

Welfare, Work Requirements, and Dependant-Care

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ABSTRACT *This article considers the justice of requiring employment as a condition of receiving public assistance. While none of the main theories of justice prohibits work requirements, the arguments in their favour are weak. Arguments based on reciprocity fail to explain why only means-tested public benefits should be subject to work requirements, and why unpaid dependant care work should not count as satisfying citizens' obligations to reciprocate. Arguments based on promoting the work ethic misattribute recipients' nonwork to deviant values, when their core problem is finding steady employment consistent with supporting a family and meeting dependant care responsibilities. Rigid work requirements impose unreasonable costs on some of the poor. A welfare system based on a rebuttable presumption that recipients will work for pay, conjoined with more generous work supports, would promote justice better than either unconditional welfare or strict requirements [1].*

Work Requirements under Three Theories of Justice

In 1996, the U.S. Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (henceforward PRWORA). The law replaced Aid to Families with Dependant Children (henceforward AFDC), a need-based federal entitlement, with Temporary Assistance to Needy Families (henceforward TANF), a form of assistance to poor parents conditional on their working for a wage. The law reflected a compromise among three theories of justice: libertarianism, conservatism, and liberalism. Libertarians believe that people deserve only what they can earn on the free market. They supported work requirements as a step toward forcing people to depend on market earnings rather than government. Conservatives believe that citizenship is based on a principle of reciprocity, in which citizens may claim rights to state support only if they behave responsibly and contribute to society. They supported work requirements as an enforcement of this principle. Liberals believe that citizens are entitled to public support on grounds of need. However, they saw that popular resentment against and alienation from nonworking welfare recipients, who were stigmatized as lazy, irresponsible, and morally deviant, had created a 'toxic' environment that blocked attempts to improve their lot. Some supported work requirements to win sympathy and respect for the poor as fellow members of 'working families,' and thereby increase support for anti-poverty efforts [2].

Although welfare reform has been cast as an expression of a harsh libertarian philosophy [3], in fact it included substantial state subsidies for wage earners. Welfare recipients who obtained jobs were entitled to keep certain welfare benefits, notably Medicaid, and became eligible for others, such as subsidized child care. Liberals won expansion of the Earned Income Tax Credit, which has become the centerpiece of

efforts to enhance the income of low-wage workers. Substantively, the reforms of the mid-1990s amounted to a triumph for conservatism: require poor people to work, but enlist the state in supporting and subsidizing their work efforts.

Given the dominance of the conservative view in current debates over welfare policy in USA, and in some other countries, it is high time that philosophers considered it. Yet it is nearly invisible in standard philosophical typologies of theories of justice, which largely divide into libertarian, utilitarian, and liberal contractualist views. Conservatism lives more as a popular American theory of justice than as an academic theory. The large majority of Americans who hold this view favour government support for poor people who they believe are trying to help themselves. But they oppose subsidizing people who they believe are free-riding on others, or otherwise behaving badly [4]. These attitudes reflect a principle of justice, based on reciprocity, and an ideal of life, based on self-sufficiency. In America, the social bases of self respect are tied to perceived independence. “Dependency” is regarded as a morally deviant, corrupting, and contemptible state. It has both objective and subjective dimensions. Objectively, it refers to reliance on means-tested government assistance unconnected to employment. Recipients of such assistance are presumed to suffer from debilitating *psychological* dependence and moral character flaws: lack of initiative and motivation, insistence that others do for one what one can do for oneself, failure to assume adult responsibilities.

Conservative views of the importance of work contrast with those of libertarians, utilitarians, and contractualist liberals. Conservatives share with libertarians the view that justice in relations among unrelated adults is fundamentally a matter of reciprocity — of receiving goods in virtue of having made a productive contribution. But where libertarians model reciprocity through market relations, conservatives model reciprocity through the relations of citizens. Citizenship is an honourable rank that must be earned by fulfilling civic obligations to contribute to society. Unlike libertarianism, conservatism does not limit citizens’ economic entitlements to their market earnings. The state should help relieve the worst hardship suffered by the poor, provided they work [5]. Still, conservatism privileges the market in three ways. First, it counts only work that commands a market price as fulfilling a citizen’s duty to contribute to society. Unpaid dependant care doesn’t count. Second, except for relieving the worst hardships suffered by the poor, the conservative view largely leaves market distributions intact. Third, conservatism is indifferent to the costs to the poor — for example, having to endure sexual harassment on the job, or unavailability to care for one’s ailing mother — of working at whatever job the market offers them. Since the poor are obligated to work in any event, these costs don’t figure in a determination of whether they ought to work as a condition of receiving state assistance.

Utilitarians are sensitive to these costs. They do not regard the obligation to work as morally fundamental. Whether the poor should work depends on the relative benefits and costs of doing so. Paid work benefits the poor by increasing their income, self-esteem, human capital, and ability to transmit work-related skills and social capital to their children. But it burdens the poor by increasing their transportation, clothing, and child-care expenses, and reducing the time they can spend with family members. Increasing the supply of unskilled workers also depresses the wages of those who are earning just above the minimum wage [6]. Work *requirements* have additional benefits and costs. They do eliminate free-riding. But they also impose great hardship on

people for whom work is very costly, and people whom no employer wants to hire. The justifiability of work requirements within utilitarianism therefore depends on the characteristics of the recipient population — their employability, dependant care responsibilities, tendencies to shirk, and so forth — that affect the costs and benefits of requiring them to work.

Liberals in the social contract tradition share with conservatives an understanding of citizenship as founded on reciprocity. Citizens, says John Rawls, are to be regarded as “fully cooperating members of society over the course of a complete life” [7], who fairly share the benefits and burdens of the system of cooperation. Liberal contractualism has been associated with the social democratic welfare state, which offers unconditional benefits to all citizens. Yet this association is not evident. Rawls’ difference principle demands that economic arrangements maximize the income prospects of the least advantaged [8]. It says nothing about entitling the least advantaged to gain access to this income other than by participating in the system of cooperation. Rawls’ scheme allows income inequalities if they provide incentives that maximize the prospects of the least advantaged. If these prospects were unconditionally guaranteed, a substantial portion of the population would not work. This would depress total production, and thereby reduce the size of the social minimum. Work requirements, by enlisting all in production, would arguably maximize the social minimum.

This argument for work requirements is not conclusive, because it focuses only on *income* prospects of the least advantaged. Rawls claims that the most important primary good is the social basis of self-respect [9]. The conservative argument for work requirements depends on the idea that the poor are contemptible dependants. They must be forced to fulfil their civic responsibilities because they can’t be trusted to do so. Work requirements enacted on such public understandings deny the poor the social bases of self-respect. Concern for the dignity of citizens may thus support a social democratic welfare state based on universal unconditional benefits. Such benefits express mutual trust, respect, and solidarity with fellow citizens.

These reflections suggest that whether the liberal contractualist would support work requirements depends on the interaction of three considerations: the incentive effects of unconditional support, the social meanings of nonwork in response to those incentives, and the social meanings of work requirements. If the meaning ascribed to nonwork in response to given incentives is not dishonourable, then work requirements need not be construed as stigmatizing, but merely as calibrating incentives so as to generate the highest possible social minimum. If the meaning ascribed to nonwork is dishonourable, then we have entered nonideal theory, in which at least some citizens believe that certain others are not cooperating on fair terms. It is a delicate matter of moral judgment whether, in such cases, the injustice lies with those perceived not to be cooperating because they are not working for pay, or with those who stigmatize the nonworkers, and thereby unjustly blame the victim. This is a contest over the conditions under which not engaging in paid work is deemed reasonable and fair. If the injustice lies with those not working, nonideal theory could endorse work requirements to get them to comply with just terms of cooperation. Even if the injustice lies with those blaming the victim, a case can be made for work requirements. Social stigmatization, however unreasonable, can be stubborn. If work requirements are needed to mitigate the stigma attached to welfare recipients, and thereby generate public support for more generous benefits, they may be justified under imperfect compliance.

Liberal contractualism therefore imposes no absolute prohibition on work requirements. It differs from conservatism on two more fundamental issues. First, if work requirements are imposed, then liberal contractualists would insist that the state eliminate any hardships entailed by fulfilling them. For example, the state may have to provide jobs of last resort for anyone unable to find private employment, and pay for others to care for the minor, ailing, and elderly dependants of those required to work. Second, liberal contractualists would insist not just on relieving hardships imposed by market distributions, but on pursuing equality beyond that point.

Conservatism Evaluated (1): Reciprocity

The preceding discussion shows that none of the principal theories of justice that permit state welfare payments can categorically dismiss work conditions on public assistance. Consider now the conservative view, that work requirements are a matter of principle, rather than merely a policy tool for achieving other objectives, such as maximizing the social minimum or destigmatizing the poor under nonideal conditions. Conservatives base their case on two moral principles: that citizenship entails reciprocal rights and obligations, and that the state should enforce virtue, or at least not promote vice. This section explores the reciprocity argument.

The principle that able-bodied citizens are morally obligated to bear their fair share of burdens in contributing to the system of cooperation is sound. Call this the General Reciprocity Principle. Conservatives claim their view of welfare is founded on it. However, they make more specific demands. What I'll call the Wide Conservative Reciprocity Principle says that state provision of goods to able-bodied citizens should be conditional on recipients' working for pay. The Narrow Conservative Reciprocity Principle says that state provision of *means-tested assistance to the able-bodied poor* should be conditional on recipients' working for pay. Presumably, conservatives justify the Narrow CRP as a logical entailment of the Wide CRP, and the Wide CRP as means to ensuring that the General Reciprocity Principle is satisfied.

This argument cannot survive scrutiny. To see why, consider two questions. (1) Why make assistance to the poor conditional on paid work, when public benefits enjoyed by other classes are unconditional? (2) Why insist that contributions to society must be in the form of wage labour, when unpaid dependant-care also contributes to the system of cooperation?

Robert Baden-Powell, the founder of the Boy Scouts, extolled bee colonies as "a model community, for they respect their queen and kill their unemployed" [10]. Of course, the Wide CRP would not support killing voluntarily unemployed citizens, since they do not owe their lives to the state. But why not deport them? Their residence in the state virtually guarantees that they are using public resources, such as roads and police protection, without reciprocating through wage labour. Yet no conservative supports such a measure. I also know of no conservative who advocates barring the voluntarily unemployed from the emergency rooms of public hospitals, or denying them the right to vote. It seems then that conservatives accept that citizens have unconditional rights to many publicly provided goods. This entails that they do not really accept the Wide CRP. But if they reject the Wide CRP, then what is the basis for the Narrow CRP? Why single out means-tested

assistance to the poor, uniquely among all publicly provided goods, for work requirements?

The reason cannot be that the idle poor are unique among citizens in not contributing to the economic system. What about the idle rich? One might argue that the assets of the rich, being invested in productive property, are contributing to the economy. This argument does not excuse the privileged ne'er-do-wells who have no assets of their own, but are living off Daddy's allowance. The idle rich might argue for an exemption, on the ground that they pay taxes from sources other than public assistance. But *all* welfare recipients spend income, and hence pay state sales and federal excise taxes, derived from sources other than public assistance [11]. If paying taxes from private sources of income is sufficient for people to satisfy the General Reciprocity Principle, then *all* citizens satisfy the principle. If so, then the Narrow CRP cannot be justified as needed to ensure that the General Reciprocity Principle is satisfied.

Perhaps the thought is that paying consumption taxes is not enough to satisfy obligations to reciprocate, since it is so passive. Conservatives may think that citizens are obliged to devote personal time and effort to support the system of cooperation. If so, this still does not answer our first question. But the second question looms: why do conservatives count only *paid* work as an active contribution to society?

Many welfare recipients are *parents*. They are mostly mothers and grandmothers, who devote considerable time and effort to caring for their children and other dependants who are unable to take care of themselves — elderly and infirm parents, disabled siblings, the children of other kin or of their male partners. This is socially necessary labour. I see no normative basis for refusing to count it as fulfilling citizens' obligations to reciprocate. If it didn't count, then conservatives would have to accuse middle-class homemakers of failing in their civic duties to contribute to society. But they don't. To do so would commit conservatives to a sexist hierarchy of citizenship, in which those performing masculine breadwinner roles are first-class citizens, and those performing feminine caretaking roles are stigmatized second-class citizens. Few conservatives are willing to openly avow such judgments today.

To sustain the reciprocity argument for work requirements, conservatives must therefore find some normative ground for distinguishing the worth of dependant-care work performed by middle-class women from the worth of dependant-care work performed by poor women. On this point, I share Glenn Loury's suspicion that

there is a tendency to undervalue the contribution to family welfare arising from time spent at home with children by a relatively uneducated, low-wage, single parent. So far as I know, there is no empirical warrant for such undervaluation, particularly in view of the rather poor quality of [alternative] child care that is within the means of these parents [12].

Perhaps conservatives think that these contributions to children are not also contributions to society, because the children of welfare recipients will go on to become permanent welfare dependants and not contribute to the wider society. This fear, that welfare recipients constitute an isolated class of welfare dependants who never contribute to members outside their own class, is baseless. Under the unconditional AFDC system, half of recipients used it for three years or less over their entire lifetimes; less than a quarter had lifetime use of ten years or more, and the vast majority of the latter cycled between welfare and work rather than staying on welfare continuously [13]. Of

the daughters of welfare recipients, less than a third ended up receiving AFDC as adults. Mothers' use of AFDC put daughters at only a "slightly higher risk" of using AFDC themselves, after controlling for other sources of disadvantage [14].

For the reciprocity argument to succeed, conservatives must explain two things: (a) why only the public support used uniquely by the poor should be subject to work requirements; (b) why unpaid care of dependants does not satisfy obligations to reciprocate, even though it is socially necessary labour. Here is a possibility. One could appeal to the Principle of Burden Mitigation: that if the claims one makes on society impose a burden on it, one is obligated to do what one can to escape or minimize the need to make those claims. This is a reasonable principle. In the case of welfare recipients, the condition that leads to making burdensome claims is not making enough money to support oneself and one's family. This condition cannot be overcome by engaging in unpaid care of dependants. It might be overcome, or at least mitigated, by engaging in paid work. This specialized reciprocity principle, limited to doing one's part in mitigating burdens one imposes on society, may explain the conservative privileging of paid work over unpaid dependant-care.

It does not explain as successfully the exclusive conservative focus on means-tested benefits to the poor. Thousands of American farmers receive expensive state subsidies to produce food that is more cheaply and efficiently produced by foreign farmers. Yet we in the U.S. observe no comparable resentment and contempt directed toward farmers. Far from being stigmatized as welfare dependants, they are lionized as icons of self-reliance. Yet, according to the Principle of Burden Mitigation, farmers have an obligation to do what they can to minimize their reliance on state subsidies. They could do this easily, by pursuing other lines of work [15].

Conservatives could achieve consistency by insisting that subsidized farmers change occupations. Alternatively, they could redefine what counts as a burden on society. If society values having farmers pursue farming, then farm subsidies are not a burden but a payment for what is seen as a social good. This brings us back to the crux of the issue: conservatives see payments to welfare mothers as a burden, rather than as a payment for socially important work, because they do not perceive the dependant-care work of poor single mothers as a social good. Matters do not have to be seen this way. The European social democracies grant families a non-stigmatizing caregiver allowance to support their direct caregiving.

Another problem with using the Principle of Burden Mitigation to justify work requirements is that going to work may not enable individuals to mitigate the burdens their personal case puts on the state. In the short run, it costs more for the state to support work by the poor than to pay them to stay at home. The extra costs of supporting work (such as subsidized child care) must be covered. Welfare regimes with work requirements are also costlier to administer. Caseworkers need to supervise recipients intensively, to monitor their satisfaction of behavioural requirements and guide and support their efforts to meet them. Recipients who don't know how to navigate job markets and comply with work norms need costly counselling. No wonder that state expenditures per case under TANF are *higher* than they were under AFDC [16].

State support for individual work efforts may eventually pay off. As recipients gain more work experience, they may be able to obtain better jobs, and thereby reduce their demands on the state. But the thirty-year trend of declining wages in the bottom job tiers, and the negligible premium on experience for the jobs welfare recipients can get

[17], call this hope into question. If recipients get stuck in dead-end jobs, they may require continuous support to avoid hardship.

Conservatism Evaluated (2): The Vice of Dependency

Perhaps we should locate the case for work requirements in the perfectionist goal of reducing dependency. The core vice thought to underlie welfare dependency is a rejection of the work ethic. Welfare recipients, it is said, lack initiative and a motivation to work hard, a sense of personal responsibility, and self-reliance. They turn up their noses at the menial jobs for which they are qualified, expecting a “good” job to be handed to them, although they lack skills and respect for work norms, and pass this culture of dependency on to their children [18].

Conservatives argue that work requirements will reduce these vices. Condition welfare on work, and recipients will obey and eventually internalize the work ethic. Recipients should assiduously seek and accept *any* legal job offered to them, however menial and burdensome. They must adjust to the market and bear the costs of working. They need to assume personal responsibility for problems such as balancing work with child care responsibilities, rather than expecting the state to manage these problems for them [19]. Only so will they acquire the skills and dispositions of self-reliant, self-respecting citizens.

Many liberals would reject the paternalism of this argument, insist on state neutrality about conceptions of the good, and defend the liberty of the poor to choose their own ideals. I find these arguments inapt, in conceding to conservatives the premise that the poor have alien values. If the poor generally aspire to fulfil the work ethic, then defending their right to deviance will do them no good. If they want an opportunity set in which their work is rewarded, rather than leaving them no better off than if they didn't work, liberalism is not barred from responding to this aspiration. I therefore prefer to focus on the minor premise of the perfectionist argument, that the poor have deviant and dysfunctional values. If they don't, then the perfectionist case for work requirements fails.

Survey research shows that most welfare recipients endorse the work ethic. Conservative Lawrence Mead replies that recipients endorse it only aspirationally, not as a duty. They are willing to work at well-paying, respectable jobs, but scorn the poorly paid menial jobs open to them [20]. Mead's claim can be tested in USA by looking at the dynamics of welfare use and work by recipients before the PRWORA required them to find jobs. If the culture-of-dependency hypothesis is correct, few recipients would have significant prior work experience before going on welfare, or mix welfare with work, because they despise low-wage jobs. Most would be on welfare continuously for a long time, because they prefer free-riding to self-sufficiency. Few would exit welfare by getting a low-paying, menial job. The facts contradict all of these predictions. More than four-fifths of AFDC recipients had prior work experience, on average more than five years [21]. From 36–60% of recipients worked to supplement their welfare payments, usually at low-paying informal sector jobs [22]. Median *lifetime* AFDC use was only about three years. Less than a quarter of recipients received welfare for a decade or more. The vast majority of long-term users did not use it continuously, but left it frequently, only to return [23]. Most exits from welfare were due to recipients' finding work [24].

These high rates of work exit under AFDC are more impressive in light of the disincentives to work built into this programme. Exiting AFDC often resulted in loss of Medicaid benefits. The increased income recipients could gain from working was often cancelled out by increased costs of going to work. The jobs recipients could find were usually part-time, temporary, lacking in benefits, dead-end, and ineligible for unemployment insurance. Recipients therefore faced great risks of unstable income by leaving the welfare rolls for work. Few jobs accommodated mothers' child-care responsibilities. Most did not offer leave to take care of sick children; many did not permit workers to make personal phone calls to check up on their children left at home alone [25]. These patterns of work, despite weighty disincentives, testify to persistence against heavy odds, and a willingness to take major financial risks in a determination to fulfil work-ethic values such as self-reliance.

Data on returns to welfare also undermine the dependency hypothesis. If welfare recipients are hobbled by a vicious pathology of dependency, we would expect that recipients who returned to welfare after job loss would complain about how demeaning their jobs were. We would expect that returns to welfare would be caused by irresponsible rather than responsible behaviour. Again, the facts contradict these predictions. Welfare recipients consistently report feeling pride at holding down a job, *any job*, and shame at staying on welfare [26]. Far from transmitting disdain toward low-paying jobs to their children, recipients cite their ability to model hard work and self-reliance to their children as one of the key benefits of TANF's "work first" policy [27]. Bad behaviour does not appear to be a major cause of unemployment among recipients. One study found that even in an urban "underclass" community, less than a tenth of welfare recipients denied the importance of workplace norms such as showing up on time and getting along with superiors. Surprisingly, failure to acknowledge these norms did not predict a recipient's employment status [28].

Thus, pathological values do not appear to be a major cause of recipients' difficulties in keeping up steady employment. Other factors loom larger. The jobs welfare recipients can and do get are unstable — seasonal or short-term [29]. Their ability to hold these jobs is undermined by inconsistent access to transportation — a big problem when in some cities, half of recipients do not own a car and public transportation is poor. Poor health, especially depression, which may afflict over a quarter of recipients, poses a serious barrier to steady employment [30]. *Most importantly, the jobs welfare recipients are able to get do not pay enough, or steadily enough, to enable them to support their families through wages alone, and often make demands on recipients' time that are incompatible with their responsibilities to provide direct care to their dependants.* A major theme of welfare entry and return is dependant-care responsibilities — the need to obtain Medicaid for sick children, to get subsidies to keep them fed and housed, to provide direct care when other sources of child care are unreliable. The difficulties of balancing paid work with dependant care responsibilities are much more challenging for poor women than middle-class women [31]. The jobs welfare recipients are able to get lack flexibility to accommodate dependant-care responsibilities and don't pay enough to enable mothers to afford quality child care. Many poor mothers' kin and friendship networks are weak and undependable. Moreover, relying on members of one's social network to take care of one's children incurs obligations. When they fall ill or cannot take care of their own children, one may have to assume direct dependant-care responsibilities for them, at the cost of job loss [32]. No wonder, then, that having a mother with health problems

or a child with health, learning, or emotional problems are strong predictors of nonwork among welfare recipients. These two problems are common. One study found them among two-fifths of sampled welfare recipients [33].

Welfare recipients' unstable employment is primarily due to circumstances beyond their control and to dependant-care responsibilities. Conservatives slander welfare recipients by attributing their morally responsible actions to protect and care for their dependants to psychological pathology. Such attributions reflect the contempt conservatives hold for poor women's dependant-care work. Responsible parenthood is an outstanding moral virtue. If conservatives want to advance a welfare system on perfectionist grounds, they should focus on creating opportunities that enable the poor to be good parents as well as good citizens. Work requirements founded on the premise that recipients are morally irresponsible are unjustly stigmatizing and fail to address the real problems poor mothers face.

Towards a More Just Welfare System

I have argued that conservative arguments for requiring paid work as a condition of receiving means-tested state support mischaracterize the contributions, values, and problems of poor welfare recipients. They fail to value women's unpaid dependant-care work as a contribution to society, mistake caregiving for shiftlessness, and underestimate the challenges to low-wage working parents of combining paid work with dependant-care responsibilities. The world of work is largely structured around an androcentric model, in which family breadwinners are presumed not to have direct dependant-care responsibilities. This presumption is both sexist and obsolete, given the surge in women's labour-force participation launched by the rise of the feminist movement, the increase in single-parent households, and the decline of the family wage. It is high time that we shifted to a more realistic model of work, based on the presumption that the typical worker also has responsibilities to care for dependants. We also need to shift to a nonsexist model of citizenship, which does not force poor mothers to choose, as conservatives in practice demand, between being good citizens and good parents.

In earlier work, I argued that a just society must assure to all citizens effective access to the social bases of equal standing as citizens [34]. This view, which I dubbed 'democratic equality,' requires that all citizens have effective access to the means they need to escape oppressive relationships, such as abusive partners, and to fully participate as equals in the political, economic, and social life of the community. "Effective access" means within reach by individuals exercising the capabilities they have or can realistically acquire. Normally, able-bodied working-age adults obtain access to these means by fulfilling the obligations of some role in the division of labour. Such roles include paid work, unpaid dependant-care, and community service. A just society would recognize all of these as fulfilling citizens' obligations of reciprocity.

AFDC partially recognized the civic worth of care of dependants. Its original point was to enable widows who had lost their family breadwinner to continue in their roles as full-time homemakers. But it never acquired the honourable status of entitlements attached to wage labour, such as Social Security. It also trapped recipients in an obsolete sexist division of labour. AFDC allowed poor mothers to obtain public

assistance, provided they did *not* enter the labour force to a significant extent. It therefore forced women to choose between the public status of mothers and the public status of wage workers. The meagerness of benefits meant that AFDC recipients could not make ends meet by relying on public assistance alone. But they could not improve their financial prospects by openly accepting paid work, because this would result in a loss of benefits. Thus, many AFDC recipients were forced to work under the table, obtaining the income but not the public respect to which wage workers lay claim.

We could imagine a utopian welfare system in which poor mothers could costlessly choose between paid work and taking care of their children as grounds for claiming public assistance. But applied ethics, to be practical, needs to be responsive to real world constraints. The American middle class would never support a system that made the choice of full-time homemaking costless to the poor, when its own members must face substantial costs in making the same choice. Nor is there any prospect of Americans supporting universal caregiver allowances, so that all classes would face comparable tradeoffs. Moreover, even a utopian system of caregiver allowances is not, on net, more just than a comparably utopian system that would provide enough supports so that all caregivers would also be breadwinners [35]. Given these facts, it makes sense to allow the shape of the welfare system to reflect the overwhelming orientation toward paid work that is embedded in the American work ethic. Poor women, too, overwhelmingly support the work ethic and share the aspiration of the majority of middle-class mothers to combine paid work and dependant care roles.

In the US, the welfare reforms of the 1990s decisively oriented public assistance toward moving welfare recipients to work. Three reforms in addition to work requirements were critical to this transformation. First, the dramatic expansion of the Earned Income Tax Credit provided a powerful supplement to low-wage workers' income. Second, other forms of public assistance, such as Medicaid and Food Stamps, were reconfigured to function as work supports, and other work supports such as child care were increased. Together, these changes enabled welfare recipients who moved into work to reap net financial gains. Neither traditional AFDC nor work requirements alone could enable this [36]. Third, the reforms changed the culture of many welfare offices away from a preoccupation with documenting eligibility for assistance and filling out forms, toward helping recipients find work [37].

These three reforms made progress from the standpoints of justice and American ideals. They reduced the stigmatization of welfare recipients, by enabling them to publicly demonstrate their commitment to shared work ethic values. They expanded poor women's participation in the life of the community, by increasing their labour-force participation and enabling them to better combine work with parenting. They reduced recipients' social isolation, improved their social networks, and boosted their self-esteem [38]. They 'made work pay' and, in the context of the tight labour market of the 1990s, moved many families out of poverty [39]. More reforms in the same direction could produce greater gains.

By contrast, the case for work *requirements* is weak. The conservative case for work requirements is poor. Nor would liberal contractualists or utilitarians support work requirements in the context in which they were enacted. Although it is difficult to separate the effects of multiple simultaneous reforms, it is arguable that most of the employment and income gains of welfare reform were produced by the three changes outlined above, in combination with a favourable labour market, not by work

requirements [40]. Thus, work requirements are unlikely to have enough of an impact in increased production to enable the social minimum to be increased, as liberal contractualists would demand. More importantly from both a contractualist and a utilitarian point of view, rigid work requirements impose grave costs on the substantial minority of welfare recipients who are unable to make the transition to work. The incomes of the poorest families have declined [41]. The least advantaged class of society has suffered. Such suffering is not necessary to produce the gains of welfare reform [42].

Three causes of this suffering should be more closely examined. First, many working families dropped off the Medicaid and Food Stamp rolls because their caseworkers did not work with them to maintain enrolment. Second, many families could not hold down steady jobs consistent with meeting their dependant-care responsibilities. Although most women are able to work full-time and ensure that their dependants are taken care of, there will always be some women whose dependants' needs for direct care — due to illness, disability, behavioural problems at school, and so forth — are incompatible with the requirements of the jobs their caretakers are able to obtain. It is unreasonable to suppose that paid caretakers and unpaid relatives can take up all of the slack in every case. Third, welfare recipients tend to lack significant marketable skills. This impairs their ability to obtain jobs that last. Unstable employment puts family members at periodic risk of great hardship in periods between jobs. Employment at dead-end jobs also often prevents recipients from obtaining the training they need to obtain better jobs.

Each of these difficulties points to reforms that a more just welfare system ought to take. Democratic equality requires that no one be denied access to the means they need to avoid hardship and participate as an equal in virtue of fulfilling a socially necessary role. It suggests the following reforms to remedy the difficulties with current welfare policy.

First, steps should be taken in US to ensure that all workers have a living wage, including health insurance. In virtue of their fulfilling their role as paid workers in the social division of labour, they deserve nothing less. Rather than assuring this through means-tested welfare, it could be achieved through less stigmatizing broader-based programmes, such as universal health insurance, a modest increase in the minimum wage, and a more generous Earned Income Tax Credit.

Second, we should shift to a model of work that presumes that workers also have dependant-care responsibilities. This could be done by implementing worker-based social insurance entitlements to include paid dependant-care leave, as is the norm in many European welfare states. Such measures are needed to ensure that individuals do not have to choose between being good citizens and good parents, and are not demoted to second-class status for fulfilling indispensable unpaid roles in the division of labour. Universal access to unemployment insurance is needed, similarly, to enable people in part-time and temporary jobs to tide themselves over between jobs.

Third, democratic equality requires not just that citizens have enough to avoid hardship and oppression and to participate as equals. It demands that citizens have a fair chance to compete for more than enough. Conservatives are right to argue that no welfare recipient is entitled to turn up her nose at even the most menial job. Menial jobs are part of the socially necessary division of labour. Someone must clean the toilets. But it does not follow that people who could qualify themselves for better jobs

should have opportunities for moving out of these jobs effectively closed to them, because of work requirements and dependant-care responsibilities. No one capable of more should be *permanently* confined to menial tasks. Thus, a just welfare system should provide for people who have proven themselves, either by prior work or educational attainment, to obtain publicly subsidized training and education to move out of menial jobs. For example, unskilled workers in US who have fulfilled work expectations for a limited period should thereby qualify themselves for paid tuition and stipend at their local community college.

So far I have argued against rigid work requirements and in favour of strong work incentives. It does not follow that welfare offices should simply offer the incentives, and take a neutral stance over whether recipients take advantage of them. The work requirements of PRWORA were designed to force welfare offices, not just recipients, to change. As long as welfare offices were obsessed with paperwork to the neglect of promoting paid work, mere tinkering with incentives would probably not have had impressive effects in moving recipients to work. And impressive effects *were* needed, to destigmatize welfare recipients under conditions of imperfect compliance that deny them the dignity of dependant-care work.

Democratic equality can support more than a neutral stance toward work, once work supports are in place. Given the urgency of the need to destigmatize recipients, it would justify a system of work *presumptions*. Under such a system, caseworkers would presume that welfare recipients or applicants would seek paid work and manage their cases toward that goal. Recipients would be required to give an accounting of job-search efforts, and accept any offers consistent with their other responsibilities. If recipients presented barriers to work — for instance, lack of transportation — caseworkers would assume that their first task is to eliminate these barriers — for instance, by providing a cash grant to the recipient to buy a used car. If the barrier to work is unusual responsibilities for care of dependants, such as caring for a chronically ill child or parent, the system should seriously consider whether the best and cheapest care would be provided by recipients themselves, rather than outsiders. If so, then recipients should be paid for that work, just as if they were publicly subsidized day-care workers taking care of other people's dependants. Such care would satisfy work presumptions. If recipients presented barriers to work, such as disabling mental health problems, that neither public subsidy nor demonstrated private resources and initiatives could overcome, the presumption in favour of work would be rebutted and recipients then be entitled to traditional income support without work. Such cases would be periodically reviewed to see if the barriers were low enough to revert to the work presumption.

Such a system of work presumptions should, in conjunction with work supports, enable recipients as a class to reap the destigmatizing advantages of work requirements, without the grievous costs imposed on those who don't meet work conditions and so are sanctioned out of the system. It recognizes that not everyone can reasonably be expected to participate in the private labour market. For the few who refuse to cooperate, although they can reasonably be expected to engage in paid work, I would oppose a complete cutoff of benefits. Work presumptions are justified in order to destigmatize welfare recipients under nonideal conditions and change the culture of the welfare office to facilitate recipients' own aspirations to fulfil work ethic ideals, overcome social isolation, and participate in a critical role in civil society. These

rationales cannot justify removing noncompliant recipients from access to health care and adequate nutrition and housing, nor can they justify putting the dependants of noncompliant recipients at risk. It should be noted, however, that work incentives entail the imposition of opportunity costs on nonwork. Benefits would not be eliminated, but they would be lower than what recipients would get if they worked at a paid job, qualified for public payment as the best direct caretaker for their own dependants, or rebutted work presumptions.

Eventually, such a system should convert to a more dignified and horizontally equitable system of expanded social insurance for workers, including unemployment, dependant-care, and medical insurance for all workers, plus wage subsidies and earned education entitlements. A residual welfare system would be needed to help the few remaining people who cannot participate in the paid labour market. The job of welfare offices would be to help most people get access to the system of expanded worker insurance by obtaining jobs, and to enable the residual cases to receive more traditional welfare.

Even this system of expanded social insurance tied to paid work, plus a residual welfare system for those who cannot work, would not be ideal from the standpoint of democratic equality [43]. But it would go far to alleviate problems with the current system in US, and take use closer to democratic equality while paying heed to current constraints and prevailing ideals.

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NOTES

- [1] I wish to thank Mary Corcoran for helpful advice while I was writing this article.
- [2] H. HECLO (2001) The politics of welfare reform in R. BLANK & R. HASKINS (eds.) *The New World of Welfare* (Washington, D.C., Brookings Institution Press), p. 197.
- [3] See M. KATZ (2001) *The Price of Citizenship: Redefining the American Welfare State* (New York, Henry Holt).
- [4] See M. GILENS (1999) *Why Americans Hate Welfare: Race, Media and the Politics of Antipoverty Policy* (Chicago, University of Chicago Press).
- [5] L. MEAD (1986) *Beyond Entitlement: The Social Obligations of Citizenship* (New York, Free Press).
- [6] G. LOURY (2001) Comment on Michalopoulos and Berlin's 'Financial work incentives for low-wage workers' in Blank & Haskins, op. cit., note 2, pp. 286–88.
- [7] J. RAWLS (1980) Kantian constructivism in moral theory, *Journal of Philosophy*, 77, p. 546.
- [8] J. RAWLS (1971) *A Theory of Justice* (Cambridge, Mass., Harvard University Press), p. 83.
- [9] Rawls, (1971) op. cit., note 8, p. 440.
- [10] C. HITCHENS (2004) Young men in shorts, *The Atlantic*, 293 (June), p. 125.
- [11] See K. EDIN & L. LEIN (1997) Work, welfare, and single mothers' economic survival strategies, *American Sociological Review*, 62, 2, p. 258 (finding that no welfare recipients made ends meet from public assistance alone, and that about 36% of their income came from private sources).
- [12] Loury, op. cit., note 6, p. 187.
- [13] R. BLANK (1997) *It Takes a Nation: A New Agenda for Fighting Poverty* (Princeton, Princeton University Press), p. 153.
- [14] Blank, op. cit., note 13, pp. 156, 157.
- [15] My own view would oppose subsidies to farmers, because they are unjust from an international perspective. Rich country subsidies to domestic farmers, who could easily find other well-paying occupations, impoverish more efficient farmers in poor countries who cannot compete with the subsidies but have miserable options outside of farming. Globalization has turned the whole world into an integrated system of social cooperation, to which demands of justice apply.

- [16] PRWORA maintained the same funding levels as AFDC, even though caseloads dropped dramatically. See in Blank & Haskins, op. cit., note 2, p. 18.
- [17] Edin & Lein, op. cit., note 11, p. 263.
- [18] L. MEAD (1998) The hidden jobs debate, *The Public Interest*, 91, pp. 52–53.
- [19] Mead, op. cit., note 18, pp. 53–56.
- [20] M. J. BANE & D. T. ELLWOOD (1994) *Welfare Realities: From Rhetoric to Reform* (Cambridge, Mass., Harvard University Press), pp. 87–88.
- [21] Edin & Lein, op. cit., note 11, p. 262.
- [22] Edin & Lein, op. cit., note 11, p. 258.
- [23] Blank, op. cit., note 13, p. 153.
- [24] K. M. HARRIS (1996) Life after welfare: women, work, and repeat dependency, *American Sociological Review*, 61, 3, p. 424.
- [25] Edin & Lein, op. cit., note 11, p. 263.
- [26] A. S. LONDON, E. K. SCOTT, K. EDIN & V. HUNTER (2004) Welfare reform, work-family tradeoffs, and child well-being, *Family Relations*, 53, 2, pp. 148–9; S. G. ANDERSON, A. P. HALTER & B. M. GRZYLAK (2004) Difficulties after leaving TANF: inner-city women talk about reasons for returning to welfare, *Social Work*, 49, 2, p. 190.
- [27] London et al., op. cit., note 26, p. 152.
- [28] S. DANZIGER, M. CORCORAN, S. DANZIGER, C. HEFLIN, A. KALIL, J. LEVINE, D. ROSEN, K. SEEFELDT, K. SIEFERT & R. TOLMAN (1999) Barriers to work among welfare recipients, *Focus*, 20, 2, p. 32.
- [29] Anderson et al., op. cit., note 26, pp. 187–88, 191.
- [30] Danziger et al., op. cit., note 28, p. 32.
- [31] Harris, op. cit., note 24, p. 424.
- [32] S. J. OLIKER (1999) Examining care after welfare ends, *Focus*, 20, 2, pp. 37–38.
- [33] Danziger et al., op. cit., note 28, p. 32.
- [34] E. ANDERSON (1999) What is the point of equality?, *Ethics* 109, pp. 287–337.
- [35] See N. FRASER (1994) After the family wage: gender equity and the welfare state *Political Theory*, 22, 4.
- [36] R. BLANK (2002) *Evaluating Welfare Reform in the United States*, Working Paper 8983 (Cambridge, Mass., National Bureau of Economic Research), p. 73. <http://www.nber.org/papers/w8983>.
- [37] Because of the federalization of welfare reform, which left details to the states, the third reform was not universally implemented. Welfare offices in some states focused more on “diversion” — that is, turning away applicants at the door, or giving them a small emergency lump sum in return for accepting temporary ineligibility for the welfare rolls.
- [38] London, et al., op. cit., note 26, pp. 148–158.
- [39] S. DANZIGER, C. M. HEFLIN, M. E. CORCORAN, E. OLTMANS & H.-C. WANG (2002) Does it pay to move from welfare to work?, *Journal of Policy Analysis and Management*, 21, 4, p. 671; R. HASKINS (2001) Reform, family income, and poverty in Blank & Haskins, op. cit., note 2, pp. 103–130.
- [40] P. EDELMAN (2003) The welfare debate: getting past the bumper stickers, *Harvard Journal of Law and Public Policy*, 27, 1.
- [41] Edelman, op. cit., note 40, pp. 98–99; W. PRIMUS (2001) ‘Comment on Haskins’ ‘Reform, Family Income, and Poverty’ in Blank & Haskins, op. cit., note 2, pp. 131–2.
- [42] Edelman, op. cit., note 40.
- [43] See Fraser, op. cit., note 35.