Recent Developments

Inertia and Change:

*Findings of The Shriver Report and Next Steps*

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**ABSTRACT:** In 2009, the Center for American Progress and the Berkeley Center for Health, Economic, and Family Security joined together with the Office of Maria Shriver to release the results of a comprehensive inquiry into the lives of American women in the 21st century. *The Shriver Report: A Woman’s Nation Changes Everything* focuses a capacious and critical lens on the successes won and challenges that remain for women in diverse arenas, including immigration, family policy, health, education, faith, and the media. Yet the Report raises—and leaves unanswered—important questions about the future of gender equality in the world it describes with such precision and clarity. In particular, questions remain about the gap between women’s dominating economic presence—as of February 2010, women were the majority on the nation’s payrolls—and their continued exclusion from key positions of power, including academic and business leadership and election to political office. Moreover, the Report—and its authors—continue to grapple with the marginalization of women’s issues into women-dominated groups and organizations, which tends to have the effect of keeping these vital concerns out of the national conversation. Finally, despite considerable gains in women’s economic equality of participation documented herein, real questions remain about gender equality in the private sphere of the home. This Recent Development will briefly survey the existing literature on these continued caesuras between women’s contributions and women’s power, and will investigate the reasons behind the disengagement of men from this essential issue.

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INTRODUCTION

On February 5, 2010, a new phase began in the economic and social culture of the United States: for the first time in our history, women became the majority on the nation’s payrolls. This sea change went largely unheralded: the New York Times ran a story on page A10 by economics reporter Catherine Rampell; the Wall Street Journal, the Washington Post, the Chicago Tribune, and many other major publications ran no stories whatsoever on the topic. From coast to coast, little attention or analysis was directed toward this change. Perhaps the lack of attention should not come as a surprise; after all, without context, what did crossing this threshold even mean? Was it the hallmark of a significant social transformation, or simply a blip in the non-seasonally-adjusted employment figures regularly reported by the Bureau of Labor Statistics?

As luck would have it, the work of providing a comprehensive and critical context for this kind of social milestone has already been done. In October 2009, the Center for American Progress, the Berkeley Center for Health, Economic and Family Security, and the Office of Maria Shriver released The Shriver Report: A Woman’s Nation Changes Everything, a wide-ranging inquiry into the lives of American women in the 21st century. This recent project was inspired by the 1963 report, American Women, by the first Commission on the Status of Women, an august panel led by Eleanor Roosevelt that put forth a set of findings and recommendations about the struggle for gender equality and improving women’s lives. The recent Shriver Report takes a hard look at some of these same essential questions about the situation and character of contemporary women, investigating how they think, work, care, vote, worship, love, and live.

Why are these inquiries important? First, they are essential to understanding what has changed and what has stayed the same. In just forty years, women have gone from being around one-third of the workforce to making up more than half. Nonetheless, to cite a paradigmatic example of how little has changed, women still only make seventy-seven cents to every dollar men earn, and the gender wage gap has barely narrowed in over a decade.

2. See, e.g., Catherine Rampell, Women Now A Majority In American Workplaces, N.Y. Times, Feb 6, 2010, at A10. I conducted this survey of the mainstream media’s coverage on this topic using a Lexis search of “Major News Publications” for keyword “women” on February 5, 2010, and a similar search of these publications between February 5, 2010 and February 9, 2010.


4. PRESIDENT’S COMMISSION ON THE STATUS OF WOMEN, AMERICAN WOMEN (Margaret Mead & Frances Balgley Kaplan, ed. 1965).


Second, the importance of The Shriver Report rests in the notion—familiar to historians, sociologists, and lawyers alike—that to understand where we’re going, we must first understand where we are.

I. THE SHRIVER REPORT: KEY FINDINGS

A. The Economy

Although the Report investigates the status of women across all sectors of society, the authors emphasize that changes to the gender composition of the workforce are the single most important factors to understand; to some extent all other changes flow from this new reality. As the authors point out, four in five families with children no longer fit the archtypical structure of a single male breadwinner and female home-helper.9 With women acting as breadwinners or co-breadwinners in more than half of all American families, the issues of private, local, or national childcare policy; caretaker leave; workplace attachment and workplace flexibility; and closing the gender pay gap have come off the back burner and to the forefront of a brewing national dialogue about the relationship of family to the workforce.10 These changes in participation in the external economy have powerful ripple effects for internal family economies and social relationships within the home.

In her chapter on the economy, Heather Boushey describes how the increased presence of women in the workforce has extraordinary implications for the structure of families and communities. Women’s presence in the workplace at all levels of power and responsibility is no longer surprising; the realignment of the normative characteristics of “supervisor” or even “CEO” to include women is no small shift.11 However, this increase in participation is something of a double-edged sword for each community, from the family unit to the broader structure of society. Inside the family, the division of labor has not universally shifted to ensure that home-based tasks are divided as equally as external workforce participation.12 Additionally, on a macroeconomic level many of the (unpaid) jobs that women have long performed for their families and communities—volunteering in their children’s schools, serving their faith institutions, caring for ailing friends or relatives, cooking and cleaning—are being increasingly professionalized and handed off to paid workers.13 This loss of unpaid labor on a vast scale has strong effects on community cohesion,
individual health, and family stability.

Women’s increased economic participation also has profound effects on the basic composition of families. In thirty-three years, the number of families headed by unmarried women has nearly doubled to one in five,\textsuperscript{14} today, around four out of every ten families depend on women’s earnings as primary support.\textsuperscript{15} Yet these changes are not identical across social groups, and lower-income, minority, gay, and unmarried women still bear far heavier economic burdens. Upper-income families depend less on women’s earnings than lower-income families. Two-thirds of families in the bottom twenty percent of earners depend on women’s wages, compared to only one-third of families in the top twenty percent.\textsuperscript{16} White women are the co-equal or primary earners for around one-third of their families, whereas African-American women play this role in over half of their families.\textsuperscript{17} Lesbian couples still doubly bear the burden of the continued gender wage gap.\textsuperscript{18} Although the gap between married and unmarried women’s participation in the workforce has narrowed significantly, married mothers still participate in the workforce at lower rates.\textsuperscript{19}

Why have women have become such powerful workforce actors? Boushey posits that the combination of legal advances (such as the employment protections introduced in the Civil Rights Act of 1964),\textsuperscript{20} social forces (such as the women’s rights movement), and improved technologies (for the home, to control reproduction) came together to fundamentally shift women’s relationship to work.\textsuperscript{21} Additionally, some legislative changes, such as the 1996 Welfare Reform Act, made work a requirement rather than a choice.\textsuperscript{22} Yet the struggle over whether all women should work remains convoluted: a decade after Clinton-era welfare reform, many argued that—at least for upper-income professionals—work was a choice rather than a requirement, and that to be better mothers, women should “opt out” of the workforce.\textsuperscript{23} Given that nearly eighty percent of highly educated mothers participate in the workforce, this so-called “opt-out revolution” does not seem to be grounded in reality.\textsuperscript{24}

\begin{thebibliography}{9}
\bibitem{14} Id. at 35.
\bibitem{15} Id. at 26.
\bibitem{16} Id. at 37.
\bibitem{17} Id. at 38.
\bibitem{18} Id.
\bibitem{19} Id. at 50.
\bibitem{23} Boushey, \textit{The New Breadwinners}, in \textit{SHRIVER REPORT}, supra note 3, at 56.
\bibitem{24} Id. at 50-51.
\end{thebibliography}
Still, the gender wage gap persists. Some have called it a myth, but the vast majority of the data points to its continued strength and perseverance. One of the primary reasons for the gap is that although women may legally be employed in almost any profession, women still tend to work in fields that are compensated less generously. Of the top twenty professions for women by frequency, only two require advanced degrees; social scientists studying this phenomenon attribute nearly fifty percent of the wage gap to these industry differences. Women still comprise between ninety-five and ninety-eight percent of childcare workers, secretaries, and teachers of young children. To some extent, this is unsurprising: women are now often paid to do work (in-home care for children or the elderly, cooking, cleaning) that was once the provenance of unpaid female laborers. Yet this continued sex segregation in the composition of the labor force has real consequences for improving women’s earning capacity and other indicia of social equality. Moreover, even when women and men make the same choices in education and career, they are still paid less for identical work. Part of the reason for the wage gap for similarly situated employees is persistent cultural bias; studies have shown that when one applicant is identified as a mother, otherwise identical resumes receive disparate treatment (including fewer recommendations for hiring and promotion). Also, the less women are paid at the beginning, the less they make over time, such that the gender wage gap actually expands over the course of many women’s careers.

B. Government Policy

Since World War II, women have been a growing presence in the United States workforce. Today as never before, it is commonplace for women to be employees, supervisors, and even CEOs. Yet, as Ann O’Leary and Karen Kornbluh describe, government policy toward families for the most part has not kept pace with women’s increasing participation in the external formal economy. In the 1970s, President Nixon warned that a national childcare program would wreak moral havoc on the nation’s families. Since that time,
although family structure has changed dramatically (traditional families with a male breadwinner and female homemaker made up nearly half of all families in 1970, but have dwindled to one in five families today), government policies mostly fail to reflect this fundamental shift. Despite commissions, conferences, and working groups on families convened by nearly every president since John F. Kennedy, little real change has been made to create national programs to support the changing dynamics of today’s families. O’Leary and Kornbluh suggest a set of policy prescriptions that together would significantly increase the support that the new working family receives from a variety of sources, including employers, states, and the federal government.

Although employers today provide some family-friendly benefits to their employees, access and coverage are far from equally distributed. The Family and Medical Leave Act of 1993 (FMLA) allows many workers to take some federally protected unpaid leave to care for their families, but only nine percent of civilian workers have access to paid family leave. Tax-based benefits provide some support for eligible employees, but usage rates of programs like flexible spending accounts remain extremely low. Furthermore, tax-based efforts by the federal government to encourage employers to create more family-friendly workplaces have had very limited success. Importantly, the widespread lack of availability of family-responsive work schedules leads many mothers to choose flexible, and usually lower-paid, jobs without benefits. O’Leary and Kornbluh suggest that government policy should shift its focus from exclusively defending equal access to employment to also considering equal accommodation of both men and women’s needs in the workplace. Employers should no longer base leave systems on the needs of a typical male breadwinner, thereby requiring women to use vacation and sick leave to manage pregnancy and child-rearing. To be sure, women in higher education and income brackets already have far greater access to pregnancy leave, access which increased dramatically with the passage of the Pregnancy Discrimination Act of 1978. Nonetheless, the Act failed to protect all women from termination based on pregnancy and did not require that employers provide leave, job protection, or accommodations for pregnancy. Also, Title VII has only recently been used to provide protection for those discriminated against because of

35. Id. at 76.
36. Id. at 78.
38. Id. at 81.
39. Id.
40. Id.
41. Id. at 82.
42. Id. at 83.
43. Id. at 82-83; see also Pregnancy Discrimination Act (PDA), Pub. L. 95-555, 92 Stat. 2076 (1978).
44. Id. at 84-85.
“family responsibility.”

What precisely is wrong with workplace policy as it exists today? As noted above, some federal policy has improved caretakers’ access to leave: the FMLA provides some job-protected gender-neutral leave for workers, creating a federal floor for leave benefits for workers employed by FMLA-covered employers (around half of all workers). But because FMLA leave is unpaid, its use and coverage are disproportionately skewed toward higher-income earners or more traditional families where one adult, usually the woman, is paid significantly less. Moreover, due to the types of businesses and professions excluded from FMLA coverage, lower-income and minority women have disproportionately less access even to this unpaid leave. Furthermore, because of the existing structure of wage and hour laws, employers can demand that their employees work overtime or unpredictable schedules, requirements that may be impossible for workers with significant family and caretaking responsibilities—who are mostly women—to meet.

Our national social insurance programs—Social Security, Medicare, and Medicaid—were constructed with traditional families in mind. Thus although their underlying policy justifications remain sound, they do not accurately reflect the needs of today’s families. Social Security was designed to support workers (and their spouses) who were continuously employed, not workers who enter and exit the workforce depending on caregiving obligations. Additionally, Social Security strongly penalizes the non-earner in families that divorce: if the couple was married for less than 10 years, the non-earner—most often the woman—receives no spousal benefit whatsoever. The entitlement is also unavailable to non-traditional families: unmarried families and same-sex couples receive no benefits.

The ability of women to meaningfully participate in the workforce is closely bound up with the availability of and access to child and elder care. Thus far, the federal government has done little to assist families in meeting these needs, despite the fact that expenses for these types of care are some of the largest that households shoulder. Several tax credits are designed to help defray expenses, but these credits cover only a tiny percentage of the real costs of dependent care and are unavailable for the lowest-income workers who do not owe federal income taxes at all.

45. *Id.* at 88.
46. *Id.* at 90.
47. *Id.* at 91.
48. *Id.* at 90.
49. *Id.* at 92-93.
50. *Id.* at 94.
51. *Id.* at 98.
52. *Id.* at 99.
53. *Id.* at 101.
54. *Id.* at 102.
55. *Id.* at 103.
How should government policy change to support and protect today’s families? First, FMLA coverage should be extended to more workers, and employees should have far more universal access to flexible and predictable work schedules. Second, antidiscrimination laws should be updated to explicitly recognize women’s unique needs, such as pregnancy leave. Third, major entitlement programs should change to reflect today’s shifting workforce, perhaps by transforming the benefit’s attachment to marriage to an attachment to work. Fourth, family policies should be crafted in gender-neutral ways to allow and even encourage male involvement in family life.

C. IMMIGRATION

In a brief chapter on immigration, Maria Echaveste contrasts the visibility of immigrant men with the invisibility of immigrant women. These women, seen in settings from playgrounds to wealthy homes, are nonetheless widely ignored, though they are entrusted with keeping the secrets and caring for the children of many middle- and upper-class citizens. The work these women do—often cleaning and caring—is afforded little respect, comes with few benefits, and because many of the women in these positions are undocumented, leaves them open to harassment and abuse. Yet, as Echaveste points out, the cheap labor of immigrant women has been integral to the ability of middle- and upper-class women to work outside the home. This unacknowledged symbiosis—that women’s achievements in the knowledge and formal economies outside the home are to some extent built on the hard work of their unacknowledged immigrant counterparts—is hugely detrimental to the health and wellbeing of the women providing the invisible backbone of this economic model.

D. Health

The strong, steady rise in women’s participation in the formal economy has revealed two important and related problems for women’s health. First, many women have increased their workplace responsibilities without seeing any diminishment of their home responsibilities, leading to increased stress and poorer health outcomes. Second, this uptick in workforce participation has not necessarily led to increased access to healthcare, as many of the jobs that employ

56. Id. at 93, 104.
57. Id. at 104-105.
58. Id. at 101, 105.
59. Id. at 105.
60. Maria Echaveste, Invisible Yet Essential: Immigrant Women in America, in SHRIVER REPORT, supra note 3, at 75.
61. Id. at 116.
62. Id.
63. Id. at 116-17.
64. Id. at 118.
women do not come with these benefits. Recognizing these twin problems, Jessica Arons and Dorothy Roberts describe how women’s health is at risk in new and unusual ways.  

Because health insurance in this country is so often tied to workforce participation for the vast majority of recipients, women are at even greater risk than men of losing their coverage. Because women often receive insurance from their husband’s employer, the one in four of the jobs lost by men in this economic crisis have also meant women, and children, losing their health coverage as well. Moreover, women are uniquely vulnerable to a variety of workplace-related hazards, from the absence of widespread workplace policies to support childbearing and rearing to the harsh substances to which workers in female-dominated cleaning, laundry, and other such service industries are often exposed. These dangers are not distributed equally: lower-income and minority workers are far more likely to be exposed to risky workplaces with few protections or benefits, and are less likely to receive high-quality healthcare because of language or cultural barriers, as well as historical distrust.

It seems counterintuitive that as more women work outside the home, more women don’t receive the health benefits they need. Yet Arons and Roberts show that because employer-based insurance is designed with male breadwinners in mind and the private insurance market is generally hostile to women’s health needs, women’s health coverage is getting worse rather than better. Due to the continued need to balance care-giving responsibilities with workplace participation, women tend to gravitate toward jobs with relative flexibility (which are often part-time, low-skill positions), most of which do not offer health benefits. Women hardly fare better in the private market: the twenty-five percent of women who must purchase private insurance are subject to “gender rating,” an insurance company practice which allows companies to charge women a gender-based premium predicated on the costs of common problems such as Caesarean sections or domestic violence. In both the employer-based and the private insurance markets, women are more in need of long-term and serious care but less able to afford it, leading to more medical bankruptcies and adult poverty for women.

Medical breakthroughs—particularly the invention and broad dissemination of the birth control pill—made it possible for women to enter both higher education and the workforce en masse during the middle and end of the

66. Id.
67. Id. at 125.
68. Id. at 127, 131.
69. Id. at 129.
70. Id.
71. Id. at 130.
72. Id. at 132-33.
The twentieth century. Legal breakthroughs, including the legalization of abortion and the advent of national antidiscrimination legislation, also paved the way for increased access and attainment in education and the professions. Yet while some women were entering and staying in the classroom and the boardroom, other women in blue-collar jobs were still being exposed to toxic chemicals that harmed their reproductive capacities. Although women were participating in larger numbers in many types of workplaces, few employers have provided the workplace accommodations—such as flexible hours, maternity leave, or breastfeeding facilities—needed by women during their early and most fertile years. Employees who do receive accommodations are generally employed in higher-paying jobs and have better educations.

Arons and Roberts emphasize throughout that health burdens are apportioned unequally across women, falling the heaviest upon minority and low-income women who tend to work in the highest-risk professions, including farm labor, dry cleaning, hospitals, and nail salons. Because many workplaces and workplace safety measures were designed with men in mind, women entering those spaces tend to be subject to increased health hazards, from ill-fitting protective wear to widespread sexual harassment. Harassment in particular continues to plague women across industries, causing not only emotional distress but also physical harm from attendant stress-related diseases. Though sexual violence is not limited to the workplace—domestic violence is still the single biggest cause of women’s injuries—when it happens outside the workplace, it is treated as a private issue, even though it contributes to at least twenty-five percent of victims losing their jobs.

How do we fix these problems on a macrosocial level so that women are not sacrificing their health for their jobs? Arons and Roberts suggest that the paradigm shift that has already occurred—the normalization of women in the workplace—is an important first step. They suggest that the next big shift should be to separate healthcare from workforce attachment, remove gender and race barriers to access and affordability, and reframe and reconsider workplace safety to ensure that these environments are safe for all workers.

**E. Education**

In just a few decades, women have gone from receiving fewer than fifty
percent of all bachelor’s degrees and under ten percent of all professional and doctoral degrees, to nearly sixty percent of all bachelor’s degrees and nearly half of all professional and doctoral degrees. However, as Mary Ann Mason points out, this dramatic increase in women’s educational achievement is not matched by a proportionate increase in earning power or entrance into traditionally male-dominated fields. Instead, women still tend to receive degrees in traditionally female “helping” professions; in the physical sciences, still only one in five doctorates are awarded to female students. Women enter “female” professions not merely because they are attracted to the material, but also because many of these workplaces, being predominantly female, are more open to the flexible schedules and family-friendly structures that many women need. Thus the gender wage gap is self-reinforcing: women continue to enter fields, professions, and workplaces that are responsive to their needs, but in doing so, they remain in jobs that pay less than their similarly situated, similarly educated male cohort.

Although education is often seen as an equalizing force, Mason describes in this chapter how many educational institutions stack the deck against women. For those who do not or cannot attend a postsecondary institution, training and vocational programs tend to be geared toward men, leaving women without any postsecondary education few options. Community colleges are dominated by female students, but women are less likely than men to complete their degrees at these institutions or transfer to four-year colleges, due at least in part to the lack of childcare, counseling assistance, and lifetime limits and work requirements for the receipt of welfare assistance. Because of the lack of career counseling and assistance, women even in community colleges tend to gravitate toward female-dominated career tracks, leading women who graduate from these programs to have lower earning capacities than their male peers earning degrees in computer science or technology. Four-year colleges and universities now award more degrees to women than to men, but this improvement in educational attainment is skewed away from low-income, minority, and particularly immigrant women. And in graduate and professional programs, women still receive far fewer degrees in the high-paying technology and engineering fields, a problem that may result from the lack of female role models in those departments and the paucity of family accommodations in research and science career tracks. Research science seems particularly unfriendly to women with families: over 40% of female postdoctoral students in the University of California system who

83. Mary Ann Mason, Better Educating Our New Breadwinners: Creating Opportunities for All Women to Succeed in the Workforce, in SHRIVER REPORT, supra note 3, at 161.
84. Id. at 161-62.
85. Id. at 163.
86. Id. at 164.
87. Id. at 172-73.
88. Id. at 166-68.
89. Id. at 169.
90. Id. at 171, 174.
91. Id. at 175-76, 181-83
became mothers decided not to pursue a career in research.92

Mason suggests that there are several important fixes for this persistent problem. First, Title IX of the Education Amendments Act of 1972 should be leveraged to improve women’s participation in the sciences, just as it did for sports over the past few decades.93 Second, educational institutions should work comprehensively to create family-friendly degree and teaching programs to include and support all kinds of students.94

F. Business

Despite women’s significant economic, workforce, and educational participation and achievement, many businesses still have not undertaken the important task of incorporating women’s needs and priorities into workplaces and business models.95 In their chapter of the Report, Brad Harrington and Jamie Ladge posit that the faster businesses take up the mandate to change their models to lessen or eliminate work-life conflict, the better their outcomes will be over the long term, both in terms of profit and retention.96

Although women now make up half the workforce, less than three percent of major companies are run by women, and less than sixteen percent of corporate officer positions in those companies are occupied by women.97 However, empirical research has shown that female corporate leadership actually leads to higher profits.98 If this is the case, then why have more companies not aggressively pursued female leadership? First, women still tend to handle the vast majority of family responsibilities, and many high-powered career paths as currently constituted—requiring at least full-time employment—set up insurmountable work-life conflicts.99 Many women seek part-time work to accommodate their family duties, but these positions do not tend to lead to promotions and leadership roles.100 For some women, this need to balance work and family has led to a pursuit of entrepreneurial enterprises, but very few of these businesses are highly profitable (less than three percent make more than $1 million annually).101 Unfortunately, the desire for flexible or at-home work opportunities has led to predatory schemes that aim to take advantage of women.102 Yet for the most part, women still work in “pink-collar” female-
dominated jobs, from secretarial and retail work to nursing and waitressing; few of these positions offer opportunities for career advancement.\textsuperscript{103}

Nevertheless, even highly-educated women who work in the corporate world still face barriers to advancement, including the “second shift” (childcare and other home responsibilities such as elder care); a perception problem which views mothers as less capable, less dedicated employees, though the same prejudices do not apply to fathers; and a lack of informal networks in corporate power structures.\textsuperscript{104} This lack of access to power networks is most acute for minority women and single women, who are often excluded from collegial socializing.\textsuperscript{105} Finally, some studies have shown that because women’s communication and management styles tend not to conform to a traditional, aggressive model based on men’s styles, their leadership is often misunderstood or overlooked.\textsuperscript{106}

How should companies respond to these concerns? Harrington and Ladge point out that some leading businesses have acknowledged that family-friendliness is important to both men and women, and that improving workplace flexibility saves companies money and productivity.\textsuperscript{107} Major corporations such as Hewlett-Packard, Raytheon, and Intel offer flexible schedules, parental leave, and phased retirement programs, all of which help retain employees and reduce the cost of turnover.\textsuperscript{108} Some companies are developing self-directed career models, working to reward diversity rather than assimilation in work and management styles, and offering mentoring programs to support new employees and integrate them into workplaces where they might not, as noted above, traditionally fit in or find social connections.\textsuperscript{109} Yet these programs are mostly available to white-collar workers, unequally distributing these much-needed accommodations.\textsuperscript{110}

In order to make workplaces across the United States truly gender-equal, Harrington and Ladge suggest that we must take work-family policy seriously on a national level. Doing so involves creating or expanding leave policy for life events such as birth and childcare, improving the provision of health care, making flexible work arrangements widely available, and applying all of these changes to workers from wage and hour employees to CEOs.\textsuperscript{111}

\begin{footnotesize}
\begin{enumerate}
\item http://www.prospect.org/cs/articles?article=the_part_time_bind.
\item \textit{Id.} at 209, 212, 213.
\item \textit{Id.} at 213.
\item \textit{Id.} at 214-15.
\item \textit{Id.} at 219.
\item \textit{Id.} at 220-21.
\item \textit{Id.} at 223-25.
\item \textit{Id.} at 221-22.
\item \textit{Id.} at 226, 228-29.
\end{enumerate}
\end{footnotesize}
G. Faith

As more women enter the workforce and take on increasing levels of professional responsibility, religious institutions, which have traditionally been very much a woman’s sphere, have seen a significant decline in participation. In a dynamic world where many different duties compete for women’s time, these institutions are faced with the choice of adapting to meet women’s changing needs or risk losing a large and traditionally devoted population. For some institutions, as Kimberly Morgan and Sally Steenland explain, accommodating the needs of today’s women challenges their foundational beliefs in traditional families and gender roles. And despite their falling attendance numbers, many women today still turn to their faith to help them manage their lives and find deeper meaning in their world and work. More than four in five American women are Christian: they outnumber men in almost every Christian tradition, and the participation rates are even higher for lower-income and minority women. But as women work more, move more, and get married later, their traditional connections to faith communities often attenuate or begin later in life.

Aside from their increased workforce participation, are there other reasons why women’s connections to faith institutions seem to have decreased? Morgan and Steenland point to a variety of factors, including the appearance of institutional unfriendliness toward single women, the lack of expectations that a faith institution will provide support for their needs, and the widespread hostility (with notable exceptions) to non-heterosexual congregants. Yet despite these structural issues, millions of American women remain closely connected to their faith. At the same time, studies have shown that women would like their religious institutions to both recognize the value of their paid work and provide religious services that fit with their busy schedules. These work-religion conflicts are felt more strongly by self-identified conservative women, who report feeling that their religious institutions are less respectful or encouraging of women’s participation in paid work. And though women overall are attending religious institutions in smaller numbers, more minority women remain strongly connected participants in their faith communities.

Although religious institutions have long been the beneficiaries of women’s free volunteer labor, many have been changing to reflect the reality of

113. Id. at 242.
114. Id. at 242-43.
115. Id. at 244-45.
116. Id. at 246-47.
117. Id. at 247-48.
118. Id. at 249-50.
119. Id. at 251.
120. Id. at 254.
women’s lived experiences. There are some exceptions: as women have increasingly demanded roles in institutional hierarchies, some institutions have reacted by blaming women for changes in family structure and engaged in political battles to oppose progressive government policies. Yet for the most part, religious institutions have taken down their traditional barriers—both literal barriers in the case of many Jewish synagogues, and metaphorical barriers in the case of Protestant denominations allowing female clergy—to women’s more equal participation. Catholic and evangelical churches have been slower to engage such reforms on an organizational level, though inside individual churches, a spirit of what has been called “pragmatic egalitarianism” has been popularized. In order to retain members and adapt to new social mores, many religious institutions have begun to reconstitute themselves in more family-friendly ways, providing social services such as childcare and after-school programs, offering services at hours responsive to the needs of working parents, providing marriage and family counseling, and offering food, clothing, job training, and other services to those hurt by the economic recession. Some mega-churches have taken the service-provision model and expanded it dramatically, becoming some of the biggest service providers in their towns and cities.

Although traditional institution-based worship remains important, many women, particularly young women, are finding meaning and sustenance in non-institutional spiritual practices. This movement towards non-institutional spirituality may be influenced by several factors, including convenience and ease of practice, an unwillingness to identify with just one denomination, and the modern ability to access multimedia resources via the Internet and other technologies. Some religious leaders see this “privatization” of spirituality as negative for social well-being and contemplative practice, but others acknowledge that people increasingly need to engage with religion on their own terms. As women become more permanent and integrated parts of the overall economy, religious institutions that wish to retain their constituencies will have to evolve to respond to women’s changing needs.

H. Media

If judged simply by the frequency of their appearances on television, it

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121. Id. at 255.
122. Id. at 256.
123. Id. at 257.
124. Id. at 259.
125. Id. at 260-61, 64.
126. Id. at 265.
127. Id. at 265-66.
128. Id. at 267-68.
129. Id. at 268-69.
130. Id. at 270.
would appear that women today are all either high-powered professionals (lawyers, presidents, police chiefs) or pampered housewives.\(^{131}\) In her chapter on the media, Susan Douglas points out that very few public portrayals of women depict their actual lived experience, a knowledge gap that leads to significant confusion over the image versus the reality of women’s lives.\(^{132}\) Whereas in the middle of the last century women were most often depicted as housewives, portrayals that didn’t reflect the nearly one-third of the workforce made up by women, the media today presents a rosy picture of women’s achievement, leading the casual observer to imagine that the fight for gender equality is over and won.\(^{133}\) Without honest media portrayals of women’s lived experiences, it is often difficult for policymakers to point to popular images of the kinds of women that social programs are supposed to help; although many television watchers could think of an example of a female surgeon, police lieutenant, or attorney, most could not immediately call to mind a popular portrayal of the kinds of positions most women actually hold, such as elementary school teacher, nurse, maid, or home health aide.\(^{134}\) Moreover, because women make up such a small proportion of the “experts” seen on television on any topic, it can be easy to dismiss the notion that women have more to say than they are currently communicating.\(^{135}\)

The picture of women’s social role is more complicated off the television screen. Because the Internet is a more democratizing medium, more women participate in their own portrayals and thus paint a more nuanced picture of their lived experiences, from mommy-bloggers to self-identified “sluts.”\(^{136}\) In the world of advertising both on- and off-line, the portrayal of women is, as ever, geared toward providing women with a sense that products will empower and assist them in living their modern lives.\(^{137}\) One form of media remains extremely gender-inequal; in the world of talk radio, few women are leaders or participants.\(^{138}\)

Regardless of the medium, women’s roles and contributions are still too often seen through the dual and competing lenses of sex and marriage. Shows such as *The Bachelor* and celebrities like Paris Hilton typify the elevation of women’s sexual and marital competition as their prime social roles.\(^{139}\) And the persistent, indefatigable “opt-out” movement (the notion that well-educated

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\(^{132}\) Id. at 282.

\(^{133}\) Id. at 285.

\(^{134}\) Id. at 287-89.

\(^{135}\) Id. at 290-91 (noting that one woman expert appears for every four male experts on television).

\(^{136}\) Id. at 285-86.

\(^{137}\) Id. at 286.

\(^{138}\) Id.

\(^{139}\) Id. at 293-94.
women are marrying, reproducing, and leaving the workforce in large numbers),
despite being debunked as a myth, has created a false narrative of “choice”
where, in reality, many women who “opted out” either worked in institutions
unwilling to be family-flexible or simply could not make enough money to
afford to pay someone else to provide childcare while they worked.140 This
notion of “choice” speaks only for wealthy, mostly white, women, and masks the
ture situations of the vast majority of American women’s lives.141

Balancing work and family has only become more difficult with the
increasing media focus on motherhood. A poll in the 1990s showed that over
three-quarters of women believed it was harder to be a mother today than
decades ago, and the blogosphere is overrun with women writing personal stories
about the challenges of motherhood.142 Also, many portrayals of highly
successful women show them as anti-family: cold, cruel, unloving, and
arrogant—or too sexy, too crazy, or too angry.143 Because feminism has become
a bad word to some—Rush Limbaugh has famously equated it with Nazism144—
many women can no longer look to feminist icons, or to leaders on television or
anywhere else to see role models of how to successfully combine family and
work.145

How can this problem be addressed? Douglas suggests that if the
mainstream media were more able and willing to portray women as they are—as
breadwinners, mothers, experts, feminists, citizens—then we as a society would
have a more nuanced and realistic picture of women’s lives.146 She places
the burden on media companies, television hosts, reporters, leaders, and individuals
to each play their respective roles in promoting this more complicated notion of
who women really are and what they really need.147

I. Men

In “a woman’s nation,” what role do men play? What role should they
play? With the increased presence of women in the labor force, men are being
forced to confront foundational assumptions about identity, masculinity, and
social reality, with significantly mixed results.148 In his chapter, Michael
Kimmel describes how the gendered transformation of public life is having

140. Id. at 295, 298.
141. Id. at 298-99.
142. Id. at 299.
143. Id. at 300-02.
144. See, e.g., Media Matters for America, Repeating “Feminazi” Comment, Limbaugh Reprises
145. Susan J. Douglas, Where Have You Gone, Roseanne Barr? The Media Rarely Portray
    Women as They Really Are, as Everyday Breadwinners and Caregivers, in SHRIVER
    REPORT, supra note 3, at 303-04.
146. Id. at 306.
147. Id. at 307.
148. Michael Kimmel, Has a Man’s World Become a Woman’s Nation?, in SHRIVER REPORT,
    supra note 3, at 323-24.
strong and reverberating effects on individual and private lives, and how men have reacted with varying degrees of grace to this profound shift in the sociocultural paradigm.

Throughout American history, the role of breadwinner has been consistently masculine; indeed, for men unable to show their masculinity in other ways, performing as the provider has been the sine qua non of his position atop the family hierarchy. Yet the American man’s position at the apex of his family has been threatened for decades by the exporting overseas of many traditionally male manufacturing jobs, a trend that has been exacerbated by the dramatic increase in male job losses during the recent economic crisis. To some men, contrasting their widespread job losses with women’s large-scale job gains has led not to pleasure at the equalizing of gender workforce participation, but to bitterness, anger, or opposition to women entering traditionally male industries. Some men have reacted with a clear sense of abused entitlement, demanding publicly and privately to know why they have been “passed over” for employment or other benefits in favor of women. To these men, women’s entrance into these industries destroys a powerful set of traditions and social norms, making equal spaces and experiences once reserved solely for men.

How are men reacting to women’s increasing presence on the sports field, in the boardroom, or in the firehouse? Although men’s responses are hardly monolithic, a set of rhetorical techniques are proliferating that turn traditional equality narratives on their head, proclaiming that social ills that many view as primarily affecting women (domestic abuse, sexual assault) are co-equal phenomena with responsibility and victimization also being shared across genders. These views, articulated in talk radio, by masculinist scholars such as Harvey Mansfield, and by new “men’s rights” groups, showcase not only a fear that men have lost their primacy as breadwinners and heads of households, but a profound and insidious nostalgia for a lost era of American social life characterized—in retrospect—by a near-mythic male vigor and power. Some of these men are the so-called “masculinists,” as Kimmel dubs them, who believe that what they have lost is not simply their place at the head of a family hierarchy, but a personal power that came from male relationships and a male connection with the American wilderness. These masculinists chase an essentialized notion of masculinity through wilderness retreats, online role-playing games, and participation in male-power religious groups such as the Promise Keepers (which brings tens of thousands of men together in sports stadiums to “revitalize” their masculinity with the help of appropriately-
costumed referees). Despite this movement’s domination by white, middle-class men, minority men have also engaged this rhetoric, such as during the 1995 Million Man March.

Aside from, or in addition to, a public commitment to reaffirming their masculinity, men have also taken on the project of fatherhood as a political and masculinist act. Social science has blamed fatherlessness for a variety of social problems; rising rates of divorce have led to a movement for “father’s rights,” or equal access to custody and financial freedom from their ex-spouses. At the same time, the tendency to favor mothers for custody has led to widespread “paternal withdrawal,” masculinizing a disconnected fatherhood and feminizing child-raising and, inevitably, poverty—concerns refracted and multiplied by existing inequalities of class and race.

Yet this public fracas and focused private problem does not necessarily reflect men’s lived experience: for example, in a study of California fathers, the majority reported contentment with their post-marriage arrangements. As cost of living continues to increase, requiring financial contributions from two incomes, men are coming to accept the necessity of women’s economic and social equality. Kimmel posits that men’s tolerance of and support for gender equality begins not in the public sphere but in the privacy of the home: men’s support for conventional gender roles has decreased dramatically since the 1970s, and their attitudes about women’s ability to balance motherhood and work have improved substantially across the decades, becoming stronger and more positive in each subsequent generation. Furthermore, men have slowly begun to make the home a more gender-equal project, though women still spend more time on housework than men do, particularly in white families, where only sixteen percent of men do half the household work, compared to more than twenty-five percent of men in black families. However in low-income and immigrant families, the division of labor seems to depend somewhat on socioeconomic reality and somewhat on attitudes toward gender equality. Even if housework is still not gender-equal, men have increased by fifty percent the amount of time they spend each day parenting their children, leading to the mixed results of better child outcomes and increased male reports of work-family conflict. Child outcomes are appreciably better when all household and childcare duties are shared between parents; studies also show that such equity in

156. Id. at 333-35, 338.
157. Id. at 338.
158. Id. at 339.
159. Id. at 339-40.
160. Id. at 341, 344.
161. Id. at 340.
162. Id. at 345.
163. Id. at 345-46.
164. Id. at 348-49.
165. Id. at 349.
166. Id. at 350-51.
home duties leads to more stable and lasting marriages wherein both husbands and wives are happier, fitter, less likely to abuse substances, more likely to have sex, and less likely to experience mental illness.167

Given the clear benefits of gender-equal homes and communities, how can policymakers support and motivate men to create these structures in their own lives? Kimmel suggests that family-friendly policy should be reconceived as an issue that affects all people, rather than being relegated to a woman’s issue.168 There also needs to be a national reframing of what it means to be a provider, a definition that captures and embraces a more gender-equal family, economic, and social reality.169

J. American Attitudes

Although each of the preceding chapters in The Shriver Report is grounded in scholarly inquiry and based on empirical work, no entirely new empirical insights are provided as to how Americans are reacting to these foundational shifts in the social and economic fabric of our society. To fill this gap, John Halpin, Ruy Teixeira, Susan Pinkus, and Kelly Daley report in their chapter on a large-scale study of American attitudes towards gender relations in the twenty-first century.170 Their primary finding is that, for the most part, men and women across the race, class, and political spectrums support women’s increased labor force participation, and express a desire to build a gender-equal society in both the public and private spheres, with positive attitudes increasing in each subsequent generation.171 Moreover, men and women across these spectrums agree that health, self-sufficiency, financial security, and job fulfillment are important personal values, and that love, affection, and family are important values in a partner.172 However, regardless of these widespread positive attitudes toward gender equality and across-the-board agreement on values and needs, the same survey participants report overwhelmingly that women still carry most of the domestic responsibilities and burdens.173 Also, despite this continued unequal burden, both men and women report being stressed by work-family balance and negotiations: two-thirds of respondents said that coordinating responsibilities was an occasional or frequent stressor.174

The authors conclude from the data that, at least as far as attitudes are

167. Id. at 352-53.
168. Id. at 354-55.
169. Id. at 355.
171. Id. at 396, 298.
172. Id. at 399-400.
173. Id. at 396.
174. Id. at 402.
concerned, “the battle of the sexes is over.” Overall, they find that men and women have not responded to gender role transformation by large-scale conflict or serious acrimony. Moreover, the men and women in their study agree more than seventy percent of the time on various statements about gender roles. In looking more closely at these agreements, statements regarding economic equality, earning potential, workforce participation, and women’s abilities were most strongly supported by both genders. Where there was still significant disagreement regarding the burdens that women still carry disproportionately, particularly household tasks and caregiving responsibilities: over eighty-five percent of women agreed that the apportionment of these duties remains skewed, compared to about sixty-six percent of men. Some other differences still exist, often along partisan lines. Republicans and conservatives are far more worried about children in two-earner families than Democrats and liberals; conservatives are also far less likely to support government funding for childcare or agree that better outcomes would result from women’s equal representation in government and business.

Importantly, despite findings of generally positive attitudes toward gender equality, the authors note that these self-reported beliefs do not necessarily match behavior. Nearly two-thirds of married women and eighty-six percent of single women report that they are mostly responsible for their children, compared to around one in eight men. Similarly, over forty percent of women report being responsible for elder care, compared to around one in four men. Although the majority of Americans report comfort with men and women being co-breadwinners, seventy percent of primary breadwinners are still men. This chasm between beliefs and behavior is not necessarily sinister: half of both men and women surveyed report that more flexible work schedules would significantly help their family lives, and most agree that their employers and government policy do not provide adequately family-responsive schedules. Excluding a disagreement about the role of government in providing childcare, this sense that business needs to be more responsive to family even cuts across party lines. With such strong support for changes in the relationship of work to family, it appears that business and policy fail to respond at their own peril.

175. Id.
176. Id.
177. Id. at 403.
178. Id. at 404.
179. Id. at 404-05.
180. Id. at 408.
181. Id. at 409.
182. Id.
183. Id. at 410.
184. Id. at 411.
185. Id. at 412.
186. Id. at 412-13.
III. WHAT’S LEFT? WHAT’S NEXT?

In the introduction to this Recent Development, it was noted that when women surpassed men on the nation’s payrolls, few major news outlets heralded—or even recognized—this change. Yet even the meager coverage this news received was hardly focused on how women’s increased participation in the workplace will force a dramatic reimagining of the character of the American workforce. Instead, the second sentence of the New York Times piece noted that this news was “bittersweet” because “it comes largely at men’s expense.”¹⁸⁷ This notion that employment in particular, and women’s advancement in general, is a zero-sum game or that women’s economic empowerment comes at the price of men’s disenfranchisement, is part of a larger, more complicated, and more insidious narrative about the changing status of women in society. The Shriver Report provides excellent and extensive data and analysis to suggest that women have made considerable advances and have become integral parts of nearly every aspect of American public and private life. Yet there remains a significant lacuna between women’s economic presence in the labor force and the power that women wield—in public life, in public discourse over women’s issues, and in their private lives.

A. Public Life

Although women are now the majority on the nation’s payrolls, they are hardly the majority in the boardroom, the academic senate, or in the halls of Congress. This last location of low participation is of particular importance: as the Shriver Report authors point out in their chapter on government policy, women’s voices in the policy process are an important factor for ensuring that women’s interests are part of the form and substance of our nation’s laws and protections. And as was noted in the chapter on the media, women’s names, faces, and presence in policy’s promotion do significant work in creating norms of who we as a society view as intelligent, powerful, and correct.

Of the 535 members of the 111th United States Congress, only 16.8% are women, up significantly from the 101st Congress just twenty years ago when women made up only 5%.¹⁸⁸ In statewide elective executive offices (governors, lieutenant governors, attorneys general, etc.) across the country, 22.9% are women; in state legislatures, 24.4% of the seats are occupied by women, which is more than five times the number that held such seats forty years ago; and of the municipal offices in the 100 largest cities in the United States, only seven

had female mayors.\(^189\)

Even this level of female participation in public life is not equally distributed across race and class lines: of all female federal elected officials, 2.2% are African American, 1.3% are Latina, 0.4% are Asian American, and 0% are American Indian or Alaskan Native.\(^190\) And in governor’s offices and state legislatures, the numbers are similar: there are no minority female governors, and only between 0.1% (American Indian/Alaskan Native women) and 2.7% (African American women) of state legislatures are composed of women of color.\(^191\) Of the 249 mayors of United States cities larger than 100,000 people, although 14.5% overall were women, only 2.4% were women of color: four African American women, one Latina woman, and one Asian/Pacific Islander woman.\(^192\)

This seems to be a peculiarly American problem: across the world, women play far more equal roles in their nations’ public lives. In Rwanda and Sweden, women make up nearly half of national legislatures; in countries from Finland to Costa Rica to Mozambique, women hold more than a third of the national seats.\(^193\) How is it possible that the gender gap in American political life remains so distinct when the labor force participation gap has closed entirely? Although it does not explain why the United States lags behind other nations in terms of women’s place in political life, a recent study by researchers from Brown University and Loyola Marymount University suggests that a variety of factors contribute to American women’s disproportionately low levels of representation in public life.\(^194\) They note that, even when controlling for age, political party, socioeconomic status, and profession, women are less interested in or left out of every step of the electoral process: they are less likely to express ambition to run for office, are less likely to be recruited to run for office, less likely to think they are a qualified candidate, and more likely to see work-family conflict as a reason for not running for office or as posing significant difficulties for a political career.\(^195\) Of the several thousand potential political candidates surveyed, women overwhelmingly reported high levels of family responsibility: 60% said they were responsible for the majority of childcare provision, and only 10% reported that their spouse or partner was responsible for the majority of household tasks.\(^196\) By comparison, only 4% of men surveyed reported that they were

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\(^{189}\) CTR FOR AM. WOMEN & POLITICS, WOMEN IN ELECTIVE OFFICE 2010, supra note 188, at 2.


\(^{191}\) Id.

\(^{192}\) CTR FOR AM. WOMEN & POLITICS, WOMEN IN ELECTIVE OFFICE 2010, supra note 188, at 2.


\(^{194}\) Id.

\(^{195}\) Id. at i.

\(^{196}\) Id. at 7.
responsible for the majority of childcare provision, and 56% reported that their spouse or partner was responsible for the majority of household tasks.\textsuperscript{197}

Thus although the majority of men would not have to consider their household or family responsibilities in deciding to run for office, the vast majority of women would face significant work-family conflict if they chose to enter political life. But perhaps of equal importance is the finding that not only do women believe there would be significant family conflict and not believe they are qualified for office (one in five women believes she is “very qualified” compared to one in three men who believe they are “very qualified”), but they simply aren’t asked to run; between men and women of similar income, status, education, age, and political engagement, nearly four in ten men have received a suggestion to run for office by an elected official versus less than one in three women.\textsuperscript{198} Hidden in this data is an important observation of social bias that extends beyond public and into private life; of the subjects in this survey, men were across the board more likely than women to receive a suggestion to run for public office from their friends, their co-workers, their spouses or partners, other family members, or from their religious leaders.\textsuperscript{199} Thus women face barriers to political power not merely because of historical precedent or work-family conflict, but because they face internal doubt, aided and abetted by external actors, which leads them to be less likely to see themselves as potential office-holders or wielders of political power. With home and community paradigms that do not actively support women’s holding political power, it remains difficult to change the normative image of what political power means, and literally looks like, in the United States.

\textbf{B. The Demography and Geography of Women’s Issues}

Despite the disproportionate lack of political power discussed above, women still comprise half the population, and now make up half the workforce. Yet “women’s issues”—a hugely broad label encompassing everything from sexual violence to work-family conflict—remain not only external to much of the political conversation, but are primarily relegated to the purview of women’s organizations, nearly all of which are founded, directed, and staffed by women, and which have had little success in getting men to engage with the work of promoting these concerns. Although several men helped found the National Organization for Women, the nation’s largest women’s organization, it has since the 1960s always had a female president and its staff has been predominantly female.\textsuperscript{200} Other major women’s organizations, from the Feminist Majority Foundation to the League of Women Voters, have all been primarily founded,
directed, and staffed by women. Indeed, the current staff of the National Women’s Law Center appears to be less than fifteen percent male. This gender disproportionality is to some extent historical; women’s organizations have historically allowed women to assume leadership roles long before they were widely given positions atop other institutional structures. Yet because so many vital social issues fall under the umbrella of “women’s issues,” these concerns become marginalized, pushed from the headlines and the forefront of political campaigns into single bullet points on a list of relevant concerns. Most politicians’ websites have a single page, if that, devoted to women’s issues. For instance, progressive Senator Harry Reid lists women’s issues as one topic of interest alongside transportation, veterans, and Yucca Mountain. Senator Reid’s website is hardly on the low end of the spectrum of representation, as many politicians lack such a page at all.

Marginalizing an extraordinarily diverse set of concerns into the misleading label of “women’s issues” causes significant harm to women and men alike. As scholar Michael Flood notes in an article on gender policy, men, like women, are gendered citizens, and as long as we continue to treat only women’s issues as having a gendered dimension, the notion of men as ungendered and universal representatives of humanity is perpetuated, and the normative qualities of citizenship remain, ineluctably, male. Issues generally referred to as “women’s issues” are in fact primarily issues of relationship, and most often problems in relationships between men and women. Placing the “women’s” label on issues such as rape, abortion, and childcare exonerates men from their necessary role in addressing these concerns, and excludes them by definition from arenas in which they might legitimately want to engage.

Moreover, and perhaps most difficult of all, women’s issues are, for the vast majority of the world, not concerns that may be left outside the door or kept from affecting everyday lives. Whereas our social and geographic worlds are constructed so that, with adequate means and access, citizens could avoid engaging with members of other races or national origins except in rare

202. National Women’s Law Center, National Women’s Law Center Staff, http://www nwlc.org/details.cfm?id=2848&section=infocenter (last visited Apr. 12, 2010). This figure is an approximation as some staff members have gender-ambiguous names, and names are not necessarily a clear indication of gender identity.
circumstances, for the most part we encounter and engage gender issues every single day. Women’s issues in the boardroom are also women’s issues in the bedroom. In homes across the United States, gender equality is fought for—or fought against—every single day. Despite the public gains detailed in The Shriver Report, the data also show that women continue to bear significantly heavier burdens in the home, from childcare duties to responsibility for household tasks. Public gains have not necessarily correlated with private gains—and for some, may have come with private costs.

While women now may exercise their economic and social power more capaciously in public, they remain vulnerable inside the four walls of their own homes; according to data compiled by the National Network to End Domestic Violence, nearly twenty-five percent of women are assaulted or raped by a partner during their adult years, and more than one in three women seeking emergency medical care had had their injuries inflicted by an intimate partner.206 The home remains one of the last bastions of constitutional and widely accepted gender inequality; this relationship of the gendered home to domestic violence is described by Jeannie Suk as the “uncanny character of the home,” which can be both “utterly familiar and comfortable [and yet become] unfamiliar and frightening” for the women within it.207 Although the home, as Melissa Murray notes, has long been a site where both family law and criminal law have played key roles in organizing the legal construction of families’ private lives, questions remain about how women’s increasing public economic equality affects this delicate organization of intimate life.208 As such, the willingness that both men and women have to address issues of gender equality in public may not be met with a similar embrace of these same notions of gender equality in the private space of the home, with potentially frightening results. Because the privacy of the home is so deeply identified with women in both the legal and social imagination, the desire to protect the black box of the home from external invasion—whether from the prying eyes of the state or from ameliorating public mores of gender equality—remains a significant obstacle.209 The more things look equal on the outside, the more difficult it may be for anyone to believe that anything is wrong on the inside.

Although women may be making great strides in the world of work and with their increasing presence in public and even political life, the home may be the last frontier for “women’s issues” to simply become people’s issues, for the door of the house to signify not the gendered indignity of an unequal private life but the true shared experience, the generous and equal negotiation, the non-zero-sum game of a private life based on a common conception of an ungendered

humanity. Creating a true “woman’s nation” not only in the boardroom but also in the bedroom is the challenge that remains for generations to come.