

*Review Essay*

**ON WOMEN, MARRIAGE, FAMILY, AND  
THE TRADITIONS OF POLITICAL  
THOUGHT**

GAYLE BINION

Susan Moller Okin, *Justice, Gender and the Family*. New York: Basic Books, 1989. 216 pp. \$19.95.

Carole Pateman, *The Sexual Contract*. Stanford, CA: Stanford University Press, 1988. 264 pp. \$39.00 (cloth), \$12.95 (paper).

It is a distinct pleasure to have been invited to write a review essay on two important, thought-provoking, and, dare I say, relevant books. At a time when the popular media are inquiring what the 1990s will mean for lifestyles and, naturally, for gender roles, each of these books encourages us to question anew the relationships between men and women and between women and the state and to recognize that these pairs of relationships are, themselves, fundamentally interrelated. Pateman's book leads us to reconsider the significance for liberal thought of the exclusion of women from classical social contract theory; Okin obliges us to ask why contemporary sociopolitical theorists, consumed by the quest for justice, continue to ignore gender injustice in family life. The two books are fundamentally complementary, and the concerns that they share and the questions that they raise in common are far more significant than are the differences apparent in their conclusions.

**WHERE ARE THE WOMEN?**

Both Pateman and Okin explore the world of normative political theorizing, Pateman focusing primarily on the seventeenth and eighteenth centuries and Okin on the late twentieth century. Pateman's critique is largely of Hobbes, Locke, Rousseau and, for contrast, Filmer (1949), although other theorists figure prominently in her analysis of these thinkers. Okin's targets range from Allan Bloom (1987) and Alasdair MacIntyre (1981, 1988) on the right, to such centrists as Michael Walzer (1983, 1987) and John Rawls (1971), to such leftists as critical legal studies theorist Roberto Unger (1975, 1986). Pateman and Okin ask of each treatise

LAW & SOCIETY REVIEW, Volume 25, Number 2 (1991)

they explore, "Where are the women?" They also ask of each theorist critiqued, "What does your theory tell us about women's lives?"

While Pateman finds a tradition of liberal contractarian orthodoxy devoid of any attention to women as political actors, Okin addresses a varied field of contemporary theorists who share in common a lack of attention to the significance of familial and gendered life experience for the *polis*. Some of the theorists Okin addresses (particularly Rawls and Walzer) are partially rescued because they offer insights that, unbeknown to them, are useful for feminist analysis.<sup>1</sup> Okin saves perhaps her greatest ire for those who, in their attempt to incorporate women, but not the *experience* of women, into their treatises, have simply degenderized their own language (pp. 10–13). In the works of the theorists Pateman addresses, there are no such antiseptic linguistic "niceties"; rather than assuming the assimilation of women into discussions that are essentially about men (most of Okin's subjects), the contractarians overtly dismissed women from the focus of their political discourse and justified their exclusion. After reading both books, one is left convinced that three hundred years and several women's movements have yielded little *substantive* philosophical progress within the fraternity called political theory.

### THE DISTINCTION OF PUBLIC AND PRIVATE

In the tradition of modern feminist analysis, neither Pateman nor Okin accepts the dichotomy of the public and private spheres of life that has been characteristic of political theory generally, and has been a justification for relegating women to only the private or familial sphere of human experience. Pateman tells us that this dichotomy is, in classical social contract theory, the means by which male hegemony is assured and simultaneously justified. The sovereign rules over public affairs; men rule over women and children in the private sphere. Whereas Pateman sees the dichotomy as instrumental for contractarians, Okin focuses on its fundamental artificiality. Four perceptive observations guide the latter's thinking. Familial life, like political life, is also about power. Political decisions shape the context of family life. Familial gender socialization creates our gendered "public" selves, and the gendered division of labor within family life limits the involvement of women in the larger "public" world. In offering these observations, Okin effectively unmask the ideological presumptions of the dichotomy (pp. 110–33).

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<sup>1</sup> With respect to Rawls, if his argument about the original position included not knowing which sex one would be, it would be a forceful theory of justice. Okin is not persuaded that he had that intention when he wrote *A Theory of Justice* (1971) (Okin, pp. 91–92). Walzer, whose concern is about dominance across separate spheres, invites one to inject the observation that gender is *the* prime form of dominance across all spheres of life (Okin, p. 113).

The consequence for both theorists of rejecting the public/private dichotomy of social life is that they demand that political theorizing account for real human lives and offer us insights that may be of some practical value and consequence. Both Pateman and Okin center their analyses in their rejections of the dichotomizing of the public and private, the sociopolitical and the familial. Pateman informs us that the public or social contract to form the state presupposes a private sexual contract in which men are assured of their sexual right to women's bodies. Okin, in a brilliant deconstructing of the major figures in contemporary sociopolitical thought, argues very effectively that these theorists have either ignored the significance of familial life for collective institutions or have fundamentally misconstrued the true nature of family life.<sup>2</sup> Both theorists suggest that rather than analogizing from the public to the private, there is much we can learn from familial life that will illuminate our understanding of communal life, a point of view in virtually diametrical opposition to the traditions they critique.<sup>3</sup>

### PATEMAN ON THE CONTRACT THEORISTS

Pateman paints a picture of a tradition of social contract theorizing about the origins of the state in which women are excluded. This much we all knew, even if we were not as savvy as she about Rousseau's (1979) unabashed and unabated misogyny (pp. 74–75,

<sup>2</sup> Interesting examples of these phenomena are found in the perceptions of the family offered by MacIntyre (1981) and Unger (1986). MacIntyre subsumes the "making and sustaining of family life" within a category of optional life activities that includes playing games. If family life is an optional activity, Okin wonders from where the people will come who are to live MacIntyre's prescription for the good life (p. 56). Okin also notes that MacIntyre's historical examples of "people of virtue" (e.g., St. Francis of Assisi, St. Theresa, Leon Trotsky, John Stuart Mill) include no active parents (p. 56). Unger (1986), who appears to value familial life more highly, hypothesizes a gulf between the "everyday" world of the workplace and the market and the "extraordinary" worlds of art, religion, and love in which he places the family. Okin suggests in response that, for most people, family life *is* a critical part of everyday life, not an "extraordinary" departure from it (p. 120).

<sup>3</sup> Pateman argues that for the social contract to make sense, we must understand the private sexual contract (p. 4). She also suggests that one should look to the marriage contract as the model from which to assess the employment contract, and not vice versa, as is usually maintained (p. 144). Okin, in much the same vein, argues for the centrality of the private, familial experience as the foundation from which to perceive and assess justice (pp. 25–40). As is reflected in Okin's argument for the significance of the familial sphere, modern feminist theory has stressed that the life experience of women, disproportionately circumscribed to the familial sphere, is critically important for understanding social hierarchy, power, and dominance. Feminists have also effectively argued that the familial sphere is commonly the central focus of people's lives and formative experiences and is the model of human relations that is translated into the larger public domain. Finally, feminists have long attacked the private-public dichotomy for its insulation of domestic abuse from community attention and corrective action. In sum, traditional political theory that focuses on the social relevance of only the collective, predominantly governmental, sphere of life is thought to be inadequate in its educative value.

85–86, 96–98). In cataloguing the explanations contractarians offer for women's inability to be parties to this contract which is understood to create the political society, most of which focus on the power of reason in which we are thought to be deficient,<sup>4</sup> Pateman asks, Where are the women at the time of the contract and what then happens to them? The quest for an answer becomes the vehicle by which Pateman critiques the sexual hegemony that underlies the liberal tradition in political philosophy. Although Hobbes did not imagine that marriage existed in the state of nature, social contract theorists uniformly perceived women as having been brought into civil society by virtue of their subordination to men. Pateman theorizes that this prior contract, the sexual contract, must be understood if one is to explain not only the inclusion of women in civil society<sup>5</sup> but as well the willingness of men to cede their public will to a sovereign (pp. 123–24, citing Thompson 1970:65 approvingly). This subordination of women is also the means by which men prove their masculinity, which is necessary for them to be parties to the social contract (p. 199).

What is so powerful about Pateman's account of the sexual contract is that it is not only a critique of a tradition of political theory. It is also social and historical commentary. Taking the premise of the original contract of male hegemony over women sexually, Pateman proceeds to unmask the very concept of contract in a variety of contexts, including those of slavery and employment. She implores feminists to see that through contract the dominance of the powerful is camouflaged and to discard the belief that contract is liberating (p. 184). She also simultaneously demonstrates how the "status" contract of marriage, in which the state dictates the terms in the interest of male supremacy (pp. 59, 156–59, 164–68) continues into the twentieth century. The message about marriage, as it was and continues to be, is clearly and persuasively argued. It is an institution devised by men to ensure both their sex right and their dominance. The institution of coverture and the existence of laws prohibiting wives from refusing their husbands' sexual demands were but the most apparent manifestations of male marital hegemony under the common law. Beyond that, Pateman also demonstrates that the male sex right is not limited to the marital context. Her analyses of prostitution and "sur-

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<sup>4</sup> In *Emile: Or, On Education*, Rousseau comments that women are a perpetual source of disorder and therefore must "be subjected either to a man or to the judgments of men and . . . never be permitted to put themselves above these judgments" (Pateman, p. 98, citing Rousseau 1979: 360). Pateman's persuasive interpretation of Hobbes's *Leviathan* suggests that prior to the social contract all women have been conquered and are in the status of servant (p. 48). Neither Rousseau nor Hobbes could imagine women as equal participants in the forming of civil society, because of women's presumed intellectual inferiority (Rousseau) or due to their servant status (Hobbes).

<sup>5</sup> Although women were not parties to the social contracts described by Hobbes, Locke, or Rousseau, neither were they left in the state of nature.

rogate" parenting both support her view that the male sex right is not just a *private* phenomenon. Prostitution is the "public" manifestation of the right of men to sexual access to women's bodies (p. 194), and "surrogate" parenting is about the male right to the reproductive capacities of women.<sup>6</sup> Pateman quotes the trial court in the famous *Baby M* (1987) case as denying that baby selling has occurred in the challenged surrogacy arrangement because "He [the biological father] cannot purchase what is already his" (p. 213). Mimicking the view of the Judeo-Christian and Greek traditions, the court adopted a male genesis notion of human life and its reproduction.<sup>7</sup>

Pateman's analysis of prostitution and "surrogacy" is also important as a segue to another of the central points of her thesis—that patriarchal society displaces problems about patriarchy onto women. Whereas it is apparent to her that the practices of prostitution and "surrogacy" are simply manifestations of the male sex right, patriarchal institutions have fostered the illusion that these are problems about women. Prostitutes are morally deficient, which is why men are rarely prosecuted for engaging them, and infertile women need fertile women to bear the children that they cannot have (pp. 193, 210–13). In neither case does the patriarchy acknowledge the effectuation of the male sex right that is fundamental to the maintenance of these institutions. Put into a larger, modern context, Pateman sees this displacement as part of a pattern of definition in which rape is violence (not sex), pornography is free expression, prostitution is contractual employment, and sadomasochistic sex is about the equality of consenting adults. In each case, she argues, contemporary contractarians, borrowing from the tradition in which male sex right is essentially a hidden understanding, deny the foundations in sexual subordination that underlie these phenomena (p. 224).

Ultimately, Pateman's book is, in a substantial sense, a plea to feminists not to be seduced by liberal notions of freedom and individualism that have supported contractual notions of human relations. While she offers no particular solution for the problems as-

<sup>6</sup> It is interesting that the literature in law reviews on the "surrogacy" issue, prior to the 1988 decision of the New Jersey Supreme Court condemning the practice, was almost exclusively supportive of the practice. The major concern of the writers, men and women alike, was with ensuring the enforceability of the contracts. The major exception to this orientation was Margaret Radin (1987).

<sup>7</sup> This was implicit in the trial court's conclusion. The judge must have been suggesting that the child belonged to *only* her father, William Stern. Mary Beth Whitehead, the so-called "surrogate" mother, had initially agreed to be paid to relinquish *her* parental rights to the wife of the biological father but later sought to withdraw from the agreement. It is *that* part of the parentage of Baby M that was the subject of the child-selling dispute. Consequently, the trial judge's rejection of the argument that a surrogate's fee for relinquishing her parental rights constituted the selling of a child could reasonably rest on only the view that there was nothing for the biological father to purchase in this respect because that child was "already his."

sociated with male sexual dominance, she does suggest, in stark contrast to Okin, that it will not be cured by gender neutrality (p. 228). To the contrary, she argues for the critical importance of the creation and expression of sexual difference as essential to the expression of freedom (p. 233). Implied in this stance is that by demanding our separability as women, we create the possibility of our empowerment. This empowerment, she suggests, will lead us to the creation of new forms of democracy, socialism, and freedom.

### OKIN'S DEGENERATED FAMILY

Okin, like Pateman, has offered a stimulating account of the weaknesses of celebrated political theorists' treatments of what is presumed to be the private sphere of life, the sphere to which women have traditionally been relegated. This sphere, to which little attention has been paid, has much to offer in understanding the public, assumedly male, sphere of life and, in Okin's view, teaches us about justice.

Okin's analysis of contemporary sociopolitical theorizing about justice is superb. The latter part of her book, in which she offers her own assessment of the problems of gender in family life, is somewhat less satisfying. In this context I would suggest first that Professor Okin has presented an incomplete analysis of the nature of gender injustice, especially as it relates to the transmission of the messages and expectations within American family and work contexts. Second, I would suggest that the reader, most especially the feminist reader, is left unconvinced as to the probability, and in some respects as well the desirability, of the success of her proposals. In the latter regard, Okin's analysis and prognosis for change conflict significantly with Pateman's analyses of the institution of marriage, its genesis, and the prospects for reform. Whereas Okin believes that, simply put, marriage should, and *can*, be transformed into a partnership premised on equal responsibility for domestic and wage earning labor, Pateman implies that marriage survives because male hegemony remains essentially intact within the institution.

### TOWARD A MORE COMPLETE ANALYSIS

One of Okin's most critical points is that the socialization we receive within family life is critical to the reproduction of unjust gender roles with respect both to intergenerational reproduction and to the reproduction of these role expectations in our lives beyond the family. As a political theorist, she is most concerned about the impact of the fundamental injustice of gender within family life on the larger (collective) political order and the justice that the political order is thus able to distribute. She implores her colleagues in this field to acknowledge that family life is not only an appropriate but a critical institution for bringing justice to our

lives, and it is simultaneously a laboratory within which people learn about justice. How, she asks, can a citizen be sensitive to social justice if his/her "personal" life experiences are marked by pervasive injustice? Ultimately, her argument is that family life must be reformed on a model of gender justice and that the ramifications of this reform will alter as well the collective spheres of life.

While the informed and sympathetic reader will find Okin's familial socialization hypotheses unassailable, indeed perhaps even axiomatic, one is simultaneously left wondering why her book fails to integrate the research on gender role socialization processes that would provide empirical support for these highly intelligent assumptions. There is a tremendous volume of such process literature which, *inter alia*, documents and analyzes how gender roles, gender hierarchy, gender injustices are actually transmitted to and learned by children from birth. Perhaps the best summary of this research, Jean Lipman-Blumen's *Gender Roles and Power* (1984), links the familial experience to the worlds of employment, education, and politics and provides a framework within which the acculturation process is effectively linked to the maintenance of social institutions. Quite surprisingly, Okin's research fails to take that critical step in empirical analysis that would clearly link the data on the state of gender inequality in family life she so forcefully presents to the means by which hierarchy is both internalized by family members and translated to other spheres.

Not only would Okin's analysis have been more complete had she assimilated the empirical, quantitative *process* data on familial sex role socialization; it also might have benefited from more attention to how *she* believes the messages about gender injustice are transmitted to children and, therefore, how far one needs to go to reform the status quo. Okin does a yeoperson's job of describing the socioeconomic inequities that exist between men and women in marriage, with respect to, primarily, the translation from unequal incomes and dependence on marriage to unequal marital power, and the myriad manifestations of this inequality in marriage and divorce. But she fails to demonstrate how this inequality affects children's sense of justice. While I do not mean to underestimate the critical importance of what she has demonstrated as an unjust state of affairs, I question whether she has sufficiently critiqued the processes at work.

What Okin envisions is a family in which children learn gender justice because of the environment of mother-father and, presumably, sister-brother equality. If we posit equal incomes for husband and wife and equal numbers of hours of unpaid household labor for each, will we have gender justice? Will children get a clear message of the equal value of men and women in our society, a message that will cause them to expect and/or demand equality in their educational, professional, political, and future family lives?

Okin clearly believes that greater material equality in the home will go far in producing this outcome and I agree with her. Her analysis is incomplete, however, because she ignores the nonmaterial inequities that are so fundamental to the premises of marriage and family life. Perhaps the most important of these is surname. Can a child perceive gender equality in a family where mother and children adopt the father's surname? While doing so is not a universal phenomenon, it is so common among societies, and still acceded to by nearly 90 percent of American women, as to be almost definitional of marriage. Yet there is no discussion in Okin's work of this practice as a fundamental and ubiquitous gender injustice that may define for children, indeed even for worldly husbands and wives, who is really more powerful and more important.<sup>8</sup>

There has been much discussion during the past two decades about the surname "problem." Many women have, on marriage, opted to retain their own names. Others, married and single, have rejected their "own" names as continuing the patrilineal line and have adopted new surnames of their own choosing. Relatively few married couples have *jointly* hyphenated their two surnames (the man's name generally last), and a very few have chosen a new shared surname. With the exception of the mutually hyphenated or newly surnamed, all nontraditional arrangements then face the "what shall we name the children" issue. (This used to be a "given" name discussion; feminism demands that it be a surname discussion.) While I know of no data on the relative frequencies of use of the various baby (sur)naming alternatives, it is highly probable that even among the women who retain their own names after marriage, the vast majority accede to the expected surnaming of their children with the father's last name.<sup>9</sup> At the risk of being highly anecdotal, I must confess that of the dozens of my female contemporaries (friends and colleagues) who have retained their own surnames upon marriage, none has given this name to their children as a surname. All bear the father's surname.<sup>10</sup> The social messages are clear in either context. If a woman changes her sur-

<sup>8</sup> Lest it be suggested that maintenance of a common familial surname is important not only for a sense of contemporaneous familial unity but also for intergenerational connectedness, it need only be noted that this *value* comes from and reinforces only *male* experience in patrilineal society. Women, like slaves, have never had the experience of surname connectedness. What a feminist must then ask is, Is it *really* an important social good? If so, how do we make it equally accessible to women.

<sup>9</sup> I do not mention this datum to criticize the women involved, but rather to demonstrate how firm is the social expectation about children's lineage. Even a feminist woman who has resisted the social pressure to adopt her husband's surname is unlikely to extend this concern to her children.

<sup>10</sup> In California, as in many states, parents can exercise the option on the child's birth certificate, without state interference. However, given the family court cases one reads about, in which judges have not only forced the father's surname on children, but have as well ordered custodial divorced mothers to themselves retain their ex-husbands' surnames, it may be naive to assume that surname freedom is a universal civil liberty in the United States.



name to that of her husband, she is his possession; if the children bear only the father's surname, they are his possession. While some analysts of familial gendering practices may perceive the surname issue as relatively unimportant, it seems to me that it is a fundamental, definitional, and ubiquitous familial gender injustice, and its absence from Okin's work suggests an incompleteness to her analysis.

Okin's analysis appears similarly incomplete in its failure to explore whether the transmission of gender injustice to children may be based on the kinds of household work performed by their mothers and fathers. While her concern is with the relative proportions of this work done by each parent, a very necessary first step to unburdening women, one might suggest that beyond numbers of hours, there are problems for gender justice in the messages given by various types of household labor. Arlie Hochschild (1989) has done an excellent study of dozens of families in which she documents not only that men believe that they are doing more of the household work than they actually are doing but also that male household labor tends to be less daily and less repetitive. Cooking and household cleaning—daily, time consuming tasks—are more commonly done by women; taking out the garbage, tuning the car, or taking the family pet to the veterinarian—tasks done for fewer numbers of hours and less often—are likely to be done by men. I would also suggest that household labor in which people are waited on, such as, and perhaps most prominently, the serving of meals, is a very effective conveyor of the message about who is more important than whom. If the mother of the family serves the meals on a regular or disproportionate basis, even the youngest of children will probably learn that women wait on others. In sum, numbers of hours of household work is only part of the story; the messages conveyed by the performance of various kinds of household work may speak even more effectively to the issue of how children learn about gender hierarchy within traditional family life.<sup>11</sup>

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<sup>11</sup> These examples are but the beginning of a much larger discussion of the messages conveyed by the distribution of domestic labor. A few additional issues include: Is there a presumption that the father of the family will operate the family car when both parents are present? Does the father prepare the family's tax returns and in other ways interface on the family's behalf with the government and other important nonfamilial institutions? Is the mother of the family largely or unilaterally responsible for perpetuating the family's social ties, such as with relatives or friends? These types of labor distinctions are not only some of the most stereotypical, they convey messages as well about the importance of the male and female members of a family. One might argue—as I might—that family and friends are far more important in most of our lives than is the government, but given the power of the latter, that is not likely to be the message an observer of segregated household labor receives.

### WILL THE PROBLEMS BE SOLVED?

The second sense in which Okin's book does not completely fulfill the promise of the exceptional early chapters is with respect to its recommendations and prospects for change. Here two points need to be noted. Because her central focus is the reform of family life, she may have underestimated the significance of gender hierarchy in the workplace. Okin has proposed changes in workplace policies, such as flexible schedules, on-site child care, and greater concern for the career advancement of participating parents, especially in tenure and partnership contexts, events that predictably occur during child-bearing and child-rearing years (pp. 176–78). My reservation about her analysis of the workplace is that she has overlooked the gendered basis of its structure, which may explain why these recommended policy reforms have not happened. I am most surprised that she has unwittingly adopted a fundamental gender bias of the workplace in her argument against job guarantees for women during child bearing. While Okin's book is a plea for social policies that will foster our ability to be both parents and earners, she perceives the protection of a woman's job during child bearing as "unfair," if it exists apart from a generic disability policy. In her very brief discussion of *California Savings & Loan v. Guerra* (1987), she says (p. 176):

It seems unfair to mandate, say, eight or more weeks of leave for a condition (child bearing) that disables many women for less time and some much longer, while *not* mandating leave for illnesses or other disabling conditions. Surely a society as rich as ours can afford to do both.

What Okin overlooks, or perhaps has rejected, is the fact that the workplace is organized around male reproductive patterns.

An occasional respite from work in order to impregnate a woman is all that a man needs to fulfill the biological activity necessary for parenthood. A woman needs to engage in reproductive labor, and subsequent recovery, to fulfill the same goal. It must be further acknowledged that no man (except perhaps a Roman Catholic priest) risks his job and economic security as a consequence of his pursuing parenthood. In the United States, in contrast with the entire Western industrial world, virtually every woman faces the prospect of having to trade economic security for child bearing. If the workplace were modeled on women's reproductive experience, or even on gender "neutrality," workers' jobs would not be jeopardized by the demands of child bearing. Thus, the California law upheld in *Cal. Fed.* is not properly assessed as somehow favoring pregnancy over hernias or broken bones. It is about rendering somewhat more equal the rights of men and women to become parents while remaining in the paid workforce.<sup>12</sup> Given Okin's fervent commitment to degendering

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<sup>12</sup> Clearly even the California statutes does not *equalize* the experience of

U.S. society, I am surprised that she does not see how fundamentally gendered is the lack of child-bearing leaves in the U.S. workplace.

I am also troubled by Okin's more general minimization of the independent significance of workplace discrimination against women, whether or not they are wives or participating parents. The data she cites on the gross disadvantages of women as earners is about *all* women: married, widowed, divorced or single, with and without children. Nevertheless she appears to attribute these effects to inequalities in the family context. While it is clear that women in the workplace who are mothers face particular inequities, and great burdens, and that unmarried women who are not mothers appear to have somewhat higher career possibilities,<sup>13</sup> it is unwise to assume that a restructuring of the marriage and family context will eliminate the unilateral contribution of the workplace to an unjustly gendered society.

The workplace reforms suggested by Okin do not speak to entrenched sexism that exists apart from a lack of concern about workers as parents and spouses. She is no doubt correct that a major form of gender injustice in society is the employers' expectation that the model employee, the norm around whom policies are developed, has a wife at home taking care of his and their children's lives. The evidence of this phenomenon is overwhelming. It includes the absence of child-bearing and child-rearing leaves, the fact that we work until five or six o'clock and children leave the public schools by three o'clock, the fact that we work (no doubt unnecessarily) an average of more than forty hours per week, and the very general notion that taking care of familial needs should be on one's own time and should not interfere with business. In these and other ways the employment life of women in families and the family life of all workers is undermined by workplace expectations. Okin does an excellent job of critiquing this phenomenon.

What is missing in Okin's optimism about the consequences of familially oriented reform is any attention to the possibility that entrenched forms of sexism, such as discrimination in hiring and promotion, sexual harassment, or the failure to integrate women's experience into workplace norms, will continue to characterize the world of paid work. The suggestions she offers for reform are all geared toward forcing an acknowledgment of the legitimate claims

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men and women with respect to becoming parents. The latter still face substantial economic loss due to the lack of income during child-bearing leaves. Neither American men nor the women in most industrial societies, where child-bearing and child-rearing policies include at least partial salary, incur this loss.

<sup>13</sup> Data on the most highly achieving workers do demonstrate that women who reach these levels are far less likely than equivalently successful men to be married and have children. But even unmarried women are still less likely than are *any* men to reach high status in their employment.

of workers to be simultaneously “participating” parents and spouses. But the recommended reforms imply that sexism at paid work may be largely a reflection of discrimination against mothers. Okin assumes that if men and women equally shared parenting and workplace policies were required to incorporate the needs of parents, women would enjoy employment equality. I do not doubt that these two changes, shared parenting and incorporation of parenting into workplace norms would, if accomplished,<sup>14</sup> signal a great step forward for women as both workers and parents. What I doubt is that family issues, and unequal household obligations, substantially *explain* the devaluing of women as workers.<sup>15</sup> At least as intuitive an hypothesis is that employment discrimination against women is about women as women.<sup>16</sup> Despite family-friendly policies, discrimination may well continue in the world of paid work, a majority of women may still be in only 20 of 427 jobs, truck drivers may still earn more than nurses, janitors more than food service workers, and the glass ceiling may still exist across the corporate or academic ladder. In sum, discrimination against women may prove to be just that and not inherently discrimination against mothers and wives. This may appear to be a very pessimistic observation, but I offer it to raise the possibility that Okin may be too confident that family structure is the major explanatory variable in the current condition of women. It is distinctly likely that even with more equitable family lives, women in the paid work force will continue to experience serious discrimination and devaluation of their work.<sup>17</sup> In sum, it is not clear where

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<sup>14</sup> The two policy initiatives are closely intertwined, but unlike Okin I am less persuaded that they can be pursued simultaneously. The power differential between men and women workers may portend that the norms at work about the legitimacy of parenting will not occur until men actually do equal parenting and then are invested in pushing these demands at the workplace.

<sup>15</sup> Although Okin certainly does not suggest that an employer may, under current conditions, be justified in discriminating against women with heavy family obligations, her analysis could have that application. She wants, and I would applaud, the humanistic changes that would facilitate the work and family lives of both men and women. Easily derived from her analysis of why women have an unjust home versus paid-work burden is the inaccurate conclusion that women are, therefore, less desirable employees. It is reminiscent of the U.S. Supreme Court’s resolution of *Phillips v. Martin-Marietta* (1971) in which it faulted the corporation for refusing to hire women with preschool children while it had no such policy for male job applicants. The Court found this to be violation of Title VII of the 1964 Civil Rights Act *only* because the corporation could not demonstrate that these women actually were less reliable employees. Okin is correct in insisting that we jettison the public/private dichotomy in which people are held individually responsible for their conditions and see family arrangements as a collective concern.

<sup>16</sup> In this respect, see Pateman (pp. 136, 142), arguing that women in the paid workforce are not workers, they are women.

<sup>17</sup> Gilligan’s observations (1982) about the significantly different voices of men and women need to be taken into account. If the workplace is built not just around male reproductive and family life experiences but also around male voices and male values, to the extent that these differ from those of women, will those continue to dominate the world of paid work and perpetuate the dis-

and how we will be able to break the cycle created by mutually reinforcing systems (some might argue, the same system).

Even though a thorough degendering of the family as envisioned by Okin may not fully undo the disempowerment of women socially, economically, and politically, it is in and of itself a good thing and would likely have salutary effects beyond family life itself. The question is, Is it a realistic plan?<sup>18</sup>

Okin's proposal for degendered marriages<sup>19</sup> and families is a very fine humanistic stand. From the feminist perspective, it has everything to recommend it over the traditional version. It is based on a recognition of the full human value of both parties, their equal responsibilities for running a household and rearing children, and a modicum of material security for each. It also builds in a series of "protections" with respect to divorce, as well as for the interests of those who continue in the traditional, and clearly, for women, more precarious, mode of union.<sup>20</sup> What Okin does not do is demonstrate why it would be adopted. If we turn back to

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crimination against women? Okin may well imagine that the kinds of differences between the genders Gilligan and others noted are only reflections of familial gendering and will become distinctly less apparent when, for example, both men and women are forced to be nurturing toward dependent people.

<sup>18</sup> While I am not here particularly concerned with the cost of the proposed policies, it must be noted that costly programs, such as universal, "quality" day care for children may be economical in the long run if parents are less stressed and children are more properly socialized. More effective in rebutting the argument that Okin's policy proposals are too costly, however, is the observation that such programs are commonplace in a large number of industrial democracies that in most cases are less wealthy than the United States.

<sup>19</sup> While Okin draws on data with respect to unmarried couples, both heterosexual and homosexual, in part in support of the degendering proposals, her thesis is primarily, if not exclusively, geared to reforming traditional heterosexual, monogamous, legalized marriages.

<sup>20</sup> While I agree with Okin that policies dealing with divorce need serious reform to equalize the living standards of former spouses and children, I believe that she is unnecessarily skittish about the means by which money should be equalized between spouses during a marriage. She suggests that in a "traditional" situation in which only a husband is an earner, the employer might write checks for half the wage earner's pay to each member of the marriage. Okin (p. 181) prefers this to a transfer of payments between the spouses: "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." What is not explored is why a "cash nexus" is inappropriate within a marriage. Not only are wages for household labor, as for any labor, inherently legitimate—and should flow naturally from Okin's larger analysis—but it is also surprising that she dismisses so easily what might well have been assumed by her readers as an important foundation for a equitable marriage. Perhaps it would be advisory for degendered couples with assets beyond subsistence to maintain both separate and joint assets, the former equalized at least annually, so as to balance the power within the marriage, minimize the possibility of hidden assets at the time of a divorce, and facilitate the ability of either party to leave an abusive relationship. These observations are no more "radical" than those of Professor Okin; they just take account of the undeniable significance and unavoidability of negotiating about money, whether in marriage or any other social sphere of life. Nothing in Okin's analysis of the marriage relationship would dictate that she find such a view inappropriate.

Pateman for the moment, Okin is confronted by a theory of the sexual contract that tells us that men marry women for reasons of hegemony, not egalitarian companionship. While Pateman maintains that the evidence is overwhelming that sexual access to women's bodies is the heart of the marriage "contract," and that this explains, for example, why most Anglo-American jurisdictions still retain a marital exception to rape, she also suggests that household services and the provision of children are benefits as well to men under the marital arrangement.

If, in fact, hegemony is a strongly motivating factor in the male decision to marry, would marriage as proposed by Okin serve the goals of men, or at least a large enough segment of males to make it a norm? I am not convinced that her policy initiatives would, in themselves, persuade the vast majority of men to participate in a degendered marriage and parenting relationship.<sup>21</sup> I am similarly unpersuaded that her policy recommendations would serve, in the long run, to perpetuate or preserve marriage as an institution.

From a feminist perspective it is interesting to speculate whether the society as reformed by Okin's proposals would provide any motivation for *women* to marry. If and when women achieve socioeconomic equality with men and a significant safety net in social welfare policy, will they seek permanent unions with men? The question may not yet be answerable, but that there is reason to doubt that marriage will be as attractive to women under this order is suggested by the Swedish experience. No country equals Sweden in its sexual equity in the division of material resources. In 1980, when American women were earning 65 percent of what men earned, Swedish women earned 90 percent of their male counterparts' income (Willborn 1989:138). Sweden also boasts the greatest equity between the sexes in the holding of wealth, has a minimum wage of nearly \$2,000/month, and has, by far, the most comprehensive system of social welfare in today's world. The latter includes, but is not limited to, universal health care, publicly funded child care for all children, a \$2,000/year grant to parents for each child under 18 years of age, and a minimum of five weeks' paid vacation per year. I am grateful to University of Lund sociologist Margareta Bertilsson for the observation that in a "woman-friendly" country like Sweden, with extensive social welfare policies, women do not need husbands. While Professor Bertilsson's

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<sup>21</sup> The Swedish experience is here apt. Although Swedish law offers the parents of newborns up to one year of leave from their jobs at 90 percent of their pay, to be divided between them as they choose, the option has been exercised by very few fathers. I offer this experience, with perhaps the contemporary world's most generous "degendered" familial policy, to illustrate that it may be a Herculean task to effect male involvement in child rearing. Where parents have committed to degendered child-rearing responsibilities, a policy such as the Swedish model would provide significant reinforcement for the decision. The policy may be less likely to bring about many such decisions.

observation may seem misogynistic, her point is well taken. Perhaps marriage for women is about dependency, and without dependency women will be unlikely to enter a marriage relationship. Perhaps this is why more than half the children born in Sweden are born to unmarried women.<sup>22</sup> Because in the Swedish experience this reproductive pattern is often associated with a long-term relationship with a specific man, the important point is that women have not necessarily written off men as partners; but they have to a significant degree eschewed marriage. The question that must necessarily be posed for Okin is whether we would find this happening as well in the United States under a more equitable distribution of socioeconomic security. At the end of the transitional period for which Okin offers her solutions, will there be an end to marital arrangements?

While my criticisms of Okin's solutions may seem to be, in a sense, fundamental, I am actually very much impressed by her effort. She has attempted to rescue marriage, to reformulate the relative advantages of the institution for the parties to it, and to find a way for women, within marriage, to live full lives as both paid workers and as members of families. In short, she has asked, How do we take what has been best in the lives of each gender in our society and make these goods available to both in a balanced and equitable way? While Pateman might criticize the effort as reflecting a basic misunderstanding of the institution of marriage, Okin should be applauded for offering a model of the arrangement that is far more just than that experienced by most wives and children in the contemporary world. The value of her model, in my view, is that it offers a variety of policy proposals, that, if adopted, would reinforce the relationships of those who seek to live under the more equitable pattern of marriage she envisions and may well nurture a (partial) next generation of adults with somewhat different expectations about their lives.

### CONCLUSION

At the outset of the essay I suggested that the Pateman and Okin books are important, provocative, and nicely complementary. Despite the similarity in the concerns both authors have expressed about marriage as an asymmetrical relationship, despite the similarities in their effective interweaving of normative theorizing with hard empirical data, and despite their apparently shared concern that the traditions of political theorizing on justice have ignored women and familial life, they have reached radically different conclusions and offered us very different alternatives.

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<sup>22</sup> It must be noted, of course, that this phenomenon is occurring in the country most advanced in the dissemination of sex education, the distribution and use of contraceptives, and with the most widespread availability of abortion. The pervasiveness of motherhood without marriage appears to be by "choice."

After an exhaustive philosophical, historical, legal, and social exegesis on male hegemony over women's bodies, which underlies and is reinforced by liberal contractarian philosophy, Pateman suggests that new forms of interrelatedness between men and women must be sought. Pateman's argument is taut, her evidence overwhelming in both strength and variety, and one is left convinced that liberal reform of marriage, or of public policy affecting the status of women, is not what is needed for women to achieve their empowerment. High on Pateman's list of suspect enterprises in this respect is the contemporary movement for gender neutrality, which, she argues, has simply reinforced male power and the male conception of the individual (p. 228). Some form of total restructuring of the social system is clearly indicated. While Pateman offers us no details about how to proceed, she provides one general guiding principle for the effort. The recognition of the "mutual autonomy" of men and women, and not *contract*, must be the basis for the limits on freedom necessary for there to be social order (p. 232). While some readers will, no doubt, be frustrated by the brevity of Pateman's conclusion to *The Sexual Contract*, it is nevertheless a tour de force in its analysis of the male sexual hegemony that underlies modern social institutions.

The most significant contrast between Pateman and Okin is apparent in the latter's belief that rather than invent new social institutions, we can clean up the ones that we have. Whereas Pateman's critique of the marital relationship leaves it with little redeeming social value for women, Okin sees great opportunities for making it an equitable partnership. All that is needed, in Okin's critique, is for husbands and wives to share housework, income generation, child rearing, material resources, and social and emotional support. With appropriate support from the workplace and the government for this concept of marriage, great changes in the status of women would be possible. Okin's view is obviously more optimistic than Pateman's, but not necessarily more persuasive.

Okin's views are further distinguished from those of Pateman by Okin's commitment to a philosophy of gender neutrality. She is sufficiently sophisticated in her thinking to operationalize degenderizing within a context of impact and social needs, avoiding the criticism that neutrality simply means that we would all be treated *like men*. She thus puts the best face on gender neutrality that feminists can expect. But in her elaborate scheme for promoting familial justice, she nevertheless retains a liberal faith that men will voluntarily relinquish their hegemony. Where Pateman may be criticized for giving her reader no blueprint for social change, Okin's weakness is that her detailed plan for social change rests on two questionable assumptions: that men will participate in degendered marriages and that the reform of familial life will rectify the inequities women experience in other spheres of life.



While these assumptions are open to serious empirical question, Okin has offered perhaps the best defense of the justness of the proposed reforms. This is in itself a tremendous feat.

Pateman and Okin have each offered us an alternative vision of the social order; each has taken us on a new journey; and each has displayed exceptional courage in challenging icons of their discipline. If not ignored by their theorist colleagues, both authors' books should figure prominently in future political discourse about justice.

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