håkon Solbu Trøetteberg  <https://orcid.org/0000-0002-7250-5150>

REFERENCES

- Adam, C., Hurka, S., Knill, C., Peters, B. G., & Steinebach, Y. (2019). Introducing vertical policy coordination to comparative policy

- analysis: The missing link between policy production and implementation. *Journal of Comparative Policy Analysis: Research and Practice*, 21(5), 499–517. <https://doi.org/10.1080/13876988.2019.1599161>
- Andreassen, T. A., & Fossetøl, K. (2014). Ufordrende inkluderingspolitikk. Samstyring for omforming av institusjonell logikk i arbeidslivet, helsetjenesten og NAV. *Tidsskrift for Samfunnsforskning*, 55(2), 173–202.
- Bonoli, G. (2013). *The origins of active social policy*. Oxford University Press.
- Brodtkin, E. Z. (2013). Street-level organizations and the welfare state. In E. Z. Brodtkin & G. Marston (Eds.), *Work and the welfare state: Street-level organizations and workfare politics* (pp. 17–34). Georgetown University Press.
- Brodtkin, E. Z., & Marston, G. (Eds.). (2013). *Work and the welfare state: Street-level organizations and workfare politics*. Georgetown University Press.
- Dahl, E. S., & Lima, I. A. (2016). Krav om å stå opp om morra'n: Virker det? *Arbeid og Velferd*, 3, 115–130.
- Dahl, E. S., & Lima, I. A. Å. (2018). Kommunenes erfaring med aktivitetsplikt for unge sosialhjelpsmottakere. *Arbeid og Velferd*, 4, 19–35.
- de Graaf, W., Van Berkel, R., & Sirovátka, T. (2011). *The governance of active welfare states in Europe*. Palgrave Macmillan.
- Dinan, S. (2019). A typology of activation incentives. *Social Policy & Administration*, 53(1), 1–15. <https://doi.org/10.1111/spol.12456>
- Djuve, A. B., & Kavli, H. C. (2015). Facilitating user involvement in activation programmes: When carers and clerks meet pawns and queens. *Journal of Social Policy*, 44(2), 235–254. <https://doi.org/10.1017/S0047279414000804>
- Dwyer, P. J. (2018). Punitive and ineffective: Benefit sanctions within social security. *Journal of Social Security Law*, 25(3), 142–157.
- Egeberg, M. (2007). How bureaucratic structure matters: An organizational perspective. In B. G. Peters & J. Pierre (Eds.), *The handbook of public administration* (pp. 77–87). Sage Publications.
- Eleveld, A. (2018). The sanctions mitigation paradox in welfare to work benefit schemes. *Comparative Labor Law & Policy Journal*, 39(2), 449–474.
- Gerring, J. (2008). Case selection for case-study analysis: Qualitative and quantitative techniques. In J. M. Box-Steffensmeier, H. E. Brady, & D. Collier (Eds.), *The Oxford handbook of political methodology* (pp. 645–684). Oxford University Press.
- Gjersøe, H. M., Leseth, A., & Vilhena, S. (2020). Frontline implementation of welfare conditionality in Norway: A maternalistic practice. *Social Policy & Administration*, 54(3), 491–504. <https://doi.org/10.1111/spol.12567>
- Grødem, A. S., & Terum, L. I. (2019). Kommunal inntektssikring. In A.-H. Bay, A. Hatland, T. Hellevik, & L. I. Terum (Eds.), *Trygd i aktiveringens tid* (pp. 251–268). Gyldendal.
- Grødem, A. S., & Vilhena, S. (2019). Samhandling i frontlinjen på NAV-kontoret. In A.-H. Bay, A. Hatland, T. Hellevik, & L. I. Terum (Eds.), *Trygd i aktiveringens tid* (pp. 294–310). Gyldendal.
- Hernæs, Ø. (2021). *Delrapport 2: Kvantitativ evaluering av innføring av plikt for kommunene til å stille vilkår om aktivitet til sosialhjelpsmottakere under 30 år*. Frischsenteret.
- Horn, A., Kevins, A., & van Kersbergen, K. (2020). *The politics of punitive and enabling workfare: Evidence from a new dataset on the workfare balance*. Paper presented at the Seminar on the State and Capitalism since 1800, Center for European Studies (CES), Harvard. https://ces.fas.harvard.edu/uploads/files/events/Horn-Kevins-and-van-Kersbergen_-_Neoliberalism-Moral-Conservatism-Workfare_-_CES-2020.pdf
- Jacobsson, K., Hollertz, K., & Garsten, C. (2017). Local worlds of activation: The diverse pathways of three Swedish municipalities. *Nordic Social Work Research*, 7(2), 86–100. <https://doi.org/10.1080/2156857X.2016.1277255>
- Kazepov, Y. (2010). *Rescaling social policies: Towards multilevel governance in Europe*. European Centre Vienna.
- Koutalakis, C., Buzogany, A., & Börzel, T. A. (2010). When soft regulation is not enough: The integrated pollution prevention and control directive of the European Union. *Regulation & Governance*, 4(3), 329–344. <https://doi.org/10.1111/j.1748-5991.2010.01084.x>
- Künzel, S. (2012). The local dimension of active inclusion policy. *Journal of European Social Policy*, 22(1), 3–16. <https://doi.org/10.1177/0958928711425270>
- Ladner, A., Keuffer, N., & Baldersheim, H. (2016). Measuring local autonomy in 39 countries (1990–2014). *Regional & Federal Studies*, 26(3), 321–357. <https://doi.org/10.1080/13597566.2016.1214911>
- Lidén, H., & Trætteberg, H. S. (2019). *Aktivitetsplikt for unge mottakere av sosialhjelp: Delrapport 1*. Institutt for samfunnsforskning.
- Lødemel, I., & Moreira, A. (2014). *Activation or workfare? Governance and neo-liberal convergence*. Oxford University Press.
- Mahoney, J., & Thelen, K. (2010). *Explaining institutional change: Ambiguity, agency, and power*. Cambridge University Press.
- Minas, R. (2014). One-stop shops: Increasing employability and overcoming welfare state fragmentation? *International Journal of Social Welfare*, 23(Suppl. 1), S40–S53. <https://doi.org/10.1111/ijsw.12090>
- Minas, R., Jakobsen, V., Kauppinen, T., Korpi, T., & Lorentzen, T. (2018). The governance of poverty: Welfare reform, activation policies, and social assistance benefits and caseloads in Nordic countries. *Journal of European Social Policy*, 28(5), 487–500. <https://doi.org/10.1177/0958928717753591>
- Molander, A., & Torsvik, G. (2015). Getting people into work. *Journal of Applied Philosophy*, 32, 373–392. <https://doi.org/10.1111/japp.12132>
- Sadeghi, T., & Fekjær, S. B. (2019). Frontline workers' competency in activation work. *International Journal of Social Welfare*, 28(1), 77–88. <https://doi.org/10.1111/ijsw.12320>
- Sadeghi, T., & Terum, L. I. (2020). Frontline managers' perceptions and justifications of behavioural conditionality. *Social Policy & Administration*, 54(2), 219–235. <https://doi.org/10.1111/spol.12574>
- Terum, L. I., & Jessen, J. (2015). Den tvetydige aktiveringen: En studie av veiledere ved lokale NAV-kontor. *Tidsskrift for Velferdsforskning*, 18(2), 96–109.
- Terum, L. I., Torsvik, G., & Øverbye, E. (2018). Discrimination against ethnic minorities in activation programme? Evidence from a vignette experiment. *Journal of Social Policy*, 47(1), 39–56. <https://doi.org/10.1017/S0047279417000113>
- Tosun, J., Hörisch, F., & Marques, P. (2019). Youth employment in Europe: Coordination as a crucial dimension. *International Journal of Social Welfare*, 28(4), 350–357. <https://doi.org/10.1111/ijsw.12403>
- van Berkel, R. (2017). State of the art in frontline studies of welfare-to-work. A literature review. In R. van Berkel, D. Caswell, P. Kupka, & F. Larsen (Eds.), *Frontline delivery of welfare-to-work policies in Europe. Activating the unemployed* (pp. 12–35). Routledge.

- van Berkel, R., Caswell, D., Kupka, P., & Larsen, F. (2017). *Frontline delivery of welfare-to-work policies in Europe: Activating the unemployed*. Taylor & Francis.
- van Berkel, R., de Graaf, W., & Sirovátka, T. (2011). The governance of active welfare states. In W. de Graaf, R. Van Berkel, & T. Sirovátka (Eds.), *The governance of active welfare states in Europe* (pp. 1–21). Palgrave Macmillan.
- Zacka, B. (2017). *When the state meets the street: Public service and moral agency*. Harvard University Press.

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