
August 2019

Welfare Reform & the Devaluation of Women's Work

Anna Kerregan

DePaul University College of Law: Center for Public Interest Law

Follow this and additional works at: <https://via.library.depaul.edu/jsj>



Part of the [Civil Rights and Discrimination Commons](#), [Law and Society Commons](#), [Legislation Commons](#), [Public Law and Legal Theory Commons](#), and the [Social Welfare Law Commons](#)

Recommended Citation

Anna Kerregan, *Welfare Reform & the Devaluation of Women's Work*, 12 DePaul J. for Soc. Just. (2019)
Available at: <https://via.library.depaul.edu/jsj/vol12/iss2/3>

This Article is brought to you for free and open access by the College of Law at Via Sapientiae. It has been accepted for inclusion in DePaul Journal for Social Justice by an authorized editor of Via Sapientiae. For more information, please contact digitalservices@depaul.edu.

WELFARE REFORM & THE DEVALUATION OF WOMEN'S WORK

*Anna Kerregan**

Abstract: Women do not get a fair share when it comes to an economic assessment of their input. They are consistently overrepresented in impoverished communities and are much more likely than men to receive public assistance. This Article therefore posits a widely acknowledged anti-poverty strategy, Guaranteed Basic Income, to help support women's overall economic liberation. In addition to combating poverty, a Guaranteed Basic Income would provide women with the economic independence necessary to choose their method of contribution, whether it be care in the home, training or educational opportunities or the workforce; whereas, under the current welfare regime, particularly Temporary Assistance of Needy Families (TANF), only work within the labor market is deemed economically valuable.

TABLE OF CONTENTS

I.	INTRODUCTION	3
II.	WOMEN & WELFARE: A TAUTOLOGY	4
A.	A BRIEF HISTORY OF GENDER AND THE WELFARE STATE.....	4
1.	The Early Years	4
2.	1996 Reform: “Ending Welfare as We Know It”	7
A.	THE STATUS OF WELFARE LAW TODAY	9
III.	THE FEMINIZATION OF POVERTY: WHERE WOMEN STAND TODAY	10
A.	DEVALUING WOMEN’S WORK	10
B.	WELFARE: A METHOD OF POLICING COMMUNITIES OF COLOR	10
IV.	THE PROPOSAL	11
A.	UNCONDITIONAL, GOVERNMENT-ENSURED GUARANTEE TO A BASIC INCOME.....	11
B.	POTENTIAL CRITICISMS.....	11
V.	CONCLUSION.....	12

I. INTRODUCTION

“We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. ‘Necessitous men are not free men.’”¹ On January 11, 1944, President Franklin Delano Roosevelt spoke to the nation via radio, the first and last time the State of the Union address was given as a fireside chat.² The focus of the address was singular: the right to economic security. During his broadcast, Roosevelt stressed that a permanent peace, one lasting beyond the conclusion of World War II, required a decent standard of living for all men, women, and children.³ He proclaimed, “Freedom from fear is eternally linked with freedom from want.”⁴ And yet, 70 years and one welfare reform later, economic security remains unattainable for nearly one-third of Americans. Notwithstanding the Recession of 2008, one would imagine President Roosevelt anticipated greater achievement from the country once considered “the shining beacon on a hill.”

Indeed, the sentiment of economic freedom expressed by Roosevelt is one deeply rooted in American history. Of the founding generation, both James Madison and Thomas Jefferson spoke about gross economic inequality as a threat to democratic political process.⁵ Specifically, Madison emphasized the importance of providing a “state of comfort” for the poor, suggesting this “comfort” would ensure continued stability and functionality of our democracy.⁶ Similarly, Jefferson examined the idea of a tax exemption for those living below a certain level of wealth, while imposing higher taxes on those who earn more.⁷ In particular, these exchanges by Madison and Jefferson indicate that the connection between economic security and freedom has long been recognized by the leaders of this country.

Yet, after almost 250 years, the only protections in place ensuring individuals’ economic security are ineffective, highly restrictive, and reproduce gender inequality.⁸ This Article examines the current status of women’s poverty in the United States. First, it looks at the development of the public benefits system and investigates the relationship between gender and poverty. Next, it evaluates current anti-poverty strategies, such as Temporary Assistance for Needy Families (TANF),⁹ and demonstrates how, rather than lift women out of poverty, the strategies often perpetuate economic gender inequality. Thus, although millions of women in the United States currently receive assistance from public benefits, this Article argues for the adoption of a Guaranteed Basic Income, because the current patchwork legislation reinforces the “feminization

* Anna Kerregan, DePaul University College of Law 2019

¹ FRANKLIN D. ROOSEVELT, STATE OF THE UNION MESSAGE TO CONGRESS (Jan. 11, 1944).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ CASS R. SUNSTEIN, THE SECOND BILL OF RIGHTS: FDR’S UNFINISHED REVOLUTION AND WHY WE NEED IT NOW MORE THAN EVER 115-17 (2009).

⁶ *Id.* at 116.

⁷ *Id.* at 116–17.

⁸ See generally GERTRUDE SCHAFFNER GOLDBERG, POOR WOMEN IN RICH COUNTRIES: THE FEMINIZATION OF POVERTY OVER THE LIFE COURSE, CHAPTER 9: FEMINIZATION OF POVERTY IN THE UNITED STATES: ANY SURPRISES? 230–56 (2009).

⁹ The focus of this paper is cash welfare in the United States. As Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI), Medicaid and Medicare are not remnants of cash welfare, they will not be covered herein.

of poverty,”¹⁰ particularly in communities of color, by devaluing women’s work, targeting women of color as subjects to be regulated and favoring heteronormative “breadwinner-homemaker” gender roles. Instead of TANF or another cash welfare program, this Article proposes Guaranteed Basic Income as a way to reevaluate the economic value of the work of women while ensuring women’s rights to economic security and freedom.

II. WOMEN & WELFARE: A TAUTOLOGY

Arbeit macht frei (“Work will set you free”)¹¹

A. *A Brief History of Gender and the Welfare State*

While many policies in the United States are gendered, this is particularly true for welfare law and distribution.¹² Women, and especially mothers, are much more likely than men to receive assistance from public benefits programs.¹³ This is due in-part to the fact that, nationally, women earn less than men and tend to take more time away from the workforce.¹⁴ As a result, supporting a single-parent household is much more difficult when a woman is the wage earner, rather than a man.¹⁵ This is even more salient in working class communities and communities of color, as low-wage earners are not paid enough to maintain a household without support from others or the state.¹⁶ Thus, the notion that “work will set you free” remains deeply flawed given the realities that women in poverty face.

1. The Early Years

The modern welfare system in the United States was born out of the Great Depression with the passage of the Social Security Act of 1935.¹⁷ This Act, signed into law by President Roosevelt, transferred the legal responsibility for social welfare onto the federal government. In particular, this landmark legislation created three programs: the old age retirement (or Social Security),

¹⁰ Kang, Miliann; Lessard, Donovan; Heston, Laura; and Nordmaken, Sonny, “Introduction to Women, Gender, Sexuality Studies” (2017). *Women, Gender, Sexuality Studies Educational Materials*, 95.

<https://doi.org/10.7275/R5QZ284K>. (First introduced by sociologist Diana Pearce, the term “feminization of poverty” refers to the trend in the United States and across the globe in which more and more women live in poverty, despite the fact that many women are working.).

¹¹ See Michael Dickerman & Paul R. Bartrop, *The Holocaust: An Encyclopedia and Document Collection* 35, 36 (2017). (Arbeit macht frei, generally translated as “work will set you free,” is the slogan known for appearing on the entrance gate at Auschwitz and several other Nazi concentration camps.).

¹² For purposes of this paper, “welfare” refers to cash welfare programs such as monthly income assistance. While welfare also includes social security, food subsidies such as food stamps, and subsidized health insurance (e.g. Medicare and Medicaid), these programs are not the focus of this Article.

¹³ Kang et al., *supra* note 10, at 94.

¹⁴ Julie Anderson et al., *Status of Women in the States: Projected Year the Wage Gap Will Close by State*, Institute for Women Policy Research (Mar. 2017).

¹⁵ Kang et al., *supra* note 10, at 94.

¹⁶ I mention communities of color because women of color, in particular, are more likely to be low wage workers. See Anderson et al., *supra* note 14.

¹⁷ For a discussion of women and poverty in the mid 1800s to the early 1900s see Jerry D. Marx, *Women, Settlements, and the Redefinition of Poverty*, SOC. HIST. WELFARE PROJECT (2014) <https://socialwelfare.library.vcu.edu/settlement-houses/women-settlements-and-poverty/>.

unemployment insurance, and the Aid to Dependent Children (ADC) program, later renamed Aid to Families with Dependent Children (ADFC).¹⁸ Of these programs, the old age and unemployment insurance programs, otherwise known as “social insurance” programs, protect eligible workers against lost wages resulting from old age and involuntary unemployment.¹⁹ In ensuring white male breadwinners’ ability to support their families, these programs reinforced gender and racial hierarchies.²⁰

The ADC program was expressly aimed at providing benefits to poor families.²¹ In particular, it sought to keep single mothers out of the workforce by providing them with cash assistance to help raise their children.²² As an extension of the state-operated “Mothers’ Pensions” programs,²³ ADC was intended to “release from the wage-earning role the person whose natural function is to give her children physical and affectionate guardianship necessary, not alone to keep them from falling into social misfortune, but more affirmatively rear them into citizens capable of contributing to society.”²⁴ The ADC program was thus intended to support the “deserving poor,” limiting the recipients to white widows with children and women whose husbands had become disabled.²⁵ In sum, the ADC program sought to encourage white mothers to stay in the home and care for their children, rather than enter the labor force, thereby, incentivizing women’s compliance with traditional gender roles.

Moreover, states determined the criteria for eligibility and need such that blacks were intentionally excluded from full participation as a result of the “separate but equal” doctrine adopted in 1896.²⁶ As one southern welfare administrator reported, “[we] see no reason why the employable Negro mother should not continue her usually sketchy seasonal labor or indefinite domestic service rather than receive a public assistance grant.”²⁷ Nevertheless, the Civil Rights movement and the “War

¹⁸ The Social Security Act of 1935, Pub. L. No. 74-271, 49 Stat. 620 [H.R. 7260 (1935)].

¹⁹ Gene Falk, Cong. Research Serv., R44668, *The Temporary Assistance for Needy Families (TANF) Block Grant: A Legislative History*, 2 (2017); Robert A. Moffitt, *The Deserving Poor, the Family, and the U.S. Welfare System*, 52 *Demography* 729, 730-31 (2015) (discussing eligibility requirements of social insurance programs).

²⁰ Miriam Cohen, *Women and Welfare in the United States*, 26 *J. WOMEN’S HIS.* 180, 183 (2014) (explaining that, under these programs, women could only gain benefits as dependents and black men were largely excluded due to the fact that they lacked access to steady, unionized jobs).

²¹ The Social Security Act of 1935, Pub. L. 74-271, 49 Stat. 620 [H.R. 7260 (1935)]. The ADC was intended to provide only temporary assistance, lasting only until dependents could be covered under another section of the Act, male workers’ old age insurance.

²² Lucy A. Williams, *The Ideology of Division: Behavior Modification Welfare Reform Proposals*, 102 *YALE L.J.* 619, 723 (1992).

²³ This so-called “mother’s pension” movement began at the state level with Illinois in 1911, and by 1933, these programs were operating in all but two states. See *HOW WELFARE BEGAN IN THE UNITED STATES*, CONST. RTS. FOUND. BRIA 14:3 (Summer 1998).

²⁴ Rebekah J. Smith, *Family Caps in Welfare Reform: Their Coercive Effects and Damaging Consequences*, 29 *HARV. J.L. & GENDER* 151, 164 (2006) (citing Economic Security Act: Hearings on H.R. 4120 Before the H. Comm. On Ways and Means, 74th Cong. (1935)).

²⁵ Winifred Bell, *Aid to Dependent Children* 9-13 (1965) (reporting that 82% of participants were widows, and 96% of them were white).

²⁶ See Alma Carten, *The Racist Roots of Welfare Reform: American welfare policy historically targeted poor black families*, *THE NEW REPUBLIC* (Aug. 22, 2016), <https://newrepublic.com/article/136200/racist-roots-welfare-reform>.

²⁷ Williams, *supra* note 22, at 724 (quoting Bell, *supra* note 25, at 34-35).

on Poverty” resulted in the growth of the number of black recipients.²⁸ As a result, southern states used AFDC as a way to police the behavior of black women.

For example, Alabama implemented a regulation, known as the “man-in-the-house” rule, which denied AFDC payments to children whose mothers “cohabited,” or had sexual relations, in or outside the home, with any able-bodied man, single or otherwise.²⁹ Under the regulation, such man was deemed a “substitute father” of the children, which, the state argued, made the children ineligible for aid under AFDC because they were not “deprived of parental support.”³⁰ According to the state, including “substitute fathers” as a “parent” under AFDC accomplished the following interests: (1) it discouraged illicit sexual relationships and illegitimate births and (2) it equated the treatment of families with informal “marital” relationships to those with traditional marriages.³¹ Ultimately, the Supreme Court struck down this regulation in *King v. Smith*, finding that the state’s definition of “substitute father” was inconsistent with the Act.³² Relying in part on the legislative history of AFDC, the Court found that the term “parent” referred only to those persons with a “legal duty of support.”³³ Because Alabama’s “man-in-the-house” rule required no such duty, the Court held that a “substitute father” was not a parent within the meaning of AFDC.³⁴

Over the next 20 years, hostility toward welfare increased as the idea that beneficiaries frittered away their funds on trivial goods gained popularity.³⁵ In fact, this image was so significant that the concept became the subject of a popular song by Guy Drake, “Welfare Cadillac.”³⁶ This anti-welfare attitude was also reflected in the political climate by virtue of Ronald Reagan’s iconic and

²⁸ Smith, *supra* note 25, at 164.

²⁹ *King v. Smith*, 392 U.S. 309, 313 (1968).

³⁰ *Id.* at 314 (*citing* The Alabama Manual for Administration of Public Assistance, pt. 1, c. II, § VI, par. V (1964)).

³¹ *Id.* at 318.

³² *Id.* at 333.

³³ *Id.* at 327.

³⁴ *Id.*

³⁵ For a more detailed discussion of heightened anti-welfare attitudes during this time, see PREMILLA NADASEN, WELFARE WARRIORS: THE WELFARE RIGHTS MOVEMENT IN THE UNITED STATES, 194-98 (2005).

³⁶ Guy Drake, Welfare Cadillac (Royal American 1970). Lyrics, available at <http://www.songlyrics.com/guy-drake/welfare-cadillac-lyrics/>.

I’ve never worked much
In fact, I’ve been poor all my life
I guess all I really own is
Ten Kids and a wife

This house I live in is mine
But it is really a shack
But I’ve always managed somehow
To drive me a brand-new Cadillac [...]

The way that I see it
These other folks are the fools
They’re working and paying taxes
Just to send my youngins through school

highly racialized campaign image of the “welfare queen.”³⁷ As a result, the primary focus of welfare reform efforts became establishing work requirements for AFDC recipients.³⁸ The work requirements were particularly onerous for female-headed families with children, which accounted for over 34% of the impoverished population.³⁹

2. 1996 Reform: “Ending Welfare as We Know It”

On August 20, 1996, President Bill Clinton signed into law the welfare reform bill, ending AFDC and replacing it with Temporary Assistance for Needy Families (TANF).⁴⁰ As part of an agenda to “end welfare as we know it,” Congress enacted the Personal Responsibility and Work Opportunities Reconciliation Act (PRWORA).⁴¹ The Act eliminated AFDC’s open-ended entitlement and created in its place the TANF block grant with which states were to provide a time-restricted cash assistance program to needy families.⁴² In addition to fixed federal funding, the block grant gave states tremendous flexibility to determine the use of TANF dollars, specifically those funds used for benefits and services.⁴³ The primary intent of this program was to help cash welfare recipients find and maintain work in order to reduce their need for welfare.⁴⁴ Under this scheme, states were disincentivized from providing cash welfare due to the restrictions the TANF block grant imposed.⁴⁵ Ultimately, PRWORA focused on changing the behavior of women through work enforcement, marriage promotion and a smaller welfare state.

³⁷ See Gene Demby, *The Truth Behind The Lies Of the Original ‘Welfare Queen’*, NPR (Dec. 20 2013, 5:03 PM) (“In the popular imagination, the stereotype of the welfare queen is thoroughly raced – she is an indolent black woman, living off the largesse of taxpayers.”).

³⁸ Such a requirement would disproportionately impact women because most families receiving assistance were headed by single mothers who were not working. See Falk, *supra* note 19, at 1-3 (“The welfare reform debate focused on whether . . . the program [AFDC] itself contributed to dependency by providing distinctives to work and raise children in two-parent families.”).

³⁹ US Bureau of the Census (1996). At this time, almost half (about 45%) of female-headed families with children were living in poverty. – Need more info is the source (<https://www.census.gov/library/publications/1997demo/p60-198.pdf>)

⁴⁰ Cong. Research Serv., R44668, *The Temporary Assistance for Needy Families (TANF) Block Grant: A Legislative History* (2019).

⁴¹ *Id.* at 1, 9.

⁴² The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193); see Office of Fam. Assist., U.S. Dep’t of Health & Human Servs., *Major Provisions of the Welfare Law* (Dec. 16, 1996) (noting that the 1996 welfare reform also made alterations to the Food Stamp Program and Supplemental Security Income (SSI) for children).

⁴³ TANF funds used for benefits and services are not considered “assistance” within the meaning of the act; as a result, such payments are generally free of most requirements. 45 CFR § 260.31 (2019).

⁴⁴ Liz Schott et al., *Policy Brief: How States Use Funds Under the TANF Block Grant*, CENT. BUDGET PO’L PRIORITIES 1, 4 (Feb. 9, 2019) (“TANF proponents said that states would use their flexibility to shift spending from cash assistance to improved work programs and work supports. But that is not what happened. Instead, states diverted a significant portion of the funds from supporting needy families and used them to fill state budget holes. The bulk of fund withdrawn from the cash assistance to low-income families have *not gone* to programs that connect families to work or support low-income working families.”).

⁴⁵ Federal law specified that most TANF requirements apply only with respect to families receiving assistance. HHS has defined “assistance” as payments to families to meet “on going basic needs” such as food, clothing, shelter, utilities household foods, personal care items, and other personal expenses. These payments correspond to what is considered cash welfare. 45 CFR § 260.31; see Office of Fam. Assist., *supra* note 42.

a. Work Enforcement

Specifically, PRWORA targeted women's behavior through enhanced work requirements intended to move women off state welfare rolls and into the workplace. Popularly known as "work first," these provisions intensified work rules and required women without jobs to work-off their benefits with unskilled labor.⁴⁶ Moreover, women who reached the five-year limit on benefits were forced into low-wage jobs regardless of wages, working conditions or family needs. Overall, the work enforcement provisions forced many poor women off welfare and into low-wage jobs.

b. Marriage Promotion

Further, welfare reform sought to promote the institution of marriage and, with it, traditional "breadwinner-homemaker" gender roles. PRWORA declared marriage the foundation of a successful society and essential to children and society at large.⁴⁷ Specifically, PRWORA proponents denigrated unwed mothers, arguing that single motherhood was the root cause of all evil. They asserted that "crime, drug use, school drop-outs, teenage pregnancy, and drive-by shootings were transmitted from one generation to the next by husbandless women."⁴⁸ Thus, in hopes of regulating poor single mothers, especially in communities of color, reformers implemented the family cap (also referred to as the child exclusion), the illegitimacy bonus and abstinence-only grants.⁴⁹

Although most nonmarital births are by women who are not on welfare, Congress used the 1996 welfare reform law to mount a major nationwide campaign against "illegitimacy." The family cap was designed to limit such births by refusing benefits to children born to recipient mothers.⁵⁰ This clause effectively punished children for being born into poverty and reinforced the unfounded assumption that women in poverty only have children to receive more money from the government.⁵¹ In addition, the illegitimacy bonus offered a \$20 million reward to five states that achieved the greatest reduction in non-marital births without an increase in abortion rates.⁵² As a result, the illegitimacy bonus incentivized states to limit abortion rights to prevent rates from escalating.⁵³ Lastly, the abstinence-only provision established a new federal funding scheme under which states received grants for teaching abstinence-only sex education.⁵⁴

⁴⁶ Mimi Abramovitz, *Welfare Reform in the United States: Gender, Race and Class Matter*, 87 CRITICAL SOC. POL. 336, 339 (2006) (discussing such jobs, which included "raking leaves in city parks, filing papers in municipal offices, or performing other unskilled tasks at non-profit human services agencies.").

⁴⁷ *Id.* at 340.

⁴⁸ *Id.*

⁴⁹ *Id.* at 341.

⁵⁰ *Id.*

⁵¹ MILLIANN KANG ET AL., *supra* note 10, at 94.

⁵² Wendy Chavkin, et al., *Sex, Reproduction, and Welfare Reform*, 7 GEO. J. POVERTY L. & POL'Y 380, 385 (2000) (explaining the illegitimacy ratio, which is defined as the number of nonmarital births to residents in a state divided by the number of all births to residents in the state).

⁵³ *See id.*

⁵⁴ Title V, § 510(b).

c. A Smaller Welfare State

As President Clinton pledged, the third and last major objective of the 1996 welfare reform was to “end welfare as we know it.” In particular, PRWORA sought to reduce the federal government’s financial responsibility through TANF’s block grant. Under this framework, spending was capped and as a result, cash welfare was stripped of its entitlement status.⁵⁵ Since 1996, TANF’s funding has remained capped at the same dollar amount, with no adjustments having been made even for inflation.

B. *The Status of Welfare Law Today*

Today, TANF is the last remnant of cash welfare in the United States. TANF is administered as a block grant to states and funds a wide range of services and benefits, all of which are supposed to address the causes and effects of child poverty.⁵⁶ The purpose of TANF is to (1) provide assistance to needy families so that children can be cared for in their own homes or homes of relatives; (2) end dependence of needy parents on government benefits; (3) reduce out-of-wedlock pregnancies; and (4) promote the formation and maintenance of two-parent families.⁵⁷

However, since the creation of TANF in 1996, enrollments have declined dramatically.⁵⁸ In 2017, only 23 out of every 100 families living in poverty received direct financial assistance from TANF, compared to 68 out of every 100 families in 1996.⁵⁹ As the Center on Budget and Policy Priorities reports, the “TANF-to-poverty” (TPR) ratio reached its lowest point in 2014 and has since remained there. Particularly, among the nation’s black population, the TPR stands at about 10% or less whereas the TPR for whites is at about 28%.⁶⁰ As these percentages illustrate, communities of color are therefore disproportionately less likely than whites to have access to TANF.⁶¹ Thus, despite the fact that TANF was supposed to replace AFDC, it has effectively dismantled any vestiges of the cash welfare system and left millions of families behind.⁶²

⁵⁵ Note TANF’s block grant has remained at the same dollar amount of funding since 1996. This amount has not even been altered for inflation.

⁵⁶ Falk, *supra* note 17, at 1 (discussing how in order to receive these funds, states are required to spend some of their money on these programs).

⁵⁷ 42 U.S.C.S § 601.

⁵⁸ Ife Floyd et al., *TANF Reaching Few Poor Families*, CENT. BUDGET POL’Y PRIORITIES 1 (Nov. 28, 2018).

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ Access to TANF is further restricted due to the fact that 57% of the black population live in states with TPRs of 15 or less. *Id.* Further, black families are more likely to live in states with the lowest benefit levels, further minimizing the significance of access.

⁶² Kathryn Edin & Luke Shaefer, *20 Years Since Welfare ‘Reform’*, THE ATLANTIC (Aug. 22, 2016) (discussing the breakdown of TANF dollars of which less than 25% provide cash aid to families, while 75% are directed elsewhere).

III. THE FEMINIZATION OF POVERTY: WHERE WOMEN STAND TODAY

A. *Devaluing Women's Work*

In particular, the labor force is a sphere in which inequalities of gender intersect with those of race and class to determine the type of work people have, how they experience that work and whether such work provides them with a career in which there is mobility and security.⁶³ For example, even though men and women participate in the workforce in near-equal numbers, a wage gap between them still remains.⁶⁴ Indeed, even men working in female-dominated fields earn more and gain promotions more quickly.⁶⁵ How can this gap be explained? Many feminists argue that, in part, the gap is the result of welfare policies, which devalue the political and economic worth of women's work.

Overall, "welfare-to-work" policies are inherently problematic for low-skilled, single mothers because they disincentivize caregiving roles.⁶⁶ In particular, TANF's work requirements assume that paid work, as opposed to cash assistance, confers economic benefits to poor women and their children. Further, by forcing low-skilled single mothers into the labor market, welfare law proclaims that any job, regardless of its conditions or wage, is more valuable than the care they provide at home.⁶⁷ Instead, the PRWORA devalues and penalizes poor women for the child and elder care they provide.⁶⁸ Thus, welfare reform denies single mothers and other caretakers economic freedom and perpetuates the gender wage gap by forcing them into low wage jobs.⁶⁹

B. *Welfare: A Method of Policing Communities of Color*

Welfare reform had a substantial impact on black families due to the disproportionately high rates of poverty that exist in communities of color.⁷⁰ Currently, almost a quarter of black women in the United States live in poverty (24.2%), whereas white women experience rates of poverty at around half that (10.8%).⁷¹ Thus, in devaluing unpaid care work, welfare reform specifically targeted poor single mothers in communities of color.⁷² Particularly, as a result of the PRWORA and TANF, single mothers became:

⁶³ KANG ET AL., *supra* note 10, at 88.

⁶⁴ *Id.* at 90 ("This gap persists even when controlling for educational differences, fulltime work versus part-time work, and year-round versus seasonal occupational statuses.")

⁶⁵ *Id.* at 37.

⁶⁶ See The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193 (1996), 110 Stat. 2015. (discussing the primary goal of the Personal Responsibility and Work Opportunity Reconciliation Act, which is to move mothers from welfare to the paid workforce).

⁶⁷ Karen Syma Czapanskiy, Parents, Children, and Work-First Welfare Reform: Where is the C in TANF?, 61 MD. L.R. 308, 372 (2002).

⁶⁸ *Id.* at 372-73.

⁶⁹ *Id.*

⁷⁰ Asha DuMonthier et al., *The Status of Black Women in the United States*, INST. WOMEN'S POL RES. 76 at 65 (June 17, 2017) ("Black women experience poverty at higher rates than Black men and women from all other racial/ethnic groups except Native American women.")

⁷¹ *Id.* at 74.

⁷² Gwendolyn Mink, *Violating Women: Abuses in the Welfare Police State*, Annals Am. Acad. Pol. & Soc. Sci., Vol. 577, 79, 81 (2001).

a separate caste, subject to a separate system of law. Poor single mothers are the only people in America forced by law to work outside the home. They are the only people in America whose decision to bear children are punished by the government . . . [T]hey are the only mothers in America compelled by law to make room for biological fathers in their families.⁷³

In sum, this demonstrates how welfare reform, and particularly TANF, devalues women's work, reinforces traditional gender roles and makes women of color the subject of government regulation.

IV. THE PROPOSAL

A. *Unconditional, Government-Ensured Guarantee to a Basic Income*

This Article proposes adoption of a guaranteed basic income so that (1) the state would be forced to recognize domestic work and caretaking as valued work; (2) women may achieve true economic independence; (3) the gender wage gap will be reduced; (4) racialized stereotypes of the black "welfare queen" will be disavowed; and (5) women have a viable alternative to low-wage and degrading working conditions.⁷⁴

Indeed, Martin Luther King Jr. agreed that a guaranteed basic income would abolish poverty and reduce income inequality, under which the gender- and race-wage gap is included. In particular, a guaranteed basic income would allow for an equitable reevaluation of women's work, in particular unpaid care work, thereby providing women with the economic security for which President Roosevelt had advocated. Instead of the current patchwork system of public benefits, this Article argues for a basic income paid to all people on an individual basis, without a means test or work requirements.⁷⁵

B. *Potential Criticisms*

In particular, opponents of a basic income system most often argue that such a scheme would disincentivize people from working. However, that was not the case for recipients of a guaranteed basic income in Finland's two-year experiment, which began in 2017.⁷⁶ In the pilot project, the Finnish government provided a group of 2,000 unemployed individuals with 560 euros (the equivalent of \$636 U.S.D.) per month, irrespective of whether they eventually found work.⁷⁷ Notably, recipients reported lower stress levels and more motivation to find suitable employment or even start their own business.⁷⁸ The study's preliminary results, which were released in

⁷³ *Id.*

⁷⁴ Nadasen, *supra* note 31, at 307.

⁷⁵ Bruce Ackerman et al., *Redesigning Distribution: basic income and stakeholder grants as alternative cornerstones for a more egalitarian capitalism* 1 (May 4, 2003).

⁷⁶ Elizabeth Schulze, *One year on: Is Finland's free money experiment working?*, CNBC (Jan. 1, 2018, 5:04 AM) <https://www.cnbc.com/2018/01/01/one-year-on-finland-universal-basic-income-experiment.html>.

⁷⁷ *Id.*

⁷⁸ *Id.*

February, found that basic income recipients and the general unemployed population worked roughly the same number of days.⁷⁹ Thus, rather than discourage low-skilled mothers from working, a guaranteed basic income would likely provide them with the necessary economic independence to choose for themselves whether to provide care in the home, seek training or educational opportunities or enter the workforce.⁸⁰

V. CONCLUSION

In sum, instituting a guaranteed basic income would support women's economic liberation by revaluing women's work and counteracting the gender- and race-wage gaps. Specifically, a guaranteed basic income would ensure that poor single mothers in particular have the financial stability needed to secure assets and establish economic independence. Although welfare is seen as directly impacting only a small portion of our economy, the implications of welfare policies are far-reaching and continue to reinforce gender inequalities and race stratification. Therefore, it is imperative that changes to the welfare system be made so that women's economic security and freedom will one day be achieved.

⁷⁹ See Sanjana Varghese, *Finland's grand universal basic income experiment raises more questions than it answers*, WIRED (Feb. 9, 2019) [tps://www.wired.co.uk/article/universal-basic-income-policy-universal-credit](https://www.wired.co.uk/article/universal-basic-income-policy-universal-credit).

⁸⁰ For a more in-depth discussion on gender pay gap's relationship with motherhood, see Henrik Kleven, *Children and Gender Inequality: Evidence from Denmark*, NAT. BUREAU ECON. RES. (2018) (suggesting that the gender pay gap may be more accurately described as a motherhood penalty or childbearing tax) https://www.henrikkleven.com/uploads/3/7/3/1/37310663/kleven-landais-sogaard_nber-w24219_jan2018.pdf.