
An American Road Map? Framing Feminist Goals in a Liberal Landscape*

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Gornick and Meyers do a fine job of describing the complex problem facing people in modern societies: achieving a balance both between caring and earning in individual and family life and between women and men in life opportunities. But their approach to finding a way to Real Utopia for American families 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 et al., 1998). Thinking of gender equality in these terms has also characterized 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 following 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 useful road-map. Gornick and Meyers’ approach is improbable because social policy depends on framing, and a frame that does not resonate with local

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political values will not advance broader transformations. Frames are the “signifying processes” that give policies their meanings and connect them into an overall logic (Adams and Padamsee, 2005). Just as Gornick and Meyers seek to reframe the issues of gender equity and family support so that they are less in conflict with each other, it is important to reframe the debate to locate it within American values and institutions if it is effectively to advance 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 Meyers’ amalgamation of policies from different European states seem attractive as a model is that these policies already exist to some degree in Sweden, France, Denmark, and other European countries. But their plausibility in Europe rests on deeply political foundations. With the widening and deepening of the EU, 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. The European gender-equity regime that is taking shape in the EU reflects the concerted efforts of European women’s policy networks, within and outside the separate member states (Walby, 2004). This political outcome, still precarious, is built on existing policy foundations through 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 work–family balance, they will have to try to change a very different system—one that is notable for its 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 while 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 (as in Germany) or encouraging a better balance between women and men in care work and employment (as in Sweden), and because the EU itself has more willingly embraced the former than the latter goal (Stratigaki, 2004), European feminist networks still face significant challenges themselves in building toward Gornick and Meyers’ ideal.

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, US social policy has not embraced either pro-natalist 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 the Second World War. 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 located differently by race as well as class.

This paper reframes Gornick and Meyers' challenge, setting out to find 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 (more formally known as Old Age and Survivors Insurance or OASI). 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 unmarried 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 recognizing 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, 2008).

These political foundations imply that American feminists who want to find a route to family-support policy should avoid targeting child-bearing itself, with its historically embedded 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 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 Meyers 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-equitable and less time-stressed families in the US should be grounded in reforming the American system as it currently exists. There are three reasons for taking this approach.

First, social policy is inherently “path-dependent”—that is, 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 the development of social policy is a path-dependent process, a simple “transplant” of policy organs developed in a different context will face rejection by 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 the achievement of a more just and livable balance of paid work and family labor for both women and men, for all the reasons that Gornick and Meyers so eloquently lay out, the path-dependency of policy creates obstacles and opportunities that should encourage US challengers to seek a different route to this goal.

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 working weeks—has never been part of the US system, creating the 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 than have 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 abstracted from its origins and historical development, but these background factors are never simply fixed and uniform. There are always 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 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 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, however unintentionally, in the opposite direction.

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 US policy making provides few instances of family benefits that are not means-tested. The universality of the Social Security system, as well as its role as the keystone of American social policy, therefore makes it one of few available starting places to look for paths forward to developing more support for work–family balance and gender-equality (Herd, 2006). While other social policies (relating to school systems, health and safety regulations, public transportation subsidies, and so on) 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 already a substantial literature that outlines reforms for Social Security that would make it more gender-equitable and reduce poverty among older Americans (Gonyea and Hooyman, 2005; Ferber et al., 2006; Favrault and Steurle, 2007; Harrington Meyer and Herd, 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 and seems likely to occur in some form.

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-style system in the US, a reform of Social Security will move the American system on its own path, in either a progressive or regressive direction. It is therefore important to see and to seize the potential for progressive reform and to use the existing system to leverage change in a direction that would foster better work–family balance and greater gender equality, rather than the reverse. Just as European reforms reflect feminist awareness of 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 between 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 in a way consistent with the premises of 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.

In the fourth section, I consider some specifics of the Social Security system itself, 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 that of 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 those of Europe. The American model is far less “social” or decommodifying, and it has moved further toward incorporating women as individuals into its market-based system by extending anti-discrimination law originally formulated to address racism. Both of these developments shape the relevant criteria for family policy that promotes gender equality.

Decommodification. The classical European social model offers concrete economic benefits for both men and women. For generations, both paid and unpaid work has 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 its logic as a major obstacle to women’s autonomy. A 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 child care by 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 receive 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-caregiver" model in the US would demand the introduction of 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, 2008).

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 in part-time work and in gender-segregated (but paid) care work more often 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 (Holst and Schrooten, 2006). American men, though hardly doing their full share of housework and child care, 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 reproduce the obstacles to advancement that European women are still struggling to overcome. Expanding the numbers of lower-paid care-work 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 child care risks feeding the moral panics about sex and sexual abuse to which the predominantly 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-equitable without losing its anti-poverty, decommodifying focus. Dismantling its “traditional family” policy 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 neoliberal class inequalities.

But there is nothing “neo” about liberalism in the American context. In the 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 a 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 desegregating 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 allows, it is important to avoid introducing race- or gender-inequitable elements into a policy imagined in class terms. Prudence requires consideration of the criteria for a gender-equitable 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, my proposals actively embrace participatory democratic processes in both families and governments, and thus expect diverse outcomes from 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 fair to women, men and families without thereby forsaking its own philosophical heritage and policy path.

Gender-neutrality. The principle of gender neutrality is the sine qua non of US gender-equality policy. This priority reflects 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, 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 that 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, 2003). By contrast, the American path has led in the direction of insisting that every policy, no matter how historically gendered, be open equally to both women and men.

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 neoliberalism 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 fought earlier 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 caregivers (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 spending time at work than they can in all good conscience meet. In the face of such impossible demands, they feel that they are short-changing 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 caring for a parent or spouse with a serious disability like Alzheimer’s can throw middle-aged, middle-class Americans into bankruptcy, without lessening their belief that this is care that they owe to their families (Levitsky, 2006).

Martha Fineman, a feminist legal theorist, takes up the challenge of defining the problems of meeting family needs for care in gender-neutral and universalizing language, while also concentrating attention on the practical problems arising from women’s historical position as caretakers (Fineman, 2004). Her model adds a theoretical claim to

classical liberalism, arguing that there are two types of dependents that liberals should recognize: primary dependents, who are incapable of caring for themselves without help; and secondary dependents, 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 care work—falls disproportionately on women, but not only on mothers.

Although more women 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 need being met, even though women are the primary caregivers at all ages (Armenia and Gerstel, 2006). It is secondary dependency of all types, not motherhood alone, that 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 a fair work–family policy should be reducing 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 (FMLA) of 1993. Limited as it is in the range of workers covered (only those 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, the 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 on to jobs that have no sick leave or vacation at all when they have children and simply must have

time off. By combining this unpaid leave with short-term welfare benefits (under Temporary Assistance to Needy Families) they can manage to cover their basic necessities for six months, but at the cost of enduring the “welfare mother” stigma (Collins and Mayer, 2009). A universalized, and thus destigmatized, *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” suggests. This converts the failure of the market to provide above-poverty wages to full-time workers into an important lever for progressive challenges to the state. 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 has now also been repeatedly framed as indicating a need for reform in how the system works (Burkhauser and Holden, 1982; Ferber et al., 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 also 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 predict 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, while being unable 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 work-family policy is fairness for a variety of families and needs, including both married couples and never-married women with children. This

is a priority that supports women's individual freedom to form autonomous households, a concern that Gornick and Meyers share and that can be understood as quintessentially liberal (Orloff, 1993; O'Connor et al., 1999). 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, of the third of all children who are born to unmarried parents, and of the parents who are combining multiple paid and unpaid jobs, both full and part-time.

The framing of individual choice as an essential aspect of American freedom is institutionalized in American policy language across many different issues (Stone, 1988). Framing, or the meaning conveyed in a structure of discourse, is an important part of what any specific policy can "say." The discourse institutionalized in such powerful documents as constitutions, treaties, laws, court decisions and administrative rules tilts the US toward policies that can be framed as favoring individual rights and personal choices. Taking the framing of policy seriously suggests that to be legitimate in the eyes of courts and families as well as lawmakers, US 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 can be framed as "biased" and there would be sentiment that it should be made "more 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 is thus 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 on which 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 of the criteria above—being gender neutral, universal, related to work effort, and unbiased to particular family types—would be an American path to gender equality that would no longer come at the cost of families' ability to provide care. This policy would help workers manage both the financial and time costs of caregiving, whether provided by women or men.

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 socioeconomic 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. This frame allows conservatives to define the Social Security system now as “broken” and “bankrupt,” and thus as an unreliable support for younger families. This makes it imperative for progressives to restore confidence in the long-term viability of the system by restructuring the system in ways that are more fair across gender and generation. Framing progressive reform as a matter of creating greater equality would not be an “add-on” to the system, but one of its essential policy elements. 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 correction of the gender-specific legacies that remain embedded in it. Making Social Security more like the Family and Medical Leave Act 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 achieved by bringing together the strengths found in each of these existing American paths.⁴

The structure of social security

The gender logic behind the way Social Security was structured—and repeatedly restructured—from the 1930s to the 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 to 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 fitted their lives. As increasing numbers of women in fact 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), whose entitlement may be multiplied to support one or more former spouses as well as the current partner. Divorced partners can claim benefits as dependents of any former spouse to whom they have been married for ten years or more, while those who are married at the time of retirement only need the marriage to have been ten months long to qualify for the same benefit (50 percent of the higher earner’s entitlement while the breadwinner is alive and 100 percent after the breadwinner’s death). The Supreme Court held in 1976 that the rules had to be gender-neutral in form (speaking of earners and dependents, rather than of husbands and wives), but left the basic role-differentiated breadwinner-centered structure intact.

Although 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, their higher involvement in part-time work, and their years out of the labor force entirely. Thus, while more wives at retirement are claiming their own benefits—since they amount to more than 50 percent of their spouse’s—the proportion of widows who are able to draw benefits tied to their own record is not increasing—since their own benefit is less than 100 percent of their partner’s (Herd, 2006). Because the “dually entitled” can only collect one benefit or the other, women (who are nearly all of those with dual entitlements) do not receive a retirement income that would reflect their joint contributions to family care (at the cost of employment) as well as their employment histories and the substantial taxes they paid. Indeed, they combine full-time

work, part-time work and full-time child care over the course of their adult lives; even well-paid workers will end up with an overall earnings record that is reduced 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 or her partner will still pay the same 6.2 percent of his or 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 percent could generate two or even three dependent benefits. This fails both the disparate-impact test for gender neutrality and the principle 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 into Social Security translated into different rates of return for average women and average men (Burkhauser and Holden, 1982). Although the “displaced homemakers” of the 1970s and 1980s were typically upper-middle-class women with no post-marriage earnings, the divorced mothers of today typically spend many years in the labor force before, during and after they have children. 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 thus asking her to choose between 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. But the flat Social Security tax weighs far more heavily on low-income workers than on higher-income workers, not least because most of the taxes low-income workers now pay are designated as going to the Social Security trust fund (although in reality used to offset current deficits). 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 sheltered from this tax (20 percent 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.

The individualized “insurance” framing has facilitated arguments from neoliberal privatizers that people with good earnings could get a higher rate of return if they invested their retirement income outside the system. This might even be true (albeit with greater market risk) for upper-middle-income dual-earner families, which helps to erode an important political constituency for Social Security. 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 child care that the relatively large proportion of her (low) income taken by Social Security taxes is worthwhile, when the odds of its 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 the family’s current income 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. 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 system, but semi-legal employment (involving under-the-table payment) still marginalizes agricultural, construction, and domestic workers in particular. African Americans and all Hispanics, as well as first-generation Asian legal immigrants, remain more likely to be paid off the books and thus not accrue any pension entitlement (Kijakazi, 2006). As in school desegregation, much of the change in Social Security has been 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 to 2007, 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 will pit the needs of older Americans against those of children. The current tax falls hardest on young, dual-earner families, and yet cutting these taxes directly would withdraw essential income from their grandparents and parents. 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 four 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 elements 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 an all-or-nothing way at the time of retirement, because in each year or quarter in which a person was in a “registered tax partnership,”⁸ each person’s earnings record would equate to both partners’ earnings 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 be required not to enter a tax partnership.⁹ Sharing (or not sharing) in any given year or quarter would not change either the past record accumulated or the record that would be calculated in future year or quarters. As a result, one high-earning person married to three different spouses for ten years each would no longer be entitled to have these tax contributions result in four benefits (three dependents’ benefits plus one primary one) , and one low-earning person married to three different spouses for ten years each would not have to choose only one pension from among four possibilities (one based on personal earnings and three half-pensions reflecting the different earnings of three ex-spouses).

More significantly for more parents, child-care time taken out of the labor force, which now leads to “zero” years or quarters in the caregiver’s individual earning record, 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 they embrace: that it is a joint decision which partner, if any, reduces his or her hours of work, and that the costs of child care 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.

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 calculated in the progressive way that Social Security benefits currently are, 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. This would still 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 earnings were compromised by caregiving (whether for children, elderly parents, or disabled siblings); and allowing a combination of partnered and unpartnered years across the life course would more realistically reflect the multiple changes in work and family status through which people pass.

Raising the floor on benefit payments per credited year would also help low-earning men as well as women in retirement. 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 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 child care 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 would be less dominant in determining the couple’s benefits).

Raising the income ceiling. Because the income of 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 child care are likely to be greater. In an earnings-sharing

system, all couples whose earnings were \$150,000 would be treated the same (as if \$75,000 were earned by 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 (such as \$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 framing of an individual insurance system on which American support for Social Security rests, but opens up the range of choices available to people about when they need to use the entitlement to paid leave that their taxes create, rather than insisting that this is only for “retirement” at a specified age (or even adding just an option for birth or the 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 what I am calling Family and Medical Leave Allowances (FMLAs, paid extensions of the current Family and Medical Leave Act) could be fixed to be equal to the Social Security benefit currently paid at retirement for the median worker. This would make wage replacement less gendered and 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 the 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' entitlements 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 would be shared. A partner with a ten-year earnings record and one with five years would be eligible for a draw down of nine months (three quarters) in total, regardless of which partner took it.

The maximum draw-down might be limited before age sixty-five 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 an 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 for low-wage workers to insist on being paid on the books, as well encouraging 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 (TANF) 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 child care, 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 either as a reduction of income at retirement (indirectly, by averaging in these quarters as zero earning quarters, 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 caregivers' 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” (that bogeyman of American policy) to decide that it is best for women (or men) to spend some specific amount of time out of work providing at-home child care, 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 between older and younger generations, as well as those with and without children, since the five-year/twenty-quarter rule would mean that even fifty-year-olds could see a personal interest in having such a leave option begin to accrue in their account to cover the demand for caring for an aging parent, disabled spouse, or grandchild. Pegging the benefit levels of leavetakers and average retirees to be equal would create a community of interest rather than a conflict between generations, and would keep both groups politically engaged in making sure that the value of those benefits was 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 would be a positive incentive for low-wage workers to be in the system and accumulate the equivalent of five years of work experience (even if discontinuous) before having a child. Single parents and married parents would be treated as equally entitled to leave with pay, and brought up to a standard of income that reflected the median considered decent for an elderly retiree, thus relinking 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, 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 of 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 in 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 Head Start does for families in this program—see Bruch et al., *forthcoming*).

It is important to note that this plan is not a “European-style” child-care leave. It does not single out women as especially likely to be the users of it, 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 allow the state to prescribe how much family labor should go into child care, 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 would reduce significant obstacles to gender equality currently in the system. It is also a work–family system that would allow families real choices in how and when paid work should take second place to caregiving for both women and men. It does not assume the luxury of modifying an already strong welfare state, as Gornick and Meyers do, but begins to move the US in the direction of greater social justice for women and men, families and singles, young and old.

Although achieving greater gender equality in the US demands a better work–family balance for both women and men, looking to a European road map 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 the long history of American policy development has left in our long liberal path. While some would accept

the risks of relegitimizing gender-differentiated social policies in order to help families cope with their lack of income and/or time, this appears to be an unnecessary tradeoff. 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 essay 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 US. 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. An approach to 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 so-called “S-CHIP”) is a good thing, but universal health-care coverage is better—and the pressure to bring it about is lessened whenever groups that are framed as deserving (like children) 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 more truly free choices about how they want to organize both care work 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

life course, a path can be found toward gender equality in the American liberal landscape that will 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 caregiving 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 a richer and more gender-equitable family life. These are the policies that get left out when “family policy” is thought of narrowly as pertaining only to that one, supposedly separate, sphere.

Of course, conventional policies such as state subsidies for care outside the home and state mandates for vacation time and sick days that would facilitate care at home are needed to enable both women and men to be better fathers and mothers (and care for their own mothers and fathers). Other reforms, from extended school hours to better transportation, would help both custodial and non-custodial parents to 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 care work. For example, laws that prohibit discrimination “against pregnant people” should include prohibitions of discrimination against “lactating people” and “people with family responsibilities.” These forms of discrimination can easily be shown to exist (Correll et al., 2007; Williams, 2000). The treatment of what is newly being framed as illegal family responsibility discrimination as posing a serious problem throughout the life course should ensure that young women are not singled out as being special 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 twenty-five years, American feminists have used Sweden as their image of utopia, much to the dismay of Swedish feminists (see Morgan, this volume). Gornick and Meyers’ proposals are just

the most recent in a long tradition of disregarded entreaties to make the US more “European.” But I have argued not only that American middle-class women and families, in looking to European family-leave policies, will never be made to feel enough policy envy to trump their other political concerns, but also that their liberal 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 must still try to create. Rather than moving backwards in thinking about women, by starting with assumptions about policy revolving around families and motherhood rather than around citizens and equality, imaginative social policy in a liberal landscape can move gender neutrality from its status as a legal principle toward becoming a social reality.

NOTES

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).

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 “de-segregate” 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, 1993, for the German case; and Mansbridge, 1986, for the US).

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, 2004).

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 (Favrault and Steuerle, 2007). The dynamic Urban Institute model used for testing this and other models could easily be applied to a more specific version of this proposal as well.

5 In the single-earner household some income is sheltered from taxation; but the couple will receive 150 percent of the primary earner's benefits at retirement, while the dual-earner couple will each get only their own benefits, since the lower earner's benefit as a dependent will be less than the entitlement gained from employment. When widowed, the non-employed wife gets 100 percent of her spouse's benefit (or a 33 percent drop in income), while the co-earner has to choose between her benefit or his (or a 50 percent 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 avoids paying taxes that would 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.

7 Many variants of income-sharing proposals have been 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 Favrault and Steuerle, 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; nonsexual co-residence with shared household finances, as with adult siblings with and without disabilities, and so on. Entering or leaving a registered tax partnership could follow various state rules, but would demand that state-registered partnerships be recognized federally for the purpose of federal taxation. A person could change partners 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 prenuptial agreement, both parties would have to sign off on this before marriage. Unlike a prenuptial agreement of other sorts, the choice could be made later to enter into a registered tax partnership as any other two people can do, regardless of marital status. High-earning and low-earning couples especially would both have some financial incentive to keep their records separate despite marriage.

REFERENCES

- Adams, Carolyn Teich, and Kathryn Teich Winston, 1980, *Mothers at Work: Public Policies in the United States, Sweden, and China*, New York: Longman.
- Adams, Julia, and T. Padamsee, 2001, "Signs and Regimes: Rereading Feminist Work on Welfare States," *Social Politics* 8 (1): 1–23.
- Armenia, A, and Naomi Gerstel, 2006, "Family Leaves, the FMLA and Gender Neutrality: The Intersection of Race and Gender," *Social Science Research* 35: 871–91.
- Beisel, Nicola, 2004, "Abortion, Race and Gender in Nineteenth-Century America," *American Sociological Review* 69 (4): 498–518.
- Berkovitch, Nitza, 1999, *From Motherhood to Citizenship: Women's Rights and International Organizations*, Baltimore, MD: Johns Hopkins University Press.
- Bruch, Sarah, Myra Marx Ferree, and Joe Soss, forthcoming, "From Policy to Polity: Democracy, Paternalism, and the Incorporation of Disadvantaged Citizens," ~~*American Sociological Review*~~.
- Burkhauser, Richard, and Karen Holden, 1982, *A Challenge to Social Security: The Changing Roles of Women and Men in American Society*, New York: Academic Press.
- Collins, Jane, and Victoria Mayer, forthcoming, *Both Hands Tied: Welfare Reform and the Race to the Bottom in the Low Wage Labor Market*, Chicago: University of Chicago Press.
- Cooke, Lynne Prince, 2007, "Policy Pathways to Gender Power: State-Level Effects on the US Division of Housework," *Journal of Social Policy* 36 (2): 239–60.
- Correll, Shelley J., Stephen Benard, and In Paik, 2007, "Getting a Job: Is there a Motherhood Penalty?" *American Journal of Sociology* 112 (5): 1,297–338.
- Favreault, Melissa M., and C. Eugene Steuerle, 2007, "Social Security Spouse and Survivor Benefits for the Modern Family," Urban Institute Retirement Project, Discussion Paper 1, Washington DC: Urban Institute.
- Ferber, Marianne, Patricia Simpson and Vanessa Rouillon, 2006, "Aging and Social Security: Women as the Problem and the Solution," *Challenge* 49 (3): 105–19.
- Ferree, Myra Marx, and Elaine J. Hall, 1996, "Rethinking Stratification from a Feminist Perspective: Gender, Race and Class in Mainstream Textbooks," *American Sociological Review* 61 (6): 1–22.
- Ferree, Myra Marx, and Carol McClurg Mueller, 2004, "Feminism and the Women's Movement: A Global Perspective," in David A. Snow, Sarah A. Soule, and Hanspeter Kriesi, eds, *The Blackwell Companion to Social Movements*, New York: Blackwell.

- Fineman, Martha Albertson, 2004, *The Autonomy Myth: A Theory of Dependency*, New York: Norton.
- Gonyea, Judith, and Nancy Hooyman, 2005, "Reducing Poverty among Older Women: Social Security Reform and Gender Equity," *Families in Society* 86 (3): 338–46.
- Harrington Meyer, Madonna, 1996, "Making Claims as Workers or Wives: The Distribution of Social Security Benefits," *American Sociological Review* 61 (3): 449–65.
- Harrington Meyer, Madonna, and Pamela Herd, 2007, "Market-friendly or Family-friendly? The State and Gender Inequality in Old Age," Rose Monograph Series, New York: Russell Sage.
- Herd, Pamela, 2005, "Reforming a Breadwinner Welfare State: Gender, Race, Class, and Social Security Reform," *Social Forces* 83(4): 1,365–94.
- "Crediting Care or Marriage? Reforming Social Security Family Benefits," *Journals of Gerontology* 61 (1): 24–34.
- Holst, Elke and Mechtild Schrooten, 2006, "Führungspositionen: Frauen geringer entlohnt und nach wie vor seltener vertreten," *DIW Wochenbericht* 73 (25): 365–77.
- Jenson, Jane, 2007, "Building with Lego," paper presented at European Union Center of Excellence conference, UW-Madison (March).
- Levitsky, Sandra, 2006, "Private Dilemmas of Public Provision: Political Consciousness and the Contemporary American Welfare State," PhD dissertation in the Department of Sociology, UW-Madison.
- Kijakazi, Kilolo, 2006, "Impact of Unreported Social Security Earnings on People of Color and Women," *Public Policy and Aging Report* 12 (3): 8–12.
- Mansbridge, Jane J., 1986, *Why We Lost the ERA*, Chicago: University of Chicago Press.
- Mayer, Victoria, 2008, "Crafting a New Conservative Consensus on Welfare Reform: Redefining Citizenship, Social Provision, and the Public/Private Divide," *Social Politics* 15 (2): 154–81.
- Moeller, Robert G., 1993, *Protecting Motherhood: Women and the Family in the Politics of Postwar West Germany*, Berkeley: University of California Press.
- Morgan, Kimberly, and Kathrin S. Zippel, 2003, "Paid to Care: The Origins and Effects of Care Leave Policies in Western Europe," *Social Politics* 10 (1): 49–85.
- O'Connor, Julia S., Ann Shola Orloff, and Sheila Shaver, 1999, *States, Markets, Families: Gender, Liberalism, and Social Policy in Australia, Canada, Great Britain, and the United States*, NY: Cambridge University Press.
- Orloff, Ann Shola, 1993, "Gender and the Social Rights of Citizenship: The Comparative Analysis of Gender Relations and Welfare States," *American Sociological Review* 58 (3): 303–28.

- 1996, "Gender and the Welfare State," *Annual Review of Sociology* 22: 51–78.
- Press, Eyal, 2007, "Family Leave Values," *New York Times Magazine*, July 29: 36ff.
- Quadagno, Jill, 1994, *The Color of Welfare: How Racism Undermined the War on Poverty*, New York: Oxford University Press.
- Roberts, Dorothy E., 1997, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*, New York: Pantheon Books.
- Sklar, Kathryn Kish, Anja Schuler, and Susan Strasser, 1998, *Social Justice Feminists in the United States and Germany: A Dialogue in Documents, 1885–1933*, Ithaca, NY: Cornell University Press.
- Stone, Deborah A., 1988 (rev. edn. 2002), *Policy Paradox and Political Reason*, New York: Norton.
- Stratigaki, Maria, 2004, "The Cooptation of Gender Concepts in EU Policies: The Case of 'Reconciliation of Work and Family'," *Social Politics* 11 (1): 30–56.
- United Nations Demographic Yearbook, 2006, online: <http://unstats.un.org/unsd/demographic/default.htm>.
- Walby, Sylvia, 1999, "The European Union and Equal Opportunities Policies," *European Societies* 1 (1): 59–80.
- 2004, "The European Union and Gender Equality: Emergent Varieties of Gender Regime," *Social Politics* 11 (1): 4–29.
- Williams, Joan, 2000, *Unbending Gender: Why Family and Work Conflict and What to Do about It*, New York: Oxford University Press.
- Zippel, Kathrin S., 2006, *The Politics of Sexual Harassment: A Comparative Study of the United States, the European Union, and Germany*, New York: Cambridge University Press.