

Family and American Public Policy



On September 10, 1996, Congress passed the historic Defense of Marriage Act (DOMA) in response to a Hawaiian Supreme Court ruling that potentially could have paved the way for same-sex marriage.¹ DOMA set out, for the first time, a federal definition of marriage that was inclusive only of one man and one woman. While proponents of the Act claimed a victory, and opponents feared a setback to the cause for gay rights, a more subtle question loomed large. If marriage, adoption, and divorce are determined by each of the fifty states, what impact would a *federal* definition of marriage have?

Although it is easy to dismiss congressional action as purely symbolic, activists on both sides of the issue had good reasons to justify a national response. Members of Congress may not be charged with creating laws that define family, but they are charged with creating scores of policies that incorporate family to achieve various goals. Then-Senate Majority Leader Trent Lott (R-MS) summed up the far-reaching effects a new definition would have when he noted that same-sex marriage in any single state “could also affect the operations of the Federal Government. It could have an impact upon programs like Medicare, Medicaid, veterans’ pensions, and the Civil Service Retirement System.”² The imposition of a new definition would ripple through policies from taxation to Social Security to military affairs because family connection is an important component of these and many other federal programs.

As Lott clearly points out there are real policy implications associated with changing the definition of marriage at either the state or federal level because marriage—and family more generally—are part and parcel of a host of federal policies. However, it is not so clear what exactly family does in federal policy. In other words, what role does family play in seemingly nonfamily federal policies like Medicaid and veteran’s benefits? In searching for answers to this question, I found that the existing theoretical frame-

works for evaluating family in politics do not begin to scratch the surface. Political scholars generally treat family as an institution firmly embedded in the private realm, or they equate family and public policy with so-called family policies designed to protect, promote, or define American family life, such as state-level marriage and adoption laws or federal welfare and family-leave programs. Neither one of these frameworks can illuminate why Senator Lott and his colleagues would be concerned about a range of policies from Medicare to the Civil Service Retirement System, let alone analyze how family operates in these policies.

Federal policymakers have an unmistakable interest in family, but political scientists do not have a framework for understanding how family is employed in the policy process and with what effect. The goal of this book is to clarify the relationship between seemingly private family life and federal public policies. The book asks two important questions. First and foremost, *how do policymakers employ family in the policy process?* I provide a somewhat different framework for thinking about the relationship between family and public policy. I look at how family is a *means* used throughout the policy process to achieve a wide variety of policy goals. As a means in the policy process, family does not fall on the “private” side of the public/private divide but it is an important component of day-to-day policymaking at the federal level. Further as a means, family’s import lies not in so-called family policies, like welfare, but in a broad cross section of federal policy from tax to national defense.

Looking carefully at the ways in which family is employed to achieve a host of “nonfamily” goals, I show that policy actors rely on family in the policy process in three key ways. First, family acts as a criterion of eligibility to determine who qualifies for goods and services. For many public policies, qualifying individuals include a specified individual and his or her family, such as Social Security pensions for retired workers and their non-wage-earning spouses. Activists voiced a concern in the DOMA debates about redefining marriage because it would also mean extending eligibility for a host of federal programs and services from immigration visa preferences to federal health-care benefits.³ Second, family acts as an administrator that distributes goods and services to its members. Though scholars usually associate bureaucrats with public employees, family members are expected to act in ways prescribed by the legislature and overseen by executive agencies. Housing vouchers and education tax incentives, for example, require parents, guardians, or adult children to implement policy on behalf of their kin, just as traditional state or federal workers might. Third, family acts as a normative ideal that helps policy actors garner and maintain support for a policy position. Every day one can hear rhetoric about the needs of American families as the rationale

to lower or raise tax rates or continue agriculture subsidies to support “family farms.” Policy actors justify their policy positions on grounds that are personal and above reproach, an appeal to American families. As a criterion, administrator, or normative ideal, family is an important part of American policymaking.

Second, this book asks *what are the consequences of employing family broadly in public policy?* Family is rooted throughout the policy process and in a wide array of public policies. Yet, embedding family in public policy can be problematic. When policymakers incorporate family as a criterion, administrator, or normative ideal they include very specific assumptions about what constitutes a family or what roles its members should play. These assumptions may be controversial or exclusive of particular family arrangements, such as early-twentieth-century immigration provisions that looked for evidence that marriages were “love matches” rather than arranged. As a result, Japanese immigrants were subject to intense scrutiny and, at times, forced to marry their alleged spouse once they reached an American port because their marriages did not resemble the American notion of a “love match.”⁴ Assumptions, like those about what it means to be married, are part and parcel of American public policy and can have a real effect on social practices. Yet, even if particular assumptions are entirely fair or accurate when policy is created, social practices change over time. The Earned Income Tax Credit (EITC), for example, spelled out in painstaking detail a four-pronged test (relationship, residency, age, and ability to prove one’s identity) to determine if a minor could be considered a taxpayer’s “child.” In the past three decades, the growing number of children living in homes with a parent or guardian who is not biologically related to them has created problems for stepparents, foster parents, and informal guardians (aunts, grandparents, or neighbors) who try to take advantage of this federal tax program.

A close look at family as an important means of policymaking shows that underlying any objective policy goals are the particular means that policymakers use to get the job done. At the heart of this project is an analysis of the proverbial black box in public policy, its structure. By structure, I mean more than statutory rules, requirements, or procedures. I am concerned with values—abstract principles—and assumptions—historically contingent presumptions—that underlie how policies accomplish their goals. Values and assumptions are important components of public policies, and they have long-lasting effects. When the ways that Americans live their lives deviates from the expectations policies use to accomplish their goals, it creates a disjuncture, or what I call a policy gap. These gaps affect individual Americans like self-supporting college students from middle-class families who are ineligible for federal aid because formulas

base eligibility on the income of their parents. Gaps also have an effect on the policy process. They are sites of political contestation. Connecting what is in policy to politics more broadly shows that policy gaps open windows of opportunity, motivating problem definition, creating bridging policy communities (interested in the means rather than just the ends), and allowing diverse coalitions to form. Essentially, by unpacking public policy's black box, I show how a policy's form influences the politics that surrounds it. I look at how policies that rely on family adapt to changing family practices in Chapter 3 and in the case studies on immigration (Chapter 4), tax (Chapter 5), and agriculture (Chapter 6). In the conclusion (Chapter 7), I discuss the real-world impact policy gaps have for American citizens and residents.

The focus on family and its relationship to federal public policy makes two important contributions. Notably, it reincorporates family into the study of politics by providing a theoretical framework to evaluate the often hidden or subterranean work that the American family is expected to perform. I show that family is not outside the study of mainstream politics but part and parcel of how American policymaking functions at the federal level. My research suggests that the ability of policymakers to accomplish their goals is intimately tied to the strength and organization of American families. To state it bluntly, the capacity of the American state rests on the capabilities of this so-called private organization.⁵ Second, this research adds to Theodore Lowi's call to examine public policies in depth to understand how policies determine politics. By looking at the values and assumptions that underlie public policy—and not merely the objective goals policies are supposed to accomplish—I show how the roots of change may lie in the gap between how policies expect Americans to act and the ways in which Americans actually do act. Ultimately, as American political development scholars have shown, change is not an extraordinary event. Indeed, it is a necessary and built-in component of public policy.

REEVALUATING FAMILY IN POLITICAL SCIENCE

Though a full definition and discussion of family as it is used in this volume is provided in Chapter 2, a few words about the object under study are appropriate here. Family has many different definitions, from the particular individuals who compose it (i.e., mom, dad, and biological children) to the significance it has in social life (i.e., the foundation of American life).⁶ Defining family based on any particular relationship (biological, legal, or social) or by its significance is bound to exclude particular groups based on the researcher's not the policymaker's definition. For example, the U.S.

Census defines family as “two people or more (one of whom is the householder) related by birth, marriage, or adoption and residing together.”⁷ The census definition excludes those individuals without a legal relationship and those who do not live together, both categories of individuals considered family in other policy areas.

To get around the problem of excluding too many families, I define family quite generally as a kin relationship. I leave it to policy actors to decide whether these relationships are determined by blood (i.e., biological parents and their children, siblings), law (marriage, adoption), or affection (“uncles” or “grandparents” with no biological or legal standing). By looking only at kin-relationships, I exclude individuals who are not considered related but I leave a great deal of leeway to capture the variation in who may be considered kin in any policy. The reader will see in the chapters that follow that how policymakers conceive of family differs between policy areas as well as within components of each of these policies. Indeed, immigration and tax policy have very different definitions of “child,” and until 2004, there were five separate definitions of “child” *within* the tax code.

Theoretical Underpinnings

Family plays a significant role in the speeches given by politicians, in campaign slogans of the major political parties, and most importantly, in the creation and implementation of law and policy. Yet, it is surprisingly absent from mainstream research in American politics. One of the goals of this project is to reevaluate the place of family in political research. As it stands now, family is rarely included in political research outside of the private sphere or “family policy” even though family is used in politics extensively outside of these areas.⁸

First and foremost, family is treated as a private institution that prepares one for political participation but plays a minor role once one is already involved in politics. A rush of behavioral work in the 1960s and 1970s examined the role of families as agents of political socialization. The general results of this body of literature showed that family matters in political socialization, but a lot less than conventional wisdom might have led one to believe.⁹ More recent research in this vein has not addressed family as systematically as the earlier literature but it continues to place family firmly in the private realm, either encouraging or discouraging political behavior of individuals once they enter the public realm of politics.¹⁰ Family is also addressed in relation to so-called family policy, or those policies designed to protect and promote family life such as welfare, child support, and family leave.¹¹ Scholars in these fields directly address

family because it is the object of the policies that they study. There is very little outside of these policy areas that also looks at family.

Though individual pieces on family have been very influential, the net result of the broad spectrum of political science scholarship has been to associate family with the private sphere or “family policy.” Scholarship that falls outside of these areas—on the executive or legislative branches or on a wide variety of public policies—is then free to disregard family as an analytic category of little importance. Political science is generally silent on the many ways that family is used by political actors to achieve political goals.

Thinking of family as divorced from politics misses the way it is employed daily in law and policy. Feminist scholars have called into question the relationship between family, politics, and gender. They have challenged the public/private divide, arguing that the very lines between “politics” and “family” are themselves malleable.¹² Research in this tradition has shown how family, home, and the private sphere have been intimately tied to gender and, in particular, women’s identity.¹³ At times, women have been able to marshal their claims on the private sphere and as keepers of the family to successfully enact social change where male reformers have failed.¹⁴ But more often, women’s connection to the private sphere has been used to justify their marginalization in the public.¹⁵ Feminist scholarship has also started to break the association between family and “family policy,” narrowly defined. New research in this tradition suggests that family is the basis of American citizenship. In everything from past and current immigration law to the Reconstruction-era Freedmen’s Bureau, who may marry and who may conceive are essential for defining who is an American.¹⁶

Like feminist scholarship, this book challenges the division between a private sphere of domestic life and the public realm of politics. But the aim is slightly different. I do not examine in depth the relationship between gendered actors and family in politics, though this certainly plays a part in the analysis here. Rather, I put family at the center of my analysis. In conjunction with existing feminist scholarship, my research suggests far-reaching implications for women’s equality. Feminists see the family as a source of power relations, especially in regard to gender.¹⁷ Women’s inequality in the family leads to inequality in society and politics.¹⁸ The extensive use of family across policy areas suggests that these implications may be far more extensive than previously thought. With a primary focus on family, this book demonstrates that kin relationships are employed across policy areas and throughout the policy process. Family is not a separate sphere that prepares one for political action, it is not the exclusive domain of welfare and family leave, and it is not the feminine counterpart

to a masculine world of politics. Family is an integral part of the detailed criterion, administration, and justification in the American policy process. Quite simply, the “private” realm of family life makes possible American “public” policy.

To be clear, the ability of policymakers to achieve their goals and the capacity of the state to carry out its duties depends on the capability of American families. This view is different than the more common conception of family best summed up by President Jimmy Carter: “if we want less government, we must have stronger families, for government steps in by necessity when families have failed.”¹⁹ Carter’s statement lends strong support for examining so-called family policy. The state provides child care, basic goods, and counseling to aid families in need. But looking at family as an important means in the policy process shows that the state does not step in only when families fail, but rather continually depends on the capabilities of family to determine eligibility, implement programs, and justify action.

As a criterion of eligibility, the state relies on family to both extend and limit the number of individuals who may claim benefits. Scholars have puzzled over the exceptional nature of welfare provision in the United States, especially the lack of universal health care.²⁰ Rather than universal programs, major social services in the United States are distributed based on many different criteria, such as merit (Social Security, private health care) or need (Medicaid). I argue that these criteria work in conjunction with family connection. By using family as a criterion of eligibility, more individuals may receive benefits. Yet, expanding provision to politically popular groups limits the drive for larger and more encompassing programs.²¹ Alice Kessler-Harris explains the profound effect the 1939 amendments to the Social Security Act had on the titled program: “Congress added dependent wives and aged widows in order to shore up the legitimacy of a system in trouble. It did this by making the benefits of already-covered (mostly white) males more adequate by granting extra benefits to those who had aged wives to support and extra insurance to those with young children who survived them.”²² Adding family extended the benefits to nonwage earners, but it also extended support for continuing an exclusive pension system for the elderly.

As an administrator, family becomes an important determinant of what kinds of policies the state will be able to implement. The state has long had the ability to marshal resources of nongovernmental actors to administer federal policy, from private companies who contract with the state (especially in the area of defense) to nonprofits that receive grants to provide services.²³ Increasingly, political scientists write of the “hidden,” “subterranean,” and “shadow” state, which differs from advanced indus-

trial (largely European) states not in *what* it provides but *how* it provides it.²⁴ The American state relies much more heavily on indirect provision, especially tax incentives. Yet, in pointing out tax incentives as a component of American welfare provision, we often fail to analyze who does the work to carry out these incentives. State capacity, most often associated with the ability of federal bureaucracies to carry out policy prescriptions, may better be defined by the resources the state is able to marshal.²⁵

Finally, state actors are able to draw on the symbol and rhetoric of family to support their policy positions. According to political scientist Paul Manna, federal policymakers are able to extend their reach when they have the capacity to carry out programs in a particular area as well as the license, or “the strength of the arguments available to justify government action.”²⁶ Somewhat ironically, even though family is seen as a private institution, policymakers invoke it for public ends. Talking about family builds license for policymakers to act in a host of policy areas.

A state’s capacity lies not merely in the ability of formal institutions to provide direct services, but in “the state’s ability to coerce, induce, or persuade actors to behave in ways that mitigate the need for state services or that provide goods and services in an alternative form.”²⁷ Thus, the American state has been able to provide more than the sum of services by federal agencies. Indeed, much of American public policy inside and outside of welfare provision relies on other institutions: corporations, nonprofits, organized religion, and family.

Why Family?

Family, then, is an important means in the policy process. It increases the license and capacity of federal policymakers and the state that they work to shape. Chapter 2 chronicles the extensive use of family as a criterion, administrator, and normative ideal throughout the policy process and across policy areas. Though it is beyond the scope of this project to answer in the depth it deserves, nevertheless, the question remains: why family? In part, family is like any other organizational arrangement. This project draws on public administration and political development scholarship that questions the traditional boundaries of state provision. Indeed, the literature on new governance shifts the focus from the dots, or traditional government agencies, to the lines that connect those dots, the networks between the state and other actors. Shifting the focus from government to governance puts public objectives and the tools used to carry out these objectives at the center of analysis, leaving flexibility in the particular actors that work on behalf of public ends. Though new governance scholars are concerned most with traditional actors—corporations, public-private partnerships,

nonprofits, and charity organizations—their framework leaves open the possibility to think also in terms of the hallmark of “private” institutions, family. The state relies on nonstate structures to carry out a great deal of public business. Academics work within frameworks that generally leave family out of this equation, but it should not be surprising that policy-makers are not so encumbered. They utilize the full range of community, religious, and social institutions to achieve their goals.

Thus, in part, family is an organization like any other that policymakers draw upon. But, in part, family has particular characteristics that distinguish it from other institutional arrangements. Americans think about family differently than other institutions, and they desire family relations for themselves. Family is generally considered to be “natural” and pre-political, existing before the state. The state reinforces in public policy and court decisions that it does *not* act to create families but merely to support what is already there.²⁸ The idea that families are natural and pre-political dates back as far as Aristotle who wrote that families are an important forerunner to the city-state, but no thinker reinforced the naturalness of the family in liberal thought as much as John Locke.²⁹ In Locke’s hypothetical state of nature, what the world looked like before politics, individuals form and live in families.³⁰ Indeed, some scholars today still hold the view that “the family is a universal human institution.”³¹ The naturalness of family means that policymakers tiptoe around the idea that they might harm families or put them at any sort of disadvantage. Including family members in benefits merely reinforces a structure they are there to protect or at the very least not cause any harm. Americans also live in families. Though there may be a very large discrepancy in actual family practices—families can be large or small, composed of individuals related by biology or the bonds of affection—most Americans desire family life for themselves.³² Indeed, nearly three-quarters of all American households are composed of kin relations. Unlike work, which is not considered “natural” by Americans, or organized religion, which many Americans may not experience personally, family is an institution most Americans desire and experience (for better or for worse). Family approaches near universality.

Policy actors capitalize on the normative power and social organization of families. Though the Constitution speaks in terms of rights and individuals, in practice much of American policy and law is governed by family status. As Kathleen S. Sullivan shows, the domestic relations of the common law—which provide the rights and responsibilities of fathers, mothers, children, and servants—carry through to this day.³³ Married couples, for example, are still considered one person in the eyes of the law for a host of financial responsibilities. Policymakers operate within a

legal setting where family members are given status, and they must base new policies on the legal standing already in place.

Family and the Discipline of Political Science

The potential payoff for including family in the study of public policy in particular, and American politics more broadly, is quite high. However, the hurdles to doing so are equally elevated. Political scientists have a near aversion to family. A simple search for “family” in the title words of articles in the top 28 political science journals since 1907 shows that the discipline has a paltry 72 articles. The modest attention devoted to family by political scientists becomes even more striking when compared to other social science disciplines: history 702 articles (44 journals); sociology 2,734 articles (29 journals); and economics 276 articles (27 journals).³⁴ Other social science disciplines routinely incorporate family into their analyses in many ways and, as a result, have increased the explanatory power of their models. For example, economists have learned that individual preferences are shaped by family situations. Incorporating family in their models has allowed economists to better predict shifts in labor markets and consumption patterns.³⁵ Family is no less important in political analysis. Politicians of all stripes actively claim to be pro-family. Republicans routinely invoke “family values,” while Democrats up the ante by claiming to represent “working families.” Legislators frequently employ family on the floor of Congress and in the legislation they create across the broad spectrum of political issues, from national defense to domestic agriculture production. Far from being confined to one particular party, one part of the legislative process, or one policy issue, family is pervasive in American politics.

The extensive use of family in politics and the limited study of family in political science means that political science research tends to focus on a limited part of the complex relationship between American families and the state, or it ignores that relationship altogether. This is problematic in two regards. First, this limited focus imposes a preconceived definition of what constitutes politics. Rather than let the empirical statements and actions of our subjects determine what is appropriate for analysis, assumptions about what constitutes politics predetermine which topics are properly the domain of political science. Second, a lack of attention to family means that research about family is dominated by other social science disciplines. Relying on other disciplines to study family cannot substitute for the incorporation of family into political science research and analysis. As one might expect, these other disciplines treat family in relation to their own analytical, theoretical, and methodological concepts and questions rather than politics. Other social science disciplines, for

the most part, are silent on the important political questions about the way that the state and families interact, such as: Are appeals to family an effective tactic by political candidates and parties? Are they effective in justifying a policy position?

Rethinking the place of family in political science scholarship requires two steps: first, breaking down long-held associations about the appropriate place of family in political analysis (private sphere and “family policy”), and second, putting the family-state relationship at the center of analysis. Just like the relationship between governmental branches or among members of a policy community, family plays a fundamental role in maintaining the American state. Political scientists need not study family relations the way economists, historians, or sociologists might, but they can study the ways that family is used by political actors and the state to achieve specific political ends. In other words, it is the family-state relationship that is of paramount importance to political scientists, rather than individual families.

KEY CONCEPTS AND THE THEORETICAL ARGUMENT

This project offers a theoretical framework in which family is evaluated as the means in rather than the ends of the policy process. But looking at family as a means opens up a can of worms about how policies accomplish their goals more generally. Surprisingly, very little scholarly attention is devoted to systematically explaining what actually lies within policy rather than what ought to be there.

Scholars have done an impressive amount of research on the actors, institutions, and ideas in the policy process,³⁶ but we still know very little about what goes into policy and what effect this has on politics more generally. Despite Schattschneider’s now famous claim that new policies create new politics and Lowi’s typology of government coerciveness developed to advance the proposition that policies determine politics, political scientists have devoted comparatively little attention to how policies achieve their goals.³⁷ Public administration scholars have been more vigilant in this quest, developing a number of classificatory frameworks to compare the multiple ways a particular policy goal may be achieved.³⁸ By grouping large numbers of policy instruments—such as direct government, vouchers, and tax incentives—into a smaller number of categories, scholars hope to “make sense of what seems at first sight to be the bewildering complexity of modern government’s operations” and to understand what governments “can do in any given case.”³⁹ They have worked hard to show which tools are most effective for achieving policy goals.⁴⁰

As helpful as these analyses of policy tools are for understanding particular options policymakers have when they create public programs, they risk oversimplifying complex public policies. Policies are often taken as a reflection of their goals and tools. Recent attention to public policies' unintended consequences shows that policies have an impact far greater than an analysis of goals and tools might suggest.⁴¹ Joe Soss and Suzanne Mettler argue that what goes into policy and how it is implemented can affect the very ways that citizens participate in politics. By comparing two direct government programs set up to aid citizens who are unable to work (Aid to Families with Dependent Children [AFDC] and Social Security and Disability Insurance), Soss demonstrates that even with a similar goals and tools, participation in AFDC reduces political efficacy.⁴² Likewise, Suzanne Mettler shows that there are unintended consequences even with a program as generous and well-regarded as the GI Bill. For women, "marginalization from generous social rights can hinder, for decades, their capacity and inclination to participate as active citizens."⁴³ Simply looking at the goals a policy seeks to achieve and the tools used to achieve them leaves out much of what goes in public policy and its long-lasting effects.

To better understand how policies accomplish their goals, I developed a number of concepts that break down the inner workings within public policy and lay out what I call a policy structure, both what goes into policy and where it is located. *Policy structure* as I use it includes both substance (values and assumptions) and organization (core and periphery). Policies are more than the goals they seek to accomplish; they include the means to accomplish those goals as well. The substance of policies, in Giandomenico Majone's description, consists of "values, assumptions, methods, goals and programs."⁴⁴ Of these, for the purposes of this project, values and assumptions are the most important. *Values* are broadly shared and relatively uncontroversial principles like liberty, equality, merit, and family. They provide continuity and agreement in policymaking. *Assumptions* are predispositions and biases that translate values into practice, such as what liberty entails, who is entitled to equality, and what particular individuals constitute a family. Assumptions are more specific, more controversial, and more likely to deviate from social practice. Over time, policies reflect American commitment to values like individual merit even though what is considered meritorious and who deserves the rewards of merit has changed significantly. Social Security pensions, for example, are designed around the core principle of individual merit. Yet, Social Security as it was originally planned excluded large segments of the American workforce, and even today individuals who have not engaged in the paid labor force are eligible for it.⁴⁵ Public policies reflect both the kinds of values legislators say *ought* to be included and the assumptions that actually *do* get included.

In addition to substance, policies also have an organization made up of two parts: the core and the periphery. The *core* holds the central tenets of policy. Core values and assumptions are pivotal to the policy itself, providing stability and remaining relatively constant over time. In the case of Social Security, the core is made up of the value of individual merit and assumptions that translate individual merit into a contributory structure so that the more one puts into the system, the more one gets out of it. The *periphery*, however, is made up of the more mundane values and assumptions built around the core that are readily adaptable.⁴⁶ Social Security's peripheral values include family, expanding eligibility to non-wage-earning spouses, and the more commonplace assumptions that create the formulas to determine how much each recipient will get based on what they have paid into the system. The distinction between core and periphery is fundamental for explaining the impact of change on public policies because not every component of a policy is equally important. The contributory structure of Social Security is far more important to continuing the program than any particular formula in any particular year.

Values and assumptions embedded in the core and periphery may be unfair or inaccurate from the very first day policy is created. However, they also become outdated if social practices change over time. If social practice diverges from the structure of policy, it creates a *policy gap*.⁴⁷ An ever-widening gap destabilizes support for the policy and opens up what John Kingdon describes as a "window of opportunity" for policy entrepreneurs to exploit, potentially triggering sizable restructuring.⁴⁸ Policy gaps are important in public policy because they are identifiable places where political contestation is likely to occur. Further, knowing where gaps form in the core or periphery indicates the size of change if they are successfully closed. Gaps in the core result in dramatic policy change, whereas changes in the periphery account for incremental adjustments.

Following in Lowi's footsteps, I argue that policy structure shapes politics. However, structure alone does not explain why and how policies change. The mere presence of a policy gap does not automatically entail its elimination.⁴⁹ An analysis of policy structure aids in understanding how policies adapt to changing social practice by identifying those components of public policy that are likely to be contested and the potential obstacles to reform depending on where policy gaps are located (core or periphery). It broadens the lens with which scholars may view theories of policy change and places traditional theories of policy change between micropolicy structure and macrosocial practice. Whether the gap makes it on the agenda depends on Kingdon's three streams—problem definition, policy solutions, and politics—coming together. Ultimately, policy change is most likely when diverse coalitions form around the means and ends

of policy, when policy expands to new constituencies (rather than taking away from entrenched interests), and when the change is relative minor.

Family, Policy, and Policy Change

Putting together both the discussion of family and the analysis of the inner workings of policy structure shows that when policymakers create policy—across a broad spectrum of areas—they embed family in the structure in three ways: as a criterion of eligibility, as an administrator, and as a normative ideal. Family becomes an important value in the core and periphery of policies that, on their face, do not seem to be particularly family oriented. Immigration policy, for example, is now based largely around the principle of family unification, but “family” is only widely agreed upon in the abstract. In practice, policymakers create legislation underwritten by very specific and historically contingent assumptions about family, such as what constitutes a family and what role family members ought to play. The original definition of “child” in the 1952 Immigration and Naturalization Act, the foundation of current immigration policy, included only biological and “legitimate” children of United States citizens and legal permanent residents. Since 1952 American families have changed in a number of ways. Compared to sixty years ago, young adults are marrying later and having fewer children. Divorce and remarriage are more common, as are the number of children living in homes with single parents or nonbiological parents. Whether the original definition of “child” in immigration policy reflected social practice in 1952, it certainly does not reflect the social practice of American families almost six decades later.

When social practice deviates from the values and assumptions in public policy, it opens up a policy gap where political contestation is likely to occur. Policy gaps alter the politics of the policy process: providing opportunities for problem definition, creating policy communities interested in the means, and providing the political will for creating coalitions between the two types of policy communities: those fighting for particular ends (expanding the EITC) and those concerned with the means (family). In all three policy areas evaluated in this book, gaps arose and were contested. They were not, however, all successfully closed.

An analysis of policy gaps, ultimately, shows that the policy process is not fundamentally stable, rather the potential for contestation and change is part and parcel of the policies themselves. Like much political development research, which “exposes sources of disorder, introduces incongruity and fragmentation into depictions of the political norm, and pushes to the foreground an essentially dynamic view of the polity as a whole,” I look

at the inherent instability in American politics.⁵⁰ Contestation, in this account, is a potential and regular part of each and every public policy.

Although current classifications within political science, and public policy literature in particular, place little emphasis on family outside of political socialization or explicit family-related policies, I find that family plays a far more significant role, affecting the politics surrounding public policies. Though thinking about family and the means of public policy—across policy process and policy areas—may seem to be a bit unorthodox to political scientists, it is not foreign to political actors. In reference to DOMA, Senator Trent Lott hinted at the true magnitude that family change could have on public policies when he asked members of Congress to think about what would happen across the broad range of public policies if family were redefined: “Imagine the financial and social consequences of taking such a step.”⁵¹ Certainly, they would be extensive.

OVERVIEW OF METHODOLOGY AND CHAPTERS

The central questions that guide my research are: *How do policymakers employ family in the policy process? What are the consequences?* To answer these questions, I have developed a theoretical framework and a detailed analysis of the ways in which policies accomplish their goals. The goal of this book is to evaluate how well this theoretical framework and conceptual analysis of policy holds up and adds to what we already know about the politics of policymaking. In this book, I focus specifically on twentieth-century federal policy, defined as “the sum of government activities, whether acting directly or through agents,” specifically related to the legislative policy process.⁵² The chapters that follow expand on the concepts discussed in this chapter and apply them to three policy areas.

Chapter 2 lays out the theoretical framework for thinking about family in politics and then tests the framework by evaluating where family occurs in the policy process. In this chapter, I analyze the content of three important components of the policy process: public speech and debate (the *Congressional Record*), statutory law (the *U.S. Code*), and administrative rules and regulations (the *Federal Register*). I find strong support for the framework: family is used in each stage of the policy process and further it is used broadly across policy areas from veteran’s benefits to congressional pay. Family plays an important part in the policy process, as the framework suggests, rather than just in family-oriented policies.

Chapter 3 looks at the consequences of this widespread use of family, specifically looking at how policies adapt to changing family practices. It elaborates on the concepts and theoretical arguments presented here about

policy structure and politics more generally. It ties structural elements of public policy to actors and institutions in the policy process to broader social practices in which Americans engage.

Chapters 4 through 6, the heart of this research project, look at four individual qualitative case studies in three policy areas designed to show the importance of the theoretical framework and of understanding policy structure more generally. Cases were selected based on theoretical and practical criteria. First, rather than look in depth at any one policy area, this book was designed to look at multiple areas. This is not a study of any one policy but how family operates throughout the policy process. Thus, I selected the maximum number of areas (three) that could reasonably be examined in depth in a book this size. Second, in selecting policy areas, I first eliminated any that might be associated with “family policy,” including health, education, and welfare. Scholars have done an admirable job examining policies designed to protect and promote American families, especially in regard to welfare. Because I argue that family is used extensively *outside* family policy, I removed those areas most closely associated with family from consideration. Next, I used the *U.S. Code* chapters as a proxy for policy areas and ranked the relative importance of family as measured by the percentage of family words in the *U.S. Code* (Appendix B). I broke the list down into three tiers: high family importance, medium family importance, and low family importance. From each of those tiers, I chose a policy area that served different constituencies and had different goals. That is, the policies are not clustered around any particular focus (i.e., social services or foreign affairs) and, further, they serve overlapping but not identical populations (i.e., rural and urban, wealthy and poor). Ultimately, the policy areas—immigration, taxation, and agriculture—reflect a great deal of diversity.

Though the general policy areas were chosen to be diverse, the individual cases within these three areas were chosen to be comparable with one another. Because this book asks how policies adapt to changing family practices, I chose cases with the potential for policy gaps in values and assumptions but variation in the outcome. Gaps were contested in the four case studies but only closed successfully twice. The individual cases include:

Immigration Policy. The 1975 amendments to the Immigration and Naturalization Act (INA) to allow single people to adopt abroad and the 1995 (unsuccessful) attempt to amend the INA to eliminate visa preferences for adult brothers and sisters.

Tax policy. The 2001 reduction/elimination of the marriage tax penalty in the Earned Income Tax Credit.

Agriculture policy. The 1996 elimination of “temporary” New Deal agriculture subsidies and their subsequent reinstatement.

Though family functions to some degree as a criterion of eligibility, administrator, or normative ideal *within* each case, I highlight one particular function for each case. Chapter 4 focuses on family as the criterion of eligibility in immigration policy; Chapter 5 concentrates on family as an administrator in tax policy; and Chapter 6 focuses on family as a normative ideal in agriculture policy. All three draw evidence from archival resources (including extensive government documents), policy histories, in-person interviews, and large public datasets.

The conclusion, Chapter 7, draws out the larger implications of this research and addresses how assumptions about family in public policy not only affect politics, but also American citizens and residents.