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Justice-based social assistance

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Abstract

What are the main objectives of social protection institutions in developing countries? What should be their scope and reach? What is the source of their legitimacy? Finding appropriate answers to these questions is essential to understanding, and shaping, the emergence of welfare institutions in low- and middle-income countries. Most available answers rely on instrumental arguments. Few make reference to normative principles. The paper draws on three concepts from Rawls – social justice as regulating cooperation, the social minimum, and the need for a freestanding political notion of social justice – to develop a coherent argument for grounding social assistance on social justice. In line with this argument, it identifies some parameters for a justice-based social assistance. The paper then discusses, with examples, the tensions existing between a social justice-based social minimum and ‘real’ social assistance institutions emerging in developing countries.

Keywords: social justice, social assistance, social minimum, institutions, developing countries

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Introduction

The rapid expansion of social assistance has been a feature of developing countries in the new century. Large-scale programmes providing direct transfers in cash and/or in kind to households in poverty are now widespread. In Latin America, around one third of the population live in households receiving such transfers. Ministries of Social Development have been created to manage these programmes with appropriate legislation and budgets. In low-income countries, progress has been slower in part due to acute resource limitations, but sustained economic growth and natural resource revenues have the potential to create more favourable conditions. The emergence of welfare institutions addressing poverty and promoting inclusion amounts to a significant extension of the role and responsibilities of governments, raising important research questions. What are the main objectives of social protection institutions in developing countries? What should be their scope and reach? What is the source of their legitimacy? Finding answers to these questions is essential to understanding, and shaping, the expansion of social protection in low- and middle-income countries. To date, most analysis of the expansion of social assistance in developing countries attempting answers to these questions rely on arguments of effectiveness and efficiency with respect to pre-defined objectives. Few studies examine in any depth the normative principles underlying these objectives. This article contributes to filling in this gap. Drawing on three concepts from Rawls' theory of justice, it develops a coherent argument for justice-based social assistance.

The evolution of antipoverty transfer programmes, here described as social assistance,¹ in middle income countries shows they constitute in fact a significant extension of the role and responsibilities of governments. To approach them as short-term 'development interventions' seriously underestimates their scope (Barrientos 2013). Large-scale antipoverty transfer

programmes are spearheading the emergence of welfare institutions tasked with ensuring broader social inclusion and social rights.² An important implication is that research into antipoverty transfers in developing countries must move beyond a narrow consideration of their instrumental effectiveness and examine their role in, and contribution to, changes in the role of government and social structures.

Research on social assistance in developing countries has focused largely on issues of design, especially targeting and conditions (Grosh *et al.* 2008). To an extent this is a consequence of the instrumental and technocratic approach dominant in international development policy, fully justified by the very practical effects of existing antipoverty transfers on participant households. There is a good understanding of these issues. Implementation was initially under-researched, but knowledge on programme information, registration, disbursement, and monitoring is increasingly available to programme agencies (Barrientos 2013; Cecchini and Martínez 2011). The relatively high incidence of impact evaluations in antipoverty transfer programmes, especially when compared to other development policies and instruments, is generating valuable knowledge on, and confidence in, their effectiveness. More recently, studies on the political conditions associated with the adoption of antipoverty transfer programmes (Borges Sugiyama 2011; Brooks 2015) and on electoral feedback mechanisms (de la O 2013; Fried 2012; Patel, Leila *et al.* 2014) have examined the linkages existing between political processes and institutions on the one hand and social protection on the other.

Research and debate on the deeper ethical foundations underpinning the growth of social assistance in developing countries has lagged behind (Barrientos 2013; Hickey 2014; Ulriksen and Plagerson 2014). The papers in this Special issue address this deficit. To the extent that antipoverty transfer programmes are seen as 'development interventions' on a par with water pumps or malaria nets, discussing their ethical underpinnings could be seen as an unnecessary

detour. This article argues that without considering the ethical basis underpinning the emergence of new welfare institutions in developing countries we stand little chance to understand their rapid expansion and the kind of social change they herald.

This paper makes a contribution to examining the ethical bases of emergent social assistance in developing countries by drawing from three concepts put forward by Rawls (2001; 2005). First, it advances the view that social assistance is best grounded on social justice, understood as the principles enabling and regulating social and economic cooperation. Second, in societies generating inequality and disadvantage the least advantaged face significant 'strains of commitment' undermining the basis for cooperation. In this context, a social minimum is a core component of social justice because (i) it embeds the difference principle, the principle that inequalities in society are only justifiable if they benefit the least advantage, and (ii) because it ensures the stability of social justice. The social minimum works by preventing the 'strains of commitment' from becoming excessive. The paper argues that growth of social assistance in developing countries can be best understood as an emerging social minimum. Third, the fact that modern societies contain a plurality of values, beliefs and interests, suggests that only a political conception of justice can provide a basis for a social minimum. It is political in the sense that its legitimacy derives not from universal moral theories but from democratic processes of justification. Drawing on these three concepts developed in Rawls' work enables an understanding of the growth of social assistance in developing countries as grounded in social justice.

The rest of the paper is organised as follows: Section 2 discusses why social justice is the appropriate basis for social assistance. Section 3 discusses the role and content of the social minimum. Section 4 examines the implications for welfare institutions of a political theory of social justice. Section 5 discusses how grounding social assistance in a political notion of justice

throws light on 'real' social assistance in developing countries before sketching answers to the article's main questions. A final section concludes.

Why social justice?

In the literature on social assistance or social protection scarce attention has been paid to deeper ethical foundations. Reviewing the literature, Munro (2008) finds three concepts are identified as supporting social protection: needs, risks, and rights (Munro 2008). Social protection or assistance interventions are often justified by reference to society's responsibility to ensure basic levels of need satisfaction (White 2010). Alternatively, interventions can be justified by society's responsibility to ensure security, particularly income security. The focus here is on the threat posed by 'social risks' like unemployment, ill health, or natural hazards. A third approach justifies social protection interventions on the basis of human or social rights, for example the right to social security in the Declaration of Human Rights or the Covenant of Social and Economic Rights. In this context, social protection interventions involve the progressive realisation of particular rights. In international development policy dialogue a division of labour is noticeable, the UN justifies social protection in the context of needs, the Bretton Woods Institutions do so in terms of risks, and the ILO and other ground social protection on rights (Barrientos and Hulme 2013).

While useful in pointing to underlying justifications for social protection and assistance, these concepts are themselves grounded on deeper and more comprehensive ethical views on the roles and responsibilities of welfare institutions. Instead, this paper develops a case for grounding social assistance on a political notion of social justice. Social justice is often taken as synonymous with redistributive justice, as the principles governing the distribution of benefits and burdens in society (Miller 1999). The terms social justice and injustice are often employed

to evaluate inequalities in labour earnings, discrimination in employment or occupations, or the distribution of the tax burdens among rich and poor. Equality is the dominant ethical principle in redistributive justice.

In the work of Rawls, the terms social justice, distributive justice, and justice are used indistinctly, but they are employed in a broader sense to apply to the institutions that generate benefits and burdens in society and to the way in which these are distributed. Rawls draws a distinction between distributive justice and allocative justice, which helps to clarify this point:

The problem of distributive justice in justice as fairness is always this: how are the institutions of the basic structure to be regulated as one unified scheme of institutions so that a fair, efficient, and productive system of social cooperation can be maintained over time, from one generation to the next? Contrast this with the very different problem of how a given bundle of commodities is to be distributed, or allocated, among various individuals whose particular needs, desires, and preferences are known to us, and who have not cooperated in any way to produce these commodities. This second problem is that of allocative justice (Rawls 2001: 50).

The scope of social justice is the basic structure of society, which includes the economic, political, and legal structures governing economic cooperation.

What are the principles that should govern economic and social cooperation among free and equal agents? Rawls argues that political processes of debate and justification would lead to agreement around two main principles:³

Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and

Social and economic inequalities are to satisfy two conditions: first they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second,

they are to be to the greatest benefit of the least advantaged members of society (the difference principle)(Rawls 1971: 44).

The second principle is particularly relevant to the discussion below on social assistance. It states that policies likely to foster inequalities are only justified on condition that the inequalities they generate favour disadvantaged groups.

To the extent that antipoverty transfer programmes in developing countries are helping establish welfare institutions, it makes sense to seek to find their underpinning on social justice. Rawls difference principle, for example, points to social justice as providing a justification for social assistance.

The ‘strains of commitment’ and the social minimum

This section reviews contrasting perspectives on the social minimum. It distinguishes a justice-based social minimum from a needs-based social minimum. A justice-based social minimum addresses the ‘strains of commitment’ and, as will be argued below, throws a powerful light on the growth of social assistance in developing countries.

An entry point is to acknowledge that the workings of markets, and especially freedom of occupation, are likely to result in strong pressures pushing away from a just society. As a consequence, what the “theory of justice must regulate is the inequalities in life prospects between citizens that arise from social starting positions, natural advantages and historical contingencies”(Rawls 2005: 271). The focus of the theory is to ensure the main institutions in society can address these inequalities in life prospects and ensure just economic and social cooperation. The theory of justice therefore focuses on the basic structure, understood as “society’s main political, constitutional, social and economic institutions and how they fit together to form a unified scheme of cooperation over time”(Rawls 2005: xli).

Given inequalities inherent in the working of society, sustaining a commitment to economic cooperation and to the institutions of the basic structure can be problematic. It is especially problematic for groups suffering from persistent disadvantage. For them, the 'strains of commitment' could become excessive. What reasons can be provided to persuade those who are disadvantaged, and perhaps severely disadvantaged, to remain committed to the basic structure? The stability of a shared notion of social justice is dependent on how this issue is resolved. A theory of justice needs to specify how continuous commitment could be secured, even from the least advantaged or severely disadvantaged. As the key institution addressing the strains of commitment among the least advantaged, the social minimum assumes a central role in the theory of justice.

Rawls initial description of the social minimum in his 1971 *A Theory of Justice* is sketchy and reflects the then current discussions on welfare institutions in advanced economies. The social minimum is to be guaranteed by the government "either by family allowances and special payments for sickness and employment, or more systematically by such devices as a graded income supplement (a so-called negative income tax)"(Rawls 1971: 243).

Rawls early characterisation of the social minimum was subject to an insightful critique by Jeremy Waldron (1986). Waldron's main point was that Rawls justified the social minimum in terms of the requirements of a theory of justice. Instead, Waldron argued that the social minimum needed to be justified in as a response to urgent need. This meant acknowledging that "a certain minimum is necessary for people to lead decent and tolerable lives" (Waldron 1986: 21). In Waldron's view, a needs-based social minimum fitted better with the aim of ensuring the strains of commitment do not become excessive. Deprivation, he eloquently writes,

in the despair that characterises it, the defiance it excites, and the single minded violence it may occasion, ... poses a simmering threat to the viability of the societies it afflicts. There is therefore a prima facie reason why any society should avoid the situation in which significant numbers of people are in need (Waldron 1986: 30).

Waldron's argumentation fits dominant views on the role of social assistance as a means to address urgent need, i.e. poverty. The growth of social assistance in developing countries could be interpreted to reflect heightened concern with urgent need as exemplified by the Millennium Development Goals. The key point is that for Waldron, and the bulk of international development policy dialogue, the social minimum is justified on need not justice.

Rawls is not persuaded by Waldron's argument. In later writings he develops and refines the social minimum as a core component of a political notion of social justice. Rawls' pursuit of a justice-based social minimum is illuminating in the context of the argument in this article. A justice-based social minimum is broader in its scope and more specific in its objectives. In line with the difference principle, "the minimum is to be set at that point which, taking wages into account, maximises the expectations of the least advantaged group. By adjusting the amount of transfers, ... , it is possible to increase or decrease the – life [AB] – prospects of the more disadvantaged, their index of primary goods..." (Rawls 1971: 252). Rawls' proposal is for a social minimum that "together with the whole family of social policies, maximises the life prospects of the least advantaged over time" (Rawls 2001: 129).⁴ Political participation plays a part too. The social minimum is intended to ensure that "the least advantaged feel they are a part of political society" (Rawls 2001: 129).

In the context of this paper, it might be helpful to highlight two areas where a needs-based social minimum differs sharply from Rawls' justice-base social minimum: sufficiency and political participation.

Waldron's argument reflects a sufficiency approach to the social minimum, with interventions deployed "if there is a danger of members of that group falling below the level of the social minimum"(Waldron 1986: 23). Sufficiency argues for a moral concern with the least advantaged up to a point, 'what matters is not that some have less, but that they have enough' (Frankfurt 1987). Rawls identifies this position with 'restricted utilitarianism'. Utilitarianism weighs social arrangements from the perspective of whether they maximise aggregate utility in society. Restricted utilitarianism acknowledges that where burdens in society fall upon some while benefits fall onto others, a minimum subsistence level guaranteed to all is required. Aggregate utility is maximised over and above this minimum. 'Restricted utilitarianism' can be operationalised through the introduction of a minimum consumption/subsistence floor, as in a needs-based minimum. Instead, Rawls' justice-based social minimum focuses on maximising the life-prospects of the least advantaged. In order to achieve this objective, a justice-based social minimum addresses basic needs but within this broader remit. In the context of social assistance, the social minimum is developmental, not compensatory.⁵ The social minimum thus defined is not a subsistence minimum, as in Waldron, but instead a set of policies maximising the life-prospects of disadvantaged groups embedding the difference principle.

This distinction also helps Rawls to contrast what he refers to a capitalist welfare state with a property owning democracy. As he puts it, while "a social minimum covering only those essential needs may suit the requirements of a capitalist welfare state, it is not sufficient for what ...I call a property-owning democracy in which the principle of justice as fairness are realized" (Rawls, 2001: 130). The revised version of the Theory of Justice spells out this vision in greater detail. "The idea is not simply to assist those who lose out through accident or misfortune (although this must be done), but instead to put all citizen in a position to manage their own affairs and to take part in social cooperation on a footing of mutual respect under appropriately equal conditions" (Rawls 1971: xv).

There are implications for political participation too. One possible interpretation of the role of the social minimum is that it acts as a ‘pacification’ device to ensure the stability of the economic system. This is implicit in Waldron’s approach. Uncoupled from the notion of justice, the social minimum is open to be interpreted in this way. But this is not what Rawls has in mind.⁶ A justice-based social minimum is effective because it contributes to ensure the social, political and economic inclusion of disadvantaged groups. A justice-based social minimum would need to ensure the full political participation of disadvantaged groups.

A justice-based social minimum differs substantively from a floor covering basic consumption needs. The social minimum is not restricted to residual assistance in case of emergencies, although appropriate institutions to address emergencies are needed. It is not a prudential minimum addressing social risks and uncertainty in outcomes, although relevant institutions addressing these also need to be established. The social minimum, together with other policies, prevents the ‘strains of commitment’ from becoming excessive. This is achieved by ensuring that inequalities in society are only acceptable where they maximise the life prospects of the least advantaged, and through policies aimed at ensuring social political and economic participation by these groups. In combination with other institutions, the social minimum helps to ensure citizens can take part in economic cooperation on ‘appropriately equal conditions’. The social minimum is developmental and focused on economic and political inclusion.

A freestanding political theory of justice

The third concept to be drawn from Rawls is to do with the sources of legitimacy of a theory of justice. In the *Theory of Justice*, Rawls draws out the principles of justice from the hypothetical deliberation of individuals working under a ‘veil of ignorance’. The ‘veil of ignorance’ enforces

a context in which individuals are ignorant of their final position in society, whether they will be advantaged or disadvantaged. The 'veil of ignorance' is hypothetical, a contrivance, to ensure deliberation is not overridden by individual's self-interest. In *Political Liberalism* he moves towards a fuller process of political deliberation and justification. There, a starting point is recognition of the fact that modern societies contain a plurality of values, beliefs and interests. Pluralism implies that attempts to derive principles of justice from comprehensive, metaphysical, doctrines are bound to end in reasonable disagreement.⁷ Rawls argues that the fact of pluralism implies only a political conception of justice is feasible. The principles of justice are political in the sense that their legitimacy derives not from universal moral theories but from democratic processes of justification. They can be universally accepted within a polity only as the outcome of political processes of justification.

Rawls accepts that agreement on a political notion of justice is not feasible if it requires that citizens abandon their comprehensive doctrines, but he is optimistic that they would come to see the political notion of justice as desirable from within their doctrines.⁸ It helps that the scope of social justice is limited to the basic structure, leaving outside areas of social life where conduct is informed by comprehensive theories.

As a core component of a theory of justice, the social minimum is the outcome of processes of political justification and owes its legitimacy to these processes. This is well understood in the context of social assistance. Social assistance programme and institutions are legitimate, and therefore sustainable, if supported by legislation. In some countries, social assistance is embedded in constitutional provisions. There are important implications for social assistance flowing from a justice-based social minimum. A social minimum belongs within a polity, and draws its legitimacy from it. For practical purposes, a social minimum belongs within nation states. Its independence from comprehensive moral theories and the primacy it grants to

political processes place limits on the role of cosmopolitan approaches commonly taken for granted in international development. A freestanding political theory of justice also has implications for the role of scientific knowledge in informing political deliberation.⁹ The primacy of politics might clash with technocratic approaches to the social minimum and social assistance.

In this, and the last two sections, the discussion of the three concepts – the view of justice as enabling and regulating cooperation; the social minimum as a core component of social justice; and the requirement for a conception of justice to be freestanding and political – was intended to sketch a justice-based approach social assistance capable of throwing light on emerging welfare institutions in developing countries. The selection of these three concepts was done with this objective in mind. The argument developed here will hopefully demonstrate the relevance of a political theory of justice to our understanding of emerging welfare institutions in developing countries.

Rawls's theory of justice is certainly richer and more comprehensive than the concepts covered in this article. A comprehensive and critical assessment of Rawls' theory of justice is beyond the scope of this article. However, it might be useful to touch upon two criticisms of Rawls with a direct bearing on our discussion. Pogge (1994) criticises Rawls for his reluctance to extend his theory of justice beyond the nation state to the global scale, and also beyond 'ordered societies', that is societies in which a political theory of justice has received universal approval. Rawls' *Law of Peoples* (2002) only goes as far as describing the responsibilities of 'ordered societies' with respect to non-liberal states as restricted to human rights and economic development. An increasingly globalised world and rapid development in the South would appear to be on the blind side of Rawls' theory of justice. In the context of social assistance, the precise articulation of national political processes and global policies, the

MGDs for example, would merit further discussion at the very least. From a different perspective, Fraser (1995) and Young (1990) argue that Rawls' focus on redistribution misses out the significance of recognition as a central component of justice. Their criticisms have direct implications for addressing issues of gender, race, and disability in welfare institutions. Fraser (2005) attempts to combine redistribution and recognition in a comprehensive approach to justice. These two criticisms of Rawls' theory of justice point to areas of discussion and debate on the shape of emergent welfare institutions in developing countries. It is beyond the scope of this paper to examine potential implications for a justice-based social assistance.

'Real' social assistance

The discussion in the previous sections drew attention to three concepts in Rawls: the view of justice as enabling and regulating cooperation; the social minimum as a core component of social justice; and the requirement for a conception of justice to be freestanding and political. This section aims to link them to 'real' social assistance institutions emerging in developing countries. Restrictions of space require a selective focus on a few issues, and preclude a thorough review of the wide range of practice in developing countries. The objective is not to confirm or validate the approach to the social minimum in Rawls, which would greatly exceed the scope of this article. Instead the section has the more limited objective of highlighting, with examples, how the three concepts help throw light upon emerging social assistance in developing countries.

Inclusion not 'welfare'

The essence of the social minimum is (i) to embed the difference principle and (ii) to ensure that the strains of commitment do not become excessive for disadvantaged groups. The overriding objective of the social minimum is to ensure the economic and political inclusion of

disadvantaged groups. It has an instrumental dimension, to ensure the stability of the political notion of justice, but this only works as such because of its substantive dimension. The social minimum embeds the principles of justice, and especially the difference principle. This is confirmed in Rawls rejection of Waldron's critique, the rejection of 'restricted utilitarianism', and the rejection of the welfare state as an appropriate social minimum.

As a general rule, 'real' social assistance programmes have explicit poverty reduction objectives. As an objective, inclusion figures more prominently among social assistance programmes in middle-income countries. The explicit role of social protection policy in securing a harmonious society in China is perhaps the most prominent example. In Latin America, the extension of social assistance programmes has been explicitly argued on social inclusion terms, and in practice it is contributing to extend the reach of social protection to excluded groups. Social assistance has effected a substantive change in the welfare institutions established in the region in the last century, aptly described as truncated (Fiszbein 2005). To an important extent, emerging social assistance programmes in developing countries are productivist, in the sense of aiming to facilitate economic inclusion. Economic inclusion features explicitly in some programmes, employment guarantees in particular. They are also implicit in other programmes, for example social pensions seldom include a work test, whereas contributory pensions always do.

Outcomes are important too. There is a growing literature assessing political inclusion outcomes from antipoverty programmes, for example as regards voter registration and turnout (Baez *et al.* 2012; de la O 2013; Patel, Leila *et al.* 2014). The extent to which programmes are rules-based or discretionary in terms of their design and implementation is important in this context (Fried 2012).

Developmental not compensatory

To be effective as a social minimum, it is important that the relevant programmes and policies maximise 'the life prospects' of disadvantaged groups, that they have a developmental orientation at their core. This is a very challenging feature of a justice-based social assistance. It makes sense to argue that disadvantaged groups would feel committed to supporting basic institutions in circumstances where their - and especially their children's - lives can be reasonably expected to improve. This commitment cannot be reduced to personal calculations based on self-interest. Rawls argues that social justice and the scheme of cooperation it regulates "will not be stable unless those who must make sacrifices strongly identify with interests broader than their own" (Rawls 1971: 155).

Arguably, Latin American human development conditional income transfer programmes epitomise the developmental orientation of social assistance as they are explicitly designed to address the persistence of poverty and informality across generations. They have explicit human development objectives at their core. However, studies on unconditional programmes, especially social pensions, also identify human development outcomes from transfers. The point is that social assistance taken as a whole, including human development transfers and pure income transfers, could be reasonably expected to influence the 'life prospects' of disadvantaged groups. From this perspective, what should be at stake in debates on particular design features is the desirability of incorporating explicit human development objectives. The relative effectiveness of programmes could best be assessed in terms of their human development outcomes. There is broad agreement around the view that social assistance in developing countries lacks the compensatory orientation it once had in European welfare states.¹⁰ Another important issue that flows from this discussion is the term structure of social

assistance. Only stable and permanent welfare institutions have a chance to influence the life prospects of disadvantaged groups.

The really challenging feature of a justice-based social assistance is the focus on 'life prospects' or whole lives. It makes sense to measure welfare in the context of whole lives but, as the issue of beneficiary selection indicates, this is hard to do empirically.

Studies on public perceptions of social investment associated with human development conditional income transfer programmes in Latin America suggest it facilitates political support broadly (Lindert and Vinscensini 2008), and among high income groups (Zucco 2014).¹¹ Aside from a discussion on the desirability of human development conditions, the point here is that there is a link between political support for poverty reduction and the design of specific instruments.

Social assistance not social insurance

Rawls explicitly ruled out prudential (insurance) schemes as well as emergency and humanitarian assistance from the social minimum. This is not to suggest that these schemes are unnecessary or undesirable, quite the contrary. But they are not part of the social minimum. Social assistance, on the other hand, is at the core of the social minimum. This is especially the case if it is designed and implemented to ensure inclusion and maximise the life prospects of the least advantaged.

This is a controversial view, especially in light of widely held views on the development of European welfare states. In European welfare states social insurance is dominant while social assistance is often residual.¹² Different types of social insurance schemes are available, but their core feature is the fact that coverage of risks is dependent on a contributory principle

(Plant 2003). In the Beveridge version of social insurance flat contributions have as a counterpart flat benefits. In the Bismarckian scheme, contributions and benefits are stratified.

In contrast, social assistance is based on a citizenship principle, and entitlements are not dependent on contributions to particular schemes. South Africa, New Zealand and Australia are examples of countries with welfare institutions primarily based on social assistance. By contrast, Latin American followed the European route. Almost a century after the introduction of stratified social insurance schemes in the region, less than half of salaried workers make regular contributions to pension schemes and health insurance. The linkages existing between contributory- and citizenship-based welfare institutions on the one hand and political regimes on the other have received scant attention in the context of developing countries. Mares and Carnes (2009) find that the emergence of social insurance, including in developing countries, is associated with authoritarian regimes. The recent spread of social assistance in developing countries has been associated with democratisation (Brooks 2015).

Political not metaphysical

In Rawls view, the social minimum, as a core component of a political notion of justice, is the outcome of democratic processes unfolding within a polity. It is legitimate only under these circumstances and it is freestanding with respect to comprehensive moral doctrines.

What are appropriate political processes in the context of the social minimum? They include publicity, supporting legislation, parliamentary scrutiny and budget allocations, rules-based implementation, right of appeal, accountable public agencies. In other words, the social minimum requires appropriate levels of institutionalisation. In developing countries, social assistance programmes are rapidly gaining institutionalisation. This is perhaps truer of middle-income countries than of low-income countries. In Latin America, the institutionalisation of

social assistance has advanced rapidly (Cecchini and Martínez 2011). In sub-Saharan Africa some countries have strengthened the legal framework supporting social assistance. Mozambique's Basic Social Protection Law and Kenya's commitment to social protection in the new Constitutions are recent examples. These developments reflect political processes of legitimation and accountability. However, institutionalisation and accountability show significant deficiencies in many countries. And in aid dependent countries, the influence of donors militates against domestic political ownership of social assistance programmes (Barrientos and Santibañez 2009; Niño-Zarazúa *et al.* 2012).

International advocacy for social protection often offers social rights as an imperative for developing countries. This applies especially to multilaterals and bilaterals, the ILO and DFID for example, and to international NGOs like HelpAge International. Arguably, it is possible to take human rights as principles reflecting social and political values and priorities. As such, they constitute an important input into national level debates and might be eventually incorporated in national legislation. A different interpretation is to see social rights as supranational legislation or as reflecting deep humanist values. It is an interesting question whether social rights contribute to, or dominate, political processes associated with social assistance. A justice-based social assistance requires it to be free standing with respect to comprehensive moral doctrines.

Conclusions

Drawing on three concepts from Rawls' political notion of justice – social justice as regulating cooperation, the social minimum, and the requirement of a freestanding political notion of social justice – the paper argued there is a strong case for grounding social assistance on social justice. Social assistance is a core component of the social minimum, preventing the 'strains of

commitment' from becoming excessive for disadvantage groups and maximising their life-prospects. Linking these concepts to the areas of practice in 'real' social assistance in developing countries provided examples how these concepts can throw light on the emergence of social assistance in developing countries.

The discussion in the article would be consistent with the following answers to the three core questions raised at the beginning of the paper.

What are the main objectives of social protection institutions in developing countries? The main objective of justice-based welfare institutions is to ensure the inclusion of disadvantaged groups, to maximise their life prospects and to ensure, as a result, that their commitment to social justice is sustained. The core features and growth to scale of social assistance in developing countries indicate movement towards these objectives.

What should be their scope and reach? In combination with other social policies, justice-based social assistance should ensure a range of policies and programmes ensure the economic, political, and social inclusion of disadvantaged groups. Real social assistance in developing countries has an explicit focus on poverty reduction and extreme poverty eradication, but the broader focus on inclusion is increasingly coming to the fore in middle-income countries. In low-income countries the reach of social assistance programmes is limited, but in middle income countries large-scale programmes reach the majority of households in poverty. A challenge faced by developing countries is to extend the reach of social assistance programmes to include broader disadvantage populations facing economic and political exclusion.

What is the source of their legitimacy? Justice-based social assistance derives its legitimacy from political processes of justification within particular societies. This is reflected in practice in the extent of institutionalisation of programmes and policies. Real social assistance shows

rapid improvements in institutionalisation in middle-income countries but a slower pace among lower income countries.

Notes

¹ In institutional terms, social protection includes social insurance and social assistance. Social insurance describes contributory programmes covering life course and employment risks. Social assistance describes budget-financed programmes addressing poverty and deprivation. For the purposes of this paper social assistance, social transfers, and antipoverty transfer programmes are synonymous.

² The history of welfare institutions in high income countries shows that emerging welfare institutions have feedback effects on social structures and contribute to shape social preferences and institutions (Esping-Andersen 1990; Pierson 1993; Skocpol 1992).

³ Rawls' justice as fairness has been subject to extensive criticism and development. See Pogge (1989) for a review.

⁴ Other policies are important too, such as ensuring basic liberties, fair equality of opportunity, preventing monopolies (Rawls 1971). The social minimum is part of a package.

⁵ Rawls argues that the minimum need not be high. In part because it has limits arising from the need to invest in future generations and also arising from the incentive effects of the collection of tax revenues to support it. "Now off hand it might seem that the difference principle requires a very high minimum. One naturally imagines that the greater wealth of those better off is to be scaled down until everyone has nearly the same income. But this is a misconception, although it might hold in special circumstances. The appropriate expectation in applying the difference principle is that of the long term prospects of the least favoured extending over future generations" (Rawls 1971: 252).

⁶ Rawls argues that 'restricted utilitarianism' might be ineffective as a 'pacification' device, because it requires the least advantaged to accept their sacrifice for the benefit of others. This explains "why utilitarians should stress the role of sympathy in moral learning and the central place of benevolence among the moral virtues. Their conception of justice is threatened with instability unless sympathy and benevolence can be widely and intensively cultivated" (Rawls 1971: 155).

⁷ According to Freeman, "Rawls defines a 'comprehensive doctrine' as one that includes conceptions of what is of value in life and give life its meaning" (Freeman 2007: 332).

⁸ Cohen points that a condition that citizens are free and equal suggests this optimism is well founded. As he puts it, to "say that citizens are free is to say, inter alia, that no comprehensive moral or religious view provides a defining condition of membership or the foundation of the

authorization to exercise political power” (Cohen 2009: 156). However, this condition is demanding, as “each citizen has to assign priority to the political over the non-political values whenever they come into conflict with the political domain” (Gordon Finlayson and Freyenhagen 2011: 14).

⁹ It “is important to Rawls that non-controversial findings among experts in the social sciences be permissible basis for arguing for a political conception of justice...”(Freeman 2007: 332). Cohen discusses in more detail the implications of Rawls’ constructivism for the nature of democracy (Cohen 2009).

¹⁰ See Hemerijk’s proposal to replace European ‘welfare states’ with ‘social investment states’, including “...a reorientation of social citizenship, away from the compensating freedom from want logic towards the capacitating freedom to act, under the proviso of accommodating work and family life through social servicing and a guaranteed rich social minimum enabling citizens to pursue fuller and more satisfying lives” (Hemerijck 2013: 39). For a contrasting view see Cantillon (2011).

¹¹ Studies on preferences for redistribution find support for the POUM hypothesis (prospect of upward mobility)(Benabou and Ok 2011).

¹² “Should any decent welfare state relieve poverty? Of course it should. But in a well-ordered welfare state almost all the jobs of relieving poverty will be done by policies which objectives and rationales are quite different. For all except a few unfortunates who fall through the cracks, the relief of poverty is a by-product of a system of cash benefits founded upon principles that do not include the relief of poverty” (Barry 1990: 503).

References

- Baez, J. E., Camacho, A., Conover, E. and Zárate, R. A. (2012) *Conditional cash transfers, political participation, and voting behavior*, The World Bank.
- Barrientos, A. (2013) *Social Assistance in Developing Countries*, Cambridge: Cambridge University Press.
- Barrientos, A. and Hulme, D. (2013) 'Global norms and national politics: The case of social protection', in M. Langford, A. Sumner, and A. Yamin (eds). *MDGs and Human Rights: Past, present and future*. Cambridge: Cambridge University Press, pp. 426–438.
- Barrientos, A. and Santibañez, C. (2009) 'Social Policy for Poverty Reduction in Lower-income Countries in Latin America: Lessons and Challenges', *Social Policy & Administration* 43(4): 409–424.
- Barry, B. (1990) 'The welfare state versus the relief of poverty', *Ethics* 100(3): 503–529.
- Benabou, R. and Ok, E. A. (2011) 'Social mobility and the demand for redistribution: the POUM hypothesis', *Quarterly Journal of Economics* 116(2): 447–487.
- Borges Sugiyama, N. (2011) 'The diffusion of Conditional Cash Transfer programs in the Americas', *Global Social Policy* 11(2-3): 250–278.
- Brooks, S. (2015) 'Social protection for the poorest: the adoption of antipoverty cash transfer programs in the Global South', *Politics and Society* 43(4): 551–582.
- Cantillon, B. (2011) 'The paradox of the social investment state: growth, employment and poverty in the Lisbon era', *Journal of European Social Policy* 21(5): 432.
- Cecchini, S. and Martínez, R. (2011) *Protección social inclusiva en América Latina: Una mirada integral, un enfoque de derechos*, Santiago: CEPAL.
- Cohen, J. (2009) *Philosophy, Politics, Democracy. Selected Essays*, Cambridge MA: Harvard University Press.
- De la O, A. L. (2013) 'Do conditional cash transfers affect electoral behaviour? Evidence from a randomized experiment in Mexico', *American Journal of Political Science* 57(1): 1–14.
- Esping-Andersen, G. (1990) *The Three Worlds of Welfare Capitalism*, Cambridge: Polity Press.
- Fiszbein, A. (2005) *Beyond truncated welfare states: Quo Vadis Latin America?*, The World Bank.
- Frankfurt, H. (1987) 'Equality as a moral ideal', *Ethics* 98: 21–43.
- Fraser, N. (1995) 'From redistribution to recognition? Dilemmas of Justice in a "Post-Socialist" Age', *New Left Review* 212(1): 68–93.
- Fraser, N. (2005) 'Reframing justice in a globalizing world', *New Left Review* 36: 69–88.

- Freeman, S. (2007) *Rawls*, London: Routledge.
- Fried, B. J. (2012) 'Distributive Politics and Conditional Cash Transfers: The Case of Brazil's Bolsa Família', *World Development* 40(5): 1042–1053.
- Gordon Finlayson, J. and Freyenhagen, F. (2011) *Habermas and Rawls. Disputing the political*, London: Routledge.
- Grosh, M., Del Ninno, C., Tesliuc, E. and Ouerghi, A. (2008) *For Protection and Promotion. The Design and Implementation of Effective Safety Nets*, Washington DC: The World Bank.
- Hemerijck, A. (2013) *Changing Welfare States*, Oxford: Oxford University Press.
- Hickey, S. (2014) 'Relocating Social Protection within a Radical Project of Social Justice', *European Journal of Development Research* 26(3): 322–337.
- Lindert, K. and Vinscensini, V. (2008) *Social Policy, Perceptions and the Press: An Analysis of the Media's Treatment of Conditional Cash Transfers in Brazil*, The World Bank.
- Mares, I. and Carnes, M. (2009) 'Social Policy in Developing Countries', *Annual Review of Political Science* 12: 93–113.
- Miller, D. (1999) *Principles of Social Justice*, Cambridge MA: Harvard University Press.
- Munro, L. T. (2008) 'Risks, rights and needs: Compatible or contradictory bases for social protection', in A. Barrientos and D. Hulme (eds). *Social Protection for the Poor and Poorest: Concepts, Policies and Politics*. London: Palgrave.
- Niño-Zarazúa, M., Barrientos, A., Hickey, S. and Hulme, D. (2012) 'Social protection in Sub-Saharan Africa : getting the politics right', *World Development* 40(1): 163–176.
- Patel, Leila, Sadia, Yolanda, Graham, Victoria, Delany, Aislinn and Baldry, Kim (2014) *Voting Behaviour and the Influence of Social Protection. A study of voting behaviour in three poor areas in South Africa*, Johannesburg: Centre for Social Development in Africa, University of Johannesburg.
- Pierson, P. (1993) 'When effect becomes cause: Policy feedback and political change', *World Politics* 45(4): 595–628.
- Plant, R. (2003) 'Citizenship and social security', *Fiscal Studies* 24(2): 153–166.
- Pogge, T. (1994) 'An Egalitarian Law of Peoples', *Philosophy and Public Affairs* 23(3): 195–224.
- Pogge, T. W. (1989) *Realizing Rawls*, Ithaca NY: Cornell University Press.
- Rawls, J. (1971) *A Theory of Justice*, Cambridge, MA: Harvard University Press.
- Rawls, J. (2001) *Justice as Fairness. A restatement*, London: The Belknap Press of Harvard University Press.
- Rawls, J. (2002) *The Law of Peoples*, Harvard: Harvard University Press.

- Rawls, J. (2005) *Political Liberalism*, Expanded Edition., New York: Columbia University Press.
- Skocpol, T. (1992) 'State Formation and Social Policy in the United States', *American Behavioral Scientist* 35(4-5): 559–584.
- Ulriksen, M. S. and Plagerson, S. (2014) 'Social Protection: Rethinking rights and duties', *World Development* 64: 755–765.
- Waldron, J. (1986) 'John Rawls and the social minimum', *Journal of Applied Philosophy* 3(1): 21–33.
- White, S. (2010) 'Ethics', in F. G. Castles, S. Leibfried, J. Lewis, H. Obinger, and C. Pierson (eds). *The Oxford Handbook of the Welfare State*. Oxford: Oxford University Press, pp. 19–31.
- Young, I. M. (1990) *Justice and the Politics of Difference*, Princeton NJ: Princeton University Press.
- Zucco, C. (2014) *Conditionality and support for redistributive transfers: Results from observational and survey-experimental studies*, Sao Paulo: FGV.