

**Uncaring Neoliberal Paternalism:**

**A Compassionate Response to  
the Punitive Turn in Poverty Management**

By

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This paper first examines how our welfare state is changing to become much less tolerant of those who depend on public assistance. I discuss how we are moving from a Keynesian welfare state to what social theorist Loic Wacquant calls a “neoliberal paternalistic state” (2001a: 402). The Keynesian welfare state focused on providing assistance to the poor to counteract the effects of the national economy. The neoliberal paternalistic state integrates us into a globalizing economy by allowing for a *laissez-faire* approach for those on the top, as in free trade across national borders and open labor markets, say as in competition based on merit. At the same time, the neoliberal paternalistic state is the opposite of *laissez-faire* for those on the bottom where it decentralizes highly punitive and disciplinary policies for managing the poverty populations who are left out of, or find a hard time succeeding in, the globalizing economy. Welfare is devolved to local, often for-profit, providers to: (1) minimize the poor’s access to assistance, (2) discipline them to be more personally responsible, and (3) regiment them into low-wage labor markets that facilitate economic competitiveness in an era of globalization.

In the second part of the paper, I examine data from Florida as a case study of a state that is leading the way in not so much “rolling back” welfare as in “rolling out” a new more punitive, neoliberal paternalistic welfare system (Peck 2002). In the process, I highlight how the new system works to reinforce class, race and gender divisions for identifying marginal populations and legitimating their punitive treatment.

In the third part of the paper, I turn to how we can rethink the idea of the welfare state to have it be more compassionate and caring. In particular, I ask how can we make

the welfare state less hostile toward what has come to be called “welfare dependency” and more supportive of the caring relationships that are associated with dependencies of various sorts. I do this by examining political philosopher Martha Nussbaum’s (2006) critique of the liberal social contract theories that serve as philosophical foundation for the welfare state. Nussbaum uses what she calls a “capabilities” approach to critique the liberal social contract philosophy. The capabilities approach suggests that all humans have fundamental rights to develop their basic capabilities. I suggest that Nussbaum’s capabilities critique of liberal social contract theory is only half right. She is right to suggest that the liberal social contract theory is grounded in an emphasis on dispassionate reason at the expense of marginalizing compassionate emotion. Liberal social contract theory has no place for emotion in its logic of the welfare state. Nussbaum, I suggest, is right to critique liberal social contract theory’s banishing of compassion from the underlying logic of the welfare state. I argue that she is also right that a capabilities approach will allow for the welfare state to express more compassion for those who are currently ignored by the system of welfare state entitlements. In particular, a capabilities approach will support caregivers and those who are dependent on them. She is wrong however to suggest that a capabilities approach will necessarily make the welfare state as compassionate as it needs to be to ensure that people who are marginalized by normative standards are not oppressed by this process. The capabilities approach needs to be reconsidered as another way of deciding who is deserving and who is not. I pose “harm reduction” as a less judgmental alternative to the capabilities approach for building in more compassion into the welfare state. I conclude by suggesting how this harm reduction approach will better support caregiving (see Schram 2006).

The three parts of my analysis are combined through what I have called the “new poverty research” that tries to understand the available research on poverty and welfare by placing that research in historical and social context (Schram 2006; also see Morgen and Maskovsky 2003). In particular, this approach reflects an interest in showing that most fundamentally for much of U.S. political history there has been a basic semiotic structure about who is deserving and undeserving that is deeply embedded in our social welfare policy discourse. This deep semiotic structure works to re-inscribe privilege to workers and disadvantage caregivers. It requires an eternal vigilance of its own sort to resist this pernicious dichotomy. Resisting the ways in which this fundamental distinction works to marginalize and oppress the poor requires both working from the top down through national policies as well as from the bottom up through our daily interactions in work and caregiving relationships. I call this kind of double work “radical incrementalism,” where we enact policies that make small incremental changes in the way we treat work and care but do so in ways that lay the foundation for more substantial changes in the future. Only by engaging in this sort of double work will we begin to exploit the emergent possibilities in the complex system we call society to effectively elaborate a more compassionate welfare state that is supportive of caregivers and their dependents (Schram 2006).

I begin first by discussing our current situation as reflecting a shift from the Keynesian welfare state that supported families in need so as to keep the economy on an even keel to what the Wacquant calls the neoliberal paternalistic state that punishes the poor for being dependent on the state for assistance.

## THE PUNITIVE TURN IN POVERTY MANAGEMENT

In the current era, where the ideology of neoliberalism celebrates participation in a globalizing economy, poverty management is being transformed to be more punitive. The new poverty research focuses on the extent to which the Keynesian welfare state is being replaced by Wacquant's neoliberal paternalistic state. While there is an argument to be made that the changes of recent years are reminiscent of the Victorian practices of the 19<sup>th</sup> Century (Pimpare 2004), there is a case to be made that we are witnessing the development of a new more punitive welfare state. The new regime offers less monetary aid to low-income families and more discipline for the adults in those families. Significant changes include: (1) decreased financial aid to and increased work enforcement on the unemployed (Peck 2002); (2) decreased rehabilitation and increased incarceration for those who commit crimes (Wacquant 2001); and (3) decreased child welfare services to birth families and increased removal of children to foster families (Roberts 2002).

Punitive work enforcement is undoubtedly the most pervasive development in the new approach to poverty and it is spreading to Europe. I should add though that increased reliance on incarceration is becoming a close second in terms of what Europe is learning from the U.S., according to Wacquant and others (for a review, see Schram 2006). Welfare states throughout the developed world are under growing pressures to make this shift, though they continue vary in the extent to which they have complied. Facilitating this process has been a reframing of social welfare policy in terms of "welfare dependency" in the U.S. or "labor activation" in Europe. The U.S. has led the way in reframing issues of poverty and welfare to emphasize enforcing low-wage work among

the poor. Most dramatically, in 1996 the U.S. enacted the Personal Responsibility and Work Opportunity Reconciliation Act that abolished the longstanding Aid to Families with Dependent Children (AFDC) program which provided cash assistance to needy families with children. In its place, it put the Temporary Assistance for Needy Families (TANF) block grant program that imposed time limits, work requirements and a new system of sanctions for reducing or terminating benefits for recipients who did not comply with program rules, especially in taking steps to move from welfare to work. States were given discretion to make these new “get-tough” rules even tougher (Schram 2006).

European countries have varied in the extent to which they have adopted similar policies but none is as draconian in its approach as the U.S. Some countries are developing more supportive forms of labor activation that provide substantial training and education supports and income supplements. Yet, increased immigration in Europe poses the possibility that its policies will become more like the U.S. With immigration, European countries face becoming more like the U.S. where the low-income population is disproportionately nonwhite and a disciplinary approach to the poor is more accepted (Alesina and Glaeser 2004).

Labor activation policies are often justified in a terms of helping the unemployed overcome their “social exclusion.” Yet, the emphasis of workfare programs is to get the unemployed to make “rapid attachment” to the paid labor force, even if it means taking low-wage jobs. As a result, labor activation policies risk helping the poor overcome their social exclusion in ways that re-inscribe their subordination. Joel Handler (2004) calls this the “paradox of inclusion.”

The punitive turn in poverty management means that social welfare policy is increasingly associated with new forms of governance focused on inculcating habits of mind and levels of motivation that will be consistent with this overriding objective of integrating the poverty population into low-wage labor markets (Peck 2002). In the U.S. there is a distinctive trend to decentralize the provision of welfare services, often to for-profit providers who employ “job coaches” to counsel clients on making “rapid attachment” to the workforce by taking whatever low-wage jobs are available. Social welfare policy becomes more therapeutic in its orientation. In particular, social welfare provision is converted from a form of income redistribution to the social policy equivalent of a 12-step program that medicalizes welfare dependency as if it were akin to other dependencies such as a drug dependency. Recipients are screened, diagnosed and treated for their dependence on welfare. Clients are increasingly evaluated for the personal “barriers” that prevent them from getting and keeping a job. The new disciplinary practices associated with the punitive turn in poverty management are implemented via a discourse that inverts the meaning of barriers to be no longer external social structures that block the economic mobility of individuals. Instead, now “having barriers” means something internal to the low-income individual that must be addressed through treatment so as to help them develop the personal discipline to become self-sufficient via the low-wage labor market (Schram 2006).

While Wacquant (2001) emphasizes how Europe is at risk of deserting its commitments to a more inclusive social welfare state, the U.S. is undoubtedly leading the way and is exemplary of the punitive turn in poverty management. In the reformed welfare-to-work system, one of the barriers that job coaches are confronting and have

difficulty helping clients overcome is a criminal record (Soss and Schram 2006). In this regard, it is more than ironic that welfare reform is increasingly focused on helping clients overcome the very barriers that the poverty management system is promoting, including the identity of being an ex-felon. The punitive approach is thus reinscribing the poor's failure to get jobs even as it punishes them for not being able to do so (Wacquant 2001).

Figure 1 graphically depicts the broad contours of the shift to a more punitive U.S. welfare state in recent years. The figure shows the proportionate change in the prison and welfare populations in recent years; and as is evident from the graph, as the prison population has risen, the welfare rolls have plummeted. This pattern is indicative of the argument that U.S. is not so much "rolling back" the welfare state as much as it is "rolling out" a more punitive, disciplinary regime for managing its poverty problem (Peck 2002). It is important to note that a disproportionate share of the burgeoning prison population is black males and a disproportionate share of the declining number of welfare families are headed by single black women. While blacks are not a majority in either case, their overrepresentation in these penalized populations underscores how race helps create more readily identifiable marginal populations which are available for stigmatization, demonization and punishment for failing to conform to mainstream standards of acceptable behavior and deservingness. Insisting on punishing them for failing to meet the standards of right behavior, failing to understand why they are not conforming to mainstream norms and overlooking how structural barriers in society prevent them from doing so, all are sure signs of our unwillingness to express compassion regarding how low-income people of color have been disadvantageously



positioned in society. The markers of race and gender combine with class to help identify marginal populations and justify their punitive treatment.

Yet not all states have deemphasized compassion for an insistence on punishing those who do not meet the standards of right behavior. Figure 2 shows the top states in the growth of prisons (Lawrence and Travis 2004). Texas and Florida lead the way. Not by coincidence, I would argue, these two states are among the leaders in taking the punitive turn in welfare reform as well. Both have integrated the administration of welfare into their workforce programs at the local or regional levels with the result that the emphasis is on moving recipients from welfare to work as fast as possible even if they are not ready to make a living for themselves by relying on paid employment (for details see Fording, Schram and Soss 2006).

Both Texas and Florida also show that increasingly welfare policy implementation is being devolved from the nation-state to sub-national governments, where privatization has led to the growing role of for-profit vendors. As a result, new forms of governance operate on different levels and provide new ways for managing and disciplining the poverty population. For Jamie Peck (2002), this means that the welfare state is not being “rolled back” as much as it is being “rolled out.” Welfare policy is being decentralized and privatized to provide new programming focused more on regulating the poor so as to regiment them into local and regional, low-wage labor markets. A closer look at the Florida case highlights the way the neoliberal paternalistic state is being rolled out to enhance the competitiveness of local labor markets in an era of globalization.

## **SANCTIONS: DISCIPLINING THE NEEDY**

Florida's reformed welfare system provides a critical case for understanding the roll out of the neoliberal paternalistic state. Florida integrates welfare reform into its system of regional workforce boards under the federal Workforce Investment Act of 1997 that focuses on placing the unemployed in jobs (see Fording, Schram and Soss 2006). Florida is one of six states, including Texas, that have pursued this emphasis of integrating welfare reform into workforce programs at the local level. Florida has pursued one of the strongest forms of what is called second-order devolution where the authority devolved from the national government to the states is in turn partially devolved further down to the local level, in this case regional workforce boards. The Florida system blends transfers of authority to local actors, program integration, and widespread privatization all in an effort to deemphasize the support of families with welfare and instead to emphasize the enforcement of work.

Since July 1, 2000, the Florida TANF program (Welfare Transitions, WT) has been integrated into the system of regional workforce boards so as to be co-located in the local one-stop centers used by the workforce boards to deliver employment services and place people in jobs. In this integrated system of implementation, frontline services have been contracted out to public, non-profit, and for-profit providers throughout the entire state. Policy authority for these programs has shifted to the local level in a group of 24 public/private partnerships called Regional Workforce Boards (RWBs). These RWBs are responsible for strategic planning, policy development, contracting, and oversight of local one-stop delivery systems. They are overseen, not by state agencies, but by a statewide public/private partnership called Workforce Florida, Inc. (WFI). The Florida Department

of Children and Families (DCF), a conventional state agency, receives the federal TANF block grant and maintains responsibility for eligibility determination. But otherwise, Florida stands out among American states for its emphasis on local control and privatization within an integrated work-oriented policy system (Botsko et al. 2001: 7).

Under this integrated system, Florida takes a very punitive approach to moving recipients from welfare to work. Florida relies heavily on sanctions relative to other states. Sanctions involve penalizing recipients by reducing their cash assistance for failing to follow program rules, most often by not showing up for the required number of hours for assigned work-related activities, like attending a job-readiness class or being at a work site. After the national welfare reform law was passed in 1996, Florida adopted “some of the strictest time limits and work requirements in the nation” and broadened the pool of clients subject to sanctions by creating “few possibilities for exemptions” (Botsko et al. 2001: 4).

The sanctions themselves also fall at the strong end of the continuum, allowing for an immediate, full-family loss of TANF benefits and a reduction of Food Stamp benefits to the fullest extent permitted by federal law (Botsko et al. 2001: 6). Moreover, while cross-state comparisons are complicated by the diverse methods used to calculate sanction frequency, analysis of Florida administrative data suggests that Florida employs sanctions at an extremely high rate (Fording, Schram and Soss 2006). Based on the cohort of adult recipients who entered TANF in November, 2001, after 18 months, 47 percent had been sanctioned at least once. Using a similar method for the same period of time, LaDonna Pavetti, et al. (2004) found the full-family sanctioning rates in, for instance, Illinois and New Jersey to be 13 percent and 17 percent, respectively. Thus, it is

not surprising to find that Florida DCF identified sanctions as the most common cause of TANF case closings in fiscal year 2003, accounting for 31 percent of closings vs. 21 percent for increased earnings.

In work with Richard Fording and Joe Soss, I have analyzed administrative data on recipients in the Florida welfare system from January 2000 through December 2004. To examine the determinants of sanction usage, we employ a discrete-time event history analysis of the initiation of a sanction. Our sample consists of individual-level administrative data for all adults receiving TANF in Florida, supplemented with contextual data indicating how local implementing environments vary across the state's 67 counties. Our total sample size exceeds 74,000 individuals and 200,000 person-months, depending upon which specific analysis we undertake. We examine who is sanctioned, where, when and to what effect, controlling for relevant individual and community characteristics (for details see Fording, Schram and Soss 2006).

We find that sanctions are applied unevenly, more in conservative regions, more on African Americans and Hispanics than whites, increasingly so with length of time on welfare, more when low-wage jobs are assumed to be available in tourist season, and more on low-wage workers than others. In addition, sanctions do not seem to have the positive influence on recipients that proponents of welfare reform had argued it would. The proponents seem to have incorrectly argued that welfare reform could promote self-sufficiency by penalizing recipients for failing to fulfill their obligations to work in exchange for the right to receive welfare benefits.

Figure 3 indicates that devolution to the regions is a significant factor in determining the likelihood of sanction. We find that conservative regions are more likely

to rely on sanctions.<sup>1</sup> Figure 3 simulates the cumulative impact of local ideology over the course of the entire TANF spell controlling for a variety of individual and community characteristics. Specifically, Figure 3 plots cumulative survival rates across two contexts – the most liberal county and the most conservative county – for a typical TANF client.<sup>2</sup> Based on our results, the probability that a typical TANF client residing in the most conservative county will survive through the 12<sup>th</sup> month of a TANF spell without a sanction is approximately .20. In contrast, the probability that the same (hypothetical) client will survive through the 12<sup>th</sup> month without a sanction in the most liberal county is approximately .40, or twice that of the survival rate in the most conservative county. In the punitive system Florida has established, very few clients will ever experience a 12 month TANF spell, but this simulation does provide additional perspective on the substantive impact of local ideology on sanctioning outcomes.

Figure 4 shows that the increased risk of being sanctioned by being on welfare in a conservative region is higher for blacks and Hispanics compared to whites. The vertical distance between the curves presented in each panel of Figure 4 reflects the effect of local ideology, and indicates precisely how the odds of being sanctioned are predicted to increase for black and Hispanic clients as a function of local conservatism throughout the duration of the TANF spell. In the most liberal political environment, both black and Hispanic clients begin the spell with a significantly lower probability of being sanctioned than white non-Hispanic clients. For Hispanics, this disparity diminishes throughout the spell and by the 12<sup>th</sup> month, Hispanic clients and white non-Hispanic clients are predicted

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<sup>1</sup> We measure local conservatism by creating an index based on voting patterns for 18 ideologically relevant constitutional amendments, see Appendix B in Fording, Schram and Soss 2006.

<sup>2</sup> A survival rate estimates the cumulative percentage of the original recipients who do not leave welfare via a sanction.

to be sanctioned at an equal rate. The predicted odds ratio increases more quickly for black clients, and by the 12<sup>th</sup> month of the spell black clients are predicted to be sanctioned at a rate that is 37% higher than whites. Thus, in the most liberal environment, with the exception of months 8-12 for black clients, black and Hispanic clients are predicted to be sanctioned at a rate that is either less than or roughly equal to the rate for white non-Hispanic clients. It may be that in more liberal regions there are more lenient local operating procedures or more understanding case managers or both.

This is not the case in the most conservative political environment. Indeed, at no time during the TANF spell are black or Hispanic clients predicted to be sanctioned at a rate that is lower than whites in the most conservative environment. For Hispanics, the odds ratio reaches a maximum of 1.44 by the 12<sup>th</sup> month, and for black clients, the odds ratio reaches 2.11 by the 12<sup>th</sup> month. This suggests that by the end of our observation window, Hispanic and black clients are predicted to be sanctioned at rates that are 44% and 111% greater than whites.

Figure 5 underscores the greater risk of being sanctioned for blacks and Hispanics by being on welfare in a conservative region. The graph presents the proportional increase in the probability of sanction, moving from the most liberal to the most conservative political environment, for each racial group in terms of how long recipients are on welfare. As can be seen, the largest effects are observed for black clients, who experience anywhere from a 59% to a 74% increase in the probability of sanction moving from the most liberal to most conservative environment (depending on the spell interval examined). The effects for Hispanic clients are nearly as large, and increase in a similar fashion throughout the TANF spell (52%-67%). What really stands out in Figure 5,

however, is how little the political environment matters for white non-Hispanic clients, especially in comparison to black and Hispanic clients. While the probability of sanction is predicted to increase for white clients as local conservatism increases, the predicted effect is small, and unlike the effects seen for black and Hispanic clients, is statistically insignificant. In sum, Figures 4 and 5 reveal that the local ideological context has a significantly different impact on sanctioning outcomes across racial/ethnic groups. Indeed, these results suggest that to the extent that the local ideological climate affects overall sanctioning rates, it does so through its effects on the sanctioning outcomes of black and Hispanic clients.

Sanctions are applied unevenly across regions and racial/ethnic groups. They are also applied unevenly across the seasons, reflecting their being tied to moving recipients into low-wage jobs which are more plentiful in some times of the year than others. Figure 6 shows that sanctions are more likely to be applied during the tourist season in Florida.<sup>3</sup> For welfare recipients, the probability of being sanctioned in a given month declines in the summer and fall, rising in the winter months and reaching its highest level in March during spring break. It follows the level of tourist dollars being spent each month in lock step fashion. This suggests that sanctions are very much associated with when it is assumed that recipients ought to be able to gain access to low-wage jobs in the seasonal tourist industry--a significant part of Florida's economy.

Figures 7-10 show that sanctions are more likely to be applied to the recipients who are already the worse off and who only become even more worse off after being

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<sup>3</sup> These results are also after controlling for the relevant individual and community characteristics. See Fording, Schram and Soss 2006.

sanctioned off welfare.<sup>4</sup> In Figures 7-10, we track average quarterly earnings of a panel of welfare recipients, both prior to entering TANF, and then after exiting TANF. We compare the earnings of recipients who were and were not sanctioned during their first spell on welfare. In Figure 7, we limit the analysis to recipients who had less than 12 years of education. We find that those who were sanctioned during their first TANF spell earned less than clients who were not sanctioned. Their earnings were lower before coming on to welfare and were even lower after leaving welfare. The earnings gains after exiting are not as great for sanctioned clients, compared to non-sanctioned clients.

Figure 8 shows basically the same overall results for the recipients who had 12 years of education, though both groups earn a bit more overall than the recipients tracked in Figure 7 both before and after exiting welfare (probably due to having more education. More importantly, though, Figure 8 shows that the post-exit earnings gap increases when comparing those who left welfare without being sanctioned to those who left after being sanctioned. In Figure 9, we replicate the analysis in Figure 7 for recipients with <12 years education (the larger of the two educational groups), but we only include clients who did not return to TANF after the first spell to see how sanctions affect the earnings of the recipients who do not return to welfare. We find again that sanctioned recipients tend to have lower incomes coming into the welfare system and that after leaving welfare fall even further behind those recipients who do not get sanctioned. Figure 10 summarize the findings of Figures 7-9 showing that sanctioned recipients tend to have less income to

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<sup>4</sup> The sample for Figures 7-10 is all clients who started TANF in July 2000 or later, were on a first spell, and who exited in one of the following months in 2001 or 2002: March, June, September, December (8 exit cohorts). The selection of these months insures that the exit occurred in the last month of the exit quarter, and therefore the first quarter following the exit quarter begins in the month immediately after the exit. While we do not control for individual and community characteristics, we are comparing sanctioned and non-sanctioned clients in terms of how their income before being on welfare is compared to after leaving welfare.



start compared to non-sanctioned clients and after being sanctioned off welfare tend to fall even further behind. Sanctions are applied to those low-income families that are worse off and result in them become even more worse off.

### **A COMPASSIONATE RESPONSE**

The Florida data indicate that the punitive turn in poverty management singles out the poorest of the poor for punishment for failing to become self-sufficient and does so in ways that lead them to become even less likely to succeed after being punished. The new punitive regime trades on class, race and gender divisions to identify those most undeserving of support and most deserving of punishment.

The punitive turn in poverty management seems therefore to be more about being “tough” than the “tough love” of “compassionate conservatism,” as trumpeted by President George W. Bush. President Bush has argued that compassionate conservatism expresses its love of all citizens by treating them equally and holding them all to standards of responsibility so as to not cave in to the “soft bigotry of low expectations.” Compassionate conservatism claims to be compassionate in caring about the less fortunate because it allegedly tries to help them practice personal responsibility so they can succeed in life just as is expected of everyone else. Yet, it seems the conservatives are using class, race and gender divisions to build a neoliberal paternalistic state that punishes people for being poor. The case of Florida raises questions about the purpose of the new punitive approach to poverty management and its likely effects. Poor, nonwhite, single mothers with children are particularly vulnerable under the new welfare regime. Their ready identification as “those other people” who do not play by white middle class

rules helps facilitate and legitimate their being singled out as a group deserving of the punitive approach that punishes them for being poor.

The goal seems to be to enforce discipline rather than practice compassion for those who are left behind by the globalizing economy. The issue then becomes how are we to begin to build compassion into the welfare state so that we can help poor, nonwhite, single mothers and others who are being left behind in this changing world.

One significant attempt to build compassion into the welfare state is by Martha Nussbaum (2006). Nussbaum builds on the work of a number of feminists theorists to examine how the philosophical justifications for the existing welfare state systematically work to exclude the emotional impulse to be compassionate. A major justification for the existing state system is the idea of justice as founded in a liberal social contract theory that emphasizes the dispassionate logic of reason as the basis for arbitrating the claims we can make on each other through a system of reciprocal rights and responsibilities. The logic of reason is included as the just basis for deciding who is entitled to what, while the emotion of compassion is excluded as the basis of deciding what we owe each other. Hannah Arendt (1973) feared that if a standard of justice were founded on the emotion of compassion it would risk collapsing into the sentimentality of pity. By pitying others, we would undermine the development of individual autonomy so essential to the creation of a realm of free citizens capable of thinking for themselves and meeting the threshold requirements of a liberal society of self-sufficient individuals. We would be mortgaging our commitment to founding a society of free individuals to the unpredictable emotions of feeling sorry for those unable to meet the threshold requirements for that society.

Nussbaum, however, counters that liberal social contract theory risks overlooking that the emotion of compassion and the logic of reason are more interrelated than we have allowed. Nussbaum writes:

Compassion makes thought attend to certain human facts, and in a certain way, with concern to make the lot of the suffering as good, other things being equal, as it can be— because that person is an object of one's concern. Often that concern is motivated or supported by the thought that one might oneself be, one day, in that person's position. Often, again, it is motivated or supported by the imaginative exercise of putting oneself in that person's place. I have claimed that, other things being equal, the compassionated person will acquire motivations to help the person for whom she has compassion (Nussbaum 2001: 342).

Compassion enables us to recognize the social bases of individual autonomy and commit ourselves to making it possible for others to have that support so that we all can rely on each other all the more for the promotion of our autonomy. For example, building compassion into the welfare state would tilt it more toward appreciating how caregiving is as important as breadwinning for making our society possible. We need to be rewarding care for others at least as much as we reward earning a living for oneself. Liberal individualism's emphasis on valuing autonomy needs to be supplemented by communitarianism's emphasis on supporting the social supports that make individual autonomy possible. We must make the social bases of individual autonomy visible. Allowing compassion to be a constitutive force in our public affairs enables us to do that.

Building compassion into the foundation of our welfare state would enable us to recognize the importance of promoting the capabilities of each person to do caregiving as well as breadwinning regardless of their class, race or gender, regardless of their family or work situation, at any one point in time, so that over time we can all thrive in an interdependent society. Nussbaum believes that there are basic human capabilities, including the capacity to care for others, that each nation-state, and, to the extent possible, the global community should help develop in individuals. These basic capabilities include:

1. Life. Being able to live to the end of a human life of normal length, not dying prematurely, or before one's life is so reduced as to be not worth living.
2. Bodily health. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. Bodily integrity. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
4. Senses, imagination, and thought. Being able to use the senses, to imagine, to think, and reason—and to do these things in a truly human way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing works and events of one's own choice,

religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of religious exercise. Being able to have pleasurable experiences and to avoid non-beneficial pain.

5. Emotions. Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grief, to experience longing, gratitude and justified anger. Not having one's emotional development blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)

6. Practical Reason. Being able to form a conception of the good and to engage in critical reflection about the planning of one's life. (Entailing protection for the liberty of conscience and religious observance.)

7. Affiliation.

A. Being able to live with and towards others, to recognize and to show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of the other. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.)

B. Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. (This entails provisions of non-discrimination on the basis of

race, sex, sexual orientation, ethnicity, caste, religion, national origin, animals, plants, and nature.)

8. Other Species. Being able to live with concerns for and in relation to animals, plants, and the world of nature.

9. Play. Being able to laugh, to play, to enjoy recreational activities.

10. Control over one's environment.

A. Political. Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.

B. Material. Being able to hold property (both land and movable goods), and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human being; exercising practical reason and entering into meaningful relationships of mutual recognition with other workers (Nussbaum 2001: 417-18).

While this list may on the surface seem uncontested, Nussbaum overlooks that it actually perpetuates the exclusionary character of liberal social contract theory. All of these basic individual capabilities are subject to wide interpretation. Many ways can be found to set thresholds that suggest certain people are not deserving of support because they are trying to develop a different version of that capability than that society, national or global, has articulated. How do we begin to develop objective standards for a life

worth living or a job that brings dignity? How do we set standards to ensure that people can achieve the justified amount of emotional development, including in caring relationships with others? While these are surely goals worth pursuing, they seem destined to be objects of political contestation and multiple interpretations.

A better way of building compassion for others into the welfare state is to recognize that compassion actually springs from concern about how others are being treated, especially when they are not fitting into the established categories of deserving, including those dedicated to promoting allegedly basic human capabilities. Compassion, in this sense, is actually what we feel when we recognize that the established standards of justice are unavoidably exclusionary, always working to leave some people behind or to leave some people out. Compassion arises from the recognition that public policy subjectively sets a norm, like supporting work, while making what deviates from that, like caregiving, less deserving, and which we then support only in “exceptional” circumstances, as when we decide that a “family leave” from work is justified in limited instances. A compassionate perspective recognizes that what is stated as normative in public policy is really just the privileged exception and that other exceptions might also be deserving of support, as when we decide to value caregiving as much as work so as to institute a paid family leave that pays as well as unemployment compensation. Compassion is therefore what we feel when we recognize that perfect social justice is impossible to define, let alone to insist on, according to any one normative standard that makes other laudable activities been seen as deviant practices undeserving of support. Compassion arises when we see that this even applies to Nussbaum’s list of basic human capabilities that has the potential to be exclusionary in just this way.

Therefore, the best way to build compassion into the welfare state is when we empower the people who make the laws and administer them to have the capacity to make exceptions, to attend to those left out or left behind. Such an approach I call “harm reduction,” after the various forms of social work that seek in a non-judgmental way to not hold people to normative standards as much as to tolerate, in a way that is sensitive to differences, support people as best we can even when they do not meet the threshold requirements of deservingness (Schram 2006). A compassionate welfare state makes exceptions to help the allegedly “undeserving.” In particular, a compassionate welfare state supports those who are caring for others especially when that means they cannot then earn income or qualify for benefits by working in the official economy. We need to compensate them for the fact that their caregiving responsibilities take them away from qualifying as deserving according to the established standards of a system that valorizes work over care. We need to compensate them for the sacrifices associated providing care in a system that rewards achieving individual autonomy over efforts focused on supporting others.

Ultimately, a compassionate welfare state is one that enables us to rethink the very idea of autonomy. Richard Sennett (2003: 262) has written: “Rather than an equality of understanding, autonomy means accepting in others what one does not understand about them. In so doing, the fact of their autonomy is treated as equal to your own.” Rather than proposing new standards for deciding who is deserving that lead us away from understanding the diversity of forms of autonomy practiced by workers and caregivers alike, a compassionate welfare state would be more prepared to grant exceptions to whatever norms are established. Rather than focusing solely on the adoption of a new list



of standards, we should be trying to reduce the harm that comes that comes from insisting on any set of standards. Yes, we should be questioning why work is the norm and care is the exception and we should be definitely developing public policies for recognizing care as important work that benefits our society as a whole. We should be recognizing that caregivers make the individual efforts of breadwinners more possible. We also should be supporting women on welfare as both caregivers and breadwinners. But we should also exempt them from overly harsh work enforcement standards when their need to shoulder the dual responsibilities of breadwinning and caregiving proves too difficult. Rather than sanctioning single mothers for a failure to work, we should be rewarding them for providing care. Until we do both, our welfare state will not be compassionate. Insisting that all families, those headed by solo mothers as well as those head by two parents, meet the same standards in the same ways is the fastest way for our welfare state to be punitive and not compassionate. That is where we find ourselves today.

The beginning of a solution is to recognize that one size does not fit all. That we need different strokes for different folks instead of using class, race and gender for identifying those who are to be singled out for failing to meet the dominant standards regarding work and family. In particular, we need to make exceptions for single mothers and support them in their exceptional circumstances. If we do not, our punitive neoliberal welfare state will increasingly undermine the social bases for our individual autonomy. We will not only be hurting the poor; we will be undermining the social fabric that makes us who are as individuals. We must start to find ways from the top down through public policy and from the bottom up through our daily interactions with each other to compassionately make exceptions from the established standards of our liberal

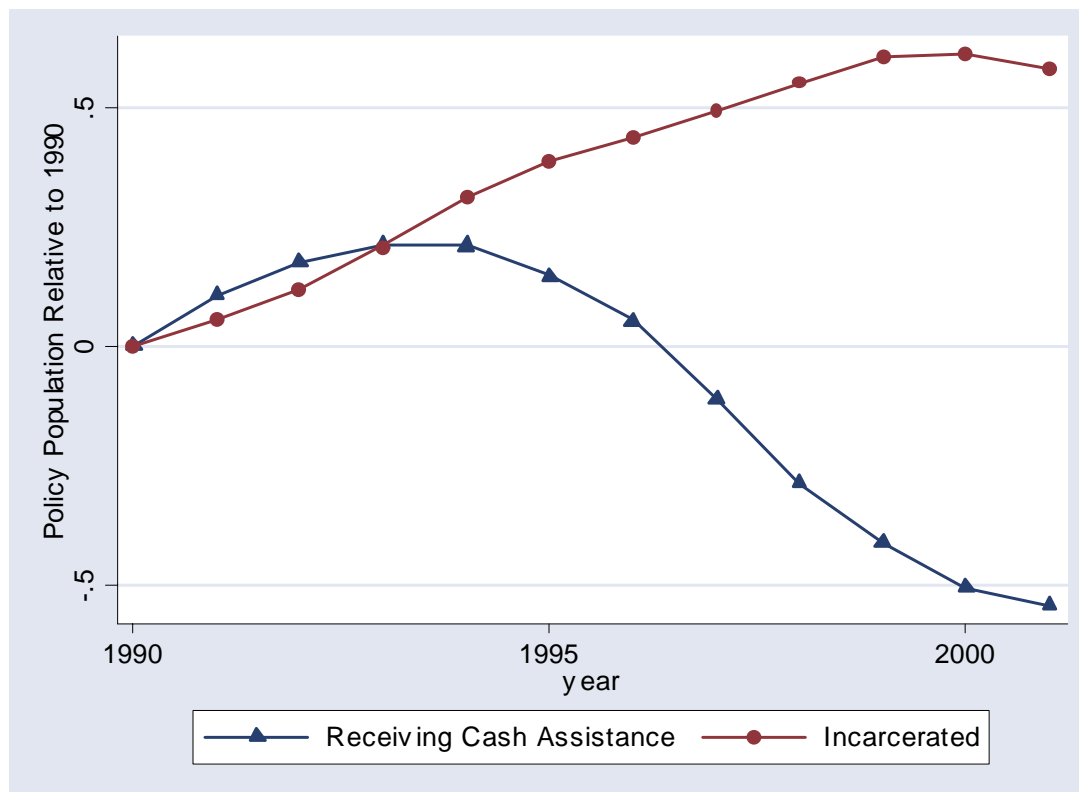
individualistic society to support the caregiving work that is so central to making our way of life possible. This kind of radical incrementalism exploits the emergent possibilities in the complex system we call society by not allowing our actions to reinforce the invidious distinction that valorizes work over care as the basis of deservingness. When we practice from the bottom up, in our daily interactions, as when we make allowances in working with others to honor their need to engage in caregiving, we begin to think about flextime and job sharing at work, and role sharing at home. When practice radical incrementalism from the top down in policymaking, we begin to think about crafting policies that do not make caregiving a lesser basis for being seen as deserving of social support. When we do both, we begin to build a compassionate for those left behind and for ourselves as well.

## REFERENCES

- Alesina, A. and Glaeser, E. (2004) *Fighting Poverty in the U.S. and Europe: A World of Difference*. Oxford: Oxford University Press.
- Arendt, H. (1973) *On Revolution*. New York: Penguin, 1973.
- Botsko, C., Snyder, K. and Leos-Urbel, J. (2001) *Recent Changes in Florida Welfare and Work Child Care, and Child Welfare Systems*. Washington, DC: Urban Institute.
- Fording, R., Schram, S., and Soss, J. (2006) "Devolution, Discretion, and Local Variation in TANF Sanctioning," Lexington: University of Kentucky, Center on Poverty Research Discussion Paper DP2006-04, <http://www.ukcpr.org/Publications/DP2006-04.pdf>.
- Handler, J. (2004) *Social Citizenship and Workfare in the U.S. and Western Europe: The Paradox of Inclusion*. Cambridge, UK: Cambridge University Press.
- Lawrence, S. and Travis, J. (2004). *The New Landscape of Imprisonment: Mapping America's Prison Expansion*. Washington, DC: Urban Institute, Justice Policy Center. [http://www.hawaii.edu/hivandaids/The\\_New\\_Landscape\\_of\\_Imprisonment.pdf](http://www.hawaii.edu/hivandaids/The_New_Landscape_of_Imprisonment.pdf)
- Morgen, S. and Maskovsky, J. (2003) "The Anthropology of Welfare Reform: New Perspectives on U.S. Urban Poverty in the Post-Welfare Reform Era," *Annual Review of Anthropology* 32: 315-338.
- Nussbaum, M. (2001) *Upheavals of Thought: The Intelligence of Emotions*. Cambridge: Cambridge University Press, 2001.

- Nussbaum, M. (2006) *Frontiers of Justice: Disability, Nationality, Species Membership*. Cambridge: Belknap Press.
- Pavetti, L., Derr, M., Kirby, G., Wood, R., and Clark, M. (2004) *The Use of TANF Work-Oriented Sanctions in Illinois, New Jersey and South Carolina*. Washington, DC: Mathematica Policy Research, Inc.
- Peck, J. (2002) "Political Economies of Scale: Fast Policy, Interscalar Relations, and Neoliberal Workfare," *Economic Geography* 78, 3: 331-60.
- Pimpire, Stephen (2004) *The New Victorians: Poverty, Politics, and Propaganda in Two Gilded Ages*. New York: The New Press.
- Roberts, D (2002) *Shattered Bonds: The Color of Child Welfare*. New York: Basic Civitas Books.
- Schram, S. (2006) *Welfare Discipline: Discourse, Governance, and Globalization*. Philadelphia: Temple University Press.
- Sennett, R. (2003) *Respect in a World of Inequality*. New York: W.W. Norton.
- Soss, J. and Schram, S. (2006) "Coloring the Terms of Membership: Reinventing the Divided Citizenry in an Era of Neoliberal Paternalism." In *The Color of Poverty: Why Racial and Ethnic Disparities Persist*, D. Harris and A.C. Lin, eds.
- Wacquant, L. (2001) "Deadly Symbiosis: When Ghetto and Prison Meet and Mesh." In *Mass Imprisonment in the United States*, D. Garland, ed. London: Sage. pp. 82-120.
- Wacquant, L. (2001a) "The Penalization of Poverty and the Rise of Neoliberalism," *European Journal on Criminal Policy and Research*, special issue on Criminal Justice and Social Policy, 9, 4: 401-412.

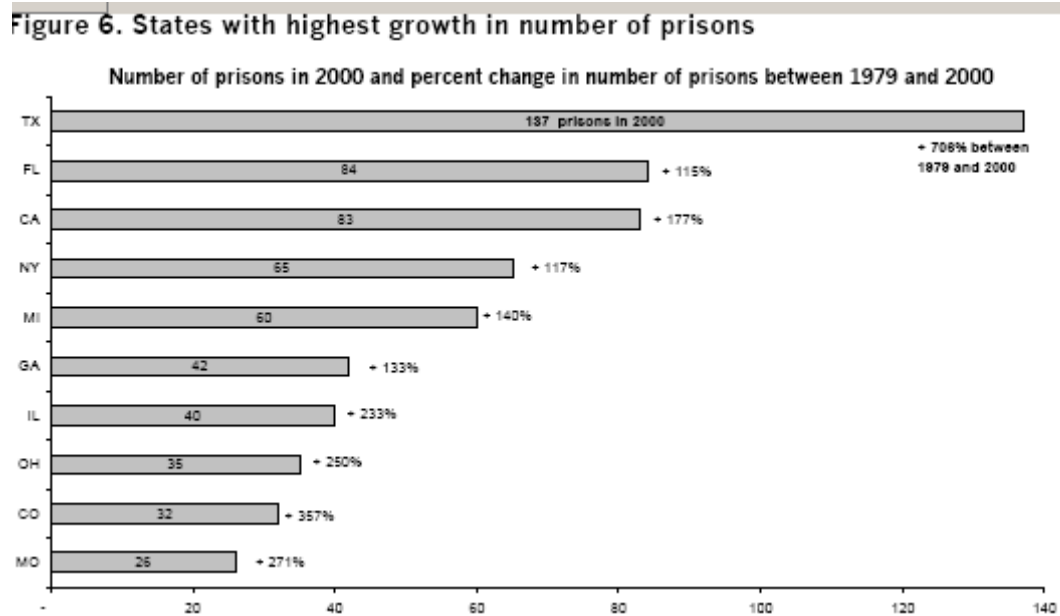
**Figure 1. Proportional Change in Rates of Incarceration and AFDC/TANF Receipt, 1990-2001**



*Note:* TANF caseload data are from the Administration for Children and Families, U.S. Department of Health and Human Services, <http://www.acf.dhhs.gov/news/stats/3697.htm>. Incarceration data are from the U.S. Bureau of Justice Statistics, <http://www.ojp.usdoj.gov/bjs/glance/incrt.htm>.

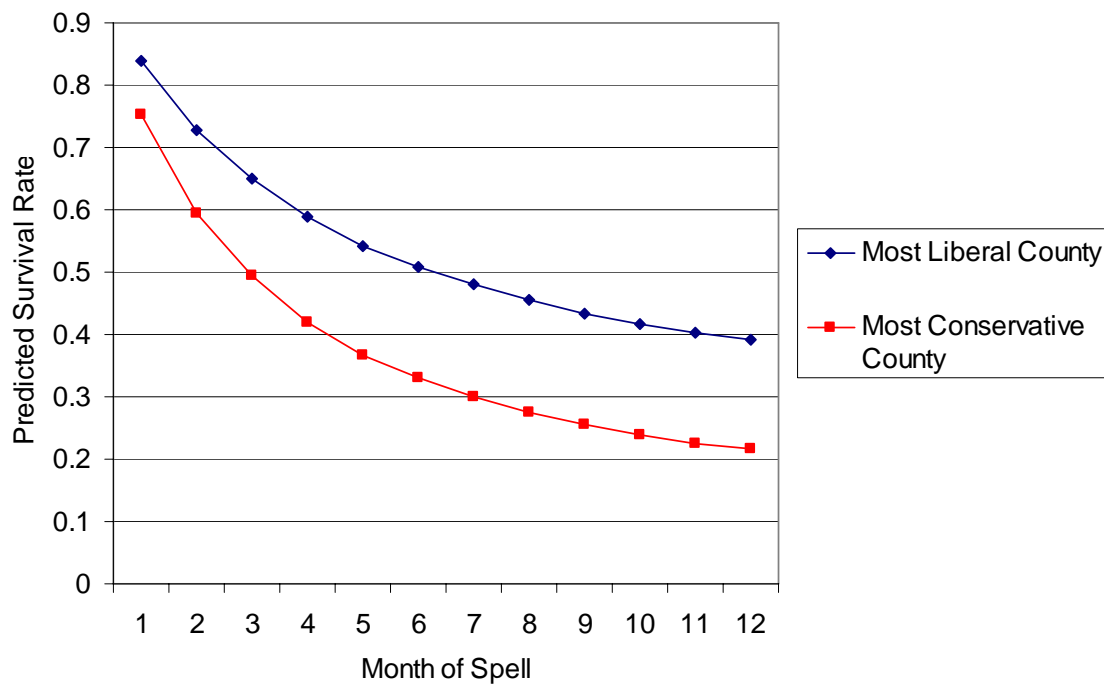
Source: Soss and Schram 2006.

**Figure 2. States with the Highest Growth in Number of Prisons, 1979-2000**



Source: Lawrence and Travis 2004.

**Figure 3. Cumulative Survival Function for a Typical TANF Adult, by Local Political Ideology**

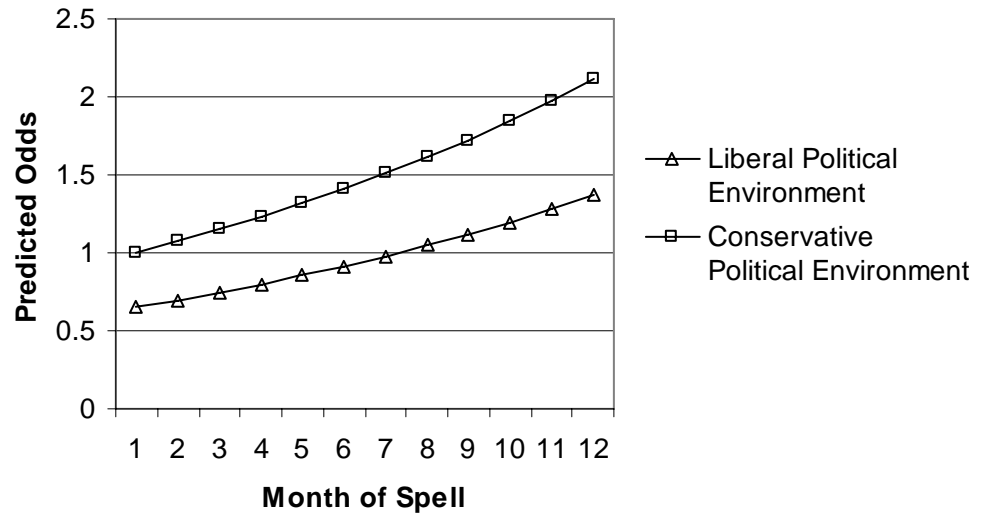


Note: Survival rates are estimated for a 31 year-old white woman with 12 years of education and average level of wage income. These estimates are based on the results presented in column II, Table 2 in Fording, Schram, and Soss 2006.

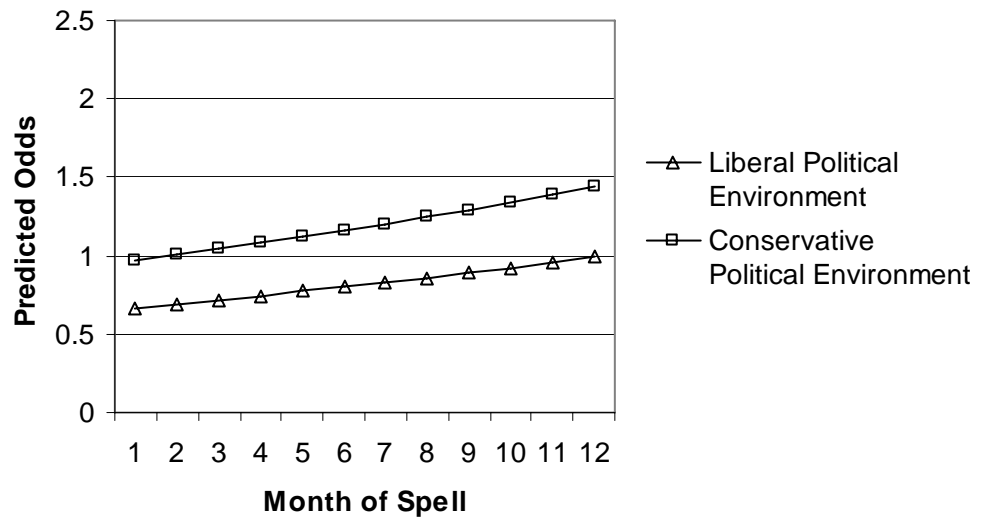
Source: Fording, Schram, and Soss 2006.

**Figure 4. Predicted Odds of Being Sanctioned for Black and Hispanic TANF Clients (Compared to White Non-Hispanic Client)**

Black Clients



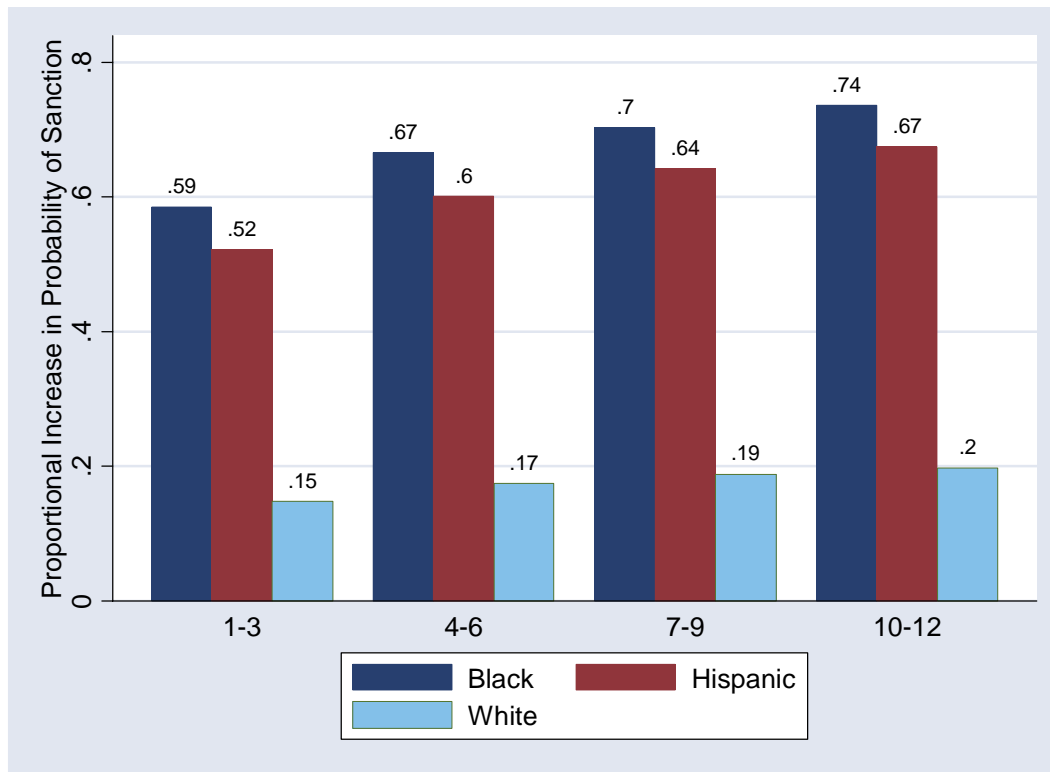
Hispanic Clients



Source: Same data used in Fording, Schram and Soss 2006.

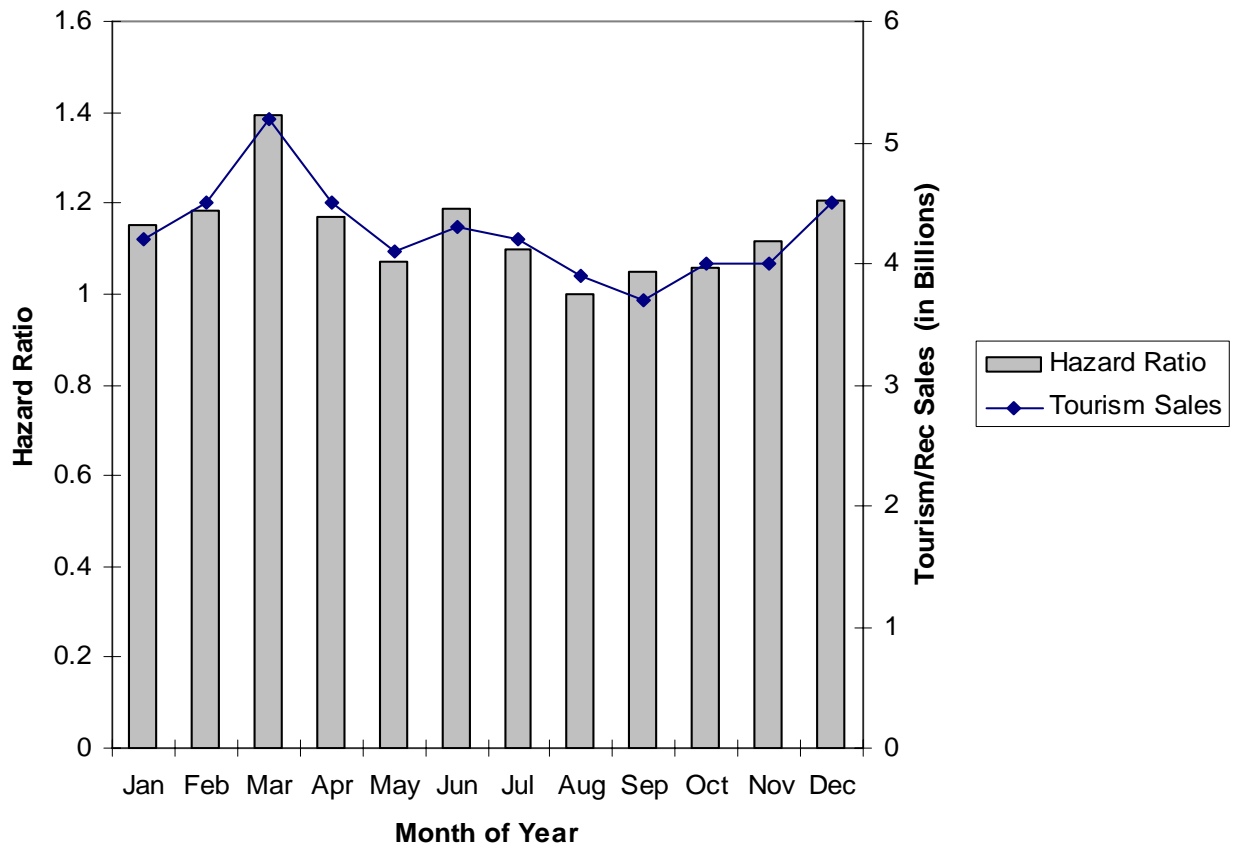


**Figure 5. Effect of Political Environment by Race Proportional Increase in the Predicted Probability of Being Sanctioned**

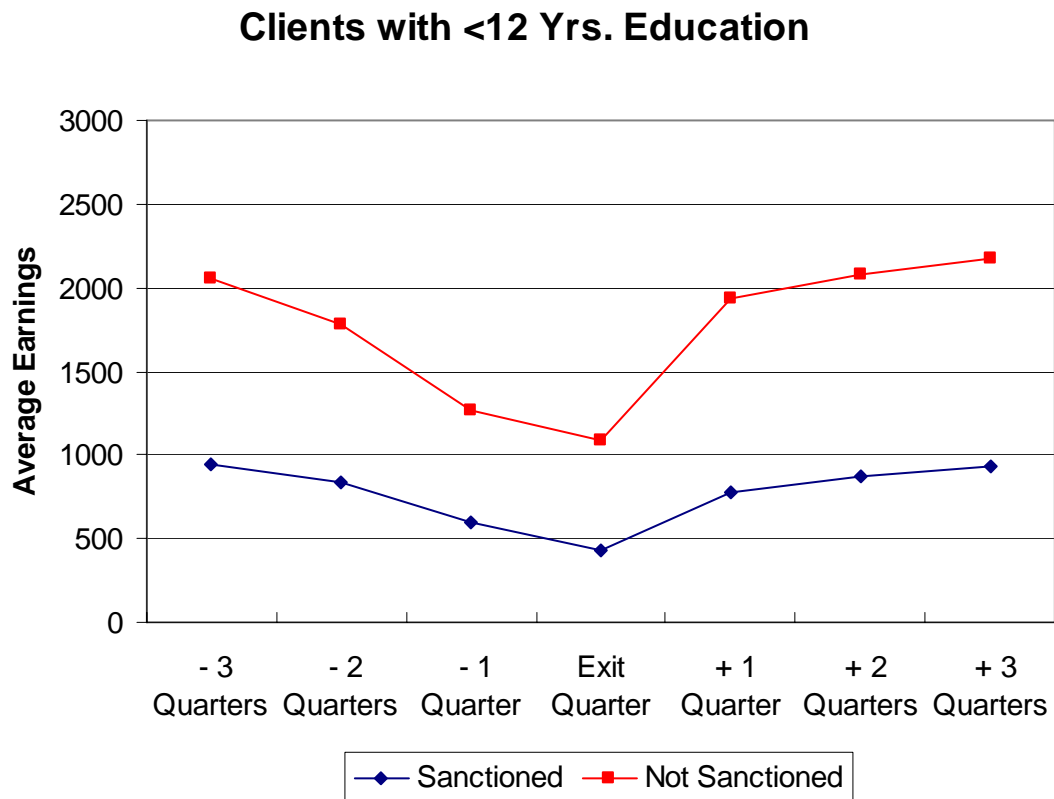


Source: Same data as used in Fording, Schram, and Soss 2006.

**Figure 6 Estimated Hazard Ratio and Total Tourism/Recreation Taxable Sales, by Month of Year**

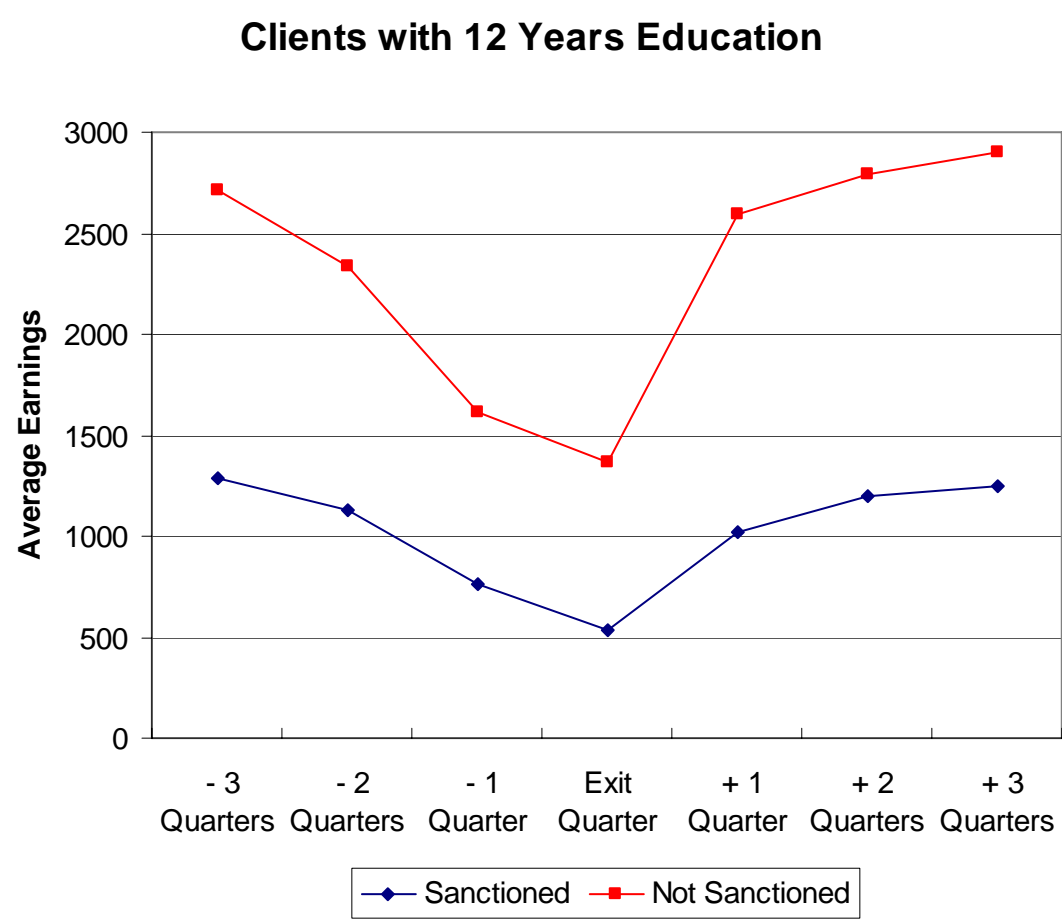


Source: All data from Fording, Schram and Soss 2006. Hazard ratios are taken from the model reflected in column III of Table 2 of that paper. Sales data reflect 2002.

**Figure 7. Quarterly Earnings for Clients with < 12 Years Education**

Source: For Figures 7-10, the data are the same as used in Fording, Schram and Soss 2006.

Figure 2. Quarterly Earnings for Clients with Exactly 12 Years Education



**Figure 9. Quarterly Earnings for Clients with <12 Years Education, and Did Not Return for 2<sup>nd</sup> Spell**

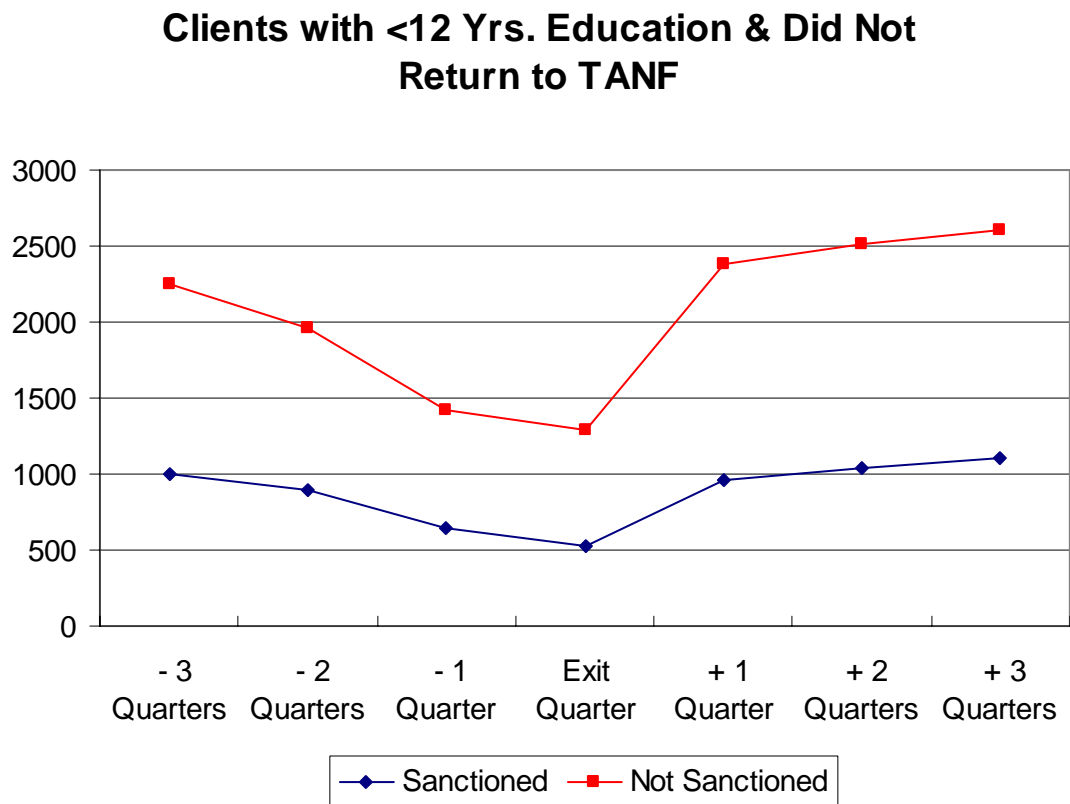


Figure 10. Average Earnings of Sanctioned Clients as a % of Non-sanctioned Clients

