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# The Patriarchy Prescription: Cure or Containment Strategy?

VERNA L. WILLIAMS\*

## INTRODUCTION

I first encountered the Moynihan Report<sup>1</sup> in tenth grade English class at my predominately white high school. One day, Ms. Soraci declared for no particular reason that black families were matriarchal, which, according to her tone and frown, was a bad thing. Jaw dropped, I scanned the room for the two or three other black kids in class to register their reactions. After all, in *my* family, Dad, the former Marine, was present and in full effect. Surely there were other black dads out there. Surely, someone would set her straight; but no one uttered a word. I put a lid on my outrage and left class unsettled by the new knowledge that I belonged to a “black family,” a species someone had studied and labeled “abnormal.” Ten years after the Moynihan Report’s publication, its conclusions that misplaced matriarchy was a contributing factor to poverty among black families was such a given that Ms. Soraci did not even bother to cite it. She just let its judgment sweep over the classroom.

I next tangled with the Report many years later while analyzing proposals to ease restrictions on single-sex education as an education reform strategy under No Child Left Behind.<sup>2</sup> I discerned the Report’s footprints all over the rationales for single-sex schools and classes: *e.g.*, ensuring that African American boys had appropriate role models to compensate for being raised by single mothers; teaching these boys how to be men; grooming them to be husbands and providers; or stemming the tide of teenage pregnancy among African American girls.<sup>3</sup> Some forty years and multiple negative critiques later,<sup>4</sup> the Report’s conclusions about matriarchal and “pathological”<sup>5</sup> black families retained their vitality to justify sex segregation in schools and classrooms despite the lack of any evidence to support their value as a pedagogical matter.

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\* Judge Joseph P. Kinneary Professor of Law, University of Cincinnati College of Law. I would like to thank the editors and staff of the GEORGETOWN JOURNAL OF LAW & MODERN CRITICAL RACE PERSPECTIVES for inviting me to participate in the “Moynihan Report: 50 Years Later” Symposium, which was engaging and enlightening, and the participants for their helpful comments. In addition, I am especially grateful to the following for their continued support: Paul Butler, Joanna Grossman, Emily M.S. Houh, Kristin Kalsem, and Colin Pool. © 2016, Verna L. Williams.

1. DANIEL P. MOYNIHAN, OFFICE OF POLICY PLANNING AND RESEARCH, U.S. DEP’T. OF LABOR, THE NEGRO FAMILY: THE CASE FOR NATIONAL ACTION (March 1965) [hereinafter REPORT]. As discussed throughout this Symposium issue, the Moynihan Report examined the status of African Americans in 1965 and attributed many of the ills affecting them to what it termed the “pathological” structure of their families.

2. Verna L. Williams, *Reform or Retrenchment? Single-Sex Education and the Construction of Race and Gender*, 2004 WIS. L. REV. 15, 28 (2004).

3. *Id.* at 21-22.

4. See *infra* notes 86-93 and accompanying text.

5. See *infra* note 67 and accompanying text.

Now, fifty years after the Report's publication, its influence is evident again—this time, its stain is on My Brother's Keeper ("MBK"), the Obama Administration's initiative to target and address the myriad issues confronting boys and young men of color.<sup>6</sup> Similar to the discourse about single-sex education, MBK suggests that families headed by women are part of the problem, contributing to poverty, juvenile delinquency, and the lack of school readiness, among other things.

In revisiting the full Report on its golden anniversary, I sought to comprehend why its patriarchal prescription continues to hold sway. After all, the rate of marriage has declined for all Americans<sup>7</sup> and increasing numbers of children are being raised in women-headed households.<sup>8</sup> If the Moynihan Report was intended to drive a stake in the heart of that family formation, it failed. Yet, policymakers continue to attribute poverty, delinquency, and all manner of social ills to the absence of fathers in the home, despite evidence suggesting that while there may be a correlation between fatherlessness and social ills, causation is less clear.<sup>9</sup>

This time around, I read the Report from beginning to end and was struck by portions that have been under-reported and under-theorized. Specifically, in making the case for patriarchy, the Report's authors recounted the history of state sponsored and sanctioned discrimination targeting black Americans to explain the lack of progress for this group.<sup>10</sup> More remarkably still, the Report identified white racism and the legacies of slavery and Jim Crow as causes for black subordination and discussed the need for far-reaching remedies to effect material change in black people's lives.<sup>11</sup> Such an acknowledgment of the systemic nature of racism and its role in subjugating African Americans is unusual, to say the very least. From a policy prescription standpoint, such recognition merited consideration of equally systemic remedies to untangle the pathology of white supremacy. Yet, rather than take that route, the publication turned on the very people it purported to help by ultimately attributing black people's failure to advance to their concomitant failure to conform to "traditional" norms respecting family formation. Why?

This Article examines this incongruity and explains why the Report's prescription for white patriarchy was and remains attractive to policymakers, as suggested by MBK. This Article argues that proposals to promote the so-called traditional family—that is, breadwinning father and homemaker mother—are containment strategies deployed in the face of major social change. To make that argument, the Article proceeds in four parts. Part I examines the Report within the social and political context in which its authors were writing. Part II argues that, when viewed against that backdrop, the Report is a response to the burgeoning civil and women's rights movements. Part III discusses the Report's aftermath, both the controversy that

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6. See *infra* notes 108-112 and accompanying text.

7. The Census Bureau reports that half of adults live with a married partner today, compared to two-thirds in 1967. (available at <http://perma.cc/Q29Z-YVSE>).

8. JONATHAN VESPA, JAMIE M. LEWIS, AND ROSE M. KREIDER, AMERICA'S FAMILIES AND LIVING ARRANGEMENTS: 2012 13 (August 2013) (available at <http://perma.cc/8VYD-9AUE>).

9. See *infra* note 93 and accompanying text.

10. See *infra* notes 30-33 and accompanying text.

11. See *infra* notes 37-39 and accompanying text.

dogged it immediately and then its resuscitation in the guise of MBK to draw some parallels. In closing, Part IV applies social justice feminism<sup>12</sup> to suggest alternative ways of addressing the particular ills confronting males of color without reifying the subordination that is inherent in the patriarchy prescription.

### I. READING THE REPORT IN CONTEXT

The Report emerged in the midst of much social change. As the authors noted, the “Negro American Revolution” was ongoing.<sup>13</sup> In response to pressure from civil rights organizations, Congress had finally passed the Civil Rights Act of 1964, outlawing discrimination in public accommodations, federal funding, and employment. Black nationalism was on the rise (which the Report denounced as racist).<sup>14</sup> Malcolm X, dead four months by the time of the Report’s release, had framed the struggle for civil rights globally, seeking to hold the United States accountable for human rights abuses against blacks.<sup>15</sup> Riots in such places as Harlem,<sup>16</sup> upstate New York,<sup>17</sup> and Philadelphia<sup>18</sup> exposed black frustration<sup>19</sup> with the slow rate of change. Women were agitating for reforms, as well. Betty Friedan published *The Feminine Mystique*,<sup>20</sup> which challenged the notion that women were happy being relegated to the home. Congress enacted measures to help women in the workplace: namely, the Equal Pay Act<sup>21</sup> and Title VII of the Civil Rights Act.<sup>22</sup> Even abroad, the old guard was falling, as African nations broke free from European colonialism.<sup>23</sup>

President Johnson, newly elected by a historic margin, and a majority Democratic House and Senate were poised to make changes of their own through the Great Society. Principal author Daniel Moynihan intended the Report to be an internal document that would provide select policymakers the necessary evidence and ammunition for major reform:<sup>24</sup> specifically, to “urge consideration of a new and different kind of policy . . . a national family policy.”<sup>25</sup> The publication was “intended to

12. See *infra* notes 123-141 and accompanying text.

13. REPORT, *supra* note 1, at 1. The authors characterized this revolution as “the most important domestic event of the postwar period in the United States.” *Id.*

14. See *id.* (observing that the “Black Muslim doctrines [are] based on total alienation from the white world”).

15. MANNING MARABLE, MALCOLM X: A LIFE OF REINVENTION 359, 362, 383 (2011).

16. Paul L. Montgomery and Francis X. Clines, *Thousands Riot in Harlem Area; Scores are Hurt*, N.Y. TIMES, July 19, 1964, at 1.

17. Joseph Lelyveld, *1,000 National Guardsmen are Sent into Rochester to Help Halt Race Riots*, N.Y. TIMES, July 27, 1964, at 1.

18. *The Nation: Now Philadelphia*, N.Y. TIMES, Aug. 30, 1964, at E2.

19. Sydney H. Schanberg, *Sociologists Say Latest Riots Differ From Those of the Past*, N.Y. TIMES, Aug. 16, 1965, at 17.

20. BETTY FRIEDAN, *THE FEMININE MYSTIQUE* 15 (W.W. Norton & Co. 1983)(1963).

21. 29 U.S.C. §(206)(d).

22. 42 U.S.C. § 2000e-2.

23. REPORT, *supra* note 1 at 1.

24. At the time, Moynihan was Assistant Secretary of Labor for Policy Planning and research. His co-authors were Paul Baron and Ellen Broderic of the Labor Department’s Policy Planning Staff. Daniel P. Moynihan, *The President and the Negro: The Moment Lost*, 43 COMMENTARY 31 (Feb. 1967).

25. *Id.* at 34.

demonstrate [the family's] relevance and thereby to persuade the government that public policy must now concern itself with issues beyond the frame of individualistic political thinking."<sup>26</sup> The authors also sought to break new ground by focusing on a realm traditionally regarded as private: "Family is not a subject Americans tend to consider appropriate as an area of public policy . . . For that very reason to raise the subject in terms of public policy is to arouse immediate interest . . ." <sup>27</sup> In addition, highlighting families would make the most persuasive case for major reforms.<sup>28</sup> Moynihan posited that:

[d]escribing the plight of so many Negro families appeared the surest way to bring home the reality of their need. And, should the argument carry with the administration and be extended beyond, it seemed that programs aimed at the family might hope to enlist the support of the more conservative and tradition-oriented centers of power in American life whose enthusiasm for class legislation is limited indeed.<sup>29</sup>

To set the stage, the Report began by identifying the many sources of ills confronting black Americans. The authors observed that the nation remained "afflicted" by "the racist virus,"<sup>30</sup> which meant "serious personal prejudice [against blacks] for at least another generation;"<sup>31</sup> and that "three centuries of sometimes unimaginable mistreatment have taken their toll on the Negro people."<sup>32</sup> The Report candidly admitted that "the American Republic . . . was flawed [from its inception] by the institution of Negro slavery . . . and throughout its history has been marred by the unequal treatment of Negro citizens."<sup>33</sup>

By drawing attention to the dissonance between the aspirations of the Framers, their embrace of slavery, and the systemic subjugation that ensued, the Report echoed themes of the civil rights movement. Just two years earlier at the March on Washington, Dr. Martin Luther King, Jr., stated that it was time for the nation to make good on a promissory note in the form of the Declaration of Independence and the Constitution, which had been returned—marked "insufficient funds."<sup>34</sup> The authors of the Report apparently agreed. They not only lionized the civil rights movement as being one of great historical significance,<sup>35</sup> but also adopted its animating

26. *Id.* at 35.

27. *Id.*

28. Moynihan believed an emphasis on family welfare through such mechanisms as assistance for employment, supplements to income, access to contraception, improved education, among other things, would best combat poverty. See LEE RAINWATER AND WILLIAM L. YANCEY, *THE MOYNIHAN REPORT AND THE POLITICS OF CONTROVERSY* 20–29 (1967).

29. Moynihan, *supra* note 24, at 35.

30. REPORT, *supra* note 1.

31. *Id.*

32. *Id.*

33. *Id.* at 1.

34. MARTIN LUTHER KING, JR., *I HAVE A DREAM: WRITINGS & SPEECHES THAT CHANGED THE WORLD* 102 (James Melvin Washington ed., 1992).

35. REPORT, *supra* note 1, at 1 (stating that the "Negro Revolution is rightly regarded as the most important domestic event of the post-war period").

theory and strategy of highlighting the chasm between the nation's creed and its actions.<sup>36</sup>

If that were not enough, the authors further declared that, given this history, the landmark legislation that had passed—the Civil Rights Act of 1964—was only a start to realizing commitments long ignored. African Americans would seek—and deserved—more than basic civil rights. The Report observed that: “[b]eing Americans, they will now expect that in the near future equal opportunities for them as a group will produce roughly equal results, as compared with other groups. This is not going to happen. Nor will it happen for generations . . . unless a new and special effort is made.”<sup>37</sup> Stated differently, formal equality would not suffice. The authors suggested that substantive equality—which focuses on equality of outcomes,<sup>38</sup> rather than just equality of opportunity—was necessary at this particular point in history. Specifically, the authors noted:

The Negro revolution . . . is a movement for equality as well as for liberty . . . . American democracy has not always been successful in maintaining a balance between these two ideals, and notably so where the Negro American is concerned. ‘Lincoln freed the slaves,’ but they were given liberty, not equality . . . . [E]quality of opportunity almost insures inequality of results.<sup>39</sup>

Reviewing the successes of the “first phase of the Negro Revolution”<sup>40</sup>—namely, legislative enactments, such as the Civil Rights Act of 1964 and programs like the Job Corps—the authors concluded that such measures were “intermediary . . . [they can] only make opportunities available. They cannot insure the outcome.”<sup>41</sup> According to the Report, failure to implement measures guaranteeing substantive equality meant “there will be no social peace in the United States for generations.”<sup>42</sup>

The Report’s opening salvo—these two or three remarkable pages—put the issues confronting blacks in their proper context, making a powerful case for structural remedies promising equality of outcomes. At this point, one might expect this soaring rhetoric to be followed by equally soaring policy prescriptions, identifying, for example, the areas in which measures designed to produce equal results would be most successful. But rather than proposing bold reforms, the Report turned abruptly away from its own suggestions for systemic change to counter systemic discrimination. Instead, it focused on the so-called pathological black family.

36. Cf. MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES* 187-88 (3d ed. 2015) (characterizing such a move as “rearticulation . . . reinterpreting and reframing key civil rights principles” toward the ultimate end of containing social change).

37. REPORT, *supra* note 1.

38. ELIZABETH BARTLETT, JOANNA GROSSMAN, AND DEBORAH RHODE, *GENDER AND LAW: THEORY, DOCTRINE, COMMENTARY* 145 (6th ed. 2013).

39. REPORT, *supra* note 1, at 2-3.

40. *Id.* at 3.

41. *Id.*

42. *Id.*

Why?

Two years after the Report's publication, Moynihan said that focusing on the family was deliberate.<sup>43</sup> According to Moynihan, the black family was something Administration policy makers knew little about and had contemplated far less.<sup>44</sup> By shedding light on it, particularly on the multiple inequities confronting these families and children, Moynihan and his co-authors believed they were making an unassailable argument for major legislative reforms, such as guaranteed income supports that would lift black families out of poverty and improve their odds of succeeding at long last.

However, by focusing upon the purported dysfunction among African American families, the Report effectively lost its emphasis on structural inequalities and remedies. The turn toward the black family focused the nation on individuals, building the foundation for "personal responsibility" as the preferred approach to inequality. Survivors of discrimination would become both the problem and solution. Thus, while seeking to open the door to wide-ranging initiatives to improve the material conditions of African Americans, the Report merely reinforced the notion of black inferiority, as the next section explains.

## II. COUNTER-REACTION AND CONTAINMENT

*It's been a long time coming*

*But I know a change gonna come, oh yes it will.*<sup>45</sup>

The Moynihan Report's turn on its subject is best understood as a reaction to the very seeds of change that its authors referenced in the preface. In other words, the success of the civil rights movement at home, the toppling of colonialism abroad, and the nascent women's rights movements triggered a response. But instead of advancing these growing calls to remake America, the Report used the family, the most elemental unit of society, to temper the very change it trumpeted. By focusing on family, the Report doubled down on patriarchy by suggesting it as both the cure for black Americans and its perceived absence as symptomatic of disease. Thus, rather than being a bold call to action, the Report represents a containment strategy, as viewed through the lens of racial formation theory (RFT) articulated by Michael Omi and Howard Winant.

Starting from the premise that race is socially constructed, RFT explains how, why, and what role race plays in the broader social system.<sup>46</sup> RFT suggests that the Report was a racial project that challenged<sup>47</sup> the paradigm equating race with ethnic-

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43. RAINWATER & YANCEY, *supra* note 28, at 21 (stating that Moynihan believed "that the question of Negro family welfare should be central").

44. Moynihan, *supra* note 24, at 31, 35 (noting that "[f]amily affairs are private. For that reason, to raise the subject of them in terms of public policy is to arouse immediate interest . . . . Another discourse on unemployment, on housing, on health would not have done this").

45. SAM COOKE, *A CHANGE IS GONNA COME* (1964).

46. OMI & WINANT, *supra* note 36, at 106.

47. *See id.* at 125. (defining racial projects as "attempts both to shape the ways in which social structures are racially signified and the ways that racial meanings are embedded in social structures").

ity by exposing deeply rooted structural barriers that prevented African Americans from inclusion into society.<sup>48</sup> At the same time, however, the Report reproduced subordination by refusing to call for structural remedies and asserting that cultural dysfunction was the cause for precarious conditions confronting black families. Ultimately, despite its progressive ambitions, the Report preserved a subordinating status quo, by simultaneously “affirm[ing] and . . . reject[ing] the [civil rights] movement’s vision and demands.”<sup>49</sup> As detailed below, it accomplished these aims by reinforcing existing gender hierarchy, advancing white supremacy and, by resting its critique on family, supporting a hegemonic concept of nation.

### A. *Entrenching Gender Hierarchy*

Prescribing traditional family, where males served as breadwinners and women as caretakers, as a cure for centuries of systemic oppression was the clearest means by which the Report reinforced patriarchy, but not the only one. Even as it identified the foundation upon which new policy would be constructed, the Report discussed racial subordination in ways that were highly gendered, and, as a consequence, would ensure that black women occupied the lowest rungs in society—even assuming the administration successfully implemented holistic family policies.

First, the Report articulated and evaluated the history of discrimination against blacks in gendered terms. Specifically, it concluded that the true harm of the historic, three-century reign of subjugation was that it emasculated black men. According to the Report, black men were those “most humiliated” by Jim Crow laws.<sup>50</sup> It claimed that “keeping the Negro in his place can be translated as keeping the Negro male in his place. The female was not a threat to anyone.”<sup>51</sup> Moynihan echoed this sentiment in the well-regarded “To Fulfill These Rights” speech he wrote for President Johnson to deliver at Howard University before the Report went public.<sup>52</sup> In remarks to promote substantive initiatives to address black economic inequality, Johnson explained that white America bore some responsibility for the conditions of African Americans because of “centuries of oppression and persecution of the Negro man; it flowed from the long years of degradation and discrimination which have attacked his dignity and assaulted his ability to produce for his family.”<sup>53</sup>

In essence, the Report suggested that the main harm resulting from the nation’s long history of race-based subjugation was the denial of masculinity to black men. This past was responsible for repressing black men’s nature, for, as the authors explained, “the very essence of the male animal, from the bantam rooster to the

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48. See *id.* at 32-38. The ethnicity paradigm was a dominant way of understanding race from the beginnings of the twentieth century until the late 1940s. Social scientists, including Daniel Moynihan, analogized Blacks to immigrants, and suggested that once African Americans received opportunity and relative equality—the conditions other ethnics found upon reaching the U.S.—they, too, would be able to assimilate. *Id.*

49. *Id.* at 187.

50. REPORT, *supra* note 1, at 16.

51. *Id.*

52. President Lyndon B. Johnson, Commencement Address at Howard University, (June 4, 1965) (transcript available in the University of Texas Library).

53. *Id.* at 4.



four-star general [is] . . . to strut. Indeed, in 19<sup>th</sup> century America, a particular type of exaggerated male boastfulness became almost a national style. Not for the Negro male. The ‘sassy nigger’ was lynched.”<sup>54</sup>

According to Moynihan, this history impeded progress for black families, in large part because it prevented men and women from transmitting proper gender roles to their children.<sup>55</sup> The authors ignored the myriad ways that slavery and Jim Crow left their own marks on black women; indeed, they basically erased them as relevant actors in this narrative. Accordingly, the Report’s authors furthered the ongoing project of subordinating women just as gender-based barriers finally were being acknowledged. Namely, in 1963, the President’s Commission on Women<sup>56</sup> published a report identifying the types of discrimination women faced. For example, women typically were relegated to low-paying occupations across industries, with wages sixty percent of the earnings their male counterparts received.<sup>57</sup> In addition, law and society continued to subordinate women in a variety of ways. For example:

Most American States retained their “head and master” laws, giving the husband final say over questions like whether or not the family should move. Married women couldn’t take out loans or credit cards in their own names. Everywhere in Europe and North America it was perfectly legal to pay women less than men for the same work. Nowhere was it illegal for a man to force his wife to have sex.<sup>58</sup>

The law constructed a family hierarchy that placed men at the top.<sup>59</sup> According to the Report, black families departed from this “norm” to their detriment<sup>60</sup> in a social order where women naturally and properly were second-class citizens.

### *B. Reinforcing White Supremacy*

Locating the true harm of embedded racism as an injury to black manhood, the Report further characterized black gender deviance from white standards as pathological. According to the authors, racial subordination weakened the foundation of black families by constraining traditional masculinity and allowing matrifocal families to form. Economic downturns and unemployment only exacerbated this gender trouble,<sup>61</sup> as families became dependent upon mothers’ earnings for economic secu-

54. REPORT, *supra* note 1, at 16.

55. See *id.* at 16-17 (relying on social scientists Margaret Mead and E. Franklin Frazier for the proposition that slavery disrupted gender roles).

56. President Kennedy established this Commission “to review progress and make recommendations as needed for constructive action” to improve the condition of the nation’s women. Part II, §201. The preamble noted “prejudices and outmoded customs act as barriers to the full realization of women’s basic rights.” Exec. Order No. 10,980, 26 Fed. Reg. 12,059 (Dec. 14, 1961).

57. PRESIDENT’S COMMISSION ON THE STATUS OF WOMEN, AMERICAN WOMEN: 1963, 28 (Oct. 11, 1963).

58. STEPHANIE COONTZ, MARRIAGE, A HISTORY: HOW LOVE CONQUERED MARRIAGE 238 (2005) (hereinafter HISTORY OF MARRIAGE).

59. See JOANNA L. GROSSMAN & LAWRENCE M. FRIEDMAN, INSIDE THE CASTLE: LAW AND THE FAMILY IN 20<sup>TH</sup> CENTURY AMERICA 58-68 (2011)(detailing the many ways law entrenched the patriarchal family).

60. REPORT, *supra* note 1, at 29.

61. The term refers to Judith Butler’s foundational work challenging fixed notions of masculinity and femininity. JUDITH BUTLER, GENDER TROUBLE: FEMINISM AND THE SUBVERSION OF IDENTITY (1990).

rity,<sup>62</sup> which “undermine[d] the position of the father and deprive[d] the children of the kind of attention, particularly in school matters, which is now a standard feature of middle-class upbringing.”<sup>63</sup> By 1965, the authors concluded that “[a] fundamental fact of Negro American family life is the often reversed roles of husband and wife.”<sup>64</sup> Black women worked outside the home, sometimes earning more than their husbands. They frequently were better educated than their male counterparts.<sup>65</sup> Such employment and education patterns presaged a continuation of “[t]he matriarchal pattern . . . over the generations,”<sup>66</sup> which was of grave concern because, according to the authors, “Negro children . . . flounder—and fail”<sup>67</sup> without fathers, particularly working fathers.

Moreover, in language for which the Report is most famous and infamous, these families were diagnosed as “disorganized”<sup>68</sup> and a “tangle of pathology.”<sup>69</sup> Gender deviance in families consigned black children to an array of ills, from low IQ scores,<sup>70</sup> high dropout rates,<sup>71</sup> and juvenile delinquency,<sup>72</sup> to even a deficit of resilience to live in a racist society.<sup>73</sup> In addition, the authors suggested that such a family formation was to blame for blacks being less likely to pass the Armed Forces mental test,<sup>74</sup> which was of especial concern to the authors because:

[m]ilitary service for Negro men . . . is an utterly masculine world. Given the stains of the disorganized and matrifocal family life in which so many Negro youth come of age, the Armed Forces are a dramatic and desperately needed change: a world away from women, a world run by strong men of unquestioned authority . . .<sup>75</sup>

Thus, Moynihan and his coauthors suggested that women-headed households doomed boys to lives in which they never would have opportunities to become men. Acknowledging that there was no hard and fast rule requiring a patriarchal structure, the Report nonetheless concluded that “it is clearly a disadvantage for a minority group to be operating on one principle while the great majority of the population, the one with the most advantages to begin with, is operating on another . . . Ours is a

62. REPORT, *supra* note 1, at 19-25.

63. *Id.* at 25.

64. *Id.* at 30.

65. *Id.* at 31.

66. *Id.*

67. *Id.* at 35.

68. *Id.* at 39.

69. *Id.* at 29; see also Kevin J. Mumford, *Untangling Pathology: The Moynihan Report and Homosexual Damage*, 24 J. OF POLICY HISTORY, 53, 62 (2012) (arguing that Moynihan interpreted the so-called matrifocal structure of black families as threatening to turn black boys into homosexuals).

70. REPORT, *supra* note 1, at 37.

71. *Id.* at 31.

72. *Id.* at 38.

73. *Id.* at 39-40 (citing research concluding that “a stable home is a crucial factor in counteracting the effects of racism”).

74. *Id.* at 40 (observing that “[f]ifty-six percent of Negroes fail [the test]”).

75. *Id.* at 42.

society that presumes male leadership in private and public affairs.”<sup>76</sup> African American families thus deviated from gender norms at their own peril.

Ironically, given the Report’s observation that the main goal of racial discrimination in the U.S. was to keep black men in their place, it was black women’s failure or refusal to adhere to their proper roles that the authors deemed catastrophic for African American well-being. Notwithstanding the desire to promote a “new and different kind of policy . . . a national family policy,”<sup>77</sup> the Report relied on a tried and true method of ensuring that African Americans remained at the bottom rungs of society—identifying black deviance as a signal of inferiority.

### C. *Reifying Nation*

Finally, by prescribing adherence to the white patriarchal norm as the remedy for black pathologies, the Report promoted a hegemonic construct of “Nation.” The authors reinforced the principle that white patriarchal norms establish the boundaries for what constitutes the U.S. and that blacks still remained non-citizens. Indeed, during this period, the late scholar C. Eric Lincoln went so far as to declare that strategic measures were necessary to “Americanize the fragile, fractured Negro family.”<sup>78</sup> What comes through in the text of the Report is that, after almost 400 years in this nation, African Americans had failed to assimilate and would fail to do so even with the strongest civil rights legislation. Conforming to gender roles was necessary to strengthen African American families and enable them to accede to the melting pot, as Moynihan argued the Italians and Irish had.<sup>79</sup>

In this regard, family formation along patriarchal lines was essential. Professor Nira Yuval-Davis has observed that “nations not only are eternal and universal but also constitute a natural extension of family and kinship relations. The family and kinship units in these constructions are based on natural sexual divisions of labour, in which the men protect the women and children.”<sup>80</sup> Family thus projects and reflects the construct of Nation, which requires families to exist in their idealized form. Nation stands in opposition to colonized bodies, which are characterized as weak and, therefore feminized.<sup>81</sup>

The nascent women’s movement posed a threat to this understanding of family and thus the construct of Nation because it challenged what had become a given. As Professor Stephanie Coontz explained:

[t]he cultural consensus [from 1947 until the early 1960s] that everyone should marry and form a male breadwinner family was like a steamroller that crushed every alternative view. By the end of the 1950s even people who had grown up in completely different family systems had come to believe that universal marriage at

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76. *Id.* at 29.

77. Moynihan, *supra* note 24, at 34.

78. C. Eric Lincoln, *The Absent Father Haunts the Negro Family*, N.Y. TIMES, Nov. 28, 1965, at 109.

79. See REPORT, *supra* note 1, at 5 (noting that European immigrants were “characterized by unusually strong family bonds; these groups have characteristically progressed more rapidly than others”).

80. NIRA YUVAL-DAVIS, GENDER AND NATION 15 (1990) (internal quotations omitted).

81. *Id.* at 53.

a young age into a male breadwinner family was the traditional and permanent form of marriage.<sup>82</sup>

Social science and popular media promoted such families during this period. In the economic boom period following World War II, Americans had more disposable income, which meant women could be dependent upon husbands, whose incomes were sufficient to buy homes and “furnish [them] with the conveniences . . . [for use as] full-time housewi[ves] . . . Merchandise plus Marriage equals our economy.”<sup>83</sup> In addition, preparing young people for their gender-specific roles was essential to the Nation. A sociologist explained in a popular magazine that “[b]oys could not develop into successful men nor girls into fulfilled women if society made the mistake of regarding its citizens ‘not primarily as male and female, but as people.’”<sup>84</sup>

With social movements threatening the status quo, the Report supported its own version of change, one that ultimately would reify existing hierarchies in pursuit of maintaining our national identity against the onslaught of evolving social norms.

### III. BACKLASH, REVIVAL, AND RETHINKING

Even though Moynihan intended the Report to be an internal document,<sup>85</sup> it became public information in July of 1965. Shortly thereafter, the Report became the center of public controversy. According to Lee Rainwater and William Yancey, the White House authorized New York Times (“NYT”) reporter John Promfret to write about the Report after Johnson’s “To Fulfill These Rights” speech at Howard University in June 1965,<sup>86</sup> to highlight the Administration’s efforts regarding African Americans.<sup>87</sup> Wider release followed, and by August, the Report’s findings and the disagreements they generated<sup>88</sup> were national news, as well as the source of national debate, thanks in part to riots that erupted in the Watts section of South Los Angeles, California.<sup>89</sup>

The Report was publicized as an answer to why unrest would emerge after the passage of long-awaited civil rights legislation. Some asserted that tensions between black residents and police<sup>90</sup> were the cause, while other commentators blamed “the breakdown of the Negro family structure [which caused] a lack of respect for

82. HISTORY OF MARRIAGE, *supra* note 58, at 229.

83. *Id.* at 232-33 (internal quotations omitted).

84. STEPHANIE COONTZ, A STRANGE STIRRING: THE FEMININE MYSTIQUE AND AMERICAN WOMEN AT THE DAWN OF THE 1960S 70 (2011) (quoting Marynia Farnham).

85. Moynihan, *supra* note 24, at 37.

86. RAINWATER & YANCEY, *supra* note 28, at 137.

87. *Id.* at 136-37.

88. *See id.* at 141, 184-85 (discussing media reports of debates within the federal government about the Report).

89. Sparked by the arrest of a black man for allegedly driving under the influence, riots rocked Watts from August 11 through August 18, 1965. The NEW YORK TIMES reported that this unrest was the “worst outburst of racial violence in many years;” by the end, thirty-six people had died, 900 were injured, 4,000 were arrested, and property was damaged at about \$46 million. *See* Gladwin Hill, *Los Angeles Rioting is Checked*, N.Y. TIMES, Aug. 16, 1965, at 1; *Riot Aftermath: Quest for Answers*, N.Y. TIMES, Aug. 22, 1965, at E1.

90. Peter Bart, *New Negro Riots Erupt on Coast*, N.Y. TIMES, Aug. 13, 1965, at 1; Theodore Jones, *2 Rights Leaders Assail Parker in Assaying Riots in Los Angeles*, N.Y. TIMES, Aug. 19, 1965, at 16.

authority,<sup>91</sup> appropriating the Report's rhetoric. Academics and activists rejected that explanation, calling attention to failings of the Report: from challenging the data presented<sup>92</sup> and conclusions drawn from statistics,<sup>93</sup> to its discussion of black women,<sup>94</sup> and failure to articulate solutions,<sup>95</sup> among others. According to William Ryan, the errors endemic in the Report compounded black subordination:

[W]e spend more time in explaining this inequality than in doing something about it. The explanations almost always focus on supposed defects of the Negro victim as if those—and not the racist structure of American society—were the cause of all the woes that Negroes suffer. The Moynihan Report, following this line of thinking, singles out the 'unstable Negro family' as the cause of Negro inequality. But the statistics . . . reflect current effects of contemporaneous discrimination. They are results, not causes.<sup>96</sup>

In the eye of this public relations hurricane, the Report moved from being a catalyst for change to an embarrassment. Just one year after publication, the Johnson Administration removed the Report and talk of the black family from the agenda<sup>97</sup> of the White House Conference on Civil Rights.<sup>98</sup> The NYT called this a concession to black leaders, who, according to its editorial board, "would rather deny many realities of Negro life today, denounce the conference as a sham, and escape into black nationalism and other fantasies."<sup>99</sup>

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91. RAINWATER & YANCEY, *supra* note 28, at 140.

92. For example, civil rights activist James Farmer decried the Report's analysis of out-of-wedlock births for blacks:

[A]s usual the numbers are misleading. When you begin to compute the hidden factors: the availability of contraception, divorce, abortion, and adoption advice, you suddenly discover that illegitimacy in the Negro community is not eight times as much among whites, it simply is recorded eight times as often. White folks have access to a whole fabric of social machinery to prevent or hide the illegitimate child that is simply not available to the Negro community.

James Farmer, *The Core of It*, in RAINWATER & YANCEY, *supra* note 28, at 412-413.

93. Harvard Medical School's William Ryan critiqued the authors'

naive error of interpreting statistical relationships in cause-and-effect-terms: that is, of stating that, since A is associated with B, it follows that A causes B . . . [For example], if we were to use the authors' indices of family stability, principally divorce and illegitimacy, we should have to say that both white and Negro families—American families in general—are 'crumbling' [since] [w]hite divorce rates have zoomed almost 800 percent in 100 years and white illegitimacy has increased more than 50 percent in the last twenty-five years.

William Ryan, Ph.D. *Savage Discovery: The Moynihan Report*, in RAINWATER & YANCEY, *supra* note 28, at 458, 462.

94. For example, Mary Keyserling of the Labor Department's Women's Bureau objected to the Report's implication that black women should be jettisoned from the workplace to make way for black men. RAINWATER & YANCEY, *supra* note 28, at 185.

95. Herbert J. Gans, *The Negro Family: Reflections on the Moynihan Report*, in RAINWATER & YANCEY, *supra* note 28, at 449.

96. Ryan, *supra* note 93, at 463.

97. Moynihan, *supra* note 24, at 40.

98. *Id.*

99. *An Embattled Conference*, N.Y. TIMES, June 2, 1966, at 42.

In addition, the 1966 Civil Rights Act, the legislation for which the Report provided the factual predicate, died in the Senate.<sup>100</sup> Moynihan remarked that the barrage of criticism from unexpected sources undermined the Johnson Administration's efforts to make the necessary wholesale policy reforms to improve conditions for African Americans:

[O]pposition emanated from the supposed proponents of such a commitment: from Negro leaders unable to comprehend their opportunity; from civil-rights militants, Negro and white, caught up in a frenzy of arrogance and nihilism; and from white liberals unwilling to expend a jot of prestige to do a difficult but dangerous job that had to be done, and could not have been done.<sup>101</sup>

With African Americans growing impatient with the pace of progress, white Americans unsettled in the wake of urban uprisings, and all Americans concerned about increasing U.S. deployment of troops in Vietnam, political insiders concluded that “the public mood will not permit any ‘big and bold’ programs for Negroes.”<sup>102</sup> A new movement was on the horizon: neoconservatism.<sup>103</sup> Ronald Reagan foreshadowed what was to come: “They’re going to solve all problems of human misery through government and governmental planning . . . . If governmental planning and welfare had the answer—and they’ve had 30 years of it—shouldn’t we expect government to read the score to us once in a while?”<sup>104</sup>

The future president then shared an anecdote about a woman pregnant with her seventh child, seeking a divorce and government assistance through Aid to Dependent Children, based on advice from a friend who impliedly had followed such a plan.<sup>105</sup> Just as in the case of the Report, the trope of the failed black family was cause for alarm; this time, however, it suggested the futility of providing governmental assistance to the dysfunctional, dishonest, “undeserving” poor, a theme conservatives would strike repeatedly in coming decades to justify dismantling federal programs for people living in poverty.<sup>106</sup>

While political regimes have changed from liberal to conservative, what remains is the raced and gendered project of reifying white patriarchy as the promise for black progress. As mentioned above, this strategy grounded efforts to reinvigorate single-

100. Thomas A. Johnson, *Lost Opportunity for Rights Cited*, N.Y. Times, Feb. 9, 1967, at 26. President Johnson ultimately would prevail as Congress passed the Civil Rights Act of 1968, which prohibited discrimination in housing. Steven Goldzwig, *LBJ, the Rhetoric of Transcendence, and the Civil Rights Act of 1968*, 6 RHETORIC & PUBLIC AFFAIRS 25 (2003).

101. *Id.*

102. *Id.*

103. Moynihan stated as much. Remarking on widespread electoral victories of Republicans in state governments in 1966, he stated “the vote was a clear instruction to elected officials everywhere that the country has gone about as far as it wished in providing social welfare and economic assistance to the Negro masses. The vote, moreover, was a bruising declaration that the electorate is fed up to the teeth with demonstrations and riots . . . .” Moynihan, *supra* note 24, at 31.

104. Ronald Reagan, *A Time for Choosing*, 3 (Oct. 27, 1964) (transcript available at the Ronald Reagan Presidential Library and Museum).

105. *Id.*

106. See Ann Cammett, *Deadbeat Dads and Welfare Queens: How Metaphor Shapes Poverty Law*, 34 BOSTON COLLEGE J. OF L. & SOC. 233, 254, 262 (2014).

sex schooling pursuant to No Child Left Behind.<sup>107</sup> More recently, this avenue is evident in My Brother's Keeper ("MBK"), a 2014 initiative of the Obama Administration, designed to help focus national, local, and private efforts on addressing the myriad issues confronting males of color.<sup>108</sup> The Administration's justification for the program highlighted such problems as high rates of dropping out of school, unemployment, and criminal involvement for these young men and boys and observed that such disparities "undermine families and community stability and [are] a drag on State and Federal budgets."<sup>109</sup> The President established a Task Force, consisting of the heads of all executive branch agencies;<sup>110</sup> its multi-pronged mission is to devise assessment tools for young men and boys of color, measure the impact of Federal policies affecting them, and serve as a clearinghouse for data and strategic efforts to address their needs, among other things.<sup>111</sup>

With only one mention of how the troubled status of young males of color "undermines families,"<sup>112</sup> the Memorandum establishing the Task Force lacked the overt call to patriarchy that defined the Moynihan Report or the push for single-sex education. However, MBK carried the baton for patriarchy in important ways. First and foremost, the MBK Task Force Report identified being raised in women-headed households as one of the "persistent challenges" confronting boys and young men of color—along with poverty, joblessness, criminal involvement, and murder.<sup>113</sup> While the Task Force Report never uttered the word "matriarchy," being raised by a single mother was, in and of itself, an indicator for poor outcomes.

Moreover, the focus on males of color, particularly when compared to the Administration's similar effort concerning girls and women, speaks volumes. The President established the Council on Women and Girls in 2009.<sup>114</sup> Like MBK, the Council is staffed by heads of the Executive Branch agencies, charged with identifying and addressing gendered inequities as part of their duties.<sup>115</sup> However, unlike MBK, the Council lacks an emphasis on girls and women of color,<sup>116</sup> who, just as their male counterparts, confront serious barriers to success.<sup>117</sup> They, too, grow up in poverty,

107. See *supra* notes 2-3 and accompanying text.

108. Presidential Memorandum on Creating and Expanding Ladders of Opportunity for Boys and Young Men of Color, 12923, 2014 WL 883447 (Feb. 27, 2014).

109. *Id.*

110. *Id.*

111. *Id.* at 12924.

112. *Id.* at 12923.

113. MY BROTHER'S KEEPER TASK FORCE, REPORT TO PRESIDENT 13 (2014).

114. Exec. Order 13,506, 74 Fed. Reg. 11,271 (2009).

115. *Id.*

116. It should be noted, however, that the White House Council on Women and Girls issued a report on the status of females of color, no doubt in response to the criticism it received following the establishment of MBK. WHITE HOUSE COUNCIL ON WOMEN AND GIRLS, WOMEN AND GIRLS OF COLOR: ADDRESSING CHALLENGES AND EXPANDING OPPORTUNITY (Nov. 2014).

117. See Kimberle Crenshaw, Priscilla Ocen and Jyoti Nanda, *Black Girls Matter: Pushed Out, Overpoliced and UnderProtected* 42 (2014) <http://perma.cc/W4AJ-YGZK>.

attend substandard schools, live in crime-ridden communities, and increasingly are subject to harsh discipline in school,<sup>118</sup> and incarceration.<sup>119</sup>

In addition, while the Council has done some important work assessing the condition of women and girls in the nation,<sup>120</sup> to date it has not garnered the level of public and private collaboration and, importantly, funding targeted to devise strategies for change.<sup>121</sup> In contrast, MBK, a joint effort of public and private entities, has attracted buy-in and at least \$200 million from such heavy hitters as the National Basketball Players Association, AT&T, JP Morgan Chase, and UBS America.<sup>122</sup> These partners have committed to programs to enhance learning for young males of color, engage them in their communities, and ready them for the workplaces of tomorrow.

The Task Force Report did not explain why the Administration chose to focus on boys and young men of color. Moreover, it did not discuss whether, much less how, gender matters in addressing such issues as school readiness or violence. As a result, there is no plan for addressing the gendered and raced aspects of these problems. Instead, just as the Moynihan Report, the MBK Task Force Report suggested that denial of civil and human rights matters most when it affects the ability of men to exercise their masculinity. In this sense, the MBK initiative privileges men of color in ways that perpetuate ongoing subordinating hierarchies, which, in turn, signals that its potential for transformative change will be limited.

#### IV. A BETTER WAY FORWARD: SOCIAL JUSTICE FEMINISM

Rather than rely on the patriarchal prescription and the outmoded concept of family upon which it is based, the Administration would have been better off thinking like the newest wave of feminist advocates—more specifically, using what some

118. NAACP Legal Defense and Education Fund and National Women's Law Center, *Unlocking Opportunity for African American Girls: A Call to Action for Educational Equity* 6, (2014) (observing that African American girls are more likely to confront discipline in schools), <http://perma.cc/F9JB-G8JU>.

119. See The Sentencing Project, *Fact Sheet, Incarcerated Women 2* (2014) (noting that incarceration rates for Black women are three times those of white women), <http://perma.cc/V2BR-MG6S>.

120. See, e.g., U.S. DEP'T OF COMMERCE ECONOMICS AND STATISTICS ADMIN., EXEC. OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET, WHITE HOUSE COUNCIL ON WOMEN AND GIRLS, WOMEN IN AMERICA: INDICATORS OF SOCIAL AND ECONOMIC WELL-BEING (March 2011) (providing comprehensive data on the status of the nation's women and girls).

121. President Obama signaled that the Administration would invest greater efforts to address issues confronting girls and women of color at a Congressional Black Caucus gala recently. In remarks, the President pledged to "close . . . economic gaps so that hardworking women of all races, and black women in particular can support families" by such means as increasing the minimum wage, improving access to STEM fields, and addressing sexual exploitation. President Barack Obama, Remarks by the President at the Congressional Black Caucus 45th Phoenix Awards Dinner (Sept. 20, 2015), <https://www.whitehouse.gov/the-press-office/2015/09/21/remarks-president-congressional-black-caucus-45th-annual-phoenix-awards> [<https://perma.cc/6MDX-8ZYQ>]. Shortly thereafter, the White House Council on Women and Girls announced that it had secured from public and private donors commitments totaling \$118 million to "improve economic prosperity for low-income women." *Fact Sheet: Advancing Equity for Women and Girls of Color*, WHITEHOUSE.GOV (Nov. 13, 2015), <https://www.whitehouse.gov/the-press-office/2015/11/13/fact-sheet-advancing-equity-women-and-girls-color> [<https://perma.cc/XSC6-J94A>].

122. Fact Sheet: Opportunity for All: President Obama Applauds New Commitments in Support of the My Brother's Keeper Initiative, 2014 WL 3569076 (Jul. 21, 2014).



have identified as social justice feminism (SJF).<sup>123</sup> SJF “strives to uncover and dismantle [social and political structures that support patriarchy],”<sup>124</sup> while “recognizing and addressing multiple oppressions.”<sup>125</sup> SJF can be understood as “a new take on intersectionality theory and intersectional feminism.”<sup>126</sup> SJF methodologies would be helpful not only for purposes of mapping the contours of the intersectional problems confronting young males of color, but also for identifying solutions, as explained below:

One method, looking to history to understand subordinating structures, seeks to acquire more knowledge with which to understand and dismantle the bases of societal institutions that perpetuate hierarchies and inequities. Another method, examining the inter-relationship between interlocking oppressions, asks how issues of gender, race, class, and other categories of identity and experiences work together to create social injustice. A third method, ensuring that principles of dismantling interlocking oppressions inform solutions, keeps the focus on bottom-up strategies in fashioning remedies.<sup>127</sup>

The following sections apply each of these methods to MBK.

#### *A. Looking to History to Understand Subordinating Structures*

As discussed above, the Moynihan Report provides some historical grounding to understand the current position of African American families. In brief, having failed to reckon with our history of slavery, Jim Crow laws, and lackluster enforcement of civil rights laws, it is small wonder that black families lag behind their white counterparts in practically every measure, except when it comes to incarceration, where blacks are over-represented.<sup>128</sup> In addition, black families have long adjusted in formation and function in response to the repression confronting them. For example, during slavery, blacks found ways to marry even without the law’s imprimatur.<sup>129</sup> Black women have long participated in the workforce, supporting their families in tandem with their husbands to make ends meet. As the most recent decline in marriage rates suggests, this reallocation of gender roles is not symptomatic of pathology, rather it is a survival strategy. As the economic recovery continues to lag for those at bottom rungs of the socio-economic status, marriage will continue to be less of a priority for these families.

123. Kristin Kalsem & Verna L. Williams, *Social Justice Feminism*, 18 UCLA WOMEN’S L. J. 131 (2010).

124. *Id.* at 157.

125. *Id.* at 158.

126. Martha Chamallas, *Social Justice Feminism: A New Take on Intersectionality*, 2014 FREEDOM CENTER J. 13 (2014); *see also* MARTHA CHAMALLAS, INTRODUCTION TO FEMINIST LEGAL THEORY 107-11 (3d ed. 2013) (identifying social justice feminism as a “promising variation” on intersectional feminism).

127. Kalsem & Williams, *supra* note 123, at 175.

128. *See, e.g.*, MY BROTHER’S KEEPER TASK FORCE, *supra* note 113, at 6 (stating that black and Latino males are incarcerated far more than white males).

129. PEGGY COOPER DAVIS, NEGLECTED STORIES: THE CONSTITUTION AND FAMILY VALUES 31-32 (1997).

### B. *Examining the Relationship between Interlocking Oppressions*

It is no secret that gender and race combine to erect unique barriers for young men of color. At this writing, recent killings of unarmed black and Latino men underscore that black and brown masculinity too often are constructed as dangerous and threatening.<sup>130</sup> In the context of education, young boys of color have been constructed as disruptive in classrooms, less likely to succeed academically, and more likely to cause pregnancy, among other things.<sup>131</sup> In establishing MBK, the administration could have discussed the issues confronting this population of young men without privileging them, that is, recognizing the scope and consequences of raced and gendered stereotypes, as well as identifying strategies for dismantling them. Doing so also would provide an avenue for investigating the ways in which intersecting oppressions result in particularized harms to young men of color, which, in turn, would enhance the development of targeted strategies, some of which I discuss in the next subsection.

### C. *Developing Solutions Based on a Bottom-up Approach*

Instead of relying on raced and gendered stereotypes about families, policymakers should take a closer look at low-income parents and let the realities of their lives guide the search for solutions. That means departing from presuppositions that the so-called traditional family is the best mechanism for childrearing and economic security.

Research reveals that, rather than symbolizing dysfunction or disregard for cultural norms, the choice not to marry among poor people reflects a great esteem for marriage and parenthood. Kathryn Edin and Maria Kefalas extensively studied single low-income mothers in Philadelphia and found that, in today's world, low-income people "believe a wedding ought to be the icing on the cake of a working-class respectability already achieved."<sup>132</sup> Furthermore, their subjects opined:

[N]o respectable woman agrees to marry when living paycheck to paycheck—even when there is a baby on the way and she's living with the father . . . [D]ivorce is the ultimate loss of face; the couple must bear the reproach of neighbors and kin for daring to think they were ready for marriage in the first place.<sup>133</sup>

Just like their middle- and upper-class counterparts, low-income women want marriage; however, they are unwilling to subject themselves or their children to weak unions just for the sake of being married. In order to have an equal partnership, such women strive for obtaining economic security that is not contingent upon the father of their children.<sup>134</sup> In other words, poor women do not see marriage as a de facto

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130. Cf. Ta-Nehisi Coates, *Letter to My Son*, THE ATLANTIC (July 4, 2015), <http://www.theatlantic.com/politics/archive/2015/07/tanehisi-coates-between-the-world-and-me/397619/>).

131. See Williams, *supra* note 2, at 69.

132. KATHERYN EDIN & MARIA KEFALAS, PROMISES I CAN KEEP: WHY POOR WOMEN PUT MOTHERHOOD BEFORE MARRIAGE 202 (2011).

133. *Id.* at 203.

134. *Id.* at 204.

ticket to prosperity. They want financial independence that will withstand job losses, desertion, or death of any future partner.

If financial well-being is so important to such women, one might ask why such women fail to postpone childbearing as well as marriage. Edin and Kefalas explain that low-income people highly value childbearing,<sup>135</sup> in part because parenthood is one of the few attainable avenues for constructing meaningful lives:

While middle-class women are now reaching new heights of self-actualization, poor women are relegated to unstable, poorly paid, often mind-stultifying jobs with little room for advancement. Thus, for the poor, childbearing often rises to the top of the list of potential meaning-making activities from mere lack of competition.<sup>136</sup>

Research shows similar sentiments among poor men. Kathryn Edin and Timothy J. Nelson surveyed low-income fathers and determined that “most men at the bottom . . . are actually eager to claim fatherhood and engage in at least some aspects of the role.”<sup>137</sup> Lacking the financial means to play the role of provider, poor men have “retreated”<sup>138</sup> from that role, even though they respect it. Instead, they “are trying to lay claim to a new set of roles that in the industrial age were viewed as a mother’s exclusive domain: love, communication, and quality time.”<sup>139</sup> In essence, although the economic downturn, loss of low-skill/high wage job opportunities, and mass incarceration have constrained these men’s ability to support families, they have identified other ways to perform as fathers, a role which “truly make[s] life worth living.”<sup>140</sup> For these men, like their female counterparts, becoming a parent can be a beacon in an otherwise dark world. To them, parenthood is “a tool, almost a magic wand . . . to neutralize the negativity that surrounds them as they come of age in chaotic and violence-charged neighborhoods.”<sup>141</sup>

Although marriage increasingly is becoming the realm for the well off,<sup>142</sup> low-income men and women alike still choose to build families. This research suggests that, contrary to the suggestion of policymakers, poor mothers and fathers fully understand and actually appreciate gender roles. Efforts to improve the lives of such families should focus less on the demise of two-parent households and more on increasing these families’ access to material resources that would enable them to marry, if they choose to do so, or expand their horizons such that childbearing could be just one of several objectives to which they could aspire in their lifetimes.

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135. *See id.* (citing surveys showing that poor people agreed almost twice as often as middle class respondents that it was better to go through life having a child than being childless; and that women of limited educational background agreed that “motherhood is one of life’s most fulfilling roles”).

136. *Id.* at 206.

137. KATHERYN EDIN & TIMOTHY J. NELSON, *DOING THE BEST I CAN* 224 (2013).

138. *Id.* at 222.

139. *Id.* at 223.

140. *Id.* at 222.

141. *Id.* at 204.

142. *See* June Carbone and Naomi Cahn, *Is Marriage for Rich Men?*, 13 *NEVADA L. J.* 386 (2013) (applying critical class theory to argue that marriage is both a result and cause of economic inequality).

Policies informed by the lives of poor people would abandon attempts to reinforce traditional gender roles. The evidence suggests that greater attention should be paid to improving the conditions of their lives by such means as increasing the minimum wage, developing affordable housing, reforming education, and providing skills training for today's workplace.

#### CONCLUSION

The patriarchal prescription so evident in the Moynihan Report remains popular, even though it has been subject to fierce critique since its public release. Today, as its fingerprints are evident in *My Brother's Keeper*, the remedy remains divorced from realities about family life across races and socio-economic statuses. It further reinforces subordinating paradigms, and even worse, detracts much needed effort and attention from the deeply entrenched problems affecting people of color.

As the foregoing suggests, we must develop systematic strategies to address the systemic and longstanding inequalities that have plagued black people for much too long. We can start by driving a stake through the heart of the Moynihan Report.