

## LOOKING AT WOMEN'S HISTORIANS LOOKING AT "DIFFERENCE"

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The Equal Employment Opportunity Commission (EEOC) fails to place workers in their social and historical settings and ignores the fact that many workers, especially women, have goals and values other than realizing maximum economic gain.

As the historical evidence shows, it is not surprising that men and women differ in their expectations concerning work, in their interests as to the types of jobs they prefer or the types of products they prefer to sell, and in the continuity of their participation in the labor force. It is naive to believe that the natural effect of these differences is evidence of discrimination by Sears. —Rosalind Rosenberg, "Offer of Proof Concerning the Testimony of EEOC v. Sears, Roebuck and Co.," 1984.<sup>1</sup>

No, I thought, I did not agree that women's lack of "interest" could absolve a company of charges of discrimination. Nor could I accept that the complex reality embodied in the notion of "interest" could be so readily simplified. I did think that there was some as yet undefined difference between men and women. . . . But I had not yet figured out what that meant in terms of historical analysis. And to equate different "interests" with an acceptance of the current distribution of rewards from wage work was . . . to misunderstand the process by which women struggled for change, as well as to simplify the way difference and inequality have played themselves out historically.—Alice Kessler-Harris, "Equal Employment Opportunity Commission v. Sears, Roebuck and Company: A Personal Account," 1986.<sup>2</sup>

*The Nation* referred to the case as "History on Trial," *Ms.* magazine asked, "What Happens When Feminists Turn Up on Both Sides of the Courtroom?," the *New York Times* headlined, "Of History and Politics: Bitter Feminist Debate," and the *Washington Post* editorialized, "Misusing History."<sup>3</sup> *EEOC v. Sears, Roebuck and Co.* was a class action case

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1. *Offer of Proof Concerning The Testimony of Dr. Rosalind Rosenberg*, United States District Court for the Northern District of Illinois, Eastern Division, Equal Employment Opportunity Commission v. Sears, Roebuck and Co., Civil Action 79-C-4737, 2, 18.

2. Kessler-Harris, *Equal Employment Opportunity Commission v. Sears, Roebuck and Company: A Personal Account*, 35 *Radical History Review* 57-8 (April 1986).

3. Weiner, *The Sears Case: Women's History on Trial*, *The Nation*, 161, 176-80 (1985); *Exchange*, *id.*, at 394, 410-11 October 26, 1985; Sternhell, *Life in the Mainstream: What Happens When Feminists Turn Up on Both Sides of the Courtroom?* *Ms.*, 15, 48-51, 86-91 (July 1986); Freedman, *Of History and Politics: Bitter Feminist Debate*, *New York Times*, June 6, 1986, at B1, col. 1; *Misusing History*, *Washington Post*, June

in which the EEOC charged Sears with discrimination against women. Two historians of women, both considered to be feminists, respectively testified for the opposing parties. For one party, Rosalind Rosenberg,<sup>4</sup> an expert witness for Sears, Roebuck and Co., argued that women were different from men in their work, roles, and interests. Historically, women have placed home and family before work. Women's culture—defined by the value and activities of nurturance, selflessness, and cooperation—shapes present behavior as well as past actions. Rosenberg cited numerous scholars to provide historical evidence that women want part-time jobs, dislike insecure income; in terms of the case, "women don't want commission sales jobs." Rosenberg's testimony was central to the novel defense that lawyers for Sears had devised to counter solid statistical evidence of widespread discrimination: women were not in commission sales jobs, not because of lack of affirmative action, but because Sears could not find women to fill such jobs. Women, they argued, are committed to home and family and not "work."<sup>5</sup>

The opposing party asked Alice Kessler-Harris<sup>6</sup> to testify. She contended that, throughout history, when women had opportunities for better jobs, women took these—often as a way of fulfilling the same domestic values that Rosenberg claimed kept women from work. Most women in the past did not work because of some desire for self-fulfilling careers, but rather because their families needed their wages. More significantly, women have held a variety of jobs. And indeed what is classified as "women's work" has changed over time and has differed by class, race, ethnicity, and the female life-cycle. These factors, interacting with employer preference, have shaped the world of women's work. As Kessler-Harris commented, "the question . . . is not whether men and women differ, but how those differences are used to structure the labor market; and in that question, the role of employers is critical."<sup>7</sup>

For the feminist legal community, generalized claims about women asserted in Sears are familiar: so too are the underlying assumptions about female difference. This case exposes, in a heightened way, the conflicts within feminism itself: women judged by male standards or alternate standards,<sup>8</sup> legal neutrality or sex-based rules,<sup>9</sup> equality through sameness or

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9, 1986, at A20, col. 1; Yardley, *When Scholarship & the Cause Collide*, id., June 16, 1986, at C2, col. 1. For a good feminist analysis, see Ruth Milkman, *Women's History and the Sears Case*, 12 *Feminist Studies* 375-400 (Summer, 1986).

4. Rosenberg, associate professor of history at Barnard College, is the author of *Beyond Separate Spheres: the Intellectual Roots of Modern Feminism* (1982).

5. *Testimony of Dr. Rosalind Rosenberg*, passim.

6. Kessler-Harris, professor of history at Hofstra University, is the author of *Out to Work: A History of Wage-Earning Women in the United States* (1982).

7. *Written Testimony of Alice Kessler-Harris*, United States District Court For the Northern District of Illinois, Eastern District, Equal Employment Opportunity Commission v. Sears, Roebuck and Co.; Kessler-Harris quoted by Strasser, *The Sears Case at the OAH*, 49 *Radical Historians Newsletter* 7 (May 1986).

8. For a critique of male standards and their implication for feminist jurisprudence,

difference equally accommodated,<sup>10</sup> subordination,<sup>11</sup> incorporation,<sup>12</sup> or assimilation theories.<sup>13</sup> Such opposing ways of thinking about "difference" have divided feminists in the last decade and a half.<sup>14</sup> The debate over "equal treatment" or "special treatment,"<sup>15</sup> otherwise called "positive action,"<sup>16</sup> has shaped litigation strategies as well as theoretical constructs. These conflicting viewpoints are not new nor are they confined to the discipline of law. The nineteenth century women's movement vacillated between equalitarian-feminism and domestic-feminism; from emphasizing what women and men shared as people, to arguing for women's rights because women were different from men.<sup>17</sup> In the 1920s and 30s, women reformers and feminists fought over the impact of protective legislation on equal rights and whether protective legislation should even exist.<sup>18</sup> As Sears revealed, feminist lawyers are not alone in their disagreement; women's historians do not agree on the meaning of female "difference" in the past or the future.

While the Sears case may be unusual in its reliance on historical

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see Krieger and Cooney, *The Miller-Wohl Controversy: Equal Treatment, Positive Action and the Meaning of Women's Equality*, 13 *Golden Gate U. L. Rev.* 537-57 (1983); see also, Williams, *Equality's Riddle: Pregnancy and the Equal Treatment/Special Treatment Debate*, 13 *New York University Review of Law & Social Change* 352-80 (1984-85).

9. See Krieger and Cooney and Williams, *supra* n.8. See also, Williams, *The Equality Crisis: Some Reflections on Culture, Courts, and Feminism* 7 *Women's Rights Law Reporter* 175-200 (Spring 1982); Freedman, *Sex Equality, Sex Differences, and the Supreme Court*, 92 *The Yale Law Journal* 913-68 (May 1983).

10. See articles *supra* n.8 and 9 and E. Wolgast, *Equality and the Rights of Women* (1980).

11. Catherine MacKinnon best represents this view. See MacKinnon's presentation of this view as part of the 1984 James McCormick Mitchell Lecture at the Law School of the State University of New York in Buffalo, Dubois, Dunlap, Gilligan, MacKinnon, Menkel-Meadow, *Feminist Discourse, Moral Values, and the Law—A Conversation*, 34 *Buffalo Law Review* 21-28 (Winter 1985); see also, MacKinnon, *Feminism, Marxism, Method and the State: Toward Feminist Jurisprudence*, 8 *Signs: A Journal of Women in Culture and Society* 635-58 (Summer 1983); and MacKinnon, *Feminism, Marxism, Method, and the State: An Agenda for Theory*, 7 *Signs: A Journal of Women in Culture and Society* 515-44 (Spring 1982); see also, Scales, *The Emergency of Feminist Jurisprudence: An Essay*, 95 *The Yale Law Journal* 1374-1492 (1986).

12. Scales, *Towards a Feminist Jurisprudence*, 56 *Indiana Law Journal* 375-444 (1980-81); see also, Scales, *The Emergency of Feminist Jurisprudence: An Essay*, *supra* n.11, at 1381-4.

13. For a discussion and critique of such theories, see Kay, *Models of Equality*, 1 *U. Ill. L. Rev.* 39, (1985).

14. See Scales, *The Emergency of Feminist Jurisprudence: An Essay*, *supra* n.11, at 1375; Williams, *Equality's Riddle*, *supra* n.8.

15. Williams, *Equality's Riddle*, *supra* n.8 best represents equal treatment; *Miller-Wohl*, *supra* n.1. "special treatment."

16. *Miller-Wohl*, *supra* n.8, at 516.

17. For a good articulation of this debate, see DuBois' statement in *Feminist Discourse, Moral Values, and the Law*, *supra* n.11, at 64-8.

18. S. Becker, *The Origins of The Equal Rights Amendment: American Feminism Between the Wars* at 197-234 (1981).

testimony, it is important for the profoundly disturbing questions it presents. I want to raise some of these questions and then I will analyze some of the recent historiography of women in the United States. Looking at women's historians looking at "difference" allows me to explore the political implications of the dominant paradigms in the field. The way historians assess female "difference" should provide feminist legal scholars and practitioners a lens by which to view their own disagreements, and perhaps allow a resolution on the basis of some understanding of the historical meaning of "difference." We need such self-reflection in a climate especially hostile to feminist demands.

Arguments based on an ungendered concept of equality fail to account for the contexts in which women's lives are embedded; the social construction of gender, the sexual division of labor, as well as the race and class of women. Yet, arguments based on the concept of female "difference," while they appeal to "common sense," also are perilous: their use against comparable worth, affirmative action and equal opportunity is clear. Contrary to Rosalind Rosenberg, "talk of differences" is not "taboo," but central to the policy debate among feminists about which kinds of programs will lead to equality.<sup>19</sup>

What is the meaning of female "difference" and/or "women's culture," the values, knowledge, and activities shared by women and passed down from one generation to another? Does this culture provide a source of strength, an alternative ethos of nurturance and relational values? Or, is it a set of cultural and social positions that justify, while reinforcing, subordination—a social and cultural reality that has proved a barrier for class unity?

In the recent debate over Carol Gilligan's *In A Different Voice: Psychological Theory and Women's Development*,<sup>20</sup> historian Linda Kerber warns historians to take a second look at the universalism and dualism inherent in Gilligan's argument that women follow a different path to moral development than men.<sup>21</sup> What is the history of the idea of "difference," and what forms has "difference" between the sexes and among women taken over time? Are all groups of women different from the men of their groups? Do all women partake of such difference or hold a women's culture? How do ideas about women's culture and female difference stack up to racial, class, life cycle, and sexual differences among women?

What is the relationship between scholarship and current policy, and what is our responsibility in this arena? Used as evidence in a courtroom,

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19. Rosenberg, *What Harms Women in the Workplace*, New York Times, Feb. 27, 1986, at 3, A23; col. 1.

20. Gilligan, *In A Different Voice: Psychological Theory and Women's Development* (1982).

21. Kerber, *Some Cautionary Words for Historians*, in *On "In A Different Voice": An Interdisciplinary Forum*, 11 Signs: A Journal of Women in Culture and Society, 304-10 (Winter 1986).

the complexity and contradictions of the past can become simplified so that the richness of scholarly discourse turns into generalized argument. What is the role of history in legal proceedings? Similarly, what are the implications of culturalist studies (those that emphasize culture to the neglect of structure, politics, or ideology) to our understanding of the past, and to visions of the future? Do all arguments about "distinctive" female values play into the hands of conservatives today? If so, does this political reality discredit such an analytical emphasis in women's history?

### "Difference" as "Unequal"

Twenty-five years ago, with the second wave of feminism, theorists and historians initially looked to "difference" as a source of inequality as they sought to account for women's oppression. They found female "difference" led to victimization. Theorist Simone de Beauvoir showed how philosophy and men had defined women as "the other," never transcendent, always immanent, connected to this world by the routines of daily life. As "the other," women and all that was feminine were devalued and subordinated.<sup>22</sup> Betty Friedan's "feminine mystique" updated the nineteenth century "cult of domesticity" which shackled women to stereotypes of domesticity, purity, submissiveness and piety, and relegated women to the home.<sup>23</sup>

Kate Millet, Elizabeth Janeway, and others in the late 1960s and early 1970s presented a radical critique of "masculinity" and "femininity." They distinguished biological sex from social gender and argued that sex role stereotypes create "difference."<sup>24</sup> These feminists were the inheritors of early women social scientists, the forerunners of Margaret Mead, who first showed the similarities between men and women and who, ironically, were the subjects of Rosalind Rosenberg's book, *Beyond Separate Spheres*.<sup>25</sup> Shulamith Firestone, however, represented an extreme example of such a critique of "femaleness" in her desire to fix childbirth technologically so that even this material and biological difference would not remain.<sup>26</sup> Difference thus appeared as a primary obstacle to breaking down all barriers to women's full participation in society.

Androgeny and/or the destruction of sex "roles" became a goal of many feminists. This emphasis led to a parallel de-emphasis of differences among women. Differences between women—like marriage, income, race—seemed to be "red-herrings" thrown at women by men to keep women apart. Emphasis on the differences between women led to compe-

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22. S. de Beauvoir, *The Second Sex* (1953). The handling of "difference" by French feminists is beyond the scope of this paper.

23. B. Friedan, *The Feminine Mystique* (1963).

24. K. Millet, *Sexual Politics* (1970); E. Janeway, *Man's World, Woman's Place: A Study in Social Mythology* (1971); and, for an overview, H. Eisenstein, *Contemporary Feminist Thought* 5-26 (1983).

25. See Rosenberg, *supra* n.5.

26. S. Firestone, *The Dialectic of Sex: The Case for Feminist Revolution* (1970).

tion and hierarchy; better to have the "mythic power of sisterhood" than such division. "Consciousness raising" stressed those conditions that women shared with each other. Sex, class, or gender, the very "difference" that supposedly led to inequality, appeared as the most important factor defining women's lives.<sup>27</sup>

Historians of women reflected this current in discovering the oppression of women and the existence of patriarchy. Women appeared as the victim of history. Much like the litany of abuses recorded at the 1848 first Women's Rights Convention in Seneca Falls, New York,<sup>28</sup> historians chronicled women's exclusion from education, politics, and the professions. Abused in her home, denied control over her body, vilified by the church, and cheated by the law, women appeared as victims of the economy, polity, society, but most of all, of men. Nineteenth century white middle class women in the United States and Great Britain, on whom this initial research focused, suffered and were still, to paraphrase the title of an early collection of feminist history.<sup>29</sup> Prescriptive literature, as uncovered by Barbara Welter, confined woman to her separate sphere, the family and home.<sup>30</sup> "True Womanhood" chained women down to domestic burdens.<sup>31</sup>

### The Bonds of Womanhood

As scholars focused more on women, they discovered that the academic disciplines excluded women. The traditional epistemology of history, for example, failed to account for women's experiences. Periodization, definitions of social forces such as class or age, and topics worthy of analysis, reflected men's lives. In 1976 Gerda Lerner asked, "what would history be like if it were seen through the eyes of women and ordered by values they define?"<sup>32</sup> If women's historical experience differed from men's, then historians had to assume that on some level women were different from men and that this difference required illumination. Thus derived an analysis focused on women; on what women did and felt.

Difference as a source of oppression became a source of enrichment and strength. As articulated in the work of feminist psychologists such as Jean Baker Miller and Dorothy Dinnerstein, to be female meant to possess the most worthy characteristics: the ability to nurture, relate, and co-

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27. J. Baer, *Equality Under the Constitution: Reclaiming the Fourteenth Amendment* (1983); see also, B. Dill, *Race, Class, and Gender: Prospects for an All-Inclusive Sisterhood*, 9 *Feminist Studies* 131 (Spring 1983); Redstockings, *Feminist Revolution* (Katie Sarachild, ed. 1975); see Eisenstein, *supra* n.24, at 35-41.

28. *Declaration of Sentiments and Resolutions, Seneca Falls*, in *Feminism: the Essential Historical Writings* 76-82 (M. Schneir, ed. 1972).

29. *Suffer and Be Still: Women in the Victorian Age* (M. Vicinus, ed. 1972).

30. Barbara Welter, *The Cult of True Womanhood, 1820-1860*, 18 *American Quarterly* 131-175 (Summer 1966).

31. See *Clio's Consciousness Raised* (M. Hartman and Lois Banner, eds. 1974).

32. Eisenstein, *supra* n.24, at 45-101; G. Lerner, *The Challenge of Women's History*, in *The Majority Finds Its Past: Placing Women in History* 168 (1979).

operate.<sup>33</sup> Adrienne Rich extended such analysis when she re-evaluated motherhood to distinguish its perversion under patriarchy from its possibilities. She suggested that women alone reunited the dualism of mind/body that lay at the heart of Western thought. Man became the "other."<sup>34</sup>

Among historians, women centeredness meant taking the idea of "woman's sphere" on its own terms and finding within it women's culture; a broad-based commonality of values, institutions, relationships, methods of communication, focused on domesticity and morality. Most of this research implied that "difference" comes from culture and social arrangements, including the sexual division of labor. However, in a study of "responses to death and debility fears in nineteenth-century childbirth," Judith Walzer Leavitt contended that "women's culture developed through these biological bonds—even when these bonds were limiting their other activity."<sup>35</sup> Carroll Smith-Rosenberg's "female world of love and ritual" has become the classic statement of how "rigid gender-role differentiation within the family and within society" led to "the emotional segregation" of the sexes and the growth of single-sex networks of support. "Woman's sphere" worked for women, providing them with a rich homosocial, perhaps homoerotic, world.<sup>36</sup> The cultural cage created for women became sanctuary.

Moreover, 19th century white Northern Anglo-Protestant women were conscious of this shared "woman's sphere." As Nancy Cott explained, even feminists of that time subscribed a "double meaning" to womanhood: "womanhood bound women together even as it bound them down." Thus the bonds of womanhood or women's domestic sphere became the basis for sisterhood. The common experiences of these women at home and in their work for family, kin, and community provided that consciousness of self as part of a group upon which the first feminist movement grew. "The ideology of domesticity may seem to be contradicted functionally and abstractly by feminism, but historically—as they emerged in the United States—the latter depended on the former," Cott argued.<sup>37</sup> Indeed, Leavitt has expanded on this idea, suggesting that "feminism, women grasping control and working together to overcome their

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33. J. Miller, *Toward a New Psychology of Women* (1976); D. Dinnerstein, *The Mermaid and the Minotaur: Sexual Arrangements and Human Malaise* (1977).

34. A. Rich, *Of Woman Born: Motherhood as Experience and Institution* (1976).

35. For an overview of the literature on "woman's sphere", see G. Riley, *Inventing the American Woman: A Perspective on Women's History, 1607-1877*, 63-119; Leavitt, *Under the Shadow of Maternity: American Women's Responses to Death and Debility Fears in Nineteenth-Century Childbirth*, 12 *Feminist Studies* 131 (Spring 1986).

36. C. Smith-Rosenberg, *The Female World of Love and Ritual: Relations Between Women in Nineteenth-Century America*, 1 *Signs: A Journal of Women in Culture and Society* 9 (Autumn 1975).

37. N. Cott, *The Bonds of Womanhood: "Woman's Sphere" in New England, 1780-1835* 9, 197 (1977); Riley provides a good bibliography of the literature on women's sphere. See also, M. Ryan, *Womanhood in America: From Colonial Times to the Present* (1983), esp. at 113-154.

commonly experienced burdens, can arise out of the very essence of biological femaleness and reside alongside the most traditional part of women's experiences."<sup>38</sup>

Cott also claimed that "by 1830 'different' had overwhelmed 'inferior' in usage to depict women's place, bugged by the leverage of 'women's sphere.'" Having been assigned the care of dependents and the fostering of emotional life by church and state, women found a source of strength and identity in their sphere and influenced the larger society on the basis of their presumed more virtuous morality and spirituality. Thus social power derived from female "difference," a woman's special qualities and her role as mother. With identity stemming from women's vocation, these Northern women developed a unique solidarity, based on sex, from which they forged an "instrumentalist" concept of usefulness to society. "By accentuating the difference between men and women they got around the question of inferiority and superiority," according to Cott.<sup>39</sup> Rather than the late 18th century position of equalitarian feminism articulated by Mary Wollstonecraft—that women and men shared both a common humanity and similar mental and moral powers,<sup>40</sup> the belief in female difference prevailed in the United States. This belief both justified women's activism and contributed to creating a female community.<sup>41</sup>

#### Women as Political Actors

The precise relationship between politics and culture, between female and male cultural forms, between a self-defined women's culture and a male-imposed separate sphere has generated intense debate. In 1980, *Feminist Studies* published a symposium on "Politics and Culture in Women's History" in which major scholars discussed the extent to which beliefs in female difference served to propel women to their own liberation or keep women subordinate. Ellen DuBois contended that women's culture (with its emphasis on self-sacrifice, woman's sphere, and religion) conflicted with women's rights feminism. In fact, the two developed dialectically in relationship to each other, as symbolized by the heated exchanges between pioneer women's educator and defender of woman's sphere Catherine Beecher and pro-suffragist abolitionists Sarah and Angelina Grimke. DuBois suggested that "the dominant tendency in the study of women's culture has [led historians] . . . to look at it in isolation and to romanticize what it meant for women. Another way to put it is that the concept of women's culture, the discovery of the humanity and historical activity of all those whom we once dismissed as 'true women'

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38. Leavitt, *supra* n.35, at 131.

39. Cott, *supra* n.37, at 203-5.

40. M. Wollstonecraft, *A Vindication on the Rights of Women* (1972).

41. Cott, *supra* n.37.

. . . may forestall further inquiry into the system that structured women's historical activity and shaped their oppression."<sup>42</sup>

In contrast, Mari Jo Buhle suggested that the power of women's organizations, especially the Women's Christian Temperance Union, developed from a synthesis of women's rights with the traditional values and intense loyalties of women's culture. According to Buhle, those studying women's culture must assess 19th century feminist consciousness and activity which, after all, occurred in the context of women's culture. Such feminism, as other scholars have pointed out, defended as well as attacked domestic values.<sup>43</sup> Carroll Smith-Rosenberg's analysis of bourgeois evangelical women, who sustained moral reform campaigns against prostitution in the early nineteenth century, led her to a complex conclusion. On one hand, "identification with women across class and the denigration of same class males did not carry with it either a sustained radical critique of society or an insistence on nonhierarchical relations between women. These women sought escape from the power of male-controlled capitalism in a retreat to a mercantile patriarchal world which women knew to contain spaces of safety for women, but not places of power." On the other hand, such experience in single-sex voluntary societies provided the basis from which women identified with each other and could then reform the entire society. Smith-Rosenberg ended the *Feminist Studies* discussion by asking, "can feminism develop outside a female world?"<sup>44</sup>

Part of this debate refers to an earlier one, can domestic feminism be feminism? Can women who seize more power within the family, as greater control over reproduction, be called feminists, or must one self-consciously demand women's rights? Linda Gordon's model feminist study, *Women's Body, Women's Right*, revealed the difference between individual women controlling their fertility and a political movement for birth control that transformed the lives of countless women in the process of redefining "the political."<sup>45</sup> In studying Southern white women in the antebellum period, Suzanne Lebsock has shown that women can gain power in private—measured by increased "autonomy in the sense of freedom from utter dependence on particular men"—through greater legal control over property, more wage labor, the ability to divorce and actually lose power in public. Lebsock has suggested that by the 1850s "men co-opted causes formerly championed only by women, while the new organi-

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42. *Politics and Culture in Women's History: A Symposium*, 6 *Feminist Studies* 26-64 (Spring 1980): [hereinafter cited as *Politics and Culture*]; DuBois, *Politics and Culture*, at 31.

43. Buhle, *Politics and Culture*, *supra* n.42.

44. Smith-Rosenberg, *Politics and Culture*, *supra* n.42, at 62. See also, Smith-Rosenberg, *Beauty, the Beast and the Militant Woman: A Case Study in Sex Roles and Social Stress in Jacksonian America*, 23 *American Quarterly* 562-84 (October 1971).

45. D. Smith, *Family Limitation, Sexual Control and Domestic Feminism in Victorian America*, 1 *Feminist Studies* 40-7 (Winter-Spring, 1973); L. Gordon, *Women's Body, Women's Right: A Special History of Birth Control in America* (1976); for a similar analysis, see Dubois, *Politics and Culture*, *supra* n.42, at 32.

zations open to women . . . were all auxiliaries to organizations run by men."<sup>46</sup> Women's culture would exist without feminism.

Nancy Hewitt more sweepingly has questioned the now standard interpretation that women's rights activism developed out of women's experiences in benevolence and abolitionism, both of which derived from their position in a separate sphere. This standard interpretation assumes that women's activism inevitably becomes feminism<sup>47</sup> (a link that the activism of New Right women has forced us to rethink).<sup>48</sup> In her study of Rochester, New York between 1822 and 1872, Hewitt discovered three distinct groups of women: benevolent women from the elite class who formed the charity society and forged the concept of women's public role as nurturer, ameliorator, and upholder of domestic values; evangelical or perfectionist women from the solid or rising middle class bent on individual and social moral perfection who fueled campaigns against vice, intemperance, and slavery; and radical or ultraist women from agrarian and Quaker backgrounds on the margins of commercial Rochester who fought for complete equality for women and blacks. As Hewitt demonstrated, "at the point of their emergence and their public articulations, women activists drew upon shared experiences of kin and class as frequently as the shared experiences of gender" and "they vied with each other for the determining voice in shaping social order and social value." Though "all were grounded in the virtue of female domesticity," these networks reflected different material resources and different experiences of domesticity: from the nuclear household to the extended, from performing only affective work to the need to engage in wage labor. Women both transformed their community and "were socialized into existing and developing economic, political, and social relations."<sup>49</sup> Rather than an all encompassing "woman's sphere," Hewitt found women's networks differentiated by larger material relations. Her work suggests that female difference and feminism have a more complex historical relationship.

While Hewitt demolished the idea of a continuous line of descent from moral reform to feminism, the idea remains that women's political culture differs from men's, precisely because women differ from men.<sup>50</sup>

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46. S. Lebsack, *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1860* xv, xvi (1984).

47. For example, see B. Berg, *The Remembered Gate: Origins of American Feminism* (1978).

48. For a discussion of New Right activism, see Pohli, *Church Closets and Back Doors: A Feminist View of Moral Majority Women*, 9 *Feminist Studies* 529 (Fall 1983).

49. N. Hewitt, *Women's Activism and Social Change: Rochester, New York, 1822-1872* 63, 68 (1984); see also, Hewitt, *Feminist Friends: Agrarian Quakers and the Emergence of Woman's Rights in America*, 12 *Feminist Studies* 27-49 (Spring 1986); and Hewitt, *Yankee Evangelicals and Agrarian Quakers: Gender, Religion, and Class in the Formation of a Feminist Consciousness in Nineteenth-Century Rochester, New York*, 28 *Radical History Review* 327-42 (1984).

50. For a discussion of women's political culture, see Paula Baker, *The Domestication of Politics: Women and American Political Society, 1780-1920*, 89 *American Historical*

Undoubtedly, many 19th century women's rights activists drew upon the culture of woman's sphere to argue for female equality. Susan B. Anthony argued that women's "passionlessness" provided the basis to call for the end of the double standard and the reconstruction of sexuality on the basis of female purity. Jane Addams believed women needed the vote in order to clean the city as they would their own homes.<sup>51</sup> Addams and the other founders of the Women's League for Peace and Freedom "sought the reform of a society that denigrated their moral priorities—the preservation and quality of human life and human relationships;" the values associated with women's culture in the past, and representative of "female" moral development today.<sup>52</sup> Even the black women's club movement drew upon domestic and familial values in the fight against lynching and Jim Crow laws, and for the improvement of black economic status and public image. Such "social" or "municipal" housekeeping encouraged a host of reforms in the Progressive Era, such as pure food and drug laws, mothers' pensions, child labor laws, tenement reform, and clean government commissions.<sup>53</sup>

Women reformers would move women's values—nurturance, empathy, selflessness, relatedness, care for human life—from the home into the public world. In such a transition, the reformers legitimized their own political action while laying the foundation for the 20th century welfare state on the basis of the traditional values of female difference. As I have argued elsewhere, their fight for better conditions for women and children also attacked the arbitrary power of the father in the family and his industrial surrogates. Not only did reformers assume the moral superiority of women, but they gained strength from their knowledge of female difference. They tried to protect the uniqueness of womanhood just as they tried to save the special character of childhood, working to make it possible for immigrant and poor women to be true to women's nature within a familial setting. They promoted an alternative ethos based on a women's culture that used domesticity to critique industrial capitalism and to improve the lives of working class women. Yet their reforms fed into the constraints of the larger culture and, simultaneously, reinforced the gender-segmented labor market that had proved so detrimental to women's status. By retaining women's responsibility for children, these reformers both fulfilled their moral dictates and sustained the privatization of dependent care so central to gender inequality.<sup>54</sup>

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Review 620-47 (June 1984). See also, E. Freedman, *Separatism as Strategy: Female Institution Building and American Feminism*, 5 *Feminist Studies* 512-29 (Fall 1979).

51. S. Anthony, *Social Purity* and Jane Addams, *On Women's Suffrage*, in *Up From the Pedestal: Selected Writings in the History of American Feminism* 159-67, 282-4 (A. Kradtator, ed. 1968).

52. L. Schott, *The Women's Peace Party and the Moral Basis of Women's Pacifism*, 8 *Frontiers: A Journal of Women Studies* 23 (1985).

53. P. Giddings, *When And Where I Enter . . . The Impact of Black Women on Race and Sex in America* 95-117 (1984).

54. E. Boris and P. Bardaglio, *Gender, Race, and Class: The Impact of the State on*

Other historians are also re-evaluating women in the Progressive Era and New Deal. Most notable is the work of Kathryn Kish Sklar, whose previous biography of Catherine Beecher explored the politics of gender for the era of separate spheres. There she showed how "gender roles were an effective way to channel the explosive potential of nineteenth-century social change and bring it at least partially under the control of a national elite."<sup>55</sup> In her current study of Florence Kelley's "female world of reform," Sklar has argued for a separate women's political culture built from women's cross-class organizations, religiously inspired militancy, social science expertise, and singleness. She has asked, "to what degree has women's social power been based on separate female institutions, culture, and consciousness, and to what degree has it grown out of their access to male spheres of influence, such as higher education, labor organization, and politics?" Kelley belonged to "a community of women reformers" at the Hull House social settlement in the 1890s. There she found support and creative interaction with like-minded women which permitted the group "to enter realms of reality dominated by men, where, for better or for worse, they competed with men for control over the distribution of social resources."<sup>56</sup>

Sklar reminds us in her cross-cultural and cross-gender comparison of women's political culture that "social, cultural, and political considerations, not . . . sociobiology" set the boundaries against which American women reformers struggled.<sup>57</sup> Given the nature of American capitalism and the particular interpretation of "right to contract" as a right only for men, Kelley and other women social reformers found themselves pressured "to advance gender-specific solutions to class-specific problems."<sup>58</sup> I have suggested that, not until the depression of the 1930s, could reformers argue and gain labor standards legislation for both genders. Nonetheless, even the New Deal generation believed, with Eleanor Roosevelt, that "women are *different* from men" and fashioned social programs which protected traditional family structures, mother's domesticity, and the male wage.<sup>59</sup> Thus seen, women social reformers forged both their programs

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*the Family and Economy, 1790-1945*, in *Work and Family*, (H. Gross and Naomi Gerstel, eds. forthcoming 1987). See also, A. Kessler-Harris, *The Debate over Equality in the Workplace: Recognizing Differences*, in *Women and Work: An Annual Review* 1 141-161 Laurie Larwood, et. al., (1985).

55. For a discussion of the New Deal, see especially, S. Ware, *Beyond Suffrage: Women in the New Deal* (1981); K. Sklar, *Catherine Beecher: A Study in American Domesticity* xii (1973).

56. Sklar, *Florence Kelley and the Integration of "Women's Sphere" into American Politics, 1890-1921*, unpublished paper presented at the Organizations of American Historians, April 1976, in author's possession; Sklar, *Hull House in the 1890's: A Community of Women Reformers*, 10 *Signs: A Journal of Women in Culture and Society* 659 (Summer 1985).

57. Sklar, *Florence Kelley and the Integration of "Women's Sphere" into American Politics*, *supra* n.56.

58. *Id.*

59. E. Boris, *The Quest for Labor Standards in the Era of Eleanor Roosevelt: The*

and institutions out of women's culture and its assumption of female difference.

Some historians of women have emphasized the ambiguous legacy of women's political culture. Linda Gordon and Ellen DuBois, for example, have called mainstream feminist social purity and other sexual reform programs "conservative" because they accepted male dominance and female "sexual powerlessness." The emphasis of these reformers on danger, rather than pleasure, confined women within the prescriptions of women's sphere. As victims, women lost their agency, their ability to transform their condition. As Gordon and DuBois commented, "a bitter irony surrounds the place of motherhood in the sexual system of nineteenth-century feminism: clearly it was women's greatest joy and source of dignity; for many women it was what made sexual intercourse acceptable. But at the same time motherhood was the last straw in enforcing women's subordination to men, the factor that finally prevented many from seeking independence." Female difference as the basis for feminist politics here binds women more firmly to a male-defined existence.<sup>60</sup>

My discussion of the New Deal attempts to regulate industrial homework (factory labor performed in the home) reveals the ambiguous legacy of the concept of "sacred motherhood." A haggard woman nursing her infant at her sewing machine symbolized for the Women's Trade Union League and other women reformers the exploitation of motherhood. Prohibiting homework was necessary to end an oppressive labor system and improve labor standards. But the attack on homework was made with the idea of saving the home from the factory, offering the male wage or mothers' pensions (welfare) as compensation for taking away homework. However, reformers never truly considered any waged alternative or adequate social benefits for women who had to care for dependents or otherwise stay home. In this case, arguments based on the idea that women had a different responsibility as child bearers and rearers reinforced the larger sexual division of labor and social construction of gender.<sup>61</sup> By accepting the terms of dominant gender conceptions, reformers could improve, but not transform, the structures of women's lives.

As the debate over protective legislation suggests, reformers had few other options but to frame their arguments around the idea of female difference in order to gain needed protections from long hours, low wages, and other inadequate conditions on the job. Much of this scholarship accepts the different historical circumstances of women—unorganized and in a worse bargaining position than men. But it variously interprets the implications of protective legislation, especially whether the emphasis on

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*Case of Industrial Homework*, 2 *Wi. Women's L. Jour.* (June 1986).

60. Gordon and DuBois, *Seeking Ecstasy on the Battlefield: Danger and Pleasure in Nineteenth Century Feminist Sexual Thought*, 9 *Feminist Studies* 11-12 (Spring 1983).

61. Boris, *Regulating Industrial Homework: The Triumph of "Sacred Motherhood"*, 71 *Journal of American History* 745-63 (March 1985).

women's physical weakness and role as reproducers curtailed opportunity, or opened necessary reforms not otherwise attainable.<sup>62</sup>

### Differences from Class

Middle-class women formed voluntary organizations to act politically even though they lacked the suffrage. The political actions of white working-class women provide another formulation of "difference"—a formulation that emphasizes difference between women by class as well as between men and women of the same class. Temma Kaplan analyzed this formulation in the *Feminist Studies* debate, drawing upon her research on working-class women's protests in early 20th century Barcelona. She suggested that women act from a women's culture to defend the home and their duties. Protests against government food pricing policies and riots for bread, though not feminist, reflected a "female consciousness," which propelled women to "demand the rights that their obligations entail."<sup>63</sup> The collective drive to serve those rights has revolutionary consequences insofar as it politicizes the networks of everyday life.<sup>64</sup> Dana Frank has explained that the holders of this consciousness "accept the sexual division of labor and the responsibilities it assigns to women, but who take these responsibilities seriously enough to rebel, if necessary, to fulfill them."<sup>65</sup> Food boycotts, rent strikes and street demonstrations, then, express a different form of political action than that seen in the more formal parties and unions of male workers. The pre-industrial "moral economy of the crowd," held by both genders, became a predominantly female expression to fulfill women's family labor.

The nature of domesticity and woman's sphere varied by class, both in its content and its interpretation. Working-class women engaged in more manual labor; their housework often involved direct transformation of raw materials into goods for family consumption. In addition, they had to supplement inadequate male wages with paid labor within (i.e., taking in boarders or piecework), or outside of the home. "Women's place is in the home" became a class demand, the economist Jane Humphries has argued, because the conditions of early industrial capitalism were destroying the working-class family.<sup>66</sup> Certainly a strain of women's history rec-

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62. J. Baer, *The Chains of Protection: The Judicial Response to Women's Labor Legislation* (1978); Hill, *Protection of Women Workers and the Courts: A Legal Case History*, 5 *Feminist Studies* 247-73 (Summer 1979); Kessler-Harris, *Protection for Women: Trade Unions and Labor Laws*, in *Double Exposure: Women's Health Hazards on the Job and at Home* 139-54 (Wendy Chavkin, ed. 1984).

63. Kaplan, *Politics and Culture*, *supra* n.42, at 43-48.

64. Kaplan, *Female Consciousness and Collective Action: The Case of Barcelona, 1910-1918*, 7 *Signs: A Journal of Women in Culture and Society* 545-66 (Spring 1982).

65. Frank, *Housewives, Socialists, and the Politics of Food: The 1917 New York City Cost-of-Living Protests*, 11 *Feminist Studies* 265 (Summer 1985).

66. Humphries, *Class Struggle and the Persistence of the Working Class Family*, 1 *Cambridge Journal of Economics* 241-58 (1977).

ognizes the ways in which organized working people incorporated domesticity, as they did other dominant ideologies, into their rhetoric and demands. As Susan Levine has asserted in *Labor's True Woman*, domesticity and equal rights to the Knights of Labor were entwined so that the domestic realm was seen as a source of strength for both sexes. These workers used the language of domesticity to criticize the capitalist system—much as bourgeois female reformers had done earlier and would do a few decades later. Rather than viewing the home as a refuge separate from the world of work, this working class version of domesticity defined women's duty as to engage in productive toil within the home and, if necessary, outside of it, but also to participate in class movements.<sup>67</sup> Similarly, Sarah Eisenstein has suggested that young working women negotiated messages from the dominant culture on romance, beauty, and women's domestic being to fit their own experiences. Thus they created working-class versions of domesticity, womanhood, and female friendship.<sup>68</sup>

However, the meaning of domesticity for working-class women is complex and still relatively unexplored in the scholarship. For every passive working-class daughter who longs for marriage as a way out of exploitative and presumably temporary work, as portrayed by Leslie Woodcock Tentler in *Wage Earning Women*, there exists equal evidence of female militancy. When Tentler looked for female militancy, she "missed it" because she was looking for the forms of male militancy (and relying too heavily on the hardly neutral published reports of the Women's Bureau).<sup>69</sup> However Meredith Tax has shown us "the rising of the women" in her studies of gender and class in Chicago and of both the Great Garment Uprisings and the Lawrence textile strike in 1912.<sup>70</sup> A whole literature is growing that explores women's work cultures (in department stores, hospital wards, and cigar factories). These studies suggest that family and kin networks, even the rituals of woman's sphere, create a solidarity which resembles what men often find in their work groups and formal unions. This women's work culture also can lead to slow downs, sabotage, and walk outs.<sup>71</sup> In addition, Maurine Weiner Greenwald has argued that a distinct working-class feminism developed that believed in

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67. S. Levine, *Labor's True Woman: Carpet Weavers Industrialization, and Labor Reform in the Gilded Age* (1984).

68. S. Eisenstein, *Give Us Bread, But Give Us Roses: Working Women's Consciousness in the United States, 1890 to the First World War* (1983).

69. L. Tentler, *Wage Earning Women: Industrial Work and Family Life in the United States, 1900-1930* (1979).

70. M. Tax, *The Rising of the Women: Feminist Solidarity and Class Conflict, 1880-1917* (1980).

71. Benson, *The Clerking Sisterhood: Rationalization and the Work Culture of Saleswomen in American Department Stores, 1890-1960*, 12 *Radical America* 41 (March-April 1978); B. Melosh, *The Physician's Hand: Work Culture and Conflict in American Nursing* (1982); and P. Cooper, *Once A Cigar Maker: Men, Women and Work Culture in American Cigar Factories, 1900-1919* (1987).

both equal rights and protective legislation for working women and children. Such a feminism incorporated feminist demands for individualism and autonomy into class demands based on older notions of moral economy.<sup>72</sup>

The geography of female militancy also differs from that of men. From the immigrant experience and the assignment of customary tasks of women within ethnic communities grew a women's culture which generated neighborhood networks. As Ardis Cameron has emphasized in her fine reinterpretation of the Lawrence strike, these networks used grocery stores and street corners as avenues of organization:

Often functioning as information centers, election headquarters, price exchanges, consumer and environmental forums, welfare centers, child-care facilities and support groups, women's spaces portray a shadowy but distinct form of class politics that highlights women's efforts to extend class interests beyond the relations of production, promoting solidarity among disparate members of the working-class social network.<sup>73</sup>

Though task differentiation between the sexes existed, the two worlds of home and work were certainly one.

The leisure of working-class women further reflects their distinct relation to the production of goods and reproduction of daily life. Kathy Peiss has shown that workingmen's leisure occurred in the saloon, benefit society, and union hall, while married working-class women stayed within the private realms of home and kin. Young working women's leisure "put on style" as the women developed "a pleasure-oriented recreation in the public sphere" that countered the drab drudgery of their work lives. Revelations between girls about sexual adventures and heterosexual romance became an integral part of their work culture. Thus they "subverted" their position "as dutiful daughters in the patriarchal immigrant family and as submissive workers in a capitalist economy," but they pursued their pleasure "in a context of economic and sexual dependency" in which the threat of sexual "danger" could blunt their pleasure. As Peiss has concluded, the leisure activities of working girls challenged the dominant culture, especially its notions of female passivity and purity. But their challenge developed without the collective, political, or class consciousness that more often formed men's more public leisure. Such exclusion and the marginality of working girls might well have limited class solidarity.<sup>74</sup>

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72. Greenwald, *The Case for Working-Class Feminism: Seattle Wage Earners and Married Women's Right to Work in the 1920s*, (unpublished paper presented to the Women and Unions Research Association, November 8, 1986).

73. Cameron, *Bread and Roses Revisited: Women's Culture and Working-Class Activism in the Lawrence Strike of 1912*, in *Women, Work & Protest: A Century of U.S. Women's Labor History* 55-6 (R. Milkman ed. 1985).

74. K. Peiss, *Cheap Amusements: Working Women and Leisure in Turn-of-the-Century New York* 45, 187 (1986); Peiss, *Gender Relations and Working-Class Leisure: New York City, 1880 to 1920*, in *Gender, Race, and the Sexual Division of Labor in the United States, 1780 to 1980* (Carol Groneman and Mary Beth Norton, eds. forthcoming).

Most scholars now agree that working class women have their own culture and that their lives and experiences do differ from the men of their group. Their sexuality, in particular, has made them vulnerable, but also has opened up an avenue to forming their own self-definition.<sup>75</sup> Alice Kessler-Harris and Ruth Milkman have suggested that the male orientation of union structure and values worked against the interests of female members in the 1920s and 30s. Female unionists contended that their status as potential or actual mothers made them "different" but not unequal from union men. Lack of recognition of this female difference—or dismissal of it based on the idea that women can not be organized, or that they will be weak during a strike—has had devastating effects on the well-being of the class. As Kessler-Harris explained:

Women, as a group, bring to the work experience a socialization, a set of values, roots in home and family—in short, a *culture*—that shares class, ethnic and racial characteristics with their menfolk, but that differs in terms of gender. While workers with similar traditions and roots share many work values, the 'cultural baggage' associated with gender enters into a woman's sense of 'dignity' or 'honor' at work, ordering her perceptions of what she is willing to tolerate, and what violates her sense of dignity. How women acted on that sense of honor or dignity accounts for much of the strength of their organizing campaigns between 1910 and 1920, and the power of moral suasion in that decade. Their failure to pay attention to these aspects of difference accounts for women's relative weakness in the labor movement of the 1920s.

Organizing of the 1920s and 1930s relied not on women's moral suasion but on economic pressure, and reflected a union structure built around male expectations, not women's culture.<sup>76</sup>

Encompassing working women's actions, the "domestic code," as Kessler-Harris has named the ideology of domesticity, has interacted with material needs to shape justifications for waged labor. When held by employers and the state, this set of ideas has restricted women's opportunities and solidified the segmentation of the labor market by gender as well as within the world of gender, by race, ethnicity, and life cycle. Margery Davies's study of the rise of clerical work as women's work has revealed the way management manipulates concepts of female difference.<sup>77</sup> Similarly, recent analysis of women in the global economy has emphasized the use of gender stereotypes, as well as the incorporation of fashion, beauty

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75. See, especially, C. Stansell, *City of Women: Sex and Class in New York, 1789-1860* (1986).

76. A. Kessler-Harris, *Problems of Coalition-Building: Women and Trade Unions in the 1920s*, in Milkman, *supra* n.73, at 115, 119; R. Milkman, unpublished paper, North American Labor History Conference, October 1985, in author's possession.

77. A. Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States 20-72* (1982); M. Davies, *Woman's Place is at the Typewriter: Office Work and Office Workers, 1870-1930* (1982).

and other aspects of women's culture, to justify and control a labor force of young women.<sup>78</sup>

In another vein, Kessler-Harris has perceived that working women act not by domesticity alone. She has argued that "whether married or single, women's self-images begin in their relationships to home and motherhood," or in what she calls "virtue." But another powerful idea, "independence," defined as "women's attempt to achieve without regard for family constraints," co-exists among wage earning women. According to Kessler-Harris, during the mid-nineteenth century women had to demonstrate the absence of male support to justify their own wage labor. At the turn of the century young and single women could hold "appropriate" jobs but married women still had to defend their "virtue" if they held jobs. By the 1920s, however, women could be ambitious at the workplace. "Independent women, in short, lacked virtue in society's eyes until the twenties, when their role as wage earners began to be seen as a more permanent part of the family economy." The way became open for some women to engage in labor to satisfy only themselves; others still earned wages as part of their domestic role.<sup>79</sup> The tension resultant of having to leave the home in order to be a good homemaker, affected increasing numbers of women in the post-war period. Both family and work have undergone changes in which the old ideologies seem to be, more than ever, poor descriptions of social reality.<sup>80</sup>

#### Difference as Equal: Afro-Americans

While white women have gradually entered the labor market, black women always have worked. And they have been judged by the larger society as less than true women for their efforts. Differences between mistress and slave, between employer and servant, and between white and black women constitute a given in the new history. Catherine Clinton's history of the plantation mistress emphasized the oppression of privileged white women in their sphere.<sup>81</sup> But, in more recent work, she has considered the way in which the master's power over black and white women oppressed both, but particularly abused the slave.<sup>82</sup> Dolores Janiewski has

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78. L. Lim, *Capitalism, Imperialism, and Patriarchy: The Dilemma of Third-World Women Workers in Multinational Factories*, in *Women, Men, and the International Division of Labor 70-90* (June Nash and Maria Patricia Fernandez-Kelly, eds. 1983); R. Grossman, *Women's Place in the Integrated Circuit*, *Southeast Asia Chronicle*, Pacific Research, Issue 9 (1979).

79. Kessler-Harris, *Independence and Virtue in the Lives of Wage-Earning Women: The United States, 1870-1930*, in *Women in Culture and Politics: A Century of Change* 4-5 (Judith Friedlander et. al. eds. 1986).

80. For one analysis of this problem, see S. Hewitt, *A Lesser Life: The Myth of Women's Liberation in America* (1986).

81. C. Clinton, *The Plantation Mistress: Women's World in the Old South* (1982).

82. Clinton, *Caught in the Web of the Big House: Women and Slavery*, in *The Web of Southern Social Relations: Women, Family and Education 19-34* (Walter J. Fraser, Jr., Frank Saunders, Jr., and Jon L. Wakelyn, eds. 1985).

detailed the differing conditions of white and black working women in the tenent farms and in the tobacco and textile factories of Durham, North Carolina in the 20th century. She claimed that "class and racial differences rendered the feminist ideal of sisterhood inconceivable to rural women."<sup>83</sup> As Phyllis Palmer has concluded, white women "accepted their difference from black women and the sterile superiority of their identities."<sup>84</sup> Thus, Southern white women could work against lynching in the 1930s but could not defend the virtuousness of black women nor counter the myth of the "big bad black man."<sup>85</sup>

Whether their mutual oppression made black men and women more equal to each other than white men and women remains an unanswered question. Angela Davis in 1971 asserted that the labor of the slave woman in ministering to the needs of family and household alone "could not be directly and immediately claimed by the oppressor":

Precisely through performing the drudgery which has long been a central expression of the socially conditioned inferiority of women, the black woman in chains could help to lay the foundation for some degree of autonomy, both for herself and her men. Even as she was suffering under her unique oppression as female, she was thrust into the center of the slave community. She was, therefore, essential to the *survival* of the community.

In re-evaluating this article a decade later, Davis acknowledged research by historians John Blassingame and Eugene Genovese which demonstrates that men also labored for the family. She argued that such research reinforces her emphasis on sexual equality under slavery: equality in oppression, in the domestic environment, and in resistance.<sup>86</sup>

Other historians interpret gender roles within the black community from a feminist, rather than a purely Marxist, perspective. Most of these scholars agree that masters viewed black women in a contradictory way: genderless in the field but gendered when it came to reproduction and sexuality. Jacqueline Jones has suggested that the slave community upheld gender difference as a form of resistance, to counter the master's denial of femaleness by assigning women to the same or similar labor as men. However, she saw in the slave community's reinforcement of some African gender systems, at worst, the spectre of a patriarchy that would make women less equal than men within the black family, or, at best, a spectre that would block the possibility of true equality. Jones stressed

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83. D. Janiewski, *Sisterhood Denied: Race, Gender, and Class in a New South Community* 52 (1985).

84. P. Palmer, *White Women/Black Women: the Dualism of Female Identity and Experience in the United States*, 9 *Feminist Studies* 158 (Spring 1983).

85. J. Hall, *Revolt Against Chivalry: Jessie Daniel Ames and the Campaign Against Lynching* (1979).

86. Davis, *The Black Woman's Role in the Community of Slaves*, 3 *Black Scholar* December (1971), as quoted in *The Legacy of Slavery: Standards for a New Womanhood*, in A. Davis, *Women, Race & Class* 17 (1981).

that racism plays a more significant role than the family in oppressing black women. However, she concluded that, "black women and men in the long run paid a high price for their allegiance to a patriarchal family structure, and it is important not to romanticize this arrangement as it affected the status and opportunities of women, even within the confines of black community life."<sup>87</sup>

James Horton further questioned the equality of gender conventions among free blacks in the pre-Civil War North. However, he suggested that black family life could not reproduce the dominant Victorian culture. As did the white working class, free blacks developed their own cults of masculinity and domesticity. Yet the material conditions of their lives made it difficult for men to be providers and women to be domestic. Moreover, the struggle for freedom reshaped the meaning of gender conventions as part of a larger community and kinship construction of "the race" that valued the contributions of both sexes in the struggle for freedom. The sexual division of social life organized the free black community: mothers inculcated moral values and fathers taught by example, child care belonged to women and politics to men, and men and women had separate voluntary societies. Horton pointed out that black women carried the burden of their race without the protections that white women gained because of their sex. He concluded that "their political and economic importance expanded women's role, but . . . did not eliminate traditional gender ideals." In their equation of manhood with freedom, black men fought for a liberation that would forge patriarchy as a by-product.<sup>88</sup>

The arrangements that Jones labels "patriarchal" and Horton finds oppressive to women appeared as complementary spheres in the work of Deborah Gray White. In *Ar'n't I a Woman? Female Slaves in the Plantation South*, White found a women's culture and female networks in the ante-bellum period similar to those which anthropologists have reported among Afro-Caribbeans. Neither "submissive, subordinate, or prudish," nor "expected to be so," slave women "had different roles from those of men and they also had a great deal in common with their African foremothers, who, in many precolonial West African societies, held positions not inferior but complementary to those of men." Women's experience under slavery, consisting of both production and reproduction, differed from men's.

Economic exploitation reinforced strong female networks, as when girls and pregnant women were placed on the less efficient "trash gang." Such exploitation and the demographics of slave trading (in which men

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87. Jones, "My Mother Was Much of a Woman": *Black Women, Work, and the Family Under Slavery*, 8 *Feminist Studies* 261 (Summer 1982); see also, J. Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present* (1985).

88. Horton, *Freedom's Yoke: Gender Conventions Among Antebellum Free Blacks*, 12 *Feminist Studies*, 73-4 (Spring 1986).

and youth were most often sold away, while small children more often remained with their mothers) also strengthened the African emphasis on the mother-child bond. This importance placed on motherhood added to the strong ties of interdependency and cooperation that developed among women. The female network, then, functioned as a creator of identity that was in opposition to the slave owners. As White has concluded, "treated by Southern whites as if they were anything but self-respecting women, many bonded females could forge their own independent definition of womanhood through the female network, a definition to which they could relate on the basis of their own notions about what women should be and how they should act." They learned that race made them "the maidservants of whites, but not necessarily of men." Such an analysis on the part of White leads to a black version of Smith-Rosenberg's homosocial world. But here women's culture and female difference co-existed with equality with men of the race.<sup>89</sup>

### Female Difference and Patriarchy

In many ways, *The Creation of Patriarchy* is the culmination of Gerda Lerner's thought on the nature of women's history.<sup>90</sup> This work represents a significant strand of thinking within feminist theory: an historical counterpart to Shulamith Firestone's "turning of Engels on his head so that gender subordination provides the paradigm for class and race oppression."<sup>91</sup>

Lerner has written metahistory through an analysis of power relations in the ancient Near East. She has assumed "that men and women are biologically different, but that the values and implications based on that difference are the result of culture," that biological sexual difference is natural but male dominance historic. The initial sexual division of labor, in which women mother, was necessary for the species. Women, however, stay tied to their biologically mandated task—that is, to reproduction—longer than men remain limited by their biology. "Evolutionary necessity," she notes, "demonstrated to men and women that distinctions could be made among people based on visible characteristics . . . It is this psychological social potential on which the later establishment of dominance depends." Men's subordination of women of their group, which probably took centuries to develop from the original condition of complementarity, provided men with the mental template for slavery: "at the very beginning of state formation and the establishment of hierarchies and classes, men must have observed this greater vulnerability in women [stemming from their role in reproduction] and learned from it that differences can be used to separate and divide one group of humans from an-

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89. D. White, *Ar'n't I a Woman? Female Slaves in the Plantation South* 22, 141, 118 (1985).

90. G. Lerner, *The Creation of Patriarchy* (1986).

91. Firestone, *The Dialectic of Sex: The Case for Feminist Revolution* (1970).

other." As Lerner has argued, "These differences can be 'natural' and biological, such as sex and age, or they can be man-made, such as captivity and branding."<sup>92</sup>

Most significantly, Lerner has understood that women's relation to class differs from men's relation because, for women, class is "mediated through their sexual ties to a man, who then gives them access to material resources." Thus sexual exploitation defined women's condition of enslavement, but not men's. Men measured their power and status by property. Women gained rank by the nature of their sexual attachments: at the lowest level was the slave, "whose sexuality was disposed of by powerful men as though it were a marketable commodity," at the middle level the slave-concubine, "whose sexual performance might result in her [or her children's] upward mobility," and at the highest level the wife, "whose sexual services to one man entitled her to property and legal rights." The possibility of sharing economic power with men ties women of ruling classes to the patriarchal power structure and explains why some women actively reinforce such systems of oppression and why they benefit from control over other women. The wife was relatively free because other women simultaneously experienced economic and sexual exploitation. Differences between women, thus, are as important as the common form of their unfreedom: men's control over their bodies.<sup>93</sup>

In this study, then, Lerner has drawn together many of the major themes in women's historiography. She has divided women from men, both in their real circumstances—in their relation to power, economic resources, and control over symbol systems—and in the cultural conceptions of sexual essences. But she also has distinguished types of women, by class and, implicitly, by race. "Difference," and the sexual division of labor, appear rooted in biology. But its meaning comes from the context in which women's mothering occurs. Thus, "difference" is ultimately historical, social, and cultural. Moreover, the social and cultural context changes over time. Biology might have remained the same for most of history, but its context has not—and now, I might add, even biology is subject to change. If biology is destiny, destiny is as unpredictable as next year's breakthrough in reproductive technologies.<sup>94</sup>

### Conclusion: The Politics of Difference

In fact, the terms of comparable worth evoke the 19th century, not the 20th: 19th century society assumed men and women belonged in different spheres: the man in the business world, the woman at home. Comparable worth insulates women from the market, just as any good Victorian husband would. It freezes the definition of men's and women's

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92. Lerner, *supra* n.90, at 6, 8-9, 31, 77-78.

93. Lerner, *supra*, n.90, at 77-78, 21, 89, 96, 99-100.

94. *Test-Tube Women: Future For Motherhood* (R. Arditti, R. D. Klein, and S. Minden, eds. 1984).

work, bringing back the stultifying atmosphere that women fought to leave behind.—Anne L. Alstott, *New York Times*, May 24, 1986<sup>95</sup>

Difference is a major concept within women's history and has shaped the ways in which historians reconstruct the past. It has led to an emphasis on woman's sphere, women's culture, and differentiations by class and race. When these interpretations about the pasts of American women leave the classroom and monograph and become evidence for public policy, they take on complex and not necessarily predictable forms. Histories of separate spheres can support a conservative defense of traditional womanhood as well as the radical idea that women would bring an alternative, superior, and more nurturant ethos to politics. After all, as a number of feminists have pointed out, "Phyllis Schlafly has long argued that women and men have separate interests, a conviction that contributed to the defeat of the Equal Rights Amendment."<sup>96</sup> That is, Phyllis Schlafly is the other side of the "gender gap" celebrated by liberal Democrats and the women's peace movement, that women support a politics different from men.

The debate over comparable worth provides another arena in which ideas of female "difference" have become politicized. Women historically have worked in different jobs than men, due to an intricate interplay between social norms, family responsibilities, consciousness, and employer choices. This fact can strengthen the argument for comparable worth as a step towards pay equity and gender justice.<sup>97</sup> But for those who, like Yale law student Anne Alstott, wish to provide women only with the opportunity to compete with men in the marketplace, such programs replicate the Victorian separate sphere and promise to perpetuate the traditional position of women. Comparable worth and even affirmative action, in this view, seem to interfere with the exceptional woman who has the advantages of class, education, and/or intellect to make it just as men can. Such a position against comparable worth argues against special treatment of women despite the difference of their condition.

The decision in *Sears* in the company's favor by Reagan appointee Judge John A. Nordberg was consistent with the opposition of the Reagan Administration to comparable worth and affirmative action. Judge Nordberg went so far as to praise Rosalind Rosenberg for her "reasonable conclusion that differences in the number of men and women in a job could exist without discrimination by an employer."<sup>98</sup> As Michael Grossberg has documented, judges often relied upon notions of true womanhood

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95. Alstott, "Comparable Worth" Is Unfair to Women, *New York Times*, May 24, 1986, 23.

96. Auerbach, Blum, Smith, and Williams, *Commentary on Gilligan's In A Different Voice*, 11 *Feminist Studies* 59 (Spring 1985).

97. For a positive analysis of comparable worth, see Feldberg, *Comparable Worth: Toward Theory and Practice in the United States*, 10 *Signs: A Journal of Women in Culture and Society*, 311-28 (Winter 1984); Alstott, *supra* n.95.

98. John A. Nordberg, as quoted in Sternhell, *supra* n.3, at 51.

and female difference in transforming the law of child custody, divorce, and domestic relations in general. Dominant culture beliefs in female suitability for childcare could work to the advantage of middle class women, as in custody cases. Similarly, references to women's reproductive role won short-term benefits through protective legislation at the cost of reinforcing and further codifying difference as unequal in the long-run. The influence of what Grossberg identifies as judicial patriarchy has persisted, though weakened, into the twentieth century.<sup>99</sup>

Equality of opportunity or equality of result? Women as "men" or women as "women"? Accepting the first of each set negates the positive aspects of female difference. Yet we should be leary of dichotomous thinking and of definitions of "men" and "women," "opportunity" and "result" constructed under current gender, race, and class relations. Celebrating women's different voice, without questioning whether that voice or culture depends on her oppression, represents a pitfall equally distorting to the transformation of the position of all women and, in the process, society.<sup>100</sup>

The Sears case has rocked the profession of history, particularly the field of women's history, because a self-proclaimed feminist testified for a major corporation against affirmative action and the opportunity for women to earn higher wages—goals which most feminists perceived to be in the interests of working women. Yet Rosenberg's testimony presented a unilinear, and ultimately ahistorical, portrait of women committed to home, family, and values antithetical to the labor market. Her testimony lacked reference to class and racial variations, or economic and political structures beyond women's control. To speak in the discourse of "choice" assumes, as do human capital economists, that women make choices in a context of opportunity and freedom. As Kessler-Harris has suggested, "Rosenberg's position implicitly holds women responsible for the sexual division of labor, offering the reality of a segmented labor market as though it were the product of women's will, but failing to acknowledge that women must confront it whether or not their own inclinations are family oriented."<sup>101</sup>

But the weight of history suggests otherwise. Not only have the sexes experienced different cultural messages, but they have operated under varying material circumstances. Neither the structures of the economy, family, or the polity have allowed working women many options in resolving their responsibility to care for dependents while also earning necessary wages. Black and other minority women, as well as, to a lesser extent, the white working class have developed strategies on their own, as

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99. M. Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (1985).

100. For a critique of dualism, see Olson, *The Family and the Market: A Study of Ideology and Legal Reform*, 96 *Harvard Law Review* 1497-1578 (May 1983).

101. Kessler-Harris, *Equal Employment Opportunity Commission v. Sears, Roebuck and Company*, 76.

extended kinship units - a testament to creativity under adversity. However Rosenberg did not recognize this diversity in her testimony. It seems that she has taken either the experiences of middle class white women as the norm or confused prescription and cultural codes for social reality.<sup>102</sup>

Kessler-Harris actually made a stronger case than Rosenberg because she emphasized the changing nature of a gender-divided labor market. She later reflected: "among the lessons we should learn from this experience is what happens when one historian forgets that history is about change and makes claims to value-free evidence in order to demonstrate that past behavior justifies present injustice."<sup>103</sup> As Carol Sternhell pointed out in *MS*, scholarship in the courtroom is not objective, as Rosenberg contended, but political: "Academic research may (occasionally) be 'disinterested;' a trial never is. A statement like 'men and women have different interests' is unobjectionable and probably true (although it ignores the fact that men and women also have many of the *same* interests.) A statement like 'men and women have different interests and therefore Sears isn't discriminating against women' is political." Sternhell correctly noted, "the debate here isn't really about scholarship at all; it's about the uses of that scholarship."<sup>104</sup>

Neither is the *Sears* controversy about the reality of women's culture, although disagreement exists on the universality of women's culture. Too much of the scholarship initially neglected the class and race roots of what on closer investigation appeared as a white bourgeois version of female community.<sup>105</sup> If this dominant discourse within women's history opened the way to claiming that women are different from men and thus do not want good jobs, then there is something wrong with emphasizing the culture as if it could have meaning apart from the social, political, and economic forces in which it exists. If the idea of women's culture has dominated the field, an equally powerful sub-theme—female diversity—has undercut the kinds of essentialism implicit in Rosenberg's testimony and Judge Nordberg's decision. The manner in which the sexual division of labor and the social construction of gender play themselves out have varied enough to question the relevance of 19th century realities to the late 20th century.

The nagging problems for women, derived from either perceived or real differences between men and women even of the same class and race, remain: female responsibility for dependents (even if the primary caretaker has other female kin to aid her), lower wages, more acute poverty,

102. For a sense of diversity, see N. Woloch, *Women and The American Experience* (1984). For alternative child care arrangements, see C. Stack, *All Our Kin: Strategies for Survival in a Black Community* (1974).

103. Kessler-Harris, *Equal Employment Opportunity Commission v. Sears, Roebuck and Company*, 66.

104. Sternhell, *supra* n.3, at 90-91.

105. Hewitt, *Beyond the Search for Sisterhood: American Women's History in the 1980s*, 10 *Social History*, 299-320 (October 1985).

sexual harassment and assault. To ignore the different circumstances of women's lives and merely promote statutory equality reinforces inequality, as a host of feminist scholars have exposed in studies of divorce, custody and labor market participation.<sup>106</sup> To support women as mothers, without offering opportunities to those women who are not mothers, reinforces gender divisions. To celebrate women's differences from men ignores their similarities, particularly important in the self-perceptions and political goals of black and other racial ethnic women.<sup>107</sup> But such celebration also can feed into the right wing agenda that stresses "differences" to justify discrimination and exploitation. Feminists need to promote public policies that recognize differences between women and between the sexes, while struggling to eliminate formal inequalities.

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106. For example, see Weitzman, *The Divorce Revolution: The Unexpected Social and Economic Consequences for Women and Children in America* (1985); Fineman, *Implementing Equality: Ideology, Contradiction and Social Change, A Study of Rhetoric and Results in the Regulation of the Consequences of Divorce*, 1983 *Wisconsin Law Review* 779-884; Corcoran, Duncan, and Hill, *The Economic Fortunes of Women and Children: Lessons from the Panel Study of Income Dynamics*, 10 *Signs: A Journal of Women in Culture and Society* 232-48 (Winter 1984); and Smith, *The Paradox of Women's Poverty: Wage-Earning Women and Economic Transformation*, 10 *Signs: A Journal of Women in Culture and Society* 291-310 (Winter 1984).

107. For example, see The Combahee River Collective, *A Black Feminist Statement*, in *All the Women Are White, All the Blacks Are Men, But Some of Us Are Brave: Black Women's Studies* 13-22 (G. Hull, P. Scott, and B. Smith, eds. 1982).