

The
TRANSFORMATION
of AMERICAN
LIBERALISM



GEORGE KLOSKO

The Transformation of American Liberalism

The Transformation of American Liberalism

GEORGE KLOSKO

OXFORD
UNIVERSITY PRESS

OXFORD
UNIVERSITY PRESS

Oxford University Press is a department of the University of Oxford. It furthers the University's objective of excellence in research, scholarship, and education by publishing worldwide. Oxford is a registered trade mark of Oxford University Press in the UK and certain other countries.

Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America.

© Oxford University Press 2017

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission in writing of Oxford University Press, or as expressly permitted by law, by license, or under terms agreed with the appropriate reproduction rights organization. Inquiries concerning reproduction outside the scope of the above should be sent to the Rights Department, Oxford University Press, at the address above.

You must not circulate this work in any other form
and you must impose this same condition on any acquirer.

Library of Congress Cataloging-in-Publication Data

Names: Klosko, George, author.

Title: The transformation of American liberalism / George Klosko.

Description: New York : Oxford University Press, 2017. |

Includes bibliographical references.

Identifiers: LCCN 2016044873 | ISBN 9780199973415 (hardcover)

Subjects: LCSH: Liberalism—United States—History. | Welfare state—United States—History. | United States—Social policy—History.

Classification: LCC JC574.2.U6 K59 2018 | DDC 320.51/30973—dc23

LC record available at <https://lcn.loc.gov/2016044873>

9 8 7 6 5 4 3 2 1

Printed by Sheridan Books, Inc., United States of America

For Manny

and the memory of my brother, Steve

CONTENTS

Preface ix

Acknowledgments xi

Abbreviations xiii

Introduction 1

(1) INTRODUCTORY 1

(2) AMERICAN LIBERALISM 11

CHAPTER 1 The American Welfare State 14

(1) THE “WELFARE STATE” 14

(2) EARLY HISTORY 18

(3) COMPARATIVE PERSPECTIVE 21

(4) CAUSAL FACTORS 27

(5) POLITICAL CULTURE AND JUSTIFICATION 33

CHAPTER 2 Old and New Liberalism 36

(1) LOCKEAN INDIVIDUALISM 37

(2) “NEGATIVE” AND “POSITIVE” RIGHTS 42

(3) THE CORRELATIVITY PROBLEM 45

(4) NEW LIBERALISM 50

CHAPTER 3 Individualism and Progressivism: Conceptual Underpinnings 61

(1) LAISSEZ-FAIRE LIBERALISM 61

(2) PROGRESSIVE IDEAS 65

(3) THEODORE ROOSEVELT’S PROGRESSIVE IDEAS 70

CHAPTER 4	The British Welfare State	77
(1)	LLOYD GEORGE AND LIBERAL REFORMS	78
(2)	BEVERIDGE AND HIS REPORT	87
(3)	THE NATIONAL HEALTH SERVICE	98
(4)	CONCLUSION	105
CHAPTER 5	FDR's Original Sin	106
(1)	FDR'S POLITICAL IDEAS	107
(2)	FDR'S NEW YORK YEARS	109
(3)	THE YEAR OF CRISIS	119
(4)	SOCIAL SECURITY	122
(5)	FDR'S ORIGINAL SIN	128
(6)	THE ROAD NOT TAKEN	134
CHAPTER 6	Social Insurance and Welfare	151
(1)	SOCIAL INSURANCE	152
(2)	OLD-AGE INSURANCE (SOCIAL SECURITY)	155
(3)	WELFARE	157
(4)	EARNED INCOME TAX CREDIT (EITC)	172
(5)	SUPPLEMENTAL SECURITY INCOME (SSI)	178
(6)	WAR ON POVERTY	181
(7)	EQUALITY OF OPPORTUNITY AND BASIC ACCESS	184
CHAPTER 7	Medicare and Medicaid	194
(1)	HARRY TRUMAN AND NATIONAL HEALTH INSURANCE	195
(2)	THE ROAD TO MEDICARE	200
(3)	EDWARD KENNEDY AND JOHN F. KENNEDY	203
(4)	LYNDON JOHNSON	208
(5)	IMPLICATIONS	213
CHAPTER 8	Universal Health Insurance	220
(1)	HEALTH INSURANCE AFTER MEDICARE	220
(2)	BILL CLINTON AND HEALTHCARE SECURITY	224
(3)	THE AFFORDABLE CARE ACT	228
(4)	IMPLICATIONS	242
Conclusion		248
<i>Bibliography</i>		263
<i>Index</i>		279

PREFACE

This is a book about liberalism in American political culture. Students of political theory are familiar with the evolution of liberal theory between the time of John Locke and major contemporary theorists who justify the values and social policies of the welfare state. This project began with questions about analogous shifts in American political culture. I was interested in the arguments actually used by political figures, especially presidents, to justify social welfare programs since the advent of significant federal programs under Franklin D. Roosevelt. These justificatory arguments constitute political theory “on the ground,” as it affects the policies of actual states and their citizens. What I found falls well short of developed theories based on the values of equality and human dignity that are often thought to underlie the welfare state. Individualist—“Lockean”—values and beliefs have exerted a continuing hold on the political figures who attempted to justify social welfare programs, while their refusal—or perhaps inability—to get beyond these values has constrained their justificatory arguments. The paradoxical result may be described as continuing attempts to justify new social programs without acknowledging the extent of their departure from existing political arrangements, or the incompatibility between the kinds of arguments necessary to justify such programs and the individualist framework the political figures assumed. Accordingly, my first task was to reconstruct these arguments and to analyze their shortcomings.

But this study should be of more than historical interest. The ideas I discuss have had consequences; important weaknesses of the American welfare state can be attributed, at least in part, to their influence. Scholars of the welfare state have advanced numerous theories to explain how programs have developed in different countries and the factors responsible for them. In general, I do not attempt to choose between these theories. For the most part, I believe they are compatible, aside from questions concerning which particular factors have been most important. But to the causal factors that are generally discussed, I would add public justification of programs as another factor to consider. It is difficult to know how American social welfare programs would look today if their founders had developed more cogent and

convincing arguments to support them. Any definite prediction would be speculation. But it seems likely that better arguments would have contributed to more egalitarian welfare programs and lessened America's unusually harsh stigmatization of "welfare." In the realm of political culture, causal connections are readily identified. A major reason for the absence of convincing arguments for social welfare programs in American political culture is that program originators did not provide them.

This is not a full-scale history of the welfare state, although I present a good deal of historical material. Nor is it my task to work out what I view as the best possible justification for welfare programs. In the literature, there are a number of defensible approaches. Developing sustained arguments in favor of one of these over others would take this project far afield. Rather than developing a philosophical defense of the welfare state, I am more interested in arguments that could succeed politically and so proceed from premises that could be justified to most Americans. The "moderate liberalism" I discuss is not worked out in detail. I present a few central themes: mainly, in contrast to individualist/Lockean political values: a strengthened conception of the community and weakened conceptions of rights, especially property rights. But exactly how this should be worked up into a developed theory is a task for a different book.

This work was completed before the 2016 elections, and I was not able to take them into account. I should note that it was remarkable how little attention, particularly in the race for the presidency, was paid to the concerns of the poor and to social programs dedicated to income support. While this subject was all but undiscussed, healthcare—in the form of Obamacare (ACA)—was a major concern, but Medicaid—the means-tested medical insurance program for the poor—received almost no attention. Donald Trump frequently threatened to repeal Obamacare on the first day of his administration. With his victory and that of an incumbent Republican Congress, drastic inroads into that program appear to be inevitable. And so as I write, it is not clear exactly how Obamacare will be affected, but it is likely that the ideal of universal coverage will not be one of the administration's priorities, and progress in this regard will be reversed. The argument of this book highlights particular factors that have likely contributed to these results, however we assess the magnitude of their effects in comparison to other factors.

ACKNOWLEDGMENTS

This work has been long in the making, and I have incurred many debts. Although much of my work throughout my career is fairly straight political philosophy, I am fortunate to be in a politics department. I am surrounded by colleagues who are vastly knowledgeable about politics and public policy, and who have been generous with their expertise. Their comments and suggestions over several years have helped a great deal, probably more than they realize. A number of colleagues and friends have read portions of earlier drafts of this work or discussed various themes. These include John Echeverri-Gent, the late Bill Lucy, Sid Milkis, Jim Savage, Herman Schwartz, and the late Martha Derthick. John E-G has been especially helpful in advising me on recent literature in the social sciences. Colin Kiely and Ross Mittiga read previous versions of the manuscript and provided valuable comments. On three occasions, I presented chapters to faculty workshops, and once to the department's political theory colloquium. I thank Paul Freedman, Jennifer Rubenstein, and Lynn Sanders for especially helpful comments. I am grateful to Dave McBride of Oxford University Press, who has been supportive of this project since its inception, and to three anonymous readers from Oxford University Press, two who provided valuable feedback and criticisms of the prospectus for this project in its early stages, and one who provided valuable comments on the complete manuscript. I also thank Jeremy Toynbee and Rob Wilkinson for ably guiding the manuscript through production.

I was fortunate to be able to host a workshop—a “book scrub”—in April 2015. I am grateful to Ed Berkowitz, Emile Lester, Sid Milkis, and Ryan Pevnick for attending, for reading an earlier version of the manuscript, and for providing invaluable comments, criticisms, and suggestions. Ed, in particular, helped me clarify numerous points in regard to public policies and avoid many errors. I am grateful to Stephen White, Colin Bird, and Jim Savage for their comments during the sessions.

This work has been greatly aided by three sabbaticals funded by the Henry L. and Grace Doherty Charitable Foundation. Valuable research assistance was provided by Evan Farr and Colin Kiely. I am grateful to the staff at Alderman Library at the University of Virginia for helpful assistance over several years, and the Franklin D. Roosevelt Presidential Library for access to documents bearing on FDR's early

political ideas. I am enormously grateful to the Presidency Project at the University of California–Santa Barbara, for putting a comprehensive archive of presidential speeches on line, making this material instantly accessible.

As ever, I am most grateful to my wife, Meg, daughters, Caroline, Susanna, and Deborah, and now, too, my grandson, Manny, for moral support.

ABBREVIATIONS

ACA	Affordable Care Act
ADC	Aid to Dependent Children
AFDC	Aid to Families with Dependent Children
AFL	American Federation of Labor
Cmd	Command Papers (British Parliament)
EITC	Earned Income Tax Credit
FAP	Family Assistance Plan
GSS	General Social Survey
NHS	National Health Service (UK)
NRPB	National Resources Planning Board
OAA	Old-Age Assistance
OAI	Old-Age Insurance
OASI	Old-Age and Survivors Insurance
OASDI	Old-Age, Survivors, and Disability Insurance
OECD	Organisation for Economic Co-operation and Development
PPA	Public Papers and Addresses of Franklin D. Roosevelt
SSI	Supplemental Security Income
SNAP	Supplemental Nutrition Assistance Program
TANF	Temporary Assistance for Needy Families

The Transformation of American Liberalism

Introduction

In June 1934, confronting the Great Depression, President Franklin D. Roosevelt formed a committee on Economic Security to recommend measures to promote “the security of the men women and children of the Nation.” In his message to Congress announcing its formation, FDR explained that the committee was to devise means that would provide security against “several of the great disturbing factors in life,” especially unemployment and old age.¹ Chaired by Frances Perkins, the first female cabinet secretary in US history, the committee also included the attorney general, secretary of the treasury, secretary of agriculture, and Roosevelt’s Federal Emergency Relief administrator. Working with great efficiency, the committee reported to Roosevelt on January 15, 1935. When enacted, its recommendations established Social Security and other programs that began the American welfare state. Although fully recognizing the significance of the policies the committee proposed, Perkins opened her letter transmitting the report to the president by quoting him: “Our task of reconstruction does not require the creation of new and strange values. It is rather the finding of the way once more to known, but to some degree forgotten ideals and values.”² Only after this declaration did she move on to describe the security of the nation as the committee’s first objective. In other words, in reporting on the committee’s recommendations, Perkins began by insisting that in terms of values, the committee recommended nothing new.

(1) Introductory

The Social Security Act, passed by Congress and signed by the president on August 14, 1935, established the Social Security Program, providing federal old-age pensions

¹ Message to Congress Reviewing the Broad Objectives and Accomplishments of the Administration, June 8, 1934, *The Public Papers and Addresses of Franklin D. Roosevelt*, 13 vols. (New York, Random House, 1938–[c. 1950]), 3.291 (cited hereafter, *PPA*).

² See <http://www.ssa.gov/history/reports/ces2.html> (Sept. 2014), quoting *PPA*, 3.288.

on a contributory basis, a program of unemployment insurance to be administered by the states, assistance to the indigent elderly, aid to dependent children, and some other benefit programs. These measures started the federal government down the road toward a social welfare state along the lines of those in other industrialized countries.

Students of political theory note the great transformation undergone by liberal political ideas during the nineteenth and twentieth centuries. Liberal political theory is discussed much below. For now, we should note that the centerpiece of the liberal tradition is the individual and his rights, especially property rights, which are protected by government. This set of ideas is perhaps most famously expressed by John Locke in his *Second Treatise of Civil Government* and repeated in classic American documents, such as the Declaration of Independence. Lockean liberalism reflected the essentially minimal state that existed in Britain and several other Western countries during the time of its creation. During this period, according to Adam Smith, the state had three main functions: providing law and order, protecting society from foreign invasion, and providing minimal public works, such as bridges and harbors.³ But with the expansion of the state and the rise of social welfare programs in the nineteenth century, liberalism began its long evolution into the set of ideas identified by that label today, which, in the United States is associated with the left wing of the Democratic Party. In many ways this conception of liberalism breaks sharply with the early formulations of Locke and Smith. As we will see, the version of liberalism advanced by Locke and other similar thinkers encounters severe difficulties justifying welfare state programs. But if this is true, how could Roosevelt and Perkins insist on intellectual continuity? How could the new wine of the America welfare state be poured into the old bottle of Lockean liberalism?

The incompatibility between new progressive legislation and Lockean liberalism is classically discussed by T. H. Green in his lecture on “Liberal Legislation and Freedom of Contract.” Green notes important reforms recently enacted in Great Britain that were in conflict with traditional liberal ideas, notably freedom of contract. Although Green believed the reform legislation was generally supported, he also believed it lacked clear theoretical justification: “we have never thoroughly considered the principles on which we approve it.”⁴ He noted that justification was important to guide future policies as well as to defend those enacted already. In order to remedy this lack of justification, Green developed an appropriate set of principles,

³ A Smith, *An Inquiry Into the Nature and Causes of the Wealth of Nations*, book 4, chap. 9; Smith, *Wealth of Nations*, ed. E. Cannan (New York: Random House, Modern Library, 1937), p. 651.

⁴ “Liberal Legislation and Freedom of Contract,” in *T. H. Green: Lectures on the Principles of Political Obligation and Other Writings*, ed. P. Harris and J. Morrow (Cambridge: Cambridge University Press, 1986), p. 198.

which departed sharply from traditional liberal political theory. Although, as we will see, there are important difficulties in Green's theory, he helped lay the foundations for a "new liberalism" based on the welfare state.⁵

In the United States, similar reform legislation was enacted, although this took longer than in many other countries. Although the programs established by the Social Security Act and subsequent social welfare programs came to be widely supported, I believe their theoretical underpinnings have also not been properly examined. This is the subject of this study. I examine political theory on the ground, as it were. Theoretical justification of the welfare state is a subject much discussed by political philosophers, who provide normative justifications for redistributive and related programs. My approach is different; I explore the actual justifications social welfare programs were accorded by the political leaders responsible for implementing them. I look mainly at presidents and mainly at the period since the first federal programs were seriously proposed in the late nineteenth and early twentieth centuries. But my concern is not presidential rhetoric per se. Rather, I am interested in justifications of programs provided by overall administrations.⁶ Accordingly, in addition to presidents, I draw on other political leaders and discuss public opinion in a wider sense. I focus mainly on the views of supporters of policy initiatives, both when they contributed to enactment of the policies in question and as evolving over time. But I also look at the views of opponents and the arguments they used.

A central theme of this study is how weakly American social welfare programs have been publicly defended. While political philosophers believe that central purposes of such programs are to promote social justice, equality, and the dignity of the individual, on the whole, the American welfare state has not been supported in these terms. Even programs that were designed to further these values were generally justified on other grounds, if they were publicly justified at all. As students of public policy—although likely not most political theorists—have long known, important programs to aid the poor were essentially snuck by the public, disguised as technical adjustments to existing programs or contained in larger bills, other parts of which received almost all public attention. Different programs were justified on different grounds, which is fitting, given variance in their ends. But as we will also see, on virtually no occasion did political leaders attempt to move beyond the Lockean individualism of American political culture.⁷ As a result, their arguments were either theoretically weak or deceptive, defending programs on grounds that did not actually apply. I believe there are direct connections between the weakness of public justifications of social welfare

⁵ M. Freedman, *The New Liberalism: An Ideology of Social Reform* (Oxford: Oxford University Press, 1986); S. Collini, *Liberalism and Sociology* (Cambridge: Cambridge University Press, 1983).

⁶ This distinction is perhaps most clear in discussions of healthcare reform in Chapters 7 and 8.

⁷ Aspects of American individualism are discussed in Chapters 1 and 2.

programs and the striking absence in the political culture of strong and widely recognized arguments for these programs. This absence has been noted in public opinion surveys.⁸ An important reason why American citizens do not have access to sophisticated arguments in support of social welfare programs is because they were not developed by their political leaders.

While I believe this account is interesting as a chapter in the history of political thought, uncovering the actual political theory of the American welfare state is of more than historical interest. A major theme of this work is connections between the weakness of these justifications and weaknesses of the American welfare state. One of my central claims is that justifying programs in terms of individual rights and other approaches compatible with individualist political culture has strengthened individualist currents, thereby hampering the development of universal programs in which benefits are provided as a matter of right. The political culture's focus on benefits that are "earned" has contributed to stigmatization of benefits that are "unearned," and so to perpetuation of the traditional "Poor Law" distinction between deserving and undeserving poor.

In order to form a clearer idea of what is lacking in American defenses of social welfare programs, it may be useful to look briefly at the more robust case made for other welfare states. Consider justification of welfare programs in Sweden, which for many decades was widely viewed as the very model of a welfare state. In defending his vision of a just society in a 1928 Riksdag debate, Per Albin Hansson, a future prime minister, appealed to how Swedes viewed themselves. Hansson likened Sweden to a "people's home," a *folkhemmet*:

The basis of the home is togetherness and common feeling. The good home does not consider anyone as privileged or unappreciated; it knows no special favourites and no stepchildren. There no one looks down upon anyone else, there no one tries to gain advantage at another's expense, and the stronger do not suppress and plunder the weaker. In the good home equality, consideration, co-operation, and helpfulness prevail. Applied to the great people's and citizen's home this would mean the breaking down of all social and economic barriers that now divide citizens into the privileged and unfortunate, into rulers and subjects, into rich and poor, the gluttons and the destitute, the plunderers and the plundered.⁹

⁸ S. Feldman and J. Zaller, "The Political Culture of Ambivalence: Ideological Responses to the Welfare State," *American Journal of Political Science*, 36 (1992): 268–307. This piece is discussed in the conclusion; see below, pp. 260–62. See also Feldman and M. Steenbergen, "The Humanitarian Foundation of Public Support for Social Welfare," *American Journal of Political Science*, 45 (2001): 658–77.

⁹ Hansson, quoted by T. Tilton, *The Political Theory of Swedish Social Democracy* (Oxford: Oxford University Press, 1990), pp. 126–27.

Hansson's argument appealed to a strong sense of social unity. As members of a family were naturally bound together, the same was true of the people as a whole. And so Hansson claimed that, just as the family takes care of its members, so the family of Sweden should take care of its own. Policies this vision implied included addressing problems of old age, sickness, unemployment, and the like. As long as the relevant population accepted the values to which Hansson appealed, they would recognize their obligations to the unfortunate. This vision helped inspire the highly egalitarian programs that came to characterize the Swedish welfare state.

As this example illustrates, one way in which a powerful justification of welfare programs can be developed is through appeal to a particular conception of the community, to which we may refer as "communal" or "collective"—terms I will use more or less interchangeably. If community members see themselves as such and believe that they have obligations to provide for one another's needs, convincing defense of the relevant programs should follow readily. Such beliefs can be a decisive consideration because the justificatory arguments of political leaders are primarily rhetoric, ideas directed at specific audiences, rather than abstract political philosophy. In a democratic political system, public policies must be acceptable to the majority of the population, and public acceptance is a significant consideration in regard to programs' continued viability and effectiveness. In practical terms, the success of justificatory arguments will depend more heavily on public sentiments than on more purely philosophical considerations, although these cannot be dismissed entirely. One possible defense of American welfare state program could take is through a developed conception of the American community. However, a moment's reflection suggests that communal sentiments are likely to be far more evident in countries like Sweden than in the United States. Sweden is a relatively homogeneous country, with a small population (around 9.5 million today) and a long shared history. Because circumstances in the United States are vastly different, the Swedish example is likely not to be directly relevant.¹⁰

To the extent that successful defense of welfare programs depends on a communal conception of society, societies in which such sentiments are deep-seated have clear advantages over the more individualistic United States. This claim is closely related to the common contention that welfare states are more easily accepted by a population that is homogeneous.¹¹ Problems of a nonhomogeneous, individualist society are often said to be responsible for the relative weakness of the American welfare state (see Chapter 1). In the absence of a communal conception of society, successful justification of US welfare programs will depend on whether alternative approaches can be worked out and garner popular support. However these

¹⁰ For discussion of Swedish social democracy, which generally supports the brief remarks here, see Tilton, *Swedish Social Democracy*.

¹¹ See, for example, D. Miller, *On Nationality* (Oxford: Oxford University Press, 1995).

defenses are developed, it seems likely that they will require criticizing the philosophical bases of strong individualism. Central here are strong conceptions of “negative” freedom and individual rights, especially property rights (discussed in Chapter 2). Such concepts are central to the liberalism of Locke, and it appears that movement away from the kind of government that existed during his time requires accompanying movement away from core Lockean notions. Weakening these components of individualist theory appear to go hand in hand with strengthening one’s conception of the community. We might posit an inverse relationship between the extent to which a given conception of the community is collective, and the weight placed on negative freedom and individual rights. Thus it is likely that successful arguments will proceed along two fronts: strengthening the conception of the community, and weakening individual rights. Since the beginning of public discussion of welfare programs in the United States, opponents have frequently resisted them on Lockean grounds. It is only logical that counters to their arguments should criticize Lockean premises. If we grant these points, then a promising course that justification of the American welfare state could take should be clear. But whether and/or how successful arguments along these fronts can be developed in a society as strongly individualist as the United State is not immediately clear.

Central themes of this book are problems that many proponents of the American welfare state had in achieving their goals. After surveying central themes in individualist liberal political theory (see Chapter 2), we turn to early reactions against these ideas in American political culture. During the Progressive Era, thinkers associated with the Social Gospel pioneered American critiques of individualist ideas, including reconfiguration of central liberal concepts that were or would have been successful at justifying social welfare programs. Drawing from critiques of *laissez-faire* economics that had been worked out, especially in Germany, these thinkers attacked Lockean individualism, its conception of property rights, and other notions in favor of communal conceptions of these notions. But these reformulated concepts had little impact on American politics or political culture, although they were carried into the 1912 presidential campaign by Theodore Roosevelt, who ran as a third-party candidate under the banner of the Progressive Party. President Roosevelt also criticized Lockean concepts from a communal perspective.

An irony that we will trace is that, when significant national welfare programs were at last implemented, their supporters retreated from communal ideas, attempting to justify them within an individualist framework. This is the significance of the quotation from FDR presented at the opening of this introduction. About FDR’s reluctance to depart from traditional ideas, Perkins’ letter leaves little doubt, while FDR himself frequently made similar points. It is therefore surprising to discover that earlier in his career, as state senator, governor of New York State, presidential candidate, and earlier as president, FDR did make communal arguments. But presumably for political

reasons, when he was faced with the need to pass the Social Security Act, he retreated to a strongly individualistic position, to values with which he believed the American people were comfortable. Rather than attempting to appeal to a collective sense of community, he argued according to the Lockean value of individual rights. I do not presume to question the political advisability of this strategy in regard to Roosevelt's immediate political concerns. He was a master politician and likely knew exactly what he was doing. The plausibility of this interpretation of his strategy is supported by a political precept of Machiavelli's:

He who desires or attempts to reform the government of a state, and wishes to have it accepted and capable of maintaining itself to the satisfaction of everybody, must at least retain the semblance of the old forms; so that it may seem to the people that there has been no change in the institutions, even though in fact they are entirely different from the old ones.¹²

It is notable that one of the classic biographies of Roosevelt bears the subtitle: "The Lion and the Fox."¹³

However, in embracing the short term advantages of Lockean justification, Roosevelt laid obstacles for justifications of additional social welfare programs in years to come. Although I hesitate to pronounce on difficult issues of social causation, these are to some extent unavoidable and discussed in many contexts in this book. Social scientists have studied the welfare states of different countries in detail and provided a range of explanations in regard to how and why they developed as they have. To a large extent, these explanations are not incompatible, aside from differences of emphasis on one factor or another. Debates of this sort I largely avoid, in order not to be bogged down by intractable questions of causation. My central claim on this subject is that political ideas have some causal efficacy, although it is difficult to say exactly what this is in the abstract. While I do not claim that public justifications were the sole or even major factors in shaping the development of

¹² N. Machiavelli, *Discourses*, chap. 25; Machiavelli, *The Prince and the Discourses*, ed. and trans. L. Ricci, E. R. P. Vincent, and C. E. Detmold (New York: Modern Library, 1950), p. 182. For this reference, I am indebted to S. Milkis, "Franklin D. Roosevelt, the Economic Constitutional Order, and the New Politics of Presidential Leadership," in *The New Deal and The Triumph of Liberalism*, ed. S. Milkis and J. Mileur (Amherst: University of Massachusetts Press, 2002), pp. 65–66 n.29.

¹³ J. M. Burns, *Roosevelt: The Lion and the Fox* (New York: Harcourt, 1956). "A prince being thus obliged to know well how to act as a beast must imitate the fox and the lion, for the lion cannot protect himself from traps, and the fox cannot defend himself from wolves. One must therefore be a fox to recognize, traps and a lion to frighten wolves." (Machiavelli, *The Prince*, chap. 18; Machiavelli, *The Prince and the Discourses*, p. 64).

welfare programs,¹⁴ I believe they played a significant role, as this book will seek to demonstrate.

My analysis employs a familiar conception of path dependency. I begin with a rough, commonsensical conception of this notion, that choices made at time t_1 can play a significant role in influencing those made at t_2 and so on.¹⁵ Especially choices made at the beginning of some process can to greater or lesser degrees close off options for subsequent choices. This is not to say that earlier decisions completely determine later ones, but that they make some courses easier than others. I depart from common accounts of path dependency in claiming that what holds for the effects of social programs also applies to programs' justifications. More specifically, I believe that successful programs carry their justificatory arguments with them. The latter are as it were baked into the foundations of the programs, along with central features of the programs themselves.¹⁶ When subsequent political actors attempt to build on a program that has been established, as a rule it is easier for them to draw upon the arguments used to establish the program and to move them forward as well. Over time, a program's rationale comes to be established in the public's mind, which makes it increasingly difficult for subsequent political actors to justify their actions in terms that are dramatically different. This is not to say that different arguments are impossible, but that the path of least resistance will often be to follow along the path already taken.

Because of intellectual path dependency, the history I trace in this book has become increasingly entrenched. Problematic previous justifications of welfare programs have made it more difficult for later political leaders to defend initiatives of their own. This history has also contributed to the American public's lack of clear understanding of the moral basis for social welfare programs in general, and to damaging, widespread misunderstandings of the moral underpinnings of particular important programs. As we see in Chapter 7, this is especially true of Medicare, which is based on a partially distorted understanding of Social Security. The failure of welfare proponents to make strong egalitarian arguments has contributed to general public disdain for "welfare" and so to what is described as the "two-tier" nature of the American welfare state: generous, universal benefit-systems for the elderly, but grudging, means-tested handouts for the poor.¹⁷ In addition, while defenders

¹⁴ See chap. 1, sec. 5.

¹⁵ See P. S. Pierson, "When Effect Becomes Cause: Policy Feedback and Political Change," *World Politics* 45 (1993): 595–628; J. Hacker, "The Historical Logic of National Health Insurance: Structure and Sequence in the Development of British, Canadian, and U.S. Medical Policy," *Studies in American Political Development* 12 (1998): 57–130; Pierson, "Not Just What, but When: Timing and Sequence in Political Processes," *Studies in American Political Development* 14 (2000): 72–92; Pierson, "Increasing Returns, Path Dependence, and the Study of Politics," *American Political Science Review* 94 (2000): 251–67; . Hacker, *The Divided Welfare State* (Cambridge: Cambridge University Press, 2002).

¹⁶ I thank my colleague Paul Freedman for the metaphor.

¹⁷ L. Gordon, *Pitied but Not Entitled* (New York: Free Press, 1994).

of welfare programs have been loath to make their case, the same has not been true of opponents, who, for more than one hundred years, have criticized social welfare programs and other progressive legislation on grounds of Lockean liberalism along with claims to the effect that the programs would not work.¹⁸ The failure of program defenders to develop a sophisticated alternative to Lockeanism has frequently left them unarmed in public policy debates.

Because of his role in its creation, Franklin Roosevelt plays a central role in the history I recount. While at the beginnings of the American welfare state with the Social Security Act, he had the opportunity to construct a strongly egalitarian argument for his Social Security bill, he chose not to pursue this path. In Chapter 5 we see that in arguing on Lockean terms, Roosevelt appealed to a “new bill of rights,” which included welfare rights. This strategy was problematic in the ways I have mentioned. Rather than pursuing an anti-Lockean approach, and in not only arguing according to individual rights but invoking additional ones, Roosevelt ended up strengthening America’s commitment to individual rights, and so the political culture’s individualism. By insisting that Social Security be an insurance program in which recipients earned their rights to benefits—in spite of numerous respects in which this was not the case—Roosevelt indirectly strengthened the conception of the poor as “undeserving,” which belief was deeply rooted in the political culture and so contributed to stigmatization of welfare recipients. Moreover, Roosevelt encountered serious philosophical problems in combining essentially different kinds of rights into a single doctrine. While I believe it is possible to develop a theory that encompasses these different rights, doing so requires sustained argument and philosophical sophistication. However one believes Roosevelt stood in regard to the latter, for obvious political reasons he did not choose to become embroiled in the former. His appeal to main currents in the political culture as it already existed worked to strengthen these, rendering a future, non-Lockean defense of social welfare programs more difficult to develop. Throughout this study, I view Roosevelt’s strategy as a kind of “original sin,” from which subsequent problems justifying US welfare programs to some extent followed.

What could Roosevelt have done had he chosen not to justify his handiwork on traditional grounds? Although in some measure, social welfare programs can be made more secure by justifying them on the basis of strong communal sentiments, it seems that in the United States, such sentiments were largely lacking. I do not contend that, without recourse to this strategy, Roosevelt should have been expected to develop an original philosophical alternative, but this was not necessary, in view of arguments he had made earlier in his career, on which he could have drawn. In any case, especially in view of his strong political position in 1935, there was likely room for him to do *more* to develop public awareness of new, more sophisticated

¹⁸ The latter assume different forms, including arguments from “perversity,” “futility,” and “jeopardy,” as classically enumerated by A. O. Hirschmann in *The Rhetoric of Reaction* (Cambridge, MA: Harvard University Press, 1991).

understanding of community, liberty, and other related ideas. Public political culture is complex; changing it is undoubtedly a long and slow process. But as Roosevelt noted, the presidency is “preeminently a place of moral leadership.”¹⁹ He is quoted as saying that he wanted to be “a preaching President.”²⁰ In his strong political position, he was ideally placed to push public awareness farther, perhaps significantly farther. Accordingly, I believe that his inability and/or unwillingness to broach “new and strange values” contributed to strands in the political culture that made it more difficult for subsequent political leaders to build on his accomplishments.

As we will see in Chapter 5, the heart of an alternative position that resembled themes he had articulated earlier in his career is what we may call “moderate liberalism.” This position would stress collective contributions to individual success and so push against Lockean understandings of the community and overly strong property rights. Such a line of argument is familiar in contemporary American politics as expressed (although unhappily) by Barack Obama during his 2012 presidential campaign.²¹ Because the programs Roosevelt was justifying were new, working at this “critical juncture,”²² he had far greater opportunities to make effective use of such arguments than did later political figures.

Having reviewed Roosevelt’s arguments and possible alternatives in Chapter 5, in Chapters 6–8 we examine the history of the justification of major social welfare programs: “welfare,” Social Security, the Earned Income Tax Credit, Supplemental Security Income, and Lyndon Johnson’s war on poverty, in Chapter 6, and the drive to universal health insurance in Chapters 7 and 8. What we find is a series of justifications, which are compatible with and served to strengthen the individualism of American political culture. Clearly, the general disdain in which “welfare” is held in American culture is to some extent a product of these efforts. A reasonably effective set of arguments with which American culture is compatible are those based on equality of opportunity employed in defense of Johnson’s war on poverty. This is not surprising, since these arguments were intended to justify perhaps the strongest effort in American history—at least in aspiration—to lift up the poor. It is likely that the perceived failure of these policies contributed to some extent to lack of attention to subsequent programs based squarely on equality of opportunity, while, as we will see, as a justification for social welfare programs, equality of opportunity is of limited value.

In the respects I have noted, the American theory of the welfare state—if we may call it that—is out of keeping with the justifications of welfare programs in other countries. This is illustrated by comparison with Sweden. For practical reasons,

¹⁹ Burns, *Roosevelt*, p. 151.

²⁰ W. E. Luchtenburg, *Franklin D. Roosevelt and the New Deal* (New York: Harper and Row, 1963), p. 346.

²¹ See pp. 142–44.

²² On this concept, see p. 138.

I am not able to review the arguments advanced in a large number of countries. But because Sweden may be viewed as a poor comparison, I examine the more interesting case of Great Britain in some detail (in Chapter 4). Although there are major differences between Britain and the United States, there are also strong similarities. What this comparison will bring to mind is an additional dimension of so-called American exceptionalism. (Familiar bases of American exceptionalism are discussed in Chapter 1.) In addition to the differences that are generally pointed out, we could also add the problem-ridden justifications of American social welfare programs.

(2) American Liberalism

Because it generally eschewed justifications based on values of general human dignity and equality, the actual political theory of the American welfare state is far removed from arguments based on these values that are expressed by academic political philosophers. It can also be said that the American arguments have lagged behind the overall development of Western culture in modern times. Increased attention to equality and human dignity have been at the heart of Western thought for several centuries. Central to the morality of modern societies is the sanctity and dignity of all human beings and demands that they be treated accordingly. Whereas slavery and torture were accepted practices throughout the ancient and medieval worlds, at present they are condemned in all modern Western societies. Something similar is true of despotic governments, subordination of women, racism, anti-Semitism, and, most recently, discrimination based on sexual orientation. According to the preamble to the Universal Declaration of Human Rights: “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” If philosophy is as Hegel says, its time captured in thoughts,²³ the tenor of modern times is captured in contemporary political philosophy, with its emphasis on the equality and dignity of all individuals. For instance, in John Rawls’s *A Theory of Justice*, perhaps the most celebrated work of political philosophy in the twentieth century, not only is arbitrary inequality the essence of injustice but “the social bases of self-respect” are the most important of the “primary goods”—things that any rational person would want.²⁴

Changes in political institutions both influence and are influenced by intellectual developments. Obviously, rejection of slavery and torture is reflected in laws

²³ G. W. F. Hegel, *Philosophy of Right*, ed. and trans. T. M. Knox (Oxford: Oxford University Press, 1952), p. 11.

²⁴ J. Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), p. 440; *A Theory of Justice*, 2nd ed., (Cambridge, MA: Harvard University Press, 1999), p. 386.

against these practices. The turn away from subordination of women is reflected in laws against discrimination and in their receiving the vote—although surprisingly recently in many countries. In regard to the welfare state, since the late nineteenth century, all advanced Western governments have converged in enacting a range of social programs to provide their citizens with a measure of security against unpredictable economic forces. The ideas of equality and human dignity on which these institutions rest are clearly of a piece with those concerning the other developments just noted and are explicit in the political justifications of welfare state institutions in many countries. But in this respect, the United States is largely an outlier. Proponents of American exceptionalism regularly note the absence of socialism in the United States.²⁵ Along similar lines is a familiar claim that the American welfare state is less developed than those of other countries. This claim turns out to be controversial, as depending on how one defines “welfare state.”²⁶ But there is no question that welfare programs in the United States developed later than those in other countries and did (and do) less to combat economic inequality. These matters are discussed in Chapter 1. What interests us here is the additional aspect of American exceptionalism seen in distinctive justifications of American welfare programs. Once again, while it is natural to view the development of welfare state institutions as closely bound up with ideas of human dignity and equality that have dominated Western society for centuries, proponents of the American welfare state generally did not make these connections explicit and defended their innovations on other grounds.

This distinctive public defense of welfare programs is a sign of considerable ambivalence about the welfare state in American political culture. Mixed feelings in this regard are closely related to others, concerning liberalism itself.²⁷ While liberal political theory constitutes a broad mainstream into which the ideas of virtually all Americans fall, “liberal” has become something of a term of abuse, in large part because of “liberals’” support for social welfare programs. Although these programs have become unquestioned parts of citizens’ lives, their “liberal” nature often goes unremarked, although they were put in place by presidents who were proudly “liberal.” At the present time, few if any serious American politicians identify themselves as “liberals,” while the term has figured in charges against them by political opponents. For instance, in 1994, Mario Cuomo was defeated for reelection as governor of New York State. One of his opponent’s most effective political ads contained the

²⁵ S. M. Lipset, *American Exceptionalism: A Double-Edged Sword* (New York: Norton, 1996); Lipset and G. Marks, *It Didn’t Happen Here: Why Socialism Failed in the United States* (New York: Norton, 2000).

²⁶ For the question of what constitutes the “welfare state” and comparisons between the American welfare state and those of other countries, see Chapter 1.

²⁷ On different conceptions of “liberalism,” see D. Bell, “What is Liberalism?” *Political Theory* 42 (2014): 682–715; M. Freeden and M. Stears, “Liberalism,” in the *Oxford Handbook of Ideologies*, ed. M. Freeden, L. T. Sargent, and Stears (Oxford: Oxford University Press, 2013), 329–47; G. Gerstle, “The Protean Character of American Liberalism,” *American Historical Review* 99 (1994).

line, “Mario Cuomo, too liberal, too long.”²⁸ In the congressional district in which this work was written, in 2006, the Republican incumbent (who had switched from the Democratic Party), referred to his opponent as “Liberal Al Weed,” in his ads, on the way to trouncing him at the polls.²⁹ An especially striking instance of the force of the term was seen in 1988 presidential debates between George H. W. Bush and Michael Dukakis. When Bush referred to his opponent as a “card-carrying liberal,” Dukakis did not embrace the great American tradition of liberal politics but essentially whined that it was not nice to call other people names.³⁰

There is some irony in abandonment of liberal identification by left-leaning politicians, by the Democratic wing of the Democratic party, as Paul Wellstone characterized it.³¹ Politicians who were formerly liberals are now described as “progressives.” During the New Deal, the liberal label was adopted by Franklin D. Roosevelt and his followers in favor of the term “progressive,” in order to distinguish themselves from former Progressives, most notably Theodore Roosevelt.³²

In spite of these ups and downs, in a larger sense, the main current of Western political theory—especially in English speaking countries—can accurately be described as liberal. Liberal views in this sense are embraced especially ardently by political figures who might flee with horror from the “liberal” label. Whatever mystery these circumstances involve is readily cleared up by recognizing the two senses in which the term “liberal” is used: (1) a general sense in regard to Western ideas over several centuries, and (2) in regard to the left wing of the Democratic party. The major circumstance that helps explain the evolution of the liberal label is the way the American political system has fundamentally changed since the late nineteenth century, that is, with the advent of a welfare state. This process, which began during the New Deal was, not coincidentally, accompanied by the transformed use of the term “liberal.” As we shall see throughout this book, division in the language of liberalism is bound up with undeveloped philosophical defense of welfare programs.

²⁸ D. Mark, *Going Negative: The Art of Dirty Campaigning* (Lanham, MD: Rowman and Littlefield, 2009), p. 237.

²⁹ Virginia Tech: Digital Library and “Archives,” http://scholar.lib.vt.edu/VA-news/WDBJ-7/script_archives/04/1004/102804/102804.6.htm (June 2015).

³⁰ B. Martin, *The Other Eighties: A Secret History of America in the Age of Reagan* (New York: Hill and Wang, 2011), p. 168.

³¹ S. Chakrabarti, “The Democratic Wing of the Democratic Party,” *People’s View*, <http://www.thepeoplesview.net/main/epeoplesview.net/2010/10/democratic-wing-of-democratic-party.html> (June 2015).

³² Ronald D. Rotunda. “The “Liberal” Label: Roosevelt’s Capture of a Symbol,” *Harvard Journal of Law and Public Policy* 17 (1968).

The American Welfare State

(1) The “Welfare State”

In many ways the American welfare state is unlike those of other modern industrial countries. By most measures, the United States lagged behind. The first significant federal programs resulted from the 1935 Social Security Act, while those in most other countries were introduced about a generation earlier.¹ American programs are frequently less generous than those of other countries—although this claim raises complicated issues of definition and measurement. The structure of American programs is also distinctive—although not unique—in that major benefits are generally provided on what may be termed an insurance basis, purportedly given in return for recipients’ contributions, as opposed to being financed from tax revenues and provided without regard to previous contributions. An additional contrast is the intermixture of private and public contributors, which makes the American welfare state unusually complicated. For this reason, scholars refer to the American “semi-welfare state.” Key benefits, including health insurance and pensions, are generally provided by employers rather than by government. They are generally received through people’s jobs, with continued receipt depending on continued employment status.² However, describing these benefits as provided privately rather than publicly is overly simple, in that their provision is supported by tax policy. Both employer-provided health insurance and pensions are tax deductible, while government contributions to other important benefits frequently take the form of tax

¹ I should note Theda Skocpol’s contention that if we take into consideration the surprisingly extensive program of Civil War pensions, the American welfare state was ahead of other countries in many respects. See Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, MA: Harvard University Press, 1992). Since these postwar programs were temporary and which died out with the passing of their beneficiaries, I do not consider these here. Their core idea of rewarding recipients for service—at least at first—is generally consistent with values discussed throughout this book.

² In regard to health insurance, circumstances to some extent changed with passage of the Affordable Care Act in 2010. This subject is discussed in Chapter 8.

expenditures. For example, government supports housing through the home mortgage income tax deduction. Whether measures such as these that do not contribute to economic equality and in fact disproportionately benefit wealthier members of society should be considered “welfare” programs raises additional moral and definitional issues we must address.³

How we decide which programs should be viewed as components of the welfare state depends on what we mean by the term.⁴ Unsurprisingly, this issue is subject to controversy, and no definition can purport to be morally neutral.⁵ A simple definition is given by Edward Berkowitz: “In a welfare state, the government supplies a modicum of security to its citizens, rather than forcing them to rely exclusively on what they earn from working or investing or inheriting.”⁶ Maurice Bruce gives a similar definition: “In brief, it is a system of social responsibility for certain minimum standards of individual and communal welfare.”⁷ On most accounts, the security in question amounts to protection from a set of misfortunes to which modern citizens are vulnerable because of inability to receive their normal income. The main ills are poverty in old age, when one’s working life is finished; unemployment; illness; and work-related injuries. To these we may add disabilities and other conditions that prevent a person from being able to support herself: being a widow with young children, an orphan, blind, mentally ill, or with debilitating physical handicaps. To address these difficulties, most modern states have developed programs to provide pensions, unemployment insurance, health insurance, workmen’s compensation, and public assistance for certain disabilities. As indicated, in different countries programs address these problems in various ways. Programs differ widely in regard to level of benefits, criteria for qualifying for benefits, the nature of the relationship between public and private provision of benefits, and in other ways as well. But modern industrial countries have largely converged in the important respect of

³ P. Lindert, *Growing Public: Social Spending Economic Growth Since the Eighteenth Century*, 2 vols. (Cambridge: Cambridge University Press, 2004), and I. Garfinkel, L. Rainwater, and T. Smeeding, *Wealth and Welfare States: Is America a Laggard or Leader?* (Oxford: Oxford University Press, 2010) include education programs in their discussions of welfare programs, which affects how the United States compares with other countries. In the present study, I set this subject aside, as I focus on social welfare programs more narrowly construed—mainly as providing income support. Although education is discussed only briefly in this book, it clearly should be included in a broader treatment of the public justification of American social programs.

⁴ According to Sidney Fine, the term “welfare state” first became prominent in the United States in 1949, in connection with Harry Truman’s “fair deal” (Fine, *Laissez Faire and the General-Welfare State* [Ann Arbor: University of Michigan Press, 1956], p. vii.).

⁵ See W. B. Gallie, “Essentially Contested Concepts,” *Proceedings of the Aristotelian Society* 56 (1956): 167–98; W. Connolly, *The Terms of Political Discourse*, 3rd ed. (Princeton, NJ: Princeton University Press, 1993), chap. 1.

⁶ E. Berkowitz, *America’s Welfare State: From Roosevelt to Reagan* (Baltimore, MD: Johns Hopkins University Press, 1991), pp. xii–xiii.

⁷ M. Bruce, *The Coming of the Welfare State*, 2nd ed. (New York: Schocken, 1966), p. 2.

protecting their citizens from this list of ills, without regard to how specific policies differ.

However, even if this could be accepted as the core of a noncontroversial account of the welfare state, our purposes in this book require a more complex definition. As noted in the Introduction, the starting point of this inquiry is that, in contemporary political philosophy, the welfare state is justified in terms of general equality and human dignity. Our inquiry requires something along these lines that can be used as a standard. In addition to providing protection against the ills noted, how this is provided is also important. In *A Theory of Justice*, Rawls includes self-respect among the requirements for a good life. We need not go as far as Rawls and posit self-respect as the most important such requisite,⁸ but the importance of self-respect is undeniable. It is therefore imperative that the benefits in question be furnished in a way that is free from stigma and so not damaging to recipients. In American public culture, there is and has long been a deep abhorrence to charity or other forms of “government handouts.” In order to avoid stigma and damage to self-respect, social welfare programs should be justified in ways that affirm the equality and dignity of all recipients. Ideally, recipients will receive benefits as a matter of right, as equal members of their communities, as opposed to as objects of other people’s pity and so as inferiors.

An account of the welfare state along these lines is similar to prominent definitions in the literature. For instance, in his classic work on different varieties of welfare states, Gosta Esping-Andersen argues that the core of the welfare state is “decommodification.” In the modern world in which market forces have become “universal and hegemonic,” people become dependent on these forces and so, in important respects, are reduced to the status of commodities. Decommodification “refers to the degree to which individuals, or families, can uphold a socially acceptable standard of living independently of market participation.”⁹ In order to free people from subjection to market forces, they must have rights to an adequate standard of living. Access to welfare programs must be “inviolable” and “granted on the basis of citizenship rather than performance.”¹⁰

Whether or not we wish to pursue Esping-Anderson’s interest in decommodification, what is notable in this account is the welfare state’s commitment to equality and dignity. Our interest is in government programs that further these and other closely related values as well as security, and whether or how benefits are provided without stigmatizing recipients. In view of the problems in modern society, major welfare programs are of four main types: (1) basic assistance to poor families, such

⁸ J. Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), p. 440; Rawls, *A Theory of Justice*, 2nd ed. (Cambridge, MA: Harvard University Press, 1999, p. 386).

⁹ G. Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Princeton, NJ: Princeton University Press, 1990), pp. 21, 37.

¹⁰ *Ibid.*, p. 21.

as “poor relief,” “family assistance,” and “welfare”; (2) payments in kind, such as food stamps; unemployment compensation; (3) health expenditures directly for citizens (as opposed to public health measures); and (4) old-age or retirement pensions, whether contributory or from general revenues.¹¹ For our purposes, it is necessary to distinguish between payments such as these to which individuals are entitled by law and other payments that depend on the generosity or good will of payers, such as charity, which is given at the donors’ discretion. In order for recipients not to be stigmatized by receipt of benefits and so to maintain equal status in society, they must receive these benefits as a matter of *right* rather than charity.

Throughout this book, rights will be much discussed. As I use the term, a right is a particular kind of moral claim. The core of the concept is correlativity of rights and duties: a right is a moral claim of sufficient strength to generate in other people correlative duties. Thus, if I have a right to worship as I please, other people have duties not to interfere.¹² Rights such as those to worship freely are what we may call “negative” rights. They require merely that other people refrain from particular kinds of behavior, in this case, interfering with one’s religious practice. Rights will be examined in more detail later on, but for now we should note that rights to welfare programs involve more than refraining from interfering with rights of others. These programs require that people provide others with benefits, and so are frequently described as “positive” rights. Rights of this kind are described as “social rights” in T. H. Marshall’s classic essay “Citizenship and Social Class.” Marshall argues that social rights represent a culmination of the development of rights throughout recent history: from personal or civil rights (rights of noninterference by others) to political rights (rights of political participation) and finally to social rights.¹³ Central features of such rights are that they are universal, applying to all members of the community, and not only guaranteeing all at least a minimum of economic security but providing benefits to people on the basis of their membership in the community. In these respects, Marshall’s view coincides with that of Esping-Andersen. Because the benefits in question are provided as a matter of right, people have claims to or are entitled to them, and other people, society, or government have duties to provide them. They are not provided as a matter of charity, and there is no stigma associated with their receipt.

¹¹ These descriptions are largely taken from Lindert, *Growing Public*, 1:6; Lindert includes additional kinds of programs, which are not discussed here.

¹² For sophisticated analysis of so-called “liberty rights” and what they entail, see J. Thomson, *The Realm of Rights* (Cambridge, MA: 1990), chap. 1, esp. pp. 50–60. See also J. Waldron, *The Right to Private Property* (Oxford: Oxford University Press, 1991). The classic account of different kinds of claims involved in rights is W. Hohfeld, *Fundamental Legal Conceptions as Applied in Judicial Reasoning and Other Legal Essays* (New Haven, CT: Yale University Press, 1946). Rights are discussed in more detail in Chapter 2.

¹³ T. H. Marshall, “Citizenship and Social Class,” in *Citizenship and Social Class and Other Essays* (Cambridge: Cambridge University Press, 1950).

On the basis of a definition such as this, I am critical of an account of the American welfare state that includes public spending—frequently, tax expenditures—on measures such as the home mortgage tax deduction or employer-provided pensions, as these tend to promote inequality rather than the reverse.¹⁴

If people are entitled to welfare benefits as a matter of right by virtue of their membership in the community, then how the community is perceived may be of considerable importance. As I have noted, ordinarily, programs should be justified in terms of values and beliefs that are widely shared in the community. It follows that one forceful justificatory argument will draw on a strong sense of community, to which all members of society belong, and on the basis of which they have rights to welfare programs. But successful justification in terms of such values presupposes that they are widely shared in the political culture. While American political culture originally included a strong sentiment of community responsibility for those unable to care for themselves on the local level, the absence of such sentiments in regard to larger political units, especially the country as a whole, has made justification of welfare programs far more difficult than it might otherwise have been.

(2) Early History

The American welfare state assumed its present form as the result of a lengthy historical evolution. In large measure, its distinctive character can be traced back to particular features of American society, especially its political and economic systems and political culture.

From its beginnings, welfare in the United States was viewed as a local concern.¹⁵ The principle of local responsibility, which had been established for centuries in England, was brought to the United States by English colonists. In English law, it was long accepted that the community's taxpayers must provide necessities for those unable to secure them for themselves. Laws to this effect were promulgated as early as 1572. Blackstone's *Commentaries* express the principle as it was found in the eighteenth century: "For there is no man so indigent or wretched, but he may demand a supply sufficient for all the necessities of life from the more opulent part of the community."¹⁶ We should note that this principle of local responsibility indicates a robust conception of community in England at that time, which was continued in the United States.

¹⁴ Cf. C. Howard, *The Hidden Welfare State: Tax Expenditures and Social Policy in the United States* (Princeton, NJ: Princeton University Press, 1997); and Howard, *The Welfare State Nobody Knows: Debunking Myths About U.S. Social Policy* (Princeton, NJ: Princeton University Press, 2007).

¹⁵ E. Abbott, *Public Assistance*, vol. 1, *American Principles and Policies* (1940; repr., New York: Russell and Russell, 1966), pp. 3–7. I follow Abbott in this and the following paragraphs.

¹⁶ *Ibid.*, p. 3.

In the United States, the idea of public responsibility first appeared in seventeenth-century colonies and spread outward from there. As Edith Abbott says “In every territorial legislature this principle was written into the statute-books almost from the first meeting of the first legislative assembly.”¹⁷ While it was accepted that caring for the needy was a public responsibility, there was significant variance between localities. Determining what constituted need was in the hands of local officials, while some jurisdictions provided benefits that were much more generous than others.¹⁸ In the United States in the nineteenth century, there were attempts to make benefits uniform between states, but in accordance with American federalism there were—and continue to be—enormous differences in benefit levels between them.¹⁹

Because the needs of benefit recipients were met through local funds, early welfare efforts regularly generated resentment against tax increases. Localities attempted to keep costs low by restricting eligibility to people who could demonstrate residence. As a result, early welfare measures were accompanied by efforts to deny benefits to those whose residence could be questioned and to expel potential recipients from local jurisdictions. These efforts gave rise to numerous legal challenges, which were central to early welfare case law.²⁰ Additional means to control cost included keeping benefits low. Measures in this direction went hand in hand with attempts to enforce a strict distinction between the deserving and undeserving poor—a distinction that goes back at least to the time of Justinian.²¹

In keeping with the tradition of the English Poor Law, only people in certain categories were viewed as having genuine need and thus worthy of support. Included in this class were orphans, widows with young children, and people who suffered from various disabilities that prevented them from working, for example, the blind or otherwise physically handicapped. People who appeared to be able to work were viewed differently, as were people who were disqualified for various moral failings.²² As a rule, economic causes of unemployment were not recognized. As Michael Katz says: “The availability of work for every able bodied person who really wants a job is one of the enduring myths of American history.”²³ Thus, indiscriminate relief was viewed as courting the twin dangers of idleness and dependency. Overly generous benefits gave people incentives not to work, while also dampening the desire to work. The challenge, then, was to prevent the truly needy from starving, without creating a class of paupers who preferred the public dole to labor. To meet this need, the poorhouse arose as a popular means through

¹⁷ *Ibid.*, p. 5.

¹⁸ *Ibid.*, p. 9.

¹⁹ M. Katz, *In the Shadow of the Poorhouse: A Social History of Welfare in America* (New York: Basic Books, 1986), x.

²⁰ Abbott, *Public Assistance*, vol 1, pt. 2.

²¹ Lindert, *Growing Public*, 1:51.

²² See *ibid.*, 1:50.

²³ Katz, *Shadow of the Poorhouse*, p. 6.

which relief could be provided. By the mid-eighteenth century, these institutions were common throughout New England and spreading to other parts of the country.²⁴ In accordance with the English principle of “least eligibility,” severe conditions were attached to receipt of aid. In the words of the 1834 English *Poor Law Commission Report*:

The first and most essential of all conditions, a principle which we find universally admitted, even by those whose practice is at variance with it, is, that his [i.e., the benefit recipient’s] situation on the whole shall not be made really or apparently so eligible [i.e., desirable] as the situation of the independent labourer of the lowest class.²⁵

Conditions in the poorhouse were as unpleasant as possible:

Into such a house none will enter voluntarily; work, confinement, and discipline, will deter the indolent and vicious; and nothing but extreme necessity will induce any to accept the comfort which must be obtained by the surrender of their free agency, and the sacrifice of their accustomed habits and gratifications.²⁶

In the United States too, people would turn to such institutions only as last resorts; work, virtually any work outside of the poorhouse, would be considered preferable. Thus there was strong reluctance to provide “outdoor relief,” assistance to people in their own homes or otherwise away from the poorhouse. According to one expert, writing in 1894: “Nearly all the experiences in this country indicate that outdoor relief is a source of corruption to politics, of expense to the community, and of degradation and increased pauperization to the poor.”²⁷ However, eventually, because outdoor relief was much less expensive, the popularity of the poorhouse waned and opposition to outdoor relief relented, especially for mothers of young children, in order to protect the welfare of their children.

Although living standards in the United States improved over time, at the beginning of the twentieth century, some 30–50 million Americans could be considered poor.²⁸ In 1900, some 10–20% of the industrial workforce was

²⁴ *Ibid.*, p. 14.

²⁵ *Poor Law Commissioners’ Report of 1834*, 2.1.8, <http://www.econlib.org/library/YPDBooks/Reports/rptPLC11.html#Part 2, Section 1> (Aug. 2012).

²⁶ *Ibid.*, 2.2.29.

²⁷ Amos Warner, quoted by J. T. Patterson, *America’s Struggle Against Poverty: 1900–1985* (Cambridge, MA: Harvard University Press, 1981), p. 21. On this subject, see esp. Katz, *Shadow of the Poorhouse*, chaps. 1–2.

²⁸ Patterson, *America’s Struggle*, chap. 1, whom I follow in this paragraph.

unemployed for at least part of the year. Other impoverished groups included agricultural workers who had moved to the cities and recent immigrants, while rural poverty continued to be severe. Although national income and living standard, and life expectancy itself, rose steadily through the 1920s, poverty in the United States continued to be widespread. During this period, significant welfare programs began to be implemented, especially mothers' pensions. The first of these was passed by Missouri and Illinois in 1911. Other states followed; by 1919, thirty-nine states had such programs.²⁹ These programs were justified as being in the interest of children and included behavior and morals standards. For instance, in 1913, amendments to the program in Illinois made divorced women ineligible.³⁰ Although pensions provided a relatively inexpensive alternative to supporting widows and their children in public institutions, in 1931 only 93,260 of the 3.8 million families in the United States headed by women received mothers' assistance. Amounts were small and varied considerably between states. In Arkansas, the average monthly family grant was \$4.33, while in Massachusetts it was \$69.31.³¹ There was some progress in other areas, especially with regard to workmen's compensation programs, which by this time were widespread, but large-scale insurance against major causes of destitution was absent in the United States. Significant departures from this pattern were not achieved until the Great Depression.

(3) Comparative Perspective

The distinctive character of the American welfare state is seen in comparison to other countries. In terms of developing welfare programs, most other advanced industrial countries were ahead of the United States. In many European countries at the end of the nineteenth century, insurance against destitution caused by old age, sickness, and unemployment began to be provided by the state. The first programs arose in Germany under Bismarck, soon followed in other countries. In the United States, such programs lagged. The following table provides the dates at which major social insurance programs were established in the United States and nine other countries.³²

²⁹ Katz, *Shadow of the Poorhouse*, p. 128. These are also discussed in Chapter 6; see pp. 160–61.

³⁰ *Ibid.*, p. 129.

³¹ Patterson, *America's Struggle*, pp. 27–9.

³² This table is taken from D. B. Robertson, "The Bias of American Federalism: The Limits of Welfare-State Development in the Progressive Era," *Journal of Policy History* 1 (1989): 262. Robertson includes a few qualifications, which are omitted here.

<i>Country</i>	<i>Sickness Insurance</i>	<i>Old Age Pension</i>	<i>Unemployment Ins.</i>
Australia	1944	1908	1944
Austria	1888	1906	1920
Canada	1957	1927	1940
France	1930	1910	1914
Germany	1883	1889	1927
Italy	1886	1919	1919
Netherlands	1913	1913	1949
Sweden	1891	1913	1934
United Kingdom	1911	1908	1911
United States	1965 and 2010 ³³	1935	1935

Aside from unemployment insurance, in which Australia and the Netherlands trailed, the United States was the last of these countries to initiate the three forms of insurance. On the state level, things were comparable. Before 1920, no states provided any of these three forms of insurance. Extending the time frame until 1934 still leaves us with none providing medical insurance, and only one (Wisconsin) offering unemployment insurance. By 1934, twenty-eight US states initiated old-age pensions, although this was still later than any of the other nine countries.³⁴

The American welfare state's laggard status continued in subsequent decades. For instance, consider comparison between social expenditures in the United States and other developed countries. In 2014, in the United States social expenditures as a percentage of GDP was not lower than in all other OECD countries.³⁵ Australia, the Slovak Republic, Canada, Iceland, Estonia, and Korea spent lower percentages, but the percentage in the United States was lower than in almost all other countries that could be considered more comparable. In the US 19.23% of GDP was spent on social programs; the OECD average was 21.64%. For comparison, the average in Ireland was 20.99%, the United Kingdom 21.74%, and Netherlands 24.74%. At the high end, Sweden 28.11%, Italy 28.41, Denmark 30.14%, Finland 31.04%, and France 31.88%. Thus the levels of social spending in these countries were considerably higher than in the United States. Nonetheless, comparing spending levels across countries is complicated, depending on what one counts.³⁶ Regardless of exactly how one determines this in regard to social spending on the poor, the

³³ I add 2010, in recognition of the Affordable Care Act.

³⁴ Robertson, "Bias of American Federalism," 263.

³⁵ OECD Social Spending, <https://data.oecd.org/socialexp/social-spending.htm> (June 2015).

³⁶ See chap. 2, sec. 1.

United States is less generous than all other rich countries. In their recent study, Irwin Garfinkel and his colleagues describe the US welfare state as “a world apart.” Among rich countries, the United States “spends the least on cash transfers and has the highest poverty rates and the greatest inequality.”³⁷ Of the wealthy industrial democracies, the United States was the only country that did not provide health insurance for all citizens—although this situation has been to some extent rectified with passage of President Obama’s Affordable Care Act in 2010. Still, even if almost all American citizens have been provided access to health insurance, this was accomplished much later in the United States than in other countries.

In accounting for these distinctive characteristics, America’s political culture must be taken into account. Important scholars attribute the main feature of the American welfare state to America’s distinctively individualistic political culture.³⁸ That the United States is an individualist society is a trope, but as Richard Ellis says “Most truisms are not without validity, and this one is no exception.”³⁹ As with other concepts discussed in this work, “individualism” does not have a precise core.⁴⁰ Exactly what scholars mean by the term varies to some extent. But emphasis on values along the lines of the following is generally viewed as the heart of the concept: self-reliance; freedom (i.e., negative freedom, allowing individuals to do what they want); independence from government, which implies limited government; and a free-enterprise economy.⁴¹ These ideas are bound up with distinctive themes in liberal political theory, as epitomized in the thought of John Locke, which we explore in Chapter 2. Locke’s theory may be viewed as an abstract and highly developed individualist political theory.⁴² In the remainder of this section, we look briefly at American public opinion, in regard to the welfare state and related ideas

³⁷ Garfinkel, Rainwater, and Smeeding, *Wealth and Welfare States*, pp. 79, 89.

³⁸ Scholars who argue along these lines include G. Rimlinger, *Welfare Policy and Industrialization in Europe, America, and Russia* (New York: Wiley, 1971), chap. 6.; D. Levine, *Poverty and Society: The Growth of the American Welfare State in International Comparison* (New Brunswick, NJ: Rutgers University Press, 1988); A. King, “Ideas, Institutions, and the Policies of Governments: A Comparative Analysis: Part III,” *British Journal of Political Science* 3 (1973). For criticisms of a strictly cultural values approach, see Skocpol, *Protecting Soldiers and Mothers*, pp. 15–23. I should note that my approach does not fall in this category, as I do not claim primacy for individualist ideas.

³⁹ R. J. Ellis, *American Political Cultures* (New York: Oxford University Press, 1993), p. 3; S. M. Lipset describes “the American Creed” with five terms: “liberty, egalitarianism, individualism, populism, and laissez-faire” (*American Exceptionalism: A Double-Edged Sword* [New York: Norton, 1996], p. 19).

⁴⁰ See above, n. 5.

⁴¹ See H. McCloskey and J. Zaller, *The American Ethos: Public Attitudes Toward Capitalism and Democracy* (Cambridge, MA: Harvard University Press, 1984), pp. 111–28, 266–87; Rimlinger, *Welfare Policy*, chap. 6; Y. Arieli, *Individualism and Nationalism in American Ideology* (1964; repr., Baltimore, MD: Penguin Books, 1966).

⁴² For an influential but extreme interpretation along these lines, see C. B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Oxford University Press, 1975), chap. 5.

of self-reliance and desert. In surveys that compare the views of Americans and inhabitants of other advanced democracies, Americans score lower on support for social welfare than do inhabitants of other countries. These results are supported by responses on related questions; although specific questions and comparison countries differ between surveys, the results are consistent over several decades.

We begin with attitudes recorded in a seven-country comparison study conducted during the mid-1980s, which are discussed in a 1989 article by Tom Smith.⁴³ Here, 21% of Americans either agreed or strongly agreed that “the government should provide a decent standard living for the unemployed.” Next lowest was Australia, with 35%. In comparison, 68% of Italians agreed or strongly agreed, 64% of British respondents, and 63% of West Germans (Smith, p. 71). Over five items used to assess support for welfare, the average level of Americans support was lowest, at 38%. Australia was at 42%; the other five countries at 60% or above (p. 62). The United States had the second lowest level of support for spending more on benefits for the poor, at 58% (Australia at 59%). The country with lower support was the Netherlands at 55%, but as Smith notes, support depends to some extent on what each country already spent. In the mid-1980s, for instance, the Netherlands was spending 27.6% of GDP on welfare programs (pp. 62 and 75n1).

According to Smith, America’s comparatively low support for welfare should be explained in part by its “ideology of opportunity” (p. 67). Along with Australian and British respondents, in analyzing the factors responsible for individual success, Americans were found to place greatest reliance on personal attributes (hard work, ambition, good education, and natural ability, in that order) (p. 68). Supporting belief in opportunity was Americans’ optimistic assessment of their own position. According to Smith, only Australians “even begin to approach the American figure.” 18% of American respondents saw themselves in the top three (of ten) rungs in the social structure. No more than 10% of respondents so placed themselves in any of the other countries studied (p. 67). Of the seven countries examined, Americans were least in agreement with the claim that income differences are too large 56% of Americans agreed. Next lowest were Australia, with 58%, and the Netherlands, at 66%. In comparison, 65% of British respondents agreed and 86% of Italians (p. 66).

Similar results are reported in a 1997 article by Stefan Svallfors, which used data from the 1992 International Social Survey Program.⁴⁴ Svallfors compared

⁴³ T. Smith, “Inequality and Welfare,” in *British Social Attitudes: Special International Report*, ed. R. Jowell, S. Witherspoon, and L. Brook (Gower: Aldershot, 1989), pp. 59–86. Smith used data from the 1986 International Social Survey Program and other polls. Page references in this and the following paragraphs are from this article. Some exposition in this and the following paragraphs draws on G. Klosko, *Democratic Procedures and Liberal Consensus* (Oxford: Oxford University Press, 2000), pp. 174–5.

⁴⁴ S. Svallfors, “Worlds of Welfare and Attitudes to Redistribution: A Comparison of Eight Western Nations,” *European Sociological Review* 13 (1997): 283–304. Page references in this and the following paragraphs are from this article.

attitudes in eight advanced democracies, including the United States. Respondents were asked about government responsibility “to reduce the differences between people with high incomes and those with low,” to “provide a job for everyone who wants one,” and to “provide everyone with a guaranteed basic income” (p. 288). On the first and third questions, the United States had the lowest scores of the eight countries. For instance in regard to reducing income differences, while 69.5% of Austrians and 65.5% of Germans agreed, 38.3% of Americans agreed. Australia and Canada were next lowest, at 42.6% and 47.9% respectively. On the basic income question, 34.2% of Americans agreed, in comparison to 78.4% of Norwegians and 60.5% of New Zealanders. Closest were Sweden (surprisingly) at 45.5% and Canada at 48.6%. On the jobs question, the United States was third lowest (47.1%), ahead of Australia (39.4%) and Canada at 40.1% (p. 288). To assess differences between countries more neatly, Svallfors constructed an additive index of the three questions. The United States had the lowest responses of the eight countries, 2.86, followed by Canada at 3.24, and New Zealand at 3.73. In comparison, the score for Norway was 4.71 and Austria 4.21.

Respondents were asked about legitimate income differences between different occupations. While Norwegians responded that the chairman of a large company should earn 2.28 times as much as an unskilled factory worker, and Swedes responded 2.39 times as much, Americans said the chairman should earn 11.14 times as much. Closest were Germany: 7.11 times as much and Australia 6.15 times as much (p. 289).⁴⁵

Similar results are recorded in a 2012 paper by Clem Brooks, which utilized data from a 2009 Survey of American Policy Attitudes and compared these to results from the 2008 European Social Surveys, which charted attitudes in twenty-six European countries, Israel, and Turkey.⁴⁶ Most interesting for our purposes are two sets of questions, which addressed respectively the consequences of welfare programs and responsibilities of government. Responses on the first set placed Americans more or less midway in the pack. For instance on whether social welfare programs were a strain on the economy, US responses were fifteenth; on whether welfare programs make people lazy, they were twenty-second. Responses were similar on whether welfare programs cost too much and encourage migration, though the US respondents were fifth most negative in regard to whether welfare programs do not prevent poverty (pp. 208–9). On the second set of questions, the United States was clearly an outlier: it emerged “in dramatic fashion as consistently the most antistate of countries with respect to policy preferences” (p. 209). Six questions addressed whether government has a responsibility to provide the following: jobs, healthcare,

⁴⁵ Results on this question are qualified by C. A. Larsen, in *The Institutional Logic of Welfare Attitudes: How Welfare Regimes Influence Public Support* (Aldershot: Ashgate, 2006), pp. 37–44.

⁴⁶ C. Brooks, “Framing Theory, Welfare Attitudes, and the United States Case,” in *Contested Welfare States: Welfare Attitudes in Europe and Beyond*, ed. S. Svallfors (Stanford: Stanford University Press, 2012). Page references in this paragraph are from this article.

for the old, for the unemployed, child care services, and paid family leave. On all six questions, American respondents were the most negative (pp. 208–9). In addition, the size of the gaps between the United States and other countries was notable. For four of the six questions, the difference between the US score and the next closest score was two to four times as large as the gap between the second and third most negative countries (p. 209). Brooks describes this gap as “striking” (p. 212).

It is well established in the literature that assessments of welfare programs are largely driven by views of the deservingness of benefit recipients.⁴⁷ Especially important are perceptions of “control,” that is, the extent to which recipients are in control of their need and so do not actually need welfare. Thus it is notable that on questions concerning the deservingness of the poor on welfare, Americans are decidedly negative about their actual need. In a survey conducted in 1964, 67% of respondents believed that some or most people on relief were so for dishonest reasons. In a 1965 survey, 83% of respondents said that many people who received unemployment benefits did so even though they could find work.⁴⁸ According to a 1969 survey, 77% of respondents agreed or strongly agreed that “Most people getting welfare are *not* honest about their need.” 69% disagreed or strongly disagreed that “Most people on welfare who can work try to find jobs so they can support themselves.”⁴⁹ These results are supported by additional polls. In 1976, 89% of respondents agreed that “Too many people on welfare could be working.” In 1977, 92% agreed.⁵⁰ According to a 1995 poll, 81% of respondents believed that “more people who receive welfare are able to work.”⁵¹ It is notable that in this area, the views of Americans are more negative than those of inhabitants of other countries. In a 1990 World Values Study, it was found that, in the US, 39% of respondents explained poverty on the basis of “laziness and lack of will power.” This was in comparison to 16% in Sweden and 23% in (West) Germany.⁵² Results were similar in a

⁴⁷ For discussion and references, see W. Van Oorschot, “Who Should Get What, and Why? On Deservingness Criteria and the Conditionality of Solidarity Among the Public,” *Policy and Politics* 28 (2000): 33–48; Van Oorschot, “Making the Difference in Social Europe: Deservingness Perceptions Among Citizens of European Welfare States,” *Journal of European Social Policy* 16 (2006): 23–42; J. A. Will, “The Dimensions of Poverty: Public Perceptions of the Deserving Poor,” *Social Science Research* 22 (1993): 312–32; F. L. Cook and E. J. Barrett, *Support for the American Welfare State* (New York: Columbia University Press, 1992).

⁴⁸ M. E. Schiltz, *Public Attitudes Toward Social Security: 1935–1965* (Washington, DC: US Department of Health, Education and Welfare, 1970), p. 156.

⁴⁹ J. B. Kluegel and E. R. Smith, *Beliefs About Inequality: Americans’ Views of What Is and What Ought to Be* (New York: Aldine de Gruyter, 1986), p. 153.

⁵⁰ R. Shapiro et al., “The Polls: Public Assistance,” *Public Opinion Quarterly* 51 (1987): 123.

⁵¹ National Survey of Public Knowledge of Welfare Reform and the Federal Budget—Toplines/Survey, <http://kff.org/medicaid/poll-finding/national-survey-of-public-knowledge-of-welfare-3/> (June 2014).

⁵² C. A. Larsen, “The Institutional Logic of Welfare Attitudes: How Welfare Regimes Influence Public Support,” *Comparative Political Studies* 41 (2008): 159.

1995–98 study: 9.6% of German respondents, 17.2% of Swedish respondents, and 31.0 % of Norwegians said that people in need are poor because of those factors. At the high end, this was the response of 41.8% of Australians, 35.1% in New Zealand, and 39.2% in Japan. In the United States, 46.6% of respondents gave this answer.⁵³

As seen throughout this book, Americans' views on these and related issues have been a consistent impediment to the development of welfare programs.

(4) Causal Factors

Scholars have developed numerous accounts of the factors responsible for the distinctive character of the American welfare state. Our focus here is the role of political justification. In exploring this subject, I am not implying that this was the only, or even the chief, factor. Most explanations scholars have worked out are compatible with one another, and also compatible with the role I ascribe to political justification. While scholars disagree about which of these is most basic or should be credited with causal primacy,⁵⁴ for our purposes these debates may be largely avoided. Recognizing the effects of particular factors—operating in conjunction with others—is more important than establishing that a given one was the most significant. What interests us are particular ways the distinctive individualism of American political culture contributed to the course of development. For our purposes, it is not necessary to provide a detailed history of the American welfare state or to examine all the factors involved. I will discuss a set of central factors that clearly played major roles and particular ways the political culture interacted with them.

⁵³ See file:///C:/Users/gk3/Downloads/WV3_Results_v_2015_04_18.pdf (July 2015). After 1995, the WVS apparently stopped using that question. For an additional, more recent poll that presents similar results, see “Pew Research Center: Global Attitudes and Trends: The American-Western European Values Gap,” <http://www.pewglobal.org/2011/11/17/the-american-western-european-values-gap/> (Aug. 2015). A few quotations: “As has long been the case, American values differ from those of Western Europeans in many important ways. Most notably, Americans are more individualistic and are less supportive of a strong safety net than are the publics of Britain, France, Germany and Spain.” “American opinions continue to differ considerably from those of Western Europeans when it comes to views of individualism and the role of the state. Nearly six in ten (58%) Americans believe it is more important for everyone to be free to pursue their life’s goals without interference from the state, while just 35% say it is more important for the state to play an active role in society so as to guarantee that nobody is in need.” “Asked if they agree that ‘success in life is pretty much determined by forces outside our control,’ Americans again offer more individualistic views than those expressed by Western Europeans. Only 36% of Americans believe they have little control over their fate, compared with 50% in Spain, 57% in France and 72% in Germany; Britain is the only Western European country surveyed where fewer than half (41%) share this view.”

⁵⁴ For valuable review of different causal theories in general up to 1985, see T. Skocpol and E. Amenta, “States and Social Policy,” *Annual Review of Sociology* 12 (1986): 131–57.

In this section, there are three main subjects: (a) effects of the American political system; (b) weaknesses of American working-class politics; and (c) the system of “welfare capitalism” that developed, largely as a result of the previous two factors. Once again, in regard to these subjects, we are particularly interested in the role played by distinctive American values and ideology. Because all these factors operated in tandem, any specific one cannot be discussed without referring to others as well. These factors jointly contributed to a general framework within which public justification and liberal political ideas also functioned—although these ideas also played a role in shaping the framework.

Two basic features of the American political system impeded development of federal welfare programs and legislation intended to protect workers: (1) dispersion of power and (2) judicial review. The first concerns division of power between different branches of both federal and state governments, and between the federal government and the states. With power dispersed between different branches of legislative bodies and between legislative and executive branches, proposed policies confronted numerous “veto points,” at which their implementation could be stopped. Further complicating matters at the federal level was the extraordinary power of southern congressmen and their desire not to allow legislation that would disrupt their region’s racist order and low-wage economy.⁵⁵ Because of the Democratic “solid South,” many of these congressmen and senators had safe seats, which allowed them to build up seniority and so attain unusually powerful positions in both the House of Representatives and the Senate. As a result, welfare programs could be passed only with their approval.

Further impeding welfare programs, especially important before the New Deal, were judicial decisions. On the federal level, the US Supreme Court’s interpretation of the “commerce clause” of the Constitution ruled out most welfare measures. The commerce clause states that Congress shall have power “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes” (Article I, Section 8, Clause 3). Unless a piece of legislation could be shown to involve commerce “among the several states,” it was likely to be ruled unconstitutional. Closely related to the commerce clause were particular interpretations of property rights and rights freely to enter into contracts, which were strongly influenced by Lockean liberalism. Particular construals of these notions, especially an expansive interpretation of freedom of contract, made it difficult for either federal or state governments to regulate various economic activities, especially implementing measures to protect workers. Perhaps the most notorious case was *Lochner v. New York* (1905), in which the US Supreme Court threw out a New York State law limiting the hours of night bakers, on the grounds that it violated freedom of contract.⁵⁶ Between 1897 and 1937 (the so-called “Lochner era”) some 200 state and federal reform statutes were

⁵⁵ I. Katznelson, *Fear Itself: The New Deal and the Origins of Our Time* (New York: Liveright, 2013), chap. 7.

⁵⁶ *Lochner v. New York*, 198 U.S. 45 (1905). See below, chap. 3, sec. 1.

declared unconstitutional.⁵⁷ To cite two federal examples, in 1918, the Supreme Court ruled unconstitutional the Child Labor Act, which banned items produced by children's labor from interstate commerce on the grounds that the harms caused by child labor did not involve interstate commerce.⁵⁸ In 1923, the Supreme Court threw out a federal law establishing a minimum wage for women in Washington, DC, as an unconstitutional violation of freedom of contract.⁵⁹ Speaking in 1915, Donald Seager, president of the American Association for Labor Legislation, noted that the courts not only retarded or forced the modification of social legislation, but "the fear that . . . legislation might be declared unconstitutional has been a constant bugaboo paralyzing the efforts of advocates of promising legislative experiments." Seager argued that, if the United States lagged behind other countries in welfare or labor legislation, "it was chiefly because of this constitutional barrier."⁶⁰ During this period, not all reform legislation was rejected. Rather, and somewhat inconsistently, the courts served mainly to moderate the pace of social reform, rather than stop it altogether.⁶¹ However, constitutional impediments to reform remained a significant bar to reform legislation, until Roosevelt's Supreme Court packing scheme and subsequent change in Supreme Court rulings. This is one area in which the influence of Lockean ideas was direct and apparent.

An additional aspect of the federal system that strongly affected the development of welfare programs, was economic competition between states. While the commerce clause did not affect states' abilities to pass social welfare legislation, a state that initiated welfare measures financed from tax revenues placed itself at a competitive disadvantage in regard to other states. To finance its measures, that state would have to raise taxes, thereby risking the movement of businesses to other, more accommodating locales.⁶²

The second major factor to note is the nature of the American working class, which was much less developed politically than the working classes in other industrial countries. Important scholars view this as a major cause for the failure of socialism in the United States.⁶³ In US history, the most notable success for a socialist presidential candidate was Eugene Debs's 1912 campaign, in which he received some 6% of the vote.⁶⁴ The United States was, in fact, the only major industrial

⁵⁷ D. O'Brien, *Constitutional Law and Politics*, 2 vols., 2nd ed. (New York: Norton, 1995), 2:258.

⁵⁸ *Hammer v. Dagenhart*, 247 U.S. 251 (1918).

⁵⁹ *Adkins v. Children's Hospital*, 261 U.S. 525 (1923).

⁶⁰ Quoted by Skocpol, *Protecting Soldiers and Mothers*, p. 261.

⁶¹ R. McCloskey, *The American Supreme Court* (Chicago: University of Chicago Press 1960), pp. 150–61. On permissiveness of state courts, see M. Urofsky, "State Courts and Protective Legislation during the Progressive Era: A Reevaluation," *Journal of American History* 72 (1985): 63–91.

⁶² This is discussed in depth by Robertson, "Bias of American Federalism."

⁶³ S. M. Lipset and G. Marks, *It Didn't Happen Here: Why Socialism Failed in the United States* (New York: Norton, 2000).

⁶⁴ For some socialist electoral successes, see *ibid.*, chap. 3.

country without a workers' political party. In many countries, there were strong connections between workers' parties and demands for welfare state reforms in addition to demands for socialism. Many scholars argue that working-class political mobilization in unions as well as workers' parties is a significant—frequently the most significant—factor affecting the development of social welfare programs. On such accounts, workers and capitalists naturally have different class interests, and it is because of pressure from the former that the latter make social welfare concessions. For instance, according to Peter Flora and Jens Alber, in explaining the rise of the welfare state, “the electoral participation of the working class is considered the main political variable.”⁶⁵ Such analysis fits developments in different European countries, notably Sweden, in which the Swedish Social Democratic Party (or more literally, “Workers’ Party”) (*Sveriges Socialdemokratiska Arbetarepartiet*, or SAP) was in power for many decades and instituted what is often viewed as the model of the modern welfare state—although even in this case, the SAP’s success depended on its flexibility in forming coalitions with agricultural and business classes.⁶⁶ Regardless of the details of these accounts as they apply to other countries, they undoubtedly have significant—negative—explanatory force in the United States.

In the United States, a number of factors inhibited the “class cohesiveness” of American workers and so also the emergence of a workers’ party. Most obvious was pluralism: differences in religion, nationality, and ethnicity among the American population are far greater than those in most other industrial countries. Selig Perlman states that “American labor remains the most heterogeneous laboring class in existence—ethnically, linguistically, religiously, and culturally.”⁶⁷ To these differences we should add race, which also played a prominent role. Scholars argue that the absence of a feudal past also hindered working-class consciousness. In the United States, unlike other countries, workers did not define themselves in opposition to well-defined upper classes and consequently were less suspicious of concentrated power.⁶⁸ Finally, an additional factor was that American unions arose from craft unions, rather than the industrial unions more common in other countries. Unlike “inclusive” labor unions that attempted to gain their ends by mobilizing large numbers of workers, skilled craft unions were exclusive. They attempted to

⁶⁵ P. Flora and J. Alber, “Modernization, Democratization, and the Development of Welfare States in Western Europe,” in *The Development of Welfare States in Europe and America*, ed. P. Flora and A. Heidenheimer (New Brunswick, NJ: Transaction Publishers, 1982), p. 58.

⁶⁶ G. Esping-Andersen, *Politics against Markets: The Social Democratic Road to Power* (Princeton, NJ: Princeton University Press, 1985); P. Baldwin, *The Politics of Social Solidarity: Class Bases of the European Welfare State, 1875–1975* (Cambridge: Cambridge University Press, 1992); S. Berman, *The Social Democratic Moment: Ideas and Politics in the Making of Interwar Europe* (Cambridge, MA: Harvard University Press, 1998).

⁶⁷ S. Perlman, *A Theory of the Labor Movement* (1928; repr., New York: Augustus M. Kelley, 1970), pp. 168–69.

⁶⁸ Lipset and Marks, *It Didn’t Happen Here*, pp. 21–2, 31.

limit the flow of unskilled workers into their territory, for example, through apprenticeship requirements. Whereas in England, in 1910, five of the ten largest unions were inclusive industrial unions, in the United States only two of the top ten were such: mine workers and garment workers.⁶⁹ The relative weakness of the American working class in terms of union membership continues to the present day, as the United States lags behind almost all other comparable countries.⁷⁰

Not only was the American labor movement relatively weak, but prior to the New Deal, it largely stayed out of politics, and generally opposed social welfare legislation. For example, Samuel Gompers, president of the American Federation of Labor (AFL) for more than thirty years, struggled to maintain labor's independence from government intrusion. The AFL was the only union federation in a Western industrialized country that did not support a working-class political party.⁷¹ Gompers opposed measures such as government-provided old-age pensions, health insurance, and laws requiring the eight-hour day and minimum wage. He contended that such benefits should be won by unions through struggle with employers. Government provision would deprive unions of this function and risk making them dependent on government.⁷² Gompers argued against health insurance laws:

Compulsory sickness insurance for workers is based upon the theory that they are unable to look after their own interests and the state must interpose its own authority and wisdom and assume the relation of parent or guardian.⁷³

As long as workers were able to negotiate acceptable benefits from their employers, they did not require government programs. Ironically, Gompers's economic philosophy mirrored the dominant laissez-faire views of the businessmen he opposed.⁷⁴ In this respect too, major factors responsible for the rise of the welfare state were closely bound up with individualistic political culture. Unionized workers, like other proponents of the free market, fought "to get the tentacles of governmental agencies from off the throats of the workers,"⁷⁵ both reflecting and strengthening dominant values of American culture. For the most part, attitudes in the American

⁶⁹ Ibid., pp. 89–94.

⁷⁰ OECD.Stat: Trade Union Density, https://stats.oecd.org/Index.aspx?DataSetCode=UN_DEN (June 2015); OECD.Stat: Union Members and Employees, https://stats.oecd.org/Index.aspx?DataSetCode=U_D_D (June 2015).

⁷¹ Lipset and Marks, *It Didn't Happen Here*, p. 68.

⁷² B. Mandel, *Samuel Gompers* (Yellow Springs, OH: Antioch Press, 1963), p. 183.

⁷³ Quoted by M. Karson, *American Labor Unions and Politics: 1900–1918* (1958; repr., Boston: Beacon Press, 1965), p. 135.

⁷⁴ Ibid., p. 134.

⁷⁵ Gompers, quoted by R. Lubove, *The Struggle for Social Security: 1900–1935* (Pittsburgh: University of Pittsburgh Press, 1968), p. 16.

labor movements did not change until the Great Depression and its radically altered economic circumstances.

In the absence of significant government welfare programs, in the late nineteenth and early twentieth centuries, large-scale employers themselves began to provide major forms of social insurance to their workers. This is the third factor. Important economic reasons for so-called “welfare capitalism” included desires for labor peace and to maintain a stable workforce. Accordingly, employers provided benefits such as old-age pensions and disability compensation to head off labor conflict and strikes,⁷⁶ while sizable companies, which required large, stable workforces, employed such measures to maintain the loyalty of their workers. Between 1910 and 1925, more than 181 companies established retirement pensions for long-term employees. Other benefits were also widely provided, although generally only instituted by prosperous firms with national markets.⁷⁷

For various reasons, however, welfare capitalism had significant drawbacks. Not only did employee-provided pensions limit workers’ ability to move between jobs, but the programs were woefully inadequate. By 1932, fewer than 15% of wage and salary workers were covered by such programs, while the “overwhelming majority” of these programs were discretionary. Employers had moral, but not legal, obligations to pay.⁷⁸ The inadequacy of private provision is a major reason that states began to pass the pension laws noted above, although these too were far from adequate. Accordingly, one reason such programs survived competition between states is that they were relatively inexpensive and so had minor effects on business climate.⁷⁹ Something similar was true of early mothers’ pensions, which were also less expensive than alternatives, such as institutionalization.⁸⁰

There was a natural affinity between welfare capitalism and basic American values. Providing benefits to employees was clearly a way to make sure they went to only “worthy” recipients, to those who somehow earned them. There was no danger that benefits to the undeserving poor would contribute to laziness and dependency. Similarly, provision of private benefits was compatible with prevalent interpretations of freedom of contract and property rights. Benefits were provided to workers on the basis of agreements into which they entered, and in accordance with which they received what they deserved. There was no redistribution, in other words, that one’s property might be taken away by the government in order to benefit someone else.

⁷⁶ E. Berkowitz and K. McQuaid, *Creating the Welfare State* (New York: Praeger, 1980), p. 3.

⁷⁷ *Ibid.*, p. 55.

⁷⁸ Lubove, *Struggle for Social Security*, pp. 127–9.

⁷⁹ J. Hacker and P. S. Pierson, “Business Power and Social Policy: Employers and the Formation of the American Welfare State,” *Politics and Society* 30 (2002): 293.

⁸⁰ Robertson, “Bias of American Federalism,” 276.

While the inadequacies of this system were highlighted by the Great Depression, its existence played a large role in shaping subsequent developments.⁸¹

(5) Political Culture and Justification

While I do not dispute the causal role of the factors discussed in the previous section, throughout this study I focus mainly on an additional one, political justifications of social welfare programs. As stated in the introduction, in a democratic political system, public acceptance of laws is a significant consideration bearing on their continued viability and effectiveness. Because arguments used to justify programs must draw on values and beliefs that the public will accept, in a more ultimate sense, the causal factor I explore is American political culture, as this presumably shaped the arguments political figures used.

It is important to be clear about what I mean by political culture and the aspects on which I focus. There is considerable disagreement among scholars about exactly how political culture should be understood.⁸² I wish to bypass these disputes and so employ a simple account. An often cited definition is that of Lucian Pye, in the *International Encyclopedia of the Social Sciences*. According to Pye, a political culture is a

set of attitudes, beliefs and sentiments that give order and meaning to a political process and which provide the underlying assumptions and rules that govern behavior in the political system.⁸³

Like Pye, I focus on attitudes, beliefs, and sentiments, to which I also add values. Throughout this study, I do not differentiate between these terms and use them more or less interchangeably. Political culture includes additional factors, but we will focus on these.⁸⁴ Accordingly, in simple terms, the core of American political

⁸¹ For other factors that may have played a role on development of the American welfare state, see Skocpol, intro., *Protecting Soldiers and Mothers*; Skocpol, *Social Policy in the United States: Future Possibilities in Historical Perspective* (Princeton, NJ: Princeton University Press, 1995); H. L. Wilensky, *The Welfare State and Equality: Structural and Ideological Roots of Public Expenditures* (Berkeley: University of California Press, 1975).

⁸² See S. Chilton, "Defining Political Culture," *Western Political Quarterly* 41 (1988).

⁸³ L. Pye, "Political Culture," *International Encyclopedia of the Social Sciences* (New York: Crowell, Collier, and Macmillan, 1968), 12:218.

⁸⁴ In regard to the subject of this study, especially notable are portrayals of welfare programs in the media. But in order to keep this project manageable, examination of this subject is not possible in this work, as it would also lead us away from our intended focus on political ideas. In addition, public culture, as opposed to political culture so construed, includes additional factors that are not directly related to the political system, but we focus here on the narrower subject matter of political culture.

culture is widely held attitudes, beliefs, and values oriented toward political institutions. Throughout this work, I contend that American political culture contains a relatively stable set of such beliefs and attitudes, and that political leaders have taken these into account in justifying their favored policies. We have seen evidence of these attitudes in the public opinion polls discussed in Section (3) Comparative Perspective. Even though there are also wide divergences in the moral and political beliefs of Americans,⁸⁵ I believe that predominance of the values and attitudes we have seen has provided a focus for political arguments in regard to social welfare programs, and that continuous appeals to these values have also served to strengthen them. At this point in this study, these claims have the status of hypotheses. Throughout this work, they will be tested against the evidence of the arguments that political leaders used and data from public opinion polls.

In important respects, the main thesis of this study is similar to that of Louis Hartz in his influential book *The Liberal Tradition in America*.⁸⁶ Hartz's work has been widely criticized, and I agree that his arguments have many shortcomings.⁸⁷ In spite of his other difficulties, however, I believe that a modified version of two elements of Hartz's central thesis stands: (a) the existence of a set of basic values in American political culture that have dominated understanding of social welfare programs; and (b) Hartz's identification of these values as "Lockean"—or "Lockian," as he would have it. Regardless of how well Hartz's claims stand up in other areas, in regard to general conceptualizations of social welfare programs, he is basically correct.

As we will see throughout this study, the individualist—or Lockean—character of American political culture posed obstacles to the development of effective justifications for social welfare programs. According to the somewhat idealized account of welfare programs discussed earlier, benefits are provided to members of the community because of their status as members of the community. Because they have clear entitlements, receipt of benefits is not stigmatizing or demeaning. Nonetheless, problems of justifying widespread or general benefits in these terms have plagued the American welfare state from its beginnings. As noted earlier, presumably for political reasons, Franklin D. Roosevelt supported the Social Security Act in terms of what he viewed as traditional American values, that is, in terms of Lockean individualism. While these values were presumably widely accepted, his overall strategy of attempting to marry new governmental functions with traditional ideas left extension of the welfare state vulnerable to ready counterattack.

I am grateful to an anonymous reader for calling attention to the relationship between political culture and public culture.

⁸⁵ See Ellis, *American Political Cultures*; McCloskey and Zaller, *American Ethos*.

⁸⁶ L. Hartz, *The Liberal Tradition in America* (New York: Harcourt Brace, 1955).

⁸⁷ See, for example, J. D. Greenstone, "Political Culture and American Political Development," *Studies in American Political Development* 1 (1986); J. Morone, "Storybook Truths About America," *Studies in American Political Development* 19 (2005); and the symposium marking the fiftieth anniversary of the book's publication, in *Perspectives on Politics* 3 (2005).

Defending social welfare programs on Lockean grounds may be viewed as doing battle on opponents' territory. While FDR's strategy may have made immediate political sense, its long-term consequences were ultimately damaging to the growth of the American welfare state.

In focusing on arguments used to justify policies, the central thesis of this work extends path dependency as it is ordinarily construed. On common understanding, this notion centers on the effects of public policies or other concrete actions that are taken.⁸⁸ I do not dispute general use of the term, but we should note that, as policies themselves have effects, the ideas used to justify them do so as well, and one way in which these ideas have worked is by helping to shape values in the political culture.⁸⁹

These themes will be worked out in this book. Once again, I believe that establishing precise causal relationships between the factors involved in development of welfare programs raises difficult—indeed intractable—issues that I wish to avoid. My main claim is that, however we work out precise patterns of causation, political culture, including the justifications of welfare programs, had a significant causal role. In schematic terms, we may describe a feedback loop that programs encountered as follows.

- (1) Weaknesses in public justifications at time t_1 contribute to the establishment of recurring patterns of justification, which make it increasingly difficult to break the pattern with arguments that differ in central respects.
- (2) Justificatory arguments employed that do not break with this pattern further move political culture in similar directions, making subsequent justifications that break with the pattern still more difficult to develop.

We may posit a reciprocal dynamic between strengthened political culture and weakened justifications of welfare state programs. Once again, this account does not gainsay additional causal factors, including the causal force of public policies themselves. But I believe that no account of the development of the American welfare state is complete unless it also considers the role of justificatory arguments.

⁸⁸ See the literature cited in p. 8 n.15.

⁸⁹ For a survey of literature on the role of ideas and culture in social science explanation, see J. L. Campbell, "Ideas, Politics, and Public Policy," *Annual Review of Sociology* 28 (2002): 21–38. A valuable recent collection is D. Beland and R. H. Cox, eds., *Ideas and Politics in Social Science Research* (Oxford: Oxford University Press, 2011). Campbell, *Institutional Change and Globalization* (Princeton, NJ: Princeton University Press, 2004), chap. 4, and Berman, *Social Democratic Moment*, are useful discussions of central issues confronted in social science explanation.

Old and New Liberalism

As noted in the last chapter, justifications of American welfare programs have generally been in terms consistent with America's strong individualism, while relatively little has been made of communal values because they do not fit well. In an overall sense, the argument of this book is that justifications of the American welfare state have been constrained by individualist ideas.¹ Even when political leaders attempted to move beyond this framework, their attempts were hampered by the individualist underpinnings of their views, which they failed to revise and of which they may not have been entirely aware. As we will see below, this was especially true of Franklin D. Roosevelt. At the outset of his justifications of American welfare programs, the central concepts he used retained their essential Lockean sense, even though this caused problems for his justificatory endeavor.

In important ways, there is an affinity between American individualism and John Locke's political theory, as presented in his *Second Treatise of Government*.² I view this relationship as close but amorphous. Throughout this work, I assume that Locke provides a developed and abstract account of common individualist attitudes. I do not argue for this relationship directly; rather, I believe discussion throughout this book will bear it out. For convenience, I will frequently use the terms "Lockean" and "individualist" more or less interchangeably—using the former mainly in contexts in which abstract ideas are considered. In certain contexts, direct influence of Lockean ideas is clearly seen. In particular, we will see the role these ideas played in American law in the late nineteenth and early twentieth centuries (see Chapter 3).³ Having discussed liberal individualism in sections 1–3 of this chapter, in the concluding section we look briefly at the "new liberalism" of T. H. Green and L. T. Hobhouse, which was formulated largely to get around the

¹ For scholars who argue along these lines, see p. 23 n.38.

² J. Locke, *The Second Treatise of Civil Government*, in *Two Treatises of Government*, ed. P. Laslett (Cambridge: Cambridge University Press, 1988).

³ For direct influence of Lockean ideas during the Revolutionary period, see S. Dworetz, *The Unvarnished Doctrine: Locke, Liberalism, and the American Revolution* (Durham, NC: Duke University Press, 1990).

strictures of Lockean theory. In Chapter 3 we examine attempted reformulations of traditional Lockean concepts to counter similar strictures during the Progressive period and then innovations of Theodore Roosevelt.

Although much discussion in this chapter is abstract, connections should be clear. After discussing Lockean conceptions of rights and freedom, we will turn to the purposes of the state, which is erected to protect these values. Differences between negative and positive rights is an important theme. Although Lockean ideas clearly account for the correlativity of the obligations that accompany negative rights, positive rights raise correlativity problems, which make it difficult to justify social welfare programs. Correlativity will be discussed in detail.

(1) Lockean Individualism

Having discussed the individualist nature of American political culture in Chapter 1, I will attempt to fill in some dominant ideas.⁴ While views we trace throughout this book commonly merit the designation “Lockean,” for this term to hold, it is not necessary that political actors identify themselves as Lockean, or even realize what this term generally means, as long as they hold the relevant ideas. We will discuss a set of linked concepts—*rights, freedom, community, and limited government*—and how they are permeated with a distinctive individualist outlook, which fits naturally with conceptions of government as small and limited in functions and an essentially unregulated free market. Central to these concepts are assumptions concerning the nature of the individual as able to fend for himself, without requiring aid from the community. Connections between these ideas and Poor Law philosophy are apparent.

The Lockean ideas discussed throughout this book do not necessarily comprise an integrated philosophical system. While on the level of academic political theory, connections between concepts may be tight and rigorous, I assume that in American political culture connections are somewhat looser—while precise evidence on how the public thinks about these issues on an abstract level is difficult to attain.⁵ Still, even if we assume that public understanding of Lockean ideas does not comprise a tightly integrated system, there are strong connections between the ideas. But as Philip Converse argues, these are likely psychological rather than philosophical. On this understanding, Lockean ideas comprise what Converse calls a “belief system,” in which ideas are bound together by “constraint.”⁶ As Converse uses the term,

⁴ It is notable that there is no comparable account in L. Hartz’s *The Liberal Tradition in America* (New York: Harcourt Brace, 1955), although it seems that what he means by the term “Lockian” is similar.

⁵ For my own attempts to understand people’s views on political obligation on an abstract level, see G. Klosko, *Political Obligations* (Oxford: Oxford University Press, 2005), chaps. 9–10.

⁶ P. Converse, “The Nature of Belief Systems in Mass Publics,” in *Ideology and Discontent*, ed. D. Apter (Glencoe, IL: Free Press, 1964), pp. 206–61.

“constraint” refers to the “the success we would have in predicting, given initial knowledge that an individual holds a specified attitude, that he holds certain further ideas and attitudes.” If idea *A* constrains *B*, change in the former “would *psychologically* require, from the point of view of the actor, some compensating change(s) in the status of the latter.”⁷ The implication is that if someone subscribes to particular components of an individualist belief system, then she will be disposed to accept others. Even if this is not required for logical consistency, it is likely that she will be psychologically disposed to extend her beliefs in the relevant direction. This is one reason why overcoming an individualist culture is difficult. Even if new ideas are able to plug into existing beliefs, people may be disposed to resist them, unless and until they have access to a new belief system in which the new elements fit more closely with the other components.

On this understanding, a belief system is something like a worldview, as commonly understood. This is an overall normative stance, in which different components fit together in a mutually reinforcing fashion. As is fitting for an individualist political theory, commonly held views place a conception of the individual at their center. Thus, the individual possesses rights, which are “natural rights” (in more contemporary discourse, “human rights”) in that they are not received from society. Rather, they antedate his entry into society. These rights are essential in protecting individual freedom—a particular conception of freedom—which allows the individual to stand on his own feet and pursue his desired plan of life. This view of the individual and rights is famously expressed in the preamble of the *Declaration of Independence*:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

For the most part, Thomas Jefferson’s formulation follows Locke’s *Second Treatise*. As one may see, the rights discussed are not only inalienable but given by the Creator. They are natural rights, and so not dependent upon society for their existence. People hold them “prior” to entering into society, and according to Lockean political theory, people leave the state of nature and enter into society in order to protect them. This too is expressed in the *Declaration*. The text continues:

That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying it’s foundation on such principles and organizing its powers in such

⁷ *Ibid.*, pp. 207–8 (his emphasis).

form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; . . . But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

People's natural rights are not only inalienable but, because of their exalted status, inviolable. There is an inherent tension between these rights and government, as government interference must necessarily limit their scope and so the individual's ability to do as he pleases. Accordingly, if government tampers with these rights or otherwise violates them, it renders itself illegitimate, with the consequences clearly stated in the preamble.

Additional points, less explicit in the text, are also important. According to common understanding, the content of the natural rights is "negative" rather than "positive." Each of us has rights to life, liberty, and the pursuit of happiness, given by our creator, with which other people are required not to interfere. Because these are negative rights, they require only that people not interfere with others, not that the former supply the latter with resources or benefits. The significance of this conceptualization of rights will be discussed in greater detail in the following section.

The conception of freedom implied by these rights is closely related, the "negative, freedom," centering on an absence of coercive interference by other people. The idea of negative freedom was first popularized in a famous essay by Isaiah Berlin.⁸ According to Gerald MacCallum, freedom should be understood in terms of a relationship between three factors, which may be expressed as follows:⁹

A is free from X to do or to become Y.

In this formulation, *A* refers to a person or agent. *X* refers to possible impediments to the agent's activity, while *Y* refers to ends the agent can or should accomplish. As negative freedom is commonly understood, the main impediment is coercive interference by government or by other people. In a typical instance of negative freedom, *A* is a person who is free from (*X*) coercive interference, generally by government but also by other people, (*Y*) to say or to do what she pleases. A brief look at major freedoms in liberal societies indicates that they are generally conceptualized in these terms. For instance, consider freedom of worship: *A*, a person, is (*X*) free from governmental interference, (*Y*) to worship as she pleases. We find similar

⁸ I. Berlin, "Two Concepts of Liberty," in *Four Essays on Liberty* (Oxford: Oxford University Press, 1969).

⁹ G. MacCallum, "Negative and Positive Freedom," *Philosophical Review* 76(1967): 312–34.

structures in freedom of speech, of association, of movement or travel, and many others.

As the foregoing indicates, in much liberal political theory, conceptualizations of rights and freedom—both “negative”—run parallel to one another and may be used largely interchangeably. Both rights and freedom on these interpretations may be conceptualized in territorial terms. According to both, the individual may be viewed as occupying a certain space into which other people may not enter without her consent. Within that territory she does as she pleases. Thus with freedom of worship, she worships as she pleases, without interference by anyone—whether we interpret this as her right to worship as she pleases or her freedom to do so. We should, however, qualify this account of negative freedom. The individual is not free to do *anything* she pleases. Most basically she is not free to harm other individuals or to interfere with *their* rights. In addition, people are generally not viewed as free unless or until they satisfy various standards of mental competency and are of age. But in keeping with the centrality of noninterference in American political culture, such limitations to negative freedom are construed narrowly. According to standard American law, a person may be institutionalized against his will and so deprived of (negative) freedom only if there is a clear danger of his being harmful to himself or others. Unless this standard is met, people should be left free from outside interference to do as they please.

It is important to realize that, according to traditional American ideas and values, economic activity is generally viewed as falling within the territory protected by negative freedom. Among the rights that people are widely seen as possessing are rights to own property and to do with it as they please. Similarly, they have rights to choose their own professions, whom to work for, and other liberties that may be construed as falling within freedom of contract. These important instances of freedom are also viewed as depending on an absence of interference by the government. In Chapter 3, we will see how these ideas were employed in important judicial decisions.

Although economic rights are not mentioned in the preamble to the *Declaration*, negative conceptualization of such rights is central to Locke’s political theory. As argued in chapter 5 of the *Second Treatise*, people attain property in the state of nature through labor, in Locke’s terms, by mixing their labor with goods encountered in the state of nature. In that condition, an apple on a tree that I pick becomes my property because of the labor I expend in picking it. Accordingly, Lockean property rights come into existence prior to people’s entry into society and so are not dependent on society for their existence.

Bound up with this natural, as opposed to social, conception of property rights are important attributes of the individual. In the state of nature, the individual acquires property himself, through his own efforts, and is not dependent on society or on other people. An image of the individual as able to fend for himself is naturally extended from the state of nature to civil society and so from Lockean theory to

the philosophy behind the Poor Law. On this view, in society as well, the individual should be able to acquire what he needs through his own efforts. If he is unable to do so, this may be presumed to be because of failings on his part, e.g., a desire not to work or to live on the largesse of others. These views are consistent with what we saw of Americans' public opinion in Chapter 1. Given the assumed fact that jobs are available, people who do not work although they have the capacity to do so are viewed as the undeserving poor. Because people are presumed to be able to support themselves, they should not be supported by the community. If this becomes necessary, it must be on terms that are "least eligible."

Although Lockean thought is highly individualistic, it does not eschew the state entirely. On Locke's view, the state is necessary to adjudicate disputes between people. People's main reason for leaving the state of nature for society is to protect their rights, especially their property rights.¹⁰ Accordingly, Locke recognized government's need to tax for legitimate purposes. In general, as the state is erected to overcome problems in the state of nature, its functions are those individuals in the state of nature recognize as necessary and from which they benefit. This is clearly true of government's role in enforcing the laws and so protecting people's property. By extension, the same is true of other functions of the state recognized by Adam Smith. National defense also protects people's rights, while people benefit from public goods supplied by government. On the assumption that roads are too costly for individuals to build themselves, when government combines their efforts and resources for this purpose, people's benefits outweigh their costs. However, this line of argument is not easily extended to social welfare programs. Because Alice benefits from national defense and public goods such as roads, there are clear reasons why requiring her to pay taxes can be justified. Circumstances change, however, if she is taxed to provide benefits to *other* people, for example, to Bradley. Why it is legitimate to tax her for this purpose is not easily explained. It was a principle of traditional liberalism that no one should be taxed to pay for someone else's need. Writing in 1889, Grant Allen said:

We do not believe, for example—we of the old type—that one man ought to be taxed to pay for teaching another man's children. We do not believe that one man ought to be taxed to pay for another man's books, or beer, or preaching, or amusement. We do not believe that the State, that *deus ex machina* of current Socialistic writing and thinking, should take aught from any man for any purpose save for the most necessary public

¹⁰ We should note that Locke uses the term "property" in two senses, one in reference to goods that one owns, while the other is synonymous with all a person's rights. For example, "And 'tis not without reason that [man] seeks out, and is willing to join in Society with others who are already united . . . for the mutual Preservation of their Lives, Liberties and Estates, which I call by the general Name, Property" (*Second Treatise*, sec. 123).

objects of defense against external or internal enemies. Our ideal is the ideal of a world in which everybody should start fair at the outset and every boat should stand thereafter by its own accidents.¹¹

On this logic, then, it must be explained why people should be required to contribute in order to better the condition of others. Moreover, if others do in fact need one's support, why should she be required to provide this through taxation, as opposed to making a donation to some charity or other, if this is her preference?

(2) "Negative" and "Positive" Rights

In order to develop a political theory that is capable of supporting social welfare measures, it is necessary to counter the implications of Lockean individualism. One possible approach is that of the "new liberals," who were influential in the development of the British welfare state early in the twentieth century (we will review their ideas later in this chapter). In Chapter 3, we will see that similar ideas were developed in the United States in the late nineteenth and early twentieth centuries, although their origin was likely not the new liberalism. In order to appreciate both the logic of this approach and what it argued against, it is necessary to look more closely at the nature of rights.

According to common understanding, a right is a moral claim that is of sufficient strength to generate correlative duties in other parties (see p. 17). For instance, if Alice has a right to worship as she pleases, this entails that other people have correlative duties not to interfere with her worship. The nature of correlative duties and how they are justified is a major subject of this chapter and important throughout the remainder of this book.¹² In order to appreciate its significance, we must consider the relationship between negative and positive rights. As noted, rights are frequently conceptualized in territorial terms. For such rights, correlative duties are generally clear. Consider once again, my right to worship as I please. This imposes a duty on other people not to interfere with this activity, in other words, not to intrude in the relevant territory, while this duty applies to all other people. My right to worship as I please should not be interfered with by anyone. Familiar examples of other negative rights—such as rights to a free press, to associate with whom one wishes, and other similar activities—also have correlative duties not to interfere with the activities in question that are borne by all other people.

¹¹ G. Allen, "Individualism and Socialism," *Contemporary Review* 55 (1889): 738. I should however mention problematic implications, if we take seriously the ideal of everyone starting fair (see chap. 6., sec. 7).

¹² For complexities with correlativity claims, see D. Lyons, "The Correlativity of Rights and Duties," *Nous* 4 (1970): 45–55. The problems Lyons notes are not of direct concern to the questions discussed in this work.

Positive rights are conceptualized differently. Examples include rights to a pension, to unemployment insurance, to medical care. Obviously, such rights are central to the welfare state and require more from other people than refraining from violating one's space. In many cases, they require that other people supply the rights-holder with resources. With positive rights, correlative duties are generally far more complex than with negative rights.

Important scholars have questioned the distinction between negative and positive rights, and we must respond to their contentions. The difference between the two kinds of rights is often said to be that positive rights require other people actually to perform specific actions, rather than simply to refrain from acting. The common understanding of the distinction is presented by Henry Shue:

Now the basic idea behind the general suggestion that there are positive rights and negative rights seems to have been that one kind of rights (the positive ones) require other people to act positively—to “do something”—whereas another kind of rights (the negative ones) require other people merely to refrain from acting in certain ways. . . . The underlying distinction then is between acting and refraining from acting, and positive rights are those with correlative duties to act in certain ways and negative rights are those with correlative duties to refrain from acting in certain ways.¹³

On this construal, the old-age or retirement pensions that were the centerpiece of the 1935 Social Security Act may be viewed as giving rise to positive rights, which require more than noninterference. If I have a right to a pension, then other people have duties to supply it. But is it true that negative rights require only noninterference? One problem concerns enforcement. In order to be made secure, negative rights must be enforced, and so require positive actions. These rights, then, require more from other people than simple noninterference. Their purely negative duty not to violate my space requires that the police and other elements of the criminal justice system prevent them from doing so. To quote Shue once again:

A person is actually enjoying a right only if the person is living among social institutions that are well designed to prevent violation of the right and, where prevention fails, to restore the enjoyment of the right insofar as possible.¹⁴

Accordingly, one could argue that the need for enforcement, and so also the costs it incurs, “are part of the logical structure of rights claims,” as Raymond Plant states.¹⁵

¹³ H. Shue, *Basic Rights*, 2nd ed. (Princeton, NJ: Princeton University Press, 1996), pp. 36–7.

¹⁴ *Ibid.*, p. 75.

¹⁵ R. Plant, “Social and Economic Rights Revisited,” *Kings College Law Journal* 14 (2003): 12.

If this is so, the distinction between positive and negative rights appears to break down. Assume that social security pensions require that government construct a set of institutions to provide them. How is this different from the set of law enforcement and judicial institutions that government must construct in order to make sure that negative rights are protected?

I agree that an argument along these lines shows that there are respects in which the distinction between the two kinds of rights does break down—although, *pace* Plant, I believe it is more accurate to say that enforcement is bound up with a right's practical structure rather than its logical structure. However, in spite of this complication, there are other respects in which the distinction still holds. Especially notable are the duties that are correlative to positive rights. Let us distinguish the scope or core of a given right from other related claims, including a right to have ones rights respected and so enforced. The former may be referred to as a "primary" right and the latter as "secondary" rights. In regard to simple negative rights, these elements are relatively clear. For the right to worship as one pleases, the primary right is to worship without interference, and secondary are rights relevant to enforcing this. In terms of correlative duties, this primary right gives rise to general duties of noninterference borne by other people in general, while the right to enforcement generates duties that in this case are presumably borne by the state or other political bodies. We should note that the bearers of the duty to enforce are clearly specified in Locke's political theory. This duty of enforcement is borne by government, because people explicitly assign it this task.¹⁶

In comparison to a negative right, the core sense of a positive right requires more. This holds that individuals are owed resources from others, and so that these others have duties to do more than not interfere. Accordingly, in regard to the core areas of negative and positive rights, the latter do give rise to correlative duties to do something, as opposed to the former which generate only duties not to interfere.

One reason the distinction between the two kinds of rights is important is because of problems with the correlative duties associated with positive rights. While it may generally be assumed that everyone is required to respect the moral space associated with negative rights, the bearers of the duties correlative to positive rights are less clear. If I have a right to a pension, then someone must have a correlative duty to furnish it. But exactly who is this other person or persons? We will refer to these difficulties as the "correlativity problem" or problems.¹⁷

We have noted that in early English and American law, duties to aid the poor were borne by the community. But this applied only to small or local communities.

¹⁶ For discussion, see G. Klosko *History of Political Theory: An Introduction*, vol. 2: *Modern* (Oxford: Oxford University Press, 2013), 130–6.

¹⁷ For analysis of correlativity problems in regard to universal or general human rights, see O. O'Neill, "The Dark Side of Human Rights," *International Affairs* 81(2005): 427–39.

As similar responsibilities are extended to larger political units, assigning them to the community may be viewed as questionable, and so correlativity problems become severe. These problems are not solved by including enforcement in the mix. Enforcement adds only that the state or some other assigned body should take the necessary steps to insure that whoever is responsible for providing resources pays what they owe. But this does not address the question of who is required to pay. It may perhaps seem obvious that duties to pay are borne by the community or society as a whole, as an extension of the original idea of local responsibility. But as we will see in the following section, in the absence of widespread sentiments to this effect, there are problems incorporating this view into a highly individualistic Lockean framework.

(3) The Correlativity Problem

Problems with the correlative obligations of positive rights may be illustrated with examples. For example, if Adam has a claim to a social security pension, who has the obligation to provide it?¹⁸ Does this fall on all his fellow citizens or only on some, and with either possibility, why does it hold? A plausible response appears to be that the community has the obligation in question, as it does in local cases. If Adam is due a pension, he should receive this from his fellow citizens in some collective capacity. Because we are all members of our community, we all have duties to take care of one another. As we have seen, ideas along these lines are implicated in a view of a society such as Sweden as a *folkhemmet*, “the people’s home.” But if our moral reasoning proceeds from Lockean or other highly individualist premises, arguments along these lines are problematic. It is difficult to reconcile the conception of the community that underlies such claims with basic assumptions of Lockean liberalism.

An individualist view of the community is presented by Locke in his *Second Treatise*. He of course begins his political theory outside of society. He places individuals in a state of nature and argues that they possess rights, which correspond to negative rights against being interfered with by other people. Although people have rights and are able to appropriate property in the state of nature, in the absence of government to protect their rights, the latter are not secure. Locke propounds the “strange doctrine” that individuals must protect their rights themselves. This form of enforcement leads to conflict between people, to alleviate which they must create government. Government is erected in two steps. In the first, people transfer their rights to interpret the law of nature for themselves, to judge disputes under it, and to enforce these judgments to a neutral body, in effect an umpire, which will

¹⁸ In discussion here, I use “obligation” and “duty” more or less interchangeably.

be able to perform these actions without the biases that infect individuals who are judges in their own cases.¹⁹ People consent to accede to whatever body is assigned these rights by the majority. This first step creates a political community. Only after people have constituted themselves in a body bound by majority rule, do they move on to the second step and transfer these rights to the chosen body, which creates government. In Locke's words:

Whosoever therefore out of a state of nature unite into a community, must be understood to give up all the power, necessary to the ends for which they unite into society, to the majority of the community. . . . And this is done by barely agreeing to unite into one political society, which is all the compact that is, or needs be, between the individuals, that enter into, or make up a commonwealth. And thus that, which begins and actually constitutes any political society, is nothing but the consent of any number of freemen capable of a majority to unite and incorporate into such a society.²⁰

On this view, the community is nothing but the collection of individuals who comprise it. Since it is not present in the state of nature, it does not exist "by nature" but is constructed by people in order to fulfill various purposes. Thus the community, like government, is instrumental. People enter into it in order to accomplish various ends that they had before it existed. On this view, the community has no rights of its own. The rights it possesses are only the specific rights that previously separate individuals transfer to it. Because of Locke's fear that government may abuse its power—and of course the specific polemical purposes for which he wrote the *Second Treatise*²¹—he argues that the transfer of rights to government is conditional. These rights are held in trust and may be reclaimed by the community—and by specific individuals—if government abuses this trust.

It follows from this account of the origin of society and government that the government is strictly limited. It is able to perform only the specific functions for which it was set up. It is able to make laws in accordance with the laws of nature, to judge disputes under these laws, and to enforce its judgments. As noted above, individuals in the state of nature assign it these purposes because, in fulfilling them, government benefits them. To perform these function, government has power to tax citizens, but at this point, its powers run out. For the sake of argument, we may move beyond Locke's text and assume that it is consistent with his position that government also be able to undertake additional beneficial tasks. Possible examples include furnishing

¹⁹ For discussion, see Klosko, *History of Political Theory*, vol. 2, *Modern*, pp. 128–36.

²⁰ Locke, *Second Treatise*, sec. 99.

²¹ See esp. R. Ashcraft, "Revolutionary Politics and Locke's *Two Treatises of Government: Radicalism and Lockean Political Theory*," *Political Theory* 8 (1980).

the public goods mentioned by Smith, constructing roads, bridges, and so forth. We may also assume that the resulting doctrine allows for additional taxation for these purposes, and also allows government to take over the property of individuals if this is necessary for important public purposes. In accordance with the doctrine of eminent domain, we should require that government compensate those individuals whose property is taken. But even if we accept this expanded Lockean view, it is problematic to justify government's assumption of social welfare functions. Again, it is not clear how individuals generally benefit from government's assumption of this function. While public goods such as roads are in everyone's interest, aid to the poor arguably benefits only the poor. In his *First Treatise*, Locke recognizes a duty of charity, but this is borne by individuals rather than by government.²² Moreover, a duty of charity is generally regarded as an imperfect duty. A given individual may have a moral requirement to contribute, but she retains discretion in regard to the target of her beneficence, and likely exactly what she should contribute as well.

Thus Locke's view illustrates the problem of determining who bears obligations correlative to social welfare rights. If we assume that I have rights to a pension, then we must locate the bearer of the correlative obligation. It seems natural to assign this responsibility to the community, which in centuries past and in traditional English and American law, the community bore. But once again, this was only the local community, which grudgingly fulfilled it. For the sake of argument, we may assume that the local community was viewed as collective in some sense—although it is not clear exactly what was meant by that. But even if such a view were widely accepted, popular attitudes do not easily extend such a view beyond the local level—or perhaps do so only in times of peril or emergency.²³ In the absence of a strong sense of more-than-local community, it must be explained how larger social and political entities have duties to provide resources to their unfortunate members. A common feature of the justifications of social welfare functions we will examine in subsequent chapters is a striking absence of explanations of how or why the community is morally required to supply whatever resources are in question.

A response that a given program benefits the larger community runs up against an additional Lockean assumption. According to what Andrew calls “the ontology of individualism and classical liberalism,”²⁴ if the community is nothing but the individuals who comprise it, benefit to the community must be translated into terms that bear on benefit to specific individuals. The community as such does not have interests and cannot benefit apart from the individuals who constitute it. This assumption is commonly referred to as “value individualism.” The key idea here

²² Locke, *First Treatise of Civil Government*, in *Two Treatises of Government*, sec. 42.

²³ This theme is illustrated in regard to Great Britain during World War II, in chapter 4.

²⁴ A. Vincent, “The New Liberalism and Citizenship,” in *The New Liberalism: Reconciling Liberty and Community*, ed. D. Weinstein and A. Simhony (Cambridge: Cambridge University Press, 2001), p. 214.

is that, in assessing the rightness or wrongness of actions or social policies, “values reside ultimately only in states of individuals, and never in states of the collectivity as such,” to quote Colin Bird.²⁵ In assessing social policies, we should not take into account how they affect entities such as the class or the race, over and above their implications for the individuals who are viewed as comprising these entities. Similarly, we cannot take into account how they affect the community, apart from the individuals who comprise it. Thus Beth cannot be required to transfer resources to Adam simply on the assumption that this is good for the community. If the community is nothing more than a collection of individuals, Beth is doing nothing more than being compelled to transfer resources to other people. While it is clear how such transfers benefit their recipients, how they benefit other people who do not receive them must be explained. Once again, even if we wish to maintain that the recipients have rights to additional resources, it must be explained how they have these rights against Beth. If she has strong rights to her own property and this transfer does not benefit her, why is she required to pay?

In order to illustrate correlativity problems, consider a contemporary moral dilemma. On the assumption that people cannot live decent lives unless they have access to basic levels of medical care, let us assume that they have rights—positive rights—to medical care. However, because medical care must be provided by people such as doctors and nurses, our question is exactly *who* has duties to provide it. The answer would appear obvious: this duty falls on healthcare workers. However, this answer conflicts with other strong beliefs we hold concerning individual liberty. In most Western societies, it is widely accepted that among the important liberties that people enjoy is freedom of occupation. This encompasses freedom to choose which profession one will pursue and how one will practice the profession.²⁶ Thus according to Rawls, “What kind of work people do, and how hard they do it, is up to them to decide in light of the various incentives society offers.”²⁷ If this is true, what if the doctors in Adam’s community prefer not to treat him, and maintain this attitude in spite of the available incentives to do so? Can we say that Dr. Carrie is committing an injustice, violating a specific duty owed to Adam, in not treating him? According to her freedom of occupation, she has the right (a liberty right) to pursue her profession as a doctor in any way she chooses.²⁸ But if the result of each doctor pursuing her occupational freedom in similar ways is that Adam remains untreated, his right to medical treatment will not be satisfied. Perhaps we may claim

²⁵ C. Bird, *The Myth of Liberal Individualism*, (Cambridge: Cambridge University Press, 1999), p. 58.

²⁶ A version of this freedom—so-called “freedom of contract”—played an important role in late nineteenth and early twentieth century American law; see Chapter 3.

²⁷ J. Rawls, *Justice as Fairness: A Restatement*, ed. E. Kelly (Cambridge, MA: Harvard University Press, 2001), p. 64.

²⁸ This right is subject to various restrictions (e.g., that doctors do not harm other people). Complexities raised by these restrictions need not be pursued here.

that Carrie's refusal to treat Adam is an injustice, and so we are justified in forcing her to do so. Problems along these lines are encountered in many poor countries in which doctors and nurses choose to emigrate to wealthier countries. The latter provide higher salaries and better working conditions, but the result of large numbers of medical professionals pursuing them is that their former countrymen suffer from lack of available medical services.²⁹ If Dr. Carrie emigrates from a poor African country to the United States, is she committing an injustice, if we assume that she is simply practicing medicine in the way that she prefers?

One way we may respond to such circumstances is to say that the community has a right to Carrie's services. Because of her choice to emigrate along with the choices of other healthcare professionals, large numbers of people—community members—suffer. However, once again, on Lockean assumptions, the community is simply a collection of individuals. There is no such thing as the community over and above the individuals who constitute it. Thus it is difficult to explain how the community can possess rights against its members. In pursuing her profession in her preferred manner, Carrie is not harming anyone else directly, as we ordinarily understand harm. Her conduct is wrong only if Adam and other underserved people have rights *against her* for medical treatment, which she is violating. But in order for this to be true, it must be possible to explain how they come to possess such rights. If Carrie has a right to practice medicine as she fits, we must explain why she also has a duty to treat Adam, even if she would prefer to emigrate to another country.

In regard to questions of medical care, we should note that in many cases, governments have structured institutions in ways in which the relevant duties seem to hold. For instance, in many countries it is possible for Carrie to have government pay for her medical education on the condition that she spend a specified period working in underserved areas.³⁰ Given Carrie's agreement, she does have positive duties to provide medical services to particular other people. But once again, in the absence of such arrangements, the nature and bearers of the correlative duties must be explained.

For the subjects discussed throughout this book, the major correlative duties with which we are concerned are generally to provide resources to other people—although rights to medical care are a central topic in Chapters 7 and 8. In these cases, the problems are similar to those with medical care. If we wish to argue that particular individuals have duties to provide the relevant resources, then we must explain exactly how these duties arise and why they fall on particular people. Similarly, if we wish to argue that the duties in question are borne by the community, then we require a stronger or richer sense of community than that provided by Locke or

²⁹ For discussion, see L. Stanczyk, "Productive Justice," *Philosophy and Public Affairs* 40 (2012): 144–64.

³⁰ See *ibid.*, sec. 5.

“the ontology of individualism and classical liberalism.” I do not claim that answers to these problems cannot be worked out. However, a major theme of this book is difficulties encountered in attempting to address such problems while remaining faithful to central individualist assumptions.

It is important to note that correlativity problems may be easier to address in political terms than philosophically. While it is difficult to develop a convincing account of how the community as a whole or individual community members acquire rights to other people’s resources, appeals to the welfare of the community may well be effective politically. While Lockean assumptions make it difficult to defend a communal or organic conception of community, a strictly philosophical defense may not be necessary, if community members perceive themselves in such terms. Once again, this seems to have been true of local communities in centuries past. In Chapter 4, we will see how the individualistic culture of Great Britain was transformed in this direction by the experience of World War II, allowing extensive social welfare programs to be defended in communal terms. Because the rhetoric of political leaders is just that, rhetoric, rather than philosophical arguments, they will be able to draw on the requisite sense of community if their addressees view themselves in such terms. Whatever the specific causes, if people perceive themselves as community members with responsibilities toward one another, then social welfare programs may be defended relatively easily. Once established, moreover, such programs may contribute further to a collective communal sense. But of course an appeal to the communal feelings of a given population will be effective only if most members of that community actually have such feelings. If they do not, such appeals will fall on deaf ears.

(4) New Liberalism

If individualist liberalism stands in the way of welfare reforms, a possible alternative view is the new liberalism developed in Great Britain in the late nineteenth century. This position was worked out as the need for reform was widely felt, and was influential in justifying the reform legislation passed by the Liberal Parliament early in the twentieth century. These ideas had less direct influence in the United States, although similar ideas were propagated by reform-minded intellectuals and political figures during the Progressive period (see Chapter 3). It is important to review these ideas in order to see different ways in which the constraints of liberal individualism can be circumvented. The arguments of T. H. Green and L. T. Hobhouse provide particularly clear and developed theoretical alternatives—although they are not without problems of their own. Recounting them illustrates the kinds of theoretical adaptations that proponents of welfare state programs could adapt. Although I do not contend that ideas specific to new liberalism are the only form a counter to individualism can assume, it seems clear that the kinds of departures from strict

individualism that they provide are essential for any convincing defense of welfare programs.

Although new liberalism as a movement was concerned with reworking individualistic liberalism in order to accommodate social reform legislation, there is no firm or official core of the position.³¹ The political theory of the new liberals is perhaps most familiar from Hobhouse's *Liberalism*, published in 1911.³² For purposes of discussion, I will treat Hobhouse and Green as representative of the movement as a whole, although we should recognize that its theorists present different accounts of a range of issues. Questions concerning the essence of the position are complicated further by the influence of idealist philosophy in British academic circles during this period. Although idealism was only one direction from which new liberalism proceeded, like the new liberals, its adherents played an important role in initiating reforms.³³ Because of strong overlap between idealism and new liberalism, it is generally safe to move easily between the two schools without carefully distinguishing them.³⁴

Nineteenth- and early twentieth-century British idealists were strongly influenced by central themes in the philosophy of G. W. F. Hegel, although they did not adhere to Hegel's peculiar dialectical mode of argument or his barbarous writing style.³⁵ Although it is difficult to present a simple account of the British idealists, it is safe to say that they shared new liberalism's orientation against strict individualism. Like the new liberals, British idealists opposed views to the effect that society is no more than the individuals who comprised it, while also recognizing socially constituted aspects of people's morality and consciousness. Idealists viewed society in terms of a relationship of "mutual inclusion" encompassing individuals and the community.³⁶ The two schools overlapped in other ways as well. In addition to viewing the community in a collective sense, both schools rejected not only individualism but an expansive Lockean conception of rights, including property rights. The two schools argued along similar lines that the actual basis of rights is

³¹ For variants of new liberalism, see Vincent, "The New Liberalism in Britain 1880–1914," *Australian Journal of Politics and History* 36 (1990).

³² L. T. Hobhouse, *Liberalism*, in *Liberalism and Other Writings*, ed. J. Meadowcroft (Cambridge: Cambridge University Press, 1994).

³³ The main alternative direction was an adaptation of Darwinian theory—though quite different from that of Spencer (Simhony and Weinstein, *New Liberalism*, p. 8; M. Freeden, *The New Liberalism: An Ideology of Social Reform* [Oxford: Oxford University Press, 1986], pp. 18–19); for discussion of Hobhouse's biologism, see Freeden, *New Liberalism*, and S. Collini, *Liberalism and Sociology* (Cambridge: Cambridge University Press, 1983).

³⁴ One reason it is difficult to distinguish new liberalism and idealism is because certain figures, especially Green, belonged prominently to both schools, while boundary problems are exacerbated by the fact that various authorities describe the two schools in different terms.

³⁵ D. Boucher, ed., *The British Idealists* (Cambridge: Cambridge University Press, 1997), p. xii.

³⁶ *Ibid.*, p. x.

the community. Rather than Locke's natural rights with their origin independent of the community, both the new liberals and idealists viewed rights as social creations. They were originally created for the benefit of society and should be assessed in that regard. The two schools also opposed traditional liberal negative freedom, advocating instead different versions of positive freedom. Finally, both schools had far richer conceptions of the individual than were typically present in individualist social theories. Both viewed the individual as possessing higher faculties that could be developed only in society, and so contributing to such development was a central function of society and the state. For both schools, this collection of positions provided strong bases for social reform and ready ways to counter objections stemming from Lockean conceptions of liberty and individual rights.

In order to view new liberal counters to individualism in more detail, we will look briefly at central views of Green and Hobhouse—which are similar and closely related. Our main concerns are how they describe the community and reformulate traditional liberal views of rights and negative freedom. I begin with Green.

The central concern of Green's lecture on "Liberal Legislation"—given in 1881, one year before his death—is problems with traditional liberal negative freedom. In this essay, he defended laws that could be viewed as interfering with negative freedom, although he believed they were clearly defensible. The laws in question were not social welfare legislation. He did not discuss redistributive measures or social insurance, which is not surprising, as major social welfare legislation did not begin to be enacted in Britain until some twenty-five years after his death. But the arguments developed in the lecture could be extended to apply to such legislation.

In this lecture, Green refers to two pieces of legislation from 1880: the Ground Game Act and the Employer's Liability Act. The former imposed restrictions on relationships between landlord and tenant. The latter made employers liable for certain injuries of their employees. Clearly, both laws infringed on freedom of contract and so negative freedom. While Green believed both could be defended, he also believed that the principles on which they rest had never been "thoroughly considered,"³⁷ while similar objections could be lodged against additional reform legislation. Relevant laws in effect at that time included regulations of factory conditions, first for children and women, but eventually for men also, and laws concerning compulsory education. If freedom is understood as the "inherent right of every man to do what he will with his own" (p. 195), all of this legislation undoubtedly did limit freedom: "It is evident that in the body of school and factory legislation which I have noticed we have a great system of interference with freedom of contract" (p. 198). Defense of this legislation requires rejecting traditional negative freedom. From his essentially Hegelian perspective, Green viewed this understanding of

³⁷ T. H. Green, "Liberal Legislation and Freedom of Contract," in *T. H. Green: Lectures on the Principles of Political Obligation and Other Writings*, ed. P. Harris and J. Morrow (Cambridge: Cambridge University Press, 1986), p. 198. Parenthetical page references are to this work.

(negative) freedom as bound up with a set of individualist moral and political ideas to the criticism of which he devoted much of his philosophical career.

Central to Green's new philosophy are new conceptions of the individual and his relationship to society, freedom, and rights, including property rights. Traditional liberal theory posited an essentially abstract, egoistic individual, without social ties or capable of much in the way of development. This is apparent in social contract theories that proceed from presocial individuals in the state of nature. An extreme version is Hobbes's man, "just emerged from the earth like mushrooms."³⁸ The situation is little different for Lockean man, who is conceptualized in the state of nature as rational and self-interested, concerned mainly with protecting his rights and amassing property. Moving away from this conception of the individual played a central role in new liberal philosophies. Green viewed the individual as a social creature, able to achieve full development only as a member of the community. Conceiving of both liberty and rights in reference to the individual's capacity to develop, Green rejected traditional negative freedom: "We do not mean merely freedom from restraint or compulsion. We do not mean merely freedom to do as we like irrespectively of what it is that we like" (p. 199). "[T]he mere removal of compulsion, the mere enabling a man to do as he likes, is in itself no contribution to true freedom" (p. 199). In opposition to these views, Green worked out a distinctive conception of "positive freedom," and was arguably the first theorist writing in English to do so: "When we speak of freedom as something to be so highly prized, we mean a positive power or capacity of doing or enjoying something worth doing or enjoying, and that, too something that we do in common with others" (p. 199).

Not only did Green place great value on individuals developing their highest capacities, but, as the last quotation indicates, he was concerned with their doing so in conjunction with others: "[F]reedom in the positive sense" is "the liberation of the powers of all men equally for contributions to a common good." "[T]he ideal of true freedom is the maximum of power for all members of human society alike to make the best of themselves" (p. 200). Green equated development of man's highest capacities with moral goodness, while such freedom was "the highest good for all" (p. 200).

There are two ideas here which Green combined, but we should distinguish. First is the idea of individual development. As opposed to the less clearly described Lockean individual, Green followed Aristotle in arguing that man is a political animal.³⁹ The individual has the capacity to develop his higher powers, is able to do so only in society, and achieves his highest good in doing so. The second idea is a strong conception of the common good. Green believed that all individuals are capable

³⁸ T. Hobbes, *On the Citizen*, ed. and trans. R. Tuck and M. Silverthorne (Cambridge: Cambridge University Press, 1998), p. 102.

³⁹ Green, *Principles of Political Obligation*, in *Principles of Political Obligation*, p. 37; hereafter, this work is cited in parentheses, as *Principles*.

of developing together. We have repeatedly noted the importance of a strong conception of the community. Green's philosophy clearly fits this bill, although it is not apparent that he was able to provide a strong justification for his view of the community on liberal premises. His positing a common good that encompasses the interests of all members of society is widely questioned as resting more on faith than on argument.⁴⁰

Turning away from a view of society as comprised simply of separate individuals, Green argued that the development of one person need not be at the expense of others. If it were, it would not be acceptable. This conception of the common good provided essential content to both Green's idea of individual development and freedom. Freedom is developing along with others; the individual's highest capacities are those that allow her to do so. Granted this set of ideas, freedom of contract and other aspects of what we view as "negative freedom" are valuable only as means to development. The same is true of property rights. Property is "only justifiable as a means to the free exercise of the social capabilities of all" (p. 200). Accordingly, traditional property rights may be curtailed in the interest of the common good,⁴¹ and reform legislation that interfered with negative freedom posed no difficulties. Such measures contributed to the development of people generally. Although they prevented privileged members of society from doing what they wanted to do—or, more accurately, what they thought they wanted to do—their desired courses of conduct impeded the development of other members of society and so were illegitimate.

Green's view of the functions of the state was obviously more extensive than traditional liberal views. He viewed the state's "business" as promoting the interests of all. But he did not claim that the state should directly inculcate moral goodness. This is not how morality grows, and so the state lacks the capacity to do so. Instead, its role is to "maintain the conditions without which a free exercise of the human faculties is impossible" (p. 202).

Green's view is obviously not without problems. Aside from his need to explain exactly how the interests of individuals fit together, his conception of the community is commonly criticized for being too strong. One can criticize Green for too completely submerging the individual in the community. His new conception of rights does not adequately address the need for individual rights against society. There are clear similarities between aspects of Green's view and Mill's in *On Liberty*. But in treating individual rights and negative freedom as valuable only as a means to the development of the community as a whole, Green removes the kind of individual protections that Mill expounded. Deprived of rights against society, the

⁴⁰ See M. Richter, *The Politics of Conscience: T. H. Green and his Age* (1964; repr., Bristol: Thoemmes Press, 1996).

⁴¹ In traditional liberal theory, property rights may be curtailed to some extent, as recognized in taxation and our concept of eminent domain. Green believed in far more extensive incursions.

individual has no choice but to conform. The unsettling implications are apparent in Green's *Principles of Political Obligation*:

It is on the relation to society—to other men recognizing a common good—that the individual's right depends, as much as the gravity of a body depends on relations to other bodies. A right is a power claimed and recognized as a contribution to a common good. A right against society, in distinction from a right to be treated as a member of society, is a contradiction in terms. (*Principles*, p. 79)

Along similar lines, Green criticized Spinoza for admitting “the possibility of a right in the individual apart from life in society, apart from the recognition by members of a society of a correlative claim upon and duty to each other, as all interested in the same good.” Spinoza's belief in the existence of such a right against society was, according to Green, “the error of his time” (*Principles*, p. 36).

From the perspective of contemporary, pluralistic societies, we are less confident than Green was in the existence of an extensive, overall common good that harmonizes all people's real interests. Green, like certain utilitarians, could be criticized for not recognizing the “distinction between persons.”⁴² In depriving the individual of rights against society, Green's view appears open to oppressive implications.

In spite of these difficulties, Green's accomplishment is notable. He worked out a consistent set of ideas that justified existing reform legislation and could be projected to justify additional laws in the future, and so an extensive welfare state.

Hobhouse's theory is similar in approach and in regard to both strengths and weaknesses.⁴³ Like Green, he argued that traditional liberal ideas should be reformulated to justify the state's new role. Special targets of his criticism included traditional views of the individual and community, rights, and negative freedom. He

⁴² This phrase and criticism of utilitarianism are from Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), p. 27; *Theory of Justice*, 2nd ed. [Cambridge, MA: Harvard University Press, 1999], p. 24.

⁴³ Although Hobhouse began study at Oxford in 1883, a year after Green had died, the influence of Green was still heavily present, and central positions in Hobhouse's social philosophy clearly bear his stamp. See J. A. Hobson's memoir of Hobhouse, in Hobson and M Ginsberg, *L. T. Hobhouse: His Life and Work* (London: George Allen and Unwin, 1931), esp. pp. 184, 194. Yet, unlike Green, Hobhouse firmly rejected idealism. In one of his best known works, *The Metaphysical Theory of the State: A Criticism* (London: George Allen and Unwin, 1918), he harshly criticized what he viewed as the Hegelian mysticism presented by Bernard Bosanquet. However, while Hobhouse forcefully rejected central idealist doctrines, he still adhered to closely related assumptions, although resting on bases other than idealism (see C. M. Griffin, “L. T. Hobhouse and the Idea of Harmony,” *Journal of the History of Ideas* 35 [1974]: 647–61). According to Freedren, more than any other figure in new liberalism, Hobhouse was a disciple of Green, yet Freedren believes that “it is precisely in those aspects of his thought which are basically a repetition of Green's ideas that Hobhouse is least satisfactory.” (*New Liberalism*, p. 66). Hereafter, parenthetical quotations are from Hobhouse, *Liberalism*.

noted that the strength of the traditional theory lay not in its principles themselves, but in the “compactness and consistency” with which they were developed (p. 27). Like Green, he argued that negative liberty was insufficient. While traditional liberalism held that liberty was conditional on not harming other people, Hobhouse contended that similar concerns required this principle to be extended to cover how people used their property. In modern economies, unequal bargaining power left workers at the mercy of their employers. Not only adults but children were forced to work under intolerable conditions:

May we not say that any intentional injury to another may be legitimately punished by a public authority, and may we not say that to impose twelve hours’ daily labour on a child was to inflict a greater injury than the theft of a purse for which a century ago a man might be hanged? (p. 43)

As opposed to traditional liberal theory which construed freedom as an absence of interference, Hobhouse argued that freedom required constraint. This was clearly true of negative freedoms, as for instance, my freedom of worship depends on preventing other people from interfering with it. In arguing that property could not be used in ways that harm other people, Hobhouse extended similar reasoning to the economic sphere.

Because freedom entailed more than an absence of restraint, Hobhouse developed a new analysis of freedom. Like Green, he rooted this new conception in development of individual personality: “The foundation of liberty is the idea of growth” (p. 59). Because aspects of the personality that were capable of growth required proper social conditions if they were to flourish, the goal of social policy was to create such conditions, even if this required limiting traditional negative liberties. The need to restrict traditional property rights was especially clear in the economic leverage that allowed employers to force their workers to work unconscionably long hours or in terrible conditions.

Like Green, Hobhouse rooted his view of growth in the community. In the community properly conceived, all individuals were able to develop together. Hobhouse held an “organic” conception of society: “A thing is called organic when it is made up of parts which are quite distinct from one another, but which are destroyed or vitally altered when they are removed from the whole” (p. 60). Thus the human body was organic, because its continued existence depended on different organs and systems functioning harmoniously, while the continued existence of the different organs in turn depended on the body as a whole continuing to function. Something similar was true of the relationship between individuals and society. The former depended on society for central aspects of their being: an individual “would be something utterly different if he could be separated from society. A great deal of him would not exist at all” (p. 60). Society in turn depended on the proper functioning of the individuals who constituted it. The implication, again as with Green, was

the possibility that all individuals could develop harmoniously, while liberty was participating in this process (see pp. 63–4). We should note, however, that, unlike Green, Hobhouse supported his view of social harmony through an application of evolutionary theory, and so science rather than religious-infused views common to British idealism.⁴⁴

Similar reasoning was extended to rights. Hobhouse rejected traditional natural rights, arguing that they were social creations. The content of rights rested on what was required for harmonious development of society and its members: the individual's "rights and his duties are alike defined by the common good" (pp. 60–1). It follows that individual rights "cannot conflict with the common good, nor could any right exist apart from the common good" (p. 61). What was true of other rights also held for property rights: "We must not assume any of the rights of property as axiomatic. We must look at their actual working and consider how they affect the life of society" (p. 48). Like other rights, property rights owed their existence to the needs of society, and the specific shape they should assume depended on social benefit.

As with Green's theory, one could criticize Hobhouse for unduly subordinating the individual to the community. If rights cannot conflict with the common good, there is an obvious danger that individuals will be forced to conform to society. Unlike Mill, who believed that an individual's own good is essentially his own business, Hobhouse argued that individuals may be forced to conform. Thus the insane may be restrained for their own benefit, and something similar held for a drunkard. For the latter, the question of restraint was answered in regard to "whether such capacity of self-control as he retains would be impaired or repaired by a period of tutelar restraint" (p. 73). Hobhouse claimed: "There is nothing in all this to touch the essential of liberty which is the value of the power of self-governance where it exists." Where it did not exist "it is right to save men from suffering" (pp. 73–74). Still, Hobhouse argued that society is nothing more than the individuals who composed it—however harmoniously they were bound. He dismissed the idea of supersocietal entities such as a group mind. Moreover, he argued that it was not the business of society to impose virtue on people. By its very nature, individual growth depends on the individual himself. It cannot be coerced but must be impelled from within. The state, however, played a crucial role in this process. One of its main functions was to make sure individuals had resources their development required (p. 69), while one way this was done was by providing employment opportunities. Hobhouse wanted individuals to work and so to provide for themselves. But this was not always possible, and when it was not, the state must see to their needs. Central to Hobhouse's view of the relationship between the individual and society was a conception of reciprocity. Individuals contributed to society by working, and in return, society made sure they were provided with what they needed in order to

⁴⁴ Freedman, *New Liberalism*; Collini, *Liberalism and Sociology*.

lead good lives (p. 100). This included people who did not work outside the home and were not paid for their work. Reciprocity demanded that they too receive essential resources from society:

[I]f we grant . . . that it is demanded of all sane adult men and women that they should live as civilized beings, as industrious workers, as good parents, as orderly and efficient citizens, it is, on the other side, the function of the economic organization of society to secure them the material means of living such a life, and the immediate duty of society is to mark the points at which such means fail and to make good the deficiency.

As Hobhouse continued, he noted that a worker's wages should "cover not only the food and clothing of wife and children, but the risks of sickness, accident, and unemployment. It ought to provide for education and lay by for old age."⁴⁵

One could respond to Hobhouse's position along lines we have seen. Why should Adam be forced to surrender some of his property only to benefit other people? Hobhouse criticized the traditional, Lockean view of property rights underlying this position along two lines. While Locke argued that individuals acquired property by mixing their labor with natural objects, Hobhouse focused on types or aspects of property that were clearly not earned in this sense. In both of these arguments, Hobhouse pushed against the idea that individuals were solely responsible for their property and so were morally entitled to it. He contended that property had "a social as well as a personal basis" (p. 90). His first argument depended on the need for societal background condition if individuals were to enjoy their property: "it is the organized force of society that maintains the rights of owners by protecting them against thieves and depredators." Without the police and criminal justice system, property was of little value (p. 91). Society contributed in other ways as well: for instance, by providing transportation and communication facilities and an educated workforce that was needed for production (p. 92). Hobhouse's second argument turned on the claim that much wealth was unearned. An important example was the increased value of real estate as population increased in a particular area. This idea of an "unearned increment," which may be taxed heavily, went back to Mill and was widely popularized through the work of Henry George.⁴⁶ According to Michael Freedon, when George filled in Mill's undefined "general circumstances of society" with a clear account of rent as a social product: "The concept of unearned increment [. . .] became a major mechanism in the development of a new concept of society and of social relations."⁴⁷ As we will see in Chapter 4, this idea figured

⁴⁵ Hobhouse, *Liberalism*, pp. 98, 100.

⁴⁶ J. S. Mill, *Principles of Political Economy*, bk. 5, chap. 2; H. George, *Progress and Poverty* (New York: Schalkenbach Foundation, 2008).

⁴⁷ Freedon, *New Liberalism*, p. 43.

heavily in debates about funding social programs among the early liberal reformers. Other sources of unearned wealth included speculation and inheritance. Rather than endorsing “crude measures of redistribution,” Hobhouse argued that, with the individual and social factors of property carefully distinguished, the latter should be brought into the “public coffers” to improve the lot of the needy (p. 91). This was the other side of Hobhouse’s principle of reciprocity: that the rewards received not only by the poor but also by the rich should reflect their contributions to society.

In Chapter 4, we will see how principles like Green’s and Hobhouse’s were employed in justifying the British welfare state. Once again, their theories provide effective ways for circumventing the constraints of individualist liberalism. Although, I do not contend that their approach is the only possible one, their views illustrate central ways in which individualist constraints can be weakened. Three points in this regard are particularly important and should be emphasized.

- (i) In countering individualism, both Green and Hobhouse rejected the Lockean view of rights as natural and so not depending on society. This is also true of property rights, which are created by society and the existence of which stem from their contributions to social welfare.
- (ii) Closely related, both thinkers presented collective or communal conceptions of society. Individuals are viewed as members of their communities, on which they are dependent in important ways. Notably, they are able to develop their higher powers and so achieve their potential only as members of the community. Rights, conceptualized as community creations, are assessed in regard to their contributions to individual development. Both Green and Hobhouse advanced strong conceptions of the common good, which was accomplished as all individuals developed their capacities, which they were able to do in common. Critics of both thinkers called attention to possible authoritarian implications of their views of the community and common good.
- (iii) For Hobhouse especially, these conceptions of the individual and community came together in a strong view of reciprocal relations between them. As the common good was development of all, individuals contributed to this and achieved their own good in doing so. In return, individuals were owed essential support from the community. Because acquisition of property required contributions of the community, property owners had obligations to pay back some of what they owned, while the community’s contributions gave its members rights to property. If we translate these relationships into the language of positive rights, then Hobhouse contended that the bearer of the correlative duty to supply resources necessary for individual development was the community. If Adam contributed to the community, the community owed him in return resources necessary for his development. Difficult issues can be raised in regard to the precise nature of the community and exactly how this correlative duty is borne. But because a strong argument can be made in regard

to community contributions to individual property, a defensible position can be worked out. Moreover, as we have seen, these difficult issues can be largely sidestepped if members of society conceive of themselves as members of the community in some collective sense, in which case the fact that they bear this duty will be readily accepted.

We turn now to the rise of ideas similar to those of the new liberalism in the American context. But we will first explore the influence of Lockean individualist ideas to which these new ideas responded.

CHAPTER 3

Individualism and Progressivism: Conceptual Underpinnings

Having looked into the nature of Lockean individualism and the theoretical alternative presented by new liberalism, we will briefly examine variants of these ideas that were present in American political culture before the advent of the welfare state. We are especially interested in the conceptual apparatus of Lockean liberalism as it functioned in the views of both proponents and opponents. In Section 1, we look at the particular conceptions of freedom and related ideas dominant in American judicial philosophy during this period and how they impeded attempts to address problems of a laissez-faire economy. Section 2 surveys figures associated with the Social Gospel movement who attempted to counter the political culture's individualism. Although strictly speaking they were likely not influenced by new liberalism, they attempted to reformulate Lockean concepts along related lines. In the final section, we examine similar efforts of Theodore Roosevelt, who carried ideas for reform into the 1912 presidential election, as the nominee of the Progressive Party.

Because Lockean views of freedom and rights make it difficult to justify social welfare programs, a full response requires that these concepts be reformulated. Such a need was recognized by figures we will discuss. In Chapter 5, we will note that Franklin Roosevelt too recognized this need throughout much of his career, into his first term as president. However, when he had to justify actual welfare programs, he moved away from these ideas and attempted the difficult feat of justifying non-Lockean programs on the basis of Lockean ideas.

(1) Laissez-Faire Liberalism

Throughout the later decades of the nineteenth century and the early decades of the twentieth, American political culture was largely dominated by ideas, similar to those discussed in Chapter 2. Important elements included expansive Lockean conceptions of rights, especially property rights, along with closely related ideas of

freedom of contract and strictly limited functions of government. Economic doctrines of this period depicted the laws of the market as natural laws, which took precedence over laws made by men

In the period following the Civil War, American political economists were strongly influenced by the laissez-faire theories of British economists. Sidney Fine states: “From 1865 to 1885 political economy and laissez-faire were virtually synonymous in the United States.”¹ Influenced by Social Darwinism as well, leading American theorists argued for strict separation between business and the state, depicting life in society as a struggle in which the fittest prevailed.² For government to interfere with the economy was to violate the higher laws, in a manner analogous to how theorists depicted government interference with natural rights. This view was supported by the “Social Darwinist” philosophy of Herbert Spencer, which enjoyed strong influence in the United States.³

During this period, a similar outlook dominated American law. Morton Horwitz writes in his history of the subject that “commitment to a neutral, non-redistributive state” was “perhaps the most central tenet of late-nineteenth century legal orthodoxy.”⁴ At the core of the legal system was a conception of the law as “a structure of impartial and self-executing norms.” Central elements of this view, including rules concerning property, contracts, torts, and other matters, “had been infused with the individualistic premises of a self-executing market economy composed of small, competitive units.”⁵ This combination of elements supported a relationship between society and government centering on a minimal state—so-called “anarchy with a constable.”

In the late nineteenth and early twentieth centuries, this combination of ideas was manifested in a series of important judicial decisions. According to the Fourteenth Amendment of the Constitution, people cannot be deprived of their life, liberty, or property “without due process of law.” Obviously, strong conceptions of negative liberty and property rights made it difficult so to deprive them, while these were interpreted as encompassing other aspects of economic activity, including freedom of contract⁶ Writing for a unanimous Supreme Court in *Allgeyer v. Louisiana*, in

¹ S. Fine, *Laissez-faire and the General-Welfare State* (Ann Arbor: University of Michigan Press, 1956), p. 47.

² *Ibid.*; R. Hofstadter, *Social Darwinism in American Thought, 1860–1915* (Philadelphia: University of Pennsylvania Press, 1944).

³ See Fine, *Laissez-Faire*, chap. 2; Hofstadter, *Social Darwinism*.

⁴ M. Horwitz, *The Transformation of American Law: 1870–1960* (Oxford: Oxford University Press, 1992), p. 16.

⁵ *Ibid.*, p. 4

⁶ For the history of freedom of contract, see C. McCurdy, “The ‘Liberty of Contract’ Regime in American Law,” in *The State and Freedom of Contract*, ed. H. N. Scheiber (Stanford, CA: Stanford University Press, 1998).

1897, Justice Rufus Peckham argued that the right to enter into employment contracts falls within the freedoms covered by the Fourteenth Amendment:

The liberty mentioned in that amendment means not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary and essential to his carrying out to a successful conclusion the purposes above mentioned.⁷

In keeping with the common idea that one's liberty is limited by the harm one can do to others, the Court recognized that economic liberty may be limited by the state's "police power," that is, by the need to prevent significant harms. But this was construed narrowly. In its decision in *In re Jacobs*, which concerned a law against cigar making in New York City tenements, the New York Court of Appeals argued for strict limitations of police power. That court claimed that this power may not invade fundamental rights and so must address only clear harms with appropriate means, and that the courts rather than the legislature must be the final judge of whether these criteria are met.⁸ According to Benjamin Twiss, this decision was cited "in practically every case in which state power over individual liberty and property rights was challenged."⁹ In subsequent years, different courts appealed to a strong conception of freedom of contract and accompanying weak conception of police power in order to strike down a host of state regulations. These included laws prohibiting fining employees for imperfect work, requiring overtime pay for working more than eight hours a day, prohibiting private contractors working on municipal projects from having their workers work more than eight hours a day, and numerous others.¹⁰ The main exceptions allowed by the courts were laws protecting women and children, who were viewed as not sufficiently able to take care of themselves and so not sufficiently independent to enter into contracts on their own.¹¹

The most notorious decision during this period was the 1905 case, *Lochner v. New York*.¹² At issue was a New York State law forbidding night bakers to work

⁷ *Allgeyer v. Louisiana*, 165 U.S. 578 (1897), 589.

⁸ 98 N.Y. 98 (1885); for discussion, see Fine, *Laissez-Faire*, p. 157.

⁹ Quoted by Fine, *Laissez-Faire*, p. 156.

¹⁰ *Ibid.*, p. 159.

¹¹ D. O'Brien, *Constitutional Law and Politics*, 2 vols., 2nd ed. (New York: Norton, 1995), 2:252–64; G. Gunther, *Individual Rights in Constitutional Law*, 4th ed. (Mineola, NY: Foundations Press, 1986), pp. 124–5.

¹² *Lochner v. New York*, 198 U.S. 45 (1905). Parenthetical page references are to this decision.

more than sixty hours a week. The decision, again by Peckham, followed the reasoning mentioned in the previous paragraph. Peckham argued according to an expansive conception of liberty of contract and a narrow one of police powers:

The general right to make a contract in relation to his business is part of the liberty of the individual protected by the Fourteenth Amendment of the Federal Constitution. *Allgeyer v. Louisiana*, 165 U.S. 578. Under that provision no State can deprive any person of life, liberty or property without due process of law. The right to purchase or to sell labor is part of the liberty protected by this amendment, unless there are circumstances which exclude the right. (p. 53)

Peckham recognized that, however important, this right is constrained by the police power. But as noted in the last paragraph, this was construed narrowly. The law in question was ruled to involve “neither the safety, the morals, nor the welfare of the public” (p. 57). Because the act violated freedom of contract and did not fall under the police power, it was unconstitutional. Moreover, Peckham added that the law seemed to be so remote from the police power that health concerns must have been a pretext. He suggested that “in reality,” the law must have been “passed from other motives” (p. 64). *Lochner* was a 5–4 decision. In one of the case’s two dissents, Justice John Harlan argued that the statute in question plainly was enacted in order to protect the health of bakers, and that determining whether it furthered this end should fall to the legislature rather than the courts (p. 69). In the other, more famous dissent, Oliver Wendell Holmes questioned the majority decision’s underlying rationale. Holmes contended that they reasoned according to a *laissez-faire* view of economics, which was not universally accepted (p. 75) and which he attributed to Spencer. Holmes claimed that this should be no part of the law:

The Fourteenth Amendment does not enact Mr. Herbert Spencer’s *Social Statics*. . . . [A] constitution is not intended to embody a particular economic theory, whether of paternalism and the organic relation of the citizen to the State or of *laissez-faire*. It is made for people of fundamentally differing views, and the accident of our finding certain opinions natural and familiar or novel and even shocking ought not to conclude our judgment upon the question whether statutes embodying them conflict with the Constitution of the United States. (pp. 75–6)

But in spite of the arguments of Harlan and Holmes, the *Lochner* decision became the law of the land, and its reasoning did much to shape legislation for decades to come.

It is important to note once again that the set of ideas we have been reviewing constitute a tightly integrated package. Belief that the natural laws of the market will move in a beneficent direction without state interference goes hand in hand

with strong conceptions of negative liberty and property rights, which also provide protection from the state. The formalistic view of law as “a structure of impartial and self-executing norms” pushes in a similar direction. These ideas and others implied a minimal area in which state interference was justified, and that beyond that point, interference in economic affairs violated expansively conceived rights and freedom. The highly integrated nature of these ideas created difficulties if one wished to revise only one of its elements. Even though it is possible to substitute a positive conception of rights for the predominant negative one, unless other elements of the package are modified in accordance with this revised concept, the results will likely make for theoretical incoherence. Moreover, defending the new conception from attacks will be difficult. Opponents will be able to work from within, drawing out implications of elements of the package that had not been changed, and so are incompatible with positive rights. As we will see, dynamics along these lines have played out in regard to theoretical justifications of American welfare state programs from their original inception and continue to the present day.

(2) Progressive Ideas

In US political culture, individualist ideas did not go unchallenged. In the late nineteenth and early twentieth centuries, important thinkers and political figures argued against Lockean individualism. The period in question is generally referred to as the Progressive Era. In this section we discuss thinkers associated with the Social Gospel movement, and then at Theodore Roosevelt who ran for president as the Progressive Party candidate in 1912. Although these actors did not present a single, strict doctrine, a set of similar ideas can be clearly seen, which also strongly resembles the new liberalism growing up in Britain during this period.

As the term is commonly used, the Progressive Era was a period of political reform in the United States, from roughly 1890 until World War I. It is not necessary to survey the period in detail here. Rather, we are interested in critiques of laissez-faire economics and its philosophical foundations that attained widespread influence in the United States. In spite of its purported exceptionalism, at this time the United States was “peculiarly open” to the influence of European ideas.¹³ Critiques of laissez-faire developed by German economists were taken up by American economists and members of the “Social Gospel.” The latter was a diffuse Protestant movement motivated by concerns of Christian charity and social justice. Walter Rauschenbusch, one of the movement’s important theologians, describes it as the “adjustment of the Christian message to the regeneration of the social world.”¹⁴ The Social Gospel was critical of

¹³ D. T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge, MA: Harvard University Press, 2000), p. 4

¹⁴ W. Rauschenbusch, *A Theology for the Social Gospel* (Nashville: Abingdon Press, 1945), p. 7.

individualism; leaders of the movement regarded themselves as “in revolt against the excessive individualism of Protestant theology.”¹⁵ As part of this movement, Social Gospel activists criticized the excessive individualism of laissez-faire economics. Many figures who developed critiques along these lines had pursued further study in Germany. In 1873, German critics of *Manchestertum* (Manchester economics), as it was referred to, organized the *Verein für Sozialpolitik* (Social Policy Association).¹⁶ Richard Ely, an important economist and theorist of social reform, and a central figure in the Social Gospel, comments in his autobiography on the dogmatism among US economists during this period. Ely cites Professor A. L. Perry of Williams College, according to whom the laws of the market were not only “laws of natural liberty and natural order” but express the “will of the Almighty.”¹⁷ Economics was more open in Germany. Ely identified Karl Knies of the University of Heidelberg, one of the founders of the school of historical economics, as his master in Germany.¹⁸ Also influential was Adolf Wagner, who had expressed the view that “everything turns on a reform of the idea of property.”¹⁹ Back in the United States, in 1885 Ely and other like-minded economists founded the American Economics Association in order to combat the orthodoxies of the economics profession. Of the association’s initial six officers, five had studied in Germany, as had at least twenty of its first twenty-six presidents.²⁰ An initial draft of the AEA’s platform, composed by Ely, began:

We regard the state as an educational and ethical agency whose positive aid is an indispensable condition of human progress. While we recognize the necessity of individual initiative in industrial life, we hold that the doctrine of laissez-faire is unsafe in politics and unsound in morals.²¹

In subsequent years, Ely and other economists attained influence as advocates of social reform by advising pressure groups such as the American Association for Labor Legislation, the National Consumers’ League, and the National Child Labor Committee.²²

Largely as a result of these influences, during this period, critique of laissez-faire economics and its theoretical underpinnings became a common theme in American public discourse. Aspects of this overall critique included criticisms of traditional conceptions of property and freedom and espousal of a collective conception of

¹⁵ J. Dombrowski, *The Early Days of Christian Socialism in America* (New York: Octagon Books, 1977), p. 17.

¹⁶ Rodgers, *Atlantic Crossings*, p. 83 (Rodgers gives the date as 1872).

¹⁷ R. Ely, *Ground Under our Feet: An Autobiography* (New York: Macmillan, 1938), p. 127.

¹⁸ *Ibid.*, pp. 43-4.

¹⁹ Rodgers, *Atlantic Crossings*, p. 90.

²⁰ *Ibid.*, p. 86.

²¹ Ely, *Ground Under our Feet*, p. 136.

²² Rodgers, *Atlantic Crossings*, p. 110.

society. In regard to property rights, a basic critique shared by economists and theologians was that private property frequently benefited the few at the cost of the many and contributed to a corrupt, individualist ethos. We have seen that Green and Hobhouse viewed property rights as derived from their social usefulness, rather than natural law. Throughout the Progressive movement, similar criticisms of traditional Lockean views of property gained wide purchase. Eldon Eisenach states:

Across the range of Progressive writings and throughout this entire period one finds a persistent attack on rights and individualism as worthy foundations for American national democracy. In their economic writings Progressive intellectuals constructed a powerful case against theories of property rights premised on natural rights. All rights to property, they argued, should be seen as granted by the community contingent on the performance of duties set by the community.²³

Ely describes private property as a “social trust,” which exists for the good of society rather than for the individual owner. In his words, “it is now recognized that the arguments in favor of private property are based chiefly on the benefits which society derives therefrom.”²⁴ Similar views were common in the Social Gospel. According to a theologian, George Davis Herron:

Property is valuable only as it is the instrument of justice between man and man, and a bond of fellowship with God. Property has a right to protection only as it is designedly working out the whole welfare of man.²⁵

Along similar lines, the theologian Samuel Z. Batten recognized the primacy of the welfare of the community over individual property rights: “the total resources of the State—the material basis of every life—are to be held in trust for the benefit of all, and no one class must be allowed to obtain an utter and disproportionate share of the common heritage.”²⁶ Ely extended this argument to rights of free contract as well as property rights:

I brought forth the view that property and contract were established and are maintained for social purposes and find their limitations in social welfare.²⁷

²³ E. Eisenach, *The Lost Promise of Progressivism* (Lawrence: University Press of Kansas, 1994), p. 187.

²⁴ Ely, *Studies in the Evolution of Industrial Society*, 2 vols. (1903; repr. Port Washington, NY: Kennikat Press, 1971), 1:88.

²⁵ G. D. Herron, *The New Redemption* (New York: Thomas Crowell, 1893), pp. 30–1.

²⁶ S. Z. Batten, *The Christian State* (Philadelphia: Griffith and Rowland Press, 1909), p. 389.

²⁷ Ely, *Ground Under Our Feet*, p. 271.

Closely related were critiques of negative freedom. This too, it was argued, contributed to excessive individualism. Economists and Social Gospel thinkers advanced alternative conceptions of liberty closely related to Green's positive freedom. According to Ely: "Liberty means freedom to develop and to grow. It has its positive as well as its negative aspects. It means the absence of constraint, and also it means the presence of condition which make possible the unfolding of our faculties."²⁸

Similar themes were expounded by John Dewey. In his 1908 textbook, *Ethics*, coauthored by James H. Tufts, Dewey makes what is now a common distinction between formal and substantive freedom. The former is empty and abstract, while the latter requires "positive control of the resources necessary to carry purposes into effect" and "mental equipment with the trained powers of initiative and reflection" required for free preference and "circumspect and far-seeing desires."²⁹

In other contexts, Dewey further developed this theme. In his 1935 book, *Liberalism and Social Action*, he praised Green for remaining faithful "to the ideals of liberalism; the conceptions of a common good as the measure of political organization and policy, of liberty as the most precious trait and very seal of individuality, of the claim of every individual to the full development of his capacities."³⁰ Like Green, Dewey closely tied development of the individual to that of the community.³¹ As with Green, this position held potential dangers, which were made manifest in the writings of other thinkers. Consider Samuel Batten: "For true liberty is a positive thing, and to consider its negative aspects alone is to miss its high and divine significance. . . . [T]rue liberty means the voluntary sacrifice of self for the common life."³²

The ideas of the Social Gospel achieved prominence in national politics through the efforts of Theodore Roosevelt, most notably in his 1912 campaign. Discussion of the American welfare state on the national level may be said to have begun with this election. The incumbent president, William Howard Taft, was opposed by Woodrow Wilson, who had won the Democratic nomination. Roosevelt ran as the third-party standard bearer of the Progressive Party. As the candidate of a party that encompassed many of the most powerful reform movements in American politics, Roosevelt supported a platform and a list of proposals that were "progressive" in the ordinary sense of the term, and so lived up the name of his party.

²⁸ Ely, "Liberty a Social Product," *Our Day*, Dec. 16, 1896, 671–72; see Fine, *Laissez-Faire*, p. 209; J. Kloppenberg, *Uncertain Victory* (New York: Oxford University Press, 1986) pp. 277–97.

²⁹ J. Dewey and J. H. Tufts, *Ethics*, (New York: Henry Holt, 1908), p. 438.

³⁰ J. Dewey, *Liberalism and Social Action*, (Amherst, NY: Prometheus Books, 2000), p. 33.

³¹ *Ibid.*, p. 34: "Only by participating in the common intelligence and sharing in the common purpose as it works for the common good can individual human beings realize their true individualities and become truly free."

³² Batten, *Christian State*, p. 219.

The platform laid out a set of demands and policy proposals, which, if implemented, would have amounted to a significant welfare state.³³ These included demands for improving the conditions of labor:

The supreme duty of the Nation is the conservation of human resources through an enlightened measure of social and industrial justice. We pledge ourselves to work unceasingly in State and Nation for:

Effective legislation looking to the prevention of industrial accidents, occupational diseases, overwork, involuntary unemployment, and other injurious effects incident to modern industry;

The fixing of minimum safety and health standards for the various occupations, and the exercise of the public authority of State and Nation, including the Federal Control over interstate commerce, and the taxing power, to maintain such standards;

The prohibition of child labor;

Minimum wage standards for working women, to provide a "living wage" in all industrial occupations;

The general prohibition of night work for women and the establishment of an eight hour day for women and young persons;

One day's rest in seven for all wage workers;

The eight-hour day in continuous twenty-four hour industries;

The abolition of the convict contract labor system; substituting a system of prison production for governmental consumption only; and the application of prisoners' earnings to the support of their dependent families.³⁴

While many of these proposals were well ahead of their times on the federal level, movements to pass measures for the protection of labor were already established in many states, and much important legislation had been or soon would be passed. Although these were state laws and so not vulnerable to objections based on the "commerce clause" of the US Constitution, different courts continued to impede such legislation, largely on grounds of freedom of contract and protection of property rights, as in the *Lochner* case and many others.

As in other countries, in the United States, labor legislation began in regard to child labor.³⁵ The first child labor law was passed by Massachusetts, in 1852 (p. 411). By 1879, seven states had minimum-age laws for children, though generally only

³³ Progressive Party platform, 1912, <http://www.presidency.ucsb.edu/ws/?pid=29617> (Sept. 2014).

³⁴ *Ibid.*

³⁵ E. Brandeis, "Labor Legislation," in *History of Labour in the United States*, ed. J. R. Commons et al., 3.400 (New York: Macmillan, 1935). Parenthetical page references in this paragraph refer to this work. See also *ibid.*, chap. 2, E. S. Johnson, "Child Labor Legislation," pp. 403–57.

applicable to those employed in factories (p. 403). By 1899, twenty-eight states had such laws (p. 404). In regard to employment of women, legislative reform began in New Hampshire, in 1847 (p. 461). By 1896, thirteen states had laws on the books, though these were generally ineffective (p. 457). By 1933, all but six states had laws (pp. 457–58). The pattern was similar in other areas. For instance, by 1923, seven states had minimum-wage laws on the books, although movement in this direction was halted by an adverse Supreme Court decision (p. 504).³⁶ In regard to old-age pensions, the first law was passed by Arizona in 1915, but it was declared unconstitutional by the Arizona Supreme Court (p. 611).³⁷ By 1932, there were laws on the books in seventeen states (p. 611). In spite of the progress such legislation represented, much remained to be done, and so the significance of the platform's demands.

One area in which the platform broke new ground was in regard to welfare programs. By 1912, measures to deal with economic hardships caused by unemployment, old age, and illness had been legislated in several countries, including Germany and England. The Progressive Party began the process of injecting these issues into US national politics. Its recommendation on social insurance stated:

The protection of home life against the hazards of sickness, irregular employment and old age through the adoption of a system of social insurance adapted to American use.

This was the first significant introduction of health insurance into American politics—almost one hundred years before something approximating universal insurance was finally enacted.

(3) Theodore Roosevelt's Progressive Ideas

Especially through his 1912 campaign, Roosevelt helped to spread the intellectual underpinnings of a federal welfare state. Although not an original thinker, Roosevelt recognized the impediments to reform represented by extreme individualism, which he forcefully criticized. However, while the negative or critical side of Roosevelt's ideas was fairly well developed, the same could not be said for a positive theoretical alternative. Although he had definite ideas in regard to curbing the power of the courts, a robust defense of social welfare programs was largely absent from his speeches and other writings.

³⁶ *Adkins v. Children's Hospital*, 261 U.S. 525 (1923).

³⁷ *State Board of Control v. Buckstegge*, 18 Arizona 277 (1916).

Roosevelt's criticisms of individualism were in accord with wider tendencies in American political thought during this period and from which he derived his ideas. His Progressive Party was largely fueled by the Progressive movement, while his connections with the Social Gospel were apparent and well known. This connection became especially clear in regard to the religiosity of his campaign, epitomized in his famous declaration at the Progressive Party convention: "We stand at Armageddon, and we battle for the Lord."³⁸ It is especially interesting to note the direct influence of Social Gospel theorists, notably Ely, with whom Roosevelt was acquainted. According to Ely, he "must have had some influence on" Roosevelt, through his "student and friend, Dr. Albert W. Shaw,"³⁹ who was an influential journalist and Roosevelt's close friend.⁴⁰ Stronger evidence was direct testimony of Roosevelt himself. At a dinner party, when Ely was being introduced to Roosevelt, the latter said: "I know Dr. Ely. He first introduced me to radicalism in economics and then he made me sane in my radicalism."⁴¹

For our purposes, most interesting are Roosevelt's direct critiques of individualist ideas, including Lockean property rights and negative freedom, although it appears that he was more interested in direct political implications of the ideas than the ideas themselves. Although his positive alternative was weaker, he expressed interesting suggestions concerning equality of opportunity and an alternative conceptualization of liberty.

Roosevelt's reflections on these ideas were bound up with a series of linked issues that dominated his rhetoric in the 1912 campaign. He was an opponent of concentrated economic power in the hands of trusts and giant corporations, and sought to use the power of the government to regulate them. In this light, he viewed liberty as manifested in laissez-faire policies as licensing the corporations to take advantage of much weaker individuals. He viewed this as a central weakness of Woodrow Wilson's proposals. Wilson's "New Freedom" "turned out in practice to mean perfect freedom for the strong to wrong the weak."⁴² Two important implications Roosevelt drew were a general criticism of what he viewed as excessive individualism and linked conceptions of rights and liberty, and bitter critique of the courts, which, reasoning on the basis of extreme forms of these concepts, supported corporate power. In his *Autobiography*, Roosevelt complained that courts had rendered their offending decisions "sometimes as upholders of property rights against human rights, being especially zealous in securing the rights of the very men who

³⁸ Roosevelt, "A Confession of Faith" (speech, Chicago, IL, Aug. 6, 1912), <http://www.theodore-roosevelt.com/images/research/speeches/trarmageddon.pdf> (Sept. 2011).

³⁹ Ely, *Ground Under Our Feet*, p. 278.

⁴⁰ E. Morris, *Theodore Rex* (New York: Random House, 2002), p. 126.

⁴¹ Ely, *Ground Under Our Feet*, pp. 278–9.

⁴² *T. Roosevelt: An Autobiography* (www.bnppublishing.net, n.d), p. 261.

were most competent to take care of themselves.” As interpreted by the judiciary, Wilson’s “so-called ‘new freedom,’ [was] in reality the old ‘freedom,’ which secured to the powerful the freedom to prey on the poor and the helpless.”⁴³ Although he had done relatively little to improve the conditions of workers and otherwise promote social justice when he was president,⁴⁴ Roosevelt was aware of the need to protect labor from such difficulties as falling wages, increased hours, and deterioration of labor conditions. But once again, the courts stood in the way. He believed that, during the past twenty-five years, they had functioned as “well-nigh or altogether insurmountable obstacles in the path of needed social reforms.”⁴⁵ One decision he repeatedly criticized was what he called “the Bakeshop case.” Just, as it had been necessary to reverse the Dred Scott decision, he argued, it was necessary to reverse the Lochner decision, “in the interest of the people against that form of monopolistic privilege which put human rights below property rights where wage workers were concerned.”⁴⁶

Roosevelt appealed to an idea of democracy in order to justify curbing the power of the courts. He viewed it as undemocratic that judges could impose their will on the other branches of government and thus limit their ability to enact needed reforms. Accordingly, he proposed that judicial decisions be subject to popular referendum, along with other proposals to allow the people to rule. While not advocating recall of judges themselves, he argued for subordinating their power to that of the people.⁴⁷

A specific case to which Roosevelt especially objected was the 1911 decision of the New York Court of Appeals, *Ives v. South Buffalo Railway*,⁴⁸ which threw out a New York State workmen’s compensation law. This court’s reasoning was based on a now familiar, strong interpretation of property rights:

One of the inalienable rights of every citizen is to hold and enjoy his property until it is taken from him by due process of law. . . . The right [440] of property rests not upon philosophical or scientific speculations nor upon the commendable impulses of benevolence or charity, nor yet upon the dictates of natural justice. The right has its foundation in the

⁴³ Ibid.

⁴⁴ See Morris, *Theodore Rex*, pp. 505–8.

⁴⁵ Roosevelt, “Judges and Progress,” *Outlook*, Jan. 6, 1912, p. 42.

⁴⁶ Roosevelt, *Autobiography*, p. 264.

⁴⁷ See esp. Roosevelt, “A Charter for Democracy” (speech, Columbus, OH, Feb. 21, 1912), <http://teachingamericanhistory.org/library/index.asp?document=1126> (Dec. 2010); Roosevelt, “The Right of the People to Rule” (speech, New York City, March 20, 1912), <http://www.theodore-roosevelt.com/images/research/speeches/trtotptr.pdf> (Feb. 2010).

⁴⁸ *Earl Ives, Respondent v. The South Buffalo Railway Company, Appellant*, 201 N.Y. 271; 94 N.E. 431; 1911 N.Y.

fundamental law. That can be changed by the people, but not by legislatures. . . . Law as used in this sense means the basic law and not the very act of legislation which deprives the citizen [46] of his rights, privileges or property. Any other view would lead to the absurdity that the Constitutions protect only those rights which the legislatures do not take away. If such economic and sociologic arguments as are here advanced in support of this statute can be allowed to subvert the fundamental idea of property, then there is no private right entirely safe, because there is no limitation upon the absolute discretion of legislatures, and the guarantees of the Constitution are a mere waste of words.

On this reasoning, because they are fundamental, property rights cannot be changed by legislative enactment.

Roosevelt was aware of drawbacks of this position on a number of different levels. A recurrent theme of his speeches was overemphasis of property rights. In his *Autobiography*, he complained that laissez-faire economics “is based upon the conception of the divine right of property.”⁴⁹ Quoting Abraham Lincoln, he excoriated their being favored over “human rights,”⁵⁰ and, especially in regard to freedom of contract, he recognized that formal rights without substantive content were meaningless. If freedom of contract were to have any value, the state must insure that workers were able to bargain fairly with their employers:

[T]o attempt to leave the question of contract between employer and employee merely to individual action means the absolute destruction of individualism; for where the individual is so weak that he perforce has to accept whatever a strongly organized body chooses to give him, his individual liberty becomes a mere sham and a mockery.⁵¹

Under these conditions, the freedom of the worker is the choice whether to “starve out right or else to starve slowly by accepting a wage insufficient to sustain life as it should be sustained.”⁵² “[W]e must not interfere with the ‘liberty’ of a girl to work under conditions which jeopardize life and limb, or the ‘liberty’ of a man to work under conditions which ruin his health after a limited number of years.”⁵³

⁴⁹ Roosevelt, *Autobiography*, p. 353.

⁵⁰ Roosevelt, “The New Nationalism,” (speech, Osawatomie, KS, Aug. 31, 1910, <https://www.whitehouse.gov/blog/2011/12/06/archives-president-teddy-roosevelts-new-nationalism-speech> (Aug. 2010); Roosevelt, *Autobiography*, pp. 286, 261.

⁵¹ Roosevelt, *The New Nationalism*, ed. William E. Leuchtenburg (Englewood Cliffs, NJ, 1961), p. 99.

⁵² Roosevelt, in *Bull Moose on the Stump: The 1912 Campaign Speeches of Theodore Roosevelt*, ed. L. L. Gould, (Lawrence: University of Kansas Press, 2008), p. 95 (The speech was delivered in Spokane, WA, on Sept. 9, 1912).

⁵³ Roosevelt, *New Nationalism*, pp. 44–5.

To counter traditional Lockean concepts, Roosevelt attempted alternative formulations. To begin with, like both Green and Ely, he argued that rights, including property rights, should be subordinate to the community. Part of what he meant by favoring human rights over property rights was that the latter could be maintained only as long as they contributed to the welfare of the community: “every man holds his property subject to the general right of the community to regulate its use to whatever degree the public welfare may require it.”⁵⁴ It followed that property rights were valid only as long as they were compatible with the welfare of the community. And so they should not be allowed to block necessary legislation:

[T]he right to use one’s property as one will can be maintained only so long as it is consistent with the maintenance of certain fundamental human rights, of the rights to life, liberty and the pursuit of happiness, or, as we may restate them in these later days, of the rights of the worker to a living wage, to reasonable hours of labor, to decent working and living conditions, to freedom of thought and speech and industrial representation—in short to a measure of industrial democracy.⁵⁵

Arguing against Wilson in the 1912 campaign, Roosevelt drew important connections between real liberty and government actions. According to Roosevelt, Wilson espoused a simple concept of negative liberty, arguing that liberty requires limiting government power. Roosevelt recognized that times had changed. While Wilson was talking about government as it existed in the past, legislation was now needed in order to protect workers and so secure liberty:⁵⁶

There once was a time in history when the limitation of governmental power meant increasing liberty for the people. In the present day, the

⁵⁴ Roosevelt, “The New Nationalism” (speech).

⁵⁵ Roosevelt, *Autobiography*, p. 291.

⁵⁶ This criticism was not entirely fair to Wilson. Although Wilson did make the remark about negative liberty that Roosevelt criticized (see S. Milkis, *Theodore Roosevelt, the Progressive Party, and the Transformation of American Democracy* [Lawrence: University Press of Kansas, 2009], p. 215.), he had a sophisticated understanding of liberty, including the drawbacks of negative liberty. For instance, in his book, *The State: Elements of Historical and Practical Politics*, Wilson argued that the end, government should promote is that “the individual must be assured the best means, the best and fullest opportunities, for complete self-development.” (W. Wilson, *The State*, rev. ed. (Boston: D. C. Heath, 1918), chap. 4; this work was originally published in 1898.) In *The New Freedom*, published in 1913, Wilson endorsed a positive conception of freedom: “Freedom today is something more than being let alone. The program of a government of freedom must in these day be positive, not negative merely” (*The New Freedom* [New York: Doubleday, 1913], p. 284). Wilson believed that the ends of government required complete equality of opportunity. In practical terms, this entailed a host of reforms: outlawing child labor, limiting occupations of women, ensuring sanitary conditions in factories, limiting the

limitation of governmental power, or governmental action, means the enslavement of the people by the great corporations who can only be held in check through the extension [*sic*] of governmental power.⁵⁷

This view carried Roosevelt to a conception of “real liberty,” well beyond the scope of negative liberty: “There is no analogy whatever, from the standpoint of real liberty, and of real popular need.” With limited government, industry is unchecked, “women must be permitted to work as many hours a day as their taskmasters bid them.”⁵⁸

Roosevelt argued for a new means of defining liberty as well as a new definition.⁵⁹ Part of his case against interference by the courts was that they had usurped the right to define what liberty meant. The courts’ actions were based on expansive interpretations of terms such as life, liberty, and property. These terms had had set meanings in the English speaking world since the time of the Magna Carta:

Until within the last sixty years they were treated as having specific meanings; “property” meant tangible property; “liberty” meant freedom from personal restraint, or, in other words, from imprisonment in its largest definition.

But beginning around 1870 courts gave these terms new meanings:

Now “property” has come to mean every right of value which a person could enjoy, and “liberty” has been made to include the right to make contracts. As a result, when the State limits the hours for which women may labor, it is told by the courts that this law deprives them of their “liberty”; and when it restricts the manufacture of tobacco in a tenement, it is told that the law deprives the landlord of his “property.”

hours of labor in particular trades, and many more. (*The State*, pp. 64–5) But as president, Wilson supported little reform legislation, most likely because he believed it would be unconstitutional (A. Link, *Woodrow Wilson and the Progressive Era: 1910–1917* [New York: Harper and Row, 1954], p. 59). However, nearing the end of his first term and facing a tough re-election fight, he embraced parts of the Progressive social justice agenda. Most notably, he supported a bill to limit child labor (The Keating-Owen Child Labor Bill, which was later declared unconstitutional by the US Supreme Court: *Hammer v. Dagenhart*, 247 U.S. 251 (1918)). He also supported an eight-hour day for railroad workers, going so far as to address a joint session of Congress in support of it (<http://www.presidency.ucsb.edu/ws/index.php?pid=65392>; Dec. 2010). In spite of the orientation suggested in *The State*, there is little reflection on liberal political theory in Wilson’s addresses as president.

⁵⁷ Roosevelt, in *Bull Moose on the Stump*, p. 115 (speech, San Francisco, Sept. 14, 1912).

⁵⁸ *Ibid.*, pp. 112–13.

⁵⁹ Roosevelt, “Right of the People to Rule.”

At issue is whether the people must accept these definitions: "Every people has defined that term [liberty] for itself in the course of its historic development." According to Roosevelt, the people had this right, which was part of self-government. The people could be trusted to govern themselves. Hence the title of the speech: "The Right of the People to Rule."

However, rather than arguing for what he viewed as a philosophically preferable interpretation of liberty, Roosevelt retreated to the terrain of political process. Liberty is what the people, rather than the judges, say it is. A disadvantage of this strategy is that it made it unnecessary for him to develop a sophisticated concept of his own, and to defend it with wholesale modifications of traditional laissez-faire liberalism.

The British Welfare State

The British welfare state began early in the twentieth century. The first significant programs were initiated by the Liberal government, which won a landslide victory in 1906, under the leadership of H. H. Asquith. During World War II, a blueprint for a developed welfare state was presented by William Beveridge in his report, *Social Insurance and Allied Services* (Cmd. 6404), which gained enormous popular and political support. After the war, the Labor government, under Clement Attlee—which had swept Churchill out of office—implemented a complete welfare state, accompanied by nationalization of important industries.

In focusing on moral justification of the British welfare state, we will concentrate on the two reform periods just noted, especially the second. For our purposes, it is not necessary to discuss additional legislation enacted throughout the century. Our examination of the British experience is to provide a contrast with what we have seen and will see in subsequent chapters in regard to developments in the United States. Especially striking is the transformation of public political culture that occurred in Great Britain. As noted in Chapter 1, the Poor Law ethos that dominated early American thinking originated in Britain, and at the time the 1834 report was written, it appears that political culture in the two countries was largely similar. In Britain, these sentiments continued to be dominant for many decades, but by the end of the nineteenth century, public opinion had evolved, allowing the Liberal reforms. While influential segments of British society continued to adhere to Lockean ideas, the “Poor Law principles” were largely discarded, although the Poor Law itself was not officially repealed until the National Assistance Act of 1948. A second—and possibly far greater—shift occurred during the World War II period, which scholars generally attribute to Britain’s traumatic experience during the war. In terms of public opinion, the British people pulled together during the war, allowing major social welfare programs, especially the National Health Service, to be justified in strongly communal terms.

An important respect in which British political culture differed from that of the United States can be seen in the rise of the Labour Party in the early 1900s. In part, the Liberal reforms were influenced by Labour, which had twenty-nine seats in Parliament

and, in 1918, adopted a socialist platform.¹ In contrast to the United States and American exceptionalism, the British population did not recoil from socialism, and, as in virtually all other European countries, has frequently elected Social Democratic governments. The developed welfare program implemented in the years following World War II was put in place by the Social-Democratic Labour government of Attlee.

(1) Lloyd George and Liberal Reforms

According to most authorities, the evolution of the British welfare state was spurred in the late nineteenth century by widespread realization of the extent of poverty in the British population. According to Maurice Bruce, it was “the sheer weight of evidence . . . that made the first decade of the twentieth century a turning point in social policy.”² The process of discovery began during the 1880s. One response was the settlement house movement, which began in 1884 with the establishment of Toynbee Hall in London. The avowed purpose of the settlement movement was to bridge the gap between the wealthy and the poor. Settlement houses provided educational and other services to help the poor better integrate into society. For the wealthy, their main contribution was consciousness-raising in regard to the conditions of the poor. Figures who had served at Toynbee House before gaining later prominence included William Beveridge and Clement Attlee.

Two privately undertaken studies of poverty had significant influence. Charles Booth’s *Life and Labour of the People of London* was begun in 1886; its seventeen volumes were completed in 1906. Intending to present a snapshot of actual conditions, Booth provided a great wealth of detail about London poverty, including that some one-third of the population was at or below the poverty line. Similar conclusions were reached by Seebohm Rowntree, who studied conditions in York. His *Poverty: A Study of Town Life* was published in 1901. Growing awareness of the effects of poverty was furthered by recruitment problems during the Boer War, as a large percentage of those eligible for military service were found not to be healthy enough to serve. A report from the general of recruiting, which noted “the gradual deterioration of the physique of the working classes from whom the bulk of the recruits must always be drawn,” led to school medical service, school feeding of children in elementary school, and other measures.³ Widespread realization of the actual facts of unemployment severely undermined faith in Poor

¹ For brief discussion of Labour platforms before World War II, see S. Beer, *Modern British Politics* (London: Faber and Faber, 1969), pp. 132–37.

² M. Bruce, *The Coming of the Welfare State*, 2nd ed. (New York: Schocken, 1966), p.134; see also Bruce, chap. 5, sec. 2; D. Fraser, *The Evolution of the British Welfare State*, 3rd ed. (Hampshire: Palgrave Macmillan, 2003), chap. 6.

³ See R. Titmuss, “War and Social Policy,” in *Essays on the Welfare State* (1958; repr. Boston: Beacon Press, 1969), p. 80.

Law principles. With shockingly high numbers of people subject to chronic unemployment or underemployment, the view that they themselves were responsible for their plight could not be sustained. As Beveridge argued in his first important work, *Unemployment: A Problem of Industry*, published in 1909, unemployment was beyond the control of any individual: it was a problem of industry, not of individuals.⁴ Realizing that the Poor Law system was “antiquated and utterly worn out,” Gerald Balfour appointed a new commission to investigate the law in December 1905, just as his Conservative government was coming to an end.⁵

The Liberal reforms of 1908–11 signaled both a weakening of Poor Law principles and contributed to their demise. Whereas the Poor Law had earlier regarded poverty as a moral failing, recognition of the pervasiveness of poverty caused largely by unemployment provided impetus to public measures to address the great sea of misery that had been discovered. This is not to say that the Poor Law principles were completely defeated. Their influence was widely felt during the period before these laws were formally repealed,⁶ but we will also briefly note something of a return in more recent years. The Liberal reforms and the arguments used to justify them, however, were powerful countervailing forces

The 1908 Pension Act introduced small pensions financed from national revenues for persons seventy years of age and older. In recognizing poor relief as a national rather than a local responsibility, this measure was a revolutionary development. Although the Liberals had not campaigned on social issues, Lloyd George seized on the pension plan at least in part “to stop the electoral rot” that had set in, as he said in a letter to his brother William.⁷ Still, the act passed with relatively little opposition. The vote in the House of Commons was 417–29; in the Lords, 123–16. Booth’s research especially had demonstrated how much poverty was due to old age, with elders unable to work and support themselves. There had been widespread agitation for pensions for a considerable time, with various plans proposed for some thirty years.⁸ In addition, Denmark and New Zealand had recently implemented noncontributory pension programs. Evidence of the continuing vitality of Poor Law principles was that the Pension Act contained certain moral stipulations. Men who had been in prison, for example, could not receive a pension until ten years after their release, and one was not eligible for a pension if he had “habitually failed to work according to his ability, opportunity, or need for the maintenance or benefit of himself and those legally dependent upon him.”⁹ Still, not surprisingly, the response to

⁴ W. Beveridge, *Unemployment: A Problem of Industry* (London: Longmans, Green and Co., 1909).

⁵ Bruce, *Coming of the Welfare State*, pp. 174–5.

⁶ For instance in the Majority Report of the 1905–9 Poor Law Commission; see Bruce, *Coming of the Welfare State*, pp. 174–8.

⁷ W. George, *My Brother and I* (London: Eyre and Spottiswoode, 1958), p. 220.

⁸ See Fraser, *Evolution of the British Welfare State*, p. 164; D. Levine, *Poverty and Society* (New Brunswick, NJ: Rutgers University Press, 1988), pp. 109–14.

⁹ Quoted in Bruce, *Coming of the Welfare State*, pp. 155–6.

the act by Conservative peers in the House of Lords was moralistic. They described the pensions as “a vast measure of thinly disguised outdoor relief” and claimed that they would be “profoundly demoralizing.”¹⁰ The law’s moral stipulations remained in place until 1919, when they were repealed. Meanwhile, according to Lloyd George, removing the stigma from receipt of public funds had shed light on the extent of poverty among the aged. It showed the existence of “a mass of poverty and destitution in the country which is too proud to wear the badge of pauperism.”¹¹

With the Pension Act in place, Lloyd George began to campaign for health insurance and unemployment insurance. The “People’s Budget” he proposed in 1909 is described as the “first overtly redistributive budget” in Britain.¹² To finance social welfare programs and increased military expenditures, which had become necessary, the budget proposed taxes on such items as cars and gasoline, estate duties, stamp duties, and increased income taxes on high earners. Most important and controversial were land taxes. Central to Lloyd George’s plan was that landowners who had profited from the country’s growth and industrial development should contribute to the alleviation of poverty. Their gain had not been earned, according to the doctrine of the “unearned increment.” Land taxes were especially resisted by the traditional ruling class. When the budget was passed by the House of Commons, it was vetoed by the House of Lords, which sparked a constitutional crisis, eventually leading to the Lords losing their power to veto bills, leaving them only with power to delay.

Unemployment insurance was inspired especially by Churchill, who argued for spreading social risk, by “bringing in the magic of averages to the aid of millions.”¹³ The program of unemployment insurance, providing workers up to seven shillings for up to fifteen weeks, was financed by contributions of workers, employers, and the government. The program of health insurance, which provided mandatory health insurance for workers earning less than £160 per year, was financed by contributions from the same sources. This was far short of a comprehensive health program, as only workers were covered; their families were not included, and the program did not cover hospital costs. But along with old-age pensions, the provisions in the National Insurance Act went some distance toward the ideal of a social minimum. As Churchill expressed in a 1906 speech: “We want to draw a line below which we will not allow persons to live and labour, yet above which they may compete with all the strength of their manhood.”¹⁴ In addition, in basing

¹⁰ *Ibid.*, p. 155.

¹¹ Lloyd George, Speech in Parliament, May 4, 1911; Lloyd George, *The People’s Insurance* (London: Hodder and Stoughton, 1912), p. 3.

¹² N. Timmins, *The Five Giants: A Biography of the Welfare State* (1995; repr. London: Fontana Press, 1996), p. 14.

¹³ Churchill, HC Debate, May 25, 1911, <http://hansard.millbanksystems.com/commons/1911/may/25/national-insurance-bill-1> (Aug. 2013).

¹⁴ Churchill, Glasgow speech, Oct. 11, 1906; Churchill, *Liberalism and the Social Problem* (1909; repr. New York: Haskell House, 1973), p. 44.

benefits on contributions, these measures broke with the Poor Law's least eligibility principle.¹⁵

Lloyd George famously described his budget as a "war budget":

This is a war Budget. It is for raising money to wage implacable warfare against poverty and squalidness. I cannot help hoping and believing that before this generation has passed away, we shall have advanced a great step towards that good time, when poverty, and the wretchedness and human degradation which always follows in its camp, will be as remote to the people of this country as the wolves which once infested its forests.¹⁶

Direct influences in intellectual history are difficult to trace, especially in the case of someone like Lloyd George who was not a political philosopher and not much interested in abstract ideas. According to Bentley Gilbert, "No man in British politics was less affected than Lloyd George by ideology."¹⁷ In regard to motivation, we may safely attribute Lloyd George's inspiration to concern for social justice, which was religiously motivated. According to his brother, William, Lloyd George's "overruling passion throughout life was . . . 'to become a social reformer.' In other words, to make the civil laws . . . more compatible with the principles of human and divine justice."¹⁸ An especially strong influence was his deeply religious uncle, Richard Lloyd, with whom Lloyd George lived after the death of his father. Evidence of the depth of this influence is the copy of the Finance Act that Lloyd George gave his uncle, inscribed: "To Uncle Lloyd, the real author of this Budget, with his pupil's affectionate gratitude."¹⁹

Religious origins notwithstanding, the influence of the new liberalism is apparent in Lloyd George's arguments in favor of his program. During that time, philosophical idealism and new liberalism were pervasive in British educated circles, including much of the political leadership. As Andrew Vincent and Raymond Plant note, nearly all the idealists during the period in question were liberals.²⁰ This is especially significant, because, as Jose Harris states, "the idealist infiltration of the governing elite was merely the tip of a much larger iceberg than has usually been acknowledged."²¹ For example, Asquith had been a pupil of Green at Balliol,²² where

¹⁵ R. Titmuss, intro. W. J. Braithwaite, *Lloyd George's Ambulance Wagon*, ed. H. N. Bunbury and R. Titmuss (London: Methuen, 1957), p. 44.

¹⁶ Lloyd George, "People's Budget," in *Better Times: Speeches of the Right Honorable D. Lloyd George* (London: Hodder and Stoughton, 1910), p. 143.

¹⁷ B. Gilbert, *David Lloyd George: A Political Life*, 2 vols. (London: Batsford, Ltd., 1987, 1992), 1:336.

¹⁸ W. George, *My Brother and I*, p. 27

¹⁹ *Ibid.*

²⁰ A. Vincent and R. Plant, *Philosophy, Politics, and Citizenship: The Life and Thought of the British Idealists* (Oxford: Blackwell, 1984), pp. 75–6.; see also Vincent, "New Liberalism in Britain 1880–1914," *Australian Journal of Politics and History* 36 (1990): 388–405.

²¹ J. Harris, "Political Thought and the Welfare State, 1870–1940," *Past and Present* 135 (1992): 123.

²² Vincent and Plant, *Philosophy, Politics, and Citizenship*, p. 56.

Beveridge had been a pupil of Edward Caird, another noted idealist. Other important figures, including Winston Churchill, were influenced by new liberal ideas.²³ Because of Lloyd George's lack of interest in conceptual analysis, it is not surprising that one finds little or no discussion in his speeches of reconceptualizing freedom or of positive freedom. Still, in a 1908 speech delivered in Swansea, he distinguished between new and old liberalism, and did so along lines that were faithful to the new philosophy. According to Lloyd George, British liberalism would avoid the fate of Continental liberalism, which had been swept away because it refused to adapt to new conditions. By these new conditions, Lloyd George meant moving beyond promoting freedom in the abstract to substantive freedom. Realizing this, British liberalism "has not abandoned the traditional ambition of the Liberal party to establish freedom and equality; but side by side with this effort it promotes measures for ameliorating the conditions of life for the multitude":

It is true that men cannot live by bread alone. It is equally true that a man cannot live without bread. Let Liberalism proceed with its glorious work of building up the temple of liberty in this country, but let it also bear in mind that the worshippers at that shrine have to live.

Lloyd George attributed the Old Age Pension Act to this understanding, and he viewed it as reflecting badly on our civilization that it took so long to provide for "the aged and deserving poor."²⁴

Movement beyond formal liberty alone is not enough to demonstrate the influence of new liberalism, in spite of Lloyd George's apparent reference to it. But additional themes confirm the connection. Central arguments for his program turned on a combination of the unearned increment and a principle of reciprocity, meaning that all who contributed to society should receive basic subsistence from it. In regard to the former, he countered the Poor Law view of the undeserving poor with a depiction of the undeserving rich. As they had not earned this component of their wealth, it should be available to help poorer members of society. This view of property was a central theme in his speech on the People's Budget, which was supported by Churchill among others.²⁵ Unsurprisingly, the Conservatives bridled at this account of property. They recognized the implications of weakening property rights, arguing that the progress of society depended on a traditional understanding of property. Consider the Conservative leader Arthur Balfour's response to the People's Budget:

You have apparently made it your principle to distinguish arbitrarily between one kind of property and another. So blind and ignorant are

²³ *Ibid.*, chaps. 4–5.

²⁴ Lloyd George, "Swansea Speech," *Better Times*, pp. 51–2.

²⁵ See Churchill, *Liberalism and the Social Problem*, pp. 377, 398–99.

you of the fact that it is impossible to attack one kind of property without throwing a shade of fear . . . and suspicion over every other class of property. . . . Whatever the House may do with them, even the fact that you have proposed them . . . has disturbed the mind of everybody who reflects on the many conditions on which an individualistic society, so long as it lasts, can alone flourish.²⁶

Along with appeal to the unearned increment, others of Lloyd George's claims about property were similar to the arguments of Hobhouse. For instance, he contended that part of the value of property is that it is made secure by the state. In his words: "The security ensured for property by the agency of the State, the guaranteed immunity from the risks and destruction of war, ensured by our natural advantages and our defensive forces. This is an essential element even now in the credit of the country."²⁷ Along similar lines, the value of property depended on other public goods provided by the state:

The spread of intelligence amongst the masses of people, the improvements in sanitation and in the general condition of the people. These have all contributed towards the efficiency of the people, even as wealth-producing machines.

As examples, he cited legislation such as the Education Acts and Public Health Acts, as promoting "the growth of a numerous well-to-do class."²⁸

The clearest connection between Lloyd George and the philosophy of the new liberals lies in his overall conceptualization of society. Central to his view of society were mutual obligations between its members, or as his brother, William, described, an understanding of "collective Man, in the form of the State."²⁹ In his speeches Lloyd George regularly appealed to a principle of reciprocity. Those who contributed to society should be rewarded for their contributions, regardless of how they actually fared in market distributions. Taxing the unearned wealth of those who did not contribute was justified, while it was wrong to deny maintenance to those who had contributed. By virtue of contributing to the community, the workman earned a right to be supported. This was an obligation of the state:

A workman breaks down in his prime, and permanently loses his power of earning a livelihood. He has done his best to contribute to the common stock, and he can do no more. Why should he be allowed to starve

²⁶ Quoted in Gilbert, *Lloyd George*, 1:379.

²⁷ Lloyd George, "People's Budget," *Better Times*, p. 93.

²⁸ *Ibid.*, pp. 93–4.

²⁹ *My Brother and I*, p. 276.

and his children to die of hunger in this land of superabundant plenty? A workman dies, having done his duty as faithfully to his country as the soldier who falls on the stricken field. He has contributed the whole of his strength and skill towards building up its might and riches. Has the country no obligation to see that those left behind receive their daily bread.³⁰

With those who contribute possessing rights, others with the means to help them should do so. As Lloyd George stated in his “People’s Budget” speech: “all classes of the community in this financial emergency ought to be called upon to contribute.”³¹ Somewhat schematically, Lloyd George made two main points.

- (i) In many cases, people were not responsible for their economic situation; this applied to the wealthy as well as the poor.
- (ii) Granted (i), it was wrong to allow people to suffer, when this could be prevented, with a special responsibility falling on the wealthy, who did not deserve their good fortune.

This second principle amounted to a notion of community responsibility.

As he campaigned for social reform, Lloyd George repeatedly harped on these themes. In addition to the “People’s Budget,” especially notable were his Swansea address and his notorious “Limehouse Speech” of July 30, 1909. Lloyd George generally acknowledged that not all poverty was beyond people’s control, and that, for the lazy and the idle, there was not much the state could do.³² But this did not account for the country’s great mass of poverty:

There are hundreds of thousands of men, women, and children in this country now enduring hardships for which the sternest judge would not hold them responsible; hardships entirely due to circumstances over which they have not the slightest command.³³

Among the factors causing hardship, he included unemployment, which was generally beyond people’s control. Unemployment is “by far the larger part of the evil, which occurs as a regular feature, varying with seasons and cycles, in important groups of trades.”³⁴

³⁰ Lloyd George, “Swansea Speech,” *Better Times*, pp. 53–4.

³¹ Lloyd George, “People’s Budget,” *Better Times*, p. 89.

³² Lloyd George, “Swansea Speech,” *Better Times*, pp. 52–3.

³³ Lloyd George, “People’s Budget,” *Better Times*, p. 65.

³⁴ *Ibid.*, pp. 72–3.

Just as there were poor who did not deserve to be poor, there were the rich who did not deserve their good fortune. One thing that made the Limehouse speech so inflammatory was invocation of the unearned increment. Lloyd George recounted tales of people who had gotten rich through no effort of their own, especially by owning land when it increased in value. He declared: "the landlord is a gentleman who does not earn his wealth."³⁵

Having weakened the link between economic condition and desert, Lloyd George viewed property as to some extent a communal resource. The state had an *obligation* to alleviate the undeserved suffering of the poor: "In so far as poverty is due to circumstances over which the man has no control, then the State should step in to the very utmost limit of its resources, and save the man from the physical and mental torture involved in extreme penury."³⁶ As he wrote to his private secretary in 1911: "Gradually the obligation of the State to find labour or sustenance will be realised."³⁷ This obligation should be funded, he believed, by those who do not contribute. Not to take care of the poor is to deny them what is rightfully theirs:

I say again, that apart from its inhumanity and its essential injustice, it is robbery, it is confiscation of what is the workman's share of the riches of this land. During years of prosperity the workman has helped to create these enormous resources of wealth which have accumulated in this country. . . . Surely, a few of these millions might be stated to preserve from hunger and from torturing anxiety the workmen who have helped to make that great wealth.³⁸

Although Lloyd George did not develop an explicit theory of positive rights, his position amounted to the view that individuals who contributed to society had positive rights to be maintained, with society as a whole bearing the correlative duty to make sure these rights were satisfied. At least a portion of the community's property belonged to the community. For the rich to keep it only for themselves was, as he said, robbery. Those who had contributed to its wealth had a right to at least some of the proceeds.

Before turning to the Beveridge report and subsequent developments, we should highlight central details of Lloyd George's arguments. Two of his basic assumptions were the unearned increment and reciprocal obligations between individuals and the community. Once again, I believe these represent an effective

³⁵ Lloyd George, "Limehouse Speech," *Better Times*, p. 150; according to Bentley Gilbert: "To say that the Limehouse speech was a shock would be a monumental understatement." (*Lloyd George*, 1:386).

³⁶ Lloyd George, "Swansea Speech," *Better Times*, p. 52.

³⁷ Quoted by Braithwaite, *Lloyd George's Ambulance Wagon*, p. 24.

³⁸ Lloyd George, "Swansea Speech," *Better Times*, p. 55.

justificatory strategy. In accordance with themes we have discussed earlier, Lloyd George appealed to a strongly communal conception of society and worked to weaken property rights against this. In these respects, his arguments reflect the influence of new liberalism or philosophical idealism more broadly, as discussed in Chapter 2. If, for example, the community is conceived as nothing but a collection of individuals, then welfare programs can be criticized as taking property from one person simply in order to give it to others. If we add in Poor Law notions, what we end up with is taking from some people, who worked hard for their property and so were deserving, to give it to others, who had not worked for it and were undeserving. Following new liberalism, Lloyd George's arguments were not vulnerable to this line of criticism. He was able to evoke a strong sense of the community as an intermediary between those who were taxed and those who received benefits. Because (ideally) all citizens contributed to this society, all were members, and as such had rights against the community. Only if the community or the state is viewed in this light can it have obligations to its members and so bear duties to contribute that are correlative to their positive rights to receive benefits.

Given standard assumptions of liberal political theory, justifying a collective view of community is a challenge, but Lloyd George was not a political philosopher. Although it is likely that he drew on the works of political philosophers that had seeped into the political culture, he did not attempt a philosophical defense of his view of the community. We may presume that during the period in question, popular attitudes were sufficiently receptive to a collective conception to make this unnecessary.

We have seen that Lloyd George's arguments reflect strengths of idealist perspectives. While I have no wish to defend idealism in any ultimate sense, if one accepts its anti-individualist standpoint, then appealing to the collective nature of the community is not a problem. To quote Jose Harris, idealism contributed to seeing "society and/or the state as having a real corporate entity."³⁹ Collective notions of the community can be presented in different terms, which may or may not fit in with Lockean liberalism. One possibility is a religious view, such as that which probably moved Lloyd George. According to William George, it was his brother's Christianity that led him to consider "collective Man, in the form of the State." But religious arguments work only for those who accept their starting points. Problems with justifying a collective view of the community are a recurrent theme of this book, as we will see in subsequent chapters.

Strong arguments against Lockean property rights pose less of a problem. In Chapter 2, we saw that critique of such property rights was a staple of new liberalism, especially through the unearned increment. According to Michael

³⁹ J. Harris, "Political Thought and the Welfare State," 123 and 123 n.20. In addition to the influence of Green, Harris notes the strong influence of Plato and Hellenic thought.

Freeden: “The theory of unearned increment was no doubt the main agent in redefining property as the outcome of social effort as much as individual exertions.”⁴⁰ The unearned increment demonstrates that rather than inherently belonging to the individual, property is at least to some extent a creation of the community, which gives the community claims to it. Accordingly, an individual’s right to property was an “expression of his membership in the community” which could be justified only if this was good for the community.⁴¹ The result was a reconceptualization of rights. In Freeden’s words:

What was common to all such attempts was the interpretation of right as a benefit conferred by society for the mutual advantage of the recipient and the conceiver. What they were not prepared to accept was the idea of an unconditional right, irrespective of whether it was either feasible or merited—which is what an absolute right is.⁴²

(2) Beveridge and His Report

William Beveridge is often viewed as the architect of the British welfare state, which was put in place after World War II. His report, *Social Insurance and Allied Services*, probably had influence similar to that of the report of the US Committee on Economic Security,⁴³ although in Beveridge’s case, this was not planned by the government in power. Far from a blueprint to be followed, the Conservative Party viewed it as a problem to be managed. In the words of one distinguished commentator, it was “a spectacular best seller and a major political embarrassment for Churchill and other Conservative ministers.”⁴⁴

It was not until the electoral victory of the Labour government under Clement Attlee that measures such as those Beveridge recommended were enacted. Although there were strong similarities between Beveridge’s proposals and long-held Labour principles,⁴⁵ there were also important differences. While Beveridge was a Liberal—and had been a close associate of Churchill during the period of Liberal reforms—the Labour Party was social democratic. By 1945 the Liberal Party had been severely eclipsed, long replaced by Labour as one of the two main parties in the United Kingdom. The 1945 election was particularly dismal. The Liberals

⁴⁰ M. Freeden, *The New Liberalism: An Ideology of Social Reform* (Oxford: Oxford University Press, 1986), p. 220.

⁴¹ *Ibid.*

⁴² *Ibid.*, p. 219.

⁴³ *Social Insurance and Allied Services* (Cmd. 6404), US ed. (New York: Macmillan Co., 1942); this work is cited below in parentheses.

⁴⁴ K. O Morgan, *Labour in Power: 1945–1951* (Oxford: Oxford University Press, 1984), p. 20.

⁴⁵ *Ibid.*, pp. 25–6.

ran 306 candidates, only twelve of whom won, reducing it to near fringe status. Beveridge himself, who had been elected to Parliament in a safe Liberal district in 1944, campaigned vigorously for his program and his party, making 154 speeches around the country.⁴⁶ But like almost all Liberal candidates, he was defeated and so lost his seat. But in spite of other differences—in regard to nationalization of industries, for example—all three parties ran on Beveridge’s plans for welfare programs and the values they were intended to realize. As a result, although he was not able to take part in implementing his proposals, they became “the foundation of all detailed social planning and policy-making for the post-war world.”⁴⁷

Long a distinguished civil servant and public intellectual, Beveridge was largely outside of powerful political circles when the opportunity to write his great report fell into his lap.⁴⁸ After working on the issue of unemployment along with Churchill during the Liberal reform period, he had served in a variety of prestigious posts, including heading the London School of Economics, and as president of University College, Oxford. But because of his famously difficult personality, he was not offered an important government position when World War II broke out. During this period, the United Kingdom was ruled by a government of national unity under Churchill. Beveridge eventually found a post in the Department of Labour, as undersecretary for the military service department of the ministry of Labour. Given his eminence as an authority on employment-related issues, Beveridge wished to be in charge of manpower allocation, but the post he was given fell far short of this. When the government began to discuss plans for reconstruction after the war, in part to focus the public on the aftermath of projected victory and so to lift morale, Arthur Greenwood, a Labour Party member serving as minister without portfolio, was put in charge of organizing a review of existing social service programs, which had grown up piecemeal over several decades. Services were spread among seven different agencies, in an uncoordinated, often duplicative manner. The review committee was charged “to undertake, with special reference to the inter-relations of the schemes, a survey of the existing national schemes of social insurance and allied services, including workmen’s compensation, and to make recommendations.”⁴⁹ The Labour minister, Ernest Bevin, having tired of Beveridge and seeing an opportunity to be rid of him, assigned Beveridge to head the committee. Beveridge recognized this move for what it was, that he was being “kicked upstairs.”⁵⁰ But he managed to transform this slight into a triumph. Other members of the committee were representatives of the agencies in charge of different areas of social insurance, but

⁴⁶ W. Beveridge, *Power and Influence* (New York: Beechurst Press, 1955), p. 345.

⁴⁷ Morgan, *Labour in Power*, p. 21.

⁴⁸ Biographical details from J. Harris, *William Beveridge: A Biography*, 2nd ed. (Oxford: Oxford University Press, 1997); a good short account is in Timmins, *Five Giants*, pp. 11–25. On the making of the report, see Harris, *Beveridge*, chap. 16.

⁴⁹ *Social Insurance and Allied Services*, par. 1.

⁵⁰ Harris, *Beveridge*, pp. 362–4.

Beveridge soon took it over. He quickly altered the committee's mandate to encompass not only reviewing what existed but also planning for the future. His appointment was announced in June 1941. By the following month he had produced a paper, "Social Insurance—General Considerations," making clear the scope of what he intended: "The time has now come to consider social insurance as a whole, as a contribution to a better new world after the war." Beveridge intended to plan social insurance, as if one had "a clear field."⁵¹

For a variety of reasons, the committee attracted a great deal of public attention and became the focus of a collective yearning for better times after the war. In order to distance itself from recommendations it saw as forthcoming from the committee, the government had all members other than Beveridge step down to only advisory capacities. Although the committee continued to meet and consulted numerous experts in different fields, the result was that Beveridge signed the report himself, as sole author. Published on December 2, 1942, the Beveridge Report, as it came to be known, was an enormous sensation. Although an exceedingly dry document, almost entirely taken up with details of public policy, Beveridge's vision of a future society in which "the five giants" of Want, Disease, Ignorance, Squalor, and Idleness⁵² were defeated sold 63,500 copies.⁵³ The American edition sold 50,000 copies within six months.⁵⁴ According to a December 1942 Gallup poll, 95% of respondents had heard about the report; 88% wanted it implemented.⁵⁵

According to Harris the success of the report was "partly of luck and partly of careful calculation," but partly also of the times.⁵⁶ Having worked as a journalist, Beveridge did a masterful job of publicizing his work—both before and after it was published. But probably most important was when it emerged. During the early years of the war when things were going badly and Britain stood alone against Hitler, the country pulled together. We are familiar with the "spirit of Dunkirk." Many factors contributed to national solidarity at that time. According to the future prime minister Attlee, the Blitz did more than anything else to break down class barriers.⁵⁷ Evacuation of children to the countryside was also a factor, as this brought different social classes together, familiarizing them with how others lived.⁵⁸ It also did not hurt that the report came out soon after the British victory at El Alamein, when the

⁵¹ "Social Insurance—General Considerations," p. 1, http://lib-161.lse.ac.uk/archives/beveridge/9A_41_1.pdf (Aug. 2013).

⁵² Beveridge, *Report*, par. 8.

⁵³ H. Addison, *The Road to 1945: British Politics and the Second World War* (London: Quarter Books, 1977), p. 217.

⁵⁴ Harris, *Beveridge*, pp. 425–6.

⁵⁵ L. Jacobs, *The Health of Nations: Public Opinion and the Making of American and British Health Policy* (Ithaca, NY: Cornell University Press, 1993), p. 113.

⁵⁶ Harris, *Beveridge*, p. 416.

⁵⁷ C. R. Attlee, *As It Happened* (New York: Viking Press, 1954), p. 170.

⁵⁸ See Timmins, *Five Giants*, pp. 31–3.

tide of the war began to change. But even before victory was a real prospect, people in Britain were looking ahead. Thus in the Atlantic Charter, a statement of war aims signed by FDR and Churchill in 1941—before the United States had entered the war—“social security” was included as a war aim—along with “improved labor standards” and “economic advancement.” In the *Report*, Beveridge claims that his plan would represent “a practical contribution” toward realizing these ambitions. His proposals “are a sign of the belief that the object of government in peace and in war is not the glory of rulers or of races, but the happiness of the common man” (par. 459), and his plan became a focus of public hopes for the future. According to the *Times* (London), Beveridge crystallized the aspirations of millions.⁵⁹

Such public hopes reflected wider changes in British political culture. The Conservatives had been badly discredited by what were perceived as the failures of the Chamberlain government and the disasters early in the war. Paul Addison reports that by December 1942, 40% of people surveyed had changed political outlook since the beginning of the war.⁶⁰ By 1943, Labour was leading in the polls, but Addison believes the change was evident earlier and that after June 1940 (after the fall of France and disaster at Dunkirk), the Conservatives could not win an election.⁶¹ The new spirit showed up as changes in policy. For instance, in June 1940, the government authorized free and subsidized milk for mothers and children under the age of five, a measure that had been ruled out on financial grounds in August 1939. In July 1940, free school meals, which had been provided only to undernourished children, were made generally available.⁶²

Although Beveridge was excluded from any official role in implementing his recommendations, public sentiment virtually demanded action. The *Report* created a dilemma for the Conservatives. In a March 1943 speech on postwar planning, Churchill acknowledged “my friend Sir William Beveridge,” and endorsed social insurance “from the cradle to the grave.” But reluctant to commit the government to expensive social welfare programs, especially before the war had been won, Churchill temporized.⁶³ In spite of its reservations, the government formally endorsed the bulk of Beveridge’s proposals. During the 1945 electoral campaign, in spite of disagreements on other issues (e.g., nationalization of industries), all three major parties campaigned on Beveridge’s main recommendations: social insurance, a national health service, and full employment policies. Because the parties disagreed relatively little about social policy, this period initiated what is widely viewed

⁵⁹ Bruce, *Coming of the Welfare State*, p. 273; as Morgan argues, some measure of the change in public sentiment should be attributed to political factors, such as the role of Labour in the coalition government and the increased importance of trade unions (Morgan, *Labour in Power*, pp. 23–34).

⁶⁰ Addison, *Road to 1945*, p. 127.

⁶¹ *Ibid.*, pp. 228, 162.

⁶² *Ibid.*, p. 116.

⁶³ Churchill, “A Four Year Plan For England,” *BBC Broadcast*, March 21, 1943, <http://www.ibiblio.org/pha/policy/1943/1943-03-21a.html> (Aug. 2013).

as a consensus in Great Britain over the welfare state.⁶⁴ In the area of social insurance, where Labour and the Conservatives the two main parties, did differ was in degrees of enthusiasm for the report, with the Conservatives accepting the principles but attempting to hold off firm plans for implementing them. As Larry Jacobs puts this, the government sought “consensus without commitment.”⁶⁵ Labour endorsed the report wholeheartedly and enacted the bulk of it after the party’s electoral triumph. In large part, Labour’s sweep should be attributed to its embrace of the report’s recommendations, as opposed to what was widely perceived as Conservative reluctance. However one accounts for this, it was an historic victory. Labour won 393 seats, capturing 47.8% of the vote. The Conservatives won 213 seats and 39.8% of the vote. As noted, the Liberals were virtually wiped out, left with just twelve seats, after capturing only 9% of the vote.

The report itself proposed a unified system of social insurance to combat Beveridge’s five giants. The centerpiece of the plan was a system of contributory social insurance: all workers would contribute the same amount, and all would receive the same payment, without regard to means or a needs test. Benefit payments were envisioned for unemployment, industrial accidents, sickness, and old-age/retirement pensions, all to be administered by a single agency. For financial reasons, payments were necessarily low. These were envisioned to provide subsistence, and the committee expended great effort to identify precisely what this entailed. Thus what Beveridge proposed were minimal payments to address the absolute destitution that had been widespread during the 1930s. He encouraged workers to provide additional resources for themselves and their families, and one reason for his preference for a contributory social insurance plan was to encourage such thrift among workers. Contributory benefits were also preferred because they did away with means tests for determining eligibility, which were widely loathed by the population.⁶⁶ Nonetheless, means-tested benefits were not eliminated. The report combined programs with different bases. Beveridge’s 1942 scheme for “National Assistance” would provide means-tested benefits to people who did not receive benefits based on contributions or for whom standard benefits were not adequate. Because the basic benefits were so low, after the report was put into effect, National Assistance came to be widely used. Universal benefits were also included, as Beveridge viewed social insurance as part of a comprehensive welfare system that also encompassed a system of free, universal health insurance and family allowances.

⁶⁴ For qualifications of a consensus view, see K. Jeffreys, “British Politics and Social Policy During the Second World War,” *Historical Journal* 30 (1987): 123–44; R. Lowe, “The Second World War, Consensus, and the Foundation of the Welfare State,” *Twentieth Century British History* 1 (1990): 152–82.

⁶⁵ Jacobs, *Health of Nations*, p. 117.

⁶⁶ See Timmins, *Five Giants*, pp. 57–8, 28.

Not surprisingly in view of the plan's sweeping ambitions, there were problems with its recommendations.⁶⁷ Notably, proposing uniform payments and benefits across the entire country ran up against differences in cost of living in different areas, especially varying costs of housing. Again, because the basic benefits were so low, supplementary means-tested benefits were also necessary. One reason for the low level of benefits is that the committee considered subsistence in absolute terms, thus not adequately dealing with the problem that an adequate minimum would vary as conditions in society changed. But this was necessary if the program was to be affordable and not targeted at the poor. Still, because of the cost of the program—to a British society ravaged by war—Beveridge envisioned a twenty-year phase-in for old-age pensions, but this proved to be politically impossible.

Moral principles that underlay Beveridge's recommendations received little direct attention in the *Report* itself or in Beveridge's attempts to publicize it. But they are reasonably clear, although more so in the *Report's* "assumptions" than in the insurance plan itself. The *Report's* three assumptions were systems of family allowances, a national health system, and full employment policies. Programs proposed were based on different principles. While a contributory principle underlay the insurance program, unlike in other cases such as US Social Security, contributions were the same from everyone, and everyone received the same benefits. Beveridge claimed that the contributory principle was in accord with "what the people of Britain desire," as seen by the popularity of voluntary insurance in the country and popular objections to means tests. A contributory principle as opposed to means testing also encouraged thrift, as with a means test, one would be penalized for having saved up to become more prosperous (par. 21). The principle of equal contributions, was justified in terms of the people's concern for equality:

After trial of a different principle, it has been found to accord best with the sentiments of the British people that in insurance organized by the community by use of compulsory powers each individual should stand in on the same terms; none should claim to pay less because he is healthier or has more regular employment. (par. 26)

Beveridge viewed this principle as expressing communal solidarity: "The term 'social insurance' to describe this institution implies both that it is compulsory and that men stand together with their fellows" (par. 26).

Although Beveridge based his program on strong communal ties, the insurance system was not supported by a claim to benefits based on membership in the community. Because it was limited to those who contributed, it was directed at individuals as contributors rather than as citizens. At least in regard to this part of this

⁶⁷ See R. Lowe, *The Welfare State in Britain Since 1945*, 3rd ed. (London: Palgrave MacMillan, 2005), chap. 6.

program, Harris argues that Beveridge's orientation could be described as "classical republican."⁶⁸ This is one reason that various Conservative intellectuals were sympathetic to the plan.⁶⁹ With benefits low, people would be encouraged to supplement their insurance benefits; each would have "freedom and incentive to make his own additional provisions by voluntary insurance or saving."⁷⁰ Beveridge opposed the dole, deriding what he called "the Santa Claus state," in which people got something for nothing, instead of being encouraged to be active citizens.⁷¹ In Harris's words: "His vision of social welfare focused at all points, not upon relieving the finite needs of specific individuals, but upon promoting the kind of social structures in which he believed that autonomous and self-reliant individuals could multiply and flourish."⁷²

Other parts of the plan relied on different principles. We have seen that national assistance was necessary to deal with wants not addressed by insurance. But Beveridge viewed this as "subsidiary" to the insurance plan: "The scheme of social insurance is designed of itself when in full operation to guarantee the income needed for subsistence in all normal cases" (par. 23). More significant were universal benefits that did not require means testing. As noted, in addition to insurance and national assistance, the plan assumed three additional measures: family allowances, comprehensive health services, and policies to promote full employment. Health services and family allowances did not depend on contributions but would be funded from general revenues. Beveridge's justification of this policy in regard to family allowances was based mainly on practical grounds that contributions to insurance would be already so high that additional contributions for family allowances would not be possible (par. 415). His assumptions concerning health services ultimately helped to give rise to the National Health Service, a pillar of the British Welfare State. In the *Report*, Beveridge set the details of such a service aside,⁷³ but he defended a noncontributory program on moral grounds, as simply an obligation of the state: "Restoration of a sick person to health is a duty of the State and the sick person, prior to any other consideration" (par. 427). In stating this principle, Beveridge expressed aspirations of the general public. Because of the great popularity of the *Report*, he emerged as the main spokesperson in favor of a universal national health service, while the *Report's* influence helped to make this a "commitment that would be very difficult for any administration not to honor."⁷⁴

⁶⁸ Harris, *Beveridge*, p. 484.

⁶⁹ Harris, "Political Ideas and the Debate on State Welfare, 1940–45," in *British Society in the Second World War*, ed. H. L. Harris (Manchester: Manchester University Press, 1986), p. 249.

⁷⁰ Beveridge, Edinburgh speech (July 28, 1943); *Beveridge on Beveridge: Recent Speeches of Sir William Beveridge*, ed. J. S. Clarke (London: Social Security League, 1944), p. 12.

⁷¹ Harris, *Beveridge*, pp. 406, 409.

⁷² *Ibid.*, p. 496.

⁷³ The *Report* discusses national health service in pars. 226–39.

⁷⁴ C. Webster, *The Health Services Since the War*, 2 vols. (London: HMSO, 1988), 1:35.

Because of its significance, we discuss the NHS in Section 3. But here, we should mention the important assumption that with everyone having rights to medical care, the community as a whole bears the correlative duty to provide this.

An overall communal vision of society is apparent in the *Report*, although it is discussed directly in only a few places. This is recognized by the government's white paper on *Social Insurance*, presented in September 1944, which proposed policies similar to those in the *Report*. This document expressed the government's gratitude to Beveridge "for the great work which he did in preparing his comprehensive and imaginative Report," and claimed that its "main tribute is the embodiment of so much of his plan in the proposals" it set out.⁷⁵ As with Beveridge's plan, the white paper proposed contributory insurance supplemented with family allowances, full employment policies, and a national health service. As noted, the white paper rejected Beveridge's proposal that pension benefits be delayed for twenty years, but according to that document, the plan itself expressed a fundamental communal principle:

The scheme as a whole will embrace, not certain occupations and income groups, but the entire population. Concrete expression is thus given to the solidarity and unity of the nation, which in war have been its bulwarks against aggression and in peace will be its guarantees of success in the fight against individual want and mischance.⁷⁶

It is likely that this vision of society played an important role in the *Report's* success and in justifying its recommendations. Britain's experience in the war helped to make such a view widely acceptable. The extents to which the *Report* contributed to this or merely fed on it are nonetheless difficult to sort out. For instance, in the *Report* there is little or no mention of property rights. But the fact that they were not addressed directly is significant, indicating that, under the conditions in which the *Report* emerged, property rights had largely ceased to be an issue.

Beveridge's own view, expressed in speeches during his campaign for re-election, was that certain property rights must give way in the face of social needs. He noted that he was not and had never been a Socialist, although "I owe more than I can say to the Webbs."⁷⁷ Accordingly, he criticized Labour for what he viewed as plans for excessive nationalization.⁷⁸ As a Liberal, he allied himself with "the great Liberal administration" earlier in the century and the legacy of Lloyd George.⁷⁹ But he

⁷⁵ *Social Insurance*, Cmd. 6550, par. 186, http://archive.org/stream/socialinsurancep033339mbp/socialinsurancep033339mbp_djvu.txt (Aug. 2013).

⁷⁶ *Ibid.*, par. 8.

⁷⁷ W. Beveridge, *Why I Am a Liberal* (London: Herbert Jenkins, Ltd., 1945), pp. 1–2. Sidney and Beatrice Webb were important Social Democratic intellectuals, active in the Fabian Society and major influences on the Labour Party.

⁷⁸ *Ibid.*, pp. 7–8.

⁷⁹ *Ibid.*, pp. 19, 56, 112.

favored bringing certain industries under public control, if this was desirable for practical reasons.⁸⁰ In a speech delivered at Oxford on November 27, 1944, he discussed his political ideas on a somewhat abstract level, claiming that certain liberties were essential and so must be preserved, while the power of the state might be used to limit others, in order to combat the five giants. What he had in mind was using state power to regulate various industries, even though this limited traditional property rights:

All liberties are not equally important. The error of the individualists is to treat them as if they were. The essence of Liberalism is to distinguish between essential liberties to be preserved all costs and lesser liberties which should be preserved only so far as they are consistent with social justice and social progress.

Thus he was dismissive of the liberty of a small class of businessmen to invest their property as they liked, because a planned economy would be more beneficial for the community. Distinguishing between formal and substantive freedom, he argued that planning would not decrease but would in fact increase freedom:

We can and should use the organized power of the community to increase the rights of individuals. . . . [B]y having compulsory social insurance with benefits adequate for subsistence, we can assure to all men the right to adequate care in youth, and to an honoured old age without dependence on the youth, without charity, without subjection to a means test.⁸¹

Given problems of determining intellectual influence, one should be hesitant in attributing these ideas to the direct influence of new liberalism. As Harris notes, no one thinker can be identified as exercising predominant influence on Beveridge, as his ideas shifted radically over the course of his life.⁸² But influence of the new liberals was likely. As a student at Oxford, Beveridge studied with Edward Caird. Beveridge mentions Caird's influence in the first paragraph of his autobiography although in regard to the impetus to social reform rather than his ideas.⁸³ According to Harris, Caird's continuing influence is apparent in Beveridge's vision of active citizenship in the latter's *Voluntary Action*.⁸⁴ Wherever we come down in attributing

⁸⁰ Ibid., p. 8.

⁸¹ Ibid., pp. 34–6.

⁸² Harris, "Beveridge's Social and Political Thought," in *Beveridge and Social Security: An International Retrospective*, ed. J. Hills, J. Ditch, and H. Glennerster (Oxford: Oxford University Press, 1994).

⁸³ Beveridge, *Power and Influence*, p. 9.

⁸⁴ Harris, *Beveridge*, p. 460.

this particular idea to the influence of the new liberals, Beveridge was strongly attached to a collective vision of society. And once again, this is apparent if one actually looks for it. But for the most part, he expressed this view as an aspiration, something to be hoped for. He concluded the *Report* by mentioning the need for national unity and the hope that through the traumas of war, the British people would pull together as necessary:

There are difficulties in planning reconstruction of the social services during the height of war, but there are also advantages in doing so. The preventing of want and the diminution of relief of disease—the special aim of the social services—are in fact a common interest of all citizens. It may be possible to secure a keener realization of that fact in war than it is in peace, because war breeds national unity. It may be possible, through sense of national unity and readiness to sacrifice personal interests to the common cause, to bring about changes which, when they are made, will be accepted on all hands as advances, but which it might be difficult to make at other times. (Par. 460)

Freedom from want cannot be forced on a democracy or given to a democracy. It must be won by them. Winning it needs courage and faith and sense of national unity: courage to face facts and difficulties and overcome them; faith in our future and in the ideals of fair-play and freedom for which century after century our forefathers were prepared to die; a sense of national unity overriding the interests of any class or section. The Plan for Social Security in this Report is submitted by one who believes that in this supreme crisis the British people will not be found wanting, of courage and faith and national unity. (Par. 461)

In spite of Beveridge's stirring language, his collective view of society received relatively little direct attention from the public. We have seen that this is clearly recognized in the government's white paper on *Social Insurance*, but for the most part, public discussion of his scheme was in regard to different aspects of the policies proposed, rather than their underlying principles. In the *Report* itself, Beveridge nowhere makes a philosophical case for a collective view, nor even clearly explains his ideas in this regard. In his speeches before and after the *Report* was released, something similar is true.⁸⁵ In fact, Harris argues that the *Report's* philosophical vagueness is one reason it caught on so widely. Because its philosophical architecture was not prominently on display, people could make of the *Report* what they would. To use Harris' words, the *Report* was "a portmanteau of ideas offering all

⁸⁵ See *Beveridge on Beveridge*.

things to all men.”⁸⁶ Whether this was part of Beveridge’s intent, there was clear wisdom in it. Especially as Britain battled for survival against a totalitarian enemy, attempts to flesh out the organic nature of British society with religious or related appeals were widely rejected.⁸⁷ Accordingly, one reason the Labour Party, which lacked developed plans of its own, could latch on to Beveridge’s scheme, was due to the latter’s lack of objectionable ideas. However, circumstances were such that Beveridge’s failure to mount a sustained case for his collective vision was not a problem. Harris holds a different view. She contends that absence of a full defense of his position was a weakness as well as a strength. In regard to the latter, she believes that because developed arguments were not advanced, people were able to see in the *Report* what they wished to see, and this helped to express “the aspirations of millions.” Under the particular conditions he confronted, Beveridge was able to appeal to an existing, widely held collective view to which the war had given rise. In other words, he could assume a sense of national unity without actually arguing for it. These conditions, again according to Harris, “gave an existential reality to the organic conception of society in a way that had never been achieved by abstract analysis,” and strongly encouraged segments of the intellectual community that had long desired “a more ‘organic’ conception of society and politics.”⁸⁸ The necessary sentiments had been generated by the war itself, and it has long been recognized that encouraging these views was part of the government’s war effort.⁸⁹ However, Harris maintains that Beveridge’s failure to develop a sustained case weakened his position. As circumstances changed, this sense of national unity did not persist, at least not to the same degree. Harris believes the ultimate consequences were unfortunate: “In terms of ideas and values the context of war was an inadequate launching pad for permanent social ‘reconstruction.’”⁹⁰ Lacking adequate philosophical foundations, “the Welfare State came into being with no clearly defined perception of welfare and no coherent theory of the State.” In the long run, this “left the Welfare State peculiarly vulnerable to changes in political and economic climate, and to attacks from more rigorous and dogmatic intellectual rivals.”⁹¹

It is difficult to dispute Harris’s contention that the British welfare state may have been better equipped to deflect criticisms that were to arise had it been provided with secure philosophical justification. According to her, it was several decades before “the possibilities of developing a rigorous contractarianism as a basis for Welfare State policies” were realized.⁹² However, although Rawls’s *Theory of Justice*

⁸⁶ Harris, “Political Ideas and the Debate on State Welfare, 1940–45,” in H. L. Smith, ed. *War and Social Change: British Society in the Second World War* (Manchester: Manchester University Press, 1986), pp. 249–54.

⁸⁷ *Ibid.*, pp. 245–6.

⁸⁸ *Ibid.*, 236, 256.

⁸⁹ Titmuss, “War and Social Policy.”

⁹⁰ Harris, “Political Ideas and the Debate on State Welfare,” 256.

⁹¹ *Ibid.*, 257.

⁹² *Ibid.*

is widely viewed as one of the great works of political theory of the last century, it has been subjected to a barrage of criticism, including by Rawls himself, who later moved to a somewhat different and far less contractarian position.⁹³ Whether it is possible to develop a strong conception of a collective view of society in some ultimate sense while still remaining within the liberal tradition is a question I will avoid, although in Chapter 5 we discuss what I call “moderate liberalism,” which is influenced by new liberalism and may perhaps have served as an adequate foundation.

But it is important to note the advantage of Beveridge’s aspirational view. Because the war did create the necessary feelings through much of the population, taking these sentiments as a premise in his justification was an advantageous strategy. Moreover, as we will see in the following chapter when we turn to Franklin Roosevelt’s justification of the Social Security Act, the fact that Beveridge did not attempt to provide a justification firmly rooted in Lockean liberalism, as Roosevelt did, was itself an advantage. By proceeding from Lockean premises, Roosevelt worked to strengthen individualist tendencies in the political culture, thereby impeding subsequent expansions of the American welfare state. Avoiding such a starting point, Beveridge was not vulnerable to similar lines of attack. His position was obviously weakened in subsequent decades, as Harris avers, when the sense of national unity eroded. But an important point that Harris does not mention is that the institutional reforms that Beveridge helped to bring about themselves did a great deal to further a sense of national unity. This was especially true of the National Health Service, which was not only the first universal, free health service in any country, but the values of equal treatment for all and rights to treatment based on membership in the community in which it was rooted did much to push British political culture in a definite direction. Although political culture is a powerful force, it is not immutable. The temporary changes in British culture brought about by the war were made more long-lasting by Beveridge’s reforms and the ideals that they expressed.

(3) The National Health Service

The National Health Service represents a triumph of the collective principle. In addressing the needs of all members of the community on the basis of their membership alone and treating them in accordance with the best available standards, it is one part of the British welfare state that embodies T.H. Marshall’s social rights as put forth in his 1949 essay “Citizenship and the Social Class.”⁹⁴ As such, the NHS

⁹³ See esp. J. Rawls, *Political Liberalism* (New York: Columbia University Press, 1993). It is worth noting that the model of an overlapping consensus on a position developed from ideas latent in the political culture would likely provide a far more secure basis for a defense of Beveridge’s positions than the contractarianism of *Theory of Justice*.

⁹⁴ See Chap. 1, Sec. 1, p. 17.

represents an almost complete repudiation of Poor Law principles. The Poor Law did contain a principle that the community was responsible for the welfare of the indigent, but as we have noted, this meant the *local* community. In accordance with the principle of least eligibility, aid given was minimal and both extremely limited in regard to numbers of recipients and laden with social stigma. Since its inception, the NHS has been a resounding success in terms of popular support. Although constantly beset with financial and administrative problems, it was and is strongly embraced by the public, so much so that it has become an important part of the British national character. As Rudolf Klein says, within a few years of its founding, “as an institution, the NHS ranked next to the monarchy as an unchallenged landmark in the political landscape of Britain.”⁹⁵ More than sixty years after its inception, the centrality of the NHS to national identity was seen in the opening ceremonies of the 2012 London Olympics. In celebrating Britishness, these ceremonies contained a salute to the NHS, complete with dancing doctors and nurses and neon-lit hospital beds.

Since the NHS was instituted by the ruling Labour Party after it came to power, it was a victory for Socialist ideology. But other factors were involved, and, as in many cases, it is possible to disagree over their relative importance. In addition to egalitarian ideas, two other obvious factors were the spirit of cooperation engendered by the war, along with changes in the health services caused by wartime conditions, and the opinions of administrative experts who addressed problems in the British healthcare system. On this last explanation, the NHS was brought about primarily through a process of “social learning” among policy experts.⁹⁶

There is clear evidence that something akin to the consensus on which the NHS rests was in existence for at least two decades before the war. Part of Lloyd George’s National Insurance Act was health insurance. But this covered only workers and did not include hospital costs. The inadequacies of this system were soon apparent and noted by officials asked to examine the healthcare system. In 1920, a report sponsored by the ministry of health, the so-called *Dawson Report*, expressed the principle that “the best means of maintaining health and curing disease should be made available to all citizens.”⁹⁷ Since 1934, the Labour Party had been pledged to a universal, free health service.⁹⁸ Further official studies advanced similar conclusions, including

⁹⁵ R. Klein, *The New Politics of the NHS: From Creation to Reinvention*, 5th ed. (Oxford: Radcliffe Publishing, 2006), pp. 23–4.

⁹⁶ “To a large extent, then, the creation of the NHS can be seen as an example of social learning” (D. M. Fox, *Health Policies, Health Politics: The British and American Experience, 1911–1965* [Princeton, NJ: Princeton University Press, 1986], p.19); Klein, *New Politics of the NHS*; on the causal role of administrative expertise, see esp. H. Hecló, *Modern Social Politics in Britain and Sweden: From Relief to Income Maintenance* (New Haven, CT: Yale University Press, 1974).

⁹⁷ Interim Report on the Future Provision of Medical and Allied Services (Cmd. 693); quoted in Webster, *Health Services Since the War*, 1:19.

⁹⁸ *Ibid.*, 1:24.

Beveridge's *Report*. These efforts prepared the way for the wartime government's 1944 white paper: *A National Health Service*, which expressed the strongly egalitarian principle that the best possible healthcare should be available to everyone in the country, without regard to ability to pay:

The Government have announced that they intend to establish a comprehensive health service for everybody in this country. They want to ensure that in future every man and woman and child can rely on getting all the advice and treatment and care which they may need in matters of personal health; that what they get shall be the best medical and other facilities available; that their getting these shall not depend on whether they can pay for them, or on any other factor irrelevant to the real need—the real need being to bring the country's full resources to bear upon reducing ill-health and promoting good health in all its citizens.⁹⁹

In the 1945 election, the major parties campaigned on this principle, although they disagreed about administrative features of the anticipated service.¹⁰⁰ Labour's victory prepared the way for passage of the legislation enacting the NHS in 1946.¹⁰¹

Whatever we conclude about the sources of consensus, that there was a consensus by the time the law was enacted is clear in public opinion surveys. According to an April 1941 Gallup poll, 55% of respondents favored state control of healthcare and so free services.¹⁰² By June 1943, 70% wanted a government run medical service; according to a December 1943 poll, 88% of respondents wanted hospitals to be free and universal.¹⁰³ Although many Conservatives were at best lukewarm about the proposal, popular opinion was such that they realized that they could not oppose it directly.¹⁰⁴

A great deal of the credit for translating popular wishes into a working health service is accorded Aneurin Bevan, who was the Labour government's minister of health. In arguing for the program, Bevan expressed strongly egalitarian values. The program's egalitarianism is undercut to some extent by the existence of "private beds," and so the possibility that those willing to pay extra would have access to a higher standard of care. Bevan was forced to agree to these for political reasons, and there has

⁹⁹ *A National Health Service* (CMD 6502), <http://www.sohealth.co.uk/national-health-service/the-sma-and-the-foundation-of-the-national-health-service-dr-leslie-hilliard-1980/a-national-health-service/> (Sept. 2013).

¹⁰⁰ Webster, *Health Services Since the War*, 1:79.

¹⁰¹ On establishing the NHS, see M. Foot, *Aneurin Bevan: A Biography*, vol. 2 (London: Davis-Poynter, 1973), chap. 4; Klein, *New Politics of the NHS*, chap. 1; Morgan, *Labour in Power*, pp. 151–63.

¹⁰² Jacobs, *Health of Nations*, p. 69.

¹⁰³ *Ibid.*, p. 115.

¹⁰⁴ Foot, *Aneurin Bevan*, p. 130.

been controversy about them ever since.¹⁰⁵ There have been other wrinkles, for example charges for dental and ophthalmic care, instituted in 1951 for financial reasons, which led Bevan and future prime minister Harold Wilson to resign from the cabinet. Similarly, charges for prescriptions were instituted in 1952, and there have been numerous subsequent reforms. But these exceptions to the rule make the egalitarian nature of the rule itself all the more clear. Moreover, agreement on the fundamental nature of the NHS has largely removed its central mission from political dispute.

Bevan was a firmly committed Socialist, not known for the moderation of his opinions nor for restraining them. In structuring the program and steering it through Parliament, he defended its moral core in numerous speeches, in different venues. However, given the lack of controversy over the program's key features, this part of his case attracted relatively little attention and was not much discussed when the bill was debated in Parliament.¹⁰⁶ Bevan's focus was generally on difficult administrative and structural problems that had to be resolved, but ideological disputes were far from absent. During debates over the program, Bevan's opponents railed against him, going so far as calling him a Nazi.¹⁰⁷ With the bill passed and enacted, Bevan responded in kind, expressing exactly what he thought of his opponents: "no amount of cajolery, and no attempts at ethical or social seduction, can eradicate from my heart a deep burning hatred for the Tory Party. . . . So far as I am concerned they are lower than vermin."¹⁰⁸ But Bevan's idealism matched his vitriol. In the same speech, he declared:

The eyes of the world are turning to Great Britain. We now have the moral leadership of the world and before many years are over we shall have people coming here as to a modern Mecca, learning from us.¹⁰⁹

In a later speech, he described the NHS as the "greatest social service experiment ever undertaken."¹¹⁰ It did "the most civilised thing in the world—[putting] the welfare of the sick in front of every other consideration."¹¹¹

The principles with which Bevan justified the new service were proudly Socialist. In his resignation speech he identified democratic socialism as practiced by the

¹⁰⁵ See Klein, *New Politics of the NHS*, chap. 1.

¹⁰⁶ See Webster, *Health Services Since the War*, 1:97–103.

¹⁰⁷ Foot, *Aneurin Bevan*, pp. 142–3.

¹⁰⁸ Manchester Labour rally speech (4 July 1948), <http://www.sochealth.co.uk/national-health-service/the-sma-and-the-foundation-of-the-national-health-service-dr-leslie-hilliard-1980/aneurin-bevan-and-the-foundation-of-the-nhs/bevans-speech-to-the-manchester-labour-rally-4-july-1948/> (July 2013). (Bevan's speeches are taken from this website, of the Socialist Health Association; cited in this section as SHA website; all accessed July 2013.)

¹⁰⁹ *Ibid.*

¹¹⁰ Bevan, speech to the Executive Councils Association (Oct. 7, 1948), SHA website.

¹¹¹ Bevan, speech to the House of Commons on the Appointed Day (Feb. 9, 1948), SHA website.

Labour Party as the “only one hope for mankind.”¹¹² He described the conception of the NHS’s free service as “the embodiment of Socialist principles.”¹¹³ “A free health service is pure Socialism and as such it is opposed to the hedonism of capitalist society.”¹¹⁴ Central to this conception of the service is that need should be the sole consideration in regard to distribution of healthcare. Ability to pay should not be a factor, as was expressed clearly in the 1944 white paper. In Bevan’s words, at the bill’s second reading at the House of Commons:

The first reason why a health scheme of this sort is necessary at all is because it has been the firm conclusion of all parties that money ought not to be permitted to stand in the way of obtaining an efficient health service. Although it is true that the national health insurance system provides a general practitioner service and caters for something like 21 million of the population, the rest of the population have to pay whenever they desire the services of a doctor. It is cardinal to a proper health organisation that a person ought not to be financially deterred from seeking medical assistance at the earliest possible stage. . . . A person ought to be able to receive medical and hospital help without being involved in financial anxiety.¹¹⁵

In his book, *In Place of Fear*, published in 1952, Bevan wrote:

The collective principle asserts that the resources of medical skill and the apparatus of healing shall be placed at the disposal of the patient, without charge, when he or she needs them; that medical treatment and care should be a communal responsibility that they should be made available to rich and poor alike in accordance with medical need and by no other criteria. . . . It insists that no society can legitimately call itself civilized if a sick person is denied medical aid because of lack of means.

Preventable pain is a blot on any society.¹¹⁶

In accordance with this view, Bevan’s expressed reason for resigning from the cabinet over the apparently minor matter of fees for ophthalmic and dental services is that they involved “a serious breach of Socialist principles.”¹¹⁷ He feared such fees

¹¹² Bevan, “Resignation speech,” (April 23, 1951), SHA website. And he added: “There is only one party in Great Britain which can do it and that is the Labour Party.”

¹¹³ Cabinet discussion, April 9, 1951, SHA website.

¹¹⁴ A. Bevan, *In Place of Fear* (New York: Simon and Schuster, 1952), p. 86.

¹¹⁵ Bevan’s, speech on the Second reading of the NHS Bill (April 30, 1946), SHA website.

¹¹⁶ Bevan, *In Place of Fear*, p. 79.

¹¹⁷ Cabinet discussion, April 9, 1951, SHA website.

were the start of a slippery slope and jealously guarded his nonfinancial principle in subsequent years.¹¹⁸

The principle of distribution of healthcare according to need alone, what Bevan called the “collective principle,” requires not only that lack of means not impede access to healthcare, but that the poor should receive the same care as the rich. In what he called “backward countries, or the backward parts of even the most advanced countries,” the rich provide only themselves with sanitation services such as clean water, and fight tooth and nail to deny these to less fortunate members of society.¹¹⁹ Thus Bevan was opposed to a “two-standard health service,” one standard for the poor and another for the rich. He described such a service as “the old British Poor Law system over again.” “The essence of a satisfactory health service is that the rich and the poor are treated alike, that poverty is not a disability, and wealth is not advantaged.”¹²⁰ One of Bevan’s central reasons for insisting on centralized control of all hospitals was to reduce inequalities between geographical regions.¹²¹

A final point in regard to Bevan’s principles concerned how the program should be financed. He opposed an insurance method on grounds of equity. With the NHS paid for out of general revenues, progressive income taxes insured that the rich would pay more. Thus the service contributed to income redistribution, and Bevan said that this aspect of the program “attracted [him] almost as much as the therapeutical.”¹²²

After its inception, the NHS proved to be vastly popular. Ten years after its beginnings, Bevan said that its popularity was so great that there was competition for its paternity. Conservatives had, by that time, forgotten that they opposed it.¹²³ However, the service proved to be far more expensive than anticipated. Not only was there a great deal of pent-up need for healthcare, but continuing advances in medical science and technology gave rise to additional demands. But while the NHS has been constantly reviewed and tinkered with, its basic principles have remained not only unchanged but generally viewed as unchangeable. This was true even during the most significant attempts to restructure the NHS, during the administration of Margaret Thatcher (1979–90). Thatcher, who was as openly ideological as Bevan, though of course in a different direction, attempted to roll back the welfare state as much as possible. In opposition to the Labour Party’s collective vision, she asserted “there is no such thing” as society,¹²⁴ and roundly defended property rights:

¹¹⁸ Resignation speech, April 23, 1951, SHA website.

¹¹⁹ Bevan, *In Place of Fear*, p. 78.

¹²⁰ *Ibid.*, p. 81.

¹²¹ Cabinet memo on Future of Hospital Services, Oct. 5, 1945, SHA website.

¹²² NHS debate 1958 House of Commons, July 30, 1958, SHA website.

¹²³ *Ibid.*

¹²⁴ M. Thatcher, interview for *Woman’s Own*, Sept. 23, 1987, <http://www.margaretthatcher.org/document/106689> (Aug. 2013).

Socialist governments traditionally do make a financial mess. They always run out of other people's money.¹²⁵

.....

Let us never forget this fundamental truth: The State has no source of money other than the money people themselves earn.¹²⁶

Motivated by a combination of conservative ideology and financial concern, Thatcher viewed the NHS as “a bottomless financial pit.”¹²⁷ She considered various alternatives for funding the NHS, but these were abandoned in favor of structural reforms alone. Thatcher claimed that throughout the lengthy process of policy review and formulation in which her administration engaged, she “always regarded the NHS and its basic principles as a fixed point in our policies.”¹²⁸ Beginning the 1988 ministerial review that resulted in her major reforms, she made it clear that the principle of free healthcare for all was off the table, even though she recognized “a potentially limitless demand for healthcare . . . as long as it was provided free at the point of delivery.”¹²⁹ As Thatcher never questioned this principle, the same was true of subsequent governments, both Labour and Conservative, although they continued to have similar concerns in regard to costs and preserved many of Thatcher's structural reforms.¹³⁰

In spite of the unquestioned status of the egalitarian nature of the NHS, other aspects of the British welfare state have continued to be based on different principles. To mention just a few examples, since the enactment of Beveridge's original plan, old-age pensions have moved farther in the direction of payments depending on contributions, as in the American Social Security system, though preserving more redistributive elements.¹³¹ Some measure of Poor Law Principles have returned in regard to continuing problems of unemployment and the possible culture of dependency promoted by welfare programs, which has contributed to the problem. Not surprisingly in view of her ideology, Thatcher argued for a distinction between the deserving and undeserving poor, and that state programs should respond to these populations in different ways.¹³² Although not embracing this terminology, the subsequent Labour government recognized the depth of the problem of unemployment among those able to work, and so the need to reconfigure unemployment

¹²⁵ Thatcher, TV interview for Thames TV *This Week*, Feb. 5, 1976, <http://www.margaretthatcher.org/document/102953> (Sept. 2013).

¹²⁶ Thatcher, speech to Conservative Party Conference, Oct. 14, 1983, <http://www.margaretthatcher.org/document/105454> (Sept. 2013).

¹²⁷ M. Thatcher, *The Downing Street Years: 1979–90* (New York: HarperCollins, 1993), p. 609.

¹²⁸ *Ibid.*, p. 606.

¹²⁹ *Ibid.*, pp. 609, 606.

¹³⁰ For discussion, see Klein, *New Politics of the NHS*, chap. 5.

¹³¹ See Lowe, *Welfare State in Britain*.

¹³² Thatcher, *Downing Street Years*, p. 627.

and other welfare programs in order to provide greater incentives to work. But this problem is endemic to welfare states and, as the problem of ever-rising healthcare costs with which the NHS wrestles, likely defies a neat solution.

(4) Conclusion

This chapter is obviously not a complete history of the British welfare state, but the main ideas behind major reforms should be clear. Looking back on the material reviewed, we can see that for Lloyd George, a collective conception of society, while present in the form of a general idea of reciprocity, received less emphasis than rejection of traditional property rights. By the time of the Beveridge Report and the origin of the NHS under a social-democratic government, traditional property rights were widely rejected, so much so that Beveridge and Bevan paid them little attention. The way was open for full-throated expression of collectivism supported by the Labour government. It is notable that neither Beveridge nor Bevan was an academic political philosopher, and neither made much of an attempt to defend the organic views of society to which they appealed. But given conditions in Britain in the 1940s, this was not necessary. Presumably, largely because of the country's experiences during the war, a collective view had taken hold. Reformers did not have to defend a view that was widely accepted; it was enough to invoke it. In subsequent decades, collective views of society have undoubtedly faded to a large degree. That ideological differences between the Labour and Conservative parties have narrowed—as attested to by the very labels “New Labour” and the “New Conservatism” of David Cameron—in part because of Labour's retreat from policies of nationalization, and so weakened adherence to a collective view. However, this principle lives on in the NHS as an unquestionable component of political culture. In all likelihood, its embodiment in so popular an institution is one reason the principle has lived on.

In a way, through the NHS, the ideological underpinnings of the British welfare state have come full circle. Although Britain began the nineteenth century with a political culture similar to that of the United States and different programs that were enacted were justified on different grounds, the NHS represents quite the opposite view. We will see in Chapters 7 and 8 that this contrasts sharply with justifications of attempts to reform health insurance in the United States during the Clinton and Obama administrations. In contrast to the egalitarian British program and its straightforward egalitarian justification, the fit between programs and ideals is far less neat with American healthcare programs, while at least with certain programs, one can view their justificatory arguments as more obfuscatory than straightforward.

FDR's Original Sin

Franklin D. Roosevelt laid the foundations of the American welfare state with passage of the Social Security Act in 1935. This bill established a system of contributory old-age/retirement pensions—the program now known as Social Security—while additional provisions afforded assistance to the indigent elderly, unemployment insurance, aid to dependent children, public health measures, and aid to the blind. These measures were made both necessary and possible by the Great Depression. In order to combat the calamitous economic times, Roosevelt pushed through Congress an entire retinue of measures and programs—the familiar “alphabet soup” of New Deal agencies. Our main concern is how he defended the social welfare programs in the Social Security Act, how this compared with his defense of other social welfare measures earlier in his career and implications of the strategy he pursued.

In establishing and justifying the beginnings of the American welfare state, FDR impelled it in a certain direction, with consequences that proved deleterious in ways we will trace. Largely at FDR's personal insistence, the pension program known as Social Security—Old-Age Insurance (OAI)—was established as social insurance.¹ Exactly what this meant is discussed in more detail in Chapter 6, sec. 1. For now, we should note that benefits depended on prior contributions, and the program's justification focused on a claim that, upon retirement, contributors essentially received their own money back. In this study I will not attempt to assess the advantages and disadvantages of a program of this type, as compared to other forms that old-age pensions could have taken. But it is notable that, in presenting the program as social insurance, FDR gave public understanding of American social welfare programs a decidedly individualist twist. In particular, he employed a specific Lockean conception of rights. And somewhat paradoxically, he used individualist arguments to justify a profound break with the country's previously individualist social policies. In examining FDR's justificatory arguments, we will note alternative courses he could

¹ The act established both Old-Age Insurance (OAI) and Old-Age Assistance (OAA)—a non-contributory, means-tested program paid from general revenues. Eventually, with the addition of payment to survivors and to people suffering from disabilities, the former became OASI and eventually OASDI.

have pursued, which turned on more developed conceptions of community responsibility for individual welfare. Arguments along these lines were more than theoretical possibilities. As we will see, FDR had employed similar arguments earlier in his political career, although, when it came to defending his social security program, he retreated to Lockean individualism.

(1) FDR's Political Ideas

From the beginning of his political career, FDR strongly believed that government should take action to help people who needed it. He was a complex person—according to Frances Perkins, who worked with him for many years, the most complicated she had ever met.² It appears that a combination of religious and humanitarian sentiments were frequently behind his actions. These motives can be traced back to a general feeling of noblesse oblige stemming from his social background, strengthened by the influence of Endicott Peabody, headmaster of Groton School, which FDR attended. It is often claimed that the New Deal was incoherent and that FDR did not have a developed political philosophy. I agree with these contentions, but only up to a point. The New Deal was largely incoherent on the level of policy, as FDR tried a range of measures to respond to economic circumstances. This was consistent with his well-known speech at Oglethorpe University in May 1932, in which he promised “bold, persistent experimentation”: “If [some measure] fails, admit it frankly and try another. But above all, try something.”³ Continuing fluctuations in policy were also brought about by FDR's general economic conservatism and reluctance to raid the treasury to finance programs, and so his tendency to shift direction and cut back on programs, when he believed this was possible. In regard to political philosophy, I believe FDR's views were more deeply considered than he is often given credit for.⁴ He was not a political philosopher. According to Arthur Schlesinger, perhaps his most influential biographer: “He had no sustained interest in political philosophy or in economic theory.”⁵ In response to a question concerning his philosophy, he famously responded that he was “a Christian and a Democrat—that's all.”⁶ However, the evidence indicates something more. In regard

² F. Perkins, *The Roosevelt I Knew* (New York: Viking Press, 1946), p. 3.

³ *The Public Papers and Addresses of Franklin D. Roosevelt*, 13 vols. (New York, Random House, 1938–[c1950]), 1:646; hereafter cited as *PPA*.

⁴ Similarly, Daniel Fusfeld argues against the common view that FDR knew little of economics: “The record shows that Franklin D. Roosevelt had a well-developed economic philosophy—largely derived from Progressivism—which was the basis for his political program.” (*The Economic Thought of Franklin D. Roosevelt and the Origin of the New Deal* [New York: Columbia University Press, 1954], p. 5).

⁵ A. Schlesinger, *The Crisis of the Old Order* (Boston: Houghton Mifflin, 1957), p. 396; Schlesinger, *The Politics of Upheaval: 1935–1936* (Boston: Houghton Mifflin, 1960), pp. 649–51.

⁶ Schlesinger, *The Coming of the New Deal* (Boston: Houghton Mifflin, 1958), p. 585.

to his justification of social welfare programs, we encounter a set of ideas that are surprisingly sophisticated early in his career. But as just noted, in justifying Social Security, he turned away from these toward a less sophisticated view resting on individual rights.

Throughout much of his career, FDR was concerned with the strictures of Lockean liberalism and attempted to move beyond them. This task was inherent in his historical position. When he was confronted with real problems that required action, he not only recognized the need to justify this, but also tensions between what he believed circumstances warranted and limitations in the dominant political belief system. This is a recurrent theme throughout his stint in the New York State Senate, as governor of New York, and as the Democratic presidential candidate. In his attempts to provide principled justification of reform legislation, he appealed to new conceptions of freedom, the community, and responsibilities of government. Many of his arguments along these lines resemble themes we have encountered in new liberalism.

FDR's need to justify social welfare programs was heightened when he became president. His proposed actions were not only inconsistent with accepted functions of the state under traditional liberalism but were also frequently of questionable constitutionality, as his experience with the US Supreme Court demonstrated. The justificatory stakes were accordingly high. He frequently utilized a few basic argument strategies, or, perhaps we may say, rhetorical formulas, to justify his proposals. Two in particular should be noted here. First, when faced with the need to justify new functions of government, FDR frequently began with general reflections on the nature of the state and then explained his proposals in this abstract light. As a rule, he indulged in such reflections only when he was considering actions that broke with traditional ideas. Such reflections therefore serve as a kind of indicator that proposals along these lines were under consideration. Second, when what he proposed was genuinely new, at least on the state or federal level, he attempted to minimize its originality by describing it as an adaptation of or return to established liberal values in American culture. In the introduction to the second volume of his collected papers and addresses, he wrote:

The New Deal was fundamentally intended as a modern expression of ideals set forth one hundred and fifty years ago in the Preamble of the Constitution of the United States—"a more perfect union, justice, domestic tranquility, the common defense, the general welfare and the blessings of liberty to ourselves and our posterity." (PPA, 2.5)⁷

⁷ FDR can be identified as invoking such themes as far back as 1911: "I believe a new spirit is abroad in the land today—at least we call it new; but it is really nothing more than a return to the old idea of representative government." In an interview published in Feb. 1911, quoted in R. Tugwell, *In Search of Roosevelt* (Cambridge, MA: Harvard University Press, 1972), p. 67 n.6.

In response to criticisms—or anticipated criticisms—that what he was doing was radical or un-American, FDR attempted to show that it was actually consistent with central American values, although the values had to be adapted or adjusted to new circumstances. Not content with paying lip service to these values, he claimed that the New Deal used the “instrumentalities and powers of Government actively to fight for them.” From its inception, the American system was based on personal liberty, private property, and “reasonable private profit” from labor and capital. These values, he averred, were preserved by New Deal policies. The main respect in which policies moved beyond traditional state functions was in attempting to protect individuals from “the misuse of private economic power” (*PPA*, 2.5).

During the course of FDR's political career, his conceptualization of the relationships between the state and its citizens underwent a decided shift. Throughout his time in state government and early in his presidency, FDR generally spoke in terms of the government having *obligations* to meet people's minimal needs, which legitimized state and then federal relief programs when these were necessary. At some point during his presidency, his overall emphasis shifted, and he spoke of individuals as having *rights* to benefits from the state, rather than the state's obligation to provide them.⁸ Although rights and obligations are generally correlative, this shift was still meaningful for FDR and signaled movement toward increasingly individualist arguments. While argument in terms of *obligations* clearly raised questions concerning who bore them, argument in terms of *rights* tended to push this concern into the background, especially if differences between negative and positive rights were elided. This shift was of great significance, as FDR's rights-based arguments strongly affected the American welfare state. in ways that we will see.

(2) FDR's New York Years⁹

As a progressive political leader, FDR was interested in pushing government to perform new functions to address trying economic circumstances. In spite of his generally conservative economic views and abhorrence at deficit spending, he recognized the real needs of large numbers of people and took innovative actions to meet them.

As governor of New York, FDR established a record that was perhaps the most progressive of any governor at that time. In 1931, under his leadership, the New York State Legislature established the first statewide relief program, New York State's

⁸ The shift was generally though not always maintained. For instance, an exception to the pattern was his well known Commonwealth Club speech, Sept. 23, 1932, during the 1932 electoral campaign, in which he emphasized rights of individuals rather than obligations of government. See *PPA* 1:742–56; see pp. 115–7.

⁹ To borrow the title of K. S. Davis, *FDR: The New York Years: 1928–1933* (New York: Random House, 1994).

Temporary Emergency Relief Administration (TERA), designating \$20 million for this purpose.¹⁰ In addition, he worked to establish an old-age pension system. A program was approved by the New York State Legislature in 1930, making New York one of a number of states that had such measures, although FDR expressed dissatisfaction with aspects of the program that was passed (*PPA*, 1.552–3). He also attempted to establish a system of statewide unemployment insurance, which no state had at that time.¹¹ While his efforts in this direction were less successful, comparing his arguments for unemployment insurance with those for TERA and old-age pensions allows us to identify differences in what he viewed as necessary to justify programs that were supported by general tax revenues as opposed to contributions from subjects.

In spite of variations in his arguments, in attempting to justify new functions of government, FDR generally downplayed their originality. He described government as doing a better job of fulfilling functions it already had rather than taking on new functions. Or in spite of the appearance that the government was indeed taking on new tasks, he claimed that these represented extensions of its traditional role. We have touched upon something along these lines in regard to the Social Security Act. In spite of the epochal change this represented for the federal government, FDR claimed that it was rooted in traditional ideas and values. Language like that Perkins quoted in her committee letter¹² is a consistent refrain in FDR's speeches.

Again, TERA was the nation's first statewide relief program. FDR argued for the program in August 1931, in a speech delivered to an extraordinary session of the New York State Legislature summoned to address the need for relief. He confronted the issue of justification head on, beginning with philosophical reflections on the nature of the state:

What is the State? It is the duly constituted representative of an organized society of human beings, created by them for their protection and well-being. "The State" or "The Government" is but the machinery through which such mutual aid and protection are achieved. (*PPA*, 1.457)

The state is the vehicle through which the community acts to fulfill its duties. Among its duties is "caring for those of our citizens" who, because of adverse economic circumstances, are unable to secure what they need for "mere existence." FDR was insistent that government had an obligation to make sure these needs were met:

In broad terms I assert that modern society acting through its Government owes the definite obligation to prevent the starvation or the dire want of

¹⁰ F. Peterson, "Unemployment Relief—Local and State," in E. Brandeis, "Labor Legislation," in J. R. Commons, et al., *History of Labour in the United States*, vol. 3 (New York: Macmillan, 1935), p. 230.

¹¹ Wisconsin became the first, in Jan. 1932.

¹² See *PPA* 3.288.

any of its fellow men and women who try to maintain themselves but cannot. (*PPA*, 1.458)

Such aid must be extended “not as a matter of charity, but as a matter of social duty” (*PPA*, 1.459).

Perhaps FDR believed he could make these claims with little or no supporting arguments, because relief had long been recognized as a basic function of government, to which citizens were entitled. But this was on the local level. What was new in FDR's policy was moving from the local to the state level. In this sense, there was a strong element of truth in his claim to be extending traditional functions of government.

In regard to who should meet this obligation of government, FDR described it as a “civic duty of all good citizens” (*PPA*, 1.459). In more concrete terms, in order to meet the emergency situation, he proposed new state expenditures to be raised by a tax on personal income. Thus the “duty” in question actually fell on the more well-off members of society: “It is clear to me that it is the duty of those who have benefited by our industrial and economic system to come to the front in such a grave emergency and assist in relieving those who under the same industrial and economic order are the losers and sufferers” (*PPA*, 1.466). In general, FDR argued that aid should take the form of employment. The government should provide funds for useful public works but also relief for those for whom work could not be found (*PPA*, 1.461).

FDR's attempt to extend ideas that were widely accepted in regard to the local level to the wider sphere of the state raises two particular points we should note. First was his appeal to a strong sense of community—a conception of the community that would be more readily accepted on the local level. The government is the agency through which the community works, while the community has definite obligations to take care of its members, once again, as a matter of justice rather than charity. It is likely that such conceptions of the community and what constitutes membership in it were widely held in regard to localities. Thus FDR was innovative in attempting to extend these conceptions to larger political units in which the relevant feelings were likely to be far more attenuated. Second and closely related, was his conception of this wider community as bound by ties of reciprocity. While all citizens had obligations to those who were suffering, these ties were strongest for those who had benefited most from social cooperation. He proposed that these obligations be given concrete form through the program of additional taxation that he advocated.

Given the strong conception of community from which he argued, FDR's justification of TERA bore a close relationship to themes in new liberalism. In his addresses little is found concerning the exact nature of the community to which he referred or of the relationships individual members were said to bear to one another. Still, FDR not only appealed to such a conception of community but

took concrete steps to act upon it. It was apparently because he recognized the novelty of proclaiming obligations of the state to meet the basic needs of its members that FDR began his address with philosophical reflections on the nature of the state.

Appeal to a strong sense of community was also prominent in his defense of old-age pensions. Responding to criticisms of his proposal in this area, he argued that although such a system could be regarded as “radical, as socialistic, or as my conservative friends would say, ‘Red,’” twenty years earlier, similar charges had been hurled at workmen’s compensation and factory inspection. Rather than rebutting such charges directly, FDR claimed only that the time for pensions had come (*PPA*, 1.35; see also *PPA*, 1.43). In a speech delivered in Rochester, New York, on October 21, 1930, in discussing old-age pensions, FDR referred to the state’s “sacred duty of taking care of our dependent aged,” and in a way that keeps them out of the “poor house” or other public institutions, and that they should be kept off the dole (*PPA*, 1.416–17). Throughout his life, FDR detested the dole; at one point, he likened “continued dependence on relief” to “a narcotic, a subtle destroyer of the human spirit.”¹³ His opposition to the dole had been at the heart of his objection to the pension system that was actually passed (*PPA*, 1.552–3). Most striking in his defense of this program was an appeal to a strong sense of community, bound up with ties of reciprocity between the state and its citizens:

There has also been a growing realization on the part of our people that the State is under obligations to those who labor, that the citizen who contributes by his toil to the wealth and prosperity of the commonwealth is entitled to certain benefits in return, which only the commonwealth can give. (*PPA*, 1.213)

These ideas are notably close to those of Hobhouse and so once again to new liberalism.

The program of unemployment insurance FDR proposed was intended to be insurance financed through member contributions, as opposed to the dole.¹⁴ After consulting with insurance experts, including William Beveridge, he asked the New York State Legislature to authorize a commission to address the problem of unemployment. Although he was not successful in establishing his desired program before he left New York for the presidency, FDR is described as “the first major public figure in the United States to advocate unemployment insurance.”¹⁵

¹³ State of the Union Address, Jan. 4, 1935 (*PPA*, 5.19).

¹⁴ On insurance, see Chapter 6, sec. 1.

¹⁵ F. Freidel, *Franklin D. Roosevelt: The Triumph* (Boston: Little, Brown and Company, 1956), p. 194.

FDR's arguments for unemployment insurance were notably different than those for the other programs we have seen. Because the program was insurance, which would be financed by contributions from employers and employees and so in which the community would be less directly involved in providing relief, FDR apparently did not feel it necessary to go to great lengths in order to justify it. In his discussions of this subject, there is little or no appeal to the community and the obligation to provide fellow citizens with what they needed to subsist.

In spite of these factors, his proposals were attacked, and he responded by downplaying their originality. Acknowledging "unthinking opposition" that what he was proposing was "something new" (*PPA*, 1.454), he responded that protection from unemployment was an extension of government's recognized, traditional function of providing protection. Unemployment insurance was simply another sort of protection: "As the world becomes more and more civilized and stabilized, we are able to give protection against more and more forms of potential dangers or losses" (*PPA*, 1.453). In addition, recalling his experience working in the insurance industry, he attempted to assimilate the program of insurance he proposed to other kinds of insurance: "During our own lifetime, we have seen many new forms of insurance, many improvements, many new coverages, and many new methods for the distribution of participating profits and the payment of losses." And so the form of insurance he now proposed was designed to deal with "still another form of insurable risk" (*PPA*, 1.454). FDR clearly distinguished the measures under consideration from the dole, "which is not only repugnant to all sound principles of social economics, but is contrary to every principle of American citizenship and of sound government" (*PPA*, 1.456).

Arguments drawing on a strong conception of community were not original in FDR's thought when he was governor. From the beginning of his political career, he pondered a new social theory, based on new conceptions of liberty and community. Especially notable is a speech he delivered in Troy, New York, in 1912, while he was a state senator.¹⁶

This address began with reflections on the "unrest" or discontent that had been endemic everywhere for the last three or four years. FDR located the cause in economic conditions. During the past thousand years, "as a general proposition the Aryan races have been struggling to obtain individual freedom." In almost every county in Europe and America, "this has been the great and fundamental question in the economic life of the people" (*MSF*, p. 3). But FDR believed that, although individual liberty had been obtained, it had proved not to be a panacea. Conditions of civilization had moved on, and with them had come new problems that required to be addressed with new theories: "Conditions of civilization that come with individual freedom are inevitably bound to bring up many questions that individual

¹⁶ In box 1 of the Master Speech File (*MSF*), at the FDR Library; it is cited by *MSF* and page number in text and notes.

liberty cannot solve” (MSF, p. 5). To address these question required a new social theory: “I have called this new theory the struggle for the liberty of the community rather than the liberty of the individual.” By using the word “liberty” in connection with “community,” one gives the word “a higher and nobler meaning than where the same word was applied to the ‘individual’” (MSF, p. 5). When there was conflict, the liberty of the community took precedence over that of the individual. “Co-operation must begin where competition leaves off and co-operation is as good a word for the new theory as any other” (MSF, p. 6).

As an example of what he had in mind, FDR discussed conservation, and how the interests of the community must dictate what individuals did with their property. He used as an example a walled city in China that had gone to waste and ruin because of an absence of such regulation. In contrast were policies in Germany, in which individual conduct was regimented by the community:

They past [*sic*] beyond the liberty of the individual to do as he pleased with his own property and found it was necessary to check this liberty for the benefit of the freedom of the whole people. (MSF, p. 7)

Although the main substantive subject of the speech was the need for conservation, this was only an example. FDR described the general principle to which he appealed as everyone pulling his own weight—as in the sport of rowing, in which he had participated. He believed this principle applied to production of food supply, and regulation of railroads, trusts, and common carriers (MSF, pp. 10–11). “If we call the method regulation, people hold up their hands in horror and say ‘UnAmerican’ or ‘Dangerous’. But if we call the same identical process co-operation these same old fogies will cry out ‘Well done’” (MSF, p. 10).

The ideas in this speech are so striking—and so clearly rooted in alternative liberal ideas—that one could be tempted to ask if they were FDR’s own. For someone who is purported to have had no real interest in political philosophy, the themes expressed are surprisingly abstract. But there is strong evidence of FDR’s authorship. The original mss., in the FDR Library, contains three pages in his own hand, which of course proves that he wrote at least that much of it.¹⁷ The influence of new liberalism is overwhelmingly clear, not only in discussion of a new conception of liberty, and the emphasis on rights of the community but also in cooperation, with everyone doing his share.¹⁸

¹⁷ I should note that in the typescript “UnAmerican” is mistranscribed from the handwritten version as “Oh American.”

¹⁸ It seems possible that, to some extent, the innovative political concepts in the speech can be attributed to its main subject matter, conservation. In this particular area—in which FDR was deeply interested throughout his life—the interest of the community as a substantive entity is clear. Preserving the environment is less directly connected with the interests of specific individuals than is the case with

Themes similar to those in this Troy address are featured in others of FDR's speeches as governor. He frequently characterized specific new functions of government as its responsibilities or obligations, although he used different terms to describe them. For instance, in an address on public health (June 25, 1929), he claimed: "the State has a positive right, not just an obligation, to see that the health of its individuals is brought up to a higher level" (PPA, 1.351). Exactly what he meant by a "positive right" is not explained, although, in spite of the apparent contrast he draws with "an obligation," it appears that the sense of this phrase is closely related to obligation or duty. As the state has a duty to pursue some goal, it also has a right to do so, which, if he were using the term in its technical sense, as a "liberty right," would mean merely that it does not have an obligation not to do so.¹⁹ Earlier in the same speech, FDR spoke of "a definite duty on the part of the state" to care for the mentally deficient. In filling in this idea, FDR claimed that the state had the right to insist on the people's good health. Echoing what he had said at Troy, FDR claimed that individual rights were limited: "The old idea of the right of an individual to be sick or of a community to have epidemics no longer exists." That right had been "turned around and transferred to the State" (PPA, 1.352). This was also in keeping with FDR's view that public health was central to the state's role (see PPA, 1.356). Other speeches also appealed to the state's duty to care for different members of the community. For instance, in his address to the 1931 conference of governors, at French Lick, Indiana, he declared that government has the responsibility of protecting its citizens from economic as well as other dangers (PPA, 1.486).

Similar themes show up in speeches FDR made in his 1932 presidential campaign, both before and after he secured the nomination. Perhaps because the federal government did not have welfare responsibilities and could well be blocked from assuming them because of doubts about their constitutionality, he said relatively little on a general level about the state's duties and obligations in this area. A prominent exception, though, is the developed account of the obligations of government he advanced in his address to the Commonwealth Club of San Francisco, on September 23, 1932. In this speech, FDR laid out a set of "universal principles" of politics (PPA, 1.742), in regard to recent developments and how they affected the relationship between government and the individual. To address these developments, he presented "new terms of the old social contract" (PPA, 1.756).

In this address, FDR provided a capsule view of American political history beginning with the debate between Hamilton and Jefferson, identifying his own account

social welfare legislation. Although it is difficult to say exactly where FDR got the ideas expressed in the speech, it seems likely that he was influenced by former president Theodore Roosevelt, who was a strong proponent of conservation. But the general ideas go beyond what is found in any speech or writing of TR that I have seen (cf. the discussion of TR in Chap. 3).

¹⁹ See W. Hohfeld, *Fundamental Legal Conceptions as Applied in Judicial Reasoning and Other Legal Essays* (New Haven, CT: Yale University Press, 1946).

as a successor to Jefferson's. Jefferson believed that individuals possess "two sets of rights," those concerning "personal competency" and those in regard to acquisition and possession of property (*PPA*, 1.746). During Jefferson's period, people were able to acquire adequate property through their own efforts. There were economic ups and downs, but at worst, people could move out west to waiting prairies. But, raising one of his recurrent themes, FDR contended that, since the middle of the nineteenth century, the industrial revolution has reduced individuals to conditions of dependency: "We were reaching our last frontier; there was no more free land and our industrial combinations had become great uncontrolled and irresponsible units of power within the state" (1.749). With business concentrated in ever fewer hands, the specter of "economic oligarchy" loomed, and with this "calls for a reappraisal of values" (*PPA*, 1.751). The economy had to be managed; large economic units had to be controlled. There was need for "enlightened administration" (*PPA*, 1.752).

With this background in place, FDR announced "an economic declaration of rights, an economic constitutional order" (*PPA*, 752). The economy produced enough for everyone; everyone was entitled to enough for "a comfortable living" (*PPA*, 754). "Our government . . . owes to every one an avenue to possess himself of a portion of that plenty sufficient for his needs, through his own work" (*PPA*, 754). To address this need, FDR appealed to the distinction between two kinds of property rights, those necessary for central functions of life, and others that are not. To protect the first, we must limit the other: "we must restrict the operations of the speculator, the manipulator, even the financier" (*PPA*, 754). The wealthy must work together for the common good; their ability to do what they want with their wealth must be curtailed. Should they refuse to do so, "the government may properly be asked to apply restraint." Should the group use its power "contrary to public welfare, the government must be swift to enter and protect the public interest" (*PPA*, 1.755), FDR argued that such policies do not "hamper individualism" but "protect it" (*PPA*, 754.)

In this address, FDR continued to depart from traditional liberalism. But while he clearly grasped the deficiencies of a *laissez-faire* economy and a corresponding conception of unfettered liberty, as in his Troy speech, his proposals in regard to governmental action were less radical than those expressed in regard to TERA and other social welfare programs when he was governor. Although he spoke of government's responsibilities to insure the welfare of its citizens, the means he prescribed may be described as indirect. Central to the contrast between the past times he described and the problem ridden present was the fact that equality of opportunity existed in the former period but had since been lost (*PPA*, 1.748, 1.750). Because in the earlier period people possessed the means to secure their own livelihood, government's role was limited. It was not to interfere in the economy but to protect the rights and private property of the citizens (*PPA*, 1.748). What was responsible for the change was the concentration of great wealth in few hands, the rise of an

economic oligarchy. The role of government now was to combat this. As we have noted, the property rights of speculators and manipulators must be restricted for the benefit of all (*PPA*, 1.754), which was described as protecting individualism (*PPA*, 746). But beyond this, he did not discuss government's obligations to provide for people's needs.

The main difference between the responsibility of government on this account and what we saw in regard to TERA and other social welfare programs may be accounted for in reference to FDR's underlying assumptions about the economy. In the Commonwealth Club speech, he assumed that control of the financial oligarchs would allow a restoration of conditions in which equality of opportunity would reemerge. People would be able to provide for themselves. Thus the economic declaration of rights he proposed required extension of government's traditional function of protection, from protecting against threats to personal rights to protection against economic threats, which had different but similarly harmful consequences. FDR described these responsibilities as "positive" duties (*PPA*, 753). But they did not require direct provision of resources to individuals, as did duties of providing relief, old age pensions, or insuring the unemployed, which were not discussed in the speech.

As in other speeches, in the 1932 Commonwealth Club address, FDR attempted to align his proposals with traditional American values. Economic circumstances required that we "apply the earlier concepts of American Government to the conditions of today" (*PPA*, 1.753). The contract between people and government expressed in the Declaration of Independence had to be redefined in view of the changes taking place (*PPA*, 1.753). But in spite of this, he claimed that what he was proposing amounted to a new interpretation of "individualism." Clearly, what FDR now meant by the term was far removed from its Lockean sense.

In view of our discussion of new liberalism, we can see that several of FDR's arguments in this address should be located in that tradition. His discussion of property rights is similar to a theme we have seen from Hobhouse, as it is more clearly and directly in his Troy speech. The wealthy's traditional right to do as they please with their own no longer held, if doing so would damage the rights of other people. Thus as with Hobhouse, FDR extended traditional conceptions of harm to encompass use of one's property rights, if their exercise would harm other people. In addition to weakening traditional conceptions of rights, FDR moved beyond the Lockean conception of community, explicitly claiming that government had obligations to protect individuals from the dangers of an unfettered economy, although, as noted, he did not discuss social welfare programs. All in all, then, although FDR did not explain his position in detail, his discussion of "universal principles" provides glimpses of an overall view of the individual and his rights, which, in important respects, verges on the new liberalism of Green and Hobhouse.

During the 1932 campaign, FDR returned to the obligations of government in difficult economic times. Especially notable was his frequently expressed belief that

government had an obligation to make sure that people's minimal needs were met. Once again, as we have seen, on a local level, this was long regarded as a basic function of government. Where FDR was innovative was in extending this responsibility to the state level, as he had as governor, and if that still did not provide adequate resources, to the federal level. A clear statement of his view is found in remarks given in a radio address on unemployment and social welfare, on October 13, 1932. As in his TERA speech to the New York State Legislature and the Commonwealth Club address, FDR supported his discussion of new functions of government with philosophical reflections. In regard to relief, he claimed that the "first principle" is that the primary duty rests on the community and private agencies. But if these agencies are not adequate to meet existing needs, then "organized society known as the State comes into the picture at this point." The "obligation of Government" is thus at a higher level (*PPA*, 1.787). In this address, he repeatedly used such language: "the definite obligation of supplementing local funds where these local funds were insufficient"; the "positive duty of the Federal Government to step in to help" when such help is needed. "The first obligation of Government is the protection of the welfare and well-being, indeed the very existence of its citizens" (*PPA*, 1.788–90).²⁰ Clearly, it is because he recognized that he was presenting controversial claims about the federal government's obligations that he raised general questions about duties of the state. Supporting his position, he quoted two paragraphs on the nature of the state from his TERA speech: "What is the State?" (*PPA*, 1.788; see p. 110).

In an address given in Detroit on October 2, 1932, we find a similar combination of positive duties of the state, and abstract reflections to justify them. One of his themes in this speech was "a broad program of social justice," which included a system of unemployment insurance. Here too he argued that the first responsibilities for alleviating distress and poverty fell on localities. But if the community was unable to meet this responsibility, then "the State should step in" (*PPA*, 1.776–77). The controversial nature of these claims was directly confronted, as he acknowledged some who viewed his proposed measures as "paternalistic" and interference with individualism (*PPA*, 1.776). In response, he contended that the aim of his proposals was to fortify individualism, by giving individuals greater security. The aim was not the dole but jobs (*PPA*, 1.777). As with other addresses that raised basic issues concerning the responsibilities of the state, FDR began with philosophical reflections:

I want to talk to you about Government. . . .

I am going to refer to some of the fundamentals that antedate parties, and antedate republics and empires, fundamentals that are as old as mankind

²⁰ In his speech accepting the nomination, FDR claimed that the primary responsibility for relief lay with localities, but that the Federal Government has "a continuing responsibility for the broader public welfare" (*PPA*, 1.658). Along similar lines, in Boston, on Oct. 31, 1932, he claimed that "the national Government . . . owes a positive duty that no citizen shall be permitted to starve" (1.851, 1.663).

itself. They are fundamentals that have been expressed in philosophies, for I don't know how many thousands of years, in every part of the world.

In opposition to the philosophy of those who wish to "let things alone," he argued for what he called "social justice, through social action" (*PPA*, 1.771).

(3) The Year of Crisis²¹

Upon assuming office, FDR set to work addressing the nation's overwhelming problems. During his celebrated first one hundred days, he sent fifteen messages to Congress and signed fifteen bills into law.²² In addition to dealing with crises in the banking and agricultural sectors and establishing the National Industrial Recovery Act, which he viewed as the centerpiece of the New Deal, he extended the federal government's responsibilities to assisting citizens in need. With some fifteen million people unemployed, he sought to provide work for the unemployed and relief for those for whom work could not be found. Initiatives in this area included the Civilian Conservation Corps, which provided employment to up to 300,000 young men working on forestry control, in national parks, and on similar projects. With establishment of the Federal Emergency Relief Administration, the federal government coordinated relief efforts of the states and furnished them with additional funds for this purpose. In addition, 3.3 billion dollars was made available for new public works under the Public Works Administration.

Actions such as these by the federal government were unprecedented. As was his wont, FDR downplayed this aspect of his actions. Thus for instance, in his introduction to the volume of his papers that covered this period, he took pride in his accomplishments and declared that, in terms of values, they represented nothing new:

The task of reconstruction which we undertook in 1933 did not call for the creation of strange values. It was rather finding the way to old, but somewhat forgotten ideals and values. Though the methods and means and details may have been in some instances new, the objectives were as permanent and as old as human nature itself. (*PPA*, 2.9–10)

The moral basis for FDR's actions was a principle concerning the need to respond to emergency conditions. More particularly, he declared as a basic principle that government had a duty to make sure no one starved. For ease of reference, I will

²¹ This is the title given to Volume II of *PPA*, which covers 1933.

²² For good general discussions, see W. Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932–1940* (New York: Harper and Row, 1963), chap. 3; D. M. Kennedy, *Freedom from Fear: The American People in Depression and War, 1929–1945* (New York: Oxford University Press, 1999), chap. 5.

call this his “emergency principle.” FDR invoked this repeatedly. For example, at a White House governors’ conference soon after assuming office, he said: “The Federal Government, of course, does have to prevent anybody from starving” (*PPA*, 2.19). Similarly, addressing a conference on Mobilization for Human Needs, on September 8, 1933, he said: “it is the inherent duty of the Federal Government to keep its citizens from starvation” (*PPA*, 2.357). As during the campaign, he consistently maintained that this responsibility fell on the federal government only when the localities, and then the states, had done all that they could do. Because of the scale of the emergency conditions that he faced, FDR was clear that only the federal government could meet current needs. For instance, in signing an Unemployment Relief bill on May 12, 1933, he said:

The principle which I have on many occasions explained is that the first obligation is on the locality; if it is absolutely clear that the locality has done its utmost but that more must be done, then the State must do its utmost. Only then can the Federal Government add its contribution to those of the locality and the State. (*PPA*, 2.183–4)

FDR argued that providing relief was an extension of government’s traditional functions in regard to security.

A similar theme was voiced in an extemporaneous address delivered at Vassar College on August 26, 1933. FDR claimed that his administration was the first time “that the Nation as a whole . . . has approved such drastic changes in the methods and forms of the functions of government without destroying the basic principles.” The principle in question was “the old principle of the local community . . . that no individual . . . has a right to the things that hurt his neighbors” (*PPA*, 2.340). FDR claimed that this was “the principle of the old English common law . . . nearly 1,000 years ago,” which had been developed ever since: “to be fair to one’s neighbors and not to do things that hurt them” (*PPA*, 2.340). This principle appears to be a variant of the so-called harm principle, associated with John Stuart Mill, which is closely bound up with ideas of negative liberty. Put in territorial terms, as noted above, there is a space or territory around each individual, with which other people are not allowed to interfere without his permission. If this security is to be maintained, all that is required of other people is noninterference. They are not required to take positive action. Complexities arose when FDR extended this harm principle to economic activities, claiming that it grounded other prohibitions, ranging from not letting your cows wander onto another’s fields to making unfair profits from monopolies, to hiring children for long hours at low wages. While these extensions could be defended relatively easily, FDR claimed that the same principle also justified increasing taxes, “because of a simple principle that very large profits were made at the expense of neighbors,” and so should be used “through taxes for the benefit of the neighbors.” Similar reasoning was extended to defend the National Industrial

Recovery Act and its purposes of building up purchasing power, improving working conditions, and increasing the number of people employed in the country (*PPA*, 2.340–1).

I do not contend that any of functions of government in this list cannot be justified. The problem is with the logic of FDR's justifications, that he attempted to defend all these functions as extensions of the harm principle. All of these activities could easily be defended, for example, according to some general idea that government has a responsibility to promote the welfare of the community and its members. But such an idea did not fit well with the overall Lockean framework from which FDR proceeded. Problems along these lines became especially serious when the president later used similar reasoning to defend social welfare programs. Although they could be construed as preventing harm, his proposed welfare programs required that certain people provide resources to benefit recipients. To justify these actions required more than refraining from actions that threatened one's neighbors.

During the dark period early in his presidency, FDR supported his emergency principle with a strong or communal conception of society. Speaking extemporaneously at Hyde Park Methodist Church, on September 29, 1933, he defended the actions of the federal government in these terms: If the community had done all that it could, and people were still suffering, then it should become the duty of the federal government to see that nobody would starve:

That has been the principle we are trying to extend to all the work of our Government, to see to it that every man and woman, and I might add, child has done his share toward the common good. (*PPA*, 2.369)

A few days later, the principle was expressed more explicitly in an address to the American Legion. In this speech, FDR derived a principle of relief from the obligation of citizens to bear arms in defense of the country. In return for the latter, the government had responsibilities to see to the welfare of those serving in its defense (*PPA*, 2.375). This principle was apparently generalized:

Your task and mine are similar. Each one of us must play an individual part in our own field in dealing with these many problems, and to help make our neighbors play their part, but at the same time we must realize that the individual part belongs to a closely related whole—the national unity of purpose and of action. (*PPA*, 2.378)

Along similar lines, in FDR's third fireside chat on July 24, 1933, he stated that all members of the polity should work together to defeat common foes:

On the basis of this simple principle of everybody doing things together we are starting out on this nationwide attack on unemployment. . . .

There is nothing complicated about it and there is nothing particularly new in the principle. It goes back to the basic idea of society and of the Nation itself that people acting in a group can accomplish things which no individual acting alone could even hope to bring about. (*PPA*, 2.299)

As a justification for the federal government's assumption of relief functions, FDR's emergency principle fit well with a strong conception of community. In Chapter 4, we noted the common opinion that it was during World War II that a strong conception of community developed in Great Britain, which was instrumental in supporting the developing welfare state. Thus it is interesting to find analogous themes in FDR's arguments. He frequently likened the struggle against the Great Depression to a war.²³ Most famously, in his first inaugural address, he noted the possibility of having to ask for emergency powers, "broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe."²⁴ Thus one justification of the emergency principle was the analogy with war, and so the duty for all members of the community to pull together to support the war effort.²⁵ But this argument's application was limited. Wartime exertions could be called upon only as long as the war lasted. In FDR's case, emergency conditions faded with return to economic stability—in spite of the severe problems that remained. Calls to emergency actions became less appropriate, and FDR was forced to present new justifications for social welfare programs. This was especially clear when the programs themselves moved from provision of emergency relief to permanent programs intended to provide social security.

(4) Social Security

Given its epochal importance, it is not surprising that FDR viewed the Social Security Act as his most important domestic accomplishment and the centerpiece of the New Deal. He also took more satisfaction from it than from any other domestic achievement.²⁶ In first announcing his plans for the program in a message to Congress on June 8, 1934, FDR noted the need to shift from immediate relief to "rebuilding the structures of our economic life . . . to prevent a recurrence

²³ See Leuchtenburg, "The New Deal and the Analogue of War," in *The FDR Years: On Roosevelt and His Legacy* (New York: Columbia University Press, 1995).

²⁴ Inaugural address, March 4, 1933 (*PPA*, 2.15).

²⁵ For instance: "We are engaged in another war, and I believe from the bottom of my heart that organized labor is doing its share to win this war. The whole of the country has a common enemy; industry, agriculture, capital, labor are all engaged in fighting it. Just as in 1917 we are seeking to pull in harness; just as in 1917, horses that kick over the traces will have to be put in a corral" (address at the dedication of the Samuel Gompers Memorial Monument, Washington, DC, Oct. 7, 1933, *PPA*, 2.386).

²⁶ Perkins, *Roosevelt I Knew*, p. 301.

of collapse" (*PPA*, 3.287). Old-Age Insurance—OAI, generally referred to as Social Security—has survived as an unchallengeable pillar of the American welfare state. Although any particular date is somewhat arbitrary, if one had to choose one date as marking the beginning of the American welfare state, it would be 1935 with the passage of the Social Security Act.

As he defended his Social Security program, both during his efforts to pass it and in subsequent years, FDR's arguments shifted from focus on the obligations of the federal government to individuals and their rights, which he repeatedly described as extensions of existing rights. We cannot know how clearly he distinguished these different arguments in his own mind, but over time he introduced an extensive list of rights to which the American people were entitled. His new line of argument was prefigured in his Commonwealth Club address, which announced a "new declaration of rights," although in that speech, there was also some discussion of government's obligations. As we will see, FDR's new emphasis on individual rights opened the way to significant difficulties.

In his addresses on social security, FDR returned to an historical sketch reminiscent of the Commonwealth Club address. In a fireside chat on September 30, 1934, as he campaigned for the bill, he contended that the concentration of industry had altered relationships between employer and employees, and made "the free action of individual wills appear quite inadequate." Once again, organized control through government was necessary (*PPA*, 3.414; quoting Elihu Root). Specific policies defended in this talk included minimum wage provisions and protections for collective bargaining by organized labor, provided by the National Recovery Act. On a similar note, in signing the Social Security Act, FDR stated that "The civilization of the past hundred years, with its startling industrial changes, has tended more and more to make life insecure," and so this act is needed for protection against "the hazards and vicissitudes of life" (*PPA*, 4.324). On the third anniversary of the act (Aug. 15, 1938), FDR returned to this theme. Whereas in the past, people could provide security for themselves without the assistance of government, "as the Nation has developed, as invention, industry and commerce have grown more complex, the hazards of life have also become more complex. Among an increasing host of fellow citizens, among the often intangible forces of giant industry, man has discovered that his individual strength and wits were no longer enough."²⁷

The new set of rights he supported were necessary to address new historical circumstances. These rights were featured in his June 8, 1934, message: "If, as our Constitution tells us, our Federal Government was established among other things, 'to promote the general welfare,' it is our plain duty to provide for that security upon which welfare depends" (*PPA*, 3.291). He posited a set of three rights:

²⁷ "Radio Address on the Third Anniversary of the Social Security Act," Aug. 15, 1938, <http://www.presidency.ucsb.edu/ws/index.php?pid=15523&st=&st1=> (Aug. 2009).

“security of the home,” “security of livelihood,” and “security of social insurance.” These are “a minimum of the promise that we can offer to the American people. They constitute a right which belongs to every individual and every family willing to work” (*PPA*, 3.292).

FDR viewed these rights as extensions of existing rights and insisted that they did not depart from established values. In his message to Congress, he made this point not once but twice:

Our task of reconstruction does not require the creation of new and strange values. It is rather the finding of the way once more to known, but to some degree forgotten, ideals and values. If the means and details are in some instances new, the objectives are as permanent as human nature. (*PPA*, 3.288)

It is these remarks that Perkins quoted in her 1935 cover letter to the Economic Security report, which I recounted at the beginning of this study. Later in the same speech, FDR said:

This seeking for a greater measure of welfare and happiness does not indicate a change in values. It is rather a return to values lost in the course of our economic development and expansion. (*PPA*, 3.292)

The fact that he felt it necessary to make this point twice in this address suggests that FDR protested too much. In all likelihood, had he not believed that his new program did in fact depart significantly from basic American values, he would not have felt it necessary to make the point even once.

It may be reasonable to surmise that FDR's repeated harping on the nonrevolutionary nature of his programs was felt to be necessary because of criticisms he received. In a fireside chat delivered on June 28, 1934, FDR noted that his proposals would be denounced from different quarters. “A few timid people, who fear progress, will try to give you new and strange names for what we are doing. Sometimes they will call it ‘Fascism,’ sometimes ‘Communism,’ sometimes ‘Regimentation,’ sometimes ‘Socialism’” (*PPA*, 4.317). But, he claimed, this distorted “a fulfillment of old and tested American ideals” (*PPA*, 4.317). Earlier in this talk, he noted “theoretical die-hards” who complained that his programs have caused “a loss of individual liberty” (*PPA*, 4.314). In response to that criticism, he argued that his policies had not caused any diminution of “rights or liberty or constitutional freedom of action and choice.” No provision of the Bill of Rights had been impaired (*PPA*, 4.314–15). Defending his plans for social security, FDR quoted his remarks to Congress about “well-known, long-established but to some degree forgotten ideals and values” (*PPA*, 4.316). As an analogy, he discussed modernizing the White House office building to add such things as modern wiring

and plumbing, while keeping the existing structure intact: “The simplicity and the strength of the structure remain,” in spite of necessary reorganization and rebuilding (*PPA*, 4.317).

In subsequent addresses, FDR continued to emphasize this theme. Strikingly, the Democratic Party platform of 1936, which proclaimed “inescapable obligations” owed by government to its citizens, opened by alluding to the Declaration of Independence: “We hold this truth to be self-evident—that the test of a representative government is its ability to promote the safety and happiness of the people.” The obligations of government were:

- (1) Protection of the family and the home.
- (2) Establishment of a democracy of opportunity for all the people.
- (3) Aid to those overtaken by disaster.

Over time, FDR developed a list of rights, most famously expressed in his “Four Freedoms” speech (the State of the Union address, Jan. 6, 1941). These were freedom of speech, freedom to worship, freedom from want, and freedom from fear.²⁸ It is important to note that this portion of the speech was written by FDR himself, without a speechwriter.²⁹ In order to publicize and perhaps to legitimize the four freedoms, FDR strove to have Norman Rockwell illustrate them in a series of famous cover paintings for the *Saturday Evening Post*.³⁰ Freedom from want, with which there were theoretical difficulties—as seen below—was presented to the public in all-American terms. Rockwell used a traditional American Thanksgiving feast to illustrate this freedom: a multigenerational family gathered around a food-laden table, thereby helping to blur the boundaries between different kinds of rights that FDR fostered.³¹

In his 1944 State of the Union address, FDR announced “a second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, or race or creed.” These economic rights include:

The right to a useful and remunerative job in the industries, or shops or farms or mines of the nation;

The right to earn enough to provide adequate food and clothing and recreation;

²⁸ It appears that FDR used freedom (from) and rights more or less interchangeably.

²⁹ R. Sherwood, *Roosevelt and Hopkins: An Intimate History*, 2nd ed. (New York: Harper and Row, 1950), p. 231.

³⁰ S. Milkis “Franklin D. Roosevelt, the Economic Constitutional Order, and the New Politics of Presidential Leadership,” in *The New Deal and The Triumph of Liberalism*, ed. S. Milkis and J. Mileur (Amherst: University of Massachusetts Press, 2002), pp. 55–6.

³¹ Cf. *ibid.*, pp. 51–2.

The right of farmers to raise and sell their products at a return which will give them and their families a decent living;

The right of every business man, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;

The right of every family to a decent home;

The right to adequate medical care and the opportunity to achieve and enjoy good health;

The right to adequate protection from the economic fears of old age, and sickness, and accident and unemployment;

And finally, the right to a good education.³²

Roosevelt discussed his economic bill of rights in a major campaign address at Soldier Field in Chicago, on October 28, 1944.³³ As well as defending the possibility of his plan, he repeatedly insisted that these rights would be provided within the confines of the free enterprise system:

Now, this Economic Bill of Rights is the recognition of the simple fact that, in America, the future of the worker, the future of the farmer lies in the well-being of private enterprise; and that the future of private enterprise lies in the well-being of the worker and the farmer. It goes both ways.

I believe in free enterprise—and always have.

I believe in the profit system—and always have.

I believe that private enterprise can give full employment to our people.

Clearly, as his proposals went beyond existing policies and practices, FDR attempted to reassure his audience about maintaining traditional values.

FDR's Second Bill of Rights can be traced back to the 1943 report of the National Resource Planning Board (NRPB), which had been assigned the task of planning for postwar needs.³⁴ Like the Beveridge Report, the NRPB report recommended full employment policies, and expanded social insurance, and assistance or welfare

³² State of the Union address, Jan. 11, 1944, <http://www.presidency.ucsb.edu/ws/index.php?pid=599&st=&st1=> (Aug. 2009).

³³ Campaign speech, <http://www.presidency.ucsb.edu/ws/index.php?pid=16460&st=&st1=> (May 2015).

³⁴ *National Resource Development Report for 1943. Part I. Post-War Plan and Program* (Washington, DC: US Government Printing Office, 1943), p. 3; for details, see P. Reagan, *Designing a New America: The Origins of New Deal Planning, 1890–1943* (Amherst: University of Massachusetts Press, 1999), pp. 218–19.

programs.³⁵ But unlike the Beveridge Report, which had a huge impact, the NRPB report soon passed from view, while the board itself was defunded by Congress in 1943. Its main practical impact was laying the groundwork for the Servicemen's Readjustment Act of 1944, better known as the GI Bill of Rights. In terms of social welfare programs, the NRPB report called for a comprehensive program of social security funded by general taxation. It recommended that the government "guarantee to every citizen the right to his place as a worker and right to income received under conditions compatible with self-respect when he is unable to work."³⁶ Policies that would be "less destructive to self-respect" included giving public aid the status of a legal right. Applicants would have rights to appeal administrative decisions, privacy protections, and would not be required to submit to reinvestigations.³⁷ But although the report's authors desired to narrow the gap between social insurance and relief, its principal intellectual legacy was FDR's economic bill of rights, which in turn contributed to the GI Bill. Veterans were provided with aid for education, home mortgages, unemployment compensation, and low interest loans to start businesses and farms. As Edward Amenta and Theda Skocpol note, in spite of the intentions of the report's authors, it contributed to "a special welfare state for a substantial sector of the population deemed especially deserving."³⁸

Although FDR repeatedly claimed that his policies did not depart from traditional American values, at times he did recognize the extent of his innovation. Consider his fireside chat of September 30, 1934. In this address, he criticized the "untenable theory that it is an interference with liberty" to help private enterprise when it is in need of help. The times called for a new definition of liberty:

I am not for a return to that definition of Liberty under which for many years a free people were being gradually regimented into the service of the privileged few. I prefer and I am sure you prefer that broader definition of Liberty under which we are moving forward to greater freedom,

³⁵ On the relationship between the NRPB report and the Beveridge Report, see J. Klausen, "Did World War II End the New Deal? A Comparative Perspective on Postwar Planning Initiatives," in Milkis and Mileur, *New Deal and the Triumph of Liberalism*, and E. Amenta and T. Skocpol, "Redefining the New Deal: World War II and the Development of Social Provision in the United States," in *The Politics of Social Policy in the United States*, ed. M. Weir, A. Orloff, and T. Skocpol (Princeton, NJ: Princeton University Press, 1988).

³⁶ National Resource Development Report for 1943, pt. 3: "Security, Work, and Relief Policies," p. 1.

³⁷ *Ibid.*, p. 218.

³⁸ Amenta and Skocpol, "Redefining the New Deal," p. 94. For example, according to FDR "[T]he members of the armed forces have been compelled to make greater economic sacrifice and every other kind of sacrifice than the rest of us, and they are entitled to definite action to help take care of their special problems." (Fireside Chat, July 28, 1943, <http://www.presidency.ucsb.edu/ws/index.php?pid=16437&st=&st1=> May 2015).

to greater security for the average man than he has ever known before in the history of America. (*PPA*, 3.4222)

Although he did not clearly explain his meaning, FDR's new definition of liberty appears to hark back to themes from the new liberalism that we have seen. But for the most part, he insisted that his new rights were part and parcel of traditional American ideas. Had he been more explicit about the implications of this broader definition of liberty and less insistent that his programs did not alter traditional values, FDR could have made a much stronger case for his new programs.

(5) FDR's Original Sin

If we take Communism, Socialism, or Fascism as the basis for comparison, FDR's ideas should undoubtedly be viewed as in keeping with American traditions. To some extent, as he also noted, his policies were traditional in regard to how they were enacted. They were in keeping with American ideals of "orderly popular government" (Fireside Chat, Sept. 30, 1934, *PPA*, 3.416), "the American practice of Government—a practice of taking action step by step, of regulating only to meet concrete needs—a practice of courageous recognition of change" (*PPA*, 3.422). In this fireside chat, he noted the new conception of liberty underlying his policies. But on the whole, FDR slid over the extent to which introduction of economic rights guaranteed by government departed from the traditional individualist framework of American ideals and values.

It is in this area that I believe his ideas become problematic. As we saw in Chapter 2, the new liberalism of Green and Hobhouse provides consistent justification for welfare state programs, although their positions have other flaws, which we have also noted (Chap. 2, sec. 4). The speeches we have seen provide strong evidence that, at times, FDR was attracted to such ideas. This is clear in the new obligations of government, the new conception of liberty, and the weakened property rights he invoked. In various speeches, he appeared to reconsider fundamental political ideas. This is seen as early as his 1912 Troy speech, and the different times he raised fundamental political questions, such as "What is the state?" or the "universal principles" of the Commonwealth Club address. But FDR's rethinking of liberal theory did not proceed far enough.

It is possible that FDR was not fully aware of the extent of the break with traditional liberalism that some of his ideas represented. Commentators are in agreement that he was not interested in abstract political ideas. But an assessment of this sort is belied by the discussions we have noted. It is likely that in spite of his philosophical ruminations, FDR was not interested in ideas for their own sakes. Perhaps these different themes were attractive to him for a variety of specific reasons—in accordance with his propensity to latch on to a wide range of facts and information

that appealed to him.³⁹ Perhaps he did not make strong connections between them, and so did not trace out their implications. But it is more likely that he drew back for political reasons. In repeatedly claiming that he was doing nothing new, FDR revealed his strong desire not to be recognized as doing so. Given strong opposition to the Social Security bill, he decided to protect his flanks—to play the fox, as Machiavelli would have it (see p. 7). And, indeed, Republicans and other opponents of the legislation attacked it as Communism, Fascism, un-American in other words. He responded that his new rights meant no such thing. They were deeply rooted in the American tradition, extensions of “known, but to some degree forgotten, ideals and values.” On this explanation, he was well aware that the ideas were in fact new, but he attempted to mask this, while he probably did not grasp the extent to which some of his ideas were actually incompatible with traditional ideals and values. In accordance with his frequent pattern in regard to proposed policy measures that did not appear to fit together, he attempted to work them into an untidy overall package. As a political actor FDR's usual procedure was to have advocates of conflicting positions sit down in a room until they had worked out their differences.⁴⁰ Perhaps he also brought an instinct for compromise to the arena of competing political concepts.

Given his inclinations and the range of pressing problems he had to address, it is not surprising that FDR did not engage in extended, abstract reflection, or at least did not do so in his public addresses, even if he had had the abilities necessary to do so. Clearly, in providing his opponents with additional ammunition, such reflection would not have served him politically. On the level of policy, avoidance of overall theory construction was not itself a problem—and in regard to Social Security, it may in fact have been an advantage.⁴¹ Although the lack of clear theory may have been a factor in FDR's abrupt policy shifts throughout the New Deal, the latter were due far more to political exigencies, combined with his activist temperament and predilection for experimentation. Political considerations aside, however, simply moving from traditional negative rights to the new welfare rights under consideration raises severe problems. We will return to these in the final section of this chapter.

In large part, the shape of OAI, the pension plan the Social Security Act established, was due to FDR's particular values and beliefs. This is another way in which the political culture's individualism shaped developments. In spite of his excursions into new liberal ideas, FDR was deeply influenced by traditional values. His economic views were largely traditional, and he had a deep-seated aversion to deficit spending. For example, as governor of New York during the early years of

³⁹ Schlesinger, *Coming of the New Deal*, pp. 526–7.

⁴⁰ *Ibid.*, p. 530.

⁴¹ See Chapter 6, sec. 2.

the Great Depression, he attempted to follow his basic inclination and cut government expenditures.⁴² Rexford Tugwell, a charter member of the so-called Brains Trust and so who knew him well, describes FDR as torn between the two sets of ideas and the policies the different ideas dictated. Tugwell expresses this opinion strongly: “Roosevelt exhibited a kind of theoretical schizophrenia about planning.”⁴³ But he was able to remain committed to contradictory ideas, because of “the politician’s indifference to inconsistency.”⁴⁴ Tugwell believed this in large part accounted for continuous policy shifts during the New Deal period. While FDR recognized the need for strong government intervention to address various problems, because of his basic individualist values and commitment to *laissez-faire*, he found it difficult to maintain this course. Tugwell describes this as FDR’s “gradual regression to orthodoxy”:⁴⁵

It is possible to cull passages from his speeches representing the most advanced holistic position; indeed this preference predominates. Yet . . . there always came a reversion to older ways of thinking.⁴⁶

The traditional side of Roosevelt’s beliefs was most apparent in an October 1932 campaign speech, delivered in Pittsburgh, and also in his famous acceptance speech for the 1932 Democratic nomination, in which he invoked “the new Deal.” In the Pittsburgh address, he criticized Hoover not for doing too little but for doing too much. FDR promised to balance the federal budget and to cut government spending severely (*PPA*, 1.795–812). Similarly, in his acceptance speech, he pledged an “immediate and drastic reduction of government expenditures,” amounting to “a saving of not less than 25 percent in the cost of Federal Government” (*PPA*, 1.661). Tugwell notes FDR’s genuine guilt when circumstances forced him to depart from this course, and that for many years, FDR regularly tried to cut every proposed project by 10–25%.⁴⁷ In Tugwell’s opinion, FDR did not differ significantly from Hoover in regard to basic beliefs; at his core he was as individualistic. But because FDR was more pragmatic and a better politician, he was able to try different policies as circumstances demanded.⁴⁸ FDR’s core commitment to individualistic and *laissez-faire* beliefs emerged throughout the New Deal period. Most importantly, in 1937, as conditions appeared to be improving, FDR took the opportunity to cut

⁴² Freidel, *Triumph*, pp. 184–5.

⁴³ Tugwell, *In Search of Roosevelt*, p. 112 n.9.

⁴⁴ *Ibid.*, p. 248.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*, p. 94.

⁴⁷ *Ibid.*, p. 159.

⁴⁸ *Ibid.*, p. 161.

back sharply on government spending, thereby contributing to a severe economic downturn.⁴⁹

I find Tugwell's account convincing, and view it as probably the best analysis of FDR's mindset I have come across. Something along these lines is necessary to account not only for his frequent policy shifts but for the peculiar mix of ideas we have seen. But we should also note that in addition to FDR's instinctive adherence to individualist beliefs, was his view of political expediency. However sincere was his commitment to individualism, he believed it made political sense to use rhetoric along these lines. This is apparent in both the 1932 electoral campaign and the political struggle to enact the Social Security Act. During the electoral campaign, Roosevelt found it advantageous to couch his views and policy proposals in terms that were traditional and inoffensive. Given public disaffection with Hoover, he was confident he would be elected as long as he offended as few people as possible.⁵⁰ Under these circumstances, it was natural for him to take what Tugwell calls "the easy way," toward what was "easy and meretricious," and away from a clear embrace of collectivist ideas and policies.⁵¹ I believe that considerations along these lines go a long way toward explaining the arguments FDR used to defend Social Security.

By most accounts, FDR's influence was decisive in both shaping the Social Security program and pushing it through Congress. The ultimate vote on the bill was lopsided: It was supported by more than 90 percent of members in both the House of Representatives and the Senate. In the House, the vote was 371–33; in the Senate, 77–6. After the conference committee resolved differences, both houses passed the bill without roll-call votes. But these figures are misleading. There were considerable difficulties getting the bill through the House Ways and Means Committee and the Senate Finance Committee.⁵² Among attempts to revise the bill that had to be beaten back was the so-called Clark Amendment, which would have allowed people with pensions from private pension plans to be exempted from Old-Age Insurance. This amendment was included in the bill that was originally passed in the Senate and was only dropped in the conference with the House of Representative.⁵³ FDR had said that with this provision included, the program was unacceptable to him.⁵⁴ Other parts of the bill were modified considerably by the legislative process. Federal oversight of Old-Age Assistance, Aid to Dependent Children, and Unemployment Insurance was significantly cut back, allowing the states greater latitude in regard to the levels of benefits they would provide. For Old-Age Assistance, the House eliminated a provision that state assistance must

⁴⁹ See Leuchtenburg, *Roosevelt*, pp. 243–51; Kennedy, *Freedom from Fear*, pp. 351–6.

⁵⁰ Tugwell, *In Search of Roosevelt*, p. 177.

⁵¹ *Ibid.*, pp. 137, 136.

⁵² See E. Witte, *The Development of the Social Security Act* (Madison: University of Wisconsin Press, 1962), pp. 75–108.

⁵³ *Ibid.*, pp. 105–8.

⁵⁴ *Ibid.*, p. 162.

be sufficient to provide “when added to the income of the aged recipient, a reasonable subsistence compatible with decency and health.”⁵⁵

At the time the Social Security Act was proposed—and one reason that it was thought necessary to propose it—the “Townsend movement” appeared to be an important political force. Francis Townsend was a physician, who, in a letter to the editor of a California newspaper, proposed a program of old-age pensions, the main features of which were a \$200 a month pension, to be funded by a 2 percent national sales tax. This tax would not nearly cover the pension outlays, and so the plan required that the pension money be spent immediately, with increased economic activity generating the necessary additional tax revenue.⁵⁶ In spite of his dubious economics, Townsend tapped into a real social need: pensions to address poverty among the elderly. We have noted movements of many states, including New York, to enact old-age pensions. By January 1935, when the Social Security bill was introduced in Congress, twenty-eight states had pension laws, but the pensions themselves were not nearly adequate.⁵⁷ Although the cost of Townsend’s plan made it virtually inconceivable that it could be enacted, his proposal inspired an enormous popular outpouring and, consequently, great interest in old-age pensions financed from general revenues. According to Arthur Altemeyer, an important early administrator of Social Security, there was general opposition to a plan financed by contributions as opposed to a pension system financed from general revenues.⁵⁸ Similarly, Edwin Witte, who was executive director of the Committee on Economic Security, reported that congressional opinion was generally opposed to social insurance.⁵⁹ This is not surprising for obvious political reasons. The contributory plan required that contributions be made for several years and a substantial reserve fund accumulated before benefits were paid. Although benefits were originally set to be paid beginning in 1942, these factors eventually required that the date be moved up to 1940, while provisions were made for older workers who had not had time to earn benefits through their contributions before retiring.

The chief reason the plan assumed the form it eventually did was because of the influence of the president. Witte reports that, aside from the president’s insistence, it is likely that the only part of the legislative package that would have been passed was Old-Age Assistance.⁶⁰ A general plan along such lines was anathema to Roosevelt who was strongly opposed to noncontributory social insurance. Aside from

⁵⁵ *Ibid.*, p. 144.

⁵⁶ See Kennedy, *Freedom from Fear*, pp. 224–25; M. Derthick, *Policymaking in Social Security* (Washington, DC: Brookings Institute, 1979), pp. 193–5.

⁵⁷ A. Orloff, *The Politics of Pensions* (Madison: University of Wisconsin Press, 1993), p. 270.

⁵⁸ A. Altemeyer, *The Formative Years of Social Security* (Madison: University of Wisconsin Press, 1968), pp. 257–8.

⁵⁹ Witte, *Development*, pp. 93–4. see Derthick, *Policymaking*, pp. 219–20.

⁶⁰ *Ibid.*, pp. 78–9.

his visceral dislike of the dole, he believed such a plan would be fiscally irresponsible, providing irresistible temptations for Congress to raise benefits.⁶¹ He also claimed to have strong political reasons for an insurance plan. In regard to employee contributions under OAI, he said:

[T]hose taxes were never a problem of economics. They are politics all the way through. We put those payroll contributions there so as to give the contributors a legal, moral, and political right to collect their pensions and their unemployment benefits. With those taxes in there, no damn politician can ever scrap my social security program.⁶²

However sincere FDR was when he made this statement, we should note that it directly contradicted his fear that Congress would raise benefit levels irresponsibly. On that reasoning, there was no basis for the view that Congress would have an interest in scrapping the program. But regardless of exactly how he expressed his view, FDR was deeply opposed to any plan financed from tax revenues. In addition to its psychological effects on beneficiaries was his aversion to deficit spending. When actuaries set the contribution and benefit levels for OAI in the original version of the bill, they projected a deficit developing after 1965, which would have to be financed from general tax revenues. Once he understood these figures, FDR rejected them out of hand. He required that the plan be revised to make it self-supporting.⁶³

The result was the program of Social Security that we have today, along with the other programs included in the bill. Largely because of FDR's wishes, the eventual program was notably conservative in many ways. Classes of workers who were excluded from the pension plan included housemaids and agricultural workers, and so the majority of African American workers at that time. Various reasons for this policy are provided by different sources. Witte attributes it to administrative considerations, indicating the difficulty of collecting social security taxes from these classes of workers.⁶⁴ According to other authorities, however, this was at the insistence of southern members of Congress, who wished not to upset the existing low-wage, racial economies of their states.⁶⁵ The result was that only some 60% of workers were covered.⁶⁶ The Committee on Economic Security had originally

⁶¹ E. D. Berkowitz, *America's Welfare State: From Roosevelt to Reagan* (Baltimore, MD: Johns Hopkins University Press, 1991), chap. 2.

⁶² Quoted by Schlesinger, *Coming of the New Deal*, pp. 308–9.

⁶³ Witte, *Development*, pp. 147–9.

⁶⁴ *Ibid.*, p. 153. This analysis is supported by G. Davies and M. Derthick, "Race and Social Welfare Policy: The Social Security Act of 1935," *Political Science Quarterly* 112 (1997): 217–35.

⁶⁵ I. Katznelson, *Fear Itself: The New Deal and the Origins of Our Time* (New York: Liveright, 2013), chap. 7.

⁶⁶ J. E. Smith, *FDR* (New York: Random House, 2007), p. 353.

planned to include a program of health insurance in the bill. Harry Hopkins, for one, viewed this as the most important aspect of social insurance, but for political reasons, this was dropped early in the process.⁶⁷ Given FDR's enormous power and prestige at the time, it is possible that health insurance could have passed. However, both Witte and Charles Eliot, counsel to the Committee of Economic Security, believed that including it would have sunk the bill as a whole.⁶⁸ Regardless of where we come down on this particular issue, it is plausible to believe that although the resulting bill was of monumental importance in the history of the American welfare state, it fell short of what could have been accomplished. In the words of William Leuchtenburg:

In many respects, the law was an astonishingly inept and conservative piece of legislation. In no other welfare system in the world did the state shirk all responsibility for old-age indigency and insist that funds be taken out of the current earnings of workers.⁶⁹

It should be noted, however, that because of the way the pension system was administered, it was able to expand in subsequent decades to become much more generous and inclusive—as we explore in Chapter 6. Still, for proponents of a more far-reaching welfare state, it represented a missed opportunity, largely because of FDR's insistence on a contributory scheme. According to Tugwell:

I am convinced that, if it had not been for the strong views held by President Roosevelt and his advisers concerning the advantages of contributory social insurance and maximum reliance on the states, we would probably have today a national noncontributory form of social security in this country.⁷⁰

(6) The Road Not Taken

The New Deal was subjected to a wide range of criticisms.⁷¹ These covered the gamut from accusations that FDR was a socialist or Communist to complaints that he had

⁶⁷ Witte, *Development*, pp. 174, 187.

⁶⁸ *Ibid.*, p. 188; C. Eliot, *Recollections of the New Deal: When the People Mattered* (Boston: Northeastern University Press, 1992), p. 111. For Witte's account of deliberations about health insurance in the bill, see pp. 173–89.

⁶⁹ Leuchtenburg, *Roosevelt*, p. 132.

⁷⁰ Tugwell, *In Search of Roosevelt*, pp. 257–8.

⁷¹ G. Wolfskill and J. A. Hudson, *All but the People: Franklin D. Roosevelt and his Critics, 1933–39* (Toronto: Macmillan, 1969).

usurped dictatorial powers and trampled on American liberties. Anti-Semites contended that he was secretly a Jew. A former Democratic presidential nominee, Alfred E. Smith, who had earlier described the New Deal as Communism, eventually claimed that “there is some certain kind of foreign ‘ism’ crawling over this country.”⁷² From the Left, popular demagogues, notably Huey Long, the governor and then senator of Louisiana, criticized the New Deal for not going far enough.⁷³ Especially significant were criticisms from the business community, which was responsible for the famous charge that FDR was “a traitor to his class.”⁷⁴

During the 1932 campaign, Herbert Hoover argued that FDR's proposed new deal threatened “to alter the whole foundations of our national life.”⁷⁵ Hoover made this case in terms of what he viewed as traditional values: “only through ordered liberty, through freedom to the individual, and equal opportunity to the individual will his initiative and enterprise be summoned to spur the march of national progress.” These values should be promoted through voluntary cooperation rather than the intervention of government.⁷⁶ To these criticisms, FDR clearly was vulnerable; his program did represent a major departure from the way things had been done. On this basis, critics of the New Deal rallied.

In August 1934, a group of prominent business and political leaders formed the American Liberty League. Its membership was characterized as a “Who's Who of American business leadership.”⁷⁷ According to one reporter, its meeting in January 1936 was “the largest collection of millionaires ever assembled under the same roof.”⁷⁸ With prominent Democrats as well as Republicans among its founding members, the league denied it had partisan purposes or was opposed to FDR.⁷⁹ Nonetheless, it was arguably “the most important anti-Roosevelt organization in the country.”⁸⁰ Between 1934 and 1936, the Liberty League was on the first page of the *New York Times* thirty-five times, as the press looked to it for opposition sentiment.⁸¹ According to George

⁷² G. Wolfskill, *The Revolt of the Conservatives* (Boston: Houghton Mifflin, 1962), 151–52; quoted in Wolfskill, p. 209.

⁷³ See A. Brinkley, *Voices of Protest: Huey Long, Father Coughlin, and the Great Depression* (New York: Vintage Books, 1983).

⁷⁴ Wolfskill and Hudson, *All but the People*, chap. 6.

⁷⁵ Hoover, address at Madison Square Garden in New York City, Oct. 31, 1932, <http://www.presidency.ucsb.edu/ws/index.php?pid=23317&st=&st1=> (July 2015).

⁷⁶ For a more extended account of his view, see Hoover, *American Individualism* (1922; repr. Honolulu: University Press of the Pacific, 2004).

⁷⁷ Wolfskill and Hudson, *All but the People*, p. 161.

⁷⁸ *Ibid.*, p. 165.

⁷⁹ *New York Times*, Aug. 23, 1934, <http://select.nytimes.com/gst/ab.stract.html?res=F30F12F73E5B107A93C1AB1783D85F408385F9&> (May 2014).

⁸⁰ Wolfskill and Hudson, *All but the People*, p. 161.

⁸¹ F. Rudolph, “The American Liberty League, 1934–1940,” *American Historical Review* 56 (1950): 19–33, 21n4.

Wolfskill, the league “was the most articulate spokesman of American conservative political thought in the decade of the 1930s.”⁸²

The Liberty League’s central concern was defending the US Constitution from encroachments of the New Deal. Aiming to “preserve and defend the Constitution,” it viewed the federal government as exercising too much power and usurping traditional prerogatives of the states.⁸³ Underlying these concerns was a social and political philosophy based on free-market economics and Lockean liberalism, along with an admixture of Social Darwinism. In its charter, the league declared its aim as disseminating information about “the necessity of respect for the rights of persons and property as fundamental to every successful form of government.”⁸⁴ In addition to protecting property, the charter criticized the New Deal for “retarding the operation of natural economic laws.”⁸⁵ While its members were generally wealthy, they believed that this did not influence their belief that their riches were deserved, as was the poverty of vast numbers of Americans.⁸⁶ A typical expression of their view was given in a speech by S. Wells Utley, president of the Detroit Steel Casting Company. Utley claimed that “the amassing of wealth honestly made is but a badge of service performed to the community, and that the remedy of the defects of the present system lies not in the destruction but the improvement of the character of the race, through Christian education.”⁸⁷ On this view, New Deal policies are “nothing more or less than an effort . . . to take away from the thrifty what the thrifty or their ancestors have accumulated, or may accumulate, and to give it to others who have not earned it.”⁸⁸

Although the Liberty League did not attain strong popular support, its deeply traditional philosophy represented a view to which Roosevelt did not provide a well-thought-out alternative. Its avowed values included “the rights of private property, the sanctity and binding power of contracts, the duty of self-help.”⁸⁹ It complained of the National Labor Relations Board’s “illegal interference with the individual freedom of the worker . . . to sell his own labor on his own terms.”⁹⁰ As was also true of Hoover, these sentiments were more in line with traditional American ideals than

⁸² Wolfskill, *Revolt*, p. 137.

⁸³ David Lawrence, “The Tenth Commandment: American Liberty League: A Statement of Its Principles and Purposes” Sept. 10, 1934, http://kdl.kyvl.org/catalog/xt7wwp9t2q46_3_2 (May 2014).

⁸⁴ G. H. Bennett, ed., *Roosevelt’s Peacetime Administrations, 1933–41: A Documentary History* (Manchester: University of Manchester Press, 2004), p. 231.

⁸⁵ Lawrence, “Tenth Commandment,” 4.

⁸⁶ Wolfskill, *Revolt*, p. 122.

⁸⁷ Quoted in Wolfskill, *Revolt*, p. 124.

⁸⁸ Ralph Shaw, quoted in Wolfskill, *Revolt*, p. 124.

⁸⁹ As described by an “eminent American” (A. Krock), “In Washington; American Liberty League Soon to Begin Activities,” *New York Times*, Nov. 10, 1934, <http://select.nytimes.com/gst/abstract.html?res=F50D16FF3558177A93C2A8178AD95F408385F9&> (May 2014).

⁹⁰ Liberty League Bulletin 2, Sept. 1935; quoted in Rudolph, “American Liberty League,” 24.

were decidedly nontraditional New Deal policies. The fact that traditional values had proved unable to deal with economic calamity did not alter their mainstream character. Thus it is not surprising that the New Deal's opponents viewed it as un-American, whether Communist, Socialist, or some unspecified foreign "ism." It was likely in response to such sentiments that FDR repeatedly claimed that the values he sought to realize were nothing of the sort. FDR's justificatory strategy centered on attempting to defend the new policies *without* altering the basic Lockean framework that he assumed his audience accepted.

If one considers the kind of program that was passed in 1935, one could argue that FDR's justification in terms of individual rights was appropriate: OAI is funded through individual contributions. Because people earn rights to pensions through payroll taxes taken from their salaries and paid by their employers and eventual benefits are determined by the level of these contributions, the pension plan does in fact resemble private insurance plans (see Chap. 6). However, such a conclusion would be overly simple. Departures from a strict insurance principle were many and significant. As Martha Derthick says, during Social Security's early year, the relationship between taxes paid and benefits received was "very weak."⁹¹ For instance, when the program began, elderly workers retired before they had been able to earn significant retirement benefits through their contributions. But it was decided to give them pensions anyway. There were also redistributive elements in the benefit formula, with low-income recipients receiving slightly higher percentages of their earnings than higher-income recipients. In addition, in 1939, widows and survivors were made eligible for benefits, although their benefits were not based on their contributions. Something similar is true of recipients of disability insurance, who were added to the program in 1956. Most significant, as we will see, was the addition of Medicare to the Social Security Program. In all these respects and in others as well, Social Security was altered in ways that moved it away from strict principles of benefits based on contributions. Given these considerations, we must explore alternatives FDR had open to him in terms of justification and possible consequences of alternative justification.

In tracing the development of the American welfare state, it is difficult to disentangle the effects of programs themselves and of the arguments used to justify them. Making such distinctions is even more difficult in regard to conjectured, counterfactual history, and so we should recognize the speculative nature of my reflections here as to what might have happened. For these matters, the operative standard is probability, or even possibility, that the following analysis is a plausible view of the course events could have taken.

As noted in the Introduction, my analysis turns on a conception of path dependency, although I extend this notion to include effects of justifications for policies as

⁹¹ Derthick, *Policymaking*, p. 5.

well as policies themselves. According to path dependency, choices made at time t_1 influence those made later (see p. 35). Especially, those made at the beginning of some process, as with FDR's justification of American social welfare programs, can strongly affect subsequent justifications. Over time, a program's rationale comes to be established in the public's mind, which makes it increasingly difficult to present justifications that are significantly different with strong expectations that they will be accepted.

If these contentions are accepted, then we are able to see what FDR's justificatory arguments did and did not accomplish. Once again, he was in an important historical position, justifying major programs at their inception. Political scientists have analyzed the causal logic of major historical changes in accordance with the idea of "critical junctures." At such times, existing structures have been severely undermined, opening up wider possibilities for significant deviations from existing practices, with the added possibility that changes will be especially consequential. In the words of Giovanni Capoccia and R. Daniel Kelemen:

In institutional analysis critical junctures are characterized by a situation in which the structural (that is economic, cultural, ideological, organizational) influence on political action are significantly relaxed for a relatively short period, with two main consequences: the range of plausible choices open to powerful political actors expands substantially and the consequences of their decisions for the outcome of interest are potentially much more momentous.⁹²

FDR's situation clearly met the conditions for such change.⁹³ The Great Depression had significantly undermined previously existing constraints on major institutional changes, allowing the beginnings of the American welfare state. During this period, previous intellectual constraints had also been undermined, in accordance with what Arthur Schlesinger calls "the politics of upheaval."⁹⁴ Along with institutional changes came the opportunity to justify them in new terms. FDR's situation was obviously not without constraints. In addition to the need to steer his program through Congress was the threat of its being declared unconstitutional by the US Supreme Court.⁹⁵ One cannot know the extent to which these factors constrained

⁹² G. Capoccia and R. K. Kelemen, "The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism," *World Politics* 59 (2007): 341–69. I am grateful to John Echeverri-Gent, for calling my attention to the relevance of critical juncture analysis to FDR's situation.

⁹³ To use H. D. Soifer's term, the "permissive conditions" for major changes were in place, see "The Causal Logic of Critical Junctures," *Comparative Political Studies* 45 (2012): 1572–97.

⁹⁴ Schlesinger, *Politics of Upheaval*. Part 1 surveys a wide range of radical ideas and movements that the times brought forth. See also Brinkley, *Voices of Protest*.

⁹⁵ Eliot, who was not only counsel to the Committee of Economic Security but also principal author of the Social Security Act, notes "the omnipresent question of constitutionality" *Recollections*, p. 95; see pp. 95–7.

FDR's justifications for his programs. But as we have seen, he shied away from major intellectual changes. The very fact that the Social Security Act represented a radical break from the minimal welfare programs that preceded it was likely one reason FDR thought it necessary to declare that, in terms of values, the program represented nothing new. It is likely that this course was advantageous in the short run. Had FDR been more straightforward about what he was doing, he would have left himself more open to attacks from his political opponents. But his strategy had long-term consequences that were deleterious.

One alternative open to him was to have OAI conform more closely to his justification for it. Since it was defended in terms of individual rights to benefits, he could have had it adhere more closely to a strict insurance model. But this was desirable neither politically nor morally, especially as the earliest retirees would have been essentially shut out of the system. Given the problems with a strict insurance model, FDR could have opted for a different kind of program. Had he been less insistent on insurance, he could easily have recommended old-age pensions financed from general revenues as the centerpiece of his system, and, as noted above, Congress most likely would have gone along. This was more in keeping with the demands of the Townsend supporters, while the popularity of this approach is seen in the fact that OAA, which to some extent fulfilled this wish, became Title I of the eventual bill. But over time, OAI overshadowed OAA, which gradually faded from significance (see Chapter 6). But since our subject is justifications of programs rather than programs themselves, in imagining how things could have been otherwise, I will assume that the Social Security bill was in the form that was actually passed. Our questions are whether this particular bill could have been justified differently, and possible consequences if it had been.

Given the immense popularity of the Townsend movement, FDR could easily have made arguments that appealed to that constituency. His program was, however, so far removed from that of the Townsend supporters as to make this strategy unappealing, to say nothing of the intellectual shallowness of that movement and its proposals. Something similar is true of the views of popular demagogues, notably Huey Long. Long's "Share the Wealth" campaign had proposals that were related to though different from those of the Townsend groups, but resembled that movement in terms of intellectual shallowness.⁹⁶ OAI of course departed sharply from these models, in the conservative direction we have noted. But in justifying the program FDR could have eschewed strongly individualist arguments. Was FDR's insistence that, in terms of values, the program represented nothing new actually necessary? Rather than basing his program on individual rights, could he have appealed to community responsibility to take care of its members? We have seen appeals along

⁹⁶ See H. Long, "Share Our Wealth," *Radio address*, Feb. 23, 1934, <http://www.hueylong.com/programs/share-our-wealth-speech.php> (July 2013). For discussion of Long, see Brinkley, *Voices of Protest*, chaps. 1–3.

these lines earlier in his career. We may assume for the sake of argument that justifications along these lines would have made it more difficult to pass the relevant programs. But one must ask, how much more difficult? The popularity of Townsend and similar programs obviously provided an opening for FDR, even as he was putting forth OAI as an insurance program. The Townsend program's popularity suggested the possibility of greater emphasis on community obligations, at the expense of individual rights.

An additional factor to take into account is effects of the Great Depression. This was not only a critical juncture, but it is likely that it transformed public opinion in a particular direction. In Chapter 4, we charted transformation of British public opinion due to the public's experience of WWII. During World War II, a strong sense of community was appealed to by FDR. He invoked a principle of reciprocity, everyone's need to do his or her part. In return, the community had an obligation to make appropriate returns. This applied especially to its soldiers, who had made great sacrifices in its interest, and so were owed the GI Bill:

I believe that the Nation is morally obligated to provide this training and education and the necessary financial assistance by which they can be secured. It is an obligation which should be recognized now; and legislation to that end should be enacted as soon as possible.⁹⁷

Arguably, the trauma of the Great Depression brought about similar changes in public attitudes. Given the shock this represented, it seems possible that FDR could have exploited a similar sense of community. We have seen that in justifying emergency measures earlier in his career, he likened the struggle against the Depression to a war. As noted above, most famously, in his first inaugural address, he raised the idea of needing emergency powers to combat the Depression similar to what was needed to fight a foreign foe.⁹⁸ Given the massive unemployment of the Depression years, it seems clear that unemployment was widely recognized as a problem of industry, not of individuals, and community aid was widely accepted.

How far could FDR have gone in the direction of communal values? Given the unpopularity of socialism in the United States, it was not advisable to pursue that path. Rather, a more likely alternative was some variant of the new liberal ideas he had expressed earlier in his career, most notably in his Troy Speech. We have also seen the influence of such ideas on the Social Gospel movement and on TR. So there were at least currents of these ideas in US political culture. To make his case, FDR could have stopped well short of a developed new liberal theory. He did not have to leap into the arms of Green or Hobhouse. What he required was a view

⁹⁷ Message to Congress on the Education of War Veterans, Oct. 27, 1943, <http://www.presidency.ucsb.edu/ws/index.php?pid=16333&st=&st1=> (May 2015).

⁹⁸ Inaugural address, March 4, 1933, *PPA*, 2.15.

that increased emphasis on the community and included a weakened conception of property rights. Other approaches were open to him, but this path, to which I refer as “moderate liberalism,” had important advantages.⁹⁹

I believe the core of an effective argument FDR could have used emphasized rights to benefits on the basis of membership of the community rather than payroll taxes, in other words, on the basis of something approximating Marshall's social rights. In contrast to the conception of the community as nothing but a collection of individuals, each of whom stands on his own feet, which is implicit in American culture, FDR could have emphasized the fact that cooperation is central to a community and benefits all individuals. To quote John Rawls, a community may be described as “a cooperative venture for mutual advantage.”¹⁰⁰ Contributions to this cooperative endeavor take different forms, but, significantly, they go beyond only those acknowledged by the economic marketplace. There are two main points here. First, because functioning effectively in society depends on enjoying the benefits of a societal infrastructure, people should recognize their dependence on the community. We have seen arguments along these lines presented by Hobhouse. People require the safe environment made possible by measures for law and order, public health, and protection from foreign invasion and natural disasters if they are to lead decent lives. They rely on society's communication and transportation facilities, and depend on institutions such as education to develop their own capacities and those of people they work with. It is only through the secure environment that society provides that they are able to preserve their property. The list could be extended. But this conception of the community and its relationship to its individual members should be clear. In addition, this conception of the community is able to employ an expanded conception of reciprocity. It can recognize the contributions of people who are not compensated by the economic marketplace. For instance, because mothers or fathers staying home and raising children make important contributions to society, one could argue they are entitled to benefits, although the latter are not paid for by payroll taxes.

The relevance of an argument along these lines soon became apparent. In 1939, survivors and dependents were added to the social security program, although they had likely not paid into the system. Similarly, as we have noted, when the social insurance system went into operation, recent retirees were granted pensions, although these too were not based on their payroll tax contributions. A wider conception of contributions to the community would have justified these policies, as acknowledging real contributions based on creating future citizens or the contributions recent retirees had made through their working lives. And so, in spite of the strict principle of social insurance on which OAI was supposedly based, departures from this principle were built into the system from the beginning. In many

⁹⁹ Additional possible arguments are discussed in the Conclusion.

¹⁰⁰ J. Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), p. 4; Rawls, *A Theory of Justice*, 2nd ed. (Cambridge, MA: Harvard University Press, 1999), p. 4.

ways, more encompassing views of the community and individual contributions would have been more in keeping with actual practice than the arguments that were actually used.

Because individuals are less self-sufficient than Lockean ideas would have us believe, we should recognize limitations on their property rights. This is the second point. Because property does not come entirely from people's own efforts, society has a claim to at least part of what they accumulate, which is therefore available to compensate people whose efforts are not recognized by the economic marketplace. The argument here is similar to what we saw earlier concerning "the unearned increment." Accordingly, the two core ideas of "moderate liberalism" are strengthening the Lockean conception of the community and weakening the Lockean conception of property rights.

In this context, it is not necessary to present a full-scale account of the arguments FDR could have used. Moreover, we should recognize that the task he faced was political rather than philosophical. FDR's purpose was to develop arguments that many Americans would accept, that they would recognize as fitting in with their basic values. Given the constraints of American individualism, this task would not have been easy. It could not be accomplished by a single speech or by presidential rhetoric alone. What was required was a sustained, administration-wide campaign to publicize the relevant ideas, to make them widely known, and to explain them fully. In this effort, FDR would use his mastery of the fireside chats. Numerous administration officials would participate, with their efforts supported by measures along the lines of the paintings by Norman Rockwell that FDR enlisted for his four freedoms. Because of the turbulence of the times and the major institutional changes that were underway, I believe political culture was particularly amenable to change at this critical juncture, although it is impossible to say just how far reaching and effective such changes could have been.

In support of my contentions here, we should recognize that themes along these lines have a certain resonance in the political culture. In 2012, a speech that presented a version of the moderate liberalism I have described helped to propel Elizabeth Warren, then a Harvard Law professor, to a seat in the US Senate.¹⁰¹ A fuller version of a similar argument was delivered by Barack Obama in his re-election campaign. Particularly notable is a campaign speech he presented in Roanoke, Virginia, on July 13, 2012, in which he attempted to present themes of moderate liberalism in terms of traditional American values.¹⁰²

¹⁰¹ L. Madison, "Elizabeth Warren: 'There is nobody in this country who got rich on his own,'" http://www.cbsnews.com/8301-503544_162-20110042-503544.html (Feb. 2012).

¹⁰² Barack Obama, speech, Roanoke, VA, July 13, 2012, <http://www.presidency.ucsb.edu/ws/index.php?pid=101347&st=&st1=> (March 2015).

Obama began this speech by talking about the American dream, the idea that if you work hard, you can get ahead and lead a decent life:

[A]t the heart of this country, its central idea is the idea that in this country, if you're willing to work hard, if you're willing to take responsibility, you can make it if you try.

[Y]our kids can get a great education, and if they're willing to work hard, then they can achieve things that you wouldn't have even imagined achieving. And then you can maybe retire with some dignity and some respect, and be part of a community and give something back.

His main point was that government helps people to do this. This, he claimed, was in opposition to the Republicans' vision, and so what was at stake in the election was "a decision between two fundamentally different views about where we take the country right now." In contrast to Republican policies, which he believed helped the rich, Obama claimed to be an advocate of the middle class, especially given their difficulties in the aftermath of the severe 2008 recession. All of this underlay a key idea: those who were successful in America did not do it by themselves. They benefited from the efforts of others I quote Obama at length:

There are a lot of wealthy, successful Americans who agree with me, because they want to give something back. They know they didn't—look, if you've been successful, you didn't get there on your own. You didn't get there on your own. I'm always struck by people who think, well, it must be because I was just so smart. There are a lot of smart people out there. It must be because I worked harder than everybody else. Let me tell you something: There are a whole bunch of hard-working people out there.

If you were successful, somebody along the line gave you some help. There was a great teacher somewhere in your life. Somebody helped to create this unbelievable American system that we have that allowed you to thrive. Somebody invested in roads and bridges. If you've got a business, you didn't build that. Somebody else made that happen. The Internet didn't get invented on its own. Government research created the Internet so that all the companies could make money off the Internet.

The point is, is that when we succeed, we succeed because of our individual initiative, but also because we do things together. There are some things, just like fighting fires, we don't do on our own. I mean, imagine if everybody had their own fire service. That would be a hard way to organize fighting fires.

Whether he was aware of this or not, Obama's view echoed central themes of Green and Hobhouse. Especially notable was a collective view of society, which makes individuals success possible. Individualism is not the answer:

That's how we funded the GI bill. That's how we created the middle class. That's how we built the Golden Gate Bridge or the Hoover Dam. That's how we invented the Internet. That's how we sent a man to the Moon. We rise or fall together as one Nation and as one people, and that's the reason I'm running for President, because I still believe in that idea. You're not on your own; we're in this together.¹⁰³

As we have seen, this sort of argument was well in keeping with some that FDR made earlier in his career. Rather than strengthening the individualism of American political culture, these ideas would have at least begun the process of establishing a vision of the relationship between the individual and the community that was an alternative to that of Locke. The political disadvantages this argument would have faced were mainly in the short run. Because it departed from central individualist values, it would likely have been subject to strong rebuttal as un-American—some foreign “ism.” Thus it is not surprising that Obama's statements were roundly attacked by his opponent, Mitt Romney, and Romney's supporters as a betrayal of American individualism and central values of individual responsibility. The Republicans believed that Obama was so vulnerable on these grounds that at the 2012 Republican convention, one evening's session was devoted to the theme: “We built this.”¹⁰⁴ While Obama's point was that government *helped* individuals achieve, the Republicans did not address this. To some extent, they were justified because of Obama's unfortunate phrasing: “You didn't build that.” Taken out of context, this remark supported the Republicans' interpretation that Obama claimed that individual success is due to government *rather than* the individual. But construing his position in this way was clear distortion. Nevertheless, according to Romney:

To say that Steve Jobs didn't build Apple, that Henry Ford didn't build Ford Motors, that Papa John didn't build Papa John Pizza. . . . To say something like that, it's not just foolishness. It's insulting to every entrepreneur, every innovator in America.¹⁰⁵

¹⁰³ Ibid.

¹⁰⁴ W. Barrett, “We Built This,” <http://nation.foxnews.com/republican-national-convention-2012/2012/08/21/we-built> (March 2015).

¹⁰⁵ Romney, quoted by A. Blake, “Obama's ‘You didn't build that’ problem,” http://www.washingtonpost.com/blogs/the-fix/post/obamas-you-didnt-build-that-problem/2012/07/18/gJQA-JxyotW_blog.html (March 2015). This was in spite of the fact that Romney had made a similar point in regard to the United States' success in the 2002 Olympics: “Tonight we cheer the Olympians, who

In addition to its purported departure from central American values, Obama's remarks were troublesome politically seen as plugging into widespread sentiments that he favored excessively big government.¹⁰⁶

But in spite of its immediate difficulties, moderate liberalism would have had long-term advantages. Its depiction of the community's contribution to individual success is clearly true and rooted in common sense. As Obama said: "You're not on your own; we're in this together." Such an argument would have stressed the reciprocal nature of community, that all members contribute in their own ways and so are entitled to benefits of community membership as a matter of right.¹⁰⁷ This approach would have allowed honest justification of departures from the insurance principle while preserving much of its central concern of basing benefits directly on contributions.

In contrast to moderate liberalism, FDR's argument from individual rights had a series of problems, in spite of its immediate political advantages. First, it worked to strengthen individualist currents in American political culture. This made it more difficult to justify the subsequent welfare programs FDR had envisioned. In signing the Social Security Act, FDR described it as "a cornerstone in a structure which is being built but is by no means complete" (*PPA*, 4.324). The "second Bill of Rights" announced in his 1944 State of the Union address included rights to medical care and protection from economic consequences of old age, unemployment, accidents, and illness (pp. 125–6). But however sincere FDR was about achieving these goals, presenting them as individual rights made this more difficult, as it made it more difficult to justify additional programs on grounds other than individual rights and closely related notions of desert.¹⁰⁸ As we have seen, the most tangible offshoot of

only yesterday were children themselves. As we watch them over the next sixteen days, we affirm that our aspirations, and those of our children and grandchildren, can become reality. We salute you Olympians—both because you dreamed and because you paid the price to make your dreams real. You guys pushed yourself, drove yourself, sacrificed, trained and competed time and again at winning and losing.

You Olympians, however, know you didn't get here solely on your own power. For most of you, loving parents, sisters or brothers, encouraged your hopes, coaches guided, communities built venues in order to organize competitions. All Olympians stand on the shoulders of those who lifted them. We've already cheered the Olympians, let's also cheer the parents, coaches, and communities. All right!" (Quoted by Domenico Montanaro, "You Didn't Get Here Solely on Your Own," *NBC News*, July 23, 2012) http://firstread.nbcnews.com/_news/2012/07/23/12904508-romney-to-olympians-you-didnt-get-here-solely-on-your-own?lite (March 2015).

¹⁰⁶ Blake, "Obama's 'You didn't build that' problem."

¹⁰⁷ This argument does not address those who are unable to contribute; alternative principles would have to be found for them. But as with Hobhouse, moderate liberalism addresses contributions of the vast majority of society's members and is able to recognize different ways people contribute.

¹⁰⁸ For related concerns, see M. Glendon, *Rights Talk: The Impoverishment of Political Discourse* (New York: Free Press, 1991).

the second bill of rights was the GI Bill of Rights, which, in rewarding WWII servicemen for their service, was justified squarely in terms of desert.

If we grant that an effective strategy for countering individualism is to strengthen one's conception of the community and downplay rights, especially property rights, we should note that FDR's strategy did the opposite. In OAI, the major benefits the individual receives result from his own contributions and are conceptualized in terms of property that he owns. The rhetoric of rights readily leads people to see their anticipated benefits as analogous to or perhaps extensions of savings accounts or private pension or insurance funds (see Chapter 6). On this understanding of the program, the role of the government—or one's fellow citizens acting through the government—in providing these benefits is pushed into the background. While it is unlikely that a more communal case for OAI and FDR's other social welfare programs would have profoundly changed American political culture, it is likely that a justification along the lines of moderate liberalism, once established in the public's mind, would have made it more difficult for public understanding of the program to be hollowed out in purely individualist terms.¹⁰⁹

In OAI, viewing one's contributions as individual savings can lead to desires to privatize the system. Privately invested funds will often have higher returns than those generated by the Social Security system. In preventing individuals from achieving maximum returns, the argument may run, government is depriving them of funds that are rightfully theirs and impeding their retirement prospects. If individual investments involve greater risk, shouldn't people be allowed to bear this, if they so choose? Taking privatization arguments to their logical conclusion would transform Social Security, reducing it to a mere forced savings system. Arguments along these lines were used by George W. Bush, who, after he was reelected, sought partially to privatize Social Security.¹¹⁰ Moreover, extending this sort of logic would also undermine forced savings. Why should individuals be forced to save if they would prefer not to?

In addition to immediate effects on Social Security itself were implications for additional programs added on to Social Security, especially Medicare. In regard to the latter, thinking in terms of individual rights profoundly affects public sentiments about Medicare (see Chapter 7). When passed, Medicare was included in the Social Security system, as Social Security Title XVIII. Like OAI, Medicare is (supposedly) financed by payroll contributions, which lead individuals to believe that they are entitled to their benefits. As with OAI, they believe their contributions give them property rights. However, while with OAI, there is rough correspondence between what individuals contribute and what they receive, Medicare benefits depend on

¹⁰⁹ For the metaphor of "hollowing out," I am indebted to Sid Milkis.

¹¹⁰ See George W. Bush, 2005 State of the Union address, Feb. 2, 2005, <http://www.presidency.ucsb.edu/ws/index.php?pid=58746&st=&st1=> (May 2015). For earlier efforts in this direction, see Berkowitz, *America's Welfare State*, pp. 73–4.

medical need, not contributions. Moreover, beneficiaries generally receive three or four times what they contribute (see p. 215). Although what an individual receives depends on contributions from other people, widespread belief that individuals are entitled to their benefits makes reducing benefits or reforming the system more difficult than it might be otherwise, while, as the system stands, it has serious financial difficulties.

I view justification of Medicare as strong evidence for the view of path dependency spoken of earlier. Because OASDI (as it had become) was popular with the public, Medicare was effectively sold as an extension of that program, while its philosophical defense was a direct extension of the case for Social Security, which its proponents believed had become established in the public's mind. This was in spite of the fact that these arguments were massively deceptive, with the untoward consequences just noted. Had FDR made a more communal case for Social Security, and had *this* been taken up by Medicare's supporters, public understanding of the latter program would be far more accurate and far less problematic than what we confront today.

The second consequence of FDR's individualist arguments is that a program that provides benefits based on prior contributions hearkens back to the traditional Poor Law distinction between deserving and undeserving poor. These distinctions are an enduring component of American political culture—in no small part, I believe, because of the way social welfare programs have been justified. Because what beneficiaries of OAI—and Medicare—receive are (or are supposed to be) based on their contributions, they are readily viewed as “deserved,” in comparison to those of the poor who are on “welfare.” Recipients of the latter are stigmatized in the popular mind as “undeserving.” Both OAI and Medicare themselves and their justifications contribute to the perpetuation of these categories and so to the “two-tier” nature of the American welfare state: generous, universal benefit-systems for elderly Social Security and Medicare recipients, but grudging, means-tested handouts for the poor. (Public attitudes toward welfare and Social Security are discussed in detail in the following chapters).

A third problem with FDR's argument is that it was undemocratic. It may sound paradoxical that an argument based strictly on rights has implications that are undemocratic, but a moment's reflection confirms that this is the case. An advantage of strengthening one's view of the community and toning down one's view of property rights is that one could justify drawing funds devoted to different components of OASDI—aid to survivors and the handicapped—from general revenues. While I do not question the value of these aspects of the Social Security system or the program as a whole, because it is not simply a pension program, its costs should be subject to review and deliberation by the political process. Their merits and claims to public funds should be considered in competition with other possible public expenditures.¹¹¹ However, exclusive rhetoric of insurance and rights initiated by FDR

¹¹¹ See Derthick, *Policymaking*, chap. 20.

and built upon by successive proponents of the Social Security system obscured these matters. In large part, Social Security's status as the "third rail of American politics"—for politicians: "touch it and you are dead"—rests on arguments that are false. While there is some justification for considering OAI's budget—its trust fund—apart from the overall federal budget, this is not true of those aspects of the system that are not funded by contributions. The model of Social Security with its own trust fund was drawn upon to justify the structure of Medicare, in spite of the hollowness of the argument.

On the level of theory, the main problem with FDR's justifications lay in his combining positive and negative rights. As we have seen, these differ in important ways while there is tension between their underlying theoretical premises. Whether FDR understood the implications of his arguments is not certain, although given his lack of interest in abstract ideas, it is unlikely. In any case, even if FDR did understand the problems with his arguments, he was more concerned with concealing them than explaining how his view was actually consistent. Once again, he stoutly declared that the only values to which his programs appealed were traditional values.

The clash between the two kinds of rights is clear in FDR's four freedoms. Once again, these are freedom of speech, freedom to worship, freedom from fear, and freedom from want. The first two are standard negative liberties, requiring only that other people not interfere in designated areas. Freedom from fear is a broad idea, which can be construed in different ways. I will therefore set it aside. What is necessary to note is that freedom from want is a positive right, requiring contributions from other people, if need be. If the traditional panoply of negative rights is construed as including property rights, there is a clear clash. To overcome this conflict, it must be addressed. But as we have noted, FDR's favored strategy was to incorporate positive rights into the existing framework. However, as Green and Hobhouse argue, a coherent theory requires a great deal more. This is of course not to say that the new liberalism of Green and Hobhouse is entirely satisfactory. But unlike FDR's, it is generally coherent.

Differences between negative and positive rights are discussed in Chapter 2. Here we need explore only one aspect of the distinction: different bearers of correlative duties created by the different kinds of rights. Once again, negative rights, closely related to traditional liberal, negative freedom, are generally viewed as rights against interference by other people and may be conceptualized in territorial terms—there is an area of space around the individual into which government and other people are allowed to enter only with his or her permission. For these rights, correlative duties, which are borne by all other people, are duties not to interfere with the exercise of whatever rights are being considered.

Positive rights entail more. They do not require that other individuals leave one alone but that they provide one with various benefits. My right to a comfortable income entails that someone provide me with that income; my right to medical care entails that someone provide me with that. But as we have seen above, a bare distinction between

positive and negative rights on the grounds that the former require that people do something while the latter require only that they refrain from acting is overly simple. But such a characterization does hold in regard to the core areas covered by different rights and by the identities of the bearers of the correlative duties. If I have a right to a given social welfare benefit, the most basic understanding of the bearer of the correlative duty is society or the community. But as noted above, in traditional Lockean theory, society is nothing more than a collection of individuals. Thus, while the bearers of the duties associated with negative rights are clearly understood, the same is not true of positive rights. In addition, if we accept a Lockean understanding of community, then with positive rights, we must explain exactly which individuals have duties to provide the benefits and why this falls on them, rather than on other people.

I believe that theoretical weaknesses here haunted subsequent developments of the American welfare state. Most basically, with argumentative foundations that were so weak, subsequent political actors have found it difficult to construct convincing defenses for their programs. This is perhaps an additional reason subsequent actors argued along the lines FDR had taken. Rather than a theoretically coherent position, FDR's appeal to new rights may be largely written off as aspirational rhetoric. I do not contend that it is impossible to combine the two kinds of rights into a single theory. But to do so successfully requires considerable philosophical sophistication. Once again, a successful approach is to strengthen one's conceptions of the community while also weakening negative rights—and do so without submerging the individual in the community, as is frequently said of the theories of Green and Hobhouse. The moderate liberalism discussed throughout is a promising approach. The moral/political theory of John Rawls can be interpreted as combining the two kinds of rights more successfully, which is not to deny however, the possibility of significant difficulties in his theory (pp. 259–60). If we grant these points, then we may say that the problem with FDR's position is not that he tackled something inherently impossible but that he did not attempt to work out a consistent position. He simply assimilated new positive rights to traditional negative rights, without acknowledging the problems of doing so. Rather than explaining how the new rights would be achieved or who was responsible for securing them, he merely expressed a wish that people would receive the noted benefits. Although in the intellectual realm, causal connections are difficult to draw with assurance, I believe FDR's failures here are largely responsible for the striking absence of convincing arguments in favor of social welfare programs in American political culture. Public opinion research has demonstrated how difficult even liberal citizens find it to justify the programs that they favor (pp. 260–62). A major reason why even Americans who support social welfare programs have difficulty justifying them is that their political leaders did not provide effective justifications.¹¹²

¹¹² To some extent, arguments based on equality of opportunity are a partial exception to this situation. But as we will see in Chapter 6 and in the Conclusion, such arguments take one only so far.

Because proponents of social welfare programs lack convincing arguments that proceed from Lockean premises, their positions are vulnerable to strong counterarguments, as articulated by members of the Liberty League and other conservative opponents. If the supporter of welfare programs is unable to strengthen her conception of community and to weaken her conception of property rights, she is subject to rebuttal by these arguments. If the community is nothing more than a collection of individuals, redistributive programs simply take property from some individuals in order to give it to others. As noted above, Lockean premises are able relatively easily to justify government's taking of property from individuals in order to provide public goods—roads, bridges, harbors, national defense—that benefit everyone. These are the benefits central to moderate liberalism, and may be presumed to benefit taxpayers themselves. Although a road is ordinarily too expensive for individuals to finance themselves through voluntary contributions, the benefits provided by the road generally outweigh the costs that each taxpayer is required to contribute, while a good road system is necessary for individual success. With social welfare programs, it is much harder to explain how everyone benefits. If Anne's property is taxed to provide social services to Ben, how Anne benefits from this transaction is not immediately clear. If one responds that she has a duty to help the poor and needy, a ready reply open to her is that such an appeal is better answered by individual charity—as opposed to the state forcing her to fulfill humanitarian duties. As we have also seen, the opponents' position is readily strengthened by the distinction between deserving and undeserving members of society. Employing this distinction, the opponent is able to argue that Anne is not only not benefiting from this transaction but that her hard earned money is going to Ben, who does not deserve her help. In keeping with basic currents of American political culture, the opponent could infer from the fact that Ben is not able to support himself that he is undeserving of outside support. In the absence of convincing alternative formulations of the community and individual rights, welfare opponents may easily appear to have the more plausible side of the debate. While the new liberal argument discussed above would have provided ready counters to such objections, FDR did not turn to it. In the following chapters, we will trace the fruits of the arguments that were actually used.

Social Insurance and Welfare

Having examined the origins of the American welfare state, we turn now to its expansion. After discussing the concept of social insurance in Section 1, in Section 2 we trace the development of the old-age insurance program—the program generally known as Social Security¹—during its crucial first few decades. We then turn to “welfare” (ADC or AFDC), in Section 3. As we will see, comparison between old-age insurance, which has long enjoyed strong public favor, and “welfare,” which has suffered from the reverse, supports a basic claim about successful justificatory strategies for American welfare programs. Put very briefly, in keeping with the individualism of American political culture, social welfare programs are approved of if they are based on individual contributions or reward work and self-sufficiency, but they are condemned if they are viewed as handouts to the undeserving or as rewarding idleness. In Sections 4 and 5, we examine the successful defense of the Earned Income Tax Credit (EITC), a program to help the working poor, and Supplemental Security Income (SSI), which centers upon distinguishing the programs in question from “welfare.” The public’s disdain for “welfare” is simply taken for granted. In the final sections of this chapter, we examine Lyndon Johnson’s War on Poverty, which departed from the work/welfare distinction, drawing instead on related values of equality of opportunity. Arguments along these lines provide particularly effective justification for American social welfare programs, although not without limitations. But as we will see, public justification of all of these programs contributed to the distinctive American stigmatization of welfare and its recipients.

¹ Originally Old-Age Insurance (OAI), the program’s name changed as additional participants were added, first survivors in 1939 (OASI) and then people with disabilities in 1956 (OASDI). I generally refer to the program as a whole as OASDI, its name at the present time, disregarding changes in the program’s name over time.

(1) Social Insurance

Although at its founding Old-Age Insurance was limited in important ways, it was soon able to expand to become what it is today—the centerpiece of the American welfare state. Its expansion was engineered by skillful administrators and well-placed congressional allies. Both levels of benefits and numbers and classes of participants increased markedly, so that after 1950 it eclipsed Old-Age Assistance (OAA).² Old-age Insurance’s particular rationale achieved similar ascendancy, with consequences we will trace.

In this and the following chapters, we will see that, in the wake of the success of Old-Age Insurance, the notion of social insurance became central to the justification of American welfare programs, although this frequently required manipulation of the concept. Construed in a certain way, social insurance clearly embodies the qualities of self-reliance and deservingness favored by American political culture. In order to understand how this works, it is necessary to become clear on the nature of social insurance. We will focus on three elements. As the term is generally used, “social insurance” programs are distinctive in regard to (a) how programs are funded, (b) who is eligible for benefits, and (c) how benefits are determined.

In general, social insurance is modeled after familiar forms of private insurance, for example, fire insurance. With fire insurance, (a) the typical program is financed through contributions and (b) benefits are limited to contributors. No matter what damages someone suffers, if she had not purchased fire insurance, she would receive no benefits. Similarly, (a) social insurance programs are generally funded from contributions, with the implication (b) that only those who have contributed are eligible for benefits. However, in the United States, in political discourse “insurance” is often used loosely. Some programs that are identified as “insurance” provide benefits to noncontributors as well as contributors. In such programs the benefits for noncontributors must be funded from the contributions of other people or from general revenues.

In regard to (c), social insurance may differ from private insurance. Private insurance plans are generally characterized by pooled risk. They are intended to protect people from different hazards of life, and so payments are determined by the hazards. With fire insurance, for instance, people who wish to be protected make contributions, and these are drawn on to pay costs for those who incur losses. In such a program, benefit payments go to those who have fires. Regardless of what one has contributed, one receives benefits only if one has suffered losses, and the benefits depend on the losses rather than on what one has contributed.³ Old-age insurance

² E. Berkowitz, *America’s Welfare State: From Roosevelt to Reagan* (Baltimore, MD: Johns Hopkins University Press, 1991), p. 64.

³ This is leaving aside various complexities, which need not be discussed.

can be structured similarly, as explained by Henry Seager, one of its early proponents, in his 1910 book, *Social Insurance, A Program of Social Reform*:

As changing economic conditions are rendering the dependence of old people on their descendants for support increasingly precarious, so, on the other hand, new obstacles are arising to providing for old age through voluntary saving. . . . The proper method of safeguarding old age is clearly through some plan of insurance . . . for every wage earner to attempt to save enough by himself to provide for his old age is needlessly costly. The intelligent course is for him to combine with other wage earners to accumulate a common fund out of which old-age annuities may be paid to those who live long enough to need it.⁴

While old-age insurance may be viewed as pooling of risk, Old-Age, Survivor, and Disability Insurance (OASDI) does not follow this model. Participants' risks are not pooled; the amount one receives is determined by one's prior contributions—payroll taxes one has paid. Although the program has always departed from a strict relationship between benefits and contributions, on the whole, those who contribute more receive more.

Because of its central place in the American welfare state, how OASDI is viewed is of great importance. According to general public perceptions, it is essentially a pension plan. Beneficiaries make contributions and eventually receive their own money back. The program's distinctive moral principle is clearly expressed by J. Douglas Brown, a Princeton economist who served on several Social Security Advisory Councils. Brown identifies a strong contractual element at the program's core. In his words, in a scheme of contributory social insurance, a "vital principle of mutual contract . . . runs through the program as a whole."⁵ "[I]n receiving an insurance benefit, . . . one is involved in the fulfillment of a contract between responsible parties under which an investment assures a return."⁶ For convenience, we will describe the sense of "insurance" in contexts of this sort as its "contractual" sense. Julian Zelizer notes the symbolic function that the connection between OASDI contributions and benefits plays in public consciousness: "[T]he exclusive symbolic link between the Social Security tax and the social insurance benefit" contributed to a welfare program that "could withstand the anti-statist culture of the United States."⁷

⁴ Quoted on the Social Security Administration's website, <http://www.ssa.gov/history/briefhistory3.html> (Oct. 2014).

⁵ J. D. Brown, *An American Philosophy of Social Security* (Princeton, NJ: Princeton University Press, 1972), p. 84.

⁶ *Ibid.*

⁷ J. Zelizer, *Taxing America: Wilbur D. Mills, Congress, and the State, 1945–1975* (Cambridge: Cambridge University Press, 1998), pp. 12, 14.

This feature of the program has allowed policy makers to maintain the distinction between OASDI benefits and “welfare” and to argue that the former does not create dependency on government.⁸

Because of their success with old-age insurance, these ideas emerged as a model to be used in justifying other programs. The logic was clear: because OASDI was strongly supported, other programs that could be shown to be based on similar principles should be supported as well. In these other programs as in OASDI, because benefits depend on contributions, they are *earned*, and so recipients *deserve* them. However, as we will see, in American political culture, the notion of “desert” is extended in various ways to encompass people who cannot support themselves, e.g., people with disabilities. Because of their disabilities, which make them unable to work, they too deserve the benefits they receive.

In spite of ways in which the concept of insurance can be made specific, important distinctions are often glossed over by public officials. In their discourse, the term “insurance” is used in two general senses. First is a vague general sense, in accordance with the basic principle that one must make contributions in order to be eligible for benefits. The benefits in question can be based on losses, as in private insurance, or be contractual in the sense we have described, as in a pension plan. Thus beyond basing eligibility on contributions, “insurance” in this sense is undefined. The term is also used more specifically in the contractual sense. In this narrow sense, “insurance” is understood after the manner of a pension plan in which benefits depend directly on contributions.

In spite of the public’s understanding of OASDI in contractual terms, in actual practice benefits have departed from this basis. Some of these departures have been noted above. For instance, addition of survivors and then disability populations to the program—transforming it from OAI to OASI and eventually to OASDI—meant that participants with families could qualify for higher benefits than contributors without families, even if they had made identical contributions. Similarly, adding disability benefits meant that people who qualified would receive benefits far higher than their contributions alone warranted. In addition, some redistribution was built into the program from the outset. Although benefits are generally tied to contributions, from the program’s inception, they were skewed in favor of less well-off members of society. Part of the original philosophy of the old-age insurance program was that it should provide a decent minimum, below which recipients would not fall.⁹ This consideration is similar to providing benefits to recent retirees when the program first went into effect, even though they had not had time to make significant contributions. But even granted these exceptions, an unchallenged belief

⁸ *Ibid.*, p. 14.

⁹ Brown, *American Philosophy*, p. 60; T. Marmor, J. Mashaw, and J. Pakutka, *Social Insurance: America’s Neglected Heritage and Contested Future* (Los Angeles: Sage, 2014), p. 221.

about OAI/OASDI—in FDR’s mind as well as public consciousness—is that the benefits it provides are *earned*.

In American political culture, however, the unfortunate obverse to the public’s focus on earned benefits is stigma attached to programs if their recipients either do not earn their benefits and/or are not clearly unable to provide for themselves. Such benefits are widely viewed as “relief,” “the dole,” or charity,” while their recipients are viewed as undeserving and so with disfavor. As Brown says: “In accepting relief, it is sensed, one gives up a cherished attribute of self-reliance.”¹⁰ These distinctions form bright threads running through public attitudes to social welfare programs, while policy makers have consistently appealed to them in justifying favored policies and programs. Because associations with “welfare” carries heavy stigma, policy makers have attempted to avoid this characterization. They have been especially interested in drawing on the principles on which OASDI is based in order to justify both extensions of OASDI itself and additional programs. Favored new programs were presented as “insurance” rather than welfare, and so as providing benefits that are earned, although in certain cases with little attention to exactly what was meant by insurance and little regard to the facts at hand. While the distinctions we have noted are relatively straightforward, they have been poorly understood by the general public, and policy makers have exploited this lack of knowledge. Manipulations along these lines are especially important in regard to Medicare, as we will see in Chapter 7.

Although including different classes of people in OASDI undermines its claims to being contractual insurance, and basing other programs on OASDI’s principles could be viewed as distortion, these factors have benefited affected parties by helping them avoid stigma of welfare. Along similar lines, avoiding this association was an important consideration in justification of SSIa program that assists certain people unable to work. But aside from these beneficial effects, repeated harping on the insurance-welfare distinction has contributed to stigmatizing recipients of the latter—with detrimental effects for particular programs.

(2) Old-Age Insurance (Social Security)

After the Social Security Act was signed into law in 1935, during a crucial period of some forty years, OAI expanded greatly in regard to both numbers of beneficiaries and levels of assistance provided. During this period the program assumed its place as the pillar of the American welfare state—and as the “third rail of American politics.” As we will see, the program grew in spite of—perhaps, because of—a lack of clear, honest justification. Two themes are central. First, with the program tightly controlled by a set of administrators and congressman committed to its growth and largely free from public

¹⁰ Brown, *American Philosophy*, p. 84.

or general congressional control, raising benefit levels was generally justified as technical adjustments virtually undiscussed by politicians and essentially unnoticed by the public, rather than as political decisions with important redistributive implications.¹¹ Second, we will examine the idea of social insurance as it functioned in this program.

From its inception, the old-age insurance program enjoyed strong popular support. According to a number of polls, support for the program was approximately 68% in December 1935, rising to almost unanimity at 97% in April 1943 and 96% in August 1944.¹² There is some doubt about the reliability of these polls, as evidence indicates that the public did not clearly distinguish between Old-Age Insurance and Old-Age Assistance, or even recognize the differences between insurance and assistance programs more generally.¹³ Bearing this caveat in mind, we should still accept that during this period support for different programs that provided for the elderly was uniformly high, between 68% and 97%. On the one poll that asked about OASI specifically, 73% of respondents supported the program. Further evidence of public sentiment was strong support throughout the population for expanding the original OAI program to cover occupational groups that were not included.¹⁴

During the period after OAI took effect, the nature of the program became clearer in the public's mind, especially after the early 1950s, when it overtook Old-Age Assistance in both the program's cost and number of beneficiaries. The old-age insurance program was carefully—and brilliantly—managed by a close circle of professional administrators and congressional allies, who appealed to complex, technical aspects of the program that were understood by few other people to fend off outside interference, including interference from Congress, and so to avoid controversy and debate.¹⁵ For example, between 1952 and 1971, benefits levels were raised seven times, with these passed off as technical adjustments of the benefit formula.¹⁶ Something similar was true of the 20% increase in 1972. In her classic work on the development of Social Security, Martha Derthick claims that this increase was justified “through sheer technical artifice.”¹⁷ While this series of benefit increases were so large as fundamentally to alter the nature of the program, the changes were obscured by focus on technical details. As Derthick says of one particular raise:

The stakes were obscured and debate was discouraged by two persistent traits of social security policymaking—incrementalism and

¹¹ On the role of congressional experts, especially Wilbur Mills, see Zelizer, *Taxing America*.

¹² M. E. Schiltz, *Public Attitudes Toward Social Security: 1935–1965* (Washington, DC: US Department of Health, Education, and Welfare, 1970), p. 35.

¹³ *Ibid.*, pp. 31–5.

¹⁴ *Ibid.*, chap. 3.

¹⁵ M. Derthick, *Policymaking in Social Security* (Washington, DC: Brookings Institute, 1979), p. 7.

¹⁶ *Ibid.*, p. 274–5.

¹⁷ *Ibid.*, p. 364.

technicality. . . . If there was an issue of principle here, it had been drained of much of its political potency by being rendered in narrow, technical terms and reduced to an issue of degree.¹⁸

When public discussion was necessary, in view of the public's strong support for "insurance," the program's administrators worked to identify it as such, and the administrators did the same, by extension, for additions to the social insurance program as it developed. According to Robert M. Ball who headed the program for many years, important reasons for the program's popularity were that it rested on "old, accepted principles—the virtues of work, self-help, and individual saving." Because it was financed by contributions, it did not draw on public revenues, and nearly all contributions were returned to individuals as benefits.¹⁹ But as we have noted, there were problems with these claims. In spite of departures from a contractual insurance model, supporters of the program assiduously characterized it as "insurance"—using the term in this sense. According to Derthick:

As the link between tax payments and benefits grew more and more tenuous, the program became less and less like insurance, and the less like insurance it became, the more its executive leaders insisted that that was what it was.²⁰

Although it is difficult to identify the precise effects of this identification, Derthick believes that it "made a profound impression on the public."²¹ "Because officeholders expected the public to accept it on this basis and because taxpayers never showed any sign of resistance, it is reasonable to infer that this appeal was very effective."²²

Appeal to insurance allowed supporters of the program to pass off the goal of increasing benefits in terms that appealed to an individualist culture, as based on values of work and personal independence.²³ Accordingly, to quote Derthick once again, qualities of "ambiguity, inconsistency, obscurity, and paradox" made important contributions to the overwhelming, seemingly unqualified acceptance of social security.²⁴

(3) Welfare

The federal program generally referred to as "welfare" came into existence as Aid to Dependent Children (ADC) in Title IV of the Social Security Act. In deliberations

¹⁸ *Ibid.*, p. 363.

¹⁹ *Ibid.*, p. 5.

²⁰ Derthick, *Policymaking*, p. 224.

²¹ *Ibid.*, p. 200.

²² *Ibid.*, p. 289.

²³ *Ibid.*, p. 207.

²⁴ *Ibid.*, p. 8.

concerning the act, the program received little attention. It was described as something of an afterthought, which was discussed very little. According to Edwin Witte, executive director of the Committee on Economic Security:

There was little interest in Congress in the aid to dependent children. It is my belief that nothing would have been done on this subject if it had not been included in the report of the Committee on Economic Security.²⁵

According to Michael Schiltz, who studied public opinion during the early years of Social Security, the framers of the Social Security Act envisioned ADC principally as orphans' relief, and it received little more attention than aid to the blind.²⁶

The program attracted little attention for the next twenty-five or so years. But it rose to public prominence during the 1960s. Expanding greatly in terms of number of recipients, expense, and controversy, "welfare" came to symbolize "everything wrong with American social policy."²⁷ It came to be generally viewed as a problem, a "mess," and was eventually severely reformed under President Clinton in 1996. But even after these reforms, the program has continued to suffer from negative popular and political opinions. In this section our particular focus is how public justifications of welfare contributed to this situation.

The origin of ADC can be traced back to the system of mothers' pensions then in place in forty-six states. These were inadequate. According to Linda Gordon: "The total spent on mothers' aid was puny even in good times."²⁸ The situation did not improve during the Depression. With greatly increased need, which localities and states were unable to meet, the federal government stepped in. Although a federal program, ADC was to be administered by the states, with the federal government supplying up to one-third of the amount paid by the states. But as a program intended largely for orphans, ADC was originally justified primarily in terms of the welfare of children, as is indicated by its title. Little or no attention was paid to the needs of mothers. Funds were allocated only for the support of children, and mothers did not receive anything additional. In describing the grants to be made to the states, the House Ways and Means Committee report refers to previously existing programs as "often inaccurately called 'mothers' pension' laws."²⁹

In regard to furthering the goals of equality and destigmatization central to the welfare state, ADC fell short of the old-age insurance program in three ways. First,

²⁵ E. Witte, *The Development of the Social Security Act* (Madison: University of Wisconsin Press, 1963), p. 164.

²⁶ Schiltz, *Public Attitudes*, p. 23.

²⁷ J. Hacker, "After Welfare," *New Republic*, Oct. 11, 2004, p. 41.

²⁸ L. Gordon, *Pitied But Not Entitled: Single Mothers and the History of Welfare, 1880–1935* (New York: Free Press, 1994), p. 186.

²⁹ House Ways and Means Report on 1935 Legislation: <http://www.ssa.gov/history/reports/35housereport.html> (May 2014).

administration by the states left details of the system in the hands of state officials, who were often less sympathetic to the stated goals of the program than were federal officials. Second, as a noncontributory program, in comparison to old-age insurance, ADC preserved in germ the distinction between the deserving and the undeserving poor; this is a major theme in this chapter and will be encountered repeatedly. Third, and directly reflecting the last point, of all the programs established by the Social Security Act, only ADC had the so-called morality requirements. In order to make sure that homes were “suitable,” they were subject to invasive scrutiny.³⁰

The federal welfare program became a significant political issue during the 1960s and 1970s, when enrollment increased sharply. Increases were due mainly to rising participation rates. In 1967, some 42 % of eligible people were enrolled, as compared to some 87% in 1973.³¹ In 1960, 745,000 families received benefits from ADC, at a cost of less than \$1 billion. In 1972, 3 million families received benefits, and the cost had risen to \$6 billion.³² These changes indicate heightened awareness among potential benefit recipients, but also led to rising public awareness of welfare and its becoming a subject of political controversy.

Among factors contributing to increased attention to welfare were changes in the nature of the program’s beneficiaries. In 1939 the Social Security program was expanded to include benefits for widows and survivors. This changed the moral basis of ADC. In addition to being referred to as “mothers’ pensions,” the grants out of which ADC had grown were often referred to as “widows’ pensions,”³³ indicating that, at least in the public’s mind, they were intended primarily for widows, who were presumed to be unable to fend for themselves and so were uncontroversially worthy recipients.

A strong moral dimension had long been central to aid of this sort. While in the late nineteenth and early twentieth centuries, there had been a movement to place children of widowed mothers in state institutions, this changed during Theodore Roosevelt’s presidency. Especially influential was a conference on the Care of Dependent Children, held in Washington in January 1909. The conference supported the idea that children were best placed with their mothers, and so that steps should be taken to make this financially possible. But there was an additional consideration, as indicated in the conference’s recommendation:

Children of parents of worthy character, suffering from temporary misfortune and children of reasonably efficient and deserving mothers who

³⁰ Gordon, *Pitied But Not Entitled*, p. 298.

³¹ S. Teles, *Whose Welfare? AFDC and Elite Politics* (Lawrence: University of Kansas Press, 1986), p. 20.

³² J. Patterson, *America’s Struggle Against Poverty: 1900–1980* (Cambridge, MA: Harvard University Press, 1981), pp. 106–7.

³³ Teles, *Whose Welfare?*, p. 26; R. Lubove, *The Struggle for Social Security: 1900–1935* (Pittsburgh: University of Pittsburgh Press), chap. 5.

are without support of the normal breadwinner should as a rule be kept with their parents, such aid being given as may be necessary to maintain suitable homes for the rearing of their children.³⁴

As the moralized language here indicates, aid was viewed as conditional on the worthiness of recipients.

In order to make it possible for children to be kept in the homes of their mothers, between 1911 and 1934, mothers' or widows' pensions were passed in all states except Georgia and South Carolina.³⁵ Numerous women's groups campaigned for these bills, arguing generally about the need to keep mothers and children together for the good of the children. Notable arguments were advanced in 1911 by Mrs. G. Harris Robertson, president of the Tennessee Congress of Mothers. She argued that mothers' pensions were a matter of right rather than charity:

[W]e cannot afford to let a mother, one who has divided her body in creating other lives for the good of the state, one who has contributed to citizenship, be classed as a pauper, a dependent. She must be given value received by her nation, and stand as one honored.³⁶

In accordance with this principle of reciprocity, Mrs. Robertson advocated pensions for mothers other than widows, "the deserted wife, and the mother who has never been a wife. . . . To-day let us honor the *mother* wherever found—if she has given a citizen to the nation, then the nation owes something to her."³⁷

But in spite of the tolerance of this proposal, the system that arose had strong moral constraints. In 1931, only ten states allowed pensions to all kinds of mothers, and more than 80 % of recipients were widows.³⁸ Eligibility criteria included moral requirements. For example, possible recipients were disqualified for being drunkards, for living with male partners out of wedlock, or for neglecting their children.³⁹ Because the way the programs were administered, local authorities had wide discretion about eligibility requirements and how they were enforced. For instance, in some jurisdictions, cultural criteria of "Americanness" were requirements for aid.⁴⁰ In 1931, only 3% of families receiving pensions were

³⁴ Quoted in Teles, *Whose Welfare?*, p. 28.

³⁵ T. Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, MA: Harvard University Press, 1992), pp. 456–57.

³⁶ Quoted in *ibid.*, p. 450.

³⁷ Quoted in *ibid.*, p. 451 (emphasis in original).

³⁸ *Ibid.*, p. 467.

³⁹ *Ibid.*, p. 468.

⁴⁰ *Ibid.*, p. 469.

African American, even though they made up a far higher percentage of the population.⁴¹

Scholars generally argue that these programs, rather than establishment of Aid to Dependent Children as part of the Social Security Act, were the real foundation of modern welfare.⁴² Accordingly, the 1939 modifications of the act had significant consequences. Widows and survivors were removed from ADC and placed under Social Security. Their eligibility for “insurance” was not based on their previous contributions but according to “insurance” in the looser sense noted above. While this change helped widows and orphans, its consequences for those who continued to receive ADC were less fortunate. Survivors’ insurance removed classes of obviously “worthy” beneficiaries from ADC. Rather than taking care of victims of misfortunes that were no fault of their own, financial support would now be given to women who had had children out of wedlock or been deserted by their husbands. According to Schiltz, “the emergence of the fatherless, and not necessarily orphaned, family as the major characteristic of the broken urban home has changed the public image of the program.”⁴³ In the public’s mind, beneficiaries had become women who had brought their misfortunes upon themselves.

In terms of immediate effects, the 1939 amendments were beneficial to ADC, as the federal contribution was raised from 33 % to 50%. But alteration of the moral basis of the program was soon to prove harmful. The removal of widows from ADC called attention to the issue of illegitimacy, which was to weigh on the program for the rest of its history. If aid were given to women who did not have husbands to support them, would this aid provide incentives for women *not* to marry and otherwise contribute to the breakup of families? This perception was becoming an increasingly important component of the public’s perception of welfare.

Growing public disfavor for ADC is apparent in how it fared in comparison to OASDI. While benefits in the latter grew dramatically and outpaced inflation, ADC fell progressively behind.⁴⁴ In 1970, for example, total OASDI payments to the elderly, \$30.3 billion, exceeded AFDC payments by about a factor of ten. By 1984, OASDI payments, which were indexed to inflation, had grown to \$180.9 billion; AFDC payments, which were not indexed, had risen to only \$8.3 billion. OASDI received more than twenty times as much.⁴⁵

Negative views of ADC’s recipients were evident in President Kennedy’s efforts to reform the program as early as 1962. His attempt led to providing separate stipends for mothers as well as their children, and so to changing the name

⁴¹ Ibid., p. 471.

⁴² For instance, Teles, *Whose Welfare?*, p. 31.

⁴³ Schiltz, *Public Attitudes*, p. 24.

⁴⁴ Teles, *Whose Welfare?*, p. 22.

⁴⁵ M. Katz, *The Undeserving Poor: From the War on Poverty to the War on Welfare* (New York: Pantheon Books, 1989), pp. 112–13.

of the program to AFDC, Aid to Families with Dependent Children. Kennedy's view of welfare recipients is clearly seen in his message to Congress, delivered on February 1, 1962:

Today, in a year of relative prosperity and high employment, we are more concerned about the poverty that persists in the midst of abundance.

[M]erely responding with a "relief check" to complicated social or personal problems—such as ill health, faulty education, domestic discord, racial discrimination, or inadequate skills—is not likely to provide a lasting solution. Such a check must be supplemented, or in some cases made unnecessary, by positive services and solutions, offering the total resources of the community to meet the total needs of the family to help our less fortunate citizens help themselves. Public welfare, in short, must be more than a salvage operation, picking up the debris from the wreckage of human lives. Its emphasis must be directed increasingly toward prevention and rehabilitation—on reducing not only the long-range cost in budgetary terms but the long-range cost in human terms as well. Poverty weakens individuals and nations. Sounder public welfare policies will benefit the nation, its economy, its morale, and, most importantly, its people.⁴⁶

The implication was clear in this address: presence on the welfare rolls was a result of dysfunction—"faulty education, domestic discord, racial discrimination, or inadequate skills." These conditions, called for rehabilitation as well as assistance. Government was to remedy the defects that had made welfare necessary.

The moral basis of ADC was also undermined by changing trends in society as a whole. The women's movement, which began in the mid-twentieth century, severely altered public opinion in regard to women working outside the home. For instance, a 1936 Gallup poll asked whether "you approve of a married woman earning money in business or industry if she has a husband capable of supporting her." 18% of respondents approved, and 72% expressed disapproval. By 1969, attitudes had changed dramatically: 55% approved and 40% disapproved. In subsequent years, public opinion has continued to move in this direction. It is difficult to determine whether changing attitudes drove conduct or conduct drove attitudes, with reciprocal interaction between the two factors most likely. But there is no doubt that women's place in society underwent a massive change. Between 1960 and 1992 participation in the labor force by married women almost doubled, from 31.9% to 59.2%. The rate for married women with children increased

⁴⁶ J. F. Kennedy, Special Message to the Congress on Public Welfare Programs. Feb. 1, 1962, <http://www.presidency.ucsb.edu/ws/?pid=8758> (May 2014).

from 39% to 75.4%, with the rate for those with children under six rising similarly.⁴⁷ As it became normal for even women with young children to work outside the home, it became natural to ask why women on welfare were not also working. As Steven Teles says, the “set of beliefs that formed the moral foundation” for mother’s aid and ADC “utterly collapsed.”⁴⁸ As with the traditional Poor Law, connections were drawn between the deserving and undeserving poor and their willingness to work.

In accordance with removal of widows from ADC and these developments in society, public opinion about welfare became increasingly negative. In regard to general questions concerning aiding people in need, the American public expresses strong support and has done so for many decades. When asked if they agreed that “the government should provide for all people who have not other means of obtaining a living,” responses have long been strongly positive: in 1938, 68%, in 1940, 65%; 72% or 73% in 1946–48; in 1983, 83%.⁴⁹ According to the 1986 General Social Survey (GSS), most people have recognized that welfare fulfills necessary functions: 83.7% of poll respondents agreed or strongly agreed that welfare helps people overcome difficult times; 88.5% agreed or strongly agreed that it helps prevent hunger and starvation.⁵⁰ Thus it is not true that Americans oppose spending on social welfare programs or aiding those in need of assistance.⁵¹ However, an important assumption behind these sentiments is that the people who receive assistance do in fact need it and have no other means of obtaining a living. But, as noted in Chapter 1, the public is skeptical about this assumption. The evidence of public opinion polls strongly demonstrates their feeling that many people on welfare could be working, if they wished to (see pp. 26–7). In other words, the public believes that many welfare recipients do not deserve their benefits. In the public’s mind, this situation is exacerbated by belief that welfare encourages dependency on the government. Rather than taking care of themselves, welfare recipients let government do this. In a series of polls conducted between 1993 and 1999, some 80% of the public completely agreed that “Poor people have become too dependent on government assistance programs.”⁵² Similarly, according to the 1986 GSS, 85.5% of respondents

⁴⁷ These figures are from Teles, *Whose Welfare?*, pp. 56–7.

⁴⁸ *Ibid.*, p. 57

⁴⁹ R. Shapiro et al. “The Polls: Public Assistance,” *Public Opinion Quarterly* 51 (1987): 123. For additional polls with similar findings, see H. Erskine, “The Polls: Government Role in Welfare,” *Public Opinion Quarterly* 39 (1975): 258–60.

⁵⁰ <http://www3.norc.org/GSS+Website/Browse+GSS+Variables/Subject+Index/> (June 2014).

⁵¹ This paradox is central to the argument of M. Gilens, *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy* (Chicago: University of Chicago Press, 1999).

⁵² G. M. Shaw and R. Y. Shapiro, “The Polls-Trends: Poverty and Public Assistance,” *Public Opinion Quarterly* 66 (2002): 121.

agreed or strongly agreed that welfare “Makes people work less than they would if there wasn’t a welfare system.”⁵³

Such views are held especially by political conservatives. According to a recent survey from the Pew Research Center, more than 75% of respondents who can be described as steadfast conservatives believed “poor people have it easy because they can get government benefits without doing anything.” Only 7% of this group said that the poor “have hard lives.”⁵⁴ These ideas have been seized upon by conservative political figures. For instance, Paul Ryan, the 2012 Republican vice presidential candidate and currently Speaker of the House of Representatives, believes it is necessary to reform Medicaid and other social welfare programs. During the 2012 electoral campaign, he declared:

We don’t want to turn the safety net into a hammock that lulls able-bodied people into lives of dependency and complacency, that drains them of their will and their incentive to make the most of their lives.⁵⁵

But the idea that the welfare state is a “hammock” for people who do not want to work is not confined to conservatives. Once again, as we saw in Chapter 1, Americans overwhelmingly believe that welfare discourages work and that jobs are available for many or most people receiving benefits who want to work. These attitudes toward welfare and its recipients bear the stamp of Poor Law thinking.⁵⁶

Accordingly, while the public expresses strong support for social welfare spending in general, this supports falls off sharply in regard to “welfare.” As opposed to other programs, welfare provides aid to people of working age who are able-bodied and so presumably able to work, and the aid itself is in the form of money or similar to money, as with Food Stamps.⁵⁷ In a number of polls conducted in the 1980s and 1990s, majorities of respondents favored increasing government spending with only small numbers in favor of cutting spending on programs that cared for the elderly, provided health care, and fought poverty.⁵⁸ For instance, in regard to care

⁵³ <http://www3.norc.org/GSS+Website/Browse+GSS+Variables/Subject+Index/> (June 2014).

⁵⁴ C. Ingraham, “More than three quarters of conservatives say the poor “have it easy,”” *Washington Post*, June 26, 2014, <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/06/26/more-than-three-quarters-of-conservatives-say-the-poor-have-it-easy/> (May 2015).

⁵⁵ Tami Luhby, “Romney-Ryan would aim to overhaul Medicaid,” *@CNNMoney* Aug. 13, 2012, http://money.cnn.com/2012/08/13/news/economy/ryan-medicaid/?source=cnn_bin (June 2014).

⁵⁶ As Gilens has shown, negative feelings and stereotypes about African Americans play an instrumental role in driving these feelings about welfare and work. In the public mind, recipients of welfare who are not working are largely African American, although this perception is not supported by the facts (Gilens, *Why Americans Hate Welfare*).

⁵⁷ *Ibid.*, p. 12.

⁵⁸ *Ibid.*, p. 28.

for the elderly, 75% favored increasing spending and 1% favored cutting spending. For “improving and protecting the nation’s health,” 67% favored increasing spending and 9% decreasing spending. Figures are similar for other programs, except for those that helped the able-bodied poor.⁵⁹ For welfare, 71% wished to cut spending and 10% wished to increase it. Similarly, in regard to food stamps, which also provides cashlike benefits to the able-bodied, 9% favored increasing spending and 43% decreasing it.⁶⁰ Given these attitudes, the public came overwhelmingly to support requiring welfare recipients to work and cutting off their benefits after two (or five) years if they could not find jobs. In polls conducted in 1994 and 1995, there was overwhelming support for “two-year welfare limit, after which able recipients must get a job or perform community service”: 89% of respondents agreed in 1994 and the same percentage in 1995.⁶¹ Majorities, although smaller, 62% and 54%, supported similar measures on two polls conducted in 1996.⁶² Thus it is not surprising that AFDC was reformed along these lines in 1996, and became TANF—Temporary Assistance for Needy Families.

These figures reflect the American public’s deep ambivalence about welfare. While the public recognizes the need for welfare programs and is generally willing to fund them at higher levels, this is only for benefit programs that are believed to help people in need and so who deserve help. But the public is deeply suspicious of “welfare,” believing its recipients are not willing to help themselves and that it leads to dependency. There is also strong sentiment that welfare leads to family breakup and illegitimate children. For instance, according to the GSS, 61.2% of respondents agreed or strongly agreed that welfare encourages out-of-wedlock children; 60.4% agreed or strongly agreed that it “Discourages young women who get pregnant from marrying the father of the child.”⁶³

As welfare moved from the shadows of political invisibility to public awareness, these attitudes were both reflected and promoted by political leaders. Combined themes of unwillingness to work and moral dysfunction have dominated political discourse about welfare since the 1960s, and have contributed to stigmatization of welfare recipients and delegitimization of “welfare,” which eventually led to significant reform of the program. In this light, we are able to track possible implications of FDR’s strategy of basing OAI on earned benefits. This initiated an insurance—welfare distinction, on which subsequent political leaders built, with effects we have

⁵⁹ Ibid. Figures in regard to unemployment insurance are similar to those for welfare, as unemployment insurance also provides cash to the able-bodied (24% increase; 18% decrease).

⁶⁰ On similar comparisons between programs, see figures provided by F. L. Cook and E. J. Barrett (*Support for the American Welfare State* [New York: Columbia University Press, 1992], p. 62), which are similar though less dramatic.

⁶¹ R. K. Weaver, R. Shapiro, and L. Jacobs, “The Polls—Trends: Welfare,” *Public Opinion Quarterly* 59 (1995): 625.

⁶² Shaw and Shapiro, “The Polls: Trends,” 116.

⁶³ <http://www3.norc.org/GSS+Website/Browse+GSS+Variables/Subject+Index/> (June 2014).

noted. Leaving little ground between recipients of benefits that are earned and so deserved, and unearned and not deserved, this way of viewing social welfare programs leads to stigmatizing the latter: only if benefit recipients are genuinely unable to work, do they merit support. As we will see below in regard to Supplemental Security Income, people with severe disabilities are viewed as “deserving,” but where this leaves the able-bodied unemployed is more precarious. As we have seen, for the most part, the public believes welfare recipients are shirking. The reason they are not working is because they would prefer to live on the public dole. It is likely that the strong negative feelings for this group of welfare recipients spill over onto other recipients and further contribute to strongly negative view of welfare as a whole.

In view of public disapproval of able-bodied welfare recipients, we should note an important factual assumption underlying such attitudes. If this group of people is stigmatized for not working, it follows that they must be able to work if they wished to, in other words that there are in fact jobs for them. We have just seen that belief this is the case undergirds strong support for requiring welfare recipients to work. But of course, if the necessary jobs are not there, welfare recipients are stigmatized unfairly. They are subjected to a modern version of Poor Law “least eligibility.” In recent polls, unemployment is clearly recognized as an important public issue, while the public supports extending unemployment insurance benefits for long-term unemployed workers who have exhausted their benefits.⁶⁴ Increasing support for these policies is likely connected with the severe economic conditions of the “Great Recession.” Since making welfare recipients work implies that there are actually jobs for them, as Americans seem to be more punitive toward welfare recipients than are inhabitants of other advanced countries, they appear to be more optimistic in believing that the economy provides the necessary jobs.

In spite of these complicating factors, for many decades, the discourse of successive presidents has reinforced the distinction between insurance and welfare and thus contributed to stigmatization of the latter. For example, in 1977, President Jimmy Carter proposed comprehensive welfare reform. The basis for his proposals was a belief in the program’s fundamental defects, especially in regard to encouraging family breakup and discouraging work. By the time of his presidency, an entire network of federal welfare programs had grown up. These included food stamps, Supplemental Security Income, various work incentives for welfare families, housing assistance, unemployment insurance, and other programs, including the Earned

⁶⁴ See J. M. Jones, “Unemployment Solidifies Position as Most Important Problem,” <http://www.gallup.com/poll/146081/unemployment-solidifies-position-important-problem.aspx> (July 2014); G. Sargent, “The public view of unemployment benefits,” http://voices.washingtonpost.com/plum-line/2010/07/public_wants_unemployment_bene.html (July 2014); L. Morales, “Republicans, Democrats Favor Tax Breaks to Win Back U.S. Jobs” (Feb. 1, 2012), <http://www.gallup.com/poll/152396/republicans-democrats-favor-tax-breaks-win-back-jobs.aspx> (July 2014).

Income Tax Credit, which provided incentives to work. Carter viewed these programs as chaotic and wished to simplify and rationalize them:

In May, after almost four months of study, I said that the welfare system was worse than I expected. I stand by that conclusion. Each program has a high purpose and serves many needy people; but taken as a whole the system is neither rational nor fair. The welfare system is antiwork, anti-family, inequitable in its treatment of the poor and wasteful of taxpayers' dollars.⁶⁵

As indicated by the name of his proposed program—"The Program for Better Jobs and Income"—the main focus of Carter's efforts was giving people on welfare incentives and opportunities to work, and hiring people unable to find jobs. The details of his proposals need not concern us. More important here is Carter's implicit assumption that continued dependence on welfare was harmful to the recipient. He hoped to "break the welfare cycle," by "providing the dignity of a job to those who at present are denied work opportunities."⁶⁶

The Program for Better Jobs and Income stresses the fundamental American commitment to work, strengthens the family, respects the less advantaged in our society, and makes a far more efficient and effective use of our hard-earned tax dollars.⁶⁷

Carter's successor, Ronald Reagan, was an especially harsh critic of welfare. One of his staple themes during his 1976 campaign for the Republican presidential nomination was the fraud associated with a "welfare queen."⁶⁸ His lurid tales, often exaggerated, provided vivid symbols of what he viewed as a broken system. Aside from its abuses, according to Reagan, welfare was a pernicious destroyer of self-reliance and independence. In 1967, in his first inaugural address as governor of California, he claimed that welfare perpetuated poverty and destroyed "self-reliance, dignity, and self-respect . . . the very substance of moral fiber."⁶⁹

The themes in Reagan's rhetoric as president did not differ appreciably from those of Carter or other critics of the welfare systems at the time. Once again, the

⁶⁵ J. E. Carter, Welfare Reform message to Congress, Aug. 6, 1977, <http://www.presidency.ucsb.edu/ws/?pid=7942> (June 2014).

⁶⁶ Ibid.

⁶⁷ Carter, news conference, Aug. 6, 1977, <http://www.presidency.ucsb.edu/ws/?pid=7941> (June 2014).

⁶⁸ See J. Levin, "The Welfare Queen," *Slate*, Dec. 19, 2013, http://www.slate.com/articles/news_and_politics/history/2013/12/linda_taylor_welfare_queen_ronald_reagan_made_her_a_notorious_american_villain.html (July 2014).

⁶⁹ Quoted by Patterson, *America's Struggle Against Poverty*, pp. 172–3.

overall opinion was that welfare often encouraged dependency rather than work; it also contributed to family breakup, while the welter of federal programs were irrationally complex, wasted money, and were otherwise ineffective. While these themes were included in the 1980 Republican platform, they did not figure strongly in Reagan's first term. As he attempted to cut government spending, including spending on social welfare programs, he insisted that this would not harm those who truly needed assistance. Most people leaving the welfare rolls would leave of their own accord, a prediction that he claimed was supported by his experience as governor of California.⁷⁰ Welfare reform assumed prominence during Reagan's re-election campaign, in which ending welfare dependency—"welfare bondage," as he referred to it⁷¹—was a recurrent theme. For example, at a Reagan-Bush welcoming rally at the Republican National Convention in Dallas, Texas, on August 22, 1984, Reagan said:

Standing for opportunity means that we're determined, despite the do-nothing Democratic leadership, to push forward for enterprise zones, to push forward for a youth opportunity wage, so that people can get off unemployment, get off welfare, and get the chance for decent jobs that they deserve. And I happen to believe that helping people climb higher and make it on their own is a darned sight more progressive and compassionate than keeping them down and dependent on government for the rest of their lives.⁷²

His basic remedy was a more open economy, which would promote economic growth and so create jobs for people currently on welfare. At a rally in Charlotte, North Carolina, on October 8, 1984, he pronounced:

I want to stop for just a moment and say one of the things that makes us different from our opponents. We understand the need for jobs, real jobs, not make-work jobs. We don't want to keep people on welfare, keep them in bondage as wards of the state. We know that people want to work. They want to contribute. They want to be a part of society. And

⁷⁰ R. Reagan, news conference, March 6, 1981, <http://www.presidency.ucsb.edu/ws/index.php?pid=43505&st=&st1=> (June 2014).

⁷¹ Reagan, Remarks at a Reagan-Bush Rally in Austin, Texas, July 25, 1984, <http://www.presidency.ucsb.edu/ws/index.php?pid=40193&st=&st1=http://www.presidency.ucsb.edu/ws/index.php?pid=40193&st=&st1=> (June 2014).

⁷² Remarks at a Reagan-Bush Welcoming Rally at the Republican National Convention in Dallas, TX, Aug. 22, 1984, <http://www.presidency.ucsb.edu/ws/index.php?pid=40281&st=&st1=http://www.presidency.ucsb.edu/ws/index.php?pid=40281&st=&st1=> (June 2014).

we don't patronize them with handouts. We give them a chance through economic growth.⁷³

In his message to the Congress on America's Agenda for the Future, Reagan said: "by failing to promote self, family, and community responsibility, these programs encourage dependency and entrench the very poverty they were intended to alleviate."⁷⁴ According to Reagan, then, not only had government *not* solved the problem, it was largely responsible for causing it:

The sad truth is that our welfare system represents one long and sorry tale of disappointment. From the 1950s on, poverty in America was on the decline as economic growth led millions up toward prosperity. Then, as the Federal Government began to spend billions on welfare programs, poverty stopped shrinking and actually began to grow worse. For the first time in our nation's history, millions of Americans became virtual wards of the State, trapped in a cycle of welfare dependency that robs them of dignity and opportunity. With our economic success of the 1980s, the poverty rate has begun to shrink, but the problem of welfare dependency remains. No one doubts that welfare programs were designed with the best of intentions, but neither can anyone doubt that they've failed—failed to boost people out of dependency.⁷⁵

As he said in his 1987 State of the Union address "We've created welfare monster that is a shocking indictment of our sense of priorities."⁷⁶

Reagan was successful in passing reform legislation: the Family Support Act of 1988. This strengthened the system for collecting child support and placed new emphasis on work for welfare recipients. The bill required that at least one parent in a two-parent family on welfare work at least sixteen hours a week, and also placed education requirements on single mothers. But these measures did not appreciably improve conditions. Problems in the welfare system continued, leading to dramatic reform of the system by President Clinton, although his complaints about welfare were not dissimilar to Reagan's.

Clinton placed welfare reform at the center of his policy agenda during his 1992 campaign, where it stayed until August 1996, when he signed the Personal

⁷³ Remarks at a Reagan-Bush Rally in Charlotte, NC, Oct. 8, 1984: <http://www.presidency.ucsb.edu/ws/index.php?pid=39202&st=&st1=> (June 2014)

⁷⁴ Message to the Congress on America's Agenda for the Future, Feb. 6, 1986, <http://www.presidency.ucsb.edu/ws/index.php?pid=36768&st=&st1=> (June 2014).

⁷⁵ Radio Address to the Nation on Welfare Reform, on Feb. 7, 1987, <http://www.presidency.ucsb.edu/ws/index.php?pid=33534&st=&st1=> (June 2014).

⁷⁶ 1987 State of the Union address, Jan. 27, 1987, <http://www.presidency.ucsb.edu/ws/index.php?pid=34430&st=&st1=> (June 2014).

Responsibility and Work Opportunity Act, which fundamentally reformed welfare. While his criticisms were similar to those of Reagan and Carter, his approach was less condemnatory than Reagan's. Clinton attempted to work out policies that would alter people's incentives and so successfully reform the system. One of his 1992 television spots opened with the words: "The Clinton Plan. Welfare to Work." The following lines soon appeared on screen: "End welfare as we know it," "Provide education, training, and child care," and "Those who are able must go to work."

In the commercial, Clinton spoke as follows:

For so long government has failed us, and one of its worst failures had been welfare. I have a plan to end welfare as we know it—to break the cycle of welfare dependency. We'll provide education, job training, and child care, but then those who are able must go to work, either in the private sector or in public service. I know it can work. In my state we've moved 17,000 people from welfare rolls to payrolls. It's time to make welfare what it should be—a second chance, not a way of life.⁷⁷

Clinton articulated similar themes in subsequent messages. Accepting the Democratic presidential nomination on July 16, 1992, he said:

Responsibility starts at the top.

That's what the New Covenant is all about.

An America where we end welfare as we know it. We will say to those on welfare: You will have, and you deserve, the opportunity, through training and education, through child care and medical coverage, to liberate yourself. But then, when you can, you must work, because welfare should be a second chance, not a way of life.⁷⁸

Clinton recognized conditions necessary for incentives to align properly. For instance, welfare recipients who also received healthcare through Medicaid would be unlikely to leave welfare if this meant that they would lose their healthcare.

In his 1994 State of the Union address, Clinton made similar points and also addressed the stigmatization of welfare as opposed to work:

The people who most want to change this system are the people who are dependent on it. They want to get off welfare. They want to go back to work. They want to do right by their kids.

⁷⁷ Clinton, Campaign commercial, <http://www.nytimes.com/1992/09/10/us/the-1992-campaign-the-ad-campaign-clinton-getting-people-off-welfare.html> (June 2014).

⁷⁸ Acceptance speech, New York July 16, 1992, <http://www.presidency.ucsb.edu/ws/index.php?pid=25958&st=&st1=> (June 2014).

I once had a hearing when I was a governor, and I brought in people on welfare from all over America who had found their way to work. The woman from my state who testified was asked this question: What's the best thing about being off welfare and in a job? And, without blinking an eye, she looked at forty governors and she said, "When my boy goes to school and they say what does your mother do for a living, he can give an answer." These people want a better system and we ought to give it to them.⁷⁹

Addressing the National Governors' Association on the subject of welfare on July 16, 1996, Clinton noted the main features of his proposed bill:

Real welfare reform requires work, imposes time limits, cracks down on deadbeat parents by enforcing child support, provides child care.

....

The idea that people should be required immediately to be ready to go to work, but that in return, they would have health care and child care guaranteed; and that the welfare money could be used to pay income supplements or wage supplements to private employers to put these people to work; and that if there is no private employment, these folks will be given community service jobs.

That's what we ought to be doing everywhere. If we can create these jobs, we ought to require people to take them.

....

We can give all our people a chance to move from welfare to work, to transform our broken welfare system once and for all.

...

Today I am taking the steps that I can take as president to advance the central premise of welfare reform, one that is embodied in all the proposed welfare bills, that anyone who can go to work must do so. We'll say to welfare recipients, Within two years you'll be expected to go to work and earn a paycheck, not draw a welfare check.⁸⁰

As the title of the Personal Responsibility and Work Opportunity Act indicates, it was intended to put these reforms into effect. In signing the bill, Clinton reiterated, "Today, we are ending welfare as we know it."⁸¹ The new law ended AFDC, transforming it into TANF.

⁷⁹ State of the Union address, Jan. 25, 1994, <http://www.presidency.ucsb.edu/ws/index.php?pid=50409&st=&st1=> (June 2014).

⁸⁰ Remarks to National Governors' Association, July 16, 1996: <http://www.presidency.ucsb.edu/ws/index.php?pid=53068&st=&st1=> (June 2014)

⁸¹ *Washington Post*; Aug. 23 1996; p. A01.

As the arguments of successive presidents demonstrate and with the changes in societal values noted above, it was no longer possible to justify providing assistance to people who were able to work but did not do so, supported by belief that willing people would be able to find work. If most mothers with young children worked, it would be difficult to justify allowing mothers on welfare the luxury of not doing so. Clearly, an underlying premise of this entire subject was that taking care of one's own children was not "work" in the proper sense of the term. "Real" work took place outside the home, and so women on welfare who stayed home with their children were strongly condemned. Of course, all the Presidents we have looked at acknowledged that society should support people who were genuinely unable to work. The basis of both political and societal condemnation was deep suspicion that most people receiving benefits without working were in fact able to work, and that, to make matters worse, not working on welfare had become addictive, a way of life. It follows, then, that only people with demonstrable disabilities and so unable to work deserved benefits. But the payments were to be supplied by SSI rather than from welfare funds. In keeping with basic elements in the political culture concerning the values of work and personal responsibility, TANF was conceived as only a transitional program to get people back on their own feet.

(4) Earned Income Tax Credit (EITC)

The EITC, a federal income tax credit for low-income workers and families, was originally implemented by Congress in 1975, in the wake of a failed attempt to reform the welfare system undertaken by Richard Nixon. The amount of one's credit is determined by income and family size, and the tax credit is refundable: when the payment exceeds the amount of taxes owed, the tax payer receives a tax refund. Originally intended as a temporary measure to offset social security taxes and to provide an incentive to work, the EITC has been expanded numerous times and was made permanent in 1978. It is currently the third-largest means-tested federal program, after Medicaid and Food Stamps. In 2013, according to the IRS, more than 27 million taxpayers received over \$63 billion in EITC refunds. The average amount each taxpayer received was \$2,335, and the program raised approximately 6.5 million people out of poverty.⁸²

Although a means-tested program currently much larger than TANF—with federal outlays more than three times those of TANF⁸³—the EITC has attracted

⁸² <http://www.eitc.irs.gov/EITC-Central/abouteitc> (July 2014).

⁸³ In 2011, the EITC cost approximately 56 billion dollars and TANF approximately 17.8 billion. For the figures, see Treasury Inspector General For Tax Administration, Feb. 25, 2011, Reference Number: 2013-40-024 <http://www.treasury.gov/tigta/auditreports/2013reports/201340024fr.html>

much less attention, while this has been mainly positive. Accordingly, the EITC is an example of a social welfare program that provides benefits to low income citizens that is accepted in American political culture. Our main concern is its underlying rationale and how this compares with less well-favored AFDC/TANF.

As noted, the EITC came into existence as part of the Tax Reduction Act of 1975, signed into law by Gerald Ford. The law's tax cuts of \$22.8 billion were intended to stimulate the economy. A small portion of this bill was a refundable tax credit of up to \$400 for low income tax payers.⁸⁴ Given the explosive growth of AFDC (discussed in Section 3), many political leaders felt a need to get people off of welfare and back to work. Different mechanisms that would provide work incentives were considered.⁸⁵ Welfare reform had been a top priority of Nixon's second term; his proposed Family Assistance Plan (FAP), the centerpiece of which was a negative income tax, also contained incentives for low-wage workers. But after being passed in the House, it was defeated in the Senate.

As what he viewed as a less expensive, better targeted alternative to FAP, Russell Long, senator from Louisiana and chairman of the Senate Finance Committee, who had opposed FAP, proposed a program of incentives to the working poor. Unlike other negative income taxes, this would provide benefits only to those who worked. After several attempts died in the Senate, a version of Long's incentive plan was included in the Tax Reduction Act of 1975. As a "footnote" to a larger bill, EITC attracted little attention. No separate hearings were held on it and no separate floor votes, although other portions of the tax bill were carefully scrutinized (Howard, p. 69), President Ford played no role in EITC's passage (Howard, p. 74). According to Christopher Howard, one factor contributing to EITC's passage was that it was included in a tax bill rather than a welfare bill. Because it was a tax measure, liberals were less likely to object to images of punitive work requirements imposed on welfare recipients (Howard, p. 70). The House passed a different version of the EITC, and ultimately the Senate version prevailed in the conference committee. Although scholars argue about details concerning EITC's enactment, according to Howard, central factors were invisibility and ambiguity: "the important points to note are that the EITC was a small part of a larger revenue bill; that no hearings were held or votes taken specifically concerning the EITC; that it generated little debate and little input from interest groups;" and that it was able to be defended as both "welfare reform and tax relief

(July 2014); Office of Family Assistance, TANF Financial Data http://www.acf.hhs.gov/sites/default/files/ofa/2011_tanf_data_with_states.pdfinstant&rlz=1C1CHEX_enUS\$11US\$11&ion=1&espv=2&ie=UTF-8#q=cbo%20budget%20and%20economic%20outlook%202012 (July 2014).

⁸⁴ In recounting the history of EITC, I draw mainly upon C. Howard, *The Hidden Welfare State: Tax Expenditures and Social Policy in the United States* (Princeton, NJ: Princeton University Press, 1997). Hereafter cited as Howard in parentheses in this section.

⁸⁵ See Berkowitz, *America's Welfare State*, chap. 6; Teles, *Whose Welfare?* pp. 157–63, 171–4.

for the working poor” (Howard, p. 72). Here is Howard’s assessment of how the bill was passed::

Long transformed the family assistance supplement into the work bonus, kept the work bonus idea alive between 1972 and 1975, and successfully portrayed EITC as an amalgam of welfare reform and tax relief for low income workers. He did not have to publicize the merits of his proposal or engineer any groundswell of popular support. He did not have to win the president’s endorsement, knit together a coalition of support in Congress, or even engage in explicit log-rolling. Instead, Long had to find the right legislative vehicle to essentially hide the EITC and the right language to portray its objectives to anyone who noticed. He then used his power as Senate Finance chairman, which happened to reach a high water mark in 1971, to guarantee passage of this tax credit. (Howard, p. 74)

If we accept Howard’s account, then it bears notice how EITC’s enactment resembles the process through which OAI was expanded during its first few decades. A small group of committed supporters—for OAI, mainly program administrators, for EITC, congressional leaders—were able to push their reforms through, with little scrutiny from other political figures and almost none from the public. However, in regard to EITC, as with Social Security, these officials had at their command supporting arguments that strongly resonated with the political culture, if it became necessary to use them. In each case, the result was a program that appealed to and rested on widely accepted values.

As EITC began expanding into its present form, it remained outside of public view. The program was given yearly extensions for three years, until it was made permanent as part of the Revenue Act of 1978. During this period, the key to its expansion was support from committed groups of congressmen. Howard describes this as “growth without advocacy,” since it was far easier to expand an existing program than to make the case for a new one. This was especially true if the expansion could be tucked into a larger revenue or tax bill, in which it could pass virtually unnoticed (Howard, p. 183, 144). With tax policy tightly held by small numbers of congressmen, advocacy in these circles could be enough to advance favored programs with little in the way of public discussion or even awareness.

Between 1980 and 1992, the EITC expanded more quickly than any other major means-tested program. Its average annual growth rate was 11.8%, outstripping even general programs, OASDI (3%) and Medicare (6.7%). In comparison, during this period, the rate for AFDC was 0.8% (Howard, p. 140–41). Different reasons are given for the program’s growth. A significant factor was its resonance with dominant political values concerning work, self-advancement, and avoidance of welfare. In more directly political terms during the period, the Republicans and

Democrats struggled for the support of the working poor, and so there were obvious political motives for favoring the program. EITC could also be appealed to as contributing to overall fairness in the economic system and especially in regard to an important principle that people who worked hard should not have to live in poverty.⁸⁶ Accordingly, as Howard notes, one reason for the success of EITC was that it fulfilled different functions. In addition to its role in encouraging work and making it possible for people to avoid welfare, it was also supported as contributing to tax fairness and for helping the working poor, at a time when both political parties were attempting to attract this group's support.

As EITC expanded and became more prominent, it gained public attention and was discussed widely by political leaders. It is also notable that public justification of the program has been consistently in terms of encouraging and rewarding work. Accordingly, to the extent that value considerations played a causal role in the development of this program, it is clear which values advanced it, as their obverse worked against AFDC. These themes are clearly revealed in the statements of successive presidents.

What different presidents said about EITC is remarkably consistent. This is explained by the program's fit with central cultural values. Having found a message that worked, the presidents more or less simply repeated it, as the following quotations demonstrate. In Jimmy Carter's Welfare Reform message to Congress, delivered on August 6, 1977, the basic message in favor of work and against welfare is overwhelmingly clear:

As I pledged during my campaign for the Presidency, I am asking the Congress to abolish our existing welfare system, and replace it with a job-oriented program for those able to work and a simplified, uniform, equitable cash assistance program for those in need who are unable to work by virtue of disability, age or family circumstance. The Program for Better Jobs and Income I am proposing will transform the manner in which the Federal government deals with the income needs of the poor, and begin to break the welfare cycle.

Among Carter's proposals were:

An expansion of the Earned Income Tax Credit to provide an income supplement of up to a maximum of well over \$600 for a family of four through the tax system. . . . A major share of the benefit will accrue to hard-pressed workers with modest incomes struggling successfully to avoid welfare.⁸⁷

⁸⁶ Howard, *Hidden Welfare State*, chap. 7.

⁸⁷ J. Carter, Welfare Reform message to Congress, Aug. 6, 1977.

Reagan too supported EITC. A broad expansion of the program was included in his Tax Reform Act of 1986. In signing the act into law, Reagan had extravagant praise for EITC along with other tax credits and breaks for the working poor:

[T]his tax bill is less a freedom—or a reform, I should say, than a revolution. Millions of working poor will be dropped from the tax rolls altogether, and families will get a long-overdue break with lower rates and an almost doubled personal exemption. We're going to make it economical to raise children again. Flatter rates will mean more reward for that extra effort, and vanishing loopholes and a minimum tax will mean that everybody and every corporation pay their fair share. And that's why I'm certain that the bill I'm signing today is not only an historic overhaul of our tax code and a sweeping victory for fairness, it's also the best antipoverty bill, the best profamily measure, and the best job-creation program ever to come out of the Congress of the United States.⁸⁸

Though less hyperbolic, Bill Clinton's message was similar. One of his consistent themes was that people who “worked hard and played by the rules” should not have to live in poverty. For him, this was “a fundamental principle, an elemental, powerful, and profound principle. It is not liberal or conservative. It should belong to no party.”⁸⁹ In an exchange with reporters on the EITC on July 29, 1993. Clinton remarked:

[A] pivotal part of this economic plan is increasing the earned-income tax credit which, more than anything else we could do, will reward work and family and responsibility and make a major down payment on welfare reform.

You heard Robin [who had been picked to speak on that occasion] make that point. There are so many Americans in this country who want to work, who want to be independent, who want to support themselves, and who find themselves in a position of not being able to make ends meet, not being able to cover basic costs. The earned-income tax credit can help them do that. It is a terribly important part of this overall plan, which not only reduces the deficit by \$500 billion, but also does it in a fair way

...

⁸⁸ Reagan, signing Tax Reform Act, Oct. 22, 1986, <http://www.reagan.utexas.edu/archives/speeches/1986/102286a.htm> (July 2014).

⁸⁹ Remarks on the Earned-Income Tax Credit and an exchange with reporters, July 29, 1993, <http://www.presidency.ucsb.edu/ws/?pid=46924> (July 2014).

But the most important thing of all to reward work is that this will be the first time in the history of our country when we'll be able to say that if you work forty hours a week and you have children in your home, you will be lifted out of poverty. It is an elemental, powerful, and profound principle. It is not liberal or conservative. It should belong to no party. It ought to become part of the American creed.

One of the things that I want to emphasize is . . . to tell people that if they work hard and play by the rules they'll be able to make it, they will be rewarded. The incentive system in America has worked against that for too long.

Clinton called this "a pro-family policy," and referred to "two principles that operate in this country." People who can work should work, but if they do work their families at home shouldn't be poor."⁹⁰

In his 1994 State of the Union address, delivered on January 25, 1994, Clinton built on these themes:

Then this Congress took a dramatic step. Instead of taxing people with modest incomes into poverty, we helped them to work their way out of poverty by dramatically increasing the earned income tax credit. It will lift 15 million working families out of poverty, rewarding work over welfare, making it possible for people to be successful workers and successful parents. Now that's real welfare reform.⁹¹

The position of Barack Obama was similar. In his 2014 State of the Union address, he said:

There are other steps we can take to help families make ends meet, and few are more effective at reducing inequality and helping families pull themselves up through hard work than the Earned Income Tax Credit. Right now, it helps about half of all parents at some point. Think about that. It helps about half of all parents in America at some point in their lives.

But I agree with Republicans like Senator Rubio that it doesn't do enough for single workers who don't have kids. So let's work together to strengthen the credit, reward work, help more Americans get ahead.⁹²

⁹⁰ Ibid.

⁹¹ Clinton, State of the Union address, Jan. 25, 1994, <https://archive.org/stream/stateoftheuniona-05048gut/sucli11.txt> (July 2014).

⁹² B. Obama, State of the Union Address, Jan. 28, 2014, <http://www.nytimes.com/2014/01/29/us/politics/state-of-the-union-address-text.html?action=click&module=Search®ion=searchResuIts%230&version=&url=http%3A%2F%2Fquery.nytimes.com%2Fsearch%2Fsite%2F%23%2Fstate%2520of%2520the%2520union%2520address%2F> (Aug. 2014).

As part of his campaign against income inequality, Obama repeatedly proposed raising the EITC.⁹³ Indication of the bipartisan nature of support for increasing EITC was Paul Ryan's similar proposal, given when he was the chairman of the Republican House Budget Committee.⁹⁴

(5) Supplemental Security Income (SSI)

Described by the government as a program that “pays benefits to disabled adults and children who have limited income and resources,”⁹⁵ SSI is a mean-tested program funded from general revenues and so clearly “welfare” as opposed to “insurance.” Like EITC, SSI was passed in the wake of the failure of Nixon's Family Assistance Plan, supported as a more modest alternative. Russell Long was also instrumental in its enactment.⁹⁶ SSI consolidated existing adult welfare programs that aided the indigent elderly, the blind, and disabled, but it also included benefits for disabled children. For reasons of efficiency, its administration was placed in the hands of the Social Security Administration, which had administered a disability program, Social Security Disability Insurance, since 1956. Administration by the federal government rather than the states was important in standardizing benefits and eligibility criteria, such as definitions of disability, across all fifty states. SSI was passed as part of a larger adult assistance bill in which it attracted relatively little attention.⁹⁷

In signing the bill into law, Nixon noted that it provided “better and more equitable benefits” to “those of our citizens who, through no fault of their own, are unable to help themselves.” The moral rationale for this assistance that was given was humanitarian. According to Nixon:

America has always cared for its aged poor, the blind, and the disabled. . . .

This legislation once again provides dramatic and heart-warming evidence that America is the country that cares-and translates that humanitarian care into a better life for those who need, and deserve, the support of their fellow citizens . . . I am highly gratified to be able, at long last, to put my signature on H.R. 1—thus lifting these long-sought benefits out

⁹³ See also *New York Times* economix blog, Feb. 13, 2012, <http://economix.blogs.nytimes.com/2012/02/13/expanding-a-safety-net-program/> (Aug. 2014).

⁹⁴ See http://www.washingtonpost.com/opinions/paul-ryans-anti-poverty-plan-has-some-good-ideas-that-all-sides-can-support/2014/07/24/592fc514-1363-11e4-9285-4243a40ddc97_story.html (Aug. 2014).

⁹⁵ See <http://www.ssa.gov/disabilityssi/ssi.html> (Aug. 2014).

⁹⁶ E. Berkowitz and L. DeWitt, *The Other Welfare: Supplemental Security Income and U. S. Social Policy* (Ithaca, NY: Cornell University Press, 2013), chap. 1. For the history of SSI, I generally follow this work.

⁹⁷ *Ibid.*, p. 32–42.

of debate and placing them into the laws of our generous and compassionate land.⁹⁸

From the outset, in spite of appeals to compassion, recipients of this aid were distinguished from those who received “welfare.” One will note Nixon’s claim that they deserved support from their fellow citizens.

The distinction between SSI and “welfare” assumed tangible form with SSI’s inclusion, as Title XVI in the Social Security system. As the bill was debated and implemented, it was repeatedly claimed that this structure freed benefit recipients from the stigma of welfare. Thus, Bob Bennet, ranking Republican on the Senate Finance Committee, noted that the committee had “tried to be very generous” to the aged, blind, and disabled, and “to raise their income in such a way they would be free as far as possible from any stigma of being dependent on welfare.”⁹⁹ A year later, during discussions of possible amendments to the law, Senator Abraham Ribicoff called SSI “a brilliant concept of our chairman [Russell Long] to take the aged, blind, and infirm out of poverty and outside of welfare.”¹⁰⁰ According to Robert Ball, the Social Security commissioner, “it is expected that there will be much less stigma, if any, attached to the receipt of Supplemental Security Income.”¹⁰¹

There is, of course, a paradox here. On any usual definition of a welfare program, SSI would qualify. It is means-tested and so targeted only at the poor, and funded from general revenues without requiring contributions from beneficiaries. So how did administration by the Social Security Administration make it something other than welfare? The answer of course is that recipients of SSI were “deserving.” This was clear in Nixon’s remarks, on January 3, 1974, as he signed a bill to raise Social Security benefits, including benefits for SSI:

Protection against inflation for the aged, blind, and disabled is another very major consequence of this new law. These especially deserving people were transferred from the previous Federal-State public assistance program to the new Federal supplemental security income program.¹⁰²

Nixon’s view that recipients of SSI benefits were “especially deserving” was obviously based on the fact that because of their misfortunes, they were unable to support themselves. Unlike recipients of welfare, who were frequently able-bodied and below retirement age, and so could well support themselves, SSI’s beneficiaries,

⁹⁸ R. Nixon, statement signing 1972 Social Security Amendments, Oct. 30, 1972, <http://www.ssa.gov/history/nixstmts.html#1972> (July 2014).

⁹⁹ Quoted by Berkowitz and DeWitt, *Other Welfare*, p. 40.

¹⁰⁰ Quoted in *ibid.*, p. 58.

¹⁰¹ Quoted in *ibid.*, p. 44.

¹⁰² Nixon, statement signing a bill to increase Social Security Benefits, Jan. 3, 1974, <http://www.presidency.ucsb.edu/ws/index.php?pid=4354&st=&st1=> (July 2014).

were not only deserving but *especially* deserving. At least by implications, welfare recipients were the reverse. Stigma attached to the latter was avoided by SSI.

Because of this distinction, people who were unwilling to stoop to applying for welfare did apply for SSI. According to New York City Mayor John Lindsay: “We know that many elderly have lived in desperate poverty rather than apply for old-age assistance. . . . The stigma of applying for welfare should be greatly reduced by the transfer of income assistance to the Social Security Administration.”¹⁰³ A worker for the Bronx Office for the Aged reported that “many elderly individuals “won’t go near welfare. Welfare’s a dirty word. But when Supplemental Security Income came in, it was covered by its tie with Social Security, and that they’ll take.”¹⁰⁴

As SSI developed, its special status was eroded, in spite of its connection with Social Security. In effect, it became a general program for the disabled. By 2010, the number of disabled people in the program outnumbered the elderly by more than four to one.¹⁰⁵ Benefits for disabled children were also included, although it was never determined exactly how this became part of the program. Apparently, this proviso was slipped into the bill by a staffer, without the knowledge of any of the main participants¹⁰⁶— an extreme example of program expansion by administrative staff. Benefits to the disabled, especially those with mental or psychological problems, caused special difficulties because of the vagueness of criteria in these areas. Doubts as to whether such beneficiaries were in fact unable to work raised problems similar to those that beset AFDC. Spurred by extremely critical media reports, the perception grew that many recipients were not really “deserving”: either they had overcome their disabilities to the point of being able to work, or they were faking disability altogether. Problems were particularly severe for disabled children, who could receive that status for behavioral difficulties, and it was widely believed that parents coached their children to act out in order to earn benefits. Complementing outrageous cases of “welfare queens” were similarly outrageous instances of SSI fraud. In one case, publicized by Rick Santorum, then a senator from Pennsylvania, a woman whose sixteen children and eighty-nine grandchildren collected benefits between \$750,000 and \$1 million a year, mainly from SSI.¹⁰⁷ Adding to its problems, SSI also provided benefits to substance abusers and legal immigrants. As part of his budget-cutting program, President Reagan initiated a process of disability review that eliminated benefits for almost half of the cases considered. However, most of these were later reversed on appeal.¹⁰⁸ Paralleling media stories concerning program abuses were a spate of stories about clearly “deserving” people who

¹⁰³ Quoted by Berkowitz and DeWitt, *Other Welfare*, p. 70.

¹⁰⁴ Quoted in *ibid.*, p. 76.

¹⁰⁵ *Ibid.*, pp. 2–3.

¹⁰⁶ *Ibid.*, p. 34.

¹⁰⁷ *Ibid.*, p. 207.

¹⁰⁸ *Ibid.*, chap. 5.

had had their benefits cut. President Clinton eliminated benefits for immigrants in order to help finance welfare reform, while benefits for substance abusers were also eliminated.¹⁰⁹ But the perception that beneficiaries of the program were deserving gradually eroded. Summarizing these developments, Edward Berkowitz and Larry DeWitt state:

The politics of SSI had shifted from the Social Security and disability arenas into the much less ruly realm of welfare reform. In 1972 the contrast between SSI and other welfare programs had been helpful in launching the program and expanding the American welfare state. In 1996 the similarities between SSI other welfare programs resulted in significant cuts in the program. The program's identity as a welfare program had overshadowed its pedigree as an offshoot of Social Security.¹¹⁰

(6) War on Poverty

Lyndon Johnson declared his War on Poverty in his State of the Union address on January 8, 1964. Having recently succeeded to the presidency, he wished to make his mark with ambitious, large-scale programs. The War on Poverty was intended to be comprehensive, with multiple dimensions. Fifty years later, there is still disagreement about the extent to which it succeeded. But several important agencies and programs survive as its legacies, including Food Stamps (since 2008, Supplemental Nutrition Assistance Program/SNAP), Head Start, Legal Services, and, closely related though perhaps not part of the War on Poverty proper, Medicare, Medicaid, and Johnson's landmark civil rights legislation.

In view of the widespread feelings about welfare that we have seen, it is not surprising that Johnson's approach was different. His key theme was "opportunity." Those in need would be given resources and provided with services to enable them to help themselves, rather than being placed on the soul-destroying dole. These themes received forceful expression in his remarks on signing the Economic Opportunity Act, which was the centerpiece of the War on Poverty, on August 20, 1964:

This is not in any sense a cynical proposal to exploit the poor with a promise of a handout or a dole.

We know—we learned long ago—that answer is no answer.

The measure before me this morning for signature offers the answer that its title implies—the answer of opportunity. For the purpose of the Economic Opportunity Act of 1964 is to offer opportunity, not an opiate.

¹⁰⁹ *Ibid.*, chap. 7.

¹¹⁰ *Ibid.*, p. 219.

We are not content to accept the endless growth of relief rolls or welfare rolls. We want to offer the forgotten fifth of our people opportunity and not doles.

That is what this measure does for our times.

Our American answer to poverty is not to make the poor more secure in their poverty but to reach down and to help them lift themselves out of the ruts of poverty and move with the large majority along the high road of hope and prosperity.

The days of the dole in our country are numbered.¹¹¹

According to Sargent Shriver, who created and headed the Office of Economic Opportunity: “It is not a hand-out program. We are not handing out anything to anybody, except more opportunities.”¹¹² “Opportunity is our middle name.”¹¹³ Multiple programs were initiated to attack “poverty’s roots.” In his remarks at the signing of the Economic Opportunity Act, Johnson mentioned remedial education, job training, health and employment counseling, and neighborhood improvement, among others.¹¹⁴

A singular feature of the War on Poverty was community action.¹¹⁵ Part of the ideology of the effort, influenced by earlier efforts to combat juvenile delinquency, was that success required that the poor help themselves. Slipped “quietly and almost without comment” into Title II of the Economic Opportunity Act was a definition of a community action program as one “developed, conducted, and administered with maximum feasible participation of the residents.”¹¹⁶ It was thought that this would make programs more effective. According to William Cannon, who had served in the Bureau of the Budget, “you don’t get programs well done unless you have the participation of those people who you were delivering them to.”¹¹⁷ Attorney General Robert Kennedy, in charge of President Kennedy’s Committee on Juvenile Delinquency and Youth Crime, declared:

Part of the sense of helplessness and futility come from the feeling of powerlessness to affect [big city] organizations. The community action

¹¹¹ L. B. Johnson, statement signing Economic Opportunity Act, Aug. 20, 1964, <http://www.presidency.ucsb.edu/ws/index.php?pid=26452&st=&st1=> (Aug. 2014).

¹¹² S. Shriver, address to the Catholic Press Association, Pittsburgh, PA, May 28, 1964, <http://www.sargentshriver.org/speech-article/address-to-the-catholic-press-association> (Aug. 2014).

¹¹³ Quoted by Patterson, *America’s Struggle Against Poverty*, p. 131.

¹¹⁴ Johnson, signing Economic Opportunity Act, p. 136.

¹¹⁵ For brief accounts of community action, see J. L. Sundquist, *Politics and Policy: The Eisenhower, Kennedy, and Johnson Years* (Washington, DC: Brookings Institution, 1968), pp. 120–55; and Patterson, *America’s Struggle Against Poverty*, chaps. 8–9.

¹¹⁶ M. Katz, *In the Shadow of the Poorhouse: A Social History of Welfare in America* (New York: Basic Books, 1986), p. 259.

¹¹⁷ Quoted by Katz, *Undeserving Poor*, p. 98.

programs must basically change these organizations by providing real responsibility for the poor. This . . . calls for maximum feasible participation of residents.¹¹⁸

Community involvement allowed local political leaders to set priorities for their own areas, allowing these to vary depending on specific needs. It also encouraged local leaders' participation by allowing them to control program funds. However, an unanticipated result of community involvement was that the wishes of the poor themselves frequently conflicted with those of programs designers. Supported by Legal Services, the poor were able to organize and pursue legal challenges to the existing welfare system, which resulted in important victories in the courts, and so strengthened welfare rights. Community involvement was one reason for the spike in welfare participation noted above. A major reason for this increase was victories won by the welfare rights movement in regard to length of residence requirements, state discretion over eligibility criteria, and protection against intrusive inspections.¹¹⁹ Increased activism by welfare recipients and increased participation by African Americans were major factors in a public backlash against welfare, the War on Poverty, and government liberalism in general.¹²⁰

Reasons for the War on Poverty's mixed success included an unfortunate combination of extravagant overpromising and budgetary restraint. Introducing the War on Poverty agenda in his 1964 State of the Union address, Johnson declared "unconditional war on poverty."¹²¹ Speaking in Gainesville, Georgia, on May 8, 1964, he said: "[W]e are going to keep on and keep on and keep on, in our war on poverty, until we drive poverty into the face of the earth and it no longer exists in our beloved America."¹²² According to Shriver: "Today, prosperous America has the greatest chance of any nation in the history of the world to wipe out poverty."¹²³ But actual results fell far short. This was in part because of the Vietnam War, although Johnson insisted that the United States was wealthy enough to prosecute both war in Southeast Asia and War on Poverty back home. But war on poverty programs were severely underfunded, especially in comparison to public expectations about what would be

¹¹⁸ Quoted by Patterson, *America's Struggle Against Poverty*, p. 140.

¹¹⁹ *Ibid.*, pp. 106–7.

¹²⁰ *Ibid.*, p. 172. For the role of opinions about African Americans in stigmatizing welfare, see Gilens, *Why Americans Hate Welfare*.

¹²¹ Johnson, State of the Union address, Jan. 8, 1964, <http://www.americanrhetoric.com/speeches/lbj1964stateoftheunion.htm> (Dec. 2010).

¹²² Johnson, Gainesville, GA, May 8, 1964, <http://www.presidency.ucsb.edu/ws/index.php?pid=26235&st=&st1=> (Aug. 2014).

¹²³ Shriver, "Remarks Delivered Before The National Advisory Committee of Farm Labor," Washington, DC, May 18, 1964, <http://www.sargentshriver.org/speech-article/excerpts-of-remarks-delivered-before-the-national-advisory-committee-of-farm-labor> (Aug. 2014).

accomplished.¹²⁴ As James Patterson writes, with Congress appropriating only a small portion of necessary funds, Johnson's War on Poverty was "at best a skirmish, not a war."¹²⁵ Critics contend that the effects of the campaign were essentially negative. In their view, it was riddled with waste and fraud. It increased dependency, contributed to family breakdown, and a rise in illegitimate births. Most extreme, rather than eliminating poverty, it increased it. As Ronald Reagan famously remarked: "In the sixties we waged a war on poverty, and poverty won."¹²⁶ However, in spite of disagreement, the evidence strongly supports a claim that the War on Poverty significantly reduced poverty in the United States, especially among the elderly.¹²⁷

(7) Equality of Opportunity and Basic Access

Throughout this chapter, we have traced "the bifurcation of welfare into social insurance and public assistance" in regard to program after program.¹²⁸ In keeping with the basic individualism of American political culture, we have seen that welfare programs are approved of if they are based on individual contributions, reward work, or otherwise serve the deserving poor. Direct income transfer programs meet with strong disapproval, as is attested by movement from AFDC to TANF. Basic American values in effect preserve Poor Law categories of deserving and undeserving poor. Welfare is acceptable only if it benefits people who are unable to work, whether because of severe physical or mental disabilities or family situation. As we have seen in our discussion of SSI, people who fall under these categories have been characterized as "especially deserving," although because of its rampant growth, SSI too came to attract stigma.

In American political culture, the status of the able-bodied poor has long been questionable. Changes in social attitudes concerning women working outside the home cast suspicion on anyone able to work who was not working. As we have noted throughout this chapter, an underlying assumption running through such attitudes is the existence of jobs for everyone who wants to work. Public attitudes are seen in opinion polls as discussed above and reflected in President Reagan's question: Why were people unemployed, when local papers had many pages of want ads?¹²⁹ Such

¹²⁴ See Katz, *Shadow of the Poorhouse*, pp. 257–8.

¹²⁵ J. T. Patterson, *Grand Expectations: The United States, 1945–1974* (Oxford: Oxford University Press, 1996), p. 540.

¹²⁶ Quoted by N. Lemann, "The Unfinished War," *Atlantic*, Dec. 1988, <http://www.theatlantic.com/past/politics/poverty/lemunf1.htm> (Aug. 2014).

¹²⁷ Patterson, *America's Struggle Against Poverty*, pp. 160–1; Katz, *Shadow of the Poorhouse*, pp. 269–70; Katz, *Undeserving Poor*, pp. 112–13.

¹²⁸ Katz, *Shadow of the Poorhouse*, p. 251.

¹²⁹ Bowling Green, KY, *Daily News*, March 21, 1981, <http://news.google.com/newspapers?nid=1696&dat=19810320&id=IeEeAAAAIbAJ&sjid=CUcEAAAAIbAJ&pg=3847,4593774> (July 2014).

a belief stigmatizes unemployment, more or less regardless of its cause. Belief that the unemployed could work if they really wanted to justifies cutting unemployment insurance and refusing to extend benefits for the long-term unemployed, and so policies that work should be a condition for receiving benefits. If it is in fact not possible for many of the unemployed to find work, certainly to find jobs comparable to ones that they had lost, then this sort of attitude is unfair to them. It is symptomatic of American political culture's tendency to view poverty as a moral as well as an economic failing.

By emphasizing opportunity rather than “a handout or a dole,” the War on Poverty contributed to a reasonably strong and coherent set of values that are able to justify social welfare programs—more or less regardless of the extent to which programs achieved their ends. But this justification is only up to a point. The War on Poverty's promotion of opportunity rather than welfare aligned it with values associated with equality of opportunity rather than what is often referred to as equality of results. Differences between these two basic conceptions of equality have been discussed since the time of Aristotle.¹³⁰ The key idea of equality of results is that people should end up with roughly equal amounts of whatever goods are distributed. But insofar as such a conception of equality supports redistribution, it is frowned upon in American political culture.¹³¹

Presidential rhetoric indicates strengths and weaknesses of equality of opportunity as a justification for social welfare programs. As we have seen, a great advantage of this value is that it ties in directly with the individualism and emphasis on self-help central to American political culture. In public opinion surveys, acceptance of equality of opportunity is virtually unchallenged by either liberals or conservatives. To cite a few particularly striking poll results,¹³² in a 1957 sample of 103 adults in Indianapolis, Frank Westie reports that 98% of respondents agreed with the statement “Everyone in America should have equal opportunities to get ahead.” The same percentage (98%) agreed that “Children should have equal educational opportunities”; 97% agreed that “Each person should be judged according to his own worth.”¹³³ In their survey of 2,762 American leaders of different types, conducted in 1976 and 1977, Sidney Verba and Gary Orren found similar views. In response to the question of how best to deal with inequality, 98% of business leaders selected “equality of opportunity” rather than “equality of result”; 98% of

¹³⁰ See esp. *Politics*, V, 1; for discussion, see G. Klosko, *History of Political Theory: An Introduction*, 2 vols., vol. 1, *Ancient and Medieval* (Oxford: Oxford University Press, 2012), pp. 142–43. The distinction is found even earlier, in Plato's *Laws* 757a–e.

¹³¹ See G. Klosko, *Democratic Procedures and Liberal Consensus* (Oxford: Oxford University Press, 2000), chap. 6.

¹³² Discussion here draws on *ibid.*, p. 155.

¹³³ F. R. Westie, “The American Dilemma: An Empirical Test.” *American Sociological Review* 30 (1965): 531.

Republicans chose similarly. Although results varied among other groups of leaders, in the lowest recorded groups, 84% of feminists and Democrats selected equality of opportunity. The highest response recorded for equality of results was from Democrats, with 8%; 7% of feminists, blacks, and youth, chose this.¹³⁴

To a large extent, promoting equality of opportunity can further equality in other respects as well. If people have equal opportunities to succeed, this can lead to equality of results. This belief is apparently widely held by Americans. A consistent finding of GSS surveys conducted between 1987 and 2000 is that some two-thirds of respondents expressed concern with rising inequality in society.¹³⁵ But this was not accompanied by similar levels of support for redistribution. Only some 1/3 of respondents favored such policies to reduce the gap between people with high incomes and those with low incomes (*ibid.*, p. 475). Rather, a preferred alternative was increasing equality of opportunity. A consistent finding of polls conducted by the Pew Research Center since the mid 1980s is that more than 90% of respondents agree that “our society should do what is necessary to make sure that everyone has an equal opportunity to succeed.”¹³⁶ This in turn is connected with high support for increased spending on education, as “historically education has been viewed as a key social leveler.”¹³⁷ In their recent study, Leslie McCall and Lane Kenworthy conclude that greater concern with inequality “accounted for most of the increasing support among Americans in general for spending on education”¹³⁸ But in spite of its advantages, equality of opportunity also has weaknesses. Especially important, since it ultimately helps only those who are able to help themselves, it has little to offer other people who are in need. Although Johnson did not explicitly make this point in his special message to Congress announcing the War on Poverty, he noted the existence of other programs to help people:

There are programs to protect those who are specially vulnerable to the ravages of poverty—hospital insurance for the elderly, protection for migrant farm workers, a food stamp program for the needy, coverage for millions not now protected by a minimum wage, new and expanded unemployment benefits for men out of work, a Housing and Community Development bill for those seeking decent homes.¹³⁹

¹³⁴ S. Verba and G. Orren, *Equality in America: A View from the Top* (Cambridge, MA: Harvard University Press, 1985), p. 72.

¹³⁵ L. McCall and L. Kenworthy, “Americans’ Social Policy Preferences in the Era of Rising Inequality,” *Perspectives on Politics* 7 (2009): 462–3.

¹³⁶ *Ibid.*, 467.

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*, 473.

¹³⁹ Johnson, Special message to the Congress Proposing a Nationwide War on the Sources of Poverty, March 16, 1964, <http://www.presidency.ucsb.edu/ws/index.php?pid=26109&st=&st1=> (Aug. 2014).

Other shortcomings of equality of opportunity will be discussed in the Conclusion.¹⁴⁰

In order more fully to appreciate the role equality of opportunity played in the War on Poverty, we must look at the notion in some detail. We are especially concerned with distinguishing important variants. It is convenient to begin with terms used by John Rawls in *A Theory of Justice*.¹⁴¹ First is what Rawls calls natural equality. This concerns removal of barriers. It requires that people not be treated unequally through practices such as racial or religious discrimination, or giving some people special treatment because of supposedly superior birth. Regardless of characteristics such as these, people should receive equal access to opportunities to advance. Everyone should have the opportunity to go as far as his abilities will take him. Thus Napoleon's remark that every soldier had a marshal's baton in his knapsack. But even though natural equality clearly does promote equal access in ways that would not be possible were discrimination in place, its effects are limited. Even though it affords people opportunities to succeed that are formally equal, they may have vastly different life chances depending on other factors. In particular, prospects for people from different kinds of family environments will likely differ significantly. For example, if Anne grows up in a wealthy family and so receives benefits of good schools, extra tutoring when needed, and broadening experiences such as travel and exposure to the arts, she will likely be far advanced in comparison to Beth, who, growing up under deprived circumstances, enjoys none of these advantages. Accordingly, in order to give these two women chances that are more equal, it will be necessary to even out their economic circumstances. This is key to what Rawls calls "liberal equality." Employing a distinction between formal and substantive equality of opportunity, one can see that the economic aspects of liberal equality are necessary in order to provide more substance to the formal equality of natural liberty.

In general, in justifying the War on Poverty, Johnson moved beyond natural liberty and purely formal equality of opportunity, but he fell short of liberal equality. Although he recognized what was necessary to make equality of opportunity more than formal, he did not support measures that would give people equal life chances. His commitment was to making sure people had *adequate* chances to succeed, although some people would still have chances that were much better than others'. According to Lloyd Ohlin, who was a technical director to President Kennedy's Commission on Juvenile Delinquency and Youth Crime:

The good society is one in which access to opportunities and the organization of facilities and resources are so designed as to maximize each

¹⁴⁰ See Conclusion.

¹⁴¹ J. Rawls, *A Theory of Justice* (Cambridge, MA: 1971), pp. 72–5, 100–2; Rawls, *A Theory of Justice*, 2nd ed. (Cambridge, MA.: Harvard University Press, 1999), pp. 62–65, 86–88. For our purposes, a third (and highly controversial) form of equality of opportunity, which Rawls calls "democratic equality" need not be discussed.

individual's chance to grow and achieve his greatest potential for constructive contribution to the cultural life of the social order.¹⁴²

This would likely be viewed by most Americans as an attractive ideal. It clearly goes beyond removing barriers. Achieving it would require significant changes in society, although there would probably be disagreement between proponents of different political views about how much reform was required. But we should realize that this ideal, however far-reaching, does not require equal life chances or equal shares. Rather, what is necessary is that each person have resources that development requires.

From Johnson's different speeches, a reasonably coherent position on equality of opportunity can be extracted, which I refer to as "basic access." What I mean by this term is equal treatment in the sense of receiving access to the requirements of opportunity. Everyone must receive enough to enable him to succeed, if he takes advantage of his opportunities. People should have reasonable chances to succeed, without requiring their opportunities to be equal.

Johnson's commitment to natural equality and so removing barriers to success is most clear in the justifications he provided for civil rights legislation, whether or not we wish to count this as part of the War on Poverty proper. One of his central claims was that people should not be denied opportunities because of the color of their skin. In his 1964 State of the Union address, he described this as a moral issue:

All of these increased opportunities—in employment, in education, in housing, and in every field—must be open to Americans of every color. As far as the writ of Federal law will run, we must abolish not some, but all racial discrimination. For this is not merely an economic issue, or a social, political, or international issue. It is a moral issue, and it must be met by the passage this session of the bill now pending in the House.¹⁴³

When signing the Civil Rights Bill, he declared:

Now our generation of Americans has been called on to continue the unending search for justice within our own borders.

We believe that all men are created equal. Yet many are denied equal treatment.

We believe that all men have certain unalienable rights. Yet many Americans do not enjoy those rights.

¹⁴² Quoted by Patterson, *America's Struggle Against Poverty*, p. 138.

¹⁴³ Johnson, State of the Union address, Jan. 8, 1964.

We believe that all men are entitled to the blessings of liberty. Yet millions are being deprived of those blessings—not because of their own failures, but because of the color of their skin.¹⁴⁴

However, Johnson clearly recognized that more than simply removing barriers was necessary to give people real opportunities. He therefore moved some distance from formal equality of opportunity to substantive equality, and so from natural liberty to liberal equality. Accepting the presidential nomination at the 1964 Democratic Convention, he said:

This is the true cause of freedom.

The man who is hungry, who cannot find work or educate his children, who is bound by want—that man is not fully free.¹⁴⁵

Defending his voting rights bill in a speech at Howard University in Washington, DC, on June 4, 1965, he elaborated on this theme. Johnson recognized that insuring the right to vote was one way of adding substance to the formal freedom of African Americans. But much more was necessary. In terms of promoting substantive equality, this speech is probably the most far-reaching that Johnson gave:

The voting rights bill will be the latest, and among the most important, in a long series of victories. But this victory—as Winston Churchill said of another triumph for freedom—“is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning.”

But freedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go where you want, and do as you desire, and choose the leaders you please.

You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, “you are free to compete with all the others,” and still justly believe that you have been completely fair.

Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.¹⁴⁶

¹⁴⁴ Johnson, signing Civil Rights Bill, July 2, 1964, <http://www.presidency.ucsb.edu/ws/index.php?pid=26361&st=&st1=> (Aug., 2014). President Kennedy had made similar arguments in a radio and television address on civil rights, on June 11, 1963, where he also described this as a moral issue, <http://www.presidency.ucsb.edu/ws/index.php?pid=9271&st=&st1=> Aug. 2014).

¹⁴⁵ Johnson, acceptance speech, Aug. 27, 1964, <http://www.presidency.ucsb.edu/ws/index.php?pid=26467&st=&st1=> (Dec. 2010).

¹⁴⁶ Howard University commencement address, June 4, 1965: <http://www.presidency.ucsb.edu/ws/index.php?pid=27021&st=&st1=> (Dec., 2010).

In this speech, Johnson clearly recognized the effects of environment and other factors on people's ability to take advantage of formal freedom:

We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result.

To this end equal opportunity is essential, but not enough, not enough. Men and women of all races are born with the same range of abilities. But ability is not just the product of birth. Ability is stretched or stunted by the family that you live with, and the neighborhood you live in—by the school you go to and the poverty or the richness of your surroundings. It is the product of a hundred unseen forces playing upon the little infant, the child, and finally the man.

Although Johnson's presentation was more rhetorical than sharply analytical, its implications were far reaching. As he continued, he presented myriad reasons why African Americans had fallen behind into "inherited, gateless poverty":

They lack training and skills. They are shut in, in slums, without decent medical care. Private and public poverty combine to cripple their capacities.

To these problems he added "a second cause—much more difficult to explain", that of "the devastating heritage of long years of slavery; and a century of oppression, hatred, and injustice."

Similar arguments were made in his address on the voting rights bill, given on March 15, 1965:

All Americans must have the privileges of citizenship regardless of race. And they are going to have those privileges of citizenship regardless of race.

But I would like to caution you and remind you that to exercise these privileges takes much more than just legal right. It requires a trained mind and a healthy body. It requires a decent home, and the chance to find a job, and the opportunity to escape from the clutches of poverty.

. . . .

So we want to open the gates of opportunity. But we are also going to give all our people, black and white, the help that they need to walk through those gates.¹⁴⁷

¹⁴⁷ Johnson, Special address on Voting Rights, March 15, 1965, <http://www.presidency.ucsb.edu/ws/index.php?pid=26805&st=&st1=> (Dec. 2010).

Although the implications of these speeches were considerable, they fall short of requiring equality of opportunity in the full sense of liberal equality. As just noted, the sense of equality to which Johnson appeals is better described as basic access, equal ability to walk through the gates, without further regard to anything beyond ability to attain an acceptable level of achievement. In a sense, Johnson treated economic opportunity as analogous to political rights, which everyone holds equally. John Kennedy made this point especially clearly in arguing for his own civil rights bill, out of which Johnson's grew. On June 11, 1963, in a radio and television address, Kennedy said:

Therefore, I am asking for your help in making it easier for us to move ahead and to provide the kind of equality of treatment which we would want ourselves; to give a chance for every child to be educated to the limit of his talents.

As I have said before, not every child has an equal talent or an equal ability or an equal motivation, but they should have the equal right to develop their talent and their ability and their motivation, to make something of themselves.¹⁴⁸

In his special message to Congress announcing the War on Poverty, Johnson gave succinct expression to basic access:¹⁴⁹

The war on poverty is not a struggle simply to support people, to make them dependent on the generosity of others.

It is a struggle to give people a chance.

It is an effort to allow them to develop and use their capacities, as we have been allowed to develop and use ours, so that they can share, as others share, in the promise of this nation.

Speaking in Cleveland, on June 17, 1964, Johnson described the Great Society as a society in which "no man or woman is the victim of fear or poverty or hatred; where every man and woman has a chance for fulfillment and prosperity and hope."¹⁵⁰

We have a program to give every American citizen an equal chance to hold a job, to vote, to educate his children, to enjoy all the blessings of liberty whatever his color or his race.

¹⁴⁸ Kennedy, "Radio and Television Report to the American People on Civil Rights," June 11, 1963, <http://www.presidency.ucsb.edu/ws/index.php?pid=9271&st=&st1=> (Aug. 2014).

¹⁴⁹ Special message to Congress on War on Poverty.

¹⁵⁰ Johnson, address to Communication Workers of America, Cleveland, OH, June 17, 1964, <http://www.presidency.ucsb.edu/ws/index.php?pid=26317&st=&st1=> (Aug. 2014).

In spite of his rhetoric of equal chances, what Johnson had in mind is closer to what we have called basic access. This is confirmed by other speeches, in addition to the ones we have seen. In his 1964 budget message, Johnson stated:

We owe to every young person in America a fair start in life—and this means that we must attack those deficiencies in education, training, health, and job opportunities by which the fetters of poverty are passed on from parents to children.¹⁵¹

In his 1964 State of the Union address, Johnson outlined central requirements of a decent life, to which he believed all Americans were entitled:

This budget, and this year's legislative program, are designed to help each and every American citizen fulfill his basic hopes—his hopes for a fair chance to make good; his hopes for fair play from the law; his hopes for a full-time job on full-time pay; his hopes for a decent home for his family in a decent community; his hopes for a good school for his children with good teachers; and his hopes for security when faced with sickness or unemployment or old age.¹⁵²

Johnson's argument here may be viewed as a forebear of Clinton's contention that anyone who works hard and plays by the rules should not be impoverished, although Clinton's point is in regard to results, Johnson's is in regard to opportunities, giving people a chance is providing a minimum basis for decent life.

Accordingly, the War on Poverty was defended as a program to give everyone the opportunity to achieve the rudiments of a good life. Recognizing that formal liberty was not enough, Johnson argued that substantive requirements of basic access were necessary if people were to avoid poverty and achieve these basic ends.¹⁵³ In the Conclusion to this book, we will address some problems with these requirements. But for now, we should note that for Johnson, the War on Poverty had a moral core. As he often said about civil rights, it was a moral issue (p. 188). Equal access was a matter of human dignity; to deny it to someone was to deny his dignity as a man:

¹⁵¹ Johnson, 1964 budget message, Jan. 21, 1964, <http://www.presidency.ucsb.edu/ws/?pid=26013> (Aug. 2014).

¹⁵² Johnson, 1964 State of Union address.

¹⁵³ *Ibid.* "Very often a lack of jobs and money is not the cause of poverty, but the symptom. The cause may lie deeper in our failure to give our fellow citizens a fair chance to develop their own capacities, in a lack of education and training, in a lack of medical care and housing, in a lack of decent communities in which to live and bring up their children."

This dignity cannot be found in a man's possessions; it cannot be found in his power, or in his position. It really rests on his right to be treated as a man equal in opportunity to all others. It says that he shall share in freedom, he shall choose his leaders, educate his children, and provide for his family according to his ability and his merits as a human being.¹⁵⁴

¹⁵⁴ Johnson, Special message to Congress on Voting Rights, March 15, 1965.

Medicare and Medicaid

The struggle to provide health insurance presents the strongest support for the argument of this book. Beginning with Harry Truman, proponents of healthcare coverage couched their arguments in terms of “insurance” and extending the social security system. While Truman’s immediate goal was actually inconsistent with such means, as he aimed for universal coverage, after his plans were soundly defeated, his successors abandoned universal coverage in favor of a more modest approach. Rather than attempting to provide health insurance to all Americans, they would attempt to cover selected groups, with the hope that this system would eventually expand to encompass everyone. Policy proponents began with healthcare for the elderly, in part because of this population’s clear need but also because of opportunity. As old-age insurance—Social Security—had attained popularity, they sought to build on this—far more directly than Truman had done. Health insurance would be included in the social security system and justified as an extension of old-age insurance. Supporters argued for financing health insurance for the elderly—Medicare—through payroll taxes which would be deposited in a separate trust fund. Intellectual path dependency is evident in this course of events, which, in this case, was a deliberately chosen strategy. However, while the contractual structure and justification of OASDI were plausible for an old age pension program, applied to health insurance similar measures were essentially deceptive. As with OASDI (but more so), rights-based justification of health insurance has had deleterious consequences.

In this and the following chapters, we trace the struggle for health insurance. Beginning with preliminaries and then Truman’s efforts before concentrating on Medicare and Medicaid, This book is especially concerned with problematic implications of Medicare’s justification as insurance, both in itself and in regard to the contrast that is drawn with Medicaid, so called “welfare medicine,” which is means-tested and funded from general revenues. In Chapter 8, we discuss Bill Clinton’s attempt to implement universal health insurance and Barack Obama’s Patient Protection and Affordable Care Act. In both of these cases, we are concerned with

supporters' reluctance to embrace the moral core of their programs, as indicated by the Affordable Care Act's very name.

(1) Harry Truman and National Health Insurance

In health insurance, as in other areas of social welfare legislation, the United States lagged behind other developed countries. Even though it is still the only such country to lack universal health insurance, this has been on the national agenda for more than one hundred years. In the election of 1912, the Progressive Party platform included health insurance in its list of aspirations, although relatively little was made of this during the campaign and few specifics were produced. The relevant portion of the platform stated:

We pledge ourselves to work unceasingly in State and Nation for:

The protection of home life against the hazards of sickness, irregular employment and old age through the adoption of a system of social insurance adapted to American use.¹

As we saw, this was part of a substantial list of hoped-for reforms contained in that platform. But during his campaign, Theodore Roosevelt did not address health insurance in any of his speeches, as he had not discussed it as president. This was not surprising, since, at that time, health insurance was generally viewed as a matter for the states rather than the federal government. There was high likelihood that any federal program would have been declared unconstitutional by the Supreme Court.²

In Chapter 5, we noted the Committee on Economic Security's consideration of health insurance as part of the Social Security Act. The committee's report stated that health insurance must be compulsory; voluntary health insurance "holds no promise of being much more effective in the near future than it has been in the past." The purpose of insurance was "to replace the variable and uncertain costs for individuals by the fixed and predictable costs for large groups of individuals." However, although the committee presented a list of principles, it backed off from definite recommendations, claiming the need for further study.³ We should note the committee's appeal to insurance.

In his 1944 State of the Union address, FDR returned to the subject of healthcare in his "second bill of rights." As we have seen, he announced these new rights as a

¹ Progressive Party platform, 1912, <http://www.presidency.ucsb.edu/ws/?pid=29617> (Sept. 2014).

² P. Starr, *Remedy and Reaction: The Peculiar American Struggle Over Health Care Reform* (New Haven, CT: Yale University Press, 2011), p. 30.

³ Report of the Committee on Economic Security, <http://www.ssa.gov/history/reports/ces5.html> (Sept. 2014).

basis “under which . . . security and prosperity can be established for all—regardless of station, or race or creed.” These rights included:

The right to adequate medical care and the opportunity to achieve and enjoy good health; The right to adequate protection from the economic fears of old age, and sickness, and accident and unemployment.⁴

Although FDR did not place health insurance on his policy agenda, there were congressional efforts in this direction during his presidency. Beginning in 1943, Senators Robert Wagner of New York and James Murray of Montana and Representative John Dingell Sr., of Michigan introduced bills for universal health insurance every year, although none managed to garner strong support.⁵ It was not until the presidency of FDR’s successor, Harry Truman, that national healthcare became a serious policy issue.

Having succeeded to the presidency, Truman made health insurance a priority. He supported the Wagner-Murray-Dingell bill, making him the first president formally to endorse national health insurance.⁶ Although all his attempts were ultimately unsuccessful, they were recognized by Lyndon Johnson, who signed Medicare and Medicaid into law in Truman’s home town, Independence, Missouri, with the latter prominent among attendees.

Although Truman did not develop a complete health insurance plan, he campaigned vigorously, using a range of justificatory arguments. Toward the beginning of his presidency, he relied on the authority of FDR, quoting from his second bill of rights in regard to adequate healthcare and protection from economic consequences of sickness.⁷ As with FDR, the rights to healthcare that Truman evoked were not analyzed or defended in detail. But it is clear that he believed in general rights, held by everyone, and his healthcare plan was intended to be universal. In 1951, Truman appointed a commission to examine the health needs of the nation. The first principle of the commission’s *Report to the President by the President’s Commission on the Health Needs of the Nation*, delivered in 1952, was: “Access to the means for the

⁴ F. D. Roosevelt, 1944 State of the Union address, Jan. 11, 1944: <http://www.presidency.ucsb.edu/ws/?pid=16518> (Aug. 2009).

⁵ See P. Starr, *The Social Transformation of American Medicine* (New York: Basic Books, 1982), pp. 275–89.

⁶ J. Oberlander, *The Political Life of Medicare, American Politics and Political Economy* (Chicago: University of Chicago Press, 2003), p. 21. Truman never submitted universal healthcare legislation to Congress, though he endorsed the Wagner-Murray-Dingell bill (Starr, *Remedy and Reaction*, p. 41).

⁷ Two instances of this approach are his September 1945 message to Congress on “reconversion” of the country from war to peace: special message to the Congress Presenting a 21-Point Program for the Reconversion Period, Sept. 6, 1945, <http://www.presidency.ucsb.edu/ws/index.php?pid=12359&st=&st1=> (Sept. 2014) and his special message to Congress on comprehensive health insurance, delivered on Nov. 19, 1945: <http://www.presidency.ucsb.edu/ws/index.php?pid=12288&st=&st1=> (Sept. 2014).

attainment and preservation of health is a basic human right.” To the extent that these rights were justified in the *Report*, this was based on necessity or need. The commission appealed to the “‘inalienable equal right to life and happiness’ and the indispensable safeguards which modern medicine provides.”⁸

Detailed arguments Truman presented were similarly based on need. Healthcare had become increasingly expensive, and ever fewer people could afford it. As he said to the Greater Los Angeles Press Club in June 1948: “There are only two classes of people that can get the proper medical care nowadays, and that is the indigent and the very rich.”⁹ The former received treatment as part of the traditional system of relief for the very poor, while only the wealthiest could afford increasingly exorbitant fees.

As a principled basis for his program, Truman appealed to an insurance model through an extension of social security. This was in keeping with the fact that demands for health insurance were concentrated especially among the elderly, who required more care and so for whom medical expenses were a serious problem. The system of employer-provided health insurance toward which the country was moving had little to offer elderly retirees, while private health insurance was beyond the means of most. Accordingly, Truman’s health insurance plan was intended to extend the social insurance system that had been established by FDR:

Everyone should have ready access to all necessary medical, hospital and related services. I recommend solving the basic problem by distributing the costs through expansion of our existing compulsory social insurance system.¹⁰

There was, however, a disconnect between Truman’s desired goal of universal coverage and arguments based on insurance. As we have noted, the term “insurance” is generally used in reference to a program in which benefits are based on prior contributions—although there may be variance in regard to how beneficiaries are identified and benefits determined. Although Truman appealed to insurance, his proposal was inconsistent with such a principle because it was intended for the entire population. As he explained in his November 1945 message to Congress, all who worked for a living and their dependents would be covered through a tax on earnings, while government agencies would pay for others.¹¹ Regardless of this

⁸ *A Report to the President by the President’s Commission on the Health Needs of the Nation*, pp. 3, 68, <http://babel.hathitrust.org/cgi/pt?id=mdp.39015081485222;view=1up;seq=23> (Sept. 2014).

⁹ Truman, address before the Greater Los Angeles Press Club, June 14, 1948, <http://www.presidency.ucsb.edu/ws/index.php?pid=12933&st=&st1=> (Sept. 2014); see also his special message to Congress on the Nation’s Health Needs, April 22, 1949, <http://www.presidency.ucsb.edu/ws/index.php?pid=13440&st=&st1=> (Sept. 2014).

¹⁰ Truman, message to Congress, Nov. 19, 1945.

¹¹ *Ibid.*, “[N]eeded persons and other groups should be covered through appropriate premiums paid for them by public agencies.”

problem, Truman made insurance central to his arguments. As we have seen above, in private insurance plans such as fire insurance, risk is pooled and participants receive benefits only if they suffer losses. In his November 1945 address, Truman used an analogy with fire insurance to explain what he meant by insurance:

Everyone who carries fire insurance knows how the law of averages is made to work so as to spread the risk, and to benefit the insured who actually suffers the loss. . . . That is the principle upon which all forms of insurance are based.¹²

But again, his use of the analogy was misleading because Truman intended to cover contributors and noncontributors alike.

When Truman talked about extending the system of social insurance, as a rule, it appears that he used the term in a general sense, more or less simply as protection against loss. On the basis of the Social Security Act, programs had been implemented that offered a variety of protections—against old age, unemployment, blindness, and general destitution. Health insurance would add one more form of protection. In addition, an aspect of insurance that was important to Truman was that its contributory basis distinguished it from charity or the dole and their associated stigmas. As Truman described his program, people would contribute through taxes on their earnings. In his November 1945 message, he proposed taxing an additional \$600 of earnings—on top of OASI's \$3,000—at 4%.¹³ Rights to medical treatment established in this way were thus free of the stigma of charity or the dole. In his 1947 State of the Union address, Truman asked Congress to enact his program, which would “provide adequate medical care to all who need it, not as charity but on the basis of payments made by the beneficiaries of the program.”¹⁴ But of course this statement was not entirely accurate, in view of intended universal coverage. One may readily view those whose contributions were picked up by the government as receiving charity. However, it is important to note that, on Truman's plan, these people were not relegated to a separate program. Those who had paid the necessary taxes and those who had not were to be combined in the same plan and would receive benefits of the same kind, in accordance with their needs. In this last

¹² Ibid.

¹³ It is unlikely that, in discussing extending the existing system of social insurance, Truman was concerned with extending OASI in particular, as at that time, OASI was still relatively insignificant. It did not pass Old-Age Assistance in either costs or number of beneficiaries until after the 1950 amendments (M. Derthick, *Policymaking in Social Security* [Washington, DC: Brookings Institute, 1979], p. 274). Thus it seems that the contrast with charity or the dole was central to his intent.

¹⁴ Truman, 1947 State of the Union address, Jan. 6, 1947, <http://www.presidency.ucsb.edu/ws/index.php?pid=12762&st=&st1=> (Sept. 2014). Truman quoted this again, for instance, in his special message to the Congress on Health and Disability Insurance, on May 19, 1947, <http://www.presidency.ucsb.edu/ws/Idex.php?pid=12892&st=&st1=> (Sept. 2014)

sense, Truman's plan resembled fire insurance or other forms of general insurance—and did not resemble Medicare and Medicaid.

Although it was presumably in order to lessen political opposition that Truman couched his plan in terms of insurance, this was little help. His proposals were assailed by the American Medical Association and Republicans in Congress. His opponents harped on their un-American character. His attempt to implement “socialized medicine” was transmuted into support for a Communist system. Attacks on Truman's proposals were harbingers of McCarthyism, which was about to erupt. Accordingly, a major theme in Truman's addresses was the pure “American character” of what he was proposing. Central to this argument was that insurance was the American way of constructing social welfare programs: “An insurance plan is the American way of accomplishing our objective. It is consistent with our democratic principles.”¹⁵ Responding to the charges of his opponents, Truman frequently made this argument:

The American people are the most insurance-minded people in the world. They will not be frightened off from health insurance because some people have misnamed it “socialized medicine.”¹⁶

Presumably, the argument here was earning rights to benefits on the basis of one's prior contributions was consistent with American individualism and conceptions of desert. This was in opposition to receiving benefits from the community—which at least suggested that the benefits depended on the efforts of others and may not have been earned. As we have seen, avoiding even the appearance of unearned benefits is an important concern in American political culture Truman's plan was purely American in other ways as well:

It is 100 percent American. . . . I put it up to you. Is it un-American to visit the sick, aid the afflicted, or comfort the dying? I thought that was simple Christianity.

Does cancer care about political parties? Does infantile paralysis concern itself with income? Of course it doesn't.¹⁷

Even though Truman's desire for universal coverage was not consistent with his invocation of insurance, charges of socialized medicine were wildly exaggerated. A system of socialized medicine would be far more invasive. For instance, details of treatment could be dictated by the government, including choice of doctor. The

¹⁵ Truman message on Health and Disability Insurance, May 19, 1947.

¹⁶ Truman message to Congress, Nov. 19, 1945.

¹⁷ Address in Indianapolis at the Indiana World War Memorial, Oct. 15, 1948: <http://www.presidency.ucsb.edu/ws/index.php?pid=13052&st=&st1=> (Sept. 2014).

system Truman proposed was concerned only with means through which treatment would be paid for. Treatment itself would not be affected:

I repeat—what I am recommending is not socialized medicine. . . . Socialized medicine means that all doctors work as employees of government. The American people want no such system. No such system is here proposed.¹⁸

Truman's denials made little difference in the face of his opponents' smear campaign. Robert Taft, an influential Republican senator, described Truman's bill as not only socialism but "the most socialistic measure that this Congress has ever had before it."¹⁹ Anticipating McCarthy's tactics, Truman's opponents denounced Communists in the government's healthcare bureaucracy.²⁰ The American Medical Association argued that stopping socialized medicine was necessary to halt the spread of Communism. In response to the question whether socialized medicine would "lead to socialization of other phases of American life," a pamphlet issued in 1949 responded:

Lenin thought so. He declared: "Socialized medicine is the key-stone to the arch of the socialist state."²¹

This was a pure fabrication; Lenin had said no such thing. But during that particular time such charges were difficult to rebut. Truman's efforts went down before "the most ambitious lobbying effort of the post-World War II era."²² In his memoirs, Truman said that he viewed this as the greatest disappointment of his presidency.²³

(2) The Road to Medicare

The collapse of Truman's efforts led directly to Medicare.²⁴ With his push for universal health insurance decisively defeated, proponents of this ideal turned to an incremental strategy. Wilbur Cohen and I. S. Falk, officials in the Federal Security Agency, devised a plan through which universal coverage would be achieved in

¹⁸ Ibid.

¹⁹ Quoted by M. Poen, *Harry S. Truman Versus the Medical Lobby: The Genesis of Medicare* (Columbia: University of Missouri Press, 1979), p. 88.

²⁰ Ibid, pp. 102–6.

²¹ Ibid., p. 148.

²² Ibid. p. 142.

²³ H. Truman, *Memoirs*, vol. 2, *Years of Trial and Hope* (Garden City, NY: Doubleday, 1955), I, 23.

²⁴ For the origins of Medicare, see esp. T. Marmor, *The Politics of Medicare* (New York: Aldine, 1973); Oberlander, *Political Life of Medicare*, chap. 2, is a good brief account.

stages. In order to insure maximum acceptability, their plan provided insurance only to recipients of OASI benefits, and so mainly to people over the age of sixty-five. However, not all seniors would be covered, as there were several million elderly Americans who did not receive OASI and so would not qualify. Benefits were further limited in order to avoid, or at least blunt, attacks from the American Medical Association. Only hospital costs would be covered; physicians' fees would not. This strategy was intended to avoid charges of government interference in the relationship between doctors and patients as well as to make the AMA's concerns irrelevant.

This particular strategy on the part of Medicare's chief proponents was mainly for reasons of expediency. The elderly were especially sympathetic benefit recipients. Not only were they clearly in need but they were also generally viewed as deserving, having worked throughout their lives. According to Robert Ball, a commissioner of Social Security under presidents Kennedy, Johnson, and Nixon: "We all saw insurance for the elderly as a fallback position, which we advocated solely because it seemed to have the best chance politically." "The design of Medicare—taking shape in an unsympathetic political climate—was based entirely on a strategy of acceptability."²⁵ For these officials, Medicare was only a start, which would later be expanded in the direction of universal coverage.

Beginning in 1952, a Medicare bill was introduced into Congress annually, although, since the Republican victory in 1952, there was no chance that it would be enacted. It was not until 1958 that hearings on the bill were even held. In 1960, a bill to meet the needs of the destitute aged was passed. According to the so-called Kerr-Mills program, care for this population would be in the hands of the states, with the federal government paying between 50% and 80% of the costs, and the higher percentages going to the poorer states. But the program was not successful, reaching only a small fraction of eligible senior citizens. Although thirty-two states had Kerr-Mills programs by 1963, five large states received 90% of the funds, although they had only 32% of the total population over the age of sixty-five.²⁶

Lyndon Johnson's landslide election in 1964 made Medicare inevitable. During the presidential election, Barry Goldwater's opposition had contributed to his defeat, and politicians viewed the electoral outcome as a mandate for Medicare.²⁷ After the election, Medicare bills were the first pieces of legislation that Johnson introduced into the House of Representatives and Senate. After a period of protracted hearings and legislative wrangling, Wilbur Mills, chairman of the House Ways and Means Committee, expanded the Medicare Bill, by combining it with two other measures.²⁸ First was a Republican alternative, named after Rep. John

²⁵ R. Ball, "Perspectives on Medicare," *Health Affairs* 14 (1959): 63–4.

²⁶ Marmor, *Politics of Medicare*, pp. 36–7.

²⁷ L. Jacobs, *The Health of Nations: Public Opinion and the Making of Health Policy in the U.S. and Britain* (Ithaca, NY: Cornell University Press, 1993). pp. 191, 197.

²⁸ On Mills's role in enacting the program, see Zelizer, *Taxing America: Wilbur D. Mills, Congress, and the State, 1945–1975* (Cambridge: Cambridge University Press, 1998), chap. 7.

W. Byrnes, which provided insurance against major factors not included in the original Medicare proposals, mainly physicians' fees. This plan was voluntary, financed by participants' contributions and general revenues. It became Part B of Title XVIII of the Social Security Act, as hospital insurance became Part A. The third component of Mills's "three layer cake" was Medicaid, which was a revised Kerr-Mills plan to address the needs of the indigent. Like Kerr-Mills, its centerpiece was federal subsidies for medical care of the poor, to be administered by the states. But unlike Kerr-Mills, it was not confined to the aged but intended generally for people on public assistance and others of all ages who were medically indigent.²⁹

A major consideration behind different treatment of Medicare and Medicaid is their different underlying rationales—or, more accurately, their ostensible rationales. As a program for the poor, Medicaid is means-tested, which, as we saw in the previous chapter, is associated in the political culture with charity (see chap. 6). Benefits are not deserved and thus stigmatized. For its proponents, a great advantage of the insurance model was avoiding that stigma. Accordingly, testifying before the Ways and Means Committee in 1959, Nelson Cruikshank, a labor representative and expert in social programs, appealed to Americans' belief that the aged "should not be forced by high medical bills to . . . become medically indigent [and] . . . to undergo the means test."³⁰ More graphically, Walter Reuther, president of the United Auto Workers, described the "indignities of a means test for medical care"; "public charity. . . forces embarrassments, loss of a sense of social status and worth and dignity in order to get access to basic healthcare."³¹ According to Ball, "more than anything else, the concept of providing medical insurance through Social Security meant providing it without a means test, and as an earned right, that is, based on past earnings and contributions."³² Other proponents of Medicare confirmed this rationale. According to Cohen, "the reason we latched Medicare [onto] . . . Social Security is because we knew people were very favorable to Social Security"; being tied to social security gave its benefits "a different character [that] . . . separates it entirely from . . . [an] assistance or a welfare approach."³³ An advantage of basing benefits on contributions is that they "give American workers the *feeling* they have earned their benefits."³⁴

In spite of the advantages of attaching health insurance to the Social Security system, there were significant disadvantages. If access to benefits depended on prior insurance contributions, then those who had not contributed would not be eligible for benefits. When Medicare was established, some 5.5 million Americans

²⁹ For discussion of Kerr-Mills, see Sheri David, *With Dignity: The Search for Medicare and Medicaid* (Westport, CT: Greenwood Press, 1985), chap. 3.

³⁰ Jacobs, *Health of Nations*, p. 102.

³¹ *Ibid.*

³² Ball, "Perspectives on Medicare," 66.

³³ Quoted by Jacobs, *Health of Nations*, p. 90.

³⁴ Ball, quoted by Marmor, *Politics of Medicare*, p. 21 (emphasis in original).

over sixty-five would not have been eligible. As administrators debated the structure of the program, Cohen was opposed to extending coverage to noncontributors, because this would undermine the public's belief that it actually was an insurance plan: "Treating contributors and noncontributors alike might raise questions about the whole contributory basis of the system," and weaken "public acceptance . . . that the right to benefits is acquired through . . . contributions."³⁵ Cohen lost this particular argument, and it was decided that noncontributors would be "blanketed in," regardless of effects on the insurance principle.

In other ways as well, adherence to an insurance structure affected the program. In order to preserve this appearance, Mills insisted that Medicare's administrators establish a separate trust fund out of which health benefits would be paid. Isolating this trust fund from that for OASDI "would ensure 'that people can watch' . . . 'their own contributions . . . financing [their care].'"³⁶ However, given unsustainably rising medical costs, ever since the program began, Medicare has experienced recurrent funding crises as the trust fund has been forecast to run out.³⁷ Moreover, the payroll taxes that fund benefits are highly regressive. This tradeoff was accepted by liberal supporters of Medicare, in order to preserve "an ideology of social insurance," even though financing the program on general revenues drawn from graduated income tax would be far more progressive.³⁸ Finally, as seen in Chapter 5, basing Medicare on an insurance model has the highly undesirable effect of making the program more difficult to reform. People who believe that they have paid for their benefits out of their own contributions believe also that they own those benefits, and so fiercely resist attempts to tamper with them.

(3) Edward Kennedy and John F. Kennedy

In order to see more clearly what was distinctive in justifications for national health insurance based on the insurance model, it might be useful to compare them to the overtly moral arguments made by Sen. Edward Kennedy, who was probably the main Democratic proponent of universal health insurance during the later decades of the twentieth century. Kennedy described extending health insurance as "the cause of [his] life."³⁹ After reviewing Senator Kennedy's arguments, we will turn to those of his brother, President John F. Kennedy, whose reasoning was squarely in keeping with the Medicare-insurance model.

³⁵ Quoted by Jacobs, *Health of Nations*, p. 151.

³⁶ *Ibid.*, p. 203.

³⁷ Oberlander, *Political Life of Medicare*.

³⁸ *Ibid.*, pp. 76–7.

³⁹ E. Kennedy, speech at 2008 Democratic Convention, Aug. 25, 2008, http://www.cnn.com/2008/POLITICS/08/25/kennedy.dnc.transcript/index.html?eref=rss_latest (July 2014).

An idea of Edward Kennedy's reasoning can be gathered from a 1978 speech delivered to the Democratic midterm convention in Memphis, Tennessee. He declared that because of the series of contributions it had made to the cause of social welfare, national health insurance stood out as "the great unfinished business on the agenda of the Democratic Party."⁴⁰ He noted that the United States stood alone among advanced industrial nations in lacking a universal healthcare program. This was especially indefensible, given the great wealth of the United States: "in our unbelievably rich land, the quality of healthcare available to many of our people is unbelievably poor, and the cost is unbelievably high."

His central argument rested on equality and fairness. It was not fair for some Americans to have health insurance while others lacked it:

If national health insurance is good enough for the wealthy and good enough for Congress, then it is good enough for every American citizen in every city, town and village and on every farm throughout this land.

Like FDR and Truman, Senator Kennedy asserted that healthcare should be a right:

Through national health insurance, we can provide a decent healthcare system for the benefit of the people of this land. We can make healthcare a basic right for all, not just an expensive privilege for the few.

In addition to moral concerns, the rapid rise in the cost of healthcare posed a general threat. As people became increasingly unable to afford medical care, more than the uninsured were at risk, as other Americans would not be able to afford it either. Accordingly, something had to be done:

Only through national health insurance can we achieve the effective controls on costs that will bring inflation down and bring adequate healthcare within financial reach of every citizen.

In Edward Kennedy's address we can observe what became the two main sides to healthcare arguments from roughly the mid-century onward: the inequity of some people's lacking insurance, and defects in the existing system. Ideally, national health insurance would provide universal access and also control costs. But probably more important to Kennedy than fiscal concerns was the moral imperative. It is

⁴⁰ E. Kennedy, speech at Democratic National Convention, Memphis, TN, Dec. 9, 1978, http://tedkenedy.org/ownwords/event/1978_health_care (July 2014). Subsequent quotations from Edward Kennedy are from this speech.

with this that he closed: “Let us pledge in Memphis, at this convention of our party, to make healthcare a right for all our people now.”

While Kennedy’s address appears to be clearly different from those we have seen, in spite of his overt moral appeal, his arguments themselves did not represent a substantial advance beyond those of FDR and Truman. Like those of his predecessors, the core of his argument was the unfairness of the then situation and his assertion that healthcare should be a right. But neither of these claims was supported philosophically. The claim of unfairness was logically dependent on a general right to healthcare. Only if the uninsured were not granted something that they were entitled to—something to which they had a right—would this be unfair. And as we have seen in previous chapters, the nature of the right to healthcare was more a statement of aspiration than a philosophical claim. As Senator Kennedy said, “We can *make* healthcare a basic right for all.” “Let us pledge . . . to *make* healthcare a right for all our people now.” While he presumably believed that all Americans had moral rights to healthcare, his language clearly applied to legal rights. Americans’ lack of legal rights to healthcare was a deficiency that would be remedied with passage of a national healthcare program.

As with FDR and Truman, the moral architecture of Edward Kennedy’s position was not clearly worked out. Clearly, his desire for national health insurance was rooted in belief that people’s lack of healthcare was morally objectionable. But if we translate this into a moral right to healthcare, we can see that, as with addresses of other political leaders, bearers of the correlative duties are not specified. It is not unlikely that Kennedy would have filled in his position by assigning this role to the community as a whole, but as we have seen in previous chapters, this would have required a developed account of the nature of the relevant community. However, rather than a philosophical disquisition, Senator Kennedy’s address was an attempt to rally support for his goal, which he hoped his party would achieve, as it had made other advances in regard to social justice:

We are heirs of a great tradition in American public life. Our party took up the cause of jobs for the unemployed in the Great Depression. Our party took up the cause of civil rights for black and brown Americans, and the cause of equal rights for women in America and the people of the District of Columbia. In that same tradition of leadership, it is time for the Democratic Party now to take up the cause of health.

If the relevant legislation were passed, then healthcare would indeed become a general legal right.

In contrast to the moral arguments later used by his brother in 1978, President John Kennedy argued early on for expansion of healthcare in accordance with the Medicare plan. As presidential candidate and then president, he brought the case for expanded health insurance squarely into the public political arena, although he

was careful to limit his claims—presumably for the political reasons we have seen. In his major addresses on healthcare, JFK rarely if ever used strongly moralistic language and rarely if ever spoke of extending health insurance (even in a loose sense), without invoking the mantra: “under the Social Security system.”

JFK’s basic position was clear in an address to the United Auto Workers, on March 27, 1960, as he campaigned for the presidency. Kennedy defended the so-called “Forand Bill”—at that time, the Forand and Kennedy bill.⁴¹ In 1957, Aime Forand, a Democratic member of the House of Representatives from Rhode Island, for the first time sponsored the Medicare plan discussed in Section 2, and, after it failed to pass, continued regularly to introduce it. And so the plan JFK supported was limited to hospital benefits for the elderly.

Kennedy opened this address by invoking the accomplishment of Social Security and its great Democratic proponents who had fought to improve the lives of those worst off:

It was in that spirit that Franklin Roosevelt and Harry Truman fought to broaden its coverage and increase its benefits. And it is in that spirit that we battle today for a social security law which will truly provide our older citizens—under the present cost of living—with a decent and a dignified and a healthy way of life.

JFK argued that his healthcare plan was made necessary by the hardships that medical costs imposed on elderly citizens. For instance, some 20% of those on Social Security were forced to spend between one-quarter to one-half of their income on medical expenses. Although free healthcare was available, this was in the form of charity, which was of course stigmatized, and many people refused to accept it:

[T]housands of our older citizens . . . would rather endure pain and suffering than rely on public charity. And they should not have to ask for charity. They want more than charity—they deserve more than charity—and this Democratic Congress must see that they get more than charity.

Kennedy contrasted Social Security with charity as allowing elders to live in dignity as well as freedom from want.

This speech can be seen to reinforce the basic case for Medicare that we have seen. The moral basis of the program was the needs of senior citizens. While other citizens no doubt suffered from lack of healthcare, the needs of seniors were especially severe. To remedy this required a program that would not be perceived as charity. Whether or not Kennedy would have preferred an all-out program of universal

⁴¹ JFK, address to United Auto Workers, March 27, 1960: http://www.jfklibrary.org/Research/Research-Aids/JFK-Speeches/Detroit-MI_19600327.aspx (Oct. 2014).

health insurance is a question we need not examine here. Truman's earlier experience revealed how difficult it would be to pass such a program. With that option off the table, one of the great strengths of an insurance program was that it was clearly distinguished from charity although, as we have noted, senior citizens who did not receive OASDI and had not contributed would receive benefits anyway.

Even granted these problems, there were still good reasons for having the proposed program extend Social Security. The Social Security system was intended to free people from various economic hardships, and medical costs for the elderly fell into this category. Similarly, as OASDI was intended to contribute to economic security for older citizens, providing them with healthcare clearly furthered this aim. But whether Kennedy's proposed program could be accurately assimilated to OASDI in other respects is questionable.

In his later campaign for health insurance as president, JFK continually harped on its relationship with Social Security. Thus in his 1961 and 1962 State of the Union addresses:

Measures to provide healthcare for the aged under Social Security, and to increase the supply of both facilities and personnel, must be undertaken this year.⁴²

The 1962 address contains somewhat more discussion:

[I]n matters of health, no piece of unfinished business is more important or more urgent than the enactment under the social security system of health insurance for the aged.⁴³

In this address, Kennedy expressed themes similar to those in his Forand speech. Many of the elderly were especially needy, and public assistance was of no help to those "too proud to seek relief but hard-pressed to pay their own bills." Thus an extension of Social Security was the answer:

Social security has long helped to meet the hardships of retirement, death, and disability. I now urge that its coverage be extended without further delay to provide health insurance for the elderly.

President Kennedy's most extensive address on matters of national health was a special message to Congress, delivered on February 27, 1962.⁴⁴ He discussed a wide

⁴² JFK, 1961 State of Union address, Jan. 30, 1961, <http://www.presidency.ucsb.edu/ws/index.php?pid=8045&st=&st1=> (Sept. 2014).

⁴³ JFK, 1962 State of the Union address, Jan. 11, 1962: <http://www.presidency.ucsb.edu/ws/index.php?pid=9082&st=&st1=> (Oct. 2014).

⁴⁴ JFK, special message to Congress, Feb. 27, 1962, <http://www.presidency.ucsb.edu/ws/?pid=9077> (Sept. 2014). In his special message to Congress on the Needs of the Nation's Senior

range of medical and public health concerns, including a health plan for the elderly under Social Security:

I . . . recommend again the enactment of a health insurance program for the elderly under the Social Security system. By this means the cost of health services in later years can be spread over the working years—and every worker can face the future with pride and confidence.

On the whole, his account of this subject stuck closely to themes he had maintained since before he was elected, and his proposed plan did extend Social Security. In addition, to affording protection against an additional threat to the elderly's financial well-being, the program's central funding mechanism built on OASDI. He claimed that the proposed program would be financed by contributions and not require general revenues. It would be "entirely self-financed by an increase in Social Security contributions of one quarter of one percent each on employers and employees, and by an increase in the maximum earnings base from \$4,800 a year to \$5,200 a year." Thus no "burden on the general revenues is involved." But then he immediately contradicted himself, saying that general revenues would be drawn on to provide health insurance to those *not* covered by Social Security. As Wilbur Cohen noted, including those who had not contributed undermined the contributory nature of the program—or, perhaps we might say, the program's contributory appearance.

Still, even though Kennedy made this concession, his intent to bind his proposed plan to Social Security was apparent. Tragically, JFK's assassination prevented legislative progress on his plan. But Johnson picked up where Kennedy had left off. After the 1964 landslide election, he turned Kennedy's aspiration into law.

(4) Lyndon Johnson

Although Johnson's passage of Medicare and Medicaid was a significant step in the direction of a full welfare state, he added relatively little to the justificatory arguments that we have seen. As early as his 1964 State of the Union address, Johnson included meeting the health needs of elder citizens among the goals he wished to

Citizens, Feb. 21, 1963, <http://www.presidency.ucsb.edu/ws/index.php?pid=9572&st=&st1=> (Sept. 2014), Kennedy reiterated the main themes discussed in this section in his special message to Congress on Health and Hospital Care, Feb. 9, 1961, (<http://www.presidency.ucsb.edu/ws/index.php?pid=8222&st=&st1=> (Oct. 2014), his main points in regard to health insurance concerned extension of Social Security. There was no mention of funding noncontributors from general revenues or the stigma of accepting charity.

accomplish. His proposal was the Medicare plan we have seen, and he explicitly noted that its costs would be covered by contributions and would not draw on the Treasury:⁴⁵

We must provide hospital insurance for our older citizens financed by every worker and his employer under Social Security, contributing no more than \$1 a month during the employee's working career to protect him in his old age in a dignified manner without cost to the Treasury, against the devastating hardship of prolonged or repeated illness.

In addition to helping the poor and underprivileged, all Americans would benefit from the program, which would pay the hospital costs of aged parents. However, as we saw with Kennedy, Johnson's claim about Treasury costs was not correct. As he noted in his budget message to Congress for the 1965 fiscal year: "Provision should be made for benefits to be paid from administrative budget funds to those not eligible under the social security system." Presumably, both Kennedy and Johnson dissembled in regard to this matter, which opened the door to charges of socialized medicine. Moreover, it appears that an additional reason Johnson strongly supported a Social Security model was abhorrence of means-tested benefits as opposed to those stemming from one's own contributions. He viewed the former as undermining individual dignity. As he said to leaders of organizations concerned with senior citizens, on January 15, 1964:

Would we want to stoop and bend and plead for funds to be shoveled out of the State and Federal treasury by means of a means test to determine whether we could go to a hospital and, if so, how long we could stay, or would we prefer a program of our own where we could take 25 cents a week and our employer could take 25 cents a week, and then deduct it . . . and put that in a plan that ultimately would provide these benefits?⁴⁶

In addition to helping the elderly preserve their dignity, as we saw in the last chapter, Johnson was able to connect up his proposed plans with concerns of substantive freedom. Moving beyond a purely formal conception of freedom, in his

⁴⁵ Johnson, State of the Union address, Jan. 8, 1964, <http://www.presidency.ucsb.edu/ws/index.php?pid=26787&st=&st1=> (Dec. 2010).

⁴⁶ Johnson, address on Problems of Senior Citizens, Jan. 15, 1964, <http://www.presidency.ucsb.edu/ws/index.php?pid=25983&st=&st1=> (Oct. 2014).

1964 nomination acceptance speech, he noted that real freedom also requires the ability to take advantage of what freedom offered.⁴⁷

This is the true cause of freedom

The man who is hungry, who cannot find work or educate his children, who is bound by want—that man is not fully free.

In this connection, he recounted the great advances in regard to overcoming these obstacles made by the Democratic Party, from Social Security to the war on poverty.

Johnson's most extended discussion of the need for healthcare was in his special message to Congress, "Advancing the Nation's Health," delivered on January 7, 1965.⁴⁸ In this address, he argued that promoting everyone's health is central to the government's mission of pursuing the public good. Health insurance was one of the many subjects covered in this address. Johnson's argument for health insurance rested on considerations of need and equality. He began by discussing great advances in medical science and the benefits they afforded. These, he contended, must be made available to all Americans:

Our first concern must be to assure that the advance of medical knowledge leaves none behind. We can—and we must—strive now to assure the availability of and accessibility to the best healthcare for all Americans, regardless of age or geography or economic status.

Accomplishing this goal required numerous measures that Johnson discussed, e.g., community medicine and provisions in regard to mental health. Also necessary were means to strengthen the country's healthcare facilities and services, to address manpower issues, and protection of food and drugs. Extending health insurance was part of this mix. Portions of the population had been left behind in regard to medicine's progress, "behind barriers of age, economics, geography or community resources." These the political community must remove. Although Johnson claimed that his measures would benefit all Americans—which was likely true of many of his public health and related proposals—the aged were especially needy, a contention that he supported with a litany of familiar facts concerning their more precarious health and problems paying for health insurance, which was generally employer-supplied. Johnson's proposed health insurance program—Medicare—was intended to meet the elderly's need, as an extension of the Social Security Program:

⁴⁷ Johnson, nomination acceptance speech, Aug., 27 1964, <http://www.presidency.ucsb.edu/ws/index.php?pid=26467&st=&st1=> (Dec. 2010).

⁴⁸ Johnson, special message to Congress, Jan. 7, 1965, <http://www.presidency.ucsb.edu/ws/index.php?pid=27240&st=&st1=> (Oct. 2014).

Thirty years ago, the American people made a basic decision that the later years of life should not be years of despondency and drift. The result was enactment of our Social Security program, a program now fixed as a valued part of our national life. Since World War II, there has been increasing awareness of the fact that the full value of Social Security would not be realized unless provision were made to deal with the problem of costs of illnesses among our older citizens.

I believe this year is the year when, with the sure knowledge of public support, the Congress should enact a hospital insurance program for the aged.

But once again, his plan departed from the contributory principle in offering “similar protection to those who are not now covered by Social Security, with the costs being paid from the administrative budget.” This “logical extension of our proven social security system will supply the prudent, feasible and dignified way to free the aged from the fear of financial hardship in the event of illness.” In this address, Johnson did not mention Medicaid, But he did note his desire that all states provide “adequate medical assistance under the existing Kerr-Mills program for the aged who cannot afford to meet the noninsured costs.”

As one may see from the language quoted above, Johnson presented his proposals in terms of “removing barriers to healthcare.” This language connects his concern with health insurance to other parts of his agenda, for instance, in civil rights, removing barriers of racial discrimination. There is a strong egalitarian element to this aspiration. Even though his health insurance proposal concerned only the elderly, his objective was to provide “the best healthcare for all Americans, regardless of age or geography or economic status.” As noted, many of his proposals would have promoted the health of the population as a whole, while several were directed at specific needs of children. In terms of health insurance, the aspiration for universal coverage can be reconciled with the limited provisions of Medicare, since the latter too was intended as a step on the way to universal health insurance. However, language of removing barriers means something different in regard to health insurance than in regard to, say, removing the barriers of Jim Crow laws. The difference is analogous to what we have seen in regard to negative versus positive rights. Removing Jim Crow barriers requires only that those who are discriminating against African Americans stop doing so. Removing barriers in regard to lack of medical care of course requires more: that those who lack medical care receive it, which requires that other members of the community provide it. A great advantage of the Medicare approach is that through language of insurance and individual contributions, an appearance can be created that those who lack insurance will receive it through their own contributions. As we have seen, the insurance principle is deeply rooted in American political culture.. Although Johnson departed from this in opting to provide coverage for those who

were unable to contribute—against the wishes of Wilbur Cohen—invocation of the insurance principle was intended to solve the problem of funding the program, and in such a way that those receiving benefits would not be perceived as recipients of charity.

As with other political figures we have seen, for Johnson as well, a favored program was supported on grounds of *not* being charity. Differences between Medicare and charity were expressed by Harry Truman, at the signing ceremony for Medicare and Medicaid, in Independence, Missouri, in 1965.⁴⁹ The former president began his brief remarks noting that senior citizens were “entitled, among other benefits, to the best medical protection available,” and not as charity:

Not one of these, our citizens, should ever be abandoned to the indignity of charity. Charity is indignity when you have to have it. But we don't want these people to have anything to do with charity and we don't want them to have any idea of hopeless despair.

The core of Johnson's own brief remarks was the need for healthcare, which the bill he was signing would provide, and it would do so through insurance:

And through this new law, Mr. President, every citizen will be able, in his productive years when he is earning, to insure himself against the ravages of illness in his old age.

On this occasion, Medicaid was mentioned by neither Truman nor Johnson, although Johnson noted that the bill would “improve a wide range of health and medical services for Americans of all ages.” Medicaid was clearly of little note as the magnitude of the bill's accomplishment was obvious in Johnson's peroration:

No longer will older Americans be denied the healing miracle of modern medicine. No longer will illness crush and destroy the savings that they have so carefully put away over a lifetime so that they might enjoy dignity in their later years. No longer will young families see their own incomes, and their own hopes, eaten away simply because they are carrying out their deep moral obligations to their parents, and to their uncles, and their aunts.

And no longer will this Nation refuse the hand of justice to those who have given a lifetime of service and wisdom and labor to the progress of this progressive country.

⁴⁹ Johnson, signing Medicare bill, July 30, 1965, <http://www.presidency.ucsb.edu/ws/index.php?pid=27123&st=&st1=> (Sept. 2014).

There are those, alone in suffering who will now hear the sound of some approaching footsteps coming to help. There are those fearing the terrible darkness of despairing poverty—despite their long years of labor and expectation—who will now look up to see the light of hope and realization.

(5) Implications

Before moving on to developments in healthcare since the enactment of Medicare and Medicaid, we should pause to consider some implications of what we have seen. First, in spite of its limited scope, Medicare did not entirely escape the kind of opposition that had doomed Truman's efforts. Medicare too was tarred with the brush of socialized medicine. Like other American social welfare programs, it was castigated as a step on the way to complete socialism. It represented an unjustified increase in government power and a threat to freedom, as described in a diatribe that was delivered by Ronald Reagan, at the beginning of his political career.⁵⁰ Reagan characterized Medicare as "socialized medicine," and "a short step to all the rest of socialism." He closed his speech with a famous peroration, entreating his listeners to write their congressmen and to get their friends to write. The consequences of not doing so would be dire:

If you don't, this program I promise you will pass just as surely as the sun will come up tomorrow and behind it will come other federal programs that will invade every area of freedom as we have known it in this country. Until, one day, as Norman Thomas said, we will awake to find that we have socialism. And if you don't do this and if I don't do it, one of these days you and I are going to spend our sunset years telling our children and our children's children, what it once was like in America when men were free.

Moving beyond these obviously exaggerated fears, we must consider implications of constructing Medicare as an extension of Social Security and what this meant for Medicaid.

Throughout this chapter, we have noted a few senses in which it is correct to view Medicare as an extension of the Social Security system. This system was intended to provide economic protection against a number of threats. Unaffordable medical expenses is another such threat, which is addressed by Medicare and Medicaid. The way Medicare is financed is built upon OASDI, as payroll contributions are deducted and deposited in a trust fund, out of which participants' medical expenses

⁵⁰ Ronald Reagan, radio address on Socialized Medicine, <http://www.americanrhetoric.com/speeches/ronaldreagansocializedmedicine.htm> (Dec. 2014).

are paid. One reason for placing Medicare's financing on this basis is that the country was otherwise not familiar with large-scale reimbursement programs. So having Social Security officials take on this task made administrative sense.⁵¹ The insurance principle is ideologically also an extension of OASDI, as participants in both programs are able to claim rights to benefits on the basis of past contributions. But the analogy goes only so far. Although the ideology of social insurance was central to Medicare's justification, we have noted important respects in which this is misleading and represents dissembling by Medicare's architects.

In considering social insurance, we have noted different ways in which the idea may be construed. As we have seen, eligibility for benefits may require prior contributions or these may be distributed to a wider population. In addition, benefits a particular individual receives may be in direct proportion to prior contributions, as generally in OASDI—in spite of numerous departures from this principle—or based on actual losses, as in many private insurance plans. Part of the attraction of OASDI is that in public perception, in accordance with its contractual basis, benefits are clearly earned through prior contributions. This idea is firmly rooted in public consciousness.

Although there are respects in which Medicare follows a similar contributory model, it departs from this pattern in fundamental respects. In examining the law's justificatory arguments, we have seen how its promoters attempted to gloss over these anomalies and to pass the program off as similarly contractual. This is a major reason why Wilbur Cohen, for one, was opposed to including noncontributors, which “might raise questions about the whole contributory basis of the system,” and weaken “public acceptance . . . that the right to benefits is acquired through . . . contributions.”⁵²

An immediate respect in which the contributory rationale is false is in regard to Medicare Part B. Physicians' services and other expenses covered under this portion of Medicare are financed through a combination of beneficiary contributions and general revenues. As J. Douglas Brown notes, this was the first time Congress provided funds for medical care out of general revenues without a means test.⁵³ In addition, and more important for our purposes, Medicare departed from the contractual nature of OASDI at its core. Unlike OASDI in which beneficiaries receive payments in relation to their contribution, Medicare's beneficiaries receive medical care, while the nature of their care depends on medical considerations rather than what they have contributed. For this reason, as Jonathan Oberlander says, Medicare is “a redistributive policy that ensures low-income workers the same access to government-sponsored health insurance as affluent employees.”⁵⁴ But affluent

⁵¹ W. Cohen “Reflections on the Enactment of Medicare and Medicaid,” *Health Care Financing Review* 6, supplement (1985): 3.

⁵² Quoted by Jacobs, *Health of Nations*, p. 151.

⁵³ J. D. Brown, *An American Philosophy of Social Security* (Princeton, NJ: Princeton University Press, 1972), p. 198.

⁵⁴ Oberlander, *Political Life of Medicare*, p. 76.

employees have little reason to complain. Even though they pay higher payroll taxes, because of the continuous rise in medical expenses, the cost of the care beneficiaries receive is typically three or four times what they contribute. This consideration gives the lie to contributory social insurance. Like recipients of welfare or charity, Medicare beneficiaries receive their benefits through the largesse of other people. One could therefore argue that contributory financing makes little sense. The 1975 Social Security Advisory Council argued along these lines. Because benefits are not related to contributions, but to healthcare expenses: “there does not seem to be any real reason for funding [Medicare] costs by a tax on wages.”⁵⁵

The rising cost of healthcare creates more than ideological problems. With enactment of Medicare, government spending on healthcare has risen exponentially, spurred by enormous costs of Medicare and Medicaid. After Medicare was passed, the rate of growth in medical expenditures more than doubled. While annual growth rate had been 3.2% in the seven years before 1965, it rose to 7.9% in the five years after. Between 1965 and 1970, state and federal health expenditures increased at an annual rate of more than 20%.⁵⁶ By the time of his 1968 State of the Union address, less than three years after Medicare had been passed, Johnson noted the need for “[m]easures to stem the rising costs of medical care.”⁵⁷ But the problem was not abated. Between 1972 and 1982, medical service costs rose an average of 18% a year and have continued to rise ever since.⁵⁸ Because Medicare is supposedly paid for from its own trust fund, it has experienced a series of funding “crises,” as the trust fund was projected to run out. Because there is no similar pretense in regard to Medicare Part B, it has been free from such emergencies, as is also the case with Medicaid.⁵⁹ Not only does trust-fund financing create an element of program instability, but it makes these problems more difficult to remedy. To the extent that program participants believe their benefits have been earned through contributions—as is largely true of OASDI—they have good reasons to resist reform as violating their property rights. During the debate over Medicare, an argument along these lines was made by Rep. John W. Byrnes, the congressman mainly responsible for the development of what became Medicare Part B:

Under the payroll tax, . . . an erroneous concept has been sold to the people that they have paid for their benefits, that they have bought something as a matter of right, under such a concept there is no flexibility to

⁵⁵ Quoted in *ibid.*, p. 95.

⁵⁶ Starr, *Remedy and Reaction*, p. 52.

⁵⁷ Johnson, 1968 State of the Union address, Jan. 17, 1968, <http://www.presidency.ucsb.edu/ws/index.php?pid=28738&st=&st1=> (Dec. 2014).

⁵⁸ David, *With Dignity*, p. 153.

⁵⁹ Oberlander, *Political Life of Medicare*, p. 86.

make changes because the people tell you, “We have bought this, and you cannot make any change except to liberalize it.”⁶⁰

An extreme representative of contributory funding’s troubling consequences is the apparently sincere but delusional claim of various protesters: “Tell the Government to keep its hands off my Medicare.”⁶¹

In addition to these difficulties, the idea of Medicare’s contractual basis is a central contributor to the two-tier nature of the American welfare state. The United States is unique among advanced industrial countries in providing separate medical systems for the majority of people and the poor. While the former have private or relatively high quality government insurance, including Medicare, the poor are left with Medicaid, facilities that are generally of lower quality.⁶² To make matters worse, Medicare’s contributory principle has furthered stigmatization of Medicaid recipients. As we have seen, a standard argument for social insurance is that it is not charity, with strong implications that charity is morally deficient. Invocation of the insurance principle implies the deficiency of those whose care is not earned, a class that includes Medicaid recipients. Even though a strict bifurcation breaks down in the ways we have noted, from its inception Medicaid was identified as “charity” in public consciousness and stigmatized as such.

Association of Medicaid with charity was not accidental. It was built upon the existing Kerr-Mills program, which was created for the medically indigent elderly. Although Medicaid expanded the range of eligible recipients, unlike Medicare, it was turned over to the states for implementation, which was achieved through existing welfare bureaucracies. In addition to the elderly indigent, Medicaid was required to cover all public assistance categories: the blind, AFDC recipients, the mentally ill, and the disabled.⁶³ More than this, its administrative structure was built on the welfare system. As Jonathan Engel says:

⁶⁰ Quoted by Derthick, *Policymaking*, p. 333.

⁶¹ Kate Pickert, “Keep Your Gov’t Hands Off My Medicare,” *Time Magazine*, Oct. 21, 2010, <http://swampland.time.com/2010/10/21/keep-your-govt-hands-off-my-medicare-cont/> (Oct. 2014); Bob Cesca, The Blog, “Keep Your Goddamn Government Hands Off My Medicare,” posted 09/05/2009 5:12 am EDT Updated: 05/25/2011. 1:45 pm EDT, http://www.huffingtonpost.com/bob-cesca/get-your-goddamn-governme_b_252326.html (Oct. 2014). This was also mentioned by President Obama himself, in a healthcare speech in Missouri, on March 10, 2010 (Remarks at St. Charles High School in St. Charles, MO, <http://www.presidency.ucsb.edu/ws/index.php?pid=87644&st=&st1>) (Nov. 2014).

⁶² See L. K. Olson, *The Politics of Medicaid* (New York: Columbia University Press, 2010), chap. 7; J. D. Engel, *Poor People’s Medicine: Medicaid and American Charity Care Since 1965* (Durham, NC: Duke University Press, 2006), pp. 107–12; Starr, *Remedy and Reaction*, pp. 46–7. Although, in view of recent problems the Affordable Care Act has had in extending Medicaid, one could say “those of the poor who are fortunate enough to have Medicaid.”

⁶³ D. G. Smith and J. D. Moore, *Medicaid Politics and Policy: 1965–2007* (New Brunswick, NJ: Transaction Publishers), p. 46.

[Medicaid] management would be housed within existing state welfare department, meaning that most government officials and legislators would view the program primarily as welfare, not medical care. Congress furthered this perception by naming the intended beneficiaries “recipients.” By contrast, designated beneficiaries of the Medicare program were referred to as “beneficiaries,” which was the usual term describing holders of private insurance policies.⁶⁴

Public justification of Medicaid did little to counter these perceptions—in part because there was virtually no public justification. In contrast with Medicare, which was the focus of intense attention, debate, interest group politics, and legislative deal-making, Medicaid passed with little notice. One of its legislative draftsmen said that he could scarcely recall working on Medicaid and “doubted that it took as much as an afternoon of their time.”⁶⁵ Similarly, it received almost no consideration in committee or floor debate in the House of Representatives.⁶⁶ Laura Olson describes Medicaid as “merely an afterthought,” which was enacted “in the shadow of Medicare, after only limited debate and discussion.”⁶⁷ It could be argued that this made little difference, since Medicaid was constructed on the foundation of the existing Kerr-Mills program and so could have built on the justification for that program. But with Kerr-Mills, the situation was similar. According to Sheri David, Kerr-Mills passed in the House Ways and Means “with no testimony or discussion.”⁶⁸ Similarly, it received little debate in Senate Finance Committee in brief hearings in which most attention went to other bills.⁶⁹ It was included in Social Security amendments of 1960, which passed both the Senate and House overwhelmingly (the former, 368–17, the latter 74–11), and were signed into law by President Eisenhower on September 13, 1960, without public comment. After Medicaid was passed, Lyndon Johnson never mentioned it.⁷⁰ In 1965, Medicaid was never mentioned in the *New York Times*, in comparison to 130 articles on Medicare.⁷¹

In view of this absence of public support, it is surprising—for adherents of democratic ideals, more than that, shocking—that Medicaid has grown into the third-largest federal social welfare program—after OASDI and Medicare. In

⁶⁴ Engel, *Poor People's Medicine*, p. 49. Smith and Moore describe this as “the fateful linking of health care for the poor to the categorical welfare system for the aged poor, the blind, and dependent children” (see *Medicaid Politics*, p. 16).

⁶⁵ Smith and Moore, *Medicaid Politics*, p. 45.

⁶⁶ *Ibid.*, p. 44.

⁶⁷ Olson, *Politics of Medicaid*, p. 23.

⁶⁸ David, *With Dignity*, p. 37.

⁶⁹ *Ibid.*, p. 39.

⁷⁰ Smith and Moore, *Medicaid Politics*, p. 60.

⁷¹ Olson, *Politics of Medicaid*, p. 25.

2012, it cost the federal government approximately \$250 billion and the states another \$345 billion.⁷² As Theodore Marmor and his associates write, “its history of considerable political support has been something of a mystery.”⁷³ As in the expansion of other social welfare programs, it appears that the key has been well-placed supporters, who in Medicaid’s early years managed to include it in larger pieces of legislation where it was easy to overlook. It also seems that Medicaid was included in the original Medicare bill at all mainly because Mills wanted it.⁷⁴ In part, he was embarrassed by the failure of the Kerr-Mills program.⁷⁵ But in addition, he was a fiscal conservative and believed that by providing the very poor with health insurance through Medicaid, he could head off one possible source of pressure for an eventual national health program.⁷⁶ Mills vowed to “build a fence around the Medicaid program,” as a way of forestalling future expansion of the national health system.⁷⁷ Behind the scenes, Cohen’s actions were instrumental. He described himself as having wanted to implement something like Medicaid since 1942, and waiting until a suitable legislative vehicle arrived.⁷⁸ Once in place, the program received strong support from powerful interests that benefited from it, e.g., hospitals and nursing homes. Supported in these ways, the program expanded through behind-the-scenes advocacy. For instance, Medicaid continued to expand in the mid-1980s, in spite of opposition from Republicans and the Reagan administration through “an array of hidden legislative maneuvers and deals,” e.g., provisions slipped into legislative vehicles during congressional budget reconciliation processes.⁷⁹

As Medicaid’s existence as a separate program is a central factor in our two-tier system of healthcare, the ideas we have noted supported this structure. As Engel says, Medicaid was from its outset a “second-tier charity care program.” “Most states, and the federal government, conceded that the poor would continue to receive different care under Medicaid from the care that the middle class and rich received through private insurance.” Lack of support for national health insurance shows that the United States is comfortable with this.⁸⁰ Public acceptance of this

⁷² T. Marmor, J. Mashaw, and J. Pakutka, *Social Insurance: America’s Neglected Heritage and Contested Future* (Los Angeles: Sage, 2014), pp. 44–46.

⁷³ *Ibid.*, p. 61.

⁷⁴ Cohen, “Reflections,” 9.

⁷⁵ Smith and Moore, *Medicaid Politics*, p. 45.

⁷⁶ Marmor, *Politics of Medicare*, p. 79; Smith and Moore, *Medicaid Politics*, p. 43.

⁷⁷ Marmor, *Politics of Medicare*, p. 69.

⁷⁸ Cohen, “Reflections,” p. 10.

⁷⁹ Olson, *Politics of Medicaid*, p. 55.

⁸⁰ Engel, *Poor People’s Medicine*, p. 248.

structure is bound up with perception of Medicare as resting on earned benefits, which has made Medicaid recipients' absence of desert palpable. As David says, in regard to means test, Medicaid is a "carry-over from the English Poor Law tradition," while she notes strong stigma associated with means tests.⁸¹ According to Starr, "the 1965 legislation institutionalized two-tiers of public financing for healthcare."⁸² In large part, this was an unintended effect of Medicare's justification. To quote Starr again: "Medicare invites the elderly to believe that they have earned its benefits, whereas other claimants have not."⁸³

⁸¹ David, *With Dignity*, p. xii.

⁸² Starr, *Remedy and Reaction*, p. 47.

⁸³ *Ibid.*, p. 280.

Universal Health Insurance

(1) Health Insurance After Medicare

The two major developments in health insurance post–Medicare and Medicaid were Bill Clinton’s unsuccessful attempt to implement national health insurance in 1994, followed by Barack Obama’s achievements sixteen years later. Not surprisingly, the factors that defeated Clinton’s plan indicate what Obama had to overcome and help explain the form assumed by both his healthcare program itself and the arguments used to justify it. As we saw with Medicare and Medicaid, strategies pursued by advocates of expanded health insurance were decisively shaped by the political environment. With Lyndon Johnson and his predecessors, this centered on Harry Truman’s problems passing universal health insurance, which led to their turn to social insurance. However, in important ways, Johnson’s success significantly altered the political landscape and made subsequent expansion more challenging rather than easier.

In fundamental ways, the conditions that Clinton and then Obama faced were markedly different than what Johnson confronted. The cost of healthcare had risen tremendously since the mid-1960s, in large part because of Medicare.¹ In the political bargaining that had led to the program’s enactment, its architects were reluctant to demand sacrifices from the existing medical establishment. They agreed to reimburse hospitals for “reasonable” expenses, while leaving it to the hospitals themselves to determine what was meant by “reasonable.” The result was breakneck medical inflation. Additional factors contributed to rising costs, especially new medical technology. This was often expensive to use, while healthcare providers had incentives to use it in the American fee-for-service medical economy. According to estimates, between 38% and 65% of the rise of medical costs is due to new technology.² As a

¹ J. Oberlander, *The Political Life of Medicare* (Chicago: University of Chicago Press, 2003), p. 21; P. Starr, *Remedy and Reaction: The Peculiar American Struggle Over Healthcare Reform* (New Haven, CT: Yale University Press, 2011), p. 52.

² T. Daschle, *Getting It Done: How Obama and Congress Finally Broke the Stalemate to Make Way for Healthcare Reform* (New York: Thomas Dunne Books, 2010), p. 24.

result of these factors, the problem of extending insurance became inextricably tied to problems of controlling healthcare costs.

A second change in the landscape was altered pressure for universal coverage. This too was strongly affected by Medicare and Medicaid. Between these and other government programs, such as insurance for veterans and employer-provided health insurance, in 2008 some 85% of Americans had some form of health insurance. But this still left a significant portion of the population without. In addition, with the cost of insurance premiums far outstripping growth in wages, private insurance became increasingly unaffordable for many Americans and also more of a burden for employers. In 1992, the year Clinton was elected, some 38.6 million Americans lacked health insurance. In 2006, as Obama was beginning his campaign for the presidency, this figure had risen to some 45 million people, or 15.3% of the population.³ Some progress had been made, especially in covering children through the Children's Health Insurance Plan, which was passed in 1997, and expansion of Medicaid to cover poor children.⁴ Still the plight of the uninsured was a serious national problem.

Although many people, especially liberal Democrats, found it morally unacceptable that the United States was the only advanced industrialized country that did not provide health insurance to its entire population, in political terms, extending coverage had become, if anything, more difficult since Truman's presidency. Not only were a large majority of the population satisfied with their coverage, but those left out were often sporadic voters with little political influence. In practical terms, whatever arrangements were made for the uninsured had to avoid disrupting a system that was mainly satisfactory for the bulk of the population. These circumstances greatly complicated the strategy of gradual expansion to universal coverage envisioned by Medicare's designers. Although an incremental strategy had largely worked in regard to expansion of OASDI, circumstances for health insurance were sharply different. Since OASDI pensions were not incompatible with private pensions, expanding OASDI did not adversely affect the latter. This was not true of health insurance, if covering the uninsured meant that the new system would upset existing arrangements. As noted above, when Medicare and Medicaid were instituted, Wilbur Mills, an opponent of universal health insurance, shrewdly realized that, far from creating pressure to move to a universal system, the new programs would stand in the way. Adding onto the original Medicare proposal would lessen demands for further liberalization that "might be a burden on the economy and the social security program."⁵ This is the fence around Medicare that Mills wished to construct (p. 218). Thus, as Paul Starr says, "Instead of serving as a foundation for national health insurance, Medicare functioned more like a prophylactic against it."⁶

³ Starr, *Remedy and Reaction*, pp. 79, 156.

⁴ *Ibid.*, p. 156; on expansion of Medicaid, see pp. 70–1.

⁵ Quoted by T. Marmor, *The Politics of Medicare* (New York: Aldine, 1973), p. 69.

⁶ Starr, *Remedy and Reaction*, p. 74.

The system of health insurance that had grown up in the wake of repeated failures to bring about a universal program provides a striking instance of path dependence.⁷ With large percentages of the population satisfied with their situations, successful reforms would have to be built on top of the existing system, disturbing it as little as possible, while also meeting the needs of those without adequate coverage. Rather than rallying the community to the moral cause of caring for those without insurance, a successful reform effort would have to convince the bulk of the population that they would not be hurt by reform.

Nonetheless, deep problems with the existing insurance system created additional pressure for reform. Profitmaking insurance companies had strong incentives to insure the healthy rather than the sick as much as possible, and devised means of doing so. People who believed they had adequate health insurance frequently found out that this was not the case when they most needed it. Problems along these lines became notorious in discourse about healthcare.⁸ People with preexisting conditions found out that these were not covered by their insurance plans, whether employer provided or purchased privately. Lifetime limits on expenses meant that people could be dropped from a plan when they became seriously ill and needed expensive care. Tying health insurance to employment meant that people, especially those with health problems, were locked into their present jobs. The inadequacies of the existing system were especially visible in regard to bankruptcies. Almost 60% of personal bankruptcies in the United States involved medical costs.⁹ And of these, three quarters concerned people who had had health insurance.¹⁰ For these and other reasons, even people with health insurance were often not well served by the existing system. However, solving these problems and providing insurance to the uninsured without disrupting the existing system were tasks of enormous complexity. It is not surprising that Bill Clinton's Health Security Act was 1,342 pages long. Obama's Patient Protection and Affordable Care Act (ACA) was 2,409 pages, not counting fixes to the law that had to be made through the Senate's reconciliation process.¹¹

Because of these problems with the insurance system and unsustainable rises in healthcare costs throughout the system, the need to reform the healthcare system was widely felt. Clinton's and Obama's bills were similar in attempting to build on the existing system of employer-provided health insurance. Clinton's plan required employers to provide health insurance to their employees and all citizens and permanent residents to be enrolled in qualified plans. The law included minimum

⁷ J. Hacker, *The Divided Welfare State: The Battle over Public and Private Social Benefits in the United States* (Cambridge: Cambridge University Press, 2002).

⁸ See Daschle, *Getting It Done*, pp. 35–40; T. Marmor, J. Mashaw, and J. Pakutka, *Social Insurance: America's Neglected Heritage and Contested Future* (Los Angeles: Sage, 2014), pp. 106–19.

⁹ Marmor, *Social Insurance*, p. 118.

¹⁰ Daschle, *Getting It Done*, pp. 10–11.

¹¹ *Ibid.*, p. 248.

requirements for acceptable plans and established “regional alliances” or purchasing cooperatives, which, through competition, would afford opportunities to purchase insurance on more favorable terms. People below a certain income level would not be required to pay anything for their insurance, and the plan included cost-control measures. Central goals of the plan were controlling healthcare costs, providing universal coverage, and making insurance coverage more secure. As the title of Clinton’s proposed law indicates, health security was its main focus.

The ACA also included employer mandates and requirements that all individuals have health insurance. Those who did not were subject to financial penalties. Additional measures included expansion of Medicaid to cover people up to 133% of the poverty line. Health insurance exchanges would be set up in every state to foster competition and enable individuals without insurance to purchase it. Those who could not afford insurance would receive subsidies from the government. Depending on income, these measures would help people whose incomes were up to 400% of the poverty line, or \$88,000 in 2010. Insurance abuses would be corrected. National standards would require that people be covered in spite of preexisting conditions, would abolish lifetime spending limits, and would allow children to remain on their parents’ policies until they were twenty-six years old. Provisions were made to control medical costs, although in order to pass the bill, supporters of the act were forced to bargain away various effective means that could have been used. For both Clinton’s and Obama’s bills, providing health insurance to the uninsured required that the relevant programs be part of a larger package of measures and that, in justifying the bill, greater emphasis be placed on elements that benefited the general population, as opposed to those intended to help the uninsured. The core of this strategy was clearly spelled out in an internal document prepared by the Clinton administration staffers in 1993:

This is not an argument about “access” . . . or “extending coverage” or “the uninsured.” Since most Americans have insurance, they think of the uninsured as “them”—this creates an “us versus them” mentality. We should not even talk about “37 million uninsured” because that is not who the proposal is designed to protect.¹²

The Clinton administration issued a pamphlet, *The President’s Healthcare Plan*, in October 1993. On the back cover was a checklist of nine problems the bill would address. For example, in regard to respondents’ insurance: “Does it guarantee you and your family affordable healthcare?” “Does it prohibit plans from charging you more for being sick or having a sick child?” “Does it ban lifetime limits on your health coverage?” All nine items appealed to individual self-interest. None mentioned

¹² T. Skocpol, *Boomerang: Clinton’s Health Security Effort and the Turn Against Government in US Politics* (New York, W. W. Norton, 1996), p. 118.

extending coverage to the uninsured, let alone the moral need to do so.¹³ In addition, as Theda Skocpol notes, the architects of Clinton's plan referred to ordinary Americans as "consumers of health services rather than as fellow citizens involved in a national decision."¹⁴

Architects of the Obama administration's plan approached things similarly. According to Tom Daschle, who had been Obama's original choice to head health-care reform:

After the failure of the 1994 effort, we all knew that any successful campaign for health reform had to speak to people's self-interest. The roughly 85 percent of Americans who have health insurance may worry about the 15 percent who are uninsured or they may not.¹⁵

Accordingly, the title of Obama's bill was "The Patient Protection and Affordable Care Act," not the "Universal Coverage Act."

(2) Bill Clinton and Healthcare Security

The healthcare system was an important theme of Clinton's presidential campaign, and then an issue he worked on during his first term. In view of the circumstances we have noted, there is little surprising in his defense of his program. Given the exigencies of the healthcare system, the issue of universal health insurance had to be part of a package of reforms. Clinton approached the issue from this perspective, generally placing higher emphasis on security for those with health insurance than the need to include the uninsured, although he was consistently insistent on the latter. In the speech announcing his candidacy for the Democratic presidential nomination,¹⁶ he raised what was probably his central theme: that he would fight for "the forgotten middle class." As part of creating greater opportunity, responsibility, and a heightened sense of community, he noted the need to grow the economy, expand world trade, education, and reform the healthcare system:

Opportunity for all means reforming the healthcare system to control costs, improve quality, expand preventive and long-term care, maintain consumer choice, and cover everybody. And we don't have to bankrupt the taxpayers to do it. We do have to take on the big insurance companies

¹³ *Ibid.*, p. 119.

¹⁴ *Ibid.*, p. 118.

¹⁵ Daschle, *Getting It Done*, pp. 22–3.

¹⁶ Clinton, announcement speech, Little Rock, AR, Oct. 3, 1991, <http://www.4president.org/speeches/billclinton1992announcement.htm> (Nov. 2014).

and healthcare bureaucracies and get some real cost control into the system. I pledge to the American people that in the first year of a Clinton Administration, we will present a plan to Congress and the American people to provide affordable, quality healthcare for all Americans.

As one can see, insuring that all Americans were covered was part of the package, but coming at the end of the list of needed reforms.

During the campaign, Clinton continued to speak of healthcare reform, in the context of his iconic version of the American dream: “The ideal that if you work hard and play by the rules you’ll be rewarded, you’ll do a little better next year than you did last year, your kids will do better than you.”¹⁷ This was no longer true for many Americans, and healthcare is part of the problem.

[P]eople are scared to death they can’t afford their health-care bills, and some people don’t have health insurance, and other people are afraid they’ve got it but they’re going to lose it.

He noted healthcare inflation and the upsetting anomaly that in a country that spent much more on healthcare than any other, not everyone received even basic healthcare. He spoke about the inefficiency of the system, suggesting that through more rational administrations, costs could be cut and everyone’s needs met. The solution, he said, was a national health insurance plan that cut costs and provided health insurance to all:

And I’m telling you, if you don’t ask the President to give you national health insurance, it won’t matter if 100 percent of the Congress is for it, you’re not going to get it. If you vote for me, I’ll give you a national health-insurance plan.

Accepting the Democratic nomination, he asserted the fundamental moral claim, that he aspired to “[a]n America in which healthcare is a right, not a privilege.”¹⁸ But as with other figures who had made similar pronouncements, Clinton did not provide any philosophical support for this claim. He claimed that the problem could be solved without new taxes. More energetic and efficient government would take on “the health care profiteers and make health care affordable for every family.” George

¹⁷ Gwen Ifill, “The 1992 Campaign; Clinton’s Standard Campaign Speech: A Call for Responsibility,” *New York Times*, April 26, 1992, <http://www.nytimes.com/1992/04/26/us/the-1992-campaign-clinton-s-standard-campaign-speech-a-call-for-responsibility.html?pagewanted=all> (Sept. 2014).

¹⁸ Clinton, acceptance speech, July 16, 1992, <http://www.presidency.ucsb.edu/ws/index.php?pid=25958> (Sept. 2014).

Bush “won’t take on the big insurance companies and the bureaucracies to control health costs and give us affordable health care for all Americans, but I will.”

President Clinton made healthcare reform a central priority. Although the subject was barely mentioned in his inaugural address,¹⁹ he addressed it at some length in his 1993 State of the Union address, less than a month later.²⁰ He repeated his familiar claims concerning the need to control costs and provide health insurance to all, with, again, the implication that administrative reform would accomplish both goals.

Clinton’s most important speech on healthcare reform was addressed to another joint session of Congress, on September 22, 1993.²¹ His main theme was health security, which became the centerpiece of his reform proposals. Noting the inefficiency and wastefulness of the existing system, he declared as “our most urgent priority, giving every American health security, health care that can never be taken away, health care that is always there.” The facts to which Clinton appealed were clear. In addition to the millions of people who lacked insurance altogether, because of problems in the insurance system, millions more were threatened with loss of insurance or were locked into their jobs in order to keep it:

Millions of Americans are just a pink slip away from losing their health insurance and one serious illness away from losing all their savings. Millions more are locked into the jobs they have now just because they or someone in their family has once been sick and they have what is called the preexisting condition. And on any given day, over 37 million Americans, most of them working people and their little children, have no health insurance at all.

Clinton argued that it was wrong that we spend so much and still are insecure—and could remedy the problem without new taxes. Once again key to his proposals was more efficient government: “I believe as strongly as I can say that we can reform the costliest and most wasteful system on the face of the Earth without enacting new broad-based taxes.” Universal coverage was also central to his argument: “For the first time in this century, leaders of both political parties have joined together around the principle of providing universal, comprehensive healthcare.”

Of the six principles around which his argument was organized—“security, simplicity, savings, choice, quality, and responsibility”—security was notably first “and

¹⁹ Jan. 20, 1993, <http://www.presidency.ucsb.edu/ws/index.php?pid=46366&st=&st1=m> (Nov. 2014).

²⁰ Clinton, 1993 State of the Union address, <http://www.presidency.ucsb.edu/ws/index.php?pid=47232&st=&st1=> (Nov. 2014).

²¹ Clinton, address on healthcare reform, Sept. 22, 1993, <http://www.presidency.ucsb.edu/ws/index.php?pid=47101&st=&st1=> (Sept 2014).

most important.” Although universal coverage was included here, Clinton’s emphasis was on the needs of those who already had insurance:

Security means that those who do not now have healthcare coverage will have it, and for those who have it, it will never be taken away. We must achieve that security as soon as possible.

Under our plan, every American would receive a healthcare security card that will guarantee a comprehensive package of benefits over the course of an entire lifetime. . . . With this card, if you lose your job or you switch jobs, you’re covered. If you leave your job to start a small business, you’re covered. If you’re an early retiree, you’re covered. If someone in your family has unfortunately had an illness that qualifies as a preexisting condition, you’re still covered. If you get sick or a member of your family gets sick, even if it’s a life-threatening illness, you’re covered. And if an insurance company tries to drop you for any reason, you will still be covered, because that will be illegal.

In addition to these concerns, Clinton called repeated attention to universal coverage. His plan would guarantee coverage “to every citizen of this country.”

There was of course more to Clinton’s argument.. A notable feature was his repeated invocation of an efficiency argument for universal coverage:

[U]nless everybody is covered, we will never be able to fully put the brakes on health care inflation. Why is that? Because when people don’t have any health insurance, they still get health care, but they get it when it’s too late, when it’s too expensive, often from the most expensive place of all, the emergency room.

He also appealed to a collective principle: “We need to restore a sense that we’re all in this together and that we all have a responsibility to be a part of the solution.” The collective sacrifices for which he called centered on the employer mandate that all employers would be required to provide insurance. The federal government would pick up additional costs of reform through efficiency savings and a higher tobacco tax.²²

Clinton’s moral case, then, like most of the arguments for universal health insurance, that we have seen was based on need. While seeing to those without insurance was a recurrent theme, as a rule, this was included along with numerous other kinds of healthcare insecurity This collection of themes was consistent

²² Another notable speech was his 1994 State of the Union address, which essentially repeats the themes we have seen: <http://www.presidency.ucsb.edu/ws/index.php?pid=50409&st=&st1=> (Sept. 2014).

with the self-interest argument recommended in the internal memo noted above and Clinton's general appeal to the interests of the middle class—that those who “worked hard and played by the rules” had earned a certain measure of economic security and well-being.

(3) The Affordable Care Act

In view of conditions in the nation's healthcare system and political circumstances, the outlines of Barack Obama's strategy were largely predetermined. There is little doubt about his commitment to universal health insurance. As he said in *The Audacity of Hope*:

Given the amount of money we spend on health care . . . we should be able to provide basic coverage to every single American.²³

One could maintain that the policies Obama eventually supported were as ambitious as political conditions allowed. It is possible that the same was true of his moral case for his program. But even though the rudiments of a strong communal defense of universal coverage were present in many of his speeches, the case he made was generally muted, subordinated to other policy concerns.

Throughout both his campaign for the presidency and the struggle to enact his program, Obama's main philosophical argument was, like Clinton's, based on need. High-quality healthcare is essential for a decent life. But many Americans lacked access to this, and problems in the insurance system threatened others. In addition, as things stood, health problems could be ruinous financially, even for people with health insurance.

Again, like Bill Clinton, Obama viewed universal coverage as part of a package of necessary reforms. He believed it was imperative to fix problems in the insurance system and to control healthcare costs, in addition to extending health insurance to the uninsured. Because Clinton's failure illustrated the problems of attempting to reform a system with which most participants were happy, Obama's strategy was intended to appeal to the large majority of Americans who had health insurance. In arguing for his program, Obama placed his main emphasis on reforms that would benefit the middle class. At times, he clearly stated his conviction that healthcare should be a right for all Americans. But in general, he downplayed this claim in favor of middle-class concerns.

In discussing the uninsured, Obama frequently ran together their plight and that of the middle class who were threatened with loss of their insurance. The latter was of course a genuine concern for many Americans, as we have also seen in regard to

²³ B. Obama, *The Audacity of Hope* (New York: Three Rivers Press, 2006), p. 184.

Clinton's proposed reforms. But it is important to recognize that this strategy had the effect of diverting attention from the poor who simply could not afford insurance of any kind. Their concerns were folded into those of the middle class.

From the beginning of his quest for the presidency, Obama committed himself to universal coverage. In the speech announcing his candidacy in February 2007, he declared:²⁴

Let's be the generation that finally tackles our healthcare crisis. We can control costs by focusing on prevention, by providing better treatment to the chronically ill, and using technology to cut the bureaucracy. Let's be the generation that says right here, right now, that we will have universal healthcare in America by the end of the next president's first term.

A major theme of *The Audacity of Hope* is what Obama describes as a discrepancy between the seriousness of the nation's problems and the smallness of its politics. But he believed partisan divisions could be overcome and important reforms enacted.²⁵

During the campaign for the 2008 Democratic nomination, the three main candidates—Hillary Clinton, John Edwards, and Obama—all professed commitment to universal health insurance. It seems doubtful that a candidate not committed to this goal could have secured the nomination. As Hillary Clinton said in a debate during the primary campaign: "I think that the whole idea of universal healthcare is such a core Democratic principle that I am willing to go to the mat for it."²⁶ Obama's guarded support for this principle is seen in the combination of themes in his announcement: not only universal healthcare, but controlling costs and the use of technology to increase efficiency, which Obama viewed as a means to control costs.

As noted, political exigencies constrained Obama's program. Throughout his entire campaign for health insurance reform, reducing costs was one of his central concerns, and given limitations of what was politically possible, he was forced to retreat to near-universal coverage. His program did not establish a right to health insurance, as in the NHS. But as Paul Starr writes, Obama's system sought "the more limited goal of making healthcare and health insurance 'affordable'"²⁷—and so the eventual title of his law: the Patient Protection and Affordable Care Act.

²⁴ Obama, announcement speech, Springfield, IL, Feb. 10, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/10/AR2007021000879.html> (Dec. 2014).

²⁵ Obama, *Audacity of Hope*, p. 22.

²⁶ CNN Democratic presidential debate, Jan. 21, 2008, <http://www.cnn.com/2008/POLITICS/01/21/debate.transcript/index.html> http://www.cnn.com/2008/POLITICS/01/21/debate.transcript2/index.html?_s=PM:POLITICS (part 2, Nov. 2014).

²⁷ Starr, *Remedy and Reaction*, p. 241. As Starr also noted, Obama's plan creates rights against insurance companies, for example, that they cannot refuse one because of preexisting conditions (p. 248).

Obama's first major address on healthcare was a campaign speech delivered in Iowa on May 29, 2007.²⁸ A main focus was the rising cost of healthcare, which had far outpaced inflation. The cost of healthcare hurt the competitiveness of business, while, because many people could not afford to purchase insurance, they received care at emergency rooms, which raised costs throughout the system. Rising costs created a vicious cycle. Because businesses had trouble paying for insurance, their workers became uninsured, further raising costs. Much of what was spent was wasted: 25% of what was spent on healthcare went to administrative costs, which could be cut by electronic record-keeping and other efficiencies. As we see in this address, one of Obama's central claims was that the costs of the uninsured could be covered by reforms in the system. Those with health insurance would not only not have to pay higher costs, but they would save money: "[T]he only thing that will change for you under this plan is the amount of money you will spend on premiums. That will be less."

Obama began the speech by talking about a specific married couple in Iowa who had been driven to bankruptcy by medical bills, even though they had insurance. Like Clinton, Obama was concerned with people who worked hard and did everything right but could still be ruined financially by medical bills:

Amy wrote to us and said that the day she heard the loan officer say the word "bankruptcy" was one of the worst in her life.

"My heart was in pain," she said. "This is not who we are. We have done everything right. We have done everything we were supposed to do. This is not who we are."

Amy Chicos is right. This is not who we are. We are not a country that rewards hard work and perseverance with bankruptcies and foreclosures.

In view of what America spent on healthcare, the system was clearly too expensive and wasteful. If health insurance could be made cheaper, then the uninsured would be able to afford it. But one will note that the uninsured discussed in this speech are those like the Chicoses, presumably middle class.

During the primary campaign, the major difference over healthcare between Obama on the one hand and Clinton and Edwards on the other is that the latter supported individual mandates, that people should be compelled to purchase health insurance. Obama's alternative view was that this was not necessary. People wanted insurance. If costs could be brought down and they could afford it, they would purchase it. As Obama said in a debate during the nomination campaign: "I believe the problem is not that folks are trying to avoid getting healthcare; the problem is they can't afford it."²⁹ And so, once again, his plan emphasized lowering costs.

²⁸ Obama, campaign speech on healthcare, Iowa City, IA, May 29, 2007, http://www.nytimes.com/2007/05/29/us/politics/28text-obama.html?_r=0; May 29, 2007 (Nov. 2014).

²⁹ Democratic presidential debate, Jan. 21, 2008: http://www.cnn.com/2008/POLITICS/01/21/debate.transcript2/index.html?_s=PM:POLITICS (Nov. 2014).

In his Iowa address, Obama declared that all Americans had rights to affordable healthcare. But the greatest obstacles to reform were those who profited from the existing system—insurance and drug companies—which made huge profits and spent billions of dollars lobbying for their interests.

Look, it's perfectly understandable for a business to try and make a profit, and every American has the right to make their case to the people who represent us in Washington.

But I also believe that every American has the right to affordable healthcare. I believe that the millions of Americans who can't take their children to a doctor when they get sick have that right. I believe that people like Amy and Lane Chicos who are on the brink of losing everything they own have that right. And I believe that no amount of industry profiteering and lobbying should stand in the way of that right any longer.³⁰

This was one of Obama's strongest statements concerning rights to healthcare. He clearly said that people have the relevant rights, not that, with proper policies, they *would* have them. We cannot know whether he distinguished between invoking rights as a moral claim or as a policy goal. But his language strongly suggests the moral position that it is simply wrong for people to go without health insurance. Although he did not defend this claim in this speech, it seems clear that he had in mind a communal argument. Although he never made a developed case for his position, it seems he assigned the correlative obligation of providing care to the community, presumably through the government.

On the assumption that it is justified to combine portions of different speeches, we can piece together a reasonably coherent case for Obama's view. Especially notable is a passage in his address to the Democrats in the House of Representatives, on March 20, 2010, as the struggle to pass the bill was reaching its climax.³¹ What we should note here is that, as in previous speeches, Obama remarked on the discrepancy between the amount the United States spent on healthcare and that many people did not have it. His objection to this situation was in terms of a view that turned away from American individualism:

I believe in an America in which we don't just look out for ourselves, that we don't just tell people, you're on your own, that we are proud of our individualism, we are proud of our liberty, but we also have a sense

³⁰ Obama, campaign speech on healthcare, Iowa City, IA, May 29, 2007.

³¹ Obama address to the Democrats in the House of Representatives, <http://www.presidency.ucsb.edu/ws/index.php?pid=78955&st=&st1=> (Oct. 2014).

of neighborliness and a sense of community, and we are willing to look out for one another and help people who are vulnerable and help people who are down on their luck and give them a pathway to success and give them a ladder into the middle class.

In this speech Obama did not explain how he balanced individualism and community sentiments. In the absence of a philosophical defense of his position, he was presumably appealing to the sentiments of his audience. The extent to which the American people as a whole held this view is open to question. But Obama also repeated the familiar point that it was simply wrong for people in the wealthy United States to go without health insurance. In order for this in fact to be wrong, the uninsured must have a claim on the resources of the country as a whole. Although the point was not developed, the implications of his argument told against a strongly Lockean view of property as belonging exclusively to the individuals who possessed it. But while these points could have been combined into a forceful argument, Obama did not make it, and this side of his speech received little emphasis. In this address as throughout his campaign, he focused on the plight of the middle class.

The program Obama presented in his Iowa speech was basically his position until the ACA was enacted. The main exception was his opposition to an individual mandate, a position he later altered. Some details of his program are as follows:

The very first promise I made on this campaign was that as president, I will sign a universal healthcare plan into law by the end of my first term in office. Today I want to lay out the details of that plan—a plan that not only guarantees coverage for every American, but also brings down the cost of healthcare and reduces every family's premiums by as much as \$2,500. This second part is important because, in the end, coverage without cost containment will only shift our burdens, not relieve them. So we will take steps to remove the waste and inefficiency from the system so we can bring down costs and improve the quality of our care while we're at it.³²

In addition, no one would be barred from health insurance by a preexisting condition or illness. If people could not afford insurance, they would receive subsidies and would be able to keep their insurance if they changed jobs. To pay for the program, Obama proposed mandates on employers to cover their workers, an end to the Bush tax cuts, getting rid of waste, and improving the efficiency and effectiveness of the entire system.

The campaign for the Democratic nomination was a long, dragged-out affair. After the other candidates dropped out, Obama and Clinton battled for months and

³² Obama, campaign speech on healthcare, Iowa City, IA, May 29, 2007.

debated frequently, with healthcare a main topic. Many of Obama's central themes were as noted and maintained consistently throughout the campaign. For instance, in June 2008, in Bristol, Virginia, he addressed the country's "healthcare crisis."³³ As in his other speeches on the subject, he discussed problems many people had with the insurance industry and the need to lower costs. He also proclaimed his commitment to universal coverage. While past presidents had attempted to reform the system, they were repeatedly defeated by special interests. But this time, will be different:

It's time to finally challenge the special interests and provide universal healthcare for all. That's why I'm running for President of the United States—because I believe that healthcare should be guaranteed for every American who wants it and affordable for every American who needs it.

Although universal coverage was invoked, this speech was typical in not providing a developed moral basis for his position.

While Obama spoke of healthcare in his acceptance address after he had secured the nomination,³⁴ it became a major theme in the 2008 Democratic Party platform, which declared that "quality and affordable healthcare is a basic right":

If one thing came through in the platform hearings, it was that Democrats are united around a commitment that every American man, woman, and child be guaranteed affordable, comprehensive healthcare. In meeting after meeting, people expressed moral outrage with a healthcare crisis that leaves millions of Americans—including nine million children—without health insurance and millions more struggling to pay rising costs for poor quality care.³⁵

The platform made by-then familiar points about medical problems leading to personal bankruptcies and how, in spite of the enormous amount spent on healthcare, the United States lagged behind other countries in important respects: "We spend more on healthcare than any other country, but we're ranked forty-seventh in life expectancy and forty-third in child mortality." The strong statement here expressed the party's commitment to universal insurance. But while Obama probably shared this commitment, he did not forcefully express it and appears to have avoided

³³ Obama, campaign speech, Bristol, VA, June 5, 2008, <http://www.presidency.ucsb.edu/ws/index.php?pid=77434> (Nov. 2014).

³⁴ Obama, acceptance speech, Aug. 28, 2008, www.presidency.ucsb.edu/ws/print.php?pid=782844/6 (July 2013).

³⁵ Democratic Party platform, 2008, <http://www.presidency.ucsb.edu/ws/?pid=78283> (July 2013).

detailed discussion when he could. This was seen especially in a general election debate with John McCain on October 7, 2008.³⁶

At this debate, a questioner from the audience asked Obama: “Senator, selling healthcare coverage in America as the marketable commodity has become a very profitable industry. Do you believe healthcare should be treated as a commodity?” In response, Obama focused on the problems of the middle class:

Well, you know, as I travel around the country, this is one of the single most frequently asked issues that I get, is the issue of health care. It is breaking family budgets. I can’t tell you how many people I meet who don’t have health insurance.

If you’ve got health insurance, most of you have seen your premiums double over the last eight years. And your co-payments and deductibles have gone up 30 percent just in the last year alone. If you’re a small business, it’s a crushing burden.

So one of the things that I have said from the start of this campaign is that we have a moral commitment as well as an economic imperative to do something about the healthcare crisis that so many families are facing.

So here’s what I would do.

And he launched into details of his plan and how it differed from McCain’s approach. After McCain responded with a defense of his position, the debate moderator, Tom Brokaw, followed up on the question originally asked: “Quick discussion. Is health care in America a privilege, a right, or a responsibility?”

In view of the original question, it seems that what Brokaw probably meant to ask is whether healthcare should be distributed to everyone as a matter of right, or a commodity to be purchased by those who have the means to do so. McCain, who responded first, said that it is a responsibility. But he provided little of substance, turning his answer into criticism of Obama, mainly on the inadvisability of forcing people to buy health insurance. When it was Obama’s turn to respond, he identified healthcare as a right:

Well, I think it should be a right for every American. In a country as wealthy as ours, for us to have people who are going bankrupt because they can’t pay their medical bills—for my mother to die of cancer at the age of fifty-three and have to spend the last months of her life in the hospital room arguing with insurance companies because they’re saying that

³⁶ Obama/McCain debate, <http://elections.nytimes.com/2008/president/debates/transcripts/second-presidential-debate.html> (Nov. 2014).

this may be a preexisting condition and they don't have to pay her treatment, there's something fundamentally wrong about that.

Obama continued at length with familiar details of his plan, criticisms of the existing insurance system, and criticisms of McCain.

A few points in this exchange are notable. First, even though Obama differed from McCain in identifying healthcare as a right, this was clearly not a subject he wished to discuss, and he quickly turned to the points just noted. Second, even though Obama declared that healthcare is a right, this is in the aspirational sense we have discussed. He did not say, as he had in Iowa, that all Americans have rights to healthcare, nor did he repeat the strong language of the platform. He expressed his hope to implement policies that would allow them to have those rights, although his claim concerning the wrongness of people going without health insurance implied a communal view, as noted above. But as was generally the case, in this part of his answer, Obama concentrated on problems of the middle class, e.g., people like his mother who had health insurance but had serious problems with it.

The pattern we have observed was maintained throughout Obama's first term and his struggle to pass the ACA. In his first inaugural address, Obama said little about healthcare, aside from the need to lower its cost, while affirming his commitment to different forms of social insurance.³⁷ After he assumed the presidency, attention to healthcare was delayed by the country's economic crisis and the need to pass a stimulus bill to address it. But Obama soon turned to healthcare, with a major address to a joint session of Congress, on September 9, 2009.³⁸ He began by recounting the issue's history beginning with Theodore Roosevelt and noting the first bill for comprehensive healthcare reform, introduced by John Dingell Sr. in 1943. In terms of substance, he began with the uninsured but then segued to the problems of the middle class:

Everyone understands the extraordinary hardships that are placed on the uninsured, who live every day just one accident or illness away from bankruptcy. These are not primarily people on welfare. These are middle-class Americans. Some can't get insurance on the job. Others are self-employed, and can't afford it, since buying insurance on your own costs you three times as much as the coverage you get from your employer. Many other Americans who are willing and able to pay are still denied insurance due to previous illnesses or conditions that insurance companies decide are too risky or expensive to cover.

³⁷ Obama, inaugural address, Jan. 20, 2009, <http://www.presidency.ucsb.edu/ws/index.php?pid=44&st=&st1=> (Oct. 2014).

³⁸ Obama, address before joint session of Congress on healthcare reform, Sept. 9, 2009, <http://www.presidency.ucsb.edu/ws/index.php?pid=86592&st=&st1=> (Sept. 2014).

But the uninsured too received direct attention:

We are the only advanced democracy on Earth—the only wealthy nation—that allows such hardships for millions of its people. There are now more than thirty million American citizens who cannot get coverage. In just a two year period, one in every three Americans goes without healthcare coverage at some point. And every day, 14,000 Americans lose their coverage. In other words, it can happen to anyone.

But as usual, Obama's main emphasis fell on concerns of the middle class. "These are not primarily people on welfare. These are middle-class Americans." A particular target was the insurance industry. People with health insurance lack security. "More and more Americans worry that if you move, lose your job, or change your job, you'll lose your health insurance too." People who have paid their premiums find their coverage dropped when they get sick, or insurance does not cover the full costs of care. Targeting the middle class, Obama contended that reform was in their interest, because these problems could afflict anyone. Obama noted rising costs and what this did to the deficit. As he said, these were facts that no one could dispute. As to what to do about them, his proposed remedies were as we have seen. But he emphasized the moderation of his approach, that he was taking a middle path between a government-run system for everyone and ending the employer-based system leave people to purchase their own insurance. Obama's proposals built on the existing system, and so for that reason would not affect most Americans:

[I]f you are among the hundreds of millions of Americans who already have health insurance through your job, Medicare, Medicaid, or the VA, nothing in this plan will require you or your employer to change the coverage or the doctor you have. Let me repeat this: nothing in our plan requires you to change what you have.

The plan he then announced would "provide more security and stability to those who have health insurance" and would "provide insurance to those who don't." It would slow the rise of healthcare costs and ask "everyone to take responsibility for meeting this challenge—not just government and insurance companies, but employers and individuals." For those without insurance, his plan offered subsidies:

For those individuals and small businesses who still cannot afford the lower-priced insurance available in the exchange, we will provide tax credits, the size of which will be based on your need.³⁹

³⁹ Ibid.

What Obama meant by responsibility was, in part, requiring everyone to purchase health insurance. In this regard, he had moved from his position during the primary campaign to that of his opponents, claiming that this approach was only fair. Because some people without insurance would receive overly costly treatment in emergency rooms, they were, in effect, taking advantage of other people who would have to pay for them. Something similar was true of employers, who did not cover their workers. In addition, reforms such as guaranteeing insurance for people with preexisting conditions and ending lifetime coverage limits could not work unless the insurance companies were able to acquire large numbers of new customers. Thus it was in people's self-interest to require that other people be covered: "And unless everybody does their part, many of the insurance reforms we seek . . . just can't be achieved." Responsibility also entailed that people take better care of their health, including availing themselves of preventive care services provided by the plan.

Other details included attempts to refute various false claims that had been made about his proposals, for example, so-called death panels and that illegal immigrants would be insured. An additional feature that he mentioned was the "public option," which would allow people to purchase health insurance from the government rather than from private companies. No one would be forced to sign up, and he believed that no more than 5% of Americans would actually do so.

Obama claimed that his plan did not require new taxes and he would also preserve Medicare and, along with it, important values associated with it, the sanctity of the Medicare trust fund, in spite of the problems noted in Chapter 7:

More than four decades ago, this nation stood up for the principle that after a lifetime of hard work, our seniors should not be left to struggle with a pile of medical bills in their later years. That is how Medicare was born. And it remains a sacred trust that must be passed down from one generation to the next. That is why not a dollar of the Medicare trust fund will be used to pay for this plan.

Obama concluded the speech with a strong moral appeal, quoting recently deceased Edward Kennedy. He claimed that Senator Kennedy had believed that the time for universal coverage had come:

[H]e expressed confidence that this would be the year that healthcare reform—"that great unfinished business of our society," he called it—would finally pass. "What we face," he wrote, "is above all a moral issue; at stake are not just the details of policy, but fundamental principles of social justice and the character of our country."⁴⁰

⁴⁰ Ibid.

Central themes in this address were reiterated in Obama's 2010 State of the Union address, in which healthcare was a central concern, and in many subsequent speeches, as he campaigned for his bill. In the State of the Union,⁴¹ Obama repeated details of his plan and by then familiar points concerning problems of people without health insurance and the insecurity of many who had it. As in most cases, his appeal was directed squarely at the middle class and appealed to their self-interest:

And it is precisely to relieve the burden on middle-class families that we still need health insurance reform. (Applause.) Yes, we do. (Applause.)

As he said a bit later in the address: "And I know that with all the lobbying and horse-trading, the process left most Americans wondering, 'What's in it for me?'" What was in it for most Americans was protection from the insurance market:

By the time I'm finished speaking tonight, more Americans will have lost their health insurance. Millions will lose it this year. Our deficit will grow. Premiums will go up. Patients will be denied the care they need. Small business owners will continue to drop coverage altogether. I will not walk away from these Americans, and neither should the people in this chamber. (Applause.)

Throughout the struggle to pass his bill, Obama repeated these themes on numerous occasions.⁴² In general, although he continued to discuss the problem of the uninsured, they were generally depicted as middle class, while this subject was generally included in a litany of problems of the middle class. For example, from a speech delivered on March 3, 2010, the problems of the uninsured was the second of the three major changes his reform would bring about. First was insurance reforms, and second providing the uninsured with opportunities to get insurance. And if they could not afford it, they would receive subsidies in the form of tax credits:

Second, my proposal would give uninsured individuals and small-business owners the same kind of choice of private health insurance that Members of Congress get for themselves, . . . And my proposal says that if you still can't afford the insurance in this new marketplace, even though it's going

⁴¹ Obama, State of the Union address, Jan. 27, 2010, <http://www.presidency.ucsb.edu/ws/index.php?pid=87433&st=&st1=> (Sept. 2014).

⁴² Notable instances include a "health summit," which included Republicans, held on Feb. 25, 2010, <http://kaiserhealthnews.org/news/health-care-reform-transcript/>; [https://www.google.com/search?q=health+summit%2C+2-25-2010+transcript+morning+session+http%3A%2F%2Fkaiserhealthnews.org%2Fnews%2Fhealth-care-reform-transcript%2F+\(Nov.+2014\)&rlz=1C1CHFX_enUS606US606&oq=health+summit%2C+2-25-2010+transcript+morning+session+http%3A%2F%2Fkaiserhealthnews.org%2Fnews%2Fhealth-care-reform+transcript%2F+&aqs=chrome..69i57.999j0j7&sourceid=chrome&es_sm=122&ie=UTF-8](https://www.google.com/search?q=health+summit%2C+2-25-2010+transcript+morning+session+http%3A%2F%2Fkaiserhealthnews.org%2Fnews%2Fhealth-care-reform-transcript%2F+(Nov.+2014)&rlz=1C1CHFX_enUS606US606&oq=health+summit%2C+2-25-2010+transcript+morning+session+http%3A%2F%2Fkaiserhealthnews.org%2Fnews%2Fhealth-care-reform+transcript%2F+&aqs=chrome..69i57.999j0j7&sourceid=chrome&es_sm=122&ie=UTF-8) (Nov. 2014).

to provide better deals for people than they can get right now in the individual marketplace, then we'll offer you tax credits to do so, tax credits that add up to the largest middle class tax cut for healthcare in history. After all, the wealthiest among us can already buy the best insurance there is, and the least well off are able to get coverage through Medicaid. So it's the middle class that gets squeezed, and that's who we have to help.⁴³

Once again, in this address the problems of the uninsured were presented as afflicting the middle class. There was a certain logic to this, as the very poor were covered by Medicaid. But this still left a large body of people who would ordinarily be considered below the middle class who lacked health insurance and would benefit from the tax credits he mentioned.

In this address, Obama made a communal appeal, in regard to the need for everyone to pitch in by getting health insurance. This was necessary for the plan's success. Individual mandates were justified, because only if everyone had access to affordable coverage, could the insurance companies be prevented from denying coverage because of preexisting conditions and setting lifetime limits on coverage.

The insurance reforms rest on everybody having access to coverage. And you also don't do anything about the fact that taxpayers currently end up subsidizing the uninsured when they're forced to go to the emergency room for care, to the tune of about a thousand bucks per family. You can't get those savings if those people are still going to the emergency room. So the fact is, health reform only works if you take care of all of these problems at once.⁴⁴

Thus the communal appeal in this address was not presented in terms of the need to take care of other people but as an aspect of self-interest. But as in many other speeches, Obama invoked the wrongness of people lacking health insurance: "This should not happen in the United States of America. And it doesn't have to. In the end, that's what this debate is about. It's about what kind of country we want to be."

Obama's speeches during the remainder of the struggle to pass his healthcare reform were similar. These included a radio address delivered on March 6, 2010. In this speech, the problem of the uninsured was folded in with small businesses purchasing insurance for their employees, and then in insurance reform. The most important passages are as follows:

The proposal we've put forward would end the worst practices of the insurance industry, lower costs for millions of Americans, and give

⁴³ Obama, speech on healthcare reform, March 3, 2010, <http://www.presidency.ucsb.edu/ws/index.php?pid=87593&st=&st1=> (Oct. 2014).

⁴⁴ *Ibid.*

uninsured individuals and small businesses the same kind of choice of private health insurance that Members of Congress get for themselves.

This year, small-business owners will receive tax credits to purchase health insurance. This year, thousands of uninsured Americans with pre-existing conditions will finally be able to purchase coverage. Insurance companies will no longer be allowed to deny coverage to children with preexisting conditions. And they'll no longer be allowed to drop your coverage when you get sick.⁴⁵

Thus while the uninsured were discussed, they received little direct attention, and little in the way of moral justification for covering them.

Obama's additional speeches added little to what we have seen.⁴⁶ As he said to the House Democrats on March 20, 2010, "After a year of debate, . . . every argument has been made by just about everybody."⁴⁷ Addressing this group, he ran through the points we have repeatedly noted. Of the three main parts of his program, first was insurance reform; second was creation of exchanges to allow people to buy private insurance at better rates; third was universal coverage, which received one sentence:

Number three, if people still can't afford it, we're going to provide them some tax credits, the biggest tax cut for small businesses and working families when it comes to healthcare in history.

He continued on to number four, cost savings and so deficit reductions. Summing up, he said:

So that's what this effort is all about: toughest insurance reforms in history; a marketplace so people have choice and competition who right now don't have it and are seeing their premiums go up 20, 30, 40, 50 percent; reductions in the cost of healthcare for millions of American families,

⁴⁵ Obama, radio address, March 6, 2010, <http://www.presidency.ucsb.edu/ws/index.php?pid=87612&st=&st1=> (Oct. 2014).

⁴⁶ See a speech delivered in St. Charles, MO, March 10, 2010; <http://www.presidency.ucsb.edu/ws/index.php?pid=87644&st=&st1=> (Oct. 2014). Other statements include Obama's letter to congressional leaders, March 2, 2010: <http://www.presidency.ucsb.edu/ws/index.php?pid=87607&st=&st1=> (Oct. 2014); and remarks on passage of healthcare reform legislation, March 21, 2010, <http://www.presidency.ucsb.edu/ws/index.php?pid=87654&st=&st1=> (Oct. 2014); speech in Iowa City, on March 25, 2010, <http://www.presidency.ucsb.edu/ws/index.php?pid=87680&st=&st1=> (Oct. 2014). These add little to what we have seen, although the Iowa speech includes the claim that "32 million people are going to have health insurance because of this legislation."

⁴⁷ Obama, address to House Democrats, March 20, 2010: <http://www.presidency.ucsb.edu/ws/index.php?pid=78955&st=&st1=> (Oct. 2014).

including those who have health insurance. The Business Roundtable did their own study and said that this would potentially save employers \$3,000 per employee on their healthcare because of the measures in this legislation.

As in previous speeches, he noted the discrepancy between the amount the United States spent on healthcare and the fact that people did not have it. Once again, the people in question were depicted as middle class:

[I]f you think that somehow it's okay that we have millions of hard-working Americans who can't get healthcare, and that it's all right, it's acceptable in the wealthiest nation on Earth that there are children with chronic illnesses that can't get the care that they need; if you think that the system is working for ordinary Americans rather than the insurance companies, then you should vote no on this bill.

Alternatively:

Do it for them. Do it for people who are really scared right now, through no fault of their own, who've played by the rules, who've done all the right things and have suddenly find—found out that because of an accident, because of an ailment, they're about to lose their house; or they can't provide the help to their kids that they need; or they're a small business who, up until now, has always taken pride in providing care for their workers, and it turns out that they just can't afford to do it anymore, and they're having to make a decision about, do I keep providing health insurance for my workers, or do I just drop their coverage, or do I not hire some people because I simply can't afford it, it's all being gobbled up by the insurance companies?

Don't do it for me. Don't do it for the Democratic Party. Do it for the American people. They're the ones who are looking for action right now.

This address contained a strong appeal to a sense of community and opposition to America's individualism. To the extent that universal health insurance was a core principle of the Democratic Party, this audience of Democratic congressmen were likely responsive to this theme.

At the signing of the bill, on March 23, 2010, Obama's remarks included the principle of universal coverage, but again, this was subordinated to other themes.⁴⁸ He started off noting how long the struggle had been. He then discussed reforms of the

⁴⁸ Obama, signing healthcare legislation, March 23, 2010, <http://www.presidency.ucsb.edu/ws/index.php?pid=87660&st=&st1=> (Oct. 2014).

insurance industry and tax credits to help small businesses cover their employees. He discussed insurance exchanges and lowering costs, noted the problems of specific individuals that had inspired his efforts, and restated the aspirations of Edward Kennedy, whose widow, Vicki, was present at the ceremony. Finally, at the end of the address, he stated “the core principle that everybody should have some basic security when it comes to their healthcare.”

(4) Implications

The Patient Protection and Affordable Care Act (ACA) was passed on March 23, 2010, after a bitter and protracted political struggle. The bill received no Republican votes in either the House of Representatives or the Senate. What can be viewed as a preliminary version of the bill was passed in the Senate on December 24, 2009, when the Democrats had the sixty votes necessary to overcome a Republican filibuster. However, when the recently deceased Edward Kennedy’s Senate seat fell into Republican hands, the necessary sixty votes were no longer there. It was no longer possible for the Senate to pass a newer version. In order for the bill to become law, the House of Representatives eventually had to pass what the Senate had acted on, without the usual opportunity for significant revision that would have been provided by a conference committee.

Since its passage, the ACA has been caught up in the extreme partisanship that dominates contemporary American politics. Brought to court by several Republican officials who viewed it as unconstitutional, it narrowly survived review by the US Supreme Court, not once but twice.⁴⁹ The Republican-controlled House of Representatives voted to repeal the law dozens of times. Given this atmosphere, it is not clear how much difference, if any, alternative public justifications of the law would have made. The program that became law did not feature a single-payer system such as those in countries like Canada, nor did it offer government health insurance plans—the so-called “public option”—that Obama had supported throughout the campaign. Its central features, including the individual mandate, were largely based on conservative Republican ideas and closely followed the plan that had been implemented in Massachusetts when Mitt Romney, a Republican, was governor. Because attempts at bipartisan compromise were rejected, it is not clear if congressional Republicans would have been willing to accept any significant reforms of the healthcare system proposed by the Obama administration. In part, this was doubtless due to partisan politics, but there were also issues of principle. Republicans, committed to the free market and limited government, were opposed to greater government intervention in the healthcare realm. Similarly, it is not likely

⁴⁹ *National Federation of Independent Business v. Sebelius*, 567 U.S. (2012), 132 S.Ct 2566; *King v. Burwell*, 576 U.S. (2015).

that alternative ideological packaging of what was passed or any other program to provide health insurance to the uninsured would have been accepted by the ACA's opponents.⁵⁰

Still, in terms of the overall themes traced throughout this book, we should note that the justifications provided by Obama—and Clinton—for their programs fall short of openly embracing the cause of universal (or near-universal) health insurance. There is little reason to doubt each president's sincere commitment to universal coverage, and as we have seen, both repeatedly expressed this, though generally in somewhat guarded tones. In political terms, this reticence was likely prudent, as full-throated appeals to universal rights to healthcare would likely have contributed to greater opposition—if that was possible. The Affordable Care Act's very name indicates Obama's decision to eschew an approach based on universal rights to healthcare: "Affordable Care Act" rather than "Universal Coverage Act" indicates that it was targeted mainly at the needs of people other than the uninsured.

Public response to the ACA after its passage was highly partisan. According to a Kaiser Family Foundation poll, conducted in March 2013,⁵¹ while the ACA was favored by 58% of Democrats, only 18% of Republicans reported favorable attitudes, while the figure for Independents was 31%. When the law was originally passed, it was approved of by around 80% of Democrats and disapproved by about 80% of Republicans.⁵² But it is possible that these responses reflect not only partisanship but widespread ignorance about the details of the law. Evidence of the latter are opinion polls that consistently reported that people generally favored specific provisions of the ACA—aside from the individual mandate—but were opposed to the law as a whole. The Kaiser Family Foundation poll collected responses on eleven features of the law (e.g., expansion of Medicaid, closing the "Medicare donut hole," subsidies for individuals). All were supported by at least 57% of respondents, except for the individual mandate, which was favored by 40%. Yet 40% of respondents had unfavorable attitudes toward the law as a whole, as opposed to 36.7% with favorable attitudes.

Even though the combination of partisanship and the public's lack of understanding of the ACA, made it unlikely that different arguments could have done a great deal to move public opinion, a number of points can be made in regard to public justification of the law. To begin with, because a reform that disrupted the existing health insurance of most American would have met with even stouter resistance, Obama's appeal to self-interest was likely necessary. Thus part of his message was that the reforms he proposed would not affect most people. As he said

⁵⁰ I should note that some percentage of the law's opponents opposed to the law because it did not go far enough, especially in not including a public option (see Starr, *Remedy and Reaction*, pp. 271–2).

⁵¹ Kaiser Family Foundation poll, March 2013, <http://kff.org/health-reform/poll-finding/march-2013-tracking-poll/> (Dec. 2014).

⁵² Starr, *Remedy and Reaction*, p. 272.

on March 3, 2010: “If you like your plan, you can keep your plan. If you like your doctor, you can keep your doctor.”⁵³ But this turned out to be an unfortunate claim, as some people with insurance plans that did not meet the requirements of the new law were forced to change. But even though Obama could have qualified this particular claim—variants of which he made dozens of times—a strategy according to which the health insurance of most Americans was not interfered with was politically necessary. Obama went farther than this, claiming that his reforms would lower most people’s premiums. Through budget gimmicks—mainly delaying various benefits of the plan for several years—Obama was able to argue that the ACA saved the country money. But it is unlikely that the majority of people believed this. It stands to reason that if large numbers of people are entered into Medicaid or given subsidies to purchase health insurance, this will be expensive. For instance, Rudy Giuliani, a former New York City mayor and Republican presidential candidate, expressed this skepticism: “President Obama says he will cover thirty to forty to fifty million people who are not covered now—without it costing any money.”⁵⁴ Giuliani was not alone in this suspicion, which probably contributed to public distrust of the law.

Given problems with an appeal to self-interest, would a more overtly moral appeal have worked? We have noted numerous times Obama made moral appeals, although these were generally muted. Would a more straightforward appeal have helped? The answer is probably no. In the United States, public attitudes toward insuring the uninsured are probably similar to what we have seen in regard to welfare. As seen throughout this book, a deep-seated American belief is that “welfare” programs represent rewarding members of society who are viewed as undeserving. We have seen the Clinton memo that expressed concern that their program would be interpreted in this light (p. 223). Public opinion polls indicate that the fear was well founded. Although the majority of Americans believe the reforms will benefit the poor and people without insurance, this will be at the expense of the middle class, the country, and “people like you and your family.” These points are supported by polls conducted by Princeton Survey Research Associates International. In November 2013, 1,013 adults were surveyed by landline and cell phone⁵⁵: 63% of respondents believed the reforms would make things better for people without insurance, as opposed to 30% who believed they would make things worse, and 3% that they would make no difference. Similar questions asked in July 2013 received similar responses: 58% better, 30% worse, 5% no difference. In regard to how the

⁵³ Obama, speech on healthcare reform, March 3, 2010, <http://www.presidency.ucsb.edu/ws/index.php?pid=87593&st=&st1=> (Oct. 2014).

⁵⁴ Quoted by Jonathan Chait, “Wealthcare,” *New Republic*, Sept. 14, 2009, <http://www.newrepublic.com/article/books-and-arts/wealthcare-0> (March 2015).

⁵⁵ Princeton Survey Research poll, Nov. 2013, <http://www.nationaljournal.com/congressional-connection/toplines/united-technologies-national-journal-congressional-connection-poll-topline-results-nov-18-2013-20131119> (Dec. 2014).

poor would be affected, 59% said the law would make things better for them, 34% worse, and 3% no difference. In the July poll, 55% said better, 34% worse, and 4% no difference. Responses were sharply different on how the law would affect “people like you and your family.” On this question, 33% said it would make things better, 49% that it would make them worse, and 14% no difference. Responses on the July poll were again similar: 35% better, 46% worse, and 11% no difference. Thus we see gaps in the range of 30% between the way the law was seen to affect the uninsured and the poor, as opposed to ordinary people.

These findings were supported by results on related questions. Responses to how the law would affect the middle class were similar. On the November poll, 33% said it would make things better, 53% worse, and 4% no difference. On the July poll, the figures were 36% better, 49% worse, and 4% no difference. On how the law would affect the country, results were slightly more positive. On the November poll, 42% said it would make things better, 51% worse, and 1% no difference. In July the responses were 41% better, 48% worse, and 2% no difference.

These polls indicate that in political terms, Obama was probably wise to attempt to pass off problems of the uninsured as actually of the middle class. But the polls also note that his appeal to self-interest fell short. In spite of Obama’s repeated claims to the contrary, most people believed that they would be hurt by the law rather than benefited. While they believed that the poor and the uninsured would gain, they thought the law was bad for the middle class and the country as a whole. The opinions reflected in these polls are consistent with those of other polls in regard to levels of support for the law. For instance, according to a Quinnipiac University poll conducted in November 2014, 40% of respondents favored the bill, and 54% opposed it; in June 2014, 43% supported it and 55% opposed it.⁵⁶ If we accept the results of these polls, then majorities of Americans do not closely associate what is good for the poor and good for those without health insurance and what is good for themselves and for the country. The poor are apparently not included in “us.”

While Obama did make numerous appeals to communal sentiments, not only were these generally submerged in other themes but he also linked such appeals and self-interest. Rather than a straightforward case for taking care of those who could not take care of themselves, he argued that everyone should participate, because that would allow health insurance premiums to be lowered. For the large majority of Americans who had health insurance, the appeal was not that we should sacrifice so that the uninsured could have healthcare. Rather, *other* people should sacrifice, so that we could have lower insurance premiums. People without health insurance should purchase it, because that would allow premiums to be reduced for people like us who already had it.

In regard to the determinants of public attitudes, it is not possible to disentangle how people respond to their own healthcare situations and their responses to the

⁵⁶ Quinnipiac University poll, Nov. 2014: <http://www.pollingreport.com/health.htm> (Dec. 2014).

moral arguments we have examined. In all likelihood, the main factor was the health insurance system that had arisen and provided most American with insurance they viewed as satisfactory. In this regard, it appears that path dependency had run its course. Because of accretions of health insurance that had built up over decades, radical change was no longer possible.⁵⁷ Because of the enormous importance of healthcare, people with satisfactory health insurance were likely to look askance at proposals or enactments that disrupted the system. As programs themselves have built up over the decades, something similar is true of justifications for the programs, with the result that full-throated communal appeals are no longer practicable. After decades of suggestions that the poor are undeserving and “not like us,” it would be difficult for the American people to pivot to the need to make sacrifices to provide them with additional resources.

The justificatory arguments for Medicare discussed in Chapter 7 most likely contributed to this situation. A plausible reconstruction of the moral logic of many people would place great weight on the fact that healthcare was something that they had earned and so deserved. This follows clearly in regard to insurance provided by one’s employer. As we have seen, beliefs encouraged by political leaders responsible for Medicare supported such views. Political leaders presented it as social insurance analogous to OASDI, and so as earned through payroll tax contributions. Although such a view of Medicare is clearly false, it has become deeply embedded in public consciousness—as the program’s early proponents desired. Evidence of its effect on attitudes toward the ACA is that the act’s most intense opponents have been the elderly. According to a June 2010 Gallup poll,⁵⁸ of respondents above the age of sixty-five, 60% viewed passage of the ACA as a bad thing, and 36% as a good thing. In a poll conducted in April 2010, soon after the act’s passage, the figures were 57% bad and 37% good. In comparison, respondents aged eighteen to twenty-nine had much more favorable views of the law (57% good, 40% bad; in April, the respective figures were 50%–44%). In the 2010 midterm elections, the elderly voted in much higher proportions than traditionally, contributing in large part to the rout of the Democrats—who had supported the ACA. It is likely that the elderly’s attitude toward the ACA was strongly affected by the privileged place in the healthcare system Medicare had given them and desire not to upset it. To the extent that this reasoning is true, then it supports the contention we have noted: although Medicare’s architects viewed it as a step on the way to universal insurance, it has become an impediment. Not only did provision of health insurance to the elderly remove them from the classes of Americans demanding reform of the healthcare system, but their belief that they had earned their benefits made it much more difficult to reform the system to lower what they received. In addition, the fact that Medicare was a

⁵⁷ For an argument along these lines, see Hacker, *Divided Welfare State*.

⁵⁸ Gallup poll, June 2010, <http://www.gallup.com/poll/140981/Verdict-Healthcare-Reform-Bill-Divided.aspx> (Dec. 2014).

major cause of healthcare inflation raised the stakes for all involved. The enormous amount the United States spends on healthcare made reform of the system a necessity, but it also made people with satisfactory insurance all the more resistant to change.

With a large majority of Americans satisfied with their healthcare situations, Obama, as Clinton before him, felt it necessary to appeal to their self-interest. Although insurance reform was necessary to protect many people with health insurance from financial ruin, in regard to arguments to extend coverage to the uninsured, self-interest is a more difficult fit. It is possible that communal arguments would have been more effective. On this reasoning, all citizens are equal members of the national community, and the well-being of each is bound up with that of others. On this view, meeting the needs of others is inherently valuable. It is not necessary that this lower one's own insurance premiums or provide other economic gains. But of course, one should not be sanguine about how effective such appeals would have been in actual practice. While Clinton and Obama did appeal to values of community, we have seen that this theme was far from robust. In spite of rhetoric that we are all in this together, their central appeal was to self-interest, which they construed in basically economic terms. Arguments along these lines are squarely in keeping with the individualist strands of American political culture that we have traced throughout this book.

Even though both Clinton and Obama held back in regard to communal arguments, we should not question their commitment to universal insurance. One could argue that they did as much as they could, and that, given the political circumstances they confronted, the ACA is a tremendous accomplishment. But in terms of changing political culture, they were probably less successful. By the time they rose to the presidency, public attitudes on social welfare programs appear to have been largely set. However, we have noted FDR's claim that the presidency is "a position of moral leadership." FDR said that he wished to be "a preaching president" (p. 10). At least in regard to changing attitudes towards universal health insurance, this is one commitment that Clinton and Obama appear not to have shared. One consequence of their reticence was to leave the political culture as they found it, largely devoid of moral arguments concerning the need to support the needy without stigma as full members of the community.

Conclusion

In concluding this work, I return to the question with which we began. With the emergence of extensive social welfare programs in all developed countries including the United States, the state has changed in fundamental ways. As they took on new functions, governments assumed responsibility for the well-being of their citizens in numerous areas of their lives. Among political philosophers, liberalism has evolved from the individualist philosophy of Locke and his day to accommodate new state social-welfare functions. And so we inquired into accompanying changes in American political culture. As T. H. Green said about developments in Great Britain, while most people approved of the changes, their theoretical basis had not been properly examined. In exploring the theoretical basis of changes in the United States, we found that the transformation of American liberalism is incomplete. As social welfare programs in the United States have lagged behind those in other wealthy countries, something similar is true of their justifications, as is seen in comparing American arguments to those in Great Britain. In regard to defense of welfare programs, American political leaders have not cast off the political culture's Lockean assumptions, and so produced the contorted arguments we have seen. In addition to other aspects of American "exceptionalism," we should recognize the distinctive nature of these justifications

The arguments we have traced conform to the "two-tier" nature of the American welfare state: generous benefits for certain classes of people, but grudging, means-tested handouts for the poor. Program justifications also run on two largely separate tracks. Generous core programs, especially Social Security and Medicare, are justified on the basis of rights—property rights. According to the contractual logic of Social Security, it is in effect a pension program, in which beneficiaries receive back what they contributed. In setting up the program, FDR opted for this justification, which is squarely in keeping with America's individualist political culture. As Julian Zelizer says: "[T]he exclusive symbolic link between the Social Security tax and the social insurance benefit" contributed to a welfare program that "could withstand the anti-statist culture of the United States."¹ We have seen that a similar

¹ J. Zelizer, *Taxing America: Wilbur D. Mills, Congress, and the State, 1945–1975* (Cambridge: Cambridge University Press, 1998), pp. 12, 14.

justification was developed for health insurance for the elderly under Medicare, although, so extended, this argument was largely fraudulent. But granted its success with Social Security, this reasoning was applied to Medicare as well, in keeping with intellectual path dependence. Examining other important welfare programs, we have seen that their justifications too were consistent with American individualism. In the last chapter we saw that, by the time it was politically possible to provide universal or almost universal health insurance, circumstances, including political arguments, had developed to the point at which this demand, though sincerely made, was necessarily part of a package of larger health insurance reforms that benefited the middle class and were justified on that basis (see Chapter 8).

Throughout this work, we have seen that FDR played a major role in setting American liberalism on this course. As I noted at the beginning of this study, both he himself and his Committee of Economic Security resisted admitting the magnitude of what they were attempting to accomplish. And so the committee began its report by quoting FDR's eschewal of "new and strange values."² Distinctive qualities and shortcomings of the justificatory arguments that were developed subsequently for Social Security and other programs can in large part be traced back to this initial attempt to use Lockean liberalism to support non-Lockean political reforms. While claims concerning what FDR could have done otherwise are largely speculative, I believe he could have developed more communal arguments and that, had he done so, the effect would likely have pushed subsequent changes in a more egalitarian direction.

This leaves the second tier, programs for the poor, especially Medicaid and AFDC/TANF. The American welfare state is notably ungenerous in regard to such programs in comparison to other rich countries. In regard to treatment of the poor, the United States is "a world apart."³ Our striking finding in regard to justification of the relevant social welfare programs is an absence of strong egalitarian arguments, if programs were publicly justified at all. In this respect too, American liberalism has not been seriously transformed. Accordingly, a central conclusion of this book is that the arguments used to justify American welfare programs for the poor as well as those better off were constrained by America's individualist political culture. Even as the state itself was changing, the arguments used to support these changes served, if anything, to strengthen the existing political culture rather than to transform it. Programs of neither tier were defended on the values of equality and human dignity that are widely believed to underlie the welfare state. In these respects, the transformation of American liberalism is distinctively American and largely not a transformation at all.

In Chapter 1, we examined attitudes toward welfare and welfare recipients in the United States compared to those in other countries. In keeping with the

² Report of the Committee on Economic Security: <http://www.ssa.gov/history/reports/ces2.html> (Sept. 2014).

³ I. Garfinkel, L. Rainwater, and T. Smeeding, *Wealth and Welfare States: Is America a Laggard or Leader?* (Oxford: Oxford University Press, 2010), pp. 79, 89.

individualism of American political culture, what we found is also a “world apart,” and largely a continuation of the Poor Law dichotomy between the deserving and undeserving. Although these sentiments were presumably transported to the United States from Great Britain, in the latter they largely dissipated, as epitomized by the universal, egalitarian benefits of the National Health Service. Their persistence in the United States is exemplified by the two-tier nature of the American healthcare system: generous benefits for the “deserving” elderly, and welfare medicine for the undeserving poor. I believe that the arguments we have traced contributed to this situation. If welfare benefits are received as rights by those who have earned them, other people, who are not entitled to them, are viewed as having not earned them and as undeserving.

America’s continued commitment to Poor Law attitudes has had egregious effects. To see what these can look like, consider recent attempts to reform the TANF program in Kansas. On April 23, 2015, Governor Sam Brownback signed into law a measure that limited the ability of TANF recipients to spend their benefits in various ways. Recipients were no longer allowed to use them at numerous locales, including liquor stores, massage parlors, lingerie shops, horse- and dog-racing facilities, psychics, swimming pools, movie theaters, video arcades, cruise ships, casinos, jewelry stores, and sexually oriented businesses. Along with other restrictions, recipients were not allowed to withdraw more than \$25 a day from ATM machines.⁴ Signing the bill, Brownback said:

The primary focus of the law is to get people back to work. . . . Because that’s where the real benefit is, getting people off public assistance and back into the marketplace with the dignity and far more income there than the pittance that government gives them.

His remarks were echoed by Phyllis Gilmore, secretary of the Department of Children and Families: “We encourage other states to look to Kansas on how to help end government dependency.” She called government dependency a “disservice to the individual, a disservice to our culture and certainly a disservice to the taxpayer.”⁵

Opponents of the law took a different view. They believed it was punitive, that it depicted poverty as a lifestyle choice. According to Robert Schlesinger, writing in *US News and World Report*:

The notion underlying these pieces of legislation is that the mere fact of needing government assistance is indicative of a moral flaw. If you’re on

⁴ B. Lowry, “Gov. Sam Brownback signs welfare restrictions into law,” *Wichita Eagle*, April 16, 2015, <http://www.kansas.com/news/politics-government/article18673983.html> (May 2015).

⁵ *Ibid.*

welfare you just must be living large at strip clubs when not visiting your local psychic in order to get tips on the way to your favorite casino (probably on a cruise ship).⁶

In the *Washington Post*, Dana Milbank described the law as “The Rush to Humiliate the Poor.” Schlesinger’s title was: “Amplifying the Indignity of Joblessness.”⁷

Lest one believe that Kansas is alone in targeting welfare recipients, a bill introduced in the Missouri state legislature would make it illegal for food-stamp recipients to use their benefits “to purchase cookies, chips, energy drinks, soft drinks, seafood, or steak.” One in Oregon would ban them from buying junk food,⁸ while similar restrictions were proposed in numerous other states.⁹

As the quotations from Brownback and Gilmore indicate, the Kansas law is intended to reform the welfare system, to get people back to work, and to decrease dependency. These are of course desirable goals, and, if achieved, would help the poor attain “a great life,” as one proponent stated.¹⁰ But before accepting Gilmore’s view of Kansas as a model, we should consider the relationship between these lofty goals and the means the law provides. One will note that the law does not address problems of improving TANF recipients’ skills to make them more employable or help them in other reasonable ways. One must agree with the law’s critics, that it was designed to humiliate them, to make their lives harder, and so at least in the short run, less great. How else can one explain preventing TANF recipients from taking their children swimming or to movie theaters?

What appear to be missing connections between means and ends are supplied by the widespread attitudes toward welfare, work, and dependency that we have reviewed. As we have seen, Americans generally believe welfare recipients could work if they chose to, and believe this more than do inhabitants of other advanced countries.¹¹ Hence the turn to an updated version of “least eligibility” as

⁶ Robert Schlesinger, “Amplifying the Indignity of Joblessness,” *US News and World Report*, April 11, 2015, <http://www.usnews.com/opinion/articles/2015/04/11/the-kansas-welfare-bills-obnoxious-hypocrisy> (May 2015).

⁷ D. Milbank, “The Rush to Humiliate the Poor,” *Washington Post*, April 7, 2015, http://www.washingtonpost.com/opinions/the-rush-to-humiliate-the-poor/2015/04/07/8795b192-dd67-11e4-a500-1c5bb1d8ff6a_story.html (May 2015); Schlesinger, “Amplifying the Indignity of Joblessness.”

⁸ Bryce Covert, “Kansas to Impose Unprecedented Restriction on Welfare Recipients,” *Think Progress*, April 6, 2015, <http://thinkprogress.org/economy/2015/04/06/3643185/kansas-welfare-limits/> (May 2015).

⁹ T. Sneed, “States Take Aim at Social Welfare Programs,” *US News and World Report*, April 9, 2015, <http://www.usnews.com/news/articles/2015/04/09/states-take-aim-at-social-welfare-programs> (May 2015).

¹⁰ T. Carpenter, “Senate moves bill containing GOP-backed welfare reforms,” *Topeka Capitol Journal*, April 1, 2015, <http://cjonline.com/news/state/2015-04-01/senate-moves-bill-containing-gop-backed-welfare-reforms> (May 2015).

¹¹ See pp. 26–7.

a remedy.¹² If one makes receiving welfare sufficiently unpleasant, potential recipients will do virtually anything possible to avoid having to depend on it. It does not take great insight to recognize the Poor Law philosophy in these ideas. The flurry of similar legislation in numerous states indicates the continuing hold of this philosophy, in spite of all that has transpired since 1834.

Throughout this work, I have maintained that effective justification of welfare programs likely requires departing from the strictures of individualism. Although I do not claim that this is the only way a proper defense can be mounted or that it is the most effective, building on values of the community seems an especially effective approach. We saw this in regard to Great Britain, and, very briefly in regard to Sweden. An example of what I view as a promising approach is the moderate liberalism sketched in Chapter 5. There are different ways such values can be framed, but a basic strategy affirms the rights of all members of the community, not only to an acceptable level of economic well-being but to equality and dignity in relationship to other citizens. Such an argument supports the “social rights” articulated by T. H. Marshall and so is able to justify welfare benefits and to do so without stigmatizing their recipients (see p. 17). Such a view also addresses the problem of correlativity discussed in Chapter 2. As we have seen, a crucial difference between so-called negative rights and positive rights is that the former generally require only that other people refrain from various actions, e.g., from interfering with other people’s ability to speak freely. Positive rights, in contrast, require more, frequently that resources be provided. If people do in fact have rights to resources, then explaining who has the corresponding obligation to furnish them is a difficult problem for liberal political theory. A great advantage of arguing from a strong conception of community is that the bearer of this correlative duty is clear. It falls on the community as a whole.

But of course, in regard to the United States, the weakness of this sense of community in the political culture is a considerable problem. Although I believe a stronger sense of community can be established philosophically, as things stand, rhetorical appeal is problematic in the absence of relevant values accepted by the population. The weakness of such values in the political culture is a familiar component of American individualism and, to some extent, what American individualism amounts to.

Of the justificatory arguments we have explored, perhaps the most effective, that was used on a sustained basis turned on equality of opportunity. We have termed the particular variant we observed, employed by Lyndon Johnson to justify the war on poverty, “basic access,” or more precisely, equality in having access to basic opportunities. An argument along these lines provides a counter to individualist claims, e.g., the logic of American public discourse during the *Lochner* era. Simply to free people from outside impediments may be meaningless if they do not have resources they need to

¹² See p. 20.

take advantage of their opportunities. As noted above, equality of opportunity admits different construals, with implications for social policy that may vary significantly. Strong versions of equality of opportunity, such as those famously discussed by John Rawls (p. 187) are unlikely to receive traction in American politics. Americans have long been averse to large-scale redistribution,¹³ and it is hard to envision an argument for anything approaching equal distribution of resources that is consistent with central strands of American political culture. But appeal to basic access appears to be effective in two important ways. It is not only consistent with basic American values but also has strong egalitarian implications—although only up to a point. Although basic access does not require equal distribution, it does establish a level of resources necessary to allow people to pursue their opportunities with some prospect of advancement. Although, as Rawls notes, equality of opportunity may leave people far from equal if their starting points are vastly different, basic access gives them at least a chance to move forward. In his Howard University speech, Johnson made this point:

You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, “you are free to compete with all the others,” and still justly believe that you have been completely fair.

Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.¹⁴

Johnson did not say that people must have equal chances, but that everyone should enjoy a basic level of opportunity.

Strong evidence that this value is strongly lodged in American culture is the high level of support that education has enjoyed. In the United States, universal, free public education is a concrete expression of belief in basic opportunity. According to Theodore Marmor and his associates:

Free public education from kindergarten to the twelfth grade remains the most prominent example of the opportunity-enhancing idea of what the modern American welfare state should provide.¹⁵

In the United States, public education is primarily a local responsibility. The federal government provides only some 10% of the funds for K–12 education. But K–12

¹³ For discussion and references, see G. Klosko, *Democratic Procedures and Liberal Consensus* (Oxford: Oxford University Press, 2000), chap. 6.

¹⁴ Johnson, commencement address at Howard University, Washington, DC, June 4, 1965, <http://www.lbjlib.utexas.edu/johnson/archives.hom/speeches.hom/650604.asp> (Dec. 2010).

¹⁵ T. Marmor, J. Mashaw, and J. Pakutka, *Social Insurance: America's Neglected Heritage and Contested Future* (Los Angeles: Sage, 2014), p. 39.

and higher education account for more than 25% of all state and local expenditures.¹⁶ In spite of the high level of existing spending, large majorities would spend more. According to 1994 opinion polls, 73% of respondents wished to spend more on education, as opposed to 5% who would spend less. 72% would spend more on improving the nation's education system, in comparison to 6% who would spend less.¹⁷ Even with the high amount spent on K–12 education, it is notable that strong majorities would spend more on preschool programs to insure that children were better prepared for kindergarten. According to a 2014 Gallup poll, 70% of respondents favored “using federal money to increase funding to make sure high-quality preschool programs are available for every child in America.” 28% were opposed.¹⁸ According to another 2014 poll, 71% of Americans supported having the federal government spend ten billion dollars to improve the quality of education programs for the years one through five.¹⁹ However, the inegalitarianism of American society is reflected in significant differences in student performance on standardized tests that correlate with economic status.²⁰ In addition, the system of financing K–12 education through property taxes is highly inegalitarian. With these provisos added, the mixed nature of the American education system in regard to equality more or less mirrors the American welfare state.

In view of strong public support for basic access, it is not surprising that this value has continued to be an effective tool in the Democratic repertoire. A recent example is Joe Biden's closing statement in the 2012 vice-presidential debate. Biden argued against Paul Ryan's opposition to social welfare programs on the grounds that they encouraged dependency:

My friend says that 30 percent of the American people are takers. Romney points out 47 percent of the people won't take responsibility.

He's talking about my mother and father. He's talking about the places I grew up in, my neighbors in Scranton and Claymont, and he's talking about—he's talking about the people that have built this country. All they're looking for . . . all they're looking for is an even shot. Whenever you give them the shot, they've done it.²¹

¹⁶ *Ibid.*, pp. 39, 42.

¹⁷ M. Gilens, *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy* (Chicago: University of Chicago Press, 1999), p. 28.

¹⁸ J. Jones, “In U.S., 70% Favor Federal Funds to Expand Pre-K Education.” *Gallup*, Sept. 8, 2014, <http://www.gallup.com/poll/175646/favor-federal-funds-expand-pre-education.aspx> (Sept. 2014).

¹⁹ First Five Years Fund, http://growamericastronger.org/wp-content/uploads/2014/06/FINAL_FFYF-National-Results_071414.pdf?fb2d97 (Sept. 2014).

²⁰ P. Lindert, *Growing Public: Social Spending and Economic Growth Since the Eighteenth Century*, vol. 1 (Cambridge: Cambridge University Press, 2004), p. 37.

²¹ Commission on Presidential Debates. Oct. 11, 2012 Debate Transcript, <http://www.debates.org/index.php?page=october-11-2012-the-biden-romney-vice-presidential-debate> (Dec. 2014).

Basic access entails that people get what they need in order to have a shot.

In spite of its advantages, an argument from basic access does not fit well with a Lockean individualist philosophy in an important respect. On this view, all individuals have rights to the resources they need for a decent shot. The problem, once again, is correlativity. The rights in question are positive rights; they require that other people furnish the resources in question. And so, on whom do these correlative duties fall? On standard individualist premises, these rights can be satisfied only through redistribution, taking property from Anne to give to Ben. We therefore face the problem of explaining why Anne has these requirements to contribute.

Basic access can be faulted on other grounds as well. For instance, it has difficulty supporting the entire range of programs in most contemporary welfare states. In particular, it cannot justify programs for the elderly, whose working lives are behind them. The case is similar for other people who for whatever reasons would be unable to compete effectively or see to their own needs, regardless of how much opportunity they were afforded. Thus in regard to supporting welfare state programs, it is necessary to move beyond this version of equality of opportunity. In addition to justifying societal benefits on the basis of contributions, we require an argument that justifies them on grounds of membership.

Overcoming basic access takes us beyond the parameters of simple or naïve individualism. As we saw above, responses to individualist claims against social welfare institutions were pioneered by new liberals. Among their important assumptions were strongly communal views of society and watered-down property rights. If one incorporates views along these lines into a Lockean framework, as in moderate liberalism, the correlativity problem can be solved. However, to make such a view consistent with an individualist framework requires a good deal of argument and philosophical sophistication. Whatever we think of the abilities of the political leaders we have discussed in regard to the latter, as a rule, they did not attempt to work out the necessary arguments—in which respect they followed in the footsteps of FDR.

While moderate liberalism departs from strict individualism, it has the considerable advantages of being philosophically sound and plausible. Nonetheless, it has played little role in justification of American social welfare programs—in large part, I believe, because of the alternative course on which FDR set such public justifications. As noted above, this argument's central claim is the community's contribution to individual success.²² A version of this argument we have seen was expressed by President Obama in his re-election campaign. I repeat a portion of his speech (see above, pp. 142–4):

If you were successful, somebody along the line gave you some help.
There was a great teacher somewhere in your life. Somebody helped

²² Similar points could be made in regard to individuals merely being able to lead acceptable lives. For discussion, see Klosko, *Political Obligations* (Oxford: Oxford University Press, 2005).

to create this unbelievable American system that we have that allowed you to thrive. Somebody invested in roads and bridges. If you've got a business, you didn't build that. Somebody else made that happen. The Internet didn't get invented on its own. Government research created the Internet so that all the companies could make money off the Internet.

The point is, is that when we succeed, we succeed because of our individual initiative, but also because we do things together. There are some things, just like fighting fires, we don't do on our own. I mean, imagine if everybody had their own fire service. That would be a hard way to organize fighting fires. . . . We rise or fall together as one Nation and as one people, . . . You're not on your own; we're in this together.²³

We have noted the political response to Obama's "you didn't build that." Although this caused him immediate political problems, it is not clear that his actual position was vulnerable, as opposed to the distortion his Republican opponents attacked.²⁴

Because of the community's contribution to individual success, moderate liberalism entails a conception of property that is at least partially communal, as opposed to the Lockean view. While Locke depicts individuals acquiring rights to property in the state of nature solely through their own labor, this is far removed from property acquisition in actual societies. On more realistic assumptions, society has a claim to property, because it is only with the aid of society's institutions that property can be accumulated and held. In acquiring property, people make use of central public goods provided by others: roads, public means of transportation, systems of communication, and the like. People profit from the systems of education that provide a literate workforce. Whatever they acquire could not be held without society's police and judicial systems. More fundamentally, what constitutes property is determined by society and is codified in its system of property law.²⁵ In all these ways and others one could mention, property is not simply the result of an individual's own labor. This is not to gainsay the importance of individual labor, but while it is necessary for property acquisition, in itself it is not sufficient. These considerations are similar to those expressed by Hobhouse (pp. 58–9), although in addition to an argument from society's contributions, he also discussed aspects of property that are unearned. As we saw in Chapter 4, an argument from the "unearned increment" was invoked by the early architects of the British welfare state (pp. 85–7). However, in contemporary

²³ Obama, campaign speech, Roanoke, Virginia, July 13, 2012, <http://www.presidency.ucsb.edu/ws/index.php?pid=101347&st=&st1=> (March 2015).

²⁴ See pp. 144–45.

²⁵ For good brief discussion of how property evolves with changing technology and legal provisions, see D. Schmidt, "Property," in *The Oxford Handbook of the History of Political Philosophy*, ed. G. Klosko (Oxford: Oxford University Press, 2011).

society unearned increase seems less important than considerations bearing on societal contributions.

Moderate liberalism supports strong ties of reciprocity between individuals and society. Because of the collective contribution to individual success, people have moral requirements to “give something back” to the community, to repeat Obama’s words.²⁶ Requirements to contribute are able to address correlativity problems that beset arguments from equality of opportunity. The community has the moral requirements in question, which fall especially heavily on its wealthier members, who have presumably benefited most from the community’s efforts. Thus basic access and this communal view of individual success are compatible and could be jointly developed into a strong defense of welfare state institutions.

In spite of this view’s departure from strong individualism, we have seen evidence that it existed to at least some extent in the political culture, as attested to by Social Gospel figures and FDR’s invocation of similar themes. It is not clear from President Obama’s experience with this argument how effectively it could have been deployed, although the success of Elizabeth Warren’s expression of closely similar points suggests that the argument did/does have at least some resonance.²⁷

There are other themes in American political culture that could have been deployed in what I view as more vigorous, more effective defenses of welfare programs. One possible approach is greater emphasis on the value of equality. Commentators as far back as Tocqueville have noted the central place of this value in American culture. Tocqueville viewed this as so powerful that Americans preferred equality in servitude to inequality in freedom:

What they love with a love that is eternal is equality. They lunge toward liberty with an abrupt impulse of sudden effort and, if they fail to achieve their goal, resign themselves to their defeat. But nothing could satisfy them without equality, and, rather than lose it, they would perish.²⁸

Whether or not Tocqueville was exaggerating, equality is clearly a central American value.

Equality is a complex notion. Philosophers have noted its different senses at least since the time of Aristotle.²⁹ One variant, equality of opportunity, we have discussed. However, in spite of Americans’ commitment to equality,³⁰ and in spite of

²⁶ Obama, campaign speech, Roanoke, VA, July 13, 2012.

²⁷ See p. 142.

²⁸ A. de Tocqueville, *Democracy in America*, trans. A. Goldhammer (New York: Library of America, 2004), p. 60.

²⁹ See esp. Aristotle, *Politics*, V, 1; see p. 185.

³⁰ For reasons to question Americans’ commitment to equal rights in spite of strong protestations to the contrary, see Klosko, *Democratic Procedures*, chap. 3.

its central role in contemporary political philosophy,³¹ a strong claim of equality—certainly, equal distribution—is not well suited to defend American welfare programs, because of the way central programs are structured. Perhaps if OAI had been constructed along the lines of the pensions proposed in the Beveridge Report, they could be defended on the basis of equality: equal contributions from all and equal benefits to all. However, American social insurance differentiates benefits on the basis of contributions. An argument from equality would work better for Medicare, and without the deceptiveness and untoward consequences of the argument that was actually used. A defense of Medicare on egalitarian grounds could perhaps have pushed public consciousness in a more egalitarian direction, although it would confront the correlativity problems we have seen, unless it was accompanied by a stronger sense of community. There is, however, no incompatibility between moderate liberalism and a stronger sense of equality, with the latter readily justified in terms of the notion of reciprocity at the heart of moderate liberalism.

Within American culture, values of equality could be strengthened by appeal to aspects of individualism bound up with core values of independence and self-sufficiency. These ideas too are strongly rooted in American political culture, dating back to Revolutionary times. According to the Virginia Declaration of Rights, it was presumed that men in the new republic would be “equally free and independent” and “property” would make them so. Property was interpreted not in terms of personal aggrandizement “but rather as a source of personal authority or independence.”³² According to Gordon Wood, the American revolutionaries “wanted to create a republican world,” in which all offices were open to men of merit, as opposed to the patronage that dominated England.³³

In our discussions of welfare programs especially, we have seen numerous figures’ disdain for “dependence.” In contemporary political theory, an idea of nondependence is central to republican theory, as articulated especially by Philip Pettit. Pettit espouses an idea of freedom as “nondomination.” Even if one enjoys the noninterference that is central to negative freedom, unless one has security against domination, one is not really free. For instance, a slave with a benevolent master might enjoy negative freedom. But because this exists at the pleasure of his master, it could be withdrawn at any time.³⁴ To a large extent, FDR’s emphasis on security rested on similar values. Although he spoke little of domination directly, the historical sketches of the development of American society that he presented emphasized people’s loss of economic independence. This kind of theme could be extended.

³¹ See W. Kymlicka, *Contemporary Political Philosophy*, 2nd ed. (Oxford: Oxford University Press, 2002).

³² G. Wood, *The Radicalism of the American Revolution* (New York: Alfred A. Knopf, 1992), p. 178.

³³ *Ibid.*, pp. 179–80.

³⁴ P. Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1999); Pettit, *Just Freedom: A Moral Compass for a Complex World* (New York: Norton, 2014).

People in need or who have to depend on the charity of others are not free from domination and so lack the dignity of free men. In guaranteeing retired people pensions, OAI freed them from this sort of dependence.

While I believe moderate liberalism would have been an effective justificatory strategy for FDR, as even this brief overview of alternatives indicates, other possibilities were open to him, while different strands of arguments could have been combined into a messy but possibly politically effective justificatory strategy.³⁵

In order to see what a sophisticated version of an effective justificatory argument looks like, I will briefly recount some aspects of John Rawls's theory of social justice. Although Rawls's view is in many ways quite different from the moderate liberalism I have sketched, there are basic similarities in regard to strong conceptions of the community and watered-down property rights. In this context, it is not necessary to discuss Rawls's view in detail. It should be enough to note how he attempts to defend extensive social welfare programs on liberal premises in a philosophically defensible way. Rawls's position indicates the kind of steps that the political leaders we have discussed could have taken, although it is not clear if they—or their advisers—had the philosophical abilities to do so.

In *A Theory of Justice*, Rawls appears to begin with strongly individualist premises. He of course has individuals choose principles of justice through a revitalized version of the social contract. They select the principles they view as most beneficial from behind a “veil of ignorance” in the “original position.”³⁶ The two principles of justice selected in this way guarantee, first, equal and maximum liberties; the second principle provides equality of opportunity and that resources should be distributed in order to maximize the position of the least advantaged members of society. What concerns us here is that in order to support his conclusions, Rawls proceeds from a highly communal view of society. As noted above, he describes society as “a cooperative venture for mutual advantage.”³⁷ Because all members benefit from cooperative activity, society has a claim on their resources. Rawls takes this to the point of arguing that people's natural talents and abilities should be viewed as in some respects social assets.³⁸ In keeping with our view of moderate liberalism, he rejects a strong Lockean view of property rights. Although his list of individual liberties includes rights to personal property, these do not include rights of control over society's capital.³⁹ Regardless of the details of Rawls's view,⁴⁰ the point to note

³⁵ For discussion of these points, I am indebted to Stephen White.

³⁶ J. Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), chap. 1.

³⁷ *Ibid.*, p. 4; Rawls, *Theory of Justice*, 2nd ed. (Cambridge, MA: Harvard University Press, 1999), p. 4.

³⁸ *Ibid.*, p. 87. This is somewhat different from the first edition, pp. 101–4.

³⁹ *Ibid.* pp. 53–54 (cf. 1st ed. p. 61); Rawls, *Political Liberalism*, 2nd ed. (New York: Columbia University Press, 2005), p. 338; Rawls, *Justice as Fairness: A Restatement* (Cambridge, MA: Harvard University Press, 2001), p. 114.

⁴⁰ For discussion, see D. Little, “Rawls and Economics,” in *A Companion to Rawls*, ed. J. Mandle and D. Reidy (West Sussex: John Wiley and Sons, 2014).

here is that he is able to achieve his conclusions only by starting from a view of the individual as ineluctably a member of society. One could argue that even this view does not establish rights for all members of society. If claims for resources depend on contributions to society's cooperative activity, one could maintain that society members who are severely disabled do not contribute and so have no claim on society's resources. But Rawls does not consider this possibility. Working to establish principles of justice for the "basic structure" of society, he sets aside exceptional cases, such as the handicapped, to be dealt with separately, after the basic principles of justice are in place.⁴¹ But more importantly, Rawls begins with a fundamental assumption that people are equal and entitled to equal treatment. This premise he never questions.

In addition to a communal view of society, Rawls's theory also presents a view of property sharply different from Locke's. Rawls argues that the nature of a society's property system should be determined by society itself. A system of property is not ordained by nature but is for the advantage of society. In this sense, Rawls's view resembles that of new liberalism. Although the details of his position do not correspond closely to those of Hobhouse, the two thinkers are alike in developing conceptions of property that allow society to make claims against what on other premises may be viewed as the property rights of individuals.⁴²

Having surveyed elements of Rawls's theory, I should reiterate that I do not contend that these lines of argument or others like them are the only ones that are able to support welfare state programs on liberal premises. But as even this brief excursion into Rawls should demonstrate, proper development of a suitable argument requires moving beyond a strict individualist framework. One clear finding of our examination of decades of public justification is that as a rule, American political actors have not attempted to do this.

As political leaders have not defended their favored programs on moderate liberalism or other secure grounds, the political culture has continued to adhere to residual Lockeanism. Where Lockean arguments do not apply, the political culture offers little by way of alternatives. These contentions are supported by public opinion polls.

Especially striking is a study undertaken in 1987 by Stanley Feldman and John Zaller. Feldman and Zaller presented 450 subjects with open-ended questions

⁴¹ See S. Freeman, *Rawls* (Abingdon: Routledge, 2007), pp. 106–8.

⁴² Another possible approach to the justification of welfare programs could be developed from the so-called natural duties of justice that Rawls discusses in *Theory of Justice* (Secs. 9 and 51), especially the duty of mutual aid, "the duty of helping another when he is in need or jeopardy" (*Theory of Justice*, 1st ed., pp. 114, 338–39 [2nd ed., pp. 98, 297–98]). This argument cannot be discussed in this context. But very briefly, because mutual aid requires that people in need or jeopardy be rescued, it falls short of justifying what welfare state institutions do, which is much more than meeting immediate, severe needs.

concerning whether government should undertake welfare state functions.⁴³ Subjects were asked to respond to two questions. One concerned guaranteed jobs and standards of living; the other concerned increased government spending in areas such as healthcare and education versus cuts in social services. Subjects were asked to report what came to mind in answering (pp. 275–76). On the two questions, 61% of responses invoked at least one abstract value, such as individualism or humanitarianism (p. 281). Feldman and Zaller report that, on the conservative side, respondents were “virtually unanimous in their use of individualistic arguments” (p. 281). On the service and spending question, opponents of welfare programs drew on three “highly consistent concerns”: taxes and budgets, opposition to big government, and individualism (p. 281). Accordingly, the authors conclude that social welfare conservatives are “able to draw upon a consistent set of values and beliefs to support their opposition to social welfare policy” (p. 288).

Supporters of welfare programs were more ambivalent, because, perhaps surprisingly, they too tended to invoke individualist values. On the services question, 35% of liberals invoked budget concerns, while “scarcely any advocates of more government services advocated a positive role for government or a more egalitarian society” (p. 281). The two main abstract arguments in support of welfare programs that liberals presented were, first, that certain people need assistance, and second, the existence of significant barriers to equality of opportunity, which government was obligated to help people overcome (p. 288). On the whole Feldman and Zaller conclude that many supporters of welfare state programs are conflicted. They support particular programs “while also endorsing individualism and criticizing the size of the federal government” (p. 288). Their conflict comes from attempting to reconcile “activist government with traditional principles of economic individualism and laissez-faire” (p. 289).

Among supporters of welfare programs, Feldman and Zaller found widespread support for specific programs, although with little in the way of philosophical justification. They refer to an earlier study of Americans’ political beliefs by Lloyd Free and Henry Cantril, who observed that Americans tend to be ambivalent about welfare states. These supporters tend to be philosophical conservatives but operational liberals (p. 283). According to Cantril and Free:

[T]he abstract ideas [Americans] tend to hold about the nature and functioning of our socioeconomic system still seem to stem more from the underlying assumptions of a laissez-faire philosophy than from the

⁴³ S. Feldman and J. Zaller, “The Political Culture of Ambivalence: Ideological Responses to the Welfare State,” *American Journal of Political Science* 36 (1992): 268–307 (hereafter cited in parentheses in this section); for the questions used, see 275n4. Note also the many previous studies Feldman and Zaller cite, which make similar claims about American political culture.

operating assumptions of the New Deal, the Fair Deal, the New Frontier, or the Great Society. (quoted on p. 268)

Feldman and Zaller conclude that supporters of the welfare state “still lack a clear *ideological* justification for their positions” (p. 297; italics original). Supporters of policies that push egalitarianism “do not seem able to mobilize egalitarian arguments in their behalf” (p. 297). What is “conspicuously missing” from egalitarian responses of their subjects is the “verbal justification of these preferences in terms of egalitarian principles” (p. 289).

Two of their conclusions about the political culture as a whole should be quoted here. First, as one may gather from the responses of welfare state supporters:

We infer from this that the American political culture provides few explicitly egalitarian . . . arguments that are useful for justifying welfare state policies.
(p. 289; italics original)

Second, in their view, one cause of this condition is the individualist values of the political culture: “as our data have shown, the values of the political culture severely limit the development of a more encompassing ideological justification for the welfare state” (p. 298). Thus their study confirms what they describe as “the oft made claim that popular support for the welfare state in the United States must continually struggle with the values of nineteenth-century liberalism” (p. 269).

At this point, I do not believe it is necessary to point out the consistency between these findings and what we have seen of the justificatory arguments of political leaders. Especially notable is Feldman’s and Zaller’s observation concerning the dearth of egalitarian arguments in American political culture. Although once again, I am reluctant to make strong causal claims in regard to how political cultures evolve, it seems reasonable to conclude that an important reason citizens do not have sophisticated arguments in support of social welfare programs is because their political leaders did not develop them. Beginning with FDR, public justification of the welfare state was self-consciously in terms of individualist values and so gave rise to the problematic position of welfare state supporters that Feldman and Zaller observed. In contrast to opponents of social welfare who were able to draw on the strong Lockeanism of American political culture, supporters have been left floundering.

Accordingly, while political philosophers chart a transformation of liberal political theory, the same has not taken place in American political culture. With an individualist framework left in place, public justifications of the welfare state represent a transformation that largely has yet to occur.

BIBLIOGRAPHY

Presidential Speeches

The Presidency Project is abbreviated PP. Speeches can be found on the following website, accessed by date: <http://www.presidency.ucsb.edu/> (Edward Kennedy and Sargent Shriver are also included in this section.) (Dates when items were first accessed are given in parentheses.)

George W. Bush

Bush, G. W. 2005 State of the Union address. Feb. 2, 2005: PP (May 2015).

Jimmy Carter

Carter, J. E. Welfare Reform message to Congress. Aug. 6, 1977: PP (June 2014).

——— News conference. Aug. 6, 1977: PP (June 2014).

Bill Clinton

Clinton, W. J. Announcement speech. Little Rock, AR. Oct. 3, 1991: <http://www.4president.org/speeches/billclinton1992announcement.htm> (Nov. 2014).

——— Campaign commercial: <http://www.nytimes.com/1992/09/10/us/the-1992-campaign-the-ad-campaign-clinton-getting-people-off-welfare.html> (June 2014).

Ifill, G. "The 1992 Campaign; Clinton's Standard Campaign Speech: A Call for Responsibility." *New York Times*, April 26, 1992: <http://www.nytimes.com/1992/04/26/us/the-1992-campaign-clinton-s-standard-campaign-speech-a-call-for-responsibility.html?pagewanted=all> (Sept. 2014).

Clinton, W. J. Acceptance speech. New York. July 16, 1992: PP (June 2014).

——— Inaugural address. Jan. 20, 1993: PP (Nov. 2014).

——— 1993 State of the Union address. Feb. 17, 1993: PP (Nov. 2014).

——— Remarks on the Earned-Income Tax Credit and an Exchange With Reporters. July 29, 1993: PP (July 2014).

——— Address on Health Care Reform. Sept. 22, 1993: PP (Sept 2014).

——— 1994 State of the Union address. Jan. 25, 1994: PP (Sept. 2014).

——— Remarks to National Governors Association. July 16, 1996: PP (June 2014).

——— Statement on Signing the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Aug. 22, 1996: PP (June 2014).

Herbert Hoover

Hoover, H. Address at Madison Square Garden. New York City. Oct. 31, 1932: PP (July 2015).

Lyndon Johnson

Johnson, L. B. State of the Union address. Jan. 8, 1964: PP (Dec. 2010).

——— Address on Problems of Senior Citizens. Jan. 15, 1964: PP (Oct. 2014).

——— 1964 Budget message. Jan. 21, 1964: PP (Aug. 2014).

- Special message to the Congress Proposing a Nationwide War on the Sources of Poverty. March 16, 1964: PP (Aug. 2014).
- Remarks in Franklin D. Roosevelt Square. Gainesville, GA. May 8, 1964: PP (Aug. 2014).
- Address to Communication Workers of America. Cleveland, OH. June 17, 1964: PP (Aug. 2014).
- Signing Civil Rights Bill. July 2, 1964: PP (Aug. 2014).
- Statement Signing Economic Opportunity Act. Aug. 20, 1964: PP (Aug. 2014).
- Acceptance speech. Aug. 27, 1964: PP (Dec. 2010).
- Special message to Congress. Jan. 7, 1965: PP (Oct. 2014).
- Special address on Voting Rights. March 15, 1965: PP (Dec. 2010).
- Commencement address at Howard University. Washington, DC. June 4, 1965: PP (Dec. 2010).
- Signing Medicare Bill. July 30, 1965: PP (Sept. 2014).
- 1968 State of the Union address. Jan. 17, 1968: PP (Dec. 2014).

John F. Kennedy

- Kennedy, J. F. Address to United Auto Workers. March 27, 1960: http://www.jfklibrary.org/Research/Research-Aids/JFK-Speeches/Detroit-MI_19600327.aspx (Oct. 2014).
- 1961 State of Union address. Jan. 30, 1961: PP (Sept. 2014).
- Special message to Congress on Health and Hospital Care. Feb. 9, 1961: PP (Oct. 2014).
- 1962 State of the Union address. Jan. 11, 1962: PP (Oct. 2014).
- Special message to the Congress on Public Welfare Programs. Feb. 1, 1962: PP (May 2014).
- Special message to Congress. Feb. 27, 1962: PP (Sept. 2014).
- Special message to Congress on the Needs of the Nation's Senior Citizens. Feb. 21, 1963: PP (Sept. 2014).
- Radio and Television report to the American People on Civil Rights. June 11, 1963: PP (Aug. 2014).

Edward Kennedy

- Kennedy, E. Speech at Democratic Convention, Memphis, TN. Dec. 9, 1978: http://tedkennedy.org/ownwords/event/1978_health_care (July 2014).
- Speech at 2008 Democratic Convention. Aug. 25, 2008: http://www.cnn.com/2008/POLITICS/08/25/kennedy.dnc.transcript/index.html?eref=rss_latest (July 2014).

Richard Nixon

- Nixon, R. Statement Signing 1972 Social Security Amendments. Oct. 30, 1972: PP (July 2014).
- Statement Signing a Bill To Increase Social Security Benefits. Jan. 3, 1974: PP (July 2014).

Barack Obama

- Obama, B. Announcement speech. Springfield, IL. Feb. 10, 2007: <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/10/AR2007021000879.html> (Dec. 2014).
- Campaign speech on Health Care. Iowa City, IA. May 29, 2007: http://www.nytimes.com/2007/05/29/us/politics/28text-obama.html?_r=0; published: May 29, 2007 (Nov. 2014).
- CNN Democratic Presidential debate. Jan. 21, 2008: http://www.cnn.com/2008/POLITICS/01/21/debate.transcript2/index.html?_s=PM:POLITICS (pt. 2, Nov. 2014).
- Obama, B. Campaign speech. Bristol, VA. June 5, 2008: PP (Nov. 2014).
- Acceptance speech. Aug. 28, 2008: PP (July 2013).
- Second Presidential debate. Oct. 7, 2008: <http://elections.nytimes.com/2008/president/debates/transcripts/second-presidential-debate.html> (Nov. 2014).
- Obama, B. Inaugural address. Jan. 20, 2009: PP (Oct. 2014).
- Address before Joint Session of Congress on Health Care Reform. Sept. 9, 2009: PP (Sept. 2014).
- State of the Union address. Jan. 27, 2010: PP (Sept. 2014).
- White House Health Summit. Morning Session. Feb. 25, 2010: <http://khn.org/news/health-care-reform-transcript/> (Nov. 2014).

- Obama, B. Letter to Congressional Leaders on Health Care Reform. March 2, 2010: PP (Oct. 2014).
- Speech on Health Care Reform. March 3, 2010: PP (Oct. 2014).
- Radio address. March 6, 2010: PP (Oct. 2014).
- Remarks at St. Charles High School. St. Charles, MO. March 10, 2010: PP (Nov. 2014).
- Remarks to the House Democratic Caucus. March 20, 2010: PP (Oct. 2014).
- Remarks on Passage of Health Care Reform Legislation. March 21, 2010, PP (Oct. 2014).
- Remarks on the Patient Protection and Affordable Care Act. March 23, 2010: PP (Oct. 2014).
- Remarks at the University of Iowa. Iowa City, IA. March 25, 2010: PP (Oct. 2010).
- Remarks at a Campaign Rally in Roanoke, VA. July 13, 2012: PP (March 2015).
- State of the Union address. Jan. 28, 2014: <http://www.nytimes.com/2014/01/29/us/politics/state-of-the-union-address-text.html?action=click&module=Search®ion=searchResults%230&version=&url=http%3A%2F%2Fquery.nytimes.com%2Fsearch%2Fsite%2Fstate%2520of%2520the%2520union%2520address%2F> (Aug. 2014).

Ronald Reagan

- Reagan, R. Radio address on Socialized Medicine: <http://www.americanrhetoric.com/speeches/ronaldreagansocializedmedicine.htm> (Dec. 2014).
- News Conference. March 6, 1981: PP (June 2014).
- Remarks at a Reagan-Bush Rally. Austin, TX. July 25, 1984: PP (June 2014).
- Remarks at a Reagan-Bush Welcoming Rally at the Republican National Convention. Dallas, TX. Aug. 22, 1984: PP (June 2014).
- Remarks at a Reagan-Bush Rally. Charlotte, NC. Oct. 8, 1984: RR (June 2014)
- Message to the Congress on America's Agenda for the Future. Feb. 6, 1986 PP (June 2014).
- Remarks on Signing the Tax Reform Act of 1986. Oct. 22, 1986: PP (July 2014).
- 1987 State of the Union address. Jan. 27, 1987: PP (June 2014).
- Radio address to the Nation on Welfare Reform. Feb. 7, 1987: PP (June 2014).

Franklin D. Roosevelt

- Roosevelt, Franklin D. *The Public Papers and Addresses of Franklin D. Roosevelt*. 13 vols. New York: Random House, 1938–1950.
- Speech. Troy, NY, in 1912 (accessed Jul. 31, 2015) Box 1 of Master Speech File, at the FDR Library.
- Radio address on the Third Anniversary of the Social Security Act. Aug. 15, 1938: PP (Aug. 2009).
- Fireside Chat. July 28, 1943: PP (May 2015)).
- Message to Congress on the Education of War Veterans. Oct. 27, 1943: PP (May 2015).
- 1944 State of the Union address. Jan. 11, 1944: PP (Aug. 2009).
- Address at Soldiers' Field. Chicago, IL Oct. 28, 1944: PP (May 2015).

Theodore Roosevelt

- Roosevelt, T. *Bull Moose on the Stump: The 1912 Campaign Speeches of Theodore Roosevelt*. Edited by L. L. Gould. Lawrence: University of Kansas Press, 2008.
- "The New Nationalism," Osawatomie, KS, Aug. 31, 1910: <https://www.whitehouse.gov/blog/2011/12/06/archives-president-teddy-roosevelts-new-nationalism-speech> (Aug. 2010).
- "A Charter for Democracy." Columbus, OH. Feb. 21, 1912: <http://teachingamericanhistory.org/library/index.asp?document=1126> (Dec. 2010).
- "The Right of the People to Rule." New York, NY. March 20, 1912: <http://www.theodore-roosevelt.com/images/research/speeches/trrotpr.pdf>. (Feb. 2010).
- "A Confession of Faith." Chicago, IL. Aug. 6, 1912: <http://www.theodore-roosevelt.com/images/research/speeches/trarmageddon.pdf> (Sept. 2011).

Sargent Shriver

- Shriver, S. Remarks Delivered before the National Advisory Committee of Farm Labor. Washington, DC. May 18, 1964: <http://www.sargentshriver.org/speech-article/>

excerpts-of-remarks-delivered-before-the-national-advisory-committee-of-farm-labor (Aug. 2014).

———Address to the Catholic Press Association. Pittsburgh, PA. May 28, 1964: <http://www.sargentshriver.org/speech-article/address-to-the-catholic-press-association> (Aug. 2014).

Harry Truman

Truman, H. S. Special message to the Congress Presenting a 21-Point Program for the Reconversion Period. Sept. 6, 1945: PP (Sept. 2014).

———Special message to the Congress Recommending a Comprehensive Health Program. Nov. 19, 1945: PP (Sept. 2014).

———1947 State of the Union address. Jan. 6, 1947: PP (Sept. 2014).

———Special message to the Congress on Health and Disability Insurance. May 19, 1947: PP (Sept. 2014)

———Address before the Greater Los Angeles Press Club. June 14, 1948: PP (Sept. 2014).

———Address in Indianapolis at the Indiana World War Memorial. Oct. 15, 1948: PP (Sept. 2014).

———Special message to Congress on the Nation's Health Needs. April 22, 1949: PP (Sept. 2014).

Woodrow Wilson

Wilson, W. Address to a Joint Session of Congress on the Demands of Railway Employees. Aug. 29, 1916: PP (Dec. 2010).

United States Supreme Court Cases

Allgeyer v. Louisiana, 165 U.S. 578 (1897).

Lochner v. New York, 198 U.S. 45 (1905).

Hammer v. Dagenhart, 247 U.S. 251 (1918).

Adkins v. Children's Hospital, 261 U.S. 525 (1923).

National Federation of Independent Business v. Sebelius, 567 U.S. (2012), 132 S.Ct 2566.

King v. Burwell, 576 U.S. (2015).

State Court Cases

In re Jacobs, 98 N.Y. 98 (1885).

Earl Ives, Respondent, v. The South Buffalo Railway Company, Appellant, 201 N.Y. 271; 94 N.E. 431; 1911 N.Y.

State Board of Control v. Buckstegge, 18 Arizona 277 (1916).

Works Cited (dates after urls indicate when first accessed)

A National Health Service (cmd 6502); <http://www.sochealth.co.uk/national-health-service/the-sma-and-the-foundation-of-the-national-health-service-dr-leslie-hilliard-1980/a-national-health-service/> (Sept. 2013).

Abbott, E. *Public Assistance*. Vol. 1, *American Principles and Policies*. 1940. Reprint, New York: Russell and Russell, 1966.

Addison, H. *The Road to 1945: British Politics and the Second World War*. London: Quarter Books, 1977.

Allen, G. "Individualism and Socialism." *Contemporary Review* 55 (1889).

Altemeyer, A. *The Formative Years of Social Security*. Madison: University of Wisconsin Press, 1968.

Amenta, E., and T. Skocpol. "Redefining the New Deal: World War II and the Development of Social Provision in the United States." In *The Politics of Social Policy in the United States*, edited by M. Weir, A. Orloff, and T. Skocpol. Princeton, NJ: Princeton University Press, 1988.

- Appelbaum, B. "Expanding a Safety Net Program." *New York Times* Economix blog. Feb. 13, 2012: <http://economix.blogs.nytimes.com/2012/02/13/expanding-a-safety-net-program/> (Aug. 2014).
- Arieli, Y. *Individualism and Nationalism in American Ideology*. 1964. Reprint, Baltimore: Penguin Books, 1966.
- Aristotle, *The Politics*. Edited by T. Sinclair. Translated by T. Saunders. Harmondsworth: Penguin, 1981.
- Ashcraft, R. "Revolutionary Politics and Locke's *Two Treatises of Government*: Radicalism and Lockean Political Theory." *Political Theory* 8 (1980).
- Associated Press. "Senate Panel OK's Budget Blueprint." Bowling Green, KY *Daily News*, March 21, 1981: <http://news.google.com/newspapers?nid=1696&dat=19810320&id=IeEeAAAAlBAJ&sjid=CUCeAAAAIABAJ&pg=3847,4593774> (July 2014).
- Attlee, C. R. *As It Happened*. New York: Viking Press, 1954.
- Baldwin, P. *The Politics of Social Solidarity: Class Bases of the European Welfare State, 1875–1975*. Cambridge: Cambridge University Press, 1992.
- Ball, R. "Perspectives on Medicare." *Health Affairs* 14 (1959).
- Barrett, W. "We Built This." <http://nation.foxnews.com/republican-national-convention-2012/2012/08/21/we-built> (March 2015).
- Batten, S. Z. *The Christian State*. Philadelphia: Griffith and Rowland, 1909.
- Beer, S. *Modern British Politics*. London: Faber and Faber, 1969.
- Beland, D., and R. H. Cox, eds. *Ideas and Politics in Social Science Research*. Oxford: Oxford University Press, 2011.
- Bell, D. "What is Liberalism?" *Political Theory* 42 (2014).
- Bennett, G. H., ed. *Roosevelt's Peacetime Administrations, 1933–41: A Documentary History*. Manchester: University of Manchester Press, 2004.
- Berkowitz, E. *America's Welfare State: From Roosevelt to Reagan*. Baltimore: Johns Hopkins University Press, 1991.
- Berkowitz, E., and L. DeWitt. *The Other Welfare: Supplemental Security Income and U. S. Social Policy*. Ithaca, NY: Cornell University Press, 2013.
- Berkowitz, E. and K. McQuaid, *Creating the Welfare State*. New York: Praeger, 1980.
- Berlin, I. "Two Concepts of Liberty." In *Four Essays on Liberty*, chap. 3. Oxford: Oxford University Press, 1969.
- Berman, S. *The Social Democratic Moment: Ideas and Politics in the Making of Interwar Europe*. Cambridge, MA: Harvard University Press, 1998.
- Bevan, A. *In Place of Fear*. New York: Simon and Schuster, 1952.
- Beveridge, W. *Beveridge on Beveridge: Recent Speeches of Sir William Beveridge*. Edited by J. S. Clarke. London: Social Security League, 1944.
- . *Power and Influence*. New York: Beechhurst Press, 1955.
- . *Unemployment: A Problem of Industry*. London: Longmans, Green and Co., 1909.
- . *Why I am a Liberal*. London: Herbert Jenkins, Ltd., 1945.
- Bird, C. *The Myth of Liberal Individualism*. Cambridge: Cambridge University Press, 1999.
- Blake, A. "Obama's 'You didn't build that' problem": http://www.washingtonpost.com/blogs/the-fix/post/obamas-you-didnt-build-that-problem/2012/07/18/gJQAJxyotW_blog.html (March 2015).
- Boucher, D., ed. *The British Idealists*. Cambridge: Cambridge University Press, 1997.
- Braithwaite, W. J. *Lloyd George's Ambulance Wagon*. With an introduction by R. Titmuss. London: Methuen, 1957.
- Brandeis, E. "Labor Legislation." In *History of Labour in the United States*, edited by J. R. Commons et al. Vol. 3. New York: Macmillan, 1935.
- Brinkley, A. *Voices of Protest: Huey Long, Father Coughlin, and the Great Depression*. New York: Vintage Books, 1983.

- Brooks, C. "Framing Theory, Welfare Attitudes, and the United States Case." In *Contested Welfare States: Welfare Attitudes In Europe And Beyond*, edited by S. Svallfors. Stanford, CA: Stanford University Press, 2012.
- Brown, J. D. *An American Philosophy of Social Security*. Princeton, NJ: Princeton University Press, 1972.
- Bruce, M. *The Coming of the Welfare State*. Rev. ed. New York: Schocken, 1966.
- Burns, J. M. *Roosevelt: The Lion and the Fox*. New York: Harcourt, 1956.
- Campbell, J. L. "Ideas, Politics, and Public Policy." *Annual Review of Sociology* 28 (2002).
- Capoccia, G., and R. K. Kelemen. "The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism." *World Politics* 59 (2007).
- Carpenter, T. "Senate Moves Bill Containing GOP-backed Welfare Reforms." *Topeka Capitol Journal*. April 1, 2015. <http://cjonline.com/news/state/2015-04-01/senate-moves-bill-containing-gop-backed-welfare-reforms> (May 2015).
- Cesca, B. *Keep Your Goddamn Government Hands Off My Medicare* (blog). Posted: 09/05/2009 5:12 am EDT Updated: 05/25/2011 1:45 pm EDT: http://www.huffingtonpost.com/bob-cesca/get-your-goddamn-governme_b_252326.html (Oct. 2014).
- Chait, J. "Wealthcare." *New Republic*, Sept. 14, 2009: <http://www.newrepublic.com/article/books-and-arts/wealthcare-0> (March 2015).
- Chakrabarti, S. "The Democratic Wing of the Democratic Party." *People's View*: <http://www.thepeoplesview.net/main/epeoplesview.net/2010/10/democratic-wing-of-democratic-party.html> (June 2015).
- Churchill, W. "A Four Year Plan For England." *BBC Broadcast*, March 21, 1943: <http://www.ibiblio.org/pha/policy/1943/1943-03-21a.html> (Aug. 2013).
- HC Debate, May 25, 1911: <http://hansard.millbanksystems.com/commons/1911/may/25/national-insurance-bill-1> (Aug. 2013).
- *Liberalism and the Social Problem*. 1909. Reprint, New York: Haskell House, 1973.
- Cohen, W. "Reflections on the Enactment of Medicare and Medicaid." *Health Care Financing Review* 6 (1985): supp.
- Collini, S. *Liberalism and Sociology*. Cambridge: Cambridge University Press, 1983.
- Committee on Economic Security. Letter of Transmittal. Washington, DC, Jan. 15, 1935. <http://www.ssa.gov/history/reports/ces2.html> (Sept. 2014).
- Report: <http://www.ssa.gov/history/reports/ces5.html> (Sept. 2014).
- Commission on Presidential Debates. Oct. 11, 2012 Debate Transcript: <http://www.debates.org/index.php?page=October-11-2012-the-biden-romney-vice-presidential-debate> (Dec. 2014).
- Connolly, W. *The Terms of Political Discourse*. 3rd ed. Princeton, NJ: Princeton University Press, 1993.
- Converse, P. "The Nature of Belief Systems in Mass Publics." In *Ideology and Discontent*, edited by D. Apter. Glencoe, IL: Free Press, 1964.
- Cook, F. L., and E. J. Barrett. *Support for the American Welfare State*. New York: Columbia University Press, 1992.
- Covert, B. "Kansas to Impose Unprecedented Restriction on Welfare Recipients." *Think Progress*, April 6, 2015: <http://thinkprogress.org/economy/2015/04/06/3643185/kansas-welfare-limits/> (May 2015).
- Daschle, T. *Getting It Done: How Obama and Congress Finally Broke the Stalemate to Make Way for Health Care Reform*. New York: Thomas Dunne Books, 2010.
- David, S. *With Dignity: The Search for Medicare and Medicaid*. Westport, CT: Greenwood Press, 1985.
- Davies, G., and M. Derthick. "Race and Social Welfare Policy: The Social Security Act of 1935." *Political Science Quarterly* 112 (1997).
- Davis, K. S. *FDR: The New York Years: 1928–1933*. New York: Random House, 1994.
- De Tocqueville, A. *Democracy in America*. Translated by A. Goldhammer. New York: Library of America, 2004.

- Democratic Party Platform, 2008: <http://www.presidency.ucsb.edu/ws/?pid=78283> (July 2013).
- Derthick, M. *Policymaking for Social Security*. Washington, DC: Brookings Institute, 1979.
- Dewey, J. *Liberalism and Social Action*. Amherst, NY: Prometheus Books, 2000.
- Dewey, J., and J. H. Tufts. *Ethics*. New York: Henry Holt, 1908.
- Dombrowski, J. *The Early Days of Christian Socialism in America*. New York: Octagon Books, 1977.
- Dworetz, S. *The Unvarnished Doctrine: Locke, Liberalism, and the American Revolution*. Durham, NC: Duke University Press, 1990.
- Eisenach, E. *The Lost Promise of Progressivism*. Lawrence: University Press of Kansas, 1994.
- EITC and Other Refundable Credits. <http://www.eitc.irs.gov/EITC-Central/abouteitc> (July 2014).
- Eliot, C. *Recollections of the New Deal: When the People Mattered*. Boston: Northeastern University Press, 1992.
- Ellis, R. J. *American Political Cultures*. New York: Oxford University Press, 1993.
- Ely, R. *Ground Under our Feet: An Autobiography*. New York: Macmillan, 1938.
- "Liberty a Social Product." *Our Day* (Dec. 16, 1896).
- *Studies in the Evolution of Industrial Society*, 2 vols. 1903. Reprint, Port Washington, NY: Kennikat Press, 1971.
- Engel, J. D. *Poor People's Medicine: Medicaid and American Charity Care Since 1965*. Durham, NC: Duke University Press, 2006.
- Erskin, H. "The Polls: Government Role in Welfare." *Public Opinion Quarterly* 39 (1975).
- Esping-Andersen, G. *Politics against Markets: The Social Democratic Road to Power*. Princeton, NJ: Princeton University Press, 1985.
- *The Three Worlds of Welfare Capitalism*. Princeton, NJ: Princeton University Press, 1990.
- Feldman, S., and M. Steenbergen. "The Humanitarian Foundation of Public Support for Social Welfare." *American Journal of Political Science* 45 (2001).
- Feldman, S., and J. Zaller. "The Political Culture of Ambivalence: Ideological Responses to the Welfare State." *American Journal of Political Science* 36 (1992).
- Fine, S. *Laissez Faire and the General-Welfare State: A Study of Conflict in American Thought, 1865–1901*. Ann Arbor: University of Michigan Press, 1956.
- First Five Years Fund: http://growamericastronger.org/wp-content/uploads/2014/06/FINAL_FFYF-National-Results_071414.pdf?fb2d97 (Sept. 2014).
- Flora, P., and J. Alber, "Modernization, Democratization, and the Development of Welfare States in Western Europe." In *The Development of Welfare States in Europe and America*, edited by P. Flora and A. Heidenheimer. New Brunswick, NJ: Transaction Publishers, 1982.
- Foot, M. *Aneurin Bevan: A Biography*. Vol. 2. London: Davis-Poynter, 1973.
- Fox, D. M. *Health Policies, Health Politics: The British and American Experience, 1911–1965*. Princeton, NJ: Princeton University Press, 1986.
- Fraser, D. *The Evolution of the British Welfare State*. 3rd ed. Hampshire: Palgrave Macmillan, 2003.
- Freeden, M. *The New Liberalism: An Ideology of Social Reform*. Oxford: Oxford University Press, 1986.
- Freeden, M., and M. Stears, "Liberalism." In *The Oxford Handbook of Ideologies*, edited by Freedden, L. T. Sargent, and Stears. Oxford: Oxford University Press, 2013.
- Freeman, S. *Rawls*. Abingdon: Routledge, 2007.
- Freidel, F. *Franklin D. Roosevelt: The Triumph*. Boston: Little, Brown and Company, 1956.
- Fusfeld, D. *The Economic Thought of Franklin D. Roosevelt and the Origins of the New Deal*. New York: Columbia University Press, 1954.
- Gallie, W. B. "Essentially Contested Concepts." *Proceedings of the Aristotelian Society* 56 (1956).
- Gallup poll, June 2010: <http://www.gallup.com/poll/140981/Verdict-Healthcare-Reform-Bill-Divided.aspx> (Dec. 2014).
- Sept. 8, 2014: <http://www.gallup.com/poll/175646/favor-federal-funds-expand-pre-education.aspx> (Sept. 2014).
- Garfinkel, I., L. Rainwater, and T. Smeeding. *Wealth and Welfare States: Is America a Laggard or Leader?* Oxford: Oxford University Press, 2010.

- General Social Survey, 1986: <http://www3.norc.org/GSS+Website/Browse+GSS+Variables/Subject+Index/> (June 2014)
- George, William. *My Brother and I*. London: Eyre and Spottiswoode, 1958.
- Gerstle, G. "The Protean Character of American Liberalism." *American Historical Review* 99 (1994).
- Gilbert, B. *David Lloyd George: A Political Life*. 2 vols. London: Batsford, 1987, 1992.
- Gilens, M. *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy*. Chicago: University of Chicago Press, 1999.
- Glendon, M. *Rights Talk: The Impoverishment of Political Discourse*. New York: Free Press, 1991.
- Gordon, L. *Pitied But Not Entitled: Single Mothers and the History of Welfare, 1880–1935*. New York: Free Press, 1994.
- Green, T. H. *T. H. Green: Lectures on the Principles of Political Obligation and Other Writings*. Edited by P. Harris and J. Morrow. Cambridge: Cambridge University Press, 1986.
- Greenstone, J. D. "Political Culture and American Political Development." *Studies in American Political Development* 1 (1986).
- Griffin, C. M. "L. T. Hobhouse and the Idea of Harmony." *Journal of the History of Ideas* 35 (1974).
- Gunther, G. *Individual Rights in Constitutional Law*. 4th ed. Mineola, NY: Foundations Press, 1986.
- Hacker, J. "After Welfare." *New Republic*, Oct. 11, 2004.
- . *The Divided Welfare State: The Battle over Public and Private Social Benefits in the United States*. Cambridge: Cambridge University Press, 2002.
- . "The Historical Logic of National Health Insurance: Structure and Sequence in the Development of British, Canadian, and U.S. Medical Policy." *Studies in American Political Development* 12 (1998).
- Hacker, J., and P. S. Pierson, "Business Power and Social Policy: Employers and the Formation of the American Welfare State." *Politics and Society* 30 (2002).
- Harris, J. "Beveridge's Social and Political Thought." In *Beveridge and Social Security: An International Retrospective*, edited by J. Hills, J. Ditch, and H. Glennerster. Oxford: Oxford University Press, 1994.
- . "Political Ideas and the Debate on State Welfare, 1940–45." In *War and Social Change: British Society in the Second World War*, edited by H. I. S. Harris. Manchester: Manchester University Press, 1986.
- . "Political Thought and the Welfare State, 1870–1940." *Past and Present* 135 (1992).
- . *William Beveridge: A Biography*. 2nd ed. Oxford: Oxford University Press, 1997.
- Hartz, L. *The Liberal Tradition in America*. New York: Harcourt Brace, 1955.
- Hecl, H. *Modern Social Politics in Britain and Sweden: From Relief to Income Maintenance*. New Haven, CT: Yale University Press, 1974.
- Hegel, G. W. F. *The Philosophy of History*. Translated by J. Sibree. New York: Dover Publications, 1956.
- . *Philosophy of Right*. Edited and translated by T. M. Knox. Oxford: Oxford University Press, 1952.
- Herron, G. D. *The New Redemption*. New York: Thomas Crowell, 1893.
- Hirschmann, A. O. *The Rhetoric of Reaction*. Cambridge, MA: Harvard University Press, 1991.
- Hobbes, T. *On the Citizen*. Edited and translated by R. Tuck and M. Silverthorne. Cambridge: Cambridge University Press, 1998.
- Hobhouse, L. T. *Liberalism*. In *Liberalism and Other Writings*, edited by J. Meadowcroft. Cambridge: Cambridge University Press, 1994.
- . *The Metaphysical Theory of the State: A Criticism*. London: George Allen and Unwin, 1918.
- Hobson, J. A. "Memoir of Hobhouse." In *L. T. Hobhouse: His Life and Work*, edited by J. A. Hobson and M. Ginsberg. London: George Allen and Unwin, 1931.
- Hofstadter, R. *Social Darwinism in American Thought, 1860–1915*. Philadelphia: University of Pennsylvania Press, 1944.

- Hohfeld, W. *Fundamental Legal Conceptions as Applied in Judicial Reasoning and Other Legal Essays*. New Haven, CT: Yale University Press, 1946.
- Hoover, H. *American Individualism*. 1922. Reprint, Honolulu: University Press of the Pacific, 2004.
- Horwitz, M. *The Transformation of American Law: 1870–1960*. Oxford: Oxford University Press, 1992.
- House Ways and Means Report on 1935 Legislation: <http://www.ssa.gov/history/reports/35Housereport.html> (May 2014).
- Howard, C. *The Hidden Welfare State: Tax Expenditures and Social Policy in the United States*. Princeton, NJ: Princeton University Press, 1997.
- . *The Welfare State Nobody Knows: Debunking Myths About U.S. Social Policy*. Princeton, NJ: Princeton University Press, 2007.
- Ingraham, C. “More than Three-quarters of Conservatives Say the Poor ‘Have It Easy.’” *Washington Post*, June 26, 2014 (May 2015): <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/06/26/more-than-three-quarters-of-conservatives-say-the-poor-have-it-easy/> (May 2015).
- Jacobs, L. *The Health of Nations: Public Opinion and the Making of Health Policy in the U.S. and Britain*. Ithaca, NY: Cornell University Press, 1993.
- Jeffreys, K. “British Politics and Social Policy During the Second World War.” *Historical Journal* 30 (1987).
- Jones, J. “In U.S., 70% Favor Federal Funds to Expand Pre-K Education”: <http://www.gallup.com/poll/175646/favor-federal-funds-expand-pre-education.aspx> (Sept. 2014).
- . “Unemployment Solidifies Position as Most Important Problem”: <http://www.gallup.com/poll/146081/unemployment-solidifies-position-important-problem.aspx> (July 2014).
- Kaiser Family Foundation poll, March 2013: <http://kff.org/health-reform/poll-finding/march-2013-tracking-poll/> (Dec. 2014).
- Karson, M. *American Labor Unions and Politics: 1900–1918*. 1958. Reprint, Boston: Beacon Press, 1965.
- Katz, M. *In the Shadow of the Poorhouse: A Social History of Welfare in America*. New York: Basic Books, 1986.
- . *The Undeserving Poor: From the War on Poverty to the War on Welfare*. New York: Pantheon Books, 1989.
- Katznelson, I. *Fear Itself: The New Deal and the Origins of Our Time*. New York: Liveright, 2013.
- Kennedy, D. M. *Freedom from Fear: The American People in Depression and War, 1929–1945*. New York: Oxford University Press, 1999.
- King, A. “Ideas, Institutions, and the Policies of Governments: A Comparative Analysis: Part 3.” *British Journal of Political Science* 3 (1973).
- Klausen, J. “Did World War II End the New Deal? A Comparative Perspective on Postwar Planning Initiatives.” In *The New Deal and the Triumph of Liberalism*, edited by S. Milkis and J. Mileur. Amherst: University of Massachusetts Press, 2002.
- Kloppenber, J. *Uncertain Victory*. New York: Oxford University Press, 1986.
- Klosko, G. *Democratic Procedures and Liberal Consensus*. Oxford: Oxford University Press, 2000.
- . *History of Political Theory: An Introduction*. 2 vols. 2nd ed. Oxford: Oxford University Press, 2012.
- . *Political Obligations*. Oxford: Oxford University Press, 2005.
- Kluegel, J. B., and E. R. Smith, *Beliefs About Inequality: Americans’ Views of What Is and What Ought to Be*. New York: Aldine de Gruyter, 1986.
- Krock, A. “In Washington; American Liberty League Soon to Begin Activities.” *New York Times*, Nov. 10, 1934: <http://select.nytimes.com/gst/abstract.html?res=F50D16FF3558177A93C2A8178AD95F408385F9&> (May 2014).
- Kymlicka, W. *Contemporary Political Philosophy*. 2nd ed. Oxford: Oxford University Press, 2002.
- Larsen, C. A. *The Institutional Logic of Welfare Attitudes: How Welfare Regimes Influence Public Support*. Aldershot: Ashgate, 2006.

- “The Institutional Logic of Welfare Attitudes: How Welfare Regimes Influence Public Support.” *Comparative Political Studies* 41 (2008), 159.
- Lawrence, D. “The Tenth Commandment: American Liberty League: A Statement of Its Principles and Purposes.” Sept. 10, 1934: http://kdl.kyvl.org/catalog/xt7wwp9t2q46_3_2 (May 2014).
- Lemann, N. “The Unfinished War,” *Atlantic*, Dec. 1988: <http://www.theatlantic.com/past/politics/poverty/lemunf1.htm> (Aug. 2014).
- Leuchtenburg, W. E. *Franklin D. Roosevelt and the New Deal, 1932–1940*. New York: Harper and Row, 1963.
- “The New Deal and the Analogue of War.” In *FDR Years: On Roosevelt and His Legacy*. New York: Columbia University Press, 1995.
- Levin, J. “The Welfare Queen.” *Slate*, Dec. 19, 2013: http://www.slate.com/articles/news_and_politics/history/2013/12/linda_taylor_welfare_queen_ronald_reagan_made_her_a_notorious_american_villain.html (July 2014).
- Levine, D. *Poverty and Society: The Growth of the American Welfare State in International Comparison*. New Brunswick, NJ: Rutgers University Press, 1988.
- Lindert, P. *Growing Public: Social Spending and Economic Growth Since the Eighteenth Century*. Vol. 1. Cambridge: Cambridge University Press, 2004.
- Lipset, S. M. *American Exceptionalism: A Double-Edged Sword*. New York: Norton, 1996.
- Lipset S. M., and G. Marks. *It Didn't Happen Here: Why Socialism Failed in the United States*. New York: Norton, 2000.
- Little, D. “Rawls and Economics.” In *A Companion to Rawls*, edited by J. Mandle and D. Reidy. West Sussex: John Wiley and Sons, 2014.
- Lloyd George, D. *Better Times: Speeches of the Right Honorable D. Lloyd George*. London: Hodder and Stoughton, 1910.
- *The People's Insurance*. London: Hodder and Stoughton, 1912.
- Locke, J. *Two Treatises of Government*. Edited by P. Laslett. Student edition. Cambridge: Cambridge University Press, 1988.
- Long, H. “Share Our Wealth,” Radio address, Feb. 23, 1934: www.hueylong.com/programs/share-our-wealth-speech.php (July 2013).
- Lowe, R. “The Second World War, Consensus, and the Foundation of the Welfare State.” *Twentieth Century British History* 1 (1990).
- *The Welfare State in Britain Since 1945*. 3rd ed. London: Palgrave MacMillan, 2005.
- Lowry, B. “Gov. Sam Brownback Signs Welfare Restrictions into Law.” *Wichita Eagle*, April 16, 2015: <http://www.kansas.com/news/politics-government/article18673983.html> (May 2015).
- Lubove, R. *The Struggle for Social Security: 1900–1935*. Pittsburgh: University of Pittsburgh Press 1968.
- Luhby, T. “Romney-Ryan Would Aim to Overhaul Medicaid” @CNNMoney Aug. 13, 2012: http://money.cnn.com/2012/08/13/news/economy/ryan-medicaid/?source=cnn_bin (June 2014).
- Lyons, D. “The Correlativity of Rights and Duties.” *Nous* 4 (1970).
- MacCallum, G. “Negative and Positive Freedom.” *Philosophical Review* 76 (1967).
- Machiavelli, N. *The Prince and the Discourses*. Edited and translated by L. Ricci, E. R. P. Vincent, and C. E. Detmold. New York: Modern Library, 1950.
- Macpherson, C. B. *The Political Theory of Possessive Individualism: Hobbes to Locke*. Oxford: Oxford University Press, 1975.
- Madison, L. “Elizabeth Warren: ‘There Is Nobody in This Country Who Got Rich On His Own’”: http://www.cbsnews.com/8301-503544_162-20110042-503544.html (Feb. 2012).
- Mandel, B. *Samuel Gompers*. Yellow Springs, OH: Antioch Press, 1963.
- Mark, D. *Going Negative: The Art of Dirty Campaigning*. Lanham, MD: Rowman and Littlefield, 2009.
- Marmor, T. *The Politics of Medicare*. New York: Aldine, 1973

- Marmor, T., J. Mashaw, and J. Pakutka. *Social Insurance: America's Neglected Heritage and Contested Future*. Los Angeles: Sage, 2014.
- Marshall, T. H. "Citizenship and Social Class." In *Citizenship and Social Class and Other Essays*. Cambridge: Cambridge University Press, 1950.
- Martin, B. *The Other Eighties: A Secret History of America in the Age of Reagan*. New York: Hill and Wang, 2011.
- McCloskey, R. *The American Supreme Court*. Chicago: University of Chicago Press, 1960.
- McClosky, H., and J. Zaller. *The American Ethos: Public Attitudes Toward Capitalism and Democracy*. Cambridge, MA: Harvard University Press, 1984.
- McCurdy, C. "The 'Liberty of Contract' Regime in American Law." In *The State and Freedom of Contract*, edited by H. N. Scheiber. Stanford: Stanford University Press, 1998.
- Millbank, D. "The Rush to Humiliate the Poor." *Washington Post*, April 7, 2015: http://www.washingtonpost.com/opinions/the-rush-to-humiliate-the-poor/2015/04/07/8795b192-dd67-11e4-a500-1c5bb1d8ff6a_story.html (May 2015).
- Milkis, S. "Franklin D. Roosevelt, the Economic Constitutional Order, and the New Politics of Presidential Leadership." In *The New Deal and The Triumph of Liberalism*, edited by S. Milkis and J. Mileur. Amherst: University of Massachusetts Press, 2002.
- . *Theodore Roosevelt, the Progressive Party, and the Transformation of American Democracy*. Lawrence: University Press of Kansas, 2009.
- Mill, J. S. *Principles of Political Economy*. Indianapolis, IN: Liberty Fund, 2006.
- Miller, D. *On Nationality*. Oxford: Oxford University Press, 1995.
- Montanaro, D. "You Didn't Get Here Solely on Your Own." *NBC News*, July 23, 2012. http://firstread.nbcnews.com/_news/2012/07/23/12904508-romney-to-olympians-you-didnt-get-here-solely-on-your-own?lite (March 2015).
- Morales, L. "Republicans, Democrats Favor Tax Breaks to Win Back U.S. Jobs": <http://www.gallup.com/poll/152396/republicans-democrats-favor-tax-breaks-win-back-jobs.aspx> (July 2014).
- Morgan, K. O. *Labour in Power: 1945–1951*. Oxford: Oxford University Press, 1984.
- Morone, J. "Storybook Truths About America." *Studies in American Political Development* 19 (2005).
- Morris, E. *Theodore Rex*. New York: Random House, 2002.
- National Resources Development Report for 1943*. Washington, DC: US Government Printing Office, 1943.
- National Survey of Public Knowledge of Welfare Reform and the Federal Budget—Toplines/Survey: <http://kff.org/medicaid/poll-finding/national-survey-of-public-knowledge-of-welfare-3/> (June 2014).
- Nozick, R. *Anarchy, State, and Utopia*. New York: Basic Books, 1974.
- Obama, B. *The Audacity of Hope*. New York: Three Rivers Press, 2006.
- Oberlander, J. *The Political Life of Medicare*. Chicago: University of Chicago Press, 2003.
- O'Brien, D. *Constitutional Law and Politics*, 2 vols. 2nd ed. New York: Norton, 1995.
- OECD Social Spending: <https://data.oecd.org/socialexp/social-spending.htm> (June 2015).
- OECD.Stat: Trade Union Density: https://stats.oecd.org/Index.aspx?DataSetCode=UN_DEN (June 2015).
- OECD.Stat: Union Members and Employees: https://stats.oecd.org/Index.aspx?DataSetCode=U_D_D (June 2015).
- Office of Family Assistance, TANF Financial Data: http://www.acf.hhs.gov/sites/default/files/ofa/2011_tanf_data_with_states.pdf instant&rlz=1C1CHFX_enUS\$11US\$11&ion=1&spv=2&ie=UTF-8#q=cbo%2 (Sept. 2015).
- Olson, L. K. *The Politics of Medicaid*. New York: Columbia University Press, 2010.
- O'Neill, O. "The Dark Side of Human Rights." *International Affairs* 81 (2005).
- Orloff, A. *The Politics of Pensions*. Madison: University of Wisconsin Press, 1993.
- Patterson, J. *America's Struggle Against Poverty: 1900–1985*. Cambridge, MA: Harvard University Press, 1981.

- *Grand Expectations: The United States, 1945–1974*. Oxford: Oxford University Press, 1996.
- Perkins, F. *The Roosevelt I Knew*. New York: Viking Press, 1946.
- Perlman, S. *A Theory of the Labor Movement*. 1928. Reprint, New York: Augustus M. Kelley, 1970.
- Peterson, F. “Unemployment Relief—Local and State.” In “Labor Legislation,” edited by E. Brandeis. Vol. 3 of *History of Labor in the United States*, edited by J. R. Commons et al. Vol. 3. New York: Macmillan, 1935.
- Pettit, P. *Just Freedom: A Moral Compass for a Complex World*. New York: Norton, 2014.
- *Republicanism: A Theory of Freedom and Government*. Oxford: Oxford University Press, 1999.
- “Pew Research Center: Global Attitudes and Trends The American-Western European Values Gap”: <http://www.pewglobal.org/2011/11/17/the-american-western-european-values-gap/> (Aug. 2015)
- Pickert, K. “Keep Your Gov’t Hands Off My Medicare.” *Time*, Oct. 21, 2011: <http://swampland.time.com/2010/10/21/keep-your-govt-hands-off-my-medicare-cont/> (Oct. 2014).
- Pierson, P. S. “Increasing Returns, Path Dependence, and the Study of Politics.” *American Political Science Review* 94 (2000).
- “Not Just What, but *When*: Timing and Sequence in Political Processes.” *Studies in American Political Development* 14 (2000).
- “When Effect Becomes Cause: Policy Feedback and Political Change.” *World Politics* 45 (1993).
- Plant, R. “Social and Economic Rights Revisited.” *Kings College Law Journal* 14 (2003).
- Poen, M. *Harry S. Truman Versus the Medical Lobby: The Genesis of Medicare*. Columbia: University of Missouri Press, 1979.
- Poor Law Commissioners’ Report of 1834*: [http://www.econlib.org/library/YPDBooks/Reports/rptPLC11.html#Part II, Section 1](http://www.econlib.org/library/YPDBooks/Reports/rptPLC11.html#Part%20II,Section%201) (Aug. 2012).
- President’s Commission on the Health Needs of the Nation: *Building America’s Health: A Report to the President*: <http://babel.hathitrust.org/cgi/pt?id=mdp.39015081485222;view=1up;seq=23> (Sept. 2014).
- Princeton Survey Research poll, Nov. 2013: <http://www.nationaljournal.com/congressional-connection/toplines/united-technologies-national-journal-congressional-connection-poll-topline-results-nov-18-2013-20131119> (Dec. 2014).
- Progressive Party Platform of 1912: <http://www.presidency.ucsb.edu/ws/?pid=29617> (Sept. 2014).
- Quinnipiac University poll, Nov. 2014: <http://www.pollingreport.com/health.htm> (Dec 2014).
- Rauschenbusch, W. *A Theology for the Social Gospel*. Nashville: Abingdon Press, 1945.
- Rawls, J. *Justice as Fairness: A Restatement*. Edited by E. Kelly. Cambridge: Harvard University Press, 2001.
- *Political Liberalism*. Exp. ed. New York: Columbia University Press, 2005.
- *A Theory of Justice*. Cambridge, MA: Harvard University Press, 1971.
- *A Theory of Justice*, 2nd ed. Cambridge, MA: Harvard University Press, 1999.
- Reagan, P. *Designing a New America: The Origins of New Deal Planning, 1890–1943*. Amherst: University of Massachusetts Press, 1999.
- Richter, M. *The Politics of Conscience: T. H. Green and his Age*. 1964. Reprint, Bristol: Thoemmes Press, 1996.
- Rimlinger, G. *Welfare Policy and Industrialization in Europe, America, and Russia*. New York: Wiley, 1971.
- Robertson, D. B. “The Bias of American Federalism: The Limits of Welfare-State Development in the Progressive Era.” *Journal of Policy History* 1 (1989).
- Rodgers, D. T. *Atlantic Crossings: Social Politics in a Progressive Age*. Cambridge, MA: Harvard University Press, 2000.
- Roosevelt, T. *An Autobiography*. www.bnpublishing.net. n.d.
- “Judges and Progress,” *Outlook*, Jan. 6, 1912.

- Rotunda, R. D. "The "Liberal" Label: Roosevelt's Capture of a Symbol." *Harvard Journal of Law and Public Policy* 17 (1968).
- Rudolph, F. "The American Liberty League, 1934–1940." *American Historical Review* 56 (1950).
- Sargent, G. "The Public View of Unemployment Benefits": http://voices.washingtonpost.com/plum-line/2010/07/public_wants_unemployment_bene.html (July 2014).
- Schiltz, M. E. *Public Attitudes Toward Social Security: 1935–1965*. Washington, DC: US Department of Health, Education, and Welfare, 1970.
- Schlesinger, A. *The Coming of the New Deal*. Boston: Houghton Mifflin, 1958.
- *The Crisis of the Old Order*. Boston: Houghton Mifflin, 1957.
- *The Politics of Upheaval: 1935–1936*. Boston: Houghton Mifflin, 1960.
- Schlesinger, R. "Amplifying the Indignity of Joblessness." *US News and World Report*, April 11, 2015: <http://www.usnews.com/opinion/articles/2015/04/11/the-kansas-welfare-bills-obnoxious-hypocrisy> (May 2015).
- Schmidtz, D. "Property." in *The Oxford Handbook of the History of Political Philosophy*, edited by G. Klosko. Oxford: Oxford University Press, 2011.
- Shapiro, R. et al. "The Polls: Public Assistance." *Public Opinion Quarterly* 51 (1987).
- Shaw, G. M., and R. Y. Shapiro. "The Polls-Trends: Poverty and Public Assistance." *Public Opinion Quarterly* 66 (2002).
- Sherwood, R. *Roosevelt and Hopkins: An Intimate History*. Rev. ed. New York: Harper and Row, 1950.
- Shue, H. *Basic Rights*. 2nd ed. Princeton, NJ: Princeton University Press, 1996.
- Skocpol, T. *Boomerang: Clinton's Health Security Effort and the Turn Against Government in U.S. Politics*. New York: W. W. Norton, 1996.
- *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States*. Cambridge, MA: Harvard University Press, 1992.
- *Social Policy in the United States: Future Possibilities in Historical Perspective*. Princeton, NJ: Princeton University Press, 1995.
- Skocpol, T., and E. Amenta. "States and Social Policy." *Annual Review of Sociology* 12 (1986).
- Smith, A. *An Inquiry Into the Nature and Causes of the Wealth of Nations*. Modern Library. Edited by E. Cannan. New York: Random House, 1937.
- Smith, D. G., and J. D. Moore. *Medicaid Politics and Policy: 1965–2007*. New Brunswick, NJ: Transaction Publishers.
- Smith, J. E. *FDR*. New York: Random House, 2007.
- Smith, T. "Inequality and Welfare." In *British Social Attitudes: Special International Report*, edited by R. Jowell, S. Witherspoon, and L. Brook. Gower: Aldershot, 1989.
- Sneed, T. "States Take Aim at Social Welfare Programs." *US News and World Report*, April 9, 2015: <http://www.usnews.com/news/articles/2015/04/09/states-take-aim-at-social-welfare-programs> (May 2015).
- Social Insurance, Cmd. 6550, par. 186. http://archive.org/stream/socialinsurancep033339mbp/socialinsurancep033339mbp_djvu.txt (Aug. 2013).
- Social Insurance and Allied Services* (Cmd. 6404). US ed. New York: Macmillan Co., 1942.
- "Social Insurance—General Considerations": http://lib-61.lse.ac.uk/archives/beveridge/9A_41_1.pdf (Aug. 2013).
- Social Security: <http://www.ssa.gov/disabilityssi/ssi.html> (Aug. 2014).
- Social Security Administration. : <http://www.ssa.gov/history/briefhistory3.html> (Oct. 2014).
- Socialist Health Association: <http://www.sochealth.co.uk/> (July 2013).
- Sofier, H. D. "The Causal Logic of Critical Junctures." *Comparative Political Studies* 45 (2012).
- Stanczyk, L. "Productive Justice." *Philosophy and Public Affairs* 40 (2012).
- Starr, P. *Remedy and Reaction: The Peculiar American Struggle Over Health Care Reform*. New Haven, CT: Yale University Press, 2011.
- *The Social Transformation of American Medicine*. New York: Basic Books, 1982.

- Sundquist, J. L. *Politics and Policy: The Eisenhower, Kennedy, and Johnson Years*. Washington, DC: Brookings Institution, 1968.
- Svallfors, S. "Worlds of Welfare and Attitudes to Redistribution: A Comparison of Eight Western Nations." *European Sociological Review* 13 (1997).
- Teles, S. *Whose Welfare? AFDC and Elite Politics*. Lawrence: University of Kansas Press, 1986.
- Thatcher, M. *The Downing Street Years: 1979–90*. New York: Harper Collins, 1993.
- Interview for Thames TV *This Week*. Feb. 5, 1976, <http://www.margaretthatcher.org/document/102953> (Sept. 2013).
- Interview for *Woman's Own*. Sept. 23, 1987: <http://www.margaretthatcher.org/document/106689> (Aug. 2013).
- Speech to Conservative Party Conference. Oct. 14, 1983: <http://www.margaretthatcher.org/document/105454> (Sept. 2013).
- Thomson, J. *The Realm of Rights*. Cambridge, MA: Harvard University Press, 1990.
- Tilton, T. *The Political Theory of Swedish Social Democracy*. Oxford: Oxford University Press, 1990.
- Timmins, N. *The Five Giants: A Biography of the Welfare State*. 1995. Reprint, London: Fontana Press, 1996.
- Titmuss, R. "War and Social Policy." In *Essays on the Welfare State*. 1958. Reprint, Boston, Beacon Press, 1969.
- Treasury Inspector General for Tax Administration, Feb. 25, 2013, Reference Number: 2013-40-024: <http://www.treasury.gov/tigta/auditreports/2013reports/201340024fr.html> (July 2014)
- Truman, H. S. *Memoirs*. Vol. 2 of *Years of Trial and Hope*. Garden City, NY: Doubleday, 1955.
- Tugwell, R. *In Search of Roosevelt*. Cambridge, MA: Harvard University Press, 1972.
- Urofsky, M. "State Courts and Protective Legislation during the Progressive Era: A Reevaluation." *Journal of American History* 72 (1985).
- Van Oorschott, W. "Making the Difference in Social Europe: Deservingness Perceptions Among Citizens of European Welfare States." *Journal of European Social Policy* 16 (2006).
- "Who Should Get What, and Why? On Deservingness Criteria and the Conditionality of Solidarity Among the Public." *Policy and Politics* 28 (2000).
- Verba, S., and G. Orren. *Equality in America: A View from the Top*. Cambridge, MA: Harvard University Press, 1985.
- Vincent, A. "The New Liberalism and Citizenship." In *The New Liberalism: Reconciling Liberty and Community*, edited by D. Weinstein and A. Simhony. Cambridge: Cambridge University Press, 2001.
- "The New Liberalism in Britain 1880–1914." *Australian Journal of Politics and History* 36 (1990).
- Vincent, A., and R. Plant. *Philosophy, Politics and Citizenship: The Life and Thought of the British Idealists*. Oxford: Blackwell, 1984.
- Virginia Tech: Digital Library and "Archives: http://scholar.lib.vt.edu/VA-news/WDBJ-7/script_archives/04/1004/102804/102804.6.htm (June 2015).
- Waldron, J. *The Right to Private Property*. Oxford: Oxford University Press, 1991.
- Washington Post*. Editorial. "Paul Ryan's Anti-poverty Plan Has Some Good Ideas That All Sides Can Support." July 24, 2014: http://www.washingtonpost.com/opinions/paul-ryans-anti-poverty-plan-has-some-good-ideas-that-all-sides-can-support/2014/07/24/592fc514-1363-11e4-9285-4243a40ddc97_story.html (Aug. 2014).
- Weaver, R. K., R. Shapiro, and L. Jacobs. "The Polls—Trends: Welfare," *Public Opinion Quarterly* 59 (1995).
- Webster, C. *The Health Services Since the War*. 2 vols. London: HMSO, 1988.
- Wilensky, H. *The Welfare State and Equality: Structural and Ideological Roots of Public Expenditures*. Berkeley: University of California Press, 1975.

- Will, J. A. "The Dimensions of Poverty: Public Perceptions of the Deserving Poor." *Social Science Research* 22 (1993).
- Witte, E. *The Development of the Social Security Act*. Madison: University of Wisconsin Press, 1963.
- Wolfskill, G. *The Revolt of the Conservatives*. Boston: Houghton Mifflin, 1962.
- Wolfskill, G., and J. A. Hudson. *All but the People: Franklin D. Roosevelt and his Critics, 1933–39*. Toronto: Macmillan, 1969.
- Wood, G. *The Radicalism of the American Revolution*. New York: Alfred A. Knopf, 1992.
- World Values Survey. file:///C:/Users/gk3/Downloads/WV3_Results_v_2015_04_18.pdf (July 2015).
- Zelizer, J. *Taxing America: Wilbur D. Mills, Congress, and the State, 1945–1975*. Cambridge: Cambridge University Press, 1998.

INDEX

- Abbott, E. 18 n.15, n.16, 19
Addison, H. 89 n.53, 90
Adkins v. Children's Hospital 70 n.36
Affordable Care Act (ACA) 14 n.2, 22 n.33,
23, 194–5, 216 n.62, 222, 223, 224,
228–34
 public response to, 243–6
Aid to Dependent Children 13, 151, 157, 158–9,
160, 161, 163; *see also*, welfare
Alber, J. 30
Allen, G. 41
Allgeyer v. Louisiana 62–3, 64
Altemeyer, A. 132
Amenta, E. 27 n.54, 127
American Association for Labor Legislation 66
American Economics Association 66
American exceptionalism 11, 12, 248
American Federation of Labor 31
American Liberty League 135–7, 150
American Medical Association 199, 200, 201
Arieli, Y. 23 n.41
Aristotle 53, 185 n.130, 257
Arizona Supreme Court 70
Ashcraft, R. 46 n.21
Asquith, H. H. 77, 81
Atlantic Charter 90, 98
Attlee, C. 77, 78, 87, 89
- Badura, P. 30 n.66
Balfour, A. 82
Balfour, G. 79
Ball, R. 157, 179, 201, 202
Barrett, E. J. 26 n.47, 165–6 n.60
basic access 188, 191, 192, 252, 253, 254, 255
Batten, S. Z. 67, 68
Beer, S. 78 n.1
Beland, D. 35 n.89
belief systems 37–8
- Bell, D. 12 n.27
Bennett, B. 179
Berkowitz, E. 15, 32 n.76, 133 n.61, 152 n.5,
178 n.96, 179 nn.99–101,
180 nn.103–8, 181
Berlin, I. 39
Berman, S. 30 n.66, 35 n.89
Bevan, A. 100–5
Beveridge, Report, *see Insurance and Allied
Services*
Beveridge, W. 77, 78, 79, 82, 87–9, 8, 112
 biographical details 88–9
Bevin, E. 88
Biden, J. 254
Bird, C. 48
Bismarck, O. von 21
Blackstone, W. 18
Blitz 89
Boer War 78
Bonaparte, Napoleon 187
Booth, C. 78, 79
Bosanquet, B. 55 n.43
Boucher, D. 51 n.35
Braithwaite, N. 81 n.15, 85 n.37
Brandeis, E. 69 n.35
Brinkley, A. 135 n.73, 139 n.96
Brokaw, T. 234
Brooks, C. 25, 26
Brown, J. D. 153, 154 n.9, 155, 214
Brownback, S. 250, 251
Bruce, M. 15, 78, 79 n.5, n.6, n.9, 90 n.59
Burns, J. M. 7 n.13, 10 n.19
Bush, G. H. W. 13, 168, 225–6
Bush, G. W. 146, 232
Byrnes, J. W. 202, 215–16
- Caird, E. 82, 95
Cameron, D. 105

- Campbell, J. L. 35 n.89
 Canada 242
 Cannon, W. 182
 Cantrill, L. 261–2
 Capoccia, G. 138
 Carter, J. 166, 170, 175
 Chamberlain, N. 90
 charity 17, 47, 111, 150, 198, 202, 206, 207, 212, 215, 259
 stigma 198, 202, 206, 212, 216
 child labor laws 69–70
 Children's Health Insurance Plan 221
 Chilton, S. 33 n.82
 Churchill, W. 77, 80, 82, 87, 88, 90, 189
 civil rights 205, 211
 Civil Rights Act 188–9
 civil rights legislation 181, 188
 Civilian Conservation Corps 119
 Clark Amendment 131
 Clinton, W. 105, 158, 169–71, 176–7, 181, 192, 194, 220, 222, 223, 224–8, 243, 244, 247
 Cohen, W. 200, 202, 203, 208, 212, 214, 218
 Collini, S. 3 n.5, 12 n.27, 51 n.33
 commerce clause, US Constitution 28
 Committee on Economic Security 1, 124, 133–34, 158, 195, 249
 Report 1, 87, 195
 common good, T. H. Green 53, 55, 59
 communal ideas x, 5, 6, 7, 9, 36, 50,
 community x, 18, 37
 collective view of 86, 92, 94, 96, 97, 98, 99, 103, 105, 111, 112, 113, 114, 121, 122, 139, 140, 141, 142, 143, 145, 146, 149, 205, 227, 231–2, 239, 241, 245, 247, 249, 252, 255, 257, 258, 259
 idealist view of 51, 56
 local duties of 44–5, 47
 Lockean view of 149, 150
 new liberalism 54, 57, 59–60
 responsibility for welfare 18
 Connolly, W. 15 n.5
 conservatism 114
 Conservative Party 79, 87, 90, 91, 93, 100, 101, 103, 104, 105
 contract, freedom of, *see* freedom
 contractual principle, *see* insurance, social
 Converse, P. 37–8
 Cook, F. L. 26 n.47, 165 n.60
 correlativity of rights and duties 17, 37, 42–5, 47, 48, 59, 85, 148, 205, 252, 254, 257, 258
 courts, T. Roosevelt's critique of 71, 72, 75–6
 Cox, R. 35 n.89
 critical junctures 10, 138, 140, 142
 Cruikshank, N. 202
 Cuomo, M. p. 12–13
 Daschle, T. 220 n.2, 222 n.8, n.10, n.11, 224
 David, S. 201 n.29, 215 n.58, 217, 219
 Davies, G. 133 n.64
 Davis, K. S. 109 n.9
Dawson Report 99
 Debs, E. 29
 Declaration of Independence 2, 38–9, 40, 117, 125
 democracy 72, 147–8
 Democratic Party Platform, (1936) 125
 Democratic Party Platform (2008) 233
 dependency 32, 163, 164, 167, 168, 169, 170, 250, 251, 254, 258
 Depression, Great 1, 21, 32, 33, 106, 122, 138, 140, 158, 205
 Derthick, M. 132 n.56, n.59, 133 n.64, 156–7, 198 n.13, 216 n.60
 desert 145, 155, 179, 180, 181, 184
 deserving and undeserving poor 4, 9, 19
 Dewey, J. 68
 DeWitt, L. 178 n.96, 179 nn.99–101, 180 nn.103–8, 181
 dignity, human ix, 3, 11, 12, 16, 249
 Dingell, J. 196, 235
 disability 178–81
 dole 155, 166, 181, 181–2, 185, 198
 stigma 198
 Dombrowski, J. 66 n.16
 Dred Scott decision 72
 Dukakis, M. 13
 Dunkirk 89, 90
 Dworetz, S. 36 n.3
 Earned Income Tax Credit (EITC) 10, 151, 166–7, 172–8
 Carter 175
 Clinton 176–7
 Obama 177–8
 Reagan 176
 economic declaration of rights, *see* Roosevelt, F. D.
 Economic Opportunity Act 181–2
 education 15 n.3, 186, 253
 attitudes towards 254
 Edwards, J. 229, 230
 Eisenach, E. 67
 Eisenhower, D. 217
 El Alamein 89–90
 Eliot, C. 134, 138 n.95
 Ellis, R. 23, 34 n.85
 Ely, R. 66, 67, 68, 71, 74
 Engel, J. D. 216–17, 218
 equality ix, 3, 11, 12, 16, 257
 of opportunity 10, 71, 74 n.56, 149 n.112, 116, 117, 151, 184–93, 252–3, 257, 261

- formal and substantive 187, 189, 190, 192
 problems with 255
 Rawls on 187
 of results 185–6
 Erskine, H. 163 n.49
 Esping-Andersen, G. 16, 17, 30 n.66
- Fair Deal 262
 Falk, I. S. 200
 family allowances (Great Britain) 92, 93, 94
 Federal Emergency Relief Administration 119
 federalism, American 18, 28, 29
 Feldman, S. 4 n.8, 260–2
 Fine, S. 15 n.4, 61, 63 n.8
 Flora, P. 30
folkhemmet 4, 45
 Food Stamps 164, 165, 166, 172, 181
 Foot, M. 100 n.101, 101 n.107
 Forand Bill 206, 207
 Forand, Aime 206
 Ford, G. 173
 Fox, D. M. 99 n.96
 France 90
 Fraser, D. 78 n.2, 79 n.8
 Free, L. 261–2
 Freedmen, M. 3 n.5, 12 n.27, 51 n.33, 55 n.43, 58, 87
 Freedman, P. 8 n.16
 freedom 37, 124, 127–8
 defined by courts 75–6
 formal and substantive 68, 82, 95
 negative 6, 23, 39–40, 52, 53, 54, 55, 56, 62, 65, 68, 71, 74–5, 120, 148, 258
 of contract 2, 28, 32, 52, 61–5, 67, 73
 of occupation 48
 positive 52, 53, 54, 74 n.56
 republican view of 258
 substantive 68, 209–10
 Freeman, S. 260 n.41
 Freidel, F. 112 n.15
 Fusfield, D. 107 n.3
- Gallie, W. 15 n.5
 Garfinkel, I. 15 n.3, 23, 249
 George, H. 58
 George, W. 79, 81 n.18, 83, 86
 Germany 21, 66, 70, 114
 historical economics 66
 Gerstle, G. 12 n.27
 GI Bill of Rights 127, 140, 146
 Gilbert, B. 81, 83 n.26, 85 n.35
 Gilens, M. 163 n.51, 164 n.56, 183 n.120
 Gilmore, P. 250, 251
 Ginsburg, M. 55 n.43
 Giuliani, R. 244
- Glendon, M. 145
 Goldwater, B. 201
 Gompers, S. 31
 Gordon, L. 8 n.17, 158, 159, 183
 Great Britain 11, 18, 47 n.23, 50, 52, 70, 122, 140, 248, 250, 252, 256, 258
 transformation of political culture 77, 90, 94, 96, 87, 98, 99, 105, 140
 welfare state 42, 59, 77–105
 Great Depression, *see* Depression
 Great Recession, *see* Recession
 Great Society 262
 Green, T. H. 2, 3, 36, 51, 52–5, 56, 57, 59, 67, 68, 74, 81, 86 n.39, 117, 128, 140, 143, 148, 149, 248
 problems in philosophy of 54–5, 59, 68
 Greenstone, J. D. 34 n.87
 Griffin, C. M. 55 n.43
 Groton School 107
 Gunther, G. 63 n.11
- Hacker, J. 8 n.15, 32 n.79, 158 n.27, 222 n.7, 246 n.57
 Hamilton, A. 115
Hammer v. Dagenhart 29 n.58, 75 n.56
 Hansson, P. A. 4, 5
 Harlan, J. 64
 Harris, J. 81, 86, 88, 89, 93, 95, 96–7, 98
 Hartz, L. 34, 37 n.4
 Head Start 181
 health insurance 22, 23, 70, 134, 94–219, 220–47
 different countries 22
 Great Britain 80, 90, 91, 92, 93, 94, 99, 103–4;
 see also National Health Service
 problems with 222, 223, 233, 235, 236
 universal x, 10, 94–219, 220–47, 249
 Health Security Act 222–3
 healthcare x, 3 n.6
 cost of 197, 204, 205, 206, 210–11, 213, 214–15, 215, 220–1, 222, 224, 225, 229, 230, 234, 236, 246–7
 rights to, *see* rights
- Heclou, H. 99 n.96
 Hegel, G.W.F. 11 n.23, 51, 52, 55 n.43
 Herron, G. D. 67
 Hitler, A. 89
 Hobbes, T. 53
 Hobhouse, L. T. 36, 51, 52, 55–60, 66, 67, 83, 112, 117, 128, 140, 141, 143, 145, 149, 256, 260
 Hobson, J. A. 55 n.43
 Hofstadter, R. 62 n.2, n3
 Hohfeld, W. 17 n.12, 115 n.19
 Holmes, O. W. 64
 Hoover, H. 130, 131, 135, 136

- Hopkins, H. 134
 Horwitz, M. 62
 House of Lords 80
 Howard, C. 18 n.14, 173–4, 175
 Hudson, J. A. 134 n.71, 135 n.74, n.77, n.78, n.80,
- idealism, British 51, 52, 55 n.43, n.57, 81, 86
 In re Jacobs 63
 individual (Lockean) 38, 40, 41, 52, 53, 55
 idealist view of 52
 new liberalism 52, 53–4, 56, 59
 individualism ix, 3, 4, 5, 6, 7, 9, 10, 23, 34, 27, 36, 37, 38, 45, 47, 50, 51, 52, 53, 61–5, 66–70, 70–76, 86, 103–4, 106, 107, 116, 117, 118, 129, 130, 131, 135, 139, 142, 143, 145, 146, 151, 184, 185, 199, 231, 232, 241, 247, 248, 249, 250, 252, 254, 255, 257, 258, 259, 260, 261, 262;
 see also Lockean ideas
 value 47–8
 insurance
 contractual sense 153, 154, 155, 157
 health, *see* health insurance
 private 152, 154, 198, 199, 214
 social 14, 106, 127, 137, 139, 141, 145, 152–5, 156, 158, 165, 178, 184, 197–9, 202, 203, 207, 208, 211–2, 258
 contractual 194, 214, 216, 248
 Great Britain 90, 91, 92, 93, 94
Insurance and Allied Services 77, 85, 87–98, 104, 105, 126–7, 258
 reception 89–91
 Ives v. South Buffalo Railway 72–3
- Jacobs, L. 91, 100 n.101, 165 n.61, 201 n.27, 202 nn.30–1, 202 n.33, 203 nn.35–6, 214 n.52
 Jefferson, T. 38, 115, 116
 Jeffreys, K. 91 n.64
 Johnson, E. S. 69 n.35
 Johnson, L. 10, 151, 181, 182, 183, 184, 186, 188, 189, 190, 191–2, 193, 201, 208–13, 215, 217, 220, 252, 253
 judicial review 28
 Justinian 19
- Kansas 250, 251
 Karson, M. 31 n.73
 Katz, M. 19, 20 n.24, n.27, 21 n.29, n.30, 161 n.45, 182 n.116, 184 n.124, n.127, n.128
 Katznelson, I. 28 n.55, 133 n.65
 Keleman, R. D. 138
 Kennedy, D. 119 n.22, 131 n.49, 132 n.56
 Kennedy, E. 203–5, 237, 242
 Kennedy, J. F. 161–2, 182, 187, 191, 201, 203, 205–8, 209
 Kennedy, R. 182–3
 Kennedy, V. 242
 Kenworthy, L. 186
 Kerr-Mills Program 201, 211, 216, 217, 218
King v. Burwell 242
 King, A. 23 n.38
 Klausen, J. 127 n.35
 Klein, R. 99, 100 n.101, 101 n.105, 104 n.130
 Klosko G. 24 n.43, 37 n.5, 44 n.16, 46 n.19, 185 nn.130–2, 252 n.13, 255 n.22, 257 n.30
 Kluegel, J. M. 26 n.49
 Knies, K. 66
 Kymlicka, W. 258 n.31
- Labour Party (Great Britain) 77–8, 87, 88, 91, 94, 97, 99, 102, 102, 104
 laissez-faire 23, 31, 61–5, 73, 76, 116, 130, 261
 Larsen, C. A. 25 n.45
 Lawrence, D. 136 n.83, n.85
 least eligibility 20, 41, 81, 99, 166, 251–2
 Legal Services 181, 182
 Lenin 200
 Leuchtenberg, W. 10 n.20, 119 n.22, 122 n.23, 131 n.49. 134
 Levine, D. 23 n.38, 79 n.8
 Liberal Parliament 50
 Liberal Party (Great Britain) 77, 78–87, 88, 94–5
 defeat 87–8, 91
 liberalism 36–60
 moderate x, 10, 98, 141–5, 149, 150, 252, 255, 256, 258, 259, 260
 new 3, 42, 50–60, 61, 81–2, 83, 86, 95, 96, 98, 108, 111, 114, 117, 128, 148, 150, 255, 260
 community 54, 57, 59–60
 individual 52, 53–4, 56, 59
 property 57–8, 59–60
 state 54
 senses of term p. 12–3
 liberty, *see* freedom
 new definition of 127–8
 of community (FDR) 114
 Lincoln, A. 73
 Lindert, P. 15 n.3, 16 n.11, 254 n.20
 Lindsay, J. 180
 Link, A. 75 n.56
 Lipset, S. M. 12 n.25, 23 n.39, 29 n.63, 30 n.68, 31 n.71
 Little, D. 259 n.40
 Lloyd George, D. 78–87, 94, 99, 105
 Lloyd, R. 81

- local responsibility 18, 19, 44, 45, 47, 50, 79, 99, 111, 117–18, 120, 121
- Lochner v. New York* 28, 63–4, 69, 72
- Lochner era 252
- Locke, J. ix, 2, 23, 36, 38, 40, 41, 45, 46, 47, 144, 248, 256
- Lockean ideas x, 3, 6, 7, 9, 10, 28, 34, 35, 36, 37–42, 45, 51, 52, 60, 61–5, 77, 86, 98, 103–4, 106, 107, 108, 117, 121, 136, 137, 142, 147, 149, 150, 248, 249, 254, 255, 260, 262; *see also* individualism
- community 45–6, 47, 48, 49, 50, 55
- state 41, 46–7
- London Olympics 99
- Long, H. 135, 139, 173, 174, 178, 179
- Lowe, R. 91 n.64, 92 n.67, 104 n.131
- Lubove, R. 32 n.78, 159 n.33
- Lyons, D. 42 n.12
- MacCallum, G. 39
- Machiavelli, N. 7, 129
- Macpherson, C. B. 23 n.42
- Mandel, B. 31
- Mark, D. 13 n.28
- Marks, G. 12 n.25, 29 n.63, 30 n.68, 31 n.71
- Marmor, T. 154 n.9, 200 n.24, 201 n.26, 202 n.34, 218, 221 n.5, 222 n.9, 253
- Marshall, T. H. 17, 98, 141, 252
- Martin, B. 13 n.30
- Mashaw, J. 154 n.9, 218, 253
- Massachusetts 242
- McCain, J. 234, 235
- McCall, L. 186
- McCarthyism 199
- McCloskey, H. 23 n.41, 34 n.85
- McClosky, D. 29 n.61,
- McCurdy, C. 62 n.6
- McQuaid, K. 32 n.76
- means test 91, 92, 93, 95, 172, 174, 178, 179, 194, 202, 209, 214, 219
- Medicaid x, 164, 170, 172, 181, 194, 196, 199, 202, 208, 210, 212, 213, 215, 216, 220, 221, 223, 237, 239, 243, 244, 249
- Medicare 8, 137, 146–7, 148, 155, 157–8, 159, 160, 174, 181, 194, 196, 199, 200–3, 205–8, 208–13, 213–19, 220, 221, 236, 237, 243, 246, 248, 249, 258
- departures from insurance 202–3, 208, 212, 214–15
- trust fund 194, 203, 213, 214, 215, 237
- medicine, socialized 199–200, 209, 213
- Milbank, D. 251
- Milkis, S. 7 n.12, 74 n.56, 125 n.30, 146 n.109
- Mill, J. S. 54, 57, 58, 120
- Miller, D. 5 n.11
- Mills, W. 156 n.11, 201, 203, 218, 221
- minimum wage laws 70
- Missouri 251
- moderate liberalism, *see* liberalism
- Moore, J. D. 216 n.63, 217 nn.64–6, n.70, 218 n.75
- Morgan, K. O. 87 n.44, 88 n.47, 90 n.59, 100 n.101
- Morone, J. 34 n.87
- Morris, E. 71 n.40, 72 n.44
- mothers' pensions 21, 32, 158, 160
- morals requirements 21, 161
- Murray, J. 196
- mutual aid 260 n.42
- National Child Labor Committee 66
- National Consumers' League 66
- National Labor Relations Board 136
- National Assistance (Great Britain) 91, 92, 93
- National Assistance Act (Great Britain) 77
- National Federation of Independent Business v. Sibelius* 242
- National Health Service 77, 93, 94, 98–105, 229, 250
- A National Health Service* (Great Britain, white paper) 100
- National Industrial Recovery Act 119, 120–21
- National Insurance Act (Great Britain) 80, 99
- National Resources Planning Board 126
- natural duties of justice 260 n.42
- New Deal 13, 28, 106, 107, 108, 109, 119, 122, 129, 130, 134, 135, 136, 137, 262
- New Frontier 262
- new liberalism, *see* liberalism
- New York Times* 135, 217
- Nixon, R. 172, 173, 178, 201
- nondomination 258
- Obama, B. 10, 23, 105, 142–4, 145, 194, 220, 222, 223, 224, 228–47, 255–6, 257
- Obamacare, *see* Affordable Care Act
- Oberlander, J. 196 n.6, 200 n.24, 203 nn.37–8, 214, 215 n.55, 220 n.1
- O'Brien, D. 29 n.57, 63 n.11
- Ohlen, L. 187–8
- Old-Age and Survivors Insurance, *see* Social Security
- Old-Age Assistance 106 n.1, 131–2, 139, 152, 156
- Old-Age Insurance, *see* Social Security
- Old Age Pension Act (Great Britain) 79, 82
- old-age pensions 22, 32, 43, 44, 70
- old-age pensions, Great Britain 79, 91, 92, 104
- old-age pension, NY State 110, 112
- old-age pensions, different countries 22

- Old-Age, Survivors, and Disability Insurance, *see* Social Security
- Olson, L. K. 216 n.62, 217, 218 n.79
- O'Neill, O. 44 n.17
- opportunity 181, 182, 188, 189, 190, 191, 192;
see also equality of opportunity
- Oregon 251
- Orloff, A. 132 n.57,
- Orren, G. 185–6
- Orschot, W. 26 n.47
- outdoor relief 20, 80
- Pakutka, J. 154 n.9, 218, 253
- partisanship, US 242
- path dependence 8, 35, 138, 147, 222, 246
intellectual 8, 35, 138, 147, 154, 155, 194,
246, 249
- Patient Protection and Affordable Care Act, *see*
Affordable Care Act
- Patterson, J. 20 n.28, 21 n.31, 159 n.32, 167 n.69,
182 n.113, n.115, 183 nn.118–20, 184,
188 n.142
- Peabody, E. 107
- Peckham, R. 63, 64
- People's Budget (Great Britain) 80, 82,
83 n.27, 84
- Perkins, F. 1, 2, 6, 107, 110, 122 n.26, 124
- Perlman, S. 30
- Perry, A. L.
- Personal Responsibility and Work Opportunity
Act 169–70
- Peterson, F. 110 n.10
- Pettit, P. 258
- Pierson, P. 8 n.15, 32 n.79
- Plant, R. 43, 44, 81
- Plato 86 n.39
- Poen, M. 200 nn.20–2
- police powers 63, 64
- political culture, definition 33–41
- Poor Law 19, 77, 79, 81, 82, 99, 103, 63, 164,
166, 184, 219, 250, 251
principles 4, 37, 41, 77, 79, 81, 86, 99, 104, 147
- Poor Law Commission Report* 20
- poorhouse 19–20
- poverty, Great Britain 78–9, 84, 85
- President's Commission on Health Needs of the
Nation 196, 197
- President's Healthcare Plan 223, 224
- Progressive Era 6, 37, 50, 65, 70–5
- Progressive Party 6, 13, 61, 68, 70
Platform 68–9, 194
- Progressives 13
- Progressivism 107 n.3
- property 66–70, 85, 86, 87, 94, 95, 103–4, 105, 258
communal 256, 260
- Lockean 82–3, 103, 232, 256, 259, 260
social 67–70, 74, 83, 87
- public opinion, American 23–4, 41
belief in opportunity 24
desert 26
responsibilities of government 24, 25
American, support for welfare 24
- Public Works Administration 119
- Pye, L. 33
- Rainwater, L. 15 n.3, 23 n.37, 249
- Rauschenbusch, W. 65
- Rawls, J. 11 n.24, 16, 48 n.27, 55 n.42, 97–8, 141,
149, 187, 253, 259–60
- Reagan, P. 126 n.34
- Reagan, R. 167–9, 170, 176, 180, 184, 213, 218
- Recession, Great 166
- reciprocity 82, 83–4, 85, 86, 105, 141, 160,
257, 258
FDR 111, 112, 140
- Reuther, W. 202
- Ribicoff, A. 179
- Richter, M. 54
- rights 2, 6, 7, 11, 37, 38, 139, 140, 147, 248
definition 17
economic declaration of 116, 117, 123
formal and substantive 73
Lockean 106, 129, 142, 149
natural 38, 39, 52, 53, 55, 57, 59, 60
negative 39, 40, 42–5, 54, 55
negative and positive 9, 17, 109, 148–9,
211, 252
positive 39, 42–5, 48, 59, 65, 85, 86,
148–9, 255
- property x, 2, 6, 10, 28, 32, 40, 51, 54, 56, 58,
59, 116, 117, 136, 141, 142, 146, 147,
150, 248, 255, 259
Lockean 61–5, 66–70, 71, 72
second bill of 9, 125–6, 145, 196
social conception 87
to benefits 16–17, 18
to healthcare 48–9, 197, 204, 205, 225, 228,
229, 231, 233, 234, 235, 243
- Rimlinger, G. 23 n.38
- Robertson, D. B. 21 n.32, 22 n.34, 29 n.62
- Robertson, Mrs. G. R. 160
- Rockwell, N. 125, 142
- Rodgers, D. D. 65 n.13, 66 n.17, n.19, n.22
- Romney, M. 144, 144–5 n.105, 242, 254
- Roosevelt, F. D. ix, 1, 2, 6, 8, 9, 10, 13, 34, 35, 36,
90, 98, 106–50, 155, 165, 195–6, 197,
204, 205, 206, 247, 248, 249, 255, 257,
258, 262
- Commonwealth Club Address 109 n.8,
115–17, 118, 123, 128

- economic conservatism 107, 109, 129,
 133, 134
 economic declaration of rights 116, 117, 123
 emergency principle 120, 121, 122
 four freedoms 125, 142, 148
 Governor of NY 6, 108, 110–13, 115, 129–30
 health insurance 134
 influence on Social Security 131–4
 justifications of social welfare
 programs 108, 110
 motives 107, 124, 128–9, 131, 138–9, 148
 NY State Senator 6, 108, 113–14
 obligations of government 109, 111, 112, 116,
 117, 117–18, 123, 125, 128, 129–30
 Oglethorpe University Speech 107
 on dole 112, 113, 118, 133
 presidential candidate 6, 108, 115–19
 property rights 116, 117
 responsibilities of government 110,
 116–17, 121
 second bill of rights; *see* rights
 Troy NY Speech 113–14, 115, 116, 117,
 128, 140
 Roosevelt, T. 6, 13, 37, 61, 68, 70–76,
 115 n.19, 140, 159, 195
 Rotunda, R. 13 n, 32
 Rowntree, S. 78
 Ryan, P. 164, 178, 254
- Santorum, R. 180
 Schiltz, M. E. 26 n.48, 156 n.12, 158, 161
 Schlesinger, A. 107, 129 nn.39–40, 133 n.62, 138
 Schlesinger, R. 250, 251
 Schmidt, D. 256 n.25
 Seager, D. 29
 Seager, H. 153
 self-respect 16
 Shapiro, R. 163 n.49, 163 n.52, 165 nn.61–2
 Shapiro, R.. 26 n.50
 Shaw, A. W. 71
 Shaw, G. M. 163 n.52, 165 n.62
 Shaw, R. 136 n.88
 Sherwood, R. 125 n.29
 Shriver, S. 182, 183
 Shue, H. 43
 Skocpol, T. 14 n.1, 23 n.28, 27 n.54, 29 n.60,
 33 n.81, 127, 160 nn.35–40, 161 n.41,
 223 n.12
 Smeeding, T. 15 n.3, 23 n.37, 249
 Smith, A. 2, 41, 47
 Smith, A. E. 135
 Smith, D. G. 216 n.63, 217 nn.64–6, n.70,
 218 n.75
 Smith, E. R. 26 n.49
 Smith, J. E. 133 n.66
- Smith, T. 24
 Social Darwinism 62, 136
 social democracy 78, 87–8, 105
 Social Gospel 6, 61, 65–70, 71, 140, 257
 social insurance, *see* insurance
Social Insurance (white paper, Great
 Britain) 94, 96
 Social Policy Association 66
 Social Security 1–2, 8, 9, 10, 92, 104, 106,
 122–34, 137–40, 146–8, 151, 152, 153,
 155, 155–7, 158, 159, 160, 161, 172,
 174, 178, 179, 180, 181, 194, 197, 198,
 200–03, 205–8, 208–13, 214, 221, 246,
 248, 249, 258, 259
 Advisory Council 215
 Amendments (1960) 217
 Disability 178
 departures from insurance principle 137, 141,
 154
 popular support for 156, 157
 Survivors' Insurance 159, 161
 trust fund 148
 Social Security Act 1–2, 3, 7, 8, 34, 43, 98, 106,
 108, 122–34, 137–40, 155, 157–8, 159,
 160, 195, 198
 socialism 12, 140, 200, 213
 democratic 102
 Great Britain 78, 99, 101–2, 105
 in US 29, 30
 society, *see* community
 Lloyd George 83
 Thatcher 103
 Sofier, H. D. 138 n.93
 South, American 28
 Spencer, H. 51 n.33, 62, 64
 Spinoza, B. 55
 Stanczyk, L. 49 n.29
 Starr, P. 195 n.2, 196 nn.5–6, 215 n.56, 216 n.63,
 219, 221, 229, 243 n.50, n.52
 Stears, M. 12 n.27
 Steenbergen, M. 4 n.8
 Sundquist, J. 182 n.115
 Supplemental Security Income 10, 151, 155,
 166, 172,
 stigma 181, 184
 Supreme Court, U.S. 108, 138, 195
 Svallfors, S. 24, 25
 Sweden 4, 5, 10, 11, 45, 252
 Social Democratic Party 30
- Taft, R. 200
 Taft, W. H. 68
 tax expenditures 14–15, 18
 Teles, L. 159 n.31, n.33, 160 n.34, 161 n.42, n.44
 Teles, S. 163

- Temporary Assistance for Needy Families 171,
172, *see also* welfare
- Temporary Emergency Relief Administration
(NY) 110, 111, 116, 117, 118
- Thatcher, M. 103–4, 104
- Thomas, N. 213
- Thomson, J. 17 n.12
- Tilton, T. 4 n.9, 5 n.10
- Times*, London 90
- Timmins, N. 80 n.12, 88 n.48, 89 n.58, 91 n.66
- Titmuss, R. 78 n.3, 81 n.15, 97 n.89
- Tocqueville, A. de 257
- Townsend, F. 132
movement 132, 139, 140
- Toynbee Hall 78
- Truman, H. 194, 195–200, 204, 205, 206, 207,
212, 213, 220, 221
- Trump, D. x
- trust fund, Medicare, *see* Medicare
- trust fund, Social Security, *see* Social Security
- trusts 71
- Tufts, J. H. 68
- Tugwell, R. 108 n.7, 130, 131, 134
- Twiss, B. 63
- undeserving poor 41, 82, 104, 147, 150,
151, 155, 159, 163, 166, 184, 244,
246, 250
- undeserving rich 82, 85
- unearned increment 58, 80, 82, 83, 85–6, 87,
142, 256
- unemployment insurance 22, 23, 131
different countries 22
Great Britain 80
NY state 110, 112, 113
- unemployment, Great Britain 78–9, 84, 104–5
- unemployment, stigma 19, 165 n.59, 166, 184
- unions, in US 30–31
- United States Supreme Court 28, 70
- Universal Declaration of Rights 11
- Urofsky, M. 29 n.61
- utilitarianism 55
- Utley, S. W. 136
- Verba, S. 185–6
- Vincent, A. 47, 51 n.31
- Virginia Declaration of Rights 258
- Voting Rights Act 189, 190, 193
- Wagner, A. 66
- Wagner, R. 196
- Wagner-Murray-Dingell Bill 196
- Waldron, J. 17 n.12
- war on poverty 10, 151, 181–4, 210, 252
- Warner, A. 20 n.27
- Warren, E. 142, 257
- Weaver, R. K. 165 n.61
- Webb, Sidney and Beatrice 94
- Webster, C. 93 n.74, 99 n.98, 100 n.100
- Weed, A. 13
- welfare 8, 10, 147, 151, 154, 155, 157–72,
173, 174, 175, 178, 179, 180, 181,
183, 184, 216, 249, 250,
251, 258
attitudes towards 26–7, 163–4, 165,
244, 249–50, 251
capitalism 28, 32–3
expansion 158, 173
medicine 194, 250
programs 15–6, 52
definition 14–8
stigma ix, x, 4, 9, 16, 147, 151, 155, 165, 166,
170, 179, 180, 181, 252
stigma, Great Britain 80, 99
work requirements 165, 166, 167, 168, 169,
170, 171, 172, 173, 175, 250, 251
- welfare state ix, 2, 3, 12
American 14–35
causal factors 27–35
comparative 21–7
expenditures 22
history 18–21
two-tier 8, 147, 216, 218, 248, 250
weakness of 3, 5, 7, 8, 12
British, *see* Great Britain
- Wellstone, P. 13
- Westle, F. 185
- White, S. 259
- Wilensky, H. L. 33 n.81
- Will, J. A. 26 n.47
- Wilson, H. 101
- Wilson, W. 68, 71, 72, 74, 74 n.56
positive freedom 74 n.56
- Witte, E. 131 n.52, 132, 133, 134, 157
- Wolfskill, V. 134 n.71, 135 n.74, n.77, n.78, n.80,
135 n.72, 136, 136 nn.86–8
- women, employment of 70, 75, 162–3, 184
- women, equal rights for 205
- Wood, G. 258
- working class, American 29, 30
- World War II 50, 77, 78, 88, 122, 140
- Zaller, J. 4 n.8, 23 n.41, 34 n.85, 260–2
- Zelizer, J. 153, 156 n.11, 201 n.28, 248

