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SHOULD MARITAL RELATIONS BE NON-HIERARCHICAL?

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Abstract

The paper explores an egalitarian norm widely accepted today, which I call the Marital Non-Hierarchy Standard. According to this standard, marital relationships should be non-hierarchical; neither partner may be more dominant than the other. The Marital Non-Hierarchy Standard is exceptional: in almost all associations, including many financial, professional, educational and recreational ones, in almost all spheres of life, some hierarchies, within certain limits, are widely believed to be morally legitimate. I argue that in marital relations, too, some hierarchies should be accepted as morally legitimate. It might be argued that marital relations should be loving, and love requires that lovers will have the same degree of power. However, contemporary analyses of love show that love is consistent with (some) hierarchies. It might also be argued that justice requires that lovers will have equal power. However, theories of distributive justice such as Rawls's, Sen's, Dworkin's, and almost all others allow some marital hierarchies. Thus, both *the love requirement* and *the justice requirement* allow some hierarchical marital relationships and conflict with the Marital Non-Hierarchy Standard. Until other justifications for this standard are presented, it is unclear why it should be endorsed.

1

This paper examines a widespread egalitarian norm that I will call here the Marital Non-Hierarchy Standard. According to this standard, marital or quasi-marital relationships of heterosexual and same-sex couples should be non-hierarchical; neither partner to the relationship may be overall more dominant than the other. Relations can be hierarchical in many dimensions, but I will focus here on only two: a difference in the power that the partners to the relationship have over jointly used assets, and a difference in their power to determine joint activities. I will largely ignore other ways in which partners' power can be equal or unequal, as well as parameters of marital equality that do not have to do directly with power.

The Marital Non-Hierarchy Standard calls for non-hierarchical relations, in which partners have equal power. Thus, if I want to spend our vacation on the hillside, and you prefer the beach, we should find an alternative that satisfies (or dissatisfies) us both equally, or we should take turns. The same is true of deciding whether we should move to another neighbourhood, have music playing during dinner, or repaint the fence this year or leave it as is for another winter. Some tradeoffs are acceptable: if one side is more dominant when it comes to deciding whether we should go to the movies or eat out, the other is expected to have greater sway in deciding which TV channel should be on. But it is unacceptable under this standard for one partner to be more dominant in the important spheres while the other is more dominant only in the less important ones. Overall equality in the power to determine activities is expected to prevail.

The same holds for jointly used assets. Although it is accepted that extensive property owned by one of the partners before marriage, which is not directly used by both partners, may remain in the ownership of that partner alone, previously owned property used by both partners is expected, after some time, to belong to both of them in equal shares. The same is true of income the partners earn during the relationship: they are expected to have equal economic power over it and over property bought with it. Those who accept the Marital Non-Hierarchy Standard would feel uncomfortable upon hearing someone say, 'I want the living room window to remain open during the night, but she wants it closed, and she brought the house to the marriage, while I brought only a used car'. They would feel the same if the justification for leaving the window shut was that one partner is earning most of the money in the family. Perhaps partly affected by this standard, the law in many Western industrialized countries supposes by default that property used jointly by partners, such as a house, belongs to both equally after they have lived in it together for some time, or upon marriage. Thus, although the Marital Non-Hierarchy Standard assumes parity of power over jointly used assets and of power to determine joint activities, it does *not* assume parity in the money or services *contributed to* the relationship.

Note that the Marital Non-Hierarchy Standard does not merely prescribe equality of opportunity, that is, the requirement that both partners should have only equal *opportunity* to gain power over joint activities and property within the relationship, but that, if one has turned out to become more dominant, so be it. What

the Marital Non-Hierarchy Standard prescribes is equality of *actual* power. Moreover, note that the Marital Non-Hierarchy Standard requires non-hierarchical relationships for *each* couple rather than *average* equality among groups. The Marital Non-Hierarchy Standard would not be realized if, in heterosexual couples, all relationships were unequal, but dominated by the male partner in half of the cases and by the female partner in the other half. Similarly, in same-sex marriages between members of two different ethnic groups, A and B, the Marital Non-Hierarchy Standard would not be realized if all relationships were unequal, but members of group A were more dominant in half of the cases and members of group B were more dominant in the other half. Those who accept the Marital Non-Hierarchy Standard want marital relationships to be egalitarian in the sense that no partner to a relationship may have more power than his or her spouse.

Obviously, not everyone subscribes to the Marital Non-Hierarchy Standard. But it seems to be accepted by many academics, intellectuals and white collar professionals in Western industrialized countries, and I suspect that it is endorsed by most readers of this paper. It is a part of the *Zeitgeist* of many social groups, just as sixty years ago a certain dominance of the husband was, so that both husbands and wives felt uneasy when that standard was violated. Like most other standards (such as truth telling, collegiality, diligence), the Marital Non-Hierarchy Standard is more widely preached than practiced. Still, as a standard, it is broadly held. In some cases in which the Marital Non-Hierarchy Standard is subscribed to but not met, both the more and less dominant partners try to conceal this from others, and occasionally also from themselves, and outsiders who notice the non-egalitarian character of the relationship may mention it disparagingly. And it is espoused – even if by other names – by many writers who discuss equality in the family.[1]

Notwithstanding the wide acceptance of this standard, it is extraordinary. Consider medical partnerships, or partnerships in accounting or law firms. Most such partnerships are not equal; often one finds in them senior partners and junior partners. The former are those who bring more property or money into the partnership, or attract more clientele, or have better negotiating

[1] See, e.g., Audrey D. Smith and William J. Reid, *Role-Sharing Marriage* (New York: Columbia University Press, 1986), pp. 186–87. Pepper Schwartz, *Love between Equals* (New York: Free Press, 1995), pp. 4–5.

abilities than the latter. It is accepted, even expected, that senior partners have more power than junior partners over jointly used assets and over joint activities, and that senior partners tell junior partners what to do. Of course, the partners remain equal in some respects: the human dignity of all partners must be equally preserved, and they should all be treated as autonomous moral agents. There are limits on differences in power, so that senior partners may not, for example, beat up or humiliate junior partners. But at the same time, the relationship *may* be hierarchical in some other ways: senior partners do have more sway in determining whether the window in the reception room should remain open or whether the firm should move to another neighbourhood. Furthermore, there is no expectation that after several years of working together partners should become equal simply because, for several years, they have cooperated closely and shared an office. Everything said here about medical partnerships or law firms is also true of almost all other partnerships. It is very common in the commercial sphere for partners to hold unequal shares of companies. The fate of the company's assets, and the direction the company takes, are then decided by those who hold the majority of the shares.

I have focused thus far on financial associations. But hierarchical relations are regarded as morally legitimate (again, *within certain limits*) in almost all organizations and spheres of life, including educational, recreational and voluntary ones. We find some hierarchies that we consider morally legitimate in the university, chefs' training courses and adult education classes, in the country club, the numismatic society and the outdoor hiking union, in Greenpeace, Oxfam and Amnesty International. It is difficult to think of any field of human interaction in which all hierarchies are considered morally unacceptable. In all other spheres of life we do not reject all hierarchies, but distinguish between morally legitimate and morally illegitimate ones. We think that many hierarchies are unjust and oppressive, but that many others are not. The Marital Non-Hierarchy Standard, then, is exceptional.

The moral legitimacy of some hierarchies in almost all spheres of human interaction creates a presumption and shifts the burden of proof upon those who believe that in marital relations – unlike nearly all other relations – *all* hierarchies are morally illegitimate. Those who believe that in the marital sphere there should be no hierarchies should justify the exception, just as a person who

argues that all people except him are bound by a certain moral duty, or that certain moral laws apply always but not on Wednesdays, has to justify these exceptions to the rule. Nevertheless, in what follows I will assume that the burden of proof is borne equally on all participants in the discussion rather than only on those who support the Marital Non-Hierarchy Standard. I will examine here two types of considerations, both pertaining to important aspects of normative marital relations. First, good marital relations should be based on love or friendship (call this *the love requirement*). Second, good marital relations should be just (call this *the justice requirement*). I will argue that although these requirements render some marital hierarchies morally illegitimate, they render others morally legitimate and, thus, conflict with the Marital Non-Hierarchy Standard, which takes *all* marital hierarchies to be morally illegitimate.

2

Take, first, *the love requirement*. Some seem to believe that love and friendship require that lovers and friends will have the same degree of power in the relationship.[2] I will argue here that although radical power disparities between lovers may ruin love and friendship, less radical ones need not bring about this result. Consider, first, common experience. The experience of many of us shows that some of our love relationships have been equally balanced in power, yet others have not. The former have not always been more meaningful, strong, satisfying, or otherwise better than the latter. People can love another person who teaches them, instructs them, and has more power in the relationship than they do, as well as a person whom they teach, instruct, and who has less power in the relationship than they do.

Similarly, differences in power do not exclude friendship; most of us have experienced some good and fulfilling friendships in which one of the friends had more power than the other. Or take as an example the fictional friendship between Dr. Watson and Sherlock Holmes. Holmes is clearly the more

[2] See, e.g., Mark Fisher, *Personal Love* (London: Duckworth, 1990), p. 43. Robert Solomon, *About Love: Reinventing Romance for Our Times* (New York: Simon and Schuster, 1988), p. 284.

dominant partner in this friendship, sometimes reaching decisions about his and Watson's joint adventures alone, occasionally sending Watson on errands without fully explaining at that time their rationale. Sometimes Holmes also teases Watson in a somewhat patronizing way ('elementary, my dear Watson'). But we do not think, when reading the novellas and short stories, that the friendship between Watson and Holmes is unrealistic or impossible, and we could easily imagine it as an even more personal, affectionate and close friendship than Conan Doyle described it. It may be interesting to ask why Watson accepts Holmes's authority. The reason, presumably, is that life is more enjoyable, exciting and meaningful for Watson when he joins Holmes. Note that although Watson accepts Holmes's authority in many joint ventures, he does not lose his personality and views, and does not become a mere slavish puppet of Holmes (nor does Holmes ever try to reduce him to this position). The hierarchy in their relationship, then, is moderate and restricted to some specific aspects. But it is hierarchy nonetheless.

The peculiarity of the claim that love necessitates strict equality in power becomes clearer when we compare marital love to other types of domestic familial love relationships. One does not assume that there must be equal power over jointly used assets or equal power to determine joint activities when a parent allows his or her adult child to live (perhaps even with the child's whole family) in the parent's house. We would not feel discomfort if the parent, who owns the house, has the 'last word' on some household matters and affects some of what happens in the house more than its other residents. (Of course, this does not mean that the owner may have *absolute* power over what happens in the house or over the guests.) The same is true of a case in which the owners of a house take in an older parent, or in which one sibling takes another sibling into his or her house. We would accept, even expect, some degree of inequality. We can thus see that parental love, filial love and sibling love do *not* exclude inequality in power. It is surprising, then, that marital love is considered incompatible with such inequality; it is unclear what special characteristic of marital love justifies this distinction.

An examination of specific individual characteristics of love also suggests that love does not exclude hierarchy. Philosophical analyses of love stress different characteristics: Robert Solomon and Robert Nozick, for example, see love as a fusion of personalities or significant aspects thereof (Alan Soble calls this notion

'the union view').[3] Mark Fisher, who endorses the union view, describes love also as humble benevolence.[4] Niko Kolodny and Irving Singer discuss (in quite different ways) valuing or bestowing value.[5] Soble, William Newton-Smith and Kolodny emphasize the pursuit of the good of the other and the enhancement of his or her interests (Soble calls this 'the robust concern view' of love).[6] Newton-Smith also mentions, among other characteristics, attraction and commitment, and Kolodny respect and stability.[7] Some of the other prominent features of love are readiness to compromise or even cede some of one's own interests for the sake of the loved one's, responsiveness, interaction, and a high degree of give-and-take. Furthermore, love relationships may not be objectifying, oppressive, humiliating, or undermining of a partner's autonomy (and therefore may not be paternalistic).

The union view has been convincingly criticized by Soble and no longer seems tenable.[8] The other characteristics mentioned above are typical of or essential to marital love, but do not exclude hierarchies. Take, for example, humble benevolence. One can be humbly benevolent but more powerful than others (Mother Theresa is an example of a humbly benevolent person who was more powerful than most of those she helped or saved). Humble benevolence need not coincide with weakness, and does not exclude power, or unequal power. The same is true of robust concern. Both partners may enhance each other's interests (more than, less than, or as much as they enhance their own interests; and more than, less than, or as much as the other partner enhances their own interests) also when they have unequal power over jointly used assets or joint activities. Robust concern, then, is

[3] Solomon, *About Love*, pp. 24–25, 192–99. Robert Nozick, 'Love's Bond', *The Examined Life* (New York: Simon and Schuster, 1989), pp. 68–86. Alan Soble, 'Union, Autonomy and Concern', in Roger E. Lamb, ed., *Love Analyzed* (Boulder: Westview, 1997), pp. 66–67.

[4] Fisher, *Personal Love*, p. 43.

[5] Niko Kolodny, 'Love as Valuing a Relationship', *The Philosophical Review* CXII (2003), pp. 135–89. Irving Singer, *The Nature of Love: Volume 1: Plato to Luther*, 2nd ed. (Chicago: University of Chicago Press, 1984), pp. 3–22.

[6] Soble, 'Union', pp. 65–66. W. Newton-Smith, 'A Conceptual Investigation of Love', in Alan Soble, ed., *Eros, Agape, and Philia: Readings in the Philosophy of Love* (New York: Paragon, 1989), pp. 204–206. Kolodny, 'Love as Valuing', pp. 152–53.

[7] Newton-Smith, 'Conceptual Investigation', p. 204. Kolodny, 'Love as Valuing', pp. 147–48, 150, 164–66.

[8] Soble, 'Union', pp. 69–92. Soble shows how union excludes robust concern, necessitates an extensive loss of autonomy, and under many descriptions is untrue of almost all love relations nearly all of the time.

consistent with hierarchies. Dedication, too, does not necessitate parity in power. One may be dedicated to the loved one (as much as, more than, or less than one is dedicated to oneself, and more than, less than, or as much as the loved one is dedicated to one), while having equal or unequal power to the loved one. Similarly, a lover may value the loved one, be attracted to him or her, sacrifice some of one's own interests for the sake of the loved one, have a very stabile relationship with the loved one, or respect him or her, while the lover and the loved one have unequal power. Hierarchies also do not exclude responsiveness, interaction, or a high degree of give-and-take in the relationship, or necessitate objectification, oppression, humiliation, or the undermining of autonomy. Of course, hierarchical relations *may* be objectifying, oppressive, etc. But they need not be so. Hierarchical relations are similar in this respect to non-hierarchical relations, which *may* be objectifying, oppressive, etc. (for example, when partners objectify and oppress one another to similar degrees), but need not be so.

For similar reasons, hierarchical marital relations need not be paternalistic. One may have more power over jointly used assets and joint activities than one's partner without limiting the partner's autonomy for the partner's own good (moreover, without limiting one's partner's autonomy at all). It might be argued that having more power over joint activities and jointly used assets necessarily leaves less power to one's partner, and thus must undermine one's partner's autonomy. But one should distinguish here between two senses of 'autonomy'. The first has to do with having as few limitations as possible on one's options or on one's ability to do whatever one wishes. The second sense, influenced by the Kantian use of the term, has to do with the ability to choose rationally and freely which options one commits oneself to, without being cheated, manipulated, treated paternalistically or objectified. For example, a new member of the chess club, who receives some instructions from the club's president, has her autonomy diminished in the first but not necessarily in the second sense. The same is true of a person who is accepted back in her or his parent's house and has to abide by some house rules, or of a junior partner in a professional firm who receives some instructions from a senior partner.

Hierarchical marital relations, too, limit autonomy in the first but not necessarily the second sense. But limiting one's autonomy

in the first sense does not undermine love. Love anyway frequently *closes* many options (while opening a few, more important ones). When in love, people commonly disallow themselves and their partners to flirt or have sexual encounters with other people, come home whenever they please, or eat, travel or change careers at whim. Like commitment to a hobby, an ideology, a career or anything else, commitment to love limits options. (Of course, happiness in love should exceed the frustration stemming from the necessary renouncement of some alternatives.)

It might also be objected that even if normal, regular love does not exclude hierarchy, 'higher love' does. But much depends here on what 'higher love' is taken to mean. If it is understood as love in which there is Marital Non-Hierarchy Standard type of equality then, of course, the argument is circular and trivially correct. If 'higher love' means love that is more pleasing, fulfilling, trustful, dedicated and stable, then a couple may enjoy such love without realizing the Marital Non-Hierarchy Standard. Just as Marital Non-Hierarchy Standard relationships can be extremely pleasing, fulfilling, etc., but may also be only moderately so, so can hierarchical relationships. It might be suggested that love would always improve when the degree of hierarchy in it would diminish, since hierarchies always produce competition and resentment, which destroy love. However, although hierarchies *may* produce competition and resentment, they do not have to. Most people do not feel competitive or resentful towards all those who have more power than they do. This is especially true when those who have more power are taken to have earned it well and to use it wisely. And like objectification and oppression, competition and resentment may well reside also where there is no hierarchy.

Some empirical psychological studies suggest that, on average, non-hierarchical marital relationships score higher than hierarchical ones on intimacy, well being, and other positive qualities.[9] However, these studies are problematic. They compare the prevalence of positive marital characteristics in couples that have realized the Marital Non-Hierarchy Standard to their prevalence in the population at large. But couples who realize the Marital Non-Hierarchy Standard may well be ideologically committed to their

[9] See, e.g., Janice M. Steil, *Marital Equality* (Thousand Oaks, CA: Sage, 1997), pp. 32–42. For a discussion that mentions also the *costs* of non-hierarchical marital relations, see Schwartz, *Love between Equals*, pp. 13–16.

style of marriage, and thus have a motive to stress, when self-reporting, the strengths and advantages of their marriages. Such couples may also invest more in the marriage and may be, on average, of higher economic strata, and thus less exposed to economic pressures that strain marriages. Put differently, differences in average reported intimacy and well being between Marital Non-Hierarchy Standard couples and the population at large may be the result of factors *other* than the non-hierarchical marital style. It is possible that ideologically *hierarchical* couples (in some religious communities, for example) that are just as committed to their own style of marriage as Marital Non-Hierarchy Standard couples are, invest in their marriages as much as Marital Non-Hierarchy Standard couples do, are of the same average social economic strata, etc., would self-report similar degrees of intimacy and well being. Unfortunately, contemporary studies do not control for these and other factors that may affect results. Until a sufficiently large number of studies control for such factors, it is difficult to rely on them. Note also that even if contemporary studies were accepted they would not corroborate the Marital Non-Hierarchy Standard, as they do not show that all Marital Non-Hierarchy Standard couples have better marital relationships than non-Marital Non-Hierarchy Standard couples, but only that many of them do. The studies would show, then, that *some* couples profit from non-hierarchical relations, while *others* do not profit from such relations, or even profit from hierarchical relations. Thus, even if these empirical studies were to be accepted, they would conflict with the Marital Non-Hierarchy Standard, which prescribes that *all* couples must have non-hierarchical marital relations.

The love requirement, then, excludes *some* hierarchical relations, such as those that are objectifying and oppressive, but does not exclude other, non-objectifying and non-oppressive hierarchical relations. *The love requirement* also excludes some *non-hierarchical* relations, such as those that are objectifying and oppressive (i.e., those in which partners mutually and equally objectify and oppress each other), but does not exclude other, non-objectifying and non-oppressive non-hierarchical relations. This is so because love conflicts with objectification, oppression, etc., but not with hierarchies as such. *The love requirement*, then, renders some marital hierarchies morally legitimate, and thus conflicts with the Marital Non-Hierarchy Standard, which excludes *all* hierarchical relations.

3

It is commonly believed, however, that marital relations should be not only loving or friendly; they should also be just. This suggestion follows a central trend in feminist theory that criticizes the private/public dichotomy and suggests that, in many ways, the personal is political, a principle that Susan Moller Okin typified as 'the core idea of most contemporary feminism'.[10] This trend frequently tries to uncover, soberly or perhaps cynically, the power dynamics behind love, and it sometimes treats love as an ideological façade for patriarchal oppression. It analyzes the family sphere using methods and terms taken from the public sphere, as is evident from the names of frequently cited books such as *The Second Shift* or *The Politics of Housework*.[11] This notion treats the members of the marital couple as indeed *partners*, that is, as business associates rather than as lovers.

However, almost all theories of distributive justice would allow some hierarchical marital relations and would conflict with the Marital Non-Hierarchy Standard. This is because the Marital Non-Hierarchy Standard stipulates *strict equality* in power over jointly used assets and in power to determine joint activities, while most theories of distributive justice stipulate *proportional equality*. *Strict equality* (or *substantial equality*) prescribes the distribution of the same quantity and degree of a good per capita, so that people have exactly the same amount and degree of that good. *Proportional equality* prescribes the distribution of a relevant good to people according to what is taken to be their due. Some theories of distributive justice support strict equality of *opportunity*, or strict equality in some *baseline* of minimal conditions of decent living, but only very few prescribe strict equality in all degrees and aspects of actual power over jointly used assets or joint activities.

Take, for example, Rawls's theory of distributive justice. Rawls famously allows inequalities between people if they are 'to the greatest benefit of the least advantaged'.[12] Of course, other con-

[10] Susan Moller Okin, *Justice, Gender and the Family* (New York: Basic Books, 1989), p. 124.

[11] Arlie Hochschild (with Anne Machung), *The Second Shift* (New York: Avon, 1990). Ellen Malos, ed., *The Politics of Housework* (London: Allison and Busby, 1980).

[12] John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), § 46.

ditions also have to be satisfied. But we need not tarry over these specifications in the present context; it is sufficient to see that Rawls's theory allows some differences of power in accounting firms, universities, numismatic societies and NGOs. Likewise, Amartya Sen's capabilities approach emphasizes goods that enable people to function in various ways, such as literacy, good health, or the ability to appear in public without shame. These capabilities, or 'functionings', are necessary conditions for people to lead good lives. If people are equal only in some of these capabilities, they are not equal in fact. Thus, Sen's theory calls for equality of opportunity, understood in this theory in a fuller sense than in many others.[13] However, the theory does not stipulate that all people must enjoy the very *same* economic and social level, and does not suggest that people's associations may never be hierarchical. Similarly, Ronald Dworkin's theory of distributive justice insists that people should start out with equal resources, and is sensitive to differences in natural endowments; but Dworkin allows and even expects that people will attain unequal economic and other benefits along the way as a result of their choices. His theory, too, allows the president of the chess club to have more power than some other members, or the wealthy senior partner in the accounting firm to have more power than the poorer junior partner.[14]

The same is true of theories of distributive justice that stress desert or compensation, such as David Miller's or Wojciech Sadurski's, as well as of almost all other theories of distributive justice: they allow for non-Marital Non-Hierarchy Standard relations.[15] This is because almost all theories of distributive justice accept that one's condition should be at least partly dependent on what one does (frequently distinguishing between what one is and is not responsible for), whereas the Marital Non-Hierarchy Standard prescribes that one should enjoy equality with one's partner without taking account of one's input into the relationship. Most theories of distributive justice are individualistic, whereas the Marital Non-Hierarchy Standard is largely non-individualistic; it

[13] See, e.g., Amartya Sen, 'Equality of What?' in *Choice, Welfare and Measurement* (Cambridge: Harvard University Press, 1997), pp. 353–69.

[14] Ronald Dworkin, 'What is Equality? Part 2: Equality of Resources', *Philosophy and Public Affairs* X (1981), pp. 283–345.

[15] David Miller, *Market, State and Community* (Oxford: Clarendon, 1989), esp. ch. 6. Wojciech Sadurski, *Giving Desert Its Due* (Dordrecht: Reidel, 1985), esp. ch. 5.

suggests that in many respects couples should operate as highly egalitarian communes, in which almost everything is shared and differences in power over joint activities and jointly used assets disappear. (Indeed, the Marital Non-Hierarchy Standard can be seen as a call for a kind of marital 'Kibbutzism'.) And most theories of distributive justice distinguish between morally legitimate and morally illegitimate hierarchies, rejecting only the latter, whereas the Marital Non-Hierarchy Standard takes *all* hierarchies to be morally illegitimate.

It is difficult to find theories of distributive justice that delegitimize all hierarchies and, thus, would allow only Marital Non-Hierarchy Standard relationships. Babeuf's theory may be one, although it seems to accept that some people should have more organizational and other kinds of power than others, enabling them to maintain and ensure equality in assets and in work.[16] Marx is notoriously vague on the future, ideal society, and does not clearly specify whether some of its members are to have more organizational or other kinds of power than others (Lenin, however, is much clearer on this point, advocating a highly centralized management of society).[17] Anarchist communist theorists such as Kropotkin, Malatesta and Emma Goldman should probably be seen as proposing theories of distributive justice that would stipulate the Marital Non-Hierarchy Standard. They require that all individuals have the same amount of power over assets (although their *uses* of the assets need not be strictly equal), with no central governments to organize or supervise interactions.[18] Among contemporary thinkers, Richard Norman seems to support strict equality of power, as perhaps does Elizabeth Anderson.[19] Thus, those who want to justify the Marital Non-Hierarchy Standard by reference to a theory of distributive justice should adopt one of the theories just mentioned or

[16] François-Noël Babeuf and Sylvain Marechal, 'The Manifesto of Equality', in Louis P. Pojman and Robert Westomreland, eds., *Equality: Selected Readings* (New York: Oxford University Press, 1997), pp. 50–52.

[17] Karl Marx, *Critique of the Gotha Programme*, ed. C. P. Dutt (London: Lawrence and Wishart, 1938). Vladimir Ilych Lenin, 'The State and Revolution', in *V. I. Lenin: Selected Works* (Moscow: Progress Publishers, 1967), vol. 2, pp. 263–361, esp. ch. 5.

[18] Peter Kropotkin, *The Conquest of Bread* (New York: Blom, 1968), pp. 32–46, 177–78. Errico Malatesta, *Anarchy*, tr. Vernon Richards (London: Freedom Press, 1974). Emma Goldman, *What I Believe* (New York: Mother Earth, 1908).

[19] Richard Norman, *Free and Equal* (Oxford: Oxford University Press, 1987), pp. 107–110, 155–75. Elizabeth S. Anderson, 'What Is the Point of Equality?' *Ethics* CIX (1999), pp. 287–337.

another theory of distributive justice in a similar vein. Those who do not wish to adopt a theory that calls for strict equality cannot justify the Marital Non-Hierarchy Standard by reference to a theory of a distributive justice. It seems that some of those who support both the Marital Non-Hierarchy Standard and the application of theories of distributive justice to the marital sphere assume a theory of distributive justice that prescribes strict equality, and thus also the Marital Non-Hierarchy Standard. But most people seem to support theories of distributive justice that allow some hierarchies. Hence, in most cases, calls for the application of theories of distributive justice to marital relations would *undermine* the Marital Non-Hierarchy Standard rather than corroborate it; for those who hope to defend the Marital Non-Hierarchy Standard, resorting to the application of theories of distributive justice from the public sphere to marital relations may not be a useful move. The personal better *not* be political if it is to be egalitarian in the terms of the Marital Non-Hierarchy Standard.

Some might argue, however, that although theories of distributive justice are relevant to both the public and the marital spheres, they are relevant to each in a different way. The public and marital spheres are, to use Michael Walzer's notion, different 'spheres of justice'.[20] There are, it might be thought, some features particular to the marital sphere that incline theories of distributive justice, when adapted and applied to this sphere, to disallow marital hierarchies.

But what might these special features be? Although various qualities are characteristic of the marital sphere and not of the public sphere, it is difficult to find any that would disallow hierarchical marital relations. Walzer, who does point to interesting differences between the familial and other spheres of justice, does not cite any distinction that would render such hierarchies illegitimate. Of course, in marital relations we should take account of love. But as seen in section 2 above, love does not exclude all hierarchical relations. It might also be suggested that when dealing with marital relations we should take account of factors such as beauty, attractiveness, personal charm, popularity or confidence. However, it is not clear how taking such factors into account helps proscribe hierarchical marital relations. When

[20] Michael Walzer, *Spheres of Justice* (Oxford: Robertson, 1983).

these factors are held by both partners in equal amounts, or in unequal amounts that nonetheless balance each other (and other factors) out, we can expect non-hierarchical marital relations; but when they are unequal or do not balance each other out we can expect hierarchical relations. Other qualities characteristic of marital relations – such as the small number of people involved; the frequent interaction between them; the intensity of the interactions; the length of time the interactions persist; and the many fields in which the people interact – also do not explain why justice demands the prohibition of all hierarchies in the marital sphere.

It might be argued, however, that failure to realize the Marital Non-Hierarchy Standard undermines a principle that most theories of distributive justice endorse: equality of opportunity. Those who are less powerful, make less decisions and receive more instructions within marital relations are less likely to develop initiative and to climb organizational and professional ladders in the public sphere. However, almost all theories of distributive justice allow hierarchies in many other contexts, such as NGOs or professional partnerships. Those who are less powerful and who receive instructions in these settings, too, are less likely to develop initiative and to ascend organizational and professional ladders. If theories of distributive justice allow hierarchies to have such effects in general, it is unclear why they should ban hierarchies on account of similar effects in the marital sphere.

A related argument might emphasize education: It might be argued that children who see that one parent is more dominant are likely to develop a hierarchical, exploitive and oppressive worldview that endorses injustice.[21] However, hierarchical marital relations that are based on an acceptable theory of distributive justice, and presented as such to children, need not adversely affect their education. Such hierarchical relations would have the same effect on children's worldviews as non-marital hierarchies in the public world to which children are exposed, and to which most people have no objection, such as those between a president and the other members of a chess club, or between the school principal and the teachers.

[21] Such an argument might be influenced by Okin's discussion in *Justice, Gender and the Family*, pp. 17–23.

Like *the love requirement*, then, so *the justice requirement* excludes some hierarchical relations (those that are unjust, objectifying or oppressive) but allows others (those that are just, non-objectifying and non-oppressive). *The justice requirement* too, then, conflicts with the Marital Non-Hierarchy Standard, which excludes *all* hierarchical relations.

4

But if both *the justice requirement* and *the love requirement* render some marital hierarchies morally legitimate, how did the Marital Non-Hierarchy Standard become so widely and, sometimes, steadfastly endorsed? One source of the commitment to the Marital Non-Hierarchy Standard probably has to do with the aversion towards the patriarchal marital model, according to which the male partner in heterosexual relations should be more dominant irrespective of efforts, contributions or achievements. Wrongly supposing that the patriarchal model and the Marital Non-Hierarchy Standard are the only two alternatives, many have adopted the latter lest they fall to the former. They have not considered seriously enough a third option, that of just hierarchies based on contribution, achievement, effort, or other factors deemed relevant. Their resistance to sexism, then, should have led them to reject only sexist marital hierarchies rather than marital hierarchies at large.

I have sought in this paper to make only a general point: that there are good reasons to reject a certain tenet, the Marital Non-Hierarchy Standard, and to accept, instead of this totalistic, generalizing principle a more nuanced view that is sensitive to differences between hierarchies. Once this conclusion is accepted, further scholarly work on more specific questions is called for. The distinction between morally legitimate and illegitimate marital hierarchies calls for work that would specify *which* marital hierarchies fall under each category. Discussing unequal contribution to relationships invites discussion on the parameters and measurement of such contribution: should the contribution be measured by the importance of the work done, the market value of one's work, the number of hours invested, or other parameters? Nor did the discussion above deal with cases where *the love requirement* and *the justice requirement* lead to different conclusions concerning the moral legitimacy of hierar-

chies. There is a rich and intricate philosophical literature on morally legitimate and illegitimate hierarchies in the public sphere, but hardly any on legitimate and illegitimate hierarchies in the marital sphere. Hopefully, more work in this area will follow.[22]

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