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Living to Work and Working to Live: The Rise of Workism in American Public Policy and its
Implications for Human Rights

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An abstract of
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Abstract

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By Daniel P. Miller

Work occupies a prominent location in contemporary American society, to the point that it functions as a civil religion that may aptly be termed “workism.” This thesis argues that workism has come to pervade American law as well as American culture. As a result, it has shaped public policy in ways that are in inherent tension with human rights.

Workism is rooted in early American Protestant ideas like the Protestant work ethic. As these ideas developed within the American milieu and, in particular, as they became intertwined with capitalism created a framework in which individuals who were idle or poor were considered subhuman. This framework eventually transcended religious boundaries and came to function as a defining normative orientation for secular American society such that work functions as the defining litmus test for full human status.

The consequences this framework begin to become apparent when it is placed into conversation with an alternative conceptual framework: the human rights framework. These two frameworks are contradictory; each situates a different value as the ultimate criterion for human status. Under human rights, simple human existence, and therefore possession of inherent human dignity, entails full human status. Workism, however, requires individuals to earn full human status through work—contradicting the inherent possession of that status entailed by the human rights framework.

Two policy case studies illustrate the consequences of this tension. In one case, the conditioning of government welfare benefits on the meeting of work requirements effectively forces poor individuals to earn the basic goods and protections necessary to live as a human being. Beneficiaries are effectively forced to earn their humanity. In the second case, work is used to justify depriving individuals of their human rights and, by extension, their human dignity and status. In both of these cases, the conditioning of human status on a predicate criterion of work produces significant real-world harms that would not have existed had public policy reflected the human rights framework. These cases demonstrate the effects and consequences of the influence of workism and provide grounds for re-evaluating the role it plays in American society and policy.

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Introduction

Myths about work are deeply embedded throughout American history. Work is, in fact, so intertwined with the dominant American cultural self-image that it is included in the dictionary definition of the American Dream: “a happy way of living that is thought of by many Americans as something that can be achieved by anyone in the U.S., *especially by working hard and becoming successful.*”¹ This definition throws the position work holds in popular American culture into sharp relief: it is both pathway and precondition to “a happy way of living.” In America, the story goes, one becomes happy by becoming successful, and one becomes successful through hard work and, often, hard work alone. Work is, simply put, the foundation upon which the American cultural self-image is built.

But work did not arrive at this cultural location through a spontaneous accident. Instead, it is the product of a long-developing historical process—a process that, this thesis will argue, is firmly grounded in American religious history. Specifically, this thesis will locate the American emphasis on work within the broad legacy of American Christian traditions such as the Protestant work ethic.

At the same time, this emphasis on work, while ostensibly focused on the work of individual people, nevertheless shapes society-wide public policy, a phenomenon journalist Derek Thompson named “workism.”² Specifically, workism has given rise to policies in a wide variety of issue areas that prioritize work, in particular the performance

¹ “The American Dream,” Merriam-Webster Online, accessed March 25, 2019, <https://www.merriam-webster.com/dictionary/the%20American%20dream>.

² Derek Thompson, “Workism is Making Americans Miserable,” The Atlantic, last modified February 24, 2019, <https://www.theatlantic.com/ideas/archive/2019/02/religion-workism-making-americans-miserable/583441/>

of wage labor in a capitalist economy, above all other potential policy ends—such as, for example, the human rights of individual Americans.

This thesis will demonstrate the ways in which this workism animates a significant portion of American public policy in ways that subordinate human dignity to work (in the form of capitalist labor), creating an artificial “dignity gap” between the working and nonworking. It will do this through a pair of public policy case studies. These studies serve to demonstrate the two different ways workism manifests in public policy, which are herein referred to as the direct and indirect forms of workism. The first of these case studies, welfare reform, is an extensive analysis of a large-scale piece of legislation that places the morality of work front and center, making it a direct precondition on the recognition of human rights. The second is a more targeted examination of a small piece of deregulation that embodies the way workism can threaten human rights in smaller, more subtle and indirect ways.

These case study policies will show that workism and human rights represent competing conceptual frameworks oriented around differing primary values that exist in inherent tension. Because of that inherent tension, American public policies manifesting the influence of workism generate human rights violations. This reveals how workism has done and continues to do significant, real-world harm to many individual human beings through its influencing of public policy—and, therefore, why it should be replaced as the value orientation around which American public policy is based.

I. Workism and Human Rights: An Overview and Intellectual Comparison

A. Overview

Before beginning this analysis in earnest, however, a few definitional and clarifying notes are in order. First, an operational definition of “work” is critical to this thesis. Work is, after all, a broad term that could encompass anything from the thinking of a thought to the writing of a word to a hydroelectric dam’s generation of electricity. None of these, however, fit comfortably within the boundaries of the conception of work embedded within the American cultural ethos with which this thesis is concerned. The American Dream, for example, has a more specific vision in mind, largely focused on work that generates wealth, power, and/or other forms of social capital.³ In order to focus its analysis as closely as possible on that vision of work, this thesis will define work as participation in the capitalist economy, generally through the performance of wage labor.⁴

³ For example, a joint report co-authored by the conservative American Enterprise Institute and the center-left Brookings Institute notes that “For much of the 20th century, a cornerstone of the American Dream has been the belief that, with hard work, all adults should be able to lift themselves and their families out of poverty.” American Enterprise Institute/Brookings Working Group on Poverty and Opportunity, *Opportunity, Responsibility, and Security: A Consensus Plan for Reducing Poverty and Restoring the American Dream* (2015), 54.

⁴ There may initially appear to be some small exceptions to this definition; while this discussion is far too broad to address comprehensively in this thesis, a brief note on this subject is in order. For instance, middle- and upper-class white women have traditionally been encouraged *not* to work by many of the same entities that otherwise endorse the workist framework. It would, therefore, seem incongruous to suggest that those women were being seen as less human simply because they were doing what they were supposed to. In short, however, this is where the interrelation of work and economic status, discussed later in this thesis, comes into play. Under that interrelation, those who are economically successful in the ways that are associated with work are simply assumed to be hard-working themselves. In this case, women in families wealthy enough to be supported by a single income generally exist within that sphere of economic status, even if that status was originally attained or is now maintained by proxy through their husband. Consequently, even though they are not currently working in a job, their economic status is a sufficient substitute under the workist framework to qualify them as fully human; that economic status carries it with it an inherent and implicit assignation of adequate work. This phenomenon also helps to explain why, for instance, wealthy heirs who live primarily off of their inheritances also qualify as fully human even though the work to earn that wealth was put in by others (their parents or family members, generally): economic status, as functionally synonymous with work in the workist framework, is sufficient to satisfy the workist criteria for full human status. Moreover, the fact that, beginning in the 1970s, many of these middle- and

Second, it is important to give a working definition of “workism.” Thompson defines “workism” as “the belief that work is not only necessary to economic production, but also the centerpiece of one’s identity and life’s purpose; and the belief that any policy to promote human welfare must *always* encourage more work.”⁵ However, while this definition captures much of the nature of workism, it does not go far enough. This thesis therefore redefines workism as an American civil religion, grounded in certain Protestant values but no longer exclusively Protestant itself, which upholds work as the primary value in its conceptual framework. This value is, in turn, used to denote a claim about the core of what it means to be human. Specifically, in the workist framework, work is a precondition for the state of existence *as a fully human being*. Therefore, workism is a “public religion” in which, in order to be fully human, one must work. Phrased another way, under workism, one must earn one’s full humanity by working. This definition of workism will be more fully developed over the remainder of this section.

B. Workism: A Description

1. A Moral Orientation Toward Work: The Protestant Work Ethic

Under the redefinition of workism proffered above, work functions as a litmus test for full human status and worth. This framework is derived from theo-moral principles about work that originated in strands of Protestant thought such as the Protestant work ethic. However, over time, those ideas have been appropriated by broader American society such that work is now an equally potent and compelling value for secular American culture and politics as for American Protestants. Work has, in

upper-class white women pushed to move out of the home and begin working reinforces the argument that work is viewed as a good; their affirmative desire to pursue work identifies work as something important to obtain in order to assert or attain their full humanity and independence.

⁵ Thompson, “Workism.”

effect, both leveraged and transcended the theological principles upon which it was based to become the center of a new American civic religion and conceptual framework.

Therefore, it is more appropriate to refer to this orientation as a general workist ideology rather than to continue to refer to it in sectarian-specific terms like “Protestant work ethic.”

The seeds of workism can be found in some of the earliest iterations of American Christianity, a phenomenon that drew attention as early as Max Weber’s publication of *The Protestant Ethic and the Spirit of Capitalism* in 1905.⁶ As Weber noted, and many scholars since have developed in greater breadth and detail, work was an important orienting value, both morally and theologically, for many strands of Western Protestantism in the 17th and 18th century. That emphasis on work would, in turn, become the foundation for a broader, modern American orientation toward work.

This link between Protestantism and work is best embodied in a prominent piece of American cultural imagery: the Protestant work ethic. Weber, and many successive scholars, associated a “spirit of hard work” with Protestants, particularly Calvinist Protestants.⁷ This “spirit,” essentially, embodied a normative religious and moral obligation to work. Under this obligation, each individual member of society was expected to work diligently and regularly; “irregular work and idleness were condemned.”⁸ The early Puritan calendar, for example, required six days of work each week from its adherents.⁹ Nor could simply going through the motions as a matter

⁶ Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (Lexington, KY: Renaissance Classics, 1905).

⁷ Ibid; Jere Cohen, *Protestantism and Capitalism: The Mechanisms of Influence* (New York: A. de Gruyter, 2002), 4.

⁸ Cohen, *Protestantism and Capitalism*, 4.

⁹ Ibid., 36

of routine fulfill this obligation. “Work was expected to be intense,” and was to be carried out with “earnestness, fervor, and vigor.”¹⁰

In practice, this norm of work could be fulfilled through the pursuit of an economic calling,¹¹ devotion to and diligent performance of what one contemporary preacher defined as “a stated course of labor.”¹² Each individual’s pursuit of this calling, and thereby fulfillment of their normative obligation to work, was necessary for them to lead their lives as these early Protestant communities believed that individuals ought to live. By devoting themselves to their calling and its corresponding labor, individuals could avoid idleness and sloth, two personal vices these communities thoroughly condemned.¹³ For instance, one contemporary preacher condemned undiligent workers as “idle ‘drones’ who ‘consume that which others labor for, but are no labourers themselves,” while another proclaimed that “those who ‘follow no honest calling...live to no use.’”¹⁴ By contrast, devoted workers were seen as upstanding, dutiful members of society who, in accordance with the community’s norms, put their time to good, industrious use.¹⁵ Therefore, diligent pursuit of one’s calling was seen as a personal good.

But this obligation of work was not only a personal good. Rather, each individual needed to have a calling, “both for their own maintenance and for the benefit of all.”¹⁶ In other words, individual work was viewed as both a personal and social good. The lazy

¹⁰ Ibid., 37

¹¹ This economic calling is distinct from a religious calling. While a Protestant may well have a general Christian calling to live out their religious obligations, their *economic* calling referred specifically to their obligation to follow a norm of hard work and labor, usually in the form of a fixed occupation. Ibid., 38.

¹² Ibid.

¹³ Ibid., 39–40.

¹⁴ Ibid., 40.

¹⁵ Kenneth Hudson and Andrea L. Coukos, “The Dark Side of the Protestant Ethic: A Comparative Analysis of Welfare Reform,” *Sociological Theory* 23, no. 1 (2005): 3; Cohen, *Protestantism and Capitalism*.

¹⁶ Cohen, *Protestantism and Capitalism*, 39.

and idle were seen not just as harming themselves, but as harming the whole community; as one preacher put it, “‘idle’ people ‘burthened’ [burdened] the country.”¹⁷ The diligent and industrious, on the other hand, were seen as benefitting society as a whole. These benefits were both abstract, such as the enhancement of the general character of one’s family or community,¹⁸ and material. The industrious could, for example, produce more goods or make more money, and could then divert some of those extra goods or profits to the benefit of the community in the form of alms or charity.¹⁹ Therefore, under the Protestant work ethic perspective, devotion to work was both a personal and social normative good.

The Protestant work ethic’s emphasis on work as a normative good was religiously based: “Puritans believed that labor and industry were ‘their duty toward God.’”²⁰ The performance of work was a necessary piece of one’s service to and worship of God. Cohen, for instance, quotes one preacher’s contention “that in our callings ‘wee doe service to the Lord Jesus.’”²¹ Indeed, the duty of pursuing one’s calling was of paramount importance to early Protestants, above even most other religious duties.²² It was through work that one showed his or her worth and, more particularly, “prove[d] to themselves and others that they were God’s elect.”²³

In particular, work was normatively good because it was the fulfillment of the role God had designed for humanity. After all, human beings had been created with the ability

¹⁷ Ibid.

¹⁸ Cohen notes that “the ‘good huswife’ [housewife] was commended because her ‘labour and industrie enricheth her family.’” Ibid.

¹⁹ Ibid., 40.

²⁰ Ibid., 36.

²¹ Ibid., 39.

²² Ibid., 97.

²³ Hudson & Coukos, “Dark Side,” 3.

to work; viewed through the lens of the Protestant work ethic, this capacity implied that they *should* work, that God would not have created them with this capacity had He not intended that they use it.²⁴ Work was, therefore, a normative good because it was a divine imperative “‘imposed of God.’”²⁵ God expected humans to work, so individual human beings needed to work in order to fulfill their obligation toward God.

Because fulfilling an obligation toward God was, obviously, a theological good for many Protestants, the installment of diligent work as prerequisite for such fulfillment conferred a normative status upon that work as well. This, then, defined work as theologically good (and nonwork as theologically bad) in the same way that fulfilling one’s obligation to God was normatively good, because those two things were equivalent.²⁶ Hardworking individuals, then, were fulfilling their obligation toward God and thereby behaving in a way that was theologically good—in the process, demonstrating their own virtue.

At the same time, the Protestant work ethic also conceived of work as good because it *avoided* other sins. This line of reasoning was very simple. If, it was thought, individuals were idle, they (and their naturally sinful natures) would naturally be drawn to sinful conduct. They might well, for example, be tempted into committing sins of the flesh like lust.²⁷ If, on the other hand, an individual’s time is filled with virtuous labor, they may not face those same sinful temptations.²⁸ Even if they do, they will not have the time to engage in them.²⁹ In short, “work in a lawful calling was considered an antidote to

²⁴ Cohen, *Protestantism and Capitalism*, 37.

²⁵ *Ibid.*, 40.

²⁶ *Ibid.*

²⁷ *Ibid.*, 40.

²⁸ *Ibid.*

²⁹ *Ibid.*

idleness.”³⁰ Therefore, in addition to being a theological good in its own right, work is a theological good in the eyes of the Protestant work ethic because it helps individuals avoid sins—theological negatives.

The religious connotations of and role played by work gave it a powerful moral location. After all, for these Protestant communities, theology and morality were nearly synonymous. Because God was the determiner of what was right or good, morality was virtually indistinguishable from theology. If, therefore, work was a paramount theological imperative through which a person’s obligation to God was fulfilled (and it was³¹), it was also, by extension, a moral norm, because there was, in this case, no separation between the theological norm and the moral norm. To do right in the eyes of God was to do right, full stop.

This means that the Protestant work ethic included a moral as well as a theological orientation toward work.³² For these early American Protestants, because work was a theological obligation to God, and because there was no difference between theological and moral obligation in this sense, one’s own moral goodness, quality, and even worth was evidenced in one’s diligent pursuit of labor.³³ On the other hand, nonwork was associated with idleness and laziness, which could (and, at least in the Puritan context, almost inevitably would) lead to even worse sins such as lust and temptation. Nonwork evidenced one’s immorality as well as one’s sinfulness.³⁴ Put another way, work served as the good that oriented the framework through which an

³⁰ Ibid., 43.

³¹ Ibid., 97

³² Jeremy Posadas, “The Refusal of Work in Christian Ethics and Theology: Interpreting Work from an Anti-Work Perspective,” *Journal of Religious Ethics* 45, no. 2 (June 2017): 332.

³³ Hudson & Coukos, “Dark Side,” 3.

³⁴ Cohen, *Protestantism and Capitalism*, 40.

individual Protestant's character or morality was judged. If they were hardworking, they were considered to be moral and, bluntly, good, while if they were "idle," they were considered sinful.³⁵ This creates a paradigm in which work effectively serves as the litmus test of individual moral worth, such that those who meet their ostensible moral obligation of work are considered to be morally superior to those who do not.

Again, for the Protestants, there was likely little difference between this moral orientation toward work and a theological orientation toward work. However, the inclusion of the moral orientation along with the theological would, as the next section will show, lay the groundwork for the modern, secularized version of workism that has come to dominate secular American culture and influence public policy—a version that would reconfigure the Protestant work ethic's theo-moral orientation toward work into a conceptual framework upholding work as the fundamental value that defines individual human status.

2. Public Protestantism: The Foundation for a Secular Workism

Of course, it is one thing to argue that prominent strands of American Protestantism contained a moral orientation toward work. But it is something else entirely to suggest that this Protestant moral orientation came to transcend the boundaries of the Protestant faith and became a hallmark of broader American culture, even in secular spheres. The latter does not necessarily follow from the former; something is needed to link the two together. Catherine L. Albanese provides such a link with her identification of Public Protestantism, which creates an intellectual framework that, applied in this

³⁵ Ibid., 39.

context, illustrates how the originally religious Protestant moral orientation toward work came to form the conceptual foundation of secular American culture and public policy.

Albanese argues that traditional Protestant values have come to define broader American culture and, in the process, created a public Protestantism.³⁶ Under this public Protestant paradigm, the formation of secular, public America was so heavily shaped by traditional Protestantism that it adapted, secularized, and adopted many of the values embedded within those Protestant traditions. This, in turn, meant that those originally religious and theological values were able to transcend the boundaries of the Protestant communities from whence they emerged.

These values, while still firmly rooted in the foundation of Protestant norms, experience, and worldview, became foundational elements of a public, secular American culture. As a result, the values that emerged from those norms, experience, and worldview now influence even non-Protestants who live within the American milieu dominated by this public Protestantism. As Albanese points out, “the ordinary religion of mainstream American culture possesses characteristics that derive historically from the Protestant experience in the country.”³⁷ In short, to exist in America is to be influenced in some way by public Protestant concepts, language, and values.

It is important to note, however, that this public Protestantism did not emerge from some general, abstract concept of Protestantism. Rather, it emerged from a specific set of Protestant beliefs and experiences, a set that was prominent in America’s formative early stages. According to Albanese, public Protestantism “originated in the Calvinist

³⁶ Catherine L. Albanese, *America: Religions and Religion* (Boston, MA.: Cengage Learning, 2012), 276.

³⁷ *Ibid.*

Christianity of the Early Puritan settlers.”³⁸ As a result, it was strongly shaped by Calvinist and Puritan values and sensibilities. Those were the same traditions, values, and sensibilities that gave rise to the Protestant work ethic. Public Protestantism, in other words, is the missing link between the religious values of the Protestant work ethic and modern, secular society; it emerged from the former and helped to define the latter. In the process, it served as a transitive force through which many of the values held by early American Puritans and Calvinists transcended their early religious boundaries and contexts and emerged as secularized values that were broadly accepted as a fundamental part of American culture.

One particularly important way in which this Calvinist and Puritan influence shaped the development of public Protestantism was the transmission of specific Protestant values. According to Albanese, public Protestantism was heavily shaped by Puritan moralism, to the point that “morality became the clearest test of Christian commitment and the key element in Christian life.”³⁹ As public Protestantism translated its foundational Christian values into secularized, culture-defining ideas, the virtues transmitted as a result of that moralism became less Christian-specific but did not sacrifice their fundamental importance. Instead, the virtues transmitted through that fundamental emphasis on moralism became key components of broader American society, no longer as a test of purely Christian theological commitment but as a test of commitment to the accepted, Christianity-grounded values of American culture and norms of citizenship.

³⁸ Ibid.

³⁹ Ibid., 279.

One of those virtues was the Protestant orientation toward work. As Cohen notes, the moral values and judgments that animated the Protestant work ethic continue to define broader American culture today: “The industrious are more respected than the lazy, for example. Activity and disdain for idleness remain general cultural values.”⁴⁰ And once removed from its religious context (although, critically, maintaining the value set derived from its religious roots), the work ethic and its animating orientation around work thrived within secular society. The separation of workism from its religious context allowed for its orientation toward work to be separated from its original underlying theo-moral justification—two things that, while essentially synonymous for early American Protestants, were very different for a modern, secular audience. This separation, in turn, allowed the secular audience to discard the theo-moral justification for which it had little use while retaining the orientation toward work.

For instance, although work was of paramount moral importance for Protestants, that importance stemmed from the fact that it allowed them to fulfill their theological obligation to God.⁴¹ It was, therefore, a means to a theo-moral end. Once removed from the Protestant theological context, and in the process severed from a direct connection to God, however, work became an (no longer a theo-moral) end in its own right. As a result, work, in the form of “professional dedication,” “became both a norm and a value” in and of itself, with no need for theological justification.⁴²

This theological severing was critical to allowing the moral orientation of work to survive in and translate to the modern secular context. Because work is now a

⁴⁰ Cohen, *Protestantism and Capitalism*, 65.

⁴¹ *Ibid.*, 26–40.

⁴² *Ibid.*, 253.

(secularized) end in and of itself, rather than a means to or indicator of a theo-moral end grounded in God, it is more compatible with public secular culture. This, in turn, allows work to continue functioning as the conceptual framework through which individual human status is defined, because worth no longer need be defined in relation to God. This, in turn, allowed the underlying moral values of the Protestant work ethic to survive and thrive in a secularized public environment, continuing public Protestantism's integration of Protestant moralism into secular society.⁴³ Work is still the ultimate value in society, the litmus test through which an individual is identified as virtuous or sinful deserving or undeserving, just as it was for early American Protestants. But now that individual is deserving or undeserving solely because of his or her work or nonwork, not because of how that work or nonwork relates to any divine obligation to God or theo-moral standard.

This facilitates perhaps the most important shift in the secularization of the normative orientation toward work: a shift from a moral orientation to a broader conceptual orientation around work as the value which defines one's status as a full human being. Work, now severed from its original theo-moral normative grounds but retaining its fundamental orienting importance, is no longer justified because it is a fulfillment of a theological obligation to God, but rather because work is an assumed fact of human existence: if you are human, you work. This proposition hearkens back to the Protestant work ethic assumption that, because God created human beings with the capacity to work, that capacity implied a divine obligation to actually do that work.⁴⁴ Once secularized, and therefore once God is removed, this orientation toward work now

⁴³ Albanese, *America*, 279.

⁴⁴ Cohen, *Protestantism and Capitalism*, 40.

holds simply that human beings work, not because of any divine obligation, but simply as an inherent and unavoidable fact about human nature. Now, the capacity to work implies the necessity of work.

This, in turn, sets up a framework in which work is good and nonwork is bad not because they function as proxies for a separate moral or theo-moral system, but because work is a default, baseline criteria of human existence: Again, if you are human, you work. The corollary to this proposition, however, is that if you are not working, you are not fully human—and therefore do not possess the same worth, dignity, rights, or other characteristics that are due to full humans. As a result, work became an end worth pursuing in its own right, something to be done because it was a necessary part of, and therefore a threshold criterion for, full human existence rather than because it signified moral or theo-moral virtue according to a divine value system.

It bears noting that this argument does not go so far as to say that the moral element of work has been entirely sacrificed; work is still viewed as moral conduct within workism. It is, in other words, still good to work, and people who do not work are still sinful and still lack equal moral worth. Indeed, the supposed immorality of nonwork is often, as this thesis' discussion of the Welfare Queen mythology will show, held up as a concrete illustrator of the nonworker's subhuman nature. The difference, however, is that the fact that it is good to work, unlike in the Protestant work ethic, is not the primary reason that work orients workism's normative framework. Instead, work orients that framework because it is a fundamental criterion which determines one's human status. Put simply, while under the Protestant work ethic sinfulness was the cause of nonwork, that dynamic is reversed under workism: immorality and immoral conduct is the result,

not the cause, of nonwork, because it is the fact of nonwork that dehumanizes the individual and renders them prone to correspondingly inhuman immoralities.

In the end, modern American culture has adopted the Protestant work ethic's theo-moral orientation toward work and adapted it to fit a secularized context.⁴⁵ As Kenneth Hudson and Andrea Coukos argue, "While the Puritans worked to prove to themselves and others that they were God's elect, we now work with the same sense of moral obligation, but without explicit religious sanctions."⁴⁶ Consequently, modern, secular America has come to uphold work as the primary value in its workist conceptual framework such that work is the necessary component to being fully human. Work has become "for many the central purpose of life and a moral linchpin for the entire social order."⁴⁷ Without work, according to this framework, it is impossible to be fully human.

3. Modern American Workism

The application of public Protestantism to the Protestant work ethic led to secular America's widespread integration of workism into its own culture. Accordingly, modern secular American culture features the same sort of orientation toward work that typified earlier Protestant beliefs such as the Protestant work ethic. Work, in other words, remains the defining litmus test of individual worth and status in secular America. The influence of this workism is evident both in American cultural attitudes toward work and work ethic and in American rhetoric around work.

⁴⁵ Although, again, without retroactively severing it from the theological ideas which gave rise to the work ethic and its animating moral orientation around work in the first place. *Ibid.*, 67.

⁴⁶ Hudson & Coukos, "Dark Side," 3.

⁴⁷ *Ibid.*, 6.

As a general population, Americans exhibit a uniquely strong and durable emphasis on the importance of work and work ethic.⁴⁸ When compared to the rest of the world, Americans attach a far greater level of significance to work ethic. At this overarching level, American culture draws a direct causal link between work and success, suggesting that if one does the former, the latter will follow. For instance, one Pew study found that “when asked, on a scale of 0 to 10, about how important working hard is to getting ahead in life, 73% of Americans said it is was a ‘10’ or ‘very important,’ compared with a global median of 50% among the 44 nations.”⁴⁹ Similarly, a separate Pew study found that 77% of the American public supported the idea that effort leads to accomplishment, a sharp difference from other industrialized countries such as Britain (57%), France (46%), China (45%), Japan (40%), and Russia (35%).⁵⁰

This emphasis on work is also revealed in American attitudes toward poverty and the impoverished. In particular, the American public is uniquely likely to blame individuals’ poverty on their lack of hard work and work ethic, suggesting that those individuals could have been economically successful and were not solely because they chose not to work as hard as they should. This logic, in turn, implies that the poor are somehow less economically “deserving” or worthy because of their supposed laziness.⁵¹

For example, one study found that Americans are more than twice as likely as the global

⁴⁸ Because the majority of work on this phenomenon has been done in relation to economic attitudes and contexts, this section’s analysis will necessarily use American attitudes toward work in an economic context as its point of departure before relating those economic ideas back to underlying ideas about human status.

⁴⁹ George Gao, “How Do Americans Stand Out from the Rest of the World?” Pew Research Center, last modified March 12, 2015, <http://www.pewresearch.org/fact-tank/2015/03/12/how-do-americans-stand-out-from-the-rest-of-the-world/>.

⁵⁰ Pew Research Center, *Pervasive Gloom About the World Economy: Faith in Hard Work, Capitalism Falter but Emerging Markets Upbeat* (2012), 15.

⁵¹ Hudson & Coukos, “Dark Side,” 3.

median to blame individuals' poverty on their lack of hard work.⁵² Nor is this supposed lack of work ethic just a minor factor in Americans' perceptions of the causes of poverty. Another study found that "52 percent of the American public believed that lack of motivation was a major cause of poverty[, while] another 35 percent believed it was a minor cause of poverty."⁵³ In fact, an analysis of trends in American attitudes toward welfare recipients from 1938–1995 found that "poll data indicate that a growing percentage of Americans believe that *laziness and lack of motivation to work are the main causes of poverty*" (emphasis added).⁵⁴

These results show a clear link between work and American ideas of worthiness or desert, at least in an economic context: those who work hard are deserving of success, those who do not are undeserving and are to blame for their own failures. Nor is this link merely professed or theoretical. Instead, Americans follow through with their behavior, which exhibits a significantly higher emphasis on work than other cultures. Simply put, Americans work more than their peers in other industrialized countries. One study, for example, found that Americans work 25% more on average than their counterparts in European countries.⁵⁵ This work-heavy cultural pattern suggests that ideas about the importance of work are sufficiently influential within American culture to shape cultural behavior conventions. In other words, Americans do not only profess to believe in a link

⁵² Pew Research Center, *Emerging and Developing Economies Much More Optimistic than Rich Countries about the Future* (2014), 12.

⁵³ Daniel T. Lichter and Martha L. Crowley, *American Attitudes About Poverty and the Poor*, Population Reference Bureau, last modified May 30, 2002, <https://www.prb.org/americanattitudesaboutpovertyandthepoor/>

⁵⁴ Laurie Macleod, Darrel Montero, and Alan Speer, "America's Changing Attitudes Toward Welfare and the Welfare Recipients, 1938-1995," *The Journal of Sociology and Welfare* 26, no. 2 (June 1999): 175.

⁵⁵ Ben Steverman, "Americans Work 25% More than Europeans, Study Finds," Bloomberg News, last modified October 18, 2016, <https://www.bloomberg.com/news/articles/2016-10-18/americans-work-25-more-than-europeans-study-finds>.

between work, economic success, and worthiness. They actually do believe in that link to the point that it influences their behavior as a culture, causing them to work more than the counterparts in other countries and cultures.

Of course, a causal link between work and economic success and worthiness only entails an orientation toward work if economic success is associated with individual worth—as has traditionally been and continues to be the case in America. Indeed, the early Protestants drew this same connection. According to Cohen, early Puritans conceived of wealth and profit as a duty that stemmed from one’s theological obligation to work; essentially, when God placed the opportunity to profit at the end of one’s hard work, one had a duty to take advantage of that opportunity.⁵⁶ Poverty, on the other hand, could be divine punishment for idleness and sin, reinforcing the idea that the poor were poor because they were not fulfilling their obligation to work and were, therefore, sinful and immoral.⁵⁷ This created a paradigm in which, for many proponents of the Protestant work ethic, economic inequality became rationalized as an outgrowth of an underlying theological and moral inequality. This idea “stemmed from the belief that diligence justified wealth. The wealthy were said to be industrious and the poor lazy.”⁵⁸ Economic success or failure, in other words, became a sign of one’s underlying moral worth: if one were economically successful, it was because one was moral and hardworking, while if one were economically unsuccessful, it was because one was immoral and lazy.

This association of economic success, and therefore work, with individual worth persists in modern America. As Noah Huberfeld and Jessica L. Roberts argue, the two are

⁵⁶ Cohen, *Protestantism and Capitalism*, 93–94.

⁵⁷ *Ibid.*, 118.

⁵⁸ *Ibid.*, 131.

virtually synonymous. “Economic self-sufficiency [functions as] both a proxy and a precondition for other versions of autonomy and independence...being financially independent is also associated with virtue and good moral character.”⁵⁹ But poverty, like in the early Protestant context, contains a converse implication in modern America: “Poverty arises, not only from the absence of diligent labor, but also from the absence of thrift, frugality, and savings.”⁶⁰ In fact, the clearest association between economic success (or lack thereof), work, and individual worth is found in the treatment of and discourse surrounding the poor.

Public images and mythologies surrounding the impoverished, for instance, frequently emphasize a view of the dehumanized nature and immoral conduct of poor people—and frequently directly relates that immorality to their lack of work. Perhaps the most prominent example of this phenomenon is the “Welfare Queen” archetype popularized by Ronald Reagan. In a campaign speech in 1976, Reagan laid out the Welfare Queen’s pernicious manipulation: “She used 80 names, 30 addresses, 15 telephone numbers to collect food stamps, Social Security, veterans’ benefits for four nonexistent deceased veteran husbands, as well as welfare. Her tax-free cash income alone has been running \$150,000 a year.”⁶¹

This mythological depiction of the welfare queen, functioning as a proxy for welfare recipients (themselves a proxy for both the poor and the nonworking in general), exaggerated those recipients’ supposed gaming of the public welfare system in order to

⁵⁹ Nicole Huberfeld and Jessica L. Roberts, “Health Care and the Myth of Self-Reliance,” *Boston College Law Review* 57 (January 2016): 25–26.

⁶⁰ Hudson and Coukos, “Dark Side,” 6.

⁶¹ Slate Voice, “Ronald Reagan Campaign Speech, January 1976,” SoundCloud, accessed May 3, 2018, <https://soundcloud.com/slate-articles/ronald-reagan-campaign-speech>.

emphasize their laziness and, by extension, their inhumanity and immorality.⁶² This public imagery was highly effective in defining the poor as less than human—reinforcing workism’s implicit claim that the nonworking poor actually were subhuman and consequently immoral. In fact, in the political debates surrounding the welfare reform movement that grew out of this welfare queen mythology, several politicians “spoke of welfare recipients with disdain and indecency, referring to some as ‘mules’ or ‘wolves.’”⁶³

However, the Welfare Queen stereotype is far from unique in its portrayal of the poor or nonworking as inherently or naturally inhuman and immoral. Jennifer Kendrex, for example, goes so far as to contend that it is “a common sentiment in American society” that poor people are morally depraved.⁶⁴ Similarly, Michael B. Katz has detailed the way that poverty has been “morally redefine[ed]” as “the willful result of indolence and vice.”⁶⁵ As a result, nonworking people in poverty are “thought to have brought their poverty on themselves,” pushing them into the “moral status” of “the undeserving poor”—a status grounded in the idea that implicitly relies on a claim that one can be “undeserving” of full human status.⁶⁶

Public rhetoric, from both sides of the political and ideological aisle, routinely reinforces this portrayal of the poor and nonworking as inhuman and immoral, often in

⁶² Mary Hobgood, “Poor Women, Work, and the U.S. Catholic Bishops: Discerning Myth from Reality in Welfare Reform,” *The Journal of Religious Ethics* 25, no. 2 (Fall 1997): 322. While the Welfare Queen was based loosely on a real woman, Linda Taylor, who spent years in prison on welfare fraud-related charges, Taylor was a singularly exceptional case.

⁶³ Jennifer E.K. Kendrex, “Punishing the Poor Through Welfare Reform: Cruel and Unusual?” *Duke Law Journal* (2015): 121–140.

⁶⁴ *Ibid.*, 131.

⁶⁵ Michael B. Katz, *Undeserving Poor: America’s Enduring Confrontation with Poverty* (New York: Oxford University Press, 2013), 15.

⁶⁶ *Ibid.*, 12–13.

ways that are tellingly offhand. In a recent speech, for instance, former President Obama inserted the idea of work into an otherwise unrelated statement in a revealing way:

“Each time we painstakingly pull ourselves closer to our founding ideals, that all of us are created equal, endowed by our Creator with certain inalienable rights, the ideals that say every child should have opportunity and every man and woman in this country *who’s willing to work hard* should be able to find a job and support a family and pursue their small piece of the American dream, ideals that say we have a collective responsibility to care for the sick and the and we have a responsibility to conserve the amazing bounty, the natural resources of this country and of this planet for future generations — each time we’ve gotten closer to those ideals, somebody somewhere has pushed back.”⁶⁷ (emphasis added)

On its face, this is not a statement about work. It is a statement about progressive ideals of inclusivity, about “collective responsibility” and “founding ideals[] that all of us are created equal.”⁶⁸ It is telling, then, that work ethic is offhandedly inserted as restrictive qualifier. Upon closer examination, Obama is not saying that every human being is inherently, equally human and therefore entitled to moral equality and equal opportunity. Instead, he is saying that every human being is morally equal and entitled to full participation in and protection of society if, and only if, they are “willing to work hard.”⁶⁹ This use of work as a conditional qualifier to exclude the nonworking from full equality suggests that their nonwork itself renders them lesser or unworthy of full membership in society. That logic, in turn, represents a manifestation of the same idea found in the Protestant work ethic and the idea of the welfare queen, the idea of the normative orientation toward work: the idea that work is the dividing line between the worthy and the unworthy, the moral and the immoral, and the human and the subhuman.

⁶⁷ Libby Nelson, “Read the Full Transcript of Obama’s Fiery Anti-Trump Speech,” Vox, last modified September 7, 2018, <https://www.vox.com/policy-and-politics/2018/9/7/17832024/obama-speech-trump-illinois-transcript>.

⁶⁸ Ibid.

⁶⁹ Ibid.

But what is most telling about the inclusion of this qualifier is not the idea itself, but the fact that it is offered so casually and offhandedly that Obama did not feel the need to justify or even explain it. Instead, he simply seems to have taken it as a matter of course that this was a commonly understood and accepted American idea, to the extent that his audience would already know and agree with his premise that full humanity and moral equality was conditioned upon work. And the evidence suggests this assumption was correct.

Other public figures, for instance, routinely use similar language or rhetorical devices associating, either explicitly or implicitly, nonwork with dehumanization and moral failure, particularly in the context of government welfare or aid programs. Paul Ryan, for example, has described “men not working” as a “tailspin of culture” that needed to be addressed before those men and their communities should be included in government welfare and other anti-poverty initiatives.⁷⁰ Similarly, in a letter to the *Christian Century* magazine, a pastor named Robert Bachelder suggested that work requirements as a precondition to public aid would serve as a “restraining response” to the “dysfunctional behavior” of the poor—implying that poor people were only entitled to full membership in government programs once their moral defects had been cured.⁷¹ And politicians, particularly but not exclusively conservative politicians, routinely make statements bemoaning the extension of public aid programs to those who are not working to earn that aid.⁷² In the process, they are “articulating a commonly held belief that

⁷⁰ Morgan Whitaker, “Paul Ryan Blames Poverty on Lack of Work Ethic in Inner Cities,” MSNBC, last modified March 13, 2014, <http://www.msnbc.com/politicsnation/ryan-generations-men-not-working#50873>

⁷¹ Robert S. Bachelder, “Welfare and Workfare: A Dispute (Bachelder Response),” *Christian Century* 106 (1989): 420.

⁷² See, for example, then-Rep. Jason Chaffetz’s comment that, rather than expecting government to pay for their health care, poor people should simply refrain from buying an iPhone and “exercise self-reliance.” Stephen Pimpare, “Laziness Isn’t Why People are Poor. And iPhones Aren’t Why They Lack Health Care.”

poverty in the United States is, by and large, the result of laziness, immorality and irresponsibility”—and, by extension, a belief that that immorality should keep those poor people, at the very least, from the full protection of government, if not full participation as a fully human and therefore morally equal member of society overall.⁷³

These kinds of public statements and discourses reveal the conceptual resonance that work possesses in modern American culture. According to these discourses, a person’s poverty is enough to mark them as subhuman, because poverty is a result of a failure to work hard and hard work remains society’s litmus test for full human status. That lack of work, consequently, is sufficient to define the person as less than fully human and, therefore, to exclude them from full membership in society on the basis of their supposed inferiority. American associations of work with economic success effectively use the latter as a proxy for a judgment about an individual’s human status (and, by extension, about their moral status). This demonstrates that hard work remains effectively the same litmus test for individual worth that it was for early American Protestants: the working have worth, and the nonworking do not. This, as this thesis will show, lays a dangerous foundation upon which harmful public policy can be, and has been, built.

4. The Modern Workism in Action

The Washington Post, last modified March 10, 2017, https://www.washingtonpost.com/posteverything/wp/2017/03/08/laziness-isnt-why-people-are-poor-and-iphones-arent-why-they-lack-health-care/?utm_term=.c2c3e4e3fecd, as well as Pres. Donald Trump’s statement that ““The person who is not working at all and has no intention of working at all is making more money and doing better than the person that’s working his and her ass off” in support of slashing welfare benefits.” Derek Thompson, “This is the Long Game of Republican Economics,” The Atlantic, last modified December 7, 2017, <https://www.theatlantic.com/business/archive/2017/12/the-long-game-of-republican-economics/547721/>.

⁷³ Pimpare, “Laziness.”

Public Protestantism's expansion of the Protestant moral orientation toward work into secular American culture has firmly embedded workism not just within modern American culture but also within public policy.⁷⁴ This phenomenon will be explored in greater detail through the use of case studies in Section II. At this point, however, it is at least worth stating that a great deal of modern public policy features a workist orientation toward work as a fundamental component. As this thesis will show, however, this orientation around work in a policy context, while often unquestioned, is highly problematic. Workism, in practice, often subordinates individual humanity and human dignity as an inferior value to work. As a result, in many cases its orientation around work produces policy that creates tension with or outright violates basic human rights.

There are two ways workism manifests in public policy, both of which operate to subordinate humanity to work.⁷⁵ The first form, here referred to as the direct form, positions work as the normative goal or center of the policy. Under this direct manifestation of workism, work becomes a condition of government services or recognition. Essentially, an individual must work, or at least agree to work in the future, before the government will meet its obligations to that individual or even recognize him or her as a full and equal member of society.

Conversely, the second form, here termed the indirect form, positions work not as the normative goal of the policy but, instead, as the justification for a policy that would otherwise be immoral or inhumane. Work might not be written into the policy; the policy,

⁷⁴ To be clear, this does not mean that every piece of public policy is a product of workism and nothing else. Rather, it is simply an argument that while there are certainly other influences on public policy and some pieces of public policy are not affected by workism, on the whole workism is often a powerful and effective influence on public policy.

⁷⁵ Both of these forms will be explored more concretely through the Section II case studies

for example, might not include work requirements as conditions or have any work-related provisions at all. However, in the case of the indirect form, work is used to influence the broader political process that shapes and enacts the policy. For instance, work may be centered in the public discourse around the policy to justify it or, alternatively, to minimize or distract from other, non-work-related (and therefore implicitly less important) criticisms of a given bill. The second case study in Section II provides a specific demonstration of how this indirect form works in a real-world context.

In both cases, however, work is positioned as primary and, consequently, as a predicate to full human status. Under the direct form of workism, individuals are forced to earn their humanity through work. Under the indirect form, humanity is (or at least can be) sacrificed in the name of work. In both cases, work functions as conceptually primary, the ultimate criterion that defines whether or not one is really, fully human. Work is, in other words, elevated above individual humanity in workism because it is what *defines* that humanity.

C. Human Rights: A Description

1. Human Rights Defined

This thesis uses human rights as an analytical framework to evaluate workism. However, human rights is a phrase with multiple meanings and definitions depending on its use and context. Therefore, before such an analysis can be conducted, it is first necessary to provide an operational definition of human rights for the purposes of this thesis. In particular, this thesis will be using human rights in its moral and dignitarian senses. Human rights are, in other words, an expression of moral authority grounded in the idea that all human beings possess inherent dignity and worth.

i. A Dignitarian Conception of Human Rights

As the name suggests, a dignitarian conception of human rights grounds those rights in the idea that all human beings possess inherent dignity, a dignity which is “coincident with being human” and, therefore, cannot be violated without simultaneously denying the affected individual’s humanity.⁷⁶ As a result, under a dignitarian approach, “the dignity of human beings is unforfeitable, irrelinquishable and indestructible.”⁷⁷ Under this conceptual framework, it is dignity that functions as the primary value determining human status: to be possessed of dignity is to be fully human. Critically, this dignitarian conceptual framework entails that human rights cannot be derivative of any outside source.⁷⁸ Instead, they are grounded internally. As Bennet Gaymon notes, “dignity does not point beyond itself to another source. It is inherent in that dignity is coincident with being human, per se, and is therefore an essential truth about human being.”⁷⁹ As a result, all human beings are, correspondingly, inherently fully human, since they are inherently possessed of the dignity which represents the primary criterion for full humanity.

Dignity, and therefore human rights, consequently cannot be conditioned or dependent upon any external factor: “human dignity is inherent, and, as inherent, it is the guarantee of human goods. It is morally non-negotiable.”⁸⁰ It is therefore the case that dignity, not any external consideration, must be the pivotal notion around which any system must build in order to respect fully human rights. This pivotal notion “must

⁷⁶ Gaymon Bennett, *Technicians of Human Dignity: Bodies, Souls, and the Making of Intrinsic Worth* (Fordham University Press, 2016), 142.

⁷⁷ Jurgen Moltmann, *God In Creation: An Ecological Doctrine of Creation* (SCM Press, 1985), 233.

⁷⁸ Gaymon, *Technicians of Human Dignity*, 142.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*, 143.

reorient those practices that threaten to violate [dignity].” Any system that does not allow such a dignitarian reorientation risks allowing external considerations to supersede dignity and, in the process, violating the human rights which are defined by that dignity.⁸¹

However, the “dignitarian” view of human rights is not without its critics or competitors. Perhaps most prominently, many critics argue that dignity is too ambiguous or ungrounded a concept upon which to base a practicable system of rights.⁸² One pair of critics, for example, charge that dignity is “vacuous at the epistemological level,” a concept that is “without bounds and ultimately is one incapable of explaining or justifying any narrower interests.”⁸³ According to this line of criticism, dignity is simply a nice-sounding concept that cannot, in practice, be supported on any grounds of logic or reason. Simply put, for these critics there is no reason to accept that dignity actually exists outside the human imagination because it cannot be sufficiently located within any reasoned epistemological system.⁸⁴ “Instead, it is a notion that is used by academics, judges, and legislators when rational justifications have been exhausted.”⁸⁵

This is not, however, to say that critics of dignity reject the concept of human rights altogether, although some do. Rather, most attempt to posit alternative grounds for

⁸¹ Ibid.

⁸² Mirko Bagaric and James Allan, “The Vacuous Concept of Dignity,” *Journal of Human Rights* 5, no. 2 (April-June 2006).

⁸³ Ibid., 260.

⁸⁴ Proponents of dignitarian grounds for human rights have formulated several responses to this criticism. Theological proponents of dignity argue that it is a product of man’s creation in the image of God, and therefore need not be justified by reason because it has an inherent theological authority sufficient to support the existence of human rights. Nico Vorster, “The Value of Human Life,” *Ecumenical Review* 59, no. 2/3 (April-July 2007): 368, Kameliya Slavcheva, “Human Rights, Dignity and Freedom: An Orthodox Perspective,” *Baptistic Theologies* 3, no. 2 (2011): 117. Secular proponents of dignity argue, among other things, that human dignity need not be justified by any external epistemic system because it is “self-referential”—in other words, it is justified by the very existence of human beings and that inherently dignified existence, in turn, entails the existence of human rights. Gaymon, *Technicians of Human Dignity*, 142.

⁸⁵ Bagaric and Allan, “The Vacuous Concept of Dignity,” 260.

human rights. For example, a popular alternative is a utilitarian or consequentialist approach to human rights. While traditional utilitarians reject the existences of inherent rights out of hand, some modern utilitarians have nevertheless come to view human rights as a helpful tool in the pursuit of the basic utilitarian calculus: the maximization of pleasure (or good) and avoidance of pain (or bad).⁸⁶ Under this theory, however misguided the idea of inherent rights in theory, in practice, the work done in pursuit of those rights has, or at least has the potential to, bring a great deal of good into the world and to avoid a great deal of pain:

“Efforts made to agitate against governmental abuses of power, to render prison systems more humane and grant amnesty to nonviolent political prisoners and prisoners of conscience, to eliminate torture, slavery, rape, oppression, assaults on human dignity, and other sources of intense pain must be recognized as good works on any utilitarian calculus. Conversely, efforts that promote the liberal values of personal freedom, justice and fairness in the judicial, educational, and legislative systems, the importance of providing for social welfare, and promoting the dignity of humankind must be recognized as sources of pleasure.”⁸⁷

As a result, there is an emerging utilitarian argument in favor of human rights on practical, rather than philosophical, grounds because:

“On balance, a utilitarian analysis must acknowledge that the world is a better place for having human rights as a standard and for having people and organizations dedicated to the promotion of human rights...[and consequently] The noble effort to enshrine human rights principles in the laws of nations and international law should be supported by those who wish to promote the greatest happiness for the greatest number of people.”⁸⁸

Similarly, some theorists, most prominently John Finnis, suggest that human rights can be grounded in a kind of modern natural law (sometimes theological,

⁸⁶ Don A. Habibi, “Two Utilitarian Approaches to Human Rights” (lecture, Tenth Conference of the International Society for Utilitarian Studies, UC Berkeley: Kaddish Center for Morality, Law and Public Health, August 8, 2008) 10.

⁸⁷ Ibid.

⁸⁸ Ibid.

sometimes not) which can be discerned or derived without reference to human dignity. Very briefly and at the risk of oversimplification, in one variation of this theory, there is a naturally right or best way to live, and this way requires acknowledging and respecting human rights.⁸⁹ Indeed, according to one of Finnis' arguments, failing to recognize or respect human rights is so violative of this natural law or natural way of being that it is "self-mutilating."⁹⁰ Both the utilitarian and natural law theories represent occasionally-proposed alternatives to the dignitarian grounds for human rights, demonstrating that it is not a universally-accepted approach.

In the end, however, the dignitarian view of human rights is the most fitting and appropriate grounds for this thesis' analysis for two reasons. First, it is the most universally accepted definition of human rights in practice. More specifically, the dignitarian view is the view that grounds the international human rights paradigm's instruments and mechanisms which set up and enforce the global system of human rights as it exists in the world today.⁹¹ The criticisms of dignity as an insufficient grounds of human rights are belied by the simple fact that, in the real world, dignity has been the grounds of the dominant global system of human rights for more than seventy years.⁹² The founding document of the modern global human rights paradigm, the Universal Declaration of Human Rights, explicitly identifies dignity as the grounds upon which its

⁸⁹ John M. Finnis, *Natural Law and Natural Rights* (2011), 106–09.

⁹⁰ John M. Finnis, "Natural Law and the Ethics of Discourse," *American Journal of Jurisprudence* 43 (1998): 59.

⁹¹ Vera Institute of Justice, *Reimagining Prison* (2018), 48; Mark P. Lagon and Anthony Clark Arend, "Introduction: Human Dignity in a Neomedieval World," in *Human Dignity and the Future of Global Institutions*, eds. Mark P. Lagon and Anthony Clark Arend (Georgetown University Press, 2014), 1.

⁹² Whether it is necessarily the *best possible* grounds for a human rights system is a question for another time; this thesis is less concerned with evaluating the relative quality of dignity as a grounds for human rights as compared to potential alternative grounds than it is with assessing how the concept of human rights, as it is most commonly used in the world today, interacts with workism.

conception of human rights is built. Article 1 of the UDHR begins by proclaiming “all human beings are born free and equal in dignity and rights,” immediately articulating its dignitarian orientation.⁹³

This foundational emphasis on dignity has remained a critical piece of the global human rights paradigm in the decades since the adoption of the UDHR. As a result, “the conception of human dignity elaborated in the Universal Declaration has become predominant in national and international legal and moral schemas concerned with human rights.”⁹⁴ For instance, both of the two most prominent international human rights covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, recognize in their respective Preambles that “these rights derive from the inherent dignity of the human person.”⁹⁵ These two documents, coupled with the UDHR, define the broad contours of the modern human rights paradigm. The fact that all three documents are united in their emphasis on human dignity, then, demonstrates that the modern human rights system is inherently and inextricably grounded in dignitarian ideas.

This dignitarian grounding, in turn, has subsequently gained widespread formal acceptance around the world. For instance, “it is the foundational value in the constitutional documents of Costa Rica, the Czech Republic, Estonia, Germany, Greece, Hungary, India, Israel, Italy, Japan, Lithuania, Poland, Portugal, Slovakia, South Africa, Spain, and several other countries.”⁹⁶ Therefore, regardless of whatever one makes of the

⁹³ United Nations General Assembly, *The Universal Declaration of Human Rights* (1948), Art. 1.

⁹⁴ Gaymon, *Technicians of Human Dignity*, 113.

⁹⁵ United Nations General Assembly, *International Covenant on Civil and Political Rights* (1954), Preamble; United Nations General Assembly, *International Covenant on Economic, Social, and Cultural Rights* (1966), Preamble.

⁹⁶ Vera Institute, *Reimagining Prison*, 48–49.

merit of human dignity as grounds for human rights, it is indisputable that, in practice, it has been and remains the most universally accepted grounds for human rights and, as a result, the grounding that has the greatest influence on the development and form of the modern human rights system.⁹⁷ As a result, a dignitarian conception of human rights is the most appropriate framework through which to conduct a human rights analysis of workism and its impact on public policy.

The second reason for adopting the dignitarian conception of human rights as the framework for this analysis is more practical. The use of the dignitarian conception of human rights best allows for an apples-to-apples comparison with workism. Both workism and the dignitarian conception of human rights, unlike, for instance, the utilitarian conception, are centered around the question of what value is primary in the conceptual framework which best orders human existence. In other words, both workism and the dignitarian conception of human rights are primarily concerned with what it means to be fully human. They are, consequently, commensurate lines of argument. Their differences lie in the value they uphold as the orientation their respective conclusions, but they are, at a fundamental level, seeking to answer the same question.⁹⁸ Therefore, the dignitarian conception of human rights is the best framework for this thesis because it allows for the closest apples-to-apples comparison with the framework embodied in workism.

ii. A Moral Conception of Human Rights

⁹⁷ Bennett, *Technicians of Human Dignity*, 113; Jack Donnelly, "Human Rights: A New Standard of Civilization?" *International Affairs* 74, no. 1 (January 1998).

⁹⁸ The utilitarian conception of rights, on the other hand, is primarily concerned with the efficient maximization of pleasure and minimization of pain, and is therefore asking a different question entirely: not what does it mean to be fully human but how do we create the most good for society?

In addition to this debate over what might be called the normative grounds of human rights, there is a separate debate which on the type of authority expressed in or exercised by the human rights system: are human rights strictly legal expressions, or are they manifestations of a broader moral authority? For example, the traditional legal positivist school of thought suggests that human rights have power only because and insofar as they are legal constructions.⁹⁹ Human rights are, in other words, the product of a legal system and, as a result, have no meaning or power outside of that legal system. Human rights are defined through provisions set forth in specific laws, and those rights only have as much legitimacy as is conferred upon them by the legal system.¹⁰⁰ Under this approach, then, the inherent “rightness” or moral characteristics of a right are irrelevant. Human rights are, instead, narrowly construed solely as a manifestation of legal authority. Consequently, any rights theories or proposals that are not grounded in existent law have no authority, and in fact are not truly legitimate human rights, until such time as new law is created in which those laws are appropriately enshrined.

This approach creates a very weak system of human rights in practice. If the authority and legitimacy of human rights were entirely dependent upon legal enforceability, the current international human rights paradigm would grant them little authority at all. That regime offers little in the way of practical, effective enforcement legal mechanisms to protect human rights and prevent human rights abuses. As one scholar describes the situation, “the system is most impotent in the areas where most human rights abuses occur.”¹⁰¹ A strictly legal positivist view of human rights, then,

⁹⁹ Stanley Hoffmann, “Reaching for the Most Difficult: Human Rights as a Foreign Policy Goal,” *Daedalus*, 112, no. 4 (1983):, 21.

¹⁰⁰ *Ibid.*

¹⁰¹ Emilie Hafner-Burton, *Making Human Rights a Reality* (Princeton University Press, 2013), 194.

would afford human rights concepts relatively little authority in the modern world due to their effective lack of legal enforceability. It would, moreover, leave little room to discuss human rights in and of themselves as possessed of an intrinsic moral framework; if human rights are solely defined by their status of legal enshrinement, no underlying conceptual framework about what it means to be fully human is necessary to create or define a system of human rights. Instead, because the authority sought to be expressed is legal, rather than moral, the simple fact of legal enshrinement and enforceability is enough to create a human right, regardless of any moral consistency with other rights.¹⁰² Simply put, to a legal positivist the law is distinct and entirely separate from morality or the ordering of human nature. Therefore, because human rights are purely legal expressions under this approach, morality and human nature are irrelevant considerations in any human rights analysis.

This thesis, however, accepts the argument that human rights are a form of moral, rather than legal, authority. This moralist approach holds that human rights concepts have power beyond what is defined or enforced by law.¹⁰³ Instead, they contain a moral authority as an expression of a fundamental normative model of the way the world should be ordered and the way human beings and, in particular, state institutions should act.¹⁰⁴ Under this approach, a right is properly defined as a human right not because it has been

¹⁰² As Giorgio Pino notes, under traditional positivist approaches, “a legally valid rule does not lose its legal standing if it fails to conform to some moral requirement.” Giorgio Pino, “Positivism, Legal Validity, and the Separation of Law and Morals,” *Ratio Juris* 27, no. 2 (June 2014): 193

¹⁰³ Jamie Mayerfeld, *The Promise of Human Rights: Constitutional Government, Democratic Legitimacy, and International Law* (University of Pennsylvania Press, 2016), 20 (“human rights are distinct from legal rights”); Amartya Sen, “Elements of a Theory of Human Rights,” *Philosophy & Public Affairs* 32, no. 4 (Fall 2004): 327.

¹⁰⁴ There is some dispute as to whether this normative model is universal or relativistic and dependent upon specific contexts. That dispute exceeds the scope of this thesis. For the purpose of this particular project, it is sufficient to note that the moral conception of human rights is grounded in the idea that human rights is grounded in *some* normative orientation, regardless of whether that orientation is universal or relative.

legally designated as such, but rather because it intrinsically reflects the normative order toward which the world should be oriented in order to best respect and protect human nature, particularly human dignity. Under this approach, then, human rights are “morally conclusive,” resolving fundamental questions of what behavior is inherently wrong or bad.¹⁰⁵

Like the dignitarian grounding of human rights, the argument that human rights is a form of moral authority is the more appropriate framework for this thesis for two reasons. First, it, too, is the more universally accepted option in practice. Indeed, the moral conception of human rights has become the guiding norm for the global human rights paradigm, to the extent that observance of this norm helps define what makes a legitimate state. For example, Michael Perry emphasizes the fact that more than 80% of all countries have signed the major human rights treaties, including the ICCPR, ICESCR, CRC, and CEDAW, *regardless of whether they have any intention of abiding by those treaties*. According to Perry, this demonstrates that human rights have become such widely-accepted “maxims of political morality” that even rogue states must at least acknowledge the legitimacy of those rights.¹⁰⁶ Perry, in fact, goes on to conclude that human rights are now the primary “fundamental grounds of political-moral judgment in the world.”¹⁰⁷ Jack Donnelly takes this claim a step further, arguing that human rights observance is becoming the new standard for civilization—literally what a society must do in order to be considered civilized.¹⁰⁸ Scholarship such as this demonstrates that, in practice, human rights have moral authority beyond their status as enforceable legal

¹⁰⁵ Mayerfeld, *The Promise of Human Rights*, 30.

¹⁰⁶ Michael J. Perry, *A Global Political Morality* (Cambridge University Press, 2017), 3–5.

¹⁰⁷ *Ibid.*, 5.

¹⁰⁸ Donnelly, “Human Rights.”

provisions. Therefore, the moralist approach to human rights is the more realistic depiction of the way human rights concepts operate in the world and, therefore, is the better framework through which to judge the way those concepts interact with alternative.

Second, like the dignitarian framework, the moralist view of human rights authority allows for a better comparison with workism because it, too, represents a commensurate line of argument. Both workism and the moralist conception of human rights derive their legitimacy from a claim to normative authority. Neither is claiming power conferred by any specific institutional structure or delegation of power. Rather, both argue that their framework is the authoritative framework because it is, for lack of a better description, the normatively right one that best reflects the ordering of human existence. The legalist conception of human rights, by contrast, is grounded in no normative claim about human nature at all. It is, instead, a purely formalistic claim to authority in which all power is derived from procedural and institutional grounds. Therefore, because the moralist conception of human rights, like the dignitarian conception, allows for a better apples-to-apples comparison with the framework embedded in workism, it is the better conception for this analysis to use.

2. Human Rights as a Conceptual Framework

A dignitarian-moral conception of human rights entails an implicit normative conceptual framework in which human dignity, expressed through human rights, must be the centerpiece around which all other considerations orbit. The moral component of that conception in particular demands a coherent framework around which the human rights conception is oriented. Again, the moralist view of human rights holds that human rights hold authority precisely because they are expressions or manifestations of such an

underlying framework. Without such a framework, the system would collapse and there could be no human rights. Therefore, under a theory of human rights that includes a conception of those rights as normative expressions, those rights must necessarily be accompanied by an implicit underlying normative framework. And it bears repeating that this approach is the approach that the human rights paradigm has increasingly adopted in practice.

The dignitarian component of the dignitarian-moral conception of human rights, in turn, supplies the orienting value for that framework. To be clear, while a moral conception of human rights requires *some* implicit moral framework to ground human rights, it does not necessarily follow that this conception requires any *specific* moral framework to fill that role. In other words, while it requires an orienting framework, it does not provide one. It is, therefore, necessary for some other factor to come into play to supply the requisite framework. This is why a dignitarian-moral conception of human rights, rather than just a moral conception, is necessary for analyzing an alternative moral system like workism; without the dignity value serving to orient the framework underpinning human rights conceived as normative expressions, that framework would be normatively neutral, essentially aimless. It would, therefore, be incapable of any form of substantive judgment or analysis.

But that is exactly what the dignity component does: it grounds and orients the broader moral framework from which specific human rights are derived. Again, a dignitarian conception of human rights locates innate, internal human dignity at its conceptual center.¹⁰⁹ Essentially, this conception holds that human beings have inherent

¹⁰⁹ Gaymon, *Technicians of Human Dignity*, 17.

worth and dignity and that this inherent dignity is the primary criterion for full human status. It is, therefore, the appropriate object toward which any normative system should be oriented—including the system from which human rights are derived under a moral conception of human rights. Moreover, it bears repeating at this point that the dignitarian approach to human rights is not merely one potential grounding for that human rights moral framework, but rather is the approach that has defined the global human rights paradigm in practice for the entirety of that paradigm’s existence. It is therefore apparent that, in practice, human dignity orients the framework upon which the dignitarian-moral conception of human rights that defines the modern human rights paradigm is based.

Consequently, the modern human rights system encompasses a conceptual framework in which intrinsic human dignity is the ultimate moral goal and good. As Gaymon Bennet notes, under the modern human rights system, human dignity is “morally non-negotiable.”¹¹⁰ This dignitarian-moral framework requires that all conduct and systems respect human dignity as their most fundamental prerequisite. If they do not, they are normatively bad and the framework demands the “reorientat[ion of] those practices that threaten to violate” human dignity.¹¹¹ Human rights, by contrast, are manifestations of that framework’s elevation of dignity as the ultimate value, representing either protections against active infringement against dignity (such as the right to have one’s moral equality recognized and respected) or entitlements to actions or services necessary to the exercise of one’s dignity (such as the right to education). Simply put, then, the conceptual framework embedded within th dignitarian-moral view of human rights, which defines both the global human rights paradigm and this thesis’

¹¹⁰ Ibid., 143.

¹¹¹ Ibid.

analysis, locates human dignity as its primary value, a value that is “morally non-negotiable.”¹¹² As a result, that framework cannot accommodate the subordination of dignity to any other orienting value.

D. Inherent Tension Between Workist and Human Rights Moral Frameworks

To this point, this thesis has set forth the parameters of two distinct conceptual frameworks: workism and the dignitarian-moral conception of human rights. This subsection begins the process of comparison, putting the two in conversation such that the latter system can be used to evaluate the former. It is a turn to the question at the core of this analysis: is the conceptual framework embodied in American workism consistent or compatible with the human rights ideas that, as Perry suggests, have become the dominant norms in modern global society?¹¹³ At both the theoretical and practical levels, however, the answer to this question is a resounding “No.” Instead, the two frameworks are divided by a fundamental tension inherent in their orientation around differing values that, both in theory and in practice, often find themselves in conflict.

1. Conceptual Tension Between the Competing Frameworks

At a conceptual level, the tension between these two frameworks is straightforward. The frameworks are each grounded in separate but competing conceptions of what the ultimate orienting norm should be. According to workism, the fundamental value antecedent to all other is work. Consequently, under workism, the value accruing to “work” is primary in the sense that it functions as the ultimate litmus test of what it means to be fully human. It is through work that human beings demonstrate their status as full human beings and earn their moral status and equality.

¹¹² Ibid.

¹¹³ Perry, *A Global Political Morality*, 196.

Workism's framework, then, elevates work as the primary goal toward which conduct and policy should be oriented.

The human rights framework, by contrast, situates intrinsic human dignity as the ultimate criterion of individual humanity. It is, again, "morally non-negotiable," and judgments of all other practice and conduct is rendered according to the extent to which that practice or conduct respects dignity.¹¹⁴ The human rights framework, then, elevates dignity, rather than work, as the primary value toward which conduct and policy should be oriented.

These differing orienting values create an inherent tension between the two moral frameworks because those values are not synonymous and frequently come into conflict with each other. For example, consider the fundamental claim of the human rights system that human dignity is "morally non-negotiable." This suggests that dignity cannot be subordinated to other considerations; in every context, it is the other consideration that must be subordinated to dignity. Dignity must always take priority in the case of conflict.¹¹⁵

Workism's orientation around work, however, would not allow for work to be subordinated to dignity. Instead, it would demand the converse, that dignity be subordinated to work in case of conflict—a state of affairs which, as just noted, the human rights framework cannot accommodate. Therefore, the fact that the two are oriented around differing norms creates an inherent conceptual tension between the two frameworks because, in case of conflict, both frameworks cannot be respected. Instead, one must be chosen over the other; one framework's value orientation must be

¹¹⁴ Bennet, *Technicians of Human Dignity*, 143.

¹¹⁵ *Ibid.*, 17, 143.

subordinated to the other, effectively declaring the other's orientation the "true" primary orientation.

Of course, this theoretical tension means little, practically speaking, if the ways these influences manifest in the world in practice are consistent. If, in other words, in the real world the pursuit of work always occurs in ways that respect dignity, this theoretical tension would be functionally meaningless and unimportant because the ultimate goal of both systems is achieved. Even if, in theory, one (work) would subordinate the other (dignity) in the case of conflict, it would be effectively irrelevant because there are no conflicts under this hypothetical. However, as the next subsection will foreshadow at a general level and Section II will demonstrate in detail, this tension manifests in practice as well as in theory—particularly in the context of American public policy.

2. Tensions in the Real World: The Public Policy Context

One can easily imagine how these conceptual tensions might play out in real-world public policy contexts. For example, the human rights framework requires policies that promote dignity as their primary objective. These policies could not permit dignity to be sacrificed in the name of any other goal or value, regardless of circumstance. The human rights laws that have emerged from the global human rights paradigm provide a convenient model for these kind of policies. For example, the basic right to freedom of thought and religion found in the Universal Declaration of Human Rights¹¹⁶ does not condition that right such that individuals only have the right to think freely if they work

¹¹⁶ United Nations General Assembly, *Universal Declaration of Human Rights*, Art. 18, "Everyone has the right to freedom of thought, conscience and religion."

for it or if they think good thoughts. Instead, the right is unconditional, reflecting the underlying idea that human dignity is the primary value and that, because freedom of thought and religion are critical to the respect of human dignity, those freedoms therefore cannot be conditioned instead on the meeting of any other value.¹¹⁷ To so condition them, after all, would be to effectively elevate that other value above human dignity and make that value, rather than dignity, the true criterion of what it means to be fully human. Therefore, human rights-influenced policies must identify dignity as their primary value and, even if they do not affirmatively promote dignity as their policy goal, must never sanction any sort of condition or restriction upon dignity in favor of an alternative value.¹¹⁸

Alternatively, under a workist influence, public policies position work as the ultimate value. As a result, those policies subordinate dignity to work. Sometimes those policies make work a precondition for access to basic human needs. Alternatively, those policies might justify the deprivation of dignity, and therefore human rights, on the grounds of promoting work. In either of these types of cases, dignity is subordinated to

¹¹⁷ To be clear, there are some human rights that are conditional. However, these rights are generally conditioned either on another dignity consideration or on a practical, rather than a normative, consideration. For example, the right to free speech is conditional in that it generally cannot be used to capriciously yell “Fire!” in a crowded theater. This condition, however, is intended to protect the dignity of the other patrons of the theater by protecting them from being unnecessarily placed in fear for their lives and potentially from any harm resulting from an ensuing stampede. Therefore, this condition is still designed to promote dignity. Similarly, the human right to education guaranteed by Art. 13 of the ICESCR provides that “made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education.” This right is conditioned on practical means by requiring the progressive introduction rather than immediately guaranteeing everybody full access to secondary education simply because such a guarantee would have been impossible to fulfill in practice. Therefore, the right is conditional on practical considerations until such time as context allows it to become unconditional.

¹¹⁸ For example, a minor traffic regulation might not have the promotion (or denial) of human dignity as its primary policy goal; rather, it might be solely focused on facilitating efficient traffic. However, even such an administrative-focused regulation could still be designed in a way that conditions or impinges on human dignity. In a particularly stark example, it could single out women or racial minorities for increased enforcement or monitoring; thus designed, it would still restrict the dignity of the affected groups.

work, manifesting the conceptual tension between workism and human rights frameworks. Specific examples of these types of policies will be explored in Section II, but work requirements as a prerequisite to the receipt of basic government aid programs provides a quick example of what these workism-influenced policies look like. In short, work requirements force an otherwise-eligible applicant to a welfare program to work¹¹⁹ before they can have access to the welfare program or benefit. These benefits, however, may be necessary for the individual to, for example, have access to shelter or food—things necessary for basic dignity. These policies are therefore forcing the individuals to earn their dignity through work—bringing these policies directly into conflict with the dignitarian-moral human rights framework and illustrating that the conceptual tension between the two frameworks spills into the real world through public policy.

3. Dignity Through Work as a Failed Reconciliation of these Tensions

There is, however, at least one argument occasionally advanced that, at first glance, offers a potential avenue for reconciling these tensions. This argument suggests that work, particularly the holding of a job, is inherently a path to dignity; that working, in other words, actually is synonymous with dignity because it inevitably respects and enhances the worker's dignity.¹²⁰ To be sure, work, construed broadly, certainly can promote dignity. Gardening, for instance, is sometimes cited as a form of work that

¹¹⁹ Or, in some circumstances, to participate in some activity identified as work-equivalent, such as job training or actively searching for a job.

¹²⁰ As the editorial board of *Commonweal Magazine* has argued, “productivity and the dignity of workers can and often do go hand in hand.” “Walker, Work & Dignity,” *Commonweal Magazine*, last modified September 22, 2015, <https://www.commonwealmagazine.org/walker-work-dignity>.

promotes dignity.¹²¹ It does not, however, *inevitably* do so, a fact that is particularly true for the particular conception of work enshrined as the orienting norm of workism for several reasons.

First, that conception defines work too narrowly, restricting it only to capitalist labor in the form of holding a wage-earning job. This conception is effectively defined not by the performance of work, then, but rather by the acquisition or maintenance of wealth, since forms of work that do not earn income do not qualify as acceptable forms of work under this framework. This excludes forms of work that promote dignity but do not earn income, such as gardening. Consequently, it would be inaccurate to say that workism views or define work primarily in terms of its dignitarian qualities.

Second, in practice, workism rarely fosters policies that help people find work in any holistic sense, as some of the case studies in Section II will demonstrate. For example, the work requirements attached to welfare reform in the first case study demand that welfare recipients work, but do not facilitate (and in many cases, obstruct) the training, skill development, and education that would allow those recipients to better fulfill that demand.¹²² These policies are, in other words, entirely uninterested in enhancing their subjects' dignity by increasing their ability to work; instead, they are intended to mark and punish those who do not work. This, in turn, reveals that workism's emphasis on work is less about work's ability to affirmatively foster dignity than it is

¹²¹ "How Gardens Can Bring Beauty and Dignity to Refugees," Gardens Illustrated, last modified February 8, 2018, <https://www.gardensillustrated.com/gardens/refugee-gardens/>.

¹²² Andrew S. Gruber, "Promoting Long-Term Sufficiency for Welfare Recipients: Post-Secondary and the Welfare Work Requirement," *Northwestern University Law Review* 93 (1998): 249; Matthew Diller, "Working Without a Job: The Social Messages of the New Workfare," *Stanford Law Review* 9 (1998): 26.

about identifying and distinguishing the human from the subhuman and the sinful from the morally good.

Finally, a conception of work that saw work as an inherent avenue for dignity would not be in constant tension with human rights principles grounded in dignity. Instead, the two frameworks would coexist and even buttress each other; work, for example, could be conceived of as one of many paths to dignity. The conception of work found in workism, however, actively obstructs and subordinates human rights and therefore human dignity. Workism, for instance, produces policies that affirmatively deprive dignity in the name of work, as the final case study in Section III will demonstrate—a case study that reveals that human dignity often functions as an obstacle to workism, rather than a goal.

Taken together, these three issues reveal that work is not conceived of primarily as a means to an end — as a path to dignity — under workism. Work is the end. Moreover, dignity is not inherently compatible with that end goal of work. In fact, it is frequently in conflict with or poses an obstacle to that goal. Therefore, the two frameworks at issue in this thesis cannot be reconciled through the idea that work is inherently an avenue for dignity because, under workism’s conception of work, that is not necessarily the case.

II. Workism vs. Human Rights: A Public Policy Battle

A. Overview

To this point, this thesis has laid out the conceptual grounds for workism and dignitarian-moral human rights frameworks and has explained why those frameworks exist in tension. The next step in this process is to analyze how this tension plays out on

the ground and, in particular, how workism's influence on public policy creates real-world human rights violations for many individuals in America. After all, it is one thing to argue that there is an abstract tension between workism and the human rights framework and something else entirely to argue that this tension has any tangible effect, much less any effect that is both significant and negative, on real human beings' lives. It is to that latter point that this thesis now turns its attention.

In this section, a pair of case studies explores the way that workism has influenced modern American public policy. These case studies engage divergent policy areas, welfare programs and environmental regulation, and explore the different ways in which the influence of workism has manifested in public policy. In the process, they reveal how workism's influence in public policy, because of its inherent tension with the human rights framework, creates human rights violations. These human rights violations, in turn, reveal how workism inflicts real-world harms on individual human beings.

These case studies will consist of a simple, two-part methodology. After first providing an introduction and overview of the pertinent case study, each analysis will begin with an exploration of workism within the policy at issue in that case. This exploration will examine the historical development and context of the case study in order to identify workism's influence on that policy and describe the effect that influence had in shaping that policy in a work-oriented direction. In the first case study, this exploration will be extensive; in the second, it will be relatively brief. This is both a result of the different scopes of the policies in question and a reflection of the fact that the indirect form of workism, the focus of the case study, is subtler in its operation than the direct form. After identifying the presence of workism within the case study, the analyses

will then conduct a human rights analysis of the resultant, work-oriented policies, particularly focusing on the impact of those policies' provisions that orient them toward work. That analysis will first lay out relevant human rights implicated by these policies before turning to evidence regarding the impact of these policies to consider whether they are consistent with the relevant human rights.¹²³

It is this second analytical step that brings the moral tension between workism and the dignitarian-moral human rights framework out of abstraction and grounds it firmly in the real world. As this thesis will show, in both case studies, the influence of workism draws the policies at issue farther away from human rights principles. On the ground, this means that the influence of workism led to the development of public policies that deprived many individual human beings of access to their basic human rights—and, by extension, their dignity. As a result, these case studies reveal the true nature of workism's influence on public policy: specifically, that it has a significant, negative impact on the lives of real human beings.

B. Welfare Reform

1. Overview:

The Protestant Work Ethic's, and by extension workism's, orientation around work has had severe consequences for the poor. As previously discussed, economic success has come to function as a proxy for hard work. Impoverished individuals are popularly assumed to be idle, irrespective of whether they truly are. Because, under

¹²³ While this analysis is using human rights in a moral, rather than legal, sense, this section will nevertheless employ international human rights treaties as its sources for the articulations of human rights being discussed in its analyses. This is not a reflection of any legal authority those treaties may or may not possess; rather, it is merely an acknowledgement that such treaties represent the most widely accepted corpus of human rights to date.

workism's framework, idleness was a failure of the primary criterion for full human status, the poor are therefore assumed to be inherently dehumanized because of their poverty, regardless of whether that poverty was actually the result of laziness.

This assumption has come to shape a great deal of modern American policy concerning the poor. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (hereafter "PRWORA,"), colloquially known simply as "welfare reform," provides perhaps the clearest example of this phenomenon. Recall the myth of the "Welfare Queen," discussed above, that Ronald Reagan popularized. The Welfare Queen was industrious only in her efforts to avoid work of any kind, "using 80 names, 30 addresses, 15 telephone numbers to collect food stamps, Social Security, veterans' benefits for four nonexistent deceased veteran husbands, as well as welfare. Her tax-free cash income alone has been running \$150,000 a year."¹²⁴ PRWORA was a response to the image of the welfare recipient embodied in the Welfare Queen: as inherently lazy and sinful—as subhuman. PRWORA was, in other words, grounded in the same view of the poor that was encapsulated within workism.

This was no coincidence. Rather, specific actors exercised agency to re-shape American welfare policy to reflect workism. While it would be impossible to list, much less analyze, each of these actors, an illustrative case study is sufficient to demonstrate one way in which this process has worked. Fortunately, such an illustrative case study has been well documented: The Christian Right.¹²⁵

¹²⁴ Slate Voice, "Ronald Reagan Campaign Speech, January 1976," SoundCloud, accessed May 3, 2018, <https://soundcloud.com/slate-articles/ronald-reagan-campaign-speech>.

¹²⁵ Some clarifications are in order here. First, it should be noted that this section is not intended to suggest that the Christian Right is the only actor working to enshrine workism into public policy generally or welfare reform specifically. Nor is it intended to suggest that all such agents employ the same tactics, share the same beliefs, or desire the same policy results as the Christian Right—many actors who have worked to shape public policy in the image of workism were politically centrist or liberal, descriptions that cannot be

The Christian Right was a loose compendium of organizations that, as a general collective, represented a politically powerful entity capable of providing the political capital and incentive necessary to bring public policy in line with the public Protestant moralism that formed the foundation of workism. For example, the organizations that comprised the Christian Right developed a series of mechanisms through which they could generate political support that it could then trade to politicians in exchange for influence over proposed bills and policy development.¹²⁶ Perhaps the most effective of these mechanisms was access to the Christian Right's robust and sophisticated electoral infrastructure. Christian Right organizations develop and maintain extensive membership rosters and mailing lists.¹²⁷ These lists, in turn, represent valuable bargaining chips which these organizations can use to entice politicians to support Christian Right-endorsed policies.

Politicians can, for example, use those membership rosters and mailing lists as instant volunteer and fundraising networks that can provide critical support to their

ascribed to the Christian Right. For example, while the Christian Right helped to catalyze the push for welfare reform, that push was appropriated by Democratic President Bill Clinton. Clinton not only signed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (better known as welfare reform), but he also made “end[ing] welfare reform as we know it” a central campaign promise during his first run for the presidency in 1992. “Bill Clinton in 1992 Ad: ‘A Plan to End Welfare as We Know it,’” The Washington Post, last modified August 30, 2016, https://www.washingtonpost.com/video/politics/bill-clinton-in-1992-ad-a-plan-to-end-welfare-as-we-know-it/2016/08/30/9e6350f8-6ee0-11e6-993f-73c693a89820_video.html?utm_term=.eca37c33abf3.

In fact, actors working to further workism, either implicitly or explicitly, represent a wide variety of political, ideological, and theological backgrounds and employ a diverse range of tactics and approaches. I argue, however, they are united by the fact that they share a normative commitment to work as a moral good and are pursuing a version of public policy that reflects that normative commitment. The Christian Right is an effective case study not because it is the best, purest, or only example of this kind of agency on behalf of workism. Rather, it is particularly effective simply because it is a well-known and well-documented example. Accordingly, it is a relatively clear mechanism for demonstrating the way that discrete actors have operated to animate political and policy outcomes with workism's normative commitments.

¹²⁶ Clyde Wilcox and Carin Robinson, *Onward Christian Soldiers? The Religious Right in American Politics* (Boulder, CO: Westview Press, 2011), 77.

¹²⁷ *Ibid.*, 102.

election or re-election campaigns.¹²⁸ Similarly, those lists can form the foundation of voter mobilization efforts.¹²⁹ In fact, Clyde Wilcox and Carin Robinson suggest that the only way to mobilize the most deeply religious blocs of voters is to approach them through Christian Right intermediaries or with Christian Right support. Those voters, Wilcox and Robinson argue, are ordinarily so distrustful of politics that they require entities with sufficient religious credibility, such as Christian Right organizations, to convince them that a political cause is worthy of their involvement or a political candidate is worthy of their support.¹³⁰ As a result, the Christian Right's political resources simultaneously represent potential sources of financial support, campaign infrastructure, and direct voting support. Consequently, they are highly valuable to politicians, and the Christian Right's creation and control of these lists grants them a great deal of power to influence politicians (particularly conservative¹³¹ politicians).

At the same time, Christian Right organizations can also leverage this infrastructure *against* politicians to incentivize their cooperation with Christian Right policy priorities.¹³² This form of active opposition serves as a stick to bolster the carrot of access to fundraising lists. For example, in the 2004 Republican Senate primary in Colorado, Christian Right organizations actively mobilized their membership against a candidate whose business insured abortions and offered benefits to same-sex partners of

¹²⁸ Ibid.

¹²⁹ Ibid., 114.

¹³⁰ Ibid.

¹³¹ There are, of course, equivalent actors in centrist and liberal circles. Labor unions are an obvious example that operate primarily in a center-left environment.

¹³² Ibid., 103.

employees.¹³³ That candidate's narrow loss was largely attributable to Christian Right opposition.¹³⁴

The Christian Right's creation, maintenance, and control of an extensive and sophisticated political infrastructure gives the Religious Right a great deal of influence over which candidates are elected to political office and which policies those then-elected officials pursue, particularly in conservative circles. If the candidates or officials agree to support policies the Christian Right endorses, they are granted access to the Christian Right's political infrastructure and all of the financial, campaign, and voting support that comes with it. This increases the candidate's likelihood of election in exchange for policy support. On the other hand, if the candidates or officials decline to support the Christian Right's favored policies, that political infrastructure can be mobilized *against* them. In that case, the candidates are not just deprived of access to that supportive infrastructure—instead, it is affirmatively turned against them, forcing them to run in active opposition to the weight of the Christian Right. This creates a political logic in which candidates and politicians, at least within the contexts and environments in which the Christian Right is active and powerful, are strongly incentivized to support policies prioritized by the Christian Right—a dynamic has proven effective in shaping real-world public policy to reflect the kind of moral orientation toward work that defines workism (in both its secular and Protestant work ethic iterations¹³⁵).

¹³³ Ibid., 102–103.

¹³⁴ Ibid., 103.

¹³⁵ As was hopefully made clear in preceding subsections, because the secular moral orientation toward work was directly taken from the Protestant moral orientation toward work, those two orientations are the same—they are simply justified differently. In other words, both the secular and Protestant moral orientations toward work situate work as the litmus test of one's moral equality. Therefore, Protestant and secular ideas of work moral, while grounded differently, often manifest identically when applied to real-world issues and scenarios.

Welfare reform was one of those prioritized policies. The Christian Right's involvement was integral to the catalyzing and shaping of the welfare reform bill. Simply put, the Christian Right was able to influence politicians into creating a bill that was consistent with public Protestant values, including the idea that the poor are lazy and therefore immoral. For example, it was an alliance between Reagan's brand of conservatism and the ascendant Christian Right in the latter decades of the 20th century that allowed Reagan's aforementioned myth of the welfare queen to take hold as a defining feature of both the public imagination and the political discourse.¹³⁶ Moreover, the involvement of the Christian Right attached a moral weight to the welfare reform movement, demonstrating that welfare reform was a moral imperative as well as an economic necessity—in effect, bolstering the idea that the unreformed welfare system conflicted with the moralism of public Protestantism (and, correspondingly, workism).¹³⁷ This, in turn, generated political support for welfare reform, specifically a work-oriented welfare reform that conceived of welfare recipients and the poor primarily in terms of their working status, amongst both the voting public and elected officials. Indeed, some scholars suggest that, without the support and influence of the Christian Right, welfare reform would never have become law—and the Christian Right likely would not have supported any welfare reform movement that did not reflect its own moral orientation toward work.¹³⁸

¹³⁶ Jason Hackworth, *Faith Based: Religious Neoliberalism and the Politics of Welfare in the United States* (Athens, GA: University of Georgia Press, 2012), 31.

¹³⁷ Lisa A. Crooms, "The Mythical, Magical 'Underclass': Constructing Poverty in Race and Gender, Making the Public Private and the Private Public," *Journal of Gender, Race, and Justice* 5 (Fall 2001): 95; Hudson & Coukos, "Dark Side," 21.

¹³⁸ Hackworth, *Faith Based 2*; Leslie Dorrrough Smith, *Righteous Rhetoric: Sex, Speech, and the Politics of Concerned Women for America* (New York: Oxford University Press, 2014), 54–55.

The resulting bill, in turn, manifested this influence through its emphasis on work and morality. For example, the bill begins with an extensive series of “findings” about the perceived moral failings of the poor—relating to marriage, parental, and sexual behavior patterns—with the implication that those moral flaws, which have condemned them to poverty, result from a lack of (or at least would be cured by) hard work.¹³⁹ This message represents the sort of emphasis on the work-oriented values of public Protestant moralism that the Christian Right demanded. Moreover, the fact that this emphasis was the direct result of the Christian Right’s influence, rather than a coincidental resemblance, is evidenced by the fact that the specific moral failings the law chooses to cite, including the focuses on marriage and sexual purity, are the same failings the upon which the Christian Right focused in its own criticisms of the poor.¹⁴⁰ In short, the Christian Right demonstrates how specific actors directly and intentionally infused PRWORA with the animating values of workism. In the process, they created a law predicated on the assumption that the poor were inherently subhuman and immoral because of their poverty.

PRWORA’s response to this assumed perception of the poor was to apply the “direct form” of workism. Faced with what it perceived as a problem caused by a lack of compliance with its fundamental orienting value of work (welfare and poverty), PRWORA envisioned work as the appropriate corrective, crafting a policy intended to reassert work as the central value around which the poor were to be oriented in order to access their full human status and moral worth. In the process, it frequently subordinated

¹³⁹ Personal Responsibility and Work Opportunity Reconciliation Act, Public Law No. 104-193, §101 (1996).

¹⁴⁰ Hudson & Coukos, “Dark Side,” 21.

the human rights, and therefore the dignity, of many welfare recipients—revealing both the real-world consequences of the tension between workism and human rights and the potential for harm represented by workism’s elevation of work above all other moral considerations.

2. Influence of Workism:

Workism’s influence animates PRWORA’s substantive provisions, which are oriented around work as a corrective to the idle inhumanity of the impoverished. A combination of two provisions in particular manifests the presence of workism’s moral framework: PRWORA’s institution of strict work requirements as a precondition to receiving welfare benefits and of a five-year lifetime cap on benefit receipt.

The institution of strict work requirements positions work as a prerequisite to the receipt of welfare benefits and, consequently, of human rights, at least for a significant number of welfare recipients. This provision is fairly simple: before one can receive cash welfare benefits, one must first show that one is either working or completing some other activity formally approved as being sufficiently related to work (such as searching for a job).¹⁴¹ This communicates a legislative intention, supported by supporters’ explicit justifications for the bill (“it is equally a sin to help somebody who needs to learn how to help themselves”¹⁴²), that work both could and should replace welfare benefits in the lives of welfare recipients—an expectation that, by working, welfare recipients would gain access to an income that would allow them to lift themselves out of poverty, thereby removing their need to rely on welfare aid.

¹⁴¹ Personal Responsibility and Work Opportunity Reconciliation Act, §407.

¹⁴² 142 Congressional Record H8324 (daily ed. July 24, 1996) (statement of Rep. Kasich).

The inclusion of the five-year lifetime time limit on benefit receipt reinforces this intention. Under this provision, welfare benefits could only receive benefits for a cumulative total of five years for the entirety of their adult lives, regardless of whether those five years were consecutive or intermittent.¹⁴³ This requirement provides an incentive for welfare recipients to truly invest in hard work rather than just doing the bare minimum to satisfy the work requirements. After all, if hard work will lead to economic success, the fact that the time limit will cut off their access to welfare benefits after five years will, at least in theory, motivate them to work hard in order to be self-sufficient before that time period elapses. But the time limit also further develops PRWORA's conception of the corrective power of work. By capping benefit receipt at five years, PRWORA communicates not only an expectation that work *can* lift a welfare recipient out of poverty and make them fully human, but that it *will* do so *soon*—within five years, to be more precise. Similarly, by making that time limit cumulative rather than re-setting it should an individual fall back into poverty, PRWORA communicates an expectation that work will inevitably lead to *permanent* economic success.

This approach is consistent with workism's conception of work and the poor. After all, under that conception, the poor are poor because they are living subhuman lives of immoral idleness rather than working hard, as full humans do. By forcing them to work, then, PRWORA is also forcing them to break that dehumanizing pattern of behavior and live full, hardworking lives. And because work and economic success are intertwined to the point of being effectively synonymous, by forcing welfare recipients to work, PRWORA is also forcing them into economic success and self-sufficiency.

¹⁴³ Personal Responsibility and Work Opportunity Reconciliation Act, §408(a)(7).

Therefore, the combination of work requirements and the time limit on welfare benefits reveals the influence of workism within PRWORA: work, and work alone, is positioned as the solution to their dehumanizing poverty. Other, unconditional forms of aid are seen as unwanted obstacles. It is only by working hard, and thereby fulfilling workism's normative vision, that PRWORA imagines the impoverished can be fully human and, in the process, escape poverty.

3. Human Rights Analysis:

This workism-influenced policy approach, however, brings PRWORA into conflict with a variety of human rights and, by extension, manifests the tension between the workist and human rights frameworks on the ground. In short, the work requirements and time limit combination positions work as a pre-condition to welfare benefits and, by extension, many economic or welfare-related human rights. Simply put, PRWORA requires that welfare recipients earn their human rights, and by proxy their dignity and humanity, by working, rather than accepting that welfare recipients possess inherent dignity that warrants certain fundamental rights and protections as a starting point. In the process, it positions work as an ultimate criterion for human status: welfare recipients, in practice, are not treated as fully human unless they are working. Individual humanity is, therefore, defined in relation to, and conditioned upon the performance of, work.

Of course, should circumstances be such that that condition could never be or was never failed and human rights were never deprived, there would, perhaps, be no issue. In such a case, the orientation around work would not lead to human rights violations. However, an examination of PRWORA's impact on welfare recipients reveals that this is not the case. In fact, there is little evidence that PRWORA has been effective in helping

erstwhile welfare recipients find the sort of stable jobs that would allow them to become self-sufficient and to ensure that their human rights were respected and fulfilled.

PRWORA assumed that merely getting individuals to commit to working would inevitably lead them to economic self-sufficiency. This assumption proved unrealistic on several levels. First, PRWORA assumed that welfare recipients could find jobs—and, by implication, that there were enough jobs for all of them. In fact, however, the number of workers is significantly larger than the number of available jobs. This dichotomy, moreover, is growing, as the population increases but the number of jobs, particularly the stable jobs, decreases due to globalization and technological advances.¹⁴⁴ There are, for example, millions fewer manufacturing jobs today than there were in the 1970s¹⁴⁵ or even the 1990s.¹⁴⁶ Nicole Huberfeld and Jessica L. Roberts paint a bleak but more realistic picture, pointing out that “as of 2014, there were approximately two job seekers for every available job.”¹⁴⁷ Nor did PRWORA attempt to address any of the common constraints that prevent many welfare recipients from obtaining jobs in the first place. It did not, for example, take any steps to address the kinds of racial¹⁴⁸ or gender¹⁴⁹ discrimination that prevented many welfare recipients from obtaining or keeping jobs.

¹⁴⁴ Mary Hobgood, “Poor Women, Work, and the U.S. Catholic Bishops: Discerning Myth from Reality in Welfare Reform,” *The Journal of Religious Ethics* 25, no. 2 (Fall 1997): 311–12 (noting that assumptions of welfare reform ignore global economic environment that is eroding and degrading the value of work).

¹⁴⁵ Heather Long, “Reality Check: U.S. Manufacturing Jobs at 1940s Levels,” CNBC, last modified April 7, 2017, <http://money.cnn.com/2017/04/07/news/economy/us-manufacturing-jobs/index.html>.

¹⁴⁶ Heather Long, “U.S. has Lost 5 Million Manufacturing Jobs Since 2000,” CNBC, last modified Mar. 29, 2016, <http://money.cnn.com/2016/03/29/news/economy/us-manufacturing-jobs/index.html>.

¹⁴⁷ Huberfeld & Roberts, “Health Care,” 36–37.

¹⁴⁸ For instance, black and Hispanic communities face greater unemployment than whites and blacks and Hispanics experience higher rates of poverty than whites. Michael Hout, “Employment,” *Pathways* (2017): 6, 7.

¹⁴⁹ National Women’s Law Center, *Underpaid and Overloaded: Women in Low-Wage Jobs* (2014), 3 (noting that “regardless of their education level, age, marital or parental status, race, ethnicity, or national origin, women make up larger shares of the low-wage workforce than do their male counterparts”); United States Government Accountability Office, *Gender Pay Differences: Progress Made, but Women Remain Overrepresented among Low-Wage Workers* (2011), 8 (noting that women make up 59% of the low-wage

Second, PRWORA assumed that merely obtaining a job, regardless of what that job was, would be sufficient to put welfare recipients on the path to economic success. In fact, the majority of the jobs available to welfare recipients are unstable or temporary and low-income—and, as a result, are insufficient to allow welfare recipients to escape poverty. Most modern jobs that are both stable and well-paying require a relatively substantial level of education or job training, such as a college degree.¹⁵⁰ PRWORA, however, actively restricted welfare recipients' ability to obtain that kind of training or, in particular, that kind of education, construing it as an obstacle to the kind of immediate focus on hard work that PRWORA conceives of as the only appropriate corrective.¹⁵¹ Indeed, before the passing of PRWORA in 1996, “every state except three—Michigan, Nevada, and Oregon—allowed welfare recipients to satisfy the work requirement through post-secondary education. Several states limited the education program to two years; however, the majority of states...allowed welfare recipients to pursue a four-year bachelor's degree.”¹⁵² However, less than five years after PRWORA's passing, only 12 states allowed welfare recipients to attend college for more than 12 months without also participating in a work-related activity to some degree.¹⁵³ On the whole, PRWORA creates an obstacle standing between welfare recipients and the sort of advanced skills necessary to obtain most stable, well-paying jobs in the modern economy.

workforce but only 49% of the total workforce); Stacy Dickert-Conlin and Ross Rubinstein, *Economic Inequality and Higher Education: Access, Persistence, and Success* (2007), 1.

¹⁵⁰ Joel F. Handler, “Welfare-to-Work: Reform or Rhetoric,” *Administrative Law Review* 50 (1998): 645; Carol Clymer et al, *Tuning In to Local Labor Markets: Findings from the Sectoral Employment Impact* (2010), 8.

¹⁵¹ Ellen Reese, “The Causes and Consequences of U.S. Welfare Retrenchment,” *Journal of Poverty* 11 (2007): 51 (noting that most welfare programs push welfare recipients into quick employment rather than long-term training and education); Gruber, “Promoting Long-Term Self-Sufficiency,” 93.

¹⁵² Gruber, “Promoting Long-Term Self-Sufficiency,” 256.

¹⁵³ Marika N. Ripke and Danielle A. Cosby, “The Effects of Welfare Reform on the Educational Outcomes of Parents and their Children,” *Review of Research in Education* 26 (2002): 198–99.

PRWORA’s false assumption that hard work, in and of itself, would be sufficient to lift welfare recipients out of poverty produced an ineffective policy. PRWORA’s provisions actually make it less likely that many welfare recipients will be able to move out of poverty. In fact, most people “subject to work requirements [either] remained poor [or] became poorer.”¹⁵⁴ And while many supporters of PRWORA might defensively point to reduced welfare rolls, many people who leave welfare rolls do so not because they escaped poverty, but because they exhausted their welfare eligibility.¹⁵⁵ As a result, PRWORA’s single-minded orientation around work often stands between welfare recipients and their benefits—and, by extension, their access to basic necessities and, therefore, human rights.

In the end, PRWORA’s adoption of workism’s orientation around work, and resulting requirement that welfare recipients earn their humanity through work, often comes between welfare recipients and their economic or welfare-related human rights. Although the range of rights PRWORA implicates in some way is too numerous to discuss each comprehensively in this thesis, the following general examination of a selection of implicated rights is sufficient to demonstrate the tension between PRWORA’s orientation toward work and the demands of a dignitarian-moral human rights framework.

i. Right to Adequate Food

The right to adequate food is embedded within the penumbra of the broader but vaguer right to an adequate standard of living, found in Article 25.1 of the Universal Declaration of Human Rights (“UDHR”) and elaborated upon in Article 11.1 of the

¹⁵⁴ Ladonna Pavetti, *Work Requirements Don’t Cut Poverty, Evidence Shows* (2016), 9.

¹⁵⁵ *Ibid.*

International Covenant on Economic, Social, and Cultural Rights (“ICESCR”). ICESCR Art. 11.1 recognizes “the right of everyone to an adequate standard of living for himself and his family, including adequate food...” Although PRWORA is not directly concerned with access to food (an area that is under the purview of a separate federal welfare program, SNAP or, as it is more commonly known, food stamps), there are indications that PRWORA has nevertheless inhibited many welfare recipients’ right to adequate food.

Most directly, PRWORA’s restriction of cash welfare benefits forces many erstwhile welfare recipients to divert some or all of their SNAP benefits toward non-food necessities that may have otherwise been covered by PRWORA’s cash welfare payments. Kathryn J. Edin and H. Luke Shaefer point out that many SNAP recipients have little or no access to income other than SNAP.¹⁵⁶ Many of those vulnerable recipients, consequently, are forced to illicitly sell part or all of their food stamp allotments, often at a significant discount, to be able to afford housing, medical care, or other necessities.¹⁵⁷ Under the cash welfare system in place before PRWORA, most of these individuals would have been entitled to a stable, albeit meager, source of government welfare income they could have used to pay for those other expenses, allowing them to spend the full range of their SNAP benefits on adequate food.¹⁵⁸

¹⁵⁶ Kathryn J. Edin and H. Luke Shaefer, *\$2.00 A Day: Living on Almost Nothing in America* (2015), 31 (noting that “by 2014, 1.4 million workers on SNAP told eligibility workers they had no other income”).

¹⁵⁷ Laura Tach and Kathryn Edin, “The Social Safety Net After Welfare Reform: Recent Developments and Consequences for Household Dynamics,” *Annual Review of Sociology* 43 (2017): 545 (noting that selling food stamps was a common survival strategy poor families used “to get by outside of the cash welfare system”).

¹⁵⁸ Edin and Shaefer, *\$2.00 A Day*, 7 (noting that “as of early 1996, [AFDC] was lifting more than a million households with children out of \$2-a-day poverty every month...in the late 1990s, as welfare reform was gradually implemented across the states, its impact in reducing \$2-a-day poverty began to decline precipitously. By mid-2011, TANF was lifting only about 300,000 households with children above the \$2-a-day mark”).

PRWORA has, therefore, indirectly restricted many poor people's ability to access adequate food by restricting the welfare benefits they could use to afford other necessities—essentially forcing those individuals to divert their food subsidies toward expenses that case welfare benefits once covered. As a result, despite a subsequent expansion of SNAP benefits, “a considerable number of families on SNAP continue to experience... ‘food insecurity,’ meaning that they run out of food before the month is over.”¹⁵⁹ Indeed, 36% of households below the poverty line faced food insecurity as of 2005,¹⁶⁰ while “food pantry usage doubled between 1996 and 2013.”¹⁶¹ Although, again, PRWORA did not directly restrict welfare recipients' food aid, it seems that its restriction of other forms of aid has had a diversionary effect on that food aid—an effect that is not consistent with the human right to adequate food.¹⁶² Consequently, as many as “an estimated 50 million Americans go to bed hungry each night.”¹⁶³

ii. Right to a Living Wage

The right to a living wage is found in ICESCR Art. 7(a)(ii), which guarantees “remuneration which provides all workers, as a minimum, with: a decent living for

¹⁵⁹ Ibid., 107. See also Ripke and Cosby, “The Effects of Welfare Reform,” 189 (observing that “many former welfare recipients continue to have difficulty providing sufficient food to their families”).

¹⁶⁰ Arjun Sengupta, “Extreme Poverty and Human Rights: A Case Study of the United States of America,” *Bangladesh Development Studies* 33 (2010): 289.

¹⁶¹ Tach and Edin, “The Social Safety Net,” 545.

¹⁶² Kristine Siefert et al note that “declines in food insecurity have been much lower than declines in welfare caseloads or receipt of food stamps,” which suggests that people were falling off these programs rather than escaping them through economic prosperity and, as a result, were still food insecure but now stripped of welfare assistance to address that problem. Kristine Siefert et al., “Food Insufficiency and Physical and Mental Health in a Longitudinal Study of Welfare Recipients,” *Journal of Health and Social Behavior* 45 (2004): 172.

¹⁶³ Steven W. Bender, *Mea Culpa: Lessons on Law and Regret from U.S. History* (2015), 79; Craig Gundersen, Brent Kreider, and John Pepper, “The Economics of Food Insecurity in the United States,” *Applied Economic Perspectives and Policy* 33 (2011): 281 (noting that “food insecurity is a serious challenge facing millions of Americans. In 2009, more than 50 million persons in the United States lived in households classified as food insecure, with over one-third of these households experiencing a more serious level of food insecurity termed ‘very low food security.’ These rates have soared to unprecedented levels, having increased by more than one-third since 2007”).

themselves and their families in accordance with the provisions of the present Covenant.” PRWORA, however, restricts many low-wage workers’ ability to access such a living wage. Even if the majority of welfare recipients found a job, most still would not have access to a living wage, and PRWORA is at least partially to blame.¹⁶⁴

PRWORA’s work requirements flooded the workforce with “millions of low-income single moms.”¹⁶⁵ This PRWORA-induced wave of largely unskilled employees, most competing for the same kind of low-income jobs, drove down wages and granted low-income workers less market leverage because of the sudden surplus in worker supply. Most low-income workers were already limited to low-paying jobs, but PRWORA’s flooding of the labor market held those wages down even more.¹⁶⁶ Consequently, “roughly 70% of children who experienced a spell of \$2-a-day poverty in 2012 lived with an adult who held a job at some point during the year,” demonstrating that the work available to welfare recipients and people in poverty in the PRWORA paradigm is not enough to guarantee a living wage.¹⁶⁷ While PRWORA may not explicitly limit wages, at the very least it limits the ability of workers to obtain such a wage for themselves and the incentives of employers to pay them one.

¹⁶⁴ Laura Nichols and Barbara Gault, “The Implications of Welfare Reform for Housing and School Instability,” *Journal of Negro Education* 72 (2003): 107.

¹⁶⁵ Edin and Shaefer, *\$2.00 A Day*, 61.

¹⁶⁶ *Ibid.*, 43 (noting that “low-wage workers are concentrated in the service sector...not only do [these jobs] pay low wages, but those who work them are often subject to variable hours and are seldom offered benefits”).

¹⁶⁷ *Ibid.*, 42.

iii. Right to Social Security

The Right to Social Security is found in Article 22 of the UDHR¹⁶⁸ and Article 9 of the ICESCR.¹⁶⁹ The UN Committee on Economic, Social, and Cultural Rights clarified this right in General Comment 19, which states that:

"The right to social security encompasses the right to access and maintain benefits, whether in cash or in kind, without discrimination in order to secure protection, inter alia, from (a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; (b) unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents."¹⁷⁰

The Committee is clear that this right is to be interpreted broadly: "The wording of article 9 of the Covenant indicates that the measures that are to be used to provide social security benefits cannot be defined narrowly and, in any event, must guarantee all peoples a minimum enjoyment of this human right."¹⁷¹ Two particular elements of this right are relevant to this analysis: first, it includes unemployment as qualifying individuals to social security; second, it is to be interpreted broadly as a minimum guarantee to "all peoples." This right, then creates a positive expectation that states provide all unemployed individuals within their ambit with an affirmative guarantee of minimal security.

Of course, cash welfare benefits are not the only potential avenues through which the government can meet this obligation, nor is PRWORA alone is the reason that the US

¹⁶⁸ "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality."

¹⁶⁹ "The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance."

¹⁷⁰ United Nations Committee on Economic, Social, and Cultural Rights, General Comment No. 19: The Right to Social Security, U.N. Doc. E/C.12/GC/19 (2008), 2.

¹⁷¹ *Ibid.*

fails to live up to this human rights norm.¹⁷² While PRWORA does not bear the full blame for that phenomenon, it nevertheless plays a critical role and, therefore, warrants a human rights analysis.

As briefly alluded to earlier in this case study, many welfare recipients are not able to find work. TANF benefits may well be their only source of income; a 2015 Maryland study found that “more than one-third of TANF leavers [in Maryland] ha[d] no earnings for an entire year.”¹⁷³ Similarly, “the number of families in SNAP administrative records with no cash income has more than quadrupled between 1995 and 2014, from approximately 300,000 to 1.3 million.”¹⁷⁴ Yet PRWORA still terminates cash welfare benefits after five total years, leaving many otherwise-eligible individuals with no cash income at all—effectively violating those individuals’ right to social security’s guarantee of security in the instance of unemployment, as the complete absence of income is not any form of security at all.

Moreover, the majority of PRWORA cash benefit funds are diverted before they reach welfare recipients: “of the \$16.5 billion the federal government transfers to states for TANF,¹⁷⁵ more than \$11 billion is siphoned off for other uses.”¹⁷⁶ Moreover, the value of TANF benefits that do reach welfare recipients has sharply depreciated over time; cash welfare benefits simply help less than they once did.¹⁷⁷ As a result, even

¹⁷² SNAP and the Earned Income Tax Credit (EITC), for example, also contribute to the social security baseline. Yet both SNAP and the EITC still sometimes fail; if they did not, there would not be 1.5 million US households surviving on less than \$2 per person per day. Edin and Shaefer, *\$2.00 A Day*, 105.

¹⁷³ Tach and Edin, “The Social Safety Net,” 545.

¹⁷⁴ *Ibid.*

¹⁷⁵ TANF is “Temporary Assistance for Needy Families,” the cash welfare program created under PRWORA.

¹⁷⁶ Edin and Shaefer, *\$2.00 A Day*, 169.

¹⁷⁷ *Ibid.*, 32.

individuals who do receive cash benefits through TANF receive just a fraction of the basic security afforded to welfare recipients of past decades:

“What’s different these days [post-PRWORA]...is that welfare can no longer be counted on to provide a floor of cash that families can depend on. Back in the days before welfare reform, the strategies poor single mothers employed were hardly get-rich-quick schemes...but when combined with welfare, plus a lot of old-fashioned frugality, these strategies usually allowed for a bare-bones survival. Today, families who find themselves virtually cashless have no such floor.”¹⁷⁸

In the end, then, even those who are still eligible for cash welfare benefits often find themselves bereft of the minimal guarantee of social security prescribed by the human rights system: PRWORA either cuts them off from the security of a stable income entirely or affords them only a minimal income that is not sufficient “to secure protection, inter alia, from (a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; (b) unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents.”¹⁷⁹

4. Implications:

This case study analysis of welfare reform reveals one way in which the tension between workism and human rights frameworks plays out on the ground. Specifically, it reveals how the application of the “direct form” of workism to public policy creates human rights violations by conditioning access to basic government protections or services necessary for the protection of human rights and dignity upon the performance of work. PRWORA’s work requirements effectively force welfare recipients to earn their

¹⁷⁸ Ibid., 97.

¹⁷⁹ United Nations Committee on Economic, Social, and Cultural Rights, General Comment No. 19: The Right to Social Security, 2.

humanity through hard work. It is, essentially, grounded in a presumption that welfare recipients are subhuman, evidenced by their poverty (which is, in turn, evidence of dehumanizing idleness), and forces them to rebut that presumption by working themselves off welfare. In the process, it deems them unworthy of human rights until they rebut that presumption, restricting their access to, among other things, adequate food, a living wage, and social security, all globally-recognized human rights.

This tension is, of course, exacerbated by the fact that PRWORA's policies often make it harder, not easier, for welfare recipients to find the kind of jobs necessary to lift oneself out of poverty. As a result, PRWORA simultaneously requires welfare recipients to effectively earn their human rights through work while also restricting them from doing so. In both cases, however, work is held up as a justification for a policy that subordinates human dignity and human rights. Welfare recipients are, in short, not entitled to their human rights because they have not earned them by working hard enough to achieve economic success. This approach manifests the framework of workism, which justifies subordinating human rights when, as in the case of welfare reform, the pursuit of human rights threatens to displace the normative primacy of work. As a result, many welfare recipients end up stripped of their human rights and, accordingly, left vulnerable to real-world harms.

C. Environmental De-Regulation

1. Overview:

Unlike the first two case studies, the final case study of environmental de-regulation is an example of the indirect workism. It is, therefore, a case study of a more subtle and nuanced process than the first case study. Therefore, this thesis will be

focusing closely on a single, relatively small example of environmental de-regulation, rather than broadly examining the entire phenomenon or system as it did with welfare reform and college financial aid, in order to most clearly locate and articulate the influence of workism.

Specifically, this case study will focus on President Donald J. Trump's signing of HJ 38, which repealed the Stream Protection Rule. The Stream Protection Rule, promulgated under President Barack Obama, was intended to protect streams from contaminants stemming from coal mining operations. The Office of Surface Mining projected that the rule would improve water quality.¹⁸⁰ Consequently, the rule implicated the human right to clean water; if it worked as intended, the rule would have served to protect that right. However, President Trump's repeal of the rule addressed it not in environmental terms, but in work terms.

2. Influence of Workism:

As mentioned above, this case study is an example of the "indirect form" of workism. Unlike welfare reform, it is not a case study of a policy that positions work as a precondition for individual rights. Rather, it takes a converse track: it uses the concept of work to justify a governmental infringement on or deprivation of a human right that is not, in and of itself, directly or primarily concerned with work. In other words, it implicitly subordinates a human right (in this case the human right to clean water), and in the process an element of human dignity, to work, articulating a policy vision and rationale holding up work as a superior goal to human rights.

¹⁸⁰ Congressional Research Service, *The Office of Surface Mining's Stream Protection Rule: An Overview* (2017), 17.

In the case of HJ 81, this phenomenon is explicit in the justifications offered for the repeal of the Stream Protection Rule by policymakers and supporters. Although the rule, and correspondingly the rule's repeal in HJ 81, was both apparently and substantively focused on environmental concerns, HJ 81's supporters neither offered environmental justifications for supporting repeal nor criticized the Stream Protection Rule on environmental grounds. Instead, these supporters grounded their critique and repeal of a rule formulated as an environmental measure to protect streams (and, in the process, to protect the human right to clean water) upon the claim that the environmental rule was not sufficiently oriented around work.

Specifically, supporters argued that repeal was necessary not because the rule failed to effectively protect streams, but because it inhibited job creation. For example, while signing the HJ 81 repeal, President “Trump called the regulation ‘another terrible job killing rule’ and said ending it would save ‘many thousands American jobs, especially in the mines, which, I have been promising you — the mines are a big deal.’”¹⁸¹ Similarly, Senator Mitch McConnell's stated reason for opposing the Stream Protection Rule was that it “threaten[ed] coal jobs,”¹⁸² while Senator Rand Paul justified his support for repealing the rule by claiming that the rule would “cost 77,000 jobs in the coal industry.”¹⁸³

This rhetoric and its exclusive focus on jobs, even in the context of a rule that was primarily environmental, rather than economic, in its focus and substance, reveals the

¹⁸¹ Devin Henry, “Trump Signs Bill Undoing Obama Coal Mining Rule,” The Hill, last modified February 16, 2017, <https://thehill.com/policy/energy-environment/319938-trump-signs-bill-undoing-obama-coal-mining-rule>.

¹⁸² Ibid.

¹⁸³ Glen Kessler, “Did President Trump Save 77,000 Coal Mining Jobs?” The Washington Post, last modified February 27, 2017, https://www.washingtonpost.com/news/fact-checker/wp/2017/02/27/did-president-trump-save-77000-coal-mining-jobs/?noredirect=on&utm_term=.999c5ddcfe1e.

influence of workism. Jobs, and by extension work, are the sole, explicit reason behind this de-regulation — and, by implication, the sole criterion through which this regulation should be judged, even though it is not primarily a jobs-oriented regulation. By setting up jobs as this kind of ultimate normative for any kind of regulation, the supporters of repeal are demonstrating the kind of fundamental orientation around work that defines workism. This manifests, in a more indirect way, the tension between workism and human rights frameworks.

3. Human Rights Analysis:

Unlike the case study of welfare reform, the effect of this particular example of environmental de-regulation on the relevant human right (the human right to clean water) is difficult to quantify statistically—largely because the repealed rule was not in place long enough to have a significant measurable effect in the first place. Yet the logical effect of the de-regulation on the human right to clean water is clear nevertheless.

The UN and UN Human Rights Council recognized it as a human right, as a matter of international law, in 2010.¹⁸⁴ While this right is not explicitly found in any of the major international human rights treaties, the UN Committee on Economic, Social, and Cultural Rights has recognized that the right to water is encompassed within Articles 11 (recognizing the human right to an adequate standard of living) and 12 (recognizing the human right to the highest attainable standard of health) of the ICESCR.¹⁸⁵ It is, therefore, clear that the right to clean water is a currently-recognized human right, rather than an aspirational proposal for a future right.

¹⁸⁴ United Nations General Assembly, Resolution 64/292: The Human Right to Water and Sanitation U.N. Doc. A/Res/64/292 (2010).

¹⁸⁵ United Nations Committee on Economic, Social, and Cultural Rights, General Comment No. 15: The Right to Water, U.N. Doc. E/C.12/2002/11 (2002).

Critically, this right includes a mandate that states take “steps on a non-discriminatory basis to prevent threats to health from unsafe and toxic water conditions. For example, States parties should ensure that natural water resources are protected from contamination by harmful substances.”¹⁸⁶ This requirement suggests that states must take affirmative action to protect their citizens from unclean drinking water and attendant health threats in order to respect those citizens’ human rights. The presence of this requirement also implies that not taking or, more acutely, actively repealing such a positive step would deprive those citizens of their human right to clean drinking water.¹⁸⁷ If, after all, a state is faced with a requirement to take positive action when necessary to protect a human right such as the right to clean drinking water, and instead that state affirmatively walks back such a positive action, it is clearly noncompliant with the requirement and, therefore, with human rights principles.

Of course, the human right to clean water only requires states to take such affirmative action “to prevent threats to health from unsafe and toxic water conditions.”¹⁸⁸ If, therefore, one could plausibly argue that the apparent threat to which the Stream Protection Rule was responding was not a threat at all, at least insofar as it did not pose a threat to human health, it might be reasonable to conclude that the Stream Protection Rule did not, in fact, implicate the human right to clean water.¹⁸⁹ Accordingly, the repeal of that rule would not violate the human right to clean water’s requirement that

¹⁸⁶ *Ibid.*, 4.

¹⁸⁷ Benjmin Mason Meier et al, “Implementing an Evolving Human Right Through Water and Sanitation Policy,” *Water Policy* 15 (2013): 117.

¹⁸⁸ United Nations Committee on Economic, Social, and Cultural Rights, General Comment No. 15: The Right to Water, 4.

¹⁸⁹ It also bears noting that this argument does not seem to have ever been raised, at least not publicly, in support of repealing the Stream Protection Rule; again, the only argument raised was that the rule harmed jobs—exclusively focusing on work as the sole evaluative criterion, with no room for human rights.

states take action to prevent threats to human health because there was no such threat at issue.

However, that is simply not the case. Evidence clearly links the contamination of streams from coal mining with threats to human health. For example, coal-mining activities that take place near streams often allow harmful minerals and chemicals either found in the mines or introduced via the mining process to leach into the streams.¹⁹⁰ This contaminated water, consequently, often “carries elevated levels of heavy metals and carcinogens that can persist for decades after mining ceases.”¹⁹¹ When this contaminated water is drunk or otherwise exposed to human beings, it introduces those contaminants into their bodies, with serious ramifications for their health. For instance, a survey of lawsuits brought against West Virginia coal companies who were mining near streams revealed that the contaminated water caused many residents to suffer from “unremitting diarrhea,” while “other conditions reported include learning disabilities, kidney stones, tooth loss, and some cancers.”¹⁹²

These serious health effects represent the kind of threats to health from unsafe and toxic water conditions” that the human right to clean water requires states to take affirmative action to protect against.¹⁹³ The Stream Protection Rule represented such a step. Although the efficacy of the rule and, in particular, whether it would have been sufficiently effective to satisfy this human rights obligation might be debatable, particularly given the vanishingly small time it was in effect, it was nonetheless an

¹⁹⁰ David C. Holzman, “Mountaintop Removal Mining: Digging Into Community Health Concerns,” *Environmental Health Perspectives* 119, no. 11 (November 2011).

¹⁹¹ “Health Impacts of Coal Mining,” Kentuckians for the Commonwealth, accessed March 25, 2019, <http://kftc.org/issues/health-impacts-coal-mining>.

¹⁹² Holzman, “Mountaintop Removal Mining.”

¹⁹³ United Nations Committee on Economic, Social, and Cultural Rights, General Comment No. 15: The Right to Water, 4.

affirmative policy step toward the protection of individuals' rights to clean water. Therefore, the repeal of that rule, particularly on grounds that were not related to the rule's goal of protecting clean water and particularly when not combined with other measures designed to fill the gap left by the rule's repeal, effectively functions to deprive human beings of their right to clean water.

4. Implications:

The indirect form of workism embodied in this case study creates a policy environment in which jobs, entrenched as the ultimate normative goal, are sufficient grounds for creating, repealing, or shaping economic not only jobs-related policy, but any policy—even policies designed to protect human rights, such as the human right to clean water, rather than create jobs. In essence, work comes to function as a purifier sufficient to justify an infringement upon human rights. Since work is the ultimate goal, the promotion or protection of work is normatively desirable even if it comes at a cost to other, lesser concerns (such as human rights or dignity). Therefore, even policies that have otherwise immoral, undesirable, or harmful effects become acceptable if they promote work (or even are perceived to promote work, regardless of whether that perception reflects reality).¹⁹⁴ Essentially, work carries such a normative weight that it purifies otherwise harmful policies that function to protect or promote it.

In the process, this workism-influenced approach subordinates those human rights to work by effectively declaring jobs and work considerations superior to human rights considerations. In this case study, for instance, work is more important than the human right to clean water. Therefore the human right to clean water can only be protected

¹⁹⁴ Kessler, "Did President Trump Save 77,000 Coal Mining Jobs?"

insofar as those protective efforts do not infringe upon work; were it to do so, it would deviate from the core orientation around work. However, this “purifying” effect, in which even non-work-related human rights are subordinated to work, is not restricted to the human right to clean water or to environmental regulation. Indeed, the logic and moral orientation toward work that underlie this indirect form of workism’s influence on public policy are equally applicable to any policy that may be perceived to affect work in any way—potentially rendering any policy that protects or touches upon human rights vulnerable to repeal, and any human right vulnerable to policy-based infringement, if the promotion of work so demands.

D. Summary

Taken together, these case studies reveal that the inherent tension between workism and human rights’ conceptual frameworks is not merely abstract or theoretical, particularly when it comes to positive rights that require affirmative state action. Rather, this tension has a tangible, real-world impact on many individuals—an impact with consequences, as their rights and dignity are subordinated to a normative pursuit of work. For example, in the case of welfare reform, welfare recipients who live under the auspices of policies animated by an orientation around work rather than by respect for human dignity, such as PRWORA, are often deprived of their ability to access the kind of adequate food necessary to live a dignified life unless they earn that dignity by working. Consequently, this tension is best understood not as an interesting philosophical distinction but as a pressing, real-world issue with urgent ramifications for real people.

III. Conclusion

American policymakers have made a series of conscious choices in recent years to follow workism's value orientation rather than that of the human rights framework. They have accorded work, rather than dignity, as the ultimate value against which human status is defined and have crafted policies reflecting this orientation toward work. In the process, these policymakers have subordinated and even sacrificed human rights and dignity. But this was not an inevitable choice. Nothing forced these policymakers to side with workism rather than human rights; they could have made, and conceivably could still reorient around, the opposite choice. Instead, this choice was a matter of collective political judgment, a judgment which can be questioned and can be wrong. Therefore, it is worth considering the broader implications of the choice to orient policies around work rather than human dignity. In particular, it is worth considering a straightforward question: what is lost, or at least placed at risk of loss, in making this normative tradeoff?

Perhaps the most fundamental problem with the choice to pursue workism above human rights is that it locates human status and worth externally, rather than internally. Under workism's orientation toward work, individual human beings are not inherently valuable or possessed of significant worth. Indeed, they are not even inherently fully human. Instead, they are measured by crude assessments of what they produce or contribute to the economy. It is only through hard work or its proxy, economic success, that individuals earn their status as full human beings.

This is evident most explicitly in the direct form of workism, under which individuals are not entitled to the kind of basic rights that are entailed by virtue of being human until they earn those rights by working. In other words, individuals must work to earn their humanity. This, in turn, reveals an implicit policy judgment rejecting the idea

that individuals are entitled to full human status and dignity unless they first meet some appropriate normative standard. Under workism, that normative standard is the performance of work. Simply put, these policies reject that human beings have inherent dignity or worth worthy of protection. Instead, full human status is attained only after, and individual worth is measured by, the performance of a job.

This lack of inherent human status and worth undergirds the indirect form of workism as well, albeit more subtly. In the case of the indirect form, workism justifies the subordination of individual rights in even non-economic areas on the grounds that the subordination will promote or protect jobs and work. This effectively weighs the inherent worth of individual human beings against the worth the relevant policy assigns to work. That weighing, in turn, finds that work is worth more than dignity. In the process, it represents an implicit judgment that humans have no internal, inherent worth, or at the very least that any such worth they do possess is inferior to the worth of work. Instead, the primary worth that humans possess is as workers; by extension, the only way those humans can reach their full status is by being or becoming workers. Consequently, in areas where their dignity and human rights are implicated but they are not functioning as workers, individuals have little to no status, worth, or standing under a workism policy.

For example, clean water is a basic necessity for all human beings, but the provision of access to clean water may come into conflict with other individuals' jobs. According to workism, it is the jobs, not the individuals in need of clean water, who are worthy of protection, because it is the jobs that embody or facilitate full human status—without those jobs, there are no full humans to be entitled to water in the first place. It is, therefore, only the workers (rather than the full set of the affected human population)

who have worth, and they have this worth solely because of their participation in work which makes them fully human. Their worth is, essentially, externally located in and dependent upon their job. Those in need of clean water have no such external location for their worth and dignity, or at least for the part of their dignity that requires access to clean water, because that access is not justified by or related to the pursuit of work. These individuals are, consequently, effectively worthless in this situation.

In short, under workism, an individual's worth and full human status is not internal or inherent. Instead, individual worth is external, earned by and measured according to their performance of work. Consequently, it is synonymous with the individual's participation in the capitalist labor force—defined by their work and wealth. Recall that under workism, work is defined as the holding of a wage labor job, and that economic success has become a proxy for hard work. Therefore, under workism's moral framework, only those with jobs and those who are wealthy are fully human and have corresponding worth. Consequently, only that subset of people, rather than each individual or the population as a whole, is worth policy protection; only that subset is entitled to their dignity and rights.

This external location of worth in work is problematic. At the individual level, it creates easy pretexts for abusing the human dignity and violating the human rights of the poor or non-working. This is already apparent in policies reflecting both the direct and indirect forms of workism. Under the direct workism, work functions as a condition that must be met before those an individual can be recognized as a human such that they can access some necessary right or good. Consequently, the non-performance of work functions as a justification for violating that individual's human rights and, by extension,

declining to recognize their human status. For instance, PRWORA's work requirements and time limits deprive welfare recipients (or, after five years, former welfare recipients) of the right to adequate food unless and until they satisfy PRWORA's normative orientation toward work. Those who do not satisfy that orientation are indefinitely and, after five years, permanently deprived of the government cash welfare benefits that are often necessary to achieving that right. These individuals' nonworking status (or, at least, nonworking to the extent that they have not attained economic success, which is PRWORA's and workism's conception of work) has provided a pretext under which workism can justify depriving them of their human rights and declining to recognize them as fully human.

Similarly, the indirect form of workism also justifies the deprivation of human rights and full human status. Under the indirect form, work is explicitly offered as the justification for the deprivation of other, apparently non-work-related human rights, such as the right to clean water. In that case, the fact that a regulation necessary to respect that right may have had a side effect of indirectly limiting coal miner jobs, even though that side effect was incidental to the main goal of protecting individual's access to clean water, was offered to justify the repeal of that regulation and, accordingly, the affected individuals' continued vulnerability to unclean water. Here, the fact that the regulation could at least be presented as threatening jobs provided a pretext under which workism could justify the continued deprivation of the right to clean water.

Furthermore, workism's external location of human status and worth is problematic at a societal level as well. It lays the foundation for a stratified society based upon implicit judgments of people's relative levels of humanity and worth. If human

status and worth is located externally rather than internally, if it must be earned via work and demonstrated via external signifiers such as economic success instead of simply accompanying the fact that an individual is a human being, those with fewer external signifiers of worth will naturally be seen as less human. If, in other words, one's income is not just a sign of economic status but, more fundamentally, a signifier of one's worth and humanity, those with less income will accordingly be characterized as less worthy and less human.

This means effectively that, under workism's approach, economic differences create not only an income disparity but a dignity disparity as well. Under workism's moral framework, the economic gap between the rich and poor signifies a gap in humanity and dignity as well. The rich, by virtue of their economic success (or, more precisely, by virtue of their superior moral status assumed to be the grounds for that economic success), are seen as more human and granted more worth than those with less wealth. This, in turn, provides the foundation for a policy and cultural stratification in which the poor are both seen and treated as less human than the rich.

This is not merely a potential future, either. Recall the rhetoric used to describe welfare recipients during the debate over PRWORA in no less a place than the floor of the United States Senate and House of Representatives, in which some politicians described those recipients "as 'mules' or 'wolves.'"¹⁹⁵ These politicians explicitly conceived of and identified the poor as less than human, more akin to beasts of burden than human beings possessed of dignity and equal moral worth. This conception was reflected in the substance of the bill they were supporting, which became and remains

¹⁹⁵ Kendrex, "Punishing the Poor," 131.

law. PRWORA treated the poor as beings of less worth by depriving them of their human rights and dignity until they earned that dignity—which they could only do by taking steps not to be poor any more or, in other words, not to be subhuman anymore. So long as individuals remained in what workism views as the less human category, poverty, PRWORA treated them accordingly.

PRWORA provides just one example of how workism's influence on policy creates a structural dignity gap. Policies like PRWORA treat individuals who fall into that supposedly lesser category as worth less than those who do not: less worthy of basic rights, dignity, and full human status. As a result, the poor are subject to discrimination based on their lesser status that would not, at least in theory, be available under a framework that recognized human worth as internal. If, after all, worth is inherent and internal, there is no need to and, indeed, no way to prove it externally. As a result, there are no grounds to deny an individual the treatment to which that worth entitles them on the grounds that they have failed to earn something that, in this case, they inherently possess already.

By locating the status of human being externally, workism creates an additional complicating factor. In its conception of the human, the workism not only locates the status of being human in external factors, but also locates it in what many social scientists predict will soon become a restricted commodity (and, indeed, one that is already becoming less and less available): work.¹⁹⁶ As the national and global populations rise and technology continues to develop, some predict that there will be a decrease in jobs, due to increased automation, at the same time there is an increase in the

¹⁹⁶ For a general but accessible overview of this theory, see Derek Thompson, "A World Without Work," *The Atlantic Monthly* (July/August 2015).

number of potential workers. For example, one Oxford study estimated that nearly half of all American jobs are at risk of being replaced by computers or automated technology within the next two decades.¹⁹⁷ These opposing trends, decreasing numbers of jobs and increasing number of potential workers, lead economic historian Robert Sidel to conclude that “sooner or later, we will run out of jobs.”¹⁹⁸

This, in turn, means that the supposedly subhuman class will continue to grow. If there are more people and fewer jobs, there will, by definition, be more people without jobs and, consequently, more people who do not satisfy workism’s external measures of worth. It will, in other words, become nearly impossible for many of the poor to earn their humanity through work, because to do so would require nonexistent jobs. But workism will continue to demand that they do so anyway and to punish them when, through no fault of their own, they inevitably fail to find jobs or achieve economic success that are not realistically available to them.

As a result, workism’s external location of human status in a factor that is rapidly becoming less available to large numbers of the population will create a growing dignity gap. The number of people designated as less worthy and less human will rise exponentially. Yet workism, and the public policies it influences, will offer most of those people no realistic way to “prove” or reclaim their worth. Instead, it will merely continue to treat them as less human, depriving increasingly large swaths of the population of their access to basic necessities, rights, and dignity.

¹⁹⁷ Carl Benedikt Frey and Michael Osborne, “The Future of Employment” (working paper, Oxford Martin Programme on Technology and Employment, University of Oxford, September 17, 2013, https://www.oxfordmartin.ox.ac.uk/downloads/academic/The_Future_of_Employment.pdf).

¹⁹⁸ Thompson, “A World Without Work.”

In light of these costs, it is worth reconsidering the American political choices to emphasize workism's orientation toward work. Evaluating workism through a human rights lens places the harm done by that theology in stark relief. While it is ostensibly (and often with the best of intentions) attempting to help individuals better themselves through a re-orientation around work as an fundamentally primary value, in practice workism's approach too often functions to deprive poor or nonworking individuals of their human rights and dignity. For example, PRWORA's orientation around work holds access to basic necessities hostage, attempting to force welfare recipients to ransom those basic necessities by working and becoming economically successful—thereby fulfilling workism's moral vision. Yet, frequently, this demand is unrealistic, and the affected welfare recipients are unable to pay that ransom, rendering them bereft of those basic necessities, and the dignity that accompanied them, permanently.

Again, this is not to say that workism, or its proponents, are intentionally harmful. They are not; they are merely reflective of a value orientation that subordinates individual dignity to another norm, work. Under this alternative orientation, subordinating dignity to work is not intentionally harmful, but is merely what must be done to bring individuals (and society as a whole) into line with the normatively best way of living or ordering society. However, that that orientation, despite its intentions, is *in practice* harming people on the ground and laying the groundwork for a deeply divided, unequal, and harmful society. While workism's moral framework stakes an alternative claim to the way individual life and society should be ordered, that claim has the effect of doing more harm than good, at least for the nonwealthy.

In the end, the lasting influence of a traditional theological idea—the normative value of work—has come to hold immense influence over modern public policy in a way that does immense harm to many individuals, particularly those who are poor or nonworking. The conception of many early Protestant denominations that work was virtuous and, more important, that idleness was a sin, has come to be embodied as a primary value in much of American public policy. This manifestation appears in both those policies directly targeting the economic status of the poor or nonworking and those that merely indirectly or inadvertently affect, or even appear to affect, somebody's ability to work. In either case, however, it often deprives individuals of basic necessities and, by extension, of human rights and dignity. In light of its often-disastrous effects in the modern sociopolitical context, it is time to replace workism as the orienting framework of American public policy. Human dignity, grounded as it is in inherent acknowledgement of and respect for every individual's human status and worth, would far better protect and provide for those individuals. Dignity, not work, should be the touchstone value of American public policy.

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