Poverty and the Patriarchy:


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I. Introduction

The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRA), passed through a bipartisan Congress, secured a promise avowed by decades of politicians: the “end of welfare as we know it” (Semuels, 2016). “Welfare” is a colloquial term, used as holistically to describe government subsidies in the form of cash transfers and food stamps. It has existed in the United States in various forms since the late 19th century, when most forms of welfare were doled out by churches and private organizations (Placido 2015, 2). Pensions, an early form of welfare, started as economic support for qualifying soldiers after the Revolutionary War (Jensen 2005). Since its earliest conception, a conversation surrounding “worthiness” has informed the design and implementation of welfare policies.

Welfare, then, cannot be divorced from morality; a belief in Christian duty guided the church’s responsibility to early poor Americans. Nor can it be divorced from the social context in which it has been and continues to be regulated. An idea of morality has been socially promulgated since the conception of this country due in part to the church’s significant role in shaping early welfare systems. In 1935, in response to widespread economic distress after the Great Depression, Congress passed the Social Security Act, establishing welfare programs an entitlement, primarily for elder, dependent children, and disabled individuals (Hansan 2011). This framework was reconstructed with the passage of the PRA in 1996, which eradicated welfare as an entitlement and repurposed its programs serving children and women to promote two-parent households. The PRA serves not as a pathway to economic stability but as coercive legislation that empowers women only insofar as they adhere to societal standards of “good” motherhood and womanhood.
In this thesis, I examine the influence of patriarchal norms on welfare policy, focusing on the treatment of women in its policy design and its subsequent impact on women. I argue that “worthiness” for economic support is interpreted through the lenses of patriarchy and racism, and that the intersection of patriarchy and racism produces social policy which treats single mothers as deviant from patriarchal standards and therefore less worthy of substantive support.

It will be compared to other legislation focused on economic stimulus of disenfranchised groups, underscoring gendered differences based on the stakeholders and targeted groups. Given the differential success and support options given to other vulnerable groups, it is clear that designing policy that dismantles patriarchal norms will be key in creating equitable policy solutions to systemic issues of racism and sexism. Exposing PRA’s patriarchal roots requires a thorough analysis of systems of patriarchy in order to recommend policy changes that can effectively reduce poverty rates while promoting female empowerment.

II. A Brief Review of Welfare Policy Prior to 1996

The modern American welfare systems still finds its roots in the first half of the twentieth century. Many scholars attribute the establishment of welfare policy to the Great Depression, which caused widespread economic distress, leaving states unable to support the number of individuals seeking assistance (Hansan 2011). Under the Hoover and Roosevelt Administrations, emergency legislation was enacted with the goal of providing states with funding to recoup their public relief programs (Hansan 2011). These laws, such as the Federal Emergency Relief Act, which providing funding to “relieve the hardship and suffering caused by unemployment” (Sec. 4 (a), was only a stopgap measure. This led to the enactment of the Social Security Act of 1935, which signaled the beginning of an American welfare infrastructure upon which the PRA was
built. Examined further in Section VIII of this thesis, the SSA “established three distinct types of programs designed to provide economic protections to different populations in different ways” (Hansan 2011). State-administered unemployment insurance offered financial assistance to temporarily unemployed workers; elders and “survivors” (widows and widowers) received “a universal and contributory social insurance program”; and public assistance was developed for those considered “needy,” specifically those with a medical handicap and dependent children” (Hansan 2011). Hansan (2011) notes that states received the autonomy to choose whether to adopt these programs; if they did want to provide these services, they first were required to provide a state plan that demonstrated its adherence to federal stipulations.

The SSA provided the framework for welfare in the United States without much evolution until 1973, when the U.S. Social Security Administration was established to oversee the newly-developed Supplemental Income (SSI) program, which comprised the financial assistance program Aid for the Aged, Blind, and Disabled (Hansan 2011). As Hansan (2011) notes: In 1975, Title XX of the Act was enacted, consolidating most of the social services provisions of the various cash assistance titles into a single program of social services for needy citizens.”

In the following years, various pieces of legislation were enacted that continued to alter the welfare state, including the Family Support Act of 1988 (FSA) which sought to revise the SSA’s Aid for Dependent Children program in a way that emphasized the importance of work and child support to promote economic self-sufficiency (Chilman 1992, 349). Chilman (1992) notes that, in opposition to the expectation set by the SSA that mothers remain removed from the work force, the FSA began to encourage it (349). An important component of the FSA was the
JOBS program, in which recipients of AFDC were to be “provided with remedial education, job training, and support services” (Chilman 1992, 350).

Chilman (1992) examines studies published in the 1980s, which she argues acted as an impetus for the FSA’s passage. In 1984 “almost half the families headed by women...received welfare,” compared compared to 12 percent of two-parent households (Chilman 1992, 351). For families of color, particularly Latino and African American households, 75 percent of families received welfare in 1986 (Chilman 1992, 352). Despite these significant numbers, Chilman (1992) found that these studies were used “selectively to back the legislative provisions that various policymakers wanted, often out of political considerations” (368). She argues that while there are substantive steps to expand job training and education, certain crucial steps are left out: despite results that show high-quality childcare as a necessity for child welfare, the FSA “makes no provision for increasing child care resources in the states [or] for the much needed upgrading of childcare or for providing adequate payments for childcare” (369). Given the FSA’s “failure to touch” many problems within welfare policy, Chilman (2002) argues it is best considered “welfare revision” rather than reform (370).

In 1996, after decades of discontent surrounding the welfare state, Congress passed the PRA. Although the differences in its policy design and impact are nuanced, ultimately, the PRA changed the system of welfare “into one that requires work in exchange for time-limited assistance” (U.S. Department of Health and Human Services, 1996). States received considerable autonomy in constructing welfare programs with certain requirements, including child care, efforts to improve child support and increased rates of marriage, among myriad other stipulations. Section II of this thesis is meant to provide a brief review of a complex lineage
leading up to the PRA’s passage in 1996. Certainly, various other legislation has been impactful in contemporary welfare structures and informed the role and policy design of the PRA. Given the constraints of this thesis, this section sought to provide necessary context for the structure of welfare prior to the passage of the PRA. Now, twenty years after the PRA’s enactment, we can fully examine its policy design and the impact of its passage.

III. Summary of Analytic Framework

It is first important to provide a framework that guides this analysis of the PRA and its patriarchal undertones. Although I address each claim with significant evidence, first identifying these points will be useful to follow my argument.

A. Contemporary social norms (socially-constructed norms of social and economic behavior) are patriarchal in nature.

Male dominance continues to be societally established and maintained such that political, economic, and social opportunities are gendered to favor men as are expected behavior patterns.

B. Patriarchy is maintained through the control of the labor force and women’s sexuality.

C. Norms of women’s sexuality and acceptable sexual practices stem from a socially constructed “morality” which expects certain behavior from women versus men, and white women versus women of color, and penalizes those who deviations.
Here I argue that expectations for women rooted in patriarchal norms assess their value based on their sexual morality; i.e. women who bear children out of wedlock, or who are not married, are treated as impure and deviant. This normative value influences the creation of policy directed toward these women. As I discuss below, this helps to explain the focus on the establishment of marriage and the decrease of “illegitimate” births as primary goals of the PRA. The racial component is critical to understanding patriarchy and poverty, as well; discussed in greater detail below, the sexuality of women of color has been controlled for centuries first by slave owners as a means for economic gain and also through eugenics movements to limit the reproduction of African Americans. Understanding this intersectionality is crucial in understanding the insidious nature of abstinence education within the PRA. By “intersectionality,” I refer to the interconnectivity of social categorizations or identities, such as race and gender, that create unique experiences of disadvantage and discrimination.

D. This disparate gendered treatment has led to construction of norms that treat poor, single mothers (of color) as deviant, undeserving, and needy and

E. based on this perspective, policy has been implemented which penalizes those regarded as deviant, reinforcing systemic oppression and norms of neediness

F. Given widespread disapproval of same-sex marriage and its prohibition at the time of the passage of the PRA in 1996, all reference to two-parent
households or to the promotion of marriage in this legislation can reasonably be assumed to refer to heterosexual marriages. This will be relevant particularly in the close reading of the PRA found below.

II. Literature Review

Significant scholarship has sought to define the relationship between welfare policy and single motherhood, but most of these studies were published before 2000. New research developed by this thesis can offer updated perspectives left largely ignored in the last 15 years. Additionally, the Capabilities Approach promoted by Martha Nussbaum, recognized for its emphasis on equity in policy making, bears considerable relevance to the issue of welfare policy and policy design. This thesis provides a new perspective on equity in welfare policy by using the Capabilities Approach as a theoretical framework.

This literature review is parsed into three sections: first, I provide a theoretical framework for patriarchy and the intersectionality between race and gender in regard to welfare policy and economic mobility. Second, I consider the specific implications for racial patriarchy within welfare, viewing patriarchy as an intersectional issue within race. Third, I review the Capabilities Approach as a framework for evaluating policy.

A. Theorizing Racial Patriarchy

Understanding patriarchy as a political and social construct is key to addressing its influence in policy. Heidi Hartmann (2004) defines patriarchy as a “set of social relations between men which have a material base and which, though hierarchical, establish interdependence and solidarity between them that enable them to dominate women” (143) In this
definition Hartmann (2004) identifies various elements critical to understanding patriarchy as a whole: first, that it is a system based on and perpetuated by male dominance and interdependence and, second, that there are hierarchal levels to patriarchy (143).

Hartmann’s (2004) analysis of the patriarchal oppression discerns two main features: first, patriarchal norms subjugate women through controlling their sexuality. In this, Hartmann (2004) argues that patriarchy can establish women’s relative congruence with moral norms, by establishing that sexual activity has a purpose only in its relation to men (145). Secondly, Hartmann (2004) argues that patriarchy is maintained through control of labor. This manifests itself in many ways, certainly including unequal wages, but also considering work opportunities for women, and social mobility within the labor force (144). Hartmann (2004) describes a “sexual division of labor,” where heterosexuality is incentivized through a division of labor which requires men as major breadwinners for female economic stability (145).

Kate Millett, a foremost feminist theorist regarding women’s sexuality, provided an early voice in the struggle for women’s sexual liberation. Sexual Politics, published in 1970, is considered among the most significant of feminist writings, and requires particular consideration in the context of this thesis. Patriarchy finds its roots in feminist theory. The term has been used widely and in various capacities; in feminist theory, patriarchy is specifically considered “in the search for an explanation of feelings of oppression and subordination” (Beechey 1979). The
definitions of patriarchy Millett presents will be useful in defining and depicting patriarchy within and as a result of PRA.

In *Sexual Politics*, Millett (1970) is explicit in her assessment that the relationship between “the sexes now, and throughout history…is[one] of dominance and subordinance” (24-25). She defines an “interior colonization,” wherein male domination and female subordination is “perhaps the most pervasive ideology of our culture and provides its most fundamental concept of power” (25). This she credits to a broader patriarchal infrastructure in American society, defined as such because “the military, industry, technology, universities, science, political office, and finance -- in short, every avenue of power within the society, including the coercive force of the policy, is entirely in male hands” (Millett 1970, 25).

Borrowing the observations of Hannah Arendt, Millett (1970) observes that citizens are socialized to patriarchal politics “with regard to temperament, role and status” (26). This is particularly important in the context of this thesis, as Millett (1970) notes female socialization requiring a demure, ineffectual temperament and where the role given to females “tends to arrest her at the level of biological experience,” i.e. motherhood (26). Women are pigeonholed as mothers, their identities are narrowed to the glory of motherhood but only if their child bears their (present) father’s name. Sexuality, then is treated as a punishment for women; women are meant to embrace sexuality only for reproductive purposes, and then only as long as they are married (Millett 1970, 120).

This examination of women and sexuality is particularly pertinent because Millett describes female empowerment as a threat to existing social norms. This is relevant, too, in her commentary on barriers to female economic self-sufficiency. This “independence in economic
life,” as Millett calls it, is “viewed with distrust”(41). In particular, disparate wages and a lack of state-subsidized child care requires women to find employment at multiple jobs, particularly if they are low-income. Welfare policies, viewed through this lens, have been crafted through distrust of economically independent women. Limiting substantive measures for poverty reduces real chances for economic self-empowerment, thereby maintaining patriarchal power structures that require women to rely on men.

Susan Okin (1991) also consider heterosexual marriage’s role in the promulgation of patriarchal norms and women’s disempowerment. In particular, she examines a study conducted by Robert Goodin, in which he analyzes power by considering "the respective capacities of the two parties to withdraw from the relationship…” (Okin 1991, 138). In his definition, a relationship was mutual or more symmetrical if ... “[even if there is inequality] as long as the subordinate party can withdraw without severe cost, the superordinate cannot exploit [her]” (Okin 1991, 138).

Okin (1991) argues this point further, arguing that disparate levels of power exist (in heterosexual relationships) due to dependencies that, even if entered voluntarily, create “asymmetric dependencies due to the resources and options with which the parties begin” (138). Even if a relationship is loving and equitable in many aspects, it does not exist in a vacuum. Gender inequality – in child rearing, in employment opportunities, in physical safety -- continues to provide the background context for these relationships. Therefore, promoting marriage as a solution for poverty, particularly in circumstances that affect primarily women, further subjugates women, given that marriage benefits men who receive greater power through an
arbitrary gender assignment and shaped by institutions that prefer men. To this Goodin also argues that, for vulnerabilities shaped by institutions - such as gender disparity -- “we should strive to reduce these vulnerabilities insofar as they render the vulnerable liable to exploitation” (Okin 1991, 136-137). Given this framework and as demonstrated in my analysis, the PRA clearly exacerbates vulnerabilities based on gender.

Although all women are harmed by patriarchal norms, significant consideration must be given to the way that women with intersectional identities, particularly race and gender, uniquely experience disadvantage and discrimination. Specifically, welfare policy has particular implications (as well as ambitions) for women of color, and it is important to consider the theoretical framework in which patriarchy and racism intersect. Although patriarchy broadly impacts all women, as Dorothy Roberts (1993) notes, “Racism is patriarchal [and] the patriarchy is racist” (3).

Understanding race’s implications for welfare first requires a consideration of slavery. Although truly dehumanizing for all African Americans, slavery promulgated patriarchal norms that particularly impacted African American women, through the control of women’s sexuality and reproduction by their masters (Roberts 1993, 7).

Roberts notes the early relationship between capitalism and patriarchy in her description of a 1662 Virginia statute which stated that children borne of a female slave by a white father was still a slave. According to Roberts (1993), white landowners could serve to improve their
economic standing by forcing slaves to reproduce, thereby creating more slaves to work on their
land. She defines this broader issues as “patriarchal motherhood,” describing male use of a
female body for reproductive purposes (8).

Roberts’ (1993) examination of the intersection of racial and gender oppression is
thorough, but perhaps the most significant part of her argument lies in its analysis of the
difference between white and Black feminism, particularly as it relates to the black feminist
movement. Roberts argues that that white women have been complicit in racism; in their quest to
attain gender equity, white women have considered gender oppression only through a white lens.
Roberts (1993) notes the birth control movement led by Margaret Sanger, in which Sanger made
agreements with eugenists who supported birth control insofar as it would limit Black
reproduction (15).

In this same vein, Roberts (1993) considers the specific goals white feminism describe as
gender equity. In particular, white women seek equal work opportunities, having been trapped in
gender norms that consider a woman’s true purpose as a mother. To this she recalls the famous
argument by Justice Bradley in Bradwell v. Illinois, in which he argues that the “paramount
destiny and mission of woman is to fulfill the noble and benign offices of woman and mother”
(Roberts 1993, 16). According to Roberts (1993), a woman’s labor at home is compensated by
the ideologized value of motherhood rather than economic opportunity (10). Roberts (1993)
gives recognition to the legitimate oppression experienced by all women through economic
dependence; quoting Adrienne Rich, she criticizes the idea of “institutionalized motherhood,” (5)
in which motherhood has become an enforced identity and political institution.

Still, Roberts (1993) necessarily points out significant differences in the struggle for
gender equity in which Black women are oppressed by the efforts of white women. For
example, Roberts notes that while white women seek equal labor force opportunity, Black
women have never been given the opportunity not to work; she recalls the image of a “Mammy,”
a docile, Black women sent off to care for a white woman’s children due to sheer economic
necessity. Dating back to slavery, Black women did not even have an opportunity not to work; in
1880, 50 percent of Black women were employed compared to 15 percent of white women
(Roberts 1993, 19). The social norms that established a Mammy -- a woman of color expected to
rear white children -- has been perpetuated by PRA, which includes childcare as a suitable work
activity, so long as it is not one's own children for whom a recipient is caring.

The Moynihan Report, so named for Daniel Patrick Moynihan, must be included in
understanding the foundations of modern welfare policy, particularly as it regards the
intersectionality between race and patriarchy. In 1965, at the time of the Report’s publication,
Moynihan served as the Assistant Secretary of Labor under the Johnson Administration (Geary,
2015). The Moynihan Report is important for its musings on the continued existence and impact
of racism, but fails to recognize its own racist tendencies in establishing the cause for widening
racial gaps as the dissolution of the “Negro family structure” (Moynihan 1965, 6).
Moynihan (1965) argues that widespread poverty among African Americans is attributable not to lack of economic opportunity but instead to a destruction of a natural patriarchy among families. In analyzing the Jim Crow period post-slavery, Moynihan states: “it may be speculated that it was the Negro male who was most humiliated thereby….segregation, and the submissiveness it exacts, is surely more destructive to the male than to the female personality. Keeping the Negro "in his place" can be translated as keeping the Negro male in his place: the female was not a threat to anyone” (Chapter 3, 1965).

In establishing racist structures that debilitated African Americans after slavery, Moynihan turned to white patriarchy as explanation, thereby showing the intersectional relationship between racism and patriarchy. Despite rising rates of single motherhood among other races during this time, Moynihan’s certainty at its correlation to race serves to show the exacerbation of patriarchy in American culture, as well as its influence on welfare policy. He did identify job training and education as necessary components of effective policy to close economic gaps between African Americans and their caucasian counterparts. Identifying men as the primary breadwinners -- and patriarchal households as necessary for economic success -- did, however, serve to subjugate women. Moynihan’s report is often criticized for what this author would describe as racism by omission or deflection; depicting the failure of family as the reason for social, political, and economic exclusion failed to shed light on the continued systemic oppression faced by African Americans. However, the exclusion of African American women must take special note: in creating this report, Moynihan (in many ways on behalf of the Johnson Administration) determines that patriarchal family structures is paramount in developing economic security among disenfranchised Americans.
B. Patriarchy in Welfare

Temporary Assistance for Needy Families, the reconstruction of Aid to Dependent Children enacted under the PRA, is demonstrative of the language used describe welfare recipients. This has been the subject of significant research regarding patriarchy in welfare. Nancy Fraser and Lisa Gordon (1994) provide an analysis of the word “dependency,” in particularly, considering its initial roots as language to describe territories claimed by colonists and its current use in regard to welfare. Dependency, they argue, “is an ideological term…” often referring to “the condition of a poor mother with neither a male breadwinner nor an adequate wage”(Fraser and Gordon 1994, 311). The authors (1994) trace the use of the word for centuries, recognizing its consistence use as a description for someone or something vulnerable. At times, they find, “dependent” was used to describe a servant in pre-industrial England; “status inferiority and legal coverture” (313). Once industrialization sparked, the word became most commonly used to describe natives or slaves (Fraser and Gordon 1994, 317), again individuals with no economic autonomy.

Fraser and Gordon (1994) look specifically at the use of “dependency” in the United States, noting its arrival as a replacement term for “pauperism” in hopes of reducing stigma. According to the authors, it was unsuccessful -- dependency was already used as a pejorative to describe a charity recipient that was undeserving. They cite the New Deal’s impact on dependency as “intensifying the dishonor of receiving help” through the establishment of a
“two-track welfare system” (Fraser and Gordon 1994, 321). They contrast the “first-track programs,” such as unemployment and old age insurance, described as entitlements, versus “second-track public assistance programs,” such as the earliest conception of Aid For Dependent Children, an earlier incarnation of the current Temporary Assistance for Needy Families (TANF) established by the PRA (Fraser and Gordon 1994, 321). Initially, AFDC benefits were provided specifically for the children in a poor household, and completely different stipulations were crafted in order for the households to receive aid. Fraser and Gordon describe these requirements: “means-testing; morals-testing; moral and household supervision; home visits; extremely low stipends—in short, all the conditions associated with welfare dependency today” (Fraser and Gordon 1994, 322).

A preeminent study of women on welfare, *Pitied But Not Entitled* by Linda Gordon (1994), discusses in depth the relationship between patriarchal systems and treatment of poor single mothers. Gordon (1994) notes that even the rhetoric surrounding welfare has been gendered: when welfare has been described as a “right” or as “earning” for poor families, it has been masculine, whereas considering welfare as a “need” or benefiting “needy” families connotes femininity (11). Gordon (1994) notes that, upon Social Security’s initial adoption, out-of-wedlock mothers were precluded from benefiting from its programs (5).

Even before the creation of Social Security, women who now would be considered “separated” were labeled as “deserted” in censuses and the debate over “worthy” and “unworthy” poor often centered on a woman’s marital status (Gordon 1994). Progressive Era reformers focused on sexual immorality and stigmatized single mothers; era feminists chose to portray out-of-wedlock mothers as victims of troubled childhoods. In any case, feminists and
conservatives searched for biological explanations to these mothers’ inability to marry, arguing that mental tests should be taken before benefits could be received (Gordon 1994).

The treatment of women and children in poverty can be in part attributed to lasting pejorative rhetoric. Gordon (1994) notes that, in the Progressive Era, about 86 percent of children lived in two-parent households, a figure that stayed consistent until 1960, when 87 percent of children lived in two-parent households (18). This meant that single motherhood has consistently been “othered” and the children born to those mothers viewed as aberrations. Mark Abrahamson (1998) notes that terms such as “illegitimate” or “bastard” have been attributed to children born of unmarried parents (14).

Other authors, such as Elizabeth Bartle (1998), have considered the language used in describing welfare recipients, particularly considering the disparate language used for women. Bartle argues that the language of “dependency” is used specifically for women as an ideological term, evoking an image of “ineffectual, poor women with children” (24-26). Bartle (1998) takes the ideology of dependency a step further when she argues that this language is used to promote a political agenda: “politicians use this phrase [of dependency]... to justify the current punitive measures described as welfare reform” (25).

The rhetoric surrounding welfare reform in the 1990s also stemmed from changing gender roles seen even directly after World War II (Brenner 1989, 103). The aftermath of World War II saw an expansion in the American welfare state that “tremendously enlarged women’s alternatives to dependence on men” through increased services (Brenner 1989, 103). Brenner (1989) juxtaposes welfare legislation at this time to later development of AFDC, in which “in-kind benefits allow the donor to retain control of the recipient” (105). Brenner (1989) notes
that civil rights efforts in the 1960s also included the empowerment of poor and African American women “to construct social policy” (106), further indicating an evolution in gender norms. Further depicting this evolution, Mimi Abramovitz (2000) details the culmination of rhetoric, norms, and events that led to the PRA’s passage. Importantly, Abramovitz (2000) notes that this law was not created in a vacuum; it represented an agenda that, while especially present in the 1990s, began to culminate much earlier. Abramovitz (2000) discusses the rise of women’s rights rhetoric and organizations in the 1960s and 1970s, which correlated with greater sexual autonomy among women, and received considerable pushback from traditionalists.

Gwendolyn Mink (1998) criticizes institutionalized social norms specifically in relation to the PRA. According to Mink, “the PRA ends welfare by redefining it” (105). She is clear in considering the impact of social rhetoric around welfare, arguing that since the 1960s welfare reformers have become increasingly adamant that welfare “harms poor families, ruins moral values, destroys initiative and saps independence…” (Mink 1998, 103). Mink (1998) excoriates policymakers for "embedding the expectation poor single mothers seek self-sufficiency in the labor market...PRA turns this into a legal obligation” (103). Mink argues that instead of penalizing poor mothers through sanctions and exclusions, and forcing employment, steps should be taken to instead ease the burden of poor single mothers. Recognizing the racial and patriarchal undertones of this policy, Mink (1998) notes that married mothers do not have to work outside the home (105), which acts to penalizes single mothers for being unmarried. She additionally criticizes the requirement of working outside the home because it forces women into poorly paying jobs out of necessity (110). Mink (1998) argues that “it is hard to see how the PRA’s work requirements promote self-sufficiency,” given the limited opportunities vocational
education, lack of support for higher education, and limited services provided to promote skills development (111).

Significantly, Mink (1998) also notes the racial undertones of the PRA. Although the language of the PRA does not identify certain racial groups, Mink argues that, because Latina and African American women are disproportionately poor, policy makers choose to put a particularly heavy burden on women of color (122).

C. Evaluating Policy

Martha Nussbaum provides a necessary theoretical lens through which to view this all. A proponent of the Capabilities Approach, Nussbaum (2002) argues that there are sets of “capabilities” which must be first achieved in order to accomplish certain human “functionings.” The Capabilities Approach rests on two main ideas: first, that there are capabilities critical to the functioning of a truly human life. Second, these critical functions must be fulfilled in a specifically human way (Nussbaum 2002). People experiencing poverty, for example, who scavenge for food might be described as “living like animals,” meaning that the central necessity of nutrition is human in that it should be fulfilled to satisfaction, not just survival. In fact, Nussbaum (2002) argues, there is a level of dignity inherent to each human that must be reflected in policy that aims to promote human well-being. Nussbaum argues that part of living with dignity requires the ability to shape the world and individual choices autonomously; the
alternative, she says, “is to be pushed around by the world in the manner of a...herd animal” (Nussbaum 2002, 124).

Nussbaum (2002) uses questions of gender equity to illustrate the mission of the Capabilities Approach. Specifically, women, disadvantaged structurally, have less capability to live in a way that truly maximizes welfare. They are given fewer opportunities to shape their lives in a way that promotes their own dignity. Before one can consider whether a life is welfare-maximizing, one must first consider whether the basic needs that are foundational for welfare are met. Nussbaum (2011) argues that “a focus on dignity is quite different...from a focus on satisfaction” (30). Whereas an individual might be satisfied with the respect and opportunities given to their individual identities, this does not mean they have been treated with the dignity owed to them in the same measure and way provided to another individual with other identities (Nussbaum 2011). Instead, Nussbaum (2011) determines that “a focus on dignity will dictate policy options that protect and support agency” (30).

Nussbaum’s approach is different than other popular measures because it focuses on the role of dignity in policy. Through considering access to dignity, Nussbaum (2002) considers equity by asking not “how satisfied is she?” but “what can she do [given structural constraints]?” (123). Basic capabilities measure equity; whereas the others consider measures of equality assuming that all individuals begin at the same point, Nussbaum (2002) recognizes that the differences in structural treatment require an assessment of individual capabilities to live “humanly” (130). In fact, argues Nussbaum (2011), the fulfillment of these capabilities is required by a government; “any decent political order must secure at least a threshold of [the] capabilities” (33), listed here: life, bodily health, bodily integrity, senses, imagination and
The Capabilities Approach is useful because it does not include a mental state view when assessing well-being; regardless of someone’s perspective on their life, their well-being is established externally. This is useful in that it does not “let governments off the hook”; even if someone experiencing some level of poverty is more satisfied with their life because they consistently have enough food to eat, governments are still responsible for ensuring that their well-being is maximized to an equal extent as any other citizen, rather than just within their capabilities. Nussbaum (2002) defines this as a “combined capability”: governments must ensure individuals are capable to act within environments that allow their functioning (132). This framework, discussed in detail in Section VI, provides significant evidence that policy makers have failed single mothers through the creation of legislation that undermines their right to dignity and limits substantive opportunities for self-sufficiency.

III. Addressing Objections to the Patriarchy Framework

Existing literature has depicted the ways in which patriarchal norms shape public understanding of poverty as it relates to single mothers, particularly women of color. The above literature review demonstrated the influence patriarchal norms have on welfare policy, but this relationship should be stretched further. The relationships between patriarchal norms, policy, and resounding poverty are not wholly linear; instead, they function as a positive feedback loops. Schneider and Ingram (2005) provide a framework for this concept; “degenerative
policy-making systems [are] group-based political inequalities and divisive policy strategies reinforce each other in ways that threaten democracy” (293). Patriarchal norms establish policy solutions to poverty that, due to their patriarchal nature, entrap women in poverty. Schneider and Ingram (2005) use this language again in describing the “exploitation of derogatory social constructions… that masks the true purpose of policy” (11). Schneider and Ingram (2005) define this as “degenerative politics,” deeply relevant to the passage of the PRA, as evidenced by rhetoric surrounding single motherhood.

In this research, I define patriarchal norms as societally accepted practices and perspectives that advantage men over women socially and economically, though the two are not mutually exclusive. When something is “patriarchal,” it is male-dominated; it corresponds to a society or policy that prefers men or a male perspective. This follows the definition of patriarchy described by Heidi Hartmann. Indeed, even if a policy does not intentionally respond to an issue that affects primarily men, when the policy is implemented and established by primarily men, it can be patriarchal. In the case of welfare policy, various patriarchal norms are at play. In a patriarchal society, men are breadwinners; thus, economic freedom is reliant on male inclusion, which also reflects the patriarchal control of women’s sexuality. This is a critically important perspective when regarding welfare policy and is evident in various stipulations, as well as in the mission of and dialogue surrounding passage the legislation itself.

From a holistic perspective, the theme of the PRA is patriarchal in nature and thereby traps women in poverty. My argument should be viewed within the context of patriarchy described by Hartmann (2004): first, males systematically dominate the labor force, and, second, male control of women’s sexuality is codified and promoted by law (143). The PRA was enacted
under the guise of promoting economic stability, but it does not resemble other legislation that aims to support the economic mobility of vulnerable groups. The initial premise of the PRA states the importance of marriage as necessary for a successful society, immediately labeling it as patriarchal. Heterosexual marriage propagates the expectation that women must be legally bound to men in order to find economic security; this context also limits women to their roles as a mother or wife, rather than a primary breadwinner themselves. I discuss this in greater detail in my forthcoming analysis.

Using Millett’s depiction of patriarchy, it should be understood that both social and structural factors lead to the social promotion of women’s subordination or inferiority to men. Given the diversity of experiences among women, I am specifically considering the experiences of single mothers in poverty. Single mothers in poverty, treated as deviant from the social norm due to their economic status as well as having had a child out-of-wedlock, are deemed the “unworthy poor” in American society.

Patriarchal norms not only inform policy but also entrap women in poverty by promoting policy that is based on a system of racism and an institutionalized motherhood, valuing women only for their reproductive capabilities. However, it is necessary to include that it is white women whose reproductive abilities are highlighted; decades of forced sterilization of women of color point to the devaluation of Black humanity (Roberts, 1993, 11). Shifting notions of feminism, which have primarily supported white women, have failed to include norms for gender equity inclusive of the intersectional experiences of African American women. This was and continues to be present through the evolution gender norms culminating in the latter half of the twentieth century.
Although it is difficult to identify a direct causal relationship between shifting gender roles and structural and social patriarchal pushback, there is evidence supporting a correlation between the two. Former Vice President Dan Quayle’s outrage regarding the fictional character Murphy Brown’s out-of-wedlock birth evidenced this; in 1992, the same year President Clinton promised to “end welfare as we know it,” Quayle sparked national controversy when he called Brown’s single motherhood “a denigration of American family values” that “mocks the importance of fathers” (The New York Times 1992). Because the prior establishment of welfare came at a time where most women did not work and most households were two-parent, the role of gender roles in establishing new welfare laws is particularly important and in itself shows the use of patriarchal norms to maintain the status quo.

The relationships between these concepts can be difficult to distill and gives rise to plausible counterarguments. Importantly, one might argue that these concepts influence each other differently. For example, one might argue that the relationship isn’t quite so linear, perhaps policy develops social norms, rather than its reverse. In response, I would argue that it is likely policy influences social norms, but unlikely that it establishes them all together. For example, misplaced fear of Japanese Americans during World War II led to policies creating internment camps (Ng 2002; DiAlto 2005). Although this likely validated many Americans’ feelings of distrust, it did not establish them; the bias against Japanese Americans was apparent prior to the establishment of the camps. Often, policy implementation of social norms validates it and, in that way, might strengthen the norm, but it does not develop it all together. This is true, here, particularly evidenced by the prevalence of pejorative language surrounding single mothers on federal assistance even prior to the PRA’s enactment.
Feminist theorists seeking to define patriarchy as women’s oppression have faced significant pushback. A common argument is that many structures *precede* patriarchy and are thereby not responsible for women’s oppression. In response, I argue that social norms are constructed as patriarchal. A common response to disapproval to public support for single mothers is that religious individuals do not support sexual intercourse before marriage. Religion, then, is treated as the structure preceding patriarchy. In general, and in this specific case, I would respond that religion, particularly, is patriarchal. In many religions, and primarily Christianity, the source of many of these beliefs for Americans, women are treated as subordinate to men, or that the word of men dictates the social norms promoted in society.

Specifically regarding single mothers, many have argued that a variety of factors might account for the limitations of welfare. Politicians have consistently cited the degradation of two-parent households as harming children; numerous studies have sought to show a clear correlation between single parenthood and child descent to a life of crime or dependence on narcotics. In response, these perspectives are not incorrect, but they are beside the point. There has, certainly, been evidence of a correlation between single parenthood and adolescent delinquency, but the causal relationship is not there. Again, I would argue that instead patriarchal systems are primarily responsible, indirectly, for adolescent delinquency. The 1996 reform destroyed welfare as an entitlement and severely capped the “lifetime limit” for access to financial assistance and food stamps. Creating severe benefits restrictions from the outset, and demanding that single parent households work the hours equivalent to a full-time job, results in parents spending less time with their children and the likelihood of living in less safe neighborhoods, given a negative correlation between income and neighborhood crime.
Additionally, the patriarchal structures have a long history—women, in general, are paid less for the same work as well as work deemed “feminine” or “for women” (Sidel 1998). That means that what might be a living wage for a single father would likely be unlivable for a single mother. In a 2008 cross-country study of treatment of women in the labor force, the United States has the lowest structural support regarding child care of any developed nation (Christopher et al, 2008). (This study, in particular, will be discussed in greater detail in Section VIII).

Perhaps the most common counterargument to questions of structural disadvantage within welfare is a lack of personal responsibility among the poor. Indeed, it is no coincidence that the 1996 law was named the “Personal Responsibility and Work Opportunity Reconciliation Law.” The concept of a welfare queen stems from the very idea that individuals take advantage of a system and become wealthy through taxpayer money while not taking the steps to ensure economic self-sufficiency. Coined during the Reagan administration, a “welfare queen” has been depicted in many ways, at worst as a “gold-clad, cadillac-driving [woman] who buys beer and steaks with food stamps” (Harvard Law Review 1994, 2019). A 1994 Harvard Law Review article describes the harm -- and manipulative nature -- of this rhetoric: “Phrases like ‘welfare queen’ rallied support for curtailing welfare programs… [villifying] welfare recipients” (2014).

In response, I argue that there are very few reported cases of welfare fraud or individual misuse of welfare funds. In 2013, the government reported that “welfare fraud accounted for less than two percent of unemployment insurance payments” (Schnurer, 2013). As Schnurer (2013) notes, despite the lack of information regarding TANF fraud, the percentage “is likely about the same.” More importantly, this argument misses the much broader picture, which is that the
policy’s requirements are so stringent that it makes it difficult to maintain a job, parent a child, and earn enough money to no longer require benefits. A 2015 Berkeley study looked at the employment areas that welfare recipients were concentrated in: fast food, child care, home care and part-time college faculty. For the former three, the researchers found that almost 50 percent received financial assistance (Jacobs et al 2015, 5). The same study (2015) also found that “only a fraction of those eligible for child care subsidies currently receive them” (5). Only 17 percent of families with eligible children receive subsidized care (Jacobs et al 2015, 5). In response, the authors argue that increase wages is integral to distribute available funding more broadly -- the problem does not lie with individuals not finding employment, but instead with a lack of gainful employment that pays a living wage.

IV. Close Reading of Personal Responsibility and Work Opportunity Reconciliation Act

Given the in-depth literature review and theoretical argument explained above, we now have the framework to appropriately assess the PRA. The PRA is an extensive piece of legislation; its 251 pages include various new programs and stipulations as well as amendments to relevant prior legislation, such as the Food Stamp Act of 1977 and the Family Support Act of 1988. It additionally amends stipulations from earlier incarnation of welfare policy, primarily the Social Security Act. Understanding its patriarchal nature requires an analysis of its holistic mission as well as particular stipulations that define its purpose. My analysis is divided into these two sections; first, I consider the PRA’S purpose as a whole, following my theoretical framework defined above; second, I examine specific stipulations within the law.

I. PRA’s Purpose
The PRA seeks to promote economic stability insofar as individuals adhere to traditional social norms. Ultimately, the PRA’s purpose is to support poverty alleviation among families through promotion of two-parent heterosexual households.

This evident with the very first Title, which states, “Congress makes the following findings: marriage is the foundation of a successful society” (Stat. 2110, 1996). It then describes the critical nature of successful marriages in child rearing, establishing the danger of out-of-wedlock births and its assault on civil society. The first Title in this law is concerned with the provision of block grants for “temporary assistance for needy families” (Stat. 2110, 1996).

The authors defined families traditionally, as a two-parent heterosexual household. Familial economic stability, they conclude, requires this type of household. Much of the first section of the PRA contains a statistical analysis of the evolution (and dissolution) of two-parent households, as well as related statistics on juvenile delinquency, malnourishment, and educational retardation. There is clearly a patriarchal nature in establishing these households as the necessary criteria for economic stability, particularly while recognizing that most single-parent households are headed by a mother. The PRA focused on the social ills “caused” by single parenthood. In its support of two-parent, heterosexual households, the authors concluded that “among single parent families, nearly one-half of the mothers who never married received AFDC while only one-fifth of divorced mothers received AFDC” (Stat. 2111, 1996).

Beyond their use of government welfare, however, the authors also described other long-term impacts of single-parenthood: as of its enactment, the bill stated that 71.2 percent of juvenile criminals come from single parent homes (Stat. 2111, 1996).
Citing these statistics is manipulative; the authors sought to blame single mothers for obstacles faced by children of single parent families rather than addressing underlying, structural problems that account in part for these disparate impacts. Given the theoretical framework established above, citing marriage as the first and foremost requirement for economic stability — “the foundation of a successful society” — seeks to promote economic freedom only insofar as women rely on men. (This can be understood, for example, juxtaposed to a hypothetical alternative Title I, which might state: “widespread gainful employment is the key to a successful society.”) Focusing on marriage, as is the central tenet of this law, seeks to bind women’s economic self-sufficiency to male counterparts.

The chronology of the law’s stipulations is not coincidental; establishing marriage as an essential and primary piece of economic security is the first statute found in this law. Recognition must be given the value of chronology; we will discuss in greater detail specific stipulations that come later, such as a grant allocation for child care, which is found on the 174th page of the 251 page text. This, too, is true of allocations for job training or educational opportunities, which find themselves buried within the law, unlike the hefty Title III, completely dedicated to the maintenance and enforcement of child support, further promoting the idea that a two-parent, male-headed household is necessary.

The PRA was established to change welfare, a program built to establish economic self-sufficiency. Establishing this law in the context of marriage and child rearing promotes patriarchal notions of women’s roles and establishes a group of women deviant from society. Were this law truly intended to promote economic freedom among women it would focus instead job training and education opportunities far more than abstinence education or, perhaps more
astonishingly, spending any amount of budget on teaching young women about statutory rape as a method of discouraging single motherhood. The disparate missions of economic legislation based on gender must be recognized. It also cannot be taken out of its temporal context, which has been discussed in detail already. Using statistics provided by Title I of the PRA, it is still relevant to note that increasing fear for the dissolution of two-parent households saw an increase in births to unmarried women from 10.7 percent in 1970 to 29.5 in 1991 (Stat 2110, 1996). This, coupled with the rise in women’s participation in the labor force, which rose from 39.0 percent in 1965 to 58.7 percent in 1995, certainly demonstrated changing gender roles in modern American society. (Let us recall the aforementioned Murphy Brown speech, a fictional character cited as deviant despite a successful, economically stable career as a journalist).

Of the ten Titles established in the PRA, consideration for job training and educational opportunities find only small subsections. Although child care, established under Title VI, does provide specific funding for state establishment and maintenance of daycare and childcare facilities, significant consideration is not given to any other resources that make full-time employment possible for single mothers. Prioritizing marriage and child support clearly demonstrates a desire to maintain patriarchy within economic opportunity for women.

“Welfare to Work” is a term largely used to describe the PRA’s emphasis on near-immediate employment after receiving benefits (Greenberg, 2009). Usually, recipients have two months to begin working prior to the start of benefits. Additionally, TANF recipients are given a lifetime limit of five years to receive assistance; they are no longer eligible for TANF after that time runs out (Stat. 2137, 1996). Remarkably, the list of “work activities” that pass muster for the PRA include child care for public programs. The legislation does include certain
exceptions, wherein mothers with very young children have delayed employment requirements. Though perhaps useful in theory, in reality this practice further establishes disparate treatment by not providing affirmative policy measures that might help them earn money. It lengthens their time on the welfare rolls by maintaining a status quo rather than breaking down barriers that would help single mothers find work - such as state-funded child care. Work activities even include childcare, as mentioned before; this is deeply connected to a history of slavery and, later, indentured servitude, whereby Black women were forced to leave their homes to care for white women’s children. It harkens back to an image of a Mammy, popularized by Gone With The Wind: “an asexual and maternal...embodiment of the patriarchal ideal” (Roberts 1993, 12).

The PRA’s 251 pages are filled with patriarchal notions of economic stability, comprising a law that is patriarchal in mission. It limits female recipients’ abilities to get out of poverty by promoting marriage above economic self-empowerment. Considering Nussbaum’s Capabilities Approach, it is clear that women in poverty are not offered the basic capabilities necessary to find economic independence. From a gendered level, this is true of any woman existing in the United States; differential wages and value of work put women at a disadvantage to men. This is particularly potent for women on welfare, whose job opportunities are further limited. Other necessary capabilities include access to health and reproductive justice. Certainly, by stigmatizing out-of-wedlock births, the PRA fails to provide funding that could affirmatively influence women’s sexual behavior or arm them with the necessary tools and education to make safe, sexual health choices. Choosing to provide funding for abstinence education rather than provide funding for community health providers or contraception, indicates patriarchal norms that treat women’s sexuality as immoral or appropriate only in a marriage.
This follows from the logic used by Kate Millett, who describes policy and social implications for women’s sexuality. Given that the PRA was crafted in decades after advancements in women’s liberation, it is directly correlated to an increase in women’s autonomy with respect to their sexuality. Millett’s argument follows; as women sought greater liberation within their sexual identities, as well as their capabilities as professional breadwinners, women in poverty who did not have the same opportunities or resources, were subjugated by policies that, while in theory meant to alleviate poverty, instead promote a patriarchal agenda that values women as mothers and not as independent breadwinners.

Susan Okin describes the vulnerability caused by marriage and expectation for marriage, as reviewed above. This is entirely relevant to the PRA, as the reasonable economic solution proposed for poverty among women and children required marriage. Okin argues that because two people enter a marriage with differential resources -- “capabilities,” to draw from Nussbaum-- a marriage is both capable of producing vulnerability and is patriarchal. Given Okin’s argument that even the anticipation of marriage promotes vulnerability and diminished economic capability due to gendered expectations is also relevant here, as women are not offered the same resources to promote their economic self-sufficiency given the norm that expects men to be the main breadwinners (and thus provides resources based on that expectation).

II. PRA’s Stipulations
Prior to the enactment of the PRA, welfare had been doled as a federal entitlement, but the law’s enactment altered it to state block grants given by the federal government. Much of this law’s text focuses on amending prior legislation to identify block grants provided by the federal government to the state. A substantive portion of the legislation discusses the formula for
assessing funding of welfare programs, from the government, as well as the portion of state revenues that must be used for welfare programs. Even in this the allocation of federal funding, the authors seeks to uphold specific patriarchal norms. Statute 2118 includes “bonuses to reward a decrease in illegitimacy” (PRA, 1996), and cites an “illegitimacy ratio,” which calculates the number of out-of-wedlock births per total births in each state. States whose illegitimacy ratio shows substantial decrease over two years are eligible for bonuses, or extra federal funding. The legislation stipulates that states also face annual ranking based on most and least successful work programs. Part of the ranking focuses on out-of-wedlock births (Stat. 2154, 1996), with states receiving higher rankings when this same illegitimacy ratio is smaller.

Many sections outlined specific expectations for state data collection. For example, one such statute requires that states must report whether, “from a sample of cases, the family left the program...due to (I) employment; (II) marriage…” (Stat. 2149, 1996). (The additional options consider sanctions or state policy that might render individuals no longer eligible). Including marriage as a successful reason for either removal or voluntary dismissal from assistance programs further underscores the patriarchal root of this legislation; for an economic stimulus bill primarily aimed at men, instead, marriage would not have been considered a legitimate reason for the eradication of financial assistance. In the same vein, another call for data collection found in within Title I, requires in its annual report the inclusion of “out-of-wedlock pregnancies and child poverty” (Stat. 2150, 1996).

The chronology of the Titles and their stipulations plays a role in the valuation of certain factors toward economic mobility. Child support is given particular recognition, furthering the role of patriarchy in the PRA. Child support again relies on the idea that income provided by a
man must be included for women’s economic stability. Although certainly some women pay child support, it is primarily paid by absent fathers. Title III, a massive amalgamation of procedures, focuses entirely on child support. In one primary subsection, the establishment and enforcement of paternity reinforces the idea that men must be present in an economically stable household. In fact, the legislation allocates funding so that the state might “provide services relating to the establishment of paternity” (Stat. 2199, 1996). Under this same Title, funding is provided for the employment of individuals specifically tasked with the role of enforcing child support payments, through the expansion of a Parent Locator Service (Stat. 2206, 1996). Additional funding is provided for the biological testing to determine paternity. The legislation even takes it a step farther, by incentivizing states who successfully increase paternity establishment rates (Stat. 2232, 1996). This, coupled with funding directed at “establish[ing] programs to support and facilitate noncustodial parents’ access to...their children” (Stat. 2258, 1996) go to great and expensive lengths to promulgate patriarchy as a means of self-sufficiency for families.

Within the language of the PRA, differentiated work hour requirements exemplify patriarchal oversight; households are required to work 30 hours per week to receive TANF benefits, with single parents of young children required to work 20 hours (Center on Budget and Policy Priorities, 2015). This clearly advantages two-parent households over single-parent households. Although there are some male-headed single-parent households, most single-parent households are disproportionately headed by women. In this way, creating stringent work requirements specifically harms mothers. This is an example of a policy stipulation directly implicated by patriarchal norms. More holistically, the PRA focuses on promoting two-parent
households to reduce poverty. This is patriarchal in that heterosexual marriage is an institution in which women are more vulnerable and less able to exit; men are dominant breadwinners; women are often employed in lower paying jobs with more responsibility for childcare.

PRA identifies a “hardship exception,” under which a family will not be subject to penalty or exclusion from benefits if their situation fits certain criteria. The list includes:

‘(I) physical acts that resulted in, or threatened to result in, physical injury to the individual;
‘(II) sexual abuse; ‘(III) sexual activity involving a dependent child; ‘(IV) being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities; ‘(V) threats of, or attempts at, physical or sexual abuse; ‘(VI) mental abuse; or ‘(VII) neglect or deprivation of medical care” (Stat. 2137, 1965). These are gendered hardship exemptions; their reliance on physical abuse is clearly a nod at issues impacting primarily women, since women are primary recipients of TANF. It bears noting that there is no recognition of a hardship, such as job loss, that is more directly tied to economic dependency. This Statute, much like those previously identify, continues to lend support the theory that the PRA focuses on maintaining traditional households rather than promoting economic independence.

V. Application of the Capabilities Framework

Given the context provided by Nussbaum, we have a proper lens through which to analyze the PRA. First, we will consider Nussbaum’s Capabilities Approach more specifically to the PRA. Nussbaum defines the full list of capabilities as: “life, bodily health, bodily integrity (able to change locations freely), senses, imagination and thought, emotions, practical reason, affiliation, care for other species, play, and control over one’s environment (Nussbaum 2011, 33-34). We can observe the PRA through these capabilities, and upon review, I argue that the
PRA fails to ensure every capabilities listed above. Given that my argument specifically considers the patriarchal influence in welfare policy, I will focus primarily on the capabilities most jeopardized by patriarchal interference.

Bodily Health is of primary concern in the context of the PRA. The right to reproductive health is not upheld through the PRA; while states are allocated funding primarily for abstinence education, there are no stipulations that include state-funded health centers or clinics that might provide consultation or birth control options. Reproductive health includes proper education, and providing abstinence education as the only means of upholding this right is a failure of government responsibility. This, too, must be considered within its intersectional racial context; eugenics practices used to control the reproduction of African American women offer a parallel to the contemporary targeting of African American welfare recipients through stipulations regarding abstinence education as well as statutory rape education.

Bodily integrity, being able to change locations freely, having sovereignty over one’s body, is relevant in the context of the PRA, as well. Although it is reaching to argue that the PRA directly impacts the rate of sexual assault among women, it is worth noting that promoting two-parent households above all else encourages the idea that even an abusive relationship is preferable to single motherhood.

Senses, imagination and thought, informed by adequate education, clearly are not upheld by the PRA. Although education is accepted as an adequate work activity, the government fails in their duty to make it accessible. Although millions of dollars in funding is provided solely to location absent parents or to develop abstinence education programs, funding toward
post-secondary opportunities or even substantive skills training (that require education) is sorely lacking. The PRA does not provide resources to make this capability accessible.

Another capability, control over one’s environment, is left unsupported by the PRA. In particular, the material idea of control, including the right to property, right to gainful and equitable employment, certainly is not supported by the PRA. First, by tying women’s economic stability to men through the necessity of marriage, the PRA devalues and challenges the idea that a single women could maintain economic security through individual ownership. (Rather than providing allocation for specific loans, for example, the PRA commodifies marriage as the only source for stability). Secondly, limited job training and educational opportunities are provided by the PRA’s substantial funding. Research after the enactment of the PRA showed that its recipients are primarily isolated within the foodservice industry, which has little to no social mobility and does not provide a living wage (Jacobs et al 2015).

Affiliation, defined as treatment with dignity and respect, is perhaps the most clear failure by the PRA. Given the arguments provided by Okin and Millett, valuing women only by their reproductive capabilities (narrowing them to their roles as mothers) withholds dignity and respect. Requiring marriage as the substantive and preferred means of economic stability devalues women as individuals and treats them as less than men. As demonstrated below, other legislation regarding the economic stability of vulnerable groups does not place an emphasis on another human being as the primary way to promote economic security. Only in a law where women (and women of color) are the primary focus does this become relevant. Requiring women
to become wives first dismisses their right to dignity entirely. Dignity requires that a human have access to aforementioned capabilities, which the PRA often does not account for and in some ways actively prohibits.

Affiliation should include a relationship with one’s child. Given that staying at home to take care of a child is not considered substantive work under the PRA, this capability is withheld. As aforementioned, this is juxtaposed to the suitable work activity of caring for another woman’s child, rooted in racial discrimination that forced African American women to care for white children while leaving their own.

Through the lens of the Capabilities Approach, we can most accurately evaluate welfare as a degenerative policy-making system. Stigma attached to welfare recipients dismiss the structures that influence their poverty. This same stigma and perpetuation of an American ideal of self-determination also act to eradicate deepened understanding of structural forces, such as slavery, that have supported the pervasion of patriarchal norms into economic policy since the beginning of this country. Welfare policy that does not include substantive opportunities for skills development, coupled with these basic capabilities that Nussbaum describes, such as adequate shelter and nourishment, entrenches women in poverty by blaming them not only for their poverty but also for their deviance from defined gender roles which institutionalize motherhood as a woman’s natural and enduring purpose.

Beyond the specific capabilities that Nussbaum lists, the defining feature of the Capabilities Approach rests on the right to dignity. Ultimately, beyond any one stipulation or expectation, the PRA fails to uphold the right to dignity for women by requiring the adherence to patriarchal norms that, at their core, subordinate women.
VI. Alternatives

A. Comparison to legislation regarding other vulnerable groups

Schneider and Ingram (1997) juxtapose groups with positive public images to politically disadvantaged groups. They argue that, whereas legislation targeting a positively-identified group might promote incentives and opportunities versus coercion or punitive measures, a politically disadvantaged group “will be less able to win tangible benefits and protect themselves from burdens” (294). Carrying this logic further, Joe Soss (2005) investigates the disparate treatment between vulnerable groups based on political evaluations as “deserving” or undeserving” (295).

Although the disability aspects of welfare policy remain deeply flawed, there are important gendered differences to be considered between the PRA and legislation surrounding SSDI. Whereas the PRA deeply relies on caseworkers to infiltrate the lives of its recipients, SSDI has far more leeway. Soss, who conducted over 95 interview of SSDI and AFDC (amended to become TANF under the PRA) recipients, analyzed the structural differences between the two programs. He concluded that SSDI was designed to “provide a detached relationship of financial support for people of all income levels whom the government certifies unable to provide ‘substantial gainful work’ (Soss 2005, 297).
Soss describes the minute and structural differences between policy design for social insurance and public assistance, focusing on SSDI and AFDC, now TANF. He divides the experiences into two frameworks: contexts of transactions and subject positions (302). Whereas SSDI recipients are privy to a less substantial relationship with caseworkers or SSDI administrators, Soss notes the intrusive nature of casework in AFDC (and TANF) policy design. “Individual Responsibility Plans,” designated by caseworkers for TANF recipients, demand unrealistic requirements by parents who face sanctions if unsuccessful (Soss 2005, 301). These include measures such as parenting classes, health visits, and family planning courses, among other measures (Soss 2005, 301). For single mothers experiencing poverty, many of whom maintain multiple sources of employment or work long hours, these expectations are unfair and unrealistic. This expectation lends itself to Soss’ second consideration: subject positions, which consider what rights recipients feel they have. Soss (2005) draws distinctions between treatment of SSDI recipients and that of TANF recipients, noting that in his study only four percent of SSDI recipients said they would not raise a grievance with their case management, compared to 68 percent of TANF recipients in his sample (301).

The distinction between social insurance and public assistance is relevant for myriad legislation supporting vulnerable groups. It is useful to consider early conceptions of worthiness, particularly juxtaposed to contemporary treatment of welfare recipients. One of the earliest
recipients of financial assistance, veterans, is a contemporary vulnerable group that has seen some substantive measures of support, such as the G.I. bill which supported higher education for returning soldiers after World War II. However, the nature of deservedness among veterans has not been settled, and its roots in the aftermath of the Revolutionary War bear consideration.

As early as 1817, President James Madison led the legislative charge for pensions for Revolutionary War veterans. In the conversation surrounding the passage of this legislation, many Representatives commented on the veterans’ service as reason for their entitlement, viewing a pension as demonstrative of the gratitude of the American people. This bill, however, became the subject of some discontent as it narrowly defined who was eligible based on rank and length of services, among other criteria.

Its chief opponents, Nathaniel Macon and William Smith, feared the precedent that choosing certain subsets of a population as “worthy” would set, noting the remarkable sacrifices of many other groups, including widows (Jensen 2005, 51). Ultimately, the Pension Act of 1818 did limit individuals based on rank and term in service, thereby setting the precedent feared by Macon and Smith (Jensen 2005). In early legislation serving veterans, Congress maintained a continual tension about its purpose; “was [assistance] meant to fulfill a ‘debt of gratitude’ or a

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1 The G.I. Bill is relevant here, too. Although there was no codified exclusion of African Americans in receiving its benefits, they were challenging to use given exclusion from many places of higher education (Munsey 2010, 57). Even those receiving benefits were positioned toward menial labor, and because the state had the autonomy to make most decision about the programmatic infrastructure of Veteran Affairs, local interests were able to continue excluding African Americans (Nutz, Kimberly, n.d.). Significantly, many women also used benefits from the G.I. Bill; in juxtaposition to women receiving welfare, these women were deemed worthy due to their military service, and were offered some opportunity for social mobility through higher education (Nutz, Kimberly, n.d).
‘debt of justice’?” (Jensen 2005, 56). Given considerable rates of poverty among veterans today, it is clear that this tension is still present.

A clear juxtaposition can be found in regard to treatment of elder poverty, given that high elder poverty rates served as the impetus for the initial Social Security Act (SSA). In 1935, over half of elders lived in economic insecure situations (Social Security Administration, 2014). Given the recency of the Great Depression, elders joined a list of vulnerable populations in great peril after a devastating economic crisis. The implementation of Social Security, which provides financial support to various vulnerable groups, primarily supporting elders in poverty, has led to large-scale change: today, only 10 percent of elders live in poverty (Social Security Administration 2014). The SSA is useful in understanding the influence of patriarchal norms because it includes support for women and dependent children within its legislation, so there is significant means for comparison for both vulnerable groups.

The SSA’s first Title focuses on grants to states for “old-age assistance,” defining the State’s role in using federally-funded block grants for the economic support of elders. Although these individuals are defined as “needy,” (Section I, 1935), eligible elders are treated with significant rights and respect. In the first Title, States must provide an opportunity for a “fair hearing” should an individual’s claim for assistance be denied (Section 2(a) (4), 1935). In Title II, the authors state that “every qualified individual shall be entitled to receive… an old age
benefit” (Section 202, 1935). Even if an individual is not found to be qualified for the monthly “benefits,” the authors stipulate that a “lump sum” with respect to their employment. It is important to note that, in writing this law, the authors explicitly use the gendered pronoun “he” when defining payments to elders.

Section 210 is significant because it defines eligibility requirements for these benefits. Eligible individuals must have maintained employment and in certain sectors, excluding various types employment such as “agricultural labor,” and “domestic service in a private home.” Again, the intersectionality between patriarchy and racism is apparent; Jim Crow laws limited African American inclusion in formal employment sector, forcing informal employment in domestic and agriculture work.

SSA also saw the creation of Aid to Dependent Children, the earliest federal conception of TANF. Whereas an individual elder can receive up to thirty dollars per month as a “benefit,” a dependent child might receive at most eighteen dollars (Section 403, 1935). States also have the autonomy not to develop a plan for aid to dependent children if they choose. The law also defines “dependent child” as an individual under the age of sixteen who “has been deprived parental support or care” and is living with their parent or relative (Section 406, 1935).

Stipulated by next Title, Title V, States must provide healthcare access to mothers and children, particularly those living in rural communities. This is a significant reaction to the recent Great
Depression, in which the authors sought to provide “services for promoting the health of mothers and children, especially in rural areas and in areas suffering from severe economic distress” (Section 501, 1935). It is also important to recognize that in each section referring to social insurance -- unemployment insurance or tax deductions -- the individual is referred to solely as a male. This acts to exclude women from eligibility or recognition as a breadwinner or taxpayer (SSA, 1935). The SSA created a framework with female exclusion at the forefront.

B. Alternative treatment of employed mothers

PRA fails to adequately support single mothers because it does not provide substantive tools to rectify structural oppression that entrenches women, particularly women of color in poverty. The United States lags behind other industrialized nations specifically in part due to its lack of structural support for women.

Karen Christopher et al conducted a wide-reaching study in 2008 that compared gender-poverty ratios and single mother poverty across eight developed nations. Of the nations (France, Germany, Canada, Australia, the United Kingdom, Netherlands, Sweden, and the United States), the United States had the highest rates of women in poverty as well as the

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2 A 1941 U.S. Census document shows that nearly 32 million white women lived in urban settings compared to 24 million white women in rural areas (20).Comparatively, 2.8 million “non-white” women lived in urban areas, compared to 3.5 million “non-white” women living in rural areas (U.S. Census Bureau 1941, 20). Although the Census lacks contemporary accuracy, it is interesting to note the relative similarity of the figures for urban and rural populaces; remarkably, this Census also included figures for the urban-rural breakdown of marital status. Offering the four categories of “single,” “married,” “widowed,” and “divorced,” the report found that approximately 60 percent of urban white women and nonwhite women identified as married; 30 percent of white women identified as single compared to about 25 percent of “Negro” women (U.S. Census Bureau 1941, 48). The numbers proved slightly higher for rural women (U.S. Census Bureau 1941, 49). Most children, subsequently, had been born into two-parent households; although the statistics are not provided, other than the four aforementioned marital statuses, “unknown” seems to identify single parents and barely comprises one percent (U.S. Census Bureau, 1941).
greatest disparity between poverty rates for men and women (228). Poverty rates for women in the United States are 38 percent higher for women than for men (Christopher et al 2008). Christopher et al (2008) examined the influence of market income and social transfers on gender equality in nations, finding that the nations with the greatest gender equality viewed through these measures had the smallest levels of inequality to begin with. They rank the United States as “low” for contributing to gender equality in either market income opportunities or social transfers (234), describing structural disadvantage that pauperized women and specifically single mothers. Importantly, Christopher’s findings support my hypothesis that structural mechanisms have specifically disadvantaged women experiencing poverty.

Another study conducted in 2007 depicts the differences between work policies and practices in different developed countries. Importantly they note that while the United States has anti-discrimination laws regarding gender in the workplace, there is no substantive incentive or support provided for women who are employed and also mothers (Misra et al 2007). Misra et al (2007) describe workplace equality but lack of state support as an “earner” strategy, employed by the United States, the United Kingdom, and Canada, and found that it corresponds to “shockingly high poverty levels for single mothers” (815).

Misra et al (2007) note that in the United States, two percent of child care programs are publicly funded compared to about 80 percent in Belgium (818); in the United States, what is considered “generous” paid leave is limited to 12 weeks compared to more than 100 weeks in Germany (819). Employing strategies that promote women as equal opportunity employees but do not provide for their children relegate single mothers to exorbitant rates of poverty.
A clear policy change would include state-mandated child care for individuals. Child care is necessary for women, often left with primary child rearing responsibilities, to also provide financially. By not providing quality state subsidized childcare, due to state autonomy and limited funding, and choosing to address poverty among women through a lens of motherhood, the state is actively subjugating women. Women are forced to choose motherhood without being offered tools so that they might both maintain gainful employment and uphold their parental duties. Affordable, state-subsidized childcare should be explicitly required and provided through federal block grants within welfare law.

Job education also is required to truly promote economic self-sufficiency for women. A report conducted in the early years following PRA’s implementation concluded that if the goal of this policy was to, in fact, promote economic empowerment, job training was required. Until then, the law primarily seemed to focus on cutting welfare costs, given growing discontent among taxpayers. Popularized by the War on Poverty, job training programs have been critical to expanded employment among America’s labor force. There is significant evidence that these programs, reclassified as “workforce development” initiatives, support the successful alleviation of poverty, but an increasingly educated population requires an education component (Holzer, 2013, 2). Technical education coupled with career services, among other two-pronged approaches, will be more effective in promoting economic self-sufficiency (Holzer, 2013, 2). In a study on the role of education and job training in welfare reform, the Brookings Institution found that “there is a clear role for skills-enhancing activities in welfare reform.” TANF emphasizes the importance of employment, but without the necessary qualification, the
Brookings Institution found that after five years 25 percent of employed welfare recipients still required welfare (Hamilton, 2002).

Dorothy Roberts considers certain short-term policies that could provide women with substantive opportunities for social and economic mobility. In particular, she notes the necessity of low-income housing, affordable health care, and nontraditional job markets (27). A recent study showed that, “employment rates...among single mothers...started declining more than a decade ago” (Center on Budget and Policy Priorities, 2015). Although rates of employment for single mothers with a high school education initially increased, in 2015 they fell to 63 percent, about the same rate as in 1996. The study additionally found that the improvement employment was not attributable to welfare reform but instead other factors, “especially a very strong labor market and the Earned Income Tax Credit” proved to be “far more important” (Center for Budget and Policy Priorities, 2015). Whereas in 1996, 68 of every 100 families in poverty received TANF, in 2013, 26 out of every 100 families were recipients (Center for Budget and Policy Priorities, 2015).

This report argues that families have largely been failed by TANF and that truly improving economic stability among families would require the development of an effective work program (with employment and training programs), a stronger safety net, improvement in use and targeting of federal and state funds, and strengthening federal funding levels (Center for Budget and Policy Priorities, 2015). The PRA has continually received short-term extensions rather than a full reauthorization since 2010; instead of maintaining these extensions, repealing the PRA and promoting these means-tested programmatic changes would depict a policy and platform shift for political treatment of welfare recipients.
VII. Conclusion

Each of these substantive policy measures should be understood within the context of the Capabilities Approach. Again, Nussbaum argues that certain capabilities must be fulfilled prior to an expectation for successful functionings. Nowhere is this more relevant or necessary than in regard to welfare policy. Expecting women to build assets and maintain savings in five years without skills trainings or education exemplifies a failure to fulfill capabilities. As a “functioning,” employment requires that those foundational steps are first met. For women in poverty -- those in particular without considerable education or skills -- the state fails them by limiting their ability to receive state support without providing substantive measures by which they can improve their labor force eligibility.

Some might argue that if the PRA has been successful in reducing the number of people on welfare and even increasing rates of employment, then its patriarchal undertones have a valid place in policy. First, welfare rates have not change significantly. In 2000, the national average was 2.6 percent; in 2012, the average was 2.9 percent (Irving 5, 2012). In 2015, the U.S. Census Bureau showed that poverty rates are still higher for women, and have been consistently since 1965; as of 2015, the poverty rate for women in the 18-64 age range reached 14.2, compared to 10.5 for men. Additionally, in comparing family types, single mother households are still the poorest, with 28.2 percent of households headed by single women in poverty. This is compared to 14.9 percent of households headed by single men (U.S. Census Bureau, 2015). These statistics are in direct opposition to the idea that heterosexual marriage provide financial security; clearly, differential gender treatment is relevant and attributable to these differences.
However, even if this patriarchal law had been successful in reducing poverty rates in a substantive in meaningful way, arguments against the PRA would be equally valid. This policy is based on an idea that women must be bound to men in order to be economically stable. It also targets women of color, using Jim Crow-era stipulations to attack their childbearing and rearing capabilities. This sends a message to women in poverty that they are valued in society only insofar as they are bound to men and provides little substantive support for any independent economic self-sufficiency. The right to dignity has been, from the onset, failed by the PRA and its authors. Considering Soss (2005), a “policy that successfully enforces civic expectations may, nevertheless, fail democracy in a variety of other ways” (292).

This thesis has outlined the significant ways that patriarchal norms limit women’s opportunity for substantive self-sufficiency. Focusing on marriage is patriarchal and harmful. Requiring state expenditure on abstinence education reduces women to their biological qualities and narrows their purpose to motherhood. As Roberts notes, true efforts to alleviate women from poverty must include measures to eradicate patriarchal and racist norms that pervade current policy. Stopgap measures such as job training and childcare are necessary and important, and their benefits might serve to diminish stigma among recipients of welfare. It is, however, the broader American social framework that must be altered in order to use welfare as an effective tool for economic empowerment among women, and particularly women of color.
Works Cited


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