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Title

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Journal

UCLA Women's Law Journal, 6(2)

Author

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Publication Date

1996

DOI

10.5070/L362017656

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SEARCHING FOR THE LOGIC BEHIND WELFARE REFORM

Lucie White*

I prepared an earlier version of this article for the 1995 Feminist Symposium at Northwestern University Law School. At that time, the debate in Congress about welfare reform focused on several versions of the Republicans' Personal Responsibility Act,¹ which reflected the welfare platform of the Republicans' Contract with America.² After much controversy, Congress eventually agreed on a modified version of the Republican plan, which President Clinton vetoed in January 1996. Meanwhile, a number of states, unwilling to wait for Congress to resolve the issue, have enacted punitive welfare reform laws on their own.³ In spite of aggressive and ongoing legal challenges by welfare recipients and their advocates, both the federal Department of Health and Human Services and the courts have, for the most part, allowed the states to implement these laws. Their real impact on women and children has not yet begun to become clear. Therefore, regardless of what federal welfare reform legislation Congress enacts at this juncture, the broad themes to which this article speaks remain relevant. Indeed, in view of the profound economic, institutional, and cultural transformations in which we are caught up as we approach the next century, "welfare," as liberals and progressives have envisioned it in the United States and other countries of the Northern Hemisphere, is likely to be a site of heightened ideological contest for a long time. The purpose of this article is to

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1. H.R. 4, 104th Cong., 1st Sess. (1995). There have been seven versions of this bill since its introduction on January 4, 1995.

2. CONTRACT WITH AMERICA (Ed Gillespie & Bob Schellhas eds., 1994).

3. A comprehensive status report on state level welfare reform legislation is beyond the scope of this comment. An excellent source of such information is *Welfare News*, published by the Center on Social Welfare Policy and Law. See, e.g., *State Welfare Reform Continues*, WELFARE NEWS (Center on Social Welfare Policy and Law), Nov. 28, 1995, at 9.

urge us to see our own "welfare wars" in the context of these larger transformations, both in order to expand and invigorate our advocacy strategies, and in order to wake us up to the daunting task of re-envisioning the practices and institutions of social welfare, for southern as well as northern countries, in our fitfully emerging post-colonial world.

I. THE WORLD OF ONE WOMAN: WELFARE AS REFUGE FROM A VIOLENT WORLD

It is not easy for me to think or write about women and poverty from the standpoint of a dispassionate law professor. Whenever I attempt to analyze the provisions of recent "welfare reform" measures, such as Massachusetts Governor William Weld's recent welfare reform legislation,⁴ the voices of women I have worked with as a lawyer and law teacher start to echo in my mind.

One of these voices is that of a woman I will call Ella McGarry.⁵ Ms. McGarry was raised in Watts, in Los Angeles County, California, where she graduated from high school and married. She later moved to Oregon with her husband. While in Oregon, she worked full time at a clerical job and gave birth to three children.

Suddenly, in the recession of the late 1980s, her family's illusory financial security unraveled. She and her husband lost their jobs. They were forced to move back in with family in Watts. Her husband started to do drugs. Although her husband had occasionally "been physical" during their life together in Oregon, she and the children faced an intensified onslaught of violence after they returned to Los Angeles, as he acted out his own rage and depression on their bodies. With support from the staff and parents of the federally funded Project Head Start preschool in which she enrolled her daughter, Ms. McGarry found the courage to leave her husband. The promise of a meager Aid to Families with Dependent Children (AFDC) stipend was a crucial piece of the package that her Head Start counselor was able to

4. H.B. 284, 179th Mass. Gen. Court, 1st Sess. (1995).

5. This is a pseudonym for a Los Angeles woman whom I interviewed several times during 1992 as a part of a project on women's involvement in the federally funded Head Start program, 42 U.S.C. § 9831 (1995). The field component for my research was funded by the National Science Foundation. Radcliffe College's Mary Ingraham Bunting Institute is providing additional financial and collegial support for the research.

put together to make exit⁶ seem like a realistic option to her, even in the face of regular abuse.

Escaping this immediate threat of violence by going on welfare did not prevent Ms. McGarry from a hard spell, in which she described herself feeling "ready to give up." She became depressed and began to lose weight. Several months later, when reflecting on the bad spell after she left her husband, she described herself as "committing suicide," not by taking drugs or alcohol, but by simply refusing to eat. With a lot of help from other women in her Head Start program, she was able to get through the worst of her despair and to begin to mourn for a broken marriage, an aborted career, a dislocated family — shattered dreams. Welfare did not replace any of these losses. In fact, welfare carried a stigma that was reinforced by her welfare workers, other Head Start women, and even the children in her son's school. This stigma intensified her despair. But in spite of the profound sense of personal failure that the stigma of receiving welfare made her feel, her AFDC stipend did allow her to extricate herself and her children from her husband's violence. Her AFDC stipend also enabled her to claim a brief period of recovery in the refuge of her daughter's Head Start center.⁷

Since graduating from high school, Ms. McGarry has always worked full time outside of the home. At the time that I knew her, she was seeking work in Los Angeles that she could handle as a single mother of three young children. It would have been much easier for Ms. McGarry to work if she returned to her husband. His drug habit kept him from holding down a job, but he could still look after the children after school. But in spite of the fact that making ends meet would be much easier for Ms. McGarry if she returned to her husband, she has vowed to stay single for as long as it takes to protect her life and provide a safe home for her children.

Ms. McGarry has been driven to despair by persistent cultural messages that exhort poor single mothers to become economically "self-sufficient." She can do basic arithmetic. She

6. See Martha Mahoney, *Legal Images of Battered Women: Redefining the Issue of Separation*, 90 MICH. L. REV. 1 (1991).

7. Head Start's federal regulations require each center to allow parents to come into their children's classrooms on a regular basis, either to volunteer or simply to observe. See 45 C.F.R. § 1304, Appendix B (1995). In the Head Start programs I studied, women would come into the classroom for companionship and support during periods of domestic conflict or personal crisis.

knows that something has got to give in order for her to work outside of the home, provide minimally adequate care for her three children, and end up with an after-child care income that will secure their minimum needs. The very best wages that she can procure in the race and gender-skewed labor markets of Los Angeles will not buy the kind of caring, full-time supervision⁸ that Ms. McGarry's children need in order to avoid a high risk of early death on the city's streets.⁹

Ms. McGarry is a strong contestant in Los Angeles's clerical labor market. Although a woman of color from a low income background, she has a high school diploma and seven years of experience in the rapidly vanishing world of solid, stable, nine-to-five clerical jobs. Yet even for such a strong competitor, the voodoo economics of "self-sufficiency" just doesn't add up. For all of Ms. McGarry's determination to make the numbers work in a way that gives her children a future, the simple, irrefutable realities that Ms. McGarry faces include an unstable and limited market for her skills, rock bottom wages, the need for full-time, high quality care for her three children, and the threat of domestic violence if she returns to a man. These simple facts make it impossible for Ms. McGarry to make ends meet on her own.

Ms. McGarry needs more from the public than "welfare" in order to live a flourishing life. She is a proud, visionary woman. She traces her ideas about self and community back through a line of African American midwives and healers. The only version of self-sufficiency that she would want to lay claim to would embed her "self" interest in the welfare of her entire community — her children, her neighbors, the women she works with at Head Start. Withdrawing from welfare will not move her any closer to "self-sufficiency" in her own, or indeed, in anybody's sense of the term.

8. See CENTER FOR POLICY ALTERNATIVES, REINVESTING IN CHILD CARE (1991) (citing data that low income families spend 25% of income on child care); SUZANNE HELBURN, COST, QUALITY, AND CHILD OUTCOMES IN CHILD CARE CENTERS (1995) (documenting the correlation between cost and quality in child care). See generally, U.S. DEP'T OF EDUC., NATIONAL STUDY OF BEFORE AND AFTER SCHOOL PROGRAMS, FINAL REPORT (1993).

9. See Kathleen Keller, *'90s Family: Who's Minding the Kids?*, L.A. TIMES, Jan. 10, 1996 at E3 ("Children who don't have supervision . . . are more likely to opt for 'antisocial leisure' such as gangs, mischief and violence"); Bettijane Levine, *New Wave of Mayhem*, L.A. TIMES, Sept. 6, 1995, at E2 (reporting number of homicide suspects under the age of 15 increased by 50% between 1984 and 1992); Beth Shuster, *Principals Face Grim New Task*, L.A. TIMES, Dec. 26, 1995, at B2 (reporting that 39% of gang slaying victims were 19 or younger).

The only way that Ms. McGarry is going to achieve meaningful economic and political enfranchisement is for both the norms and the institutional arrangements of work, caretaking, neighborhood, and social provision to be reconfigured, in small and large ways. What these changes might look like is not a big mystery. Ms. McGarry is not a political theorist or policy expert. But she can reel off the kinds of workplace changes and social programs that she needs in order to care for her children, her neighbors, and herself, while participating productively in economic and civic life. These changes include a living wage, workplace safety, ongoing job training, a reasonable work schedule, good, comprehensive child care, and health care protection for her family.

Ms. McGarry's welfare platform may seem out of the question in the present political climate. Yet this need not be the case. Were our priorities as a nation to shift towards the needs of children and their custodial parents, Ms. McGarry's wish list would seem neither fantastic nor unfundable. Yet until her feminist allies commit themselves to the down-to-earthness they will need to promote Ms. McGarry's agenda of "real" welfare reform, she is going to continue to need the second-best safety net of "welfare as we know it" to keep her family together.

II. COERCED "SELF-SUFFICIENCY" FOR SINGLE MOTHERS: A "FULLY LOADED ACCOUNTING"¹⁰ OF ITS HIDDEN COSTS

Many of Ms. McGarry's neighbors on AFDC lack her work experience. These women face even more dismal prospects than Ms. McGarry if AFDC is dismantled: sex work if they are lucky, the meager rewards that poor women get from dealing drugs, spates of homelessness, epidemic levels of asthma, AIDS, depression, post-traumatic stress syndrome, and a high risk of premature death.¹¹

10. The concept of "fully loaded cost accounting" requires that all of the costs of an enterprise, those which are subtle and difficult to measure as well as those which are immediately apparent, be calculated when an accounting is made. For an application of this accounting concept to an analogous context, see Nell I. Painter, *Soul Murder and Slavery: Toward a Fully Loaded Cost Accounting*, in *U.S. HISTORY AS WOMEN'S HISTORY* 125-46 (Linda Kerber et al. eds., 1995).

11. See, e.g., Tamar Lewin, *Study of Welfare Families Warns of Problem for Schoolchildren*, *N.Y. TIMES*, Feb. 29, 1996, at A14 (reporting on a study of 790 Atlanta area low income families conducted by Child Trends, Inc. for the U.S. Department of Health and Human Services which found that the incidence of clinical

If the welfare reformers do not listen to women like Ms. McGarry, they should listen to homelessness researcher Ellen Bassuk. In a careful longitudinal study of the mental health profiles of low income women in Worcester, Massachusetts, Bassuk's research systematically demonstrates how close to the edge — of shelter, safety, and, indeed, sanity — these women's lives are poised. If welfare as we know it is disrupted in the ways that recent state level welfare reforms mandate, Bassuk predicts that "an avalanche of homelessness" will result among Worcester's poor.¹²

In a recent article by Christopher Jencks and Kathryn Eden in the journal *The American Prospect*, the authors dispassionately generalize on Bassuk's prediction:

For the least employable welfare recipients, and for those whose child care options are unusually expensive or bad for the children . . . the human cost of [the proposed changes] is likely to be substantial. First, more children are likely to be left alone during the day, increasing the odds that they will busy themselves with activities that are dangerous, illegal, or both. Second, more women will be driven into the underground economy, selling sex or drugs to make ends meet. Third, more women will live with men who help pay the bills but who also abuse them or their children.¹³

III. SEARCHING FOR INTENT BEHIND THE INJURY

Yet in spite of these exhaustively well-documented realities of poor women's lives, Congress is on the verge of dismantling welfare as we know it, without any alternative safety net to take its place. Congress continues to consider proposals for transforming AFDC's federally funded entitlement into a state-administered block grant program, which would cap federal spending for cash assistance to poor families at fixed levels, no matter what levels of economic recession or natural disaster the states face. In many versions of this idea, the states would be required to adopt punitive AFDC eligibility rules, such as abso-

depression among women in these families to be more than twice that of the general population).

12. Professor Bassuk presented preliminary results from this study at a symposium presented to the 1995-96 Interdisciplinary Seminar on Families and Family Policy at the Harvard Divinity School on March 7, 1995, entitled *Report on a New Study Comparing Support Networks of Poor Homeless and Poor Housed Mothers*. Her study is still ongoing. She has not yet published the final results.

13. Christopher Jencks & Kathryn Eden, *Do Poor Women Have a Right to Bear Children?*, *THE AM. PROSPECT*, Winter 1995, at 51.

lute time limits on the provision of AFDC assistance anywhere from two to five years.

Such provisions translate into a significant redistribution of wealth away from some of the nation's most impoverished families — families that are overwhelmingly comprised of women and their children.¹⁴ This shift of federal dollars away from welfare will merely accelerate a broader trend in this country over the last two decades: the massive redistribution of the country's wealth and income into the hands of an increasingly small and insulated elite class. This trend is rapidly giving the country an income distribution profile that is out-of-line with the other industrialized nations, and resembles the typical pattern of wealth distribution in the rigid, caste-based neo-colonial oligarchies.¹⁵

Current welfare reform proposals do more, however, than accelerate the maldistribution of wealth from the poor to the rich. Current welfare reform provisions tend to zero in on specific subgroups of women and children, within the broad universe of the income-poor. Who are these targets? One target is women who have children outside of marriage and the children that they bear: under many of the current welfare reform initiatives, additional welfare benefits are not available for children born to mothers already receiving AFDC for other children. Nor can unmarried mothers under the age of eighteen receive welfare payments unless they are willing to submit to severe and sometimes dangerous restrictions on their personal freedom.

Many feminist commentators, such as Dorothy Roberts,¹⁶ Jill Quadrango,¹⁷ and Lucy Williams,¹⁸ have linked these kinds of "welfare reform" provisions back to this country's long history of targeting the reproductive autonomy of poor women, particularly

14. See Keith Bradsher, *Parties Shift Budget Debate to How Proposals Affect Children*, N.Y. TIMES, Oct. 23, 1995 at A16 (citing White House calculation that the "poorest fifth of American families with children would lose an average of \$1,521 a year in income and \$1,662 a year in health benefits under Republican plans"); see also, *The Stampede to Harsh Welfare*, N.Y. TIMES, Sept. 20, 1995, at A20; Fred Kammer, *Block Grants will Worsen Poverty*, N.Y. TIMES, Aug. 1, 1995, at A15.

15. See Keith Bradsher, *Widest Gaps in Incomes? Research Points to U.S.*, N.Y. TIMES, Oct. 27, 1995, at D2.

16. See Dorothy E. Roberts, *In the Context of Welfare and Reproductive Rights: The Only Good Poor Woman: Unconstitutional Conditions and Welfare*, 72 DENV. U. L. REV. 931 (1995).

17. See JILL QUADRANGO, *THE COLOR OF WELFARE* (1995).

18. See Lucy A. Williams, *The Ideology of Division: Behavior Modification Welfare Reform Proposals*, 102 YALE L.J. 719 (1992).

women of color.¹⁹ The powerful have repeatedly marshalled state power to use the bodies of poor women to further their own economic and symbolic ends. In the latest round of this history, their bodies have become a field on which deep male insecurities about the erosion of their historic monopoly on economic and sexual power are acted out symbolically.

Twenty years ago, in his dissent to *Dandridge v. Williams*, the first Supreme Court case to uphold the idea of a "family cap" in a state AFDC program, Thurgood Marshall warned that welfare programs create the risk of violently furthering caste-linked agendas of social control. He warned of the danger that the state could use welfare programs to "wield its economic whip"²⁰ over disfranchised groups, forcing them to dance in response to the dominant group's fantasies and phobias about its own Soul. In a welfare reform symposium at the Harvard Law School in March of 1995, conservative policy analyst Michael Tanner explained the matter succinctly to a disbelieving audience. The real question, he explained, is whether or not we want to see this country turn into a "working matriarchy."²¹

The principal architect of the current welfare reform discourse has elaborated on Tanner's fears. I am speaking now of Charles Murray, the author of a widely read polemic against welfare, *Losing Ground*. That book swept through conservative circles in the early 1980s, particularly among the young.²² It imprinted the basic rhetorical formula of welfare reform on thousands of young elite minds. As Lucy Williams has documented in her article on behavioral modification welfare reform proposals, Murray's discourse-transforming project on welfare, like his more recent work on intelligence, received extensive fi-

19. See generally Roberts, *supra* note 16.

20. *Dandridge v. Williams*, 397 U.S. 471, 525 (1970) (Marshall, J., dissenting).

21. Mr. Tanner made this statement during a panel, *On Welfare — Welfare Reform: A Dialogue*, sponsored by the Harvard Civil Rights-Civil Liberties Law Review as part of a series of symposia on Economic Justice in America's Cities: Visions and Revisions of a Movement. The panel took place on March 11, 1995, at the Harvard Law School. See *Rounding out the Table: Opening an Impoverished Poverty Discourse to Community Voices*, 30 HARV. C.R.-C.L. L. REV. 299, 328 (1995) (summarizing the welfare panel discussion). A videotape of the panel is on file with the author.

22. CHARLES MURRAY, *LOSING GROUND: AMERICAN SOCIAL POLICY 1950-1980* (1984). See Jason DeParle, *Daring Research or "Social Science Pornography"?*, N.Y. TIMES, Oct. 9, 1994, § 6, at 48 ("[I]f [Murray's] name is not a household word, it is about as close as a social scientist can get.").

nancial and organizational backing from a network of closely linked conservative groups.²³

Murray explains the logic behind the current welfare reform agenda:

In the calculus of illegitimacy, the constants are that boys like to sleep with girls and that girls think babies are endearing. Human societies have historically channeled these elemental forces of human behavior via thick walls of rewards and penalties that constrained the overwhelming majority of births to take place within marriage. The past 30 years have seen those walls cave in. It is time to rebuild them. . . . Stigma must be regenerated. An illegitimate birth must become the socially horrific act it used to be. . . . Stigma and shotgun marriages may or may not be good for those on the receiving end, but their deterrent effect on others is wonderful — and indispensable.²⁴

Increasingly over the last several years, the public debate about welfare has taken place inside a bubble — a frightened, nostalgic worldview, a fantasy, a phobia — that somehow the crumbling norms and institutions of patriarchy and the racial caste system in this country can be restored. Without the protection of welfare, women of color will have no power to walk away from abuse in private homes or sweatshops. Just like “in the old days,” they will have no choice but to put up with whatever their bosses or domestic partners want to give them. In short, the current spate of welfare reform proposals would work to erase, to exile from the boundaries of public conscience, the many real lives — women’s lives — that cannot be sustained inside the thick walls of caste and patriarchy in the contemporary world.

IV. LEARNING TO HEAR “WOMEN’S WORLDS”²⁵

Over a year ago, a major official of the United States Department of Health and Human Services was reported to have advised a small group of faculty at an elite university that the time for “business as usual” in opposing the current version of welfare reform had passed. The usual kinds of polite public conversation were no longer proving effective in influencing the tone and substance of the national debate. This story may be apocry-

23. See generally Williams, *supra* note 18.

24. Charles Murray, *The Coming White Underclass*, WALL ST. J., Oct. 29, 1993, at A14.

25. See generally LILA ABU-LUGHOD, *WRITING WOMEN’S WORLDS: BEDOUIN STORIES* (1993).

phal, but the lesson is not. We need to step back and attend to the chasm between the fearful voices that are shaping the national debate on welfare reform. We need to listen to women like Ms. McGarry. We need to bracket, for a moment, our identities as rational, dispassionate academics and lawyers, as the "good girl" professionals who seek to persuade our conservative colleagues and students that the details of their policy proposals are unworkable and the consequences of their policy visions are morally wrong. We need to disengage our imaginations and energies from the constraints that the public debate about welfare reform imposes.

Disengaging ourselves from the constraints of this debate does not mean that we should not challenge the ideological foundations of the conservatives' policy proposals, or engage in debate about their feasibility, or oppose their enactment. We must continue to fight these battles, in the most tactically astute ways, when it makes strategic sense. At the same time that we fight these battles, however, we must consciously recenter our own energy and imagination toward a world that is not caged within the conservatives' phobia about women's power.

The necessity and the grounding for such a reorientation were emphatically brought home to me recently when I reread an essay by political theorist Judith Shklar reflecting on historical injustice through the lens of the Great Hunger in Ireland. In that essay, Shklar observes that many hundreds of thousands of deaths could easily have been prevented in Ireland by simple, obvious shifts in policy by the English government. Yet these shifts were out of the question to the English rulers, even the charitable and religiously inclined among them, because of a combination of scorn for their Irish victims and "the intellectual self-assurance of their economic orthodoxy."²⁶ Shklar then notes that "had the Irish voices been treated as privileged and primary" — disrupting that scorn and self assurance — the path to other policy responses — entirely feasible policy options — would have been obvious to all.²⁷

We can learn an important lesson from Shklar's analysis. By bringing women like Ms. McGarry, women who are on welfare, to the center of our own attention, by treating these voices as privileged and primary, by turning our political imagination and

26. JUDITH SHKLAR, *THE FACES OF INJUSTICE* 70 (1990).

27. *Id.*

action away from the rhetorical trap of the welfare reform debate and toward what these women have to teach us about the challenges and the vision that shape their lives — by refocusing our energies in this way — we will find our way to feasible, obvious policy agendas that will save women's lives.

To follow Shklar's advice, to privilege the voices of women on welfare, is not the same thing as essentializing or exoticizing what we hear them say. We need to remember the lesson that historian Joan Scott, and many others, teach about the lure of "experience."²⁸ To fetishize the "voices of women," of *other* women, merely reinscribes the very ideological templates that we seek to defy. Mindlessly repeating what we hear in the "voices" of "poor women" can reinforce the very misconceptions about welfare that we seek to challenge.

Privileging the voices of poor women does not mean taking what we hear from those voices for granted or setting those voices in stone. The guidance that we can gain from Shklar's advice comes through the risky human work of listening, questioning, learning, and growing. To privilege the voices of poor women means to regard, respect, and challenge those women as political allies. It means to attend to the everydayness of their lives and to build coalitions with them around everyday needs. Privileging their voices does not provide a recipe about what we should think or do in the current political climate. Rather, it signals a commitment to engage seriously and honestly with low income women as potential political allies. It also signals a commitment to open up our own lives to critique and revision, and to reorient our own feminist politics on the basis of what we learn.

V. BORDERWORK²⁹

How can we translate a commitment to center our work in the fears and hopes of poor women's lives? How can we translate this commitment into grounded political action? The question is best answered if we begin to engage in efforts to build coalition with low income women, all the while reflecting on what we do. That process is not easy; the learnings that come from grounded reflection are seldom easy to put into words, es-

28. See generally Joan Scott, *The Evidence of Experience*, 17 *CRITICAL INQUIRY* 773 (1991).

29. See *BORDERWORK: FEMINIST ENGAGEMENTS WITH COMPARATIVE LITERATURE* (Margaret Higonnet ed., 1994).

pecially in the genre of coherent, prescriptive, "theoretical" writing. What follows are a few concluding thoughts about how this kind of ground-level, coalition-oriented work might be guided.

For me, recentering my day-to-day practices on the works and lives of poor women has led me to seek strategic guidance from what might at first seem an unlikely place — transnational feminist activism, particularly at the grassroots level. This emerging and exciting sphere of women's political practice has helped me re-envision my own work as an advocate for and an ally of low-income women I am currently working with in Los Angeles, rural North Carolina, Boston, and nationally. The transnational feminist movement toward economic justice has guided my recent work in several ways.

First, the transnational frame of reference has led me to focus increasing attention on the project of documenting the effects of welfare retrenchment on low income women's lives. If the new regimes have the predicted effects of rendering more people homeless, we should aggressively defend the basic human rights of those newly homeless families and, indeed, of all unhoused people, on our cities' streets. Why is this defensive work so important? Huge inequities in wealth distribution have long typified the social and economic structure in Latin American states like Brazil, Colombia, and El Salvador. In such countries, the political instability that might result from gross wealth inequity has been averted by the ordered repression of the dispossessed masses through systematic social disfranchisement, geographic and social containment, removal, the "disappearance" of grassroots populist leaders, and increasingly, the literal eradication of destitute people from urban streets by paramilitary vigilante groups.³⁰ In Colombia, for instance, vigilantes working in conjunction with local police control the population of street children by periodic nighttime assaults that leave kids dead. This policy is called "social cleansing" in the patois of middle class urban dwellers who are desperate to preserve their own eroding quality of life in an increasingly dichotomized social structure.³¹

30. See generally NANCY SCHEPER-HUGHES, *DEATH WITHOUT WEeping: THE VIOLENCE OF EVERYDAY LIFE IN BRAZIL* (1992).

31. See Juan P. Ordonez, "Social Cleansing" in Colombia: The Killing of "Disposable People," Address at Harvard Law School (Mar. 14, 1995); see also James Brooke, *Big Outcry Doesn't Slow Killing of Youths in Rio*, N.Y. TIMES, Jan. 3, 1994, at A9 (forty percent increase in killing of minors in Rio de Janeiro from 1992 to 1993).

In this country over the last fifteen years, we have witnessed a similar policy trajectory. Since roughly 1980, as the welfare state has eroded and the distribution of wealth has become increasingly lopsided, social and legal policy toward the “homeless” — the frontline victims of the maldistribution — has moved from charity, to criminalization, to state-enforced containment.³²

Today, respected legal scholars are beginning to promote a private civil right of action through which elites can effect the removal of homeless people from public space, on the ground that those bodies present a nuisance: they pollute the air space, clutter the visual landscape, and erode the value of the private property that their bodies abut.³³ These scholars assert the right of elites to have their enjoyment of public space unencumbered by the nuisance that is created by the suffering of the poor. Such scholars are laying the ideological groundwork for court decisions, local ordinances, and state legislation that segregates dispossessed people away from elites, in secure, fenced enclaves on remote land.³⁴ Such policies of physical removal ensure that elites will not have to face the real human consequences of the redistributive social policies that they endorse. Rather, with no destitute bodies before them, elites can convince themselves that those punitive social policies are working and that, in the absence of public assistance, poor people are indeed motivating themselves to find jobs. With no destitute bodies before them, elites can tell themselves that the “economic orthodoxies” that rationalize draconian, inequitable social policies do indeed make sense.

Current proposals for welfare retrenchment represent a bold, even aggressive strategy for redistributing wealth away from the poor. In the context of such a policy agenda, punitive legal and social policy toward the homeless must be understood

32. See, e.g., Rick Bragg, *Homeless Seeing Less Apathy, More Anger*, N.Y. TIMES, Feb. 25, 1994, at A1; Tina Daunt, *LAPD Begins Crackdown on Skid Row Homeless*, L.A. TIMES, Nov. 19, 1994, at B1 (police clearing downtown area of homeless persons); Ronald W. Griffin, *In This Town, Homelessness is a Crime*, MINN. STAR TRIB., June 17, 1992, at 19A; John Hughes, “Liberal” Neighbors at Odds with Infiltration of Homeless, HOUS. CHRON., Jan. 1, 1994, at 5 (antihomeless attitudes in Fort Lauderdale, Fla.); Andrea Stone, *For Homeless, Streets are Meaner: Public Fed Up, Frustrated*, USA TODAY, Nov. 25, 1991, at 3A.

33. See generally Robert C. Ellickson, *Controlling Chronic Misconduct in City Spaces: Of Panhandlers, Skid Rows, and Public-Space Zoning*, 105 YALE L.J. 1165 (1996).

34. E.g., Tina Daunt & Tina Nguyen, *Homeless Camp Weighed in L.A. Industrial Area*, L.A. TIMES, Oct. 14, 1994, at A1 (Los Angeles Mayor Riordan’s plan to shuttle homeless people to fenced lot in city’s core industrial area).

as an effort to hide the human costs of welfare retrenchment from public consciousness, and to push the social costs of human destitution off of the budget sheets of local and state governments. In this climate, defensive advocacy work on behalf of "the homeless" is centrally important political work. As a start, this work should simply protect the human right of homeless people, particularly newly homeless women and children, to be present in public spaces, making their bodies and needs visible to an enfranchised elite that seeks to erase those people from its collective consciousness. Beyond this defensive work, advocates for radically disfranchised groups can help them articulate more expansive human rights; first, for the means of basic survival such as sanitation, shelter, and health care; and then for the conditions of living a fully franchised human life. But the first step is to learn from international human rights advocates how to launch an insistent, uncompromising campaign to protect the human rights of dispossessed people in our society simply to occupy physical, public, and political space.

Defending the space rights of homeless women and children is extremely disheartening work. We should not have to be doing this kind of work in the United States today. Yet this work is essential in order to keep the human costs of maldistribution from becoming marginalized in official debates about social policy. If we can do this work in a bold, united, creative, and uncompromising way, we may be able to block and even reverse the current trend toward an ever larger wealth gap and the political repression that such a gap inevitably entails.

Second, the analogy to transnational feminist work is leading me to explore the possibility of coalition between poor and middle class or elite women around issues of workplace and caretaking reform. Such coalition work must be approached cautiously because the conditions confronted by elite and poor women in waged work are so vastly different. All women's work options are constrained by gender-linked workplace harassment as well as sex-based wage and job segregation. Yet the constraints faced by different groups of women have crucial differences. Indeed, elite women are enabled to enter demanding male-identified jobs because of the option of low-cost in-home caretaking for their children that a race-segregated, gender-stratified labor market continues to provide them.³⁵ In order to build

35. See generally JULIA WRIGLEY, *OTHER PEOPLE'S CHILDREN* (1995).

coalition between rich and poor women around work and family issues, elite women must face up to this glaring conflict of interest at the outset of the work. It is possible for activist elite women to take this step, but it is hardly easy. It involves opening up one's own "personal" choices to scrutiny as part of the coalition work. There is a risk that such a gesture will rupture the hope of coalition, playing out in the familiar, worn out ritual of guilt, anger, frustration, disengagement, and ultimate triumph of the governing discipline of class and race segregation.³⁶

One source of guidance as we approach the treacherous waters of coalition work among women across great difference is the work of African American feminists on female genital surgery in African countries.³⁷ Isabelle Gunning draws on the work of Latina philosopher Maria Lugones on "world traveling and loving perception"³⁸ to speak to other first-world feminists on the challenge of building cross-national coalition around gender-based bodily mutilation. Gunning reflects that first-world feminists like herself cannot ally with African women around female genital surgeries without simultaneously interrogating their own values and practices. How are "we" who inhabit Northern hemisphere countries ourselves enmeshed in troubling practices with regard to our own bodies? How might our reflection on these practices help enable us to enter a coalition prepared to learn, and to make difficult changes in our own lives, as we seek change in the circumstances and practices of other women? It is not easy to ground cross-class coalition in the searching scrutiny of one's own lifeworld. Yet the many failures of cross-class coalition should make it clear that such a step is essential in order for the work to get off the ground.

The transnational feminist analogy also informs a third dimension of my own work — my efforts to learn from the grassroots community-building practices of poor women in the interstices of our own welfare state. I am currently focusing on the community-building efforts of two groups of women, in rural North Carolina and South Central Los Angeles, in Head Start programs. Through this work, I am seeking to attend to, learn

36. See Bernice Johnson Reagon, *Coalition Politics: Turning the Century*, in *HOME GIRLS: A BLACK FEMINIST ANTHOLOGY* (Barbara Smith ed., 1983).

37. See ALICE WALKER, *THE TEMPLE OF MY FAMILIAR* (1989); Isabelle R. Gunning, *Arrogant Perception, World-Travelling and Multicultural Feminism: the Case of Female Genital Surgeries*, 23 COLUM. HUM. RTS. L. REV. 189 (1992).

38. Maria Lugones, *Playfulness, "World"-Travelling, and Loving Perception*, in *MAKING FACE, MAKING SOUL* 390-402 (Gloria Anzaldúa ed., 1990).

from, ally with, and support the efforts of women to create safe spaces, mentor one another, and reclaim visions of vocation and citizenship within the constraints of their local worlds. These women have taught me how productive work, caretaking, and community-building might intersect, rather than remain fragmented and opposed, in race- and gender-divided local worlds.

Grassroots women's community-building work prefigures the kinds of participatory, locally-based, institutional arrangements that might characterize "social welfare" in emerging, post-bureaucratic societies. As we seek paths beyond the suffocating dichotomy of totalitarian state planning on the one hand, and global laissez faire on the other, as we seek new, plural visions of empowered democracy in the spheres of family, community, and productive work, it is crucial that our imagination be guided by the new models that women — "poor" women — are already enacting on their own ground. First-world women must learn to tease the threads of transformative vision from women's grassroots innovations in Southern as well as Northern Hemisphere cultural worlds.

It is time that we brought these women's wisdom closer to home. It is time for us to reclaim the project of "welfare reform" and to seek roadmaps to the future from the world-making work that poor women are doing,³⁹ with and without the occasional help of "welfare," simply to keep body and spirit alive. It is time for us to disengage our own energies — our critical acumen, our moral outrage, and our passion — from the stifling conversation about "welfare reform" and ally ourselves with the projects and visions of women like Ms. McGarry, whose work in their own communities is already reforming what "welfare" might mean.

39. I draw the term from ELAINE SCARRY, *THE BODY IN PAIN: THE MAKING AND UNMAKING OF THE WORLD* (1985).