

A resource-based perspective on the regulatory welfare state: Social security in the United Kingdom

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The article provides a resource-based perspective on the polymorphic regulatory welfare state. It shows regulatory and fiscal tools applied in the UK social security sector place demands on claimants' resources (i.e., possessions, labor and data) and simultaneously alter behavior in relation to these resources. The analysis exposes an operation that generates new and increasing resource pressures for claimants, providing a deeper conceptualization of a regulatory welfare state. It offers a new perspective on why regulatory and fiscal arrangements perpetuate existing inequalities and suggests an increase in welfare problems as the regulatory welfare state intensifies resource pressures.

Keywords: claimants, regulation, resources, social security, welfare state.

1. Introduction

The nascent regulatory welfare state literature explores the intriguing association between regulation and the welfare state (e.g., Benish & Levi-Faur, 2020a, 2020b; Haber, 2011, 2017; Levi-Faur, 2014; Trein, 2020). The literature sees the state as a polymorphic institution, as both regulator of events and deliverer of welfare support, and endeavors to explain how modern societies attempt to pursue and manage social and economic goals (Benish & Levi-Faur, 2020a). The regulatory welfare state thesis has raised several important questions, to which only partial answers at best have been offered. How, if at all, is the regulatory welfare state finding expression across multiple policy domains (e.g., pensions, unemployment, and work) and jurisdictional and political contexts? Importantly, does the use of fiscal and regulatory tools, channeled through an inevitable expansion of the regulatory rulebook, undermine or belie the very policy objectives they are designed to promote and achieve?

This article provides a new conceptual understanding of regulation inside the welfare state through observations and scrutiny of an important policy program that is shaping social security in the United Kingdom (UK). This program was, if not necessarily instated, unquestionably given impetus with the Welfare Reform Act 2012, to a lesser extent the Welfare Reform and Work Act 2016, and the introduction of the welfare program known as Universal Credit. It is posited that the 2012 Act, while part of a generational layering of policy developments in social security, was a decisive moment in the emergence of regulatory welfare state operations, and of the formulation, and where considered appropriate, fine-tuning of methods and procedures that have both regulatory and fiscal constituents and effects. But more significantly, an examination of critical developments including and after the 2012 Act reveal how the regulatory and fiscal components of the regulatory welfare state, and the expansion of regulation, are being configured around the imposition of various measures which impact on a claimant's resources and simultaneously alter their behavior in relation to these resources. These (intersecting) resources, defined as things or strategies of usefulness, are *possessions* (what claimants have and own), *labor* (what claimants can do), and *data and information* (what claimants know or experience). The paper, by analyzing key policy developments, thus provides a resource-based perspective on the regulatory welfare state,¹ and lays bare a process not previously articulated. As far as we can tell, the issue of *resources* barely appears in the regulatory welfare

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state discourse. Yet resources are critical to the performance of regulation (Williamson & Lynch-Wood, 2021). A resource-based analysis therefore provides a new understanding of how regulation inside the welfare state functions and interacts with claimants, one that can be examined against different normative and institutional variations of the welfare state (Levi-Faur, 2014). Moreover, it provides new insights into how and why polymorphic state operations can perpetuate existing inequalities and suggests a proliferation of problems as the regulatory welfare state, with its fiscal and regulatory imperatives, attempts to address welfare problems while simultaneously increasing resource pressures on claimants.

Before analyzing a particular welfare domain, it is important to introduce the regulatory welfare state and to link this to resources, explaining why resources is a necessary consideration when examining regulatory and fiscal operations.

2. Resources and the regulatory welfare state

It was well over two decades ago when Majone (1994, 1997) made an important observation pertaining to the changing nature of state business. Reflecting on the rise of regulation as a distinct mode of policymaking, and on how European governments had been progressively—and perhaps irreversibly owing to competitive pressures of globalization (Majone, 1999)—transforming traditional modes of governance, Majone articulated how the positive and interventionist state (e.g., the producer of goods and services) was being replaced by the regulatory state. Direct interventionist policies for balancing and realizing social and economic goals were being overhauled by policies preferring competition and the regulation of privatized and liberalized markets. The regulatory state has been problematical and difficult to comprehend in terms of its general applicability to many “real-world” events and proceedings. Nonetheless, its central feature is the inclination toward the use of, or the “tendency to deploy and privilege regulation” (Levi-Faur, 2013, p. 30). The tendency, according to Levi-Faur (2013, p. 30), “expresses a normative and political bias towards regulation rather than discretion, regulation rather than direct service provision, and regulation rather than taxing and spending.” The regulatory state displaces the welfare state as provider of goods and services, which can be explained by the welfare state’s proneness to poor economic performance (Majone, 1997). The state becomes the choreographer of actions, events, and behavior. Regulation is the choreographer’s go-to instrument. This explains why the regulatory state is associated with the growth of regulation. New formulations of regulation are designed to work with, improve the efficiencies of, and create competitive markets and economic environments. The regulatory state is an increasingly complex state and is associated with the use of formal and informal rules, privatization and functional outsourcing, organization through self-regulation, third-party providers of goods and services, and institutions which operate at arm’s length from government (e.g., Braithwaite, 1999; Dubash & Morgan, 2012; Levi-Faur, 2013, 2014).

That the regulatory state is a monomorphic state which displaces the welfare state is a notion that has been challenged as unrealistic; as failing to properly depict the realities of the state’s work (Levi-Faur, 2014). It has more recently been claimed that the regulatory state and welfare state coexist and engage in mutual influence and adaptation (Benish & Levi-Faur, 2020a, 2020b; Levi-Faur, 2014). But how can we understand this cohabitation given that they appear to be quite different enterprises which, at first glance, are unable to share political and economic space? The answer to this, to the coupling of the regulatory state and welfare state, can be found in the polymorphic regulatory welfare state concept (Levi-Faur, 2014), a concept that provides a better understanding of how the provision of welfare has been governed over recent years. It is appreciated that the nature and extent of the coexistence of the regulatory state and welfare state is highly contestable (Benish et al., 2017; Benish & Levi-Faur, 2020a, 2020b; Levi-Faur, 2013, 2014). Yet the regulatory welfare state can be seen as a truer depiction of what states (attempt to) do to manage welfare problems because regulation has become more integrated into welfare state operations and connected to fiscal management and redistribution. Take housing as an example. The regulatory welfare state helps to appreciate how regulatory measures (e.g., constraints on the raising of rents) can produce redistributive effects (e.g., landlords bear the hidden costs of constraints on rent increases) (Levi-Faur, 2014). Though a simple illustration, it reveals something deeper about the mechanics of the regulatory welfare state, which is that there are measures, to draw from the terminology of Aaronson and Rothschild-Elyassi (2021), which operate on different *registers*. In the context of criminal justice, Aaronson and Rothschild-Elyassi talk of *regulatory* and *carceral* registers. They do not define *register* explicitly, however. For us, a register is a logic that underpins instrument selection, functionality, and effect. On the

regulatory welfare state, and as the housing illustration suggests, there are two primary registers, *regulatory* and *fiscal* (Benish & Levi-Faur, 2020a, 2020b; Levi-Faur, 2014). Measures operating on a regulatory register include those that determine welfare recipient actions and activities, such as who can claim and what, and measures operating on a fiscal register relate to aspects of economic management (e.g., redistribution). One measure can operate in both registers.

The regulatory welfare state is a comparatively youthful concept which raises numerous questions over how fiscal and regulatory tools are used in welfare regimes (Levi-Faur, 2014). An important question is whether there is a way of understanding how the regulatory welfare state is shaping the experiences of claimants. This article makes a significant contribution in this regard. It demonstrates that the regulatory welfare state has been revealing itself via combinations of regulatory and fiscal instruments in the UK social security sector. But more importantly, it shows that these instruments are operating—and are configuring the sector—in a particular way, that is, by imposing new and cumulative demands on claimant resources. While the social security domain still serves to safeguard social rights and redistribute resources, there is at the same time an impulse to formulate measures which attempt to engage a claimant's resources and adjust claimant behavior in relation to their own resources, such as by encouraging self-sufficiency and engagement with digital technology. Welfare support in the UK, particularly when considering the Universal Credit program, creates three gateways for regulatory activities around *household finances*, *job-seeking commitments*, as well as the development and use of enhanced *digital data and channels* (Department for Work and Pensions, 2012, 2014). Building on this, and as shown in Table 1, it is apparent that there are three broad resource categories that the regulatory apparatus endeavors to draw into the social security domain: namely, *possession-based resources*, *labor-based resources*, and *information and data-based resources*.

Why focus on resources? The focus is justified since the welfare claimant is being subject to increasing regulatory rules and undertakings. There will be numerous implications as the claimant experience is altered. As argued recently in an analysis of why and how regulation performs, an important factor that will determine how regulation functions, on whether it delivers its desired outputs, is the resource demands it places on the recipient of regulation when matched with the resources possessed by the recipient: a regulation which makes no resource demands does not function as a regulation and a regulation that makes excessive demands will be weakened in terms of its ability to deliver its aims across a wide population (Williamson & Lynch-Wood, 2021). However, the issue of resources—and the way regulatory and fiscal measures combine to engage claimant resources—has still to be considered in the regulatory welfare state literature even though resources is an essential component of a regulatory welfare state operation. It is thus important to advance the cogent work already done (see Levi-Faur, 2014) and to scrutinize how the state is conducting welfare business. If the state is not simply transferring resources through traditional redistributive policies of the welfare state, then we need to understand what its regulatory functions are doing and how they are changing the nature of the interactions with claimants. An analysis through the lens of regulation and resources is therefore overdue and will allow for new perspectives and insights into how the regulatory welfare state is functioning in a critical and capricious sector.

It is now appropriate to examine relevant regulatory and fiscal frameworks and to expose the type and scale of resource demands they impose.

3. The policy framework

The analysis focuses on an important mix of measures implemented in the UK, with emphasis on Universal Credit. Universal Credit was designed to be a simplified welfare program, and like many welfare policy responses

Table 1 Typology of resource interferences

Resource	Overview of intervention
Possessions	An intervention applied to what the recipient owns, possesses, or holds (e.g., capital, property, benefits) and which is designed to adjust behavior
Labor	An intervention applied to work, activities, actions and skills and which is designed to adjust behavior
Data and Information	An intervention applied to claimant knowledge or experience and which is designed to adjust behavior

internationally, was instigated by the Great Recession (Koch, 2021; Taylor-Gooby et al., 2017). Since 2013, it has been replacing, and will fully replace in 2024, six means-tested benefits, or “legacy” benefits.² Universal Credit was a major policy transformation that affected millions of households (Alston, 2018; House of Commons Work and Pensions Select Committee, 2014; Millar & Bennett, 2017). In November 2021, 5.7 million Universal Credit claimants were recorded in response to the Covid crisis (Department for Work and Pensions, 2022a), while spending on Universal Credit (plus legacy payments; see below) was £80.4b in 2020–2021, up from £64.3b in 2019–2020 (Office for Budget Responsibility, 2022). The central points of reference for the analysis, the legal foundation of the system, are the Welfare Reform Act 2012 and to a lesser extent the Welfare Reform and Work Act 2016. Together, they provide the legal framework underpinning the Universal Credit program and its key tools, such as the benefit cap, mortgage support, and workfare arrangements. The 2012 Act, the culmination of policy ideas decades in development (Hobson, 2020), was described by senior officials as the biggest “shake up” of the system for 60 years (Department for Work and Pensions, 2011a, 2011b). It was designed to simplify welfare provision, incentivize work, and was notable for instituting the harshest system of sanctions seen in the history of the UK benefit system (Reeve, 2017). The 2016 Act was configured around a policy of financial sustainability (House of Commons Library, 2015) and paved the way for several controversial measures, such as benefit reductions for households, a freeze on working age benefits, and a secured loan system for claimants to help with mortgage interest payments (Hobson, 2020).

The advancement of the regulatory program does not conclude with the framework legislation. Both Acts delegate to ministers the powers to enact additional measures to support the principal law. These measures take the form of statutory instruments and there has been a steady expansion since the primary legislation was enacted, especially since the Covid crisis. For example, The Universal Credit (Work Allowance and Taper) (Amendment) Regulations 2021/1283 and The Universal Credit and Jobseeker’s Allowance (Work Search and Work Availability Requirements—limitations) (Amendments) Regulations 2022/108 make critical changes to the regulatory framework. These and other instruments have transformed the administration of social security and are important to this analysis, for they support an expanding program of regulatory and fiscal intervention into different aspects of the claimant’s stock of resources. A further though sometimes overlooked dimension to the policy framework was the introduction of a welfare cap, distinguishable from the benefit cap discussed below. The welfare cap is an important macro target that drives fiscal policy and can be seen as a continuation of responses to austerity. It was introduced in its original form in the 2014 Budget, which shortly followed the Welfare Reform Act 2012, and it sets limits on the amount that can be spent on certain benefits (Keep, 2022, 2023). A breach of the cap could lead to additional measures designed to reduce welfare spending (Keep, 2022).

4. Possession interferences

The focus is on four key tools that provide important and extensive interferences into different types of possession-based resources. The measures have far-reaching implications, direct and indirect. Exposing the scope and expansion of social security regulation, particularly the way regulation is being configured to target a spectrum of possession-based resources, the selected measures relate to the resources people can access (through direct benefit payments and a *cap* on benefits), the financial resources people hold (through a *tariff* mechanism), the potential benefits people can retain if in work (through a *taper* rate mechanism), and the property resources people own (through a *loan* scheme of help for mortgage payments). Each measure is used to operationalize or supplement Universal Credit. It is notable, as Figure 1 illustrates, that the measures are configured around a regulatory welfare state strategy since they operate in fiscal and regulatory registers. The provisions on the benefit cap, for example, not only contain eligibility requirements (i.e., regulatory), but also stipulate important financial limits on payment transfers (e.g., fiscal), while the taper rate provisions determine which claimants should have their entitlements reduced (i.e., regulatory) and similarly stipulate financial thresholds and constraints (i.e., fiscal).

4.1. The benefit cap

The Welfare Reform Act 2012 introduced in Part 5 (section 96(1)) a benefit cap, which came into force in 2013. It is a measure which, as Figure 1 outlines, lays down eligibility requirements for direct payment transfers and

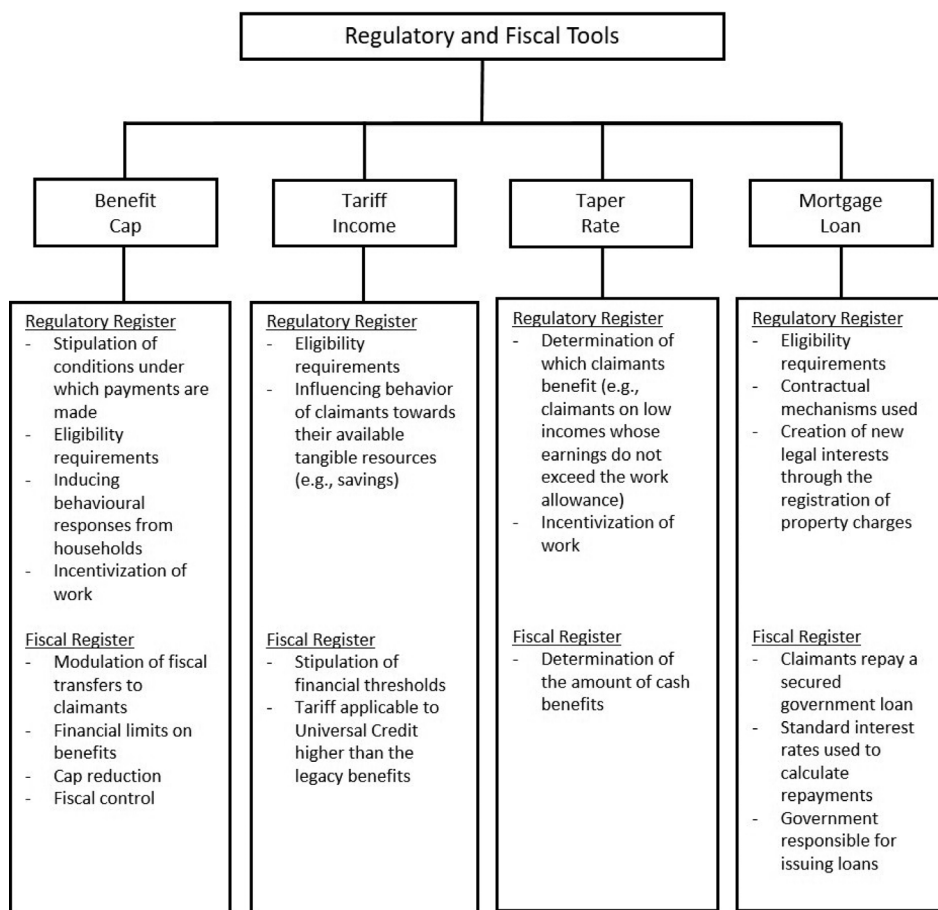


Figure 1 Possession interference.

aims to control spending and deliver fiscal savings in an area that can be difficult for governments to control (Kennedy et al., 2016). This controversial measure was the centerpiece of the government’s efforts to reduce the budget deficit (Fenton-Glyn, 2015). The cap has as one of its primary aims the inducement of “behavioral responses” from recipients and the incentivization of work (Kennedy et al., 2016; see Grover, 2022), with the basic premise being that a person should not be provided with more money when out of work than what they could reasonably expect to earn from employment. Importantly, it is a measure that interferes with a claimant’s “possessions.” In the Supreme Court case of *R (on the application of SG and others (previously JS and others)) (Appellants) v Secretary of State for Work and Pensions (Respondent)* (2015, UKSC 16), it was confirmed, when deciding whether the housing benefit regulations were unlawful, that although the cap had a legitimate and justifiable aim it was nevertheless an interference with a recipient’s possessions within Article 1 of Protocol 1 of the European Convention on Human Rights. The Court had little doubt that the cap was an interference with possessions since a person’s “Possessions ... includes entitlement to welfare benefits.”³ The cap is a restraint on the financial resource that is given to and thus belongs to the claimant, meaning that any changes to the cap would be an additional change to a person’s resources.

To illustrate the point, it is important to outline how the cap works and how it has changed. Table 2 shows how eligibility requirements are determined and how combinations of primary and secondary instruments (e.g., The Benefit Cap (Housing Benefit and Universal Credit) (Amendment) Regulations 2016/909) had until recently served to lower the total amount of benefit that a non-working household can receive. As Table 2 demonstrates, there had in 2016 been a reduction for all claimant types, whether a single person, a couple, or whether or not they reside in Greater London, thus confirming an important aspect of fiscal retrenchment (Kennedy et al., 2016)⁴ as well as considerable interference with possession-based entitlements. Interestingly, it is only

Table 2 The benefit cap

Year	Recipient	CAP
2013	Single claimant who is not responsible for a child or qualifying young person	£18,200
	Joint claimants or a single claimant who is responsible for a child or qualifying young person	£26,000
2016	Single claimant resident in Greater London who is not responsible for a child or young person	£15,410
	Single claimant resident in Greater London who is responsible for a child or qualifying young person	£23,000
	Joint claimants where either joint claimant is resident in Greater London	£23,000
	Single claimant not resident in Greater London who is not responsible for a child or qualifying young person	£13,400
	Single claimant not resident in Greater London who is responsible for a child or qualifying young person	£20,000
	Joint claimants not resident in Greater London	£20,000
2023	Single claimant resident in Greater London who is not responsible for a child or young person	£16,967
	Single claimant resident in Greater London who is responsible for a child or qualifying young person	£25,323
	Joint claimants where either joint claimant is resident in Greater London	£25,323
	Single claimant not residing in Greater London who is not responsible for a child or qualifying young person	£14,753
	Single claimant not resident in Greater London who is responsible for a child or qualifying young person	£22,020
	Joint claimants not resident in Greater London	£22,020

Notes: From 2013 to 2016, benefit cap governed by Welfare Reform Act 2012, ss 96 and 97 and The Benefit Cap (Housing Benefit) Regulations 2012/2994, reg. 2. From 2016 to 2023, benefit cap governed by Welfare Reform Act 2012, ss 96 and 97, Welfare Reform and Work Act 2016, ss 8(2), (3) and (4), The Universal Credit Regulations 2013/376, reg. 78–83 and The Benefit Cap (Housing Benefit and Universal Credit) (Amendment) Regulations 2016/909, reg. 2 and 3. From 2023 to the present, benefit cap governed by Welfare Reform Act 2012, ss 96 and 97, The Universal Credit Regulations 2013/376, reg. 78–83 and The Benefit Cap (Annual Limit) (Amendment) Regulations 2023/335 reg. 2 and 3.

recently in April 2023 that the cap was raised due to pressing inflationary pressures. The increase does not, however, offset the fact that because this was the first increase in the history of the cap, then when inflation is taken into account over the cap's existence, there has been a reduction and downward pressure on people's resources. The cap is generally losing value (see Kirk-Wade, 2022). Consider that for relevant categories of claimant it has not returned to the levels at which it was set in 2013.

And this brings us to another important function of the cap, which is alluded to above. The cap is designed to stimulate adjustments to behavior in relation to, and about how claimants deploy, a broader portfolio of resources. Substantiating the point, it is pertinent to refer to the impact assessment undertaken prior to the cap's introduction (Department for Work and Pensions, 2011b). This declared that the cap itself was intended to activate an appropriate response and create a need for claimants to accumulate, or reconfigure, their available resources by, for example, working, reducing non-rent expenditure, or moving to cheaper accommodation. A separate assessment carried out shortly afterwards highlighted the analogous regulatory intention of activating additional claimant resources primarily by encouraging claimants to work more hours or by renegotiating their rent in situ (Department for Work and Pensions 2012b). This is an important regulatory purpose and further underlines what Grover (2022, pp. 3–4) points out as one of the most important concerns over social security policy and the cap mechanism, which relates to how it “might act to encourage or discourage people to commodify, to sell, their labour power.” Commodification suggests claimant resources form part of the fabric of the regulatory system since the more hours worked the more financial resources will be accumulated and mobilized to meet welfare needs. It is thus clear that the benefit cap is an important tool that not only determines the limits of any fiscal transfers from the state but which also endeavors to stimulate where claimants divert their financial resources and how and whether they may invest their energies to accumulate additional resources.

The benefit cap has been subject to considerable commentary and criticism. Yet, none of the commentary has considered the cap from the perspective of resources, and how (adjustments to) it may impact directly and indirectly on different aspects of claimant resources. This repositioning of the cap, as a regulatory welfare state operation, is even more interesting when we juxtapose it with the following measures, of which far less is written but

which, like the cap, are important aspects of the process of policy development around social security and interferences with resources.

4.2. The tariff income (assumed yield)

The Welfare Reform Act 2012 imposes a tariff income, an alternative regulatory device that is part of the Universal Credit program and which draws into the regulatory welfare enterprise the financial capital owned by the out of work claimant. It is important to note that currently there are two schemes operating in parallel. First, access to certain means-tested benefits (i.e., legacy benefits) is regulated by a tariff income system that applies to relevant capital which the claimant possesses. For these benefits, with exceptions,⁵ the system applies important financial adjustments which impact on the owned resources of claimants. It stipulates that the possession of capital over £6000 will generate a tariff income, essentially a reduction in benefits, of £1 per week for every £250 above the threshold. The claimant with capital over £16,000 is ineligible for benefits (Department for Work and Pensions, 2022b). Second, there is a separate—and what appears to be a marginally less generous⁶—tariff income applicable to Universal Credit. This was created by The Universal Credit Regulations 2013/376 which were made under the powers of the Welfare Reform Act 2012, and these Regulations detail how a person's capital and income are to be calculated against any benefits they receive. It is not referred to as a tariff system in the Regulations themselves. Rather, it is called an “assumed yield from capital.” It is set at £4.35 per month for every £250 possessed over £6000 and below £16,000 (Table 3).

As Figure 1 illustrates, the tariff income, like the benefit cap, deploys several fiscal and regulatory maneuvers to manipulate and calibrate the financial resources of the welfare claimant. Its fiscal function stipulates financial thresholds which officials will use to determine cash benefit transfers, whereas its regulatory function serves to determine eligibility requirements and has the purpose of influencing both the decisions and behaviors of claimants with regards to a broader set of resources (e.g., how savings are used and the types of employment they may seek and accept). Looking more closely at the measure, it is possible to identify various mutual interactions between two domains of statecraft and the nature of the interferences occurring. There is a mutual working of the fiscal and regulatory registers. The state is of course prepared to distribute cash resources to the claimant (a fiscal transfer), but the regulatory assumption underlying this is that the claimant will use their own available resources “responsibly” for welfare needs. This approach has important implications for resource use and management. If the claimant manages to increase capital, this will induce regulatory and fiscal responses in the form of reduced benefit payments measured against the relevant level of capital accumulation. As the claimant uses available capital to a certain level, then transfers from the state increase. As with the benefit cap, there is a theme of both regulatory and fiscal registers being used to manage, disrupt and engage claimant resources and to make these resources relevant to the regulatory domain.

4.3. A taper rate

An alternative and important resource-based tool is a taper rate, which is related to a work allowance and which was introduced in its original form by The Universal Credit Regulations 2013/376. The purpose of the taper rate is to determine benefit payment reductions for certain people who are in receipt of earnings above a specified amount. This amount is called the work allowance and is calculated monthly. Designed around the fiscal and regulatory management and interference with possessions and the activation of activities, the taper rate can also be seen as a regulatory welfare state maneuver. Once a person earns more than their work allowance, the taper rate

Table 3 The tariff income (assumed yield)

Minimum capital limit	Maximum capital limit	Tariff income	Benefits affected
£6,000	£16,000	For every additional £250 of capital owned above the minimum capital limit and up to the maximum limit, the recipient is assumed to have a monthly income of £4.35	Universal Credit

Note: Tariff income (assumed yield) governed by Universal Credit Regulations 2013/376, reg. 72.

is activated and benefits reduced in line with earnings above the allowance. Thus, and as illustrated in Figure 1, the taper rate measure operates in both fiscal and regulatory registers. Not only is it designed to determine the amount of cash benefits people are entitled to, operating in a fiscal register, but it also determines which persons will benefit (e.g., claimants on low incomes whose earnings do not exceed the work allowance) and aims to incentivize the take-up of work, although the effect of the measure may depend on other regulatory or economic decisions (see Brewer et al., 2021). Interestingly, recent adjustments to the taper rate illustrate how the regulatory welfare state will reorder its priorities and use the tools at its disposal when responding to external events.⁷ The reaction to Covid demonstrates how operations and devices are recalibrated and fine-tuned. Prior to November 2021, the taper rate operated so that for every £1 earned over the applicable work allowance, 63 pence per £1 was deducted from the total benefit received.⁸ Changes were then made to the taper rate because of a Government priority to boost work incentives (see Brewer et al., 2021), that is, to affect decisions over labor. Following an announcement in the Autumn 2021 Budget, The Universal Credit (Work Allowance and Taper) (Amendment) Regulations 2021/1283 changed the taper rate to a 55 pence per £1 reduction, thus attempting to make work a more attractive selection. Again, it can be observed that the taper rate instrument is part of a suite of measures that are designed to adjust claimant resources. A direct interference with possessions is being used to nudge or activate labor activities. The taper performs its function through the activation of fiscal and regulatory levers and the procurement of behavioral and economic effects. There is, as it were, a regulatory game taking place, where one action (the application of the taper rate) attempts to provoke a labor-related response.

4.4. The mortgage loan

When evaluating how claimant resources are shaped by regulatory welfare state operations, an important change to the regulatory framework was made with the Support for Mortgage Interest loan scheme. It was introduced by the Welfare Reform and Work Act 2016 and The Loans for Mortgage Interest Regulations 2017/725, and restructured how welfare claimants who are out of work are assisted with mortgage repayments. It is particularly relevant since it points to a substantial modification in the fiscal and regulatory registers, with the state, rather than giving resources to the claimant, *loaning* resources with the opportunity to receive more resources in return in the form of interest payments and administration costs. For context, there existed prior to 2018 a scheme that operated as a benefit *payment* system. A person who was out of work and struggling to repay their mortgage was provided with direct payments to cover the mortgage interest component of the debt. The scheme was replaced by the 2017 Regulations and the introduction of the secured *loan* mechanism, formalized by a contract between the claimant and the government. So, to be eligible, the claimant, who must be out of work and in receipt of a qualifying benefit,⁹ must apply for a government loan to help with mortgage interest payments. The government is granted the power to charge interest on the loan. After compliance with relevant conditions and formalities, the loan is then secured by a legal charge on the claimant's property. The loan will be immediately repayable when the claimant's property is either resold, transferred or assigned, or on the death of the claimant. It is important to note that the Regulations introduce a "qualifying period." A claimant will receive no mortgage assistance for nine months from the date at which they are eligible to claim Universal Credit.

The scheme is a vivid example of the adaptation of resource interferences and illustrates how a regulatory operation can insert itself in a welfare state operation. It is a serious position and priority adjustment, driven by a concern about the use of resources and the risk to taxpayers (Grover, 2018), that is, the concern that claimants were receiving payments from the public purse even though they had a property resource which was increasing in value and could produce a profit if sold. The response has been to use regulation to secure an interest in the owned property of the claimant and to use that interest not only to fortify government revenue streams, through interest or final sale payments, but also to adjust claimant behavior, for example, by incentivizing and accelerating the claimant's participation in waged work (Grover, 2018). Any would-be scheme user has additional decision-pressures deriving from regulation. Do they take on additional levels of debt and become further locked into the regulatory system? Should they enter new domains of (possibly less remunerated) work? It has been suggested that the use of a loan is a coercive mechanism which forces poorer people to take responsibility for their own financial maintenance by realizing the value of an asset (see Grover, 2018; Harrison & Sanders, 2014). The use of a loan, a debt, in a welfare state arrangement is unusual and illustrates the diversification of statecraft that is

emblematic of the regulatory welfare state. Debt would seem to be the antithesis of a traditional welfare state scheme. Yet, it has now become a tool of welfare governance and illustrates the extent to which new regulatory modes will be used to intervene in the affairs of welfare claimants and to engage their resources for welfare purposes. It is also worth mentioning that the scheme is a source of regulatory expansion. Not only does it formulate new rules for eligibility, but it facilitates the enrolment of third-party organizations (e.g., financial services, legal services, charities) into the regulatory endeavor. For instance, scheme users are referred to Shelter, a charity that provides advice on housing issues in the UK, as well as MoneyHelper, which is a free service provided by the Money and Pensions Service and which is sponsored by the Department for Work and Pensions. Time will tell whether the measure “sets a precedent that could result in its extension to other loans of social assistance” (Grover, 2018, p. 411). It is, however, clear the scheme represents a fiscal and regulatory reprioritization, is evidence of regulatory expansion, and introduces novel disruptions and additional locks in and around the regulatory regime.

Four regulatory measures have been considered. They use different tactics to interfere with the claimant's possession-based resources (and to activate a broader portfolio of resources such as labor activity), and it is clear that these measures are driving a process of regulatory expansion, manipulating different types of resources in different ways and making alterations in light of shifting economic and social circumstances. These possession-based resources are not the only resources being subject to new and increasingly onerous regulatory mediations. Claimant labor, as we now explore, is subject to its own regulatory interventions that follow an analogous pathway. The next section considers several tools that constitute the workfare scheme.

5. Labor interferences

Though the measures outlined have direct impacts on claimants' possession-based resources, they also, as alluded to, have other important (indirect) impacts, in that they influence and stimulate other resources, such as labor activity. Each measure has been calculated to produce such an effect. There is an important and interconnected regulatory framework which provides for a more direct set of interferences into the claimant's labor resources. These resources relate to different forms of physical activity and work, which might include unemployed work, work-related activities (e.g., work searches, training), and a range of additional physical undertakings and investments which claimants are expected to perform.

The evolving framework is a regulatory welfare state operation since it uses regulatory and fiscal tools to realize its objectives. It is important to note that the fiscal and redistributive effects of these labor-related tools, or the fiscal register, are less explicit than the measures relating to possession-based resources because they are resistant to measurement (Levi-Faur, 2014). The fiscal effects are present, however, because measures on the regulatory register will promote the interests of certain groups over others (see Levi-Faur, 2014). For example, sanctions (i.e., benefit reductions) applied to those who fail to meet their commitments will influence the flow of cash transfers in the system. To illustrate the most distinct component of the regime, the regulatory register, it is important to consider how the state sets about its business. It does so through the workfare system. The system is mainly organized by Chapter 2 of the Welfare Reform Act 2012. It is administered through a suite of government-managed schemes, each of which is aimed at pressurizing Universal Credit claimants—and the short and long-term unemployed—into paid employment. One of the principal tools used to manage labor resources is the “claimant commitment.” It is a contractual tool, an agreement and record of the claimant's responsibilities in relation to an award of Universal Credit. This contract is said to mirror the contract of employment (Department for Work and Pensions 2015), and from a regulatory perspective it is important as it formalizes relationships and embeds obligations. The details of the claimant commitment are set out in section 14 of the 2012 Act. The purpose of the commitment is clear. It is designed to intensify and increase the conditions which claimants must meet in return for access to welfare benefits, with the belief that this will induce behavioral responses and modifications. This is essentially what is known as welfare conditionality (Dwyer, 2018; Dwyer & Wright, 2014; Wright, 2012; Wright & Dwyer, 2022), a policy principle that links welfare benefits to “responsible” behavior and a practice that existed prior to Universal Credit. Sanctions are in place for claimants who fail to meet designated commitments.

The claimant commitment is an agreement between claimants and the state and works by getting claimants of a particular description,¹⁰ with assistance from a work coach, to draw up and agree on a set of responsibilities that they must discharge in return for welfare rights and payments. To emphasize the importance of the agreement, it is signed by the welfare recipient. It is on-going, continually regulated in the sense that it is constantly revisited and demanding of various labor-based resources. Claimants must attend work-focused interviews with welfare administrators and inform administrators of new or changing circumstances, such as changing income. Ultimately, it is through the claimant commitment that welfare recipients must, pursuant to section 16 of the 2012 Act, “take particular action making it more likely that they will obtain paid work (or more paid work or better-paid work).” This is a work preparation requirement, and it is notable that the phrases “particular action” and “more likely” infer an operation to impose an ongoing interference with a claimant’s behavior, urging them to think about, invest in, and engage resources appropriately. In other words, the claimant is pressured into committing to work-related activities that have a realistic prospect of increasing their capacity to engage in waged work and into adjusting their practices where a particular action does not appear to bear fruit. As can be seen in section 16(3) of the Welfare Reform Act 2012, the system has preset ideas about the types of activities the claimant should be undertaking to be more resourceful, and it sets out several actions intended to impact on a claimant’s labor-based resources and ultimately change their behavior and situation (i.e., from unemployment to employment). Such actions include attendance at skills assessments, improvement of personal presentation, participation in training programs, work experience, as well as business planning.

The work preparation requirement is an important component of the workfare program, but there is a complementary and important regulatory measure which takes the form of a “work search requirement,” details of which are set out in section 17 of the 2012 Act. Claimants are required to take “all reasonable action” and “any particular action ... for the purpose of obtaining paid work.” Subject to limitations, section 17(3) specifies a series of labor-related activities that may be required, including the carrying out of work searches, making applications, creating and maintaining an online job profile, registering with an employment agency, and seeking references. The work search requirement is supplemented by The Universal Credit Regulations 2013/376, as amended. Importantly, in their original form, the Regulations specified that where a claimant has previously carried out work of a particular nature, or level of remuneration, they had a three-month period where work searches could be confined to that type of work and level of remuneration. It has already been pointed out how the institutions of the regulatory welfare state will adjust priorities and tools if considered necessary to achieve policy goals. Again, the regulatory and fiscal response to Covid illustrates the point, where the desire to encourage people to take-up paid employment was galvanized by a “Way to Work” welfare policy campaign that was launched in 2022 by the UK Government. The urge to encourage employment has recently led to the work search requirement undergoing a significant adjustment with the introduction of The Universal Credit and Jobseeker’s Allowance (Work Search and Work Availability Requirements – limitations) (Amendments) Regulations 2022/108. The Regulations reduced the search time from three months to four weeks, thus pressurizing claimants into searching more widely for available jobs and indicating a heightened sense of urgency, and a tightening of the rules, in relation to how people channel their labor efforts and resources toward the pursuit of work. In addition, it is important to point out that while there is a redoubling of efforts to get people into employment, the pressures created by work-related requirements, and of the ratcheting up of labor resource demands, may produce some negative impacts, such as on childcare responsibilities (Andersen, 2020), on food availability (e.g., Pautz & Dempsey, 2022; Williams et al., 2016), or on pressures to down skill (see below).

Finally, one of the functions of the workfare system is how its mechanisms and strategies, as part of the regulatory endeavor (e.g., balancing goals, welfare responsabilization, fiscal stability), steer claimants toward producing and using their own labor resources. The intrusiveness of these mechanisms is considerable, to the point where they may require claimants to invest in altering their personal characteristics to make themselves more appealing to labor markets. Even the claimant’s presentation is judged by the system in resource terms, as either useful or not. The depiction of labor as an asset produced by welfare recipients enables us to better understand regulatory welfare state operations as processes built around the management of and demands placed on resources. This leads us to the next claimant-generated resource of relevance, which is data. The following section considers the implications of a regulatory system built on the use of digital technologies.

6. Data interferences

It is the “UK’s first ‘digital by design’ benefit” (Griffiths, 2021, p. 1). The quotation provides an insight into the scale and significance of the transforming social security sector and the ever-changing state enterprise being developed to operationalize Universal Credit. Both the 2012 and 2016 Acts are supported by new and evolving implementation mechanisms that use several technological support systems, such as information technology platforms, algorithmic decision-making frameworks (Yeung, 2018), and data dragnets (see Fourcade & Healy, 2017). The purpose of these expansive digital methods for collecting and processing data is to improve decision-making, both in relation to helping the claimant make “better” decisions and the efficiency and functionality of the sector. There are three notable points. First, the shift to digitalization of welfare provision is an important feature of the regulatory welfare state enterprise owing to its perceived cost saving paybacks, evidencing its fiscal register, and its requirement for activities such as data gathering and inputting processes, and possibly skill upgrades, evidencing the regulatory register (Department for Work and Pensions 2012, 2012b; National Audit Office, 2020). Second, these new digital support mechanisms reveal how claimant data and information have become indispensable resources which are central to decisions that are and are likely to be taken over measures resonating in either register. Stated differently, it indicates that claimants are holders and producers of data and information (e.g., about job activities and experiences of welfare support). It suggests, too, that these data are necessary resources for decision-makers engaged in algorithmic regulation, a process involving the use of computational networks to alter behavior pursuant to an overarching social objective (Yeung, 2018). These resource materials assist decision-makers, for example by helping them to provide feedback to individual claimants and/or by providing pools of data for macro regulatory or fiscal decisions (see Dencik, 2021). Third, and connected to the inevitable regulatory expansion that characterizes the regulatory welfare state enterprise, as the sector evolves, it is possible to observe a thirst for new data and facts so that decisions are current and accurate (National Audit Office, 2020), with these data and facts then being used to add sustenance to an ever-more infiltratory set of methods of activity monitoring and surveillance.

Given the significance of data as a resource, it is important to look at which data are gathered and how they are used. Not only does this reveal something of the scale, intrusiveness and demands of the data management exercise, but as considered in the discussion, it helps to contextualize and better understand the impact of regulatory incursions and how they can facilitate exclusion, marginalization, and other harms (e.g., Alston, 2018; Schou & Pors, 2019; Social Mobility Commission, 2021; Williams et al., 2016; Yeung, 2018). Looking more closely at what is happening, there is an automated information technology system that supports the administration of Universal Credit. It is designed to capture relevant claimant experiences relating to job applications and job searches and to generate data about important work-type activities (Department for Work and Pensions, 2022c; Larkin, 2018). The system is constructed, as indicated, to be “digital by default,” a phrase used to reinforce the fact that digital technologies would provide the main channel through which people would make benefit claims, check payment details, and search for jobs (Department for Work and Pensions, 2012). A key feature of the data management exercise is that claimants must register with and use the system’s “Find a Job” platform. It has a portal through which claimants are expected to search and apply for jobs. A record of activities is captured by the system and logged by date and time, providing an evidence trail for administrators to process and use when accessing the system. Importantly, administrators observe the raw data provided by the claimant and use these data to create facts and evidence about the claimant’s level of engagement with the job market and compliance—or otherwise—with agreed contractual commitments. Thus, and pertinently, it is clear that in self-administering their own surveillance (Fletcher & Wright, 2018) claimants are providing the necessary raw ingredients needed to generate important data resources that the system requires to then effectively regulate claimants. Claimants are required to provide information about their knowledge and experience to welfare officials, and the information is harvested and used by these officials to steer behavior. There is a symbiotic resource paradigm, with the state using data resources generated by the claimant to manage and stimulate other claimant resources and activities (e.g., labor).

There is a further and important data resource gathering operation. Digitalization and data resource management are components of so-called workfare schemes, which are schemes designed to help people rejoin the work environment. The schemes are being used to source information from claimants and transform this information

into useful data resources that are then used to regulate claimant behavior. Algorithmic regulation is used to gather data resources, in real-time, as claimants perform actual labor tasks on workfare programs. Gathering data from claimants in this form has both fiscal and regulatory implications, as it can help to reduce stress on welfare state resources (e.g., cost reductions, Yeung, 2018) and regulate behavior (e.g., encouraging productivity, sanctioning). For instance, employers such as Amazon, which participate in workfare schemes, use “asset management programs” to measure the productivity of workers using markers on issues such as speed and efficiency. Asset management programs, which operate through computer software, generate qualitative and quantitative measurements of worker productivity and convert these measures into a “single, composite assessment of performance” (Briken & Taylor, 2018, p. 452). These programs thus produce data resources out of the claimant’s work experiences. Claimants help to generate these resources because their experiences are converted into facts and measurements by scheme operators. Importantly, these facts and measurements can provide the basis for regulatory action, such as direct supervisory intervention. To illustrate, employment agencies liaise with the managers responsible for extracting data on worker productivity and the data is used to execute dismissals, if necessary. Thereafter, agencies receive new workfare claimants via government organizations (i.e., in the UK, Jobcentre Plus) tasked with administering benefit payments and helping claimants to look for work (Briken & Taylor, 2018). This is significant for the present analysis since it shows how claimants are channeled into workfare schemes and become targets for data sourcing by scheme operators, thus demonstrating a perpetual data resource gathering machinery.

To sum up, data resources are an important component of the regulatory welfare state. Data gathering helps the regulatory system to function by informing decisions of a macro, micro, fiscal and regulatory nature. Yet, while the system is designed to be more efficient, there are, as alluded to with both labor and possession-based resources, consequences (e.g., digital exclusion). The analysis has signposted some of the negative outcomes of a regulatory program that is interfering on an increasing basis with a claimant’s stock of resource. It is now important to expand on this in the discussion.

7. Discussion

A question was posed earlier: why resources? It is an important question because the demands placed on resource availability will determine how regulation performs. While recognizing that the act of regulating inevitably places a demand on resources, it is also to be appreciated that excessive or inappropriate demands can produce various problems and consequences. Resources is thus a valuable lens. It provides a deeper conceptualization of the regulatory welfare state and its polymorphic operations by providing new insights into how regulation shapes the claimant experience. Resources is useful for re-evaluating regulatory welfare state operations and for considering the potential after-effects of the implementation of regulatory and fiscal tools and regulatory expansion.

Following on from this, we can see that the imposition of increasing resource demands on those who already have limited resources has generated problems. Take, for example, the measures adopted to facilitate the generation and availability of data resources, particularly by means of new digitalization methods. These measures, which have been operationalized through the ‘digital by default’ approach, have for many claimants exposed critical resource lacunas. The decision to digitalize the Universal Credit system was forged on a particular, and what we now know to be a flawed assumption, which was that claimants would be able to conveniently obtain digital access to benefit payments (Good Things Foundation, 2021). It was a taken-for-granted standpoint. Yet, there was a serious failure to properly recognize that the provision of data in a specified digitalized form was essentially forging a set of regulatory conditions that many claimants would not have the means to meet, leaving them unable to access benefits and therefore exposing problems in the welfare program (Alston, 2018). Reporting in 2018, Philip Alston, who was the United Nations Special Rapporteur on extreme poverty and human rights, reported that Universal Credit “has built a digital barrier that effectively obstructs many individuals’ access to their entitlements. Women, older people, people who do not speak English and the disabled are more likely to be unable to overcome this hurdle” (Alston, 2018, p. 8). Looking at this from an alternative viewpoint, the barrier is fortified by a lack of one or more available resources, whether technological (hardware, software) or skill-based, and it is a barrier that has been created by an impulse to embed the algorithmic regulatory mode. Predictably, the regulatory welfare state has attempted to respond to the problems created, and it has done so not by any

dramatic policy transformation, but through an adjustment of its fiscal registers and policy levers. It is interesting that the government's own Help to Claim Service, which was launched in 2019, was a £39 m support package which, though not solely focused on the problem of digital exclusion, was established to help people overcome claim-related barriers, including digital exclusion. Interestingly, the support package is administered through entities such as charities (e.g., Citizens Advice), suggesting the activation and augmentation of the regulatory register. Moreover, if claim barriers are overcome by claimants who, after receiving digital resources, use these resources to engage the Universal Credit system, this then raises a further interesting point in that the digitally included claimant becomes subject to a new set of regulatory and resource interferences. For example, the claimant becomes subjected to the sphere of Universal Credit, with its caps, tapers, and so forth. New regulatory and fiscal registers and interferences are activated and expanded as new claimants are channeled into the program, inevitably stimulating regulatory expansion (e.g., more rule-following, more rule enforcement) and the application of resource pressures on claimants.

There is a similar dynamic operating in other areas of the welfare system relating to possessions and labor. It is well documented, for example, that the benefit cap and benefit sanctions have left many households unable to afford adequate food and necessities (Grover, 2022; Patrick, 2014; Williams et al., 2016). Moreover, the gradual establishment of Universal Credit has been linked empirically to rising food bank usage, with Reeves and Loopstra (2021) revealing that when the Universal Credit case load rises from month to month there is also an increase in the number of food parcels distributed. Again, there has been an institutional response to these food shortages, and it is a response that shares some of the characteristics of the response identified with data problems, that is, the mobilization of additional social assistance through regulatory and fiscal maneuvers. On the one hand, it is interesting that the administration of food aid for vulnerable citizens by food banks has been fortified by substantial government funds to meet the heightened need for food resources (Irvine et al., 2022). Pertinently, this is indicative of a regulatory welfare state operation. The regulatory problem (i.e., food shortage) exacerbated by the Universal Credit system is addressed through a corresponding fiscal maneuver (i.e., fiscal support), which in turn perpetuates regulatory expansion in the third sector (i.e., food banking) and intensifies related activities (e.g., food voucher systems) and problems. As and when engaged, these activities impose additional resource demands on welfare claimants who use food banks. This can be illustrated by the need for welfare claimants to meet eligibility criteria to receive food aid, with claimants being required to supply information to designated intermediaries (e.g., doctors, police officers) in return for food vouchers. A voucher is presented to a food bank in return for food aid. Not only is the supply of information used to regulate access to food banks, but this information is evaluated and published by food bank operators (e.g., in the UK, the Trussell Trust) to support their activities and to inform fiscal and regulatory actions (see Irvine et al., 2022). Thus, despite fiscal transfers being used by the government to address shortfalls in claimant possessions (i.e., food shortages) that have been exacerbated by Universal Credit, these transfers intensify new regulatory operations (e.g., food voucher systems) in the third sector. These operations, when engaged, necessitate the imposition of information demands on claimants, further reinforcing the stigmatization of claimants (Williams et al., 2016). The information elicited through these processes is converted into "facts" and used by food banks in processes that commentators describe as instantiating divisions between "deserving" and "undeserving" claimants (see Möller, 2021). Relevantly, widespread food banking may depoliticize problems of food insecurity and insulate regulatory approaches from criticism by meeting the need for emergency food without confronting the injustices posed by the regulatory order itself (Williams et al., 2016). Stated differently, the welfare state comes to the rescue of the regulatory state, a phenomenon identified in a different sphere of polymorphic state activity (Aaronson & Rothschild-Elyassi, 2021).

Though recently introduced, regulatory change that has occurred through the Support for Mortgage Interest scheme has created additional resource pressures for participants, with the cessation of direct payments and their replacement with an interest-bearing loan system which requires applicants to make repayments. The implementation of the nine-month qualifying period, which has precipitated the accumulation of arrears for some householders, has made it harder for these participants to manage and resolve financial difficulties (Corfe et al., 2021). What is more, claimants are exposed to a new regulatory and fiscal regime which requires them to utilize possessions by entering agreements to create legal interests in these resources in favor of the government. Such observations in relation to the Support for Mortgage Interest scheme reveal forms of regulatory expansion that inevitably increase resource demands on users of the scheme. The observations show that the scheme has become a domain

of regulatory incursion into areas previously organized through traditional fiscal transfers. Interestingly, regulatory expansion through the scheme provides a supporting structure for alternative fiscal re-configurations and corresponding effects and demands. For example, the use of regulatory instruments such as loan agreements not only operates as a vehicle for the novel application of certain fiscal measures (e.g., interest rates, interest payments, administrative costs) to scheme users, but also serves to place additional pressures and demands on claimant possessions and labor (e.g., through loan repayments, financial prudence, work incentivization).

8. Conclusion

The paper, as part of the process of forging new ground in relation to the implications of polymorphic modes of statecraft, has provided a deeper conceptualization of the regulatory welfare state as one that engages claimant resources and tries to use those resources. It must be appreciated that our conceptualization derives from what has taken place in one domain of policy in one jurisdiction. This raises a point of caution. The extent to which resource engagement, pressures and problems are created will inevitably vary depending on the normative and institutional context in which welfare support is delivered. For example, a welfare state domain conditioned on labor market participation (i.e., a neoliberal welfare state) is likely to impose different types of labor resource demands on claimants (e.g., through an emphasis on workfare) than other types of welfare state domains that are not conditioned in this manner (see Levi-Faur, 2014). That said, irrespective of configuration, conditioning and jurisdictional context, the article suggests that the regulatory welfare state will in some way impose new resource demands, doing so *because* the regulatory function embeds itself into the welfare domain. For sure, along with the development and integration of regulation inside the welfare state will be new resource pressures on claimants. There is a need to consider this even more closely because, as we have highlighted in one area, welfare claimants are people already under social and economic pressure and so these new and growing demands on claimants are, in some areas, having compounding and negative effects. What happens if these same people are drawn into other welfare domains (e.g., health care, social care) that share similar logics and impulses? These are issues that we do not currently have the answers for. But, a resource-based understanding of the regulatory welfare state and polymorphic statecraft provides new and important insights into the changing relationship between the state and the citizen.

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Data availability statement

Data sharing is not applicable to this article as no new data were created or analyzed in this study.

Endnotes

- ¹ Commodities and commodification signify tradability. While resources can be bought and sold (e.g., labor), resources are used, influenced and managed by regulatory systems pursuant to certain ends.
- ² Income Support, Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, Housing Benefit, Child Tax Credit, and Working Tax Credit.
- ³ Para 178.
- ⁴ When the cap was introduced 79,000 households saw benefits reduced.
- ⁵ Pension credit and housing benefit.
- ⁶ It amounts to a benefit reduction of £52.20 over a period of 12 months, which is higher than the applicable tariff for legacy benefits over the same period.

- ⁷ See The Universal Credit (Work Allowance and Taper) (Amendment) Regulations 2021/1283 and The Universal Credit (Work Allowance) Amendment Regulations 2015/1649.
- ⁸ If claimant income rises, exceeding the threshold for compulsory contributions made by employees and employers, benefit payments are reduced further to reflect this rise.
- ⁹ Income-related employment and support allowance, income support, income-based jobseeker's allowance, state pension credit or universal credit.
- ¹⁰ Not all welfare recipients are subject to the same obligations (such as those unable to work).

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