

## Abstract: Clintonism and the Legacy of “New Democrat” Family Policy

Hofstra University’s 11<sup>th</sup> Presidential Conference:  
William Jefferson Clinton: The “New Democrat” from Hope

My presentation will assess President Clinton’s family policy from the perspective of what it suggests about “New Democrat,” or “Third Way” politics. By “Third Way” I refer to the term used by organizations such as The Progressive Policy Institute and the Democratic Leadership Council. In Clinton’s 1992 campaign, this “Third Way” involved a “new social contract” of “mutual responsibility”: government should afford *opportunity* to people, who, in return, should take *responsibility* and adhere to such core values as work, family, and personal responsibility. As expressed in Clinton and Al Gore’s campaign book, *Putting America First* (1992), government should reward people willing to “play by the rules.” This rhetoric, with its appeal to values, has been noted as a successful attempt, by Democratic politicians, to attract voters around themes of values and family – such that they were not the domain only of the Republicans. (Contrast, for example, the 2004 election, in which, poll data suggests, voters concerned over “values” – especially, *family* values – supported Bush, rather than Kerry.)

To evaluate President Clinton’s family policy, I will focus on three significant pieces of legislation that he signed: Family and Medical Leave Act (FMLA), the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), and the Defense of Marriage Act (DOMA). FMLA, which Clinton’s predecessor, George H. Bush, did not sign but candidate Clinton promised to, made many workers eligible for three months of unpaid leave to take care of family members. *Putting America First* supported the FMLA as a way to “help working families” by enacting “pro-family and pro-children policies.” This law, I will argue, was an important step in that direction, but does not go far enough to alleviate the difficult work/family conflict problems many families face and to rectifying the problem that women, still, disproportionately assume family care responsibilities at the expense of their paid employment.

PRWORA, passed by a Republican-controlled Congress, departed from some of Clinton’s more generous welfare proposals, but zealously embraced his call to “end welfare as we have known it.” It is, nonetheless, consonant with some of the themes Clinton enunciated: moving mothers “from welfare to work,” and viewing it as a “hand up,” not a “hand out.” Nearly a decade later, rhetoric about helping “working families” is bipartisan, even if agreement on how best to do so is not. What sort of family policy underlies PRWORA? Why is Congress struggling to agree over its reauthorization? Salient issues include: whether government, as the Bush administration argues, should be promoting “healthy marriage” to foster child well being and attack poverty and whether the way to move working poor families out of poverty is through longer work weeks or, as Democrats argue, more training and work support. What is the legacy of Clintonism for these debates?

Finally, I will look at DOMA, which defined marriage, for federal purposes, as between one man and one woman and purported to protect states from having to recognize same-sex marriage entered into in another state. This bill seemed, to many, at odds with Clinton’s commitment to address discrimination against gay men and lesbians. It is relevant to contemporary debates over same-sex marriage and over the proposed federal constitutional amendment to have one uniform definition of marriage throughout the United States. How did DOMA fit into Clinton’s vision of family policy? Would or should “New Democrat” family policy support the proposed constitutional amendment?

Linda C. McClain, Hofstra University School of Law  
November 12, 2004