CONTEXTUAL GENDER NEUTRALITY:

A THEORY OF GENDER JUSTICE

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Submitted in partial fulfillment of the requirements for Departmental Honors in the Department of Political Science

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Fort Worth, Texas

May 4, 2015
CONTEXTUAL GENDER NEUTRALITY:

A THEORY OF GENDER JUSTICE

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ABSTRACT

Many political theorists rely on gender neutrality as the standard for a gender just society. Within such a society, equal opportunities would result in equal outcomes for men and women in all professional and domestic spheres. I find that contextual gender neutrality better characterizes a gender-just society in that it accepts certain unequal outcomes as just if they result from biological sex differences or adaptive and individual preferences, as long as equality of opportunity is recognized. In order to realize equality of opportunity, reinforcements, or those factors that influence peoples’ decisions, must only attempt to direct choices, not limit them. Negative reinforcements, which are either forceful or non-forceful, and the use of positive reinforcements with negative intent, and the inculcation of positive reinforcements limit one’s opportunities. Legal recourse, better education and societal evolution may be utilized to diminish or eliminate negative reinforcements.
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INTRODUCTION

Although women in the U.S. have been legally enfranchised since the passage of the Civil Rights Act of 1964, there remain certain gender discrepancies within some life spheres that appear to highlight gendered advantages and disadvantages. Female labor force participation has greatly increased since the 1950's, and since the 1960's, the percentage of women employed in traditionally male professions has increased dramatically. As evidence of these trends, the percentage of working mothers with children under the age of six has grown from 10 percent to now over 60 percent.¹ Along with these occupational advances have come expanded economic opportunities. Increasing numbers of women are obtaining undergraduate, graduate, and professional degrees and are enjoying success in career fields previously inaccessible to them. Women are also receiving higher compensation, with female earnings now averaging 82 percent of male earnings, up from 63 percent in 1973. These statistics support the premise that women have made great strides since the 1950’s. That said, there are two spheres in which gender discrepancies are still very much apparent: lack of women within the upper echelons of corporate America and government, and an abundance of women managing the home and raising children.²

Women have not made the advancements in accessing the highest positions of power within corporations and government that it could be argued they should have made, given the increases in their education levels and labor force participation. Females only represent 15.7 percent of Fortune 500 corporate officers

¹ Wright and Rogers, pgs. 302-316
² Ibid
and 3 percent of Fortune 500 CEOs. Similarly, women remain decidedly underrepresented within government, with only about 25 percent of state level elected officials and 17 percent of congressional representatives being female in 2009. Conversely, women are vastly overrepresented in the performance of domestic duties and childcare. Though discrepancies in domestic responsibility have greatly decreased over the last decade, women still spend quadruple the time as men performing household duties and twice the time taking care of children.\footnote{Ibid.}

Interpreting this data, it is clear that positive changes have been made, both professionally and domestically, in the gendered division of labor. Gender equality in U.S. society is evolving; however, it is unclear how to address lingering gender inequality. Are remaining gender discrepancies evidence of continued gender discrimination? Should society strive to achieve greater gender equality, and, if so, how? What is gender justice and how can it be achieved? These are questions I will address in the course of my argument in developing my theory of gender justice, termed Contextual Gender-Neutral (CGN) Theory.

In September 2014, the United Nations spearheaded a new campaign, entitled HeForShe, to confront the worldwide issue of gender inequality and discrimination. The initiative seeks to spark widespread social change by encouraging corporations, universities, and governments to adopt principles that promote gender equality. In a speech given at the launch of the campaign, its Goodwill Ambassador, Emma Watson, asked men to join with women in the gender equality discussion. As she explained, “We don’t often talk about men being
imprisoned by gender stereotypes but I can see that they are, and that when they are free, things will change for women as a natural consequence. Both men and women should feel free to be sensitive. Both men and women should feel free to be strong. It is time that we all perceive gender on a spectrum, not as two opposing sets of ideals.” With this statement, Watson highlights important shortcomings in the gender justice debate: the lack of taking men into consideration and the need to accept individual gender preferences. I believe these deficiencies stem from excessive focus on disregarding gender differences in an effort to realize an ostensibly ideal gender-neutral society.

CGN Theory In Review

In my judgment, a society that offers equal opportunities for the sexes and also acknowledges and advocates individual gender preferences provides the highest level of gender justice. In order to achieve such a milieu, a moral theory of gender justice must be formulated and adopted. If properly conceived, such a theory would promote equality of opportunity without also requiring equality of outcome.

In formulating my theory, I took into consideration three opposing theories of gender justice: Mansfield’s argument in *Manliness*, Phillips’ hypothesis in “Defending Equality of Outcome,” and Levey’s adaptive preferences premise argument in “Liberalism, Adaptive Preferences, and Gender Equality.” Mansfield argues that a gender-neutral society would require an artificial recreation of gender roles that are in place because of biological differences between the sexes. He finds that a gender-just society, defined as one that is gender-neutral, can never be achieved because men’s natural desire is to be “manly,” which will always produce
unequal outcomes. Phillips posits that inequality in gendered outcomes is symptomatic of gender-biased opportunities; thus, unequal gendered results are unjust because of the unjust steps that led to such outcomes. She also argues that a society in which both genders have equal opportunities would necessarily be characterized by gender equal results in all spheres. She further hypothesizes that societies’ gender unequal results proves unequal opportunities exist between men and women. Levey contends that gendered divisions of labor derive from voluntary choices. These choices may result from adaptive preferences, or preferences made within the constraints of gendered socialization; this does not, however, invalidate them because most individual choices are adaptive. She contends that overriding skewed gender outcomes would require state intervention, which cannot be justified from a liberal perspective.

My gender-justice theory is differentiated from the gender-neutral perspective in three ways: first, sex-differentiated behaviors between men and women can be both biologically and socially determined; second, certain forms of gendered socialization are appropriate, as long as opportunities are equal and third, it would be wrong to use State force to achieve balanced outcomes. To formulate my theory, I utilized Eagly and Woods’ argument for a biosocial constructive theory of sex differences, which I will describe below. This reasoning takes into account not only gendered socialization and social preferences but also naturally constructed preferences in the determination of gendered preferences, choices, and resultant outcomes. I drew on Levey’s adaptive preferences argument to address Phillips’ concerns over injustice in equality of opportunity. Furthermore, I utilized
Mansfield’s theory to argue against Levey and Phillips’ exclusion of biological sex differentiated behaviors and choices. Then, I discuss the merits of the use of state intervention to promote equality of outcomes. Finally, I explore the practical implications of my theory, where I analyze the possible solutions to achieving gender equality put forth by Wright and Rogers in their “Gender Equality” chapter in *American Society: How It Really Works*.

**Liberal Feminism**

The liberal feminist perspective values individual freedom, and more specifically freedom for women in the form of personal and political autonomy. There are two dichotomous factions of liberal feminism: comprehensive and political. There is debate amongst these groups as to the appropriate role of the state in helping women achieve personal and political autonomy. Comprehensive liberal feminists give the state power to attain certain feminist ends for reasons of moral doctrine, whereas political liberal feminists find the state is justified only in attaining those feminist ends as prescribed by a shared public conception of the good. For instance, comprehensive liberal feminists believe the state should necessarily take interest in family life because family structure can limit women’s personal autonomy, particularly if they assume the caregiver role. They believe the state should support its ideal family structure by promoting the equal division of professional and domestic work for each spouse. Conversely, political liberal feminists argue the state is not justified in promoting its own ideal of the family structure upon adults. They do, however, find it is the state’s responsibility to support children’s development of personal autonomy. They find this particularly
important for girls because their involuntary familial participation is more likely to negatively influence their sense of self-worth, preferences, and capacities for reflection and imagination.\textsuperscript{4}

Comprehensive liberal feminists also believe the state has an obligation to remedy the unequal distribution of costs and rewards of social cooperation the sexes, as promulgated by the patriarchal structure of society. It is not entirely clear how the state can remedy this disproportionate distribution, but certain liberal feminists, namely Susan Okin, have suggested certain policy measures that would mitigate the impact of gender differences within society, such as universal daycare, paid parental leave, and flexible work schedules. Okin takes this a step further to argue that the state should “encourage and facilitate the equal sharing by men and women of paid and unpaid work, or productive and reproductive labor,”\textsuperscript{5} which leads us to the discussion of gender neutrality.\textsuperscript{6}

\textbf{The Gender-Neutral Society: Strict vs. Contextual}

Many gender justice theorists, Levey, Phillips, and Mansfield included\textsuperscript{7}, operate under the assumption that the realization of the comprehensive liberal feminist ideal society requires strict gender neutrality. For many liberal feminists, such a society would signify the achievement of the ultimate goal of complete equality between women and men. From Susan Okin’s perspective, a gender-neutral society is realized when, “one’s sex would have no more relevance than one’s eye

\textsuperscript{4} Baehr
\textsuperscript{6} Baehr
color or the length of one’s toes. No assumptions would be made about ‘male’ and ‘female’ roles... it would be a future in which men and women participated in more or less equal numbers in every sphere of life, from infant care to different kinds of paid work to high-level politics." As she explains, in a gender-neutral society, if sex were no longer a relevant factor, both sexes would be equally represented both professionally and domestically.

But is strict gender neutrality society truly what is required for a gender just society? I believe not. I conclude that gender justice calls for widespread social acceptance of differences in gender and individual preferences, not the forced equality of outcomes. An amendment to strict gender-neutral theory, which better defines a gender-just society, would give greater weight to biological gender differences and individual personality. For example, a man who is manly by Mansfield’s reckoning may be more inclined to want to independently financially support his family. Such a man may look for a partner who is supportive of this desire, and is satisfied to be a stay-at-home parent. There are many things that shape and influence a person’s personality, preferences, and choices, none of which should be overlooked. I believe that factors such as a person's biological make-up, familial socialization, social location, hometown, schools, developmental experiences, acquaintances, places visited, etc. shape one’s personality, preferences, and choices. Whether a person is socialized to uphold traditional or modern gender roles should not inevitably impugn the voluntary choices one makes. The choices

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8 Susan Okin
and preferences of people of opposite genders within a an ostensibly utopian society that strictly ignores gender can never be known because it would require evading the above stated biological and social influences.

In opposition to the strict gender-neutral theory of gender justice, I put forth my vision of a gender just society. In my view, such a society would accept biological gender differences between men and women and individual gender preferences. It would afford everyone equal opportunities without deeming unequal gender outcomes unjust, because they are a natural consequence of biological and social influences, and individual preferences. Strict gender-neutrality necessitates the equalization of opportunities and outcomes, at the expense of individual preferences and biological sex-differences, in realizing a gender-just society. Conversely, contextual gender-neutral (CGN) theory sees every outcome in the context of the opportunities, individual preferences, and biological sex-differences that produce such outcomes. It would provide justice for both men and women by allowing them to recognize and act upon their biological and socialized preferences and individuality, and also by encouraging each individual to pursue his or her own conception of the good. If Phillips, Levey, and Mansfield amended their arguments to propose that gender justice requires the contextually gender-neutral society that I have briefly sketched, I contend their concerns about unequal gender outcomes could be rectified.

I will now present the theoretical foundation upon which CGN Theory is postulated: the biosocial constructionist theory of sex differences.
Theories of Sex Differences

i. Sex vs. Gender

To preface this discussion of sex differences, it is necessary to define and distinguish the terms "sex" and "gender". While the use of sex and gender interchangeably to explain the differences between men and women may seem trivial, there is one very important distinction between the two. “Sex” describes the biological differences among men and women, while “gender” describes the social construction of masculine and feminine roles and what it means to be a man or a woman. Sex is inherent, while gender is learned. Sex can be perceived as a mundane description of the reproductive capacities of humans, while gender conveys a more intricate idea that describes socialization based on these sexual differences. However, as I will explain further, it is ineffective to focus solely on gender differences in determining gender justice while excluding sexual or biological differences.⁹

ii. Three Competing Theories: Feminist Psychology, Evolutionary Psychology, and Biosocial Constructionist

There are three theories of sex differences, which range from purely social factors to entirely biological factors: feminist psychology, evolutionary psychology, and biosocial constructionist. All existing theories of gender justice, including CGN Theory, are based upon one of these theories. Most feminist psychology theories fall

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⁹ Wright and Rogers, pg. 301.
within the social category and describe sexual differences in behaviors as the product of societal norms. Though there are many variations of feminist psychology theories, one that exemplifies a commonly held belief is social structural theory. It is typical for many feminists to utilize some variation of feminist psychology in order to support their goal of gender equality. They see evolutionary theory as promoting unequal gender relations because of the assumed inherent nature of sex differences.\textsuperscript{10} Counter to the feminist psychology perspective is evolutionary psychology theory. This theory posits that all sexual differences are the product of evolved adaptive mechanisms that universally shape sexual behavior in response to problems. Tying together these opposing theories is biosocial constructionist theory, which asserts that both biological and social factors influence sex-differential behaviors. For CGN Theory, I utilize the biosocial constructionist theory, because it provides the most comprehensive explanation for sex differences and behaviors that ultimately influence choices.

Eagly and Wood (1999) identified and compared two theories of the origins of sex differences: evolutionary psychology and social structural theory. The evolutionary psychology perspective asserts that humans have evolved coping mechanisms in adaptation to ancestral sex-typed problems. These adaptations in turn produce sex-differentiated behavior. Conversely, the social structural perspective argues that men and women become psychologically different in response to different social roles. Under this premise, men and women display sex-

\textsuperscript{10} Eagly and Wood, 1999
differentiated behavior to accommodate individual, situational, and cultural constraints placed upon them. Though these perspectives may seem diametrically opposed in the nature vs. nurture argument, there are certain similarities that may facilitate their amalgamation. Evolutionary psychology theory also upholds that environmental factors influence how evolved mechanisms manifest within individual’s behavioral expressions, thus somewhat accepting the social structural perspective in determining behaviors and choices. In a complementary fashion, social structural theory finds that certain genetic predispositions – such as the greater strength and size of men and the ability of women to bear children – “…interact with shared cultural beliefs, social organization, and the demands of the economy to influence the role assignments that constitute the sexual division of labor within a society and produce psychological sex differences.”

A key cross-cultural study by Buss (1999) utilized by both theories studied the sex differences in mate selection. According to the evolutionary psychology perspective, mate selection follows Darwinian sexual selection theory, where:

“Because men competed with other men for sexual access to women, men’s evolved dispositions favor violence, competition, and risk taking. Women in turn developed a proclivity to nurture and a preference for long-term mates who could support a family. As a result, men strived to acquire more

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11 Eagly and Wood, pg. 409 (1999)
12 Eagly and Wood, pg. 409. (1999), referencing Buss’s 37 country cross-cultural study
resources than other men in order to attract women, and women developed preferences for successful, ambitious men who could provide resources.”

Evolutionary psychology theorists see the uniformly cross-cultural evidence of women preferring mates who have earning potential and are older, and men preferring mates who are physically attractive, proficient in domestic activities, and younger as proof of the existence of sexual selection as a result of evolved mechanisms. Conversely, from the social structural perspective, mate selection is based upon a cost-benefit analysis to maximize utility within the constraints of societal expectations of gender and marital roles. From this perspective, the evidence produced by cross-cultural analysis is deficient because of its use of homogenous and culturally and economically similar societies.

In order to reanalyze the cross-cultural data to determine whether greater gender equality erodes sex differences in mate preferences, Eagly and Wood integrated the “Gender-Related Development Index”, which indicates the level of gender equality within a society. When correlated with Buss’s original data, Eagly and Wood found only a weak relationship between gender equality and sex differences in mate preferences. In concluding their study, Eagly and Wood suggest that further empirical testing for the evolutionary psychology and social structural perspectives could shed greater light on the fundamental cause of sex differences; furthermore, they do not rule out that the two perspectives could be combined to better explain sex differences.

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Later studies by Eagly and Wood (2002 and 2011) analyzed articles within the “Special Issue” of *Sex Roles*. They argue that evolutionary psychologists and feminist psychologists are locked in interminable disagreement over the determinant factors of sex differences and similarities, for which there is evidence to support both positions. They argue that in order for evolutionary psychologists to comprehensively address sex differences, they must also include those cultural processes that feminist psychologists argue are present within the determination of sex differences. Conversely, feminist psychologists must, “…recognize the importance of the ultimate, evolutionary origins as well as the proximal causes of sex differences and similarities.”

They argue that feminist alternatives to evolutionary psychology theory are too focused on present individual and social determinants, rather than “distal evolutionary pressures.”

According to Myers in *Exploring Social Psychology*, evolutionary psychology is the study of how psychological traits and social behaviors that help a person pass down and preserve their genes are passed through generations by natural selection. Myers explains, “As mobile gene machines, we carry not only the physical legacy but also the psychological legacy of our ancestors’ adaptive preferences.” Evolutionary psychology explains that humans universally share certain preferences, and that our biology gives us the ability to adapt to different environments. Thus evolutionary psychology combines nature and nurture to explain how individuals adapt to the cultures into which they are born.

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14 Eagly and Wood, Pg. 759 (2011)
15 Myers, pg. 125
Although men and women are more psychologically similar than different, studies have shown that the sexes diverge most starkly in four psychological categories: independence v. connectedness, social dominance, aggression, and sexuality. In terms of independence v. connectedness, girls play less aggressively and in smaller groups, are more likely to describe themselves in terms of their relationships, tend to gravitate towards jobs that promote equality, are more likely to take on traditional gender-specific attitudes and behaviors after having a child, and are more likely to feel empathy than men.16 In reference to social dominance, men are socially dominant in nearly every society. The male style of communicating is typically direct and task-focused, whereas women’s communication style tends to be more inspirational and social. Men are also more likely to be impulsive risk-takers than women.17 Men are more physically aggressive than women, so it follows that they are more likely to hunt and to go to war. Nonetheless, aggression in response to provocation can be a natural response for either men or women.18

Finally, men and women differ greatly in terms of sexuality. Men tend to have stronger sex drives and to want more unrestricted sex than women. As Myers explains, men in comparison to women have been shown to, “...fantasize more about sex, have more permissive attitudes, seek more partners, are more quickly aroused, desire sex more often, masturbate more frequently, use more pornography, are less

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16 Myers, pgs. 135-137
17 Myers, pgs. 137-139
18 Myers, pg. 139
successful at celibacy, refuse sex less often, take more risks, expend more resources to gain sex, and prefer more sexual variety.”

As Eagly and Wood explain, and Myers confirms, sex differentiated mating preferences are predicated by evolutionary psychology. Because of pregnancy and gestation, female’s investment in reproduction is much longer term than male’s investment; hence, women seek mates who will be committed and can provide resources. Conversely, males, by virtue of inherently wanting to propagate their genes, look for partners who are healthy and fertile. In response to the needs of the opposite sex, men tend to want to accumulate resources and to appear more physically able to protect women. Conversely, women tend to want to portray a youthful, healthy appearance, which biologically portrays fertility to men. Biologically, women’s bodies alert men to their fertility by a change in behavior, scent and voice during ovulation. Buss’s (1999) cross-cultural analysis confirmed evolutionary psychology’s prediction of mating selection tendencies.

Many critics often claim that evolutionary psychologists are merely providing conjectures in hindsight of findings they observe. Evolutionary psychologists counter that their field has produced empirical data confirming their predictions through animal behavioral studies, cross-cultural analyses, and hormonal and genetic testing. For example, hormonal studies have shown that hormones matter in producing biological sex differences. In one study, when female embryos are exposed to excess testosterone during development, they display more

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19 Myers, pgs. 141-142
tomboyish characteristics. Other studies show that violent male criminals, football players, and some fraternity members have higher than normal testosterone levels. Results of another study have shown that human and ape males display higher aggression than females in the early life stage, which progressively wanes throughout adulthood. This gender-diverse aggression is present before culture has a pronounced impact.  

Culture does play an important role in shaping gender-differentiated roles, but it does so in tandem with biology. As Myers explains, "Cultural norms subtly yet powerfully affect our attitudes and behavior, but they don't do so independently of biology. Everything social and psychological is ultimately biological. If others' expectations influence us, that is part of our biological programming. Moreover, what our biological heritage initiates, culture may accentuate. Genes and hormones predispose males to be more physically aggressive than females, but culture amplifies that difference through norms that expect males to be tough and females to be the kinder, gentler sex."  It follows that we can discount neither biology nor cultural socialization when discussing sex differences.

In response to the shortcomings of evolutionary and feminist theories, Eagly and Wood formulated a theory of sex differences that combines the two. In their words, "We developed our biosocial constructionist theory to explain the evolution and function of social expectations and self-concepts in human society and thereby

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20 Myers, pgs. 145-146
21 Myers, pg. 147
to integrate cultural and biological influences on the sexes’ behavior.”\textsuperscript{22} In their theory, they argue that physical attributes interact with social constructs to produce sex differences, and that social processes, such as gender roles, and biological processes such as hormonal changes, determine these sex differences. They posit that human evolution explains sex-typed adaptive behaviors in response to changing situational problems, which allows the sexes to either conform to or reject societal norms to maximize utility. Their theory also asserts that this psychological adaptation conforms to the “proximal mediators” of socialization, such as division of labor. In conclusion, Eagly and Wood argue, “…humans evolved a psychology that on the one hand allows considerable flexibility in behavior between societies but on the other hand stably structures culturally shared beliefs to make the typical activities of men and women within a society seem natural and inevitable.”\textsuperscript{23}

To provide evidence for their theory, Eagly and Wood contend that the establishment of parental roles is both biologically and socially constructed. They explain that, “...hormonal changes, particularly increases in cortisol, also are implicated in initiation of the parental role. Such changes in mothers accompany childbirth and evidently stimulate nurturing.” Furthermore they, “...assume that such biological processes work in concert with psychological processes, such as sex-typed social expectations and self-concepts, to orient men and women toward certain social roles and to facilitate their performance of these roles.”\textsuperscript{24} Eagly and

\textsuperscript{22} Eagly and Wood, pg. 764 (2011)
\textsuperscript{23} Eagly and Wood, pg. 765 (2011)
\textsuperscript{24} Eagly and Wood, pg. 702 (2002)
Wood maintain that sex-typed roles can be the result of a maximization of utility. Drawing on cross-cultural analysis of nonindustrial societies, Eagly and Wood determined that in complementary relationships, men and women maximize their utility by performing tasks that are complementary to their physical attributes and skills, while also operating under societal constraints of their sex-typed roles. They found that, “The allocation of specific tasks across societies appears to be flexible, with the majority of tasks not uniquely associated with one sex. Yet, across societies some activities were almost always performed by men (e.g., hunting of large animals), and other activities were almost always performed by women (e.g., cooking of vegetal food).” Thus their findings are consistent with evolutionary perspectives that accept the influence of environmental factors as well as evolved sex-typed adaptive physical and reproductive capacities in sex-differentiated behaviors.

The formulation of CGN Theory is based on the premises of biosocial constructionist theory. I rely on this theory because it is the most comprehensive explanation of sex-differential behavior. It includes both distal and proximal influences on sex differences and accepts that both biological and social factors influence sex-differentiated behaviors. Though biological differences cannot explain all disproportionate outcomes, they cannot be discounted. My subsequent arguments will explain the shortcomings of utilizing strict gender neutrality in determining gender justice, and support my theory of gender justice, CGN Theory.

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Gendered Socialization, Equality of Opportunity, and Equality of Outcome

To achieve a strict gender-neutral society, there must necessarily be gender equal opportunities and outcomes. In order for gender to become entirely non-influential, as required by strict gender-neutral theory, men and women must have formal equality of opportunity through equal legal rights, as well as equal opportunities for success in any profession. They must also do an equal share of domestic work and childcare. Phillips argues that disparate outcomes are unjust because, if opportunities are available to men and women, the result should be equal outcomes in the form of equal numbers of men and women in all career fields and equal sharing of domestic work and childcare. Her arguments are not compelling because, as I will argue, not all unequal outcomes are proof of injustice because they may be the result of biological gender preferences and adaptive gender preferences.

i. Phillips’ Defense of Equality of Outcome

Phillips’ argument can be summarized as follows: Gendered socialization and social preferences influence gendered preferences, which lead one to make gendered choices, collectively producing gendered unequal outcomes. Phillips asserts that the unequal distribution of men and women in all spheres is symptomatic of unequal opportunities. She maintains that we can link the predomination of men in high-paying, and high-power careers and the predomination of women in low-paying positions or in the home to injustice of opportunities. Phillips says, “Any systematic disparity in outcomes – whether this be
a concentration of certain groups at certain points of the social hierarchy or a marked segregation of occupations and roles – alerts us to a likely inequality in initial opportunities.”

Phillips further argues that because unequal opportunities exist in the pursuit of life goals, and those goals are in turn influenced by the gendered opportunities available, there is injustice in the steps leading to gendered unequal outcomes. In particular, Phillips finds that women are socialized to aspire to stay at home and raise children, thus an unequal number of women forego careers in relation to men. In response to the counter-argument that perhaps women naturally have preferences towards children, as evidenced by the fact that many women volunteer to stay at home, Phillips says, “to take this, however, as evidence that the distribution of caring and achievement orientations is intrinsically linked to sex is to presume in advance that the causation goes one way. It is far more plausible, in my view, to see it as evidence that people accommodate themselves to whatever they perceive as the options before them.”

Phillips clearly bases her argument on the feminist psychology perspective, as evidenced by her dismissal of the possibility of biology in determining preferences in favor of solely the impact of socialization on gendered preferences.

One response to Phillips’ argument is that if the choices women and men make are voluntary, and those choices do not harm anyone else, how can the outcome be unjust? Phillips’ counter-point renounces the possibility of voluntary choice when gendered socialization is the root of choices. She responds,

26 Phillips, Pg. 13
27 Phillips, Pg. 12
“There are many ways in which current writing on inequality understates the impact of social relations and structures, and I note here just three of the more obvious ones. First, the aspirations that shape our choices are themselves framed by our social location, most notably and persistently by the impact of social class... A second problem is that the outcome of these choices depends in large part on the chances of what our society now values... A third problem is that the choices we make tend to have a cumulative effect that can lead to outcomes none of us deliberately chose.”

Phillips claims that because our choices are most greatly influenced by our social location, and the outcomes of those choices are directed by societal values, the cumulative effect of these choices in producing undesired outcomes calls into question the efficacy of the voluntary nature of gendered choice. It is her belief that people must involuntarily adapt to the constraints of their social location and societal values, thus producing unequal and unjust outcomes.

I take issue with two important points of Phillips’ conclusion: 1) that gendered choices are never valid because they were produced through gendered socialization, and 2) unequal gendered outcomes are unjust because the preferences and choices that led to those outcomes were unfairly influenced. I assert that no choice is made nor preference developed without myriad influences. To argue that these choices are invalid because they are partially impacted by gendered socialization is to ignore the other influencing factors, and to give unwarranted

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28 Phillips, Pg. 15-16
weight to gendered socialization, in particular the influencing effect of social class upon individual choices. However, I see that there are many factors that influence one’s choices. For example, cultural differences, such as southern vs. northern American culture, influence peoples preferences and choices. Regardless of social location, southern boys are typically socialized to be chivalrous and gentlemanly, whereas these traits are not emphasized as greatly in the socialization of northern boys. These different kinds of socialization then produce divergent outcomes in the way southern and northern men act. What is important to note is that no child can develop and grow without certain influences that will shape their eventual personality, preferences, and choices, and every child’s life experiences and influences will be different. With that said, no influence should be given undue weight over other influences in determining whether one’s choices have been made voluntarily. In a contextual gender-neutral society, each person’s choices would be respected, and all opportunities would be available for achieving one’s own concept of the good, whether or not that would produce unequal gender outcomes.

As I will now explain, Levey provides an argument for adaptive preferences, or preferences that are shaped by gender socialization, that gives merit to their voluntariness even in the wake of gender socialization.

**ii. Levey’s Adaptive Preferences Argument:**

Previously, I summarized Phillips’ theory of injustice of unequal outcomes based on the injustice of unequal gender opportunities. I conveyed her thoughts that gendered preferences and choices are not made voluntarily because they are unduly
influenced by gendered socialization. Levey presents an argument for adaptive preferences that I believe in fact justifies unequal outcomes in gender representation in all societal spheres, and thus is useful in responding to Phillips. Levey’s argument is as follows: 1) liberalism cannot justify overriding outcomes that are the result of people’s voluntary choices; 2) gendered unequal outcomes result from voluntary choices, therefore, liberalism cannot justify overriding unequal gendered outcomes; and 3) feminism necessarily requires overriding this gendered inequality through state intervention, therefore, liberalism and feminism lie in opposition to each other. Levey argues that because people adapt to gendered socialization and make voluntary choices in response to it, a gender-neutral society cannot be realized from a liberal perspective because it would require the state to unacceptably intervene in the exercise of voluntary choice.

Levey concludes that unequal gendered outcomes are unjust despite the fact that these outcomes are effectuated through the voluntary exercise of choice. I disagree with this conclusion because although Levey appropriately provides a justification for the voluntariness of choice, she erroneously concludes that unequal outcomes are unjust. She comes to this misguided conclusion because she relies on the ideal of a strict gender-neutral society. Nevertheless she fails to see that a strict gender-neutral society does not necessarily bring the highest level of gender justice. If the ideal were a contextual gender-neutral society, in which opportunities were equal and differing preferences were accepted, I believe unequal gendered
outcomes would be moral and just. For example, Levey concedes that women who choose to work in lower-pay occupations than men,

“...might prefer to be paid more for making these choices; but at least sometimes they make these choices despite the pay, because they value the work more than they value higher economic reward. Historically we can account for the lower pay of women’s occupations by reference to beliefs about women’s lesser worth, but it does not follow that the women who make those choices are basing them on any belief about their lesser worth. To assume that these choices are based on false beliefs about equal worth denigrates those choices in a way that does not seem an accurate characterization of women’s relations to their choices.”

In coming to such a conclusion about the validity of gendered choices and the inaccuracy of calling into question these choices, I believe one should also conclude that if we are to respect free will and the ability for people to make choices, we should also support the possibility that those choices overall may produce unequal outcomes. However, Levey concludes that no matter the validity of the choices, the outcome is still unjust, yet liberalism cannot justify using state coercion to correct these outcomes. I find that if Levey formulated her argument on the assumption of creating a contextual gender-neutral society, she would conclude that: 1) choices made may be the result of adaptive preferences; 2) nonetheless, these choices are

29 Levey, pg. 137
made voluntarily and thus are valid; and 3) if all choices are made of one’s own volition, and no opportunities are blocked, an unequal outcome is morally legitimate.

Levey provides further evidence for the validity of adaptive preferences, which strengthens my argument that Phillips is incorrect in assuming gendered preferences and choices are invalid because they are adaptive. Levey explains that preferences are often seen as responses to the “sour grapes” phenomenon. In the sour grapes fable, a fox that is unable to reach and eat some grapes operates under the assumption that the grapes are sour and no longer prefers them. The sour grapes scenario may be the case in certain preferences, but certainly not all. As Levey explains,

“If gendered preferences were only the result of the sour grape effect, then we would have good reason to think that the preferences of women are suspect in a fairly straightforward way. If women’s preferences are merely the result of habituation and resignation, if we can say nothing more about them, then they are not choices we need feel compelled to respect. However, gendered preferences (men’s and women’s) generally seem more robust than this... When choices made are lived, the effect is typically the formation of a robust set of preferences and values that will persevere through change.”

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30 Levey, pg. 132
From this we can conclude that women do not develop gendered preferences merely in resignation to their fate and to what they cannot have. Rather, we observe choices made as a result of myriad factors, as I have posited.

To exemplify her personal development of adaptive preference, Levey explains that growing up she was taught to bake, a traditionally female activity, and determined that she enjoyed it. At the same time, she had an aversion to feminine clothing, shoes, and make-up, most likely due to her brother’s distaste for such feminine things. As she explains, “My preferences regarding dress were caused by social pressure, yet they have become my preferences even though I recognize that I might not have had them in the absence of my brother’s teasing. Causally, these preferences came about through mechanisms no different from those preferences feminists consider suspect. But if it’s not suspect for me to prefer not to wear make-up or high heels, why is it suspect to prefer to do so?” Levey’s mother may have influenced her fondness for baking, and her brother may have influenced her aversion to feminine things, yet that should not call into question the validity of those preferences. Perhaps we can never know what Levey’s voluntary preferences would have been in the absence of her particular socialization, despite that, we should not discount the fact that she can make voluntary choices based on those preferences.

To use a personal example, for as long as I can remember, I have had an aversion to orange juice. As a child I preferred to drink milk instead of orange juice.

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31 Levey, Pg. 131-132
for every meal. As an adult, I continue to have an aversion to orange juice. I believe numerous factors influenced this aversion, including the fact that I was typically offered milk over orange juice as a beverage option by my parents; I rarely witnessed my parents drinking orange juice, though they both like it; none of my friends particularly liked the taste of oranges; and I just genuinely did not like the taste. Though the option was always available to me, I consistently chose other drinks because I had a biological aversion to orange juice and was socialized to not like it. Yet, I think few if any would say I was unfairly socialized, or my opportunity to drink orange juice had been unfairly limited; I believe virtually everyone would say I simply did not prefer orange juice. People have preferences and make decisions based on those preferences every day, just as I favor other drinks to orange juice and make decisions based on this preference frequently. Though these decisions may be at least partially due to socialization, this should not disparage their voluntary nature or validity.

Though Phillips and Levey recognize that men and women are biologically different, they discount the notion that these biological differences can create sex-differentiated preferences. Mansfield’s argument, however, accounts for these sex-differences and posits that truly equal outcomes are impossible as a result of biological differences.

iii. Mansfield’s Manliness Argument

Mansfield’s “manliness” argument gives weight to the idea that gender differences are socialized and come naturally, and argues that one cannot discount
the fact that biological gender differences influence preferences and choices. While I find that he assumes that a strict gender-neutral society is the ultimate goal of feminism and believes that the modern-day trend is to ignore sexual differences in creating professional and career alternatives. He, however, finds that the creation of a society with the capabilities of entirely ignoring sexual differences is unachievable because men will not share in the responsibilities of what they believe to be “women’s work.” Mansfield explains, “How is it possible that men will let women do men’s work but not reciprocate and do women’s work when women are perfectly willing to let them do it – when women even invite them to do it? The answer is that men look down on women’s work. They look down on it not because they think it is dirty or boring or insignificant, which is often true of men’s work; they look down on it because it is women’s.”32 While I find that Mansfield overgeneralizes male and female individual opinions towards housework, his work highlights a consequential point. As our society moves in the direction of greater gender equality, it will inevitably meet some resistance by those biological differences that would stall change and skew outcomes. Ultimately, these immutable differences make the goal of strict neutrality unobtainable.

While I fail to see manliness as the most important distinguishing biologically sex-differentiated characteristic, as explained in biosocial constructionist theory, there are clearly sex-differentiated behaviors that influence decisions about professional and domestic work. For example, while Phillips expresses concerns

about generalizing female affinity for child rearing, I have argued that women are generally biologically more nurturing than men. This is not to say that all women can and should choose to be stay-at-home mothers, nor to say that all men should choose to be the predominant financial provider for their families rather than being stay-at-home fathers. As I have argued previously, numerous factors affect people’s preferences and selections, and biology is just one; however, it should be seen as a valid and impactful influencer. So if a woman decides to stay home and raise her children, and an important factor influencing this decision is that she is a naturally nurturing person, this choice should be respected and not invalidated to further the goal of gender neutrality.

Mansfield also explains that an ethical problem with attempting to realize a strict gender-neutral society is that free will must be overridden by state coercion to produce equal outcomes. As he explains,

“But a society of choice could not be one where it does not matter to me whether, say, you choose to be manly or not. If it were, choice would be unimportant even though it is put forward as the very principle of human life. In such a society, you would think hard about what to choose and then find that your effort was wasted; there are no consequences to choice, or choice is of no consequence. When people are free to choose how they live regardless of their sex, it matters how they choose because the choice affects others; the
choice of the majority rules everyone. Manliness tends to be insistent and intolerant, and it is truly a threat to the gender-neutral society.”

If people are free to make their own choices, and those selections negatively impact the strict gender-neutral agenda, intervention would be necessary to “correct” those choices. Therefore, any gains toward gender equality would be made at the expense of personal freedom. I find a society without freedom of choice to be immoral; and therefore I find intervention in people’s individual choices to be misguided. State intervention could be utilized to influence the way people are socialized in an attempt to realize a strict gender-neutral society; however, it could not change biological differences and the sex-differentiated preferences and choices associated with those differences. Therefore, even if the right to freedom of choice was completely violated by intervention into private lives, a true strict gender-neutral society is not possible.

However, biological differences can only explain so much. As Myers describes, men and women are more psychologically similar than different. Therefore, the widely gendered-unequal outcomes present may be more attributable to socialized differences, rather than biological differences. It is important to determine the societal reinforcements used to either direct or limit people’s opportunities in order to eventually realize equality of opportunity. Once the intent of reinforcements is discovered, the proper course of action to remedy inequalities may be legal recourse, better education, or societal evolution.

33 Mansfield, Pg. 16
iv. Negative vs. Positive Reinforcements

One issue upon which my theory rests is equality of opportunity. Can certain forms of socialization negate the voluntary nature of choices, and must these forms of socialization be limited to achieve equality of opportunity? I contend that socialization through negative reinforcements, which is incompatible with CGN Theory, includes force (such as physical force, threat of force, fraud, intimidation, coercion, etc.) and non-force (the most prevalent of which is negative stereotyping). Associated emotions include fear in the case of force, and guilt and shame in the case of non-force. While the state is the best tool for eliminating forceful negative reinforcements, there are two possible ways in which non-force negative reinforcements can be diminished: state intervention and the natural evolution of society. States can work in tandem with social movements to overcome these non-force negative reinforcements, or one or the other can be utilized.

One example of how socialization can lead to involuntary adaptive preferences pertains to Islamic societies in Arab States. In many of these Islamic nations, women are denied even minimal equality of opportunity, and socialized through negative reinforcement. The resulting consequences for women include being pressured into arranged marriages, being restricted from unaccompanied travel, remaining in an inferior authoritative position to men inside and outside the household, and have limited educational or professional options. Not surprisingly,
many women feel threatened and choose to remain in the home.\textsuperscript{34} This is clearly a violation of CGN theory because many Islamic women’s opportunities are limited through the use of intimidation and force.

A second example is a person trying to leave a religious cult. According to Anderson and Zimbardo, “Some of the means of psychological control utilized within cults include: separation from familiar surroundings, deception, creation of confusion, social isolation, prohibitions against dissent or free will, induction of guilt, the offer of affection that is dependent on compliance, threats of harm, and creation of fear.”\textsuperscript{35} The use of these to deceitful, threatening, and fear-inducing tactics to constrain followers is abhorrent socialization methods that are also incompatible with CGN Theory.

A third example, albeit less perverse, which limited women’s opportunities, was the socialization to conform to 1950’s American culture. The use of guilt and fear of the unknown to pressure women into finding a husband and becoming stay-at-home mothers, coupled with the more limited constrained educational and professional opportunities, also conflicts with CGN Theory. By inducing fear of not being able to attain financial security or becoming an “old maid,” and guilt for leaving children in pursuit of a career, society limited women’s actual and perceived opportunities, thus denying them equality of opportunity. Though women today have attained a higher level of formal and informal equality of opportunity, many

\textsuperscript{34} “POLL: Women’s Rights in the Arab World” (2013).
\textsuperscript{35} Anderson, Susan and Phillip Zimbardo, “Resisting Mind Control”, \textit{USA Today}, Nov. 1980, pg. 44-47.
families continue to recognize the traditional family structure, and many women continue to be negatively reinforced to conform to traditional gender norms for fear of disapproving their families. This limits their ability to seek alternative careers and lifestyles. In this instance, perhaps societal evolution, not state intervention, is the appropriate means for affecting change in gender roles as the limited opportunities were due to the use of non-force negative reinforcements.

Positive reinforcements can also be used as a societal technique in determining choices; however, the essential difference is that negative reinforcements are involuntarily imposed, forcibly limiting opportunities, whereas positive reinforcements are noncompulsory attempts to influence or direct choices. To explain the use of positive reinforcements, a hypothetical scenario can be constructive. Let’s say that a society is comprised solely of two groups: people with ten toes and people with eleven toes. Biologically, aside from an extra toe, these groups are the same; however, they are socialized through positive reinforcements to have different societal roles. People with ten toes are socialized to become lawyers, whereas people with eleven toes are socialized to become janitors. People with ten toes are socialized to believe that the legal profession is one that other people with ten toes enjoy, and thus they may also enjoy it. Additionally, they may be socialized to have a greater legal knowledge if, say, one or both of their parents are lawyers. Similarly, people with eleven toes are taught through socialization that they may enjoy the janitorial profession because other eleven-toed people also enjoy that profession. Nowhere in this scenario have negative reinforcements been
used to limit ten-toed peoples career alternatives to law and eleven-toed peoples to custodial service; any ten-toed person has the same options as any eleven-toed person to choose a different profession. CGN Theory stance is that this scenario is just. Even if 99.9 percent of ten-toed peoples are lawyers, and 99.9 percent of eleven-toed people are janitors, they all were given equal opportunity to choose a different career path.

A real world example of registered nurses versus automobile mechanics can also be enlightening. In 2007, only 8.8 percent of registered nurses were men, and only 1.7 percent of automobile mechanics were women. These professions, because of their unequal gender compositions, are considered sex-typed. Supporters of strict gender-neutrality find these sex-typed professions to be symptomatic of gendered unequal opportunities. I refute this conclusion. Simply because a man receives positive societal reinforcement for his choice to be an auto mechanic, does not mean his opportunities to enter another profession are somehow limited. Similarly, merely because a women prefers to care for others and is socialized to think that she would likely be good at and would enjoy being a registered nurse does not diminish her career alternatives. Negative societal reinforcements indoctrinate people with the belief that there will be adverse consequences if they make particular choices. As long as positive societal reinforcements express the benefits of making certain choices but do not demean other selections, opportunities are not limited. Therefore, the use of positive reinforcements meshes with CGN Theory because it does not infringe equality of opportunity.
There is a question raised through this discussion of equality of opportunity: What about outcomes? Even if equality of opportunity exists, could socialization still produce gendered inequality of outcome? My answer to this is: Certainly, but central to CGN Theory is that inequality of outcome is not gender injustice if equality of opportunity is intact. If an unequal outcome arises as a result of opportunities limited by negative reinforcement, this is a violation of CGN Theory and I find it to be an unjust outcome. If on the other hand, outcomes are unequal but no negative reinforcements were used to limit one’s possibilities, I contend the situation must be analyzed to determine intentionality and the possibility of freedom of choice. By this I mean, though only positive reinforcements where used, was there negative intention behind those reinforcements? If so, this cannot be accepted by CGN theory, because those positive reinforcements are used with the negative intent to limit opportunities. Also, did the inculcation of positive reinforcements consequently lead to a lack of knowledge of alternatives? If so, education would be necessary to inform the person of all of their options. To provide an example, let’s say a young woman is raised in a religious home where her parents encourage exclusively a woman’s rightful place in the home. Throughout this young woman’s life, she has received nothing but positive reinforcement, but because of her parent’s inculcation of one particular outcome, she has no knowledge of her other options, and she may also fear the loss of familial support if she chooses a different outcome. In this case, in order for CGN Theory to be supported, better education would be necessary to give this woman every option to make informed decisions.
State Intervention

CGN Theory asserts that state intervention is necessary to offset the use of negative reinforcements, which infringe equality of opportunity. Additionally, CGN Theory calls for legal institutions to be in place to appropriately prosecute negative reinforcements such as threat of force, force, fear, fraud, intimidation, or coercion, in limiting peoples’ opportunities. Once negative reinforcements, positive reinforcements with negative intention, and the inculcation of positive reinforcements are diminished, residual inequalities in outcome would predominantly be the result of biological sex differences and socialization through positive reinforcements. Furthermore, these residual inequalities that are justified by CGN Theory will be lessened as the result societal evolution, which has already begun as we have seen through the aforementioned data. I contend that the use of state intervention to make corrections to provide equal outcomes may not be justified because it would interfere with freedom of association and freedom of contract. Though I concede that state policies can and do spark social change, in the long run, perhaps social movements and societal evolution may be more efficacious than state policy in producing gendered equal outcomes. As Gheaus confirms in “Gender Justice”, “There are serious limitations to what can be achieved by changing laws and reshaping institutions. A lot of change is possible only if it happens through individual transformation as well as through individuals’ interactions. There are good reasons to believe that the main agents of gender justice are individuals, rather
than states and institutions."³⁶

CGN Theory In Practice: Rogers and Wright

Mansfield voices one of the major concerns of a gender unequal society when he says, “To the woman always at home, her husband is absent during the day and sometimes longer, engaged in activity that is more lucrative, more interesting, and more important than hers – while the children remain with her, all too present and ever-demanding, a constant worry and a constant occupation”³⁷ Many feminists’ actual motive is eradicating the preponderance of women who forego their careers in order to perform most of the domestic and childcare duties in their households. Similar to Okin, Wright and Rogers suggest three strategies that they believe, when utilized collectively, would equalize domestic responsibilities between men and women, thus promoting equality: pay equity, universal childcare, and paid parental leaves. I will address each strategy within the framework of a contextual gender-neutral social scheme.

i. Pay Equity

Wright and Rogers see two separate issues within the discussion of pay equity: equal pay for identical work and equal pay for equivalent work. They advance that implementation of equal pay for equivalent work is the most pertinent to the gender justice discussion and would provide the greatest advancement in achieving gender equal outcomes. They believe that two potential consequences of

³⁶ Gheaus p. 23
³⁷ Mansfield, Pg.3
equal pay for equivalent work support this outcome. First, it leads to an eventual desegregation of sex-typed occupations, professional and domestic work included, by encouraging men to pursue traditionally female jobs. And, second, it would equalize men and women's average earnings.\footnote{38}{Wright and Rogers, pgs. 327-328}

I submit there are several troubling issues with the equalization of pay for equivalent work. First, considering monetary reward as the only benefit people receive from their work undermines the reasons why people choose particular types of work as well as individual preferences. A study of 640,000 people’s job preferences showed that, “...men more than women value earnings, promotion, challenge, and power, whereas women more than men value good hours, personal relationships, and opportunities to help others.”\footnote{39}{Myers, pg. 136} Additional studies have shown that, “Worldwide, women’s vocational interest, compared with men’s, usually relate more to people and less to things.”\footnote{40}{Ibid} To evaluate job satisfaction only in terms of remuneration is to ignore the many reasons people choose their careers. Second, though Wright and Rogers concede that there are numerous conditions under which people in relationships make informed decisions and trade-offs affecting their careers, they find that public policy can be used to correct what they see as a power play between men and women over who will be the familial resource provider. Wright and Rogers concede that biological and social factors influence peoples’ career choices, yet declare those decisions to be completely monetarily driven. In
doing so, they are actually ignoring the biological sex-differentiated behaviors that allow men and women to adapt to the changing conditions surrounding raising a family. As I have argued, the gender roles that place women as caregivers and men as resource providers are formulated by means of long-established, relatively static biological and social adapted processes, and it would be unsound to attempt to override them using public policy. It is my belief, and the data supports, that the evolution of society will and in fact has already begun to change gender roles, bringing society closer to pay equity through voluntary means.

ii. Universal Childcare

Wright and Rogers support a universal childcare system to alleviate the burden of early childhood care for working parents. As they argue, “Without such services, the responsibility of providing caregiving to children falls entirely on the family, and in practice this generally means mainly on mothers. This burden of responsibility in turn, undermines the kinds of jobs women with families can seek and the hours they can work, and it increases the difficulty of moving toward an equal sharing of responsibilities within the family.”41 I certainly support employers voluntarily providing childcare services to employees and see the growth of such services as evidence of societal evolution; but on the other hand, I am unsure that forced provision of universal childcare is the appropriate response to residual unequal outcomes. In particular, the state enforcement of employers to provide childcare would violate their right to contract, and it is unclear whether the

41 Wright and Rogers, pg. 329
replacement of certain freedoms with other freedoms can be justified. Also, Wright and Olin’s claim that childcare is not solely the family’s responsibility confounds me. Excluding certain exceptions (e.g., illegal child abandonment), the norm, biologically and socially, is for the family to care for its children, or to hire childcare providers. I reiterate that seeing the responsibility of childcare as a burden and the responsibility of providing resources as a benefit misconstrues what men and women truly value. Demeaning childcare to the point where children are seen as a burden misinterprets why couples choose to have children.

Unlike couples who dictate their own familial responsibilities, for single mothers childcare is disproportionately burdensome and truly limits their opportunities. This is both an issue of formal and informal equality of opportunity, rather than an issue in outcomes. A woman may be socialized into the female gender role, in which she does the brunt of the domestic work, and then circumstances may create a situation where her partner is no longer sharing in the familial responsibilities. This, in turn, creates a situation in which single mothers may need to engage in outside employment in order to afford childcare as well as the typical expenses of raising children. I believe many causes of single motherhood – absenteeism, death, or divorce – can be addressed by legal actions capable of rectifying unequal outcomes. In the case of absenteeism, the absentee parent should be legally required to provide full and timely child support. To address partner death, people may acquire life insurance. Post-divorce consequences, including alimony and child support, can be dealt with before the fact using a prenuptial
agreement or as part of an adjudicated divorce settlement. The problems with these legal forms of rectification are twofold: either people do not take advantage of the formal remedies provided to them, or they are not enforced. In the former case, an unequal outcome would be the result of individual preferences in deciding to opt out of utilizing these options. In the latter case, legal settlements must be fully enforced to protect the rights of those who fall under those agreements, and to qualify under my definition of gender justice. Thus, were single mothers able to receive equitable compensation provided through either child support, alimony, or life insurance, or the like, I find this disproportionate burden would be greatly diminished. Residual inequity in opportunities may then be dealt with through state policy measures such as the provision of childcare, but should be specific to providing single mothers opportunities equal to co-parents.

iii. Paid Parental Leave

Wright and Rogers argue that legal requirements for paid parental leaves would impact the gendered division of labor. They argue that, in countries that currently provide paid leaves, mothers take more time off, but fathers are progressively taking more time off as well. Paid leaves, they say, help parents balance familial and professional responsibilities, thus increasing equality.42 I conclude that requiring paid parental leaves may not bring the desired effect. As I previously argued, women are biologically and socially inclined to be nurturing caregivers. As a result, they are more likely than men to take parental leave. The

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42 Wright and Rogers, pgs. 329-330
assumption that, when given the choice, men will also take parental leaves, discounts these biological and social factors. That is not to say that all men will be disinclined to take parental leave; nevertheless, state enforcement of parental leave cannot replace the natural evolution of society in changing the way men think about their familial responsibilities of domestic work and childcare. I see that employers are making progressive changes to implement better parental leave policies as they seek to retain women employees. I also see state required paid parental leaves as circumventing certain freedoms for others. By forcing employers to provide paid leaves, the state undermines employer’s freedom of association and freedom of contract, which I am unconvinced is permissible in exchange for attempting to create equal gender outcomes.

**CONCLUSION**

I have argued, contrary to comprehensive liberal feminist belief, that strict gender neutrality does not provide the greatest level of gender justice. Rather, I have posited that contextual gender neutrality, which judges outcomes in the context of the opportunities, individual preferences, and biological sex-differences that influence them, provides the greatest level of gender justice. Furthermore, I have submitted that a biosocial constructionist theory of sex-differential behavior provides the most accurate explanation of the impact of both biologically evolved mechanisms and socialization on behavior development. I then utilized this theory to describe certain gendered unequal outcomes that are observed. Similarly, I have argued that observed unequal outcomes might be the result of individual and adaptive choice. I have also argued that, while CGN Theory provides for equal
opportunities, opportunities must be analyzed in the context of the negative or positive reinforcements that limit or direct those opportunities. So long as only positive reinforcements are present, CGN Theory’s premise that unequal outcomes can be just is realized. In the case that force-related negative reinforcements suppress equality of opportunity, the correct role for the state is to protect individual rights. If non-force related negative reinforcements are present, or positive reinforcements with negative intent, CGN Theory would require societal evolution and better education as the proper recourse. Finally, I have argued that under CGN Theory, state intervention is necessary to protect individuals against force when it is used to limit opportunities, but may not be justified in equalizing outcomes. Such state involvement used to alter outcomes would unjustly disregard biological sex-differential behavior and the efficacy of individual preferences and free choice, and would violate other freedoms such as right to association and right to contract. I believe the more appropriate avenue for diminishing non-force negative reinforcements with the expectation of long-term change is societal evolution. Returning to the data presented at the beginning of this paper, we can see that substantial societal evolution has taken place within the last few decades. The way that society values gender-specific roles has changed, thus promoting the proliferation of women in the work force, but many barriers remain that limit women’s career opportunities and can’t be explained away by biology and individual or adaptive preferences. These inequities in opportunity must be mitigated through state intervention, better education or societal evolution before CGN Theory can be realized.
Though I have addressed several of the issues surrounding gender justice, there is certainly an opportunity for further research and theory formulation. In particular, I did not address the subject of cost. Gheaus argues in “Gender Justice” for a systematic determination of gender justice through the analysis of associated costs and benefits, not only for individuals but also for society as a whole. She argues that gender norms make certain choices less costly for women, such as becoming the primary child caregiver, and certain choices less costly for men, such as being the primary breadwinners in the family. Gheaus’ theory of gender justice follows the principle that, “gender justice requires that nobody should be expected to carry higher overall burdens, or enjoy lesser benefits than others, without due compensation, simply because of their gender.” Because of socialized gender roles, she finds that costs are unduly imposed upon men and women, and thus cannot be just. Further research could compare and contrast CGN Theory with Gheaus’ theory of gender justice.

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43 Gheaus, pg. 5
LIST OF REFERENCES


