About a century ago in 1883, just before the *Political Science Quarterly* began publishing, there was a convention called in Louisville, Kentucky. It was convened by a group of black Americans and the keynote speaker was the prominent black abolitionist, publisher, and diplomat, Frederick Douglass. Already, he had almost a half century of political activism on his record. He was no stranger to the wider national audience to whom he addressed his remarks. The purpose of the convention was “to assert the political independence of the Negro at a time when the Republican party was discarding the issues on which it had based its Reconstruction policies. The Democratic party, not yet dominated by the South, had made consequential inroads into northern state governments . . .”¹ Speakers constantly referred to the political and economic conditions of black Americans. Reference was repeatedly made to the laudable language in the Constitution, contrasting that with the practice of segregation and discrimination. But there were blacks at that time who disagreed with the need for a convention in 1883. They feared it would alienate white Republican friends. This, too, has been a long-standing intraracial debate over tactics and strategy: how hard to push at any given time for equity, what issues to raise, when

to compromise, what allies to seek. Frederick Douglass touched on many topics
in his keynote—the need for racial unity, political independence, civic rights,
economic conditions. In one part of his speech he stated:

While we see and hear that the South is more prosperous than it ever was before and
rapidly recovering from the waste of war, while we read that it raises more cotton, sug-
ar, rice, tobacco, corn, and other valuable products than it ever produced before, how
happens it, we sternly ask, that the houses of its laborers are miserable huts, that their
clothes are rags, and their food the coarsest and scantiest? How happens it that the
land-owner is becoming richer and the laborer poorer? . . .

. . . The trouble is not that the colored people of the South are indolent, but that no
matter how hard or how persistent may be their industry, they get barely enough for
their labor to support life at the very low point at which we find them . . . .

. . . Nor is it to be wondered at that the standard of morals is not higher among us,
that respect for the rights of property is not stronger. The power of life and death held
over labor which says you shall work for me on my own terms or starve, is a source
of crime, as well as poverty.2

This has been a basic complaint in the black American saga. And then as now,
there have been innumerable group responses to the problems of policy for the
general welfare of black Americans. Even in the 1880s, there was a developing
debate between those blacks following Booker T. Washington, who counseled
emphasis on agricultural training and self-help enterprises on the one hand, and
those (later to be associated with W.E.B. DuBois) who urged more agitation for
political rights and liberal education. It was precisely in the 1880s and 1890s that
we began to see the development of many local self-help associations, in the form
of benevolent and insurance societies, frequently started by the local black
churches. Child care facilities, elementary schools, and elderly care arrangements
were not uncommon in many black communities as the result of efforts of black
ministers and their parishioners. In a sense, the post-Reconstruction period is a
most important time to study the process of racial consolidation taking place in
several black communities. National post-Civil War concerns were waning. The
Freedmen's Bureau concept was no longer supported. Southern state govern-
ments were being reclaimed by former secessionists and imposing racially restric-
tive constitutions and laws. Communal bonds among blacks in politically and
economically vulnerable communities had to be forged if many people were to
survive.

THE PERSISTENT RACIAL FACTOR

The United States has always had its values tested by the phenomenon of race.
Slavery made this inevitable. A society that could proclaim all men to be created
equal and still sanction slavery was bound to be faced with basic moral dilem-
mas. The framers of the Constitution dealt with the issue in two ways: by pro-

2 Ibid., 303–304.
hibiting the further importation of slaves after 1807, and by devising a 3/5 calculation for counting slaves as a basis for determining the population size of each state for purposes of representation in the House of Representatives and the number of electoral votes in presidential elections. Hardly decisions that would adequately meet the moral issue of human bondage.

Thus, the society fell back on a privatized approach to the dilemma, letting private slaveholders decide whether to manumit their slaves or not. Indeed, placing the general welfare of the slaves in the hands of the citizens who owned them assumed, of course, that that was the only, if not the best, place for decisions to be made about the level and quality of care.

The historical fact of slavery in the United States is perhaps the most fundamental factor related to our current understanding of race and social policy. This is true not only in the sense of the economic and political legacies, which are obvious and important, but in a more profound social psychological sense that affects the thinking of the heirs of slaves and slaveholders in varying ways. Virtually all other people came to this country seeking to obtain property. Blacks came to this country as property. This sheer basic distinction is so important as to set the stage and to influence substantially the development of social policy and political discourse throughout the 118 years after the constitutional abolition of slavery. I will devote this article to an examination of why and how that is so, concluding with some implications for the topic of this journal's symposium: "promoting the general welfare."

That the country has evolved a long way in its race relations should not require emphasis. Once there was slavery. Today there is not. Once there were constitutionally-sanctioned laws permitting overt racial segregation and discrimination. Today there are not. Once some activities were simply understood (without the need for laws or overt pronouncements) to be reserved for white males—for example, playing basketball on a professional team. Today, if such a team was so constituted, it would probably be laughed off the court (not to mention, taken to court) for noncompetitive performance. The list of changes is long, and the reservations, modifiers, and temporizing evaluations are equally long. Perhaps as important in this saga is the fact that many of the changes are relatively recent. In 1961, northern daily newspapers ran want ads for "White Males Only." In 1963, Martin Luther King, Jr. was in a Birmingham jail for violating an injunction against demonstrating against racial segregation and denial of voting rights in that southern city. Today, the mayor of Birmingham is a black American.

The persistent, gnawing problem with talking about these important, undeniably significant changes is, to me, the problem raised a century ago by Frederick Douglass. And it simply seems not to go away or even yield to the sorts of changes in the political realm we can cite. To be sure, blacks are in a much improved economic status over, say, fifty years ago. They hold jobs in the private economy unheard of even ten years ago. There are vast stretches of upper-middle-class black communities in urban areas (for instance, Baldwin Hills in Los Angeles; Collier Heights in Atlanta). But it is also the case that the overall
economic status of blacks in relation to the larger society has not matched the changes in the political-legal-constitutional realms. Perhaps this is partially explained by the decisions made by earlier civil rights groups regarding where to concentrate their energies. I believe much of the answer lies in the vastly different nature of the problems posed by economic and social disparities as compared to political disparities. If blacks did not vote, it was because they forgot, chose not to do so, or were prohibited by various devices. Government could and did reasonably deal with the latter cause. If blacks could not patronize a hotel, it was because they chose not to do so for various individual choice reasons or were prohibited from doing so by racial laws and practices. Government could and did remove the latter barriers.

But when we look at other phenomena such as getting a decent job, living in a comfortable home and neighborhood, even obtaining adequate health care and quality education, the things government tried to do are more problematic. Advocates for racial progress have always been sensitive to the need to raise socioeconomic issues. Douglass was only one in a long line of leaders and organizations calling attention to the economic plight and social welfare of their constituents. The Afro-American League, formed in 1890, called for the establishment of Afro-American banks, cooperative industries, and various lobbying activities aimed at training and relocating black workers.

In 1905, a group of black intellectuals led by W.E.B. DuBois and William Monroe Trotter, editor of the Boston Guardian, convened the Niagara Movement, which later—1909—merged with the National Association for the Advancement of Colored People. The group vehemently protested any conciliatory efforts to resolve racial problems. One portion of its statement read:

> We especially complain against the denial of equal opportunities to us in economic life; in the rural districts of the south this amounts to peonage and virtual slavery; all over the south it tends to crush labor and small business enterprises; and everywhere American prejudice, helped often by iniquitous laws, is making it more difficult for Negro-Americans to earn a decent living.

This concern for economic conditions continued, but it is accurate to say that what came to be identified as America's twentieth century civil rights movement was largely associated until the mid-1960s with a legal struggle to overcome de jure segregation. Without question, black organizations such as the National Urban League always emphasized economic issues. That group was particularly keen on monitoring the development of New Deal laws, pushing for measures throughout the 1930s that would provide a stronger economic base for blacks. The Urban League championed "jobs not alms."

It [National Urban League] favored New Deal programs that provided work rather than relief, that were administered by the federal government with regulations limiting state and local autonomy, that gave priority for benefits to those most in need, that had a white-collar component, that had a nondiscriminatory clause preventing discrimina-
tion, that did not have a black quota, and that included blacks in the administration of programs.³

These policy positions did not, of course, always, or frequently, prevail. The lobbying the Urban League was able to do in the national corridors of Congress was at best limited. Blacks were not a significant voting bloc there; thus they had virtually no political leverage. Therefore, several factors contributed to an earlier civil rights movement focusing on overcoming legal barriers to political and civic citizenship.

A MOVEMENT FOR CIVIL RIGHTS

The politics of race in the United States has been mainly a struggle to restructure constitutional meaning and to establish certain legal claims. This emphasis was necessary precisely because the citizenship status of blacks was defined for a long period as quite different from that of whites. Any student of this subject is aware of Justice Roger B. Taney's opinion for a majority Supreme Court in Dred Scott v. Sandford (1857): "[At] the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted . . . [blacks] had no rights which the white man was bound to respect."⁴ After the abolition of slavery and with the passage of the three post-Civil War Amendments (13th, 14th, 15th), approximately one hundred years ensued — into the 1960s — that were devoted essentially to interpreting the new constitutional status of the emancipated black citizens.

Thus, a "civil rights" movement developed that saw ninety-five years (1870-1965) devoted to establishing the privilege of blacks to vote unencumbered by racial barriers. That is, from the ratification of the 15th Amendment to the passage of the Voting Rights Law of 1965. And it is important to observe that for roughly the first eighty-seven of those years (1870-1957), the main arena was the court system. Congress and the presidency were not principal participants, because the political constituencies supporting their elections did not favor such participation. Civil rights advocates went to federal courts to challenge "grandfather clauses," white primaries, evasive voter registration practices, as well as economic intimidation.⁵

A "civil rights" movement devoted fifty-seven continuous years (1897 to 1954) to overcoming the “separate but equal” segregation doctrine of Plessy v. Fer-


culminating in the Brown v. Board of Education school desegregation cases of 1954. Again, not Congress, not the executive, but the courts were the stages on which this "politics of race" was played out. Civil rights advocates went to court to end racially restrictive covenants in real estate transactions. Energies and resources were devoted to court battles to overcome de jure segregation of public accommodation, as well as to end discrimination in jury selection, disparities in teachers' salaries, and segregation in interstate travel.

These were important, tedious battles requiring years of careful planning, testing, retesting, and improvising. This experiential context created a cadre of constitutional lawyers who became in a real sense the focal points of the civil rights struggle. Even as from time to time masses took to the streets to engage in protest demonstrations or in boycotts, invariably they turned to their legal leaders to take their cases to court, to argue the constitutional justification for their actions. Such was the situation in the famous Montgomery, Alabama bus boycott from 1955 to 1957 that launched the leadership of Martin Luther King, Jr. That particular episode began appropriately enough when a tired seamstress, Rosa Parks, refused to abide by municipal law requiring her to sit in the rear of the city bus. And it ended when the U.S. Supreme Court in Gayle v. Browder said she did not have to do so.

In her book, Groundwork, Charles Hamilton Houston and the Struggle for Civil Rights, Genna Rae McNeil describes the work and thinking of one of the architects of the modern legal civil rights movement.

In the Court a black man could "compel a white man to listen," and reforms could be forced when blacks had no chance through politics. So convinced was Charles Houston of the correctness of his theory of social engineering and its potential with respect to prompting a nondiscriminatory interpretation of the Constitution or federal statutes that he taught students a lawyer was either a social engineer or a parasite on society.

In its reliance on resort to courts for gaining recognition of their constitutional rights, social engineering was consistent with the traditional faith of African-Americans in the possibility of changing their subordinate status not only through resistance but also through protests and appeals based in the expressed fundamental principles of the U.S. government. The influence of social engineering on the black jurisprudential matrix was significant and novel in its exposition of the duties of black American lawyers and its presentation of the rationale for use of the law by blacks.

The lawyers were well aware of the tasks they had to perform. They knew the legal precedents they had to challenge. McNeil wrote:

In planning his activity [Houston] took into account stare decisis, judicial self-restraint, the step-by-step process and the requirement of reasonable predictability of legal conse-

---

6 163 U.S. 537 (1896).
9 352 U.S. 903 (1956).
11 Ibid., 217-218.
quences. The result was a three-pronged strategy: selecting cases that presented clear legal issues and building strong records in those cases; overturning negative legal decisions by invalidating gradually or attacking directly the controlling precedents, and developing a sustaining community or mass interest in each case.\(^\text{12}\)

In the United States for almost one hundred years, the welfare of black Americans was generally and predominantly consumed by attention to constitutional rights and legal, court-ordered remedies. The politics of race was a struggle for rights—namely, civil and political. It was a struggle to achieve voting rights and overcome *de jure* segregation, to implement the “correct” meaning of the Constitution. It was a struggle embedded in legal doctrine and constitutional principles, relying heavily, precisely because it was so legalistic, on moralism to make its case. It hired lawyers, solicited plaintiffs, and went to court, filing class-action lawsuits. Civil rights proponents amassed evidence and fashioned imaginative constitutional arguments to overcome ingenious efforts at constitutional subterfuge.

This civil *rights* movement developed at the same time we were witnessing the development of pluralist politics in this country. And very much of the latter, especially in the northern urban area, was infused with a heavy dose of ethnicity. As blacks were coming out of slavery and going into courts, immigrant groups were coming out of Europe, passing through Ellis Island, and going into local political clubs and machines. A great part of American pluralist politics, then, had a flavor of the politics of ethnicity. But while the politics of race was characterized by a struggle for *rights*, the politics of plural-ethnicity was characterized by a struggle for *resources*. The latter was a struggle to capture and control public office and the ability to dispense patronage and divisible and indivisible benefits. Instead of nurturing and training lawyers and plaintiffs, plural-ethnicity focused on precinct captains and patronage. Votes properly mobilized, not evidence clearly presented, were the main weapons. While the black racial political struggle utilized constitutional lawyers as sophisticated interpreters of new constitutional meaning, the ethnics utilized lawyers to interpret immigration rules, obtain pushcart licenses, and negotiate the bureaucratic passage from alien to citizen. Both roles were fundamentally critical, but also fundamentally different. This is not an experiential distinction to be overlooked by students of politicization and social change. The point is the following: when the civil rights struggle evolved from rights to resources, as it certainly did beginning substantially in the 1960s, it took with it the orientation, language, and some of the tactics of the earlier struggle.

As we moved into the 1960s with certain achievements over *de jure* segregation, attention became increasingly focused on the socio-economic welfare of blacks and other “Other Americans.” Those “others” were pointed out by such policy analysts as Michael Harrington.\(^\text{13}\)

\(^{12}\) Ibid., 219.

As far as I can tell, few earlier civil rights advocates really assumed that merely ending *de jure* segregation would be in itself sufficient to achieve decent socioeconomic status for black Americans. Rather, one knew that this was an important prerequisite that inevitably would lead to other demands, other goals, other agendas. And so it did in the early to mid-1960s, when the civil rights marches and demonstrations moved beyond the South and focused on northern urban ghettos. Riots in cities beginning in 1964 led to a stream of "long hot summers." The Johnson administration launched a Great Society antipoverty crusade, and a presidential commission in 1968 warned that the nation was fast becoming two societies: one black, the other white. That commission focused on "white racism" as a major cause. Right or wrong, it was part of the rhetoric and the reasoning behind much of the policy deliberations at the time.

Given the historical context out of which these events developed, it should not have been surprising that this new thrust would carry with it a heavy emphasis on "rights," almost in the sense of moral as well as legal claims. It is, therefore, no accident that we saw the development of a National Welfare Rights Organization, laying almost legal claim to a decent public assistance check and increased benefits. We began to see emphasis on certain legal remedies to compensate for past racial discrimination moving in the direction of greater and more specific codification of such policies as the "Philadelphia Plan"—a Nixon administration policy relating to hiring of black workers by government contractors. "Affirmative Action" became a policy focus, covering guidelines, timetables, and quotas in the recruitment and promotion of previously excluded groups, especially blacks. We began to see the heightened politicization of other groups, notably feminists, environmentalists, the elderly, children, the handicapped, and homosexuals organizing and demanding their "rights."

In other words, what many Americans had once understood as proper issues over which pluralist politicians bargained were fast becoming public goods to which legal claims were laid. Neither is it coincidental that the courts would be called upon to play a central role. After all, it was the judicial system that had taken much of the lead in the previous century-long civil rights struggle.

The country witnessed the democratic civil rights struggle over constitutional rights broadened to encompass a legal struggle over resources. The move from rights to resources also involved a movement for resources as a matter of right. And this development disturbed more than a few supporters of the earlier civil rights cause. One such person, Morris B. Abram, appointed by President Reagan as vice chairman of the United States Commission on Civil Rights, put his disturbance in the following way:

"Civil rights have a unique meaning in this country. Elsewhere, in some of those societies where engineering a certain distribution of wealth and goods is part of the state's mission, people have economic rights—the right to housing, health care and other goods. But civil rights have a different meaning in this country . . . ."
The allocation of economic resources is obviously important to the social progress of American blacks. But that does not turn economic needs into civil rights. There is no doubt that Federal spending, for instance, is necessary to improve the condition of the poor, including the black poor. Society is ethically compelled to provide for the poor and the disadvantaged. But people do not have a constitutional right to health care or housing subsidies, any more than a farmer has a constitutional right to a tobacco subsidy, or Chrysler to a bailout. There may be sound reasons—moral, practical or otherwise—for providing these things, but they are not civil rights.

... by treating economics as civil rights, the new movement lost the dawning societal consensus. When economic and social goals were asserted as civil rights, the movement lost a certain moral force and its unity was fractured. Americans, who were persuaded to salute civil rights as they did the flag, were not willing to pledge allegiance to a certain level of food-stamp spending.

I think Abram captures the views of many who found themselves unable to remain allied with their former coworkers in the earlier civil rights vineyards. He relies heavily on the Constitution. Our constitutional democracy, he notes, is not built on the proposition “that each has a fundamental entitlement to a particular piece of the economic pie.” The “new movement treated economic claims as civil rights, by embracing an idea of ‘rights’ that included economic entitlements—a ‘right’ to shelter, a ‘right’ to health care, a ‘right’ to day care for children. The movement demanded these ‘rights’ even though none of them are to be found in the Constitution.”

But it should not be forgotten that the earlier civil rights movement faced similar arguments when it championed desegregation of public schools. More than a few advocates of states’ rights argued that the Constitution did not mandate action by the federal government to achieve desegregation. They pointed to *Plessy v. Ferguson* and other court opinions interpreting the 14th Amendment as entirely consistent with the “separate but equal” doctrine. But the Warren court disagreed and, employing a different approach to the interpretation of the Constitution, concluded in 1954:

In approaching this problem, we cannot turn the clock back to 1868 when the [14th] Amendment was adopted, or even to 1896 when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

This “experiential” approach to interpreting the meaning of constitutional provisions is not agreed to by all constitutional scholars, but neither is it uncommon or particularly unacceptable to many advocates of social change.

---

15 Ibid., 54.
through the judicial system. To be sure, it is controversial, but the matter is not properly dealt with by the simplistic assertion that if the specific policy goal sought is not specifically “found in the Constitution,” it is therefore not constitutionally required. The American political system is not so narrowly bound. If it were so, more than a few New Deal provisions—especially in the field of interstate commerce—would not have survived.

But the purpose here is not to turn a discussion of the “right to resources” on the narrow axis of court-driven judicial decision making. Rather it is to cast the analysis in a broader context of societal development and the needs and requirements of the populace as we approach the twenty-first century. Many things may ultimately end up in court (and if Alexis de Tocqueville is correct, they likely will), but public policy need not begin there. To be sure, the courts were, in many ways, the catalysts for defining civil rights. But the very success of that struggle broadened the base of socio-political participation to the point where the other branches of government are more open to the advocates of progressive social change than was the case decades ago.

Neither should we forget the genesis of the New Deal. Out of that period of perceived need were fashioned a series of programs leading to “entitlements.” They were not, in the technical sense, considered “rights,” but the political circumstances combined with some contributory aspects of program construction to establish a well-entrenched social insurance system. We must not forget President Franklin D. Roosevelt’s observation in 1935 regarding employee taxes to partially finance his social security package: “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.”

The current movement to “right to resources” is essentially a political thrust aimed at responding to the age-old question: who should be helped? In the 1980s, we are involved in reexamining the validity of the two-tier social welfare system put into place fifty years ago. That system was based on certain premises and assumptions about the capacity of the market economy, the role of government, and what citizenship required. Given the enormous changes in the economic environment, it is not surprising that those fundamental premises and assumptions would need rethinking. The conditions that led to implementation of the initial American welfare state have altered.

Black Americans were important components of, but marginal actors in, the initial formulation. Indeed, the original social security legislation of 1935 did not cover two-thirds of blacks. Today, after a reasonably successful civil rights movement focusing on de jure segregation, blacks and other minorities are making demands for more inclusive social programs to meet their needs. These

demands might frequently be couched in terms of “right,” but I suggest in the social welfare “entitlement” sense, not necessarily in the sense of new constitutional amendments.

Therefore, to be “entitled” to a living wage might require adequate job training programs, or available day care, or even the guarantee of employment. This could well carry with it the obligation to take such employment if available in order to qualify for a possible wage subsidy—which could take several forms, including a variant of the negative income tax.

The “right to resources” properly understood could well involve the “responsibility for reciprocation”—amounting to a modern-day variant of “contributions.” If understood in this way, it is not necessary that we remain locked into a fifty-year conceptualization of the social welfare system. Income-earning activity remains the fundamental basis for linking individuals and families to the community. Future social policies starting from the premise of work, of employment and building on whatever social supports are necessary could well take on a viable characteristic of entitlement. And I suspect this could have substantial political support in the society.

Civil rights groups throughout the years have always championed “jobs, not alms.” This was true in the Depression. It was the case with the threatened 1940 March on Washington that persuaded Roosevelt to issue Executive Order 8802. One should not forget that the 1963 March on Washington was for “Jobs and Freedom.” The little remembered Freedom Budget proposed by A. Philip Randolph in the 1960s emphasized full employment. And, of course, there was the early Humphrey-Hawkins bill in the 1970s calling for a right to a job.

It is important to note these things, because a peculiar phenomenon has crept into the policy discussions pertaining to social welfare and race. There has developed a notion that large segments of the black population are disinclined toward the work world. Various reasons are given: they are discouraged, discriminated against, derelict, disabled, unskilled, and part of the “culture of poverty.” Innumerable analyses of work incentives and disincentives associated with welfare policies have appeared. Careers have been built around devising ways to teach good work habits and generally orient young blacks, especially, toward the day-to-day world of work.

Some of these developments would appear strange to the followers of Frederick Douglass, to the sharecroppers in the South, and to the black workers and their organizations that have over the years campaigned for more jobs. The movement for right-to-resources serves a basic function—to the extent that it persists in pushing primarily a full-employment agenda—in challenging notions of indolence, as well as the view that jobs are plentiful, but going unfulfilled.

To the extent that there is a potential convergence of policy agendas, the issue of “work” might serve as one point of departure. One group calls for “workfare,” with and without punitive connotations. Another wants “jobs.” Common to both is “working.” Workfare builds from a welfare base: first the person receives public assistance and then must “work off” (pay-back) a certain amount of the
benefits received. The unfortunate aspect here is that the person is still anchored in the dependent world of “welfare.”

On the other hand, providing a job first, and then, if necessary, supplying support (wage subsidies, preferably), anchors the person in the world of “work.” With the latter go other benefits received by most workers in the society: pension benefits, perhaps union protections, vacations, wage increases, chances for promotion. There will always be the need to help some persons beyond merely providing a job and subsidized wages. But it is far better to build that social service system on the base of a work-oriented social system where, incidentally, the requirements to accept a job before other benefits are available could be quite stringent—but not punitive. I suspect such an approach could receive substantial political support, and it ought to be understood as leading to a universal entitlement. The basis for such a policy, in the final analysis, is the same as that which ultimately justifies and sustains other “entitlement” components of the American social insurance system.

ENTITLEMENTS AND THE GENERAL WELFARE: DEPENDENCY VS. POVERTY

I believe we are still tied to a fifty-year old conceptualization of social welfare programs that had its genesis in the New Deal. We developed a two-tier set of social welfare policies: social insurance, which would protect against dependency on government or private charity (in old age, from unemployment, from disability); public assistance, which would provide temporary help to tide people over until they could care for themselves, or at least no longer need such help. In a way, it was both easy and acceptable to structure the New Deal programs in such a manner. These policies clearly supported deeply embedded values of the minimal state, individual liberty, and a preference for the market economy. Although governmental agencies proliferated, the social insurance tier was based on contributions from private employers and workers. The role of the federal government was mainly that of a repository. In addition, state and local agencies were given a major role in administering many public assistance programs.

In addition, the basic aim of the New Deal social insurance programs was not really to protect against poverty as such, but to guard against dependency. This country has only recently—very recently, the last twenty to twenty-five years—seen poverty as a condition that public policy ought to try to eradicate. Americans do not have a long history of perceiving the poor in the way that the uneducated have been perceived. In other words, the right to a public education is much stronger than the right to a decent (above poverty level) livelihood. In fact, one might argue, as I do, that there has always been the assumption that in a market economy there would be rich people and poor people, with a reasonably stable group in between. James Madison, in Federalist No. 10 wrote:

... the most common and durable source of factions has been the various and unequal

19 I recognize that some versions of “workfare” call for moving recipients into private sector jobs when available.
distribution of property. Those who hold and those who are without property have ever
formed distinct interests in society. Those who are creditors, and those who are debtors,
fall under a like discrimination. A landed interest, a manufacturing interest, with many
lesser interests, grow up of necessity in civilized nations, and divide them into different
classes, actuated by different sentiments and views.20

Americans implicitly accept this analysis even if their rhetoric of egalitarianism
is otherwise. They frequently talk antipoverty, but invariably their critical poli-
cies are aimed at minimizing dependency on the government dole.

Senator Daniel P. Moynihan has tapped the ideological source of this prefer-
ence with the following observation:

The issue of welfare is the issue of dependency. It is different from poverty. To be poor
is an objective condition; to be dependent, a subjective one as well. That the two cir-
cumstances interact is evident enough, and it is no secret that they are frequently com-
bined. Yet a distinction must be made. Being poor is often associated with considerable
personal qualities; being dependent rarely so. This is not to say that dependent people
are not brave, resourceful, admirable, but simply that their situation is never enviable,
and rarely admired. It is an incomplete state in life: normal in the child, abnormal in
the adult. In a world where completed men and women stand on their own feet, persons
who are dependent—as the buried imagery of the world denotes—hang.21

American social policy has been moved less by the fact that many are poor,
but that they should not be or become dependent on government and taxes paid
by the nondependent. If they were the former, then surely a sound market
economy with a decent amount of labor skills would provide the opportunity for
those poor to work their way out of poverty. This was the theoretical preference,
and the social welfare policies followed.

The country's policies for the most part have been constructed to provide a
“floor,” a minimum that would permit people not to become absolutely desti-
tute. This might leave them still poor, but they need not be dependent on public
charity. The monthly social security check would not necessarily be generous,
but it was earned through earlier contributions, and it constituted a steady in-
come. It would help toward alleviating the need to be dependent on one's family
(children, especially) and friends and voluntary associations. In this sense, an-
tidependency rather than antipoverty was the primary policy goal. In pursuing
this goal, we devised a social insurance system whereby people would contribute
through their payroll taxes, thus avoiding the later stigma of receiving “some-
thing for nothing.” People in that condition were not only poor, but also depend-
ent, and subject to the kind of societal disapprobation described by Moynihan.

We must not overlook that even a staunch New Dealer, Harry Hopkins, prob-
ably articulated the prevailing attitude of his colleagues: “I don't think anybody
can go on year after year, month after month accepting relief without affecting
his character in some way unfavorably. It is probably going to undermine the in-
dependence of hundreds of thousands of families. Give a man a dole, and you

save his body and destroy his spirit. Give him a job and pay him an assured wage and you save both the body and the spirit.”

Hopkins's boss, President Franklin D. Roosevelt, was no less certain: “... continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fibre. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit.” Roosevelt, in January 1935, stated that the federal government “must and shall quit this business of relief.”

If permanent dependency was the condition to be minimized, it is important to note that most people felt that, if given the chance, the poor could work themselves into self-dependency, if not into affluence. The goal was self-dependency. And this has always been seen as a cumulative, intergenerational matter. The poor, but independent, today would pave the way through hard labor and delayed gratification for their children to be a little better off for themselves in the future—hopefully, not only independent, but not poor either. All this was consistent with the basic norms of the minimal state, individual liberty, and the sanctity of the market economy.

The minimal state referred to both the source and the nature of the intervention. Better one should be self-reliant. If not possible, then private charity would step in. If necessary, then local and state help. If totally unavoidable, then the national government should intervene. But always, the role of and the assistance provided by the public sector should in no way compete with the private sector. During the New Deal, for example, wages and projects under work-relief were not to compete with the private labor market. “A major effort was made to get 'employables' reabsorbed into the private sector labor market, and means-testing became more severe.”

Franklin D. Roosevelt's words upon signing the Social Security Act are interesting to note:

It is a structure intended to lessen the force of possible future depressions. It will act as a protection to future Administrations against the necessity of going deeply into debt to furnish relief to the needy . . . . It is, in short, a law that will take care of human needs and at the same time provide for the United States an economic structure of vastly greater soundness.

So the New Deal put into place a set of first-tier social insurance programs deliberately geared to alleviate dependency, not necessarily poverty. If the latter came with the former, so much the better. There was nothing inherently contradictory with societal values to have a mass of poor; but a mass of dependents

23 Ibid.
on government doles was inconsistent with a viable capitalist economy and society.

Neither does this basic normative orientation violate the premise of the second tier of welfare programs, those for that dependent population that could not work. These were the "deserving poor," the widow of the West Virginia coal miner killed in a mining accident leaving a wife and small dependent children. The aged who had not been able to save (pre-social insurance) for retirement; the blind. Surely, these people deserved to be helped. But equally as important, such help would only need to be temporary. Recipients of second-tier assistance would grow up and enter the labor market, remarry, or be cared for by the family. To be sure, there would always be some persons poor and dependent, but such a group would likely never be exceptionally large or socially disruptive. For the most part, means-tested welfare programs were understood as stopgap, temporary measures.

Underlying this basic two-tier conceptual social welfare policy framework was an employment market that presumably could absorb a reasonably expanding labor force. And lest we forget, notions of the family centered around a father who would work outside the home and a wife and mother who would stay at home and care for (work!) the children. That at infrequent times the family would be "poor" was less important than that the basis be there for the family—in time—to become economically self-sustaining.

So it was then. And the country went into and came out of World War II confident that its societal norms, values, and interests, while stressed by a depression and a war, were reasonably correct and well-founded. There was no reason to believe otherwise. The postwar boom worked in its favor. Suburbs opened up, aided by just the "right kind" of government assistance in the form of the national highway act, the Veterans’ Administration and Federal Housing Administration loans, and urban renewal. A skilled labor force was available, aided by just the right kind of government assistance in the form of a compensatory-oriented G.I. bill for veterans.

A civil rights movement was moving in the direction, if not always at the pace, many people felt consistent with American values. And there were few, if any, hints of the economic implications of such a dynamic struggle once it reached its developed political thrust. That is, a black American struggle for rights in the 1940s through early 1960s had not yet been fully understood in terms of inevitable demands to come in the form of a struggle for resources. Thus, even this most significant of twentieth-century social movements was perceived as compatible with traditional American values, interests, and norms. It is not insignificant that Kenneth B. Clark could characterize the civil rights movement, proudly and, I think, accurately, in the following way:

... civil rights organizations were never revolutionary. Their assumptions and strategy and tactics were essentially conservative, in that they did not seek to change and certainly made no attempt to overthrow the basic political and economic structure. The
social changes they sought were limited to the inclusion of the Negro in the existing society; the Negro wanted his own status raised to that of other American citizens.26

In socio-economic terms, this would mean being provided the same means of becoming self-reliant as traditionally offered to other Americans. And that would mean being offered a labor market capable of utilizing the existing labor skills. This, beginning in the 1960s and 1970s, if not before, surely became the problem. Several fundamental changes in the economy were taking place: automation, foreign competition, women going into the labor force, and poor educational training to match the market needs. All converged to make maximum employment possibilities for many blacks, especially teen-agers, problematic. And yet, work, a job, income-earning activity remained the cornerstone of the American economic system.

Americans are willing to countenance many things in the name of “entitlements” if there is a reciprocal, contributory element involved. This is not “rights” in the constitutional sense. It is a sense of the social contract that says one is “entitled” if one has performed—contribution to a social security payroll tax, worked on a job where an injury resulted, worked before being laid off. This tends to satisfy the need to give something for something in return. It mitigates against the stigma of dependency. This tends to demonstrate that one’s basic drive for self-reliance is not blunted. Entitlement in such circumstances is much more likely established or accepted as social policy than if that contributory aspect is not present. The social benefit can then be comfortably perceived as an earned entitlement.

This basic characteristic of American social welfare policy, namely, the preference for reciprocity, will likely not recede in the near or distant future. But it must be assessed in terms of vastly changed conditions. And this, it seems, is the challenge to at least one piece of the general welfare saga on the evolving American social policy scene. Resources will continue to be allocated to masses of people on the basis of earned income. Social policies will continue to be more generous to those who work than to those who do not. This applies to retirement plans (public and private), health care benefits, as well as compensatory assistance of all kinds.

Americans continue to see the national interest best served by a citizenry that is minimally dependent on government. Employment remains the first route out of the dependent state. Therefore, socio-economic policies that emphasize first and foremost the provision of employment (not only in terms of opportunities, but in actual available jobs) becomes a matter of the highest national interest.

My argument is simply: it is not in the national interest to have a vast and growing body of able-bodied citizens in the society who are dependent on government programs and who do not work. If this condition cannot be remedied by the private labor market, it is in the national interest that it be dealt with

by the public sector. If wages need to be subsidized, this should be national
general welfare policy. This will not cure all the many social problems faced
today, but it ought to be a minimal prerequisite in that direction.

“Employment entitlement” puts citizens in the economy in a socially accept-
able way. It opens the door for ultimate self-reliance. People work for pay, rather
than for welfare (“workfare” in its various forms). Welfare supports dependency;
it can be compassionate; it often will be necessary. Employment actively en-
courages self-reliance and instills the important attribute of social reciprocity,
communal exchange in a mutually beneficial way.

This is the basis for understanding the new circumstances in which we find
ourselves, much as the country fifty years ago had to adapt to a new set of condi-
tions arising out of the New Deal and the Depression. The basic values, interests,
and norms were not overthrown; they were flexible. The assumptions then about
the market economy cannot be entertained in these times. The necessity for em-
ployment remains basic. Providing that necessity is not the end, neither is it a
guarantee of egalitarianism. A job does not guarantee individual achievement
and development. It is a recognition of what is basic in the twenty-first century
to guard against dependency and to promote the possibility of self-reliance. In-
dividual talents and seizing opportunities will always operate to differentiate the
citizenry.

The American civil rights movement, clearly one of the most important ex-
periments in the nation’s history, led the way in defining civic and political rights
in the twentieth century. That experience, refocusing now on socio-economic re-
sources through an entitlement of jobs, with additional direct potential bene-
ficiaries (black Americans are not the only—one the most visible—citizens sub-
ject to dependency) ought to be instructive in how to lead a society in its own
best interest to a still higher stage of modernity.