

***Protecting Women on the Rolls:
Emphasizing Consistency and
Empowerment in TANF's Family
Violence Option***

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Abstract:

Domestic violence is an experience that threatens the health and well-being of all victims, but perhaps none more so than women who depend on government aid. Studies suggest that a culture of empowerment lessens instances of domestic violence, but what does this empowerment actually look like on a national scale? With these questions in mind, the larger question follows: how do we create an environment of empowerment within the context of those government-guaranteed programs so that we can protect those women who are most vulnerable to intimate partner violence? Because a just society requires empowerment, and because the current FVO is ineffective at consistently achieving empowerment among women on the rolls experiencing domestic violence, I argue that we must make several significant changes to the structure of the Family Violence Option if we wish to provide the protection for these victims that justice requires. For the application of this framework, I have chosen to use Temporary Assistance for Needy Families, a program that is unique in its inclusion of a Family Violence Option, a waiver that offers state-by-state exemptions to TANF's requirements.

Protecting Women on the Rolls: Emphasizing Consistency and Empowerment in TANF's Family Violence Option

Domestic violence is an experience that threatens the health and well-being of all victims, but perhaps none more so than women who depend on government aid¹. Studies suggest that a culture of empowerment lessens instances of domestic violence,² but what does this empowerment actually look like on a national scale? With these questions in mind, the larger question follows: how do we create an environment of empowerment within the context of those government-guaranteed programs so that we can protect those women who are most vulnerable to intimate partner violence? Because a just society requires empowerment, and because the current FVO is ineffective at consistently achieving empowerment among women on the rolls experiencing domestic violence, I argue that we must make several significant changes to the structure of the Family Violence Option if we wish to provide the protection for these victims that justice requires. With a feminist framework in mind, we can construct a policy that empowers women by providing them with more autonomy to use government aid as they see fit and by valuing the experience and contribution of women on a social and societal level. For the application of this framework, I have chosen to use Temporary Assistance for Needy Families, a program that is unique in its inclusion of a Family Violence Option, a

¹ Lyon, Eleanor. "Welfare, Poverty, and Abused Women: New Research and Its Implications." *Building Comprehensive Solutions to Domestic Violence* 10 (2000): 1. Pdfs.semanticscholar.org. Oct. 2000. Web. 22 Feb. 2017.

² Jewkes, Rachel. "Intimate Partner Violence: Causes and Prevention." *The Lancet* 359.9315 (2002): 1425. Web. 2 Mar. 2017.

waiver that offers state-by-state exemptions to TANF's requirements. While TANF's scope is quite small, I believe that it serves as a concrete model of a presently existing policy that can be bolstered by the application of feminist philosophy and by considering practical concerns for victims of domestic violence.

The Family Violence Option, as it stands today, implements burdensome and dangerous restrictions and verification means upon women who apply for this option, implicitly burdening them with the implication that they are not trusted to be "true" victims, nor able to construct their own best path to safety. The Family Violence Option should be implemented with minimally invasive verification techniques, and should be granted indefinitely and without restrictions once verification is achieved. This will provide women with what studies show to be a supportive and empowering structure. Using TANF's Family Violence Option as a springboard for future discussions of empowerment within the context of specific government-aid policy, we can best explore how a feminist ethical framework can empower women through its application to a specific government program.

Poverty and Domestic Violence: A Dangerous Intersection

A report published in 2000 indicated that over half of female welfare recipients experienced physical violence at the hands of a male intimate partner during their lifetime³. This is particularly interesting when we compare this information not with the general population of women (a quarter of whom will

³ Lyon, Eleanor. "Welfare, Poverty, and Abused Women: New Research and Its Implications." *Building Comprehensive Solutions to Domestic Violence* 10 (2000): 1. Pdfs.semanticscholar.org. Oct. 2000. Web. 22 Feb. 2017.

experience domestic violence in their lifetime⁴), but with their poor counterparts who are *not* receiving aid from welfare programs. The same 2000 study indicated that women sharing the same neighborhoods and socio-economic statuses but who did not receive government aid were “significantly less likely” to experience domestic violence⁵. Of course, there could presumably be a host of reasons why this is true. For one, it is quite possible that women who apply for government assistance do so because they are under more stress, be that financial or intrapersonal. Regardless of the root cause, we are confronted with another issue: whether or not it is causal, there is a relationship between the experience of receiving government aid and experiencing domestic violence. This truth is especially compelling when we consider the fact that the vast majority (85.7% of TANF recipients in 2013) of welfare beneficiaries are women⁶.

It is impossible to explore the interplay between welfare and domestic violence without first understanding the reasons why poverty itself is a risk factor. Unsurprisingly, the experience of stress is inextricable from the experience of poverty in America. What is perhaps more noteworthy is that there an inextricable relationship is understood to be associated with instances and severity of domestic violence. In fact, according to a 2000 study published by the Journal of Clinical

⁴ "Statistics." *Statistics*. National Coalition Against Domestic Violence, n.d. Web. 22 Feb. 2017.

⁵ Lyon, Eleanor. "Welfare, Poverty, and Abused Women: New Research and Its Implications." *Building Comprehensive Solutions to Domestic Violence* 10 (2000): 1. *Pdfs.semanticscholar.org*. Oct. 2000. Web. 22 Feb. 2017.

⁶ Falk, Gene. *Temporary Assistance for Needy Families (TANF): Size and Characteristics of the Cash Assistance Caseload*. Rep. 5.: Congressional Research Service, 2016. Web.

Psychology that identified those factors that contribute to the risk of domestic violence, poor men are more likely to perpetrate domestic violence, and this violence tends to be more severe than domestic violence at the hands of their counterparts of higher socio-economic status⁷. A 2002 cross-national study of causes and preventions of domestic violence found similar results, indicating that poverty and its associated stressors are thought to contribute to the severity and frequency of domestic violence of low-income couples in the United States⁸. It has also been posited that since the experience of stress is so inherent to poverty, and since mediating this stress is quite difficult for those in poverty, that poor men who act out domestic violence may be doing so as an outlet for this stress⁹. Insofar as government-aid can alleviate some of the burdens of poverty, it seems logical that cash assistance programs like TANF, when applied effectively, could help alleviate some of the problematic effects of stress resulting from poverty.

With this in mind, it is clear that there exists a shared experience between the disempowerment of poverty and the disempowerment inherent in a victim's experience of domestic violence. This relationship is not one that should be taken as merely coincidental. In fact, it seems logical there is a cyclical relationship between the disempowerment of poverty and the disempowerment of victimization inside an abusive relationship. And just as poverty and its stressors may lead to violence,

⁷ Riggs, David S., and Marie B. Caulfield. "Risk For Domestic Violence: Factors Associated With Perpetration And Victimization." *Journal Of Clinical Psychology* 56.10 (2000): 1294. *Academic Search Alumni Edition*. Web. 30 Jan. 2017.

⁸ Jewkes, Rachel. "Intimate Partner Violence: Causes and Prevention." *The Lancet* 359.9315 (2002): 1424. Web. 2 Mar. 2017.

⁹ Jewkes, Rachel. "Intimate Partner Violence: Causes and Prevention." *The Lancet* 359.9315 (2002): 1424. Web. 2 Mar. 2017.

disempowerment of domestic violence could conceivably also lead to poverty. If poverty is an inherently disempowering experience, and if disempowerment manifests itself in violence, then we should be deeply concerned for the health and well-being of those women who are put at greater risk by the disempowering experience of poverty. Admittedly, the connection I have drawn here is a speculative one, but one I think it can justifiably be made insofar as each of these disempowering experiences have the characteristic power of extreme limits upon agency, and limited agency can certainly have the effect of financial and personal instability. If we wish to protect women from violence more generally, it only makes sense to focus on those whose socio-economic status, coupled with a social and relational powerlessness, puts them at greater risk of this violence.

The question of disempowerment is particularly compelling when we consider that, according to the Missouri Coalition Against Domestic and Sexual Violence, one of the more powerful limitations of poverty is the lack of options for change or protection when one is financially constrained¹⁰. It is only logical that when a woman has limited financial resources, she is limited in countless ways that could contribute to a state of disempowerment. A victim's ability to find alternative living arrangements, to be financially independent insofar as she need not depend on an abusive spouse, or her ability to find childcare for her child, are all severely limited by a lack of financial resources. This, coupled with the physical, mental, or social domination a woman experiences inside domestic violence presents a

¹⁰ *Understanding the Nature and Dynamics of Domestic Violence*. The Missouri Coalition Against Domestic and Sexual Violence, May 2012. Web. 10 Mar. 2017.

potentially insurmountable burden of oppressions. I will touch on why this disempowerment lends itself to an obligation on behalf of government to provide resources later in this paper, but at present the (truncated) list of limitations above serves to prove my greater point: focusing on the intersection of poverty and domestic violence is to focus on the most severely limited, and therefore endangered, victims.

The weight of relational power upon domestic violence outcomes is evident in a host of factors that contribute to the likelihood of domestic violence, from the relationship between low socio-economic status (SES) of the male partner and the likelihood to violence¹¹, to the fact that for both black and white couples, women who identify as “retired” or as a “homemaker” (respectively) are at a lesser risk for domestic violence¹². Clearly, disempowerment and power differentials are worth exploring when we aim to find tangible ways to protect poor women from the experience of domestic violence. Understanding the ways in which women can reclaim this power in safe and socially and politically feasible ways will allow us to better construct a policy that protects women from the violence that results from these imbalances.

¹¹ Riggs, David S., and Marie B. Caulfield. "Risk For Domestic Violence: Factors Associated With Perpetration And Victimization." *Journal Of Clinical Psychology* 56.10 (2000): 1294. *Academic Search Alumni Edition*. Web. 30 Jan. 2017.

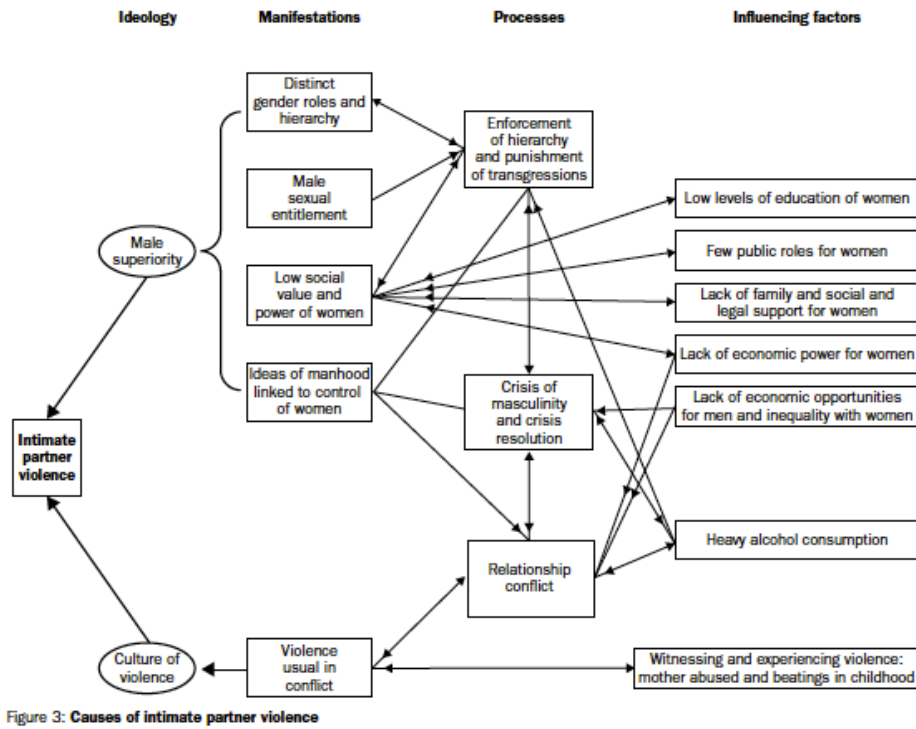
¹² Cunradi, Carol B., Raul Caetano, Catherine Clark, and John Schafer. "Neighborhood Poverty as a Predictor of Intimate Partner Violence Among White, Black, and Hispanic Couples in the United States." *Annals of Epidemiology* 10.5 (2000): 302-303. Web.

Women's Empowerment: A Social and Cultural Protection

The question of power and control is central to any discussion of domestic violence. And while it is certainly possible to explore the issues of power entirely with a focus on the aggressor (for the purposes of the paper, the male partner), my goal is to create policy that directly benefits the female counterparts inside the structure of a violent intimate relationship. It is clear that in order to address power disparities, one must find a viable course of action for *empowering* those whom tend to suffer from these inequalities. This is especially true when we consider the fact that the stress stemming from these inequalities is a direct contributing factor to the violence itself.

Because domestic violence is intrinsically a power struggle between two individuals, and because it is clear that this power struggle often results as a response to the subversion of social and cultural norms, it makes sense to construct a definition of empowerment that addresses these norms directly. A 2002 study exploring the influencing factors that lead to domestic violence suggests that "good social support" may be a protective factor against domestic violence¹³. Conversely, several socially disempowering structures were attributed as influencing factors toward domestic violence:

¹³ Jewkes, Rachel. "Intimate Partner Violence: Causes and Prevention." *The Lancet* 359.9315 (2002): 1425. Web. 2 Mar. 2017.



The power of support, particularly when it comes from a woman's family, may result in individually-empowering outcomes, such as enhance self-esteem, affirmation that she is valued, and tangible assistance during times of strife¹⁵:

These outcomes may seem quite micro, until we consider the following:

Anthropological research indicates that in settings where women are valued in their own right and the social position of single women is sufficiently high to make being unmarried or unattached a realistic option, divorce is relatively easy to obtain and women are less likely to be abused.¹⁶

¹⁴ Jewkes, Rachel. "Intimate Partner Violence: Causes and Prevention." *The Lancet* 359.9315 (2002): 1426. Web. 2 Mar. 2017

¹⁵ Jewkes, Rachel. "Intimate Partner Violence: Causes and Prevention." *The Lancet* 359.9315 (2002): 1425. Web. 2 Mar. 2017.

¹⁶ Jewkes, Rachel. "Intimate Partner Violence: Causes and Prevention." *The Lancet* 359.9315 (2002): 1425. Web. 2 Mar. 2017.

With this in mind, we can begin to conceive of a lens through which we should structure policy that directly benefits victims of domestic violence: one that aims at the empowering the social position of women.

While the central vein of any policy aimed at victims of domestic violence should be empowerment, simply constructing a policy that is “empowering” is impossible before we define what empowerment means in the most specific and realistically applicable terms. As a model, I turn to a country in which a shift in social norms toward empowerment brought forward concrete positive outcomes for protecting women against domestic violence.

Sweden’s gender equity, particularly with regard to the labor force, is regarded as superior to its Western nation counterparts¹⁷. When domestic violence presented itself as a threat to this burgeoning equality, Sweden’s government and community institutions placed an emphasis on addressing those power inequalities that contribute to domestic violence¹⁸. Notably, the rate of domestic violence is projected to be significantly lower than that of the United States, with 4-5% of working women in Sweden experiencing intimate partner violence in 2002¹⁹. This

¹⁷ Peter, Tracey. "Domestic Violence in the United States and Sweden: A Welfare State Typology Comparison within a Power Resources Framework." *Women's Studies International Forum* 29.1 (2006): 100.www.elsevier.com/locate/wsif. Web. 28 Feb. 2017

¹⁸ Peter, Tracey. "Domestic Violence in the United States and Sweden: A Welfare State Typology Comparison within a Power Resources Framework." *Women's Studies International Forum* 29.1 (2006): 100.www.elsevier.com/locate/wsif. Web. 28 Feb. 2017

¹⁹ Peter, Tracey. "Domestic Violence in the United States and Sweden: A Welfare State Typology Comparison within a Power Resources Framework." *Women's Studies International Forum* 29.1 (2006): 101.www.elsevier.com/locate/wsif. Web. 28 Feb. 2017

relatively low number, I believe, is rooted in social and cultural norms that value women and their physical safety in a manner that transcends what might be identified in America as questions of political feasibility.

Sweden's social movement toward greater protections for victims of domestic violence began in 1976, at which time a group of women convened to discuss the need for a women's shelter in Sweden²⁰. By 1980, shelters began popping up around the country²¹. What is more remarkable about this shift is not the growing availability of the resources themselves, but rather the social and societal shift toward the valuation of victims and an emphasis on protecting women from domestic violence that came as a direct result of this movement²². An increased media focus on domestic violence followed the movement, expanding the scope of concern for the issue of domestic violence to a national-scale priority²³. Domestic violence was no longer a niche concern, but rather a social problem

²⁰ Peter, Tracey. "Domestic Violence in the United States and Sweden: A Welfare State Typology Comparison within a Power Resources Framework." *Women's Studies International Forum* 29.1 (2006): 101. www.elsevier.com/locate/wsif. Web. 28 Feb. 2017

²¹ Peter, Tracey. "Domestic Violence in the United States and Sweden: A Welfare State Typology Comparison within a Power Resources Framework." *Women's Studies International Forum* 29.1 (2006): 101. www.elsevier.com/locate/wsif. Web. 28 Feb. 2017

²² Peter, Tracey. "Domestic Violence in the United States and Sweden: A Welfare State Typology Comparison within a Power Resources Framework." *Women's Studies International Forum* 29.1 (2006): 101. www.elsevier.com/locate/wsif. Web. 28 Feb. 2017

²³ Peter, Tracey. "Domestic Violence in the United States and Sweden: A Welfare State Typology Comparison within a Power Resources Framework." *Women's Studies International Forum* 29.1 (2006): 101. www.elsevier.com/locate/wsif. Web. 28 Feb. 2017

understood by Sweden's government to be on par with integral Swedish political values such as "universal equality" and "social citizenship"²⁴.

In my analysis of Sweden's then-burgeoning activism, it is certainly possible to innumerate those specific policy choices which served to empower women and, in turn, protect them from those structures which put them at heightened risk for domestic violence. These specific policies certainly have their place in protecting women (I will expand on specific policy recommendations below), but what motivated the creation of these policies is perhaps even more salient to our discussion of empowerment. Protective measures would not exist if it were not for the social and cultural value that predated their creation. Social support and cultural value upon protecting women does not originate from some lofty principal, but rather in the belief that women are equal and valuable members of a community. If we establish this value, what logically follows is the understanding that threats to a women's participation in society is not only immoral in and of itself, but harmful to the well-being of the community more generally. This norm is what I wish to invoke when I advocate for empowerment.

Some may argue that it is fruitless and unrealistic to compare a social and cultural movement in Sweden, a relatively small European country, with those of America, a significantly larger and less liberal country. There is, however, ample evidence to suggest that we are in the midst of a similar social movement toward a

²⁴ Peter, Tracey. "Domestic Violence in the United States and Sweden: A Welfare State Typology Comparison within a Power Resources Framework." *Women's Studies International Forum* 29.1 (2006): 101. www.elsevier.com/locate/wsif. Web. 28 Feb. 2017.

focus on women's empowerment and protections for vulnerabilities associated with American womanhood. Take, for example, the Women's March on Washington, a day which presented to the world stage the advocacy of millions of Americans (a significant portion of whom were not women) with the specific purpose of a greater political focus upon health and safety of women.

It is clear that some form of empowerment policy will be effective in stemming the tide of domestic violence, but it is important to note that some of the power imbalances I have illustrated above that put women at risk of violence were imbalances in which the woman's elevated status put her at risk (.i.e. the increased likelihood of violence if the female partner is employed when her male counterpart is not²⁵). Some may respond to my advocacy for empowerment policy by saying that I am advocating for a social position for women that could, in fact, put them at increased risk for domestic violence. Some may even suggest that if we truly want to keep women at risk for violence safe, we should relegate them to those inferior roles that lessen the likelihood of violence. I wholly reject this notion, because it is an extension of a false assumption. This objection, I believe, indicates a flawed conflation of the experience of elevated status with the experience of empowerment. The fact that a woman's elevated status does, in some instances, put her at risk for violence speaks to a system of oppressions in which a woman's "proper" status is deemed the inferior one, to the extent that a subversion of this role is enough to put her at an elevated risk of violence. Empowerment policy aims to address this social

²⁵ Jewkes, Rachel. "Intimate Partner Violence: Causes and Prevention." *The Lancet* 359.9315 (2002): 1424. Web. 2 Mar. 2017.

and cultural construction on a societal level, rather than encouraging women to put themselves in danger by engaging in behaviors that put them in immediate risk. The fact that a woman, at present, is more likely to experience violence if she is elevated by employment when her partner is unemployed is a clear indication that that broader societal empowerment and respect for women should be a political priority.

A feminist framework for empowerment

As I have noted above, the existence of an empowerment policy is useless if social norms are not constructed in such a way that women in need of empowerment have no true access. Iris Marrión Young's conception of justice fits effortlessly into this chasm between existence and access:

"I have proposed an enabling conception of justice. Justice should refer not only to distribution, but also to the institutional conditions necessary for the development and exercise of individual capacities and collective communication and cooperation. Under this conception of justice, injustice refers primarily to two forms of disabling constraints, oppression and domination."²⁶

I wish to move through the rest of my argument with this ethical framework in mind. As we construct a feminist framework that will in turn underlay policy, it is imperative that we not only consider that this framework may be adopted for our own insolated purpose of constructing policy, but that the very success of this policy is dependent on the perpetuation of a framework to the extent that it penetrates

²⁶ Young, Iris Marion., and Danielle S. Allen. "Five Faces of Oppression." *Justice and the Politics of Difference*. New Jersey: Princeton UP, 2011. 39. Print.

social norms. Our framework should not only shape our own notions of the best policy, but should represent those “institutional conditions”²⁷ which are necessary for the successful outcome of justice. Conversely, this framework will help us identify those policies that are disempowering and are, in, effect, a hindrance to the acting out Young’s conception of justice.

When we talk about our obligation to victims of domestic violence, we are often presented with a dangerous archetype. For the purpose of this paper, I will call it the “damsel in distress” (DID) approach. Within this framework, we are obligated to save victims of domestic violence because there is some inherent deficiency in the women who experience this violence. The DID cannot make her own choices, does not know her own best path to safety, and is in need of intervention in the form of someone who can make these decisions for her. I wholly reject this archetype, not only because it is demeaning, but also because it is wrong. When we slip into this characterization, we are demeaning the experience and agency of victims who should be understood to be experts on their own experience. No one knows how to navigate the climate of a violent household better than the victim herself. This fact is not simply the strongly held belief of a college student writing a research paper on domestic violence, it is widely understood to be the hard won truth of domestic violence among every expert in the field, from shelter managers to program directors to victims themselves. If we want to help victims in the most effective way possible, we must reject the DID framework. In its place, we should turn to a

²⁷ Young, Iris Marion., and Danielle S. Allen. "Five Faces of Oppression." *Justice and the Politics of Difference*. New Jersey: Princeton UP, 2011. 39. Print.

broader conception of women as equal, and therefore invaluable, participants in society.

When we regard women as inherently equal participants in society, we can begin to see why protections against domestic violence must become a widely held societal priority. And when we understand that women hold an equal place, it becomes clear that they also hold an equally *valuable* place. If a valuable participant in society is limited in her ability to contribute because of her disproportionate likelihood of experiencing violence, then we are not only morally obligated to help, but we are also socially compelled insofar as a world without her contributions is a worse world. We are not only obligated to address issues of domestic violence because protecting the vulnerable is the right thing to do, but we should also feel an intense sense of urgency knowing that a society without the full participation of women is a less viable society.

With this in mind, it is clear that we should reject the DID approach to domestic violence in lieu of a social and cultural priority of elevating women insofar as it elevates our society as a whole. But before I am accused of taking a utilitarian approach as the basis for my argument, let me be clear: we are first obligated to help victims of domestic violence because helping the vulnerable is the morally right thing to do. I will not construct an argument for why we should be compelled to address these issues at all, because I am not willing to participate in an argument predicated on the notion that we may not have an obligation to help victims of domestic violence. I chose to address the frameworks through which we conceive of how to address issues of domestic violence, because choosing the right framework is

imperative to constructing the most effective way of helping victims. This is where we should begin.

Policy and Domestic Violence: Shaping Empowering Institutional Conditions²⁸

Now that we have conceived of a policy structure that should roughly be described as empowerment policy, and now that we understand the greater ethical feminist framework upon which we can construct this policy, it is possible to sketch a policy that can effectively empower and consequently protect women who are either at risk of experiencing domestic violence, or who are currently experiencing violence. As I have explored above, the experience of domestic violence is more frequent and severe for those in poverty. This fact, coupled with the reality that women are far more disempowered in their ability to escape this violence when they do not have financial resources, brings us to the potentially empowering possibilities of government aid. It is important to note, however, that government aid is not inherently empowering in and of itself²⁹. In fact, we must construct a policy that avoids disempowering pitfalls that are currently inextricably linked to the experience of receiving TANF.

The Family Violence Option: An Inconsistent and Flawed Solution

Temporary Assistance for Needy Families, or TANF, is a relatively small government initiative intended to give cash assistance to families in need. The smallness of this program is quite intentional. Deemed a more responsible political

²⁸ Young, Iris Marion., and Danielle S. Allen. "Five Faces of Oppression." *Justice and the Politics of Difference*. New Jersey: Princeton UP, 2011. 39. Print.

²⁹ Lyon, Eleanor. "Welfare, Poverty, and Abused Women: New Research and Its Implications." *Building Comprehensive Solutions to Domestic Violence* 10 (2000): 1. Pdfs.semanticscholar.org. Oct. 2000. Web. 22 Feb. 2017.

answer to Aid to Families with Dependent Children, TANF came into existence with the intention of “end[ing] welfare as we know it.”³⁰ As it is currently conceived, TANF subsists on block grants from the federal government given to the states. In order to receive this funding, states must prove that state dollars are being spent on programs for needy families. This provision is called the “maintenance of effort” requirement³¹. The nuances of a state-subsidized government cash program are complicated when we consider the diversity of policies or initiatives that exist inside each individual state. This diversity is very much applicable to the only explicit protection against domestic violence available to women who are receiving TANF: The Family Violence Option.

The very existence of the Family Violence Option points to the conflict at hand: poor women are especially vulnerable to experience domestic violence, but those who receive government aid or “welfare” are vulnerable to the likelihood of experiencing domestic violence (as of 2011, 14% to 32% of women receiving welfare were in abusive relationships³²). One reply to this fact will inevitably be that the solution is that women experiencing domestic violence should simply refrain from enrolling in welfare programs. However, this suggestion does not take into account the reality of the intersectional oppressions of poverty and domestic violence:

³⁰ "Policy Basics: An Introduction to TANF." *Policy Basics: An Introduction to TANF*. Center for Budget and Policy Priorities, 15 Oct. 2015. Web. 10 Mar. 2017.

³¹ "Policy Basics: An Introduction to TANF." *Policy Basics: An Introduction to TANF*. Center for Budget and Policy Priorities, 15 Oct. 2015. Web. 10 Mar. 2017.

³² Gallagher, Rachel J. "Welfare Reform's Inadequate Implementation of the Family Violence Option: Exploring Dual Oppression of Poor Domestic Violence Victims." *American University Journal of Gender Social Policy and Law* 19, no. 3 (2011): 996.

If welfare reform serves to punish the "unworthy" poor women who are perceived to comprise its rolls, it also undermines the chances of domestic violence victims to achieve economic autonomy, central to their escape of abuse. It undermines these chances despite the fact that domestic violence victims arguably did not relegate themselves to a position of lazy government dependency, but rather are forced by their dominantly male abusers to seek assistance as a result of the need to escape violence.³³

With this in mind, we can conceive of an oppressive duality for women who are at once vulnerable as a result of their economic disadvantage and vulnerable as a result of receiving aid. In order to correct this doubly oppressive space, we must shift our attention toward crafting policy that at once economically empowers women in order to reduce the risk of violence and refrains from placing burdens on these women that could ultimately contribute to the likelihood of experiencing domestic violence.

The Family Violence option is, admittedly, an extremely small provision that exists within the context of a relatively small government cash-aid program. It may even be argued that the size of the Option makes it insignificant in the grand scheme of addressing issues that arise when we talk about protecting poor women from the threat of domestic violence. However, it is clear that insofar as we are discussing tangible ways of protecting poor women from the increased likelihood of experiencing domestic violence through empowerment on a societal level, and insofar as a governmental initiative has been historically proven to support shifts toward empowerment, it is not only logical to begin with a cash-assistance program, but doing so may provide a springboard for similarly impactful policy in the future.

³³ Gallagher, Rachel J. "Welfare Reform's Inadequate Implementation of the Family Violence Option: Exploring Dual Oppression of Poor Domestic Violence Victims." *American University Journal of Gender Social Policy and Law* 19, no. 3 (2011): 996.

With this in mind, we will begin shaping TANF's Family Violence Option by critiquing the Option's current challenges to poor and vulnerable women.

The issues TANF's Family Violence Option present fall into two distinct camps. The first I will call the issue of access. The Family Violence Option is not a federal requirement, but rather a provision put in place on a state-by-state basis. And while, as of 2010, all states were required to either adopt the policy or report to the federal government the existence of a comparable policy³⁴, some states remain far behind their counterparts in any meaningful use of the policy. In fact, the state in which I am writing has not adopted the Family Violence Option and has, of late, implemented no viable policy that would fill this void. This inconsistency among states creates a lottery of sorts for women who depend on TANF and who are vulnerable to or are currently experiencing domestic violence. If one is unlucky enough to live in a state that provides no viable option for women in this situation, then her options are limited to finding aid outside of the scope of TANF or continuing to use aid in a way that may leave her vulnerable to violence.

The state-by-state inconstancy of the Family Violence Option is not the only example of an issue of access. Even in those states where the Family Violence Option exists, it is critically under-utilized. And while there is almost no substantive data about how often the Family Violence Option is used, there is much anecdotal evidence to suggest that TANF caseworkers "often fail to screen for violence or to

³⁴ Gallagher, Rachel J. "Welfare Reform's Inadequate Implementation of the Family Violence Option: Exploring Dual Oppression of Poor Domestic Violence Victims." *American University Journal of Gender Social Policy and Law* 19, no. 3 (2011): 998.

offer waivers and service referrals when violence is identified”³⁵. In fact, a survey of TANF recipients in New York indicated that most applicants “were not screened and that most who identified themselves as victims were not referred for services”³⁶. California’s 2005 report on the efficacy of the Family Violence Act produced similar results. Namely, that one-third of the mothers who took the survey indicated that they were experiencing some form of domestic violence, but were either denied or not informed of resources within TANF’s scope³⁷.

The problem of access here may appear to be a problem of sharing clear information with victims about their resources, but California’s 2005 report also indicated that many women were flatly denied benefits:

Perhaps the saddest example of this was the finding that "during October 2004, [although] 1,763 mothers were referred to or receiving domestic violence services in Los Angeles County[,] . . . none were granted waivers from welfare to work activities."³⁸

It is clear that there is a distinct gap between the professed resources for women who rely on TANF and who are experiencing domestic violence, and the actual

³⁵ Casey, Timothy, Soraya Fata, Leslie Orloff, and Maya Raghu. "TANF Reauthorization Round II—An Opportunity to Improve the Safety Net for Women and Children." *Http://www.legalmomentum.org/*. Legal Momentum, June-July 2009. Web. 17 Mar. 2017. 6.

³⁶ Casey, Timothy, Soraya Fata, Leslie Orloff, and Maya Raghu. "TANF Reauthorization Round II—An Opportunity to Improve the Safety Net for Women and Children." *Http://www.legalmomentum.org/*. Legal Momentum, June-July 2009. Web. 17 Mar. 2017. 6.

³⁷ Gallagher, Rachel J. "Welfare Reform’s Inadequate Implementation of the Family Violence Option: Exploring Dual Oppression of Poor Domestic Violence Victims." *American University Journal of Gender Social Policy and Law* 19, no. 3 (2011): 1002-1003.

³⁸ Gallagher, Rachel J. "Welfare Reform’s Inadequate Implementation of the Family Violence Option: Exploring Dual Oppression of Poor Domestic Violence Victims." *American University Journal of Gender Social Policy and Law* 19, no. 3 (2011): 1003.

resources available. This is particularly concerning when one considers the fact that the very fact of receiving benefits at all puts women at an elevated risk of experiencing domestic violence³⁹. If women are relying on resources like TANF as a form of financial support that could ultimately protect them from some of this violence, then it is the government's responsibility to protect these women from the violence they become more vulnerable to as recipients of these programs. This is not (necessarily) my personal moral imperative, but rather it is reflected in the very existence of a program that is intended to protect this subset of women. If the Family Violence Option was created to address precisely this problem, then the ample evidence indicating the waiver's impotence at protecting women should be more than enough reason to make those substantive changes that will make the Option a viable resource for victims of domestic violence. This, after all, was the original purpose of the Option.

Issues of access are not the only large-scale issues within TANF's Family Violence Option as it exists today. Another glaring problem with the Option falls to what Rachel J. Gallagher has identified as the American welfare system's "Punitive, Sexist, and Racist Roots"⁴⁰. In her analysis of TANF's Family Violence option, Gallagher points out that it is important to bear in mind those historical implications surrounding TANF's creation in the late 1990's:

In the debates leading up to a vote on TANF, federal legislators employed

³⁹ Gallagher, Rachel J. "Welfare Reform's Inadequate Implementation of the Family Violence Option: Exploring Dual Oppression of Poor Domestic Violence Victims." *American University Journal of Gender Social Policy and Law* 19, no. 3 (2011): 996.

⁴⁰ Gallagher, Rachel J. "Welfare Reform's Inadequate Implementation of the Family Violence Option: Exploring Dual Oppression of Poor Domestic Violence Victims." *American University Journal of Gender Social Policy and Law* 19, no. 3 (2011): 987.

these stereotypes to describe welfare recipients. John Mica, a Congressman from Florida, “held up a sign during a congressional debate that read, ‘Don’t feed the alligators.’” On the House floor, he then argued that “providing aid to poor women would do nothing but spur them to reproduce, entice them to return former free handouts, and threaten the general public safety.”⁴¹

One could well dismiss these types of problematic characterizations of welfare recipients, if not for the fact that these prevailing stereotypes are manifest in the actual legislation accompanying TANF and the Family Violence Option itself. In fact, as Gallagher points out, there are several examples of these sexist and racist assumptions written directly into TANF’s policy. Take, for example, TANF’s self-evident goal of encouraging marriage among recipients:

The purpose of TANF grants was set forth as "end[ing] the dependence of needy parents on government benefits by promoting job preparation, work, and marriage"; "prevent[ing] and reduc[ing] the incidence of out-of wedlock pregnancies"; and "encourage[ing] the formation... of two parent families."⁴²

Setting aside (for the moment) the ethics of placing women vulnerable to domestic violence in the position of either depending on a policy that coercively encourages marriage and discourages single-motherhood or receiving no cash aid at all, Gallagher presents another yet another problem. Namely, that TANF seems to utilize some potentially harmful policies in an attempt to protect the family in some instances (for example, the encouragement of two-parent households), while

⁴¹ Gallagher, Rachel J. "Welfare Reform’s Inadequate Implementation of the Family Violence Option: Exploring Dual Oppression of Poor Domestic Violence Victims." *American University Journal of Gender Social Policy and Law* 19, no. 3 (2011): 994.

⁴² Gallagher, Rachel J. "Welfare Reform’s Inadequate Implementation of the Family Violence Option: Exploring Dual Oppression of Poor Domestic Violence Victims." *American University Journal of Gender Social Policy and Law* 19, no. 3 (2011): 994.

actively ignoring other empirical evidence that suggests other types of policies would similarly improve the odds of economic-self sufficiency:

Rather than incorporating programs and educational opportunities statistically proven to lead to economic self sufficiency, TANF implementation limits these opportunities, encouraging women to turn to marriage instead and diverting precious federal resources to this purpose.⁴³

Indeed, as of 2006 obtaining a Master's or Bachelor's degree no longer counts toward TANF's work requirement.⁴⁴

There is a disparity, it seems, between the professed political aims of TANF and those policies which actually make-up the program. On the one hand, we have the aim of self-sufficiency, and on the other, an exclusion from the rolls for those women who are actively pursuing a venue for achieving this autonomy. If the aim of TANF is truly to create a policy that empowers financial equality, several meaningful changes must be made.

Another by-product of the problematic assumptions made about women on welfare rolls once again manifests itself in TANF's policy: time limits. At present, TANF recipients may receive aid from the program for no more than five years, be they consecutive or non-consecutive⁴⁵. This presents a particular challenge for those women who are enrolled in TANF and who are experiencing domestic

⁴³ Gallagher, Rachel J. "Welfare Reform's Inadequate Implementation of the Family Violence Option: Exploring Dual Oppression of Poor Domestic Violence Victims." *American University Journal of Gender Social Policy and Law* 19, no. 3 (2011): 994.

⁴⁴ Gallagher, Rachel J. "Welfare Reform's Inadequate Implementation of the Family Violence Option: Exploring Dual Oppression of Poor Domestic Violence Victims." *American University Journal of Gender Social Policy and Law* 19, no. 3 (2011): 994.

⁴⁵ Gallagher, Rachel J. "Welfare Reform's Inadequate Implementation of the Family Violence Option: Exploring Dual Oppression of Poor Domestic Violence Victims." *American University Journal of Gender Social Policy and Law* 19, no. 3 (2011): 998.

violence, as an abusive relationship could last well beyond these limits. It seems plausible that if one depends on TANF as a means of financial empowerment that the disruption caused by the loss of this aide could be harmful. It is also worth noting that a 2004 longitudinal study following 975 Illinois mothers who received public aid indicated that abuse may have the direct effect of keeping women dependent on government aid:

Abuse may also keep women dependent on public assistance. Among a representative statewide sample of Illinois welfare recipients, domestic violence increased welfare recidivism through its negative impact on psychological health (Julnes, Fan, & Hayashi, 2001), and several studies show that abused women are more likely to be dependent on welfare than their nonabused peers (e.g., Rodriguez, Lasch, Chandra, & Lee, 2001; Romero, Chavkin, Wise, & Smith, 2003; Tolman, Danziger, & Rosen, 2002).⁴⁶

I need not belabor this point, however, because the Family Violence Option already recognizes this fact, and protects women from precisely this vulnerability by waiving the time limit. Time limits are, therefore, not an issue of The Family Violence Option's policy, but rather another example of the issue of consistent implementation and access of the Option itself.

This leads us to another vulnerability already addressed by the Family Violence Option: work requirements. As it stands, the Family Violence Option waives work requirements for women who qualify. Once again, we are not confronted with an issue of policy, but rather an issue of availability and consistency. The consistent implementation of this waiver is quite important for

⁴⁶ Schewe, Paul, Susan L. Staggs, and Stephanie Riger. "Intimate Partner Violence as an Obstacle to Employment Among Mothers Affected by Welfare Reform." *Journal of Social Issues*. EBSCO Host, 2004. Web. 22 Mar. 2017. 803.

victims of domestic violence, because work requirements as they exist within the scope of TANF are particularly problematic for victims. Indeed, the same 2004 longitudinal study used above found, “Financial self-sufficiency for low-income women requires sustained work over a long period of time but the results presented here suggest that violence from intimate partners may seriously interfere with employment”⁴⁷.

The final impediment to TANF, and by effect the Family Violence Option, is an unrealistic system of verification. It is no secret that rates of domestic violence are largely underreported due to an unwillingness to come forward on the part of victims. This could plausibly be due to several factors, including fear for one’s physical safety, social, emotional, or financial dependence on the abuser, and the fear that a victim might not be believed. This fear, compounded by the fact that domestic violence is chronically under-reported, should be taken into account when we conceive of a structure for verifying domestic violence. As it stands, the verification system for the Family Violence Option varies from state-to-state. Alabama, for example, requires a “Universal screening for imminent danger of domestic violence or threat thereof by TANF, job program, food stamps, & Medicaid workers and referral to DV specialist sustained in county. DV specialists’ assessment used to evaluate need for temporary waivers”⁴⁸. What is important to note about

⁴⁷ Schewe, Paul, Susan L. Staggs, and Stephanie Riger. "Intimate Partner Violence as an Obstacle to Employment Among Mothers Affected by Welfare Reform." *Journal of Social Issues*. EBSCO Host, 2004. Web. 22 Mar. 2017. 814-15.

⁴⁸ Hudson, Sophia, and Laurie Tiberi. "FAMILY VIOLENCE OPTION State By State Summary." *Http://www.ncdsv.org/*. Legal Momentum, July 2004. Web. 23 Mar. 2017. 4.

this method is that the agency lies in the hands several “authorities”, but very little weight is given to the account of the victim herself. If we wish to construct the most empowering policy possible within the scope of the Family Violence Option, we should look toward a system of verification that implicitly suggests trust and value of victims.

California, meanwhile, takes just such an empowering approach:

Evidence: sworn statement sufficient unless the agency documents in writing an independent, reasonable basis to find the recipient not credible. Evidence may also include police, court, legal, medical or other records, statements from domestic violence counselors or other individuals with knowledge of abuse.⁴⁹

Once again, the issue of inconsistency in implementation could mean the difference between a safe and viable verification system for some victims and an invasive and unrealistic system for others. Some may argue that strict verification standards prevent large-scale fraud for programs like the Family Violence Option, but this concern seems to be misplaced. An Atlantic article examining instances of fraud in welfare programs found that while there are instances of fraud committed within TANF (“improper payment” levels have been posited to reach between 20 and 40 percent) these payments “appear all to be due to bureaucratic incompetence”⁵⁰.

I have spoken at length about employing empowerment policy, or those policies which could roughly be conceived as empowering. A relaxed verification

⁴⁹ Hudson, Sophia, and Laurie Tiberi. "FAMILY VIOLENCE OPTION State By State Summary." *Http://www.ncdsv.org/*. Legal Momentum, July 2004. Web. 23 Mar. 2017. 5.

⁵⁰ Schnurer, Eric. "Just How Wrong Is Conventional Wisdom About Government Fraud?" *The Atlantic*. Atlantic Media Company, 15 Aug. 2013. Web. 23 Mar. 2017.

system is a shining example of where notions of empowerment can meet concrete policy goals. A verification system in the vein of California's has several meaningful benefits. First, taking a sworn statement as evidence of abuse undoubtedly affirms the victim's autonomy by allowing her report her own abuse. It also implicitly suggests that there is validity and truth to the report of a victim of abuse, and empowers her to present her own evidence of abuse on her own terms, in the ways that are safest for her. If we wish to empower victims of domestic violence, I see no better way than placing a victim's resources in her own hands.

Reshaping the Family Violence Option: Consistency, Respect, and Protection

In keeping with the empowerment and feminist constructions I have suggested above, the Family Violence Option should make three distinct changes to the policy as it stands in order to best protect victims of domestic violence. These are an indefinite waiver of the work requirement, a suspension of the time limit, and a relaxation of verification processes for those women who disclose domestic violence in application for the Family Violence Option. One may point out that in many states' iterations of the Family Violence Option, the first two changes that I have suggested are already implemented. This leads me to my final suggestion: that the Family Violence Option become uniformly applied from state to state, so that all victims of domestic violence regardless of geography may be guaranteed the same protections afforded to their peers.

I make these suggestions with the knowledge that the Family Violence Option, while a viable model for future policy intended to protect poor women from

domestic violence, marks the begging of a movement, and not the final answer. With Young's framework for justice in mind, there is still much to be done in the way of constructing "the institutional conditions necessary for the development and exercise of individual capacities and collective communication and cooperation"⁵¹. However, I believe that the consistent application of the Family Violence Option, in light of the suggestions I have made above, is the first step in a longer and very valuable journey to political and social empowerment.

⁵¹ Young, Iris Marion., and Danielle S. Allen. "Five Faces of Oppression." *Justice and the Politics of Difference*. New Jersey: Princeton UP, 2011. 39. Print.

Works Cited

- Casey, Timothy, Soraya Fata, Leslie Orloff, and Maya Raghu. "TANF Reauthorization Round II—An Opportunity to Improve the Safety Net for Women and Children." *Http://www.legalmomentum.org/*. Legal Momentum, June-July 2009. Web. 17 Mar. 2017.
- Cunradi, Carol B., Raul Caetano, Catherine Clark, and John Schafer. "Neighborhood Poverty as a Predictor of Intimate Partner Violence Among White, Black, and Hispanic Couples in the United States." *Annals of Epidemiology* 10.5 (2000): 297-308. Web.
- Falk, Gene. *Temporary Assistance for Needy Families (TANF): Size and Characteristics of the Cash Assistance Caseload*. Rep. N.p.: Congressional Research Service, 2016. Print.
- Gallagher, Rachel J. "Welfare Reform's Inadequate Implementation of the Family Violence Option: Exploring Dual Oppression of Poor Domestic Violence Victims." *American University Journal of Gender Social Policy and Law* 19, no. 3 (2011): 996.
- Hudson, Sophia, and Laurie Tiberi. "FAMILY VIOLENCE OPTION State By State Summary." *Http://www.ncdsv.org/*. Legal Momentum, July 2004. Web. 23 Mar. 2017.
- Jewkes, Rachel. "Intimate Partner Violence: Causes and Prevention." *The Lancet* 359.9315 (2002): 1423-429. Web. 2 Mar. 2017.

- Lyon, Eleanor. "Welfare, Poverty, and Abused Women: New Research and its Implications." *Semanticscholar.org*. Semanticscholar.org, Oct. 2000. Web. 02 Mar. 2017.
- Peter, Tracey. "Domestic Violence in the United States and Sweden: A Welfare State Typology Comparison within a Power Resources Framework." *Women's Studies International Forum* 29.1 (2006): 100. www.elsevier.com/locate/wsif. Web. 28 Feb. 2017.
- Policy Basics: An Introduction to TANF." *Policy Basics: An Introduction to TANF*. Center for Budget and Policy Priorities, 15 Oct. 2015. Web. 10 Mar. 2017.
- Rawls, John. "The Idea of Public Reason Revisited." *The Ethics of Citizenship: Liberal Democracy and Religious Convictions*. Waco: Baylor UP, 2009. 27-58. Print.
- Riggs, David S., and Marie B. Caulfield. "Risk For Domestic Violence: Factors Associated With Perpetration And Victimization." *Journal Of Clinical Psychology* 56.10 (2000): 1294. *Academic Search Alumni Edition*. Web. 30 Jan. 2017.
- Schewe, Paul, Susan L. Staggs, and Stephanie Riger. "Intimate Partner Violence as an Obstacle to Employment Among Mothers Affected by Welfare Reform." *Journal of Social Issues*. EBSCO Host, 2004. Web. 22 Mar. 2017. 803.
- Schnurer, Eric. "Just How Wrong Is Conventional Wisdom About Government Fraud?" *The Atlantic*. Atlantic Media Company, 15 Aug. 2013. Web. 23 Mar. 2017.
- "Statistics." *Statistics*. National Coalition Against Domestic Violence, n.d. Web. 22 Feb. 2017.

- Tolman, Richard M., and Jody Raphael. "A Review of Research on Welfare and Domestic Violence." *Journal of Social Issues* 56.4 (2000): 655-82. *JSTOR* [*JSTOR*]. Web. 30 Jan. 2017.
- Understanding the Nature and Dynamics of Domestic Violence*. The Missouri Coalition Against Domestic and Sexual Violence, May 2012. Web. 10 Mar. 2017.
- Young, Iris Marion., and Danielle S. Allen. "Five Faces of Oppression." *Justice and the Politics of Difference*. New Jersey: Princeton UP, 2011. 39-66. Print.