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### Is Gender Justice a Completed Agenda?

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## IS GENDER JUSTICE A COMPLETED AGENDA?

THE FEMINIZATION OF AMERICA: HOW WOMEN'S VALUES ARE CHANGING OUR PUBLIC AND PRIVATE LIVES. By Elinor Lenz<sup>1</sup> and Barbara Myerhoff.<sup>2</sup> Los Angeles: Jeremy P. Tarcher, Inc. 1985. Pp. 276. \$15.95.

*Reviewed by Catharine Hantzis<sup>3</sup>*

The central argument of *The Feminization of America* is somewhat surprising and strangely compelling. Lenz and Myerhoff argue that women largely have won their struggle to enter the public sphere of American life and that, in the process, they have transformed both public and private spheres in ways that have produced more egalitarian relationships and greater human happiness. Because this transformation is nearing completion, the authors argue, we should put aside the feminist injunction to put women first; we should get, in their phrase, "beyond feminism" (p. 226). If their argument is correct, it has significant legal and political consequences. For example, if it is true that women are no longer disadvantaged, then courts might be justified in scrutinizing claims of gender discrimination less carefully and legislatures in concluding that policy choices favoring women are unnecessary and undesirable.

Because of the importance of this issue, it seems inevitable that a book such as *The Feminization of America* would be written. Women have spent the last century arguing that fairness requires equal treatment for women, and there is some evidence suggesting that, in the last decade, they have been heard. For example, in the last ten years, our conception of gender roles has changed dramatically, and these rapidly changing conceptions have produced some equally dramatic changes in the workplace and in the home. Women have entered the courtroom and the construction site; men have found their way to the supermarkets and the laundromats. Even the *Harvard Law Review* prints articles in which "she" is used as a pronoun for a hypothetical judge. With all this visible change, someone was bound to conclude that enough change has occurred that gender justice can be considered a completed agenda.

The question raised by Lenz and Myerhoff's analysis is the difficult one of how we decide when we have had "enough change." When do we say that racism and sexism have been eliminated from American society? As the ongoing debate over equal opportunity versus equal

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outcomes makes plain, this question is not entirely empirical.<sup>4</sup> It is, in part, a question about the extent of this society's aspiration to provide justice to disadvantaged groups. It is also a question about the nature of discrimination and oppression. If, for example, one believes that racism and sexism operate in an often unapprehended way to exclude blacks and women from certain kinds of professional advancement, the mere assurance that an institution will not use race or gender as a formal criterion for advancement will not seem like "enough change." Furthermore, when one addresses this question with respect to women in particular, it is complicated by the fact that women are different from men in at least one undeniable and relevant respect. Child bearing and rearing require, at this point in history, more of a commitment from mothers than they do from fathers. In an equal and just society, how should this fact be treated?

Lenz and Myerhoff confront the issue of "enough change" in two ways. First, it is clear that one of the reasons they think there has been "enough change" is that women appear to be better off than they once were. Second, they suggest that we can expect even more rapid improvement in the future because, in their view, the dominant male culture, which has traditionally enforced sexist values and policies, has begun to be transformed by an infusion of female culture.

My purpose in writing this Review is twofold. First, I will examine Lenz and Myerhoff's factual claims to see whether they are correct either about the current condition of women or about the spread of female culture. The second part relates to the notion of female culture. Is it a transformative culture, as the authors suggest? The title of their book suggests an ambiguity — do the authors think that women face a feminist future or a "feminine"<sup>5</sup> one? If we take their description of female culture as a vision of what the future holds, will that culture free women or further oppress them?

## I. THE CONDITION OF WOMEN: FEMALE CULTURE AS A PICTURE OF THE PRESENT

The claim that America has been feminized cannot, as a factual matter, be substantiated, whether it is interpreted as a claim about the status of women or as a claim about the spread of female culture. Economically, it is questionable whether women have grounds for

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<sup>4</sup> See, e.g., Baker, *Outcome Equality or Equality of Respect: The Substantive Content of Equal Protection*, 131 U. PA. L. REV. 933 (1983); Schar, *Equality of Opportunity and Beyond*, 9 NOMOS 228 (J. Pennock & J. Chapman eds. 1967).

<sup>5</sup> Susan Brownmiller argues that the ideal of femininity is one that has traditionally limited women both physically and emotionally. See S. BROWN MILLER, *FEMININITY* (1984). Lenz and Myerhoff do not seem to recognize the risk that celebrating female culture and values may reaffirm their oppressive characteristics.

celebration. Recent figures show that female-headed households are becoming poorer in comparison with households headed by male wage earners: the average income for a female-headed household has declined to fifty-two percent of the average income received by a male-headed household.<sup>6</sup> Although more women are working, the workplace itself is still highly segregated. A disproportionate number of women are still poorly paid secretaries, nurses, and teachers. Women in sales still sell cosmetics, not high-ticket, commissionable items. Women still assemble electronics at minimum wage while men drive trucks and assemble cars at union rates.<sup>7</sup>

It is true that women have entered several well paid professions in large numbers. Law schools, business schools, and graduate schools have turned out an army of female professionals who have taken their places in the traditional male world.<sup>8</sup> Although these pioneers are highly visible evidence that some change has occurred, a closer examination of their actual experience suggests that they present somewhat questionable evidence that America has been "feminized." Fortunately, two recent books — *Where They Are Now: The Story of the Women of Harvard Law 1974*<sup>9</sup> and *Women Like Us*<sup>10</sup> — tell us their stories. These books reveal a picture very different from that painted by Lenz and Myerhoff. Professional women are, with rare exception, suffering many of the marginalizing effects of tokenism,<sup>11</sup>

<sup>6</sup> Although 60% is the typically cited figure, by 1978, the average income of female-headed households had already declined to 52% of the income of male-headed households. See PANEL ON STATISTICS FOR FAMILY ASSISTANCE AND RELATED PROGRAMS, FAMILY ASSISTANCE AND POVERTY: AN ASSESSMENT OF STATISTICAL NEEDS 38-40 (D. Gilford, D. Affholter & L. Ingram eds. 1983). The disparity is even greater when female-headed households are compared to two-income families. The average family with one woman wage-earner receives only 38% of the income received by two-income families. See *id.* at 40. Although this comparison may seem unfair, it emphasizes that the poor in the United States are mostly women, many of whom are single.

<sup>7</sup> For a general discussion of sex segregation in the workplace, see SEX SEGREGATION IN THE WORKPLACE: TRENDS, EXPLANATIONS, REMEDIES (B. Reskin ed. 1984); P. ROOS, GENDER AND WORK: A COMPARATIVE ANALYSIS OF INDUSTRIAL SOCIETIES 50-52 (1985); Beller, *Occupational Segregation and the Earnings Gap*, in U.S. COMM'N ON CIVIL RIGHTS, 1 COMPARABLE WORTH: ISSUE FOR THE 80s 23 (June 6-7, 1984).

<sup>8</sup> It is important to note that when women came to be admitted to law schools in large numbers, they filled only some of the places created in the era of law school expansion during the 1960s and 1970s. From 1963 to 1978, law school enrollments soared from 49,000 to 122,000. In that time total female enrollments went from 2000 to 37,000. Thus, while there were 35,000 additional women entering law schools by 1978, there were also 38,000 additional men. See C. EPSTEIN, *WOMEN IN LAW* 53 (1981).

<sup>9</sup> J. ABRAMSON & B. FRANKLIN, *WHERE THEY ARE NOW: THE STORY OF THE WOMEN OF HARVARD LAW 1974* (1986).

<sup>10</sup> L. GALLESE, *WOMEN LIKE US* (1985).

<sup>11</sup> Lenz and Myerhoff claim: "One change that is a significant outcome of feminization is the demise of the 'token woman,' hired during the early days of affirmative action as a gesture of appeasement to the women's movement and who, in her isolation, felt constrained to conform

struggling against the career constraints posed by child bearing and rearing,<sup>12</sup> receiving lower salaries and facing lower prospects of success than their male classmates,<sup>13</sup> and confronting the serious danger of hitting a professional ceiling at the levels of middle management and junior partnership.<sup>14</sup>

Legally and politically, the outlook for women is no better. Many of the measures that women have proposed to improve their situation remain unrealized. The equal rights amendment has been defeated; women's newly won right to make decisions about whether and when to have children is being challenged; affirmative action has largely been scuttled by the Justice Department as "reverse" discrimination,<sup>15</sup> and courts have generally been unable to say what it means to treat men and women equally.<sup>16</sup> And if the legal, political, and economic news is not discouraging enough, one need only observe the fact of continuing victimization; the best empirical evidence is that women continue to be battered and raped in large numbers.<sup>17</sup>

so as not to rock the boat" (p. 68). Most of the women interviewed by Gallese and by Abramson and Franklin appeared to be isolated in their work environment, and some expressed a conviction that, because of this isolation, it was necessary for them to perform far better than their male counterparts. See J. ABRAMSON & B. FRANKLIN, *supra* note 9, at 62; L. GALLESE, *supra* note 10, at 295-300.

<sup>12</sup> In the chapter entitled "Reshaping the Family," Lenz and Myerhoff acknowledge some of the real economic and social difficulties facing women who are raising children. But their suggested answer to these difficulties — more realistic social programs and the new breed of "loving and involved fathers" (p. 109) — is simplistic. See *infra* note 18.

<sup>13</sup> See, e.g., J. ABRAMSON & B. FRANKLIN, *supra* note 9, at 298; L. GALLESE, *supra* note 10, at 250.

<sup>14</sup> See Hymowitz & Schellhardt, *The Corporate Woman: A Special Report*, Wall St. J., Mar. 24, 1986, § 4, at 1, col. 1. This danger is also well documented for black men who have ventured into corporate life. See G. DAVIS & G. WATSON, *BLACK LIFE IN CORPORATE AMERICA: SWIMMING IN THE MAINSTREAM* (1982).

<sup>15</sup> At least one commentator on racial discrimination has argued persuasively that when discrimination is properly understood, it cannot be "reverse." Racism operates in this society to exclude blacks from positions of power and privilege. That is discrimination. Affirmative action cannot therefore be "reverse" discrimination unless there is a radical realignment of racial and gender privilege. Instead, affirmative action is a claim for justice, addressed to a power structure that is largely white, either to change the process by which it excludes blacks or to admit that such a process occurs and make an adjustment for it. See D. BELL, *RACE, RACISM AND AMERICAN LAW* 444, 647-51 (1980).

<sup>16</sup> See, e.g., *General Elec. Co. v. Gilbert*, 429 U.S. 125 (1976) (holding that an employer's disability plan that failed to cover pregnancy-related disabilities did not violate title VII of the Civil Rights Act of 1964); *Oil, Chem. & Atomic Workers Int'l Union v. American Cyanamid Co.*, 741 F.2d 444 (D.C. Cir. 1984) (holding that an employer that gave fertile women employees the choice of being sterilized or losing jobs that unsafely exposed them to lead was not in violation of OSHA); Littleton, *Reconstructing Sexual Equality*, 75 CALIF. L. REV. (forthcoming 1987).

<sup>17</sup> See D. RUSSELL, *SEXUAL EXPLOITATION: RAPE, CHILD SEXUAL ABUSE AND WORKPLACE HARASSMENT* 49-50 (1984) (citing statistics showing that over 25% of all women are victims of completed rapes and that an additional 21% are victims of attempted rapes); U.S. COMM'N ON CIVIL RIGHTS, *BATTERED WOMEN: ISSUES OF PUBLIC POLICY* 1 (Jan. 30-31, 1978) (estimating

I assemble these facts to illustrate how truly extraordinary it is that a celebratory book like *The Feminization of America* could be written. How is it possible that two intelligent and respected social scientists studying women in America today could seriously present the thesis that America has been "feminized?" The answer is partly that Lenz and Myerhoff are the victims of a very common type of misperception. What is new and different (woman corporate presidents, househusbands) are especially visible even if relatively rare. What does not change (single mothers below the poverty line, unfair allocations of housework) remains in the background and unobserved. Thus, the authors report that America, spurred on by "the feminizing influence," is moving away from many archaic ways of thinking and behaving toward the promise of a "saner, and more humane world" (pp. 11-12), but they never seem to notice the many areas of American life that are still dominated by men and male values.

When two social scientists make such a claim, one expects them to support it, but the evidence that Lenz and Myerhoff produce is largely anecdotal. They refer to interviews, academic and popular literature, and to media commentary on changing personal and professional lifestyles. One's first response is to request more systematic empirical data. It is no doubt true that some fathers are taking more responsibility for child care, but how many fathers and how much responsibility? Are enough fathers taking enough responsibility that we should stop thinking that child care is primarily a woman's issue?<sup>18</sup>

Lenz and Myerhoff reach their controversial conclusion by ignoring the statistical evidence in favor of the anecdotal. In some circumstances, such neglect is justified. Statistical studies can mislead and misstate in a number of ways. Familiar problems arise in counting certain less visible members of the population. Survey questions are often poorly phrased and therefore fail to capture the underlying realities. And finally there is a chicken-and-egg aspect to most statistical conclusions. As Thomas Sowell has asked us: are black people poor because they are black or because so many of them live in economically depressed areas?<sup>19</sup> Statistics will not give us the answer. Anecdotal evidence, on the other hand, may help us better to under-

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that 1.8 million women annually are beaten by their husbands); see also Estrich, *Rape*, 95 YALE L.J. 1087 (1986) (discussing the problems that lead to the underreporting and nonprosecution of rape).

<sup>18</sup> See L. WEITZMAN, *THE DIVORCE REVOLUTION: THE UNEXPECTED SOCIAL AND ECONOMIC CONSEQUENCES FOR WOMEN AND CHILDREN IN AMERICA* 262 (1985) (citing evidence that more than half of the millions of child support awards ordered annually by courts in the United States go unpaid and unenforced).

<sup>19</sup> See T. SOWELL, *CIVIL RIGHTS: RHETORIC OR REALITY?* 80-82 (1984). Or to put the question a little differently, are black people poor because they live in areas that are economically depressed, or are certain areas economically depressed because they are inhabited by black people?

stand phenomena such as poverty by at least describing how it is experienced by a poor person. A person can tell us what the problem is from her perspective and in her own words. This evidence alone does not give us the complete picture, but it is a valuable first step in teaching us what to do about her situation. But Lenz and Myerhoff select their evidence to show only one side of the story. They ignore the statistical evidence that belies their conclusions. Anecdotal evidence can support the rather obvious claim that *some* change has occurred. It cannot, however, document the more controversial claim that *enough* change has occurred so that we should readjust our priorities. The undeniable problem with this claim is that the facts do not support it.

## II. FEMALE CULTURE AS A VISION OF THE FUTURE

With respect to female culture, I believe that the facts are only part of the story. Although the authors may be premature in their announcement of victory, they at least attempt to tell us what a victory for women could look like. This is an important project; aspirations play a major role in allowing human beings to resist societal expectations that oppress them. Thus, even if we are skeptical about the current presence of female culture in the male-dominated marketplace, a significant normative question remains: should women aspire to the kind of future that Lenz and Myerhoff describe? The answer depends upon whether female culture is, as Lenz and Myerhoff suggest, a transformative culture. What is "female culture," and what is its relationship to gender oppression? Do women, by possessing this culture, really possess the power to liberate themselves and to transform society?

The authors begin their discussion with the assumption that there are distinct "male" and "female" cultures. They define culture as follows:

Culture is a way of life, transmitted from one generation to another, a collective set of agreements about how to perceive and interpret the world. It is an adaptive arrangement, consisting of solutions to common problems, with an enduring though by no means unchanging pattern. (P. 6).

The difference that the authors identify between male and female culture is familiar.<sup>20</sup> Because women raise children, they have a

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<sup>20</sup> The authors here are quoting, and in general rely heavily on, the observations about gender differences reported by Carol Gilligan. Gilligan argues that female moral reasoning is marked by an ethics of responsibility and caring, whereas male moral reasoning tends to focus on questions of noninterference and individual rights. See C. GILLIGAN, *IN A DIFFERENT VOICE* 100 (1982).

"strong sense of personalism"; they are predisposed to identify with individuals rather than groups; they empathize with others, especially those who suffer; and they feel "a responsibility to discern and alleviate the 'real and recognizable' trouble of this world" (p. 9). Women are caretakers and nurturers and have developed a psychic mode adapted to these functions. Because the authors do not describe male culture, one is left to imagine it as an opposite to female culture. As such, it would presumably be a less caring, less responsible, more aggressive, and more group-oriented culture.<sup>21</sup>

Lenz and Myerhoff's notion of female culture is somewhat imprecise and uncritical. For example, on the one hand, they say that women are more oriented to the individual than to the group; on the other hand, they describe women as more likely to merge their individual self-interest into that of the group (pp. 9-10). The resulting picture is confusing. Do women think of others as individuals and themselves as members of a group? Or are women concerned only with that type of individual welfare that is achieved through satisfaction of group interests? It seems to me that neither of these generalizations is very plausible or a very sound basis on which to try to separate male and female culture.

These twin problems of groups and individuals and of gender differences are at the heart of the matter. Persons are both individuals and members of many groups. One important group to which every individual belongs is his or her gender group. An individual does not choose this group and cannot withdraw from it. As society is currently constituted, whether one belongs to one gender group or the other will determine the broad outlines and many of the details of one's existence. The very enormity of the consequences that attach to gender identity should make us curious about how gender differences came to be defined.

At least in terms of public writing, the answer is clear enough. From ancient Greece to the nineteenth century, it was men who developed theories about the nature of women and the kind of excellence to which they should aspire. Plato and Aristotle represent two recurring points of view regarding gender differences. On the one hand, Plato believed that there were real differences between the sexes in terms of strength, speed, intelligence, and wisdom.<sup>22</sup> Nonetheless,

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<sup>21</sup> In this and in many other ways Lenz and Myerhoff reverse the traditional problem of gender projection. Such projection imagines a "self" with the most desirable characteristics and then attributes all unwanted characteristics to the "other." The result is "objectification" of the other. It seems to me that feminists who glorify "female" attributes and denigrate "male" attributes are attempting counterobjectification rather than pursuing a strategy of liberation. See pp. 700-01 below for further discussion of gender projection.

<sup>22</sup> See PLATO: COLLECTED DIALOGUES 694 (REPUBLIC V) (E. Hamilton & H. Cairns eds. 1963).



for Plato gender differences were only average differences; he would allow that any individual female might be smarter and stronger than some individual man.<sup>23</sup> On the other hand, Aristotle believed that the differences between men and women were universal; men were rational beings whereas women, like slaves, derived their secondary status from their inherent inferiority.<sup>24</sup> Aristotle's conception of the inferiority of women created a dilemma for him in defining female virtue. It was necessary that women be said to possess virtue so that they could be exhorted to it; yet it was equally necessary that they not share in male virtue, because otherwise there could be no justification for male domination. Thus male virtue, for Aristotle, entails the familiar list: temperance, courage, and justice. A woman's virtue, on the other hand, was adapted to her station. Hence:

The temperance of a man and of a woman, or the courage and justice of a man and of a woman, are not . . . the same; the courage of a man is shown in commanding, of a woman in obeying. And this holds of all other virtues . . . All classes must be deemed to have their special attributes; as the poet says of women, "Silence is a woman's glory," but this is not equally the glory of man.<sup>25</sup>

For both Plato and Aristotle, the issue of gender difference was one of justification: how was the unequal treatment of women to be justified? And for both men, the question received the same answer: inferior treatment was justified by women's inferior nature. Plato, at least, would allow exceptional women to be treated as men.<sup>26</sup>

It was not until the nineteenth century that mainstream philosophers began to see gender differences not as a question of justification but as a matter for reform. John Stuart Mill, for example, argued in *The Subjection of Women*<sup>27</sup> that the differences between men and women were largely the result not only of social conditioning but also of real oppression. Justice, he thought, demanded that they receive full legal rights and access to any occupation that they might wish to

<sup>23</sup> See *id.*

<sup>24</sup> Aristotle argued, "the male is by nature fitter for command than the female." THE BASIC WORKS OF ARISTOTLE 1143 (POLITICA, Bk. I: ch. 11) (R. McKeon ed. 1941). It is interesting to note Aristotle's list of gender differences:

Woman is more compassionate than man, more easily moved to tears, at the same time more jealous, more querulous, more apt to scold and to strike. She is furthermore more prone to despondency and less hopeful than man, more void of shame or self-respect, more false of speech, more deceptive and of more retentive memory. She is also more wakeful, more shrinking, more difficult to rouse to action, and requires a smaller quantity of nutriment.

*Id.* at 637 (HISTORIA ANIMALIUM, Bk. IX: ch. 1).

<sup>25</sup> *Id.* at 1144-45 (POLITICA, Bk. I: ch. 13).

<sup>26</sup> See authority cited *supra* note 22.

<sup>27</sup> J.S. MILL & H.T. MILL, ESSAYS ON SEX EQUALITY 125 (A. Rossi ed. 1970).

undertake.<sup>28</sup> As much as one might prefer Mill's views to Aristotle's, both discuss gender differences within a framework that assumes that the male gender needs no discussion; the sole issue to be discussed is how different treatment for women can be justified or eliminated. Like Plato, Mill offers exceptional women permission to behave as men do; he does not offer an alternative vision of how women can be both happy and virtuous in a predominantly male world. Even for Mill, the historical oppression of women leaves them with only two choices. They can behave as oppressed females or as males who are not oppressed; there is no third or fourth or fifth alternative. That is the gender dilemma: we collectively lack a vision of a person who is virtuous, active, powerful, happy, and *not male*.<sup>29</sup>

Lenz and Myerhoff's vision of assimilation and transformation is an attempt to remedy just this difficulty. Even if it does not accurately describe the current state of affairs, it at least pictures women in the process of building a future in which they are powerful, active, and living in a society that has adapted to their needs. Some such aspirations are what motivate many women who struggle with competing demands of male and female roles. Whatever the deficiencies of its factual foundation, the book does something useful by articulating this vision and forcing us to examine it closely.

In making this examination, it is important not to forget that the origin of societal notions about gender differences is found in the historical power of men to define both male and female roles. Lenz and Myerhoff do not overlook the fact of male power; their text is filled with references to "dominant" male culture and male "hierarchies." But although they have not overlooked male power, neither have they analyzed it. Their discussion of power is limited to a brief attempt to distinguish male from female power. They describe male power as "control and domination over others" (p. 10). By contrast, female power is:

acknowledgement, the willingness to admit one's weakness as well as strengths; vulnerability, the recognition that our defenses are not impregnable and cannot protect us from the pain that is part of living; self-trust, the belief in one's own strength and integrity; and self-acceptance, the ability to live in peace with oneself. (P. 11).

<sup>28</sup> See *id.* at 189-203.

<sup>29</sup> A similar point is acknowledged by D.H. Lawrence:

Man is willing to accept woman as equal, as a man in skirts, as an angel, a devil, a baby-face, a machine, an instrument, a bosom, a womb, a pair of legs, a servant, an encyclopedia, an ideal or an obscenity; the only thing he won't accept her as is a human being, a real human being of the female sex.

This remark is quoted in *SISTERHOOD IS POWERFUL: AN ANTHOLOGY OF WRITINGS FROM THE WOMEN'S LIBERATION MOVEMENT* 633 (R. Morgan ed. 1970).

The distinction is made in order to clarify why women who so forcefully criticize male power and domination can seek "empowerment" in their own lives. Power in the male sense is bad; in the female sense it is much to be desired.

We might well wonder whether this concept of "female power" represents something that is really "female" or really "power." On the one hand, it borrows from psychological accounts of adjustment and self-knowledge: "self-trust, the belief in one's own strength and integrity." People who possess such self knowledge are obviously stronger, more "powerful," in some sense, than people who do not. On the other hand, the references to "weakness," "vulnerability," and "the pain that is a part of living" (p. 11) set the female tone.<sup>30</sup> Thus, when examined closely, the authors' concept of "female power" seems actually to be a description of a mature adaption made by women to the fact of their oppression.

Feminists have been discussing the nature of gender oppression for some time.<sup>31</sup> I offer the following as a summary of this discussion. Men, in general, dominate women and not the other way around. Sometimes it is done overtly, as in the case of a rape; most times it is done subtly, as in dominating a discussion by setting its agenda and its ground rules.<sup>32</sup> It is notable both that men enjoy this domination and that women submit to it even though it is not in their interest. Powerless to set the terms of the discussion, women are powerless to see that their interests are properly understood and counted. And because any action that is not unilateral is arrived at through discussion, this inability to be properly counted translates into a real disadvantage in material terms. Why, then, do women submit? Or, putting the question more generally, given the wide variations among individuals of both genders in degrees of assertiveness, why is it that male culture is dominant?

The answer is not that women are submissive by nature; it is that men have power. Power in this sense is not the "female" power that Lenz and Myerhoff describe; it is the option to control another's behavior by having the ability to make all alternatives to the desired

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<sup>30</sup> I do not mean to suggest that well-adapted men do not experience themselves as weak and vulnerable at some times. It is the centrality of these self-concepts that, for me, marks this definition as "female."

<sup>31</sup> For extended discussion of the nature of gender oppression, see S. DEBEAUVOIR, *THE SECOND SEX* (1953); A. BRITTAN & M. MAYNARD, *SEXISM, RACISM AND OPPRESSION* (1984); MacKinnon, *Feminism, Marxism, Method, and the State: An Agenda for Theory*, 7 *SIGNS* 515 (1982).

<sup>32</sup> For a detailed analysis of how this occurs, see A. SCHAFF, *WOMEN'S REALITY: AN EMERGING FEMALE SYSTEM IN THE WHITE MALE SOCIETY* 69 (1981); Steinem, *Men and Women Talking*, in *OUTRAGEOUS ACTS AND EVERYDAY REBELLIONS* 176 (1983). For the effect of agenda on substantive outcome, see Levine & Plott, *Agenda Influence and Its Implications*, 63 *VA. L. REV.* 561 (1977).

conduct very costly. Physical power is basic. Although acts of physical aggression are often not visible to the wider society, the studies of sexual harassment<sup>33</sup> and domestic violence<sup>34</sup> strongly suggest that it is absent neither from the workplace nor from the home. Institutional power also gets results. The boss gets obedience because he can make disobedience costly in ways both big and small. And if physical superiority and institutional power were not enough, the realities of economic power in this society frequently leave women little choice but to seek the protection and the earning power of a male companion.

It is not the case that all power in this society is exercised by males against females. There are women who beat up men, women bosses, and certainly women who are rich. Yet in the general run of things, these women are exceptional. Women as a sex are poor. In a world where most institutional power is held by men and where few women are immune from their power, the occasional woman boss does not constitute parity. Powerlessness is the central fact of female experience, and the essential question to ask about "female" culture concerns its relationship to powerlessness and the resultant gender oppression.

The answer to this question, I think, can be found in the notion of gender projection.<sup>35</sup> Consider the qualities that Lenz and Myerhoff ascribe to women. Women are more understanding and more empathic; women feel "a responsibility to discern and alleviate the real and recognizable suffering in this world" (p. 9). Ask yourself the following question: if you were going to be marooned on a desert island with one other person, and you could define the characteristics of that person, would you not choose someone with just those characteristics that Lenz and Myerhoff ascribe to women? Now suppose that it is not a desert island but a domestic one and that you and those of your gender can define the characteristics of the other gender. Would you not want the other gender to respond to individuals rather than groups and to merge their individual interest into that of the group? Would it not be better that "they" have an ethic of relating and caring rather than a preoccupation with individual rights?

When one gender projects convenient characteristics upon the other, it creates an obvious dilemma for that "other." It is good that women are sensitive to and responsive to the pain of those around

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<sup>33</sup> See C. MACKINNON, *SEXUAL HARASSMENT OF WORKING WOMEN* 26 (1979). For studies dealing specifically with the academic community, see B.W. DZIECH & L. WEINER, *THE LECHEROUS PROFESSOR: SEXUAL HARASSMENT ON CAMPUS* 13 (1984).

<sup>34</sup> Note also that it is not necessary for violence actually to occur; the threat of violence or the mere presence of one who is physically larger can coerce behavior without the need for a single blow.

<sup>35</sup> See *supra* note 21.

them. Yet when this quality is endlessly reinforced by a dominant male culture, does this admittedly desirable characteristic impose costs that individual women should not have to bear? For example, do women respond to pain that is not their responsibility? Or, more seriously, do women focus on the pain of others when responding to their own would be more to the point?

These questions make clear why many women must be deeply ambivalent about the issue of gender differences.<sup>36</sup> On the one hand, these qualities are what several thousand years of culture have convinced us are most valuable in ourselves as women persons. We understandably value these characteristics highly in our women friends and in the men we know who possess them. On the other hand, we are beginning to see that they operate as a culture, in Lenz and Myerhoff's terms, and that they provide both the framework within which we "perceive and interpret the world" and the "solution to common problems" of male and female interaction. The pervasiveness of this framework, together with its origins in a male-dominated world, should make us suspicious of those who want to celebrate women by speaking of gender differences.

I do not mean to suggest that gender differences are not an important topic for study. Understanding how gender oppression works is a good first step toward its elimination. But Lenz and Myerhoff want to describe gender differences in a way that makes us feel good about a state of affairs that is not good for women and makes women feel responsible not only for their own lives but for the entire transformation of society.<sup>37</sup> Does this really help us to eliminate gender oppression, or does it merely assist us in our continuing efforts to adapt to that oppression?

This confusion between adaptation and liberation is a central concern of feminist theory. For those who benefit from the status quo there are normative theories that purport to justify it. Theories about social contracts and choices from the initial position tell stories that justify apparent unfairness.<sup>38</sup> If someone is not treated fairly under the current state of affairs, these theories suggest that this unfair treatment is just what that person would have chosen under the relevant circumstances. They reaffirm the rights of some to do less

<sup>36</sup> John Stuart Mill noted this ambivalence in 1869 in his essay *The Subjection of Women*. He wrote that women "are declared to be better than men; an empty compliment, which must provoke a bitter smile from every woman of spirit, since there is no other situation in life in which it is the established order, and quite natural and suitable, that the better should obey the worse." J.S. MILL & H.T. MILL, *supra* note 27, at 213.

<sup>37</sup> For example, they assert that it is up to women with their "holistic" concerns about the environment and nuclear war to affect public policy on this score (pp. 179-80). If women cannot secure passage of the equal rights amendment, how can we expect them to affect highly controversial questions of national policy?

<sup>38</sup> See, e.g., R. NOZICK, *ANARCHY, STATE AND UTOPIA* (1974).

and get more. A different type of theory is held by those who are disadvantaged by the status quo. Such people tell stories about change and transformation, which suggest that people who do more and get less must do more and get less in order to bring about the state of affairs that they desire. We should be a little suspicious of such stories, because they can provide internal reinforcement for oppressive societal demands.

To see how real this concern is, we need only examine the next-to-last chapter of *The Feminization of America*, in which the authors begin to sound less like social scientists and more like writers for *Cosmopolitan*. In this chapter they describe the "new" woman, the "hybridized" woman (pp. 219-25). This woman always responds appropriately — a veritable tiger in the boardroom or an affectionate kitten in the bedroom; "her blazer/skirt uniform conceals sexy lingerie" (p. 222). The perfection in her emotional responses has brought the rewards of a perfect career and of a husband who is not threatened by her superior success. "Her career has not only progressed better than her husband's, but has also been financially more rewarding as well as more rewarding in other ways" (p. 222). All in all, she is a paragon who meets everyone else's expectations concerning her behavior. This story is familiar, and unfortunately, it is the standard against which many women measure their own brave efforts at success. It is no accident that they fall short; as women have learned for countless centuries, it is not possible for a person to be all the inconsistent things she is expected to be.

Lenz and Myerhoff's vision of feminine culture glorifies women but never questions the gender identity that oppresses them. In contrast to the new woman's role, the new man's obligations are to "enlarge his sphere of choices" and "relinquish his role as breadwinner" (p. 203).<sup>39</sup> This role simultaneously marginalizes men and frees them from any responsibility for gender oppression. The authors claim that women possess all the important characteristics for human happiness and survival while men possess harmful and aggressive qualities; thus, it is women and not men who must shoulder the burden of transforming society. Although women will be assisted in this task by what the authors call "new" men, these men seem to be nothing but women in disguise. This "objectification"<sup>40</sup> of the male gender leaves men in the traditional female dilemma — if they want to do something useful and valued, let them become persons of the preferred gender.

This approach is wrong not only because it does not treat men as persons but also because it overlooks the fact that gender oppression

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<sup>39</sup> With so many women who are the sole support for children, it is highly questionable whether feminists should be urging men to forego their role as breadwinner.

<sup>40</sup> See *supra* note 21.

cannot be solved without male cooperation.<sup>41</sup> All men have the power to oppress women less; powerful men have the power to transform society. It further overlooks the fact that societal oppression is not limited to women. It is a political victory that men sometimes make coffee and care for children, but a political program that focuses primarily on concerns of this type is not a program that will end oppression.<sup>42</sup> In light of these facts, a sensible theory for social change should not devalue concerns about justice and individual rights as outmoded "male" values.

### III. CONCLUSION

The question of "enough change" is complicated by the fact that change is an illusive phenomenon. It is, at this time and place, impossible to determine whether things are really changing for women in ways that significantly improve their lives. There are more choices for more women. Of that much we can be sure. We can and should celebrate that fact. When, however, there are persuasive indications that poverty, sexual assault, and violence continue to plague women in large numbers, we should be careful that our celebrations do not render their sufferings once again invisible.

I am also concerned that premature celebration not obscure the extent to which the problem of female oppression has persisted in the face of more choice for more women. Even women with more choices must respond to an environment that makes many inconsistent and competing demands and that is likely to discount women's needs and interests. Lenz and Myerhoff seem to suggest that it is female culture that will ultimately resolve this problem. Given, however, that female culture is rooted in female oppression, it seems to me obvious that we need to give serious attention to the project of reconstructing our culture in ways that help us eliminate rather than adapt to female oppression. The problem with theories of transformation and change is that they lead us to draw false assurance from the future. We need, instead, to focus on the present and to pose truly transformative

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<sup>41</sup> The separatists, of course, have a strategy that does not require male cooperation. See, e.g., Frye, *Some Reflections on Separatism and Power*, in *WOMEN AND VALUES: READINGS IN RECENT FEMINIST PHILOSOPHY* (M. Pearsall, ed. 1986); Penelope, *The Mystery of Lesbians: I*, 1 *LESBIAN ETHICS* 7 (1984). This option seems to me to be wholly legitimate whenever it is practical.

<sup>42</sup> Bell Hooks, for example, argues that the feminist movement has failed to create a mass movement to end sexist oppression because of its failure to recognize the diversity of concerns that confront women on the margin. See B. HOOKS, *FEMINIST THEORY: FROM MARGIN TO CENTER* (1984).

questions. What do we want? What should we expect of ourselves? Asking these questions will not "feminize" America, nor will it alter the facts of male power and domination. However, in focusing on these questions, perhaps we will be cooperating in our own oppression less than when we tell ourselves that present sacrifice is warranted in order to reach a "feminized" future.