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THE NATURE OF DEPENDENCIES AND WELFARE "REFORM"

Martha Albertson Fineman*

I. INTRODUCTION

As a nation, this is one of our definitive moments. We are making determinations about our social welfare system with significant and widespread implications for the weakest and most defenseless Americans. It is widely understood that the social safety net is being torn apart by the rhetoric of budget necessity and professed American moral values. Yet, most of us stand outside of the debate, complacent or paralyzed in disbelief as our political leaders substitute market ideology for moral responsibility and sacrifice "realities" to symbol and myth.

The articulated assumptions and assertions advanced for the proposed changes in welfare must be challenged. Various academics and other researchers have produced a multitude of studies questioning the premises behind putting welfare mothers to work and indicating that punitive measures designed to curtail reproduction do not work.¹ These scholarly efforts at providing empirical information relevant to the current political debates are not widely reported in the media, nor do they persuade in the legislature. This particular set of reforms seems driven by ideology as uncomplicated by empirical studies as it is resistant to appeals for caution and compromise in the name of compassion.²

Words such as "dependency" are thrown into discussions in order to cut off debate. They are rhetorical gauntlets understood as unambiguous and devastating challenges to the

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1. Many of these studies are collected and analyzed in LOOKING BEFORE WE LEAP: SOCIAL SCIENCE AND WELFARE REFORM (R. Kent Weaver & William T. Dickens eds., 1995).


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existing welfare system. But "dependency" and analogous stigmatizing words and phrases are not unambiguous. Misuse of such terms to neatly divide Americans into categories such as the "righteous independent taxpayer" and the "deviant undeserving dependent welfare recipient" should not be allowed to substitute for a principled inquiry into what should be the nature and extent of state responsibility for the economic and social well-being of all citizens in this country.

In such an inquiry, we should not be deluded about those things that unite us as human beings — characteristics such as the nature and extent of dependency. We should also not be deluded by the resort to simplistic, but impractical, "solutions" for politically-defined social problems by those who complacently assert that private solutions will resolve the problems of dependency emerging at the end of the twentieth century.

II. Dependencies and Subsidies

The fact of subsidy is not remarkable. The question is why we stigmatize some subsidies, but not others. Relevant to the answer is the role of the mythical, idealized family in our society. The family serves on an ideological level as the alternative to collective responsibility for dependents. This family (which is hierarchical and patriarchal) is an abstraction which is central to the creation and maintenance of our unequal and unjust system of allocating societal resources. The family is the unit to which the collective responsibility for caretaking has been delegated.

I use the term "unjust" in the context of the lack of societal support for family units that deviate from the traditional nuclear family norm. So, while all families need and receive resources so they can care for children and other dependent members, only some families receive unstigmatized assistance.

Therefore, the place to begin a discussion about welfare, child poverty, and reform is with the observation that we all are dependent on public subsidy in the United States. We all live subsidized lives, whether the subsidies come from the government in the form of direct assistance, such as Aid to Families With Dependent Children (AFDC), or indirect
assistance, such as exemptions, child care deductions, and other tax breaks for wage-earning families.\(^3\)

There are also incentives or private subsidies that have implications for the public purse. The provisions for untaxed health benefits and spending accounts for medical and child care expenses mean that workers gain compensation but do not pay taxes on a percentage of this compensation. The point is that the government loses potential general revenues in order to support some policies and programs designed to assist families. Lost revenues have to be supplemented by taxation on other endeavors and sources of income. Whether the money is collected and distributed or never collected at all, the resulting loss of public revenue to family “preservation” is the same.

In trying to reveal the existing subsidies to certain families to show that there is unfulfilled collective responsibility for all children and other dependents, I challenge the dominant way of understanding the allocation of responsibility for dependency in American society. Families must be understood as functional social institutions with defined responsibilities.

3. Politicians have whipped public sentiment to frenzied levels with rhetoric that distorts and misleads about basic statistics. Little of the federal expenditures actually go to AFDC. Recent figures set the amount at one percent of the federal budget, or three percent if food stamp expenditures are also calculated into the mix. See Marlene Andrejco, *A New Contract Is Needed that Will Favor the Poor and Combat Poverty*, Pittsburgh Post-Gazette, May 11, 1995, at A18; Ruth Rosen, *Which of Us Isn't Taking 'Welfare': Poor Children Rank Low in Government Largess; Why Is the Comfortable Class So Mean?*, L.A. Times, Dec. 27, 1994, at B7.

This amount should be contrasted with the amounts involved in subsidies to the middle class such as student loans, VA or FHA mortgages, untaxed employer contributions to pension funds and health insurance programs, deductions for mortgage interest, as well as the vast public subsidies for highway construction, savings and loan bailouts and farming. See Rosen, supra (maintaining that as recipients of such widespread federal assistance, “we are all welfare recipients”). These are just a few examples of funded programs that give unstigmatized benefits to some members of society.

It is interesting to note further that recent attempts to reform the farm subsidies were unsuccessful in the Senate. See *Down on the Farm: Failure to Weed Out Subsidies Means It's Agribusiness as Usual*, Cincinnati Enquirer, Sept. 26, 1995, at A6; Roger Runningen, *Congress Will Keep Subsidies, Lott Says*, Commercial Appeal (Memphis), Oct. 6, 1995, at 4B. Senators from farm states blocked attempts to make significant reductions in agricultural price and income subsidy programs that currently amount to $14 billion in federal expenditures. See Runningen, supra.
Within families there is an entrenched system of injustice, found in the important, but invisible, type of subsidy of uncompensated family labor. This labor needs to be explicitly part of the public discussion about dependency. This is the subsidy of time and energy that occurs when others sacrifice market participation in order to facilitate the endeavors and success of those for whom they care. Caretaking work is taken for granted. Labor overwhelmingly supplied by women working as mothers, wives, and daughters is not considered in calculating the gross national product. The recipients of this type of subsidy are not taxed on the value they receive and do not consider themselves dependent as a result of the donation of another's time and effort. This labor substitutes for, and relieves the necessity of, collective responsibility for dependent citizens.

Given the important social role of the family as the primary caretaking institution, it seems logical that our core or essential family connection should not be the sexual or reproductive affiliation exemplified by marriage, but rather the nurturing, caretaking relationship between a mother and a child. Furthermore, the most important governmental question should be: “How can we devise policies that assist the family in its caretaking role?” Governmental assistance is justified by the family’s assumption of responsibility for dependents. Explicit attention to the nature of dependency and its delegation to the family should bring the question of state responsibility to the center of the welfare reform discussion.

In this discussion, it should constantly be made clear that dependency is both inevitable and universal. These, however, are conclusions about dependency that are not widely shared in our society. In fact, there is a schizophrenic quality to the interaction between social ideals about dependency and what actions interfere with, frustrate or evade that goal.

4. See infra note 15 and accompanying text.
5. I use mother-child as a metaphor for the caretaker-dependent relationship. In doing so, I mean to include all potential dependency relationships found within the family context. Thus, “mother” is one who does caretaking regardless of her or his sex, or actual parental status, and “child” includes children as well as the ill, frail, elderly, and disabled who are in need of caretaking.
6. This point is consistent with my earlier assertion that there is a fundamental obligation in a just society for the collective to provide for its weaker members. That responsibility may be carried out in smaller social units, such as families, but the obligation cannot be ignored. Therefore, the relevant policy question should be what policies are consistent with the fulfillment of collective responsibility and what actions interfere with, frustrate or evade that goal.
dency and empirical observations when it comes to poverty and welfare reforms. Specifically, our society mythologizes concepts such as "self-sufficiency," "independence," and "autonomy," and vilifies the concrete indications all around us that these ideals are unrealizable and unrealistic. Those members of society who manifest the realities of dependency, because they are unable to mask it by retreat into contrived social institutions such as the family, are rendered deviant by our discourse. They are stigmatized and subjected to scorn for embodying the reality of dependency our society would deny.

To list the societal myths of self-sufficiency, independence, and autonomy calls to a feminist mind the levels of self-delusion inherent in the welfare debates. In press conferences, photo opportunities, and the halls of Congress, parades of politicians and pundits have been sitting in judgment of welfare mothers. These mostly white, male, privileged, and powerful people employ stereotypes to demonize poor women to justify punishing them and their children for failing to succeed in a system that makes their success impossible.

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7. See Martha Albertson Fineman, The Neutered Mother, the Sexual Family, and Other Twentieth Century Tragedies 101-23 (1995) (discussing the perception of single motherhood as deviant).
8. See id.
9. The image of the welfare queen is just one example of this distortion. Others include the assertion that the typical woman on welfare has numerous children, primarily to receive benefits. In reality, the birth rate for these women is essentially the same as for the typical American family. See Mimi Abramovitz & Fred Newdom, Women on Welfare — Myths and Realities, Resource: Women, Work & Welfare (The Women's Resource Center of New York, Inc., New York, N.Y.), Jan. 1995, at 8 ("The typical welfare family is comprised of a mother and two children, slightly less than the size of the average family in the United States."). Studies demonstrate that the birth rate among women on welfare is unrelated to the amount of assistance available. In 1994, 76 leading researchers concluded that AFDC is not a principal factor affecting out-of-wedlock births.

Most research examining the effect of higher welfare benefits on out-of-wedlock childbearing and teen pregnancy finds that benefit levels have no significant effect on the likelihood that black women and girls will have children outside of marriage and either no significant effect, or only a small effect, on the likelihood that whites will have such births . . . . [T]he evidence suggests that welfare has not played a major role in the rise in out-of-wedlock births.

rhetoric asserts that it is appropriate to single out these women for criticism and attack them because they are "dependent."  

What would happen if, instead of condemning these women, we took the opportunity presented by a failing welfare system to look at the dimensions of dependency, considering it as the complex, multifaceted and variable social phenomenon that it is. My guess is that, were such an exploration undertaken, it would not be as easy to resort to derogatory rhetoric, nor to assume pathology whenever dependency was discovered.

We must begin with the recognition that dependency is both inevitable and universal. By this assertion I mean to highlight that dependency is inevitably associated with infancy and often accompanies old age, illness, and many disabilities. Dependency is, therefore, a natural part of all human experience. Dependency is universal and inevitable in our individual lives and inherent in the human condition. In this sense, dependency is biologically based.

Biological dependency is not considered pathological in our society. Children are the most appealing example of biological dependents. They are symbolic innocents who are perceived as having a legitimate claim to the resources of others. There is a near consensus in America that inevitability of dependency, see Fineman, supra note 7, at 161-63.

I do not mean to include psychological or economic dependencies into this category. I realize that these types of dependency may accompany the kind of biological and developmental dependency I am trying to describe, but I do not view them as inevitable and universal.

Much of the criticism regarding recent attempts at welfare reform highlights the harm of such proposals to "innocent children." See, e.g., Jim Ash, Gannett News Serv., May 4, 1995, available in LEXIS, Nexis Library, GNS File ("Critics argued bitterly that [Florida's Family Cap] would punish innocent children . . ."); Dan Meyers & Jeffrey Fleishman, The Face of Welfare Lost in All the Talk About Reform are the Real Victims — Millions of Poor People Trapped in a System that Doesn't Work, Atlanta J. & Const., Feb. 19, 1995, at C1 (asking what obligation taxpayers owe to children dependent on AFDC, "who are the innocent victims of adult decisions"); Tax Credit Discourages
ble dependents are not to be punished, at least not directly. In terms reminiscent of the welfare debates of past generations, inevitable dependents are viewed as the "deserving poor."

However, there is a problem if we concede that inevitable dependents are deserving and have legitimate claims on resources. To whom may or must they turn? This question raises theoretically problematic consequences of inevitable dependency. Caretakers of inevitable or biological dependents are themselves often dependent on the resources of others to be able to provide that care. I call this type of dependency "derivative dependency."\textsuperscript{14} There is no societal consensus that the derivative dependent has a legitimate claim to social resources. In fact, in the context of the welfare debate and the attention directed to the increased rate of single motherhood, our society has rejected the notion that caretaking supplies a justification for societal resources.

Yet, it seems a simple, irrefutable observation that caretakers need resources to perform their caretaking functions and are often dependent on others as a result. This derivative dependency is socially produced, defined, and assigned. Caretakers are referred to the private family for resources. In continuing to automatically allocate dependency to the private sphere, we forego the opportunity to develop a theory of collective responsibility for children and other dependents. Our ideology of independence and autonomy has funneled the needs and claims of derivative dependency away from the state to the nuclear family. Derivative dependency has historically been privatized and kept hidden as a widespread social phenomenon worthy of public attention and resources.

In our society, derivative dependency, while not universal or inevitable, is gendered. Caretakers, within as well as without the family, are typically women.\textsuperscript{15} Women are so-

\textsuperscript{14} For further discussion of "derivative dependency," see FINEMAN, \textit{supra} note 7, at 162-63.

\textsuperscript{15} \textit{See} Ann Laquer Estin, \textit{Maintenance, Alimony, and the Rehabilitation of Family Care}, 71 N.C. L. Rev. 721, 780 (1993) (stating that most caregiving costs fall disproportionately on women).
cially assigned their caretaking roles as wives, mothers, and daughters within families. They are also overwhelmingly found in caretaking positions as the “hired help” receiving low wages, and typically no social security or other benefits. Women are the societal caretakers within the uncompensated sphere of the private family. To continue to consider dependency a private matter and not compensate caretakers is an injustice that has serious implications for all women and children.

III. INCONSISTENT AND INCOMPATIBLE POLITICAL RESPONSES

In what sense is this assignment of the burdens of inevitable and derivative dependencies to women who are uncompensated or undercompensated just? At a minimum, if dependency is inevitable and there is a larger societal obligation to care for dependents, then we must value caretakers and reward caretaking. Provisions for justly sharing our collective responsibility for the dependent and weak should be the basis of our politicians’ “Contract with America,” not the mean-spirited measures recently passed as reforms in both houses of Congress.

16. The social assignment of dependency is even more pronounced (and less challenged) when it comes to care for the elderly or ill. Daughters (or daughters-in-law) are those to whom elderly parents look for expected accommodations. See, e.g., Hilde Lindemann Nelson & James Lindemann Nelson, Frail Parents, Robust Duties, 1992 UTAH L. REV. 747.


18. See generally Estin, supra note 15, at 776 (“[C]aregiving remains invisible... because the law construes family care as a matter of love and obligation, not... personal choice or arm’s-length bargaining.”); Reva B. Siegel, Home as Work: The First Women’s Rights Claims Concerning Wives’ Household Labor, 1850-1880, 103 YALE L.J. 1073, 1214 (1994) (“Today... it is women who perform the work of the family, women who seek to escape the work, and women who eke out a living performing the work — for other women.”). See also Joyce Davis, Enhanced Earning Capacity/Human Capital: The Reluctance to Call It Property 16-17 (manuscript on file with author).

19. Last March, the House passed a bill that would amend the Social Security Act to deny assistance to children born to young women under eighteen years of age; limit the amount of money that can be spent on the poor regardless of need (block grants); cut over $18 billion from food assistance programs — including food stamps; Women, Infants, and Children Program (WIC); and school lunch/breakfast programs — over the next four years, and end the entitlement status of these programs. When the state runs out of money, people will be placed on waiting lists and will be denied benefits no matter how destitute they are. See Ways and Means Committee Backs Block Grants, WELFARE REFORM NEWS (Center on Social Welfare Policy and Law, New York, N.Y.), Mar.
Fulfilling our societal obligation in a just manner will, of necessity, have some redistributive (or market-correcting) consequences. As those who currently care for inevitable dependents, at substantial costs to themselves, are finally compensated, economic resources will be reallocated. Most of the movement will be from those who occupy stereotypical male (or market) positions to those who perform stereotypical female (or caretaking) roles, but there will also be significant implications for the existing economic disparity between white and black communities as well.

Instead of looking at dependency as natural and inevitable, and considering pragmatic responses framed in terms of justice given empirical realities, our policymakers resort to the rhetoric of failed social institutions, such as traditional marriage. They also unrealistically rely on the market to provide opportunities for maternal work.

The solution most often offered for inevitable and derivative dependency in the welfare debate seems to be marriage, or, if there is a refusal or inability to marry, the establishment of male economic responsibility through paternity proceedings and child support. Maternal work serves as a fail-safe measure.

1995, at 1-4 [hereinafter WELFARE REFORM NEWS]. One assumes that it is at this stage that children will be removed from their homes and placed in orphanages.

The Senate’s plan for welfare reform, passed on September 19, 1995, includes similar provisions eliminating the federal guarantee of assistance to poor families, and substituting unlimited federal support with block grants to the states. Robin Toner, Senate Approves Welfare Plan that Would End Aid Guarantee, N.Y. TIMES, Sept. 20, 1995, at A1, B9. Unlike the House bill, however, the Senate bill would give the states the discretion to deny assistance to children born to unmarried teenage mothers and to additional children born while the mother is on welfare. Where the Versions Differ, N.Y. TIMES, Sept. 20, 1995, at A1. Further, the Senate bill, unlike the House bill, requires states to maintain a set spending level. Id.

While the Senate bill may appear less harsh than the House bill, critics emphasize that it will nonetheless have a devastating impact on poor families. See The Stampede to Harsh Welfare, N.Y. TIMES, Sept. 20, 1995, at A20 (outlining the detrimental effects the Senate bill will have on the poor and concluding that while the Senate plan may “look better” than the House plan, “it is neither humane nor reasonable”).

20. Women who do not conform — either by refusing to marry or to participate in paternity proceedings — are faced with threats that their children will be placed in orphanages or that restrictive measures and conditions will be attached to their societal subsidies.

In some states, women receiving benefits are required to present evidence from paternity proceedings as a condition of receiving their benefits. For exam-
Resort to both of these "solutions" illustrates the way myth has overtaken reality in contemporary policy debates. Self-induced ideological blindness blocks more pragmatic responses to poverty — responses that would articulate the collective responsibility and justify continuing and broadening subsidy, not its elimination or curtailment.

When we look at the proffered solutions of marriage and maternal market work, there are a few initial anomalies that stand out. Initially, it is interesting to note that, on some level, these two solutions seem incompatible, even incomprehensible together. In the first place, in the traditional model marriage, the male role is as the head of household and the female is the helpmate who is clearly subservient.  


Pursuant to § 49.19(4)(h)(2), failure to cooperate will disqualify the caretaker for assistance, and "protective payments" for the child will be paid to "a person other than the person charged with the care of the dependent child." Wis. Stat. Ann. § 49.19(4)(h)(2) (West 1987). Wisconsin law also requires the state attorney to file an action for paternity within six months of receiving notice that no father is named on the birth certificate of a child if paternity has not been adjudicated already, regardless of the wishes of the mother. Wis. Stat. Ann. § 767.45(6m) (West 1993). See also Cal. Welf. & Inst. Code § 11477(b) (West 1991) (requiring aid recipients to cooperate in establishing paternity).

At this time federal law provides for "good cause" refusal to name the father. 42 U.S.C. § 602(a)(26)(B)(ii) (1988). "Good cause" is based on the needs of the child and exists only when the child will suffer physical or emotional harm, or the mother will suffer such harm that she will be unable to adequately care for the child. 45 C.F.R. 232.42(a)(1)(i)-(iv) (1994). For an extremely punitive application of this standard, see Waller v. Carlton County Human Servs. Dep't, No. C6-89-1116, 1989 WL 145393 (Minn. Ct. App. 1989) (holding "good cause" standard was unsatisfied when woman's account of rape could not be corroborated after she failed to report the rape to police because she feared harm to herself and her child). Women who have named as fathers men whose subsequent blood tests have proved them not to be the father and women who do not know the name or location of the father also have been subjected to severe scrutiny and questioning by state agencies. For example, in Allen v. Eichler, No. 89A-FE-4, 1990 WL 58223 (Del. Super. Ct. 1990), after several men whom the plaintiff had named as the possible father were excluded by blood tests or could not be found, the agency demanded a calendar on which plaintiff had supposedly written the names of sexual partners. When she refused, she was deemed uncooperative, and her benefits were cut. Id. at *1. One of the provisions of the Personal Responsibility Act reduces AFDC benefits until paternity is established, even when the mother is cooperating fully; if the mother does not cooperate at all, she will be denied aid entirely. Welfare Reform News, supra note 19, at 3.

21. One of the most entrenched notions about marriage is that it is reserved exclusively for a commitment between one man and one woman. Most state statutes, explicitly or implicitly, limit marriage to "a male and a female." E.g.,
Husbands fulfill their role by meeting their economic obligations and providing discipline and control over their wives and children. Wives provide services to the husband, including child care and homemaking. The problem with this traditional ideal arises because of our new egalitarian expectations for marriage wherein both partners are considered equals, and both are entitled to pursue market rewards and are expected to share domestic tasks. Dependency and perceived resulting inferiority within the family has become unacceptable to many women.

In the past decade, as a result of feminist agitation and evolution in equal protection jurisprudence, female market participation has become the new norm. This norm applies to all women, even women who are mothers. This alteration of the traditional expectations for mothers is evident in the divorce context and the current welfare-workfare debate.

ARG. REV. STAT. ANN. § 25-125 (1991); FlA. STAT. ANN. § 741.04 (West 1986); GA. CODE ANN. § 19-3-30 (Michie 1994); IDAHO CODE § 32-201 (Supp. 1995) (effective Jan. 1, 1996); UTAH CODE ANN. § 30-1-2(5) (1995). For a brief period in 1993, many gay and lesbian couples hoped this would change when the Hawaii Supreme Court held that strict scrutiny analysis would be applied to the question of whether the State's male/female marriage requirement constituted sex-based discrimination against homosexuals by prohibiting the exercise of their civil right to marry. Baehr v. Lewin, 852 P.2d 44 (Haw. 1993). To uphold the statute, on remand the State would be required to demonstrate that the sex-based classification was justified by compelling state interests. Id. at 67. Responding to this ruling, the Hawaii legislature quickly amended the law to require that marriage be a union “only between a man and a woman.” Haw. REV. STAT. § 572-1 (Supp. 1994). The legislature made the following findings:

SECTION 1. Legislative findings and purpose. The legislature finds that Hawaii’s marriage licensing laws were originally and are presently intended to apply only to male-female couples, not same-sex couples. This determination is one of policy. Any change in these laws must come from either the legislature or a constitutional convention, not the judiciary. The Hawaii supreme court’s recent plurality opinion in Baehr v. Lewin, 74 Haw. 530, 852 P.2d 44 (1993), effaces the recognized tradition of marriage in this State and, in so doing, impermissibly negates the constitutionally mandated role of the legislature as a co-equal, coordinate branch of government.


22. Gone from our formal official discourse is the hierarchical organization of the common law marriage described so graphically by Blackstone under the doctrines of “unity” and “merger.” 1 WILLIAM BLACKSTONE, COMMENTARIES 459-70 (1799).

23. See Siegel, supra note 18 (detailing the move toward increased female labor participation).

The norm of maternal work is incompatible with the traditional model of marriage, implicating independence and a range of choices for women that would confound the old hierarchical order.\textsuperscript{25}

The more significant difficulty with maternal work, however, is that it is imposed within the ideological confines of the old order. Today we may expect that women work even if they are mothers, but we do so in the context of unchanged, largely unchallenged institutions which operate as though workers are free of domestic responsibilities.\textsuperscript{26} There may be change as it relates to reform of divorce and property division laws); Jason DeParle, \textit{Gauging Workfare's Employability}, \textit{N.Y. Times}, Mar. 6, 1994, § 4, at 3 (noting the argument that workfare prevents poor women from spending adequate time with their children to counter the influence of "drugs, crime, gangs, and other lethal lures" that their children are routinely exposed to).

25. It is also worth noting that even if women wanted to stay at home and act in a more traditional manner, the traditional head-of-household/homemaker model is no longer feasible as an economic matter. The family of today needs a wage and a half to maintain the middle class standard of living achievable by a sole wage-earner a few generations ago. See Ursula Miller, \textit{Two Incomes More the Norm: Higher Living Costs Make It Harder for One Paycheck to Provide Any Extras}, \textit{Cincinnati Enquirer}, Feb. 13, 1995, at D1.

26. Studies indicate that across cultures mothers still perform the vast bulk of child care and housework. \textit{See} Report of the International Labor Organization, Sept. 6, 1992 (presenting results of a global survey on the distribution of household and family responsibilities between men and women that reveals that women still do the vast majority of the work despite the existence in some countries of shared responsibility laws); \textit{see also} David Briscoe, \textit{All Work and No Pay' World}, \textit{Times} (London), Sept. 8, 1992 (discussing a report prepared by the International Labor Organization finding that, worldwide, women work more for less pay than men); Anna Quindlen, \textit{Abhors a Vacuum}, \textit{N.Y. Times}, Sept. 9, 1992, at A21; \textit{Women Work Harder but Paid Less}, \textit{Xinhua News Agency}, Sept. 6, 1992, available in LEXIS, Nexis Library, XINHAU file. For further discussion of the unequal distribution of household responsibilities between men and women, see Janice Drakich, \textit{In Search of the Better Parent: The Social Construction of Ideologies of Fatherhood}, 3 \textit{Can. J. Women & L.} 69, 83-87 (1989) (reviewing a 1988 study showing that employed women still spend twice as much time with child care and housework as do their husbands, and demonstrating that contrary to popular anecdotal information, fathers today are actually participating in child care only slightly more than they did in 1967); Project, \textit{Law Firms and Lawyers with Children: An Empirical Analysis of Family/Work Conflict}, 34 \textit{Stan. L. Rev.} 1263 (1982) (demonstrating that law firms and law students expect females to be more involved with parenting than with working and contending that structural reform is needed to correct this imbalance); Mary Jo Bane et al., \textit{Child-Care Arrangements of Working Parents}, \textit{Monthly Lab. Rev.}, Oct. 1979, at 50, 52-53 (claiming that mothers are more likely to pass up work opportunities to raise children); Victor R. Fuchs, \textit{Sex Differences in Economic Well-Being}, 232 \textit{Science} 459 (1986) (chronicling the effect that gender and motherhood continue to have on the wages and employment opportunities of women). \textit{But see} U.S. Bureau of the Census, U.S. Dep’t of Commerce, P23-187, \textit{How We’re Changing: Demographic State of the Na-
new expectations about mothers and market work, but there is no accommodation in the market for the demands of mothering on workers. Child care, meaningful (paid) parental leave, and flexible schedules necessary to respond to caretaking contingencies are not the workplace reality for most mothers.

Furthermore, even if such external family-related difficulties were miraculously accommodated, resort to the solution of maternal work will not eradicate poverty. Market discrimination remains a problem, particularly for some segments of the female workforce. Jobs traditionally held by women are often underpaid on a comparative basis. Unemployment and downsizing dislocation frequently affect newer workers, who are often female, more than longer term employees. Perhaps most relevant for the welfare debate, there are no guarantees that jobs will be available even for mothers who are willing and able to work.

IV. CONFRONTING THE EMPIRICAL REALITIES

Simple logic tells us that the traditional family model can not be the solution in a world where families often need two working adults, and many women refuse to adopt a dependent posture, wanting instead to work and develop market careers. There are additional, empirically-based questions raised about the continued viability and desirability of the traditional family as well. Empirical questions also surround the maternal work solution offered to resolve the problem of welfare mothers' dependency. It is illuminating to compare myths with such reality in both these contexts.

A. Traditional Marriage

Aside from the changed role expectations associated with egalitarian marriage, current empirical information refutes the general applicability of the traditional ideal of a male who, as head of the household, provides economically for his

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27. See Niemi, supra note 17.
wife and children. Legal attachment of men to women and children is the popular panacea for many social ills (certainly for child poverty), and men and marriage are seriously offered as the appropriate social policy. Mothers who deviate from the two-parent family norm are subjected to stinging criticism and punished when possible through the deprivation of social support.28

Whatever the rhetorical attachment to the institution of marriage, empirical indications are that the institution is a failure, at least when it is measured against the traditional

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28. Punitive disincentives for unmarried women to reproduce are increasingly accepted as appropriate. Women who do not cooperate in forming attachments to men (either by marrying or participating in paternity proceedings) are threatened with orphanages for their children and restrictions on already meager economic subsidies. See, e.g., supra note 20. Politicians not only articulate an economic role for men as husbands and fathers, but create the spectacle of the state filling the void of the missing, disciplining father, armed with charges of maternal failing and pathology. Blaming poor women for the effects of poverty on children, they urge denying benefits to women if they are unable to force children to attend school or fail to get vaccinations for children. See, e.g., FLA. STAT. ANN. § 409.933 (West Supp. 1995); WISC. STAT. ANN. §§ 49.50(7)(g)-(h) (West Supp. 1994); COLO. REV. STAT. §§ 26-2-507(1)(a)-(b) (West Supp. 1995); VA. CODE ANN. § 63.1-105.2 (Mitchie 1995). The model is traditional — the male as economic provider with a residual role as disciplinarian.

The resort to marriage and the traditional family as a reformist ploy is grounded in important aspects of the myths of autonomy, independence, and self-sufficiency. These represent ideals for families as well as individuals. A properly functioning family does not call on societal resources, it is self-sufficient, finding the resources internally, to perform its societal function.

Given characteristics of the market, a self-sufficient family seems inevitably to be one where roles are well-defined. If the needs are for private or family subsidized caretaking, then the complementary roles of breadwinner and caretaker seem natural and inevitable. As a result, we gravitate toward the family populated in traditional form: husband/father, wife/mother, and dependent/minor children. This biological/reproductive unit is considered natural as a social organization and not questioned.

As a functional matter, the natural family is ideally a private family. It is the social institution that will raise the children, care for the ill, the needy, and the dependent. It is a self-contained and self-sufficient unit in accomplishing those tasks — located within the larger society, complementing the state which protects it, but not explicitly demanding public resources to fulfill its role. The ideal of the private family is the way responsibility for inevitable dependency moves from the public (state) to the private, natural sexual family. Overt responsibility for dependency is ideologically directed to the private entity.

Subsidies are invisible, particularly subsidy that is of women’s labor in individual groups. In this regard the notion of the natural and private family has important political currency. Its existence as an ideological construct masks and hides dependency and allows our official and public rhetoric to be spun out in terms of ideals of capitalistic individualism, independence, self-sufficiency, and autonomy.
ideal. The most often cited statistic indicating the decline of the traditional family is the divorce rate. In recent years, the increase in white never-married mothers has caused alarm in some circles. Never-married motherhood seems to be becoming a viable option for women of all races and social classes. Also indicating disaffection with the institution of


30. Interestingly, it was this increase in nonmarital births among white women that seems to have been the proverbial "last straw" for those in power. As Charles Murray has said: "The brutal truth is that American society as a whole could survive when illegitimacy became epidemic within a comparatively small ethnic minority. It cannot survive the same epidemic among whites." Charles Murray, The Coming White Underclass, WALL ST. J., Oct. 29, 1993, at A14.

31. Recent Census figures show an increase in never-married motherhood. See AMARA BACHU, U.S. BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, P20-470, FERTILITY OF AMERICAN WOMEN: JUNE 1992, at xix (1993). A survey of unmarried women aged 18 to 44 showed an increase in never-married motherhood from 15% in 1982 to 24% in 1992. Id. The rate of births by unmarried women with at least one year of college education increased from 5.5% to 11.3%. Id. For women in professional or managerial positions, it rose from 3.1% to 8.3%. Id.

The media has paid a great deal of attention to the increase in out-of-wedlock births. See, e.g., Joan Beck, Nation Must Stem the Tide of Births out of Wedlock, NEW ORLEANS TIMES-PICAYUNE, Mar. 6, 1993, at B7; Richard Cohen, Judging Single Mothers, WASH. POST, July 16, 1993, at A19; Jason DeParle, Big Rise in Births Outside Wedlock, N.Y. TIMES, July 14, 1993, at A1; Carol Lawson & Anne Lamott, Single but Mothers by Choice, N.Y. TIMES, Aug. 5, 1993, at C1; Katha Pollitt, Bothered and Bewildered, N.Y. TIMES, July 22, 1993, at A23; Richard Whitmire, Number of Never-Married Moms Stretches Across Income Lines, GANNETT NEWS SERV., July 13, 1993, available in LEXIS, Nexis Library, GNS File. And, of course, we all recall the Quayle debacle over Murphy Brown. "Hollywood thinks it's cute to glamorize illegitimacy," Quayle told reporters. . . . 'Hollywood doesn't get it.'" John E. Yang & Ann Devroy, Quayle: Hollywood Doesn't Get It: Administration Struggles to Explain Attack on TV's Murphy Brown, WASH. POST, May 21, 1992, at A1; see also Barbara Dafoe Whitehead, Dan Quayle Was Right, ATLANTIC MONTHLY, Apr. 1993, at 47 (arguing that children who do not live with both of their biological parents are disadvantaged). This view is, however, far from universally accepted:

Before Democrats embrace the view that marriage is the best antidote to poverty, educational failure and psychological distress, they might consult the two-parent families devastated by layoffs in the steel, defense, timber and auto industries — families whose children now exhibit most of the emotional and cognitive problems generally blamed on divorce.

Stephanie Coontz, Dan Quayle Is Still Wrong: Why the 'Two Parent Paradigm' Is No Guarantor of Happiness, WASH. POST, May 9, 1993, at C5.
marriage is the change in the age of marriage and the number of childless couples.\textsuperscript{32}

In addition, over the past few decades much has been revealed about the potentially violent implications of traditional marriage. Domestic abuse is increasingly recognized as a wide-spread problem transcending race and class lines.\textsuperscript{33}

The figures indicating the nature and extent of private violence call into question the wisdom of policies designed to coerce women to stay with male partners in order to avoid poverty and/or governmental censure.

Furthermore, the statistics indicate that, even if the institution of marriage was not plagued with violence, there are other problems that make the traditional model inappropriate for many people in today's world. Already mentioned is the problem with changed expectations of women about their rights to equality. A new ideal, that of the egalitarian family, has been fashioned on these changing premises. But, as women pursue market goals, the family is potentially left without a caretaker.

One response to the dilemma of the desire for equality would be to limit the number of, or completely forgo having children. Another solution is to hire someone to care for the children.\textsuperscript{34} In either case, the traditional model of the home-

\textsuperscript{32} See T. Paul Schultz, Marital Status and Fertility in the United States: Welfare and Labor Market Effects, 29 J. Hum. Resources 637 (1994) (noting the increasing median age at marriage). Households comprised of married couples living with their children declined from 44.2\% in 1960 to 26.3\% in 1990 and other families with children increased from 4.4\% to 8.3\%. See LUGAILA, supra note 29, at 15. The percentage of married couples without children remained approximately the same at around 30\%. Id.

\textsuperscript{33} See Dorothy Q. Thomas & Michele E. Beasley, Domestic Violence as a Human Rights Issue, 58 Albany L. Rev. 1119, 1128 (1995) (noting that “in the United States a 1984 National Crime Survey found that women were victims of family violence at a rate three times that of men, and that of all spousal violence crimes, ninety-one percent were victimizations of women by their husbands or ex-husbands”). In response to the high incidences of domestic violence in the United States, Congress passed the Violence Against Women Act, as part of the 1994 Omnibus Crime Bill. 42 U.S.C.A. §§ 3796gg - 3796gg-5 (West 1994). The Act provides funds for prevention and education, for battered women's shelters, and for the support of police and prosecutors. Id.

\textsuperscript{34} This solution may come with its own set of problems as the Zoe Baird and Kimba Wood incidents indicated for professional moms. See Thomas L. Friedman, Clinton Concedes He Erred on Baird Nomination, N.Y. Times, Jan. 23, 1993, at A1; Ruth Marcus, Baby-Sitter Problems Sink Second Clinton Prospect: Wood Withdraws from Consideration as Attorney General, Wash. Post, Feb. 6, 1993, at A1.
maker confining her time and energy to the demands of her role within the family is rejected. That role is no longer considered sufficient by most young women, many of whom are unwilling to sacrifice personal career and market advancement for full-time, uncompensated caretaking.

As an economic institution, marriage also seems to have failed when measured against the expectations implicit in the model envisioned by traditionalists. Given a variety of market realities, the breadwinner/housewife model is not an institution that can adequately take care of dependency. This is true for the middle class, and particularly for the working poor. Many people work in this country, but are, nonetheless, poor. The working poor's dire economic position seems destined to be compounded as programs, such as the earned income credit, are dismantled by a budget-cutting Congress.  

Reliance on men and marriage as social policy ignores the reality of both unemployed and poor men who can barely provide for themselves, let alone assume responsibility for women and children. Even among the middle class, there has been a real loss in wages and opportunities in the past few years. Men who experience downsizing are effectively denied the ability to provide for their families as the well-paid employment they had during better times disappears and they find themselves on a downwardly mobile career path. The middle class victims of the global market and economic readjustment increasingly cannot be counted on to provide sufficient amounts of child support to lift children out of poverty, whether they are married to the children's mothers or not.

The statistics indicate that there are additional problems with the reliance on men to support children. Aside from the fact that many men find themselves in dire economic straits, there are problems caused by the independence of women which are reflected in the divorce rate and the increase in

Further, there is an important debate about whether this is a "feminist" solution given that these domestic workers are often underpaid and do not receive benefits. Equality for middle-class and professional women may hang on their ability to treat other women as less than equals and exploit their labor in much the same way that men have traditionally exploited women's domestic labor. In either case, it is the labor of women that is uncompensated or undercompensated.

35. See Sara Rimer, Cutting Tax Credit Means Much to Those with Little, N.Y. TIMES, Oct. 16, 1995, at A1 (discussing adverse impact of Senate Republican's plan to cut the earned income tax credit on low income families).
never-married mothers. Increasingly, men are not living within the family unit. The emerging social reality is a family composed of a single mother, whether divorced or never married, and her children. The response to this changing demographic has been to label it a problem and to define the solution for this dilemma as tying the absent male to the family unit in legal and economic terms. The preferred resolution for child poverty is based on the traditional model of the male as economic provider. The institution of child support is deemed adequate to fulfill male economic responsibility after the dissolution of the marriage. Establishment of the paternal tie and, hence, the duty to support outside of the marriage context is done through paternity proceedings, a process that has policy problems for some and which is far from universally successful in establishing a legal bond between fathers and their children.

Difficulties abound with the idea of child support as the solution to poverty. First, in spite of years of stiffening the collection process and federal assistance for state efforts, collection of child support remains a problem. Second, even in states with improved collection records, the costs of enforcement are substantial and administrative costs eat into the benefits realized. Finally, and of particular interest in view of the assertions that child support will alleviate child poverty, is the fact that, even if awarded and collected, the average amount of child support received is very low. How far do such amounts go toward eliminating poverty even when successfully ordered and collected?

36. See Fineman, supra note 7, at 212 (discussing how paternity proceedings compromise women’s privacy).


38. The most recent census figures provide that in 1985, the average child support received was only $2200. See U.S. Bureau of the Census, U.S. Dept of Commerce, P23-154, Child Support and Alimony: 1985, at 2 (1989 Supp.). This amount represented a decrease in real terms. Id.
B. Maternal Work

Perhaps it is statistical and empirical information like that cited in the previous section that has made policymakers increasingly turn toward maternal work as the solution for child poverty.

Unfortunately, it first seems necessary, in view of the current political rhetoric, to make the basic assumption that mothering is work. If motherhood in general entails work, poor motherhood entails even more work, and poor motherhood, while receiving AFDC, is one of the most burdensome types of mothering imaginable. Poor women dependent on public assistance and/or charity must deal with bureaucrats and bureaucracies.

In order to meet day-to-day needs, poor women and their children endure the hardships and confront the obstacles that the process and its personnel place in their way. Also relevant in regard to the extra burdens shouldered by poor mothers are the horrendous conditions in which many are forced to raise their children. Single-mother families are disproportionately found in poor neighborhoods essentially abandoned by police and increasingly deprived of social welfare programs. Motherhood in these neighborhoods means daily encounters with potential violence. We should not wonder that some poor mothers “fail” at raising their children to become productive, tax-paying citizens — the real wonder is that so many succeed in mothering under such adverse conditions. It is essential to remember when considering the solution of maternal work for poverty that the demands of mothering do not disappear when women enter the work market.

The second fundamental point that needs to be considered in the context of the maternal work debate is the assumption that jobs are waiting for current AFDC recipients. This assumption is essential to the logic underlying welfare reform proposals and is central to much of the criticism of welfare recipients.

The logic of workfare rests on the premise that the problems of the poor are the product of their own choices and individual weakness and failures. The problems are not seen

39. See generally William H. Simon, Legality, Bureaucracy, and Class in the Welfare System, 92 YALE L.J. 1198 (1983) (arguing that the mechanism used to provide aid to the poor is impersonal and formalized).
as structural or produced by societal forces. Therefore, it is a simple moral equation we have constructed with which to judge the poor: If work is the solution for poverty, and that solution is within individual control, then if an individual does not work they are morally culpable and any punishment and deprivation they receive is justified. If we assume job opportunities exist, then the women who do not work are lazy and shiftless, and we are justified in restricting or eliminating their assistance as we heap upon them the scorn and hatred of an entire society.\textsuperscript{40}

The workfare discourse fails to take empirical realities into account. We have experienced large scale economic dislocations over the past decade and are just beginning to feel the fallout effects from the transformation to a global economy. These market trends exacerbate existing historically unequal conditions suffered by many working-class and poor women that already disadvantage them in the economic realm.\textsuperscript{41}

\textsuperscript{40} The fact is that both states and the federal government have tried many work programs in the past, most of which have failed through no fault of the welfare participants. For example, Christopher Jencks and Kathryn Edin note:

The essence of the so-called "welfare trap" is not that welfare warps women's personalities or makes them pathologically dependent, though that may occasionally happen. The essence of the "trap" is that while welfare pays badly, low-wage jobs pay even worse. Most welfare mothers are quite willing to work if they end up with significantly more disposable income as a result. But they are not willing to work if working will leave them as poor as they were when they stayed home. Christopher Jencks & Kathryn Edin, \textit{The Real Welfare Problem}, 1 Am. Prospect 31, 43-44 (1990). \textit{See also} Mimi Abramovitz, \textit{Social Disservices: Why Welfare Reform Is a Sham}, Nation, Sept. 26, 1988, at 221, 246 (stating that although California officials acknowledged that graduates of a training program needed to earn a minimum of $11.00 per hour to stay off welfare, they were averaging only $6.50 per hour). A 1986 study of work programs revealed that low wages forced 43% of Massachusetts training graduates back onto welfare. Joan Walsh, \textit{Take This Job or Shove It}, Mother Jones, Sept. 1988, at 30, 32. \textit{See also} Jason DeParle, \textit{Welfare Mothers Find Jobs Are Easier to Get than Hold}, N.Y. Times, Oct. 24, 1994, at A1, A14 (noting that many mothers on welfare who get jobs have a hard time keeping them because of low pay, lack of training, harsh working conditions, and other problems including lack of social skills, child care, health insurance, and resentful boyfriends; consequently, at Project Match in Chicago 46% lost their jobs within six months and 73% within a year); Isabel Wilkerson, \textit{An Intimate Look at Welfare: Women Who've Been There}, N.Y. Times, Feb. 17, 1995, at A1, A18 (discussing difficulties women encounter with welfare and working).

\textsuperscript{41} This argument applies to a poor male's employment prospects as well. This fact further diminishes the possibility that marriage is a viable solution for the poverty of women and children. Poor men are the most likely partners for
What are realistic opportunities for maternal market work? Very little empirical study on that question has actually been done, but indications are that there is some trouble with the assumption that jobs are there for AFDC recipients.

Professor Katherine Newman's study of the fast-food job market in Harlem, New York directly confronts and disputes some of the assumptions essential to the maternal work panacea. Harlem is considered fairly typical of the type of inner city neighborhood where many long term AFDC recipients would be looking for work if their benefits were terminated. Unemployment runs about eighteen percent and the population living below the poverty line is approximately forty percent.

The Newman study found that these low paying jobs are in "extremely short supply" in the inner city, with approximately fourteen people applying for every one job that opens up. Furthermore, it appears that the oversupply of job-seekers is pushing up the credentials which applicants must have to secure a job. This shift in qualifications in the job pool may explain why seventy-three percent of those who applied, and were rejected, for fast-food work had not found work of any kind a year later.

Newman also points out that the change in the demographics of low paid workers means that it is now older workers, those in their twenties, who are more likely to be high school graduates, and have a greater chance at success. The average AFDC recipient is "far less qualified" in terms of education and recent job experience than those who were successful in the study.

In addition, it seems that single parenthood is an independent negative indicator for employability. This is true partly because employers seem to prefer applicants who are commuting from distant neighborhoods, a situation that makes child care arrangements and costs associated with commuting more burdensome. The preference for applicants poor women. The economic factors that negatively affect female work opportunities also affect their potential partners as a group.

42. Katherine S. Newman, Finding Work in the Inner City: How Hard is it Now? How Hard will it be for AFDC Recipients? (unpublished manuscript, on file with the author). Much of the material in the subsequent section is from this study. Where other sources are used, they will be noted.
with recent job experience also works to the disadvantage of many single parents.

There are other researchers whose studies indicate that welfare recipients do not lack the will to work. Instead, the problems faced are finding permanent jobs that pay enough to provide for a family and dealing with child care responsibilities that remain even after finding a job.43

C. Real Reform

What would real welfare reform look like? First, we should do away with the misperceptions and myths that obscure the problem. We should recognize and address the fact that motherhood is work. As important work, it should be compensated. This is accomplished in most industrial democracies through a universal governmental transfer in the form of a child allowance or through a basic income guarantee.44

It is important that caretaking benefits be universal — given to all caretakers. Bearing the burden of dependency in a society should be considered work deserving of public compensation, regardless of other sources of caretaker wealth. The universal nature of such programs underscores the inappropriateness of partitioning certain children and other dependents and their caretakers into stigmatized, need-based programs where they become easy targets.45 Any problem generated by an unwarranted accumulation of resources by the wealthy caretaker could be addressed through a progressive tax system.

Also, social policies must be based on the realization that the needs of inevitable dependents do not disappear if the caretaker is engaged in market work. There are still caretaking tasks to be done. Furthermore, as things are currently arranged, market work is often incompatible with caretaking work. This realization naturally suggests an additional direction for reform.

We need to think about significant structural changes in market institutions that would allow the reconciliation of

45. See Fineman, supra note 7, at 115-16.
motherhood with market work. In furtherance of this objective, it would be helpful to reframe the current workfare discussion so that issues associated with work do not exclusively focus on poor AFDC mothers, thereby isolating them from other women. The point should be made that all women have problems if they try to combine market work and motherhood.

Once a more inclusive perspective is gained, it is clear that the real issue is not whether there is an obligation for women to work, but whether there is a right to work that is going to be protected and supported by social policies. This stance presents the family and work issue from the woman’s perspective. It should not be the anonymous, unembodied taxpayer of the welfare debates who drives the reform, but the mother who is seeking to combine work and caretaking in a way that will not sacrifice the demands of either. Such an emphasis would not only mean a serious attempt to create jobs and training programs for poor unemployed women and men, but also regulation of the wage structure and standardizing health, pension and other benefits.

Taking the position that there is a right to work also means making necessary changes in the workplace. Services such as day care and provisions for paid family leave are needed. Employers will be required to pay family wages to working mothers. On an ideological level, such structural reforms refute the assumption underlying today’s workplace that the American worker is an unencumbered person, free to participate in an inflexible nine-to-five schedule, without concern for ill children, school vacations, or other caretaking glitches, because some woman is taking care of all of that at home, for free.

V. Conclusion

The suggestions about the reorientation of the workplace to accommodate caretaking would mean that women could realistically be both economic actors and mothers.46 We can no

46. The question arises as women perform in both spheres, what will be the role for men? But a true re-evaluation of fatherhood, of masculinity, that is neither hierarchical nor patriarchal has yet to occur. Perhaps such a re-evaluation is too painful or even threatening, since the dominant roles men have historically occupied in the traditional family are challenged by the revisioning of gender equality. Thus, it is easier to resort to myth than to substantive change.
longer refuse to confront the fact that substantial injustice is perpetuated when family policy in this country is fashioned and formulated on myths and symbols that are no longer valid as an empirical matter, nor desirable to many citizens on an ideological level. Policies that rely on the traditional nuclear family as the means to escape poverty and provide for inevitable and derivative dependents foster the assumption that the maintenance of intimacy — everything from contraception to responsibility for the day to day care of children — is primarily a private task. The norm of marriage, and the dominant ideology surrounding that institution, obscures the nature and extent of dependency in American society. The idea and idealization of the family masks dependency and hides the costs of caretaking.

Furthermore, it seems apparent that more than mere money or concern with poverty is at issue in this debate. This is why all of us must care about this issue. It seems the real concern for many politicians is the imposition of their own morality, which entails the prevention of unmarried women having children and the curtailment of divorce. The attacks on AFDC motherhood are attacks on women who are unsupervised by men in their intimate, reproductive family lives. Divorced women are also targets of marriage rhetoric, as are middle-class women who are not mothers. Women who chose abortion or birth control over bearing children operate outside of the conventional morality.

One burning desire that emerges in the family values debate is the need to “discipline” those women who do not conform to roles associated with the traditional family, but rather live outside the hierarchical, patriarchal family. The message is that responsible reproduction (indeed responsible sexuality) occurs only within the context of the traditional family.47 This is why, in constructing the problems presented

47. In Lester v. Lester, 87 N.Y.S.2d 517 (N.Y. Fam. Ct. 1949), Justice Panken stated:

Man enters a marital relationship to perpetuate the species. The family is the result of marital relationship. It is the institution which determines in a large measure the environmental influences, cultural backgrounds, and even economic status of its members. It is the foundation upon which society rests and is the basis for the family and all of its benefits.

Id. at 520. See also June Carbone, Income Sharing: Redefining the Family in Terms of Community, 31 Hous. L. Rev. 359, 398 (1994) (recognizing the histori-
by, as well as the solutions for, the never-married mother and the divorced mother, the physical absence of a male is considered central. Male presence in the form of economic support, accompanied by "rights" over children, introduces discipline and control and makes the family "complete" in some mystical way. "He" is social policy: the universal answer, the means offered for resolving the problems of poverty and despair.

It should be clear that the current form of the debate about single moms, welfare, and work is not about real reforms; it is not even about real problems. Expressed through potent symbols, the debates are really about gender, race, and disciplining women who fail to confine themselves to the patriarchal family. Like the war on drugs, the war on poverty, now recast as the war on welfare, has the underlying passion of a moral crusade. Anger and accusation proclaim the existence and extent of evil evidenced by the deviation from traditional family norms. The noose tightens as women and children are misperceived as appropriate targets of our fury, not as the victims of misguided social policies and the scapegoats of the blind failings of our politicians.

48. David Chambers made this point at a conference on families at the University of Virginia in the fall of 1994.