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On the Importance of Naming: Gender, Race, and the Writing of Policy History

Twenty years ago, just as the study of policy was emerging out of the morass of political history,¹ historians of women rediscovered the state. What I will name the policy turn challenged a kind of intellectual separate sphere in which women's history addressed home, family, and intimate life and left to other historians everything else. The policy turn shifted attention from Carroll Smith Rosenberg's "Female World of Love and Ritual" without losing the self-activity and focus on female difference that investigations of women on their own terms had supplied.² It answered the "Politics and Culture" debate of 1980,³ which revolved around the efficacy of domesticity as an arena for power with a resounding move toward the public, political realm—namely, to social politics. The Reaganite assault on the New Deal order and accompanying New Right attack on women's rights⁴ intensified investigation into the origins and growth of a welfare state whose strength seemed precarious and whose history was up for grabs—a welfare state that blurred the separation of private and public and constructed, even as it reinforced, unequal social locations.⁵

The resulting narratives expanded policy history to include women as policymakers and policies directed toward women as wives, mothers, daughters, consumers, workers, and citizens.⁶ But this shift occurred amid changes in the theoretical underpinnings of women's history. The mid-1980s marked the ascendancy of difference as the central problematic within feminist thought. Scholars challenged conventional notions of gender, promoting social constructionist understandings of womanhood and manhood. Rejecting universal categories, the new scholarship emphasized differences among women on the basis of sexuality, race, ethnicity, and nationality. Gender, we learned, provided a language through which other social relations of power and authority became articulated.⁷

Joan Scott set the terms for research when she declared that “political [or, we might add, policy] history has . . . been enacted on the field of gender.” In her classic essay, “Gender: A Useful Category of Historical Analysis,” she asked, “What is the relationship between laws about women and the power of the state?” “What is the relationship between state politics and the discovery of the crime of homosexuality? How have social institutions incorporated gender into their assumptions and organizations?”⁸ Policies that on the surface were not about women, sexuality, or gender became subject to analysis of their gender silences and the gendered assumptions they expressed.⁹

Indeed, discourses, which policy presents and embodies, not merely express gender but also construct men and women through the very act of naming.¹⁰ Judith Butler’s understanding of “performative power” particularly illuminated this process of categorization through discourse. “The heterosexualization of the social bond is the paradigmatic form for those speech acts which bring about what they name. ‘I pronounce you’ . . . puts into effect the relation that it names,” she explained. That is, “forms of authoritative speech,” which include laws and state documents like marriage certificates, occupational licenses, and applications for social assistance, turn discourse into action or expressions of power.¹¹ By classifying the homosexual by sex acts performed, for example, the state created an identity.¹² Similarly, exclusion from the labor law meant denying recognition as workers to the majority of men and women of color and white women who labored at home, in the fields, or without a wage.¹³

The substitution of gender for women, and gender relations for women’s experiences, still privileged gender over other social identities and structures of power and authority. A second challenge in the 1980s came from scholars of race who introduced the idea of intersectionality (the notion that identity derives from multiple factors like race, gender, and class) and promoted the concept of racialized gender.¹⁴ As I have claimed elsewhere, despite attempts to disaggregate the workings of race from gender, individuals and groups embody both in ways that the mere addition of race to gender cannot signify. Manhood, womanhood, and sexualities probably never exist apart from race; not only is race gendered, but the policing of the boundaries of race significantly takes place through rules on who can marry or have sex with whom, that is, through gendered definitions.¹⁵

In some respects, policy history’s encounter with race paralleled its recognition of gender—an expansion of who appeared as policymakers followed by consideration of the structural workings of race in policy formation, enactment, and implementation.¹⁶ In addition, a challenge to state-centered studies came from a focus on the grassroots, nonelectoral,

or alternative institutional spaces in which struggles for racial and racialized gendered justice have occurred. Call this policy history from below, in which the voices and aspirations of the subaltern or the disenfranchised constrain, if not make, policy.¹⁷ But race seemed more obviously central to explications of U.S. exceptionalism; slavery and segregation were more at the heart of the national experience, even though one might argue that the sexual division of labor and the role of the heterosexual family fundamentally has structured the polity and economy no less than intimate life. Nonetheless, gender often remained silenced or neglected in studies on race and public policy until historians researching racial/ethnic women and critical race feminists highlighted the workings of racialized gender.¹⁸

New racial theorists, such as sociologists Michael Omni and Howard Winant, have challenged static concepts of race, emphasizing the social, economic, legal, cultural, and political circumstances by which groups gain racial or ethnic identities.¹⁹ As Winant has explained, race is a central aspect of “the individual psyche,” “relationships,” “collective identities,” and “social structures.”²⁰ Research on the making of blackness under slavery and Jim Crow initially supplied the basis for reinterpreting racial formation, just as the black-white binary that historians have relied upon to explain the shaping of U.S. public policy appeared to have set the terms under which other groups have come under federal law.²¹ Studies of whiteness, including changing racial designations of newcomers from southern and Eastern Europe, have provided race its own history.²²

Work on immigrants from Asia and the Americas, though, has complicated the black-white binary. These studies have both reinforced its iron grip (with whiteness as an aspiration or distinction from blackness as a goal) and shattered its hold. They reorient us geographically away from a North-South axis to the Southwest and West, highlight numerous streams of immigration, and consider the impact on migration of U.S. foreign policy, such as the occupation of the Philippines and the colonization of Puerto Rico. Multiple racial narratives have developed, with language, education, economic resources, family structure, and condition of entry (whether temporary or permanent, documented or undocumented) generating internal differentiations among Asians and Latinas/Latinos as well as migrants from specific places, like Africa and the Caribbean.²³

Such developments in theory, along with political struggles over work and welfare in the 1980s and 1990s, shaped the study of gender, race, and policy history. So did conceptualizations that policy history itself as an interdisciplinary practice brought to the study of the state. For policy history offered frameworks derived from political science, political sociology, and policy analysis that historians of women and gender would adapt.

These frameworks, from policy feedback to welfare regimes to a renewed attention to federalism, troubled any lingering radical feminist or nationalist formulation that equated state action with oppression models of victimization. But while “the state” as a concept gained in complexity through an expansion of its components, agents, languages, and interactions,²⁴ the meaning of terms like “women,” “gender,” “race,” and “racialized gender” were taken for granted.

“Sex” or “race” have appeared self-evident because only at significant moments of contestation or crisis have the makers and implementers of policy considered their meaning, explicitly defined them, and in the process helped to construct such identities. For all sorts of policies—including apportionment, enfranchisement, military recruitment, and taxation as well as immigration, labor, marriage, education, housing, and social assistance—have depended on classification, such as knowing who is a man or a woman, who is kin or a parent or a child, who is black or non-white or white, who is a resident or not, and who is a citizen or a documented or undocumented immigrant. By complicating the categories of “race,” “gender,” and “racialized gender,” I argue in this essay, gender, queer, and new racial studies can enrich a policy history that has moved from considering gender and race apart to thinking of each of these categories as integral to the other. First, I will reconsider the equality-difference debate, so central to feminist scholarship over the last quarter century, which manifested itself through the maternalist paradigm. This conceptual binary still pervaded the feminist turn to citizenship as a framework for analysis. Then I will briefly discuss recent scholarship on immigration and its racialized and heteronormative assumptions. Such work already is challenging policy history as we know it.

From Maternalism to Citizenship: What’s in a Paradigm?

The rise and decline of maternalism as a framework for understanding social welfare policy illustrates the impact of feminist thought and the influence of state-centered modes of analysis on the writing of policy history.²⁵ The stakes in the maternalism wars revolved around women’s agency in the creation of the welfare state and the place of the home and motherhood in law and social policy, as well as the very meaning of citizenship and rights in a liberal polity.²⁶ Questions of whether equality for women would come from being treated the same as men or whether equality could be met from taking account of female reproductive labor polarized feminists. From the late 1960s into the 1990s, the resulting equality-difference debate manifested itself through a series of clashes over “protective

labor” legislation, reproductive rights at the workplace, and maternity leave, policy legacies of earlier attempts to reconcile women’s wage work with family responsibilities.²⁷

In the early 1980s, against the ascendancy of difference theories in feminist thought,²⁸ Alice Kessler-Harris powerfully argued for gender equity. She charted how the domestic claim impeded, even as it shaped, women’s employment. Her interpretation on how wage and hour laws for women only enhanced occupational segregation by sex, thus restricting employment, resonated with a new labor feminism that sought higher wages and flexible hours in “female” jobs and also entrance into occupations dominated by men.²⁹ Kessler-Harris would continue to judge harshly the workings of what she more recently has named “the gender imagination” on public policy. With increasing theoretical sophistication and reference to Scandinavian social democratic alternatives, she critiqued early twentieth-century social feminists, the Women’s Bureau, and later trade-union women for their support of hegemonic gender norms of male breadwinning and female domesticity and their situating women’s labor-force participation in the context of family obligations rather than individual aspirations.³⁰

Other scholars historicized difference in charting “maternalist discourses,” the name that Seth Koven and Sonya Michel gave to “ideologies that exalted women’s capacity to mother and extended to society as a whole the values of care, nurturance, and morality.”³¹ Political sociologist Theda Skocpol enshrined maternalism in the 1992 *Protecting Soldiers and Mothers*. Skocpol sought “why maternalist forces promoting social policies for mothers and women workers were considerably more effective in U.S. politics during the early 1990s than were paternalist forces that simultaneously worked for the enactment of policies targeted on male wage-earners.”³² The administrative capture by “corrupt” political parties associated with Civil War pensions, combined with limited bureaucratic capacity, she proposed, hampered the growth of a universal pension and welfare system. But the enactment of mothers’ pensions suggested that the United States was an innovator, rather than a laggard, in welfare state development—albeit in a maternalist vein.³³

Along with Linda Gordon, Kessler-Harris judged Skocpol’s gender analysis as lacking. Skocpol failed to recognize that maternalists actually were paternalists, who would restrict female wage earning, whether or not women were mothers or mothers were breadwinners. Early twentieth-century women reformers supported the family wage as an alternative to the exploitative conditions faced by the mother who had to earn; they would harness the power of the law to compel men to support their families.³⁴ The resulting maternalist legislation targeted working-class fami-

lies, conflating what was good for mothers and children with an enhanced capacity of the state to promote the dominance of elites.³⁵ In contrast, Kathryn Kish Sklar positively assessed early twentieth-century activists, such as Florence Kelley and Jane Addams, as “social justice feminists” for their commitment to structural change in the economy as well as the family.³⁶

Gordon and Kessler-Harris were more attuned to the ideological, discursive, and “fundamental social divisions of class, race, and sex”³⁷ and Skocpol to the governmental and interest-group aspects of policy contestation. Still, it was not that Gordon and other women historians clung to ideological or social explanations, while Skocpol offered political ones. Each generated competing sets of binary divisions: what Skocpol saw as maternalism and paternalism, Gordon historicized as public assistance and social insurance models of welfare policy. Barbara Nelson divided social politics into two tracks, female and male, undeserving and deserving, means-tested and entitled. Suzanne Mettler more precisely characterized the welfare state as separated into state, local, and federal authorities, grounding gender norms in state structures, especially federalism.³⁸

The state, then, could no longer appear as merely an instrument to maintain or extend male dominance; rather, it reinforced the racialized gender order—and women reformers, as maternalists, played a significant role in that process by defining proper homes and families. As Gordon recognized in her discussion of the casework approach that pervaded the Children’s Bureau and state-level departments of public assistance, social control as well as class or racial hegemony often came along with the implementation of such programs.³⁹ As she put it, “white women’s welfarist activity played a role in maintaining, even reinforcing, class and race exclusions.” Maternalist politics sustained what Gwendolyn Mink pinpointed as “socializ[ing] motherhood rather than citizenship.” Mink underscored “the origins of the American welfare state” in “gender-based solutions to what was widely perceived to be a racial problem,”⁴⁰ that is, the assimilation of ethnic/racial others.

For their part, African American women promoted maternal and child health and social support for lone mothers. As I suggested in 1989, race made a difference: white women’s mother talk could reinforce dominant notions of womanhood, while black women’s demands on the basis of their motherhood proved more oppositional, given their representation as workers, rather than mothers, in a world that maintained such a distinction.⁴¹ In Chicago, black clubwomen became municipal employees, enforcing decisions of the juvenile court.⁴² Immigrant women too would use mechanisms established to control their behavior for their own ends, as Gordon documented in her 1988 history of domestic violence and as Mary Odem showed in her 1995 analysis of sexual regulation of teenage women.⁴³ But

to account for race and ethnicity as anything but exclusion or discrimination often meant shifting gears, away from the formal state apparatus to the voluntary or private realm.⁴⁴

Moving from the social-control thesis, Michel documented how pensions functioned as an alternative to out-of-home child care.⁴⁵ In this interpretation, mothers' pensions were less about family life and caretaking and more about work and earning (though the two could not be separated easily).⁴⁶ Michel's subsequent history of child care, along with case studies of Philadelphia, Cleveland, Washington, D.C., and California, underscored policy ambivalence around maternal employment. Children's needs, especially for education and cultural assimilation, better justified nonparental care than women's right to earn.⁴⁷

The connection of mothering and soldiering as representing services to the state equally deserving of recompense, which Skocpol saw embodying two policy paths, provided historical grounding for political scientist Wendy Sarvasy. She found in mothers' pensions the possibility for universal endowment of motherhood. Christening as social democratic feminists a multiracial group of women reformers, including Addams, Kelley, Rose Schneiderman, and Mary Church Terrell, Sarvasy reconceptualized their thought to imagine a participatory state that cared for human need outside the market, in which the service work of women offered the template for a larger citizenship.⁴⁸ Difference then provided an alternative to an equality that conflated male activities with the good.

However, in a challenge to Skocpol (no less than to Grace Abbott and other historical promulgators), legal historian Susan M. Sterett convincingly has unraveled the soldier/mother service analogy. Soldiers were unique because the federal government alone could conduct war and reward their efforts. But courts also upheld pensions for firemen, police, civil servants, and some teachers as "payments for service." Mothers' pensions, in contrast, passed muster as a form of "poor relief, payments . . . granted as a matter of charity rather than entitlements, and . . . paid only to the indigent, not to all mothers." By explicating the establishment of state-level pensions, Sterett established a long trajectory for the connection of pensions to employment. "What in other countries is a social right of citizenship," she contended, "is in the United States a return for work." She thus complicated structure of governance arguments by underscoring the significance of municipalities and state courts for defining the basis upon which the state could give pensions.⁴⁹

Citizenship for All!

By the late 1990s, the maternalist paradigm had played itself out. In response, gender scholars followed the trajectory of other historians of the welfare state by turning to citizenship. They made two intellectual moves. First, interdisciplinary work on gender and the state reworked the Swedish political theorist Gøsta Esping-Andersen.⁵⁰ These studies looked at comparative models of welfare states, considered the political and economic resources that organized groups brought to bear upon struggles over social welfare, and evaluated the kinds of social programs, such as unemployment and pensions, which made workers less dependent on the market and better able to bargain with employers.⁵¹ Feminist analysis questioned Esping-Andersen's emphasis on paid labor and the male unionist as ideal citizen. It shifted the terms of debate, asking about the resources women would need to achieve independence from male breadwinners and thus the ability to exit marriages. It introduced the term "defamilization," or those supports that would uncouple women from family labor by providing incentives to reorganize reproduction and caregiving. This literature, however, rarely incorporated race into its framework. For racial ethnic women, I have contended, we might reconceptualize the problem as barriers impeding the right to care, or the ability to remain outside the labor market, rather than the right to earn.⁵²

Second, the influence of T. H. Marshall led women historians to disaggregate the components of citizenship, distinguishing civil from political and social rights. The right to a job (a civil right) and to living wages (a social right) has appeared central to citizenship, but feminists noted that these rights presume waged and exclude the unpaid labor of women. White women's attainment of state services before suffrage questioned Marshall's progressive narrative in which civil and then political citizenship paved the way for social citizenship. So did the simultaneous struggle of African Americans for civil, political, and social citizenship during World War II.⁵³ Moreover, Marshall limited the beneficiaries of "individual economic freedom," as Alice Kessler-Harris has pointed out, to men by noting how married women stood apart from the community norm. Rights thus took on different forms for women whose responsibility for childbearing and rearing often undermined accessibility to social rights constructed through wage work.⁵⁴

Through the concept of "economic citizenship," defined as "the independent status that provides the possibility of full participation in the polity," Kessler-Harris lifted the right to work out of the general category of civil rights. She has shown how a range of public policies (including

protective labor legislation, Social Security, and tax law) promoted the family wage and opposed labor-force attachment of married women. The struggle for women's rights over the course of the twentieth century, then, pivoted around "the right to earn." In this vein, Emilie Stoltzfus has presented the concept "productive citizenship," used during the early years of the Cold War to justify "subsidized child care" as "a social right." Only with legislative and legal victories in the 1960s and early 1970s did public policy attempt to correct the disadvantages that stemmed from "conceiving of women as primarily family members" that, for Kessler-Harris, led to economic discrimination and, thus, denial of citizenship rights.⁵⁵ However, African American women never appeared in the dominant culture as family members in quite the same way as did European American women. As numerous scholars have documented, including Dorothy Roberts, Johanna Schoen, and Rickie Solinger, social policies have interfered with their bodily autonomy, reproductive rights, and access to Marshall's decent standards of social citizenship.⁵⁶

Other women of color also experienced exclusion from these rights because of labor market segregation by racialized gender that placed them and their men in uncovered occupations, with their family work further curtailing access to social citizenship.⁵⁷ Moreover, immigrants from Asia and the Americas labored in family businesses, "illegal" sweatshops, or fields, often under threat of deportation, and thus outside the law.⁵⁸ Among communities of color, the quest for economic citizenship developed a dual meaning. For African Americans and other racial/ethnic groups—for men as well as women—economic citizenship embraced not only the right to a job or fair employment, the right to fair compensation or equal pay, but also, as Evelyn Nakano Glenn has observed, escape from coercion to labor.⁵⁹

Beginning in the 1930s, the growth of a mixed private-public welfare state that privileged employment over unpaid carework maintained the two tracks identified by scholars of the Progressive Era, with racialized gendered consequences. The first, which was federally funded and administered, embraced the economy's core-sector workers—who were more often white men—and their dependents. The National Labor Relations or Wagner Act facilitated the collective bargaining crucial for industrial workers to wrestle better wages, working conditions, and, with World War II, fringe benefits such as pensions and health care from their employers, inscribing a private welfare state within this federal one. The second, which was left to the states and their greater arbitrariness, covered the most socially and economically disadvantaged people, who were more often men of color and women.⁶⁰ Especially in the area of health care, Jennifer Klein has documented how the private welfare state grew with the expansion of

state benefits, crowding out community- and union-based alternatives such as group health and disadvantaging the vast majority of nonwhites, the nonunionized working class, and many white women whose places in the labor market made them ineligible for benefits.⁶¹

Sonya Michel and I attempted to bridge the employment/care divide by claiming that the civil right to work was an empty right without additional substantive rights to social services.⁶² This understanding that employment required attention to dependent care historicizes insights of labor feminists before and after passage of Title VII of the Civil Rights Act of 1964, who lobbied for child care, maternity leave, and a host of other programs necessary for women to exercise their “civil” right to earn. Dorothy Sue Cobble recently emphasized how labor feminists demanded both “‘equal rights’ and ‘special benefits,’” proposing a mixture of state regulation, social services, and collective-bargaining agreements.⁶³

The equality-difference conundrum became racialized in scholarship on aid to poor women and their children. “Welfare” reflected dominant understandings of women’s citizenship even as it helped generate a lesser citizenship for the needy. ADC (AFDC after the 1962 amendments) has garnered the most attention, undoubtedly because of political challenges during the last decades of the twentieth century that culminated with Bill Clinton’s “ending of welfare as we know it” in 1996.⁶⁴ Kessler-Harris first highlighted the significance of the 1939 amendments that gave “dependent wives and aged widows” old-age insurance (OAI) if husbands were eligible, segregating poor lone mothers into a separate, despised category. That Congress chose to enhance the benefits of those already covered and their families rather than extend coverage to domestics and agricultural workers suggested that gendered notions of fairness trumped over racial equity.⁶⁵ Mink stressed the ways that these amendments distinguished between types of dependency, providing fuller support to widows than those deserted, divorced, or unmarried since ADC originally lacked a caretaker grant.⁶⁶ The state’s formulation reflected the illiberal assumption that male household heads represented their dependents in the body politic and women without such heads were to become “wards” of the state.

By disciplining the poor and shoring up the low-waged labor supply, the racialization of welfare served political ends. Administrators denied benefits to women of color for being “undeserving,” instituted behavioral and other requirements for eligibility to limit their numbers, and finally lessened the value of welfare itself through declining monetary worth and workfare.⁶⁷ Joanne Goodwin emphasized that southern states from the 1940s passed “employable mother” rules to push would-be recipients into the labor market if any form of employment was available. State agencies

demanded that poor single mothers earn income as well as care for their children, especially when such mothers were black and not married.⁶⁸ Re-periodizing the movement toward workfare, Jennifer Mittelstadt has located this shift to the late 1940s, when a new group of social welfare experts sought to end dependency through employment. They offered a therapeutic approach to rehabilitate dysfunctional families and cure individual psychosis through a mother's waged labor.⁶⁹

Naming became central to welfare politics. Comparing Louisiana's 1960 slashing of its rolls with Newburgh, New York's 1961 campaign against chiselers, Lisa Levenstein documented the power of rhetorical framing; "child aid" garnered positive public response in contrast to portrayals of "unwed mother aid."⁷⁰ In the late 1960s, liberal antipoverty forces also generated a discourse of deficient family structures. With Ruth Feldstein and Felicia Kornbluh, Marisa Chappell has rethought liberalism by delin-eating its adherence to traditional, if not conservative, gender ideology. Liberals distinguished between "moms and matriarchs," as Feldstein has put it.⁷¹ While liberals hoped to provide African Americans a family wage and feminists sought a new family wage for single mothers, Reagan tax policies promoted a family wage for the wealthy. Conservatives deployed the discourse of failed families in an effort to cut government spending and dismantle the welfare state. Some blamed government largess for economic conditions that forced worthy working-class families to send wives and mothers into the labor force. Welfare, in this scenario, appeared "un-fair" because the "undeserving" could stay home, but working-class women had little choice but to leave their children in day care and go out to work.⁷²

Recent questions of equal rights and different obligations, at the center of the literature on the politics of care, link welfare and immigration to global trade and transnational labor regulation. This new research has complicated further the workings of equality and difference under a transformed gender system in which the wage-earning mother has become the norm. It has joined with feminist critiques of the global care deficit to interrogate how class, race, and citizenship status, abetted by public policies, has allowed some women to gain economic citizenship because other women clean their houses and care for their children, disabled, ill, and elderly.⁷³

Defining Citizenship Through Sexuality and Race

Now attentive to gender, citizenship as a category of analysis is undergoing additional permeations. More scholars speak of "sexual, intimate, or

reproductive citizenship.” Eileen H. Richardson and Brian S. Turner divide this terrain into “theories of sexual entitlement (such as the right to reproduce under conditions of one’s own choosing) and general theories of sexual citizenship in terms of lifestyle and consumerism (such as the right to sexual choice, pleasure and fulfillment).” They emphasize “the demand of gay and lesbian communities to enjoy the same rights as heterosexuals (sexual citizenship proper), and the expectation of the diversification of sexual pleasure in a more open and liberal society (intimate citizenship).”⁷⁴

The literature on abortion, birth control, and state regulation of reproduction comes under this rubric with its racialized, class, and imperial dimensions. Work by Leslie Reagan and Rickie Solinger, for example, has highlighted the legal and legislative categorization of abortion as “a crime,” while Donald Critchlow has charted the public-private making of population policy.⁷⁵ In linking the study of sex and reproduction to colonialism, Laura Briggs critiques not only state policies in Puerto Rico but also “rescue” narratives provided by mainland women reformers and later feminist critics of sterilization and population control.⁷⁶ These works are beginning to connect reproductive politics to state development.

In taking account of sexual citizenship, the structural role of marriage and heterosexuality become central to analyzing the welfare state. As Nancy Cott has noted, by 1996 there existed “more than *one thousand* places in the corpus of federal law where legal marriage conferred a distinctive status, right, or benefit.”⁷⁷ Michel has been analyzing the benefits of whiteness, maleness, and heteronormativity in systems of private as well as public welfare, and Mink has stressed the ways that welfare policy relies on normative assumptions about marriage to discipline poor women.⁷⁸ In showing the Veteran’s Administration interpreting the G.I. Bill—with its education, housing, and other benefits—to exclude those with “less than honorable” discharges, despite the letter of the law, Margot Canaday offers a particularly compelling analysis of structural heterosexuality. By focusing on the first direct federal exclusion of gays and lesbians from welfare state largess, she presents the social consequences of the G.I. “closet”: its institutionalization of “heterosexuality by channeling resources to men so that—at a moment when women had made significant gains in the workplace—the economic incentives for women to marry remained firmly in place.”⁷⁹ While John D’Emilio, William B. Turner, and Marc Stein, among others, have investigated the nexus of public policies and gay rights,⁸⁰ Canaday connects this history both to queer studies, with its emphasis on state construction of gay identities, and the larger literature on social citizenship and the welfare state.

The imperative to classify people by sexual and reproductive practices, which gender and queer theory especially have highlighted, also has controlled immigration and naturalization policy. In considering immigration policy, we particularly witness the challenge of multiple racial and ethnic identities to the black-white binary. Shifting classification of South Asians and Spanish speakers reflected contradictory desires for racial “purity” and cheap labor. From the first act in 1790, which restricted potential citizenship to whites only, through the 1875 Page Law, which excluded Asian women “imported” for prostitution, and the 1884 Chinese Exclusion Act, which allowed only the wives of elites to join husbands, and the national quota acts of the 1920s, which disproportionately admitted Northern Europeans, immigration policy has embedded racialized gendered assumptions.⁸¹ Well into the twentieth century, the citizenship status of husbands determined wives (even for citizen women married to noncitizens). Children of father citizens not married to their mothers born outside the United States faced a more difficult process than those born to citizen mothers, regardless of their location. These rules not only affirmed dominant gender systems, but they reinscribed the racial order by punishing citizen women who married men ineligible for citizenship, as many Asians were before 1950.⁸²

Regulations also have upheld a racialized familialism. Pregnant women were deemed likely to become public charges, their entry often denied. Family reunification became the official policy, allowing the admittance of wives, parents, children under eighteen, and other relatives of citizens and those eligible for citizenship—a preference ensconced in 1965 reforms. Before then, it took additional acts of Congress, including the lifting of Asian restrictions, for Japanese women married to GIs to come to the United States, despite the 1945 War Brides Act. Wives, whose previous practice of prostitution disqualified entry, required special waivers. Despite legalization provisions in 1986 immigration reform, tighter border enforcement has disrupted family formation among Mexican immigrants and made it difficult for the mothers of citizen children to become documented. In going after those who would use the affective to cheat quotas, the Immigration Marriage Fraud Amendment (also 1986) functioned like earlier administrative attempts to ferret out paper sons among Chinese who had relied upon false family histories and identities to gain admittance. As with the double sexualization of Filipino men who migrated alone to the United States, charged with lusting after white women despite being labeled as “ambiguous, inscrutable, and hermaphroditic,” immigration and naturalization policy continued to classify by racialized gender. It reinforced the significance of marriage for a racialized and gendered construction of citizenship.⁸³

Canaday's insight into the ways that immigration policy determined the homosexual illuminates both the creation of identities and their indeterminacy. The 1952 McCarran Walter Act defined the homosexual as a "psychopathic personality," though INS agents ascertained status through conduct that came to their attention through criminal charges, often for disorderly conduct or moral turpitude [code words for public sex], that usually led to deportation of already present migrants. This focus on conduct "destabiliz[ed] homosexuality as identity by asserting either that homosexual conduct did not make one homosexual or that homosexuals were not psychopathic, and thus not covered by the law."⁸⁴ Race, however, mattered; the two cases where work history and family ties led courts to determine individuals were not homosexuals involved Northern European men. But in 1967, the Supreme Court labeled the homosexual an identity stemming from behavior, which immigration reform in 1965 specifically included under "psychopathic" exclusions.

Appearance, rather than crime, more likely brought lesbians to the attention of the border patrol.⁸⁵ While appearance may have expressed identities, law has not recognized discriminations based on these markers of racialized gender. Rather, courts have interpreted antidiscrimination law as addressing fundamental rights, such as the right to marry and bear children, finding no right to express cultural identity on the job through hair or dress. With "race" and "gender" losing their predetermined meaning, however, law that relies on fixed categories seems less able to address grievances manifested in daily life.⁸⁶

What are the consequences for the practice of policy history from these directions in scholarship and theory? How will our writing about bureaucracy, federalism, policy feedbacks, or a host of other standard areas be affected? More careful empirical research that explores the impact of the black-white binary on women as well as men from other racial/ethnic groups will help reassess the saliency of that model over time and across the nation. Attention to reproduction and sexualities can expand the topics of policy history and illuminate the building blocks and power relations within the welfare state itself. Bringing marriage and the family, domestic labor and bodies, into the center of policy history complicates understandings of citizenship, while a focus on immigration reminds that not all denizens are citizens. Citizenship is about exclusion as well as inclusion. At the least, the destabilization of social categories suggests self-consciousness of assumptions in ways that demand genealogies of not only the very terms and categories we deploy as historians but also new histories of the categories through which various state actors and agencies have operated that are fully attentive to racialized gender as well as age, na-

tionality, religion, class, and other factors whose meanings have rarely remained static.

That "gay marriage" and guest-worker programs have become hotly contested issues underscore the field's origins in providing usable pasts for public deliberations. Over the last twenty years, scholars have investigated the historical roots of the work and family dilemma, argued about the consequences of equal treatment and special treatment for gender and racial equity, and complicated struggles over the right to care and be cared for no less than the right to earn. Those who write policy history will continue to take their clues from those who are making current policy and the dilemmas faced by peoples with conflicting aspirations and uneven access to power and resources.

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Notes

1. The best account of the development of policy history is Julian E. Zelizer, "Clio's Lost Tribe: Public Policy History Since 1978," *Journal of Policy History* 12 (2000): 369–94; for a personalistic one hostile to gender analysis, see Guy Alchon, "Policy History and the Sublime Immodesty of the Middle Age Professor," *Journal of Policy History* 9 (1997): 358–74.

2. Carroll Smith Rosenberg, "The Female World of Love and Ritual: Relations Between Women in Nineteenth-Century America," *Signs: A Journal of Women in Culture and Society* 1 (1975): 1–29; Daniel Scott Smith, "Family Limitation, Sexual Control, and Domestic Feminism in Victorian America," *Feminist Studies* 1 (1973): 40–57; Nancy Cott, "Passionlessness: An Interpretation of Victorian Sexual Ideology, 1790–1850," *Signs: A Journal of Women in Culture and Society* 4 (1978): 219–36.

3. Judith R. Walkowitz, "Introduction: Politics and Culture in Women's History: A Symposium," *Feminist Studies* 6 (1980): 26ff.

4. Steven P. Erie, Martin Rein, and Barbara Wiget, "Women and the Reagan Revolution: Thermidor for the Social Welfare Economy," in Irene Diamond, ed., *Families, Politics, and Public Policy: A Feminist Dialogue on Women and the State* (New York, 1983), 94–119; Michel K. Brown, ed., *Remaking the Welfare State: Retrenchment and Social Policy in America and Europe* (Philadelphia, 1988).

5. This was the context in which Peter Bardaglio and I wrote "The Transformation of Patriarchy: The Historic Role of the State," in Diamond, *Families, Politics, and Public Policy*, 70–93.

6. Susan Ware, *Beyond Suffrage: Women in the New Deal* (Cambridge, 1981); Judith Sealander, *As Minority Becomes Majority: Federal Reaction to the Phenomenon of Women in the Work Force, 1920–1963* (Westport, Conn., 1983); Cynthia Harrison, *On Account of Sex: The Politics of Women's Issues, 1945–1968* (Berkeley and Los Angeles, 1988).

7. One way to trace this trajectory is Linda Nicholson, ed., *The Second Wave: A Reader in Feminist Theory* (New York, 1997), in comparison with Carole McCann and Seung-Kyung Kim, *Feminist Theory Reader: Local and Global Perspectives* (New York, 2003).

8. Joan Wallach Scott, "Gender: A Useful Category of Historical Analysis," in Scott, *Gender and the Politics of History* (New York, 1988), 49–50.

9. Even Carroll Smith-Rosenberg engaged in this change; see "Dis-Covering the Subject of the 'Great Constitutional Discussion,' 1786–1789," *Journal of American History*

79 (1992): 841–73. War and taxes of course come to mind: for example, Carol Cohn, “Sex and Death in the Rational World of Defense Intellectuals,” *Signs* 12 (1987): 687–718; Lee Ann Whites, “The Civil War as a Crisis in Gender,” in *Divided Houses: Gender and the Civil War*, ed. Catherine Clinton and Nina Silber (New York, 1992); Alice Kessler-Harris, “‘A Principle of Law But Not of Justice’: Men, Women, and Income Taxes in the United States, 1913–1948,” *Southern California Review of Law and Women’s Studies* 6 (1997): 331–60.

10. For an excellent explication, see Nan Enstad, *Ladies of Labor, Girls of Adventure: Working Women, Popular Culture, and Labor Politics at the Turn of the Twentieth Century* (New York, 1999), 109–10.

11. Judith Butler, “Critically Queer,” in *Bodies That Matter* (New York, 1993), 224–25. See also idem, *Gender Trouble: Feminism and the Subversion of Identity* (New York, 1989).

12. Of course, these scholars draw upon Michael Foucault, *The History of Sexuality* (New York, 1980), vol. 1. See the impact of the law in the now-classic work of George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890–1940* (New York, 1994), and, more recently, Nan Alamilla Boyd, *Wide Open Town: A History of Queer San Francisco to 1965* (Berkeley and Los Angeles, 2003).

13. Eileen Boris, “Labor’s Welfare State: Defining Workers, Constructing Citizens,” in Michael Grossberg and Christopher Tomlins, eds., *Cambridge Encyclopedia of American Law*, vol. 3 (New York, forthcoming).

14. Eileen Boris, “The Racialized Gendered State: Constructions of Citizenship in the United States,” *Social Politics* 2 (1995): 160–80.

15. For the concept of racialized gender, I have extrapolated from such scholars as Evelyn Nakano Glenn, “From Servitude to Service Work: Historical Continuities in the Racial Division of Women’s Work,” *Signs* 18 (1992): 1–43, Fiona Williams, *Social Policy: A Critical Introduction to Issues of Race, Gender, and Class* (Cambridge, 1989), and Gwendolyn Mink, *The Wages of Motherhood: Inequality in the Welfare State, 1917–1942* (Ithaca, 1995). See also Tessie Liu, “Teaching Differences among Women from a Historical Perspective: Rethinking Race and Gender as Social Categories,” *Women’s Studies International Forum* 14 (1991): 265–76, and my “‘You Wouldn’t Want One of ‘Em Dancing With Your Wife’: Racialized Bodies on the Job in WWII,” *American Quarterly* 50 (1998): 77–108. For marriage, see Rachel F. Moran, *Interracial Intimacy: The Regulation of Race and Romance* (Chicago, 2001), and Peggy Pascoe, “Miscegenation Law, Court Cases, and Ideologies of ‘Race’ in 20th-Century America,” *Journal of American History* 83 (1996): 44–69.

16. For example, Jill Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty* (New York, 1994); Dona C. Hamilton and Charles V. Hamilton, *The Dual Agenda: Race and Social Welfare Policies of Civil Rights Organizations* (New York, 1997); Robert C. Lieberman, *Shifting the Color Line: Race and the American Welfare State* (Cambridge, 1998); and Michael K. Brown, *Race, Money, and The American Welfare State* (Ithaca, 1999).

17. See my “‘The Right to Work Is the Right to Live!’ Fair Employment and the Quest for Social Citizenship,” in Manfred Berg and Martin H. Geyer, eds., *Two Cultures of Rights: The Quest for Inclusion and Participation in Modern America and Germany* (New York, 2002), 121–41, in which I consider “working-class voices” in the conception of fair employment; and Felicia Kornbluh, “‘To Fulfill Their Rightly Needs’: Consumerism and the National Welfare Rights Movement,” *Radical History Review*, no. 69 (1997): 76–113, for poor women’s reconceptualization of their rights. These also take the form of local history or case studies: for one model, see Rhonda Williams on mid-century Baltimore, *The Politics of Public Housing: Black Women’s Struggles Against Urban Inequality* (New York, 2005); for another, George Lipsitz, *A Life in the Struggle: Ivory Perry and the Culture of Opposition* (Philadelphia, 1988). Much of the literature on civil rights organizing can be reread through a policy history perspective.

18. For example, Kimberle Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Anti-discrimination Doctrine, Feminist Theory, and Anti-racist Politics," *University of Chicago Legal Forum* 139 (1989): 139–67.

19. This process they name "racialization." Michael Omni and Howard Winant, *Racial Formation in the United States*, 2d ed. (New York, 1994). See also Howard Winant, *The World Is a Ghetto: Race and Democracy Since World War II* (New York, 2001).

20. Howard Winant, *Racial Conditions: Politics, Theory, Comparisons* (Minneapolis, 1994), 23, as quoted by Linda Gordon, *The Great Arizona Orphan Abduction* (Cambridge, 1999), 99. Gordon provides an excellent summary of the social constructionist theory of race and of competing and changing racial systems in the Southwest a century ago.

21. For example, Vicki L. Ruiz, "Tapestries of Resistance: Episodes of School Segregation and Desegregation in the U.S. West," in Peter Lau, ed., *From Grassroots to the Supreme Court: Exploration of Brown V. Board of Education and American Democracy* (Durham, forthcoming), provides a new context for civil rights based on Latina/Latino struggles, showing that these did not necessarily follow the black freedom movement but existed in tandem and perhaps helped to shape its legal strategy.

22. This literature is huge, not usually thought of as part of policy history, but often addresses the impact of policy or state action. See, for example, Barbara Jeanne Fields, "Slavery, Race, and Ideology in the United States of America," *New Left Review* 181 (1990): 95–118; David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York, 1991); James R. Barrett and David Roediger, "Inbetween Peoples: Race, Nationality, and the 'New Immigrant' Working Class," *Journal of American Ethnic History* 16 (1997): 3–45; Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, 1998); Ian F. Haney López, *White by Law: The Legal Construction of Race* (New York, 1996); George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia, 1998); Karin Bodkin, *How Jews Became White Folks and What That Says About Race in America* (New Brunswick, 1998); and Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890–1940* (New York, 1999). For a critical assessment, see Eric Arnesen, "Whiteness and the Historian's Imagination," *International Labor and Working-Class History* 60 (2001): 3–32, and the rejoinders in the rest of that issue, 33–92.

23. Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge, 2002), and, most powerfully, Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, 2004), nicely exemplify these trends. See also Henry Yu, *Thinking Orientals: Migration, Contact, and Exoticism in Modern America* (New York, 2001); Lisa Lowe, *Immigrant Acts* (Durham, 1996); Neil Foley, *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture* (Berkeley and Los Angeles, 1997); Susan Koshy, "Morphing Race into Ethnicity: Asian Americans and Critical Transformations of Whiteness," *boundary 2*, no. 28 (2001): 151–91; David Palumbo-Liu, *Asian/American: Historical Crossings of a Racial Frontier* (Stanford, 1999); David Gutierrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley and Los Angeles, 1995); and Tomás Almaguer, *Racial Fault Lines: The Historical Origins of White Supremacy in California* (Berkeley and Los Angeles, 1994).

24. The other essays in this special issue testify to that generative scholarship.

25. Margaret Weir, Ann Shola Orloff, and Theda Skocpol, *The Politics of Social Policy in the United States* (Princeton, 1988).

26. This discussion of maternalism elaborates upon Eileen Boris and S. J. Kleinberg, "Mothers and Other Workers: (Re)Conceiving Labor, Maternalism, and the State," *Journal of Women's History* 15 (2003): 100–103.

27. For one excellent account, see Dorothy Sue Cobble, *The Other Women's Movement: Workplace Justice and Social Rights in Modern America* (Princeton, 2003), esp. 215–19.

28. Carol Gilligan, *In a Different Voice* (Cambridge, 1982).

29. Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States* (New York, 1982); for how this argument became twisted against her in the 1986

drama of *EEOC v. Sears, Roebuck and Co.* and the impact of this case on feminist theory, see Joan W. Scott, "Deconstructing Equality-Versus-Difference: or, the Uses of Poststructuralist Theory for Feminism," *Feminist Studies* 14 (Spring 1988): 32–50.

30. Alice Kessler-Harris, *A Women's Wage: Historical Meanings and Social Consequences* (Lexington, 1990); idem, *In Pursuit of Equity: Men, Women, and the Quest for Economic Citizenship in 20th-Century America* (New York, 2001).

31. Seth Koven and Sonya Michel, "Womanly Duties: Maternalist Politics and the Origins of Welfare States in France, Germany, Great Britain, and the United States, 1880–1920," *American Historical Review* 95 (October 1990): 1076–109.

32. Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, 1992), 56.

33. Ann Shola Orloff made a similar argument for old-age pensions; see *The Politics of Pensions: A Comparative Analysis of Britain, Canada, and the United States, 1880–1940* (Madison, 1993).

34. More recently Michael Willrich has explored the use of the courts to control the working-class, predominantly urban European immigrant, in "Home Slackers: Men, the State, and Welfare in Modern America," *Journal of American History* 87 (2000): 460–89. See also my *Home to Work: Motherhood and the Politics of Industrial Homework in the United States* (New York, 1994).

35. Alice Kessler-Harris, review of Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States*, *The Journal of American History* 80 (December 1993): 1035–37.

36. Kathryn Kish Sklar, Anja Schuler, and Susan Strasser, *Social Justice Feminists in the United States and Germany: A Dialogue in Documents, 1885–1933* (Ithaca, 1998), 5–7. See also Joanne Goodwin, *Gender and the Politics of Welfare Reform: Mothers' Pensions in Chicago, 1911–1929* (Chicago, 1997). For other rejections of maternalism, see Landon R. Y. Storrs, *Civilizing Capitalism: The National Consumers' League, Women's Activism, and Labor Standards in the New Deal Era* (Chapel Hill, 2000), who uses feminist, and Sybil Lipschultz, "Social Feminism and Legal Discourse: 1908–1923," *Yale Journal of Law and Feminism* 2 (1989): 131–60, who refers to industrial feminism.

37. For a fuller critique, see Linda Gordon, "Gender, State, and Society: A Debate with Theda Skocpol," *Contention* 2 (1993), reprinted in Nikki R. Keddie, ed., *Debating Gender, Debating Sexuality* (New York, 1996), 129–46, quote at 141.

38. Barbara J. Nelson, "The Origins of the Two-Channel Welfare State: Workmen's Compensation and Mothers' Aid," in Linda Gordon, ed., *Women, the State, and Welfare* (Madison, 1990), 123–51; Suzanne Mettler, *Dividing Citizens: Gender and Federalism in New Deal Public Policy* (Ithaca, 1998).

39. Linda Gordon, *Pitied But Not Entitled: Single Mothers and the History of Welfare* (New York, 1994); see also Andrew J. Polsky, *The Rise of the Therapeutic State* (Princeton, 1991).

40. Linda Gordon, "The New Feminist Scholarship on the Welfare State," in Gordon, ed., *Women, the State, and Welfare*, 25; Gwendolyn Mink, "The Lady and the Tramp: Gender, Race, and the Origins of the American Welfare State," in *ibid.*, 93, 111. She elaborates her thesis in *The Wages of Motherhood*.

41. See Eileen Boris, "The Power of Motherhood: Black and White Activist Women Redefine the 'Political,'" *Yale Journal of Law and Feminism* 2 (Fall 1989): 25–49, reprinted in Seth Koven and Sonya Michel, eds., *Mothers of a New World*, 213–45.

42. Patricia A. Schechter, *Ida B. Wells-Barnett and American Reform, 1880–1930* (Chapel Hill, 2001).

43. Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence, Boston, 1880–1960* (New York, 1988); Mary Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885–1920* (Chapel Hill, 1995).

44. For one excellent example of self-help and grassroots efforts, Nancy Hewitt, *Southern Discomfort: Women's Activism in Tampa, Florida, 1880s–1920s* (Urbana, 2001).

45. Sonya Michel, "The Limits of Maternalism: Policies toward American Wage-Earning Mothers during the Progressive Era," in Koven and Michel, eds., *Mothers of a New World*, 298–300.

46. S. J. Kleinberg, "The Economic Origins of the Welfare State, 1870–1939," in Hans Bak, Frits van Holthoon, and Hans Krabbendam, eds., *Social and Secure? Politics and Culture of the Welfare State: A Comparative Inquiry* (Amsterdam, 1996), 94–116.

47. Sonya Michel, *Children's Interests, Mothers' Rights: The Shaping of America's Child-Care Policy* (New Haven, 1999); Elizabeth Rose, *A Mother's Job: The History of Day Care, 1890–1960* (New York, 1999); Emilie Stoltzfus, *Citizen, Mother, Worker: Debating Public Responsibility for Child Care After the Second World War* (Chapel Hill, 2003).

48. Wendy Sarvasy, "Social Citizenship from a Feminist Perspective," *Hypatia: A Journal of Feminist Philosophy* 12 (1997): 54–74. See also her "Beyond the Difference versus Equality Policy Debate: Postsuffrage Feminism, Citizenship, and the Quest for a Feminist Welfare State," *Signs* 17 (1992): 329–63.

49. Susan M. Sterett, *Public Pensions: Gender and Civic Service in the States, 1850–1937* (Ithaca, 2003), esp. 105–6, 102.

50. Gøsta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Princeton, 1990).

51. Ann Shola Orloff, "Gender and the Social Rights of Citizenship," *American Sociological Review* 58 (1993): 303–28; Julia O'Connor, Ann Shola Orloff, and Shelia Shaver, *States, Markets, Families: Gender, Liberalism, and Social Policy in Australia, Canada, Great Britain, and the United States* (Cambridge, 1999).

52. For a friendly critique, see my "The Racialized Gendered State Revisited," in Mark Shackleton and Maarika Toivonen, eds., *Roots and Renewal: Writings by Bicentennial Fulbright Professors* (Helsinki, 2001), 45–57.

53. Kathryn Kish Sklar, "The Historical Foundations of Women's Power in the Creation of the American Welfare State, 1830–1930," in Koven and Michel, eds., *Mothers of a New World*, 43–93; Boris, "The Right to Work Is the Right to Live!"

54. T. H. Marshall, *Citizenship and Social Class* (Cambridge, 1952); Alice Kessler-Harris, "Gender Identity: Rights to Work and the Idea of Economic Citizenship," *Schweizerische Zeitschrift für Geschichte* 46 (1996): 414–17. For modifications, see also Nancy Fraser and Linda Gordon, "Contract Versus Charity: Why Is There No Social Citizenship in the United States?" *Socialist Review* 22 (1992): 45–68; Ruth Lister, "Tracing the Contours of Women's Citizenship," *Policy and Politics* 21 (1993): 3–16; Linda K. Kerber, "The Meanings of Citizenship," *Journal of American History* 84 (1997): 833–54, most completely accounts for race, class, gender, and nation, offering a model synthesis.

55. Stoltzfus, *Citizen, Mother, Worker*, 14; Kessler-Harris, *In Pursuit of Equity*, 5, 288.

56. Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (New York, 1999); Johanna Schoen, *Choice and Coercion, Birth Control, Sterilization, and Abortion in Public Health and Welfare* (Chapel Hill, 2005); Rickie Solinger, *Beggars and Choosers: How the Politics of Choice Shapes Adoption, Abortion, and Welfare in the United States* (New York, 2001). See also my "Citizenship Embodied: Racialized Gender and the Construction of Nationhood in the United States," in Norbert Finzsch and Dietmar Schirmer, eds., *Identity and Intolerance: Nationalism, Racism, and Xenophobia in Germany and the United States* (New York, 1998), 325–29.

57. Boris, "The Right to Work Is the Right to Live!"

58. For example, Grace Chang, *Disposable Domestic: Immigrant Women Workers in the Global Economy* (Boston, 2000).

59. Nakano Glenn, *Unequal Freedom*.

60. Here I draw upon my "Changing Debate on Work and Family Lives: A Historical Perspective," in Christopher Beem and Jody Heymann, eds., *Unfinished Work: Building Equality and Democracy in an Era of Working Families* (New York, forthcoming 2005); see also Mettler, *Dividing Citizens*, and Lieberman, *Shifting the Color Line*.

61. Jennifer Klein, *For All These Rights: Business, Labor, and the Shaping of America's Public Private Welfare State* (Princeton, 2003.)

62. Eileen Boris and Sonya Michel, "Social Citizenship and Women's Right to Work in Postwar America," in *Women's Rights and Human Rights: International Historical Perspectives*, ed. Pat Grimshaw, Marilyn Lake, and Katie Holmes (New York, 2001), 199–219.

63. Cobble, *The Other Women's Movement*, 223–25.

64. For one declension narrative, see William Graebner, "The End of Liberalism: Narrating Welfare's Decline, from the Moynihan Report (1965) to the Personal Responsibility and Work Opportunity Act (1960)," *Journal of Policy History* 14 (2002): 170–90; for its invention, see Michael B. Katz and Lorrin R. Thomas, "The Invention of Welfare in America," *Journal of Policy History*, 10 (1998): 399–418.

65. Kessler-Harris, *In Pursuit of Equity*, 130–56, quote from 132; see also her earlier essay, "Designing Women and Old Fools: The Construction of the Social Security Amendments of 1939," in *U.S. History as Women's History: New Feminist Essays*, ed. Linda K. Kerber, Alice Kessler-Harris, and Kathryn Kish Sklar (Chapel Hill, 1995), 87–106.

66. Mink, *Wages of Motherhood*, 137.

67. On this point, see also Frances Fox Piven, "Welfare and Work," *Whose Welfare?* 83–99; Kenneth J. Neubeck and Noel A. Cazenave, *Welfare Racism: Playing the Race Card Against America's Poor* (New York, 2001), 35–36.

68. Joanne Goodwin, "Employable Mothers' and 'Suitable Work': A Re-evaluation of Welfare and Wage-earning for Women in the Twentieth-Century United States," *Journal of Social History* 29 (1995): 253–74, quote at 545; Nancy Rose, *Workfare or Fair Work: Women, Welfare, and Government Work Programs* (New Brunswick, 1995), 73–75; Ellen Reese, "The Politics of Motherhood: The Restriction of Poor Mothers' Welfare Rights in the United States, 1949–1960," *Social Politics: International Studies in Gender, State, and Society* 8 (2001): 65–11.

69. Jennifer Mittelstadt, "'Dependency as a Problem to Be Solved': Rehabilitation and the American Liberal Consensus on Welfare in the 1950s," *Social Politics: International Studies in Gender, State, and Society* 8 (2001): 228–57.

70. Lisa Levenstein, "From Innocent Children to Unwanted Migrants and Unwed Moms: Two Chapters in the Public Discourse on Welfare in the United States, 1960–1961," *Journal of Women's History* 11 (2000): 10–33.

71. Ruth Feldstein, *Motherhood in Black and White: Race and Sex in American Liberalism, 1930–1965* (Ithaca, 2000), 9; Felicia Kornbluh, "The Rise and Fall of Welfare Rights: Gender, Law, and Poverty in Postwar America," manuscript draft in author's possession.

72. Marisa Chappell, *From Welfare Rights to Welfare Reform* (Philadelphia, forthcoming).

73. Rhacel Salazar Parreñas, "Transgressing the Nation-State: The Partial Citizenship and 'Imagined (Global) Community' of Migrant Filipina Domestic Workers," *Signs* 26 (2001): 1129–54; Barbara Ehrenreich and Arlie Russell Hochschild, *Global Woman: Nannies, Maids, and Sex Workers in the New Economy* (New York, 2002); Pierrette Hondagneu-Sotelo, *Doméstica: Immigrant Workers Cleaning and Caring in the Shadow of Affluence* (Berkeley and Los Angeles, 2001). See also Parreñas, *Servants of Globalization: Women, Migration, and Domestic Work* (Stanford, 2001).

74. Eileen H. Richardson and Bryan S. Turner, "Sexual, Intimate, or Reproductive Citizenship?" *Citizenship Studies* 5 (2001): 329–30, 333.

75. Leslie Reagan, *When Abortion Was a Crime: Women, Medicine, and Law in the United States, 1867–1973* (Berkeley and Los Angeles, 1997); the more popular, Rickie Solinger, *The Abortionist: A Woman Against the Law* (New York, 1994); Donald Critchlow, *Intended Consequences: Birth Control, Abortion, and the Federal Government in Modern America* (New York, 1999).

76. Laura Briggs, *Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico* (Berkeley and Los Angeles, 2002).

77. Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, 2000), 2.

78. Sonya Michel, "The Benefits of Race and Gender: Retirement in Postwar America," unpublished work in progress, 2002, in possession of the author; Gwendolyn

Mink, "Violating Women: Rights Abuse in the Welfare Police State," in Randy Albelda and Ann Withorn, *Lost Ground: Welfare Reform, Poverty, and Beyond* (Boston, 2002), 95–112. See also Jill Quadagno, "Women's Access to Pensions and the Structure of Eligibility Rules: Systems of Production and Reproduction," *Sociological Quarterly* 29 (1988): 541–58.

79. Margot Canaday, "Building a Straight State: Sexuality and Social Citizenship under the 1944 G.I. Bill," *Journal of American History* 90 (2003): 235–57. A number of historians already stressed how gendered restrictions on military service and the inequalities of a Jim Crow army disadvantaged women and African American men. See Linda Kerber, *No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (New York, 1998), 221–302; Elizabeth Cohen, *A Consumer's Republic: The Politics of Mass Consumption in Postwar America* (New York, 2003), 137–46, 166–73; and David H. Onkst, "First a Negro . . . Incidentally a Veteran': Black World War II Veterans and the G.I. Bill of Rights in the Deep South, 1944–1948," *Journal of Social History* 31 (1998): 517–44. For the "lesbian menace" during World War II, see Leisa D. Meyer, *Creating GI Jane: Sexuality and Power in the Women's Army Corps During World War II* (New York, 1996).

80. For example, John D'Emilio, William B. Turner, and Urvashi Vaid, *Creating Change: Sexuality, Public Policy, and Civil Rights* (New York, 2000); Marc Stein, *City of Sisterly and Brotherly Loves: Lesbian and Gay Philadelphia, 1945–1972* (Chicago, 2000).

81. For a good summary, see Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis, 2002).

82. Virginia Sapiro, "Women, Citizenship, and Nationality: Immigration and Naturalization Policies in the United States," *Politics & Society* 13 (1984): 1–26; Candice Lewis Bredbenner, *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship* (Berkeley and Los Angeles, 1998); Kerber, *No Constitutional Right*, 33–46.

83. Luibhéid, *Entry Denied*; Nancy F. Cott, "Marriage and Women's Citizenship in the United States, 1830–1934," *American Historical Review* 103 (1998): 1440–74; Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era, 1882–1943* (Chapel Hill, 2003); Ngai, *Impossible Subjects*, esp. 109–16 on Filipinos, 202–24 on Chinese, quote at 113.

84. Margot Canaday, "'Who Is a Homosexual?' The Consolidation of Sexual Identities in Mid-Twentieth-Century Immigration Law," *Law and Social Inquiry* 28 (2003): 351–86, quote at 354–55.

85. Luibhéid, *Entry Denied*, 77–101.

86. I am currently exploring this issue as part of a larger project on bodies on the job. But see Taunya Lovell Banks, "The Black Side of the Mirror: The Black Body in the Workplace," in *Sister Circle: Black Women and Work*, ed. Sharon Harley and The Black Women and Work Collective (New Brunswick, 2002), 13–28; Alan Hyde, *Bodies of Law* (Princeton, 1997), 125–30; Karl E. Klare, "Power/Dressing: Regulation of Employee Appearance," 26 *New England Law Review* 1395 (1992).