Liberal Daddy Quotas: Why Men Should Take Care of the Children, and How Liberals Can Get Them to Do It

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The gendered division of labor is the major cause of gender inequality with respect to the broad spectrum of resources, occupations, and roles. Although many feminists aspire to an equality of outcome where there are no significant patterns of gender difference across these dimensions, many have also argued that liberal theories of social justice do not have the conceptual tools to justify a direct attack on the gendered division of labor. Indeed, many critics argue that liberalism positively condones it, presuming that it arises from the free choices of individuals, which must be respected. In this paper I will accept the feminist goal of equality of outcome across roles, occupations, income, and wealth, but will argue that liberal theories of justice are consistent with strong measures aimed at promoting such equality. I will show that liberalism has the conceptual resources to justify a concrete policy measure that goes considerably beyond the measures usually championed by feminists. The example I focus on is “daddy quotas,” which refers to the tagging of a significant part of parental leave for the exclusive use of fathers.

Introduction

The gendered division of labor is a major cause of gender inequality with respect to “the broad spectrum of resources, occupations, and roles” (Phillips 2004, 6). Many feminists aspire to an equality of outcome where there are no significant patterns of gender difference across these dimensions (Young 2001; Phillips 2004).1 Feminists have also frequently argued that liberal theories of social justice do not have the conceptual tools to justify a direct attack on the gendered division of labor (cf. Phillips 2006). Indeed, many critics argue that liberalism positively condones it, presuming that it arises from the free choices of individuals, which must be respected. Therefore, it is argued, liberalism cannot secure the equality of outcome desired by most feminists.

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In this paper I will accept the feminist goal of equality of outcome across roles, occupations, income, and wealth, but will argue that liberal theories of justice are consistent with strong policy measures aimed at promoting such equality. Indeed, I will show that liberalism has the conceptual resources to justify policy measures that go beyond what most contemporary feminists have supported, specifically, quotas that reserve a significant part of parental leave for the exclusive use of fathers. Defending these so-called “daddy quotas” must become much more central to the feminist agenda, particularly given that other measures, such as maternity leave, flexible work arrangements, and child-care support, have been remarkably unsuccessful in undermining the gendered division of labor. Happily, as I will show, there is no reason at all why liberals cannot embrace daddy quotas.

LIBERALISM AND FEMINISM: THE STORY SO FAR

There are many different versions of liberalism. My aim in this paper is not to defend any particular version as such, but to show that core commitments widely endorsed by many different types of liberals are consistent with daddy quotas. Thus, rather than develop a particular account of liberalism, I will briefly outline what I take to be these widely shared core liberal commitments.2

NEUTRALITY

Many contemporary liberals (although not all) have defended neutrality, either at the level of justifying a conception of justice, or at the level of state decision-making. Justificatory neutrality argues that a conception of justice must be justified politically, according to values that all reasonable people can accept, perhaps by being based on ideas implicit in the public political culture, or by being capable of some type of contractual agreement (Rawls 1993; Lloyd 1994–95; Baehr 2004). State neutrality does not demand that the principles of justice themselves be subject to such justification. To the contrary, many liberals argue that principles of justice must be based on the value of individual autonomy, but readily concede that this value is contentious. Defenders of state neutrality argue that the state itself should not make decisions based on controversial conceptions of the good life over which autonomous citizens reasonably disagree. To impose “perfectionist” laws or policies that are in conflict with conceptions of the good that people subscribe to would be to fail to respect the autonomy of those individuals (Dworkin 2000; Kymlicka 2002).

EQUAL OPPORTUNITY

Liberals have been uniformly committed to some notion of equal opportunity, ambitiously conceived. Liberal egalitarians argue that merely removing formal barriers to
offices, positions, and jobs does not equalize opportunities. They have emphasized the way in which access to education and resources, as well as family environment, class, and culture, can all affect the real level of a person’s opportunities. A genuinely autonomous person is conceived of as an individual whose life reflects her choices and is not dictated by circumstances over which she has little control. Although not all liberals believe that such an outcome is possible, more recent debates within distributive justice have been shaped by an aspiration to use redistribution in the service of eliminating outcomes that arise from circumstance rather than choice (Arneson 1989; Dworkin 2000; Kymlicka 2002).

### Rights

A position is often deemed to be liberal because of the protections it affords basic rights, particularly to free speech, association, and the exercise of religion. Some liberals might question whether protection of basic rights is sufficient to characterize a conception of justice as liberal (cf. Baehr 2007); presumably any plausible contemporary political theory must afford some basic protections for speech, assembly, and association. Nonetheless, although protection for basic rights is not sufficient for a view to count as liberal, it is widely believed to be necessary, and thus is included here as a basic tenet of liberalism.

Contrary to early suggestions that liberalism is hostile to feminist ends (cf. Jagger 1983), contemporary feminists have deployed these core liberal commitments to attack some of the more persistent causes of women’s inequality, particular those that arise from the gendered division of labor. For example, feminists have attacked labor-market discrimination, including discrimination in how typically female occupations—the so-called caring professions of teaching, nursing, and social work—are remunerated. This in itself may make some modest contribution to equality: for many couples it makes economic sense for the woman rather than the man to marginalize from the paid work force to care for young children when his job is much more highly paid.

Feminists have also argued that employers have been unjustly free to assume a level of commitment from their employees that is entirely incompatible with discharging responsibilities to dependents, including lack of leave for caring responsibilities, the expectation of long hours and weekend work, and often the expectation of an employee’s willingness to relocate. Along with other feminists, liberal feminists have repeatedly argued that the structure of the work force is based on deeply entrenched sexist norms that women will and should assume full responsibility for what are in fact shared caring obligations, and at considerable cost to themselves. These sexist norms are incompatible with liberal principles. For example, feminist proponents of justificatory neutrality have argued that current arrangements based on sexist norms are not consistent with any conception of justice that is the subject of an overlapping consensus or that could be founded on the consent or acceptance of both men and women (Lloyd 1998; Hampton 2004). Feminists have also argued that
work arrangements structured around sexist norms, bolstered and protected by state regulation, fail to respect state neutrality (Brake 2004) and violate equal opportunity, virtually ensuring that women will have less capacity to pursue the full range of plans and projects that men do.

Consider also the division of family assets when a couple separates. In families with a gendered division of labor, it is the woman's domestic labor that allows the man's career to progress despite his care responsibilities: she takes his share of caring responsibilities so that he can take on more hours in the paid work force. Divorce laws that do not require the male partner to share his income after separation do not recognize the fact that both parties have invested in his income. Joan Williams argues that modern divorce arrangements represent a modern form of coverture (Williams 2000, 115). Whereas historically coverture granted husbands ownership over wives' assets, including income, modern coverture grants husbands ownership over their wives' domestic labor; the value of that labor is assumed to be an entitlement that properly flows to him.

Because all of these sexist norms are incompatible with liberal principles, liberal feminists have almost uniformly endorsed Susan Okin's landmark suggestions for what justice in a liberal egalitarian state requires, including but not limited to flexible work arrangements, child-care leave, split paychecks between men and their partners engaged in caring work, and income equalization after divorce (Okin 1989, 170–86).

Of the many differences among these various liberal feminist positions, one in particular is noteworthy, that concerning the proper aim of state involvement. On a minimal reading, it is the couple who is responsible for the burdens of caring for children, and the aim of the state should be to establish non-sexist institutional arrangements that ensure that the costs of care responsibilities are shared more equally between them. Williams adopts this minimalist approach, albeit partly in recognition of the fact that in the United States a more ambitious program is political infeasible if not inconceivable (Williams 2000). A more ambitious liberal program would be one premised on the view that these burdens should be distributed more widely, which would support the state contributing directly to the costs of caring, for example, by contributing to the costs of paid parental leave and child care. For example, Sharon Lloyd argues that it is a publicly recognized good to reproduce society from one generation to the next, which requires that the burdens associated with producing this good be more equitably shared across the populace (Lloyd 1998). Amy Baehr argues that a distribution of social goods derived from an assumption that contractors have an interest in ensuring that the needs of their dependents are met would also support social expenditure on child care and paid parental leave: "the determination of what goods count as basic, and the distribution of such basic goods, [would] not favor non-dependency workers over those engaged in dependency work" (Baehr 2004, 425). In what follows, I will assume that liberalism supports the more ambitious program, as typically argued by most liberal feminists.
DADDY QUOTAS AND LIBERALISM

There is no doubt that core liberal arguments have been convincingly deployed by feminists to undermine some of the central causes of women’s inequality, specifically the more iniquitous aspects of the gendered division of labor. Baehr suggests that although liberals cannot ensure that men and women choose an equal division of labor, they can ensure that the choice to prioritize care over work will be costless (Baehr 2004, 433).

Unfortunately, the evidence shows quite clearly that these measures will not eliminate the costs of gendered choices. This is readily confirmed by evidence from Nordic countries, all of which provide access to high-quality, publicly subsidized child care, long periods of paid parental leave at high levels of compensation, and generous leave entitlements to care for sick children. These programs are scrupulously gender neutral: either the mother or the father can take advantage of leave and flexibility entitlements (Ellingsæter and Leira 2006). Yet the reality is that fathers take very little career leave, and they rarely choose part-time work: overwhelmingly, it is their female partners who take these entitlements. The effect is that the gendered division of labor has been reproduced, with a vengeance, in the paid work force. Despite having the highest rates of female work-force participation in the world (Ellingsæter and Leira 2006, 10), Nordic countries also have among the most highly gender-segregated work forces, because women are very heavily concentrated in the public sector, particularly in the provision of social, health, and care services, and in part-time work (Leira 2006; Rønsen and Skrede 2006; Borchorst 2008; Roman 2008). Labor-force discrimination, particularly in the private and/or high-pay sector, will explain part of this trend, but no one denies that it is also due largely to the fact that women rather than men take advantage of paid leave from work and of state-mandated part-time and flexible work arrangements, and also choose to work in the (lower-paid) public sector where acceptance of these practices is higher (Borchorst 2008, 40). The sobering fact is that paid parental leave and flexible work arrangements can reinforce the gendered division of labor with the result that gender inequalities in resources, occupations, and roles are all still very pronounced, even if a generous welfare state mitigates some of their worst economic impacts (Bergmann 2008; Lister 2008, 218).

In response to these trends, a number of feminists have recently rearticulated newer versions of the long-standing claim that liberalism is not a feminist ally (Mason 2000; Levey 2005; Phillips 2006). Ann Levey argues that once measures such as those outlined above have been implemented, then the division of labor is largely perpetuated through women’s autonomous choices about the life they wish to lead, which liberal neutrality requires us to respect (Levey 2005). There is nothing more that a liberal can or should do. Anne Phillips says that because liberalism is committed only to ensuring that people have equal opportunities, not equal outcomes, it must accept the unequal outcomes that arise from women’s choices (Phillips 2006). The available evidence shows quite clearly that both women and men firmly believe that it is first and foremost men who are entitled to career success; that in particular,
they are entitled not to have their pursuit of that success disrupted by caring responsibilities; and that they make their choices about work and care accordingly (Williams 2000; Lammi-Taskula 2006). With the availability of affordable, high-quality child care, paid parental leave, and flexible work arrangements, women's worse outcomes are no longer (entirely) attributable to unequal opportunities or sexist (non-neutral) norms that structure the work force. Liberalism has reached the limits of its feminist potential. Therefore Phillips suggests jettisoning altogether the meek liberal commitment to equal opportunity in order to aim directly for equality of outcome instead (Phillips 2006), whereas Levey suggests that we should abandon the liberal neutrality requirement not to override people's choices in favor of a conception of the good they clearly do not share (Levey 2005). In short, because liberalism must stay our hand, Levey and Phillips argue that feminists who aspire to equality of outcome across resources, occupations, and roles need to look beyond liberalism for a theory of justice.5

The real test case for Phillips's and Levey's charge against liberalism would be any further measure that might effectively undermine inequality in outcome but that is prohibited on liberal grounds. What might such a measure be? Changes to parental leave entitlements that reserve a portion for the exclusive use of fathers—"daddy quotas"—promise real gains in terms of shifting the gendered division of labor. Most Nordic countries have adopted such quotas. Although the exact details of the scheme vary from country to country, most reserve a portion of leave for the mother for some weeks after the birth, a portion for the father at the end of the leave period, and the majority of the leave in the middle available to either (not both) parent according to their wishes. Denmark has no daddy quotas; Norway reserves six weeks of parental leave for the father, Sweden two months, and Iceland three months (Ellingsæter and Leira 2006). The portion reserved for fathers is based on a "use it or lose it" principle: if the father does not use that portion reserved for him, the family loses its entitlement to that period of parental leave. The success of daddy quotas in terms of men taking parental leave has been varied: although the majority of men take the daddy quota, the vast majority still do not take any of that additional period of leave that can be taken by either parent (Lammi-Taskula 2006; Leira 2006). Be that as it may, daddy quotas have vastly increased the amount of time fathers take off from work to care for infant children, and this fact alone promises real and enduring gains for equality. The more time fathers spend caring for small children, the more time women have for participation in the work force, which reduces their marginalization and its economic effects. As I will explain shortly, daddy quotas are also likely to have a positive effect on workplace discrimination. In short, daddy quotas are a promising means by which to further equality of outcome with respect to resources, roles, and occupations.

Are daddy quotas inconsistent with core liberal commitments? Do they provide a good example of the way liberalism limits feminist aspirations for equality, as Phillips and Levey argue? Certainly the introduction of daddy quotas has been controversial, with opponents claiming that they represent unacceptable state interference in what should rightfully be the free choice of families. I shall argue that the appearance of
conflict is largely illusory. Daddy quotas can be defended in a way that is fully consistent with neutrality, liberal rights, and plausible versions of equal opportunity.

There is no denying that there are some reasons offered in defense of daddy quotas that do not seem consistent with liberal neutrality. Many Nordic politicians have quite explicitly argued that gender equality, understood not merely as equal opportunity but equal outcomes in wealth, income, and roles, simply cannot be realized as long as women continue to bear the lion’s share of caring responsibilities (Ellingsæter and Leira 2006). Swedish government reports highlight the need to deal with the “in-principle man”: the man who believes in gender equality in principle, but who repeatedly shirks his caring responsibilities (Roman 2008, 109). Daddy quotas were subsequently promoted as one feasible way to challenge the in-principle man’s behavior.

However not all liberals can support daddy quotas for these reasons. Daddy quotas do not seem to be the same as other key reforms that have the aim of rectifying sexist state-sponsored institutions. Rather, these reasons for supporting daddy quotas attempt to constrain the choices that men and women make for themselves, in the name of a particular perfectionist view about the good life, that is, a strictly non-gendered one. Limited evidence on why people make the decisions they do about child-rearing also suggests that these decisions are of the type liberals must respect. While sometimes the reality of men’s higher incomes exerts an economic force on decisions about who takes leave, for the most part the status quo of gender relations is simply assumed: both parents seem to agree about prioritizing the father’s career, and share the assumption that good mothers, as opposed to good fathers, take responsibility for caring for small children (Lammi-Taskula 2006). Although many feminists (myself included) do not share these views about “appropriate” gender behavior, liberal neutralists cannot condone imposing a controversial feminist conception of the good on people who do not agree with it. And although it is true that the choices such couples make undermine equality of outcome, most liberals aim for equality of opportunity, not outcome. Unequal outcomes that arise from people’s genuine choices do not and should not attract any particular liberal concern.

However, the gender equality argument for daddy quotas is only one argument in their defense. In fact, daddy quotas have been adopted in Nordic countries for a wide range of reasons. For example, many advocates underlined the importance of father–child bonding, especially the need to ensure that children retained close relationships with their fathers in the increasingly common event of marital separation (Leira 2006, 39). Daddy quotas are also defended on the basis that they are likely to increase fertility: some studies show that women are more likely to have a second child if the father takes leave with the first child (Rønsen and Skrede 2006, 60). More important, one of the most prominent reasons in favor of daddy quotas is a straightforward liberal one. As noted earlier, eliminating workplace discrimination is an uncontroversial and core goal of any liberal egalitarian theory of justice. Yet we know that discrimination is extremely hard to eradicate, both because of the pervasiveness of gender stereotypes and, relatedly, because of difficulties of detection. Long periods of parental leave taken exclusively by women threaten to exacerbate
discrimination against them as employers come to see women employees as unreliable (Cudd 1994; Leira 2006; Bergmann 2008). Nor is discrimination in the work force directed solely at women. One reason that men often give for not taking more parental leave is because they believe this would disadvantage them at work (Lammi-Taskula 2006, 90–91; Leira 2006, 45; Rønsen and Skrede 2006, 69). This belief is backed up by evidence of employers’ hostility to male employees taking long periods of parental leave. Whatever the gender neutrality of parental leave policies, employers also assume that the task of caring for small children is women’s responsibility and are therefore likely to doubt the commitment and reliability of a male employee who wishes to take parental leave. Such attitudes are likely to result in such employees being passed over for career-enhancing opportunities, a form of discrimination that is extremely hard to detect and successfully prosecute, as women are well aware.

The reality of persistent workplace discrimination provides a strong liberal justification for daddy quotas. As discussed earlier, there are sound reasons for supposing that a liberal state is required to support paid parental leave. But in choosing a particular set of concrete leave measures, a liberal government must also ensure that the measures it adopts do not exacerbate discrimination and inequality of opportunity. We know that statistical discrimination against women is high when only women take long periods of leave. The evidence suggests that parental leave schemes that allocate some part of the leave for mothers and some for fathers will do better at avoiding statistical discrimination against women. As men also take parental leave in increasing numbers, there are reasons for supposing that discrimination against them will also lessen in frequency.

It is instructive to reflect on the fact that there has never been any opposition of the sort directed at daddy quotas to the longer-standing practice of what we can just as well call “mommy quotas,” that is, the tagging of a portion of leave for mothers. Although in most Nordic countries the mommy quota is usually quite short and tied to the time needed to recover from birth, in Denmark it is a full fourteen weeks, obviously an amount of time far in excess of any recovery needs connected to giving birth. One justification for this long mommy quota is that it is important for encouraging breastfeeding (Borchorst 2006, 116). However, if long mommy quotas are justified on the basis that they encourage a form of behavior that the state considers good for the child, then daddy quotas can be defended on just the same basis. Indeed, daddy quotas have been repeatedly defended on this basis: as noted earlier, many advocates defend them on the basis that they are good for children, who benefit from close relationships with their fathers from an early age (Leira 2006, 39). Those who oppose daddy quotas can’t have it both ways: they can’t argue that decisions about parental leave should be left entirely up to the parents while at the same time imposing mommy quotas. The current situation, where many oppose daddy quotas but have never complained about mommy quotas, strongly suggests that opposition to daddy quotas, while cloaked in liberal terms, is actually driven by conservative beliefs about the proper roles of men and women. To be consistent, liberals must base decisions about the length of both mommy and daddy quotas on considerations such as
discrimination and equal opportunity: the state should avoid involving itself in contentious debates about the best interests of the child.

Are daddy quotas consistent with other liberal commitments in addition to neutrality? I also suggested that it is a necessary feature of a liberal state that it respect basic freedoms such as those of speech, assembly, association, and so on. However, daddy quotas don’t even engage these freedoms, let alone violate them. Men are not required to stay at home and care for children: if they choose to do so, they will receive monetary compensation. Women are not forced to go to work: they will simply not receive state payments beyond a certain date if they choose not to work. Both of these things are true even without daddy quotas. Couples are still fully free to adopt a thoroughly gendered division of labor if that is what they wish, for religious, cultural, or any other reasons.

The belief that daddy quotas are illiberal is likely to persist because to many people it seems patently illiberal to adopt policy measures that are at odds with individuals’ preferences concerning child-rearing arrangements. If a couple prefers that the mother take all the paid leave available, don’t daddy quotas simply override what should be their free choice? Indeed, even those who support reserving periods of parental leave for fathers express this concern about “free choice” (Gheaus and Robyns 2011). I think this concern is based on implausible assumptions. Surely most liberals will argue against the assumption that a just state gives people whatever resources or entitlements they prefer. This would be an extremely implausible conception of justice on any terms, and would have dramatic, and unsustainable, implications for most areas of government policy. Take health care as an example. Governments typically provide resources for various health care measures, but not for others. Resources are available for heart disease or arthritis treatments, but not for cosmetic surgery. On the face of it, it doesn’t seem at all convincing to complain that these entirely commonplace policies violate “free choice” by failing to respect the contrary preferences of those who want money for cosmetic surgery and don’t care about their heart condition. If that position is implausible with respect to health care, then it is equally implausible with respect to parental leave reserved for fathers. And of course the point would generalize to most other areas where government provides entitlements or resources.

Despite its evident implausibility, there is one liberal conception of equal opportunity that suggests that this type of objection to daddy quotas and health care spending has merit. If the state funds cancer and arthritis treatments, but not cosmetic surgery, it assumes that the former but not the latter diminishes a person’s opportunities. Indeed, ill health, along with poor education and lack of talent, is widely considered by liberals as a core threat to opportunity (Daniels 1985; Dworkin 2000). But these assumptions about the threats posed by features like ill health are challenged by welfare egalitarians who argue that what matters is equal opportunity for preference satisfaction. On this view, it would be an injustice for the government to offer arthritis treatment instead of cosmetic surgery to individuals who have very strong and persistent preferences for cosmetic adjustment and no preferences regarding their arthritis. Similarly, welfare egalitarians could argue that daddy quotas fail to equalize
opportunity: they do not afford people who have a very strong preference that the
mother be exclusively responsible for child care the same opportunities for welfare as
those individuals who prefer to share, or who have no particular preferences either
way.\footnote{Equal opportunity for welfare is a very controversial interpretation of equal oppor-
tunity; so much so that it is unclear whether anyone actually holds this view. Most
liberal egalitarians strongly deny that what we owe to one another as a matter of jus-
tice is the equal opportunity to fulfill our preferences, particularly when actual prefer-
ences can be fickle, self-indulgent, or distorted (Anderson 1999; Nussbaum 2000).
Welfare egalitarians have developed a range of responses to their critics, including
the suggestion that government is entitled to ignore preferences that are irrational or
ill-informed or for which, if they are expensive or self-indulgent, the individual can
be held responsible for cultivating or not discarding (Arneson 1989). These various
caveats, all of which are controversial in their own right, underline the virtual episte-
mic impossibility of determining whether individuals do enjoy equal opportunity for
preference satisfaction over a lifetime. Welfare egalitarians have conceded that the
best that governments can do is make highly speculative guesses as to what concrete
policies would more likely contribute to equalizing opportunities. A welfare egalitar-
ian hoping to broaden the appeal of his theory will suggest that health care should
be prioritized over cosmetic surgery because in the overwhelming majority of cases, ill
health interferes more with preference satisfaction than does an undesired nose. The
relevant calculation is not restricted to the individual’s preferences regarding treat-
ment for her arthritis: it must also include how the presence of arthritis may restrict
the fulfillment of various other preferences over the course of her life.

However, it seems clear to me that precisely the same speculative calculation
holds in the case of parental leave. The calculation as to whether individuals enjoy
equal opportunity for preference satisfaction goes beyond measuring how much satis-
faction each person obtains from a particular government policy on the structure of
parental leave. To argue that daddy quotas violate equal opportunity for welfare, one
would have to argue that their impact on the preference satisfaction of those who
prefer that the mother take all parental leave is severe enough to reduce to below
that of others their overall opportunity for preference satisfaction over the course of
their lives. This seems extremely dubious. To the contrary, given the positive effects
daddy quotas can have on women’s opportunities in the workplace and on men’s
opportunities to choose to participate more actively in child-rearing should they wish
to, it may turn out that daddy quotas increase opportunities for preference satisfaction
overall. The likelihood that daddy quotas increase opportunities for preference satis-
faction is boosted enormously once we consider that approximately 50\% of couples
separate. Whatever her earlier preferences, a woman’s likelihood of having expanded
opportunities will surely be greater the more her former partner shares custody and
responsibility for the children, something substantially more likely to be the case
when fathers have earlier shared parental leave. For these reasons, the welfare inter-
pretation of equal opportunity does not provide any real opposition to daddy quotas.
My own view is that the surest conclusion is simply that equal opportunity for
welfare is an incorrect view of justice—as is the inchoate intuition that government must deliver benefits that satisfy individual preferences—and in any case gives us virtually no concrete guidance on the legitimacy of daddy quotas.

In sum, Phillips and Levey are right to suppose that the preferences of women and men continue to have a negative impact on broad equality of outcome, but they are wrong to argue that liberalism is at odds with the adoption of policy measures that would help challenge these preferences. Daddy quotas are not inconsistent with the key liberal commitments to neutrality, equal opportunity, and broad liberal rights, yet they promise real gains for advancing equality. Feminists must go beyond the rhetoric of “free choice” to more carefully scrutinize the nature of the prohibitions that liberalism might actually erect against feminist goals. I fail to see any real conflict with respect to this key measure aimed at addressing women’s continued burden for domestic and child-rearing responsibilities. Even better, liberals can continue to challenge this burden without having to engage in dubious and patronizing claims about the authenticity of men’s and women’s preferences.

ALTERNATIVES TO DADDY QUOTAS

By way of conclusion, I shall briefly consider some other options that have been proposed for tackling persistent gender inequality, including alternative suggestions for restructuring parental leave.

Janet Gornick and Marcia Meyers have suggested that mothers and fathers each receive their own individual, non-transferable entitlement of six months of parental leave (Gornick and Meyers 2008). Anca Gheaus and Ingrid Robeyns have supported this suggestion, but with the inclusion of various default provisions that would in effect make parental leave for both parents an opt-out rather than an opt-in system (Gheaus and Robeyns 2008).

Both of these proposals are also promising suggestions for increasing the amount of time fathers spend on child-rearing, and thus for decreasing gender inequality. I see no reason why these suggestions would not also be fully consistent with core liberal commitments, despite Gheaus and Robeyns expressing concern about their model sacrificing some of the good of individual choice (Gheaus and Robeyns 2008, 185). As I argued with respect to daddy quotas, I believe these assumptions are simply misplaced: a policy of six months of non-transferable leave for each parent could also be justified on the grounds that it does not violate neutrality or rights, and promotes equal opportunity.

The proposals advanced by Gornick and Meyers and Gheaus and Robeyns would have the significant advantage over daddy quotas in reserving a full six months of parental leave for fathers, rather than the few weeks to three months currently reserved by daddy quotas. Indeed, this would be an advantage if it were possible to realize politically. I have limited my argument to the less ambitious daddy quotas for two reasons. First, daddy quotas are the type of tagged parental leave that have been most widely adopted. Second, and more important, we know from experience that
even daddy quotas were very controversial when they were implemented. Given that before their implementation women had typically taken all of the available parental leave, women often perceived daddy quotas as reducing part of their leave entitlement. I assume that any attempt to “take” a full six months from mothers would be extremely unpopular as things are now, even in progressive Nordic countries. Given that I share Gheaus and Robeyns’s real concerns about a backlash against gender equality measures (Gheaus and Robeyns 2008, 182), I have restricted my defense of reserved parental leave to the more modest daddy quota. This is quite consistent, however, with favoring the introduction of individualized, non-transferable six months of leave for each parent in countries with no previous experience of parental leave, or in countries like the Netherlands where some version of this system is already in place. The important point to re-emphasize is that this version of parental leave for fathers would also be promising for undermining gender inequality and would also be fully consistent with liberal principles.

Both daddy quotas and the more ambitious schemes defended by Gornick and Meyers and Gheaus and Robeyns have one significant limitation: they do not require of men that they take parental leave, as I indicated earlier. There is nothing to stop mothers from taking their initial share, without fathers taking the share allocated to them. Indeed, the evidence from Nordic countries clearly indicates that this is indeed what many men do. That men be somehow required to share in the care of children might be thought to be the only serious way to undermine the inequality brought about by the gendered division of labor. Yet it does seem unlikely that liberals of any stripe could condone forcing men to care for their children, at which point, Levey and Phillips might well say, so much the worse for liberalism. However, I resist the conclusion that this reflects badly on liberalism as a feminist ally, because I believe that there will be a whole host of reasons beyond specifically liberal ones for rejecting such an unrestrained pursuit of equality of outcome.

Consider, for example, an alternative proposal on parental leave defended by Harry Brighouse and Erik Olin Wright (Brighouse and Olin Wright 2008). They make a mother’s right to parental leave beyond a short time to recover from birth conditional upon the father taking leave, up to a maximum of six months per person. If the father takes only three months, the mother can take only three months. Even in this case, I am not convinced that this proposal would be at odds with liberal principles, but whether or not it is need not detain us. As Gheaus and Robeyns argue, the policy is extremely undesirable for reasons that have nothing to do with liberalism, and so should be rejected in any case. The Brighouse-Olin Wright proposal would give men far too much power over their partners, handing them the right to deny women any parental leave beyond one month if they did not wish to share in the care of children, as many men do not. This entrenches, rather than eliminates, gender inequality (Gheaus and Robeyns 2011, 178). Many women would still choose to take care of young children beyond the first month, and thus would be severely financially disadvantaged for doing so, perhaps to the point of impoverishment. Well-off couples would face no such hardship (178). Finally, the potential conflict such a policy could create may well be disastrous for those relationships, and threatens harm.
to the children within them (178). This way of structuring parental leave does go fur-
ther toward undermining the gendered division of labor than do daddy quotas, or the
scheme defended by Gheaus and Robeyns, but it is highly undesirable for a number
of reasons that have little to do with liberalism as such.

Finally, much the same conclusions are drawn in considering even more fanciful
proposals for demolishing the gendered division of labor. In a discussion of Okin,
Joshua Cohen suggests that a non-liberal could endorse mandatory shared-responsibil-
ity clauses in marriage contracts, or domestic shirking could be defined as a form of
sex discrimination against which civil remedy could be sought. Perhaps “there could
be a regulatory scheme featuring an agency responsible for formulating standards for
the division of labor in households, and an inspectorate charged with ensuring com-
pliance and empowered to impose fines and penalties for violating standards” (Cohen
1992, 267).

Liberals will indeed object to these measures; but again, so should virtually every-
body else. As a comparison, consider the now defunct legal requirement to show fault
when filing for divorce. The system has been rejected in all Western countries because
it encouraged couples, through their legal representatives, to ramp up accusations
against each other and to air those accusations in public, either in order to secure the
right to divorce or to secure favorable terms of settlement. The system was poisonous
and often ensured no possibility of cordial relations between spouses into the future.
This was bad enough in itself, but its impact on the children of such couples was often
devastating. Evidence indicates that the move to no-fault divorce led to a drop in
domestic violence, female homicide, and female suicide (Stevenson and Wolfers
2006). Women who are readily able to exit marriage are less vulnerable to abuse than
if they have to engage in a hostile, protracted, and uncertain process of dissolution.
Virtually all legal scholars agree that traditional divorce arrangements benefited
no one except the legion of family lawyers who earned large incomes. Tellingly,
even family lawyers have virtually unanimously endorsed the shift to no-fault divorce.

The effects of legally enforced domestic arrangements would be as bad if not worse
than fault-based divorce. The poisonous effects of fault-based divorce would be
inflicted on couples who might otherwise have aimed to continue their relationship,
yet once the state is in the business of trying to determine if one party to a marriage
is pulling their domestic share, disputants are encourage to ramp up accusations
against each other. Nor is there reason to suppose that state-enforced equal domestic
sharing would benefit women. A person who is subordinate in a marriage may be able
to seek legal remedy for her husband’s shirking, but the protracted, hostile, and
uncertain process she would need to pursue could place her under threat of violence
or coercion. Of course, one could argue that she always has the option to exit alto-
gether if that should happen: but no-fault divorce provides her with that option in
any case, as would the existence of fairer separation settlements that would not leave
her destitute. Legally enforceable domestic equality does not offer any benefit to
women, and it would almost certainly create a widespread backlash against all
gender-equality measures, including the sensible, liberal-respecting ones. Everyone
should reject it.
I have argued that it is a mistake to suppose that commitment to liberalism somehow hinder the feminist agenda to promote broad equality of outcome across roles, occupations, and resources. The most promising measure we have to further that goal is to restructure the nature of parental leave to encourage fathers to take more time off from work to care for children. This measure is fully consistent with core liberal principles. If Levey and Phillips think that there is more that could be done once we throw off the shackles of liberalism, then the onus is on them to explain what that might be. In particular, the challenge for them would be to develop concrete proposals that would not be disastrous for reasons that are quite independent of liberalism, such as those that befall Cohen’s suggestion for mandatory shared domestic duties, or Brighouse and Olin Wright’s suggestion for parental leave. I am at a loss to imagine what those might be. There are all kinds of reasons that should limit the unbridled pursuit of gender equality, but none of them seem to have much to do exclusively with liberalism.

Notes

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1. Not all feminists share this goal because not all feminists are opposed to gendered outcomes, although they would reject penalties or disadvantages associated with them.

2. Clearly, the types of liberal commitments I focus on are distinct from those held by libertarians who understand freedom as lack of state interference. I will not address libertarianism in this paper.

3. Amy Baehr provides the best discussion of the various forms of contemporary liberal feminism (Baehr 2007).

4. Although how much this is so depends on whether there is paid parental leave available, and at what level of compensation.

5. It is worth mentioning another possibility that both Phillips and Levey reject, for good reason. One could argue that women’s decisions to take more than an equal share of caring responsibilities do not reflect genuine choices, but are driven by sexist cultural norms that have shaped both their preferences and the preferences of their male partners. Neither Levey, Phillips, nor I doubt that sexist cultural norms shape women and men’s preferences about child-rearing and career, and underpin both men’s persistent domestic shirking and women’s desire to take primary responsibility for the care of children. Feminists should continue to voice their alternative visions of gender equality as one among a number of strategies to challenge sexist cultural norms. But as Phillips rightly says, it is hard to take seriously any theory of political justice supposedly based on the value of autonomy that ends up denying that individuals are in fact capable of autonomous choices, including women privileged enough to be well-educated, (relatively) safe from violence, in control of their fertility, able to earn their own living, and aware of their rights and entitlements. This sets the bar far too high for what kind of choices count as autonomous enough to be protected from state interference. Phillips rightly worries that attempts to expand the range of factors that constrain opportunity to include internal
obstacles run the obvious danger that we disrespectfully end up “treating women who have
‘chosen’ to be full time carers as if they were the brainwashed victims of prevailing gender
norms,” which undermines their status as agents (Phillips 2006, 24).

6. Of course, welfare egalitarians would also need to say the same thing about
mommy quotas.

7. Richard Arneson originally developed the position (Arneson 1989), but later
retracted support for it (Arneson 1999).

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