Welfare Reform Meets Ideological Impasse

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If liberals listened a little more carefully to what conservatives are saying about welfare they might not only better understand the differences between the two perspectives, but also find a common ground for reform. Instead, liberal critiques of conservative efforts to reform welfare all too often sound like pep talks to the converted. While bashing an opponent may be important for morale, it is not well designed to yield consensus. With conservatives increasing their political power, liberals need to search for solutions that cut across ideological boundaries.

In this essay I want to emphasize the importance to liberals of seriously considering the conservative position on parental responsibilities for children. By acknowledging the conservative perspective, liberals might arrive at welfare reforms that should both improve the lives of poor children, and gain conservative support.

This does not require liberals to accept the conservative view that blames the poor for their poverty and characterizes them as shiftless and eager to be on the dole instead of in the labor force. That view is nonsense. But it does mean recognizing the power of what I will call the "conservative family creed."

Although other principles can be imagined, the four set forth below largely define the creed. First, having a child without a job or alternative means of financial support is a self-indulgent, irresponsible act. Conservatives are positioned to press this principle especially hard today since knowledge about pregnancy prevention is widespread, contraceptives are readily available, and abortion is legal. Second, having another child while you are unable to provide financial support for existing children is a self-

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indulgent, irresponsible act. This principle plainly applies to those already on welfare who choose to have another child. Third, leaving a spouse when doing so would jeopardize the economic well-being of minor children, is a self-indulgent, irresponsible act. Finally, quitting or refusing a job because of low pay or harsh conditions, without any financial backup in place to support one's minor children, is a self-indulgent, irresponsible act.

In short, the conservative family creed identifies ways in which parents can act irresponsibly toward children. With the explosion of the divorce rate and the huge increase in out-of-wedlock births in the last thirty years,[1] it must appear to conservatives that this sort of irresponsibility has been rapidly growing. And, while conservatives want this behavior to be censured by society, what they find is that our existing welfare system, appears to do exactly the opposite—by rewarding irresponsibility instead.

At the same time, it is essential to emphasize that accepting this conservative family creed need not require the belief that all women on welfare have acted irresponsibly and are undeserving. Surely, a responsible mother, unexpectedly abandoned by her husband, and simply unable to secure an adequate means of support, would be deserving of welfare. Surely, a woman who has fled with her children from a physically abusive husband, cannot be said to be irresponsibly self-indulgent, although she too may be on welfare. Rather, in both of these examples it is the father who has violated the conservative family creed; and, alas, all too many men currently behave in these ways.

The conservative creed does not oppose aid to the needy, but it demands responsibility first. With the examples above, the natural solution would be policies aimed to prevent irresponsible behavior of fathers. Such policies would aim to discourage fathers from abandoning or abusing their family, and would increase efforts to collect support from fathers who did leave. Should these policies fail, however, conservatives would likely agree that the victimized single-parent families should be supported. Such assistance is similar to the financial aid given to widows with young children, long endorsed by conservatives; it is quite different from welfare as we know it today. In the conservative view, current welfare aids single mothers who decidedly appear to act irresponsibly.

How should liberals respond to this conservative family creed and its policy implications? It will no longer suffice to say that our society simply needs more children who will till the fields and serve in the army. Moreover, according to the conservative family creed, it is hardly persuasive to offer the incantation "stop blaming the victim" when many of the so-called victims have only themselves to blame.

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1. STAFF OF HOUSE COMM. ON WAYS AND MEANS, 103D CONG., 2D SESS., OVERVIEW OF ENTITLEMENT PROGRAMS: 1994 GREEN BOOK 1109-10 (Comm. Print 1994).

It seems to me that liberals might offer two replies. The first resembles a liberal response to crime, which recognizes its reality and points to the larger social and economic forces at work in its creation. The second emphasizes parenthood as a right.

Turning to the first reply, some liberals will argue that, short of mass sterilization, we simply have to accept the fact that a significant number of adults will behave in ways that conservatives would call irresponsible. People have a strong urge to have children and many will do so even if it appears self-indulgent. So too, many couples with young children will break up owing to the selfishness of at least one of the parents. This response acknowledges that some parents are genuinely cavalier about their responsibilities. Other parents, while perhaps not totally self-indulgent, have unrealistic hopes and dreams which often do not work out.

For liberals, the policy implication of this state of affairs is that society must step in and help out in the name of innocent children. The controversial part of the argument is the assertion that, given government limitations, it is usually in these children's best interests to live with their mothers, even if they have been irresponsible. In addition, it does not help the children to stigmatize their mothers. This position, in turn, implies that it is essential to provide those children and their caretakers with necessities. The simplest and most direct way to do that is to offer them an adequate amount of public income support. In other words, if helping the children incidentally benefits irresponsible mothers, so be it.

The major difficulty with this response is that it surrenders the higher moral ground to the conservatives. On hearing the reality of human failings, conservatives are quick to emphasize the likelihood of perverse behavioral responses to governmental handout programs. The upshot is that many conservatives are willing to risk harm to some children. They fear that promises of cash aid will yield an avalanche of irresponsibility thereby endangering many more children. Indeed, this is exactly what conservatives believe welfare has done and what a more generous welfare program would exacerbate. Instead, they will search for alternative stopgap responses to this unhappy reality, including for example, re-opening orphanages. In a contest over how to improve a bad situation, I fear that liberals encounter difficulty mobilizing support for their position because it is too easily portrayed as analogous to being "soft on crime."

Liberals can also counter the conservative family creed in a much stronger way, by arguing that the child-bearing behavior condemned by the conservative creed is not irresponsible. This outlook rests on the liberal principle that we have a collective duty to assure every member of our society the financial means to raise children. In other words, while it may be irresponsible to have children if you are emotionally unprepared, it is not irresponsible just because you are poor.

Underlying this viewpoint is the idea that child rearing is a wonderful thing that everyone should be able to enjoy (should they choose to) as an expression of their humanity. Also underlying this viewpoint is the belief that given the economic realities of our capitalist system, poverty is not a choice. While the system may work splendidly for most of us, it nonetheless inexorably leaves destitute some members of our community. Hence, we have an obligation to enable those members of society to become parents too. Indeed, in this view to deny childbearing to those who cannot escape poverty on their own would be highly unjust. It need not be resolved right now whether that means parents are entitled to cash grants or decent jobs or some other means of assistance. It suffices to understand the idea of mutual obligation within our society which flows from this liberal position.

Although many people in America will endorse this second liberal response, it strikes me as even more difficult to sell to the unconverted than the first liberal response. As Mark Aaronson has emphasized,[2] our long time American infatuation with individualism often gets in the way of our sense of collective obligation. Moreover, it is especially discomforting to have to sell this second response once pushed to its extremes. Do you have a right to be financially supported in your decision to have a child when you yourself are a minor? Do you have a right to be financially supported in your decision to have as many children as you want?

Furthermore, if we try to turn this community obligation into an actual public policy, we again see the conservatives donning their worrying economist hats. Loose talk of guaranteed employment makes conservatives shudder at the thought of how to provide those jobs. Will we take them away from non-parents? Or can we really create new jobs at any sort of reasonable public cost? Alternatively, can we afford generous public income transfers to all would-be parents and still maintain our national standard of living? Here we see conservatives, who normally laud the capitalist system, thinking that liberals are expecting altogether too much from it. Put differently, just as conservatives explain the successful functioning of our economic system as the outcome of people pursuing their own selfish economic interests, they in turn predict the worst from people when the state offers something for free.

This, I fear, leaves our society at something of an ideological impasse. Both liberals and conservatives hate the way the current welfare population is treated for entirely different reasons. As a result, consensus on a single solution to the welfare mess appears altogether unpromising. In the face of this impasse, I suggest that liberals shift the focus of the welfare reform

2. Mark N. Aaronson, *Scapegoating the Poor: Welfare Reform All Over Again and the Undermining of Democratic Citizenship*, 7 HASTINGS WOMEN'S L.J. 213, 218 (1996)

debate to a narrower target—those single parents considered deserving by both ideological camps.

As discussed above, clearly some women on welfare are raising their children alone because either (a) they and/or their children escaped from an abusive husband/father or (b) they were abandoned by the father of their children. Their financial plight is generally not their fault. Yet, by going on welfare today, they must endure dependence upon a highly stigmatized program that provides increasingly inadequate benefits and onerous demands.

Contrast their situation with another group of deserving single parents—widowed mothers. Although most people do not realize it, when a worker dies, his surviving minor children and their caretaker mother qualify for Social Security benefits. This program is also available in the far less common situation in which the working mother dies. Social Security provides reasonably generous monthly cash payments that are related to the prior wages of the deceased parent—the lower the wages of the deceased worker, the higher the proportion of wages replaced. There is no intrusive means testing; the surviving family's assets are irrelevant, as is the amount of life insurance left by the deceased. If the caretaker mother wishes to work part time, she can keep all of her benefits until she earns more than about $700 a month.[3] After that, she loses her benefits at the rate of $1 for every $2 earned.[4] She also surrenders her benefits if she remarries. But the children continue to receive their benefits no matter how much she earns, and regardless of whether she re-marries. No one seems to be complaining about this "welfare" program. If asked, surely most politicians would applaud it.

I suggest, therefore, that liberals urge conservatives that our society should provide financial assistance to abandoned or battered single women and their children as we now assist widowed women and their children.[5] Social Security now assures survivor children of, what is in effect, life insurance. Similarly, my proposal would provide a large number of divorced and separated (and perhaps even unmarried) single-mother families an assured child support payment based on the prior income of the family. Unlike the existing Social Security program, which is funded entirely by payroll taxes, my proposal would probably require fathers of the eligible children to contribute to the extent possible to funding the program. If adoption of my proposal moved perhaps half (or possibly even two-thirds,

3. 42 U.S.C. § 403(b) (1994).

4. *Id.*

5. *See generally* Stephen Sugarman, *Reforming Welfare Through Social Security*, 26 U. MICH. J.L. REF. 817 (1993); Stephen Sugarman, *Financial Support of Children and the End of Welfare as We Know It*, 81 VA. L. REV. 2523 (1995).

depending on its precise details) of the children now on welfare onto a nearly universally more satisfying scheme, this welfare reform would really be worth undertaking.

I acknowledge that this solution would still leave our society with the very difficult task of trying to agree upon what to do with the remaining single-parent families—over whom the liberal-conservative conflict could be heightened. Perhaps liberals could achieve an agreement that concentrated appropriate social services on these families rather than simply curtailing their public assistance as many conservatives seem to want. The explosive growth of the welfare rolls has essentially forced the abandonment of individual social worker assistance to recipients. If the rolls were much reduced to the extent I have proposed, the savings could help to reintroduce extensive services—at least for many young mothers. After a year or two on the program, it might be appropriate to pay the benefits to representative payees (or directly to landlords and grocers) instead of to the single parent. For the older single mothers on the program, perhaps the most promising solution is simply to transfer the Social Security work incentive rules over to welfare. In fact, there is reason to believe that welfare currently forces many of its recipients to commit fraud by secretly working for cash and not reporting the earnings to the government—since doing so would mean a dramatic reduction in their welfare checks and dramatic harm to their children.[6] If these mothers, like Social Security widows, could honestly keep up to $700 a month without loss of benefits, perhaps more would work, and others would acknowledge their existing earnings (this could lead to the added satisfaction of knowing that their children are not in as bad a financial condition as they appear to be). Moreover, such a rule might enable these mothers to escape from some of the dangerous and illegal work (such as selling drugs and engaging in prostitution) and from dead end work (such as domestic labor), and move instead into more desirable employment.

My solution may not be the one that liberals would most prefer. But it represents, I suggest, a much more satisfying way of "ending welfare as we know it" than what currently seems forthcoming from both the Republicans and the Clinton Administration.

6. CHRISTOPHER JENCKS, RETHINKING SOCIAL POLICY: RACE, POVERTY AND THE UNDERCLASS, 204-35 (1992).