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Social Justice

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The Family: Gender and Justice

Susan Moller Okin

I. Introduction

We as a society pride ourselves on our democratic values. We don't believe people should be constrained by innate differences from being able to achieve desired positions of influence or to improve their well-being; equality of opportunity is our professed aim. . . . Yet substantial inequalities between the sexes still exist in our society. In economic terms, full-time working women (after some very recent improvement) earn on average 71 percent of the earnings of full-time working men. One-half of poor and three-fifths of chronically poor households with dependent children are maintained by a single female parent. The poverty rate for elderly women is nearly twice that for elderly men.¹ On the political front, two out of a hundred U.S. senators are women, one out of nine justices seems to be considered sufficient female representation on the Supreme Court, and the number of men chosen in each congressional election far exceeds the number of women elected in the entire history of the country. Underlying and intertwined with all these inequalities is the unequal distribution of the unpaid labor of the family.

An equal sharing between the sexes of family responsibilities, especially child care, is "the great revolution that has not happened."² Women, including mothers of young children, are, of course, working outside the household far more than their mothers did. And the small proportion of women who reach high-level positions in politics, business, and the professions command a vastly disproportionate amount of space in the media, compared with the millions of women who work at low-paying, dead-end jobs, the millions who do part-time work with its lack of benefits, and the millions of others who stay home performing for no pay what is frequently not even acknowledged as

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work. Certainly, the fact that women are doing more paid work does not imply that they are more equal. It is often said that we are living in a postfeminist era. This claim, due in part to the distorted emphasis on women who have "made it," is false, no matter which of its meanings is intended. It is certainly not true that feminism has been vanquished, and equally untrue that it is no longer needed because its aims have been fulfilled. Until there is justice within the family, women will not be able to gain equality in politics, at work, or in any other sphere.

The typical current practices of family life, structured to a large extent by gender, are not just. Both the expectation and the experience of the division of labor by sex make women vulnerable. As I shall show, a cycle of power relations and decisions pervades both family and workplace, each reinforcing the inequalities between the sexes that already exist within the other. Not only women, but children of both sexes, too, are often made vulnerable by gender-structured marriage. One-quarter of children in the United States now live in families with only one parent – in almost 90 percent of cases, the mother. Contrary to common perceptions – in which the situation of never-married mothers looms largest – 65 percent of single-parent families are a result of marital separation or divorce.³ Recent research in a number of states has shown that, in the average case, the standard of living of divorced women and the children who live with them plummets after divorce, whereas the economic situation of divorced men tends to be better than when they were married.

A central source of injustice for women these days is that the law, most noticeably in the event of divorce, treats more or less as equals those whom custom, workplace discrimination, and the still conventional division of labor within the family have made very unequal. Central to this socially created inequality are two commonly made but inconsistent presumptions: that women are primarily responsible for the rearing of children; and that serious and committed members of the work force (regardless of class) do not have primary responsibility, or even shared responsibility, for the rearing of children. The old assumption of the workplace, still implicit, is that workers have wives at home. It is built not only into the structure and expectations of the workplace but into other crucial social institutions, such as schools, which make no attempt to take account, in their scheduled hours or vacations, of the fact that parents are likely to hold jobs.

Now, of course, many wage workers do not have wives at home. Often, they are wives and mothers, or single, separated, or divorced mothers of small children. But neither the family nor the workplace has taken much account of this fact. Employed wives still do by far the greatest proportion of unpaid family work, such as child care and housework. Women are far more likely to take time out of the workplace or to work part-time because of family responsibilities than are their husbands or male partners. And they are much more likely to move because of their husbands' employment needs or opportunities than their own. All these tendencies, which are due to a number of factors,

including the sex segregation and discrimination of the workplace itself, tend to be cyclical in their effects: wives advance more slowly than their husbands at work and thus gain less seniority, and the discrepancy between their wages increases over time. Then, because both the power structure of the family and what is regarded as consensual "rational" family decision making reflect the fact that the husband usually earns more, it will become even less likely as time goes on that the unpaid work of the family will be shared between the spouses. Thus the cycle of inequality is perpetuated. Often hidden from view within a marriage, it is in the increasingly likely event of marital breakdown that the socially constructed inequality of married women is at its most visible.

This is what I mean when I say that gender-structured marriage *makes* women vulnerable. These are not matters of natural necessity, as some people would believe. Surely nothing in our natures dictates that men should not be equal participants in the rearing of their children. Nothing in the nature of work makes it impossible to adjust it to the fact that people are parents as well as workers. That these things have not happened is part of the historically, socially constructed differentiation between the sexes that feminists have come to call *gender*. We live in a society that has over the years regarded the innate characteristic of sex as one of the clearest legitimizers of different rights and restrictions, both formal and informal. While the legal sanctions that uphold male dominance have begun to be eroded in the past century, and more rapidly in the last twenty years, the heavy weight of tradition, combined with the effects of socialization, still works powerfully to reinforce sex roles that are commonly regarded as of unequal prestige and worth. The sexual division of labor has not only been a fundamental part of the marriage contract, but so deeply influences us in our formative years that feminists of both sexes who try to reject it can find themselves struggling against it with varying degrees of ambivalence. Based on this linchpin, "gender" – by which I mean *the deeply entrenched institutionalization of sexual difference* – still permeates our society....

II. Justice as Fairness and Gender

... Now, I turn to Rawls's theory of justice as fairness, to examine... what it *implies*, on the subjects of gender, women, and the family... I shall argue [that] a consistent and wholehearted application of Rawls's liberal principles of justice can lead us to challenge fundamentally the gender system of our society....

The critical impact of a feminist application of Rawls's theory comes chiefly from his second principle, which requires that inequalities be both "to the greatest benefit of the least advantaged" and "attached to offices and positions open to all."⁴ This means that if any roles or positions analogous to our current sex roles – including those of husband and wife, mother and father – were to survive the demands of the first requirement, the second requirement would

prohibit any linkage between these roles and sex. Gender, with its ascriptive designation of positions and expectations of behavior in accordance with the inborn characteristic of sex, could no longer form a legitimate part of the social structure, whether inside or outside the family. Three illustrations will help to link this conclusion with specific major requirements that Rawls makes of a just or well-ordered society.

First, after the basic political liberties, one of the most essential liberties is "the important liberty of free choice of occupation."⁵ It is not difficult to see that this liberty is compromised by the assumption and customary expectation, central to our gender system, that women take far greater responsibility for housework and child care, whether or not they also work for wages outside the home. In fact, both the assignment of these responsibilities to women – resulting in their asymmetric economic dependence on men – and the related responsibility of husbands to support their wives compromise the liberty of choice of occupation of both sexes. But the customary roles of the two sexes inhibit women's choices over the course of a lifetime far more severely than those of men; it is far easier in practice to switch from being a wage worker to occupying a domestic role than to do the reverse. While Rawls has no objection to some aspects of the division of labor, he asserts that, in a well-ordered society, "no one need be servilely dependent on others and made to choose between monotonous and routine occupations which are deadening to human thought and sensibility" and that work will be "meaningful for all."⁶ These conditions are far more likely to be met in a society that does not assign family responsibilities in a way that makes women into a marginal sector of the paid work force and renders likely their economic dependence upon men. Rawls's principles of justice, then, would seem to require a radical rethinking not only of the division of labor within families but also of all the nonfamily institutions that assume it.

Second, the abolition of gender seems essential for the fulfillment of Rawls's criterion for political justice. For he argues that not only would equal formal political liberties be espoused by those in the original position, but that any inequalities in the *worth* of these liberties (for example, the effects on them of factors like poverty and ignorance) must be justified by the difference principle. Indeed, "the constitutional process should preserve the equal representation of the original position to the degree that this is practicable."⁷ While Rawls discusses this requirement in the context of class differences, stating that those who devote themselves to politics should be "drawn more or less equally from all sectors of society,"⁸ it is just as clearly and importantly applicable to sex differences. The equal political representation of women and men, especially if they are parents, is clearly inconsistent with our gender system. The paltry number of women in high political office is an obvious indication of this. Since 1789, over 10,000 men have served in the United States House of Representatives, but only 107 women; some 1,140 men have been senators, compared with 15 women. Only one recent appointee, Sandra Day O'Connor, has ever served on the Supreme Court. These levels of representation of any

other class constituting more than a majority of the population would surely be perceived as a sign that something is grievously wrong with the political system. But as British politician Shirley Williams recently said, until there is "a revolution in shared responsibilities for the family, in child care and in child rearing," there will not be "more than a very small number of women... opting for a job as demanding as politics."⁹

Finally, Rawls argues that the rational moral persons in the original position would place a great deal of emphasis on the securing of self-respect or self-esteem. They "would wish to avoid at almost any cost the social conditions that undermine self-respect," which is "perhaps the most important" of all the primary goods.¹⁰ In the interests of this primary value, if those in the original position did not know whether they were to be men or women, they would surely be concerned to establish a thoroughgoing social and economic equality between the sexes that would protect either sex from the need to pander to or servilely provide for the pleasures of the other. They would emphasize the importance of girls' and boys' growing up with an equal sense of respect for themselves and equal expectations of self-definition and development. They would be highly motivated, too, to find a means of regulating pornography that did not seriously compromise freedom of speech. In general, they would be unlikely to tolerate basic social institutions that asymmetrically either forced or gave strong incentives to members of one sex to serve as sex objects for the other.

There is, then, implicit in Rawls's theory of justice a potential critique of gender-structured social institutions, which can be developed by taking seriously the fact that those formulating the principles of justice do not know their sex....

III. Addressing Gender Injustice

... In spite of all the rhetoric about equality between the sexes, the traditional or quasi-traditional division of family labor still prevails. Women are made vulnerable by constructing their lives around the expectation that they will be primary parents; they become more vulnerable within marriages in which they fulfill this expectation, whether or not they also work for wages; and they are most vulnerable in the event of separation or divorce, when they usually take over responsibility for children without adequate support from their ex-husbands. Since approximately half of all marriages end in divorce, about half of our children are likely to experience its dislocations, often made far more traumatic by the socioeconomic consequences of both gender-structured marriage and divorce settlements that fail to take account of it.¹¹ I have suggested that, for very important reasons, the family *needs* to be a just institution.... How can we address this injustice?...

I shall argue here that any just and fair solution to the urgent problem of women's and children's vulnerability must encourage and facilitate the equal sharing by men and women of paid and unpaid work, of productive and

reproductive labor. We must work toward a future in which all will be likely to choose this mode of life. A just future would be one without gender. In its social structures and practices, one's sex would have no more relevance than one's eye color or the length of one's toes. No assumptions would be made about "male" and "female" roles; childbearing would be so conceptually separated from child rearing and other family responsibilities that it would be a cause for surprise, and no little concern, if men and women were not equally responsible for domestic life or if children were to spend much more time with one parent than the other. It would be a future in which men and women participated in more or less equal numbers in every sphere of life, from infant care to different kinds of paid work to high-level politics. Thus it would no longer be the case that having no experience of raising children would be the practical prerequisite for attaining positions of the greatest social influence. Decisions about abortion and rape, about divorce settlements and sexual harassment, or about any other crucial social issues would not be made, as they often are now, by legislatures and benches of judges overwhelmingly populated by men whose power is in large part due to their advantaged position in the gender structure. If we are to be at all true to our democratic ideals, moving away from gender is essential. Obviously, the attainment of such a social world requires major changes in a multitude of institutions and social settings outside the home, as well as within it.

Such changes will not happen overnight. Moreover, any present solution to the vulnerability of women and children that is just and respects individual freedom must take into account that most people currently live in ways that are greatly affected by gender, and most still favor many aspects of current, gendered practices. Sociological studies confirm what most of us already infer from our own personal and professional acquaintances: there are no currently shared meanings in this country about the extent to which differences between the sexes are innate or environmental, about the appropriate roles of men and women, and about which family forms and divisions of labor are most beneficial for partners, parents, and children. There are those, at one extreme, for whom the different roles of the two sexes, especially as parents, are deeply held tenets of religious belief. At the other end of the spectrum are those of us for whom the sooner all social differentiation between the sexes vanishes, the better it will be for all of us. And there are a thousand varieties of view in between. Public policies must respect people's views and choices. But they must do so only insofar as it can be ensured that these choices do not result, as they now do, in the vulnerability of women and children. Special protections must be built into our laws and public policies to ensure that, for those who choose it, the division of labor between the sexes does not result in injustice. In the face of these difficulties – balancing freedom and the effects of past choices against the needs of justice – I do not pretend to have arrived at any complete or fully satisfactory answers. But I shall attempt to suggest some social reforms, including changes in public policies and reforms of family law that may help us work toward a solution to the injustices of gender.... There are

many directions that public policy can and should take in order to make relations between men and women more just....

First, public policies and laws should generally assume no social differentiation of the sexes. Shared parental responsibility for child care would be both assumed and facilitated. Few people outside of feminist circles seem willing to acknowledge that society does not have to choose between a system of female parenting that renders women and children seriously vulnerable and a system of total reliance on day care provided outside the home. While high-quality day care, subsidized so as to be equally available to all children, certainly constitutes an important part of the response that society should make in order to provide justice for women and children, it is only one part.¹² If we start out with the reasonable assumption that women and men are equally parents of their children, and have equal responsibility for both the unpaid effort that goes into caring for them and their economic support, then we must rethink the demands of work life throughout the period in which a worker of either sex is a parent of a small child. We can no longer cling to the by now largely mythical assumption that every worker has "someone else" at home to raise "his" children.

The facilitation and encouragement of equally shared parenting would require substantial changes.¹³ It would mean major changes in the workplace, all of which could be provided on an entirely (and not falsely) gender-neutral basis. Employers must be required by law not only completely to eradicate sex discrimination, including sexual harassment. They should also be required to make positive provision for the fact that most workers, for differing lengths of time in their working lives, are also parents, and are sometimes required to nurture other family members, such as their own aging parents. Because children are borne by women but can (and, I contend, should) be raised by both parents equally, policies relating to pregnancy and birth should be quite distinct from those relating to parenting. Pregnancy and childbirth, to whatever varying extent they require leave from work, should be regarded as temporarily disabling conditions like any others, and employers should be mandated to provide leave for all such conditions.¹⁴ Of course, pregnancy and childbirth are far *more* than simply "disabling conditions," but they should be treated as such for leave purposes, in part because their disabling effects vary from one woman to another. It seems unfair to mandate, say, eight or more weeks of leave for a condition that disables many women for less time and some for much longer, while *not* mandating leave for illnesses or other disabling conditions. Surely a society as rich as ours can afford to do both.

Parental leave during the postbirth months must be available to mothers and fathers on the same terms, to facilitate shared parenting; they might take sequential leaves or each might take half-time leave. All workers should have the right, without prejudice to their jobs, seniority, benefits, and so on, to work less than full-time during the first year of a child's life, and to work flexible or somewhat reduced hours at least until the child reaches the age of seven. Correspondingly greater flexibility of hours must be provided for the

parents of a child with any health problem or disabling condition. The professions whose greatest demands (such as tenure in academia or the partnership hurdle in law) coincide with the peak period of child rearing must restructure their demands or provide considerable flexibility for those of their workers who are also participating parents. Large-scale employers should also be required to provide high-quality on-site day care for children from infancy up to school age. And to ensure equal quality of day care for all young children, *direct government subsidies* (not tax credits, which benefit the better-off) should make up the difference between the cost of high-quality day care and what less well paid parents could reasonably be expected to pay.

There are a number of things that schools, too, must do to promote the minimization of gender. As Amy Gutmann has recently noted, in their present authority structures (84 percent of elementary school teachers are female, while 99 percent of school superintendents are male), "schools do not simply reflect, they perpetuate the social reality of gender preferences when they educate children in a system in which men rule women and women rule children." She argues that, since such sex stereotyping is "a formidable obstacle" to children's rational deliberation about the lives they wish to lead, sex should be regarded as a relevant qualification in the hiring of both teachers and administrators, until these proportions have become much more equal.¹⁵

An equally important role of our schools must be to ensure in the course of children's education that they become fully aware of the politics of gender. This does not only mean ensuring that women's experience and women's writing are included in the curriculum, although this in itself is undoubtedly important.¹⁶ Its political significance has become obvious from the amount of protest that it has provoked. Children need also to be taught about the present inequalities, ambiguities, and uncertainties of marriage, the facts of workplace discrimination and segregation, and the likely consequences of making life choices based on assumptions about gender. They should be discouraged from thinking about their futures as *determined* by the sex to which they happen to belong. For many children, of course, personal experience has already "brought home" the devastating effects of the traditional division of labor between the sexes. But they do not necessarily come away from this experience with positive ideas about how to structure their own future family lives differently. As Anita Shreve has recently suggested, "the old home-economics courses that used to teach girls how to cook and sew might give way to the new home economics: teaching girls and boys how to combine working and parenting."¹⁷ Finally, schools should be required to provide high-quality after-school programs, where children can play safely, do their homework, or participate in creative activities. . . .

IV. Protecting the Vulnerable

The pluralism of beliefs and modes of life is fundamental to our society, and the genderless society I have just outlined would certainly not be agreed upon

by all as desirable. Thus when we think about constructing relations between the sexes that could be agreed upon in the original position, and are therefore just from all points of view, we must also design institutions and practices acceptable to those with more traditional beliefs about the characteristics of men and women, and the appropriate division of labor between them. It is essential, if men and women are to be allowed to so divide their labor, as they must be if we are to respect the current pluralism of beliefs, that society protect the vulnerable. Without such protection, the marriage contract seriously exacerbates the initial inequalities of those who entered into it, and too many women and children live perilously close to economic disaster and serious social dislocation; too many also live with violence or the continual threat of it. It should be noted here that the rights and obligations that the law would need to promote and mandate in order to protect the vulnerable need not – and should not – be designated in accordance with sex, but in terms of different functions or roles performed. There are only a minute percentage of "househusbands" in this country, and a very small number of men whose work lives take second priority after their wives'. But they can quite readily be protected by the same institutional structures that can protect traditional and quasi-traditional wives, so long as these are designed without reference to sex.

Gender-structured marriage, then, needs to be regarded as a currently necessary institution (because still chosen by some) but one that is socially problematic. It should be subjected to a number of legal requirements, at least when there are children.¹⁸ Most important, there is no need for the division of labor between the sexes to involve the economic dependence, either complete or partial, of one partner on the other. Such dependence can be avoided if both partners have *equal legal entitlement* to all earnings coming into the household. The clearest and simplest way of doing this would be to have employers make out wage checks equally divided between the earner and the partner who provides all or most of his or her unpaid domestic services. In many cases, of course, this would not change the way couples actually manage their finances; it would simply codify what they already agree on – that the household income is rightly shared, because in a real sense jointly earned. Such couples recognize the fact that the wage-earning spouse is no more supporting the homemaking and child-rearing spouse than the latter is supporting the former; the form of support each offers the family is simply different. Such couples might well take both checks, deposit them in a joint account, and really share the income, just as they now do with the earnings that come into the household.

In the case of some couples, however, altering the entitlement of spouses to the earned income of the household as I have suggested *would* make a significant difference. It would make a difference in cases where the earning or higher-earning partner now directly exploits this power, by refusing to make significant spending decisions jointly, by failing to share the income, or by psychologically or physically abusing the nonearning or low-earning partner, reinforced by the notion that she (almost always the wife) has little option but

to put up with such abuse or to take herself and her children into a state of destitution. It would make a difference, too, in cases where the higher-earning partner indirectly exploits this earning power in order to perpetuate the existing division of labor in the family. In such instances considerable changes in the balance of power would be likely to result from the legal and societal recognition that the partner who does most of the domestic work of the family contributes to its well-being just as much, and therefore rightly *earns* just as much, as the partner who does most of the workplace work.

What I am suggesting is *not* that the wage-working partner pay the home-making partner for services rendered. I do not mean to introduce the cash nexus into a personal relationship where it is inappropriate. I have simply suggested that since both partners in a traditional or quasi-traditional marriage work, there is no reason why only one of them should get paid, or why one should be paid far more than the other. The equal splitting of wages would constitute public recognition of the fact that the currently unpaid labor of families is just as important as the paid labor. If we do *not* believe this, then we should insist on the complete and equal sharing of both paid and unpaid labor, as occurs in the genderless model of marriage and parenting described earlier. It is only if we *do* believe it that society can justly allow couples to distribute the two types of labor so unevenly....

V. Conclusion

I have suggested two basic models of family rights and responsibilities, both of which are currently needed because this is a time of great transition for men and women and great disagreement about gender. Families in which roles and responsibilities are equally shared regardless of sex are far more in accord with principles of justice than are typical families today. So are families in which those who undertake more traditional domestic roles are protected from the risks they presently incur. In either case, justice as a whole will benefit from the changes. Of the two, however, I claim that the genderless family is more just, in the three important respects that I spelled out at the beginning of this book: it is more just to women; it is more conducive to equal opportunity both for women and for children of both sexes; and it creates a more favorable environment for the rearing of citizens of a just society. Thus, while protecting those whom gender now makes vulnerable, we must also put our best efforts into promoting the elimination of gender.

The increased justice to women that would result from moving away from gender is readily apparent. Standards for just social institutions could no longer take for granted and exclude from considerations of justice much of what women now do, since men would share in it equally. Such central components of justice as what counts as productive labor, and what count as needs and deserts, would be greatly affected by this change. Standards of justice would become *humanist*, as they have never been before. One of the

most important effects of this would be to change radically the situation of women as citizens. With egalitarian families, and with institutions such as workplaces and schools designed to accommodate the needs of parents and children, rather than being based as they now are on the traditional assumption that "someone else" is at home, mothers would not be virtually excluded from positions of influence in politics and the workplace. They would be represented at every level in approximately equal numbers with men.

In a genderless society, children too would benefit. They would not suffer in the ways that they do now because of the injustices done to women. It is undeniable that the family in which each of us grows up has a deeply formative influence on us – on the kind of persons we want to be as well as the kind of persons we are.¹⁹ This is one of the reasons why one *cannot* reasonably leave the family out of "the basic structure of society," to which the principles of justice are to apply. Equality of opportunity to become what we want to be would be enhanced in two important ways by the development of families without gender and by the public policies necessary to support their development. First, the growing gap between the economic well-being of children in single-parent and those in two-parent families would be reduced. Children in single-parent families would benefit significantly if fathers were held equally responsible for supporting their children, whether married to their mothers or not; if more mothers had sustained labor force attachment; if high-quality day care were subsidized; and if the workplace were designed to accommodate parenting. These children would be far less likely to spend their formative years in conditions of poverty, with one parent struggling to fulfill the functions of two. Their life chances would be significantly enhanced.

Second, children of both sexes in gender-free families would have (as some already have) much more opportunity for self-development free from sex-role expectations and sex-typed personalities than most do now. Girls and boys who grow up in highly traditional families, in which sex difference is regarded as a determinant of everything from roles, responsibilities, and privileges to acceptable dress, speech, and modes of behavior, clearly have far less freedom to develop into whatever kind of person they want to be than do those who are raised without such constraints. It is too early for us to know a lot about the developmental outcomes and life choices of children who are equally parented by mothers and fathers, since the practice is still so recent and so rare. Persuasive theories such as Chodorow's, however, would lead us to expect much less differentiation between the sexes to result from truly shared parenting. Even now, in most cases without men's equal fathering, both the daughters and the sons of wage-working mothers have been found to have a more positive view of women and less rigid views of sex roles; the daughters (like their mothers) tend to have greater self-esteem and a more positive view of themselves as workers, and the sons, to expect equality and shared roles in their own future marriages.²⁰ We might well expect that with mothers in the labor force *and* with fathers as equal parents, children's attitudes and psychologies will

become even less correlated with their sex. In a very crucial sense, their opportunities to become the persons they want to be will be enlarged.

Finally, it seems undeniable that the enhancement of justice that accompanies the disappearance of gender will make the family a much better place for children to develop a sense of justice. We can no longer deny the importance of the fact that families are where we first learn, by example and by how we are treated, not only how people do relate to each other but also how they *should*. How would families not built on gender be better schools of moral development? First, the example of co-equal parents with shared roles, combining love with justice, would provide a far better example of human relations for children than the domination and dependence that often occur in traditional marriage. The fairness of the distribution of labor, the equal respect, and the interdependence of his or her parents would surely be a powerful first example to a child in a family with equally shared roles. Second, as I have argued, having a sense of justice requires that we be able to empathize, to abstract from our own situation and to think about moral and political issues from the points of view of others. We cannot come to either just principles or just specific decisions by thinking, as it were, as if we were nobody, or thinking from nowhere; we must, therefore, learn to think from the point of view of others, including others who are different from ourselves.

To the extent that gender is de-emphasized in our nurturing practices, this capacity would seem to be enhanced, for two reasons. First, if female primary parenting leads, as it seems to, to less distinct ego boundaries and greater capacity for empathy in female children, and to a greater tendency to self-definition and abstraction in males, then might we not expect to find the two capacities better combined in children of both sexes who are reared by parents of both sexes? Second, the experience of *being* nurturers, throughout a significant portion of our lives, also seems likely to result in an increase in empathy, and in the combination of personal moral capacities, fusing feelings with reason, that just citizens need.²¹

For those whose response to what I have argued here is the practical objection that it is unrealistic and will cost too much, I have some answers and some questions. Some of what I have suggested would not cost anything, in terms of public spending, though it would redistribute the costs and other responsibilities of rearing children more evenly between men and women. Some policies I have endorsed, such as adequate public support for children whose fathers cannot contribute, may cost more than present policies, but may not, depending on how well they work.²² Some, such as subsidized high-quality day care, would be expensive in themselves, but also might soon be offset by other savings, since they would enable those who would otherwise be full-time child carers to be at least part-time workers.

All in all, it seems highly unlikely that the *long-term* costs of such programs – even if we count only monetary costs, not costs in human terms – would outweigh the long-term benefits. In many cases, the cycle of poverty

could be broken – and children enabled to escape from, or to avoid falling into, it – through a much better early start in life.²³ But even if my suggestions would cost, and cost a lot, we have to ask: How much do we care about the injustices of gender? How much do we care that women who have spent the better part of their lives nurturing others can be discarded like used goods? How ashamed are we that one-quarter of our children, in one of the richest countries in the world, live in poverty? How much do we care that those who raise children, *because* of this choice, have restricted opportunities to develop the rest of their potential, and very little influence on society's values and direction? How much do we care that the family, our most intimate social grouping, is often a school of day-to-day injustice? How much do we *want* the just families that will produce the kind of citizens we need if we are ever to achieve a just society?

Notes

- 1 U.S. Department of Labor, *Employment and Earnings: July 1987* (Washington, D.C.: Government Printing Office, 1987); Ruth Sidel, *Women and Children Last: The Plight of Poor Women in Affluent America* (New York: Viking, 1986), pp. xvi, 158. See also David T. Ellwood, *Poor Support: Poverty in the American Family* (New York: Basic Books, 1988), pp. 84–5, on the chronicity of poverty in single-parent households. . . .
- 2 Shirley Williams, in Williams and Elizabeth Holtzman, "Women in the Political World: Observations," *Daedalus* 116, no. 4 (Fall 1987): 30.
- 3 Twenty-three percent of single parents have never been married and 12 percent are widowed (U.S. Bureau of the Census, Current Population Reports, *Household and Family Characteristics: March 1987* [Washington, D.C.: Government Printing Office, 1987], p. 79). In 1987, 6.8 percent of children under eighteen were living with a never-married parent ("Study Shows Growing Gap Between Rich and Poor," *New York Times*, March 23, 1989, p. A24). The proportions for the total population are very different from those for black families, of whom in 1984 half of those with adult members under thirty-five years of age were maintained by single, female parents, three-quarters of whom were never married (Frank Levy, *Dollars and Dreams: The Changing American Income Distribution* [New York: Russell Sage, 1987], p. 156).
- 4 Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), p. 302.
- 5 *Ibid.*, p. 274.
- 6 *Ibid.*, p. 529.
- 7 *Ibid.*, p. 222; see also pp. 202–5, 221–8.
- 8 *Ibid.*, p. 228.
- 9 Williams and Holtzman, "Women in the Political World: Observations." The statistics cited here are also from this article. Despite superficial appearances, the situation is no different in Great Britain. As of 1987, 41 out of the 630 members of the British House of Commons were women, and Margaret Thatcher is far more of an anomaly among British prime ministers than the few reigning queens have been among British monarchs.
- 10 Rawls, *Theory*, pp. 440, 396; see also pp. 178–9.

- 11 Okin cites the evidence for these claims in ch. 7 of *Justice, Gender, and the Family* [eds.].
- 12 It seems reasonable to conclude that the effects of day care on children are probably just as variable as the effects of parenting – that is to say, very widely variable depending on the quality of the day care and of the parenting. There is no doubt that good out-of-home day care is expensive – approximately \$100 per full-time week in 1987, even though child-care workers are now paid only about two-thirds as much per hour as other comparably educated women workers (Victor Fuchs, *Women's Quest for Economic Equality* [Cambridge: Harvard University Press, 1988], pp. 137–8). However, it is undoubtedly easier to control its quality than that of informal “family day care.” In my view, based in part on my experience of the excellent day-care center that our children attended for a total of seven years, good-quality day care must have small-scale “home rooms” and a high staff-to-child ratio, and should pay staff better than most centers now do. For balanced studies of the effects of day care on a poor population, see Sally Provence, Audrey Naylor, and June Patterson, *The Challenge of Daycare* (New Haven: Yale University Press, 1977); and, most recently, Lisbeth B. Schorr (with Daniel Schorr), *Within Our Reach – Breaking the Cycle of Disadvantage* (New York: Anchor Press, Doubleday, 1988), ch. 8.
- 13 Much of what I suggest here is not new; it has formed part of the feminist agenda for several decades, and I first made some of the suggestions I develop here in the concluding chapter of *Women in Western Political Thought* (Princeton: Princeton University Press, 1979). Three recent books that address some of the policies discussed here are Fuchs, *Women's Quest*, ch. 7; Philip Green, *Retrieving Democracy: In Search of Civic Equality* (Totowa, N.J.: Rowman and Allanheld, 1985), pp. 96–108; and Anita Shreve, *Remaking Motherhood: How Working Mothers Are Shaping Our Children's Future* (New York: Fawcett Columbine, 1987), pp. 173–8. In Fuchs's chapter he carefully analyzes the potential economic and social effects of alternative policies to improve women's economic status, and concludes that “child-centered policies” such as parental leave and subsidized day care are likely to have more of a positive impact on women's economic position than “labor market policies” such as antidiscrimination, comparable pay for comparable worth, and affirmative action have had and are likely to have. Some potentially very effective policies, such as on-site day care and flexible and/or reduced working hours for parents of young or “special needs” children, seem to fall within both of his categories.
- 14 The dilemma faced by feminists in the recent California case *Guerra v. California Federal Savings and Loan Association*, 107 S. Ct. 683 (1987) was due to the fact that state law mandated leave for pregnancy and birth that it did *not* mandate for other disabling conditions. Thus to defend the law seemed to open up the dangers of discrimination that the earlier protection of women in the workplace had resulted in. (For a discussion of this general issue of equality versus difference, see, for example, Wendy W. Williams, “The Equality Crisis: Some Reflections on Culture, Courts, and Feminism,” *Women's Rights Law Reporter* 7, no. 3 [1982].) The Supreme Court upheld the California law on the grounds that it treated workers equally in terms of their rights to become parents.
- 15 Amy Gutmann, *Democratic Education* (Princeton: Princeton University Press, 1987), pp. 112–15; quotation from pp. 113–14. See also Elisabeth Hansot and David Tyack,

- “Gender in American Public Schools: Thinking Institutionally,” *Signs* 13, no. 4 (1988).
- 16 A classic text on this subject is Dale Spender, eds., *Men's Studies Modified: The Impact of Feminism on the Academic Disciplines* (Oxford: Pergamon Press, 1981).
- 17 Shreve, *Remaking Motherhood*, p. 237.
- 18 I see no reason why what I propose here should be restricted to couples who are legally married. It should apply equally to “common law” relationships that produce children, and in which a division of labor is practiced. Mary Ann Glendon has set out a “children first” approach to divorce (Glendon, *Abortion and Divorce in Western Law* [Cambridge, MA: Harvard University Press, 1987], pp. 94 ff.); here I extend the same idea to ongoing marriage, where the arrival of a child is most often the point at which the wife becomes economically dependent.
- 19 Here I paraphrase Rawls's wording in explaining why the basic structure of society is basic. “The Basic Structure as Subject,” *American Philosophical Quarterly* 14, no. 2 (1977): 160 [For a revised version, see Rawls, *Political Liberalism*, Lecture VII, esp. sect. 5, eds.].
- 20 Shreve, *Remaking Motherhood*, chs. 3–7.
- 21 See, for example, Sara Ruddick, “Maternal Thinking,” *Feminist Studies* 6, no. 2 (1980); Diane Ehrensaft, “When Women and Men Mother,” in *Mothering: Essays in Feminist Theory*, ed. Joyce Trebilcot (Totowa, NJ: Rowman and Allanheld, 1984); Judith Kegan Gardiner, “Self Psychology as Feminist Theory,” *Signs* 12, no. 4 (1987), esp. 778–80.
- 22 David Ellwood estimates that “if most absent fathers contributed the given percentages, the program would actually save money” (*Poor Support: Poverty in the American Family* (New York: Basic Books, 1988), p. 169).
- 23 Schorr's *Within Our Reach* documents the ways in which the cycle of disadvantage can be effectively broken, even for those in the poorest circumstances.