8 Individual Needs and Family Obligations: Consequences of Household Means Testing in German and Dutch Social Assistance

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1 Introduction

The objective of income support schemes in social security is to lift individuals out of poverty, alleviate poverty and reduce overall exposure to risk. Social assistance constitutes an important part of this protection, providing a means-tested minimum income to all members of society or to selected groups to meet a minimum standard of need, financed through taxation (Bahle & Wendt, 2021; ILO, 1942). Serving as the safety net of last resort for individuals and households with limited or no personal resources, social assistance schemes are designed to reach (only) those who are most in need of financial assistance. This implies clear decisions have been made regarding the protection to be provided and the extent of its provision (van Oorschot, 2002). For this purpose it uses means testing, a method to allocate resources to claimants based on the financial resources of the applicant or the household that the applicant is part of (van Oorschot, 2002). The means test is a mechanism to target those in need, assisting in differentiating between those who are deemed deserving and those who are deemed undeserving, increasing the efficiency of governmental spending (Spicker, 2011). As a consequence, when alterations are being made to the conditions of the test, access to social assistance is automatically relaxed or tightened (Bahle & Wendt, 2021).

When an individual applies for social assistance, the eligibility is assessed based on whether the claimant is considered part of a household, as this influences the assumed living costs and access to shared resources. When one is part of a household, this becomes the 'claiming unit' (Van Oorschot & Schell, 1989), referred to as the unit of assessment from here onwards.

Since household composition affects the determination of financial need, the legal definition of a household – and the criteria used to establish whether an individual's circumstances align with this definition – forms a crucial factor

in access to social assistance. It is therefore important to know what counts as a household. Even though the way households are defined plays a crucial role in determining access to social assistance, the legal conceptualisation of the household, particularly in social security law, remains relatively unexplored (Brink & Bouwmeester, 2024). Consequently, the implications of the household definition for individuals seeking support remain unclear. However, understanding its impact is crucial for evaluating goal attainment (cf. Miller, 1965), including not only access to social assistance, but also the identification of poverty and the provision of a safety net. To address this gap, this chapter answers the following research question: how do social assistance schemes define the household, and what are the consequences of these definitions for individuals' access to state support and, in turn, their financial independence within the households?

2 Methods

This study adopts an empirical legal approach focused on the analysis of legal texts. It is informed by 'jurisprudence of consequences' (Miller, 1965), which emphasises the need to understand the real-world effects of law, both in its formal definitions and in its application through legal rulings. While drawing on this tradition, it is important to note that the 'jurisprudence of consequences' relies on empirical inquiry. We therefore also draw on developments in empirical legal studies that examine law within its societal context (e.g. Van Boom et al., 2018). While empirical legal studies provide valuable insights into how law operates in practice, a complementary focus on theory-building is needed to uncover the deeper normative structures underpinning legal rules and their societal effects. Meaningful engagement with both traditions thus requires a combined focus on empirical research and theoretical development. Accordingly, for this study we incorporate insights from family law scholarship (e.g. Fineman, 2009; Huntington, 2013) to theorise the household concept. We show that the household means test serves as both an eligibility criterion and a mechanism reinforcing expectations about family responsibilities.

These theoretical insights are explored through an empirical analysis of the legal definitions and operationalisations of the household concept in two social assistance schemes: the Dutch Participation Act (*Participatiewet*) and the German Citizen's Income (*Bürgergeld*, *Sozialgesetzbuch II*). The Netherlands and Germany represent established European welfare states. Both social assistance schemes serve a similar function as safety nets, providing means-tested assistance to individuals and households lacking sufficient income. Also, both schemes centrally regulate means-tested support but are implemented at the decentralised level. The case selection was also influenced by practical considerations, as both countries offer relatively accessible legal, administrative and policy documentation, and the

researchers possess the necessary language skills to conduct document analysis effectively. The two cases therefore offer an analytically rich and practically feasible basis for an in-depth empirical study of household definitions in social assistance.

By analysing legal texts and supporting policy materials, we explore the role of the household definitions in calculating entitlement and benefit levels in these schemes, focusing on their immediate legal consequences for individuals seeking support. A closer look at these schemes allows us to identify the categories used to assess household composition and the rationales behind these distinctions, thereby clarifying how seemingly technical legal decisions about the household and the classification used shape eligibility and access to social assistance but at the same time codify normative expectations and influence real-world outcomes, establishing and reinforcing broader social norms about financial dependency within households and its relationship to state support. This way the study provides insight into the household's role: structuring eligibility for social assistance while simultaneously codifying normative ideals about financial interdependence, family responsibilities, economic support structures and the role of state support, actively shaping financial obligations within households.

We acknowledge the comparative limitations of the two social assistance schemes under discussion. Differences in legal provisions and benefit calculation thwart a direct comparison but do not detract from the central focus of this study: the conceptual and practical use of the household as a unit of assessment. The role of family and other relationships within this unit, and the legal and social implications of household-based means testing, can be studied without requiring fully comparable policies. In both schemes, household composition directly determines eligibility, engaging fundamental questions of who should be entitled to what forms of support and on what basis.

The chapter opens with an exploration of the household concept as a legal construct, using insights from family law theory (Section 2), followed by a description of the analytical strategy used (Section 3). The subsequent paragraph examines the diverse methods of distinguishing various household members in the two social assistance programmes, along with the rationales underpinning these distinctions (Section 4). It then discusses the consequences of the categories used (Section 5).

3 The Household as a Legal Construct

The use of the household as the unit of assessment in means-tested social assistance reflects a fundamental rationale: state support is intended as a supplement to family support rather than as a primary source of income security (e.g. Fineman, 1999). While income security schemes are chiefly designed to protect the individual, they impose mutual obligations within households, shaping

both individual access to support and the way households function as economic units. In this social assistance, the household means test assumes that cohabiting individuals – particularly those in marital or marriage-like relationships – share resources and provide mutual support, making their combined income a relevant measure for assuming need. The household means test thus reflects broader societal and policy expectations regarding the roles of the family, partnership and cohabitation in providing care and financial security.

This assumption has been examined in poverty research, which highlights variations in how households are used as units of assessment and their impact on poverty measurement outcomes (cf. Iceland, 2000). A critique on using households as a metric is the assumption of full income pooling within the household unit, as there is evidence many household members do not pool or share their resources equally (Berthonnet, 2023; Daly, 2018; Guio & Van den Bosch, 2020; see also Wasoff & Dey, 2000). This raises important questions about the accuracy of social assistance assessments, especially in the context of diverse household structures and financial arrangement (c.f. Daly, 2018).

Another perspective on the role of the household means test comes from family law scholarship, which explores how legal frameworks shape family structures and responsibilities (Bunting, 2015). While social assistance schemes are not explicitly designed to regulate family life, they function similarly to family law by defining financial obligations between household members (c.f. Daly & Scheiwe, 2010). This raises the question of whether the household test serves merely as an administrative tool or whether it operates as a mechanism of social control, institutionalising norms about who should support whom and under what conditions.

Although the concept of a household refers to people living in the dwelling, its use generally lacks a consistent definition and frequently overlaps with the notion of family (Ellickson, 2008; Yotebieng & Forcone, 2018). The term family often refers to people related by birth, marriage or adoption, without requiring shared residence. However, family notions in policy often rely on the nuclear family model, whereby a household consists of a (cohabiting) couple and their indwelling children (Fineman, 2002).

While the ideal of the traditional family remains central in many legal and policy frameworks (Fineman, 2002), contemporary societal trends challenge this model. The increasing trend of unmarried cohabitation, delayed marriage, higher divorce rates and multiple partnerships over a lifetime have given rise to a growing diversity of household structures (Adema, 2012). Single households, single parents, blended families and non-traditional partnerships are increasingly common. Yet social security policy and law remain anchored in traditional family ideals, assuming resource-sharing and economic interdependence within households.

Although social security law has adapted to societal changes, these adaptations have largely expanded, rather than replaced, traditional family assumptions. A study on the household means test in Dutch social assistance illustrates how the recognition of same-sex and informal partnerships reflects a responsiveness to evolving definitions of intimate relationships. While the form of partnerships has, including these relationships ultimately reinforces the enduring policy assumption that partners are mutually responsible for one another's financial well-being. (Brink & Bouwmeester, 2024). Rather than questioning whether societal changes affect the corec premise that state support should only supplement family support this recognition reflects an effort to preserve that premise by adopting it to changing household realities.

A distinguishing characteristic within the marital and familial relationship is the legal obligation for spouses to provide mutual financial support, alongside broader societal norms of familial solidarity (Wasoff & Dey, 2000). This obligation, stemming from the marital contract, has been questioned as spouses owe each other care and support, even beyond the explicit terms of a marriage contract (Goodin, 1985). The expectation of care extends beyond formal legal duties, reflecting deeply embedded norms about caregiving, financial interdependence and the division of labour within families. The assumption that families serve as a unit of protection, care and support (Daly, 2018) underpins many aspects of social security law, strengthening the case for justifying state intervention only after familial resources have been exhausted (Fineman, 1999).

This rationale is embedded in the household means test, which assumes that cohabiting related individuals – for example in romantic relationships or extended family arrangements – pool resources and benefit from economies of scale (Brink & Bouwmeester, 2024). The distinction between cohabiting related individuals and unrelated housemates is crucial: while cohabiting relations are expected to mutually support one another, unrelated individuals sharing a residence are not presumed to do so. However, this assumption remains largely unsupported by empirical evidence, as studies suggest that full pooling and equal sharing of resources is not the norm (Berthonnet, 2023; Daly, 2018; Guio & Van den Bosch, 2020; see also Wasoff & Dey, 2000).

The household definition can be seen as a legal instrument that codifies family relationships and institutionalised expectations about financial interdependence. The law plays a crucial role in constructing these norms, shaping how societies perceive which relationships deserve legal recognition (Fineman, 2009). As such, it determines where financial responsibility lies – within the relationship itself or with the state. While legal frameworks respond to evolving family patterns, they often reflect stabilised ideals rather than fluid social realities (e.g. Brink & Bouwmeester, 2024).

The household means test is not merely an administrative tool for assessing eligibility in social assistance (see Spicker, 2005; Van Oorschot, 2002); it is

embedded in assumptions about financial interdependence, family responsibility and the role of the state in providing support. By defining who is considered part of a household and who is not, social assistance policies determine where financial responsibility lies – within the household unit or with the state (Fineman, 1999). These definitions do not merely classify living arrangements but also shape access to financial support and reinforce specific social and economic expectations.

While theoretical perspectives highlight the rationale behind means testing – such as the assumption that state support should supplement, rather than replace, family support – the practical implementation of household definitions determines whether this rationale functions as intended, and for whom. This analysis explores two case studies to demonstrate how household classifications influence individual access to benefits and reflect broader policy choices regarding financial dependency and familial obligations.

4 Household Means Testing in the Netherlands and Germany

4.1 Households in Social Assistance in the Netherlands

The Dutch General Social Assistance Act was introduced in 1965. This act introduced a state responsibility to provide social assistance. The right to social assistance ensured that the protection would no longer be a favour but a right. The minister responsible, Marga Klompé, attached considerable importance to this emancipatory notion of the social assistance act, with a view to ensuring that welfare recipients would no longer have to be inferior to other citizens (Brink & Vonk, 2020). Since 1965 this scheme has undergone a series of smaller and major changes, the most recent of them being the adoption of the Participation Act (Participatiewet) in 2015, after integrating the social assistance scheme earlier in the Work and Assistance Act (Wet Werk en Bijstand) in 2004. However, the main goal of the scheme has not changed – providing financial help to those who cannot support themselves. Even though there is a state responsibility, it has been emphasised from the start that the individual is, and remains, responsible for their own means. As a consequence, an assessment takes place to determine whether people can or cannot provide for themselves. If there is a partner, an assessment takes place of the (nuclear) family's need, as it was argued that the family is central to one's means of subsistence: "[t]he person will have to be considered in the totality of his relationship to his environment and in particular in his relationship to the family to which he belongs." As a result, the degree of assistance depended on the joint resources of the family members and on the joint needs.

The Participation Act uses the concept of *gezin* (nuclear family), which is made up of a married couple, a married couple with their dependent child(ren) or a single parent with his or her dependent child(ren). Complementary to this,

it defines a joint household (*gezamenlijk huishouden*) as two persons who have their main residence in the same house and show that they care for each other by contributing to the costs of the household or otherwise. Those two persons can be spouses (or registered partners) but also unmarried persons making up a household. An exception is made for a relative in the first degree (by birth, *bloedverwant*, or by marriage, *aanverwant*) or a relative in the second degree if this relative is in need of care. Determining whether there is mutual care can be a challenging task. This joint household is deemed to exist if the persons concerned have their main residence in the same dwelling and 1) have been married to each other or have been regarded as married during the 2-year period preceding the application for assistance, 2) from their relationship a child has been born or recognition has taken place of a child of one by the other, 3) they are mutually obliged to contribute to the household by virtue of an applicable cohabitation contract; or 4) on the basis of a registration they are considered to have a joint household which corresponds in nature and scope to the joint household referred to. On the basis of these criteria a joint household is presumed, a joint household can also be established after it is assessed whether individuals share financial responsibilities or provide care for each other. This does not require an affectionate relationship between the two cohabitants; even friends or siblings can show care for each other. The latter process can be complex.

Similarly, determining whether individuals constitute a joint household is not simply a matter of checking whether they are registered at the same address in the Basic Registration of Persons, the Dutch population register that records residents' official addresses and civil status. Instead, this determination depends on the specific facts and circumstances of each case. As a result, local authorities may encounter difficulties in collecting sufficient evidence to plausibly demonstrate that two individuals conduct a joint household (Nummerdor-Buijs & De Wit, 2016).

Besides the joint household, the Participation Act also distinguishes cost-sharing cohabitants (*kostendelende medebewoner*). These are persons 27 years of age or older with the same primary residence as the applicant, not being the spouse (or registered partner) of that person or cohabitants with a written agreement with the applicant or a third party (provided that he has the agreement with the same person with whom the interested party has a written agreement), in which a commercial price has been agreed on (as a landlord, tenant, sublessee, subtenant or boarder), not being a relative by blood or marriage in the first or second degree of the person concerned. Cohabitants with an entitlement of study financing, attending education are exempt.

If the applicant has one or more cost-sharing co-residents, the standard per calendar month for the interested party is calculated using the following formula:

$$\frac{(40\% + A\ x\ 30\%)}{A}\ x\ B$$

A is the number of cost-sharing co-residents plus the person concerned and his or her partner; B is the standard for the applicant.

While the previous act, the Work and Assistance Act, used the same definition for the joint household, it did not include the cost sharing cohabitants. However, it did include the possibility for municipalities to adjust the norm for financial assistance at a lower level insofar as the person concerned has lower generally necessary costs of living than provided for in the standard or the supplement as a result of his/her living situation, including not maintaining a home (Art. 27).

4.2 Households in Social Assistance in Germany

Germany introduced the Federal Social Assistance Act (*Bundessozialhilfegesetz*) in 1962 as a programme of last resort for those without a social insurance entitlement or without insurance benefit entitlement (housewives or widows). Its introduction was motivated by the desire to "[help] people help themselves" (*Hilfe zur Selbsthilfe*) (Königs, 2013). The German social assistance system, known as *Sozialhilfe,* was originally not designed to provide support to individuals who were able to secure employment, as the German social security system also included an unemployment insurance (UI), referred to as *Arbeitslosengeld*, to replace income in the event of unemployment (limited in time), and an unemployment assistance (UA, *Arbeidslosenhilfe*), a less generous income replacement, in principle indefinite, means-tested and offered when UI had expired (Adema et al., 2003). However, as the eligibility criteria for UI and UA were progressively tightened, the number of unemployed persons receiving UI or UA benefits decreased. Consequently, social assistance gradually became the main source of support for the long-term unemployed.

The three-tiered system was replaced, in 2005, by what has colloquially come to be known as Hartz IV, and by Citizen's Income (*Bürgergeld*), in 2023. Citizen income aims to secure and support livelihoods during times of crisis and creates a minimum income benefit for persons capable of working (at least 15 hours a week) and those living with someone capable of working in a community of need (*Bedarfsgemeinschaft*), also called immediate household (Deutsche Bundesdag, 2022).

The amount of Citizen's Income is determined by assessing the needs of the immediate household (section 7 (3) SGB II), taking into account the income and assets of the household members to determine the need of the applicant. An immediate household consists of an adult applicant and the spouse or partner living with the applicant, with whom a mutual will to bear responsibility for each

other can be assumed and/or children up to the age of 25, as well as the parent/s of the adult applicant and the partner of the said parent that is living in the same household. A mutual willingness to bear responsibility for each other and to stand up for each other is presumed if partners fulfil one of the following four criteria; 1) they live together for more than 1 year; 2) they live together with a child; 3) they care for children or relatives in the household; and/or 4) they are authorised to dispose of each other's income or assets (Rechtsanwalt Und Sozialrecht, 2018).

Establishing the need for such a household involves combining the total standard needs of the household members, any additional needs, housing and heating expenses, as well as needs related to education and (social) participation-related needs. This consideration occurs when the combined income and assets of the applicant and partner/spouse exceed the level of income or value that is not counted when assessing eligibility. Additionally, the income and assets of children are taken into account only to determine their own eligibility for benefits or support, and hence do not impact the eligibility or entitlements of their parents or other household members.

Besides the immediate household, Citizen's Income also takes into account the wider household (*Haushaltsgemeinschaft*). This refers to adult relatives by blood or marriage who live in the same home but are not part of the applicant's immediate benefit unit. A wider household typically includes relatives such as uncles, aunts, parents-in-law, or adult children over the age of 25, provided they share living expenses.

The calculation related to the wider household is based on the assumption that household members will support each other financially if they have the means to do so. While the total income and assets of the household are assessed, an exemption amount is applied to the income of these relatives. This exemption is calculated by subtracting twice the standard benefit rate and a proportionate amount of housing costs from the relative's gross income. Any income exceeding this exemption threshold is partially counted toward the applicant's benefits, potentially resulting in a reduction of up to 50%. In other words, if relatives within the wider household earn more than the exempt amount, the applicant's Bürgergeld may be reduced accordingly.

Lastly, there is a recognition of house sharers (*Wohngemeinschafts*). This is a collective of people who live together in shared housing and are not related by blood or marriage. The difference between a wider household and house sharing is that the wider household is 'managing from one pot' (*aus einem Topf wirtschaften*), while house sharing is simply about living together (*Quelle Anwalt*) (Rechtsanwalt und Sozialrecht, 2018). A member of a shared flat does not have to provide information on the personal or financial circumstances of their flatmates; each individual member of the flat-sharing community submits an application for citizen income independently, although one is also free to form an immediate household within the shared housing. The existence of a shared flat can be

assumed if each member has their own bedroom and contributes their share of the rent and ancillary costs. They do not assume any personal or financial responsibility towards their flatmates.

4.3 Variation in Household Classifications and Underlying Rationales

Having examined both the Dutch and the German systems, we note a number of important similarities and differences. The differentiation of the household in the Participation Act and Citizen's Income illustrates how household composition is defined and operationalised to determine eligibility and benefit levels. While social assistance in both the Netherlands and Germany supports individuals in financial need, household classification significantly influences whether an individual is assessed independently or as part of a collective financial unit.

The use of the household means test reflects the assumption that financial support should first come from within a household before state assistance is provided. Both systems are based on financial interdependence within marriage and cohabitation, emphasising mutual care and responsibility. This is evident in the limitation of an immediate and joint household to two cohabitants, as well as in the conceptualisation of household relationships.

In both countries, the definition of a household extends beyond the traditional nuclear family, broadening financial obligations beyond romantic partnerships. In the Netherlands, the joint household includes two cohabitants who provide mutual care, even if they are not legally or biologically related. In Germany, financial obligations remain closely tied to marriage and affectionate relationships, but the wider household concept expands financial responsibility to include extended family members such as uncles or older children living in the same household. The Netherlands does not apply this broader familial obligation in the same way.

In 2015, the Dutch Participation Act introduced a logic of cost-sharing co-residents, assuming that sharing a residence reduces individual expenses. Benefits decrease with the number of adult cohabitants unless they are immediate family or in a commercial rental agreement. The Citizen's Income also distinguishes house-sharing arrangements but does not reduce benefits for unrelated housemates who do not share financial responsibility. This marks a key difference between the two systems, as Germany considers house sharers financially independent, while the Netherlands assumes economies of scale.

The household classifications in both systems – house sharing, cost-sharing co-residents, wider household, joint household and immediate household – reflect underlying assumptions about care responsibilities and resource pooling. Table 1 outlines the categories used in the household means test, their unit of assessment, relationships considered, and the rationale for inclusion or exclusion in need assessments.

Table 1 Household Types and Associated Rationales in Means Testing in Social Assistance in the Netherlands and Germany

Household Classifications	Unit of Assessment	Relationship	Rationale
House sharing *(Wohngemeinschaft - DE)*	Individual	House sharers	Financial independency
Cost-sharing co-residents *(kostendelende medebewoner - NL)*	Individual	House sharers	Reduced costs, financial independency
Wider household *(Haushaltgemeinschaft - DE)*	Individual	Extended family	Expectation of support between family members (limited) semi-independence
Joint household *(gezamenlijk huishouden - NL)*	Household	Marriage, cohabiting partners	Duty and/or expectation of mutual care, financial dependency
Immediate household *(Bedarfgemeinschaft - DE)*	Household	Marriage, cohabiting partners	Duty and/or expectation of support, financial dependency

These classifications reflect different degrees of assumed financial interdependency within households, which in turn shape the scope of state intervention. The underlying rationales are grounded in both legal obligations and normative expectations: on the one hand, marriage- or partner-based maintenance duties enshrined in law; on the other, broader social norms regarding mutual care and support within households.

The Netherlands' approach accommodates diverse living arrangements, aligning with contemporary social realities while still reinforcing traditional family-based support structures (see also Brink & Bouwmeester, 2024). In contrast, Germany maintains a stronger emphasis on the nuclear family, while also acknowledging extended family support through the concept of the wider household. Both systems reflect a combination of normative values, such as solidarity and care, operationalised through the concept of mutual care, and practical economic considerations, such as the pooling of resources and presumed economies of scale within shared households.

The next section will further analyse the meaning of this household classification by examining theoretical frameworks and their practical implications, assessing the consequences of defining the household as a unit of assessment.

5 Discussion

The previous section explored the classification used in the household means test in the Participation Act and Citizen's Income. The analysis illustrates the impact of the categorisation on both access to and the amount of financial aid provided. A further examination of the household means test and its categorisation provides insights into its function and its impact on claimants and their households, particularly with regard to the claimants' financial (in)dependency.

The focus on the household is based on more practical rationales such as economies of scale and pooling of resources. It also reflects notions of family care and obligation, with the nuclear family (and in some degree the wider family) at its core. The German concept of financial obligation is interwoven with notions of familial obligation, emphasising the expectation of financial support from family members and expanding the concept of partnership to encompass not only immediate partners but also extended family members. In the Netherlands the concept has broadened beyond blood relations, marriage or formal partnerships. The concept reflects a care paradigm that extends beyond formal responsibilities or family ties by including non-traditional supportive relationships. They demonstrate the different ways by which to operationalise the notion of family care and obligation, deriving from the legal status of relation between, mostly, two people. As a result, different household types are assessed differently. As the access and amount of financial aid depends on the type of household, the definition of the household types has an impact on the financial aid provided to an individual.

The household means test is based on the assumption of economics of scale, pooling of resources and care. When cohabitation is established through a formal agreement, the dependency is based on the legal status of the relationship. For other types of cohabitation, administrative agencies will need to determine whether a cohabitation arrangement constitutes a household or mere house-sharing, based on the operationalisation of mutual care. This can create uncertainty for the claimant and, furthermore, may give rise to misclassification, which, in turn, could result in overspending or under-expenditure by the state, the imposition of financial penalties or unjust reduction of benefits. Means testing is complex for administrative authorities (Gough, 1994; Spicker, 2005), particularly with regard to the differentiation between types of households and is further complicated with the increasing diversity of households.

In addition to the complexity of establishing a household in the absence of a formal agreement, the assumption of shared resources or reduced costs also has an implication for the claimants. Referring back to the aim of targeting, it remains challenging to accurately account for economies of scale – particularly in relation to the ratio between shared income and housing costs – as well as intra-household inequalities, such as disparities in savings and care duties, which often

disproportionately impact women financially (see, for example, Berthonnet & Tovey, 2022; Brown et al., 2022). In other words, intra-household poverty might continue to exist when using the household means test.

The household means test does not take into account the distinction between different roles or contributions of household members. This effectively overlooks persistent gender disparities in caregiving roles and financial dependency, which can result in unequal consequences, particularly for labour market participation (see, for example, Gazso, 2009). While legislation has shifted from male-oriented and marriage-centred frameworks to more gender-neutral and couple-based policies (Daly & Scheiwe, 2010), social security policies still rely on household-based assessments that may not align with evolving family structures. In particular, emerging models such as the dual breadwinner and adult worker models emphasise individual economic responsibility rather than pooled dependency (e.g. Lewis & Giulari, 2005; Yu et al., 2021), which raises questions about whether the household means test remains suitable given these shifts and state policies aiming for full employment. The analysis thus moves beyond the formal legal classification to consider its practical effects on individuals and households, in line with a 'jurisprudence of consequences' (cf. Miller, 1965).

In summary, the use of the household notion and the classification applied in means testing have direct consequences for access to state support and financial dependency within households. Furthermore, the household means test carries implicit assumptions about the distribution of care responsibilities while not presuming labour market participation for all household members. It adds administrative complexity due to the increasing diversification of household structures, resulting in uncertainty and places greater demands on administrative capacity in eligibility assessments. All this amplifies the risk of broader consequences. These include influencing decisions regarding cohabitation, caregiving responsibilities and engagement in paid employment. As such, the household means test does not only shape eligibility criteria influencing access to financial support, the legal concept codifies normative ideals reflecting broader societal values and reinforces social norms about kinship, dependency, care and participation.

6 Conclusion

This chapter examines how social assistance schemes define the household and what those definitions do. Far from being neutral or technical, the definition of a household has real consequences: it shapes individuals' access to state support and, in turn, their financial independence within the household. Adopting a 'jurisprudence of consequences' perspective, the chapter focuses not only on the formal legal criteria but also on how these definitions function in practice – what they enable, restrict or assume in the lives of those subject to them. The analysis

interrogates the justification for the household means test and the categorisation used, including its reliance on principles of interdependence and economies of scale. It also considers broader institutional and societal context in which the test operates, tracing how it adapts to shifting social norms and household forms.

On the basis of this study, the following points can be made: first, the household means test in social assistance serves as an administrative tool to target financial support. While it is used as a steering tool that helps to allocate resources efficiently and effectively, it is questionable whether need can be thus determined, as it cannot be assumed that resources are distributed equally, and it is therefore uncertain whether the benefits will be received by those in need.

Second, the household means test reflects a normative view of what constitutes a fair distribution of resources. An individual's entitlement to financial support depends on the resources of others in the household, where it is assumed or can be established that people in the household are caring for each other, which underlines the premise that state support complements family support. This normative part is challenged by practical problems, as it is difficult to establish the relationship between individuals.

Third, the household means test is a social construct that reflects and reinforces ideas about family, care and mutual support and caring responsibilities. As an ideological tool, the household means test perpetuates social norms and expectations about family and care. As such, the legal rules that define households do more than allocate resources – they actively construct social realities. By codifying specific relational expectations, these definitions simultaneously reflect and reshape societal understandings of family, dependency and mutual support. The question here is how they respond to societal changes and changing perceptions of family relations.

It is clear that legal frameworks have the capacity to respond to societal change. However, household means test and the categories used do not appear to capture the complexity of contemporary household structures and dynamics. As a result, these categories are likely to pose challenges for administrators, potentially perpetuating systemic inequalities. The ongoing challenge for legislators is to create legal frameworks that uphold the aim of the schemes to provide a social safety net to meet a minimum standard of need that result in perceived fair government spending, that are flexible enough to recognise different lived experiences while maintaining administrative coherence, and that recognise the impact on financial (in)dependence within the households that they either reinforce or create.

As this study has shown, the household means test exemplifies the need for a 'jurisprudence of consequences'. Legal definitions such as household, when treated as fixed or technical, can fail to reflect the complex social realities they are meant to regulate, even as they structure access to state support and influence everyday

lives. How we define a household is not just a matter of law or policy but a matter of real consequence.

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