Singled Out: A Critique of the Representation of Single Motherhood in Welfare Discourse

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Suppose you have to go up to the school. You've got to be a full-time mother, then you've got to be a breadwinner, then you've got to be a nursemaid and you've just got to always be there. It's like you're being stretched so many different ways.

I know from my experience. I've had to deal with it. I would get depressed and I would withdraw. Somehow, you can even feel like you're not even a part of society because you're standing there looking at the American Dream and you feel like it's passing you over. Just the basics. To pay rent, to buy the food and to make sure your kids have decent clothing so they can go to school and look like they belong to somebody. You don't always have that when you're working.¹

I. INTRODUCTION

In August 1996, President Clinton enacted the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA),² a reform that "end[ed] welfare as we know it."³ A measure aimed at curing the "pathology" of dependence on government support, the act purported to "convert . . . welfare into a helping hand, rather than a handout."⁴ While the Act's preamble and legislative history admirably celebrate self-sufficiency and a strong work ethic, its specific provisions communicate messages concerning morality, behavior and "deserving" and "undeserving" welfare recipients. PRWORA represents the tradition and commitment of welfare policy writers to the "preserv[ation] of the moral order—the work ethic and family, gender, race, and ethnic rela-
Welfare policy historically has been deployed as a “set of symbols that convey what behaviors are virtuous and what are deviant.”

In overtly condemnatory and punitive terms, PRWORA stigmatizes dependence and ascribes moral fault to one particular group: poor single mothers. Ignoring the realities that poor single mothers face as they struggle with caretaking and employment responsibilities, PRWORA imposes strict time limits and stringent work requirements in the name of “family values” and “independence.”

Feminist legal theory provides a useful means of examining the representation of single mothers in welfare discourse and suggests constructive ways to rethink common understandings of independence, employment and responsibility. This Article will explore the status of single motherhood in relationship to welfare policy through four models: liberal feminism, radical feminism, cultural feminism and intersectional feminism. As a starting point, it will trace the key elements of PRWORA that have an adverse impact on single mothers and briefly discuss the stigmatization of single mothers in welfare discourse. The argument will primarily employ the four theoretical models to assess the strengths and weaknesses of welfare policy writers in ameliorating the position of single mothers, and to consider practical and just alternatives to PRWORA’s provisions.

Although emphasizing different concerns, each model examines the debilitating manner in which welfare policy constructs poor single motherhood and exposes the normative vision that underpins the valorization of marriage and “self-sufficiency.”

A liberal feminist reading challenges welfare policy’s infringements on women’s autonomy and exercise of choice, particularly in the context of reproductive decisions. From a radical feminist perspective, welfare policy reflects a systemic, gendered power imbalance and hierarchy in which women are relegated to subordinate economic and social positions. PRWORA obfuscates this imbalance and punishes poor women for their failure to function successfully and “independently” as economic actors. The cultural feminist approach

6. Id.
7. Id. at 9.
acknowledges this power imbalance and presents an affirmative model for the valorization of women’s dependency labor. It seeks to transform the contours of the welfare debate through a philosophical understanding of human relationships as fundamentally interconnected and interdependent. Finally, the intersectional feminist approach concentrates on minority women, the most critical group of single mothers. This approach also brings to the foreground the marginalization of race issues in the liberal, radical and cultural feminist models.

The unique needs of minority mothers and the pervasive realities of racism challenge the possibility of alliances among feminists of different perspectives to improve the condition of poor single mothers. In light of these feminist models, reform of the low-wage labor market and a revitalized characterization of the work ethic and the value of caretaking would provide a blueprint for a welfare policy that is sensitive to the concerns of poor single mothers.

II. OVERVIEW OF PRWORA’S IMPLICATIONS FOR SINGLE MOTHERS

Perhaps most significantly, PRWORA abolished Aid to Families with Dependent Children (AFDC), a sixty-year-old federal entitlement to public assistance, and replaced it with a block grant called Temporary Assistance for Needy Families (TANF).[^1] TANF eliminates the historic guarantee of cash assistance to poor families and permits states to exercise their own discretion in spending money on welfare through block grants.[^2] Embodying Congress’ view that “[w]elfare [s]hould [n]ot [b]e a [w]ay of [l]ife,”[^3] the new program establishes a lifetime limit of sixty months of access to federal TANF funds, although states may exempt up to twenty percent of their caseload from this provision.[^4] The law mandates that twenty-five percent of all families and seventy-five percent of two-parent families that receive public assistance work or engage in specified work activities during fiscal year 1997.[^5] By fiscal year 2002, the law requires that fifty percent of all families and ninety percent of

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[^1]: Personal Responsibility and Work Opportunity Reconciliation Act §§ 401-419.
[^4]: Id.
[^5]: Personal Responsibility and Work Opportunity Reconciliation Act § 407; see also H.R. CONF. REP. No. 104-725, at 262 (emphasizing that the welfare reform legislation encourages families to work).
two-parent families participate in work activities. Additionally, PRWORA authorizes the imposition of penalties on states for failure to place a substantial portion of adults receiving TANF in narrowly-defined work activity programs. References to American values and principles permeate the text and legislative history of PRWORA. The congressional drafters view the legislation as promoting values pertaining to work and family. The text repeatedly extols work, family, personal responsibility and self-sufficiency. The claim that the reform "saves families by promoting work" encapsulates the perception that traditional welfare has had debilitating moral effects on the family. According to PRWORA's introduction, the earlier dependence-oriented welfare system "subsidize[d] dysfunctional behavior" and "undermine[d] the values of work and family that form the foundation of America's communities." Underlying these provisions is a normative understanding of the "deserving" family form. PRWORA explicitly encourages marriage and the formation and maintenance of two-parent families. It discourages illegitimacy, a practice argued to be harmful to children and purportedly "encouraged" and "promot[ed]" by the previous welfare system. The requirements imposed on the states embody the moral prescriptions expressed in PRWORA's introduction. As a condition of the receipt of TANF funding, states must outline steps in their plans to establish certain family assistance goals. First, each state must specify annual numerical goals for decreasing its "illegitimacy

15. ALBELDA & TILLY, supra note 10, at 123.
17. Id. at 3.
18. Id. at 3-4.
21. H.R. REP. NO. 104-651, at 4. Significantly, this interpretation of "family" denies the reality of same-sex couples who are legally barred from marriage and whose children are necessarily "illegitimate." Such families are excluded by definition from the protection accorded to the bill's deserving, heterosexual family form.
ratio" for each year through 2005.23 Congress defines this ratio as the number of out-of-wedlock births to mothers residing in the state divided by the total number of births in the state during the most recent two-year period for which statistics are available.24 This calculation includes all births, not merely those by women and girls who receive TANF assistance.25 Under PRWORA, the federal government will also provide financial bonuses during fiscal years 1999 through 2002 to the five states that demonstrate the greatest reduction in their illegitimacy ratio and abortion rate as compared to the 1995 fiscal year rate.26

Second, each state’s plan must describe its method to prevent and reduce the number of out-of-wedlock pregnancies, especially among teenagers.27 Each state may apply for federal funding to provide educational programs that encourage sexual abstinence (not contraception) for unmarried individuals.28 PRWORA’s description of acceptable abstinence programs includes instruction that:

[T]eaches abstinence from sexual activity outside marriage as the expected standard for all school-age children; teaches that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems; teaches that a mutually faithful monogamous relationship in context of marriage is the expected standard of human sexual activity; teaches that sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects . . . .29

The child exclusion element of PRWORA similarly demonstrates the Act’s commitment to conservative standards of family formation. Child exclusion programs, historically used in welfare policy, eliminate incremental benefit increases for children born to women on welfare.30 During the AFDC era, states required special waivers in order to utilize a child exclusion.31 Under TANF’s block grant structure, states possess almost complete discretion in

23. Id. § 402(a)(1)(A)(v).
25. Id.
27. Id. § 402(a)(1)(A)(v).
28. Id. § 912.
29. Id.
31. Id.
formulating their programs, including child exclusion provisions. As of spring 1999, twenty-three states had some version of a child exclusion program.

### III. The Stigmatization of Single Motherhood

The denigration of single motherhood pervades the history of welfare discourse and the provisions of PRWORA. PRWORA's "pro-family" and "pro-work" rhetoric and provisions privilege marital status and implicitly and explicitly condemn childrearing and childbearing outside of marriage. The moral tenor of PRWORA reflects an entrenched cultural perception of single motherhood as pathological. Single-parent families traditionally have been deemed a part of the "underclass; broken and deviant, as compared to the nuclear, traditional, patriarchal family." Parents of such families are disproportionately female and poor; close to ninety percent of children living in single-parent households are raised by single mothers; and half of such families live below the poverty line. American society has branded single mothers as the cause of their own moral unfitness, their children's perceived maladjustment and, more crucially, of their families' impoverishment. Sociologists have described a "culture of poverty," signifying not simply an economic condition but rather a way of life, and women purportedly have transmitted the poverty pathology intergenerationally:

"The link between female headship and welfare dependency in the urban underclass is also well established, leading to legitimate concerns about the intergenerational transfer of poverty. At the root of this concern is the paucity of employment among welfare mothers and how this affects attitudes of their children toward work."

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32. Id.
35. FINEMAN, supra note 34, at 101-02.
36. NANCY E. DOWD, IN DEFENSE OF SINGLE-PARENT FAMILIES 3 (1997).
37. Id. at xiii.
38. Id. at 18-19.
39. Id. at 18.
40. FINEMAN, supra note 34, at 108 (quoting John D. Kassarda, Urban Industrial Transition and the Underclass, 501 ANNALS 26, 44 (1989)).
An evil related to single motherhood and out-of-wedlock childbearing is the specter of moral decay, a concern embodied in PRWORA’s reference to “dysfunctional behavior” under the traditional welfare system.41 “Single mothers are still being blamed for many of society’s ills. If we could just get ‘them’ to stop having babies everything would be just fine,” both liberal and conservative commentators have bemoaned in recent debates on welfare reform.42 In testimony before the House Ways and Means Committee in 1994, Donna Shalala, Secretary of Health and Human Services, defied “anyone in public life . . . to condone children born out of wedlock.”43 Conservative critic Charles Murray decried the debilitating effects of illegitimacy in an influential 1993 article: “[Illegitimacy is the single most important social problem of our time—more important than crime, drugs, poverty, illiteracy, welfare or homelessness because it drives everything else.”44 Viewed in the context of such condemnatory polemics against illegitimacy and nonmarital families, PRWORA’s discussion of illegitimacy ratios and the dangers of sex outside marriage simply codifies cultural stigmatization of single motherhood.45

The negative rhetoric surrounding single motherhood in welfare policy debates has especially focused on representations of poor black single mothers. The single-parent family is the dominant family structure in the black community, and it commonly appears in a nonmarital form.46 In 1993, almost sixty percent of black children lived with a never-married mother (a rate more than three times that of white children).47 During the same year, approximately half of all black families led by women lived in poverty.48 According to Dorothy Roberts, the white American public perceives welfare dependency as a “Black cultural trait,” and images of lazy, promiscuous, breeding, black, single mothers dominate contemporary welfare discourse.49 The welfare debate that resulted in the

41. Id. at 114.
42. Id.
45. See MINK, supra note 19, at 34-35.
46. See DOWD, supra note 36, at 84.
47. Id.
48. Id. at 85.
enactment of PRWORA abounded in images that presumed that the standard welfare recipient is black, despite the fact that white divorced women are the most numerous welfare recipients. Opponents of welfare measures stereotypically believe that black single mothers “encourage teenage pregnancy by example, subsidize it through informal friendship and extended family networks, and justify it by prizing motherhood, devaluing marriage, and condoning welfare dependency.” The “culture of poverty” rationale for single-parent families has especially underpinned observers’ analyses of single-mother families in the black community. Daniel Patrick Moynihan’s 1965 study of the black family ascribed the root of moral bankruptcy to the “fatherless” single-mother family structure: “Ours is a society which presumes male leadership in private and public affairs. The arrangements of society facilitate such leadership and reward it. A subculture, such as that of the Negro American, in which this is not the pattern, is placed at a distinct disadvantage.” According to Moynihan, a “tangle of pathology” existed in the black community. Particularly prominent in this “tangle” was the “weakness of the family structure,” characterized by a “matriarchal” organization in which women were powerful and fathers were either weak or absent.

Over thirty years later, PRWORA highlights similarly racist perceptions of the link between family form and what the legislation’s framers view as moral decay. The first welfare legislation the House of Representatives of the 104th Congress passed cites statistics on legitimacy and its purportedly “ill effects” that are disaggregated by race. The House legislation promotes the idea that deviant single motherhood is the “cause of [young males’] misconduct.” One section notes, for example, that “the likelihood that a young black [sic] man will engage in criminal activities

50. See Dowd, supra note 36, at 10.
51. Regina Austin, Sapphire Bound!, 1989 Wis. L. Rev. 539, 556.
54. Id.
55. Id. at 30-31 (discussing women’s roles in black families).
57. The 104th Congress subsequently enacted PRWORA.
59. Id.
doubles if he is raised without a father and triples if he lives in a neighborhood with a high concentration of single parent families.60

If single motherhood in both white and black communities has been lamented as the cause of poverty, marriage historically has been proclaimed the cure. In the words of Gwendolyn Mink, PRWORA “codifies the claim that marriage is the best antipoverty policy.”61 The idea that marriage is the solution to the poverty problem rests on the law’s “veneration of the nuclear marital two-parent family as core social organization of society.”62 In her study of the history of welfare reform, Mink locates PRWORA within a common trajectory of legislative debates concerned with “how to induce poor single mothers to conform to patriarchal conventions,” namely, to compel them to bear and rear children in marriage and to return to financial dependence on men through stringent child support mechanisms.63 Martha Fineman similarly identifies the “deviance” of the single mother in poverty discourse as the “problem” of the “missing male,” a phenomenon she observes in the rhetoric of divorce reform.64 In both the poverty and divorce contexts, she cites the “solution” as “bring[ing] him back into the family in some form,” primarily through the “legally coerced (re)establishment of a paternal presence.”65 The reason for the absence of “the formal legal tie to a male,” that is, the extent of the mothers’ deviation from the marital norm, provides the basis for government support or condemnation in legislative reforms regarding the plight of single mothers.66

Differential treatment of nonmarital single mothers under TANF and of widows under the Social Security Survivor Insurance (SSI) dramatizes the government’s distinction between “good” and “bad” mothers along the axis of marriage.67 The government distinguishes between two groups of women and children “solely on their prior relationship to a man.”68 Although single mothers face time limits and the lack of an entitlement to assistance under

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61. MINK, supra note 19, at 78.

62. See DOWD, supra note 36, at 5.

63. See MINK, supra note 19, at 35.

64. See FINEMAN, supra note 34, at 102.

65. Id.

66. Id. at 115-17.


68. Weiss, supra note 67, at 222-23; see FINEMAN, supra note 34, at 115-16.
TANF, SSI beneficiaries, a group comprised of widows with children and divorced mothers whose former husbands have died, receive governmental subsidies to support their exercise of parental rights.\(^6\) Two conservative observers of the changing constituency of the AFDC program during the 1980s supported the marital family values embedded in the "worthy widow" and nonmarital single mother distinction:

"The typical AFDC parent today is not the 'worthy widow' envisaged in the original legislation but a divorced, deserted, or never-married woman. Regardless of extenuating circumstances behind any particular out-of-wedlock birth or the justification for any particular divorce, the fact remains that illegitimacy and divorce have an element of personal choice and responsibility that widowhood does not. . . . It was the humane intention of the program in 1935 [designed for widows] to enable a mother to take care of her children—in other words, to encourage what was left of a family to stay together. It was, in today's parlance, a 'pro-family' measure. But now the program finances a subculture whose citizens argue . . . that they want children but not marriage, because 'you don't want the commitments' and 'male figures are not substantially important in the family.'"\(^7\)

Like many conservative analyses of current welfare policies, this passage posits the centrality of marriage to the understanding of "worthy" families and denigrates the "personal choice" and "responsibility" at play in the formation of nonmarital "unworthy" families.

IV. THEORIZING THE PLOIT OF POOR SINGLE MOTHERS

A feminist examination of the representation of poor single mothers in welfare policy highlights these women's unique needs as they balance caretaking and employment responsibilities. Liberal, radical, cultural and intersectional feminism theories offer perceptive readings of their status and suggest ways to transform societal understandings of caretaking, employment and individual responsibility. According to liberal feminism, welfare policy denies women their autonomy, while radical feminism states that according privilege to certain definitions of independence and employment exacerbates women's subordination. Cultural feminism, in contrast,

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69. Weiss, supra note 67, at 222-23.
objects to the manner in which welfare policy punishes women's deviation from normative standards. Finally, the intersectional feminist approach asserts that injustices on the axes of race and gender harm minority single mothers' attempts to work and raise families simultaneously.

A. Liberal Feminism

Liberal legal feminists examine the issue of support for single mothers in light of the primary tenets of liberal theory: the values of individual dignity, rationality, equality, autonomy and self-fulfillment.\textsuperscript{71} Liberal feminism focuses on the abstract individual who merits respect because she possesses a capacity for autonomy, notwithstanding her particular individual circumstances.\textsuperscript{72} Drawing on liberalism's universalist principles, liberal feminists believe that men and women share the same nature, possess equal capabilities and, hence, deserve access to equal opportunities.\textsuperscript{73} Emphasizing the basic equality of men and women, these feminists advocate formal equality and the elimination of debilitating sex-based rules and classifications in law and policy.\textsuperscript{74} The formal equality model condemns sex-based generalizations, whether they originate in biology or socialization, and also closely analyzes neutral rules that have a disproportionate, adverse effect on one sex.\textsuperscript{75} During the 1960s and 1970s, "first-wave" liberal feminists helped enact gender-neutral rules in employment and family law.\textsuperscript{76}

Although liberal feminism has helped secure profound legal victories for women, its tenets are of limited application in the context of poor single motherhood. Certain liberal feminist ideals would, however, serve as a necessary antidote to current welfare reform's provisions and rhetoric. Perhaps most fundamentally, liberal feminists would condemn PRWORA's championing of marriage as the solution to women's poverty. Privileging marriage is antithetical to liberal feminism's commitment to women's self-
determination and self-actualization. Promoting traditional marriage as a solution to poor single mothers’ poverty ignores liberal feminist critiques of the gendered division of labor in marriage that historically has harmed wives. More specifically, liberal feminists persuasively criticize those PRWORA provisions that effectively punish single mothers for exercising their fundamental reproductive and procreative rights. Liberal feminism valorizes the individual’s right to make choices and exercise his/her autonomy; accordingly, the state should respect women’s decisions to bear and raise children as single mothers. Instead, PRWORA limits women’s autonomy “and change[s] social norms through altering individual sexual behavior and influencing [women’s] reproductive choices.”

Liberal feminists have critiqued three PRWORA provisions—the illegitimacy bonus, the child exclusion and mandatory paternity establishment—as undue limits on women’s autonomy. According to Martha F. Davis, Legal Director of the National Organization for Women Legal Defense and Education Fund (NOW LDEF), states must “successfully manipulate individual choices about marriage, births and abortions” in order to win the illegitimacy bonus awards. Davis similarly describes the coercive potential of the child exclusion provision and exhorts all women to recognize that the welfare bill, which permits states to adopt the child exclusion program at their discretion, implicates not just work but “women’s roles in society and particularly their ability to make reproductive choices free of government interference.”

Finally, the PRWORA provision regarding paternity establishment and child support enforcement is an infringement of a liberal feminist understanding of autonomy. Under PRWORA, individuals who apply for government assistance must provide “specific
identifying information about the [child’s] noncustodial parent.\textsuperscript{84} Good cause and other types of exceptions are permitted under a best interest of the child standard.\textsuperscript{85} Families that refuse to comply with the requirements may experience a reduction of at least twenty-five percent in their grant.\textsuperscript{86} Mink believes that this mandatory cooperation requirement “coerces mothers who are single and poor into relations with fathers.”\textsuperscript{87} The National Partnership for Women and Families has called the cooperation requirements “impossibly strict,” noting that “non-cooperation” might include failure to offer information on social security numbers and current addresses for fathers who may have left the family years before.\textsuperscript{88} As a condition of the receipt of benefits, these mothers must cooperate and communicate information about the fathers, thus relinquishing “decisional autonomy about family relationships.”\textsuperscript{89}

\section*{B. Radical Feminism}

Although such critiques of PRWORA provide compelling insights into the circumstances of poor single motherhood, liberal feminist analysis is somewhat limited. In particular, its emphasis on formal equality poses problems. According to formal equality principles, women may claim access to a right if they are similarly situated to men.\textsuperscript{90} If one holds single mothers to this standard, one must require them to accept TANF time limits and the lack of a federal entitlement to government assistance. Treating single mothers just like men (or just like mothers in two-parent marital families) denies the gender-linked burden of the requirement to combine parenting and work under PRWORA.\textsuperscript{91} A second theory, radical feminism, exposes the inequality and bias that underlie the concept of gender neutrality and may better address issues that PRWORA raises concerning poor single mothers.

According to Catharine A. MacKinnon, women and men are different and are not similarly situated with respect to their

\begin{thebibliography}{99}
\bibitem{85} Id.
\bibitem{86} Id.
\bibitem{87} Mink, supra note 19, at 74.
\bibitem{89} Mink, supra note 19, at 77.
\bibitem{90} See Cain, supra note 73, at 829.
\bibitem{91} See Weiss, supra note 67, at 220.
\end{thebibliography}
differences.\textsuperscript{92} A power imbalance and a sexualized, eroticized hierarchy in which men dominate and women are subordinate characterize society.\textsuperscript{93} In this gender hierarchy, "man has become the measure of all things,"\textsuperscript{94} a male standard is valorized and the differences associated with women are denigrated.\textsuperscript{95}

One can readily apply radical feminism's pervasive gender critique to the stigmatized treatment of single motherhood in welfare policy. According to radical feminism, the ostensibly gender-neutral hallmarks of "self-sufficiency" and work outside the home that are promoted in PRWORA mask a male employment standard.\textsuperscript{96} Although the Act rewards work outside the home as a marker of "self-sufficiency," the domestic labor that mothers traditionally perform possesses no value. Such labor does not "count;" in order to receive TANF support, states may force single mothers with small children to work outside the home.\textsuperscript{97} A radical feminist such as MacKinnon would locate the devaluation of women's labor within a long historical tradition of subordination characterized by economic exploitation, sexual objectification, "domestic slavery" and exclusion from the public sphere.\textsuperscript{98} More specifically, women's devalued labor market position traces its roots to the work force's male-defined norm of the "Ideal Worker."\textsuperscript{99} This norm underpins the gendered division of labor, in which men work outside the home and women primarily engage in unpaid labor in the domestic sphere.\textsuperscript{100} The Ideal Worker, gendered male, possesses the flexibility to satisfy his employer's demands and relies on the services of a homemaker, gendered female, who performs domestic labor for the home and the children.\textsuperscript{101} That the homemaker depends on the wage earner's salary and receives no market valuation for her own labor is part of a gender hierarchy, in radical feminist terms, in which the differences between the two sexes' work translate into the man's valuable waged labor and the

\begin{itemize}
\item \textsuperscript{92} Catharine A. MacKinnon, \textit{Toward a Feminist Theory of the State} 225 (1989).
\item \textsuperscript{93} Id. at 224-25.
\item \textsuperscript{94} Id. at 220.
\item \textsuperscript{95} Id. at 224-25.
\item \textsuperscript{96} Id.
\item \textsuperscript{97} Child Care: Issues for Low Income Women, NOW LEGAL DEF. & EDUC. FUND, at http://www.nowldef.org/html/issues/child/policy.shtml (last visited Jan. 20, 2001) [hereinafter Child Care Issues].
\item \textsuperscript{98} See MacKinnon, supra note 92, at 160.
\item \textsuperscript{99} M.M. Slaughter, \textit{The Legal Construction of "Mother," in Mothers in Law: Feminist Theory and the Legal Regulation of Motherhood} 73, 78 (Martha Albertson Fineman & Isabel Karpin eds., 1995).
\item \textsuperscript{100} Id.
\item \textsuperscript{101} Id.
\end{itemize}
woman's invisible, debased, unpaid domestic labor. Women historically have failed to meet the standards of the Ideal Worker and participate intermittently in the waged labor market because of their domestic responsibilities.

The ostensibly gender-neutral ideal of "self-sufficiency" is difficult for mothers in marital families to meet; the challenges are exacerbated for poor single mothers. According to scholar M.M. Slaughter, "the labor market is structured in such a way that for a large number of poor single mothers, the ideal is impossible to achieve." The dominant and male-defined standard of the Ideal Worker has proven elusive because of the intersecting pressures faced by poor single mothers. As MacKinnon has commented, "day one of taking gender into account was the day the job was structured with the expectation that its occupant would have no child care responsibilities," let alone the need to earn a subsistence salary for an entire family. A radical feminist framework would similarly ascribe the source of the multiple barriers that poor single mothers face to the operation of the pervasive gender inequality in employment that systematically devalues women.

1. Employment Barriers and Single Mothers' Poverty

These gender-linked employment barriers deserve a closer look. In Glass Ceilings and Bottomless Pits: Women's Work, Women's Poverty, Randy Albelda and Chris Tilly argue that single-mother families are poorer than other families because their potential sources of income are extremely low. They cite three critical constraints: (1) the gender wage gap, (2) the need to rear children and (3) the requirement of supporting a family on one adult income. According to an Institute for Women's Policy Research study cited by the authors, forty-five percent of all women's earnings are too low to raise a family of three to the poverty threshold (including daycare costs for one child; this figure is applicable even

102. Id.
103. Id. at 79.
105. Id. at 2175.
107. ALBELDA & TILLY, supra note 10, at 44.
108. Id. at 65-66.
if these women worked full-time and year-round). In addition, the fact that single mothers must raise children translates into the need to be flexible, a requirement that forces them to settle for lower pay and a limited range of jobs. Single mothers experience dramatic occupational segregation in low-paying “women’s jobs.” Although mothers in two-adult families are also subject to such gender-linked segregation in the work force, single mothers are more likely to work in service occupations, the lowest-wage “women’s jobs.” Finally, although single-father families must also cope with the need to earn income and care for children, single mothers’ lower earning power means that they struggle more to raise a family on one adult income.

Single mothers must combine childrearing and employment; therefore, access to affordable, accessible and stable child care is a critical challenge. The difficulty of finding such child care significantly reduces single mothers’ ability to locate and maintain employment. Low-income mothers spend a significant portion of their earnings on child care. A lack of accessible and stable child care translates into increased exits from employment for mothers with small children. In a recent study of job exits, twenty-five percent of single working mothers quit their jobs within a year; fifteen percent left and did not return to work for at least two months. The child care reforms of PRWORA exacerbate single mothers’ child care difficulties. Under pre-TANF law, a child care guarantee was available for welfare recipients, individuals making the transition from welfare to work and individuals who might need welfare. TANF repealed this federal entitlement to child care, replacing it with the Child Care and Development Block Grant (CCDBG). The CCDBG is a block grant child care subsidy program that caps funding for child care. Along with mandatory

109. Id. at 65.
110. Id.
111. Id. at 66.
112. Id.
113. Id.
115. Id.
116. Id.
117. Id.
118. Id.
119. Child Care Issues, supra note 97.
121. Child Care Issues, supra note 97.

[However, . . . states cannot sanction mothers by reducing or terminating their welfare benefits if they have a child under the age of 6 and they can demonstrate
work requirements, this cap creates a key tension that harms single mothers: “[The Act] introduces an increased need for child care (because it requires more parents to work) and a capped amount of funds available for child care.”

Notwithstanding their child care concerns, single mothers must meet stringent work or “work experience” and “community service” requirements under TANF to be eligible for benefits. Such work experience and community service requirements are similar to what historically has been termed “workfare,” or work in exchange for public benefits. Progressive observers have criticized the “make-work,” “work as punishment” nature of both earlier workfare programs and the one envisioned by PRWORA. The “any-job-will do” approach, which provides little useful training and skills enhancement, reflects PRWORA’s “premise...that if the care-giver is unmarried, any outside job is better than caring for her own children.” Community service work tends to be menial experience that does not prepare recipients for improved job opportunities, and individuals with limited education and language skills may be easily placed into menial work and thus isolated from advancement opportunities. The high work participation rates mandated by the Act will lead states to “cream,” that is, to concentrate on the nearly job-ready individuals, place them in decent jobs and “leave others to fend for themselves.” Additionally, PRWORA does not invest in programs that actually prepare recipients for employment that pays a living wage and does not fund job training at a reasonable level. Individuals may receive vocational education for only one year, and the number of adult recipients in vocational training is limited. In practice, the law “sentences poor women to low-wage jobs,” either at minimum wage or even sub-minimum wage earnings.

that they could not obtain child care for that child due to (1) unavailability of appropriate child care within a reasonable distance from home or work site; (2) unavailability or unsuitability of informal child care...; or (3) unavailability of appropriate or affordable formal child care.

Id. (citation omitted).

122. Id.
123. See ALBELDA & TILLY, supra note 10, at 118-19; MINK, supra note 19, at 108-17.
124. See ALBELDA & TILLY, supra note 10, at 118-19; MINK, supra note 19, at 108-17.
125. MINK, supra note 19, at 108.
126. Id. at 109.
128. See MINK, supra note 19, at 111-12.
129. Id.
130. Id.
2. Cumulative Effect of Barriers on Poor Single Mothers

The combination of time limits, mandatory work requirements, inadequate child care and grim work opportunities undermines single mothers' efforts to earn their livelihood under PRWORA. As the National Partnership for Women and Families has argued, "the law effectively penalizes many low-income women who want to work, be good parents, and follow the rules." Perhaps most significantly, the barriers to work that these women face problematize the values of "self-sufficiency" and "work ethic" that are extolled in PRWORA. Recent studies indicate that working single mothers in low-wage jobs often fare worse financially than those who receive welfare. In *Making Ends Meet: How Single Mothers Survive Welfare and Low-Wage Work*, Kathryn Edin and Laura Lein came to this conclusion based on their interviews with 379 low-income, single-mother families in four cities during the period 1988 to 1992. The obstacles cited above, such as the unreliable, unstable, non-skilled nature of available work, as well as the constraints of child care needs and transportation costs, impeded the single mothers' ability to survive on waged employment.

Although these women were "self-sufficient" and "independent" in the PRWORA sense, they suffered enormous material hardship. As one wage-earning single mother noted: "[Now that] I'm working for $5 an hour, people tell me that I am doing better for myself [than I was on welfare]. But I'm not. I'm not getting anything more than when I was on aid." On the other hand, Edin and Lein found that single mothers who received welfare generally could not survive on the assistance alone; they supplemented their aid through unreported cash from a variety of sources. While their research pertains to the pre-TANF period, it has implications for the PRWORA era. Indeed, Christopher Jencks notes in the introduction to *Making Ends Meet* that single mothers' well-being will likely deteriorate under TANF. He predicts that time limits will compel mothers to accept low-wage jobs they would not have taken as
AFDC recipients. Additionally, the lack of job openings and the dynamics of unemployment will mean that TANF-era mothers will be unemployed at least ten percent during good economic periods and at higher percentages during layoffs.

A radical feminist theoretical framework would bring to the foreground the obstacles that poor single mothers face in the labor market. The approach would critique the male-defined notion of "self-sufficiency" that renders invisible the multiple barriers that single mothers who wish to or are forced to leave the welfare system encounter. Due to the dominance ascribed to "independence" and "waged labor," the patriarchal culture perceives single mothers' need for assistance and inability to locate adequately paid, sustainable employment as evidence of pathological behavior and a lack of will. The dominant male standard obfuscates the realities of economic and labor market deficiencies.

However, while MacKinnon's analysis of gender-linked power relations is incisive, it fails to suggest a just alternative. If one dismantles the power hierarchy, should one reverse the valuation ascribed to "women's work" of caretaking and "men's work" in the labor market? MacKinnon does not support mothering practices or claim caretaking as positive labor. Rather, "[w]omen value care because men have valued us according to the care we give them," that is, women's relational voice is rooted in their subordinate relation to men, and they "build webs of connection to survive the subordination." The failure to provide an alternative way to theorize single mothers' contributions to the labor market significantly limits radical feminism's practical utility.

C. Cultural Feminism

In contrast, a third feminist model, cultural feminism, offers a vantage point for analysis of poor single motherhood that focuses on the affirmative, positive aspects of women's practices of care and connection. Building on the landmark research of Carol Gilligan,
cultural feminists believe that women speak in a relational, “different voice” of connection and care. This cultural approach values the caregiving work that women have historically performed as mothers and caretakers.

1. “Re- visioning” Family Law and Dependency Work

Two feminists, Martha Fineman and Eva Feder Kittay, advocate a fundamental rethinking of welfare reform and single motherhood from a cultural perspective that values caretaking and nurturing. Fineman criticizes the legal privileging of the intimate sexual bond between two adults as the exclusive protected family form. In juxtaposition with this valorized family form, which is heterosexual, hierarchical and patriarchal, American law and policy cast single-mother families as morally deviant and undeserving of support. In her bold “re- visioning” of family law, Fineman proposes that society abolish the legal category of marriage and replace it with protection of the nurturing unit of caretaker and dependent, symbolized by the archetype of mother and child. Within this novel construct, dependency replaces sexual intimacy as the core family ideal. Fineman specifically identifies two types of dependency: (1) inevitable dependency, referring to those necessarily in need of caretaking, such as the ill, elderly and newborn and (2) derivative dependency, the dependency of the caretaker on social support because of the caretaking work that she does. Both types of dependency are erroneously hidden and privatized in the currently protected marital family. Explicit recognition of the reality of dependency through protection of the mother and child dyad will reorient society toward the critical role of caretaking and nurturing.

Kittay’s reformulation of welfare reform similarly focuses on the significance of dependency work and the need to protect both dependency workers and their charges. In her view, modern welfare “reform” is premised on an elusive equality model that fails to
recognize the role of dependency and dependency care in women's lives.\textsuperscript{154}

According to Kittay, women have historically assumed the bulk of unpaid and devalued caretaking labor in society.\textsuperscript{155} Proper valuation of this labor first requires an ethical and moral philosophical reorientation that demands a conception of society not as a liberal assortment of atomized individuals, but rather as interdependent and interconnected members of society.\textsuperscript{156} This “connection-based equality” perspective proceeds from the foundational understanding that “we are all some mother’s child” and assumes a critical need for relationships.\textsuperscript{157} Because of their fundamental connection orientation, individuals possess entitlements to a relationship in which they can be cared for, if necessary, and to social support, which permits them to provide care to others without harming their own well-being.\textsuperscript{158} Kittay introduces the concept of doulia, a system of social support and reciprocity that signifies that society has an obligation to care for dependency workers, just as caregivers must nurture dependents.\textsuperscript{159}

Fineman’s and Kittay’s theories dramatically reconfigure the relationship of the community to dependency work in a manner that would value rather than stigmatize poor single mothers. Eliminating the idea that “deviant” family structures cause poverty and supporting all forms of families would promote ideals of inclusion and membership; poor single mothers would be citizens, not merely degraded subjects.\textsuperscript{160} Appreciating the value of the dependency work that mothers do would transform the welfare debate from an emphasis on self-sufficiency and individual responsibility to collective responsibility.\textsuperscript{161} Recognizing the vulnerability of both the caretaker and her charge could provide the impetus for restructuring our support system on a connection-based model.

However, society's pervasive liberal assumptions about the state are fundamentally incompatible with valuing dependency work and undermine the possibility of this kind of fundamental change. Our society privileges the principles of free choice and individual autonomy. Liberalism's hallmark of “choice” and its perception that the state should act only to maximize the

\textsuperscript{154} See \textit{KITTAY}, supra note 56, at xi.
\textsuperscript{155} \textit{Id.} at 66.
\textsuperscript{156} \textit{Id.}
\textsuperscript{157} \textit{Id.}
\textsuperscript{158} \textit{Id.}
\textsuperscript{159} \textit{Id.} at 133.
\textsuperscript{160} Roberts, \textit{supra} note 49, at 1563.
\textsuperscript{161} DOWD, \textit{supra} note 36, at 162.
individual's exercise of choices do not support massive state funding of dependency work. Accordingly, mothering and caretaking are simply individual choices on par with other choices that should neither be coerced nor punished by the state. In such a world, the moral underpinnings of Kittay's theory of vulnerability and social cooperation have no place. In response to Kittay, liberal theorists would likely argue that poor single mothers chose to have children despite their precarious economic predicament and thus should accept the consequences.

Acknowledging the utopian dimension of Kittay's and Fineman's analyses, however, does not undercut their powerful resonance for single mothers. The concept that mothers do socially meaningful work that is on par with waged work and merits support has persuasive appeal. Compared to the often degraded status of low-wage work in "women's" positions in the labor market, where jobs are unstable, low-paying and prone to discriminatory practices, caretaking arguably possesses intrinsic value. Caring for a dependent fosters ethical and moral qualities of empathy, compassion and cooperation. Reorienting society toward appreciation of caretaking, however, may have its own pitfalls for women. One must be careful not to romanticize dependency work and "create a new gender cage." Although Fineman specifically uses the mother and child dyad, she argues that either gender might perform dependency work. Similarly, Kittay wishes to remove the association of women with dependency labor. The reality, however, is that women, primarily women of color, engage in caretaking. Connection-based equality may in practice reinscribe stereotypical notions of nurturing and mothering as "women's work." Indeed, many feminists criticize cultural feminist theory more generally for celebrating traditional gender-based traits that have historically harmed women's progress.

More significantly, unless society changes in the ethical ways that Kittay advocates, one must ponder how to position dependency work vis-a-vis the realities of the labor market. The majority of the population, both men and women, works in the waged labor market. Just as the liberal value of choice is firmly entrenched, so too does

162 See HANDLER & HASENFELD, supra note 5, at 217.
163 DOWD, supra note 36, at 139.
164 FINEMAN, supra note 34, at 234-35.
165 KITTAY, supra note 56, at 141 (discussing dependency worker in gender neutral terms).
166 Id.
the dignity of the work-for-wages concept pervade society. In its ideal form, work promotes self-actualization and self-determination and inculcates feelings of worth. In reality, due to the operation of multiple barriers, poor single mothers rarely achieve this ideal through waged work. Nevertheless, any promoter of support for dependency work must contend with the symbolic currency of self-sufficiency and the waged work ideal. It is true, as Kittay notes, that the self-sufficiency of the waged worker is largely a fiction; employment of any kind involves some dependency, and the waged worker is located in a context of nested dependencies. The waged worker may claim, however, that the government-supported caretaker is "more" dependent and thus relegate her to an inferior status. Despite attempts to eliminate the concepts of self-sufficiency and dependency as capitalist myths, the terms may reinstate themselves as part of a troubling gendered hierarchy in which the predominantly female caretakers will occupy a disfavored position.

2. Reforming the Low-Wage Job Market

Given these concerns, it is worth considering whether one should focus attention instead on reforming the low-wage labor market. Two progressive welfare critics, Joel Handler and Yeheskel Hasenfeld, support this reform rather than a basic income guarantee or support for caretakers because of principled adherence to the vitality of the work ethic. They note that the majority of people perceive work as "morally important" and prefer the "autonomy" of employment. Handler and Hasenfeld cite evidence indicating that most individuals prefer to work in the paid labor force, even at low-paying jobs, and desire the "independence and sense of contribution that comes from paid employment." The impoverished single mothers interviewed by Edin and Lein similarly articulate an interest in paid employment but also acknowledge the debilitating effects of multiple employment barriers. Conceding these gender-linked barriers such as poor wages, discrimination, inadequate child care and inflexible workplaces, Handler and Hasenfeld nevertheless believe that reforming

168. See HANDLER & HASENFELD, supra note 5, at 216-17.
169. KITTAY, supra note 56, at 141.
170. See id.
171. See HANDLER & HASENFELD, supra note 5, at 213-17.
172. Id. at 216.
173. Id.
174. Id. at 216-17.
175. See supra notes 132-35 and accompanying text.
the low-wage market offers key economic and, indeed, moral advantages.\textsuperscript{176} Building on their observations of the majority's commitment to paid work, they note that "gainful employment . . . is still the surest method of achieving not only economic viability but also moral recognition and societal inclusion—in short, social citizenship."\textsuperscript{177} Reform of the low-wage labor market "incorporates the welfare poor into the working poor, where they belong. They are no longer a separated, stigmatized minority."\textsuperscript{178} It is interesting to observe that these scholars agree with Fineman and Kittay that one must utilize moral and ethical considerations to remove the stigma of "dependency" work but differ on the practical means.

Support for dependency work and Handler and Hasenfeld's low-wage market reform approach are not necessarily antithetical. A proposal that provides wages for caretaking would remove the stigma of dependence while simultaneously valuing the caretaking work of single mothers. A critic of such a proposal could argue that once one commodifies caretaking the practice is alienated and loses its intrinsic value.\textsuperscript{179} Further, caretaking would undoubtedly receive a low valuation in monetary figures due to its long-standing marginalization as "women's work" and the difficulty of quantifying its worth.\textsuperscript{180} Alternatively, the fact that society doesn't currently award any kind of compensation for caretaking communicates the message that women's work simply has no significance at all, a statement perhaps more damaging to women than the specter of commodification. Commitment to an anti-commodification perspective in the interest of appreciating women's labor as priceless emotional and affective work historically has left women without money and economically debilitated.\textsuperscript{181} On balance, the risk posed to poor women's self-flourishing as mothers by the introduction of market discourse is outweighed by the material advantages promised by valuation of their domestic labor in monetary terms.\textsuperscript{182} In the specific context of a group of historically economically disenfranchised women, commodification of domestic labor offers the hope of affirmative support. It might even provide the material

\begin{itemize}
  \item \textsuperscript{176} Handler & Hasenfeld, supra note 5, at 217.
  \item \textsuperscript{177} Id.
  \item \textsuperscript{178} Id.
  \item \textsuperscript{179} See generally Katharine Silbaugh, Commodification and Women's Household Labor, 9 Yale J. L. & Feminism 81 (1997) (examining the treatment of household labor).
  \item \textsuperscript{180} Id. at 84-85.
  \item \textsuperscript{181} Id. at 81-82, 85, 95-96, 105.
  \item \textsuperscript{182} Id. at 82, 120-21.
\end{itemize}
Finally, whether one chooses to commodify caretaking as paid labor or provide government support, the issue raises troubling class and race concerns for women. The portrayal of poor single mothers in the public imagination as minority women, and the reality of the large numbers of minority caretakers, hamper the possibility of a cross-class and cross-race alliance among women. Middle-class women can more readily aspire to the ranks of the Ideal Worker because they can hire other women, primarily women of color, to take care of their children. Such women may align themselves more with middle-class men and the ideals of self-sufficiency and independence than with working-class women of color. Women of color may perceive connection-based equality as a stereotypical gender-linked theory that does not speak to the reality of their individualistic, labor market-oriented lives.

D. Intersectional Feminism

The cross-race tensions implicit in cultural feminism's attempts to support dependency labor adumbrate a larger dilemma in the analysis of women of color in feminist theory. A fair assessment of the representation of minority single mothers in welfare discourse requires a methodology that sensitively addresses minority women's intersectional experiences along the axes of both race and gender. Intersectional feminism seeks to demarginalize the position of minority (particularly black) women whose "compounded" situation has historically been absorbed into, or ignored, by mainstream feminist theory and the male-dominated black rights movement. Significantly, the unique pressures highlighted by the intersectional model coexist uneasily with black male critics' assessments of welfare discourse. An intersectional feminist examination

183. See id. at 98-99 (discussing the concept of "plural meaning" in the context of commodification of women's domestic labor).
186. Id. at 151-52.
187. Id. at 163-66; see also Austin, supra note 51, at 567-68 (noting that the black male critique of welfare "emphasizes[] the 'marriageability' of black men or their financial usefulness to a nuclear family expos[ing] black women to attack on the grounds that they are insufficiently concerned about racism and economic exploitation [of] black men").
exposes race-specific challenges faced by "multiply burdened" poor black single mothers that are de-emphasized by the liberal, radical and cultural feminist approaches.

1. History of Devaluing Black Mothers and Families

An intersectional feminist approach would first critique on both gender and race grounds the normative understanding of the nuclear two-parent family as the deserving family form encoded in welfare policy. The claim that single-mother families are deviant presumes that the nuclear unit is foundational, a fact at odds with the history of the black community. During the slavery era, black families were denied the right to form and maintain nuclear family units; mothers, fathers and children were routinely separated from one another. A long history of the economic subordination of black men, including underemployment, unemployment and job discrimination, has also impeded the formation of black marital nuclear families. Black single-parent families headed by women and extended families comprise a predominant alternative family form that mainstream white cultural politics denigrates as deviant, deficient and pathological. An intersectional framework thus recognizes the racist origins of the stigma associated with black single motherhood. Rather than lamenting the large number of female-headed families as a sign of moral decay, the model appreciates that such families possess affirmative qualities of caring and nurturing. It also highlights black women's agency and choice in creating such family structures.

Specific intersectional analysis of the representation of single black mothers locates current vilification within a long history of the racist devaluation of black mothers in American culture. During the early twentieth century, welfare support policies for single mothers deployed race as a marker of moral fitness. The first maternalist welfare legislation excluded black single mothers

188. Crenshaw, supra note 185, at 151-52.
189. Id. at 163-65.
190. Id.
192. See DOWD, supra note 36, at 106.
193. Id.
194. Id. at 106-07.
195. See Brenner, supra note 20, at 122.
196. See id. at 108-09; Roberts, supra note 191, at 875; Roberts, supra note 49, at 1570.
because administrators did not establish programs in regions with
significant black populations and distributed support according to
criteria that disqualified black mothers as undeserving.  Although
black activists subsequently secured gains during the welfare rights
movement, and AFDC eventually extended support entitlements to
black mothers, the image of the "worthy widow" of welfare policy as
deserving white mother persisted in the cultural imagination.

The 1960s-era increase in the number of black mothers on AFDC
rolls who were stigmatized as lazy and irresponsible was linked to
the program's heightened emphasis on behavior modification com-
ponents and work requirements. The presence of women of color
on welfare unsettled the formerly racially exclusionary assistance
program that had originally sought to reward "Anglo American
maternal domesticity."  

It is critical to note that government policy traditionally has
depicted black women as unfit by nature to be mothers. Under an
intersectional feminist framework, such presumptive unfitness can
be traced to the history of slavery, a phenomenon only peripheral to
the concerns of liberal, radical and cultural feminist traditions.
Black women's experiences as slaves complicated their relationship
to both family and work in race-specific ways. First, the public/private sphere analysis integral to mainstream feminist critiques
of employment and the family did not apply to black women's lives
as slaves. The Ideal Worker model analyzed by liberal and
radical feminists similarly excluded black female and male slaves.
The nuclear family, with its gendered division of labor, rarely
existed in the slavery context. The separation of mothers from
children, as well as black mothers' forced performance of maternal
duties for white mistresses' children, devalued black mothers' commitment to their own children. Taking care of their own
children was secondary for slave women and rendered economically
meaningless by the slave society. Although black women worked
industriously for the white family, their labor was by definition

198. Id. One criterion of moral worthiness was marriage, which often functioned as a proxy
for racial distinctions; the government exhorted married mothers to stay at home and care for
their children during the 1950s and 1960s, while welfare officials pushed unmarried,
primarily black mothers into the work force. MINK, supra note 19, at 37.
199. See Brenner, supra note 20, at 112; Roberts, supra note 49, at 1572.
201. See MINK, supra note 19, at 48.
202. See Roberts, supra note 191, at 874-75.
203. See Roberts, supra note 184, at 53.
204. See id. at 56.
205. Id.
menial, primarily physical and juxtaposed with the moral and spiritual labor performed by the supervising white mistress.\textsuperscript{206}

2. \textit{Modern Welfare Policy Encodes Historical Biases}

Current welfare policy's treatment of black single mothers dramatically encodes the historical racist denigration of black single motherhood. Just as slavery undermined black women's motherhood, welfare provisions punish black single mothers. Stringent work requirements, eligibility standards and measures pertaining to reproduction reveal a specific attempt to control the sexuality of black single mothers.\textsuperscript{207} Martha F. Davis believes that the child exclusion policy is based on a race-linked stereotype that women of color avoid marriage and have numerous children while receiving welfare.\textsuperscript{208} In reality, welfare assistance does not strongly motivate mothers to have additional children. A 1994 study, for example, found that fertility rates among AFDC recipients were lower than those of the general population;\textsuperscript{209} another article states that the birth rate of black welfare mothers is the same as the national average.\textsuperscript{210} Yet the myths and stereotypes about black women persist. On a basic level, society's attempt to control black mothers' procreation communicates an ominous message to these women who are represented in the cultural fantasy of welfare reform as the enemy.\textsuperscript{211} Reproductive proposals embody a racist anxiety predicated on a fear that new generations of black children will “only grow up to become drug addicts, criminals, and breeders of the next pathological generation of (poor Black) children, who in turn will breed (poor Black) children.”\textsuperscript{212} The child exclusion policy and other punitive reproductive mechanisms thus devalue black children and by extension the larger black culture.\textsuperscript{213} The pervasive racist intergenerational myth of welfare dependency stigmatizes black children alongside their mothers; they are “born guilty” and their mothers “inevitably pass down to their children a whole set of inferior traits.”\textsuperscript{214} The image of childhood innocence does not apply

\begin{itemize}
\item \textsuperscript{206} \textit{Id.}
\item \textsuperscript{207} See Slaughter, supra note 104, at 2183-84.
\item \textsuperscript{208} See Davis, \textit{\$94 Question}, supra note 80, at 17.
\item \textsuperscript{209} Mark Robert Rank, \textit{Living on the Edge: The Realities of Welfare in America} 74-75 (1994).
\item \textsuperscript{210} Slaughter, supra note 104, at 2184.
\item \textsuperscript{211} See id. at 2183-84.
\item \textsuperscript{212} Id. at 2184.
\item \textsuperscript{213} See Roberts, supra note 191, at 876-78.
\item \textsuperscript{214} Id. at 878.
\end{itemize}
to innately criminal and immoral black children, just as the ideal of spiritual and virtuous motherhood excludes black mothers.215 Through reproductive control of black mothers, the government seeks to contain a moral menace and threat to mainstream white culture.216

3. Class-Based Challenges to the Fair Valuation of Minority Mothers’ Caretaking Labor

Any feminist proposal to provide support for poor black mothers must contend with the racist undercurrents in historical and contemporary understandings of deserving motherhood. The intersectional exploration of black mothers’ compounded constraints due to racism poses a challenge to attempts to value their caretaking labor. As the previous section of this Article suggests, cultural feminist valorization of dependency work, whether through commodification in the form of wages or through government subsidies, affects women of color in distinctive ways.217 The reasons that underpin opposition to the commodification of women's caretaking labor primarily draw on the experiences of white women.218 Positing the home as the site of emotional and affective life, which should remain uncommodified and removed from the market forces of the workplace, makes sense only within the public-private ideology that, by definition, historically excluded black mothers and their children.219 During the slavery era, black mothers were denied the experience of motherhood described by utopian anti-commodification critics as an inalienable practice integral to “our deepest understanding of what it is to be human.”220

More significantly, the eschewal of market language in the context of dependency work ignores the economic reality that such work is already commodified and primarily performed by low-income women of color, many of whom are mothers themselves.221 According to a recent Bureau of Labor Statistics report, a dispropr-
tionate number of individuals who tend children or clean in a private home for pay are black or Hispanic.\textsuperscript{222} Marginalizing these paid domestic workers in debates over the commodification of dependency work allows our culture to construct the unpaid household laborer as the repository of inalienable love and affection.\textsuperscript{223} Additionally, society perceives the dependency work of minority and female paid domestic workers through a racial lens as menial, degraded housework that is juxtaposed with the more valuable spiritual housework of middle-class white mothers, a dichotomy traced to the devaluation of minority women's labor during the slavery era.\textsuperscript{224} In this racialized hierarchy, white, privileged, "spiritual" mothers hire menial minority domestic workers to engage in quasi-maternal care for the white women's children.\textsuperscript{225} Reliance on such menial dependency work enables privileged, spiritual mothers to combine work and family commitments and secure equality with men in the workplace.\textsuperscript{226} In contrast, the minority female domestic workers receive, at best, subsistence pay, lack basic legal protections that cover employees in other professions and are typically unable to provide adequate caretaking for their own children.\textsuperscript{227}

The realities of the dynamic of privileged, spiritual mother and degraded, menial minority mother complicate the possibility of fostering the interdependent society envisioned by cultural feminists such as Kittay.\textsuperscript{228} The privileged mother may fail to recognize that her own independence in the waged labor market depends on the caretaking labor provided by the minority mother, just as independent male workers may blind themselves to their dependence on the caretaking provided by their spouses. Connection-based equality, which posits that individuals are all located in nested dependencies,\textsuperscript{229} may be an elusive ideal. Labeling the dependency work that minority women perform for privileged mothers as menial minimizes and stigmatizes such caretaking labor. Yet such labor possesses dignity and worth equal to that of so-called moral or spiritual caretaking; indeed, both kinds of labor are integral

\textsuperscript{222} See Silbaugh, \textit{supra} note 179, at 112 (citing \textit{BUREAU OF LABOR STATISTICS, U.S. DEPT. OF LABOR, EMPLOYMENT AND EARNINGS MONTHLY, JANUARY 1994}, tbl. 649 (Jan. 1994)).

\textsuperscript{223} See \textit{id.} at 103.

\textsuperscript{224} See Roberts, \textit{supra} note 184, at 70-71.

\textsuperscript{225} \textit{Id.} at 56.

\textsuperscript{226} \textit{Id.} at 77.

\textsuperscript{227} \textit{Id.} at 74; see Silbaugh, \textit{supra} note 179, at 113.

\textsuperscript{228} See Roberts, \textit{supra} note 184, at 77, 80.

\textsuperscript{229} \textit{Id.}
components of mothering. Privileged mothers need to accord the labor provided by minority caretakers increased value in monetary terms. Decent wages, as well as reasonable work schedules, would signal appreciation and proper valuation of minority women’s caretaking labor. Valuing such labor in monetary terms would not debase it or strip mothering of its emotive and affective dimensions; it is possible to imbue caretaking with “plural meanings” that encompass both market and non-market understandings.

It is unclear how best to encourage privileged mothers to value the caretaking work performed by paid minority women. Asking such women to pay higher wages to dependency workers would undermine their own financial status. Through paying subsistence wages, such privileged women have “resolved the problem of housework on the backs of poor and working-class women of color.”

One can speak of interdependence and cross-class alliances in utopian terms, but the fact remains that it is in privileged women’s self-interest to relegate minority caretakers to impoverishment. If privileged women realize that they cannot perform successfully in the waged-labor market without such dependency work, they might agree to offer their minority caretaking employees higher wages. Thus, an appeal to self-interest might actually ameliorate the financial condition of such minority domestic workers.

Improvement in wages might lead mainstream society to abandon the pejorative term “menial” in favor of a more positive characterization. Unfortunately, such a reform would not adequately value these minority caretakers. The privileged woman would likely provide only a modest increase in wages and benefits in order to preserve her own financial resources. The minority caretaker’s livelihood might marginally improve, but the troubling hierarchy between spiritual and menial caretaking would remain essentially undisturbed. The minority caretaker would toil during the day for slightly better wages while the privileged mother would earn markedly higher wages during the day and return to function as moral, spiritual mother in the evening.

It is critical to remember that some of the minority women in these caretaker positions are single mothers. If privileged women prioritize their own children’s needs and discount the caretaker’s family responsi-

230. Id. at 55-56.
231. See generally Silbaugh; supra note 179 (discussing the multiple understandings addressed by Margaret Jane Radin).
232. See Roberts, supra note 184, at 80.
233. See generally Roberts, supra note 49 (discussing universal welfare programs in the context of the mainstream population’s self-interest).
234. See Roberts, supra note 184, at 58.
bilities, they contribute to the devaluation of single minority mothers.\textsuperscript{235}

An analysis of the obstacles to support for poor single minority mothers must give weight to this tension between privileged women and minority women. More significantly, the compounded pressures faced by single minority mothers along the axes of race and gender highlight the problems inherent in the issue of government support. Given the pervasive racist devaluation of black motherhood, it would be hard to imagine the government providing subsidies to poor black mothers to stay at home and care for their children.\textsuperscript{236} The history of welfare policy has heightened the perception of black women “as other people’s workers rather than their own families’ mothers.”\textsuperscript{237} Female lobbyists with the ability to influence welfare policy might choose to oppose such subsidies and thus align themselves with the privileged women described above who rely on the paid caretaking services of minority women.\textsuperscript{238}

4. Challenges That Minority Single Mothers Face Within the Minority Community

Because of the class and race tensions outlined above, reforming the low-wage labor market in the manner suggested by Handler and Hasenfeld\textsuperscript{239} may prove to be a viable alternative for poor minority single mothers. Despite its drawbacks for minority women, including poorly-paid “women’s” job opportunities and the likelihood of employment discrimination, this market may provide them more support than the welfare system, which continues to dismiss the value of black women’s maternal labor. A labor-market reform approach also promises the possibility of intra-race alliances within the black community.\textsuperscript{240} The work ethic espoused by Handler and Hasenfeld and, as they note, the majority of Americans, certainly resonates among blacks.\textsuperscript{241} William Julius Wilson, a prominent black scholar, traces inner-city problems such as crime, family

\textsuperscript{235} Id. at 64.

\textsuperscript{236} See Roberts, supra note 191, at 874.

\textsuperscript{237} See MINK, supra note 19, at 23-27.

\textsuperscript{238} See Roberts, supra note 184, at 52.

\textsuperscript{239} Id.

\textsuperscript{240} For a discussion of the black community’s self-help approach to welfare reform during the 1980s see Brenner, supra note 20, at 121-22.

dissolution and welfare to the lack of attachment to the formal labor market. Regular and stable employment anchors the individual and "endorse[s] a system of personal and material rewards associated with dependability and responsibility." Criticizing PRWORA's time limits, which will push former recipients into a labor market already filled with low-skilled, unemployed individuals, Wilson recommends job creation as a means to reattach individuals to the labor market and reaffirm the work ethic.

It is useful for intersectional feminists concerned with the plight of black single mothers to consider the analyses of black male critics such as Wilson. Job creation is indeed essential to the amelioration of the status of poor and black men, women and children. Intersectional feminists, however, are sensitive to the fact that just as mainstream feminism has marginalized issues of race, so black critics have downplayed gender inequities in their race discussions. Such critics have privileged marriage and relationships with fathers in ways that recall the language of welfare policy and pose problems on feminist grounds. In his 1987 study, The Truly Disadvantaged, Wilson laments the growth of female-headed families in the black community and attributes it to the lack of "marriageable," economically stable, black men. In the words of intersectional feminist Kimberle Crenshaw, Wilson's emphasis on the need to "put Black men back in the family" posits female-headed households as "dysfunctional per se" and fails to consider ways to provide such families affirmative support.

Wilson's approach "pit[s] black women against black men" and undermines the possibility of intra-race support for black single-mother families.

In a more recent study, When Work Disappears, Wilson elaborates on male-female tensions within the inner-city black community and links poor job opportunities with the rise of out-of-wedlock births and decline of marriage. He notes that the community does not strongly support the husband-wife relationship

242. Id. at 90.
243. Id. at 91.
244. Id. at 105.
245. See Crenshaw, supra note 185, at 166.
246. Id. at 154, 166.
248. See Crenshaw, supra note 185, at 165.
249. See Austin, supra note 51, at 567.
and that male-female relationships in both marital and non-marital contexts are often antagonistic.\textsuperscript{251} Black single parents feel declining pressure to commit to marriage and thus engage in "temporary liaisons" that result in out-of-wedlock pregnancies and births.\textsuperscript{252} In a context in which young individuals face bleak prospects in employment and relationships, Wilson asserts that the absence of pressure to "resolve" such pregnancies through marriage has "resulted in an explosion of single-parent families."\textsuperscript{253} Although Wilson is sensitive to the structural constraints faced by such inner-city youth, particularly economic barriers, his emphasis on marriage as a panacea mirrors the "family values" rhetoric of PRWORA that stigmatizes nonmarital families.\textsuperscript{254} As in his earlier work, this study does not treat single-parent families as deserving family forms.

In addition to pro-marriage rhetoric, intersectional feminists must consider the recent proliferation of fatherhood initiatives in the black and mainstream communities. The black fatherhood initiatives draw partly on Wilson's philosophy and address the historical phenomenon of the racist devaluation of black men and black fatherhood.\textsuperscript{255} While these initiatives admirably seek to support low-income and welfare fathers and encourage responsible fatherhood,\textsuperscript{256} they may have unsettling implications for the condition of poor black single mothers. In 1999, the National Center for Strategic Nonprofit Planning and Community Leadership sponsored The Politics of Fatherhood: A Video Conference, which focused on the challenges facing low-income, low-skilled fathers.\textsuperscript{257} Its keynote speaker was Wilson, who reiterated his themes about the tensions between black males and females and both groups' ambivalence toward marriage.\textsuperscript{258} He noted that the father's inability to find employment undermines his self-confidence and leads to troubled relations with the child's mother.\textsuperscript{259} The man's behavior in turn "often results in convenient rationalizations . . .

\textsuperscript{251. Id. at 98.}  
\textsuperscript{252. Id. at 105.}  
\textsuperscript{253. Id. at 107.}  
\textsuperscript{255. Id.}  
\textsuperscript{256. Id.}  
\textsuperscript{257. Id.}  
\textsuperscript{258. See Cheryl Wetzstein, Billions for Fatherhood Effort Urged, but Hill, White House Aren't Sure Where to Spend Money, WASH. TIMES, Mar. 24, 1999, at A4, 1999 WL 3080940.}  
\textsuperscript{259. Id.}
that reject the institution of marriage.\textsuperscript{260} According to Ronald B. Mincy, a black male and program officer of the Ford Foundation's fatherhood initiative, the black community must address the "virtual silence of black women" on what role they want fathers to have.\textsuperscript{261}

Initiatives to ameliorate black low-income fathers' positions have been accompanied by more mainstream government and community-based support of low-income fatherhood. Two types of fatherhood initiatives have emerged, and marriage figures as a subject in both schools. "Responsible fatherhood" programs promote a cultural, often faith-based, model that features "marriage as an explicit, even indispensable goal."\textsuperscript{262} The second type focuses on "fragile families" and believes that marriage is not a feasible objective until the men become "more marriageable."\textsuperscript{263} The philosophy of the first school appears to have animated a key congressional effort regarding fatherhood. Republican Representative E. Clay Shaw, the chief architect of PRWORA, recently expressed his intention to reintroduce a "Fathers Count" bill that would allocate two billion dollars to a program for inner-city fathers.\textsuperscript{264} Community groups, including religious foundations, would use the funds to provide poor fathers employment training, parenting advice and encouragement to marry.\textsuperscript{265} According to Shaw, "if you're going to solve the problem of poverty, you've got to do what you can to make these guys marriage material."\textsuperscript{266} Shaw hoped that the community outreach programs would assist fathers with employment and help them reunite "with their children and, where possible, with the children's mother."\textsuperscript{267}

It is certainly vital to concentrate on uplifting black low-income fathers. The various fatherhood initiatives seek to dismantle the stigma of the "deadbeat dad" and address the complex socio-economic factors that often prevent low-income fathers from assuming responsibility for their children. The emphasis on marriage in both mainstream and black fatherhood initiatives,


\textsuperscript{261} Wetzstein, supra note 258.


\textsuperscript{263} Id.

\textsuperscript{264} See McCombs, supra note 260.

\textsuperscript{265} See DeParle, supra note 262.

\textsuperscript{266} Id.

\textsuperscript{267} See McCombs, supra note 260.
however, as a “solution” to poverty is debilitating to the understanding of black single-mother families as a deserving and affirmative family form. Wilson’s and Shaw’s championing of marriage recalls Fineman’s assessment of welfare discourse as the problem of the missing male. Shaw’s hope that his legislation would help reunite fathers with mothers undermines the mother’s right to autonomous decision-making and independent family formation in the manner traced by the liberal feminist approach discussed in Part IV.A of this Article. Admittedly, the fatherhood initiatives seek to assist poor men who fail to provide child support, and children of single mothers would certainly benefit from additional financial resources. Nevertheless, the programs seem to discount the issue of the mothers’ freedom of choice and association, a criticism that liberal feminists have raised concerning mandatory paternity provisions. As intersectional feminist Crenshaw expressed in her analysis of Wilson’s research, a comprehensive “theoretical and political agenda for the Black underclass must take into account the specific and particular concerns of Black women.”

Although Wilson and other fatherhood initiative proponents claim an intent to ameliorate the plight of the black family, and more generally the black community, their proposals’ focus on marriage minimizes the perspectives of black single mothers. Additionally, the promotion of marriage as a solution to poverty and positive family functioning runs counter to sociological and psychological research, which indicates that family form does not correlate with family function or developmental health. Notwithstanding such findings, which apply across race and culture lines, the black community indeed has unique concerns, particularly in terms of economic disenfranchisement and marginalization. Given the stringent time limits of PRWORA, which mean that poor black single mothers will be required to work at underpaid positions, as well as the lack of affordable child care, a phenomenon further constraining the ability to combine parenting and work, the prospect of a “financial and parenting partner” may be beneficial. Fatherhood initiatives, however, must engage black fathers and single black mothers in dialogue. The interests of women’s groups and feminist scholars that valorize single motherhood and of fatherhood

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268. See discussion supra Part IV.C.1.
269. See National Center for Strategic Nonprofit Planning and Community Leadership Conference, supra note 251.
270. See MINK, supra note 19, at 77.
271. Crenshaw, supra note 185, at 166.
272. See DOWD, supra note 36, at xv.
273. See DeParle, supra note 262.
initiative groups that seek to rehabilitate black fathers need not conflict. It is doubtful, however, that a marriage platform is the best mechanism to protect and support black single-mother families and safeguard the future of the low-income black community. Ensuring the stability of the black community through the formation of stable marriages is an understandable goal, but society must not purchase such stability at the price of silencing black single mothers and stigmatizing black single-mother families.

V. CONCLUSION

The four feminist models explored in this Article provide compelling readings of the representation of single motherhood in welfare discourse. PRWORA and its predecessors encounter challenges on liberal, radical, cultural and intersectional feminist grounds. The intrusions on poor women’s autonomy and exercise of choice explored by liberal feminist analysis and the exposure of welfare policy as the embodiment of a gendered hierarchical notion of independence and employment by radical feminism contribute to our understanding of the vilification of single motherhood. A feminist attempt at providing support for poor single mothers should particularly highlight the concerns reflected in the cultural feminism and intersectional feminism approaches. Welfare debate would benefit from an infusion of the philosophy of interdependence and connection articulated by Fineman and Kittay. Viewing poor single mothers in inclusive, affirmative terms as individuals who require support, as do all members of society, would remove the stigma of pathology currently ascribed to them. The specific kind of dependence that they require, namely government assistance, should not be used to relegate them to a debased position at the margins of society. Rights that accommodate mothers’ caregiving should “widen options by respecting differences among citizens” and by appreciating mothers’ caretaking labor. These women are dependent because of the valuable caretaking labor that they provide, and welfare policy must recognize the dignity and worth of their contributions.

Implementing this valuation of dependency work, however, is problematic. In theory, providing support to caretaking mothers is appealing because it reflects societal appreciation of their labor.

275. See discussion supra Part IV.A.
276. See discussion supra Part IV.B.
277. See discussion supra Part IV.C.1.
278. See MINK, supra note 19, at 32.
Additionally, such caretaking is more valuable and worthwhile to these mothers than an underpaid and unstable job in the wage-labor market whose structural dynamics are insensitive to the competing family and work obligations that single mothers face. Given the multiple constraints in employment and the lack of affordable child care, women often fare better in a material sense on welfare than as workers in the wage-labor market. The fact that available jobs are often dead-end, menial positions that do not train workers for advancement into better-paying, skilled positions strengthens the case for support of these mothers' caretaking labor.

Although proposals that provide government assistance for such domestic labor are attractive in theory, feminists should instead focus their attentions on reform of the low-wage labor market. The work ethic and attachment to the formal labor market are values that a substantial percentage of Americans favor: rich and poor, men and women, minority and majority populations. Strategically, advocates of poor single mothers may secure greater gains if they link the pressures faced by these women to those encountered by all low-income individuals and families. In the political arena, which is dominated by middle-class white men and women, a universal program directed at the group of working poor may elicit broad support. The danger of carving out a unique program of support for single mothers is that it may create gender, race and class divisions. Middle-class females may distance themselves from a proposal targeting poor mothers and condemn such women for failing to succeed as independent and self-sufficient individuals. They may view a targeted proposal as sexist, protective, “women’s work” legislation. Such middle-class women might feel that government support of home caretaking would threaten their own achievements in the wage labor market. Problems along the axis of race would further undermine attempts at a proposal geared toward single mothers. The pervasive devaluation of black mothers, who form a significant percentage of poor single mothers, would factor into any discussion of whether the government should support single mothers' caretaking labor. Even if the government were to permit such subsidies, the support would likely be minimal, a grudging subsistence level that would reflect racist disapproval of these mothers' caretaking. The fact that paid caretaking in the labor market is primarily done by minority mothers and is associated

279. See supra notes 124-26 and accompanying text.
280. See HANDLER & HASENFELD, supra note 5, at 217-18.
281. See MINK, supra note 19, at 24-25.
with blacks in the cultural imagination would translate into limited subsidies. 281

An alternative to government subsidy support might take the form of wages for mothers who participate in caring for their children. This approach also might be defeated due to class, race and gender obstacles. As discussed in Part IV of this Article, support for the commodification of low-income single mothers’ labor is vital because the market can provide these women crucial economic benefits that outweigh the harm posed to ideas of selfhood and the affective or emotional components of caretaking. Additionally, as noted in Part IV, such caretaking is already commodified when performed by paid laborers who are primarily women of color. Anti-commodification arguments, therefore, have little place in the question of the valuation of caretaking labor. American culture, however, wishes to preserve the myth that motherhood and caretaking cannot be alienated or monetized.282 In the interest of retaining this myth, which resonates as powerfully as the myth of the independent, self-sufficient worker, the federal government may resist attempts to provide decent wages for caretaking.283 In the government’s eyes, caretaking for one’s own children should be beyond commodification and distinct from caretaking for other children, a problematic (and, in practice, racist) theory that reinforces the spiritual/menial hierarchy outlined by Dorothy Roberts.284

Apart from political coalition-building strengths, an emphasis on reform of the low-wage labor market has key practical features. The majority of Americans participate in the formal labor market. Admittedly, the present market has serious flaws; ideally, however, it inculcates feelings of dignity and self-worth that relate to skill development, discipline and responsibility. In American society, the individual’s paid employment is a significant measure of his/her respect and value. Although a mother who engages in full-time caretaking similarly acquires a sense of discipline and responsibility, her labor lacks the public dimension, the opportunity for skills development and the preparation to work with peers and superiors that the wage labor market offers.285

282. See Silbaugh, supra note 179, at 113.
283. Id.
285. See MINK, supra note 19, at 24-25 (drawing on feminist understandings of women’s need to immerse themselves in the public sphere).
If a low-income mother receives a government subsidy to care for her child for a long-term period, she may disable herself from future participation in the labor market at a decently-paid level. Given its gender biases, the market will devalue the skills that she obtains as a caretaker and may perceive her caretaking skills as inadequate preparation for the public-oriented work with other adults that characterizes the bulk of labor market employment. Stay-at-home caretaking is, of course, good preparation for paid caretaking in the labor market, but as traced above, paid caretaking is poorly compensated as minority "women's work." In an ideal world, the skills obtained through experiences as a caretaker, either for one's own children or another family's children, would be appreciated and valued. A radical feminist approach would view the actual pay disparity as part of the gendered hierarchy that subordinates women for their failure to compete successfully in the male-dominated labor market. Poor single mothers should not restrict themselves from adequately compensated employment through long-term full-time caretaking, even if the government provides them a subsidy. In our society, immersion in the paid labor market provides the only hope, albeit a mere faint glimmering in the case of low-income individuals, for improvement in material well-being.

Reform of the low-wage labor market is a formidable task. Reform proponents advocate such measures as a modest increase in the minimum wage, supplementary income through the earned income tax credit and improvement in the accessibility of affordable child care. Affordable child care is an essential component of ensuring that single mothers can meet their parenting and work responsibilities under PRWORA. An affordable child care platform has strategic merit in the political arena because it appeals to all women, low-income and middle-class, who seek to balance work and family commitments. Middle-class women historically have championed child care initiatives because they have felt economically burdened, albeit to a lesser degree than low-income single mothers, by increasing child care costs. Such costs have undermined their ability to participate successfully as Ideal Workers in the wage labor market. An initiative directed at all mothers across class and race lines might thus aid low-income single mothers. One must ensure, however, that affordable child care does not translate into increasingly depressed wages for the

287. Id.
288. See Handler & Hasenfeld, supra note 5, at 213.
289. Id. at 207-08.
290. Id.
predominantly minority caretakers, many of whom are mothers, in private employment contexts and reinforce the spiritual/menial opposition described by Roberts. The government must provide regulations that ensure these caretakers a minimum of legal protections and decent wages.

Finally, as progressive scholars of the labor market note, reform of the labor market must be sensitive to the issues of race and gender discrimination historically faced by single mothers. Raising the minimum wage and providing affordable child care will only solve part of the problem. As the intersectional feminist approach illustrates, there are hidden, subtle barriers associated with the long devaluation of minority mothers. Feminists of color may benefit from alliances with male minority activists in the struggle to overcome racial hurdles. Black organizations' focus on the need to strengthen the work ethic and create jobs in the inner cities may provide a starting point for an intra-race dialogue between black women and men. The fact that both single mothers and low-income fathers face race discrimination in employment is an issue that black men and women must address. More generally, fatherhood initiatives and black women's advocates must determine the best way to unite concerning the amelioration of the status of both black single mothers and low-income fathers.

291. Id.
292. See supra note 272 and accompanying text.
293. Roberts, supra note 184, at 70-71.