It is a rare occasion to find a book that has a much more ambitious goal than the one its author claims. But in *Blame Welfare, Ignore Poverty and Inequality*, Joel Handler and Yehezkel Hasenfeld repeatedly claim that the thesis of the book is that America’s record in treating poor, single mothers is grim, if not scandalous. In fact, however, the book covers a much wider terrain. It not only describes and critiques a wide array of welfare state arrangements that do not target welfare mothers in particular, in areas such as health, housing, child care and education, but also includes an assessment of the contemporary American low-wage labour market. And it is to the reader’s benefit that the authors go beyond their stated objective. America is indeed exceptional in its demonizing of single mothers, but tracing the roots of this phenomenon (which will probably reveal race-based explanations) is not the same as an institutional, bureaucratic and legal appraisal of American welfare and low-wage labour policy. And the latter, after all, is what the authors were after. The rift between the authors’ stated and real objectives is never more apparent than in the fourth chapter of the book. Despite its title—‘Demonizing the Single Mother Family’—it quickly moves beyond a discussion of this issue and into the realms of race, fraud and privatization.

The broad and narrow objectives interlock and intertwine throughout the book. In American modern social policy parlance, welfare often does mean, to many, single mothers on benefits. But welfare *policy*, even when targeting (black) single mothers, actually affects a much larger population. Moreover, discussing welfare policy as if it consists only of aid in cash or kind to the poor ignores the larger context. First, the state distributes money to the rich as well as the poor (in the form of tax expenditures, subsidies, etc.).
Second, the character of other welfare state institutions, such as health, housing, education, child care and pensions, along with their conditions for eligibility and generosity, all have a distinct effect on the need to apply for federal assistance. And, lastly, if the main aim of welfare policy is work (a matter revisited below), an assessment of welfare to work policy must include not only the nuts and bolts of welfare bureaucracy, but also the structure of the labour market that is expected to include former beneficiaries. Most likely, this is the low wage, temporary, and part-time labour market. And this is what I find to be the major contribution of the book. Their point is abundantly clear: American social policy is failing those it is meant to help. The welfare bureaucracy is cruel; privatization has allowed companies to make fortunes (at times, in borderline legal fashion) at the expense of recipients; and the labour market is becoming less and less reliable as a source of income for those trapped between the increasingly strict conditions of welfare bureaucracy and the deregulation of the low wage labour market.3

The broad perspective that characterizes the book is all the more necessary in light of a background objective of the book: to bring to light, and then to contest, some of the reigning myths that govern American and, to an extent, western welfare policy. Though this aim is never stated in the book, the uncovering of myths and ceremonies is almost its leitmotif. Handler introduced the idea that there is a false mythology that supports welfare policy and legislation in previous work.4 But this takes the insight further, moving from myth to myth, showing the impact and contesting the foundations of each.

In the first section of this review, I highlight some of the positive and problematic uses of myths in social structure and policy in general and in the welfare arena in particular. I then move to discuss what I find to be the central myth that guides welfare to work policy and, correspondingly, one that serves as an axis of the book: the myth that social inclusion is identical to labour market inclusion, and that work will always play a positive role in alleviating poverty, mitigating economic disparities and enhancing social citizenship.

1. Welfare Policy between Myths and Facts

Handler and Hasenfeld are highly critical, and for good reason, of the role that myths and ceremonies play in the formation of social structure and institutions.

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The details of this ‘social mythology’ are spread throughout the book, and the authors expend much effort dispelling their factual grounding.

One may even suggest that the true effect of the book is to show the effect of false myths on American social policy. As such, it is a task of fundamental importance. Collecting all such myths requires moving back and forth through the book, collecting data from different sections of the narrative. Here is a non-exhaustive list of 12 such myths, meticulously and convincingly dispelled by Handler and Hasenfeld, as shown below:

1. Poverty afflicts only a small percentage of the population. Fact: A clear majority of Americans will experience some form of poverty in their lifetime.

2. Poverty is relatively permanent and intergenerational. Fact: much of poverty is transitory. A majority of poverty spells are from two to four months, while only 2 per cent are chronically poor.

3. Welfare is used by the ‘other’, a small minority, comprised mainly of African Americans or single parents. Fact: most Americans will use a public assistance programme at least once during their adult life. Most ‘welfare state’ spending goes to universal programmes, and only 25 per cent of programmes target the poor.

4. The poor are an ‘underclass’ of non-white single parents who have children in order to stay on welfare and who reside in urban ghettos. Fact: the poor are a diverse population, the average size of a poor family is smaller than that of the general population, and a majority of them are in two-parent households.

5. Welfare encourages single parenthood and avoidance of parental responsibility. Fact: Welfare generosity increases the likelihood of a couple staying together, while strong child support enforcement discourages marriage.

6. Poverty is a moral fault, due to lack of work effort, single parenthood and other personal deficiencies. Fact: the poor are hard working and ‘play by the rules’. In the bottom fifth of income distribution, 80 per cent of family income comes from employment, and yet these families still experience hardship.

7. Welfare sanctions encourage moral and responsible behaviour amongst recipients. Fact: forcing teen parents to live with their parents increases depression; making benefits contingent on school attendance does not lead to a drop in truancy.

8. Poverty can be alleviated through ‘trickle down’ economic growth. Fact: While mean household income rose 40 per cent between 1979 and 2000, a third of the gain went to the top 1 per cent, while the median household for the bottom fifth rose only 9 per cent, and real wages for men without college degrees have fallen.

9. Income support policies exacerbate dependencies. Fact: Such policies reduce the incidence of poverty. In 1998, Earned Income Tax Credit moved 43 million people above the poverty line. Social Security and
Medicare dramatically reduce poverty among the elderly. There is little evidence that being on welfare has deleterious consequences to future employment and self-sufficiency.

(10) Assistance to the poor is creating a financial crisis. Thus, the War on Poverty cost $5.4 trillion between 1965 and 1994. Fact: the largest programme for the poor was Medicaid, while only 16 per cent was spent on the programme most associated with 'welfare'—Aid to Families with Dependent Children (AFDC).

(11) Recipients are prone to cheating. Fact: governments and media tend to emphasize fraud and overspending. In fact, astounding numbers of eligible individuals do not apply for benefits due to complex procedures, recertification requirements and stigma.

(12) The low wage labour market is a stepping stone to better and more stable employment, because workers will use the skills and knowledge gained in initial jobs to qualify for better paying jobs. Fact: low wage workers are not moving up the economic ladder.

The significance and prevalence of these myths speak for themselves. They form the foundation of American and, to an extent, Western social policy with respect to welfare and (low wage) work. For this reason, it is understandable that, in a Herculean effort to contest these myths, Handler and Hasenfeld present an extraordinary breadth of primary and secondary data and material: research papers, governmental reports and position papers from non-governmental institutions. The hold that these myths have on public attitudes and policy requires leaving no stone unturned.

At certain points, however, the data is not only impressive and somewhat intimidating, but also seems to lack a clear inner logic. For example, in discussing several myths that relate to poverty measurement and the composition of the poor population, the authors offer, at a rate of at least two numbers per line, figures relating to the poor population based on race, disability and female headed household for the year 2003; measurements of 'dire poverty' (less than 50 per cent of the poverty line) for the year 2002; data on the 'dynamics of poverty' based on research from 1996 to 1999 and again on research from 1975 to 1997; and the incidence of children born out of wedlock from 1960 to 1997 (pp. 25–45). At certain points, the numbers create a certain blur, suggesting that following Mies van der Rohe's 'less is more' motto would have served the purpose better.

But, aside from such pettiness, the book presents a damning swipe to (at least) the dominant myths listed above. But it is necessary to ask: to what extent are they truly myths? And, if they are indeed myths, are they all of the same type or category?

I would like to suggest a distinction between three categories of myths: 'foundation myths', 'institutional myths' and 'myths as false claims'. The most fundamental level of secular mythology has become increasingly interesting to
political and legal theorists. This level concerns the ‘foundation myths’ and their role in maintaining and enhancing civil society, its institutions and bureaucracy. Questioning the very authority of ideas regarding society’s (democratic) structure, the separation of powers, the distinction between the public and the private spheres or the role of the judicial system, for example, poses a threat to a common understanding and the ability to pursue common goals. Certain foundation myths are created and preserved in order to sustain legitimacy and to facilitate the complex co-ordination between levels of government, the bureaucracy, civil society and the citizenry without constantly revisiting and reinvestigating the base structure of society. Certain ceremonies are important for the safeguarding of foundation myths, bridging the mundane with the ‘conscious and unconscious heritage of the group’. Such examples range from congressional hearings to the Queen’s involvement in the British legislation process (by signing the statutory text). At such a level, ceremony seeks to diffuse challenges to authority. It is ‘a declaration against indeterminacy...It banishes from consideration the basic questions raised by the made-upness of culture, its malleability and alterability’.

Could any of the myths stated above be categorized as ‘foundation myths’? The case for such a claim, if indeed one were to make it, seems shaky. Moreover, it would seem odd if Handler and Hasenfeld were seeking to shatter any of the foundation myths. The ‘deconstruction’ of such myths by way of heightened scrutiny, may hinder precisely the social objectives that the authors would like to advance, including equality and the alleviation of poverty. These social objectives may be realized only if it is possible to maintain a certain consensus regarding fairness, common goals, justifiable limits on private conduct and the legitimacy of certain institutions to settle disputes.

At the other extreme are claims that may be referred to as ‘myths’ only if the word ‘myth’ refers to a statement that is, simply, false. Many of the myths analyzed in the book fall easily into that category. As was mentioned above, families who receive welfare are simply not larger than families of non-recipients. There are more white families on welfare than non-white families (though the latter are over represented). Welfare recipients are not an insulated underclass. A majority of Americans will require the assistance of a public assistance programme at some point in their lives. Over 80 per cent of all social spending is for universal programmes like old-age pensions and education, and not specifically on the poor. At first glance, this category of ‘myths as false claims’ is of less intellectual and policy interest. It could easily be explained that false premises are attributed to the citizenry’s lack of knowledge, their limited

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access to information, and to the superior access of certain interest groups (including the government) to channels that sway public opinion. And yet, the sheer number of these myths, their distinct ideological bias and their enduring impact on public policy demand explanation.

Such an explanation may be found in a third, intermediate category of myths, that may be termed ‘institutional myths’. Like foundation myths, institutional myths produce legitimacy, but this time—not in respect of the basic structure of society but rather for the particular ideology that governs the relevant institution such as the welfare apparatus. Importantly for present purposes, legal norms, court decisions and the operation of public officials reinforce and are reinforced by these myths. Their work produces rules which govern as ‘highly rationalized myths’ that, through the legal mandates and their interpretation by government agencies, acquire institutional authority. The incorporation of myths into the institutional structure, Meyer and Rowan argue, ‘protects the organization from having its conduct questioned. The organization becomes, in a word, legitimate, and it uses its legitimacy to strengthen and secure its survival’. But for the organization to truly establish legitimacy, it has not only to form its structure around certain myths, but also to put them into practice in certain ways. Myth is almost always accompanied by ‘ceremony’. ‘Ceremonial activity’, they conclude, ‘is significant in relation to categorical rules, not in its concrete effect... Activity, that is, has ritual significance: it maintains appearances and validates an organization’. In the welfare to work context, these myths include the focus on (lack of) work ethic; the contractual relationship between agency and recipient (ceremonially exemplified in the signing of a ‘jobseeker’s agreement’ in Britain or a ‘personal responsibility plan’ in America); or the emphasis on (in)dependency and its connection to inclusion in the paid labour market.

The category of institutional myths is of special importance to the discussion here because a significant number of the myths discussed by Handler and Hasenfeld are reliant on public attitudes while their factual base cannot, or at least cannot easily, be scrutinized. They are, in other words, a creature that is part ideology, part fact. On the other hand, they are not immediately bound to the foundational structure of society. And here we come to the fascinatingly delicate line that Handler and Hasenfeld wish to draw. Insofar as foundation myths are concerned, it seems fair to say that the authors enthusiastically embrace the social democratic structure of the modern welfare state, along with the myths that lie at its foundations. At the same time, however, they uncover and critically assess a wide range of ‘myths as false claims’ that are prominent in current American social policy (some of which have clear

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9 Ibid 349.
10 Ibid 355.
historical antecedents. But where ‘institutional myths’ are concerned, there
is a surprising and somewhat problematic ambivalence.

One example of this ambivalence is the reference to recipients who ‘play by
the rules’, as in the course of the argument that establishes that a majority of
the poor live in households in which one member worked during the year.
‘In other words’, they argue, ‘these families are “playing by the rules” and yet
are poor’. Indeed, after using the phrase without reservation several times in
the book, the authors acknowledge, in their concluding chapter, that ‘it may be
odd that we use that phrase, but...we reject the labels of “undeserving poor”’. It seems that Handler and Hasenfeld are trying to suggest that the
poor who play by the rules are ‘deserving’, while at the same time rejecting
the distinction between deserving and undeserving poor. This distinction,
it should be noted, is as old as poverty itself. Gertrude Himmelfarb finds that
the Poor Law Commission report of 1832–1834 aimed to create a ‘broad line
of distinction between the class of independent labourer and the class of
paupers...Once that was conceded, the rest fell into place’. Just as dated, however, (though admittedly less established) is the wholesale
refusal to accept the ability to distinguish between ‘nuances that separate
unmerited misfortune from an adversity produced by vice’. Handler and
Hasenfeld, then, seek to shatter some myths (eg that the poor do not work) by
embracing other, more fundamental ones (eg that those who work are more
deserving of public appreciation and, thus, of public assistance). Public opinion
does support the distinction, as well as its concrete pronouncements. And
public opinion is of notorious significance in the determination of welfare
policy. Martin Gilens quotes studies that show government welfare policy to
follow public opinion 90 per cent of the time.

Why are public-oriented social myths so uniquely established at the roots of
welfare policy? The answer, it seems, returns to the role of myths in general:
the establishment of legitimacy. Dropping public support for income provision
has been approaching a ‘legitimacy crisis’. The system itself, its agenda, its
modus operandi and the funds it relies on are subjected to strict scrutiny, above
and beyond the scrutiny endured by other public policies and institutions.
Saving the system, it is argued, can be done only if the tax paying public can
identify with the people whom they are supporting. Thus, the British House of

12 Blame Welfare 30.
13 Ibid 320.
17 G Standing, Global Labour Flexibility (Macmillan, Basingstoke 1999) 229; also P Rosanvallon, The New
Commons Employment Committee perceived the Jobseeker’s Agreement as a ‘formalised contract [between the recipient and] the taxpayer’. Frank Field, former Minister for Welfare Reform, declared that ‘welfare should openly reward good behaviour and it should be used to enhance the roles the country values’. But welfare bureaucracies react not only to ‘good behaviour’. Sanctions, as Handler and Hasenfeld note, are an integral part of any welfare to work system. Moreover, when justifying sanctions, reference is often made to the importance of securing legitimacy for the welfare bureaucracy, the logic being that punishing the ‘undeserving’ means that those receiving assistance are truly deserving. However, it may be that such an approach relies more on intuition than on empirical data. In fact, it has been argued that such requirements encourage a perception of ‘us and them’ and undermine ‘a principle of citizenship, which is that everybody should be treated on an inclusive, equal basis’.

Moreover, the history of welfare assistance exemplifies how changing public mores change the public view of beneficiaries. The deserving of yesterday may be the undeserving of tomorrow. Such is the case of single mothers, who were supposed to be the main beneficiaries of early American public assistance programmes. The purpose of the programmes was to assist women (mainly white widows) to stay at home and raise their children and to remove the burden of self-maintenance. The reigning moral approach, then, was that a ‘proper’ woman should spend her days maintaining the home. As late as 1971, the American Special Task Force to the Secretary of Health, Education and Welfare wrote: ‘It is not even clear that anyone other than the mother has the legal or moral right to make that decision [whether or not to accept a job offer—APF] or that anyone other than the mother can make the decision that is best for her and her children’.

This attitude changed significantly in a remarkably short period of time. As Handler and Hasenfeld note, ‘the concept of the “good” mother has changed...If in the past the model welfare recipient was the “gilt-edged widow”, now it is the mother who works full-time while raising her children with proper care’. The mirror image, that of the welfare recipient, has also changed accordingly. By the early 1980s, single mothers on welfare were demonized by their own government, which dubbed them ‘welfare queens’. They were posited as a threat to the moral order, exemplified here by the working, married couple with children. By 1996, this public attitude became the law of the land. The Personal Responsibility and Work Opportunity...

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20 Standing (n 17) 326.
22 Blame Welfare 193.
Reconciliation Act 1996 (PRWORA), opens with the following surprising statement:24

Sec. 101 Findings
The Congress makes the following findings:

(1) Marriage is the foundation of a successful society.
(2) Marriage is an essential institution of a successful society which promotes the interests of children.
(3) Promotion of responsible fatherhood and motherhood is integral to successful child rearing and the well-being of children.
(4) 
(5) 
(6) The increase of out-of-wedlock pregnancies is well documented...
(7) The increase of teenage pregnancies among the youngest girls is particularly severe and is linked to predatory sexual practices by men who are significantly older.
(8) The negative consequences of an out-of-wedlock birth on the mother, the child, the family and society are well documented...

This list of findings, opening what should be legislation concerned with conditions for entitlement, incentives to enter the workforce and reducing poverty, reinforces Gilens’ conclusion that, in American welfare policy, saving money is less important than preserving the work ethic and reducing out of wedlock births.25 It is a powerful example of the way the full power of law is granted to myths such as ‘single mothers have children to receive welfare checks’ and ‘the disintegration of marriage is at the root of a wide array of social ills, including welfare dependency.’ Undoubtedly, the reciprocal relationship between myth and law only serve to reinforce them both. It is stressed that these statements do not remain at a rhetorical level. Rather, politicians ‘expect local welfare agencies to uphold these symbols...[and to] adopt ceremonies that reflect these symbols and separate between the “deserving” and “undeserving”.’26

Welfare schemes, then, manifest serious regard towards an ideal, mythical structure of the family. How do the authors treat the role that the myth of the ideal family holds in current welfare to work programmes? Understanding their stance towards this issue is especially important in light of their aim to focus primarily on single mothers and their children. Handler and Hasenfeld are obviously highly critical of the unique way that the American welfare system stigmatizes and treats single mother families. But it is not always clear if their scrutiny goes all the way to the heart of the myth, or if they are content with

23 Pub L 104–93.
24 PRWORA s 101.
25 Gilens (n 16) 192.
26 Blame Welfare 187.
observing that the law and its implementations are simply inefficient in achieving their self-proclaimed goals. Where welfare policies are blatantly unfair or even racist, their disapproval is explicit. For example, their description of the ‘suitable home’ policy is far from equivocal. Under this policy, aid to mothers was conditional on proof that they were ‘proper and competent custodians of their children’. The social myth of the moral superiority of the suitable home was transmitted through local, subjective community stereotypes to exclude from aid mothers with ‘illegitimate’ children and women of colour.

More hesitant, however, is Handler and Hasenfeld’s approach towards the legitimacy of a policy that encourages marriage in general. They would obviously like to see the United States break the link between single parenthood and poverty. Moreover, they explain that, while in 2003, 53 per cent of all children under 6 living in single parent American households were poor, the percentage would drop to 10 per cent were they living in Sweden. And yet they criticize American welfare to work policy because ‘despite its rhetoric, PRWORA does not encourage couples to stay together and get married’. Surprisingly, they seem to accept as a fact of life that ‘cohabitation has twice the poverty rate of married couples because income sharing may be less and relationships and commitments tend to be shorter’. Though this is obviously an American bias (cohabiting couples in Europe tend to exhibit very similar characteristics to married couples), the authors not only fail to acknowledge this American exceptionalism, but rather provide the data to support the normative distinction between cohabitation and marriage. Even more significantly, alongside the awareness, just noted, that the equation single parent equals poor is a phenomenon contingent on domestic social policy, the concluding chapter presents it as an inherent part of the social and economic structure, asserting that ‘there is compelling evidence that married families are less poor than single-parent families, possibly because such families gain from economies of scale, risk sharing and division of labor’.

A second example is the case of child support enforcement. Though the policy has existed since the late 1970s, Congress was responsive to public attitudes that backed stricter enforcement. And so, under PRWORA, states are required to increase the percentage of parental identification, including through the use of DNA testing. Handler and Hasenfeld are sceptical of the measures taken, but mainly because they are not convinced that they efficiently deter

28 Ibid 42.
29 Ibid 301.
30 Ibid 288.
32 Blame Welfare 286.
non-marital birth. But the issue is much larger than that. As Christopher Jencks explains: ‘if a state agency forces an angry, abusive man to start paying child support, he may reassert his parental rights and begin harassing the mother again. Fanning these embers may not, in fact, be such a good policy’. 

It is undeniably true that moral and social norms have to be taken into account when considering work, welfare and family. This is not the same, however, as accepting the prevailing norms that pertain to these (and other) institutions as justified. As Hugh Collins argues, the collaboration of equality principles and social inclusion objectives allows one to reassess existing attitudes and patterns. Substantive equality requires adaptation to changing realities such as the increasing rates of women in the workplace, the changes that the ‘traditional’ family has undergone and the transformation in attitudes towards spare time, travel, health and education, to name but a few. All these suggest that, though the deep, moral sentiments may be laudable, there is a danger that they will be replaced with a fetishism for their empty shell: the preservation of a marriage for its own sake, the compulsion of work or attendance in education, and compelling fathers to assume responsibility and support their children.

The aim of social inclusion, just noted, is gaining prominence as a central aim for welfare to work programmes. In an earlier book, Joel Handler noted that inclusion may be a double edged sword. It could mean bringing the socially excluded into society through training, education and paid employment. But it could also have moralistic connotations, to reform the poor, ‘to prevent them from sliding out of mainstream society and to bring back in those who are already excluded’. 

But what should social inclusion policies truly achieve? According to one dominant explanation, known as the ‘solidarity paradigm’, people are excluded because of socially constructed cultural and moral boundaries between groups. Policies should, therefore, target such barriers and support the insertion of the excluded. Though it is not suggested here that this paradigm be accepted as a whole, it is important to clarify that an uncritical emphasis placed on existing social (moral and cultural) norms, on the one hand, and on individual responsibility, on the other hand, was far from what advocates of these social inclusion

36 Deakin (n 3) 13–15.
38 Handler (n 4) 14–15.
39 Ibid 79.
policies originally intended. Current programmes only superficially embrace the moral underpinnings of the solidarity paradigm while, at the same time, they place a much stronger emphasis on an individualistic, contractual approach. This allows policy-makers to elevate moral standards beyond appraisal, while simultaneously placing the onus on the individual to take the necessary measures to adapt to these norms. Such norms, then, are employed as a vehicle en route to the justification of coercive measures, paramount in welfare-to-work programmes. This is, perhaps, what Goodin refers to when he argues that, in a sense, ‘the state, as presently conceived, is too inclusive’ since it ‘claims a monopoly on the power to legitimate any other sources of social succour’. 41

2. From Labour Inclusion to Social Exclusion

Having discussed the impact that myths have on the character of welfare policy, I would now like to focus on one such myth identified by Handler and Hasenfeld. It is the myth that the best way to re-integrate the socially excluded is through the paid labour market. As they argue, the ‘work first’ philosophy ‘assumes that workers will be able to use the skills and knowledge gained in initial jobs to qualify for better paying jobs. However, employment mobility is also a myth’. 42 If it is at all possible to create any sort of hierarchy, I find this to be the most important myth to expose, for several reasons. First, it has become the cornerstone of welfare policy and, perhaps, of social policy in general, in an array of western countries. Second, its place in the seam between welfare policy and the secondary labour market leads to its marginalization by scholars of welfare policy and labour relations alike. Third, its effect on recipients is not immediately noticeable, since they may be improving their condition in the short term, to a certain extent. And, finally, and perhaps most fundamentally, because the myth and the policy that it supports affect low-wage workers, and not only participants in welfare to work programmes.

‘Work first’ is not merely an important element in contemporary social policy. One may say that it has become social policy itself. Tony Blair expresses this sentiment when he writes that ‘the best defence against social exclusion is finding a job’. 43 Even more ardently, it has been suggested that ‘inclusion through labor should remain the cornerstone of every struggle against exclusion’. 44 And Amy Gutmann and Denis Thompson assert that ‘having a job is a necessary condition of what has been called social dignity’. 45 These attitudes, of course, are not new. In fact, one of the important studies of the abolition

42 Blame Welfare 251, Also in Handler (n 4) 6.
43 T Blair, ‘Foreword by the Prime Minister’ in Social Exclusion Unit Bridging the Gap: New Opportunities for 16–18 Year Olds Not in Education, Employment or Training (Cm 4405, 1999) 6.
44 Rosanvallon (n 17) 65.
of begging in 18th century France concluded that ‘[f]or a long time we have been seeking the philosopher’s stone. It is found, it is work’. 46

Though even the harshest critics of current policies acknowledge that work cannot be ignored in social inclusion analysis, this is far from saying that forced inclusion into the workforce is a necessary, let alone a sufficient, requirement for social integration. Unemployment may result in social exclusion but employment does not ensure social inclusion. Whether or not it does so depends on the quality of the work offered.47

The objective of preventing ‘exclusion’ may be at odds with the use of compulsion if it leads to dropout or to an endless series of work-experience programmes. Where the primary aim of the programme is to reduce public expenditure, ‘drop out’ may not be considered a problem in the short term. However, this does not take into account the ensuing effects which may result from the need to spend in areas such as health care or law enforcement or from bearing the costs of the lack of economic productivity. Thus, Sherman estimates that, for every year that children continue to live in poverty, American society loses $130 billion over their lifetime.48 Relying on that study, Handler and Hasenfeld estimate that ending a year of poverty will save American society $26 billion.49

As for the claimants themselves, the ‘low-pay-no-pay’ cycle is exacerbated by welfare-to-work programmes which reinforce and even perpetuate the boundaries that result in labour market segmentation. The primary workforce enjoys employment security, a relatively high wage level and is often unionized in large firms. The secondary workforce, on the other hand, is an unstable, minimally qualified, underpaid and weakly protected labour force in small firms, dispensing subsidiary services.50

According to Handler and Hasenfeld, studies of the employment realities of welfare leavers find that they experience substantial periods of unemployment and earnings that leave many families in poverty. Most do not receive health insurance, paid sick leave or child care subsidies. 51 The pertinent question, therefore, is the following: why don’t welfare leavers step up the ladder, moving from the secondary to the primary labour market? Two possible,

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46 Cited in Rosanvallon (n 17) 70.
49 Blame Welfare 47.
51 Blame Welfare 63.
complementary explanations may be suggested: the low wage labour market and the structure of welfare-to-work programmes.

It is somewhat peculiar that *Blame Welfare*, here and elsewhere, finds the causes for the predicament of low-wage workers not (or at least—not primarily) in the welfare system, but rather in the characteristics of the labour market. Thus, they note that ‗the very slow rate of growth of jobs in the lower-middle range of job quality makes it increasingly difficult for employees in the bottom tier of the employment continuum to move up to higher quality jobs‘.52 They stress that, even when job expansions occur (eg in the 1990s in America), the attributes of the job market result in a ‗racially polarized job expansion‘, as good jobs were filled by whites, while bottom-end employment was dominated by minorities. Gender, and family structure in general, are also important parts of the explanation. Extensively reviewing the wretched state of child care in America (resulting, perhaps, in somewhat of a diversion from the main theme), Handler and Hasenfeld assert that low wage and poor child care create a ‗trap‘ for poor single mothers.53 They conclude that ‗the myth that low-wage work will ultimately lift single mothers and their children out of poverty and improve the children‘s quality of life is not supported by the actual reality of the low-wage and child care markets‘.54

It is undoubtedly true that an analysis of mobilization in the labour market will be incomplete without scrutiny of the character of the low wage labour market, which must include job opportunities, employment structures (jobs becoming increasingly contingent and short term), the race and gender divides, and the unique needs of participants in the low wage market. These matters, however, have been meticulously researched, as exemplified in *Blame Welfare*. The problem with such an analysis is that it takes as a given the structure that led to the current state of affairs within the low wage labour market. Therefore, any critique that emanates from the analysis will restrict itself to steps that a government can legitimately take when this structure is taken into account. Such limits result from the traditional view that governments should tread cautiously before intervening in labour market activities.

Conversely, welfare programmes are part of a distinctly public domain, devised, funded and (privatization notwithstanding) executed by public bodies. Targeting welfare programmes, rather than labour markets, places the burden for explaining unsatisfactory results squarely on the government’s shoulders. In other words, a critique of the low wage labour market essentially suggests that welfare leavers are systematically marginalized between the secondary labour market and the structure and rules of the benefit system because the

52 Ibid 252.
54 *Blame Welfare* 281.
government is not doing enough. As such, it is quite different from one that focuses on the structure of government welfare programmes. In this story, because of state action (as opposed to state inaction) individuals are impoverished, rather than merely poor. As Deakin and Wilkinson argue, ‘rather than attempting to stabilize full-time employment, the state now actively encourages the growth of forms of work which, because they are temporary, part-time or simply low-paid, do not provide subsistence-level wages’. Though not completely absent from Blame Welfare, this perspective is not elaborated to the extent that one may expect from the title of the book. Hence, I would like to pause here and briefly explain what such an analysis could entail.

The activation or ‘work first’ strategy that underlies welfare-to-work programmes assumes that workers will gain skills and knowledge to qualify for better paying jobs. Though participation in the workplace is assumed to nurture and expand aptitude to enter the paid labour force, this is often not the case. Requiring claimants to accept any job, including offers for temporary positions, risks exacerbating labour casualisation. Some of the jobs welfare recipients are sent to require no skills at all, and do nothing to develop hidden aptitudes. In one well-known case, women were required to sort coin-sized toys into piles of different colours. When they finished, a supervisor reshuffled the pile and the next crew began anew. Moreover, research has shown that requirements such as workfare have reduced participants’ capacity and desire to take on training and have interrupted the job search process. Indeed, there is growing evidence that these programmes are proving to be a barrier to employment mobility, as fewer and fewer workers are moving up the economic ladder. This may be partially attributed to the fact, noted by Handler and Hasenfeld, that a majority of surveyed recipients in American state programmes ‘felt that case managers pushed them to get jobs before they were even ready’.

Interestingly, this dynamic has led many to revisit the Marxist conceptualization of the unemployed as an ‘industrial reserve army’ of labour whose task in a post-industrial capitalist labour market is to ensure that wage labourers are kept in check. Piven and Cloward, in the chapter added to the updated edition of

58 Standing (n 17) 237.
60 Ibid 330–2.
61 Handler (n 38) 31, 56; Standing (n 17) 326–32; B Barry, ‘Social Exclusion, Social Isolation and the Distribution of Income’ in Hills, Le Grand and Piachaud (n 50) 61.
62 Blame Welfare 217.
their *Regulating the Poor*, argue that, ‘desperation pits the unemployed against the still employed, thus weakening labor’s market power’. And it has been pointed out that, in a variety of jurisdictions, workfare participants function as apt replacements for service workers such as nurses and sanitation workers in a manner detrimental to the employment conditions of the original workers.

However, the monolithic analysis of the unemployed as a ‘stagnant pool’ of labour is not an accurate description of the modern labour market as a whole. The employer, after all, wishes to preserve a reliable, skilful and loyal workforce and to avoid the transaction and training costs, along with the break of trust and motivation that are related to frequent changes in personnel. If the insight of dual market segmentation is employed, however, we find that the above description is accurate only with regard to the primary segment of the workforce. The role of the reserve army of labour, ‘constantly changing positions with those in low status employment, and serving to keep the power of the working class in check’ is much more plausible insofar as the secondary segment is concerned. In this segment, the use of contingent workers as a strategy to cheapen the workforce, to undermine union cohesion and influence, to weaken the economic security of workers and to drag down wages, is a much more accurate description. While the primary sector consists of permanent employees who enjoy opportunities for promotion, training, pensions and fringe benefits, a periphery of temporary, casual or contract workers is employed in a manner that allows flexible adjustment for change in demand.

We find that, in some cases, exclusion is the result of group boundaries that are enforced by dominant groups that wish to exclude other groups from the market and to perpetuate inequality by controlling the terms of exchange. This type of social exclusion was coined by Hilary Silver as the ‘monopoly paradigm’. Here policies and legislation solidify strategies that serve to exclude people from gaining access to job rents and from a share of benefits from such rents. In a poignant turn of phrase, Barbara Ehrenreich argues that it is not the poor who should feel shame for their dependency. Rather, they are the major philanthropists of society, and it is the well to do who are dependent on their privation.

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64 Piven and Cloward (n 63) 355.
66 S Webb and B Webb, *The Public Organisation of the Labour Market: Being Part Two of the Minority Report of the Poor Law Commission* (Longmans, Green and Co London 1909) 200: ‘Every wharfinger, each contractor, each manufacturer, each giver-out of work to be done at home, each builder’s foreman, tends thus to accumulate his own reserve of labour, his own “stagnant pool” from which he draws to satisfy the maximum demands of his business’.
69 Barry (n 61) 205–7.
71 Silver 1995 (n 40) 66
informally pushed welfare recipients into low wage work ‘when workers were scarce (eg harvest time) by cutting off aid, providing very low benefits, or diversion’. 73

It is conceivable that current welfare-to-work programmes will succeed in creating economic inclusion and social exclusion by moving the boundary from one that exists between the working person and the unemployed to that which separates workers of different status. This assessment is somewhat similar to the conclusion that the Poor Law was exacerbating the problem it set out to deal with by ‘reinforcing, and not averting, destitution’. 74

3. Concluding: Remember Equality and Poverty

Handler and Hasenfeld are right. American welfare policy, through the deployment of myths that are grounded in public opinion, has managed to allow the fact that the United States has the highest child poverty rate and the largest income disparity in the western world to have no effect on the character of welfare policy. In their excellent concluding chapter, which states their recommendations for future policy, they make strong arguments in favour of several structural changes, including implementing a children’s allowance; improving and raising Earned Income Tax Credit; raising the minimum wage; guaranteeing jobs for everyone, including public jobs; improving child care; reforming unemployment insurance; and implementing government-based health care.

The discussion in the concluding chapter, as it is throughout the book, is probing and thorough. Their expansion of the critique to matters that seem, at first glance, on the periphery of welfare policy is most welcome. Without guaranteeing legal rights to minimal levels of income, health, housing and decent employment opportunities, individuals born into poverty through no fault of their own ‘will interpret the social contract as a giant swindle perpetrated by the well-to-do’. 75 It is somewhat surprising, however, that, while most of the book highlights the link between the welfare bureaucracy and the low wage labour market, the consequences of their analysis for the form of welfare to work policy has a minor presence. Moreover, the focus on poverty related issues pushes to the fringes of the debate a theme that, given the book’s title, one would think should be central to the discussion: the role of equality in social policy.

I conclude this review article by commenting on the effect equality and welfare rights should have on the form and substance of welfare-to-work programmes. In brief, I suggest that an inclusive society would seem incompatible with unjust and excessive inequalities, if equality is understood as

73 Blame Welfare 164.
74 Deakin and Wilkinson (n 57) 111.
75 Holmes and Sunstein (n 35) 193.
aiming ‘to end oppression, which by definition is socially imposed’. In addition, safeguarding individual welfare rights is ‘likely to reduce social exclusion, increase individual welfare, [and to] promote social justice’.

Beginning with equality, we find that the British government paper that discusses the implementation of the Employment and Race Directives states that ‘Discrimination usually amounts to exclusion in some form’. While acknowledging that both equality and social inclusion policies grant considerable importance to ensuring access to employment (an understanding, it should be stressed, shared even by those who are most critical of the emphasis placed on labour market inclusion), Hugh Collins offers an integrative understanding of the two that places access to employment in its proper, instrumental role and not as the goal itself. A refusal to allow more flexible work patterns is criticized as discriminatory because it would result in the exclusion of many women from the labour market. As such, Collins follows Sandra Fredman, who points out that a ‘rich idea of equality sees equality as participation and inclusion of all groups, which in turn requires valuing differences and at times treating relevantly different groups differently’. This formulation views social inclusion as an important facet of equality’s implications and permits a fresh look at the manner in which, inter alia, choice is treated.

Social inclusion may complement the requirement to treat individuals with equal concern and respect in the context of welfare reform. Adherence to social inclusion may require asking what structural disadvantages should be addressed so as to promote, for example, the ability of married and unmarried mothers to be included in the labour market, or the situation of single parents who are excluded from the labour market due to unaffordable child care. The choice not to engage in employment due to financial constraints may seem more legitimate, and the motivation to seek a solution to the structural impediments more pressing, if social inclusion is understood to be part of egalitarian justice.

Social inclusion objectives offer realistic (and thus reasonable) alternatives to the current state of affairs. This would, in turn, present a concrete realization of what ‘treating people as equals’ would entail. Social inclusion, as understood here, accounts for important and justifiable social interests without losing sight

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79 R Levitas, The Inclusive Society? Social Exclusion and New Labour (Macmillan, Basingstoke 1998); Robinson (n 76) 153.
80 Collins (n 37).
81 Ibid 30.
83 Collins (n 37) 31.
of the priority that a liberal society should grant to an individual’s chosen life-style. 84

What of poverty? The traditional understanding of social exclusion emphasized the strong connection to poverty and to the inadequate provision of basic necessities. 85 Poverty and exclusion ‘formed the core logic of welfare-state construction and the creation of various welfare institutions at the regional and national level’. 86 Research has confirmed that certain levels of resources are necessary for playing the roles, participating in the relationships and following the customs expected of members in a society. 87 While Blame Welfare adopts a perspective that highlights the physical difficulties that result from a life in and around poverty, 88 the European Commission takes a broader approach, perhaps influenced by the significance of equality as a governing value. The Commission identifies persons suffering from poverty as ‘persons whose resources . . . are so limited as to exclude them from the minimum acceptable way of life in the Member State in which they live’. 89 The Observatory on National Policies to Combat Social Exclusion defined it ‘in relation to . . . a basic standard of living and occupational opportunities of the society’. 90

And the Committee on Social, Economic and Cultural Rights has recently published a General Comment on Art. 9 of the International Covenant on Economic, Social and Cultural Rights (The Right to Social Security). It stated that ‘Social security, through its redistributive character, plays an important role in poverty reduction and alleviation, preventing social exclusion and promoting social inclusion’. 91

Why would a legal right to welfare help reach that goal? Because rights ‘are especially sturdy objects to “stand upon”, a most useful sort of moral furniture’. 92 Critical approaches of all varieties to the deployment of rights notwithstanding, they are a useful tool in legal discourse and argument.

While civil and political rights are necessary conditions for opening up paths towards participation in the relevant political, social, economic and moral realms, they are not sufficient conditions. Those same rights may be left unused because access to them is hindered by lack of material resources.

85 G Room, ‘Poverty and Social Exclusion’ in G Room (ed), Beyond the Threshold (Policy, Bristol 1995) 1, 4–7.
87 P Townsend, Poverty in the United Kingdom (Mushroom, Nottingham 1978) 1; P Townsend, The International Analysis of Poverty (Harvester, New York 1993) 36; Jordan (n 84) 93–6.
88 Blame Welfare chapter 2.
89 European Commission, On Specific Community Action to Combat Poverty (19 December 1984) cited in Handler (n 38) 122.
91 Committee on Social, Economic and Cultural Rights, General Comment No. 19 - The Right to Social Security (U.N. Doc. E/C/12/GC/19, Nov. 23, 2007) para. 3.
Elizabeth Anderson argues that, ‘a just society must assure to all citizens effective access to the social bases of equal standing as citizens’ 93 and that welfare-to-work provisions fail that criterion by victimizing the least advantaged classes in society. A right to welfare that is anchored in the egalitarian ideal may present a joint claim, both to resources and ‘to take part in forms of procedural and institutionalised interactions’. 94 Contrariwise, benefits that are dependent on controversial and stigmatizing requirements lead many individuals to forsake the benefits offered and drop out of the formal labour market and the benefit system, with all the consequences that follow. 95 The requirement that a person accept any job offer, even when it is clear that the reason for refusal is unrewarding pay and conditions, gives the interest society has in filling ‘dirty jobs’ 96 an immeasurable importance in relation to the claimant’s preferences. A viable social inclusion policy (as opposed to a pure labour inclusion policy) would require improving the low wage labour market so that it would be attractive to the unemployed, rather than seeing them as a means to an end.

While the individualistic approach has routinely been used (and abused) in an effort to attribute responsibility even when such ascription was misplaced, true respect for autonomy that is at the heart of successful inclusion policies recognizes the importance of respecting the choices that individuals make. 97 Inclusion in various structures—economic, social or moral—will most likely be short-lived and its full potential unfulfilled if it is not achieved by way of mutual effort and consent by both the society and the individual. ‘Inclusion contracts’, then, will not empower clients by ignoring their individual needs. In such cases, voices ‘become echoes rather than grievances and demands’. 98

It transpires, first, that current efforts to reduce social inclusion to labour market inclusion must be rejected. But, moreover, if inclusion policies are to succeed, they must exhibit an open-minded, flexible and non-coercive approach. Though society may demarcate the legitimate paths to inclusion, it should allow the individual to choose between them. Without guaranteeing an individual’s basic security, ‘the demand for responsibility seems eminently unfair’. 99

In addition to the impact that a right to welfare has on the conditions that may be placed on benefits, some moral and social consequences are usually seen to derive from the fact that a right is recognized. Significant amongst these is the stigma associated with benefit claiming. Frank Field acknowledged

94 Deakin (n 3) 17.
95 Barry (n 61) 29.
96 L Mead, Beyond Entitlement (Free Press, NY 1986) 69, 153.
98 Handler (n 38) 255.
99 Standing (n 59) 341.
this connection, arguing that ‘welfare should be given as a right and free of any restrictions or stigma’.100

In sum, recognizing a right to welfare is effective on two important levels: first, it offers a symbolic recognition that all individuals are of equal moral worth and should be treated with the same levels of concern and respect. But it is also more than that. Rights represent ‘an unsentimental politics of inclusion, mitigating, not abolishing, disparities of wealth incident to a liberal democracy’.101 Harsh conditionality and coercive requirements in welfare-to-work programmes lead to labour market structures that exacerbate existing barriers to ‘good jobs’. Social inclusion policies that place an unrestricted emphasis on responsibility potentially deflate motivation and aggravate despair. Compulsion and conditionality, therefore, leads to increased exclusion instead of inclusion.102

Society has a role in creating the essentials for a fair, just and prosperous commonwealth. At times, such as in the case of education, compulsion is a necessary part of this role. But as T.H. Marshall has observed, ‘it is only the first step that is compulsory. Free choice takes over as soon as the capacity to choose has been created’.103 Because of fundamental differences in power, the assignment of rights is necessary to open up the paths for the excluded individual. When ascription of these rights is awarded and their place in policy formulation recognized, the dialogue can begin.104

100 Cited in B Lund, Understanding State Welfare (Sage, London 2002) 196; see similarly Deakin and Wilkinson (n 57) 113.
101 Holmes and Sunstein (n 35) 209.
102 Jordan (n 84) 80.
103 Marshall (n 57) 5.