

George Klosko  
Department of Politics  
University of Virginia

## The Transformation of American Liberalism

*Draft: Please Do Not Cite*

In his essay, "Liberal Legislation and Freedom of Contract,"<sup>1</sup> T.H. Green notes important reforms recently enacted in Great Britain that were in conflict with traditional political ideas, notably freedom of contract. Although Green believes the reform legislation was generally supported, he also believes it lacked clear theoretical justification: "we have never thoroughly considered the principles on which we approve it." (p. 198) Justification is especially important, to guide our approach to controversial issues that will arise (p. 204). Accordingly, Green proceeds to develop an appropriate set of principles, which depart sharply from traditional liberal political theory. Although there are important difficulties in Green's theory, he helped lay foundations for the "new liberalism" based on the welfare state.<sup>2</sup>

---

<sup>1</sup> "Liberal Legislation and Freedom of Contract," in *T. H. Green: Lectures on the Principles of Political Obligation and Other Writings*, P. Harris and J. Morrow, eds. (Cambridge: Cambridge University Press, 1986); in this section, unaccompanied page numbers are to this article.

<sup>2</sup> M. Freedman, *The New Liberalism: An Ideology of Social Reform* (Oxford: Oxford University Press, 1986); S. Collini, *Liberalism and Sociology* (Cambridge: Cambridge University Press, 1983). Justification for the welfare state on utilitarian ground was available. Many of the early reformers--the "philosophical radicals"--were inspired by Bentham and were responsible for extensive legislation, Green objected to utilitarianism because of what he viewed as its faulty premises (**REFF**).

In the United States, similar reform legislation was enacted, although this took longer than in Britain. The most important changes took place during the New Deal, especially the Social Security Act (1935). Although these too were widely supported, I believe their theoretical underpinnings have also not been properly examined, while, once again, clear understanding is important for considering additional, more controversial issues. It is often claimed that the New Deal was incoherent and that Franklin Roosevelt did not have a developed political philosophy. Although I agree that the New Deal was largely incoherent on the level of policy, I believe there was greater underlying ideological consistency than is often recognized. However, while Green's theory departed sharply from traditional liberal conceptions of rights and freedom, Roosevelt attempted to incorporate new individual rights--economic rights--and new state responsibilities into the existing liberal framework. The resulting synthesis was largely incoherent. Using the new liberalism of Green as a template, I will assess Roosevelt's justification for his major departures, especially the Social Security Act. Having pointed out difficulties, I will briefly suggest relationships between theoretical shortcomings of Roosevelt's ideas and central currents of American political culture. Although there may have been sound political reasons for Roosevelt's strategy, I believe its theoretical incoherence contributed to similar shortcomings of subsequent welfare state liberalism in the United States.

### **I: New Liberalism of T. H. Green**

In his lecture on "Liberal Legislation"--given in 1881, one year before his death--Green explicitly refers to two 1880 pieces of legislation, the Ground Game Act and the Employer's Liability Act. The former imposed restrictions on relationships between landlord and tenant. The latter made employers liable for certain injuries of their employees. Both laws were objected to as infringing on freedom of contract (p. 194) As Green notes, similar objections could be lodged against additional

reform legislation passed earlier that regulated factory conditions, first for children and women, but eventually for men also, and laws concerning compulsory education. If freedom is understood as the "inherent right of every man to do what he will with his own" (p. 195), all of this legislation undoubtedly does limit freedom: "It is evident that in the body of school and factory legislation which I have noticed we have a great system of interference with freedom of contract." (p. 198)

Green of course rejects the traditional conception of freedom from which such objections flow. From his essentially Hegelian perspective, he views this conception of freedom as bound up with a set of individualist moral and political ideas to the criticism of which he devoted much of his philosophical career. Green developed an overall philosophical position that he viewed as not only inherently superior to abstract individualism but, as indicated, also capable of justifying significant nineteenth century social reforms.

Central to Green's view are new conceptions of the individual and his relationship to society, freedom, and rights, including property rights. Very briefly, traditional liberal theory posited an essentially abstract, egoistic individual, without social ties or capable of much in the way of development. This is apparent in social contract theories that proceed from presocial individuals in the state of nature. An extreme version is Hobbes's man, "just emerged from the earth like mushrooms."<sup>3</sup> But the situation is little different for Lockean man (as presented in the *Second Treatise*), who is conceptualized in the state of nature as rational and self-interested, concerned mainly with protecting his rights against other people and unjust government and amassing property. In traditional liberal theories--or pre-liberal, in the case of Hobbes-- freedom is conceptualized in negative terms, as absence

---

<sup>3</sup> T. Hobbes, *On the Citizen*, ed. and trans., R. Tuck and M. Silverthorne (Cambridge: Cambridge University Press, 1998), p. 102.

of interference by other people.<sup>4</sup> Rights--frequently natural rights, owing their origin to God rather than to the state-- are viewed in similar negative terms, with special emphasis on property rights. Green casts this set of interlocked ideas aside. He views the individual as a social creature, able to achieve full development only as a member of the community. Conceiving of both liberty and rights in reference to the individual's capacity to develop, Green rejects traditional liberal, negative freedom :

"We do not mean merely freedom from restraint or compulsion. We do not mean merely freedom to do as we like irrespectively of what it is that we like." (p. 199) "[T]he mere removal of compulsion, the mere enabling a man to do as he likes, is in itself no contribution to true freedom." (p. 199) In opposition to these views, Green worked out a distinctive conception of "positive freedom," and was arguably the first theorist writing in English to do so: "When we speak of freedom as something to be so highly prized, we mean a positive power or capacity of doing or enjoying something worth doing or enjoying, and that, too something that we do in common with others." (p. 199)

Not only did Green place great value on individuals developing their highest capacities, but, as the last quotation indicates, he was concerned with their doing so in conjunction with others. "[F]reedom in the positive sense" is "the liberation of the powers of all men equally for contributions to a common good." "[T]he ideal of true freedom is the maximum of power for all members of human society alike to make the best of themselves..." (p. 200) Green equates development of man's highest capacities with moral goodness, while such freedom "is the highest good for all." (p. 200)

There are two ideas here which Green combines, but we should distinguish. First is the idea of individual development. As opposed to the less clearly described Lockean individual, Green follows

---

<sup>4</sup> For the distinction between negative and positive freedom, see I. Berlin, "Two Concepts of Liberty," In *Four Essays on Liberty* (Oxford: Oxford University Press, 1969); G. MacCallum, "Negative and Positive Freedom," *Philosophical Review*, 76 (1967).

Aristotle in arguing that man is a political animal.<sup>5</sup> The individual has the capacity to develop his higher powers, is able to do so only in society, and achieves his highest good in doing so. The second idea is a strong conception of the commons good. Green believes that all individuals are capable of developing together. The development of one person need not be at the expense of others. If it were, it would not be acceptable. This conception of the common good is viewed as providing essential content to both Green's idea of individual development and freedom. Freedom is developing along with others; the individual's highest capacities are those that allow her to do so.

Granted this set of ideas, freedom of contract and other aspects of what we view as "negative freedom" are valuable only as means to development. The same is true of property rights. Property is "only justifiable as a means to the free exercise of the social capabilities of all" (p. 200) Accordingly, traditional property rights may be curtailed in the interest of the common good,<sup>6</sup> and reform legislation that interferes with negative freedom poses no difficulties. Such measures contribute to the development of people generally. Although they prevent privileged members of society from doing what they want to do--or, more accurately, what they think they want to do--their desired courses of conduct impede the development of other members of society and so are illegitimate.

According to traditional liberal political theory, the state's main function is to protect individuals from one another and from interference by foreign powers. This short list may be extended to allow production of certain public goods, as by Adam Smith, in Book V of *The Wealth of Nations*.<sup>7</sup>

---

<sup>5</sup> Green, Principles of Political Obligation, in *Principles of Political Obligation and Other Writings*, p. 37; this work is cited in parentheses, as Principles.

<sup>6</sup> In traditional liberal theory, property rights may be curtailed to some extent, as recognized in taxation and our concept of eminent domain. Green believes in far more extensive incursions.

<sup>7</sup> A. Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, Book V, Pts. 1-3.

In general, traditional liberal theory is committed to the compatibility of individual interests, often, as most familiarly with Smith, harmonized by the workings of the free market. It follows from such assumptions that, aside from protecting property, the state has little additional role in the economy. State interference with purportedly free economic activity violates individual rights. Green's view of course requires a more expansive state. Its "business" is promoting the interests of all. But Green did not claim that the state should directly inculcate moral goodness. This is not how morality grows, and so the state lacks the capacity to do so. Instead, its role is to "maintain the conditions without which a free exercise of the human faculties is impossible." (p. 202)

Green's accomplishment is notable, a consistent set of ideas that justify existing reform legislation and can be projected to justify additional laws in the future, and so an extensive welfare state. But in spite of its advantages, his position is subject to criticism. His positing a common good that encompasses the interests of all members of society is widely questioned as resting more on faith than on argument.<sup>8</sup> A crucial implication of such a common good, his new conception of rights, does not adequately consider the need for individual rights against society. There are clear similarities between aspects of Green's view and Mill's in *On Liberty*. But in treating individual rights and negative freedom as valuable only as a means to the development of the community as a whole, Green removes the kind of individual protections that Mill expounds. Deprived of rights against society, the individual has no choice but to conform. The unsettling implications are apparent in Green's *Principles of Political Obligation*:

It is on the relation to society--to other men recognizing a common good--that the individual's right depends, as much as the gravity of a body depends on relations to other bodies. A right

---

<sup>8</sup> See M. Richter, *The Politics of Conscience: T.H. Green and his Age* (1964; rpt. Bristol: Thoemmes Press, 1996).

is a power claimed and recognized as a contribution to a common good. A right against society, in distinction from a right to be treated as a member of society, is a contradiction in terms. (*Principles*, p. 79)

Along similar lines, Green criticizes Spinoza for admitting "the possibility of a right in the individual apart from life in society, apart from the recognition by members of a society of a correlative claim upon and duty to each other, as all interested in the same good." Spinoza's belief in the existence of such a right against society was, according to Green, "the error of his time." (*Principles*, p. 36) From the perspective of contemporary, pluralistic societies, we are much less confident in the existence of an extensive, overall common good that harmonizes all people's real interests. Green, like certain utilitarians, could be criticized for not recognizing the "distinction between persons."<sup>9</sup> In depriving the individual of rights against society, Green's view appears open to oppressive implications.

## II. Laissez-Faire and the "Social Question"

Throughout the later decades of the nineteenth century and the early decades of the twentieth, political and economic thought in the United States was dominated by laissez-faire economics. Influenced by Social Darwinism as well as classical economic theory, leading American theorists argued for strict separation between business and the state, depicting life in society as a struggle in which the fittest prevailed.<sup>10</sup> Even with the deplorable social conditions that emerged as America

---

<sup>9</sup> This phrase and criticism of utilitarianism are from J. Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), p. 27.

<sup>10</sup> S. Fine, *Laissez Faire and the General-Welfare State* (Ann Arbor: University of Michigan Press, 1956); R. Hofstadter, *Social Darwinism in American Thought, 1860-1915* (Philadelphia: University of Pennsylvania Press, 1944).

industrialized, the view was widely held that ameliorative measures by the state interfered in the order of nature. Not only did they run contrary to the laws of the market, but they violated individual rights. Still, conditions for large portions of the population were obviously so dire that many people came to believe that something must be done. The "social question" largely dominated politics during this period.

Given the magnitude of the problems that accompanied intensified industrialization, a great deal of reform legislations was passed during this period. Most of this was on the state and local level. According to Sidney Fine, between 1887 and 1897, 1,639 laws pertaining to labor were passed in the United States.<sup>11</sup> Specific problems addressed included minimum age and maximum hours for child laborers, maximum hours for women and then men, the need for workmen's compensation, unemployment and old age insurance. Reforms along these lines had long been enacted in different European countries. Many American reformers were influenced by these developments and tried to bring about similar changes in the United States.<sup>12</sup> However, as Green says of reform legislation in Britain, although many American reforms were widely supported, their underlying theoretical basis was not carefully developed. Laissez-faire theorists of course preached minimal state action. Given widespread adherence to laissez-faire doctrines and accompanying views of the individual, rights, liberty, and the community, how could reform legislation be justified? Could this be reconciled with prevailing views, or was a new liberal theory necessary?

The motivation for participants in American reform movements undoubtedly varied greatly. It is difficult to generalize about large numbers of political actors, in different movements, across the United States over several decades. Our concern is with the *public* political ideas underlying reform.

---

<sup>11</sup> Fine, *Laissez-Faire*, p. 357.

<sup>12</sup> D. Rodgers, *Atlantic Crossings* (Cambridge, MA: Harvard University Press, 1998).

We are less interested in psychological motivations or explanations for why political actors behaved as they did. Political principles to which people appealed to justify their actions are found in party platforms, the writings and speeches of political actors, legislative histories, court decisions, and other sources. Given an enormous volume of material spanning numerous issues in different political bodies over many decades, once again, one should generalize with great hesitation. To complicate matters further, evidence for many specific reforms has been lost. For example, for much labor legislation, legislative histories were either not recorded or not preserved.<sup>13</sup> But on the whole, it seems safe to say that in the late nineteenth and early twentieth centuries the predominant factor in public justifications of reform movements in the United States was appeal to humanitarian sentiments, to the "conscience of the community." For instance, in order to spur reform legislation, the National Consumer's League, directed by Florence Kelly, publicized facts concerning child labor and other abuses in order "to stir the public conscience."<sup>14</sup> In support of housing legislation, Kelly publicized conditions in lower Manhattan, "the fierce overcrowding," "the closely packed tenements," and the "dark urban canyons." Members of the Committee on Congestion of Population in New York, which Kelly helped found, mounted a "consciousness raising 'congestion exhibit'" in Manhattan, to publicize slum conditions, death, and disease rates.<sup>15</sup> As with similar figures in England--including Green--reformers in turn-of-the-Century America were deeply religious. Oftentimes, they couched their appeals to the community in explicitly religious terms. Religious invocations were especially prominent in the Social Gospel

---

<sup>13</sup> E. Brandeis, "Labor Legislation," in J. R. Commons *et al.*, *History of Labour in the United States*, Vol. 3 (New York: Macmillan, 1935), p. 400. Unaccompanied page references in this section refer to this work. (Chapter II, "Child Labor Legislation," pp. 403-57, is by E. S. Johnson.)

<sup>14</sup> A. Schlesinger, *The Crisis of the Old Order* (Boston: Houghton Mifflin, 1957), p. 24.

<sup>15</sup> Rodgers, *Atlantic Crossings*, pp. 181-82.

movement. To counteract laissez-faire, leading figures in this movement denounced it as "selfish," "inhumane," "unchristian."<sup>16</sup> For instance, through her work in Hull House, Jane Addams attempted to "express in social service and in terms of action the spirit of Christ."<sup>17</sup>

As I have noted, although reform legislation in the United States lagged behind that in other industrialized countries, towards the end of the nineteenth century, abusive conditions were addressed. As in other countries, in the United States, labor legislation began in regard to child labor. The first child labor law was passed by Massachusetts, in 1852. (Brandeis, p. 411) By 1879, seven states had minimum age laws for children, though generally only in regard to those employed in factories. (p. 403) By 1899, twenty-eight states had such laws. (p. 404) In regard to employment of women, legislative reform began in New Hampshire, in 1847 (p. 461) By 1896, thirteen states had laws on the books, though these were generally ineffective (p. 457). By 1933, all but six states had laws. (pp. 457-58) The pattern was similar in other areas. For instance, by 1923, seven states had minimum wage laws on the books, although movement in this direction was halted by an adverse Supreme Court decision (p. 504).<sup>18</sup> In regard to old age pensions, the first law was passed by Arizona in 1915, although, it was declared unconstitutional by the Arizona Supreme Court (p. 611).<sup>19</sup> By 1932, there were laws on the books in seventeen states (p. 611).

---

<sup>16</sup> Quoted by Fine, *Laissez-Faire*, pp. 172-73.

<sup>17</sup> Addams, quoted in *ibid.*, p. 347. I should note that Richard Ely, and other Social Gospel theorists, especially those who had been educated in Germany, also appealed to political ideas closely related to those of Green; see e.g., Ely, "Liberty a Social Product," *Our Day*, Dec. 16, 1896, 671-72; Rodgers, *Atlantic Crossings*, Chap. 3; Fine, *Laissez-Faire*, pp. 209-10.

<sup>18</sup> *Adkins v. Children's Hospital*, 261 U.S. 525 (1923).

<sup>19</sup> *State Board of Control v. Buckstegge*, 18 Arizona 277 (1916).

In spite of the legislative success of reform movements, these were resisted by still dominant laissez-faire political and economic ideas. As indicated in the above paragraph, constitutional difficulties frequently had to be confronted. Circumstances varied from state to state, depending on the nature of state constitutions, while reformers worked to amend constitutions to allow specific reforms.<sup>20</sup> On the federal level, expansive interpretation of the equal protection and due process clauses of the 14th Amendment, along with limitations on the powers of the Federal Government to limit commerce within individual states, led to a plethora of laws being declared unconstitutional. Especially between 1897 and 1937, the so-called "Lochner era," the Supreme Court was a persistent impediment to reform legislation. During this period, some 200 state and Federal reform statutes were declared unconstitutional.<sup>21</sup> Perhaps the most notorious case was *Lochner v. New York* (1906), in which the Supreme Court threw out a New York State law limiting the hours of night bakers, on the grounds that it violated freedom of contract.<sup>22</sup> During this period, not all reform legislation was rejected. Rather, and somewhat inconsistently, the Courts served mainly to moderate the pace of social reform, rather than to stop it altogether.<sup>23</sup> Constitutional impediments to reform remained a significant political consideration until Roosevelt's Supreme Court packing scheme and subsequent change in Supreme Court rulings.

In spite of important reform efforts during the Progressive Era, laissez-faire ideas and policies

---

<sup>20</sup> Brandeis, "Labor Legislation," pp. 544, 545, 613, 615.

<sup>21</sup> D. O'Brien, *Constitutional Law and Politics*, 2 vols., 2nd ed. (New York: Norton, 1995), II, 258

<sup>22</sup> *Lochner v. New York*, 198 U.S. 45 (1905).

<sup>23</sup> R. McCloskey, *The American Supreme Court* (Chicago: University of Chicago Press 1960), pp. 150-61.

largely continued to dominate economic and political discussion in regard to the social question, until the New Deal. This was especially apparent during the 1920's. Both Presidents Coolidge and Hoover opposed government intervention in the economy. To some extent, Roosevelt himself subscribed to conventional economic ideas, at least in part of his mind. In 1932, part of his electoral assault against Hoover's responses to the Depression was that the latter's policies had been too interventionist and too expensive.<sup>24</sup> In subsequent years, on more than one occasion, Roosevelt changed direction and attempted to curtail Federal spending and balance the budget, factors that are frequently cited in regard to his policy inconsistency and widely viewed as having had unfortunate consequences.

Thus in spite of the existence of extensive reform legislation in many states, such legislation was largely lacking on the national level. Moreover, there was pressing need to reconcile the reform legislation there was with prevailing political and economic ideas..

### **III Roosevelt's Political Ideas**

From the beginning of his political career, Roosevelt strongly believed that government should take action to help people who needed it. His specific motives are subject to disagreement. Roosevelt was a complicated person--according to Frances Perkins, who worked with him for many years, the most complicated she had ever met.<sup>25</sup> It appears that a combination of religious and humanitarian sentiments were frequently behind Roosevelt's actions. These motives can be traced back to a general feeling of noblesse oblige stemming from his social background, strengthened by the influence of Endicott Peabody, headmaster of Groton, which Roosevelt attended. But once again, our

---

<sup>24</sup> *The Public Papers and Addresses of Franklin D. Roosevelt*, 13 vols. (New York, Random House, 1938-[c1950]), I, 761, 809.; hereafter, this work is cited in the text, *PPA*.

<sup>25</sup> F. Perkins, *The Roosevelt I Knew* (New York: Viking Press, 1946), p. 3.

main concern is political principles Roosevelt advanced to justify his policies. Roosevelt was not a political philosopher. According to Arthur Schlesinger, perhaps his most influential biographer: "He had no sustained interest in political philosophy or in economic theory."<sup>26</sup> In response to a question concerning his philosophy, he famously responded that he was "a Christian and a Democrat--that's all."<sup>27</sup> However, the evidence of his political pronouncements indicates something more. Throughout his governorship of New York and his presidency, in his public addresses Roosevelt repeatedly attempted to move beyond traditional liberal ideas. This entailed a view of the state inconsistent with laissez-faire, which Roosevelt apparently recognized and led him to attempt to present new conceptions of freedom and, especially, of the community. His statements varied a good deal at different times and across different programs, and, as noted, were not internally consistent. But they unquestionably reveal a longstanding concern with principled justification of reform legislation. We will review some themes along these lines employed during his time as Governor, before turning to Social Security, in the following sections.

One of Roosevelt's common theme is that his policies were consistent with established state functions and so did not represent a real departure. For example, he claimed that different kinds of reform legislation were an extension of the state's traditional function of providing protection. In support of aid to the unemployed, in March 1930, he argued: "As the world becomes more and more civilized and stabilized, we are able to give protection against more and more forms of potential dangers or losses." (*PPA*, 1.453) Along similar lines, he regarded public health as a central function of the state, and so provided little extended justification for his proposals. In an address on public health, (June 25, 1929), he claimed: "the State has a positive right, not just an obligation, to see that the health

---

<sup>26</sup> Schlesinger, *Crisis*, p. 396.

<sup>27</sup> Schlesinger, *The Coming of the New Deal* (Boston: Houghton Mifflin, 1958), p. 585.

of its individuals is brought up to a higher level." (*PPA*, 1.351) Exactly what he means by a "positive right" is not explained, although he clearly viewed public health as central to the state's role (see 1.356). One consideration in support of public health is its importance for the state's economy (1.356). Similarly, in regard to a program to assist the handicapped, he appealed to both humanitarian and economic considerations (1.337-38).

In regard to efforts to improve workers' conditions, he struck out in new theoretical directions. In defense of improving conditions for labor--in March 1929, before the Depression had begun--he said the aim of proposed legislation is "to promote the welfare and comfort of our laboring classes" Continuing, he introduces a new note: " Modern social conditions have progressed to a point where such demands can no longer be regarded other than as matters of an absolute right." (1.221 As with "positive right," what he means by "absolute right" is not clear, although we will see more along these lines below.

Themes along these lines were not new to Roosevelt in 1929. From the beginning of his political career, while still a New York State Senator, Roosevelt pondered a new social theory, based on new conceptions of liberty and community. In a speech in Troy New York, delivered in 1912, Roosevelt argued that, while the struggle for individual liberty had been basic to modern history, individualism had created problems; "Conditions of civilization that come with individual freedom are inevitably bound to bring up many questions that individual liberty cannot solve." To address these question required a new social theory: "I have called this new theory the struggle for the liberty of the community rather than the liberty of the individual." By using the word "liberty" in connection with "community," one gives the word "a higher and nobler meaning than where the same word was applied to the 'individual.'" When there is conflict, the liberty of the community takes precedence over that of the individual. "Co-operation must begin where competition leaves off and co-operation is as good a

word for the new theory as any other."<sup>28</sup> Although once again, exactly what Roosevelt meant by this new theory is not clear, a conception of the community as bound together by cooperation rather than competition resonated in future speeches.

One powerful argument Roosevelt used for unemployment insurance was the nature of the emergency the Depression had brought about. Conditions were clearly dire, and something had to be done. In August 1931, he summonsed the Legislature in Extraordinary Session. The bulk of his speech, delivered on August 28, 1931, was given over to concrete steps to address the problem. But perhaps recognizing that this entailed taking the state in new directions, he began the speech with philosophical reflections:

What is the State? It is the duly constituted representative of an organized society of human beings, created by them for their protection and well-being. 'The State' or 'The Government' is but the machinery through which such mutual aid and protection are achieved." (1.457-8)

The state protects people: "today the humblest citizen of our State stands protected by all the power and strength of his Government." This is the duty of the state, and because the state is created by the citizens, "the duty of the servant to its master." In addition, this is a responsibility "recognized by every civilized Nation": "One of these duties of the State is that of caring for those of its citizens who find themselves the victims of such adverse circumstances as makes them unable to obtain even the necessities for mere existence without the aid of others." (1.458) This is a "definite obligation," "to prevent the starvation or the dire want of any of its fellow men and women who try to maintain themselves but cannot." (1.458)

The central idea here is clear, that extraordinary measures were required by extraordinary circumstances. But implicit in Roosevelt's justification of this state function was, once again, a

---

<sup>28</sup> Schlessinger, *Crisis*, pp. 336-37.

developed conception of community, apparently a conception of the community as bound by ties of reciprocity. Unemployment insurance was only for those who were unable to help themselves "through no fault of their own," "because of circumstances beyond their control" (1.458-59) Roosevelt notes this repeatedly. This form of relief is "not as a matter of charity, but as a matter of social duty" (1.459). Presumably, charity is reserved for the helpless. Perhaps this offers an explanation of Roosevelt's invocation of the state's obligation and positive right that we have seen. Unlike the imperfect duty of charity, duties to help the unemployed are duties of justice. Those who contribute ordinarily but are unable to do so through no fault of their own are owed assistance. A view of the community based on reciprocity is clear in the measures he proposed to finance unemployment insurance: "It seems logical that those of our residents who are fortunate enough to have taxable incomes should bear the burden of supplementing the local governmental and private philanthropic work of assistance." (1.465)

At times, Roosevelt expanded on his conception of the community, with results that sound almost like Green. Defending a policy for old age insurance, in June 1929, he argued: "There has been also a growing realization on the part of our people that the State itself is under obligations to those who labor, that the citizen who contributes by his toil to the wealth and prosperity of the commonwealth is entitled to certain benefits in return, which only the commonwealth can give." (1.212-13) Roosevelt viewed this task as alongside caring for the sick, the insane, orphans, and "the education of the child." All of these are "humane efforts." Proper care of the aged would eliminate "a dark blot on our modern civilization." (1.213) Once again, in this speech Roosevelt combines humanitarian duties and duties of justice rooted in reciprocity. The latter are markedly similar to themes developed by Green and subsequent British idealists. For instance, according to LT. Hobhouse, one of Green's most influential students and an important political theorist in his own right:

[I]f we grant [...] that it is demanded of all sane adult men and women that they should live as

civilized beings, as industrious workers, as good parents, as orderly and efficient citizens, it is, on the other side, the function of the economic organization of society to secure them the material means of living such a life, and the immediate duty of society is to mark the points at which such means fail and to make good the deficiency.

As Hobhouse continues, he notes that a worker's wages should "cover not only the food and clothing of wife and children, but the risks of sickness, accident, and unemployment. it ought to provide for education and lay by for old age."<sup>29</sup>

From this brief perusal of Roosevelt's statements and addresses as Governor, it is clear that he repeatedly attempted to defend reform legislation, and, in doing so, attempted to move beyond traditional liberal ideas. But in spite of repeated invocation, central themes were not entirely clear. As we turn to the New Deal, we will see how Roosevelt's thinking developed in these respects.

#### **IV Social Security**

During his time as President , Roosevelt produced an enormous body of public discourse. He was of course President for thirteen years, and proposed innumerable programs to counteract the Depression. For obvious reasons of space and scope, we can examine only a small fraction of this material. We will focus on the Social Security Act, in regard to which his central ideas are particularly apparent. According to Frances Perkins, Roosevelt viewed this act as his most important domestic accomplishment, the centerpiece of the New Deal, and took more satisfaction from it than from any other domestic achievement.<sup>30</sup> Social Security has of course survived as an unchallengeable pillar of

---

<sup>29</sup> L.T. Hobhouse, *Liberalism*, in *Liberalism and Other Writings*, J. Meadowcraft, ed. (Cambridge: Cambridge University Press, 1994), pp. 98, 100.

<sup>30</sup> Perkins, *The Roosevelt I Knew*, p. 301.

the American welfare state. Signed on August 14, 1935, its most notable feature, of course, was a national system of old age insurance, although this initially covered only 60% of workers.<sup>31</sup> It also established a federal-state system of unemployment insurance and provided relief to various classes of people unable to work--the impoverished elderly, blind, handicapped, and dependent mothers. In addition, it established a range of public health services and introduced measures to protect the bargaining powers of organized labor. Although any particular date is somewhat arbitrary, if one had to choose one date as marking the beginning of the American welfare state, it would be 1935, with the passage of the Social Security Act.

I will place Roosevelt's justifications for this piece of legislation in a wider context of addresses with similar themes, and so attempt to work out the justificatory scheme for his most ambitious legislation.<sup>32</sup> We begin by looking at the famous speech he delivered to the Commonwealth Club in San Francisco, on September 23, 1932, during the presidential campaign. Roosevelt self-consciously lays out a set of "universal principles" of politics (p. 1), in regard to recent developments and how they affect the relationship between government and the individual. To address these developments, Roosevelt presents "new terms of the old social contract." (p. 10)

Roosevelt provides a capsule view of American political history beginning with the debate between Hamilton and Jefferson, identifying his own view as a successor of Jefferson's. Jefferson believed that individuals possess "two sets of rights," those concerning "personal competency" and those in regard to acquisition and possession of property (p. 3). During Jefferson's period, people were

---

<sup>31</sup> J. Smith, *FDR*, (New York: Random House, 2007), p. 353.

<sup>32</sup> In this endeavor, I have benefited from S. Milkis "Franklin D. Roosevelt, the Economic Constitutional Order, and the New Politics of Presidential Leadership," in *The New Deal and The Triumph of Liberalism*, Milkis and J. Mileur, eds. (Amherst : University of Massachusetts Press, 2002).

able to acquire adequate property through their own efforts. There were economic ups and downs, but at worst, people could move out west to waiting prairies. But, raising one of his recurrent themes, Roosevelt contends that, since the middle of the nineteenth century, the industrial revolution has reduced individuals to conditions of dependency: "We were reaching our last frontier; there was no more free land and our industrial combinations had become great uncontrolled and irresponsible units of power within the state." (p. 6) With business concentrated in ever fewer hands, the spectre of "economic oligarchy" loomed, and with this "calls for a re-appraisal of values." (p. 8) The economy must be managed; large economic units must be controlled. There is need for "enlightened administration." (p. 8)

Our main concern is what all this means for the individual. In this regard Roosevelt announces "an economic declaration of rights, an economic constitutional order." (p. 9) The economy produces enough for everyone; everyone is entitled to enough for "a comfortable living." (p. 9) "Our government [...] owes to every one an avenue to possess himself of a portion of that plenty sufficient for his needs, through his own work." (p. 9) To address this need, Roosevelt makes a distinction between two kinds of property rights, those that are necessary for central functions of life, and others that are not. To protect the first, we must limit the other: "we must restrict the operations of the speculator, the manipulator, even the financier." (p. 9) The wealthy must work together for the common good; their ability to do what they want with their wealth must be curtailed. Should they refuse to do so, "the government may properly be asked to apply restraint." Should the group use its power "contrary to public welfare, the government must be swift to enter and protect the public interest." (p. 10) Roosevelt argues that such policies do not "hamper individualism" but "protect it." (p. 9)

In this address Roosevelt continues the departures from traditional liberal ideas we have

observed. Most notable is his declaration of economic rights. The wealthy's traditional right to do as they please with their own no longer holds, if doing so will damage the rights of other people.

Traditional liberal political theory of course holds that an individual's rights should be limited, if their exercise will harm other people. What is innovative here is extension of this idea to economic rights.

In sum, although Roosevelt does not explain his position in detail, his discussion of "universal principles" provides glimpses of an overall view of the individual and his rights that appears to be not unlike Green's.

Difficult problems of interpretation are raised by this address and others we will look at. The Commonwealth Club speech was a campaign speech. As with most modern political figures, Roosevelt employed speechwriters, and it is difficult to know how seriously we should take specific speeches as reflecting his own ideas rather than theirs.<sup>33</sup> This particular speech was written by Adolf Berle, and Schlesinger says that it "reflected Berle more than it did Roosevelt."<sup>34</sup> Still, with his Presidential addresses, as with those discussed in the last section, we are concerned less with what Roosevelt himself believed than with the ideas he expressed to justify his policies. On this front, the Commonwealth Club Address, with its direct discussion of "universal principles," merits serious consideration

In his addresses on social security, Roosevelt returns to similar themes. In a fireside chat on September 30, 1934, at the beginning of his campaign for the bill, he defended his overall program's "underlying necessity" on the basis of a similar account of the concentration of industry, which has altered relationships between employer and employees and made "the free action of individual wills

---

<sup>33</sup> On his speechwriting and how he put his own stamp on what he delivered, see Schlesinger, *Coming of the New Deal*, pp. 559-60.

<sup>34</sup> Schlesinger, *Crisis*, p. 426.

appear quite inadequate." Once again, organized control through government is necessary. (p. 14)

Specific policies defended in this talk include minimum wage provisions and protections for collective bargaining by organized labor, provided by the National Recovery Act. On a similar note, in signing the Social Security Act, Roosevelt said: "The civilization of the past hundred years, with its startling industrial changes, has tended more and more to make life insecure," and so this act is needed for protection against "the hazards and vicissitudes of life." (p. 24) On the third anniversary of the Act (August 15, 1938), Roosevelt returned to this theme. Whereas in the past, people could provide security for themselves without the assistance of government, "as the Nation has developed, as invention, industry and commerce have grown more complex, the hazards of life have also become more complex. Among an increasing host of fellow citizens, among the often intangible forces of giant industry, man has discovered that his individual strength and wits were no longer enough." (p. 30)

As in the Commonwealth Speech, these changes require that government provide economic security, and so guarantee a new set of rights. In a message to Congress on June 8, 1934, Roosevelt said: "If, as our Constitution tells us, our Federal Government was established among other things, 'to promote the general welfare,' it is our plain duty to provide for that security upon which welfare depends." (p. 7) He posits a set of three rights belonging "to every individual and every family willing to work." These are "security of the home," "security of livelihood," and "security of social insurance." (p. 7)

Roosevelt viewed rights to these forms of security as extensions of existing rights. Over time, he developed a fairly extensive list of rights, most famously expressed in his "Four Freedoms" speech (the State of the Union address, January 6, 1941). These were freedom of speech, freedom to worship, freedom from want, and freedom from fear, while it is important to note that this portion of the speech

was by Roosevelt himself, without a speechwriter.<sup>35</sup> In his 1944 State of the Union Address, he announced "a second Bill of Rights under which a new basis of security and prosperity can be established for all -- regardless of station, or race or creed." These rights include:

The right to a useful and remunerative job in the industries, or shops or farms or mines of the nation;

The right to earn enough to provide adequate food and clothing and recreation;

The right of (every) farmers to raise and sell their (his) products at a return which will give them (him) and their (his) families (family) a decent living;

The right of every business man, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;

The right of every family to a decent home;

The right to adequate medical care and the opportunity to achieve and enjoy good health;

The right to adequate protection from the economic fears of old age, and sickness, and accident and unemployment;

And finally, the right to a good education

What is interesting here is not so much that Roosevelt declared a new set of rights, but his repeated claim that his policies did not depart from traditional American values. At times he did recognize the extent of his departure. Consider his fireside chat of September 30, 1934:

I still believe in ideals. I am not for a return to that definition of Liberty under which for many years a free people were being gradually regimented into the service of the privileged few. I prefer and I am sure you prefer that broader definition of Liberty under which we are moving

---

<sup>35</sup> R. Sherwood, *Roosevelt and Hopkins: An Intimate History*, Rev. ed, (New York: Harper and Row, 1950), p. 231.

forward to greater freedom, to greater security for the average man than he has ever known before in the history of America. (p. 19)

Although he did not clearly explain his meaning, Roosevelt's new definition of liberty appears to hark back to the fundamental principles of the Commonwealth Club Address.

But for the most part, Roosevelt insisted that his new rights were part and parcel of traditional American ideas. I quote a few examples. First from his message to Congress on June 8, 1934: Our task of reconstruction does not require the creation of new and strange values. It is rather the finding of the way once more to known, but to some degree forgotten, ideals and values. If the means and details are in some instances new, the objectives are as permanent as human nature. (p. 4)

Later, in the same speech:

This seeking for a greater measure of welfare and happiness does not indicate a change in values. It is rather a return to values lost in the course of our economic development and expansion. (p. 7)

In his fireside chat of June 28, 1934, he argues that his policies have not caused any loss of "rights or liberty or constitutional freedom of action and choice." No provision of the Bill of Rights has been impaired. (p. 10) His goal is "to find the way once more to well-known, long-established but to some degree forgotten ideals and values. We seek the security of the men, women and children of the Nation." (p. 11) Along similar lines, in a speech at the San Diego Exposition, on October 2, 1935, Roosevelt said: "Our common life under our various agencies of Government, our laws, and our basic Constitution exist primarily to protect the individual, to cherish his rights, and to make clear his just principles. It is this conception of service to the individual with which the Federal Government has concerned itself these two and a half years just passed." (*PPA*. 4.406-07) Finally, the Democratic Party Platform of 1936, in which economic rights are proclaimed as "inescapable obligations" owed by

government to its citizens opens by alluding to the Declaration of Independence: "We hold this truth to be self-evident—that the test of a representative government is its ability to promote the safety and happiness of the people."<sup>36</sup>

In the June 28 fireside chat, Roosevelt notes that his proposals will be denounced from different quarters. "A few timid people, who fear progress, will try to give you new and strange names for what we are doing. Sometimes they will call it 'Fascism,' sometimes 'Communism,' sometimes 'Regimentation,' sometimes 'Socialism.'" (p. 11) But this distorts "a fulfillment of old and tested American ideals." (pp. 11- 12) As an analogy, he discusses modernizing the White House office building to add such things as modern wiring and plumbing, while keeping the existing structure intact "The simplicity and the strength of the structure remain," in spite of necessary reorganization and rebuilding. ( p. 12)

#### **IV Assessment**

If we take Communism, Socialism, or Fascism as the basis for comparison, Roosevelt's ideas should undoubtedly be viewed as in keeping with American traditions. To some extent, as Roosevelt also notes, his policies are traditional in regard to how they are enacted. They are in keeping with American ideals of "orderly popular government" (June 28 fireside chat, p. 16) , "the American practice of Government -- a practice of taking action step by step, of regulating only to meet concrete

---

<sup>36</sup> It's interesting to note that freedom from want, one of the four freedoms, with which there were theoretical difficulties--as seen below--was familiarly presented to the public in all-American terms, in the iconic illustration of Norman Rockwell. By using a traditional American Thanksgiving feast to illustrate this freedom, Rockwell contributed to the blurring of boundaries between different kinds of rights that Roosevelt fostered. Cf. Milkis, "Franklin D. Roosevelt," pp. 51-2.

needs--a practice of courageous recognition of change." (p. 19) In this fireside chat, he notes the "broader definition of liberty" underlying his policies. But on the whole, Roosevelt slides over the extent to which introduction of economic rights guaranteed by government departs from traditional American ideals and the framework of traditional liberal political theory.

It is in this area that I believe his ideas become incoherent. As we saw in the first section, Green's "new" liberalism provides consistent--if problematic--justification for welfare state programs. The speeches we have seen demonstrate that, at times, Roosevelt was apparently attracted to such ideas. This is clear in new obligations of government he presents and the new conception of liberty that he invokes. In various speeches, he appears to reconsider fundamental political ideas. This is seen as early as his 1912 Troy speech, and that he began his speech to the New York State Legislature on August 28, 1931 with the question, "What is the state?" His exploration of "universal principles" in his address to the Commonwealth Club is along similar lines. But Roosevelt's rethinking of liberal theory did not proceed far enough. Although he appears to recognize that his new ideas represent a change, for the most part he attempts to combine them with existing ideas, resulting in an untidy overall package. Rather than exploring their departure from existing liberal theory, Roosevelt repeatedly claims that his new ideas are in keeping with existing theory.

As a political actor Roosevelt was much given to compromise, to working things out between competing views. His usual procedure was to have advocates of conflicting positions sit down in a room until they had worked out their differences.<sup>37</sup> Perhaps he also brought an instinct for compromise to the arena of competing political concepts. Given the range of pressing problems that he had to address, it is not surprising that Roosevelt did not engage in extended, abstract reflection, or at least did not do so in his addresses, even if he had had the temperament and abilities to do so. For one

---

<sup>37</sup> Schlesinger, *Coming of the New Deal*, **REFF**.

thing, such reflection would likely not have served a useful political purpose. On the level of policy, avoidance of overall theory construction was not itself a problem--and in regard to Social Security, may in fact have been an advantage.<sup>38</sup> Although the lack of clear theory may have been a factor in Roosevelt's abrupt policy shifts throughout the New Deal, these were due far more to political exigencies, combined with his activist temperament and predilection for experimentation. However, while desirable policy outcomes may often result from splitting differences between and combining programs, combining ideas is often a recipe for theoretical incoherence.

I believe this is true of the arguments we have examined. A central incoherence is clear. As Roosevelt apparently recognizes in his invocation of a new conception of liberty, his new economic rights entail limiting existing rights, as traditionally understood. As with the cases Green addresses, many New Deal programs entailed limitations of freedom of contract and traditional property rights. Although the Supreme Court eventually allowed central programs to stand, objections along these lines were still possible--and still made in dissents. For instance, strong espousal of traditional views characterized Supreme Court judgments during this period, at first in majority decisions and then in dissents. An example of such arguments is the dissent of George Sutherland in a case in which the Court allowed a program modifying home mortgages in Minnesota to stand, by a 5-4 vote. Sutherland justified his position through review of an entire history of Court decisions upholding the sanctity of contract, which he contended that the present decision contravened.<sup>39</sup> On the level of policy, the Court's eventual reversal of course was widely applauded. But, once again, Roosevelt did not provide

---

<sup>38</sup> M. Derthick, *Policymaking for Social Security* (Washington, D.C: Brookings Institution, 1979), p. 8. Derthick ascribes qualities of "ambiguity, inconsistency, obscurity, and paradox" as going "far toward explaining the overwhelming, seemingly unqualified acceptance of social security." (p. 8)

<sup>39</sup> *Home Building & Loan Association v. Blaisdell*, 290 U.S. 398 (1934).

thorough consideration of underlying principles. Although he appeared to recognize the need to balance new economic rights against traditional rights, he did not address this question head on. In spite of occasional nods to this problem, his usual practice was to incorporate the new rights into his existing framework, and so to present a package that contained both kinds.

In certain respects, Social Security did not require new justification. Instead of a straight welfare program, with pensions paid out of tax revenues, Roosevelt had the program structured as an insurance scheme. Individuals contributed in accordance with their earning and eventually received payments that reflected their contributions. Roosevelt himself was the moving force behind the program's being structured in this way.<sup>40</sup> Although at the time Social Security was passed, public sentiment strongly favored a straight pension scheme over contributory social insurance, Roosevelt strongly opposed the former. He believed a pension scheme would be fiscally irresponsible, providing irresistible temptations for Congress to raise benefits.<sup>41</sup> He was also opposed to welfare itself. He likened "continued dependence on relief" to "a narcotic, a subtle destroyer of the human spirit."<sup>42</sup> There were also strong political reasons for an insurance scheme. According to Roosevelt:

[T]hose taxes were never a problem of economics. They are politics all the way through. We put those payroll contributions there so as to give the contributors a legal, moral, and political right to collect their pensions and their unemployment benefits. With those taxes in there, no damn political can ever scrap my social security program.<sup>43</sup>

---

<sup>40</sup> Derthick, *Policymaking*, p. 229

<sup>41</sup> E. D. Berkowitz, *America's Welfare State* (Baltimore: Johns Hopkins University Press, 1991), Chap. 2.

<sup>42</sup> State of the Union Address, January 4, 1935.

<sup>43</sup> Quoted by Schlesinger, *Coming of the New Deal*, pp. 308-09.

In regard to our concerns, in spite of difficulties in the immediate political environment, it is notable that an insurance scheme was readily justifiable. For the most part, an arrangement through which people got out what they put in could be defended on the basis of traditional property rights. However, Social Security was never a straight insurance scheme. During a transition period, before a reserve fund could be created, pensions were paid out of general revenues, while what recipients receive has never been precisely calibrated to their payments.<sup>44</sup> But in spite of these elements of his program, Roosevelt firmly rejected pensions not connected to prior work experience. Accordingly, in spite of his long history of flirting with "new liberal" political ideas, Roosevelt's most important domestic achievement was squarely located in the tradition of American individualism.

The major incoherence in Roosevelt's overall position follows from his inconsistent appeal to new liberal ideas. This is seen most clearly in his combining negative and positive rights, without adequate recognition of the differences between them. Although a bare "positive - negative" classification of rights is overly simple, the basic distinction is clear, and should be adequate for our purposes. Most complexities may be set aside.<sup>45</sup> Negative rights, closely related to traditional liberal, negative freedom, are generally rights *against* interference by other people. This is seen in basic conceptualizations of the rights enshrined in the Bill of Rights: rights to freedom of speech, to worship as one pleases, to freedom of the press, against arbitrary search and seizure. In all these cases, the

---

<sup>44</sup> Derthick, *Policymaking*, pp. 5-6, Chap. 10.

<sup>45</sup> For W. Hohfeld's classification of rights, see *Fundamental Legal Conceptions*, W. Cook, ed. (New Haven: Yale University Press. 1919). For H. Shue's well-known attempt to collapse the distinction, see *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, 2nd ed. (Princeton: Princeton University Press, 1996). Shue fails to distinguish between actions required by the exercise of a right itself and those required to enforce it.

individual is guaranteed protection against government and other people. These rights may be conceptualized in territorial terms; there is an area of space around the individual into which government and other people are allowed to enter only with his or her permission. In traditional liberal theory, property rights are conceptualized in similar terms. My property is conceived as exclusive possessions; other people are required not to interfere with it. The "freedom of contract" that was the bane of much early reform legislation is of course conceptualized in similar terms.

Positive rights entail more. They do not require that other individuals leave one alone, but that they provide one with various benefits. My right to a comfortable income entails that someone provide me with that income; my right to medical care entails that someone provide me with that. One problem with such rights is that the identity of the provider may not be clear. But in many cases involving the welfare state, the provider is the government, or, understood differently, one's fellow citizens collectively.

As is apparent in Green's discussion, these different kinds of rights may conflict. If I am taxed to provide for your comfortable living, my property rights are invaded. If I am only allowed to hire you in accordance with terms laid down by the government, your freedom of contract has been violated. I do not wish to argue that positive and negative rights are necessarily incompatible. But reconciling them requires sustained philosophical discussion. As we have seen, the two kinds of rights generally proceed from conflicting overall intellectual structures. While negative rights are established features of traditional Lockean theory, positive rights depart from this. There is at the present time no generally accepted, canonical defense of positive rights. My appeal to Green's theory is largely for purposes of illustration. But as we see from the above discussion, in order to reconcile positive and negative rights, Green is forced to work out sharply different conceptions of the individual, liberty, and the community, as well as of individual and property rights.

The clash between the two kinds of rights is clear in Roosevelt's four freedoms. Once again, these are freedom of speech, freedom to worship, freedom from want, and freedom from fear. The first two are standard negative liberties, requiring only that other people not interfere in the designated areas. Freedom from fear is a broad idea, which can be construed in different ways. I will therefore set it aside. What is necessary to note is that freedom from want is a positive right, requiring contributions from other people, if need be. Once again, if the traditional panoply of negative rights is construed as including property rights, there is a clear clash. To overcome this conflict, it must be addressed. Roosevelt's favored strategy was to incorporate positive rights into the existing framework. But as the efforts of Green demonstrate a coherent theory requires a great deal more. This is of course not to say that Green's theory is entirely satisfactory. But unlike Roosevelt's, it is generally coherent.

While Green does not adequately protect traditional negative rights, contemporary political theorists generally take a different approach--or a family of related approaches. Rawls characterizes a liberal theory as containing three main features: (a) "a list of certain basic rights, liberties, and opportunities"; (b) "assignment of special priority" to these rights, especially against claims concerning the general good and perfectionist values; (c) "measures ensuring for all citizens adequate all-purpose means to make effective use of their freedoms."<sup>46</sup> What mainly distinguishes such contemporary welfare-state liberalism from the traditional Lockean form is the inclusion of (c), while as we have of course noted, this is inherently at odds with traditional property rights. Although there are many significant differences between, the theories of Rawls and other contemporary liberal theorists, these theories constitute a recognizable family of constructions that are basically similar. To justify their positions, contemporary liberal theorists generally posit developed conceptions of the individual and

---

<sup>46</sup> Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples, with The Idea of Public Reason Revisited* (Cambridge, MA: Harvard University Press, 1999), p. 141.

claim that individuals are able to achieve their full development, or, in Rawls's case in *Theory of Justice*, able to pursue a successful plan of life, only by taking advantages of benefits and opportunities provided by one's community. These theorists adjust their conceptions of rights and property accordingly, to reflect the contributions of community, thereby weakening the pull of traditional property rights and a notion such as freedom of contract. For Rawls, the most defensible principles of justice provide an overall scheme of liberty that maximizes liberty for all members of the community. This is similar to Green, though Rawls and other theorists protect individuals from incursions of the common good by arguing for much stronger conceptions of personal and other rights. This is seen especially clearly in Rawls's priority of liberty. An essential component of all these theories is great emphasis on equality. Ever since *Theory of Justice*, welfare state liberalism has been dominated by commitment to the value of equality. Rawls famously argues that arbitrary inequalities are the epitome of injustice, and since publication of this work, most major theorists have proceeded along similar lines.<sup>47</sup> More common than the phrase "welfare-state liberalism" is "egalitarian liberalism," to designate examination of recent redistributive states.

Once again, there are important difficulties in all these theories. Theorists strongly defend conflicting interpretations of central ideas, for example, exactly what the aim of equality is, and exactly what should be equalized in order to achieve it. But in spite of their difficulties, many of these theories are far more coherent than New Deal liberalism. It would obviously be unfair to Roosevelt to demand that he meet contemporary standards of theoretical adequacy. However, this does not mean that we should not note the deficiencies of his position.

---

<sup>47</sup> For an idea of how dominant the approach has been, see W. Kymlicka's masterful survey of contemporary political philosophy, in his work of that name, *Contemporary Political Philosophy: An Introduction*, 2nd ed. (Oxford: Oxford University Press, 2002).

To conclude this paper, I will make two brief points. One could argue that Roosevelt had no choice but to pursue the strategy he chose, because of the peculiarly individualistic character of American political culture. But, second, I believe such reasoning is overly deterministic.

There is little doubt about the nature of American political culture.<sup>48</sup> The US's individualistic orientation is supported by poll data, which are similar in widely different time periods. For instance, in a seven country comparison conducted during the mid-1980's, Tom Smith notes that, among these industrial democracies, the U.S. was tied with Australia for lowest percent of GDP devoted to welfare spending (at 17%, in the mid-1980's), and lowest in public support for welfare programs. In this survey, 21% of Americans (N = 1,564) either agreed or strongly agreed that "the government should provide a decent standard living for the unemployed." Next lowest was Australia, with 35%. In comparison, 68% of Italians agreed or strongly agreed, 64% of British respondents, and 63% of West Germans.<sup>49</sup> Over five items used to assess support for welfare, the average level of Americans support was lowest, at 38%. Australia was at 42%; the other five countries at 60% or above.<sup>50</sup> Because of their less developed social welfare systems, Smith characterizes the United States and Australia as "capitalist democracies," rather than "social democracies" (as are Britain, Italy, the Netherlands, West Germany).

In light of their limited support for welfare programs, it is not surprising that Americans are generally opposed to more far reaching redistributive programs. Consider surveys conducted many years earlier. In 1937, during the Great Depression, Americans were asked if "the federal government

---

<sup>48</sup> This and the following paragraphs draw on G. Klosko, *Democratic Procedures and Liberal Consensus* (Oxford: Oxford University Press, 2000), Chap. 6.

<sup>49</sup> T. Smith, "Inequality and Welfare," In *British Social Attitudes: Special International Report*. R. Jowell, S. Witherspoon, and L. Brook, eds. (Gower: Aldershot, 1989), p. 71.

<sup>50</sup> *Ibid.*, p. 62.

should follow a policy of taking money from those have much and giving money to those who have little." 30% agreed.<sup>51</sup> In December 1939, they were asked if "there should be a law limiting the amount of money an individual is allowed to earn in a year." 24% said yes.<sup>52</sup> By all indications, attitudes along these lines are deeply embedded in American culture. Consider the opening of a book on American political culture: "Few observers of American political culture have failed to comment on the individualistic character of the American people. Most truisms are not without validity, and this one is no exception."<sup>53</sup> In a well-known paper, Anthony King argues that political ideas in the U.S. are not only far more individualistic than in other Western democracies, but that these differences are both necessary and sufficient to explain differences in roles government plays in these countries, including differences in social welfare policies.<sup>54</sup>

The second point is more speculative. I believe it is likely that Roosevelt's reluctance to provide a more coherent theoretical justification for Social Security and other programs was a factor contributing to the ongoing individualism of American political culture. As indicated above, for Roosevelt, not publicly expounding a new liberal political theory may have had immediate political advantages. Dwelling on the extent to which social welfare programs contravened traditional American values undoubtedly would have made it more difficult for the programs to garner widespread public support and to make it through Congress. Perhaps we detect here a paradox related to the familiar

---

<sup>51</sup> J. Hochschild, *What's Fair: American Beliefs about Distributive Justice* (Cambridge, Mass.: Harvard University Press, 1981), p. 18.

<sup>52</sup> Loc. cit.

<sup>53</sup> R. Ellis, *American Political Cultures* (New York: Oxford University Press, 1993), p. 3.

<sup>54</sup> A. King, "Ideas, Institutions and the Policies of Governments: Comparative Analysis: Parts I and II, "" Part III," *British Journal of Political Science*, 3 (1973).

conflict between campaigning and governing. As good electoral politics may impede responsible government--or responsible political positions may make one unelectable--it is possible that clear articulation of departures from traditional values would provide political opponents with powerful weapons. If this is true, it is understandable why Roosevelt shied away from excessive focus on these particular implications of his programs.

However, whatever the immediate advantages of this strategy--if this was in fact Roosevelt's reasoning--it had long-term political costs. Although Social Security was implemented instead of a straight pension program, this did not end the need for welfare programs in the United States. While it was successfully enacted, to the extent that Roosevelt did not provide adequate justification for it, he did not prepare the ground for additional programs, when later political actors attempted to establish them. He thereby contributed to the distinctive "two tier" nature of the American welfare state: generous, universal benefit-systems for the elderly, but grudging, means-tested handouts for the poor.<sup>55</sup> While I wish to avoid irresolvable questions of social causation, including reason why welfare states have developed differently in different countries, I think it is reasonable to posit adequate theoretical justification of given programs as *a* factor. The nature and structure of programs themselves are obviously important factors influencing the course of subsequent development. But not only do the ideas that justify programs play a role in their establishment, but they too influence subsequent developments. While I will not hazard a claim about the importance of theoretical justification in comparison to other factors, I believe a reasonably coherent theoretical defense of a given program is a necessary condition for its long term sustainability. Opponents of a given program will likely seize upon shortcomings in its justification, and it must be possible to answer them. While social security itself has thrived, this has largely depended on the fiction of an insurance scheme. However, other

---

<sup>55</sup> L. Gordon, *Pitied but Not Entitled* (New York: Free Press, 1994).

components of the Social Security Act have done less well. What we generally refer to as "welfare" itself--aid to mothers with dependent children--suffered continuous attack from conservatives, and was drastically reformed by President Clinton in the 1990's. Once again, different explanations for the fates of these programs are possible. Any adequate account should surely include the nature of social security benefits as opposed to welfare's focus on the poor. But an additional problem with aid to mothers with dependent children is failure to provide strong arguments for its benefits as more than charity. To quote Theda Skocpol: "policies that lack clear political and cultural legitimation as expressions of social compassion and collective solidarity are difficult to either defend or extend against individualist, market-oriented, and anti-statist attacks."<sup>56</sup> Successful programs must be supported by persuasive arguments. But this was not the case with Roosevelt's defense of different components of the Social Security Act.

The shortcomings of Roosevelt's justification for his central domestic program have resounded in subsequent history, as it has proved increasingly difficult to justify additional social welfare programs in similar fashion, as extensions of traditional rights. I do not contend that Roosevelt should have articulated an entire new philosophical system. In spite of the theoretical proclivities we have observed, he was of course a political actor rather than a political philosopher. But I believe he could have and should have done *more* to explain the theoretical departures portions of his programs represented. Especially in view of his strong political position in 1935, including lopsided majorities in both houses of Congress, there was likely room for him to do more for excluded groups, in terms of both policy and theoretical defense. To the extent Roosevelt was able to develop public awareness of

---

<sup>56</sup>T. Skocpol, "The Limits of the New Deal System and Roots of contemporary Welfare Dilemmas," in *The Politics of Social Policy in the United States*, M. Weir, A. Orloff, and T. Skocpol, eds. (Princeton: Princeton University Press, 1988), p. 309.

new, more sophisticated understanding of liberty, community, and other related ideas, this would have made it easier for subsequent political figures to build on his achievements. Public political culture is complex; changing it is undoubtedly a long and slow process. But as Roosevelt noted, the Presidency is "preeminently a place of moral leadership."<sup>57</sup> He is quoted as saying that he wanted to be "a preaching President."<sup>58</sup> In his strong political position, he was ideally placed to push public awareness farther, perhaps significantly farther.

To my mind, insufficient justification of welfare state policies is one factor behind subsequent development of the American welfare state. I believe this shows up in our "two tier" system, and the fact that programs to benefit the poor in the US lag far behind those in other industrial democracies. The culmination of this entire history may be detected in current debates about health care reform. The US is of course the only industrial democracy without some system of universal insurance, while the difficulties that proponents of universal coverage are currently having in justifying their positions reflect undeveloped understanding on the part of many--most?--Americans. This is a large subject, which cannot be pursued in this paper. But to the extent that Roosevelt was able to articulate a stronger, more coherent defense of welfare state policies, he may have been able to push American political culture further along in the direction of accepting subsequent related policies as logical developments of revised liberal ideas, and in the direction of more widespread acceptance of the programs themselves.

---

<sup>57</sup> *New York Times*, Nov. 13, 1932.

<sup>58</sup> W. E. Leuchtenberg, *Franklin D. Roosevelt and the New Deal* (New York: Harper and Row, 1963), p. 346.