

*Rawls and Ownership:
The Forgotten Category of
Reproductive Labor**

SIBYL SCHWARZENBACH
Baruch College, CUNY
New York, NY 10010
U.S.A.

A careful, theoretical clarification of gender roles has only recently begun in social and political philosophy. It is the aim of the following piece to reveal that an analysis of women's traditional position – her distinctive activities, labor and surrounding sense of 'mine' – can not only make valuable contributions towards clarifying traditional property disputes, but may even provide elements for a new conception of ownership. By way of illustration, the article focusses on the influential work of John Rawls and argues that – when Rawls's own analysis and principles of justice are supplemented by an account of what is here called 'reproductive labor' – his theory in fact tends to a form of democratic socialism. Stated somewhat differently, my aim is to shift the terms of the property debate as posed by Rawls from *within* his own position. I hope to show that

* I wish to express my thanks and appreciation to Professor John Rawls for his comments on, as well as criticisms of, an earlier draft of this paper. I am also indebted to Professor John Stopford, as well to audiences at SUNY Stonybrook, Wellesley, Wesleyan, CUNY Graduate Center and the NYU Law and Philosophy Colloquium, for important criticisms of earlier presented versions.

the real ownership question which now emerges is no longer *whether* 'justice as fairness' countenances a private property or socialist form of democracy, but what precise *form* such a socialism should take.

I

Rawls's *A Theory of Justice* has been criticized for what many perceive as the encouragement of primarily individualistic values to the exclusion of communitarian ones.¹ In his 1975 reply 'Fairness to Goodness' Rawls counters the charge of an inherent bias toward individualism in his description of the original position, as well as in his account of the primary goods. But nowhere does Rawls deal directly with what remains perhaps the major tension between his theory and any avowedly socialist one. That is, unlike the socialist, Rawls is not committed to the view that the end of private ownership in the major means of production is a necessary condition for the realization of his two principles of justice even in the long run (TJ, 274ff). It is this lack of commitment on Rawls's part, however, which appears to underlie much of the criticism that his theory is anti-communitarian. Socialists, after all, have long argued that private ownership of natural resources and the major means of production creates a rift running throughout society. If the chasm between the haves and the have-nots is allowed to continue, insurmountable difficulties emerge for solving what may be called the 'problem of community.' In Aristotle's words, this problem addresses what it is that holds a good and just society together.

It is not the case, of course, that Rawls feels all socialist arrangements are incompatible with his own theory. In *A Theory of Justice* he distinguishes, for instance, between the allocative and distributive

1 See, for instance, T. Nagel's review in the *Philosophical Review* 82 (1973): A. Schwartz's 'Moral Neutrality and Primary Goods' *Ethics* (1973); and most recently M. Sandel's *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press 1982). All future references to Rawls's *A Theory of Justice* (Cambridge, MA: Harvard University Press 1971) will be indicated by (TJ,) followed by the page number unless otherwise indicated.

function of market prices.² The former function is connected with the use of competitive markets and prices to achieve economic efficiency, while the latter relates to their employment for the purposes of determining wealth, income or power received by individuals. It is perfectly consistent, Rawls argues, for a democratic socialist regime (where the major means of production and natural resources are publicly owned) to make use of the allocative function of prices, as indicators for an efficient schedule of economic activities, while restricting their distributive role. Democratically reached decisions, for instance, could establish an interest rate to allocate resources among investment projects, and could compute rental charges to various associations for the use of capital and scarce natural assets such as land and forests.

In such an event, there need be no private persons to whom, as owners of these assets, the monetary equivalents of these evaluations accrue (and hence capitalist profit making would not here function as a motivational force in production). Rather, the net rental income imputed to natural and collective assets accrues to the larger enterprise, community or state; that which pertains to particular individuals is determined by decision on other grounds (by the demand price of labor consistent with social expectations, for instance). Prices here have a restricted distributive function and the extent of the market is clearly limited. This distinction between allocative and distributive price functions allows us to conceive restricted 'competition' as a good *between* associations without viewing it as necessarily detrimental to what J.S. Mill called the 'noble idea of co-operation' between individual workers and citizens themselves. The concern of many that the positive effects of competition will inevitably be lost in a communist society might thus be overcome by a form of 'market socialism' of which, as Rawls notes, there are a wide range of intermediate forms.

2 (TJ, 273). For a fuller elaboration of this distinction see J.E. Meade's *Efficiency, Equality and the Ownership of Property* (London 1964). See also DiQuattro's 'The Market and Liberal Values,' *Political Theory* 8 (1980) for a similar distinction between what the author calls the 'aggregative' and 'distributive' function of prices upon which the theory of market socialism rests.

But although Rawls notes the compatibility of democratic, market socialist arrangements with his own theory, he does not (as already noted) believe that some form of economic democracy is a necessary condition for the realization of his two principles of justice. The reasons for this important thinker's stance are, I believe, illuminating, but to uncover them will entail a closer look at the conception of ownership underlying his difference principle. Officially speaking, the historic question of private property versus socialist democracy cannot be determined 'in advance' for Rawls. The issue in the last analysis 'depends on the traditions, institutions, and social forces of each country, and its particular historical circumstances' (TJ, 274). I shall argue, however, that Rawls cannot decide because, in addition, an uncertainty remains in regard to his (political) conception of the person which he argues is an essential aspect of his theory of primary goods.³

II

In order to understand – and eventually evaluate – the reasons behind Rawls's concern with socialism (at the same time as he falls short of any commitment to it), we must briefly focus one more time on his famous difference principle. This principle claims, we recall, that once the principles of equal liberty and fair equality of oppor-

³ I shall not here repeat, but largely presuppose, Rawls's arguments showing the dependency of his particular list of primary goods on his conception of the person (with its two moral powers). See, in particular, his 'Kantian Constructivism in Moral Theory,' *The Journal of Philosophy* 77 (1980), 524ff and 'Social Unity and Primary Goods,' in Sen and Williams, eds., *Utilitarianism and Beyond* (London 1982), 165ff. I am also granting with Rawls (and in the face of, say, Sandel's recent criticism) that Rawls's conception of the person is indeed a 'political' one (drawn from our public, post-reformational, political culture) and makes no specific metaphysical claims in regard to the nature of persons (or of personal identity) beyond this. See Rawls's 'Justice as Fairness; Political Not Metaphysical,' *Journal of Philosophy* 14 (1985). Future references to these texts will be indicated by (KC,) , (SU,) and (PNM,) respectively, followed by page number.

tunity are satisfied, any social and economic inequalities must be so arranged as to be 'to the greatest benefit of the least advantaged members of society' (TJ, 75ff). The index of benefit is made in terms of a list of primary social goods: those all-purpose, institutional means (or features of social institutions) necessary for rationally pursuing a conception of the good (SU, 163). And the list includes, apart from 1) basic liberties and 2) free choice of occupation, 3) powers and prerogatives of office, 4) wealth and income, and finally and most importantly, 5) the social basis of self-respect. What is of special interest in this list for our purposes is the grouping together of the good of income and wealth, on the one hand, and that of the social basis of self-respect on the other. For Rawls there is no simple, one-to-one relation between these two goods and the possibility of their coming into conflict at times is nearly certain (SU, 162). In what follows I shall argue that essentially two different (and incompatible) interpretations of the difference principle exist depending upon whether one stresses the first or the second of these goods. My contention is that beneath the surface of the difference principle two alternative conceptions of the self and ownership operate.

I here distinguish between a private 'acquisitive' conception of the self and what I shall call a moral 'purposeful' one. (In so doing I am not claiming that on any comprehensive view of the self both aspects will not be entailed; the issue, as we shall see, regards their relative weighting.) The first, or acquisitive self, is essentially based on a naturalistic model of material, even biological, gain (and is found to a great extent in, say, Locke's theory). Not only is the urge for material appropriation here viewed as fundamental in motivating productive acts of the individual, but the self's very growth and fulfillment is perceived on the model of private acquisition. In the extreme case, even the 'higher pursuits' such as freedom, the life of the mind, science, art, etc. are viewed as exclusive possessions of the individual. Social institutions and relations, in turn, become but means to his own private (competing or at least independently given) ends.

Central to what I am calling the moral 'purposeful' self, on the other hand (more fully elaborated in the German Idealist tradition), is the notion of an embodiment of a self-conception or plan of life in a recognizably public realm. The individual's nature is here viewed

as a function of the aspirations and goals it adopts and seeks to actualize; its freedom and satisfaction lie in bringing its distinctively human capacities to fruition and its goals into harmony with those of others. Such a conception of the self stresses not private consumption, but shared final ends and our responsibilities – our abilities to respond – to others. Unlike on the acquisitive model, this self is dependent not merely on co-ordinated, minimally cooperative activity of others, but on the good of reciprocity and the necessity of positive social ties (what Rawls calls ‘social union’) both in the bolstering of its self-respect, as well as in the development and exercise of its highest capacities.

Accompanying these two conceptions of the self, one may distinguish two respective forms of ownership. In the first, the exclusive and acquisitive moment dominates; all property is fundamentally viewed as my private property. On the second, or purposeful model, what I shall call the *ascriptive* or responsible aspect of ownership is stressed. Property here comes closer to being viewed as a form of guardianship (and it is often shared and non-private). My claim is that Rawls’s difference principle is not only a curious blend of these two aspects, but that this fact even accounts for the often contradictory evaluations of his work.

Many advocates of socialism, for instance, consider Rawls’s principle to be unduly concerned with private material benefit (and hence with an acquisitive conception of the self) to the exclusion of such values as community, self-realization, meaningful work, etc.⁴ On a view such as Esheté’s, the difference principle remains ‘ideological’ – it assuages the consciences of the capitalist rich insofar as it claims that their greater share of the wealth (including hierarchical control and private ownership of the means of production) is justified to the extent that the poor are ‘better off’ in primarily monetary terms (although in fact they may be ‘worse off’ given any other measure). Such a reading of the difference principle which stresses the

⁴ See, for instance, A. Esheté’s ‘Contractarianism and the Scope of Justice,’ *Ethics* 85 (1978). Also, to some extent, Sandel (1982).

acquisitive self (and its minimal duties) I shall call the ‘weak interpretation.’

On the other hand, the difference principle is perceived by many as drawing attention to the responsible aspects of ownership to a degree rarely seen in the liberal tradition. For Rawls unequal ownership is, after all, *conditional* on benefiting the group as a whole, and not only in so far as my having more helps ‘preserve’ others in material existence (as in Locke, say), but to the extent that my greater share actually raises the social basis of their self-respect in the long term (SU, 164ff). This ‘strong’ reading of the difference principle tends to push Rawls towards the socialist camp; it emphasizes our duties towards others as well as the role of social union (shared final ends and activities performed for their own sake) in the general development of human capacities. Of course, this emphasis on responsibility – what I have called the ascriptive aspect of ownership – many find oppressive in Rawls’s thought; it is perceived as a threat to our legitimate individual freedom.⁵

Hence the Rawlsian dilemma: the left proclaim him a capitalist ideologue, while the right even suspect him of communism. My claim is that both interpretations find validation in the texts. The acquisitive self is incorporated into the difference principle to the extent that the proper distribution of shares is viewed importantly as an *incentive* system (TJ, 126). We find, for instance, to the shock and dismay of many (see Sandel [1982], 135ff), that in a just distribution individuals are rewarded by income and the good things in life not according to their ‘moral worth’ (which is, for Rawls, an impractical notion and would be rejected in the original position), but in order to direct abilities to where they are needed most: to encourage learning, cover costs of training, etc. (TJ, 315). From the standpoint of distributive justice the individual receives only his ‘due’ or entitlement; his legitimate expectations – those thrown up and encouraged by the existing social arrangements – must be satisfied. Thus, on the one hand, Rawls views the just distribution of shares

⁵ I here have Nozick’s libertarian critique of Rawls in mind. See Nozick’s *Anarchy, State and Utopia* (New York 1974), Ch.4.

as a scheme of private incentives, taxes and burdens guiding men's actions hither and thither to the mutual advantage of all. And notably, among the constituents of exchangeable 'wealth' Rawls includes scarce natural resources, means of production, as well as the rights to control them.⁶

On the other hand, Rawls is well aware that an individual's 'due' or entitlement is not something given once and for all, but a derivative product of the prior form of social and economic co-operation (a point both Esheté and Sandel seem to have overlooked). To this extent his theory has incorporated the socialist insight that the rightful 'fruit' of labor will be determined and circumscribed by the background conditions (= social rules) of the type of labor to begin with. Rawls recognizes the influence of the basic structure (a common achievement) on human wants and aspirations and the economic system on the 'kind of persons' men will be (TJ, 259). Hence, to the degree these background conditions become the subject of deliberate activity or construction (which they must become if the principles of justice are to be realized), the difference principle presupposes an essentially purposeful conception of the self. This conception, we recall, entails the embodiment of a plan of life and of the individual's distinctive human capacities (including a desire for right and justice) in a public realm, a pre-requisite for which is their affirmative recognition by others. Rather than emphasizing private acquisition (and the primary good of income and wealth), this conception stresses *action ascribed to us* in a social context. Property is no longer viewed primarily as an incentive to labor, but as an instrument or background condition (often non-private) for the exercise of highest-order interests. In fact, one way of characterizing the turn from the 'early' to the 'late' work of Rawls is by noting an increasing concern with what I am calling the purposeful self, together with a change in Rawls's account of the primary goods. The primary social goods are no longer viewed as those things persons can be empirically said 'to want whatever else they want', but are now de-

6 See his 'Fairness to Goodness,' *Philosophical Review* 84 (1975), 540.

defined as the 'necessary conditions for realizing the powers of moral personality' (SU, 164, for instance).⁷

Any reading of the difference principle which focusses on the purposeful self will stress the primary good of public office giving 'scope to various self-governing and social capacities of the self' (SU, 166), as well as the 'social basis of self-respect' which, besides being the most important of the primary goods, presupposes the individual participate in successful social union (TJ, 440ff). We recall that for Rawls the paradigm of social union is a group of musicians; social union entails a) shared final ends and b) activity performed for its own sake. On the model of the purposeful self the development of a talent or the articulation of an opinion is not a zero-sum game; one person's gain need not be another's loss. To the contrary, the development of the capacities of another becomes a *prerequisite* for the development of my own. Individuals here reciprocally seek to protect the conditions for one another's development. Such an idea (one might say) of 'joint guardianship' leads to the 'strong' reading of the difference principle: only those inequalities benefiting the least advantaged are justified, interpreting 'benefit' now, not solely in terms of income and wealth, but in terms of those conditions which further social union, self-governing powers, and the cultivation of distinctively human capacities in all.

The crucial point is that depending on the extent to which one invokes the acquisitive or purposeful model, both the nature and the degree of social inequality the difference principle allows will vary. The acquisitive model, for instance, supports a far greater *qualitative* (practical or functional) inequality because only the most rudimentary needs of the least advantaged need be provided for;

7 What I am here calling the 'turn' to the later Rawls begins (roughly) with his 'Kantian Constructivism in Moral Theory' (1980) and is visible most recently in 'Justice as Fairness: Political not Metaphysical' (1985). In these later works, Rawls explicitly acknowledges a change in his theory of primary goods; originally a predominantly psychological or sociological thesis about what in fact motivates people (about actual empirical incentives), his 'revised' account stresses and clearly depends upon a particular moral conception of persons (see KC, 527, for instance, or PNM, 224).

the difference principle is satisfied when the worst off gain the greatest feasible measure of income and wealth. On the purposeful model, however, the imperative to such equality is far more urgent. Since 'benefit' is interpreted primarily in terms of public office and the social basis of self-respect, the worst off must participate in the major social institutions for the development of their capacities. The strong interpretation demands at the very least, for instance, that a growing portion of tax revenues be devoted to job training and self-management of the disadvantaged in contrast to simple welfare payments.

Similarly, on the acquisitive model income differentials serve as the major incentives for individuals to achieve certain skills and accept responsibilities (TJ, 151). The model can thus justify significant degrees of *quantitative* income inequality in the name of motivating economic progress. On the purposeful model, however, the added incentive of higher income diminishes in importance relative to the satisfaction of the Aristotelian Principle as a principle of motivation.⁸ Economic progress could proceed with a far lower degree of income inequality. The strong reading of the difference principle is, in short, a far more demanding moral theory.

We have thus seen that beneath the surface of the difference principle two different notions of self and ownership operate. Nor are these two conceptions compatible; they offer widely different interpretations of permissible inequalities. This is not to conclude, however, that Rawls's principle is simply confused or necessarily ambiguous. Rather, in the tension between the two conceptions one perceives the movement or direction of his thought itself. That is, of the two conceptions the latter or purposeful self is clearly superior or from Rawls's own perspective. This is obvious not only from his

8 What Rawls calls the Aristotelian Principle claims that, other things being equal, human beings enjoy the exercise of their distinctive capacities, and this enjoyment increases the more the capacity is realized, or the greater its complexity (TJ, 426). Stated somewhat differently, the claim is that human beings can be motivated by the exercise of their innate or trained abilities purely 'for their own sake.'

critique of the utilitarian 'consumer person,' while emphasizing his own view as 'Kantian,' but also from his repeated proclamations that, as conditions of civilization improve, the marginal significance of further economic advantages diminish relative to our interests in autonomy and purposeful action. Men at one point 'come to aspire to some control over the laws and rules that regulate their association' (TJ, 543). The thrust of Rawls's difference principle is to encourage the political transformation of a society of private appropriating individuals into moral purposeful ones, not through fear and punishment, but through a carefully constructed system of positive incentives.

If this is the case, however, we return to our original question of why, if not the immediate, then at least the long-term tendency of the difference principle is not towards extending social union into the economic sphere, that is, towards extending shared final ends and participatory control over the laws regulating the workplace and economy. Again, why is Rawls not committed to some version of economic democracy as a condition for the long-term realization of his difference principle?

From what has been said so far, there appears to be only one answer. Part Three of *A Theory of Justice* is an attempt by Rawls to demonstrate that the principles chosen in the original position are compatible with our human nature (TJ, 580). Nothing can be demanded as a matter of justice if it is in general beyond our capacities as human beings. That social union and self-government in the economic sphere are not a *requirement* of justice, must mean that Rawls remains uncertain as to whether they could be achieved without in turn too great a sacrifice – for instance, of efficiency in production.⁹ That is, although the moral, purposeful self is clearly viewed as superior, Rawls remains sceptical that a majority of members in a modern industrial society – particularly in questions of labor motivation – could ever accurately be so described. In the *realm of labor*, at least, the acquisitive self appears to remain primary in

9 Rawls at one point voices a further (although secondary) concern: that socialist ownership may lead to a form of 'command society' (TJ, 272). See note #24 below.

Rawls's theory. We recall that Rawls claims the ownership question depends in the final analysis on the 'traditions, institutions, and social forces of each country.' And he has, at least as regards our own society, good reason to be sceptical; the nineteenth-century predictions of a Marx or Mill in regard to a free and uncoerced social union in the economic sphere have hardly come to pass, whether in capitalist or state socialist societies.

In the second half of this paper I shall argue, however, that Rawls's scepticism remains reasonable only to the degree that there exists at present (at least) one major 'tradition, institution and social force' that his theory has not taken into sufficient account. This 'social force' is the large-scale movement over the last one hundred years of women into the labor market. My claim is that an analysis of woman's traditional and distinctive labor as, among other things, *care-taker* presents us with yet a third conception of labor and ownership. And, when the implications of this third model are taken into account, the strong reading of Rawls's difference principle, which requires social union in the economic sphere, emerges as fully compatible with our nature. Hence, it can now be demanded as a matter of justice.

III

My aim in the second half of this essay is to show that because Rawls's theory remains tied to a particular view of acquisitive labor, it cannot comfortably dispense with the private conception of ownership in the economic sphere. By the 'private conception' I refer to a paradigm dominant since Locke who argued that man has a right to that with which he originally 'mixed his labor.' The metaphor grounds what one Oxford juridical philosopher has called the 'making and taking' model of ownership.¹⁰ On this model property –

¹⁰ See A.M. Honoré's 'Ownership' in A. G. Guest, ed., *Oxford Essays in Jurisprudence* Vol. 1 (Oxford 1961) 107-47. Honoré insists this model is still the most 'morally satisfactory' as a model of original acquisition when taken together with 'consent and debt' as derivative forms. Moreover, he claims that the right

what Honoré calls the 'full, liberal' conception of ownership – includes beyond the various rights of use, management and enjoyment, the right to exclude others, as well as the right to capital, the power to alienate, consume, and even destroy the thing. The claim here is that this conception of private ownership is linked to a very specific model of labor – what I shall now call a 'craft' or 'work' model (and of commodity production at that).

By the term 'craft labor' I refer to the case whereby an individual subject confronts and labors upon a physical object. The model encompasses artisan work (Aristotle's example of sculpting a statue), individual farm labor (Locke's mixing one's labor with the soil), as well as even industrial labor (in a factory, say). These labor types all share the form of being an appropriation – a 'making one's own' – of the material, physical world. Moreover, in the modern period where commodity production is perceived as the norm, such individual labor (in contrast to that of the ancient slave or serf) ushers in a legitimate private right to the object produced (or at least to a presumed equivalent of labor expended). In Locke, for instance, this right is justified by the natural law proclamation that the individual's private need be satisfied. The individual is justified in accumulating more than he needs if a) his greater share somehow improves the lot of others, or b) in a variation such as Nozick's theory, if the greater accumulation is the result of a series of legitimate contracts. Critical to the 'making and taking' model is the assumption that the primary *motive* of labor is exclusive ownership, and it tends to presuppose what we have called an acquisitive conception of the self. In turn, private property rights are viewed as a major *incentive* to labor, an assumption which, we have seen, remains crucial still to Rawls's theory.

of exclusive, physical control of a thing is 'the foundation on which the whole superstructure of ownership rests' and notes that 'to exclude others from what one holds is an instinct found in babies and even ... in animals.' To point to such an 'instinct,' however, proves little. As we shall see below, one can with equal certainty point to an instinct in humans to 'include others' in what they hold.

My claim here is that this dominant paradigm of labor as an appropriation of the physical world has blinded us to a form of labor which is at least as fundamental. Socialists have long argued that the Lockean model essentially abstracts from the 'interactive' or 'social' nature of the labor process; all labor, even that performed in isolation, presupposes a prior cultural formation – an exchange of language, abilities and patterns of interaction – as backdrop against which the individual develops his aims and realizes his intentions in the first place.¹¹ The point I wish to make here, however, goes one step further; there exists an important form of labor (a production of use values) which is not only indirectly, but *directly* social or 'interactive.' This form I shall call 'reproductive labor.' In explicating the category, I will focus in particular on the realm in which women over the centuries have been 'mixing' their labor and effort: the realm of child-care. This is not to say, of course, that men have not always, to varying degrees, performed reproductive labor, nor that women have not also been farmers, artisans, etc. It is only to note the significant fact that, in the known societies both past and present, and but for the rarest exceptions, men *as a group* have not been the primary care-takers of young children.¹² This form of activity has traditionally been women's lot and, we may assume, it

11 Hegel was among the first, I believe, to make this point and it was then taken up by Marx and others. In both his *Phenomenology of Mind* and the *Philosophy of Right* Hegel argues that the relation of any subject to a given object already presupposes, or is mediated by, a particular pattern of relations between subjects themselves.

12 This fact appears to be a significant discovery of twentieth century anthropology. See, for instance, the collection by R. Reiter, ed., *Toward an Anthropology of Women* (London and New York 1975). Of course there are numerous exceptions, but these appear only to prove the rule. For instance, on one island off the coast of South Korea the women (for various reasons such as body-fat, etc.) are superior pearl divers to the men – pearls being the major source of the island's livelihood. Here the men as a group take care of the children, cook, clean house, etc. But we must note, it is the women who, in this case, essentially 'run' the island; they control all property, major political decisions, and so on.

has had a major influence on the formation of her distinctive personality.

My immediate aim is to develop this alternative conception of labor as child-care (which usually includes care of the husband and often the aged) in order to note its implications for the issue of ownership. I wish from the start, however, to avoid several possible misunderstandings. In elaborating the alternative model (and metaphor) I am well aware that I am performing a selective 'abstraction.'¹³ Moreover, the proposed model is 'a-historical' to the degree that it pertains in particular to the division of sexual labor emergent in modern, western society. (As just noted, however, it appears no culture is altogether free from some variation or transformation of this division.) The introduction of the alternative model is to be considered here a mode of representing to ourselves structural features of the social world I believe have theoretically long been neglected. I am by no means proposing the paradigm of child-care as the norm for all human relationships! Rather, in the language of N. Goodman, presenting a new model or metaphor is a means of 'rearranging objects in the home realm'; it is a way of 'casting our nets' in order to capture what may be significant likenesses and differ-

13 According to a famous claim of Max Black's every metaphor is 'the tip of a submerged model.' The term 'model,' of course, is here being meant in its more ordinary sense, whereby it essentially denotes an *abstractive representation* of some object or state of affairs. (The term is thus not used in the sense intended by logicians whereby a model is the interpretation or embodiment of a formal calculus in which the relation of isomorphism holds between the structure of the formal system and that of its interpretation.) In its more ordinary sense *anything* can be taken as a model of anything else *IFF* we can sort out the relevant respects in which one entity is like another (e.g. a grouping of ping-pong balls can model the universe). For something to be a model in this more ordinary sense it appears to suffice a) that the model as representation must be some form of abstraction; it must be less rich in the range of relevant properties than its object or reference, and b) it cannot thus be a model of itself or of something identical to it. One way of classifying models might be according to their degree of *existential commitment* – those operating at the limits of our rational belief (such as many metaphors) commanding at the same time the greatest degree of belief. See M. Wartofsky's 'The Model Muddle' in *Models* (Boston, MA: D. Reidel 1979).

ences in the world.¹⁴ In the present instance, I aim to capture something important about human motivation in general.

To begin with, whereas the model of craft (farm or technological) labor involves a working subject confronting a given material object, the model of what I am calling (loosely 'female') reproductive labor is one in which a subject essentially confronts another subject: the child. In Aristotelian language, the 'material' as well as 'formal' cause is, in the one case, raw matter to be imposed by a form, in the other matter already informed by a human soul. Regardless of how young the child, the woman as caretaker is in the presence of another human being with elaborate needs, desires and developing rational capacities to which she is expected to respond. Her labor is essentially other-directed or 'interactive'; it pertains from the start to direct *need*-interpretation.

This fundamental difference between the two models indicates in turn a distinction in the 'final cause' of the respective activities. Whereas the immediate aim or purpose of the art, say, of shoemaking (as Socrates argued) is to produce good shoes (whether or not this is done for money), it is clear that the aim of child-care is to encourage the healthy development of the child. The ultimate 'for the sake of which' the activity is performed is to produce a mature, functioning adult. Thus, where craft labor may be said to aim indirectly at the satisfaction of human needs ('good' shoes after all are those which produce 'happy feet'), female labor aims *directly* at it. Its end is not in the first instance a transformation of the external, physical world but rather (in the words of Habermas) its end is interactive or 'communicative'; it 'aims at the transformation of social relations' undistorted by dependency or force.¹⁵

Another possible misunderstanding must be avoided. In pointing to the 'other-directed' nature of traditional female labor, the claim is not that women are inherently any less greedy, self-seeking, etc. than men. My point is structural, not psychological. Unless the mother (biological or otherwise) in fact looks after the child and responds to its needs (whatever her individual psychological motives), the latter will not flourish. Moreover, it is clear that the mother receives some personal 'reward' for her efforts; her work is not pure self-sacrifice. But, in noting the moment of self-interest involved in child-rearing, we must be careful not to assimilate reproductive labor to the modern category of 'human services' from which it differs in one important respect. The labor of the doctor, lawyer, etc. (to the degree their services are sold on the market) is generally felt to require some tangible reimbursement for efforts expended (usually a wage). In the case of child-rearing, on the other hand, the reward is often perceived as 'internal' to the activity. This may be explained by considering the reward in this instance as essentially the *establishment of a relationship*. As Aristotle wrote, *Philia* (a broad term covering the friendship between parents and children, siblings, lovers as well as fellow citizens) is — in its genuine form — an end-in-itself.

I now wish to stress that by 'reproductive labor' I in fact have this broader relationship in mind. The category is *not* to be confined to child-care strictly speaking (nor to traditional women's activity) but encompasses all those forms of laboring activity which bind people in friendship — which go towards establishing *Philia* in its genuine form. Reproductive labor may thus be present in numerous other types of activities to varying degrees (for instance, in teaching, ministering, artistic performances, etc.). The mother-child relationship (distinguished by the thickness of its reproductive activity) emerges as but one extreme instance; it plays the role of limit-case.

however, that the form of labor we are elaborating here tends to undercut the very dichotomy Habermas has established; reproductive labor does so because it is a) labor (the production of use values), and b) communicative, both at once.

14 See N. Goodman, *Languages of Art* (Indianapolis: Hackett Publishing 1976), 68ff, and *Ways of World-making* (Indianapolis: Hackett Publishing 1978), 129.

15 See Habermas's 'Labor and Interaction' in *Theory and Praxis* (Boston: Beacon Press 1973), as well as his *Knowledge and Human Interests* (Boston: Beacon Press 1971), ch.3. Habermas distinguishes between a) technical labor or instrumental action, and b) praxis, interactive or communicative action — a distinction which remains fundamental throughout his later works. We must note,

In noting the different nature of the 'reward' of such labor we now turn to the central issue at hand: the alternative model's implications for the question of ownership. For centuries women have been 'mixing their labor' and efforts not for the purpose of exclusive appropriation (to dispose of the 'product' as they please), but with the ultimate aim even of 'giving' the child away as it reaches maturity (the reason one author calls such activity 'gift labor').¹⁶ This is not to conclude, however, that women have never 'owned' anything (despite many legal appearances to the contrary). She can still say 'mine' and the children (as well as household, husband, etc.) have always been considered 'hers' in some sense. Rather, it is apparent that we are operating with an alternative paradigm of 'making something one's own,' features of which I shall next highlight. Although I call this alternative model 'female ownership' – to stress that such is the form traditionally surrounding most women – I do not mean to suggest that men have not participated in it to varying degrees.

1) *Non-exclusive ownership.* What a woman traditionally has called 'hers' – the children, husband, general household, etc. – are possessions essentially already *shared*. Ownership for her, whether legal or customary, has never in our tradition been equated with an absolute and exclusive control over such items, although periodically (such as at one point in Roman Law) she has herself been subject to such absolute control. The right of private property in land and goods was not granted her until the end of the nineteenth century (and even today women own exclusively only 1% of the world's property). My first claim is thus that women's situation points to important aspects of shared, communal property *maintained* in the modern period; what has been 'hers' is the result of (and constituted by) numerous intentions and collective agreements, rarely by her individual will alone.

2) *Non-economic ownership.* To the degree that women have not been the major but only supplementary bread-winners, their traditional realm (children, household, utensils, clothing, etc.) remains

16 L. Hyde, *The Gift* (New York: Vintage Books 1983), ch.6

an interpenetration of the economic (the useful) with interpersonal and qualitative considerations (such as religious, moral or aesthetic ones). Female ownership thus contrasts with the modern tradition's progressive reduction of the term 'property' (that which is 'properly one's own') to purely economic, and ultimately physical, quantitative terms. I stress the *narrowness* of this modern notion of 'property.' It is not only not 'prior' in any historical sense, but, I want to argue, it also emerges as conceptually far less fundamental. That is, it presupposes both historically and conceptually a broader conception of 'owning.'

3) *Guardianship.* Unlike the paradigm of property qua commodity, which may be acquired and disposed of at will, the children and home of the woman are clearly hers in an ascriptive not an acquisitive sense; that is, they are first and foremost her *responsibility*. Female ownership is a form accountable for the environment prior to any claim or need *exclusively* to appropriate that environment. The form emerges as fully consistent with the traditional, legal sense of the term 'possession' whereby objects are considered highly 'restricted objects' of the will. I want to suggest, moreover, that the criterion of rightful possession in this case be considered the criterion of 'care.' By 'care' is meant that specifically intelligent activity which appropriately responds to the concrete legitimate needs of others with the end of encouraging their autonomous capacities. 'Care' must here be understood in the sense of the German 'Pflege' (and not, for instance, as it is often translated by 'Sorge'). The German 'Pflege' is stressed because it, unlike its English equivalent, maintains a close etymological connection with the concept of 'Pflicht,' that is, with the concept of 'duty' itself.¹⁷

With its emphasis on responsibility as well as 'Pflege,' female ownership invites comparison with older, in particular medieval, forms of ownership. Scholars have long noted the absence of alienability and rights of disposal in medieval property forms, as well

17 According to the Duden *Deutsches Universal Woerterbuch* (1983), the term 'Pflicht' originally means no more nor less in both Old and Middle High German than 'zu pflegen.'

as emphasized the period's reigning conception of ownership as a *stewardship* of another's (God's or the community's) property.¹⁸ The advantages of introducing the category of 'reproductive labor,' and the form of ownership accompanying it, begin to emerge. The category allows us not only to re-capture aspects of presumably long lost worlds (aspects such as 'Pflege,' guardianship, communal ownership), but it affords a fully modern and realistic interpretation of them, without committing us in the least to a medieval or religious metaphysics.

4) *Gift*. Finally, if the dominant form of property tied to the technical craft model (in the modern period) is the commodity, the form tied to reproductive labor more closely resembles the 'gift,' inviting further comparison with ownership patterns in what have come to be called 'gift cultures.'¹⁹ A gift is something essentially 'bestowed' upon us by another; it cannot be obtained by one's own efforts or an act of will. Far more than the commodity, it remains tied to a specific set of concrete social relations; if the object qua gift is removed from these concrete relations it tends to change its 'value.' In many a fairy-tale, for instance, if the wicked child sells (or is stingy with) the loaf of bread given it to forge its way in the world, the 'spirit of the gift' flees (the bread turns to stone, etc.). This may be accounted for by viewing the 'spirit' of the genuine gift (and the reward of giving) as, again, the establishment of a relationship. The exchange of gifts thus stands in stark contrast to that of commodities where the two parties have further motives and are left relatively indifferent by the exchange.

My claim is that traditional woman is, to an astonishing degree, surrounded by such 'gift-property.' Her own child is, in most cultures, considered a 'gift' (and we speak of the 'gift of life'). But more importantly gift-exchange and the gift-labor of women in our own society — such as the female passage of food, clothing, presents,

18 See, for instance, A. Gurevich's 'Representations of Property during the High Middle Ages' in *Economy and Society* 6 (1977).

19 M. Mauss, *The Gift: Forms and Functions of Exchange in Archaic Societies* (New York: Newton Library 1967)

etc. within the extended family — leaves a series of interconnected relationships in its wake. This fact casts light on the problem of 'solidarity' in society. It has led one thinker to speak of women's morality as essentially 'ligational' — an activity of 'binding.'²⁰ Moreover, such exchange reverses the mythology of the market place where private acquisition is the mark of a substantial person. In gift exchange, or in gift labor, to 'possess' is essentially to 'give.'

The alternative model of 'making something one's own' presented here is one which by definition cannot be exclusive and private. Such 'owning' may be considered an appropriation, not of the natural physical world, but of the 'human social' one. It implies that in an important sense we in fact do make other people 'our own,' although this form must now carefully be distinguished from traditional ownership as a control or 'domination' of them. On the contrary, this form essentially entails a responsiveness to concrete need, as well as the encouragement of another's autonomous capacities. It thus emphasizes that long neglected aspect of 'ownership' as inclusion (participation, 'zu Hause sein') in the specifically human community. Moreover, the model clearly pre-supposes an altered conception of personality, one which now emphasizes the 'fact of continuity' with others over that of 'separateness.'²¹

Before turning to the final portion of my paper, an obvious objection arises to taking this alternative model seriously. Why not merely claim that the form of ownership belonging to women over the last few hundred years, and which retains aspects of pre-capitalist forms,

20 Hilda Hein, 'Woman and Morality,' *Ms* (1979)

21 One might argue that, given woman's reproductive functions (pregnancy, parturition, lactation, etc.), the suppression of the boundaries separating the body and world has been far more easily performed in her case. This is not to claim, however, that women's biology determines her 'personality,' just that it may historically have facilitated it. See Chodorow's arguments against the cruder interpretation in her *The Reproduction of Mothering* (Berkeley: University of California Press 1978). On the contrary, the relative 'ease of sliding from self to other' characteristic of so many women, appears to mark male personality in many other cultures or historical periods. See, for instance, Gurevich's (1977) discussion of the medieval personality.

only indicates the 'primitiveness' of this form? Such ownership, after all, has essentially been bound to the historical lack of independence and separateness of choice characterizing women's position. My response is that, although historically this has undoubtedly been the case, there exists no necessary connection between such dependence and the form of ownership here under investigation. On the contrary, *any* society must consist of and maintain certain concrete, bonding relations – that is, if it is going to hold itself together.

I might just add that it is not merely the liberal tradition which has overlooked what I am calling reproductive labor, but the Marxist one as well. For example, in predicting capitalism's inevitable downfall – in arguing that capitalist commodity production ultimately 'tears' a society apart – Marx apparently failed to recognize the large portion of non-commodity labor which, precisely 'behind the scenes' as it were (or outside the market), goes to binding relations together again. That is, Marx not only seemed to underestimate the 'resiliency' of capitalism (as is often claimed), but he failed to recognize the category of reproductive labor. Part of the present system's adaptability can surely be explained, however, by showing to what degree capitalist activity actually rests on other forms of non-commodity labor. Of course, if reproductive labor is progressively pulled into the market – and hence subjected to its laws – who knows, the truth of Marx's predictions may yet come to pass.

IV

We return to our discussion of Rawls's theory. We noted earlier how the difference principle incorporates both acquisitive and ascriptive forms of ownership. We noted further Rawls's 'scepticism' that – given present human nature – the moral, purposeful self could ever become primary (collectively speaking) in the realm of economic labor. Hence the strong reading of the difference principle, which requires social union in the economic sphere, cannot be demanded as a matter of justice. In having turned to the domestic sphere of women's labor, however, we have presented an alternative model of self, labor and ownership which is at once a) one in which ascrip-

tive ownership is primary, and yet b) one which is undeniably central to our modern capitalist tradition. My claim in this final section is that Rawls's theory has not sufficiently taken the implications of such reproductive labor into account. Moreover, were his theory to do so, a novel way of conceiving an uncoerced, democratic and viable socialist ownership emerges.

It here becomes important to distinguish between a thin and a thick sense of 'ascriptive ownership.' In referring to that form of non-private, non-acquisitive ownership which essentially entails a 'responding' to the capacities of others, one may distinguish two different underlying ideals of human autonomy. These ideals reflect, it is suggested, the institutional distinction in our society between a public sphere of an ethics of principle and the familial sphere of an ethics of care.²² The former ideal is explicitly incorporated into the difference principle; the latter (I believe) is not.

The first ideal of autonomy (essentially Kantian) may be described as taking on the standpoint of the 'generalized other' and it is crucial to what I shall call 'responsible' ownership. This form recognizes that a condition for my owning anything (developing my abilities, etc.) is that others can and will do likewise (see p. 147). This standpoint rests on the increasing capacity of the self to act upon universalistic principles of right, and requires us to view each individual as a rational being entitled to the same rights and duties we ascribe to ourselves. Rawls's original position has clearly been constructed in order to highlight this relationship to other governed by the essentially institutional norm of symmetrical reciprocity. The reigning moral categories here are right, obligation and entitlement, accompanied by moral feelings of respect, dignity and worthiness.

22 For the distinction between a public and private sphere of ethics I rely on such recent work in feminist theory as Gilligan's *In a Different Voice* (Cambridge: Harvard University Press 1982); Chodorow (1978); as well as Dinnerstein (1977) and Elshtain (1981). For the following distinction between the standpoint of the 'concrete' versus 'generalized other' see S. Benhabib's 'Communicative Ethics and Moral Autonomy' (Unpublished Manuscript 1982).

What S. Benhabib has called the standpoint of the 'concrete other,' on the other hand, requires us to view each rational being as an individual with a specific history, concrete identity and effective emotional constitution. This standpoint rests on the increasing capacity of the self (a capacity central to reproductive labor) to render 'inner nature' transparent – i.e. human needs, desires, drives, and so on. From this standpoint we seek to comprehend the needs of others as he (or she) comprehends himself. The governing norms here are those of reciprocal friendship, love and care; I can expect *more* in this instance than the simple assertion of my rights and duties in the face of your needs and vice versa. The accompanying moral categories are responsibility, bonding and sharing. Such an ideal of autonomy (reflecting the familial sphere) underlies what I shall now call 'responsive ownership.' This form not only entails simultaneously guarding the social conditions for the development of another's abilities, but the conditions for the possibility of genuine *Philia* as well (see pp. 155-9).

I think it is fair to claim that the standpoint of the 'concrete other' (as well as responsive ownership) has in general been little recognized in modern social and political theory. However, as women progressively as a group (and not individually one by one) move from the private sphere and enter the public, labor market, it is clear a dilemma is reached which may be met in either of at least two ways:

1) This large-scale movement of women entering the market-place can effect a transformation of the workplace. As clarity of the issues is achieved, women could demand the retention of at least certain aspects of their traditional roles, foremost among which are common activities and shared final ends (social union) in laboring activity. In turn, the requirement could emerge (one already well underway in American society) that men participate equally in the raising of small children.²³ Here we note that if men *as a group* were to participate in early child-care, this itself could effect a revolutionary trend in the workplace. Hours of work must change, for instance; they must become more flexible as well as open to discus-

²³ See, for instance, Chodorow (1978), and Dinnerstein (1977).

sion and exchange. The private life and concerns of the individual worker (including the importance of reproductive labor) must be acknowledged to a greater degree in the public realm of labor. Moreover, such novel participation in shopfloor decisions (concerning hours, place of work, vacations, etc.) encourages a growing interest and understanding on the individual's part in regard to the ends and requirements of the business association itself; it leads in turn to a growing *capacity* on the part of each person to participate in progressively more complex and significant decisions.

My claim is that such a transformation of the workplace could quite naturally lead towards a form of 'socialist ownership': to a form of collective decision-making in regard not only to the conditions of work, but eventually (by extension) to the aims and products of the production process as well. By 'socialist ownership' I intend nothing more than that shared, final ends (social union) extend into the economic sphere and that differences in individual income, position, etc. now become conditional, not merely on bettering the financial position of all, but on actually furthering their conditions of autonomy, participation and self-governance. More specifically, I have in mind the strong interpretation of Rawls's difference principle which would now be implemented *within* the firm. That this requirement now apply inside individual firms, entails that the latter be perceived as a form of 'joint property' (with shared or at least overlapping final ends) whereby individual differences pertain, in turn, to the traditional realm of 'possession.' Considering the fact of the twentieth century women's movement (as well as our analysis of a thick ascriptive self traditionally trained to respond to, and develop the basic attributes of, other persons) this scheme of laboring on a shared property no longer appears as 'unnatural' and utopian as it once may have.

2) The opposite alternative, of course, is that as women progressively enter the labor force, rather than responsive ownership and the criterion of care going 'public,' as it were, women merely take on the traditional male personality marked by competition and private appropriation. In this instance, the model of exclusive appropriation would – for the first time in history – truly be generalized to all members of society. In the extreme case, we recall, on such an exclusive model even the higher pursuits of the mind as well as

our relations to others take on the form of private acquisitions. My claim here is that such a transformation of female activity into the traditional male role finds its inevitable limit in the fact of human reproduction. In such a case the children (as well as all relations of *Philia*) are truly left 'unattended.' That is, they would be relegated to *nothing but* wage-labor care (which would now include the labor itself of parents and friends). The suggestion here is that in such a society where there is no longer any gift-labor at all – no longer any concrete activity of bonding and sharing for its own sake – the society cannot long maintain itself. Such an alternative stands in explicit contrast to the sketch of socialist ownership given above, whereby *all* labor becomes publicly recognized as *in part* 'gift labor' – as labor done for no other reason than maintaining the social conditions for the possibility of genuine *Philia*.

It is possible, of course (and even very likely), that a situation emerges somewhere between the above two alternatives. Our society could respond to women entering the labor force with relatively marginal adjustments (flex-time, job-sharing, guaranteed parental leaves, etc.) that only minimally effect the basic structure of ownership and corporate decision-making. The aim of this essay, however, is not to argue for any automatic and inevitable road to socialism. My aim is rather to reveal – from the standpoint of 'justice as fairness' itself – the moral superiority of a form of democratic social-

24 As we noted already in note #9, Rawls also expresses the further concern that socialist ownership may result in a 'command society.' Here I can only emphasize that in my discussion of Rawls's difference principle, it is to be assumed that his first principle of justice (which guarantees the various individual liberties, including freedom of occupation, etc.) is already satisfied. There is thus no question, in this instance, of a centralized state commanding the direction of labor. As I have argued elsewhere the worry that socialist property necessarily leads to a form of command society appears to derive from continuing to conceive property on the model of 'control'; 'collective ownership' then quite naturally suggests 'collective control' and, in Mill's words, 'no place left for the individual.' It is my claim, however, that with the notion of 'responsive ownership' a wedge is driven for the first time between the very notions of 'owning' and 'controlling.' See my *Towards a New Conception of Ownership* (Unpubl. diss.: Harvard 1985), ch.5.

ism once standard charges of 'utopianism' can be met (and that such can be met by recognizing the importance of reproductive labor, etc.). In the end, which of the alternative routes is in fact taken, remains up to us.

I must still, of course, address Rawls's primary worry that the proposed (market) socialist transformation of the economic sphere brings with it a reduction in economic 'efficiency.'²⁴ The motive of exclusive ownership has, after all, long been considered a great 'incentive' to laboring activity, and (so the familiar argument runs) only by maintaining an abundant material base can society continue to support the individual freedoms and benefits it has come to enjoy. I here offer numerous final suggestions (which at this point must necessarily remain incomplete).

First, as Mill argued long ago, if everyone is considered a part 'owner' of an enterprise (as in a worker's co-operative) the incentive to do well would seem far greater than in the case of laboring for a mere wage where the individual has 'little personal interest in his work.'²⁵ Second, few seem to have considered the possibility that women in particular may actually perform *less well* when they are removed from a concrete set of caring social relations and thrust into a competitive market scheme; under present working conditions their labor may thus be highly inefficient. Third, to claim that private ownership of the means of production (including the exclusive and hierarchical control over a labor force) is so strong an incentive as to outweigh these other considerations, emerges by this point as simply *too strong*. The claim presupposes a private, acquisitive conception of the self to the extreme. However, not only does Rawls's theory not rest on such an extreme version of the acquisitive self (as we have seen his view presupposes an individual capable of progressive motivation by the Aristotelian Principle), but given our previous account of women's traditional personality, the extreme acquisitive self – rather than reflecting some norm in human motivation – begins to emerge as the anomalous case.

25 J.S. Mill, *Principles of Political Economy* (Toronto: University of Toronto Press 1968), 204

Finally, we must note that even if there should exist in the end an irreconcilable conflict between material productive efficiency and the development of human capacities, Rawls himself believes a point is reached in a society's development where the aim of further material production gives way to a concern with questions of 'autonomy' (TJ, 543). Considering that responsive ownership is one which essentially encourages the autonomy of individuals (and that this at some point becomes their primary concern), a positive argument for social union in the economic sphere can now be found from within Rawls's own assumptions — that is, granting our supplementary account. Since we have shown that ascriptive ownership in the thickest sense is fully 'compatible with our human nature,' not only as it might be, but as it in fact already is, we may formulate our conclusion thus: Rawls's difference principle requires, as a matter of justice (at least in the long run) social union in the economic sphere. And it requires it in the name of the strong interpretation; differences in social position and wealth must benefit the 'worst off' not simply in monetary terms, but in terms of those conditions which further social union, autonomous capacities and self-governing powers in all. Another way of stating the same point is that Rawls's theory can now finally require that ownership of the major means of production be withdrawn from a part of society's private *incentive* system, and come instead to be employed as collective *instruments* for the development of distinctive human capacities. This is, of course, not to claim that other forms of private incentives (differences in material income, positions of authority, etc.) should not continue to operate.

It is possible that a thorough analysis of contemporary circumstances (of the women's movement, as well as of such significant tendencies as that an ever growing sector of the American economy is geared towards the human service factor — a sector where precisely responsive ownership may prove most 'efficient,' etc.), reveals that the difference principle demands social union in the economic sphere at present. This, however, is too much to attempt in this paper. Nor have I addressed the issue of what precise form social union in the economic sphere should take (i.e. to what degree the market should be employed, how 'participation' will proceed, and so on).²⁶ At the very least I hope to have revealed that John

Rawls's 'scepticism' in regard to the strong interpretations's compatibility with our human nature is no longer founded. The burden of proof shifts, in turn, towards him.

²⁶ I wish to make it clear, however, that I am not arguing for 'worker sovereignty' in society. People have claims and entitlements, after all, independently of their laboring role. Instead, the suggestion here is that worker-owned enterprises be considered elements within the democratic order, rather than being viewed as society's organizational base. Thus, for instance, the control of large-scale public investment (effectively the only guarantee of a society's future) could be made available to general public deliberation, and decisions made either by a body subject to control by a legislative body, or themselves subject to direct democratic accountability. See Cohen and Rogers's *On Democracy* (New York: Penguin Books 1983), ch.6.