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The justice contract

RIVAL CONCEPTIONS of social justice and the role of government bedevil the current debate about welfare reform and the meaning of 'mutual obligation'. Various groups define social justice according to their ideological preferences.

Enthusiasts for the free market believe that the market will, with minimal regulation, tend to produce the best social outcomes. Their critics argue that the free market needs to be regulated more closely to

ensure social outcomes are just, and that society is not polarised between rich and poor. They appeal to the principle of social justice to ensure all citizens have the opportunity of a decent livelihood.

For their part, neo-liberal proponents of the free market at times reject any notion of social justice. In a 1998 publication, the then Director of the Menzies Research Centre, Marlene Goldsmith, dismissed social justice as 'propaganda'.

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Such neo-liberals tend to shrink the classical concepts of social justice and distributive justice—whereby government allocates the benefits and burdens of citizenship—down to contractual justice. In other words, they tend to accept as just only what people freely agree to do, as if by contract. Anything more is fundamentally charity in their eyes. Hence the trend to small government, and the attempt to shift welfare provision further from government and on to business and private charity.

The concept of social justice, however, is one of the most fundamental in European political thought, and needs to be reclaimed as a guiding principle in social policy. The term 'social justice' only came into common use late last century. Pope Pius XI adopted it in the 1920s as a more contemporary term for what Thomas Aquinas in the 13th century had referred to as 'legal' or 'general justice'.

Following Aquinas, Pius understood social justice as providing a norm against which to evaluate government policies to ensure that they enhanced the common good, providing the conditions necessary for the human flourishing even of the poor. Far from being a propaganda tool, social justice stands as one of the most important concepts in evaluating social policies.

In a strong challenge to neo-liberalism within his own party, the Liberal member for Kooyong in Victoria, Mr Petro Georgiou, recently called for a recovery of the Liberal tradition of social justice. Speaking at the 1999 Menzies Lecture last November, Georgiou reminded his audience that the founder of the Liberal Party, R. G. Menzies, had emphasised social justice and the need for a better distribution of wealth.

Georgiou continued: 'Over the past 30 years, however, the notion of social justice has come under intense and systematic attack.' Increasingly prevalent, he said, are views that social justice 'is a disguise for a discredited socialism', that it 'unduly interferes with the freedom of the marketplace', or 'leads to an unacceptable welfare system'.

THese disputes about social justice underlie the current debate about 'mutual obligation' and the duties of unemployed people receiving income support.

If one assumes that relationships between individuals and the state are mainly contractual, then mutual obligation will be seen as an exchange in which benefit recipients are bound as if by contract to make payment through their labour.

However, this conveniently minimises the obligations of the state and society, which should be seen not primarily in terms of contractual or market-exchange justice, but in terms of social and distributive justice.

According to the church's notion of social justice, the state and society are required to organise

socio-economic conditions so that all their people can live a decent life. Hence they are obliged to promote full employment. If this is not possible, then the state is bound, according to the level of economic development, to help supply the means of livelihood to needy people.

In Australia, unemployment benefits are set at a punitive level. They were not designed to support people for long periods and are much below comparable benefits in most other OECD countries. The original assumption in Australia was that this low level of benefits would support people until they could take advantage of the then abundant work opportunities.

However, today there is simply no suitable work for many unemployed people. In this regard, the state and society have failed in their obligations to them.

Melbourne Catholic Social Services recently conducted research into the adequacy of income support for various recipients. Without exception, these people experienced acute difficulty on their meagre benefit, and overwhelmingly were desperate to find work. Many had suffered extreme disadvantage from child abuse or abandonment, illiteracy, homelessness or ill health. If anyone thinks that making a single adult survive on unemployment benefits of \$163.35 a week is anything but draconian, he or she should try it.

To give the impression that the primary failure to find employment lies with the unemployed would be in most cases to blame the victims and to inflict a cruel new injustice on them.

Nevertheless, recipients of income support can still contribute within their means to the common good, most especially, however, by promoting their own well-being so they can play their full role in work and society. Improved services could help people assume greater control over their lives, through, for example, retraining, financial or personal counselling, literacy training and parenting training. This is where more money is needed, and programs to implement these goals should be restored or expanded.

It would be especially counter-productive to force people into work-for-the-dole programs at the expense of caring for children or other dependants during vulnerable years.

Mutual obligation should not be used to press these recipients into compulsory labour. The aim should not be to punish or publicly humiliate those on income support, but to help restore their dignity and expand their capacity as responsible persons.

Imposing unreasonable and burdensome obligations can indeed result not only in added damage to individuals and families but, paradoxically, in greater long-term costs and deepening welfare dependency. ■

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