

U.S. UNEMPLOYMENT INSURANCE EXPLAINING WELFARE STATE EXPANSION IN AN ERA OF RETRENCHMENT

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ABSTRACT Over the past 15 years, most U.S. states have expanded their systems of unemployment insurance, bucking the broader theme of welfare-state retrenchment—the notion that post-industrial nations have pulled back on spending for policies that promote the economic well-being of their populations. The typical explanation given for this unemployment-insurance expansion is that the changing nature of the U.S. labor market demands it. Policymakers, advocates, and the media all explain this by telling the story of a system that hasn't kept up with massive economic changes, such as the influx of women into the labor force, the shift from manufacturing to retail and other service-sector employment, and the rise of contract, contingent, and part-time jobs. Yet there is nothing implicit in policy-making that dictates a rationalist response. This paper uses the welfare-state literature—particularly the concepts of citizenship and the obligation to work—to better understand why expanding unemployment insurance eligibility has become such a movement at a time when most other efforts are to scale back welfare-state programs.

Over the past 15 years, most U.S. states have expanded their systems of unemployment insurance, bucking the broader theme of welfare-state retrenchment—the notion that post-industrial nations have pulled back on spending for policies that promote the economic well-being of their populations. The typical explanation given for this unemployment-insurance expansion is that the changing nature of the U.S. labor market demands it. Consider that in 1975, half of out-of-work Americans received government payments after losing their jobs, but by the mid-2000s, only about a third did. Policymakers, advocates, and the media all explain this by telling the story of a system that hasn't kept up with massive economic changes, such as the influx of women into the labor force, the shift from manufacturing to

THE EXPANSION OF UNEMPLOYMENT INSURANCE

Since the mid-1990s, most U.S. states have expanded their systems of unemployment insurance. Changes have tended to fall into three categories. First, states count more recently earned wages in determining whether or not a worker meets the dollar-value threshold to qualify for benefits. This helps both low-wage and part-time workers, because those two groups tend to cycle in and out of jobs more frequently than others and often don't have long salary histories. Second, states allow workers only seeking part-time jobs to receive benefits. Traditionally, a worker has had to look for a full-time job, even if he was laid off from a part-time one. Third, states broaden the range of acceptable reasons for leaving a job, including quitting related to “compelling family reasons,” such as the loss of child care, caring for an ill family member, or being the victim of domestic violence. Taken together, these changes typically extend unemployment benefits to three (often overlapping) groups of workers: those earning low wages; those whose work schedules are part-time, short-term, or seasonal; and women. By 2009, more than half of states had adopted some or all of these provisions. That year, the federal American Recovery and Reinvestment Act offered \$7 billion to other states willing to make changes.³

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retail and other service-sector employment, and the rise of contract, contingent, and part-time jobs. In the words of one Washington D.C. think tank, the unemployment insurance system, created by Congress in 1935, is “seriously out of date, given the needs of a twenty-first-century workforce.”¹ Yet there is nothing implicit in the way advanced nations provide for economic well-being that dictates an automatic or rationalist response. As Esping-Andersen writes, “The welfare state is not just a mechanism that intervenes in, and possibly corrects, the structure of inequality... It is an active force in the ordering of social relations.”² To understand the course of unemployment insurance in the U.S., it is important to probe society's views of citizenship, gender, race, and work, as well as to understand its preferences about government spending. Examining why unemployment insurance has survived fiscal rollback is just the beginning. Much mightier trends are afoot.

This expansion seems puzzlingly counter to the prevailing narrative of welfare-state retrenchment. That narrative holds that since its post-WWII heyday, the welfare state, in both the U.S. and other advanced nations, has wrestled with one crisis after another. Since the 1970s, bouts of high inflation and unemployment, slow economic growth, and intractable poverty have illustrated deep flaws in the welfare state's fundamental assumption—that government can create systems to smartly manage the ill effects of industrialization. Dissatisfaction with the status quo started to sway the electorate by the early 1980s, ushering in the likes of Margaret Thatcher and Ronald Reagan, along with grand promises to cut social spending and restore individual responsibility and the role of the family in managing economic risk.⁴

One way to reconcile unemployment insurance expansion with broader welfare-state retrenchment would be to conclude that retrenchment is, sim-

ply put, a myth. Pierson, for instance, presents data about spending on social security transfers and other sorts of welfare programs, and shows that in the U.S., as well as in the U.K., Germany, and Sweden, the size of the welfare state largely held steady from the mid-1970s to the early 1990s. Although the rhetoric of retrenchment may be alive and well, the implementation of it, Pierson argues, is perpetually stymied by the inertia of bureaucracies and the infeasibility of cutting spending that benefits vocal interest groups.⁵

Another set of accounts holds that there has, in fact, been rollback, but not one that is easy to see in the aggregate spending data. One must also consider the structure of the welfare state, including the rules for determining who receives benefits. Changes to unemployment insurance are about eligibility and not benefit level (except temporarily in periods of severe recession). In analyzing the extent of retrenchment in the U.S., Glazer makes an important distinction between the contributory programs of what he calls “Welfare I” and the needs-based programs of “Welfare II.” He finds that while Americans have come to revile the second as the domain of the dependent and the weak, the first is still considered to be in the service of independent individuals and held as “almost sacrosanct.”⁶ It is then crucial that unemployment insurance benefits are funded not from general tax revenues, but rather through a payroll tax paid by firms on behalf of employees—clearly a program that belongs to Welfare I that would be viewed as an escape from the forces of retrenchment.

Yet although these explanations are convenient, they are also deeply unsatisfying. After all, the question is not about how unemployment insurance survived, but rather about how it underwent such deliberate and widespread expansion in the face of supposed retrenchment. Even if one concludes that retrenchment only happens among certain types of programs, or not at all because of logistical impossibility, there is still no good account of the past 15 years of increasing unemployment insurance eligibility. Retrenchment may provide an interesting backdrop, but to understand these changes, one must turn to two other frameworks within the welfare state literature: the obligation to work, and citizenship and dependency. After establishing those frameworks, we can then understand how they have guided the policymaking apparatus.

WORK AND THE WELFARE STATE

Work, or the lack of it, is central in practically any account of the welfare state. Briggs presents the standard account, writing that mass unemployment “is a product of industrial societies, and it is unemployment more than any other social contingency which has determined the shape and timing of modern welfare legislation.”⁷ Polanyi presents a loftier story, one of society trying to adjust for the destabilizing effects of capitalism’s commodification of labor—a work-centric narrative all the same.⁸ Given the centrality of work to the welfare state, it is natural to think that should the characteristics of work change, the welfare state would respond.

Such rationalism can easily be applied to explain the expansion of unemployment insurance eligibility. The welfare state, premised on a nation of permanent, full-time workers, has over the past few decades been “assaulted by a host of other competing models of work organization—an expansion of part-time work, voluntary career breaks, self-employment and home-working.”⁹ The shift is widespread and secular, with part-time jobs accounting for a quarter or more of all employment in a number of countries and with the figure in the U.S. reaching 20 percent.¹⁰ Broadening unemployment insurance eligibility standards can be seen as fitting new sorts of workers into the welfare state’s existing mold. The welfare state’s primary purpose is to stabilize the relationship between workers and the labor market, and as the labor market changes, the welfare state adapts.

The problem with this explanation is that the welfare state does not simply react to labor market conditions, but also actively shapes expectations surrounding work. In a broad sense, the welfare state creates a society in which “paid labor in industry has a central and defining role,” and, as a consequence, one in which industriousness is actively promoted.¹¹ The welfare state also deeply forges work behavior in day-to-day life. Retirement rates are one example. In the U.S., 10 percent of workers retire at the age of 61, and 8 percent retire at the age of 63. At age 62, however, when workers can first collect Social Security benefits, the retirement rate spikes to 25 percent. The same type of pattern arises from unemployment insurance rules. About 5 to 7 percent of workers collecting

unemployment benefits find a job each week, until the 26th week when benefits generally run out. That week, 17 percent of unemployed people take jobs.¹²

Thus the administrative nuances of the welfare state—along with its organizing principles—exert an extraordinary amount of control over the lives of citizens. In the realm of unemployment, it is the state, to a large extent, that decides how long it is okay for an unemployed person to hold out for a better job, and when it is time to take whatever work is available and rejoin the labor force. The question remains, though, as to why the unemployment insurance system would have expanded in recent years, considering that the history of the U.S. welfare state is one in which social control has been exercised not only through direct attachment to work-based social insurance, but also through proxies such as husbands, as well as through rules for non-contributory programs such as Aid to Families with Dependent Children, the present-day Temporary Assistance for Needy Families (AFDC/TANF).

CITIZENSHIP AND DEPENDENCY

Understanding the welfare state often starts with Marshall's concept of social citizenship. Drawing from British history, Marshall traces the rise of first civil citizenship, including freedom of speech, thought, and religion; next political citizenship, including the right to vote; and finally social citizenship, including "the right to a modicum of economic welfare and security." Through the Poor Laws, British residents had ways of claiming economic support going back for centuries, but it was only in the first years of the 20th century that such claims became the mark of citizenship. By the early 1900s, those seeking relief from the vagaries of the industrial economy no longer had to "cross the road that separated the community of citizens from the outcast company of the destitute."¹³ A central concern of the welfare state thus became who qualifies as a citizen; that is, who gets to be a "full member" and make a claim on the state.

In the original rendering of the U.S. welfare state, full membership was limited in a number of ways. The Social Security Act of 1935 included three principal programs: old-age retirement benefits, unemployment insurance, and Aid to Dependent Children.

The first two largely applied to men, and the third, to women. Plenty of women in early 20th century America had wage-paying jobs through which they might have claimed retirement and unemployment benefits, but the sort of work women were most likely to do, such as domestic labor, was specifically excluded from the Social Security Act. Instead, the only claim most women could directly make on the state for Marshall's "modicum of economic welfare and security" was through Aid to Dependent Children, a program designed for widows. That is to say, women received benefits not through citizenship of their own, but rather through a transfer of citizenship from their (late) husbands. In 1939, Congress added Social Security benefits for the spouses and children of retired workers, underscoring that benefits flowed first through the work of men.

The contemporary broadening of unemployment insurance eligibility can thus be read as a shift away from this particular social ordering and the extension of full citizenship to women. Of course, women have for decades been active participants in the unemployment insurance system, but only to the extent that they have taken a job that supposedly can provide a family wage—full-time, year-round employment. In reality, women are disproportionately likely to take jobs with other structures.¹⁴ The trend towards qualifying part-time and short-term workers for unemployment insurance benefits therefore captures many working women who would otherwise not qualify—an explicit goal of many advocacy campaigns to loosen eligibility criteria. Even more targeted to women is allowing workers who quit for "compelling family reasons" to collect unemployment insurance benefits. Although they differ by state, "compelling family reasons" often include situations such as not being able to obtain child care, looking after an ailing family member, or being the victim of domestic abuse.

This shift in social ordering neatly falls under what Fraser calls the welfare state's move from "the world of the family wage to the world of the universal breadwinner."¹⁵ In the unemployment insurance system, women are now direct claimants on the welfare state. An employed woman has social citizenship independently, not simply through her husband and his job. Crucially, as we will see in the next section, this connection to the state is work-mediated.

First, though, we can extend our understanding of unemployment insurance expansion as a broadening of social citizenship to another group of workers: underclass minorities. Here again the story starts in 1935, but with a different category of employment excluded from the Social Security Act, agricultural labor. As Quadagno details, southern Congressmen influenced the creation of a two-tier system, with contributory old-age social insurance for most workers and needs-based old-age social assistance for the rest. By excluding farm laborers—generally, poor black men and women—from the national scheme of

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old-age insurance, as well as the corollary program of unemployment insurance, politicians guaranteed that workers would remain dependent on the planter class and its offer of sharecropping and other low-wage jobs.¹⁶ Although such individuals could make claims on the state to cope with indigence arising from situations such as old age or blindness, these programs were means-tested and their participants were hardly full social citizens, as they had to keep “the outcast company of the destitute” to qualify.

The U.S.’s contemporary low-wage workforce is still disproportionately excluded from unemployment insurance. According to a 2007 study, low-wage workers are about half as likely as higher-wage ones to receive benefits, even though they are two-and-a-half times as likely to be out of work.¹⁷ A key reason low-wage workers fail to qualify is that they have not earned enough money over the year-and-a-half prior to losing their jobs, an eligibility measure created under the logic of traditional employment. Low wages themselves contribute to workers not meeting

the threshold, but so do non-standard employment relationships, such as part-time, short-term, and seasonal jobs, those particularly common in retail and agriculture. Many of the policy changes that states have made in recent years directly address these barriers to collecting unemployment insurance benefits, particular the widespread adoption of an “alternative base period,” which counts more recent wages and doesn’t require nearly as long a work history.

Again, this expansion of eligibility can be taken as a signal of a broadening social citizenry. Douglas writes that unemployment insurance arises because “the wage does not cover society’s obligation to the worker.”¹⁸ As states make more people eligible for unemployment insurance benefits, they are effectively saying that society now owes them something. Bringing in low-wage workers, particularly minorities historically and purposefully excluded, indicates entry into welfare state solidarity. But importantly, it is a very specific type of entry.

THE OBLIGATION TO WORK

Whether or not the dollar amounts spent on economic security have changed over the past few decades, the logic of the welfare state clearly has. A system that used to deploy government to make up for the economic vicissitudes of everyday life now increasingly turns to greater labor-market attachment as the answer. The role of government is less to provide a safety net, and more to get people working and able to provide for themselves. A variety of forces are pushing in the direction of what Gilbert calls “the enabling state,” including the hypermobility of capital in a global economy, changing public perceptions about the effects of generous welfare policies, and an increased in faith markets and the rightness of individual economic actors.¹⁹ The outcome, as Piven and Cloward pointedly write, is “to exalt work, any work, at any wage.”²⁰

Although a government-run program, unemployment insurance cleanly fits into the new welfare state logic. Although receiving unemployment insurance benefits does, by definition, mean that a person does not have a job, the structure of the program greatly reinforces attachment to the labor force. Crucially, receiving benefits is predicated on not just having had a job, but also actively seeking a new one. The

focal point is the formal labor market and ways to reconnect with it. Gilbert identifies “heightened emphasis on employment-related measures” as a key quality of the new welfare state, including the tendency to give benefits in exchange for steps people take to improve their “human capital,” or worth to a potential employer.²¹ Indeed, in most U.S. states, the unemployed can now continue to collect benefits while participating in training programs. The underlying assumption—that unemployment is not caused by the vagaries of the industrial economy, but rather by individuals’ inadequate investments in themselves as workers—perfectly meshes with the neoliberal mindset of the “enabling state.”

In this context, extending unemployment insurance eligibility is understood to be a natural way of promoting labor-force attachment. It is therefore unsurprising that unemployment insurance extensions have largely been intended to wrap in low-wage workers and women, because policymakers often show interest in ensuring the work effort of the poor, and poor women in particular. In fact, policy makers explicitly connect unemployment insurance and the addition of work requirements to AFDC/TANF in the 1980s and 1990s. As a Bush administration official talking about the effects of requiring women receiving TANF to take low-wage jobs said: “When you become part of the economic mainstream, the safety net for you is not cash welfare. It’s unemployment insurance.”²² Here, in perfect form, is “the state’s transformation of social assistance as an income security program based on financial need, to a program which is conditional on the performance of employment activity in exchange for benefits.”²³

The need for full social citizenship for women, the poor, and all other members of society therefore becomes clear: being a citizen is a stop along the way to joining the economic mainstream. As Gilbert writes, the enabling state is much less concerned with providing income support and much more with “fostering social inclusion”—specifically, through active participation in the labor force.²⁴ The logic of this new universe clearly reflects its neoliberal underpinnings. Social citizens become labor market participants and claims on the welfare state become contractual reciprocations for specific work history. Indeed, there is no such thing as society, just individuals with jobs and individuals between jobs. Unem-

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ployment insurance is still a large, state-run program, but that doesn’t necessarily conflict with the ideological shift. Government’s role is to preserve the market, to ensure its proper functioning—to provide quick and focused transition for those out of work back to having a job.²⁵

In their history of the welfare state, Goodin and Mitchell confront the core problem with tying benefits to workplace contributions: the creation of “a ‘breadwinner’s welfare state,’ in which non-breadwinners are second-class citizens.” The solution to this problem, they write, is to base benefits on membership in the community, not workforce participation. This gives rise to a free rider problem, which then necessitates public assistance contingent on non-work social contributions.²⁶ Perhaps that is, more or less, how the welfare state has historically operated, but now is probably the right time to consider another solution to the problem presented by Goodin and Mitchell: insist that everyone become a breadwinner. Once that happens, unemployment insurance, rightly or not, can be the primary mechanism for welfare state support.

THE GROUND-LEVEL VIEW

Concluding that the past 15 years of unemployment insurance eligibility expansion arose from broad trends in the evolution of the welfare state makes for a tidy account. Ideas and social processes, however, don’t rewrite regulations without real-life actors, such as politicians, bureaucrats, and advocates. The movement among U.S. states to broaden unemployment insurance eligibility has its roots in Congress’s reaction to the 1990-1991 recession. In what would later

prove to be a turning point for unemployment insurance eligibility, the Emergency Unemployment Compensation Act 1991 act not only extended emergency benefits (as Congress tends to do in recessions), but also created the Advisory Council on Unemployment Compensation to evaluate the unemployment insurance system.²⁷ The Council—comprised of individuals from corporations, unions, state governments, and academia—was appointed by the President and members of Congress and soon began producing a series of high-profile reports.

One of the Advisory Council's first reports highlighted major gaps in eligibility. The report started out by explaining that "the most important objective" of the unemployment insurance system was to provide replacement wages for unemployed workers "as a matter of right." Among those routinely being denied this right, the report found, were low-wage, part-time, temporary, and seasonal employees. The report also highlighted the plight of "workers with child care or other care-giving responsibilities"—clearly, largely women—who found themselves denied benefits after quitting for reasons such as work schedule changes incompatible with the duties of home life.²⁸ In its next report, the Council recommended states adopt policies to bring into the unemployment insurance system these excluded populations.²⁹

The Marshallian use of the word "right" in the 1995 report is hardly haphazard. The report's authors write with great awareness that "the structure of any nation's system of unemployment insurance reflects numerous value judgments regarding the desired weighting of social objectives and the optimal distribution of rights and responsibilities." They devote an entire chapter to the purposes of unemployment insurance, in both historical and international perspective. They entertain a number of other reasons that would justify a robust system, from macroeconomic stabilization to ensuring a proper match between workers' skills and the jobs they perform, but conclude that the primary logic of the U.S. system is wage replacement—a worker's receipt of what he is personally owed. The goals of the U.S. unemployment insurance system, the authors opine, are not so different from those of employees' rights laws in Europe.³⁰

Congressionally commissioned panels put out plenty of reports, but those written by the Advisory Council

on Unemployment Compensation are significant because state policymakers paid attention. Following the lead of the Advisory Council states such as Georgia, Illinois, Maine, New Hampshire, and North Carolina set up legislative task forces and committees on unemployment insurance regulations, with a particular focus on the impact on low-wage and contingent workers.³¹ Policymakers in those and other states took the recommendations of the national council quite seriously and, as a consequence, their assumptions as well. Local policymakers had not been ignorant of gaps in unemployment insurance, and a few states had even taken steps to address them—most notably, Washington, which adopted an alternative base period in 1987—but for the most part, action came after attention crystallized at the federal level.

At the same time, advocacy groups became major players in spurring on change. Throughout the late 1990s, the National Employment Law Project, a non-profit focused on the rights of the working poor, put out a series of reports about how the unemployment insurance system excluded low-wage and contingent workers, and began tracking and encouraging changes in state law. Women's advocacy groups also joined the push, most vocally through the Institute for Women's Policy Research, a non-profit dedicated to undoing "gender-based economic injustice." Think tanks such as the Economic Policy Institute and the Center on Budget and Policy Priorities produced score cards of state unemployment insurance inclusion, and unions and grassroots groups in cities from Baltimore to Tulsa lobbied at the local level.

A 2004 report from the National Employment Law Project and Institute for Women's Policy Research capture how these advocacy organizations thought about unemployment insurance eligibility expansion. The report, which focuses on deficiencies in Florida's system, points to the ways "women, part-time workers, workers of color, and low-wage workers" are blocked from benefits. The report goes on to suggest half a dozen changes—such as lowering the earnings threshold and allowing those who quit to care for children to collect benefits—so that workers can "get the benefits they are due."³² Expanded unemployment insurance eligibility, then, is clearly a triumph for workers' and women's interest groups in that expansion marks the fulfillment of rights (benefits they are due) to previously excluded workers. It is

something that workers' and women's groups fought for, as well as an evolving concept of the welfare state.

The 2004 report also illustrates how labor-market activation factored into the thinking of ground-level players. In promoting their work, the two advocacy groups quote the reaction of Florida Congresswoman Debbie Wasserman Schultz, who is "struck by" gaps in the state's system. Yet Schultz then tacks in an entirely different direction: "More and more families find themselves without one or more wage earners. As their elected representatives, it is our moral obligation to help Florida's employees stay off welfare and stay as self-sufficient as possible." The issue of unemployment insurance exclusion quickly becomes an issue about people choosing not to work, and government needing to do something about that. In the context of the 2004 report, the quote is strikingly out of place. Indeed, the report's whole point is that people who are currently working are ineligible for unemployment insurance. But within the broader context of welfare state trends, the link makes perfect sense. Full citizenship in the welfare state—marked here by admittance to the unemployment insurance system—is really just a stop along the way to being an individuated economic agent whose benefits are directly tied to recent work effort.

The connection between unemployment insurance and labor-force activation—especially when it comes to individuals who might receive cash assistance or other "Welfare II" support—is common. Forcefully moving cash welfare recipients into the world of formal employment is not just about current work, but also being a part of the work-mediated social safety net. As the Bush administration official said, unemployment insurance, not cash assistance, is the economic backstop of people in the economic mainstream. Advocacy groups understand this, whether or not workfare is the system they would have chosen, and therefore spend a fair amount of energy dissecting how well unemployment insurance actually serves former welfare recipients.³³ Often the answer is not terribly well, which provides additional fodder for efforts to change the system's eligibility rules, wrapping in even more people, such as single mothers, who in earlier era would have been able to access welfare state benefits without recent labor-force participation.

None of this is to say that in conversations about unemployment insurance eligibility, extending the rights of citizenship and obligating work in exchange for benefits are the only concerns of policymakers and interest groups. Since the passing of the 2009 federal law offering \$7 billion to states willing to broaden eligibility, some Republican lawmakers have cast unemployment insurance expansion as an anti-business policy that hurts local economies. A handful of governors publicly attacked the offer of federal money, saying that any increase to payroll taxes would squash the ability of firms to create jobs.³⁴ Indeed, concerns about business interests have historically been a major argument against expanding eligibility—and at times even a force in contracting it—because states control their unemployment insurance systems and can compete against each other in making them more attractive to the perceived interests of employers.³⁵ More parochial concerns have also often played a key role. For instance, the American Staffing Association has successfully promoted denying temporary and part-time workers unemployment benefits unless they first check back in with any staffing agency they may have recently used.³⁶

That said, broader welfare-state trends have permeated the arguments and actions of many ground-level actors. The work structures that sit behind the push for unemployment insurance expansion—part-time jobs, low pay, women in the workforce—could have led to any number of welfare-state re-orderings, or none at all. That the popular response has been to expand unemployment insurance eligibility logically meshes with a broadening concept of citizenship, as well as one predicated on individual and recent work effort. This is demonstrated by what political actors say—and especially by what they do. The take-away, then, is that expanding unemployment insurance eligibility is not some sort of automatic or expected reaction to the reordering of the labor market. It is true that the world of employment looks different than it used to, but so does the nation's concept of the welfare state and how it should relate to both individuals and industry. As policymakers have pushed for and implemented change, they have been guided not just by unharnessable economic forces, but also by a changing ideology around government's role in protecting people from the economic vagaries of capitalism.

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