

University of Pennsylvania Carey Law School

## Penn Law: Legal Scholarship Repository

---

Faculty Scholarship at Penn Law

---

1994

### The Value of Black Mothers' Work

Dorothy E. Roberts

*University of Pennsylvania Carey Law School*

Follow this and additional works at: [https://scholarship.law.upenn.edu/faculty\\_scholarship](https://scholarship.law.upenn.edu/faculty_scholarship)



Part of the [Family Law Commons](#), [Family, Life Course, and Society Commons](#), [Gender and Sexuality Commons](#), [Inequality and Stratification Commons](#), [Law and Gender Commons](#), [Law and Society Commons](#), [Policy Design, Analysis, and Evaluation Commons](#), [Race and Ethnicity Commons](#), [Social Welfare Commons](#), [Social Welfare Law Commons](#), and the [Work, Economy and Organizations Commons](#)

---

#### Repository Citation

Roberts, Dorothy E., "The Value of Black Mothers' Work" (1994). *Faculty Scholarship at Penn Law*. 830.  
[https://scholarship.law.upenn.edu/faculty\\_scholarship/830](https://scholarship.law.upenn.edu/faculty_scholarship/830)

This Article is brought to you for free and open access by Penn Law: Legal Scholarship Repository. It has been accepted for inclusion in Faculty Scholarship at Penn Law by an authorized administrator of Penn Law: Legal Scholarship Repository. For more information, please contact [PennlawIR@law.upenn.edu](mailto:PennlawIR@law.upenn.edu).

# THE VALUE OF BLACK MOTHERS' WORK

Dorothy E. Roberts\*

## I. WHY MUST WELFARE MOTHERS WORK?

The common ground of contemporary welfare reform discourse is the belief that single mothers' dependence on government support is irresponsible and should be remedied by requiring these mothers to get jobs. "Workfare" is a refrain of the general theme that blames the poor, because of their dependence mentality, deviant family structure, and other cultural depravities, for their poverty.<sup>1</sup> Martha Minow reveals workfare's injustice by asking the unspoken question, "why should single mothers responsible for young children be expected to work outside the home?"<sup>2</sup> Why does society focus on welfare mothers' dependence on public assistance rather than on their children's dependence on them for care?

Minow correctly points out that the focus on welfare mothers' dependence rather than their valuable care reflects a radical departure from the original welfare policy towards mothers. During the late nineteenth century, women successfully lobbied for public relief for widowed mothers.<sup>3</sup> In her recent book, *Protecting Soldiers and Mothers*:

---

\* Fellow, Program in Ethics and the Professions, Harvard University; Associate Professor, Rutgers University School of Law. B.A. 1977, Yale College; J.D. 1980, Harvard Law School.

1. See generally JOEL F. HANDLER & YEHESKEL HASENFELD, *THE MORAL CONSTRUCTION OF POVERTY: WELFARE REFORM IN AMERICA* (1991) (exploring the moral construction of poverty throughout the history of American welfare policy); MICHAEL B. KATZ, *THE UNDESERVING POOR: FROM THE WAR ON POVERTY TO THE WAR ON WELFARE* (1989) (describing how social welfare policy differentiates between the deserving and undeserving poor); Thomas Ross, *The Rhetoric of Poverty: Their Immorality, Our Helplessness*, 79 GEO. L.J. 1499 (1991) (discussing how the rhetoric of poverty justifies the suffering of the poor and presents social institutions as helpless to end poverty).

2. Martha Minow, *The Welfare of Single Mothers and Their Children*, 26 CONN. L. REV. 817 (1994). Far from reflecting a liberated view of motherhood, current welfare reform rhetoric casts single motherhood as pathological and advocates policies designed to restore the traditional nuclear family by reinstating the missing male. See Martha L. Fineman, *Images of Mothers in Poverty Discourses*, 1991 DUKE L.J. 274, 289-93 (linking poverty discourse's representation of single mothers as deviant to patriarchal ideology).

3. See generally THEDA SKOCPOL, *PROTECTING SOLDIERS AND MOTHERS: THE POLITICAL ORIGINS OF SOCIAL POLICY IN THE UNITED STATES* 373-74 (1992).

*The Political Origins of Social Policy in the United States*, Theda Skocpol demonstrates how women's organizations and their allies exploited the ideology of motherhood to attain mothers' pensions and other "maternalist" legislation.<sup>4</sup> The logic that propelled maternalist welfare policy was precisely the opposite of that backing workfare: widowed mothers needed government aid so that they would not have to relinquish their maternal duties in the home in order to join the work force.<sup>5</sup> This maternalist rhetoric was powerful enough to mobilize disenfranchised women, defeat conservative opponents, and convince American legislatures to embark on social welfare programs far ahead of those of most European countries.

The current workfare proposals, then, reflect an unprecedented deprecation of welfare mothers' contribution to society. The rhetoric of motherhood has lost all of the persuasive force it wielded during the Progressive Era. The modern welfare state has increasingly degraded the work all mothers perform. It has abandoned the moral mother ideology and diminished the control of mothers over child care.<sup>6</sup> As increasing numbers of women join the work force, society decreasingly rewards mothers' socially productive labor in the home. An individual's entitle-

---

4. *Id.* at 424-79. For another historical account of this maternalist advocacy that presents the limitations of its vision of aid to single mothers, see LINDA GORDON, *PITIED BUT NOT ENTITLED: SINGLE MOTHERS AND THE HISTORY OF WELFARE* (1994). During this period, Black activist women also relied on motherhood as a political platform to organize women, fight racism, and advocate for social betterment. See Eileen Boris, *The Power of Motherhood: Black and White Activist Women Redefine the "Political"*, 2 *YALE J.L. & FEMINISM* 25 (1989). Black women's organizations stressed the value of mothers' work in the home: "black suffragists were redefining the political and demanding votes for women on the basis of their *work* as—rather than their mere being—mothers." *Id.* at 26 (citation omitted). Black activist women showed their respect for housewives, for example, by making them eligible for membership in the National Association of Wage Earners. *Id.* at 41. Unlike their white counterparts, however, the Black women reformers also supported women's economic independence. Linda Gordon, *Black and White Visions of Welfare: Women's Welfare Activism, 1890-1945*, 78 *J. AM. HIST.* 559, 584-85 (1991). They accepted the necessity of married women's employment and advocated assistance for working mothers, such as kindergartens and child care facilities. *Id.* at 584.

5. SKOCPOL, *supra* note 3, at 424-28; see HANDLER & HASENFELD, *supra* note 1, at 65-70. A proponent of mothers' pensions explained the maternalist rationale at a 1909 White House Conference: "[C]hildren of reasonably efficient and deserving mothers who are without the support of the normal breadwinner should, as a rule be kept with their parents, such aid being given as may be necessary to maintain suitable homes for the rearing of children." *Id.* at 66 (citation omitted).

6. See Ann Ferguson, *On Conceiving Motherhood and Sexuality: A Feminist Materialist Approach*, in *MOTHERING: ESSAYS IN FEMINIST THEORY* 153, 171, 172-75 (Joyce Trebilcot ed., 1983). See also Martha Fineman, *The Neutered Mother*, 46 *U. MIAMI L. REV.* 653 (1992) (arguing that liberal feminists' goal of a gender-neutral concept of motherhood contributed to the devaluation of mothers' labor).

ment to welfare benefits now depends on his or her relationship to the market. Former workers are entitled to compensation by social insurance programs for their prior participation in the wage labor force.<sup>7</sup> As unpaid caregivers with no connection to a male breadwinner, single mothers are considered undeserving clients of the welfare system.<sup>8</sup>

This universal devaluation of mothers' work, however, does not explain entirely the revolution in welfare reform. When welfare reformers devise remedies for maternal irresponsibility, they have Black single mothers in mind. Although marital status does not determine economic well-being, there is a strong association between Black single motherhood and family poverty.<sup>9</sup> The image of the lazy Black welfare queen who breeds children to fatten her allowance shapes public attitudes about welfare policy.<sup>10</sup> Part of the reason that maternalist rhetoric can no longer justify public financial support is that the public views this support as benefitting primarily Black mothers.<sup>11</sup> Society particularly devalues Black mothers' work in the home because it sees these mothers as inherently unfit and their children as inherently useless.

## II. THE VALUE OF BLACK MOTHERING

Maternalist rhetoric has no appeal in the case of Black welfare mothers because society sees no value in supporting their domestic

---

7. NANCY FRASER, UNRULY PRACTICES: POWER, DISCOURSE, AND GENDER IN CONTEMPORARY SOCIAL THEORY 144, 151-53 (1989).

8. *Id.* See also Fineman, *supra* note 2, at 279-93 (discussing how current welfare discourse and policies reinforce traditional norms of male-headed households).

9. During the period from 1959 to 1987, the proportion of poor Black families maintained by women rose from forty-six to seventy-four percent, compared to an increase from twenty to forty-two percent of poor white families. Audrey Rowe, *The Feminization of Poverty: An Issue for the 90's*, 4 YALE J.L. & FEMINISM 73, 74 (1991) (citing U.S. BUREAU OF THE CENSUS, CURRENT POPULATION REP., SER. P - 60, NO. 163, POVERTY IN THE UNITED STATES: 1987, at 156 (1989)). See also Barbara Omolade, *The Unbroken Circle: A Historical and Contemporary Study of Black Single Mothers and Their Families*, 3 WIS. WOMEN'S L.J. 239 (1987) (describing the origins of Black single motherhood).

10. See PATRICIA HILL COLLINS, BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT 77 (1991) (describing the stereotypical image of Black welfare mothers); see generally, JILL QUADAGNO, THE COLOR OF WELFARE: HOW RACISM UNDERMINED THE WAR ON POVERTY (1994) (describing how white opposition dismantled 1960s anti-poverty programs that benefitted Black Americans).

11. The maternalist welfare legislation of the Progressive Era benefitted white mothers almost exclusively. See SKOCPOL, *supra* note 3, at 471 (noting that only three percent of beneficiaries of mothers' pensions were Black). See also HANDLER & HASENFELD, *supra* note 1, at 65-70 (arguing that mothers' pensions were intended only for white widows and that government workers distributed benefits only to mothers they considered to be morally worthy of assistance).

service. The public views these mothers as less fit, less caring, and less hurt by separation from their children. First, workfare advocates fail to see the benefit in poor Black mothers' care for their young children. To the contrary, contemporary poverty rhetoric blames Black single mothers for perpetuating poverty by transmitting a deviant lifestyle to their children.<sup>12</sup> Far from helping children, payments to Black single mothers merely encourage this transgenerational pathology. Dominant images have long depicted Black mothers as unfit. The ideal Black mother figure, Mammy, selflessly nurtured *white* children (under her mistress's supervision).<sup>13</sup> In contrast, whites portrayed Black slave mothers as careless and unable to care properly for their *own* children.<sup>14</sup> Modern social pundits from Daniel Patrick Moynihan to Charles Murray have held Black single mothers responsible for the disintegration of the Black family and the Black community's consequent despair.<sup>15</sup>

Second, workfare advocates fail to see the injury in requiring Black mothers to leave their young children.<sup>16</sup> Welfare reform discourse gives little attention to the relationship between poor Black mothers and their children. The forced separation of Black mothers from their children began during slavery, when Black family members faced being auctioned off to different masters.<sup>17</sup> Slave mothers knew the regular

---

12. Fineman, *supra* note 2, at 274-89.

13. See ELIZABETH FOX-GENOVESE, *WITHIN THE PLANTATION HOUSEHOLD: BLACK AND WHITE WOMEN OF THE OLD SOUTH* 292 (1988).

14. See Dorothy E. Roberts, *Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy*, 104 HARV. L. REV. 1419, 1441-42 (1991) (hereinafter *Punishing Drug Addicts*) (discussing nineteenth century census marshals' attribution of Black infant deaths to accidental suffocation by their mothers).

15. See CHARLES MURRAY, *LOSING GROUND: AMERICAN SOCIAL POLICY, 1950-1980*, at 154-66 (1984) (claiming that welfare induces Black women to refrain from marriage and to have babies); Roberts, *supra* note 14, at 1442 (stating Daniel Patrick Moynihan's theory that the matriarchal family structure lies "[a]t the heart of the deterioration of the fabric of the Negro society") (citing OFFICE OF PLANNING & POLICY RESEARCH, U.S. DEP'T OF LABOR, *THE NEGRO FAMILY: THE CASE FOR NATIONAL ACTION* (1965)).

16. Cf. Nancy Ehrenreich, *Surrogacy as Resistance? The Misplaced Focus on Choice in the Surrogacy and Abortion Funding Contexts*, 41 DEPAUL L. REV. 1369, 1369 n.103 (1992) (book review) (arguing that courts expect poor and minority mothers to allow their children to be adopted in order to give them a better life); Carol Sanger, *M Is for the Many Things*, 1 S. CAL. REV. L. & WOMEN'S STUD. 15, 28 (1992) (exploring the many ways in which the law regards women's rejection of mothering: "Some regulations prohibit decisions to separate (the case of surrogacy); others monitor them (adoptions); and still others require separation (the case of workfare)"). On the devaluation of Black women's decision to have children, see generally Roberts, *Punishing Drug Addicts*, *supra* note 14.

17. See Anita Allen, *Surrogacy, Slavery, and the Ownership of Life*, 13 HARV. J.L. & PUB. POL'Y 139, 140-44 (1990) (noting that slave mothers had no legal claim to their children).

pain of seeing their loved ones "rented out, loaned out, bought up, brought back, stored up, mortgaged, won, stolen or seized."<sup>18</sup> The disproportionate state disruption of Black families through the child welfare system reflects a continuing depreciation of the bond between Black mothers and their children.<sup>19</sup>

Finally, workfare advocates are not hindered by any disharmony in the idea of a Black working mother. The conception of motherhood confined to the home and opposed to wage labor never applied to Black women. Slave women's hard labor in the field defied the Victorian norm of female domesticity.<sup>20</sup> Even after Emancipation, political and economic conditions forced many Black mothers to earn a living outside the home.<sup>21</sup> Americans expected Black mothers to look like Aunt Jemima, working in somebody else's kitchen: "[o]utfitted in an unflattering dress, apron, and scarf (a 'headrag'), she is always ready for work and never ready for bed."<sup>22</sup> American culture reveres no Black madonna; it upholds no popular image of a Black mother nurturing her child. Given this history, it is not surprising that policymakers do not think twice about requiring welfare mothers to leave their young children in order to go to work.<sup>23</sup>

---

18. TONI MORRISON, *BELOVED* 23 (1987).

19. See Carol B. Stack, *Cultural Perspectives on Child Welfare*, 12 N.Y.U. REV. L. & SOC. CHANGE 539 (1983-84) (arguing that the misunderstanding of Black family patterns contributes to the disproportionate number of Black children placed in foster care). On the child welfare system's disproportionate removal of Black children, see generally ANDREW BILLINGSLEY & JEANNE M. GIOVANNONI, *CHILDREN OF THE STORM: BLACK CHILDREN AND AMERICAN CHILD WELFARE* (1972) (tracing the history of Black children in the American child welfare system); Sylvia S. Gray and Lynn M. Nybell, *Issues in African-American Family Preservation*, 69 CHILD WELFARE 513 (1990) (discussing the cultural context in which the child welfare system operates).

20. See ANGELA Y. DAVIS, *WOMEN, RACE, AND CLASS* 5-7 (1981); BELL HOOKS, *AIN'T I A WOMAN: BLACK WOMEN AND FEMINISM* 22 (1981).

21. See generally JACQUELINE JONES, *LABOR OF LOVE, LABOR OF SORROW: BLACK WOMEN, WORK, AND THE FAMILY FROM SLAVERY TO THE PRESENT* (1985). There was a dramatic racial disparity among married women who worked at the turn of the century. In 1870 in the rural South, more than 40% of married Black women had jobs, mostly as field laborers, while 98.4% of white wives were homemakers. *Id.* at 63. In 1900, 26% of married nonwhite American women were in the labor force, compared to only 3.2% of married white women. CLAUDIA GOLDIN, *UNDERSTANDING THE GENDER GAP: AN ECONOMIC HISTORY OF AMERICAN WOMEN* 17 (1990) (Table 2.1).

22. Regina Austin, *Black Women, Sisterhood, and the Difference/Deviance Divide*, 26 NEW ENG. L. REV. 877, 883 (1992).

23. The oppressive aspects of workfare proposals thus complicate white feminists' view of work as a liberating force for women. See Dorothy E. Roberts, *Racism and Patriarchy in the Meaning of Motherhood*, 1 AM. U. J. GENDER & L. 1, 20-22 (1993) (noting that the experience of Black working mothers complicates the feminist response to domesticity). Black mothers

## III. THE VALUE OF BLACK CHILDREN

The state often uses the pretext of helping children to justify regulating their mothers.<sup>24</sup> What is striking about recent welfare proposals is that they do not even claim the traditional justification of promoting children's welfare. Indeed, they mandate or encourage practices traditionally regarded as harmful to children, such as mothers working outside the home and abortion.<sup>25</sup> Welfare reformers cannot demonstrate that it is better for poor children to make their mothers work. Minow convincingly describes the extra dangers these children face.<sup>26</sup> Their mothers' employment may actually reduce the amount of money available for their needs and jeopardize their health care; it may deprive them of their only protection against a myriad of environmental hazards. Thus, it is not mothers' wage labor itself that is harmful to children; rather, workfare's harm lies in its failure to provide meaningful support for working mothers, such as day care, jobs, housing, health care, education and a guaranteed income.

Underlying the consensus that welfare mothers should work is often the conviction that their children are socially worthless, lacking any potential to contribute to society. Welfare reform rhetoric assumes that these children will grow up to be poor and, consequently, burdens to society. The proposals dismiss any possible reason to nurture, inspire, or love these children. Minow asks at the end of her essay, "why not consider paying mothers of especially young children to care for their children?"<sup>27</sup> In addition to the historic resistance to compensating

---

historically experienced work outside the home as an aspect of racial subordination and economic exploitation. See DAVIS, *supra* note 20, at 16-17 (observing that domestic life was a more liberating experience for slave women than working for their white masters); HOOKS, *supra* note 20, at 146 (criticizing middle-class feminists for disregarding the exploitation of women as a source of cheap surplus labor).

24. See Roberts, *Punishing Drug Addicts*, *supra* note 14, at 1446 (questioning the government's justification for prosecuting women who use drugs during pregnancy: "The history of overwhelming state neglect of Black children casts further doubt on its professed concern for the welfare of the fetus."). See generally Dorothy E. Roberts, *Motherhood and Crime*, 79 IOWA L. REV. 95, 109-15 (1993) (discussing the punishment of mothers who fail to protect their children from abuse).

25. New laws that deny to families on welfare the additional benefits usually granted upon the birth of a child may encourage women on welfare who learn they are pregnant to get abortions.

26. Minow, *supra* note 2, at 830.

27. *Id.* See also Carol Delaney, *Welfare Shouldn't Be Tied to Work*, N.Y. TIMES, Dec. 10, 1993, at A34 ("Why couldn't welfare be considered payment for the valuable job that many of these women do?").

mothers' work, society's response is, "because these children are not worth it."

The reason for society's bleak assessment is not only the belief that Black mothers are likely to corrupt their children, but that Black children are predisposed to corruption.<sup>28</sup> Blaming single mothers for "nurturing a next generation of pathology"<sup>29</sup> stigmatizes not only mothers, but their children as well. The powerful Western image of childhood innocence does not seem to benefit Black children. Black children are born guilty. They are potential menaces—criminals, crackheads, and welfare mothers waiting to happen. Newspaper stories about "crack babies" warn of a horde of Black children, irreparably damaged by their mothers' prenatal drug use, who are about to descend on inner-city kindergartens. These stories present drugs, poverty, and race as fungible marks that inevitably doom Black children to a worthless future. As one reporter wrote, "[c]all them 'welfare babies,' 'crack babies,' 'at-risk babies,' or 'deficit babies'—by whatever term, they constitute a new 'bio-underclass' of infants who are disadvantaged almost from the moment of conception."<sup>30</sup> The authors' primary concern typically seems to be the huge costs "crack babies" impose on society, rather than the children's welfare.<sup>31</sup>

28. Dr. Frederick Goodwin, director of the National Institute of Mental Health during the Bush Administration, supervised a government-sponsored "violence initiative" designed to find a genetic marker that would identify inner-city children at high risk of becoming criminals and then deter their criminal behavior through pharmacological treatment and other therapies. Daniel Goleman, *New Storm Brews: On Whether Crime Has Roots in Genes*, N.Y. TIMES, Sept. 15, 1992, at C1. See also Lynne Duke, *Controversy Flares Over Crime, Heredity*, WASH. POST, Aug. 19, 1992, at A4 (discussing controversy over the government's biological research on crime); Bob Sipchen, *A Cure for Violence?*, L.A. TIMES, Apr. 24, 1992, at Part E, p.1 (same); Jamie Talan, *Genetic Link to Violence Assailed*, NEWSDAY, Sept. 28, 1992, at p.6 (same).

Dr. Goodwin's remarks in introducing the violence initiative reflect a chilling belief that a combination of genetic traits and social degeneracy make inner-city youth inherently violent: Now, one could say that if some of the loss of social structure in this society, and particularly within the high impact inner-city areas, has removed some of the civilizing evolutionary things that we have built up and that maybe it isn't just the careless use of the word when people call certain areas of certain cities jungles, that we may have gone back to what might be more natural, without all of the social controls that we have imposed upon ourselves as a civilization over thousands of years of our own evolution.

Philip J. Hiltz, *Federal Official Apologizes for Remarks on Inner Cities*, N.Y. TIMES, Feb. 22, 1992, at 6 (quoting Dr. Goodwin).

29. Minow, *supra* note 2, at 837.

30. Marilyn Gardner, *Crack Babies Disadvantaged from Day 1*, HOUSTON POST, Jan. 14, 1990, at F1.

31. See, e.g., Jeff Dickerson, *Crack Babies Cost Us A Lot More than \$504 Million*, ATLANTA J. Sept. 20, 1991, at A18 (noting that, in addition to burdening society with the cost of

This devaluation of Black children, like the devaluation of Black mothering, is older than recent poverty discourse. It stems from a racial caste system based on white superiority and racial purity that has endured for three centuries. In this supposedly natural hierarchy, Black mothers inevitably pass down to their children a whole set of inferior traits.<sup>32</sup> Racist ideology dictates that Black bodies, intellect, and character are all inherently vulgar.<sup>33</sup> This history enhances Stephanie Coontz's account of the family's political role.<sup>34</sup> American society's embrace of the private family as its model for social accountability is particularly devastating for Black children. According to Coontz, society's empathy extends only to people "whom we can imagine as potential lovers or family members."<sup>35</sup> America's legacy of racial separation makes it especially difficult—if not impossible—for most white Americans to imagine Black children as part of their family.

Serious talk about alternatives to current welfare reform proposals must center on society's dismissal of poor Black families' relationships and futures. Perhaps recognizing workfare's particular devaluation of Black mothers' work will lead some to reject these proposals and to search for ways of supporting poor single mothers' struggle to raise their children against terrifying odds. Perhaps recognizing the sheer dissonance of the hope that majority America will treasure poor Black children will lead others to work more strenuously toward "an economic game plan for poor black communities."<sup>36</sup>

---

hospital care, "[c]rack babies most often grow up in a culture of welfare dependency; there's the cost of adding their names to the welfare rolls").

32. See generally Dorothy E. Roberts, *The Genetic Tie*, 62 U. Chi. L. Rev. (forthcoming 1995) (discussing the influence of race on the social meaning of the genetic tie between parents and their children).

33. CORNEL WEST, RACE MATTERS 85-86 (1993). See also WINTHROP D. JORDAN, WHITE OVER BLACK: AMERICAN ATTITUDES TOWARD THE NEGRO 1550-1812, at 482-511 (1968) (discussing the notion of a natural racial hierarchy in post-revolutionary American thought); Kimberlé W. Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331, 1370-73 & n.151 (1988) (describing how racist ideology reflects an oppositional dynamic wherein whites are associated with positive characteristics, while Blacks are associated with the opposite, aberrational qualities).

34. See STEPHANIE COONTZ, *THE WAY WE NEVER WERE: AMERICAN FAMILIES AND THE NOSTALGIA TRAP* (1992).

35. *Id.* at 115.

36. See Regina Austin, *Left at the Past: One Take on Blacks and Postmodernism*, 26 LAW & SOC. REV. 751, 753 (1992).