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Reviewed work(s):

Source: *Social Service Review*, Vol. 86, No. 2 (June 2012), pp. 295-322

Published by: [The University of Chicago Press](#)

Stable URL: <http://www.jstor.org/stable/10.1086/666391>

Accessed: 23/06/2012 16:57

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Nonprofit Human-Service Organizations, Social Rights, and Advocacy in a Neoliberal Welfare State

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The hallmark of the welfare state is the extension of social rights to the most vulnerable, a cause historically championed by nonprofit human-service organizations. With the rise of neoliberalism, these rights are threatened. This article attempts to show how the institutional, economic, and political environment of the nonprofit human-service sector is reshaped by a neoliberal ideology that celebrates market fundamentalism. The ideology institutionalizes such rules and practices as new public management, devolution, and privatization of services. Those elements shift the political discourse about the rights of the most vulnerable from the national to the local level. By turning vulnerable citizens into consumers, the ideology also reduces the national visibility of their needs. Most importantly, neoliberalism dampens the sector's motivation to challenge the state and greatly curtails its historical mission to advocate and mobilize for social rights.

The vast literature on the role of nonprofit human services in the American welfare state focuses mostly on the sector's relations with government, especially on relations that stem from the provision of publicly mandated services (e.g., Salamon 1995; Grønbjerg and Salamon 2002; Boris and Steuerle 2006). Less attention is given to a fundamental question about the role of the sector in advancing social rights, which lie at the core of the welfare state. As Elisabeth Clemens and Doug Guthrie (2010, 2) note, there is a lacuna in the study of the sector's role in electoral politics and policy formation. This article explores the non-

profit sector's political role in advancing social rights and focuses particularly on the sector's ability to do so within the current neoliberal regime.¹ It shows that important sector actors successfully advocated for social rights in previous eras but that advocates encounter formidable barriers within the current political context. It also shows that the sector's capacity for advancing social rights is diminished at a time when social citizenship is increasingly threatened.

Nonprofit Human-Service Organizations and Social Rights

By advocating for social rights, nonprofit human-service organizations have played a key role in the formation and expansion of the American welfare state. Social rights, as defined by T. H. Marshall (1964, 72), are "the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society." The essential principles are that each citizen is entitled to an acceptable standard of living, that this standard is protected from market forces, and that it is guaranteed as a matter of right, not through some assessment of deservingness. As Margaret Somers (2008, 70) so aptly notes, the very idea of citizenship "is the *right to have rights*—the foundational public good for every person to be a member of a preexisting civil society and political community." Of course, social citizenship is an ideal whose actual implementation in the American welfare state has been contentious, fragile, and suffused with racial and gender biases (see, e.g., Quadagno 1990; Neubeck and Cazenave 2001). Its implementation also is driven to distinguish between the "deserving" and "undeserving" (Handler and Hasenfeld 1991, 37). Nonetheless, the idea that social citizenship is the moral justification for the welfare state is the underlying political theme employed by welfare state advocates in pushing government to accept responsibility for the care of its citizens (Handler 2004). Nonprofit human-service organizations pursued and affirmed social rights during the Progressive Era, advocated for the passage of Social Security during the Great Depression, and mobilized for political action during the civil and women's rights movements of the 1960s. To be sure, there have always been organizations that reject the advancement of social rights (Clemens 2010). Some in the sector viewed such rights as a threat to their autonomy and as a usurpation of their service mission. Examples include the Charity Organization Societies and the Red Cross. Nonetheless, the political context in these eras tended to favor the advocates.

1. In the current study, the contemporary term "nonprofit human-service organizations" is used to include what has been referred to in the literature as voluntary social service associations and charitable organizations. The term "civil society associations" here denotes all voluntary associations that exist in the public space between government and market.

Since the late 1970s, however, a neoliberal ideology has risen to dominance, altering the institutional, economic, and political landscape for nonprofit organizations. This cultural shift affects the regulation, finance, and provision of social services by public, nonprofit, and for-profit actors. It has led to a new politics of care played out through devolution and privatization of services. This study's key argument is that, amid such institutional transformations, social rights are doubly threatened: they are threatened by increasing dependence on the market behavior of nonprofit and for-profit human-service organizations; they also are threatened by declines in advocacy and mobilization by nonprofit human-service organizations, which have shifted away from social rights.

Nonprofit Human-Service Organizations and the Rise of Social Rights

Since the early days of the republic, nonprofit human-service organizations have played a pivotal role in creating organizational responses to human needs (McCarthy 2003). They foster private-public relations in funding and managing these services. They also promote social advocacy for the rights of women, children, and the poor (McCarthy 2003). Many were at the forefront in the struggles to abolish slavery, to oppose President Andrew Jackson's Indian removal bill (4 Stat. 411 [1830]), to outlaw prostitution, and to protest poor working conditions for women (McCarthy 2003, 98–191). To be sure, these organizations also expressed prevailing racial and religious prejudices. Some charities, such as the New York Children's Aid Society, were openly contemptuous of the poor (McCarthy 2003, 174).

At the turn of the twentieth century, a dense landscape of nonprofit human-service organizations dotted cities. They ran orphanages, hospitals, reformatories, and mental hospitals. They offered assistance to the poor and responded to emerging social needs. These organizations developed innovative social services that became models for policy makers to emulate (Mohr and Guerra-Pearson 2010). Many of these agencies operated in close collaboration with local public welfare departments, becoming important partners to local government in the provision of social services.

Nonprofit human-service organizations and voluntary social service associations were particularly visible and instrumental in influencing social policy during three pivotal periods: the Progressive Era, the Great Depression, and the 1960s. In the Progressive Era, coalitions of women's associations organized into federations with local branches. They acted as powerful advocates for a broad array of social policies to protect mothers and children. From their advocacy came minimum wages for working mothers and the mothers' pension (Skocpol 1992). Various

social reformers coalesced into a “child saving” movement that scored important achievements in public education, juvenile justice, and public health (Katz 1986, 130).

A distinctive feature of many of these associations is that they combined legislative advocacy with services to their constituents. The Young Women’s Christian Association, the General Federation of Women’s Clubs, and the settlement house movement provide poignant examples. Located mostly in poor urban areas populated by recent immigrants, the settlement house movement flourished during the Progressive Era, providing such basic services as education, health clinics, day care, and safe playgrounds for children (Fabricant and Fisher 2002, 29). Settlement workers argued that the causes of poverty are structural; that services to the poor must be based on collaborative relations between community residents and the workers; that residents should work together to improve social conditions, thereby learning and exercising their citizenship rights; and that social action is the key to combating economic, political, and social inequalities (Fabricant and Fisher 2002). At the local level, settlement workers fought for urban reform as well as for improvements to public education and facilities; at the state level, “they battled for statewide tenement house reform, child labor laws, . . . and women’s suffrage” (Katz 1986, 161). Jane Addams, Florence Kelly, and other leaders of the settlement house movement were at the forefront in establishing juvenile courts, supporting mothers’ pension legislation, and founding the federal Children’s Bureau (Skocpol 1992, 350).

Although settlement houses and other Progressive Era associations advocated for social rights, it is important to note that their advocacy was partial and contingent. For example, the settlement houses remained mostly inaccessible to racial minorities. They assumed a paternalistic orientation toward the immigrants they served and sometimes imposed middle-class culture and values on the working class (Carson 1990, 197). During the 1920s, the movement became increasingly professionalized and imbued with a social casework approach. It also faced an increasingly inhospitable political climate. Because of these developments, “many settlements toned down their advocacy of reform” (Carson 1990, 180).

Not all Progressive Era charitable organizations supported social rights, and some dominant nonprofit human-service organizations voiced opposition. The Charity Organization Societies opposed the mothers’ pension partly because it threatened their charitable hegemony and clashed with their notions of “scientific philanthropy” (Lubove 1968, 40; Leff 1973, 339). Similarly, agencies providing institutional care for children in New York tended to oppose the mothers’ pension for fear that it would empty their institutions (Fitzgerald 2006, 175–80).

A vigorous mobilization to demand social rights took place during

the Great Depression. It was propelled, in part, by the massive lines of ordinary people at the relief offices. The breadth of need shattered the typical stereotypes of the pauper and the undeserving poor (Piven and Cloward 1977). Public and private social welfare agencies were ill equipped to provide relief at such a scale. Many private agencies were not capable of responding and simply dissolved (Katz 1986, 213–14). To bear witness to the scope of unemployment and to influence federal legislation, the settlement houses and other agencies began to gather data. Through their professional associations, social workers argued that the federal government bears responsibility for public assistance. They monitored and critiqued the implementation of the federal relief programs, protesting when Franklin Roosevelt’s administration planned to quit the relief business.

Throughout the country, the unemployed mobilized themselves in councils, protesting their condition (often violently). Joined by the mass mobilization and organization of the industrial workers, they pushed for expansion of federal relief efforts and for unemployment insurance (Piven and Cloward 1977). The Congress of Unemployment and Social Insurance is one of several coalitions formed by trade unions, church groups, women’s associations, civic associations, and newly organized “rank-and-file” social workers to advocate on behalf of the unemployed (Fisher 1980, 91). The powerful pension movement (e.g., the American Association for Old Age Security and the Townsend movement), which rose during the Depression, was a major force in pushing Congress to pass the Old Age Assistance program and the Social Security Act of 1935 (49 Stat. 620; Amenta, Caren, and Olasky 2005). Equally important was a network of women advocates. This “second generation of Progressive reformers” was instrumental in convincing legislators to include the Aid to Dependent Children program in the final Social Security legislation (Katz 1986, 222). They also played an important role in child labor prohibitions enacted as part of the Fair Labor Standards Act (52 Stat. 1060 [1938]; Katz 1986, 222).

Support for Aid to Dependent Children was not universal. Catholic Charities objected, for example, to the Federal Emergency Relief Administration’s proposal to extend the definition of a “fatherless” child (Brown and McKeown 1997, 173). The expanded definition would identify children as fatherless if they were under the age of 16 and lived in a household where there was no adult “able to work” (i.e., unemployed; Brown and McKeown 1997, 173). Catholic child-caring institutions feared that many children would be moved to families in which they would be supported by the Aid to Dependent Children program.

Clemens (2010, 105–9) shows that the Roosevelt administration’s commitment to extend social rights was tempered by its reluctance to undermine private charity. A compromise was worked out between the federal government and nonprofit human services. The nonprofit sector

cast itself in a new role, innovating and experimenting with programs that might then influence social policy.

Often forgotten is the eloquent endorsement of social rights in Franklin D. Roosevelt's State of the Union Address on January 11, 1944. Engaged in the war effort and facing the implications of the return of soldiers at the war's end, Roosevelt proposed a second bill of rights:

We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. . . . We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed. Among these are: The right to a useful and remunerative job in the industries or shops or farms or mines of the nation; The right to earn enough to provide adequate food and clothing and recreation; The right of every farmer to raise and sell his products at a return which will give him and his family a decent living; The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad; The right of every family to a decent home; The right to adequate medical care and the opportunity to achieve and enjoy good health; The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment; The right to a good education. (Roosevelt 1944, 41)

Although never enacted into law, Roosevelt's second bill of rights laid the groundwork for subsequent struggles for political and social rights in the civil rights and the women's rights movements of the 1960s (Sunstein 2004). Ensuing movements led to considerable expansion of the welfare state. Medicare, Medicaid, Supplemental Security Income, and the Food Stamp Program all stem from these movements. Often forgotten is the important role played by the Community Action Centers, most of which were incorporated as private nonprofit organizations. They combined the delivery of social services with political mobilization of low-income residents. As Noel Cazenave recounts (2007), the federal government sponsored the Community Action Program (CAP) to mobilize residents in poor neighborhoods who were disfranchised from local political institutions and the public and private social welfare services in their communities. The program was most effective in mobilizing African Americans. Indeed, Kenneth Andrews (2001) shows how civil rights movements in Mississippi counties were influential in securing increases in funding for CAPs, such as the Child Development Group of Mississippi. Despite the political backlash and the program's ultimate takeover by local political establishments, CAP succeeded in launching the movement for community control of schools. Through that movement, parents in poor neighborhoods organized to demand improvements in the education for their children and reforms in urban government. Those changes allow residents in poor neighborhoods to participate actively in local school policy making (Cazenave 2007, 174–75). The movement also planted the seeds for the National Welfare

Rights Organization, which pushed for the expansion of public aid and encouraged welfare recipients to exert their rights (Cazenave 2007, 177–78).

The Rise of Neoliberalism

The American welfare state in the 1950s and 1960s is characterized by what David Harvey (2005, 11) terms “embedded liberalism.” By this he means that “market processes and entrepreneurial and corporate activities were surrounded by a web of social and political constraints and a regulatory environment that sometimes restrained but in other instances led the way in economic and industrial strategy” (Harvey 2005, 11). Monica Prasad (2006) notes that US taxation, industrial, and welfare state policies pursued a fairly egalitarian strategy in this period. Between 1947 and 1968, family income inequality, as measured by the Gini coefficient, decreased by 7.5 percent (Jones and Weinberg 2000), and the highest marginal tax rate ranged from 70 percent to 92 percent. The nonprofit human-service sector operated in a policy environment that at least partially encouraged social equality and the expansion of social rights.

Much of that environment changed with the rise of neoliberalism. Its rise is epitomized by the administrations of President Ronald Reagan. According to Harvey (2005, 2), “Neoliberalism is in the first instance a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade.” Its moral underpinnings are individual liberty, competition, individual responsibility, and work ethic. As such, “the responsibility of the individual vis-à-vis society is to be able to find means of self-sustenance and not to be ‘assisted’ by society. . . . Social protection should not be redistributive and should be individualized in the sense that aid should be granted in exchange for something [work]” (Amable 2011, 22–23). In particular, neoliberalism recasts the role of the welfare state by shifting responsibility from state to market and from the collective to the individual (Taylor-Gooby 2004).

Neoliberalism also reflects the institutional logic of business management: new public management (NPM). In its idealized form, NPM embraces several themes, including reorganizing public organizations into product and cost centers, shifting toward competition within and among public organizations and the private sector, adopting corporate management strategies, seeking alternative and cost-efficient modes of service delivery, adopting “hands-on management,” employing measurable standards of performance, and using explicit output measures (Hood 1995, 98). Steven Hays and Richard Kearney (1997) venture beyond this to identify principles of NPM: reducing the size of government,

adopting business models in government, devolving program administration to state and local governments, restructuring government to emphasize results over processes, and privatizing services.

Identifying the reasons for the rise of neoliberalism is beyond the scope of this study.² Rather, the authors wish to highlight how neoliberalism rejects the ideal of social rights, alters the environment in which nonprofit human services operate, and has negative consequences for their ability to advocate for social rights. According to Prasad (2006, 45), three major policies signify the institutionalization of neoliberalism. The first of these is the Economic Recovery Tax Act of 1981 (95 Stat. 172), which effected “the largest tax cut in American history” (Prasad 2006, 45). The second is the deregulation of business and especially the financial institutions. The third is the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 357), which curtailed eligibility for Aid to Families with Dependent Children (AFDC) program benefits, prohibited AFDC recipients from seeking reimbursement for work-related expenses, and gave the states the ability to experiment with various welfare-to-work options. The act laid the groundwork for the ultimate passage of welfare reform in 1996 (see also 110 Stat. 2105). As Jacob Hacker and Paul Pierson (2010) note, the resulting policy environment contributed to an unprecedented rise in income inequality and to a concentration of wealth in the highest income strata. Nathan Kelly and Peter Enns (2010) show that public opinion increasingly supports a conservative ideology that is hostile to the expansion of social rights. This ideology further reinforces income inequality.

As a result of the institutionalization of neoliberalism, nonprofit human-service organizations must respond and adapt to changing government policies that emphasize contracting out, devolution, and privatization (Grønbjerg and Salamon 2002; DeVita and Twombly 2006; Smith 2006). Under a contract regime, they are subject to the logic of NPM, which forces them to shift from a value-driven calculus to one driven by efficiency (Frumkin and Andre-Clark 2000).

The New Economics of Care: Contracts, Vouchers, and Competition

The neoliberal policy environment, particularly devolution and privatization as they are exemplified in the Temporary Assistance for Needy Families (TANF) program, altered the economics of the care provided

2. Often mentioned are the stagflation and the decline in corporate profits in the 1970s. These developments led to the mobilization of business interest groups as well as to increases in the political power of the Republican Party and its alliance with the Christian right. They also led to the continuing decline of labor unions, the rise in prominence of neoliberal think tanks, and the proliferation of media generously funded by corporations (see, e.g., Harvey 2005; Hacker and Pierson 2010).

by nonprofit human-service organizations. This environment increases their already quite extensive dependence on government funding but subjects them to greater competition (Salamon 2003; Boris et al. 2010). Steven Smith (2010) notes that contracts for human services grew as a result of the shift toward block grants in the 1980s. He also ties this growth to state and local governments, which increasingly relied on Medicaid (and later TANF) as a source of funding for social services. Reductions in federal social-welfare spending (e.g., on social, employment, and training services, as well as on community development) also fueled the nonprofit sector's dependence on these funding sources between 1980 and 2004. Alan Abramson, Lester Salamon, and C. Eugene Steuerle (2006, 113) show that, "measured as share of GDP, in fact, federal spending in this area as of FY 2004 was only 57 percent as great as it was in FY 1980." State and local governments compensate for federal cuts by using Medicaid funds to finance child welfare, mental health, home health, and counseling; most of these services are delivered by private providers (Smith 2006).

The increasing use of contracts by state and local governments attracted many new organizations, both nonprofit and for-profit, to the field of human-service delivery. Peter Frumkin (2002) calculates that the number of nonprofit social service providers increased by 125 percent from 1977 to 1997, but the number of for-profit providers increased by 202 percent. In the same period, revenues increased 704 percent for nonprofits and 827 percent for for-profits. In family services, job training, child care, and residential care for the elderly, competition comes from other nonprofits as well as from for-profit organizations.

In addition, providers have been forced to adapt to a changing landscape of new funding allocation rules and patterns. This landscape features "government promoted policy tools designed to reduce costs, foster choice among clients, and develop competitive social service and contracting environments" (DeVita and Twombly 2006, 263). It is characterized by increasing reliance on consumer vouchers and fees for service (i.e., consumer-side subsidies) rather than direct grants and contracts (i.e., producer-side subsidies); the use of tax credits to promote new services (e.g., low-cost housing); reliance on managed care and third-party intermediaries; and increasing enforcement of performance-based contracts (Smith 2010). The cumulative effects of these policy instruments changed the organizational field and its rules of the game for nonprofit human services. The changes are manifest in the entry of for-profit organizations, growth in competition, and increases in exposure to market forces (Grønbjerg 2001). In addition to increasing the sector's dependence on various forms of government funding, these developments further blur the distinction between nonprofit and for-profit organizations (Frumkin and Andre-Clark 1999). The field is also experiencing considerable uncertainty as state and local governments

grapple with declining resources and the federal government attempts to slow growth in Medicaid expenditures (Smith 2006). Moreover, the field is becoming dominated by large organizations that are able to attract the greater share of government resources; medium- and small-sized organizations are losing ground (DeVita and Twombly 2006, 265–66; Boris et al. 2010).

The New Politics of Care: Devolution and Privatization

Devolution and privatization have also altered the politics of care. They represent an ideology that claims that the state and its bureaucracies would be more responsive to its citizens if entitled services were devolved to the local level and subjected to market principles. This ideology pursues those goals through competition among public agencies, entry of nonprofit and for-profit providers, and private sector entrepreneurship in the public sector (Suleiman 2003, 15).

Devolution

Devolution is justified as a way to strengthen local democracy by bringing government closer to its citizens. It is supposed to enable local authorities to tailor services to the particular needs of the local population. It also is intended to increase citizens' access to and control over local governments' bureaucracy. Although devolution confers considerable discretion to local authorities, these authorities often use it to embed their own moral values, ideologies, and interests in the structure and practices of the social services they control. Those positions may be at odds with the desires or needs of service recipients (Hasenfeld 2000; Brodtkin 2007). For example, availability of and access to contraceptives and abortion vary markedly across so-called blue and red states. This variation reflects differing dominant ideologies about family values. Those local ideologies become embedded in local policies and services (Cahn and Carbone 2010), influencing the capability and willingness of local authorities to invest resources into local programs that provide care. The extent to which local services are responsive to the needs of local citizens, especially those who are poor and vulnerable, is influenced by the local political elite, local government bureaucracies and practices, and the efforts of various interest groups that see devolution as an opportunity or as a threat. Moreover, funding formulas, such as the number of welfare recipients removed from the rolls or placed in jobs, create powerful financial pressures. This also is true of the federal and state monitoring criteria associated with contracts. These incentives and constraints influence the local implementation of the program. In particular, local authorities have an incentive to limit benefits, reduce costs,

and shift some of the burden to the consumers (Fording, Soss, and Schram 2007).

John Donahue (1999) argues that devolution is associated with increases in economic inequality, and he ties this inequality to differential policy making at the local level. As local communities compete with each other to attract desirable constituents (e.g., business entrepreneurs) and repel undesirable constituents (e.g., poor immigrants), they will attempt to gain advantages by using policy-making discretion in such areas as taxation, labor, education, and antipoverty services. To the extent that devolution accentuates inequality, it reduces social solidarity and impedes political consensus. Devolution also hampers the capacity of civil society to create and sustain bridging associations rather than bonding associations (Putnam 2000).

Privatization

The logic of privatization is that “the state, like the private sector, provides services. It is, in this sense, a producer. The citizen pays for those services when he or she purchases a service from a provider. . . . The purchaser is entitled to the best deal, and it can only be obtained in nonmonopolistic, competitive conditions” (Suleiman 2003, 51). The logic of privatization claims that the introduction of market mechanisms, especially competition, will motivate private contractors to deliver services of higher quality than that possible from government sources and to deliver them as efficiently as possible. The results, proponents claim, are better services for clients and cost savings for government (Donahue 1989; Sclar 2000).

Despite shifting the responsibility for social care from the government to private providers, privatization rarely achieves the claims that proponents use to justify it. In particular, it does not improve the quality of care (Donahue 1989; Sclar 2000; Van Slyke 2003; Lamothe and Lamothe 2010). There is some evidence to suggest that competition may be negatively associated with quality of service (Schlesinger, Dorwart, and Pulice 1986; Milward and Provan 2000; Fernandez 2007). Indeed, because quality of care cannot be readily observed or measured, efficiency criteria enforced in a contract regime are likely to displace quality. There is also little evidence to suggest that privatization achieves cost savings (Van Slyke 2003).

A possible reason why privatization achieves no cost savings or quality improvement may be the ability of social care contractors to exploit the contracting environment. Measures of outcome are exceedingly difficult to define, and the government is highly dependent on information controlled by the service providers. Because clients are generally dependent and marginalized, they have limited capacity, if any, to judge and communicate their assessments of quality to government officials.

Moreover, government agencies in charge of accountability have limited capacity to enforce it (Van Slyke 2003). The complexity of the contracting environment requires more staff resources and expertise than downsized public agencies possess.

Indeed, as Brinton Milward and Keith Provan (2000, 359) point out, privatization creates a “hollow state” in which there is a fundamental shift from the perspective that citizens are principals and officials are agents to the view that officials are principals and private providers are agents. This shift is accompanied by a change in the way that public services are delivered: offerings formerly delivered by a public bureaucracy are now distributed through a network of private providers. In the “hollow state,” government officials “are continually faced with problems that can lead to instability—negotiating, coordinating, monitoring, holding third-parties accountable, and writing and enforcing contracts—all for organizations that are relatively independent of the funder” (Milward and Provan 2000, 363).

The Erosion of Social Citizenship?

What happens to the concept of citizenship, and particularly to that of social citizenship, when public services are devolved and privatized? Under devolution, which grants broad discretion to local authorities, the exercise of social rights, especially by the poor and the marginalized, becomes contingent on local political and bureaucratic practices. Rather than being an expression of universality, social rights become contingent on the exercise of local discretion. Local social services turn into arenas where competing interest groups fight over and negotiate contested moral assumptions about the poor. In particular, political elites use the administration of local services to advance their political aims. Because the poor are powerless, their voices are unlikely to be heard. Thus, the increased politicization of social care subjects the well-being of the poor to the vagaries of the local political landscape. For example, Richard Fording and colleagues (2007) study the use of TANF sanctions by counties in Florida, finding that rates of sanction are higher in more politically conservative counties and in those with a higher poverty rate.

Under privatization, citizens become customers. This shift has several consequences for social rights. First, the reconstruction of the citizen as a customer shifts the onus for securing needed services from the state to the individual, obscuring the reciprocal responsibility of citizen and state; that reciprocal relationship is the basis of social rights. Citizenship creates a community of interest that is essential to sustain democracy. As Ezra Suleiman (2003, 52) argues, “To be a customer requires no commitments and a responsibility only to oneself. To be a citizen requires a commitment and responsibility that goes beyond the self.” Somers (2008, 69) differentiates between contract and citizenship, stating

that “contracts are the life-blood of markets—quid pro quo instruments of voluntary commercial exchange between equivalent goods, services or monies. Citizenship, in contrast, is the life-blood of social solidarity in civil society and political communities comprised of non-contractual membership rights, relationships, and reciprocal responsibilities.”

Neoliberalism, with its logic of market fundamentalism, transforms “the rights and obligations of citizenship from an ethic (if not always the reality) of non-contractual reciprocities based on the rights and responsibilities of equal inclusion, into one in which the right of social inclusion is conditional on being party to a market exchange of equivalent value” (Somers 2008, 72). Thus, citizen empowerment is framed in terms of choice within the market economy, and failure to obtain needed services is no longer the fault of the state but rather the failure of the individual to transact effectively in the market. Especially in the case of consumer vouchers, citizens are expected to express their dissatisfaction through exit rather than voice (Hirschman 1970). Those with personal resources are more likely to exit than to remain, leaving behind the highly marginalized, who are least likely to voice their protest. Consequently, vulnerable citizens are not only unlikely to see improvement in the quality of services but may even witness further deterioration. As Somers (2008, 89) puts it, “People who have nothing to offer or exchange in the way of useful labor or personal assets—the poor, the very young, the infirm, the severely disabled—have no rights because they have no worth; they become rightless and excluded.”

Second, privatization creates an infrastructure of private organizations that mediate the citizen’s relationship with the state. As a result, social rights become dependent on the market behavior of private service providers. Citizens find it difficult to exercise their rights because these are channeled through nonprofit and for-profit organizations that act as agents of government; social rights are contingent on citizens’ desirability as consumers. Their needs and services are subject to a calculus of efficiency and profitability. In their study of case managers employed by private providers of welfare-to-work services, Sanford Schram and colleagues (2010, 747) find that “market pressures imposed on implementing organizations rain down on the case manager from above, and it is the case manager who, in turn, must work to secure market compliance from the client.” Workers in these organizations use their discretion to determine eligibility for entitled services and to discriminate between desirable and undesirable clients (Alexander 1999). Desirable clients add to the profitability of the organization; processing and treating them requires fewer resources, and they score well on the outcome measures set by government (Forder 1997).

Third, under privatization, citizens’ awareness of the relationship between the benefits they receive and the state’s obligation to provide them is obscured by their more direct interactions with the intervening

private sector. Because they are so distanced from public officials, they have limited awareness of who is responsible for services. If dissatisfied with services, they are likely to misidentify the nonprofit provider as a government agency (Van Slyke and Roch 2004) and, thus, are not likely to comprehend the chain of accountability that runs from the state via the nonprofits to them.

The Paradox of Advocacy and Mobilization

When social rights are threatened, the role of civil society associations to advocate for them, especially at the national level, becomes particularly critical. Paradoxically, all indications suggest that these associations meet current threats with a muted response. Despite the rapid increase in the number of nonprofit organizations and civic associations since the 1980s, the new economics and politics of care have in fact compromised the capacity and effectiveness of civil associations and nonprofit organizations to advocate and mobilize for the social rights of marginalized populations. At the same time, a new rhetoric promotes bottom-up policy making and the empowerment of citizenry.

As noted earlier, a robust growth in the nonprofit human-services sector in recent decades outpaced the growth of the overall economy. From 1995 to 2012, the number of registered nonprofit human-service organizations increased by 33 percent and their total revenues (in constant dollars) increased by 73 percent (Urban Institute 2012); the US gross domestic product increased by 46 percent from 1995 to 2011 (Bureau of Economic Analysis 2012).³

Despite the sector's growth in size and resources, most of these organizations' policy advocacy efforts are marginal, limited, and narrowly focused. In a recent national study of advocacy by nonprofit organizations, Gary Bass and associates (2007) find that 75 percent of organizations claim to have engaged in political activity at least once but that the frequency of such activity is extremely low. As Bass and associates (2007, 29) note, "Seventy percent [of the respondents] said they either never lobby or do so infrequently. In fact, three out of five nonprofits that say they [lobby] do so at a low level." In a survey of nonprofit organizations in Indiana, Curtis Child and Kirsten Grønbjerg (2007) find that about 23 percent of all organizations engage in some kind of advocacy and most devote limited (if any) resources to it. Only 7 percent of the organizations devote substantial resources to what the authors define as "core advocacy" (Child and Grønbjerg 2007, 268). A majority of human-service organizations indicate that they are unlikely to engage in any advocacy and rarely engage in core advocacy. Interestingly, the

3. It is possible that part of the growth may be due to increasing registration by organizations normally exempt from filing (e.g., religious organizations).

study finds that substantial reliance on government funding reduces the odds of engaging in core advocacy.

In a study of lobbying efforts by citizen groups, Jeffrey Berry (1999) finds that the agendas of these groups have shifted since the 1960s; once motivated by material concerns and issues of economic equality, the groups now focus on culture, environment, morality, lifestyle issues, and individual rights issues. Frank Baumgartner and colleagues (2009) reach a similar conclusion. In their study of a random sample of policy issues in two periods (1999–2000 and 2001–2), they find that liberal groups gave little attention to the issue of poverty and the plight of low-income families. Such groups were more interested in environmental issues than efforts to “expand benefits to the unemployed, raise the minimum wage, improve social or educational services in disadvantaged neighborhoods, or promote other issues where one could easily argue that substantial social needs exist” (Baumgartner 2009, 256). Thus, organized lobbying efforts on behalf of social rights were very limited. Theda Skocpol (2003, 240–44) also concludes that advocacy and support for inclusive social provision declined substantially. She identifies economic equality issues that constituted 13.5 percent of the legislative agenda in 1963: increases in wages, benefits, or pensions; expansion of job training; improvement of working conditions; provision of income maintenance; and provision of basic health coverage. Skocpol then notes that the share of the legislative agenda devoted to these issues was 9.5 percent lower in 1991.

Why do advocacy efforts to extend social rights at the national level decline even as the nonprofit sector grows? Skocpol (2003) argues that the rights revolution of the 1960s caused the proliferation of professionalized advocacy and nonprofit organizations. These organizations focus on the narrow instrumental interests of the particular constituency they represent. There is greater reliance on litigation, advocacy for personal rather than social rights, and lobbying for legislation or regulation targeted to benefit a particular group, which tends to be economically privileged. Skocpol (2003, 224) writes: “Because today’s advocacy groups are staff-heavy and focused on lobbying, research, and media projects, they are managed from the top, even when they claim to speak for ordinary people.” Consequently, they are more likely to represent elite groups rather than cross-class members. These advocacy groups are structurally centralized and staff-driven; Skocpol observes that they do not encourage active participation by their dues-paying members and are no longer organized as federated associations in which local chapters are mobilized for political action at the national level.

The current study’s focus on human services leads the authors to offer an explanation that differs from Skocpol’s but complements it. This explanation emphasizes neoliberalism’s chilling effects on advocacy, especially the effects of devolution and privatization. First, because devolution shifts the onus of service responsibility from the national to

the local level, social problems and needed services become framed as local issues requiring local solutions. Thus, the national visibility of such problems is diminished. This makes it difficult for civic associations to coalesce around a common, national-level frame and strategy. In the case of welfare reform, for example, national-level mobilization on behalf of the poor is exceedingly difficult because the 1996 welfare law grants broad discretion to the states; because of this discretion, there is great variation in the policies and programs offered across states and localities.

Second, privatization reduces opportunities for mobilization by disbanding political interests. It does so by shifting the state's responsibility for the quality of services, and for the policy itself, to the private sector. Privatization places this responsibility on the shoulders of consumers, who are expected to make choices consistent with their preferences. Policy ends are defined by the aggregation of self-interested choices. Voucher holders, for example, are unable to share collective experiences that could plant the seeds of collective action (Crenson and Ginsberg 2002).

Third, as Matthew Crenson and Benjamin Ginsberg (2002) argue, decentralized and privatized policies enable nonprofit organizations to achieve their goals by securing contracts with government rather than by mobilizing grassroots support. Extensive pursuit of governmental contracts for services modifies the types of advocacy nonprofit organizations engage in. In particular, pursuit of governmental contracts increases the likelihood that nonprofits engage public officials in order to obtain additional resources for their clients, and it diminishes the likelihood that they will pursue social needs or initiate services they perceive to have a low probability of receiving funding (Frumkin and Andre-Clark 2000; Eikenberry and Kluver 2004). Organizations bound to government by contracts seldom engage in challenging tactics (Mosley 2006). In their national study of advocacy by nonprofit organizations, Bass and associates (2007, 31) find that "three out of four respondents said that receipt of government funds serves as some barrier to engaging in policy matters." As one executive put it, "It's very hard to be an advocate when you're dependent upon state money" (33). Such an accommodating form of advocacy promotes the view that nonprofit organizations are interest groups that lobby on behalf of their own self-interest rather than on behalf of the public interest. It is quite telling that the settlement houses abandoned much of their social action mission when they became multiservice agencies under contract with government. Their primary political agenda now is to protect their programs, often by mobilizing their clients to connect with local politicians in order to secure their resources (Fabricant and Fisher 2002, 207–14; Marwell 2004).

Fourth, as nonprofit organizations become the major service provid-

ers, they also undermine the legitimacy and responsibility of the state to provide public services (Clemens 2006, 208). That is, devolution and privatization reinforce an antistate ideology by advancing a perversity thesis that government is the problem rather than the solution (Hirschman 1991). By becoming major service providers, nonprofit organizations alter the relationship between civil society and government, possibly co-opting civil society to serve the political and ideological needs of the political elites.

The nonprofit sector faces a chilling political atmosphere brought on by the advent of neoliberalism. As Clemens suggests (2006, 214), “Through their tax-exempt status and receipt of public funds, both advocacy and service organizations remain vulnerable to political efforts to use the leverage of these economic advantages to channel or choke off political activity.” In an attempt to muzzle advocacy by nonprofit organizations, the Reagan administration’s Office of Management and Budget issued Circular A-122 (48 C.F.R. 31.701 [1984]). The aim, as the conservatives stated, was to “defund the left” (Berry 1993, 34). It proposed that “no federal funds could pay the allowable costs of any staff, equipment, or facility involved in the slightest amount of political advocacy, even if the advocacy costs were paid with non-federal funds” (Bass et al. 2007, 84). Although not enacted, the “Circular A-122 proposal continues to be the backbone of conservative plans to silence the advocacy voice of nonprofits—and it has contributed enormously to the chill in nonprofit advocacy today” (Bass et al. 2007, 88). Subsequent legislative attempts, including the Istook amendment (Title V, H.R. 2127, 104th Cong. [1995]), would have broadened considerably the prohibition against advocacy by nonprofits receiving federal funds. Clearly these unsuccessful attempts created a climate of fear and a deterrence among nonprofits that might otherwise be inclined to engage in advocacy.

As noted above, when advocacy does occur, it is constrained by devolution and privatization to concentrate on local issues. In her study of three national Progressive movement networks, the Association of Community Organizations for Reform Now (ACORN), the Pacific Institute for Community Organization (PICO) Network, and the Gamaliel Foundation, Heidi Swarts (2008) shows that many of their advocacy efforts and successes occur at the local and state levels. For example, ACORN helped push living-wage ordinances in 16 cities, advocated to raise the minimum wage in New York, joined coalitions in several cities to advance charter schools, participated in a coalition to prevent national legislation that would preempt state and local laws against predatory lending, and mobilized for voter registration. The PICO network helped to place a cigarette tax initiative on the ballot in California. The initiative would use those tax revenues to fund children’s health insurance. The network also worked in several cities across the country to

obtain additional funding for education and affordable housing. Although these and other policy initiatives are noteworthy accomplishments, the benefits they provide are available only to poor residents in select localities.

Such networks are less successful in efforts to advance legislation that promotes social rights at the national level. Swarts (2008, 183) recognizes the dilemma facing networks such as PICO: "What began as a pragmatic strategy to mobilize the hopeless and quiescent—choosing issues that are 'immediate, specific, and winnable'—discouraged organizers from thinking beyond the local level." Unevenly scattered victories at the local level break up collectivities at the national level because some constituents enjoy the benefits of local advocacy efforts. These local successes reduce their motivation to join forces in advocating for social rights at the national level.

Indeed, policy advocacy in a devolved and privatized welfare regime is likely to be displaced by what Nicole Marwell (2004, 286) terms a "new version of machine politics." In her field study of community-based organizations, Marwell finds that some of these organizations obtain and secure government contracts by engaging in mobilization tactics to ensure that their local constituencies vote for local politicians who will, in turn, favor the groups in awarding contracts and grants. If successful, these tactics can increase the number and size of government contracts to the organizations and their local community. Yet, as Marwell (2004, 285) notes, these local "electoral efforts are limited to influencing contract allocation decisions; the organization has minimal interest in creating policy change." Indeed, the new machine politics creates a zero-sum game: local communities that are richer in political capital gain a greater share of the limited resources for human services, and allocations to these communities come at the expense of those communities that are poorer in political capital. These politically driven allocations undermine the very essence of social right. Similarly, Eve Garrow (2011) finds that organizations engaged in advocacy are more likely to obtain government funding than are those that do not engage in advocacy, and those located in high-poverty areas are not likely to obtain more government funding than organizations located in low-poverty areas. This finding suggests that allocation of government resources is influenced by the amount of political capital organizations have rather than by a norm of social rights.

There is evidence that the current decline in national-level policy advocacy by nonprofit organizations and civic associations has a profound effect on the extent to which social rights are extended and institutionalized. Brayden King, Keith Bentele, and Sarah Soule (2007, 149) find that the extent of congressional attention to rights issues is related to the amount of advocacy done on behalf of those issues; Congress is more likely to hold hearings on rights issues around which there

are more than an average number of protests in the same year. The researchers also find that the perceived legitimacy of a rights issue grows in Congress over time with the cumulative number of congressional hearings held on that issue. Therefore, new rights issues are more likely to gain receptive congressional actors in subsequent sessions than in the session during which they are first raised (King et al. 2007, 152). Yet, the number of congressional hearings on social welfare issues (e.g., food assistance; poverty; assistance to low-income families, the elderly, and the disabled; social services) suggests that there has been a precipitous decline in congressional attention to social welfare policy since the 1980s (Baumgartner and Leach 2001). Figure 1 shows that the number of hearings on social welfare generally rose from 1960 to 1977. That was also a period of active advocacy for social rights. Since then, however, the number of hearings declined almost steadily.

Figure 1 also suggests that the current decline in advocacy limits the effectiveness of nonprofit and civic associations in bringing media attention to the issue of social rights. The figure shows the number of articles on social welfare in the *New York Times* from 1960 to 2007, and parts of the trend in published articles parallel parts of the trend in congressional hearings on social welfare issues. The number of articles on social welfare increased steadily from 1964 to 1975 but declined by nearly half from 1975 to 2005 (the welfare reform debates in 1995 provide a brief exception in the trends). In their seminal paper, William Gamson and Gadi Wolfsfeld (1993) propose that the media is critical for effective advocacy because it helps in mobilizing supporters, validating the importance of an issue, and enlarging an issue's scope. Reviewing research on social movements and media attention, Kenneth Andrews and Neal Caren (2010, 845) conclude that "organizational resources increase media attention because resources signal newsworthiness and provide greater capacity to pursue coverage." In studying coverage of social movements by the *New York Times*, Edwin Amenta and associates (2009) conclude that media coverage increases when movements engage in disruptive activities, mobilize resources (i.e., other supportive organizations), and advocate in a favorable political regime for an enforced policy that favors their constituencies. The authors of the current study infer therefore that the obverse is also true: when there is a decline in media coverage, advocacy groups do not engage in protest activities, fail to mobilize sufficient resources, advocate to an unfavorable political regime, and face policies that disfavor their constituencies. These factors would indeed explain why advocacy groups have failed to draw media attention to social welfare since the 1980s.

Finally, the dampening of advocacy activity by nonprofit organizations and civic associations, and the resulting decline in congressional attention to social rights, may have created a feedback loop that further diminishes advocacy. In general, congressional attention to issues that

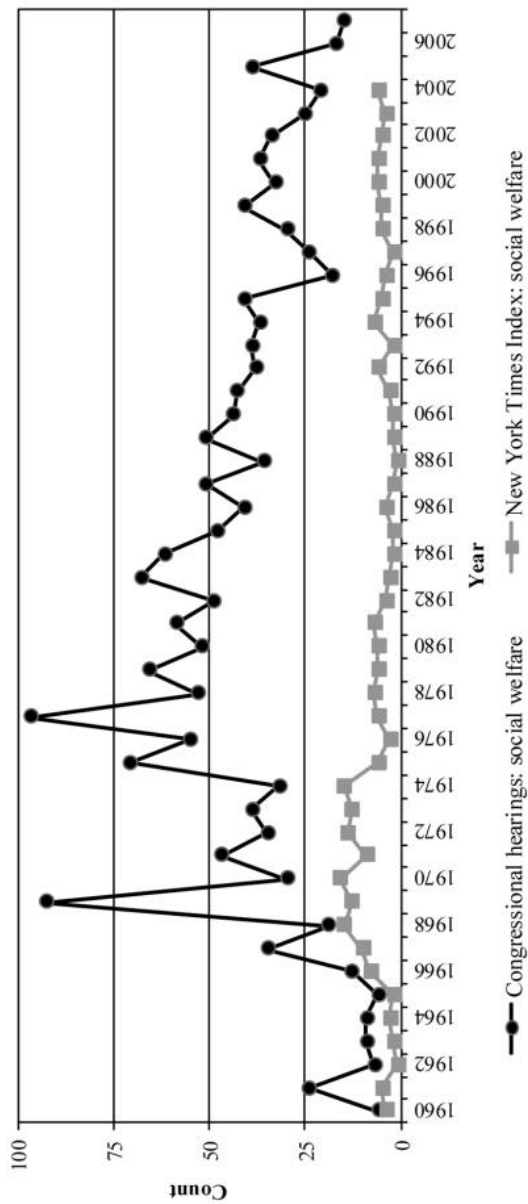


FIG. 1.—Congressional Hearings and *New York Times* Index on Social Welfare, 1960–2007. Source: Center for American Politics and Public Policy's Policy Agendas Project (<http://www.policyagendas.org/>). The data used here were originally collected by Frank R. Baumgartner and Bryan D. Jones, with the support of National Science Foundation (grants SBR 9320922 and 0111611), and were distributed through the Department of Government at the University of Texas at Austin. Neither the National Science Foundation nor the original collectors of the data bear any responsibility for the analysis reported here. Results from the *New York Times* Index represent a systematic random sample of articles published in the *Times* between 1960 and 2005. Results for congressional hearings represent the number of hearings held on social welfare issues during that period.

nonprofits care about is the engine that drives advocacy and lobbying at the national level (Leech et al. 2005; Baumgartner et al. 2009). That is, “As government attention to an issue-area increases, so too will lobbying in that issue-area” (Leech et al. 2005, 21). Conversely, when legislative attention to social welfare issues declines, advocacy on behalf of these issues is also expected to decline. If that is so, the current decline in advocacy can be attributed in part to the failure of advocacy groups to make social rights a national issue, through the media or otherwise, as this failure decreases congressional attention to social rights. In turn, lack of congressional attention makes it difficult to bring up new social rights issues.

Is Policy Advocacy for Social Rights Possible in a Neoliberal Regime?

This article argues that the rise of a neoliberal ideology, as manifested by devolution and privatization, curtailed the nonprofit sector’s historical mission to advocate for and mobilize on behalf of social rights. The authors also theorize about the political opportunities that may enable policy advocacy even in the context of a neoliberal regime. The discussion distinguishes between institutionalized and emerging policy fields to show that the latter can create a political opportunity for advocacy to advance social rights (Kriesi 2008).

In an institutionalized policy field, and in the correspondent organizational field (such as welfare), the political struggles between neoliberal and social rights logics are settled. The dominant neoliberal policy logic and narrative come to define the moral categorization of the target population, its problems, the desired outcomes, and the modes of intervention (Schneider and Ingram 1993; Steensland 2010). The corresponding organizational field embodies the logic in its institutional rules and practices. The opportunities for advocacy become constrained not only by the policy itself but also by the bureaucracy that implements it and by the isomorphic pressures of the human-services organizational field that depends on it.

In contrast, when a new social problem is discovered in an emerging field (e.g., homelessness or HIV/AIDS during the 1980s), power positions are not consolidated; the social policies and public bureaucracies that define the nature of the problem and the array of possible solutions may not exist. The human-service organizations that arise in response to the problem have a political opportunity to frame it in moral terms that can advance social rights. The organizations are not constrained by dependence on existing policy, government funding, or legitimacy, and they are not bound by the isomorphic pressures of an established organizational field (Cress and Snow 2000).

Such an opportunity is exemplified in struggles during the 1980s to achieve social rights for homeless persons. The struggle culminated in the passage of the McKinney Act (101 Stat. 482 [1987]) when the neoliberal regime became dominant. As Daniel Cress and David Snow (2000, 1073) point out, "The vast majority of homeless collective actions—such as protest rallies and marches, housing takeovers, and encampments on government property—were local in organization and focus." Still, local advocates were also able to mobilize and coalesce nationally. Perusal of congressional hearings leading to the McKinney Act shows that a majority of the witnesses who advocated for the right to shelter represented organizations that provided human services for homeless. Examples of these organizations include shelter operators, coalitions for the mentally ill, the Women's Housing Coalition, Catholic Charities, the Council of Jewish Federations, and the Salvation Army. Gary Blasi (2000, 218) argues that the "new" homelessness enabled the National Coalition for the Homeless and other advocacy groups around the country to frame the cause of homelessness as a structural (e.g., lack of housing) rather than an individual deficiency. This allowed advocates to mobilize the media to echo such an explanation. The advocates also received help from public opinion surveys, which showed that homelessness was unlike welfare or poverty, in that a public majority blamed society for homelessness (Blasi 2000, 215–17). Moreover, Blasi (2000, 227–37) notes that public perceptions of the "homeless" were not racialized. Reluctantly signed by President Reagan, the McKinney Act failed to advance the right to shelter, but it did recognize homelessness as a national problem requiring federal response (Foscarinis 1996).

The passage of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (104 Stat. 576) represents another example of mobilization to extend social rights in a neoliberal regime. In this case, advocates acted on behalf of persons with HIV/AIDS. With the AIDS epidemic, a policy field emerged in which advocates, politicians, the media, local and national government agencies, private and public medical research organizations, and newly formed AIDS service organizations engaged in a political struggle to define the nature and effect of the epidemic as well as the policy responses to it (Epstein 1996; Levitt and Rosenthal 1999).

Early in the epidemic, gay and lesbian activists formed a network of local AIDS service organizations. This network developed in response to state and municipal reluctance to provide needed services and in response to the hostility with which governments met requests for those services (Levitt and Rosenthal 1999, 785). Accompanying the network's rise were the emergence and mobilization of the "AIDS movement," which Steven Epstein (1996, 8) describes as "broad based and diverse, ranging from grassroots activists and advocacy organizations to health educators, journalists, writers, and service providers; it cuts across the

various communities and constituencies affected by the AIDS epidemic.” The movement’s membership enhanced its powerful political mobilization and fundraising capabilities; many of its members were middle- and upper-income whites with considerable “cultural capital” (Epstein 1996, 12).

Moreover, the framing of the target population shifted by the mid-1980s; the stereotype that AIDS affects gay men and injection drug users broadened to include hemophiliacs perceived as “innocent victims” (Donovan 1993, 11). This shift is epitomized by the story of Ryan White, a hemophiliac boy who became infected with HIV and was shunned from school. As Mark Donovan notes (1993, 13), “This shift in public consciousness provided an opportunity for policymakers to construct AIDS policy which could deliver benefits to ‘deserving’ target populations.” It gave politicians the legitimacy and political cover to pass the 1990 act, which provides emergency relief grants to states and cities. The grants fund health and support services to HIV-positive individuals as well as early intervention services for persons who contract or are at risk to contract HIV.

The administration of both the McKinney and Ryan White acts is still markedly constrained by the neoliberal emphasis on devolution. Local authorities have considerable discretion in how to use and allocate the grants. As a result, the benefits provided through the acts cannot be viewed as entitlements because they are subject to the political vagaries of the federal budget. Rather, the acts set up a complex system of funding criteria; under that system, different programs serve various target groups and are administered by a broad array of providers that range from state governments to nonprofit organizations (Siplon 1999, 799). Although the acts recognize and support funding to meet some of the needs of vulnerable populations (in this case, the homeless and persons with HIV/AIDS), their administration sets considerable barriers to the exercise of social rights.

Conclusion

Human-service associations have played an important role in advocating for the expansion of the welfare state and in the institutionalization of social rights. However, this historical role is challenged under neoliberalism and the resulting new economics and politics of social care. Devolution and privatization, including contracting out, are powerful forces that erode social citizenship and threaten the autonomy of civil society as a mobilizing force that advocates on behalf of the poor and the marginalized. Under the new economics and politics of care, human-service organizations conceptualize their clients as customers rather than as citizens. As a result, the organizations obscure the importance of the state in protecting their social rights. Neoliberalism evokes the

image of local empowerment in rationalizing devolution and privatization. In reality, neoliberalism disempowers the poor and the vulnerable by turning them into consumers rather than citizens, a shift that can deprive them of their already precarious social rights.

Operating within a political economy of contracts, privatization, and marketization chills nonprofit human-service organizations' interest in and ability to engage in policy advocacy. It also limits their ability to mobilize for expansion of social rights. Advocacy, when it does occur, typically centers on obtaining benefits and resources for local constituencies. Only when new social problems arise and are coupled with an emerging policy field is there an opportunity to advocate on the national level.

In the final analysis, the ability of civil society to advocate on behalf of poor and vulnerable populations hinges on two factors: the extent to which the public sphere is independent of government and the extent to which civil society is protected from market forces. These conditions do not prevail in a neoliberal welfare regime.

Note

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