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STEPPING INTO THE PROJECTS*: LAWMAKING, STORYTELLING, AND PRACTICING THE POLITICS OF IDENTIFICATION

Lisa A. Crooms**

INTRODUCTION

In her article, "The Black Community," Its Lawbreakers, and a Politics of Identification,1 Professor Regina Austin proposes a paradigm to move the Black community beyond a "manifestation of a nostalgic longing for a time when blacks were clearly distinguishable from whites and concern about the welfare of the poor was more natural than our hairdos."2 Austin's politics of identification

* Hip-hop artist Me'Shell NdegeOcello describes the violence and confusion of the public housing projects through the relationship of two lovers who find, in each other, refuge from the madness of their lives. The young Black man despairs at the thought of watching his life repeated by the child his lover carries ("straight from the womb right smack dab in the middle of ... poverty insecurity no one to save me"), and he "lays his head on her young black thighs so that the child in her womb can hear the tears the black man cries." ME'SHELL NDEGEOCHELLO, Step into the Projects, on PLANTATION LULLABIES (Revolutionary Jazz Giant/Nomad Noman Music 1993; Maverick Recording Company 1993). It is this sense of stepping into the projects that this analysis intends to convey as a method by which Black lawmakers and other "project aristocrats" can identify with the poor who live in those projects, in general, and with poor single mothers on welfare in the projects, in particular. Id.

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This article is dedicated to the memory of Dr. N. Jean Sindab whose Bed-Stuy roots both informed her vision of justice and led her to dedicate her life to the struggle to empower the dispossessed, despised, and disenfranchised, both at home and abroad. Earlier versions of this article were presented at the National Bar Association Annual Meeting in Baltimore, MD (Aug., 1995), and the Michigan Journal of Race & Law Symposium, Toward a New Civil Rights Vision, in Ann Arbor, MI (Oct. 13, 1995). I would like to thank Lisa Freeman, Dean Jeffrey Lehman, Cathy Powell, Evelyn Shockley, Vanessa Smith, Kathleen Sullivan, and Dorothy Thomas for their insights, comments, and criticisms. I would also like to thank not only Laverne Patterson and Kimberly Willis for their research assistance, but also Christina Chung and the members of the Michigan Journal of Race & Law for their editorial work. As always, the views expressed in this article as well as any errors remain my own.


2. Id. at 1769. Austin's search for a new, reconstituted Black community is similar to that yearning discussed by Scott Walker in his Introduction to The Graywolf Annual Ten: Changing Community:
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provides the conceptual framework through which the Black community can reconstitute itself in accordance with its own principles, which may or may not be those embraced by the mainstream. The ultimate objectives of community progress and racial uplift become both the guiding principles for the community building effort and the criteria for community membership.

We are feeling . . . a need to re-create community. This can’t be done by going historically backwards, back to the land, tribe, or village. In the same ways we have had to redefine what constitutes a family in this decidedly non-Ozzie-and-Harriet age, we are searching for new forms of community. Many of the major strands of contemporary political and social movements may be seen as part of a general search for individual and community identity.


3. While “mainstream,” as used in this article, is not synonymous with White, one of the ideologies on which this country’s mainstream principles are based is White supremacy. See, e.g., C.L.R. JAMES, *AMERICAN CIVILIZATION* 200-11 (1993) (analyzing White supremacy and the “Negro question,” i.e., the inferior position of Blacks, premised on the superiority of Whites, as permeating all domestic, social, economic, political and cultural institutions in the U.S.). Part of the mainstream’s function is to ensure a status quo to which White supremacy is central. See Kim L. Scheppelle, *Foreword: Telling Stories*, 87 MICH. L. REV. 2073, 2077 (1989) (describing the “nomos,” or “normative universe,” which is “a world of right and wrong, of lawful and unlawful, of valid and void” (quoting Robert Cover, *The Supreme Court*, 1982 Term—Foreword: Nomos and Narrative, 97 HARV. L. REV. 4, 4 (1983))). Although membership in the mainstream appears to be open to individuals and communities irrespective of race, it represents principles which both reflect and perpetuate norms that privilege Whiteness. Therefore, the division between the mainstream and the Black community, within the context of this analysis, stems from the White supremacy inherent in the mainstream which makes a Black community organized on the basis of racial uplift and collective progress its opposite. See JAMES H. CONE, *BLACK THEOLOGY AND BLACK POWER* 6 (1969) (defining “Black Power” as “complete emancipation of black people from white oppression by whatever means black people deem necessary”).

This oppositional relationship between the mainstream and the Black community is the source of the spirit in which Austin’s politics of identification is offered. The question raised by her proposal appears to be the following: “Why should the marginalized uncritically accept the norms and conventions by which their ‘otherness’ is defined?” This question becomes particularly salient when one considers what Scheppelle describes as “the very real presence of perceptual fault lines, different descriptions of events that grow from different experiences and different resonances . . . [most of which] occur at the boundaries between social groups.” Scheppelle, *supra*, at 2083. Austin’s politics of identification seeks to forge new tools to construct a new house to which the master cannot lay claim— and so provides a method based on Audre Lorde’s proposition that “the master’s tools will never dismantle the master’s house.” AUDRE LORDE, *SISTER OUTSIDER* 112 (1984).

4. Austin, *supra* note 1, at 1772. During the *Michigan Journal of Race & Law*’s Inaugural Symposium, Dean Jeffrey Lehman of the University of Michigan Law School noted that the racial progress and similar community standards advocated by Austin may lead to the conclusion that her politics mandate a particular position or outcome. Dean Jeffrey Lehman, Panel Discussion at the *Michigan Journal of Race & Law* Symposium, *Toward a New Civil Rights Vision* (Oct. 13, 1995). This, however, ignores
Those who comprise the Black community, which serves as the starting point for Austin’s politics of identification, are not at all times “other” to the mainstream. The prevailing views of many Black people regarding issues such as religion, crime, and the work ethic position them within the mainstream. Their Blackness, however, tends to marginalize them within the mainstream’s boundaries. This marginalization provides a common experience that binds virtually all Black people across lines of class, sex, ethnicity and sexual orientation. It is this commonality that gives Austin a basis on which to build her Black community through her politics of identification. Her paradigm rests on the premise that Blackness and the need to resist the oppression of White supremacy require a community building method driven by principles considered and consciously chosen by its members—principles that may or may not be consistent with those on which the mainstream is based. Both Austin’s article and the following analysis are concerned with those principles that appear to violate mainstream norms and conventions.

Austin uses Black attitudes about Black criminal conduct to demonstrate how such a politics of identification works. According to Austin, some members of the Black community identify with lawbreakers whose conduct conflicts with mainstream norms because, in their assessment, this conduct furthers the community’s

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6. Evans notes that “[outlaw culture is born of, but is not limited by, exclusion from mainstream norms and protections.” Evans, supra note 5, at 268.
goals. In these cases, the Black community blurs the mainstream’s line between the lawful and the unlawful. The resulting ambiguity transforms unlawfulness into righteousness. The lawbreaker becomes a full-fledged member of the community.

However, as Austin notes, not all lawbreakers can take advantage of this blurring. Specifically, Austin views sex and gender stereotyping as major obstacles to the community’s recognition of female lawbreakers as heroines. She invites her readers to “take the women on their own terms as we do the men,” and to practice a politics of identification that embraces “different groups and categories of Black women, including lesbians, adolescent mothers, rebellious employees, and lawbreakers immersed in street life.”

With some trepidation, I accept Austin’s invitation to consider a woman-centered politics of identification. To this end, the following article examines the politics of identification practiced by Black members of the House of Representatives in the congressional

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7. Austin, supra note 1, at 1772.
8. Id. at 1776-87.
9. Id. at 1791-92.
10. Id. at 1798.
11. Id. at 1798-99 (footnotes omitted). The late filmmaker Marion Riggs made a similar challenge to reconsider the bases for Black community membership, in his film BLACK IS... BLACK AIN’T (Tara Releasing and California Newsreel 1995). The film is based on his status as a gay Black man seeking to assert his membership in a Black community, many members of which would deny his inclusion.
12. Austin amplifies this course of action when she proclaims the following:

   Well, I think the time has come for us to get truly hysterical, to take on the role of “professional Sapphires” in a forthright way, to declare that we are serious about ourselves, and to capture some of the intellectual power and resources that are necessary to combat the systemic denigration of minority women. It is time for Sapphire to testify on her own behalf, in writing, complete with footnotes.

Regina Austin, Sapphire Bound!, 1989 WIS. L. REV. 539, 542.
13. The limited scope of this article is not meant to suggest that Black members of the House of Representatives are the only Black voices in the congressional debate about welfare reform. Rather, it is an attempt “to look at the needs and problems of black women to determine the role black elites (male and female) have played in their creation or perpetuation.” Austin, supra note 12, at 545. Moreover, I limit my analysis to the House of Representatives because it is the only branch of government involved in the national welfare reform debate with a critical mass of Black members who helped shape the legal discourse regarding welfare reform. See, e.g., Lori L. Outzs, A Principled Use of Congressional Floor Speeches in Statutory Interpretation, 28 COLUM. J.L. & SOC. PROBS. 297 (1995) (discussing the important role floor speeches may play in the construction of legislative histories and the standards under which such histories might be constructed). In this sense, the House of Representatives is uniquely suited for my analysis. See generally CAROL M. SWAIN, BLACK FACES, BLACK INTERESTS: THE REPRESENTATION OF AFRICAN-AMERICANS IN CONGRESS (1993) (discussing both the history and the nature of Black representation in the U.S. Congress).
debate\textsuperscript{14} about welfare reform.\textsuperscript{15} This debate follows a master narrative\textsuperscript{16} which criminalizes the poor, in general, and the welfare-dependent, in particular.\textsuperscript{17} More importantly, for the purposes of this article, this debate uses stories\textsuperscript{18} to construct its prototypical recip-

\begin{enumerate}
\item This article treats the floor debates regarding a number of different bills intended to reform welfare as constituting the congressional debate about welfare reform. This is not meant to suggest that any comments made by lawmakers while not on the floor are not properly considered to be part of the congressional welfare reform debate. It merely reflects my decision to look at a narrow group of narratives employed by Black lawmakers involved in these floor debates.
\item Welfare, as used in this article, is not limited to Aid to Families With Dependent Children (AFDC), the federal government's main welfare program, but includes other social welfare programs such as Food Stamps and housing assistance.
\item "Master narrative," as used in this analysis, is synonymous with dominant cultural narrative or cultural meta-narrative. See, e.g., Patricia Ewick & Susan S. Silbey, \textit{Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative}, 29 LAW & SOC. REV. 197, 203 (1995) (discussing meta-narrative as contributing to cultural "cohesiveness, stability and determinance"). The master narrative is crucial to the maintenance of hegemony, i.e., "the order of signs, practices, relations and distinctions, images and epistemologies—drawn from a historically situated cultural field—that come to be taken-for [sic] granted as the natural and received shape of the world and everything that inhabits it." \textit{Id.} at 212, n.10 (citation omitted).
\item Evidence suggests that a significant portion of the welfare recipient population engages in unlawful conduct. See, e.g., Kathryn J. Edin, There's a Lot of Month Left at the End of the Money: How Welfare Recipients in Chicago Make Ends Meet (1989) (unpublished Ph.D. dissertation, Northwestern University) (documenting the off-the-books asset-generating activities of female welfare recipients in Chicago); see also CHRISTOPHER JENCKS, \textit{RETHINKING SOCIAL POLICY: RACE, POVERTY, AND THE UNDERCLASS} 204-35 (1992) (discussing Edin, \textit{supra}); Austin, \textit{supra} note 1, at 1801-02 (discussing Edin, \textit{supra}). However, this is not what I mean when I refer to the "criminalization" of the poor. Rather, the term "criminalization" is meant to convey a sense of the way the debate has tended to blame the poor for their poverty, which is thought to be the result of some bad or pathological behavior on their part. Welfare recipients are branded "bad" for no reason other than that they receive public assistance, and they become full members of the unworthy poor whose behavior makes them culpable actors in their impoverishment. \textit{See} Peter B. Edelman, \textit{Toward a Comprehensive Antipoverty Strategy: Getting Beyond the Silver Bullet}, 81 GEO. L.J. 1697, 1700, 1708-09 (1993).
\item This article uses "stories" and "narratives" interchangeably. \textit{Contra} Ewick & Silbey, \textit{supra} note 16, at 200 (identifying narrative by its three essential features: (1) "relies on some form of selective appropriation of past events and characters"; (2) is "temporally ordered"; and (3) "the events and characters [of the narrative are] related to one another and to some overarching structure, often in the context of an opposition or struggle"). Both stories and narratives may be direct (nonfictional, personal stories featuring the narrator as protagonist), or indirect (nonfictional stories recounted by a narrator who is not the story's protagonist), as well as parabolic, allegorical, and otherwise fictionalized. The lawmaking process is one in which narrative is deployed regularly and without controversy. \textit{See} Outzs, \textit{supra} note 13. This sharply contrasts the response to the use of narrative in other aspects of legal discourse. \textit{See generally} Baron, \textit{supra} note 4; Richard A. Delgado, \textit{On Telling Stories in School: A Reply to Farber and Sherry}, 46 VAND. L. REV. 665, 675 (1993) (arguing that criticism and evaluation of "outsider scholarship" as "lacking in typicality, rigor, generalizability, and truth"
ient as a Black single mother who lives in an inner city ghetto and leads a passive life of reproduction and consumption rewarded by government largesse. The fact that this prototypical image is at

goes that majoritarians also tell stories and urging cautious evaluation of outsider scholarship); Daniel A. Farber & Suzanna Sherry, Telling Stories Out of School: An Essay on Legal Narratives, 45 STAN. L. REV. 807 (1993) (arguing that outsider scholarship is valuable for diversity's sake, and formulating standards for evaluating both the quality and quality of such work); Angela P. Harris, Foreword: The Jurisprudence of Reconstruction, 82 CAL. L. REV. 741, 755-58 (1995) (discussing the debate surrounding outsider storytelling in legal discourse); Alex M. Johnson, Jr., Defending the Use of Narrative and Giving Content to the Voice of Color: Rejecting the Imposition of Process Theory in Legal Scholarship, 79 IOWA L. REV. 803, 807 (1994) (demonstrating "the value inherent in Critical Race Theory and Narrative while providing the tools and insight needed to assess the value of such work").

The lawmaking process includes storytelling by those who support the mainstream position and its supporting ideology and by those who oppose this position and ideology. Those in the former category engage in hegemonic storytelling, while those in the latter category employ counterhegemonic storytelling. See, e.g., Baron, supra note 4, at 261-69 (distinguishing "stories as conventions" from "stories as critique"); Delgado, supra note 4, at 2421 (describing hegemonic stories as stock stories which "justly) the world as it is"). Some legal scholars view counter-hegemonic storytelling as particularly suited to subverting the imagined aperspective objectivity associated with the rule of law. See, e.g., Schepele, supra note 3, at 2075 (quoting a letter from Delgado to Kevin Kennedy, Editor-in-Chief of the Michigan Law Review). See also Ewick & Silbey, supra note 16, at 199 (identifying the epistemological and political virtues of storytelling).

19. As Wahneema Lubiano notes, "[T]he welfare dependent single mother is . . . the synecdoche . . . for the pathology of poor, urban, black culture." Black Ladies, Welfare Queens, and State Minstrels: Ideological War by Narrative Means, in RACE-ING POWER: ESSAYS ON ANITA HILL, CLARENCE THOMAS, AND THE CONSTRUCTION OF SOCIAL REALITY 323, 335 (Toni Morrison ed., 1992). See also Thomas A. Ross, The Rhetoric of Poverty: Their Immorality, Our Helplessness, 79 GEO. L.J. 1499, 1518 (1991) (highlighting the stereotype that women on AFDC are Black and "procreate irresponsibly and have no aspirations beyond maximizing their take from the public trough"); Note, Dethroning the Welfare Queen: The Rhetoric of Reform, 107 HARV. L. REV. 2013, 2019 (1995) (describing the popular image of the "typical" welfare recipient as being "an urban, black teenage mother, who continually has children to increase her benefits and who just lies around all day in public housing waiting for her check to come") (footnotes omitted); Andrew Hacker, The Crackdown on African-Americans, THE NATION, July 10, 1995, at 45 (describing the public perception that Black welfare mothers "have grown so used to public checks that only ending entitlements will get them off the rolls"); Rita H. Jensen, Welfare, MS., July/August 1995, at 50, 59 (describing the master narrative's prototype as "an African American woman . . . living in an urban housing project . . . who has been on welfare for years"). Cf. John E. Wideman, Doing Time, Marking Race, THE NATION, Oct. 30, 1995, at 503, 504 (explaining that "[g]radually, 'urban' and 'ghetto' have become code words for terrible places where only blacks reside" and that "[p]rison is rapidly being re-lexified in the same segregated fashion").


This is not meant to suggest that family structure is the only posited explanation
odds with that of the average woman on AFDC is largely obscured by the importance of the prototype to the mainstream's master narrative, which not only makes Black poverty redundant, but also places the blame for innercity poverty squarely on the shoulders of poor, Black, single mothers.

Although virtually all Black members of the House of Representatives have opposed the reforms advocated by the majority, they have done so from within the mainstream. All appear to have

for Black poverty. Indeed, as Reynolds Farley notes, there are at least four other explanations which include industrial restructuring and structural economic changes, geographic disadvantages for those in urban areas with jobs located elsewhere, changes in the composition of the Black community, and continuing racial discrimination. Reynolds Farley, The Common Destiny of Blacks and Whites: Observations about the Social and Economic Status of the Races, in RACE IN AMERICA: THE STRUGGLE FOR EQUALITY 197, 199-200 (Herbert Hill & James E. Jones, Jr., eds., 1993). The master narrative, however, focuses on family structure and the alleged "culture of poverty" as the primary causes of Black poverty and seeks to change them through welfare reform.

21. JUNE JORDAN, TECHNICAL DIFFICULTIES: AFRICAN-AMERICAN NOTES ON THE STATE OF THE UNION 67 (1992) ("[The cause of black inner city poverty is not] the failure of . . . federal and local governments to equally entitle and equally protect all of its citizens, but [rather] . . . the failure of Black families to resemble the patriarchal setup of White America . . . ."). See also Larry Cata Backer, Welfare Reform at the Limit: The Futility of " Ending Welfare as We Know It," 30 HARV. C.R.-C.L. L. REV. 339, 341 (1995) (observing that "[Fundamental to our cultural order is the notion that there are no socioeconomic systemic flaws that produce poverty, rather, individual flaws merely produce the appearance of system failure").

22. "Majority," as used in this article, refers to the congressional majority following the 1994 elections in which the Republican Party regained control of both the House of Representatives and the Senate. As such, the term "majority" should be read as linked to a partisan position held by those in the legislature's numerical majority. The positions supported by this majority are, in many ways, either the same as or similar to mainstream positions, but "mainstream" does not carry the same partisan connotations as "majority." See supra note 3. See generally Carla M. Da Luz & Pamela C. Weckerly, Will the New Republican Majority in Congress Wage Old Battles Against Women?, 5 UCLA WOMEN'S L.J. 501 (1995) (discussing how the new Republican majority status in Congress has placed Republicans in a position to affect policies of particular concern to women, including reproductive freedom and welfare reform).

23. The two Black members of the House of Representatives who supported the Personal Responsibility Act and the majority's other proposed welfare reforms are members of the Republican Party. While Gary Franks (R-Conn.) is a member of the Congressional Black Caucus and often supports the Caucus' liberal positions, J.C. Watts (R-Okla.) neither is a member of the Caucus nor supports its positions. Both Franks and Watts represent predominantly White congressional districts. E.g., Ellen Silberman, Can Black Republicans Carve Niche in the GOP?, WASH. TIMES, Jan. 16, 1995, at 13. This may explain why they often support positions opposed by virtually all other Black members of Congress. For this reason, their narratives are not included in the Black lawmaker narratives that this article analyzes within the context of Austin's politics of identification and the Black community. This merely reflects my judgment that their status as representatives of mostly White constituents places them outside the Black community with which my analysis is concerned. It is not meant to suggest that either they are absolutely barred from membership in the Black community or that members of the Black community do not hold views similar to those espoused by
conceded to the master narrative’s image of the AFDC prototype as Black, bad, unproductive and pathological. Many have done so from their positions as representatives of districts in which poverty thrives and have used their status as the source of their moral authority to speak and to be heard in the debate about welfare reform. In this way, they have constructed a community that brands poor, Black, single mothers as “others,” whose personal irresponsibility is both the cause of urban devastation and the result of thirty years of failed social welfare policy. Their “otherness” appears to be based, in large part, on their antipatriarchal childbearing and their perceived inability to comply with mainstream norms and conventions. These Black lawmakers’ differences with the majority do not stem from real opposition or the lawmakers’ status as representatives of the outsiders, but rather from their position within the mainstream. By deploying hegemonic stories under the guise of counterhegemony, they merely validate the master narrative and contribute to the disempowerment of those the narrative maligns.

Franks and Watts.


25. See, e.g., Susan Mayer & Christopher Jencks, War on Poverty: No Apologies, Please, N.Y. TIMES, Nov. 9, 1995, at A29 (noting that a majority of legislators seems to believe that social welfare programs have not worked).

26. “Patriarchy,” as used in this article, is the “manifestation and institutionalization of male dominance over women and children in the family and the extension of male dominance over women in society in general.” Martha L. Fineman, Images of Mothers in Poverty Discourses, 1991 DUKE L.J. 274, 290 (quoting G. LERNER, THE CREATION OF PATRIARCHY 239 (1986)). See also KATHLEEN BARRY, FEMALE SEXUAL SLAVERY 121 (1984) (noting that one “major cause of sex slavery is the social-sexual objectification of women that permeates every patriarchal society in the world”).

27. See, e.g., Fineman, supra note 26, at 281 (noting that “illegitimacy and divorce have an element of personal choice and responsibility that widowhood does not” (quoting S. BUTLER & A. KONDRATAS, OUT OF THE POVERTY TRAP: A CONSERVATIVE STRATEGY FOR WELFARE REFORM 138-39 (1987))); Maria Sachs, The Prospects for Ending Welfare as We Know It, 5 STAN. L. & POL’Y REV. 99 (1994); Lisa Schiffren, Penalize the Unwed Dad? Fat Chance., N.Y. TIMES, Aug. 10, 1995, at A19 (stating that measures such as family caps are required to have an impact on “the cycle of unwed motherhood and dependence on welfare”).

28. Disempowerment, in this context, stems from having one’s narrative invalidated by mainstream norms and conventions. See Scheppele, supra note 3, at 2080 (“[T]here are few things more disempowering in law than having one’s own self-believed story rejected . . . when legal judgments proceed from a description of one’s own world that one does not recognize.”). See also Toni M. Massaro, Empathy, Legal Storytelling, and the Rule of Law: New Words, Old Wounds?, 87 MICH. L. REV. 2099, 2115-16 (1989) (discussing the power which flows to the mainstream because legal
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It is this disempowerment which, I suggest, Austin’s politics of identification might remedy by providing a method to discover the value of the alleged prototype’s activities. Rather than accept mainstream norms and conventions because they are mainstream norms and conventions, this politics of identification would require the Black community to reconstitute itself according to community-developed criteria that may or may not be consistent with the mainstream’s. Through such a process it is possible to recognize the value of the activities of poor Black women on welfare and to see their stories as deserving to be told and heard. For Black lawmakers, this might prove to be a way to recognize the legitimacy of conduct that arguably violates mainstream norms and conventions but has some value for the community of which these women are a part. The current politics practiced by Black lawmakers in the context of the debate about welfare reform circumscribes the Black community in ways a woman-centered politics of identification would not.

The remainder of this article considers Austin’s politics of identification as practiced by Black lawmakers in the congressional welfare reform debate. Part I provides a brief overview of Austin’s politics of identification and how it works in the context of Black attitudes about Black criminal conduct. Part II focuses on Austin’s claim that sex and gender stereotyping may explain the Black community’s apparent unwillingness to use the politics of identification where either the lawbreaker or lawbreaking is gendered female. Part III considers the ways in which such stereotyping works to disadvantage not only the prostitutes and drug addicts discussed by Austin, but also those Black women on welfare who are represented by the master narrative’s prototype. Part IV analyzes the various politics of identification practiced by Black lawmakers in the congressional debate about welfare reform. It looks at the different types of narratives invoked by these lawmakers to determine who among them have stepped into the projects to identify with women on welfare. I conclude that the unwillingness of the vast majority of Black lawmakers to identify overtly with Black women on welfare may be explained as a result of sex and gender stereotyping under which the liberating potential of the

rules validate and reify the voices of its members).

29. Professor Lani Guinier blames the absence of a “truly ‘democratic conversation’” for, inter alia, the scapegoating of poor Black women on welfare. Lani Guinier, Democracy’s Conversation, THE NATION, Jan. 23, 1995, at 85, 86. Professor Andrew Hacker blames the images of poverty for this scapegoating because poor White women are not as visible as their Black counterparts. Hacker, supra note 19. It appears that both Guinier and Hacker have identified interconnected explanations. That is, the absence of a “truly democratic conversation” means that the imagery continues to render poor White women largely invisible, and vice versa.
stories and lives of these women is obscured.

PART I: THE POLITICS OF IDENTIFICATION, THE BLACK COMMUNITY, AND LAWBREAKERS

As Austin envisions it, a politics of identification is one which works with and through difference, which is able to build those forms of solidarity and identification which make common struggle and resistance possible but without suppressing the real heterogeneity of interests and identities, and which can effectively draw the political boundary lines without which political contestation is impossible, without fixing those boundaries for eternity.

Austin’s proposed politics of identification accommodates those differences that threaten to destroy the ideal of “the black community.” It encourages the formation of very broad-based communities in which a range of politics may be practiced.

As method, it permits the reconstituted community’s diverse

30. Although Austin also discusses a politics of distinction practiced by members of the Black community, this article is limited to her proposal for a politics of identification. See Austin, supra note 1, at 1772-74.

31. Id. at 1775 (quoting Stuart Hall, New Ethnicities, in BLACK FILM, BRITISH CINEMA 27-28 (Lisa Appignanesi ed., 1988)).

32. Austin, supra note 1, at 1770.

33. Id. at 1774. This range of politics tracks the diversity of views and politics which have always existed in the Black community. For example, during the late nineteenth and early twentieth centuries, the Black community was expansive enough to include those with widely divergent ideologies, such as Ida B. Wells-Barnett, Anna Julia Cooper, W.E.B. DuBois, Marcus Garvey, Mary Church Terrell, and Booker T. Washington, all of whom were committed to racial uplift and collective progress. See, e.g., John H. Clarke, Commentary to MARCUS GARVEY AND THE VISION OF AFRICA 195, 195-99 (J.H. Clarke ed., 1974) (discussing Marcus Garvey’s critics in the U.S., who included W.E.B. DuBois and A. Philip Randolph, as well as the ongoing conflict between the National Association for the Advancement of Colored People and Garvey’s United Negro Improvement Association); ANNA JULIA COOPER, A VOICE FROM THE SOUTH (1892); W.E.B. DUBOIS, THE AUTOBIOGRAPHY OF W.E.B. DUBOIS: A SOLILQUY ON VIEWING MY LIFE FROM THE LAST DECADE OF ITS FIRST CENTURY (1968); PAULA GIDDINGS, WHEN AND WHERE I ENTER: THE IMPACT OF BLACK WOMEN ON RACE AND SEX IN AMERICA (1984) (chronicling the activism of Black women in the U.S. from the seventeenth century to the late twentieth century); DAVID L. LEWIS, W.E.B. DUBOIS: BIOGRAPHY OF A RACE, 1868-1919 (1993). See also HAROLD CRUSE, CRISIS OF THE NEGRO INTELLECTUAL: A HISTORICAL ANALYSIS OF THE FAILURE OF BLACK LEADERSHIP (1967) (analyzing the contributions and the conundrums faced by Black intellectuals from the 1920s through the mid-1960s); MANNING MARABLE, HOW CAPITALISM UNDERDEVELOPED BLACK AMERICA: PROBLEMS IN RACE, POLITICAL ECONOMY AND SOCIETY 169-194 (1983) (discussing twentieth century Black politicians and intellectuals who embraced various ideologies).
membership to participate meaningfully in the political process and to resist oppression effectively. Such a politics allows individuals to maintain their identities and to associate with communities and other similar entities based on their assessment of their best interest. Because the community “is buffeted by challenges from without and from within,” Austin’s community boundaries are not fixed, and only the fundamental principles on which the community is based remain constant. For the Black community, this principle is furthering “the overall progress of the race.”

According to Austin, “[n]othing illustrates the multiple threats to the ideal of ‘the black community’ better than black criminal behavior and the debates it engenders.” The Black community includes members whose politics of identification “vary with the class of the identifiers, their familiarity with the modes and mores of black lawbreakers, and the impact that black lawbreaking has on the identifiers’ economic, social, and political welfare.” Austin’s politics of identification presents a way for the Black community to emerge from the fractious debate concerning Black criminal behavior. Diverse community membership, she concludes, reflects “the material importance of lawbreaking to blacks of different socioeconomic strata,” as well as the recognition that “[e]ven lawbreakers do have something to contribute to black political discourse and practice.” It does not summarily reject potential members based on the mainstream’s assessment of their conduct, and the only relevant question is what impact the lawbreaker’s conduct has on the community objectives of uplift and progress. Depending on how this query is answered, “[b]lack criminals are pitied, praised,

34. Austin, supra note 1, at 1775; see also Richard A. Delgado, Zero-Based Racial Politics: An Evaluation of Three Best-Case Arguments on Behalf of the Nonwhite Underclass, 78 GEO. L.J. 1929, 1931 (1990) (proposing a similar type of politics central to which is the following query: “In a society with power divided almost equally between two political groups, one conservative, one liberal, which is the more likely source of aid for the nonwhite poor?”).
35. Austin, supra note 1, at 1815-16.
36. Id. at 1770.
37. Id. at 1770, 1772.
38. Id. at 1772; see also Delgado, supra note 34.
39. Austin, supra note 1, at 1770.
40. Id. at 1774; see also Delgado, supra note 34 (recognizing that class interests may affect the political priorities embraced by members of communities of color); Darryl Pinckney, Aristocrats, N.Y. REV. OF BOOKS, May 11, 1995, at 27 (reviewing GERALD EARLY, DAUGHTERS: ON FAMILY AND FATHERHOOD (1995)); JOHN E. WIDEMAN, FATHERALONG: A MEDITATION ON FATHERS AND SONS, RACE AND SOCIETY (1995); HENRY LOUIS GATES, JR., COLORED PEOPLE: A MEMOIR (1995) (discussing the impact of class on racial politics and community configurations for Blacks).
41. Austin, supra note 1, at 1775.
42. Id. at 1774.
protected, emulated, [and] embraced . . . [or] they are criticized, ostracized, scorned, abandoned, and betrayed."\(^4\)

PART II: THE POSITION OF FEMALE LAWBREAKERS WITHIN THE BLACK COMMUNITY'S POLITICS OF IDENTIFICATION

According to Austin, there appears to be a link between the lawbreakers' sex and the willingness of the Black community to identify with the lawbreaker. \(^4\) Austin observes that the community seems to embrace male lawbreakers more readily than it does female lawbreakers, and well-known male lawbreakers, for the most part, have no female counterparts.\(^5\) Black male lawbreakers are credited with a rich history of unlawful but righteous acts committed in the context of the community's struggle against oppression.\(^6\) This historical context, however, appears not to be shared as widely by

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43. Id. at 1772.
44. Id. at 1791.
45. Id. On this point, one may disagree with Austin to the extent that such community identification may explain community responses to the causes of Assata Shakur (formerly Joanne Chesimard) and Angela Davis. See, e.g., Earl Caldwell, Abstracts, N.Y. TIMES, July 2, 1974, at 14 (describing the National Committee to Free Angela Davis and All Political Prisoners as a “group that was organized after Davis was jailed and charged with murder and kidnapping” in 1970, in connection with a shoot-out at the Marin County, California court house); Jill Nelson, The Soul Survivor: Assata Shakur on the Making of a Radical, WASH. POST, Feb. 29, 1988, at B6 (reviewing ASSATA SHAKUR, ASSATA: AN AUTOBIOGRAPHY (1988)) (describing Shakur, a member of the Black Panther Party and the Black Liberation Army, as an activist who was convicted in March 1977 for the May 1973 murder of a New Jersey State Trooper, and who “[i]n November 1979 . . . escaped from the New Jersey Corrections Institute for Women, where she was serving life plus 33 years. In 1987 she surfaced in Cuba, which . . . granted her political asylum”). Although community identification may not have been of the same magnitude as that enjoyed by their male counterparts, these women appear to have benefited from some identification nonetheless.

Accepting as true Austin's proposition that modern lawbreakers may benefit from some perceived connection to righteous lawbreakers of the past, it may be that these women and their lawbreaking established some connection to their lawbreaking but righteous foremothers such as Harriet Tubman. See, e.g., GIDDINGS, supra note 33, at 73 (describing Tubman as “[t]he woman who personally led three hundred slaves to freedom [and] who was a spy and ‘general’ for the Union”).

46. Austin, supra note 1, at 1791-92; see, e.g., John H. Clarke, Introduction to MARCUS GARVEY AND THE VISION OF AFRICA at xv, xxii-xxiii (J.H. Clarke ed., 1974) (discussing the U.S. slave rebellions led by Gabriel Prosser (1800) of Virginia, Denmark Vesey (1822) of South Carolina, and Nat Turner (1831) of Virginia); EUGENE D. GENOVESE, ROLL, JORDAN, ROLL: THE WORLD THE SLAVES MADE 587-597 (Vintage Books 1976) (1972) (discussing U.S. slave revolts). Slave rebellions are an example of the historical context in which the liberating potential of Black lawbreaking may be recognized. See, e.g., MARABLE, supra note 33, at 259 (citing Nat Turner as a forefather of those who advocate building “a genuine peoples’ democracy”).
their female counterparts. 47

Austin’s assessment seems to be an accurate description of the Black community’s attitudes about female lawbreakers who engage in lawbreaking that violates Black women’s normative gender, and comports with Black women’s positive gender. 48 If Austin’s analysis is read in this way, then it appears that Austin’s observation about the relationship between the Black community and female lawbreakers makes perfect sense. This is because, as Austin observes, “forms of deviance associated with feminine traits . . . are dismissed [by the Black community] as collaboration with the white/male enemy.” 49 Consequently, Austin identifies a lawbreaker double standard under which the potential for community identification with the lawbreaker is largely a function of sex and gender stereotyping and the Black community’s desire to embrace Black women’s normative gender, while eschewing Black women’s positive gender. These women do “not benefit from an association between [themselves] and [their] defiant ancestors who resorted to arson, poisoning, and theft in the fight against white enslavement.” 50
Without this historical backdrop, Austin concludes, the female lawbreaker's conduct may conflict with the idea that “[w]omen are house near by represented the final triumph of social ritual . . . .” Id. at 69, quoted in GIDDINGS, supra note 33, at 61-62. This sentiment was shared by others, such as novelist William Wells Brown who claimed that “most of the slave women have no higher aspiration than that of becoming the finely-dressed mistress of some white man.” WILLIAM WELLS BROWN, CLOTEL 59 (1861), quoted in GIDDINGS, supra note 33, at 61.

This view of Black women must be compared with that of extraordinary Black women, such as Harriet Tubman. Tubman’s conduct was illegal according to mainstream conventions, but it served the Black community’s goal of emancipation in a very public way. This made it, in at least one sense, a priori, unfeminine lawbreaking because it was not confined to the female private sphere of the home. However, Tubman’s lawbreaking may be characterized as feminine (or at least not completely masculine), despite its location in the public sphere. Indeed, Tubman, not satisfied with having secured her own freedom, made twenty trips to emancipate slaves, including her brothers and her parents. BLACK WOMEN IN NINETEENTH-CENTURY AMERICAN LIFE: THEIR WORDS, THEIR THOUGHTS, THEIR FEELINGS 219-21 (Bert J. Loewenberg & Ruth Bogin eds., 1976). Her actions can be seen as “nurturing”—she risked her own life because of her concern for the lives of others. This selflessness is similar to that associated with motherhood, and, accordingly, is gendered female. Tubman disproved the idea that Black women lacked the characteristics associated with motherhood and used those skills to serve Blacks rather than Whites. The lawbreaking of Harriet Tubman may very well have engendered a connection to the lawbreaking of women such as Joan Little. Joan Little, with whom many members of the Black community identified, was accused of murdering a White jailer in her cell at a Beaufort County, North Carolina jail in August, 1974, but claimed she killed him in self-defense because he raped her. See generally Jerrold K. Footlick, Joan Little’s Defense, NEWSWEEK, Feb. 24, 1975, at 86 (reviewing the facts of Little’s case, as well as the breadth of community support she enjoyed). By challenging the mainstream’s conception of Black women’s gender as inherently sexual and lascivious, Little’s lawbreaking occupied a position similar to that of Tubman’s. While Tubman’s lawbreaking exhibited nurturing characteristics, Little’s lawbreaking revealed another characteristic, the protection of “chastity,” associated with the mainstream’s construction of “true” (White) womanhood.

The feminine lawbreaking of Tubman and Little ran counter to the mainstream’s construction of womanhood not only because of their Blackness, but also because of the idea that lawbreaking is not part of the mainstream’s conceptualization of womanhood (i.e., lawbreaking and “true” womanhood are mutually exclusive). This a priori unfeminine conduct, however, did not prove problematic for members of the Black community who embraced both Tubman and Little as heroines. Consequently, the Black community appears willing to identify with feminine lawbreaking that comports with Black women’s normative gender (i.e., that which is consistent with mainstream norms for White womanhood), as evidenced by the Black community’s acceptance of lawbreakers such as Tubman and Little. In other words, the feminine lawbreaking discussed by Austin with which the Black community appears unwilling to identify is lawbreaking that comports with Black women’s positive gender, rather than with their normative gender.

This is not meant to suggest that I accept as legitimate what I have identified as Black women’s positive and normative genders. Rather, these terms are meant to describe not only the ways in which Black women’s gender is constructed by both the mainstream and the Black community, but also my conclusion that what is often viewed as the Black community’s attempt to define itself and its members is no more than an attempt to recast mainstream norms in Blackface.
not supposed to engage in violent actions or leave their families to pursue a life of crime." This is a burden male lawbreakers do not face because their "[a]ggressive antisocial behavior . . . is deemed compatible with mainstream masculine gender roles." Because there appears to be no larger context in which to consider her decidedly unfeminine conduct, "the female offender has little or no chance of being considered a rebel against racial, sexual, or class injustice."  

Austin uses Black attitudes about female prostitutes and drug addicts to explore her claims about the community's sex and gender stereotyping and its effect on the politics of identification practiced by the Black community. According to Austin, community identification with Black female prostitutes is difficult because they are disproportionately represented among low-level streetwalkers. As Austin notes, "[b]lack and brown women are on the corner rather than in massage parlors or hotel suites in part because of the low value assigned to their sexuality." The significance of this value-laden imagery is not lost on the Black community, which comes to agree with the mainstream's view of these Black prostitutes as valueless.

The following story is an example of Black community attitudes about women who are perceived as Black prostitutes and how that community apparently values these women. In November, 1993, "a 31-year-old woman returning from a store was raped and sodomized by . . . a gang of six teen-agers . . . who sauntered away from the attack to shoot baskets and boast of their conquest." The sentiment of members of this East New York neighborhood about both the attack and the victim was summed up by Frances Smith, mother of one of the accused, who said, "I don't think these young 

51. Austin, supra note 1, at 1792.
52. Id. at 1791.
53. Id.
54. Id. at 1792-95.
55. Id. at 1792.
56. Id.
57. See id. at 1791-99.
58. The community members involved in this story believed the woman attacked was a prostitute, although she was not. In other words, she was presumed to be a whore and was unable to rebut that presumption. See ANDREA DWORKIN, PORNOGRAPHY: MEN POSSESSING WOMEN 203-04 (1981) ("The metaphysics of male sexual domination is that women are whores . . . The presumption that [a woman] is a whore is a metaphysical presumption: a presumption that underlies the system of reality in which she lives. A whore cannot be raped, only used.").
boys’s [sic] lives should be wasted over a prostitute.” Ms. Smith makes clear for her and others in her community that if a woman is perceived as a prostitute, then that woman is not valued. In the eyes of this community, the “visible promiscuity” associated with prostitutes simultaneously stripped this woman of her right not to be raped and vested her six attackers with the right to rape her without fear of community reproach. The community denied her membership and forced her to its margins to ply inconspicuously what was believed to be her trade and to stand alone against the hazards associated with that trade.

Even if we assume that the woman was a prostitute, which she was not, the community’s reaction to her attack remains quite troubling. Such a response, however, appears natural if Austin’s claim is true that the Black community dismisses feminine law-breaking “as collaboration with the white/male enemy.” According to Austin, Black female lawbreakers are seen as “[collaborators] with the white/male enemy” because they and the Black community do not seem to have an extensive historical context of Black female lawbreakers from which to draw. This situation is complicated by the central roles sexuality and sexual accessibility play in the way Black women’s gender has been constructed historically. In the eyes of the community, Black prostitutes are whores whose whoring impedes racial progress because it makes the sexualized imagery of Black women appear to be true. Consequently, prostitutes (both real and imagined) must be marginalized. They must be denied community membership and all of its privileges because they pose too grave a threat to the community’s goals.

Although female drug addicts often prostitute themselves to feed their habits, their prostitution is not the only bar to community membership. Rather, membership in the community is prevented by additional factors, not the least of which is the addicts’

60. Id. at 46.
61. Austin, supra note 1, at 1793.
62. See Kimberlé Crenshaw, The Intersection of Race and Gender in Rape Law, 43 STAN. L. REV. 1275 (1991) (discussing “the African-American community’s general resistance to explicitly feminist analysis [of sexual victimization of Black women] when it appears to run up against long-standing narratives that construct Black men as the primary victims of sexual racism”).
63. Austin, supra note 1, at 1792.
64. See id. at 1791-92.
65. Id. at 1793.
66. See id. at 1791-99.
67. See id.
68. See id.
69. Id. at 1794.
perceived privileging of drugs over their children that threatens the ideal of maternal perfection. This privileging manifests itself in a number of ways. There are those women who "condone the involvement of their children in the [drug] trade because it increases [their] access to drugs." Some of these women "leave their children with grandmothers and aunts and disappear." Still others abuse drugs either while pregnant or in the presence of their small children. These women and their habits make them "bad" mothers and women because their children are not their primary concern; their first priority is getting high. There appears to be nothing to value about women who so obviously fall short of maternal perfection.

To characterize the lawbreaking of Austin’s female prostitutes and drug addicts as unfeminine, however, may not tell the whole story. While on one level, their behavior conflicts with mainstream gender norms, on another level, their conduct appears to be wholly consistent with those norms. For example, prostitution and the way it reduces all women to explicitly sexual terms are in accord with what some commentators identify as a crucial element of patriarchy and sex inequality. These mainstream norms also militate against

70. Id. at 1794-95. According to Nancy Chodorow and Susan Contratto, the ideal of possible maternal perfection includes constructing mothers as moral guardians of the family and its natural outgrowths. Nancy Chodorow & Susan Contratto, The Fantasy of the Perfect Mother, in RETHINKING THE FAMILY: SOME FEMINIST QUESTIONS 54, 55-59 (Barrie Thorne & Marilyn Yalom eds., 1982). Those women whose conduct obviously threatens this ideal are blamed for, inter alia, their children’s failures. Id. Chodorow and Contratto claim that “idealization and blaming the mother are two sides of the same belief in the all-powerful mother . . . [and] have become our cultural ideology.” Id. at 65. For a Black community in which, for a number of historical reasons, the idealization of maternal perfection is quite strong, the impact of deviant, non-maternal behavior may be heightened as well. This may be a specific type of sex and gender stereotyping which prevents the Black community from seeing the possible benefits of identifying with these women and reclaiming them from the margins of the Black community.

71. Austin, supra note 1, at 1794.

72. Id. at 1795.

73. Id.

74. See supra note 70.

the market-alienability and commodification of women's sexual activities based on concerns about averting a domino effect that might taint “true” women’s sexuality. The relationship between an addict and her drug of choice is one of total dependence, a characteristic often gendered female and devalued in a society that values, and genders as male, autonomy and independence. Viewed through this lens, the lawbreaking of Austin’s female prostitutes and drug addicts appears particularly feminine.

In this way, Black female prostitutes and drug addicts seem to prove Austin’s central point about the impact of sex and gender stereotyping and a politics of identification at the center of which these women might stand. The sexual accessibility of prostitutes and the total dependence of drug addicts are, from the community’s perspective, unacceptable because they are feminine, and not necessarily because they are illegal. This proves to be a virtually insurmountable obstacle to identification with these women for a community which, as Austin notes, dismisses “forms of deviance associated with feminine traits . . . as collaboration with the white/male enemy.” Consequently, the potential value of their lawbreaking is lost on Austin’s community organized around the principles of racial uplift and collective progress.

PART III: BLACK WOMEN ON WELFARE AND PROBLEMS OF IDENTIFICATION

The role of gender rebel may also be assumed by women on welfare. Specifically, the prototype at the center of the master male power and devalues “female subjectivity . . . [which] negates the possibility of female choice and self-directed action”).


77. This gendering of traits and conduct follows the historical gendering of the separate spheres of influence which emerged in the mid-nineteenth century. Nancy Chodorow, Mothering, Male Dominance and Capitalism, in CAPITALIST PATRIARCHY AND THE CASE FOR SOCIALIST FEMINISM 83, 90-95 (Zillah R. Eisenstein ed., 1979). The public sphere, which is gendered male, is the situs of valued activity. The private or domestic sphere, which is gendered female, was the location of the unproductive and relatively devalued activities of homebound dependents financially supported by the income earned by male actors in the public sphere—male actors connected to the domestic dependents in the traditional, two-parent family. Id. at 84-90. See also Martha Minow, “Forming Underneath Everything That Grows”: Toward A History of Family Law, 1985 WIS. L. REV. 819, 835-86 (observing that social historians focusing on women’s experiences have detailed that “‘the rise of domesticity’ and the ‘cult of true womanhood’ . . . both involved the creation of separate spheres of ideology, which simultaneously confined women to a realm removed from public life and the legal rights of autonomous individuals—and curtailed economic and political rights that women previously had enjoyed”); JAMES, supra note 3, at 211-25 (discussing the way the gendering of tasks and spheres handicaps the average woman, who neither works outside the home nor is wealthy enough to use domestic help).

78. Austin, supra note 1, at 1792.
narrative utilized in the welfare reform debate may be the sister whose lawbreaking can challenge the hegemony of patriarchy in the Black community. A politics of identification with Black women on welfare at its core would require the Black community to hear the voices of those poor Black women thought to be represented by the master narrative’s prototype. Their value would no longer be denied because of their antipatriarchal existence.79

This politics has the potential to force those Black lawmakers who count these women among their constituents to use counter-hegemonic narratives. These counterhegemonic narratives would challenge the truth-claims underlying the master narrative about welfare and welfare reform, as well as its hegemonic stories. Although the eventual outcome of the debate would not necessarily change, this politics would, at the very least, avoid the disempowerment associated with having the narratives of poor Black women either ignored or misappropriated.80 From this position, the community could critically assess whether patriarchy remains consistent with racial uplift and collective progress. In this way, the mainstream’s conventions would not necessarily be embraced by a Black community that chose to identify with its poor sisters on AFDC. Under a politics of identification involving women on welfare, community members would no longer condemn single mothers on welfare because of the threat they pose to the patriarchal dream. Patriarchy would no longer be consistent with the community’s goals of racial uplift and collective progress.

This, however, is much easier proposed than practiced. The Black community is caught in a schizophrenic space between its positive and normative identities. Its positive identity is established in terms imposed on it by the mainstream which defines Black as not White, where White functions as a proxy for value and worth.81 Its normative identity is also established in mainstream terms, but these are terms appropriated by the Black community to counter its positive identity. While members of the community appear to accept a positive identity as representative of some members, they also seek

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80. See supra note 28 and accompanying text (discussing disempowerment, outsiders, and the master narrative). This type of politics might help to provide a basis on which to privilege these misrepresented voices in light of the reality that such privileging is always at work in the lawmaking process, which seeks to strike a defensible balance between competing interests.

81. As Professor Joel Handler notes, “[t]hroughout our social history, racial discrimination and nativism have served to affirm dominant values, status, and power by defining people of color and immigrants as deviant and degraded.” Handler, supra note 20, at 935.
to marginalize these members for failing to comport with the community's adoption of a normative identity. This "self-othering" undermines the potential for practicing the broad-based politics of identification envisioned by Austin because it accepts the mainstream's values without assessing how those who are marginalized might contribute to the community's objectives.

The normative/positive split is also present in the way Black women's gender is defined. For Black women on welfare, this split is particularly acute. The master narrative's prototype embodies the fundamental parts of Black women's positive gender. She exists against the backdrop of a Black community that judges its female members based on the mainstream's standards for itself. The process of "self-othering" accepts the image of Black women's positive identity, with considerable shame, and seeks to enhance the community's worthiness by distancing the community from the bad mothers/women in its midst.

The debate's prototype, who is thought to represent Black women's positive gender, is constructed as a single Black mother. Her sexual irresponsibility enabled her to drop out of school and to join the AFDC rolls. Rather than marry the child's father and make the best of the situation, she chose to remain single, to collect AFDC, and to have many more children by many different fathers. Her choices were driven by welfare, which rewarded her for remaining promiscuous, single and prolific. Her sexual irresponsibility placed her at the beginning of a chain which ultimately ended with an impoverished and dysfunctional community.

82. See supra note 48.

83. Handler, supra note 20, at 906 (identifying these mainstream standards as "[t]he normative order of the political economy," central to which are work, and "[t]he construction of the family—gender roles, child rearing, and socialization [as well as] race and ethnicity").

84. This distancing from conduct perceived as affirming Black women's positive gender may be a reaction to what Barbara Omolade identifies historically as "racial patriarchy [in which] a group of men . . . use racism and racial violence to control men and women of color, and to usurp the traditional patriarchal relationships between men and women . . . [This created] a social order in which everyone had a carefully prescribed place . . . [which] has been held in place by a combination of ideology, social law, and economic control." James McCormick Mitchell Lecture, Looking Toward the Future: Feminism and Reproductive Technologies, 37 BUFF. L. REV. 203, 217-18 (1988-89).

85. See supra notes 19-21 and accompanying text (discussing the master narrative's prototype of a single Black mother who is responsible for not only her own poverty, but also the devastated condition of the community in which she lives).


87. As Ruth Sidel notes, the debate's prototype and its image of poor single women concern
The legitimacy of the prototype is thought to be established by statistics about the poor. Women are more likely than men to be poor. The poverty rate for single mothers and their children is six times that for traditional two-parent families. Most single mothers and their families are poor, and the approximate average income of these families amounts to less than fifty percent of the 1990 official poverty line of $10,419 for a family of three (one adult and two children). For more than fifty years, the poverty rate for Blacks has remained approximately three times the poverty rate of Whites. Women of color account for the majority of women receiving AFDC, with Black women comprising the majority of that group. Nearly sixty percent of families headed by single Black women live below the poverty line.

Setting aside for the moment the prototype’s inaccuracies, let us examine how the prototype and the women she represents measure a disreputable, dysfunctional group who are crippled by dependency on governmental “handouts” and responsible for many of the problems of our time—for the breakdown in “family values,” for children’s lack of discipline and difficulty with learning, for the high teenage pregnancy rate, the diminution of the work ethic and even for the high crime rate.


90. Paul Sperry, Saving Welfare as We Know It, INVESTOR’S BUS. DAILY, July 8, 1994, at 1.


93. In 1991, women of color made up 61.9% of the total number of women receiving AFDC. Rosemary Bray, So How Did I Get Here?, in AMERICA’S NEW WAR ON POVERTY: A READER FOR ACTION 18, 21 (Robert Lavelle ed., 1995); see Pamela J. Smith, Comment, We Are Not Sisters: African-American Women and the Freedom to Associate and Dissociate, 66 TUL. L. REV. 1467, 1489 (1992) (noting that “the burden of poverty is borne most distressingly by women of color” (quoting Angela Y. Davis, Women, Culture & Politics 11 (1990))).


95. Dowd, supra note 79, at 24.
up to mainstream standards. Her Blackness removes her from the zone of “true” womanhood as defined by the position and experiences of White women. Her single motherhood represents a huge threat to the patriarchal, traditional, two-parent family within which all “proper” motherhood must exist. Her perceived

96. Historically, “true” womanhood was limited to those White women who were wives and mothers in traditional two-parent families with the economic means to permit them to avoid waged work and to limit their activities to the domestic sphere and its natural outgrowths. See Davis supra note 50, at 12; Deborah L. Rhode, Justice and Gender: Sex Discrimination and the Law 11 (1989); see also Kathryn Branch, Are Women Worth As Much As Men?: Employment Inequities, Gender Roles, and Public Policy, 1 Duke J. Gender, L. & Pol’y 119, 130 (1994) (observing that the culture (or society) associates womanhood with motherhood); Michael B. Katz, In the Shadow of the Poorhouse: A Social History of Welfare in America 64-65 (1986) (examining how women in antebellum America contributed heavily to charitable organizations as a feature of women’s role in society). This has changed somewhat as a result of the second wave of feminism which undermined the credibility of waged work and true womanhood as mutually exclusive. It may be, however, that the current push for family values and the branding of many White mothers who work for wages as “bad” mothers are evidence that “true” womanhood as ideology has not moved far beyond its historical construct. See, e.g., Jane Mayer, Comment: Motherhood Issue, The New Yorker, Mar. 20, 1995, at 9 (noting that Marcia Clark, lead prosecutor in the O.J. Simpson trial, was castigated for her high profile position based on assumptions about her inability both to prosecute Simpson and to be a good mother). Black women’s Blackness also served as proxy for their imagined hyper-sexuality which further removed them from the zone of “true” womanhood. See Deborah Gray White, Ar’nt I a Woman: Female Slaves in the Plantation South 28 (1985); cf. Paula Giddings, Black Males and the Prison of Myth, N.Y. Times, Sept. 11, 1994, at H50 (noting the centrality of mythic sexuality to the construction of Black manhood); see also Marlee Kline, Race, Racism and Feminist Legal Theory, 12 Harv. Women’s L.J. 115, 128 (1989) (discussing “the tendency of feminist legal scholars to overlook racial identity when considering the impact of a particular issue on women”); Smith, supra note 93, at 1469 (noting the de-racing of Anita Hill and her claims against Clarence Thomas, as a consequence of which “she was viewed as the universal woman—with no problems separate and distinct from those of white women”).

97. For example, in an Address at Georgetown University, President Bill Clinton stated the following:

Middle class values, strong families and faith, safe streets, secure futures—these things are very much threatened today . . . .

They are threatened by 30 years of social problems of profound implications, of family breakups, of a rising tide of crime and drugs, of declining birthrates among successful, married couples and rising birth rates among young people who are not married.

President Bill Clinton, Address at Georgetown University (July 6, 1995), in N.Y. Times, July 7, 1995, at A14; see also Murray, supra note 88 (urging that “[i]f two-parent families must once again become the norm in low-income communities”); Schiffren, supra note 27, at A19 (claiming that “[i]n a society where work and marriage are the I-beams of a middle-class life, nothing that encourages illegitimacy can be considered in the interest of women or children”).
promiscuity, as evidenced by her children and their father(s), is proof positive of not only her sexuality and sexual accessibility, but also her failure "as a woman because [she] failed to attract and keep a man."98 Consequently, the prototype is antithetical to "true" womanhood and stands as "other" to the norm.99 The prototype is a "bad mother" because she is single, and this "is the decisive issue for whether one is to be considered a 'good' mother."100 Therefore, the single Black mothers on welfare who are allegedly represented by the master narrative's prototype may stand at the perfect point from which to consider a woman-centered politics of identification for the Black community.

PART IV: BLACK LAWMAKERS, NARRATIVE, AND "THE POLITICS OF IDENTIFICATION"

The following will consider the politics of identification practiced by Black lawmakers in the congressional welfare reform debate. First, it will discuss the scope of the lawmakers' politics of identification as practiced and how this compares to the woman-centered politics I believe is warranted. Second, it will focus on the politics practiced by two Black lawmakers in the context of the majority's misappropriation of two stories about life among Chicago's poor, and the inclusion of these stories in the master narrative.

The mainstream's embrace of the traditional two-parent family, however, appears not to reflect the fact that it has become "increasingly exceptional" in this country. One commentator has noted, "[f]ully a quarter of the children born in the 80's and 90's are being raised by single parents, and there are now more American households composed of people living alone and more households of childless couples than there are households consisting of married parents living with children." Elizabeth Kolbert, Whose Family Values Are They, Anyway?, N.Y. TIMES, Aug. 6, 1995, § 4, at 1.


99. Professor Kimberlé Crenshaw discusses an "otherness" for Black women that is somewhat similar to the otherness to which I refer. Crenshaw notes that traditional anti-discrimination doctrine treats Black women as "others" within the context of the larger groups of Blacks and women because these constructs are defined in terms that recognize the more privileged members of these groups, i.e., Black men and White women, respectively. 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, 141-52; see also Smith, supra note 93, at 1482-83 (discussing the sexual objectification and devaluation of African American women relative to White women, via the institutions of slavery and sexual assault against African American women within the institution of slavery).

100. Fineman, supra note 26, at 274.
A. The Various Politics of Identification Practiced by Black Lawmakers in the Congressional Debate About Welfare Reform

Virtually all Black lawmakers practiced various politics of identification to oppose the majority's proposed welfare reforms. While most spoke as members of the congressional community, some sought to establish their connection to the poor through stories about their impoverished constituents. A number of these stories included the voices of the poor. Fewer still claimed membership in both the congressional community and the poor community; those who did, claimed membership to varying degrees. The small number of Black lawmakers who deployed stories featuring the women meant to be represented by the master narrative's prototype failed to challenge many of the fundamental assumptions upon which the prototype is based—not the least of which are the legitimacy of the production/reproduction dichotomy and the privileging of the traditional two-parent family.

1. Representing the Worthy Poor

Most Black lawmakers relied on their membership in the congressional community to establish their authority to participate in the welfare debate. Many coupled this membership with a connection to the poor through their constituents and, against this backdrop, urged their majority colleagues to reconsider the improvident course they were charting. For example, Representative Louis Stokes of Cleveland practiced a politics of identification in which he both asserted his congressional membership and established a link with the poor through his constituents. Stokes stated that his district was one in which "more than 40 percent of the population lives below poverty," and he urged his fellow members not to "forget our own responsibility as legislators, as leaders, and as a voice for those who cannot speak in this Chamber." Although Stokes appears to view responsibility for the poor as shared among all "legislators" and "leaders" by virtue of their positions, his connection to his constituency seems to give him the added responsibility to remind his colleagues of the poor who will be harmed by the majority's welfare reform measures.

101. See supra note 23 and accompanying text.
103. Id.; see also 141 CONG. REC. H3408 (daily ed. Mar. 21, 1995) (statement of Rep. Stokes, appealing to his colleagues "[o]n behalf of America's children and the poor ... to vote against H.R. 4").
The politics of Representative Sheila Jackson-Lee were similar to those practiced by Stokes. Jackson-Lee opposed the majority’s proposed reforms from her position as a representative of a district in which “51,957 children are living in poverty with 35 percent of these children being under 18 years of age.” 104 Jackson-Lee proceeded to remind her colleagues that “of all 435 congressional districts, mine ranks 30th for the number of poor children.” 105 Like Stokes, she both asserts her congressional membership and constructs a link with the poor through her constituents. Jackson-Lee’s politics, however, differ from Stokes’ in at least two significant ways. First, Jackson-Lee makes explicit the fact that her district is among the ten poorest of the 435 congressional districts. That fact helps to enhance her credibility to speak of poverty on behalf of the poor as a member of the congressional community. Second, she narrows the scope of her connection with the poor to poor children under eighteen years old in her district, 106 in contrast to the poor in general whom Stokes evokes.

A more confrontational version of Black lawmakers’ politics of identification forges an explicit connection between the lawmaker’s status as a representative of poor constituents and the authority to initiate welfare reform measures. According to this brand of politics, those whose constituencies do not include significant numbers of poor people lack the authority to take the lead on welfare reform. As the following remarks illustrate, Representative Cardiss Collins of Chicago is a practitioner of such politics:

I mentioned earlier today that I had gone to the Henry Suder School in my district. In that school, 488 kids out of 501 are on the School Nutrition Program . . . .

I ask this question, how many of [the Republican members] have ever been hungry? How many of them have ever known what it was not to have a meal? How many of them have ever known what it was not to have decent shoes, decent clothing, a nice place to live? I will bet most of them have had a nice room of their own, not shared with any brothers or sisters, maybe five or six, have always been able to get their shoes if they

105. Id.
106. Arguably, this group includes those teenage mothers under eighteen years old in Jackson-Lee’s district. Absent an explicit reference to those mothers, however, it is probably accurate to assume that these were not the children she had in mind, given that these mothers are the most controversial segment of the population served by the AFDC program.
wanted, the clothing that they wanted, food that they needed, et cetera. They do not know about poverty.

So I challenge them to come to the Seventh Congressional District of Illinois, in my district, and walk in the path of these children that they are cutting off on welfare. Walk in the path of the truly needy people who live by welfare because they have no other means by which to live.107

Like Jackson-Lee, Collins both asserts her membership in the congressional community and focuses on the children in her district as her constituent connection. Specifically, she identifies the students at the Henry Suder School, more than ninety-five percent of whom are poor enough to qualify for the federal school nutrition program. Unlike Jackson-Lee, however, Collins employs rhetoric that assumes a direct relationship between representing the poor and credibility to initiate welfare reform, a link that particularly undermines the punitive measures proposed by her majority colleagues. She implies that the members of the majority come from privileged backgrounds that help to explain both their proposed reforms and their belief that such reforms will remedy poverty. She then invites her colleagues, most of whom know very little about those who will be most adversely impacted by the proposed reforms, to visit her district to meet the children about whom she speaks. Perhaps such a visit will make clear to these disconnected lawmakers the extreme error of their ways.108

Representative Carrie Meek of Miami is another lawmaker whose politics of identification is similarly confrontational:

[O]n Monday of this week, I visited Frederick Douglass Elementary School in the Overtown neighborhood in Miami. This neighborhood is so poor that 97 percent of the children there are eligible for free school lunches.

I ate lunch there with a group of third graders, and I asked

108. The belief that providing individuals with experiences including contact with the poor will help them to empathize better with the poor is similar to claims made about the subversive potential of counter-hegemonic storytelling by outsiders—whose stories will bridge the experiential gap that exists between those in the mainstream and those on the outside. See generally Massaro, supra note 28. This, however, assumes that individuals have virtually limitless "empathic capacity," the boundaries of which are not set by the primacy of the experiences of the individual who is expected to empathize. Id. at 2117.
them what they thought about lunch. One little girl was particularly loquacious. "Oh, the lunches are good," she said. "If we didn't get our lunch, we would be hungry."

... The authors of this bill should come to my district and eat with these children. They are not statistics or numbers on some ledger book. They are the little ones who need our help the most—and this bill pushed them aside in the name of fiscal responsibility.109

Like Collins, Meek uses her visit to an elementary school that serves a poor community to establish her connection to the poor children in her district. She also uses her constituent connection to these poor children to question her disconnected colleagues' credibility in proposing welfare reforms. Moreover, Meek accuses her majority colleagues of ignoring the suffering of poor children, which is sure to intensify in the aftermath of the majority's proposed welfare reforms. She also offers her majority colleagues an opportunity to establish an indirect connection to poor children by visiting her district. Meek's politics, however, differ from those practiced by Collins in one significant way. Whereas both lawmakers use their narratives to make real the poor children who will be adversely impacted by welfare reforms, Meek's narrative includes the voice of a little girl to impress upon her colleagues the severity of the danger posed by their proposed reforms. In this way, her constituent connection is even more focused than that of either Jackson-Lee or Collins.

2. Identifying With the Poor

The needed, et cetera. They do not know about poverty. lawmakers discussed above short of including themselves among the poor for whom they speak. However, another politics of identification involves lawmakers who appear simultaneously to assert membership in Congress and membership in the community of their poor constituents. The politics of identification practiced by District of Columbia Delegate Eleanor Holmes Norton fits this mold. Norton establishes her congressional membership and enhances it with a rhetorical connection to the inner city poor of Washington, D.C. Like Collins and Meek, Norton plays on the experiential deprivation of her majority colleagues when she asks, "Do my colleagues know what the inner city unemployment [rate] for people

who have recently had work was in 1993? In [Washington, D.C.] it was 88.6 percent . . . .”

Unlike most of the Black lawmakers with whom Norton shares congressional community membership, however, she appears to go beyond the normal bond shared by constituents and their elected officials. Her narrative places her as one of the members of the community she represents. She is a “sister”: “When I go across the river to Anacostia, my friends, no one ever says to me, ‘Brother, can you spare a dime’ or ‘give me some more welfare.’ They say, ‘Sister, can you get me a job.’”

Norton’s explicit assertion of membership in the community peopled by her poor constituents makes clear her identification with the able-bodied poor who would work for wages but for the unavailability of jobs. These are the poor who are commonly thought to be unworthy and not entitled to any public assistance because they are perceived as responsible for their poverty. The mainstream expects this group to work without any real plan to create jobs in communities such as Norton’s. They are unlike the children on whom Jackson-Lee, Collins, and Meek focus and whose innocence is considered by most to absolve them of any perceived responsibility for their poverty.

If viewed in this context, Norton’s politics come close to conveying a counterhegemonic story that challenges the rhetoric of the mainstream’s master narrative. However, it falls short of realizing its counterhegemonic potential because it appears to accept as true the idea that the poor are engaged in unproductive activity and that those who might wish to remain outside the labor market to care for their dependent children are abdicating their civic responsibility. In other words, Norton does very little to challenge the fundamental assumptions on which the master narrative rests. These assumptions include the idea that providing the poor with the opportunity to work for wages is the extent of the state’s legitimate obligation to its poor citizens, as well as the belief that those who function as primary caretakers for their own children are not engaged in worthwhile activity that the government has an obligation to fund. This brand of politics concedes too much to


111. Id. It may be that Norton’s membership in the community peopled by poor constituents stems from the size of the District of Columbia and the unique position held by its residents, none of whom have voting representatives in Congress. This collective sense of disempowerment shared by those in a city which is majority Black, in the context of a mainstream and majority committed to White supremacy and the status quo, may help to explain Norton’s sense of connection with all her constituents, particularly those who are poor. See generally Jeffrey Goldberg, Marion Barry Confronts a Hostile Takeover, N.Y. TIMES, Oct. 29, 1995, § 6 (Magazine), at 38; Blaine Harden & David A. Vise, Race and the Bottom Line in D.C.; Issue is the Silent Factor in Struggle to Solve Financial Crisis, WASH. POST, Mar. 19, 1995, at A1.
realize its full counterhegemonic potential, and it betrays an analytical framework based on the mainstream’s norms and conventions about waged work, domestic care taking, and child rearing.

At least one Black lawmaker, Maxine Waters of Los Angeles, has moved beyond Norton and asserted her dual membership (in the congressional community and in the community of the poor) through a poverty narrative, featuring herself as the story’s protagonist. This politics of identification relies on her historical, and very personal, membership in the community of the poor, rather than simply on a connection to the community. In this way, she tells a story of her past, and her ability to be heard in the debate relies on her present membership among the lawmaking elite.

According to Waters, her personal history gives her greater credibility to speak about welfare reform:

As a little girl growing up in St. Louis in a welfare family, I know what it means to be hungry, to be cold, to be without health care, to have to put cotton in a cavity because there is no preventive care.

I know what it means to be a frightened little child, thinking everybody hates you. I often said that if I ever had the opportunity to support children, to be an advocate, to talk about what you could do to get families off welfare, I would do that.112

Having recounted her personal story to establish her membership with the poor, Waters then adds her membership in the congressional community, in the lawmaking elite, to bolster the legitimacy of her speech and her authority to be heard in the debate:113

[Child care] is what my mother needed. She needed some training, she needed to be educated . . . . She needed a transition period in which to wind off welfare . . . .

113. Representatives who practiced a similar brand of similar brand of politics and resting on her status as a former AFDC recipient. For example, Woolsey opposed a procedural rule which would limit the debate on welfare reform: “As a mother who was forced to go on welfare 27 years ago because my family never received, not once, the child support we were owed, I am outraged . . . [and] I urge my colleagues to vote against this rule.”
I know what it takes and I would ask Members to listen to me. Let us have a fair proposal . . . that really speaks for the needs of welfare families.

If you want to make families independent, let a welfare child tell you how to do it. It can happen. And let me reiterate, whatever penny, whatever dollar, whatever dime was invested in this welfare child, it has paid off for America and for our people.114

Although Waters' politics of identification primarily focuses on poor children, she uses these children to introduce their single mothers into the debate.115 Thus, she moves closer than the Black lawmakers previously discussed to addressing the debate's prototype. However, her connection to the master narrative's prototype is still mediated through children, and consequently, she approaches their mothers only indirectly.

3. Representing Poor Women on AFDC

Although Waters tells her story in the voice of a poor child on welfare, she not only introduces poor, single mothers into her narrative but also explicitly identifies these women and their children as comprising families.116 Other Black lawmakers also add to the master narrative stories featuring single Black women on AFDC. These stories, however, are recounted from a much different position than that of either Norton or Waters. Rather than being told from the perspective of one who appears to enjoy dual membership in the communities of Congress and the poor, these single mother narratives are told only from the perspective of one who represents the poor.

The most subtle of these politics of identification is the type practiced by Jackson-Lee, who states the following:

[S]omewhere in a school in Houston sits a child by the name of Mary. A teacher writes on the blackboard the word h-o-p-e. Ask Mary what does that word mean. Mary looks and looks again and the teacher points to the word h-o-p-e.

115. By naming as "families" single mothers on welfare and their children, Waters recognizes a basis for community membership that does not appear to limit its vision of family to the patriarchal, traditional, two-parent family.
And Mary says to the teacher, "nothing, ma'am, nothing for me."

... We should give young Mary hope, hope of survival, hope of being able to survive with a single parent, hope of being able to make it and to be successful.117

Like Waters, Jackson-Lee covertly confronts the master narrative's prototype, and her indirectness leaves many of the charges made against these women unanswered. It also fails to challenge the majority's redrawing of the line dividing the worthy poor from the unworthy poor so as to exclude poor single women currently eligible for AFDC. These shortcomings prevent those lawmakers who favor this politics of identification from examining the lives of poor, Black, single mothers and seeing the importance of their contributions to overall racial progress, where such progress is conceptualized in antipatriarchal terms.

Not all lawmaker identification with poor single mothers is mediated through their "innocent" children. Indeed, a number of the Black lawmakers have practiced a politics of identification that explicitly involves both mothers and their children. For example, Jackson-Lee places poor single mothers squarely in the community with which she identifies, but places the Black community in the larger community of "America":

[T]his is not an issue for African-Americans, Hispanic-Americans, Asian-Americans, White-Americans; it is for all Americans. This is not a time to bash our mothers and our children. This is a time to raise our voices, to pass legislation that will be welfare reform and not welfare punishment. This is welfare punishment.118

Unlike Jackson-Lee, however, Collins identifies directly with poor, Black, single mothers thought to be represented by the debate's prototype, when she shares with her colleagues the story of Donna McAdams:

I was in my district for a townhall meeting earlier this month and had the opportunity to talk with one of my constituents, Ms. Donna McAdams . . . .

Ms. McAdams lives in the Robert Taylor Homes in my district in Chicago with her three children. She did not grow up on welfare. She was reared by her grandparents in Englewood on Chicago's south side because her mother abandoned her when she was 6 months old and she never knew her father. Her grandmother was a registered surgical nurse and her grandfather worked for the railroad. They worked hard to raise Ms. McAdams who studied hard and was a member of the National Beta Society and National Honors Society in high school. After graduating, she took her State nursing boards and became a licensed practical nurse. Since she was pregnant at the time and lacked a pharmacology certificate she was not able to take a nursing job. Instead, Ms. McAdams began working full time at McDonald's, making $3.35 an hour.

After the baby was born, Ms. McAdams was on welfare for 2 months, but returned to her job at McDonald's when her child was 4 months old. However, her $3.50 salary was not enough to make ends meet and pay the $350 monthly rent so she obtained a loan to go back to school to become a medical assistant. She had completed her program and internship when she unexpectedly became pregnant again. Unlike her mother, Ms. McAdams decided to keep her babies and not give them up. Unfortunately, at this time, her grandmother was recovering from surgery and her grandfather from a stroke. Ms. McAdams married her baby's father and they began to receive general assistance aid. She soon had to leave her husband because of domestic violence and rear her children on her own.\footnote{119. 141 CONG. REC. H3764 (daily ed. Mar. 24, 1995).}

Collins' politics does not stop with retelling McAdams' story in Collins' voice, but, rather, includes McAdams' own voice:

[W]hen asked about the welfare reform proposals being debated, Ms. McAdams said:

All the things that the politicians are talking about just makes me tired. They want to cut everything that helps, even housing. Where are we going to go if we lose our apartment? I can't imagine me and my kids out on the street. I'm trying to hurry myself through school, but there's no guarantee that I'll
get a job. I’m trying but each time I try it seems like I get another roadblock. I want to be a good role model for my children. I want to have a good job and a better place to live. But I know I can’t do it by myself. Sometimes I just get so tired.120

Collins dares to enter the master narrative not only as the voice of a representative who knows the prototype, but as the voice of the prototype herself. While she uses her narrative to dispel some of the myths associated with the prototype and to illustrate that poor Black mothers like McAdams are willing to work if only given a real opportunity to do so, Collins fails to consider the worth of what McAdams actually does.121 Nevertheless, Collins’ narrative is counterhegemonic (in a limited way) because it works to undermine the credibility of the master narrative’s prototype. Collins portrays McAdams as a single mother forced to struggle since she was abandoned at six months old. She has persevered in the face of unexpected pregnancies, employment setbacks, and domestic violence at the hands of her husband. Collins also challenges the false promise of patriarchal salvation with the reality that McAdams and her family remained poor even after she married. Unlike the prototype, McAdams really does “want to be a good role model for [her] children . . . . [and] to have a good job and a better place to live.”122 All she needs is a chance.

B. Reasserting Control Over Misappropriated Stories Through Lawmaker Narratives

This Part will consider from a different perspective the politics of identification practiced by Black lawmakers. Rather than analyzing the range of various politics of identification practiced by Black lawmakers, the following section examines two stories invoked to underscore the need for welfare reform. Although these stories were misappropriated by the majority, it appears that Black lawmakers made a halfhearted effort to reassert control over the stories and failed to offer a narrative from a woman-centered politics of identi-
fication. These oppositional stories were deployed from the margins of the mainstream which accepted fundamental parts of the master narrative as truth. Thus, the counterhegemonic potential of these stories to subvert the master narrative, as well as the mainstream in which that master narrative was reified, could not be realized. In this way, these Black lawmakers helped to disempower those whose stories were misappropriated.

1. The Melton Sisters and the Keystone

On February 1, 1994, "[the Chicago police swept into 219] North Keystone Avenue . . . looking for drugs, and found children instead." The nineteen children found were born to six mothers, five of whom were sisters and none of whom were home when the police arrived. The "family was poor and unemployed, and . . . almost all of the fathers were absent. The sisters . . . pooled their $65,000 annual income from welfare checks and tried to save money by splitting the $380 monthly rent.

According to media accounts and police reports, the children were found

[lying two deep on a pair of dirty mattresses. Or sprawled on the apartment's cold floor amid food scraps, cigarette butts and human excrement. Most were in dirty diapers or underwear; one boy, subsequently found to have cerebral palsy, wore bruises, belt marks, and cigarette burns on his body. Two of the smallest children . . . were awake, sharing a backbone with a dog. As the police removed the children from the residence, one pleaded to a female cop, "Will you be my mommy? I want to go home with you."

Two days later "[t]he Illinois Department of Children and Family Services took formal custody of [the] . . . children" and placed them in foster homes.

125. Tom Pelton, 6 Keystone Adults Are Found Guilty; Judge Hits Shirking of Parental Duties, CHI. TRIB., Apr. 22, 1994, §1, at 1, 17.
126. Van Biema, supra note 123.
127. McMahon & Thomas, supra note 124, at 1, 6.
128. Id. at 6.
In April 1994, Judge James B. Linn sentenced Mayfay, Cassandra, Denise, Diana, and Maxine Melton to varying jail terms for child neglect and endangerment. The sentences of all the sisters except Maxine were stayed. Over the next six months, however, Mayfay, Cassandra, Diana, and Maxine were jailed for violating the terms of their probation which included mandatory parenting classes, job training and drug rehabilitation. In October, 1994, Cook County Juvenile Court Judge Lynne Kawamoto issued a ruling against the sisters based on "50 counts of neglect or abuse." Judge Kawamoto, however, declined to terminate their parental rights and decided, instead, to give the sisters "one year . . . to rehabilitate themselves by attending parenting classes, job-training seminars and other social-service programs . . . ." They were also "required to attend drug-treatment programs and prove they [could] live in a 'drug-free environment' over an extended period of time." Four of the five Melton sisters eventually lost custody of their children.

During the House of Representative’s debate about welfare reform, one majority lawmaker misappropriated the Melton sisters’ story to underscore the urgent need for welfare reform. He implored his colleagues to remember

[the] examples just as we saw . . . in Chicago during the drug raid when police found 19 children living in squalor in a cold, dark apartment, 2 children in diapers sharing a bone with a family dog, the children belonging to 3 mothers and 6 different fathers who were getting $4,000 in cash benefits per month from the Federal Government[.] It is this system that is wrong . . . .

. . . [T]his [welfare] program [must be changed] for the better to get away from the bankrupt policies of the past that

129. Pelton, supra note 125, at 1; Long, supra note 124.
130. Maxine received and served a 180-day prison term because, at the time of the incident, she was on probation for a drug conviction. Long, supra note 124.
132. Long, supra note 124.
133. Kuczka, supra note 131, at 8.
134. Id.
135. Id.
are bankrupting us not only fiscally but morally.  

Rather than attempt to reclaim the Melton sisters’ misappropriated story, Black lawmaker Representative Harold Ford of Tennessee responded, “I just want to point out that he is absolutely correct when he talked about the 19 kids in Illinois, but I also want him to know under this Republican bill . . . the same 19 kids he made reference to would not be protected . . .”. While Ford implies that his majority colleague’s concern for the Melton sisters’ nineteen children is disingenuous, he fails to practice a politics of identification with all the story’s protagonists. Ford fails to challenge the narrow focus of his colleague’s feigned interest in those nineteen children and chooses to speak on behalf of the innocent and worthy children, rather than to include the stories and voices of their “unworthy” mothers.

It appears that Ford’s inability to speak either for or of the Melton sisters may be explained in terms of Austin’s claims regarding sex and gender stereotyping. His unwillingness to identify with Mayfay, Cassandra, Denise, Diana, and Maxine Melton may be viewed as an unwillingness to assess critically the mainstream norms and values central to its master narrative. His limited politics of identification silences the Melton sisters and further legitimizes the debate’s prototype. Ford ignores the need to tell their story accurately.

Ford’s practiced politics, however, does not represent a material threat to the ideal of the Black community. It may be part of “the real heterogeneity of interests and identities” giving rise to the many politics of identification that “vary with the class of the identifiers, their familiarity with the modes and mores of [Black women on

137. 141 CONG. REC. H3506 (daily ed. Mar. 22, 1995) (statement of Rep. Hayworth). Note that this version of the Melton sisters’ story sets their annual income at $48,000, rather than at $65,000, as identified elsewhere. See supra text accompanying note 125. In Illinois, AFDC benefits for a family of five (one parent and four children) were $485 per month. Jason DeParle, Better Work than Welfare: But What If There’s Neither?, N.Y. TIMES, Dec. 18, 1994, § 6 (Magazine) at 42, 46. Assuming, arguendo, that the six women who shared the apartment at 219 North Keystone Avenue had four children each, the maximum in cash benefits they would receive would be $2,910 per month, or $34,920 per year. Therefore, both the media accounts and the floor debate appear to have miscalculated the Melton sisters’ annual income. See also Kuczka, supra note 131. I thank Kathleen A. Sullivan for raising this point about the inaccuracies in the telling of their stories.


139. It should also be noted that the silence of other Black members of Congress, particularly Cardiss Collins, who counts the Melton sisters among her constituents, is quite damning.

140. Austin, supra note 1, at 1775 (quoting Stuart Hall, New Ethnicities, in BLACK FILM, BRITISH CINEMA 27-28 (Lisa Appignanesi ed., 1988)).
welfare], and the impact that [these women have] on the identifiers' economic, social, and political welfare. In Ford's assessment, the cost of identifying with the Meltons may have been too high, given that Ford is a representative from Tennessee and lacks a lawmaker-constituent relationship with the Meltons of Illinois. For Ford, the image of the Melton sisters that he appears to share with his majority colleagues may have supported his conclusion that to identify with them would have a tremendous impact on his economic, social, and political welfare, all of which were integrally related.

His choice to identify, instead, with the nineteen children speaks volumes about his unwillingness to identify with their mothers. By identifying with the children, he demonstrates not only his concern for the innocent, but also his disdain for the culpable. These sisters' initial blameworthiness may stem from their single motherhood, cast by the debate as personal irresponsibility—a construction with which Ford seems not to disagree. The essence of the affront caused by their alleged irresponsibility is that the Melton sisters chose to have children without the benefit of husbands. From Ford's perspective, this may be enough to obscure the possibilities for identification, especially in these times marked by the vilification of single mothers. From this point of view, Ford may be unable to appreciate the fact that the Melton sisters "scratched an existence out of nothing. They just never had a chance . . . [and], everything considered, they [did not] turn out so bad. At least they stayed together as a family."

If Ford had been open to this story, he might have been able to see the value of the Melton sisters' lives and efforts. Ford might have recognized that the Melton sisters worked hard to raise their children and to make ends meet under extraordinarily difficult circumstances. Ford might have been able to applaud the family values these sisters held, which included doing what they could to help each other in hard times and not turning their backs on each other, even if doing so would make their lives easier. This could have provided the basis for a woman-centered politics of identification from which Ford might have reasserted control over the Melton sisters' misappropriated narrative.

141. Austin, supra note 1, at 1774.
142. Jacquelyn Heard & Jerry Thomas, Families' Troubles Began 40 Years Ago; 19 Children 'Doomed from the Start,' CHI. TRIB., Feb. 5, 1994, § 1, at 5 (quoting Jesse Moore, former principal of the school which at least two of the Melton sisters attended as children).
An accurate retelling of the Meltons' story based on a woman-centered politics of identification might have begun like this:143

Maxine Melton, mother of five of the children, worked hard to keep her family together . . . . At 26, she was something of a matriarch who opened her home as a place of last resort for her sisters and their children . . . .

. . . . When Cassandra Melton could no longer come up with the rent money for her own place last year, she turned to her sister Maxine, who gave her and her children shelter rather than having them put out on the streets. When two other sisters were left homeless by a fire late last year, Maxine again took them in.144

Over time, Maxine and her children were joined by four sisters, one brother, a boyfriend, his sister and fifteen additional children.145 Although the apartment was overcrowded, it had become so only recently, making "the difficult . . . unmanageable."146 These families had not lived this way for long and were crowded into a two-bedroom apartment because of the scarcity of affordable housing and the willingness of sisters to help out in hard times . . . . In search of adequate housing and barely escaping homelessness, the Melton sisters . . . lived at six different addresses over a two-year period. Often they moved to escape broken windows, faulty appliances, poor plumbing, and roach and rat infestation.147

The children were in "relatively good health" and attended school regularly, in a community marked by violence and drugs.148 The Melton sisters were trying to raise their children in a neighborhood where "[d]rug dealers . . . sit on the porch . . . [and] Maxine [had] to run them from in front of the house every day."149 They also strove to provide for their children’s needs in a community where even "[g]etting food . . . was a

143. The following portion is italicized to indicate narrative. Ed.
144. McMahon & Thomas, supra note 124, at 1, 6.
145. Id. at 1; Long, supra note 124.
146. McMahon & Thomas, supra note 124, at 6.
147. Barbara Ransby, Scapegoating Single Mothers, BALT. SUN., Apr. 29, 1994, at 27A.
148. McMahon & Thomas, supra note 124, at 6 ("Even in the bitter cold and snow, young men hang out in alleys, doorways, abandoned buildings and street corners distributing drugs.").
149. Id. (quoting Shermond Johnson, the Meltons’ cousin and neighbor).
major chore because none of the [Meltons] had a car. They would have to catch a bus or wait for relatives to transport them.”

The misappropriated version of the story, mistold on the floor, not only ignored the Melton sisters’ efforts to care for their children and themselves, but also branded them bad mothers whose deviance evidenced the need for punitive welfare reform. One commentator observed the following:

In a twisted way, the Keystone 19 may relieve Americans of the guilt and responsibility they might otherwise feel for the suffering of the urban poor . . . .

Obviously, the Melton sisters could have cared better for their children. However, their conditions—and those of their children—are also an indictment of a system which abysmally fails to provide for the poor and vilifies black single mothers.151

The politics of Ford, practiced from the margins of the mainstream, perpetuated the illusion of the master narrative in which the misappropriated story of the Meltons and similar stories are crucial. His unwillingness to identify with the Melton sisters prevented him from not only practicing a woman-centered politics of identification, but also from transforming his oppositional story into a counterhegemonic narrative.

2. Eric Morse

The Ida B. Wells projects, located on Chicago’s South Side, are the city’s oldest public housing projects.152 Ninety percent of the residents receive some form of public assistance, eighty-two percent of the adults are women, and more than fifty percent are under nineteen years old.153 It is part of a community in which a recent study of 203 high school students revealed that forty-five percent had witnessed a murder, six percent had been shot, eight percent had been stabbed, seven percent had been raped, and “nearly [one-] half . . . [had] been shot at.”154

On October 8, 1994, brothers Eric Morse and Derrick Lemon,
five and eight years old respectively, were caught shoplifting at the neighborhood Jewel's supermarket.\textsuperscript{155} After they were detained and released, the boys told their mother, Toni Morse, that two older boys in the neighborhood put them up to it.\textsuperscript{156} On October 13, 1994, the two older boys sought revenge because Eric and Derrick had gotten them into trouble with their mothers.\textsuperscript{157} At approximately 7:00 p.m., under the pretense of showing Eric and Derrick a clubhouse, the two older boys lured Eric and Derrick to a vacant apartment on the fourteenth floor of 3833 South Langley. A fight followed and ended when Eric was dropped 150 feet from the window.\textsuperscript{158} He was pronounced dead at Wyler Children's Hospital, where doctors had attempted to revive him for half an hour.\textsuperscript{159} Derrick told the police his story and within forty-five minutes, the two older boys were picked up one block away from 3833 South Langley.\textsuperscript{160} Eventually, they confessed to killing Eric, a murder that occurred "weeks after an 11-year-old Chicagoan nicknamed 'Yummy' made national news, first for apparently killing a neighborhood girl, then for being killed by his own gang."\textsuperscript{161}

During the debate in the House of Representatives, Eric's story, like that of the Melton sisters, was invoked to underscore the pressing need for welfare reform. By way of response, Representative Bobby Rush of Chicago told his colleagues, "I have been disturbed to hear the name of a constituent of mine who was killed last year, young Eric Morse. His name was invoked several times by majority party members as a way of compelling support for [its proposed reforms]."\textsuperscript{162} Rush continued:

I agree with those Members that Eric's death was a senseless tragedy, and that Eric and nearly 100,000 of my constituents who reside in public housing live—and some-times die—amidst great hardship.

\textsuperscript{155} LeBlanc, supra note 152, at 85, 88.
\textsuperscript{156} Id. at 85.
\textsuperscript{157} Id.
\textsuperscript{158} Minerbrook, supra note 153.
\textsuperscript{159} Id.
\textsuperscript{160} LeBlanc, supra note 152, at 86.
\textsuperscript{161} Kevin Johnson & Mimi Hall, In Chicago, Another 'Awful Story': 2 Boys Held in Death of 5-Year-Old, USA TODAY, Oct. 17, 1994, at 3A.
\textsuperscript{162} 141 CONG. REC. H3769 (daily ed. Mar. 24, 1995). Welfare reform is not the only context in which Eric's story has been misappropriated. President Clinton, for example, used it to underscore the pressing need for his crime bill. See Steve Neal, Jackson Hopes Eric's Death Not in Vain, CHI. SUN-TIMES, Oct. 20, 1994, at 27 ("Clinton already is citing Morse as a martyr who . . . dared to stand up for a moral principle against the threats of neighborhood toughs.").
However, I vigorously disagree with the conclusions that my Republican colleagues draw from his death.

... It escapes me why those who support the coldblooded, coldhearted Republican bill feel that anything it contains could have prevented Eric's death.

I also fail to understand why all of the discussions have merely been about symptoms rather than diseases.

I challenge each Member from the other side of the aisle to come to the south side of Chicago and ask a dozen of my constituents what is the most important missing element in their lives or in their communities.

I guarantee to you that every single one of that random group would have one answer and one answer only: We need jobs.

According to Rush, welfare had nothing to do with Eric's death, and to claim that it does evinces the majority's lack of genuine concern about the poor.

In many ways, Rush's statement and the politics of identification it represents are quite unlike Ford's. Rush practices a politics in which he asserts his congressional membership and enhances it with his constituent connection to the poor, through his "nearly 100,000... constituents who reside in public housing." He uses his familiarity with the poor to invite his majority colleagues to visit his district and meet those able-bodied poor who are willing to work but cannot find jobs. He also implies that the majority's ability to propose such draconian measures is due to their unfamiliarity with the poor. It is Rush's experiences as a representative of the poor that set him apart from the majority and give him both the moral authority to speak for them and the credibility to be heard.

Through his characterization of his constituents who, unlike Eric, are implicated in the welfare debate, he seeks to undermine the

164. Id.
credibility of the debate’s prototype. Unfortunately, because of his unwillingness to engage the prototype directly, he does not see the relevance of Eric’s story to the welfare reform debate.

Perhaps the politics practiced by Ford and Rush are more similar than they initially appear. Both identify primarily with the children involved, rather than with their single mothers. Both claim the proposed reforms bear no relationship to the conditions—central to which are poverty and welfare—under which these families lived their tragic lives. Both fail to reassert control over these misappropriated stories and to infuse the debate, as well as their own narratives, with the protagonists’ voices.

Having previously considered an alternative account of the Melton sisters’ story, I will now consider the same for Eric’s life and death, in order to illustrate not only the tremendous odds against which all of the principals struggled, but also how the way they lived their lives was directly related to poverty and the need for real welfare reform in the context of a comprehensive antipoverty strategy. An accurate and fair telling of these interwoven stories could have revealed to Rush the potential for a woman-centered politics of identification:

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Eric, Derrick, and the two boys convicted of murdering Eric lived in families headed by single mothers in the projects. Toni Morse, Eric and Derrick’s mother, began abusing heroin while pregnant with Derrick, and after she witnessed the murder of her brother Kirk. Her heroin use continued, and Eric was born with the drug in his system. She had two children with two different men, neither one of whom she married. At the time of Eric’s murder, Toni and her sons were homeless and squatting in one of the numerous vacant apartments in the projects.

Sandra Johnson, mother of one of the boys who murdered Eric, was raising her children alone because the boy’s father was incarcerated. A construction worker who resented both his frequent inability to find employment and Sandra’s two jobs and college classes, the father abused and stalked Sandra until she was forced to press charges, which eventually led to a prison term. Soon after the father was jailed, Sandra began having problems with her son. Their relationship deteriorated so much

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165. The following portion is italicized to indicate narrative. Ed.
166. LeBlanc, supra note 152.
168. Id.; LeBlanc, supra note 152, at 88.
169. See LeBlanc, supra note 152.
171. LeBlanc, supra note 152, at 89; Minerbrook, supra note 153, at 54.
172. Minerbrook, supra note 153, at 54.
173. Id.
that, in April 1994, she quit both of her jobs as well as her studies to focus more intensely on her troubled son. Subsequently, she lived on unemployment insurance benefits supplemented by the proceeds from selling candy and clothes out of her home.

Shirley Rankins, mother of Eric's other murderer, grew up in the projects and lived in the same building as Wade, the boy's father. Although they did not marry, they had a long-term relationship wrecked by Wade's involvement with drugs. This spilled over to their son who, as a kindergarten student at Doolittle East Elementary School, brought crack to school for show-and-tell; when his teacher called the principal's office, he swallowed the contraband. Wade was incarcerated for drug possession, and Shirley began a relationship with another man. Like Sandra Johnson, Shirley Rankins began having problems with her son following his father's imprisonment. Shortly after Eric's murder, Wade was released from prison, and he moved in with Shirley, her oldest daughter Yvonne, Yvonne's six-year-old son Emmanuel, and Junior, Wade's first son.

Both of Eric's murderers appear to have deep-seated hatred for their mothers which may help to explain why they reacted so violently when their mothers chastised them for coercing Eric and Derrick to shoplift. Sandra Johnson's son blames her for "[putting] his Daddy in jail," and Shirley Rankins' son seems to despise her for her perceived "feebleness and her resignation." That these boys harbor misogynist attitudes about their mothers is not surprising in a society that holds the same type of contempt for poor, Black, single mothers in the projects and on welfare, like these boys' mothers. Such attitudes should be expected in light of a welfare reform debate that maligns those who look like Sandra and Shirley.

The extremely violent conduct of Eric's murderers appears to have been inculcated in an environment where violence is an acceptable response in a number of different situations, and may represent one of the only ways frustrated poor Black patriarchs cope with their perceived emasculation and real powerlessness. This violence is not only the rule of the streets but

174. *Id.*
175. *Id.* at 55.
176. LeBlanc, *supra* note 152, at 89.
177. *Id.*
178. *Id.*
179. *Id.*
180. *Id.*
181. *Id.* at 93.
182. When Shirley Rankins, for example, once scolded her sons for starting fires in the apartment complex, they yelled, "Fuck you bitch!" *Id.* at 88.
185. Gangs, such as the Gangster Disciples, or G.D.'s, "teach young boys discipline and what it means to be a man in their world." Minerbrook, *supra* note 153,
also the rule in their homes and even taints purported expressions of love. As Eric's grandmother astutely observed, "You just don't know what happened to those children . . . . They don't just grow up to be violent." For example, after Junior, Wade's son and the older brother of one of Eric's murderers, called a neighbor "a bitch," Wade admonished Junior and punched him "joyfully" in the chest. This incident initiated an escalating madness fueled by the Wild Irish Rose that Wade drank, and culminated with Wade choking his grandson "until the boy's tongue [popped] out." Wade stopped only when another intervened. It is not surprising that both of Eric's murderers had extensive records of violent and destructive behavior, including attacking someone with a dog chain.

In a world seething with violence and despair, the lives of Eric, his killers, and, more importantly for the purposes of this article, their poor single mothers, provide a base from which to practice a politics of identification that links Eric's life and death on the one hand, and welfare reform on the other. If, rather than dismissing his colleagues' misappropriation of Eric's story as irrelevant to the debate, Representative Rush had recognized its relevancy, then perhaps he could have heard and told the accurate stories of all the protagonists. However, Rush unnecessarily redirects the focus to his able-bodied and work-hungry constituents. In doing so, he forgoes the opportunity to challenge directly and explicitly the debate's prototype of the welfare mother and the assumptions on which the prototype is based, central to which is her "bad" motherhood. Eric's misappropriated story becomes one about welfare—the majority and the master narrative assume that the boys involved in the story lost their innocence because they were raised by bad mothers in dysfunctional families and communities. The debate suggests that welfare enabled Sandra and Shirley's "bad mothering," and that if AFDC were unavailable, perhaps Eric would not have died (or been born). Rather than confront the master narrative's misrepresentations, Rush chooses not to explore connections between Eric's story,
Stepping into the Projects

its major players, and poverty.

Rush also ignores the pressures of mainstream gender conventions and their apparent impact on the adult male principals in the story of Eric's life and death. Tommy, who was frequently unemployed, was driven to abuse Sandra when he could not measure up to the image of the successful breadwinner. His inability to handle what he might have perceived as his emasculation thus led to his incarceration. Wade's need to "be a man" may have caused him to deal drugs in a community with virtually no jobs that pay enough. His frustration seems to manifest itself in excessively violent conduct and abusive language. By viewing these inappropriate and destructive behaviors as linked to the patriarchal norms on which both the master narrative and Rush rely, one can begin to see the contours of an antipatriarchal, woman-centered politics of identification. These mainstream gender conventions are an additional aspect of the master narrative's connection between poor, Black, single motherhood and welfare reform that Rush might have challenged had he stepped beyond the margins of the mainstream.

Rush's response to Eric's story fails to realize its counter-hegemonic potential. He views the only remedy as waged work, accepts the myth of full employment, and ignores the value of the productive activities of women trying to survive in the Ida B. Wells projects and elsewhere in his district. Rush might have used Eric's story to practice a woman-centered politics of identification. Yet, he appears incapable of doing so because of, inter alia, the sex and gender stereotyping that makes Black single mothers on welfare outlaws in the communities to which they belong.

CONCLUSION

The foregoing is offered as an example of the way in which Black lawmakers might practice a woman-centered politics of identification within the context of the legislature's construction of the master narrative about poverty. It is meant to underscore the need for Black lawmakers and others to "step into the projects" and recognize the real lives of those the master narrative and the mainstream continue to malign. Moreover, it is an attempt to provide a perspective from which the traditional civil rights community might see poverty and questions of economic rights as part of a much broader, reconceptualized domestic agenda which works in an international human rights context. We are living in a time in which those outside the mainstream are increasingly tolerated and increasingly oppressed. As we move into the next century, we need new ideas of community, and of community-building methods, to oppose this oppression effectively. It is in this spirit that this analysis
is offered as perhaps a feasible alternative—with community salvation and human dignity at its core.