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“You trade in a man for the man”: Domestic Violence and the U.S. Welfare State

Priya Kandaswamy

In 1972, welfare recipient and National Welfare Rights Organization (NWRO) leader Johnnie Tillmon observed, “The truth is that A.F.D.C. [Aid to Families with Dependent Children] is like a super-sexist marriage. You trade in a man for the man.”¹ Drawing attention to how the state’s all-pervasive presence in the lives of women on welfare mimics the patterns of an abusive relationship, she argued:

The man runs everything. In ordinary marriage, sex is supposed to be for your husband. On A.F.D.C., you’re not supposed to have any sex at all. . . . The man, the welfare system, controls your money. He tells you what to buy, what not to buy, where to buy it, and how much things cost. . . . The man can break into your house any time he wants to and poke into your things. You’ve got no right to protest. You’ve got no right to privacy when you go on welfare. Like I said, welfare’s a super-sexist marriage.²

First appearing in Ms. magazine, Tillmon’s now famous essay “Welfare Is a Women’s Issue” sought to convince a largely white, middle- and upper-class audience of second-wave feminists that welfare was in fact a feminist issue and to solicit their support for the NWRO, a network of local groups through which tens of thousands of welfare recipients organized to demand income, clothing, food, and, above all, recognition of their basic humanity. Best known for its efforts to inform women of their welfare rights and its use of litigation to strike down racist eligibility requirements, the NWRO contributed to a massive expansion of the welfare rolls in the late 1960s. Conceptualizing state welfare programs as a controlling force in women’s lives rather than simply as a source of aid or protection, the women of the NWRO sought to transform what it meant to be a welfare recipient and the relationship with the state that receiving welfare entailed.³

Tillmon’s metaphor of the state as “the man” is insightful in the picture it paints of state power. Within the Black vernacular tradition, “the man” refers
not to a singular person but rather to a broad array of racist practices that have clearly discernible structural effects even though their origins may be difficult to locate. This intangible quality of “the man” makes racialized power appear simultaneously as all pervasive and difficult to confront. “The man” is both everywhere and nowhere specifically. While the power of “the man” may be embodied by particular individuals in particular moments, challenging those individuals rarely transforms the overarching power structure that constitutes “the man.” Similarly, while the masculine powers of the state are certainly a presence in women’s lives, the patriarchal “man” in the state has proven exceedingly hard to find. Following the work of Michel Foucault, many theorists have correctly stressed both the limitations of seeing the state as a centralized entity from which power emanates and the importance of understanding the diffuse ways in which power operates within society. Employing Foucault’s insights, I suggest that we read Tillmon’s metaphor not in its literal sense as a singular, coherent “man” that oppresses women but rather as a reflection of the local and intimate effects produced by state power. For Tillmon, being on welfare produces the experience of being in a “super-sexist marriage”—being on welfare feels like being abused. The question then is not where or who the “man” in the state is, but rather what modalities of state power produce this effect in the lives of women on welfare. What is it about the welfare system that situates women on the receiving end of abuse? How does state power materialize as a form of domestic violence in the lives of women on welfare?

These questions suggest that there are important insights about the nature of state violence to be gained from a closer examination of the welfare system. Tillmon’s metaphor reminds us that, though it is most often imagined and theorized as an instrument of the police or military, state violence—like domestic violence—is not simply a beating in the street or other overt physical act but rather an elaborate and sometimes all-encompassing system of power and control. It manifests itself in the very ways that domestic space is constituted and the heteropatriarchal family normalized. In the case of women on welfare, a group that is hypervisibly situated at the intersections of social relations of race, class, gender, and sexuality, this is most apparent in the porous boundaries that increasingly define the homes of the “poor” as spaces of privatized social inequality and publicized moral failure. Tillmon’s analysis points to state violence as not just spectacular incidents but also mundane practices such as home inspections, the denial of a welfare check, bureaucratic obstacles, and the myriad other dehumanizing ways that recipients are always already seen and treated as “welfare queens.”
Less than twenty-five years after Tillmon published her essay, President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), a law that after decades of backlash permanently undid most of the gains of the NWRO by dismantling AFDC in its entirety and replacing it with Temporary Assistance to Needy Families (TANF), a program administered through block grants to individual states. A monumental step in the transition from a Keynesian welfare state to post-Keynesian neoliberal governance, the PRWORA established a five-year lifetime limit on welfare assistance, mandatory work requirements, stricter paternity identification and child support enforcement practices, and narrower eligibility criteria that denied or limited assistance to legal immigrants, unwed teenage mothers, and individuals convicted of felony drug crimes. Framed under the rubric of “welfare reform,” the PRWORA was never intended to address economic inequality; it was rooted in the belief that welfare itself enabled a cultural degeneracy among recipients that undermined two of the defining institutions of U.S. citizenship—work and marriage.

The most significant piece of welfare legislation since the New Deal, the Personal Responsibility and Work Opportunity Reconciliation Act was the culmination of decades of antiwelfare sentiment and can be understood as an effort to resolve a complex set of economic, political, and cultural contradictions. The original Aid to Dependent Children program (renamed Aid to Families with Dependent Children in 1962) primarily served “deserving” white widows and reflected maternalist beliefs that defined women’s citizenship primarily in terms of their roles as mothers of future citizens. In the late 1960s and early 1970s, the activism of groups like the NWRO successfully challenged many of AFDC’s exclusionary practices such as employable mother and suitable home rules, making assistance broadly available to black women for the first time. During the same period, transformations in U.S. immigration law and a restructuring of the global economy spurred the migration of working-class women from Asia, Latin America, and the Caribbean to U.S. cities. These two factors contributed to an expansion of the AFDC rolls but, more significantly, also produced a backlash that transformed the public face of welfare. As a result, by the mid-1990s, welfare came to be seen almost exclusively as benefiting “undeserving” women of color and as supporting a lifestyle marked by laziness and sexual excess. This shift in the public perception of whom welfare was for proved to be a powerful factor in mobilizing support for the dismantling of AFDC because, as Dorothy Roberts argues, the U.S. public has historically been more inclined to do away with social rights
altogether than to extend them to black women. Not incidentally, “reforming” the U.S. welfare system also coincided with an increasing demand for a hyperexploitable workforce in the U.S. service sector. Cutting the welfare roles and disciplining welfare recipients through workfare programs was one way of responding to this demand.

In the years leading up to passage of the PRWORA in 1996, the feminists Tillmon had appealed to in the early 1970s were still largely absent from debates about welfare, aside from members of a few notable groups such as the Women's Committee of 100. Arriving fairly late in the game and devoting relatively few resources toward opposing the law, most feminist organizations were resoundingly silent about what was perhaps the biggest assault on the livelihood of low-income women in recent years—with one significant exception. In the early 1990s, feminist social scientists and battered women's advocates began thinking about the relationship between the welfare system and domestic violence, albeit in a way quite different from Tillmon's earlier critique. Noting how specific provisions of the PRWORA such as time limits on aid, work requirements, family caps, and mandatory paternity identification were excessively harsh toward victims of domestic violence, battered women's advocates maintained that domestic violence victims constituted a special category of welfare recipients who both needed and deserved special treatment. Citing a series of studies that estimated that 60 percent of women who receive welfare had experienced domestic violence, antiviolence activists and their congressional supporters argued that “for victims of abuse, the welfare system is often the only hope . . . for escape and survival.” This intervention resulted in the adoption of the Family Violence Option (FVO), an amendment to the PRWORA that allows individual states to screen and identify victims of domestic violence within the welfare population, to refer victims to appropriate services, and to grant temporary waivers to domestic violence victims when TANF requirements might put victims at risk. Although a relatively minor and unstudied provision of the PRWORA, the Family Violence Option reveals a great deal about how mainstream feminist activists chose to insert themselves in this historic shift toward state austerity and neoliberal governance. Unlike Tillmon, who argued that the welfare state constituted an abusive partner in the lives of women on welfare, supporters of the FVO argued that the state acted and should continue to act as a protector of women on welfare. Although the distance between protector and abuser is perhaps not so great, it is striking that the same institutions that Tillmon identified as perpetrators of abuse could, by a different set of feminists in a different historical moment, be reframed as the last line of protection for domestic violence victims.
This essay examines the history of the Family Violence Option and the rhetoric that surrounded its adoption and implementation in order to interrogate feminist engagements with the PRWORA. In attempting to mitigate the harms of welfare reform within the constraints of the law, the FVO clearly embodied the quintessential arguments for feminist reform. Accepting the larger transformations within the welfare system as inevitable, feminist activists argued that something must be done to help those whom they saw as most vulnerable. In making these arguments, these activists chose not to take an antagonistic stance to the larger restructuring of the U.S. welfare state but rather to link their political claims to both a law and order agenda that emphasized criminalizing individual acts of violence rather than addressing structural violence and to neoliberal forms of governance that emphasized individual rehabilitation and labor discipline as the solutions to economic inequality. In analyzing the political struggle over the Family Violence Option, this essay demonstrates the many pitfalls of looking to the state to protect women from violence in a context in which the state is itself a major perpetrator of gendered violence and advocates instead for the necessity of feminist social movements that challenge rather than accommodate state violence. I begin by looking at the historical preconditions out of which the Family Violence Option emerged, particularly the relative success of the battered women’s movement in defining domestic violence as a national problem and the emergence of an important but problematic body of social science scholarship on the relationship between receiving welfare and domestic violence in the mid-1990s. I highlight how the adoption and implementation of the FVO reflected the problems feminists encountered in theorizing the relationship of violence against women both to other structures of inequality (particularly race and class) and to state power. These theoretical problems within the movement were institutionalized and exacerbated by legislative gains that reoriented the goals of the movement away from challenging structural inequality and toward the criminalization of violence against women and the rehabilitation of victims. As a result, the Family Violence Option was drafted and implemented in ways that did more to advance the principles of family values, individual responsibility, and labor discipline than to meaningfully improve the circumstances of welfare recipients. Efforts at legal reform were not only ineffective in addressing domestic violence among the welfare population, but they displaced both the radical critique that might have emerged from elaborating on the connections between domestic violence and economic inequality and the coalitional organizing possibilities that might have been the foundation for both a strong challenge to the law and a long-term movement for economic justice.
The Making of a National Problem: The Battered Women’s Movement and the State

In 1994, just two years before dismantling the AFDC program, Congress passed the Violence against Women Act (VAWA)—the most significant federal legislative victory for battered women’s activists in U.S. history. At a time when programs benefiting low-income women and children were becoming increasingly austere, the VAWA directed unprecedented amounts of federal money and attention to the plight of battered women. Contained within the Violent Crime Control and Law Enforcement Act of 1994, the VAWA established a federal Office on Violence against Women within the Department of Justice, created the National Domestic Violence Hotline, instituted new penalties for domestic violence, and increased funding for shelters and services designed to protect battered women. The act also allocated funding for local programs that sought to increase enforcement of laws targeting violence against women, to encourage the arrest of perpetrators, and to foster the development of collaborative efforts between victims’ advocates and the police. The passage of the Violence against Women Act reflected the success of battered women’s advocates in defining domestic violence not just as a problem of national significance but also as one that could be understood within the nationalist language of individual responsibility, family values, and crime control. In adopting rather than contesting this language, feminist activists articulated their concerns to the larger project of remaking the Keynesian state into a state defined by its capacity to execute a law-and-order political agenda, thereby consenting to the larger political transition that propelled the dismantling of the welfare state. Indeed, given the prevalence of domestic violence victims on welfare, these activists seem to have fought for a state that would rescue women from abusive relationships with one hand while pushing women into such relationships with the other. This contradiction set the stage for the development of the Family Violence Option.

The emergence, passage, and implementation of the FVO were shaped both by how the battered women’s movement defined domestic violence and its victims and by how it engaged state institutions. Founded in the early 1970s by second-wave feminists, the movement was based on two key assumptions. The first was that individual instances of violence against women were symptomatic of a singular structure of gender-based oppression. In holding that all victims experienced domestic violence in the same way, this assumption obscured how race, class, sexuality, and other categories of difference might shape women’s experiences of violence. The second assumption was that do-
Domestic violence needed to be brought out of the private space of the home and into the public space of state jurisdiction. In assuming a clear division between private and public spaces, battered women’s advocates failed to consider how those spaces are produced differently for different women. Consequently, when they demanded that state institutions protect women from violence in their homes, they also failed to see the state as a perpetrator of violence in many women’s lives.

A number of feminist critics have pointed out that the movement’s focus on gender in isolation from other categories of difference marginalized women of color, as well as immigrant, lesbian, and working-class women. Indeed, their failure to consider the “intersectional” experiences of women of color led them to support public awareness campaigns that centered on the concerns of white, middle-class women. Appeals to universalism within these campaigns—the often stressed point that domestic violence cuts across racial, ethnic, class, religious, and educational lines—in fact served the particular interests of white women. Though designed to counter the prevailing idea that battering only happened in the poor, less educated, socially backward households of people of color, these efforts implied that domestic violence should matter because it also happened in white, affluent communities. Defining domestic violence as a national problem thus involved increasing its visibility as an issue for women who were white, affluent, straight, and, above all, sympathetic victims, effectively reproducing the invisibility of violence against women seen as undeserving of national attention.

As public awareness of domestic violence increased, so did state funding for local battered women’s shelters, which grew into the nonprofit organizations that dominate the battered women’s movement today. The focus on individualized treatment of victims pushed aside earlier efforts to treat domestic violence as a political problem and instituted hierarchal relationships between paid professional service providers and battered women. These relationships increasingly resembled the hierarchical relationships that social workers and state officials have with welfare recipients. As Elizabeth Schneider notes, under the service provision model, domestic violence organizations came to “perceive battered women as ‘clients,’ not ‘sisters’—as persons to be helped, not participants in a larger struggle.” This transformation constituted service providers rather than victims as the experts on domestic violence and worked to privatize earlier efforts to frame domestic violence as a public problem.

Professionalization within the battered women’s movement also contributed to the construction of ideal victims whom shelters were imagined to serve. Michelle VanNatta found that shelter workers “often see a battered woman
as someone with a particular set of traits.”28 These traits include low self-esteem, passivity, visible suffering, feeling a commonality with other battered women, and a desire to participate in shelter rehabilitation programs designed to “help” them. VanNatta argues that the first three traits in this list work to exclude women who don’t conform to prevailing white middle-class norms of femininity, while the last two traits exclude women who may feel marginalized by shelter workers or other women in the shelter because of their sexual orientation.29 Extending VanNatta’s analysis, many of the traits she identifies as characteristic of shelter workers’ perceptions of “real battered women” also exclude women of color, low-income women, and immigrant women. These workers’ perceptions of “real battered women” as passive, suffering victims stand in sharp contrast to dominant perceptions of welfare recipients as aggressively cheating the system.30

The demand that “real battered women” must desire not only to be helped but to be helped in the way domestic violence shelters saw fit reflects the normalizing practices these shelters performed. Increasingly, the goal of shelters has moved beyond providing safety for battered women and toward reintegrating battered women into society as good citizens and workers through programs such as job training and life skills classes, eerily echoing welfare reform’s objective of moving recipients from welfare to work. In both cases, a structural problem is reframed as a question of cultivating individual skills and responsibility, and reform of the individual is seen as a means of moving women from dependency (whether on the state or on an abusive partner) to independence, defined primarily as participation in the low-wage workforce. Notably, antiviolence organizations that once sought to change a society that perpetuates violence against women now focus on changing women who have been abused so they can be more functional within that society as it is. Indeed, as Anannya Bhattacharjee points out, one of the reasons shelters have gained legitimacy and support in recent years is that “they do not threaten important principles of straight bourgeois society: individualism, ideas of privacy, reluctance in naming the oppressor, a belief in the legal system, and a desire for feel-good benevolence.”31 Operating like “shadow state”32 institutions, these nongovernmental organizations increasingly perform normalizing functions of the state and increasingly criticize the state or structural patriarchy.33

The most notable correspondence between the demands of the battered women’s movement and conservative efforts to transform the welfare system can be seen in the movement’s efforts to criminalize domestic violence. Because of hostility toward social programs and women’s rights during the 1980s, in order to maintain government support, battered women’s advocates chose to align
themselves with the Reagan administration’s emphasis on controlling violent
crime and preserving family values. As law enforcement perspectives came to
dominate the movement, more resources were directed toward research and
policy efforts that treated domestic violence as a crime, and national and local
battered women’s organizations came to support mandatory arrest policies and
the development of collaborative efforts with police.34 Two consequences of this
shift were significant in the eventual passage of the Violence against Women
Act and the development of the Family Violence Option.

First, this increasing emphasis on criminalization redefined domestic violence
as an individual crime rather than as a symptom of patriarchal oppression.
This redefinition further marginalized women who experienced the criminal
justice system as an oppressive force in their lives by replacing an analysis of
domestic violence as a political problem with the idea that perpetrators were
criminals and women innocent victims in need of protection. The emphasis
on criminalization, notes Beth Richie, worked to “categorically exclude women
who were involved in illegal activity from the services they need as battered
women.”35 “Illegal activity” includes an array of practices that women may en-
gage in to survive violence such as undocumented migration, illegal substance
use, sex work, and fighting back against their abusers. In addition, because of
the racialized and gendered discourses through which criminality is imagined
(the Latina face painted on the undocumented female immigrant or the black
face painted on the “welfare queen”), women of color are often seen as always
already breaking the law regardless of what they do. The construction of women’s
innocence as the basis of their right to safety meant that women who were not
seen as innocent by virtue of their race, immigration status, addiction, and so
on were categorically denied protection from the state and the movement.36

The second consequence of the increasing emphasis on criminalization
within the movement was the co-optation of feminist demands by the hege-
monic discourse of maintaining law and order and the state-building projects
associated with that discourse. “Feminist discussions and demands for equal
protection,” argues Kathleen Ferraro, “were utilized as grounds for legitima-
tion of a crime control model.”37 Most notably, the expansion of this crime
control model resulted in an explosion of incarceration rates, especially for
people of color, and an emphasis on treating immigration policy as a crime
control issue. Significantly, the VAWA was instituted as part of a crime bill that
expanded policing, increased border patrol operations, and stiffened penal-
ties for drug- and gang-related crimes. Secured through a disturbing alliance
between feminists in the mainstream antiviolence movement and conservative
advocates of law and order and family values, making domestic violence into
a national problem required the adoption of the same discourses that were deployed to dismantle AFDC. Although the principles of the battered women’s movement were certainly not identical to the principles of family values advocated by supporters of welfare reform, the emphasis on rehabilitation and crime control provided a common political language through which discursive linkages could easily be made.

**A New Culture of Poverty: Social Science Research and the Construction of Abuse**

In the early 1990s, a small group of feminist social scientists “discovered” domestic violence in the welfare population, first representing this “new” social problem in their scholarly work and then representing the interests of those affected through political advocacy. The perspectives of these social scientists were shaped both by dominant trends within the battered women’s movement and by the behavioral science and sociological traditions in which the culture of poverty discourse was rooted. Developed by an array of social scientists in the post–World War II period and most powerfully articulated in Daniel Moynihan’s 1965 report, *The Negro Family: The Case for National Action*, the culture of poverty thesis posited that the persistence of racial inequality in the United States could be explained by the failure of black families to conform to prevailing patriarchal norms. Black matriarchy and the consequent emasculation of black men were seen as producing a degenerate culture of poverty that kept black people from succeeding in U.S. society. As the thesis became more closely linked to antiwelfare politics, its proponents placed greater emphasis on the ways that welfare supported this degenerate culture by breeding dependency among recipients. The image of the simultaneously hyperaggressive and hyperdependent black “welfare queen” that derived from this perspective effectively embodied what would become the single most prominent argument for dismantling the welfare system.

In the mid-1990s, researchers began to document the prevalence of abuse in the welfare population for the first time. Studies of AFDC recipients conducted by the Worcester Family Research Project, Northwestern University, the Passaic County Board of Social Services, and the University of Massachusetts, Boston, independently concluded that approximately 60 percent of welfare recipients had been victims of domestic violence at some point in their lives, that between 15 and 30 percent of AFDC recipients were currently in abusive relationships, and that domestic violence constituted a major obstacle to employment for AFDC recipients. The studies identified mental health issues arising from
domestic violence and interference from abusive partners as key reasons why many AFDC recipients were unable to find and keep jobs. In highlighting male violence within the home, their findings stood in direct contradiction of the hegemonic arguments that women on welfare were poor because they failed to conform to patriarchal gender norms and that the solution to their poverty was marriage. However, because of the way the studies framed the problem of domestic violence and the political context in which they were conducted, the implications of their findings remained largely unrealized.

Operating from mainstream assumptions about the nature of domestic violence and its relationship to women’s poverty, the studies quantified specific incidents of abuse but did not investigate how structural forces such as patriarchy, racism, and economic inequality might render some women more vulnerable to abuse than others. Gender oppression was undertheorized; class was reduced to women’s capacities to work outside the home; and race as an organizing feature of structural inequality rather than as a marker of cultural deviance was disregarded entirely. Although black and Latina women made up the majority of women surveyed in all four of the studies—and nearly 95 percent of the respondents in the Passaic County and Northwestern studies—racism was never considered as a factor shaping how women experience and respond to domestic violence. Failing to question the assumption that welfare breeds dependency, and identifying welfare receipt rather than economic inequality as the key problem, the researchers reinforced rather than challenged dominant critiques of the welfare system. They framed domestic violence as yet another social problem that originated in the deviant homes of the racialized poor, reproducing behavioralist models that sought to reform the “dependent” character of welfare recipients; in doing so, they displaced actual consideration of structural racism and economic inequality.

The feminist researchers conducting these studies tacitly accepted the belief that welfare recipients do not work and that the goal of welfare programs should be to move women from “welfare to work.” Implicitly agreeing that the solution to women’s poverty and dependence (both on the state and on abusive partners) was to get a job, the studies reproduced the belief that the failure of welfare recipients to work was the problem. Not only did they emphasize how domestic violence presented an obstacle to steady employment; they also constructed domestic violence victims as the exception that proved the rule. According to these studies, the virtue of these victims derived largely from their being innocent women who wanted to work but could not through no fault of their own, as opposed to other, undeserving welfare recipients who did not work simply because they were lazy and irresponsible.
Jody Raphael of Chicago’s Taylor Institute emerged as a leading figure in the effort to translate these findings into policy solutions that could protect battered women from the impending transformations in the welfare system. In October of 1995, the Taylor Institute organized the first “Conference of the Women, Welfare and Abuse Working Group,” which became a launching pad for the campaign for the Family Violence Option. In her own scholarly work, Raphael attempted to construct an alternative narrative about the causes of women’s poverty out of the data on domestic violence. This is seen most clearly in her 2000 book, *Saving Bernice: Battered Women, Welfare, and Poverty*, published a few years after the struggles over the PRWORA.45 *Saving Bernice* tells the story of Bernice Hampton, an African American woman who went on welfare as a result of domestic abuse. Throughout the book, Raphael challenges both the conservative position, that welfare recipients just need “tough love,” and the liberal position, that welfare recipients want to work but lack the opportunity and motivation to do so. She also challenges the “feminist position,” that women on welfare choose to live outside of nuclear family structures and their reproductive labor should be supported by a livable wage from the state. “The answers,” Raphael contends,

lie in the many ways that domestic violence works to constrain the choices and coerce the actions of low-income women. When the issue of domestic violence is squarely faced, we no longer can view many women on welfare as lazy or helpless, but instead we see young women like Bernice Hampton struggling to use birth control and trying to sustain employment in the teeth of their partners’ violent opposition.46

Her contention rests largely on proving that some women on welfare are in fact innocent victims of patriarchy within the home, who, like Bernice Hampton, need saving. Although Raphael highlights the ways domestic violence constrains women’s economic and reproductive choices, she does not contest the thesis that the primary problem is cultural and can be remedied through individual reform.

Like advocates of welfare reform, Raphael strongly maintained that work and not welfare ultimately offered women the best path out of both violence and poverty. According to her, because women on welfare lack vocational skills and experience with the world of work and because abusive men find the “dependency” of women on welfare attractive, the welfare system “traps” women in abusive relationships and thereby “traps” women in poverty. Adding escape from domestic violence to the list of reasons why women on welfare need to be moved into work, Raphael stresses that “women need to understand the other important, nonfinancial benefits that accrue to them and their households
through productive work” such as confidence and self-esteem. “Bernice’s story demonstrates the importance of work for human development. During her first few years at work, she believes, she learned on the job most of the skills she needed in building a new life for herself and her children. ‘That job was my mother. The workplace was my learning tool.’

Although the culture of poverty thesis locates the origins of economic inequality in the hyperaggression of black women and the emasculation of black men, whereas Raphael locates them in the hyperaggression of individual men within the black family, both confine their analyses to the familial home, thereby displacing any effort to investigate how inequality is produced on a national scale. Significantly, Raphael shared a key belief with the advocates of welfare reform that she sought to challenge, that the solution to women’s poverty rested on their own desire and commitment to work.

**Reforming Welfare Reform**

The making of the Personal Responsibility and Work Opportunity Reconciliation Act had taken years, and the bill put forth in 1996 was the third attempt at welfare reform legislation during the Clinton administration. In contrast, the Family Violence Option was a last-minute addition that was adopted with very little struggle. In May of 1996, the Taylor Institute held a press conference at the Capitol building to announce the release of their study *Prisoners of Abuse: Domestic Violence and Welfare Receipt*. Cosponsored by Representative Lucille Roybal-Allard from California, the National Organization for Women, the National Organization for Women Legal Defense Fund, and various other social services, women’s rights, and religious organizations, this press conference laid the groundwork for legislative action. In the following months, Senator Paul Wellstone and Representative Lucille Roybal-Allard introduced resolutions into the Senate and House that proposed that the welfare legislation be evaluated with regard to its effects on violence against women. The Senate resolution specifically named screening for domestic violence, referral to appropriate services, and waiving requirements that would unfairly penalize victims of abuse as measures that should be included in any welfare legislation and was the direct predecessor of the Family Violence Option. The welfare reform bill already contained a “hardship provision” that allowed individual states to exempt 20 percent of their welfare recipients from work requirements and time limits for a number of reasons. Given the prevalence of domestic violence within the welfare population, domestic violence victims’ advocates felt that the hardship exemption was insufficient. As a result, with assistance from Jody
Raphael, Wendy Pollack of the National Center for Poverty Law, and Martha Davis of the National Organization for Women, Senators Paul Wellstone and Patti Murray introduced the Family Violence Option into the Senate.52 Victims’ advocates made the case for the FVO by arguing that the welfare system was the last hope for women in abusive relationships. Representative Roybal-Allard argued that “for victims of abuse, the welfare system is often the only hope they have for escape and survival” and that welfare is the “last source of support and means of escape” for women fleeing abusive relationships.53 Patricia Ireland of the National Organization for Women maintained that a failure to adopt and implement the Family Violence Option amounted to “a death sentence for tens of thousands of women and children who face domestic violence,” because “these women are desperate to survive and often public assistance is an absolute lifeline for them and their children.”54 Similarly, Eleanor Smeal of the Feminist Majority argued: “Approximately half of the women on welfare are victims of domestic violence who are fleeing for their lives. For these women and their children, welfare may be the only means of escape. By ending the AFDC entitlement, the President and Congress are sealing off their only way out.”55

These claims were part of a “pragmatic” effort to preserve a modicum of economic security for victims of violence rather than a challenge to the fundamental principles of the Personal Responsibility and Work Opportunity Reconciliation Act. By making the Family Violence Option seem like a necessary and pragmatic alternative to simply abandoning abused women, liberal feminists built a case for it that hinged on the welfare state’s responsibility to protect innocent women from male violence. Strategically, this approach appealed both to Congress’s earlier stance in the Violence against Women Act and to the Democratic Party’s larger strategy of making the PRWORA look less rigid and punitive by emphasizing flexibility and the possibility of exceptions in particularly deserving cases. To make the law compassionate toward women who were vulnerable to abuse without changing its fundamental principles, however, these advocates had to constitute domestic violence victims as an exceptional category of deserving women that the state was obligated to protect.

Appeals for state protection proved problematic on a number of levels. In Johnnie Tillmon’s words, these feminists were fighting for the opportunity for abused women to “trade in a man for the man”—to trade masculine dominance within the domestic space of the home for masculine dominance within the domestic space of the nation. As Wendy Brown notes, advocates appealing to the state for protection of marginalized groups often forget that protection
is itself “a technique of domination.” As in the case of the Violence against Women Act, efforts to secure protection for abused women through the Family Violence Option served not only to institutionalize a particular conception of female victimhood within the law, but also to advance state paternalism. Judging by the language used by FVO advocates, to be recognized as a legitimate victim of violence, one had to be desperate, helpless, and willing to be saved by state institutions.

Claims for state protection relied on the construction of “abused women” as innocent and therefore fundamentally different from other women on welfare. Rather than challenge dominant portrayals of welfare recipients as pathologically dependent, advocates of the Family Violence Option argued that this particular group of “innocent” victims ought not to be blamed for their dependency in the same way as other welfare recipients, but that their victim status ought to be accommodated in order to make them more independent and responsible for their lives. In adopting this strategy, advocates aligned the FVO with the values of independence and personal responsibility emphasized in the PRWORA. In arguing for an exception to the law, they clearly implied that domestic violence was exceptional among women on welfare—despite their own overwhelming evidence to the contrary.

Indeed, despite the advocates’ success in constituting domestic violence as a national problem that “could happen to anyone,” in the debate about the Family Violence Option, domestic violence increasingly came to be seen as an exceptional circumstance. This outcome reflects the fact that, however universalist its aspirations, the theoretical analysis underpinning the battered women’s movement had always in fact centered on the particular experiences of white, middle- and upper-class women who could easily be seen as innocent victims in the national imagination. FVO advocates were in effect arguing for the protection of innocent victims within a population always already defined as criminal. The ease with which the Family Violence Option was adopted by Congress can be attributed in large part to an emerging national consensus on the deservingness of domestic violence victims, but it was perhaps the more insidious consensus that most welfare recipients would never prove to be deserving that sealed the deal. Although advocates saw themselves as engaged in a pragmatic effort to protect at least some women from the harshest aspects of the law, the pragmatism of their effort is questionable. Not only did advocates of the Family Violence Option dramatically curtail the political possibilities that might have emerged from a serious engagement with domestic violence as an issue of race and class, the FVO would ultimately have a minimal impact on the lives of low-income women.
Stressing the ways that domestic violence impeded women on welfare’s ability to work, advocates of the Family Violence Option uncritically accepted the assumptions that women on welfare did not already work and that entry into the low-wage labor market was the solution to women’s economic inequality. As reporter Jennifer Gonnerman observed:

Proponents of the Family Violence Option are careful to point out that their goal is not to exempt these women permanently from the new work requirements. “We’re just trying to provide them with more time and the specific services they need,” [Jody] Raphael says. Ultimately, a job may be exactly what some of these battered women need. “I believe work is often a stronger therapeutic tool than counseling” says [Lucy] Friedman [executive director of Victim’s Services in New York City]. “It improves their self-esteem and can make them feel in control of their lives.”

These claims about the importance of encouraging low-income women to work were not only out of touch with the realities of welfare recipients’ lives; they also aligned neatly with welfare’s goals of making welfare recipients into a superexploitable, racialized, and gendered workforce.

Some conservatives claimed the Family Violence Option was an open invitation to welfare fraud. Indeed, Douglas Besherov of the American Enterprise Institute remarked that the FVO would create “a loophole wide enough to drive a truck through.” Besherov’s comment reflects conservative anxieties both about the number of women who might qualify for FVO waivers (if the statistics were accurate, between 60 and 80 percent of the welfare population might be eligible) and about welfare recipients abusing the option. But, in the end, conservative opposition was minimal, all the more notable given the extraordinary tales conservatives and many liberals had woven about the lengths immigrants, teenage mothers, and the mythical “underclass” in general were willing to go to cheat the welfare system. The FVO and the situation of domestic violence victims remained largely outside the rhetoric demonizing the poor.

Although the Family Violence Option was almost unanimously adopted by the Senate (only Senator Jesse Helms voted against it), it was changed from a federal requirement to a state option in conference, suggesting that most senators preferred to weaken the FVO behind closed doors rather than publicly oppose it. This meant that a great deal of energy needed to be directed toward getting each individual state to adopt the provision after the federal law had been passed. The vague language of the FVO also meant that it could be interpreted either narrowly or broadly at the discretion of states, counties, and even individual caseworkers. Consequently, efforts to implement the op-
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Domestic violence were plagued by questions about screening and referral procedures, about what constituted evidence of abuse, and about what requirements should be waived, when, and for how long.

FVO advocates lobbied state legislatures and put pressure on President Clinton to encourage states to adopt the Family Violence Option, which he did in a memorandum issued in October of 1996:

Domestic violence has a devastating impact on families and communities. Each year hundreds of thousands of Americans are subject to assault, rape, or murder at the hands of an intimate family member. Our children’s futures are severely threatened by the fact that they live in homes with domestic violence. We know that children who grow up with such violence are more likely to become victims or batterers themselves. The violence in our homes is self-perpetuating and eventually it spills into our schools, our communities, and our workplaces.59

The absence of women in the memo’s introductory assessment of domestic violence is striking. Whereas “families and communities,” “Americans,” and “children” are all named as gender-neutral victims of abuse, women are erased as victims; domestic violence is reframed as an individual crime rather than an expression of gendered power. Perhaps the ultimate evolution of the battered women’s movement’s slogan that “it could happen to anyone,” the memo illustrates how making domestic violence into a national problem not only marginalized women who did not fit within the norms of national culture but also displaced gender as a category of analysis altogether.

Notably absent as victims in the opening passage of the memo, women conspicuously reappear in its discussion of the Family Violence Option as a solution to the problem:

Domestic violence can be particularly damaging to women and children in low-income families. The profound mental and physical effects of domestic violence can often interfere with victims’ efforts to pursue education or employment—to become self-sufficient and independent. Moreover, it is often the case that the abusers themselves fight to keep their victims from becoming independent.

As we reform our Nation’s welfare system, we must make sure that welfare-to-work programs across the country have the tools, the training, and the flexibility necessary to help battered women move successfully into the work force and become self-sufficient.60

In proposing self-sufficiency and successful integration into the workforce as solutions to battering for low-income women, the memo situates domestic violence alongside teenage pregnancy, irresponsible motherhood, and cultural and economic dependency as yet another problem that state-imposed welfare-
to-work strategies can solve. Although the dependency to be remedied here is hyperdependency on a man rather than dependency on the state, the solution is again figured as labor discipline.

Due to the Clinton administration’s support and continued activism on the part of battered women’s advocates, the struggle to adopt the Family Violence Option in the individual states was quite successful. By 2004, forty-one states and the District of Columbia had adopted the federal FVO,\(^6\) and currently all states that have not adopted it have their own comparable measures to address the needs of victims of domestic violence.\(^6\) Moreover, battered women’s advocates were able to influence state and county guidelines for implementing the Family Violence Option by developing and distributing model legislation and sample screening and referral procedures,\(^6\) although the degree of influence they were able to wield varied greatly from state to state. One of the most contentious questions in implementing the FVO was what would constitute sufficient evidence of abuse. Whereas social service administrators tended to favor high standards, requiring evidence such as a police or medical report, restraining order, or proof of having stayed in a battered women’s shelter so as to avoid “fraudulent” claims, battered women’s advocates believed that a woman’s own testimony should be adequate. This belief was largely a reflection of struggles within the battered women’s movement that revealed the extent to which relying on evidence from the criminal justice system, medical institutions, and even battered women’s shelters themselves would have discriminatory effects on women of color. As a result of lobbying by battered women’s advocates, twelve states and the District of Columbia have adopted policies that count a victim’s own testimony as sufficient evidence of abuse for the purposes of the Family Violence Option.\(^6\) Laws in the other states either require a higher evidentiary standard or set no standard at all, leaving the determination to local administrators and caseworkers. This variability from state to state has been typical with respect not only to what constitutes evidence of abuse but also to how screening should be administered, what requirements should be waived, and how long waivers should last.

More striking than the geographical variation in implementation guidelines is the actual underimplementation of the option, even in states where implementation guidelines are defined liberally, such as New York and California, which mandate universal screening of all welfare recipients, allow any program requirement to be waived, and accept a woman’s own testimony as credible evidence of abuse. Thus a study in New York City found that between 30 and 45 percent of welfare recipients were never screened for domestic violence, that fewer than half of the women who self-identified as victims of abuse...
were referred to domestic violence services, and that more than half of welfare recipients surveyed did not even know that the FVO existed. Moreover, the city did not provide interpreters to assist those speaking little or no English with the screening process, and two out of three social service workers used a stricter standard than required by New York state law for granting domestic violence waivers. According to data from California, in 2004, only 1 percent of welfare recipients received domestic violence services at any given time in the counties studied. Across the entire state, less than one-fifth of 1 percent of those screened by caseworkers were granted domestic violence waivers in 2004. Between formal implementation of the FVO in 1998 and 2004, Los Angeles County had never granted a single domestic violence waiver. In contrast, nearby Orange County granted 250 domestic violence waivers in October of 2004 alone—nearly half of those granted for the entire state in that month.

Although there has been little research on the granting of Family Violence Option waivers by race, a growing body of scholarship has documented racial discrimination in the implementation of the Personal Responsibility and Work Opportunity Reconciliation Act. These studies have found that, whereas white recipients are more likely to leave welfare voluntarily, black recipients are more likely to be forced off, implying that the reduction in the welfare rolls that is frequently cited as evidence of the PRWORA’s success means different things for black and white recipients. Although white recipients may be transitioning into work, racially discriminatory employment practices remain an unaddressed obstacle for black recipients. That black recipients are less likely than white recipients to receive referrals for education and training programs suggests that race is an important factor in determining how individual women are treated within the welfare office. Moreover, studies suggest that localities with higher percentages of black and Latina recipients have tended to adopt stricter policy options when implementing the PRWORA. The implications of these findings for the Family Violence Option are threefold. First, there is a strong likelihood of racial discrimination in the granting of FVO waivers, a finding that Dána-Ain Davis’s ethnography of low-income, black domestic violence victims confirms. Davis observes that information about the FVO is more likely to be withheld from black women, noting that this phenomenon most likely derives from the normalization of violence within black relationships and the perception that black women are without virtue and therefore cannot be victims of gendered violence. Second, given the local flexibility built into the FVO, localities may be using higher evidentiary standards for abuse where there are higher concentrations of women of color on welfare. And third, the FVO in no way addresses the very specific obstacles many women of color
face to leaving an abusive relationship. Occupational segregation, lower wages, and discrimination in hiring, for example, present unique challenges to the economic well-being of women of color who are victims of domestic violence. Similarly, residential segregation and gentrification pose serious problems for low-income women of color in search of safe housing. In disregarding race as a structuring force and treating all experiences of domestic violence as the same, the FVO does not address any of these often life-threatening issues and thereby reproduces structural forms of racial inequality.

Conclusion

In their efforts to protect the interests of domestic violence victims on welfare, battered women’s advocates entered into a hegemonic alliance to replace the welfare state with more punitive, regulatory apparatuses that emphasized the importance of work and promoted marriage as the key to women’s economic security. This alliance was made possible by adopting paradigms that treated gender in isolation from other categories of difference and that relied on an idealized construction of domestic violence victims, marginalizing women who did not appear as sympathetic or deserving to mainstream society. Although these paradigms limited feminist practices from the start, their effect was exacerbated by the movement’s engagement with state institutions. Ultimately, the legal successes of the battered women’s movement shifted the focus of the movement almost exclusively toward strategies that emphasized individual rehabilitation and criminalization. Because the battered women’s movement increasingly conceptualized the state as a protector of women rather than as itself a perpetrator of racial, class, and gender violence, the movement was inattentive to the ways the state acted as more than just a source of funding or an enforcer of laws in many women’s lives.

Findings documenting the prevalence of domestic violence within the welfare population that emerged in the 1990s had the potential to shatter dominant explanations that rooted women’s economic inequality in their own behavior. Because of the institutional connections that the battered women’s movement had developed with the state, however, and the way those connections had reshaped the movement’s goals, the opportunity to make the most of these findings was passed up. Instead, antiviolence activists adopted the racist rhetoric of the culture of poverty thesis in their efforts to secure state protection for women on welfare. Based on understanding domestic violence as an individual rather than social problem and uncritical acceptance of labor discipline as the panacea for the problems of women on welfare, the alliance
between antiviolence activists and proponents of welfare reform helped achieve adoption of the Family Violence Option at the federal level with relative ease by sidestepping altogether the structural relationships between economic inequality, racism, and violence against women.

Given both its history and its underutilization, the FVO should be read not as a feminist victory but rather as a missed opportunity, one that reveals the limits of reformist engagements with the state. Feminist advocates’ arguments for the Family Violence Option rested on their naturalized belief that mitigating the negative effects of welfare reform to protect those most vulnerable was the most pragmatic way to address the needs of domestic violence victims. The analysis presented here challenges the pragmatism of this approach. In employing a discursive strategy that reinforced rather than challenged racist and sexist representations of welfare recipients, these feminists traded consent to the larger project of dismantling the U.S. welfare state for adoption of the Family Violence Option. Ironically, however, these same racist and sexist representations of welfare recipients precluded most women on welfare from accessing the option. In constructing the innocence of victims of domestic violence as the basis for exceptional treatment, these feminists in effect wrote off women who could not prove such innocence in the eyes of the state. In directing all their efforts to reforming the welfare reform law, they passed up the chance to mount sustained opposition to the law in conjunction with other groups or to explore alternative political strategies that might have emerged from findings on domestic violence and welfare receipt.

The case of the Family Violence Option presents two very important lessons for antiviolence organizers. The first is that constructing the innocence of domestic violence victims as a basis for action is a dangerous strategy. As long as the state plays a primary role in determining who is recognized as innocent, any approach that relies upon the rubric of innocence will necessarily compromise the needs of individuals who have a contentious relationship to the state. The second is that antiviolence organizers need to be more multidimensional in their politics. Rather than looking to the state for protection, they must elaborate the connections between ending violence against women in all its forms and racial and economic justice. As Dána-Ain Davis reminds us, domestic abuse cannot be addressed separately from factors such as racial discrimination in the labor market, lack of access to affordable housing for women of color, and mistreatment by social service agencies that make some women more vulnerable to violence than others. In developing approaches to ending violence against women that move beyond criminalization and rehabilitation, the work of many feminists of color provide useful models.
They suggest that, when assessed against the goal of ending violence against all women, strategies that remain exclusively within the frame of public policy and service provision by nonprofit organizations are bound to fail. Not only do such strategies rely heavily upon state recognition and confine organizations to working within the state’s framework of social problems, but they ultimately advance neoliberal objectives by individualizing the needs of welfare recipients rather than constituting these needs as collective demands. Rather than attempt to construct women on welfare as helpless, innocent victims of violence who are worthy of state protection, activists would do well to recognize them as potentially powerful actors within a movement for radical social change who are capable of articulating—without the mediation of service providers or social scientists—their own vision for a violence-free world. Until this happens, battered women’s advocates will remain trapped in what Johnnie Tillmon described as “trad[ing] in a man for the man.”

Notes
2. Ibid.
10. See Nadasen, Welfare Warriors.


20. For an examination of the different modalities of state violence encountered by women of color, see Jael Silliman and Anannya Bhattacharjee, eds., *Policing the National Body: Race, Gender, and Criminalization* (Boston: South End Press, 2002).

21. For an overview of the literature on this marginalization, see Natalie J. Sokoloff and Christina Pratt, eds., *Domestic Violence at the Margins: Reading on Race, Class, Gender and Culture* (New Brunswick, NJ: Rutgers University Press, 2005); and INCITE! *The Color of Violence*.


29. Ibid., 416–52.

30. Ibid., 426.


33. See also INCITE! *The Revolution Will Not Be Funded*.

34. See Ferraro, “Dance of Dependency.”


36. Perhaps the best example of protection denied women not seen as innocent are mandatory arrest laws, which have increased the number of women arrested in situations where they are being abused. See Susan L. Miller, *Victims As Offenders: The Paradox of Women’s Violence in Relationships* (New Brunswick, NJ: Rutgers University Press, 2005).

37. See Ferraro, “Dance of Dependency.”


42. The racial breakdown of respondents in the four studies was as follows: in the Passaic County study, 44.5% African American, 5.9% white, and 48.9% Hispanic; in the University of Massachusetts study, 45% white, 19.6% African American, and 31.9% Hispanic; in the Worcester study, 32.7% white, 43.2% Hispanic, and 22.7% African American for homeless women, and 45.4% white, 42.1% Hispanic, and 10.2% African American for housed women; in the Northwestern study, 55% African American, 39.2% Latina, and 5% Caucasian.


44. For an excellent critique of the belief that women on welfare do not work, see Kathryn Edin and Laura Lein, *Making Ends Meet: How Single Mothers Survive Welfare and Low-Wage Work* (New York: Russell Sage, 1997).


46. Ibid., 8.

47. Ibid., 113.

48. Ibid., 114. Raphael’s scholarship presents a number of problems, particularly her use of one woman’s story to stand in for the experiences of all women on welfare, her treatment of the service provider–client distinction, which has proven problematic in the battered women’s movement, and her uncritical stance on the potential liberating effects of low-wage work for the women who are increasingly relegated to this market.


51. Ibid.


60. Ibid.


64. The twelve states accepting a victim’s own testimony as sufficient evidence are Arizona, California, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, and Pennsylvania.


66. A 2005 survey of 1,083 CalWORKS participants in fifteen different counties found that nearly 30 percent were victims of domestic violence who had either never been informed of their eligibility for domestic violence services or had been denied access to them by a caseworker. See Diana Spatz and Sheila Katz, “Family Violence Is Not an Option: The Failure of CalWORKS to Serve Battered Women with Children” (Oakland, Calif.: LIFETIME, 2005).


70. Ibid.

71. Ibid.

72. For excellent examples of such work by feminists of color, see Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Cambridge, Mass.: South End Press, 2005); INCITE! *The Color of Violence*; and INCITE! *The Revolution Will Not Be Funded*. 