

Radical Feminism Does Not Pay

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Abstract: *This essay advances an argument for decentralized equal pay reform and claims that doing so will require more moderate and depolarized rhetoric in the school of feminist thought. It does so by analyzing the negative effects that political centralization and polarization can have on religion, the economy, politics, rhetoric, law, and culture of a given society. It offers a unique feminist lens that promotes the newest wave of feminist economic reform, religious liberty, and anti-extremism. The aim of my thesis is to burst through the polarized rhetorical bubble to unite women of all political, religious, and cultural identities to support equal pay reform in order to combat institutional barriers that perpetuate pay inequity and hinder equal economic opportunity in the labor market. If women could come to a common agreement on the importance of equal economic opportunity and on the need for change, employer reliance on salary history and wage disclosure retaliation could soon be business practices of the past due to their outdated, inherently sexist, and devious nature. In order to more smoothly promote and, therefore, create change in all areas of the country, I argue that a decentralized approach to such change is the way to appeal to all women regardless of their beliefs. In arguing that gradual state-by-state change is the best way to appeal economic reform to women of all identities, I uphold a nonpartisan feminist stance that refrains from making any extremist claims that may jeopardize consensus on pay equity reform. I argue that there should be enough room in the school of feminist thought for women of all backgrounds to maintain their religious, cultural, and political affiliations in the private sphere while promoting institutional equity in the professional one. Further, I describe the often-overlooked importance of equal economic opportunity and religion on the path to female liberation*

by explaining the correlations between government centralization, hyper-secularization, radical feminism, economic opportunity, religious extremism, and cultural backlash.

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Introduction

Since the Equal Pay of 1963 was enacted into federal law, women have enjoyed higher levels of economic protection and opportunity in the workforce than ever before in American history. However, despite women having obtained higher average education levels than their male counterparts over the last two decades, a wage gap exists in every career field, even in predominantly female fields (Blau & Khan 2000). Additionally, the rate at which the wage gap has been closing since the late 1990s has been remarkably stagnant compared to the rates of the late 1970s through the mid 1990s, which directed scholarly attention to the Equal Pay Act's shortcomings. The body of the paper begins by analyzing the feminist critique of the legal and economic rhetoric of the Equal Pay Act of 1963 that mobilized the push toward reform, which was cultivated in the introduction of the Paycheck Fairness Act in Congress in 1997 by Rep. Rosa DeLauro (D-CT). Although the act has failed in Congress for over two decades, it includes many aspects of equal pay reform that have been sweeping across the nation since 2016. The newest wave of equal pay reform is occurring in both the public and private professional sectors of the American labor force at the local, state, and federal level, yet there has not been much talk about the implications of these reforms in mainstream political and socio-economic discourse.

The analysis uncovers the significance of equal pay reform through a multifaceted political, economic, and cultural feminist lens. It emphasizes the desperate need for depolarized, inclusive, anti-extremist feminist discourse with historical and theoretical analysis of feminism's relationship to political polarization and extremism in America. In sum, it begins with a historical analysis of equal pay law, its success in

correcting the wage gap, and the major ways in which pay reform is being implemented at the state level. It then theoretically analyzes the polarization of feminism, highlighting the negative effects that feminist extremism has on women and society as a whole. In doing so, I explain how the radical liberal feminist tendency to reject religion has played a key role in the political polarization of feminism in even its mildest forms. While the term “feminism” is very broad and pertains to women’s rights in a general sense, the term radical feminism refers to the type of feminism that tends to be subversive to capitalism, religion, and the state itself (Eisenstein 1981). Liberal feminism, then, is much milder, referring to the type of feminism that believes gender equality can be achieved by enforcing certain policies and reforms that prevent gender discrimination in the private sphere (Eisenstein 1981).

Furthermore, the analysis advocates for a form of “moderate feminism” that merges away from liberal feminism, only advocating for feminist policies that promote gender equality in the private economic spheres, rather than advancing interference in both private economic and social spheres. Drawing upon research regarding equal pay reform, I argue that radical and liberal feminist policies can exacerbate religious extremism and political polarization when they push objective moral agendas and they exclude religion from the public economic sphere. To support the argument, the paper uses examples of cultural backlash toward French headscarf bans in Europe to display the popular trend toward a form of secular feminist extremism in the West and its counterintuitive effects on religious extremism. Although cultural backlash can refer to any type of group resistance against a certain policy, the type of cultural backlash that I specifically reference is domestic terrorism performed by radical religious groups.

The European example of cultural backlash from radical Muslim groups is cross-referenced to the United States' growing problem of radical evangelical right-wing domestic terrorism, explaining how a liberal feminist push for further secularization will only continue to increase political and religious tension within American culture. On the other hand, when a state focuses on the expansion of economic opportunity, it curbs the risk of radical religious backlash while simultaneously improving the ability of religious women to exit oppressive groups (Berman 2009). According to Berman, when economic opportunity is limited or nonexistent, the ability of members of radical religious groups to leave that group is stunted by the lack of exposure and access to the external mainstream market, which increases group loyalty and the risk of violence (Berman 2009). In applying Western feminist thought to Berman's theory, I emphasize the importance of institutional economic equality, its differences from other liberal feminist reforms, and the need for more moderate, nonpartisan feminist rhetoric that uplifts economic opportunity and upholds religious liberty at the same time.

The other important angle that I incorporate into my call for a more nonpartisan approach to equal pay reform is decentralized, state-by-state reform based on the argument that national reform will only create more division and resistance within the conservative feminist block. In arguing for a decentralized approach for a feminist reform that refrains from challenging traditional social structures of the family or invading the private sphere, I hope to appeal pay equity reform and the depolarization of feminism to *all* women. I criticize feminist thought and reform that defines liberty as forcing women to detach themselves from self-defining qualities such as religion and

culture. An ideal feminist approach is one that is broad and inclusive, allowing feminism and liberation to mean different things to different women and manifest in different ways throughout different subcultures and traditions. I draw upon the work of Eli Berman to point out how many radical and liberal feminisms tend to exclude certain subgroups of the female population and, therefore, exacerbate the extremism that they criticize so harshly. I do so by analyzing Western feminist support for national secularization in both Europe and the U.S. while uncovering the negative impact that such political trends tend to have on women and the state more generally.

Feminism, radicalism, polarization, and their political relationship to the newest wave of equal pay reform is broken down into two parts, with a total of ten sections overall. The first part focuses on American history and culture that laid the foundation for the newest wave of equal pay reform, the details and implications of reform itself, and how it displays a need for the depolarization of feminism in politics and popular discourse. Part one is titled, “America’s Newest Wave of Equal Pay Reform” and is broken up into four sections listed as follows: *1. The Legal History of the Equal Pay Act, 2. The Feminist Argument for Equal Pay Reform, 3. The Status of Equal Pay Reform, 4. Barriers to Success: The Political Polarization of Feminism*. Part two is titled, “The Moderate Feminist Solution,” focusing on the importance of both economic freedom and religious liberty on the path to female liberation, the relationship between law and culture, and the Western trend toward hyper-secularization. It consists of six sections titled: *1. Female Liberation Through Equal Economic Opportunity, 2. The Feminist Exclusion of Religious Women, 3. The Significance of Equal Economic Opportunity, 4. Decentralized Reform and Cultural Backlash*.

PART I

America's Newest Wave of Equal Pay Reform

The Legal History of the Equal Pay Act of 1963

Before political elites ever considered the adoption of the Equal Pay Act of 1963, the commonly accepted justification for paying women less than men for the same jobs was that men were the sole providers of the household and that women were only subordinate providers (Smith, 1776). Women's decision to work was seen as voluntary or even unnecessary, shrinking their value in the labor market and forging the path for pay inequity to persist in the modern world. Even in the more and more common instance of a woman's income clearly being necessary because she is either the primary or sole provider of her household, the grip of outdated discriminatory economic rhetoric still shows its teeth in the fight for pay equity. During WWII, with women directly having to replace the male workforce, society really began to see a push for equal pay based on gender. In 1945, the year WWII came to an end, a bill banning pay discrimination based on sex, titled the Women's Equal Pay Act, was introduced in Congress but ultimately failed (Van Horn & Schaffner 2003). The issue of equal pay lost momentum again throughout the 1950s but picked back up again at the end of the decade due to the help of the Department of Labor's Women's Bureau and President Kennedy's Commission on the Status of Women, which Eleanor Roosevelt chaired (Van Horn & Schaffner 2003).

In 1963, the Equal Pay Act was introduced by Sen. Patrick McNamara (D-MI), passed by the 88th U.S. Congress, and signed into law by President John F. Kennedy to prohibit pay discrimination based on sex on a federal level. The EPA prohibits employers from paying employees differently for the same work based on sex, but it

provides exceptions for wage discrepancies that are based on seniority, merit, and any other system based on a “factor other than sex.”

The Equal Pay Act of 1963 states:

No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: *Provided*, That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

It also reads:

- (a) The Congress hereby finds that the existence in industries engaged in commerce or in the production of goods for commerce of wage differentials based on sex
 - (1) depresses wages and living standards for employees necessary for their health and efficiency;
 - (2) prevents the maximum utilization of the available labor resources;
 - (3) tends to cause labor disputes, thereby burdening, affecting, and obstructing commerce;
 - (4) burdens commerce and the free flow of goods in commerce; and
 - (5) constitutes an unfair method of competition (Equal Pay Act, 29 U.S.C. § 206 (1963)).

The scope of the Equal Pay Act of 1963 has become narrower over time, but still depends heavily on the public discourse of certain parts of the nation (Brown,

Baumann & Melnick 1986). Scholarly debate surrounding the scope of the Equal Pay Act is framed around the rhetoric of fairness (Eisenburg 2011), for the debate has typically been centered on how to properly balance antidiscrimination with business needs (Hamburg 1989). Scholars on both sides of the debate agree that the language of the act protects against sex discrimination while accommodating for the business needs of employers through its “any factor other than sex” provision (Brown 1995; Hamburg 1989). However, there is sharp scholarly and legal debate regarding how broad or narrow the provision should be interpreted due to its lack of specificity. The ambiguity lies not only in the vague language of the EPA and the Supreme Court’s reluctance to set a specific standard for the provision. In doing so, the vague language of the act allows room for businesses to justify pay differentials based on reasons other than those explicitly listed, but those reasons must not undermine the anti-discriminatory purpose of the act all together (Hamburg 1989).

The Ninth Federal Circuit Court of Appeals was the first to adopt a narrower “legitimate business necessity” standard in *Kouba v. Allstate Insurance Co.*, 691 F.2d 873 (1982), in which Judge Reinhardt ruled that pay based on prior salary history was only justified if it carried out a legitimate business need. Hamburg argued that the “legitimate business necessity” standard was the correct standard because it properly balances business needs without undermining the act’s stated purpose, which is to curb the negative effects of women’s inferior value on the labor market (Pub. L. 88-38, 77 Stat. 56, 1963). As litigation and feminist rhetoric regarding the insufficient language and inadequate judicial protection of the EPA began to increase, more federal courts began to follow suit; therefore, the trend toward a narrower equal pay standard is rooted

in the inclusion and reconceptualization of the female perspective in the rhetoric of pay equity.

The Second, Sixth, and Eleventh Circuits were the next to follow in the footsteps of the Ninth Circuit in adopting the “legitimate business necessity standard” (see *Aldrich v. Randolph Cent. Sch. Dist.*, 963 F.2d 520, 527, 2d Cir. 1992; *EEOC v. J.C. Penney Co.*, 843 F.2d 249, 253, 6th Cir. 1988; *Glenn v. General Motors*, 841 F.2d 1567, 1571, 11th Cir. 1988). Gradually, the rhetoric of the EPA became more economically engaged, with many scholars and judges alike arguing for the expansion of specific market defenses under the “any factor other than sex provision,” especially in the 7th and 8th Circuits (*Fallon v. Illinois*, 882 F.2d 1206, 1211, 7th Cir. 1989; *Covington v. Southern Ill. Univ.*, 816 F.2d 317, 322, 7th Cir. 1987; *Streaker v. Grand Forks County Social Serv. Bd.*, 640 F.2d 96, 100, 8th Cir. 1980). As a result, there is an ongoing push to pass the Paycheck Fairness Act, which has been sitting in Congress since 1997 and excludes prior pay from its list of employer exceptions, prohibits wage disclosure retaliation, and increases compensatory damages for defendants found guilty of pay discrimination (Caneles 2018).

The Ninth Circuit Court of Appeals recently excluded prior pay from its list of acceptable employer defenses in 2018 (see *Rizzo v Yovino*, 2018). Federal lawsuits have been brought and won against employers for retaliating against wage disclosure, which often helps employers hide unfair pay discrepancies and is prohibited under the National Labor Relations Act of 1935 (see *Jones & Carter, Inc. v. Teare*, 2012). President Obama signed the Lilly Ledbetter Fair Pay Act of 2009 into law, but it merely amended the EPA’s statute of limitation rather than addressing more serious issues

revolving around prior pay and wage secrecy (Swenson 2010). However, that is not to argue the national adoption of salary history bans and wage transparency laws at a point when neither of such reforms were recognized by any of the states would have been a good idea.

The Feminist Argument for Pay Equity Reform

The legislative push for pay equity reform was just getting started with the introduction of the Paycheck Fairness Act in 1997, which includes both salary history bans and wage transparency requirements. Market-based defenses of controversial exemptions to the EPA such as reliance on salary history and wage secrecy have commonly been rooted in employer concerns about trade secrets, worker productivity, and wage compression (Sage 1999; Bierman & Gely 1972; Case 2001). Consequently, feminist research and rhetoric on pay equity reform in the 2000s and 2010s became geared toward debunking the legitimacy of such market defenses (Estelund 2012; Burroughs 2010; Cioppa 2006; Gomez & Wald 2010; Rabin-Margalioth 2010; Porter & Vartanian 2011). Despite critics, many feminist scholars began pointing out the stagnant rate at which the wage gap had been closing since the mid 1990s, collectively deciding that such stagnation indicated the need for some sort of change in the realm of pay equity law in the early 2000s and onward (Blau & Khan 2000; Lobel 2020).

The rate at which the wage gap narrowed between the 1950s and the late 1970s was slow and didn't pick up until the turn of the decade, peaking in the late 1980s with women going from earning sixty percent of what men earned on average in 1980 to making just over seventy-one percent of male earnings in 1990 (Blau & Khan 2000). After hitting a plateau in the mid 1990s, the rate at which the wage gap is closing has

remained rather stagnant (Lobel 2020). The impressive progress made in the 1980s was attributed mainly to the efforts of women desegregating the job market and gaining more education, expertise, and experience rather than from the protection of the Equal Pay Act, which rests on the argument that antidiscrimination enforcement was less restrictive on employers during this time (Blau & Khan 2000). However, the wage gap still exists and only seems to be closing at a slower and slower rate since the late 1990s. According to the U.S. Department of Labor's latest statistics, full-time female employees in 2021 make an average of eighty-two cents for every dollar that men make. Since the beginning of the twenty-first century, the rate at which the wage gap has been closing each year has been quite slow compared to previous decades, only decreasing by an average of half a cent annually (Lobel 2020).

Criticism of the Equal Pay Act and the feminist argument for reform is based on the ambiguity of its "any factor other than sex" provision that is believed to have prevented the wage gap from making more headway, being that it has only closed by twenty-three percent since it was enacted. According to Jeanne Hamburg (1989), the Supreme Court was initially reluctant to define the scope of the Act's "any factor other than sex" in a way that properly balanced business interests with the underlying anti-discriminatory purpose of the law (see *Corning Glass Works v. Brennan*, 1974; *L.A. Dept. of Water & Power v. Manhart*, 1978; & *County of Washington v. Gunther*, 1981). Early feminist proponents of equal pay reform argue that because the Supreme Court failed to adopt an appropriate standard for the Equal Pay Act's "any factor other than sex" provision, lower courts were allowed to use their own discretion to justify inherently discriminatory employer defenses for pay differentials (Hamburg 1989).

The most persistently common, yet most inherently discriminatory defense that the courts allowed employers to use to justify pay differences during this time was reliance on salary history (Hamburg 1989). The argument against employer reliance on salary history to set initial wages of an employee is that it automatically makes the starting salaries of most women lower than that of their male counterparts due to the historically discriminatory wage gap that already exists, which perpetuates the wage gap and undercuts the anti-discriminatory purpose of the EPA (Hamburg 1989). More often than not, these different starting salaries persist over the entire course of employment because they act as the basis for each raise and promotion, preventing women from ever being able to achieve pay equity in the workplace (Hamburg 1989). Secondly, most private employers have policies that prohibit or discourage wage disclosure (Canneles 2018), also making awareness one of the hardest parts about combatting wage discrimination. Ultimately, Hamburg's analysis of equal pay litigation during this period confirms Blau & Khan's doubt that the rapid shrinkage of the pay gap during 1980s was due to less discrimination because the courts pretty much allowed it to happen by failing to limit the "factors other than sex" provision to a reasonable scope (Hamburg 1989).

Scholars can generally agree on the fact that the language of the Equal Pay Act itself is not restrictive enough to prevent the courts from interpreting it in a way that ultimately undercuts its purpose (Hamburg 1989; Canneles 2018). On top of the number of loopholes that employers can legally use to get around pay equity, plaintiffs are also required to bear the burden of proof in a setting where proof is difficult to obtain. Despite the National Labor Relations Act of 1935 making wage disclosure a

federal right of employees, about half of Americans working in the private sector still adhere to policies or workplace norms that punish wage discussion amongst employees, according to a national survey conducted by the Institute for Women's Policy Research in 2018. Wage secrecy makes it hard for women to discover that they are being paid differently and even harder for them gather enough proof to take on a discrimination claim (Canneles 2018).

Despite the rather unfair history of women's salaries, the courts have continuously failed to take the discriminatory history of the wage gap and women's economic inequality into full consideration (*Fallon v. Illinois*, 882 F.2d 1206, 1211, 7th Cir. 1989; *Covington v. Southern Ill. Univ.*, 816 F.2d 317, 322, 7th Cir. 1987; *Streaker v. Grand Forks County Social Serv. Bd.*, 640 F.2d 96, 100, 8th Cir. 1980). These courts instead interpret the freedom of contract too broadly—assuming that everyone, regardless of sex, has the exact same opportunity and freedom to make equally rational and independent economic decisions. The most glaring way that the freedom of contract theory excludes the reality of being female is by automatically assuming that everyone has the same level of free agency from the start. Both feminists and non-feminists have pointed out the lack of context that such an economic model relying on underlying assumptions of equal free will, rationality, and complete self-interest provide.

Alan Ryan's "Distrusting Economics" focuses on the example of a soldier going to war, whose decisions also perfectly embody the limitations of rational self-interest in the presence of coercion, passion, and limited opportunity (Ryan 1989). Feminist scholars have used the example of women's subordination in the patriarchy and

childbearing as an example of how human decisions are not always based upon equal self-interest, but also sometimes force, coercion, empathy, or care (Morgan 1987; Held 1990). Economic models such as the assumption of equal free will were quite literally designed from the male perspective in a time period where women could not even vote (Smith 1776), and economics in general continues to be one of the most male dominated fields of study. Assumptions of economic free will do not take into account the fact that women, despite representing roughly half of the world's population, are centuries behind their male counterparts in terms of equality and power. It does not take into account the fact that women get paid less on average for equal work, have historically been considered secondary providers by men, and have more restricting family responsibilities. When taking the factors that Campbell points out into economic consideration, women do not experience quite the same extent of free agency that men enjoy. Over eighty-percent of single parents in the United States are single moms (Hymowitz 2020), meaning that they are responsible for the primary roles of both caregiver and breadwinner. Furthermore, the value of women as employees often diminishes in the eyes of the employer when they have children (Blau & Khan 2000).

When it comes to the inherently exclusionary nature of even the most basic economic underpinnings, it should be easy to guess how such seemingly “logical” assumptions can easily appeal to and skew the male perception of the female reality. To this day, inherently discriminatory economic defenses of wage disparities remain a key part of the rhetoric against pay equity reform. Discriminatory employer practices such as reliance on salary history and wage disclosure bans are reframed as simple market factors that apply to everyone, ignoring the fact that such practices perpetuate systems

of inequity that disproportionately affect women. Despite the fact that such standards are still predominant in the rhetoric of our legal system, the feminist reconceptualization of pay equity has been successful in moving and securing reform in many states. The current reforms taking place in numerous states and localities goes to show that such inclusion and reconceptualization has already been made to a certain degree, but there is still a long way to go until we see change throughout the nation as a whole.

The Status of Equal Pay Reform

Nearly twenty years later, two of the most critical provisions of equal pay reform have been enacted at state and local levels. I refer to the current trend of equal pay reform at the state level as the “newest wave of equal pay reform,” with its primary focus being wage disclosure laws and salary history bans, which prevent employers from relying on prior wages to set starting salaries and from retaliating against employees for asking about or discussing their wages. First of all, an impressive twenty-six states and localities have passed some sort of salary history ban since Massachusetts led the way in 2016—that is over half of the country in just six years (Beasley & Hartman 2022). Almost just as impressive, fifteen states plus Washington, D.C. have passed some sort of protection for their workers to discuss their wages in and out of the workplace without employer retaliation, according to the National Women’s Law Center. In fact, Tennessee Representative John Clemmons (D-TN) introduced the “Tennessee Pay Equality Transparency Act” in the state legislature to protect the rights of employees to discuss wages in 2018.

So, why has equal pay reform sparked such wildfire in both red and blue states in the past half-decade? First of all, a huge benefit of adopting equal pay reform at the state level is that it can be molded to fit the culture of each specific state. For example, Alabama's equal pay reform laws look much different than California's. Alabama's step toward reform in 2019 simply prohibits employers from refusing to hire or interview an applicant or retaliate against employees because they refuse to disclose their salary history and has not yet adopted any wage transparency reforms (Clarke-Figures Equal Pay Act, 2019). California, however, not only outright prohibits employers from inquiring about the salary history of an applicant or employee, but also prohibits employers from setting wages based on prior salary even if the applicant or employee voluntarily discloses such information (AB 168, Section 432.3). A more moderate example of Equal Pay Reform would be the Illinois ban, in which employers are banned from requesting a job applicant's salary history but are allowed to inquire about a candidate's ideal salary range for the open position (Beasley & Hartman 2022).

The newest wave of equal pay reform has been extremely bipartisan in its efforts, with twelve out of twenty-one state-wide salary history bans being passed by legislatures with Republican majorities. Although most city-wide bans have been passed by Democratic mayors and councils, there have been a number of Republican-led cities such as Jackson (MS), New Orleans (LA), Kansas City (MO), and Salt Lake City (UT) that have also established such measures. Additionally, Michigan and Wisconsin, which both have a majority of Democrats in state and local office, have passed laws that prohibit their localities from enforcing salary history bans (Beasley & Hartman 2022). With that being said, the newest wave of pay equity reforms are

nowhere near as liberal or extreme as what so much conservative economic rhetoric has made it out to be (Mas 2017; Cullen & Padzack-Hursson 2020). The newest wave of equal pay reform shows immense bipartisan support among women, with Alabama being perhaps the most profound example of conservative support.

Alabama Governor Kay Ivey, a vocal Christian, has a zero-exception pro-life stance on abortion, which she successfully enforced in her state in 2019, challenging *Roe v. Wade* (1983) even before the law was overturned (Alabama Human Life Protection Act, 2019). Ivey also signed a bill that allows Christian adoption agencies to refuse same-sex couples in May of 2017 (Alabama Child Placing Agency Inclusion Act, 2017). Despite Ivey's rather obvious stance on many liberal feminist policies and positions being made very clear through her policies, she took steps toward enacting pay equity reform in 2019 nonetheless. As the only female governor in the Bible Belt and a staunch pro-life conservative, Ivey's seemingly contradictory action on a liberal feminist concept such as equal pay reform showcases the bipartisan consensus that exists for such reform specifically between *women*, regardless of political affiliation or ideology. Ivey is one of only three Republican female governors in the nation, and despite carrying the most hardline views on religion out of the three, she is the only one that has supported legislation that has acted against employer reliance on salary history. Additionally, Alabama stands out as the only state in America's Southeastern Bible Belt to advance statewide pay equity reform for both public and private sectors. The closest exception would be North Carolina, governed by Democrat Roy Cooper, which has a statewide salary history ban that pertains only to the public sector of the workforce (NC Executive Order No. 93).

Critical Economic and Conservative Feminist Rhetoric

The original conservative critique of contemporary liberal feminism was that it pushed secularism and the eradication of gender roles (Schlafly 1977). However, conservative criticism has crept into even the most morally irrelevant aspects of feminist thought, research, and statistics, causing the extreme political polarization of feminism beginning during the culture wars of the 1970s (McDowell 2020). While feminist criticism had already spurred a political debate amongst women, it began to influence popular discourse more heavily under President Reagan 1980s (McDowell 2020). The debate grew even larger in the 1990s, with many conservatives going beyond their usual criticisms of social liberal feminist issue, with Christina Hoff Sommers challenging the legitimacy of wage gap statistics and workplace discrimination in 1994 (Sommers 1994). Sommers claims that the discriminatory pay gap is portrayed to be much higher than it is; however, she only points out what other feminists and economists have already discovered. Although the rhetoric surrounding wage gap statistics may be misleading to some extent, she gives no valid reason for questioning the numbers themselves.

Despite the fact that women still only make eighty-two percent of what men do for the same work, many conservative-leaning men and women are more likely to see pay discrimination in itself as a myth because they blame women's choices for the gap rather than fully considering their inferior position in the labor market (Lukas 2011; Sommers 1994). Sommers' argument merely points out the fact that the unexplained gap is much lower than the gap that can be explained by factors such as shorter work weeks, less experience, motherly duties, and job segregation. She relies heavily on

economic rhetoric that seeks to break down the wage gap, reiterating the conservative economic rhetoric that neither explainable nor unexplainable variables that contribute to the pay gap can legitimately account for workplace discrimination (Sommers 1994). The belief that the pay gap is due to nondiscriminatory factors stems simply from a lack of knowledge and awareness, being that with all explainable factors considered, there is still a measurable pay gap that has not been explained (Blau & Khan 2000). As described, scholarly research suggests that the wage gap can at least partially be explained through institutional exceptions to the EPA that allow for indirect discrimination to openly take place in the workplace, such as paying employees differently for equal work based on salary history and keeping them unaware about it through wage disclosure bans (Hamburg 1989).

The second concern is more open to scholarly debate, which is whether or not reliance on salary history or wage disclosure bans should be considered “legitimate business concerns” under the EPA. The question of whether or not economic critics of equal pay reform deserve any consideration has already been answered (Estelund 2012; Burroughs 2010; Cioppa 2006; Gomez & Wald 2010; Rabin-Margalioth 2010; Porter & Vartanian 2011). Although liberal feminists have been coherently reframing and refuting such conservative economic concerns from feminine perspectives since the early 2000s, such scholarly rhetoric has a hard time reaching the cultural or political surface in more economically conservative areas. However, oppositional rhetorical analysis on that particular stance was conducted very early on in equal pay litigation concerning the “feminization” of the workforce, in which predominantly female jobs are correlated to lower wages (Mutari & Figart 1997). Additionally, studies have been

done on the economic rhetoric of pay equity, in which American economists, especially females, are more reluctant than economists in other first-world nations to use the term “discrimination” when describing the reasons for the pay gap, in favor of the more watered-down phrase “unexplainable factors” (Weichselbaumer & Winter-Ebmer 2006). Despite the popularity of such exclusionary rhetoric in public discourse and the courts in regard to pay equity, inclusionary feminist discourse on the subject has gradually gained more footing over time.

Although the need for equal pay reform obviously exists and has been acknowledged by over half of the states, there is still mixed rhetoric about what equal pay reform should actually look like. There has been a lot of economic rhetoric that equal pay reform would cause wage compression and hurt workers overall, but this logic is due to the fact that economists have failed to fully consider the exceptions of the law, which include the use of wage systems based on seniority, merit, or performance (Mas 2017, Cullen & Padzack-Hurson 2020). Most of the rhetoric behind the argument falsely assumes that wage disclosure laws automatically allow wages to be renegotiated to match that of the highest paid employee at the firm regardless of wage structure (Mas 2017 and Cullen & Padzack-Hurson 2020), which is problematic because it does not represent the reality of the reforms taking place. In order to truly measure the effect of wage transparency and salary history bans on bargaining power and wages, seniority, merit, and performance systems must be taken into consideration. Wage transparency has also been linked to lower performance and motivation levels in employees due to the discouraging nature of performance-based wage transparency;

however, there has been no conclusive research showing that high paid workers value pay disclosure any more than low paid workers (Schuster & Colleti 1973).

Such misguided economic rhetoric helped deter the fruition of equal pay reform strides that began with the introduction of the Paycheck Fairness Act to Congress in 1997. It fails to fully consider equal pay reform for what it truly is and has contributed tremendously to the reluctance of many states to adopt such reforms and even more apprehension toward it being enacted at the federal level. The EPA has failed to create full economic equality between the sexes because its ambiguous language leaves it open for interpretation, and hence more susceptible to misinterpretation. It would be pointless to spend my entire paper explaining whether the wage gap actually exists due to discrimination, because all it takes to prove that discrimination still exists in the workplace is to understand the inherent sexism of certain legal interpretations that exist in the status quo. For discrimination to be rooted out of said status quo, it must be understood that reliance on salary history and wage disclosure retaliation are inherently sexist whether they intend to be or not. Now that equal pay rhetoric has started to shift, varying degrees of equal pay reform have been enacted in twenty-six states, both red and blue, starting with Massachusetts in 2016 (An Act to Establish Pay Equity, 2016).

Barriers to Success: The Political Polarization of Feminism

The notion of women's rights and equality between the sexes has been a particular point of interest in Western political thought for quite some time. In the suffrage movement of nineteenth century America, also known as the "first wave" of feminism, leaders such as Elizabeth Katy Stanton and Susan B. Anthony held conventions, founded newspapers, and traveled the country giving speeches all to advance support

for a woman's right to vote, own property, and receive an equal education (Eisenstein 1981). A brief pause in feminist rhetoric occurred after the demands of first wave feminism had been met but was rekindled in the early 1960s through Betty Friedan's *The Feminine Mystique* (1963), which focused on a plethora of women's issues but is most notable for its emphasis on the importance of work outside the home in women's lives. In that same year, the Equal Pay Act of 1963 was enacted into law. Unlike women earning the right to vote in the 1920s, Eisenstein did not consider pay equity as part the status quo in her book *The Radical Future of Liberal Feminism* (1981), despite the Equal Pay Act being enacted over two decades earlier.

While second-wave feminism was supported by most women and was almost solely concerned with economic justice and equality in the workplace (Friedan 1963), the beginning of third-wave feminism was marked by an uproar of second-wave critical theories as early as the 1970s that caused the feminist discipline to sprout into multiple polarized subfields. For example, Shulamith Firestone's 1974 manifesto titled, "The Dialectic of Sex," was critical of mainstream feminisms such as Friedan's for not going far enough. Firestone and the many radical feminists that she inspired, including Okin, Daly, and Butler, believe that the end goal of modern feminism should be: "not just the elimination of male *privilege* but of the sex distinction itself: genital difference between human beings would no longer matter culturally" (Firestone 1974). On the other hand, an even deeper split in the feminist block occurred during the culture war of the 1970s when conservative feminists led by grassroots organizer Phyllis Schlafly helped successfully block the enactment of the Equal Rights Amendment of 1972, which fell short of constitutional ratification by just three states (McDowell 2020). Conservative

female opposition to the Equal Rights Amendment of 1972 was made up of women who feared that “the amendment would cause their daughters to be drafted, make same-sex bathrooms commonplace, and force them away from their babies and into the workplace” (McDowell 2020).

In the split, a form of conservative feminism that rejects the eradication of gender roles was born and has been actively opposing liberal feminist reform ever since, contributing to the politically polarized nature of feminism that persists today (McDowell 2020). With wage discrimination persisting despite the passage of the Equal Pay Act and the Equal Rights Amendment failing to take hold due to anti-feminist efforts, many liberal feminists began to lose hope in the ability to create effective change through the system. Eisenstein, along with every other major radical feminist writer of her time period, believed that full equality between the sexes could only be harnessed through radical changes in society. For example, many liberal feminists began to conclude that the elimination of such male privilege could only be resolved if the government extended its control inside the private sphere of the family, delegating an equal share of domestic work and childcare to both men and women (Okin 1989). While Friedan stressed that women were better mothers and homemakers when they were involved in some sort of work outside of the home, more radical feminists found it hardly fair that women were granted higher levels of equality in the workplace without equal division of domestic labor (Okin 1989).

Drawing upon the juxtaposition of this new reality for women, Okin decides that the only way to achieve true economic, social, and political equality is to squash gender roles and split the duties of work and home equally between man and woman

(Okin 1989). Like the economic goals of second-wave feminism, the goals of third-wave feminisms have not yet been achieved, and Eisenstein gives some interesting insight as to why that may be. Despite her own personal bias, Eisenstein's work is useful in that it highlights the radical tendencies of even the tamest progressive feminist theories on gender equality. Instead of looking to the state for help, feminists such as Eisenstein reject the structures of capitalism and the state, pitting it as an enemy of gender equality (Eisenstein 1981). Rather than seeking to utilize the system's structure as the vessel to enhance and activate change, many progressive feminists of the third wave have completely turned against it. When considering why resistance to reforming the Equal Pay Act of 1963 exists, one must recognize the harsh divide between conservatives and liberals and how that divide relates back to feminism. One could imagine why conservatives and religious traditionalists would be hesitant to support "liberal" feminist policies in such a polarized climate, being that modern feminism tends to disagree with a traditional outlook of life and tends to become more radical over time (Eisenstein 1981).

Although Christina Hoff Sommers challenges wage gap statistics and pay equity reform (Sommers 2013), she has been an avid voice for conservative feminism since the 1980s and is a good example of the need for freedom of thought within scholarly feminist discourse. Sommers was essentially exiled from the school of liberal feminist thought in the 1990s when she criticized the feminist movement's growing effort toward the dismantling of certain gender distinctions (Sommers 1994). Her experience illustrates liberal feminism's tendency to ostracize those with opposing viewpoints from the movement altogether rather than engaging in active debate and attests to the

present-day rift that exists between conservative women and feminism. Many women who agree with Sommers on the gender debate feel that they can no longer identify with mainstream liberal feminism today, which has contributed to the extreme political polarization of feminism that exists today. Overtime, self-proclaimed “moderate feminists” like Sommers, more extreme conservative feminists, and anti-feminists have tended to align themselves more and more with the Republican Party, while most liberal and radical feminists align themselves more so with the Democratic Party (Piscopo 2020).

The political polarization of feminism also correlates to a religious divide between Democrats and Republicans. According to Pew Research Center’s Religious Landscape Study, Evangelical Christians make up the biggest religious group in the GOP at thirty-eight percent, while the Democratic Party’s largest group is religiously unaffiliated at twenty-eight percent. Considering a new report showing that the majority of both Republicans and Evangelical Christians believe that the eradication of traditional gender differences has gone too far (Pew 2022), one could infer that Evangelicals who support traditional gender constructs to any degree find themselves feeling more comfortable affiliating with the Republican Party. Also interesting is the fact that women make up the majority of Evangelical Christians at fifty-five percent (Pew). As Christians from all faiths and backgrounds have aligned themselves with resistance to the political deconstruction of gender, Christianity has received serious criticism from liberal feminism. Susan Moller Okin goes as far as to reject religion altogether, claiming that all forms of religion are inherently sexist, patriarchal systems (Okin 1989).

The radical anti-religious ideologies of third-wave feminisms began to take off at the same time as the radicalization of many other movements, including the shift toward national secularization (*Engel v. Vitale*, 1962; *Abington School District v. Schempp* (1963); *Lemon v. Kurtzman*, 1971; *Wallace v. Jaffree*, 1985; *Lee v. Weisman*, 1992; *Santa Fe Independent School District v. Doe*, 2000). In response to the national shift toward a more secularized society, many religious people, especially Evangelical Christians, began to attribute national liberal policy to the well-established anti-religious radical feminist movement of the time period. More generally, the Supreme Court's trend toward secularization generated a wave of Christian outrage across the country, with fundamentalist groups such as the Moral Majority and the Christian Legal Society focusing their missions solely on bulldozing the wall between church and state that the Court ultimately continued to construct (Long 2002). With frustrations regarding the free exercise of religion looming, religious extremism flourished throughout every major religion in the U.S., with considerably higher rates of radical religious extremist activity occurring after the *Engel* decision (Long 2002). With that being said, the chronological alignment and the ideological similarities of the popularization of radical feminism and the trend toward national secularization prompted a divide between religious fundamentalists and their overgeneralized conception of feminisms altogether (Long 2022; Okin 1999; Eisenstein 1981).

Considering the extreme polarization of feminism that exists today, one might infer that it is natural for conservative women to reject the newest wave of liberal feminist reform, even though it does not involve gender norms *per se*. Unlike the Equal Rights Amendment, the newest wave of equal pay reform solely focuses on the

insurance of economic equity strictly in the professional world, rather than challenging social gender norms in the private sphere of the family. According to the 2022 Young Women's Christian Association's Women's Legislative Priorities Study, seventy-three percent of women believe that strengthening equal pay laws should be very high on the list of legislative priorities. Seven in ten (72 percent) women support protecting employees' right to discuss their salaries, and nearly seven in ten (69 percent) want to require employers to report pay data to improve enforcement of anti-discrimination laws. Nearly nine in ten women voters (88 percent) support paid family and medical leave for all workers. (GQR, 2022). Although it may seem that polarization politics would divide liberal and conservative women on *all* legislative issues, women from both parties overwhelmingly support pay reform to one degree or another. Following the statistics, it is clear that both liberal and conservative women alike have a growing common interest in closing the wage gap through institutional workplace reform.

Part Two

The Moderate Feminist Solution

Religious Extremism and The Fundamentalist State

In my Honors Junior Interdisciplinary Seminar called, “Economics of Religion,” with Dr. Ennio Piano, we read, studied, and discussed many books describing the complex historical relationship between religion, economics, and politics. During the last half of the semester, Dr. Piano had us write a twenty-page research paper and give a twenty-minute presentation on any material that we had covered. As a third-year political science major, I naturally took a more political route than most of the other students in the class. My analysis relied on one book in particular that we read and discussed during the course, which was Eli Berman’s, *Radical, Religious, and Violent: The New Economics of Terrorism* (2009). At first, the thought of reading a book that focused on the intricacies of terrorism was a bit unsettling, but once I gave it a chance, I found the content of the book and angle of the author extremely interesting and significant.

In summation, the book described in detail the economic indicators and risk factors for radical religious groups to turn toward violence, specifically focusing on religious terrorism because it tends to be much more organized and deadly than nonreligious terrorism. Berman (2009) studied the patterns and statistics of radical terrorist groups across every main religion, concluding that radical religious groups are more prone to terrorism when they are excluded from the mainstream economic sphere. When economic isolation occurs, radical groups often tend to develop strong, independent internal economic networks. When these groups are both economically independent and isolated from the mainstream market, they often have more potential to commit successful acts of terror due to their low defection rates. He found that

successful and calculated acts of religious violence pertain more heavily to the economic and political circles that it exists, rather than to any specific religious belief or attachment. Radical groups exist within every religion and culture, but Berman points out that low rates of economic opportunity and high rates of independent economic internetworking explains the high rates of extremely organized and deadly religious acts of terrorism in the Middle East because of their underdeveloped economic and political systems of most of the nations in the region and their tendency to combine religion and politics (Berman 2009).

While Berman attributes too much religious influence on politics to a higher risk of economic exclusion and, therefore, higher rates of terrorism, I found that the same is also true for states that try to exclude religion from politics altogether. The analysis focused on how hyper-secular political philosophies held by the state can also create higher risks of radical religious terrorism because they too exclude certain groups from the socio-economic sphere. For example, since Muslim women have been disproportionately economically affected by the French government's ban on religious dress and symbols in public in the early 2000s, rates of domestic *jihadi* terrorism have increased significantly (Reynie 2021). The French Muslim community has suffered tremendously from these anti-religious policies, with their female unemployment and dropout rates doubling (Abdelgadir & Vasaliki 2020). With so many French Islamic women now being confined to the home and completely cut off from the public economic sector, it makes perfect sense that the Islamic community became much more self-sufficient and economically independent from the French government, increasing

their group loyalty and, therefore, ability to perform successful acts of terrorism against the state.

The French government is acting as its own “club” by requiring its members to fit certain physical and ideological criteria, essentially acting the same as any other religious regime by rejecting and excluding certain groups of the population from the privileges of mainstream society. By forcing citizens to put their Frenchness above their own religion, the French state is only agitating conflict and backlash from devout religious groups that refuse to make that sacrifice. As a result, France has experienced results that counter the essential purpose of the policy, enhancing the prevalence of religious quarreling rather than deterring it. Along the lines of Berman’s theory that economic isolation and self-sufficient mutual aid services lead to a higher risk for radical religious groups to turn violent, a state that separates religion and government *too* much runs just as much of a terrorist risk as a society that combines religion and politics altogether. Just like all of the religious conflict that occurs in the Middle East due to a lack of separation of church and state, which Berman points out, religious conflict can also occur within a state that rejects religion altogether. I compared the French and American approaches to religion too, pointing out the steady increase in violence among evangelical radical religious groups since the American trend toward national secularization began during the 1960s (*Engel v. Vitale*, 1962; *Abington School District v. Schempp*, 1963; *Lemon v. Kurtzman*, 1971; *Wallace v. Jaffree*, 1985; *Lee v. Weisman*, 1992; *Santa Fe Independent School District v. Doe*, 2000; Long 2002).

Using Berman’s theory to analyze the reason for the increase in violent attacks from radical religious groups, one could infer that the trend toward national

secularization may have helped contribute to increased sentiments of group isolation and, therefore, higher rates of internal dependence and networking (Berman 2009). The conservative and anti-feminist critique of Western secularization is that it unnecessarily restricts the influence and existence of religion in the public sphere. Such religious exclusion is often portrayed in modern feminisms as the only true source of female liberation even though it tends to restrict the economic opportunity of radical religious groups, which has been proven to increase the risk of violence from such groups, and therefore, jeopardize the liberty of the state altogether (Berman 2009). Excluding religion from the path to female liberation especially reduces the economic opportunities of women of the most devoutly religious groups because it increases the need for internal independence, further minimizing outside opportunities that give such women any potential ability to exit the group. As contradictory as it may seem, many feminists and political theorists continue to show support for legislation that excludes religion from the public sphere despite the negative consequences that it renders on devoutly religious women and society at large.

The Feminist Exclusion of Religious Women

According to European Court Reports, the Court of Justice of the European Union has upheld policies that protect the rights of private businesses to restrict religious dress in the workplace to maintain a “neutral” image to the public (Joined Cases C-804/18 and C-341/19 WABE and MH Müller Handel [2021]). The decision is considered a human rights violation by the Human Rights Watch and is discussed by one of their senior researchers, Hillary Margolis, stating that “the Court of Justice of the European Union (CJEU) found on July 15 that employers can limit workplace

expression of religious, political, or philosophical beliefs where there is a genuine need to present a neutral image towards customers or to prevent social disputes” (Margolis 2021). Margolis opened the article by claiming that “Protection of religious freedom—for Muslim women in particular—was dented last week by the European Union’s highest court’s ruling that permits employers to discriminate against people who wear religious dress” (Margolis 2021). The ruling reflects a pattern of European case law upholding state policies that negatively impact Muslim women in particular, such as the European Court of Human Rights’ (ECHR) approval of sweeping French headscarf and burqa bans (Case 43835/11 S.A.S. v. France [2014]).

Despite the ECHR’s claim that the ban would have a miniscule effect on the relatively large French-Muslim population (Case 43835/11 S.A.S. v. France [2014]), research has shown that such bans negatively impact opportunities for Muslim women in secular education and cut their labor market participation in half (Abdelgadir & Vasaliki 2020). Such policies have been deemed as “Islamophobic” and have yielded the founding of a human rights initiative dedicated solely to fighting violence and discrimination against Muslims in France titled the Collective against Islamophobia in France, which was founded in 2003 and releases yearly reports on French Islamophobia. Despite the obvious religious persecution that such policies are widely agreed to encapsulate, the French government defended the headscarf bans by claiming that their purpose is to uphold ideals of gender equality, human dignity, and mutual public respect (Case 43835/11 S.A.S. v. France [2014]). Although the European Court of Human Rights rejected the contention that the bans uphold gender equality and

human dignity, essentially all of France's established feminist groups consider the court's decision a victory for women's rights (Delphy 2015).

The type of radical feminism used to justify the abuse of religious liberty and multiculturalism is highlighted in Susan Okin's *Multiculturalism is Bad for Women* (1999), in which she criticizes contemporary political philosophies such as John Rawls' "Reasonable Pluralism" and Will Kymlicka's "Multicultural Citizenship." She argues that multiculturalism assumes a certain level of group rights in the private sphere that allows too much room for the violation of individual rights, especially for women. Because of this, she argues that the state should take on the role of entering the private sphere to ensure that the individual rights of women are being properly met. She goes on to critique religion itself, saying that the main three religions of the world, Christianity, Islam, and Judaism, are inherently patriarchal and cast women in subordinate roles in society. Okin's theory imposes a common goal among all women and assumes that goal can be achieved unilaterally by encouraging the state to invade the private sphere and enforce its own moral code, stigmatizing religious and cultural diversity and forcing its members to sacrifice their own moral and religious standards. She ultimately casts liberal secularization as the only hope for female liberation, and her arguments have had significant impacts on liberal feminism and the Western approach gender inequality (Okin 1999).

Christine Delphy co-founded the French feminist journal titled *Nouvelles Questions Feministes* (New Feminist Issues) with iconic French feminist Simone de Beauvoir in 1977 and was a longtime member of *Mouvement de Libération des Femmes* (MLF), so she knows a great deal about the history of French feminism and

portrays her own opinion on the subject in her feminist manifesto titled *Separate and Dominate: Feminism and Racism After the War on Terror* (Delphy 2015). In response to growing Islamophobia among feminist groups in France even before headscarf bans were enacted, Delphy rejects such attitudes, especially criticizing modern French feminism for being highly counterintuitive to the overarching feminist goal of equality for *all* women. She concludes that a space must be made for women of all backgrounds and identities to adopt their own form of feminism that fits within the bounds of their own realities without excluding certain religious and cultural traditions from the path to liberation. Delphy emphasizes that feminism and religion can and do coincide with one another, but that feminism and religious persecution certainly have no business existing in the same category. She criticizes the culturally imperialist themes of liberal feminism more broadly for tending to condone such religious discrimination, claiming that feminist backing of such discrimination rests in the name Western assimilation rather than gender equality (Delphy 2015).

Delphy is a major critic of modern liberal feminism's tendency to exclude certain groups and belief systems from the path to female liberation, which is a growing sentiment shared with many women today. According to a "roundtable" conversation about the current state of feminism hosted by VICE that consisted of both progressive and conservative, well-educated women, only five out of nine women claimed that they identified as feminists. When each woman was asked why they did or did not identify as a feminist, the conservatives that claimed not to be feminists expressed that although they support women's rights, they find it impossible to relate themselves to the popular discourse of what is commonly seen as mainstream contemporary liberal feminism.

Regardless of its truth, the conservative criticism of modern feminism that persisted throughout the debate was that it has become overly radicalized by the far left to the point where they cannot associate themselves with the term anymore. These women also agree with Delphy that modern feminism has become exclusionary to certain groups, with one of them stating, “The tent of modern feminism does not include Jewish women, does not include conservative women, and certainly does not include pro-life feminism (VICE 2019).” Using the VICE debate as an example, one can see that even if Okin’s complaints about religion are valid, her extreme approach to liberation is divisive and counterproductive.

The Significance of Equal Economic Opportunity

According to “How Gender Figures in Economics and Philosophy,” written by Maithreyi Krishnaraj in 2001, a star principle of feminism has been that economic opportunity is a precursor for political and social liberation. With that being said, it seems logical that economic equality must be achieved in order for social and political equality to even be possible. According to Krishnaraj, like political philosophy, economics is male dominated and defined. Women’s issues have been excluded from economics for decades, being framed as more of a social or political issue until more recently. There have even been feminist challenges to fundamental economic models, claiming that they are too rigid and thereby unrealistic. It argues that not every consumer can be held as equally free or rational due to the power imbalances that naturally exist in patriarchal societies. Although any type of institutional change is difficult, I do hope to show why an economic approach to full equality would be the easiest and least controversial way to start addressing inequality.

No matter how much the West wants to champion its strides in social equality and freedom, neither the U.S. nor any country in Europe has achieved full economic equality. As stated above, full time female employees in 2021 make an average of eighty-two cents for every dollar that men make, creating a pay gap of around eighteen percent (USBLS 2022). The European Commission has held that the average pay gap across Europe is only slightly lower at sixteen-point two percent. Meanwhile, according to the 2021 Global Gender Gap Report, underdeveloped countries such as Iran, Iraq, and Afghanistan have some of the largest pay gaps in the world. Interestingly, more developed countries such as India and Japan also fall extremely low on the list, with Japan scoring only three-fourths of a point higher than Iran and India only scoring a half a point higher than Iraq. Even more interesting are countries such as the United Arab Emirates, which ranks higher on the list than countries such as Greece, South Korea, China, and Cyprus.

Although many of the lowest ranking countries are located in the Middle East, outliers such as the United Arab Emirates and the employment rates of Muslims who live in secular societies make it clear that religion and culture are not the true enemy. Okin is right that illiberal societies hurt women, but it has more to do with state control than with culture or religion. The only difference between The United Arab Emirates and the rest of the Middle Eastern World is its level of economic freedom, ranking fourteenth in the world in economic freedom according to the Heritage Foundation. Like the list on the pay gap, most all other Middle Eastern countries fell to the bottom of the list. This entails that the reason Muslim women have a much higher level of economic equality in countries such as the United Arab Emirates, France, and the U.S.

is because the country itself has more economic freedom and, therefore, more economic opportunity in general. Hence, religion itself cannot be the main culprit, for seventy-six percent of the UAE population is Muslim.

While the push for secularization has been a common theme in contemporary feminism by authors like Okin, I hope to have demonstrated the contradictory nature of blaming religion and multiculturalism for women's issues. I agree that Okin fails to take the full cost of secularization into account and that women should be able to fight for their own liberation within their own cultures and groups (Mookherjee 2005). When the state restricts the religious freedom of a group of minority women in the name of secularism, it is becoming exactly what it shames—a voice that dictates and oppresses the freedoms of the most vulnerable. As we see with the headscarf bans, religious restrictions too often have negative consequences for the members of the group that are the least independent. For groups where most women lack the power to make their own decisions, they are still forced to react to such laws as they are told and to deal with the resulting hostilities of their families and communities. As I showed with the example of the United Arab Emirates, we can at least see a clear connection between higher levels of gender pay equity and economic opportunity even within Muslim societies.

In conclusion, policies that promote economic freedom and opportunity are intrinsically linked to higher rates of economic gender equality, while culturally restrictive social policies such as headscarf bans have been shown to reduce the economic opportunities of Muslim women (Corekcioglu 2021). While Western countries do have some of the highest rates of economic equality, many countries such as France and the United States have a long way to go when it comes to the wage gap,

and economic policy is the only answer to the problem. To promote gender equality, economic opportunities must be maximized for women, not restricted. As mentioned earlier, economic equality is a prerequisite for any social or political equality, which is why closing the wage gap is so important (Krishnaraj 2001). To liberate all women of all backgrounds we must first seek to liberate them through economic freedom, opportunity, and independence. Social policies that seek to liberate women through restrictions on religion and culture have the opposite effect. Without economic opportunity, any right to exit from oppressive groups is paralyzed and, therefore, escape is but a mere fairy tale (Berman 2009).

Decentralization and Cultural Backlash

Justice Samuel Alito contended in his keynote speech at the 2022 Religious Liberty Summit sponsored by Notre Dame Law School in Rome, Italy: “The problem that looms is not just indifference to religion, it’s not just ignorance about religion, there’s also growing hostility to religion, or at least the traditional religious beliefs that are contrary to the new moral code that is ascendant in some sectors.” He gave the speech on July 27, 2022, just a little over a month after his opinion to overturn *Roe v. Wade* (1983) was handed down and released to the public. Alito gives examples of religious persecution across the Western world against a multitude of religions, making sure not to focus too specifically on hostile policies against Christian Americans. Alito’s speech has been criticized by multiple mainstream news outlets such as CNN and Politico for mocking foreign leaders and other critics of his decision in *Dobbs v. Jackson Women’s Health Organization* (2022) and for being insensitive to those in which the ruling had already negatively affected (Vogue 2022; Gerstein 2022).

MSNBC criticized his speech for being overly political (Brown 2022). However, other sources such as the Washington Post and the Christian Broadcast Network have published articles claiming Alito's concerns regarding religious liberty are legitimate (Hosie 2022; Hallowell 2022).

Justice Alito's concerns for the preservation of religious liberty correlate heavily to his support for state's rights in American politics, and he gives a very specific and likeminded reason for that. Justice Alito supports states' rights not because of his own moral compass, but because he knows that religion does deserve a rightful place in democracy to a certain degree. He points out that restricting the states from making laws based on the moral capacity of its own citizens simply because those morals align too much with certain religious beliefs is a form of persecution in itself. By preventing the states from advancing and adopting their own moral codes in the name of religious "neutrality," the federal government essentially takes a stance against religious liberty altogether, upholding its own moral standard and creating the same risk that it set out to prevent in the first place on an even wider scale. The point of the speech is not to advance religion as an oppressive political tool, but to juxtapose the hyper-secular climate that exists in the modern world and warn against the secularist trend toward religious ignorance and hostility. What many have considered to be "mocking" foreign leaders such as Boris Johnson, Justin Trudeau, and Emmanuel Macron was Alito simply pointing out the hypocrisy of such leaders to publicly criticize the Supreme Court's decision to overturn *Roe v. Wade* (1983).

Justice Alito does give plenty of examples of religious persecution occurring outside of the Western World, such as the Yazidis in northern Iraq, Christians in

Nigeria, Coptic Christians in Egypt, and Uyghurs in China that have all been victims of religious torment. However, for the sake of avoiding hypocrisy himself, he refrained from citing specific examples of hyper-secular persecution that endures within societies ruled by many of the Western European critics of his *Dobbs* decision. By doing so, Alito spared such leaders and their nations from being severely exposed for their own abuses of religious liberty and the negative effects that such policies have had on their religious populations, women, and entire nations. As noted in previous sections, the enforcement of wide sweeping national policies that have not secured bipartisan support only exacerbates the already polarized political climate. Such policies result in cultural backlash, which can be seen through the surge of religious extremism and violence in America after the trend toward national secularization in the late twentieth century (Long 2002).

A shift toward a new interpretation of religious liberty under the First Amendment has already taken place in the Court. *Kennedy v. Bremerton School District* (2022) overturned the *Lemon* test, which has been predominantly used to decide Establishment Clause cases for over fifty years (*Lemon v. Kurtzman* 1971), in favor of a new “historical understanding” test with a 6-3 vote. The strict and confusing *Lemon* test has been met with criticism by both liberal and conservative justices of the Court for decades. Liberal Justice O’Connor advocated for a religious endorsement test, Justice Rehnquist a nonpreferentialist test, and Justice Scalia suggested a noncoercive test in the early 1990s (*Lee v. Weisman*, 1992). Justice Gorsuch wrote the majority opinion in *Kennedy*, expressing an interpretation of the Free Speech and Free Exercise Clauses that is mutually fair and respectful toward both religious and nonreligious

expression. Gorsuch proclaimed, “In the name of protecting religious liberty, the District would have us suppress it. Rather than respect the First Amendment’s double protection for religious expression, it would have us give preference to secular activity. Not only could schools fire teachers for praying quietly over their lunch, for wearing a yarmulke to school, or for offering a midday prayer during a break before practice. Under the District’s rule, a school would be required to do so” (*Kennedy v. Bremerton School District*, 2022).

Despite national steps toward de-secularization, the political polarization of feminism, the relatively wide degree of variation amongst state reforms, and the economic criticism of equal pay reform remain popular in conservative rhetoric. A lack of rhetorical consensus makes it clear that the Paycheck Fairness Act is not ready to be enacted at the federal level, which implies that the enactment of pay equity reform at the state level is the best prescription for the eradication of gender discrimination in the workplace at the moment, rather than one sweeping federal policy. A decentralized approach avoids the unknown economic consequences and cultural backlash that may result from enforcing a broad federal policy as demonstrated by the widespread cultural resistance to the national trend toward secularization. As I have already pointed out, equal pay reform is widely viewed by economic conservatives as part of a progressive liberal agenda contrary to free market principles and more broadly as a liberal feminist policy, which tends to be rejected by the bulk of conservatives due to the extreme political polarization of feminism in American society. Regardless of whether such positions against equal pay reform are valid, they are nonetheless real (Sommers 1994; Mas 2017).

Only until enough critical public discourse on salary history reliance and wage disclosure retaliation is generated to mobilize a rhetorical shift in each state, both red and blue, will equal pay reform truly be able to maximize its strides toward eradicating the possibility of gender discrimination in the workplace without risking serious unforeseen damage. Beyond the obvious economic damage that such a sudden and extreme shift in labor laws may entail, enforcing pay equity reform onto the states rather than allowing the natural democratic process to unfold runs the risk of generating backlash in the form of adverse political, legal, and social action. Without allowing the rhetoric of equal pay reform to run its own course to generate fully informed constituencies in the bipartisan way that it already has, pay equity reform would be more susceptible to political polarization and hinder bipartisan support. With that being said, the focus of those who support equal pay reform should be to change cultural attitudes toward such policies through rhetoric in order for them to make headway in even the most critical states such as Michigan and Wisconsin.

As I discussed earlier, inherently discriminatory economic rhetoric shaped popular legal interpretations of the Equal Pay Act of 1963 (Brown 1995). In the same sense, a shift in conservative rhetoric could also help change attitudes toward the push for equal pay reform, which is exactly what my research seeks to accomplish. From the conservative perspective, it is easy to understand why many may feel reluctant to trust the implications of equal pay reform so quickly. For one, many assume that the reforms are more radical than they are because they do not have enough knowledge on the subject and have been guided by fallacious economic rhetoric (Mas 2017; Cullen & Padzack-Hursen 2020). Secondly, the political polarization of feminism resulting from

its association with liberalism and national secularization has made it difficult for many people to even consider feminist reforms, regardless of their moral relevance (Lukas 2011). However, if those who have studied such reforms can reiterate what they truly mean within a decentralized conservative framework, many attitudes and positions could be changed on the issue.

Conclusion

I have described the essence of my thesis by explaining the importance of economic equality between the sexes and highlighted the need for a new conservative feminist voice in order to advocate for moderate, bipartisan feminist reform. Not only did I find that anti-religious, or hyper-secular, policies from the state increase extremism among radical religious groups, which in turn has the tendency to increase domestic religious violence and terrorism in both France and the United States, but I also found that such restrictions disproportionately affect women. Because some sort of economic disparity between men and women still exists in even the most developed countries, it is fair to say that the economic burden placed on religious groups disproportionately affects the most devoutly religious women. Islamic women, because of their religious dress code, are much more negatively impacted by the anti-religious policies in France than Islamic men, considering that it negatively impacts opportunities for Muslim women in secular education and cuts labor market participation in half (Abdelgadir & Vasaliki 2020).

In the midst of extreme political polarization in American society, the term “feminism” has equated to socialism and a sort of radical liberalism that seeks to rip away the principles of democracy upon which our nation was built. However, liberal

feminism in the most basic sense claims to stand for freedom, choice, individualism, and equal opportunity (Eisenstein 1989). All of these characteristics seem to be what America is all about, so why has it been so adamantly rejected, even by many women themselves? Yes, polarization is in part to blame, for many of the more conservative feminist theories often don't get as much attention as radical theories that bring shock value. However, the key component of modern liberal feminism that really gives conservatives a bad taste is its insistence on the need to reconstruct (and sometimes completely destruct) traditional gender roles within the family and society. Susan Moller Okin, a leading voice and theorist for liberal feminists, laid out a blueprint on how and why to deconstruct such roles that begins with state intervention into the privacy of the family in order to secure equal labor within the household and ensure complete female liberation and equality of opportunity (Okin 1989).

Despite the negative effects that these policies have on some of society's most vulnerable members, radical feminist theories often support anti-religious policies altogether. Whereas radical feminists, which moderate feminist critics would describe as anti-religious and hostile toward multiculturalism, completely disregard the negative effects that these policies have on the women that they specifically insist require liberation, moderate feminists have taken notice of these effects. Many people not only view these ideologies as proponents of unnecessary invasions of privacy from the state, but also as intolerant of certain religious convictions. Liberal feminists such as Okin reject religion as a possible path or characteristic of women's liberation (Okin 1999). If anything, they believe that religion is an obstacle to reaching the feminist goal and that it is inherently oppressive to females. For these reasons, it is easy to see why women of

all religious backgrounds would be weary of referring to themselves as feminists in modern terms.

Justice Alito insisted on the need to fight for religious liberty world-wide due to the popular shift toward hyper-secularism in Western society over the past few decades at the Religious Liberty Summit in Rome, Italy. Alito argued that mainstream Western society has gone past religious tolerance and into the dangerous realm of rejecting and removing religion from politics and society altogether. He defends religion's rightful place in politics, emphasizing the key role that it played in laying the foundation of American democracy. He hopes to uphold the constitutional principles of state neutrality toward religion and sees the United States as a leading model for how the relationship between church and state should be approached. He criticizes the direction of many European countries for their hyper-secular ideologies and religious oppression. Alito concluded that the main goal for champions of religious liberty should be to help persuade and prove that religion itself is worthy of having a rightful place in modern society. With that being said, I found his speech very timely and relevant to my thesis, which I consider an unconventional critical analysis of radical feminism.

Although there are a variety of reasons that explain why such reforms are so nonpartisan, both of the reforms that I focus on have mutually beneficial effects for *all* employers. So, although feminist thought has been at the forefront of the push for reform, the reforms in question do not exclusively benefit or apply to female employees. In fact, every employee covered by the National Labor Relations Act has had the federal right to discuss wages in and outside of the workplace and protection from employer retaliation for doing so since 1935 (29 U.S.C. §§ 151-169). Since the

rise of unions after the Great Depression, wage transparency has been commonly seen as a key component for workplace fairness and equality under the law. Only since criticism of the Equal Pay Act began has the issue of wage disclosure retaliation really caught the attention of feminists that concentrate on economic equity. When it comes to salary history bans, criticism has been mistakenly rooted in predictions that such policies would yield negative market power for employees due to a long history of exclusionary economic rhetoric in equal pay litigation.

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