

CHAPTER 1

Introduction: Women and Children First

PATRICE DiQUINZIO and SHARON M. MEAGHER

“Women and children first.” James Cameron’s film epic *Titanic* (1997) reminds us of this phrase that guided the ship’s evacuation policy. History bears witness to the fact that some women and children were saved from the sinking ship when their husbands or fathers were not. But in the film, the women and children are portrayed as ungrateful, and even callous, refusing (except for Molly Brown) to take the lifeboats back to pick up survivors. The essays in this book analyze the rhetoric of a wide range of American and Canadian public policies that propose “to put women and children first.” They uncover a logic of paternalistic treatment of women and children that purports to protect them but almost always also disempowers them and sometimes harms them. This logic is widespread in contemporary policy discourse, and it affects how people understand, and respond to, those policies and the problems they are meant to address. Cultural discourse shapes, and is shaped by, both academic and public policy discourses. At least since the release of the Moynihan Report in 1965 (U.S. Department of Labor) and the ensuing debates surrounding it, we have become increasingly sensitive to the role of rhetoric in public policy as well as the way that policy rhetoric shapes both popular and academic discourses.

The Moynihan Report pathologized black family life and culture, arguing that African-Americans were caught in a cycle of poverty fueled by female-headed households, delinquency, and crime. While the report also included a socioeconomic analysis, civil rights advocates rightly understood that such an analysis would likely be ignored in favor of the “culture of poverty” thesis, given the racist society in which it was received (Rainwater and Yancy 1967). Today, the culture of poverty thesis is still popular in conservative discourse, where the socioeconomic analysis is ignored and blacks are assigned complete responsibility for their poverty (Curran 2003). This rhetoric of blame and responsibility

shapes a wide range of related policy decisions. For example, Nancy MacLean has analyzed the impact of the Moynihan Report in undermining women's employment programs, because some policy makers were concerned that fostering women's economic independence would further the culture of poverty by encouraging female heads of households (1999). This reasoning is an excellent example of a double bind, where black women are blamed for being independent and dependent at the same time. White women and children, as well as all peoples of color, often pay very dearly for being "put first," finding themselves caught in a double-bind logic that undermines the conditions necessary for their real moral and political autonomy.

This double-bind reasoning is a logic of masculinist protection, or as Sarah Lucia Hoagland identifies it, a "predator/protector" logic that combines protection and vilification. Hoagland analyzes its development in colonial discourses and traces its use in discourses of male supremacy. Colonists used this logic to provide a paternalistic rationalization of their activities, arguing that native peoples of colonial countries needed to be protected from their own violence and incompetence (1995, 175–189). As the essays in this volume show, much contemporary public policy aims to protect women and children from *themselves*, from their own evil thoughts and deeds. Their status as victims is often ignored; if it is noted, they are blamed for their own victimization.

In an analysis of rape that complements Hoagland's analysis of predator/protector logic, Susan Rae Peterson argues that the state is a male protection racket. Women are protected by the state from harm by males only if they "pay up" by demonstrating sufficient deference and subordination. "Bad" girls and women, that is, females who refuse to defer and accept subordination, risk losing protection and becoming targets of abuse (Peterson 1977). Recently Iris Marion Young has extended this analysis of masculinist logic to the rhetoric of increased security measures in the U.S. since September 11th. She argues, "Central to the logic of masculinist protection is the subordinate relation of those in the protected position. In return for male protection, the woman concedes critical distance and decision-making autonomy" (2003, 2). The effects of both the logic of protection and the logic of predation are essentially the same: both undermine women's subjectivity and agency. And both emerge from an ideology of male dominance.

This ideology of male dominance is itself based on some of the central elements of modern Western philosophy. Two of these elements most important to the analyses presented in this book are its abstract individualist theory of subjectivity and its dualistic thinking, which privileges essence over difference and dichotomizes human existence into

public and private realms. According to abstract individualism, the essence of human subjectivity is reason, entailing consciousness and rational autonomy, which enables rational, independent self-determination and action. From the perspective of individualism, having these capacities is the only basis on which persons can claim social and political agency and entitlement. This is the concept of subjectivity that Kelly Oliver has identified as “virile subjectivity” (Oliver 1997). But the social and political conditions characteristic of modernity actually make this kind of subjectivity available only to certain groups of men.

This concept of subjectivity, with its explicit universality but implicit masculinity, creates a dilemma for feminism, which Martha Minow (1990) calls “the dilemma of difference.” The dilemma is that, in the individualist ideological context of modern Western political culture, feminism must argue for women’s equality, including women’s equal citizenship, by asserting women’s abstract individualist subjectivity and denying the significance of gender and sexual difference. But feminism must also rely on the concept of difference to analyze experiences and situations specific to or more typical of women, such as women’s traditional roles as mothers and other care givers, and to theorize differences among women. The history of women’s political participation in the U.S. context clearly reflects feminism’s struggle with this dilemma, or what historian Nancy Cott calls, “Feminism’s characteristic doubleness, its simultaneous affirmation of women’s human rights and women’s unique needs and differences” (1987, 49).

To compound this problem, in modern Western ideological contexts there is also a dominant conception of proper or good motherhood, or what Patrice DiQuinzio identifies as “essential motherhood” (1999, xiii–xiv, 10). By insisting that motherhood is women’s natural function or role, essential motherhood also in effect defines femininity. But because it emphasizes emotionality, concern and care for others, and self-definition in the context of social relations, this conception of motherhood and femininity is at odds with rational agency, and thus with citizenship, as abstract individualism describes them. In this way essential motherhood perpetuates abstract individualism as virile subjectivity and contributes to the exclusion of women from individualist subjectivity and thus from citizenship.

The dualizing tendencies of modern Western philosophy also contribute to the predation/protection logic on which the essays in this book focus. Most significantly, its distinction of public and private dichotomizes human experience. This distinction locates political action in a public sphere of abstract reasoning and the advancement of independently determined interests, while locating the activities of meeting human material

and psychological needs and taking care of dependent persons in a private sphere where emotion and the maintenance of interdependence are paramount. The public/private distinction is thus crucial to maintaining the structure of gender because it supports the exclusion of women from the public sphere that also follows from abstract individualism and essential motherhood. Virile subjectivity justifies the location of men in the public sphere, while essential motherhood rationalizes the restriction of women to the private realm.

This analysis of the dilemma of difference explains how, in a political culture dominated by the rhetoric of abstract individualism, feminist theory and practice, as well as women themselves, get caught in the double binds that the logic of predation/protection produces. To the extent that women claim equal citizenship in abstract individualist terms—the terms of “virile subjectivity”—they risk misrepresenting women’s experiences and situations. This claim also subjects women to criticism and sanctions those who fail to conform to dominant conceptions of femininity and/or motherhood. But to the extent that feminism relies on concepts of difference and alternative conceptions of subjectivity to represent women’s experiences and situations, it jeopardizes women’s claim of equal citizenship by suggesting that women are not really capable of individualist subjectivity and agency. And jeopardizing women’s standing as equal citizens may target them for protection, and—by the logic of predation/protection—to predation. To the extent that individual women conform to the terms of individualist subjectivity, they risk the misrepresentation of themselves and their interests as well as their vilification as bad or unfit women or mothers. But to the extent that they insist on and enact conceptions of subjectivity and agency more consistent with their experience and situations, they undermine their claim to rational autonomy and thus to equal citizenship.

The model of citizenship that often develops from an uncritical adoption of abstract individualism, essential motherhood, and the masculinist logic they support is what Lauren Berlant has termed “infantile citizenship” (1997, 25–53). If women and children are defined as that class that requires protection by men, or by the state in *loco parentis*, then they are demoted to the status of dependents. As Iris Young points out, this logic poses dangers for men, too. For example, she argues, the increase of the security state since September 11th has placed all citizens in the position of women and children, dependent on the state for their protection and thus not on equal footing with the state (2003, 3).

Feminist analysis of the dilemma of difference also explains the particular malleability of women’s subject position in modern cultures, and this insight in turn suggests the need for detailed analysis of policy dis-

courses. The interplay of abstract individualism and essential motherhood in Western cultures leads to a fundamentally ambiguous representation of women's subjectivity and agency and thereby ensures that the representation of women and women's interests is always contested. Discursive shifts, made possible by this ambiguity, position and reposition women, locating them now as abstract individuals capable of and entitled to equal citizenship, then as women and mothers with a specifically feminine and maternal function to fulfill. Because such discursive shifts contribute to women's vulnerability to protection and predation, and because they are evident in the discourses of many social policies that impinge on women and children, these policy discourses require careful analysis.

Finally, abstract individualism operates to position philosophical analyses, particularly feminist philosophical analyses of women's situations and experiences, outside of the public sphere and thus as irrelevant to policy analysis. Feminist philosophers, however, have been on the forefront in resisting this characterization of philosophy. They argue that feminist philosophical analysis of public policy is crucial for developing public policies consistent with the interests of women and that the tools of philosophical analysis are greatly improved by applying them to public policy. Feminist philosophers have joined with feminists trained in other disciplines, pushing beyond the limits of philosophy's tendency merely to interpret canonical texts to also engage in discourse analysis of contemporary cultural and policy discourses. The authors of these essays agree that discourse analysis is of critical import, because public policy is not just shaped by what we do, but also by what we say and how we say it.

The essays in this book thus take up where many feminist theorists have left off, extending their critiques of traditional liberalism and the abstract individualism on which it is predicated by exploring the implications of those critiques for public policy. These essays focus on the divergent and sometimes even conflicting ways in which the masculinist predator/protector logic is at work in a wide range of American and Canadian public policy discourses. Hoagland and Peterson have unmasked this logic in the context of analyses of both rape and colonial oppression; here we extend that analysis to seemingly more benign protective policies. If traditional political theory fails to attend to issues of dependency, for example, as feminists such as Eva Kittay have argued (1999; Kittay and Feder 2002), then what are the implications for public policy on child care? If traditional Western politics is based on political theories founded on male constructions of identity and subjectivity that mask issues of power and violence, then what are the implications for domestic violence, school violence, and

gun-control policies? The essays in this book address these and related questions about public policy discourses.

These policies arise in a variety of contexts, from those thought to be profoundly private, such as the treatment of intersexed infants and other instances of mothers' care of children, to the overtly public realm of national defense, homeland security, and the work of mother-activists. The public policy issues addressed include school violence, gun control, medical treatment of intersexed infants and women's depression, alcohol and substance abuse, marriage and family law and policy, welfare, reproductive technologies, and domestic violence. Although the rhetoric in each of these policy areas varies, each discourse proposes to "to put women and children first," and some claim to do so in the name of feminism. But, as the papers in this collection clearly show, women and children often pay very dearly for being "put first." Challenges and threats to the well-being of all girls, as well as to boys "who do not fit in," are often made in what appears to be feminist language of protecting and/or empowering children. We see this, for example, in the rhetoric of political and social conservatives who have gone so far as to blame feminists for school violence and the terrorist attacks of September 11th and in the rhetoric of policies purporting to protect children from mothers deemed inadequate or harmful. We consider also women who do not conform to the understandings of "proper" femininity and/or motherhood implicit in these policy discourses. Substance abusing mothers and mothers in marginalized and oppressed groups, for instance, find themselves at the mercy of the law and social welfare agencies that vilify and penalize them for their failure to so conform, rather than supporting them and/or their efforts to care for and raise their children.

The papers in this book not only question how mothers and children are invoked in contemporary policy discourse and unpack the public policy rhetoric that raises problems for or causes harm to women and children. They also frame strategies to counter this rhetoric with feminist ethical and practical responses. The strategies they suggest for achieving these goals, while not uniform, challenge liberal political philosophy and test, develop, and refine feminist analyses of intersubjectivity, equality, difference, and civic participation by applying these analyses to contemporary public policy discourse and practice. For instance, recently feminist theorists of care and dependency have sought to develop a model of need and care that rejects the masculinist predator/protector logic. Instead, they conceptualize need, care, and even protection, not as anomalous but as normal. They repudiate the notion of self-sufficient citizenship, arguing that "the well-being of all persons can be enhanced by the care and support of others, and in modern societies,

much of this generalized care and support should be organized and guaranteed through state institutions” (Young 2003, 5; see also Kittay and Feder 2002; Kittay 1999). In criticizing predator/protector logic, then, the authors of these essays are not arguing against protecting those in need. Rather, they argue that we must attend to the context of women’s situations and develop public policies that do not reinscribe models of male dominance or correlative ideals of femininity.

Many of these papers also detail how abstract individualist conceptions of subjectivity hinder sophisticated policy analyses. Such analyses require complex understandings of political responsibility and agency that do not simplistically blame either isolated individuals or “the system” for social injustices. More adequately complex conceptual tools can only be developed by bringing to bear a variety of disciplinary perspectives and approaches in analysis of policy discourses. The authors of these essays come from different disciplines, practice different modes of policy and discourse analysis, and do not necessarily agree among themselves on specific policy recommendations. But they agree on the need to think through hidden presuppositions. They recognize the need for a variety of ways around the dilemma of difference and agree that public policies require ongoing reconsideration and revision in light of changing circumstances. Feminist discursive strategies sometimes need to shift over time as unintended consequences are revealed. What are realistic strategies for feminist policy making depends also on opponents’ rhetoric and solutions. Once feminist rhetoric is co-opted, for example, in the discourse of homeland security, then certain rhetorical strategies and approaches to policy, once useful, must be reconsidered. Sometimes a particular articulation outlives its usefulness. For instance, individualist conceptions of women’s subjectivity and agency implicit in some analyses of domestic violence and sexual victimization can be useful for reformulating laws and law enforcement procedures for dealing with these problems. But they may also make it difficult to represent and enhance the agency of women who experience domestic violence and/or sexual victimization, and so may have to be reconsidered. And all of the authors agree that public policy analyses must work to develop concepts of intersubjectivity and social relations that value women’s participation in policy formation and analysis.

Book Structure and Organization

These papers work together in a variety of ways, and readers may find their own ways to work through the articles in this book. But each

chapter investigates specific rhetorical strategies that undermine policies developed for the supposed benefit of women and/or children. Some illustrate the dangers of the reappropriation of feminist discourses for non- or even antifeminist purposes. Others provide ideology critiques of media and policy representations of “bad mothers” and their consequences in shaping public policy. Some essays highlight ways in which rhetoric of protection masks the victimization of women and children. The authors draw out connections between seemingly unrelated discourses to show that rhetoric that purports to put women and children first can often have harmful consequences for their supposed beneficiaries. The authors come from different disciplines and take different approaches to discourse analysis. All agree, however, that different feminist approaches are necessary if we are to be unified in successfully countering the multiple and complicated ways that male supremacy asserts itself in our lives.

(Mis)Representations of the Domestic Sphere: State Interventions

We begin with three papers that consider issues of state interventions, focusing on how discourses from other domains are appropriated by the state in ways that place women and children in double binds. The language of protection is often used in cases where women need the least protection, and thus masks the state’s failure to protect when really necessary. Furthermore, this language of protection often holds women responsible for those very failures of public policy. In “Homeland Security and the Co-optation of Feminist Discourse,” Elizabeth Randol shows how the discourse of homeland security, much of which, she argues, is co-opted from the feminist antiviolence movement, renders all of us women and children. Post-9/11 political discourse represents the state as having a compelling interest in protecting us, making decisions for us, and curbing our freedoms “for our own good.” But this discourse infantilizes and disempowers all citizens. Kirsten Isgro explores the rhetoric of the decennial U.S. census, particularly that pertaining to cohabitation and nonmarital childbearing, in “Unsanctioned (Bedroom) Commitments: The 2000 U.S. Census Discourse around Cohabitation and Single Motherhood.” She examines the representation of sexuality, motherhood, and family in the discourse of the census, and shows how its rhetoric works to delegitimize and discipline non-normative family formations. As a result, alternative family formations that might be better for women and children are discouraged and women and children are corralled into family formations that might actually be more harmful to them than those that the census dis-

course delegitimizes. In “Enemies of the State: Poor White Mothers and the Discourse of Universal Human Rights,” Jennifer Reich examines the appropriation of penal codes developed in international human rights resolutions to prosecute poor white women for child abuse. She shows how this penal rhetoric not only demonizes mothers by representing their children only as their victims, but also individualizes what might otherwise be recognized as a social problem and then treats the problem by penalizing mothers.

Medical Discourses and Social Ills

These essays deal with issues often thought to be private, or even secret—the case of intersexed infants and the case of depressed women, especially mothers. Yet each paper demonstrates the social policy function of medical discourse and shows how it covers up this function. In the name of helping women and children, medical discourses that insist on rigid gender demarcations flourish, even though those structures can be harmful to women and children. Ellen Feder’s “Fixing Sex: Medical Discourse and the Management of Intersex” analyzes medical approaches to intersexed infants, demonstrating that medicine’s primary goal has been to ensure the clear categorization of infants as male or female, which it has pursued despite the competing evidence of intersex. As a result, medical professionals often fail to inform parents of options and effects of medical treatment and make it impossible for these parents to imagine their children’s lives in any way except as in need of correction. At the same time medical professionals expect parents, particularly mothers, to carry out much of the treatment protocol. Thus the rhetoric of “fixing sex” double binds the mothers of intersexed children, expecting them to care for their children while at the same time depriving them of the information necessary to make sound care decisions.

In “Social Melancholy, Shame, and Sublimation,” Kelly Oliver considers the medicalization of women’s depression. She shows that this medical rhetoric perpetuates stereotypes of passive emotional femininity, masks the social foundations of women’s depression, and naturalizes its origins by locating them in some purportedly essential feature of women’s existence, such as women’s physiology. Oliver argues for an alternative conception of women’s depression as social melancholy and shows how this conception of women’s depression suggests better policies for prevention and treatment than current medical treatments. If depression is reaching epidemic proportions, especially among young women and mothers, then, rather than pathologize women and mothers, we should examine the pathology of patriarchal culture.

Subjects of Violence

As several papers in preceding sections note, when women and children are subject to oppression and violence, it is often because their own subjectivity is overlooked. The essays in this section deal with two cases where violence against women and children is explicitly addressed, but in ways that continue to do harm to those who are supposed to be protected. Sharon Meagher examines the rhetoric of school violence, including school violence prevention programs, in "Predators and Protectors: The Rhetoric of School Violence." She argues that white, middle-class, suburban males, the supposed "protectors" of women and children, are often the predators. Yet rather than analyzing how the social construction of masculinity shapes these violent behaviors, mainstream media and policy makers often blame feminism, other progressive movements, and even the victims themselves for this violence. And violence prevention programs rarely target likely perpetrators; instead they hold the potential victims responsible for preventing violence, often by subjecting them to increased surveillance and control.

In "Battered Woman Syndrome: Locating the Subject Amidst the Violence," Sally Scholz analyzes the rhetoric of social policy dealing with domestic violence. She suggests that the rhetoric of Battered Woman Syndrome, while helpful to women in some ways, has become problematic because it relies on a notion of the self as a rational, autonomous, and isolated individual to the exclusion of other attributes of subjectivity more consistent with feminist theory and practice. Scholz argues for reconceptualizing subjectivity to include and account for the importance of social relations while also politicizing women's experiences and interdependence with others. Such a concept of subjectivity makes possible a new approach to understanding relationships of violence, especially their effects on the women involved, and suggests new and better tactics for feminist efforts to prevent domestic violence.

*Mothers, Good and Bad:
Marginalizing Mothers and Idealizing Children*

The papers in this section demonstrate how medical discourse, when combined with legal or state intervention, can marginalize some mothers and children. While medical discourses pathologize some mothers and children, law and social policy enforce this representation of some forms of motherhood and family life as deviant and then take control of and/or sanction them. Norma Buydens, in "Bad Mothers as 'Brown' Mothers in Western Canadian Policy Discourse: Substance Abusing

Mothers and Sexually Exploited Girls,” shows how Canadian social policy toward aboriginal women has conflated two social problems: drug-addicted mothers and youth prostitution, blaming these mothers for the sexual exploitation of teenagers. Buydens shows that the rhetoric of “toxic moms” disciplines mothers and girls. This rhetoric legitimates the state’s supervision and control of drug-addicted mothers and terrifies other mothers into submission to patriarchal conceptions of good motherhood by insisting that their ceaseless devotion to and supervision of their daughters is required to prevent teenage prostitution.

In “Behind Bars or Up on a Pedestal: Motherhood and Fetal Harm,” Tricha Shivas and Sonya Charles explore how conceptions of good motherhood and fetal harm shape public policy regarding motherhood in two cases—the woman who uses illegal drugs during pregnancy and the woman who uses assisted reproductive technology. Both illegal drug use during pregnancy and assisted reproductive technology can threaten fetal harm. But the woman who uses illegal drugs during pregnancy is demonized and punished while the woman who uses medically sanctioned drugs in assisted reproduction is valorized and rewarded. Shivas and Charles show how this contradiction has harmful effects for both groups of women. Women thought to conform to traditional representations of motherhood as selfless and devoted to their children are actually encouraged to undergo procedures that pose risks to fetuses. At the same time, women thought to be “bad mothers”—selfish and unconcerned about their children—are denied assistance that would actually help them care for and raise their children.

Protesting Mothers: Politics Under the Sign of Motherhood

While in the preceding sections the arguments demonstrate how women and children are constructed as passive objects, the papers in this last section deal with mothers as political agents, specifically mothers who organize to protest violence and war. But both papers argue that women’s active protests, especially when articulated in terms of motherhood, are often read differently than these mothers intend. In “(M)others, Biopolitics, and the Gulf War” Tina Managhan shows that the subversive potential of women’s maternal identities is always subject to other social, cultural, and political instances of the operations of power. Managhan demonstrates that in the 1991 Gulf War, a complex combination of these operations of power aligned maternal identities not with opposition to the war but with support for the U.S. troops serving in the war. In “Love and Reason in the Public Sphere: Maternalist Civic Engagement and the Dilemma of Difference,” Patrice DiQuinzio considers the rhetoric of the

May 2000 Million Mom March in Washington, DC. DiQuinzio shows that the march's representation of its participants as "moms" risks the renaturalization of women's identities solely in terms of motherhood and provides opponents of the marchers' position on gun control and violence prevention with considerable rhetorical opportunities for delegitimizing their position. Critics of the marchers' position invoke precisely the marchers' maternal identities to show that the marchers' position is not supported by objective and rational evidence but rather by the emotionality of the "moms."

Although all of these papers paint a seemingly bleak picture of women and children caught in a double-bind logic that effaces their subjectivity and marginalizes them, the authors also offer some hope. In the last section, for example, Managhan and DiQuinzio analyze not only the factors that minimize the impact of protesting mothers, but also those that can maximize it. Their essays, as well as those of Randol and Scholz, also suggest important cautions for feminist theory and practice with respect to the deployment of apparently feminist discourse in policy contexts. Randol usefully calls attention to the potential for the co-optation of feminist discourse in other policy contexts and Reich points out the risks of importing from other policy domains discourses that, when applied to women and children, are inconsistent with their interests. Scholz reminds feminism itself of the need to reconsider rhetorical strategies and discursive constructions that may have outlived their usefulness. And, like Randol's essay, the essays by Isgro, Buydens, Shivas and Charles, and Reich all call attention to the potential for representations of motherhood to delegitimize some or all mothers and to pit mothers in opposition to each other rather than to unify them as participants in public policy making.

Isgro, Chivas and Charles, Oliver, Buydens, Meagher, DiQuinzio, and Managhan all demonstrate the usefulness of analyses of popular cultural and mass media representations of women and children not only for identifying, but also for resisting and reconfiguring, representations that support problematic policies. In their discussions of medical discourse, Feder and Oliver, like Buydens and Shivas and Charles, present alternative ways of reading what are represented as medical pathologies so as to place them in the context of social ills. Oliver, Meagher, and Scholz offer feminist concepts of subjectivity that not only better address women's emotional and physical pain and violence in our schools and homes, but also suggest reconceptualizations of women's citizenship. Taken together, these papers allow us to view contemporary public policy in a new light and suggest strategies for the representation of women and children and for policy making that would truly put women and children first.

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