

Week 5 Notes

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1 Gender and Justice

Our focus last week was distributive justice—the study of how social institutions should be designed so as to ensure a just distribution of resources to a society’s members. This week, our topic is another one within social and political philosophy: gender.

There are some interesting connections between distributive justice and gender. In most parts of the world, inequality is connected to gender. Here in America, for example, women who have jobs earn, on average, only 83% of what men with jobs earn.¹ Women in America are also less likely to have jobs: women over the age of 15 are only about 82% as likely as men over 15 to participate in the workforce.² Both of these statistics are indicative of a kind of economic inequality between men and women.

Is this economic inequality between the genders a kind of injustice, or at least a symptom of some kind of injustice? Plenty of people have said ‘no’. There are at least a couple of influential arguments for this conclusion. I will call the first one “the nature argument” and the second “the freedom argument”.

The central idea of the nature argument is that economic inequality between the sexes is the result of a natural difference between the sexes—a difference in how the personalities and preferences of men and women are shaped by differences in

¹This statistic is based on data from 2015, and can be found on the Pew Research website: <http://www.pewresearch.org/fact-tank/2017/04/03/gender-pay-gap-facts/>

²This statistic (and similar stats for other countries) comes from the UN: <http://www.pewresearch.org/fact-tank/2017/04/03/gender-pay-gap-facts/>

their biological makeups. A lot of people seem to think that something about men's biology makes them more likely to have personalities suited to working outside the home, and that something about women's biology makes it more likely for them to have personalities that are suited to childcare and various other forms of care work, for example. A very prominent recent example of someone who has made claims of this kind is James Damore, who was recently fired by Google after a manifesto he circulated within the company was made public, leading to public outcry.³ From this premise about biologically driven personality differences between the sexes, the nature argument concludes that since economic inequality is natural, it must be good. Or, at the very least, we shouldn't bother to try and change it.

The freedom argument takes a somewhat different approach. According to this line of thought, the economic inequality between men and women in our society can be fully explained by the different choices that men and women make. For example, women are more likely than men to leave the workforce in order to care for their children. This, it is commonly claimed, is evidence that women have a stronger preference than men to perform care work. But surely—the Nozick-inspired argument continues—there's nothing unjust about inequality that people freely choose, right?

Clearly, these arguments often go together. Many advocates of the freedom argument would probably claim that the reason *why* many women freely choose to leave the workforce is that they have a biological urge to care for their children, for example. However, we should see that the arguments are, strictly speaking, independent of one another. The nature argument is based on the assumption that what

³You can read Damore's manifesto here:

<https://gizmodo.com/exclusive-heres-the-full-10-page-anti-diversity-screed-1797564320>

If you do read it, though, I would suggest that you also read these two responses, which do a fairly clear job of pointing out some of the very real flaws in Damore's perspective. This article in Wired points out some of the problems with Damore's understanding of the biological and psychological evidence:

<https://www.wired.com/story/the-pernicious-science-of-james-damores-google-memo/>

And this essay by a former Google manager points out that even if Damore had been right about the biology and psychology, his conclusions about the implications for tech hiring would still be quite problematic:

<https://medium.com/@yonatanzungler/so-about-this-googlers-manifesto-1e3773ed1788>

is natural is either good, and so we shouldn't try to fight it. Some advocates of the nature argument would therefore say that if people started freely choosing to do something unnatural, the right thing to do would be to discourage them. On the other hand, the freedom argument is based on the assumption that an outcome that results from individuals free choices can't be a bad one. But it follows that if people freely choose to do unnatural things, that wouldn't result in injustice. Clearly then, it's possible to think that one of these arguments is good and the other is bad, even if they happen to coincide in this case.

As you surely already know, feminists tend to think that the economic inequality between men and women in American society *does* constitute injustice, or at least evidence of injustice. Indeed, feminism is the view that men and women deserve to be equal in all important respects, including economic respects. And feminists have developed some very powerful replies to the two arguments to the contrary. Feminism is a complicated and multifaceted movement, and it is difficult to generalize about feminist thought as a whole. A proper survey of feminist thought would require at least a whole feminist philosophy course to consider. But let's briefly consider how feminists might reply to the two arguments above.

First, let's reconsider the nature argument. There are several possible ways of replying to this argument, each of which depends on challenging a different component assumption on which it rests. Here are a few options:

- We should challenge the idea that economic inequality between the sexes is (or is solely) the result of differences in personality or preferences between the sexes. Instead, the economic inequality might have some other cause. We should consider the possibility that women are systematically discriminated against when decisions about hiring, raises, and promotions are made, for example. This discrimination could take several different forms. For example, discrimination could result from false, stereotypical beliefs that lead managers to unfairly discriminate against female employees and job applicants. An empirically supported example of this phenomenon comes from the world of classical music, where the introduction of "blind" auditions has resulted in a significant increase in the number of women who are selected to play in orchestras.⁴ Another possible source of discrimination is badly designed policy that either intentionally or accidentally creates incentives for

⁴<http://gap.hks.harvard.edu/orchestrating-impartiality-impact-“blind”-auditions-female-musicians#findings>.

more women than men to leave the workforce. For example: it is common for paid parental leave to be available only to mothers, but not fathers. This sort of policy creates an incentive for women but not men to take long breaks from their careers—breaks during which everyone else is working toward raises and promotions. For this reason, some countries have begun dividing paid parental leave between mothers and fathers. In Sweden, for example, parents are entitled to 480 days of paid parental leave per child, but each parent can take no more than 390 days of this leave. So, if parents want to use this benefit, the father must take at least 90 days. This policy is specifically designed to combat gender inequality.⁵

- Even if the economic inequality is the result of differences in personality or preferences between the sexes, we should question the idea that these differences are biological in origin. Instead, the differences might be the result of culture rather than biology. As Marilyn Frye argues in one of our readings this week, there are many ways in which the differences between men and women are constantly being reinforced in our society. It could be that this reinforcement is responsible for shaping the way in which gender manifests itself in our personalities. We will consider this possibility further in the next couple of sections.
- Even if we suppose that there are biological differences between the sexes that tend to cause differences in the personalities and preferences of men and women, and even if these differences are part of the cause of economic inequality between the sexes, it wouldn't follow that the economic inequality is just. After all: not everything that is natural is good, or ought to be encouraged. And not everything that is unnatural is bad. For most of human history, we lived as small groups of hunter-gatherers, we didn't read or write, we didn't have access to electricity or medicine, we were very likely to die before the age of five, and we certainly didn't eat ice cream. In these and many other ways, humans have changed enormously from our natural state. And each of these changes must have been accompanied by enormous changes in our personalities and preferences. Many of us now prefer to live in gigantic cities and eat breakfast cereal, for example. This is all very unnatural. Does that make it bad? No! In fact, philosophers tend to think that the inference from 'X is natural' to 'X is good' is a fallacy. They've even given it a name: the

⁵<https://sweden.se/society/10-things-that-make-sweden-family-friendly/>

appeal-to-nature fallacy.⁶ The nature argument is an instance of this kind of fallacious reasoning.

These three objections to the nature argument aren't incompatible. There is some wisdom in each of them. At the very least, they should make us suspicious of the argument, and eager to learn more.

Now, let us reconsider the freedom argument, according to which inequality between the sexes is just because it results from freely chosen actions. The main problem with this argument is that every choice is influenced by the circumstances in which we make it, including both the cultural and political circumstances. This includes people's decisions about their careers. Everyone in our society can freely decide that they want to be a banker or an artist, for example. But there are many cultural and political factors that influence their choices. It's much easier to make a living as a banker than as an artist, for example, and this is at least partly a result of cultural and economic causes. If our culture changed in such a way that we valued art more highly, and were more willing to pay for it, or if the federal government drastically increased funding for the arts, then the incentives would change, and more people would freely choose to become artists instead of bankers.

Similarly, if we were to alter our policies and cultural attitudes in a way that encouraged fathers to take time off to care for their children, this would likely have an effect on how men and women freely choose to care for their children. Indeed, this is what has happened in Sweden, where a quarter of all parental leave is now taken by fathers, for example.⁷ You might be tempted to object that this would amount to the government actively interfering in citizens' parenting decisions. But that objection misses the point: public policy *already* influences citizens' parenting decisions. This is unavoidable, since every policy option creates *some* incentives. The question is not *whether* to influence citizens' parenting choices, but how to influence them in the way that will have the fairest results.

2 What is Gender, Anyway?

In ordinary English, the words 'sex' and 'gender' are interchangeable.⁸ Philosophers have tended to use the words to talk about two different things in order to draw a

⁶This fallacy even has its own Wikipedia page: https://en.wikipedia.org/wiki/Appeal_to_nature

⁷<https://sweden.se/society/10-things-that-make-sweden-family-friendly/>

⁸At least when 'sex' is being used to denote a property of individuals rather than an activity in which they participate, that is.

distinction that we don't always draw in ordinary life, however. As the introduction to Frye's essay puts it:

Sex refers to the differences between men and women that are biological in origin. *Gender* or *sex role* refers to the differences between men and women that are cultural or societal in origin.

One of the central insights of feminist philosophy has been that we have a tendency to put a lot of things in the sex category that really belong in the gender category. We tend to think of differences between men and women as being natural when they're really cultural.

It isn't all that hard to see that this is the case, at least in some cases. This is because what we think of as typically masculine and feminine qualities and behaviors tends to vary enormously from place to place, and from time to time. These days, if your friends and family know that you're having a baby girl, you will be bombarded with pink gifts, for example. But the connection between girls and pink is a relatively recent invention of our culture, and there are many societies in the world for whom the association would be completely alien. There are many other examples of this kind.

Frye's central insight about gender is to point out a paradox: even while we think of our gender characteristics as natural, we also continually reinforce these characteristics in one another. Although our gender roles are local to our cultural time and place, any public deviation from them is likely to be punished with teasing, ostracism, or worse. Frye gives many examples, some of which are specific to her own cultural milieu of the 1970's, when she wrote the essay. But there are many contemporary illustrations of her point. Perhaps the most disturbing example I know of is that transgender people are *much* more likely to be victims of violence than the rest of the population.⁹

Here's the paradox: our belief that gender characteristics are natural does not cohere with the constant work that we do to reinforce these characteristics. If gender characteristics were biologically determined, and therefore natural and unchangeable, why would we work so hard to discourage one another from deviating from them? By contrast, we don't need to do anything to reinforce one another's other biologically determined characteristics. It's not as though you might grow a third arm if we don't diligently work to remind you that you're supposed to have only two,

⁹Some statistics about violence against transgender people can be found here: https://avp.org/wp-content/uploads/2017/04/ncavp_transhvfactsheet.pdf

for example. So what could be the point of the constant reinforcement of gender characteristics?

The obvious answer is that very many of the gender characteristics that we work the hardest to police are cultural in origin, and the product of our reinforcement. The fact that men and women dress differently, wear different smells and different kinds of makeup, play different sports, do different jobs, and so on, has more in common with our table manners than with the number of arms that humans possess. We reinforce these characteristics because we care about them deeply for some reason, and, since there's nothing natural about at least many of them, they would slowly dissolve if we didn't continually reinforce them.

But this explanation raises an even bigger, even deeper question: why do we care so much about these gender characteristics in the first place? What motivates us to keep reinforcing them? Why should we care whether men dress differently than women? And, if we do care, why should we care that it be the women wearing the dresses instead of the men? This is a question whose answer I don't think we can look inside ourselves and easily find.

One person who has defended a highly influential answer is Joshua Goldstein, author of the prize-winning book, *War and Gender*, and subject of the Hi-Phi Nation podcast that you are required to listen to this week. Goldstein gives a surprising answer to the question of where gender norms come from. In his book, he argues that they have been designed through a slow process of cultural evolution, and that their function is ultimately to produce soldiers who are ready to sacrifice themselves in war. This is a bold hypothesis, and one that has fascinated many of Goldstein's readers.

Goldstein's hypothesis also illustrates an important point about feminism, which is that it is not just a philosophy for women. Although there are many ways in which our culture's way of dividing up gender roles disadvantages women—by placing them at an economic disadvantage, for example—there are also some important ways in which men are getting the short end of the stick. For example: men are much more likely to die in war, or to be murdered. According to Goldstein and many other feminists, this too is a form of injustice that should be addressed through changes to our culture and public policy.