

States Rights, Women's Obligations

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ARTICLES

States' Rights, Women's Obligations: Contemporary Welfare Reform in Historical Perspective

Suzanne Mettler

ABSTRACT. This abstract asks how the demise of the federal “entitlement” to welfare will affect how low-income single mothers will be governed. Historical-institutional analysis is used to predict how the states, given their regained authority, are likely to define eligibility and procedural rules for welfare. These expectations are tested by analyzing the new state plans for the administration of the Temporary Assistance to Needy Families block grant program. Indices of eligibility rules and procedural rules are created and combined in a typology that depicts the new varieties of welfare governance planned by the states. The central argument is that as historical precedents would imply, the decentralization of authority for welfare is promoting the development of forms of welfare governance that vary dramatically from state to state, and which tend, predominantly, toward restrictive and coercive forms of rule. These developments mean that the obligations of poor women are being emphasized over their access to social provision. [Article copies available for a fee from The Haworth Document Delivery Service: 1-800-342-9678. E-mail address: getinfo@haworthpressinc.com <Website: <http://www.haworthpressinc.com>>]

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In 1996, Congress enacted the Personal Responsibility and Work Opportunity Act (PRA), and President Bill Clinton signed the measure, otherwise known as “welfare reform,” into law. The legislation dissolved Aid to Families with Dependent Children (AFDC), the grant-in-aid program which had long been the major source of social provision in the United States for single mothers and their children. Policymakers replaced AFDC with a block grant program called Temporary Assistance to Needy Families (TANF), which leaves greater authority to the states than they have known in six decades.

Although scholars and policy analysts have argued over the virtues and faults of numerous features of PRA, the momentous termination of national standards or a federal “entitlement” for social provision for single mothers and their children has received surprisingly little attention. The predominant strand of scholarship that examines the move toward decentralization focuses on fiscal implications, predicting that the forces of interstate economic competition will eventually prompt a “race to the bottom” in benefit levels across states (Peterson & Rom 1990; Peterson, Scheve, and Rom 1996; Zedlewski & Giannarelli 1997). Many state officials are convinced, however, that they will be able to “do more with less,” so the fiscal implications of the policy have not elicited great concern.

A critical question yet to be asked is, “What are the implications of the decentralization of authority for welfare for how people are governed?” The relationship between government and citizens is affected not merely by dollar increases or decreases in program benefits, but, as well, by the types of administrative rules and procedures that are used to determine program eligibility. Indeed, for women who are single, divorced, or separated mothers with low incomes, the experience of government is fundamentally shaped by the rules they encounter as they attempt to gain and to maintain access to social provision. Such treatment largely defines their *social citizenship*, meaning the extent to which members of the political community are guaranteed measures of economic security (Marshall 65-122; Walzer 1983, 64-94), in turn affecting their “status” or “standing” in society (Shklar 1991). First, *eligibility criteria* for welfare receipt are important because they define the limits of who is included within the program and, conversely,

who is denied access. New restrictive eligibility criteria may be an important reason, in addition to low unemployment rates, for the dramatic recent decline in the welfare rolls of most states.¹ Second, the types of *procedural rules* applied to program beneficiaries, as a condition of their inclusion, constitute the manner of governance experienced by those citizens. Such rules typically embody sanctions for particular forms of behavior that policymakers aim to discourage, as well as incentives that are intended to promote more desirable behavior. In order to understand how welfare reform will affect women's social citizenship, therefore, scholars must examine the effects of the decentralization of welfare governance for the character of program rules.

The implications of institutional arrangements for welfare policy on citizenship have received ample attention in the work of Lawrence Mead. Mead has argued that the problem with welfare in recent decades, when eligibility standards were set by the federal government, was that it promoted an "entitlement" status and rights while failing to teach recipients about their civic obligations to the community (1986, 186). A combination of scholarly and political voices helped motivate the shift in authority for welfare governance from the national to the state level. Though Mead himself did not recommend devolution, actors such as the National Governors' Association complemented his message by insisting that states could better teach welfare recipients their responsibility to work. Such arguments have been without the guidance, however, of any sort of empirical analysis of how decentralized institutional arrangements affect governance.

This article examines the impact of state-level authority for welfare on the character of program rules, with their subsequent implications for women's social citizenship. It draws on historical-institutional analysis to predict how states are likely to respond to their regained authority in determining how citizens on welfare are to be governed. Then, the paper tests these expectations by analyzing the new plans that states developed as of August, 1997, for the administration of the TANF block grant program. Indices for state plans for eligibility rules and procedural rules are developed, and are combined in a scatter plot chart and typology that depict the new varieties of welfare governance newly formulated in state legislatures.

The central argument of this article is that as historical precedents would imply, the decentralization of authority for welfare is promoting

the development of forms of welfare governance that vary dramatically from state to state and which tend, predominantly, toward restrictive and coercive forms of rule. These developments mean that the obligations of women on welfare are being emphasized over their access to social provision. Thus, single mothers and their children, already the group of American citizens who are most likely to be poor, whether they receive welfare benefits or participate in the workforce (Danziger & Gottschalk 1995, 267-92; Edin & Lein 1997), are being required to shoulder an especially heavy burden of civic obligations in exchange for, in most states, little access to social provision.

POLICYMAKERS' INTENTIONS AMID THE INSTITUTIONAL ARRANGEMENTS OF FEDERALISM

Political scientists who study public policy tend to devote much of their attention to the politics of policy formation. Although this focus is useful for explaining *why* a given policy was enacted and why it took the form that it did, such analysis is insufficient for determining the implications of laws for governance. Features of TANF make analysis of subsequent stages of the policy process imperative to understanding policy outcomes. The reasons for this are two-fold.

First, the policymaking process is driven by a complex melange of overt and covert goals, making policymakers' true motives less than obvious, particularly in the case of welfare reform. On the one hand, most policymakers who supported the PRA stated that they were convinced that the new policy design would help enable families on welfare to become self-sufficient and thus to enjoy a measure of dignity denied to them under the previous policy (*Cong. Rec.*, H9380, E1451-54). In articulating such views, policymakers were likely trying to exercise their constituents' preferences. Public opinion polls in the 1980s and early 1990s implied that a majority of Americans faulted the design of AFDC with promoting long-term "dependency," and that they favored reforms that would promote workforce participation while still maintaining at least a "safety net" of social provision for those in need (Page & Shapiro 1992, 121-9; Teles 1996, 41-59). On the other hand, research on policymakers' goals and public attitudes surrounding welfare reform suggest less benign motives. Several scholars have argued that "dependency," the central term in this policy discourse, is deeply ideological, and that unmasking it reveals

that policymakers are driven not by the stated goal of fostering independence among single mothers but rather to punish women who commit cultural taboos, namely by deviating from traditional family norms (Backer 1995, 353-364, 385-405; Fineman 1996, 287-311; Fraser & Gordon 309-336). As well, there is evidence to suggest that past welfare reform efforts were shaped by policymakers' goals to maintain white supremacy (Lieberman 1995, 168; Quadagno 1994); that racist attitudes are still deeply entrenched and that they influence white opposition to welfare (Gilens 1995; Gilens 1996); and that the media portray images of families on welfare in a manner that perpetuates racist stereotypes in public consciousness and contributes to legislative decision-making (Williams 1995). Thus, the combination of goals and intentions surrounding welfare reform is difficult, at best, to untangle.

Second, even if the motives of policymakers and the public were straightforward, they would provide a poor guide to the implications of welfare reform for governance. Students of public policy know that policy design can yield unintended consequences, and that policy implementation is shaped by a set of political struggles quite separate from those that surrounded policy formation, often producing outcomes different from those expected earlier (Pressman & Wildavsky 1973). The connection between goals and outcomes becomes all the more remote when decisions about policy design or policy implementation are delegated to other levels of government in the multi-layered system known as American federalism. These arrangements make for what Theodore Lowi and Benjamin Ginsberg have called a proliferation of "access points and opportunities for influence," such that policy officials at numerous levels can redefine policy goals (Lowi, Ginsberg et al. 1990, 27-28). The TANF block grant program epitomizes this situation not only because the policy is subject to the influence of state-level administrators and local agency staff at the implementation stage, but also because, even before benefits are provided, policy goals determined at the national level can be redefined by state legislators. This is attributable to the fact that PRA leaves states with several choices regarding both eligibility and procedural rules for the program, and permits them to adopt additional optional measures for both types of requirements.

Precisely how this decentralized design will affect the character of public policy is a matter of some dispute. Most contemporary voices

that take a stand on the issue express optimism. Since the late 1980s, state governors have argued that the states, being “closer and more directly answerable” to their citizens than national government, should be granted broader authority for the program (Weld 1996). The governors have been able to draw on a long-abiding American political tradition that favors decentralized governance. One strand of the decentralization argument, inspired by Louis Brandeis and carried beyond the Progressive Era into New Deal policy design, suggests that states and localities are better positioned than national government to plan the details of programs because they are closer to those who will be affected by them and thus better understand their particular needs, and because they are more inclined to experiment with new policy alternatives. An older defense of American federalism, with roots in Jeffersonian republicanism, has been revived recently by scholars who suggest that shifting authority for public policy downward could reinvigorate democratic participation and civic life (Sandel 1996). A more thoroughly modern argument for “devolution” stresses that state governments will be more efficient in delivering policy results than the more centralized, national government (Osborne & Gaebler 1992, 250-279).

Yet, none of these rationales for the decentralization of welfare asks how citizens will be *governed* under the policy. A separate body of scholarship in political science, from E. E. Schattschneider (1960, 1-19) to Grant McConnell (1966) and Paul E. Peterson (1995), has cautioned that states govern citizens differently, and less well in certain areas, than national government. McConnell observed that smaller units of governing authority are less likely to provide “guarantees of liberty, equality, and concern for the public interest,” and are more likely to “discriminate in favor of elites and to eliminate public values from effective political consideration.” He argued that higher levels of government are, by contrast, more impersonal and impartial, promoting “prescribed procedures, conformance to established rules, and escape from bias” (1966, 6, 107). McConnell wrote more than three decades ago, however, when state institutions were somewhat different than they are today. Such changes must be taken into account in an updated institutional analysis of the impact of state authority for how people are governed. This study assumes that task with respect to contemporary welfare policy by investigating, in historical perspective, the first inclinations of state legislatures now that they have

regained authority for making decisions about how welfare is to be run.

Before beginning this inquiry, it is important to note that the dominant currents in policy discourse have shifted over the last three decades from a welfare rights model to an obligation model. The former approach was most widely accepted in the early to mid-1960s, brought to the fore through the mobilization of welfare rights organizations and the willingness of the Supreme Court to define aspects of welfare delivery in a rights-oriented manner (Davis 1993). The model was most visible in national policymaking in 1969, when Republican President Richard Nixon promoted the guaranteed income or negative income tax approach to welfare. His administration's plan would have made welfare approximate a national social right, because it would have removed administrative authority from the states entirely. The plan failed, but one of the concepts that it introduced, the notion of mandatory work, took root in policy discourse. The expansion of welfare rolls that had followed the recent court-ordered changes in procedure provided a fertile climate for the work obligations theme, and within the next decade the obligation model gradually displaced the welfare rights model (Burke & Burke 1974; Quadagno 1994, 117-34). During the Reagan Presidency, the notion that welfare recipients should be required to meet certain obligations in exchange for benefits gained more currency. By the 1990s, Democrats articulated this approach as well. Nonetheless, despite the shift in the policy discourse, there is no reason to assume that either policymakers or citizens intended or are even aware of the effects that the institutional arrangements of federalism may have on the form that policy actually takes. Hence, it is critical to examine such consequences.

WELFARE GOVERNANCE IN HISTORICAL PERSPECTIVE

Before the most recent round of "welfare reform," each of the three previous periods of policy change in social provision for single mothers and their children during the 20th century U.S. was characterized by a shift in authority toward higher and more centralized levels of government. Until the early twentieth century, families which lacked the support of a male breadwinner, whether through death, desertion, or imprisonment, typically had to turn to public relief or private charity, both of which varied from locality to locality. Mothers in such

families risked becoming stigmatized as paupers, and losing their children to orphanages or foster care (Gordon 1994, 23). The first policy development, the creation of mothers' pensions during the 1910s, shifted authority, at least in theory, upwards from the county level to the state level. In actuality, program development still relied heavily on county initiatives and funding, and program coverage was spotty at best.² Second, during the Great Depression, the inability of the states, localities and private charities to handle the crisis prompted reformers to nationalize various programs, including mothers' pensions. They planned Aid to Dependent Children as a grant-in-aid program that would use federal funds to stimulate more widespread development of the mothers' pensions across the states and to broaden program coverage to more children in need. Third, during the 1960s, soon after ADC became renamed Aid to Families with Dependent Children, reformers pressed for national standards in eligibility criteria and procedural rules.

Mothers' Pensions, 1911-1934

Beginning in the early teens, white, middle-class women's civic organizations across the United States worked on a state-by-state basis for the enactment of mothers' pensions. These measures were designed to provide women in fatherless families with direct payments in order to allow them to stay out of the work force and instead to care for their children as full-time homemakers (Gordon 1994; Ladd-Taylor 1994; Mink 1995; Muncy 1991; Skocpol 1992). While the speedy and widespread enactment of such laws was an unprecedented success, the programs that developed were less than impressive. Not only was actual program development uneven, but, moreover, states enacted highly restrictive rules for mothers' pensions, conditioning coverage in the program upon applicants' personal behavior (Bell 1965; Mink 1995, 26-36).

Widows maintained the majority of female-headed households in the early 1930s, but approximately one-third of women who were single parents had either never been married, or were divorced or separated from their husbands. Yet, while all mothers' pension laws covered children whose fathers were dead, and most included those whose fathers were in penal institutions or incapacitated, only 36 states extended benefits to families deserted by fathers, 21 to families in which the parents were divorced, and only 11 to children born

outside of marriage (U.S. Social Security Board 1937, 234-40). As well, states developed eligibility requirements called “suitable home” rules which stipulated particular behavior on the part of mothers in order to maintain their status. Some states and localities required that women exhibit housekeeping and childrearing methods deemed acceptable according to white, Anglo-Saxon standards; most forbade the presence of male boarders; a few required that children exhibit regular attendance at school and church (Gordon 1994, 45-46; Mink 1995, 31-41). Mothers’ pensions developed, accordingly, in a manner that was, in the words of Winifred Bell, “intimately based in parochial and regional values” (1965).

Program development for mothers’ pensions was highly variable and contingent on political geography. Where programs were in operation, families were hardly assured coverage: rather, they had to measure up to particularistic qualifications that varied from state to state or from locality to locality. Thus, in exchange for modest social provision, women were obligated to emulate exacting parochial norms. Yet, at least mothers’ pensions did begin to establish the important principle that women’s work as mothers has public value and is to be recognized and supported. As such, the program provided a precedent upon which New Deal policymakers would build, perpetuating their legacy throughout the entire 20th century.

Aid to Dependent Children, 1935-1967

In 1934, officials in the Children’s Bureau of the U.S. Department of Labor, Grace Abbott and Katherine Lenroot, planned “Aid to Dependent Children” (ADC) as a component of the comprehensive social legislation that became the Social Security Act of 1935. Their design featured a grant-in-aid program that would offer states matching funds from the coffers of national government to help finance mothers’ pensions programs (U.S. Social Security Board 1937, 248). In order to raise standards in state programs, they drafted a law aimed to stimulate, across states, coherent administrative practices and less restrictive residence requirements than under mothers’ pensions. “States’ rights” advocates in Congress weakened several of the modest federal requirements that the Children’s Bureau officials had placed in the program, inscribing the bill with more decentralizing features.

The program succeeded in stimulating more widespread and uni-

form development of the program. Within the first few years after its enactment, even states with a weak history of social provision responded to the promise of federal funds by establishing programs in all localities, and the number of beneficiaries nationwide more than doubled (Howard 1992, 215).

Yet, as long as states wielded significant administrative authority for the program, the development of social rights for beneficiaries was curbed. ADC's framers had hoped to extend coverage of the program beyond families where the father was deceased, but states still retained the prerogative to apply most of the restrictive eligibility requirements that had been part of mothers' pensions. Most continued to deny assistance to families in which the parents were unmarried, divorced or separated. 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.

From the early 1940s onward, the SSB took issue with the states' eligibility requirements, pointing to their vague and imprecise character and the problems posed by such subjective measures of administrative discretion. Staff in the Bureau of Public Assistance 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 they were offered income assistance through ADC (U.S. Social Security Administration 1945, 19-21). Yet, although national administrators continually requested that states abandon the "suitable home" rules and related criteria for program eligibility, they lacked the authority to enforce their position, and the restrictions persisted (Derthick 1970, 83-88).

The grant-in-aid arrangements for ADC did promote the development of a more widespread safety net for fatherless families than had existed under mothers' pensions. Women who assumed the social obligations of motherhood gained some degree of assurance that regardless of where they lived in the U.S., if the father of their children deserted them, became imprisoned, or refused to marry and provide for them, they and their families would not be left destitute. Still, the social provision offered by ADC was very tenuous indeed, varying greatly by state and locality. Eligibility qualifications still typically imposed a high degree of expectations upon beneficiaries and did little in return to elevate them from poverty. Programs were lacking in administrative procedures to assure fairness, and coverage became

characterized by biases against those whose race, ethnicity, marital status, or housekeeping habits failed to meet subjective determinations of eligibility. The lesson of the early development of ADC at the state level is that rights are never really rights when they are determined through the system of American federalism (Mettler 1998 158-75). Another three decades would pass before “welfare” would once again be reformed.

The Institutional Context for Mothers’ Pensions and Aid to Dependent Children

Particular institutional features of state governance in the early 20th century rendered welfare governance at the hands of the states a highly restrictive process that was geared more to prohibiting particular categories of persons from collecting benefits than to incorporating fatherless families as citizens of the political community. First of all, programs were established through the states’ exercise of the “police power,” a governing capacity that was left to the states in the Founding and which gave state governance its particular character. Defined by the mid-19th century Taney Court as the power to “provide for the public health, safety, and good order,” the police power had communitarian roots that pre-dated liberal conceptions of the rule of law. For the sake of preserving and enforcing local cultural norms, the police power permitted states to treat some groups of people differently than others (Novak 1989; Tomlins 1990). States were able to do this through the enactment of moral law, family law, property law, education policy, and laws in a wide range of other areas. And because neither the Bill of Rights nor the 14th Amendment was yet understood as applying to the states except in the most narrow circumstances, states remained relatively unrestrained in their application of the police power (Kelly, Harbison, Belz 1990, 2:355-361, 689-90).

Due to the real or perceived forces of interstate economic competition promoted by the institutional setting of American federalism, moreover, states were inclined to exercise the police power in a manner that kept to a minimum the ranks of those deemed eligible for public funds. The U.S. Constitution created the “world’s largest free trade zone,” in which the individual states have neither the power to prevent business from entering or leaving their borders, nor, unlike the national government, to protect businesses within their borders (Robertson & Judd 1989, p. 31). Policymakers at the state level have,

historically, considered their state to be in a race with others to establish a favorable “business climate;” thus they have been reluctant to raise taxes and resistant to making social policies more generous than the norm lest they become “welfare magnets” (Peterson & Rom 1990; Robertson 1989; Wasylenko 1997). Thus, even where mothers’ pensions and ADC programs were in effect, a chronic shortage of funds meant not only that benefits were low, but, moreover, that only a small portion of needy families were assisted (Douglas 1939, 187-192; Goodwin 1992; Gordon 1994, 49-50). In this environment, moreover, restrictive eligibility rules were an important tool for reducing the pool of potential program beneficiaries.

The exclusive character of mothers’ pensions and, to a lesser extent, ADC, was also accentuated by other institutional features of many states during the early 20th century. State legislatures had their yet acquired their more professional, modern character; most met infrequently and for short periods and were not disposed toward careful policy planning to address social issues. Also, outdated apportionment meant that many state legislatures remained dominated by rural representatives, who were less inclined to improve social programs that were seen as responsive to predominantly urban needs (Patterson 1969). Finally, the restrictive character of ADC was exacerbated by the Jim Crow system. Since the turn-of-the century, particularly in the South, this legal system of racial segregation had pervaded all aspects of public and social life, excluding African-Americans from the privileges enjoyed by those of European descent. Administered in that context, ADC was implemented in a manner that had racist consequences. For instance, some states and localities used “man-in-the-house” rules to withdraw aid from women suspected of having or found to have “male callers,” and such highly interventionist methods of surveillance which were applied most rigorously to southern blacks (Piven & Cloward 1971, 138-9). As well, states in the South routinely used work rules to deny assistance to women, usually African-Americans, who were considered “employable mothers” because their children were no longer infants (Bell 1965, 42-48). While such eligibility rules prevailed, African-Americans as well as Latinos remained under-represented on the welfare rolls, despite high levels of need (U.S. Social Security Administration 1945).

Aid to Families with Dependent Children, 1968-1987

In the 1960s, AFDC, as ADC had been renamed, was transformed dramatically through changes provoked by an insurgent welfare rights movement and its lawyers, and wrought by the judiciary through statutory review (Davis 1993; Piven & Cloward 1979, 264-361). These changes required states to adhere to national standards in the determination of eligibility (*Goldberg v. Kelley* 1970; *King v. Smith* 1968, *Shapiro v. Thompson* 1969). The Supreme Court made 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. Thus, many of the long-standing rules that had enabled states to limit eligibility for AFDC came to an end, including the most restrictive residence requirements, "suitable home" rules, and the "man-in-the-house" rules that had allowed social workers to conduct "midnight raids" in the homes of female beneficiaries to insure that no adult male was living there (Coll 1995; Melnick 1994; Steiner 1966). The delivery of welfare was altered to remove discretion, as much as possible, from the process, as well as to make appeals procedures more accessible and to guarantee equity in benefits to families of the same size within states. Thus, although financial eligibility rules and the tremendous variation in benefits from state to state persevered, at least the discriminatory patterns so long present in state-level administration were alleviated.

Through the nationalization of eligibility rules, inclusion in the program became accessible to vast numbers of people who had previously been excluded. The number of families on AFDC expanded at a rapid rate, from 787,000 families in 1960 to 3,498,000 families in 1975 (U.S. Department of Health and Human Services 1997). It is important to note that this rate far exceeded the growth in female-headed households, and that scholars have shown that no more than 15% of the increase in such family groupings during that same period can be explained by the expansion of public assistance (Garfinkel & McLanahan 1994, 210-211). The expansion of the welfare rolls meant, rather, that women and children who in earlier decades would have lacked access to a safety net were finally guaranteed some measure of economic security.

For those included in the ranks of AFDC, the character of inclusion changed as well. Between 1970 and 1980, the casework approach was replaced by an emphasis on routinized procedures for verification of

eligibility. The invasive characteristics of eligibility determination in the past were replaced by impersonal, bureaucratic processes. The relationship between clients and the agency became characterized, therefore, by an "agency culture" that Thomas Kane and Mary Jo Bane have termed an "eligibility-compliance" model, wherein the primary task for both parties becomes that of establishing and maintaining eligibility. Efforts to promote self-sufficiency had no place in this system, an absence that became more evident recently as agencies proved unable to establish welfare-to-work programs successfully (Kane & Bane 1994, 4-7, 17).

In sum, welfare reform in the 1960s went further than ever before in assuring women that, if they found themselves in a situation in which they had to provide for their children single-handedly, a source of social provision would be available to assist them. Rights became more evenly balanced with obligations as states became required to apply more uniform, standardized eligibility criteria and fair and even-handed administrative practices, thus making access to AFDC come closer to approximating an "entitlement." Yet, the particular approach to executing fairness, namely an emphasis on proceduralism in the absence of measures to promote economic independence, may have contributed to the perpetuation of long-term stays on welfare for a portion of the welfare population (Kane & Bane 1994). Simultaneously, welfare became increasingly unpopular among the public.

STATE RESPONSES TO REGAINED AUTHORITY FOR WELFARE, 1997

Declining public support for AFDC in the 1980s prompted policy-makers to place "welfare reform," once again, on the public agenda. The Family Support Act of 1988 (FSA) granted states new authority for implementing a program called Job Opportunities and Basic Skill Training (JOBS) that was intended to promote job training for welfare recipients. In subsequent years, states were granted waivers from AFDC standards to allow them to experiment with the new welfare-to-work programs. Then, in the early 1990s, the National Governors' Association appealed to national policymakers to give states yet more flexibility in policy development and implementation (Lurie 1996, 224). The governors' demands culminated, in 1996, in the enactment of the Personal Responsibility and Work Opportunity Act. The most

heralded features of the new law, time limits and work requirements for program recipients, aim to end what was termed “long-term dependency” on welfare.

In some regards, PRA represents new exercises of national government power, since the law forces states to regulate the behavior of welfare recipients through these new requirements. To qualify for federal funds, states will now be required to meet targets for workforce participation by beneficiaries, and they will have to deny assistance to families who have received benefits for 60 months (although up to 20% of the caseload may be exempted from that limit for “hardship” reasons). In effect, while national requirements in the past were used to guarantee inclusion of certain persons within the program, in TANF they are being used to exclude certain persons.

In several critical ways, however, PRA returned the governance of low-income mothers and their children, once again, to the states. The law ended the features of AFDC that had, in part since the 1930s and more fully since the 1960s, made it approximate, modestly, a national “entitlement” of social provision for female-headed households. Since 1935, grant-in-aid arrangements had permitted the federal government to require state-wide operations; these were replaced by the TANF block grant, which returned substantial authority to states for planning their own programs. Although the new law requires that each state must operate a welfare program in all political subdivisions in order to qualify for federal monies, the program need not be uniform across the state. To qualify for federal funds now, states need only to show “maintenance of effort” by spending not less than 80% of their 1994 spending on their replacement for AFDC and related programs. Most important for this study, states regained a high degree of authority, unknown since the 1960s, for defining the parameters of eligibility and the treatment of program beneficiaries. States are now permitted to restrict program coverage through numerous optional measures, and to subject beneficiaries to a wide variety of sanctions, as well as to provide innumerable services to them. They are not required to provide cash assistance, and may opt to provide in-kind benefits instead.

The critical question to be addressed here is, having regained so much authority for welfare, how will the states govern? Are they likely to act in the same ways as they did in the past, structuring welfare in a highly restrictive manner and subjecting beneficiaries to stringent program requirements? Or, are the states likely to transcend

their pasts, and to use their comparative advantage of proximity to poor families to actually move them toward self-sufficiency more effectively than national government has proven able?

On the one hand, state governments have changed dramatically over the past several decades, and several institutional developments suggest that states will prove to have a greater capacity and willingness than they did in the first half of this century to handle welfare governance effectively. State legislatures have become increasingly professional, capable and effective and have, since the reapportionment decisions of the Supreme Court in the 1960s, come to include wider urban representation (Bowman & Kearney 1986, 1-46). As well, though racist attitudes linger (Gilens 1995, 1996), the Jim Crow system that institutionalized racist governance has been long since eradicated. These developments could be likely to encourage the development of more broadly accessible, enabling forms of welfare programs.

Studies of state-run welfare-to-work programs in recent years lend some credence to these expectations. In examining states' responses to increased state authority for the JOBS programs since 1988, Jan L. Hagen and Irene Lurie found that states, despite a climate of fiscal stress, increased their expenditures for programs over time, that they proved capable of using JOBS funds to contract with and coordinate their activities with other human service providers in order to obtain services for JOBS participants, and that they developed and expanded their ability to provide welfare recipients with education, training, and employment activities (Hagen & Lurie 1994, 238-9). Similarly, extensive studies by the Manpower Development Research Corporation of JOBS and its predecessor, WIN, suggest that despite shrinking federal funding, states have shown themselves able to design and implement welfare programs that reflect their priorities, and that such programs have benefited welfare recipients by moving them into the workforce sooner, thus prompting an increase in their total earnings that offset program costs (Friedlander & Burtless 1995; Gueron & Pauly 1991, 7-9, 26-7).

At the same time, however, the American federal system and the states retain some of the important institutional features that, in the past, contributed to the restrictive and coercive character of welfare governance. The real or perceived pressures of interstate economic competition are likely to, once again, push states not only to lower

benefits but also to be restrictive in defining eligibility for welfare programs, limiting access both in order to avoid becoming “welfare magnets” and to maintain a ready workforce for a competitive economy. As well, though the federal government itself has acquired the police power through the 20th century, the states still more typically use such power to govern in a manner that is oriented to shaping the behavior of individuals in order to advance particular cultural norms and moral standards. Historically, some states have used such powers to provide incentives to welfare recipients, while more states have used such powers to apply restrictive sanctions.

Studies by welfare policy analysts suggest that the new welfare governance has been moving toward the more restrictive model. Although the waivers that were granted soon after the passage of the FSA in 1988 were intended to promote the development of “human capital,” providing job training and education to beneficiaries in order to promote self-sufficiency in the labor market, by the mid-1990s, states became increasingly likely to experiment with coercive measures such as time limits, work requirements and “family caps” (Williams 1994; Wiseman 1996). On balance, institutional features of the states suggest that while the new welfare governance may be less restrictive and coercive than it was prior to the 1960s, states are still likely to enact fairly restrictive eligibility rules and relatively coercive procedural rules for beneficiaries.

The Method, Its Limitations and Purpose

In order to test these expectations, the array of eligibility and procedural rules and services that states are developing in their plans for implementing TANF have been examined. Features of these plans, as reported to the U.S. Department of Health and Human Services as of August 12, 1997, have been coded and weighted, allowing the development of two indices of welfare governance (Children’s Defense Fund 1997; National Governors’ Association 1997; NOW Legal Defense & Education Fund 1997). The sample includes all states as well as the District of Columbia. For both indices, the zero point signifies the basic federal guidelines for TANF; deviations from that point signify that the state has taken advantage of options in the law in a manner that makes its plan either more inclusive and supportive or more restrictive and coercive than the federal law itself. Both scales

are based on ordinal numbers; the explanation for the numbers follows in the next two sections.

It should be noted from the outset that these measures are subject to several limitations, and caution must be exercised in interpreting the results. Although the coding of features is a straightforward procedure, the precise numerical weight assigned to each feature is contestable, based on a review of the limited array of available studies of the effects of similar measures in states' recent experiences with waivers. As well, states are not required to report all of the details of their plans to DHHS. They need not inform national policy officials if they intend, for instance, to make assistance conditional upon school attendance or medical immunizations. The array of variables included in the two measures do not offer a complete view of the welfare program in any particular state. States are in the process, moreover, of developing some of their own unique programs and services, and those are not captured here. More importantly, the actual significance of the rules will not become apparent until states have a record of implementation for the new policy. As studies of state implementation of such rules under waiver programs in recent years have shown, states vary considerably in the extent to which they actually put policies in practice: in the use of benefit termination rules in waivers, for example, some states readily shifted the primary responsibility for compliance to recipients and implemented sanctions forcefully, while others continued to assume primary responsibility for compliance, viewing benefit termination as a failure of their programs to function effectively (U.S. GAO 1997a, 24).

These cautionary remarks should help to put the usefulness of this exercise in proper perspective. The results should not be taken as definitive measures of where individual states stand in the realm of welfare governance. The limitations on the data imply that the exact placement of states in this scheme could vary somewhat in one direction or another. But the purpose of the exercise is not to probe why one state is more restrictive and another more inclusive, but rather, to provide a general portrait of the types of welfare governance that states are adopting and on that basis to project the likely implications of those tendencies for social citizenship.

Incorporation Index

The first index, the "incorporation scale," assesses the character of program eligibility rules, showing whether a state has opted to make

program coverage either most inclusive or more restrictive than necessary to fulfill PRA guidelines. States received positive points for each eligibility rule they adopted that extends program coverage to more categories of people than the law requires them to cover. Conversely, they garnered negative points for each eligibility rule adopted that makes coverage narrower than the parameters set forth in PRA. They neither lost nor gained points for adopting the precise rules set forth in PRA. The number of points assigned for each departure from PRA guidelines was determined by evaluating, in light of contemporary research findings, the likely significance of each feature for families seeking welfare coverage. The total score each state received for the sum of its decisions on eligibility rules determines its place in the index.

The eligibility rules for TANF in state plans are presented in Table 1. Those which can be considered positive features because they promote the incorporation of citizens are listed in the right-hand column. Twenty-three states, leaning toward inclusiveness, have adopted the “family violence option” in TANF, electing to waive program requirements for victims or survivors of family violence, such as the naming of the father for the pursuit of child support, if such actions are considered to endanger the well-being of the woman and children. The literatures implies that this provision is critical for making access to assistance a reality for many families, because low-income women, in households with annual incomes below \$10,000, are four times as likely as other women to be violently attacked, typically by intimate associates; moreover, divorced and separated women generally are

TABLE 1. Incorporation Features of Eligibility Rules, State Plans for TANF

Negative	Positive
Time limit shorter than 60 months (<input type="checkbox"/> 2, if time limit of 25-59 mo.; <input type="checkbox"/> 3, if 24 or fewer mo.)	Provide TANF to legal noncitizens (1)
Different treatment for families from other states (<input type="checkbox"/> 2)	Provide TANF regardless if drug felons (2)
Drug testing required (<input type="checkbox"/> 1)	Opt for family violence provisions (1)
Immunizations required (<input type="checkbox"/> 1)	
School attendance required (<input type="checkbox"/> 2)	

fourteen times as likely to be physically abused as women who live with their partner (Pearson & Griswold 1997, 27). As well, state received positive points for opting to provide assistance to non-citizens or to provide assistance to families that include a convicted drug felon.

Negative points have been assigned to states for each eligibility rule they have adopted that creates an obstacle to welfare receipt that is not required by law. These features are listed in the left-hand column of Table 1. For example, though PRA mandates only that states must abide by a 60 month time limit for each adult welfare recipient, 22 states have adopted shorter time limits. Such restrictions are likely to make a difference for a significant portion of the welfare population. Research has shown that in the typical caseload of those 15% of families on welfare who are likely to stay on welfare continuously for 5 years or more (Handler 1995, 43), the adult member tends to lack education and employment skills or to have disabilities that present enduring obstacles to work force participation (Bane & Ellwood 1994, 43-46). For such families, who are likely to live in long-term poverty, only public assistance provides some modicum of security. Similarly, negative points have been assigned to the 6 states that report that they have adopted "learnfare" rules in order to deny assistance to families if teenage members fail to meet certain rates of school attendance. Studies of "learnfare" suggest that it will have restrictive effects rather than promoting, as it is likely intended, improved educational outcomes among children on welfare. In Wisconsin, even before a "learnfare" program was established, teens receiving AFDC already had average annual school attendance rates of only three days less other teens. Program sanctions were largely unsuccessful, as only 28% of the 6612 individuals sanctioned improved their attendance rates; moreover, the number of sanctions did not decline over the first two years of program implementation. These findings suggest that absenteeism of children in families on welfare is unlikely to be affected by prohibiting them from receiving assistance, and that such a measure is likely only to worsen the social and economic well-being of their family members (Etheridge & Percy 1993; Quinn 1995; Williams 1992, 730-33). As well, negative values have been assigned for opting to treat families from out-of-state differently in evaluating eligibility, to require drug testing, and to require that children be immunized. In comparing the positive and negative values shown in Table 1, it is

important to note that the total potential scores are not balanced between positives and negatives: this reflects the standardized options in TANF and the steps that states are actually taking as they design their own plans.

The results of this exercise, shown in Appendix 1, revealed that 23 states, with positive total values, favor relatively broad coverage; 20 states, with negative total values, have imposed substantial restrictions on applicants; eight states fall exactly at zero, implying that their programs either closely resemble the federal guidelines for TANF, or that their choices of inclusive and restrictive rules balance each other out.

Incentive Structure Index

The second index, called an “incentive structure scale,” assesses the character of procedural rules that states have chosen to apply to beneficiaries once they are in the program. Whereas program beneficiaries were treated in a relatively “hands-off” liberal fashion from 1962-1987, the new welfare governance features intensive efforts on the part of states to supervise and to modify beneficiaries’ behavior (Mead 1997, 26-38). States vary, however, in whether they favor positive inducements or negative sanctions as the means by which to move program beneficiaries off of the welfare rolls. This index was created by considering each of the optional procedural rules in TANF plans that are summarized in available reports. States received positive points for each rule they voluntarily adopted that provides beneficiaries with extra inducements or rewards intended to enable particular outcomes; they gained negative points for each rule adopted that sanctions or punishes beneficiaries for behavior deemed inappropriate. As well, each feature is assigned a weight based on what research findings imply might be the expected significance for low-income families.

States gained positive points if they adopted rules that provide added incentives and assistance to beneficiaries in the transition to the workforce, as shown in Table 2. These procedures are geared to ease the transition to the workforce by allowing beneficiaries to establish Individual Development Accounts (IDAs), non-means tested funds through which to pursue post-secondary education, purchase a home, or start a business. As well, positive values were assigned if states have helped make it possible for families to live on initial job earnings

TABLE 2. Incentive Structure Features of Procedural Rules, State Plans for TANF

Negative	Positive
Community Service after 2 months (<input type="checkbox"/> 1)	Transitional child care longer than 12 months (2)
Work Requirements shorter than 24 months (<input type="checkbox"/> 3)	Transitional Medicaid longer than 12 months (2)
Family Cap (<input type="checkbox"/> 2)	Allow Individual Development Accounts (1)
Work required for parents with children under age 1 (<input type="checkbox"/> 2)	Diversion payments (1)
Elimination of Cash Grant for failure to complete Work requirement (<input type="checkbox"/> 2)	Subsidized employment (1)
Elimination of Cash Grant for failure to meet Child Support Enforcement provisions (<input type="checkbox"/> 2)	

by offering to grant transitional child care or Medicaid beyond the required 12 month period scores, and if states have attempted to ensure that beneficiaries would actually be able to find jobs by subsidizing employment in the public and/or private sector in order to create jobs (Bane & Ellwood 1994, 143-162). All such efforts to promote human capital and financial asset development have been considered effective, at least in the short-term, in some states that have experimented with them in recent years (Venner 1996).

The adoption of behavioral sanctions and work requirements more stringent than those required by the federal statute was a source of negative points, also seen in Table 2. Though PRA stipulates that welfare recipients must participate in the workforce after 24 months of assistance, 21 states have adopted shorter time limits for the work requirement. Such measures are especially punitive because studies of demonstration projects that resemble the TANF model, those which emphasize “work-first” instead of job training and education, have shown them unlikely to improve the employment and earnings prospects of welfare recipients (Gueron & Pauly 1991, 12, 28-9, 35; Friedlander & Burtless 1995, 5, 11, 32-3). As well, a recent report by the General Accounting Office (GAO) about benefit terminations in states that have used strict work requirements found that recipients’ explanations for their noncompliance included wanting to stay home with

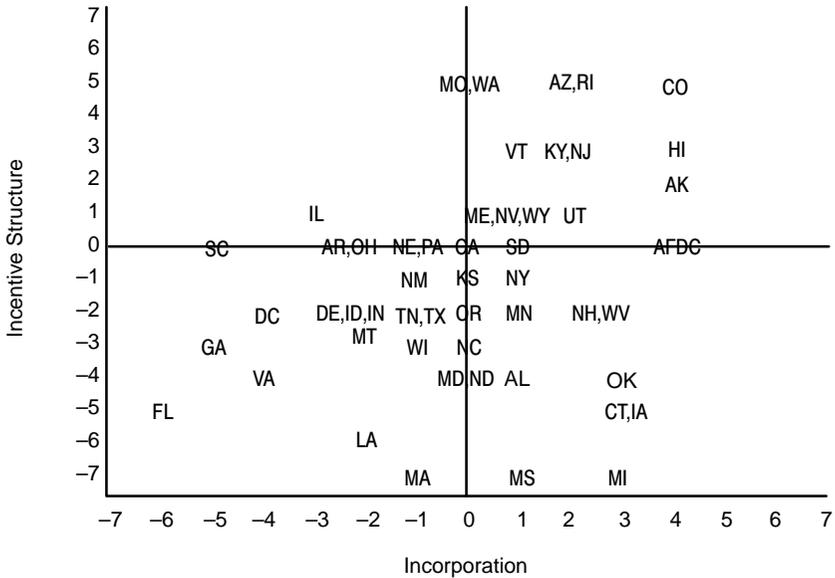
their children, an unwillingness to do community service or other work for low wages, the need to care for a sick member of their household, or their desire to pursue higher education. Although 40% of such families found alternative means of support, nearly half experienced a drop in household income after benefit termination, and 27% of those interviewed indicated a problem providing enough food for their family (U.S. GAO 1997a, 29, 33-47). Twenty-seven states were assigned negative points for choosing to require that adults with babies under age one must participate in work. The lack of sufficient availability of infant care in many areas makes this an especially important sanction (U.S. GAO 1997b). As well, negative points went to the 21 states that have elected to impose “family caps,” denying assistance to additional children born to a woman while she is already enrolled in the program. Studies thus far have suggested that not only is this measure ineffective in lowering birth rates, but also that families affected by the sanction will experience diminished well-being (U.S. GAO 1996, 19). Finally, states earned negative points for opting to require community service work by beneficiaries and for requiring elimination of the entire cash grant for families that fail to comply either with the work requirement or the child support enforcement provisions of the law. Once again, the imbalance between potential positive and negative choices on the incentive structure scale reflects actual state behavior.

The results of these tabulations, shown in Appendix 2, reveals that only 15 states are leaning toward an “enabling” model of governance while 29 states have imposed numerous sanctions on the behavior of beneficiaries, favoring “punitive governance.” The seven remaining states fall precisely at zero, typically implying that they have taken little advantage of options in the law in the area of procedural rules.

The New Welfare Governance

By combining the “incorporation” and “incentive structure” scales for states in a two-dimensional fashion, the results emerged that are shown in Figure 1. As the history of welfare governance implied, the greatest number of states are clustered in the lower left quadrant, denoting restrictive eligibility requirements and an emphasis on behavioral sanctions. Several southern states are included here, as well as Wisconsin, Indiana, and Massachusetts, three of the states that have been in the vanguard in efforts to reduce the welfare rolls. Fifteen

FIGURE 1. State Welfare Governance Indices, 1997



states fall entirely in this category, and nine others fall on the border between it and the neighboring quadrants. As suggested by the changes in state governance discussed above, however, not all states have adopted this model. Ten states appear in the lower right quadrant, meaning that they intend to provide relatively open access to their program, but that once applicants are accepted, they will make them subject to strict program sanctions. The remainder of southern states are found in this group. Interestingly, a significant number of states, 12, appear in the upper right quadrant, meaning that they promote broad access to welfare and provide beneficiaries with incentives and assistance to help them achieve self-sufficiency. The state with the highest score here is Colorado. These states should be watched closely over the coming years to see if they are able to maintain their current posture, or whether they become pressured to make their programs resemble, more closely, those adopted elsewhere.

In considering these new developments in historical perspective, it is important to note that the axes for this scatter chart represent adherence to TANF guidelines, and deviations from it indicate that states have taken advantage of standardized options in the law. The new

federal guidelines stand in stark contrast to those that were part of AFDC, under which, at least until FSA, welfare programs fell quite uniformly at the high end of the incorporation axis and at zero on the incentive structure axis, as noted on the chart. By law, states had to be more inclusive in their eligibility rules than the vast majority are now. Considered in this light, the disproportionate number of positive values on the incorporation scale appears less than remarkable, because those placements represent important departures from recent history: most all states are choosing to be less inclusive in their welfare programs than they were required to be under AFDC. On the other hand, a potentially positive new development of the law is that some states are opting to promote self-sufficiency in a manner that was uncommon in the past. The vast majority, however, are departing from their generally non-paternalistic AFDC behavior to become more punitive and coercive.

Implications for Social Citizenship

What will be the implications of the new state level authority for how women on welfare are governed? The results here suggest that states, according to the character of their plans for the implementation of TANF, can be grouped, as shown in Table 3, into four types of welfare governance each of which constructs social citizenship very differently.

TABLE 3. Governance Types, State Welfare Programs, 1997

Incentive Structure	Incorporation	
	Restrictive Eligibility Rules	Inclusive Eligibility Rules
Procedural Rules Promote Self-Sufficiency	Restrictive, Enabling	Accessible, Enabling
Procedural Rules Sanction Particular Behaviors	Restrictive, Punitive	Accessible, Punitive

About 12 states have chosen to restructure welfare in a manner that maintains an accessible safety net and is also more likely to assist families in moving toward self-sufficiency. These states have made some genuine efforts to use welfare reform to truly include or incorporate low-income citizens more thoroughly in the life of the political community. Most other states, however, have used their new authority to limit access to social provision and, most especially, to shift the balance in welfare policy design from rights to obligations, imposing burdensome sanctions on recipients. In the main, these developments undermine the social rights of low-income mothers, and make it inevitable that many of them and their children will have to endure significant economic insecurity. As a new study by Kathryn Edin and Laura Lein has shown, neither welfare benefits nor low-wage work are sufficient to enable the economic survival of single mothers and their children. Rather, such women have to engage continuously in income-generating strategies to supplement their income, struggling to be both good mothers and good providers (Edin & Lein 1997). While single mothers already shoulder substantial social obligations, the new welfare governance, to the extent that in many states it mirrors that of the past, excludes many from the safety net and makes those included subject to stringent controls. In short, by decentralizing authority for welfare, the United States has imposed an inferior and particularly burdensome citizenship on women who happen to be raising children alone.

CONCLUSION

In the past, when welfare was administered almost entirely by the states, poor single mothers and their children were subject to the vagaries of political geography. Reformers worked long and hard to move the United States toward some modicum of national standards for AFDC. Yet, at century's end, states have regained considerable authority for welfare. The results are two-fold. First, women who rely on such policies will find, once again, that the character of their relationship to government will vary depending on the state they live in, everywhere combining a somewhat different array of social rights and obligations. Unlike their fellow citizens with the requisite employment history or family relationships to be eligible for nationally-administered Social Security and Medicare benefits, and unlike the

elderly poor who qualify for Supplemental Security Income, which has national standards, women will find themselves bound to state-level rule. Second, these women will find, in more states than not, that they are made subject to governance that places a heavy emphasis on obligations, in exchange for limited social provision. The primacy of behavioral sanctions in this form of governance stands at odds with the rights-oriented, impersonal character of most other social programs. And although requirements such as immunization of and school attendance by children may appear unobjectionable, nonetheless they present additional obstacles to women who are already beset with the difficulties of raising children alone, working in low-wage jobs, living in poor and often unsafe neighborhoods, and dealing with more health difficulties than the non-poor. The extra restrictions and sanctions that many states have inscribed in their new welfare programs thus add policy-related obligations to an already heavy burden of social obligations and economic disadvantages borne by single women.

Once states implement their new TANF plans, for some years are they likely to amend their rules? If so, will they engage in a “race to the bottom” or a “race to the top”? The combined forces of the police powers and interstate economic competition, exacerbated by states’ fears of becoming “welfare magnets,” may provoke states to create increasingly restrictive and coercive rules as they actually provide benefits and deliver services. On the other hand, some such rules may encumber states in unforeseen ways, requiring expensive implementation procedures or causing state home relief rolls to become lengthened by those ineligible for TANF. If that is the case, states may choose to become more inclusive and supportive of welfare beneficiaries. These questions, as well as the analysis of the factors that leads some states to be more inclusive in their plans and others less so, must be examined in the years ahead.

The new policy will be in effect for five years, and must then be renewed or replaced. We must enter the next round of “welfare reform” with a better understanding of the implications of state authority for low-income women and their children. Certainly the few state-level programs that are geared toward enabling economic independence are a positive development. This article suggests, however, that unless welfare is infused with national standards to enforce broad access to eligibility and the provision of positive incentives, the new develop-

ments will, in the main, reinforce single mothers' status as second-class social citizens.

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NOTES

1. Such results were found in a recent study of the decline in the AFDC/TANF caseload in Alabama. Dawson 1997.

2. Although 45 states had mothers' pensions laws on the books by 1934, less than half of the localities that were formally empowered to administer the statutes actually followed through. U.S. Social Security Board 1937, p. 233.

REFERENCES

- Backer, Larry Cata. (1995) "Welfare Reform at the Limit: The Futility of Ending Welfare As We Know It," *Harvard Civil Rights-Civil Liberties Law Review* 30: 339-405.
- Bane, Mary Jo and David T. Ellwood, eds. (1994) *Welfare Realities: From Rhetoric to Reform*. Cambridge, Mass: Harvard University Press.
- Bell, Winifred. (1965) *Aid to Dependent Children*. New York: Cambridge University Press.
- Bowman, Ann O.M. and Richard C. Kearney. (1986) *The Resurgence of the States*. Englewood Cliffs, NJ: Prentice-Hall.
- Burke, Vincent J. and Vee Burke. (1974) *Nixon's Good Deed: Welfare Reform*. New York: Columbia University Press.
- Children's Defense Fund. (1997) "Selected Features of State Welfare Plans." Web site at <http://www.tnm.com>.
- Congressional Record*, 104th Cong., 2d sess., 1996. Vol. 142, July 31, August 2.
- Coll, Blanche D. (1995) *Safety Net: Welfare and Social Security, 1929-1979*, New Brunswick: Rutgers University Press.
- Danziger, Sheldon, and Peter Gottschalk. (1995) *America Unequal*. Cambridge: Harvard University Press.
- Davis, Martha F. (1993) *Brutal Need: Lawyers and the Welfare Rights Movement, 1960-1973*. New Haven: Yale University Press.
- Dawson, David. (1997) "Demystifying the Caseload Reduction." In author's possession and available from Alabama Arise, P.O. Box 612, Montgomery, AL 36101.
- Derthick, Martha. (1970) *The Influence of Federal Grants*. Cambridge: Harvard University Press.
- Douglas, Paul H. (1939) *Social Security in the United States*. New York: Whittlesey House.
- Edin, Kathryn and Laura Lein. (1997) *Making Ends Meet: How Single Mothers Survive Welfare and Low-Wage Work*. (New York: Russell Sage Foundation).

- Fineman, Martha Albertson. (1996) "The Nature of Dependencies and Welfare Reform," *Santa Clara Law Review* 36: 287-311.
- Fraser, Nancy and Linda Gordon. "A Genealogy of *Dependency*: Tracing a Keyword of the U.S. Welfare State," *Signs* 19 (1994): 309-36.
- Friedlander, David and Gary Burtless. (1995) *Five Years After: The Long-Term Effects of Welfare-to-Work Programs*. (New York: Russell Sage Foundation).
- Garfinkel, Irwin and Sara McLanahan. (1994) "Single-Mother Families, Economic Insecurity, and Government Policy," in *Confronting Poverty: Prescriptions for Change*, ed. Sheldon H. Danziger, Gary D. Sandefur, and Daniel H. Weinberg. Cambridge: Harvard University Press, 205-225.
- Gilens, Martin. (1996) "Race Coding and White Opposition to Welfare," *American Political Science Review* 90 (September): 593-604.
- Gilens, Martin. (1995) "Racial Attitudes and Opposition to Welfare," *Journal of Politics* 57 (November): 994-1014.
- Goldberg v. Kelley* (1970) 397 U.S. 254.
- Goodwin, Joanne L. (1992) "An American Experiment in Paid Motherhood: The Implementation of Mothers' Pensions in Early Twentieth Century Chicago," *Gender and History* 4 (Autumn): 330-334.
- Gordon, Linda. (1994) *Pitied but Not Entitled: Single Mothers and the History of Welfare, 1890-1935*. New York: Free Press.
- Gueron, Judith M. and Edward Pauly. (1991) *From Welfare to Work*. (New York: Russell Sage Foundation).
- Hagen, Jan L. and Irene Lurie. (1994) *Implementing JOBS: Progress and Promise*. Albany, NY: Nelson A. Rockefeller Institute of Government, State University of New York.
- Handler, Joel F. (1995) *The Poverty of Welfare Reform*. New Haven: Yale University Press.
- Howard, Christopher. (1992) "Sowing the Seeds of 'Welfare': The Transformation of Mothers' Pensions, 1900-1940." *Journal of Policy History* 4: 188-227.
- Kane, Thomas J. and Mary Jo Bane. (1994) "The Context for Welfare Reform," in *Welfare Realities*, ed. Mary Jo Bane and David T. Ellwood. Cambridge: Harvard University Press, 1-27.
- Kelly, Alfred H., Winfred A. Harbison, and Herman Belz. (1991) *The American Constitution: Its Origins and Development*. New York: Norton, Volume II.
- King v. Smith* (1968) 392 U.S. 309.
- Ladd-Taylor, Molly. (1994) *Mother-Work: Women, Child Welfare, and the State, 1890-1930*. Urbana: University of Illinois Press.
- Lieberman, Robert C. (1995) "Race and Organization of Welfare Policy," in *Classifying by Race*, ed. Paul E. Peterson. Princeton: Princeton University Press, 156-87.
- Lowi, Theodore J., Benjamin Ginsberg et al. (1990) *Poliscide*. Lanham, MD: University Press of America.
- Lurie, Irene. (1996) "State Welfare Policy," in *The State of the States*, ed. Carl E. Van Horn. Washington, D.C.: Congressional Quarterly, 3rd Ed..
- Marshall, T.H. (1965) "Citizenship and Social Class," in *Class, Citizenship, and Social Development*. New York: Doubleday, pp. 65-122.

- McConnell, Grant. (1966) *Private Power and American Democracy*. New York: Knopf.
- Mead, Lawrence M. (1986) *Beyond Entitlement: The Social Obligations of Citizenship*. New York: Free Press.
- Mead, Lawrence M., ed. (1997) *The New Paternalism: Supervisory Approaches to Poverty*. Washington, DC: Brookings Institution.
- Melnick, R. Shep. (1994) *Between the Lines: Interpreting Welfare Rights*. Washington, D.C.: Brookings Institution.
- Mettler, Suzanne. (1998) *Dividing Citizens: Gender and Federalism in New Deal Public Policy*. Ithaca: Cornell University Press.
- Mink, Gwendolyn. (1995) *The Wages of Motherhood: Inequality in the Welfare State, 1917-1942*. Ithaca: Cornell University Press.
- Muncy, Robyn. (1991) *Creating A Female Dominion in American Reform, 1890-1935*. New York: Oxford University Press.
- National Governors' Association (1997) "National Governors' Association Center for Best Practices Summary of Selected Elements of State Plans for Temporary Assistance for Needy Families (TANF)." Web site at <http://www.nga.org>.
- Novak, William. (1989) "Intellectual Origins of the State Police Power: The Common Law Vision of a Well-Regulated Society," Legal History Program, Working Papers, Series 3. Madison, WI: Institute for Legal Studies, University of Wisconsin.
- NOW Legal Defense and Education Fund. (1997) "Summary of State Activity regarding Family Violence Provisions in Their State Welfare Plans." In authors' possession.
- Osborne, David, and Ted Gaebler. (1992) *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*. New York: Plume.
- Page, Benjamin I., and Robert Y. Shapiro. (1992) *The Rational Public: Fifty Years of Trends in Americans' Policy Preferences*. Chicago: University of Chicago Press.
- Patterson, James T. (1969) *The New Deal and the States: Federalism in Transition*. Princeton, NJ: Princeton University Press.
- Pearson, Jessica and Esther Ann Griswold. (1997) "Child Support Policies and Domestic Violence." *Public Welfare* (Winter): 26-32.
- Peterson, Paul and Mark C. Rom. (1990) *Welfare Magnets: A New Case for a National Standard*. Washington, D.C.: The Brookings Institution.
- Peterson, Paul E. (1995) "Who Should Do What? Divided Responsibility in the Federal System," *Brookings Review* (Spring): 6-11.
- Peterson, Paul E., Kenneth F. Scheve, Jr., and Mark C. Rom. (1996) "The Race Among the States: Welfare Benefits, 1976-1989." Paper presented at American Political Science Association Annual Meeting, San Francisco, CA.
- Pressman, Jeffrey L. and Aaron Wildavsky. (1973) *Implementation*. Berkeley, CA: University of California Press, 1973.
- Piven, Frances Fox and Richard A. Cloward. (1971) *Regulating the Poor: The Functions of Public Welfare*. New York: Vintage Books.
- Piven, Frances Fox and Richard A. Cloward. (1979) *Poor People's Movements: Why They Succeed, How They Fail*. New York: Vintage Books.

- Quadagno, Jill. (1994) *The Color of Welfare: How Racism Undermined the War on Poverty*. New York: Oxford.
- Quinn, Lois. (1995) "Using Threats of Poverty to Promote School Attendance: Implications of Wisconsin's Learnfare Experiment for Families," *Journal of Children and Poverty* 1 (Summer): 5-16.
- Robertson, David Brian. (1989) "The Bias of American Federalism: The Limits of Welfare-State Development in the Progressive Era," *Journal of Policy History* 1: 261-291.
- Robertson, David B. and Dennis R. Judd. (1989) *The Development of American Public Policy: The Structure of Policy Restraint*. Glenview, IL: Scott, Foreman, and Co.
- Sandel, Michael. (1996) *Democracy's Discontent: American in Search of a Public Philosophy*. Cambridge, MA: Harvard University Press.
- Schattschneider, E.E. (1960) *The Semisovereign People*. New York: Holt, Rinehart, and Winston.
- Shapiro v. Thompson* (1969) 394 U.S. 618.
- Shklar, Judith N. (1991). *American Citizenship: The Quest for Inclusion*. Cambridge: Harvard University Press.
- Skocpol, Theda. (1992) *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States*. Cambridge, MA: Harvard University Press.
- Steiner, Gilbert Y. (1966) *Social Insecurity: The Politics of Welfare*. Chicago: Rand-McNally & Co..
- Teles, Steven M. (1996) *Whose Welfare? AFDC and Elite Politics*. Lawrence: University Press of Kansas, 1996.
- Tomlins, Christopher L. (1990) "Law, Police, and the Pursuit of Happiness in the New American Republic," in *Studies in American Political Development* 4: 3-34.
- U.S., General Accounting Office. (1996) "Welfare Waivers Implementation: States Work to Change Welfare Culture, Community Involvement, and Service Delivery."
- U.S., General Accounting Office. (1997a) "Welfare Reform: States' Early Experiences with Benefit Termination."
- U.S., General Accounting Office. (1997b) "Welfare Reform: Implications of Increased Work Participation for Child Care."
- U.S., Department of Health and Human Services, Administration for Children and Families. (1997) Aid to Families with Dependent Children (AFDC) Temporary Assistance for Needy Families (TANF) 1960-1996." Web site: www.adf.dhhs.gov
- U.S., Social Security Administration. (1945) "'Suitable Home' Provisions of State Plans for Aid to Dependent Children," in *Social Security Bulletin* 8 (April): 19-21.
- U.S., Social Security Board. (1937) *Social Security in America: The Factual Background of the Social Security Act as Summarized from Staff Reports to the Committee on Economic Security*. Washington, DC: GPO.
- Venner, Sandra. (1996) "Five States' Innovative Approaches to Welfare." Report from Tufts University Center on Hunger, Poverty and Nutrition Policy.
- Wasylenko, Michael. (1997) "Taxation and Economic Development: The State of the Economic Literature," *State Tax Notes* 12: 1883-95.

- Walzer, Michael. (1983). *Spheres of Justice*. New York: Basic Books.
- Weld, William. (1996) "The States Won't be Cruel." *New York Times* 9 February.
- Williams, Lucy A. (1994) "The Abuse of Section 1115 Waivers: Welfare Reform in Search of a Standard," *Yale Law and Policy Review* 12: 17.
- Williams, Lucy A. (1992) "The Ideology of Division: Behavior Modification Welfare Reform Proposals," *Yale Law Journal* 102: 719-37.
- Williams, Lucy A. (1995) "Race, Rat Bites and Unfit Mothers: How Media Discourse Informs Welfare Legislation Debate," *Fordham Urban Law Review* 22 (Summer): 1159-96.
- Wiseman, Michael. (1996) "Welfare Reform: Finding the Bridge from Dream to Reality," National Association of Welfare Research and Statistics, Annual Workshop.
- Zedlewski, Sheila, and Linda Giannarelli. (1997) "Diversity among State Welfare Programs," Urban Institute Brief.

APPENDIX 1. Incorporation Index of State Eligibility Rules for Temporary Assistance to Needy Families, 1997

	Time Limits	Out-of-state families	Legal Non-Citizens	Drug Felons	Drug Testing	Learn-fare	Immunizations Required	Family Violence	Total
Alabama	0	0	0	0	0	0	0	1	1
Alaska	0	0	1	2	0	0	0	1	4
Arizona	0	0	1	0	0	0	0	1	2
Arkansas	<input type="checkbox"/>	0	1	0	0	0	0	0	<input type="checkbox"/>
California	<input type="checkbox"/>	0	1	0	0	0	0	1	0
Colorado	0	0	1	2	0	0	0	1	4
Connecticut	0	0	1	2	0	0	0	0	3
Delaware	<input type="checkbox"/>	0	1	0	0	0	0	0	<input type="checkbox"/>
D.C.	0	<input type="checkbox"/>	1	0	0	<input type="checkbox"/>	<input type="checkbox"/>	0	<input type="checkbox"/>
Florida	<input type="checkbox"/>	<input type="checkbox"/>	1	0	0	<input type="checkbox"/>	<input type="checkbox"/>	0	<input type="checkbox"/>
Georgia	<input type="checkbox"/>	<input type="checkbox"/>	1	0	0	<input type="checkbox"/>	<input type="checkbox"/>	1	<input type="checkbox"/>
Hawaii	0	0	1	2	0	0	0	1	4
Idaho	<input type="checkbox"/>	0	1	0	0	0	0	0	<input type="checkbox"/>
Illinois	<input type="checkbox"/>	<input type="checkbox"/>	1	0	0	0	0	0	<input type="checkbox"/>
Indiana	<input type="checkbox"/>	0	1	0	0	0	0	0	<input type="checkbox"/>
Iowa	0	0	1	2	0	0	0	0	3
Kansas	0	0	1	0	<input type="checkbox"/>	0	0	0	0
Kentucky	0	0	1	0	0	0	0	1	2
Louisiana	<input type="checkbox"/>	0	1	0	0	0	<input type="checkbox"/>	1	<input type="checkbox"/>
Maine	0	0	1	0	0	0	0	0	1
Maryland	0	<input type="checkbox"/>	1	0	0	0	0	1	0
Massachusetts	<input type="checkbox"/>	0	1	0	0	0	0	1	<input type="checkbox"/>
Michigan	0	0	1	2	0	0	0	0	3
Minnesota	0	<input type="checkbox"/>	1	2	<input type="checkbox"/>	0	0	1	1
Mississippi	0	0	1	0	0	0	0	0	1
Missouri	<input type="checkbox"/>	0	1	0	0	0	0	1	0
Montana	<input type="checkbox"/>	0	1	0	0	0	0	0	<input type="checkbox"/>
Nebraska	<input type="checkbox"/>	0	1	0	0	0	0	0	<input type="checkbox"/>
Nevada	0	0	1	0	<input type="checkbox"/>	0	0	1	1
New Hampshire	0	<input type="checkbox"/>	1	2	0	0	0	1	2
New Jersey	0	0	1	0	0	0	0	1	2
New Mexico	<input type="checkbox"/>	0	1	0	0	0	0	0	<input type="checkbox"/>
New York	0	<input type="checkbox"/>	1	2	<input type="checkbox"/>	0	0	1	1
North Carolina	<input type="checkbox"/>	0	1	2	0	0	0	0	0
North Dakota	0	<input type="checkbox"/>	1	0	0	0	0	1	0
Ohio	<input type="checkbox"/>	0	1	0	<input type="checkbox"/>	0	0	0	<input type="checkbox"/>
Oklahoma	0	0	1	2	0	0	0	0	3
Oregon	<input type="checkbox"/>	0	1	2	0	0	0	0	0
Pennsylvania	0	<input type="checkbox"/>	1	0	<input type="checkbox"/>	0	0	1	<input type="checkbox"/>
Rhode Island	0	<input type="checkbox"/>	1	2	0	0	0	1	2
South Carolina	<input type="checkbox"/>	0	1	0	<input type="checkbox"/>	<input type="checkbox"/>	0	0	<input type="checkbox"/>
South Dakota	0	0	1	0	0	0	0	0	1
Tennessee	<input type="checkbox"/>	0	1	0	0	0	0	0	<input type="checkbox"/>
Texas	<input type="checkbox"/>	0	1	0	0	0	0	0	<input type="checkbox"/>
Utah	<input type="checkbox"/>	0	1	2	0	0	0	1	2
Vermont	0	<input type="checkbox"/>	1	2	0	0	0	0	1
Virginia	<input type="checkbox"/>	0	1	0	0	<input type="checkbox"/>	0	0	<input type="checkbox"/>
Washington	0	<input type="checkbox"/>	1	2	0	<input type="checkbox"/>	0	1	0
West Virginia	0	0	1	0	0	0	0	1	2
Wisconsin	0	<input type="checkbox"/>	1	0	0	0	0	0	<input type="checkbox"/>
Wyoming	0	0	1	0	0	0	0	0	1

APPENDIX 2. Incentive Structure Index of State Procedural Rules for Temporary Assistance to Needy Families, 1997

State	Community Service	Work Requirements	Child Care	Medicaid	IDAs	Family Cap	Diversion Payment	Subsidized Employment	Work Requirements Exemption	Work Requirements Sanction	Child Support Sanction	Total
Alabama	0	0	0	0	0	0	0	0	<input type="checkbox"/>	0	<input type="checkbox"/>	<input type="checkbox"/>
Alaska	0	0	0	0	0	0	1	1	0	0	0	2
Arizona	0	0	2	2	1	<input type="checkbox"/>	1	1	0	0	0	5
Arkansas	0	<input type="checkbox"/>	2	0	1	<input type="checkbox"/>	1	1	0	0	0	0
California	0	<input type="checkbox"/>	2	2	1	<input type="checkbox"/>	1	1	<input type="checkbox"/>	0	0	0
Colorado	0	0	2	0	1	0	1	1	0	0	0	5
Connecticut	0	<input type="checkbox"/>	2	2	0	<input type="checkbox"/>	0	0	<input type="checkbox"/>	<input type="checkbox"/>	0	<input type="checkbox"/>
Delaware	0	0	2	2	1	<input type="checkbox"/>	0	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D.C.	0	0	0	0	0	0	0	0	0	0	<input type="checkbox"/>	<input type="checkbox"/>
Florida	0	<input type="checkbox"/>	2	0	0	<input type="checkbox"/>	1	1	<input type="checkbox"/>	<input type="checkbox"/>	0	<input type="checkbox"/>
Georgia	0	0	0	0	1	<input type="checkbox"/>	1	1	0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hawaii	0	0	2	0	0	0	0	1	0	0	0	3
Idaho	0	<input type="checkbox"/>	0	0	0	0	1	0	0	0	0	<input type="checkbox"/>
Illinois	0	0	2	0	1	<input type="checkbox"/>	0	0	0	0	0	1
Indiana	0	0	0	0	0	<input type="checkbox"/>	1	1	<input type="checkbox"/>	0	0	<input type="checkbox"/>
Iowa	0	<input type="checkbox"/>	2	0	1	0	1	0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kansas	0	0	0	0	1	0	0	0	<input type="checkbox"/>	0	0	<input type="checkbox"/>
Kentucky	0	0	2	0	1	0	1	1	<input type="checkbox"/>	0	0	3
Louisiana	0	0	0	0	0	0	0	0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maine	0	0	0	0	1	0	1	1	<input type="checkbox"/>	0	0	1
Maryland	0	0	0	0	0	<input type="checkbox"/>	1	1	0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Massachusetts	<input type="checkbox"/>	<input type="checkbox"/>	0	0	0	<input type="checkbox"/>	0	1	0	<input type="checkbox"/>	0	<input type="checkbox"/>
Michigan	<input type="checkbox"/>	<input type="checkbox"/>	0	0	0	0	0	1	<input type="checkbox"/>	<input type="checkbox"/>	0	<input type="checkbox"/>
Minnesota	0	<input type="checkbox"/>	0	0	0	0	1	0	0	0	0	<input type="checkbox"/>
Mississippi	0	0	0	0	0	<input type="checkbox"/>	0	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Missouri	0	0	2	0	1	0	1	1	0	0	0	5
Montana	0	<input type="checkbox"/>	2	0	1	<input type="checkbox"/>	1	1	<input type="checkbox"/>	0	0	<input type="checkbox"/>
Nebraska	0	0	2	2	0	<input type="checkbox"/>	0	0	<input type="checkbox"/>	0	0	0
Nevada	0	0	0	0	0	0	1	0	0	0	0	1
New Hampshire	0	<input type="checkbox"/>	2	0	0	0	0	1	<input type="checkbox"/>	0	0	<input type="checkbox"/>
New Jersey	0	0	2	2	0	<input type="checkbox"/>	0	1	0	0	0	3
New Mexico	<input type="checkbox"/>	<input type="checkbox"/>	2	0	1	0	0	0	0	0	0	<input type="checkbox"/>
New York	0	0	0	0	1	0	1	1	<input type="checkbox"/>	<input type="checkbox"/>	0	<input type="checkbox"/>
North Carolina	0	<input type="checkbox"/>	2	0	0	<input type="checkbox"/>	1	1	0	0	<input type="checkbox"/>	<input type="checkbox"/>
North Dakota	0	<input type="checkbox"/>	0	0	0	<input type="checkbox"/>	0	1	0	0	0	<input type="checkbox"/>
Ohio	0	0	0	0	0	0	1	1	<input type="checkbox"/>	0	0	0
Oklahoma	0	<input type="checkbox"/>	2	0	0	0	0	1	<input type="checkbox"/>	<input type="checkbox"/>	0	<input type="checkbox"/>
Oregon	0	<input type="checkbox"/>	2	0	1	0	1	1	<input type="checkbox"/>	<input type="checkbox"/>	0	<input type="checkbox"/>
Pennsylvania	0	0	0	0	1	0	0	1	0	<input type="checkbox"/>	0	0
Rhode Island	0	0	2	2	1	0	1	1	0	0	<input type="checkbox"/>	5
South Carolina	0	0	2	2	1	<input type="checkbox"/>	0	1	0	<input type="checkbox"/>	<input type="checkbox"/>	0
South Dakota	0	0	0	0	0	0	1	1	<input type="checkbox"/>	0	0	0
Tennessee	0	<input type="checkbox"/>	2	2	1	<input type="checkbox"/>	0	0	<input type="checkbox"/>	0	0	<input type="checkbox"/>
Texas	0	<input type="checkbox"/>	0	0	1	0	1	1	<input type="checkbox"/>	0	0	<input type="checkbox"/>
Utah	0	<input type="checkbox"/>	2	2	1	0	1	0	<input type="checkbox"/>	0	0	1
Vermont	0	0	2	2	0	0	0	1	<input type="checkbox"/>	0	0	3
Virginia	0	<input type="checkbox"/>	0	0	1	<input type="checkbox"/>	1	1	0	<input type="checkbox"/>	0	<input type="checkbox"/>
Washington	0	0	2	0	1	0	1	1	0	0	0	5
West Virginia	0	0	2	0	0	0	1	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wisconsin	0	<input type="checkbox"/>	2	0	0	<input type="checkbox"/>	1	1	<input type="checkbox"/>	0	0	<input type="checkbox"/>
Wyoming	0	0	0	0	0	0	0	1	0	0	0	1