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Book Review

David S. Tanenhaus

University of Nevada, Las Vegas -- William S. Boyd School of Law

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vice Administration, University of Chicago, 1925], 77). Goodwin sees “the political decision to refuse a guarantee of support for single mothers” (181) as a retreat from the early promise of mothers’ pensions to enable the home care of children by single mothers and to provide for such mothers because it is their due.

Goodwin’s detailed account of the politics of Chicago’s mothers’ pension program adds to the now extensive literature on women and welfare history in three main ways. Her attention to fiscal politics and to the relationship between pensions and wages gives us a fresh way to think about how we got welfare. Her emphasis on the promise of mothers’ pensions, especially in the hands of women reformers, reminds us to consider the political context into which the mothers’ pension program was born: patronage politics, decentralized government, a weak bureaucratic tradition, discretionary administration, taxation anxieties, not to mention rival interests and views of good public policy. However, what sometimes gets lost in Goodwin’s account are the ways in which the women she spotlights as advocates of more generous and more available mothers’ pensions themselves undermined its promise of independence for poor single mothers. While Goodwin takes great pains to mention that many of the women prominent in her study linked benefits to a standard of behavior, she does not explore how behavioral criteria, like wage requirements, “refuse[d] a guarantee of support for single mothers” (181). Likewise, while Goodwin provides important discussions and data on the exclusion of African-American mothers from the pension program, she under-analyzes the racialized cultural dynamics affecting non-Anglo-American women who did receive mothers’ pensions.

At a time when many middle-class feminists have accepted the terms of the 1996 welfare law (work requirements and time limits) while fighting to protect benefit levels, improve labor standards, and widen job opportunities for recipients, *Gender and the Politics of Welfare Reform* tells an eerily familiar story of how the politics of spending and personal responsibility erased the value of solo mothers’ (or fathers’) care-giving work for their own children. *Gender and the Politics of Welfare Reform* takes us to the eve of the New Deal, when the Social Security Act nationalized mothers’ pensions into a program (however problematic) with the makings of an entitlement. I can only hope that history repeats itself, only better: that from the ruins of the Aid to Families with Dependent Children program will arise a welfare right strong enough to guarantee all single care-givers an income to support their families.

Gwendolyn Mink

University of California at Santa Cruz

Estelle B. Freedman, *Maternal Justice: Miriam Van Waters and the Female Reform Tradition, 1887–1974*, Chicago: University of Chicago Press, 1996. Pp. xvii + 458. \$34.95 (ISBN 0-226-26149-2).

This time it’s personal. After missing an opportunity as a graduate student in the early 1970s to meet the aged Miriam Van Waters, whose distinguished career as a penal reformer spanned from the First World War to the launching of Sputnik,

historian Estelle Freedman now attempts to capture her through biography. Freedman's effort is a valiant one because Van Waters, a student of psychology, struggled with her own identity and sexuality, and repeatedly pushed away anyone who tried to get too close. One can only imagine how the intensely private Van Waters would have reacted to learning that her most personal conflicts would become the subject of history. She would have at least been relieved that her biographer approached her life with great care and wrote a splendid book that deserves a wide audience.

An examination of Van Waters's public career alone would have provided more than enough material for a compelling biography. By the time that Van Waters was thirty-two, she had earned a Ph.D. from Clark University, served as the superintendent of the Los Angeles Juvenile Hall, refereed the city's juvenile court, and founded the famous El Retiro School, "Where Girls Go Right." Van Waters was also an accomplished writer and, more importantly, was widely read in influential circles during the 1920s by such notables as Felix Frankfurter and his Harvard Law School crowd. Van Waters's *Youth in Conflict* (1925) and *Parents on Probation* (1928) also earned her an invitation to direct the juvenile crime survey for the National Commission on Law Observance and Enforcement, more commonly known as the Wickersham Commission (1929). In her report *The Child Offender in the Federal System of Justice*, Van Waters announced that it was time for the federal government to "recognize the concept of juvenile delinquency." As a result of her efforts, three years later, the first federal statute on juvenile delinquency became law.

Van Waters's career, however, did not fade away like progressivism. In 1932, she became the superintendent of the Massachusetts Reformatory for Women in Framingham and held that position with only one brief interruption until she retired in 1957 at the age of seventy. That interruption, it must be added, was not her choice. In January of 1949, Van Waters was dismissed because of alleged mismanagement of the institution. She fought this firing, which led to theatrical public hearings, most notable for their sensational charges about Van Waters allowing a "doll racket" to operate at Framingham. This charge of sexual deviance among the women prisoners, as Freedman points out, was a common weapon in the Cold War crusades to purify American society. Unfortunately, this fascinating chapter about the most dramatic moments in Van Waters's public life is also the most frustrating part of *Maternal Justice* because Freedman does not allow her narrative to do enough work for her. Instead, she is too eager to explain how Van Waters "could counteract so forcefully the powerful conservative currents that had influenced her dismissal" (292). Accordingly, the outcomes of these public hearings never seem to be in doubt.

Maternal Justice will, however, help to restore Miriam Van Waters to her proper place in American history. As Freedman suggests it is odd that Van Waters, who achieved such national prominence during her life, should be so largely forgotten. "Perhaps her choice of penology, a small and marginal arena even within reform circles," Freedman speculates, "kept Van Waters from gaining the kind of reputation afforded leaders of the settlement house, suffrage, and birth control movements" (351-52). It is not surprising that Van Waters has been rediscovered. The

efforts by scholars like Lori Ginzberg, Linda Gordon, Kathleen McCarthy, Robyn Muncy, and Kathryn Kish Sklar among others to reconstruct a female reform tradition from nineteenth-century benevolence to the construction of the twentieth-century welfare state have paved the way for Van Waters's return. Moreover, Freedman convincingly places Van Waters squarely into this reform tradition and makes an important contribution to this growing literature by revealing through Van Waters's life that this tradition has continued into modern times.

Maternal Justice also raises pressing questions about the role of experts or specialists in American society. Van Waters's troubled personal life, especially her own difficulties as a mother, raises disturbing questions about who is fit to judge, especially when their judgment carries the force of law. In this sense, the personal is profoundly political.

David S. Tanenhaus

University of Nevada, Las Vegas

Brian K. Landsberg, *Enforcing Civil Rights: Race Discrimination and the Department of Justice*, Lawrence: University Press of Kansas, 1997. Pp. 276 + xii. \$35.00 (ISBN 0-7006-0826-5).

Brian K. Landsberg was an attorney in the Civil Rights Division (CRD) of the Department of Justice from 1964 to 1986. Now a law professor at the University of the Pacific, he has written this analytical account of the division's work. Many books have been written about the politicization of the judiciary and the judicial usurpation of political process in contemporary America; Landsberg helps us to understand the contribution of the career bureaucrats—the permanent government of the “fourth branch”—who work in tandem with the judges. He makes a truly original argument that his conflict between the political appointees at the top and the career professionals in the ranks is a deliberate constitutional structure, that “Congress has created a system of internal checks within the executive branch very roughly analogous to the internal checks” of bicameralism, so that “two sets of executive branch personnel ideally will result in wiser administration” (156). A great deal of useful information in this volume lets us scrutinize this claim, but without a narrative format or clear interpretive slant, its usefulness is limited.

The very terms “justice” and “civil rights” are among the most powerful in American social and political discourse, implying that there is a distinction between law and politics, and in postwar America, many have depicted civil rights as the touchstone of justice and idealism. Upon closer inspection, and as we move from declaration of principles to enforcement of them, we begin to see some of the complications of civil rights idealism. This should not be surprising, since the legal theory taught in the law schools from which most civil rights era judges and lawyers are drawn is legal realism. In short, legal realism denies the distinction between law and politics, holding that law is merely the expression of will and is inherently arbitrary, subjective, and expedient. Landsberg is far from trying to prove that the CRD is a mere political agency, more often trying to explain its policies