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**Jezebels and Jungle Bunnies: How the Stereotypes of Black Women Shape Legislation, the Legal Profession, and Feminist Jurisprudence**

# JEZEBELS AND JUNGLE BUNNIES: HOW THE STEREOTYPES OF BLACK WOMEN SHAPE LEGISLATION, THE LEGAL PROFESSION AND FEMINIST JURISPRUDENCE

Kersti Myles

Black women are taught at an early age that they are societal defects. It is impressed upon us that because of our deficiency of the Y-chromosome and the overproduction of melanin, we are doomed to a life of continual handicap and hardship. These notions of subordination are interwoven in the moral compass and fabric of our nation, and although they are not as overtly seen, they are still present. Postmodern black feminist and author, bell hooks,<sup>1</sup> attributes society's negative perception of black women to prevalent historical stereotypes, including the sapphire, mammy, and jezebel.<sup>2</sup> In addition to those stereotypes, the 1980's emergence of the mythical "welfare queen" has further shown

that history is already repeating itself. In being forced to subscribe to those roles, black women find difficulty in embracing feminism, while society has found difficulty in creating and implementing transparent, non-discriminatory laws.

From a third wave black feminist perspective, this response paper will examine how the role of each stereotype negatively impacts our legislation, legal profession, and feminist jurisprudence.<sup>3</sup> I will also discuss the ways in which we can strive for more transparency in our public policy and the legal profession, all while encouraging black women to contribute to the work of feminist jurisprudence to provide a diverse discourse on gender and the law.

The origins of the Mammy date are ascribed to the Antebellum and Reconstruction eras in which black women played the nurturing role of caretakers and servants to white families.<sup>4</sup> "She was first and foremost asexual and consequently she had to

be fat (preferably obese); she also had to give the impression of not being clean so she was the wearer of a greasy dirty headrag; her too tight shoes from which emerged her large feet were further confirmation of her bestial cow-like quality. Her greatest virtue was of course her love for white folk whom she willingly and passively served. The mammy image was portrayed with affection by whites because it epitomized the ultimate sexist-racist vision of ideal black womanhood—complete submission to the will of whites.”<sup>5</sup> As a nonthreatening image of black womanhood, the Mammy matriarchal role is the only acceptable form of behavior for employment that was acceptable then and now.

While maintaining the position of matriarch, black women are also more likely to work in lower paid occupations including the service industry. Black women earn 13% less than the national average for women, 17% less than the national average for black men, and 33% less than the national average for white men.<sup>6</sup> The role of the Mammy

archetype plays into the notion that black women have accepted and are content with subservient roles, including in the service industry.<sup>7</sup> There is always contention in the Fair Labor Standards Act (and the Equal Pay Act) regarding increasing the minimum wage, yet increasing the minimum wage significantly affects black and Latino women, who under these lower paying jobs, earn a weekly median of \$435 compared to white and Asian women in higher level occupations, earning \$610.<sup>8</sup> Similar to the oppressive force between the master and the Mammy, lawmakers find it easier to suppress rather than empower black women in employment and labor because, in a capitalistic-driven economy, it is easier to maintain the status quo by keeping black women in their subservient place, rather than encouraging economic advancement through legislation.

The Republican Party owes Linda Taylor millions in the manipulative and exploitive use of her story and public image in the creation of the welfare queen.<sup>9</sup> Actor

turned Republican-Presidential Candidate, Ronald Reagan, used the story of Linda Taylor in his 1976 campaign to set the stage for a wave of conservative welfare reform, which affects millions to this day.<sup>10</sup> The welfare queen manipulates the welfare system by use of fraudulent means, such as reporting multiple children and using fake names and addresses (including names of deceased individuals)—all a small fraction of crimes committed by Linda Taylor.<sup>11</sup> Linda Taylor was an ambiguous, mixed-race woman who could easily pass as white but also identified as black. In using that to her advantage, she became the poster child for the Reagan campaign and an additional stereotype of black women. The Department of Labor’s “Moynihan Report” set the tone for the perception of urban black families, citing that the deterioration of the unstable, Negro family stemmed from absent fathers and overworked mothers who could barely support their “uneducated” families.<sup>12</sup> Word spread of the unnamed welfare queen, and

Reaganomic eventually trickled into conservative legislation through the Personal Responsibility and Work Opportunity Act,<sup>13</sup> which restricted eligibility requirements, placing a cap on benefits and imposed stricter penalties for fraud.<sup>14</sup> The welfare queen was a race-baiting method used to push the conservative agenda toward more economic freedom including cutting welfare dependency while creating an attack against the culture of poverty.<sup>15</sup> In a racially charged society, the welfare queen reiterated the antiquated stereotypical notion of black laziness, fraud, and deception. Welfare reform and the welfare queen are still in contention to this day.

Both the Sapphire and Jezebel were coined to contrast the white woman’s portrayal in society by using Christian rhetoric to label themselves as pure, innocent, and of higher moral pedigree.<sup>16</sup> The Sapphire is deemed the embodiment of sin, evil, and dark; while the Jezebel is a promiscuous, sexual temptress.<sup>17</sup> The Sapphire was used to

juxtapose the image of white women as an attempt to view white women a worthier of rights and recognition.<sup>18</sup> The Jezebel was used as misogynistic and racially-charged excuse for white men to justify their sexual exploitation of black slaves and the production of mulatto children.<sup>19</sup> Both stereotypes still have damaging effects on black women. In the legal profession, black women must adhere to Eurocentric norms within the courtroom or boardroom. Images of white beauty, innocence, and purity must be displayed by a modest dress, proper etiquette and Eurocentric features, which do not include black natural hair.

The Mammy, Jezebel, Welfare Queen, and Sapphire are misogynistic and racially charged terms, coined to degrade the bodies and mental psyches of black females only further perpetuating the notion that we are undesirable and subservient. Feminist jurisprudence, the legal profession, and public policy must be view from a place of cultural competency, historical reconciliation and both

a gender and racial neutral perspective. In order to obtain a society in which “We the People” is truly felt and represented by all, we must be mindful of the rhetoric and ideology that has subconsciously been taught to use. In recognizing the damaging labels and how those labels affect all facets of black women’s lives, we can then fully contribute to the cultural feminist jurisprudence, transparent public policymaking, and a legal profession filled with empowered black feminist women.

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<sup>1</sup> BELL HOOKS, *AIN’T I A WOMAN BLACK WOMEN AND FEMINISM* 86 (1981). The author stylizes her name in all lower case letters.

<sup>2</sup> See HOOKS, *supra* note 1, at 70–85.

<sup>3</sup> Feminist jurisprudence is defined as the philosophy of law based upon the social, political, and economic equality and plight of women. Through the lens of feminism, female jurisprudence examines how law affects and dictates aspects of females’ lives including reproductive rights, employment, family law, rape, domestic violence and sexual harassment. Feminist jurisprudence, along with feminist legal theory, advocates for gender-neutral legislation, which do not infringe upon the individuals’ rights based upon their sex characteristics. See *Feminist Jurisprudence: An Overview*, LEGAL INFO. INST., [https://www.law.cornell.edu/wex/feminist\\_jurisprudence](https://www.law.cornell.edu/wex/feminist_jurisprudence) (last visited Apr. 14, 2016).

<sup>4</sup> See HOOKS, *supra* note 1, at 84.

<sup>5</sup> *Id.*

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<sup>6</sup> See *Black Women in the Labor Force*, UNITED STATES DEP'T OF LABOR, [http://www.dol.gov/wb/media/Black\\_Women\\_in\\_the\\_Labor\\_Force.pdf](http://www.dol.gov/wb/media/Black_Women_in_the_Labor_Force.pdf) (last visited Apr. 14, 2016) (stating how much each demographic earned annually in 2014).

<sup>7</sup> The Occupational Safety and Health Administration deems the service industry includes food service, health care, domestic labor, education, etc. See *Occupational Safety & Health Administration: SIC Division Structure*, U.S. DEP'T OF LABOR, [https://www.osha.gov/pls/imis/sic\\_manual.html](https://www.osha.gov/pls/imis/sic_manual.html).

<sup>8</sup> See *The Economic Status of Women of Color: A Snapshot*, DEP'T OF LABOR 6, [http://www.dol.gov/wb/media/reports/WB\\_WomenColorFactSheet.pdf](http://www.dol.gov/wb/media/reports/WB_WomenColorFactSheet.pdf).

<sup>9</sup> See generally Josh Levin, *The Welfare Queen*, SLATE MAGAZINE (Dec. 19, 2013, 12:41 AM), [http://www.slate.com/articles/news\\_and\\_politics/history/2013/12/linda\\_taylor\\_welfare\\_queen\\_ronald\\_reagan\\_made\\_her\\_a\\_notorious\\_american\\_villain.html](http://www.slate.com/articles/news_and_politics/history/2013/12/linda_taylor_welfare_queen_ronald_reagan_made_her_a_notorious_american_villain.html).

<sup>10</sup> See *id.*

<sup>11</sup> See *id.*

<sup>12</sup> Daniel Patrick Moynihan, *The Negro Family: The Case for National Action (The Moynihan Report) Chapter II The Negro American Family*, U.S. DEP'T OF LABOR (1965), <http://www.dol.gov/dol/aboutdol/history/webid-meynihan.htm>. This article is characterized as a great discussion on the Moynihan Report, which shows how both the Republican and Democratic parties used the report to manipulate and fashion support for their platforms, while tarnishing the image of Senator Daniel Patrick Moynihan. Senator Moynihan's purpose for writing the policy paper was to advocate for more government action to improve upon the economic status of black families. Peter-Christian Aigner, *What the Left and Right Both Get Wrong About the Moynihan Report*, THE ATLANTIC (Apr. 16, 2014, 7:30 AM), <http://www.theatlantic.com/politics/archive/2014/04/what-the-left-and-right-both-get-wrong-about-the-moynihan-report/360701/>.

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4/04/what-the-left-and-right-both-get-wrong-about-the-moynihan-report/360701/.

<sup>13</sup> See generally *2008 Indicators of Welfare Dependence, Appendix A. Program Data*, U.S. DEP'T OF HEALTH AND HUMAN SERV. (Dec. 20, 2008), <http://aspe.hhs.gov/hsp/indicators08/apa.shtml#ftanf2>.

<sup>14</sup> Jason DeParle, *Welfare Limits Left Poor Adrift as Recession Hit*, N.Y. TIMES (Apr. 7, 2012), [http://www.nytimes.com/2012/04/08/us/welfare-limits-left-poor-adrift-as-recession-hit.html?\\_r=0#story-continues-1](http://www.nytimes.com/2012/04/08/us/welfare-limits-left-poor-adrift-as-recession-hit.html?_r=0#story-continues-1).

<sup>15</sup> See Serena Maurer, *Embodied Public Policies: The Sexual Stereotyping of Black Women in the Design and Implementation of U.S. Policies*, 11 PRINCETON J. PUB. INT'L AFFAIRS 36 (2000).

<sup>16</sup> See bell hooks, *AIN'T I A WOMAN?: BLACK WOMEN AND FEMINISM*, 85 (1981).

<sup>17</sup> See *id.*

<sup>18</sup> See *id.* at 85–87.

<sup>19</sup> See *id.* at 58.

