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WHY RETIRE THE FEMINIZATION OF POVERTY CONSTRUCT?

ATHENA MUTUA

INTRODUCTION

The “feminization of poverty” concept should be retired, if it has not already been so.¹ It should be retired, even though the concept has been extremely powerful as a discursive construct. In a phrase, the idea captured a seemingly universal phenomenon, inspired theoretical research into the nexus between women and poverty, and summoned coalitions of women by marking an agenda for, and among, women across the boundaries of race, ethnicity, and nationality.² In short, it has been a war cry, demanding and *framing* analyses of women’s poverty, and justifying and *inspiring* women’s collective action.³ Nevertheless, the feminization of poverty construct should be retired because its definition is unclear

1. Mary Romero, a professor in the School of Justice Studies at Arizona State University, commented after the LatCrit V panel on the feminization of poverty that she did not think that the concept – feminization of poverty – was still widely used. This comports with my own intuition that the phrase has become simply a popular catch word occasionally used to describe, among other things, the increasing poverty of women associated with the rise in divorce and the increase in women-headed households in the U.S.

2. See Substantive Program Outline of the Fifth Annual LatCrit Conference entitled CLASS IN LATCRIT: THEORY AND PRAXIS IN A WORLD OF ECONOMIC INEQUALITY, (2000) (on file with author) [hereinafter SUBSTANTIVE PANEL OUTLINE]. In this panel we were asked to consider whether the framework of the “feminization of poverty” was a suitable framework for LatCrit as part of the process of LatCrit taking “the long foreshadowed step of affirmatively and self-consciously centering issues of class and economic inequality in the articulation of LatCrit theory and discourse.” The program author notes that the feminization of poverty term was used to “mobilize shame and outrage against the conservative public policies and corporate greed that produced new levels of unprecedented poverty,” as experienced primarily by white women. Nonetheless, the program notes “LatCrit . . . politics must take the struggles of women within Latina/o communities as seriously as it takes the struggles of Latinas in and against the racism and classism of the white majority.” One of the questions posed for the panel was whether the notion of feminization of poverty could “mark a common agenda for women of *all* colors, to transcend the divisions of race, ethnicity and national origin?”

This author was asked to comment on three papers which explored the feminization of poverty construct in the context of the Latina/o condition or LatCrit commitments. These papers together with international development literature form the basis of my critique of the construct.

3. See, e.g., UNIFEM, *Eradicating Feminized Poverty, Strengthening Women’s Economic Capacity* (1998), available at http://www.unifem.undp.org/ec_pov.htm (“Millions of women in developing countries live in poverty. With women making up 70 percent of the world’s 1.3 billion poor, the feminization of poverty is a growing phenomenon. . . . [T]here are many reasons for the feminization of poverty. . . . UNIFEM is seeking new and innovative ways to help women lift themselves and their families out of poverty [which includes] bringing together women’s organizations, decision-makers and the private sector to share knowledge and ideas.”).

and its meaning seems only partially accurate—capturing the dynamics of poverty in some communities but not others.⁴

Specifically, the concept fails to adequately capture the dynamics at work in the creation and the maintenance of people, both women and men, in poverty. This is so particularly where poverty is the norm for both women and men, as it is in many U.S. communities of color and other national and sub-altern communities.⁵ Further, the feminization of poverty construct, by inadequately reflecting the gender dynamics of poverty in these communities, may also unnecessarily strain the intra-community coalitions of men and women of multiple sexualities whose survival may be more intimately and immediately tied to and dependent on each other.⁶ Moreover, because the construct relies on essentialized understandings of men and women, it may erase the experiences of and hinder coalition building with those “who transgress gender, moving through the categories of ‘woman’ and ‘man.’”⁷

Ultimately, the feminization of poverty concept should be retired because it may have served its purpose. This purpose is not to describe the existence of a recent but universal phenomenon⁸ but to spawn the research, debate, and investigation that has generated alternative notions and frameworks for understanding the lived experiences and conditions of all people in poverty.⁹ One of these notions or frameworks is simply

4. See discussion *infra* notes 25-85 and accompanying text.

5. Here, I mean simply subordinated groups primarily subjected to a colonizing power. “Edward Said (1998) traces the origins of the term *subaltern* to Antonio Gramsci. In Gramsci’s usage, subalternity is the opposite to a *dominant, elite or hegemonic* position of power, and it is the interaction between dominant and subaltern groupings that is the essence of history.” Dianne Otto, *Subalternity and International Law: The Problems of Global Community and the Incommensurability of Difference*, 5 LEGAL AND SOCIAL STUDIES 337, 361 n.1 (1996). “Subaltern Studies” critiques both colonialist and nationalist perspectives in the historiography of colonized countries with India having been a primary focus of analysis. See RANAJIT GUHA, A SUBALTERN STUDIES READER, 1986-1995 (1997). Some critical race theorists have begun to use the term to describe the complexities of racialized subordination in the United States. See, e.g., Anthony P. Farley, *The Black Body as Fetish Object*, 76 OR. L. REV. 457 (1997).

6. See discussion *infra* notes 98-123 and accompanying text.

7. Kendal Broad, *Critical Borderlands & Interdisciplinary, Intersectional Coalitions*, 78 DENV. U. L. REV. 1151 (2001).

8. See Nilüfer Cagatay, *Gender and Poverty*, in WORKING PAPER SERIES 5, SOCIAL DEVELOPMENT & POVERTY ELIMINATION DIVISION, UNDP at 2 (1998), at <http://www.undp.org/poverty/publications> [hereinafter Cagatay, *Gender and Poverty*]; see also Sally Baden, *Gender, Governance and the Feminisation of Poverty*, MANAGEMENT DEVELOPMENT AND GOVERNANCE DIVISION, UNDP at 10 (Mar. 9, 1999), at <http://magnet.undp.org/events/gender/india/Badefeb2.htm>; Alain Marcoux, *The Feminization of Poverty: Facts, Hypotheses and the Art of Advocacy*, FAO (Women and Population Division), at www.fao.org/sd/Wpdirect/Wpan0015.htm (last visited June 18, 1997).

9. Cagatay, *Gender and Poverty*, *supra* note 8, at 2; see also Cecile Jackson, *Women and Poverty or Gender and Well-Being*, J. INT’L AFF. 2-5 (1998), available at <http://www.brittanica.com/bcom/magazine/article/0,5744,331823,00.html>.

the idea and reality of “gendered poverty.”¹⁰ The notion of gendered poverty recognizes that gender relations are deeply embedded in the operation of market systems and other economic structures and that poverty itself is deeply gendered.¹¹ In other words, it summarizes research confirming that men and women often come to poverty through different processes, are maintained in poverty in different ways, and experience poverty differently.¹² Additionally, these gendered processes reflect and reinscribe the notion that gender is intransitive,¹³ reproducing current gender and sex roles that limit individuals and groups.

Unlike the discursive feminization of poverty construct, the notion of gendered poverty lacks some of the flare, moral indignation, and outrage that propelled women into coalitions (based on a sense of common experience) and inspired substantial research into the lives of poor women. Further, and perhaps more importantly, the notion of gendered poverty fails to capture the fact that even where women are not poorer than men, they tend to be more vulnerable to poverty than men.¹⁴ In addition, the notion of gendered poverty does not, on its face, take into consideration the intersections of race, citizenship, and other conditions, which might deeply affect and be affected by various economic processes.

10. Here the term “gender” refers to the socially constructed but contingent social and sexual roles ascribed to the different biological sexes, while “gendered” refers to the various processes which inscribe and reinscribe these roles as well as the manifestation of these ascribed roles in various processes, systems, institutions, etc., throughout a given society. The gendered poverty concept captures the idea that the social and sexual roles ascribed to the different biological sexes are embedded in people’s experiences of poverty. See Jackson, *supra* note 9. See generally Nilifer Cagatay, *Engendering Macroeconomics and Macroeconomic Policies*, WP 6, UNDP 3-6 (1998) available at <http://www.undp.org/poverty/publications>. Although throughout this essay, I use the word gender to encompass the more sex based reproductive capacities and roles of some women on which a number of gender roles are justified (i.e., motherhood), the distinctions nevertheless between the terms “gender” and “sex” should be maintained. See Remarks by Hilary Charlesworth, 93 ASIL PROC. 206, 206-07 (2000) (calling for a maintenance of the integrity of the terms ‘gender’ and ‘sex’ and their meanings regarding social roles). For the purposes of this essay, however, I assume that a detailed focus on the issues confronting women will entail both notions of sex and gender, and I occasionally imply the distinction. See, e.g., discussion *infra* notes 120-25 and accompanying text.

11. See Jackson, *supra* note 9 (discussing how different definitions of poverty can flesh out gender inequality and the ways that poverty is gendered); see also Cagatay, *supra* note 10 (discussing the development of gendered economic analysis in relationship to macroeconomic theory and policy).

12. See Jackson, *supra* note 9.

13. The notion of gender intransitivity reflects the belief and practices of people and institutions that gender – both social and sexual roles – is fixed and unchangeable and, more specifically, that these gender roles are unchangeably tied to biological sex. See Francisco Valdes, *Unpacking Hetero-Patriarchy: Tracing the Conflation of Sex, Gender & Sexual Orientation to Its Origins*, 8 YALE J.L. & HUMAN. 161, 176-177, n.34 (1996) (“‘Gender transitivity’ signifies the fluidity of gender and belies the notion that sex fixes gender.”). Intransitivity denotes the inflexibility or “immutability” of gender determined by sex. *Id.* at 162, 176 [hereinafter Valdes, *Hetero-Patriarchy*].

14. See discussion *infra* notes 68-74 and accompanying text.

Nevertheless, the notion of gendered poverty informs research into the nature of poverty and market relations as they relate to women and men, respectively and specifically. It also appears much more amenable to attachments. So, for instance, one might talk about racialized gendered oppression, gendered racial poverty, racialized transgendered poverty, or racialized gendered imperialism.¹⁵ Further, it potentially facilitates a broader range of coalitions, including coalitions of women, men, and transgendered people. Ultimately, however, neither a feminization of poverty nor a gendered poverty approach captures the range of subordinating structures that shape poverty. Therefore, an approach that seeks to understand the multidimensional nature of poverty and promotes anti-essentialist, anti-subordination principles and practices might better unravel the ties that bind people in poverty and be more inclusive, permitting shared agendas for building coalitions.¹⁶

In short, I argue that the feminization of poverty construct adequately captures the idea that gender identity, being a man or woman, determines, structures, shapes and influences an individual's access to resources and opportunities (e.g., jobs). It also captures the idea that women are more vulnerable to poverty than are men. Yet the construct creates, suggests, or facilitates a series of other problems and therefore should be retired.

15. "Racialized gendered imperialism" attempts to capture a similar dynamic as bell hook's phrase: "patriarchal white supremacist capitalism." See Broad, *supra* note 7.

16. The feminization of poverty is an attractive discursive construct for those committed to anti-essentialist anti-subordination praxis, not only because it seemingly provides both an analytical framework and the power to mobilize coalitions, but also because it allows us to focus on a single axis of subordination -- gender -- or a single intersectional axis of subordinating structures. See Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241 (1991); Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139 (explaining that black women live at the intersection of race and gender). In this case, it explores the intersection or nexus between women and poverty, or gender, and the class subordination seemingly manifested in poverty. However, its limitation simultaneously is its single intersectional focus, which in some ways reduces its universal application. This focus limits both its analytical and mobilizing power. Anti-essentialist, anti-subordination principles, on the other hand, allow for a more thorough investigation of the inevitable interlocking hierarchies and oppressions that create disadvantage and poverty. This is so because this principle and approach is by definition anti-sexist, anti-racist, and anti-homophobic and aspires to be anti-classist, while also committed to understanding the multidimensionality of individual and group identity, and the multidimensionality of factors that shape experiences and social phenomenon. See Francisco Valdes, *Under Construction: LatCrit Consciousness, Community, and Theory*, 85 CALIF. L. REV. 1087 (1997) [hereinafter Valdes, *Under Construction*]; Francisco Valdes, *Beyond Sexual Orientation in Queer Legal Theory: Majoritarianism, Multidisciplinary, and Responsibility in Social Justice Scholarship or Legal Scholars as Cultural Warriors*, 75 DENV. U. L. REV. 1409, 1419-20 (1998) [hereinafter Valdes, *Beyond Sexual Orientation*]. This approach also creates and leaves open a wider range of coalitional opportunities. See discussion *infra* notes 174-182 and accompanying text. Nevertheless, to the extent that focusing on a single intersectional axis is necessary (and it is at times), the feminization of poverty construct should be retired in favor of a more nuanced approach, perhaps captured in the notion of gendered poverty.

First, it is unclear whether feminization of poverty means that more women are falling into poverty or that there are more poor women than there are poor men. Second, it suggests that women are always worse off or poorer than men. Third, although it requires a gender analysis, it focuses on women's poverty in a way that conflates the concept of gender with women. In other words, gender comes to mean and refer to women. One of the results of this conflation is that the gendered ways in which poor men experience poverty go unexplored and the opportunities available for men are presumed privileged and unlimited, even where the community as a whole is poor. Fourth, the feminization of poverty construct itself, but particularly when used as an advocacy tool, may strain intra-community coalitions by suggesting that women in a given community are worse off than men. Fifth, by essentializing gender, assuming that all women experience life in the same way regardless of race, class, sexuality, or nationality,¹⁷ and assuming that gender roles are fixed for all and determined by biological sex,¹⁸ the construct fails to capture and may erase the ways in which transgendered¹⁹ individual's poverty is shaped by gender. It thereby, again, inhibits or strains coalitions with variously gendered people.

And finally, both the feminization of poverty construct and the gendered poverty notion imply that gender is the predominate factor structuring and shaping poverty, particularly women's poverty, even in communities of color or those communities where people have not recently fallen into poverty but are already poor. A multidimensional approach that includes a gender analysis may be more illuminating in analyzing poverty in these communities.

Part I of this paper briefly traces the origin and development of the feminization of poverty concept. It demonstrates that the development of the term, both as an analytical framework and an advocacy tool to promote women's coalitions and studies on women's poverty, muddied the meaning of the term and led to confusing debateable universalistic claims. Simultaneously, the term generated research, which demonstrated

17. See Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990).

18. See Valdes, *Hetero-Patriarchy*, *supra* note 13, at 162 (explaining that the Euro-American sex-gender system is not universal, a fact that belies its essentialized claims); see also Allan Johnson, *THE GENDER KNOT: UNRAVELING OUR PATRIARCHAL LEGACY* 24-26 (1997).

19. Broad notes that the term "transgender" is an umbrella term. She states that [i]n the 1990s the term *transgender* (or TG) emerged as a contested term among various groups within a broader transvestites, transsexuals, cross-dressers, transgenderists, gender blenders, gender benders, drag queens, bigenders, feminine men, androgynes, drag kings, intersexuals, masculine women, crossgenders, butch lesbians, shape shifters, passing women, bearded women, passing men, gender dysphorics and others who might consider themselves "gender outlaws."

Broad, *supra* note 7, at 8.

that even though women tend to be more vulnerable to poverty than men, women may not be poorer than men in every community.

Part II examines three contextual analyses of poverty in the lives of women and men. First, it examines Professor Arriola's analysis of labor practices in the Mexican *maquiladoras*.²⁰ This section argues that the feminization of poverty construct fails to adequately capture the gendered dynamics of poverty in the *maquiladoras*. Further, it suggests that the construct when used as an advocacy tool may cause unnecessary strain within the community, thereby inhibiting intra-community coalitions and unity between men and women. The notion of gendered poverty, in contrast, allows for a broader analysis and range of coalitions, including those between men and women.

I then sketch the intersections and disjunctures between the feminization of poverty framework, which is predicated upon the "dual and intersecting assumptions of heteronormativity and binary gender"²¹ and the goals of transgender activism, which challenge these same assumptions, as discussed by Kendal Broad.²² Here, again, I suggest that the feminization of poverty construct is problematic because it fails to capture the gender dynamics implicit in transgendered lives. The concept of gendered poverty, on the other hand, may be broad enough, analytically, to encompass and capture the dynamics of sexual and gendered oppression and poverty, while facilitating coalitions among variously gendered groups.²³ And finally, I return to an analysis of women's poverty, examining Lisa Sun-Hee Park's study on the impact of welfare and immigration reform on Medicaid use by immigrants for prenatal care,²⁴ which suggests, contrary to the implications of the feminization of poverty construct, that gender is not the only factor or identity category that shapes women's experience of poverty. I suggest that a multidimensional approach to analyzing poverty will yield a greater understanding of poverty and possibly a firmer basis for coalition building across various groups.

Part III concludes this point, noting that a multidimensional analysis may lead to greater understandings about how poverty operates in individual and group lives. At the same time, Broad's proposition that outsider groups, such as LatCrit, "do coalition" on the basis of affinity,²⁵ understood as shared commitments to anti-subordination and substantive

20. Elvia R. Arriola, *Voices from the Barbed Wires of Despair: Women in the Maquiladoras*, *Latina Critical Legal Theory and Gender at the U.S.-Mexico Border*, 50 DEPAUL L. REV. 2 (2000).

21. Broad, *supra* note 7, at 1159.

22. *Id.* at 1154.

23. *Id.* at 1161.

24. Lisa Sun-Hee Park, *Impact of Recent Welfare and Immigration Reforms on Use of Medicaid for Prenatal Care by Immigrants in California*, J. IMMIGRANT HEALTH (forthcoming 2000) (manuscript on file with author).

25. Broad, *supra* note 7 at 1164.

social justice,²⁶ provides a mechanism for promoting coalitions across these multidimensional differences. I suggest that this idea provides a more useful framework for building coalitions and understanding and practicing anti-essentialist, anti-subordination praxis, a primary tenet of LatCrit's purpose. In other words, "doing coalition," is a form of anti-essentialist, anti-subordination theory and practice, and is a common agenda among various groups, including the gendered groups of women, men, and transgendered people.

I. FEMINIZATION OF POVERTY, SOME INITIAL PROBLEMS: MULTIPLE MEANINGS AND UNIVERSALISTIC CLAIMS

The discursive construct of the feminization of poverty should be retired because it is not clear to what phenomenon it refers, and depending on how it is defined, the poverty-related phenomenon it captures is limited, contrary to its advocates' universalist aspirations.

Nilüfer Cagatay notes that the feminization of poverty concept has been used to describe three different phenomena or to make three different claims: "[1.] There is a trend toward greater poverty among women, particularly associated with rising rates of female headship of households; [2.] women have a higher incidence of poverty than men; [3.] women's poverty is more severe than that of men."²⁷ Not only does the feminization of poverty concept mean different things to different people, each of the claims is problematic.

The first claim that there is a trend toward greater poverty among women finds its expression in the origins of the feminization of poverty concept. While accurately capturing a particular phenomenon in the United States during the 1960s and 1970s, attempts to substantiate it as a global phenomenon rely on two faulty assumptions. One assumption is that the same phenomenon is occurring in all places at the same time. The second and more lethal assumption is that the rising female-headed household, on which the theory relied, is always worse off or poorer than similarly situated male-headed households.

The second claim that there are more poor women globally than there are poor men is accurate but embroiled and associated with faulty statistics. The third claim, that women's poverty is more severe than

26. Broad does not clearly define "affinity." I define affinity in terms of Frank Valdes's post-subordination vision. See generally Frank Valdes, *Outsider Scholars, Legal Theory & OutCrit Perspectivity: Postsubordination Vision as Jurisprudential Method*, 49 DEPAUL L. REV. 831, 832-33 (discussing substantive social justice for all as a goal of a postsubordination vision). Valdes sees this postsubordination vision as a jurisprudence which calls on outsider groups "[to expand] the focus of outgroup coalition [to build] beyond sameness/difference issues with forward-looking assessments of hopes and aspirations . . . organiz[ing] [these] critical coalitions chiefly around the progressive principles and policies that will ensure social justice and substantive security for all." *Id.* at 831.

27. Baden *supra* note 8, at 13 (quoting Cagatay, *supra* note 8 at 3) (emphasis omitted).

men's poverty, exaggerates the insight that women may be more vulnerable to poverty than are men. While all three claims encouraged research into the circumstances that led to greater poverty among women, the various meanings of the construct limit its value as a descriptive tool, even as it frames and disrupts the gendered analysis of poverty.

A. *Origins: A Trend Toward Greater Poverty Among Women?*

Diane Pearce is credited with coining the phrase feminization of poverty in the late 1970s,²⁸ and her analysis directed attention toward the gendered nature of poverty as it related to women. She declared that "poverty [was] rapidly becoming a female problem" in the United States²⁹ and argued that women were "falling" disproportionately into poverty even though they were increasingly participating in the labor force.³⁰ Their poverty was due to the segregation of women into low paying jobs, the increase in divorce and single parenthood resulting in an increasing number of female-headed households, and the inadequacy of government benefits (or enforced child support) to support these women and their children.³¹ Her analysis spurred research into this phenomenon, and later studies substantiated many of her findings.³² The term, to the extent that it reflects this phenomenon, seems to have accurately captured the reality of many women's lives in America throughout the 1960s and 1970s.³³

While studies confirmed that there was a trend toward greater poverty among women (or a trend of more women falling into poverty) in the United States, the question arose as to whether this phenomenon occurred "only in America."³⁴ Cross-national studies indicated that this trend was also present in other countries.³⁵ For example, Eastern Europe

28. See Broad, *supra* note 7, at 1164.

29. Diane Pearce, *The Feminization of Poverty: Women, Work and Welfare*, 11(1) URB. & SOC. CHANGE REV. 28 (1978).

30. *Id.*

31. *Id.* at 32-34.

32. See, e.g., GERTRUDE SCHAFFNER GOLDBERG, *THE FEMINIZATION OF POVERTY: ONLY IN AMERICA?* (Gertrude Schaffner Goldberg & Eleanor Kremen, eds.) (1990); Sara McLanahan & Erin Kelly, *The Feminization of Poverty Past and Future*, 1-2 (1999), at <http://www.olin.wustl.edu/macarthur/working%20papers/wp-mclanahan3.htm> (describing earlier work).

33. See Diane Pearce, *The Feminization of Poverty: A Second Look* (unpublished manuscript presented at the American Sociological Association Meetings, Aug. 1989) [hereinafter Pearce, *A Second Look*]. In the U.S., it does appear that women-headed households and women in general are poorer than men. See Legislative Commission on the Economic Status of Women, *Poverty in the U.S. January 1999*, http://www.commissions.leg.state.mn.us/lcesw/newsletters/_jan99.htm (last visited Apr. 25, 2000) [hereinafter *Poverty in the U.S.*].

34. GOLDBERG, *supra* note 32.

35. *Id.* (analyzing the labor market, equalization policy, social welfare, and demographic factors such as single parenthood in seven countries (Canada, France, Japan, Sweden, the United States, Poland and the Soviet Union) and finding that the trend toward greater poverty among

has been identified as a place where the feminization of poverty idea captures reality.³⁶

Part of the process of the “economic transition” occurring in Eastern Europe has been the dismantling of structures that supported women’s participation in the economy coupled with the resurgence of older patriarchal notions.³⁷ Consequently, women have been disproportionately laid off from jobs and forced to leave positions because of inadequate child-care options that had been readily available before the transition.³⁸

But neither the economic transition occurring in Eastern Europe nor the combination of factors occurring in the United States is a universal phenomenon occurring generally across the globe at the same pace or in the same way.³⁹ Later studies also confirm this insight.⁴⁰

Further, much of the earlier claims suggesting a world-wide feminization of poverty inaccurately linked the evidence that, globally, female heads of households were increasing, to the assumption that these households were less well off than male-headed households.⁴¹ The focus on female-headed households resulted from the fact that the household has been the unit of analysis for studying poverty,⁴² rendering female head-

women was most pronounced in the United States, could occur in Canada, was not evident in Japan or Sweden and was unclear in the other countries); *see also*, McLanahan, *supra* note 32, at 10-11 (citing Casper’s findings on eight countries using sex-poverty ratios and noting that three countries avoided large gender differentials in poverty rates for three different reasons).

36. The feminization of poverty concept actually stands for multiple ideas. The feminization of poverty is not simply an American phenomenon but should limit analysis to female-headed households. *See* Claire Toynbee, *The Feminization of Poverty: Only in America*, 35 INT’L J. OF COMP. SOC. 151 (1994) (book review).

37. *See* Wendy Rhein, *The Feminization of Poverty: Unemployment in Russia (Review)*, 52 J. OF INT’L AFF. 351 (1998); *see also* REPORT OF THE SECRETARY GENERAL, REVIEW AND APPRAISAL OF THE IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION, PART TWO, A: WOMEN AND POVERTY 26 (2000) [hereinafter BEIJING PLATFORM REVIEW].

38. *See* Rhein, *supra* note 37.

39. *See id.*; *see also* McLanahan, *supra* at note 32, at 2 (discussing Paula England’s work, which argues that the feminization of poverty has stopped increasing in the United States and may be reversing).

40. *See* GOLDBERG, *supra* note 32.

41. *See* Baden, *supra* note 8, at 13.

A review of the empirical evidence for the association between female headship and poverty highlights both the heterogeneity among this category, such [that] the validity of the concept has itself been questioned, and the dangers of assuming that female headship always represents disadvantage. The processes which lead women to head households are many and in some cases this may represent a positive choice, so that the connotations of powerlessness and victimhood are inappropriate. In female headed households women often have greater autonomy and control over resources. Well-being outcomes for women and children in these households may be better than in male-headed households at the same level of income.

Id.; *see also* BEIJING PLATFORM REVIEW, *supra* note 37, at 26. Although female-headed households are increasing worldwide, there are still relatively few. *See* Cagatay, *Gender and Poverty*, *supra* note 7, at 3.

42. *See* Toynbee, *supra* note 36, at 1.

ship the only gender-transparent factor.⁴³ But because poverty traditionally has been measured in terms of income or consumption and defined as the “lack of access to resources, productive assets, and income resulting in a *state* of material deprivation, [or] as a deficiency in private consumption,”⁴⁴ later studies cast doubt “on any *universal* relationship between female headship and poverty.”⁴⁵ This is so even though there is an association.⁴⁶ In other words, not all households that are or become female-headed are less well off than similarly situated male-headed households; indeed in some communities, female-headed households may be considered better off.⁴⁷ At the same time, however, a disproportionate amount of female-headed households suffer from chronic poverty.⁴⁸

In summary, the idea of a global feminization of poverty has been partially discredited. Further, things change. The feminization of poverty may be decreasing in the United States,⁴⁹ where the idea first gained currency, even as it may be increasing in Eastern Europe.⁵⁰

B. *Women Have a Higher Incidence of Poverty?: Some International Claims*

Globally, more women are poor than men, meaning women have a higher incidence of poverty.⁵¹ But how much higher has been a debated question posed, in part, by advocates using questionable statistics.

43. See Cagatay, *Gender and Poverty*, *supra* note 8, at 4; see also Toynbee, *supra* note 36, at 1 (discussing the fact that when considered world-wide, more women live in poverty than men, but it is more useful to limit the analysis to “working women of reproductive age who are without male economic support”).

44. Cagatay, *Gender and Poverty*, *supra* note 8, at 5 (emphasis in original). See, e.g., *Poverty in the U.S.*, *supra* note 29 (defining poverty in relationship to income and consumption and using the family as the unit of analysis).

45. See Baden, *supra* note 8, at 13 (emphasis added).

46. Cagatay, *Gender and Poverty*, *supra* note 8, at 3; see Baden, *supra* note 8, at 13; Marcoux, *supra* note 8, at 4 (using data for Latin American households, he notes “women-headed households do seem more vulnerable to poverty than men-headed ones, but where comparable data are available the actual difference in poverty incidence is not very great”).

47. See Cagatay, *Gender and Poverty*, *supra* note 8, at 3.

48. See *id.* at 17.

49. See McLanahan, *supra* note 32, at 2 (discussing Paula England’s work, which argues that the feminization of poverty has stopped increasing and may be reversing in the U.S.).

50. See Rhein, *supra* note 37 (noting that in Russia the possibilities for changes seem grim because the transitional economy will bring increased unemployment and service shortages, as industries are closed and privatized).

51. Although the trend toward greater poverty among women can not be said to be universal – being reflected in every community, one might argue that in absolute numbers across the globe, more women may be falling into poverty as compared to men. U.S. statistics confirm in the U.S. there are more poor women than poor men (using individual as unit of analysis) and there are disproportionately more female-headed households than men-headed households in poverty. See *Poverty in the U.S.*, *supra* note 29, at 1. But in any event, there are more poor women across the globe than poor men. For instance, the UNDP in its 1997 report states that poverty has a female face and that children make up most of the world’s poor. UNDP HUMAN DEVELOPMENT REPORT 1997:

The use of the feminization of poverty construct gained momentum not only nationally but also internationally. For example, the Fourth World Conference for Women notes that the “absolute poverty and *the feminization of poverty*, unemployment, the increasing fragility of the environment . . . underscore the need to continue the search for . . . people-centered sustainable development.”⁵² In addition, the United Nations Development Fund for Women (UNIFEM) has consistently used the term, explaining that “[w]ith women making up 70 percent of the world’s 1.3 billion poor, the *feminization of poverty* is a growing phenomenon”⁵³ Further, as globalization changes markets and economic opportunities worldwide, the *feminization of poverty* remains a global phenomenon.⁵⁴

UNIFEM’s use of the feminization of poverty construct is an example of the phrase being used in two distinct ways. These different uses confuse and muddy its meaning, limiting its usefulness as an analytical tool. Its use as an analytical tool is further limited by the faulty assumptions and statistics embedded in and surrounding the idea. These faulty assumptions and statistics also render the construct less credible as an advocacy tool.

The idea that women make up seventy percent of the world’s poor is related to the claim that there is a higher incidence of poverty among women as compared to men. The claim that women make up seventy percent of the world’s poor is problematic. This statistic has been challenged empirically, and advocacy organizations such as UNIFEM have been cautioned against using the statistic to bolster claims of the feminization of poverty.⁵⁵ UNIFEM itself has recently acknowledged that the figure is not credible.⁵⁶

However, there is a consensus that there are more poor women than poor men across the globe.⁵⁷ The reasons that there are more poor women

OVERVIEW (1997), available at <http://www.undp.org/hdro/e97over.htm> (last visited Jan. 23, 2001) [hereinafter UNDP HD REP]. In Italy, there are more women living in poverty than men. See BEIJING PLATFORM REVIEW, *supra* note 37, at 26. Marcoux challenges the numbers sometimes touted by various organizations but concedes that he believes women make up the majority of the world’s poor. See Marcoux, *supra* note 8, at 1, 4.

52. FOURTH WORLD CONFERENCE FOR WOMEN, REPORT OF THE SECRETARY GENERAL, REVIEW AND APPRAISAL OF THE IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION, para. 17 (1995) (emphasis added). Although the Platform does not define feminization of poverty, the Secretary-General’s report on the implementation of the Platform notes that the feminization of poverty phenomenon was probably not universal, citing Catagay’s work. Consequently, one assumes he was defining feminization of poverty as referring to a trend toward greater poverty among women.

53. UNIFEM, *supra* note 3, at 1 (emphasis added).

54. *Id.* at 1-2.

55. Marcoux, *supra* note 8, at 1.

56. UNIFEM, PROGRESS OF THE WORLD’S WOMEN (2000); UNIFEM, BIENNIAL REPORT 95, at 12 (2000).

57. Marcoux, *supra* note 8, at 1.

than there are men across the globe is not merely the result of some women in some places “falling” disproportionately into poverty, because many women were born into poverty and remain there. Rather, the higher incidence of poverty among women relates to women’s greater vulnerability to poverty.

C. *Women’s Poverty: Greater Severity or Vulnerability?*

In some circumstances and communities, women’s poverty is more severe than the poverty of men in the same community. In other circumstances, women’s poverty may be less severe. However, the feminization of poverty construct correctly alludes to the fact that the conditions and experiences of poverty are gendered and that women are more vulnerable to poverty than are men.

While the notion that the feminization of poverty was occurring on a global level inspired research at national and international levels into the lives of poor women, it also encouraged studies that broadened the definition of poverty itself. These broader definitions helped to unpack the nature of gendered poverty generally, and women’s poverty specifically.⁵⁸

In addition to the quantitative analysis of income or consumption, researchers have begun to investigate the intra-household distribution of resources and to use other qualitative and participatory analyses for measuring and understanding poverty.⁵⁹ For instance, the United Nations Development Programme (UNDP) has developed a concept of human poverty based on Amartya Sen’s approach, in which poverty represents the “absence of some basic capabilities to function” (such as education) with “functionings” representing what people can be or do.⁶⁰ Human poverty is defined as “a denial of choices and opportunities for living a tolerable life”⁶¹ and, as such, accounts for “more than the minimum necessities for *material* well-being,”⁶² as measured by income and con-

58. See Jackson, *supra* note 9, at 2 (“The point is not that women are poor but that poverty is gendered.”).

59. See Cagatay, *Gender and Poverty*, *supra* note 8, at 4, 6-10 (describing the need for intra-household distribution of resources, the human poverty concept and the qualitative and quantitative methods currently being used).

60. See *id.* at 7.

61. UNDP HD REP *supra* note 51, at 1. Human poverty from a development perspective is described as follows:

It is in the deprivation of the lives people lead that poverty manifests itself. Poverty can mean more than a lack of what is necessary for material well-being. It can also mean the denial of opportunities and choices most basic to human development - to lead a long, healthy, creative life and to enjoy a decent standard of living, freedom, dignity, self-esteem and the respect of others.

Id. at 3.

62. Cagatay, *Gender and Poverty*, *supra* note 8, at 7 (emphasis in original); see also UNDP HD REP, *supra* note 51, at 3-4 (defining human poverty and describing the human poverty index).

sumption frameworks. Human poverty looks at deprivation in basic human development such as "a short life, lack of basic education and lack of access to public and private resources."⁶³ Poverty is increasingly "being viewed more as a *process* rather than a static concept,"⁶⁴ and the causes of poverty, not simply its symptoms, are being investigated.⁶⁵

Under an income/consumption framework, women cannot be said to be poorer than men in every society across the globe.⁶⁶ However, Cagatay argues persuasively that from a human capability perspective, which focuses on access and choice, women are poorer than men in "most societies in many dimensions."⁶⁷ She explains that women are often poorer in terms of capabilities such as education and health, and are sometimes poorer in life expectancy, where household allocation of resources is biased against girls' and women's nutritional and health needs.⁶⁸ Further, she notes that

it is harder for women to *transform* their capabilities [such as education] into incomes or well-being [because of] gender inequalities in the distribution of income, access to productive inputs such as credit, command over property or control over earned income, as well as gender biases in [the] labour markets and [the] social exclusion that women experience in a variety of economic and political institutions.⁶⁹

63. UNDP HD REP *supra* note 51, at 3.

64. Cagatay, *Gender and Poverty*, *supra* note 8, at 6; *see also* UNDP, *Programming Manual*, at 13 (Apr. 1999) (describing poverty as a process).

UNDP promotes an understanding of poverty that goes beyond the lack of income. The Human Development Report of 1997 introduced the concept of human poverty that focuses on the denial of opportunities and choices most basic to human development, namely to lead a long, healthy, creative life and to enjoy a decent standard of living, freedom, dignity, self-esteem and the respect of others. This understanding of poverty sees it as a process, not as a condition. And it sees the poorest people not as passive victims but as leading agents struggling against a process of impoverishment. Rather than focusing on poor people's weaknesses, the concept of human poverty focuses on their potential strengths and on the assets they need in order to move out of poverty.

Id.

65. *See* Cagatay, *Gender and Poverty*, *supra* note 8, at 6.

66. *See, e.g.*, Cagatay, *Gender and Poverty*, *supra* note 8, at 10-11 (discussing studies done in Guinea that found, based on an income/consumption measurement, that women were not poorer than men). The World Bank and CIDA conducted a study using a consumption approach based on a household survey to measure poverty. *See id.* at 11. Both reports found that female-headed households were not poorer than male-headed-households "in terms of incidence, intensity or severity of poverty." *Id.* at 11. But the CIDA report also used a participatory poverty approach that found that women were poorer individually and collectively. *See id.* It identified three areas of general deprivation: "excessive workload, social subordination and reduced life chances." *Id.* Participatory poverty approaches involve the poor themselves in defining poverty. *See id.*

67. Cagatay, *Gender and Poverty*, *supra* note 8, at 8. Cagatay argues that both quantitative and qualitative analysis should be used in order to assess and understand poverty. *Id.* at 9.

68. *See id.* at 8.

69. *Id.*

These “form the basis for the greater *vulnerability* of women to chronic poverty.”⁷⁰ Further, she summarizes findings which demonstrate that labor biases together with women’s responsibilities for reproductive labor result in women being more “time poor,” more vulnerable to transient as well as chronic poverty generally, and more economically and socially insecure. She states:

Across a wide range of cultures and levels of economic development, women tend to specialize in unpaid reproductive or caring labour compared to men, who tend to specialize in paid production activities. Women’s combined paid and unpaid labour time is greater than are men’s. . . . [W]omen are relatively *time poor* and much of their work is socially unrecognized since it is unpaid. Furthermore, when women are in paid work, the return to their labour is lower than the return to men’s labour. Thus, women on average work more, but have less command over income as well as assets. Nor do they always have control or command over their own labour⁷¹

She argues further:

Women’s responsibilities for reproductive labour *limit* the range of paid economic activities they can undertake. Women are less mobile than men because of [these activities and other social norms]. In the paid sphere, they tend to be concentrated in informal labour activities (such as homeworking), since such activities allow them to combine paid work with unpaid reproductive labour. However, these are also insecure forms of work. It is hard for such workers to get organized for collective action.

The gender-based division of labour between unpaid (and often reproductive labour) and paid labour renders women economically, and socially more insecure and vulnerable to not only chronic poverty but also *transient* poverty that can result from familial, personal or social and economic crises. . . .⁷²

Having thus argued, Cagatay notes that a correlation exists between gender inequality and poverty and suggests that eradicating gender inequality may also help reduce poverty.⁷³ Further, she makes clear in her

70. *Id.*

71. *Id.* Cagatay continues in explaining that women sometimes do not have control over their labor:

In some cases, men may forbid their wives from working . . . [i]n other cases, men may extract labour from women with the threat . . . of violence. . . . Men tend to have more command over women’s labour so that in crisis situation they may be able to mobilize the labour of women, while women generally do not have the reciprocal right or ability to mobilize men’s labour.

Id.

72. *Id.* at 8-9.

73. See Cagatay, *Gender and Poverty*, *supra* note 8, at 12. Both Nilüfer Cagatay and Sally Baden are tentative about whether gender inequality itself causes poverty directly. But they both seem to agree that there is a correlation between levels of inequality and levels of poverty and that gender mediates poverty. See Cagatay, *Gender and Poverty*, *supra* note 8, at 11-12; Baden, *supra*

analysis that women and men experience poverty differently, and that a gender analysis is crucial to understanding and seeking to eradicate poverty.

However, Cagatay does not argue that gender necessarily causes poverty. Rather, women's gender causes them to be more vulnerable to poverty than men. Gender structures and shapes poverty and women are more vulnerable to poverty, given the limitations they face in most societies and their roles in unpaid reproductive and nurturing work.

Nevertheless, while women's vulnerability may be implicit in the phrase, feminization of poverty, it is no more facially clear in that phrase than it would be in the notion of gendered poverty. Further, depending on the framework for understanding poverty, women are not always worse off or poorer than men in every community. Therefore, given the origins and development of the feminization of poverty construct, resulting in muddled, multiple, and problematic definitions, a shift in terminology may be warranted, particularly where a broader range of gendered dynamics can be captured.

In summary, the feminization of poverty concept has served a significant purpose in helping to generate research into the relationship between gender and poverty. The construct directs attention to the *gendered nature* of poverty and alludes to a higher incidence of poverty among women and women's greater vulnerability to it. However, its meaning over time has become muddled, and its new meanings often rely on faulty assumptions to provide more general appeal and applicability. In addition, as a framework for understanding or analyzing particular groups of women's poverty, the feminization of poverty no longer asks the right questions.⁷⁴ The questions have been: are women falling disproportionately into poverty and why?⁷⁵; are there more poor women than poor men?; and is women's poverty more severe than men's?⁷⁶

Present studies, however, have added the following questions: what are the conditions of women and men in poverty?⁷⁷; how are men and women poor?; how are they maintained in poverty?; and what does it mean to live in poverty?⁷⁸ These questions require a more nuanced approach to the study of gender and poverty, perhaps better captured by the broader notion of gendered poverty. The feminization of poverty con-

note 8, at 14. In fact, Baden states that "[g]ender inequality and poverty are the result of *distinct* though interlocking, social relations and processes. Social relations of gender mediate women's experience of poverty. This implies that it is only by looking at context that we can deduce whether social relations of gender act to exacerbate or relieve scarcity." *Id.* (emphasis added).

74. See generally Baden, *supra* note 8.

75. See *id.*

76. See *id.*

77. See *id.*

78. See *id.*

struct should be retired for these reasons alone. But in addition, it may do more damage than good.

II. FEMINIZATION OF POVERTY APPLIED: FAILING, STRAINING, AND ERASING

In communities where people are already poor, including many communities of color in the United States, the ways in which people are maintained in poverty are gendered. The feminization of poverty construct alludes to this gendered poverty but fails to capture the full extent of gendered poverty including the gendered nature of men's poverty in these communities, the gendered nature of transgendered poverty, and finally the multidimensional nature of women's poverty in these communities.

A. *Poor Women and Men at the U.S.-Mexican Border*

Women and men at the U.S.-Mexican border are poor. Being a woman or a man determines in large measure which, if any, opportunities are available. Generally at the border, women have more opportunities for employment than men do; labor is feminized. Below, I summarize and examine Elvia Arriola's article entitled *Voices from the Barbed Wires of Despair: Women in the Maquiladoras, Latina Critical Legal Theory and Gender at the U.S.-Mexican Border*.⁷⁹ The examination reveals gender forces at work in the *maquiladoras*, structuring opportunities differently for women and men.

1. The Setting

Elvia Arriola exposes the inhumane working conditions and exploitation of Mexican women and men⁸⁰ by predominately U.S. transnational corporations based in Mexico at the U.S. border.⁸¹ These border corporations, called *maquiladoras*,⁸² employ an overwhelmingly female labor force at depressingly low wages, while largely marginalizing men whose options are to return to the Mexican interior or

79. Arriola, *supra* note 20.

80. *Id.* at 4-5. Arriola uses the term Latinos to describe the people working in the *maquiladoras* even though this label probably more accurately describes people of Central and South American origin living in the United States. She does this although the people working in the *maquiladoras* are predominately Mexicans. However, she explains that there are other groups from Central and South America that comprise the workers and therefore uses the term Latinas/os to describe them. *See id.* I use the term Mexican men and women for purposes of clarity in this paper.

81. *See id.* at 2-3.

82. *See id.* at 28 (explaining that the name *maquiladoras* is derived from the word "*maquila* that once referred to the miller's practice of keeping a portion of the grain as a form of payment. Today, the term *maquiladora* refers to the factories on Mexican soil that assemble raw material components of foreign-owned enterprises, most of which have been manufactured in America.").

options are to return to the Mexican interior or attempt to cross an increasingly militarized border.⁸³

While neo-liberal free-trade economic policies, including the North American Free Trade Agreement, facilitated the establishment and movement of corporations south of the border in the name of progress and modernization,⁸⁴ these same laws and an increasingly militarized border deter the movement of both the labor force and the marginalized to better opportunities north of the border.⁸⁵ The result is the legally maintained and partially contained transnational gendered exploitation of people in the south for the benefit of corporations and consumers in the north.⁸⁶ Although Arriola uses both LatCrit and feminist theory to explore the conditions in the *maquiladoras*, the image conjured is of gendered poverty or of a gendered imperial project rather than the one invoked by the feminization of poverty construct.

She states:

The *maquiladora's* industry may be the late twentieth century's hallmark of an exploitative transnational capitalist system of production, trade economics, and employment whose success depends on the use and abuse of a highly feminized workforce which, in contrast to the sophisticated business elite that invests in *maquiladoras*, is poor, young, and uneducated. In other words, it is a system that thrives on gender-based oppression. A typical *maquiladora's* population of workers is unlikely to benefit in any long lasting way from the experience of working for one of the thousands of . . . factories, [in part] [b]ecause of the fragmentation of the production process [which allows] the work [to] be done rapidly, efficiently, and by individuals who have no skills prior to employment.⁸⁷

2. Women's Gendered Oppression in the *Maquiladoras*

The gender-based oppression Arriola points to focuses primarily on women and manifests itself in a number of ways. First, the ideal worker is a young woman whose relationship to family care is limited and enforced (through, among other things, pregnancy tests),⁸⁸ and replicates in

83. See *id.* at 10.

84. See *id.* at 8.

85. Arriola notes that although the border is not open, it is porous, and thousands cross or try to cross illegally. They either will be caught or not. See Arriola, *supra* note 20, at 15.

86. See *id.* at 8.

87. *Id.* at 31.

88. See *id.* at 46-49; Adrienne D. Davis, *Straightening it Out: Joan Williams on Unbending Gender* 49 AM. U. L. REV. 823 (2000) (citing Joan Williams who defining the "ideal worker" as someone with immunity from family work). Adrienne Davis was co-director of the gender, work and family project which co-sponsored this symposium. Here, she is summarizing some of the main points of Joan Williams book entitled, UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT (2000), which served as a basis for the symposium. She is also summarizing some of the discussions that occurred during the event. The book unpacks the economic implications of gendered work by analyzing the "ideal worker norm" as being one that

some ways the male ideal worker norm found in most industrialized countries.⁸⁹ Further, the ideal worker, as female, relies on stereotypes about women's nature (e.g., they are passive and attentive to detail) and the role of their income responsibility (e.g., theirs is only a second income). These stereotypes are used to justify job segmentation, wage differentials, repetitive and thoughtless work, and authoritative and harassing supervision, some of which is required by the way in which the production process is organized.⁹⁰ Arriola notes that while the practices of the *maquiladoras* operate on patriarchal notions already culturally developed,⁹¹ the *maquiladoras* buttress them through practices such as plant beauty pageants that augment managers' control of the large female labor force.⁹²

Arriola argues that the wages are not adequate for a decent living or enough to lift the laborers out of poverty.⁹³ Further, she suggests that the working and health conditions are extremely poor and so consistent as to be a condition of employment.⁹⁴ In addition, she notes that the fragmented processing structure does not provide the type of skills transferable to other types of work, which limits any long-term benefits for the employees.⁹⁵ This combination of factors suggests that while women may be "liberated" from domestic work, their lives and well-being have not significantly improved.⁹⁶ In effect, they have jumped from frying pan into the fire. Although it is clear how the corporations, owners, and northern consumers might benefit from this arrangement, it is less clear how the employees and Mexicans will benefit in the long run, as suggested by the rhetoric surrounding the establishment of *maquiladoras* as "mutually beneficial."⁹⁷

3. Men's Gendered Limitations in the *Maquiladoras*

However, Arriola does not make the connection between gendered processes and men, and the feminization of poverty does not even contemplate the ways in which gender might regulate and limit opportunities

primarily men can occupy and positing a theory on domesticity. See Deborah J. Vagins, *Occupational Segregation and the Male-Worker-Norm: Challenging Objective Work Requirements Under Title VII*, 18 WOMEN'S RTS. L. REP. 79 (arguing that "objective" work requirements that assume workers have "wives" at home are based on a male-worker-norm and are discriminatory to women).

89. See Davis, *supra* note 88.

90. See Arriola, *supra* note 20, at 33, 40 (discussing justifications for low wages and the preference to hire women because they were unlikely to complain due to the differences in gender socialization).

91. See *id.* at 40-43.

92. See *id.* at 43-44. She notes that these practices are also racist. See *id.* at 39-44, 67.

93. See *id.* at 31-35.

94. See *id.* at 50-53.

95. See *id.* at 31.

96. See *id.* at 54-58.

97. See *id.* at 25.

for men.⁹⁸ The gender-based oppression Arriola identifies refers primarily to women's oppression and poverty. Gender here generally refers to women, thereby conflating the notion of gender with women. This conflation obscures the gendered processes at work in the *maquiladoras* that negatively affect the lives of the poor men, in part because it assumes that their positions and identities are privileged.⁹⁹ These gendered processes, however, maintain both women and men in poverty.

The *maquiladoras* attract both men and women from the interior of Mexico looking for employment and better opportunities.¹⁰⁰ When men are employed in the *maquiladoras*, and they increasingly are, they are often involved in more active, thoughtful jobs and earn higher salaries,¹⁰¹ consistent with the norms of a patriarchal order.¹⁰² However, the preferred laborers in many of the industries are women; thus, men often are unemployed, marginalized, and left with the options of returning to their villages or crossing an increasingly militarized border.¹⁰³ They often choose the latter option with ever greater risk of death.¹⁰⁴ Thus, while the patriarchal structure of the *maquiladoras* and of the culture may marginally benefit men who find employment in the *maquiladoras*, more men are maintained in poverty because they have little or no work at all.¹⁰⁵

98. Traditional understandings of patriarchy suggest that men are not oppressed by gender structures in a patriarchal order because men are not oppressed as a group. Rather they are beneficiaries of the order. However, individual men can be harmed by patriarchy or gendered structures as men may be in war, but this, it is argued, is not oppression. However, men may be oppressed due to other subordinating structures that shape their identities such as race, class and sexuality. See Mary Becker, *Patriarchy and Inequality: Towards a Substantive Feminism* 1999 U. CHI. LEGAL F. 21, 30-32. I, however, see the interplay between men's gender and race or class or other subordinating structures as subordinated masculinities that are subject to a particular kind of racialized or other form of gendered oppression.

99. This results, I believe, in part, because gender inequality between women and men is thought to cause women's poverty. However, neither Catagay nor Baden seem to believe that gender inequality per se causes women's poverty even though there is a correlation. This thinking, to the extent that it implies that men's opportunities are structured by gender, assumes that men's opportunities in a given community are always privileged. In a situation where the men are not also poor, assumed privilege may not be problematic. But, in situations where both men and women are poor and maintained in poverty, this assumption may undermine a fuller understanding of the ways in which poverty operates in a given community and the ways in which poverty is gendered.

100. See Arriola, *supra* note 20, at 40-42.

101. See *id.*

102. Patriarchy generally rewards men as compared to women with higher social benefits because patriarchy is male-dominated, male-identified and male centered. See Johnson, *supra* note 18, at 5-14.

103. See Arriola, *supra* note 20, at 18.

104. See *id.*

105. See *id.* Also this is consistent with patriarchy where all men benefit but some men benefit more than others. See Becker, *supra* note 98; Johnson, *supra* note 19, at 5-14.

4. A Gendered Poverty Framework Aids Analysis and Promotes Broader Coalitions

A feminization of poverty framework in this context directs attention to the poverty of women working in the *maquiladoras* and the ways in which they are maintained in poverty. It therefore invites necessary interventions that minimize or alleviate the ways in which women's gender shapes poverty in the *maquiladoras*.¹⁰⁶ At the same time, however, the top approach is analytically problematic because it implies that generally, women, who have more access to employment, are worse off than the men, who have far fewer job opportunities.

A broader gender analysis illuminates the conditions for many Mexican men who are not necessarily better off than Mexican women and demonstrates that the communities, consisting of both women and men servicing the *maquiladoras*, are poor.¹⁰⁷ This gendered poverty model captures the idea that gender structures women's and men's opportunities, choices, and experiences differently. Further, the analysis suggests that while women-focused interventions are needed, men-focused interventions may also be needed. Therefore, a gendered poverty, rather than a feminization of poverty framework opens more possibilities for understanding the conditions in this specific context and triggers additional (perhaps gender specific) activities geared toward minimizing or alleviating poverty.

Further, in suggesting that women are worse off than men, the feminization of poverty construct may strain efforts that could potentially aid both women and men in the community.¹⁰⁸ Pitting women against men in the community could inhibit the potentially beneficial coalitions

106. *See id.*

107. *See generally* Jackson, *supra* note 9 (arguing that the gendered poverty concept allows men to be seen as having gendered identities as well, and as suffering from gendered poverty).

108. Anti-sexist initiatives in the context of patriarchal societies seem to engender resistance and intra-community strain in and of themselves. *See, e.g.,* SUSAN FALUDI, *BACKLASH: THE UNDECLARED WAR AGAINST AMERICAN WOMEN* (1991) (discussing the backlash against the feminist agenda and efforts to empower women in the United States). Whenever there are efforts to change established orders from which any segment of the community benefits or perceives itself to benefit, there is bound to be resistance from them in the context of that community. All men benefit from patriarchy in some way or another even if the benefit is only psychological. *See generally* Myron Gochnauer, *Critical Notice, Myth, Misogyny and Male Neurosis*, 6 *CANADIAN J.L. & JURISPRUDENCE* (Jan. 1993) (reviewing *THE PSYCHOANALYTIC ROOTS OF PATRIARCHY: THE NEUROTIC FOUNDATIONS OF SOCIAL ORDER* and arguing that the patriarchal system "is maintained not by conviction based on evidence, evil motive or conscious self-interest, but by satisfaction of psychological need"). A poor man who insists that his wife not work or work in a job with inferior wages to his benefits in some way psychologically, even though the result is less income for the household. Nevertheless, it seems possibly incorrect, but certainly unnecessary, to suggest that poor men are responsible for women's poverty or are direct beneficiaries. *See generally* GEOFF DENCH, *TRANSFORMING MEN: CHANGING PATTERNS OF DEPENDENCY AND DOMINANCE IN GENDER RELATIONS* (1996); WARREN FARRELL, *THE MYTH OF MALE POWER* (1993). Further, it seems as a practical matter, demonstrating to men how they also suffer from gendered poverty and how it hurts both them and women, places them in alignment on the same side of those who seek to eliminate

the community could inhibit the potentially beneficial coalitions needed for community-wide efforts that are gender aware (and gender fair), including attempts to unionize. The gendered poverty approach, in contrast, neither forecloses intra-women or cross-border women coalitions, nor hinders coalitions of women and men in these communities. Consequently it does not strain intra-community efforts.

5. Possibility of Strain in Community: An African American Analogy

The kind of strain produced by the potentially inaccurate suggestion that women are worse off than men in a particular community where both groups suffer from gendered poverty is exemplified by the debate raging in the African American community. Here, the debate is whether black women or black men are worse off in the context of American white supremacist patriarchal domination.¹⁰⁹ The debate concretely draws on African American history and revolves around both the material and spiritual/psychological effects on black men and women since slavery.¹¹⁰ To the extent that it focuses on socio-economic issues, it is sometimes argued that black women, even though they are often paid less than black men, can at least get a job, even if it is only as a domestic.¹¹¹ Black men, however, even though they tend to have higher wages and advance further in their careers than black women, often cannot find jobs.¹¹² This argument is then buttressed by the fact that one out of four black males is under the supervision of the criminal justice system,¹¹³ which often nega-

gender oppression. Further, to the extent that it can be shown that their own sexism facilitates and/or exacerbates their poverty, their practices can be understood as a form of self-hate and self-sabotaging behavior.

109. See Derrick Bell, *The Sexual Division: The Black Man/Black Woman Debate in Context*, in *BLACK MEN ON RACE, GENDER, AND SEXUALITY* 237 (Devon Carbado ed., 1999); see also PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* 59-60 (1990).

110. See COLLINS, *supra* note 109, at 59-60 (summarizing the debate about African American employment). She states:

Historically the classic pattern of employment for African-American men and women has been high-paying, yet less secure work for Black men as contrasted with lower-paying, more plentiful work for Black women. . . . This classic pattern of exploitation, differentiated by gender, has often been misrepresented in arguments suggesting that Black women or Black men have a labor "advantage" over the other. What these approaches fail to realize is that both African-American women and men have been disadvantaged in the labor market, with gender differences in employment structuring distinctive patterns of economic vulnerability.

111. See *id.*

112. See Chicago Reporter, *The State of Black Men* (Apr. 2000), available at <http://www.chicagoreporter.com/042000%20Graphics%20The%20State%20of%20Black%20Men.html> [hereinafter *State of Black Men*]; Paul Offner, *Welfare: Now for the Men*, WASH. POST, June 13, 2000, at A39 (noting the high unemployment of African American men as compared to African American women and suggesting a jobs program).

113. See Lindesmith Center-Drug Policy Foundation, *The Sentencing Project Young Black Men and the Criminal Justice System: A Growing National Problem* (Feb. 1990), available at <http://www.lindesmith.org/library/sentencing/tlcybm.html> (reporting that approximately one in four

tively affects and reduces their job opportunities, while high homicide rates impact their overall life chances. Both phenomena appear to be relatively gender specific or resulting from, in part, racialized or subordinated masculinity.¹¹⁴ In other words, these phenomena seem to affect black men because they are both black and men. Nonetheless, it is clear that under an income/consumption framework, black women have a higher incidence of poverty than black men and black female-headed households tend to be poorer than black male-headed households.¹¹⁵ A human poverty perspective assessing human capabilities, such as education (black women have slight advantages in educational attainment at the college level), life expectancy, and access to resources might complicate this picture. In any event, all too many black people, both women and men, are poor, their poverty is shaped by their genders, and debate is a distraction that potentially hinders the unity necessary to overcome poverty.

A gendered poverty analysis, particularly a racialized gender analysis in this context (and, perhaps, in the case of Mexicans working at the border)¹¹⁶ might demonstrate the impact of and poverty-maintaining effects of racialized gender oppression or gendered racial oppression on the life chances of both black women and men, albeit experienced differently. This approach places women and men on the same side struggling against racialized gendered poverty and oppression, where it is understood that gender roles and racial oppression together may limit and negatively impact on individual human potential, whether female or male. While patriarchy may nonetheless divide these communities encouraging men to engage in sexism within their communities, a racialized gendered poverty approach links these oppressions.¹¹⁷ Understanding

black men in their 20s is in the criminal justice system, while only one in sixteen white men in the same age group is in the system); *State of Black Men*, *supra* note 112 (reporting that black men die of homicide more frequently than white men, white women, black women, or Hispanic men).

114. If we understand masculinity to be training in hierarchy whereby boys are socialized into the roles of domination (over women, sexual minorities, and the Other), suppression (of their emotions) and subjugation (to other men in command) on the one hand, and subordinated masculinity constituting the same training in hierarchy but also in the roles of subordination, then we may be able to see the gendered aspects of oppression that subordinated men face. *See, e.g.*, Johnson, *supra* note 18, at 189 (noting, in the context of a discussion critiquing a defense of patriarchy because of female power, that patriarchy uses powerful tools to motivate boys to walk the path of patriarchal manhood which include devaluing emotional attachment, tenderness, vulnerability, and nurturing; to objectify themselves and others; to organize their lives around issues of control, dominance, and competition; and to develop their potential for aggression).

115. *See Poverty in the U.S.*, *supra* note 33.

116. Arriola discusses the racism implicit in comments made by managers operating the maquiladoras. *See* Arriola, *supra* note 20, at 39. She notes that the overall effect of the exploitation of the maquiladoras workers is the exploitation of brown people for the benefit predominately of white capitalists and northern consumers. *See id.*

117. *See* Valdes, *Beyond Sexual Orientation*, *supra* note 16, at 1450 (noting that "biases travel together"). As for sexism within the community, it can be argued that it is an unacceptable and destructive form of intra-group self-hate. *See* Katti Gray, *Modern-Day Emancipation/Experts on the*

the nature of the oppression in this way aids in demonstrating that both black women and men are maintained in poverty through race and gender oppression and that this unitary structure hurts them both. It also suggests that sexism within the community exacerbates or sustains this gendered poverty by, at a minimum, making unity difficult.¹¹⁸ Further, the approach minimizes the need to debate which group is worse off and, instead of straining intra-community efforts, might facilitate community unity, while demonstrating the need for male and female specific understandings and interventions.¹¹⁹

B. *Feminization of Poverty and Gender Outlaws*

A gendered poverty approach may also allow and encourage unity and coalition building with and among those within the community who are oppressed and impoverished because of gender non-conformity. Kendal Broad, in her essay, *Critical Borderlands & Intersectional Coalitions: Feminist/Transgender "Feminizations" of Poverty*,¹²⁰ illustrates the disjunctures between transgender activism and goals and the notions of feminized poverty.¹²¹ She notes that a focus on feminization of poverty denotes the impoverishment of an essentialized female whose gender comports with the socially assigned roles of her physical sex in the context of heterosexual partnerships and expectations.¹²² In other words, the practices and performances of these females comport with notions of femininity and are purportedly determined by the biological sex of the individual. It suggests, for example, that women are poor, in part, because they are "mothers." Their poverty is linked to their unpaid reproductive work.

Issue of 'Post-Slavery Trauma' Say the Black Community Must Look Back To Heal the Past Before It Can Move Forward, NEWSDAY, Oct. 5, 1999, at B6.

118. Both Nilüfer Cagatay and Sally Baden are tentative about whether gender inequality itself causes poverty directly. But they both seem to agree that there is a correlation between levels of inequality and levels of poverty and that gender mediates poverty. See Cagatay, *Gender and Poverty*, *supra* note 8, at 11-12; Baden, *supra* note 8, at 14.

119. Any comparisons between black women and men are made difficult by the fact that men's statistics are included in race literature, while women's statistics are included in feminist literature. See Irene Brown, *Latinas and African American Women in the U.S. Labor Market*, in *LATINAS AND AFRICAN AMERICAN WOMEN AT WORK: RACE, GENDER, AND ECONOMIC INEQUALITY* 1, 23 (Irene Brown ed., 1999).

120. See Broad, *supra* note 7.

121. Broad notes that the term "transgender" is an umbrella term. She says:

In the 1990's [sic] the term *transgender* has been adopted as an umbrella term to speak about transvestites, transsexuals, crossdressers, transgenderists, gender blenders, gender benders, drag queens, bigenders, feminine men, androgynes, drag kings, intersexuals, masculine women, cross-genders, butch lesbians, shape shifters, passing women, bearded women, passing men, gender dysphorics and others who might consider themselves "gender outlaws."

Id. at 8; see also Remarks by Brenda Cossman, *The Gender of International Law*, 93 ASIL PROC. 206, 207-08 (2000) (discussing how "[d]isrupting the traditional relationship of sex and gender can open up the analysis to an array of identities and marginalized subjects beyond the category *women* [such as] the gender outlaws who have traditionally lived outside the margins of international law.").

122. See Broad, *supra* note 7, at 1166-67.

However, this idea erases the experience of those who transgress gender (those whose genders do not comport with the gender assigned to their sex), moving through the categories of “woman” and “man,” and whose poverty may be linked to their gender non-conformity instead of resulting from their compliance to roles such as “mother.” For example, a “butch lesbian” is a female who is “masculine” and chooses other females for partners. These characteristics contradict dominant notions of femininity and the demands of heterosexuality. The demands of gender conformity and heterosexuality impose hardships and penalties, including financial penalties that impoverish transgender people. A simple example is the denial of marriage to lesbian and gay partnerships that results in their losing the significant financial benefits that marriage provides to married couples.¹²³ The feminization of poverty fails to address these issues of gender and sexual domination and the social norms and policies that induce or exacerbate transgendered poverty particularly.

Transgender activism destabilizes notions of femininity and masculinity, including the idea that gender is determined by physical sex and sexuality.¹²⁴ As such, it challenges the “dual assumptions of binary gender (e.g. that there are only two sexes which determine two corresponding genders) and heteronormativity,” upon which most understandings of the feminization of poverty construct are predicated.¹²⁵ The broader notion of gendered poverty may better accommodate the various understandings of gender and the ways in which poverty is mediated through gender because it focuses on how social roles and expectations shape poverty.¹²⁶

Broad nonetheless suggests that there are some possible connections and intersections between a feminization of poverty framework and transgender activism, if the lens is queered.¹²⁷ For instance, examining the poverty of effeminate gay men or feminine/submissive/pasivo transgendered people might provide further insight into the processes of feminized poverty,¹²⁸ because these men not only transgress accepted gender roles but assume a more feminine role, which, in the context of patriarchy, is already a subjugated role.¹²⁹ In addition, queering the lens on gen-

123. See, e.g., Thomas Stoddard, *Why Gay People should Seek the Right to Marry*, reprinted in William Rubenstein, *CASES AND MATERIALS ON SEXUAL ORIENTATION AND THE LAW* 716 (1997) (listing financial benefits of marriage as one of the practical reasons why gay people should seek marriage).

124. See *id.* at 7.

125. *Id.*

126. See *id.* at 15.

127. See *id.*

128. *Id.* at 6.

129. Here I am suggesting that effeminate gay men may find themselves more ostracized and oppressed than “masculine” gay men because they “act” like “women.” See *id.* at 6 (speculating that Latino men’s identity, which is not defined by the sex of the partner but rather cultural roles of activo/passivo or the dominant or submissive role assumed by the actors, may result in greater

der exposes and better illuminates how embedded traditional notions of gender are.¹³⁰

C. *Poverty Is Multidimensional*

The feminization of poverty construct grew out of the women's movement, a movement that focused on a single identity characteristic. The construct therefore seeks to expose how gender operates in the lives of women. Broad calls this body of information "partial knowledges," capturing part of the picture of women's and others' lives. In other words, the feminization of poverty focuses on a single axis of subordination—gender—or a single intersectional axis of a subordinating structure.¹³¹ In this case, it explores the intersection or nexus between women, and poverty, or the gender subordination manifested in poverty. But people's identities are multiple, and the structures that bind them are multi-layered and multidimensional. That is, people are not just men or women but are, for example, black, white, or Indian, and American, Mexican, or Indian, and heterosexual, homosexual, or bisexual. And Racism, classism, sexism, nativism, as well as the sex/gender system are structures that may simultaneously bind them

1. Identity, Partial Knowledges, and Multidimensional Analysis

Broad argues that people of color de-essentialized the categories "woman" and "transgendered."¹³² She calls the process by which people of color de-essentialized these categories a movement from identity politics to one emphasizing situated standpoints in a politics of difference. This politics of difference recognizes the category of "woman," as multidimensional.¹³³

Broad notes that situated standpoints are important for creating and legitimating valuable subjugated bodies of knowledge within a "matrix of domination,"¹³⁴ where subjugated people can speak, understand, and convey their experiences and insights to the broader community.¹³⁵ However, she notes that these situated standpoints still result in partial knowl-

impoverishment of the passivo actor). However, it is not clear that feminine lesbians are more ostracized than masculine lesbians are. This suggests that the transgression of dominant (male) gender roles is the more damaging factor.

130. See Valdes, *Hetero-Patriarchy*, *supra* note 13, at 176-77.

131. See Crenshaw, *Mapping the Margins*, *supra* note 16; see also Crenshaw, *Demarginalizing the Intersection of Race and Sex*, *supra* note 16 (explaining that black women live at the intersection of race and gender).

132. In describing the process in which a "universal transgender standpoint" was challenged, Broad turned to theories explaining social movements quoting Seidman and Nicholson: "the surfacing of voices of difference within movements (is) pivotal in facilitating the deconstruction of essentialized identities and advocating a radical cultural politics of difference." Broad, *supra* note 7, at 1163.

133. See *id.* at 1164.

134. *Id.* at 1169.

135. See *id.*

edges, which, while exposing certain aspects of the matrix, may also erase or reinforce other aspects of the matrix.¹³⁶

Broad, quoting Patricia Collins, explains that “[t]he overarching matrix of domination houses multiple groups, each with varying experiences with penalty and privilege that produce corresponding partial perspectives, situated knowledges, and, for clearly identifiably subordinate groups, subjugated knowledges.”¹³⁷ For example, the feminization of poverty construct does this by illuminating, for example, heterosexual women’s experience, while reinforcing ideas that erase aspects of lesbians’ experiences.¹³⁸ Multidimensionality, on the other hand, allows a more thorough investigation of the inevitable interlocking hierarchies and oppressions that create disadvantage and poverty. Accordingly, multidimensionality is committed to understanding the multiplicity of identities that constitutes an individual’s and a group’s identity, and the multi-layered factors, including subordinating structures, that shape experiences and social phenomenon in a given context.¹³⁹ This approach creates and leaves open a wider range of coalitional opportunities by clarifying connections between different groups of people and understandings that biases often travel together, supporting a matrix of domination.

2. Women’s Poverty: Not Just Gender

The feminization of poverty construct, and to a lesser degree, the gendered poverty approach, see women’s sex and gender as the predominate factors mediating poverty¹⁴⁰ and frame poverty as a women’s issue. However, the lives of women of color, even in the context of the United States, present a much more complicated picture. Women of color in the United States were subjected to the interplay of phenomena affecting white women in the 1960s and 1970s,¹⁴¹ such that their prominence among poor women threatened to limit the applicability of the feminization of poverty idea to America only.¹⁴² However, many of these women were already poor, even born into poverty. This fact contradicted the idea

136. See *id.* at 1165.

137. See Broad, *supra* note 7, at 1164.

138. See *id.* at 1158-60.

139. See Valdes, *Under Construction*, *supra* note 16;; see also Valdes, *Beyond Sexual Orientation*, *supra* note 16.

140. I mean to suggest that the reproductive capacities of women and their gender – the societal roles and restrictions that structure women’s lives based on perceptions about their reproductive capacities – influence, effect, and structure their material and overall well-being.

141. See Diane Pearce, *The Feminization of Ghetto Poverty*, 21 SOC’Y 70, 71-72 (1983) (arguing that both gender and race affect poverty rates and a gender analysis of the problem is a useful one).

142. GOLDBERG, *supra* note 32, at 1-2, 6 (noting that racial injustice might be so powerful a force in minority women’s poverty that their numbers drive the case for feminization of poverty. As such, the feminization of poverty might be uniquely American. However, similar trends were found in other countries.).

that they fell into poverty from a status other than poverty¹⁴³ and belies the idea that female poverty was a new phenomenon.¹⁴⁴ Although their poverty may have been attributed to gender inequality and subordination, it arose as much or more from their subordination based on class, national origin, race, and other statuses.¹⁴⁵ This remains so today, and an examination of a particular situation demonstrates the ways in which poverty is multidimensional, often standing at the intersection of multiple subordinating structures.¹⁴⁶

3. An Example: Medicaid, Prenatal Care, and Immigrants

Lisa Sun-Hee Park, in discussing her paper on the "impact of recent welfare and immigration reforms on the use of Medicaid for prenatal care by immigrants in California," notes that the feminization of poverty, defined as a trend toward women falling disproportionately into poverty construct, does not go far enough in explaining the differential experiences of immigrants.¹⁴⁷ Her study explores other kinds of subordinating policies and practices that structure immigrant female poverty.

Park explains that the federal welfare and immigration reforms of 1996 linked the use of Medicaid to immigration status,¹⁴⁸ restricting the use of Medicaid by both legal and illegal immigrants. As such, immigrant status in this case acts as a poverty-exacerbating aspect of women's identities.

Specifically, the Personal Responsibility and Work Opportunity Reform Act of 1996 "restricted immigrants' access to health care by more narrowly defining which immigrant populations were eligible for federal funding."¹⁴⁹ Immigrants who entered the country before the new law was enacted were provided federally funded Medicaid, if eligible.¹⁵⁰ Immigrants who entered the U.S. after the statute was enacted were prohibited from receiving federally funded Medicaid for non-emergency services,

143. See SUBSTANTIVE PANEL OUTLINE, *supra* note 2.

144. See Broad *supra* note 7, at 1153.

145. See *id.* at 1156-57 (suggesting that work done in reaction to the Monihayn report cast doubt on gender subordination being the primary cause of poverty for women of color). *But cf.* Pearce, *supra* note 141, at 71-72 (noting that there is a substantial added disadvantage to being both black and female, however, she argues that the gender differentials are greater than the racial differentials). Pearce explains "the differences in poverty rates between black and white men within each sector are quite small, whereas there is a substantial added disadvantage to being both black and female. . . . If one compares the progress of black men and black women to that of white men, then at present rates black men will catch up to white men in 35 years, but it will take black women 135 years to achieve occupational parity with white men." *Id.*

146. See Broad, *supra* note 7, at 1153.

147. Park, *supra* note 24.

148. See *id.* at 5.

149. *Id.* at 3.

150. *Id.*

including prenatal care for five years.¹⁵¹ Other non-qualified aliens, including the undocumented, were entitled neither to federally funded Medicaid nor state funds, unless the state passed new legislation allowing state funding.¹⁵² The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 made it harder for recent immigrants, even if eligible, to establish income eligibility for Medicaid.¹⁵³

Both laws facilitated the exchange of information regarding immigration status and the receipt of Medicaid-funded services between states and the Immigration and Naturalization Service (INS).¹⁵⁴ One of the potential results of this shared information is that unnaturalized immigrants who receive Medicaid benefits run the risk of being characterized as public charges when they apply for naturalization.

The immigration status of the women that Park discusses, together with their poverty, sex, and gender, subjects them to the poverty-exacerbating/maintaining effects of this legislation. These immigrant women are already poor and thus otherwise eligible for Medicaid.¹⁵⁵ For poor, immigrant women bearing children, the legislation prohibits funding for prenatal care or makes access to it more difficult.¹⁵⁶

In addition, their race, nationality, and gender, manifested in expected and realized child rearing roles, made these women specific targets for "port of entry detection and airport residency programs."¹⁵⁷ INS and Department of Human Services officials specifically targeted Latina and Asian women with young children reentering the U.S. for questioning about their children's births in the U.S. and the funding for such births.¹⁵⁸ If the births were funded through Medicaid, officials often asked the women to repay the money, even where they were legally entitled to it, before allowing them to re-enter the country.¹⁵⁹

Park notes the overall result of these laws and practices has been a chilling effect on women seeking prenatal care.¹⁶⁰ For example, women entitled to Medicaid but not naturalized believe they face a difficult choice. Either they apply for their legally entitled Medicaid benefits and obtain prenatal and birthing care but risk possibly being seen as a public charge by the INS, thereby jeopardizing a later opportunity for naturali-

151. See *id.* at 6 (emphasis added); Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105 (1996).

152. See Park, *supra* note 24, at 7.

153. *Id.* at 3.

154. *Id.* at 5.

155. *Id.*

156. *Id.*

157. See Park, *supra* note 24, at 5.

158. *Id.*

159. *Id.*

160. See generally *id.*

zation. Or they forgo treatment, possibly endangering their health or the health of their infants, but preserve later opportunities for naturalization.¹⁶¹ This is the case, even though state legislation, later cases challenging the law, and new but confusing and slowly implemented regulations softened the impact of these laws.¹⁶²

This study supports the idea that Latinas' gender exacerbated their poverty and their experience of it in a very different way from men. However, the exacerbation and continuation of their poverty was the result of "distinct though interlocking, social relations and processes,"¹⁶³ including immigration status, national origin, nativism, and racism. Therefore, even within the United States, the feminization of poverty construct fails to capture the reality of all women's conditions. And while a gendered poverty analysis might better capture more complicated practices, a multidimensional approach sees the multiple identities these women experience—Latin, immigrant, poor mothers—and the multilayered intersections of subordinating structures such as racism, sexism, and nativism that shape their lives. In other words, a multidimensional approach is capable of mapping out an even larger range of subordinating structures, practices, and policies.

III. "DOING COALITION" THROUGH AFFINITY: BROADENING THE ANALYSIS, WIDENING THE COALITIONAL CIRCLE

While the feminization of poverty construct may have made the connections between different groups of women more apparent, and a gendered poverty approach may make the connections between a wider range of groups apparent, Broad would argue a multidimensional approach confirms that this group-based information remains only partially knowledgeable about social structures that reinforce and reproduce harmful subordinations. To overcome these limitations, she recommends that the various outsider groups "do coalition." Doing coalition, she argues, will strengthen the various groups' theories, creating additional critical knowledges, and building the critical coalitions and political organizations needed to change or transform the various structures of domination and subordination.¹⁶⁴

"Doing coalition" requires individuals within outsider groups to join with other outsider groups to find out what they share and create new

161. See *id.* at 11 (summarizing the findings of the paper).

162. See *id.* at 6-9. "[P]oor people often face trade-offs between different dimensions of poverty in their struggle with deprivation." Cagatay, *Gender and Poverty*, *supra* note 8, at 9.

163. See Baden, *supra* note 8, at 11 ("Gender inequality and poverty are the result of distinct though interlocking, social relations and processes. Social relations of gender mediate women's experience of poverty. This implies that it is only by looking at context that we can deduce whether social relations of gender act to exacerbate or relieve scarcity.").

164. See *id.* at 19-20.

identities.¹⁶⁵ This process builds critical bodies of knowledge.¹⁶⁶ Broad notes that “[i]ndividuals who manage to migrate from these subordinated groups often find that they share common themes, interpretive paradigms and epistemological orientations.”¹⁶⁷ Further, she suggests that, based on her research of new movements, “people do not begin with an identity and then join collective action, but often come to have and construct identity through collective action.”¹⁶⁸ She argues that “identities will change as a result of our politics.”¹⁶⁹ Quoting Shane Phelan, she states:

Thus the problem for coalition politics is not “What do we share?” but rather “What might we share as we develop our identities through the process of coalition?” Coalition cannot be simply the strategic alignment of diverse groups over a single issue, nor can coalition mean finding the real unity behind our apparently diverse struggles. Our politics must be informed by affinity rather than identity, not simply because we are not all alike, but because we each embody multiple, often conflicting, identities and locations.¹⁷⁰

Broad overlooks the fact that some groups come together in coalition with fairly welldefined identities. And while new identities may arise out of the coalitions and collective pursuits, friction, tension, and collapse also may lie at the fault lines of the old identities, especially where these are socially attenuated, as often is the case for different racial groups.¹⁷¹ Further, it is not clear what Broad means by affinity. Do different groups, who come together, even though they have different histories of oppression, but nonetheless share oppression, constitute a coalition based on affinity? If affinity is understood as sharing a commitment to substantive social justice based on principles of anti-subordination and understandings of the multiplicity of identity in the context of the matrix of domination, then she might find LatCrit already “doing coalition” in some limited form.

LatCrit, for example, has an anti-essentialist, anti-subordination agenda. In this way, it may already be engaged in a politics of difference whereby it employs the essentialized Latina/o category strategically to engage in the de-essentialized practice of Latinaness. LatCrit recognizes that Latinas/os are a heterogeneous group whose members individually

165. See *id.* (emphasis added).

166. See Broad, *supra* note 7, at 1168.

167. *Id.* (quoting PATRICIA HILL COLLINS, *FIGHTING WORDS: BLACK WOMEN AND THE SEARCH FOR JUSTICE* (1998)).

168. *Id.*

169. *Id.*

170. *Id.* at 17.

171. See Athena Mutua, *Shifting Bottoms and Rotating Centers: Reflections on LatCrit III and the Black/White Paradigm*, 53 U. MIAMI L. REV. 1177, 1185-87 (1999) (discussing the tensions between Latinas/os and African Americans).

embody multiple identities.¹⁷² Further, different individuals within the group are situated differently within and at multiple intersections of interlocking oppressions and privileges. In other words, Latinness is multidimensional. This multidimensionality or anti-essentialist perspective forces LatCrit to ask questions, seek knowledge, and map the various subordinating structures that this group experiences in a specific and contextual manner.¹⁷³

In addition, various LatCrit members may migrate into coalition with other groups, but the LatCrit conference certainly fosters the migration of other outsider groups into LatCrit through the practice of rotating centers.¹⁷⁴ This practice encourages the focus of at least one panel discussion during the LatCrit conferences on the concerns or interests of a non-Latino racial/ethnic group and perhaps others. This migration is believed to advance theory or the production of subordinated knowledges and promote coalition building.¹⁷⁵

“[R]otating centers” institutionalizes a process of both advancing theory and building coalitions. . . . It does so by bringing together various groups to participate, analyze and theorize about their individual and community experiences, thereby [advancing theory and] facilitating the understanding, trust and camaraderie needed to build coalitions. . . .¹⁷⁶
[It allows the various groups to] identify shared experiences and become informed of those experiences unique to particular groups.¹⁷⁷

LatCrit, Critical Race, or Queer theorists might understand coalition building as being based on both perceived group commonalities and a commitment to anti-subordination.¹⁷⁸ But the process of coalition building exists to stimulate migration, potentially bringing diverse outsider groups together, and this process is being further developed theoretically as a method of *critical* coalition building.¹⁷⁹

172. See Valdes, *Under Construction*, *supra* note 16, at 1106-7.

173. See Valdes, *Beyond Sexual Orientation*, *supra* note 16, at 1448-58 (discussing multidimensionality as method).

174. See Mutua, *supra* note 171, at 1185.

175. The concept of “rotating centers” can be useful to “trigger meaningful substantive analysis of the different ways in which white supremacy configures relations of relative privilege and oppression among different non-white groups and the intergroup rivalries that are thereby activated. . . .” Elizabeth M. Iglesias, *Identity, Democracy, Communicative Power, Inter/National Labor Rights and the Evolution of LatCrit Theory and Community*, 53 U. MIAMI L. REV. 575, 676 (1999) (discussing anti-essentialist methodology).

176. See Mutua, *supra* note 171, at 1185.

177. *Id.* at 1217.

178. See generally Stephanie Phillips, *The Convergence of the Critical Race Theory Workshop with LatCrit Theory: A History*, 53 U. MIAMI L. REV. 1247 (1999) (discussing the tenets of critical race theory).

179. See Valdes, *Beyond Sexual Orientation*, *supra* note 16, at 1451 (noting that a goal of queer theory ought to be “balancing human complexity and social heterogeneity in a scholarship of antisubordination solidarity”). Valdes also states that

And finally, in encouraging scholars and others to bridge the gap between theory and practice so that each informs the other, LatCrit encourages the collective pursuit of antistubordination scholarship and practice. In these ways, LatCrit engages in "doing coalition."¹⁸⁰ The idea of "doing coalition" may expand LatCrit methodology and goals by suggesting that LatCrit actively involve itself with other outsider groups and their struggles based on the shared commitment to substantive social justice and principles of anti-subordination. This may be where the newer and perhaps firmer political identities that Broad envisions are forged.

CONCLUSION

The feminization of poverty construct should be retired in favor of a more nuanced approach, such as the notion of gendered poverty. However, even the notion of gendered poverty focuses attention on a single intersection of oppression, the intersection or nexus between gender in its broadest form and poverty. This in itself is a significant area of research and a potentially rich arena for coalition building. But even a notion of gendered poverty should be situated in a broader framework, one that understands that in any given context there may exist multiple intersections of subordination that limit human potential. Even while this framework may map out areas of commonality and difference among groups subject to subordination, "doing coalition" with outsider groups based on a shared commitment to social justice and anti-subordination principles will better inform theory building and facilitate the development of political organizations dedicated to eliminating gendered poverty and other subordinating structures that limit human potential.

[c]ritical coalitions . . . require a commitment to a "rotation of centers" that ensures thoughtful distribution of attention and energy to pursue efficiently the social justice interests of all coalition partners. . . . [T]he bedrock of a critical coalition is that no single identity or interest ever will rise to the level of domination, much less hegemony. [O]ur responsibility as antistubordination scholars remains constant: to devise conceptual frameworks that may help foster a culture of understanding and coalition among multiply diverse and overlapping outgroups as one means toward effective and efficient outgroup reform agendas . . . [of] advancing antistubordination collaboration.

Id. at 1453-54.

180. Broad, *supra* note 7, at 1165.