

CHAPTER 13

## Why Welfare Is Racist

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In a racist society, it is inevitable that policies to assist the poor will be designed to shore up racial hierarchy. Thus, where the labor system is organized around racial distinctions, so will assistance programs reflect and reiterate those distinctions. Otherwise the too-generous provision of assistance to racially subordinate groups would create an alternative to the low-wage labor to which they are consigned, thus undermining the racial basis for allocating work and its rewards. And so will political institutions tend to discriminate, privileging those at the top of the racial hierarchy, and muffling the prospects for influence by those at the bottom. Were it otherwise, the disadvantaged would mobilize to pressure government to improve their prospects by intervening in labor arrangements and other social institutions. Thus, the political institutions of the American racial order have always privileged sectional and employer interest groups, while the electoral-representative arrangements that partially offset interest group influence nevertheless systematically underrepresent racial minorities. It follows that American social programs, created and shaped over time in large part by interest group influence and electoral pressure, reflect those institutionalized political inequalities. The broad result in social policy is often commented upon. Blacks and Hispanics are underrepresented in the more generous social insurance programs, and overrepresented in the residual and more niggardly programs we call “welfare.” And these residual programs tend to treat minorities more harshly than others of the poor, as the essays in this book demonstrate.

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Taken as a whole, the evidence of welfare racism in the United States assembled here seems irrefutable. Robert Lieberman shows how the distinctive American pattern of racial domination within our national boundaries, in contrast to the racial domination of imperial colonies practiced by Britain and France for example, shaped the political coalitions and policy settlements that characterized our history. Michael Brown focuses on the important historical relationship between American fiscal federalism and welfare racism.

In "How the Poor Became Black," Martin Gilens directs our attention to the contemporary role of the mass media in creating public images of the poor as dark-skinned and unsympathetic. James Avery and Mark Peffley amplify the significance of racial media portrayals with data from an experimental survey that randomly varied the race of a (fictitious) welfare mother and child, and found that respondents were decidedly more negative in their evaluations of both welfare and welfare recipients when the race of the recipient was black.

Holloway Sparks shows the multiple ways that minorities, women, and the poor have been excluded from the very discourse of welfare reform, partly as a consequence of biases rooted in the contractual discourse of citizenship, helping to account for the slight influence of the people most affected on the politics of welfare reform. Sanford Schram examines the complexities of talking about race and welfare in an era where the growing majority of recipients are nonwhites.

Several essays make use of the fact that welfare policy has essentially been turned over to the states to search for the race-related factors that account for state variations in racially biased public opinion and the consequences for state policies. Reflecting V. O. Key's well-known racial threat hypothesis, Martin Johnson focuses on the influence of the racial composition of the state's population and of the AFDC rolls in accounting for interstate variations in the scale of reductions in the rolls, and variations in average benefits. Richard Fording uses the prereform period, in which states sought and received waivers from the requirements of the Social Security Act that had governed the old AFDC program, to explore the bearing of a range of independent variables that might influence welfare restrictiveness, and concludes that the racial composition of the caseload is the strongest predictor. Similarly, Joe Soss, Sanford Schram, Thomas Vartanian, and Erin O'Brien ask why some states were more likely than others to adopt restrictive policies after the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and show that racial composition of the rolls is the best

predictor of “get tough” policies. Susan Gooden points to racial bias in the administration of welfare as reformed. Caroline Tolbert and Gertrude Steuernagel examine the influence of race, ethnicity, and class in a California initiative to promote health care reform. Rodney Hero broadens the inquiry by examining the influence of racial population composition on other public policies that are substantially controlled by the states.

The conclusion that emerges from these different approaches to an examination of American welfare is harsh but indisputable. Welfare policy and practice in the United States is infused with racial biases. Still, that said, there are historical differences that bear both on our understanding of the racism of the new welfare system, and on our ability to think about the contours of genuine reform. There are good empirical grounds for thinking that American welfare is less racist when the role of the federal government enlarges, and when the system is more tightly bound by law and regulation. There are several reasons. One is simply that state and local governments find redistributive policies politically difficult. They are especially susceptible to threats from business and affluent residents to move out of the jurisdiction if taxes are raised to pay for programs that benefit those less well off. As a consequence, employer groups in particular have great influence on subnational governments, and they use that influence to shift the state and local tax burden to the working and middle class who cannot easily threaten to move. Not surprisingly, in a regressive tax system, expenditures that are seen as benefiting the minority poor are more likely to provoke popular resentment.

Another reason that federal policies are at least potentially more benign to minorities was suggested by Grant McConnell (1966) many years ago: “As the most important and influential local interests gain power by being placed in a small sphere, the least influential lose power” (105). Moreover, “The informal structure of the small community will usually be able to suppress a challenge before it becomes overt (107).

Finally, because devolution of responsibility for welfare to subnational governments produces a myriad of particularistic welfare systems, it reduces the power of subordinate minorities to monitor and enforce such rights as they have, thus smoothing the way for more discretionary and arbitrary patterns of welfare administration. Perhaps it is needless to add that minorities have not fared well in American history under local and discretionary rule.

Although welfare as we know it was initiated by national legislation, it was from the start a radically decentralized program, as Lieberman points out, and decentralization clearly had racist consequences (though

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hardly more so than the earlier mothers' pensions program, from which Blacks were largely excluded [see Bell 1965, 9]). What was to become the main program, initially called Aid to Dependent Children (ADC), and later renamed Aid to Families with Dependent Children (AFDC), was designed as a federal grant-in-aid, which meant that the federal government paid part of the costs but that the program was in the main run by the states and counties. It was the states that set formal benefit levels and elaborated eligibility criteria, for example. Thus, while the national Social Security Act delimited the categories of people whose benefits would be eligible for federal cost sharing—impoverished orphans in the case of ADC—the states were free to set additional limits on who could be aided and how much they could be aided.

The states in turn typically turned the administration of the program over to the counties. Such monitoring as was done by either the federal or state governments was aimed at discovering excessive generosity in the form of ineligible on the rolls, or overpayments. And to cope with employer pressures and popular animosities, county governments elaborated the distinctive combination of regulatory complexity, intensive bureaucratic oversight, and wide caseworker discretion that characterized the welfare system created in 1935, and has now been resurrected under Temporary Assistance for Needy Families (TANF). The maze of detailed rules, compiled in voluminous and usually secret procedural manuals, in practice gave line workers great discretion in determining eligibility and benefits. At the same time, close bureaucratic supervision of these workers was directed exclusively to scrutiny of decisions to give aid, and not to decisions to withhold aid, inevitably tilting the uses of discretion toward restrictiveness. The vigorous efforts of the states under the current TANF regime to change the "culture" of the welfare office so that aid is withheld whenever possible, by withholding information about benefits, by requiring numerous trips to ascertain eligibility, by subjecting potential applicants to legal and illegal strategies of diversion, or by simply rejecting applicants, is in fact a reconstruction of the welfare "culture" that originally prevailed under AFDC. In the 1960s, the New York City welfare manual moralized that "the withholding of assistance can be as important as the giving of assistance" (Piven and Cloward 1993, 151–56), and this is now the main message of the new TANF regime. Punitive implementation practices did not begin with TANF.

The overwhelming majority of American blacks lived in the South until well after World War II, and so it was the welfare programs of southern states and counties that bore on the life circumstances of blacks.

Southern congressmen had pressed hard and successfully for the elimination from the Social Security Act of any wording that might have been construed as constraining the states from racial discrimination in the administration of welfare. And they used the latitude they had won to run the welfare program in ways consistent with the racial order of their region, as Brown and Gooden detail in the preceding pages. This meant that southern welfare laws and practices were designed to shore up a rigid caste labor system. Blacks were less likely to get aid,<sup>1</sup> and when they did, their benefits were lower than whites so that the welfare check would compare unfavorably with even the miserable earnings of field hands.<sup>2</sup> The average relief payment per person in the southern region was about half the average elsewhere, and black families received less than white families. In rural areas they received much less (Piven and Cloward 1993, 131). And while welfare benefits might be used to sustain some black families at bare subsistence levels when they were not needed in the fields, they were either cut off when seasonal employment became available, or their benefits were reduced. In 1943 Louisiana was the first state to adopt an “employable mothers” rule that instructed local officials to refuse assistance to mothers of school-age children when employment was deemed to be available. Georgia soon followed suit, with a rule that permitted local officials to deny aid to mothers of children over three years of age whenever employment was deemed to be available, that prohibited county departments from supplementing wages even when they fell below welfare grant levels, and that directed welfare officials to deny all applications and to close all cases of mothers deemed able to work when they thought employment was to be had (Piven and Cloward 1993, 134–35).

The South also outdid other regions in inventing moral criteria for welfare eligibility. By 1942 most southern states had enacted “suitable home” laws, under which black mothers who violated sexual norms were denied aid. Myrdal observed that “since all Negroes are believed to be ‘immoral,’ almost any discrimination can be motivated on such grounds” (1944, 360). The preoccupation of southern welfare departments with the sexual morality of their cases meshed nicely with their preoccupation with enforcing work on even the harshest terms. When the implementation of Florida’s suitable home law drove 7,000 families from the rolls in 1959, most of them black, the mothers had no choice but to take whatever work they could get, even work that paid less than Florida’s \$15 per month per person benefits (Piven and Cloward 1993, 140). Long before the contemporary campaign against welfare, the practices of the South vividly illustrated the intertwining of labor exploitation, racial animosi-

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ties, and the peculiar sexual obsessions that bedevil American culture.

The culture of the white South was, of course, also deeply racist, so that popular attitudes supported degraded labor arrangements and restrictive welfare laws and practices. But cause and effect are difficult to disentangle here. When a racial group is kept at the bottom of a labor system and excluded from its social and political institutions, the result may be to create, or at least to nourish, the racist popular culture that is then said to be the cause of labor market and political discrimination.

So long as they remained in the rural South, there was little blacks could do to change the racial social order. For one thing, rural blacks were in the grip of the planters on whom they depended for work, for welfare, for credit, and for some protection from the official and unofficial terror that undergirded southern race politics. Moreover, they were without even the recourse of the vote and whatever influence could be wielded by organized voters, for southern electoral systems meshed with southern labor systems by effectively disenfranchising most blacks. The labor system and political system worked together to sustain the racial order. Under these conditions, a state- and county-run welfare system, and the skewed discretion it allowed line workers, produced a deeply racist system of welfare.

The massive migration of blacks from the rural South to the urban North after World War II by itself changed little. The welfare regimes of northern states and counties were not exempt from the American racial order, and in any case used their discretion in ways that were extremely restrictive to poor whites as well as blacks. Indeed, jurisdictions in the North responded to the influx of impoverished black migrants from the South by becoming more restrictive in an effort to ward off the newcomers. A series of political dramas resulted, as politicians fomented scandal after scandal over local welfare liberality. In 1961 and 1962, Senator Harry Byrd, Democrat from West Virginia, launched an investigation of the Washington, D.C., welfare department. His spectacular exposés, well covered by the press, resulted in a sharp drop in the approval of welfare applications, and a sharp rise in terminations. Subsequently, the welfare department's fraud investigators put hundreds of AFDC mothers under parked car surveillance, and concluded that 60 percent of recipients were ineligible, mainly because they appeared to have male visitors. Not surprisingly, in the wake of the exposé, welfare applications fell sharply. Meanwhile, in Newburgh, New York, local officials similarly stirred up welfare scandal, charging massive fraud and illegitimacy. This sort of political theater inevitably affected the exercise of line worker discretion.

Even a New York legislative commission commented on the vague reasons for which families were denied aid. And a national study of terminations conducted in 1961 reported that far more blacks than whites were terminated from the rolls for what were recorded as "other reasons" (Burgess and Price 1963, 55). A few years later, New York City officials explored the options available to them for lowering the welfare rolls, and (premonitions of TANF) suggested longer waiting periods, an intake procedure that would send applicants to an employment agency before they were allowed to complete their application, and the elimination of at least seven offices so that the system would become less physically accessible and backlogs would also build up (Piven and Cloward 1993, 150, 157-58, 160-61, 174).

As Brown and Gooden document, in the course of the 1960s, the welfare system changed dramatically. The federal role enlarged, local discretion was curbed, and something like the rule of law was brought to the system. The agents of this transformation were the protest movements of the period, including protests over civil rights, poverty rights, and welfare rights. The process was not, however, simple and direct.

Underlying the rise of protest and government responses to it were the large-scale changes in American politics spurred by the mechanization of southern agriculture and the ensuing migration of blacks from the rural South to the cities of the South and North. Migration freed blacks from the feudal domination of the rural South, and concentration in the cities lent them at least some resources for collective action. The chain of disturbances that ensued rocked American politics. First, the eruption of civil rights protests and the efforts of national political leaders to appease them helped to precipitate white southern voter defections in Democratic presidential contests, beginning as early 1948. As southern support became more uncertain, the big city base of the Democratic party became more important, especially because urban voters were sometimes able to throw the electoral votes of the big industrial states into one party column or another. Thus, as black numbers, now voting numbers, in the cities grew, they became a critical factor in Democratic presidential calculations. And there was growing evidence that all was not well, as the election of 1956, when the black Democratic vote plummeted by 20 percentage points, showed. Loyal Democrats since 1936, blacks were beginning to defect, a pattern that the spread of protest to the cities was likely to worsen (Cloward and Piven 1974).

National Democratic leaders responded with a series of federal pro-

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grams targeted to the inner cities where black newcomers were concentrated. The programs, first launched under John F. Kennedy's New Frontier, and then continued and expanded under Lyndon Baines Johnson's Great Society, brought rhetorical encouragement and some resources, including legal resources, to impoverished black communities. And as black discontent escalated, the new federal programs themselves became agents of movement demands, for jobs or housing or education or civilian control of the police or welfare. At least in the short run, the resistance of organized whites whose stakes were being challenged was intense. There was less resistance in welfare. The rolls rose steadily throughout the 1960s and early 1970s and spiraled as protests in the cities escalated after 1965.

The expansion of the welfare rolls in the 1960s has received a good deal of attention, of course. But another aspect of the 1960s transformation was equally important, and until now has received far less attention. Brown and Gooden show that the 1960s curbed administrative discretion and brought something like the rule of law to welfare. With protestors in the streets and sometimes in the welfare offices, more people got aid. The protestors gained some resources and courage from the new federally funded poverty services. Just as important, advocacy services and the litigation that the federal legal services program spearheaded had the effect not only of curbing line worker discretion, but of striking down some of the most egregious rules of the AFDC system. These several developments were cumulative, each encouraging the other. One change was that information about welfare entitlements rapidly became available as the new federal programs, as well as movement organizations, rushed to prepare handbooks on welfare entitlements and regulations, and to distribute these handbooks widely. Another change was that the federally funded neighborhood offices to provide services to the inner-city poor helped people cope with the welfare system. After all, what people typically needed was money, whether to pay the rent or buy food or shoes so the children could go to school, and the better-informed and more confident service center workers could help them get it. Meanwhile, restrictive welfare laws were challenged in suit after suit, with the consequence that the federal courts struck down state residence laws, man-in-the-house rules, "substitute father" rules,<sup>3</sup> and employable-mother rules. In *Goldberg v. Kelly* (1970), the Supreme Court even required that recipients be allowed to challenge welfare decisions through quasi-judicial administrative proceedings. The federal Department of Health, Education and Welfare (later renamed Health and Human Services) also coop-



erated, issuing new federal regulations that constrained local welfare administration, including a regulation requiring that oral requests for aid be considered formal applications. Of course, racial discrimination in labor markets still disadvantaged blacks, as did discrimination in other spheres where public policies were less responsive to black influence. But the development of a federally influenced rule-bound regime reduced discrimination in welfare.

The essays in this book argue persuasively that the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) has meant the restoration of the Old Regime in welfare, and with it, the restoration of welfare racism. The history I have briefly recounted seems to me to explain the structural features of the new system that contribute to the restoration. With the elimination of the AFDC program, many of the legal victories of the 1960s are now moot. The painfully established rule of law in the old welfare system was wiped out with a legislative stroke. At the same time, the new block grant system narrows federal authority over the states to a series of curbs on state generosity. A five-year lifetime limit on aid to any individual is imposed on the use of federal funds, and the states are free to impose more stringent limits. Similarly, the federal law requires that recipients work, but is virtually devoid of safeguards on how the states implement that requirement. And the federal law explicitly asserts that the states have no obligation to provide assistance to any individual or family.

Moreover, as Brown points out, the structure of the block grant itself creates incentives for state restrictiveness, since state governments can simply bank the portion of the block grant that accrues from denying aid or refusing services, or they can spend the money on other programs, or on tax relief.<sup>4</sup> Some of the states have, in turn, replicated this incentive scheme in contracts with private companies who administer parts of the welfare program, allowing them to pocket a portion of whatever they save from decisions to deny or reduce assistance.

The states have used their new authority to move rapidly to restore the distinctive combination of bureaucratic complexity and caseworker discretion that characterized AFDC before the 1960s.<sup>5</sup> Schemes for “diverting” applicants have burgeoned, taking the form of instructing line workers to encourage applicants to get help elsewhere, whether from relatives or soup kitchens, or endlessly elaborating the application process,<sup>6</sup> or withholding information. While line workers have far more discretion, they can also draw on a plethora of new or newly elaborated

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rules to enforce restrictive decisions, particularly rules governing work requirements. And the rules are coupled with schedules of stiff sanctions for transgressions of the rules, or transgressions of the individual agreements that line workers develop with each recipient in a bizarre ritual pretending to be a “contract” between equals (Schram 2000). In some states, sanctions have been the main device for purging people from the rolls.

The racially discriminatory consequences of the restoration of the Old Regime are documented in these essays. But while I have pointed to features of the new welfare law that open the way for racist practices, I haven’t explained the reasons for this broad retreat. After all, American institutions have changed. The old South with its rigid caste system is more or less gone. The victories of the civil rights movement ensured its rapid dismantlement. In particular, the enforcement of minority political rights and the emergence of a significant strata of black politicians, makes a difference, in the South and North alike. Progress has also been made toward opening up jobs and educational opportunities. Even our popular culture has been transformed, with blacks now starring in TV soap operas and detergent commercials. It would seem that the powerful institutional imperatives generated by a caste-based labor system and sustained by social exclusion and political disenfranchisement have at the very least softened.

Of course, the civil rights revolution was incomplete, with telling consequences for the implementation of welfare reform. Racism in labor markets persists, and strong residues of racial bias in adjacent institutions worsen racist patterns in labor markets. Residential segregation confines many blacks to the inner cities where unemployment remains high. Educational deficits make them uncompetitive for many jobs even when employer attitudes are not a problem. The Work First regime of TANF thus feeds people into a labor market deeply rutted with these sorts of barriers, helping to explain why blacks are less likely than whites to leave the rolls, and ensuring that the circumstances of those who do leave are worse relative to whites. The other route off welfare much trumpeted by TANF legislation and practice is through marriage. But the underemployment of black men again underlines the disadvantages of black mothers.

Still, I do not think this is the whole of it. The racism of welfare reform is not simply a reflection of persisting racism in other institutional

arenas. A number of the papers in this volume, particularly those by Johnson, Fording, and Soss, Schram, Vartanian, and O'Brien, offer an answer to the political why of welfare racism by proposing that racist attitudes are provoked by the enlarging numbers of blacks in a state and on the welfare rolls. This argument is supported by correlations showing that black numbers are an important determinants of discriminatory welfare practices. The collapse of a rule-bound welfare system and the reconstruction of a discretionary regime obviously means a regime that gives much wider play to public attitudes, including the racist attitudes of line workers, their administrative supervisors, state officials, and the wider publics to whom state officials pander.

Why this strong persisting racism in welfare policy? Part of the answer is probably simply that age-old racist attitudes linger. But the other part of the answer is that these attitudes have been kept alive by the racist appeals of entrepreneurial politicians. Even before the civil rights movement peaked in the 1960s, a roster of Republican politicians were eagerly probing the political possibilities offered by white backlash for building a new conservative majority, a prospect laid out by Kevin Phillips in his 1969 book, *The Emerging Republican Majority*. And for three decades, Republican contenders, especially presidential contenders, have eagerly played the race card by focusing on policies like school busing, or affirmative action, or crime, or welfare, in appealing for political support. In the 1992 campaign, a Democratic contender borrowed the Republican strategy, castigating Jesse Jackson for his ostensible support of Sister Souljah, and campaigning on the slogan, "End welfare as we know it." Four years later he signed a Republican-crafted PRWORA.

So, race-laden political contests have helped keep racist political attitudes alive, and the campaign to reform welfare is a good example of just such an entrepreneurial use of racism. But a racist politics that produces racist policies also has consequences for public attitudes. Earlier I suggested that attitudes are not first conditions, but are shaped and reinforced by experience, including the observation of a socially degraded class of insecure and menial workers whose family life inevitably reflects these insecurities. W. E. B. Du Bois (1996) made this observation about the rise of race prejudice in Philadelphia two centuries ago:

A curious comment on human nature is this change in public opinion between 1790 and 1837. No one thing explains it—it arose from a combination of circumstances. If, as in 1790, the new freedmen had been given

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peace and quiet and abundant work . . . the end would have been different; but a mass of poverty-stricken, ignorant fugitives and ill-trained freedman . . . swarmed in the vile slums which the rapidly growing city furnished. (30-31)

I would not conclude, therefore, nor would Du Bois, that the TANF welfare regime is merely the cipher for a racism originating elsewhere. Not only does a punitive welfare system shore up a racist economic order in material terms by denying assistance, but by so doing, it ensures that many blacks remain impoverished, some of them desperately impoverished, that their family life remains insecure, and that when they do work, they are consigned to the trap of low-wage work. When racial difference is thus joined to economic and social degradation, race prejudice flourishes. Moreover, TANF has brought with it a powerful public rhetoric that treats welfare receipt as an addiction and not a necessity, and castigates recipients for sexual license. This rhetoric or discourse of welfare reform is reiterated by the new welfare administrative practices, by rituals that require people to jump through endless bureaucratic hoops, and by practices that strip potential recipients of information, of rights and of power. The implementation of TANF thus creates its own theater of racial degradation. Du Bois thought that if the freedmen had been allowed to live differently, then the racism of Philadelphians, and of Americans generally, would have faded. If the minority poor were allowed to live differently now, then contemporary racism might also fade.

NOTES

1. See Myrdal 1944, 359, who documents this discrimination. The most extreme case he found was Georgia where, in 1940, 38 percent of all children under 15 were black, but blacks accounted for only 11 to 12 percent of those on Aid to Dependent Children in 1937-40.

2. The techniques for underbudgeting included assigning high income values to rent-free shacks in cotton plantations, or counting contributions from relatives who were not contributing, or assuming utilities were free when they were not, and so on. See Piven and Cloward 1993, 163-64.

3. In effect these rules made families ineligible when the mother was known to have a relationship with a man.

4. For a careful examination of the comparative incentives to spend or not spend, not only with regard to welfare but food stamps and Medicaid as well, see Chernick and Reschovsky 1999.

5. Brodtkin (2001) distinguishes between two waves of work-enforcing wel-

fare reform, one beginning in the 1970s that sought to “eliminate discretion assert greater hierarchical control” and a second wave emphasizing performance standards without regard to how those standards were realized.

6. Diller (2000) reports that New York City now requires applicants to go through at least five separate appointments, “including meetings with a ‘financial planner,’ an ‘employment planner,’ and a ‘social service planner’” (1156).