**Book Review: *Cruel, Inhuman or Degrading Treatment? Benefit Sanctions in the UK***

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The Palgrave Macmillan ‘Pivot’ series bills itself as a publishing middle ground, offering titles that are ‘longer than a journal article, but shorter than a monograph’.[[1]](#footnote-1) The constraints of this format did not dull Adler’s ambition. *Cruel, Inhuman or Degrading Treatment? Benefit Sanctions in the UK* is a book that punches far above its modest length. The headline of the review that follows is this: for socio-legal minded scholars with an interest in the modern welfare state, this book a must-read. Adler provides a measured but devastating critique of the practice of ‘benefit sanctions’ in the UK, but his arguments – particularly his use of the ‘cruel’, ‘inhuman’ or ‘degrading’ benchmark and the deft handling of conditionality – will be of use to readers outside of his particular substantive focus. The precision with which broad-ranging theoretical debates are employed – particularly on administrative justice (Chapter 7) and conditionality (Chapter 5) – also makes the book a good starting point for students wrestling with how to operationalise these theoretical ideas in assessing policy phenomena.

Before turning to its contents, it is worth underscoring that the book is, at its core, a sustained appraisal of benefit sanctions in the UK. Although themed around benchmarks of ‘cruel’, ‘inhuman’, and ‘degrading’ treatment, the enquiry is far broader, drawing on theories of conditionality, administrative justice, and the rule of law to inform the analysis. As with most books of its kind, it builds on a seam of previous work by the author. Adler’s previous research in the *Journal of Law and Society* (Adler, 2016) and with Lars Inge Terum (Adler and Terum, 2018) provides the context for chapters 3 and 4, but the book is far from merely a re-hash or consolidation of previous work. Even for those familiar with the literature on welfare ‘reform’ and benefit sanctions, there is much new material to be found here.

The book starts by taking the reader straight into the international law roots of the book’s title: Article 5 of the Universal Declaration of Human Rights, Article 7 of the International Covenant on Civil and Political Rights, and Article 3 of the European Convention on Human Rights (pg. 1). Though it starts with the law, the analysis not one wedded to jurisprudence. Adler takes a more flexible, ‘textual’ approach – informed by Jeremy Waldron – to the independent assessment of the terms ‘cruel’, ‘inhuman’ and ‘degrading.’ Indeed, the concepts themselves are not returned to frequently throughout, but are instead the broad framework for the book’s ten substantive chapters and are used to tie the argument together in the conclusion.

The three chapters that follow the introduction can be described loosely as ‘scene setting’. The first asks a question that I have not seen put in similar works: if this is so terrible, why is it not a pressing matter of public concern? Starting by contrasting reactions to Ken Loach’s films, *I, Daniel Blake* and *Cathy Come Home,* Adler draws attention to the lack of high profile concern – or even, by some, support – for the sanctions regime. This is a sobering but crucial point to make. Like the critics’ praise of Loach’s films that Adler highlights, academic analysis of the sharp edges of cuts to the welfare state may be almost united in their concerns, but this does not cut through to popular opinion. The reader is left is no doubt at the outset of the magnitude of the challenge faced.

The other two of these context chapters do the heavy lifting on evolution, scale and extent. Chapter Three looks at the evolution of ‘benefit sanctions’ since the introduction of unemployment insurance in 1911, with a particular focus on move away from a ‘passive’ approach to social security, to a perceived ‘active’ approach culminating in the Welfare Reform Acts of 2009 and 2012. The chapter argues that the introduction of Job Seekers’ Allowance (and associated conditions) in 1996 was a ‘watershed’ moment, since which conditionality – and the use of sanctioning in particular – has escalated. Chapter Four drills into the hard numbers on the current regime, drawing on analysis by the Child Poverty Action Group to outline the extent and severity of sanctions. The statistics presented indicate the extraordinary breadth of the phenomenon, with nearly 20% of those in receipt of Job-Seekers’ Allowance being subject to a sanction in the wake of reforms heralded by the Welfare Reform Act 2012 (pp. 53, 60).

What follows are seven short chapters which all interrogate a different deficiency of the sanctions regime: some more practical in focus, others theoretical in their critique. I do not propose to go through each of them here, but instead to draw on three strands of analysis which were of greatest interest on my reading. The first is the deft handling of ‘conditionality’ in Chapter 5. The concept poses a challenge for a book on benefit sanctions. Unemployment assistance has always been associated with conditions for entitlement of one-kind or another, the extent to which failure to meet such requirements is a *de-facto* sanction, or something else, is not always a clear-cut issue. Adler disposes of the problem in an admirably concise fashion, drawing on Knotz and Nelson (2013) to argue that conditionality exists as a ‘first-tier’ concept, with the Janus-face of ‘benefit conditions’ and ‘benefit sanctions’ existing as ‘second-tier’ concepts (p. 63).

Chapters 8-10 all deal with legal elements of the ‘benefit sanctions’ problem, detailing the ‘feebleness’ of international law to deal with violations (‘The role of law in protecting the right to a social minimum’), a comparison between benefit sanctions and court fines, and implications for the rule of law, respectively. Although these chapters are all helpful building blocks to an overall argument, this is the section of the book where the constraints of space show. In my view, it would have been helpful to merge chapters 8 and 10, dealing with the most apposite of Bingham’s principles – currently only afforded just over 6 pages – to bolster the interrogation of law’s (lack of) protection of a social minimum. In particular, Bingham’s focus on accessibility, application of the law versus discretion, compliance with ‘obligations of international law’, and fair ‘adjudicative procedures’ would have broadened the narrower assessment provided in Chapter 8 and avoided the necessity to treat all eight of his principles summarily in Chapter 10.

Adler cannot be accused of identifying a series of problems but failing to raise any solutions. By my count, the final substantive chapter – ‘what, if anything, can be done about Benefit Sanctions?’ – offers twelve possible interventions. These include a series of specific ideas, such as broadening the treatment of ‘just cause’ (namely, a good reason for conduct which would otherwise result in a sanction) and (re)introducing the ability to appeal decisions direct to a tribunal without having to navigate the prior ‘mandatory reconsideration’ process. Adler finishes by floating arguments on a ‘basic income’, but does not go as far to as to nail his own colours to that mast, suggesting instead that ‘reforming benefit sanctions may turn out to be the best option’ (pg. 145).

In his conclusion, Adler comes back to his benchmarks of ‘cruel’, ‘inhuman’, and/or ‘degrading’ treatment, concluding – unsurprisingly given the preceding analysis – that the benefit sanctions regime fails on all three counts, finding that they are ‘more cruel, more inhuman and more degrading than they need to be’ (pg. 151).

Taking Adler’s benchmarking approach, perhaps the best standard to apply to this book is its capacity to fulfil Palgraves’ promise of a ‘pivot’. Taking the dictionary definition as ‘the central or most important person or thing in a situation’, it is clear that Adler’s contribution is indeed the most important work on benefit sanctions in the UK to date. The breadth of coverage – both in terms of sanctions as a phenomenon but also of the theoretical debates in which they sit – tied to an eviscerating critique of their operation in the UK, makes for compelling reading. Whether your interest lies in learning more about the phenomenon itself or the theoretical debates it engenders – on conditionality, the social minimum, or the futility of our legal framework – this concise book comes highly recommended.

**References:**

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