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Tonya L. Brito

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FROM MADONNA TO PROLETARIAT: CONSTRUCTING A NEW  
IDEOLOGY OF MOTHERHOOD IN WELFARE DISCOURSE\*

TONYA L. BRITO\*\*

I. INTRODUCTION

THE story of America's welfare system is the story of transformed images of women and their roles in society. At the inception of welfare, the dominant image of women on welfare was that of the Madonna-like mother whose role in society was to care for and nurture her child. Society believed that mothering was a full-time vocation and, as a result, it excused welfare mothers from workforce participation. Over time, the maternal image waned as the complexion of the welfare population became darker and increasingly included unmarried mothers. A less idealized image of motherhood has characterized this new generation of welfare mothers. The stereotype that emerged—the “Black Welfare Queen”—reflects negative societal attitudes toward black women, toward women who have children out of wedlock and toward poor women who must resort to welfare to support their families. This devastating image has been instrumental in smoothing the way for conservative reformers to impose work requirements, strict time limits and other punitive reform measures on welfare mothers.

The recent welfare reforms connote an image of mother as a worker first—a reluctant worker, to be sure, but a worker nonetheless. The new welfare mother fulfills her societal obligations by providing for her children economically through her wages rather than emotionally through her caregiving. Some might view this change—the transformed image of welfare mothers from Madonna to proletariat—as a reflection of changes in women's lives that have occurred more generally in society over time. Certainly, the steadily increasing participation of mothers in the labor force has been well documented and publicized.<sup>1</sup> A closer look at the history and politics of the American welfare state, however, reveals that demographic change does not solely account for the dramatic shift in image. Rather than simply reflecting social realities, the images of women on

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\*\* Assistant Professor of Law, University of Wisconsin-Madison Law School. I would like to express my thanks to Howard Erlanger, Trina Jones and Louise Trubek for their thoughtful comments on an earlier draft and to Kevin Moran and Donna Shader for their invaluable research assistance. I also am grateful to the University of Wisconsin-Madison Law School for its support of this research.

1. See BARBARA R. BERGMANN, *THE ECONOMIC EMERGENCE OF WOMEN* 119-44 (1986) (documenting growing number of mothers in workforce).

welfare have been constructed, and these constructed images result from, a coupling of deliberate political strategy and the enduring influence of racial and patriarchal ideology.

This Article contends that, because the prevailing images of welfare mothers are pejorative, it has been difficult to win broad-based political support for progressive welfare reform proposals, including universal programs that aim to benefit *all* low income families. I suggest that it is first necessary to use narrative approaches (as a complement to the prevailing quantitative approach) to construct a new, positive ideology of motherhood in welfare discourse. A positive image of mothers who receive welfare could be developed if it were possible to appropriate for these mothers one of the several existing cultural conceptions of working motherhood—the “*Soccer Mom*” or the “*Superwoman*,” for example. I conclude with the suggestion that a new ideology be constructed and offer as a possibility the image of the “*Second Shift Mom*.”<sup>2</sup>

Part II of this Article chronicles the development and impact of the dominant images of welfare mothers in the United States.<sup>3</sup> First, Part II explains the role political strategy played in the creation of the initial image of welfare mothers as maternalists.<sup>4</sup> During the Progressive Era, elite white women activists embraced and successfully exploited the prevailing gendered stereotype of mothers in order to win passage of welfare legislation. This section also shows how promoting a maternalist conception of welfare motherhood shut out the competing working mother conception of motherhood advanced by black reformers. Part II concludes by examining the transformation of this ideology from maternal mother to Black Welfare Queen.<sup>5</sup>

Part III argues that racialized and patriarchal ideology continues to dominate welfare policymaking. First, Part III demonstrates that such ideology was instrumental in ushering in the harsh reforms of the Personal Responsibility and Work Opportunity Reconciliation Act<sup>6</sup> (“*Personal Responsibility Act*”), particularly work requirements and strict time limits. In short, the public became hostile to welfare once welfare became identified with black single mothers. Moreover, politicians capitalized on this anger by waging war on welfare in their election campaigns. In this climate, the competing, progressive proposals did not stand a chance of success. Part

2. See ARLIE HOCHSCHILD, *THE SECOND SHIFT: WORKING PARENTS AND THE REVOLUTION AT HOME* (1989) (coining phrase “*Second Shift Mom*” for proposition that, in two-job marriages, wives continue to do bulk of household work and chores).

3. For a discussion of the development and impact of the dominant images of welfare mothers, see *infra* notes 7-60 and accompanying text.

4. For a discussion of the image of welfare mothers as maternalists, see *infra* notes 7-24 and accompanying text.

5. For a discussion of the transformation of the image of welfare mothers, see *infra* notes 30-60 and accompanying text.

6. Pub. L. No. 104-193, 110 Stat. 2105 (codified as amended in scattered sections of 7, 29, 42 U.S.C.) [hereinafter *Personal Responsibility Act*].

III also demonstrates that the reforms themselves reinforce the negative stereotypes and project an image of women on welfare that undermines their role as parents. This is done by placing primacy on the work requirements, treating the needs of children as incidental and engendering the fear that, absent work requirements, welfare mothers would harm their children by passing on a so-called “culture of dependency.”

Rather than develop another progressive welfare reform proposal, Part IV of this article instead argues that gaining public support for and enacting an anti-poverty policy will be difficult so long as negative stereotypes of welfare mothers persist and dominate the political discourse. Welfare discourse also needs to construct an authentic image of motherhood. This ideology can emerge from personal narratives that relate to the human experiences of working mothers on welfare. Such stories will demonstrate the common experiences that mothers on welfare and working mothers in the general population share and will begin to dismantle the wall that separates families on welfare from other American families.

Looking first at existing cultural conceptions of motherhood, Part IV considers whether any of these images can effectively crossover into the welfare realm. Part IV concludes by suggesting that welfare activists inject into the discourse an image of welfare mothers as “Second Shift Moms.” This term conveys the image of the working mother who comes home tired from work to face a “second shift”—running the household and caring for the children. The ideology of the Second Shift Mom is attractive because it accurately reflects the experience of all working mothers, regardless of race, marital status or welfare receipt, and provides a unifying theme upon which a social movement that demands public support for parenting may be built.

## II. WELFARE YESTERDAY: THE SIGNIFICANCE AND IMPACT OF RACE AND GENDER ON WELFARE DURING THE PROGRESSIVE ERA, THE NEW DEAL ERA AND THE CIVIL RIGHTS ERA

Gender and race have been decisive factors in the formation and administration of the American welfare state since its inception. Over time, the meanings and uses of gender and race have shifted and intersected. This section focuses on three significant periods in welfare history—the Progressive Era, the New Deal Era and the Civil Rights Era—each representing a defining stage in welfare policy and practice. The choices, assumptions and bargains struck during each of these periods has created a racist and gendered legacy that continues to shape and constrain our welfare state.

The origin of the programs called welfare—Aid to Families with Dependent Children (“AFDC”)<sup>7</sup> and now Temporary Aid to Needy Families (“TANF”)<sup>8</sup>—can be found in programs called Mothers’ or Widows’ Pen-

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7. 42 U.S.C. §§ 601-617 (1994).

8. 42 U.S.C. § 601 (Supp. 1996).

sions, which were established by state and local governments in the period between 1910-1920 to aid single mother families who lacked a male breadwinner.<sup>9</sup> The Progressive Era women's movement<sup>10</sup> created the mothers' aid laws by campaigning for greater government responsibility for the well-being of poor women and children.<sup>11</sup> At the outset, the reformers directed their advocacy at both women and children.<sup>12</sup> Some activists argued for aid to single mothers by focusing on child welfare concerns. Reformers worried that family poverty resulted in the institutionalization of large numbers of children in orphanages and the exploitation of children in the labor force.<sup>13</sup> Not only did such children suffer, the argument went, but without motherly love these children might not develop into productive citizens.<sup>14</sup> Another branch of the campaign focused on needy women as citizens distinct from their children. Reformers sought public provision for these women by claiming remuneration for maternal work (by emphasizing the socially productive nature of caregiving) and public responsibility for poor mothers in their own right.<sup>15</sup>

Gradually the reform campaign shifted its focus from both women and children to a primary emphasis on children.<sup>16</sup> This shift in orientation occurred, in part, in response to opposition to mothers' pensions rather than the abandonment of the reformer's feminist agenda. Just as modern reformers contend today, early welfare detractors claimed that Mothers' Pensions would reward and encourage irresponsible behavior.<sup>17</sup> Opponents warned that welfare would "threaten the family by encouraging marital breakup and illegitimacy and the establishment of 'female-

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9. See MICHAEL B. KATZ, IN THE SHADOW OF THE POORHOUSE 128 (1986) (discussing origins of welfare programs). The first welfare statutes were enacted in 1911 in Illinois and Missouri. See *id.* The idea spread rapidly; by the end of 1913, 20 states passed Mothers' Pension legislation and by 1931, almost all states had enacted similar statutes. See *id.*

10. See LINDA GORDON, PITIED BUT NOT ENTITLED: SINGLE MOTHERS AND THE HISTORY OF WELFARE 38 (1994) (noting that Mothers' Pensions were "one campaign in a diverse movement that also included woman suffrage, birth control, sexual freedom, child welfare, labor reform, and civil rights").

11. See *id.* at 39 ("A child-saving orientation became particularly prominent in the mid and late nineteenth century, enacted not only in sheltering orphans but increasingly in intervening against parents who were deemed neglectful or abusive."). Social reformers of the Progressive Era (1896-1914), rejected the approach of family breakup and favored a solution to family poverty that would avoid disruption. See *id.* This idea was endorsed in a White House Conference on Children in 1909. See KATZ, *supra* note 9, at 124.

12. See GORDON, *supra* note 10, at 38-40 (noting that both mother and child were focus of reform discussions).

13. See *id.*

14. See *id.* at 40.

15. See *id.* at 38-40 (noting reformers' argument that mother's labor was deserving of recognition in form of aid programs).

16. See *id.* at 40 (showing how reform campaign shifted focus to children).

17. See JOEL F. HANDLER & YEHESEKEL HASENFELD, WE THE POOR PEOPLE: WORK, POVERTY & WELFARE 28 (1997) (noting "morally problematic" nature of AFDC program).

headed households.”<sup>18</sup> In defense of welfare, social reformers promoted Mothers’ Pensions on the basis of family preservation and as a means to enable destitute children to remain at home rather than being placed in foster care.<sup>19</sup> To deflect moral criticism, the campaign emphasized the provision of aid to widows rather than deserted, divorced or unmarried mothers.<sup>20</sup>

Women’s organizations successfully advocated for public relief for single mothers by exploiting the ideology of motherhood. The gendered imagery these elite white women adhered to first and foremost was women as maternalists.<sup>21</sup> Therefore, they promoted a politically pragmatic image of women and motherhood. Progressive reformers based their strategy on accepting the patriarchal domestic code, which required a division of labor in which men earned the wages and women were responsible for child care and housekeeping.<sup>22</sup> The future of the nation, they argued, depended on proper upbringing of children by mothers in the home.<sup>23</sup> This maternalistic discourse beat back mothers’ aid opponents and persuaded state legislatures to enact landmark social welfare programs.<sup>24</sup>

Despite the fact that women reformers attained these legislative victories, gender inequalities handicapped the programs from the beginning. In addition to adopting a maternalistic strategy staked to women’s role in society (that served to further deepen the gender differences of the patriarchal family norm), welfare activists cast single women as a social problem.<sup>25</sup> Indeed, proponents of Mother’s Pensions shared the moral

18. GORDON, *supra* note 10, at 41.

19. See MIMI ABRAMOVITZ, UNDER ATTACK, FIGHTING BACK: WOMEN AND WELFARE IN THE UNITED STATES 59 (1996) (stating that reformers were concerned about large number of children being placed in orphanages because mothers worked long days).

20. See *id.* (noting that reformers’ focused on widows, who made up 77% of mother-only homes in 1900, in attempt to deflect criticism).

21. See *id.* at 60 (discussing pressure on AFDC recipients to keep clean homes, cook for their children and avoid relationships with men in addition to imposition of “belief in childrearing as exclusively women’s work”).

22. See HANDLER & HASENFELD, *supra* note 17, at 28 (explaining discrimination between sexes as result of men’s “lack of responsibility to the family”); see also Dorothy E. Roberts, *Welfare and the Problem of Black Citizenship*, 105 YALE L.J. 1563, 1566-68 (1996) (reviewing GORDON, *supra* note 10 and JILL QUADAGNO, THE COLOR OF WELFARE: HOW RACISM UNDERMINED THE WAR ON POVERTY (1994)) (discussing their views on public assistance and motivations and goals of social reformers during Progressive Era).

23. See ABRAMOVITZ, *supra* note 19, at 59 (noting reformers position of placing burden of nation’s future on caring and upbringing supplied by mothers).

24. See Dorothy E. Roberts, *The Value of Black Mothers’ Work*, 26 CONN. L. REV. 871, 871-72 (1994) (detailing how women’s groups exploited notion of women as nothing more than mothers to “attain mothers’ pensions and other ‘maternalist’ legislation”).

25. See *id.* at 873 (discussing idea that current proposals show marked devaluation of maternal ideal and view “lazy” recipients as undeserving).

suspicions of their opponents.<sup>26</sup> Because they feared that aid would encourage single parenthood, dependency and family breakdown, they did not want to make things “too easy” for the poor.<sup>27</sup> Accordingly, benefits were small and were given only if the mother was “fit and proper” and maintained a “suitable home.”<sup>28</sup> Such provisions gave unfettered discretion to local administrators and social workers to determine whether recipients were morally fit and provided their children with a proper family life.<sup>29</sup> The practice of limiting aid to widows because they were good mothers stigmatized poor single mothers who were denied aid or disqualified from the program.

The gendered origins of the American welfare state should not suggest that racial considerations were irrelevant to its emergent structure.<sup>30</sup> The patriarchal construction of ideal motherhood rooted in Mothers' Pension programs did not treat black and white motherhood equally. As one commentator has observed, “[i]n America, the image of the Black mother has always diverged from, and often contradicted, the image of the white mother.”<sup>31</sup> Progressive reformers intended for white, immigrant women to benefit from these new programs in order to alleviate poverty and socialize them to the American way of life.<sup>32</sup> Providing aid was only part of the picture; reformers exerted social control over these urban immigrants and their children through individualized casework and moral reform.<sup>33</sup>

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26. See GORDON, *supra* note 10, at 49 (setting forth views of supporters of public assistance for mothers).

27. See *id.*

28. See *id.* at 45-46 (discussing conditions placed on mother's aid programs); see also HANDLER & HASENFELD, *supra* note 17, at 28-29 (noting restrictions imposed upon AFDC recipients).

29. See Gwendolyn Mink, *The Lady and the Tramp: Gender, Race, and the Origins of the American Welfare State*, in WOMEN, THE STATE AND WELFARE 110 (Linda Gordon ed., 1990) [hereinafter WOMEN, THE STATE AND WELFARE] (“[B]oth law and discretion invited pension agencies to police their clients regularly to enforce fitness: evidence of smoking, lack of church attendance, poor hygiene, male boarders, or faulty budgeting could result in withdrawal of a mother's allowance.”).

30. See generally *id.* (noting that because most welfare administrators were white and middle class, “fitness” was defined by white Anglo-Saxon perception of morality and motherhood).

31. Dorothy E. Roberts, *Racism and Patriarchy in the Meaning of Motherhood*, in MOTHERS IN LAW: FEMINIST THEORY AND THE LEGAL REGULATION OF MOTHERHOOD 224, 226 (Martha A. Fineman & Isabelle Karpin eds., 1995).

32. See GORDON, *supra* note 10, at 45-47 (discussing focus of aid program supporters).

33. See ABRAMOVITZ, *supra* note 19, at 60 (explaining that financial control was not sole power that administrators exerted over recipients). This author explains that:

In exchange for economic support, public officials subjected them to restrictions intended to make sure they conformed to prescribed gender and cultural norms. Agency investigators monitored the women closely for signs of drinking, lax spending, unkept homes, improper childrearing practices, and relationships with men. They urged foreign-born women to take English and civics classes, cook American dishes, and otherwise conform to white middle-class ways.

Mothers' aid programs almost entirely excluded black women, some of whom were overwhelmingly poor.<sup>34</sup> Reformers apparently did not believe that black women fit within their meaning of worthy motherhood or, with supervision, could be assimilated into this vision.<sup>35</sup>

The racial exclusivity of the white women's welfare movement prevented it from taking into account the very different welfare strategy advocated by black woman activists of the era—"Black women preferred universal programs, understood the connection between welfare and equality, and accepted married women's employment as a necessity, advocating assistance for working moms."<sup>36</sup> The positions of these two groups diverged on the issue of employment. While black women reformers recognized the need for poor black women to work, the rhetoric of widows' pensions promoted a motherhood free of wage labor that the programs themselves could not sustain. The meager income support provided to widows was inadequate to support full-time motherhood; thus, aid recipients still needed to seek employment.<sup>37</sup> "Although in theory Mothers' Pensions privileged mothering over work, in practice they often merely subsidized low-wage jobs."<sup>38</sup> This contradiction, however, did not lessen the stigma visited upon working mothers who fell short of the domestic ideal.<sup>39</sup> The failure to consider the alternate vision of social welfare advanced by black women reformers surely contributed to the development of a stingy, grudging, narrow and ultimately politically vulnerable American welfare system.

The next major development in welfare occurred during the New Deal Era. The Social Security Act<sup>40</sup> was enacted in 1935 and laid the groundwork for a national welfare state. The law created Social Security,

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*Id.*

34. See Barbara J. Nelson, *The Origins of the Two-Channel Welfare State: Workmen's Compensation and Mother's Aid*, in *WOMEN, THE STATE AND WELFARE*, *supra* note 29, at 123, 139 (citing U.S. DEP'T OF LABOR, CHILDREN'S BUREAU, *Mother's Aid*, 1931, 13-14 (1933)) ("A study undertaken in 1931 by the U.S. Children's Bureau reported that beneficiaries were overwhelmingly white: only 3 percent of clients were black, with another 1 percent being women of color.").

35. See Mink, *supra* note 29, at 110 (noting that system provided for exclusion of black women by allowing administrators to exercise discretion in determining that either particular black women did not, in fact, fit criteria or that it was "impossible" for her to fit criteria).

36. Dorothy E. Roberts, *Welfare: Yesterday and Today*, 24 *CONTEMP. SOC.* 1, 2 (1995).

37. See GORDON, *supra* note 10, at 31 (noting that aid was inadequate to keep mothers out of workforce); Mink, *supra* note 29, at 110 (discussing meager compensation and acknowledging requirement that welfare recipient comply with restrictions on working).

38. QUADAGNO, *supra* note 22, at 119.

39. See GORDON, *supra* note 10, at 31 (analyzing stigma attached to mothers who were forced to work).

40. Pub. L. No. 74-271, §§ 401-406, 501-541, 49 Stat. 620 (1935) (codified as amended in scattered sections of 42 U.S.C.).



an employment-related program and AFDC, a means-tested program.<sup>41</sup> Social Security provides a pension to retired workers and links benefits to past earnings.<sup>42</sup> AFDC was designed to provide minimal cash benefits to needy children whose parents were unable to support them due to the death, absence or incapacity of the family breadwinner.<sup>43</sup>

This New Deal legislation reproduced at the federal level the Mother's Pensions' system of racial stratification and gender inequality. Each program gave whites preferential treatment. Although Social Security was designed to be a universal system where workers are entitled to their benefits,<sup>44</sup> New Deal lawmakers deliberately structured the social insurance programs so that black workers (men and women) would be ineligible for coverage.<sup>45</sup> To accommodate Southern politicians' desire to hold on to the low-wage, black labor force in the South, Social Security excluded agricultural laborers and domestic servants.<sup>46</sup> Blacks fared only slightly better with AFDC, the inferior, means-tested program. State and local administrators imposed eligibility rules that prevented many Blacks from gaining access to AFDC.<sup>47</sup> During the 1940s and 1950s, additional restrictions were imposed—"seasonal employment policies cut [AFDC] re-

41. See Allison B. Smith, Note, *The Breakdown of the American Family*, 11 NOTRE DAME J. OF L. ETHICS & PUB. POL'Y 761, 765-66 (1997) (explaining evolution of welfare programs). When first enacted, the program was called Aid to Dependent Children ("ADC") and it provided payments for needy children, but not their caretakers. See *id.* Later, the program's emphasis shifted from providing assistance to needy children to a focus on needy families. See *id.* To reflect this shift, in 1962 ADC was renamed Aid to Families with Dependent Children. See *id.* In this Article, I will use AFDC to refer to this program.

42. See DAVID T. ELLWOOD, POOR SUPPORT 27-28 (1988) (discussing Social Security); QUADAGNO, *supra* note 22, at 19-20 (same).

43. See ABRAMOVITZ, *supra* note 19, at 62-63 (setting forth goals of Congress when enacting AFDC).

44. See HANDLER & HASENFELD, *supra* note 17, at 30 (noting that to avoid stigma associated with welfare receipt, Social Security was deliberately tied to work experience). According to President Franklin D. Roosevelt, "[w]e put those payroll contributions there so as to give the contributors a legal, moral, and political right to collect their pensions." ELLWOOD, *supra* note 42, at 28 (quoting President Franklin D. Roosevelt).

45. In his article presented at this Symposium, Professor Ed McCaffery demonstrates how the construction of Social Security also disadvantaged white women. See Edward J. McCaffery, *The Burdens of Benefits*, 44 VILL. L. REV. 445, 454 (1999).

46. See GORDON, *supra* note 10, at 275-78 (discussing discriminatory impact of exclusion of agricultural workers and domestic servants from Social Security Act because "[t]he number of workers at issue was massive: Of approximately 5.5 million African American workers, for example, 2 million were in agriculture and 1.5 million in domestic service."); HANDLER & HASENFELD, *supra* note 17, at 30 ("The South also insisted that agricultural workers not be included . . ."); QUADAGNO, *supra* note 22, at 20-21 (asserting that agricultural workers and domestic servants were omitted from Social Security Act as a result of Southern opposition and lobbying).

47. See QUADAGNO, *supra* note 22, at 119 (noting Southern states' attempts to exclude blacks from AFDC and stating that because of these attempts "most of the initial [AFDC] beneficiaries were white, widowed women with young children").

recipients off the welfare rolls during cotton-picking season; and 'man in the house' rules allowed social workers to make unannounced visits and eliminate from the rolls any woman found living with a man."<sup>48</sup> Even the few black mothers allowed onto the AFDC rolls at this time were subjected to racial discrimination in the form of smaller cash benefits because the belief was that "blacks needed less to live on than whites."<sup>49</sup>

In synchrony with Mothers' Pensions, the early AFDC program scrutinized women's situations to determine if they qualified for assistance.<sup>50</sup> The focus of these eligibility determinations was not solely economic need. Through enforcement of "suitable home" provisions, local welfare officials guaranteed aid for mothers who satisfied the moral and parenting standards imposed by public agencies.<sup>51</sup> Consequently, poor single mothers routinely did not receive benefits due to a perceived "flaw" in their motherhood.<sup>52</sup>

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48. *Id.* at 119-20. For example, administrators applied a "racial double standard" by requiring black mothers to take available jobs while white mothers were not expected to work. "Southern administrators typically could see no reason why the employable Negro mother should not continue her usually sketchy seasonal labor . . . . They had always gotten along." GORDON, *supra* note 10, at 276.

49. See GORDON, *supra* note 10, at 276 (discussing treatment of blacks under AFDC).

50. See GWENDOLYN MINK, WELFARE'S END 50-51 (1998) (explaining effect of 1968 Supreme Court decision that reversed previous practice of states denying children assistance on basis of mothers' alleged immoralities and noting, "the Court suggested that state AFDC programs could not deny aid to *any* mothers and children eligible by need unless the federal law specifically authorized them to do so").

51. See GORDON, *supra* note 10, at 45-46 (recognizing mother's aid at expense of scrutiny to adhere to its value and morality code). Examination of the personal and sexual behavior of AFDC recipients intensified in the 1950s as states passed "man-in-the-house" and "substitute father" rules. See MIMI ABRAMOVITZ, REGULATING THE LIVES OF WOMEN: SOCIAL WELFARE POLICY FROM COLONIAL TIMES TO THE PRESENT 324 (1988) ("By 1960, twenty-three states, many but not all in the South, had some type of suitable home policy on the books."). Through application of these provisions, welfare officials treated as a "substitute father" and presumptive provider any man who was involved with a woman receiving welfare. Such a determination disqualified family benefits because, caseworkers reasoned, the children were not "deprived of parental support" within the meaning of AFDC eligibility rules. *Id.* Generally, it did not matter whether the woman had a "casual, short term relationship with a man . . . whether the man had an income, spent it on the children, or was in any way legally responsible for their support." *Id.* at 325. In order to enforce the "substitute father" rules, special units of the state routinely investigated the families on welfare. State officials employed oppressive investigatory methods to discover whether there was a "man-in-the-house." *Id.* at 324. These tactics included surveillance, inspection of the family home, interrogation of the family, friends, and relatives, and surprise midnight raids meant to uncover male visitors. See *id.* at 324-25 (describing specific incidents involving these tactics).

52. See *id.* at 323 ("Instead, in the early fifties, various states enacted 'suitable home,' 'man-in-the-house,' and 'substitute father' rules which disqualified large numbers of unwed mothers and women of color.").

This system of exclusion persisted until the 1960s, when federal court decisions, civil rights lawyers and welfare rights activists forced states to end arbitrary eligibility restrictions and other barriers to welfare.<sup>53</sup> Welfare became a statutory "right" and a uniform means test was implemented for determining eligibility.<sup>54</sup> As previously excluded women in need joined the rolls, the demographics of the welfare caseload changed dramatically. By 1967, a welfare population, once eighty-six percent white, had become forty-six percent non-white.<sup>55</sup> Overall, the size of the program exploded, growing from 3.5 million beneficiaries in 1961 to 11 million beneficiaries in 1971.<sup>56</sup> The maintenance costs of AFDC soared as the rolls expanded and many perceived that welfare was growing out of control. Congress and the states reacted by narrowing eligibility, reducing benefits, implementing work programs and trying to increase support from absent fathers.<sup>57</sup> Expenditures, however, continued to rise.<sup>58</sup> One commentator noted, "even as behavioral regulation through welfare policy eased, the cultural and behavioral bias of welfare politics persisted—and in fact grew more intense."<sup>59</sup> As a result, political and popular concern focused on topics including: the high number of black recipients; out-of-wedlock births and single parenthood among recipients; and dependency continuing in younger generations of recipients.<sup>60</sup> The welfare system be-

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53. See, e.g., *Shapiro v. Thompson*, 394 U.S. 618 (1969) (striking down AFDC residency requirements); *King v. Smith*, 390 U.S. 903 (1968) (striking down state substitute-father rule that denied benefits to families on ground that mother was engaged in sexual relationship with man); see also MICHAEL B. KATZ, *THE UNDESERVING POOR: FROM THE WAR ON POVERTY TO THE WAR ON WELFARE* 107-08 (1989) (recounting successes of welfare and poverty lawyers, and tandem efforts of legal philosophers).

54. See MINK, *supra* note 50, at 50-51 (describing thirty-year guarantee emerging in 1960s from Supreme Court's decision in *King v. Smith*).

55. See Gwendolyn Mink, *Welfare Reform in Historical Perspective*, 26 CONN. L. REV. 879, 891 (1994) (analyzing structural coincidence of race, gender, low wages and poverty on population welfare had begun to serve).

56. See MINK, *supra* note 50, at 51-52 ("From 1961 to 1971, enrolled individuals increased from 3.5 million to 11 million, with the number of recipients growing at an annual rate of almost 20 percent between 1967 and 1971.").

57. See *id.* at 50-61 (tracing activities of judiciary and states through 1960s and 1970s as population of welfare recipients grew).

58. See Ann Withorn, "Why Do They Hate Me So Much?" *A History of Welfare and Its Abandonment in the United States*, 66 AM. J. ORTHOPSYCHIATRY 496, 499 (1996) (observing that work programs of the 1960s and 1970s "never met their own goals, thanks to child-care shortages, labor-market barriers, and lack of funds to implement needed employment training and social services").

59. Mink, *supra* note 55, at 891.

60. See ELAINE CUMMING, *SYSTEMS OF SOCIAL REGULATION* 137-40 (1968) (describing welfare stereotypes, concentrating on characteristics of poor people, contributions by non-recipients and nature of dependency); KATZ, *supra* note 53, at 23-29 (tracing identification of poverty with urban blacks). By this time, AFDC recipients were far more likely to be divorced, deserted or never married than they were to be widows. In 1939, Congress allowed widows to claim survivor benefits from the more generous old-age insurance program. See QUADAGNO, *supra* note 22, at 119 (noting shift in benefit sources for widows and children of retired work-

came a major public issue and a source of political controversy and conflict; thus, it became a proposal for reform.

### III. WELFARE TODAY: MATERNAL DEVIANCY AND WORK

The new federal welfare law, the Personal Responsibility Act, overhauled the fundamental structure of the more than 60-year-old welfare system. The Personal Responsibility Act abolished AFDC, ended an individual's entitlement to welfare benefits and replaced AFDC with the new block-grant program TANF.<sup>61</sup> The goal of this section is not to exhaustively review the act's provisions, but rather to show how welfare policymaking continues to be dominated by race-based and gender-based assumptions. In addition, this section will show how the new law perpetuates and reinforces those beliefs.

Calls for welfare reform in the 1990s have arisen alongside a "family values" culture war fueled by conservative public officials and commentators.<sup>62</sup> By now the basic tenets of this argument are familiar. People should marry and live in heterosexual, two-parent households, preferably composed of a male wage earner and a female homemaker.<sup>63</sup> "All other family types are considered deviant."<sup>64</sup> The current increase and acceptance of single-parenthood, divorce, non-marital births and other non-traditional family structures have broken down the family and decreased morality.<sup>65</sup> The deterioration of the traditional nuclear family is considered the underlying cause of the nation's most serious problems, including poverty, drug abuse and crime.<sup>66</sup> In raising public alarm about single-parenthood in particular, conservative critics have used to their advantage

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ers and how "AFDC became the last resort for divorced, single and deserted women").

61. See Personal Responsibility Act, H.R. 2903, 104th Cong., S. 1841 104th Cong. § 401(a)-(b) (1996) (enumerating purposes of new block grants to states for temporary assistance for needy families, stating, "[t]his part shall not be interpreted to entitle any individual or family to assistance under any State program funded under this part").

62. See ABRAMOVITZ, *supra* note 19, at 33-34 ("The third assault has been on women's marital, childbearing, and parenting behavior. Indeed, welfare reform has been governed by a 'family ethic' as well as a work ethic.").

63. See *id.* ("According to the American 'family ethic,' or set of beliefs about how families should operate, people should marry and live in two-parent households, preferably with one wage earner and one homemaker.").

64. See *id.* at 34.

65. See Barbara Dafoe Whitehead, *Dan Quayle Was Right*, ATL. MONTHLY, Apr. 1993, at 47 (noting that "[a]ccording to a growing body of social-scientific evidence, children in families disrupted by divorce and out-of-wedlock birth do worse than children in intact families on several measures of well-being" and noting empirical evidence regarding poverty and behavioral problems among children from single-parent families).

66. See ABRAMOVITZ, *supra* note 19, at 34 (quoting Charles Murray who declared "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").

the results of numerous studies indicating that children raised in single-parent families are less successful in school, career and family life than children raised in two-parent households.<sup>67</sup> According to these conservative policymakers, one of the government's primary objectives should be to uphold and reinforce "traditional" family values.<sup>68</sup>

In this climate, AFDC became an ideological and political lightning rod. AFDC came under increasing attack as the major contributor to family breakdown. Starting in the Reagan years, "a new generation of conservative 'think tanks' sent forth speakers, writers, and studies to reinterpret the "Great Society" and AFDC, depicting these programs as the source of . . . dependency and giving increasing emphasis to the dangers of welfare for families."<sup>69</sup> The public has unquestioningly accepted the conservative claims that families on welfare possess behavioral traits that counter the core of American values.<sup>70</sup> They believe a correlation exists between the welfare system and the diminishing nuclear family model.<sup>71</sup> After all, the typical welfare family today neither represents the nuclear family ideal nor the widow and children glorified in the Progressive Era. Instead, welfare families today usually fit within the purported profile of deviance because they often consist of a divorced or never-married mother and her children. Some perceive welfare as encouraging low-income individuals to have children they cannot afford out-of-wedlock.<sup>72</sup> Many even claim that welfare encourages young women to have unwanted children simply to increase their welfare benefits.<sup>73</sup> Many Americans assume that there is a causal connection between welfare and family structure deci-

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67. See Whitehead, *supra* note 65, at 47 (asserting "research shows that many children from disrupted families have a harder time achieving intimacy in a relationship, forming a stable marriage, or even holding a steady job").

68. See *id.* at 80, 84 (concluding "growing up in an intact two-parent family is an important source of advantage for American children" and relating such family structures to democracies by noting "[t]he family is responsible for teaching lessons of independence, self-restraint, responsibility, and right conduct . . . if the family fails in these tasks, then the entire experiment in democratic self-rule is jeopardized").

69. Withorn, *supra* note 58, at 505.

70. See ABRAMOVITZ, *supra* note 19, at 34 (criticizing rhetoric and effects of conservative commentary, and commenting that now "politicians from both political parties agree that all kinds of social problems—from poverty to crime to the deficit—stem from this decline in 'family values'").

71. See *id.* at 35 (observing that welfare reform plans "link eligibility for AFDC to compliance with certain standards of marital, childbearing, and parenting behavior, penalizing women who depart from certain prescribed wife and mother roles"). Abramovitz continues, "[i]t has been suggested, for example, that AFDC is responsible for changes in family structure—not only the declining rate of marriage and the rise of single-mother households, but also the increase in the nonmarital birth rate." *Id.* at 36.

72. See *id.* at 36-37 (considering belief that AFDC breaks up families or creates single-family households).

73. See *id.* at 37-38 (discussing and attempting to dispel belief that poor women have children to receive additional AFDC assistance).

sions and that if welfare were less available, less generous or more temporary, the numbers of single-parent families on welfare would decrease.<sup>74</sup>

Respected scholars and researchers who have studied welfare dynamics and the characteristics of the families receiving welfare have soundly refuted these pernicious assumptions, beliefs and myths.<sup>75</sup> Even in the face of the abundant reliable empirical data and findings generated by these studies, policymakers have created a sweeping new welfare system that accepts wholesale the negative assumptions and beliefs about welfare and its recipients. The Personal Responsibility Act further reinforces these stereotypes by implementing a number of measures that coerce women on welfare into conforming to prescribed gender and family norms. Both the findings set out in the Personal Responsibility Act and its stated purposes exemplify this purpose. The first three findings are particularly telling and state, “(1) Marriage is the foundation of a successful society; (2) Marriage is an essential institution of a successful society which promotes the interests of children; (3) Promotion of responsible fatherhood and motherhood is integral to successful child rearing and the well-being of children.”<sup>76</sup>

TANF, the new “welfare” program, includes among its stated goals preventing non-marital births and promoting the formation and maintenance of two-parent families.<sup>77</sup> Further, TANF attempts to bolster the above findings by reciting statistics regarding the increase in single-parent families at length and associating single-parent families with increased crime, poverty and welfare dependency.<sup>78</sup>

74. See *id.* at 41-42 (countering current welfare proposals to reduce benefits and attempting to dispel myth that “welfare culture keeps families trapped on welfare from generation to generation”).

75. See HANDLER & HASENFELD, *supra* note 17, at 38-57 (questioning assumptions behind current welfare reform proposals, including beliefs “that jobs are available in the regular economy for people who want them; that recipients are choosing welfare rather than work; and that welfare dependency not only costs taxpayers but is harmful to the recipients and their families”); see also MARY JO BANE & DAVID T. ELLWOOD, *WELFARE REALITIES: FROM RHETORIC TO REFORM*, 48-51 (1994) (explaining and providing tables of percentage of AFDC recipients with various characteristics and average total duration of AFDC receipt).

76. Personal Responsibility Act § 101(1)-(3), 42 U.S.C. § 601 (1996).

77. See *id.* (stating purposes of program establishing block grant assistance to states).

78. See *id.* § 101(8)-(9)(M). The act states:

[T]he negative consequences of raising children in single-parent homes are well documented, as follows: . . . 46 percent of female-headed households with children under 18 years of age are below the national poverty level . . . [a]mong single-parent families, nearly 1/2 of the mothers who never married receive AFDC while only 1/5 of divorced mothers receive AFDC . . . [c]hildren born into families receiving welfare assistance are 3 times more likely to be on welfare when they reach adulthood than children not born into families receiving welfare . . . [n]eighborhoods with larger percentages of youth aged 12 through 20 and areas with higher percentages of single-parent households have higher rates of violent crime . . . [o]f those youth held for criminal offenses within the State

With these changes to the welfare system, there is no longer a system that purports to honor motherhood and finds value in poor single women caring full-time for their children to ensure that they grow up to be productive citizens. Instead, a system exists that characterizes families on welfare as deviant and characterizes mothers as irresponsible. Welfare again stigmatizes “undeserving poor,” those whose personal behavior does not conform to putative middle-class norms. “This stigmatizing process makes mothering outside the context of a two-parent, traditional family susceptible to extensive legal regulation and supervision.”<sup>79</sup>

Thus, in response to the “deviance” of welfare families and their “dysfunctional” lifestyle, a major component of welfare has been an effort to regulate the marital, childbearing and parenting behavior of women on welfare.<sup>80</sup> The message of the behavior modification efforts comes across loud and clear—women on welfare should get married, stop having children and go to work to support the children they already have. The measures implemented to facilitate these goals include Bridefare, Family Cap and increasingly strict work requirements.<sup>81</sup>

Consistent with the theme of this Symposium, this Article will focus on mandatory work requirements and their effect—discouraging welfare parenting. The meaning of these work rules, however, must be understood in the broader context of welfare reform measures designed to regulate women and their family life, particularly the Bridefare and Family Caps programs implemented by a number of states. Bridefare promotes marriage by giving monetary incentives to mothers who marry the fathers of their children.<sup>82</sup> Bridefare, which pushes poor women toward mar-

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juvenile justice system, only 29.8 percent lived primarily in a home with both parents. In contrast to these incarcerated youth, 73.9 percent of the 62,800,000 children in the Nation’s resident population were living with both parents.

*Id.*

79. MARTHA ALBERTSON FINEMAN, *THE NEUTERED MOTHER, THE SEXUAL FAMILY* 68 (1995).

80. See ABRAMOVITZ, *supra* note 19, at 33-34 (“The third assault has been on women’s marital, childbearing, and parenting behavior. Indeed, welfare reform has been governed by a ‘family ethic’ as well as a work ethic.”); Lucy A. Williams, *The Ideology of Division: Behavior Modification Welfare Reform Proposals*, 102 *YALE L.J.* 719, 720 (1992) (observing that “the current welfare reform proposals condition AFDC eligibility on conformity with putative moral norms of society”).

81. See ABRAMOVITZ, *supra* note 19, at 35-36, 40-41 (describing several different states’ welfare reform proposals, including cash rewards for family planning efforts, financial penalties for parents of truant children or children not immunized, as well as effect of programs in Wisconsin and Massachusetts).

82. See, e.g., Thomas J. Corbett, *Welfare Reform in Wisconsin: The Rhetoric and the Reality*, in *THE POLITICS OF WELFARE REFORM* 19, 25 (Donald F. Norris & Lyke Thompson eds., 1995) (describing components of Wisconsin’s welfare reforms, including “Bridefare”). For example, in 1992, Wisconsin obtained a federal waiver to implement a Bridefare program. A four-county program began in 1994. Corbett explains that:

[T]his program affects welfare applicants under the age of 20 and their spouses or the adjudicated fathers of their children, if they are living to-

riage, views marriage as a viable exit from poverty.<sup>83</sup> Putting aside for the moment why such a program is unfounded and potentially destructive, I want to address the message it sends.<sup>84</sup> Bridefare reinforces the family values ideology of welfare detractors by preferring two-parent households over single-parent households and claiming that "legitimate families can only be built upon the foundation of a traditional marital tie."<sup>85</sup> The mother-child family is perceived as inherently suspicious and, unless a man is brought into the family, it is undeserving of public support. Hence, women on welfare are nudged into matrimony at the expense of their autonomy in marital decision making.

Family Caps, another program implemented by a number of states to discourage women on welfare from having additional children, regulates childbearing.<sup>86</sup> It eliminates the incremental increase in welfare benefits

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gether. These parents experience liberalized AFDC eligibility requirements, liberalized treatment of earnings and benefit computations . . . and reduced benefit increases for subsequent births while receiving AFDC. Unemployed, noncustodial fathers must participate in the JOBS program. The initiative intends to encourage family formation, discourage subsequent births for those on assistance, and provide income support through AFDC to young working heads of two-parent families.

*Id.*

83. See Lucie E. White, *No Exit: Rethinking "Welfare Dependency" from a Different Ground*, 81 GEO. L.J. 1961, 1986 (1993) ("The notion that marriage provides economic security is grounded in an often noted demographic trend: the chance that an American family will be poor is many times greater if that family is headed by a woman . . . than if it is headed by a man.").

84. See Joan Meier, *Domestic Violence, Character, and Social Change in the Welfare Reform Debate*, 19 L. & POL'Y 105, 206 (1997) (reporting studies showing 15% to 30% of welfare recipients are current victims of domestic violence). Encouraging unmarried mothers on welfare to marry the father of their child is troublesome given the data demonstrating that many women *enter* the welfare system to gain economic independence to facilitate their escape from abusive relationships with these men. See *id.* Even if domestic violence were not a serious issue, there is no evidence that marriage is a successful route out of poverty. See White, *supra* note 83, at 1986 ("But the numbers do not necessarily lead to the conclusion that marriage is a successful route off of poverty" and positing alternative theories with same statistics). Research demonstrates that "two out of three black families headed by a woman were poor *before* the family event that made a woman a single mother (divorce, separation, death of the husband, or birth of an out-of-wedlock baby.)" Teresa L. Amott, *Black Women and AFDC: Making Entitlement Out of Necessity*, in WOMEN, THE STATE AND WELFARE, *supra* note 29, at 281.

85. Martha L. A. Fineman, *Masking Dependency: The Political Role of Family Rhetoric*, 81 VA. L. REV. 2181, 2190 (1995).

86. See Smith, *supra* note 41, at 779 (stating that denying additional benefits for new children is characteristic of all Family Caps programs). Prior to the passage of the Personal Responsibility Act in 1996, states could receive federal waivers from HHS to implement Family Caps programs. See *id.* at 778. Although the federal law does not require states to utilize Family Caps, it remains one of the many options available to the states in designing their welfare programs. See 42 U.S.C. § 602(a) (1996) (setting forth guidelines for using Family Caps provisions). Indeed, many states have since implemented Family Caps programs. See Smith, *supra*, at 778 n.105 (noting states implementing or considering implementing Family Caps programs).



that a family would otherwise receive from AFDC after the birth of an additional child. Under AFDC, a family receives additional benefits to compensate it for the additional expenses of a new child. The Family Caps program fixes the amount of assistance so that it does not increase with an increase in the number of children in the family.<sup>87</sup> New Jersey's Family Caps program, also called Child Exclusion, was one of the first of these programs and is fairly typical of such programs.<sup>88</sup> A New Jersey family, for example, would receive an additional \$64 per month after a new child's birth.<sup>89</sup>

The rationale underlying Family Caps programs is straightforward and rather simplistic. Giving birth to a child while on welfare is "irresponsible" reproductive behavior. Family Caps measures create economic disincentives to childbirth.<sup>90</sup> The expectation is that welfare mothers are dissuaded from having more children while on welfare because of the unavailability of an increase in public assistance upon the birth of an additional child.<sup>91</sup> Through Family Caps, the government makes procreative decisions for a certain class of women, and the mothers disobeying the rules are financially penalized.

In addition to these marriage and childbearing regulations, the Personal Responsibility Act prescribes parenting behavior through its work requirements. The rhetoric surrounding welfare requires parents to take "personal responsibility" for their children—for mothers on welfare this means entering the paid labor force and for the fathers of welfare children this means paying child support. Since its inception, welfare has reflected a tension between the desire to provide economic support to needy children and the expectation that parents should provide for their

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87. See *id.* (fixing maximum payments for eligible families). New Jersey's Child Exclusion program survived challenge in federal court. See *C.K. v. Shalala*, 883 F. Supp. 991, 1015 (D.N.J. 1995) (upholding New Jersey's Child Exclusion Program on grounds that encouraging responsible child-bearing decision-making was legitimate statutory goal), *aff'd sub nom.*, *C.K. v. New Jersey Dep't of Health & Human Servs.*, 92 F.3d 171 (3d Cir. 1996).

88. See N.J. STAT. ANN. § 44:10:3.5 (West 1995) (eliminating increments in benefits for birth of additional children). New Jersey secured a waiver from governing federal requirements and included a Family Caps program in its Family Development Program in 1992. See *id.* New Jersey's Family Caps program, like most, includes a ten-month grace period for new applicants so that a family which bears a new child up to ten months after applying for benefits can still receive an allotment for that child. See Smith, *supra* note 41, at 779.

89. See N.J. ADMIN. CODE tit. 10, § 82-1.2(b) (1992) (calculating payment standards for eligible families).

90. See Smith, *supra* note 41, at 779 (stating goal of Family Caps program is to discourage women on welfare from having more children and to encourage them to find employment in order to wean them off welfare rolls); see also James M. Sullivan, *The New Jersey Child Exclusion: Model or Mess?*, 2 GEO. J. FIGHTING POVERTY 127, 129 (1994) (discussing aims of program as discouraging women from receiving federal welfare and encouraging women to find employment).

91. See Smith, *supra* note 41, at 779 (setting forth rationale behind New Jersey's Child Exclusion Program).

children themselves. The Personal Responsibility Act unequivocally resolves that tension in favor of work. Now, the clear message is that children need financial support from their parents, rather than from the state, and that financial support trumps the parental nurturing role.

The paramount emphasis of the law is on parents supporting their families. Because employment is the only "responsible" option for poor, single mothers, the Personal Responsibility Act moves these women off welfare and into the paid labor force.<sup>92</sup> Under the act, parents and other caretakers must engage in "work activities" (as defined by the legislation) after no more than twenty-four months of receiving benefits (whether or not consecutive) and, unless a state opts out, it must require recipients to perform community service after two months of receiving cash benefits.<sup>93</sup> To encourage fulfillment of obligations, the Personal Responsibility Act allows states to terminate benefits to a family for not complying with work requirements.<sup>94</sup>

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92. See Susan W. Blank & Barbara B. Blum, *A Brief History of Work Expectations for Welfare Mothers*, in *THE FUTURE OF CHILDREN: WELFARE TO WORK* 28, 28-29 (1997) (stating main purpose of PRA is to discourage women from receiving welfare). Work requirements are not new to welfare. They were first created as far back as the 1967 Work Incentive Program ("WIN") and have steadily increased since then. See *id.* at 31-37 (discussing history of welfare programs). WIN's welfare-to-work measures and other programs' provisions have had little impact in part because the programs were underfunded and never fully implemented. See *id.* at 34 (stating WIN and Job Opportunities and Basic Skills Training Programs ("JOBS") were not implemented at scale intended by federal legislature and did not receive sufficient federal funding). Many recipients who sought employment registered for the work programs, but lack of services such as training and child care created barriers to employment. See *id.* at 33. The chief difference between the new work requirements and the old are that, unlike in the past, the Personal Responsibility Act's requirements are being implemented and enforced. Families who do not comply are being forced off the welfare rolls. See Jason DeParle, *Success, and Frustration, as Welfare Rules Change*, N.Y. TIMES, Dec. 30, 1997, at A16-17 (stating that tougher welfare programs are pushing families away from benefits). Also, coupled with the imposition of time limited benefits, the need to find work becomes critical. See *id.* at A16. The act imposes a five-year, lifetime time limit on benefit receipt. See *id.* After no more than 60 months of benefit receipt (whether or not consecutive) by an adult in the family, the family may no longer receive any federal assistance under the program. See *id.* Data shows that some states have begun to force families off the rolls when they hit their mandatory time limits. See DeParle, *supra*, at A17 (reporting that, in November 1997, 950 welfare recipients lost benefits in Connecticut and roughly half of those removed from rolls received extensions); Jacob M. Schlesinger, *Florida Adhered to Time Limits for Welfare*, WALL ST. J., Mar. 24, 1998, at A13 (describing Florida study where virtually all study participants (101 out of 102) who reached their time limits lost benefits); Alisa Wabnick, *Arizona's Welfare Reform Program Hits Legal Maelstrom*, ARIZ. DAILY STAR, Dec. 14, 1997, at 1B, available in 1997 WL 16299307 (stating that, in Arizona, 3,400 people left welfare rolls in November 1997 because of expiration of time limits).

93. See 42 U.S.C. § 602(a)(1)(B)(iv) (1996) (outlining guidelines for state family assistance programs). The recipient must work a minimum average of 20 hours a week (increasing to 30 hours a week by the year 2000) to meet this requirement. See 42 U.S.C. § 607.

94. See 42 U.S.C. § 607(e) (requiring states to reduce or terminate assistance for violating work requirement). The Personal Responsibility Act also imposes

Supporters of welfare reform have emphasized the mandatory nature of the work requirements in their get-tough rhetoric.<sup>95</sup> Even without these work requirements, the reality is that many women on welfare have always worked on the side to support their families.<sup>96</sup> As Joel Handler states:

The evidence over time is both consistent and persuasive that the vast majority of welfare recipients do not lack a work ethic. Empirical work demonstrates . . . that, against considerable odds, the majority of welfare recipients work while they are on welfare, trying over and over to find and keep jobs, and that, in fact, the majority do leave welfare through work.<sup>97</sup>

Yet, in spite of this evidence, policymakers insist that the work programs be mandatory. Somehow it is incumbent on politicians to “send a message.”

To facilitate the labor force participation of women on welfare, the PRA includes provisions regarding transitional child care and health care.<sup>98</sup> The states are designing programs that supply varying practical supports, which will enable poor women to seek employment.<sup>99</sup> Children

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work participation rates on the states. See 42 U.S.C. § 607(a)(1) (requiring that each state enroll annually increasing percentage of its TANF caseload in work activities). This figure increases from 30% in 1998 to 50% in 2002 and thereafter. See *id.* States that fall short of these mandated percentages will lose a portion of their block grant. See 42 U.S.C. § 609(a)(3) (reducing state grant for failure to satisfy minimum participation rates).

95. See Stephen Chapman, *Welfare Reform Should Include Work Mandate*, PORTLAND OREGONIAN, Feb. 19, 1995, at B3, available in 1995 WL 3554686 (describing how politicians emphasize work requirements to gain support for welfare reform). Representative Richard Neal of Massachusetts stated that “[i]ndividuals should be provided with the opportunity to work, and if they do not want to work, then their benefits should be denied.” *Id.* Further, in support of a Massachusetts’ welfare reform bill, Governor William Weld stated that “[i]t’s going to be better for the people who are receiving the benefits because they’re not going to be stuck in that system.” *Massachusetts Gets Tough on Welfare Legislature Approves Work Requirements*, SACRAMENTO BEE, Feb. 10, 1995, at A12, available in 1995 WL 4097015.

96. See JOEL F. HANDLER, *THE POVERTY OF WELFARE REFORM* 56-57 (1995) (observing that majority of single mothers on welfare have always had to work to support their families).

97. *Id.* at 85; see Lucie White, *Making Welfare Work for Women: Notes from the Field*, 1 LOY. POVERTY L.J. 5, 18 (1995) (reporting that great number of women on welfare work).

98. See 42 U.S.C. § 601 (promoting child care and employment benefits); see also Administration for Children and Families, Department of Health and Human Services, *Fact Sheet: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (visited Mar. 17, 1999) <<http://www.acf.dhhs.gov/programs/opa/facts/prwora96.htm>> (stating that act provides increased funding for child care and guaranteed medical coverage).

99. See Blank & Blum, *supra* note 92, at 35-36 (describing state programs to better facilitate welfare-to-work programs). Unfortunately, there are a host of other factors that present obstacles to successful employment—not the least of which includes the many factors Mary Joe Frug chronicled in her seminal article,

have only been considered in the welfare reform debate through the growing recognition that working mothers need reliable child care to get and keep a job.<sup>100</sup> Work programs necessitate decisions about who will care for children while their mothers are employed outside the home. Children are no longer the object of welfare policy; rather, they are now just another impediment, such as lack of transportation, that exclude poor women from the workforce.

Not only does the law emphasize work over nurturing, it completely fails to recognize the value of mothering. The primary purpose of welfare has changed from providing economic support in recognition of children's needs to creating compulsory labor force participation by caregivers. Although the AFDC system was certainly flawed—it entailed social stigma, humiliating practices and cash payments well below the poverty level—it did offer poor, single mothers the *possibility* of caring for their children at home. Welfare benefits are now provided based on will-

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which serves as the inspiration for this Symposium. See generally Mary Joe Frug, *Securing Job Equality for Women: Labor Market Hostility to Working Mothers*, 59 B.U. L. REV. 55, 55-58 (1979) (arguing that discrimination against women in employment continues because of women's child care responsibilities). The new welfare law does not adequately address these issues. With welfare reform, training is minimal or nonexistent because many states are limiting their efforts to immediate job placement of welfare recipients. See MINK, *supra* note 50, at 62 (listing states imposing immediate job placement requirement). States have the discretion to mandate work sooner than is required by the federal law and "so far New York City, Massachusetts, California, Florida, Tennessee, Texas, and Wisconsin compel mothers to work outside the home immediately upon receiving benefits." *Id.* Further, the new law completely ignores the realities of labor market hostility toward women—particularly the racism and sexism that prevents poor women from advancing in the labor force. See *id.* at 119-20 (describing realities of discrimination against women in workplace). The new law also disregards the failure of the market to respond to the legitimate claims of family life. See *id.* at 113 (outlining difficulty balancing work and child care). The ideal worker in our society works full-time, and often overtime, and their parental duties do not interfere with their work life. See Joan Williams, *Is Coverture Dead? Beyond a New Theory of Alimony*, 82 GEO. L.J. 2227, 2229 (1994) (defining ideal worker as full-time working husband with few domestic responsibilities). Women encounter a work place with institutions and policies that do not accommodate their responsibilities at home. See FINEMAN, *supra* note 79, at 205 (noting that when women supplement meager welfare payments by working, "they encounter a work place with institutions and policies that do not accommodate their responsibilities as mothers"). See generally Chaya S. Piotrkowski & Susan Kessler-Sklar, *Welfare Reform and Access to Family-Supportive Benefits in the Workplace*, 66 AM. J. ORTHOPSYCHIATRY 538 (1996) (observing that welfare reform does not address inadequacy of workplace benefits for poor mothers).

100. See Ellen E. Kisker & Christine M. Ross, *Arranging Child Care*, in THE FUTURE OF CHILDREN, WELFARE TO WORK 99 (1997) (emphasizing that mothers cannot leave welfare unless they have child care because "[m]ore than half of the children in families supported by welfare are under age six, and another third are in grade school"). The lack of affordable, reliable, decent child care presents a barrier to employment for the mothers of these children. See Lucie White, *Quality Child Care for Low-Income Families: Despair, Impasse, Improvisation*, in HARD LABOR: WOMEN AND WORK IN THE POST-WELFARE ERA 133-40 (Joel F. Handler & Lucie White eds., 1999) (exploring inadequacies of government child care policy and child care options of low-income families).

ing workforce participation, rather than as compensation for the socially productive, albeit unpaid, work that mothers perform in the home.

In addition, poor mothers have received little attention for the objective difficulties they face when combining employment and caregiving. Compelling poor mothers on welfare to work outside the home leaves them with significantly less time for their maternal duties. They will have less time for mother work, which includes nurturing, teaching values, guiding children through difficult times, protecting, nursing sick children, reviewing children's homework, toilet training, meeting teachers, participating in school events, meeting children's friends, taking children to after school activities and so on. By compelling work outside the home, the Personal Responsibility Act requires poor mothers to relinquish many of these duties. The founders of Mothers' Pensions understood the importance of work that poor mothers perform every day in their homes and realized that children benefit from their mothers' presence. As Dorothy Roberts has aptly observed, however, "[t]he rhetoric of motherhood has lost all the persuasive force it wielded during the Progressive Era."<sup>101</sup>

The devaluation of mothers' work is reflected in welfare critics' inability to see the contribution women on welfare make to society through their role in child care. In addition, welfare rhetoric suggests that children are better off under the care of someone other than their mothers. The rhetoric blames mothers on welfare for being poor and for transmitting a "culture of dependency" to their children. Their mothering is deemed pathological and unworthy of subsidy.

Although gender dynamics have taken center stage in welfare reform, the racial politics have been more subtle. Racial politics continue to infect welfare reform efforts even though today, race-neutral terms pervade the public debate about welfare. Unlike when Mother's Pensions and AFDC won passage, race-based discrimination is no longer legally acceptable. Explicit race claims are rare and ultimately unnecessary because welfare is widely viewed as a "code word" for race.<sup>102</sup> Welfare has become a coded issue whereby politicians who attack welfare can "exploit whites' racial animosity and resentment while diminishing the appearance of race baiting."<sup>103</sup> Political use of race-neutral language hides welfare's racial subtext and insulates politicians from criticism. If a public figure makes race-based charges, his or her claims would be challenged and refuted. Because "blacks are linked with . . . welfare . . . only implicitly, such links

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101. Roberts, *supra* note 24, at 872.

102. See Martin Gilens, "Race Coding" and White Opposition to Welfare, 90 AM. POL. SCI. REV. 593, 593-95 (1996) (discussing how welfare currently has racial implications).

103. *Id.* at 593. Gilens' research shows that the single most important factor shaping white Americans' views of welfare is a negative belief about blacks, particularly black welfare mothers. See *id.* at 601-02.

are less likely to be challenged . . . [and] [t]he public is left to draw its own conclusions, based on existing stereotypes."<sup>104</sup>

The racial imagery of welfare has significant force in welfare policy. "Part of the reason that maternalist rhetoric can no longer justify public financial support is that the public views this support as benefitting primarily Black mothers."<sup>105</sup> As described by Lisa Crooms, the welfare queen prevails as the stereotype of a typical welfare recipient:

The image of the welfare queen [is] that of a poor, black mother who first became pregnant as a teenager. Her sexual irresponsibility resulted in her dropping out of school and joining the AFDC rolls. Rather than marry the child's father and make the best of the situation, she chose to remain single, to collect AFDC and to have more children by different fathers.<sup>106</sup>

These types of unspoken racial images shape public understanding of welfare. Such misleading perceptions of welfare mothers permit the public to think of welfare recipients as "them" and not "us." Consequently, policy-makers may impose unwarranted punitive and privacy-invasive policies for welfare queens that would never be imposed on the rest of society.

#### IV. WELFARE TOMORROW: MOVING FORWARD WITH A MORE AUTHENTIC IDEOLOGY OF WELFARE MOTHERHOOD, THE SECOND SHIFT MOM

As we look to the future of welfare, it is hard not to remain pessimistic. Americans have inherited a welfare state with racist and gendered origins. History shows that welfare law originates from negative assumptions about economically needy women and their families. This legacy had enormous influence during the recent effort to reform welfare. Rather than recognizing the commonalities that all mothers share, welfare programs emphasize the differences between classes of mothers (*i.e.*, poor mothers, black mothers and unwed mothers). Misguided policies magnify and exaggerate these differences severely enough to isolate poor mothers from the mainstream of society. Poor mothers are put on a different track with different rules.

Yet, a more general examination of family processes reveals that welfare families are only one variation of families struggling to balance work and home. Although their economic situation is dire, welfare families face the same time and money pressures that working-class, single parent and even many middle-class families face. Reformers who favor universal programs have not overlooked these commonalities.<sup>107</sup> For example, advo-

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104. *Id.* at 602.

105. See Roberts, *supra* note 24, at 873.

106. Lisa A. Crooms, *Don't Believe the Hype: Black Women, Patriarchy and the New Welfarism*, 38 *How. L.J.* 611, 622 (1995).

107. See, *e.g.*, David T. Ellwood, *Reducing Poverty by Replacing Welfare*, in MARY JO BANE & DAVID T. ELLWOOD, *WELFARE REALITIES: FROM RHETORIC TO REFORM* 143,

cates of universal programs—such as increases in the minimum wage, universal health care, government subsidized day care and a strengthened earned income tax credit—recognize that the situation of welfare families is not unique and that many families need assistance. Some reformers have promoted universal programs in the hope that such programs will garner greater public support than traditional welfare programs.<sup>108</sup> They believe that universal programs, although designed to serve a broader population with common interests, will still provide much needed benefits to their intended target—the poor.<sup>109</sup>

Even where the real political agenda is “hidden,” the reform efforts have failed.<sup>110</sup> The universalist strategy has been unsuccessful in attracting sufficient support of low income individuals who stand to benefit from an expanded array of government programs. This is the case not because these programs are unwarranted or flawed, but because there is strong ideological resistance to any program that seemingly benefits welfare recipients. The legacy of our gender and racial welfare stereotypes is so long lasting and formidable that many people will forego opportunities to help themselves to avoid helping the poor and minorities.<sup>111</sup>

Even though law reform is an important part of any anti-poverty effort, its impact thus far has been modest. As Martha Fineman has suggested, “[l]aw is a crude and limited device and is circumscribed by the dominant ideologies of the society in which it is produced.”<sup>112</sup> Where welfare is concerned, politicians and the public embrace the myths and dismiss the facts. In her recent book, Gwendolyn Mink demonstrates how difficult it is to dispel these ugly myths about welfare mothers:

[E]verybody seems to know someone who has had extra babies to get more welfare. Most adult recipients would like to be in the labor market: 39 percent combined wages with welfare or cycled

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148 (1994) (discussing need for overall reform in wages, tax policies and medical protection).

108. See Roberts, *supra* note 22, at 1588 (stating that some reformers argue that emphasizing programs for general public will improve situation of underclass).

109. See *id.* (“By obscuring welfare’s benefits for poor Blacks, the universalist reasoning goes, an array of race-neutral programs will garner more support from the current system, which the public associates with Blacks.”).

110. See *id.* at 1589 (quoting WILLIAM JULIUS WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS AND SOCIAL POLICY* 120 (1987) (discussing reasons why universal programs have failed)).

111. See *id.* at 1573 (stating that to maintain existing social order, whites have struck down social programs that would benefit blacks).

112. FINEMAN, *supra* note 79, at 17. Professor Fineman explains that “[a]n ideology is constituted by a complementary collection of symbols, beliefs, and assumptions that, in combination, rationalize and give meaning to discourses. One further aspect of an ideological system is that it performs its meaning-giving role in the context of social and political power.” *Id.* at 20-21; see ABRAMOVITZ, *supra* note 19, at 86 (defining ideology and stating that it gives meaning and stability to power relationships).

between them; the majority of recipients leave welfare within two years; and two-thirds of mothers who leave welfare do so to take jobs. But everybody seems to know someone who refused work because she enjoyed "welfare as a way of life."<sup>113</sup>

Welfare does not cause women to have children, be unmarried or to be poor.<sup>114</sup> In addition, "the average monthly welfare benefit (\$377 for a family of four in 1995) hardly supports a desirable standard of living for mothers who parent alone."<sup>115</sup>

Even in the face of valid and contrary empirical data, the public holds fast to these myths.<sup>116</sup> These myths and assumptions have powered welfare policy in the United States. It is doubtful that law reform can, standing alone, catalyze progressive reforms of welfare.

It will be difficult to gain public support for and enact a more dignified and responsive social welfare policy if negative stereotypes of welfare mothers persist and dominate the political discourse. At the national level, few influential policymakers have opposed enactment of the Personal Responsibility Act or contested the images of welfare recipients that it reinforces.<sup>117</sup> Bipartisan support dismantled the AFDC program. President Clinton, a Democratic President, called for "an end to welfare as we know it."<sup>118</sup> Liberals joined conservatives in charging that welfare had failed and defining use of AFDC as pathological welfare dependence. Virtually all politicians involved in this issue endorsed moving welfare recipients off the rolls and into the paid labor force. The only disagreement was how to do it; vigorous debate ensued concerning the magnitude of the budget cuts to welfare expenditures, the types of sanctions to impose, whether training would precede jobs and the extent to which state governments would be required to devote resources to transitional benefits such as child care and health care.<sup>119</sup>

113. MINK, *supra* note 50, at 33.

114. *See id.* at 33 ("There is no evidence that welfare causes poor unmarried mothers to be mothers, to be unmarried, or to be poor.").

115. *Id.* at 34.

116. *See* FINEMAN, *supra* note 79, at 17 ("Existing beliefs and assumptions shape knowledge and understandings, including those about law and law reform.").

117. *See* Senator J. Robert Kerrey, *Welfare Reform: Economic Security for the Next Century*, 9 STAN. L. & POL'Y REV. 13, 13-14 (1998) (discussing his opposition to plan). According to Senator Kerrey, the Personal Responsibility Act "legitimizes the false presumption that meager transfer payments are responsible for out-of-wedlock births, chronic dependency, and other destructive behavior." *Id.*; *see* Ian Fisher, *A Senator Stands Alone in the Debate on Welfare*, N.Y. TIMES, Sept. 27, 1995, at A12 (discussing welfare debate).

118. *See, e.g.*, Christopher Matthews, *Ending 'Welfare as We Know It' Clinton Speaks, Dole Silenced*, ARIZ. REPUBLIC, Aug. 7, 1996, at B5, available in 1996 WL 7727791 (noting that President Clinton fulfilled his promise by signing welfare reform bill into law).

119. *See, e.g.*, Lucie E. White, *On the "Consensus" to End Welfare: Where Are the Women's Voices?*, 26 CONN. L. REV. 843, 844-45 (1994) (discussing criticism of na-



Existing alternative welfare proposals have not succeeded politically because they do not counter the destructive images of welfare mothers that are entrenched and therefore persist. Welfare critics have effectively used "images and stories" to pursue their conservative agenda and paint a picture of mothers on welfare as deviants, while liberal scholars tend to rebut the myths "through the cool, rationalist rhetoric of numbers."<sup>120</sup> In addition to relying on statistics to counter the false claims, we need to make progress on the ideological front.

During this period of relative quiet in welfare politics activists should take up such efforts. The Personal Responsibility Act overhauled our welfare state, taking the issue off the national political agenda. The untidy task of administering the changes to welfare at the state level has not received nearly as much media coverage as the reforms themselves. Politicians (even those whose names had become synonymous with welfare reform) have turned their attention to other issues. The war on welfare has lost much of its vitality. Consequently, this post-reform period is an opportune time to seize center stage and recast welfare discourse.

Constructing a new identity of welfare motherhood can be accomplished by using the real experiences of poor women's lives to contest, and ultimately replace, the caricatures. Such stories undoubtedly will resemble the stories heard from working mothers from all socio-economic strata. The storytelling will reveal that the collective experience of balancing

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tional women's organizations by welfare activists, because those organizations failed to use their considerable political muscle to beat back conservative attacks on welfare). Remarkably, missing from the welfare reform "consensus" were the voices of national women's organizations. Unlike the original movement that created Mothers' Pensions during the Progressive Era, women's groups have been largely absent from the stage. One reason for their absence may be that the feminist organizations' focus reflects the perspective of middle and upper-class white women feminists. Women's organizations have worked to make the workplace more hospitable to female workers rather than focusing on maternal duties of women. Indeed, contemporary liberal feminists have tended to disavow the role of the mother, viewing it as a threat to one's personal autonomy. "[Mother] is marred by her burdens of obligation and intimacy in an era where personal liberation and individual autonomy are viewed as both mature and essential." FINEMAN, *supra* note 79, at 72. In the legal realm,

[F]eminist arguments have tended to present women's issues and represent women's concerns as partly related to or caused by the distortion of the traditional institution of motherhood. The result is that much of the reformist rhetoric directed at family law constantly reaffirms the notion that the disabilities and disadvantages of Mother must be overcome—the family refashioned so that the individual woman is left unencumbered.

*Id.* at 74. This position is often at odds with the family and work experiences of black and working-class women. For many of these women, work is mandatory and does not lead to self-fulfillment. Family life provides a safe haven from the exploitation and drudgery that many of these women experience in the workforce. The failure of traditional feminism to recognize and address these concerns has prevented them from attracting black and working-class women to the "movement." Feminists need to direct equal energies to making the workplace more hospitable to mothers (not simply female workers).

120. White, *supra* note 83, at 1968-70.

work and family demands with little support eclipses the differences between these groups. The public may listen to these stories in a way they failed to do when confronted with empirical data. Of course, despite the authenticity of the storytelling, efforts to alter public discourse to recognize welfare motherhood as simply one variant of working motherhood will meet resistance.

Such difficulties might decrease if one could link this new ideology of welfare motherhood to a recognized image of motherhood in society. In *The Neutered Mother*, Martha Fineman compares the images of single motherhood in both poverty and divorce discourses and notes that the images “forged in one context constrain and direct the debates in another.”<sup>121</sup> Recognizing the potential for such transference, my purpose here is to determine whether one can connect the situation of welfare mothers and the more positive discourses about mothers in different circumstances. Looking first at existing cultural conceptions of working motherhood, it is useful to consider whether any of these images can effectively cross over to the welfare realm. Unfortunately, there are not many images of working mothers in American society. There are images of mothers and images of working women, but remarkably few images of working mothers. The popular conceptions of working motherhood in our society that do come to mind are the Supermom, the Soccer Mom and the Waitress Mom. If such connections can be made, perhaps shared imagery may construct a new ideology of welfare motherhood. Transferring one of these images to the welfare context may reflect the shared realities of motherhood that exist across race and class lines and, thus, direct a more constructive dialogue about welfare motherhood.

Women entered the labor force in droves in the 1960s and 1970s and one of the first positive images of working women took hold in the early 1980s.<sup>122</sup> Like the domesticated mother, the image of the Supermom or Superwoman is idealized; there is nothing she can't do—“succeed in a career, raise bright children, sustain a good marriage.”<sup>123</sup> The image reassured modern women that not only could they “have it all,” they can also excel on all fronts. The Superwoman image does not crossover to the welfare context because it simply does not reflect the experience of welfare mothers.<sup>124</sup> Adopting such a strategy promotes an unattainable image of mother and worker against which poor women in different

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121. FINEMAN, *supra* note 79, at 51.

122. See Jill Duerr, *From Mother's Duty to Personal Responsibility: The Evolution of AFDC*, 7 HASTINGS WOMEN'S L.J. 257, 269 (1996) (discussing explosive growth of women's participation in labor market, which eroded conceptual connection between “women's work” and motherhood).

123. Anne Faircloth, *The Class of '83*, FORTUNE MAG., Oct. 12, 1998, at 126; see Gene Epstein, *Low Ceiling: How women are held back by sexism at work and child-rearing duties at home*, BARRON'S, Dec. 1, 1997, at 35 (referring to role of Supermom as “full-time executive and full-time mother rolled into one”).

124. See Epstein, *supra* note 123, at 35 (discussing how Superwoman role model has also been rejected as unattainable by many educated, career-oriented

circumstances will be judged and inevitably found wanting. As did the reformers of the Progressive Era, society should reject strategies that limit or stigmatize women.

The Soccer Mom and Waitress Mom more closely mirror the lives of mothers on welfare. The term Soccer Mom achieved public recognition during the 1996 presidential election when they were considered a crucial voting block.<sup>125</sup> Soccer Mom has described a class of mostly white, suburban women struggling to balance the demands of work and child rearing.<sup>126</sup> Although they are middle-class, Soccer Moms are often financially stressed.<sup>127</sup> These overburdened women sprint from work to home, where their duties include taking care of the home and shuttling their children to soccer games and other activities in the family minivan.<sup>128</sup> In response to a reporter's question during her daughters' soccer game, one mother described her difficult lifestyle—"I'm stressed to the max. I'm overloaded today. . . . I got home 15 minutes ago. I threw dinner down the kids' throats. Got their homework out of the way. Fed the dog, fed the cat. I've got a son at another field and two daughters here."<sup>129</sup> The term stuck, in part, because it captured the experience of so many middle-class women who feel pulled between career and family demands.<sup>130</sup>

Waitress Moms are the "downscale version of the Soccer Mom."<sup>131</sup> A new formulation of the current political season,<sup>132</sup> Waitress Moms are "low-income working women—not just those who wait tables—and are mostly white and under 50 with a high school education."<sup>133</sup> Although they share the same harried lifestyle as their middle-class Soccer Mom

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women). Successful women today accept that "life comes down to a series of trade-offs . . . between career, relationship, and children." *Id.*

125. See, e.g., Renee Peck, *Confessions of A Soccer Mom*, NEW ORLEANS TIMES-PIDAYUNE, Oct. 22, 1996, available in 1996 WL 11194134 (identifying Soccer Moms as important vote in 1996 elections).

126. See Randall Mikkelsen, 'Soccer Moms' New Focus For Election, ROCKY MTN. NEWS, Sept. 22, 1996, at 4A, available in 1996 WL 12347368 (describing role of Soccer Moms).

127. See *id.* (noting that Soccer Moms tend to be "suburban women who are financially stressed").

128. See E.J. Dionne Jr., *Clinton Swipes The GOP's Lyrics: The Democrat as Liberal Republican*, WASH. POST, July 21, 1996, at C1, available in 1996 WL 10722192 (discussing Soccer Moms).

129. Mikkelsen, *supra* note 126, at 4A.

130. See Lynn Bartels, *Meet the Original Soccer Mom*, ROCKY MTN. NEWS, Oct. 30, 1996, at 6A, available in 1996 WL 12353808 (noting that Susan Casey, Denver City Councilwoman who coined political phrase, explained that she set out to introduce herself to voters rather than to identify "a constituency or a swing vote"). According to Casey, "I think part of why it worked is because it was authentic. It was me, soccer mom." *Id.*

131. Melinda Henneberger, *Want Votes With That? Get the 'Waitress Moms'*, N.Y. TIMES, Oct. 25, 1998, (Week in Review), at 3.

132. The term was designed by a Democratic pollster to remind Democrats of the importance of lower-income female voters. See *id.* (discussing origins of term).

133. *Id.*

counterparts, these working-class mothers “don’t have a minivan and a cleaning lady and have to take their kids to their mother’s house at 4 in the morning on their way to work[.]”<sup>134</sup> Moreover, when Waitress Moms “are asked to describe themselves, . . . their No. 1 response is simply ‘tired.’”<sup>135</sup>

Each term is appealing because of the political power it represents. Each group, rightly or wrongly, has been identified as the key political swing vote of their time. As such, they have captured the attention of politicians and the media. The terms embody an implicit recognition that, if mobilized, the political power of women can affect elections. Politicians are warned not to ignore the demands of these so-called voting blocks, demands that appear to center on their desire for more public support of their dual roles as parents and workers. Also important is the positive *yet realistic* vision of working motherhood that these terms portray. These women lead complicated lives and walk a tightrope between work and family. One gets the overall sense that these women are not perfect; they are simply doing the best they can.

The main problem with both terms, however, is their strong class-based and race-based identification. The Soccer Mom is middle-class; the Waitress Mom is working-class. Both women are white. Women of color (even those who fit the demographic profile) do not fit the mold. Further, middle-class women do not want the Waitress Mom label. Working class women, however, perceive their own situation as more deprived and may resent the whining of Soccer Moms. In short, these economic and racial distinctions may divide rather than unite. Either term may prevent women from organizing around overlapping experiences.

Alternatively, I suggest that welfare activists inject into the discourse the ideology of welfare mothers as “Second Shift Moms.” The image Second Shift Mom conveys is that of the working mother who comes home tired from work to face a “second shift”—running the household and caring for the children. Although the term derives from studies of dual-earner couples, which found that women perform more of the caretaking and housework than their husbands, the term applies equally to working single mothers who must raise children under time constraints and social and economic disadvantages.

The ideology of the Second Shift Mom addresses three central concerns. First, it legitimates welfare mothers by reflecting their status as workers and by leaving behind the destructive elements of current welfare discourse. This discourse vilified women on welfare as lazy for not working outside the home to support their families. As a consequence, the Personal Responsibility Act imposes mandatory work requirements on welfare recipients. Although some commentators continue to oppose the work requirements, it is not my purpose here to rehash that debate be-

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134. *Id.*

135. *Id.*

cause all indications are that they are here to stay.<sup>136</sup> Progressive reformers should not let defeat on the work issue obscure the potential benefits that attend its passage. The potential exists for welfare mothers to claim credit for the work they have been doing all along.<sup>137</sup> Indeed, early reports from corporate executives who have hired former welfare recipients are quite positive.<sup>138</sup> The respect and benefits that flow to workers in the United States should now be extended to welfare mothers.<sup>139</sup> Equally significant is the effect the work requirements may have on welfare ideology and discourse. Enacting mandatory work requirements is precisely the type of structural change that can undermine the prevailing image of women on welfare and, to some degree, facilitate the enormously difficult task of changing this ideology.<sup>140</sup> Politicians who have feasted on the image of welfare mothers as lazy and lacking in personal responsibility can no longer convincingly make such accusations.

Second, the term Second Shift Mom itself shifts emphasis from the labor market role of working mothers to their parental role. It suggests that families are being shortchanged because the child rearing duties are relegated to the second shift and mothers can only devote to their families the energy that has not been expended at their workplace. Further, it implicitly rejects both the Progressive Era glorification of ideal motherhood and Personal Responsibility Act's devaluation of motherhood as an impediment to employment.

Third, political activism and legal reform premised on the ideology of the Second Shift Mom has potential, not simply because the term provides an appealing slogan that attempts to alter widely shared assumptions about welfare motherhood. The true strength of this construction of motherhood lies in the potency of the symbol. It reflects the collective experience of working mothers—women who are forever juggling their

136. See, e.g., MINK, *supra* note 50, at 128 (noting widespread lack of opposition to work requirements).

137. See GORDON, *supra* note 10, at 9-12 (pointing out that claims to government benefits and welfare have been justified on three bases: rights, earnings and need). The need-based programs, such as welfare, are inferior programs that provide low benefits and supervise and stigmatize recipients. See *id.* (reviewing problems associated with need-based programs). Earnings-based programs, such as unemployment insurance, are perceived to enjoy a stronger justification than welfare and are more generous and less intrusive. See *id.* The sense is that one can claim benefits in this area because one has "earned" it. See *id.* at 10-12.

138. See, e.g., Cindy Loose, *Welfare-to-Work Forum to Have Upbeat Message*, WASH. POST, Nov. 17, 1998, at A19 (reporting that Giant Food executives hired workers that "defy stereotypes about welfare recipients and their motivation to work, but they also stayed on the job much longer than hires from any other source").

139. See, e.g., Steven Greenhouse, *Unions to Recruit Workfare Employees*, N.Y. TIMES, Feb. 19, 1997, at A12 (discussing how union leaders have argued that "people on welfare should be treated like any other workers" and should not be denied decent wages and working conditions and legal protections afforded other workers).

140. See FINEMAN, *supra* note 79, at 20 (stressing difficulty of changing "social imaginings").

work and home responsibilities—and it references these generally held norms. By acknowledging the shared complexity of the lives of working mothers (welfare, single, working-class and otherwise), the term possesses an authenticity that should resonate with other lower income, working mothers and mobilize them to join the political struggle for universal programs that aid working mothers in their parental function.

Just as welfare reformers did during the Progressive Era, activists today must deliberately project this image of welfare motherhood.<sup>141</sup> This task is not solely law-work. Indeed, law reform efforts have been ineffectual in the face of the contemptuous tales crafted by welfare detractors. To sell “stories” about mothers on welfare, activists must adopt a public relations strategy involving community outreach, marketing efforts and a media campaign. Such efforts have occurred in a piecemeal fashion. For example, in Illinois, the Jewish Council on Urban Affairs organized a “Welfare Truth Squad” to combat stereotypes.<sup>142</sup> The Welfare Truth Squad has seven former welfare recipients, who are goodwill ambassadors and “tell their stories to church groups, synagogues, rotary clubs and other organizations to put a human fact on the often cold-blooded debate over welfare reform.”<sup>143</sup> In addition, on an individual level, some former welfare recipients have spoken out and told their stories to increase public awareness of welfare’s successes.<sup>144</sup> For these stories to penetrate the public consciousness and take hold, activists from a variety of fields should work together in a coordinated manner. Only after this narrative rebuts the conservative rhetoric that welfare mothers and their families are deviants can reformers successfully advance more dignified social welfare programs that address the caretaking needs of working, poor mothers.

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141. See, e.g., THEDA SKOCPOL, *PROTECTING SOLDIERS AND MOTHERS: THE POLITICAL ORIGINS OF SOCIAL POLICY IN THE UNITED STATES* 464-65 (1992) (illustrating how Progressive Era women’s movement achieved legislative success through “deliberate, organized, state-by-state efforts of associations” and by “mak[ing] claims for poor widows on behalf of values traditionally associated with the feminine domestic sphere of more privileged women.”).

142. See Don Terry, *Lost in Land of Welfare: Some Travelers’ Tales*, N.Y. TIMES, Nov. 16, 1995, at A10 (describing effort to reshape image of welfare recipients).

143. *Id.* To prepare the squad members for their meetings with church and civic groups, the Jewish Council on Urban Affairs hired professional story tellers to train them in how to talk about their experiences on welfare. See *id.*

144. See Nitza I. Vera, *Remarks of a Former Welfare Recipient on Selected State Legislative Developments in Welfare*, 3 AM. U.J. GENDER & L. 153 (1995) (describing welfare experiences); see also Sandy Smith Madsen, *A Welfare Mother in Academe*, THE CHRON. OF HIGHER EDUC., July 31, 1998, at A44 (expressing viewpoint and experiences as welfare mother pursuing higher education); White, *supra* note 83, at 1987-88 (telling compelling story of woman who has experienced great difficulty in her efforts to leave welfare rolls).

