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POVERTY, RESPONSIBILITY PRACTICES, AND SOCIAL WELFARE

Abstract

This paper addresses the problem of domestic poverty in the Global North. There is a presumption that healthy, capable adults are responsible for meeting their own needs. Still, we must ask when this presumption is defeated and the state becomes responsible for providing welfare payments and services. Using a skills-based account of autonomy, this paper sets out a spectrum of responsibility practices in diverse contexts and the values at stake in each context. Finally, the paper anchors welfare entitlements in social and economic human rights and proposes a responsibility practice suitable for social welfare policy.

In recent years, philosophers have drawn attention to and theorized about poverty in the Global South – its etiology, the responsibility the Global North bears for its persistence, and the obligations of relatively affluent states and their citizens to alleviate it. The surge of migration from the Global South to the Global North that started in 2015 and continues apace compounded the urgency of addressing issues concerning the interconnections between poverty and persecution. Without in any way questioning the importance of this global focus, I am concerned that the magnitude and normative significance of domestic poverty in some Global North states is being eclipsed. Especially in states that celebrate individualism and regard provision of a social safety net as optional – e.g., the US and Britain – poverty and such concomitant harms as homelessness and hunger inflict extensive and grievous suffering.

To illustrate the problem of domestic poverty in the Global North, I'll focus on the US. According to the US Census Bureau, the national poverty rate in 2015 was 13.5 per cent, which translates into 43.1 million people living in poverty¹. According to a January 2015 survey conducted by the US Department of Housing and Urban Development, 565,000 people were living on the streets, in cars, in homeless shelters, or in subsidized transitional housing, and a quarter of these homeless individuals were under the age of eighteen². According to the US Department of Agriculture, 12.7 per cent of US households (15.8 million) were food insecure – that is, “uncertain of having, or unable to acquire, enough food to meet the needs of all their members” – at some point during 2015³. Considering the wealth of the US together with the norms codified in the

¹ <http://www.census.gov/library/publications/2016/demo/p60-256.html>.

² <http://www.reuters.com/article/us-usa-homelessness-idUSKCN0T908720151120>.

³ <http://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/key-statistics-graphics.aspx>.

International Covenant on Economic, Social, and Cultural Rights, these statistics expose a colossal injustice⁴.

Developing a convincing position regarding this type of poverty is complicated by the presumption that healthy, capable adults are responsible for meeting their own needs and those of their dependents by earning a living. I don't doubt the legitimacy of this presumption. However, it is an open question how best to conceptualize responsible agency for purposes of social welfare policy – that is, policy concerning payments to persons with severe disabilities and indigent parents with dependent children, public housing subsidies, drug abuse rehabilitation, unemployment benefits, “retooling” programs for displaced workers, home-care for the elderly poor, and so forth. Under what circumstances, we must ask, is it appropriate to acknowledge that needy persons are not responsible for their plight and therefore that they should be granted benefits sufficient to their needs?

To develop an answer to this question, I begin by outlining a skills-based theory of autonomy that illuminates the distinctive identities of autonomous agents and their ability to express their identities in action (section 1). In light of my concern with the problem of poverty within affluent societies, I emphasize that my account of autonomy explicates the impact of oppressive social forces on identity and agency as well as our capacities to resist these forces. Moreover, I maintain that all healthy adults develop sufficient proficiency in autonomy competency to command others' respect and to justify deference to their personal choices.

I then argue that uncontroversial practices regarding ascriptions of responsibility presuppose a conception of an autonomous person along the lines I have sketched (section 2). How does this view of autonomous agency play out in the strikingly different responsibility practices found in criminal courts and in everyday affairs?

Socially embedded practices of holding people responsible (or not) range along a spectrum. On the one hand, everyday social interaction is governed by fairly lax customary practices. On the other hand, criminal law is governed by strict, institutionally enforced practices. Still, neither of these poles seems fitting for purposes of social welfare policy. So I need to explain why not, and I need to explicate a suitable responsibility practice for this domain.

Despite the contrasts between informal and legal responsibility practices, my account of an autonomous agent renders both of them morally reasonable. Moreover, it makes sense of the ways in which we modulate these practices in diverse circumstances. Although most of us don't go around lobbing accusations at people for every slip-up in everyday interactions, we do take individuals' behavior to be expressive of who they are, and we don't assume they are out of control. Thus, we may opt to hold an acquaintance responsible and demand an apology or some other consideration. By the same token, although an unfortunate personal history or onerous circumstances in life do not absolve criminal defendants of responsibility for crimes they have committed, criminal law rightly allows such considerations to mitigate the severity of the penalties judges

⁴ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

impose⁵. These features of responsibility practices, I argue, reflect the values that these practices seek to uphold.

With respect to the issue of poverty in the midst of affluence, my account of the relationships between responsibility and agency at the poles of the spectrum of responsibility practices provides the conceptual resources needed to explicate a morally defensible responsibility practice for social welfare policy. With respect to social welfare policy, I take some types of paternalism to be offensive despite being loath to penalize prospective beneficiaries for past mistakes or ongoing transgressions that causally contribute to their present neediness. Consequently, it is incumbent on me to resolve the seeming tension between the autonomous dignity that underwrites an anti-paternalist responsibility practice and the acknowledgment of human fallibility that underwrites a forgiving responsibility practice. To address this question, I explore the values that should underwrite responsibility practices with respect to social welfare benefits.

In particular, I consider the moral grounding of social welfare policy in social and economic human rights together with appropriate mechanisms for implementing these human rights (section 3). This human rights view of social entitlements helps to resolve the tension I just articulated. As an advocate of a human rights approach to social entitlements, I worry very little about encouraging social dependency, slightly more about preventing free-riding, and a great deal about making sure people's needs are met. In an ideally just society, I might have a different view. But the world I live in is marred by systemic injustices of various kinds – notably, racial oppression, violence against women, xenophobic anti-immigrant sentiment, and in recent decades the ever-widening wealth and security gap between a tiny rich elite and everyone else⁶. These injustices contribute mightily to the persistence of the unmet needs that social welfare policy is supposed to address. For this reason, I am inclined to position my conception of a responsible agent for purposes of social welfare policy closer to the latitudinarian end of the spectrum than neoliberals would find palatable.

In the final section of this paper, I lay out the implications of my view of autonomy for the responsibility practices of social welfare institutions (section 4). Having linked social welfare entitlements to social and economic human rights, and having shown that efforts to realize social and economic rights must be understood against a background of intersecting systems of oppression, I argue that my account of autonomy rules out rigid criteria and merciless strictures for receiving benefits and requires a consultative relationship to clients. Thus, grounding social welfare entitlements in the human rights regime and regarding prospective clients of social services as autonomous agents supports my sympathy for the ways that lives can go off track together with my distaste for paternalistic treatment of social welfare beneficiaries.

From a bureaucratic perspective, it might seem obvious that social welfare policy should contrive to incentivize choices that are likely to lead to productive lives for

⁵ Alas the mandatory sentence laws favored by “law and order,” “tough on crime” politicians contravene this humane practice.

⁶ It is perhaps worth reiterating that I am addressing myself to current social welfare policy in the US and similar states, and my lists of entitlement programs and systemic injustices reflect the constraints I have placed on my project. Again, I am not writing from the perspective of global justice, nor do I attempt to consider social welfare policy in the Global South.

beneficiaries and that accomplishing this goal hinges on factual questions that empirical investigation can answer. However, the successes of this social engineering approach have been few and far between. No doubt, this failure is due in no small part to the lack of political will to undertake anything more than band-aid programs to redress structural injustice, but the account of autonomy I defend suggests a deeper reason. Specifically, because top-down policy-making is not rooted in respect for the autonomy of the intended beneficiaries, it often overlooks obstacles to achieving its goals, and its goals may be at odds with the priorities of beneficiaries.

1. *Autonomy as a Competency*

The concepts of autonomy and responsibility are so intertwined that some philosophers regard making sense of ascriptions of responsibility as a criterion for an acceptable account of autonomy (Velleman 2000, 5 and 128-129; Buss 2012, 648). I agree that everyday responsibility practices presume autonomous agency. However, for my present purposes, the most relevant philosophical work on autonomy attends to both the phenomenology of autonomy and the challenge that internalized oppression poses to theorizing autonomy (Friedman 2003; Christman 2009; Benson 1991, 2005; Westlund 2009; Killmister 2014). In the same vein, my work aims to provide an account of autonomy that is well aligned with actual experience of autonomous choice and action and that addresses the problem of internalized oppression. In pursuit of these goals, I focus on exercising a set of commonplace agentic skills (Meyers 1989, 2002, 2004, 2014).

Autonomous action is action that is under your control and that discloses who you are as a unique individual. If so, a theory of autonomy must explain how people become distinctive individuals and how they exert control over their lives. Of course, for good or ill, individuals are greatly influenced by their social environments. They internalize norms and values when they are young, and social pressures of various kinds continue to factor into their self-understandings and actions throughout their lives. However, people constantly individualize social inputs – sometimes fully taking them on board, sometimes shunning them, sometimes adapting them, always combining them into a more or less cogent personality that in turn organizes their processing of new social inputs.

Many of these individualizing processes operate automatically from the very beginning of life, but as children grow up and mature intellectually and emotionally, they develop a set of agentic skills that they can consciously call on to respond to social influences and make choices:

1. Introspection skills that sensitize individuals to their own feelings and desires, that enable them to interpret their subjective experience, and that help them judge how accurate their self-understanding is;
2. Communication skills that enable individuals to get the benefit of others' perceptions, background knowledge, insights, advice, and support;
3. Memory skills that enable individuals to recall relevant experiences – from their own lives and also those that acquaintances have recounted or that they have encountered in literature or other art forms;

4. Imagination skills that enable individuals to envisage feasible options – to audition a range of self-conceptions they might aspire to and to preview a variety of courses of action they might follow;
5. Analytical skills and reasoning skills that enable individuals to assess the relative merits of different conceptions of what they could be like and directions they could pursue;
6. Self-nurturing skills that enable individuals to secure their physical and psychological equilibrium despite missteps and setbacks – that enable them to appreciate their overall worthiness and assure themselves of their capacity to carry on when they find themselves wanting or their life directions misguided;
7. Volitional skills that enable individuals to resist pressure to capitulate to convention and that enable them to maintain their commitment to their values and goals and carry out their decisions.

These self-discovery, self-definition, and self-direction skills comprise what I call autonomy competency. A component of practical intelligence, this skill set not only enables individuals to consolidate a personal identity and express that identity in action, but it also enables individuals to detect and correct off-base self-interpretations and misjudged decisions.

Individuals who generally enjoy high degrees of autonomy have full repertoires of well-developed, well-coordinated agentic skills. They exercise these skills frequently enough to keep them from atrophying, and they mobilize them when they make significant decisions and when they sense trouble in their lives. By exercising autonomy competency, individuals control their behavior and concomitantly express their distinctive selves.

Because exercising these skills is intrinsically interesting, helps to maintain a satisfying unity between self and action, and enables people to take charge of their lives insofar as this is possible, people who have developed these skills are usually disposed to make use of them. Still, excessive self-consciousness and compulsive deliberation are paralyzing and block spontaneity. Fortunately, there is no need to call on autonomy competency at every turn of events, for competence with respect to agentic skills coupled with open channels of fluid self-awareness and recurring, though irregular, activation of autonomy skills justifies a presumption that when you are acting as you characteristically do, your actions are to some degree autonomous.

Virtually all persons develop considerable proficiency with respect to autonomy competency – that is, sufficient proficiency to enjoy a significant degree of autonomy in some important parts of their lives if not throughout their lives⁷. For this reason, state institutions and other persons owe them respect. Although many social systems endeavor to limit exercise of agentic skills, none completely thwarts the exercise of these skills, nor does any try to. To be sure, oppressive societies are set up to deter autonomous reflection on the ideology and institutional structures that undergird the status quo. Nonetheless, they depend on subordinated individuals to exercise autonomy

⁷ There is a growing consensus in the philosophy of action that autonomy is a matter of degree and that it may be achieved episodically. For discussion of degrees of autonomy, see Meyers 1989, 160-162, 166 and 170; Friedman 2003, 38. For discussion of episodic autonomy, see Meyers 1989, 48, 162, 165, 166 and 232; Benson 1991, 397; Christman 2009, 135.

skills to fulfill their assigned social functions and stay out of trouble (Meyers 2000). This irony paves the way for what I call autonomy seepage – that is, the drift of agentic skills into the forbidden territory of hegemonic norms and prescribed social stations.

None of this is meant to downplay the severity of the harms oppressive forces inflict on countless people, including people in western democratic societies. Nor do I mean to deny that oppression can warp individuals' self-understandings and life projects. Insofar as oppressive social structures succeed in instilling defective values and confining goals in individuals' motivational systems, they interfere with targeted individuals' ability to discern what really matters to them and what they really want to do. However, internalized oppression is not seamless. Various forms of discontent unsettle it – anxiety about making ends meet, anger at deferring to dubious authorities, resentment of others' unearned advantages, and so forth. Noting that oppressive societies beam inconsistent messages at subordinated social groups, Serene Khader points out that the resulting “fractured self-images” and “preferences with multiple/ambivalent effects on flourishing” subvert the power adaptive preferences exert over agency (Khader 2011a, 122-132).

Unaccountable incoherencies and resistant feelings are not lost on subordinated individuals. By exercising their agentic skills they puzzle over their subjective responses and trade stories of mistreatment with friends, thereby becoming aware of the multivalent meanings implicit in their experience. Few meekly capitulate to oppression. More commonly, they exercise their agentic skills to cope with the obstacles their circumstances present and to take advantage of opportunities that come their way. Many find ways to affirm their self-worth and meet their needs without overtly resisting the larger social system. If so, it is undeniable that they achieve a significant degree of autonomy in their day-to-day lives⁸. Nevertheless, it is also undeniable that they are obliged to vie with oppressive social imperatives and economic constraints. Although their agency is robust, it is burdened by unjust background conditions.

2. Autonomy and Uncontested Responsibility Practices

I'll now explain why my view of autonomy allows us to employ different responsibility practices in different spheres of social life while adhering to a single conception of ourselves as agents. At first glance, our responsibility practices seem to presuppose a disjointed conception of agentic subjects, for the concept of a responsible agent allows for multiple specifications according to social practices of holding people responsible that spread out along a spectrum. Defined at one pole by improvisational interpersonal practices of accountability and at the other pole by legally fixed criteria of competency to stand trial on criminal charges, there is heated controversy about where on this spectrum to locate a conception of a responsible agent that is suitable for social welfare policy.

In interpersonal relations, there is a good deal of individual and contextual variation in holding others accountable. In everyday dealings with friends, family, coworkers, and so forth, you might take someone to task for a breach of common decency or for gross

⁸ For related discussion of “bargaining with patriarchy” in developing nations, see Narayan 2001.

ineptitude, but you might let it slide. Although there are limits to leniency in day-to-day interactions, people typically make all kinds of allowances for discourtesy, forgetfulness, bungling, stubbornness, foolishness, and even fairly serious moral lapses. Occasionally people feel compelled to break off a relationship when, for example, inconsideration devolves into hurtfulness or carelessness congeals into incompetence. However, the operative conception of responsible agency is narrow, for by and large people refrain from calling one another to account and ruptures signal flagrant misdeeds.

At the opposite end of the spectrum in the arena of criminal law, the conception of responsible agency is capacious and firm. If an acceptable level of social order is to be maintained, the anonymous members of mass modern societies must expect to incur commensurate penalties for committing acts of rapaciousness or violence. To instill this expectation, criminal law presumes that nearly all adult persons are answerable for their actions. As well, it draws the brightest possible line between responsible agency and its contraries – cognitive incapacity, insanity, and immaturity.

How can we be so lax about commonplace mix-ups and slip-ups and so strict about crimes? Part of the answer is surely that the criminal law is concerned with the gravest moral offenses, whereas customary leniency concerns relatively trivial matters. We care greatly about keeping crime rates low, but we don't care so much about preventing other sorts of social disruption. More mundanely, no one wants to live among people who are always ready with a harsh rebuke, nor does anyone want to feel the sting of shame over every little misstep. But if it is reasonable to hold that there ought to be some correlation between responsibility practices and autonomous agency, it might seem that we are assuming a high degree of autonomy with respect to the types of behavior legally categorized as crimes and a low degree of autonomy with respect to behavior that the law permits.

I think this inference is wrong, but I also think that responsibility practices ought to correlate and do correlate with autonomy. The criminal law is right to exempt children, people with serious mental disorders, and people with severe cognitive disabilities from responsibility because their autonomy skills are under-developed or profoundly impaired. It doesn't follow, however, that whenever we refrain from holding someone responsible in everyday interaction, we are implying that we believe she has acted non-autonomously. By and large, we think of the people in our lives as autonomous agents. Nor does it follow that we hold her responsible, but are extending mercy or forgiveness. When we make a show of forgiving someone for something inconsequential, we are joking. In my view, there is a better explanation for latitudinarian responsibility practices in routine social relations.

We value individuality provided that autonomy competency underwrites it. We feel sorry for mentally ill and cognitively incapacitated adults even if they're endearing, but we appreciate autonomous individuality even if it's sometimes exasperating. In fact, idiosyncratic faults are often described as part of a person's charm. Trusting that the person has developed autonomy competency and that nothing unusually daunting stands in the way of her self-awareness, we treat these oddities as constituents of the mix that is her distinctive self. Idiosyncratic faults spawn many inconveniences and foul-ups in daily life that are not entirely benign. Yet, the ongoing reflexivity, occasional self-review, and capacity for self-correction that signify agentic skillfulness entail that the individual who

bears these traits doesn't consider anything terribly amiss. In other words, our acquaintances' peccadilloes express who they are, and their actions are autonomous. Instead of eliciting blame, however, their autonomous blunders and oversights elicit resigned amusement or perhaps delight in their eccentricity – "that's Suzy for you," as we sometimes say.

Latitudinarian responsibility practices in personal relationships are the flipside of valuing autonomously grounded individual uniqueness. Whether we view an adult individual's unfortunate proclivities as expressions of individual uniqueness or as symptoms of mental abnormality depends on whether she commands a minimally adequate level of autonomy competency. Of course, things can get out of hand in relationships between indubitably sane and intelligent persons. Blunders can proliferate and become abusive; oversights can proliferate and become wounding. I would add, then, that the limits of tolerance for fecklessness also mirror our recognition of others' autonomy. Basic competency with respect to agentic skills explains why it's appropriate to gently remonstrate with an acquaintance whose peculiarities are becoming tedious and why it's appropriate to let your displeasure be known more forcefully if they are becoming disrespectful⁹.

Yet, as I said earlier, you have discretion over whether to break off relations with a difficult, but autonomous acquaintance. Because she is in control of her actions, it is not unreasonable for you to stop putting up with her antics. Still, your decision might be influenced by your assessment of how autonomous she is. Judging that she is highly autonomous, you might conclude that she is such an extraordinary individual that knowing her is worth the trouble or conversely that her behavior is downright negligent and not worth the bother. Judging that she is minimally autonomous and not in a good position to strengthen her agentic skills, you might honor the extent to which she maintains control over her life by excusing lots of the niggling problems she causes. Thus, fine-grained autonomy assessments figure in decisions concerning whether to hold acquaintances responsible or not.

If my suggestions about how responsibility practices and autonomy correlate are correct, this correlation is not a simple matter of covariance such that stricter responsibility practices presuppose a higher degree of autonomy, and less judgmental responsibility practices presuppose a lower degree of autonomy. The stringent-to-latitudinarian spectrum accurately represents one dimension of our responsibility practices. In this respect, a basic autonomy threshold is what counts. We don't let the perpetrators of heinous crimes off the hook just because their agentic skills fall short of the highest level of accomplishment, and we don't make appreciation of individuality and tolerance for character quirks contingent on a high degree of autonomy. However, this spectrum leaves out the subtle ways in which we take degrees of autonomy into account as we carry out responsibility practices in courts of law and in our relations with friends, family, co-workers, and other acquaintances. We attend to degrees of autonomy

⁹ Of course parents and other caregivers criticize bad behavior on the part of children who are not yet autonomous enough to be held fully responsible for their actions, and they try to encourage children to act better. But they are not justified in breaking off relations with children in part because they are too young and their autonomy skills are too under-developed to warrant the assumption that their actions are expressive of their settled identities and are under their control.

in criminal sentencing as well as in gauging what to expect from the people in our lives and how best to interact with them. Thus, a conception of the autonomous agent that differentiates autonomy from nonautonomy and that also differentiates degrees of autonomy is needed to anchor both the spectrum of responsibility practices I began with and the nuanced ways in which we put responsibility conventions into practice in diverse social contexts.

3. *A Human Rights View of Social Welfare Policy*

We have seen that responsibility practices reflect underlying normative commitments – in interpersonal relations, the value of individuality; in criminal law, the severity of the harm crime inflicts and the value of public safety. Considerations of autonomy enter into responsibility practices first, as a threshold that must be reached for responsibility practices to apply and second, as reasons for refining responsibility judgments and calibrating conduct accordingly. Assuming that responsibility practices in the social welfare realm should follow the same pattern, I now explore the normative grounding of social welfare policy, and I urge that social welfare provisions are vehicles for realizing social and economic human rights.

The International Covenant on Economic, Social, and Cultural Rights (adopted 1966; entered into force 1976) proclaims a number of rights that are pertinent to our present discussion – among them, the rights to work in a freely chosen occupation (Art. 6), to just and favorable conditions of work and equality of opportunity (Art. 7), to social security (Art. 9), to an adequate standard of living (Art. 11), to the “highest attainable” standard of physical and mental health (Art. 12), and to basic education (Art. 13). As is the case with civil and political rights, every person possesses social and economic rights in virtue of the “inherent dignity of the human person” (Preamble)¹⁰. Thus, everyone is entitled to these goods. The question, then, is not whether the state is responsible for ensuring that they are available to all. Rather, the question is how the state can best deliver them.

Liberal democracies with capitalist economies deputize private actors to realize some of these rights. The for-profit sector of the economic system is the principal institution through which the rights to work and to a decent standard of living are realized. Markets in labor and consumer goods and services harness personal liberties and autonomy competency to secure individuals’ livelihoods. However, to offset abuses that corporations and other businesses are wont to commit, a legal framework is needed to ensure fairness in hiring and remuneration as well as safe workplaces. Private institutions may also play a role in education and healthcare, but public funding and institutions are crucial to realizing these rights for all. Families together with private charities have historically provided care and income to needy individuals. But to recognize a human right to social security is to insist that the state must take responsibility for realizing this

¹⁰ The US and a tiny number of other states signed but haven’t ratified this treaty. As a matter of justice, the fact that domestic politics has prevented these countries from becoming States Parties is irrelevant. The Covenant articulates core standards that just societies must live up to.

right. Inasmuch as everyone is vulnerable to disability and unemployment, not everyone has a reliable source of aid when in need, and counting on family members to care for needy individuals imposes onerous and discriminatory burdens on women, the right to social security cannot be completely delegated to the private sector.

Indeed, the state bears ultimate responsibility for guaranteeing all of these rights. Still, because the Covenant acknowledges that resource deficits and market instabilities can hamper fulfillment of social and economic rights, it defines States Parties' obligations modestly. A state is fulfilling its obligations provided that it is undertaking "steps, individually and through international assistance and cooperation" and using the "maximum of its available resources" to progressively realize social and economic rights (Art. 2.1). Although the concept of "maximum available resources" leaves plenty of room for states to weasel out of funding social and economic rights, this Covenant plainly denies that guaranteeing civil and political rights while neglecting social and economic rights is permissible.

From a human rights perspective, social welfare policy is not charity by another name. It is a means of respecting a set of universal entitlements – a set of entitlements that are all but impossible to forfeit. So stringent are the obligations correlated with the rights to adequate nutrition, shelter, and medical care that they are guaranteed to prisoners of war under the Geneva Convention (Art. 15). Although conditions in U.S. "correctional" facilities vary greatly, no decent person thinks that convicted felons forfeit their rights to be fed, clothed, and housed or their right to receive medical care. As well, many prisons provide work and educational opportunities. These uncontroversial rights-respecting practices support a presumption favoring government subvention of the same rights for needy citizens who are after all neither enemy combatants nor incarcerated criminals.

Outside of penal institutions, however, healthy adults are supposed to work and meet their own needs. If this system were functioning equitably and efficiently, it would be reasonable to expect almost all adults to take responsibility for themselves by taking up their opportunities. Correlatively, it would seem reasonable that errant individuals should pay the price of their own irresponsibility and that social welfare programs should function exclusively as backups in cases of layoffs, disability, or catastrophic emergency.

The Covenant on Economic, Social, and Cultural Rights does not assume that the global economic system is functioning so well. On the contrary, it identifies structural obstacles to realizing human rights through market mechanisms. Unlike the Covenant on Civil and Political Rights, which aims to protect vulnerable individuals from state sponsored aggression, repression, and discrimination, the Covenant on Economic, Social, and Cultural Rights contemplates the need for fundamental socio-economic transformation. With respect to the right to work, the latter Covenant mandates "policies and techniques to achieve steady economic, social, and cultural development" (Art. 6.2). With respect to the right to be free from hunger, it mandates reforming agricultural systems and international trade in agricultural products to ensure adequate nutrition for all (Art. 11.2). The Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination Against Women go further and demand an end to politically, economically, and culturally entrenched race- and gender-based stratification.

Again, under international law, states are obligated to use all available resources to address the structural barriers to full realization of social and economic rights. Yet, even supposing that states fulfill this obligation and dedicate maximal resources to making the necessary structural changes, the Covenant recognizes that the structural changes that would make full realization of social and economic rights through market mechanisms feasible will come about gradually. For that reason and because some members of society will never be able to take care of themselves, are not yet able to take care of themselves, or are no longer able to take care of themselves, the Covenant proclaims a right to social security. In section 4, I ask what responsibility practices befit the obligation to implement the right to social security.

4. *Burdened Agency and Social Welfare Policy*

Preliminary to considering autonomy in relation to social welfare policy, I need to draw out some implications of the view of autonomy I've set out. For various reasons, people achieve different levels of overall autonomy competency – agentic skillfulness, skill coordination, and motivation to use agentic skills. It's possible that individuals aren't all endowed with the same aptitude for each of the agentic skills¹¹. But more than anything else, developing and exercising autonomy competency depends on upbringing and opportunity.

By encouraging children to practice using agentic skills and gradually ceding control over choices as their skills blossom, caregivers and educators cultivate autonomy competency and impress upon children their right to exercise it. Caregivers and educators who inhibit experimentation and demand obedience may stunt agentic skills. Thus, accidents of childhood socialization significantly impact autonomy competency. Later on, socio-economic circumstances differentially shore up or tamp down autonomy. Disadvantage hems in the scope of many adults' opportunities to choose and act autonomously, while advantage bestows wide-ranging opportunities on others. The upshot is that some individuals are fortunate enough to autonomously plot out large chunks of their lives, while many others experience autonomy in confined zones or disconnected episodes.

Still, upbringing and opportunity do not unfailingly predict autonomy. Whereas succumbing to complacency may be costless for those born into privilege, oppression emboldens some people to seize on every chance they get to exercise agentic skills. As a rule, moreover, people don't enjoy consistently high or low degrees of autonomy throughout their lives. Whatever a person's overall level of autonomy proficiency may be, no one is equally adept at handling every type of situation, and defense mechanisms and other causes of self-opacity are bound to baffle autonomy competency now and then.

¹¹ Without prompting, some kids are wonderfully imaginative and make up lively scenarios for themselves; some are quick to make friends and gain social support; some display preternatural self-discipline and strength of will.

What can a view of autonomy with so many imponderables built into it contribute to our thinking about social welfare policy and appropriate responsibility practices for healthy adults who need publicly furnished assistance? In political discourse, the question of responsibility is glossed as a question of moral principle and judgment – how to separate rightful from specious claimants, innocent victims of hardship from free-riders. But a mean-spirited subtext frequently surfaces. When policy makers vilify needy individuals as ‘chiselers’ or ‘welfare queens,’ they rationalize restrictive criteria for benefits, thereby reducing the issue to a crass calculus of cost minimization¹². In response, I argue that conceptualizing social welfare policy as a mechanism for realizing social and economic human rights and linking social and economic rights to the account of autonomy I’ve proposed reframes the central question.

We have seen that the variability of autonomy is compatible with a wide spectrum of responsibility practices. Individuals may be viewed as necessary-to-restrain regardless of their personal predilections, or they may be viewed as worthy-of-wonder in virtue of their individuality. Meeting a minimal autonomy threshold qualifies individuals as subjects of the strict responsibility practices of the criminal law as well as the latitudinarian responsibility practices of everyday social relations. Similarly, differences in degrees of autonomy should not determine where policy regarding welfare benefits belongs on the spectrum of responsibility practices. We must look to the normative grounds of social welfare policy to settle this question, and I have argued that human rights provide that grounding.

From a human rights perspective, an individualistic focus on personal responsibility or “moral hazard” is a diversion from the bedrock problem – namely, insufficient employment capacity and systemically unequal educational and employment opportunities. In foregrounding structural obstacles to realizing social and economic rights, the Covenant lays to rest the invidious myth that needing public services and subsidies betrays ingrained defects of character and habitual irresponsibility – attributes often said to justify withholding social welfare benefits. Poverty is presumptively a consequence of institutionalized injustice and non-optimal markets, as opposed to individual failings. Apart from certifying that individuals are needy, then, qualifications for access to social security programs should be minimal, which is to say that responsibility practices concerning beneficiaries of social welfare programs belong near the latitudinarian pole of the spectrum.

Grounding social welfare policy in human rights draws attention to what I call burdened agency. Vast numbers of individuals are obliged to marshal their agentic skills to devise individual solutions to structural problems. Noticing that this is the case displaces the demeaning distinction between the deserving and the undeserving poor and rules out setting traps to disqualify recipients. In the absence of sufficiently extensive structural reform to eliminate much of the need for social welfare benefits, social welfare policies aimed at excluding needy recipients and pressuring them to find ways to meet their needs without aid wrongfully blame the victims for their plight and

¹² See Fraser and Gordon (1994) for an invaluable historical and rhetorical analysis of dependency talk and the distinction between the deserving and the undeserving poor as distractions from unjust socio-economic power structures.

abrogate the human right to social security. However, regarding social welfare programs as instruments for respecting social and economic rights does not imply that needy individuals bear no responsibility for their lives or that they are incapable of assuming more responsibility, for burdened agency is not equivalent to non-autonomy.

Taking interpersonal responsibility practices or judicial responsibility practices as models, it might seem that social welfare workers should be tasked with tailoring benefit programs to individual traits, talents, and levels of autonomy competency. Recall that we consider degrees of autonomy in our everyday social relations and the criminal law makes allowances for degrees of autonomy in sentencing defendants. Perhaps social welfare responsibility practices should parallel the individualizing components of these other responsibility practices. In my view, social welfare policy should make room for individuality and degrees of autonomy, but not by authorizing case workers to intrude into recipients' lives any more than is necessary to confirm need and make sure that benefits are adequate to need.

My account of autonomy might seem to provide a rationale for embedding benefits in individualized contracts between benefits recipients and social welfare agencies. Since my account is a relational view that underscores the role of friends in giving one another advice, suggesting courses of action, and encouraging each other to stick to their plans, it might seem that social welfare beneficiaries and their case workers should form collaborative relationships both to determine what goods and services beneficiaries presently need and to come up with plans to augment beneficiaries' autonomy and ultimately to enable them to live without public assistance. However, this scheme is fatally flawed because it overlooks the unequal power of the case worker and the benefits recipient as well as the extreme vulnerability of the benefits recipient. In light of these considerations, I reject the idea of granting case workers much discretion in setting terms and conditions for receiving benefits.

Such a system would raise the specter of caprice in the treatment of beneficiaries. Unfair favoritism in granting benefits and prejudicial denial of benefits would be difficult to detect and prevent. Unlike criminal court cases, social welfare applications are processed in private meetings that are not exposed to public scrutiny. Unlike in interpersonal relationships, human rights are at stake, and applying the same standards to all needy persons is vital.

Yet because social welfare programs provide only minimally adequate livelihoods, the right to work would seem to argue for a social welfare system that affords healthy, capable adult beneficiaries opportunities to obtain employment and improve their standard of living. If so, it seems that social welfare policy must take individuality into account, for appropriate opportunities depend on individual talents as well as agentic skills. How can this be accomplished without putting justice in fulfilling the right to social security at risk?

I believe that the only way to combine respect for the right to work with respect for the right to social security is to offer social welfare recipients educational opportunities that really can pay off in good jobs with decent salaries. Job training and work requirements that go nowhere breed warranted cynicism. Threatening recipients with benefit reductions if they refuse to take part does nothing to overcome the ensuing credibility gap. It can only be overcome by offering programs with demonstrable

potential for leveraging significant life improvements. Moreover, genuine educational and employment opportunities mobilize and strengthen individuals' agentic skills and thus indirectly individualize the delivery of social welfare benefits. Leaving it up to individuals to decide whether to take advantage of state sponsored educational opportunities and which opportunities to pursue respects their autonomy and affirms their value as unique individuals while securing their social and economic human rights.

I would like to conclude by offering a suggestion about how social welfare agencies can engage with benefits recipients as non-paternalistic partners, as opposed to cost-cutting adversaries or pseudo-friends, and at the same time increase the probability of autonomous uptake for educational or work opportunities. A consensus has emerged among feminist development theorists that on-the-ground consultation with prospective beneficiaries is indispensable to creating successful transnational development initiatives (Ackerly 2008; Koggel 2009; Khader 2011b; Glazebrook 2011; Cudd 2014). It seems to me that a consultative approach to setting policy should also be standard practice for national social welfare programs. Opportunities that ignore the familial responsibilities of the intended beneficiaries or that fail to address inequities in labor markets that are likely to discourage beneficiaries can be expected to fail. In the US we have witnessed the fatuity and cruelty of programs that wish such contingencies away instead of dealing with them. Since no one knows more about the responsibilities that interfere with taking advantage of educational programs and the inequities that undercut job performance and advancement than the intended beneficiaries themselves, pragmatic considerations argue for consultation. Moreover, because consultation is necessary to respect the autonomy of intended beneficiaries while also coming to grips with the liabilities of burdened agency, it is the only morally defensible way to ameliorate poverty and realize social and economic rights.

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