

THE MATERNAL BOND

Anne P. Mitchell

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The Maternal Bond

Bond \ 'bnd\ noun:

1: something that binds or restrains;

- 2: a binding agreement;
- 3: a band or cord used to tie something;
- 4: a material or device for binding;
- 5: an obligation made binding by a money forfeit;
- 6: (adj.) bound in slavery

One often hears about the bond between mother and child. The phrases "maternal bond" and "the mother-child bond" are fairly commonplace in today's jargon. Moreover, one hears these phrases most often in a positive context...the mother-child bond being considered a special and somehow magical connection which transcends mere relationship. It is, somehow, an inseverable umbilicus, something not to be tampered or interfered with, something sacred. It is The Mother-Child Bond.

This bond is one proclaimed not just by women, but by men, who have come to believe that there exists a bond between mother and child which fathers can never hope to approximate with their children. It is also relied upon by the family law system, and by society in general, in order to perpetuate women's role as, first and foremost, caretakers of children.

I. The Dilemma

As suggested by the definition with which this paper opens, a bond is not just a special sort of magical relationship. Even where that exists, a parent-child bond is at minimum an enormous responsibility. Therefore to place upon a mother's shoulder the mantle of a unique and inevitable mother-child bond is to also place upon a mother's wrists the shackles of responsibility for that bond, and that child.

Where a mother has become so intimately and inextricably bound, she may have little ability to break free to pursue other objectives. This is true even where there is a father present and willing to assume the childcare responsibilities. In attempting to take on the responsibilities of childcare, the father may find it nearly impossible to disentangle mother and child of the binds that tie them together, and his attempts will be unavailing. In part this may be due to the father's own perception of how revered the mother-child bond is, and a belief that as a father he is bereft of parent-child bonding ability. This in turn is linked to society's perception of the same, which the father may well have internalized. In other words, fathers too have come to believe that a child belongs with its mother, as that is where the parent-child bond is.

The father, having bought into these perceptions, may be less willing to assert a claim to time with his children, believing it to be meddling with the mother-child relationship; this may be particularly true in the case of custody/visitation issues. Society then indicts the father for not wanting to be involved with his children, imputes an inversely proportional desire on the part of the mother who is caring for the children, and thus the cycle is complete, with the mother in perpetual maternal bondage.

It is also true, however, that there is quite simply an unwillingness on the part of mothers to allow fathers to take over the primary caretaking function, for mothers too have internalized the general societal view of the sacredness of the mother-child bond. This is particularly true in custody contests, but is also true within an intact two-parent family structure, where a mother may allow a father to help with the children, but will rarely be seen relinquishing the larger share of childcare to the father. As Erica Jong has observed, "We long for men to share [parenting] tasks with us equally...but we probably do not want to relinquish them. We are as attached to our children as ever. Liberation has not severed the umbilical cord - nor would we want it to."

II. The Women

Traditionally, the force which coerces a woman into choosing between child and career has been identified as the patriarchal and male-dominated society. As Kathleen Gerson explains, the theory is that there are ways in which "social institutions created and controlled by men shape women's options and thus coerce their behavior. It begins with the assumption that men as a group dominate women as a group; there may be isolated individual exceptions to the rule of male dominations, but these anomalies do not invalidate the general principle. Given this generally indisputable assumption, the [theory] posits that women's behavior results from male domination."

There is a growing body of evidence, however, which suggests that the

above assumption is, in fact, disputable with respect to current times, and that it is women themselves, both as mothers making choices, and as feminists advocating policy, who are holding women within the confines of the maternal bond.

In a day and age when the feminist movement is strong and where sexual equality is demanded, the area of primary childcare and custody appears to have been exempted from the feminist insistence on equality and parity with men. As Jong points out, women don't want the umbilical cord to be severed. Women don't want to allow men the opportunity to achieve parity with women in terms of child-rearing and custody.

One reason for this may be that women currently have a great advantage in the area of custody, as there exists in the family law system a very strong bias in favor of awarding custody to mothers over fathers. This gives a power to women the likes of which they have in very few, if any, other areas of their lives. In a world where women have been dominated and suppressed by the male institution at every turn, the ability to wield absolute power over the man one is divorcing, and to use his own institution against him by depriving him of free access to his children, is a great temptation indeed. Even though equality is arguably the ideal of the feminist movement, it is understandable that women may not want to lose this very powerful, and rare, upper hand.

This refusal to allow men sexual equality in terms of childrearing and custody decisions is reinforced by proclaiming the sanctity of the mother-child bond. The modern dogma which supports and perpetuates the myth of an exclusively maternal parent-child bond is contributed to by the works of such noted feminist authors as Nancy Chodorow, Susan Contratto, Carol Gilligan, and Lillian Rubin. As Chodorow admits, the assumption "apparent in recent feminist literature is that mother and child are an isolated dyad. Mother and child are seen as both physically and psychologically apart from the world, existing within a magic (or cursed) circle."

One might do well to question the motives of the authors of such writings. It seems just a tad too convenient that the feminist movement, now making serious inroads in the fight to convince society that men and women are equals, has suddenly discovered that this equality does not extend to men in the area of parenting and custody.

Faye Crosby does question the writings which further this philosophy in her book, *Juggling*. Crosby notes that some feminist authors, such as Chodorow and Rubin, advance a theory of sex-based differences which holds that women are selfless and other-oriented, the guardians of relations, while men are viewed as very self-oriented, and not terribly good at relationships. Crosby refers to this as the "new sexism". As she describes it, "[t]he new sexism seems as potentially crippling as the old sexism. If we accept the view that men and women

differ in their need to attach themselves to others and in their skill at relationships, we have only a tiny distance to go before we decide that mothers make the best parents. ...And, after all, who do we want raising our children – someone who is detached and uncaring or someone who is tuned-in, emotionally available, and sensitive?"

Interestingly enough, this "new sexism" isn't new at all. It is the very breed of thinking which put women into maternal bondage in the first place. And ironically, these are the very bonds which the fledgling woman's movement first sought to cast off. What is new about it is the number of women who have jumped on the bandwagon.

Back in the nineteenth century, the industrial revolution caused a shift in the complexion of American family life. Where before fathers and older children had been home working their fields or their trade, with mothers tending to myriad domestic chores, the industrial revolution pushed them out the door and into production houses. This left mothers at home with their infants and younger children. At the same time, various technological advances worked to considerably lighten a mother's domestic task load. As June Carbone and Margaret Brinig explain it, women who remained in the home during this age of industrial enlightenment found their domestic contributions recast and redefined. Thus motherhood was redefined as the nurturing which was necessary to the well-being of infants and young children.

This redefinition was played out in the courts as well. Carbone and Brinig explain:

"With the growing maternal involvement in childrearing, custody presumptions also changed. At the beginning of the nineteenth century, courts favored fathers over mothers in custody disputes in the belief that fathers were in a better position to provide for their children. As the new ideology celebrated the traits that only mothers could bring to the young, the paternal presumption changed in favor of a maternal one. The courts protected, and thereby encouraged, the increasing maternal investment in childrearing."

Thus women in the nineteenth and early twentieth century were relegated to child care, and little more. It is these very limiting definitions of womanhood which the first twentieth century feminists fought to change, and which the newer feminists, with their "new sexism", seek to reinstate.

Carbone and Brinig's work demonstrates that the new feminism, along with contemporary divorce law trends such as the institution of "no-fault divorce", have conspired to set women back to an age where they are only free to be whatever they want so long as they can do it within the confines of maternal bondage. According to Carbone and Brinig the new feminist ideals operate to "encourage women to choose both to stay within the labor force and to value childrearing above

career pursuits."

The maternal custody preference, and the exalted status accorded the maternal bond in general, are factors which can coerce today's "liberated" women into becoming or remaining fully responsible for raising the children of our society.

By championing these mothercare ideals, women themselves, including certain members of the feminist elite, are in fact helping to force into maternal bondage those mothers who might genuinely prefer to be the noncustodial parent, or to release a child for adoption, but for the strong stigma attached to such decisions. A stigma which is perpetuated not only by the maternal preference, but by that feminist literature which casts mothers as the repository of all that is nurturing, and the fathers to whom these mothers might wish to relinquish custody as the antithesis of that ideal.

Another area of feminist thrust which has contributed to the incidence of women being coerced into primary caretaker status is the push for a greater maternal subsidy. Rather than encouraging and helping women to become self-sufficient and autonomous, the current feminist catechism teaches that women must be financially kept by men, and absent a man, by the state as a patriarchal substitute. This keeping comes in the form of spousal support, child support, and welfare. This is not to say that there are not women who are needy, there are. But consider these words from a collection of feminist writings which is, ironically enough, titled *America's Working Women*: "One way of looking at [the incidence of women on welfare] might be this: welfare could be the salary women receive for raising children."

For women who haven't been coopted into the welfare system, there is the "salary" of child and spousal support. Brinig and Carbone, for example, support a fault-based theory of spousal support which has the man subsidizing the woman regardless of who is "at fault", excepting perhaps those situations where the woman earns more than the man. Where the man is at fault "the award to the woman should maintain the standard of living she enjoyed during the marriage even if it is a hardship on him." Where she is at fault, she must be compensated for lost career opportunities. Where neither party is at fault, Brinig and Carbone come to the inexplicable conclusion that the woman should be subsidized so as to "encourage her self sufficiency".

Child support awards are designed, in theory, to underwrite the cost of raising a child, and to allow the child to share in their father's income and lifestyle. Nearly all states now have statutory formulas which give the custodial mother a specific percentage of the father's income, often at least 17% of his gross income for one child, and 25% of his income for two or more. While it is true that collection of support is a problem, nobody has suggested that the formula amounts are artificially inflated to compensate for non-payment, nor indeed

that there is any nexus at all between the percentage of child support awards which are not kept current, and the formula-driven award amounts.

Aggressive feminist lobbying has no doubt played a part in the new awareness in our Federal and state legislatures as to the plight of the single mother. Hence the new and "improved" child support formulas, and modern theories of spousal support. However, by trying to throw money at the problem they are encouraging the single mother to stay subordinated to the maternal bond, rather than helping her to truly make a place for herself in the world, and to be autonomous and self-supporting.

One feminist author, Herma Hill Kay, admits of the problems inherent in a system of maternal subsidy. Kay argues that women will be unable to achieve true societal and economic equality so long as they have to continue making choices which are "economically disabling for women, thereby perpetuating their traditional financial dependence upon men and contributing to their inequality with men at divorce." Kay further argues that one of the fundamental reasons that there is ongoing inequality between the sexes is that women are still relegated to the status of primary caretaker, and that this can be remedied by encouraging a sharing of childcare responsibilities between men and women, and by perpetuating that balance of responsibility beyond divorce through the use of joint custody.

Brinig and Carbone criticize Kay for suggesting that "the appropriate response to women's dependence on their husbands' incomes is less, not more, financial support upon divorce. In order to dismantle the gendered division of labor within the family, Kay argues that the marital bargain, at least the traditional one that exchanges male support for female services, should not be enforceable. Her analysis further implies that compensation for lost career opportunities, at least for modern women who make choices that are "economically disabling," should also be limited. In states that preclude consideration of fault, lost career opportunities are emerging as the primary basis for spousal support. Compensation for those lost opportunities, however, sanctions the very choices of which Kay so strongly disapproves: namely, decisions by modern women to forego substantial career opportunities in order to contribute to the care of their children or their husband's careers. Kay issues no call for a reduction in divorce awards, but such a call is unnecessary. Her endorsement, albeit qualified, of the present divorce system, which Lenore Weitzman depicts as a system of transitional awards that falls far short of compensating the career sacrifices modern women are continuing to make, has much the same effect. Kay's central premise is that in order to achieve equality, men and women need to make the same choices. Women need to join men in the pursuit of careers; men need to join women in caring for their children."

While it may well be true that the present divorce system does not "adequately" compensate a woman for choosing to be unemployed or underemployed, one needs to ask oneself if our system of divorce should in fact be subsidizing such choices. As should be obvious by now, the author believes that the answer to that question must be "no" if ever women are to achieve true parity. Brinig and Carbone seem to ignore that it was the right to make these choices, to get out of the nursery, and to be treated equally in the work force, which was fundamental to the original women's movement. Given that countless contemporary women have proven that women are in fact capable of sustaining a career as well as having children, to define women back into dependency on the very actors who have for generations oppressed them, namely men and the State, is nothing short of heresy.

Furthermore, to raise a hue and cry, as Brinig and Carbone do, that such a reform would lead to a decrease in the instances of divorce is alarmist and ignores the alternative reality which Kay suggests. If women knew going into marriage that they would need to be self-sufficient in the event of divorce, they would be more likely to resist the subordinated position of being an unemployed or underemployed primary caretaker.

It is likely true, as Kay concludes, that if women were able to make unfettered choices, such as pursuing a fulltime career, then women would find themselves able to be self-sufficient, and relying on nobody for financial support. But before any of this can happen we must stop enslaving women with their "virtues", and damning them for their choices.

III. The Men

The Stanford Child Custody Study, a recent study of nearly 1000 divorcing couples in California, revealed that while more than two-thirds of the fathers wanted some form of physical custody, nearly one-third of them requested less custody than they actually wanted. Thus even fathers who want custody, and who might otherwise alleviate mothers of the restrictions and burdens of full-time parenting, are finding their desire to take on childcare responsibilities overcome by other factors. What are these other factors?

The researchers involved in the Stanford Child Custody Study hypothesize that it may simply be that fathers in some way feel less strongly about custody than do mothers. However this theory is based on responses to a "1 to 10" response option question asking the respondents to rate how they felt about custody, with 1 being someone who didn't really care what custody arrangements were made, and 10 being someone who was determined to get the exact custody they wanted. On average, mothers and fathers alike rated their feelings about custody to be between an 8 and a 9, with the women averaging an 8.8, and the men averaging an 8.4. Even the researchers concede that this

is a small difference indeed.

A much more likely account for the discrepancy between what fathers truly want in terms of custody, and what they ask for, is that men too have come to believe in the tradition of the sacred mother-child bond, and therefore they believe that they are incapable of providing that somehow unique form of nurturing required by their children. Hence they conclude that the children belong with the mother. In other words, much as these fathers might genuinely want their children to live with them, they believe they would be hurting their children by removing them from their mother.

It is little wonder that fathers doubt their capacity to nurture their children, given that this is the message provided to them every turn. It is the subtext of the maternal bond doctrine, as well an implicit assumption upon which is based the message that "good" fathers are those who provide a maternal subsidy so that their children may remain with their mothers.

Some authors go so far in spreading the word as to misquote authorities who have in reality not bought into the maternal bond doctrine. An example of this is Joanne Curry O'Connell's response to Burton White's article "Should You Stay Home with Your Baby?" Ms. Curry tells us that in his article White advocates "that women, with few exceptions, should not work outside the home while their children are young."

O'Connell then goes on to a lengthy discourse to assure mothers that putting a child in daycare will not disrupt the maternal/child bond (as opposed to a non-gender based primary caretaker/child bond). The message is clear that the bond exists only between mother and child, and that if as a mother you can't stay home with your child, daycare is the acceptable alternative. In fact, however, Burton makes a very clear statement on behalf of non-mother primary caretakers. In a section entitled "Fathers and Grandparents Make Good 'Mothers' Too" he asserts that "[n]o study anywhere has indicated that mothers are the only people capable of raising young babies. We have observed many fathers and grandparents who seem perfectly suited to the task, and are willing or eager to share the job.... These people comprise an enormous underused resource."

But Burton's voice for non-mother primary caretaking is but one voice crying in a wilderness which has become overrun with the weedlike rhetoric of those who defend the bonds of motherhood. And so long as women insist that only women are capable of nurturing children, they will remain bound to the attendant responsibilities of primary caretaking.

IV. The Family Law System

A survey of almost 700 of the divorcing couples in the Stanford Child Custody Study found that in 12.8% of the cases where both the mother and father indicated that they wanted the father to have custody of the children, the court still awarded custody of the children to the mother.

This one statistic speaks volumes about the role that women have been relegated to play in our society. For all the advances women have made, in a time when women have won the Nobel Peace Prize, gone up in space, and are being admitted to professional schools in large numbers, our family law system still operates on the premise that a woman's place, first and foremost, is taking care of the children. In the Stanford Child Custody Study alone there were nearly 100 women who chose to be the non-custodial parent. It is probably safe to assume that at least some of these women made this choice based on a desire to pursue their career, or to avoid the constant tension between the rigors of a particularly demanding career and the responsibility of being the primary caretaker (or indeed to avoid subjecting their children to the same). These are choices which are, or should be, a woman's right to exercise as a free and equal member of society. For the family court to determine that the woman must be the primary caretaker, against her wishes, and at odds with her career, is indefensible.

This is one example of how the family law system coopts women into maternal bondage. It is a rather blatant example, given that the mother had expressed her desire not be burdened with primary caretaker responsibility, and the father had expressed his willingness to take on the responsibility of custody.

More insidious, and more prevalent, is a subtle coercion which foreshadows almost all contested custody cases, in almost all jurisdictions.

Women who are going through a divorce or other legal custody dispute find themselves confronted with a stark economic reality: if they get custody, they get more money. Almost all states have in place a child support formula which guarantees the mother a percentage of the father's gross income, per capita, for child support. In many states this figure works out to at minimum 20%-25% of the father's gross income for 1 to 2 children.

There is no need to rehash the theory of maternal subsidy at this juncture, however it is important to consider the economic consequence of it. Women, having already been subordinated to a role in which they are unable to achieve self-sufficiency, often face the divorce process from a position of under- or unemployment. Depending on a woman's educational background, and the prevailing job market, her prospects for recouping or achieving self-sufficiency may be quite bleak. Faced with the choice of treading into an unclear employment situation, or

continuing to provide primary caretaking services while receiving a maternal subsidy, it is understandable that many women opt for the latter.

But so long as the maternal subsidy exists, women will continue to allow themselves to be pushed into the subordinated role of caregiver, giving up their own careers, and believing that they have somehow protected their autonomy and independence with the insurance of future child and spousal support should divorce occur. Unfortunately this "protection" is one more link in the chains of the maternal bond. Rather than being protected they are being overprotected, and to no good end, not unlike when a weak child is "protected" by an overprotective parent. Both do the recipient more harm than good, as neither woman nor child will be allowed to develop into an independent and responsible member of society, capable of taking care of herself. Instead, they will always be dependent upon their provider.

V. Society

The radio commercial starts off with the lilting strains of a fife, and then the announcer's smooth masculine voice begins: "It's morning, and another day. There are kids to get dressed, breakfast to be made. The bus is coming. As usual, just a few minutes sooner than it should. But for a few moments between the sound of your alarm clock and the first shout of a waking child, you have a little time to sit with a cup of MJB, and think of what this is all about. What it's about is what it's always been about. Big people helping little people to be big themselves one day. It's not easy. It never has been. But then your mother managed to live through it, didn't she? Besides, when you really think about it, what else could you possibly do that could ever be so important?"

This commercial exemplifies the message that our society sends both tacitly, and not so tacitly, to women. Mothering is the most important thing you can do. Even if it isn't easy, even if you don't want to do it...your mother did it, and so should you. Nothing else you might aspire to could possibly be as important as raising children.

This message can be so pervasive as to completely undermine a woman's desire to pursue a career and financial independence. It is a subtle form of subterfuge which can coerce a woman into "voluntarily" abandoning her career path, instead "choosing" to devote her personal resources to full-time parenting. And women receive this message from all corners of society: the media, school, the press, and even from their own friends and families. Kathleen Gerson explains that among other factors, lack of parental and social support may force a woman to abandon her hopes of joining a male-dominated profession.

It is these same societal, social and familial pressures which keep a woman trapped in the maternal bonds once there. Perhaps nowhere is

this more obvious than in the area of custody. The stigma associated with not having custody, as a woman, can be unbearable. There is a nearly universal assumption that if one is a single mother without custody, one must have been the worst kind of mother imaginable, either to have lost custody against such stacked odds, or to have voluntarily given up one's child. After all, everyone knows that the maternal bond is natural and ever-present. To act inconsistently is to be aberrant indeed.

Mothers Without Custody, a support group for non-custodial mothers, speaks eloquently to the problems facing their members in our society:

"REACH - outward, upward, but never backward, for looking back is filled with "woul'da, coul'da, shoul'da's", none of which were possible back then. Looking forward allows us the opportunity to grow, to move ahead in our lives, to take control of our futures. Reach out to other non-custodial mothers so they can learn from both the pain of our experiences, as well as from the lessons we have learned.

TEACH - others about the issues facing the non-custodial mothers. Educate the public at every opportunity to help break through the stigma faced by MWOC's. Teach not with anger but with integrity and information.

LEARN - more about yourself, what you want for yourself, where you want to be in the future. Learn more about non-custodial parenting so that you can be the best possible mother to your child(ren) given your own set of circumstances. Learn so that you can share your information with others.

LOVE - unconditionally. Let go of your self-guilt and work towards building your own self-esteem. Give yourself permission to love yourself so that you can be free to love (and even forgive) others. Give your child(ren) the gift of your unconditional love so they can give it to themselves and others."²⁴

Why is it that there is such a strong stigma attached to mothers who don't have custody of their children, while there is no such stigma directed towards non-custodial fathers? This is a direct result of maternal bondage, of the myth that mothers, and only mothers, are supposed to be nurturing and 'maternal'. A myth which has been perpetuated in our society, to the detriment of women, for far too long.

VI. Conclusion

The birth of a wanted child is a wondrous and joyful event. Being a parent can be a very fulfilling and rewarding experience. So can closing a big business deal, arguing a case successfully, and being on the receiving end of delivering a baby. With the exception of the act

of birth, both men and women can take part in any, or all, of these activities to an equal degree.

Unfortunately, many factors have conspired to place the burden of childcare squarely on the shoulders of women, while at the same time subverting their ability to pursue an education, a career, or some other life goal. These factors share a common origin: the continued elevation of the mother-child bond to an almost deified status.

For generations women have fought for the right to make choices about the paths which they will take, and to throw off the mantle of oppression which relegated women to the kitchen and the nursery. Slowly, but surely, men have started to come around. But now a new breed of maternalists, many of them feminists of note, have come forward to take their place, and women are once again finding themselves choosing between a career and full-time motherhood. This choice is a non-choice, both because it is coerced and not a choice made by free will, and because it binds women back into the very dependency on men of which they fought for so long to be free.

Only by freeing women of their maternal bonds, and allowing them to provide for their children in their own way, according to their own balance of career and caretaking, will they be able to become truly independent and self-sufficient. And only then will women be able to avoid post-divorce poverty, and achieve economic freedom.