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APPLYING RAWLSIAN SOCIAL JUSTICE TO WELFARE REFORM: AN UNEXPECTED FINDING FOR SOCIAL WORK

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This paper sketches social workers' understanding of social justice and reliance on Rawls (1971), highlights findings about "hard to employ" welfare recipients facing welfare reform, and articulates the parameters of Rawlsian justice (Rawls, 1999a; 2001) with particular emphasis on people who have been on welfare for long. The paper shows that social workers do not have any space to maneuver in Rawlsian justice to uphold justice for long-term welfare recipients, and welfare reform's "work first" stipulation does not violate Rawlsian justice. The paper raises some questions about social workers' continued reliance on Rawls. It suggests social workers update the literature to reflect Rawls's revised and clarified vision of justice and apply it appropriately.

Keywords: *Social justice, long-term welfare recipients, work first, Rawls*

In a *Theory of Justice* and *Justice as Fairness: A Restatement*, Rawls (1971; 1999a; 2001) conceptualized the meaning of social justice, and laid out the foundation that would allow all citizens to get justice in society. Rawls encapsulated his very elaborate thinking about social justice in two elegant principles. The second principle of justice brings disadvantaged people to the forefront: "social and economic inequalities . . . are to be to the greatest benefit of the least advantaged members of society" (Rawls, 2001, pp. 42–43). Given such strong and clear emphasis on maximizing the well-being of poor people, it is not surprising that social workers unanimously agree that Rawlsian justice is highly suited to furthering our justice concerns related to various people with

whom we work (Figueira-McDonough, 1993; Reisch, 2002; Reisch and Taylor, 1983; Van Soest, 1994; 1995; Van Soest and Garcia, 2003; Wakefield, 1988a; 1988b; 1998). The question is: Can Rawlsian justice also help social workers to promote justice for long-term welfare recipients in the context of the welfare reform of 1996?

It is important to answer this question for three reasons: a) social workers are committed to bringing about social justice with and for people who are poor, vulnerable, oppressed, and marginalized (NASW, 1999; Reamer, 1998); b) social workers have uniformly and heavily drawn from Rawls (1971) to promote social justice in micro to macro levels of practice; c) social workers critique the Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] (1996, P.L. 104–193), henceforth welfare reform, as unjust because of its sole emphasis on individual responsibility to gain economic self-sufficiency without a concomitant focus on social responsibility to make this possible (Anderson, Halter and Gryzlak, 2004; Long, 2000; Stoesz, 2000; Reisch, 2002; Taylor and Barusch, 2004).

Interestingly however, despite social workers' reliance on Rawls (1971) to promote justice with varied populations, no social worker has applied Rawlsian justice to critique welfare reform. In light of social workers' high regard for Rawls to promote social justice for varied problems, and Rawls's apparently serious concern for delivering justice to poor people, as evidenced through the second principle of justice, it is worth examining whether Rawlsian justice can help us promote social justice as we define it for long-term welfare recipients in this era of welfare reform. Such an examination may help to clarify whether we can continue to rely on Rawls to develop a justification that would be needed by policy makers to attend to our advocacy demands related to long-term welfare recipients.

To this end, this paper briefly sketches social workers' understanding of social justice and their reliance on Rawls (1971), highlights some recent findings related to long-term welfare recipients in the context of welfare reform, and more fully articulates the main parameter and specific elements of Rawlsian justice (Rawls, 1999a; 2001) as they relate to adults compelled to rely on public assistance for long. Specifically, the paper discusses Rawls's notion of distributive justice, his two principles of justice, definition

of least advantaged members and “surfers,” and distinction between allocative justice and distributive justice. This examination reveals: a) welfare reform with its work first stipulation does not violate Rawlsian justice, and b) there is no space in Rawlsian justice that allows social workers to maneuver it to uphold justice as they define it for long-term welfare recipients. The paper raises questions about social workers’ continued reliance on Rawls to promote justice, especially for long-term welfare recipients, when Rawls has revised and clarified his thesis on justice. It suggests social workers update the literature to reflect Rawls’s revised position on justice so we may appropriately apply it for our causes.

Social Workers’ Views on Social Justice,
Rawlsian Social Justice, and Welfare Reform

Social Workers and Social Justice

The NASW Code of Ethics (1999, p. 18) requires social workers to promote social justice so that all people, and particularly poor, vulnerable, oppressed and marginalized people, “have equal access to resources, employment, services, and opportunities that they require to meet their human needs and to develop fully.” However, the code does not define social justice, and a review of the social work literature indicates that its meaning and strategies vary among social workers (Beverly and McSweeney, 1987; Caputo, 2002; Chatterjee and D’Aprix, 2002; Figueira-McDonough, 1993; Reisch, 2002; Saleebey, 1990; Van Soest, 1994; Van Soest and Garcia, 2003; Wakefield, 1998).

Among the available definitions of social justice, lately social workers tend to forward Barker’s (1999, p. 451) definition: “an ideal condition in which all members of a society have the same basic rights, protections, opportunities, obligations, and social benefits.” It is possible that this definition is cited most frequently not because it reflects our profession’s stance on social justice, but rather because of its conciseness. Whereas Barker’s definition emphasizes equality in social, economic, and political spheres, and includes the idea of obligation to acquire justice or benefits, not all social workers share this view. Overall social workers agree social justice entails equality in certain spheres to ascertain fair distribution of socio-economic-political resources for all people

(Beverly and McSweeney, 1987; Reisch, 2002; Saleebey, 1990; Van Soest, 1994; Wakefield, 1988a). Further, these social workers promote social justice on various grounds such as meeting people's basic and developmental needs, equal moral worth, redress, egalitarianism, altruism, and gift of citizenship. Last, while there is much discussion on what people need so that there is justice, there is very little discussion about whether people have any obligation to society, such as getting wage employment, to get justice.

Recently, Reisch (2002) has identified five principles of a just society: holding the most vulnerable populations harmless in the distribution of societal resources, mutuality, emphasizing prevention, stressing multiple ways of providing access to services and benefits, and enabling clients and constituencies to define their own situations and contribute to the development and evaluation of solutions. In place of obligation, Reisch promotes the idea of mutuality or individual's "capacity to repay society for its assistance at some time, in some way" (p. 351). He believes a sense of mutuality would balance individual's rights and responsibilities and would address welfare reform's focus on "responsibility, but not agency, over societal obligation" (p. 351). In the context of welfare reform, he sums up his vision of justice for people facing its dire consequences by stating that a just society is one where people "can live decent lives and realize their full human potential. This requires the elimination of those policies that diminish people's sense of control over their lives . . . expansion of those programs that enable people to exercise personal freedom by removing the fear of economic and physical calamity from their lives and making them feel like integral and valued parts of society" (p. 351).

Social Workers and Rawlsian Social Justice

A review of the social work literature shows that almost all authors at least refer to Rawls (1971), if not also draw on aspects of his justice theory to discuss or advance their justice concerns. First, in relation to libertarian, utilitarian, and egalitarian theories of social justice, social workers unanimously agree that Rawls's (1971) theory of justice is most suited to our purposes; some prefer Rawlsian justice to others because of its egalitarianism while others favor it to promote distributive justice (Conrad,

1988; Figueira-McDonough, 1993; Goldberg, 1992; Longres and Scanlon, 2001; Reisch, 2002; Reisch and Taylor, 1983; Van Soest, 1994; 1995; Wakefield, 1988a; 1998; Wright and Bodnar, 1992). Some draw on Rawls's "difference principle," guarantee of a "social minimum," along with emphasis on "social primary goods" to promote justice in various fields and aspects of social work practice (Beverly and McSweeney, 1987; Figueira-McDonough, 1993; Raber and Conrad, 1999; Reisch and Taylor, 1983; Wakefield, 1988a; Wright and Bodnar, 1992). Second, social workers rely on Rawls to cover the broad spectrum of micro-macro social work justice concerns. For example, some pull the micro-macro divide together to discuss social justice (Reamer, 1998). Others focus more exclusively on clinical social work and discuss psychotherapy with people with mental health problems (Dean, 1998; Swenson, 1998; Wakefield, 1988; 1998); social administration issues related to staff morale in times of agency restructuring as a result of scarce resources (Raber and Conrad, 1999; Reisch and Taylor, 1983); policy-practice issues such as balance of peace and justice (Figuera-McDonough, 1993; Linhorst, 2002; Van Soest, 1995); or social work education related to clinical practice, policy, research, and field education (Conrad 1988; Longres and Scanlon, 2001; Reid and Billups, 1986; Reisch, 2002; Swenson, 1998; Van Soest, 1994; 1995; Wakefield, 1988a; 1988b; 1998;).

Third, there is very little critique of Rawlsian justice by social workers, except extremely minimal statements noting that Rawlsian justice maintains the status quo (Reisch and Taylor, 1983), results in minimal distributive justice for poor people (Wakefield, 1988a; 1998), and emphasizes liberty over equality (Reisch, 2002). Although hindsight shows that these criticisms are extremely pertinent, in relation to the space devoted to incorporate his ideas into social work, the brevity of words devoted to these criticisms undermines their significance. Last, one notes that some articles related to social justice do not directly cite Rawls. But, a few social workers are regarded as authorities on social justice, or Rawlsian social justice (Barker, 1999; Beverly and McSweeney, 1987; Saleebey, 1990; Wakefield, 1988a; 1988b; Van Soest, 1994; 1995). Consequently, authors of this last group of articles uniformly cite these stalwarts to define or discuss their social justice concerns or

to refer to Rawlsian justice. So, anyone reading the combined volume of our social justice literature would conclude that recourse to Rawlsian justice would allow us to address all our social justice problems. It was this belief that directed the author to read Rawls (1971; 1999a; 1999b; 2001). The assumption was that although social workers had not applied Rawls to critique welfare reform, a thorough understanding of Rawls may allow us to create a rationale that would enable adults who have been on welfare for long for a variety of micro-macro reasons get justice, instead of living through the daily hardships and humiliations entailed in the oppressive work first and time limit requirements of welfare reform.

Social Workers and Welfare Reform

Welfare reform is the most substantial welfare policy change in America since 1935. A significant change relates to the availability of cash assistance to poor families with children, now known as Temporary Assistance to Needy Families or TANF. It requires all adults to be personally responsible for their economic well being by going to work first, irrespective of personal, interpersonal, and structural barriers to work. Cash assistance can only be obtained on a temporary basis. Also, there is a life time limit on the availability of cash assistance. Whereas the limit is five years from the federal government, states can impose their own rules to define both work first and time limit.

Shortly after its enactment, the welfare rolls reduced dramatically in most states as people who could work were able to find jobs in a then booming economy (US Department of Health and Human Services, 1999; Pearce, 2000). Early studies conducted in various states found that about 50 percent to 70 percent of TANF leavers were employed immediately after exiting the system, although their average earning was usually below the poverty level (Acs and Loprest, 2001). However, some leavers found it difficult to retain their temporary, low-skilled jobs, and cycled in and out of welfare (Anderson, Halter, and Gryzlak, 2004; Loprest, 2002), while others found it hard to even get a job (Zedlewski, Nelson, Edin, Koball, Pomper, and Roberts, 2003).

The primary interest of this paper is the last two groups of people, variously termed as hard-to-employ, welfare-to-work, and long-term welfare recipients. Research shows they face nu-

merous barriers to employment such as inadequate education, job skills and experience; health, mental health, and substance abuse issues; domestic violence; lack of childcare, transportation, and jobs (Anderson et al, 2004; Banerjee, 2002; 2003; Jackson, Tienda, and Huang, 2001; Primus, Rawlings, Larin, and Porter, 1999; Solomon, 2001; Taylor and Barusch, 2004; Zedlewski et al., 2003). They need special assistance to develop their personal capabilities and to address their personal and inter-personal issues; there needs to be investment in social capital development so that the work first requirement can bear fruit for many although not all (Anderson et al., 2004; Banerjee, 2003; Jackson, Tienda, and Huang, 2001; Prince and Austin, 2001; Taylor and Barusch, 2004). Some (Anderson, Halter and Gryzlak, 2004; Taylor and Barusch, 2004) promote a halt to work first and time limit for some long-term welfare recipients arguing that thoughtful investment in human and social capital development is required before such people can strive towards economic self-sufficiency; additionally a few even need a waiver from the work requirement. While there are local programs designed primarily to help long-term welfare recipients find jobs and attend to other personal issues, research also shows that the success rates of these programs vary and tend to be modest because it takes time to bring about the dramatic changes in personal self-efficacy and societal inclusion that are necessary to make employment and economic self-sufficiency as emphasized by welfare reform a sustainable reality (Anderson et al, 2004; Banerjee, 2003; Prince and Austin, 2001; Schorr, 2001; Stoesz, 2000; Taylor and Barusch, 2004).

Social workers criticize welfare reform on various grounds. For example, some (Abramovitz, 1996; Jimenez, 1999; Segal and Kilty, 2003) note that welfare reform is primarily designed to discipline poor women, especially poor black single mothers, and to impose mainstream values of work, marriage, and child-bearing. They also express concern about poor women's inability to escape domestic violence, or harmful relationships with undesirable men because of fewer options. Moreover, critics note that while undoubtedly there is value to work and a work ethic, inability to get or retain a minimum wage job in the secondary labor market is more complicated than mere unwillingness to work and desire to live off welfare benefits as some assume

(Anderson et al., 2004; Bane and Ellwood, 1994; Banerjee, 2003; Schorr, 2001; Segal and Kilty, 2003). Research has shown some of the creative ways through which poor single mothers make ends meet (Edin and Lein, 1997), the hardships they endure as a result of welfare reform's work first stipulations (Zedlewski et al., 2003), and their reluctance to return to welfare despite job loss yet the need to return not because of calculation but because of desperation (Anderson et al., 2004).

Despite these findings, when welfare reform came up for re-authorization discussion in 2002, President Bush emphasized the drop in welfare rolls as an indicator of its success, and pushed for an even higher percentage of welfare caseload to be involved in work, and even more hours of work than its initial expectations (National Conference of State Legislators, 2002). However, research findings cast doubt on the feasibility of this recommendation. Thus, welfare reform's implications on hard-to-employ long-term welfare recipients become a social justice concern for social workers because their basic and developmental needs are in jeopardy (Reisch, 2002).

To sum up, bringing about social justice is important for social workers. Some point out that welfare reform is unjust. Many rely on Rawls to promote justice for people. Thus, it is worth examining how Rawlsian justice may help us to promote justice for long-term welfare recipients. Next I devote considerable space to discussing Rawlsian justice because except for Wakefield (1988a; 1988b; 1998), no other social worker has elaborated on the Rawlsian theory of justice. However, Wakefield discusses Rawls's 1971 theory of justice and that too in the limited context of psychotherapy as a social justice concern. Rawls has twice revised his 1971 theory of justice (Rawls, 1999a; 2001). In his final thesis, Rawls (2001) clarifies that the revised theory is not about applied moral philosophy, but rather it is a political conceptualization of justice.

A Critique of the Parameter and Selected Elements of Rawlsian Distributive Justice

Distributive Justice

Broadly, Rawlsian justice (Rawls, 1971; 1999a; 2001) lays out how political, economic, and social resources are to be distributed

in an ideally just society so that all citizens can get their fair and due share or social justice. In envisioning this society, Rawls assumes: a) all citizens are free and equal, reasonable and rational, and normal and fully cooperating members of a pluralist society, b) the “basic structure” or the government is primarily responsible for creating a just society, and c) co-operation and reciprocity among citizens and institutions are critical for the stability of this just society. Distributive justice results when the government, its citizens, and institutions fulfill their respective duties and obligations.

Implications of Distributive Justice on Work and Income. In Rawlsian justice both the government and its citizens involved in various social, economic, and political institutions have their respective roles to play in sharing the benefits and burdens of societal functioning. As such, the government has an obligation to maintain justice through its constitution, legislation, and implementation bodies by accurately following the procedures of his two principles of justice (to be elaborated shortly). Simultaneously, all citizens have a duty to co-operate with the government and its rules. One rule requires that all people contribute their labor and/or capital to producing material goods and services needed by society. Such production takes place in a more or less free market economy because of its efficiency to coordinate demand and supply as well as ability to stabilize the economy.

Thus, citizens’ fair and due economic share from society, at least those who need wage employment to make a living is crucially tied to their pay and benefits package which are a pre-determined contract between two parties in a market economy. People who depend on wage employment, earn according to their ability, merit, effort, and contribution, as well as what the market is willing to pay for their labor based on demand and supply. Rawls specifies that if some people are more talented and in higher demand because of scarcity, they should be paid more than those who are less talented and more easily and abundantly available. Conversely, people who are unhappy with their wages should enhance their educational and occupational skills to earn more. However, it is important to note that social cooperation, meaning work or wage employment, is a critical ingredient in Rawlsian justice. But Rawls does not require work to be a basic

right, nor does he require the government to have a full employment policy or set a minimum wage standard because these would interfere with the functioning of a more or less free market economy.

Implications of Distributive Justice on Welfare Assistance. Despite Rawls's preference for a more or less free market economy where there is reasonably full employment, and people cannot be "forced to engage in work that is highly productive; work they do depends on them based on market incentive" (2001, p. 64), he also recognizes this economy's inability to meet "claims of need" (1999a, p. 84). A valid claim of need arises only when people cooperate with the work requirement, but fail to make an adequate wage to make ends meet, or when they are temporarily unable to work because of ill-health, or due to the seasonal or temporary nature of their jobs. Only under these three circumstances, Rawls requires the government to pay a "social minimum," or welfare assistance.

Rawls does not address how much or what constitutes the social minimum, but overall it appears that the social minimum should meet working poor people's needs and fit into the requirements of the second principle of justice. However, he is clear that the social minimum should be less than the value of market wage to retain the incentive for work. He maintains that the legislature should determine how much public revenue ought to be allocated for social minimum by keeping working poor people's cost of living in perspective with other public expenditure and total public revenue, reflecting standard public policy making practices.

Rawlsian Principles of Justice

Rawls expects the government to adhere to two principles of justice to ensure distributive justice for all. The two principles of justice are:

- a) Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all.
- b) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second,

they are to be to the greatest benefit of the least advantaged members of society (Rawls, 1999a; 2001, p. 42–43).

The first principle is known as the equal liberty principle; it guarantees equal political and civil liberties, such as freedom of speech, assembly, religion, property ownership, and political participation to all citizens. The first part of the second principle is known as the fair equality of opportunity principle; it guarantees equal access to education and work for citizens with equal ability and talent, irrespective of their socio-economic class background. The second part of the second principle is known as the difference principle, and it guarantees that inevitable and desirable socio-economic inequalities are to the maximum advantage of the least advantaged members of society (to be defined later).

Further, Rawls imposes a lexical ordering to these principles, which means that the second principle cannot be given priority over the first principle, and that the fair equality of opportunity principle has precedence over the difference principle. And, it is important to note that Rawls (2001) has demoted the position of the difference principle from being the first part of the second principle to the last part of the second principle (Rawls, 1971).

Critique of the Two Principles of Justice. The principle of equal liberty is very helpful because it treats all citizens as equals, irrespective of their race, gender, class, national origin, religion, ability and so on. But, it is also worth noting that these political and civil freedoms are not anything more than what the American constitution already provides its citizens.

Fair Equality of Opportunity Principle. Because the two-part second principle is so appealing, particularly with regard to poor people, it is important to understand its implications. The fair equality of opportunity principle does not guarantee equal access, but rather it guarantees fair access to work and education because it states that all people with *equal* ability and talent, irrespective of their class background, must have equal access to education and work. This principle is very helpful for talented poor individuals because they have the same access to education and work as talented rich individuals. But when two persons do not have the same ability they are not required to have the same

access to education or work. However, Rawls recognizes that poor people's background may interfere with their opportunities to realize their abilities and talents. Thus, Rawls recommends, but does not require, that extra resources may be spent on poor children's education, until they finish high school. Disappointingly, however, Rawls does not specify extra resource allocation for remedial education, post-secondary education, or vocational training for poor adults who must work to earn a living. In addition to this major limitation, this noteworthy justice principle with high potential for bettering the life chances of poor children comes with a reciprocity clause attached to the difference principle.

The Difference Principle. The difference principle appears to be the most beneficial principle of justice for poor people because it is not about treating all citizens equally, but rather it is about treating poor people especially so that they can maximally increase their well-being. However, Rawls does not elaborate much on how socio-economic inequalities are to be precisely addressed to make them to the greatest advantage of poor people. Overall, he requires the government, specifically the legislature, to apply the difference principle to set its social and economic policies by comparing various schemes of cooperation and choosing that in which the poorest people fare the best and then apply that scheme to setting the social minimum. Rawls clarifies that even in an ideally just society there will be inequalities in any scheme of cooperation because, as noted earlier, economic distribution takes place via the market place where people earn a living based on their talent-related contributions, and some are naturally more talented. Some point out that the difference principle amounts to trickle down effects (Wakefield, 1988a; 1998), while others point out that even if it betters poor people's economic situation, it can create vast inequalities in power and influence, as well as a distribution can be just even if it violates the difference principle (Nathanson, 1998).

The Reciprocity Clause in the Difference Principle. The difference principle comes with a critically important reciprocity clause, which reflects Rawls's central concern for fairness to *all* citizens. Rawls explains that, "reciprocity is a moral idea situated between impartiality . . . on the one side and mutual advantage on the

other," (1971; 1999a; 2001, p. 77), expressing "concern for all members of society" (2001, p. 71). Consequently, the reciprocity clause states that socio-economic inequalities, as well as any extra expenditure on poor children's education, also must benefit "others as well as ourselves . . . even if it uses the idea of maximizing the expectations of the least advantaged, the difference principle is essentially a principle of reciprocity" (Rawls, 2001, p. 64). Thus, while both the fair equality of opportunity principle and the difference principle allow extra expenditure to educate poor children, yet such extra expenditure is permissible only when "more attention to the better endowed (is given) . . . otherwise not" (1999a, pp. 86–87). So, in effect the difference principle creates the illusion of treating poor people especially because the reciprocity clause attached to it takes away this advantage from poor people. Because of ignoring extra-expenditure to remedy poor adults' education and occupational skills in the fair equality of opportunity principle, and the reciprocity clause in the difference principle, it is hard to understand how Rawlsian justice can help poor children and adults get ahead in life. Moreover, it is important to note that although social workers emphasize the difference principle, none mention the reciprocity clause and point out its shortcomings.

Least Advantaged People and Surfers

With regard to the main concern of this paper, that is, the fate of long-term welfare recipients in the context of welfare reform, Rawls's definition of least advantaged people is critically problematic as well. For example, although the American society has more than two classes, Rawls simplifies it by classifying citizens into two groups: most or more advantaged and least or less advantaged. Rawls goes through an elaborate process to identify "the least advantaged" members of society (1971, pp. 95–100; 1999a, pp. 83–86; 2001, pp. 57–60, p. 65, p. 139). However, he finally defines least advantaged people as "those who share with other citizens the basic equal liberties and fair opportunities but have the least income and wealth" (2001, p. 65). In short, working poor people, with minimum income, are the least advantaged members of society.

It is important to note that Rawls is extremely cautious and

highly respectful in venturing to define/identify least advantaged members of society. In *Justice as Fairness: A Restatement*, he provides a very elaborate explanation about his conceptualization of least advantaged people, stating, "the term 'the least advantaged' is not a rigid designator" (2001, p. 59, note #26). Rather, Rawls continues, they are people who are worst off under a particular scheme of cooperation because these same people may not be the worst off in another scheme of cooperation. Thus, he emphasizes that least advantaged people are defined only by their "income and wealth;" they are never identifiable by gender, race, or nationality. While this thoughtful respect is remarkable because it prevents labeling people, it is also problematic because it brackets empirical evidence showing the gender and color of income and wealth (Oliver and Shapiro, 2000; Schorr, 2001; U. S. Census Bureau, 2000).

"*Surfers*". Rawls writes very little about people who do not work. Pieced together, it appears he classifies non-working poor citizens as "surfers," or adults who are able but unwilling to work. With regard to people on welfare, Rawls's discussion and words are worth noting. In the context of work, he asks, "Are the least advantaged, then, those who live on welfare and surf all day off Malibu?" (2001, p. 179). He continues and answers that if so, then, "surfers must somehow support themselves." Rawls does not support public assistance for adults who do not contribute to material production under any circumstance. He views "surfers" or long-term welfare recipients as able but unwilling to work; he does not discuss people's inability to work because he views all citizens as normal, rational, and cooperating with a social system. In Rawlsian justice, it is unfair for people to live off the labor of others. Thus, non-working poor citizens who rely on welfare are unworthy poor, marginalized in the purview of Rawlsian justice.

Grounds for Distributive Justice

In light of social workers' high regard for Rawls, it is worth exploring if there is any concession in Rawlsian justice for non-working poor people. A thorough reading (Rawls, 1999a; 2001) indicates that only when people cooperate with the work requirement of his revised political conception of justice are they entitled

to distributive justice. However, moral worth, redress, and need are not grounds for his version of distributive social justice. Rawls notes that he does not question the concept of moral worth. In fact, when people conscientiously try and work but fail to make ends meet, they deserve the social minimum, but sheer moral worth of people does not qualify as a basis for justice. This is so because in a pluralist society there are varying ideas about what constitutes good character and action, and as such there cannot be any universal agreement on moral worth. Also, Rawls considers redress in his theory of justice, via the difference principle, but clarifies, "the difference principle is not, the principle of redress. It does not require society to move in the direction of an equality of natural assets. We are not to try to even out handicaps as if all were expected to compete on a fair basis in the same race" (Rawls, 1968/1999b, p. 166; 1999a; 2001).

Allocative and Distributive Justice Clarified. Last, he also rules out need of any kind, whether basic or developmental, but accepts "claims of need" arising out of work effort, and requires that a social minimum be paid, as already noted. In the context of need, it is instructive to note Rawls's clear and emphatic distinction between allocative and distributive justice. He explains that allocative justice is concerned with the distribution of "a given collection of goods" which is to be "divided among definite individuals with known desires and needs" (1999a, p. 77), and "who have not cooperated in any way to provide those commodities" (2001, p. 50). Rawls states that because the collection of goods that is to be allocated is not "the product of these individuals," they do not have any "prior claim" to the goods, and the collection of goods can be distributed according to needs or desires (2001, p. 50). Rawls strongly rejects allocative justice in his scheme of distributive justice and reiterates this position in his final thesis on justice stating, "We reject the idea of allocative justice as incompatible with the fundamental idea by which justice as fairness is organized" (2001, p.50). He rejects allocative justice primarily because it contradicts two of his basic assumptions about citizens and the government: a) "society as a fair system of social cooperation over time" where citizens work together "to produce the social resources on which their claims are made"

(Rawls, 2001, p. 50), and b) “reciprocity,” an auxiliary idea in the difference principle, wherein, inequalities benefit “others as well as ourselves” (Rawls, 2001, p. 64).

Summary and Discussion

An Unexpected Finding: Welfare Reform Mirrors Rawlsian Justice

Clearly, social workers have no room to maneuver in Rawlsian justice to help adults who are long-term welfare recipients get justice as they envision it in the context of welfare reform. In fact, certain elements of welfare reform mirror Rawlsian justice, and as such welfare reform is not unjust. First, Rawlsian justice would condone the work first stipulation of welfare reform because work or wage employment in a market economy is *the* critical obligation of least advantaged people to reap the benefits of Rawlsian distributive justice. Second, welfare reform and Rawlsian justice are similar in that both view non-working poor adults as surfers—able but unwilling to work and outside the domain of distributive justice. Rawls’ highly respectful and thoughtful, as well as equally restrictive definition of least advantaged people as any working poor citizen, non-identifiable by gender, race, ethnicity, marital status, education, occupation, location, and history of poverty, becomes a pivotal ground for disqualifying millions of non-working poor citizens from accessing justice both in Rawlsian justice and in welfare reform.

Third, both welfare reform and the second principle of Rawlsian justice with its reciprocity clause are similar in that neither has space for any extra expenditure to address long-term welfare recipients’ needs such as remedial education, vocational training, higher education, or to attend to other personal, inter-personal, and structural barriers that impede their ability to work. Such extra expenditure would amount to allocative justice, which is barred along with moral worth, need, and redress as grounds for acquiring justice in Rawlsian justice. Thus, all citizens must first contribute whatever they can to the material production of society to access justice. Accordingly when citizens work but fail to make ends meet, they are deserving of welfare assistance in both Rawlsian justice and in welfare reform. Last, the federal five year life time limit on welfare assistance eligibility, or less than five

years as some states have stipulated, is different from Rawlsian justice in that the latter does not have any time limit on availability of the social minimum. In Rawlsian justice it is possible for adults to work on any available menial job and simultaneously rely on welfare assistance to bridge the gap between income and expenses through out their lives. Despite this difference the underlying message in either of the scenarios—welfare reform or Rawlsian justice—is identical: work no matter what the job circumstances demand of you or else figure out a way to survive by yourself. In sum, Rawlsian justice and welfare reform both fail to deliver justice as viewed and promoted by social workers to non-working poor adults who are on welfare for long.

Discussion

Given social workers' historic reliance on Rawls to promote justice, it is surprising to find that Rawlsian justice cannot help us intervene on behalf of long-term welfare recipients to promote justice as we understand it. This finding raises many questions among which two are: a) why does Rawlsian justice continue to be extolled in our literature as a viable means for promoting justice for poor people in general and people facing welfare reform in particular (Reisch, 2002), when Rawls's revised and clarified vision of justice differs from our vision of justice? b) in light of this new understanding of Rawlsian justice, what can we do to help long-term welfare recipients get justice as we conceptualize it?

A possible answer to the first question may be attributed to the difficulties in reading Rawls first hand and understanding his extremely elaborate explication of social justice. Some social work scholars clearly understand Rawls's 1971 theory of justice and critique it appropriately (Wakefield, 1988a; 1988b; Reisch, 2002; Reisch and Taylor, 1983), as well as apply it cautiously (Wakefield, 1988a). However, the brevity of their criticism and cautions about Rawlsian justice undermines the seriousness of their comments when they also devote extensive space to apply it to social work problems. Thus, it may be hard for social workers in general to understand the implication of these brief comments. So it is likely we apply Rawls to our varied problems because some social work stalwarts have promoted Rawls in our social justice literature. And new comers to the social work justice literature may inad-

vertently believe that Rawlsian justice provides answers to all our issues, as this author mistakenly did. If this answer is plausible, it implies that we need to update our social justice literature to reflect Rawls's revised thinking about justice and promote Rawls for our purposes only when applicable, and perhaps with even more caution. It needs to be noted that the revised Rawlsian justice is not applicable to adults who do not work, as well as people with chronic and persistent mental illness, health issues, and substance abuse issue who may not work.

On the other hand, some social workers may believe that Rawls's (2001) revised political conceptualization of justice which requires all adults to work in order to access social justice may appear harsh for some social workers, but it is still acceptable to them. Such a scenario may lead to three camps among social workers: pro-Rawls, against-Rawls, and the go-between Rawlsians. The pro-Rawlsians may then more clearly articulate work preparation and work obligation as required grounds for getting justice and push their agenda accordingly. Those who find themselves against the revised Rawlsian theory of justice may find it harsh because social workers have and continue to promote justice on grounds of need, moral worth, redress and distributive justice. Some of them, such as Reisch (2002) even in his most recent incorporation of obligation to society, represented as mutuality, merely refers to peoples' "capacity to repay . . . society . . . at some time, in some way." This may be too soft an understanding of reciprocity from the pro-Rawlsian social workers' perspective because Rawlsian reciprocity requires hard work from adults to gain access to distributive justice or welfare. Thus, this second group may need to re-think their future promotion of Rawls in the social work literature.

The go-between Rawlsian social workers may take a strategic position where they may subscribe to the overall notion of Rawlsian distributive justice in general but prefer to forsake Rawls to promote justice for long-term welfare recipients. In light of the centrality of work obligation to acquire justice in mainstream politics, and our professional acknowledgement of the value of work in people's lives, they may intervene in the welfare reform debate, as well as in their varied capacities help long-term welfare recipients become more capable of working. For example, in the

welfare reform debate they can promote the idea of redress for cumulative capability deprivation as a basis for rethinking work first and time limit for all long-term welfare recipients. They can substantiate with research findings that long-term welfare recipients want to work, but need much help to do so (Anderson et al, 2004; Banerjee, 2003; Taylor and Barusch, 2004). If it is essential to cite justice theorists to strengthen their advocacy argument, they can draw on other contemporary and well-regarded justice theorists whose views are more on par with our social justice concerns such as Barry (2002), Nussbaum (2000), Sen, (1999) and Young (2000).

Drawing from these welfare justice theorists' base, they could strengthen their arguments about social justice for long-term welfare recipients and argue that there are many more diversities and capability deprivations among poor people than what Rawlsian justice or welfare reform acknowledges. Thus, all citizens may have equal opportunities for education and work, but people who are long-term welfare recipients lack the institutional conditions and resource supports to allow them to acquire these opportunities, and face many more personal, inter-personal, and structural barriers to capability development than others (Anderson et al, 2004; Taylor and Barusch, 2004). Thus, it is unjust to expect personal responsibility for work when society and life's circumstances outside of one's control do not permit some people, especially people of color and particularly women, to develop their capabilities. They can point out that the capabilities that a person has depend to a large extent on social arrangements, and as such the government and larger society cannot escape this responsibility. Instead of marginalizing or stigmatizing non-working poor adults even further by setting them outside the scope of justice, they need to be included in the main text of justice.

To accomplish this latter task, they can strategize and work more effectively in various micro-macro interventions towards enhancing the capabilities and sense of empowerment of people who are long-term welfare recipients. Also, they can strategize and collaborate with inter-disciplinary personnel to address such people's needs and enhance their well-being. Another strategy can focus on greater social work involvement in the world of poor people's education and work—vocational education, wage

employment, self-employment, income packaging. In the long run, these varied strategies together can help poor people become more capable individuals, escape the label of being long-term welfare recipients, and allow them to thrive in their chosen fields of work and life.

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