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Violating Women: Rights Abuses in the Welfare Police State

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WHEN the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWCRA) replaced the old welfare system, it set up a harsh new system that subordinates recipients to a series of requirements, sanctions, and stacked incentives aimed at rectifying their personal choices and family practices. The Temporary Assistance for Needy Families (TANF) program, the welfare system established in 1996, disciplines recipients by either stealing or impairing their basic civil rights. In exchange for welfare, TANF recipients must surrender vocational freedom, sexual privacy, and reproductive choice, as well as the right to make intimate decisions about how to be and raise a family. Ordinarily, these rights are strongly guarded by constitutional doctrine, as they form the core of the Supreme Court's jurisprudence of (heterosexual) personhood and family. Not so for a mother who needs welfare.

The most talked-about aspect of TANF is its dramaturgy of work (cf. Piven and Cloward 1993, 346, 381, 395), but TANF's foremost objective is to restore the patriarchal family. Accordingly, numerous TANF provisions promote marriage and paternal headship while frustrating childbearing and child-raising rights outside of marriage. TANF's impositions on poor mothers' right to form and sustain their own families—as well as to avoid or exit untenable relationships with men—proceed from stiff paternity establishment and child support en-

forcement rules. According to the 2000 *Green Book*, TANF's "exceptionally strong paternity establishment requirements" compose its most direct attack on nonmarital childbearing, while mandatory maternal cooperation in establishing and enforcing child support orders impairs nonmarital child raising (U.S. House 2000c, 1530). If mothers do not obey these rules, they lose part or all of their families' benefits.

TANF's patriarchal solutions to welfare mothers' poverty have enjoyed bipartisan support. Democrats and Republicans did fight over some of the meaner provisions of the 1996 TANF legislation, but both agreed that poor women with children should at least be financially tied to their children's biological fathers or, better yet, be married to them. Endangering poor single women's independent childbearing decisions by condemning their decision to raise children independently, both parties agreed that poverty policy should make father-mother family formation its cardinal principle.

The 1996 PRWORA, which created TANF, spelled out policymakers' belief in the social importance of father-mother families in a preamble that recited correlations between single-mother families and such dangers as crime, poor school performance, and intergenerational single motherhood. Declaring that "marriage is the foundation of a successful society," the act went on to establish that the purpose of welfare must be not only to provide assistance to needy families but also to "end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage," "prevent and reduce the incidence of out-of-wedlock pregnancies," and "encourage the formation and maintenance of two-parent families" (U.S. Public Law 104-193, Title I). Subsequent legislation and administrative regulations have strengthened TANF's founding goals through fatherhood programs that "strengthen [fathers'] ability to support a family" and that promote marriage (U.S. House 2000a).¹

The TANF welfare regime backs up these interventions into poor single mothers' intimate relationships by sanctioning mothers with mandatory work outside the home if they remain single. Mothers who are married do not have to work outside the home, even though they receive welfare, for labor market work by only one parent in a two-parent family satisfies TANF's work requirement (U.S. Public Law

104-193, Title I, sec. 407(c)(1)(B); U.S. House 2000c, 357).² Notwithstanding a decade of rhetoric about moving from welfare to work, the TANF regime treats wage work as the alternative to marriage, not to welfare—as punishment for mothers' independence.

Far from ending dependency, the TANF regime actually fosters poor mothers' dependency on individual men. Provisions that mandate father-mother family relations assume that fathers are the best substitute for welfare. The TANF regime's refusal to invest in mothers' employment opportunities and earning power enforces this assumption, for the combination of skills hierarchies and discrimination in the labor market keeps poor mothers too poor to sustain their families unassisted (see, for example, Acs et al. 1998; Moffitt and Roff 2000; Wider Opportunities for Women 2000). Moreover, the TANF regime's inattention to social supports such as transportation and child care ensures that single mothers' full-time employment will be an unaffordably expensive proposition indeed.

More than a cruel punishment for their persistent independence, the TANF work requirement is an injury to poor mothers' liberty as both mothers and workers. Obliging recipients to work outside the home 30 hours each week, the work requirement forecloses TANF mothers' choice to work as caregivers for their own children. It also interferes with their independent caregiving decisions, as absences due to lack of child care, for example, can lead to loss of employment—a failure to satisfy the work requirement. Further, the work requirement constrains TANF mothers' choices as labor market workers, such as the choice to prepare for the labor market through education or the choice to leave a hostile workplace (for key provisions see U.S. Public Law 104-193, Title I, sec. 407(a)(1), 407(c)(2)(B), 407(e)(1)).

These injuries of welfare reform are born of poverty but lived through race. About two-thirds of recipients today are African American, Asian American, Latina, and Native American. From the 1960s to the present day, 35 to 40 percent of recipients have been African American; in 1998, 37.1 percent of TANF recipients were black. Latina and Asian American participation has increased over this period, as the Latino and Asian American populations as a whole have increased. Latina participation in 1998 was 20 percent, Asian American participation was

4.6 percent, and Native American participation was 1.6 percent (U.S. Department of Health and Human Services [DHHS] 1999, tab. 12; U.S. House 2000c, 438).

Steeper racial disparities in welfare participation may be in store, as white recipients are leaving the rolls more rapidly than are women of color or are not entering the rolls at all. In New York City, for example, the number of whites on welfare declined by 57 percent between 1995 and 1998, while the number of blacks declined by 30 percent and the number of Latinas by only 7 percent (DeParle 1998). Nationwide, whites' welfare participation has declined by 25 percent, while African Americans' participation has declined by 17 percent and Latinas' by 9 percent. As a result, women of color have increased as a percentage of TANF adults. In 24 states, women of color compose more than two-thirds of adult TANF enrollments; in 18 of those states, they compose three-quarters or more of enrollments (U.S. House 2000c, 439, tab. 7-29).

This racial distribution of welfare is the logical consequence of the racial distribution of poverty. Women of color have been and still are poorer than everyone else, single mothers of color even more so. In 1999, when 25.4 percent of (non-Hispanic) white single-mother families lived below the poverty line, 46.1 percent of African American and 46.6 percent of Latina single-mother families did so (U.S. Census Bureau 2000, tab. B-3). The racial distribution of poverty is enforced by racism and discrimination in most walks of life. In the labor market, for example, African American women who are employed full-time earn only 64 cents to the white male dollar and 84 cents to a white woman's. The wage gap for Latinas is even larger: 55 cents and 72 cents, respectively (U.S. Bureau of Labor Statistics 2000, chart 2, 3).

If the TANF regime's assault on poor mothers' rights yields an unmistakably disparate racial impact, it does so by imposing unmistakable constraints on poor mothers' gender practices. TANF's paternity establishment, child support enforcement, and work requirements primarily or exclusively target mothers who are not married—because they are not married.

Although the total number of nonmarital births is highest among white women, the number of nonmarital births per 1,000 unmarried

women has been highest among women of color: 73.4 for non-Hispanic black women and 91.4 for Latinas, as compared to 27 for non-Hispanic white women (U.S. House 2000c, 1238, 1521). Further, although the total number of single-parent families is highest among whites, the percentage of single-parent families among black families (62.3 percent) is more than twice that among whites (26.6 percent). Moreover, the percentage of black families sustained by never-married mothers (36.5 percent) is exponentially greater than the percentage of white families (6.6 percent) (U.S. House 2000c, 1239, tab. G-4). Finally, according to the 2000 *Green Book*, the poverty rate is highest among "independent families" (57.7 percent) and "cohabiting families" (58 percent) sustained by never-married mothers, among whom women of color figure disproportionately (U.S. House 2000c, 1246, tab. G-11).

Given the racial distribution of poverty, the presence of nonmarital mothers of color on TANF rolls is disproportionately high. TANF's gendered provisions are therefore racialized in their effects. These effects are not unplanned, for sounding the alarm against "fatherless childrearing," the TANF regime stakes itself to "the perspicacity of Moynihan's vision" that "black Americans [are] held back economically and socially in large part because their family structure [is] deteriorating" (U.S. House 2000c, 1519). And so the TANF regime exploits women-of-color poverty to suffocate single mothers' independence.

Women's Rights under TANF

The rights imperiled by TANF policies range from basic expectations of autonomy and privacy among civilized and respectful people to liberty guarantees that have been deemed fundamental to constitutional citizenship. Diminishing liberty guarantees or withholding them from poor single mothers who receive welfare, the TANF regime creates a welfare caste to whom constitutional principles do not apply.

One of the engines behind the 1996 welfare reform legislation was the idea that constitutional protections won by recipients during the 1960s and early 1970s had undermined recipients' responsibility and increased their dependency. The 1996 law accordingly aimed to substitute welfare discipline for welfare rights. This involved inventing or refining program requirements to minimize participants' decisional au-

tonomy, personal privacy, and independent personhood. Program rules not only require states to injure recipients' rights but also require recipients to explicitly acquiesce to injury in personal responsibility contracts that they must sign either to apply for or to participate in TANF (State Policy Documentation Project 1999b).

The most visible rights abuse of the TANF regime is its impairment of recipients' vocational liberty. Mandatory work requirements obligate recipients to perform labor-market work even if they are not paid for that work. Work requirements compel recipients entering the paid labor force to take the first job they are offered, even if they will not be paid a fair wage or supplied with tolerable working conditions. Moreover, work requirements prohibit recipients from performing family work except after hours, while these requirements permit them to perform the same work (that is, child care) for other people's families. By requiring a particular kind and location of work, TANF indentures recipients to the dramaturgy of work and so dictates their vocational choices (Mink 1998, chap. 4).

Family freedom is another right impaired by TANF program requirements, incentives, and preferences. TANF provisions tell recipients who gets to be part of their families. Paternity establishment and child support rules require mothers to associate at least financially with biological fathers. States may excuse a mother from complying for "good cause," if it is "in the best interest of the child" (U.S. House 2000c, 470). In general, however, a mother must reveal the identity of her child's father and must pursue a child support order against him, whether or not she wants him financially involved in her family's life. Seventeen states require mothers to cooperate with paternity establishment and child support enforcement while their TANF applications are pending—before they receive even a dime in cash assistance (State Policy Documentation Project 1999a). Once a mother receives TANF benefits, her failure to cooperate results in an automatic 25 percent reduction in cash assistance to her family; states are permitted to terminate welfare eligibility altogether (Public Law 104-193, Title I, sec. 408(a)(2)).

In addition to requiring mothers to associate financially with fathers through child support, if not through marriage, TANF pressures

mothers to yield parental rights to biological fathers. Access and visitation provisions authorize states to require mothers to open their families to biological fathers. Until 1996, the federal government historically had separated fathers' rights from their obligations, treating visitation and child support as legally separate issues. Under TANF, however, these issues are explicitly connected because policymakers believe that "it [is] more likely for noncustodial parents to make payments of child support if they [have] either joint custody or visitation rights" (U.S. House 2000c, 469).

As TANF's implementing agency at the federal level, the U.S. Department of Health and Human Services (DHHS) not only enforces TANF provisions but enhances enforcement with additional regulations and programs. One program, the Clinton administration's Fatherhood Initiative, aggressively works to improve paternity establishment rates. It claims to have contributed to the tripling of established paternities from 512,000 in fiscal year 1992 to 1.5 million in fiscal year 1998 (U.S. DHHS 2000c).

The DHHS administers TANF's provisions for access and visitation programs for fathers through a \$10 million annual block grant to states to promote such programs. States may use their funds for mandatory mediation services, visitation enforcement, and to develop guidelines for alternative custody arrangements (U.S. DHHS 2000c). Access and visitation funds may also be used for programs to encourage or require separating or divorcing parents to reconsider their decision, such as Iowa's mandatory education program on the impact of divorce on children (Bernard 1998, 9-10).

To further promote fathers' involvement in families, Clinton's DHHS awarded grants and waivers to states in support of governmental, faith-based, and nonprofit initiatives such as Parents' Fair Share and Partners for Fragile Families, which aim to engage fathers in the legal, emotional, and financial aspects of parenthood (U.S. DHHS 2000b). DHHS complements its strategy toward fathers with suggestions about how TANF funds can be used to promote marriage among mothers. Department guidelines point out that TANF block grants are "extraordinarily flexible" and allow states to "*change eligibility rules to provide incentives for single parents to marry or for two-parent families to stay together*" (U.S.

DHHS 2000d, 3, 19; *italics added*). Eligibility rules for parents who need TANF—mostly single mothers—can include mandatory enrollment in marriage classes and couples counseling; incentives can include cash payments to TANF mothers who marry.

Asserting an inexorable connection between family structure, economic well-being, and child welfare, these sorts of initiatives override mothers' judgment of their own and their children's best interests. A condition of receiving welfare, these initiatives force poor single mothers to compromise their independence and even to put their rights to their children at risk.

TANF's insistence on biological fathers' responsibility for welfare mothers' children also invades recipients' sexual privacy. Although only consensual heterosexual sex between adults is shielded by privacy under reigning jurisprudence, even that partial right is withheld from unmarried mothers who seek welfare. Mandatory paternity establishment and child support provisions require a mother to identify her child's biological father in order to be eligible for welfare. These provisions single out nonmarital mothers for scrutiny and punishment, as paternity is automatically established at birth if a mother is married. A mother who is not married, who does not know who her child's biological father is, or who does not want anything to do with him must nevertheless provide welfare officials with information about him.

Even under TANF's predecessor, the Aid to Families with Dependent Children program, paternity establishment rules compromised recipients' privacy. To get the needed information, welfare officials and courts have required independent mothers to answer such questions as, "How many sexual partners have you had?... Whom did you have sex with before you got pregnant?... How often did you have sex?... Where did you have sex?... When did you have sex?" (Kelly 1994, 303-4). TANF encourages more aggressive and systematic intrusion into recipients' sex lives because states are required to punish noncooperating mothers with benefits cuts, because mothers must sign child support income over to the state as a condition of receiving welfare, and because the federal government offers states incentives and services to boost paternity establishment rates.

Sexual privacy is an aspect of reproductive freedom. TANF injures other reproductive rights when it interferes in women's childbearing decisions. For example, the TANF regime let stand state-level policies withholding benefits from children born to mothers who are already receiving welfare. Beginning in the early 1990s, many states had promulgated these "family cap" policies after securing waivers from federal welfare standards from the Bush (Sr.) and Clinton administrations. The family cap impairs reproductive rights because it punishes a recipient for choosing to complete a pregnancy.

TANF further injures reproductive rights through something called "illegitimacy bonuses" (U.S. Public Law 104-193, Title I, sec. 403(a)(2)). The bonus is paid to the five states that most successfully reduce the number of nonmarital births without raising the abortion rate. This gives states incentive to discourage conception by unmarried women—by offering cash awards to women who use Norplant, for example.

Sending a further message against having children outside marriage, the TANF regime funds states that offer abstinence education programs. The abstinence education program is required to teach women not to have sex, let alone babies, until they are "economically self-sufficient." States may devolve these programs to private grantees, including church-based groups that teach that abstinence is a matter of "values" and "sexual morality" (Toussaint n.d.). As a corollary to abstinence education, TANF calls for invigorated statutory rape prosecutions—underscoring the abstinence message with the threat of criminal sanctions when teenagers are involved (Public Law 104-193, Title I, sec. 402(a)(1)(v)). As a poor minor woman's nonmarital pregnancy is proof of sex before economic self-sufficiency, the threatened prosecution of nonmarital sex involving welfare recipients is another intrusion on poor single mothers' independence, including their reproductive autonomy. When threats fail in their desired effect of preventing sex and pregnancy, TANF's prohibition on assistance to unmarried teenage mothers delivers unambiguous punishment.

The TANF regime's various injuries to recipients' reproductive rights ultimately assail poor single women's right to be mothers. The final blow is delivered by the speed and ease with which child welfare

and adoption provisions terminate poor mothers' right to custody of their children. Although the TANF legislation repealed the income entitlement that had belonged to poor mothers and their children, it maintained legislation for children to be removed from unfit parents and placed in foster care.

I have no quarrel with children's entitlement to protective services. However, the discretion delegated to child welfare workers permits them to deploy children's entitlement to foster care as a weapon of welfare discipline against their mothers. A mother who does not comply with work requirements might be deemed an unfit provider, for example. A mother who leaves her child alone to go to a job interview because she cannot find child care might be deemed an unfit caregiver. If she is sanctioned off welfare, has to take a low-wage job, or exhausts her eligibility, a mother may not be able to pay the rent or feed her children. These kinds of circumstances can lead to a finding that she is neglectful. A "neglectful" mother may lose custody of her child, or she may come under intensive supervision by government.

Indeed, TANF guidelines specifically encourage states to sustain scrutiny of sanctioned recipients for possible unfit parenting. The TANF regime mandates sanctions against recipients who do not meet work requirements, do not cooperate in establishing paternity, or do not cooperate in enforcing child support orders. Sanction penalties vary among states and range from a reduction in an individual mother's benefit the first time she fails to meet her work requirement, to the federally mandated reduction in a family's benefit when a mother fails to cooperate with paternity establishment and child support enforcement, to termination of a family's TANF assistance altogether (see State Policy Documentation Project 1999c). As a practical matter, sanctioned families frequently also lose their Medicaid, even though they remain entitled to receive it. Accordingly, TANF penalties not only breed material vulnerability but also medically endanger families (Dion and Pavetti 2000, 15-17).

DHHS guidelines stipulate that welfare monies may be used to "screen families who have been sanctioned under TANF" to determine whether children are at risk of child abuse or neglect. Mothers who do not want child support, or who do not want to identify biological fa-

thers, or who cannot meet the 30-hour-weekly work requirement thus come under suspicion as abusive or neglectful parents. Mothers who exercise their rights and independent judgment are held to account for the consequences of TANF's brutal rules. If a mother's children are found to be at risk due to sanctions, TANF funds may be used to provide "case management services" to "cure" the mother's noncompliance with TANF rules (U.S. DHHS 2000d, 19).

TANF mothers who lose their benefits, like employed single mothers whose wages are too low to cover housing, food, or medical costs, may surrender their children to foster care. Occasionally, a mother might do so voluntarily until she can get back on her feet. Alternatively, child welfare workers might pressure a mother to do so. The 1997 Adoption and Safe Families Act threatens mothers who have lost their children to foster care with the permanent termination of their parental rights. Designed to accelerate and increase foster care adoptions, the act requires child welfare workers to consider terminating parental rights if a child has been in foster care for 15 out of the previous 22 months (U.S. House 1997; Public Law 105-89). In the four years since enactment of the adoption law, adoptions have increased significantly. According to the DHHS, adoptions rose from 28,000 in 1996 to 46,000 in 1999 (U.S. DHHS 2000a). We do not yet have hard evidence directly linking the rise in adoptions with recipients' loss of children. However, with a time limit on parental rights shorter even than the federal time limit on welfare, the adoption law hovers within the TANF regime as the regime's final solution to independent motherhood.

Ensuring Independence

Time limited and disciplinary, the terms of cash assistance enforce poor single mothers' inequality. One measure of this inequality is the persistence of poverty even among mothers who have left welfare for the labor market. Three years after leaving welfare, the median income among employed former welfare recipients was only \$10,924 in 1999—well below the poverty line of \$14,150 for a family of three. In many former TANF families, income is so low or so tenuous that families must skip meals, go hungry, use food pantries, or apply for emergency food assistance (Women of Color Resource Center 2000; Study

Group on Work, Poverty and Welfare 1999). The main reasons for the persistence of poverty among former TANF recipients are that they are moving primarily into low-wage and contingent jobs without benefits, losing access to food stamps and Medicaid, and surrendering as much as 25 percent of their paychecks to child care.

Recognizing that ending welfare did not end single mothers' poverty, many policymakers are eager to pursue a next step in welfare reform. Already under way, this next step has taken legislative form in bipartisan initiatives to promote marriage and to enhance paternal wages and the paternal role. Such proposals have been espoused in various ideological quarters: by both Al Gore and George W. Bush during the 2000 presidential campaign; by Republican congresswoman Nancy Johnson (Conn.) and Democratic senator Evan Bayh (Ind.); by the Heritage Foundation's Robert Rector and by House Democrat Jesse Jackson Jr. (Ill.). They reveal a consensus that what poor single mothers need is a father's income. A related consensus is that if welfare reform has fallen short it is because too few recipients have gotten married.³

The most extreme calls for marriage promotion and fatherhood enhancement come, not surprisingly, from Robert Rector and others at the Heritage Foundation and from Wade Horn, a founder of the National Fatherhood Initiative whom the second George Bush picked to become assistant secretary of DHHS for welfare and related issues. In the Heritage Foundation's *Priorities for the President*, published to greet the new Bush (II) presidency in January 2001, Rector proposed substituting the current financial incentives to states that increase their marriage rates with financial punishments to states that fail to do so. In addition, he urged policymakers to set aside \$1 billion in TANF funds annually for marriage promotion activities; to offer incentives and rewards to parents who marry; and to create an affirmative action program in public housing for married couples.

Many of Wade Horn's proposals closely track Rector's. In fact, he has endorsed Rector's suggestion that women "at high risk of bearing a child out of wedlock" be paid \$1,000 annually for five years if they bear their first child within marriage and stay married (Horn 2001). In addition, Horn would further ratchet up the pressure on poor mothers to marry by limiting social programs—such as Head Start, public housing,

and welfare—to married parents, allowing participation by single mothers only if funds are left over (Bush and Horn 1997).

Although the most strident calls to condition social benefits on poor mothers' family formation decisions come from conservatives, the idea that social policy should encourage marriage and promote fatherhood enjoys favor in both political parties. Some Democrats and liberal policy wonks—Evan Bayh and Wendell Primus, for example—have argued for Wade Horn's confirmation (Pear 2001). Meanwhile, four bipartisan fatherhood bills had been introduced into the 107th Congress by May 2001 (H.R. 1300; H.R. 1471; S. 653; S. 685).

The first major fatherhood bill to surface in Congress was the Fathers Count Act, which sailed through the House of Representatives in fall 1999. During the final months of the 106th Congress in 2000, Representative Nancy Johnson shepherded similar fatherhood legislation through the House. Part of the Child Support Distribution Act of 2000, Johnson's bill included a \$140 million matching-grant program for local projects that promote marital family formation among poor single mothers and a \$5 million award to a national fatherhood organization with "extensive experience in *using married couples* to deliver their program in the inner city" (U.S. House 2000a, Title V, Subtitle B, sec. 511 (c)(2)(c); italics added). The committee report accompanying the bill explained that "increasing the number and percentage of American children living in two-parent families is vital if the nation is to make serious and permanent progress against poverty" (U.S. House 2000d, 17).

Measures like the Johnson bill explicitly give fathers incentives to enter poor mothers' families. For example, the Johnson bill offered funds to projects that teach fathers about their visitation and access rights (U.S. House 2000d, 42); promoted forgiveness of child support arrearages owed by men who become residential fathers; enhanced fathers' earning power through job training and "career-advancing education"; and tracked nonmarital fathers into various social services that encourage marriage (U.S. House 2000a, Title V, Subtitle A, sec. 501(a) and 501(b)). These incentives to fathers impose substantial pressures on mothers, for it is mothers, not fathers, who must obey TANF rules

and suffer the consequences of time limits. Fathers get the "carrots," to borrow from Charles Murray, while mothers get the "sticks."

Jesse Jackson Jr.'s Responsible Fatherhood bill duplicated the Johnson bill in many respects. Perhaps more astounding, much of the race-coded, anti-single-mother rhetoric that introduced the Republicans' 1996 PRWORA was repeated in the preamble to the Jackson bill. For example, Jackson's bill asserted that "violent criminals are overwhelmingly males who grew up without fathers, and the best predictor of crime in a community is the percentage of absent-father households." The preamble concluded, "States should be encouraged, not restricted, from implementing programs that provide support for responsible fatherhood, promote marriage, and increase the incidence of marriage" (U.S. House 2000b).

Bipartisan marriage and fatherhood initiatives assume that poor mothers' intimate decisions about family forms and relationships cause their poverty. They also assume that it is appropriate for government to interfere in the intimate associational life of poor mothers. Even as government scales back its affirmative role in mitigating poverty, it is intensifying its coercive reach into the lives of the poor. Now squarely at the center of poverty policy, marriage promotion and fatherhood initiatives seek to compel mothers to follow the government's moral prescriptions and to accept economic dependence on men.

It is true that a family with a male income generally is better off than a family without one. While some moralistic welfare strategists believe that married fatherhood per se is an important governmental objective, more pragmatic policy strategists reason syllogistically that if men's families are better off economically than women's, then poverty can be cured by the presence of a male income in families. This kind of thinking short-circuits equality, foreclosing the question of improving women's own income. If we look at the various measures of women's and mothers' poverty—women's income as compared to men's, for example—it is clear that single mothers are poor because women's work is not valued. This is true of women's labor-market work, where a racialized gender gap in wages reflects the devaluation of the work women do. And it is true of women's nonmarket caregiving work, which garners no income at all.

The interconnectedness of poverty, caregiving, and inequality never has received wide or focused attention in the United States. While there have been policies that have provided income assistance to family caregivers, either those policies have been stingy and marginal or their beneficiaries have been relatively few. In addition, to the extent that welfare and other policies have assisted family caregivers, they have done so primarily to protect children's interests rather than to compensate mothers' work or to promote mothers' equality.

Most U.S. feminists have been leery of taking up the cause of women's caregiving work, preferring to promote women's equality as labor-market workers than to risk a return to compulsory domesticity. In response to the TANF regime, however, some feminists have begun not only to resist welfare's moral discipline but also to reconceive welfare as caregivers' income (Women's Committee of One Hundred 2000). The idea is that what caregivers—usually mothers—do for their families is work. Moreover, it is work that is indispensable not only to a mother's own family but to her community, the economy, and the polity as well.

Far from a sign of dependence on government, a caregivers' income would provide mothers with economic means in their own right. This would promote equality in father-mother relations both because it would unmask the economic value of mothers' side of the sexual division of labor and because it would enable mothers to exit unhappy, subordinating, or violent relations with the fathers of their children. It also would nurture equality among citizens by establishing that it is not only market work that should command a living wage but also the caring work upon which the market depends for workers. In turn, a caregivers' income would promote equality among women—between middle-class married caregivers who enjoy social and political support when they choose to work in the home raising children and poor unmarried caregivers whom welfare policy now compels to choose wages over children.

Improved economic rewards and social supports for women's work outside the home are necessary companions to a social wage for their work inside the home. Women must not be pressured into giving care by the low returns of their labor market participation. Just as im-

portant, they must not be pressured to forsake care work by the threat of destitution. In combination with labor market reforms, a caregivers' income would indemnify women's—and even men's—vocational choices. "Making work pay" both in the home and in the labor market would combat persistent poverty among single-mother families without pinning family security to fathers' responsibility.

Rethinking welfare as an income owed to caregivers would mitigate severe material vulnerabilities endured by single mothers. Further, it would exhume the rights suffocated by both poverty and the current welfare system. Once it is understood that welfare mothers are poor because their family caregiving work is unremunerated, not because they do not work or are not married, the focus of welfare prescriptions can shift from how to reform poor caregivers to how to ensure their economic and constitutional equality.

Notes

1. The 1999 welfare-to-work amendments loosened rules governing noncustodial parents' eligibility for services. Noncustodial fathers of children enrolled in TANF are eligible for welfare-to-work services if, for example, they are unemployed, underemployed, or having difficulty fulfilling child support obligations. Eligibility for welfare-to-work services is not an entitlement—that is, it is not guaranteed to all who meet the program's criteria. Hence, fathers' increased access to services takes services away from mothers on the brink of reaching welfare time limits. (U.S. Department of Labor 1999).

2. A two-parent family is required to work 35 hours weekly (as compared to the 30-hours-per-week requirement for single parents), unless the family receives federally funded child care. A two-parent family that sends its child or children to federally funded child care must perform 55 hours of labor market work weekly, which permits married mothers to work part-time.

3. Only 0.4 percent of TANF cases closed between October 1997 and September 1998 were closed due to marriage (U.S. DHHS 1999, tab. 31).

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Edited by Randy Albelda and Ann Withorn

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