

SOCIAL PROGRAMS AND MANAGEABLE UNITS

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I. INTRODUCTION

Why do some social problems attract more private and public resources than others? How do we as individual voters and contributors come to devote our attention and energy to some causes or experiments over others? One implicit contribution of Martha Fineman's work is to draw attention to the fact that struggling families have not been high on our lists of causes.¹ There is something of a puzzle in this important lamentation, because there is a consensus that many of our serious social problems are caused or exacerbated by impoverished opportunities that might be statistically linked to poor, single-parent households.² Fineman's discussion targets neither poverty nor single-parent status.³ However, it is fair to say that she draws attention to the sad and frustrating persistence of an American underclass and that this underclass, is linked in both

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1. See Martha Albertson Fineman, *Cracking the Foundational Myths: Independence, Autonomy, and Self-Sufficiency*, 8 AM. U. J. GENDER SOC. POL'Y & L. 13 (2000).

2. See Sheryl L. Howell, *How Will Battered Women Fare Under the New Welfare Reform*, 12 BERKELEY WOMEN'S L.J. 140, 141 (1997) (stating that congressional findings in prelude to the welfare act identifies dilemmas of single family households, and further links them, in a gendered way, to societal problems).

3. See Fineman, *supra* note 1, at 18 (stating that caretaking work itself creates a collective societal debt).

perception and fact to poverty and family structure.⁴ If governments and private endeavors create great universities, build space stations, and generate fabulous national wealth, then why not some progress on the home front?⁵

One puzzle is the contrast between our successes and our failures. My first step is to frame this puzzle in terms of the range of successes of political, non-profit, and other entrepreneurs. Most social problems create opportunities for politicians to attract our votes.⁶ Many social problems set the stage for private entrepreneurs who see the potential for profit where they can outperform the public sector and capture resources that the public is inclined to spend. Social problems also stimulate the formation of not-for-profit intermediaries who are able to apply private contributions and sometimes public funds to social problems.⁷ The puzzle put forth and explored here is why the opportunities for entrepreneurial success touched on in the Fineman lecture does not seem to generate serious activity. Thus, in the case of the non-profit sector, our daily mail contains many solicitations that appeal to our concern for so many causes—but so rarely for programs that might make the plight of relatively poor families less desperate. In the political arena, politicians do not compete for our votes by promising to solve these problems or to do more than has been done in the past and at lower cost. As for profit-making opportunities, we do not find entrepreneurs advertising or bidding for serious privatization of social welfare programs.

Professor Fineman indicts our society for its failures, and implores us to do better.⁸ My reaction in this Comment is to focus on the puzzle of why things are as she describes them. I will suggest that understanding these puzzles about the agendas of public and social entrepreneurs may be useful in imagining solutions to the tragedies and disgraces around us.

4. Fineman, *supra* note 1, at 25.

5. See RICHARD R. NELSON, *THE MOON AND THE GHETTO* 13-18 (1977) (discussing the successes and failures of domestic social programs aimed at addressing poverty).

6. See, e.g., Glenn L. Pierce & Michael Radelet, *Challenging the Death Penalty: A Colloquium, The Role and Consequences of the Death Penalty in American Politics*, 14 N.Y.U. REV. L. & SOC. CHANGE 711, 720 (1986) (pointing to politicians' use of the death penalty in crime control platforms to help "manage" as an issue and garner public support).

7. See generally Rob Atkinson, *Altruism in Nonprofit Organizations*, 31 B.C. L. REV. 501 (1990) (detailing an in depth study of existence, motivation, and methodology of non-profit charitable organizations).

8. See Fineman, *supra* note 1, at 26 (urging for a more responsive and active state).