

Unemployment welfare: The underpinning ethics justifying Australia's enforced categorical Mutual Obligation system compared with those for a Basic Income.

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Paper presented at the CofFEE Centre of Full Employment and Equity Conference:

The Full Employment Imperative

5th Path to Full Employment and 10th National Conference on Unemployment
10 – 12 December 2003. The University of Newcastle, NSW. Australia

Abstract

Australia's unemployment levels continue to remain high enough to cause widespread social hardship. Casual, part time workers and other 'working poor' now represent the majority of Australian employees. Australia's categorical or targeted and enforced Mutual Obligation system for unemployed welfare recipients is based upon ideology that has been popularly accepted as ethical, due to the use of a metaphor of 'giving something back in return'. This paper examines the ethical underpinnings used to support and promote Australia's targeted Mutual Obligation system for unemployed welfare recipients, and compares and contrasts those with the ethical underpinnings put forward by proponents for an unconditional Basic Income.

Introduction

Based on ongoing research for a Doctoral study, this paper discusses some underpinning ethical justifications that are often put forward to support the policy and practices of Australia's selective, targeted income support system under Mutual Obligation and some that are used to support a universal Basic Income. A framework is introduced, whereby these ethical justifications might be measured and compared between the two systems, in order to determine which would be more substantial. A preliminary review of the literature, discussed herein, suggests that Basic Income appears to have fewer ethical objections than Australia's Mutual Obligation regime.

Entrenched high levels of long-term unemployment in Australia

Central to discussion of the ethical underpinnings of Australia's income support system and an unconditional Basic Income is an understanding of the importance of increasingly higher levels of long term unemployment (Edwards, Howard, & Miller, 2001) and the now entrenched political ideology of Mutual Obligation (Hartman, 2001). In 1974 the Australian rate of unemployment was less than 3 per cent (Watts, 2001: 3). The economic upturns in the late 1980's and late 1990's were not enough to restore the unemployment level, the best achieved was 5.4 per cent in November 1989 (Borland, 2000: 1).

In September 2003 unemployment officially stood at 5.8 per cent (ABS, 2003a), however, "if underemployed, discouraged unemployed and disguised unemployed are taken into account the

real level of unemployment is in the order of 12 to 18% of the working age population" (Tomlinson, 2003: 1). Carlson and Mitchell (2002: 50) calculated that Australia "now wastes over 12 per cent of its available labour resources."

With high unemployment levels came a rise in the number of people who are long-term unemployed. Minister Newman (2000: 9) reported that 457,000 people representing 63 per cent of people on unemployment benefits in 2000, had "received benefits for longer than one year". Burgess, Mitchell, O'Brien and Watts (1998: 3) reported "in Australia the average duration of unemployment rose from three weeks in 1966...to 50.5 weeks in 1998".

Duration of 'one year' long-term unemployment, expressed as a percentage of unemployment recipients now runs at 57 per cent (Saunders & Tsumori, 2003: 3). However, of over 600,000 people currently receiving unemployment benefits, Ziguras, Dufty and Considine (2003) reported that the numbers of 'long term unemployed' exceeding two years of unemployment, (rather than one year) now numbered almost half of all unemployment beneficiaries. More precisely, the Department of Family and Community Services confirmed that currently 281,289 job seekers were in this two year category (Courier-Mail, 2003).

Quiggin (2001: 8) noted the improved economy and reduced unemployment, yet maintained that the basic problem continues to be "a simple shortage of job vacancies." High levels of unemployment and welfare expenditure have focused the Howard Government in pursuit of an economic fundamentalist welfare agenda. The agenda is based upon the Government's perceptions of the rational individual responding to monetary incentives/ disincentives, the efficiency of private enterprise and the demands of 'globalisation' (Hutchings, 1998).

Government initiatives are designed to compel some welfare recipients to urgently look for paid work. These recipients must engage in compulsory programs, such as the Work for the Dole and Activity Test tasks, (soon to include people with disabilities, under current legislation still before Parliament). Such programs are justified under the ideology of *Mutual Obligation* whereby some unemployed welfare recipients of working age "must give something back in return" (Howard, 1999: 10; Vanstone, 2003).

Casualised, part-time and short-term labour

With the Howard Government's ongoing acceptance of neo-classical worldview economic fundamentalist ideas outlined earlier, and its acceptance of globalisation and de-regulation of the labour market (see Edwards, 2002), increasingly jobs are now more often part-time, casualised, short-term and low paid.

It is estimated that permanent full-time jobs now total less than half of all jobs. The ABS (2003b) reports that as at August 2003 some 9.5 million people were working, 5.4 million of whom worked 'full time at 35 hours or more', leaving 4.1 million working less than full time (43%). For the purpose of this exercise, jobs and individuals are each treated as a unit of one. An ACTU survey (ACTU, 2003) and *The Age* newspaper study (Age, 2003) report some 800,000 casual jobs are 'full time'. When the ABS statistic is adjusted to reflect this fact, 4.9 million jobs, or 51.5 per cent of all 'jobs' are now casualised, part-time and/or short-term, with only 48.5 percent permanent full-time.

The ‘working poor’

Even with full time casual work, individuals and working family members increasingly find that their low wages, high rates of income tax, unaffordable childcare services and an inability to qualify for and access long term housing loans has made them the ‘working poor’. Increasingly people find themselves taking several part-time casualised jobs, working ever longer hours, but struggling to make ends meet or get ahead financially (Eardley, 1998; Harding & Szukalska, 2000).

Because of casualised labour, individuals often find themselves ‘churned’ between short-term employment and unemployment (Lawrence, 2002), yet they are often ‘blamed’ for becoming unemployment benefit recipients. This form of ‘blaming’ is well recognised (Titmuss 2000: 47-48; Watts 2001: 5), because ‘blaming the victim allows policy makers to absolve themselves from responsibility’ and obviates the need to provide full employment (Hartman 2001: 3-4).

The introduction of Mutual Obligation

Mutual Obligation policy was introduced in 1997. Prime Minister Howard asserted that his Government should assist those in genuine need. He also noted ‘it is the case that – to the extent that it is within their capacity to do so – those in receipt of such assistance should give something back to society in return, and in the process improve their own prospects for self-reliance’ (Howard 1999: 10).

‘Giving something back’ to society would be compulsory and could include specified volunteer work, approved study, participation in Work for the Dole programs or prescribed job-search activities. Compulsory job-seeker diaries and interviews, Activity Tests and punitive ‘breaching’ systems have been implemented to coerce people to ‘giving something back’ (Moses & Sharples, 2000). However implementation also meant that unemployed people are subjected to more surveillance, duties, and punitive measures than before. Unemployment payments are no longer a right ‘but were now made conditional upon participation in employment programs’ (Burgess et al, 2000: 174-186) thus making welfare “a charity “ (Castles, 2001: 102).

Some general arguments underpinning Mutual Obligation

Welfare assistance from the State, in the 19th century, divided recipient individuals as existing either side of a deserving/undeserving binary divide (Hammer, 2002). Sleep (2001) argued that because it is not ideologically acceptable that “deserving” welfare could apply to all people in need, systems of blaming the undeserving, selectivity and categorisation are used by Government as methods for social control and welfare cost reduction. Similar justifications lay behind the construction of the British 1601 and 1834 Poor Laws (Stretton, 1996).

The *Social Security Amendment Bill*, legalising the Mutual Obligation breaching regime, outlined the main objective ‘to maintain a strong deterrence for failure to meet reasonable requirements’ (Moses & Sharples 2000: 4). Treasurer Costello’s 2001-2002 budget statement explained Mutual Obligation as "the obligation of the community to help those not in work and the obligation of those not in work to contribute to the community," however Sherry (2002: 6) observed that this relieves the Government itself of *any* obligation. Jennings (2001) pointed out

that conservative forces have a common misconception: "That poverty is the result primarily of individual choice rather than as an outcome of social policies". She argued further that the Howard Government believes people are responsible for their own outcomes, (even outcomes over which they have no control such as insufficient jobs or disability).

Some social costs of enforcing Mutual Obligation

There have been some social costs, in terms of unnecessary and extensive social suffering, attached to the imposition of Mutual Obligation. For example, a serious consequence of being 'breached' is that some people's accommodation standards could be reduced, as noted in the literature (ACOSS 2000: 2; 2001b; Neville 2001). In a Brisbane survey, 12 out of 56 respondents who were breached (almost 22%) reported needing to move into less desirable accommodation, with three people moving "onto the streets". A statistically significant 95 per cent of the Brisbane respondents felt they had been unfairly dealt with, 93 per cent reported a loss of self esteem and 56 per cent were breached more than once (Schooneveldt, 2002). See also (ACOSS, 2001).

Minister Vanstone (2002) verified that the number of breach penalties issued in 2000-2001 was 386,946. Given the total number of 722,000 unemployment benefit recipients reported for 1999-2000 (Newman 2000: 9), even allowing that some individuals had multiple breaches, this figure represents an extraordinarily high level of punishments meted out for administrative or social, rather than legal, infringements. Breach penalties often exceed fines for criminal offenses (ACOSS, 2002: 2; Schooneveldt, 2002). The rate of breaching decreased in 2001/2002 following unfavourable media attention and the Ombudsman's (2002) critical report on the arbitrary and high levels of breaching.

However, during this period Lawrence (2002) argued that the coercive requirements of Mutual Obligation remained excessive because the requirements have little to do with a willingness to work. Most people, including people who have disabilities, want to work and actively look for it (ACOSS 2001: 5; Quiggin 2001). Goodin (2001a: 196-197) argued that 'most of those who want to work, but don't', are unemployed due to circumstances that have 'nothing to do with the sort of "weakness of will" arguments' so often heard.

Minister Abbott (2003: 2-3) recognised inequity in the Australian Income support system: "Unfortunately, the interaction of the tax system and the welfare system means that people moving from unemployment to work generally face effective marginal tax rates of nearly 70 per cent and sometimes over 100 per cent." Describing a classic 'poverty trap' Abbot identified families increasing weekly earnings from \$285 to \$585 were actually only \$29 per week better off. He described as an "inconvenient truth" the fact that "Australia has a progressive tax system but a regressive personal income system through the interaction of tax and welfare for people with low and middle incomes". He concluded "It's very hard to see the fairness in a system, which works against people looking for jobs" (Abbot, 2003: 4) yet he continued to insist the unemployed must try harder to find work. Concerns about the unfairness of Mutual Obligation has led some people to consider alternative income support systems, including an unconditional Basic Income guarantee.

The concept of unconditional Basic Income

A Universal Basic Income (BI) is an unconditional cash payment to individual citizens sufficient to meet basic needs (UBINZ, 2003). It is not a new idea, Dennis Milner (1920) argued for it 83 years ago. Philippe Van Parijs (2000b: 3, italics in original) a prominent supporter of the 'Basic Income European Network (BIEN) wrote "*A basic income is an income paid by a political community to all its members on an individual basis, without means test or work requirement.*"

In its simplest form, Van Der Veen (1998: 141) described Basic Income as a system "to disburse a tax-free subsistence income to every adult citizen, whether he or she is employed or unemployed, wealthy or poor, healthy or sick, active or idle, and...young or old, with basic incomes for children replacing existing child benefits."

Some general arguments underpinning Basic Income

Van Parijs (2000b: 7) identified three interconnected benefits for a Basic Income. Firstly the rate of take up is likely to be higher amongst the poor because when a means test is in place, confusion as to eligibility is created, causing some people to miss out. Secondly, "there is nothing humiliating about receiving a benefit as a matter of citizenship" compared with receiving a benefit reserved for the needy. Thirdly, a regular Basic Income is not interrupted (or 'clawed back') when a person accepts a job, as happens under the means-tested Australian system.

The narrow reciprocity argument underpinning Mutual Obligation to ensure the achievement of paid work is undercut, because it should be understood that any income "earned by any individual in a society is never purely a product of their individual endeavour". Indeed, "a Basic Income recognizes the social nature of income generation and the large share of output due to 'society and history' and distributes it among all citizens" (Bienfield, 2002: 12 citing Clarke et al 1996).

Goodin (1992) argued that Basic Income support is a less presumptuous welfare distribution system than other forms of Government provided income support. Because it is unconditional, there is no need for Government to pry on individuals to establish entitlement or make assumptions about the deserving or worthy status of recipients. Tomlinson (2000) argued that Basic Income could alleviate income insecurity because of its unconditionality. Significantly, the Government of Ireland recently produced a Green Paper on Basic Income, considering it to be feasible (DSCFA, 2002) and is presently deliberating with a view to implementation. Alaska has had a Basic Income distribution of its oil royalties, paid to all citizens, for the past 20 years (Bienfield, 2002: 10-13).

In supporting the concept of Basic Income, Standing (2001: 32) argued strongly that all forms of work, not just paid work or labour were legitimate. "We must not let paternalists of any kind - Third Wayfarists, religious groups, Leninists, populists or whatever - to turn that right [the right to work] into a duty. If you focus only on labour, or paid work, other forms of work are more debased and their performers probably more oppressed, and one perpetuates an ethos of competitive individualism rather than one of what might be called social individualism based on recognition -and celebration- of mutual interdependencies."

Some potential social costs against the introduction of Basic Income

At the same time, Standing (2001: 5-11) recognised a growth of social and economic insecurity and inequality due to globalisation, which he believed was generally making fiscal policy more regressive with "the erosion of a sense of social solidarity". Notions of social solidarity can be quite distorted by ideology. In favouring a Jobs Guarantee for workers rather than a Basic Income for all people, Watts (2002a: 6) argued that "rightly or wrongly social status and feelings of self worth are attached to the paid work that people undertake."

This notion reflects a strong Protestant work ethic, which holds that only paid work is socially acceptable. The notion overlooks, even denigrates, people who are homemakers, child raisers, people who are disabled, elderly pensioners, unemployed people and children, in fact more than half the Australian population. Although favouring a Jobs Guarantee income support system, Watts (2001) accepted that the Job Guarantee would eventually need to be converted to a Basic Income system if it were to be sustainable.

Watts (2002a: 6) worried that if Basic Income is introduced "some workers will reduce their working hours by taking part-time casualised work to supplement the BI". He argued such an increased labour supply of willing part-time workers will "strengthen employers' resolve to pay less." The current shortage of jobs (Lawrence, 2002) and high unemployment (Mitchell, 2000) plus high levels of hidden unemployed (Carlson & Mitchell, 2002) suggest there already exists an oversupply of labour without apparent overall downward wage/cost effects, as demonstrated by the ever increasing average weekly total earnings. In August 2002 earnings for full-time adult employees were "\$905, compared with \$617 in August 1992" (ABS, 2003b).

Pixley (1993) noted an attempt to introduce a Basic Income in Australia during the Whitlam era (1972 to 1975), when the 1975 Henderson poverty inquiry report recommended a general guaranteed minimum income. Pixley was against the concept, believing that claims for enhanced citizenship and employment were "wrong reasons". Cunliffe and Erreygers (2000) compared the Basic Income with the Basic Capital Grant, and argued that the Basic Income scheme is paternalistic, allowing people only a modest weekly allowance, thus facilitating the loss of dignity and diminution of the self worth of recipients.

Thus there are significant arguments for and against a Universal Basic Income and the Australian targeted welfare distribution system. These discussions raise questions about the ethical arguments used to justify and underpin such competing welfare distribution practices, to which we now turn. Deacon (2002: 7-17) recognised there would always be a "distributive struggle" in income support, including "the moral choices we face."

Discussion: Comparison of the ethical arguments for and against Basic Income and categorical Mutual Obligation income support.

Whereas various arguments have been discussed, both for and against a unconditional Basic Income and a targeted, selective 'mutually obligated' income support system, it is important to consider and weigh up some *ethical* considerations about the two schemes. To facilitate this, John Rawls seminal 1971 *A theory of justice* will provide an ethical framework by which the ethical underpinnings used to support each system can be evaluated as to their 'justice as fairness'.

Rawls (1999: 10-14) theorised on what he called “justice as fairness” and argued that two conditions must apply before individuals can incur obligations to government: Firstly, Society’s institutions must be just, and secondly individuals must have freely accepted the benefits provided by society. To be free to accept benefits, individuals must equally be capable of refusing them. By synthesising a hypothetical ‘original position’ under a ‘veil of ignorance’ Rawls (1999: 506-514) created an initial situation from which he could theorise and test propositions to develop a series of principles and rules within what became his justice as fairness theory. Rawls held that the set of principles he devised is "contingent in the sense that they are chosen in the original position in the light of general facts".

Rawls (1999: 506-514) justified the hypothetical nature of his original position by arguing "the conditions embodied in the description of this situation are ones that we do in fact accept. Or if we do not, then we can be persuaded to do so by philosophical considerations of the sort occasionally introduced." Thus Rawls justified each aspect of his original position with 87 supporting explanations. Suffice here to note that Rawls (1999: 508) believed “humankind has a moral nature.” He argued “thus it seems reasonable and generally acceptable that no one should be advantaged or disadvantaged by natural fortune or social circumstances in the choice of principles... similarly no one should be able to tailor principles to the circumstances of their own case” (Rawls, 1999: 16).

Thus the task Rawls set himself was that of establishing what moral principles should govern the basic structure of a just and fair society. He asked, not simply what principles are desirable and feasible, but “what principles would be chosen by individuals from an impartial stand point, in order to establish arrangements which are both desirable and feasible?” (Kukathas & Pettit, 1990: 36).

Many writers have invoked Rawls in support of their arguments for and against the income support distribution systems under discussion. Kinnear (2000: V) examined Mutual Obligation for The Australia Institute, and found that ‘the ethical foundations of the Howard Government’s Mutual Obligation policies do not stand up to scrutiny’. One reason was that ‘Australia’s system of economic management [economic fundamentalism] has relied on creating joblessness to sustain economic growth’ which is unjust and against (Rawls, 1999: 266-267) principle of “no harm” and the principle of “to the greatest benefit of the least advantaged.”

Kinnear (2000: V-VI) argued further, that proponents of Mutual Obligation willingly impose activity requirements on unemployed people, in the belief ‘that unemployed people have some control over their joblessness, and therefore a choice to accept or reject welfare benefits’. However those proponents are mistaken, because there is no realistic choice. She declared that the Howard Government’s Mutual Obligation policies failed ethically and morally, because the socially advantaged impose obligation as a form of repayment, upon the financially disadvantaged. This erodes the ‘ethical case for a social contract’ which ‘may be a *manifestation* of moral decline.’ (See also Hammer, 2002).

Mitchell (2002: 2) reminded us that since 1974 “there has been an average of 11 unemployed persons to every vacancy. Yet we still blame unemployment on the unemployed. (Rawls, 1999)

insisted that people, to be fairly treated, needed to have freedom of choice and the ability to freely accept benefits. By contrast the Howard Government has before parliament a Bill to add a significant proportion of jobless Disability Support Pensioners to the Mutual Obligation compulsory activities program (Anthony, 2002).

Claus Offe (1992: 62) developed 'non-productivist' designs for social policies and argued for Basic Income from various ethical standpoints. He rejected the notion of Mutual Obligation whereby "large numbers of welfare recipients should be 'blamed' for the condition they find themselves in". Nor should such people "be expected to accept the conditions they are in fatalistically." Such an outcome is against the Rawlsian notions of "equal liberty for all...no one should tailor principles to suit their own case" (Rawls, 1999: 16).

Also arguing against the coercive requirements of Mutual Obligation, Goodin (2001: 191) invoked similar sentiment to the Rawlsian principle of 'fair opportunity' when he noted that lack of choice about receiving welfare, arguing that obliging people to sign contractual activity agreements in return for welfare benefits lacked moral force. The notion 'agree or starve' (by losing benefit payment) was analogous to the highway robber's demand 'your money or your life!'

In arguing for a Basic Income, Schwarzenbach (2002: 1-6) argued against productive labour as the paradigm aspired to in modernist society as the "criterion for independence and 'full' or 'active' citizenship". In a similar vein to Offe's 1992 work, she promoted instead the notion that "reproductive labour", not for the production of things but for "the maintenance and 'reproduction' of human relationships" has higher ethical value. In support of her ethical claim, she invoked Aristotle: "relations of civic friendship between citizens are a necessary condition for genuine justice." In support of justice, she invoked Rawls difference principle "whereby differences should work to better the disadvantaged."

The Protestant work ethic is 'alive and well' in the Lockean production model which Schwarzenbach (2002: 1) railed against as she argued for Basic Income. This model holds that you steal if you get something for nothing and do not produce to pay back, indeed you are considered in "direct violation of the rightful, hard-earned property of others." Much of the reciprocity as justice arguments attributed to Rawls appear to have an element of 'interpretation' that may be beyond Rawls' intent.

For example Phelps (2000: 2), writing against Basic Income; "It is wrongheaded to ask what this economic justice requires in the way of support for individuals who choose to opt out and live in isolation off the land or sects that choose to break off from the larger society. Rawls kind of justice is owed only to those who, being able and willing, participate and contribute at least something to the economy's pie." Remarkably the author's own footnote remarks "I could never get him (Rawls) to endorse this interpretation. But he never protested it either."

Similarly Watts (2002b: 4) supported Farrelly's interpreted Rawlsian belief in "responsibilities required of Just Citizens." Farrelly (1999: 284) had argued that "BI runs counter to a fundamental moral consideration... that it is unjust for people to free-ride off others". Farrelly (1999: 286) did cite Rawls, but missed Rawls' qualification within the quotation used: "*I assume*

that positions and jobs are not scarce or rationed" (italics added). Rawls' discussions, and later those of Van Parijs (1992) did differentiate for scarce and rationed jobs, a situation applicable to Australia today.

It is precisely this type of interpretive uncertainty that adds importance to coming to fuller understanding of the *ethical* bases that underpin income support systems. Van Parijs (2000a: 357) a prominent supporter of Basic Income from an ethical and justice viewpoint, well understood that "the indignation of the jobless who are morally and legally expected to keep looking for what many know they will never find, is matched by the outrage of those who subsidize with their social security contributions the idleness of people who are overtly transgressing the rules of the game."

In an international context, Tomlinson (2001: 10-11) argued that the Howard Government's Mutual Obligation agenda is considered to breach Article 8(3)(a) of the *International Covenant on Civil and Political Rights*: 'No one shall be required to perform forced or compulsory labour', which Australia has signed and ratified. Ironically, Howard Government coercion intended to reduce mythical 'welfare dependency' is demonstrably unnecessary. In a seminal international study conducted over ten years in The United States, Netherlands and Germany, Goodin, Heady, Muffels & Dirven (1999: 136-145) found an 'exceedingly small percentage' of people remained on welfare indefinitely, in any of those national welfare systems. Further, they found the rhetoric of 'welfare dependency' referred to in those countries, and often heard in Australia, to be unfounded.

Bessant (2000: 13-16) asked a key question from an ethical perspective; " If policy-makers and politicians recognise that unemployment results from structural changes in the labour market and so on, why then insist that job seekers be forced to work for unemployment benefits?" She argued that Mutual Obligation ideology, especially as expressed in the compulsory Work for the Dole program, constitutes a form of civil conscription, denying individuals rights of choice or freedom to conduct their own lives. Further, the Government's decision to re-define dole workers as 'non-workers' actually violates "the human rights of jobless people."

Supporting Basic Income in ethical terms, Standing (2001: 20-31) believed that income insecurity is against a citizens right, noting that poverty traps are immoral hazards whereby people find "unfair poverty traps [which] means that it pays to be dishonest." He railed against the inefficiency of targeting, noting that "many policy makers seem more keen to prevent the 'undeserving' from receiving benefits than to make sure that all the 'deserving' do receive them" and concluded that "fiscal policy should not be a vehicle of social engineering." This argument fits closely with the Rawlsian principle of reducing social and economic inequality "to the greatest benefit of the least advantaged..." (Rawls, 1999: 266-267).

Summary

To conclude this discussion, abundant authors criticise the developed world's neo-liberal economic fundamentalism and the global economy. Stilwell (1993: 32) described the general complaint succinctly: "So the triple goals of ecological sustainability, social justice and full employment cannot be guaranteed – indeed they are systematically violated."

On balance, there would appear to be more powerful arguments against the unfairness, and thus the lack of robustness of the underpinning ethics used to promote the Mutual Obligation driven targeted income support system in Australia, than those used against the unfairness of the unconditional Basic Income. Nevertheless, it remains a fact that hegemonic ideologies worldwide have precluded acceptance of an operative national Universal Basic Income distribution system to date.

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