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Selective Service, the Gender-Ordered Family, and the Rational Informality of the American State¹

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How do gender relations regulate the American state? To answer this question the author examines archival material on the formation and operation of the Selective Service System during World War I, the understudied federal American draft system. She shows how the federal government vested local draft board members with the authority to determine on a subjective, case-by-case basis whether potential draftees were genuine breadwinners in determining whom to draft and who would receive dependency-based deferments. Informal rules of thumb about the gender-ordered family structured the First World War draft. By analyzing the Selective Service System and by placing feminist political sociology, scholarship in the American political development tradition, and Weberian scholarship on the modern state in critical dialogue with one another, the author identifies how the American state's locally applied substantive rationality relied on the family's gender hierarchy in ordering its rational informality. Gender relations thereby rationalized the state's local informality.

Over the past three decades, an implicit consensus within sociological scholarship on gender and the American state has taken hold, with emphasis primarily on identifying the gendered effects of state policy, rather than how

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gender orders the American state. Lost from view is an understanding of how the rationality of American administration is ordered through gender relations. By “rationality” I am referring to Max Weber’s account of the types of means-ends calculations that determine how decisions are made within any given organization (Weber [1922] 1978). I contend that by examining in detail the gendered rationality of American governance, we can move beyond identifying how the state regulates gender and sexuality, and, more audaciously, we can identify how gender relations regulate the American state. This article does so by examining the founding and operation of the U.S. Selective Service System, the federal draft system established in 1917.

If feminist scholars have paid less attention to the ways through which gender relations order American administrative rationality, scholars in other subfields have especially ignored how gender relations have affected development of the American state. Scholars within the American political development (APD) tradition have done the most work to offer comprehensive accounts of how American governance works, following the peculiarities of American governance with its mix of federal and local administration, combined with private actors and a dizzying array of institutional arrangements. However, this work looks mostly at scale of administration, or at the combination of institutional actors, focusing especially on the distinctiveness of American federalism. APD scholars’ emphasis upon form and scale results in scant attention paid to the rationality of American administration. With a few important exceptions elaborated upon below, feminist political sociology and APD scholars thus share a blind spot in tracing the origins of American-style administrative rationality.

Contrary to the instincts of some feminist political sociologists and APD scholars, I contend that Max Weber’s conceptual framework has insights to offer in identifying what is peculiar about the American state. Rather than comprising a static set of rules identifying the most typical characteristics of a developed modern state, Weber’s sociology of the state is more multifaceted than Americanists often allow for. Weber made a crucial distinction between substantive and formal rationality, with substantive rationality being a type of decision making relying on case-by-case judgments rather than on fixed rules (Weber 1978, pp. 811–12). I argue that substantive rationality applied by local administrators is a pervasive

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feature of American governance, granting a high degree of personal discretion to individual street-level bureaucrats. This article, however, does not paint a picture of Max Weber as a faultless theoretician of modern state development. In applying his tools of analysis to the American state, I point to Max Weber's own blind spots in his theorizations of modern state development. I argue from a feminist position that these blind spots were due to his inability to recognize the place of gender relations and familial authority within modern political development.

Drawing from original archival research, I examine the establishment in 1917 of the Selective Service System (SSS), the federal draft system, and show that local draft board members were instructed to draw from assumptions about the gender-ordered family in order to make case-by-case decisions about men's draft status in a sphere of governance that on the surface might look to have been far from "social" or "family" policy. Despite the fact that the SSS was a large federal bureaucracy that affected millions of American families over the course of the 20th century, it remains poorly understood and absent in synthetic characterizations of the American state. Maintaining a loosely structured and flexible federal bureaucracy, the Selective Service System operated through a network of nearly 4,500 local draft boards during World War I, staffed by civilians who determined with a high degree of autonomy who would be drafted and who would stay at home. A significant factor in determining men's draft status was whether they were viewed by local draft board members as heads of households supporting dependents. Assessment of genuine dependency was left to local draft board members to define.

The draft, I will argue, was organized in a typically American fashion of *rational informality*, enabling local administrators to operate with a high degree of personal discretion in determining men's draft status. Such discretionary governance, however, requires a substantive foundation in order for a given policy to meet its goals and not appear arbitrary. The manpower needs of a wartime army and economy could not be met if the draft drifted into chaos. The gender hierarchy supposedly inherent to the American family structured the Selective Service's substantive rationality, shaping a highly invasive arm of the state that determined locally who would participate in the global and total war. The gender-ordered family was seen as a sphere of natural organization unto itself, providing "rules of thumb" local draft board members applied in determining which men should be deferred and which men should be drafted. These informal rules of thumb also had racially unequal effects.

As a handful of scholars on race and the American state have noted, programs with high degrees of discretion tend to yield racially discriminatory outcomes (see Lieberman 1995; Lieberman and Lapinski 2001; Fording, Soss, and Schram 2007, 2011). I broaden their observations and

argue that highly discretionary programs are themselves a common feature of American governance. I furthermore point to how assumptions about the sexual division of labor ordered a federal and locally applied discretionary program. Framed through a feminist-Weberian lens and drawing from original archival research tracing the Selective Service System's founding and operation during World War I, I argue that the American state's locally applied substantive rationality relied on the family's gender hierarchy in ordering its rational informality. In this way, gender relations regulated the state.

GENDER, RACE, AND THE AMERICAN STATE

Feminist scholars of the American welfare state have assiduously worked to identify how social policy was formed in ways that reproduced the sexual division of labor historically and how contemporary policies now require women to act as both mothers and workers. A large body of work has especially focused on the gendered effects of social policy from its origins, emphasizing formation of the caregiver/breadwinner distinction in the separate tracks of social supports offered to men and women dating as far back as the colonial era (Abramovitz 1998; Michel 1999), during the Progressive Era (Sapiro 1986; Nelson 1990; Skocpol 1992; Fraser and Gordon 1994; Ladd-Taylor 1994; Gordon 1995; Goodwin 1997), the New Deal (e.g., Mink 1995; Amenta 1998; Mettler 1998), the 1960s War on Poverty (Quadagno and Fobes 1995), and Nixon's attempted reforms during the 1970s (Quadagno 1990). Several have focused on the long history of the intersection of gender and racial politics in the formulation and distribution of social policy (Goodwin 1997; Neubeck and Cazenave 2001), with particular emphasis on the racialization of American welfare politics and the narrowing and stigmatization of welfare supports in the decades following the Civil Rights era (Piven and Cloward 1971; Zinn 1989; Quadagno 1990, 1994).

Others have examined the continued effects American welfare policy has on the distribution of household tasks (Hook 2010) and welfare reform's more recent impact on poor women (Mink 1998; Naples 1999; Roberts 1999; Harrington Meyer and Kesterke-Storbakken 2000; Zylan and Soule 2000; Burnham 2001; Orloff 2001; Brush 2003; Hays 2003; Smith 2007), with a few focusing on welfare reform's effects on men, too (Curran and Abrams 2000; Haney and March 2003; Orloff 2003; Geva 2011*b*). Some scholars working on the gendered effects of social policy have also placed the United States in comparative perspective, noting the particularly weak set of social supports offered to women as both mothers and workers (e.g., Orloff 1993, 1996; O'Connor, Orloff, and Shaver 1999; Morgan 2006; Worts, Sacker, and McDonough 2010). Altogether, this work paints a vivid picture of pol-

icies that differentially affect the life chances of American men and women, especially poor men and women of color.

Far fewer scholars, however, try to understand the reverse relationship between gender and the state, that is, how it is that gender relations order the state. Scholarship that comes very close to doing so is work that emerged in the late 1980s focusing on female reformers during the Progressive Era and the New Deal and their impact on the formation of American social policy. This work examines how some key female actors participated in the formation of divergent social policies for men and women, advocating ideals of white, middle-class motherhood for the creation of tiers of social policy that did not adequately support working women as both mothers and workers but, rather, emphasized women's caregiving roles above all else (e.g., Koven and Michel 1990; Muncy 1991; Skocpol 1992; Skocpol et al. 1993; Gordon 1995; Goodwin 1997; Luker 1998). Once institutionalized, these policies set the stage for the distinct treatment of men and women, and it is those very policies, following decades of racial stigmatization, that then proved to be more vulnerable to welfare reform as of the 1990s. This work's goal has been to show that female actors were agentic in shaping state policy and were not simply the objects of a "male state." It also explains why and how the needs of working women with labor and family trajectories distinct from those of white middle-class reformers were and are poorly met by American social policy.

This scholarship's strength lies in its attention to how certain actors formulated a worldview that was then crystallized into state policy, showing how gendered and racialized ideals were institutionalized. However, this work rarely reflects on the unique shape of American governance and how this uniqueness intersects with gender relations. Empirically, however, there is ample evidence in this scholarship of the fusion between locally applied discretionary programs and presumptions regarding the appropriate sexual division of labor within the family. A common theme uncovered by this scholarship is that many of the social programs pioneered by women reformers and oriented toward poor women developed and incorporated a social work model where social workers were the frontline practitioners locally administering social policy (see, especially, Muncy 1991, chap. 3; Tice 1998). The social work model embraced the principle of individual expertise and measures of discretion in determining who was and was not worthy of aid. Worthiness was based on personal assessments of female clients' commitment to motherhood, hygiene, and sexuality.

However, we should not conclude that it was strictly policies influenced by women reformers and using a social work model that employed this characteristic of locally applied administrative discretion. There are copious examples in historical scholarship on American administration showing how on-the-ground actors interpret and maneuver within broad guidelines,

drawing from informal but powerful visions of social order and the moral good. This was true, for example, with Progressive Era judges (Willrich 2000), federal immigration officials (Canaday 2009), and members of voluntary associations who enacted police powers (Wang 2012). As Michael Lipsky noted 35 years ago, all “street-level” bureaucrats engage in degrees of discretion on the ground (1980). Yet while Lipsky observed patterns of discretion across widely diverse bureaucratic domains, he, too, did not reflect on the specifically American state he was observing.

Ethnographers of contemporary American social and penal policy have shown the relatively wide interpretive space open to, and enacted by, street-level administrators. The individuals who directly interact with the state’s clients creatively promote ideals of independence and responsible citizenship (e.g., Haney 1996; Little 1999; Korteweg 2003; McKim 2008; Watkins-Hayes 2009; March 2009; Hess 2010) and of full citizenship through heterosexual marriage (Heath 2012). These programs are delivered by actors who lie in the blurry space between “the state” and the devolved service contract delivery typical of contemporary governance, sometimes politicizing community-based organizations (Naples 1991) and rendering them vulnerable to local machine politics (Marwell 2004).

Some scholars, however, are more aware of discretionary maneuverability as an important feature of American governance, especially those who follow how local discretion has perpetuated racial disparities in the distribution of social supports (e.g., Goodwin 1997). Lieberman and Lapinski conclude that the federal, decentralized nature of Aid to Dependent Children as structured in the 1930s gave significant discretion to on-the-ground administrators, opening the doors to discriminatory results in the allocation of aid, a pattern apparent in both the south and the north (2001). In an even stronger statement on the relationship between loosely articulated federal programs, local discretion, and racial inequality, Robert Lieberman has suggested that federalism has a long history of benefiting whites: “Discretion invites discrimination through the differential application of rules in different cases” (1995, p. 531). Piven and Cloward argued that as of the 1960s, following waves of civil rights and welfare activism, increased administrative control and a weakening of frontline workers’ discretion in the distribution of welfare policies correlated with a weakening of discrimination against African-American applicants (1971). Yet, following devolution and welfare reform in the 1990s, there are signs that once again wider degrees of discretion result in greater discrimination against African-Americans (Fording et al. 2007), a pattern also found in the domain of punishment (Fording et al. 2011). However, inasmuch as this research demonstrates the connection between federalism, loose guidelines, local discretion, and racial inequality, none of the above scholars seem aware that

this discretionary room for interpretation is a pervasive characteristic of the American state.

LOCATING THE AMERICAN STATE

It is no surprise that scholars within the American political development (APD) tradition are more attuned to tracing the specific contours and character of American governance, for this is the *raison d'être* of this scholarship. But APD scholarship has paid less attention to how gender relations shape the operation of American governance and has also mostly failed to notice how discretionary programs are a common characteristic of American governance. APD work, however, correctly underscores the bewildering complexity of American governance. Some APD scholars emphasize the intricacy of vertical delegation across scales of government and horizontal partnerships with “private” sector or charitable organizations. Elisabeth S. Clemens has uncovered how partnerships with for-profit and nonprofit organizations expanded during the Progressive Era and, together with delegation from federal to state to local authorities, paved the way toward what she calls a kaleidoscopic, “Rube Goldberg” state (2006). This delegation has also led to partnerships between formal government institutions and nongovernmental organizations that blur the line between public and private (e.g., Wang 2012)—patterns that persist to this day (Morgan and Campbell 2011).

Those attentive to the relationship between gender relations and the nature of the American state establish how the family order became incorporated into expanding federal powers. Kathleen Sullivan shows that the expansion of federal police powers in the late 19th century occurred through incorporation of a feudal status regime, emphasizing the patriarchal family order and a model of household governance. Citizens whose status did not adhere to the model of the patriarchal family order were treated by new laws as persons “without the obligations or privileges of household status” (2006, p. 47). Recognizing a relationship between discretionary programs and the gender order, Suzanne Mettler has followed how social policies aimed at poor women have been allocated to the management of individual states and localities, are less generous, and tend to be discretionary in nature (1994, 1998). Whereas programs typically aimed at male breadwinners eventually moved from state to federal management during the New Deal through more explicitly rule-bound programs, the same never occurred for the feminized track of social policy. Moving to an explicit focus on sexuality, Margot Canaday shows how federal state actors during the 20th century simultaneously expanded federal powers and created categories of sexuality through concrete encounters with populations they sought to classify and administer, such as immigrants, World War I draftees, and “transients”

during the Great Depression (2009). However, while mindful of the structure of American governance, these feminist scholars do not make more sweeping claims about how the gender (and heterosexuality) order structures the American state.

Others have emphasized the expansion of a very capable state that is curiously absent from the public's eye. Historians William J. Novak and Brian Balogh have both suggested that the 19th-century American state was stronger than might appear at first glance (Novak 2008; Balogh 2009). Building upon scholarship on the 19th-century state (e.g., John 1995; Onuf 2000; Larson 2001), Balogh makes the compelling argument that national authority in the 19th century was more invisible than absent. Americans, in Balogh's terms, were not governed less, but governed less visibly, out of a preference for a capable national government that would forgo rigid bureaucratization. Balogh highlights how Progressive Era reformers expanded national administrative capacities with policies focusing on the territorial metropole developed through tight coordination with civil society associations, creating a web of local, federal, and associative governance further thickened during the New Deal. However, when national security was threatened, Americans acquiesced to expansion of national administrative capacities (2009). Other arms of the 20th-century state, such as welfare and the penal system, remain hidden in plain sight. More recently, Suzanne Mettler has argued that the American state continues to operate through "invisible" policies, where even citizens who benefit from federal programs fail to recognize that they do so (2011). That is not to say that the American government failed to develop durable bureaucracies. In contrast to this account of delegation, Stephen Skowronek (1982) shows how reformers pushed for bureaucratization during the 19th century, while Daniel Carpenter (2001) illustrates how pockets of bureaucratic autonomy were forged by several federal institutions that could draw upon reputational networks in the late 19th and early 20th centuries.

There is little doubt that the American state did not unfold into a highly centralized, visible, and rationalized bureaucratic apparatus. Claiming that Eurocentric Weberian categories of political modernity fail to capture the specific contours of American political development, William J. Novak has suggested turning to Michael Mann's distinctions between despotic and infrastructural power (see Mann 1984) in order to pinpoint how the "American system of government, with its peculiar array of distributive technologies of state action . . . allows for an extraordinary penetration of the state through civil society to the periphery" (2008, p. 767).² Novak is correct to

² Novak does not acknowledge that Mann's theory adjudicates between Marxist and Weberian approaches to modern power, so that Weber's framework is present in Mann's concept of infrastructural power.

make note of the extensive infrastructural power of the American state. At the same time, as Julia Adams has argued, scholars of the American state tend to paint a caricature of European state development, overstating the extent to which a state such as France developed a bureaucratized, rationalized, centralized state, and in so doing, Americanists overemphasize how much the American state has undergone a distinct developmental trajectory (Adams 2010; see also Geva [2011*c*] on the adjustment of Weberian categories of political modernization to the modern French state).³

Additionally, Novak's description of American infrastructural power remains at such a level of generality that it does not yield enough insight into how exactly the American state operates or how American state power is distinct from, or similar to, other models of statehood. The APD criticism of Max Weber's approach to bureaucratization and modern state development is symptomatic of what is analytically highlighted in analyses of the American state: federalism, delegation, and blurring of private and public governance. That is, they focus on greater or lesser degrees of visibly public, centralized bureaucratization and pay little attention to modes of administrative rationality.

Instead, I argue that the distinctions Weber drew between formal and substantive rationalization offer a precise means of assessing how the American state has operated. It is not only delegation and blurred public/private governance that distinguishes the American state. It is also the formation of federal programs deliberately designed to be highly discretionary when locally applied. By "discretionary" I do not mean programs that are out of the public's eye. Rather, the point is to emphasize how local administrators employ substantive rationality in making case-by-case decisions with relatively high degrees of freedom. Such Weberian tools first need to be modified to capture how reliance on, and reproduction of, the gender-ordered family have also shaped American governance. However, with these adjustments in place, they offer greater rigor and analytic clarity than the concept of infrastructural power alone. This is the task to which I now turn.

SUBSTANTIVE RATIONALITY, THE GENDER-ORDERED FAMILY, AND THE AMERICAN STATE

The core of Weber's bureaucratization thesis was that it was an increasingly legitimate form of organization in the modern "Occident," organized primarily through formal rationalization (see, mainly, Weber 1978, pp. 956–1005). In looking at how bureaucratic rule was also infiltrating modern forms of political domination, he did not presume that bureaucratization as a

³ Seymour Martin Lipset was an exception. See Lipset (1990, 1996).

form of political domination came only in the form of a centralized national government. Bureaucratization could occur at many levels, as Weber understood bureaucracy to be colonizing many types of modern organization. Formal rationalization was a kind of rationality that tended to eclipse other forms of rationality, but there remained the possibility of hybrid forms of rationality. Weber identified substantive rationalization, as opposed to formal rationalization, as a form of decision making relying on case-by-case judgments, rather than on fixed rules (see Sterling and Moore [1987] for their helpful clarification of Weber's typology of rationality). Formal and substantive rationalization could stand in tension with one another, but Weber never claimed that formal rationalization would erase all other forms of rationalization. In fact, modern democratic states could be especially prone to a conflict between legal formalism and attempts to achieve substantively just goals (see Weber 1978, pp. 811–12). The Prussian welfare state was one example Weber pointed to as a type of administration that eschewed formalistic, abstract law (p. 856), with "social law" based on what he referred to as "emotionally colored ethical postulates such as 'justice' or 'human dignity'" (p. 886).

While bureaucratization entailed formalization and depersonalization of rule making, Weber did not claim that modern bureaucratic administration relied exclusively on officeholders following strictly formal rules. Rather, modern bureaucracies could also incorporate "freely creative administrations" with individualizing procedures. Such freely creative administration was not motivated by personal favors or motives, as would have been the case with premodern office holding. Rather, "those views which most strongly glorify the 'creative' discretion of the official accept, as the ultimate and highest lodestar for his behaviour in public administration, the specifically modern and strictly 'objective' idea of *raison d'état*" (Weber 1978, p. 979). Government bureaucracies could be fraught with tension, as, for example, in balancing between formal rule following and the pursuit of justice. Modern bureaucrats could maintain an abstract but strong sense of their ends—*raison d'état*—while applying forms of substantive rationality.

Applying Weberian categories to American state development, at the same time as they criticize Weber's limitations, Gary G. Hamilton and John R. Sutton argued 25 years ago that Progressive Era reformers instituted legislation that moved away from the formal contracts of the 19th century to administrative rules with a "substantively oriented model of justice" (1989, p. 17). This form of administration, they argue, enabled social welfare agencies to overcome the administrative limits of the 19th-century state. Weber's theory of bureaucracy relied on a formal and contentless style of domination that could function thanks to an undisputed sense of hierarchy within an organization (p. 34). The American state, by contrast, has always tried to avoid institutionalizing strict hierarchical

bureaucracies and, rather, moved in the early 20th century to a model of domination based on substantive rationality, with lawmakers and administrators drawing from the informal ethics of American social life.

Hamilton and Sutton are accurate in identifying the substantive rationality of American administration; however, they fail to specify what ordered the “informal ethics” of American social life organizing social welfare agencies’ judgments and activities. By now it is impossible to understand the origins of social welfare policy in the United States without seeing that policy as profoundly shaped by gendered and racialized conceptions of appropriate motherhood, fatherhood, and who should be supported by the state as a deserving worker and/or parent. The origins of the “two-track” American welfare state hardly need to be retold. As noted earlier, mothers’ pensions developed locally in the 1890s, and by the first decades of the 20th century were administered by most states (Katz 1996). Mothers’ pensions, and the methods of surveillance and casework associated with them, institutionalized the forms of public assistance provided to single mothers in the United States (Gordon 1995; Tice 1998; Katz 2001). These programs focused largely on white widowed or deserted mothers determined to be “deserving” of state support. Feminized public assistance was distinguished from the masculine track of employment relief that later became institutionalized in the form of Social Security (e.g., Fraser 1987; Mink 1990; Nelson 1990; Skocpol 1992; Michel 1993; Orloff 1993; Gordon 1995). Mothers’ pensions and, later, New Deal social welfare policy determined on an individualized basis who merited support from the state.

Hamilton and Sutton correctly point to institutionalization of a form of relief that was less centralized and rigidly bureaucratized than in other countries. However, their conception of the American state’s substantive rationality relying on what they treat as the neutral ebb and flow of American social life misses a central point. The substantive rationality of welfare relief was built upon local administrators’ assumptions regarding a natural gender hierarchy within American households, applying different standards to white and African-American households as to what constituted an appropriate gender hierarchy.⁴ Like Max Weber’s own blindness to the place of household authority within Western political modernization, Hamilton and Sutton do not consider that substantive rationality could rely on conceptions of a natural gender hierarchy. If there was one *telos* to Western political modernization Weber consistently presumed, it was that Western political modernity had freed itself from the fetters of

⁴For example, see Joanne Goodwin’s study of racial discrimination in administration of mothers’ pensions during the Progressive Era (1997). On the racial discrimination enabled by the federal structure of later New Deal programs, especially through Aid to Dependent Children, see Lieberman and Lapinski (2001).

patrimonial, patriarchal domination, as if Western modern political organization was completely autonomous from modern familial authority. Weber's political modernization thesis did not presume complete formal, and centralized, rational bureaucratization, but it did presume that political organization had become decoupled from familial or kinship organization (see Schatz [2004] and Geva [2011c] for a more detailed discussion of this point).

A few scholars have noted that patrimonialism is not entirely absent from American political organization. Richard Lachmann has argued that patrimonialism is alive and well at the highest levels of American economic and political power today (Lachmann 2011). Patrimonial strategies, however, reach back further than the contemporary era and beyond the narrow circle of national elites. For example, Cathleen D. Cahill has uncovered how the U.S. Indian Service in the late 19th and early 20th centuries was staffed by white men and women who were to act as "federal mothers and fathers" intended to serve as models of the white Victorian family as against Indian matrilineal societies (Cahill 2011). Many white women working within the Indian Service married Indian men, combining personal family formation with state formation through the geographic and administrative frontiers of the federal government. They did not explicitly aim to personally extend political authority through marriage alliances with Indian men, but their career advancement and family formation were deeply intertwined with federal state formation.

Of course modern rule in a country such as the United States is not organized through easily observed kinship alliances, as was the case in early modern Europe. In that sense Weber's modernization thesis was correct. Marital alliances between elite families are rarely a purely utilitarian means of harnessing political authority by those who govern visibly and less visibly, nor are political or bureaucratic offices inherited. However, state recognition of citizens' familial authority, especially men's household authority, persisted as grounds for justifying state authority. Extractive state action requires consent and legitimation, and maintaining men's household authority has been one means of attaining such consent, as the implementation of conscription in many countries went hand in hand with family-based exemptions (Geva 2013, 2014). In the United States, citizens' and residents' familial authority anchored federal state authority in two related but distinct ways. Bowing to the gender-ordered family was a means of legitimating expanding federal authority, embedding legitimate political authority, albeit indirectly, in male citizens' familial authority. Additionally, the gender-ordered family gave structure to federal programs designed to be elastic rather than rigidly uniform.

With these modifications to the Weberian outlook on familial authority and state modernity in mind, we can now turn to analysis of the U.S. Selec-

tive Service System. Welfare policy was not the only site where the federal government operated through local discretionary programs shaped by gendered and racialized conceptions of natural household hierarchy. Nor was it the first. I show how the 20th-century federal conscription system institutionalized in the United States was locally organized and reached deeply into American families through a substantively rational administration that determined on a case-by-case basis which men should better stay at home as heads of households and which men failed to meet these criteria and should better serve as soldiers. Selective Service's localism, along with its freely creative administration harnessing the gender-ordered family, together produced an especially invasive arm of the state.

SELECTIVE SERVICE, FLEXIBLE BUREAUCRATIZATION,
AND AMERICAN FEDERALISM

Scholars have pointed to the importance of war in expanding the American federal government (e.g., Skowronek 1982; Bensel 1990; Skocpol 1992; Katznelson 2002; Wilson 2006). However, with a few important exceptions (e.g., Cuff 1993; Zieger 2000; Gerstle 2002; Canaday 2009), less attention has been paid to the First World War as a transformative period in American statehood. The First World War tends to fall out of composite portraits of the American state. While World War I is recognized as a period that saw a new relationship forged between American citizens and the state through the first fully federal draft (Chambers 1987), with a new "culture of obligation" (Capozzola 2008) and, related to that, development of federal tax policy (Morgan and Prasad 2009; Mehrotra 2013), James T. Sparrow argues that it was during World War II that the American leviathan truly emerged (Sparrow 2008, 2011; see also Bartholomew H. Sparrow 1996). The G.I. Bill at the end of World War II enabled in turn what Suzanne Mettler has termed the civic "golden age" (2005), while the Cold War saw the development of the "national security state" (Hogan 2000), or the "garrison state" (Friedberg 2000). World War II and the Cold War to follow are more typically identified as key periods in American state building.

Scholars of the World War I draft system tend to see its institutionalization as the result of political ideologies such as civic republicanism, anti-statism, individualism, egalitarianism, and federalism, and the pragmatics of political compromise and military, industrial, and agricultural manpower needs (e.g., Cohen 1985; Segal 1989; Flynn 2002). Yet, they have not tied institutionalization of the draft to broader conceptualizations of the American state. Selective Service, however, was a major new administration organized during World War I to extract military service at the federal level. Beyond noting its size, its techniques of administration are illustrative for understanding the operations of American governance.

Established in the spring of 1917 with the aim of organizing the World War I draft system, Selective Service drew from the Union Army's Civil War precedents and from lessons learned by observing the British and Canadian recruitment experiences in the first years of World War I. The Union Army's Civil War draft was less than successful. In a political climate hostile to mandatory conscription, the Union Army tried to maintain a purely voluntary force until the summer of 1862, when President Abraham Lincoln implemented, by executive order, a draft of 300,000 men (Duggan 1946). In antebellum America, the armed forces had been organized to be territorially decentralized through use of a malleable state militia system, although military authority was centered in Washington (Katznelson 2002). Lincoln broke from this recruitment method by introducing his first call for a draft and then by presenting a more extensive conscription bill to Congress, which passed in 1863. The law created the organizational blueprint for the 20th-century draft system. The Enrollment Act established local boards where men were required to enroll in the Union Army.⁵ Enrollees were divided into two classes, the first composed of younger men between 25 and 35 and older men who were not married. The second class included older men above 35. Men within the first group could be exempt by the local enrollment board if they proved that they had financial dependents they needed to support (Kimmons 1951). The law specified clear grounds for exemption to the vice president, judges, heads of executive departments of government, and state governors. It further specified exemptions for dependency reasons, including being the only son of a dependent widow, the only son of aged or infirm parents, the only brother of orphan children younger than 12, and if a father and sons in the same family were already in the military. The enrollment boards were to determine the legitimacy of these exemption claims. The act also allowed men to furnish substitutes in lieu of their own service or to pay a commutation fee of \$300 rather than be drafted.

Conscription had long been associated in the United States with excessive governmental powers, yet given its break from historical precedent, Lincoln's Enrollment Act enacted federal powers with a heavy hand.⁶ It dramatically shifted the means of raising an army from a militia method to mandatory enrollment with the new, federally organized, boards. The 1863 draft law was met with much resistance, most famously with the New York draft riots (Palladino 2006). Rural communities also resisted,

⁵ See An Act for Enrolling and Calling out the National Forces, and for other Purposes, Congressional Record, 37th Congress, 3d Sess., ch. 74, 75 (March 3, 1863).

⁶ The Confederate draft was designed to be an even more centralized and universal system of mandatory service. See Bensel (1990).

experiencing enrollment boards as a provocative federal intrusion upon local autonomy (Wheeler 1999). Nearly 21% of the 776,829 men who were called to serve through the draft refused to report to their enrollment boards (Levine 1981, p. 820). Of the 776,829 men who were supposed to be drafted, only 46,347 men (6%) provided personal service through the Enrollment Act (Levine 1981, p. 819).

While a draft was not enacted again between cessation of the Civil War and 1917, the Civil War draft, although far from a success, still established the basis of the Selective Service System to come. As will be described in greater detail below, the organizational principles of establishing local enrollment boards and classifying men by group were to be revived in 1917. Additionally, concerns over families' economic dependence were of utmost importance during the Civil War and after.

At the start of World War I in 1914, and before eventual American participation in the war in the spring of 1917, American policy makers and political leaders remembered the Civil War draft experience as an especially bitter one. President Woodrow Wilson moved from initial resistance to any major changes to military organization at the start of World War I to pragmatic support for army reorganization by late 1915. The National Defense Act, passed in 1916, skirted the question of mandatory conscription and, instead, formed the Army Reserve Officer Training Corps (ROTC), allowed for expansion of the regular army, and gave the president new powers to conscript the National Guard into federal service in the event of a war emergency (Chambers 1987; Geva 2011a).

In addition to the tainted memory of the Civil War draft, Americans were paying close attention to the conscription experiences of Great Britain and Canada throughout the first years of the Great War. The British had found that initial maintenance of a voluntary army created difficulties in staffing a wartime army and also affected industry in unpredictable ways. Manpower distribution now required a greater degree of planning between industry and the armed forces. British prime minister H. H. Asquith had supported the 1915 Derby scheme, which aimed at registering men's intent to volunteer, and if insufficient numbers of men committed to volunteer, the government would call for mandatory service. The Derby scheme, however, was a failure. Separate lists had been organized for bachelors and married men, and millions of bachelors did not register due to their suspicion that they would be the first to be called to arms if necessary (Adams 1986). The British Parliament consequently passed the Military Service Bill in January 1916, popularly known as the "Bachelors' Bill." The law required compulsory service of single men and was modified later the same year by a law that also incorporated married men.

The Canadian conscription experience also played an influential role in the United States' decision to leave behind a voluntary system and to defer men with dependents. A 1916 report by the War College Division had examined the voluntary system as it was initially implemented in Canada at the start of World War I and had concluded that voluntarism was too expensive. The report claimed that too many married men had volunteered, requiring the Canadian government to provide extensive support to volunteers' family members through the Canadian Patriotic Fund (Morton 2004). A married man, the War College report argued, was more likely to volunteer than a bachelor because he was "older, more thoughtful, by reason of his greater responsibilities, and has undoubtedly a greater stake in the war."⁷ The report concluded that this was one reason, among others, to leave behind a voluntary system.

In the 10-month period between enactment of the U.S. National Defense Act of 1916 and Congress's declaration of war in April 1917, President Wilson came to see a selective draft as a compromise that remained sensitive to the manpower needs of the military and wartime industry, that would be significantly cheaper than universal service, and that would be a more equitable system than had been implemented during the Civil War. By leaving as many men as possible at home, it was also viewed as a conscription system that would not radically challenge the sexual division of labor within American families. A selective draft would choose which men would be conscripted and would not aim at universal service.

On March 28, 1917, President Wilson authorized War Secretary Baker and Judge Advocate General Enoch H. Crowder to continue working on the details for selective conscription. A few days later, on April 6, 1917, the U.S. Congress declared war on Germany. The president subsequently submitted a bill to Congress asking to form a national army to be raised through a selective draft (Chambers 1987). Following the War College Division's opinion, Baker and Crowder initially argued that only single males should be drafted, as it would relieve taxpayers of the burden of supporting dependent wives and children. However, Congress proved reluctant to provide blanket exemptions to any category of men. Secretary Baker insisted, however, that the law should allow for exempting men with dependents, even if this meant determining men's dependency status on an individual basis.⁸ The administration then changed course somewhat and

⁷ See National Archives and Records Administration (NARA), RG 165, "Objections to the Voluntary System," March 4, 1916, redistributed by the War College Division on April 25, 1917.

⁸ See, e.g., Secretary Baker's testimony to the House Committee on Military Affairs, where he insisted on this point, in U.S. House, Committee on Military Affairs, Selective Service Act, vol. 1, HRG-1917-MAH-0006, April 7, 9–11, 1917.

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suggested a system of deferrals, rather than exemptions, for reasons of dependency hardship.

As the Senate debated the proposed conscription bill, further doubts were raised about the voluntary system. Some worried that a voluntary scheme would result in too many married men volunteering and higher wartime expenses. The Canadian and British systems continued to be discussed. British witnesses were invited to appear in Congress. In their testimonies they claimed that the separation allowances paid to British soldiers' dependents were very high and that a system of mandatory service with exemptions to men with "big dependencies" was the most economically efficient means of organizing a mass wartime army.⁹ The House Military Affairs Committee cited this testimony in their recommendation to reject reliance on voluntarism.¹⁰ Finally, the Senate and the House voted in the administration's selective conscription bill on April 28, 1917. Deferrals were to be given for men in industrial occupations related to war industries, along with some men conducting agricultural labor (Keith 2004). These were temporary stays, as a deferment was a status that could be changed based on manpower needs or on a change in a man's personal or employment status. Men found to be morally or physically "deficient" could also be deferred, along with "those in a status with respect to persons dependent upon them for support."¹¹

The Selective Draft Act was signed into law on May 18, 1917, organizing a federal bureaucracy that combined a malleable federal organization with fairly autonomous local administration. All men between 21 and 30 years of age were required to register. The General Staff determined conscription quotas to be met by each state and provided credits to states with high rates of voluntary enrollment and National Guard membership. Civilian-staffed local boards would select the appropriate men to fill state quotas. The provost marshal general (PMG) was appointed to oversee the draft (U.S. Selective Service System 1951).

A minimum of three civilians needed to be appointed to each local board. They could not be connected to the military establishment and had to live within the local board's area. These men were to be respected local citizens. Their efficacy was to be based not on their application of depersonalized federally defined bureaucratic rules, but on their intimate familiarity with the character and needs of their communities. The presi-

⁹ See House Committee on Military Affairs, "Increase of the Military Establishment—to accompany H.R. 3545," House Reports, 17, pt. 2, 65th Congress, 1st Session, April 21, 1917, p. 8.

¹⁰ Ibid., p. 9.

¹¹ Selective Draft Act, sec. 4, *United States Statutes at Large*, vol. 40, pp. 76–83.

dent delegated to state governors the task of nominating local board members. The total number of local boards by November 1918 would eventually reach 4,468, with 14,416 local board members working between April 1917 and November 1918 (U.S. Selective Service System 1951, p. 23). Local boards were also aided by governmental appeal agents, legal advisory boards, boards of instruction that were to help with the problem of morale among registrants selected for service, and medical advisory boards. The first day for registration was set for June 5, 1917 (U.S. Selective Service System 1951, p. 184).

Several factors combined to shape organization of the Selective Service System. The institutional legacy of the Civil War draft informed its structure, maintaining federal organization with local enactment of federal law and with the provost marshal general overseeing the organization of the draft. However, in addition to inheriting the Union Army's conscription legacy, Selective Service offered a holistic approach to manpower planning prevalent throughout the First World War and necessary for the new era of total war, requiring large-scale assessments of industrial and agricultural production needs alongside providing soldiers for the armed forces. Local flexibility reflected a desire for overall flexibility in manpower planning. Pivotal, it also enabled Selective Service to be structured as a federal program with a localistic veneer and that would not be viewed as Prussian-style universal service. The Civil War enrollment boards had already offered a measure of local discretion in determining which men were worthy of exemptions. Local discretion had been President Lincoln's method for expanding federal powers. However, the Union draft had made the error of maintaining a system of substitutes and paid commutations and federally staffing the Civil War enrollment boards.

The architects of the World War I Selective Service System were profoundly aware of the need to organize a mandatory conscription system that would be acceptable to the American public. Selective Service implemented a locally flexible system for the purposes of extending federal powers. Local discretion was a means of achieving both a sense of fairness and acceptance by millions of registrants and their families. As opposed to the Civil War enrollment boards that could appear like alien federal powers descending from above, Selective Service's local boards were carefully crafted to be composed of local civilians, appointed at the state rather than presidential level. The decision to require registrants to present themselves at local polling stations was another example of a simple and yet ingenious solution to the implementation of a new federal program, associating registration with existing electoral ties between districts and national government and associating the new federal obligation with political rights.

Setting the Draft in Motion: Rationalizing Informality
through the Gender-Ordered Family

In the first months of registration during the spring and summer of 1917, local boards heard about 1 million cases. Dependency deferrals perplexed local board members, as they had difficulty discerning whether the fact of being married in itself, or financial dependency, constituted legitimate grounds for deferral. A message transmitted from the provost marshal general on August 1, 1917, explained that marriage itself was not a reason to provide a dependency deferment. The memo emphasized, "The rule does *not* ask, 'Is the husband, *as a matter of law*, liable to support the wife?' It asks, 'Is the wife, *as a matter of fact*, mainly dependent *on the daily labor* of her husband for support?'"¹² However, if proof was furnished that a man had rushed into marriage in order to evade service, local boards were to view the dependency claim with suspicion.

Local board members were expressing frustration over the vague nature of the national headquarters' rules, and the national headquarters responded by reiterating that they needed to rely on their own judgment in determining whether or not men were acting as true breadwinners.¹³ Assessing the legitimacy of dependency claims was left to the individual discretion of local board members, and the SSS national headquarters continued to encourage local board members to make autonomous, substantively rational decisions assessing men's household positions rather than apply abstract rules determined from above.

In early September 1917, the War Department decided to slow down the classification process and evaluate the first registration. The war had resulted in unexpected labor shortages in shipbuilding, munitions, and agriculture. Additionally, existing instructions had made distinguishing between marriage and dependency a difficult judgment for local boards to make, and the provost marshal general's office estimated that 75% of married registrants had been deferred for dependency reasons (Hickel 2000). National headquarters determined that there had been too much flexibility in determining what constituted genuine dependency and wished to maintain local autonomy and flexibility while offering some additional guidelines in helping local boards determine men's draft status.

New Selective Service regulations were formulated in mid-November 1917 (U.S. Selective Service System 1950, p. 21). A 16-page questionnaire was now sent to all registrants, gathering data about each registrant's

¹²"Office of Provost Marshal General, Compiled Rulings of Provost Marshal General, No. 3," August 1, 1917, NARA, SSS Records, RG 163, box 35; italics in original.

¹³For example, War Department Telegram from Crowder to Governors of All States, no. 2,650, August 2, 1917, NARA, SSS Records, RG 163, box 318.

health, occupation, financial situation, and dependency status. With the aid of the completed questionnaires, men were to be placed in one of five newly defined classifications. The classes were in the inverse order of importance to industrial wartime needs, agricultural labor needs, and the degree of dependency exhibited by a man's wife or children. If a man's family members showed greater dependence upon him, or if he was a skilled laborer within a wartime industry or an agricultural laborer, he was placed in a lower classification and was less likely to be drafted. The first men to be drafted belonged to Class I and included the following sub-categories:

Class I:

- a.* Single registrant with no dependents.
- b.* Married registrant, with or without children, or father of motherless children—failure to support.
- c.* Married registrant, with or without children—income of wife means of support.
- d.* Married registrant, with or without children, not engaged in any useful occupation—whose removal would not deprive wife and children of reasonably adequate support.
- e.* Registrant not in a “necessary” agricultural enterprise, or if in necessary enterprise not found necessary to effective operation.
- f.* Registrant not in a “necessary” industrial enterprise, or if in necessary enterprise not found necessary to effective operation (U.S. Selective Service System 1950, pp. 22–24).

Moving down the list were men in Class IV.

Class IV:

- a.* Married registrant whose wife or children are mainly dependent on his labor for support.
- b.* Classification in respects other than of dependency, industry, and agriculture. Mariner actually employed in sea service (including Great Lakes) of any citizen or merchant within the United States.
- c.* Any registrant in “necessary” agricultural enterprise found to be necessary to such enterprise.
- d.* Any registrant in “necessary” industrial enterprise found to be necessary to such enterprise.

The last classification, Class V, included religious ministers, alien enemies, and employed licensed pilots.

Local boards were also reminded by the national headquarters that while the intention of the law was not to suspend the institution of mar-

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riage, they were to scrutinize marriages that had been contracted after May 18, 1917, to ensure that men had not rushed into marriage in order to evade service.¹⁴ Federal rules also specified that a man who earned less than \$30 a month should not be provided with a dependency deferment, yet these were rules of thumb, not absolute rules.

The provost marshal general's office (PMGO) set out to "tighten" dependency deferrals. Yet General Crowder refused to offer an absolute formula for defining financial dependency. He continued to insist on the value of local discretion: "The adjustment of these relations must be left to Local Boards, who have abundantly shown that they will approach each case with sympathy and common sense."¹⁵ He explained to state governors that "reasonably adequate support . . . must be determined with sense and sympathy in the facts of each individual case. What would be adequate support in one locality or in one set of circumstances might not be adequate support in another."¹⁶ Locally applied rational informality had become more deeply entrenched.

General Crowder and Secretary Baker were growing frustrated, however, by reports of a "marriage epidemic." Men were supposedly rushing into marriage in order to avoid being drafted (*New York Times* 1918*b*). Crowder also needed to respond to queries such as the one by the state of Minnesota's Adjutant General's Office requesting a more uniform rule in determining how to deal with marriage claims.¹⁷ Boards were told in response to scrutinize marriages contracted after May 18, 1917 (the date the Selective Draft Act had been signed into law). Nonetheless, local board members still needed to consider registrants' individual claims, especially if they were fathers. Crowder ordered state appeal boards to review all cases where local boards had granted Class II and IV deferments for marriages contracted after May 18.¹⁸ In another instance he responded to a complaint by a New York City resident who claimed that local board members were violating the law and behaving like "Prussian bureaucrats"

¹⁴"Selective Service System Rules and Regulations," November 8, 1917, pp. 33–34, NARA, SSS Records, RG 163, box 317.

¹⁵Memo from War Department, Provost Marshal General's Office, for release on December 3, 1917, NARA, SSS Records, RG 163, box 315.

¹⁶War Department Telegram to Governors of All States, December 29, 1917, NARA, SSS Records, RG 163, box 42.

¹⁷General File, The Adjutant General of State of Minnesota to Provost Marshal General, Washington, "Marriage after May 18, 1917," January 12, 1918, NARA, SSS Records, RG 163, box 30.

¹⁸War Department Telegram to Governors of All States, No. A 3117, January 16, 1918, NARA, SSS Records, RG 163, box 318.

by denying deferments to all men married after May 18, 1917.¹⁹ The PMGO reacted by investigating local boards that were being too uniform in their interpretation of legitimate and illegitimate dependencies.²⁰

In anticipation of a second registration drive, local boards were instructed to provide detailed reports of how local boards went about classifying registrants. The PMGO was concerned with the wide disparities they were observing in dependency classifications. For example, estimates showed that in the state of Texas 11,000 of the 18,000 men married after May 18, 1917, had been granted a dependency deferment, a 61% dependency deferment rate. By contrast, out of 4,600 Tennessee claimants, 1,300 men married after May 18, 1917, had been granted dependency deferments, or a 28% deferment rate.²¹

Crowder instructed boards to reclassify registrants who had been deferred because of a marriage contracted after May 18, 1917. Yet this apparently straightforward rule was tempered by also instructing local boards to give special consideration to married men with children born or conceived before June 9, 1918.²² Local boards also needed to remain sensitive to wives' claims of financial dependency.²³ As was the pattern by then, the PMGO was encouraging local boards to classify more men into Class I, but without too heavy a hand.

During the summer months of 1918 policy makers began planning for a third draft registration drive. The age range of men who would be required to register expanded to include men between ages 18 and 45. Although this meant registering many more men with families, there were no changes to the dependency rules. In September 1918 a 16-page questionnaire was sent out to registrants. It explicitly asked men if they were claiming grounds for deferment. Even if they waived such deferments, the forms needed to be signed by the registrant and other interested parties. General Crowder believed that these questionnaires would clarify registrants' intent and overall personal and professional situation, thereby aiding local board members' work on registration day (*New York Times* 1918a).

¹⁹ Letter from Raymond Swing to William C. Bullitt, Esq., January 14, 1918, NARA, SSS Records, RG 163, box 30.

²⁰ Memorandum for Mr. Hayes from H. S. Johnson, Colonel, National Army, Executive Officer, by direction of General Crowder, January 24, 1918, NARA, SSS Records, RG 163, box 30.

²¹ Memorandum from Chief, Law Division, to General Crowder, May 16, 1918, NARA, SSS Records, RG 163, box 30.

²² War Department Telegram from General Crowder to Draft Executives of All States except Alaska, Hawaii, and Puerto Rico, June 13, 1918, NARA, SSS Records, RG 163, box 30. See also Correspondence of the War College Division, Selective Service Regulations, sec. 72, Rule V, June 21, 1918, SSS Records, RG 165.

²³ War Department Telegram from General Crowder to Draft Executives of All States, No. B 1711 and B 1739, June 26, 1918, NARA, SSS Records, RG 163, box 30.

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Local boards were classifying men for the third registration drive when the Armistice with Germany was signed in November 1918. The Selective Service System halted registration, which was to be restarted again only in 1940. By the last day of war, a total of 2.8 million men had been drafted through the Selective Service System, amounting to 72% of the American men who had fought in World War I (Chambers 1982, p. 200).

Substantive Rationality and the Gender/Racial Order

The United States' entrance into the First World War was built upon a conscription policy that sought to maximize manpower at the same time as it sought to maintain local autonomy, light bureaucratic codification, and minimal disruption to the American household's gender order. In so doing, draft boards interrogated men's presumptive positions as heads of families. A man's failure in asserting his position as an economic head of household increased the likelihood of his being drafted into the wartime army. According to postwar estimates published by the provost marshal general, a total of 10,679,814 men had registered between June 5, 1917, and September 11, 1918.²⁴ Among these registrants, 3,619,466 married men and 284,267 single men were deferred for reasons of dependency, totalling a dependency deferral rate of 36.5% during the World War I draft.

African-American men were drafted at higher rates nationally than their fellow white citizens. Much like the demonstrated gap between formally "race-free" welfare legislation and its racist local application, local board members of the Selective Service System also showed greater prejudice in assigning African-American men a Class I(a) classification. Based on the provost marshal general's national estimates, among the draft registrations from which men were drafted, 34.1% of African-American registrants were inducted, as compared to 24.04% of white registrants.²⁵ Furthermore, the provost marshal general's postwar report estimated that 50.65% of African-American registrants from the draft-liable registrations were placed in Class I, as opposed to 32.53% of white registrants.²⁶

After the war, Provost Marshal General Enoch Crowder offered a threefold explanation for these disproportionate draft rates. These ranged from several southern states' policies banning African-Americans from

²⁴ These estimates do not include registrants from the third registration of September 1918, which halted midway.

²⁵ Provost Marshal General, *Second Report of the Provost Marshal General to the Secretary of War on the Operations of the Selective Service System to December 20*, app. 73-A, p. 459. See also Murray (1971).

²⁶ Provost Marshal General, *Second Report*, p. 198. See also Hickel (2000) and Shenk (2005), who both confirm that local board members often viewed African-American men as less worthy of dependency deferments.

voluntary enlistment in the National Guard and hence a higher rate of mandatory enlistment, a higher rate of delinquency of African-Americans in southern states resulting in their punitive placement in Class I, and finally, fewer dependency deferments granted to African-American men.²⁷

From the start, the Selective Service System resisted strict codification. The national headquarters and local boards communicated extensively over organizing the draft in the absence of formally rationalized rules. Tensions emerged between the national headquarters and local boards when local board members expressed frustration over what they found to be hazy and confusing draft guidelines. On occasion, local boards wished for greater uniformity and hierarchal administration. Sometimes local board members complained that they were not given enough autonomy.²⁸ Nonetheless, the new classification rules distributed in late 1917 served to further crystallize the draft's locally applied rational informality. While the new classifications offered local board members a finer tool for assigning men's draft classification, the rules still insisted that only local board members could determine whether men's civilian roles as fathers, husbands, and workers justified draft deferment. Local board members, in turn, were instructed to rely upon the gender-ordered family to help determine men's draft classification. The rational informality of the draft system was the product of this amalgam between federal rule making, locally applied substantive rationality, and a freely creative administration relying on the presumptive gender order of the American family.

With the decision to turn to mandatory military service in 1917, selecting men for service offered a means of federally institutionalizing conscription, but with a light touch. Once a selective system became the primary goal, members of the War College Division, Congress, and individuals such as the president, the war secretary, and the provost marshal general all agreed that selection needed to be locally organized and needed to leave male breadwinners at home. It is striking to note in the early deliberations over Selective Service how much the principle of not drafting male breadwinners was taken for granted. It was clear that this was for the good of the American family and for lessening the costs of war. No single decision was made to combine these taken-for-granted familial considerations with a federal program employing local discretionary practices. Rather, through a combination of institutional legacies from the Civil War, contemporary moral concern for the family, and reluctance to implement costly support

²⁷ Provost Marshal General, *Second Report*. It is possible that the poverty rates of African-Americans lowered the perceived bar for what constituted economic hardship and that the higher incidence of African-American women's employment diminished local draft boards' interpretation of them as economic dependents. This issue necessitates further investigation.

²⁸ See NARA, SSS Records, RG 163, box 30, for sample correspondence.

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for soldiers' dependents after observing the Canadian and British conscription experiences, Selective Service combined local substantive rationality with concern for the family order.²⁹

At the same time, given that selection was to be the rule, and not universal service, it is significant that gender relations within the family served as a major organizing principle for selection and local discretion. If service was to be placed on only a fraction of men, family-based deferments were seen as particularly fair—a substantively just goal. In addition to disallowing commutations and substitutions, this conception of fairness enabled Selective Service to be made palatable, far more than had been the case during the Civil War. The family was not merely an object of state concern, but it enabled legitimate state action.³⁰

CONCLUSION

The Selective Service System was an audacious experiment designed to implement conscription on a truly federal scale as the United States committed itself to a global and total war, one which by 1917 was clearly going to result in painful losses. Yet this experiment was also built on the tried and true, organizing the draft in a characteristically American format of rational informality applied at the local level. One of Selective Service's many remarkable features was that its flexibility and discretionary nature did not yield disorder. Rather, the informal, discretionary aspect of Selective Service's operation was given stability by the gender-ordered family. This enabled local draft board members to determine which men should be deferred and which men should be drafted, despite a deliberate absence of clear-cut rules regarding how to define dependency status. Local discretion was maintained for the momentous task of determining who would risk their lives for the state.

Max Weber's tools of analysis have proved to be powerful in identifying the specific matrix of governance combining types of rationality and the gender-ordered family. For Weberian analysis to be illuminating, however, we should pay genuine attention to the breadth and nuance of Weber's writings and not dismiss him as a Continental European who equated state modernization with centralized bureaucratization. At the same time, un-

²⁹ During the Second World War, family-based exemptions moved from financial concerns to concern over maintaining the moral and psychological fabric of the American family. See Geva (2013, chap. 5). This parallels Gwendoline Alphonso's claim that Progressive Era policy makers especially focused on the family as a foundational economic unit (2010).

³⁰ See Levi (1996, 1997), who argues that it is not universal service in itself but, rather, conceptions of fair distribution of obligation that explain levels of citizen consent when faced with military conscription.

like Weber's own approach, one must also specify where conceptions of the putatively natural gender order interplay with forms of both substantively and formally rational administration. A view of the American state as delegatory, chaotic, and quasi-invisible captures many of the peculiarities of American governance. Yet, it is not enough. It does not recognize the salient administrative configuration that lies beneath this complexity, with an enmeshment between local rational informality and the gender-ordered family structuring American governance.

Feminists, neo-Weberians, and APD scholars have not been able to provide an adequate account of how the gender order anchors American governance. While neo-Weberian scholarship has almost entirely eschewed analysis of sexuality and the gender-ordered family when investigating modern state development, feminist sociologists have clipped their own wings by focusing intensely on welfare policy, failing to see the broader implications of their own work to understanding how gender relations order the American state. Applying a feminist-Weberian apparatus to study the American state shows that central features of the American welfare state identified by feminist political sociologists apply to more than American welfare policy, demonstrating the productivity of a sustained critical dialogue between Weberian and feminist scholarship. In turn, APD scholarship's emphasis on scale and absence of centralization has overlooked the particular modes of rationality in American governance. The feminist-Weberian approach employed in this article shows not only the usefulness of Weberian concepts to understanding American governance but, more significantly, that federalism and delegation are anchored at the street level by local actors for whom the gender-ordered family provides a commonsense view, a set of rules of thumb, as to how policy ought to be effected.

The article's findings call for painting a more nuanced, composite picture of how American governance relates to the gender order. Not all governance in the United States has functioned through the same configuration of substantive rationality and the gender-ordered family. By point of contrast to the Selective Service System, workmen's compensation at the start of the 20th century was organized through statutory law codifying a clear schedule of compensation based on injury (Nelson 1990). Suzanne Mettler has argued that the New Deal was a turning point in creating two scales of governance in the United States, divided by race and gender. Labor law reforms transformed white men into national citizens through the federal administration of unemployment insurance, a policy presuming white male labor patterns, whereas policy domains tailored largely for African-American and female citizens remained in the hands of states and local government (1994, 1998).

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However, scale was not the only factor that distinguished between federal and more locally administered programs. Locally administered programs have often gone hand in hand with discretionary practices. Consequently, certain aspects of men's citizenship, especially unemployment insurance and labor law, were governed through more formal, federal codification, at the same time as men's citizenship as experienced through Selective Service bore similarities to the citizenship experiences of less privileged citizens. Men as potential soldiers, like women seeking social supports through federal welfare programs such as Aid to Dependent Children and then Aid to Families with Dependent Children, experienced the state through the local practices of freely autonomous bureaucrats whose conceptions of the gender-ordered household profoundly shaped their life (and death) chances. Selective Service's substantive rationality indicates that local discretion does not only coincide with programs that have historically targeted women. However, why some federal programs have taken the form of rationally formal programs, while others have unfolded as rationally informal programs, is a question that calls for further investigation.

The article's findings also raise several questions for analysis of continuities and breaks in American governance. As noted earlier, most ethnographers of the American state have minimally reflected on the specifically American state they are encountering. Ethnographies of neoliberal transformation in welfare offices and experiments in penal policy show the striking degree of freedom available to quasi-state actors within the web of service-providing organizations characteristic of state devolution. While welfare reform from the 1990s defines more absolute cutoff points for client eligibility, American welfare offices continue to be sites of significant interpretive maneuverability and discretion.³¹

Are the types of discretion historically continuous with past practices? How, if at all, have changes in men's and women's family and labor patterns affected the repertoires from which local actors draw in making their discretionary judgments on the ground? If, as I have argued, numerous federal programs were ordered locally by assumptions about the gender-ordered family, how have these federal programs been affected by transformations in the sexual division of labor within the family and across labor markets since the 1970s? Did transformations in the family cause a

³¹ For example, Lynne Haney's ethnography of welfare reform in Hungary emphasizes a decrease in interpretive maneuverability on the part of Hungarian caseworkers following neoliberal reforms in the 1990s (2002). Thus, neoliberal reform correlates with weak administrative discretion. By contrast, Haney's work on contemporary penal practices in the United States shows how interpretive maneuverability, especially using a therapeutic lens, is a prominent feature of how incarcerated mothers are treated in "alternative" prisons (2010).

crisis for federal governance? And can a sense of crisis explain the timing and content of welfare reforms?

Accounts of how and why welfare reforms took place focus on factors such as institutional design (e.g., Pierson 1994), ideological transformations (e.g., Mayer 2008), diffusion between policy networks (e.g., Peck 2001), and the political vulnerability of social programs associated with African-American clients (e.g., Schram, Soss, and Fording 2003; Soss, Fording, and Schram 2011). However, as it stands, we do not know how local administrators and federal actors communicated between each other and responded, if at all, to broad transformations in the sexual division of labor, with many women shifting into simultaneous caregivers and wage earners as of the 1970s. Archival material from the World War I draft reveals that federally mandated and locally applied discretionary programs produce a good deal of paperwork between federal administrators, national political elites, and local administrators. This communication affects whether or not a program is deemed successful and whether or not it is reformed. Formulation of Selective Service's new classification method in late 1917 is an example of this. These questions therefore call for a return to archives in order to trace how transformations in the sexual division of labor were managed by local welfare administrators as of the 1970s, how, if at all, these experiences were transmitted to federal actors, and how federal actors responded in turn. Focusing on early sites of welfare reform "experiments" would be a good place to start.

This article has identified the matrix of types of rationality and presumptive family order organizing the Selective Service System, along with the fruitfulness of a critical engagement between feminist political sociology, Weberian state theory, and APD scholarship for identifying some distinctive features of American governance. Analysis of the American draft system has shown how local flexibility and freely creative administration were combined with, and counterbalanced by, the gender-ordered family. Such an approach has also enabled identification of how gender relations regulate the state. It not only helps make sense of the past but also raises new questions about identifying continuities and breaks in how gender relations structure American governance.

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