Dividing Social Citizenship by Gender: The Implementation of Unemployment Insurance and Aid to Dependent Children, 1935–1950

The Social Security Act of 1935 is widely considered to have established an American welfare state that is “two-tiered” or “two-track” in character, and which divided American social citizenship by gender. Scholars have generally assumed that to the extent such “gender bias” emerged in public policy, it must have been manifest in the law from the outset, inscribed in the differences between the work-related, contributory plans in the legislation versus the need-based, grant-in-aid public assistance programs. Yet, although the two major social programs for non-elderly American in the Social Security Act differed in such regards, they emerged from the policymaking process in 1935 on fairly equal ground, with seemingly similar prospects for success or failure.

While Unemployment Insurance (UI) was geared toward workers who lost their jobs, and Aid to Dependent Children (ADC) was aimed to solo mothers and their children, the programs were strikingly alike in two important regards. First, they had similar administrative arrangements: policymakers had designed both programs to be run primarily by the states, with the national government consigned to the role of overseer. This shared

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feature set UI and ADC apart from Old Age Insurance, the program for the elderly that later became known simply as “social security,” which was endowed with unified, national administrative authority from the start.

Second, though UI and ADC had distinct antecedents in the United States, prior histories in both cases cast doubt on the prospects for programmatic development. Unemployment insurance had a tenuous reputation in the eyes of most New Deal era lawmakers. The very concept of aid for the unemployed clashed with long-held American beliefs that workforce participation depended largely upon personal initiative, rather than on economic factors. Only one state, Wisconsin, had established such a program, and other states had barely begun to consider the possibility. ADC had an established precedent: it was built on the foundations of the Progressive Era mothers’ pensions. Yet, those programs had a dubious record. While the enactment of mothers’ pensions had been a striking achievement in an era when states did very little in the realm of social policy, their subsequent implementation across states and localities was spotty, benefits were meager, and eligibility was tied to morals testing and supervision of clients. Policymakers in 1935 were confident that they could, through a grant-in-aid policy design, build upon the best aspects of mothers’ pensions, and eradicate the predecessors’ worst features. They believed that the lure of federal dollars could be used to compel states to abide by federal program standards, promising to expand the reach of the program both geographically and demographically. Nonetheless, if any predictions were to be made in 1935 about the future of ADC, the established record of mothers’ pensions offered as much reason for pause as the lack of precedents for UI.

Yet, in ways that would have been difficult to predict when the Social Security Act became law, the status of the two programs diverged sharply within the early years of implementation. The originally precarious UI program was fortified and elevated, while the reputation of ADC plummeted. Administrators lifted UI to the secure status of “insurance,” where it became regarded as an earned “right” – particularly for white men. Concurrently, ADC became stigmatized as it grew to resemble the sort of “re-


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Programs its framers had tried to avoid, wherein “standards” had no meaning other than as restrictions through which applicants for assistance were denied access to program benefits. For white male beneficiaries, UI became increasingly uniform between states; by contrast, women became subject to highly variable treatment in both UI and ADC. In time, the two programs evolved to have distinct consequences for the citizenship of men and women.

The primary task of this article is to explain how UI and ADC developed to have such different and largely unanticipated implications for social citizenship in terms of gender. The central argument is that the administrative arrangements for each program interacted with particular features of policy design to shape program development in critical ways during the late 1930s and the 1940s. Despite the programs’ similarities, in fact various features of UI made it most readily harnessed by national administrators, while features of ADC made it most permeable to the preferences of state legislators and administrators. Choices about bestowing entitlements on men and applying scrutiny toward women were made not only at the stage of policy formation, but also through the course of policy implementation; furthermore, they were made amid distinct political environments. UI became championed by national administrators seeking to expand their agency’s influence; ADC was relegated to a weak administrative unit within the Social Security Board (SSB) and the states were left with significant authority for all dimensions of the program.

Thus, at every juncture, program benefits were expanded and access made more uniform and standardized for white men, while, for women, provision was tied securely to local norms and discretion. As a result, in the course of implementation, non-elderly Americans became separated by sex, and were incorporated, effectively, like citizens of two qualitatively different sovereignties. Men became treated as if they were citizens of the nation; women, by contrast, remained subject to the vagaries of state-level governance. These cases demonstrate how institutional dynamics that have seemingly little to do with gender can, inadvertently, produce gender bias in public policies. The social and political construction of program beneficiaries, even when not fully inscribed in public policy at its inception, may nonetheless develop through the institutional and political factors that shape program implementation.


STRUCTURED GOVERNANCE AND POLICY OUTCOMES

Scholars typically assume that to the extent that “gender bias” emerges in public policy implementation, it must have been inscribed there from the start. This is reflected in the literature on gender and New Deal policy development by a concentration on the politics of policy formation and by scant attention to the policy implementation that follows. For instance, Linda Gordon’s analysis of how the Social Security Act established a higher tier for men and a lower tier for women focuses only on the law’s creation in 1935, implying that such outcomes were bound to occur; similarly, Alice Kessler-Harris treats the formulation of the 1939 amendments to the law without probing their actual consequences. Furthermore, Helen Ingram and Anne Schneider have argued that “social constructions” of target populations are written into policy design, with long-term consequences for citizenship among those covered by policies. What matters, they contend, is the manner in which particular groups are portrayed – as advantaged, contenders, deviants, or dependents – and the way that those images shape policy design. From these treatments, one would assume that to the extent that New Deal policy had gendered results, advantaging men over women as social citizens, such tendencies should have been fully discernable in the law itself.

But this approach to policy analysis too easily conflates policy outcomes with the events surrounding policy formation and with overt depictions of citizens in policy design. It overlooks the ways in which policy outcomes are also very much contingent on how institutional administrative arrangements combine with technical elements of policy design, and with the politics surrounding policy implementation. Organizational features and political processes can interact in a dynamic manner, yielding consequences – such as gender bias – to an extent that could not have been predicted when laws were first enacted.

But neither have institutionalist studies yet shown how policies, over the course of their implementation, shape social citizenship. This is because, to date, most of these inquiries have focused on the origins of social policy, rather than on its consequences. Although Theda Skocpol and Ann Orloff


11. See Theda Skocpol, Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States (Cambridge, Mass.: Harvard University Press, 1992); Theda Skocpol and John Ikenberry, “The Political Formation of the American Welfare State in Historical and Compara-
have given some heed to policy effects, their analyses have concentrated primarily on “policy feedback,” meaning the ways in which policies created in one era shape the path of subsequent policy development. As Paul Pierson has argued, this line of inquiry does not illuminate the wider array of the dynamics that occur when policy acts as an independent variable, with consequences not only for policy officials but for civil society more generally. In effect, scholars have yet to explore the fuller implications of E. E. Schattschneider’s and Theodore J. Lowi’s claims that policies themselves shape politics. Accordingly, this study joins other recent scholarship in attempting to show the implications of policy for citizenship, but unlike most other research in this vein, it uses an analytical framework that takes institutions seriously.

This approach is recommended because the structural arrangements through which policies are administered shape the character and experience of citizenship for those covered by the policies in critical ways. Governance may legitimate certain social identities, determine the civic status attached to particular social roles, and produce organizational arrangements in society, creating unity or division among the citizenry. This article aims to explain and describe these consequences of public policy through what can be termed structured-governance analysis. This approach examines how individuals are incorporated within public policies and the implications that result for citizenship. It does so through an examination of the interaction between policy design and administration, with special attention to institutional norms and procedures.

In the examination of UI and ADC, this analytical framework requires attention to a topic that is greatly contested by scholars: the implications of American federalism for policy implementation. Various political scientists, as well as contemporary political leaders, have argued that decentralization of authority may enhance the delivery of public policy and democratize the policy process, stimulating political mobilization and participation and permitting states to experiment, creating innovative programs tailored to their


particular needs. Conversely, others have argued that state-level control for policy implementation has ill effects. For example, the relatively small scope of conflict may increase the likelihood that narrow interests will dominate the process. As well, the forces of interstate economic competition may foster a “race to the bottom” in program benefits. This study suggests that neither of these predictions, however, can be applied categorically.

This comparison of the implementation of two programs that were both assigned intergovernmental administrative arrangements illustrates that particular features of policy design are of great consequence in determining outcomes. In policies decided by national government but handed over to state and local officials for implementation, the multiplication of layers of responsibility make for what Theodore Lowi and Benjamin Ginsberg have called a proliferation of “access points and opportunities for influence.” Yet, policy outcomes vary depending upon the actual number of access points and opportunities permitted in the policy design. Furthermore, the extent to which such permeability actually presents a threat to policy implementation varies as well, depending upon the specific arrangements for the administration of the policy. One critical distinction that can help to explain the different courses of development for decentralized policies was suggested by Jeffrey L. Pressman and Aaron Wildavsky, “The longer the chain of causality the more numerous the reciprocal relationships among the links and the more complex implementation becomes.”

This study shows that the particular structure of UI made that program, though decentralized, easily harnessed by policy officials and reformers who sought to enhance and strengthen it, at least for white males. By contrast, the precise model of administration for ADC granted the most authority to state and local governments, making it far more easily compromised by the capabilities of the “weakest link” in intergovernmental relations.

Policy implementation, like policy formation, is an inherently political

process, but the politics that emerge in the latter stage can be quite different from those in the first. The institutional arrangements for program administration may function to promote particular forms of political activity and to suppress others, and these developments can in turn shape policy outcomes. Next to Old Age Insurance (OAI), which was to be administered entirely at the national level, UI was the program in the Social Security Act for which the newly formed Social Security Board (SSB) had the clearest grant of authority. From the outset, therefore, the agency took a particular interest in the development of UI, and began to promote the nationalization of the program. In fact, efforts to promote UI served simultaneously to broaden the authority and legitimacy of the SSB.23 By contrast, federal bureaucrats had considerably less authority for ADC, and they appeared to make a political choice in the late 1930s to waive the little they had, while focusing their energies on OAI and UI. Given its highly fragmented structure, ADC was most in need of strong and widespread support, such as that of the federated women’s organizations that hastened the spread of mothers’ pensions in the 1910s. Support for ADC was lacking at both administrative and popular levels, however, leaving the program to become a pawn in state level battles for funding.

POLICY DESIGN IN THE SOCIAL SECURITY ACT OF 1935

Before examining the implementation of UI and ADC, it will be useful to outline the design of each program. In the midst of the Great Depression, social movements and organizations mobilized across the United States and called for the creation of nationally administered social programs.24 President Franklin D. Roosevelt decided, however, to ward off these pressures, which he regarded as too radical, and to advance instead his own comprehensive plan for economic security.25 The Committee on Economic Security (CES), the cabinet committee he appointed to draft legislation,

planned for two programs to be financed by contributions from employers and employees, Old Age Insurance (OAI) and Unemployment Insurance, and two non-contributory programs, Old Age Assistance (OAA) and Aid to Dependent Children. Despite this basic distinction, the two programs for non-elderly Americans emerged from the policymaking process with many common features, as summarized in Table 1.

The CES devoted the greatest share of its attention to the design for Unemployment Insurance. In fact, the greatest controversy that emerged in the course of planning the entire bill concerned the degree of national versus state level authority for that program. Proponents of the most decentralized model ultimately prevailed. The final plan called for the national government to impose a tax on employers that would be paid into a federal reserve. Individual states would only be able to draw on the funds contributed by employers within their boundaries, however, if they established their own programs. They were left to make their own decisions about whether employees should be required to contribute as well, and to set benefit rates and to determine eligibility rules. Additionally, Congress excluded several categories of workers from coverage. The omission of agricultural and domestic workers meant that nine out of ten African-American women workers were automatically rendered ineligible.

Policymakers in the Children’s Bureau of the Department of Labor intended for Aid to Dependent Children to build on the best aspects of mothers’ pensions while liberalizing other features of the previous program so that more children would be covered. They chose a grant-in-aid format in part because it provided a means for promoting program expansion across states and localities and for pressuring states to adhere to national standards but also because it allowed state and local officials to retain a high degree of authority and discretion for program implementation. While these reformers wanted to make ADC more expansive than mothers’ pensions, they still believed that program administration is best handled in a decentralized fashion, close to those in need. Congress dealt with ADC in a preemptory manner. The Ways and Means Committee, dominated by southern Democrats who sought to preserve regional autonomy, altered the program in ways that made its design even more highly decentralized. It struck language that would have mandated that for a state ADC plan to be approved by federal administrators, it would have to provide: “assistance

26. For a full treatment of the formation of these programs, see Suzanne Mettler, Dividing Citizens: Gender and Federalism in New Deal Public Policy (Ithaca: Cornell University Press, 1998).


Table 1. Features of Unemployment Insurance and Aid to Dependent Children, 1935, Compared

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at least great enough to provide . . . a reasonable subsistence compatible with decency and health.” Instead, states were asked simply to provide assistance “as far as practicable under the conditions in each State, to needy dependent children.” Legislators weakened ADC further by assigning it a benefit structure that granted only one federal dollar for every two dollars put forward by a state. They stipulated maximum federal contributions toward children in the program: not more than $6 would be granted for the first child in a family and not more than $4 would be granted for each additional child; no grant was provided for caretakers. Administrative responsibility for ADC on the national level was vested in the Social Security Board (SSB) rather than the Children’s Bureau, though the latter had experience with mothers’ pensions and had been the choice of program framers. Finally, for both UI and ADC, as for other state-run programs in the Social Security Act, Congress bowed to local patronage politics and scrapped plans to require the establishment of merit systems for selecting administrative personnel.

In sum, the two programs were both fashioned in a manner that offered substantial authority to individual states for determining program specifics, including eligibility rules, administrative procedures, and benefit rates. During the early years of program implementation, however, features of the policy design for Unemployment Insurance enabled it to develop far more readily than critics of the decentralized plan had suspected. The program’s growth was enhanced, moreover, by the ability and inclination of national administrators to fortify the “first line of defense” for eligible beneficiaries of the program, mostly men. They worked toward quick and uniform program implementation and national program standards. Ultimately, UI’s policy design features and the political forces they unleashed rendered the decentralized administrative arrangements for UI much less of a detriment to program development than many had feared. Nonetheless, state-level administrators used their authority over eligibility rules to develop restrictive measures, limiting the field of beneficiaries to a narrow group of long-term, full-time employees. The result was that women applicants became more likely to be considered ineligible for UI benefits, for reasons directly or indirectly related to their gender roles.

SPEEDY IMPLEMENTATION AND NATIONAL UNIFORMITY FOR UNEMPLOYMENT INSURANCE

The design of UI gave states strong incentives to implement the program relatively quickly. The law required that all employers, beginning in 1936, pay a 3 percent tax on salaries and wages to the federal government. Such funds would be centralized and safeguarded in a trust fund by the Secre-

tary of the Treasury, although the individual states would maintain the "title" to their own monies within the larger fund. States with approved laws would recoup 90 percent of the contributions from employers within their boundaries; the federal government would retain 10 percent of the collected revenues to cover administrative costs. States that neglected to develop acceptable laws by January 1, 1937, would forfeit the funds entirely, and unemployed individuals in those states would receive no benefits.32 This feature alone prompted swift adoption.

Just as UI had received the greatest attention by the CES during the planning stages, so too did the SSB and its staff members, many of whom had been involved in the policy's formation, devote considerable attention to the successful implementation of the program, urging widespread application and liberalization.33 During 1936, the Board attempted to spur more states to enact laws by reminding them that they would forfeit their refunds if they failed to act quickly. Then, in November, two significant events spurred the states to action: first, Roosevelt was reelected by a wide margin, and second, the New York court of appeals upheld the state's UI law.34 Immediately, eighteen more state legislatures took the SSB's threat seriously and passed UI laws, bringing the total number to thirty-six by the end of the year.35 After the Supreme Court held the Social Security Act to be constitutional in May 1937, the last two states, Illinois and Missouri, enacted acceptable laws.36

The SSB also goaded states to establish the type of UI laws it considered to be preferable. The Bureau of Unemployment Compensation of the SSB distributed drafts of model legislation and actively assisted states in steering such bills toward passage.37 In some states, serious battles ensued over the choice between the two basic types of unemployment compensation. Employers promoted a "plant reserve" system, in which responsibility rested with the individual firm, while groups such as organized labor, the League of Women Voters, and the Association for Social Security advocated "pooled" funds that socialized the risk of unemployment across firms.38 Although the SSB distributed model bills for both types of systems, the staff conveyed to governors their preference for the more liberal "pooled funds"

33. For example, Arthur Altmeyer, Wilbur Cohen, and Thomas Eliot were involved in both the formation and implementation of the law. See Edward D. Berkowitz, *Mr. Social Security: The Life of Wilbur Cohen* (Lawrence: University Press of Kansas, 1995).
Anxious to pass a bill that would meet with the SSB’s approval, a total of forty-four states enacted “pooled funds” systems while only six adopted the “plant reserve” model. As a result, UI began to acquire a fairly uniform character from state to state.

The board’s energetic promotion of the speedy and uniform development of UI at the state level contrasted with its hands-off approach toward public assistance programs initiated by the states, including ADC. As noted in an internal SSB memo:

> In dealing with unemployment compensation, it was assumed that the Board looked forward toward exercising a large measure of control. In the case of Public Assistance, per contra, it is assumed that the desire is to establish a real federal-aid activity, in which the states, carrying on activities in which there is less need for uniformity than in the case of unemployment compensation, and with which they have already had considerable experience, are to be made primarily responsible.

The SSB justified the different postures taken toward the two programs on the grounds that all states except Wisconsin were inexperienced in the implementation of unemployment compensation, while, by contrast, a majority of states had some experience with ADC’s predecessor, mothers’ pensions.

Other distinct features of the two policies also fostered superior development for UI compared to ADC. First, the newness of UI functioned to its advantage in the adoption of the merit system for personnel practices, because state legislators were more likely to approve such developments for agencies that were just being created than for pre-existing agencies with established personnel practices and ties to vested interests. Thus, state-level agencies administering UI embraced merit principles much more quickly than the public assistance agencies: by January 1939, thirty-nine UI agencies had established merit systems compared to only nineteen public assistance agencies. Second, the Social Security Act contained greater specificity regarding the definition of benefit amounts for UI than for ADC, allowing less discretion to the states for determining the former. Third, and most important, the success of UI rested on a mandatory, uniform, national tax of employers, while ADC depended on decisions by state legislators to devote public funds to the program. The financial arrangements gave states an unambiguous incentive to establish UI programs; by contrast, the matching-grant formula for ADC required state legislators to make challenging fiscal decisions, determining how they would raise two dollars in revenue for every dollar they wished to obtain from the federal government.


40. McKinley and Frase, Launching Social Security, 263.

41. Altmeyer, Formative Years of Social Security, 84–85.
In short, particular aspects of UI’s design as well as the fervent advocacy by national administrators enabled the program to be implemented quickly, quite uniformly, and according to the more liberal of proposed models in most states. These early efforts by proponents of UI to spur its rapid implementation were only the first phase of what evolved into a long-term battle to elevate the program.

ELEVATING UNEMPLOYMENT INSURANCE

Once UI programs were in place, administrators continued to seek improvements. The SSB quickly became, as stated by its chairman, Arthur Altmeyer, “disillusioned regarding the operation of the federal-state system.” Leaders asserted bureaucratic control over program development and urged policymakers to replace the national-state arrangements with fully national administrative authority, or, at the least, to enact national program standards.42 Meanwhile, intellectual reformers and forces within organized labor that had been disappointed by the federal-state arrangements in the 1935 legislation also pressed for a more nationalized program.43

At the very least, the SSB and associated groups and individuals hoped to establish a minimum national rate for benefits. The statute itself actually provided states with an incentive to keep benefit rates low. Employers could obtain a credit against the UI tax based on their “compensation experience,” meaning the relationship between benefits paid out to contributions paid in.44 Within a decade, forty-five states had adopted these “experience rating provisions,” which effectively reintroduced interstate competition into the system by provoking states to try to keep up with each other in lowering employers’ UI taxes in order to provide a favorable business climate.45 In resistance to such developments, both the American Federation of Labor (AFL) and the Congress of Industrial Organizations (CIO) began to promote the enactment of national benefit standards and restrictions on experience ratings, and members of Congress introduced bills aimed to accomplish such goals.46

During World War II, Altmeyer and others working for the SSB became increasingly convinced that as a predominantly state-level system, UI would be insufficient to handle the widespread unemployment they expected after the war, when the veterans returned home.47 Numerous reports conducted by SSB staff elaborated the reasons why a fully national system, or at least one

42. Ibid., 124; Brian Balogh, “Securing Support,” 55–78.
47. For a thorough examination of the United State Employment Services during this period, see Desmond King, Actively Seeking Work?: The Politics of Unemployment and Welfare Policy in the United States and Britain (Chicago: University of Chicago Press, 1995).
with national standards, would be preferable to the existing approach. The SSB began to communicate such ideas to Roosevelt. Also, William Green, president of the AFL, notified Roosevelt that his organization supported nationalization of UI. In his 1942 budget message to Congress, Roosevelt responded by recommending the “liberalization and expansion of unemployment compensation in a uniform national system.”

Demands for “federalization” of UI intensified in 1943, when the National Resources Planning Board (NRPB), in its proposal for the policies to accommodate the post-war era, called for “replacement of [the] present Federal-State system [for UI] by a wholly Federal administrative organization and a single national fund.” The NRPB report also called for the expansion of program benefits, both in terms of amounts and duration. Later in the year the Wagner-Murray-Dingell bill, which would have instituted a national unemployment insurance system, was introduced in Congress with the support of organized labor. Roosevelt became more preoccupied with the war than with domestic policies at this stage, however, and he never offered his support for the bill. Two years passed without any hearings on the bill.

In 1945, the Wagner-Murray-Dingell bill was introduced again and supported by the SSB and organized labor, but it faced opposition from both the Interstate Conference of Employment Security Agencies and the Council of State Governments. President Harry S. Truman never offered support for the bill or for any other proposal for a straight national system of unemployment insurance. From the 1950s through the 1970s, critics continued to assail the federal-state system for its inadequacies in promot-


49. William Green to Franklin D. Roosevelt, letter, October 26, 1942, Official File of 1710, Box 2, “SSB, 1942,” FDR.


53. Meanwhile, some of the proposals in the NRPB report were narrowed in application to returning veterans and were incorporated in the Servicemen’s Readjustment Act of 1944, otherwise known as the G.I. Bill of Rights. The law left the structure of UI intact, but permitted veterans $20 week for up to fifty-two weeks of unemployment, compared to varying benefit levels from state to state for twenty-six weeks or less. Ellickson, “Labor’s Demand for Real Employment Security,” 255; Altmeyer, Formative Years of Social Security, 148–49.


55. Altmeyer, Formative Years of Social Security, 161.
ing employment stability, its tendency to spur rather than to ameliorate interstate competition, and its inability to provide what they considered to be adequate benefits. All amendments to the system, however, left the decentralized structure in place.56

Yet, even as proponents of nationalization and national standards failed to meet their stated goals over the course of their long struggle, still they succeeded in elevating the program in most states and in changing the character of UI to a policy that approximated, for its male beneficiaries, a national right of citizenship. From the 1940s onward, states responded to pressure from national administrators by making changes in their benefit levels. Rather than raising minimum benefit levels to fortify UI for those who were least well off, however, most states were willing to bend only on the main goal articulated by labor unions: improving the maximum benefit levels.57 The proponents of such changes argued that “primary beneficiaries” or “breadwinners” needed proportionately higher benefits than others while unemployed.58

Since UI benefit rates were structured to correspond to previous income, this “liberalization” meant that states began to award higher and more extensive and nationally uniform benefits to workers on the upper end of the wage scale, mostly white men. Meanwhile, states took little action to raise the levels of the lowest benefits, those for workers at the bottom of the wage scale, who were disproportionately women and nonwhite men. The maximum weekly benefit amount, which had been $15 per week in most states in 1941, was raised by 1945 to $20 in seventeen states and to yet higher levels in twenty-seven states. The number of states raising the maximum weekly benefit amount surpassed the number increasing the minimum weekly benefit amounts, which still averaged around $5 in the median state and $7 for the median worker in any state.59 In 1949 alone, twenty-four states acted to increase the maximum benefit levels, while only nine elevated the minimum benefit levels.60 At the same time, state governments developed restrictive qualifications which made access to UI all the more difficult for women to attain.

WOMEN NEED NOT APPLY: STATES TIGHTEN ACCESS

Ever cautious lest they invent an unemployment insurance program that mirrored “relief,” the CES staff had articulated the goal and limits of their program with care:

Unemployment compensation cannot protect the insured population against the entire risk of unemployment. It must be considered only as the first line

Unemployment compensation must then be limited by strict definition to those persons who are ordinarily employed with a fair degree of regularity. Efforts to extend an unemployment insurance scheme beyond these proper limits have invariably converted it into a relief measure and brought it into disrepute.61

Soon after the Social Security Act had become law, Mary Anderson of the Women’s Bureau expressed concern about the use of such principles to guide state-level policy development. She argued that women would be adversely affected because “marriage and motherhood” necessitated that they work for pay on a more intermittent basis than men.62 As states developed eligibility criteria for UI, the concerns articulated by Anderson in 1935 became realized through an enduring set of measures that acted to exclude women from benefits.

Various factors compelled state officials to design eligibility rules in a manner that was restrictive and which limited access to benefits. During the early 1940s, judges and administrators took wartime labor shortages into account in defining new limitations on UI eligibility.63 Also, during recessions such as those in 1948–1949 and 1953–1954, many states’ UI funds proved insufficient to meet demands for benefits, and officials responded by limiting access.64 The dynamics of interstate economic competition also prompted policymakers to keep UI coverage restrictive in order to insure the availability of a ready and flexible work force.

State officials devised various means of testing for one of the recommended prerequisites for UI eligibility: “attachment to the labor force.” Rather than granting UI benefits to any person who was not able to find a job, they typically excluded from coverage those individuals who had never been employed previously, those who had not been employed recently, and those who had been employed in covered employment on only a part-time basis for wages totaling less than a certain qualifying amount. Because women tended to participate in the work force on a more intermittent basis than men and to work in particularly low-paying jobs, they were less likely to meet qualifications for “attachment to the labor force.” In 1939, fifteen states measured earning qualifications by using a flat minimum rate, with levels that ranged from $100 to $300 per year.65 Wage eligibility levels excluded women workers disproportionately from UI: The 1940 Census showed that 18 percent of experienced female employees (not including unpaid workers) made less than $199 during 1939 in contrast to 8.8 per-

61. SSB, Social Security in America, 11–12.
States also denied UI benefits to women by restricting access to individuals deemed to be “available for work.” In order to demonstrate this quality, individuals had to be deemed physically and mentally capable of work, registered at the appropriate public employment office, considered to be actively seeking work, and willing to accept any “suitable job” offered to them so long as it would not present a risk to the worker’s health, safety, or morals.67 State-level administrators maintained a high degree of discretion in determining which cases satisfied those criteria. As observed by Lewis Meriam, “The wide measure of discretion vested in the administrative agency and the extent to which results depend on the integrity, objectivity, judgment, and initiative of the employees of that agency are striking features of this system of insurance.”68 Protections built into the law mostly restrained administrators’ discretionary powers toward male workers, leaving them considerable leverage in making judgments about situations afflicting women.

The federal UI statute set apart some exceptional circumstances under which an individual could refuse a job but must still be considered by any state to be “available for work” and thus eligible for UI. Those special protections, called the “labor standards” provisions, read as follows:

Compensation shall not be denied in such State to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;
(B) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;
(C) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.69

Clauses (A) and (C) reflected the priority given by New Deal policymakers to labor unions, which remained primarily the domain of white, male workers.70 States interpreted clause B to mean that a UI claimant would be

69. Public Law 271, Social Security Act of 1935, Title IX, Sec. 903. (a)(5).
70. Although the numbers of organized women grew after the enactment of the National Labor Relations Act in 1935 and the emergence of the Congress of Industrial Organizations, still in 1940, women workers, who composed one-quarter of the workforce, accounted for only...
permitted to refuse a job and still receive benefits if the position was not commensurate with the claimant’s skills, experience, and previous pay; if the work place was located too far away; or if the working conditions were unreasonable.71 This provision protected the status of skilled workers, also predominantly white and male. Since large portions of the female labor force, as well as most nonwhite men, already worked in unskilled, non-unionized low-wage occupations, they gained little from the “labor standards” provisions.72

While UI was designed to uphold the autonomy of labor organizations and to protect that status of skilled workers, the statute remained mute on issues pertaining to familial responsibilities existing outside of the work place. Most states ignored the needs of women to balance domestic and child-care responsibilities with paid work. They typically interpreted the availability rule to mean that a person was available for full-time work at normal working hours. Women, however, often sought part-time work or shifts during particular times of the day in order to accommodate other responsibilities at home and to arrange child-care for their children.73

When women in those circumstances sought unemployment benefits, they were greeted with skepticism. As revealed by a 1940 review of cases involving persons who refused full-time job offers for “domestic” reasons, “If claimant is prevented from accepting full-time work because of domestic circumstances, the question whether claimant is available for work . . . depends upon the views of particular jurisdictions.”74 In other words, women in such instances became subject to parochial norms. In a Delaware case involving a woman who left her job working on a night shift because she could no longer find anyone to take care of her small child, an administrator determined that she had indeed left her job “with good cause” and was truly “available for work.” When the employer appealed the case to a commission, it affirmed the earlier decision, declaring,

Faced with the alternative of working at night while her child lay home unattended and completely at the mercy of such dangers as sudden sickness, fire, and the like, or of giving up her job and properly caring for the child, we think the normal parent would choose the latter course.75

More typically, however, officials placed priority on the needs of employers to have work done at night during times of peak production, and consid-


71. These provisions are discussed at length in SSB, Social Security Yearbook, 1940, 41–44.
74. SSB, Social Security Yearbook, 38, also 46.
ered the unemployment of women for domestic reasons as “voluntary,” meaning that they had shown themselves to be “unavailable for work.” This was the decision of a commissioner in Connecticut in ruling on the case of a mother of two children, ages four and nine, who refused work on the evening and night shifts in an arms plant, despite the fact that she persisted in seeking work during day-time hours. Similarly, a judge in South Carolina determined that a woman who quit work on the night shift, after she lost the help of a relative who had cared for her four young children, was not eligible for UI. He reasoned that the law was not intended to remedy changes in worker’s personal circumstances.76 In short, the willingness of states to acknowledge how women’s domestic responsibilities influenced their “availability for work” varied from place to place, subject to the labor market demands, social norms, and political prerogatives — legislative, judicial, and administrative — of particular states.

States gradually adopted formal measures to deny benefits to women in cases when they left jobs due to their domestic responsibilities. These emerged as part of a growing tendency of states to insist that the cause for unemployment must lay exclusively with the employer and be unrelated to personal “voluntary” reasons on the part of the employee. States increasingly defined “domestic quits,” instances in which women left work to assume familial obligations such as pregnancy and childbirth or marital obligations, as the basis on which to disqualify them from UI benefits.77 As shown by Table 2, special disqualification rules pertaining to women took two forms: maternity-related disqualifications and marital obligation disqualifications.

First, in implementing UI, states developed a patchwork of restrictions denying benefits to women who left to bear a child. In 1941, five states denied UI benefits to women who left work due to pregnancy; the number grew to eighteen states by 1945. In 1949, the Women’s Bureau and the Women’s Trade Union League urged Congress to amend the Social Security Act to include maternity benefits for working women.78 The measure failed, and the number of states excluding pregnant women from UI benefits continued to grow, reaching thirty-seven by 1966.79 States generally denied benefits during a specified period of weeks before and after childbirth during which they considered women to be “disqualified” or “unavailable for work.”80

78. See testimony in favor of the amendment submitted to Congress, House, Ways and Means Committee, by Frieda S. Miller, Department of Labor, Women’s Bureau, April 15, 1949, in National Women’s Trade Union League papers, LMDC.
79. Haber and Murray, Unemployment Insurance in the American Economy, 118–19.
80. The period of disqualification ranged from four weeks before and after childbirth (Massachusetts) to three months before and after childbirth (Alabama and North Carolina). Social Security Yearbook, 1945, 125–27.
Table 2. Availability and Disqualification Provisions: Special Provisions in State Unemployment Insurance Laws Affecting Women, December, 1941 and 1945

<table>
<thead>
<tr>
<th>State</th>
<th>Provision as of Dec. 31, 1941</th>
<th>Provision as of Dec. 31, 1945</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>If unemployment is due to pregnancy</td>
<td>If claimant quit because of marital obligations*</td>
</tr>
<tr>
<td>Alabama</td>
<td>Unavailable</td>
<td>Not less than 3 months before and after</td>
</tr>
<tr>
<td>Alaska</td>
<td>Unavailable</td>
<td>2 months before and 1 after</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Disqualified</td>
<td>Not less than 2 months before and after</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Unavailable</td>
<td>Unavailable</td>
</tr>
<tr>
<td>Indiana</td>
<td>Disqualified</td>
<td>Duration</td>
</tr>
<tr>
<td>Iowa</td>
<td>Disqualified</td>
<td>Duration</td>
</tr>
<tr>
<td>Maryland</td>
<td>Unavailable</td>
<td>Disqualified</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Unavailable</td>
<td>Not less than 2 weeks before and after</td>
</tr>
<tr>
<td>Michigan</td>
<td>Disqualified</td>
<td>3–5 weeks</td>
</tr>
<tr>
<td>State</td>
<td>Duration in benefit year</td>
<td>Before</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Disqualified</td>
<td></td>
</tr>
<tr>
<td>Montana</td>
<td>Disqualified</td>
<td></td>
</tr>
<tr>
<td>Nebraska</td>
<td>Disqualified</td>
<td></td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Unavailable</td>
<td></td>
</tr>
<tr>
<td>Nevada</td>
<td>Disqualified</td>
<td></td>
</tr>
<tr>
<td>North Carolina</td>
<td>Unavailable</td>
<td></td>
</tr>
<tr>
<td>Ohio</td>
<td>Disqualified</td>
<td></td>
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<tr>
<td>Oklahoma</td>
<td>Unavailable</td>
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<tr>
<td>Oregon</td>
<td>Unavailable</td>
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<tr>
<td>South Dakota</td>
<td>Disqualified</td>
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<td>Utah</td>
<td>Disqualified</td>
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<tr>
<td>Washington</td>
<td>Disqualified</td>
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<td>West Virginia</td>
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<tr>
<td>Wisconsin</td>
<td>Disqualified</td>
<td></td>
</tr>
<tr>
<td>Wyoming</td>
<td>Disqualified</td>
<td></td>
</tr>
</tbody>
</table>

*Ordinarily the disqualification or unavailability applies if the claimant left work voluntarily to marry; in Ohio (1945) if she quit because of marital obligations; in Nebraska, Nevada, and North Dakota (1941) if employment was discontinued because of marriage; in Minnesota (1941) and Wisconsin, if separated pursuant to an employer's rule not to employ a married woman, unless she proves she is available for work, able to work, and willing to accept work; in Michigan (1941) only if she left work to move with her husband and family to another locality.

*The period of disqualification (or unavailability) for leaving for marital reasons is for the duration of the unemployment. “Before and after” periods are in relation to the date of childbirth; in New Hampshire unavailability may be terminated if worker earns wages of $2 or more than the weekly benefit amount in a week.

Second, states established restrictions on UI eligibility in cases known as “marital quits.” Initially, in 1940, women who left their jobs because their husbands found employment in another locality were regarded to have a “good cause for leaving,” and were considered eligible for UI. In 1944, for instance, a Pennsylvania court ruled that a woman had “good cause” for leaving her job to join her husband, who was a soldier, in another community. The judge reasoned, “It is difficult to conceive of a cause more impelling, more humanly justifiable, than the impulse which induces a devoted wife to spend with a husband, who is a member of the Armed Forces in time of war, what may prove to be the last days they shall ever have together on earth.” Yet, benefits were generally denied to husbands who left their jobs when their wives’ jobs necessitated the relocation of the household. In such cases, the different treatment of men and women was based on the “theory that it is for the husband and not for the wife to determine the marital domicile.” Moreover, by 1945, seventeen states had adopted special restrictions denying benefits to women who left for “marital obligations.” In fact, several states began to consider women who had been disqualified from UI for such reasons to remain ineligible for benefits until they had been re-employed for a specific period.

Hence, as national administrators had their attention focused on liberalizing the level and duration of benefits paid to the most well-off workers covered by UI, states simultaneously developed strict availability requirements and disqualifications that made access to unemployment insurance particularly difficult for women to attain. Women had equal access to UI as men if they worked in the same types of full-time jobs as men, and if they lost their jobs for reasons that could equally pertain to men. They were denied UI, however, when their need for compensation related to assuming duties particular to their assigned gender role in the domestic sphere. If women tried, unsuccessfully, to enter the labor market after years of work as homemakers or after the birth of a child, or to find part-time work in order to balance wage-earning with care of children, they were routinely denied UI in most states. If a women left her job to bear a child or to assume responsibilities pertaining to the assumed role of wives and mothers, most states would define her reasons for quitting as “personal” and therefore as lacking justification for wage compensation. These restrictions carried the assumptions that wage earning was not a necessity for women, and that financial burdens relating to the domestic sphere and the care of children lay beyond the responsibility of either the society at large or of individual employers. Rather, the arrangements for UI, as implemented by the majority of states, necessitated a privatized system of family units headed by male breadwinners to channel financial support to women, children, and others outside of the labor market.

More than thirty years after Mary Anderson expressed her concerns about how women would fare under state-defined eligibility rules for UI,

82. SSB, Social Security Yearbook, 1940, 54–55.
William Haber and Merrill G. Murray observed that women workers were still viewed as a "suspect class" when they applied for benefits:

Women who are “secondary workers,” in the sense that they do not bring the principal income into the home, are especially suspect. It is generally felt that most married women work only to supplement the family income in order to have a higher standard of living. Women move in and out of the labor market more than men, and a high proportion work on part-time jobs. These two facts are pointed to as evidence that women are less firmly attached to the labor market and their “right” to collect is therefore doubtful.83

The restrictions that disadvantaged women had been established early in the implementation of UI, and they persevered for decades into the future.

THE EXALTED BUT RESTRICTED RANKS OF THE INSURED UNEMPLOYED

In the course of its early administration, unemployment insurance thus acquired a Janus-faced character, attributable in part to the manner in which the policy had been designed and in part to the political forces that coalesced around it. For men, by virtue of their occupational status and related wage levels, the policy appeared to be national in scope, uniformity, and administration; for women, on the other hand, the policy seemed to be administered entirely at the state level where they encountered the labyrinth of eligibility rules which made their access to the benefits particularly difficult to achieve.

In creating UI, the members of the CES and its staff had been determined to invent a policy distinct from the European need-based varieties which specified benefits according to tradition-bound conceptions of sex and marital status. These New Deal liberals had fashioned a policy which related purely to workforce participation, avoiding the benefits to wives that other nations had established on the rationale that married women were “doing unpaid work in the home.”84 If UI had retained solely the liberal, individualistic, and gender-blind identity given to it by the CES, already women would have been largely excluded since three-quarters did not participate in the paid workforce in the 1930s. But at least women who were employed would have had equal access to benefits as men, even if their average benefit levels were lower, in accord with their wages. And as women’s numbers in the workforce increased in subsequent decades, they would have gained increased access to the benefits.

But besides being molded by the New Deal liberals with their ostensibly gender-neutral vision, UI was shaped as well by the gender-particular ideas of traditional and parochial interests at the state level. State legislatures, bureaucrats, and judges across the country – albeit with a nod from national government administrators, wringing their hands over “casual workers” – created particular obstacles to women seeking UI. State officials viewed

women as men’s dependents; therefore, they turned women workers away from UI benefits if their reasons for unemployment related to their gender role as women, and they assumed that male breadwinners would provide in such instances. Yet, because states were less well situated than national government to expand the coverage of social benefits, only a couple – Arizona and Nevada – as well as Alaska and the District of Columbia acted to establish dependents’ benefits for wives of unemployed men. National and state governance thus combined to make UI a fairly secure new social right for men as citizens of the United States, yet a highly inaccessible program for women.

SLOW AND UNEVEN IMPLEMENTATION OF AID TO DEPENDENT CHILDREN

By some indicators, ADC seemed to be off to a fairly promising start in the first two years of implementation. Although the program lagged behind Unemployment Insurance, which had been adopted in all states by the end of 1937, and Old Age Assistance, which had been established in all states but Virginia, forty states had enacted ADC laws and received SSB approval. As the Children’s Bureau officials had hoped, the old-style poor relief system was abruptly replaced in some states by a coordinated, professionally administered system of public welfare. In the nation as a whole, the number of beneficiaries expanded from some 300,000 under mothers’ pensions in 1934 to over 700,000 covered by ADC in 1939. While mothers’ pensions had never been enacted in most of the southern states, and program implementation in states in other regions had been spotty, the incentive of aid from the national government successfully prompted states to develop programs across all localities.

A closer examination, however, shows that the beginnings of ADC were less than auspicious. Unlike the policy design for UI, the framework for ADC gave poor states little incentive and limited financial assistance for offering sufficient aid to needy families. Since Congress had stricken from the federal statute language that would have required that assistance provide “reasonable subsistence compatible with decency and health,” national administrators were severely constrained from the start in their ability to force states to appropriate adequate funds for the program. Furthermore, because ADC grants-in-aid were structured according to a matching-grant formula of one federal dollar for every two allocated by the state, participation in the program was far more onerous for states than participation in UI, with its tax arrangement. State legislators had to agree to appropriate

money from general revenues, causing contentious political battles to emerge. With most state treasuries depleted by the Depression, states financed the new grant-in-aid programs largely through regressive and politically volatile sales taxes.

Thus, given differences in state fiscal capacities and habits in social provision, ADC benefits varied dramatically from one state to another. In December 1937, ADC grants ranged from a low of $10.40 per family each month in Arkansas to $61.16 in Massachusetts. Six states paid ADC grants between $10 and $20, ten states between $20 and $30, seventeen states between $30 and $40, and three states over $40 per month. Furthermore, benefits varied even more greatly within states. In Michigan in 1938, for example, grants varied from an average of $22.49 per family a month in Huron County to $45.43 in Wayne County. However, such distinctions corresponded less to differences in the cost of living from one area to another than to variations in local administrative practices. Overall, while the number of beneficiaries grew dramatically under ADC, the level of public assistance benefits increased little from average levels provided under mothers’ pensions in most states, and even decreased in some states. Altmeyer lamented, “It must be confessed that many of the plans were sketchy and the state and local matching funds inadequate to finance a reasonable minimum level of assistance.”

Despite the growth in beneficiaries, furthermore, the proportion of needy individuals assisted by ADC still varied tremendously from state to state. In 1938, the number of children aged 16 years and under who received ADC benefits ranged from 40 per 1000 in Maryland and Oklahoma to ten or fewer per 1000 in North Carolina, Oregon, Georgia, New Hampshire, South Carolina, Vermont, and North Dakota. By 1939, eight states still had not established ADC, although some continued to grant assistance through mothers’ pension laws.

In addition to the obstacles to development embedded in the statutory design of ADC, the program was crippled by its treatment in the hands of the Bureau of Public Assistance (BPA), the agency within the SSB that was charged with reviewing state-level implementation of the program. While national administrators provided model bills and assistance to states for the development of UI, the BPA offered little support to states for ADC devel-

90. Altmeyer, Formative Years of Social Security, 85.
94. Altmeyer, Formative Years of Social Security, 59.
opment. Starting out with a team of only three people, the agency lacked a field organization which could have assisted states in designing their own plans. Instead, in December 1935, the BPA convened a meeting in Washington, D.C., of delegates from forty-two states and territories, in order to assist administrators in developing ADC plans. Hoping to avoid the reputation of federal control that had been associated with federal relief programs during Roosevelt’s first term, the BPA refrained from providing too much direction to the states. As articulated by staff member Helen Bary, the December meeting was regarded as successful because it “had seemed to dispel the fear of federal dictation and the idea entertained by many state people that the board expected to set up many meticulous or unreasonable requirements.”

The BPA’s hands-off approach reflected the early position of the SSB’s top officials that states should be left with a high degree of autonomy in administering public assistance. In 1937, a SSB staff member wrote in a draft of the annual report to Congress that perhaps the Board should deny federal grants to states where benefit levels were exceedingly “meager.” His superior, Wilbur Cohen, who was then a special assistant to Altmeyer, insisted that the letter be altered to erase any suggestion that the SSB supported a policy change. He explained, “From my own personal information, I am under the impression that the current attitude . . . of the board itself is that we must go slow in making any suggestions for the revision of the public assistance program and leave the responsibility pretty much to the States from both the fiscal and administrative aspects of working out their own problems.” Because the SSB was beginning to assert new federal control over Old Age Insurance, as well as UI, the agency was cautious lest it seem too ready to encroach upon the states in other areas of policy implementation as well. Accordingly, the SSB approved several state laws for ADC even though they retained features of mothers’ pensions and failed to meet conditions that Children’s Bureau officials had written into Title IV of the Social Security Act for the purpose of raising standards.

The ADC title required that in order for a state to qualify for federal funds, the program must be established across all localities, and administered either by a single state agency or through state-level supervision of local units. State officials contended, however, that the wording of the law did not mandate the application of uniform standards statewide. They faced vested interests and entrenched patterns of policy implementation that were far more extensive than those associated with UI. Instead of

96. McKinley and Frase, Launching Social Security, 144, also see 140–45.
98. Whereas Jerry Cates sees a long-term effort by the SSB/SSA to limit and restrict public assistance, neither my own research in agency records nor Blanche Coll’s work bear out his interpretation. As early as 1939, the SSB began to argue that the grant-in-aid public assistance programs should feature variable grants for states. The SSB’s greater attention to OAI and UI than OAA and ADC reflects administrative politics in the context of American federalism, rather than antipathy toward public assistance per se. See Jerry Cates, Insuring Inequality, and Blanche D. Coll, Safety Net (New Brunswick, N.J.: Rutgers University Press, 1995).
overhauling mothers’ pensions, therefore, most states simply built upon the old administrative framework. Thus arose a wide variety of county-state administrative and cost-sharing arrangements.99

Administrative models ranged from highly centralized models, such as those in New England with long-established patterns of state-run welfare programs, to decentralized authorities amid powerful county-level agencies, found particularly in western and midwestern states. The midwestern states had typically vested local authority for mothers’ pensions in the judicial system, particularly in juvenile court judges. Against the better judgement of social work professors Edith Abbott and Sophonisba Breckinridge, who viewed judges as ill-disposed to administer public welfare, such arrangements persisted under ADC.100 The model characterized by substantial local control and responsibility became much more common than the centralized version: by the end of 1936, seventeen states used local administration complemented by state supervision, compared to ten states that relied exclusively on state-level administration. Similarly, eighteen states relied upon a combination of state and local funds for the program, while only nine used the more reliable form, purely state-level financing.101

Contrary to the Children’s Bureau officials’ hopes for a categorical assistance plan that would elevate needy children from the indignities of relief, ADC became entangled with general public assistance and other social services. Such fusion occurred because of economic necessity, administrative convenience and tradition, and the clash in perspectives between professional social workers at the national level and frequently untrained and inexperienced local and state administrators. ADC benefits failed to provide enough money for families to survive, so local poor relief officials sometimes tried to supplement the funds with monies from general relief.102 State and local agencies that assumed responsibilities for the various grant-in-aid programs were frequently charged with administering other public assistance programs as well.103 The shortage of professional social


100. Sophonisba Breckinridge to Mr. Altmeyer, letter, December 13, 1935, SSB, box 19, file 631, RG 47, NA; Office of the General Counsel and the BPA to Mr. A. J. Altmeyer, memo, October 12, 1936, “Re: Court Participation in Public Assistance Administration,” SSB, Chairman’s Files, Subject Files, 1935–40, box 93, file 651, RG 47, NA.

101. Joseph Meyers to Wilbur Cohen, memo, December 3, 1936, SSB, Chairman’s Files, Subject Files, 1935–40, box 92, file 620, RG 47, NA.


103. In many states, the implementation of the popular OAA program occupied the same administrators who were charged with responsibility for ADC. Though in some ways OAA served as a vehicle for lifting standards for public assistance in general and thus promoting the lower-status ADC program, the program for the elderly jeopardized the program for children since the matching-grant formula of the former made it more attractive to states. See Hanson, “Federal Statebuilding During the New Deal,” 105–8, and Derthick, The Influence of Federal Grants, 54–57, 80–81.
workers, moreover, coupled with the still widespread tradition of political appointments for civil service jobs rather than the use of a merit system for hiring and promotion procedures, meant that ADC was frequently implemented by staff who lacked the training and knowledge needed to carry out such goals.104

Meanwhile, unlike the staff that oversaw state development of UI programs, BPA officials failed to insist upon the standards of compliance intended by framers of the national statute.105 Thus, local agencies persisted in utilizing most of the same restrictive eligibility rules that they had in implementing mothers’ pensions. These “suitable home” or “fit mother” criteria were used to evaluate aspects of mothers’ behavior, character, reputation, housekeeping standards, and ability to manage cash.106 And although the new federal statute promised matching funds for children who were “deprived of parental support” due to the broad criterion called “continued absence from the home,” actual coverage continued to be fairly exclusive, favoring the children of widows who measured up to particular cultural norms. Only 2 percent of the children accepted for aid in 1938 lived with unmarried mothers, though 75,000 children were born out of wedlock annually. Five states offered no ADC funds to such children, and in eleven other states, fewer than fifty children of unmarried mothers were assisted. No states had formal laws excluding such children from coverage, but local officials adhered to pre-existing practices and personal discretion in making such determinations.107 For example, a juvenile court official in Cook Country, Illinois, explained, “There is never a pension granted for an illegitimate child but a pension may be granted to other children in the family where the mother married after the birth of the illegitimate child or where the illegitimate child is more than a year old at the time the pension is granted.”108 In several states, a woman who was found to be “immoral,” meaning that she was having an affair, would be prohibited from receiving ADC for her children for one year. In Fall River, Massachusetts, an SSB inquiry into administrative practices found that, “Apparently the case worker is puritanical in her viewpoint to the apparent detriment of the needy children. She stated, ‘Parents must be fit to care for children. Mothers with illegitimate children should not be eligible. The home must be clean. Children must attend church to be eligible for relief.’”109 In New York, a woman who kept a “slovenly home” risked losing her eligibility status.110


107. Louise McGuire, “Compilation of Material on Aid to Dependent Children,” December 7, 1938, 19, SSB, Records of the Executive Director, Subject Files, 1935–40, box 273, file 600, RG 47, NA.

108. Ibid., 21.

109. A. G. Thomas to Francis A. Staten, memo, February 2, 1939, “County Reports of...
Finally, ADC lacked the support of either a strong, organized popular constituency or devoted bureaucrats who could have pressured state legislators to improve the program. Mothers’ pensions had at least drawn initial momentum and public legitimacy through the efforts of widespread federated women’s organizations. The development of the fledgling and relatively untried UI program was spurred at the state level by labor unions. No such rallying group materialized, however, for ADC. Realizing the disadvantaged position of ADC, SSB officials attempted to mobilize the citizenry through public relations efforts in the late 1930s. They remained convinced, though, that it was not their place to advocate on behalf of the program directly as they did for OAI and UI, where the statutory mandate for national control was more clear.

ADC thus emerged as a meager and struggling program. Benefits persisted at inadequate levels and the program became entwined with other types of general relief. As the BPA refrained from guiding the states to implement programs with generous, inclusive standards, and citizens’ groups failed to mobilize in support of the program, states were left to succumb to diverse and powerful vested interests at the local level. Consequently, during the early years of implementation, ADC developed as a policy which varied widely from state to state, and which was unified only by its inadequacy for the task of bringing economic security to single mothers and their children.

THE 1939 AMENDMENTS

Meanwhile, beginning in 1937, plans for changes to the Social Security Act were underway in the SSB and in an Advisory Council recently appointed by Congress. Their efforts culminated in the 1939 amendments to the Social Security Act. Alternations that were made in policy design at that stage would have critical effects on the subsequent implementation of ADC in the 1940s.

In seeking to fortify and broaden the base of the fledgling contributory program for the elderly, bureaucrats and council members considered not only how those in the swelling ranks of Old Age Assistance might be incorporated, but also how widows and children currently on ADC might be covered by OAI as well. The SSB’s research staff found that the death of one or both parents in a family was a contributing factor to dependency in nearly 50 percent of the ADC cases. Advancing the notion that “good

Administration of Public Assistance Programs,” SSB, Records of the Executive Director, Subject Files, box 274, file 620.6/1940, RG 47, NA.


111. Skocpol, Protecting Soldiers and Mothers, chap. 8.


citizenship” is inherently tied to personal or familial independence as achieved through the breadwinner’s employment status, the Advisory Council reasoned that widows and surviving children of workers who had been covered by OAI might better be included in an extension of the contributory program.\(^{114}\) Congress readily enacted the Advisory Council’s recommended amendments, transforming OAI into Old Age and Survivors’ Insurance (OASI).

In effect, the 1939 amendments mostly rescued white, middle-class women and their children from the uneven benefits and invasive scrutiny that accompanied ADC, and granted them coverage in a program with national, uniform standards, and rights-based benefits. These changes meant, however, that ADC was robbed of its middle-class constituencies and primary basis for public support. Left behind in the ranks of ADC were the children of mothers who were unmarried, divorced, or separated, and those whose parents were either among the long-term unemployed or who were workers in low-wage occupations not covered by OASI, such as agriculture and domestic work.

Congress did improve the program in some regards: it raised the age limit for children covered by ADC from sixteen to eighteen, changed the grant formula to the 50 percent matching basis used for OAA, and required that states adopt a merit system.\(^{115}\) At the same time, however, policymakers amplified the need-based character of ADC. Acting on a recommendation by the BPA, policymakers inserted the word “needy” in front of the statutory definition of dependent children, and mandated that henceforth states must subtract all income and assets from each applicant’s resources in order to evaluate eligibility. Thus, ADC became inscribed with means-testing.\(^{116}\) In sum, the policy design for ADC was severely weakened by the 1939 amendments, and altered in ways that would render it even more distant from the realm of rights of social citizenship.

**THE DEMISE OF ADC**

The 1939 amendments hastened and intensified the development of an inferior and stigmatized form of social citizenship for ADC beneficiaries. As long as the design of ADC relied on such decentralized authority and permitted so much discretion at the local level, the federal agency lacked the ability to impose national standards or even to conduct sufficient oversight to guarantee fair treatment for program applicants and beneficiaries. Nor could state and local agencies be relied upon to regulate themselves

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\(^{115}\) On the merit system see *Reminiscences of Bernice Bernstein*, OHC, 87–88; *Reminiscences of Frank Bane*, OHC, 207; Altmeyer, *Formative Years of Social Security*, 104–5.

\(^{116}\) Public Law 379, *Social Security Act Amendments of 1939*, Title IV, Sec. 401 (b) and 403 (a); Merriam, *Relief and Social Security*, 53; Derthick, *The Influence of Federal Grants*, 47.
effectively because, although the 1939 amendments to the Social Security Act called for states to develop their own merit systems of personnel, such programs were still in their infancy. Within fifteen years after the enactment of the Social Security Act, the program had evolved in a manner that accentuated the worst features of its predecessor, mothers’ pensions: localism, restrictive standards, and low benefits. In essence, it became imbued with the stigma of poor relief that the reformers who planned both mothers’ pensions and ADC had hoped to transcend.

State and local officials applied discretionary eligibility criteria in a manner that discriminated against non-whites, despite the fact that need was typically higher among such groups. A 1942 Social Security Board study of families receiving ADC in sixteen states showed that non-white applicants were more frequently denied ADC benefits in all states with the exception of Massachusetts. On average, 12.3 percent of nonwhite applicants were denied assistance compared to 7.7 percent of white applicants. The exclusion of needy black children from ADC appeared to be most pronounced in southern states, and the exclusion of needy “Indian” (Latino and Native American) children was most dramatic in Arizona.

Though the SSB cracked down on explicit means of discrimination, the agency lacked the power to intervene in more typical instances, where state and local officials excluded non-whites through the enduring “suitable home” or “fit mother” practices. By 1941, thirty-one of the forty-five states incorporated some variant of such criteria in their ADC programs. Although the SSB granted them reluctant approval, it attempted to discourage states from actually using such rules, objecting to their typically vague and imprecise character and the problems posed by such subjective measures of administrative discretion. The BPA decried the manner in which the rules made children’s eligibility for aid conditional upon their parents’ behavior, and tried instead to advance the idea that many homes would become more “suitable” if offered the necessary income assistance of ADC. In 1945, after a difficult two-year drafting process, the Bureau sent a letter to state agencies recommending that they work to repeal the “suitable home” provisions, but the effects were less than impressive: while fifteen states responded positively, five new programs included versions of the rules.

120. Ibid., 15–18.
123. Bell, Aid to Dependent Children, 50–51; also see 44–45.
Many states also established rules which excluded children whose parents were unmarried, divorced, or separated, prompting wide variations in coverage between states, as shown in Table 3. The 1942 study by the BPA noted that state differences in “illegitimacy rates,” for example, were not sufficient to account for the disparity in eligibility rules pertaining to children of unmarried mothers. Using highly invasive methods of surveillance that were applied most rigorously to southern blacks, some states and localities prohibited women receiving ADC from having any “male callers” come to their home, and withdrew aid if such “man-in-the-house” rules were violated.

The discriminatory effects of all such policies became obvious in 1948, when new data showed blacks to be less than one-third of ADC beneficiaries in seven southern states. Yet, although national administrators continually requested that states abandon the “suitable home” rules and related criteria for ADC eligibility, they lacked the authority to enforce their position, and the restrictions persisted. For state and local officials, such rules served as a means to limit the rolls.

Benefit levels for ADC continued to vary greatly between states and localities. Although the matching-grant formula had been changed to the more favorable 50:50 ration in 1939, only three states—Louisiana, Michigan, and Tennessee—responded by increasing their own contributions. Other states simply scaled back the level of their own contributions for the program. As the cost of living rose, states gradually increased their spending for ADC. In 1946 and again in 1948, Congress agreed to mildly variable grant arrangements, approved by President Truman, enabling the federal government to boost the benefit levels in poorer states by making grants on a more generous basis.

As shown by Figure 1, however, still in 1950 ADC benefits varied dramatically from state to state, ranging from $6.54 per child in Alabama to $27.56 per child in Massachusetts. Average payments had risen over the decade by slightly less than one-third in real terms. Thus, in the vast majority of states, these benefits paled by comparison to those obtained by unem-
Table 3. Reasons for Lack of Support or Care by Father, ADC Families, for Sixteen States, October, 1942

| Percent ADC families lacking support or care by the father for specified reason |
|-------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Estranged from Family          | Deceased                         | Total                           | Parents divorced or legally separated | Deserting or parents separated without court decree | Not married to mother and deserting | Incapacitated | Other* |
| State                          |                                 |                                 |                                 |                                 |                                 |              |
| Arizona                        | 42.9                            | 26.4                            | 8.0                             | 12.3                            | 6.1                             | 25.5          | 5.2    |
| Arkansas                       | 37.4                            | 33.2                            | 9.7                             | 15.9                            | 7.6                             | 26.8          | 2.6    |
| Dist. of Col.                  | 30.6                            | 46.9                            | 2.2                             | 28.4                            | 16.3                            | 14.4          | 8.1    |
| Illinois                       | 37.4                            | 47.8                            | 9.6                             | 23.2                            | 15.0                            | 11.4          | 3.4    |
| Kansas                         | 34.3                            | 37.6                            | 16.3                            | 15.6                            | 5.7                             | 21.6          | 6.5    |
| Louisiana                      | 32.7                            | 30.1                            | 4.3                             | 14.7                            | 11.1                            | 33.1          | 4.1    |
| Massachusetts                  | 47.4                            | 30.1                            | 15.0                            | 10.8                            | 4.3                             | 16.9          | 5.6    |
| Missouri                       | 35.1                            | 37.9                            | 13.0                            | 15.5                            | 9.4                             | 24.5          | 2.5    |
| Montana                        | 33.4                            | 35.4                            | 16.4                            | 14.3                            | 4.7                             | 23.7          | 7.5    |
| Nebraska                       | 29.4                            | 40.2                            | 16.4                            | 16.3                            | 7.5                             | 24.8          | 5.6    |
| North Carolina                 | 55.6                            | 18.5                            | 2.6                             | 10.2                            | 5.7                             | 20.2          | 5.7    |
| Oklahoma                       | 27.6                            | 46.2                            | 18.2                            | 14.7                            | 13.3                            | 18.1          | 8.1    |
| South Dakota                   | 47.0                            | 31.6                            | 16.6                            | 9.1                             | 5.9                             | 18.0          | 3.4    |
| Utah                           | 32.1                            | 28.6                            | 17.4                            | 8.6                             | 2.6                             | 33.9          | 5.4    |
| West Virginia                  | 32.9                            | 25.3                            | 2.3                             | 13.0                            | 10.0                            | 36.1          | 5.7    |
| Wisconsin                      | 46.2                            | 30.3                            | 14.7                            | 8.5                             | 7.1                             | 19.8          | 3.7    |

*Includes imprisonment, serving in armed forces, absent for other reasons, unemployed or with insufficient earnings, not legally responsible, and needed in home.

Average monthly ADC benefits, 1950

- Less than $20
- $20 – $29
- $30 – $39
- $40 and over

Source: Social Security Administration, Social Security Bulletin
13 (August 1950): 32

Fig. 1.
### Table 4. Unemployment Insurance and Aid to Dependent Children Benefits, by State, Compared, 1950

<table>
<thead>
<tr>
<th>State</th>
<th>UI, Maximum Monthly Benefits, In dollars</th>
<th>ADC, Average Monthly Benefits, In dollars</th>
<th>Difference, In dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>80</td>
<td>33</td>
<td>-57</td>
</tr>
<tr>
<td>Alaska</td>
<td>160*</td>
<td>55</td>
<td>-105</td>
</tr>
<tr>
<td>Arizona</td>
<td>104*</td>
<td>85</td>
<td>-19</td>
</tr>
<tr>
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<td>88</td>
<td>42</td>
<td>-46</td>
</tr>
<tr>
<td>California</td>
<td>100</td>
<td>112</td>
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</tr>
<tr>
<td>Colorado</td>
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<td>79</td>
<td>-12</td>
</tr>
<tr>
<td>Connecticut</td>
<td>144*</td>
<td>115</td>
<td>-29</td>
</tr>
<tr>
<td>Delaware</td>
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<td>72</td>
<td>-28</td>
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<tr>
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<td>60</td>
<td>44</td>
<td>-16</td>
</tr>
<tr>
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<td>72</td>
<td>46</td>
<td>-26</td>
</tr>
<tr>
<td>Hawaii</td>
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<td>88</td>
<td>-12</td>
</tr>
<tr>
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<td>98</td>
<td>+18</td>
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<tr>
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<td>-9</td>
</tr>
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<td>66</td>
<td>-14</td>
</tr>
<tr>
<td>Iowa</td>
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<td>78</td>
<td>-12</td>
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<tr>
<td>Kansas</td>
<td>108</td>
<td>64</td>
<td>-44</td>
</tr>
<tr>
<td>Kentucky</td>
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<td>-42</td>
</tr>
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<td>Louisiana</td>
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</tr>
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<td>-35</td>
</tr>
<tr>
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<td>132*</td>
<td>78</td>
<td>-54</td>
</tr>
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<td>Massachusetts</td>
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<td>113</td>
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<tr>
<td>Michigan</td>
<td>128*</td>
<td>89</td>
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<td>Mississippi</td>
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</tr>
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<td>61</td>
<td>-59</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>88</td>
<td>45</td>
<td>-43</td>
</tr>
<tr>
<td>Oregon</td>
<td>100</td>
<td>105</td>
<td>+5</td>
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</table>

*continued*
Table 4. Continued

<table>
<thead>
<tr>
<th></th>
<th>UI, Maximum Monthly Benefits, In dollars</th>
<th>ADC, Average Monthly Benefits, In dollars</th>
<th>Difference, In dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>100</td>
<td>85</td>
<td>−15</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>100</td>
<td>87</td>
<td>−13</td>
</tr>
<tr>
<td>South Carolina</td>
<td>80</td>
<td>37</td>
<td>−43</td>
</tr>
<tr>
<td>South Dakota</td>
<td>80</td>
<td>63</td>
<td>−17</td>
</tr>
<tr>
<td>Tennessee</td>
<td>80</td>
<td>49</td>
<td>−31</td>
</tr>
<tr>
<td>Texas</td>
<td>80</td>
<td>43</td>
<td>−37</td>
</tr>
<tr>
<td>Utah</td>
<td>100*</td>
<td>84</td>
<td>−16</td>
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<td>Vermont</td>
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<td>54</td>
<td>−46</td>
</tr>
<tr>
<td>Virginia</td>
<td>80</td>
<td>47</td>
<td>−33</td>
</tr>
<tr>
<td>Washington</td>
<td>100</td>
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<td>−1</td>
</tr>
<tr>
<td>West Virginia</td>
<td>100</td>
<td>47</td>
<td>−53</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>104</td>
<td>98</td>
<td>−6</td>
</tr>
<tr>
<td>Wyoming</td>
<td>124*</td>
<td>97</td>
<td>−27</td>
</tr>
</tbody>
</table>

*Includes dependents’ allowances.

This table compares maximum UI benefits to average ADC benefits in order to illustrate the difference between those benefits typically available to the upper tier of UI beneficiaries, mostly white men, versus those typically available to the single women with children. Unemployed women and nonwhite men were more likely to receive only the minimum UI benefits.


employed men at the high end of the wage scale, as demonstrated by Table 4. Only seven states had ADC benefits that were, on average, higher than the UI benefits for those in the maximum earnings category. In fact, in twenty-five states, average ADC benefits were at least $25 less than such UI benefits, and in fourteen of those states the difference ranged from $40 to $105.

Although the framers of ADC had intended for caretakers of children to be freed from participation in the workforce, allowing them to devote their full attention to their children, the benefits were too low to make that hope a reality. In 1942, about three-fifths of the families supplemented their benefits with earnings, especially in the states offering the lowest benefits. In 1945, one state noted that its benefits provided “about one-third of each family’s minimum needs for food, clothing, shelter, and medical care.” Some southern states, moreover, denied assistance to “employable mothers” whose children were no longer infants, forcing such women to work, usually in the fields. Such practices laid the groundwork

for “work rules” for mothers on ADC, which became more widespread in subsequent years.

Without fervent promoters in either government or among the public, particular characteristics given to ADC in its formation became its weaknesses, and unaddressed, became its fatal flaws. Former CES Director Edwin Witte wrote that the absence of a grant for the caretaker of children in the program was simply an oversight attributable to the haste of the congressional committee’s treatment of the program in 1935. Yet, fifteen years passed before the law was amended to include such a grant. National administrators criticized “suitable home” principles from the early 1940s onward, but the rules persisted until the 1960s. Likewise, the SSB urged the states to abandon residence requirements beginning in the 1940s, but states retained such rules until the Supreme Court declared them unconstitutional in 1969. Throughout the period, national officials also suggested that the federal contribution be made indirectly proportional to each states’ ability to pay rather than applying the same one-to-two formula everywhere, but only the mildest form of variable grant provisions was enacted successfully. Thus, from the 1940s to the 1990s, the state-by-state variation in ADC and AFDC benefits persisted at rates greater than differences in wages or the cost of living.

In summary, ADC suffered from the institutional arrangements through which it was to be administered. In addition to its highly decentralized administrative apparatus, ADC was further hobbled by the obstacles presented by the entrenched mothers’ pensions programs and the lack of administrative support beyond the ranks of the BPA. ADC’s framers had envisioned optimistically that program development would be facilitated by national administrative guidance and funding, coordinated by state governments serving as strategically placed intermediaries, and implemented through the democratic participation of local officials. Perhaps the dream of the Children’s Bureau officials could have been realized if, as they had hoped, they themselves had won oversight of the program, and if their efforts had been joined by a revival of the federated women’s clubs across the United States to bolster and support the program at the state and local level. But Congress had thwarted the administrative plans, and the declining influence of the aging “maternalists,” exacerbated by the removal of much of ADC’s middle-class clientele in the 1939 amendments, made popular support unlikely to materialize. Without advocates, the program easily became a pawn in legislative decisions over funding at the state level, and local officials encountered little resistance as they scrutinized the behavior of ADC applicants and recipients in order to evaluate their quali-


136. Turnbull, Williams, and Chiet, eds., Economic and Social Security, Chap. 3; Altmeyer, Formative Years of Social Security, 80–82; Peterson & Rom, Welfare Magnets.
fications for coverage. The ADC program thus left many of the poorest women at the mercy of the states, subject to the variable benefits, morals restrictions, means tests, and administrative supervision utilized in each location. More than any other program in the Social Security Act, ADC rendered its beneficiaries into vassals whose duties were defined by the political geography of federalism.

CONCLUSION

Social and political identities and the character of citizenship are shaped by public policies. Such outcomes do not necessarily occur in a purposeful manner, however, nor at the precise moment of policy formation, when policies are designed. Rather, as historical-institutional analysis of the implementation of UI and ADC shows, the administrative arrangements for programs may have consequences of their own as they interact with both technical features of program design and political factors in the course of policy design. These developments may, in turn, institutionalize or transform particular social arrangements, and unify or divide the citizenry.

Although both UI and ADC were to be administered jointly by the national and state governments, their particular designs spurred different forms of program development. The precise model of administration chosen for UI short-circuited the multiple layers of federalism and made the program relatively amenable to national uniformity, at least for long-term, full-time (mostly male) workers within the program’s reach. ADC, by contrast, granted a high degree of discretionary power to state and local governments, making the program aimed primarily toward women most easily compromised by the capabilities of the “weakest link” in intergovernmental relations. Distinctions between the programs were accentuated further by the politics of policy implementation. National administrators assumed a critical role in promoting national standards for UI, while ADC lacked a broad constituency base and was easily sacrificed to other political goals.

In time, the two policies evolved in a manner that separated non-elderly men and women as if they were citizens of distinct sovereignties, national versus state, wherein they experienced very different forms of governance. Within UI programs, most men came to be regarded as rights-bearing citizens. They could rest assured that if they became unemployed, they would have access to benefits, regardless of what state they lived in. They enjoyed coverage in programs that were administered in a standardized manner, through the professional norms of the merit system. For women, by contrast, the experience of both UI and ADC was highly variable from state to state. Eligibility was defined not only by diverse sets of rules, but also through procedures characterized by substantial discretion and scrutiny on the part of local officials. Such personnel, furthermore, typically lacked professional training, making their judgements more likely to be influenced by personal or local prejudices rather than by a more widely respected set of norms.
The different institutional and administrative arrangements for UI and ADC also fostered the development of a distinct ideological character for the governance of men versus that of women. Most startling, these cases suggest that a non-liberal variant of governance, exercised by the American states in administering ADC generally and for UI in eligibility determinations, persisted well beyond the New Deal. Feminist political theorists have long argued that the social contract in liberal theory, through its division of the public and private realms, left the domestic sphere, within which women dwelled, beyond the reach of its principles. Examining American political development, Karen Orren and Rogers Smith have challenged long-held assumptions about the pervasiveness of liberalism in the United States and exposed the persistence, at least until the New Deal, of feudal forms of rule or republicanism and ascriptive American traditions. This study of New Deal policies shows women to have been left, as well, beyond the purview of the new liberal realm of citizenship created in the 1930s. But the lines drawn between men and women in these policies were inscribed not only on the classic liberal divide between the public and private realms, but more importantly, on the distinction between national and state-level governance. Men, so long as they were long-term, full-time wage-earners, were treated as abstract, independent individuals and were incorporated as rights-bearing citizens, as members of a regime that operated according to liberal principles. By contrast, women tended to be assigned social citizenship on the basis of non-liberal criteria. They were treated in a relational or difference-based manner pertaining to their gender roles as wives and / or as mothers. As such, they were ruled as dependent persons who required supervision and protection, and whose moral character needed to be monitored and regulated. The manner in which they were governed can be characterized as “semi-feudal,” given the ascriptive basis of such governing procedures and the parochial character of their implementation.

Once established, divided citizenship endured for decades. As late as 1963, state laws still exempted some fifteen million workers from UI coverage, including workers employed in the heavily female sectors of state and local government, domestic service, processing of agricultural products, and non-profits. In 1971, moreover, twenty-three states still disqualified women from collecting UI if they left work for reasons categorized as


“domestic quits,” including pregnancy, childbirth, or other familial responsibilities. Finally, the Equal Employment Opportunity Act of 1972 improved a woman’s status in UI, and the Pregnancy Discrimination Act of 1978 forbid states from denying UI to pregnant women.140 Meanwhile, during the 1960s, lawmakers and the courts, activated by an insurgent welfare rights movement and its lawyers, changed the ADC program in ways that made it significantly more nationalized, at least in terms of administrative procedures and eligibility rules.141 The states lost a substantial measure of their autonomy and discretion when the Supreme Court rendered individual state eligibility rules invalid unless they were explicitly authorized by the federal statute or deemed to be consistent with the Court’s understanding of the underlying purpose of the program.142 Thus, many of the longstanding rules that had enabled states to limit eligibility for AFDC were abolished, including the most restrictive residence requirements and “suitable home” rules. Although financial eligibility rules and the variation in AFDC benefits from state to state persevered, some of the worst aspects of state-level administration in the areas of moral supervision were alleviated. Through such changes, AFDC began to approximate an “entitlement,” a benefit assured to those who fit nationally uniform, standardized eligibility criteria.

As the century comes to a close, welfare has once again been altered. The Personal Responsibility and Work Opportunity Act of 1996 returned greater authority to the states than they have known in six decades. Just as particular institutional arrangements and policy designs shaped UI and ADC in the course of implementation, so too will the new arrangements for Temporary Assistance for Needy Families produce some combination of expected and unexpected and intended and unintended consequences. Therefore, it is imperative for scholars to move beyond trying to explain why such legislation was enacted and toward an examination of what occurs as benefits are provided and services are delivered. The politics of this process will have profound consequences for the social citizenship of low-income women and children.