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SPIRITUAL AND MENIAL HOUSEWORK

Dorothy E. Roberts[†]

Feminists have demonstrated how the ideological dichotomy between home and work has helped to subordinate women. This critique is part of a larger feminist project of shattering the mythical separation of public and private spheres that has justified women's exclusion from the market, sheltered male violence from public scrutiny, and disqualified women's needs from public support. This critique overlooks, however, how work inside the home is itself the subject of an ideological split. Domestic labor is divided into two aspects—the spiritual and the menial. Some work in the home is considered spiritual: it is valued highly because it is thought to be essential to the proper functioning of the household and the moral upbringing of children. Other domestic work is considered menial: it is devalued because it is strenuous and unpleasant and is thought to require little moral or intellectual skill. While the ideological opposition of home and work distinguishes men from women, the ideological distinction between spiritual and menial housework fosters inequality among women. Spiritual housework is associated with privileged white women; menial housework is associated with minority, immigrant, and working class women. Recent welfare reform laws, which require poor women to leave home to assume menial jobs, highlight the importance of identifying and shattering this dichotomy in women's domestic labor.

This Article explores the relationship between the spiritual/menial dichotomy and the racialized structure of women's work. I describe the forces that assign different women to each category, how the distinction between menial and spiritual housework reflects and supports a racial division of domestic labor, and how this dichotomy ultimately helps to depress the value of all women's work. In Part I, I provide background about the gendered separation of work in the home and work in the market. The public/private dichotomy of all labor and the spiritual/menial dichotomy of housework overlap and reinforce each other. I discuss how my focus on spiritual and menial housework relates to the feminist critique of the distinction made between public and private labor. Part II explains the fragmentation of domestic labor into its spiritual and menial elements. I demonstrate how privileged women have delegated their menial household duties to other women while retaining their roles as spiritual housekeepers and mothers. Part III argues that this spiritual/menial dichotomy is inextricably connected to a racialized hierarchy among women workers. I trace the history of women's domestic labor from its confinement to the home to its

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commodification in the service sector, showing the remarkable endurance of the racial ordering of women in these occupations.

Using the examples of Mammies, Black domestic servants, and "surrogate" mothers, I demonstrate in Part IV how the devaluation of menial houseworkers' spiritual qualities helps to sustain the racialized separation of spiritual and menial housework. I also discuss how Black slave women and domestic servants have transformed the meaning of their household work in a way that shatters both the public/private and spiritual/menial dichotomies. Part V contends that government labor, welfare, and immigration policies have reinforced the racialized division of housework by ensuring a supply of poor, minority women to perform low-waged household services. Finally, Part VI argues that the advantages privileged women gain from this arrangement deter a unified assault on the devaluation of household labor. I argue further that the spiritual/menial split ultimately depresses the value of all women's work and deprives all women of needed social support. The feminist project of improving women's working lives must center on eliminating the race and class inequities that have divided women workers.

I. BACKGROUND: HOW LABOR BECAME GENDERED

The dichotomy between women's spiritual and menial housework exists within an ideology that distinguishes between work in the public and private spheres. The separation of women's work in the home from wage labor, associated with men, has helped to devalue women's work and to keep women dependent on their husbands. Housework overlaps both public and private realms because it is performed by women in their own homes and by women who work for wages in the homes of others or in the service sector. Paradoxically, highly valued spiritual housework is largely confined to the home, while devalued menial housework can be purchased on the market. This section explains the gendered dichotomy between home and market as a backdrop to exploring the spiritual/menial fragmentation of housework.

Women have always performed hard work in their homes for the care of their families. As Emily Abel describes it, earlier this century "[l]aundry alone was a day-long ordeal, demanding that women carry gallons of water, lug pails of wet clothes, scrub and rinse each item and hang it on the line, exposing their hands in the process to lye and other caustic soaps."¹ Even today, women perform on average approximately fifty hours of household labor per week.² As industrialization drew men into the market of paid labor, women's unpaid work

1. Emily K. Abel, *"Man, Woman, and Chore Boy": Transformations in the Antagonistic Demands of Work and Care on Women in the Nineteenth and Twentieth Centuries*, 73 *MILBANK Q.* 187, 188 (1995) (citation omitted).

2. See JULIET B. SCHOR, *THE OVERWORKED AMERICAN: THE UNEXPECTED DECLINE OF LEISURE* 86-87 (1991).

in the home became increasingly invisible and devalued.³ The conception of work was restricted to labor performed for money-wages. Work performed in the home became associated with women and characterized as unproductive, and essential for the social, as distinct from the economic, welfare of the family.⁴ Indeed, women's unpaid care for their families was no longer considered work at all. As Jeanne Boydston puts it, what began as "a gender *division* of labor" emerged as a "gendered *definition* of labor."⁵

Under separate spheres ideology, which applied only to white families, the husband sustained the family economically and represented the family in the public arena; the wife cared for the private realm of the home.⁶ Despite the material benefits that accrued from their household labor, housewives were rendered economically dependent on their husbands. Although the number of wage-earning women has increased dramatically, those who are not tied to a wage-earning man are stigmatized, denied many social benefits, and more likely to live in poverty.⁷

Feminist historians point out that the ideological split between home and work is relatively recent and disregards the long history of women's experience of home as a workspace for both paid and unpaid labor.⁸ These scholars show that women have always contributed to the economic support of their families by producing valuable goods and services in their homes.⁹ Women's valuable domestic labor often includes tasks that if performed outside the home for a wage would be readily recognized as work. Before hospitalization was common,

3. See Reva B. Siegel, *Home as Work: The First Woman's Rights Claims Concerning Wives' Household Labor, 1850-1880*, 103 YALE L.J. 1073, 1092-93 (1994); see generally JEANNE BOYDSTON, *HOME AND WORK: HOUSEWORK, WAGES, AND THE IDEOLOGY OF LABOR IN THE EARLY REPUBLIC* (1990).

4. A broad range of legal doctrines reinforces this exclusion of women's work in their homes from value-producing labor by conceptualizing housework as solely an expression of family affection. See, e.g., *Borelli v. Brusseau*, 16 Cal. Rptr. 2d 16 (Cal. Ct. App. 1993) (declaring unenforceable a wife's agreement to nurse her husband in exchange for inclusion in his will based on rule that spouses may not be paid for domestic work); *State v. Bachmann*, 521 N.W.2d 886, 887 (Minn. Ct. App. 1994) (disqualifying a homemaker from state work-release program on grounds that "homemaking is generally not considered employment"); Katharine Silbaugh, *Turning Labor into Love: Housework and the Law*, 91 NW. U. L. REV. 1, 4-5 (1996). Many features of the Federal Income Tax Code also reflect this view of women's household labor. See Nancy C. Staudt, *Taxing Housework*, 84 GEO. L.J. 1571, 1575-99 (1996).

5. BOYDSTON, *supra* note 3, at 55.

6. See NANCY F. COTT, *THE BONDS OF WOMANHOOD: "WOMEN'S SPHERE" IN NEW ENGLAND, 1780-1835* (1977); Frances E. Olsen, *The Family and the Market: A Study of Ideology and Legal Reform*, 96 HARV. L. REV. 1497, 1498-1501 (1983). The separate spheres ideology excluded Black women, who were always expected to work outside their homes. See JACQUELINE JONES, *LABOR OF LOVE, LABOR OF SORROW: BLACK WOMEN, WORK, AND THE FAMILY FROM SLAVERY TO THE PRESENT* 11-151 (1985).

7. See MARTHA ALBERTSON FINEMAN, *THE NEUTERED MOTHER, THE SEXUAL FAMILY AND OTHER TWENTIETH CENTURY TRAGEDIES* 70-176 (1995).

8. See, e.g., Eileen Boris, *The Home as a Workplace: Deconstructing Dichotomies*, 39 INT'L REV. SOC. HIST. 415, 423 (1994); Jeanne Boydston, *To Earn Her Daily Bread: Housework and Antebellum Working-Class Subsistence*, 35 RADICAL HIST. REV. 7, 11-12 (1986); Siegel, *supra* note 3, at 1086-94.

9. In recent decades, sociologists and economists have also begun to treat women's unpaid housework as work. See Silbaugh, *supra* note 4, at 8-27. For books that transformed the conception of housework, see GARY S. BECKER, *THE ECONOMIC APPROACH TO HUMAN BEHAVIOR* (1976); RICHARD A. BERK & SARAH FENSTERMAKER BERK, *LABOR AND LEISURE AT HOME: CONTENT AND ORGANIZATION OF THE HOUSEHOLD DAY* (1979); HELENA ZNANIECKI LOPATA, *OCCUPATION: HOUSEWIFE* (1971); and ANN OAKLEY, *THE SOCIOLOGY OF HOUSEWORK* (1974).

for example, women provided skilled nursing care to sick family members.¹⁰ Other activities women perform in their homes are more easily identified as work. Many women help in family businesses attached to the living space, such as farms, restaurants, and laundries, without compensation. Keeping boarders was a lucrative source of income for women at the turn of the century.¹¹ Others engaged in industrial home work, doing paid piecework in their homes, such as sewing garments, typing documents, or rolling cigars.¹² While waged homework used to be relegated to women of lower economic status, the advent of the personal computer and high-tech means of communication have enabled growing numbers of professional women to work from their homes.¹³

These examples demonstrate that women have performed the same type of work in the home that men have performed in the market. In this Article, however, my focus is on the type of labor that is most readily identified with women and least readily identified as work—housework. Women perform the bulk of household labor necessary for the well-being of family members—caring for children and for sick and elderly relatives, cooking, cleaning, laundering, and similar household chores. I will combine the tasks involved in this type of domestic labor under the term “housework.”¹⁴ Housework may be performed in one’s own home for nothing or in the home of another for next to nothing. In either case, it is almost exclusively done by women; and because housework is women’s work, it carries little social value.¹⁵

My focus on housework is related to the concept of reproductive labor as discussed by Marxist feminists. These feminists borrow from Karl Marx’s observation that every system of production involves not only the production of necessities but also the reproduction of the tools and labor power required for production.¹⁶ Women have been responsible for the social reproduction necessary for the industrial economy to function, maintaining homes, raising children, and sustaining community ties. For feminist followers of Marxist

10. See Abel, *supra* note 1, at 188.

11. See Siegel, *supra* note 3, at 1087.

12. See EILEEN BORIS, *HOME TO WORK: MOTHERHOOD AND THE POLITICS OF INDUSTRIAL HOMEWORK IN THE UNITED STATES* (1994).

13. See Jon Nordheimer, *You Work at Home. Does the Town Board Care?*, N.Y. TIMES, July 14, 1996, at § 3, at 1 (“As many as 40 million people work at least part time at home, with about 8,000 home-based businesses starting daily.”).

14. Although scholars often divide women’s household labor into housework and child care, I consider them together for purposes of this Article. I am interested in the distinction between spiritual and menial tasks involved both in housekeeping and in taking care of children and other family members. Feminist scholars have used the terms “social reproduction” and “reproductive labor” to refer collectively to “the array of activities and relationships involved in maintaining people both on a daily basis and intergenerationally.” Evelyn Nakano Glenn, *From Servitude to Service Work: Historical Continuities in the Racial Division of Paid Reproductive Labor*, 18 SIGNS 1, 1 (1992). This categorization does not deny the differences between domestic labor defined primarily as housework (cooking and cleaning, for example) and that defined primarily as child care. For an exploration of these differences, see generally Cameron Lynne Macdonald, *Shadow Mothers: Nannies, Au Pairs, and Invisible Work*, in *WORKING IN THE SERVICE SOCIETY* (Cameron Lynne Macdonald & Carmen Sirianni eds., 1996).

15. See CATHARINE A. MACKINNON, *TOWARD A FEMINIST THEORY OF THE STATE* 80 (1989).

16. See Glenn, *supra* note 14, at 3-4.

theory, women's subordination is based on the gendered construction of this reproductive labor whereby women's unwaged housework is expropriated by men, who reap the benefit of their wives' labor while they sell their own labor on the market.¹⁷ Reproductive labor, Marxists have recognized, involves both emotional and manual work.¹⁸ My distinction between spiritual and menial housework mirrors the Marxist distinction between emotional and manual labor. While Marxist feminists focus on the gendered exploitation of this reproductive labor generally, I focus here on the racialized exploitation of the two different types of labor within that category.

II. THE FRAGMENTATION OF DOMESTIC LABOR

Women's domestic labor is divided into two categories—spiritual and menial housework. This division exists within the context of the public/private split and also facilitates it. The ideological dichotomy between home and work incorporated a belief in women's spiritual nature. In this ideal division of labor, marriage constituted an exchange of the husband's economic sustenance for the wife's spiritual succor.¹⁹ The mother dispensed moral guidance to her family while the husband provided its primary financial support. The separate spheres ideology gave women a place, a role, and importance in the home, while preserving male dominance over women. The "cult of domesticity" legitimized the confinement of women to the private sphere by defining women as suited for motherhood (and unsuited for public life) because of their moral or spiritual nature. Thus, the very idealization of women's spirituality bolstered the opposition between maternal nurturing in the home and masculine work in the cutthroat marketplace.

Household labor, however, is not all spiritual. It involves nasty, tedious physical tasks—standing over a hot stove, cleaning toilets, scrubbing stains off of floors and out of shirts, changing diapers and bedpans. The notion of a purely spiritual domesticity could only be maintained by cleansing housework of its menial parts. The ideological separation of home from market, then, dictated the separation of spiritual and menial housework. Housework's undesirable tasks had to be separated physically and ideologically from the moral aspects of family life.²⁰

This dichotomy has two important consequences. First, women may delegate housework's menial tasks to others while retaining their more valuable spiritual duties. Second, this fragmentation fosters a hierarchy among women because the menial aspects of housework are typically delegated by more privileged women to less privileged ones. At the same time, the availability of a class of menial

17. See MACKINNON, *supra* note 15, at 67-68.

18. See Glenn, *supra* note 14, at 4.

19. See Siegel, *supra* note 3, at 1093.

20. See PHYLLIS PALMER, *DOMESTICITY AND DIRT: HOUSEWIVES AND DOMESTIC SERVANTS IN THE UNITED STATES, 1920-1945*, at 137-39 (1989).

workers, sustained by race and class subordination, makes this division of women's housework possible. Although women's participation in the market is now widely accepted, the assignment of household work to women and the distinction between spiritual and menial housework both persist. In the hit movie *The First Wives' Club*, the character played by Diane Keaton complains to her friends about the work she did for her ex-husband: "I washed his shorts, I ironed them, and I starched them." "You did?" her friends respond in amazement. "Well, I *supervised*," Keaton clarifies.²¹ This scene conveys the spiritual housewife's relationship to menial housework: she supervises the labor of less privileged women.

An early example of the distinction between spiritual and menial housework is embodied in the relationship between Mammy and her mistress. The image of Mammy was that of a rotund, handkerchiefed house servant who humbly nursed her master's children. Mammy was both the perfect mother and the perfect slave; whites saw her as a "passive nurturer, a mother figure who gave all without expectation of return, who not only acknowledged her inferiority to whites but who loved them."²² It is important to recognize, however, that Mammy did not reflect any virtue in Black motherhood. The ideology of Mammy placed no value in Black women as the mothers of their own children. Rather, whites claimed Mammy's total devotion to the master's children, without regard to the fate of Mammy's own offspring. Moreover, Mammy, while caring for the master's children, remained under the constant supervision of her white mistress.²³ She had no real authority over either the white children she raised or the Black children she bore. Mammy's domestic labor is the perfect illustration of menial housework; her mistress, on the other hand, performed the spiritual work in the house.

One of Mammy's chores was to serve as a wetnurse for her mistress's babies.²⁴ Delegating breastfeeding to a servant shows how housework's menial features can be detached from even the most intimate of maternal tasks. Today breastfeeding seems emblematic of the spiritual bond between mother and infant, the closest possible connection between two human beings. It is the epitome of maternal nurturing. Yet in the past the physical labor of breastfeeding was disengaged from its spiritual features to permit its performance by a morally inferior slave. When the servant nursed the mistress's baby, this act was not expected to create the sacred bond that existed between the white mother and her child. Thus, the servant could conveniently do the mistress's work without appropriating the mistress's spiritual attributes. In other words, the nature of the

21. *THE FIRST WIVES' CLUB* (Paramount 1996).

22. BELL HOOKS, *AIN'T I A WOMAN: BLACK WOMEN AND FEMINISM* 84-85 (1981); see also DEBORAH GRAY WHITE, *AR'N'T I A WOMAN?: FEMALE SLAVES IN THE PLANTATION SOUTH* 46-61 (1985) (describing the image of Mammy and how it fit within the cult of domesticity).

23. See ELIZABETH FOX-GENOVESE, *WITHIN THE PLANTATION HOUSEHOLD: BLACK AND WHITE WOMEN OF THE OLD SOUTH* 292 (1988); Ann Ferguson, *On Conceiving Motherhood and Sexuality: A Feminist Materialist Approach*, in *MOTHERING: ESSAYS IN FEMINIST THEORY* 153, 171 (Joyce Trebilcot ed., 1983).

24. See WHITE, *supra* note 22, at 49.

work—whether spiritual or menial—depended on the status of the woman performing it.

Today, the spiritual/menial split enables many professional women to go to work without disturbing the sexual division of housework or relinquishing their role as spiritual housekeepers. In her study of domestics and the women who employ them, Judith Rollins found that middle-class women's entry in the workplace did not change their attitudes toward their role in the home. According to Rollins, "The middle-class women I interviewed were not demanding that their husbands play a greater role in housekeeping; they accepted the fact that responsibility for domestic maintenance was theirs, and they solved the problem of their dual responsibilities by hiring other women to assist."²⁵ Female employers usually view their maids as an extension of the more menial part of themselves rather than as autonomous employees. Hiring a domestic worker leaves the employer free both to work outside the home and to devote herself to the spiritual aspects of being a wife and mother.

The modern household worker's job is defined in a way that prevents its interference with the female employer's spiritual prerogatives. Even if a child spends the entire day with her nanny while her mother is at work, the hour of "quality time" mother and child share at bedtime is considered most important. Of course, the mother expects the nanny to develop a warm and caring relationship with the child. She wants the nanny to treat the child as a special person, and not as a chore. But the mother nevertheless desires her own relationship with her child to be superior to—closer, healthier, and more influential than—the relationship the child has with the nanny.

In her study of working mothers who hire in-home nannies, Cameron Macdonald identified the employers' contradictory impulses:

[T]he mother's expectation that her nanny care for and love her children as she would herself frequently collides with her *own* desire to be the primary care giver and with her belief in the ideology of mother-intensive child rearing; it also conflicts with the assumption that the quality of the mother-child relationship should be the same as if she were at home full-time and someone else were not doing the bulk of the actual care.²⁶

25. JUDITH ROLLINS, *BETWEEN WOMEN: DOMESTICS AND THEIR EMPLOYERS* 104 (1985), reprinted in *WORKING IN THE SERVICE SOCIETY* (Cameron Lynne Macdonald & Carmen Sirianni eds., 1996).

26. Macdonald, *supra* note 14, at 250. In her ongoing dissertation research at Harvard University, Cameron Macdonald has found that working mothers go to great lengths to maintain a distinction between their relationships with their children and their children's relationships with in-home child care workers. See Letters from Cameron Macdonald to author (Nov. 22, 1996 and Dec. 11, 1996) (on file with the author). See also Shellee Colen, "Like a Mother to Them": *Stratified Reproduction and West Indian Childcare Workers and Employers in New York*, in *CONCEIVING THE NEW WORLD ORDER* 78, 92 (Faye D. Ginsburg & Rayna Rapp eds., 1995) ("Even when most of the child's waking hours were spent in the worker's care, most employing mothers felt that they were still the primary caretakers."). This "division of mothering labor" parallels the spiritual/menial dichotomy I describe in this Article. For an in-depth exploration of the relations between parents and paid, private caregivers, see JULIA WRIGLEY, *OTHER PEOPLE'S CHILDREN* (1995). For a study of the techniques and rules that family day-care providers use to distinguish between the feelings they have

Macdonald found that the mothers she studied wanted the nanny to operate as a "shadow mother," acting like a mother during the day and then vanishing as soon as the real mother returned, "leaving no trace of her presence in the psychic lives of the children they shared."²⁷

These incompatible motives parallel another dilemma mothers face in delegating child care to a less privileged employee. In another study of private child care arrangements, Julia Wrigley discovered that parents were torn between their desire to hire a high-status substitute mother and their preference for a manageable subordinate.²⁸ "They would like caregivers who share their child-rearing values and who operate independently," Wrigley explains, "but they also want inexpensive, reliable, controllable employees."²⁹ Parents often resolve this dilemma by relying on their spiritual supervision of the low-status employees' menial work. For example, one employer commented that "sometimes it was better to accept 'dumb' employees who are under the parents' control rather than deal with cocky ones."³⁰ In both studies, employers resolved their contradictory desires by distinguishing between their own spiritual and the employees' menial housework.

Thus, the mother's spiritual moments with her child are far more valuable than the long hours the nanny spends caring for the child.³¹ Moreover, the working mother might not be able to devote quality time to her child at all if she came home to face the chores that the nanny took care of during the day. Some working mothers also hire another woman, who has even lower status, to clean the house and run errands.³² By delegating work to a nanny and/or maid, affluent woman can fulfill their spiritual calling as mother despite their career in the market.

What is wrong with distinguishing between the roles played by the mother and by the woman she hires to care for her children? Would we not expect to find a difference between a child's relationship with her parents and with the paid household help? My point is not that we should eradicate all distinctions among people who perform housework, but to demonstrate how the distinction made between spiritual and menial housework fosters both a gendered and racialized devaluation of this type of labor. By separating spiritual from menial housework,

toward their own children and the nonresident children for whom they provide care, see Margaret K. Nelson, *Mothering Others' Children: The Experiences of Family Day-Care Providers*, 15 *SIGNS* 586 (1990).

27. See Macdonald, *supra* note 14, at 250.

28. See WRIGLEY, *supra* note 26, at 5, 20-47.

29. *Id.* at 5.

30. *Id.* at 6.

31. Twila Perry commented to me that in their requests for alimony affluent wives place a much higher value on housework they perform themselves compared with the wages that they pay household workers. For a racial critique of alimony theory, see Twila L. Perry, *Alimony: Race, Privilege, and Dependency in the Search for Theory*, 82 *GEO. L.J.* 2481 (1994).

32. See Macdonald, *supra* note 14, at 259-60 (discussing the differences between nannies who care for children and other domestic workers). One advantage of hiring a socially subordinate caregiver is that they can be required to do housework as well as child care. See WRIGLEY, *supra* note 26, at 31-36.

both the mother and the nanny continue to be under-compensated for their work in the home despite working women's supposed liberation from domestic confinement.

III. THE RACIALIZED VALUE OF WOMEN'S HOUSEWORK

The dichotomy between spiritual and menial housework is inextricably connected to a racial division between domestic laborers, a division that has survived dramatic changes in women's relationship to the market. It is true that housework has always been women's work, but polishing floors, scrubbing clothes, and tending to children for pay has been seen as Black and other minority women's work. Even as aspects of housework have shifted from the home to the market, women of color continue to fill a disproportionate share of the menial jobs.³³

As demonstrated by the role of Mammy, the wives of slave holders exploited Black women's menial labor in their homes. The Victorian ideal of womanhood arose in part out of the institution of slavery. Its expectation that white women would devote themselves to spiritual domestic service dictated the expectation that Black women would toil in the fields and serve white families. During the first half of this century white middle-class women relied on hired help to do the hardest and dirtiest chores around the house.³⁴ Paying someone else to perform menial housework freed time for these women to engage in housework's spiritual aspects, supervising their servants and educating their children. Middle-class wives of this period rarely took on paid employment, but relief from the menial part of housework enabled them to concentrate on the more valued cultural and charitable activities included in social reproduction.³⁵ Thus, delegating the menial household chores enabled privileged women to live up to the spiritual ideal of womanhood.

Although household work was the most common occupation for all women before 1900, a racial disparity emerged after the turn of the century.³⁶ The ethnic background of menial houseworkers varied by region, but they were almost invariably immigrant and/or non-white women. Evelyn Nakano Glenn shows how "[i]n regions where there was a large [concentration of people of color, subordinate-race women formed a more or less permanent servant stratum."³⁷ While most domestic servants in the Northeast at the turn of the century were European immigrants, domestic jobs in the South were filled virtually exclusively by Black women; Chicanas in the Southwest and Asian-American

33. See *infra* notes 48-52 and accompanying text.

34. See PALMER, *supra* note 20, at 70.

35. See TERESA AMOTT & JULIE MATTHAEI, RACE, GENDER, AND WORK: A MULTI-CULTURAL ECONOMIC HISTORY OF WOMEN IN THE UNITED STATES 324 (1991); Glenn, *supra* note 14, at 7.

36. See Suzanne Goldberg, *In Pursuit of Workplace Rights: Household Workers and a Conflict of Laws*, 3 YALE J.L. & FEMINISM 63, 67-68 (1990).

37. Glenn, *supra* note 14, at 8.

women on the West Coast disproportionately served in this role.³⁸ By 1930, 63 percent of Black wage-earning women were domestic servants.³⁹ The more recent hiring of West Indian immigrants as childcare workers in New York City has created, according to Shellee Colen, "a transnational, highly stratified system of reproduction."⁴⁰ In addition to the overrepresentation of women of color in paid housework, there developed a racial hierarchy *within* domestic service. White servants were reserved for more respected positions such as housekeeper; Blacks and Latinas were relegated to cooking and laundering.⁴¹

The racial division of housework persisted in the face of women's expanded participation in the paid labor force and the increased commodification of household chores. The collapse of rigid color barriers in the labor market after World War II allowed greater numbers of women of color to leave domestic work in white people's homes.⁴² The percentage of Black women workers employed as domestics fell from 36.2 percent as recently as 1960 to 5.0 percent by 1980.⁴³ Yet the remaining ranks of domestics continued to be filled disproportionately by women of color. In 1988, the Department of Labor reported that 22.6 percent of female household workers were Black and 16.3 percent were Hispanic.⁴⁴ These statistics do not take into account most undocumented laborers working "off the books," who also tend to be women of color.⁴⁵

The racialized division of household work has also survived the post World War II transfer of many menial tasks from household to market. A growing number of services that were traditionally performed by women in their homes can be purchased on the market.⁴⁶ Just as industrialization almost completely shifted goods production from the home to the market, so the conditions of urban America increasingly commodify domestic tasks. Daycare centers, fast food restaurants, maid services, nursing homes, and recreation facilities offer a reprieve from housework to women who can afford them. The commodification of housework, however, has not altered its gendered nature. Although this work occurs outside the home, it too is performed primarily by women. Black and Latina women hold a disproportionate share of low-level institutional service

38. See *id.*; Goldberg, *supra* note 36, at 68. See generally DAVID M. KATZMAN, SEVEN DAYS A WEEK: WOMEN AND DOMESTIC SERVICE IN INDUSTRIALIZING AMERICA 44-94 (1978) (giving a detailed demographic account of domestic servants at the turn of the century).

39. See Goldberg, *supra* note 36, at 68.

40. Colen, *supra* note 26, at 78.

41. See Glenn, *supra* note 14, at 10.

42. See Evelyn Nakano Glenn, *Cleaning Up/Kept Down: A Historical Perspective on Racial Inequality in "Women's Work"*, 43 STAN. L. REV. 1333, 1344-45 (1991); see also AMOTT & MATTHAEI, *supra* note 35, at 328-29.

43. See Glenn, *supra* note 42, at 1345.

44. See Goldberg, *supra* note 36, at 69-70.

45. See *id.* at 72.

46. See Boris, *supra* note 8, at 423; Glenn, *supra* note 14, at 4-5. For a collection of essays describing women's experiences as laborers in the service sector, see WORKING IN THE SERVICE SOCIETY, *supra* note 14.

jobs.⁴⁷ The shift to a service economy had a different impact on white and Black women: while many white women "moved up" to jobs formerly occupied exclusively by men, most Black women only "moved over" to the less prestigious jobs traditionally reserved for white women.⁴⁸

The importance of service workers' personal characteristics intensifies this racial stratification. Because social interaction is such a critical part of many service jobs, employees' personal traits shape the very nature of the work.⁴⁹ As a result, "race and gender determine not only who is considered desirable or even eligible to fill certain jobs, but also who will want to fill certain jobs and how the job itself is performed."⁵⁰ Thus, although white women constitute a majority of service workers, they are preferred for positions requiring physical and social contact with customers, leaving minority women to do the rest.⁵¹ Glenn summarizes the way in which the stratification of the market mirrors that in the home:

Racial-ethnic women are employed to do the heavy, dirty, "back-room" chores of cooking and serving food in restaurants and cafeterias, cleaning rooms in hotels and office buildings, and caring for the elderly and ill in hospitals and nursing homes, including cleaning rooms, making beds, changing bed pans, and preparing food. In these same settings white women are disproportionately employed as lower-level professionals (e.g., nurses and social workers), technicians, and administrative support workers to carry out the more skilled and supervisory tasks.⁵²

Service workers typically find work in public institutions preferable to work in private households: it gives them greater independence from the boss and social support from co-workers.⁵³ Yet these public laborers are not much better off economically than those who work in homes.⁵⁴ Like domestics, their wages are at the bottom of the scale, they seldom receive medical and other benefits, they work long and unpredictable hours, and they have little job security.⁵⁵ Also

47. See HOOKS, *supra* note 22, at 132-36; Glenn, *supra* note 42, at 1347-53; Cameron Lynne Macdonald & Carmen Sirianni, *The Service Society and the Changing Experience of Work*, in WORKING IN THE SERVICE SOCIETY *supra* note 14, at 1, 11-16.

48. See Macdonald & Sirianni, *supra* note 47, at 1, 14, citing Betty Woody, *Black Women in the Emerging Services Economy*, 21 SEX ROLES 45 (1989). On the interaction of gender, race, and class in women's new service work, see generally AMOTT & MATTHAEI, *supra* note 35, at 328-31.

49. See Macdonald & Sirianni, *supra* note 48, at 15; ROLLINS, *supra* note 25, at 131-32.

50. See Macdonald & Sirianni, *supra* note 48, at 15.

51. See Glenn, *supra* note 14, at 20.

52. *Id.* at 20.

53. See *id.* at 22.

54. See *id.* at 22-23.

55. See *id.* at 22; see also AMOTT & MATTHAEI, *supra* note 35, at 330 (noting that in 1994, female service workers earned considerably less than workers in manufacturing, sales, or clerical occupations); Glenn, *supra* note 42, at 1348-50 (discussing continuing wage inequality between white women and women of color); Macdonald & Sirianni, *supra* note 47, at 11-12 (distinguishing between empowered service jobs "associated

like domestics, their work, often performed invisibly "behind institutional walls," in back rooms, and at night,⁵⁶ supports the spiritual housework performed privately by more privileged women.

IV. THE DENIAL OF MENIAL WORKERS' SPIRITUALITY

The delegation of menial housework to less privileged women has been supported by the denial of their capacity for spiritual housework. The expectation that poor women, immigrant women, and women of color would work for wages disqualified them from the ideal of domesticity. This disqualification has been compounded by the disparagement of their moral traits. Dominant images have long depicted Black mothers as unfit, uncaring, and immoral—just the opposite of the spiritual mother.⁵⁷ Contemporary rhetoric blames single Black mothers on welfare for perpetuating poverty by transmitting a deviant lifestyle to their children.⁵⁸ Courts often treat Black childrearing patterns and conditions of poverty as evidence of maternal unfitness.⁵⁹ It becomes national news when a poor Black or Latina mother is arrested for raising her children in a rat- and roach-infested house.⁶⁰ We hear only about the immorality of the class of mothers who are assigned to menial household tasks.

The spiritual/menial split is therefore racialized not only because women of color hold a disproportionate number of menial jobs, but also because any domestic labor performed by women of color is considered menial rather than spiritual. Mammies, Black domestic servants, and "surrogate" mothers are examples of menial domestic laborers whose spirituality has been devalued.

A. *Mammy*

Let us return to the image of Mammy. While whites adored Mammy for dutifully nurturing white children, they portrayed Black slave mothers as careless and unable to care for their own children. Slave women, for example, were often blamed for the high rate of Black infant mortality. It was common for a nineteenth-century census marshal to report the cause of an enslaved baby's

with full-time work, decent wages and benefits, and internal job ladders," and production-line jobs which "offer none of these").

56. Glenn, *supra* note 14, at 32; Glenn, *supra* note 42, at 1353.

57. See PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* 67-90 (1990); Dorothy E. Roberts, *Racism and Patriarchy in the Meaning of Motherhood*, in *MOTHERS IN LAW: FEMINIST THEORY AND THE LEGAL REGULATION OF MOTHERHOOD* 224, 224-49 (Martha Albertson Fineman & Isabel Karpin eds., 1995).

58. See FINEMAN, *supra* note 7, at 101-18.

59. See Dorothy E. Roberts, *Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy*, 114 *HARV. L. REV.* 1419, 1440-41 (1991); Ann Shalleck, *Child Custody and Child Neglect: Parenthood in Legal Practice and Culture*, in *MOTHERS IN LAW: FEMINIST THEORY AND THE LEGAL REGULATION OF MOTHERHOOD*, *supra* note 57, at 308.

60. See Lucy A. Williams, *Race, Rat Bites and Unfit Mothers: How Media Discourse Informs Welfare Legislation Debate*, 22 *FORDHAM URB. L.J.* 1159, 1159 (1995).

death as “‘[s]mothered by carelessness of [her] mother.’”⁶¹ Whites believed that Black mothers needed the moral guidance that slavery afforded. Eleanor Tayleur, for example, argued that, deprived of intimate contact with their morally superior white mistresses, freed Black women displayed uncontrolled passion and ignorance. “The modern negro woman,” Tayleur asserted, “has no such object-lesson in morality or modesty, and she wants none.”⁶² According to Tayleur, Black women’s defective character led to horrible abuses of their children:

For her children she has fierce passion of maternity that seems to be purely animal, and that seldom goes beyond their childhood. When they are little, she indulges them blindly when she is in good humor, and beats them cruelly when she is angry; and once past their childhood her affection for them appears to be exhausted. She exhibits none of the brooding mother-love and anxiety which the white woman sends after her children as long as they live. Infanticide is not regarded as a crime among negroes, but it is so appallingly common that if the statistics could be obtained on this subject they would send a shudder through the world.⁶³

In other words, Black women were suitable to perform menial housework in white people’s homes but incapable of fulfilling spiritual duties in their own.

B. *What Happened to Domestic Servants’ Children?*

A corollary to the transferal of menial housework to less privileged women was the disregarding of the housework they performed in their own homes. In addition to devaluing their servants’ capacity for spiritual domesticity, white employers generally assumed that Black women had a special ability to handle their own menial duties. Domestic servants’ home life was simply ignored.⁶⁴ An essential quality of a good servant was that her personal life did not interfere with her service to her employer. Phyllis Palmer describes domestic work in the 1920s, 30s, and 40s: “Domestics were envisioned as single women, young or old, cut off from any attachments except those to the employer’s family.”⁶⁵ White mistresses rarely inquired about the childcare arrangements of the domestic help, and this pattern persists in the present day. One contemporary West Indian employee noted that her employers shared this view of her home life: “‘It’s O.K.

61. Michael P. Johnson, *Smothered Slave Infants: Were Slave Mothers at Fault?*, 47 J.S. HIST. 493, 493 (1981) (quoting South Carolina Mortality Schedules, 1850, Abbeville District, frame 3).

62. Eleanor Tayleur, *The Negro Woman: Social and Moral Decadence*, 76 OUTLOOK 266, 267-68 (1990), quoted in BEVERLY GUY-SHEFTALL, *DAUGHTERS OF SORROW: ATTITUDES TOWARD BLACK WOMEN, 1880-1920* 44 (1990).

63. *Id.*

64. See Colen, *supra* note 26, at 92-93; Glenn, *supra* note 14, at 18; Goldberg, *supra* note 36, at 77-87.

65. PALMER, *supra* note 20, at 87.

for them to ask me to stay extra time because they have their family together, but what about me? . . . They don't think that I have my family waiting for me."⁶⁶

In fact, the demands of work within white homes undermined Black women's own roles as mothers and homemakers.⁶⁷ Black domestics at the turn of the century were unable to attend to their children during the day. They returned home late at night and had to entrust their children to the care of a neighbor, relative or older sibling, or leave them alone to take care of themselves.⁶⁸ An anonymous domestic poignantly described in 1912 how her job caring for a white family meant being separated from her own:

I frequently work from fourteen to sixteen hours a day. I am compelled . . . to sleep in the house. I am allowed to go home to my children, the oldest of whom is a girl of 18 years, only once in two weeks, every other Sunday afternoon—even then I'm not permitted to stay all night. . . . I live a treadmill life and I see my own children only when they happen to see me on the streets when I am out with the [white] children, or when my children come to the "yard" to see me, which isn't often, because my white folks don't like to see their servants' children hanging around their premises. You might as well say that I'm on duty all the time—from sunrise to sunrise, every day in the week. I am the slave, body and soul, of this family.⁶⁹

Other domestic servants coped with their impossible bind by sending their children away to relatives.⁷⁰ Today many West Indian immigrants who come to the United States as childcare workers leave their children behind with foster families.⁷¹ Although domestics' working conditions have improved and there are exceptional employers who show concern about their employees' personal affairs, the structure of paid household work typically devalues the importance of

66. Colen, *supra* note 26, at 90. The neglect of domestics' home life is an aspect of the invisibility Judith Rollins experienced during her field work employed as a domestic in white homes. See ROLLINS, *supra* note 25, at 207-10. Rollins discovered that white employers treated her as though she were not there, talking openly in her presence about private matters, turning down the heat when they left the house, and locking her in the house without a key. Rollins links her invisibility as a domestic to white America's denial of Black people's humanity: "These gestures of ignoring my presence were not, I think, intended as insults; they were expressions of the employers' ability to annihilate the humanness and even, at times, the very existence of me, a servant and a black woman." *Id.* at 209.

67. See JONES, *supra* note 6, at 127.

68. See *id.* at 129.

69. Anonymous, *I Live a Treadmill Life*, in BLACK WOMEN IN WHITE AMERICA: A DOCUMENTARY HISTORY 227, 227-28 (Gerda Lerner ed., 1972).

70. See Abel, *supra* note 1, at 199.

71. See Colen, *supra* note 26, at 85.

workers' home life.⁷² Household workers, moreover, often come from a class of women whose maternal fitness continues to be disparaged.⁷³

C. Contract Pregnancy and Menial Reproduction

Contract pregnancy, or "surrogacy," can be seen as a high-tech form of menial reproductive work.⁷⁴ The typical case involves a husband and his infertile wife. The couple hires a fertile woman, or "surrogate," to bear a child for the man and the infertile woman. The birth mother is impregnated with the husband's sperm and carries the fetus to term. She agrees to relinquish parental rights to the child, whom the wife subsequently adopts. While the "surrogate" provides the menial labor of gestating the fetus to term, the contracting wife is designated as the baby's spiritual mother.

People who hire "surrogates" are usually wealthier than the women who provide the service. An adopting couple must be fairly well off to afford the costs of a pregnancy arrangement, as the typical costs to the couple amount to at least \$25,000.⁷⁵ Contract pregnancy is appealing to some low-income women because it pays better than other unskilled employment and because it is one of the few jobs available to them that does not require leaving home.⁷⁶ In custody battles between the (menial) "surrogate" and the (spiritual) wife, judges tend to grant custody to the contracting couple in part because of their class advantages.⁷⁷ The highly publicized *In Re Baby M* case involved a dispute between the birth mother, Mary Beth Whitehead, and the contracting couple, the Sterns, over custody of the baby, Melissa.⁷⁸ Although it refused to enforce the contract between the parties, the New Jersey Supreme Court awarded the Sterns joint custody of Melissa. The decision seemed to be based on two factors: the couple's

72. A few colleagues have reacted defensively to this argument, pointing to their close relationship with the nanny who raised them or whom they presently employ. My purpose is not to assess individual blame for domestics' working conditions, but to seriously consider ways of changing an unjust arrangement. The emotional relationship between household workers and their employers should not overshadow the structural inequalities that exist between them. Cf. ROLLINS, *supra* note 25, at 228 ("Even egalitarian interpersonal relationships (which are non-existent, in any case) could not fully compensate for the hardships caused by not making enough money to provide adequately for oneself and one's family."); Goldberg, *supra* note 36, at 85 (noting how the "intimate nature of work within another's household... plays out in employees' difficulties in requesting raises, changing working conditions or attempting to alter other aspects of the employment relationship").

73. See *supra* notes 57-60 and accompanying text.

74. I place "surrogacy" and "surrogate" in quotes because these terms are misnomers. The woman who is impregnated, carries the fetus, and gives birth to the baby is a biological and/or gestational mother, and not a surrogate. The common use of the term "surrogacy" to describe this arrangement emphasizes the devaluation of the birth mother's menial reproductive function.

75. See MARTHA A. FIELD, *SURROGATE MOTHERHOOD* 25 (1988).

76. See Nancy Ehrenreich, *Surrogacy as Resistance? The Misplaced Focus on Choice in the Surrogacy and Abortion Funding Contexts*, 41 *DEPAUL L. REV.* 1369, 1379-80 (1992) (book review).

77. See Kelly Oliver, *Marxism and Surrogacy*, in *FEMINIST PERSPECTIVES IN MEDICAL ETHICS* 266, 270-73 (Helen Bequaert Holmes & Laura M. Purdy eds., 1992).

78. *In re Baby M*, 537 A.2d 1227 (N.J.1988).

financial security and expert testimony that disparaged Whitehead's fitness as a mother.⁷⁹

"Gestational surrogacy," adds a racial dimension to the exploitation of menial reproduction. In this form of contract pregnancy, the hired gestator is implanted with an embryo produced by fertilizing the contracting mother's egg with the contracting father's sperm using *in vitro* fertilization. The child therefore inherits the genes of both contracting parents and is genetically unrelated to the birth mother.

"Gestational surrogacy" invokes the possibility that white middle-class couples will use women of color to gestate their babies. Since contracting couples need not be concerned about the gestator's genetic qualities (most importantly, her race), they may favor hiring the most economically vulnerable women in order to secure the lowest price for their services. Black gestators would be doubly disadvantaged in any custody dispute: besides being less able to afford a court battle, they are unlikely to win custody of the white child they bear.⁸⁰ Some feminists have predicted a caste of breeders, composed of women of color, whose primary function would be to gestate the embryos of more valuable white women.⁸¹ These breeders, whose own genetic progeny would be considered worthless, might be sterilized.

A recent California case involving gestational surrogacy suggests that this type of reproductive exploitation may be more than a figment of radical feminists' imagination. *Johnson v. Calvert* was a custody dispute between a Black birth mother, Anna Johnson, and the baby's genetic parents, the Calverts, a married couple of a white husband and a Filipina wife.⁸² During her pregnancy, Johnson changed her mind about relinquishing the baby and both Johnson and the Calverts filed lawsuits to gain parental rights to the child. Relying on genetics, the trial judge held that Johnson had no standing to sue for custody or visitation rights, and granted the Calverts sole custody of the baby.⁸³ The judge equated legal motherhood with genetic connection and compared gestation to a foster parent's temporary care for a child to whom she is not genetically related.⁸⁴ The Supreme Court of California ratified this view, thereby ensuring that a Black

79. See *id.* at 1258-61.

80. See Anita L. Allen, *The Black Surrogate Mother*, 8 HARV. BLACKLETTER J. 17, 31 (1991); Beverly Horsburgh, *Jewish Women, Black Women: Guarding against the Oppression of Surrogacy*, 8 BERKELEY WOMEN'S L.J. 29, 48 (1993).

81. See, e.g., GENA COREA, *THE MOTHER MACHINE* 276 (1985) (describing a "reproductive brothel"); JANICE G. RAYMOND, *WOMEN AS WOMBS* 143-44 (1993) (describing the growth of reproductive clinics in developing countries that specialize in sex predetermination and foreshadow the use of Third World women as gestational surrogates); Barbara Katz Rothman, *Reproductive Technology and the Commodification of Life*, in *EMBRYOS, ETHICS, AND WOMEN'S RIGHTS* 95, 100 (Elaine Hoffman Baruch et al. eds., 1988) ("Can we look forward to baby farms, with white embryos grown in young and poor Third-World mothers?").

82. 851 P.2d 776 (Cal. 1993). See Philip Hager, *State High Court to Rule in Child Surrogacy Case*, L.A. TIMES, Jan. 24, 1992, at A1; Nicole Miller Healy, *Beyond Surrogacy: Gestational Parenting Agreements Under California Law*, 1 UCLA WOMEN'S L.J. 89 (1991).

83. See Janet L. Dolgin, *Just a Gene: Judicial Assumptions About Parenthood*, 40 UCLA L. REV. 637, 684-86 (1993) (discussing *Johnson v. Calvert*).

84. *Id.*

gestational "surrogate" could not be the legal mother of the white child she gives birth to. Commentator Katha Pollitt speculated that the Calverts may have deliberately chosen a Black gestator in order to gain an advantage in a custody battle.⁸⁵

Feminist objections to contract pregnancy implicate the separation of spiritual and menial reproductive labor. Legal theorist Margaret Jane Radin argues that surrogacy impermissibly alienates a fundamental aspect of one's personhood and treats it as a marketable commodity.⁸⁶ In Radin's words, "[m]arket-inalienability might be grounded in a judgment that commodification of women's reproductive capacity is harmful for the identity aspect of their personhood and in a judgment that the closeness of paid surrogacy to baby-selling harms our self-conception too deeply."⁸⁷ Philosopher Elizabeth Anderson argues that using "surrogates'" bodies, rather than respecting them, fails to value women in an appropriate way.⁸⁸ Contract pregnancy treats women as objects rather than valuable human beings by selling their capacity to bear children for a price. Barbara Katz Rothman notes how the term "product of conception," often used to describe the fertilized egg to be implanted in a surrogate mother, reflects this commodification: "It is an ideology that enables us to see not motherhood, not parenthood, but the creation of a commodity, a baby."⁸⁹

Turning reproduction into purely menial labor is problematic for another reason. In pregnancy, a gestator's body and being is impressed into paid service to a degree distinct from other work. Unlike most paid laborers, the "surrogate" cannot separate herself from the service she performs. As Kelly Oliver puts it, "Surrogacy is a 24-hour-a-day job which involves every aspect of the surrogate's life Her body becomes the machinery of production over which the contractor has ultimate control."⁹⁰

Rejecting arguments against contract pregnancy based on the intrinsic distinction between reproductive and other forms of labor, Debra Satz argues that it is the background of gender inequality that makes the commodification of women's attributes especially objectionable.⁹¹ Satz contends that contract pregnancy contributes to gender inequality in three ways: it gives others increased access to and control over women's bodies; it reinforces stereotypes about women's proper role in the division of reproductive labor; and it leads courts to define motherhood in terms of genetic material.⁹² As the case of "gestational surrogacy" illustrates, the background of racial inequality adds

85. See Katha Pollitt, *Checkbook Maternity: When is a Mother Not a Mother?*, NATION, Dec. 31, 1990, at 825, 842.

86. Margaret Jane Radin, *Market-Inalienability*, 100 HARV. L. REV. 1849 (1987).

87. *Id.* at 1932.

88. Elizabeth S. Anderson, *Is Women's Labor a Commodity?*, 19 PHIL. & PUB. AFF. 71, 80-87 (1990).

89. Rothman, *supra* note 81, at 96.

90. Oliver, *supra* note 77, at 274-75.

91. Debra Satz, *Markets in Women's Reproductive Labor*, 21 PHIL. & PUB. AFF. 107 (1992).

92. *See id.*

another, related set of concerns about contract pregnancy. "Surrogacy" perpetuates the racial hierarchy within the division of reproductive labor, as well as the racist valuation of genetic material.⁹³

All of these objections to contract pregnancy stem in part from the practice's fragmentation of reproduction into its menial and spiritual aspects. Like the separation of menial from spiritual housework, disengaging a "surrogate's" menial childbearing from her social bond with her child facilitates the exploitation and ordering of women. It allows privileged couples to use women's bodies to produce children with their own valued genetic contribution so that they may enjoy a parent-child relationship. The birth mother's work and relationship, on the other hand, are devalued and disregarded.

D. *The View from the Other Side*

I have argued that gendered notions of work include a distinction between menial and spiritual housework that depends on and reinforces a racialized hierarchy among women. It is important to remember, however, that the spiritual/menial dichotomy is constructed and not natural. We could think about housework in other ways. In fact, from the domestic's point of view, the spiritual/menial dichotomy looks very different. Black women's work in the home has had a unique dimension born of their dual service to whites and to their own families. The meaning of Black women's domestic labor has depended on whether it was performed in white people's homes or in their own. For slave women and paid domestics, work outside their homes was an aspect of racial subordination while the family was a site of solace from white oppression.⁹⁴ Angela Davis's assertion that slave women performed "the *only* labor of the slave community which could not be directly and immediately claimed by the oppressor" must be couched in the realization that their masters ultimately profited from the work done by slave women caring for their families, other slaves.⁹⁵ Yet Davis is correct in stating that slave women's devotion to their own households defied the expectation of total service to whites.

Moreover, some of the menial work performed by slave women had spiritual importance to the slave community. The most maternal act of giving birth to a child had a dual meaning for slave women. Female slaves were commercially valuable to their masters not only for their labor, but also for their ability to produce more slaves. Thomas Jefferson, for example, instructed his plantation manager in 1820, "I consider a woman who brings a child every two years as

93. See generally Dorothy E. Roberts, *The Genetic Tie*, 62 U. CHI. L. REV. 209 (1995) (discussing how race influences the meaning of genetic relatedness).

94. See JONES, *supra* note 6, at 12-13.

95. ANGELA Y. DAVIS, *WOMEN, RACE AND CLASS* 17 (1981) (quoting Angela Y. Davis, *The Black Woman's Role in the Community of Slaves*, 4 BLACK SCHOLAR (Dec. 1971)). Davis amended this statement to acknowledge that men also performed domestic tasks important to the slave community.

more profitable than the best man of the farm."⁹⁶ Black childbearing, then, constituted labor for profit. At the same time, slave women loved their children and valued their family relationships. Although a slave woman's act of giving birth enhanced the master's assets, it just as surely ensured the life of the slave community.

Similarly, Black domestic employees often view their work in white homes as a form of both subservience to their employers and spiritual labor for their own families. The Black domestics interviewed by Judith Rollins expressed intense feelings of *ressentiment*, "a long-term, seething, deep-rooted negative feeling toward those whom one feels unjustly have power or an advantage over one's life."⁹⁷ They realized that they were being exploited and degraded by their employers, and they resented the subordinate position that they were forced to occupy.⁹⁸ These same women, however, refused to identify with their employers or to judge themselves according to their employers' disparaging views.⁹⁹

In addition, some domestics transformed the personal meaning of their work, recognizing that it ensured that their daughters would not follow in their footsteps. As a retired domestic servant, Pearl Runner, told Bonnie Thornton Dill,

I really feel that with all the struggling I went through, I feel happy and proud that I was able to keep helping my children, that they listened and that they all went to high school. So when I look back, I really feel proud, even though at times the work was very hard and I came home very tired. But now, I feel proud about it. They all got their education.¹⁰⁰

Black women's housework, then, can be seen as a form of resistance, directly benefiting Black people rather than their white masters and employers alone. For this reason, Patricia Hill Collins suggests that the public/private split for Black women is more accurately drawn as the line separating the Black community from whites rather than that separating their homes from the community.¹⁰¹ For oppressed women, moreover, social reproduction carries the added importance of

96. THOMAS JEFFERSON'S FARM BOOK 46 (Edwin Morris Betts ed., 1953)(quoting letter from Thomas Jefferson to John W. Eppes (June 30, 1820)).

97. ROLLINS, *supra* note 25, at 227.

98. *See id.* at 225-32.

99. *See id.* at 222-25. For other accounts of domestic servants' resistance strategies, see Rina Cohen, *Women of Color in White Households: Coping Strategies of Live-in Domestic Workers*, 14 QUALITATIVE SOCIOLOGY 197 (1991); Shellee Colen, "Just a Little Respect": *West Indian Domestic Workers in New York City in MUCHACHAS NO MORE: HOUSEHOLD WORKERS IN LATIN AMERICA AND THE CARIBBEAN* 171, 187-89 (Elsa M. Chaney & Maria Garcia Castro eds. 1989); and MARY ROMERO, *MAID IN THE U.S.A.* 135-62 (1992).

100. Bonnie Thornton Dill, *The Means to Put My Children Through: Child-Rearing Goals and Strategies Among Black Female Domestic Servants*, in *THE BLACK WOMAN* 113 (La Frances Rodgers-Rose, ed. 1980). *See also* Bonnie Thornton Dill, "Making Your Job Good Yourself:" *Domestic Service and the Construction of Personal Dignity in WOMEN AND THE POLITICS OF EMPOWERMENT* 33 (Ann Bookman & Sandra Morgen eds., 1988).

101. *See* PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* 49 (1990).

preserving cultural traditions under assault by the dominant society.¹⁰² This feature of Black women's domestic labor complicates the feminist interpretation of the family as an institution of violence and subordination. Just as Black women's work in the market shattered the myth of female domesticity, so their work in the home shattered the divide between spiritual and menial housework.

Some "surrogate mothers" explain their reasons for bearing a child for a contracting couple in spiritual terms. In her defense of "surrogacy," *Between Strangers: Surrogate Mothers, Expectant Fathers, & Brand New Babies*, Lori Andrews tracks the experiences of Carol Pavek, a midwife who served as a "surrogate mother" several times.¹⁰³ Carol saw her role in helping infertile women to have children as an altruistic contribution, stating, "I'm a strong feminist I believe in helping other women, even to the extent of donating my body, if necessary."¹⁰⁴ Carol extended this beneficent meaning of "surrogacy" by using the money she earned to establish a midwifery clinic that helped other women give birth to their own babies.¹⁰⁵ While Carol willingly turned over her babies at birth, other "surrogate mothers," such as Mary Beth Whitehead and Anna Johnson, have resisted the characterization of their procreative work as menial by refusing to surrender the baby.¹⁰⁶ Because "surrogacy" allows unskilled women to earn money at home, it may also facilitate their spiritual care for the children they already have.

These three figures—Mammy, domestic servants, and "surrogate mothers"—demonstrate the continuity of the spiritual/menial split in women's reproductive labor, past, present, and future. This fragmentation of housework continues to privilege certain women's spiritual work in the home, while devaluing other women's contributions as menial. Despite the shift of women and women's work from home to market, despite the technological transformation of reproduction, this dichotomy still helps to maintain a gendered understanding of housework and a racialized understanding of women's worth.

V. LABOR, WELFARE, AND IMMIGRATION POLICY

In addition to the ideological forces that distinguish between menial and spiritual domestic workers, government policies also reinforce the racialized division of housework. The racial division that tracked the dichotomy between

102. See *id.* at 119-23; Suzanne C. Carothers, *Catching Sense: Learning from Our Mothers To Be Black and Female*, in *UNCERTAIN TERMS: NEGOTIATING GENDER IN AMERICAN CULTURE* 232 (Faye Ginsburg & Anna Lowenhaupt Tsing eds., 1990).

103. See LORI ANDREWS, *BETWEEN STRANGERS: SURROGATE MOTHERS, EXPECTANT FATHERS, & BRAVE NEW BABIES* 10-57 (1989).

104. *Id.* at 10.

105. See *id.* at 55.

106. See *In re Baby M*, 537 A.2d 1227 (N.J. 1988); *Johnson v. Calvert*, 851 P.2d 776 (Cal. 1993). See also PHYLLIS CHESLER, *SACRED BOND: THE LEGACY OF BABY M* 22-23 (1988) (opposing the enforcement of surrogacy contracts on the grounds that birth mothers develop a "sacred bond" with their children and asking the question, "[H]ow can we deny that women have a profound and everlasting bond with the children they've birthed . . . ?").

spiritual and menial housework resolved the ideological contradiction between the purified ideal of virtuous womanhood and the reality of dirty household tasks.¹⁰⁷ The spiritual/menial dichotomy reflects the realization that menial tasks are essential to the functioning of a home and therefore to the functioning of the market. In other words, it's a dirty job, but someone's got to do it. American labor and welfare policy have been geared toward ensuring a ready supply of menial houseworkers from the ranks of minority and immigrant women. Paid household workers have been excluded from both paternalistic legislation designed to protect women workers as well as social insurance programs designed to protect male workers.¹⁰⁸ At the turn of the century, for example, state legislatures passed laws limiting the hours women could work out of concern that dangerous working conditions threatened women's ability to bear and raise healthy children.¹⁰⁹ These protective laws were reserved for white women considered to be moral mothers; they did not apply to domestics, who were primarily Black and poor white women.¹¹⁰ Today, domestics are also exempted from coverage under basic labor laws, including the National Labor Relations Act, Occupational Safety and Health Act regulations, and workers' compensation protection in most states.¹¹¹

Domestics were also excluded from the New Deal social welfare laws. Northern Democrats struck a deal with their Southern brethren that systematically denied Blacks eligibility for social insurance benefits.¹¹² Core programs allowed states to define eligibility standards and excluded agricultural workers and domestic servants in a deliberate effort to maintain a Black menial labor caste in the South.¹¹³ Whites feared that Social Security would make both direct recipients and those freed from the burden of supporting dependents less willing to accept low wages to work in white people's homes.

Lula Gordon, a Black mother of three on government relief, explained to President Roosevelt the welfare system's coercion of Black women to accept menial domestic jobs. When Ms. Gordon applied for work at the San Antonio Court House, she was told to inquire about a job cleaning house and cooking for \$5.00 per week.

107. See PALMER, *supra* note 20, at 137-51.

108. Peggie Smith, Remarks at Domestic Labor Panel of *Yale Journal of Law and Feminism Challenging Boundaries Conference* (Nov. 12, 1996).

109. See ALICE KESSLER-HARRIS, *OUT TO WORK: A HISTORY OF WAGE-EARNING WOMEN IN THE UNITED STATES 185-88* (1982); *Muller v. Oregon*, 208 U.S. 412 (1908) (upholding protective labor legislation aimed at women).

110. See Judith Olans Brown et al., *The Mythogenesis of Gender: Judicial Images of Women in Paid and Unpaid Labor*, 6 *UCLA WOMEN'S L.J.* 457, 471-72, 471 n. 56, 472 n. 58 (1996).

111. See Silbaugh, *supra* note 4, at 73-78.

112. See JILL QUADAGNO, *THE COLOR OF WELFARE: HOW RACISM UNDERMINED THE WAR ON POVERTY 20-22* (1995).

113. See LINDA GORDON, *PITIED BUT NOT ENTITLED 276-77* (1994); QUADAGNO, *supra* note 112, at 21.

Mrs. Beckmon said if I did not take the job in the Private home I would be cut off from everything all together. I told her I was afraid to accept the job in the private home because I have registered for a government job and when it opens up I want to take it. She said that she was taking people off of the relief and I have to take the job in the private home or none. . . . I need work and I will do anything the government gives me to do. . . . Will you please give me some work.¹¹⁴

Even after the welfare rights movement of the 1960s succeeded in adding Black mothers to the welfare rolls, welfare policy continued to encourage them to work for low wages.¹¹⁵ As AFDC became increasingly associated with Black mothers already stereotyped as lazy, irresponsible, and overly fertile, it became increasingly burdened with behavior modification, work requirements, and reduced effective benefit levels.¹¹⁶ During the 1967 congressional debate over adding mandatory work provisions to the welfare laws, Senator Russell Long expressed white people's interest in keeping poor Black mothers available for cheap domestic service:

One thing that somewhat disturbs me is this idea that all these mothers who are drawing welfare money to stay at home have to be provided with a top paid job, that they have to be trained so they can be the top secretary in your office. You know somebody has to do just the ordinary everyday work. Now, if they don't do it, we have to do it. Either I do the housework or Mrs. Long does the housework, or we get somebody to come in and help us, but someone has to do it, and it does seem to me that if we can qualify these people to accept any employment doing something constructive, that is better than simply having them sitting at home drawing welfare money.¹¹⁷

Five years later, in 1972, Southern white politicians helped to defeat the Family Assistance Plan, which provided for a guaranteed income, with similar arguments. As one Congressman complained about the Plan, "There's not going to be anybody left to roll these wheelbarrows and press these shirts."¹¹⁸

The United States Supreme Court has ratified this policy by approving welfare laws that keep AFDC benefits inadequate to support a family. In

114. JULIA KIRK BLACKWELDER, *WOMEN OF THE DEPRESSION: CASTE AND CULTURE IN SAN ANTONIO 1929-1959*, 68-69 (1984) *quoted in* Glenn, *supra* note 15, at 13.

115. On the transformation of welfare mothers into waged workers after 1968, see Sylvia A. Law, *Women, Work, Welfare, and the Preservation of Patriarchy*, 131 U. PA. L. REV. 1249, 1261-79 (1983).

116. See Gwendolyn Mink, *Welfare Reform in Historical Perspective*, 26 CONN. L. REV. 879, 891-92 (1994).

117. Brown et al., *supra* note 110, at 487 n. 134 (1996) (citing *Social Security Amendments of 1967: Hearings on H.R. 12080 Before the Senate Finance Comm.*, 90th Cong. 1127 (1967) (statement of Senator Russell Long)).

118. Quadagno, *supra* note 113, at 130.

Dandridge v. Williams,¹¹⁹ for example, the Court accepted Maryland's argument that putting a ceiling on AFDC benefits regardless of family size or financial need would provide an incentive to seek gainful employment.¹²⁰ Similarly, in *Jefferson v. Hackney*,¹²¹ the Court upheld a Texas scheme that provided lower welfare benefits for predominantly Black AFDC recipients than for predominantly white recipients of other categorical assistance programs.¹²² The Court dismissed the racial disparity because, as Sylvia Law explained it, "AFDC mothers can get a job or find a man, and the State need not structure grants in a way which 'discouraged' them from doing so."¹²³

Private employers often help to exclude household workers from social insurance programs by failing to pay their employees' Social Security, Medicare, and unemployment taxes, as well as other benefits.¹²⁴ Even after the Zoë Baird controversy brought "nanny-tax" fraud to national attention,¹²⁵ it has been observed that the compliance rate remains very low.¹²⁶ The fact that household work is located in private homes has hindered workers' ability to organize,¹²⁷ as well as government efforts to enforce employee rights.

There is emerging evidence that new welfare reform policies will perpetuate this trend. The federal law overhauling the welfare system, signed by President Bill Clinton on August 22, 1996, requires AFDC recipients to find a job within two years.¹²⁸ A recent cartoon by Wasserman in the *Boston Globe* suggests a possible consequence of the work requirement for welfare mothers. It shows a man, probably intended to represent a politician, holding a document labeled "Welfare Reform" talking to a woman with two young children (presumably her own):

Politician: "You are a bad mother."

Welfare Mother: "Why?"

119. 397 U.S. 471 (1970).

120. *See id.* at 486.

121. 406 U.S. 535 (1972).

122. *See id.* at 549-51.

123. Law, *supra* note 116, at 1269.

124. *See* Goldberg, *supra* note 37, at 73-76.

125. President Clinton withdrew Zoë Baird's nomination for Attorney General in 1993 when it was discovered that she and her husband had failed to pay Social Security taxes and obtain workers' compensation insurance for the household workers that they employed. It was recently reported that Ms. Baird received a \$2.45 million severance package from Aetna, Inc. where she served as senior vice president and general counsel. *See No Money Woes for Ms. Baird*, HARTFORD COURANT, Dec. 16, 1996, at A12.

126. *See* David J. Morrow, *Nanny-Tax Tally of '95: Who Paid, Who Lied?*, N.Y. TIMES, Apr. 21, 1996, § 3, at 1.

127. *See* Goldberg, *supra* note 37, at 87-93; *see, e.g., State v. Cooper*, 285 N.W. 903, 905 (Minn. 1939) (denying household workers' right to picket under a state labor statute reasoning that a home is not an industrial or a business enterprise which can be picketed by an employee in case of a dispute with employer). Dorothy Sue Cobble advocates occupational unionism, which organizes workers within an occupation rather than at a single work site, as a model for service workers. *See* Dorothy Sue Cobble, *Organizing the Postindustrial Work Force: Lessons from the History of Waitress Unionism*, 44 INDUS. & LAB. REL. REV. 419, 432-35 (1991).

128. Personal Responsibility and Work Opportunities Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105 (1996).

Politician: "You hang around the house taking care of the kids.

We'll cut you off if you don't take a job."

Welfare Mother: "Doing what?"

Politician: "Taking care of someone else's kids."¹²⁹

As this cartoon reflects, recent welfare reform efforts continue to devalue welfare mothers' spiritual work in the home and to push welfare mothers into menial housework for others. Work requirements for welfare mothers with young children reflect an inability to see the value of their domestic service. The requirements are based on a view of these mothers as "less fit, less caring, and less hurt by separation from their children."¹³⁰ This devaluation of welfare mothers' work in their own homes is reflected as well in behavior modification programs designed to reform poor women's lifestyles—programs which assume that poor mothers need moral supervision.¹³¹

At the same time that welfare reform rhetoric disparages welfare mothers' spirituality, it proposes that poor women take up menial housework for others. A *Washington Times* editorial suggested that welfare mothers with small children "can work in day care centers, tending their own children while caring for the children of other working mothers."¹³² In 1995 the social services director of Virginia Beach, Virginia, received a proposal for a program in which licensed YMCA childcare staff would train welfare mothers for careers in childcare.¹³³ The social services department had already been cooperating with the YMCA to train welfare mothers as childcare workers for the past year. The National Governors Association's policy statement on welfare reform recommended that welfare recipients work in child care facilities as one of several transitional jobs used to move these women into private, unsubsidized work.¹³⁴ However, welfare reform programs often do not provide for the care of the children whose mothers will be moving off welfare by taking jobs caring for the children of others. The New York City government, for example, gives welfare mothers benefits that are inadequate to pay for decent child care, forcing them to rely on cheap, informal arrangements that are not subject to safety oversight.¹³⁵ Although neighbors often provide inexpensive and reliable care, there is not enough social support to ensure that poor women's children are well cared for.

129. Wasserman's View, *BOSTON GLOBE*, Sept. 25, 1995, at 10.

130. Dorothy E. Roberts, *The Value of Black Mothers' Work*, 26 *CONN. L. REV.* 871, 874 (1994).

131. See generally Lucy A. Williams, *The Ideology of Division: Behavior Modification Welfare Reform Proposals*, 102 *YALE L.J.* 719 (1992) (discussing welfare policies that condition benefits on recipients' behavior).

132. *How to Reform Welfare Sensibly and Humanely*, *WASH. TIMES*, Mar. 23, 1995, at A18.

133. See Nancy Lewis, *Job Training and Child Care Would Help Welfare Moms*, *VIRGINIAN-PILOT & LEDGER-STAR*, Feb. 5, 1995, at 5.

134. See Andrew Mollison, *Feds Go Back to the Drawing Board for Welfare Reform*, *AUSTIN AM.-STATESMAN*, Jan. 7, 1995, at A19.

135. See Joe Sexton, *Welfare Mothers and Informal Day Care: Is It up to Par?*, *N.Y. TIMES*, Oct. 14, 1996, at B2.

Recent immigration proposals would supplement these welfare reform efforts to create a supply of undocumented immigrant women for low-paid domestic service.¹³⁶ Federal immigration law “allowed for the importation of hundreds of thousands of Mexican men each year from 1942 to 1964” to work as “*braceros*” (farm hands) in the Southwest.¹³⁷ Denied the rights of citizen workers, *braceros* labored under inhuman conditions for poverty wages. The Immigration and Naturalization Service continues to issue temporary visas to “guest” workers when the Department of Labor certifies a shortage of citizen or resident workers in an industry.¹³⁸ The Immigration Reform and Control Act of 1986 (IRCA)¹³⁹ included three provisions designed to facilitate the provision of temporary agricultural workers for American growers.¹⁴⁰ The Federal Commission on Immigration Reform has considered similar proposals to create a program that would grant temporary visas for “home care workers,” including domestic workers, childcare workers, and home health aides.¹⁴¹ According to Grace Chang, a graduate student researching a book on the economy of undocumented immigration, “[i]mmigrant women are in danger of becoming the new *braceras*—a pair of arms to rock the cradle or scrub the floors for their employers, then go home tired and empty-handed to their own children.”¹⁴² She calls the proposed homecare worker program the “disposable nanny visa.”¹⁴³

VI. THE CONFLICT BETWEEN SPIRITUAL HOMEMAKERS AND MENIAL HOUSEWORKERS

Another force sustaining the racialized dichotomy between spiritual and menial housework grows out of the advantage privileged women appear to gain from it. The fragmentation of women’s domestic labor complicates feminist approaches to housework and raises problems for women’s unity in confronting the devaluation of household labor.

136. See Grace Chang, *Disposable Nannies: Women's Work and the Politics of Latina Immigration*, 26 *RADICAL AM.*, Oct. 1996, at 9.

137. *Id.* at 11. See generally MARIO BARRERA, *RACE AND CLASS IN THE SOUTHWEST: A THEORY OF RACIAL INEQUALITY* (1979); KITTY CALAVITA, *INSIDE THE STATE, THE BRACERO PROGRAM, IMMIGRATION, AND THE INS* (1992).

138. See Chang, *supra* note 136, at 12.

139. Immigration Reform and Control Act of 1986, 8 U.S.C.A. § 1101 (1986). Provisions in IRCA that bar immigrants applying for legalization from most federal assistance programs further help to “maintain women of color as a superexploitable, low-wage labor force.” Grace Chang, *Undocumented Latinas: The New “Employable Mothers,”* in *MOTHERING: IDEOLOGY, EXPERIENCE, AND AGENCY* 259, 261 (Evelyn Nakano Glenn, Grace Chang, and Linda Rennie Forcey eds., 1994).

140. See *id.*

141. *Id.* at 13.

142. *Id.* at 14.

143. *Id.* at 15.

A. *Domestics and Their Employers*

As I have already discussed, the nature of the household worker's relationship to her employer often creates a tension between the needs of each party. Indeed, scholars have suggested that the employment of Black women as domestic servants in white homes reproduced the mistress-houseslave relationship.¹⁴⁴ According to Judith Rollins, even contemporary relationships between domestic servants and their female employers are characterized by rituals of deference and maternalism that symbolically reinforce the domestic's inferiority and enhance the employer's ego.¹⁴⁵ Evelyn Nakano Glenn points out that this conflict among women also occurs in institutional service settings.¹⁴⁶ Tension between doctors and nurses, for example, is redirected so that predominantly white registered nurses clash with predominantly Black aides over work assignments and supervision.¹⁴⁷

The possibility of replicating this hierarchy in relationships between day care center workers and clients raises questions about the promotion of universal day care as a panacea for women's economic problems. Universal day care is critical to women's financial well-being. It will help to ensure women's ability to handle childcare responsibilities while holding down a job. Yet feminist efforts to establish universal, government-supported childcare must simultaneously seek to secure the economic well-being and respect for workers in these settings. If these positive conditions are fostered, childcare centers have the potential to be sites for grassroots women's community-building efforts.¹⁴⁸

B. *Employment as Emancipation?*

The problems arising from the spiritual/mental split also raise questions about advocacy of women's waged employment as a means of emancipation from male domination. Women's increased participation in the market alone will not eliminate the racial division of women's labor or the distinction between spiritual and mental housework. This racial hierarchy has survived the dramatic transition of women's labor from the home to the office in the second half of this century.

Reva Siegel's account of feminists' first demands concerning household labor reveals that the spiritual/mental dichotomy is quite compatible with the

144. See DAVIS, *supra* note 95, at 90-91; JONES, *supra* note 6, at 127.

145. See ROLLINS, *supra* note 25, at 200-03. See also Macdonald, *supra* note 16, at 249 (arguing that "[t]he deference expected of maids reinforces the hierarchal nature of the domestic-employer relationship").

146. See Glenn, *supra* note 14, at 34.

147. See *id.*

148. See Lucie White, *Searching for the Logic Behind Welfare Reform*, 6 UCLA WOMEN'S L.J. 427, 441-42 (1996). See also Lucie E. White, *On the "Consensus" To End Welfare: Where Are the Women's Voices?*, 26 CONN. L. REV. 843, 855-56 (1994) (quoting AFDC recipient's reasons for volunteering at Head Start classroom).

singleminded goal of increased female market participation.¹⁴⁹ Siegel describes how the early women's movement abandoned its claims to joint rights in marital property based on the value of wives' household labor. "In the years after the Civil War," Siegel writes, "feminists began to disparage the household labor they originally sought to emancipate and to argue that women could achieve economic equality with men only by working outside the home for a market wage like men."¹⁵⁰ Instead of advocating a joint property regime that recognized women's work in the home, the movement's leaders placed their hopes in earnings statutes that recognized wives' rights to wages.¹⁵¹

Some feminists accompanied the shift in their goals by embracing the split between spiritual and menial housework. Advocating the two-career marriage as a route to women's liberation had to account for wives' menial chores in the home. One solution they promoted was "cooperative housekeeping," a proposal to emancipate women from housework by removing it from the home and organizing it on a collective basis. But these feminists did not intend their scheme to displace the gendered allocation of domestic labor to liberate all women; rather they envisioned that "women would be emancipated from household labor on socially differentiated terms."¹⁵² Women of the upper classes managed domestic servants who were working class women. As one activist put it, "the true function for educated women is the superintendence and organization of manual labor, not the doing of it themselves."¹⁵³ Cooperative housekeeping was seen not only as a means of relieving privileged women from restricting chores, but also as a way of keeping tighter control over household help. Freedom from menial housework became a privilege that women of the upper classes could share with their husbands. It was a sign that they had achieved equality with men—achieved it at the expense of greater inequality between women.

In *The Organization of Household Labor*, the prominent feminist Anna Garlin explicitly adopted the fragmentation of housework that this Article explores:

[H]ome-making and housekeeping are not synonymous terms. The one is spiritual, and is successful or unsuccessful according to the individual character. The other is a collection of industrial pursuits which lie nearest the home-life, and are therefore dependent on the home maker's *direction*; but which are susceptible, like all other industries, of organization into an orderly process of business.¹⁵⁴

149. See Siegel, *supra* note 3.

150. *Id.* at 1079.

151. *Id.* at 1080.

152. *Id.* at 1200.

153. *Id.* at 1195 (quoting Melusins F. Pierce, *Co-operative Housekeeping*, 22 ATLANTIC MONTHLY 314 (1868)).

154. *Id.* at 1200 n.508 (quoting Anna Garlin, *The Organization of Household Labor* in PAPERS READ AT THE FOURTH CONGRESS OF WOMEN HELD AT ST. GEORGES HALL, PHILADELPHIA, OCTOBER 4-6, 1876, at 33).

Thus, the dichotomy between spiritual and menial housework became a premise of feminists' efforts to join the male-dominated workplace.¹⁵⁵

Feminists at the turn of the century also relied on the separation of menial from spiritual housework to argue the equal economic value of women's household labor. The spiritual wife who oversaw an assembly of servants was critical to the process of reproducing a skilled modern labor force, in the same way that the male manager of a company's staff of employees was critical.¹⁵⁶ As Anna Howard Shaw, president of the National American Woman Suffrage Association, explained in 1909: "[T]he woman furnishes her share of work—wealth—in the world, and she is of intense economic value, because she utilizes her work to make the home such that the individuals who go out from it are better fitted to do the work of the world intelligently."¹⁵⁷ This contention required elevating the value of the wealthy wife's work of superintendence above that of purchased domestic labor. While feminists like Shaw "offered a sophisticated account of the work of social reproduction a wife performed,"¹⁵⁸ they simultaneously devalued the menial housework performed by working-class women.

Evelyn Nakano Glenn questions whether feminists' more recent campaign for comparable worth will resolve the racial division of women's work.¹⁵⁹ This strategy attempts to eliminate the wage gap between "male" and "female" jobs by demanding equivalent pay for work requiring similar levels of skill. But such analysis might only strengthen the existing racial division of labor on the ground that the menial jobs performed by women of color deserve less remuneration. The concept of comparable worth does not call for a more egalitarian wage structure that reduces the wage differentials between skilled and unskilled women's work. "Thus, comparable work challenges the devaluation of traditionally female jobs," Glenn concludes, "but leaves intact the concept of a hierarchy of jobs."¹⁶⁰ Strategies to achieve gender equality in the workplace must

155. Contemporary Black feminists have criticized the mainstream women's movement for gaining entry into the male work world by assigning female domestic tasks to Black women, rather than by demanding fundamental change in the sexual division of labor and restructuring of the workplace. See, e.g., BELL HOOKS, *FEMINIST THEORY: FROM MARGIN TO CENTER* 50 (1984); Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139, 154; Perry, *supra* note 31, at 2508-10. In 1971, Toni Morrison attributed Black women's reluctance to embrace "Women's Lib" to this defective strategy:

It is a source of amusement even now to black women to listen to feminists talk of liberation while somebody's nice black grandmother shoulders the daily responsibility of child rearing and floor mopping and the liberated one comes home to examine the housekeeping, correct it, and be entertained by the children. If Women's Lib needs those grandmothers to thrive, it has a serious flaw.

Toni Morrison, *What the Black Woman Thinks About Women's Lib*, NY TIMES MAGAZINE, Aug. 22, 1971, at 64.

156. See Siegel, *supra* note 3, at 1207.

157. *Id.* at 1207 n.539.

158. *Id.*

159. See Glenn, *supra* note 14, at 37; Glenn, *supra* note 42, at 1355-56.

160. Glenn, *supra* note 42 at 1365.

incorporate the goals of racial and economic justice in order to succeed for all women.¹⁶¹

C. *How the Spiritual/Menial Dichotomy Devalues All Women's Work*

While fostering conflicts among women, the spiritual/menial dichotomy ultimately harms all women. Let me be clear: this division of women's labor privileges white, affluent women both materially and ideologically, and it perpetuates the devaluation and deprivation of women of color. Affluent white women, however, bear a terrible cost for their support of this hierarchy. Rather than increase the value of white women's domestic labor, the spiritual/menial split works to depress the value of all women's housework. Spiritual housework is by definition unpaid and unsupported. As Robin West writes, "[W]herever intimacy is, there is no compensation."¹⁶² Spiritual housework is the aspect of domestic labor that is most foreign to the marketplace. It cannot be evaluated by the currency of the market economy. It can only be performed by women. Menial housework, on the other hand, can be delegated to others, commodified, and traded on the market. It is performed by women of subordinated classes for the cheapest wages. Moreover, the spiritual/menial split mischaracterizes the housework that all women do. This dichotomy is false. The truth is that housework usually involves both menial and spiritual aspects; women view many of their household and childcare tasks as an inseparable combination of manual labor and social nurturing. Fragmenting this experience robs it of its full meaning to women and value to society.

The spiritual/menial split also has consequences for state support of housework. The women in greatest need of support are those considered most suitable for menial chores and least suitable for spiritual ones. As I discussed in Part V, welfare policies are structured to push poor mothers into menial jobs working for wealthier women and to reform their spiritual traits. Because the women who perform menial housework are not considered spiritual, they receive inadequate social benefits or none at all. The increase in women's participation in the wage labor market may only strengthen this hierarchy. Women's tax dollars, as well as men's, go to welfare payments for mothers who are out of work. Women who must work to support their families often resent contributing part of their pay check to women who do not. The result of this dichotomy, then, is the depression of menial houseworkers' wages, the lack of any compensation for spiritual housework, and the inadequate social support for all household labor.

161. See AMOTT & MATTHAEI, *supra* note 35, at 353 (concluding that "[t]he labor market hierarchy cannot be eliminated unless we also end concentration of wealth in the hands of a few, with policies such as redistributive inheritance and wealth taxes"); Marion Crain, *Between Feminism and Unionism: Working Class Women, Sex Equality, and Labor Speech*, 82 GEO. L.J. 1903, 1906 (1994) (criticizing feminists for ignoring issues of class and arguing that "attacking class oppression is integrally connected to achieving sex equality").

162. Robin West, *Jurisprudence and Gender*, 55 U. CHI. L. REV. 1, 59 (1988).

VII. CONCLUSION

Valuing all mothers' domestic labor involves challenging not only the false dichotomy between the spheres of home and work, but also the racial hierarchy among women fostered by notions of spiritual and menial housework. We are in the midst of an economic crisis for women that rests largely on the devaluation of poor Black women's domestic labor. Current welfare reform laws strip poor mothers of social support, expecting these mothers to replace their benefits with menial housework for wealthier families, if necessary. Will these developments increase the conflict among women in the arena of housework, further depressing the value of women's domestic labor, or will women unite in their demand for just compensation and support? Household chores and childcare are necessities of life, and many working women have little choice but to hire others to perform them. In the past, the mainstream women's movement has tried to resolve the problem of housework on the backs of poor and working-class women of color. Our future struggles for an equitable approach to housework must center on the fight for economic justice and social support for the women who have been labeled fit for menial but not spiritual work.