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Randi Mandelbaum

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Randi Mandelbaum*

I. INTRODUCTION

After first reading Professor Gilbert’s *Welfare Justice: Restoring Social Equity*, I was tempted to begin this review by stating that this book is misnamed. It seemed to have very little to do with welfare and even less to do with justice or equity. However, on a second and third reading, it became clearer to me that Professor Gilbert has some thoughtful and provocative ideas about social justice, but his method for proving their soundness, especially his choice and use of illustrative examples, runs counter to some of his beliefs concerning social equity and justice. Through his selection of inequitable situations to expose, his choice of remedies to critique as to their efficacy, and his recommendations for reforming the welfare program, Professor Gilbert would harm the very persons with whom he is concerned to help, women and children.

The text covers a myriad of subjects and several of Professor Gilbert’s ideas on balancing rights against the responsibilities of individuals, the need to study who exactly benefits from our government’s resources, and the importance of acquiring “[s]trong evidence of social ills before allocating funds to remedy ‘epidemics.’” It is important to briefly summarize the manuscript because only by understanding it in its totality does one begin to get a sense of his odd choice of topics and illustrative examples, as well as the inconsistencies underlying some of his theories. I will then attempt

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to expand on the central theme of this review, the incompatibility and contradictions between Professor Gilbert's beliefs, on the one hand, and his choice of examples and recommendations for policy changes, on the other. Because there is insufficient space to review and critique all of Professor Gilbert's assessments and suggestions for change, I will focus on his proposals for restructuring the Aid to Families with Dependent Children (AFDC) program and compare these recommendations with his evaluations of child sexual abuse prevention programs and several studies on the prevalence of rape.

II. SUMMARY OF BOOK

Chapter One is entitled Strengthening Family: Social Security and Gender Equality. In this chapter, Professor Gilbert discusses the different roles of women and the various family relations models that according to him exist today: "traditional hierarchy," "functional equality," and "domestic partnership." He first discusses the functional equality model, which he describes as a family characterized by both spouses working, maintaining separate accounts, paying separate taxes, and contributing more or less equivalent sums to the family's financial support. He contrasts this with the domestic partnership model where, according to Gilbert, both spouses participate in a "joint enterprise," but may decide to allocate their labor differently, including working in the home. Gilbert views the functional equality and the domestic partnership models as "vying to replace the traditional hierarchy of male dominance." He then assesses these two more modern models as to how each affects social choice, economic

2. This also is consistent with the theme of this Symposium edition, Gilbert's talk at the Symposium, and his article for this edition.

Aid to Dependent Children was established by the Social Security Act of 1935 as a cash grant program to enable states to aid needy children without fathers. At the time, the concern was families headed by widows. The program was later renamed Aid to Families with Dependent Children (AFDC) and currently provides benefits to needy children who have been deprived of parental support or care because their father or mother is absent from the home continuously, is incapacitated, is deceased, or is unemployed. STAFF OF HOUSE COMM. ON WAYS AND MEANS, 103D CONG., 2D SESS., OVERVIEW OF ENTITLEMENT PROGRAMS: 1994 GREEN BOOK 324 (Comm.Print 1994) [Hereinafter GREEN BOOK].

3. GILBERT, supra note 1, at 5. This is Professor Gilbert's definition based upon his interpretation and paraphrasing of various feminist views and theories. Susan Okin, and other proponents of a genderless society, likely would disagree with Gilbert's rendition. In general, Gilbert distorts the underpinnings and central tenets of the functional equality approach. In fact, Okin, in her book Justice, Gender and the Family, does not even use the term "functional equality." See SUSAN M. OKIN, JUSTICE, GENDER, AND THE FAMILY (1989). However, a comprehensive and thoughtful discussion of these various feminist theories and their impact on the structure and functioning of the family is beyond the scope of this book review.

4. GILBERT, supra note 1, at 5-6.

5. Id. at 21.
independence, self-realization, and family stability. His analysis favors the
domestic partnership model asserting, in many different ways, that the
functional equality model is too structured and too focused on women
entering the labor market and shifting their labor from the home to the
market place.\footnote{See \textit{id.} at 21-26.}

Chapter Two, \textit{Empowering Children and Teenage Mothers: The
Presumption of Competence}, focuses on what Professor Gilbert calls the
"presumption of competence to exercise social rights and their attendant
responsibilities"\footnote{Id. at 29.} and how this presumption is exercised in two very
different publicly funded programs, the federal AFDC program and state
child sexual abuse prevention training programs.\footnote{Child sexual abuse prevention training programs are usually developed by schools or
community groups with the purpose of teaching children how to prevent sexual abuse. There are many types of programs with varying approaches. Most involve multi-media
Gilbert, these two programs presume competence on the part of the
recipients of the programs where competence does not exist. He maintains
that it is this lack of competence that is causing the AFDC program to fail
with respect to teenage mothers and their children, and the sexual abuse
prevention training programs to be ineffective and to "promote[] the wrong
rights for children."\footnote{GILBERT, supra note 1, at 29.}

Specifically, Gilbert does not believe that teenage
mothers or young children\footnote{By "young child," Professor Gilbert is referring to children aged three to five years. \textit{Id.} at 48, 50.} are able to be responsible or to make optimal
use of public resources.\footnote{See \textit{id.} at 27-62.} He therefore does not think that teenage
mothers should be able to receive direct financial assistance to help care for
their children, or that there is any merit to having young children participate
in sexual abuse prevention programs.\footnote{See \textit{id.} at 30-47 (for discussion of teenage mothers and the AFDC program); see \textit{id.}
at 47-62 (for analysis of the ineffectiveness of child sexual abuse prevention training programs).}

With respect to teenage mothers, Professor Gilbert states that he is not
only concerned with the presumption of competence, but with the welfare
of these young mothers' children.\textsuperscript{13} He provides statistical data to illustrate that children of single teenage mothers are at high risk for health problems, abuse, and neglect.\textsuperscript{14} However, with respect to his argument for ceasing to fund child sexual abuse prevention training programs, Professor Gilbert does not express an alternative, significant rationale other than a lack of competence on the part of young children.\textsuperscript{15} In the case of these programs, Professor Gilbert is most concerned with undermining parental authority and rights at the expense of children's rights.\textsuperscript{16} He also does not believe that young children are capable of being empowered.\textsuperscript{17} Consequently, any efforts to attempt to do so or any programs that rely on and encourage empowerment are, in his opinion, futile.\textsuperscript{18}

In Chapter Three, \textit{Changing the Philosophy of Welfare, from Entitlements to Incentives}, Professor Gilbert continues to expound on his view that the right to benefits must be connected to a sense of responsibility on the part of the recipient. He also reviews and acknowledges the rise of incentive-oriented thinking in social welfare policy planning both in this country and internationally.\textsuperscript{19} He then emphasizes how difficult it is to create incentives that do not also create unwanted incentives.\textsuperscript{20} He links this to one of his central tenets, the "need for careful monitoring to understand what is taking place and how people are responding to the

\begin{itemize}
  \item \textsuperscript{13} \textit{Id.} at 33-35.
  \item \textsuperscript{14} \textit{Id.} at 32.
  \item \textsuperscript{15} Professor Gilbert also does not offer any other proposals or programmatic changes. He simply advocates for eliminating child sexual abuse prevention training programs for young children.
  \item \textsuperscript{16} \textit{See id.} at 53-62.
  \item \textsuperscript{18} \textit{See GILBERT, supra} note 1, at 50-53.
  \item \textsuperscript{19} \textit{See id.} at 63-78.
  \item \textsuperscript{20} \textit{See id.} at 78-82. As Gilbert explains, it is the hope of policy planners that policies send messages and signals that in turn encourage specific behaviors and expectations. \textit{See id.} at 78. However, those same policies simultaneously can promote contrary or unwanted actions. \textit{Id.} at 79. For example, one federal statute that Gilbert refers to is the Family Support Act, enacted by the U.S. Congress in 1988. \textit{Id.} at 78-79. This program aimed to promote the policy and the accordant expectation that if you were an AFDC recipient you would be expected to work or make efforts toward self-dependence. If a recipient complied, she would receive child care services and health care benefits for her family even beyond the length of their eligibility for AFDC cash payments. One fear of some policymakers was that this would have the unwanted effect of encouraging some single parents to leave low-paying jobs with no accompanying benefits in order to enter the AFDC program where they could work or participate in a job training program while receiving child care services and health insurance. \textit{See id.} at 81.
\end{itemize}
policy initiatives."  

In Chapter Four, Miscounting Social Ills: Sexual Assault and Advocacy Research, Professor Gilbert begins to stress the need to ensure accountability in defining social problems. He believes that there are many social problems that are exaggerated both in terms of their size and nature. As a result, these problems, according to Professor Gilbert, receive a disproportionate and inequitable distribution of public resources. Professor Gilbert cites "advocacy research" as a primary cause of this miscounting and embellishment, and he spends a great deal of time disparaging the validity of research that is conducted by people who also promote a social cause. "In recent years, . . . advocates for different groups have muddled policy deliberations by generating vast and often questionable estimates of the social ills afflicting their clients."  

As examples of problems that have benefited from advocacy research and emotive statistics, Professor Gilbert cites to the serious problems of child kidnapping, sexual abuse of children, elder abuse, and homelessness. However, Professor Gilbert states that these miscounting problems are "modest in comparison with the remarkably powerful campaign of advocacy research inspired by the rape crisis movement of the early 1990's." He then proceeds to critique at length two particular studies that documented the frequency and severity of rape, concluding that advocacy research has successfully furthered the sexual politics of radical feminism and caused undue amounts of public money to be targeted to rape crisis centers and other services that support victims of rape.  

21. Id. at 82.
22. Id. at 84.
23. See id. at 122-24.
24. See id. at 84-124.
25. Id. at 84.
26. Id. at 87-99.
27. Id. at 98.
28. See id. at 98-128. The two studies are the Ms. Magazine Campus Project on Sexual Assault directed by Mary Koss, and Diana Russell's survey of sexual exploitation.
29. See id. at 122-128. The controversy concerning the validity of these studies and their findings is considerable. Many researchers and scholars emphatically support the findings, while others agree with Gilbert's negative critique. In support of the Ms. Magazine Campus Project on Sexual Assault and Diana Russell's survey, see Mary P. Koss & Sarah L. Cook, Facing the Facts: Date and Acquaintance Rape Are Significant Problems for Women, in CURRENT CONTROVERSIES ON FAMILY VIOLENCE 104 (Richard J. Gelles & Donileen R. Loseke, eds.,1993) (reviewing several different studies on the prevalence of rape and citing support for Koss' earlier work); Susan Faludi, Whose Hype?, NEWSWEEK, Oct. 25, 1993, at 61. For a negative critique of these studies, see Katie Roiphe, Date Rape's Other Victim, N.Y. TIMES, June 13, 1993, §6 (Magazine), at 26; GILBERT, supra note 1, at 113-16 (examining surveys and studies conducted by other researchers besides Koss and Russell).

An analysis of the methodologies, purposes, and accuracy of these studies is beyond the scope of this book review.
Chapter Five, *Asking Who Benefits: Hidden Subsidies and Private Delivery*, addresses Professor Gilbert's belief that "[a] broader, more balanced view of rights and responsibilities requires creating a new ledger for social accounting." As part of his analysis, he briefly discusses how the majority of the middle and upper classes also benefit from social welfare transfers through tax expenditures and credit subsidies. He concludes this chapter by stressing that in order to have a fair accounting of public monies, direct and indirect outflows of government resources must be studied.

The final chapter, entitled *Enabling Citizens: Beyond the Welfare State*, is the one that most concerns welfare as it is typically defined. Gilbert begins by describing several of the many and diverse characteristics of modern welfare states. He further identifies the core elements of the welfare state as (1) broad-based social rights, (2) government delivery of services, and (3) direct public expenditures. Professor Gilbert then contrasts these tenets of the welfare state with those of the enabling state, explaining that the direction that the United States has chosen to take in recent years is that of the enabler. By enabling state, Gilbert and others are referring to those policies and programs that would assist people in need to provide for themselves. "The enabling state is directed less toward equalizing the distribution of wealth than the welfare state is, and more toward giving people a fair shake. In this sense, social equity is the moral compass from which the enabling state takes its bearings."

Professor Gilbert's belief in the enabling state manifests itself in some concrete ways when it comes to advocating for changes to the AFDC program. Specifically, Gilbert suggests treating an AFDC recipient differently if she enters the program unmarried and in need of financial assistance to care for her children. He recommends that these women should receive special interventions and should have to comply with many different requirements. In sum, there would be two phases of social supervision for this group of women. The first phase "would involve a service strategy, aimed at providing practical assistance to mothers and

30. GILBERT, *supra* note 1, at 146.
31. See id. at 143-47. He specifically acknowledges homeowners and college students. Id. at 146.
32. See id. at 145-47.
33. In general, the word "welfare" has become synonymous with public financial assistance programs, such as the AFDC and Supplemental Security Income (SSI) programs, and other in-kind or voucher programs that provide direct assistance to poor persons and families in need, such as Medicaid and the Food Stamp program.
34. GILBERT, *supra* note 1, at 150.
35. Id. at 151.
36. See id. at 151-54.
37. Id. at 154.
protection to their children." After three years, if these recipients were still receiving AFDC benefits then they would enter the second phase which calls for even greater and more restrictive requirements and social controls.

For those women who enter the program because of a decline in family income or a marital break-up, Professor Gilbert recommends a policy that awards them AFDC benefits for two years and leaves them "alone to reorganize their lives." If they do not leave the program within two years, then they would enter Phase I, as described above, in their third year.

Professor Gilbert's theories and ideas on social equity are both admirable and important. He sets forth some high demands and standards for the allocation of our public resources. Still, he attempts to promote egalitarian programs that protect children and are fair to women. A call to prove that perceived problems exist and that the current prescribed remedies are an effective use of public funds is not only a valuable reminder but a necessity. It is essential that we as a society have an understanding and an accurate accounting of how, why, and where public resources are directed and whether publicly funded programs are effective and worthy of continued funding.

However, there are inconsistencies in Professor Gilbert's arguments that ultimately would harm some of the very groups he wishes to protect. These inconsistencies are threefold: 1) his choice of inequities to expose; 2) his approach to proving how and when a program is working efficiently; and 3) his discussion of the significance and effect of stigma. In addressing these three points, I will focus primarily on Professor Gilbert's evaluations and corresponding recommendations concerning the AFDC program, the study of the prevalence of rape, and child sexual abuse prevention programs.

III. SELECTION OF TOPICS

Under his one umbrella premise of exposing social inequities, Professor Gilbert covers many different topics and substantive fields. The three he concerns himself with most extensively are the current failings of our

38. Id. at 170.
39. Id.
40. Id. at 169.
41. Id.
42. I have chosen to focus on the substantive content of the book. However, it is significant to note that stylistically the book lacked a sense of cohesion. Each chapter dealt with a different topic and issue and no chapters seemed to flow naturally from one to the next. At times, it even felt as if each chapter could be a free-standing essay or separate book.
welfare system with respect to single parent families, the efficacy of state child sexual abuse prevention programs, and the validity of several studies on the prevalence of rape. Yet, nowhere in the text does Professor Gilbert ever explain how and why he chose to focus on these problems and programs and not others. The reader is left wondering.

My concern is that by choosing to spend so much time exposing these “inequities,” Professor Gilbert leaves the impression that these are the most significant injustices occurring in society today. Setting aside the question of whether Professor Gilbert’s analyses are accurate, it is unlikely that these would be the most alarming or egregious inequities. The amount of public money spent on the AFDC program, rape crisis centers, and rape and child sexual abuse prevention programs is minute in comparison to the cost of other federal programs and public expenditures in general. This does not even include an analysis of the high incidence of “corporate welfare” occurring in society today and the abundance of inequities in the tax code. Additionally, by focusing his criticism on programs that address many of the critical needs of women, children, and poor families and not others, Professor Gilbert puts these groups of people at further risk of decreased public support, a fate that Gilbert seems to want to avoid.

43. Professor Gilbert himself acknowledges that homeowners and college students of the middle and upper classes greatly benefit through tax expenditures and tax credits. Id. at 146. “These groups profit immensely from indirect social transfers that allow them to accumulate assets over a lifetime.” Id. Furthermore, Gilbert states that “[t]he middle and upper classes have gained substantially from the expansion of indirect government expenditures.” Id. at 143. He does not, however, focus his attention on these issues.


According to Gilbert, in 1993, $20 million was allocated for rape prevention efforts on college campuses and $65 million for programs geared to the broader community. GILBERT, supra note 1, at 123. However, all of this money was not earmarked specifically for rape crisis centers or rape prevention training programs, but rather for prevention efforts generally. See id.

Data on the amount of funding for child sexual abuse prevention programs is difficult to determine because many of the programs are supported by the individual states, as opposed to the federal government. However, according to Gilbert, in 1984, California spent $10.4 million on its child abuse prevention training programs. Id. at 48. At the time, California had the largest and most extensive program. Id. Funding for these efforts has decreased significantly since the 1980s. JILL D. BERRICK & NEIL GILBERT, WITH THE BEST OF INTENTIONS: CHILD SEXUAL ABUSE PREVENTION MOVEMENT 123-24 (1991).

45. Kary L. Moss, Esq., The Privatizing of Public Wealth, 23 F.U.L.J. 101, 102 n.8, 103, 105 n.21, 109 n.43, 110 n.48 (1995). “Corporate welfare” refers to tax abatements and other financial advantages given to companies in any number of various forms, such as property tax reductions, industrial development bonds, and other benefits. Id. at 102-04.

A 1993 report by the Government Accounting Office showed that either no income taxes or income taxes of less than $100,000 were paid by over 40% of the corporations with assets over $250 million who do business in the United States. Id. at 105 n.21.

See also supra note 43.
Professor Gilbert calls for the development of a "new ledger for social accounting that affords a full reckoning of who benefits from government transfers." This laudable, complex, and difficult goal will not be achieved by scrupulously documenting whether every reported incidence of rape is true and provable or whether every child sexual abuse prevention program actually protects a certain number of children from abuse. Rather, it entails looking at the overall picture of where the majority of our government revenues are being spent, and asking the question of whether our public resources are being fairly and justly distributed to all segments of our society both directly and indirectly. This seems to be exactly the approach Professor Gilbert supports. Yet, his decision to focus on some very specific and narrow topics as illustrative examples of current social inequities leads to the opposite result, public outrage and resentment toward an already alienated segment of society.

IV. ASSESSING THE EFFECTIVENESS OF PROGRAMS

As stated above, Professor Gilbert proposes a two-tiered program for recipients of AFDC. A mother would be placed in one tier or the other depending on whether she entered the program because of an "out-of-wedlock birth." Professor Gilbert draws this line at the point of illegitimacy because of his concern for the children of never-married single parents. He bases this concern on statistical data that shows that children born to teenage single mothers are more at risk for abuse, neglect, and developmental delays. While these statistics are alarming, a more accurate reporting reveals that all children of single parents, regardless of the age of the mother or the cause of the single parenthood, appear to be at risk.

Current research on single parent families and its effect on the children in these families points to the fact that while children of single parents are more at risk, the cause of single parenthood does not seem to make a difference. The findings from several studies are quite consistent and indicate that children who grow up with never-married mothers are no worse off than children who grow up with divorced, widowed, or re-married mothers. Being born to married parents appears to carry no great advantage for children unless their parents remain together while the

46. Gilbert, supra note 1, at xii.
47. See id. at 31-32.
48. Id.
children are growing up.\textsuperscript{51}

Sara McLanahan and Gary Sandefur, in their research on single parenthood, specifically focused on the effects on children raised in one-parent families.\textsuperscript{52} They asked and answered the question of whether the cause of the family's structure or the age of the child at the time single-parenthood begins makes any difference in terms of the child's outcome. They found very little evidence that these differences matter.\textsuperscript{53} Consequently, if concern for children is the issue, and if increased intervention is deemed to be the remedy, then all single parents and their children, regardless of the cause of their family structure, should be placed in the group requiring increased state interventions and social controls. This would amount to approximately 93 percent of all AFDC recipients,\textsuperscript{54} basically all recipients except those two-parent families where one of the parents is unemployed or incapacitated.\textsuperscript{55}

Professor Gilbert himself states that AFDC applicants who are pushed into the program because of a marital breakup or a decline in family income should be awarded AFDC benefits for two years and left alone.\textsuperscript{56} He bases this recommendation on the fact that "prior to enrollment in the AFDC program [these applicants were] generally independent citizens who had been abiding by social conventions."\textsuperscript{57} He therefore opines that "[i]t is reasonable to assume that they are competent and motivated to become self-sufficient."\textsuperscript{58} This rationale does not address the concerns and protection needs of children. Rather, it is an assessment of the actions and behaviors of the parent recipients and an analysis of who is deserving, even who is exemplifying behaviors that are deviant and contrary to mainstream values.

As stated above, Gilbert advocates for two phases of social supervision for all women who enter the AFDC program because of an "out-of-wedlock birth."\textsuperscript{59} The first phase would require such interventions as regular home-health visiting, encouraging school dropouts to complete their high school degree requirements, assistance in home management, and developing systematic plans for the mothers' integration into the labor force.\textsuperscript{60} After three years, those still on AFDC would enter the second phase where

\begin{itemize}
  \item \textsuperscript{51} Id.
  \item \textsuperscript{52} McLANAHAN & SANDEFUR, \textit{supra} note 49, at 77.
  \item \textsuperscript{53} Id.
  \item \textsuperscript{54} See 1994 GREEN BOOK, \textit{supra} note 2, at 409.
  \item \textsuperscript{55} See \textit{supra} note 2 for an explanation of AFDC eligibility criteria.
  \item \textsuperscript{56} GILBERT, \textit{supra} note 1, at 169.
  \item \textsuperscript{57} Id.
  \item \textsuperscript{58} Id.
  \item \textsuperscript{59} Id. at 170.
  \item \textsuperscript{60} Id.
\end{itemize}
greater social controls and interventions would be imposed and where the recipients would be viewed more as wards of the state than as independent persons in need of financial assistance. At this point, no money would be given directly to the adult parent recipient. Rather, a case manager would be assigned to regulate each family’s financial affairs, and to pay the rent, utilities, and the cost of other necessities.

While Gilbert has set forth a comprehensive and elaborate program with the goal of protecting vulnerable children, he provides no evidence that his policy proposals would achieve such an objective. In fact, a great deal of evidence points to the contrary. One only has to look to the current state of our child protection and child welfare programs and agencies to understand that state intervention is not the panacea that it was once thought to be.

Child protection and child welfare systems are state-run agencies and programs designed to protect children who have been adjudicated abused or neglected children. They do so by providing a great deal of state intervention, support, and monitoring. However, these state agencies and programs have been failing children for years. In fact, as of March 1996, there were 21 states under court supervision because they failed to take proper care of children who had been abused or neglected. Lawsuits have been filed or threatened in almost every state. It is clear that state intervention in the child welfare arena cannot effectively protect children who have been deemed vulnerable and in need of protection. What hope is there then that a program of increased state intervention that focuses primarily on the behavior of the mother will protect children who have not even been found to be abused or neglected?

Gilbert never explains why at times, as in the case of his evaluation of the child sexual abuse prevention programs, he is so exacting in his demand for proof that the programs be shown to be effective, while in the case of his AFDC policy recommendations, he is willing to endorse costly new

61. Id.
62. Id.
63. See 1994 GREEN BOOK, supra note 2, at 592-93.
64. See id.
66. Many States Fail, supra note 65, at 1. Many of the 21 states that are under court supervision “have flouted their obligations even after promising in legal settlements to protect the ... children. ... Judges across the country have found ... ‘outrageous deficiencies’ in child protective services.” Id.
67. Id.
programs with little or no proof of their likelihood of success. Additionally, Gilbert’s plan is likely to harm the very children he wants to protect. Many parents will either be unable to follow all of Gilbert’s “new rules,” or they will find the invasion of privacy so abhorrent that they will opt out of the program despite their need. This ultimately will have the effect of impoverishing some of the most disadvantaged children and families even further.68

Others who have conducted extensive research on single-parent families advocate for quite different policy and programmatic changes than those of Gilbert. Sara McLanahan and Gary Sandefur write that “raising income would go a long way toward closing the achievement gap between children in two-parent and single-parent families.”69 They base this proposal on the fact that low income or income loss is the single most important factor in accounting for the lower achievement of children in single-mother families.70 According to McLanahan and Sandefur, “[i]t accounts for half of the difference in educational achievement, weak labor force attachment, and early childbearing.”71

McLanahan and Sandefur also strongly assert that all programmatic changes to the AFDC program should be universal.72 In other words, they should assist all families in need, not just single-parent families. Many other scholars, analysts, and historians of welfare policy in this country concur with McLanahan and Sandefur in advocating for the absolute need for universal reform policies.73 According to William Julius Wilson, universal reform packages emphasize social mobility and therefore are a means of breaking down the social isolation of the inner city and the continued reproduction of the “underclass.”74 Chaim Waxman argues that

68. Among single parent families with young children (less than age 6) where the parent is never married, 74.1 percent are below the poverty line. McLanahan, supra note 50, at 231. In general, single mothers have the highest poverty rate of all families. Cathryne L. Schmitz, Reframing the Dialogue on Female-Headed Single-Parent Families, 10 AFFILIA 426, 426 (1995); McLANAHAN AND SANDEFUR, supra note 49, at 23.
70. Id. at 154.
71. Id.
72. Id. at 155. “[T]he problems facing single-parent families are not very different from the problems facing all parents. They are just more obvious and more pressing. . . . Universal programs not only benefit a broader range of children, they avoid the dilemma of how to help children in one-parent families without increasing the prevalence of such families. . . . [U]niversal programs reinforce the idea that single motherhood is a risk shared not by a small subset of people but by the majority of the population.” Id.
74. Wilson, supra note 73, at 157-59.
the most effective means of breaking the vicious stigma of poverty is the creation and implementation of "policies and programs that will lead to the integration of the poor with the nonpoor, rather than to their further isolation." 75

V. THE EFFECT OF STIGMATIZATION AND STEREOTYPING

The final inconsistency between Gilbert's ideas about social equity and his practical proposals for change becomes apparent when examining the stigmatizing effect his welfare recommendations would have on the very group of persons he is attempting to assist and protect. On the issue of stigma, much like on the issue of which social programs to critique and when to demand proof of a program's efficacy, Gilbert's analysis is internally inconsistent and potentially harmful to the people he most wants to help. Specifically, Gilbert's proposal would create a class of doubly undeserving persons among a group of persons who already traditionally have been thought of as undeserving. By advocating for programmatic changes that separate out families headed by single parents where the children were born "out-of-wedlock," and increasing the social controls required for these families to receive aid, Gilbert perpetuates the stereotype that these mothers, and perhaps even their children, are unworthy of assistance.

For years, scholars, policy analysts, social scientists, and journalists have been writing about and studying the causes of poverty, the best policies for addressing and remedying the effects of poverty, and society's reactions and views of persons and families in need. 76 In addressing these complex and multi-faceted issues, these writers came to identify, acknowledge, and at times even support the notion that a certain segment of the poor had been classified as undeserving. 77

The deserving/undeserving dichotomy is more prevalent in discussions on the history of welfare or in debates about welfare policy or reform. Often policies have been developed and benefits provided, or not provided,

75. WAXMAN, supra note 73, at 116. "What is called for is the incorporation of social welfare programs within a framework that actively involves the citizenry." Id. at 133. See also GANS, supra note 73, at 108-09; SCHORR, supra note 73, at 287-90. "It is hard to rally support for programs aimed only at the poorest of the poor ... [who] lack[] a broad constituency." Id. at 287.

76. See, e.g., GANS, supra note 73; MARTHA F. DAVIS, BRUTAL NEED 6-9 (1993); Michael B. Katz, Introduction: The Urban "Underclass" as a Metaphor of Social Transformation, in THE "UNDERCLASS" DEBATE 3 (Michael B. Katz, ed., 1993); BURTON, supra note 73, at 39-55; MICHAEL B. KATZ, THE UNDESERVING POOR 185-235 (1989); WILSON, supra note 73.

77. See id.
based on an assessment of who is worthy or deserving of aid. Historically, the unemployed, elderly, disabled, and dependent children have been deemed deserving, although children have often been linked with the actions and behaviors of their parents, primarily their mothers, and only deemed worthy when their mothers were found to be “fit” or exhibiting appropriate behaviors.

The other term that has been used quite frequently to describe certain populations of the poor is the “underclass.” In 1987, the New York Times pointed to the recent discovery of an “underclass” by American social scientists.

Social scientists have focused new energies on an “underclass” of Americans who live in near total isolation from mainstream society, and scholars are trying to learn more about the deteriorating inner-city areas where not working is the norm, crime is a commonplace and welfare is a way of life.

William Julius Wilson in his seminal book The Truly Disadvantaged defined the “underclass” as a heterogeneous grouping of families and individuals who are outside the mainstream of the American occupational system. A crucial part of Wilson’s argument is that the “underclass” is socially isolated.

78. See Davis, supra note 76, at 6-9; Katz, The Undeserving Poor, supra note 76, at 223-35.

79. Davis, supra note 76, at 9.

80. “If the culture of poverty was extensively debated in the 1960s and 1970s, it has been the ‘underclass’ that has received major attention in the 1980s and early 1990s.” Burton, supra note 73, at 39. According to Gans, the term “underclass” was first used by Gunnar Myrdal, a Swedish economist, who used it in a small book for the general American public, Challenge to Affluence, published in 1963. Gans, supra note 73, at 27.

The creation of the term “underclass,” its various meanings, and the effects of this stigmatization on the poor have been the subject of a great many books and articles by authors from all points on the political spectrum. A comprehensive analysis of the “underclass” debate is beyond the scope of this book review.


82. Wilson, supra note 73, at 7. Included in the “underclass” were “individuals who lack training and skills and either experience long-term unemployment or are not members of the labor force, individuals who are engaged in street crime and other forms of aberrant behavior, and families that experience long-term spells of poverty and/or welfare dependency.” Id. at 8.

Although Wilson used the term “underclass” in The Truly Disadvantaged, he has since begun to question the utility of the term, suggesting that it distracts, confuses and misinterprets the important issues and debates. William J. Wilson, Public Policy Research and The Truly Disadvantaged, in The Urban Underclass 460, 474-76 (Christopher Jencks & Paul Peterson, eds., 1991).

83. Wilson defines social isolation as “the lack of contact or of sustained interaction with the individuals and institutions that represent mainstream society.” Wilson, supra note 73,
Herbert Gans, in his recent book *The War Against the Poor*, traces the words used to label the poor and the causes and effects of stereotyping and stigmatizing. He writes about the "underclass" from a behavioral perspective, and opines that by treating this group as undeserving and attributing to it such traits as moral deficiencies, bad values, and an attitude of not playing by the rules, the mainstream is able to justify its mistreatment and punishment of the poor and to treat them as scapegoats for everything that is wrong in society.84

A crucial characteristic of the "underclass" is that African American and Latino persons comprise a large percentage of the class.

The proportion of the poor who reside in ghetto neighborhoods varies dramatically by race. . . . Sixty-five percent of the 2.4 million ghetto poor in the United States are black, 22 percent Hispanic, and 13 percent non-Hispanic and other races. Thus to speak of the ghetto poor in the United States is to refer primarily to blacks and Hispanics.85

According to Gans, journalists decided or assumed almost from the beginning that the "underclass" was African American and perpetuated that stereotype.86 "When figures on black crime, teenage pregnancy, female headed families, and welfare dependency are released to the public without sufficient explanation, racial stereotypes are reinforced."87 In fact, the group of mothers and children that Gilbert would place in his group of AFDC recipients requiring increased interventions and social controls would be predominantly women and children of color. AFDC demographic statistics from 1992, the most recent statistics available, illustrate that out of all of the one-parent families receiving AFDC during that year, where the recipient had never been married, 50.9 percent were African American and

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84. According to Gans, the poor have been blamed for everything from the cause of high taxation to problems in the economy to the perpetuation of immoral values, especially when it concerns the promiscuity of our youth and unmarried persons. Gans attempts to discredit the characterization of the behaviors as deviant by showing that if there are any "bad" behaviors, they are the result of living in poverty not the cause of it. GANS, supra note 73, at 60-73.

Gans also discusses the fear, based on both actual and imagined threats, that many mainstream Americans have about the poor. Id. at 74-90. "In reality, the feelings are a mixture of fear, anger, and disapproval, but fear may be the most important element in the mixture." Id. at 75. In defining "fear," Gans includes fear of crime and other threats to safety, economic threats, moral value threats, and displaced threats. Id. at 78-90.

85. Wilson, supra note 82, at 464.

86. GANS, supra note 73, at 38. See also WILSON, supra note 73, at 21.

87. WILSON, supra note 73, at 21.
13.6 percent were Latino; only 30.8 percent were white. 88

Gilbert does not address the fact that his recommendations with regard to welfare reform will have the effect of perpetuating the stigma, stereotypes, and myths of welfare dependent families, particularly single-parent families of color. His proposal creates yet another class of undeserving persons among a group of persons who already have been deemed to be unworthy and at the very bottom of our social strata. Marian Wright Edelman highlights some of the dangers of perpetuating these stereotypes:

References to the underclass will add nothing to our understanding of poverty, but will erode public confidence in our ability to do something about it. If applied too loosely to all who have remained persistently poor, the term underclass may reinforce the misguided belief that poverty is the product solely or primarily of individual pathology, ignoring the institutional forces in our society which help perpetuate deprivation. By implying that there are major differences in the character of the poor vis-a-vis the nonpoor, the term undermines our confidence and desire to try to help. 89

What is most striking is Gilbert's inconsistent approach to the issue of stigma. In his evaluations of the studies of rape and the efficacy of the child sexual abuse prevention programs, for example, Gilbert is very concerned about the effect of stereotyping on men. 90 Gilbert emphasizes that men are being portrayed in a negative light and that such a portrayal could have the effect of perpetuating some offensive and inaccurate stereotypes and myths about men. 91 Gilbert never explains why stigma concerns him in these instances and not with respect to single mothers who are in need of financial assistance.

Indeed, in the case of rape, Gilbert specifically states that the grievous effects of advocacy research are not necessarily the proliferation of rape

88. 1994 GREEN BOOK, supra note 2, at 410.
Andrew Hacker, in his book, TWO NATIONS BLACK AND WHITE, SEPARATE, HOSTILE, UNEQUAL (1992), noted that African American and Latina women made up approximately 45% of all single women who headed households and approximately 55% of those receiving AFDC. Id. at 86. Among African American and Latina single mothers, approximately half were on welfare, compared with approximately 34% of white single mothers. Id.

McLanahan and Sandefur found a strong association between single parenthood and poverty among the African American population. McLANAHAN & SANDEFUR, supra note 49, at 85. "Nearly half of all black children who live in single parent families are poor, as compared with only 20 percent of children in two-parent families. . . . Among whites, the differential in poverty rates is much smaller—13.6 percent for children living with single mothers versus 3.6 percent for children living with both parents." Id.

89. MARIAN W. EDELMAN, FAMILIES IN PERIL: AN AGENDA FOR SOCIAL CHANGE 73 (1987), quoted in KATZ, supra note 76, at 204.
90. GILBERT, supra note 1, at 119-28.
91. Id.
crisis centers or rape-prevention training programs, or even the general overstatement of a social problem. Rather, what concerns him most is the social perception of what these statistics say about men. He is most alarmed by the negative view of men which he feels is repeatedly stated and stressed by advocates in the child sexual abuse prevention and rape crisis movements. "Under the influence of such views, the sexual politics of advocacy research on violence against women demonizes men and defines the common experience in heterosexual relationships as inherently menacing." Gilbert expresses similar views in his critique of the child sexual abuse prevention programs.

Gilbert clearly understands the danger of stigmatization. He also has a strong desire to protect children and assist poor families. Yet, when it comes to his analysis for reforming the AFDC program, Gilbert is silent as to the potential for and danger of further stigmatization of single-parent families dependent on AFDC, a silence that greatly undermines the strength of his argument.

VI. CONCLUSION

Inconsistencies run rampant throughout the entire text. Whether it be in his choice of inequities to expose, in his assessments of how and when a publicly funded program should be found to be operating efficiently, or in his haphazard concern about the dangerous effects of stigmatizing and stereotyping, Professor Gilbert both subverts some of the theories and arguments he wishes to prove and further isolates and hurts some of the very groups of persons he claims to want to protect and assist. Many of his ideas are not only insightful, but admirable and worthy of praise. It therefore is even more unfortunate that his illustrative examples and methods of proof serve only to contradict and detract.

92. Id. at 118-19.
93. Id.
94. Id. at 119.
95. Id. at 119-20.
96. Id. at 58-61.