1992

Book Notes: A Woman's Wage: Historical Meanings and Social Consequences. by Alice Kessler-Harris.

Dianne S. Farber

Follow this and additional works at: https://scholarship.law.umn.edu/concomm

Part of the Law Commons

Recommended Citation

https://scholarship.law.umn.edu/concomm/264

This Article is brought to you for free and open access by the University of Minnesota Law School. It has been accepted for inclusion in Constitutional Commentary collection by an authorized administrator of the Scholarship Repository. For more information, please contact lenzx009@umn.edu.

A Woman's Wage is based on the 1988 series of Blaze Lectures presented by Alice Kessler-Harris at the University of Kentucky. Kessler-Harris is a feminist professor of history at Temple University and a nationally known scholar on women and work.

Kessler-Harris has attempted to trace women's progress from "economic dependence to relative independence in the twentieth century and from family to individual lives." She says each lecture is "rooted in a body of empirical data," but that they are offered "in the speculative and reflective spirit of an ongoing conversation."

The speculative, reflective nature of this "conversation" makes for repetition, ambiguity, and confusion. Yet, Kessler-Harris makes some interesting points. For example, she asserts several times that consumerism has been a driving force keeping women in the workplace since at least World War I. She notes that, after World War II, contrary to some popular feminist assertions, women were encouraged to stay in the work force because they enhanced productivity to increase consumption. Keynesian economics demanded participation of women both as workers and consumers. In exchange for encouraging women to stay in the work force, occupations were kept segregated to protect male jobs.

There is a thread that unites this rambling analysis of the wage: the concept of separate male and female spheres. Chapter 1 describes turn-of-the-century attempts to create a differential women's wage based on need—need being tied to ideas of women as dependent family members. Chapter 2 is a long discussion of the Progressive Era that describes the Supreme Court's 1923 decision in Adkins v. Children's Hospital striking down a Washington D.C. minimum wage law. Presaging today's fight between feminists who want protective legislation for women and those who want none on the grounds of equal rights, the minimum wage battle had evolved out
of the idea of separate spheres and the related protective legislation for women that recognized their nurturing role. Interestingly, the court found the minimum wage unconstitutional by declaring that differences between men and women "have come almost, if not quite, to the vanishing point. . . ."

Yet in Chapter 3, Kessler-Harris takes feminist historians to task by questioning the historical validity of the notion of separate spheres. Kessler-Harris argues that the separate spheres idea actually affirms inequality by (1) putting gendered bonding above all other forms of connectedness, (2) organizing historical data to emphasize potential inequalities, and (3) inhibiting the historian's ability to imagine non-dichotomous, non-oppositional thoughts and behavior. She further notes that the idea of separate spheres has justified the failure to make common cause across gender lines. She argues that reality is more complex.

Kessler-Harris comes back to separate spheres again in Chapter 5 while discussing the idea of comparable worth. She admits that women have behaved as if they believed in separate spheres, that they have worked in segregated job categories, but says this behavior is the product of deeply ingrained attitudes that some women have challenged. Then she states that

new material conditions have shifted the content of equity from a demand for equality with men to a challenge to male structures. The altered terms of the debate no longer ask how women can achieve equality in a predominantly male work world so much as how to revalue the world of work and workers in a way that incorporates female self-interest. Rooted not in the moral economy of the male, but in the traditions, customs, and practices of women, the idea of comparable worth evokes a history that assesses the changing sense of right or dignity on which people will act.

Kessler-Harris's change of language is startling when she falls back on the terminology of separate spheres in discussing comparable worth. She goes on to assert that comparable worth "sustains those qualities of womanhood—nurture, community, and relational abilities. . . ." This certainly seems to be the language of domesticity. Kessler-Harris then tries to clarify these contradictory assertions:

While social and cultural differences between men and women surely exist, their abstract expression is less instructive than clear-eyed analysis of it in historical context. Second, such analysis should not be allowed to obscure differences among women
and the historically specific ways in which they manifest themselves and serve as sources of tension and change.

Perhaps Kessler-Harris means that separate spheres should be used only in discussions of comparable worth. Or perhaps she has been toying with the reader and is merely illustrating the point she already made in Chapter 3:

Suppose we crossed what Linda Kerber called the boundaries of hermeneutics and asked not "What is the meaning of work?" or "What gendered images does it construct?" but "How is work interpreted by those who do it?" or "how have the orientations of observers shaped the boundaries with which we conceive the work of others?"... We take our cue, then, from the methods of Foucault who suggests that destabilizing the language with which we describe experience may in fact tell us something of the experience itself. And we attempt to understand difference, not as a single necessary dichotomy, but as a set of intersecting circles of experience that together structure consciousness.

Dianne S. Farber


Convinced that church-state law under the Supreme Court during the 1980s took "a giant—and unwelcome step—backward," Gregg Ivers's book explores the changing relationship between religion and the state. Those looking for a neutral account of this relationship should look elsewhere. This book, commissioned by the Anti-Defamation League of B'nai B'rith, is a liberal's response to use of the courts by "[r]eligious conservatives, encouraged by the election of Ronald Reagan," to create a "broad wave of conservative religious populism" in pursuit of school prayer, financial assistance for parochial institutions and equal access to public school facilities for student religious clubs.

In six short chapters, Ivers examines Supreme Court cases of the past decade seeking to expose the erosion of the first amendment establishment and free exercise clauses. He begins by analyzing political influence over the Court, and what he perceives to be the Court's new respect and tolerance for the will of legislative majorities, as opposed to its prior role of vigorous protector of the rights of religious minorities. Ivers documents the Court's growing dis-