

# Essay. Social Recovery of Allowances.

## Visible Transformation of Relationships

### Recovery as a Social Mission

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Illustration: Netty van Haarlem

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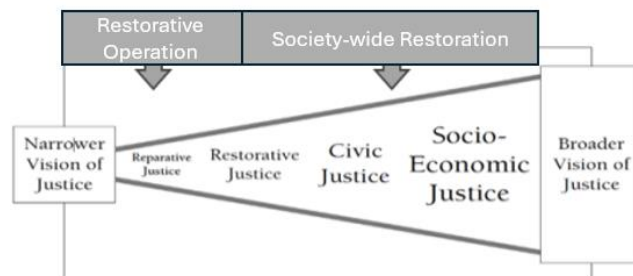
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## Summary: recovery as a Social Mission

**Problem:** The childcare benefits scandal has damaged not only individuals but also social relationships. Due to lack of visible restoration, people do not feel seen as equal citizens with rights. What could social restoration look like?

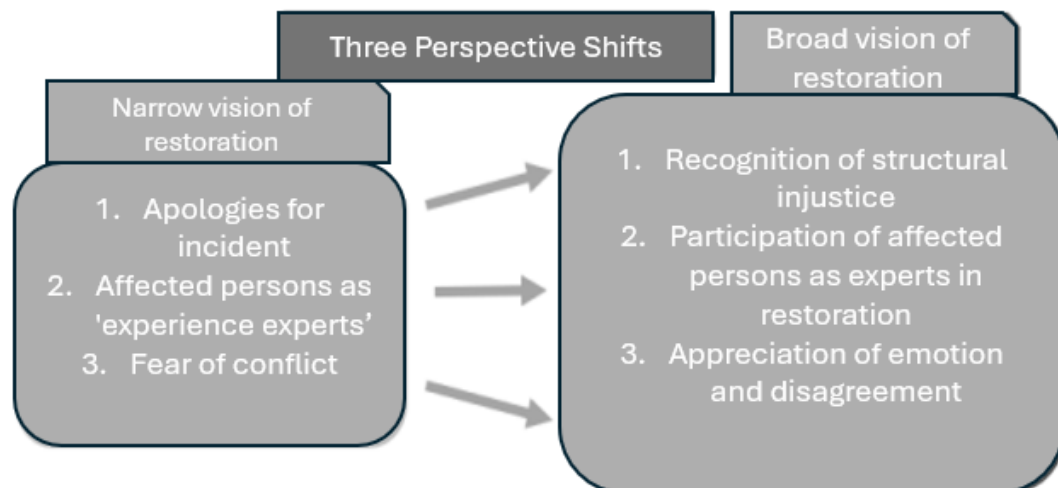
**What is needed?** Social restoration/recovery transforms damaged relationships and therefore consists of both the recovery operation itself and a process of society-wide recovery, which together lead to humanization.



**Why?** Recovery is more than an individualized bureaucratic process of 'money transfer.' It stimulates a more equal relationship between government-citizen-society. This offers opportunities for best practices for the many other recovery files that are currently being approached too narrowly to be restorative.

**How does this memo contribute?** We offer three perspective shifts (and associated application questions) for this social reflection process for a broader vision of recovery.

1. **Recognition of structural injustice** Recognition of a 'mistake' is denial of structural injustice. The benefits recovery operation acknowledges this injustice, but other government agencies still dismiss injustice in their domain as excess or incident: government-wide there is still denial.
2. **Participation of affected parties as experts in recovery** Affected parties are experts in both suffering AND recovery. Participation is not reactive but a continuous process. For other social actors in society-wide recovery as well, the goal is structural inclusion and participation and appreciation of all forms of knowledge: knowledge justice.
3. **Appreciation of emotion and disagreement** Disagreement within the group(s) of affected parties is more a sign of success than failure: affected parties feel like citizens who can talk back – emancipation as part of recovery. The role of government and society is not to play divisions against each other, but to provide a platform for emotion and conflict as a form of dialogue that leads to recovery.



**Conclusion:** Social recovery is not an outcome, but a learning process of all social actors. It requires not only words but also visible actions, transformation of relationships and changed behavior from government and society as a whole.

## Introduction: What is Recovery? Perspective Shifts for a Broad Discussion

"I am not damaged. I no longer wear rose-colored glasses. I can't unsee it anymore. I can't spare things anymore. Nothing in my head is broken. It's the relationships between me and society that no longer work." (Dutchbat-veteran)

For years, various organizations and experts have been thinking through the childcare benefits affair - not least the readers of this memo. This memo contributes to this creative thinking space by broadening the conversation about recovery. As explained precisely in the above quote from a Dutchbat veteran, deployed to Srebrenica and unable to prevent the genocide there, recovery is relational in addition to being material and emotional.

Through structural injustice – such as institutional bias, stigmatization, and marginalization – in the childcare benefits affair, it is not only the relationship between affected party and institution<sup>1</sup>, but also the relationship between affected parties and society that has been violated. Social restoration therefore presupposes a reflection process that goes beyond just helping individual affected parties. Politics, municipalities, social organizations, legal profession, education, media, and judiciary also play a role.

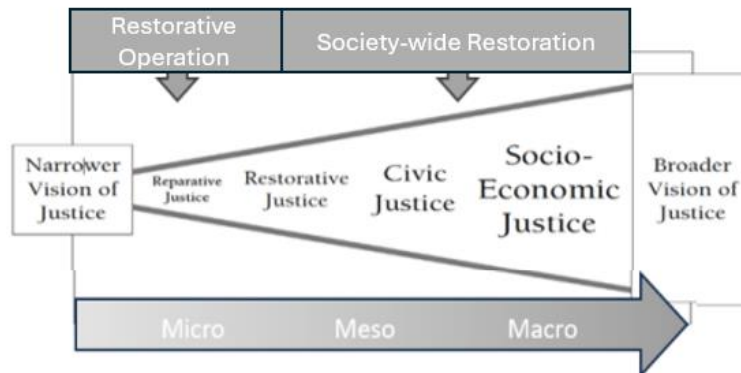
With this broad perspective and based on existing research<sup>2</sup>, we see why various restoration instruments so far, despite all the money, personnel and time, are so

often experienced as inadequate: arrangements are ad hoc, technocratic and bureaucratic; participation starts too late or has little meaning; but most importantly: a systemic approach is lacking. Many restoration practices work counterproductively because they do not affect the structures of power. Affected parties see that their relationship with the government and society has not been transformed and thus remains unequal – and lose trust.

This memo brings together scientific knowledge and case-transcending insights to formulate lessons learned for this broad vision of restoration. We, researchers of the large-scale interdisciplinary research project Dialogics of Justice (DoJ) at the University of Humanistic Studies, recognize the above shortcoming of restoration from many other restoration operations<sup>3</sup>: these include restoration after abuse in Catholic institutions, after forced adoption, after powerlessness during the military deployment to Srebrenica, after colonial violence in Indonesia and after human rights violations by Shell in Nigeria. What these cases have in common is that they call for both a concrete restoration operation from the institution (the government, religious institution, or multinational) and broader restoration of damaged social relationships. Victims consistently indicate that alongside individual change, they also seek social change: humanization of society.

We apply these findings, together with our broader expertise from the University of Humanistic Studies, here to the childcare benefits affair, with help from insights from our field of transitional justice. This field has been researching for decades how societies deal with injustice<sup>4</sup>. In our research, we focus on where restoration also produces an observable and experienced transformation: the specific lens of transformative justice<sup>5</sup>.

As is also evident from current criticism of the restoration for the childcare benefits affair<sup>6</sup>, restoration is often affirmative rather than transformative<sup>7</sup>. It does not bring affected parties out of the marginalized position, because even as 'recipients' of restoration, they remain in the dependent power relationship with the government. Our lens of 'transformative restoration' does offer sight of a more just society<sup>8</sup>. We define social restoration here as a process (not an outcome) of transforming relationships in society, so that all parties can participate equally and with trust in dialogue about structural (in)justice.



[Figure: © Cornell International Law Journal, adapted by © DoJ]

To visualize this line of thought, we use the model of jurist Lisa Laplante - originally designed for 'justice' but well applicable to restoration. The model shows how narrow or broad restoration can be: with each step from left to right, actors and thus more relationships are added<sup>9</sup>. On the left side of the spectrum, we find the restoration operation itself. On the right side, the broad process of social reforms becomes visible, which address the deeper causes of structural injustice. Where reparative justice on the left still concerns the individual relationship (implementer-)perpetrator-victim (micro), restorative justice already involves the institution and community (meso). But because society (macro) is not yet involved in the restoration, this left side of the model risks reproducing power hierarchies, despite all good intentions. Civic and socio-economic justice do offer sight of transformative restoration: they also encompass social relationships with political and socio-economic structures and actors (macro). Affected parties want to be citizens with rights again and see this translated into more equal opportunities: according to Laplante's model, these are also crucial elements of social restoration.

To better understand what is needed for this transformative restoration on the right side of Laplante's spectrum, German sociologist Hartmut Rosa offers insight. He speaks of 'resonance' when all parties – the affected parties, institutions, and society – move through dialogue and encounter.<sup>10</sup> Transformation occurs when all parties are enabled to overcome their original position. Through this macro-movement, the relationships between micro and meso also change. He sees this as a crucial condition for a 'listening society': the opposite of the logic of suffering, where affected parties experienced a 'speechless world relation'. If there are thus no society-wide reforms following the restoration operation, there is movement on the left side of the spectrum, but not on the right – there is then no resonance, nor restoration.

Based on this theory and our empirical knowledge, we present three 'perspective shifts' to broaden our thinking about restoration - on both the left and right sides

of the spectrum. First: from excuses for 'incidents' by individual institutions to government-wide recognition of structural injustice. Second: from involving affected parties as 'experience experts' to participation as complete experts in suffering and restoration. Third: from fear of conflict to appreciation of emotions and disagreement.

For each of these three perspective shifts, we formulate reflection questions for the micro-, meso-, and macro-level for our joint social mission: how can social actors contribute to both a transformative restoration operation for the benefits (question no. 1) and to society-wide restoration (question no. 2), as part of broader humanization and justice? Because the benefits affair stems from the broader (organizational) culture and structure of Dutch government institutions, such a systematic society-wide reflection process offers best practices for the many other cases where restoration is expected from the government.

## **Perspective Shift 1: From 'incident' to government-wide recognition of structural injustice**

"Recognition is important, so everyone knows it wasn't our fault that this happened."<sup>11</sup> So spoke Mrs. Scheele-Gertsen, like many other 'relinquishing mothers' forced as an unmarried woman to give up her child, in the lawsuit against the Dutch state. Recognition of both the suffering and the cause of the suffering, as her words make clear, offers sight of restoration. Social restoration names and addresses the causes: with the restoration operation begins also a society-wide process of humanization. Only then can the affected parties actually leave their marginalized position to enter into an equal relationship and find trust. Recognition of the structural causes of the injustice brings the damaged relationship to light, leads to the movement needed for resonance and brings the affected party back to an equal level with the perpetrator and society: she has not done anything wrong.

Yet we almost always see the same cycles of denial instead of recognition. First there is denial of the facts; then perhaps the facts are acknowledged, but institutional involvement is denied. Subsequently, documentation about that involvement does surface somewhere, but affected parties must first prove what their suffering is; which moreover is presented as an unintended incident. In each of these phases of denial, additional suffering arises for affected parties: secondary victimisation. Precisely in their search for recognition and justice, that same structural injustice keeps repeating itself. The suffering is not over, but continues. In the words of a staff member: "We are much busier with all the objections from people than with restoration of the benefits themselves."<sup>12</sup> In the

benefits affair, the feeling of stigmatization was further fueled because other social actors long offered no recognition: the judge, the teacher, the neighbor, the doctor, the journalist. At the same time, frustration also arises at the institution, which 'has already said sorry.' Transformative justice breaks this stalemate, as it creates an experienced relationship in which injustice can no longer so easily take place (guarantee of non-repetition).<sup>13</sup>

For this, the structural causes of the injustice need to have a place in the conversation about recognition. We must see this government wide as well. When research has shown that the Tax Authority structurally engages in ethnic profiling and the court has ruled that Customs is also guilty of this<sup>14</sup>, DUO's initial defensive response that its algorithm does not select based on ethnicity and nationality is also a form of denial, even if the so-called 'mistake' is acknowledged.<sup>15</sup> Each subsequent government institution that apologizes but portrays the injustice as excess or incident is not recognition, but a continuation of this denial. The citizen may expect a government-wide learning and restoration process for this structural injustice that apparently is institutionalized almost everywhere.

The benefits restoration operation now names this structural injustice in clear terms. But because the other government institutions and social actors still insufficiently recognize this structural injustice, there is too little movement on the right side of Laplante's spectrum. We thus cannot speak of resonance or transformative restoration. The designers of the restoration operation therefore have a difficult task: they must present their actual success – the recognition of structural injustice – to their political principals and society also as a larger government-wide and social shortcoming. Every social actor must proactively address this injustice internally.

## **Reflection Questions**

### **Micro (individual and individual relationships)**

1. What training do our employees (including higher management) need to recognize structural injustice in contact with affected parties and not dismiss it as mistake or incident?
2. What safe opportunities does our organization offer its own employees to bring elements of injustice and denial to light?

### **Meso (institution)**

1. How does our organization contribute to breaking the cycles of denial in the restoration process and to the continuous recognition of structural injustice?

2. How does our organization ensure that knowledge brought in from the work floor is processed into more just practices and policy?

### **Macro (society)**

1. How does our organization contribute to a joint manifestation of the emerged recognition of structural injustice in the public space?
2. What are our partnerships for this lasting, visible recognition?

## **Perspective Shift 2: From 'experience expert' to participation and expertise in restoration**

"Insufficient use is made of the expertise of people who have been affected by this affair," says a parent in the report '(Equal)worthy Restoration.'<sup>16</sup> Knowledge of suffering is knowledge of restoration. This insight reaches further than the popular but somewhat passive idea of 'experience experts:' affected parties indeed have the lived experience and expertise of injustice, but are thereby ALSO the direct source of knowledge for what justice could look like. This is not idealism on the margins: in the US, ex-detainees who have experienced injustice are seen as knowledge carriers of counter narratives and thus of a more just social reality.<sup>17</sup> This certainly also applies to contact persons, implementers and affected parties, including children and young people. "What I know for certain," says Mila (17) in the report (Equal)worthy restoration, "is that I want things to change in this society." That she, partly as a result of the childcare benefits affair, was wrongly sent to VMBO (vocational education), gives her that desire for and vision of a more just world: "that's where the feeling began in me that I want people to be treated equally."<sup>18</sup>

Every time the restoration process denies an affected person in their knowledge of the suffering AND in shaping restoration, that too is a form of secondary victimisation. After all, the old, unequal power relationships are confirmed and there is no movement and thus no resonance. Affected parties see this sharply:

"We are still seen as people who have made wrong decisions in life, for example. [...] We have years of experience, but now people who have been quickly brought in are making decisions. That feels very skewed and unjust."<sup>19</sup>

Restoration thus also means doing justice to these forms of knowledge. So not just documents, but also spoken memories; not just specialists from a university, but also a mother and implementer; not just notes from adults, but also letters from children. We therefore also speak of epistemic justice, knowledge justice.<sup>20</sup>



Only through participation that dismantles (implicit) hierarchy of relationships do we arrive at this knowledge justice.<sup>21</sup>

Structural integration of expertise is moreover the only way to achieve good sequencing of the restoration process. The field of transitional justice tells us what components of restoration there are<sup>22</sup>, but the knowledge about in which combination and order they should be introduced comes from affected parties, bystanders, contact persons, scientists and specialized civil servants. Apologies when the facts are not yet clear cannot be recognition. It is wrong timing AND a form of secondary victimisation. Compensation for the injustice when there is not yet restitution of the direct damage, just as much. Individual compensation is important, but we also know that compensation is always symbolic: a 'precisely calculated compensation' is fiction. Too low compensation creates much emotion and resistance and drags along new procedures, while a more generous policy yields more in the long term. A quick, collective process can later be 'topped up' with some additional customization. It is then the response to a participatory and dialogical process.

These principles of participation, expertise and generosity have now penetrated to the core of the benefits restoration operation, in which parents are frequently involved. Here we also see again the importance of contact persons and implementers: they not only often registered the injustice first, but are also the people within the organization who most quickly see these contours of restoration. Here the benefits restoration operation has many learning insights to offer to other restoration processes, where we see that the call for participation often only sounds when things go wrong. But participation is not reactive and cannot be addressed with top-down 'knowledge collection.' The design of a restoration operation should start from the bottom up: with implementers, contact persons and affected parties. This also applies to the society-wide restoration and humanization process. The goal is structural integration of multiple knowledge sources, expressions and carriers in daily functioning.

## **Reflection Questions**

### **Micro (individual and individual relationships)**

1. What training helps individual employees (including higher management) to recognize, stimulate, and use the expertise of affected parties as a guideline?
2. How can employees get more opportunities to bring their expertise from lived experience to the policy level and thereby into the functioning of our organization?

### **Meso (institution)**

1. How does the restoration operation move from isolated moments of consultation and feedback to structural (paid) integration of lived experiences?
2. How does our institution anchor participation and inclusion in the organizational culture as a whole? Which lived experiences and tacit knowledge (implicit knowledge) are important for just daily functioning and are currently missing in the organization?

### **Macro (society)**

1. How can our organization, including in contacts with media and education, combat remaining social stigma by embracing affected parties as experts?
2. How do we work together with other organizations to stimulate society-wide appreciation of diverse knowledge carriers and forms (including lived experience)?

## **Perspective Shift 3: From fear of conflict to appreciation of emotions and disagreement**

"The anger helps me to keep going every day," says Mike (26).<sup>23</sup> In restoration, there is often a call for healing. Angry affected parties, activists, but also implementers who saw the injustice coming, are often seen as troublemakers, while expertise lies precisely in their emotion. The articulation of this emotion and knowledge is important for the restoration process. After all, we know that individual trauma is a deeply lonely experience. Or in the words of a Dutchbat veteran: "The effects of an apology would be greater if there were a joint process beforehand; namely first seeing each other in the pain."<sup>24</sup> Therefore, it is important to hear and (ac)knowledge all these stories and truths, which as a whole enable connection and resonance. In Sharissa's (11) words: "it helped me enormously that there were other children who put into words what I felt."<sup>25</sup>

This process of sharing emotions (from both affected parties and implementers) and the conflict it causes has transformative potential and contributes to the dialogue around restoration. Because after recognizing each other's suffering and pain, a group of individuals suddenly becomes a potential collective that can demand equal treatment in the system. In this movement from individual to collective suffering and restoration, patterns become visible, such as racism and stigmatization. By naming this injustice, the confrontation becomes more intense, but the quality also improves. However, the fear of this intensity explains why

restoration, under the guise of customization, is often approached too individualistically.

The institution and often society find it challenging to address this 'angry' group as a whole and address their collectively incurred injuries. Internationally too, reconciliation was therefore a beloved buzzword for two decades. Everyone wanted to believe that the Truth and Reconciliation Commission in South Africa had healed the wounds and brought harmony. But this obscured the complete absence of the right side of Laplante's spectrum: measures for equal citizenship and equal opportunities through civic and socio-economic justice.

By shifting the emphasis from the unhelpful reconciliation to conflict transformation, justice is done to the right side of Laplante's spectrum. Conflict within the group helps with internal healing (self repair) and is an expression of citizenship, which shows us what is wrong with our system. In this negotiation between citizen and government, bound to a 'social contract,' conflict is indeed central and functional: in quiet times, but especially in times of crisis and restoration. The role of government and society is not to play potential divisions against each other, but to provide a platform for this dialogue. This dialogue then provides space for experiences and ideas about restoration and is not an instrument for harmony, but an activity that strives to improve the quality of confrontation.<sup>26</sup> Disagreement within the group(s) of affected parties occurs in every restoration process and is usually a sign of success rather than failure: affected parties feel like citizens who can talk back – a form of civic justice and a goal of restoration.

## **Reflection Questions**

### **Micro (individual and individual relationships)**

1. What training helps our employees to make space for emotion, anger, and disagreement in contact with affected parties – both from the affected parties and themselves?
2. How do we ensure our employees feel welcome to express emotions and disagreement within the organization?

### **Meso (institution)**

1. What feedback loops, with inclusive participation of stakeholders, can our organization build into the restoration process to value moments of emotion, criticism, and disagreement as 'free advice' and information for (re)design?

2. How does our organization implement principles of conflict transformation to translate expressed emotions and disagreement into sustainable policy?

### **Macro (society)**

1. What role does our organization play in stimulating the emancipation process of affected parties and other marginalized groups?
2. How does our organization, including through media and education, contribute to the appreciation of disagreement as an expression of citizenship and strengthening of the citizen-government relationship?

## **Conclusion: Social Restoration as an Opportunity for Relationship Building and Humanization**

"The capacity of people to heal and 'restore' their identities and relationships requires more than the rule of law expressed as bureaucratic care from a distance. Healing requires proximity that touches the web of community life, encompassing both recent events and the lived history of a community."<sup>27</sup>

In this memo, with insights from other restoration cases and our overarching field of transitional justice, we have tried to free the conversation about restoration from the repetitive collision between victims and perpetrators who are both unhappy with their role. Social restoration is a relational process and a shared responsibility. When we as a society work on recognition of structural injustice, with the help of expertise and participation of affected parties and are able to value their emotion and disagreement as knowledge and expressions of citizenship, we arrive at a dynamic and responsive restoration process. In this process, space emerges for a broad vision of responsibility instead of individual perpetration. That is why you as a reader are also involved in this collective process. All players must be in view.

That sounds complex – and it is. Fortunately, this struggle is indeed part of the restoration itself. People and organizations will make mistakes, but also have learning capacity. It is precisely that recognition of mistakes and their restoration that ensures we move and come closer to resonance and transformation of relationships. After all, recognition requires not only words but also visible actions and changing behavior. Restoration is not an outcome, but a learning process of all social actors. This makes restoration a challenging task AND an opportunity for all parties: the government to show that it is responsive and willing to reduce institutional bias and marginalization; the citizen to emancipate from the

marginalized position into which they have been brought; society as a whole to promote equal opportunities and combat stigmatization.

This is, by the way, not a noncommittal opportunity. The nature of systemic injustice requires structural restoration of the damaged relationship. But this social necessity for transformation also offers the possibility to contribute to a much broader form of humanization of Dutch government institutions.

## Discussion & Questions

This memo calls for a social reflection process for both the restoration operation and the broad process of social restoration. For each of the three perspective shifts from this memo, we ask you as an organization to explore the areas of tension and critically look inward through the eighteen questions, which we present here again in table form: either as a direct participant in the benefits restoration operation (questions with no. 1), or as a critical social actor in this broader process of restoration, among other things by integrating justice and responsiveness in your own organization (questions with no. 2). After all, social restoration encompasses the transformation of ALL unjust structures and relationships.

**Central question:** how can social actors contribute to both a transformative restoration operation for the benefits (question no. 1) and to society-wide restoration (question no. 2), as part of broader humanization and justice?

	<b>1. Recognition of Injustice</b>	<b>2. Expertise and Participation</b>	<b>3. Emotions and Disagreement</b>
Micro	<p>1) What training do our employees (including higher management) need to recognize structural injustice in contact with affected parties and not dismiss it as a mistake or incident?</p> <p>2) What safe opportunities does our organization offer its own employees to</p>	<p>1) What training helps individual employees (including higher management) to recognize, stimulate, and use the expertise of affected parties as a guideline?</p> <p>2) How can employees get more opportunities to bring their expertise from lived experience to the policy level</p>	<p>1) What training helps our employees to make space for emotion, anger, and disagreement in contact with affected parties – both from the affected parties and themselves?</p> <p>2) How do we ensure our employees feel welcome to express emotions and disagreement</p>

	bring elements of injustice and denial to light?	and thereby into the functioning of our organization?	within the organization?
Meso	<p>1) How does our organization contribute to breaking the cycles of denial in the restoration process and to the continuous recognition of structural injustice?</p> <p>2) How does our organization ensure that knowledge brought in from the work floor is processed into more just practices and policy?</p>	<p>1) How does the restoration operation move from isolated moments of consultation and feedback to structural (paid) integration of lived experiences?</p> <p>2) How does our institution anchor participation and inclusion in the organizational culture as a whole? Which lived experiences and tacit knowledge (implicit knowledge) are important for just daily functioning and are currently missing in the organization?</p>	<p>1) What feedback loops, with inclusive participation of stakeholders, can our organization build into the restoration process to value moments of emotion, criticism, and disagreement as 'free advice' and information for (re)design?</p> <p>2) How does our organization implement principles of conflict transformation to translate expressed emotions and disagreement into sustainable policy?</p>
Macro	<p>1) How does our organization contribute to a joint manifestation of the emerged recognition of structural injustice in the public space?</p> <p>2) What are our partnerships for this lasting,</p>	<p>1) How can our organization, including in contacts with media and education, combat remaining social stigma by embracing affected parties as experts?</p> <p>2) How do we work together</p>	<p>1) What role does our organization play in stimulating the emancipation process of affected parties and other marginalized groups?</p> <p>2) How does our organization, including through media and education,</p>

	visible recognition?	with other organizations to stimulate society- wide appreciation of diverse knowledge carriers and forms (including lived experience)?	contribute to the appreciation of disagreement as an expression of citizenship and strengthening of the citizen- government relationship?
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