As Robert Goodin points out in the introduction of his book, *Reasons for Welfare: The Political Theory of the Welfare State*, "the welfare state is, first and foremost, a political artifact". As such, it can best be described as the confluence point of many political compromises. These compromises mean that over the years, different bits have been added to the concept and built upon by different people with diverse goals in mind. As such, Welfare or "the welfare state" is not one cohesive concept, but rather the amalgamation of vaguely related and imperfectly galvanized programs[1]. This article is an account of the diverse origins of Welfare, as well as a normative overview of the varying arguments in favour of, and against it

It was the French representative Émile Ollivier (1825-1913) who coined the French expression of Etat-providence that can be translated into "welfare state"[2]. He coined it in 1864 in a pejorative sense to condemn the claim of the government to substitute a "welfare state" to the "Divine Providence". William temple - a British clergyman - is, however, more recognized for bringing the term to prominence, at least in the English lexicon; in his use, he advocated for it[3].

Beyond the term itself, the modern history of state attempts at legislating on welfare can really be said to stretch all the way back to 1601, with the enactment of the *Poor laws* of Elizabethan England.  These legal injunctions ensured that individuals and families were legally obliged to care for those members of their families that were unable to provide for themselves. However, the tale of the evolution of conceptions of the modern welfare state can really be

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[1] Goodin, Robert, " Reasons for welfare: The political theory of the welfare state", Princeton: *Princeton University Press*, 1988.

[2] Bottini, Fabien. "The Roots of French Welfare State". *Jurisprudence, Taylor & Francis* 20 (2), 2013, 643.

[3] Willliam Temple Foundation, 2020

understood to begin with the French revolution of 1789. Many of the underlying causes of the French revolution had to do with the material health of the third estate and the destitution that befell them, purportedly as a result of the favorable tax laws enforced by Louis XVI's reign.

In its infancy, we can broadly split the discussions surrounding *Welfare* and *The Welfare State* into Religious and Secular.

On the religious end of the spectrum, the catholic church in particular did not support the transfer of welfare duties into the social sphere as it went against the dictates of divine providence, which is the idea that God provides for his children (one of the ways by which he provides is through the church, and as such, people ought to bring their sacraments and excess wealth in order that they may be used to support the needy). Some other branches of christianity supported a more secular approach[4], with the understanding that providing directly to those in need was a greater proof of one's faith than merely taking it into the church. As Robert Jacques Turgot (1721-1781) wrote: "Humanity, religion oblige us to relieve our fellow men."

Many theologians of antiquity including Thomas Aquainus had written on the subject of welfare particularly through a lens of natural law, however, many of them could be said to favour a welfare society[5]. The concept of a welfare society (one based on charity and common responsibility – which would be the church's position) as opposed to a welfare state. William of ockham was of a different stance. He took a position of natural law, of which the logical continuation is the understanding of a welfare framework underpinned by the right to subsistence. Drawing from biblical narrative, he broke from church tradition by emphasizing a difference between **ownership** and **right to use**. He asserted that "Adam and Eve [while in the garden of eden] had a natural right to use anything at hand. This natural right did not

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[4] Ewald, F. History of the Welfare State. Paris: Grasset, 1986, p. 44

[5] Gray, J. "*Aquinas and the welfare state*. Aquinas and the Welfare State". Silotips, 2018.

amount to a *property* right, however, since it could not have been used as the basis of any kind of legal claim.". He used this line of thinking to propose that "[the Franciscan order do not have] legal rights to use the things donated to them—i.e., no right they could appeal to in a court of law. Rather the donation amounts only to a kind of permission that restores the original natural (not legal) right of use in the Garden of Eden."[6]. The underlying principle behind this could be expressed as an understanding of ownership not as a fixed and rigid concept, but rather that those who claim ownership to a piece of "natural property" hold a legal right to it, but not a natural right. As such, they lay claim to the fruit of the earth which should belong to all but has been granted to them exclusively through contract. However, to remedy this, one might imagine that such "owners" should be obliged to compensate society by paying a percentage of the benefits they gain, or by granting access when situation demands it.

The use of the natural law tradition to legitimate private property, especially through a conservative interpretation of the right of necessity, continued into the middle of eighteenth-century England. The development of the idea of a welfare right underwent a dramatic change in the work of Richard Woodward and William Paley, both of whom were Anglican clergyman. In the period from 1790 to 1834, the legacy of the natural law vocabulary concerning property was enormously important to political argument. Additionally, some scholars consider property rights to be a conglomerate of different rights, rather than just one indivisible right. Under such conventions, nestled within property rights would be "Right to use", "right to rent/lease" etc.

This line of reasoning lays the groundwork for some of the ideas that would be later espoused by figures such as Hugo Grotius and Pufendorf, however, there is no evidence that they drew any inspiration from William of Ockham's work. Alejandra Mancilla in her understanding of Pufendorf advocates a "right of necessity" which stipulates that in the face of

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[6] Spade, Paul Vincent and Claude Panaccio, "William of Ockham", *The Stanford Encyclopedia of Philosophy* (Spring 2019 Edition

necessity, the less well-off would not have a duty not to take for their sustenance those possessions of excess that could save them for destitution, and that there is a correlating duty not to prevent the destitute of making use of one's possessions[7].

On the secular end of the debate, the Lockean perspective holds that it is not a part of the social contract that governments ought to provide "welfare" on the contrary, it is a moral principle and that morals ought not to be imposed by means of legislation[8]. Additionally, they fear that granting the lower class a right to the spoils of the upper classes would undermine the rule of law and lead to the disintegration of social ties; As Duchatel summarized it, in the eyes of liberalism "recognizing the poor's right to alms, it is allowing them to demand alms by force; it is destroying the right of property (...). Thus, the principle of poverty law undermines the foundations of social order"[9]. Furthermore, due to the fact that The Rule of Law is a cornerstone of liberal philosophy in defense of freedom for the individual, a law cannot be legitimate when it unduly abridges said freedom. To this effect, a requirement that the rich help the poor cannot be predicated upon such ideas of proper legislation. This view tends to work hand-in-hand with a protestant work ethic – to the extent that it advocates for the poor to pull themselves up.

The Hobbesian conception of the Social Contract differs from the Lockean tradition, in that it does not limit the scope government to merely the defense and guarantee of freedom. Some of these ideas of mutual assistance support the same lines of arguments on which the French welfare state is based[10]. According to the Hobbesian narrative, included in the social contract is not only protection and security from hostile forces, but also "to assure to all citizens subsistence, food, proper clothing, and a kind of life that is not contrary to health"[11]. The French

[7] Alejandra Mancilla, *The Right of Necessity: Moral Cosmopolitanism and Global Poverty*
[8] Jourdan, A. French Law. Paris: Plon, 1875, p. 32
[9] Duchatel, T. From Charity in Its Relations with the Moral and Welfare of the Lower Classes of Society. Paris: Mesnier, 1829.
[10]  Bottini, Fabien. "The Roots of French Welfare State". Jurisprudence, Taylor & Francis 20 (2), 2013, 643.
[11] Montesquieu. "The Spirit of Laws". 1, 29.4

revolution of 1789 was precipitated by the inability of the monarchy to provide the essential necessities of the 3rd estate, in addition to its poor taxation laws on the upper echelons. The Hobbesian perspective essentially remedies this, and indirectly would have supported the ideals of the revolution.

In current discourse surrounding Welfare and The welfare state, the debates often centers around questions of citizenship, and to whom the state has such obligations. Additionally, there is the question of the tendency towards state paternalism i.e to what extent should state provide a safety net, and at what cost to individual liberty?

# Bibliography

Alejandra Mancilla, *The Right of Necessity: Moral Cosmopolitanism and Global Poverty*

Bottini, F. "The Roots of French Welfare State". *Jurisprudence, Taylor & Francis* 20 (2),

       2013, 643-662.

Duchatel, T. From Charity in Its Relations with the Moral and Welfare of the Lower Classes of Society.

       Paris: Mesnier, 1829.

Ewald, F. "The Birth of Solidarity: The History of the French Welfare State, Timothy

       Scott Johnson, trans., Melinda Cooper, ed. Durham: *Duke University Press*, 2020.

Ewald, F. "History of the Welfare State. Paris: Grasset, 1996.

Ferrara, M. "Redesigning European Welfare States". Powers. 94

Goodin, R. " Reasons for welfare: The political theory of the welfare state", Princeton:

       *Princeton University Press*, 1988.

Gray, J. "*Aquinas and the welfare state*. Aquinas and the Welfare State". Silotips, 2018.

Hobbes, T. Leviathan

Jourdan, A. French Law. Paris: Plon, 1875, p. 32

Spade, Paul Vincent and Claude Panaccio, "William of Ockham", *The Stanford Encyclopedia of Philosophy*

*(1),* 2019.

"Archbishop William Temple"*.* William Temple Foundation, 2020.