

## **A Moral Argument in Favor of The Voluntary Provision of Social Services**

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*In this paper, I make the argument that if the devolution of the welfare state from the federal level to the local level is planned and implemented properly, then Americans could end up being better off. I say this because I have found that volunteering to provide a social service in a local voluntary institution can have a profound moral impact on all involved. Such participation can produce better people, and that, I believe, is the essential starting point for the production of a better society. As planners look to affect change they don't very often look at the level of the individual. We need to correct this omission, as we are currently being presented with a great opportunity to profoundly affect the nature of this country. Citing political theory and the experiences of the volunteers at The Partnership for the Homeless in New York City, Ogilvie contends that voluntary participation in a local organization can create better citizens. His central point is that it is a prime responsibility of every law maker and planner to create these good citizens, that is, citizens who are capable of making informed and sensitive decisions. Furthermore, he argues that these sorts of citizens can only develop out of habituation, usually through voluntary participation in a local organization. Plans about social service provision need to recognize this, and create as many situations as possible for people to be active in decision making and service provision.*

### **Introduction**

In this paper I make the argument that if the devolution of the welfare state from the federal level to the local level is planned and implemented properly, then America could end up being better off. I say this because I have found that volunteering to provide a social service in a small neighborhood setting can have a profound moral impact on all involved. Social services can be delivered, communities can be built, moral imaginations can be developed, and the people involved can become better people. It all depends on the approach that is taken.

Much has been written about the essential mediating role that local voluntary organizations play in our large and impersonal society. It has been more than twenty years since Peter L. Berger

and Richard John Neuhaus told us in *To Empower People: From State to Civil Society* about the role that such institutions can play in linking people to one another, to power centers, and to sources of meaning. I will move on from that to examine the beneficial moral effect that voluntary participation in mediating institutions can have on participants. Such participation can produce better people, and that is the essential starting point for the production of a better society.

As planners, we look to effect change at the international, federal, state, local, and community levels. We don't very often look at the level of the individual. That is an oversight that we can no longer afford, as the opportunity that we are being presented with to reshape ourselves, and by extension, our society, is a rare one.

### The Debate

How to find a form of association which will defend the person and goods of each member with the collective force of all, and under which each individual, while uniting himself with the others, obeys no one but himself, and remains as free as before.<sup>1</sup>

Designed or planned social order is necessarily schematic; it always ignores essential features of any real, functioning social order.<sup>2</sup>

Much is being said for and against the current policy shift toward a greater reliance on the voluntary provision of social services both in the United States and abroad. Those in favor of this change generally use efficiency and effectiveness critiques of public sector social service provision to make their cases. On the efficiency front, the prevailing critique has been that after witnessing the performance of public social service bureaucracies over the last decades throughout the world, it is difficult to argue that large centralized government agencies are an efficient use of human or material resources.<sup>3</sup> No less prominent

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<sup>1</sup>Jean-Jacques Rousseau. 1762. (1968). *The Social Contract*. New York: Penguin. p. 60.

<sup>2</sup>James C. Scott. 1998. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven: Yale University Press. p. 6.

<sup>3</sup>A few of the best known and most influential efficiency critics of public sector social service provision are: Milton Friedman and Rose Friedman. 1980.

is the effectiveness critique, which has pinned the blame for the development of inter-generational welfare dependency on the public sector welfare state.<sup>4</sup>

Those who are against the devolution of the public welfare state also have powerful arguments of their own. Their old efficiency arguments, based on the belief that economies of scale would make universal social service provision more efficient, are no longer seen as legitimate defenses of public universal services by most observers. As a result, they have retreated to ethical grounds, and their defense of public social service provision tends to be based on ideas of fairness or of insurance.

The fairness arguments state that societies have an obligation to provide for the welfare of their worst-off members, because this is what is just and this is what we ought to do.<sup>5</sup> Such authors, generally of socialist or social democratic leanings, tend to look at capitalist societies as being organized around the economics of exploitation, and they see welfare state service provision, as the fair due of the workers, at the very least.

The insurance arguments, on the other hand, state that societies should tend to the welfare of those who are not well off as a means of insuring that those members do not become a heavier burden, or a threat to social stability, in the long run.<sup>6</sup> These more pragmatic

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*Free to Choose*. New York: Harcourt Brace Jovanovich; Nathan Glazer. 1988. *The Limits of Social Policy*. Cambridge, Mass.: Harvard University Press.

<sup>4</sup>A few of the best known and most influential effectiveness critics of public sector social service provision are: Robert Nisbet. (1953). 1990. *The Quest for Community*. San Francisco: Institute for Contemporary Studies Press.; Jeffrey L. Pressman & Aaron B. Wildavsky. 1973. "Implementation: How Great Expectations" in *Washington are Dashed in Oakland; or Why it's Amazing that Federal Programs Work at All*. Berkeley: University of California Press.; Robert Nozick. 1974. *Anarchy, State and Utopia*. New York: Basic Books.; Charles Murray. 1984. *Losing Ground*. New York: Basic Books.; and recently, James C. Scott. 1998. *Seeing Like a State: How Certain Schemes to improve the Human Condition have Failed*. New Haven: Yale University Press.

<sup>5</sup>Among the best known and most influential fairness theorists are: John Rawls. 1971. *A Theory of Justice*. Cambridge: Harvard University Press.; Michael Walzer. 1983. *Spheres of Justice*. New York: Basic Books.; and J. Donald Moon. 1988. "The Moral Basis of the Democratic Welfare State". in Amy Guttmann (ed.) *Democracy and the Welfare State*. Princeton: Princeton University Press.

<sup>6</sup>Among the best known and most influential insurance theorists are: Gosta Esping-Anderson. 1985. *Politics Against the Market*. Princeton: Princeton University Press.; and, Margaret Weir, Ann Shola Orloff & Theda Skocpol 1988.

authors are more sanguine in their vision of capitalist societies' potential for improving the lot of the poor.

### Outline of the Moral Argument in Favor of Voluntary Social Service Provision

In all of these arguments, what is notable is the absence of moral positions in favor of local, voluntary social service provision. This was not always the case. In his tour of America, Alexis de Tocqueville noted the moral effect that participation had on the citizenry.

Feelings and opinions are recruited, the heart is enlarged, and the human mind is developed only by the reciprocal influence of men upon one another. I have shown that these influences are almost null in democratic countries; they must therefore be artificially created, and this can only be accomplished by associations.<sup>7</sup>

Having your feelings and opinions recruited, your heart enlarged and your mind developed is the process through which people learn to be more moral. As planners, we need to pay attention to creating the settings in which this can happen.

When I use the term *morality*, I do so with the realization that it is a word rarely used in planning discourse. In academic writing, the discussion of morality, once a major topic of inquiry, is now almost solely the territory of the moral philosophers. Profoundly influenced by Max Weber's *Science as Vocation*, social scientists have, over the course of this century, sought value neutrality in their work, as a way of being more scientific. In the common implementation of Weber's point, one which I feel misses the mark, social scientists have sought to rid their work of preconceptions. This, of course, has meant not discussing irrevocably value-laden terms such as morality.

In my view, there are two major problems with such an approach. One is that the refusal to discuss value-laden topics has not made those topics go away. They are still there, and they are still of critical importance in human societies. As it stands, however, social scientists are unable to discuss them. The other

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"Understanding American Social Politics: in *The Politics of Social Policy in the United States*. Princeton: Princeton University Press.

<sup>7</sup>Alexis de Tocqueville. 1840. (1990). *Democracy in America*. vol. 2. trans. Henry Reeve. rev. Francis Bowen. ed. Phillips Bradley. (New York: Vintage Books), pp. 108-109.

problem arises from the fiction of value neutrality. While value neutrality may be attainable in a hard science, it certainly is not in a social science. All observation is theory-laden, to borrow a well known phrase, even the observation purports to be value-neutral. With this realization in mind, it soon becomes apparent that the most honest form of social scientific inquiry is the one which is explicit about its theoretical assumptions, and which engages in debate with competing assumptions. It is with this mind set that I engage in a discussion on morality.

In this paper, I use the term morality to refer to the sets of codes that we as individuals use to make the scores of daily decisions about what to do, how to do it, and who to do it with. In this sense, morality is the cement of a civil society. Like other elements of a culture, there are both absolute elements of morality, like "thou shalt not kill," and there are social communicative elements of morality. Morality, then, is to an extent, socially constructed. To a certain extent, it is also relative as there can be different moralities in different times and places.

The need for morality transcends all social orders, however, as the development of a moral order is essential for people to be able to live together peacefully in a society. This means that while different societies may develop their own peculiarities, like the strict female dress codes in many Muslim countries, morality itself has a core that transcends cultures. Stuart Hampshire, in reviewing T. M. Scanlon's *What We Owe Each Other*, notes that his claim that "there is a 'central core' of morality, discernible in almost any society, which is constituted by fair dealing among fellow citizens, the recognition of explicit and implicit contracts, the absence of freeloading and of other forms of cheating or taking unfair advantage."<sup>8</sup> These are "the whole set of principles that govern, or should govern, an individual's relations with the other people within a community."<sup>9</sup> It is through learning and adhering as much as possible to these moral principles, that we become better people.

While some aspects of morality are taught to us at home, many more have to be learned. This social construction of morality can only happen through interaction in social institutions, such as local voluntary associations, religious communities, neighborhoods, and schools. Without the social learning that goes on in them, civil

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<sup>8</sup>Stuart Hampshire. 1999. "The Reason Why Not", a review of T. M. Scanlon's "What We Owe Each Other" in *The New York Review of Books*. Vol. XLVI. April 22nd. p. 21.

<sup>9</sup>Stuart Hampshire. 1999. "The Reason Why Not", p. 21.

society could not be constructed and democracies could not last. The people just would not be good enough citizens to sustain democracy.

This same issue of how to create better citizens was foremost in Aristotle's mind, and in what many consider to be the founding work of moral philosophy, he made the following claim:

Virtue being of two kinds, intellectual and moral, intellectual derives from teaching...while moral virtue is the fruit of habit. That moral virtue comes by habituation is borne out by the practice prevailing in city-states, where law-givers make the citizens good by forming them to certain habits. This is the intention of every lawgiver; those who fail to bring it off miss their mark, and it is in this that a good constitution differs from a bad one.<sup>10</sup>

This is a claim that planners and politicians need to pay close attention to as we move through this era of change. This is particularly important in the area of social services. What is important for us to understand, and what Aristotle emphasized, was that creating better citizens--that is, citizens who are capable of making informed and sensitive decisions--is a prime responsibility of every law giver and planner. This can only come out of habituation. Plans about social service provision need to recognize this, and create as many situations as possible for people to be active in decision making and in service provision. While it is entirely possible for voluntarily provided social services to be unethical, and in a greater variety of ways than publicly provided social services. At the same time, voluntary social service programs have the potential to turn the participants into more moral citizens. Publicly provided social services, for reasons that I will shortly discuss, simply do not have the potential to do this. This is the crux of the ethical argument in favor of such approaches.

### **Public and Voluntary Social Service Provision**

Before elaborating on this claim, let us clearly distinguish between what I define as public social service provision and what I define as voluntary social service provision. In my view, the public and the voluntary are distinguished by the way in which the individuals providing the social service become involved or employed. A publicly provided social service is one that is

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<sup>10</sup>Aristotle. (1963). *Nicomachean Ethics*. John Warrington ed. & trans. (New York: Dutton) p. 28.

characterized by some degree of compulsion. By that I mean that it is staffed by paid employees, and services are delivered to recipients whose role is to consume them. Their program decisions are made by a central bureaucracy that rarely, if ever, has contact with the clients. This bureaucracy is under the direction of an elected or appointed public official, whose rationale is primarily one of bureaucratic efficiency. In this paper, the New York City Department of Homeless Services, which was spun off from the City's Human Resources Administration, the City's main provider of social welfare services during Mayor Dinkins' Administration, stands as the example of a public sector social service agency.

A voluntary social service, on the other hand, is characterized by the voluntary participation of both the volunteers and the clients. In some cases, they are even one and the same. This means that volunteers, who interact with the "clients" play a major role in decision making and program operation in the agency.<sup>11</sup>

In actuality, this monolithic conception of the voluntary sector conflates a number of different strands, yet important differences lie in the sources of funding and the role played by volunteers. Associations that are primarily privately funded by individuals, corporations or foundations — and primarily volunteer staffed — are the true voluntary agencies. Such agencies are an increasingly small part of the non-profit sector. Indeed, much of what has generally been regarded as the non-profit sector is actually now little more than an extension of the public sector by other means. With their 100% reliance on government contracts for funding, and with strict adherence to government policy and implementation guidelines, such agencies are little more than conduits for public expenditure and in some cases, structural apparatuses for dodging the employment restrictions of the public employees unions. The Partnership for the Homeless, in New York City, which has at its core a network of 150 small volunteer run and volunteer governed

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<sup>11</sup> While this is a simplified description of the difference between what is the voluntary provision of social welfare services and what is public, it captures the essence of the distinction. In conventional wisdom, public or state-provided social services are these in which the service is provided by employees of a government agency who are paid by tax dollars, in a regime in which the tax-payer has no ability, other than the control afforded by the ballot box, to direct the expenditure of his money. It is generally assumed that any other type of social service agency, as part of the vast web of non-profit agencies, are voluntary. While this may once have been true, because of the extensive state penetration of this realm, this simple distinction no longer holds.

church and synagogue based homeless shelters, stands here as the example of the true voluntary association.<sup>12</sup>

### **The Theoretical and Empirical Aspects of the Argument**

The theoretical aspects of my argument will be made within the context of a debate between Jean-Jacques Rousseau, Friedrich Hayek and Alexis de Tocqueville. The empirical arguments are drawn from my work at The Partnership for the Homeless in New York City. I will weave theory and empiricism to make the following three pronged argument.

First, with a complex social problem, or series of problems, it is epistemologically impossible for a central authority to accurately comprehend what needs to be done in the hundreds of thousands of various individual situations and to marshal the resources and to take the proper action. This point is the basis of my critique of Rousseau's conceptions of the general will and of the law-giver as the basis of the ideal democratic society, and I will use the approach taken by New York City to providing social services to the homeless as my example.

Second, when the state assumes responsibility for a social service, the feelings of mutual responsibility that the citizens have for the well-being of others in their little platoon are inevitably trampled. Mutual obligation within the small group becomes atomized dependency upon the state, to everyone's detriment. This is Tocqueville's argument, and it was America's lack of this sort of dependency, which is inevitably brought on by centralization, that he found so admirable one hundred and fifty years ago.

Third, the best society is one in which "that vast fund of practical, local, and traditional knowledge that is embodied in dispositions and forms of life and expressed in flair and intuition, [...] and of which our theoretical or articulated knowledge is only the visible tip" is the sort of knowledge that we use to run our lives and govern ourselves.<sup>13</sup> The centralized state is a terrible mechanism for the transmission and use of this sort of knowledge, and conversely freely formed and competing small social groups

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<sup>12</sup>This paper draws on research that I did for my PhD. Dissertation, *The Effects of Volunteering on Beliefs and Values: The Case of Homeless Shelters*, at Columbia University in the Department of Political Science between 1991 and 1995. During that time I worked with the volunteers of The Partnership for the Homeless in New York City.

<sup>13</sup>John Gray. 1993. *Beyond the New Right: Markets, Government and the Common Environment*. New York: Routledge, p. 70.

operating within the market rubric remain the best mechanisms that we have yet devised for accomplishing this task.

While the best that we can hope for from publicly provided social services is for them to serve as a temporary fall back position, something to prevent the disintegration of the life of a person in dire need who has no other options, it is only the privately provided social services, the sorts that are generated by people willingly and voluntarily working together to improve their lives and the lives of those around them, that have the potential for the morally transforming the lives of human beings and their communities. Therein lies the potential for the moral superiority of voluntary social service provision to the homeless.

### Participatory Democratic Theory

Rousseau, Tocqueville, and Hayek were all concerned with the proper role of the individual and the group in a democracy, and all of them spoke eloquently about the effect that participation has on the mores of citizens. All saw democracy as the most ethical system of socio-political organization available to us, and all sought to devise methods to guard against what they considered to be the inherent self-destructive tendencies of any human society. What Carole Pateman said about Rousseau can fairly be said about them all.

[their] entire political theory hinges on the individual participation of each citizen in political decision making and in his theory participation is very much more than a protective adjunct to a set of institutional arrangements; it also has a psychological effect on the participants, ensuring that there is a continuing interrelationship between the working of institutions and the psychological qualities and attitudes of individuals interacting within them.<sup>14</sup>

In a sense, their works amount to what the methodologists would refer to as a most similar systems research design, in that they begin from common ground and hold common ideals. For example, the quotation from Rousseau at the beginning of this paper could just as easily have come from Tocqueville or Hayek. Inevitably, they diverged: in how they conceived of democracy; in what they considered to be the ideals of a democratic society; in what they

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<sup>14</sup>Carole Pateman. 1970. *Participation and Democratic Theory*. New York: Cambridge University Press. p. 22.

saw as the obstacles to its achievement; and in their prescriptions for overcoming these problems and achieving their ideal society.

The variance in their prescriptions had a lot to do with the time and place in which they were writing, and the practical use that they have also varies with time and place. The underlying ideals, however, are timeless, particularly the ones expressed in the opening citation from Rousseau. This is an excellent statement of the spirit of what constitutes an ethical approach to the provision of social services. However, I differ with the prescriptions of how best to achieve the ideal that he elaborates in *The Social Contract* (1762), which remains the locus classicus of the ethical argument for the public provision of social services, and which is ritually cited by those who favor such an approach.

### Rousseau & Centralization

Of the three theorists being discussed, Rousseau was the only one never actually to have lived in a democracy. A well-bred exiled Genevan whose family had come down in the world (a situation which, according to Maurice Cranston, Rousseau was to spend his entire life trying to rectify), he was profoundly idealistic and sought to devise a utopian form of political organization. In his conception we were all born free, but because of the failures of the hitherto existing types of political organization, chiefly monarchies and other authoritarian forms, we were everywhere in chains.

Political theorizing, like planning, is never done in a vacuum, and Rousseau had many adversaries against which to define himself. His prime intellectual adversaries were the *philosophes* of the French enlightenment, and his political adversary was the Bourbon Ancient Regime of the mid 18<sup>th</sup> century. At a time when sovereignty was the territory of an hereditary ruler, such as the King of France who was still assumed to be possessed of a divine right to rule, Rousseau re-conceptualized sovereignty so as to claim that the only legitimate sovereign of a political community could be the citizens. Integral to this conception of sovereignty was his pitch toward a voluntarist theory of the social order.

There is only one law which by its nature requires unanimous assent. This is the social pact: for the civil association is the most voluntary act in the world, every man having been born free and master of himself, no one else may under any pretext whatever subject him without his consent.<sup>15</sup>

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<sup>15</sup>Jean-Jacques Rousseau. 1762. (1968). *The Social Contract*. p. 152.

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This pitch was undercut by his surrounding assumptions, however, specifically by his denial of the possibility of intractable differences of opinion, and his failure to accommodate for the expression of and action upon these differences within his ideal society.

If, then, there are opposing voices at the time when the social pact is made, this opposition does not invalidate the contract; it merely excludes the dissenters; they are foreigners among the citizens. After the state is instituted, residence implies consent: to inhabit the territory is to submit to the sovereign.<sup>16</sup>

Despite the participatory nature of his proposed democracy, in the final analysis, power lay with the sovereign, which he saw, when backed up by a civil religion, as the potential secular savior. Dissenters simply had to keep quiet. He valued equality and fraternity above all else, looked to Sparta as the ideal society, and spoke eloquently about the inherent rightness of the general will, which he saw as the very basis of political and civil society. For many this remains his most famous contribution to political theory.

The general will is always rightful, but the judgement which guides it is not always enlightened. It must be made to see things as they are,...Individuals see the good and reject it; the public desires the good but does not see it. Both equally need guidance. Individuals must be obliged to subordinate their will to their reason; the public must be taught to recognize what it desires. Such public enlightenment would produce a union of understanding and will in the social body, bringing the parts into perfect harmony and lift the whole to its fullest strength.<sup>17</sup>

It is this concept, more than any other of Rousseau's concepts, and despite its frightful authoritarian undertones (witness the phrase "individuals must be obliged to subordinate their will to their reason") that has since served as the inspiration for communitarian thinkers. It wouldn't have been so bad if this were solely a metaphysical concept. But Rousseau, and those who have followed him, also saw it as having practical applications. This is the major ethical problem of his approach in particular, and of communitarian approaches in general.

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<sup>16</sup>Jean-Jacques Rousseau. 1762. (1968). *The Social Contract*. p. 153.

<sup>17</sup>Jean-Jacques Rousseau. 1762. (1968). *The Social Contract*. p. 83.

In Rousseau's ideal world, the human spirit longs for a settled, safe place in the world, along the lines of the Canadian ideal of peace, order, and good government. In this vision of the world, obedience to the law is the truest source of freedom. It was to accomplish this that political societies were developed, with the social pact serving as the classic justification of the communitarian view.

Profoundly idealistic, maybe even naively so, and quite paternalistic, Rousseau didn't give much serious thought to the potential for irreconcilable differences in a society, like the one we have in the United States, a huge country populated almost entirely by immigrants (most voluntary and others forced) from every corner of the earth. After all, in his view, what we all really longed for was to be settled and secure, not to be free to do as we pleased as long as it didn't harm anyone else.

He explained his views on the inevitable clash between the will and property of the individual and the general will by beginning with the observation that "the right of any individual over his own estate is always subordinate to the right of the community over everything."<sup>18</sup> He continued on to note that even if the individual had to give up something, say property or liberty, that it is still "manifestly false to assert that individuals make any real renunciation by the social contract" because:

instead of alienation, they have profitably exchanged an uncertain and precarious life for a better and more secure one; they have exchanged natural independence for freedom, the power to destroy others for the enjoyment for their own security; they have exchanged their own strength which others might overcome for a right which the social union makes invincible.<sup>19</sup>

Knowing your place among your neighbors, stability, authority, certainty: these were for Rousseau, and for the communitarians who have followed in his wake, the ideals of the truly democratic society.

the social pact, far from destroying natural equality, substitutes, on the contrary, a moral and lawful equality for whatever physical inequality that nature may have imposed on mankind; so that however unequal in

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<sup>18</sup>Jean-Jacques Rousseau. 1762. (1968). *The Social Contract*. p. 68.

<sup>19</sup>Jean-Jacques Rousseau. 1762. (1968). *The Social Contract*. p. 77.

strength and intelligence, men become equal by covenant and by right.<sup>20</sup>

Real freedom, what he called moral freedom, could only be attained by participating equally within a system of laws that stripped away the inequalities that nature had created. Anything less than this, particularly if it involved being governed by appetite, was slavery. The model political society for the achievement of these ideals was the family, in which “the head of state bears the image of the father, the people the image of the children.”<sup>21</sup>

In Rousseau’s view, reasoning and reconciling differences among individual wills would be the responsibility of political society, and, in the final analysis, it would be the job of the paternal law giver. Herein lies the major ethical weakness in Rousseau’s theorizing. By making the question of who gets what, when, and how entirely a matter of public policy, decisions are all politicized. Almost by definition, therefore, this puts the interests of politically powerless minorities at a disadvantage. Rousseau himself as much as admitted the potential for this problem when he noted the following:

Under bad government, this equality is only an appearance and an illusion; it serves only to keep the poor in their wretchedness and sustain the rich in their usurpation. In truth, laws are always useful to those with possessions and harmful to those who have nothing; for it follows that the social state is advantageous to men only when all possess something and none has too much.<sup>22</sup>

Thus, public social policy, of the sort that Rousseau envisioned, brings its chief problem in on itself, for only under a good government, like the mythical sort that the Spartans had under Lycurgus, can the people achieve happiness. As Rousseau himself admitted, however, the likelihood of such a government actually occurring was minuscule.

To discover the rules of society that are best suited to nations, there would need to exist a superior intelligence, who could understand the passions of men without feeling any of them, who had no affinity with our nature but knew it to the full, whose happiness was independent

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<sup>20</sup>Jean-Jacques Rousseau. 1762. (1968). *The Social Contract*. p. 68.

<sup>21</sup>Jean-Jacques Rousseau. 1762. (1968). *The Social Contract*. p. 50.

<sup>22</sup>Jean-Jacques Rousseau. 1762. (1968). *The Social Contract*. p. 68.

of ours, but who would nevertheless make our happiness his concern, who would be content to wait in the fullness of time for a distant glory, and to labor in one age to enjoy the fruits in another. Gods would be needed to give men laws.<sup>23</sup>

Giving so much responsibility to the law-giver, and then hoping that this man or woman turns out to be god-like, rather than merely human, is a recipe for bad government. It is also a recipe for bad people.

In Rousseau's time the naivete of this approach was understandable, given that it had been centuries since the western world had experienced democratic government. Since his time, however, the centuries of experimentation that we have had with democracy have robbed communitarian writing of that excuse. Nonetheless, communitarians continue unabated in their essential naivete. Despite the alterations that they have since made to Rousseau's blueprint, they continue to overemphasize the potential for agreement among people, and they have yet to address their over-reliance on the wisdom of the law-giver in order to make their ideal society work. This is a glaring problem, especially when the law-giver is being called upon to tackle a complex social problem such as homelessness. This seems to be a recipe for authoritarianism of varying degrees of harshness depending on the particular application, rather than the basis of an ethically defensible social order.

### Homelessness and the State

To many observers, homelessness stands as one of the quintessential complex social problems of our era. In fact some have noted that homelessness is itself not a problem as much as it is a symptom of other problems which manifest themselves slightly differently in each case and which are in large part linked to individual behavior. In fact, from reading Christopher Jencks, Martha R. Burt, Barbara E. Cohen, Richard H. White, Jr., William Julius Wilson, William Tucker, and Peter Rossi, I have learned that if we are to speak in purely descriptive terms, there is no such thing as a homeless problem at all. Instead, what we refer to as homelessness is a residual concept, a symptom of many other more deeply rooted problems, with the particular mix of these problems varying from person to person. Very few Americans actually are homeless, with 500,000 being the largest, empirically defensible estimate. What we have, therefore is a problem that is narrow but

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<sup>23</sup>Jean-Jacques Rousseau. 1762. (1968). *The Social Contract*. p. 84.

very deep and complex. This is precisely the sort of problem that the Rousseauist law giver is least suited to respond to.<sup>24</sup>

New York City's Department of Homeless Services was, at the time of my research, a particularly dreary demonstration of this. With its thousand man armory shelters, opened with an eye toward cost effectiveness and in response to a law suit, this agency was very good at engendering local animosity but not very good at getting homeless people into housed life. It is only since the advent of the Giuliani administration's quality of life campaign, with its strong authoritarian overtones and its criminalization of homelessness, that the New York City government has found a way to deal with the homeless of New York. Unfortunately, this is not quite what New York's homeless needed.

### Alexis de Tocqueville & local organizations

Unlike *The Social Contract, Democracy in America* (1835 & 1840) is no metaphysical tract. Alexis de Tocqueville had no Arcadian views of humanity in the state of nature, and no illusions about people's ability to harmoniously come together under a benevolent law-giver. It is likely that his father's stories of the reign of terror, in which he very nearly was killed, had helped to dispel such thoughts at an early age. Writing in the shadow of the reign of terror, of Bonaparte's consulate and empire, and of the restoration of 1814, Tocqueville noted that centralized government, be it Jacobin, military, or monarchical, degraded the morals of the people. The lawgiver in his conception, was not the Lycurgus of legend, but the Robespierre, Napoleon, and Louis XVIII of reality. His ability to witness the reality of the cult of the supreme being, the Jacobin attempt at the implementation of the general will which made the Christianity of the pre-revolutionary Gallican church,

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<sup>24</sup>These authors' works, in reverse chronological order, are as follows: Christopher Jencks. 1994. *The Homeless*. Cambridge, Mass.: Harvard University Press; Martha R. Burt. 1992. *Over The Edge: The Growth of Homelessness in the 1980s*. New York: The Russell Sage Foundation & Washington DC: The Urban Institute Press; Richard H. White, Jr. 1992. *Rude Awakenings: What the Homeless Crisis Tells Us*. San Francisco: Institute for Contemporary Studies; William Tucker. 1990. *The Excluded Americans*. Washington DC: Regnery Gateway; Peter Rossi. 1989. *Down and Out in America: The Origins of Homelessness*. Chicago: The University of Chicago Press; Martha R. Burt & Barbara E. Cohen. 1989. *America's Homeless: Numbers Characteristics and Programs that Serve Them*. Washington DC: The Urban Institute Press; William Julius Wilson. 1987. *The Truly Disadvantaged: The Inner City, the Underclass and Public Policy*. Chicago: The University of Chicago Press.

corrupt as it may have been, and which Rousseau railed against, seem fairly ideal in comparison.

Tocqueville, of course, is most famous for his account of the practice of democracy in independent America, where he observed it not as a nebulous utopian future form, but as a reality in one part of the world and as a desirable inevitability in the rest. With this concrete example in front of him, Tocqueville focused on how best to constitute a democratic society so as to create the best sort of citizen. Rather than hope for a Lycurgus, which he didn't hold as an ideal anyhow, Tocqueville conceived of a self-governing society in which people ran self-formed institutions which operated on the basis of what he called self-interest rightly understood, as the most noble prospect for which we could strive on this earth.

Writing more than thirty-five years after the revolution that Rousseau had helped to inspire, Tocqueville differed from Rousseau in the greater emphasis that he placed on the importance of safeguarding individual liberty. His was a different kind of individual liberty, however, as he was as worried as any communitarian about the atomistic tendencies inherent in liberal democracy.

It is, then, commonly at the outset of a democratic society that citizens are most disposed to live apart. Democracy leads men not to draw near to their fellow creatures; but democratic revolutions lead them to shun each other and perpetuate in a state of equality the animosities that the state of inequality created.<sup>25</sup>

Like Rousseau, he recognized that maintaining a democratic state would always be a balancing act, but he differed in his ideal notion of what constituted a democratic society and in how to achieve it. Rather than favoring equality and fraternity, which because of our inherently conflictual relations with each other he saw as elusive goals at best, and rather than redefining freedom into a collective concept, Tocqueville looked to individual liberty as the cornerstone of the most desirable, and attainable form of society.

In stark contrast to Rousseau's collectivist idealism, Tocqueville's individualist realism was grounded in the twin assumptions of the irreconcilable differences among people, and of the likelihood that government would make bad decisions. Based on what he saw happening in America, he theorized a way to

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<sup>25</sup>Alexis de Tocqueville. 1840. (1990). *Democracy in America*. New York: Vintage Books. vol. 2. p. 101.

minimize these two central problems so as to create the best possible state. The key to this were appeals that had to be made to “self-interest rightly understood,” which he characterized as “the best suited of all philosophical theories to the wants of the men of our time,” the one to which “the minds of the moralists of our age should turn.”<sup>26</sup>

The principle of self-interest rightly understood produces no great acts of self-sacrifice, but it suggests daily small acts of self-denial. By itself it cannot suffice to make a man virtuous; but it disciplines a number of persons in habits of regularity, temperance, moderation, foresight, self-command; and if it does not lead men straight to moderation by the will, it gradually draws them in that direction by their habits. If the principle of self-interest rightly understood were to sway the whole moral world, extraordinary virtues would doubtless be more rare; but I think that gross depravity would also be less common. The principle of self-interest rightly understood perhaps prevents men from rising far above the level of mankind, but a great number of other men, who were falling far below it, are caught and restrained by it. Observe some few individuals, they are lowered by it; survey mankind, they are raised.<sup>27</sup>

This principle holds that to be effective an association needs to appeal to a participant’s self-interest, but that each individual’s self-interest needs to be checked by other individuals’ interests. If this is done, serving the needs of others can become in our own self-interest. The following vignette will illustrate what I mean.

### **Self-Interest Rightly Understood, Compassion and the Social Contract**

In my research I found that as the volunteers became more experienced, they came to believe that in order to perform their work effectively, their actions had to have a moral tone. Again, I use morality here to refer to the set of codes that we as individuals use to make the scores of daily decisions about what to do, how to do it, and who to do it with. In most cases the importance in maintaining a certain moral order is learned incrementally from the other volunteers and from the clients as they deal with the inevitable conflicts that arise when rules need to be set and followed. In other cases, however, one major incident forces them

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<sup>26</sup>Alexis de Tocqueville. 1840. (1990). *Democracy in America*. vol. 2. p. 123.

<sup>27</sup>Alexis de Tocqueville. 1840. (1990). *Democracy in America*. p. 123.

to learn quickly, such as the one that occurred one night early in 1993 at the Madison Avenue Baptist Church shelter in Manhattan.

Like most of the other church and synagogue shelters, Madison Avenue Baptist Church took its 15 clients from one of the eight drop-in centers in the City. These centers constitute the first line of defense in the battle against homelessness, as this is where homeless people can come in off the street and get a shower, new clothes, food, medical care, and most importantly, a referral to the appropriate program. From the point of view of the church and synagogue shelters, the major purpose of the drop-in centers is to screen their potential clients for drug and alcohol use, as people who are still actively using either substance are not permitted in The Partnership for the Homeless' shelters. Unlike most of the other shelters, however, Madison Avenue Baptist is close enough to the drop-in center that its clients come from, the Moravian Church center in this case, and its clients were old and sedate enough, that it was presumed that they did not need to be bused over, as was normally the case. Instead they walked over every night by themselves, with the first one of them bringing the roster of those who were supposed to be spending the night, so that it could be initialed by each when they arrived, and so that the shelter coordinator, or the volunteer on duty, could know who had or had not been screened.

This process constituted a double screen. A similar system was in place at all of the other shelters, and it worked well for many years, with all respecting the rules. That was until a new administration took over at the Moravian Church and the old rules ceased to be adhered to. One of the results was that at their end of the screening process things began to get more porous, and they began occasionally sending out clients to spend the night at the churches who were not sober. Still, nothing remarkable would have happened if the volunteers, particularly the shelter coordinator, had carried through with their part of the double screen and rejected any client that was high or drunk.

In a system in which 1,600 homeless people go every night from eight drop-in centers, and other referral points, to 150 shelters, the law of averages dictates that there is going to be the occasional problem of sobriety among the clients. Indeed, it is not unusual for clients to be rejected from a shelter, as this is what the volunteers are instructed to do to someone who is drunk or high. One night, however, the new volunteer coordinator at Madison Avenue Baptist, being unsure of how to exercise his new authority, while trying to be compassionate and hoping to avert a conflict, let an

obviously drunk client come in to spend the night. The result of his action could hardly have been more at odds with his intent, however, as the rest of the clients were soon in a fury and they all marched out, heading straight back to the drop-in center.

Political theorists, Rousseau among them, use the notion of a social contract as a heuristic device for conceptualizing the bundle of explicit and implicit mutual understandings that function as the mind set for any community. Integral to this community mind set is a shared moral vision of how the world ought to be. This moral vision needs to be so internalized within the individual members of the community that they will act on it, with the exception of the intellectual members of the community, subconsciously. This vision is not an objective set of constraints dictated by natural law, but it is a human set of creations in response to the exigencies of daily social interaction. To those of us who are far enough removed from making a decision to accept them, these creations appear objective because of what Pierre Bourdieu calls *genesis amnesia*. Literally, *genesis amnesia* means the forgetting of the conditions of and the reasons for the origin of a cultural practice, and it is an integral element in the process by which “history [is] turned into nature.”<sup>28</sup>

What was clear at Madison Avenue Church that night, however, was that the sober clients were not far enough removed from the decision-making process to suffer from — or maybe benefit from — *genesis amnesia*. Rather, they were very conscious, often painfully so for those of them who were in withdrawal, of the moral commitment that they were making and struggling with on a daily basis. The admission of the drunk client to the shelter was thus a violation of the social contract, and literally a personal affront to their hard earned morality. So seriously did they take this issue that they exercised the only means of protest that they had: they all left.

By demanding respect for the standards that they were holding themselves to, the homeless people who walked out that night were forcing the volunteers to live up to those standards as well. Wedded to the volunteers’ learning about living up to certain moral standards, was their learning to distinguish between what Gertrude Himmelfarb calls sentimental compassion and unsentimental compassion. Himmelfarb makes the following distinction: “in its sentimental mode, compassion is an exercise in moral indignation, in feeling good rather than doing good; this mode recognizes no

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<sup>28</sup>Pierre Bourdieu. 1977. *Outline of a Theory of Practice*. New York: Cambridge University Press., p. 78.

principle of proportion.”<sup>29</sup> This sort of compassion is contrasted unfavorably to unsentimental compassion which “seeks above all to do good.”

Unsentimental compassion, what Tocqueville might have called compassion rightly understood, in Himmelfarb’s conception: “requires a stern sense of proportion, of reason and self-control,” and those in possession of it are aware that it is “sometimes necessary to feel bad in order to do good — to curb their own compassion and restrain their benevolent impulses in the best interests of those they were trying to serve.”<sup>30</sup>

What the volunteers at Madison Avenue Baptist Church learned that night — and at subsequent meetings about what had gone wrong, and what the other volunteers at other shelters learned as well, is to make a similar distinction. They learned that compassion rightly understood is “at the same time passionate and dispassionate.”<sup>31</sup>

De Tocqueville felt that these lessons could best be served by appeals to self-interest rightly understood. The drunk client had gotten drunk at the City shelter, but had not been called to account for it. Those who were struggling to maintain their sobriety had to struggle in silence, as they were in no position to influence the nature of their surroundings. At the church shelter, however, they could have some control over what was allowed to happen. For de Tocqueville, this control was a reflection of liberty, that “sacred thing” which meant the maintenance of the sovereignty of the people, and the avoidance of centralization.

The partisans of centralization in Europe are wont to maintain that the government can administer the affairs of each locality better than the citizens can do it for themselves. This may be true when the central power is enlightened and the local authorities are ignorant;...But I deny that it is so when the people are as enlightened, as awake to their interests, and as accustomed to reflect on them as the Americans are. I am persuaded, on the contrary, that in this case the collective strength of the

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<sup>29</sup>Gertrude Himmelfarb. 1991. *Poverty and Compassion: The Moral Imagination of the Late Victorians*. New York: Knopf., p. 5.

<sup>30</sup>Gertrude Himmelfarb. 1991. *Poverty and Compassion*. p. 6.

<sup>31</sup>Gertrude Himmelfarb. 1991. *Poverty and Compassion*. p. 6.

citizens will always conduce more efficaciously to the public welfare than the authority of the government.<sup>32</sup>

### Hayek on a Free Society

As serious as this problem of effectiveness was, there were still deeper problems. The unlikeliness that such a thing as an effective centralized regime could exist was rooted in epistemological problems, because no matter how “enlightened and skillful a central power may be, it cannot of itself embrace all the details of the life of a great nation.”<sup>33</sup> And as it was in the failure to recognize the seriousness of these epistemological problems that communitarianism’s ethical problems lay, it is in the accommodation of these same epistemological problems that individualism’s ethical successes are to be found. This argument was to be more fully developed by Friedrich Hayek, first in *The Road to Serfdom* (1944) and then in *The Constitution of Liberty* (1960). His ethical argument against centralization, which was made primarily on epistemological grounds, remains as one of the most devastating critiques of the communitarian approach, and as one of the best blueprints for the creation of the most ethical type of social order possible in a large and potentially fractious society such as this one.

While Tocqueville had the advantage of writing about democracy after having seen the system in action, Hayek had the advantage of writing about collectivization after having seen the centralized welfare state in action. In his case, it was the imperialist/Nazi German variation of the welfare state, and like Tocqueville he was greatly concerned with the consequences of collectivism on the lives of the people that it ostensibly aimed to improve. Specifically he sought to explain how totalitarianism resulted as an unintended consequence of the attempt to follow a “rational” and “ethical” centralized plan.

Of foremost concern to Hayek was his desire for individuals to be treated as equal before the law, which in his view was the very basis of liberty. This meant “that people should be treated alike in spite of the fact that they are different.”<sup>34</sup> At the point where Rousseau’s approach provided a blueprint for totalitarianism, Hayek’s approach provided a blueprint for libertarianism.

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<sup>32</sup>Alexis de Tocqueville. 1835. (1990). *Democracy in America*. vol. 1. p. 89.

<sup>33</sup>Alexis de Tocqueville. 1835. (1990) *Democracy in America*. vol. 1. p. 90.

<sup>34</sup>Friedrich A. Hayek. 1960. *The Constitution of Liberty*. Chicago: University of Chicago Press, p. 86.

Assuming irreconcilable differences, Hayek provided for a society in which the ability of the individual and their community to voluntarily govern their actions was held as the highest value.

Since he saw the free market as the best epistemic device for generating, discovering, and transmitting information in a society, and since he realized that information, and the truths that it contains about how to live good human lives, is the essential basis of communicative ethics, he contended that the only ethical sort of social system was one in which people could freely exchange knowledge and freely act upon it.

While this freedom would inevitably lead to material inequality, because of the absence of “factual equality” among men, he held that “economic inequality is not one of the evils which justify our resorting to discriminatory coercion or privilege as a remedy.”<sup>35</sup>

As a statement of fact, it is just not true that “all men are born equal.” We may continue to use this hallowed phrase to express the ideal that legally and morally all men ought to be treated alike. But if we want to understand what this ideal of equality can or should mean, the first requirement is that we free ourselves from the belief in factual equality.<sup>36</sup>

We are all born with different capacities, and any attempt to try and make outcomes similar would not so much be an expression of any morality as it would be an expression of envy, and would be coercive.

From the fact that people are very different it follows that if we treat them equally, the result must be inequality in their actual position, and that the only way to place them in an equal position would be to treat them differently. Equality before that law and material equality are therefore not only different but are in conflict with each other; and we can achieve either the one or the other, but not both at the same time.<sup>37</sup>

Because humanity is so various, and because this variety makes a fiction of the factual equality that the egalitarians talk about, for Hayek only equality before the law could protect our freedom to decide how to guide our own lives and those of our families and our communities, for ourselves.

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<sup>35</sup>Friedrich A. Hayek. 1960. *The Constitution of Liberty*. p. 88.

<sup>36</sup>Friedrich A. Hayek. 1960. *The Constitution of Liberty*. p. 87.

<sup>37</sup>Friedrich A. Hayek. 1960. *The Constitution of Liberty*. p. 87.

If one objects to the use of coercion in order to bring about a more even or a more just distribution, this does not mean that one does not regard these as desirable. But if we wish to preserve a free society it is essential that we recognize that the desirability of a particular object is not sufficient justification for the use of coercion. One may well feel attracted to a community in which there are no extreme contrasts between rich and poor...There also seems no reason why these widely felt preferences should not guide policy in some respects. Wherever there is a legitimate need for government action and we have to choose between different methods of satisfying such a need, those that incidentally also reduce inequality may well be preferable...It is a different matter, however, if it is demanded that, in order to produce substantive equality, we should abandon the basic postulate of a free society, namely, the limitation of coercion by equal law.<sup>38</sup>

By taking as much of the decisions of who gets what, when and how out of the political realm and placing it in the private realm, there is less of a predisposition to favor politically powerful groups and more of an opportunity for a greater variety of people to have a greater degree of control over their own futures. Rather than having the government guide social life and abandoning the basic postulate of a free society, we could still aim for the same ends, and if we took the correct two steps we could strengthen free society.

To do this, we first would have to ensure that no person or group of people would ever possess "the capacity to determine conclusively the potentialities of other human beings and that we should certainly never trust anyone invariably to exercise such a capacity." Second, we would have to realize that we must set individuals free to experiment with different approaches to the solution of social problems because "the acquisition by any member of the community of additional capacities to do things which may be valuable must always be regarded as a gain for that community."<sup>39</sup>

While universal provision may be effective and just in a small protected universe, as the universe expands and as the problems get more varied and complicated, services are better and more justly provided by exploding the universal provider into smaller specialized providers. The issue of morality, while connected to effectiveness, is much more profound than that, however.

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<sup>38</sup>Friedrich A. Hayek. 1960. *The Constitution of Liberty*. pp. 87-88.

<sup>39</sup>Friedrich A. Hayek. 1960. *The Constitution of Liberty*. p. 88.

### **The Moral Effect of Volunteering at the Partnership for the Homeless**

Through their interactions in their shelters, the volunteers at The Partnership for the Homeless began to notice that their homeless clients were not the uni-dimensional entities with a lesser range of human capacity that homeless people are commonly portrayed as. Rather, the volunteers came to see their clients as full human beings, who were not all that dissimilar to themselves. Thus began the creation of what Clifford Geertz and others call the moral imagination.

Whatever use the imaginative productions of other peoples — predecessors, ancestors, or distant cousins — can have for our moral lives, then, it cannot be to simplify them...What Helms learned from Bali, and we learn from Helms, is that the growth in range a powerful sensibility gains from an encounter with another one, as powerful or more, comes only at the expense of inward ease.<sup>40</sup>

Moral imagination is defined as the social matrix within which we create our sense of ourselves and of others. It is created through social interaction, and it functions on the symbolic level. It is developed in a relational process of interacting with other people, and with their personal histories. It helps us to understand what is happening in our lives and in our society. It is the basis of our opinions about why society is the way it is, and what should be done about it. Needless to say, the moral imagination of late 20<sup>th</sup> century American urban dwellers can be profoundly expanded by spending extended periods of time with homeless people in these settings.

In trying to understand why people become homeless, Richard W. White, Jr. quotes Eloise Green, who works with the homeless in Oakland. Ms. Green notes that,

one problem is that no one asks these people why they are homeless. Every one has some theory about it.<sup>41</sup>

The prevalent assumption that you can explain the condition of someone's life and attempt to prescribe future courses of action

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<sup>40</sup>Clifford Geertz. 1983. *Local Knowledge: Further Essays in Interpretive Anthropology*. New York: Basic Books. pp. 44-45.

<sup>41</sup>Richard W. White, Jr. 1992. *Rude Awakenings: What the Homeless Crisis Tells Us*. p. 172.

without consulting the individual is, in the context of this study, perhaps the most glaring example of the hubris of the Rousseauist law-giver. Generally, this hubris, and its implicit disrespect for the humanity of the individual, is not shared by the volunteers, who, to quote one, learned quickly about the humanity of the homeless people that they work with.

When you see them in the street they are kind of like faceless people. But when they come down here, take off their clothes, jump in the shower and then sit down and eat...you know they hurt, they're cold, you're making them warm, you're helping them get clean. You know its not like the box people you see in Manhattan that you just pass by, although those are the same people, but when you see them on this level they're not all junkies thieves and murderers, they're people that have problems, whatever they are, and they're lucky enough to be here.<sup>42</sup>

This observation, about the effect that context has on the interaction between the volunteer and the client, is a good place to build an understanding of this process, because of the interplay of factors that is implicitly and explicitly recognizing. To begin with, the conception of homeless people changed from the abstract group level of "faceless people," "the box people that you see in Manhattan that you just pass by," who seem like "junkies thieves and murderers," to the personal individual level of "people that have problems, whatever they are."<sup>43</sup> The homeless people themselves did not change, but what did change was the setting in which they were seen, which in turn changed the conception that the volunteers have of their humanity.

As a result, the volunteers ceased seeing the homeless people as "faceless people," who along with their pitiable status were not imagined as possessing the same range of human qualities as you or I do, and they instead started to see them as being more similar to themselves. As Pat Cooper said, "you know they hurt...they are people that have problems." Increasingly, the volunteers come to feel that the appropriate way to remedy homelessness was to address these problems in the same way that they would address

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<sup>42</sup>Robert S. Ogilvie. 1997. *The Effects of Volunteering on Beliefs and Values: The Case of Homeless Shelters*. unpublished Ph.D. dissertation. Columbia University. p. 105.

<sup>43</sup>Robert S. Ogilvie. 1997. *The Effects of Volunteering on Beliefs and Values: The Case of Homeless Shelters*. p. 105.

their own problems, or problems of those in their family, and to do it in a small domestic like setting similar to the ones that they volunteer in.

On this level their interaction became a morality play, as do most voluntary personal human interactions. The large and complex drama of homelessness was played out on a small and familiar stage so that the participants in the drama — both the clients and the volunteers — could see the humanity in each other and develop out of this experience new opinions about how to form realistic and workable solutions to a vexing social problem. As the volunteers came to see the homeless clients as more like themselves, they come to understand the homeless clients' lives and their own lives with greater nuances and with a more developed moral imagination.

Very rarely is the importance of the moral order of their shelter community, and its undeniable basis in a sense of compassion rightly understood, brought home to the volunteers quite as starkly as it was to the volunteers at Madison Avenue Church that night when the homeless clients walked out. This is only because it usually happens in much more subtle ways than that. The morality of what they all are doing is never far from the surface, however, and the volunteers learn, most often from the clients, to speak about and understand the causes of and solutions to homelessness in moral terms. They learn as well to advocate for, to engage in and to demand moral behavior.

As Isaiah Berlin has pointed out, speaking moral language, and encouraging moral acts is not, and should not be seen to be the same thing as moralizing. This is a distinction that is lost on many, and while moralizing should be avoided, as the volunteers learn, neither can we nor should we avoid using moral language “with all its associations and built in moral categories” to describe social problems and to chart solutions, for to do so is “to adopt another moral category, not none at all.”<sup>44</sup>

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<sup>44</sup>Isaiah Berlin. 1969. "Historical Inevitability", in *Four Essays on Liberty*. New York: Oxford University Press., p. 115.

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