



INSTITUTE FOR WOMEN'S POLICY RESEARCH

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CELEBRATING OUR TENTH ANNIVERSARY

**WELFARE IS NOT FOR WOMEN:
TOWARD A MODEL OF ADVOCACY TO MEET
THE NEEDS OF WOMEN IN POVERTY**

by

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The other America described two decades ago by Michael Harrington¹ is a changing neighborhood: men are moving out, while women, many with children, are moving in. As a result, the War on Poverty that grew out of the concern aroused by Harrington and others was built on images and assumptions about the poor that have become increasingly invalid. The fundamental thesis of this paper is that the trend toward the "feminization of poverty"² has profoundly altered the needs, legal and otherwise of today's poor, as well as the nature of advocacy required to meet these needs.

This paper will not be limited to a discussion of the poor who are "clients." The category "client" requires the category "professional," and the latter group by definition is one that, independently through the application of a body of scientific knowledge, assesses client needs and then delivers (for facilitates the delivery of) the appropriate services. Not only is the passivity required by the client, vis-a-vis the professional, inappropriate to the needs of today's poor, but, more importantly, it precludes consideration of needs assessment and advocacy strategies in which there is meaningful and proactive participation of the poor.

Although this discussion could be broadened to encompass all poor, regardless of putative clients' status, it will be limited to single heads of households who are women. Statistically, the exclusion of households headed by single males is unimportant, as less than 8 percent of poor households headed by a single person fall into this category. But analytically it is quite important, as it is not the lack of two adults that is associated with higher rates of poverty, but the fact that it is a woman alone, struggling to maintain a household on her own, that is so highly correlated with poverty. Households maintained by men or married couples not only have lower than average rates of poverty in

1 Michael Harrington, The Other America (New York/MacMillan, 1962).

2 Diana Pearce, "The Feminization of Poverty: Women, Work and Welfare," Urban & Social Change Review 28-36 (Winter-Spring 1978).

1987--6.3 percent are poor as compared to 10.8 percent of all American families and 34.3 percent of woman-maintained households--but households maintained by men or married couples alone are the only family type that experienced a decrease in poverty during 1983,³ in the depth of the recession.

Keeping in mind this focus on all poor women--regardless of "client" status--who maintain households alone, this paper will discuss three topics. First, it will detail the nature of the trend toward the feminization of poverty. Second, it will contrast the nature of women's poverty with the nature of our anti-poverty programs, with particular emphasis on the ways in which the fundamental assumptions behind welfare are at best inappropriate and at worst institutionalize women's poverty. Because of the links in time and philosophy between the War on Poverty and modern legal services, this discussion will focus on the specific approaches and reforms of the War on Poverty. Third, this paper will outline the advocacy needs of women in poverty and suggest a model of how to meet those needs.

I. The Trend Toward Feminization of Poverty

What is the "feminization of poverty?" Whether as widows, divorcees or unmarried mothers, women have always experienced more poverty than men. But in the last two decades, families maintained by women alone have increased from 36 percent to 51.5 percent of all poor families.⁴ That is the feminization of poverty.

During the seventies, there was a net increase each year of about 100,000 poor, woman-maintained families. Between 1979 and 1987, another 991,000 families headed by women became poor. And of the increase of poor families between 1986 and 1987, two-thirds were headed by women.⁵ There are now more than three and a half million families maintained by women alone whose income is below the poverty level. If one simply extrapolated present trends and did not take into account any other factors, all the poor by the year 2000 would be women and children. That is the feminization of poverty.

3 Between 1982 and 1983, the number of poor households maintained by men or married couples decreased by 26,000, while the number of poor households maintained by women alone increased by 123,000 according to U.S. Bureau of the Census, Money Income and Poverty Status of Families and Persons in the United States: 1987, Series P-60, No. 161 (1988).

4 Ibid.

5 Ibid.

numbers of woman-maintained families, greatly enlarging the "pool" of those at risk of being poor.

Most people are aware that the rise in the divorce rate and the increase in the number of children born out of wedlock has increased the number of single-parent families. But this is also a result of the fact that (1) virtually every woman today is married at some point (94 percent by age 65), and (2) most never-married women have children (only 6 percent remain childless by age 40-44 in 1980, compared to 20 percent in 1950).¹¹ In short, more women are mothers and fewer have a mate.

But that avoids the question of why female-headed households have either not shared in the poverty-reducing prosperity of the fifties and sixties and/or shared in the poverty reduction experienced by other high-risk groups. The answer lies in the following two basic phenomena.

First, women's poverty is fundamentally different from that experienced by men and, second, poor women are subjected to programs designed for poor men. Poor women find that these programs are not only inadequate and inappropriate, but also lock them into a life of poverty.

II. Uniqueness of Female Poverty

While many women are poor for some of the same reasons that men are poor--they live in a job-poor area, they lack the necessary skills or education--much of women's poverty is due to two causes that are basically unique to females. Women often must provide all or most of the support for their children, and they are disadvantaged in the labor market.

A. Child Rearing

Women often bear the economic as well as the emotional burden of rearing their child or children. When a couple with children breaks up, frequently the man becomes single, while the woman becomes a single parent. The poverty rate for households with children has always been greater than that for households that do not have children, and the difference has always been greater for female-headed households. That gap is increasing: 46.1 percent of female-headed households with children less than 18 years old are in poverty compared to about 8 percent of households maintained by men that have children living with

¹¹ Daphne Spain and Susan Bianchi, American Women: Three Decades of Change (1983) (available from the U.S. Bureau of the Census).

them.¹²

This differential is in part a product of the fact that many families never receive some or all of the support due them from the absent father. For instance, in 1981, only 43 percent of absent fathers paid child support, and only about half of those paid the full amount.¹³ The amounts paid are small as well, averaging only \$2,100 annually per family (not per child), at a time when the median family income is over \$30,000 per year. According to one study, a father's child support payments averaged less than his car payment.¹⁴ To make matters worse, payments have not kept up with inflation. In the last three years, the real value of the average payment in constant, inflation-adjusted dollars fell 16 percent.¹⁵

Public support of dependent children is even more appalling. Using as a standard the amount of money paid a foster mother, we can see that we have always been more generous toward children in two-parent foster homes than toward children in their own single-parent homes. Over the last eight years, however, that ratio has become worse, and now instead of the foster parent getting three times what the AFDC parent gets, the foster parent gets four times that amount. In 1982, the average foster child payment was \$197 per month, while the average "extra" payment for an additional AFDC child was \$49 per month. In some states, foster parents are paid seven or eight times what the child's own mother is paid to care for that child.¹⁶

B. The Labor Market

The nature of the disadvantaged position of women in the labor market is well known--the average woman still earns only about 65 percent of what the average male earns (for full-time work).¹⁷ This figure has changed very little in four decades.

12 U.S. Bureau of the Census, op. cit.

13 U.S. Bureau of the Census, Child Support and Alimony: 1985.

14 Ibid.; Lucy Yee, "What Really Happens in Child Support Cases: An Empirical Study of Establishment and Enforcement of Child Support Orders in the Denver District Court," 57 Denver Law Journal 21 (1979).

15 U.S. Bureau of the Census, Child Support... op. cit.

16 Testimony by Diana Pearce before the Select Committee on Children, U.S. House of Representatives (July 1983).

17 U.S. Bureau of the Census, Child Support... op. cit.

In 1987, the average woman college graduate, working full-time throughout the year, earned less than the average male high school graduate.¹⁸

Equally important, but less well known, is another aspect of women's disadvantage in the labor market: more women than men are unable to obtain regular, full-time, year-round work. Many women, especially mothers seeking to support their households on their earnings, encounter serious obstacles to full participation in the labor market, including inadequate, unavailable or unaffordable day care and discrimination based on full-time work since only part-time or seasonable work is available to them. As a result, only about 40 percent of women maintaining households alone are full-time, year-round workers, compared to almost two-thirds of male householders. About one-third of women heading families alone, compared to 20 percent of men, are not in the labor force at all.¹⁹

In addition, women are concentrated in a relatively small number of occupations, many of which are underpaid. Thus, women experience occupational segregation and confinement to the pink collar ghetto, with limitations on opportunity for income and growth that accompany such segregation. Finally, there are the economic costs of sexual harassment that are almost always born by the woman alone. Every woman who has lost a promotion, quit to avoid further harassment, or mysteriously walked away from an opportunity has paid an economic as well as a psychic price for being a woman.

Even working, women must work harder to avoid poverty. Thirteen percent of minority women single parents who work full time throughout the year are still poor. This is the same percentage of white male householders who do not work at all who are poor. Because of the higher poverty rates for women associated with each level of participation in the labor market, and because fewer women household heads participate fully, having a job is a much less certain route out of poverty for women than for men. Altogether, about 4 percent of families with a working male householder are in poverty, while more than 25 percent of families headed by employed women have incomes below the poverty level.²⁰

18 \$23,406 and \$25,394, respectively; U.S. Bureau of the Census, Money Income...., op. cit.,

19 Ibid.

20 Ibid.

III. The Welfare System and Women's Poverty

Our various income support programs have been developed to provide income to individuals and families whose earnings are inadequate to meet their needs. But beyond that basic goal, various income support programs differ greatly in every characteristic, such as the amount of benefits, accessibility, and stigma attached to the benefits. Using such characteristics, these programs can be divided into two broad groups. Programs found in the primary sector are for the "deserving" poor, have been characterized as a right (often, but not always, earned as a result of working), have relatively generous benefits, and are non-means-tested and non-stigmatizing. By contrast, programs in the secondary sector are for the "undeserving" poor and frequently restrict entry and/or eligibility criteria depending on time and geography. These programs require impoverishment in order to receive benefits that are penurious in amount and are stigmatizing.

The programs in both sectors are based on male models--primarily a Male Breadwinner model for the primary sector and a Male Pauper model for the secondary sector. An example of a major program in the primary sector is the unemployment compensation program. This program was designed for a limited group of workers, which consisted of "regular" workers who were presumed also to be the breadwinners in their families, in which the wife had a supporting role but was not herself in paid employment. The original aim was designed to help these workers, who through no fault of their own and due to the vagaries of seasonal employment patterns, business cycles or technological obsolescence, found themselves out of work. The group to be aided by this program was not all the unemployed, since "casual" workers or those who worked part time and/or seasonally had not proved their attachment to the work force, and therefore were not deserving. Women and other minority workers were and are not now statutorily excluded from eligibility for unemployment benefits, but many have been excluded in disproportionate numbers by virtue of their low wages or less than full-time work hours. This has far-reaching consequences for those who are the sole support of their households.

By contrast, the secondary sector is disproportionately composed of women and minorities. In spite of this demographic character, secondary sector programs are built on the Male Pauper model, which has its roots in the sixteenth century Poor Laws of England, when paupers were ex-soldiers, beggars and vagabond landless peasants, and were mostly men. This model operates on a simple set of principles: most of the poor are poor because they do not work, and most of the poor are able-bodied and could work, therefore, the solution to poverty according to the Male Pauper model is to "put 'em to work." Unlike unemployment compensation, there is little concern for the quality of the job, even its

monetary return, or for matching worker skills to jobs with appropriate requirements. Rather, any job will do. When applied to women, such as AFDC mothers in the WIN program, the result is less than positive. First, as we have seen above, having a job is, ipso facto, a less certain route out of poverty for women than for men. Second, income from earnings only partially addresses a woman's needs and, therefore, only partially alleviates her poverty. A woman's responsibility for children and/or other dependents results in economic and emotional burdens requiring additional income and fringe benefits for child care and health insurance and flexible or part-time work arrangements that are not available with most jobs.

The dual welfare system described above is not only inherently discriminatory against women, but also operates to reinforce her disadvantaged status in the labor market. Economists have developed a theory of institutional barriers in the labor market that conceives of the labor market as a dual system, divided into primary and secondary sectors.²¹ In the primary sector, workers hold jobs with relatively high pay and good fringe benefits, better working conditions, and greater security; if they should lose their jobs, they are likely to be compensated relatively generously through unemployment compensation and/or through other programs such as disability (at rates that strive to replace 50 percent of gross wages), plus any private or union supplementary benefits. Although, theoretically, workers in this sector must return to work as soon as possible, the program is designed not only to support the worker (and his or her family) during unemployment, but also to enable the worker to conduct a job search that will result in reemployment in a job that will maintain his or her skills, occupational status and income.

In contrast, workers in the secondary sector find themselves at relatively low-wage jobs with little job security and few fringe benefits. If they lose their jobs, which happens relatively more frequently and unpredictably than in the primary sector, these workers often find themselves ineligible for unemployment compensation. Many women in this circumstance turn to AFDC, the "poor woman's unemployment compensation." Studies show that 90 percent of welfare mothers have worked, ²² many of them recently, and women who apply for public assistance do so only after both the labor market and the marriage institution

21 Peter Doeringer & Michael Piore, "Unemployment and the Dual Labor Market", 38 Public Interest 67-79 (Winter 1975).

22 Joel F. Handler and Ellen J. Hollingsworth, The Deserving Poor: A Study of Welfare Administration (NY: Academic Press, 1971).

have failed to provide income adequate to support their families. However, they cannot even obtain this help without first impoverishing themselves by exhausting their other resources and savings. Once on welfare, they find it not only penurious in amount and stigmatizing, but they are also pushed to leave as soon as possible, no matter how poor the new job's pay and long-term prospects, how inadequate the child care is, or how difficult the transportation. The secondary welfare sector destroys not only one's incentives, but also one's prospect of ever working one's way out of poverty.

Thus the dual welfare system reinforces the disadvantaged position of women in the labor market. Disproportionate numbers of women and minorities are found in the secondary sector. While 87 percent of the recipients of primary benefits are in white families headed by men or married couples, only 3 percent are in families maintained by black women alone.²³ Conversely, women householders account for over two-thirds of secondary sector recipients.²⁴ As one might expect, there is a great difference in the poverty incidence between the two sectors; while only about 8 percent of those families whose heads are receiving primary sector benefits have poverty level incomes, almost three-fourths of families whose heads receive secondary sector benefits are in poverty.²⁵ Thus women, particularly minority women, disproportionately experience the impoverishing consequences of the dual welfare system.

IV. The War on Poverty's Approach to Poverty

The War on Poverty provided the most ambitious and far-reaching set of changes in welfare policy and programs attempted since the New Deal. Unfortunately for women, however, even its most innovative and broad reforms did little to help poor women, for the reforms embodied some of the same assumptions of the Male Pauper and Male Breadwinner models that have always underpinned social welfare programs.

First, as in the classic Male Pauper model analysis, the basic problem of poverty was assumed to be the high rate of joblessness among the poor. Similarly, the solution was perceived to be work. Although this solution took such harsh forms as poorhouse incarceration or forced conscription into the armed forces in the nineteenth century, it was mitigated in the War on Poverty programs by an understanding that many of the poor

23 U.S. Bureau of the Census, Poverty in the United States: 1986, Series P-60, No. 160 (1988).

24 Ibid.

25 Ibid.

were inadequately equipped for the job market. Interestingly, however, it was assumed that the overwhelming majority of those who need jobs, and therefore needed the skills to obtain jobs, were men. Ornati's choice of words is telling: "What makes the poor...different... is the fact that they lack the personal assets which produce income.... What is required then is the enlargement of the personal patrimony with which the poor can face the labor market successfully."²⁶ Sargent Shriver, contrasting the War on Poverty with the then-current programs, stated that the price of not changing was (for the poor) "continuous infancy, subservience and postponement of full responsibility and manhood."²⁷ The underlying assumption here is that once the poor are properly equipped with skills and obtain employment, their poverty will be alleviated. This assumption, as noted above, is much less valid for women than for men.

Closely related to the emphasis on the Male Pauper job solution, was the War on Poverty's concern with youth, particularly male youth. This focus reflects two underlying beliefs on the part of policy analysts. As with many officials of the past, they saw a strong link between poverty and lawlessness, whether in the form of collective action or individual crime, and, likewise, saw that paid employment dealt with both poverty and crime. Poor women, however, do not pose the same kind of threat to the social order as that posed by poor young men. The concern with young men, and, implicitly, juvenile delinquency, was so strong that the Job Corps was originally designed only for young men, and it was only by Congressional action that the exclusion of young women was removed.

A third area of emphasis in the War on Poverty, again overlapping those of the job solution and the focus on youth, was that of the "culture of poverty." The Council of Economic Advisors, for example, cites a statistic that 40 percent of AFDC recipients came from families that received welfare.²⁸ Even

²⁶ Oscar Ornati, Poverty Amid Affluence 88 (1966) (available from The Twentieth Century Fund, New York, NY) (emphasis added).

²⁷ Sargent Shriver, "The Poor in Our Affluent Society" in Poverty In Plenty (George Dunne ed. 1964) (proceedings of conference held Jan. 1964 at Georgetown University).

²⁸ Council of Economic Advisors, "The Problem of Poverty in America" in Economic Report of the President (Jan. 1964). One study shows that having been a child in a family that received AFDC increases the chances of receipt of welfare by 1.4 times; other studies find that the experience of low income, but not welfare receipt per se, increases the likelihood of welfare

Oscar Lewis, who originally developed the culture of poverty hypothesis from anthropological work in Latin American countries, stated that he thought that no more than 20 percent of poor American families were in any sense in the grip of a culture of poverty.²⁹ Nonetheless, this theory exerted a powerful influence on policymakers and led to the development of programs to try to save youth from the culture of poverty. Although never adopted, Ornati's proposal to create comprehensive day care centers emphasizes this theme:

These day care centers [would provide] them with the health and the higher horizons that the deprived environment of their homes is denying them.... Can anyone argue that in our society youngsters brought up in such facilities will share the fate of their parents?³⁰

The fourth and fifth themes of the War on Poverty focused on strategies rather than programs. These were that the war should be comprehensive and that it should be empowering for the poor. Although not logically inevitable, these two themes ultimately conflicted and negated each other to some extent. On the one hand, the idea that the war be comprehensive, that it take on all aspects of poverty, including housing, employment, health care, etc., called for coordinated strategy and comprehensive planning. Wars, by their nature, require hierarchy, with generals making broad policy decisions and soldiers implementing the policy. On the other hand, as the Cahns aptly pointed out, such top-down, comprehensive approaches created poverty bureaucracies, which in turn made it difficult to carry out locally responsive and creative anti-poverty programs.³¹ The compromise that resulted was one in which the much-maligned "maximum feasible participation" of the poor was highly constrained. Local groups, whether as formal participants in poverty agencies or not, were forced to choose from a narrowly constrained menu of professionally prepared policy alternatives and programs.

V. Legal Services Role in Reducing Women's Poverty

receipt as an adult. Greg J. Duncan, et al., Years of Poverty, Years of Plenty 82-83 (Ann Arbor: University of Michigan, 1984).

29 Oscar Lewis, La Vida 57 (London: Panther Books, 1968).

30 Oscar Ornati, op cit., at 84-90.

31 Edgar Cahn & Jean Cahn, "The War on Poverty: A Civilian Perspective," 73 Yale Law Journal 1317 (1964); Edgar Cahn & Jean Cahn, "Power to the People or the Profession," 79 Yale Law Journal 1005 (1970).

How can legal services help to reduce poverty or assist in the advocacy needs of women in poverty? Obviously, legal services was a part of the War on Poverty "package" and, as such, shared much of the War's assumptions and ideology about the nature of poverty. Although not as narrowly focused on jobs, youth and the culture of poverty as were many of the War's programs, legal services certainly shared a parallel concern with increasing the economic power of the poor. It was believed that by providing the kind of legal advocacy to the poor that the rich routinely buy, some of the income inequality between the classes could be addressed. In the area of housing, for example, by representing tenants against landlords, tenants would be able to fight their oppression more effectively. Such representation, moreover, was not to be limited to such things as contesting eviction notices, but was to be extended to enforcing housing codes, organizing tenants, and creating a whole new body of law.

Even though the majority of those helped by legal services are women, such strategies only partially address the problem faced by poor women. To extend the housing example further, a major problem faced by poor women, particularly minority women, is the isolation experienced by female-headed families; it is a geographical isolation that limits their mobility opportunities in employment and education and the educational opportunities of their children. This isolation is a product of many factors, including the massive housing projects that produce communities that are economically as well as racially segregated, employment discrimination that limits women householders' economic leverage in the housing market, credit and mortgage discrimination, and discrimination against families with children in the private rental market.

This latter factor is a serious problem for single-parent, female-headed families. The lack of building of multifamily, reasonable-cost housing by the private market has led to very low vacancy rates, and this factor combined with the decrease in public subsidies for low-and moderate-income housing and the escalating practices of excluding families with children from rental housing is producing a national housing crisis for low-income families. Nationwide, 25 percent of all rental units and 63 percent of mobile home parks are unavailable to families with children; another 50 percent of rental units limit the number, age, etc., of children.³² The outcome of this housing problem is two-fold. First, in some states, such as Texas and California, the result has been the creation of disproportionately minority,

³² Alison Hamm, "Housing Discrimination Against Families with Children," American Planning Association (May 1984).

children's ghettos. Second, for some families, the housing squeeze triggers a set of tragic events, starting with the family's living in abandoned buildings and cars and ending with its breaking up, the children being placed in foster care, and the parents being sent to adult shelters for the homeless. In sum, the housing difficulties faced by poor women, which stem in large part from the gender (and anti-child) discrimination the women experience in both the housing and labor markets, reflect a need for advocacy that goes far beyond those strategies usually employed by legal services.

Moreover, even if, miraculously, all barriers to decent housing were removed, the housing problems of poor women would only be partially solved. The design of housing, public as well as private, and the environment in general is inimical to the needs of women, married as well as single, who wish to both work in the labor market and take care of their children. Two-thirds of our housing stock is single-family detached dwellings, most of them located far from paid employment and with little or no public transportation. Public and subsidized housing has been built without attention to such needs as well; not only is such housing often geographically isolated, but the concentration of the poor and the high-rise design make public housing so unsafe that mothers, even those of teenagers, feel compelled to be home at the end of the school day and during school vacations to assure their children's safety. Obviously, this need is incompatible with most full-time employment schedules, even if mothers' places of employment were located near their residences. These needs have not been addressed by the usual legal services strategies in the area of housing or elsewhere.

VI. An Alternative Model of Advocacy for Women in Poverty

One aspect of the reform effort of the War on Poverty points the way, by analogy, toward the kind of advocacy model that needs to be developed to deal with women's poverty. That aspect is the civil rights, anti-discrimination policies and programs. Though not often recognized in the critiques of the War on Poverty, its contemporary champions and commentators perceived the effort to break down racial barriers as fundamental to a successful War on Poverty.³³ Unlike programs in other areas and for other groups, efforts to overcome racial barriers recognized that the problem was systemic, institutionalized and pervasive. Indeed, the War on Poverty was instrumental in converting civil rights from the question of freedom to questions of poverty and economic opportunity. Some of the strategies chosen, such as war-like,

³³ For example, Hubert Humphrey devotes one entire chapter, and parts of others, to civil rights in his book, Hubert Humphrey, War on Poverty (New York: McGraw Hill, 1964).

top-down planning, reflected this civil rights emphasis as well, for it was seen as a means of obtaining federal aid to local minority communities directly.

Like the civil rights aspect of the War on Poverty, a war on women's poverty must have as its underlying premise that gender discrimination is at the core of women's poverty. But unlike the problem of racial discrimination, those attacking gender discrimination lack any constitutional and much less federal legislative support. Strategies such as informing the poor of their rights are moot in advocacy efforts for women because the rights for women are weak, poorly defined and/or nonexistent. Therefore, an essential element of advocacy for poor women must be the kinds of analyses that lay the groundwork for legislation, and perhaps litigation, and that create new kinds of institutions, programs and policies.

Furthermore, advocacy for poor women should not be based, implicitly or explicitly, on a false distinction between those who are economically "independent" and those who are "dependent." Frequently this contrast is drawn between women whose work is in the home, or women who are often unpaid or poorly paid such as housekeepers and childcare workers, and those whose work is in the marketplace. Those in paid employment outside the home environment could not be "independent" without the support system provided by the home, such as day care centers; such workers' "independence" could occur without the hidden and unrecognized dependence the workers have on others. At the heart of this false dichotomy, of course, is the devaluation of the work that women, as those who take care of "dependents" as well as "independents," perform. Unless this devaluation of women's work and the false distinction between independent and dependent workers is challenged, the welfare system cannot be fundamentally changed. In concrete terms, as long as we accept the labeling of women who take care of children as "dependent," and as long as the welfare problem is termed one of "dependency," then the policy choices are constrained to a set of equally impossible choices for a single mother. She must either choose between limiting her paid employment to devote more time to her children or limiting her time with her children in order to take more time for paid employment. Either choice perpetuates her poverty, both of income and of life.

This situation is not as hopelessly abstract and utopian as it may seem to appear. For example, it has been suggested that women be compensated for their unpaid work through earnings sharing proposals for social security. The irony, of course, is that under such plans women must wait until they retire to receive recognition, though they may become displaced homemakers 20 years prior to becoming eligible for such benefits.

Aside from a still-on-the-drawing-boards proposal for

earnings sharing, there are concrete instances in which some of the principles outlined above can be applied. However, the view of lawyers and legal advocacy is sometimes unduly limited. Too often, problems of the poor appear to lawyers, armed with legal skills and missionary zeal, as problems of rights. One legal services lawyer relates that, in the early years of his practice while he was traveling around the country, he would talk to welfare mothers about how to exercise their rights to be exempt from workfare programs, only to discover that many of the poor women he spoke to in fact wanted to participate in those programs.³⁴ Likewise, a contemporary lawyer, who works for the rights of the poor, has suggested that women who are receiving welfare that is in part child support obtained from the father under the IV-D program have a right to be exempt from the work incentive program. If this person realized that the problem of women's poverty is one at least in part perpetuated by workfare/job training programs that discriminate against women in the type of training and job placement that the women receive, then the actions taken, not only with individual clients, but also in terms of reports, congressional testimony, and proposed legislation, would be very different.

The last example also raises an important issue of accountability and representation. Although there was much rhetoric in the War on Poverty about empowering the poor, the reality was that the choices presented to those on poverty agency boards representing the poor were very narrow. On the other hand, it is also true that, were legal services to be entirely controlled by the consumer/client, the daily demands of those in poverty would probably give short shrift to resources devoted to developing new agenda and visions.

Nonetheless, some middle ground must be developed in which the viewpoint of women in poverty and a comprehensive understanding of the dynamics of women's poverty are reflected in the choices made by advocates. It cannot be assumed that advocates for women will adequately represent the needs of poor women, nor that advocates for the poor will adequately represent the needs of poor women. For example, recently a women's rights organization was asked to testify before a city's wage and hours board on the question of whether the city's minimum wage for household and child care workers should be raised. The organization's response was twofold. First, the organization stated that it had no policy on the question, which seems to reiterate the suspicion that, unless a question can be posed as one of rights, it may not be dealt with by legal advocates. Second, the organization responded that this was a question over which women disagreed. While this may be interpreted as a

34 Stephen Wexler, "Practicing Law for Poor People," 79 Yale Law Journal 1049 (1979).

situation in which middle class lawyers' and others professionals' interests conflicted with lower class clients' interests, it also demonstrates a misunderstanding of the problem. The problem is one of inadequate pay for all women workers, women employers of child care workers and housekeepers as well as the employees themselves. Moreover, this misunderstanding reflects the view that child care and household work are the responsibility of women, a view that is one of the two major sources of poverty for women. What would be the reaction, now or even two decades ago, to the proposal that blacks whose employers are black should be paid less because their employers also experience lower wages because of racial discrimination?

Likewise, legal or other advocacy on behalf of poor women must proceed from certain fundamental principles, one of them being that gender discrimination is a key element behind the feminization of poverty. At the same time, it should not be assumed that all policies designed to eliminate gender discrimination will be effective for low-income women. Conversely, policies not on the agenda of either poverty or women's rights organizations, such as unemployment compensation reform, may be central to an agenda dealing with women's poverty.

Although it is uncertain what mechanisms best incorporate the voices of poor women, there are some highly innovative and creative efforts in existence. These efforts incorporate an element missing in older models by simultaneously developing an agenda and empowering the poor to achieve the agenda through organizing around poor women's issues; developing specific and achievable goals; and attempting to achieve these goals by collective, usually political, action. The best known of these organizations is the Women's Economic Agenda Project in California. This project was established as the result of a set of state legislative hearings on the feminization of poverty. As a result of the hearings, a group of women, some long-term advocates, some women who were on welfare or in job training programs who had testified at the hearings, organized at the local and state level around issues of economic justice for women.³⁵

Clearly, developing and advocating agendas by, for and with poor women that are built around a recognition of interdependence, the value and importance of women's work to society, and the institutional character of gender discrimination, is utopian and perhaps unrealistic. On the other hand, it is especially crucial in a time of attack and retrenchment to have a vision of what alternative sets of

³⁵ Women's Economic Agenda Project (WEAP), An Economic Agenda for Women of California (Oakland, CA, 1984).

institutions, programs and policies that would bring about economic justice for women would look like. Only with a vision can much less major actions be seen as meaningful, no matter how small; only with a vision and a set of principles to guide choices, can we decide which small steps to take; only with a vision can welfare be made into a system that is by and for women.