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The Deconstruction of Marriage, Part 2: Is the Political Economy of Gender-Based Affirmative Action Good for the Home Economy?

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WHEN THE NEW GOVERNOR OF VIRGINIA, Bob McDonnell, was on the campaign trail last summer, the *Washington Post* expressed alarm about his 1989 master's thesis that had noted, among other things, the impact of rising rates of labor-force participation among mothers on the well-being of children and the health of the family. Fearing that his research paper would distract from his disciplined focus on "jobs," the Republican candidate moved quickly to distance himself from a controversy the newspaper seemed anxious to create. He told the media that the matter he had written about at Pat Robertson's graduate school twenty years ago "was simply an academic exercise and clearly does not reflect my views." In fact, he pointed out that his wife and three grown daughters currently work outside the home and that he had hired five women in senior posts as Virginia's attorney general.¹

That McDonnell went on to win the largest gubernatorial victory in the commonwealth in a generation may confirm that the heat of a

1. Amy Gardner, "89 Thesis a Different Side of McDonnell," *The Washington Post*, August 30, 2009, p. A1.

campaign is not the place to shed light on problems that an academic paper identifies or quantifies. At the same time, McDonnell's reluctance to concede that his thesis raised a legitimate question illustrates that few Americans today understand the disastrous consequences of the obsession of American public policy, since the 1970s, with moving more women into "jobs" via affirmative action. The consequences of this aspect of political economy go beyond the concern of McDonnell's thesis, the well-being of children who lack the full-time care and attention of their mothers. Expressed in terms of modern functionalism, the latent functions of affirmative action for women include the debasement of the very home economy that makes marriage a bargain. By eroding the liberties that men and women formerly enjoyed as breadwinners and homemakers, affirmative action—like no-fault divorce—has weakened the economic basis of matrimony and impeded the formation of marriages as life-long partnerships.

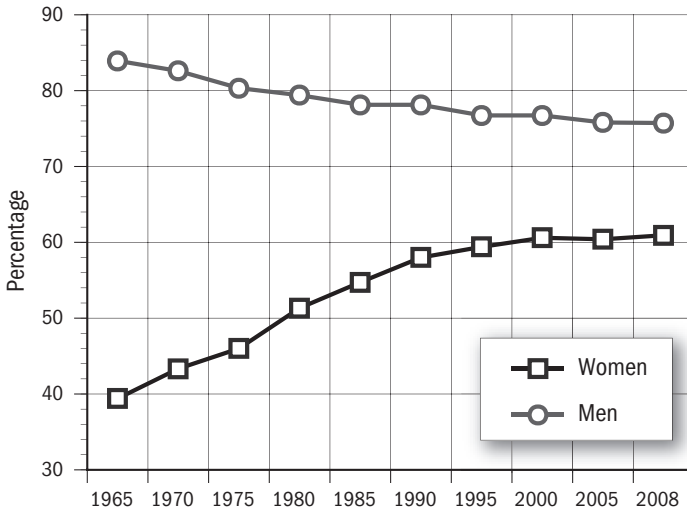
Affirmative action for women in employment dates—like no-fault divorce—from circa 1970.² In his review of computer analyses of the 1970 U.S. Census, George Gilder noted that those who benefited the most from allegedly "sexist" employment patterns were breadwinner husbands (white or African-American) with big families to support and just a dozen or fewer years of education. In fact, theirs was the sole bloc to earn income far beyond its education or circumstances. The primary thrust of post-1970 feminism proved to snatch promotions, even jobs, from these breadwinners, to be allotted to educated (or at any rate extensively schooled) women.³ As sociologist Brad Wilcox points out: "Working-class and poor men have seen their real wages fall since the early 1970s, which makes them less attractive as husbands to their girlfriends and the mothers of their children."⁴ Gilder claims that this impact stems from the officially "antibias" atmosphere that reflects not

2. Thomas Sowell, *Knowledge and Decisions* (New York: Basic Books, 1980), p. 259.

3. George Gilder, *Wealth and Poverty* (New York: Basic Books, 1981), p. 137, citing U.S. Bureau of the Census, "Census of Population: 1970. Marital Status," Final Report PC (2)-4C (Washington: U.S. Government Printing Office, 1972), Table 1, p. 1.

4. W. Bradford Wilcox, "The Real Pregnancy Crisis," *The Wall Street Journal*, May 22, 2009, p. W13.

**U.S. Labor-Force Participation Rates
(Civilian Population, Ages 20 or More)**



Source: Current Population Survey, U.S. Bureau of Labor Statistics

only employers' employment attitudes and practices but also those of agencies like the Equal Employment Opportunity Commission.⁵

This "antibias" groupthink may have been reinforced by the fact that the decision-makers responsible for affirmative action in the workplace were recruited from the socioeconomic class of educated women, rather than among the homemaker wives of affected breadwinners. This pattern may explain why wives—who have always robustly backed married white males who have been victimized by affirmative action—are more angered by "reverse" discrimination than are their disadvantaged husbands. Discrimination against husbands may injure not those men alone but also any wife who is not employed outside the household.⁶

Seen from this angle, affirmative action for women qualifies as a form of market manipulation through political means, manipulation of

5. Gilder, *Wealth and Poverty*, pp. 138, 137.

6. Frederick R. Lynch, *Invisible Victims: White Males and the Crisis of Affirmative Action* (New York: Greenwood Press, 1989), p. 75.

the sort that economists call rent-seeking. It begets higher-than-market level remuneration for employed women, many of whom are college-educated and married to high-status men, at the expense of their lower-status sisters who are dependent homemakers. While the former have seen their employment prospects and earnings dramatically increase, the latter have seen the employment prospects and relative earnings of *their breadwinning husbands* decline. Are these unintended outcomes, including social inequality that has financially crippled dependent homemaker wives, good for America? The irony is that while the Republican governor of Virginia might have made peace with the intended outcomes (or manifest functions, expressed in functionalist terms) of affirmative action, its latent functions represent a reversal of the expressed “work choice” preferences of American men and women.

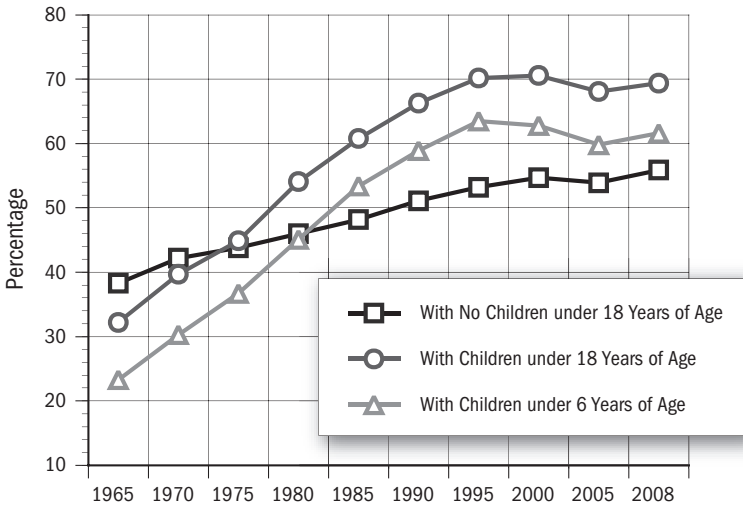
What Men and Women Really Want

That neither American men nor women are pleased with the legacy of gender-based affirmative action is confirmed by a 2007 Pew Research Center survey that measured family-work specialization ideals among 2,020 adults living in the continental United States.⁷ In its report of its findings, the think tank noted that labor-force participation of all women, ages 25 to 54, has been fundamentally static since the mid-1990s, plateauing at a rate of approximately 75 percent after soaring over the prior half-century. Yet it found that the general population is broadly ambivalent over the employment of mothers outside the home, but leans toward the negative. In fact, the views of the entire adult population about outside employment and motherhood diverge only slightly from those of mothers themselves.

A 44 percent plurality of at-home mothers deemed the increase in maternal employment bad for society; only 22 percent found it good for society. Even mothers with jobs outside the home divided evenly on these two answers (34 to 34 percent). Judgments about the impact of mothers’ “work choices” on society related powerfully to beliefs about

7. Data here and in the following paragraphs come from the Pew Research Center, “Fewer Mothers Prefer Full-Time Work: From 1997 to 2007,” July 12, 2007, <<http://pewresearch.org/pubs/536/working-women>>.

U.S. Labor-Force Participation Rates Married Women in the Civilian Population



Source: Annual Social and Economic Supplement, Current Population Survey, U.S. Bureau of Labor Statistics.

what is best for children. Twenty-eight percent of stay-at-home mothers, when asked to rate their parenting performance on a ten-point scale, awarded themselves the highest mark (10); 15 percent awarded themselves the second-highest mark (9). Only 10 percent of mothers working full-time outside the home awarded themselves the best rating, with 18 percent placing themselves on the number two rung.

Among stay-at-home mothers with minor children (ages 17 and under), only 16 percent said their ideal situation would be full-time employment (down from 24 percent in 1997). Meanwhile, 48 percent said not working at all outside the home is their ideal (up from 39 in 1997). Even among employed mothers with minor children, just 21 percent chose such full-time employment as their ideal circumstance (down from 32 percent in 1997). Another 19 percent preferred not to work outside the home at all. Educational or income levels made little difference in their attitudes. Racial differences were also minor. However, mothers with children ages 0 to 4 years also were less likely to prefer full-time employment in 2007 (16 percent) than during 1997 (31 percent).

Unmarried mothers were likewise far less likely to prefer full-time employment in 2007 (26 percent) than in 1997 (49 percent).

At the same time, the Pew study found a disconnect between ideal and actual jobs. Approximately 60 percent of mothers working outside the home preferred part-time employment. Yet the U.S. Bureau of Labor Statistics reported only 24 percent of all mothers who work outside the home do so part time. The Pew study also found that fathers expressed no such reluctance to work outside their home full time. Fully 72 percent of fathers of minor-age offspring named full-time work as their own ideal situation. Only 16 percent preferred not working outside the home, and just 12 percent preferred part-time work. Moreover, noted tax law expert Edward J. McCaffrey claims, “Married fathers are *less* likely to move or take time off. They are the most committed of all employees.”⁸

Marriage: The Greater Predictor of Income

One might expect this preferred inter-parental division of labor to exert an impact upon the incomes of husbands and wives, as do differences between married and single persons. For decades, never-married men’s average hourly earnings in the United States approximated those of never-married women.⁹ America’s young single women’s incomes had ranged from barely inferior to those of the young single men’s incomes, to barely superior thereto in later middle-age.¹⁰ Roughly parallel data show the same patterns in France¹¹ and Canada.¹² Such data suggest that marriage is the heavier factor than gender in determining income. As

8. Edward J. McCaffrey, *Taxing Women* (Chicago: University of Chicago Press, 1997), p. 243 (McCaffrey’s emphasis).

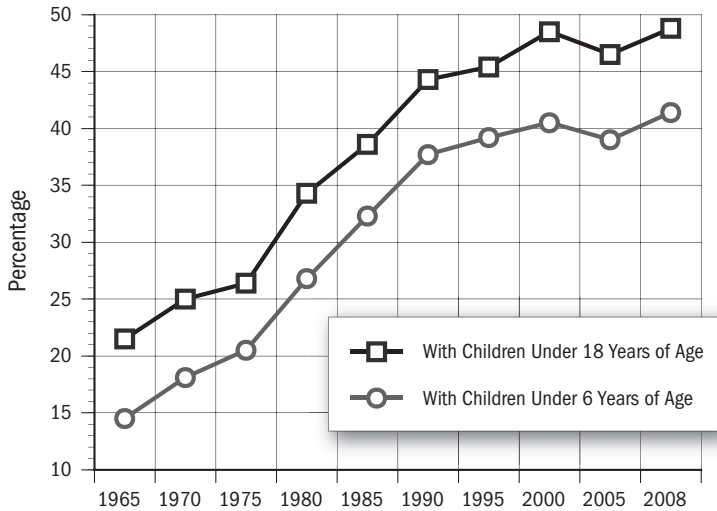
9. Gary S. Becker, *A Treatise on the Family*, enlarged edition (Cambridge: Harvard University Press, 1991), p. 41, Table 2.1.

10. Thomas Sowell, *Affirmative Action Reconsidered: Was It Necessary in Academia?* (Washington: AEI Press, 1975), p. 28, citing Gwartney and Stroup, “Measurement of Employment Discrimination According to Sex,” *Southern Economic Journal* 39 (April 1973): 582.

11. Francois de Singly, “Marriage, Education and Social Position,” Institut National de la Statistique et des Etudes Economiques, March 1982; and “A Rousing Oui for Married Men,” *Time*, May 13, 1982, p. 75.

12. Walter Block, “Economic Intervention, Discrimination and Unforeseen Circumstances,” in *Discrimination, Affirmative Action, and Equal Opportunity: An Economic and Social Perspective*, eds. Walter Block and M. Walker (Vancouver, B.C.: The Fraser Institute, 1982), pp. 103, 111, 248 n. 23.

Full-Time Employment Rates Married Women in the Civilian Population



Source: Annual Social and Economic Supplement, Current Population Survey, U.S. Bureau of Labor Statistics. The percentage was calculated by multiplying the percentage of all employed married mothers in each respective category who were employed full time by the employment-population ratio of that category, a measure of married mothers with children that were actually employed in a given year.

McCaffrey writes: “The gender wage gap occurs mostly among married persons; single men and women get paid about the same.”¹³ Likewise, the late economist Julian L. Simon found: “Married men living with a wife have much higher unadjusted rates of labour-force participation than do never-married, divorced, separated, or widowed men.”¹⁴

Moreover, the phenomenon of hypergamy—the tendency of females to wed males of higher or of equal (not lower) status than their own—reinforces these work and income patterns. A hypergamous marriage generally favors the husband’s career over the wife’s. A spouse who is already of a subordinate social status would naturally tend, to her own benefit, to invest her resources into the already higher social-status

13. McCaffrey, *Taxing Women*, p. 243.

14. Julian L. Simon, *Effort, Opportunity, and Wealth* (New York: Basil Blackwell, 1987), p. 141.

husband's career.¹⁵ The hypergamy phenomenon also confirms that marriage might be the more material element than gender in determining income. Once a scholar hypothesizes that wives contribute toward a pay-check jointly earned (although only the name of the husband actually appears on that check), he would expect husbands to earn more than bachelors; wives to earn less than single women; and single men's and single women's earning approximately to match.¹⁶

Before the advent of no-fault divorce, when both spouses understood that their joint marital undertaking was not merely enforceable but difficult to exit, each spouse had greater incentives to invest in the marriage in ways that reinforced the inter-spousal division of labor. Even today, the fact that husbands net a marriage-earnings premium (of some 30 percent) is attributable to more than just the reality that male higher-earners are the more likely to wed. Their earnings edge emerges during the year preceding the wedding and extends beyond a one-time earnings leap as they bid farewell to bachelorhood. A married U.S. high school-graduate has average earnings, therefore, roughly equaling those of a never-married college graduate.¹⁷

Pitting Career Women against Homemakers

In addition to placing the earnings of married men at risk, gender-based affirmative action has engineered a new social divide, rarely explored by the media, between homemaker wives and career women.¹⁸ A principle of social scientific thought, modern functionalism, offers tools to understand the extent of that conflict. By distinguishing between manifest functions (intended outcomes, or results about which participants are alerted) and latent functions (unintended outcomes of which participants are unaware and which might not be beneficial overall), modern

15. George Steven Swan, "Gender Discrimination in Employment of Attorneys: Feminists Sharpen the Issues," *Journal of the Legal Profession* 8 (1983): 144 n. 11.

16. Thomas Sowell, "Status Versus Behavior," *Washington University Law Quarterly* 57 (Winter 1979): 179, 185.

17. Linda J. Waite and Maggie Gallagher, *The Case for Marriage: Why Married People Are Happier, Healthier, and Better off Financially* (New York: Random House, 2000), pp. 179, 101–05, 99–102.

18. Lynch, *Invisible Victims*, p. 75.

functionalism illustrates how affirmative action exaggerates the income disparities between poor and rich women.¹⁹

Young working-class women lack remunerative skills. If they have young children, they or their husbands cannot attract income adequate to justify the expense of housekeepers, paid neighbors, or daycare.²⁰ Even twenty-first century women with children cannot compete in the marketplace, on the average, as efficiently as can childless women.²¹ Compared to single women sans children, a white married woman absorbs a wage penalty of between 3 percent (for her first child) to 16 percent (for three children).²² Gender-based affirmative action only increases the economic pressure. As the Canadian political scientist Conrad Winn points out, it further constricts her family income as her husband confronts competition from middle- and upper-class women. A working-class family's sole male wage-earner might redouble his efforts in competing against higher-status females of equal or lesser formal qualifications. Nonetheless, affirmative action rewards upper-status women at the expense of plucky lower-status males and the steadfast helpmates (literally) who depend upon them as sole family breadwinners. Meanwhile, to the degree that affirmative action for women is effective, upper-status men are also its beneficiaries. Upper-status men reap an expanded family income (due to their overtly favored wives). They also confront diminished intra-sexual competition from the overtly handicapped lower-status men.²³

Further compounding the inequality is the fact that career women produce fewer children and hence fewer future taxpayers and pension contributors than do homemakers. Yet, homemakers face a steep price for producing more babies—considered by Sir Winston S. Churchill the

19. Conrad Winn, "Affirmative Action for Women: More Than a Case of Simple Justice," *Canadian Public Administration* 28 No. 1 (Spring 1985): 24–31, 44.

20. *Ibid.*, p. 41.

21. Maggie Gallagher, "(How) Will Gay Marriage Weaken Marriage as a Social Institution: A Reply to Andrew Koppelman," *University of St. Thomas Law Review* 2 No. 1 (2004): 33, 54; and Waite and Gallagher, *The Case for Marriage*, pp. 180, 107.

22. Waite and Gallagher, *The Case for Marriage*, p. 108, citing Kermit Daniel, "The Marriage Premium," in *The New Economics of Human Behavior*, eds. Mariano Tommasi and Kathryn Ierulli (Cambridge: Cambridge University Press, 1995), pp. 113–25.

23. Winn, "Affirmative Action," pp. 41–42.

finest investment “in any community”²⁴ and by a recent financial writer as “little bundles of future taxes and economic growth.”²⁵ Consequently, the regime of gender-based affirmative action creates a “rigidification” of class structure and deepens inter-familial income disparities, as the income impact of such affirmative action is nothing less than regressive.²⁶

The regressive nature of gender-based affirmative action also characterizes race-based affirmative action. Insofar as discrimination cases can be readily pursued, minority and female employees hired because of their politically favored status may prove—as Thomas Sowell has pointed out—toxic to their employer, particularly if their pay, promotions, fringe benefits do not match or exceed those of other employees or do not satisfy the expectations of administrative agencies. That might suggest affirmative action carries incentives *not* to hire minorities (or females).²⁷ Yet the upshot is expanded demand for highly qualified minority or female hires (the less combustible ones), but contracted demand for (the more flammable) less-qualified ones.

Such diametrically opposed trends within the African-American community on the basis of white-employer choices prove explicable via employer self-interest. Likewise, self-interest encourages the newly advantaged class of African-Americans to promote the perpetuation of affirmative action even at cost to others of their race.²⁸ *Here is the nub of the intra-racial/inter-class tension*: Both intra-racial class division (derived from racial affirmative action) and intra-gender class division (derivative of gender affirmative action) capitalize on emotion-laden group characteristics (sex, race) to distract Americans from the real consequence of affirmative action: the privileged devouring the disadvantaged. As City University of New York philosopher Michael Levin

24. In his “Four Years’ Plan” radio address of March 21, 1943, Churchill affirmed: “There is no finer investment in any community than putting milk into babies.” John Bartlett, *The Shorter Bartlett’s Familiar Quotations* (New York: Pocket Books, 1963), p. 76.

25. Jack Hough, “Smart Money: Don’t Get Hyper,” *The Wall Street Journal Magazine*, July 2009, pp. 36, 37.

26. Winn, “Affirmative Action,” pp. 43, 40.

27. Sowell, *Knowledge and Decisions*, p. 259–60.

28. Thomas Sowell, *Civil Rights: Rhetoric or Reality?* (New York: William Morrow and Company, 1984), p. 53.

has noted: “The fusion of gender with race has protected gender quotas, for unlike the case for racial quotas, which is merely unsound, the case for gender quotas is an intellectual scandal.”²⁹

Winners and Losers

What particular self-interest explains the zesty support by members of a favored category, in an intra-bloc competition for employment, for the policy privileging themselves, even at cost to sister and brother bloc-members? Business is no mere quest for remuneration, but also a bid for distinction and consequent self-esteem. Much behavior may be attributable to the pleasure of winning a game with many losers. As economist John Kenneth Galbraith explained: “If everyone is well or even modestly endowed, this exercise in self-approval is less rewarding. There ceases to be the gratifying thought and statement ‘Well, *I* made it’ or the possibility for any reflection on the superior qualities that allowed it.”³⁰

Winn believes affirmative action reflects the welfare state in miniature.³¹ But it also mirrors the tactics of labor unions to restrict the labor supply. The unionization of workers for collective bargaining comports with a free market. Even their unions’ strike weapon (of withdrawing labor already contracted-for) need not elicit further labor-market disturbances. But unionized strikers might ban non-union members from work and violently block prospective laborers from replacing those strikers. Indeed, if the infusion of fresh labor is choked, wages can be driven up in an industry.³² But such visible wage enhancements are enjoyed at the expense of the faceless would-be workers whose very entry into the picture is proscribed, a point noted by economists right³³ and left.³⁴

29. Michael Levin, *Feminism and Freedom* (New Brunswick, N.J.: Transaction Books, 1987), p. 104.

30. John Kenneth Galbraith, *Economics in Perspective: A Critical History* (Boston: Houghton Mifflin Company, 1987), pp. 219–20, Galbraith’s emphasis.

31. Winn, “Affirmative Action,” p. 46.

32. Ludwig von Mises, *Liberalism: A Socio-Economic Exposition*, 2nd ed., ed. Arthur Goddard, trans. Ralph Raico (Kansas City: Sheed, Andrews, and McMeel, 1978), pp. 82–83.

33. *Ibid.*; and Henry Hazlitt, *Economics in One Lesson: Fiftieth Anniversary Edition* (San Francisco: Laissez Faire Books, 1996), p. 126.

34. Galbraith, *Economics*, pp. 111–12.

These triumphant strikers have, in effect, cannibalized their working-class sisters and brothers.

In the same way, the wages of female labor-market participants can be fattened—and their employment conditions improved—via affirmative action if the infusion of rival labor (e.g., husbands reinforced by homemaker wives) is suppressed. But such visible salaries and amenities are consumed at the expense of the voiceless, even unidentifiable, would-be workers (unidentifiable because their would-be, one-on-one, employment competition has been aborted). These silenced, would-be workers are the disadvantaged husbands of homemaker wives. Ironically, acquiescence in such cannibalization of the homemaker wife by the female affirmative-action beneficiary is lauded as sorority. As Levin explains:

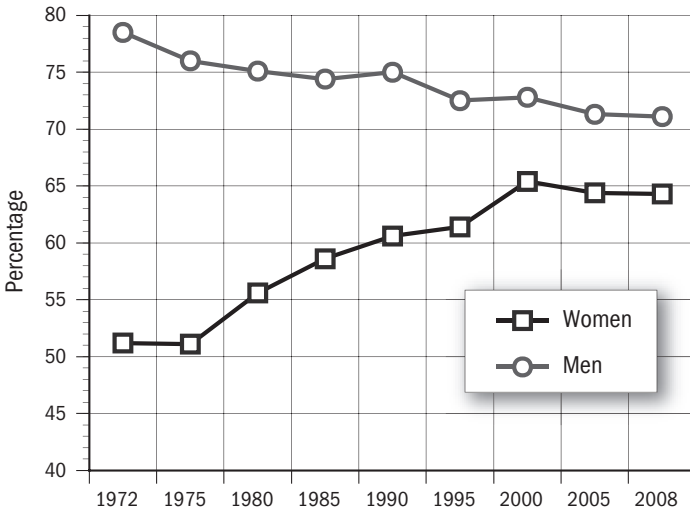
What is particularly ludicrous about the comparison of Blacks and females in the workforce is that *women marry men* whereas Blacks do not typically marry Whites. For most practical purposes a wife has full use of her husband's assets. If the average man is better off than he should have been because the average woman is worse off, they pool their resources and split the difference when they marry. Since virtually all men and women marry, gender quotas harm virtually all women. If compensatory quotas harmed a Black for every Black they helped, they would defeat their own purpose. But whenever a man loses a job, promotion or training to a woman, just because he is a man, another woman, namely the man's wife, is deprived of precisely what the quota beneficiary gained. Gender quotas self-defeatingly compensate some members of the allegedly victimized group by depriving others.

So far as I know, this self-evident point has been overlooked in the literature on quotas. This oversight is due in part to the central role played in the case for gender quotas by the young woman seeking a nontraditional career, a woman less likely than average to be married. A more fundamental cause of this oversight is the repeated portrayal of men and women as competing groups.³⁵

Also overlooked in the literature is the impact of rent-seeking through quotas on behalf of educated women on the economy as a whole. Far from

35. Levin, *Feminism and Freedom*, p. 114 (Levin's emphasis).

U.S. Labor-Force Participation Rates of African-Americans
(Civilian Population, Ages 20 or More)



Source: Current Population Survey, U.S. Bureau of Labor Statistics

being a wash, the country's experiment with affirmative action is very costly to taxpayer, businesses, and consumers. Including the expenses of maintaining the public/private affirmative action bureaucracy, Levin estimated in 1987 the costs of affirmative action, generally, had already run into the billions each year.³⁶ Given inflation and the greater use of quotas today, his estimate could easily be doubled.

More problematic is the impact of affirmative action on productivity. Real wages are determined primarily by labor productivity. How to elevate labor productivity continuously has always been *the* economic problem. Labor productivity hinges upon the supply of capital goods per worker.³⁷ The average American worker's standard of living has proved incomparably higher than that of a typical Third World laborer. This is true although the American's work hours are the shorter and children

36. *Ibid.*, pp. 121–22.

37. George Reisman, *Capitalism: A Treatise on Economics* (Ottawa, Ill: Jameson Books, 1998), pp. 618, 60, 62.

are in school and not in the labor market. That higher living standard results from the far greater sum of capital invested per-employee in the United States than in the Third World. Americans' marginal productivity of labor is thereby that much higher.³⁸ But if more employer resources are diverted to training less-suitable employees, fewer funds are on-hand for capital investment. This led Levin to note that, after the affirmative-action apparatus swung into gear, the rate at which capital had replaced labor in the United States had slowed.³⁹

Behind the Push for Gender Preferences

In light of the consequences of forty years of affirmative action, Americans might think their elected officials in Washington, D.C., would be willing to consider putting an end to this rent-seeking. Particularly as gender-based affirmative action has created a new social divide and financially crippled dependent homemakers, one might think the Democrats—historically the party of the disadvantaged and working classes—would be particularly sensitive to the latent functions of a feminist experiment that has co-opted the original intention of the 1964 Civil Rights Act: improving job prospects of African-American men.⁴⁰ But since winning Congress in 2006 and the White House in 2008, the Democratic party seems more committed than ever to making affirmative action for women, in one guise or another, ineradicable.

The first day after the inauguration of President Barack H. Obama, the House of Representatives passed the Oversight of the Troubled Asset Relief Program (TARP) bill by a vote of 260 to 166. It was referred to the Senate Finance Committee on January 22. Section 107(a) of the bill ordains that the Secretary of the Treasury must establish an Office of Minority and Women Inclusion (or designate an office) ensuring compliance by TARP-assisted institutions with that Section. Section 107(b) requires each assisted institution to implement standards and

38. Ludwig von Mises, *Human Action: A Treatise on Economics*, 3rd rev. ed. (Chicago: Henry Regnery Company, 1966), pp. 747–48.

39. Levin, *Feminism and Freedom*, pp. 122–23.

40. Allan Carlson, *The "American Way:" Family and Community in the Shaping of the American Identity* (ISI Books, 2003), pp. 149–53.

procedures maximally ensuring the utilization of women and women-owned businesses in all activities of the institution at all levels: “The processes established by the Secretary and each assisted institution for review and evaluation for contract proposals and to hire service providers shall include a component that gives consideration to the diversity of the applicant.” Section 107(c) provides that “This section shall apply to all contracts of the Secretary of the Treasury and assisted institutions for services of any kind.”⁴¹

At the other end of Pennsylvania Avenue, President Obama issued an executive order establishing a White House Council on Women and Girls on March 11, 2009. Section 3 thereof orders the Council not only to work across executive departments and agencies in assisting women-owned businesses, but also to increase participation of women in the science, engineering, and technology workforce. Section 5 orders the Council to deliver an assessment by each member executive department, agency, or office of its efforts to further advance women.⁴²

These efforts to further entrench gender-based rent-seeking suggest that the manifest and latent functions of the political economy of affirmative action may be one and the same. Is, therefore, the financial devaluation of middle- and lower-income homemaker wives—or the continued ego gratification of upper-income career women—through affirmative action purely coincidental? Or does it unmask logical premises actually lethal to the home economy and to marriage as a life-long partnership between breadwinner and homemaker? Excerpts from Betty Friedan’s famous interview with Simone de Beauvoir, the noted author of *The Second Sex* and Marxist turned radical feminist, provide a clue:

de Beauvoir: Why women? That’s the question! Should one consider that the women are doomed to stay at home?

Friedan: I don’t know they should have to. The children should be the equal responsibility of both parents—and of society—but today a great many women have worked only in the home when their children were

41. <www.thomas.gov/cgi-bin/query/z?c111:H.R.384>.

42. <www.whitehouse.gov/the_press_office/Executive-Order-Creating-the-White-House-Council-on-Women-and-Girls>.

growing up, and this work has *not been valued* at even the minimum wage for purposes of Social Security, pensions, and division of property. There could be a voucher system which a woman who chooses to continue her profession or her education and has little children could use to pay for child care. But if she chooses to take care of her own children full time, she would earn the money herself.

de Beauvoir: No, we don't believe that any woman should have this choice. No woman should be authorized to stay at home to raise her children. Society should be totally different. Women should not have that choice, precisely because if there is such a choice, too many women will make that one. It is a way of forcing women in a certain direction.⁴³

Although not in the interview, Friedan noted: "It is only recently that Simone de Beauvoir has embraced the women's movement, professing publicly to find in radical feminism an ideological blueprint superior to Marxist-Leninist-Stalinist communism."⁴⁴ Friedan, however, did not mention the circumstances that drove de Beauvoir to her choice. Phyllis Schlafly suggests that choice was due to a broken heart:

Jean-Paul Sartre, a professional philosopher who presumed to preach to a mass audience, aligned himself with the communists. When he seduced Simone de Beauvoir, he said his credo was "travel, polygamy, transparency." Sartre used her as his mistress, cook, laundress, seamstress, and housekeeper, all the while boasting of affairs with younger and younger women until he got to teenagers. He treated her like a slave and didn't even leave her any money. Simone de Beauvoir was an educated and able feminist and she didn't have to live like a servant-mistress unless she chose that lifestyle.⁴⁵

In the exchange with Friedan, de Beauvoir says her sisters must now be denied options for fear of what might happen if women are given the choice of outside employment or staying home with their children.

43. "A Dialogue with Simone de Beauvoir," in Betty Friedan, *It Changed My Life: Writings on the Women's Movement* (New York: Random House, 1976), pp. 311-12 (Friedan's emphasis).

44. Friedan, *It Changed My Life*, p. 303.

45. Phyllis Schlafly, *Feminist Fantasies* (Dallas: Spence, 2003), p. 69.

She would, therefore, praise the American worksite in 2010, where affirmative action for women continues not only to whittle men's marriage premium but also handicap homemaker wives that depend upon their breadwinner husbands and force many of them—against their stated preferences—into the workforce. She might even concede that the financial denigration of the homemaker-wife's role is not simply a latent but equally a manifest function of affirmative action that was intended all along. In this respect, the late French feminist would certainly agree with her American nemesis, Phyllis Schlafly:

After all, wouldn't career-seeking feminists be glad, at least after they have written affirmative action into the law, to enjoy reduced competition from other women?

Not if you understand feminist ideology. The feminists realize all too well that they cannot achieve a level playing field in the marketplace so long as their male competitors have the advantage of full-time homemaker wives who cook their meals, tend their children, make their homes a refuge from the competitive world, and motivate them to work harder to provide for their dear ones. Feminists believe that achievement of their own career goals depends on depriving their male competitors of the advantage of having wives. *Ergo*, feminists are determined to push all wives out of the home and into the labor force.⁴⁶

What the Sotomayor Appointment Reveals

The controversy over President Obama's nomination last summer of Sonia Sotomayor to the Supreme Court, in which a gender-conscious appointment process may have cloaked a hidden, class-linked agenda, illustrates how this radical ideology underlies the intra-gender and class divide of gender preferences. For years, the naming of female attorneys to the bench has been bruited as a way to infuse the judiciary with a perspective more attuned to that of women. Nonetheless, women lawyers demographically deviate so disproportionately from the bulk of the female population that the values of the female citizenry (concerning matters such as affirmative action, capital punishment, and abortion)

46. *Ibid.*, p. 236.

actually have appeared to be reflected more accurately in the mainstream of male attorneys. For female lawyers and law students hitherto have shared a policy viewpoint much nearer to that of the Democratic National Committee than that of American women.⁴⁷

To be sure, women remain underrepresented on the Supreme Court, in every legal leadership role, e.g., in law school deanships, and among Fortune 500 general counsels.⁴⁸ However, representation of a segment of the population (perhaps by a token member of that segment) tells us little about how a particular body of ideas may affect a decision-maker's reasoning.⁴⁹ In fact, legal ideology is a stronger predictor of judicial decisions than is gender, according to the director of the Center on the Legal Profession at Stanford University, Deborah Rhode.⁵⁰ Thinking otherwise, the Senate last summer confirmed to the High Court an appointee ostensibly representing American women, yet repudiating (not reflecting) their views. The controversial appointment therefore reveals how little affirmative action is about the interests of women. Given the rise of federal judicial power in the United States,⁵¹ this ultimate act of rent-seeking also demonstrates all that is at stake for the future of marriage and the household economy in America, both of which depend upon husbands and wives who jointly exploit the free-market efficiencies of the intra-spousal division of labor.

From Francis Bacon's *Essays* and *Novum Organum* to Jeremy Bentham's *Fragment on Government*, the rationalist tradition has profoundly emphasized the aims of intellectual release and of separation from community and established tradition.⁵² The French socialist Charles Fourier (1772–1837) fumed at his vision of 300 women lighting 300 small fires to cook 300 small dinners in 300 small pots in as many

47. George Steven Swan, "Gender, the Judiciary, and U.S. Public Opinion," *Journal of Social, Political, and Economic Studies* 8 (1983): pp. 323, 324–36.

48. Jennifer S. Forsyth, "Court Opening Prompts Questions About Whether Gender Matters," *The Wall Street Journal*, May 14, 2009, p. A13.

49. Swan, "Gender, the Judiciary, and U.S. Public Opinion," pp. 334–35.

50. Forsyth, "Court Opening Prompts Questions."

51. See, e.g., James MacGregor Burns, *Packing the Court: The Rise of Judicial Power and the Coming Crisis of the Supreme Court* (New York: Penguin, 2009).

52. Robert A. Nisbet, *The Sociological Tradition* (New York: Basic Books, 1966), p. 271.

small houses for 300 men returning from their labors. He thought a trio or quartet of women assisted by one large fire under one large pot could serve the 300 families better. Three families might not successfully associate, but 300 could.⁵³

Fourier's frustration with his 300 individual dinner fires survives today among socialists that object to the messy inefficiency of a competitive world. There even endures a psychology which unashamedly characterizes a nation's central-government budget (one large pot) funded by taxes squeezed from its citizenry—not the freely formulated personal budgets (many small home economies) of those citizens themselves—as the solitary enunciation of values that nation ever will undertake. As Gloria Steinem writes: "I heard myself explaining over and over again that a national budget was nearly the only statement of values a country ever makes."⁵⁴ So the avant-garde, French socialist-intellectual vision of the future endures in high places. Recall Betty Friedan's 1976 interview with de Beauvoir:

Friedan: I follow the argument, but politically at the moment I don't agree with it. The fact is, we have hardly any child-care centers in the United States. We're fighting for them, but there is such a tradition of individual freedom in America that I would never say that every woman must put her child in a child-care center.

de Beauvoir: But that's not how we see it. We see it as part of a global reform of society which would not accept that old segregation between man and woman, the home and the outside world. We think that every individual, woman as well as man, should work outside and have the possibility, either by communal living, collectives, or another way of organizing the family, of solving the problems of child care. Not keep the same system of crèches, but change the system so that the choices that are available are different. Something along these lines is being tried in China. For example, *on a certain day everyone in the community—*

53. Alexander Gray, *The Socialist Tradition: Moses to Lenin* (New York: Longman's Green and Company, 1946), pp. 169, 178, 492.

54. Gloria Steinem, *Moving Beyond Words: Age, Rage, Sex, Power, Money, Muscles: Breaking the Boundaries of Gender* (New York: Simon & Schuster, 1994), p. 203.

*men, women, and children, as far as they are capable—come together to do all the washing or darning of socks; it would be all the socks, and the husbands would darn them, too. Encouraging women to stay at home will not change society.*⁵⁵

De Beauvoir may be dead, but her sentiments about gender “equality” are very much alive and well, animating the social construct of American elites in academia, the legal guild, and the Obama administration. Where are the voices and institutions in America that speak on behalf of homemaker wives? Where are the politicians, when pressed about their views of women in the work place, who will challenge gender quotas that have resulted in a labor force that doesn’t reflect the “work choice” preferences of men and women? The public issue is not whether women should work outside the home, a personal matter. No, the issue that needs scrutiny today is one of political economy: the extraction of rents by political means to placate feminist interests that have debased the home economy and undermined marriage as a life-partnership. As long as public policy is preoccupied with the exaggerated issue of sex discrimination and continues to undercut the employment prospects and relative earnings of breadwinning husbands who support large families, the American family stands at risk. Ultimately, the very idea of America stands at risk.

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55. “A Dialogue with Simone de Beauvoir,” p. 312 (emphasis added).