

The Welfare State: Three Normative Tensions

NANNA KILDAL

STEIN ROKKAN CENTRE FOR SOCIAL STUDIES

BERGEN UNIVERSITY RESEARCH FOUNDATION

MAY 2003

Working Paper 9 - 2003

Content

PREFACE	3
SUMMARY	4
SAMMENDRAG.....	5
Introduction.....	7
Social rights versus personal responsibilities.....	8
Paternalism versus autonomy	11
Individual rights versus family responsibilities	14
A closing remark.....	16
REFERENCES.....	17

Preface

This paper was presented at a workshop in Pretoria, South Africa in February 2003, as a contribution to the research project "*Developing a normative framework for effective and efficient social security provisioning: an institutional perspective*", financed by The Research Council of Norway and The National Research Foundation, South Africa. The project (2002–2005) is a cooperative project between the Rokkan Centre and The Centre for International Law and Comparative Labour and Social Security Law, Rand Afrikaans University, Johannesburg. The author wishes to thank the participants of the workshop for valuable comments.

Summary

This working paper is based on the ideas that “social justice is the first virtue of social institutions” and that democratic governing principles should be “transparent”, that is, known and available for public consideration and examination. As welfare institutions express various, partly inconsistent values and principles, three normative tensions are discussed that are salient in today’s welfare discourses: (1) the tension between social rights and personal responsibilities (2) the tension between autonomy and paternalism, (3) the tension between individual rights and family responsibilities. The significance of identifying and discussing such normative tensions is elucidated by analyses that indicate some consequences of the different normative arguments in terms of welfare and justice.

Sammendrag

Notatet tar utgangspunkt i idéene om at “sosial rettferdighet er sosiale institusjoners første dyd” (Rawls) og at demokratiske styringsprinsipper bør være “gjennomsiktige”, dvs tilgjengelige for “alle” for offentlig analyse og diskusjon. Etter som velferdsstatens institusjonene uttrykker sammensatte og til dels motstridende verdier og prinsipper, drøftes tre normative spenninger som er fremtredende i dagens velferds-diskurser: (1) spenningen mellom sosiale rettigheter og personlig ansvar (2) spenningen mellom autonomi og paternalisme, (3) spenningen mellom individuelle rettigheter og familiens ansvar for borgernes velferd. Betydningen av å identifisere slike normative spenningsfelt blir belyst ved drøftinger av de konsekvensene de ulike prinsippene kan få for fordelingen av velferd.

Introduction

The first virtue of social institutions is justice, says Rawls (1971: 3). This implies the fair distribution of benefits and burdens, rights and duties, and a treatment of everyone with equal respect. No matter how efficient and well-arranged laws and institutions are, they must be reformed or abolished if they are unjust. Ideally speaking, society should be a transparent social order where the governing principles are known and available for public consideration and examination, defence or rejection. “People should know and understand the reasons for the basic distribution of wealth, power, authority and freedom” (Waldron 1993: 61). In other words, a legitimate social order is one that is “capable of explaining itself at the tribunal of each person’s understanding” (*ibid.*).

The aim of this South-African/Norwegian project is in line with these ideas. The ambition is to develop a normative framework for the “proper functioning” of social security institutions in South Africa. Thus, the expression “proper functioning” refers not only to the *efficiency* of social security provisions, but also to the *moral basis* of the system, to the norms and values expressed in and promoted by particular welfare institutions and programmes. The focus of the project is on standard setting and the development of relevant, justifiable norms that can obtain legitimacy amongst the persons affected, “the stakeholder community and the population at large”.¹ What standards should be chosen and on what grounds? May seemingly successful institutional arrangements in other countries, like the Scandinavian, be applicable in the South African (and SADEC) context? Apart from economic resources, how important are differences in social and political cultures for principles of redistribution and the distribution of rights and duties?

Generally speaking, *empirical* and *normative* studies are far apart in welfare research. Nevertheless, a combination of the two may seem an optimal research strategy, since this approach makes it possible to raise the following three critical questions: What *should* the state do? And, what in fact *can* it do – does the state have the capacity to do what is required to remedy injustices, according to how these are defined? (cf. Rothstein 1998: 8–9). If not, is it possible *to build state capacity*? In other words, the “proper functioning” of social institutions cannot be achieved by means of pragmatic and normative arguments alone – the state’s ability is also fundamental. Prescriptions must be feasible; “ought implies can”.

Public justification and legitimacy are vital to the stability of democratic social institutions. In modern societies political decisions and arrangements can no longer be justified exclusively with reference to tradition and common ethical views; citizens in a multicultural world cannot be comfortable with the fact that policies *conform to* certain culturally specific ideas and conceptions. Accordingly, policies and principles should be impartially justified, which make it necessary to reflect on several obvious “truths” about our own cultures; about the family, the local community, the state, religion, and

¹ Cf. the description of the project *Developing a Normative Framework for Effective and Efficient Social Security Provisioning: An Institutional Perspective*. The Research Council of Norway and the National Research Foundation, South Africa.

so forth. The answers may well correspond to traditional thoughts. What matters is that questions are raised, that answers are argued for and that they are acceptable to those affected.

In modern societies, welfare is dependent on a varied mix of inputs from three primary pillars: the public institutions, the labour market and the family/civil society. Yet, even if roads to welfare are multiple, the sole institution with the power to ease social injustices is *the state*. And an ambitious welfare state should be concerned with the *fair* distribution of opportunities. More or less, it guarantees a minimum standard of income, health and education in a way that releases the individual from “brute luck” differences in personal characteristics (background, natural talents etc.).

Having presented the welfare state as an institution aimed at social justice, it has to be emphasised that welfare policies express a mixture of reasons for welfare; some pragmatic, others moral (concerning “justice”) or ethical (concerning “the good life”). Thus, by digging into the normative basis of the welfare state, tensions and dilemmas are revealed that may explain some feelings of discontent with the welfare state. On the other hand, once tensions and dilemmas have been exposed and reflected on, they may explicitly be taken into consideration when restructuring or designing welfare institutions. In this paper I will discuss three normative tensions that currently are salient in western welfare discourses, though the illustrations are mainly drawn from the Scandinavian welfare states:

- 1) the tension between social rights and personal responsibilities
- 2) the tension between autonomy and paternalism
- 3) the tension between individual rights and family responsibilities.

Social rights versus personal responsibilities

Welfare states do not follow a unified logic. In response to broadly similar challenges, public arrangements differ according to national institutional paths (Leibfried and Obinger 2001). Nevertheless, among the diversity of welfare state systems, more or less distinctive patterns of institutional design have emerged that express some common ideals and values. This applies especially to the Scandinavian welfare states. Whether described as an “institutional redistributive model” (Titmuss 1958) or a “social democratic welfare-state regime” (Esping-Andersen 1990), one of the most distinctive traits of Scandinavian welfare policies is that public benefits are instituted as *social rights* to high-level benefits. In principle, the schemes are *universal*, covering all residents regardless of achievements or financial means.

Yet this universality is restricted in all known welfare policies; the benefits are generally categorical, related to politically defined needs arising in different phases of life like old age, sickness, unemployment etc. Furthermore, the benefits are far from independent of the citizens’ work-related conduct. Even if the social security systems

have a broad coverage, nearly all of them include earnings-related supplementary pension schemes and some of them cater exclusively for employees. Thus, the work requirement is an important admission ticket to the security system and the *duty to work* is an essential component of the normative structure of Scandinavian welfare states.

The importance of this duty is particularly evident in the treatment of poor people who may be suspected of evading their work duties and of free-riding by living off the labour of others. Even if the Scandinavian welfare states have gradually defined more risks as responsibilities of the state and thus expanded the legitimate needs for protection, they do not cover them all. Needy citizens, who neither receive income from wealth or work, nor have needs that fit into the categorical income-security system, are rescued by residual safety nets, highly discretionary Social Assistance Acts.

This reluctance to include the very poor – but not the very rich – in the comprehensive social security systems indicates that these systems are designed first and foremost to secure the social rights of working people, of those who demonstrate a *will* to work, and that have *acceptable reasons* when not working (Terum 1996). Accordingly, this “two-tier” welfare system, whereby the great majority of clients are served through universal programmes, while a very small minority is subject to stigmatising, means-tested programs, exhibits a basic normative tension of the Scandinavian welfare states, between the goals of *securing basic goods* for all residents and of enforcing the *duty to work*. This tension seems to rise to the surface particularly in economically challenging times. For instance, an important normative issue for the EU, the OECD, the World Bank and most Western welfare states today is to reach a balance between citizen’s *rights* and *duties*, or more specifically: to strengthen the duty to work. This idea of a “new welfare contract” between the citizen and the state obliges clients to perform work as a repayment to the community for received social benefits. For this work they receive neither ordinary wages nor protection from usual labour rights. By strengthening the duty to work in this way at the expense of the citizen’s social rights, workfare-similar policies are evading the critical question for every just welfare state: whether worklessness or unemployment is caused by *lack of will* or *lack of options*.

A diagnosis of the Western welfare states presented in a frequently cited OECD report from 1981 has deeply influenced recent Western welfare discourses and the welfare reforms made during the 1990s. This report states that the emphasis on passive entitlements has produced serious problems for the welfare state. *Rights* without *duties* lead to counterproductive effects such as passivity, dependency and social marginalization, but first and foremost, they produce *disincentives to work*. These effects undermine not only economic growth and wealth, but also the recipients’ own well-being. Rather than improving the prospect for a better life, the welfare state lessens the clients’ prospects.

The key concept in this diagnosis is “social rights”. “*No rights without responsibilities*” is the famous slogan, indicating that citizens’ responsibilities have vanished, and that rights and responsibilities are correlated. However, conceptually, there is no correlation between a person’s rights and the same person’s duties. On the contrary, rights correlate with duties in the sense that rights are the grounds for *other people’s* duties. By definition, to have a right means to have a claim on a certain treatment from others. The widely accepted assertion, that a person’s rights are conditional on the person’s fulfilment of

special duties, like the duty to work, is accordingly not a logical, but a *moral* one that has to be argued for. Yet, the reason why a logical correlation between individual rights and duties seems to be accepted without arguments could be that a society's legal rights often are conferred by general rules that apply to classes of persons. Characteristically, any of these persons are also members of the class of those on which the correlated duties are imposed (Feinberg 1973:62).

Obviously, welfare systems are heavy financial burdens, for the state, for industry and for the citizens. This applies in particular to universalistic systems of the Scandinavian type, where social rights to benefits and services, at least in principle, are independent of financial means and work-history. Consequently, a prerequisite for such welfare systems has been a political commitment to *full employment*. Among western welfare states, the Scandinavian countries enjoy the highest rates of employment, including the highest rates of female employment, and the most comprehensive active labour market programmes. In other words, an important element of the internal logic in these welfare states is the close relation between the institution of welfare and the institution of work; the Scandinavian countries stand out as both “strong welfare states” and “strong work societies”.

A “full employment society” requires well-functioning labour markets. However, this may not be the only condition. Today's critics of social rights stress, like the OECD in 1981, that the quality of a democratic welfare state not only depends on the justice of its basic structures, but also on the qualities and attitudes of its citizens (Kymlicka & Norman 1994). This statement may be supported by some empirical information. For instance, in 1954 a “right to work” was incorporated in the Norwegian constitution. It was discussed whether the citizen's *duty to work* also should be incorporated in the text. However, the parliamentary debates clearly demonstrated that the Norwegian politicians had no worries about the work ethics; the citizen's natural and positive relation to work was taken for granted (Eybenz & Smith 1958: 142).

Thus *the morality of work* has also been a precondition for the move towards the “full employment” society and the growth of comprehensive, generous welfare states, which leads to the conclusion that there certainly is a moral correlation between rights and duties, between social welfare and citizens' virtues. This morality of work is lucidly expressed in the Swedish phrase *the conscientious worker* (“den skötsamme arbetaren”): the respectable, decent, properly behaved worker. Two influential associations in the latter part of the 19th century, the labour and the temperance movements fostered this ideal, both strongly influenced by Protestantism (Ambjörnsson 1988; Bjørnson 2001). “The conscientious worker” was a proud, strong-willed person; he had strength of character and took responsibility for his own and others' acts. He was the man that had a justified right to protection when hit by bad luck.

In summary, I wish to stress that the tension between the *right to security* and the *duty to work* is inherent in all welfare states, although the most comprehensive ones, like the Scandinavian, presumably experience this tension most acutely. The only social security programme that can dissolve this normative dilemma is a universal Basic Income unconditionally granted to every resident within a certain area, without means testing or work requirement. However, the fact that this idea only exists as a “desk-idea” obviously

relates to the new normative and empirical challenges that this scheme rises, of which two are basic: Is it fair? Can we afford it?

Secondly, there are good reasons to suggest that all welfare state policies, universal ones in particular, presuppose some kind of *political* and *social culture* “with enlightened participants who are willing to conduct their lives in accordance with internalised constraints” (Skirbekk 1996: 32). Public policy obviously relies on responsible lifestyle decisions in many ways. The state will for instance be unable to provide adequate health care if citizens do not act responsibly with respect to their own health, in terms of eating and drinking habits, exercising etc. Furthermore, the state would not have the capacity to meet the needs of children, the sick and disabled people and the elderly, if citizens did not agree to share this responsibility by providing some care for their relatives. That is, without co-operation and trust between the authorities and citizens, the ability of welfare states to function properly disappears (Kymlicka & Norman 1994).

However, given that the quality of a democratic welfare state depends on the *norms and attitudes* of its citizens, and also that these have changed during the last decades, the current welfare-to-work reforms do not seem to be an adequate answer to the OECD-diagnosis. A main reason is that these reforms fail to realize that the world today is different from what it was when the welfare states were being formed and the protestant-based work ethic was an inextricable dimension of the socio-cultural foundation of Western societies. Yet, the possible fact that the religious basis of the work ethics has dissolved does not inevitably imply that the motivation for work has dwindled altogether – studies indicate that the motivation to work has become an aspect of today’s self-realisation ideology. Thus, even if the tension between *basic social security* and the *duty to work* seem to be inevitable in any democratic welfare state, the designing of welfare reforms needs to take the challenges of a changed world of work, opportunities, norms and motivations into account, and not only echo the policies from a world we have lost.

Paternalism versus autonomy

The principle of “autonomy” or “self-determination” is basic to constitutional democracy, and it is an important justifying principle for the welfare state. Hence, it is a paradox that the citizens’ autonomy seems to be restricted by some kind of *paternalism* inherent in the welfare state.

In any social interaction between human beings there is a potential for conflict between interests. Consequently, all forms of social relations require certain restrictions on individual freedom. A critical question for any democratic state is therefore: What restrictions on individual freedom can be justified as legitimate, and what cannot?

In his classic essay *On Liberty*, John Stuart Mill discusses the nature and limits of the power that society can legitimately exercise over the individual. He advocates “the harm principle”, which states that: “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is *to prevent harm to others. His own good*, either physical or moral, is not a sufficient warrant” (Mill 1859/1991: 14, my italics). “Harm to self” is today discussed under the heading of “paternalism”. In

current debates, though, a distinction is often made between “strong” and “weak” paternalism. The former refers to interventions in the lives of autonomous people *against their will*, whereas the latter refers to intervention in the lives of people who are not fully autonomous.

Mill’s “harm principle” – no one’s liberty may be constrained except to prevent harm to others – is acknowledged by virtually everyone, although frequently combined with additional requirements (see below). However, this principle is far from being a precise guide for the ideal legislator: The concept of “harm” is quite ambiguous, which makes the distinction between *harm to self* and *harm to others* indistinct as well. Since “no person is an entirely isolated being” (*ibid.*: 88), there are many subtle and indirect ways in which individual acts may affect others. For instance, is a helmet requirement for motorcyclists merely intended to protect the life and health of the cyclist, or is it also intended to protect others? Does drug abuse only harm the abuser? Although Mill anticipated this objection, he still maintained that the distinction was valid, arguing that some actions are obviously “other-regarding”, while others are chiefly “self-regarding”, leaving some cases in a twilight zone difficult to classify. “No person ought to be punished simply for being drunk”, he wrote, although a drunken soldier or policeman on duty should indeed be punished (*ibid.*: 90).² In other cases the “harm principle” merges nearly imperceptibly into the principle of “harm to self”, as discussions about a new and rather restrictive smoking legislation in Norway illustrate. The authorities argue on the basis of the principle of “harm to others” in ways that also implies restrictions on liberty based on “harm to self”, even though the latter is far more controversial.

However, this mingling of arguments illustrates the criticism that has been raised against the “harm principle”; it has been considered too restrictive regarding legitimate interference in people’s affairs. Feinberg lists 6 additional valid grounds for coercion that have been proposed, of which the liberty-limiting principles preventing “harm to self” and to “benefit the self” are perhaps the most salient ones that are said to justify restrictions on a person’s liberty (Feinberg 1973: 33). The principles of “harm to self” and “benefit the self” justify state coercion to protect individuals from self-inflicted harm, or to guide them, against or according to their own will, in the same way as parents guide their children.

The normative tension between autonomy and paternalism becomes particularly apparent in social assistance laws, which allow the enforcement of state actions against the will of the recipients based on judgements about their well-being (Nilssen and Lien 1999: 182). Thus, allocations of social assistance in general, but particularly coercive interventions in the lives of substance abusers, are characterised by a high degree of compulsion. Social workers are certainly concerned with human welfare. Yet the path toward promoting and maintaining this ambition is not always clear. Generally social workers encounter a wide variety of ethical dilemmas in their work with individuals and families that involve decisions to intervene in people’s lives that resist assistance. The question is then, under what circumstances is a social worker obliged to intervene; when

² In short, whenever there is a definite risk of damage, either to an individual or to the public, the case is taken out of the zone of liberty and placed in the province of morality or law (Mill *ibid.*).

is strong paternalism justified by the duty to help? For instance, should it be permissible for a client to choose to continue living with an abusive spouse? (Reamer 1990: 67, 78). The debate concerning the proper balance between a client's right to adopt self-destructive behaviour, and the social worker's obligation to prevent harm to self, represents a never-ending tension between the *value of self-determination* and the *justification of strong paternalism* in any democratic welfare state.

Paternalism essentially implies "a conflict between the right of clients to well-being and their right to freedom from interference or coercion" (Reamer 1990: 82). The normative issue at stake is how to provide care and help for the needy while maintaining respect for their freedom as fellow citizens? We may say that the design of welfare state institutions, benefits and services, generates a potential normative conflict between the *principle of care* and *the principle of autonomy*, as expressed in the "harm principle". Even if professional knowledge and insight is used as a justification for paternalism, the question remains whether the welfare state's doorkeepers are in a position to determine what is in another's best interest (Beauchamp 1991: 412).

On the other hand, while Mill's model of paternalistic government belongs to the realm of autonomous persons, the huge number of those taken care of by the welfare state are in fact *not fully* autonomous; they are drug-abusers, mentally ill, nearly brain-dead etc. This implies that, while paternalism in a "strong" sense – intervention in an autonomous person's life in order to prevent "harm to self" or to benefit the self – may be controversial, virtually everyone acknowledges that some kind of "weak paternalism" – intervention in the lives and affairs of people who are not in a position to make voluntary choices – is justified. It is fairly uncontroversial to justify interventions when little or no autonomy is present (Beauchamp 1991: 413; Skirbekk 1996: 40). Even Mill would consent to this. Still, the problem is how to draw the line between autonomous and non-autonomous choices, or to be more precise, where to fix the critical point on the slippery voluntariness scale.

Whereas the coercive interventions in autonomous lives made by social workers and other welfare state doorkeepers may be described as *professional paternalism*, a broader version of what has been labelled the "paternalism objection" to the welfare state, is described as *welfare-state paternalism*. The focus is the conflict of values inherent in the welfare state; the contradiction and normative tension between the ideas of *equality* and *freedom*. A good illustration is once more the Scandinavian welfare state, and especially the Swedish, which has been notably criticised for its inclination to "put people's lives in order", i.e. for its tendency to invade the sphere of family and private life with the purpose of creating a new, rational kind of citizen; "enlightened, well adjusted and socially committed" (Rothstein 1998: 172). Thus, welfare policy should not only correct inequalities in a fair way, but also show the way to a new society. Especially during the building of the welfare state, from the 1930s to the 60s, welfare reformers argued within the conceptual universe of social engineering; children should be brought up according to scientific methods applied by publicly appointed experts; housework was considered work for indolent and weak people etc. The issue at stake is *the price* that the benevolent aim of "putting lives in order" carries for the autonomy of citizens.

Hence, welfare regulations in general, which are employed to secure equality and equal power positions, severely *limit* the scope of autonomous individuals to pursue

their lives according to their own ideas. Statutory regulations on work and family life force employees or family members to make their behaviour conform to “normal” work patterns or standard patterns of socialisation. Since welfare state institutions are designed to meet standardised risk situations, they function as *normalising intrusions* in people’s lives. The assertion that regulatory law consolidates stereotypes of identity and ways of life is *inter alia* a principal point of feminist criticism of the welfare state, and one that will be touched upon in the treatment of the third group of normative dilemmas raised by family policies.

Even so, as a final point it is important to call attention to the fact that although strong paternalism, that is, *legal coercion*, is potentially challenging from a normative point of view, the *social coercion* exercised by civil society is no less problematic with regard to individual freedom. Moral pressure, social avoidance and humiliation; forms of coercion and punishment that is frequently used towards people who choose a divergent way of life, may far outdo welfare-state paternalism. While professionals and local administrators are granted considerable discretionary power to decide who should receive support from the welfare state, the force of un-professional moral pressures within families and civil society may be far more injurious to people’s freedom.

Individual rights versus family responsibilities

Regarding family policy, there are immense differences between welfare states. The Scandinavian welfare states, which have implemented comprehensive family policies, are characterised as “family-friendly”, which implies that their welfare policy programmes promote high labour force participation for both women and men in families with care responsibilities (Kuhnle, *et al.* 2003). One important goal is to lessen the burdens for families with children by increasing their options in the organisation of daily life. Compared to other Western welfare states, those of the Nordic countries offer the most extensive provisions for public welfare and care services for children and the elderly; they score high on the measure of social policies that support parents, and low on the measure of poverty among households with/without children and among lone parents, and they have the highest rates of fertility. While the countries with the lowest rates of female employment had the highest birth rates in the 1960s, countries with the highest rates of female employment have the highest birth rates today. Thus, “family-friendly” policies may also be described as “woman-friendly”; they consist of programmes that actively lessen the caring burdens of the family, which affect women in particular.

In contrast, “familialistic” policies support traditional family values; they ascribe minimum welfare obligations to the state and maximum to the household. Such policies insist that households must carry the principal responsibility for their own members’ welfare. Catholic social teaching and the principle of subsidiarity tend to influence familialistic policies; the principle of subsidiarity asserts that public interference in people’s lives should be limited to situations where primary social networks, i.e. families, fail. It is a paradoxical, though empirical, fact that familialism goes hand in hand with a very passive and un-developed family policy, as can be seen in the cases of Italy and

Spain. It may also seem paradoxical that familialistic policies appear counterproductive to family formation (Esping-Andersen 1999: 45, 51, 67).

Patterns of family life in the Scandinavian countries are closely related to the “family-friendly” policies that have been implemented. Thirty years ago, the majority of women did not have their own income to live on; economically they were dependant on men. Child-care services were limited and the expectation that parents would share the responsibilities of care was rather unrealistic. During the 60s, however, there was a movement away from the traditional family model based on a male breadwinner and a female homemaker. While one-fifth of the working-age women in Sweden identified themselves as “housewives” in the mid-1970s, less than two percent did so in 2000 (Wennemo 2001). And whereas some 45% of women aged 16–74 participated in the labour force at the beginning of the 70s, around 75 % of Scandinavian women are employed today. The proportion of household work performed by men has also increased significantly and the rights of fathers have been advanced. Thus, a double-earner model has replaced the traditional male breadwinner model. Thanks not least to the active family policy, the realities of family life have undergone fundamental changes over the past thirty years.

Not least *gender differences* are greatly affected by family policies, a fact which has raised criticism towards the ideas of gender equality expressed in Scandinavian family policies. Some critics maintain that these policies rest upon assumptions of women’s needs that are rather controversial (Borchorst & Siim 2003). It is questioned whether “women” have common interests and needs, and what these might be independent of their social, economic, ethnic and generational circumstances. What is “good” for women in general, and how should the state empower them? Habermas has raised this kind of criticism in his analysis of paternalistic welfare state policies. He claims that political support for female equality tends to benefit one category of women that is already privileged at the cost of other categories. Since gender-specific inequalities correlate in a complex and obscure manner with membership in other underprivileged groups (social class, age, ethnicity, sexual orientation etc.), the relevant legislation is based on “false” classifications (Habermas 1996: 416, 422–23).

There are some obviously normative tensions inherent in family policies that arise from the opposition between the *individual* and the *family or kinship group*. Rights are always attributed to individuals, which in the family context means they are attributed to either mothers or fathers, women or men, with the aim of minimising their reliance on families and maximising their options and command over economic resources independently of familial or marital reciprocities (Esping-Andersen 1999: 45). Accordingly, these individual “family-friendly” rights may lead to a normative tension between the woman’s independent status, and her family. The effects of an active family and gender-friendly policy may thus be conducive to the destruction of traditional family life. Divorce rates in Scandinavia might be taken as a confirmation of this effect. This may be the price that has to be paid for policies that seek to unburden the household and diminish the individual’s welfare dependence on family and kinship groups. On the other hand, a familialistic welfare policy gives the individual no choice; it makes family life “an offer they can’t refuse”.

The tensions between individual “family-friendly” rights versus undisturbed family life may become more apparent in the near future. One obvious challenge is the movement towards multicultural societies that encompass various normative ideas of gender differences, children’s position in the family, the roles of parents etc., ideas that are likely to be provoked rather than superseded by an active, rights-based family policy. As policies in general have the power to change social structures and relations, active family policies obviously have the power to undermine and even destroy family models that are not favoured by welfare state policies. Especially, when considering other cultures it is important to keep in mind that the solutions that seem to have worked fairly well in the Scandinavian one may seem quite alien to others. Other challenges, such as insecure labour conditions and a redesign of welfare institutions in more achievement-oriented directions, may yet create other tensions between individual rights and family obligations. Today’s demarcation line between the state, the market and the family in the field of welfare responsibilities will probably be affected, though in which direction is an open question.

A closing remark

The importance of analysing normative assumptions and governing principles of welfare state institutions has been emphasised in this article. Furthermore, as welfare policies express a mixture of values and principles they tend to generate normative tensions and conflicts. Three such tensions have been explored. Whether these may be resolved or not has not been the issue. The ambition has been to identify and outline some normative aspects of social policies and to discuss some consequences in terms of welfare and justice. Furthermore it has been argued that although public welfare institutions may be problematic instruments regarding the mitigation of social injustices, they seem to be better fit to pursue this goal than the other main welfare pillars in force; the market and the family/civil society.

References

- Ambjörnsson, R. (1988) *Den skötsamme arbetaren*. Stockholm: Carlsson Bokförlag.
- Bjørnson, Ø. (2001) "The Social Democrats and the Norwegian Welfare State: Some Perspectives", *Scandinavian Journal of History*, 26 (3).
- Beauchamp, T.L. (1991) *Philosophical Ethics: An Introduction to Moral Philosophy*, 2nd ed. New York: McGraw-Hill.
- Borchorst, A. and B. Siim (2003) "The Woman-friendly Welfare State Revisited", in N. Kildal and S. Kunhle: *Normative Foundations of the Nordic Welfare States*. Forthcoming.
- Esping-Andersen, G. (1990) *The Three Worlds of Welfare Capitalism*. Cambridge: Polity Press.
- Esping-Andersen, G. (1999) *Social Foundations of Postindustrial Economics*. Oxford: Oxford University Press.
- Eybenz von, W.E. and C. Smith (1958) "Noen hovedtrekk i Dansk-Norsk Tingsrett", *Jussens Venner*, nr. 1: 139-145.
- Feinberg, J. (1973) *Social Philosophy*. New Jersey: Prentice-Hall, Inc.
- Habermas, J. (1996) *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy*. Cambridge: Polity Press.
- Kuhnle, S., et al. (2003) "A Work-friendly Welfare State: Lessons from Europe", in K. Marshall and O. Butzbach: *New Social Policy Agendas for Europe and America*. Washington: The World Bank.
- Kymlicka, W. and W. Norman (1994) "Return of the Citizen: A Survey of Recent Work on Citizenship Theory", *Ethics*, (104): 352-381.
- Leibfried, S. and H. Obinger (2001) "Welfare state futures. An introduction", in S. Leibfried (ed.): *Welfare State Futures*. Cambridge: Cambridge University Press.
- Mill, J.S. (1859/1991) *On Liberty and Other Essays*. Oxford: Oxford University Press.
- Nilssen, E. and R. Lien (1999) "Individual rights and collective obligation. Compulsory intervention towards substance abusers in Norwegian social law", *International Journal of Social Welfare*, 8 (3): 181-192.
- OECD (1981) *The Welfare State in Crisis*. Paris: Organization for Economic Development.
- Reamer, F.G. (1990) *Ethical Dilemmas in Social Service*. New York: Columbia University Press.
- Rothstein, B. (1998) *Just Institutions Matter: The Moral and Political Logic of the Universal Welfare State*. Cambridge: Cambridge University Press.
- Skirbekk, G. (1996) "The Idea of a Welfare State in a Future Scenario of Great Scarcity", in E.O. Eriksen and J. Loftager: *The Rationality of the welfare state*. Oslo: Scandinavian University Press.
- Terum, L.I. (1996) *Grenser for sosialpolitisk modernisering [Limits to Social Political Modernization]*. Oslo: Universitetsforlaget.
- Titmuss, R.M. (1958) "The Social Division of Welfare", in *Essays on the Welfare State*. London: Allen & Unwin.
- Wennemo, I. (2001) "The Transformation of Family Life". Paper to the seminar: *The Nordic Alternativ*, Stockholm, March.

WORKING PAPERS ROKKANSENTERET (ISSN 1503-0946)

The publications can be ordered from Rokkansenteret, tel +47 55 58 97 10,
e-mail: post@rokkann.uib.no, <http://www.rokkansenteret.uib.no>

2003

- 9-2003 *Nanna Kildal*: «The Welfare State: Three Normative Tensions». May 2003.
- 8-2003 *Rune Ervik*: «Global Normative Standards and National Solutions for Pension Provision: The World Bank, ILO, Norway and South Africa in Comparative Perspective». April 2003. The Globalization Program.
- 7-2003 *Tom Christensen and Per Læg Reid*: «Trust in Government – the Significance of Attitudes Towards Democracy, the Public Sector and Public Sector Reforms». April 2003.
- 6-2003 *Kim Ove Hommen*: «Tilsynsroller i samferdselssektoren». April 2003.
- 5-2003 *Lise Hellebø*: «Nordic Alcohol Policy and Globalization as a Changing Force». April 2003.
- 4-2003 *Kjell Erik Lommerud, Frode Meland and Lars Sørsgard*: «Unionised Oligopoly, Trade Liberalisation and Location Choice». March 2003. The Globalization Program.
- 3-2003 *Badi H. Baltagi, Espen Bratberg and Tor Helge Holmås*: «A Panel Data Study of Physicians' Labor Supply: The Case of Norway». March 2003. HEB
- 2-2003 *Ivar Bleiklie, Per Læg Reid and Marjoleine H. Wik*: «Changing Government Control in Norway: High Civil Service, Universities and Prisons». March 2003.
- 1-2003 *Tom Christensen og Per Læg Reid*: «Politisk styring og privatisering: holdninger i elitene og befolkningen». Mars 2003.

2002

- 31-2002 *Hjørdis Grove*: «Kommunaliseringsprosessen i Århus 1850–1940». Desember 2002.
- 30-2002 *Jacob Aars*: «Byfolk og politikk. Gjennomgang av data fra en befolkningsundersøkelse i Bergen, Oslo og Tromsø». Desember 2002.
- 29-2002 *Dag Arne Christensen og Jacob Aars*: «Teknologi og demokrati. Med norske kommuner på nett!». Desember 2002.
- 28-2002 *Sturla Gjesdal, Peder R. Ringdal, Kjell Haug and John Gunnar Mæland*: «Medical Predictors of Disability Pension in Long-Term Sickness Absence». December 2002. HEB.
- 27-2002 *Jan Erik Askildsen, Badi H. Baltagi and Tor Helge Holmås*: Will Increased Wages Reduce Shortage of Nurses? A Panel Data Analysis of Nurses' Labour Supply». December 2002. HEB.
- 26-2002 *Dag Arne Christensen*: «Hovedtyper av valgordninger. Proporsjonalitet eller politisk styring?». Desember 2002.
- 25-2002 *Knut Grove*: «Mellom 'non-intervention' og 'samfundsvillie'. Statleg og kommunal regulering av økonomisk verksemd i Norge på 1800-talet». Desember 2002.
- 24-2002 *Knut Grove*: «Frå privat initiativ til kommunalt monopol. Lysverk, sporvegar og renovasjon i Bergen og Oslo 1850–1935». Desember 2002.
- 23-2002 *Anne Lise Fimreite, Yngve Flo og Jacob Aars*: «Generalistkommune og oppgavedifferensiering. Tre innlegg». Desember 2002.

- 22-2002 *Fredrik Andersson and Kai A. Konrad*: «Human Capital Investment and Globalization in Extortionary States». December 2002. The Globalization Program.
- 21-2002 *Fredrik Andersson and Kai A. Konrad*: «Globalization and Risky Human Capital Investment». December 2002. The Globalization Program.
- 20-2002 *Augustín José Menéndez m.fl.*: «Taxing Europe. The Case for European Taxes in Federal Perspective». December 2002. The Globalization Program.
- 19-2002 *Marit Tjomsland*: «Arbeidsinnvandrings situasjonen i Norge etter 1975». November 2002. Globaliseringsprogrammet.
- 18-2002 *Tom Christensen and Per Læg Reid*: «Trust in Government – the Relative Importance of Service Satisfaction, Political Factors and Demography». November 2002.
- 17-002 *Per Læg Reid, Runolfur Smari Steinthorsson and Baldur Thorhallsson*: «Europeanization of Public Administration: Effects of the EU on the Central Administration in the Nordic States». November 2002.
- 16-2002 *Ivar Bleiklie*: «Hierarchy and Specialization. On Institutional Integration of Higher Education Systems». October 2002.
- 15-2002 *Tom Christensen and Per Læg Reid*: «Complex Patterns of Interaction and Influence Among Political and Administrative Leaders». October 2002.
- 14-2002 *Atle Møen*: «Den globale produksjonen av symbol og kunnskap. Verdsflukt og verdsherredømme». September 2002. Globaliseringsprogrammet.
- 13-2002 *Johannes Hjellbrekke*: «Globalisering som utfordring til samfunnsvitskapane». September 2002. Globaliseringsprogrammet
- 12-2002 *Nina Beroven*: «National Politics and Global Ideas? Welfare, Work and Legitimacy in Norway and the United States». September 2002. The Globalization Program
- 11-2002 *Knut Helland*: «Den opprinnelige symbiosen mellom fotball og presse». September 2002.
- 10-2002 *Marjoleine Hooijkaas Wik*: «Mangfold eller konformitet? Likheter og forskjeller innenfor og mellom fem statlige tilknytningsformer». August 2002.
- 9-2002 *Kristin Strømsnes*: «Samspillet mellom frivillig organisering og demokrati: Teoretiske argument og empirisk dokumentasjon». August 2002.
- 8-2002 *Torstein Haaland*: «Tid, situasjonisme og institusjonell utakt i systemer». July 2002.
- 7-2002 *Ingvild Halland Ørnsrud*: «Mål- og resultatstyring gjennom statlige budsjettreformer». July 2002.
- 6-2002 *Tor Helge Holmås*: «Keeping Nurses at Work: A Duration Analysis». June 2002. HEB.
- 5-2002 *Elin Aasmundrud Mathiesen*: «Fritt sykehusvalg. En teoretisk analyse av konkurranse i det norske sykehusmarkedet». June 2002. HEB.
- 4-2002 *Christian Madsen*: «Spiller det noen rolle? – om hverdagen på nye og gamle sykehjem». June 2002.
- 3-2002 *Jan-Kåre Breivik, Hilde Haualand og Per Solvang*: «Roma – en midlertidig døv by! Deaflympics 2001». June 2002.
- 2-2002 *Jan-Kåre Breivik, Hilde Haualand and Per Solvang*: «Rome – a Temporary Deaf City!». June 2002.
- 1-2002 *Håkon Høst*: «Lærlingeordning eller skolebasert utdanning i pleie- og omsorgsfagene?». April 2002.