Title: *Liberalism, Neutrality, and the Gendered Division of Labor*

(Note: I am open to re-thinking this title. Ideally, I’d like a title that appeals both to people in political philosophy who don't work specifically on gender justice and to people who think about gender justice, but don’t have extensive background in political philosophy.)

The Project:

The project of the book is to defend a certain set of progressive political interventions as *legitimate exercises of coercive political power*. Specifically, I will focus on the gendered division of labor, which is widely regarded as the core of gender injustice. The process of gender equalization in domestic and paid labor allocations, which began decades ago, is stalled. A growing number of scholars argue that, absent political intervention, further eroding of the gendered division of labor will not be forthcoming anytime soon. Certain political interventions to promote gender egalitarianism could jumpstart the stalled gender revolution, but critics regard such political interventions as *illegitimate* exercises of political power. These critics seem to have a point. The interventions in question would effectively subsidize gender egalitarian lifestyles at a cost to those who prefer to maintain a traditional gendered division of labor. In a pluralistic, liberal society where many citizens reasonably resist the feminist agenda, can scarce public resources be used to finance coercive interventions to subsidize gender egalitarianism? I argue that they can, and moreover, that they can *even by the lights of a particularly demanding theory of liberal legitimacy*. 

Main aims and themes:

Over the past several decades, women have significantly increased their participation in the paid labor force, and we have witnessed a corresponding increase in the number of dual-earner families. Because women’s increased labor-force participation means that fewer families have a full-time “housewife” to care for the home and family, many anticipated the transition of women into the workplace to be accompanied by an increase in the amount of unpaid domestic labor performed by men. For the most part, this increase has not been forthcoming. While women have transgressed into traditionally male realms of paid work outside the home, there has been no comparable uptake of traditionally female work by men. Household divisions of labor remain unequal, with women in every industrialized country continuing to do the majority of housework and childcare.

While social attitudes about women’s fitness for work outside the home have evolved in the direction of gender egalitarianism, social attitudes about men performing unpaid domestic work have changed little. And social attitudes about how both men and women should *manage trade-offs* remain more gendered still. The prevailing attitudes dictate that, when the demands of home and the demands of work conflict, women *should specialize* in caregiving, even if not to the complete exclusion of paid labor, and men *should specialize* in paid labor. And, even as women and men increasingly prefer *not* to specialize, the design of labor markets remains predicated on the model of breadwinner/homemaker specialization. For example, presumed specialization enables employers to enforce expectations that ideal employees are breadwinning specialists, and that they will therefore largely be free of caregiving obligations. This is clearly bad for women,
whose disproportionate share of unpaid domestic and caregiving labor makes it more difficult for them to compete in labor markets. But the gendered division of labor also harms men and children. Even partners who want a gender egalitarian arrangement of paid and unpaid labor must contend with the demanding workplace expectations that reinforce—and are reinforced by—breadwinner/homemaker specialization.

The gendered division of labor is thus maintained by interactions among three mutually reinforcing mechanisms: first, social institutions like labor markets still presume specialization and therefore make non-specialization a costly option for individuals; second, gender norms about who is best equipped to do what kind of work still influence the choices families make against this backdrop of presumed specialization; and third, the choices individuals make in interacting with social institutions remain compliant with presumed specialization and gender norms, in large part because non-compliance is so costly.

Certain types of political interventions could interfere with these mechanisms and undermine the gendered division of labor. These interventions effectively subsidize gender egalitarian labor allocations relative to the status quo, thereby incentivizing noncompliance with gender norms. In the short run, these “gender egalitarian interventions” induce families to share paid and unpaid work more equally. In so doing, they have the capacity over the long run to undermine the norms—and change the social structures—that sustain the gendered division of labor. The most promising gender egalitarian interventions include family leave provisions (including those with mechanisms to induce more men to take leave); work time regulation (including interventions to limit working hours and encourage employers to provide proportional benefits for part-time work); and social supports for childcare.

There is good evidence that such interventions could make our society more gender egalitarian. But beyond their projected efficacy, these interventions need another kind of justification. In a diverse, liberal state, reasonable citizens will disagree about what makes for a good life and a good society. Because a fundamental commitment of liberalism is to limit political intrusion into the lives of citizens and allow considerable space for those citizens to act on their own conceptions of the good, questions of legitimacy arise. Legitimacy concerns the constraints we must abide when we use our collective political power to enact change in society, given that exercises of our political power influence lives and constrain choices in ways that many will find unwelcome.

The legitimacy challenge can be seen most clearly by looking at the case of family leave provisions. To be effective in serving gender egalitarian ends, leave policies must include some mechanism to induce take-up from men. For example, leave may be allocated to mothers and fathers separately, on a non-transferrable basis, so that the father’s leave time, if not taken up, is forfeit. Clearly such a policy will be unwelcome by families who prefer to have one partner take the leave that the policy divides non-transferrably between both partners. Such a policy, then, would appear to be an exercise of political power that promotes one way of life at a cost to others. Is it legitimate for political power to be used in this way?

This case makes the legitimacy challenge vivid, but the challenge must be met on behalf of gender egalitarian interventions more broadly. The gendered division of labor is sustained in part
by the choices individuals make about how to allocate paid and unpaid labor within cooperative
domestic relationships. These choices collectively help perpetuate gender norms, and while the
choices are likely due in large part to social structures whose design takes breadwinner/caregiver
specialization for granted, the causal relationship here is, plausibly, bi-directional. For example,
employers have been able to enforce expectations that employees will be largely free to prioritize
paid labor over caregiving precisely because workers’ deviation from the breadwinner/caregiver
specialization model—and their noncompliance with the workplace expectations that model
perpetuates—has been incomplete. In other words, the gendered division of labor persists
because individuals choose, in sufficient numbers, to make gender a salient consideration in
determining how to allocate labor within their domestic partnerships. Gender egalitarian political
interventions subsidize noncompliance with this model of breadwinner/caregiver specialization,
and so make it costlier—relative to the status quo—to maintain a traditional gendered division of
labor. Given that the status quo is sustained by choices that individuals make, and given that
many citizens will reasonably prefer the status quo distribution of benefits and burdens, is it
legitimate for political power to be used to subsidize a particular lifestyle at a cost to others?

The project of this book is to answer that question in the affirmative: Political interventions
aimed at bringing about a more equitable sharing of paid and unpaid work within families are
legitimate. Even more strongly, I argue that, under the circumstances that obtain in our society, it
is politically illegitimate to abstain from enacting these interventions. My argument turns on the
fundamental liberal concept of citizenship. I argue that citizens, properly construed as free and
equal, would insist that the state protect the “genuinely available opportunity” for citizens to
enact gender egalitarian lifestyles. I argue, moreover, that our current gendered norms and labor
structures effectively foreclose the availability of such lifestyles. Because the conception of
citizens as free and equal persons is at the normative heart of liberalism, liberal theories of
justice not only can countenance political interventions to redress this situation; their most basic
theoretical commitments demand such interventions.

I execute this argument within the constraints imposed by particularly demanding standard of
legitimacy: liberal neutrality. The standard that exercises of political power must be neutral in
order to be legitimate is not only a demanding standard; it is also a controversial one. I
nonetheless use neutrality as my standard of legitimacy for the purposes of evaluating gender
egalitarian interventions for two reasons: First, because it is so demanding, it sets a daunting
argumentative burden which, if surmounted, generates a very strong defense of the legitimacy of
the interventions in question. If the interventions can be shown abide by the requirements of
neutral liberal legitimacy, then they are almost sure to abide by the requirements of liberal
legitimacy differently construed, since other construals are more permissive. Second, I believe
that much of the controversy regarding the neutrality constraint on liberal legitimacy
misunderstands that constraint. Once clarified, the constraint itself is more appealing than it is
taken by its critics to be, and part of my project will be to show why.

In a slogan, the project the book is to offer a novel reconciliation of liberalism and progressive
feminism.
Relationship to the existing literature:

It has long been recognized that there is a tension between liberal constraints on legitimacy and the feminist aims of promoting gender justice. Foundational work on this tension came out in Susan Okin’s constructive criticisms of Rawls’s *Theory of Justice*, and then her less optimistic criticisms of his reorientation of his theory in *Political Liberalism*. The conversation continues, and there are some excellent journal articles and book chapters by feminist liberals who share my aim of situating feminist projects within liberal commitments, and by two sets of opponents: first, feminists who argue that those committed to gender justice should give up on liberalism precisely because it cannot accommodate feminist aims; second, liberals who oppose progressive gender egalitarian interventions precisely because they take those interventions to be incompatible with liberal commitments. My project uses the foundational work to set out the problem and the parameters within which an argument for gender egalitarian interventions must be developed in order to be liberal. It addresses and responds to those who argue against the possibility of reconciling liberalism and feminism. And it uses the existing proposals for how to execute such a reconciliation as a point of departure.

Given the above, its intellectual contribution:

I think of the intellectual contribution of my project in three ways: First, independently of the gendered division of labor, I will defend a particular construal of what liberal legitimacy demands. This contribution has applications beyond the gendered division of labor. I hope to explore these more fully in later work; this project will set the foundation.

Second, while I share other theorists’ goal of reconciling liberalism and feminist aims, I think the strategies that others have executed for accomplishing this are unsatisfactory. My project offers a taxonomy of the strategies on offer, and attempts to show why they are, in different ways and to various degrees, inadequate. I argue that the strategies on offer are not philosophically satisfying, and that many of them are practically problematic because they generate misguided prescriptions for reform.

Third, while there are journal articles and book chapters that undertake to argue for political remedies for the gendered division of labor, and while some philosophers undertake to develop such arguments within the constraints of liberal legitimacy, there is not—to my knowledge—a book length work of political philosophy that undertakes to provide a liberal defense of progressive interventions to remedy the gendered division of labor.

The nature of the research it is based on:

First is the philosophical literature on liberalism and neutrality. This includes work by scholars like John Rawls, Bruce Ackerman, G.A. Cohen, Gerald Gaus, Stephen DeWijze, Will Kymlicka, Charles Larmore, Liam Murphy, Blain Neufeld, Jonathan Quong, Michael Sandel, Andrew Williams, etc. This literature will be especially important in Chapters 1, 4, and 6 (see below).

Second is the feminist literature on the gendered division of labor. Some of this overlaps with the philosophical literature on liberalism, and my main interlocutors will be in this space of overlap.
Some feminist philosophers have rejected liberalism on the grounds that it cannot license the progressive gender egalitarian interventions I am concerned to defend, and I address those theorists in my discussion of liberal neutrality, when I set up the argumentative burden that I want to try to surmount (Chapter 1). Other feminist philosophers have tried to do what I want to do: to reconcile liberal neutrality with feminist aims. I will address this part of the literature in Chapters 2, 3, and 5, when I argue that the strategies on offer are not fully satisfactory, but nonetheless helpful in moving toward a more promising approach to reconciliation. This literature includes work by scholars such as Christie Hartley, Lori Watson, Amy Baehr, Elizabeth Brake, Ruth Abbey, Harry Brighouse and Erik Olin Wright, Ann Cudd, John Exdell, Anca Gheaus, Sharon Lloyd, Martha Nussbaum, Susan Moller Okin, Ingrid Robeyns, etc.

Finally, there is an empirical literature that I will draw on for two purposes: First, to motivate the project for the reader. I need to show that domestic labor allocations continue to be gendered despite the progress of feminism in paving the way for women to be recognized as worthy contributors outside the home; that this phenomenon continues to be harmful; and that political remedies could be effective in remedying it (mostly, Introduction and Chapter 1). The second use of empirical literature will come in the main positive argument of the book. Much of my argument will be developed as a conditional: If a certain set of circumstances obtain, then the political remedies are legitimate. After having defended that conditional, I invoke the empirical literature to show that the condition actually obtains—that the relevant circumstances are actual (mostly, Chapter 7). A few of the most important contributors to this literature are Janet Gornick and Marcia Meyers, Kathleen Gerson, Arlie Russell Hochschild, Joan Williams, etc.

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Description of the potential coverage of each chapter:

Introduction

The Introduction is meant to draw out the tension between liberalism and feminism at the most basic level so as to orient readers uninitiated in some dimensions of the problem I undertake to explore. I begin by explaining, in broad outline, how the ideal of gender equality in domestic and paid labor remains elusive. In doing so, I gesture toward the data I will canvass in greater detail in Chapter 1. (NOTE: I avoid citing a lot of literature in the introduction, both to keep it readable and because I cite the relevant data at later points in the book. I can certainly incorporate more
citation if that’s a better way to proceed. As it stands, I cite only bits of data that I don’t plan to engage with more fully later in the book.) The aim here is to illustrate why contemporary feminists widely regard the gendered division of labor as a crucial, if not the most crucial, component of gender injustice. I go on to introduce the concept of liberal legitimacy, the ideal of mutual respect that it aspires to realize, and the neutrality constraint that systematizes that aspiration. These concepts are introduced only at the most basic level, so that readers can begin to feel the pull of the problem: how controversial progressive exercises of political power meant to further a controversial progressive ideal of gender justice can be made consistent with the liberal ideal of mutual respect. Finally, I provide a brief outline of the rest of the book.

Chapter 1: A Stalled Revolution and the Gender Egalitarian Policy Agenda

I describe the findings of the empirical literature on the gendered division of labor, demonstrating that labor remains unequally distributed according to gender, that this inequality has negative consequences for both women and men, and that political interventions can be effective in inducing families to share work more equally. The main goal in this review of the empirical literature is to motivate the project. Because the gendered division of labor persists, because it is harmful, and because interventions can be effective, those interventions must be regarded as live options for social policy. Whether or not they are ultimately justified depends on whether they can be shown to constitute legitimate exercises of coercive political power.

I go on to set out the menu of gender egalitarian interventions that would be, if implemented, promising strategies for eroding the gendered division of labor and making society more gender just. Using the case of family leave initiatives, I show why it appears that the arguments on offer can’t constitute adequate defenses of the interventions compliant with the constraints of liberal legitimacy. I then show that the same problem appears to befall even the less obviously intrusive interventions, like work-time regulations.

Finally, I explore political liberalism’s commitment to mutual respect. I work to get more precise about what the gender egalitarian interventions in question do, why they are appropriately regarded as subsidies for gender egalitarian lifestyles, and why subsidizing gender egalitarianism seems, intuitively, to be at odds with mutual respect. The idea here is to build a rough understanding of the reciprocity considerations embedded in the ideal of mutual respect, before turning in Chapter 2 to a more precise unpacking of the theoretical apparatus of political liberalism and liberal legitimacy.

Chapter 2: The Challenge of Liberal Legitimacy

There are a few “easy fixes” or “work-arounds” that are likely to tempt a reader who is motivated by the project to justify gender egalitarian interventions. These fixes amount to attempts to dispel the apparent tension between the progressive feminist political agenda and a commitment to liberal legitimacy. Showing why these attempts are unsuccessful both clears the way for consideration of more promising solutions and allows for a more nuanced understanding of the neutrality constraint itself. I begin by using the foundational understanding of mutual respect built in Chapter 1 to clarify the politically liberal framework built upon that ideal: in particular, the neutrality constrain on liberal legitimacy. Once the relevant notion of neutrality is
clarified, the reader will see why it imposes a daunting argumentative burden for those who hope to justify progressive political interventions to promote justice—both justice generally and gender justice in particular.

I then turn to the tempting “work-arounds.” First, we might be tempted to dispel the tension by arguing that traditional gendered labor allocation choices are non-voluntary, or that those who oppose gender egalitarian policy are unreasonable. If the former, gender egalitarian choices would not be the kinds of choices that must be respected within liberal political institutions; if the later, opponents of gender egalitarian policy would fall outside the justificatory community that liberalism is committed to respecting. A second temptation is to argue that the gendered division of labor violates basic liberties, and so can be politically remediated on those grounds, even if the means of remediation are controversial. I consider each of these possibilities and show why they are not promising fixes. The main goals of Chapter 2 are to familiarize the reader with the relevant theoretical commitments of liberalism, to illustrate liberal neutrality’s apparent proscription of gender egalitarian interventions as illegitimate uses of political power, and to show that the problem is genuine and cannot be easily dispelled by some tempting quick-fixes.

Chapter 3: The Mal-Distribution Strategy

In this chapter, I critique what I take to be the prevailing strategy for defending gender egalitarian political interventions as legitimate exercises of political power that abide by the neutrality constraint. According to this strategy, the gendered division of labor constitutes or causes unjust distributions of goods, and gender egalitarian interventions can be legitimate means to remedy those unjust distributions. This strategy is appealing because of its apparent promise of justifying gender egalitarian policies without making any judgments as to the relative value of gender egalitarian and gender inequalitarian lifestyles. By locating the problem in the distributional consequences of a certain set of choices, we might think, we can avoid making value judgments about the choices themselves, and thus avoid running afoul of the neutrality constraint.

I argue that, despite its appeal, this strategy is inadequate. There are two main steps to this argument: First, the distributional strategy is not compliant with the neutrality constraint in the way that its proponents have claimed; second, independently of liberal legitimacy, the injustice of the gendered division of labor is not best diagnosed as distributional. The main arguments from this chapter have been developed in my article in *Oxford Studies in Political Philosophy*.

Chapter 4: The Family and the Basic Structure

In this chapter, I begin the work of defending my own approach to justifying gender egalitarian interventions. The first step is to defend against a line of thought according to which the interventions are categorically illegitimate due to the fact that they aim to influence the decisions individuals make within their families. There are both naïve and sophisticated versions of the idea that the family is categorically off-limits to political intervention. I first explain why it is implausible to think that the family is immune to claims of justice because it belongs to a “private realm” to which standards of fairness do not apply. I then evaluate the restriction of justice to institutions. The traditional liberal view holds that institutions and structural features of
society are the primary subject matter of justice, and that principles of justice apply to individuals’ behavior only derivatively. This traditional view is exemplified by John Rawls’s Basic Structure restriction. Critics of this view maintain that it too narrowly construes the purview of justice, and that principles of justice can also apply directly to the behaviors of individual agents. If the Basic Structure restriction is vindicated, that would apparently condemn gender egalitarian interventions as illegitimate on their face. I argue that some version of the Basic Structure restriction is defensible, but that such a version will not categorically classify gender egalitarian interventions as illegitimate.

In executing this defense of a “minimally restrictive basic structure restriction,” I sketch a novel account of the purview of justice. I argue that justice is restricted in scope, but that it is restricted in such a way as to leave open the possibility of legitimate interventions within the family. Importantly, the premises I invoke are the same basic liberal normative commitments that undergird liberalism’s commitment to the neutrality constraint: The same considerations that justify imposing that constraint on exercises of political power also justify allowances of certain interventions, under certain circumstances, that liberals have tended to regard as out-of-bounds. This chapter will draw on arguments from my article in Philosophy and Public Affairs.

Chapter 5: Citizenship and Gender Hierarchies in Political Liberalism

The argument developed in Chapter 4 highlights the role of citizenship in questions of liberal neutrality. I will have argued, essentially, that political legitimacy is a matter of what exercises of political power citizens would accept, where citizenship is characterized in a particular value-laden way. In Chapter 5, I will consider the work of liberal feminists Christie Hartley and Lori Watson. In a series of recent journal articles, Hartley and Watson argue that political liberalism—and in particular, liberalism’s commitment to the realization of citizenship—imposes substantive feminist requirements on the just liberal state.

I agree with Hartley and Watson that the liberal concept of citizenship holds the key to justifying progressive gender egalitarian political interventions. I argue, though, that their argument does not succeed. Hartley and Watson argue that gender egalitarian interventions are justified on the grounds that gender injustice threatens citizenship. I will show, however, that their arguments establish only that a hierarchical gendered division of labor undermines citizenship. This limitation is problematic for two reasons: First, the gendered division of labor is not essentially hierarchical, and morally objectionable harms inhere in its non-hierarchical components. Second, the policy initiatives licensed by a hierarchical diagnosis of the gendered division of labor would actually exacerbate the morally objectionable harms that inhere in the non-hierarchical features of the gendered division of labor. Hartley and Watson’s argument may offer a partial reconciliation of liberalism and feminism, but on its own it is worse than incomplete: It could further entrench the injustice of the gendered division of labor.

This chapter will draw on arguments from an article I contributed to the edited volume The Equal Society, but they will need to be substantially revised and updated. Hartley and Watson are currently working on a book manuscript, one chapter of which attempts to answer the challenges I raise for their strategy. I do not find their answers to be satisfactory, and will refine the challenges I raise for their strategy to show why not.
Chapter 6: A Neutral Case for Autonomy Promotion

In Chapter 2, I will have defended a construal of the neutrality constraint according to which political interventions are legitimate only insofar as they are defensible on the basis of reasons that derive from essential interests of citizenship. Now, in Chapter 6, I will elucidate the notion of citizenship that rightly informs the neutrality constraint. Such a notion of citizenship also rightly informs the criterion of reciprocity, which I will argue is the positive corollary to the neutrality constraint: On the basis of citizenship interests, neutrality limits coercive political intervention; on the basis of citizenship interests, reciprocity positively demands certain coercive political interventions. This generates a framework within which to justify certain progressive political interventions consistent with liberal neutrality. Based on political liberalism’s conception of citizenship, we can attribute to citizens certain fundamental interests. When those interests are jeopardized and when they can be protected without jeopardizing other stronger interests of citizenship, exercises of political power to protect the interests in question are interventions whose omission citizens cannot accept—they are interventions that the criterion of reciprocity demands.

A basic commitment of modern liberalism is that, while political institutions should be ordered by liberal values, individuals should be substantially free to reject those values within their own lives. I will argue, though, that certain liberal values nonetheless have a privileged status that allows for their promotion, consistent with the neutrality constraint. This is so because under certain circumstances their promotion is necessary for the preservation of essential interests of citizenship; as such, their promotion is required by the criterion of reciprocity. Among other things, this provides a framework for justifying interventions to promote substantive enactments of autonomy. This is crucial to laying the foundation for the argument developed in Chapter 7.

Chapter 7: The Political Case for Gender Egalitarianism: A Stability Argument

In the final chapter, I argue that, to be stable, any just politically liberal society must ensure for all citizens the “genuinely available opportunity” to live out a gender egalitarian lifestyle. Substantively autonomous individuals will value their capacity to choose whether to abide by a traditional gendered division of labor. Because (as I argued in Chapter 6), many citizens in liberal societies will value their self-conceptions as substantively autonomous, such a society risks instability insofar as it tolerates formidable systemic obstacles to the enactment of gender egalitarian lifestyles. Because there is a citizenship interest in stability, we can conclude from these premises that there is a further citizenship interest in maintaining the genuine availability of gender egalitarianism as a lifestyle choice. If persistent gender norms and social institutions built upon the assumption of breadwinner/homemaker specialization constitute formidable obstacles to the enactment of gender egalitarian lifestyles, then citizens’ interest in stability will lead them to insist on interventions to remove these obstacles and preserve the genuine option to enact gender egalitarian lifestyles. Because the criterion of reciprocity defines legitimacy in terms of citizens’ insistence and acceptance, the fundamental normative commitments of liberalism demand gender egalitarian political interventions under these circumstances.
I go on to argue that the circumstances demanding special protection for gender egalitarianism obtain in the United States today. Powerful empirical evidence suggests that gender norms and institutions do constitute formidable systemic obstacles to the enactment of gender egalitarian lifestyles. I conclude that gender egalitarian interventions are a legitimate and obligatory means to making our society more gender just. In societies marked by entrenched gender norms and social institutions that take those norms for granted, gender egalitarian political interventions are not only legitimate; they are required. The just politically liberal state cannot legitimately decline to enact them. This chapter will draw on my article in *Philosophy, Politics, and Economics*.

**Conclusion**

Likely length:

70k words (about 7k of which will be bibliography)

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