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## **Tributes to Family Law Scholars Who Helped Us Find Our Path: Dorothy E. Roberts**

Jessica Dixon Weaver

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## X. Dorothy E. Roberts

By Jessica Dixon Weaver<sup>194</sup>

I first came to know Dorothy E. Roberts after I entered the legal academy as a clinician. In 2002, the same year her second book, *Shattered Bonds: The Color of Child Welfare*,<sup>195</sup> was published, I began my job as the director of the W.W. Caruth, Jr. Child Advocacy Clinic at SMU Dedman School of Law. While researching race and the child welfare system in 2005, I could not help but become aware of her book. After consuming it quickly, I immediately sought to make the overrepresentation of Black children in the child welfare system the focus of the Clinic's first symposium in 2006. I invited Professor Roberts to be the keynote speaker for the conference, and she graciously accepted. The energy and expertise that she brought to the conference sparked many conversations and exchanges between lawyers, judges, state administrators, social workers, clinical psychologists, and students. The idea for my first law review article<sup>196</sup> came from this symposium, and it also piqued my interest in conducting research and becoming a tenure-track professor of law. Professor Roberts has been a guiding light for me in the academy, and I have followed her career and sought wisdom from her anytime we are in the same space.

Professor Roberts's work in the field of family, race, and gender law is nothing short of prolific. She is a powerhouse whose research and advocacy reach across law into the fields of sociology, anthropology, medicine, psychology, political science, business, economics, and human rights. In 1988, she began her academic career at Rutgers University

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194. Professor of Law, Robert G. Storey Distinguished Research Faculty Fellow and Gerald R. Ford Research Fellow, SMU Dedman School of Law.

195. DOROTHY E. ROBERTS, *SHATTERED BONDS: THE COLOR OF CHILD WELFARE* (2002) [hereinafter *SHATTERED BONDS*].

196. Jessica Dixon, *The African-American Child Welfare Act: A Legal Redress for African-American Disproportionality in Child Protection Cases*, 10 *BERKELEY J. AFR.-AM. L. & POL'Y* 109-145 (2008).

School of Law, eventually moving to Northwestern University a decade later. She was a Fulbright Fellow at the University of the West Indies in Trinidad and Tobago, as well as recipient of a host of grants where she was a principal investigator in her areas of research, which included child welfare, fertility preservation, and race consciousness in biotechnology research. Professor Roberts transitioned to the University of Pennsylvania Carey Law School in 2012. She is currently the 14th Penn Integrates Knowledge Professor, the George A. Weiss University Professor of Law and Sociology, the inaugural Raymond Pace and Sadie Tanner Mossell Alexander Professor of Civil Rights, and the founding director of the Penn Program on Race, Science and Society with the Center for Africana Studies.<sup>197</sup> Her accomplishments are no small feat for any one person, and it is especially compelling that Professor Roberts blazed a path that no African American female law professors have traveled before her. She is the first Black female law professor to hold an endowed chair and an endowed professorship named for two Black Penn Law alums dedicated to civil rights at an Ivy League law school.

Her three award-winning books—*Fatal Invention: How Science, Politics, and Big Business Re-create Race in the Twenty-first Century*<sup>198</sup>; *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*<sup>199</sup>; and *Shattered Bonds: The Color of Child Welfare*<sup>200</sup>—are searing socio-legal page-turners. While all law professors write and publish for a living, few can write about complex interdisciplinary concepts in a manner that is accessible to the average reader. Professor Roberts is a compelling writer and advocate, and one cannot help but be spurred into rethinking reproductive justice, the child welfare system (now referred to as the family regulation or policing system), the field of medicine, and medical research as a whole after reading her works. At the heart of Professor Roberts’s first two books is a critical analysis of the roles that race, gender, and class play in the laws and policies that have resulted in the reduction or destruction of basic human rights of African American women and their families.<sup>201</sup>

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197. See *Dorothy E. Roberts, Curriculum Vitae*, UNIV. OF PA. CAREY L. SCH., <https://www.law.upenn.edu/faculty/roberts1/>; *Penn Program on Race, Science & Society*, PENN ARTS & SCIS., <https://prss.sas.upenn.edu/>.

198. DOROTHY E. ROBERTS, *FATAL INVENTION: HOW SCIENCE, POLITICS, AND BIG BUSINESS RE-CREATE RACE IN THE TWENTY-FIRST CENTURY* (2011) [hereinafter *FATAL INVENTION*].

199. DOROTHY E. ROBERTS, *KILLING THE BLACK BODY: RACE, REPRODUCTION, AND THE MEANING OF LIBERTY* (1997) [hereinafter *KILLING THE BLACK BODY*].

200. *SHATTERED BONDS*, *supra* note 195.

201. *KILLING THE BLACK BODY*, *supra* note 199; *SHATTERED BONDS*, *supra* note 195.

Her third book reaches deeper into the complexities of race as a political and economic construct via the fields of science and medicine.<sup>202</sup> All of her books propose solutions and vital steps toward addressing the big problems that she so deftly unpacks. At the core of many of her solutions are the ideals of freedom and equality. She has worked her entire life to dismantle systems that have been designed to prevent African American women from exercising their rights to liberty and equal protection under the U.S. Constitution.

Beyond her monographs, she has authored over 80 articles and essays and over 40 book chapters, and has been a co-editor of nine books.<sup>203</sup> Her articles have been published in the law reviews of Harvard, Yale, Stanford, Michigan, Howard, University of Pennsylvania, Northwestern, UCLA, and Fordham, to name a few. She is one of the first female professors to unpack how the law interfaces with Black women in various roles—as mother, wife, partner, daughter, caretaker, worker, and individual. Blatantly calling out the racist regimes behind a multitude of systems policing and regulating poor families in America, Professor Roberts boldly challenges the dominant voices in legal academia, particularly in critical feminist areas. Her research and support for her arguments have always been thorough and difficult to rebut. She is the 135th most cited professor of all time.<sup>204</sup> For the period 2013–17, she tied for the 22nd most-cited woman in American legal scholarship<sup>205</sup> and was the fifth most cited critical theories of law scholar in the United States.<sup>206</sup>

Twenty years after publication, *Killing the Black Body* and *Shattered Bonds* are both celebrated and relevant works. Her books speak truth to power from start to finish. Her reputation as a scholar and expert in race, gender and the family is exemplified by her chapter in *The 1619 Project: A New Origin Story*, created by Nikole Hannah-Jones. This groundbreaking book is an expansion of the Pulitzer Prize-winning

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202. FATAL INVENTION, *supra* note 198.

203. See Dorothy E. Roberts, *Curriculum Vitae*, *supra* note 197.

204. *ScholarRank*, HEINONLINE, <https://home.heinonline.org/tools/author-profile-pages/scholarrank/> (last visited Feb. 11, 2022).

205. Jack Balkin, *The Most Cited Women in American Legal Scholarship*, BALKINIZATION (Aug. 25, 2018), <https://balkin.blogspot.com/search?q=dorothy+e+roberts>.

206. Brian Leiter, *20 Most-Cited Critical Theories of Law (Feminist and Critical Race) Scholars in the U.S. for the Period 2013–2017 (1st Draft)*, BRIAN LEITER'S L. SCH. REPS. (Oct. 12, 2018), <https://leiterlawschool.typepad.com/leiter/2018/10/20-most-cited-critical-theories-of-law-feminist-and-critical-race-scholars-in-the-us-for-the-period-.html>.

*New York Times Magazine*'s long-form journalism project.<sup>207</sup> Professor Roberts is the author of the second chapter in the book, entitled *Race*. She unpacks the scaffolding of the racial classification system in the new colonies of America by illustrating how slavery laws controlled Black female reproduction, criminalized interracial sex and marriage, and gave free license to male rape of Black girls and women.<sup>208</sup> Her chapter also draws the post-emancipation roadmap of how false, immoral stereotypes of Black females over centuries were used by state governments and political parties to criminalize Black female reproduction and enact laws and policies that served to destruct and impoverish Black families.<sup>209</sup> The culmination of Professor Roberts's work within this book cannot be overstated. The Pulitzer Center has made a curriculum centered on *The 1619 Project* available to over 4500 schools across the United States.<sup>210</sup> Children all over the country are now learning for the first time in K-12 schools about the impact of slavery and how it continues to influence our society today.<sup>211</sup>

Columbia University School of Law and the *Columbia Journal of Race and Law* recently hosted a symposium to honor Professor Roberts, highlighting how *Shattered Bonds* has influenced the current movement to abolish the family regulation system.<sup>212</sup> The symposium was entitled *Strengthened Bonds: Abolishing the Child Welfare System and Re-envisioning Child Well-Being*. Over 100 proposals were received from "scholars in law, sociology, anthropology, political science, history, gender studies, public health, medicine, social work, and education."<sup>213</sup> There were also proposals received from "practicing lawyers, social workers, parent advocates, and clinicians; policy advocates, activists, and journalists; and from parents" whose families had been regulated by the state and "young

207. See generally NIKOLE HANNAH-JONES, *THE 1619 PROJECT: A NEW ORIGIN STORY* (2021); Jeff Barus, *Nikole Hannah-Jones Wins Pulitzer Prize for 1619 Project*, PULITZER CTR. (May 4, 2020), <https://pulitzercenter.org/blog/nikole-hannah-jones-wins-pulitzer-prize-1619-project>.

208. HANNAH-JONES, *supra* note 207, at 46–54.

209. *Id.* at 54–61.

210. Hannah Farrow, *The 1619 Project Curriculum Taught in Over 4500 Schools—Frederick County Public Schools Has the Option*, MEDILL NEWS SERVICE (July 21, 2020), <https://dc.medill.northwestern.edu/blog/2020/07/21/the-1619-project-curriculum-taught-in-over-4500-schools-frederick-county-public-schools-has-the-option/#sthash.RiD9Nc08.dpbs>.

211. *Id.*

212. *The Columbia Journal of Race and Law Announces Its Volume 11 Symposium*, COLUM. J. RACE & L., <https://journals.library.columbia.edu/index.php/cjrl/announcement/view/376> (Feb. 4, 2021).

213. Nancy D. Polikoff & Jane M. Spinak, *Foreword: Strengthened Bonds: Abolishing the Child Welfare System and Re-envisioning Child Well-Being*, 11 COLUM. J. RACE & L. 427, 437 (2021).

adults who had been foster youth.”<sup>214</sup> Over 2,000 registrants participated in a virtual day-long conference, with a few hundred attendees for each panel. The overwhelming response to this symposium demonstrates how Professor Roberts has galvanized and deeply touched the development of law, other disciplines, and society as a whole.

It is important to note that the initial dates for the symposium occurred during a time when Columbia graduate students were on strike for increased pay and benefits. Professor Roberts and the panelists that support her work were unified in their support of these students, stating that some of the very benefits these students sought for their families, such as daycare and a living wage, were central to the disruption of economic systems that promoted inequity within state welfare systems that in turn were feeder systems for the family regulation system. As a result, the symposium was rescheduled for a time after the strike had concluded.<sup>215</sup> This is a perfect illustration of how Professor Roberts’s advocacy is core to who she is. Even though she is a well-known public intellectual, her service to hundreds of women, families, and individuals within the universities and communities where she has worked and lived is perhaps even more admirable than her scholarship. The many awards she has received show the breadth and depth of her commitment of her time and her heart, including awards from the Chicago Abortion Fund, Chicago Legal Advocacy for Incarcerated Mothers, the YWCA Evanston/North Shore, the Family Defense Center, the Chicago Commission on Human Relations Advisory Council on Women, the American Psychiatric Association, and the Society of Family Planning.<sup>216</sup> She is one of very few law professors in the United States who could attract such a large number of professionals and community advocates during the summer and in the middle of a pandemic. The symposium was incredible, generating a platform for exchange of information and new ideas for rethinking how communities and state governments can dismantle government systems and help keep families together.

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214. *Id.*

215. *CJRL Symposium Postponed in Support of Union Strike*, COLUM. J. RACE & L. (Mar. 25, 2021), <https://journals.library.columbia.edu/index.php/cjrl/announcement/view/389>; Columbia Journal of Race and Law, *Strengthening Bonds Symposium Introduction, Keynote, and Responses*, YOUTUBE (July 13, 2021), [https://www.youtube.com/watch?v=NMZffrsE-b8&list=PLqQx516USK6B9RjE\\_QHkjZDW9sdz6yph](https://www.youtube.com/watch?v=NMZffrsE-b8&list=PLqQx516USK6B9RjE_QHkjZDW9sdz6yph).

216. See *Dorothy E. Roberts, Curriculum Vitae*, *supra* note 197; Columbia Journal of Race and Law, *Strengthening Bonds Symposium Introduction, Keynote, and Responses*, *supra* note 215.

Professor Roberts’s forthcoming fourth book<sup>217</sup> is focused on the abolition of foster care and the transformation of the family regulation system. It is sure to be another great addition to the academy and society. As she enters her 34th year in the academy, she stands as a legacy builder and an inspiration for women, African American scholars, youth, and ordinary folks who want to make a difference in the lives of others. I am so grateful that she took the time to support me at the start of my academic career, as well as eight years later in my quest for tenure. The world is incredibly fortunate that she continues to inspire and promote change in both significant and small ways. Professor Roberts’s contributions to the field of family law and beyond are immeasurable, and her impact will live on in all of the thousands of scholars and others who have been touched by her work.

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217. DOROTHY ROBERTS, *TORN APART: HOW THE CHILD WELFARE SYSTEM DESTROYS BLACK FAMILIES—AND HOW ABOLITION CAN BUILD A SAFER WORLD* (2022).

218. Eleanor Bontecou Professor of Law, Seton Hall University School of Law. I am grateful to Rachel Forman, Seton Hall University School of Law, Class of 2023, for excellent research assistance.

219. *Carol Sanger*, COLUMBIA L. SCH., <https://www.law.columbia.edu/faculty/carol-sanger>.

220. See Richard K. Neumann Jr., *Women in Legal Education: What the Statistics Show*, 50 J. LEGAL EDUC. 313, 315 (2000) (reporting that 44% of all J.D. students in U.S. law schools in 1995 were women).

221. See Orin S. Kerr, *The Decline of the Socratic Method at Harvard*, 78 NEB. L. REV. 113, 114 n.3 (1999) (explaining the traditional Socratic method as a teaching style where the professor singles out a student without warning, questions the student on the facts of a certain case, then asks the student to apply their understanding of the case to a series of hypotheticals in order to “expose the weaknesses in the student’s responses”).