Follow this and additional works at: https://repository.law.umich.edu/mjlr

Recommended Citation
Available at: https://repository.law.umich.edu/mjlr/vol26/iss4/1

Copyright © 1994 by the University of Michigan Journal of Law Reform. All rights reserved. Except where otherwise expressly indicated, copies of scholarship printed in the University of Michigan Journal of Law Reform may be made for course use in any public or private institution of learning provided that (1) copies are distributed at or below cost, (2) the author and the University of Michigan Journal of Law Reform are identified on the copies, and (3) proper notice of copyright is affixed to each copy.


University of Michigan Journal of Law Reform
University of Michigan Law School
Ann Arbor, MI 48109-1215
Telephone: (313) 763-6100

PUBLICATION POLICY

The Journal seeks to improve the law and its administration by providing a forum for discussion that identifies contemporary issues for reform efforts, proposes concrete means to accomplish change, and evaluates the impact of law reform. As contributions to this discussion, the Journal also welcomes multidisciplinary and empirical work.

We encourage the submission of unsolicited manuscripts for publication. Each manuscript should be typed double-spaced and sent to the Article Editors at the above address. Articles should generally conform to A Uniform System of Citation (15th ed. 1991) and The Chicago Manual of Style (13th ed. 1982). The Journal encourages authors to use gender-neutral language in their scholarly work. We regret that we cannot return submitted articles unless they are accompanied by a self-addressed postage-paid envelope.

Views expressed in the Journal are those of the author and not necessarily those of the editorial staff.

SUBSCRIPTIONS

The subscription rate for Volume 26 is $28.00 domestic and $31.00 foreign. Beginning with Volume 27, subscription rates will be $31.00 domestic and $35.00 foreign. All subscription inquiries should be made, by mail or phone as stated above, to the Business Manager. Subscribers should report the nonreceipt of copies within six months of the mailing date.

INDIVIDUAL AND BACK ISSUES

Copies of individual issues from the current volume can be obtained directly from the Journal for $8.00 each. The following Special Issue is available for $20.00 (Symposium: Preservation of Minority Cultures 25:3&4).

Back issues in complete sets, volumes, or single issues can be obtained from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209 — Telephone (716) 882-2600. The Journal is also available on microfilm through University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106 — Telephone (313) 761-4700.

INDEXES

The Journal is indexed in the Current Law Index, Index to Legal Periodicals, Legal Resource Index, and PAIS Bulletin.

ISSN 0033-1546
CONTENTS

SYMPOSIUM: WELFARE LAW

Foreword: The Many Contexts of Welfare Reform
Jeffrey S. Lehman .......................... 731

ARTICLES

Disentitling the Poor: Waivers and Welfare “Reform”
Susan Bennett and Kathleen A. Sullivan ............... 741

The Income Tax Treatment of Social Welfare Benefits
Jonathan Barry Forman ................................ 785

Reforming Welfare Through Social Security
Stephen D. Sugarman .......................... 817

NOTE

The Bar in America: The Role of Elitism in a Liberal Democracy
Philip S. Stamatakos .......................... 853
UNIVERSITY OF MICHIGAN LAW SCHOOL

Administrative Officers
JAMES J. DUDERSTADT, M.S., PH.D., President of the University
GILBERT R. WHITAKER, JR., M.S., PH.D., Provost and Vice President for Academic Affairs
LEE G. BOLLINGER, B.S., J.D., Dean
EDWARD H. COOPER, A.B., LL.B., Associate Dean for Academic Affairs
SUSAN M. KLUKUND, A.B., J.D., Associate Dean for Student Affairs and Operations
BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D., Associate Dean for the Law Library
VIRGINIA R. GORDON, B.A., LL.M., S.J.D., Associate Dean for Student Affairs
ANNIE F. KNOIT, B.S., J.D., Assistant Dean and Admissions Officer

Professors Emeriti of Law

FRANCIS A. ALLEN, A.B., LL.B., J.D., LL.D.
ALFRED CONARD, A.B., LL.B., LL.M., J.S.D., LL.D.
OLIN L. BROWDER, JR., A.B., LL.B., S.J.D., James V. Campbell Professor of Law
LUKKE K. COOPERSIDER, B.S., J.D., Henry M. Buelz Professor of Law
ROGER A. CUNNINGHAM, S.B., J.D., Edson R. Sunderland Professor of Law
SAMUEL D. ELLSWORTH, B.S., J.D., ROBBEN W. FLEMING, B.A., LL.B., LL.D.
CHARLES W. JOHNSON, B.A., J.D., FRANK R. KENNEDY, A.B., LL.B., J.S.O., Thomas M. Cooley Professor of Law
ALLAN F. SMITH, A.B., LL.B., LL.M., S.J.D., ROSS B. STEIN, J.D., J.D., DR. H.C., DR. H.C., Hessel E. Yntema Professor of Law

Professors of Law

T. ALEXANDER ALEINIKOFF, B.A., J.D.
LAYMAN E. ALLEN, A.B., M.P.A., LL.B.
LEE C. BOLLINGER, B.S., J.D.
MICHAEL H. BRADLEY, M.B.A., PH.D.
DAVID L. CHAMBERS, A.B., LL.B.
WADE H. McCREE Professor of Law
EDWARD H. COOPER, A.B., LL.B.
THOMAS M. Cooley Professor of Law
DONALD N. DUQUETTE,† B.A., J.D.
REBECCA S. EISENHERR, B.A., J.D.
PHERB C. ELLSWORTH, A.B., PH.D.
MERRITT B. FOX, B.A., B.A., PH.D.
RICHARD D. FRIEDMAN, B.A., J.D., D.PHIL.
BRUCE W. PEER, B.A., PH.D.
WHITMORE GRAY, A.B., J.D., LL.D.
THOMAS A. GREEN, B.A., PH.D., J.D.
JOHN PHILIP DAVIDSON Professor of Law
SAMUEL R. GROSS, A.B., J.D.
DONALD J. HERZOG, A.B., A.M., PH.D.
JEROLD H. ISAAC, B.A., LL.B.
THOMAS M. Cooley Professor of Law
JOHN H. JACKSON, B.A., J.D.
HANSEL E. YNTEMA Professor of Law
DOUGLAS A. KAHN, B.A., J.D.
PAUL G. KAPP Professor of Law
YALE KAMBAR, A.B., LL.B., LL.D.
CLARENCE DAVIES Distinguished University Professor of Law
THOMAS E. KAUPER, A.B., J.D.
ROBERT R. KRAMER, A.B., LL.B.
JAMES E. KRIER, B.S., J.D.
HENRY M. BAUER Professor of Law
LAWRENCE W. WAGGNER, B.B.A., J.D., D.PHIL.

Profsessors of Law

CATHARINE A. MACKINNON, B.A., J.D., PhD.
WILLIAM I. MILLER, B.A., PH.D., J.D.
SALLYANNE PAYTON, A.B., LL.B.
BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D.
DONALD H. RIGNOU, A.B., LL.B., B.PHIL., PH.D.
WILLIAM W. BISHOP, Jr. Professor of Law
MATHIAS W. REIMANN, DR. IUR., LL.M.
PAUL D. REINHOLD,† B.A., J.D.
THEODORE J. STEIN, B.A., J.D., J.D., J.D.
JAMES E. and Sarah A. Degan Professor of Law
TERRANCE SUNDALO, B.A., J.D.
EDSON R. Sunderland Professor of Law
CARL E. SCHNIEDER, A.B., J.D.
JOEL SHELDON, A.B., J.D.
A.W. BRIAN SIMPSON, B.A., M.A., D.C.L.
CHARLES F. and Edith J. Clyne Professor of Law
PHILIP SOTER, B.A., M.A., J.D., PH.D.
James V. Campbell Professor of Law
KENT D. SYVERUD, B.S.F.S., J.D., M.A.
MARK C. VAN PUTTEN,† B.A., J.D.
JOSEPH VINING, B.A., M.A., J.D.
HARRY BURNS Hutchins Professor of Law
LAWRENCE W. WAGGNER, B.B.A., J.D., D.PHIL.
WILLIAM L. SINES Professor of Law
PETER E. WESTEN, B.A., J.D.
FRANK O. MILLARD Professor of Law
JAMES BOYD WHITE, B.A., A.M., LL.B.
L. HART WRIGHT Professor of Law
JAMES J. WHITE, B.A., J.D.
ROBERT A. SULLIVAN Professor of Law
PATRICK D. WHITE,∗ B.A., J.D., M.A.
CHRISTINA B. WHITMAN, A.B., M.A., J.D.
Associate Professors of Law

KIM L. SCHEPPELE,† A.B., M.A., Ph.D.

Assistant Professors of Law

KRISH L. FELDMAN, B.A., J.D.
JULIE M. FIELD, † † B.A., J.D.
RICHARD B. GINSBERG, † † B.A., J.D.
AVERY KATE, B.A., M.A., J.D., Ph.D.
ROCHELLE E. LENTO, † † B.A., J.D.
DEBRA A. LIVINGSTON, A.B., J.D.
DEBORAH C. MALAMUD, B.A., J.D.

Instructors in Law

MARGARET A. LEARY, † A.B., M.A., J.D.
ROBERTA J. MORRIS, † A.B., M.A. M.A., J.D.

Lecturers in Law

CHARLES W. BORGSDORF, † A.B., J.D.
E. JAMES GAMBLE, † A.B., J.D.
RODERIC M. GLOGOWER, † B.A., M.S., M.A.
ROBERT J. HARRIS, † B.A., M.S., M.A.

*Visiting
**On Leave
†Adjunct
††Clinical
UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM

EDITORIAL BOARD

Volume 26

Editor in Chief
MARISA A. GOMEZ

Managing Editor
MARK E. CRANE

Article Editors
NINA N. CHANG
KRISTINA M. ENTNER
WILLIAM S. KOSKI

Note Editors
PHYLLIS H. HURWITZ
DAVID J. MACKINNON
EUGENIO J. MORALES
MICHAEL S. SCHIFFER

Bradley D. Anderson
M. Conner Ball
Kevin J. Bonner
Liesel E. Brand

Jeffrey D. Adelman
Andrew N. Adler
Sandra R. Ahn
Jennifer Bell Anderson
Jeffrey C. Brand
Jeffrey J. Brookner
Jon Ed Brown
F. Dominic J. Cianciolo
Kimberly A. Clarke
Leslie W. Cline
Andrew S. Cohen
Andrea L. Crowe
E. Patrick Dewine
Daniel M. Fenney
Keith R. Fenton
Noah Finkel
Erik E. Flaharty
Richard E. Fontana

Executive Note Editor
DAVID E. MORRISON

Contributing Editors
JAMIE C. HECHT
RAYMOND M. KETCHLEDGE
JORDAN E. KROICK

Associate Editors
KAREN M. GAFFKE
JEFFREY C. GERISH
MONICA NAVARRO-GIBERSON
HELENE T. GLOTZER
HALLIE B. GOLDMAN
OMAR J. HARB
PETER D. HARDY
DUNCAN P. HETTLE
RICK R. HSU
SHANNON L. HUBER
KAREN R. JENKINS
BRIAN J. KELLY
GARETH W. KUHL
IN A JULIEANNA KURCZ
WENDY ANN LEARMONT
BARBARA R. LENTZ

Executive Editors
MARCUS A. ASNER
MARY ANN HART
KATHRYN R. L. RAND

Research & Development Editor
DAVID L. KASPER

Symposium Editor
PHYLLIS H. HURWITZ

LINDA A. POPOVICH
DOUGLASS M. RAYSUN
MARIA WANE SPIESS
PHILIP STRATON STAMATAKOS

Andrew C. Levitt
Eddy Ching-Liang Meng
LAURA C. MILLER
JEAN Y. PARK
MONA J. PATEL
ROB DYLAN PIESTER
NINA Y. RIVERA
JAMES E. ROACH
ELIZABETH M. ROSENFELD
MICHAEL S. RUSSELL
MARCY R. SHOOKS
MICHAEL D. SILVERMAN
PHILLIP J. SMITH
DAVID J. TESS
DEBORAH L. WALKER
JASON W. WILLIAMS
MARK C. WITT
MARGO A. WOLF

Editorial Assistants
CATHERINE T. LEGGERI
JOYCE E. REESE

Business Manager
MAUREEN A. BISHOP
ANNOUNCEMENT OF AWARDS

SARAH HONIGMAN MEMORIAL AWARD

This award has been given to David J. Tess, Editor in Chief of Volume 27 of the University of Michigan Journal of Law Reform, in recognition of his superior scholastic record, effective leadership, and outstanding contribution to the Journal.

LOUIS HONIGMAN MEMORIAL AWARD

This award has been given to Kristina M. Entner, William S. Koski, and David E. Morrison for significant contributions to the University of Michigan Journal of Law Reform during their junior and senior years.

Raymond K. Dykema Scholarship Award

This award has been given to Andrew N. Adler and Eddy Ching-Liang Meng for significant contributions to the University of Michigan Journal of Law Reform during their junior year and in recognition of qualifications that indicate the likelihood of future contributions to the legal profession.

E. BLYTHE STASON AWARD

This award has been given to William S. Koski, author of the best student contribution to Volume 26 of the University of Michigan Journal of Law Reform.

SCRIBE S AWARD

An honorary membership in Scribes, the society of Writers on Legal Subjects, has been given to David E. Morrison for an outstanding published contribution to Volume 26 of the University of Michigan Journal of Law Reform.