IRASS Journal of Arts, Humanities and Social Sciences
https://irasspublisher.com/journal-details/IJAHSS
ISSN *(Online) 3049-0170*

The Law Cannot Judge Motherhood: The Dilemma of Black Mothers and the Writing of Poetic Justice in Toni Morrison's *Beloved*

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Article History

Received: 18 / 02 / 2026

Accepted: 26 / 03 / 2026

Published: 09 / 04 /2026

Abstract: Toni Morrison's work Beloved is a foundational text in Black feminist literary studies. However, the legal issues in it are also worth attention. From the perspective of law and literature, Beloved reveals the systemic oppression of Black motherhood under slavery, where maternal identity was commodified and legally reduced to reproductive utility. Yet Black mothers still actively sought a way out in this desperate situation. The protagonist Sethe's act of killing her baby was an extreme resistance against the power structure of slavery, attempting to regain her subject status. The support of the "beloved community" also provided Black women with an ethical path beyond legal judgment, endowing Black mothers with new significance as subjects. At the same time, the novel reveals the moral ambiguity that the law has overlooked, providing ethical defense for the oppressed and giving Black mothers the possibility of narrative redemption and the return of dignity, echoing the call for poetic justice.

Keywords: *Toni Morrison, Beloved, Law and Literature, Motherhood, Poetic Justice*.

How to Cite in APA format: Long, Y. (2026). The Law Cannot Judge Motherhood: The Dilemma of Black Mothers and the Writing of Poetic Justice in Toni Morrison's *Beloved*. *IRASS Journal of Arts, Humanities and Social Sciences, 3(4), 8-12.*

Introduction

Toni Morrison was awarded the Nobel Prize in Literature in 1993. She crafted in *Beloved* not only a searing portrayal of traumatic violence but also a profound indictment of the brutality of slavery. While research on *Beloved* is extensive, analyses from the interdisciplinary perspective of "law and literature" remain relatively scarce. A small number of scholars have discussed legal issues in *Beloved*, such as the relationship between racial inequality and American public policy (Zamalin, 2014); how law addresses historical injustices, and how literature, through its unique narrative modes, reveals the limitations of law concerning time, history, and responsibility (Van Rijswijk, 2008); and the connections between *Beloved* and contemporary debates on slavery reparations (Franco, 2006). These discussions are invaluable for recognizing the potential for interdisciplinary study. But they often focus on macro-level policies or reparations, insufficiently exploring the micro-level legal mechanisms of maternal oppression. This article attempts to narrow the legal focus onto motherhood, examining the systemic oppression of motherhood under slavery. It introduces Martin Luther King Jr.'s concept of "the beloved community" and Martha Nussbaum's idea of "poetic justice" to discuss how motherhood can be reconstructed through community.

The story of *Beloved* takes place in Cincinnati before and after the American Civil War. Sethe, a Black slave, and her daughter Denver, lived in her mother-in-law's house, "124 Bluestone Road". With the arrival of Paul D, another former slave from "Sweet Home", memories resurface, revealing the brutal treatment they endured, the details of Sethe's escape, and ultimately the infanticide: Sethe's desperate act of killing her toddler daughter named Beloved with a handsaw. Besides, Sethe's act of killing "what she loved most" finds a classical prototype in Euripides' Medea (Aristodemou, 2017). Unlike Medea's revenge against a man, Sethe's action stems from an overwhelming love and a profound, distorted sense of responsibility towards her child. In this context, infanticide is interpreted as an act of resistance, one of the few available to the powerless, as it challenges the slave owner's property rights over enslaved children, reclaiming that right for the mother (Fox-Genovese, 1988). Therefore, interpreting *Beloved* and analyzing Sethe's actions necessitates engagement with the law and its representation.

In the foreword of *Beloved*, Morrison recounts her inspiration: "I remembered a book I had worked on years before: The Black Book, in it, there was a newspaper clipping about a woman named Margaret Garner, a young mother who had escaped slavery. She was captured but killed one of her children (and tried to kill the others) rather than have them returned to the plantation. She became a famous case in the struggle against the Fugitive Slave Act, the law that allowed escaped slaves to be forcibly returned to their owners" (Morrison, 2004). By working within the realist constraints of legal narrative, Morrison used her imagination and stream-of-consciousness prose, relating this historical event to modern issues of freedom, responsibility and the place of women. On one hand, motherhood faces the systemic deprivation of rights through its propertization, instrumentalization, and commodification under slave law, leading to the dissolution of maternal subjectivity under legal oppression. On the other hand, Black women seek a voice within this discursive wasteland, and the Black community achieves individual and collective redemption through the repair of narrative ruptures and the reconstruction of collective memory. By exploring these issues, this article aims to offer a new interpretive lens for the theme of motherhood in *Beloved* and provide theoretical support for understanding the survival and resistance of Black women under slavery.

The Commodification of Motherhood: Systemic Oppression under Slave Law

There was an important legal mechanism in the institution of slavery: the principle of determining a slave's status based on

the mother's status (filius ventris sequitur), which was based on the fact that an infant needed its mother's milk and the master's bread to survive (Morgan, 2018). "The Virginia Code" also provided that the position of the slave depended on the position of the mother. When the mother is a slave, the child would automatically be a slave irrespective of the status of the father (Hening et al., 1812). Sethe was not really a mother, as she was also a slave mother. Her worth as a property was calculated on the basis of her reproductive capability. Finally, when the schoolteacher comes to retrieve Sethe, he is not justifying it by the fact that she had committed a murder but rather by the fact that she has violated the property rights of the slave owner. Black women have been characterized as objects since the inception of slavery and their choice on whether to bear a child needs to be socially controlled as opposed to their own choice (Roberts, 1997). Schoolteacher documents the physical features of Sethe, classifying her features as either human features or animal features: "I told you to place her human features on the left; her animal features on the right. And you must not forget to place them in line" (Morrison, 2004). This way of record-keeping regarded Sethe's body solely as a production tool, depriving her of her emotions and dignity as a human being and commodifying motherhood. Slaves were explicitly treated as property, and their value was assessed based on multiple factors. For female slaves, apart from age and health condition, fertility, that is, the potential to give birth to more slaves, was also an important factor influencing their price.

In *Beloved*, enslaved women nurse the children of other slaves, enabling their mothers to work in the fields. Sethe was raised by Nan, "the one she knew best, who was around all day, taking care of babies, cooking" (Morrison, 2004). Furthermore, Nan was also responsible for nursing white infants. "Nan had to nurse whitebabies and me too because Ma'am was in the rice. The whitebabies got took first, and I got the rest" (Morrison, 2004). Lorraine Stone (1988) notes historical precedents where wealthy whites utilized the bodies of poor Black women for wet-nursing, a widespread practice in the South of using Black women as wet nurses for white infants allowed white women to preserve their figures by delegating breastfeeding to Black "mammies". Nan is a faceless, nameless, alienated mother whose "work" is appropriated by the capitalist system. This commodification is perhaps most starkly visible in the concept of surrogacy. We speak publicly of purchasing services and renting body parts, as if renting a body part does not entail renting the woman herself. However, pregnancy is not the state of an isolated organ, but it is experienced by women in full body, hair changes, swollen ankles, our whole bodies, and maybe even our souls (Rothman, 1989). The Black wet nurse was "another kind of merchandise" and "was deprived of all her rights in every way"(Morrison, 2004). Sethe's mother-in-law, Baby Suggs, had eight children with six different fathers, and "all of Baby's people, let alone love, who hadn't run off or been hanged, got rented out, loaned out, bought up, brought back, stored up, mortgaged, won, stolen or seized"(Morrison, 2004). Since the emergence of the reproductive technology, motherhood is becoming more of a commodity exchange: mothers are selling their services, and babies are being purchased and sold. Although Baby Suggs was not a surrogate mother in the modern sense, the legal deprivation of her maternal rights was analogous. "When she heard that her two girlchildren, neither of whom had reached their tenth year, were sold and taken away, she couldn't even say goodbye" (Morrison, 2004). *Beloved* not only refreshes our memory of the economic naming of motherhood but also illustrates the experience of mothers and children regarded as commodities.

Silenced Motherhood: Subjectivity Dissolved by Law

When Sethe's mother identifies herself to Sethe, she reveals the mark on her body, "a circle and a cross burnt right in the skin" on her rib (Morrison, 2004). She tells Sethe, "If something happens to me and you can't tell me by my face, you'll know me by this mark." Later, Sethe acquires her own mark. Schoolteacher's nephews savagely beat her, branding her back with scars resembling a "chokecherry tree". During this torture, in excruciating pain, she bites off "a piece of her tongue" (Morrison, 2004). This metaphorical expression suggests the usurpation of her voice; her motherhood can only be interpreted by others, those who can read the marks on her back. Speaking of her scars, Sethe says, "I've never seen it and never will" (Morrison, 2004). The enslaved characters in *Beloved* discover that not only their bodies and labor, but also the very "definitions" and meanings of who and what they are, belong to "the definers, not the defined" (wa Thiong'o, 1986). As Gayatri Chakravorty Spivak asserts, "If, in the context of colonial production, the subaltern has no history and cannot speak, the subaltern as female is even more deeply obscured" (Spivak, 1999).

The dissolution of subjectivity is also perceptible through the deprivation of emotion. "Birth" is a story told repeatedly in *Beloved*, and Denver's birth in a canoe is consistently portrayed with poetic beauty. "It was that same mixture of her touch and the gentle embrace of the dress's sleeve that reminded Denver of the details of her birth—of the embrace, and the thin, dancing snowflakes that were like the fruit of ordinary flowers" (Morrison, 2004). With the help of "a barefoot white woman named Amy" (Morrison, 2004), in "The Blue Light of Kentucky" (Morrison, 2004), Denver was born in a natural, unpolluted and white-hatred-free environment. Although during this process, Sethe endured the excruciating pain of childbirth, "as if the tearing was breaking a walnut tree trunk, as if lightning had split the leather sky in two" (Morrison, 2004), the birth of her child was a moment of hope, a moment of connection with the natural world, and the act of giving birth granted her the only brief maternal power. Unfortunately, this emotion remains unrecognized and unaccepted by the outside world. "Schoolteacher's" method of categorizing Sethe's attributes parallels the attempts of lawyers and judges to objectively classify experience to produce "rational" verdicts, a legal objectivity that can deny the humanity of legal subjects. In the famous American surrogacy case "Baby M," when surrogate mother Mary Beth Whitehead conveyed the significance of childbirth and her attachment to the child, her emotional testimony was deemed irrelevant by the judge: "We need not experience the pain of childbirth. The child is born, it is simply born" (Chesler, 1988). Motherly feeling, motherly bonding and motherly nurturing are subdued by legal language; the subjectivity of the mother is lost in this loss of feeling.

Under the Fugitive Slave Act, escaped slaves could be recaptured in free states and returned to their owners, creating the context for Sethe's fateful choice to "protect" Beloved. Following the infanticide, Sethe is ostracized by the community; no one understands her action, and she cannot, or perhaps is unable to, offer any effective explanation. "What was there to say under her tongue?" (Morrison, 2004). When Paul D confronts her with the newspaper clipping detailing the infanticide:

"Maybe it was the smile, or maybe it was the ready love he had in his eyes—uncomplicated, the kind of love you don't have to

deserve—that drove her to tell him what she had never told Baby Suggs, the one thing she felt responsible for explaining only to herself. Otherwise, she would have said only what the newspaper said she had said, and no more. Sethe could only recognize seventy-five printed words (half of which appeared in that clipping), but she knew that the words she didn't know were not as powerful as what she had to say. It was the smile and the uncomplicated love that drove her to try" (Morrison, 2004).

Slave law defined slaves as property, systematically silencing their voices; they were objects, not legal subjects, and were denied the capacity to claim legal subjectivity for themselves (Noonan, 1975). Allowing Black women to speak for their motherhood is not only a restoration of individual rights but can also provide a model of resistance for other oppressed women. But how will the Black woman's voice be heard? Can she speak within a discourse that appropriates her experience and silences her? After hearing Sethe's struggling self-narration, Paul D ultimately can only say, "Your love is too thick" (Morrison, 2004). Sethe remains acutely aware of her silenced position: "If they didn't understand it right away—she was never going to explain it" (Morrison, 2004).

The Cry of Poetic Justice: Maternal Redemption's Rejection of Legal Judgment

The maternal love, despair and resistance interwoven behind Sethe's infanticide were completely erased in the rationalized judicial system. Martha Nussbaum's theory of poetic justice points out that literature, through emotional narrative and empathy, can reveal the moral ambiguity overlooked by the law and provide ethical defense for the oppressed by forcing readers to confront the human complexities behind seemingly immoral acts (Nussbaum, 1998). Sethe's act is not simply a matter of "guilty" or "not guilty", but involves complex emotions such as maternal choice, love and trauma. The law attempts to simplify this act as a criminal behavior, ignoring the profound moral and emotional dilemmas behind it. However, Morrison's poetics vividly presents the hidden justice behind it.

Black women have opened up an ethical space of poetic justice on the ruins of the law by rebuilding the bonds of mutual assistance and trust. Martin Luther King Jr.'s "beloved community theory" depicts an ideal society free from racial, class or religious discrimination, emphasizing that all people enjoy dignity and rights equally, advocating the resolution of conflicts through non-violent means, and promoting social reconciliation and unity through love and forgiveness (Cook, 2002). Sethe's re-entry into the symbolic order of reality is enabled by several individuals within this "beloved community". First is the arrival of Paul D. "Her double bed was a bed she had slept in alone for eighteen years before Paul D came" (Morrison, 2004). He offers not only companionship but also helps Sethe heal her trauma through the process of "rememory", revisiting their shared past. Beyond physical intimacy, Paul D aids Sethe's reconstruction of subjectivity by sharing their common memories of "Sweet Home." Another crucial figure in helping Sethe return to the community is her daughter, Denver. Denver resolves to end 124's isolation, venturing out to seek work. She musters the courage to ask Lady Jones for employment; Lady Jones's gentle and loving "Oh, baby" "announced that her life as a woman in the world had begun" (Morrison, 2004). Within two days, 124's yard begins receiving offerings of food from the community: cold rabbit meat, white beans, eggs. "For the whole spring, names appeared on bits of paper stuck in the food or left near the containers" (Morrison, 2004). The connection between 124 and the outside world is re-established. "Maybe they felt sorry for her. Sorry for Sethe. Maybe they were ashamed of themselves for the years of their disdain and condemnation" (Morrison, 2004). At the novel's end, thirty women walk towards 124 to pray. Their singing "shook Sethe, and she trembled like a baptized person" (Morrison, 2004). The power of the female community not only liberates Sethe from her haunting but also allows the women to find themselves within this spiritually resonant collective force. "The women's voices searched for the right combination, the key, the code, the sound that broke the back of words. One by one they hit upon it, a sound that broke the back of words, a sound that was big enough to look into the water or knock the chestnuts off the tree" (Morrison, 2004). Although it is not yet the idealized community without any prejudice of King, the united effort of the women in Cincinnati is an important step towards it. Their early contempt and subsequent, referee feeling compassion reveal the untidy, untidiest way of establishing community and attaining reconciliation, a way that is nonetheless necessary to a justice that is not merely a legalistic achievement. The freedom described by Hannah Arendt presupposes that civic participation and involvement in the political affairs is the place where one can find freedom rather than in isolation and non-interference (Arendt, 1961). The new birth of Sethe also means that the direct individual freedom can be achieved only when linked to the other people, the group, and the society.

This scene indicated the essence of poetic justice when the women of the community at last came together at 124 and chased the ghost away by singing and praying. Their singing "broke the back of words" (Morrison, 2004), countering the violence of the law, in an unreasonable, emotionally appealing manner. What Morrison is implying here is that the real justice cannot be done by the coolness of legal provisions, but instead it hinges on the collective action that is founded on love and empathy. Such justice does not merely choose to define Sethe as guilty or not guilty, but rather accepts her trauma and recognizes human worth in her decision to keep her child. Such a unified act of mourning and acceptance is a perfect example of Nussbaum, who defines the poetic justice: it is with the help of the empathetic imagination of the trauma Sethe has lived through that the community is able to reach an understanding and redemption which the law, with its insistence on rational objectivity, would never have been able to reach. Poetic justice is not a search to form a solution on the legal level, it is a rebuilding of ethical possibilities by using narrative. The scream of poetic justice is not only an answer to the violence of the past, but also a revelation of hypocrisy of the contemporary society. This idea of poetic justice has now been established in the modern social movements. The Black Mamas Matter Alliance, an example, utilizes oral history projects to gather medical experiences of Black pregnant women and convert them into plays and poetry to force people to address the issue of racism in the healthcare system (Gay, 2023). In her 1993 Nobel Lecture, Morrison stated: "We die. That may be the meaning of life. But we do language. That may be the measure of our lives" (Morrison, 1993). If the law cannot hear their cries, must they create their own language? The answer, clearly, is yes. When the law confines motherhood to stereotypical roles like "guardian", "criminal", or "surrogate", poetic justice opens new spaces beyond these limits. It allows Sethe's "love too thick" to become a counter-argument, the surrogate mother's tears to become evidence, the Black pregnant woman's anger to become a revolutionary declaration. This justice does not seek courtroom validation but cultivates a new ethical perspective within the soil of narrative, an ethics that

acknowledges trauma, embraces contradiction, and refuses to mask violence in the name of "reason".

Conclusion

Toni Morrison's *Beloved*profoundly reveals the systematic oppression and alienation of Black motherhood under the laws of slavery through the character of Sethe. Motherhood under slavery was not only legalized, instrumentalized and commodified, but also led to the dissolution of the mother's subjectivity. Sethe's act of infanticide was on the surface an ethical tragedy, but was in essence an extreme resistance to the violence of slavery and a symbolic act of her attempt to reclaim her maternal rights from the shackles of the law. However, Morrison's narrative does not end with the tragedy of an individual, but through the collective action of the community, shows how Black women rebuild their individual and collective identities in the midst of a fragmented history and personal trauma. Through Paul D, Denver and the female group in "Sweet Home", Sethe gradually returns from isolation to the embrace of the "beloved community". This process is not only the healing of individual trauma, but also the reconstruction and repair of collective memory. Love and unity are the cornerstones of liberation and freedom. The Black community, through collective love and support, broke the suppression of motherhood by the laws of slavery and re-empowered Sethe and her motherhood with subjectivity.

Morrison's enslaved mother, Sethe, belongs to her slaveholder in body and in language. She represents both the systemic oppression of motherhood under slavery and the individual struggle to name oneself and define one's own rights and responsibilities within that system. As Elizabeth Tobin (1993) detailed, *Beloved* represents a suppressed maternal discourse and reminds us of what legal definitions of motherhood lack or ignore, precisely because they cannot be contained: particularly, the law's insistence on the subject as separable and self-sufficient cannot satisfactorily explain the mother-child relationship. Within the law, maternity is frequently constrained by a very narrow linguistic set of meanings, the discourse of maternity is simplified into one single definition, which does not really reflect the richness and complexity of the subject of a mother. The law tries to reduce maternity to a predetermined role or role by means of cold logic, but does not fulfill the historical trauma, the resistance of too thick love and the shared ties out of which Black mothers, such as Sethe, have historically made their own subjectivity. Mothers are silenced in this story, their voices are rationalized into meals and cases and their true needs and emotional appeals are brutally distorted. The story of each mother is a literary piece in itself, in which it is impossible to reduce the thickness of life and the depth of emotion. With its delicate lines, literature provides a wider narrative, in which the voices of mothers can escape the laws and rediscover their real strength. Beloved allows us to revisit the depth and magnificence of motherhood and make it the subject of consideration and respect. It is not merely a reflection, but also a going back to the purest, the richest, the emotional recognition and human interest in motherhood. The aesthetic of Morrison is able to express the silence of the Other and the dilemma of justice, both inscribing the Other and, through the Other, inscribing ourselves (Dolan, 2022). It develops its own logical approach inside, crosses the borders of linguistic and even struggles with them, finally creating a new direction in writing law, literature, and the interplay between law and literature.

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