

An American Roadmap?
Framing Feminist Goals in a Liberal Landscape

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Gornick and Meyer describe the problem facing people in modern societies very well: achieving a balance between caring and earning in individual and family life and a better balance between women and men in life opportunities. But their approach to defining a real utopia for an American reconciliation between work and family demands is both familiar and improbable. Familiar because the choice to offer European models for American social policy reaches back into the early twentieth century, as the correspondence between German and US social feminists attests (Sklar, Schüler and Strasser 1998). It has echoed in much second wave feminist writing, with Adams and Winston (1980) being an early and influential example.¹ This framing feels convincing to American social scientists, who often see the European social model as a sensible route to social justice.

Yet Americans in general and American policy-makers in particular do not see “borrowing from Europe” as offering a route to progress. Gornick and Meyer’s approach is improbable because social policy depends on framing, and a frame that does not resonate with local political values will not advance broader transformations. Just as Gornick and Meyers seek to reframe the issues of equity and family support to be less in conflict with each other, it is important to reframe the debate to locate it within American values and institutions if it is to be effective in advancing American reforms. As Orloff (1996: 56) argues, Americans believe “access to cash benefits is not always an unmixed blessing,” particularly if it reduces citizens to clients and enables intrusive state surveillance.

What makes Gornick and Meyer’s amalgamation of policies from different European states seem attractive as a model is that these policies really do exist now to some degree in

¹ The typical model advanced is Sweden; as analysis of the gender content of US introductory sociology textbooks documented, Sweden was the one country repeatedly cited in the 1980s as offering a policy model for gender equality (Ferree and Hall 1996).

Sweden, France, Denmark and other European countries. But this current plausibility rests on deeply political foundations. With the widening and deepening of the European Union, policies from one state are being used to leverage family and gender policy change in other EU member states (Walby 1999). This spread of gender equity policy-making is no accident, but reflects the concerted efforts of European women's policy networks, in and outside the separate member states. Something is now taking shape in the EU that one could describe as a European gender equity regime (Walby 2004). It is a political outcome, still precarious, built by the mobilization of feminist and other women's civic organizations, academic women's expert groups, femocrats in government, and elected women representatives in the parliament of the EU and of the member states (Zippel 2006).

This feminist network in Europe has made progress by targeting the limitations of the European social model, which has a long history of protectionist policies for women. If American feminists want to secure comparably effective policy for family-work balance, they will have to try to change a very different system – one that is notable for the lack of social protections, not only for mothers but for families and citizens in general. European states have long offered maternalist policy to all families, contributing to the support of children and at the same time cementing the assumption that care for them is mother's work. Because European states still vary enormously in the degree to which work-family balance means helping women balance “their” responsibilities (e.g. Germany) or encouraging a better balance between women and men in care work and employment (e.g. Sweden), and the EU itself has more willingly embraced the former than the latter goal (Stratigaki 2004), European feminist networks are still facing significant challenges to build toward Gornick and Meyers' ideal themselves.

But the US must build policy to advance women's equality and family welfare on a very different set of political foundations. Long riven by racialized conflict, U.S. social policy has not embraced either pronatalist or domestic support goals and has a low level of protection and support for families in general. This miserly welfare regime situates the US in the bottom ranks for both infant mortality and child poverty (United Nations Demographic Yearbook 2006). American social welfare policy, never generous, has faced deepening cuts as it has expanded to cover the African American workers and families who were once defined as ineligible for benefits (Quadagno 1994). Racialized ethnic conflict was not part of the European welfare state regime that developed after World War II. European feminist networks have not yet struggled with the contradictions in using family policy as a means of disciplining and assimilating immigrants, a challenge with which American feminists are familiar (Beisel 2004). For American feminists to make progress toward gender equality in this context, they will need to consider how their own system can be expanded and deepened to help families that are located differently by race as well as class.

This paper re-frames Gornick and Meyers' challenge to emphasize finding the spots within the US system of social policy that American feminist networks could target to achieve the basic goals they endorse: more gender equality combined with, rather than at the cost of, more support for care work. A search for effective points of intervention to reach this goal leads to consideration of the Social Security System. Although now regarded only as a support system for older Americans, it was originally designed to meet a wider range of family needs. It is also the largest, most universal and arguably the most effective element in the US social welfare system as a whole (Harrington-Meyer and Herd 2007). But as families and family needs have changed, the Social Security system has become less well adapted to serve even the elderly,

especially older women (Herd 2006, Gonyea and Hooyman 2005). Additionally, in the US, the separation of child benefits and support for non-married mothers from the programs for old age and death of a breadwinner allowed the former to be downgraded into miserly means-tested “welfare” programs (Herd 2005).

The end of the racial exclusivity of “welfare” in the 1960s as a result of the Civil Rights Movement made the child-support program even more vulnerable to stigma, and the 1970 Supreme Court decision that recognized these benefits as entitlements for all eligible families created pressure to restore local discretion and reinstate moral criteria of “deservingness,” which was done in the name of “welfare reform” in 1997 (Quadagno 1994, Mayer 2007).

These political foundations imply that American feminists who want to find a route to family support policy should avoid targeting childbearing itself with its connotations of deserving and undeserving mothers. This does not mean abandoning all hope, but rather moving away from the maternalist foundations on which Europeans have built and trying to reclaim and redevelop the more universal elements of the Old Age and Survivor Insurance (OASI) instead. Rather than expanding maternalism to encompass men in families, as the more progressive elements of the European systems have done, American feminists should expand the concept of “social security” to be more truly inclusive across gender and generational lines.

The risks and opportunities for social reform are, as Gornick and Meyer suggest, particularly acute at this historical moment. Families are struggling and American social policy seems indifferent. Rather than arguing for a model based on European experience as reformed by feminist challengers there, I suggest that the route to achieving more gender-fair and less time-stressed families in the US should be grounded in reforming the American system as it currently exists. There are three reasons justifying this approach.

First, social policy is inherently “path-dependent,” that is, that what will work in a utopian way in one context will lead in quite another direction in another. Prior policy histories continue to matter in how policy is understood and interpreted. Because social policy making is a path-dependent system, a simple “transplant” of policy organs that developed in a different context will face rejection from its incompatible “host” -- either in the form of resistance to trying the innovation or in multiple unwanted side effects. Although the path to the goal of greater gender equality leads through achieving a more just and livable balance of paid work and family labor for both women and men, for all the reasons that Gornick and Meyer so eloquently lay out, the path dependency of policy creates obstacles and opportunities that should put US challengers on a different route to reform.

The primary obstacle in our path is that much of the infrastructure that Europeans take for granted in managing work and family, such as vacations, sick leave, and limited work weeks, has never been part of the US system, creating a need for a more universalized time-redistributive system here. The American model is family-unfriendly to a degree unimagined in Europe (Orloff 1996). The chief opportunity offered along our path lies in the greater progress the US has made compared to European countries in securing a principle of gender neutrality and legal remedies for actions that have a disparate negative impact on one gender (Zippel 2006). Giving up this stronger anti-discrimination regime in favor of an expanded maternalism for women, even with an “affirmative action” component for fathers, would be a step backward for US policy. The EU and its member states today are struggling with diversity and discrimination, for the most part without the tools that US jurisprudence has developed over the past generation (Walby 1999).

Second, implementing old as well as achieving new social policies always relies on how they are framed. How policy is interpreted cannot be removed from its origins and historical development, but these background factors are never simply fixed and uniform. There always are struggles over policy development; there are aspects of any policy that can be highlighted to make them seem more or less “fair” in relation to the broad values institutionally anchored in particular policy histories. As Adams and Padamsee (2005) argue, policies do not only have material natures but are symbolic acts that function as signs and are adopted strategically in order to realize broader goals.

Thus the denial of benefits to poor mothers who are raising children can be framed as a legitimate effort to make them more “responsible” parents or can be framed as an illegitimate move to deny that childrearing is valuable work. Each of these frames resonates with American culture, but each moves policy in a different direction. And each frame has its advocates and opponents in the contemporary political landscape. Awareness of the different symbolic content of policy in Europe and the US is essential for a feminist project to move toward gender equality and work-family balance for both men and women rather than in the opposite direction, however unintentionally.

Third, universality is assumed in Europe but contested in the US. Because of the centrality of race to the structure of American citizenship and labor markets, the history of U.S. policy making provides few instances of family benefits that are not means-tested. Therefore, the universality of the Social Security system as well as its role as the keystone of American social policy makes it one of few available starting places to look for paths forward to develop more support for work-family balance and gender-equality (Herd 2006). While other social policies (school systems, health and safety regulations, public transportation subsidies, etc.) can

certainly also be brought into the discussion of making family-friendly policy that will also advance gender equality, I limit this paper to consideration of the Social Security system.

As a bedrock of the social policy system in the US, Social Security is at the center of debates about universal benefits. On the one hand, there is a substantial literature already that outlines reforms for Social Security that would make it more gender-equitable and reduce poverty among older Americans (Gonyea and Hooyman 2005; Ferber, Simpson and Rouillon 2006; Faverault and Steurle 2007; Herd and Harrington Meyer 2007). On the other hand, Social Security is also under attack from “privatizers” who would prefer even less government protection for families at risk and even less support for workers to leave the labor force. Thus “reform” of Social Security in the next decade is already being actively contested.

The shape of the reforms achieved will either be a sign of the US moving symbolically even further away from mitigating the social and economic costs of employment or a sign that the country is willing to use government policies to respond to the modern family’s needs for time and income. Unlike the introduction of a novel “European” system in the US, a reform of Social Security will move the American system in its own path, in either a progressive or regressive direction. Therefore it is important to see and to seize the potential for progressive reform and use the existing system to leverage change in a direction that would foster more work-family balance and greater gender equality, rather than the reverse. Just as European reforms reflect continuing struggle by feminists there both to build on and to counter the legacies of their own models (Stratigaki 2004, Walby 2004), American policy reform that is sensitive to the path dependencies in its own system will find the opportunities to develop its own capacities.

In the next section of the paper, I provide a brief comparison of the usable opportunities in the different social policy paths that have been followed in Europe and the US.

Decommodification in Europe and anti-discrimination policy in the US are part of the institutionalized opportunity structures that shape not only the probability but the meanings of different gender equity strategies. In the third section, I outline criteria for achieving gender equality and work-family balance that would reflect American social policy. Combining gender with generational equity, emphasizing formal gender neutrality and legal guarantees of non-discrimination and expanding the universalistic elements of the system are criteria that express and build on the liberal policy foundation of this system.

Then, in the fourth section, I consider some specifics of the Social Security system (OASI) arguing that reforming its current breadwinner-biased elements would be a path to greater work-family balance. In this section I first outline what Social Security now does, then describe how it could be redesigned to anchor the welfare state in a gender-equitable and family-friendly way. In the conclusion, I argue that such reforms would better meet criteria for addressing family needs across generations and promoting gender equity in the US than a transplanted European system could. But I also stress that no change in one policy sector alone could hope to correct the intersections of class, gender, race and other inequalities that permeate the US social policy system.

Path Dependency and Family Policy

Not only do European policy regimes differ among themselves – with liberal, social democratic or Christian-conservative elements dominating -- they also all differ from the US, which is by far the most purely “liberal.” American policy has remained centered on a commodified definition of citizenship, one in which social policy reflects market-based entitlements and addresses all members of the community as individual workers, albeit with gender and race specific identities. An American move toward gender equitable family policy

that would not backfire would take into account the particular path-dependencies of its market-centered model.

The liberal need to frame family support as fostering choice and work effort and America's continuing struggles over race and social inclusion have over time differentiated the US welfare state from European ones. The American model is far less "social" or decommodifying and it has moved further toward incorporating women as "individuals" into its market-based system through extending anti-discrimination law originally formulated to address racism. Both of these developments shape the relevant criteria for gender-equality-promoting family policy.

Decommodification. The classical European social model offers concrete economic benefits for both men and women. For generations, both paid and unpaid work had benefits that US jobs lacked: paid workers of both genders had guarantees of vacations, health care and sick leaves, men's support of dependents was subsidized by the state and employers, and women's care of children brought them some income and kept most children out of poverty. This gender-segregated but generous policy regime has informed both the expectations of the public and the political critiques of feminist reformers, who have seen this policy logic as a major obstacle to women's autonomy. Lack of an income adequate to support a family is seen as a source of dependency and disempowerment for all women (Orloff 1993).

In Europe, bringing men into childcare through designating a share of the existing care-time benefits for them and offering women better pay for part-time work could soften the edges of this segregated regime. Assuring that families have access to affordable, high-quality care also helps women become less dependent on individual men (since they can have state help in raising their own children and also find jobs in the state-sector caring for other children), even though it

does not reduce the gender division of labor. But Gornick and Meyers' route to an "earner-carer" model in the US would demand introducing maternity and early child care benefits as a social innovation. This would pit parents against non-parents, raise the recurrent racial issue of supporting "bad" mothering (often defined as African American, see Roberts, 1997), and risk becoming integrated into the already demeaning local processes of "welfare" (Mayer 2007).

The liberal policy regime has some gender-equity advantages for American women as well as costs to them and their families. As the other chapters of this volume attest, European women end up more often in part-time work and in gender-segregated (but paid) care work than American women do, even though the economic consequences of "mommy-tracking" are reduced (as they would not be in the US) by a flatter pay pyramid and a more generally progressive tax system. Part-time work in the US is also more likely than in Europe to be done by men above and below their prime working years, making these jobs more gender integrated, even though less protected and less well paid than their equivalents in Europe.

The conflict between work and family is now experienced as a "time bind" for American women and men, but in Europe it remains a larger obstacle to women's access to better jobs. Gender discrimination is more pronounced in Europe than in the US, especially for young women aiming at demanding careers such as bench science, business management, and academic research (EU report). American men, though hardly doing their full share of housework and childcare, are also already putting in more hours than in most Western European countries, and how much they contribute also reflects state-level policy variation in the US (Cooke 2007). This has a range of implications for gender equity.

Gender equity in the workplace: Encouraging women to replace full-time with part-time work to relieve their "time poverty" at home would tend to re-produce the obstacles to

advancement that European women are still struggling to overcome. Expanding the numbers of lower-paid carework jobs in the public sector, where women continue to be concentrated, would fail to provide a gender-equitable wage for women. Unless the entire wage system of the US were made part of this reform plan, part-time work would be a particularly painful trap for parents to fall into. Liberal definitions of “affordability” and “skill” would make the work of caring for other people’s children pay less than the median wage. Recruiting men into public childcare risks feeding the moral panics about sex and sexual abuse to which the dominantly non-secular US culture is prone.

Gender equity in families. Embracing norms of gender fairness has meant a recent shift in Europe from thinking of “the worker and his family” to thinking of “the child and its parents” as the objects of social policy (Jenson 2007). In this way, the male-centered regime of social provision to families by the state is being adapted to be more gender-fair without losing its anti-poverty, decommodifying focus. Dismantling its “traditional family” regime to bring women into paid employment is the European goal, while the feminist-led reforms of this model attempt to remove some of the gender privilege in the system without endorsing neo-liberal class inequalities.

But there is nothing “neo” about liberalism in the American context. In US, the “competitive individual” remains the core object of policy, rather than either “the worker and his family” or “the child and its parents.” Shifting away from the ever-available competitive individual of either gender to recognize “familied workers” and their inherent interdependencies is the American challenge. The US needs to adapt its individualist liberal regime to support familied workers of both genders without institutionalizing neo-traditional definitions of what families are and need (Fineman 2004).

Gender equity and the state: The strength of American liberalism is connected in an organic system of policy development with its many serious weaknesses of social provision. Anti-discrimination laws, from the 1964 Civil Rights Act to the Equal Credit Act and the Pregnancy Discrimination Act, focused on how women and men could be seen as comparable individuals. Even in the absence of an Equal Rights Amendment to the US Constitution, American courts increasingly affirmed the principle of gender neutral treatment.² The Supreme Court built up a body of precedent that defined direct discrimination against either women or men in gender-atypical social locations as illegal and prohibited a range of employment practices that had a “disparate impact” on women and men, even if not directly targeted against either group. Introducing “affirmative action for men” in US family law risks not only backlash against women at work, but a further skewing of divorce and custody arrangements toward fathers, even when their parenting behavior is abusive or violent .

Since the 1970s, the US Supreme Court has repeatedly affirmed a national commitment to both liberal individualism and gender-neutral language. Both of these rules would pose substantial obstacles to introducing the sorts of gender-specific policies that EU states are using to dismantle their earlier gender-segregated model of social provision. Adding a broad social insurance policy (poverty prevention through a living wage, nationalized health care, mandated paid vacation and sick leave) for all citizens, rather than de-segregating a gender-centered family policy, is therefore a more prudent American path to helping women, men and children. Since any specific family-centered step can only be as helpful as its role in the wider social system

² Its adoption was blocked from the 1920s through the 1960s by social democratic forces in the US, from unions to feminists, as antithetical to protective legislation. After a brief moment of opportunity in the 1970s, when it was reintroduced in the context of liberal opposition to gender-specific treatment, it failed to be ratified in the states as a result of Christian conservative mobilization that stressed its potential to “desegregate” restrooms, bring women into the military and secure abortion rights. The path dependency of the interpretation of policy, not just its feasibility, is underlined by this history, as European countries that adopted similarly worded equal rights provisions in their constitutions found their courts accepting protective legislation as consistent with rather than antithetical to this guarantee (see Moeller 1996 for the German case; Mansbridge 1986 for the US).

allows, it is important to avoid introducing race or gender inequitable elements into a policy imagined in class terms. Prudence requires considering the criteria for a gender-just family policy in the US liberal context.

Gender-fair criteria for liberal work-family policy

Although formulated with the feminist goal of greater empowerment for women as my central concern, the policy proposals that would meet the challenges above would not enlist the state directly into the project of making families “gender equal.” In addition to reflecting my skepticism about the wisdom of even the most feminist-friendly government, these proposals actively embrace participatory democratic processes in both families and governments, and thus expect diverse outcomes for local negotiations. What democratic states *can* do is to create the conditions under which both men and women would have more investments in and resources for creating gender equality than for maintaining inequality, and thus turn the bias of state policy toward empowering women.³

Four key criteria would reflect the challenges for US policy described above: gender-neutrality; increased universality; benefits tied to individual effort; and equal treatment of diverse family structures. All of these are in essence liberal in that they restrict the degree to which states act directly to foster families of a particular sort or to make equality in gender relations the direct object of policy. Instead, they work to dismantle state policies and mechanisms that still – despite gender neutral language – support conventionally gendered roles and undervalue women and the work associated with women. All four assume that a liberal system can be reformed to be more just without thereby forsaking its own philosophical heritage and policy path.

³ This also reflects my understanding of feminism as a goal that can be reached by diverse routes rather than as an ideology, such as socialism, that prescribes both the means and the ends of social change. See Ferree and Mueller, 2005.

Gender-neutrality. The principle of gender neutrality is the sine qua non of US gender equality policy. This is both a practical path dependency and a theoretical preference among American feminists. American families and feminist policy advocates have already adapted to the liberal presumption that laws will not treat similarly situated people differently by arguing that childbirth is not so different from other temporary disabilities and that childrearing can be done by both women and men. Without specifying gender in their policies, European states assume, they could neither meet mothers' expectations of support nor offer affirmative action to men to bring them into family roles as caregivers (Morgan and Zippel, 2006). By contrast, the American path has led in the direction of insisting that every policy, no matter how historically gendered, be open to both women and men equally.

Through the 1970s feminist organizations in the US brought lawsuits – often with male plaintiffs – to insist that educational institutions desegregate by gender and that social policy cover both women and men in formally equal terms. For example, a male widower sued Social Security with the help of the National Organization for Women to be able to receive benefits based on his wife's earning record that would allow him to stay home and raise his two children. Anti-discrimination law is currently being extended to cover discrimination based on family responsibilities. Courts are applying existing precedents against indirect discriminatory impact; large judgments in individual cases are having a salutary impact on changing business norms; male plaintiffs are again being used to win gender-neutral rights that more frequently cover women. These are all steps down the well-worn American liberal path, and while not ideal, they are better than anything else Americans have at their disposal (Williams, 2000; Press 2007).

As neo-liberalism expands and develops globally, it spreads a more liberal interpretation of feminism and, as Berkovitch (1999) argues, the transnational tendency has been to move

“from mothers to citizens” as the controlling frame for thinking about women. The EU, as a transnational political institution, has advanced this agenda in adopting proposals for anti-discrimination laws and policies that would undermine gender segregation (Walby 1999). European feminists are slowly coming to terms with this transition from motherhood-based to gender-neutral citizenship. It would be a step backward for American feminists now to give up the liberal principle of gender neutrality that they even earlier fought to secure.

Universalism. The commitment to the expansion of universalism in benefits is a necessary response to the miserliness of the American welfare state. American men will need fewer special incentives to take some sort of family leave, since many do not have a reservoir of vacation time or sick leaves to draw on in times of family need. An appropriate American social policy for work and family would “raise the floor” under the workers who currently enjoy the fewest rights to take time with their families on a daily, weekly or annual basis as well as turn social policy away from subsidizing family time for more affluent families at the cost of those who have less.

To allow less privileged women to share in the benefits of work-family reconciliation, the costs should be redistributed throughout the system as a whole, since otherwise poorer women become the “affordable” substitute carers (in or out of the home) for better-off children (whose parents can take a tax deduction) without having either a living wage or help with their own family responsibilities. A universal system is both fairer and more feasible than one that follows the path of addressing gender, age or class specific needs, and universal systems carry less stigma for recipients as well.

In an American policy context, any restriction of family time to parents of young children would be counterproductive. Many Americans, of all ages and both genders, face more

unrelenting demands for work time than they can in all good conscience meet. In the face of “impossible” demands, they feel that they are shortchanging their families, and while parents of young children are among those whom the individualist, work-centered American system hurts, the absence of support for family time is a problem that cuts deeply in lives outside this group. Sandra Levitsky outlines how the care for a parent or spouse with a serious disability like Alzheimers can throw middle-aged, middle-class Americans into bankruptcy, without lessening their belief that this is care that they owe to their families (2006).

Martha Fineman, a feminist legal theorist, takes up the challenge of defining the problems of family need and work of family care in gender-neutral and universalizing language, while also concentrating attention on the practical problems arising from women’s historical position as caretakers (2004). Her model adds a theoretical claim to classical liberalism, arguing that there are two types of dependents that liberals should recognize: primary dependents, those who are incapable of caring for themselves without help, and secondary dependents, those who provide care to this former group at a cost to themselves that limits their individual freedom and autonomy. Secondary dependency, or being forced into less than self-sufficiency by the demands of carework, disproportionately falls on women, but not only on mothers.

Although women more than men have borne the costs of care for children and have been made vulnerable to the risks of aging, the problem of dependency is an essentially gender neutral one. Because of disability, illness and age, both women and men can become primary dependents, as are all infants and young children, regardless of whether they are boys or girls. All primary dependents need caregivers, and the age and gender of the caregiver varies with the types of needs being met, even though women are the primary carers at all ages. It is secondary dependency of all types, not motherhood alone, which is the core social challenge, especially as

different ethnic and class groups have different population structures, with different fertility rates and life expectancies (thus more affluent White families may face more costs caring for the “oldest old” while Hispanic families may have more children and African American families more single mothers and mothering grandmothers). The criteria for work-family policy should be to reduce the risks associated with all forms of secondary dependency – whether among grandparents or parents, husbands, wives, children or grandchildren -- while also providing more adequate care to primary dependents.

This type of conceptual switch has already been made in the US Family and Medical Leave Act of 1993. Limited as it is in the scope of workers covered (only in larger workplaces) and in the benefits provided (time off is guaranteed, but not pay), the framing of this law embodies not only gender-neutral language but the universalizing of the dependency issue. It includes any type of immediate family medical need, ranging from keeping doctors’ appointments to sitting by the bedside of a dying parent or child. Of course, a very common family and medical need is the birth or adoption of a child, but because it is not exclusive to this circumstance, FMLA provides little reason for employers to discriminate against young women. And even though it is an unpaid benefit, poor women have taken advantage of this law to hold onto jobs that have no sick leave or vacation at all when they have children, turning to short-term TANF benefits to cover the basic necessities for six months, but still with the stigma of “going on welfare” attached (Collins and Mayer 2006). A universalized and thus de-stigmatized *paid* family and medical leave would help families at all income levels.

Market-based inequality. For better or worse, the US is a liberal capitalist state system and most Americans approve of this. Rewarding effort and hard work are part of this ideology, as the Clinton-era framing of “making work pay” suggest. This turns the failure of the market to

provide above-poverty wages to full-time workers into an important lever for progressive challenges to the state to remedy these “market failures.” Allowing older individuals who have “worked hard all their lives” to fall below poverty in their old age was a scandal that not only prompted the original development of the Social Security system but also now has been repeatedly framed as indicating a need for reform of how the system works (Burkhauser and Holden 1982, Ferber, Simpson and Rouillon 2007, Herd 2006).

The ways in which women and men, parents and non-parents, end up being treated differently for the combinations of paid and unpaid work they perform is a challenge to the perceived fairness of the Social Security system as a whole (Harrington Meyer and Herd 2007). But even more critically, this system is being framed as “in crisis” and “failing.” Those who want to end the system project that it will be unable in the future to pay the basic pensions on which most Americans depend. Although valuing Social Security for their parents’ generation, many young people have been frightened into thinking that this fundamental pillar of the American welfare state will not be there for them when they retire. Paying into the system, but not being able to feel secure about the benefits it will offer, undermines long-term support for what remains the most appreciated state guarantee against unrestrained market forces. Reframing the issue not in terms of age but in relation to the principle that “people who work hard and pay taxes” as responsible citizens should be able to count on living at a level above poverty creates a common interest in continuing this program and making it more, rather than less, fair for all generations and both genders.

Equal treatment of diverse families. The final criterion for family-work policy is fairness for a variety of families and needs, including both married couples and never-married women with children. This is a value that supports women’s individual freedom to form autonomous

households, a concern that Gornick and Meyer share and that can be understood as quintessentially liberal (Orloff 1993; O'Connor, Orloff and Shaver 2002). The principle of marriage as a partnership of free and equal citizens also expresses policy resistance to the anti-liberal Christian Right emphasis on “restoring traditional families.” It instead emphasizes the changing real needs of American women and men in families that are often broken and reconstituted by divorce, the third of all children who are born to unmarried parents, and the parents who are putting together multiple paid and unpaid jobs, both full and part-time.

Framing individual choice as an essential aspect of American freedom is institutionalized in American policy language across many different issues (Stone 1988/2002). The discursive opportunity structure formed by such powerful documents as constitutions, treaties, laws, court decisions and administrative rules creates a bias in the US toward policies that can be framed as favoring individual rights and personal choices. Taking policy frames seriously as important elements of the policies themselves suggests that family policies should treat “neutrally” the choices about whether to marry or not, how unequal married partners’ incomes should be, and whether one spouse or the other should stay home when the children are young. Policy that favors one of these choices over another is “biased” and should be made fair to all family types.

In the next section, I outline some ways in which the current Social Security System, the largest element of the American welfare state, diverges from these ideals of gender-neutrality and individual choice and thus is a prime candidate for reform. The virtual universality of benefits and the framing of entitlements as individual accounts tied to market effort are the two policy criteria where Social Security already scores well. Transforming Social Security to address both primary and secondary dependency in a way that would meet not just two, but all four criteria above – gender neutrality, universality, work-related, and unbiased to particular

family types – would be an American path to gender justice. This policy would help workers manage both the financial and time costs of care-giving, whether it is women or men who provide it.

Rethinking Social Security

The framing of a policy can diverge in important respects from its actual impacts, as the policy-makers of the New Deal knew in framing Social Security as an “insurance” program that “paid back” to workers what they put into it. Such frames are not just “spin” but become part of what the policy itself does by creating ancillary socio-economic demands on policy-makers. For example, the “insurance” frame dictates that sound policy provide a “trust fund” specially dedicated to this purpose that must be kept “solvent” in order to pay back the workers who “invested” their earnings there. The re-framing of the Social Security system now as “broken” and “bankrupt,” and thus as an unreliable support for younger families, makes it imperative to restructure the system in ways that are more fair across gender and generation, to restore confidence in the long-term viability of the system. Framing this progressive reform as a matter of creating greater equality is thus not an “add-on” to the system but an essential policy element. Only if the social security system can meet – and be seen to meet – the needs of young families, dual-earner couples, multiply- divorced and remarried people and their blended families, will it be able to represent a compact between generations that will be seen as worthwhile by and for old and young, men and women, affluent and poor.

To make the Social Security system the template on which a work-family support system can be built first requires correcting the gender-specific legacies that remain embedded in it. Making Social Security more like the Family and Medical Leave Act (FMLA) in its gender neutrality and support for all types of families, while making FMLA more like Social Security in

its universality of coverage, progressive wage replacement and effort-based rewards could be done by bringing the strengths found in each of these existing American paths together.⁴

The structure of social security

The gender logic behind the way Social Security was structured – and repeatedly restructured – from the 1930s to 1970s was once unassailable. Since most wives did not work for pay, too many women would be left in penury if there were no survivor benefits, yet unmarried women also needed a route to a pension in their own right. Thus women were imagined as two distinct and non-overlapping groups: married mothers and unmarried “career women.” Each group was offered a benefit tailored for them: a dependent’s benefit for wives, an earner’s benefit for career women. The benefits were alternatives, since women were expected to choose which of these two routes to economic support – marriage or a job – best fit their lives. As more and more women actually combined both, the “dual entitlement” category grew, but women were only able to choose the higher of the two benefits, not “stack” them for a higher benefit.

Despite arguments that the “spousal” benefit rewards women who work without pay at home, it is not tied to such work (which women with jobs also conventionally do) but is rather tied to the benefits of the higher-earner (conventionally the husband), who may actually have more than one spouse and former spouse collecting benefits on “his” record. Divorced partners can claim benefits as dependents on any former spouse to whom they have been married ten years or more, while those who are married at the time of retirement only need the marriage to be ten months long to qualify for the same benefit: one that is defined as 50% of the higher

⁴ As ever, the devil is in the details, and there are many excellent studies that attempt to assess just how certain detailed assumptions about program configuration will work out. However, one such simulation study does show that an earnings-sharing model similar but not identical to this one would both reduce women’s poverty in old-age and increase equality in women’s and men’s rate of return, both of which are important feminist goals (Faverault and Steurle 2007). The dynamic Urban Institute model they use for testing this and other models could easily be applied to a more specific version of this proposal as well.

earner's entitlement while "he" is alive and 100% after his death. The Supreme Court held in 1976 that the rules had to be gender neutral in form (speaking of earners and dependents rather than husbands and wives), but left the basic structure intact.

Even though Social Security provides a higher replacement percentage for low income workers than for higher income ones, the size of the benefit reflects both the level of earnings and the number of years worked. Married mothers' labor force commitment has steadily risen since the 1960s, but the likelihood that they will collect on their own earnings record is still undermined by their lower earnings, part-time work and years out of the labor force entirely. Thus while more wives at retirement are claiming their own benefits (i.e. they are greater than the 50% benefit of their spouse), the proportion of widows who are able to draw benefits tied to their own record is not increasing (i.e. their own benefit is less than 100% of "his" to which they are entitled at his death) (Herd 2006). Because the "dually entitled" can only collect one or the other benefit, women (who are nearly all of those with dual entitlements) rarely see any increase in retirement income for their employment histories and the substantial taxes they paid. If they combine full-time work, part-time work and full-time childcare over the course of their adult lives, even well-paid workers are penalized by averaging additional years with "zero" into their work history.

The amount of Social Security tax paid does not reflect whether the earner is married or not. Thus a spouse (usually a wife) who earns less than his/her partner will still pay the same 6.2% of his/her paycheck in Social Security taxes as a "serial monogamist" (usually a husband), even though "her" taxes will very likely not increase her retirement benefit much if at all, while his 6.2% could generate support for two or three "exes" as well as a current wife, all drawing

benefits based on his higher earnings. This fails both the disparate impact test for gender neutrality as well as the idea that higher effort should relate to higher reward.

While this benefit for divorced spouses was introduced in the 1970s to protect “displaced homemakers” who were “traded in” for a younger wife, and who therefore carried a disproportionate share of the costs of divorce, it amplified the gender effect by which the dollars paid in to social security translated into different rates of return for average women and average men (Burkhauser and Holden 1982). Although the “displaced homemakers” of the 1980s were typically upper-middle class women with no post-marriage earnings, the divorced mothers of today typically have many years in the labor force before, during and after they have children. Thus giving a woman a “choice” between a record based on an ex-husband’s earnings, a current husband’s earnings or her own earnings is asking her to choose among benefits all of which are merely partial reflections of the paid and unpaid work life she has had.

Because the “flat tax” of social security works through the pattern of gender relations in marriage, it becomes a “gender tax” that makes women pay more per dollar of expected benefit and yet leaves them disproportionately poor in old age. The worst effects of this are cushioned by the design of the system to replace a higher percentage of a worker’s earnings at the low end of the income distribution, where women are clustered, than at the higher end. Yet the flat Social Security tax weighs far more heavily on low income workers than on higher income workers, not least because for low income workers most of the taxes they pay go to Social Security. Moreover, the cap on income subject to Social Security tax (currently set at \$97,500) means both that more men than women are seeing some of their income be sheltered from this tax (20% of all earners are above this ceiling, overwhelmingly men) and that couples with a conventional breadwinner-housewife structure and a combined income of \$100,000 pay less in

taxes but can receive more in benefits than a couple with the same income equally earned by both partners.⁵ Eliminating this large state subsidy for gender inequality is a means of shifting toward a more gender equal division of work, both in and outside the home.

Because the individual “insurance” framing has facilitated arguments from neo-liberal privatizers that people with good earnings could get a higher rate of return if they invested their retirement income outside the system, and because this is true for upper middle income dual-earner families, an important political constituency for Social Security is being eroded. Moreover, it is hard to convince families who are calculating whether it is “worth” a mother’s time to work for pay and also pay for childcare that the relatively large proportion of her income taken by social security taxes is worthwhile, when the odds of it increasing her pension are so poor. This undermines the credibility of social security as a system for young families, a weakness that the political right is happy to exploit. It also creates a perverse incentive for married women to work “off the books” so that their taxes will not eat up income now with what is perceived to be (and may in fact be) little chance that the taxes paid on her work will improve her standard of living in retirement.⁶ Given this “gender tax,” which applies to all dual-earner couples, it is no surprise that most of the workers who are left in poverty at retirement are women, including women whose own earnings brought their families up to middle-class status.

In addition, Social Security once formally excluded agricultural, domestic and government workers from coverage, which particularly marginalized African Americans.

⁵ In the single earner household, some of their income is sheltered from taxation but the couple will receive 150% of the primary earner’s benefits at retirement while the dual earner couple will each get only their own benefits since her dependent benefit will be less than her own entitlement. When widowed, the former wife get 100% of her spouses’ benefit (or a 33% drop in income) while the latter has to choose between her benefit or his (or a 50% drop in their already lower income).

⁶ For lower income families in particular, off-the-books work for one or the other partner (regardless of gender) makes considerable sense, since the reporting worker will earn benefits for both that are calculated to replace a greater percentage of income and the non-reporting worker will not pay taxes that will fail to increase that benefit. This incentive to keep one partner off the books combines with the earnings ceiling effect on sheltering income to reduce the actual taxes paid into the system from both ends.

Urbanization changed the African American employment structure and the legal reforms that prohibited racial discrimination in schooling and employment brought more African American women and men into the Social Security system, but semi-legal employment (under-the-table payment) still marginalizes agricultural, construction and domestic workers in particular.

Native-born Blacks and Hispanics, as well as Asian legal immigrants remain more likely to be paid off the books and thus not get any pension entitlement (Kijakazi 2006) Like school desegregation, much of the change in Social Security was from *de jure* to *de facto* exclusion.

Re-imagining social security

Reforming Social Security in ways that would make it more supportive of gender equity and more reflective of current family needs is certainly imaginable. Various reforms and amendments to the Social Security Act were made in the 1960s and 1970s to modernize it. There is also pressure for change. Social Security taxes fall hardest on lower middle class and working class families, feeding the anti-tax anger in the middle class that the political right has mobilized to cut income taxes on the upper ends of the distribution. Yet Social Security remains the one popular American redistributive policy because of its apparent link to one's own efforts and its actual effectiveness in reducing unwelcome family dependence among the elderly. Even in the rightward-leaning political climate of 2000-2005, moves to "privatize" social security were blocked.

But in the absence of reform, the inviolability of Social Security can instead become a force against making work-family balance easier, since it could pit the needs of older Americans against those of children. Rather than merely "defending" Social Security as it now is, the challenge is to "modernize" it far more thoroughly. Like past adjustments to "fix problems" such

as excluded occupations and displaced homemakers, this “modernization” should address specific problems in universalizing ways.

Although other ways of reconfiguring the Social Security system could also meet the general criteria outlined above, it is useful to make the abstract shift in policy thinking called for above into a concrete proposal. There are three pieces to this sample proposal: shifting from an individual record to continuous income-sharing among those who enter into partnerships; raising the ceiling on taxable incomes while providing a minimum benefit to low income workers; and most innovatively opening up eligibility for benefits to younger workers who leave the labor force temporarily to meet family and medical care needs.

Income-sharing. My variation on this frequently offered proposal would not touch the earnings records already accumulated under the old rules, but from this point on, would create an earnings record for every worker every year.⁷ Americans believe in individualism but also in partner marriages (two spouses who share the load of work and family life), even if they achieve neither. In this variant of an income-sharing proposal, any two persons could enter into a “tax partnership.” Legal marriages, with or without children, would be treated as tax partnerships for pooling incomes and dividing the record in two each year for Social Security purposes. Past marriages or partnerships would be taken into account in a continuous rather than all or nothing way at the time of retirement because in each quarter/year in which a person was in a “registered tax partnership,”⁸ each person’s earnings record would be the sum of both partners’ earnings

⁷ There have been many variants of income-sharing proposals advanced over the years, and the most typical type has been evaluated as potentially affordable within the current allocations for Social Security, even though it would be retroactive and thus more expensive than the model I am advancing here. See (Faverault and Steurle 2007)

⁸ This option is not only a way to avoid the current controversy over “gay marriage” in a way that would not leave the system again old-fashioned but also to offer a gender neutral way to acknowledge the variety of modern family forms: grandparent and daughter raising the latter’s children; cohabitation, with or without children; non-sexual co-residence with shared household finances, as with adult siblings with and without disabilities, etc. Entering or leaving a registered tax partnership could be done following various state rules, but would demand that state-registered partnerships be recognized federally for the purpose of federal taxation. A person could change partners

added together, divided in half and credited to the account of each individual. A person who did not want to share a pension entitlement would have to not enter a tax partnership.⁹ Sharing (or not sharing) in any given year/quarter would not change either the past record accumulated or the record that would be calculated in future year/quarters. As a result, one high-earning person married to three different spouses for ten years each would no longer be entitled to have (his) contributions result in three dependent's benefits plus (his) own and one low-earning person married to three different spouses for ten years each would not have to choose one pension from among the four potential ones based on (her) own earnings and the half-pensions of three ex-spouses.

More significantly for more parents, childcare time taken out of the labor force, which now leads to “zero” years/quarters in the care-giver’s individual earnings records, would be replaced with a half-entitlement to the wage-earner’s earning record.¹⁰ The earnings-sharing model would thus realize the marital ideal that families today say that they embrace: that it is a joint decision which partner, if any, reduces his or her hours of work, and that the costs of childcare are to be borne equally – even if not in precisely the same way – by both partners. Then the high-earner and the low-earner in a partnership are facing the same long-term costs and rewards for their avowedly joint choices, and intermittency – whether of marriage or employment – can be smoothed over by combining different types of entitlement on a year-by-year basis, regardless of the gender of the person who takes time off and whether or not the marriage itself endures.

as often as they would want to go through the paperwork, but only one partner would be recognized in any given tax year.

⁹ There may be reason to allow even married couples to choose not to enter a tax partnership, but like any other pre-nuptial agreement, both parties would have to sign off on this before marriage. Unlike a pre-nuptial agreement of other sorts, the choice could be made later to enter into a registered tax partnership as any other two people, regardless of marital status, can do. Especially high-earning and low-earning couples would both have some financial incentive to keep their records separate despite marriage.

The downside of this model would be the reduction of total benefit levels that would arise if married couples no longer had the one-and-a-half benefit that the current system offers (an earner and a dependent benefit). This could be fixed most smoothly by increasing the amount of entitlement created by each year of credited employment in the new system, and there is nothing in this plan that would be inconsistent with also adding a “care-credit” to any individual or shared record based on physical custody of a primary dependent, though this might well open a huge debate about retroactivity. Instead, if done in the progressive way that Social Security benefits are now calculated, simply raising the value of each year of future employment credited would have the advantage of giving a greater increase in benefits to non-partnered people (such as single mothers) and to low wage workers, and would allow the years of credit for shared benefits at the new rate to be combined with years of credit accumulated at the old rate in the old system, thus reducing transition costs not only for individual workers but for the system as a whole.

Because combining a shared earnings record in partnership periods with a separate earnings record in non-partnered periods allows for sequential combinations, the “dual entitlement” problem is finally completely removed. Part-time, intermittent and low wage work – so typical of mothers – would still increase the total entitlement of a partnership, crediting of half a partner’s higher wages would create more entitlement for those whose earning were compromised by care-giving (whether for children, elderly parents, or disabled siblings), and allowing a combination of partnered and unpartnered years across the life-course more realistically reflects the multiple changes of work and family status through which people pass.

Raising the floor on benefit payments per credited year helps low wage men as well as women. Earnings sharing (with higher benefits per entitlement year) would reduce the incentive

that partnered low-wage workers have to work “off the books.” Any earnings, even low ones, would increase the total of benefits paid at retirement to that individual, and their benefit would be able to be combined in any way with those of other retirees, whether in or out of a registered partnership at that time. This would spur a more equal gender division of labor at home as well, as the middle-class women who now are willing to hire other women as maids and nannies rather than demand their husbands share housework and childcare would face a shift in costs: hiring another woman would become more expensive (since she would want her social security taxes paid) and a husband reducing his paid work time to do domestic work would be cheaper (since his entitlement record is less unilaterally determining the couple’s benefits).

Raising the income ceiling. Because income by a single earner is now untaxed over \$97,500, a couple today with \$150,000 of annual income from a single earner pays less in taxes than a couple with \$150,000 earned by two partners, even though the latter couple’s expenses for childcare are likely to be greater. But in an earnings-sharing system, all couples whose earnings are \$150,000 would be treated the same (as being \$75k from each). If this were combined with raising the earnings ceiling, the earnings from a high earner would be less sheltered, removing the incentive for both partners to support specialization in income-earning by just one of them.

Raising the income ceiling to a more realistic, modern level (e.g. \$300,000) would both fix the “broken” and “bankrupt” aspects of the current system and also redirect the anti-tax anger of the middle class to a more appropriate target by focusing on the exemption from taxes enjoyed by the individual earning over \$97,000 a year contrasted with the dual-earner couple who juggle their work together to make this level of income in a year. Raising or removing the income ceiling would also generate additional income that the Social Security system could use immediately to cushion the impact of baby boom retirements. Better still, using general revenue

to “tide over” the system as it deals with this one generation would allow the increased income generated by Social Security (in taxes paid on incomes previously kept off the books or over the ceiling) to provide benefits now to younger families that would increase their sense of investment in the system.

Merging FMLA with Social Security. The basic premise of this approach is that the earnings record that creates an entitlement to social security benefits should be partially decoupled from an age specification. Any person – of any age or gender -- who has accumulated at least five years of covered employment should be entitled to draw down their social security account by a quarter-year for family and medical leave. The idea of “drawing down” an account preserves the fundamental mythology of an individual insurance system on which American support for social security rests, but opens up the range of choices that people could exercise about when they needed to use entitlement to paid leave that their taxes were creating, rather than insisting that this is only for “retirement” at a specified age (or even adding just an option for birth or adoption of a child).

Hypothetically, the extent of “draw down” could be limited to one quarter year for each five years of earnings record accumulated (based on individual or partnered records). The rate of benefits for such Family and Medical Leave Allowances (FMLAs) could be fixed to be equal to that currently paid at retirement for the median worker, making this wage replacement more helpful for lower wage workers who are less able to call on private benefits. However, it should be permissible to combine this base rate of FMLA benefit with private benefits such as sick leave, vacation time, disability benefits or state-level FMLA benefits (as in California), as is now the case with private pensions for the elderly, thus encouraging multiple provision to replace earnings for more advantaged workers.

The registered tax partnership rule would also apply to draw-down of benefits, so that each partner's record would be reduced by one-eighth of a year if the minimum draw-down of a quarter was taken by only one partner. The eligibility, however, would extend across the partnership, so that both partners' entitlement could be reduced by a quarter to pay only one partner to take a half-year of paid leave or to allow each partner to take "their own" quarter. The draw-down in any case would always be equal across the partners' accounts, regardless of which partner took it, since the earnings record is shared. A partner with 10 years of earnings record and one with 5 years would be eligible for a draw down of three quarters total, regardless of which partner took it.

The maximum draw-down might be limited before age 65 to two years in an individual's record (which for registered partners could mean one partner taking four years off work to care for an aging parent or for the ailing spouse whose record is part of what is drawn upon to cover the leave). But it should be limited by the number of years already worked that are being "banked" to draw upon, because this is another aspect of the system that would increase the incentive to low-wage workers to insist on being paid "on the books," as well as one that would encourage low-wage workers to defer childbearing (as schooling now does for middle and upper class young people), but with a "carrot" rather than the "stick" now applied in the "welfare" system. The connection of paid leave to an earnings record would also be a way "to make work pay" while also ensuring paid time for childcare, even for low wage workers, and returning family care to the status of an entitlement.

The reduction in pension entitlement foreseen here could be taken as either as a reduction of income at retirement (indirectly, by averaging in these quarters as "zeros," as is now done in individual records) or as an extension of age to retirement (to reach the 160 quarters at which

calculation of benefits would be capped). The use of quarters as the basis for calculation accommodates the in-and-out quality of care-givers' employment. Taking the shortest leave one personally (or in a partnership, jointly) decides is needed for good child development is encouraged, because leave that is not used at that paid time is still "in the bank" to be drawn on for other family and medical needs – children's or partners' illnesses, parental decline, injury or accidents.

Thus there is no need for "the government" to decide that it is "best" for women (or men) to spend some specific amount of time out of work providing at-home childcare, but the financial door is opened to supporting that choice to stay home for parents of either gender and at all income levels. By limiting the total amount of time to two years per earnings record the cost at retirement would not be too large (especially given longer modern life expectancies), and an earlier retirement (for those partnerships or individuals who have not borrowed against it) could also be allowed as an option. Thus simply raising the age of retirement for everyone, as has been done in the past to reduce costs and increase income for the system, would be replaced by a more discretionary time system (within two year limits).

The definition of this FMLA leave as being available at any point in life to any person who has accumulated the appropriate earnings record creates a community of interest among older and younger generations as well as those with and without children, since the five year/20 quarter rule means that even 50 year olds could see a personal interest in having such a leave option begin to accrue in their account to cover care demands of an aging parent or spouse. Pegging the benefit levels of leave-takers and average retirees to be equal creates a community of interest between generations rather than a conflict, and keeps both groups engaged politically in making sure that its value is not eroded by inflation.

Modern benefits for modern families?

Taking all three proposed changes together highlights the benefits in this plan that would allow it to be framed as a “modernization” of the American system that would appeal to many different constituencies. There is a positive incentive for low wage workers to be in the system and to accumulate the equivalent of five years of work experience (even if discontinuous) before having a child. Single parents and married parents are treated as equally entitled to leave with pay and brought up to a standard of income that reflects the median considered decent for an elderly retiree, thus re-linking the welfare of the elderly and children into a single system.

The reform is also easy to frame as good in American terms: it is gender neutral (even though we would expect more women than men to benefit at least initially); it is universal, both by gender and by generation; it is liberal in allowing a high level of individual choice about how to make a family and in rewarding work effort; it is fair, in that it treats families equally regardless of their allocation of work roles, and it remains market-dependent in treating people differently depending on how much they earn but without tying their ability to take leave to a particular employer or to a full-time work relationship.

This reform model does not conjure up the notion of a new tax and a new state bureaucracy or a “European welfare system” that ties benefits to citizenship rather than to work, ideas that have made Americans resistant to paying for such leaves. It would also give young families more of a stake in the social security system as a whole, not only protecting it from attacks by privatizers, but potentially raising the level of voting participation among such families (as Social Security does for older Americans and Headstart does for families in this program; see Bruch 2007).

It is important to note that this plan is not a “European-style” childcare leave. It does not single out women as especially likely to be the users of this leave nor restrict it to a certain age group. It therefore diminishes the discriminatory effects on women’s employment that are still the bane of European systems. It does not prescribe how much family labor should go into childcare, nor how family labor should be allocated by gender, nor for how long or at what ages children are going to be most in need of parental care, and it encourages “saving” one’s leave time for when it is needed most (or cashing it in for an earlier retirement age if one is able and willing to wait). It is nonetheless a feminist proposal that will reduce the obstacles to gender equality currently in the system, and a work-family system that will allow real choices in how and when paid work should take second place to care-giving for both women and men. It does not assume the luxury of modifying an already strong welfare state, as Gornick and Meyers do, but it begins to move the United States in the direction of more social justice for women and men, families and singles, young and old.

Conclusion

Although achieving more gender equality in the US demands a better work-family balance for both women and men, looking to a European roadmap for guidance will not take us there. Instead, following a European policy map risks crashing into the obstacles of means-testing and social exclusion that American policy development has left in its path. While some would accept the risks of re-legitimizing gender-differentiated social policies in order to help families cope with their lack of income and/or time, this appears to be an unnecessary trade-off. American liberal democracy offers different, but potentially effective routes to gender equality that will also increase family welfare.

Accepting the path dependency of the American system as a real constraint, but thinking in utopian terms about reframing and reforming it, suggests some theoretical and practical routes toward making it more gender-neutral and family-fair in practice. Using Social Security as a base for such speculation, this paper has imagined reforms to existing systems that would make them more adequate and universal in their coverage without abandoning the core American commitment to paid work as a basis for entitlements or imposing costs on one generation alone.

American children are now disproportionately bearing the costs of the miserly social welfare system of the United States. But the appropriate response to their needs, as well as those of their parents, is neither to offer targeted benefits to them as a special group nor to “privatize” Social Security so that the older generation is returned to the same level of risk and poverty that children are facing today. Approaching the need for social provision for families in a US context calls for more universal measures. Of course, helping children by making sure they are covered by state-funded health insurance (the “S-CHIP” programs) is a good thing, but universal health care coverage is better – and the pressure to bring it about is lessened as “deserving” groups are addressed one-by-one. Gornick and Meyers’ range of targeted benefits is also good, but a truly universal system would be better.

The gender-neutral language and individualistic system of entitlements that are characteristic of liberalism create opportunities to build a framework that allows both single people and families to make freer choices about how they want to organize both carework and paid employment. Framing this as a “market failure” to provide time to care and a “state failure” to provide equal treatment to all people and families allows progressive reformers to frame the need for reform as urgent, lest these continue to contribute to “family failure” to meet members’ obligations to care for each other in times of need. We are all, at various times in our life course,

primary dependents, and we all therefore need a system that will insure that others can “afford” to care for us. By reframing the “need for Social Security reform” in terms of the demand to modernize the system and to respond to the needs for caregiving that all people face at some point in their lifecourse, a path toward gender equality in the American liberal landscape should help create a broad, progressive coalition for social welfare reform.

Its task would by no means end with this reform, no matter how utopian. Unlike Europeans, Americans are still being challenged to design a welfare state that will address the massive social inequalities of its history as well as the new dislocations of a changing economy. Facing decaying public schools and declining state investment in social infrastructure of all sorts, a political response has to be far more comprehensive if Americans are actually going to be supported in their care-giving work. State support for public transportation, subsidized housing that would bring workplaces and affordable homes closer together and reduce commuting times, universal health care provision, and actual desegregation of towns and cities would all support richer and more gender-equitable family life. These are the policies that get left out when “family policy” is thought of narrowly as only pertaining to that one “separate sphere.”

Of course, conventional policies such as state subsidy for care outside the home as well as mandates for vacation times and sick days that would facilitate care at home are needed for both women and men to be better fathers and mothers. Other reforms, from extended school hours to better transportation, would help both custodial and non-custodial parents be connected with and care for children. But “family policy” is really all of social policy, and no one thread can be pulled entirely out of the fabric.

The fabric of American liberalism, despite its ungenerous welfare state, can support other paths toward greater support for children, mothers, families and carework. For example, laws that prohibit discrimination “against pregnant people” should include prohibitions against discrimination against “lactating people” and “people with family responsibilities.” These forms of discrimination can easily be shown to exist (Correll, Benard and Paik 2007, Williams 2000) Taking such “family responsibility discrimination” throughout the life course as a serious problem should ensure that young women are not singled out as being “motherhood risks” to employers. A few high profile class action suits would be helpful in institutionalizing a culture of “parental protection” in corporate America.

For over 25 years, American feminists have used Sweden as their image of utopia, much to the dismay of Swedish feminists (Morgan, this volume). Gornick and Meyer’s proposals are just the most recent in a long tradition of disregarded entreaties to make the US more “European.” But I have argued that American middle class women and families not only will never be made to feel enough “policy envy” by looking to European family-leave policies to trump their other political concerns, but also that these other concerns are valid in the policy context in which they live. Special benefits for families, mothers, or children work against the development of the universal benefits that Europeans can take for granted and that Americans still must try to create. Rather than moving backwards in thinking about women by starting with assumptions about policy revolving around families and motherhood rather than citizens and equality, imaginative social policy in a liberal landscape can move gender neutrality from a being a legal frame toward becoming a social reality.

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