

## **THE EVOLUTION OF GENDER EQUITY FROM A MARXIST AND EXISTENTIALIST PERSPECTIVE**

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### **I. INTRODUCTION**

Being fair and impartial are the components of Equity. Women have faced disproportionate circumstances throughout history and the push for gender equity has not been an easy feat. To understand the evolution of gender equity of American women, it is important to understand the history of women in the United States. Numerous events in American history fail to mention the significant contributions that women have made; the successes within technological, scientific, and philosophical communities cannot be discussed without recognizing the achievements of women. Some areas of disproportionality include employment, education, and healthcare. To ensure fairness, there must be a practical approach to compensate women for the disadvantages that have prevented them from the same opportunities that are available to men. Critiquing and dissecting the social construct that hinders and impedes women's success, *capitalism*, is also necessary to further contemplate gender equity. Lastly, an appreciation for existential philosophy is fundamental since it emphasizes the existence of individuals- in this case, women. The existential transcendence of women into powerful positions will allow them to dismantle the misogyny that is engrained in our society through the oppressive nature of Capitalism.

### **II. HISTORY OF WOMEN IN THE WORKFORCE**

Gender roles that are ingrained in our society have negatively affected the participation of women in the workforce. For decades women have been seen as homemakers, mothers, and domestic workers.<sup>1</sup> Although the rate of women's participation in the labor force rose substantially because of World War II, women's employment was

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<sup>1</sup> *History*, U.S. DEPARTMENT OF LABOR, <https://www.dol.gov/agencies/wb/about/history> (last visited Apr. 21, 2021).

only encouraged as long as the war continued.<sup>2</sup> The widespread male enlistment promulgated an array of opportunities for women to join the workforce in manufacturing and industrial jobs.<sup>3</sup> Although their roles were crucial to the war effort, women's pay was second-rate to the pay of their male counterparts; female workers earned less than 50 percent of men's wages.<sup>4</sup>

To re-employ returning World War II veterans, women were either fired or asked to leave their jobs.<sup>5</sup> After the war, women went back to being stay-at-home mothers who cooked and cleaned while the men worked.<sup>6</sup> As the 1960s approached, women were assigned "pink-collar" jobs.<sup>7</sup> Because of their lack of career advancement, the pink-collar professions did not require as much training nor were they as prestigious as other jobs.<sup>8</sup> The feminist movement was coupled with the Civil Rights Movement with one primary objective: dismantling oppression within the workplace.<sup>9</sup> Women were denied access to better jobs and higher salaries.<sup>10</sup> In an effort to combat the inequity amongst women in the workforce, Congress enacted the Equal Pay Act of 1963.<sup>11</sup> The Equal Pay Act is enforced by the Equal Employment Opportunity Commission (EEOC) to prohibit sex-based wage discrimination between men and women in the same work establishment.<sup>12</sup>

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<sup>2</sup> History.com Editors, *American Women in World War II*, HISTORY (Mar. 5, 2010), <https://www.history.com/topics/world-war-ii/american-women-in-world-war-ii-1>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Pink-collar is a term used to describe a job that is traditionally considered to be women's work. The term was used to distinguish female-orientated jobs from blue-collar and white-collar workers. Some jobs that were classified as pink-collar were: Teachers, Nurses, Secretaries, Florists, and Babysitters. Tara Anand, *A Brief Summary of The Second Wave of Feminism*, FEMINISM IN INDIA (Apr. 25, 2018), <https://feminisminindia.com/2018/04/25/summary-second-wave-of-feminism/>.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *The Equal Pay Act of 1963*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, <https://www.eeoc.gov/statutes/equal-pay-act-1963> (last visited Apr. 21, 2021).

<sup>12</sup> *Id.*

### A. Cases that Changed the Workplace for American Women

*Because of Sex*, written by Gillian Thomas, tells stories of women who experienced gender-based discrimination or harassment within their employment.<sup>13</sup> The book includes cases that were granted certiorari by the Supreme Court of the United States.<sup>14</sup> The outcomes of these cases were pivotal in changing the way employers could treat their female employees. As a result, American women's lives at work changed dramatically over the following decades. Some of the cases in this novel elucidate how discrimination has changed the job market for future women workers.

In *Phillips v. Martin Marietta Corp.*,<sup>15</sup> Ida Phillips (Phillips) faced gender-based discrimination when she was prohibited from applying for an assembly line position at Martin Marietta Corp. (Marietta) because she had a preschool-aged child; however, her neighbor (a man with a preschool-aged child) was employed at Marietta as an assembly worker.<sup>16</sup> The company told Phillips that it would not hire women with young children.<sup>17</sup> After Phillips wrote to the White House describing the discrimination she faced, the White House forwarded her letter to the EEOC.<sup>18</sup>

After Phillips applied to Marietta, the EEOC issued the Title VII guidelines on Discrimination Because of Sex in 1965.<sup>19</sup> The guidelines stated the following: "Employers were not to refuse a woman 'based on assumptions of the comparative employment characteristics of women in general.'"<sup>20</sup> Phillips's attorney filed an action under the Civil Rights Act of 1964 alleging that she had been denied employment because of her sex.<sup>21</sup> The case was denied rehearing and eventually, the Supreme Court granted certiorari. The court referred to Section 703 (a) of the Civil Rights Act of 1964 which requires that people of similar qualifications be given employment opportunities irrespective of their sex.<sup>22</sup> The Court held that Marietta's

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<sup>13</sup> GILLIAN THOMAS, *BECAUSE OF SEX* 6 (St. Martin's Press 2016).

<sup>14</sup> *Id.*

<sup>15</sup> 400 U.S. 542 (1971).

<sup>16</sup> THOMAS, *supra* note 13.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 8.

<sup>19</sup> *Id.* at 12.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

hiring policy towards women with young children, but not men with young children, was discriminatory.<sup>23</sup> “In other words, a policy that disadvantaged only women, even if not *all* women were harmed [by the policy], was [considered] sex discrimination.”<sup>24</sup>

In this case, a woman with young children was denied from applying for a job solely because she was a woman with a pre-school-age child.<sup>25</sup> If this case had been decided differently, it is likely that the rate of women with young children would be exponentially lower, reinforcing traditional gender roles. It would be unfair to refuse mothers the opportunity to apply for employment that would substantially increase their income and their ability to provide for their family. It was clear then that reform was needed to shape how women in the workforce were treated by potential employers.

In *Meritor Savings Bank, FSB v. Vinson*,<sup>26</sup> Mechelle Vinson brought a sexual harassment suit against the bank she was employed at and her supervisor under the employment discrimination statute. The Supreme Court issued a landmark ruling declaring sexual harassment as a form of sex discrimination. However, the Supreme Court failed to explain when the harassment was no longer offensive but considered it “so severe or pervasive, that it created an abusive working environment.”<sup>27</sup>

In a similar case *Harris v. Forklift Sys., Inc.*,<sup>28</sup> Teresa Harris filed a Title VII action claiming that the work environment was abusive due to gender-based harassment.<sup>29</sup> The issue in *Harris* was whether a sexual harassment victim had to prove a severe psychological injury to prevail in a sexual harassment suit.<sup>30</sup> With a circuit split, the Supreme Court granted certiorari to ensure a fair application of Title VII to harassment cases throughout the country.<sup>31</sup>

Numerous amicus briefs were filed on Harris’s behalf from labor unions, women’s civil rights organizations, and the EEOC. The EEOC urged the court to expressly reject the

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> 477 U.S. 57 (1986).

<sup>27</sup> THOMAS, *supra* note 13, at 172.

<sup>28</sup> 510 U.S. 17 (1993).

<sup>29</sup> THOMAS, *supra* note 13, at 173.

<sup>30</sup> *Id.* at 174.

<sup>31</sup> *Id.* at 177.

psychological harm requirement in favor of requiring only that the harassment “interfere with the work performance” of a “reasonable person.” The [EEOC] also specifically noted that verbal harassment alone can be sufficient to meet that standard.<sup>32</sup>

The *Harris* court returned a unanimous verdict holding that the work environment is considered hostile by the circumstances and frequency of the discriminatory conduct and its severity.<sup>33</sup> *Harris* invalidated all court of appeals decisions that imposed the “psychological harm” requirement in harassment cases.<sup>34</sup> *Harris*, herself, realized that her case would set the tone for future women workers to file harassment cases against their employers<sup>35</sup>.

These cases were fundamental for future women workers in America. The precedent from these cases have helped women seek equal employment opportunities and justice from employers who discriminated against them. Although it is a step in the right direction, there is still more work needed to promote gender equity. Today, there are issues relating to sexual harassment in the workplace. Discrimination and harassment are connected to the exploitative nature of our capitalist society. To further understand the evolution of gender equity, it is wise to consider Karl Marx’s theories of Capitalism, exploitation, and the alienation of women in America.

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<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 184-85.

<sup>34</sup> *Id.* at 186.

<sup>35</sup> *Id.* at 185.

### III. A MARXIST PERSPECTIVE ON CAPITALISM AND THE EXPLOITATION OF WOMEN

#### A. Understanding Capitalism and Exploitation

The gender inequity that women have fought against and continue to endure is predominantly engrained in capitalism. Capitalism is a social and economic system that focuses on maximizing profits while minimizing the cost of production by promulgating low wages to workers.<sup>36</sup> For a capitalistic society to economically succeed, it must exploit labor from oppressed individuals.<sup>37</sup> The United States profits off of individuals who are discriminated against based on gender, race, and social class. The U.S. economic framework is free-market capitalism with relatively few restrictions.<sup>38</sup> In the *Communist Manifesto*, Marx states, “[t]he bourgeoisie is unfit to be the ruling class in society.”<sup>39</sup> Marx claims that oppression requires employment conditions to be ‘slavish’.<sup>40</sup> Capitalism exploits women, minorities, and homosexuals, and justifies the inequalities by promoting competition between the laborers (men and women).<sup>41</sup>

The oppression of women is a tool that enables capitalists to manage the workforce for their benefit. It also enables Capitalists to justify their discriminatory policies by placing the responsibility for social welfare from the State and collective institutions to the “privacy” of the family<sup>42</sup>. In other words, when the capitalists need extra labor, they call upon women whom they pay less than men, which has the side-effect of dragging down wages generally.<sup>43</sup>

The over-exploitation and under-payment are suggestive that women’s work is *less productive* than men’s work. It uses weakness, menstruation, pregnancy, and caring for sick relatives to justify the notion that women’s work is less productive than men’s, thus denigrating a woman’s salary and opportunities for career advancement. These biases placed in our society hinder women from growing as individuals and prevents them from overcoming oppression.

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<sup>36</sup> KARL MARX & FREDERICK ENGELS MARX, *THE COMMUNIST MANIFESTO* (International Publishers 1948).

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 21.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Karl Marx, *Economic & Philosophic Manuscripts of 1844* (1844) (unpublished manuscript).

<sup>43</sup> *Id.*

Marx accurately defined our gender inequity in a simple sentence: “Capital is a social power.”<sup>44</sup> In America, that social power belongs to men.

### **B. The Theory of Alienation**

It is worth considering more than just Marx’s understanding of Capitalism and how workers are exploited, by looking at how workers in a capitalist society are “alienated.” Marx defines capitalism as a mode of production based on private ownership of the means of production<sup>45</sup>. Capitalists produce commodities for the market. Capitalists remain competitive by extracting as much labor from the workers as possible, at the lowest possible cost.<sup>46</sup> The relationship between the worker and their production is what Marx considered *alienation*.<sup>47</sup>

Workers are *alienated* from the activity of working and what they produce because their work product does not personally belong to them.<sup>48</sup> Instead, their work product belongs solely to their employer.<sup>49</sup> Marx believed laborers in a capitalist society do not freely develop their mental and physical skills because the labor is coerced.<sup>50</sup> Marx recognized that there is no meaning or self-fulfillment as workers because there is no freedom to develop personal skills.<sup>51</sup> As workers in a capitalist society, work is a means to satisfying external needs such as homes, families, personal existence.<sup>52</sup> Working is only a wage-earning activity for the profit of the capitalistic society.<sup>53</sup>

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<sup>44</sup> MARX & MARX, *supra* note 36, at 24.

<sup>45</sup> *Id.* at 26.

<sup>46</sup> *Id.*

<sup>47</sup> Marx, *supra* note 42, at 29.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> Elizabeth Susan Hoecker Drysdale, *The Theory of Alienation in the 1844 Manuscripts of Karl Marx*, LSU HISTORICAL DISSERTATION AND THESES (May 1969), [https://digitalcommons.lsu.edu/gradschool\\_disstheses/1585/](https://digitalcommons.lsu.edu/gradschool_disstheses/1585/).

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

### **C. Alienation in America**

A direct correlation exists between alienation and working women in America. As mentioned earlier, women were hired for “pink-collar” jobs.<sup>54</sup> These roles did not allow women to develop and learn new skills. Their labor was coerced because it was seen as less valuable than the work of their male counterparts. Women were incapable of obtaining meaningful jobs because of their sex. But if these positions were fulfilling, we likely would not have seen the Second Wave Feminist Movement in the 1960s, or the Equal Pay Act and Title VII enactments.<sup>55</sup> Without the push from women and mothers who desired more freedom within their employment, the agenda for gender equity would be unfounded and sluggish. Although women have made advancements in different career paths, women are still paid less than men for the same jobs. Capitalism exploits female workers by using them as a means to an end and by profiting off their labor through unequal pay rates.

Capitalism heavily relies on the labor that women provide. Women are free laborers *and* wage laborers; they work for fewer wages and in addition to housework, which is unaccounted for. If housework was split between men and women equally, perhaps ‘bourgeoisie’ (Capitalist) men wouldn’t exploit their women. There would be no need for Capitalists to promote inequality between the sexes or other minority groups such as immigrants and/or people of color. The status of women workers is unrecognized because they are seen as people who will work for low or no wages.

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<sup>54</sup> Anand, *supra* note 7.

<sup>55</sup> *Id.* Issues of rape, reproductive rights, domestic violence and workplace safety were brought to the forefront of the movement and there was widespread effort to reform the negative and inferior image of women in popular culture to a more positive and realistic one. This alludes to the fact that women were not satisfied with the negative connotation associated with being homemakers. It was no longer a realistic concept that women should only stay at home, because women found freedom and independence in working during World War II. *Id.*

#### **D. Capitalism Can Not Survive Without the Exploitation of Oppressed Individuals**

Karl Marx dissects Capitalism's need to prey on oppressed people.<sup>56</sup> "The most useful employment of capital for the Capitalist is that which, risks being equal, [and] yields him the greatest profit."<sup>57</sup> Marx acknowledged that Capitalism is not the most beneficial system for society as a whole.<sup>58</sup> The interests of Capitalists oppose the interests of the general public through deception that begins at the start of the hiring process.<sup>59</sup>

First, there is a need for competition amongst workers who sell their labor to generate profits for the Capitalists.<sup>60</sup> Second, the employers use their power to take advantage of workers because the more the workers produce, the more profitable the Capitalist becomes.<sup>61</sup> This is harmful because workers do not have the opportunity to earn higher wages when the Capitalists' profits increase but are susceptible to lower wages when the Capitalists' profit decreases.<sup>62</sup> When the demand for the commodity decreases, the cost of production and the price of wages are less valuable.<sup>63</sup> Lastly, the workers suffer from the detrimental separation between their labor and property.<sup>64</sup> The price of property and commodities may fluctuate, but the demand for labor remains consistent.<sup>65</sup>

The raising of wages excites in the worker the capitalist's mania to get rich, which he, however, can only satisfy by the sacrifice of his mind and body. The raising of wages presupposes and entails the accumulation of capital, and thus sets the product of labor against the worker as something ever more alien to him. Similarly, the division of labor renders him ever more one sided and dependent, bringing with it the competition not only of men but also of

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<sup>56</sup> MARX & MARX, *supra* note 36, at 24.

<sup>57</sup> Marx, *supra* note 42, at 12.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.* at 6.

<sup>60</sup> *Id.* at 12.

<sup>61</sup> MARX & MARX, *supra* note 36, at 18.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.* at 15.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.* at 18.

machines. Finally, as the amassing of capital increases the amount of industry and therefore the number of workers, it causes the same amount of industry to manufacture a larger amount of products, which leads to over-production and thus either ends by throwing a large section of workers out of work or by reducing their wages to the most miserable minimum.<sup>66</sup>

Although the labor is needed to continue production, the separation between the worker and their labor causes them to value their work less, which results in harm to the workers' mode of existence.

### **E. Capitalism's Effect on Women in 2020**

“Because of [their] subordinate relation to the capitalist, [they] are the first to suffer.”<sup>67</sup> The work that women provide for their employers is not the only form of labor that is significant for a Capitalist economy to succeed. The other form of labor that women contribute to the economy (which is severely overlooked) is the “*Care System*.”<sup>68</sup> “Caring Labor’ is a colloquial term that carries many different connotations and is used to refer to childcare or elder-care.”<sup>69</sup> Women provide domestic work and unpaid care for children, the elderly, or sick family members to sustain their families and the community.<sup>70</sup> There is an extreme imbalance in the amount of unpaid care and domestic work provided by women compared to the same work provided by men. “Women perform three times as much unpaid care and domestic work as men.”<sup>71</sup>

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<sup>66</sup> *Id.* at 16.

<sup>67</sup> *Id.* at 3.

<sup>68</sup> Nancy Folbre, “ *Holding Hands at Midnight ’: The Paradox of Caring Labor*, 1 FEMINIST ECONOMICS 74, 214 (1995).

<sup>69</sup> *Id.* The undervaluation of women’s work stems from neoclassical economists. Interference with markets and/or market imperfections, phenomena perfectly consistent with neoclassical theory can lead to the undervaluation of certain types of work. The collusive behavior of men leads to the exclusion of women from well-paid, highly skilled occupations. This crowds them into less well-paying jobs, and, by increasing the supply of their labor to these jobs, lowers the wage below that which would exist in the competitive equilibrium. Women’s work in general is undervalued.” *Id.*

<sup>70</sup> Silke Stabb et al., *Title*, UN WOMEN, <https://gbvguidelines.org/wp/wp-content/uploads/2020/08/COVID-19-and-the-care-economy-Immediate-action-and-structural-transformation-for-a-gender-responsive-recovery.pdf> (last visited Apr. 21, 2021).

<sup>71</sup> *Id.*

The gender discrepancies within the division of labor are ever-present and have been overwhelmingly unavoidable during the COVID-19 pandemic.<sup>72</sup> Introspectively, America has gotten a glimpse of the strain the care system puts on women.<sup>73</sup> Women are working more hours than men when combining their unpaid care work with their paid market work.<sup>74</sup> There is a lack of support for women who work and provide care for their children, sick or elderly family members.<sup>75</sup> This lack of support is taxing on women's health and well-being.<sup>76</sup> If the gross domestic product (GDP) accounted for the unpaid care, domestic work, and health care work that women provide, the value of their labor would equate to \$11 trillion (or 9 percent of the GDP).<sup>77</sup> It is a false notion that our society is incapable of transforming our care system with a gender-responsive approach.

There are strategic methods to address the disproportionalities of care work. To transform the care system for the future, America would need to *roll back* on its exploitative tactics. First, it would require America as a whole to recognize care workers (both paid and unpaid) and provide them with: (1) additional income or pay increases, (2) flexible working arrangements (resulting in less work time to reduce the double burdens), and (3) encourage the shared domestic work at home.<sup>78</sup> A pay increase would support care workers for their contributions to both their paid labor and unpaid care and/or domestic work.<sup>79</sup> Flexible working arrangements could reduce the number of hours in a workday, and work-sharing arrangements could result in more access to paid family leave and paid sick leave.<sup>80</sup> “Encouraging the men and fathers to do their share of childcare, especially in households where mothers continue to work, could be useful in promoting lasting change.”<sup>81</sup> The possibility of alleviating women of their burdensome roles that have been assigned to them throughout history is not a farfetched concept. The exploitive tactics that

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<sup>72</sup> *Id.* at 3.

<sup>73</sup> *Id.* at 2.

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.* at 3.

<sup>78</sup> *Id.* at 5.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.* at 6.

Capitalism employs can and should be eliminated to promote gender equity.

### F. A Note on Male Privilege by Kate Manne

Kate Manne is a feminist philosopher who argues that toxic masculinity is caused by men's entitlement and how society is conditioned to the social and cultural mores of our time.<sup>82</sup> Manne claims a woman faces hostility because she is a "woman in a man's world."<sup>83</sup> Of course, in a patriarchal society, women and girls have been and are predisposed to hostility because of their gender.<sup>84</sup> Misogyny is rooted in the social constructs within our world. In *Entitled*, Manne captures the different forms of misogyny, *himpathy*, and entitlement.<sup>85</sup> She defines entitlement and himpathy as "[T]he widespread perception that a privileged man is owed something. Himpathy is the way powerful men and boys who commit acts of sexual violence or engage in other misogynistic behavior often receive sympathy."<sup>86</sup>

Manne further explains that women are expected to give, yet are expected to refrain from taking.<sup>87</sup> "Women are expected to *give* traditionally feminine goods (such as sex, care, nurturing, and reproductive labor), to designated, often more privileged men, and to refrain from taking traditionally masculine goods (such as power, authority, and claims to knowledge) away from them."<sup>88</sup> It is evident that giving a woman a certain amount of power is possible, as long as it does not threaten or challenge the power of a man.<sup>89</sup> *If* she does, she is subjected to any of the misogynistic behaviors a man might decide to engage in.<sup>90</sup> Can misogyny be removed from our society? It is possible, but it requires commitment, collective activism, and progressiveness. Though the consequence of misogyny is damage that is indelible, the fight to end male entitlement and misogyny is a worthwhile battle to undertake.

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<sup>82</sup> KATE MANNE, *ENTITLED: HOW MALE PRIVILEGE HURTS WOMEN* 9 (Crown 2020).

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.* at 4-5.

<sup>87</sup> *Id.* at 11.

<sup>88</sup> *Id.*

<sup>89</sup> *Id.* at 8.

<sup>90</sup> *Id.*

Manne explores how men are entitled to sex through her evaluation of rape culture and how numerous attackers are given *himpathy*.<sup>91</sup> The rapists' reputations and character traits are given more consideration than the victims who suffered from the incident itself.<sup>92</sup> Women are considered hysterical, liars, or they do not have access to resources to pursue any action against their rapist(s).<sup>93</sup>

She also discusses men's entitlement to domestic labor.<sup>94</sup> As mentioned earlier, there is an imbalance between the domestic work provided between men and women. "First-time parenthood increased a man's workload by about ten hours per week. Meanwhile, the increased workload for women was about twenty hours. Women have double the workload of men because they perform 'two-thirds of the at-home responsibilities' on top of their full-time jobs."<sup>95</sup> The notion that women are better caretakers is a lousy excuse to not hold men accountable for their shared responsibilities. "Studies show that when men are the primary caregivers, their brains, being malleable, come to resemble those of women who are primary caregivers."<sup>96</sup> This discrepancy between men and women partners exists because some women do not feel entitled to equitable domestic arrangements or personal leisure time, in part because of social forces telling them to play their part.<sup>97</sup>

#### IV. EXISTENTIALISM AND UNDERSTANDING OURSELVES AS INDIVIDUALS

Existentialism is the factual or concrete existence of a thing; it is also the idea or nature of a thing.<sup>98</sup> The famous existentialist philosopher Jean-Paul Sartre's theory claimed that human beings define their lives through a concept he called "existence precedes essence."<sup>99</sup> Sartre explained the theory by recognizing that since we

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<sup>91</sup> Rape culture is a culture in which sexual violence is treated as the norm and victims are blamed for their own assaults. It's not just about sexual violence itself, but about cultural norms and institutions that protect rapists, promote impunity, shame victims, and demand that women make unreasonable sacrifices to avoid sexual assault. Amanda Taub, *Rape culture isn't a myth. It's real, and it's dangerous*, Vox (Dec. 15, 2014), <https://www.vox.com/2014/12/15/7371737/rape-culture-definition>.

<sup>92</sup> MANNE, *supra* note 82, at 5.

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> *Id.* at 121.

<sup>96</sup> *Id.* at 126.

<sup>97</sup> *Id.* at 135.

<sup>98</sup> *Existentialism*, STANFORD ENCYCLOPEDIA OF PHILOSOPHY (Aug. 23, 2004), <https://plato.stanford.edu/entries/existentialism/>.

<sup>99</sup> JEAN-PAUL SARTRE, *EXISTENTIALISM IS A HUMANISM* 40 (World Publishing Company 1946).

exist, we, therefore, have the power to define ourselves.<sup>100</sup> This concept was inspired from the Cartesian idea “I think therefore I am.”<sup>101</sup>

Sartre further defined our existence with two characteristics: facticity and transcendence.<sup>102</sup> Facticity governs the things that are given to us, such as genetics or the family we are born into; it also concerns itself with our decisions, like going to college.<sup>103</sup> It deals with aspects of our lives that are factually true, including our past actions.<sup>104</sup> On the other hand, transcendence governs our freedom.<sup>105</sup> We are free to do whatever we want. Our past actions (facticity) do not solely define us because we can change (transcendence) and behave differently than we once did.<sup>106</sup>

The facticity of women is that they are the second sex. Despite this, women can transcend from past versions of themselves into who they truly are: Leaders, Lawyers, Doctors, and Mothers—all who are deserving of equality within our society and every other social construct that exists. The existence precedes essence theory can be applied to further understand women. Women exist and therefore have the power to define themselves. This concept can clarify how the evolution of gender equity has portrayed women as secondary; as an ‘*other*.’

### A. The Second Sex?

History has portrayed women as the second sex. The biblical story of Adam and Eve claims that God created Adam first, and then Eve his female counterpart came into existence from a rib of Adam. Women were (and still are) predisposed to being submissive and inferior. The existentialist philosopher Simone de Beauvoir gives her account of what it means to be a female human being.<sup>107</sup> In *The Second Sex*, Beauvoir critiques historical and psychoanalytical approaches to

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<sup>100</sup> *Id.*

<sup>101</sup> RENE DESCARTES, A DISCOURSE ON METHOD 32 (Read Books 1637).

<sup>102</sup> JEAN-PAUL SARTRE, BEING AND NOTHINGNESS 56 (Washington Square Press 1993)

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> *Id.* at 42.

<sup>106</sup> *Id.* at 58-60.

<sup>107</sup> SIMONE DE BEAUVOIR, THE SECOND SEX (Vintage Books Edition 2011).

the existence of women.<sup>108</sup> She begins her inquiry by questioning women and their inferiority.<sup>109</sup>

If the ‘question of woman’ is so trivial, it is because masculine arrogance turned it into a ‘quarrel;’ when people quarrel, they no longer reason well. These vague notions of superiority, inferiority, and equality [are] distorted and must be discarded in order to start anew.<sup>110</sup>

She claims that women degrade their existence by explaining that women are *forced* to see themselves as *others*.<sup>111</sup> She further claims that every individual is concerned with justifying his or her experience with a need to transcend themselves.<sup>112</sup> “But what defines women, is that being an autonomous being, in a world where men force her to assume herself as other; an attempt is made to freeze her as an object and her transcendence will be forever governed by another sovereign.”<sup>113</sup>

Beauvoir takes the same view as Sartre, which she calls Existentialist morality.<sup>114</sup> Morality is subjective and considers personal preferences. “Every subject posits itself as a transcendence concretely through projects; it accomplishes its freedom only by surpassing toward other freedoms; there is no other justification for present existence than its expansion toward an indefinitely open future.”<sup>115</sup> People define themselves based on their aspirations. It also considers that alternative opportunities should be available so people can live authentically.

Beauvoir believes that we should focus on our possibilities in terms of freedom, and not in terms of happiness.<sup>116</sup> Ultimately, it would require all women to collectively push for this equality of the sexes. True freedom lies where there is no longer a need to fight against gender inequity, harassment, discrimination, and exploitation of any group of individuals.

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<sup>108</sup> *Id.* at 15.

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> *Id.* at 17.

<sup>112</sup> *Id.*

<sup>113</sup> *Id.* at 15.

<sup>114</sup> *Id.* at 16.

<sup>115</sup> *Id.*

<sup>116</sup> *Id.* at 17.

Every individual is concerned with justifying his or her experience with a need to transcend themselves. But what defines women, is that being an autonomous being, in a world where men force her to assume herself as other; an attempt is made to freeze her as an object and her transcendence will be forever governed by another sovereign.<sup>117</sup>

## V. CONCLUSION

Women's history is a reminder of the work that must be done to achieve gender equity within our society. The obstacles that women have endured throughout history highlight the importance of perseverance. There is a steadfast belief that there will be equity between men and women which requires collectivism on behalf of our society. Having an understanding of the different philosophical constructs such as socialism, communism, and capitalism, highlight how flawed many of our institutions and governments are. It also allows us to understand that these inequities require reform, inclusivity, and fairness. Marx's critique of Capitalism is an insightful and truthful account on how women are treated here in America. Understanding how women are oppressed and are subjected to exploitation is the first step to dismantling the system that continues to thrive off of the imbalance between men and women. us. Furthermore, recognizing a man's entitlement is also at the forefront of how and why women are constantly disregarded. A man's entitlement is a societal curse that I am hopeful will change. Lastly, an appreciation for existentialism is an interesting way to help us understand what it means to exist. The predisposition that women are the second sex has hindered our success in obtaining gender equity. Existence as a woman is not all that defines a woman, but our transcendence can bring us to our freedom as individuals. Freedom is not what society says we are; freedom is what we choose to define ourselves as.

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<sup>117</sup> *Id.* at 17.