

Fighting “Big Government”: Frames, Federalism, and Social Policy Reform in the United States

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Abstract: In recent decades, historical institutionalism has contributed to the political and sociological analysis of public policy. While drawing on this fruitful theoretical approach, this article argues that institutionalist scholars should pay more attention to the specific ways in which ideas impact policy processes. In order to underline the role of ideas in policy-making, this article examines the interaction between frames, federalism, and political strategies in the United States, a country in which recent attempts to decentralize social policy have been especially spectacular and ideologically-driven. Two key pieces of legislation enacted during the Clinton presidency are examined: the Unfunded Mandates Reform Act and, more importantly, the Personal Responsibility and Work Opportunity Reconciliation Act. Starting with the fact that US conservatives have monopolized the issue of decentralisation in their struggle against federal social programmes, this article shows that attempts to create a New Federalism in the field of social policy have failed. Moreover, it demonstrates that the critique of centralization rooted in a well-established ideological repertoire is politically relevant only to the extent that there is a budgetary rationale justifying it. When it comes to conservative social issues like “family values” and “personal responsibility,” this critique loses much of its political appeal and “moral centralization” prevails.

Résumé: Au cours des récentes décennies, l’institutionnalisme historique a contribué à l’analyse politique et sociologique des politiques publiques. Tout en s’inspirant de cette approche si utile, cet article soutient que les chercheurs institutionnalistes devraient se pencher davantage sur la manière dont les idées affectent les processus d’élaboration des politiques publiques. Afin de souligner le rôle des idées dans ces processus, l’article examine l’interaction entre les cadres idéologiques, le fédéralisme et les stratégies politiques aux États-Unis, un pays dans lequel les tentatives récentes de décentralisation des politiques sociales ont été à la fois spectaculaires et fortement marquées idéologiquement. Deux législations essentielles adoptées durant la présidence Clinton sont analysées: l’Unfunded Mandates Reform Act et, plus important encore, le Personal Responsibility and Work Opportunity Reconciliation Act. En partant du fait que les conservateurs ont monopolisé la référence à la décentralisation dans leur lutte contre les programmes sociaux fédéraux, cet article montre que les tentatives de créer un Nouveau Fédéralisme dans le champ des politiques sociales ont échoué. De plus, il est démontré que la critique de la décentralisation ancrée dans un répertoire idéologique bien établi est politiquement pertinente uniquement dans la mesure où une justification budgétaire existe. Lorsqu’il est question d’enjeux sociaux conservateurs comme la “responsabilité individuelle”, cette critique perd de son intérêt et la “centralisation morale” triomphe.

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In recent decades, historical institutionalism has contributed to the political and sociological analysis of public policy.^[1] This is especially true in the area of social policy analysis, where the frequently cited contributions of authors such as Paul Pierson and Theda Skocpol have influenced the way social scientists analyse welfare state politics (Pierson, 1994; Skocpol, 1992). For institutionalist scholars, party systems, state administrative capacities, and formal political institutions structure the strategies of bureaucrats and elected officials while shaping the way in which interest groups and social movements influence policy outcomes (Maioni, 1998). Rejecting a static, a-historical vision of political structuration, institutionalist scholars have also recognized that the order in which a country undergoes large-scale political transformations makes a significant difference in the character and outcome of those changes. Feedback effects from previously enacted policies constitute enduring constraints for policy-makers (Pierson, 2000).

Starting from the above-mentioned assumptions, a growing number of institutionalist scholars have explored the way in which federalism and other territorial arrangements shape regional identities while creating constraints and opportunities for interest groups and policy-makers (Lecours, 2001; Théret, 1999). In the field of health policy, for example, Ellen Immergut has shown that the structure of the Swiss federal system allows Swiss physicians to have more political influence than their French and Swedish colleagues (Immergut 1992). Authors comparing welfare state development in Canada and the US have also demonstrated how different forms of regionalism and federalism — as related to other political institutions — favour contrasting policy outcomes (Banting, 1997; Maioni, 1998; Théret, 1999).

Although their work is stimulating and insightful, institutionalist students of welfare state politics seldom put forward a systematic analysis aimed at understanding how specific ideas affect policy outcomes.^[2] This does not mean that these scholars never deal explicitly with ideational processes but that their framework does not allow them to grasp the complex role of ideas in policy-

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making. This is especially problematic because recent scholarship has demonstrated that both ideas and institutions shape policy change and, for that matter, the relationship between federalism reform and welfare state development (Béland and Hacker, 2004; Lieberman, 2002). While the institutionalist concept of social learning (Hecl, 1974) illustrates the constant interaction between ideas and institutions in policy-making, institutionalist scholars would gain from a careful analysis of ideational processes and, more precisely, the way in which political actors mobilize discourses and “ideological frames” to justify the policy alternatives they support. During legislative debates, as well as after the enactment of specific measures, policy makers indeed justify their political and technical choices through frames that legitimize the “need to reform” (Cox, 2001). From this perspective, “[ideas] provide actors with symbols and concepts with which to frame solutions to policy problems in normatively acceptable terms through transposition and bricolage.” (Campbell, 1998: 394)^[3] Drawing from existing political traditions and widely accepted ideological repertoires, ^[4] ideological frames “appear typically in the public pronouncements of policy makers and their aides, such as sound bites, campaign speeches, press releases, and other very public statements designed to muster public support for policy proposals.” (ibid.) The framing process is thus a strategic and deliberate activity aimed at generating public support for a specific policy option. The capacity to communicate ideological frames to the targeted public is also essential to politicians interested in justifying their policy decisions (ibid.: 397). ^[5] While accepting the basic theoretical assumptions of historical institutionalism, the study of frames could help institutionalist scholars to better understand the ideational side of the policy-making process.^[6]

The following article shows how the debate over federalism and welfare state decentralization in the United States is the theatre of an ongoing framing process related to specific ideational and institutional settings. This contribution illustrates the interaction between federalism, ideological frames, and political strategies in a country where recent attempts to decentralize social policy have been especially spectacular and ideologically driven. After decades

of policy centralization largely related to the New Deal's legacy, New Federalism and welfare state decentralization have moved on the US federal policy agenda since the 1970s. Conservative campaigns have been launched to decentralise the US welfare state, but few comprehensive and theoretically informed studies have been published yet to measure properly the institutional and ideological effects of New Federalism on social policy.^[7] In order to enrich this literature, this article deals specifically with the current transformation of federalism and social policy in the US. More specifically, it discusses the ideological construction and the institutional impact of retrenchment and New Federalism on the intergovernmental organisation of US social policy since the 1970s, with a special emphasis on the 1990s. Two key pieces of legislation enacted during the Clinton presidency are examined: the Unfunded Mandates Reform Act and, more importantly, the Personal Responsibility and Work Opportunity Reconciliation Act.^[8] The concepts of "unfunded mandate" and "block grant" embodied in these laws are key elements of a gradual reshaping of social policy and intergovernmental relations in the US. Despite the radical character of the conservative ideological crusade, however, the US welfare state is still generally characterized by an intimate link between centralization and comprehensive social policies. Conservative ideological campaigns and legislative efforts have been unable to fundamentally alter the historical movement towards centralization. This confirms the institutionalist insight that the weight of previously enacted policies makes widespread reform difficult to enact. Such remark especially applies to the United States, a country in which the fragmentation of political institutions complicates the federal legislative process (Pierson, 1994).

While underlining the institutional factors accounting for the failure of the conservative attempt to radically decentralize the US welfare state, this article also demonstrates the instrumental role of federalism in the recent conservative crusades against social policy. Far from being obsessed with federalism per se, US conservatives push for decentralisation in order to crush "big government" and reduce spending, not to improve governance or stimulate cooperation between Washington and the fifty states. Paradoxically, emanating from federal political actors, the push for decentralization in the US is mostly a tool

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aimed at reducing the scope of government (Lowi 1990). As we argue, federal conservative leaders have systematically exploited fears of centralization and "big government" at the centre of the US ideological repertoire. Yet when it comes to conservative social issues like "family values" and "personal responsibility," the critique of federal "big government" loses much of its political appeal and "moral centralization" prevails. Our analysis of the 1996 welfare reform provides ground to this claim.

The US Ideological Repertoire and Social Policy Centralization

While the logic of "competitive state-building" usually characterizes the institutional logic of Canada's inter-state federalism, US intra-state federalism has transformed regional entities (states) into institutionalized interest groups represented directly in the federal legislative body

(Senate). In intra-state federalism, regional discontents — for example the US southern states' opposition to generous welfare benefits during the New Deal and the post-war era — are generally expressed through the federal legislative process, never through formal bargaining between the states and the federal government (as it is the case in inter-state federalism). In a way, this logic of intra-state federalism has contributed to a more radical, path-dependent centralization of the US welfare state partly because the states have no formal institutional means (for example, the equivalent of federal-provincial conferences) to fight against the gradual increase in federal government's social and economic interventions (Simeon 1972: 301; Théret, 1999).^[9]

In the US, the expansion of the central government has been a widely debated issue since the 1787 constitutional ratification struggle pitting “antifederalists” against so-called “federalists” (the proponents of a nationalistic and centralized federal system). Fears concerning the expansion of the federal government and the resulting concentration of political power have remained a constant characteristic of the US political tradition. For that reason, the US ideological repertoire embodies numerous manifestations of this lack of trust towards the federal government. From the 1780s to the Civil War, the rationale against the expansion of the federal government was linked to the ideas of political participation (self-government) and democracy. The central government was then depicted as a wholly aristocratic and unreliable political body, and many politicians such as President Andrew Jackson and J.C. Calhoun defended states' rights (Ellis, 1987).

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After the Civil War, which represented the peak of the opposition against the central government, anti-federalist mobilization declined as a potent, substantive political force. But this decline did not prevent fears towards political centralization to maintain a prominent stature in the US political discourse. Indeed, the rhetoric against “big government” remained a central “mode of persuasion” in the US political debate before 1929 (Kazin, 1998). Moreover, institutional obstacles such as the power of the Supreme Court prevented any bold expansion of the federal government between the Reconstruction and the Great Depression. Before the New Deal, the involvement of the federal government in the field of social policy was therefore limited. Despite the efforts of reform-minded organisations and politicians at the state level, the federal government enacted few social programmes during the first three decades of the 20th century. Mostly because of the opposition of the Supreme Court and business interest groups, mothers' pensions and workmen's compensation schemes were the only significant social programmes implemented in most US states before the New Deal (Moss 1996; Skocpol 1992).

By far the most enduring social legislation voted during the New Deal was the omnibus Social Security Act of 1935. Despite interference from the emerging Conservative Coalition in Congress — which regrouped Republicans and Southern Democrats — that reduced the level of protection (Quadagno 1988), the Social Security Act made provisions for a federal old-age insurance program, a decentralized unemployment insurance system, and social assistance grants-in-aid to the states (Old Age Assistance, Aid to Dependant Children). With the exception of old-age insurance, the US welfare state thus remained relatively decentralised and modest in scope.^[10] This being said, reforms enacted during the New Deal dramatically increased the involvement of the federal government in economic and social affairs (Amenta 1998).

Between the enactment of fairly minor amendments to the Social Security Act in 1939 and the beginning of the 1950s, Congress did not significantly alter federal programmes enacted in 1935 (Derthick 1979). In the 1960s, massive social programmes were enacted in the context of the War against Poverty, like the ambitious reform campaign launched by President Lyndon Johnson in the aftermath of the Civil Rights Movement (Sundquist 1968). Among these programmes, Medicare has been by far the most substantial one. Aimed at protecting social groups that were not well covered by private insurance (the elderly, the disabled), Medicare has favoured a further central-

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ization of the US welfare state without endangering the vested interests of the private medical sector (Hacker 1998).[\[11\]](#)

Despite some concessions to “state autonomy,” the measures enacted during the 1960s increased the involvement of the federal government in US social policy (Derthick, 1996). In the name of the War on Poverty and the protection of Civil Rights, Washington played an unprecedented regulatory role in the US economy and society. Paradoxically, the centralization of the US welfare state was confirmed and radicalized under the presidency of Richard Nixon (1969-1974), who was elected on a conservative platform centred on the critique of “big [federal] government.” Between 1969 and 1972, old-age insurance benefits (often referred to as “Social Security”) were increased by more than 50%, just before the enactment of an indexation scheme (Weaver 1988). In 1972, a federal Supplemental Security Income also replaced the state old-age assistance and disability programmes altogether. All these measures have significantly increased the involvement of the federal government in the field of social policy. Despite the preservation of state-run assistance and unemployment insurance programmes, these measures have favoured a gradual centralization of the US welfare state.

Considering the broad constituencies that tend to emerge as feedback effects of existing social programmes, politicians who attempt to reduce their scope or even dismantle them face huge political risks (Pierson, 1994; Pierson, 2000). For that reason, welfare state centralization largely appears as a path dependent process that is difficult to reverse. In spite of this institutional logic, serious attempts have been made since the 1970s to scale down federal social programmes. These attempts are related to the emergence of a powerful conservative movement associated with the Republican Party.

Frames, Social Policy, and the Crusade Against “Big Government”

During the second half of the 1960s, racial tensions and social conflicts sparked by the Vietnam War contributed to a gradual decline of the US Democratic electoral coalition (“Roosevelt coalition”) and, simultaneously, to the emergence of a new Republican electoral coalition (Phillips 1969). The most significant sign of this electoral change was the transformation of Southern politics. After a century of Democratic pre-eminence in the Southern states, the development of civil rights and affirmative action convinced many

voters to support the Republican Party, which was now fighting for the preservation of “states’ rights” against “federal intrusion.” During the 1970s, the political decline of organized labour and the emergence of the “Christian right” in the South contributed to a process of coalition-shift that led to the election of Ronald Reagan in 1980 (Edsall, 1984).

Through this process, the critique of federal social policy has become a key conservative leitmotiv. For right-wing writers and politicians, social assistance to the poor (especially the Aid for Family with Dependant Children: AFDC) and community programmes implemented during the War on Poverty were an obstacle to the restoration of “family values” and “personal responsibility.” According to the neo-conservative political scientist Daniel Patrick Moynihan, the War on Poverty actually created unrealistic expectations among the poor. Based on a technocratic faith in the power of the federal government, this campaign did not fulfil its unrealistic promise and, for that reason, sparked violent social protest in US inner cities (Moynihan 1969).

During the decade following the publication of Moynihan’s book, the rhetoric against centralization and “big government” again became a central “mode of persuasion” in the US political debate. While polls taken since the 1930s have showed that the public is hardly interested in federalism-related issues, the same polls account for a general feeling of distrust against the federal government as such (Huntington, 1981; Donahue, 1997). Conservative politicians have exploited this distrust, which is part of the ideological repertoire available to them since the nineteenth century. In a more general way, the anti-governmental critiques have shifted away from the Democratic Party to the Republican one since the 1964 presidential campaign. In this context, the election of Richard Nixon to the Presidency represented an apparent turning point in the history of federalism in the US.

Nixon’s New Federalism: A Managerial Model

During his first mandate, Nixon embraced New Federalism, a public philosophy that recognised the need for a bold reform of intergovernmental relations. Its intellectual roots can be traced back to the anti-federalist constitutional opposition in 1787, as well as Jeffersonian ideals of limited government and democracy. Republicans have been rediscovering this philosophy for the past forty years. In order to fight “big government,” they have given the crusade against political centralization a prominent ideological status that it never had since Antebellum America (Cornell, 1999).

Recent events aided the emergence of New Federalism under the Nixon presidency. During the 1960s, the number of federal programmes and regulations had increased dramatically, and many voices at both the state and the federal level called for a rationalisation of the US welfare state; this call for

rationalisation became the motto of Nixon’s New Federalism. The presidential team believed that the federal government, instead of directly providing the services, should mostly fund

programmes administrated at the state and the local levels. But the actual implementation of New Federalism fell short of the initial goals. Under the advice of Moynihan himself, the Republican President unsuccessfully supported the replacement of the Aid for Dependent Children (AFDC) by a centralized, entirely federal, measure. And measures favouring the decentralization of federal public policy were relatively modest (Conlan, 1998).

Supported by state and local interest groups concerned about increasing administrative complexity, Nixon's New Federalism was grounded in a moderate, managerial conservatism: "The Nixon Administration never sought to reverse the course of governmental activism or to halt the growth of government expenditures in any consistent or comprehensive manner. Rather, it partly shaped and partly accommodated itself to the prevailing political culture of liberalism that established the tone and context for political debate in the early 1970s" (Conlan 1998: 20). Therefore, Nixon's New Federalism can hardly be considered as an early draft for the much more conservative and overtly ideological "Reagan revolution."^[12] In both cases, however, the crusade for decentralisation was launched at the federal level, and states acted as mere interest groups that pressured to influence federal decisions.

Reaganism and the Ideological Turn Against the Federal Government

In a context of economic stagnation, the new Republican President launched a "conservative revolution" aimed at reducing the role of the federal government in US society. This ideologically driven campaign against many federal programmes was based on the idea that "[government] is not the solution to our problems. Government is the problem." (President Ronald Reagan, First Inaugural Address, 1981)^[13] Supported by the libertarians and the Christian right, the Reagan administration mobilized the idea of decentralisation both to cut federal spending and to weaken the "liberal coalition," which was more influential in Washington than in most state capitals (Lowi 1990). From this

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electoral perspective, it seems that, for Reagan, decentralization was more an ideological weapon against "big government" than a substantive issue.

Yet this does not mean that the President's rhetoric was a mere illusion or an insignificant characteristic. No other President since FDR has so well deserved to be nicknamed "the great communicator." Reagan skilfully drew on the US ideological repertoire by putting the emphasis on the underground feeling of distrust against government that runs deep in US history. The first striking point concerning Reagan's views on decentralization is its closeness to the original anti-federalist critique (Berman, 1998). Political analysts come across the same kind of arguments pitting "mainstream America" and its values — chiefly among them a small federal government — against an East Coast elite managing nationwide policies without paying attention to their actual consequences. With Reagan, decentralization (that is, federal government downsizing) definitely took on a grass root and populist turn that is still present in today's conservative discourse. The second characteristic of Reagan's anti-governmental campaign is that he succeeded in making decentralization a key political issue by linking it to budgetary issues. In other words, Reagan implemented a policy of tax reduction that was largely legitimized by underlining its "positive" effects on the federal government, i.e. the reduction of its size. This

certainly accounts for the permanency of antifederalist criticisms within the Republican Party even after Reagan left office.

In the constraining environment of “checks and balances” between Congress and the Presidency, however, the “conservative revolution” aimed at reducing the size of the federal government indeed failed to transform significantly the balance of power between Washington and the states. Facing strong opposition from Democrats in Congress as well as constituencies attached to existing social programmes, such as the American Association for Retired Persons (AARP), the Reagan administration rapidly embraced a more moderate approach concerning public policy and intergovernmental relations. This was especially true in the field of social policy, where most federal programmes were protected against widespread cutbacks (Pierson 1994; Schwab 1991; Stockman 1986).[\[14\]](#)

That is why, at an early time in the Reagan administration, there was a switch from an ideological commitment to decentralization to a logic of retrenchment. Indeed, according to Kevin Phillips, the Economic Recovery Act and the Tax Reform Act directly contributed to the widespread increase in

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economic inequality that characterized the 1980s (Phillips 1990). These reforms (coupled with the negative effects of the 1982 economic recession and the sudden rise in military spending) also favoured an increase in the federal deficit, which exacerbated the logic of retrenchment during the second half of the 1980s. Facing skyrocketing federal deficits related to Reagan’s 1981 tax cut (Economic Recovery Act), Congress could not even consider the enactment of new (significant) federal measures aimed at fighting poverty and social inequality. In a new context of financial austerity, retrenchment became a real obsession for federal policymakers. The advent of mammoth federal deficits also contributed to the push for decentralisation and devolution. In a context of high financial constraint, the transfer of social and economic responsibility from federal to state and local governments appeared as a logical solution (Lowi 1990). From then on, far from being obsessed with federalism per se, US conservatives push for decentralisation in order to crush “big government” and the federal deficit.

Despite the failure of the “conservative revolution” and the President’s reluctance to reform federalism, the Reagan presidency was characterized by concrete innovations in federal matters. What the issue of decentralization lost in ideological commitment proved to be a gain at the policy level. Analysts usually summarize Reagan’s achievements by underlining two main points: 1) the enactment of new “block grants” and 2) a push towards the deregulation of intergovernmental relations. By doing this, Reagan succeeded in giving “political appeal” to a technical issue such as federalism. The link he established between fiscal problems and the federal issue provided the latter with real political credibility. Until then, federalism had never been a top priority for public opinion. Reagan skilfully placed it at the centre of the policy agenda by linking it to budgetary problems.

For Reagan, block grants were mostly tools of retrenchment aimed at reducing the scope of the public sector. During his first year in office, Reagan convinced Congress to consolidate (in the Omnibus Budget Reconciliation Act) more than seventy service programmes into nine block

grants (Conlan 1998: 155). After the beginning of 1982, however, the balance of power between Congress and the Presidency was less favourable to Reagan, and only a limited number of block grants were introduced to Congress during the rest of the decade. Significantly, they all failed rapidly: hearings were not even set up to consider these proposals (ibid.). This once again illustrates the institutional structuration of social politics in the context of “checks and balances.”

As an opponent of bureaucratic “big government,” the President also supported deregulation. One of his very first political moves was to create a Presidential Task Force on Regulatory Relief headed by then Vice President George Bush. During Reagan’s presidency, the number of proposed federal rules was reduced by more than 40%, a trend that was perceived as a source of

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new freedom for state and local government (Conlan 1998: 201). In fact, the Reaganite regulatory review process was designed mostly to protect the interests of the private sector. Not very helpful for state and local government, this effort became less and less significant after 1982.

The most significant piece of legislation dealing directly with federalism and social policy enacted under Reagan’s Presidency is the 1988 Family Support Act (PL 100-485). In many aspects, it may be regarded as a precursor to the much bolder welfare reform enacted in 1996. Indeed, it puts the emphasis on workfare programmes aimed at forcing welfare recipients to find a job in order to keep their benefits. Title II of this law mandated states to operate a welfare-to-work training and employment programme (JOBS), but granted considerable discretion to states in the composition of activities from which local JOBS programmes are constructed. Subject to a number of exceptions, all adult recipients of AFDC were required to participate. Starting in 1990, JOBS was initially designed to shift AFDC from its entitlement status to a true workfare program. States are required to have at least 7% of people enrolled in AFDC to participate in some kind of an educational program. Individuals who refused to participate in such activities would receive lower benefits. As always, the FSA was the result of a compromise within Congress; most officials agreed on this “new paternalism” (O’Connor, 1998).

From the “Contract With America” to the 1996 Welfare Reform

The issue of decentralization was relatively marginal during the presidency of the first George Bush, thanks to a much more moderate view on the issue. Despite the deepening of federal budget deficits in the early 1990s, the renewal of federalism was never a top priority for President Bush. In comparison, the debate concerning decentralization was at the centre of President Bill Clinton’s first mandate, during which it was explicitly linked to social policy issues. This was a legacy of the Reagan presidency, but it became commonplace during the Clinton presidency (O’Connor, 1998). The ideological clash over his complex (and unsuccessful) 1993 Health Security plan rapidly favoured a “conservative backlash” against the Clinton administration and, more generally, “big government” (Skocpol 1996). Conservative media and think tanks as well as business organizations, such as the National Federation of Independent Business, played a significant role in that political development. A few weeks after the final defeat of the plan in the fall of 1994, the Republicans gained control of both chambers of Congress for the first time since the 1952 midterms. While still facing President Clinton’s veto

power, Republicans perceived this electoral victory as a great institutional window of opportunity to crush “big government.”

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The new Speaker of the House, Newt Gingrich, and his allies moved quickly to implement the “Contract with America,” a bold conservative platform aimed at ending the era of big government. Combining the radical ideological mobilization of Goldwater's 1964 presidential campaign with Reagan's appeal to “mainstream America,” the “Contract with America” best exemplifies so far the current mistrust of East Coast establishment and the government. So much so that, between 1994 and 1996, the government faced the strongest ideological attack ever launched against it since the 1920s, an attack paradoxically initiated by federal officials! In his 1995 book, “To Renew America,” Newt Gingrich continually underlined the negative consequences of an overextended government: some of them were moral values (individual responsibility especially), but others were political, like a weakening of “self-government” and the decay of civic responsibility and communitarian values. The conservative critique of the federal power indeed represented a populist crusade against bureaucratization and “big government” rooted in the US ideological repertoire.

From this perspective, the similarities between Gingrich's crusade and the 1787 anti-federalist rhetoric are striking (Connelly, 1999; Balz and Brownstein, 1996). With the end of the Cold War and the final collapse of communism, the federal government seemed to become the archenemy of the American Right, at least under the leadership of Newt Gingrich (Nash, 1996). To some extent, there were also hints of a more substantive parallelism between the original anti-federalism and the mid-1990's conservative surge. Topics such as the limitation of electoral mandates, the tax contest, or the defence of the right to bear arms, all sounded like echoes of the traditional late-eighteenth century republicanism. Some analysts (Klinkner, 1996) even went as far as drawing a comparison with the Court/Country debate that took place two centuries ago. This diagnosis is certainly debatable, but the basic analysis is still valid: the closest thing to a modern version of anti-federalism was certainly the 1994-1996 104th Congress. Such a remark illustrates the relative stability of the US ideological repertoire as related to the issue of centralization. While institutional logics and electoral strategies have changed greatly since the ratification debate, traditional anti-governmental ideas still breed current conservative frames aimed at persuading the population to get rid of “big government.”

In the relatively vague “Contract with America,” however, the reform of federalism and intergovernmental relations was not widely discussed (Conlan, Riggle and Schwartz 1995). This shows once again that the substantive reform of federalism per se has rarely been a central priority in the US, even at the peak of the modern conservative war against “big government.” Just as it was under the Reagan Presidency, reform really only mattered when it was linked with other issues. Many aspects of the “Contract with America” (welfare

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reform, balanced budget amendment to the Constitution) were related to the idea of “devolution,” the latest catchword related to New Federalism. More precisely, the 1994 Republican platform made decentralization a significant issue by linking it to welfare reform and

other prominent policy questions of the time. By doing this, Gingrich and his political allies wanted to balance the budget and reduce the size of the federal government (Weaver 1996). But only a few months after their triumphal election, the “devolution revolution” was rapidly undermined by presidential vetoes, political divisions within the Republican Party (especially between Governors — reluctant towards a decrease in federal grants — and most other national officials), and the mobilization of key interest groups. The two “government shutdowns” of November 1995 and January 1996 were symbols for this political stalemate. Despite the failure of this attempt to radically downsize the federal government, two significant reforms dealing with intergovernmental relations were enacted by the 104th Congress: the Unfunded Mandates Reform Act and, more importantly, the Personal Responsibility and Work Opportunity Reconciliation Act.[\[15\]](#)

The Unfunded Mandates Reform Act was enacted as a response to direct political pressures from state and local governments, which were concerned with the expansion of federal regulatory policies since the 1960s. Forced to finance many federal regulations, state and local governments transformed the issue of “unfunded mandates” into a legislative priority after Clinton’s election in 1992. From their perspective, the multiplication of federal mandates was threatening indeed: “State and local officials argue that mandates distort state and local priorities by encumbering resources for federal needs, which crowds out the capacity to respond to the unique requirements of state or local publics. Observers of our federal system are worried that when viewed in the aggregate, the proliferation of federal mandates threatens the institutional capacity of subnational governments to survive as politically viable and independent jurisdictions capable of responding to unique state or local needs.” (Posner 1998: 6) In the context of US federalism, states acted like mere interest groups.[\[16\]](#) Instead of formally bargaining with the federal government, as they would do in the context of inter-state federalism, they only lobbied to convince federal policy-makers to enact a law that would protect the states against their unilateral decision.

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As a response to state and local concerns, the 104th Congress enacted the Unfunded Mandates Reform Act in March 1995 (PL 104-4). Far from being a radical shift in intergovernmental relations, this law created new federal rules that have made it harder to enact most direct mandates. In fact, the legislation’s complex procedures allow any congressman to stop the enactment of an “unfunded mandate” with an uncompensated cost greater than 50 million dollars per year. A majority of the membership can override this point, but at least “the provision ensures the potential for a debate about the issue of mandating itself.” (Posner 1998: 174) The legislation has also forced Congress to estimate the costs of all the proposed mandates and to report the direct effects of those generating costs of more than 50 million dollars. Also, federal agencies must consult with state and local governments before imposing new mandates (Conlan, Riggle and Schwartz, 1995). In a way, the law makes the federal system more transparent by favouring communication and the production of information within the federal system.

The Unfunded Mandates Reform Act did not prevent Congress from enacting new mandates and regulatory schemes (O’Leary and Weiland, 1996). In 1996, for example, Congress enacted new mandates dealing with criminal justice, health care reform, and the minimum wage. According to Posner, “The passage of some significant new federal mandates and preemptions in such an intergovernmentally propitious time suggests that the forces supporting intergovernmental

regulation are deeply embedded in our system. Shifting alliances continue to embrace mandates and preemptions as tools to achieve a variety of emerging goals placed on the federal doorstep in a national media culture.” (Posner 1998: 206) The Unfunded Mandates Reform Act might have created new obstacles for federal policymakers, but it has not reversed the movement towards the federal regulation of US economic and social life. Since the enactment of this law, the federal government continues to reinforce its regulatory power in many ways, ranging from workfare requirements to the current fight against terrorism. The Unfunded Mandates Reform Act has modified the rules of the legislative game, but political forces still exacerbate the expansion of regulatory federalism, in the field of social welfare and elsewhere.

Regardless of its symbolic aspect, this legislation did not have a direct, short-term impact on the US welfare state. This was not the case of the Personal Responsibility and Work Opportunity Reconciliation Act (PL 104-193), by far the boldest welfare reform enacted since the 1960s. In fact, federal policymakers had attempted to reform the AFDC since the Nixon era (Weaver 2000). Aimed at supporting poor families, this programme had been criticized for decades by conservatives who depicted it as an incentive for laziness and out-of-wedlock births. Since AFDC recipients belonged to a relatively deprived segment of the population that could not cause as much “electoral damages” as social insurance beneficiaries, this federal programme appeared as a great

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political target for those federal officials interested in fighting “big government” while neutralizing major political risks associated with welfare state retrenchment. While insurance programmes such as Social Security and Medicare escaped radical retrenchment efforts, AFDC represented a suitable ideological and political target for federal policy-makers (Bashevkin 2000). During the 1992 campaign, Bill Clinton mobilized the rhetoric of welfare reform to shield himself against traditional conservative attacks directed at “liberals.” Since the late 1960s, conservative intellectuals had described AFDC as a threat to “family values” and “work ethics.” Furthermore, books such as Charles Murray’s *Losing Ground* (1984) depicted federal welfare policy as a cause of the country’s worsening social problems. Framing welfare as a source of dramatic unintended consequences, Murray and other conservative intellectuals seriously undermined the legitimacy of federal social assistance programs (Somers and Block, 2003). They described Democrats who opposed the shift from welfare to workfare (work-for-welfare) as blind ideologues unable to realise how dangerous and perverse federal social assistance programs were. For Clinton, embracing the idea of workfare appeared as an attempt to shield himself against these traditional conservative attacks (Béland et al., 2002).

After the election of the 104th Congress, the new majority drafted a conservative welfare reform bill with the direct help of a few influential Republican governors. Working with congressional leaders, some state officials actually helped the legislative committees draft the bill (Conlan 1998: 279). In December 1995 and January 1996, the President vetoed two drafts of the welfare bill, which had been adopted by Congress. In a context of high political competition between Clinton and the Republicans in Congress, a new version of the bill (Personal Responsibility and Work Opportunity Reconciliation Act) was finally signed in August 1996, only three months before the next presidential elections. Both the President and the Republican majority in Congress gained from this decision. On the one hand, this was a great opportunity for Clinton to

protect himself against any further accusation concerning his “liberalism.” On the other hand, the Republican majority in Congress finally implemented a radical measure capable of reshaping the US welfare state in a conservative manner (Béland et al., 2002). A first look at the Personal Responsibility and Work Opportunity Reconciliation Act shows that this law favoured an apparent decentralisation of the US welfare system (Cashin 1999). By replacing the AFDC with the Temporary Aid for Needy Families (TANF), the law has created a new block grant that gives the states more autonomy in the distribution and management of welfare benefits. Instead of the AFDC’s open-ended federal aid, state governments have, from then on, access to block grant funding that had been fixed over a six-year period (1997-2002). For federal policymakers seeking a “balanced

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budget,” this block grant was a great opportunity to control welfare spending. The availability of such a fixed amount of federal dollars also provided states with an economic incentive to help US families leave welfare, since a decline in welfare rolls would not affect the amount of money available to the states. Overall, the shift to block financing has apparently increased the autonomy of the states in the management of social welfare measures. The 1996 law was based on the conservative model of “decentralisation for retrenchment.”

Beyond these elements of decentralisation, the welfare reform law has also implemented conservative mandates that force the states to adopt strict eligibility criteria aimed at actively fighting “welfare dependency.” Lawrence M. Mead, one of the most famous proponents (along with Robert Rector from the Heritage Foundation) of the “paternalistic” paradigm of welfare reform, made this point clear during the hearings. Referring to the need to enforce a truly conservative reform without encroaching on state autonomy, he said: “The thing we have at the centre is not the bureaucracy, but the standards, and I would say standards about dignified payments of benefits, work requirements, quality control —performance standards in other words. These are the things that should be set from Washington, not process standards.”^[17] The most spectacular federal norm enacted in the context of this moral crusade concerns the maximum amount of time an individual can stay on welfare during his life. With a few exceptions, states cannot use federal money to pay the benefits of people who have been on welfare for more than five years. The law also strengthened work requirements for Food Stamps beneficiaries (Cashin 1999; Weaver 2000). Less than a year after the enactment of the Unfunded Mandates Reform Act, Congress had forced the states to respect strict eligibility criteria directly inspired by the conservative creed concerning “family values” and “personal responsibility.” Far from being a radical move towards decentralisation, the Personal Responsibility and Work Opportunity Reconciliation Act can be considered, at best, as an ambiguous measure, which has mixed “decentralisation for retrenchment” (block grant funding) and “moral centralization” (tighter eligibility requirements imposed by the federal government). In order to control federal spending and protect “American values,” the 1996 welfare law has terminated some federal entitlements while creating stiffer national eligibility rules. A study of congressional debates shows that federalism is emphasized only when it opens the way to financial retrenchment. In other words, it is instrumentalized for budgetary reasons, and it vanishes from public discourse as soon as it is confronted with the need for a truly conservative welfare reform. Robert Rector, in one of his testimonies, aptly summarizes the

spirit of this reform. Answering Chairman Roth (Republican Senator from Delaware) on the kind of strings potentially attached to block-granting AFDC, he answered: "I think it is very important to say that (...). States have to have work requirements. (...) I think it is important to establish again a Federal principle that once a mother is on AFDC, if she has additional children while already enrolled in welfare, she doesn't get an increase in Federal benefits." [18]

Since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act, state governments have been busy adapting their programmes to this new legislative context. More than seven years after its enactment, it is still impossible to draw definitive lessons from this ongoing process of adaptation (Waddan, 2003). Considering the present international context, President George W. Bush and most federal policymakers seem more interested in cutting taxes and pursuing the "War on Terrorism" than in the ongoing reauthorization process of the 1996 welfare law. What is certain is that this reform and the Unfunded Mandates Reform Act have failed to significantly reshape and decentralise US social policy. To put it otherwise, the current anti-governmental bashing in the US does not make its way through to policy implementation, at least when it comes to social policy, exemplified by the 1995 Unfunded Mandates Reform Act and the 1996 welfare reform. The neo-paternalistic creed within the Republican Party seems to be the dominant one. Here again, Lawrence Mead provides some highlights on the current positioning of the GOP on social issues: "There is a contradiction at the core of conservatism. Do we use power when we possess it to enforce conservative values, or do we abandon power because we think that it is somehow evil? I think the latter position is one that dominates thinking in the House. Both are evident in the Contract With America. (...) I think that is a mistake. In fact, Federal power can be used for good purposes. It can be used to enforce values that are all agreed on. (...)" [19] In fact, there is still a strong neo-Hamiltonian, pro-centralization wing within the US conservative movement. Thus, the critique of centralization rooted in a well-established ideological repertoire is politically appealing only to the extent that there is a budgetary rationale justifying it. When it comes to other substantive issues such as workfare, this critique loses much of its political appeal.

The rhetoric of devolution and the exploitation of well-rooted popular fears concerning excessive concentration of governmental power have helped Republican leaders since Reagan to maintain the issue of governmental downsizing at the agenda while deflecting blame for the potentially adverse

consequences of the financial provisions at the centre of the Personal Responsibility and Work Opportunity Reconciliation Act. [20] According to Posner and Wrightson (1996), the block granting of AFDC indeed "blurs the definition of national objectives by transferring authority (...) and help manage politically budgetary cuts"; in a more political tune, a conservative Democratic Senator from Nevada explained that "Block-Grants are an easy way, a buckpasser for the Federal Government. Bundle up all the problems in a nice little bundle and ship them to the states. That is what we are doing with Welfare." [21]

This conservative strategy draped in pro-decentralization rhetoric did not escape the criticisms of opponents in Congress. Their emphasis on knowing who would be responsible for what under the new law accounts for a kind of pedagogical attitude towards public opinion. A Representative from California summarized this trend during the debates leading up to the welfare law: “The Republican bill simply passes the buck to the states. We should call this legislation the Government Responsibility Abdication Act, because all this bill does is to drop the responsibilities of the Federal Government.” Similarly, the Democratic Senator from Illinois, Carol Mosley-Brown, stressed that “this bill takes a Pontius Pilate approach to Federal responsibility. (...) [The] bill sends the problem to the States with a high-flown rhetoric about State responsibility and innovation.”[\[22\]](#)

The welfare law debate confirms one definitive orientation: the reference to decentralization and federalism is instrumental as an ideological frame aimed at justifying retrenchment while diminishing the potential electoral costs of harsh social policy reforms. Frames related to a relatively stable ideological repertoire form essential “weapons of mass persuasion” in the hands of conservative policy-makers. Institutional logics and historically rooted ideas and representations about government have shaped the strategies of these political actors.

Conclusion

After thirty years of somewhat modest reform, the federal government is still the dominant actor in the US welfare state, which largely confirms the

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institutionalist thesis about the enduring weight of previously enacted policies. Medicare and old-age insurance (Social Security) are still the core of US social policy, and decentralised measures such as unemployment insurance and social assistance appear as limited, residual measures. What is fascinating about US reforms of federalism and social policy is not their (predictable) failure to halt centralization in the context of intra-state federalism but the consistency of the rhetoric surrounding them. In their crusade, conservatives have systematically mobilized frames exploiting traditional fears towards political power and the federal government to legitimize retrenchment. At the theoretical level, this article thus underlines the prominent role of ideas and, more specifically, ideological frames in policy-making. Additional theoretical discussion should improve our understanding of the complex interaction between ideas, institutions, and political strategies at all stages of the policy-making process. Such a discussion could further enrich historical institutionalism, which still appears as a most useful conceptual framework for the analysis of social policy reform.

Notes

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2. As opposed to those interested in welfare state politics, institutionalist researchers studying economic policy have attempted to formally integrate ideas into historical institutionalism’s theoretical landscape (Weir, 1992; Hall, 1993). [\[back to text\]](#)

3. In contrast with technical and epistemological assumptions at the foundation of policy paradigms, frames are located at the foreground of the policy debate (Campbell, 1998: 385).[\[back to text\]](#)
4. In this article, the concept of “ideological repertoire” refers to a relatively coherent set of ideas and representations rooted in a nation’s political tradition. Politicians draw on (and combine) these ideas and representations when framing their political discourse and strategies.[\[back to text\]](#)
5. In a way, the need for policy makers to frame issues using culturally accepted repertoires shows that “public opinion matters.” On this issue, see Burstein, 1998.[\[back to text\]](#)
6. The objective of this article is not to provide a theoretical alternative to historical institutionalism but to amend and enrich this most insightful approach.[\[back to text\]](#)
7. Some authors cited in this article (Conlan, Derthick, Posner, Weaver) have indeed contributed to our understanding of the ideological and institutional logic of federalism. Furthermore, one must note that the close relationship between conservatism and decentralization ever-present in the United States is not universal in nature. According to Alain Noël, general arguments about the conservative bias of decentralization are more than problematic (Noël1999).The ideological meaning of decentralization changes over time and according to the national or regional context.[\[back to text\]](#)
8. In view of the limited space available, we have excluded other major social policy issues related to federalism such as Medicaid and tax credits for the poor.[\[back to text\]](#)
9. This does not mean that welfare state development has not favoured a limited centralization of the Canadian polity. But overall, it seems undeniable that “Canada is a much more decentralized federation [than the US]” (Simeon and Willis, 1997: 175). [\[back to text\]](#)
10. For example, no health insurance program was enacted during and immediately after the New Deal.[\[back to text\]](#)
11. Besides Medicare and some programmes of “community action,” Congress enacted two other significant measures during the 1960s: Medicaid (medical assistance to the poor) and the Food Stamps Programme (alimentary assistance). [\[back to text\]](#)
12. Another difference between Nixon and Reagan is the role of localities in New Federalism. Under Nixon, on the one hand, local governments (cities, counties, and towns) received about 75% of the funds distributed through “block grants” and General Revenue Sharing. On the other hand, “Reagan proposed devolution from national government exclusively to the states—not to localities” (Nathan 1983: 59–60).[\[back to text\]](#)
13. Among the top-advisers devoted to federalism issues, Richard S. Williamson was one of the most committed to a redefinition of federal relationships (see Williamson, 1990). He was the Head of the White House Intergovernmental Affairs Office during Reagan’s Presidency. [\[back to text\]](#)
14. Despite the failure of the “conservative revolution,” cutbacks in some federal assistance programmes were enacted during the first two years of the Reagan presidency. In July 1981, for example, the Omnibus Budget Reconciliation Act (OBRA) terminated a few minor welfare programmes and made severe cuts in the AFDC and Food Stamps programmes. [\[back to text\]](#)
15. During the second half of the 1990s, the US Supreme Court also played a role in the reshaping of federalism and public policy. But it is really too soon to draw some conclusions concerning the long-term impact of recent “pro-decentralisation” decisions taken by the conservative majority of the highest federal court in the US (Conlan and Vergniolle de Chantal 2001).[\[back to text\]](#)

16. A 1985 decision of the Supreme Court indirectly confirmed this status (*Garcia v. San Antonio Metro Transit Authority*, 469 US 528). [\[back to text\]](#)
17. Testimony of Lawrence M. Mead in “Reinventing Government,” Hearings Before the Senate Governmental Affairs Committee, January 25, February 2, 1995: 86-87 (emphasis added). [\[back to text\]](#)
18. Testimony of Robert Rector in “Reinventing Government,” Hearings Before the Senate Governmental Affairs Committee, January 25, February 2, 1995: 73 (emphasis added). [\[back to text\]](#)
19. Testimony of Lawrence M. Mead “Broad Policy Goals of Welfare Reform in Hearings Before Senate Finance Committee, March 9, 1995, p.18. See also Mead (1986, 1997). [\[back to text\]](#)
20. On blame deflection, see Weaver, 1986. [\[back to text\]](#)
21. Posner and Wrightson, 1996: 94. Mr Reid, Congressional Record, Washington DC, United States Government Printing Office, vol. 141, part. 17, 104th Congress, 1st Session, Wednesday, September 6, 1995: 23663. [\[back to text\]](#)
22. Mr Stark, Congressional Record, Washington DC, United States Government Printing Office, vol.141,part. 6, 104th Congress, 1st Session, Tuesday, March 21: 8540.Senator Moseley-Brown, quoted in Congressional Record, Washington DC, United States Government Printing Office, vol.141, part. 18, 104th Congress, 1st Session, Tuesday, September 19, 1995: 25589. [\[back to text\]](#)

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