The Color of Devolution:

Race, Federalism, and the Politics of Social Control

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Abstract: By analyzing state decision to give local authorities control over welfare policy, we seek to advance understandings of both the origins and the consequences of policy devolution. The first part of our analysis explores the political forces that systematically influence state decisions to cede policy control to lower-level jurisdictions. We propose a parsimonious Racial Classification model of how race influences social policy choice. Our findings strongly support this model as well as social control theory. Building on these results, we then show how modest but consistent racial effects on policy choices concatenate to produce large disparities in the overall policy regimes that racial groups encounter in the federal system. The empirical findings illuminate the fundamental role that federalism plays in the production of contemporary racial disparities and in the recent turn toward "neoliberal paternalism" in American poverty governance.

For much of the twentieth century, intergovernmental relations in the United States followed a "cooperative" logic, with national government deeply involved in shaping and facilitating state and local action (Elazar 1984, 1992). Since the 1970s, however, American federalism has undergone substantial change. National government has become more directive in mandating goals, enforcing standards, and preempting sub-national policies (Zimmerman 2001). At the same time, it has ceded vast amounts of control over policy tools to lower jurisdictions (Donahue 1997). In this latter development, the U.S. has followed a worldwide trend toward decentralized governance in an era of global market integration (Knox 1997). The construction of this new "devolution settlement" has been a central theme in recent American political development and has played a key role in the restructuring of the U.S. welfare state (Peck 2003).

Given this historical context, it is striking how little students of American politics know about the forces that shape decisions to devolve policy authority. Most political scholarship on devolution in the U.S. has focused on "first-order" transfers of control from the national to the state level (e.g., Conlan 1998; Donahue 1997; Winston 2002). Despite a large comparative literature on devolution (Cook and Manor 1998; Sinha 2005), there have been few efforts to subject the U.S. case to a rigorous comparative historical analysis. Likewise, few have tried to gain analytic leverage on first-order devolution by comparing decisions across policy domains. As a result, scholars have been left with only historical narratives recounting how, by intention or default, control over policy tools has moved downward in particular policy areas. Today, students of American politics have far more to say about the consequences of devolution than about how, why, and when policy control gets devolved (cf. Peterson 1995).

Under what conditions do higher levels of government become more likely to cede policy control to lower-level jurisdictions? By pursuing this question, we seek in this article to advance understandings of both the origins *and* the consequences of policy devolution. To gain some analytic leverage on the question, we take advantage of recent trends toward "second-order devolution" from state to local jurisdictions. In addition to being a major political development worth understanding in its own right (Gainesborough 2003), second-order devolution offers a unique opportunity to study numerous transfers of policy authority, all of which occur in the U.S. and each of which occurs under a different set of political, social, and economic conditions.

In the second half of our article, we turn from the question of origins to an analysis of consequences. Most of the existing literature in this area focuses on the potential for devolution to generate jurisdictional competition (Peterson 1995; Pierson 1995) or to encourage policy experimentation and learning (Berry and Berry 1999; Volden 2006). These two images direct attention to different kinds of costs and benefits that may arise in the wake of devolution. The first suggests that by making inefficient public investments more costly, competition can improve the quality of governance. Yet competition may also lead states or localities to "race to the bottom," cutting regulations and social protections in an effort to preserve their tax base and avoid becoming a "magnet" for high-need social groups. The second image highlights the greater potential for jurisdictions to experiment, for the best ideas to diffuse to other locales, and for effective policy learning to take place. Yet it also suggests a potential downside to increasing differentiation: as states and localities experiment, residents in one area may be left with policies that are substantially inferior to what their fellow citizens enjoy elsewhere.

We focus on a third type of dynamic that may be set in motion by policy devolution. To the extent that policy choices are influenced by social-group composition, dispersed policy control may become an engine of *social group inequalities* (Lieberman 1998). Indeed, if multiple policy choices are associated with group composition, small differences for each policy may concatenate to produce large disparities in the policy regimes encountered by group members. This dynamic, we suggest, offers insights into a troubling puzzle in contemporary American politics: In an era in which *de jure* racial distinctions are no longer tolerated and racial-egalitarian norms are widely embraced (Mendelberg 2001), how do large racial disparities come to be produced and tolerated under the official sanction of government policy?

The policy at the heart of our analysis, welfare reform, offers more than just a fruitful case for studying general questions of federalism. It poses, in its own right, some crucial theoretical and substantive questions about the changing nature of the U.S. welfare state as well as the operation of race and social control. Policy devolution under the Temporary Assistance for Needy Families (TANF) program has coincided with a turn toward more directive, supervisory, and custodial approaches to handling the problems of the poor (Mead 1997; Western 2006). Over the past few decades, poverty governance in the U.S. has simultaneously become more muscular in its normative enforcement and dispersed in its organization.

In response, a number of scholars have argued that market globalization has been accompanied by a localization of the state's social control functions (Lowi 1998; Peck 2003). Perhaps the most forceful and controversial framing of this thesis has been advanced by Loic Wacquant (2001, 2005). Wacquant argues that the United States has moved to a new "neoliberal paternalist" approach to managing marginality – an approach that deploys mass incarceration and restrictive welfare policy to manage social disorder among low-income African Americans. The new approach is "neoliberal" in its emphases on decentralization, privatization, performance management, and meeting the needs of global and local labor markets. It is "paternalist" in the sense that government adopts a more directive stance toward the poor and uses more intense forms of supervision, conditionality, and punishment to achieve desired behaviors. Wacquant argues that linked changes in welfare provision and incarceration have produced a coherent new regime of governance targeted at poor black communities.

For students of state politics, these arguments raise important questions about how second-order devolution intersects today with the politics of race and social control. Social control theorists have long emphasized that states employ both "beneficent" and "coercive" policy tools to maintain social order (Quinney 1974). Welfare provision and incarceration, in this view, represent two sides of a single political dynamic, functioning as reinforcements or substitutes for each other (Fording 2001). Recent research indicates that state usage of the two policy tools tracked closely with black insurgency and political power in the 1960s, in precisely the manner predicted by social control theory (Fording 2001). Thus, to the extent that theorists such as Lowi (1998) and Wacquant (2005) are right that the U.S. is undergoing a localization of social control functions, we should expect state decisions to pursue second-order devolution to coincide with stronger forms of welfare paternalism and carceral investment, as well as political factors traditionally emphasized by social control theorists (Piven and Cloward 1971; 1988).

This article offers the first empirical test of this thesis as it applies to state-level policymaking. In so doing, we devote special attention to the racial dimensions of the thesis. In the wake of welfare reform, students of state politics have produced a considerable amount of evidence that race has exerted a strong influence on state TANF choices (e.g., Soss et al. 2001; Fording 2003; Fellows and Rowe 2004). In what follows, we extend this research to the topic of second-order devolution, but we also go beyond these earlier studies in two respects. First, we attempt to provide what earlier studies have not: an explicit decision model of how race influences state welfare policy choices. This simple model not only accounts for existing findings in the literature, it also offers a novel prediction for our present analysis in which the effects of racial composition are mediated by patterns of racial dispersion. Second, we show how decisions to devolve authority to local jurisdictions combine with paternalist state policy choices to create distinctive TANF policy regimes. We conclude that the stringency of these regimes tracks closely with both state racial composition and state investments in incarceration.

State and Local Control: Recent History of the Welfare Case

When federal officials devolved key elements of TANF authority to the states in 1996, they extended a process that had been underway for some time (Conlan 1998; Osbourne 1988). In the welfare arena, substantial first-order devolution began during the George H.W. Bush administration, when states were encouraged to apply for waivers under the Aid to Families with Dependent Children (AFDC) program. States used their new leeway over the next decade to experiment with a variety of welfare innovations such as time limits, family caps, and "workfare." With the passage of federal reform in 1996, a number of key policy changes accelerated this trend sharply – most notably the shift from a matching grant to a block grant, increased state discretion in eligibility determination, and greater flexibility in the range of services states can provide to welfare recipients. Although federal officials set key welfare goals and set up a constraining system of incentives, states were encouraged to structure their TANF programs according to their own needs and priorities.

In some states, but not others, lawmakers responded by deciding to transfer primary control of TANF policy tools from the state level to counties or other local governing bodies (Gainesborough 2003). Because decentralization has been widely seen as a defining feature of welfare reform, these developments have seemed natural and have drawn limited attention. Indeed, many observers predicted that second-order devolution would follow seamlessly and almost universally from the initial federal-to-state transfer of policy authority (Nathan and Gais 1999; Weir 1997; Whitaker and Time 2001). Such predictions, however, tended to overlook significant countervailing pressures in the states. Over the lifespan of the AFDC program, the clear trend at the state level was toward centralization, with 17 states moving from an authority structure that emphasized local control to a structure with greater state supervision; no states moved in the opposite direction (Adkisson and Peach 2000). During the TANF era, second-order devolution has turned out to be an important policy choice distinguishing state welfare regimes, not a natural or inevitable outgrowth of reform.

As of 2001, most states had either opted to forego second-order TANF devolution altogether or to pursue only a “slight” form of it (Gainsborough 2003). By contrast, fourteen states reversed the trend under AFDC by pursuing “significant” devolution to local actors. In eight of these states, county officials gained control over welfare spending (through block grants) as well as authority over TANF work requirements, sanctions, time limits, and the use of one-time diversion payments (Gainsborough 2003).[1] In six additional states, TANF authority was devolved to local/regional governing boards that now control funds and policies related to both welfare services and workforce development programs operating under the Workforce Investment Act (WIA).[2] Such boards, which are mandated by WIA, consist of a mix of public and private officials. States rules for board composition vary, but in most states at least half the board’s members must come from the local business community (Gainsborough 2003).

Although only a minority of states has engaged in local devolution under the TANF program, the overall impact of this transfer is actually quite substantial because the fourteen states that have devolved authority include six of the eight most heavily populated states.[3] Advocates of devolution argue that these states have adopted a superior arrangement. In this view, local control allows for greater responsiveness to citizens' policy preferences and more tailored approaches to the local problems poor people confront in different communities (Dye 1990; Rivlin 1992). Critics, however, suggest that devolution might have more negative consequences for low-income families (Lowi 1998).

Based on historical analysis, social control theorists argue that local policy authority "make[s] it possible to shape relief practices in accord with widely different labor practices… so as to mesh with local labor requirements" (Piven and Cloward 1993: 130-31). Echoing this perspective, Gainesborough (2003: 618) suggests that the contemporary push for local control of the TANF program "represents a shift in emphasis away from the needs of the poor toward the needs of local employers." This concern is underscored by analyses suggesting that that local welfare control has often functioned to produce racial disparities, with the toughest rules implemented in areas with concentrations of people of color (Brown 1999; Lieberman 1998).

Studies of the AFDC and Food Stamp programs in the 1980s suggest that local control may indeed give rise to inequities in funding and service delivery (Grubb 1984; Peterson 1986) and that these tendencies can be curbed by the imposition of a more centralized system (Adkisson 1998). To date, however, little is known about why some states have pursued devolution while others have not, and virtually nothing is known about how this decision intersects with other TANF policy choices to define distinctive state welfare regimes.

Deciding to Devolve: Theory and Hypotheses

The first stage of our analysis investigates the social, political, and economic factors that shape state decisions to devolve authority to county officials or local/regional governing boards. In specifying our models, we assume that such devolution may be pursued either as a way to achieve agreed-upon statewide policy goals *or* as a way to accommodate diversity in the policy goals and needs found in local jurisdictions. Moreover, we assume that decisions to devolve policy authority may be imposed from above by state officials *or* demanded from below by local policy actors. Our dependent variable in each model is a dichotomy coded 1 for the fourteen states that engaged in significant second-order devolution between 1996 and 2001 and 0 for all other states. Our hypotheses fall into four groups: target group race/ethnicity, social control theory, state ideology and propensity for innovation, and policy task environments.

Race and Ethnicity. In the literature on state welfare policy, racial effects have taken on the status of a standard hypothesis. In presenting this hypothesis, researchers usually cite earlier studies that repeatedly find the black percentage of the caseload to be negatively related to state welfare generosity (e.g., Orr 1976; Wright 1976). Some augment these empirical precedents with citations to broad theoretical arguments about racial orders (King and Smith 2001; Schram 2005). What these discussions do not offer is a satisfying set of micro-foundations. To date, the field continues to lack a micro-level model of *how* race affects state welfare choices – a model that, in our present case, would suggest affirmative reasons to expect race to influence TANF devolution decisions.

To fill this gap, we propose here a simple Racial Classification (RC) model of race and social policy choice that we view as an elaboration of Schneider and Ingram's (1993) work on the social construction of target populations. The primary values of the RC model are that it combines parsimony with explanatory reach and it makes *no* attributions regarding racial affect or racist motivation.[4] The RC model is primarily cognitive, emphasizing the necessity and consequences of social classification. It rests on three premises (each of which is clarified in an accompanying footnote).

1. *In their efforts to design effective policies for specific target groups, policymakers rely on salient social classifications and group reputations; without such classifications, they would be unable to bring coherence to a complex social world or determine appropriate action.*[5]

2. *When racial minorities are salient in a policy context, race will provide a salient basis for social classification of targets and will signify target differences perceived as relevant to the accomplishment of policy goals.*[6]

3. *Relative to whites, minority targets will be associated with equivalent needs for opportunities but, to a degree consistent with prevailing group reputations, will be associated with stronger motivational and behavioral barriers to the accomplishment of policy goals.*[7]

The three premises of the RC model combine to suggest that, in the welfare-to-work context, larger numbers of minority clients should encourage perceptions of a larger number of "tough cases" for motivational and behavioral reasons. This thesis, without elaboration, can account for two key empirical patterns currently found in the literature on race and state welfare policy. First, in states where blacks and

Hispanics are more prevalent in the TANF caseload, lawmakers are more likely to pass a variety of stringent and behaviorally targeted welfare rules (Soss et al. 2001; Fellows and Rowe 2004; Avery and Peffley 2005). Second, while racial effects are robust for directive and punitive policies, they are weak to nonexistent for policies that make work opportunities more accessible, such as transitional work supports (Gais and Weaver 2002).[8]

The RC model provides additional expectations regarding the effect of race on state decisions to pursue second-order devolution. Specifically, it suggests that states should be more likely to devolve TANF authority when minorities are both more prevalent *and* distributed more unevenly across jurisdictions. Under these joint conditions, relevant policy officials should rely on racial information as a proxy for client difference. Accordingly, state lawmakers should become more likely to believe that local providers serve different types of clienteles and, hence, confront different types of program challenges. Or alternatively, local officials should become more likely to believe they serve different clienteles and, hence, need greater freedom to deploy policy tools in ways that differ from other local jurisdictions. Whether they originate at the state level or are expressed as local demands, such perceptions should encourage devolution.

By contrast, where the minority percentage of the population is negligible, we should not find racial-dispersion effects because minorities will not be salient enough to serve as a primary basis for social classification of targets. As the prevalence of minority clients rises, racial dispersion should provide a more salient proxy for target differences. As a result, we arrive at the following interactive hypothesis. In states where minority populations are *less evenly* distributed across counties, the probability of devolution will rise as the minority percent of a state's population increases. By contrast, when minority populations are *more evenly* distributed, the minority percent of a state's population will have significantly weaker effects.[9]

Finally, we can specify one other observable implication of the RC model. The underlying basis for the model's predictions is that the *gap* between group reputations conveys usable information about target differences. All else equal, larger gaps between reputations should convey more usable information than smaller gaps. Thus, because stereotypes regarding work effort, motivation, and personal responsibility are considerably more negative for blacks than for Hispanics (Fox 2004), we should expect black-white contrasts to generate stronger cues regarding clientele differences than do Hispanic-whites contrasts. Accordingly, the RC model suggests we should expect the effects of racial dispersion and prevalence to be significantly stronger for blacks than for Hispanics.

Social Control. Social control theory offers a basis for four hypotheses regarding the politics of second-order devolution. Piven and Cloward (1993) argue that welfare programs function as mechanisms for the regulation of local labor markets and this function is enhanced when local policy control allows for the calibration of work enforcement to local labor market conditions. The need for such work regulation should be greatest when employers confront labor scarcity – either because unemployment is low in its own right or because welfare programs have removed significant numbers of potential workers from the labor pool. Based on this analysis, we hypothesize that transfers of TANF authority to the local level will be more likely in (a) states where employers feel stronger pressures generated by tighter labor supplies, as indicated by a lower unemployment rate in 1996, and (b) states with higher per capita welfare participation, as indicated by AFDC caseloads in 1996.

While the economic side of social control theory suggests that low-income groups have an interest in centralized policy control, the political side of this theory suggests that welfare arrangements will tend to be responsive to actual or potential lower-class political power (Piven and Cloward 1988; Fording 1997). Following this logic, as well as recent supportive evidence (Avery and Peffley 2005), we advance a third hypothesis: second-order devolution will be less likely in states that exhibit a lower degree of class bias in voter turnout. Fourth, as described earlier, recent extensions of social control theory suggest that with the rise of global markets, states are undergoing an expansion of "institutions and methods of local social control" (Lowi 1998) in which paternalist welfare and mass incarceration produce integrated local systems "designed to manage the effects of neoliberal policies at the lower end of the social structure" (Wacquant 2001: 401). These arguments converge on the prediction that, in states pursuing stronger approaches to the social control, we should see a combination of stringent paternalist welfare rules, devolution of welfare authority, and higher levels of state investment in carceral control. Accordingly, we hypothesize that devolution will be more likely in states that spend a higher percentage of their direct expenditures on corrections. We turn to the broader relationship between carceral investment and devolved paternalism in the second half of our paper.

Ideology and Innovative Problem-Solving. A third group of hypotheses emerge from the possibility that devolution has an ideological cast. In the U.S. context, devolution is often thought of as a conservative policy innovation (Conlan 1998). Advocates of devolution have often presented it as a forward-looking approach to handling chronic social problems, such as welfare dependency (Adkisson and Peach 2001). Accordingly, we hypothesize that second-order devolution will be more likely (a) in states that have a history of welfare innovation, as indicated by earlier requests for policy "waivers" under the AFDC program, (b) in states that confronted a larger "dependency problem" in 1996, as indicated by a per capita measure of the AFDC caseload,[10] and (c) in states that had more conservative government officials in 1996.

An additional hypothesis, also related to ideology, suggests that second-order devolution is a response to diverse political preferences across the sub-jurisdictions of a state. Like the logic of the RC model, this hypothesis emphasizes the role of within-state heterogeneity. But whereas the RC model posits responsiveness to the composition of target groups across local jurisdictions, the ideological heterogeneity hypothesis emphasizes responsiveness to citizens' political orientations across jurisdictions.[11] To capture these orientations, we employ the percent of each county's 2000 presidential vote that went to George W. Bush. Based on this measure, we pursue three hypotheses. First, second-order devolution should be more likely in states where Bush received a higher overall percent of the vote, indicating greater conservatism. Second, devolution should be more likely in states where Bush's percent of the vote varied to a greater degree across counties, indicating ideological heterogeneity. Third, the level and variability of conservatism may interact, such that political conservatism is most likely to generate devolution in states with greater ideological differences across jurisdictions.

Task Environment. Finally, our last set of hypotheses concerns structural features of the environments in which state policymakers decide how to govern their TANF programs. All else equal, centralized governance should prove to be an easier task to the extent that residential populations are more concentrated geographically. Accordingly, we hypothesize that states with more dispersed populations (i.e., a lower population per square mile of land area) will be more likely to devolve authority to local counties or regional boards. As a second key feature of the task environment, we include a measure of per capita tax revenue in our model, with the expectation that it could relate to second-order devolution in one of two ways. On one side, a weak revenue base could provide incentives for state officials to send responsibility to the local level and limit expenditures through block grants. On the other side, a strong revenue base may promote the development of greater administrative capacity at both state and local levels. To the extent that this occurs, states with stronger revenue streams may find it easier to devolve to *capable* local organizations. Thus, we test a two-tailed hypothesis for per capita tax revenue.

Empirical Analysis of Second-Order Devolution

The far left column of Table 1 shows the results for a binary logit analysis of state choices to pursue second-order devolution. The overall results indicate that our hypotheses have significant explanatory power. Despite a small sample,[12] the joint effects of these variables easily achieve statistical significance ($p < .001$) and account for more than two-thirds of the variation across states. Turning to the coefficients, we find mixed results related to the image of second-order devolution as a conservative policy innovation. There is no evidence here that devolution decisions track with government ideology. By contrast, devolution of TANF control has been significantly more likely in states with a history of early innovation under AFDC waivers.

[Table 1]

We find mixed but slightly stronger results for the structural features of a state's task environment. As expected, states with populations that are more dispersed across land area have been more likely to devolve TANF control. For resource effects, we specified a two-tailed test. Under this more conservative test, the coefficient for per capita tax revenues falls at the edge of conventional statistical significance (p=.06). The coefficient suggests that as revenues rise, presumably enhancing local capacities, states become more likely to devolve TANF authority.

Our four hypotheses derived from social control theory receive consistent support in this analysis. States with higher welfare caseloads in 1996 were significantly more likely to devolve welfare authority to the local level in the ensuing years. Also consistent with the theory, states were significantly more likely to pursue second-order devolution if they had tighter labor markets. On the political side of social control theory, we find that second-order devolution is significantly more likely in states with a stronger upper-class bias in voter turnout. And consistent with neoliberal-paternalist extensions of the theory, we find that states higher levels of investment in corrections are significantly more likely to devolve control of TANF policy.

The results for our racial variables offer consistent support for the predictions of the RC model. We find significant coefficients in the expected direction for the black percent of the state population, the variability of black populations across counties, and their interaction. To ease interpretation, Figure 1 offers a graphic portrait of these relationships. The three lines show how the predicted probability of devolution would change along with the black percent of population in a hypothetical "average" state (i.e., a state with average values on all other variables included in our model). When blacks are more evenly distributed (just one-half standard deviation below the mean), the black percent of the population has a negligible effect on the probability of devolution. When black residents are more unevenly distributed, however, raising the black percent of the population strongly increases the odds of devolution. The effect is dramatic even at just an average level of black dispersion. It occurs even more sharply, and at a lower percent of the population, when black dispersion is set at one-half standard deviation above the mean.

[Figure 1]

The remaining models in Table 1 replicate this analysis, first using measures of Hispanic prevalence and heterogeneity and then using measures of ideological prevalence and heterogeneity. Consistent with the predictions of the RC model, the substitution of Hispanics for blacks weakens the results substantially. The "Pseudo-R^2" (PRE) drops precipitously, from .68 to .37, as one moves from the first model to the second. Moreover, we do not find significant coefficients for Hispanic prevalence, dispersion, or their interaction. The third model in Table 1 offers a similar story. Again, we find a much smaller PRE and weaker results for covariates in the model. We find no significant results for our measures of statewide support for Bush, the heterogeneity of support for Bush across counties, or their interaction.[13]

Table 2 extends this analysis with three specification tests designed to check the robustness of results reported for our primary model in Table 1. The first model here examines the possibility that second-order devolution is more likely when state officials have to manage demands from a larger number of lower-level jurisdictions. We find no significant effects associated with the number of counties in each state, and the addition of this variable produces no significant changes in our earlier results. The second model examines the possibility that devolution is a response, not to racial heterogeneity, but rather to policy-preference heterogeneity. This specification check extends our earlier test of ideological heterogeneity by searching for effects related to more policy-specific preferences. To measure this construct, we calculated the average coefficient of variation for state residents' preferences for spending on aid to the unemployed, the homeless, and blacks. We find no significant effects for this variable, and its addition to the model produces no discernible changes in our earlier results. Finally, the third specification check responds to a long history of southern distinctiveness in welfare provision, and particularly the possibility that findings related to race may only be capturing a "southern effect." Here again, the vast majority of the findings remain unchanged; the results related to the RC model prove robust; and the new variable produces a statistically insignificant coefficient.[14]

[Table 2]

In sum, we find strong evidence in support of the hypotheses derived from social control theory and the RC model. The predicted heterogeneity effects appear only for African Americans. They do not appear for Hispanics, for political ideology, or for policy preferences. Moreover, three relevant specification checks have no discernible effects on our major results.

Cumulative Effects of Policy Choice

"The key to successful social policy for African Americans has historically been national policies that have been able to overcome the native parochialism of American state institutions…. The distinction between national and local control and the extent of decentralized bureaucratic discretion have been crucial in determining how social policy treats African Americans."

– Robert Lieberman 1998: 228-29

The relationship between race and social provision has, for most of U.S. history, been a well-traveled two-way street. Among political scientists, Robert Lieberman (1998; 2005) and Ira Katznelson (2005) have perhaps highlighted this longitudingal dynamic most effectively: racial inequalities have shaped social policies, and then social policies, in turn, have redefined the terms of racial inequalities. From this perspective, the results just presented warrant attention not only for what they signify about the continuing significance of race in U.S. welfare politics, but also for what they may suggest about the contemporary positioning of different social groups under TANF policy. Political scientists have often neglected this implication of state choice, focusing on policies as political outcomes while ignoring their role as active forces in the ordering of political relations.

Policies, of course, *are* government outputs, but they are outputs with the power to shape civic status and define the positions that social groups occupy in relation to the state (Mettler and Soss 2004). If states with greater numbers of black residents choose distinctive TANF program rules, the combined (if unintended) effect may be to create an overall system in which African Americans participate in distinctive institutions. Indeed, if multiple policies follow this racialized pattern, small but consistent differences may combine to produce dramatic racial disparities – leaving African Americans exposed to tougher rules implemented with more local discretion.

Figure 2 presents a comparison of the TANF policy environments experienced by black and white families in 2001. The aspects of program governance shown here include second-order devolution and three restrictive TANF rules that have been linked to race in previous analyses of state policy choice (Soss et al. 2001): family caps denying aid to children conceived during a spell of TANF participation, time limits on aid that are stricter than the federal lifetime limit of 60 months,[15] and sanctions that apply to the full family benefit in the event of rule noncompliance. The left side of Figure 2 addresses a question similar to the one pursued in our multivariate analysis: are blacks more prevalent than whites in states that choose these restrictive program elements? The bars, representing the average percent black and white in these states, point to consistent disparities across groups, with gaps ranging from 3 points to 19 points.

The right side of the figure shifts our focus to national patterns of distribution: among all black and white TANF families in the United States, what percent participate under each program element? For each rule shown here, we see the same dynamic: the racialized state-level patterns shown on the left of the figure translate into racialized national patterns of rule exposure on the right. Nationwide, black TANF families are consistently more likely than their white counterparts to participate under these rules, with racial gaps ranging from 7 to 13 points.

[Figure 2]

In Figure 3, we extend this analysis to the question of how racialized state policy choices *concatenate* to produce distinctive welfare policy regimes. The horizontal axis here indicates how many of the four relevant TANF policies a given state employs: 7 have none; 13 have just one; 15 have two; 7 have three; and 4 states employ all four program elements. The left side of the figure presents a policy-regime version of our state caseload analysis – i.e., the average percent black and percent white in states with each regime type. Here, we see that modest but consistent differences in separate policy choices combine to produce an intensely racialized pattern of policy regimes. White families average 69 percent of the caseload in states that employ none of these restrictive rules, while black families account for only 13 percent of the rolls. As one moves to the right, toward the most stringent regimes, the white percent falls as the black percent rises. In the regimes that combine the most restrictive rules with local program authority, whites average only 32 percent of the caseload while blacks average 60 percent.

[Figure 3]

On the right side of Figure 3, we again turn from state-level to national patterns. Here, however, we ask a slightly different question: of all U.S. families participating under each type of TANF regime type, what percent are white and what percent are black? Once again, the results are quite dramatic. Of all

U.S. families participating under the most lenient regime type (0 of 4 rules), 58 percent are white while only 25 percent are black. This 33 point white-over-black gap evaporates immediately as one looks to the right. Black families become more prevalent in a stair-step pattern, with the black-over-white gap rising from 3 points to 12, then 22, and finally 28. Of all TANF families participating under the most stringent regime type, blacks make up 59 percent while whites make up only 31 percent. Here, we see a key dynamic related to racial inequality in the contemporary United States: large racial disparities emerge, not in the visible form of a single overt decision, but from the less visible accumulation of minor differences.

With this evidence in hand, we return to the broader questions of race, welfare, and carceral control raised by the neoliberal-paternalist thesis (Wacquant 2001; Lowi 1998). The thesis suggests that tougher forms of locally controlled welfare paternalism should occur alongside stronger investments in incarceration *and* that the strength of this overall policy formation should track with the prevalence of African Americans across political jurisdictions.

Figure 4 offers a striking confirmation of these predictions. The horizontal axis represents the same measure of TANF regime stringency used in Figure 3. The bars, which correspond to the left-vertical axis, indicate the average black percent of population for states in each TANF regime category. (The pattern of bars here offers additional corroboration of the relationship between percent black and "neoliberal paternalism" in the TANF program shown in Figure 3.) The dots plotted in this figure show how the average level of state corrections spending (measured as a percent of total direct expenditures) changes as TANF regime stringency increases. They appear to track closely with both the black percent of state population and TANF regime stringency. This apparent relationship is confirmed by the curved line in the figure – a simple quadratic slope generated by predicting corrections spending using only TANF regime stringency and its square. The relationship between average state corrections spending and TANF regime stringency is very strong: the R-squared for this simple quadratic slope is .83.

[Figure 4]

Taken together, the results in this figure suggest a strong state-level pattern of “racialized neoliberal paternalism.” Looking across the U.S. states, one finds a tightly configured relationship consisting of rising black population rates, more stringent and locally controlled TANF regimes, and higher levels of investment in carceral control.

DISCUSSION AND CONCLUSION

By analyzing state policy choices under welfare reform, we have sought in this paper to shed new light on both the origins and consequences of social policy devolution. We have asked why some states devolve TANF authority to local jurisdictions while others do not, and we have asked how this policy choice intersects with others to produce disparities in the TANF regimes encountered by different racial groups. These questions strike as crucial for understanding both the general operation of federal political systems and the particular course of recent changes under welfare reform. Reviewing the findings just presented, however, we are perhaps most impressed by the need to locate contemporary welfare developments as a moment within the longer historical interplay of localism, race, and welfare provision in the United States.

Mothers' Pensions, the precursor to the AFDC and TANF programs, developed in the states in the early twentieth century. Local control was a key feature of these pensions and was used both openly and covertly to focus aid on white mothers and immigrants deemed capable of assimilation (Reese 2005). "Groups today regarded as minorities received only a tiny proportion of mothers' aid. … Sometimes minorities were excluded from programs; at other times programs were not established in locations with large minority populations" (Gordon 1994: 48).

When the federal government created a national system of social insurance in 1935, southern interests worked to protect the racially exploitative sharecropping system from the threat of federally controlled public aid (Lieberman 1998). In the decades that followed, state administrators offered black families only limited access to relief, calibrated to local planting and harvesting seasons; state lawmakers shored up these local practices by creating program rules that could be used to purge recipients "in areas where seasonal employment was almost exclusively performed by nonwhite families" (Bell 1965: 46; Piven and Cloward 1993: 134).

In the 1960s, these tendencies toward localism were significantly reversed. African Americans gained access to the vote, became more central to the Democratic Party coalition, and pursued confrontational, disruptive political tactics designed to secure more equal access to societal and governmental goods. These developments combined with (and propelled) major policy initiatives by elite reformers in government. The result was a large expansion of the federal role in welfare provision. War-on-Poverty programs intervened directly in social and economic relations at the local level, often producing tremendous racial conflict in the process (Quadagno 1994). Across the states, welfare expansion was the order of the day, and it tracked closely with patterns of black insurgency, black electoral power, and changes in incarceration rates (Fording 1997; 2001). In the years that followed these developments, the AFDC program was characterized by significant centralizing dynamics – not only in the form of substantial national involvement but also in the form of local responsibilities moving upward to the state level (Adkisson and Peach 2000).

The most recent "devolution revolution" in American welfare provision represents a sharp reversal of this system of poverty governance – a return to the lower-level control that has characterized support for low-income families for most of U.S. history. In the context of civil rights and far more egalitarian norms, it is unimaginable that local welfare control could operate today in the overtly racialist forms that prevailed in the first half of the twentieth century. Yet the findings presented in this article suggest some troubling historical continuities in the political dynamics that surround state welfare programs. Now as in the past, the politics of local welfare control remains rooted in race, labor markets, electoral mobilization, and a system of state social control that links welfare provision and incarceration.

Against this historical backdrop, we believe this article makes three important contributions to current scholarship on race, federalism, and welfare.

First, as just noted, welfare provision today takes place in a societal context that is far removed from the era of Jim Crow and southern racial caste. Civil rights are now in place; norms of racial equality are widely embraced; and racial prejudice has been in slow decline for decades (Mendelberg 2001). How, then, do significant racial disparities get created and perpetuated under the aegis of government policy?

We suggest that at least part of the answer to this question lies with federalism and the potential for policy choices to track the distribution of social groups across political jurisdictions.

Students of education policy have been familiar with this logic for some time: *de jure* equality can easily co-exist with large *de facto* inequalities if members of social groups reside in separate jurisdictions with unequal resource bases and independent policies (Hochschild and Scovronick 2004). Our analysis suggests that this may be a general policy dynamic and that it may operate across policy choices in a cumulative fashion. Black and white TANF recipients are indeed equal before the law. But they are distributed unequally across the states; their presence influences state policy choices; and consistent effects on these choices accumulate to produce dramatic inequalities in the policy regimes under which black and white recipients participate.

Second, our analysis makes both a conceptual and an empirical contribution to the thesis of neoliberal paternalism. Wacquant's (2001; 2005) account is based on a broad interpretive reading of evidence concerning recent developments in American society and public policy. In this account, incarceration and welfare paternalism work together as a system of racialized social control. As political scientists, what we find most lacking in Wacquant's sociological account is a conception of how state structures matter and how political choice processes operate to produce the policies he examines. For Wacquant, racial regulation under neoliberal paternalism is a defining national feature of contemporary American society. At an empirical level, this article offers some of the strongest evidence to date that a logic of "racialized neoliberal paternalism" may be at work in the contemporary United States. At a conceptual level, however, this analysis underscores that *a federal structure of independent political jurisdictions* is central to both the operation and the racialization of this system.

Third and finally, we have sought to advance the study of race and state policy choice by presenting a parsimonious general model based on the logic of racial classification. The RC model provides the field with a testable set of propositions regarding when and how we should expect the race of target groups to influence state policymaking. Without making any attribution of racial affect or racist intent, it predicts that the extent of racial effects on state policy choice should covary systematically with

(a) the salience of race within a particular policy domain, (b) the prevalence and distribution of racial groups within a policy's target population, (c) the fit between a particular policy choice and specific elements of group reputation, and (d) the size of the gap between racial groups' policy-relevant reputations.

The RC model is well grounded in social cognition research and consistent with previous findings regarding race and welfare policy choices in the states. It generates distinctive predictions regarding the effects of racial heterogeneity on state devolution decisions, and these predictions are corroborated. It also offers an explicit basis for expecting racial/ethnic effects to operate differently across groups with different policy-relevant reputations, and this prediction is confirmed. Indeed, the evidence for distinctive racial effects focused on African-American policy targets has been quite striking.

It would be a mistake, to our minds at least, to read the RC model or our associated findings as suggesting that there is something inherently inegalitarian or racialized about "devolution in general." Devolution settlements, as Peck (2003) nicely describes them, can take many different forms. If structured appropriately, enhancements of local control can empower disadvantaged citizens to participate directly in the public policies that affect their lives (Fung 2004) and can enable some local jurisdictions to pursue more egalitarian policy agendas (Rogers 2004). Moreover, our findings do not contradict conventional claims on behalf of lower-level policy control: in some circumstances, devolution really may be able to generate gains in government efficiency (Peterson 1995), opportunities for experimentation and learning (Volden 2006), and possibilities for more tailored, locally-attuned policy solutions (Fung 2004).

Devolution is an open-ended form of political action with the potential to set a variety of different political dynamics in motion. Under welfare reform today, however, our evidence suggests that these political dynamics have a great deal to do with race and social control. There is, in a sense, a color to welfare devolution. In the wake of federal welfare reform, racial differences have shaped policy choices, and policy choices, in turn, have shaped racial differences. First-order devolution to the states has facilitated the construction of different welfare regimes for different racial groups. Second-order devolution to local authorities has proceeded along racial lines – in ways that intersect with the racialized patterning of paternalist welfare rules and custodial criminal justice investments. Thus, while "devolution in general" may have open-ended political implications, *devolution of welfare control* seems to be a different story. Over the past century, welfare localism has consistently facilitated racialized practices of social control. Today, devolution is emerging as a central feature of a new, more muscular approach to poverty governance in the United States. And unfortunately, it appears that it has not lost its color.

Appendix A:
Sources and Measures for Analysis Presented in Table 1

Government Ideology, 1996: Ideological score for each state government in 1996, with higher values indicating a more liberal government. Mean=38.6; standard deviation=25.7. Source: William D. Berry, Evan Ringquist, Richard Fording, and Russell Hanson. 1998. "Measuring Citizen and Government Ideology in the American States, 1960-93." *American Journal of Politics* 42 (January): 327-48.

Welfare Policy Innovation: The year of each state's earliest AFDC waiver request, with higher values indicating a later starting date for waiver requests (97 indicates no waiver requests under the AFDC program through 1996). Mean = 87.1; standard deviation = 7.1. Source: Robert C. Lieberman and Greg M. Shaw. 2000. "Looking Inward, Looking Outward: The Politics of State Welfare Innovation Under Devolution." *Political Research Quarterly*.53: 215-40.

Per Capita Welfare Caseload, 1996: The average monthly number of AFDC recipients in each state as a percent of the total resident population as of July 1, 1996, with higher values indicating a higher per capita caseload. Mean=3.9; standard deviation=1.4. Source: U.S. Department of Health and Human Services. 1997. *Indicators of Welfare Dependence: Annual Report to Congress*. Washington, DC: Government Printing Office.

Population per Square Mile of Land: Each state's population in 2000 divided the state's total dry land area measured in square miles. Mean=.18; standard deviation=.25. Source: U.S. Census Bureau and U.S. Department of Commerce. See http://www.infoplease.com/ipa/A0108355.html

Per Capita Tax Revenue, 2000: Each state's total tax revenue (in $1000 increments) divided by its population. Mean=.27; standard deviation=.046. Source: U.S. Census Bureau.

Class Bias in Voter Turnout, 1996: Mean=172.7; standard deviation=20.6. Source: Avery, James M. and Mark Peffley. 2005. "Voter Registration Requirements, Voter Turnout, and Welfare Eligibility Policy: Class Bias Matters." *State Politics & Policy Quarterly* 5 (1): 47-67.

Unemployment Rate, 1996: Official unemployment rate for each state, with higher values indicating a higher percentage of the labor force was unemployed. Mean=5.1; standard deviation=1.1. Source: U.S. Bureau of Labor Statistics: Local Area Unemployment 1996.

Corrections Spending, 1996: Percent of each state's total direct expenditures devoted to corrections spending. Mean=2.32; standard deviation=.68. Source: 2000. *Sourcebook of Criminal Justice Statistics 1999* (Table 1.5).

Black Percent: Average percent black across all state counties in 2000, recoded to have mean=0 and standard deviation=10.52. Source: U.S. Census Bureau, reported in the *County and City Data Book: 2000.*

Black Dispersion: Coefficient of variation for Black Percent in each of a state's counties, recoded to have mean=0 and standard deviation=.54. Source: Calculated by the authors.

Hispanic Percent: Average percent Hispanic across all state counties, recoded to have mean=0 and standard deviation=8.40. Source: U.S. Census Bureau, reported in the *County and City Data Book: 2000.*

Hispanic Dispersion: Coefficient of variation for percent Hispanic in each of a state's counties, recoded to have mean=0 and standard deviation=.31. Source: Calculated by the authors.

Bush Percent: The average percentage of voters if each county who voted for Bush in the 2000 general election. Source: The Federal Elections Project (http://spa.american.edu/ccps/pages.php?ID=10)

Bush Vote Dispersion: The coefficient of variation for Bush Percent calculated across all counties in each state. Souce: Calculated by the authors.

Preference Heterogeneity: A measure of heterogeneity in the mass publics' welfare preferences within each state, calculated as the average standard deviation across three questions asking about spending on aid to the unemployed, aid to the homeless, and aid to blacks. Mean=.65, standard deviation=.03. Source: American National Election Studies, Senate Election Study, 1988-1992.

Southern State: Dichotomy coded 0 for non-southern states and 1 for AL, AR, FL, GA, LA, MS, NC, SC, TX, and WV.

Second-Order Devolution: Dichotomy coded 0 for states that engaged in no or "slight" TANF devolution between 1996 and 2001 and coded 1 for states that engaged in "significant" TANF devolution. In Table 1, 33 states are coded 0; 14 states are coded 1. Source: Juliet F. Gainsborough. 2003. "To Devolve or Not to Devolve? Welfare Reform in the States." *Policy Studies Journal*. 31(4): 603-23.

References

Adkisson, Richard V. 1998. “Multi-Level Administrative Structure and the Distribution of Social Service Expenditures.” *Social Science Journal*. 35(3): 303-18.

Adkisson, Richard V. and James T. Peach. 2000. “Devolution and Recentralization of Welfare Administration: Implications for New Federalism.” *Policy Studies Review*. 17(2/3): 160-78.

Avery, James M. and Mark Peffley. 2005. “Voter Registration Requirements, Voter Turnout, and Welfare Eligibility Policy: Class Bias Matters.” *State Politics & Policy Quarterly* 5 (1): 47-67.

Bell, Winifred. 1965. *Aid to Families with Dependent Children.* New York: Columbia University Press.

Berry, Frances Stokes and William D. Berry. 1999. “Innovation and Diffusion Models in Policy Research.” In Paul Sabatier, ed. *Theories of the Policy Process*. Boulder, CO: Westview Press.

Brown, Michael K. 1999. *Race, Money, and the American Welfare State.* Ithaca: Cornell University Press.

Conlan, Timothy J. 1998. From New Federalism to Devolution: Twenty-Five Years of Intergovernmental Reform. Washington, DC: Brookings Institution Press.

Crook, Richard C. and James Manor. 1998. *Democracy and Decentralization in South Asia and West Africa: Participation, Accountability, and Performance.* Cambridge: Cambridge University Press.

Donahue, John D. 1997. Disunited *States: What’s at Stake as Washington Fades and States Take the Lead*. New York: Basic Books.

Dye, Thomas R. 1990. *American Federalism: Competition among Governments.* Lexington, MA: Lexington Books.

Elazar, Daniel. 1984. *American Federalism: A View from the States.* 3rd ed. New York, NY: Harper & Row.

Elazar, Daniel. 1992. “Cooperative Federalism.” In D.A. Kenyon and J. Kincaid, eds. *Competition among States and Local Governments: Efficiency and Equity in American Federalism.* Washington, DC: Urban Institute Press.

Fellowes, Matthew and Gretchen Rowe. 2004. “Politics and the New American Welfare States.” *American Journal of Political Science*. 48(2): 362-73.

Fording, Richard C. 1997. “The Conditional Effect of Violence as a Political Tactic: Mass Insurgency, Welfare Generosity, and Electoral Context in the American States.” *American Journal of Political Science* 41:1-29.

Fording, Richard. 2001. “The Political Response to Black Insurgency: A Critical Test of Competing Theories of the State.” *American Political Science Review* 95 (1): 115-31.

Fording, Richard C. 2003. "'Laboratories of Democracy' or Symbolic Politics? The Racial Origins of Welfare Reform." In S.F. Schram, J. Soss, and R.C. Fording, eds., *Race and the Politics of Welfare Reform*. Ann Arbor, MI: University of Michigan Press.

Fung, Archon. 2004. *Empowered Participation: Reinventing Urban Democracy*. Princeton, NJ: Princeton University Press.

Gainsborough, Juliet F.. 2003. "To Devolve or Not to Devolve? Welfare Reform in the States." *Policy Studies Journal*. 31(4): 603-23.

Gais, Thomas L. and R. Kent Weaver. 2002. *State Policy Choices under Welfare Reform*, Policy Brief No. 21, Brookings Institution, Washington, DC, April.

Gigerenzer, Gerd and Reinhard Selten. 2002. *Bounded Rationality: The Adaptive Toolbox.* Cambridge, MA; London, England, MIT Press

Gilens, Martin. 1999. *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy*. Chicago: University of Chicago Press.

Gordon, Linda. 1994. *Pitied But Not Entitled: Single Mothers and the History of Welfare*. New York: Free Press.

Grubb, W. Norton. 1984. "The Price of Local Discretion: Inequalities for Children's Programs in Texas." *Journal of Policy Analysis and Management*. 3(3): 359-72.

Hochschild, Jennifer L. 1995. *Facing up to the American Dream:Race, Class and the Soul of the Nation*. Princeton: Princeton University Press.

Hochschild Jennifer L., and Nathan Scovronick. 2003. *The American Dream and the Public Schools*. New York: Oxford University Press

Hancock, Ange-Marie. 2004. *The Politics of Disgust: The Public Identity of the "Welfare Queen."* New York: New York University Press.

Jones, Bryan D. 2001. *Politics and the Architecture of Choice*. Chicago: University of Chicago Press.

Katz, Michael B. 2001. *The Price of Citizenship: Redefining the American Welfare State*. New York : Metropolitan Books.

Katznelson, Ira. 2005. *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America*. New York, NY: W.W. Norton.

Knox, P.L. 1997. "Globalization and Urban Economic Change." *Annals of the American Academy of Political and Social Science*. 551: 17-27.

Lieberman, Robert. 1998. *Shifting the Color Line: Race and the American Welfare State*. Cambridge: Harvard University Press.

Lieberman, Robert. 2005 *Shaping Race Policy: The United States in Comparative Perspective.* Princeton, NJ: Princeton University Press.

Lieberman, Robert and Greg Shaw. 2000. "Looking Inward, Looking Outward: The Politics of State Welfare Innovation under Devolution."

Loury, Glenn C. 2002 *The Anatomy of Racial Inequality*. Cambridge: Harvard University Press, **2002**.

Lowi, Theodore J. 1998. "Think Globally, Lose Locally." *Boston Review,* http://www.bostonreview.net/BR23.2/lowi.html.

Mead, Lawrence M., ed. 1997. *The New Paternalism: Supervisory Approaches to Poverty*. Washington, DC: Brookings Institution Press.

Mead, Lawrence M. 2004. *Government Matters: Welfare Reform in Wisconsin.* Princeton, NJ: Princeton University Press.

Mendelberg, Tali. 2001. *The Race Card: Campaign Strategy, Implicit Messages, and the Norm of Equality*. Princeton University Press.

Mettler, Suzanne and Joe Soss. 2004..

Nathan, Richard P. and Thomas L. Gais. 1999. *Implementing the Personal Responsibility Act of 1996: A First Look.* Rockefeller Institute of Government. Albany, NY: State University of New York.

Osbourne, David. 1988. *Laboratories of Democracy*. Boston: Harvard Business School Press.

Peck, Jamie. 2003. "Political Economies of Scale: Fast Policy, Interscalar Relations, and Neoliberal Workfare." *Economic Geography*. 331-60.

Peterson, Carol Dawn. 1986. *Intra-State Inequalities in the Financing and Delivery of Noneducational Social Services to Children: An Assessment of the State of Nebraska*. Ph.D. Dissertation, University of Texas-Austin.

Peterson, Paul E. 1995. *The Price of Federalism.* Washington, DC: Brookings Institution.

Pierson, Paul. 1995. “Fragmented Welfare States: Federal Institutions and the Development of Social Policy.” *Governance* 8: 449-78.

Piven, Frances Fox and Richard A. Cloward. 1977. *Poor People’s Movements.* New York: Vintage Press.

Piven, Frances Fox and Richard A. Cloward. 1988. *Why Americans Don't Vote*. New York: Pantheon.

Piven, Frances Fox and Richard A. Cloward. 1993 [1971]. *Regulating the Poor: The Functions of Public Welfare.* New York: Vintage Books.

Quadagno, Jill. 1994. *The Color of Welfare: How Racism Undermined the War on Poverty*. Oxford: Oxford University Press.

Quinney, Richard. 1974. *Critique of the Legal Order*. Boston: Little, Brown.

Reese, Ellen. 2005. *Backlash against Single Mothers with Children: Past and Present.* Berkeley: University of California Press.

Rivlin, Alice M. 1992. *Reviving the American Dream: The Economy, the States, and the Federal Government.* Washington, DC: Brookings Institution.

Rogers, Joel. 2004. “Devolve This!” *The Nation.* August 30.

Schram, Sanford F. 2005. Contextualizing Racial Disparities in American Welfare Reform: Toward a New Poverty Research. *Perspectives on Politics* 3 (2): 253-68.

Simon, Herbert. 1997. *Models of Bounded Rationality*, Volume 3. Cambridge: MIT Press.

Sinha, Aseema. 2005. “Political Foundations of Market-Enhancing Federalism: Theoretical Lessons from India and China.” *Comparative Politics.* 37(2):

Soss, Joe, Sanford F. Schram, Thomas Vartanian, and Erin O’Brien. 2001. “Setting the Terms of Relief: Explaining State Policy Choices in the Devolution Revolution.” *American Journal of Political Science*. 45(2): 378-95

Volden, Craig. 2006. “States as Policy Laboratories: Emulating Success in the Children's Health Insurance Program.” *American Journal of Political Science* 50(2): 294-312.

Wacquant, Loic. 2001. “The Penalisation of Poverty and the Rise of Neo-Liberalism.” *European Journal on Criminal Policy and Research.* 9: 401-12.

Wacquant, Loic. 2002. “Four Strategies to Curb Carceral Costs: On managing Mass Imprisonment in the United States.” *Studies in Political Economy.*69(Autumn): 19-30.

Wacquant, Loic. 2005. "The Great Penal Leap Backward: Incarceration in America from Nixon to Clinton." In J. Pratt et al., eds. *The New Punitiveness: Current Trends, Theories, Perspectives*. London, Willan. Pp.3-26.

Weir, Margaret. 1997. "Is Anybody Listening? The Uncertain Future of Welfare Reform in the Cities." *Brookings Review*. 15(1): 30-33.

Western, Bruce. 2006. *Punishment and Inequality in America*. New York: Russell Sage Foundation.

Whitaker, I.P. and V. Time. 2001. "Devolution and Welfare: The Social and Legal Implications of State Inequalities for Welfare Reform in the United States." *Social Justice*. 28(1): 76-90.

Winston, Pamela. 2002. *Welfare Policymaking in the States: The Devil in Devolution*. Washington, DC: Georgetown University Press.

Zimmerman, Joseph. 2001. "National-State Relations: Cooperative Federalism in the Twentieth Century." *Publius: The Journal of Federalism*. 31 (2): 15-30.

TABLE 1. State-Level Predictors of Second-Order Devolution (Binary Logit Models)

	Model 1 Blacks		Model 2 Hispanics		Model 3 Ideology	
Independent Variables	b	s.e.	b	s.e.	b	s.e.
Government Ideology	-.008	.042	.004	.019	.002	.020
Welfare Policy Innovation	-.511	.256	-.081	.079	-.092	.072
Caseload-to-Population Ratio	2.847	1.347	.924	.570	.893	.599
Population per Square Mile	-13.223	6.426	-3.345	2.817	-4.424	4.266
Per Capita Tax Revenue	70.804	38.255	9.988	11.138	7.639	12.061
Class Bias in Voter Turnout	.170	.098	.034	.027	.026	.024
Unemployment Rate	-6.348	2.944	-1.553	.833	-1.671	.777
Corrections Spending	6.873	3.468	1.763	.836	1.776	.812
Black Percent	1.019	.496	--	--	--	--
Black Dispersion	21.866	11.070	--	--	--	--
Black Percent*Dispersion	2.144	1.176	--	--	--	--
Hispanic Percent	--	--	.014	.089	--	--
Hispanic Dispersion	--	--	.990	1.616	--	--
Hispanic Percent*Dispersion	--	--	.034	.399	--	--
Bush Percent	--	--	--	--	.194	.362
Bush Vote Dispersion	--	--	--	--	85.158	129.92
Bush Vote Percent*Dispersion	--	--	--	--	-1.400	2.425
Constant	2.789	15.214	-2.215	8.031	-10.427	19.773
Overall Model	LR $\chi^2_{11df} = 30.9$ $p < .001$ N = 47 PRE = .68		LR $\chi^2_{11df} = 21.4$ $p = .029$ N = 47 PRE = .37		LR $\chi^2_{11df} = 22.14$ $p = .023$ N = 47 PRE = .39	

TABLE 2. Specification Checks for State-Level Predictors of Second-Order Devolution (Binary Logit Models)

	Number of Counties		Preference Heterogeneity		Southern Distinctiveness	
Independent Variables	b	s.e.	b	s.e.	b	s.e.
Government Ideology	-.008	.047	-.013	.046	-.011	.049
Welfare Policy Innovation	-.561	.287	-.513	.255	-.424	.259
Caseload-to-Population Ratio	3.222	1.641	2.914	1.376	2.875	1.683
Population per Square Mile	-16.277	8.315	-13.237	6.543	-10.894	6.503
Per Capita Tax Revenue	74.101	42.810	75.056	41.452	61.524	31.670
Class Bias in Voter Turnout	.168	.105	.176	.103	.126	.104
Unemployment Rate	-6.846	3.278	-6.346	2.967	-6.294	3.189
Corrections Spending	7.831	3.982	7.072	3.595	6.949	3.251
Black Percent	1.229	.643	1.053	.511	.777	.486
Black Dispersion	24.949	13.177	22.316	11.299	19.876	10.134
Black Percent*Dispersion	2.442	1.422	2.152	1.197	2.104	1.036
Number of Counties	-.022	.021	--	--	--	--
Preference Heterogeneity	--	--	-16.061	48.827	--	--
Southern State	--	--	--	--	6.751	6.282
Constant			7.865	20.958	3.766	15.056
Overall Model	LR χ^2_{12df} = 39.97 p < .001 N = 47 PRE = .70		LR χ^2_{12df} = 39.0 p < .001 N = 47 PRE = .68		LR χ^2_{12df} = 41.3 p < .001 N = 47 PRE = .72	

FIGURE 1. The Effect of Black Percent of State Population at Different Levels of Black Dispersion

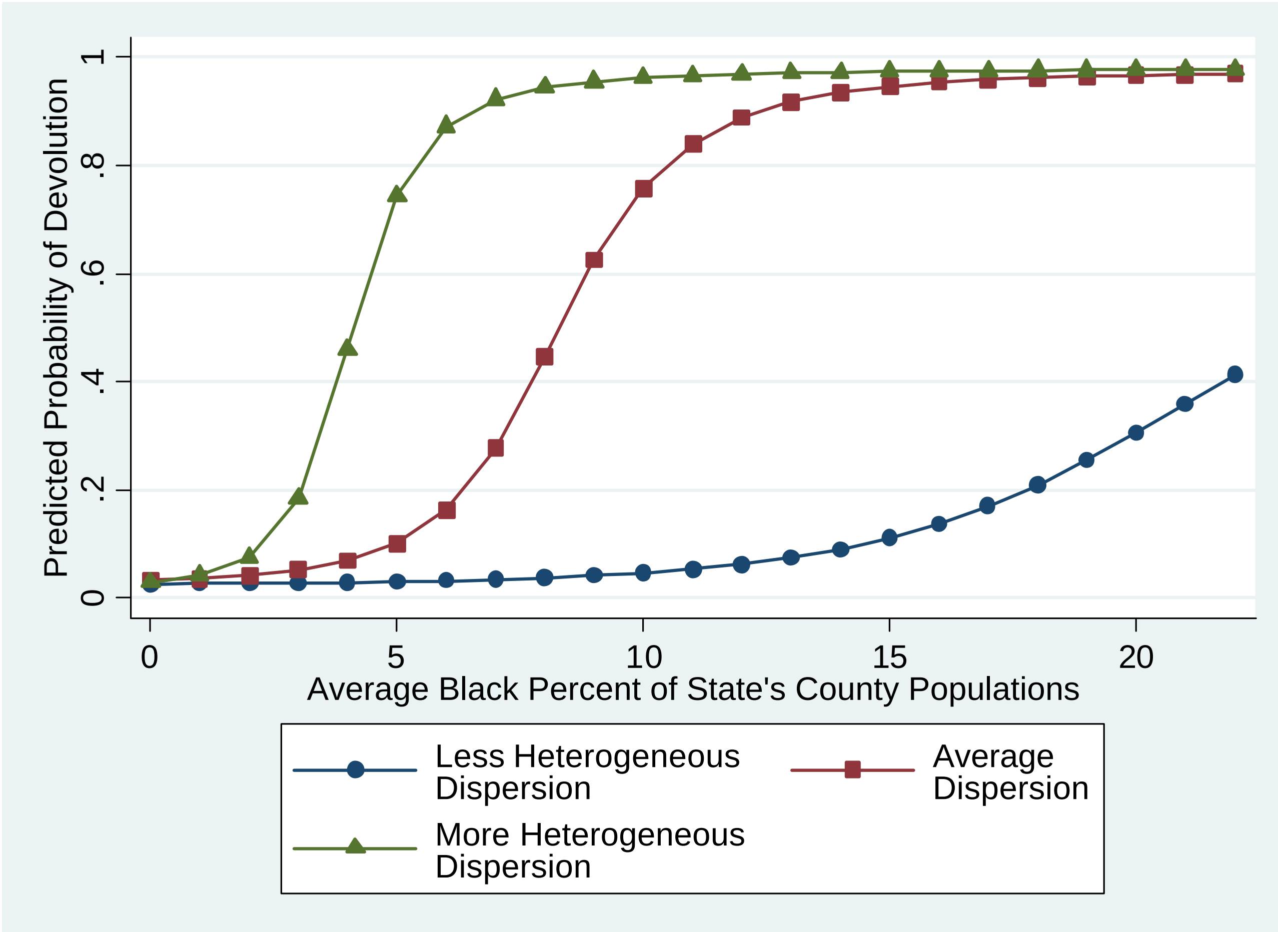
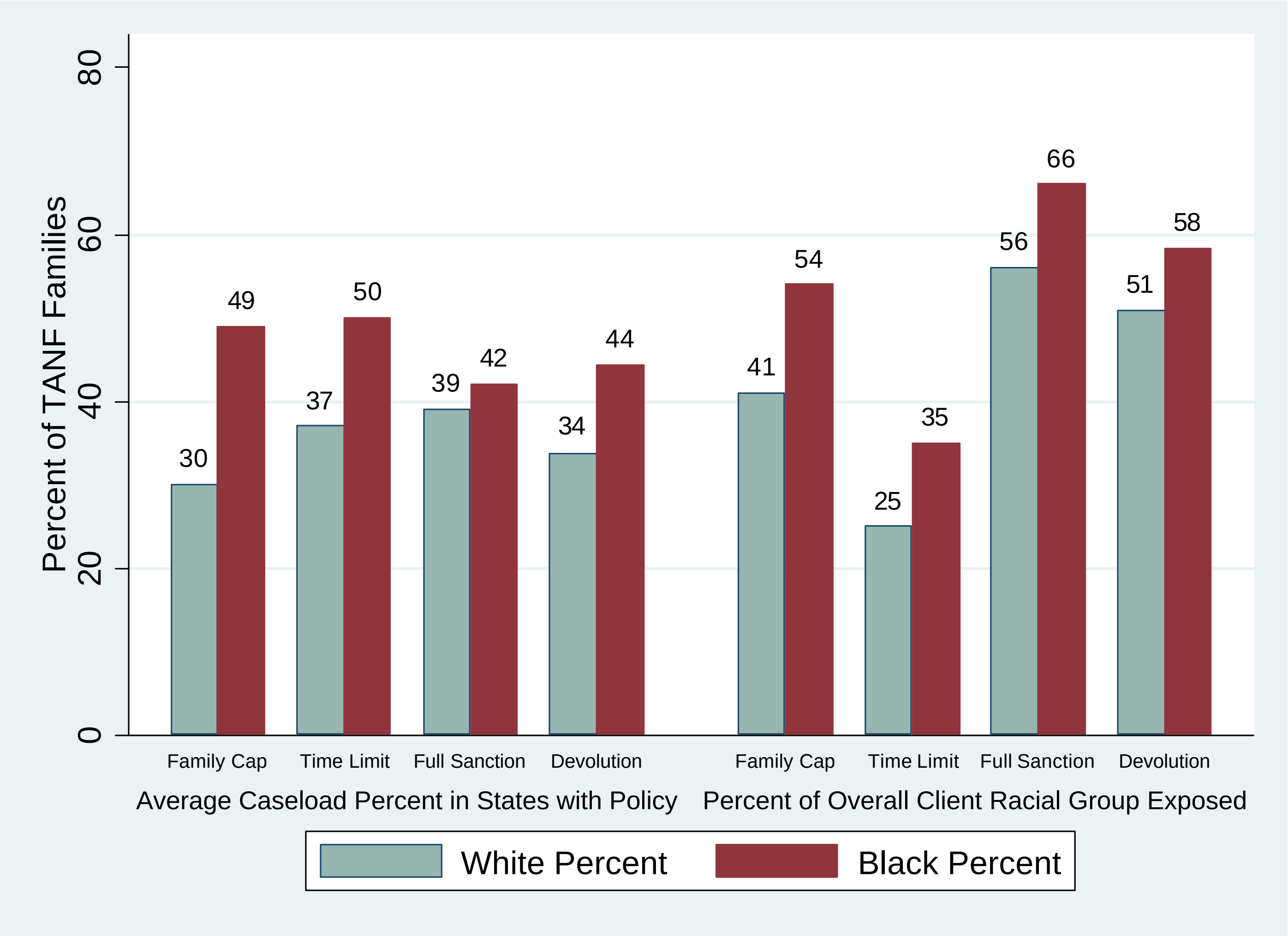
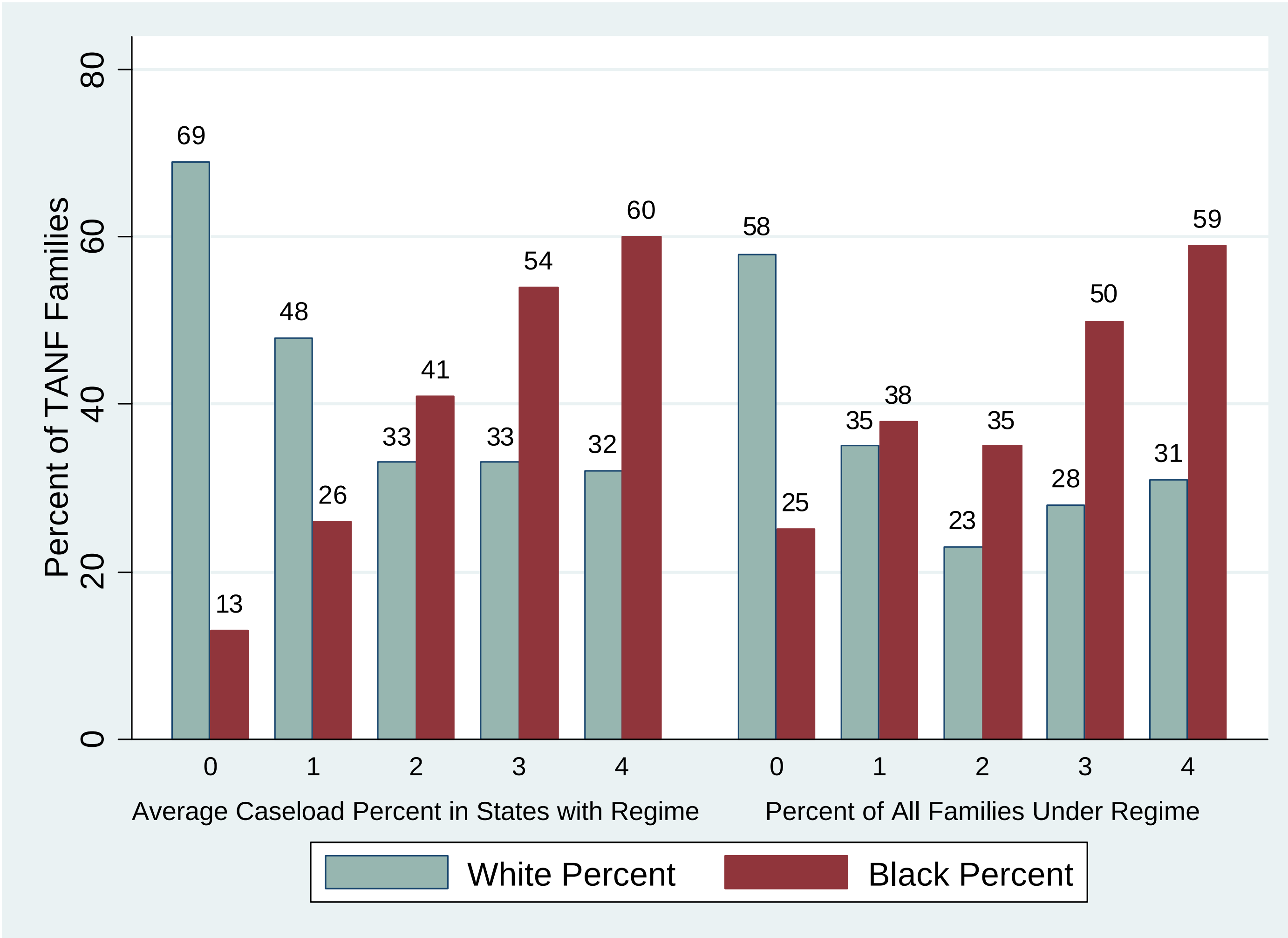


FIGURE 2. Exposure to Specific TANF Program Features by Race of Family, 2001



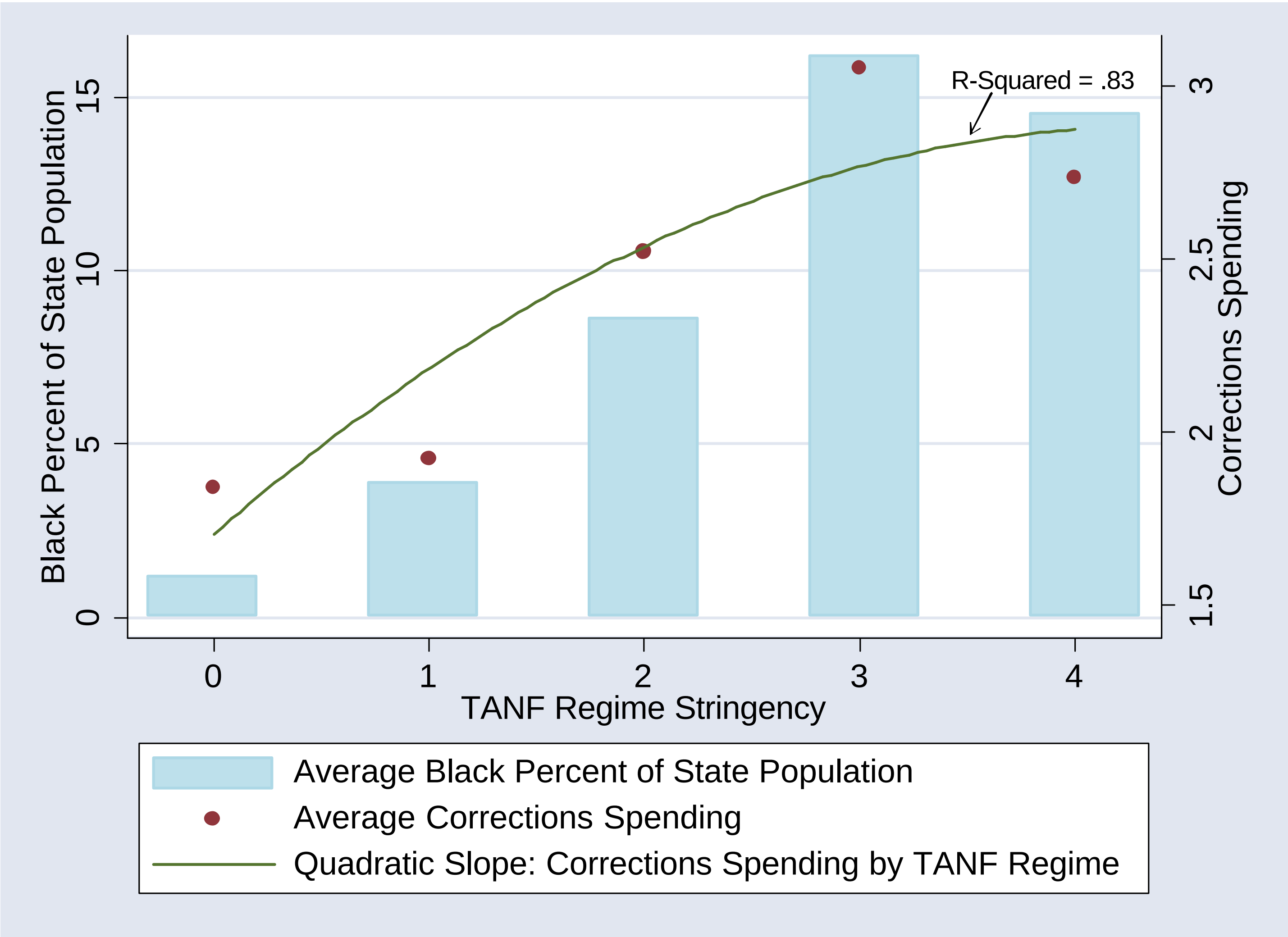
Note: Calculations are based on TANF caseload data from the U.S. Department of Health and Human Services for October 2000 to September 2001; state TANF policies are also for 2001 and are drawn from the Urban Institute Welfare Rules Database and Gainesborough 2003.

FIGURE 3. Cumulative Exposure to TANF Program Features by Race of Family, 2001



Note: Calculations are based on TANF caseload data from the U.S. Department of Health and Human Services for October 2000 to September 2001; state TANF policies are also for 2001 and are drawn from the Urban Institute Welfare Rules Database and Gainesborough 2003. Policy regimes are defined by the presence of 0-1, 2, or 3-4 of the program elements shown in Figure 2.

FIGURE 4. Black TANF Caseload and State Corrections Spending by TANF Regime Type



Note: TANF regime stringency are based on 2001 state TANF policies as measured by the Urban Institute and Gainesborough 2003 (see Figure 3); corrections spending data are from *Sourcebook of Criminal Justice Statistics 1999* (2000: 5-9, Table 1.5).

Endnotes

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[1] The eight include California, Colorado, Maryland, Minnesota, New York, North Carolina, Ohio, and Wisconsin.

[2] Of these six, Florida, Michigan, and Texas have ceded significantly greater amounts of authority to their regional workforce boards than have Arkansas, Tennessee and Utah (Gainesborough 2003).

[3] California, Texas, New York, Florida, Ohio, and Michigan. Illinois and Pennsylvania are the fifth and sixth most heavily populated states. http://www.census.gov/popest/states/tables/NST-EST2004-01.xls

[4] By "minimalist," we mean that our model identifies what we view as the simplest set of conditions sufficient to explain observed empirical patterns. It does not offer a comprehensive account of how we think race *actually* matters in the welfare policy process. Racial prejudice may indeed motivate some legislators. Public racial attitudes may get articulated in ways that exert pressure on lawmakers. The historical effects of race on the development of state political systems may influence contemporary patterns of policy choice. Racial patterns of voting and representation may matter. And so on. Any of these processes could easily be added to the RC model. They would augment or condition, rather than contradict, its predictions.

[5] This premise reflects a basic principle of contemporary social cognition research (Hogg and Abrams 1998). It is consistent with a bounded rationality approach to decision making (Simon 1997; Jones 2001; Gigerenzer and Selten 2002) and is central to Glenn Loury's (2002) model of racial inequality. This first premise asserts only that policymakers share a general property of human cognition.

[6] The salience of race in the welfare context is well established in studies of public opinion (Gilens 1999) and welfare discourse (Hancock 2004). Today, it is actually rare to find a reputable welfare policy report that does not, at some point, break down empirical results according to a racial classification. This premise is agnostic with regard to legislators' explanations for racial differences (structural, individual, cultural). It merely asserts that racial categories function as proxies for broader differences in client characteristics – i.e., policy-relevant characteristics such as skill levels, social dysfunction, barriers to self-sufficiency, motivation levels, or vulnerability to labor market discrimination.

[7] Empirical research suggests that most Americans strongly endorse the idea that all groups, including racial minorities, have access to opportunity in the United States (Hochschild 1995). Research on stereotyping, however, shows that lower levels of motivation, work effort, and personal responsibility continue to be associated with racial minorities, especially blacks (Gilens 1999; Hanock 2004). This premise asserts no prejudice or racist intent – only that policymakers have access to the same group reputations prevailing in the broader polity.

[8] Here, we depart from the common tendency to view transitional supports and restrictive measures in terms of a common dimension of "welfare generosity." It is not simply that transitional work supports are more generous, while participation requirements and sanctions are less generous. More substantively, transitional work supports are about clearing away barriers to opportunity, while participation requirements and sanctions are about enforcing effort.

[9] The black and Hispanic percentages of state populations re highly correlated with the black and Hispanic percentages of state TANF rolls. We rely on the former rather than the latter to facilitate the measurement of racial dispersion across local jurisdictions.

[10] This hypothesis, of course, points in the same direction as the caseload prediction we derive from social control theory. Our data do not allow for an empirical distinction between the two disfferent accounts for this variable.

[11] A key difference here is that the ideological heterogeneity hypothesis predicts devolution on the basis of citizens in different locales preferring different policy outcomes; the RC model predicts that devolution may occur when all

jurisdictions agree on a single preferred outcome but perceive their target groups as posing different challenges for the achievement of this outcome.

[12]The sample for this analysis includes the 48 contiguous U.S. states minus Nebraska. Nebraska is typically excluded form state-level analyses of welfare policy choice because of its nonpartisan legislature. Although we do not report results for a party-control measure here (results were insignificant in all analyses), we exclude Nebraska to maintain comparability to other findings in the literature.

[13] None of the constituent measures from the two groups achieve significance when enetered on their own (i.e., without an interaction terms= or the other constituent measure).

[14] We also conducted a specification test based on the hypothesis that state approaches to welfare policy are best explained by distinctive state political cultures (Mead 2004), as captured by Elazar's (1984) well-known framework of traditionalism, moralism, and individualism. Because of our small sample size and collinearity, however, we were unable to obtain meaningful results for this specification. Analysis available from the authors on request.

[15] Our time limit measure takes account of any policy that represents a more stringent augmentation of the 60-month limit. Such items include passage of a shorter lifetime limit, addition of participation limits within specified periods, and rules requiring a waiting period for benefits after a specified amount of TANF participation.