The Lost Manifestos on Social Reproduction: Revisiting Wages For/ Against Housework

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Abstract

In light of the resurgence of feminist attention to social reproduction, this essay revisits the manifestos of the 1970s 'wages for housework' campaign, in particular Mariarosa Dalla Costa and Selma James' 'The Power of Women and the Subversion of Community' (1972), Silvia Federici's 'Wages Against Housework' (1975) and Nicole Cox and Silvia Federici's 'Counter-Planning From the Kitchen Table' (1975). While feminist legal scholarship has been less inclined than other feminist disciplines to draw upon these 1970s manifestos, this essay argues that they offer important provocations and lines of inquiry for feminist legal scholars today. First, the essay considers how the manifestos problematize the domains of the nuclear heteropatriarchal 'family', and the 'market', what counts as 'work', and who gets to be a 'worker', including by historicizing how the domains of family and market were spatially, economically, ideologically and legally split apart. Second, it offers a reparative reading of the manifestos' 'housewife' figure. Third, the essay considers the manifestos' more radical challenge to the dominant liberal paradigm of modest incrementalist legal reform in relation to matters of care and gender equality. Most vitally, these manifestos continue to push legal feminists to more ambitiously reimagine the possibilities for revaluing and redistributing reproductive labour and what a new social reproduction bargain might look like.

I. Introduction

> What we are living through is a crisis of society as a whole. By no means restricted to the precincts of finance, it is simultaneously a crisis of economy, ecology, politics and "care".[1]

So exclaims the 2019 manifesto *Feminism for the 99 Percent*. In seeking to articulate a new feminist vision fit for our current times, *Feminism for the 99 Percent* emphasizes that capitalism not only exploits waged labour but also 'free-rides on nature, public goods, and the *unwaged work that reproduces human beings and communities*'.[2] In the wake of a global pandemic, this text has not been alone in seeking to spotlight 'social reproduction [as] the site of a major crisis'.[3] Indeed, a series of

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[1] Cinzia Arruzza, Tithi Bhattacharya and Nancy Fraser, *Feminism for the 99 Percent: A Manifesto* (Verso, 2019) 16 (original emphasis removed).

[2] Ibid 16-17 (emphasis added).

[3] Ibid 72.

new manifestos have drawn attention to vital issues of social reproduction.[4] These texts urge us to revalue and redistribute 'essential work', as well as to better recognize and remunerate 'essential workers' – that this, those workers 'caring for the sick; delivering food, medication, and other essentials; clearing away our waste; stocking the shelves and running the registers in our grocery stores'.[5] More broadly, these manifestos begin to (re)imagine the contours of a different future, asking: what might it look like 'to begin ... to put care at the very centre of life?'.[6]

These twenty-first century feminist manifestos have helped to spark, and can be seen as part of, a stunning revival of issues of care and social reproduction in public consciousness and debate. Public debate on social reproduction brings with it important questions for feminist lawyers. These issues include – at the very least – radically rethinking the role of law in the design of care systems and welfare states, the so-called 'future of work' including work-and-care 'reconciliation' and workplace 'flexibility' regimes within labour law, as well as the labour and human rights and social inclusion of low-wage, migrant and women workers.

In a recent anthology, Breanne Fahs revisits the peculiar genre of feminist manifestos, noting that they have a 'particularly obscure history' and that '[u]ntil recently, almost nothing had been written about feminist manifestos at all'.[7] In her introduction Fahs deftly reflects – quoting Jeannette Winterson – that '[we] seem to have run in a great circle, and met [ourselves] again on the starting line'.[8] This déjà vu seems particularly resonant for feminist manifestos on social reproduction. Indeed, today's manifestos bear echoes and traces of a theoretical and conceptual vanguard forged by manifestos written on the same topic some fifty years earlier. Responding to a broader domestic labour debate of that time, the 1970s 'wages for housework' (WfH) campaign was launched by Mariarosa Dalla Costa and Selma James' manifesto *The Power of Women and the Subversion of*

[4] See eg Jennifer Nedelsky and Tom Malleson, *Part-Time for All: A Care Manifesto* (Oxford University Press, 2023); The Care Collective, *Care Manifesto: The Politics of Interdependence* (Verso, 2020); Isabelle Ferreras, Julie Battilana and Dominique Méda (eds), 'Manifesto: Work. Democratize. Decommodify. Decarbonize' in *Democratize Work: The Case for Reorganizing the Economy*, trans Miranda Richmond Mouillot (University of Chicago Press, 2022) 17. 'Democratize Work' was originally published as an op-ed signed by 3000+ academics in 43 news outlets worldwide, including in Nancy Fraser et al, 'Humans Are Not Resources. Coronavirus Shows Why We Must Democratise Work', *The Guardian* (online, 15 May 2020) <https://www.theguardian.com/commentisfree/2020/may/15/humans-resources-coronavirus-democratise-work-health-lives-market>.

[5] Ferreras et al. (n 4) 18.

[6] The Care Collective (n 4) 5.

[7] Breanne Fahs, 'Introduction: The Bleeding Edge: On the Necessity of Feminist Manifestos' in Breanne Fahs (ed), *Burn It Down! Feminist Manifestos for the Revolution* (Verso, 2020) 1, 13.

[8] Ibid 3, citing Jeanette Winterson, *Oranges Are Not the Only Fruit* (Grove Press, 1985) 173.

Community[9] and elaborated in subsequent manifestos and texts[10] including Silvia Federici's *Wages Against Housework*,[11] and Nicole Cox and Silvia Federici's *Counter-Planning From the Kitchen*.[12]

The WfH campaign had explosive power in the early 1970s. But within a short decade 'the domestic labor debate had exhausted itself'[13] and quickly faded into irrelevance as a political movement. Kathi Weeks describes, writing in 2011:

> One would be hard-pressed to find a political vision within feminism that has less credibility today than wages for housework; indeed, it is frequently portrayed in histories of feminism as a misguided movement ... a rather odd curio from the archive of second-wave feminist history. [14]

Common critiques of the WfH campaign, explored in more detail in the sections below, include that despite their best intentions to do otherwise the manifestos still veered into stiff functionalist and determinist accounts of 'capitalism' and 'patriarchy', reached too greedily for a universal 'woman' figure, and failed to recognize the messy complexities and particularities of different experiences, relations and processes of gender, work and labour across diverse settings and societies.[15] Like other feminist projects of its generation, the WfH campaign was therefore cast aside as part of the cultural turn away from "'totalizing" theoretical projects', a 'postmodern suspicion of any invocation of "the real"' and a 'reconceptualization of political space in less

[9] Mariarosa Dalla Costa and Selma James, *The Power of Women and the Subversion of the Community* (Falling Wall Press, 3rd ed, 1975). The third edition contains an Introduction written by Selma James in July 1972, 'Women and the Subversion of the Community' signed by Mariarosa Dalla Costa and Selma James in December 1972, and 'A Women's Place' written by Selma James in February 1953. Early drafts of the main feature, 'Women and the Subversion of the Community', were written in Italian by Mariarosa Dalla Costa and circulated in Italian feminist circles by Dalla Costa from June 1971, before being published in Italian in March 1972: Louise Toupin, *Wages for Housework: A History of an International Feminist Movement, 1972-77* (UBC Press, 2018) 224. The foreword to the 1975 edition signed by the Power of Women Collective, Britain and the Padua Wages for Housework Committee, in response to claims that the Wages for Housework perspective 'may apply to Italy but not to Britain', states that 'Mariarosa Dalla Costa and Selma James wrote "Women and the Subversion of the Community" together, as Mariarosa Dalla Costa herself has said publicly many times': Dalla Costa and James 4. There has been some dispute over the authorship and date of 'Women and the Subversion of the Community', namely whether Selma James should be listed as a co-author: see Mariarosa Dalla Costa, *Women and the Subversion of the Community: A Mariarosa Dalla Costa Reader* (PM Press, 2019) 47-49, n 21; see also documents published by Common Notions Press: 'Sex, Race, and Class: The Perspective of Winning', *Common Notions Press* <https://www.commonnotions.org/sex-race-and-class>.

[10] Other important longer-form texts of this period not discussed at length here include: Leopoldina Fortunati, *The Arcane of Reproduction: Housework, Prostitution, Labor and Capital*, ed Jim Fleming, trans Hilary Creek (Autonomedia, 1995); Maria Mies, *Patriarchy and Accumulation On A World Scale: Women in the International Division of Labour* (Palgrave Macmillan, rev ed, 1998). For an excellent analysis of the important contributions of Fortunati's *The Arcane of Reproduction* in particular, see Prabha Kotiswaran's masterful genealogy of materialist feminist positions on sex work: Prabha Kotiswaran, *Dangerous Sex, Invisible Labor: Sex Work and the Law in India* (Princeton University Press, 2011) 57-61.

[11] Silvia Federici, *Wages Against Housework* (Falling Wall Press, 1975).

[12] Nicole Cox and Silvia Federici, *Counter-Planning from the Kitchen: Wages for Housework, a Perspective on Capital and the Left* (Falling Wall Press, 1975) ('*Counter-Planning from the Kitchen*'). There are some discrepancies between the original 1975 publication and its republication in Silvia Federici, *Revolution at Point Zero: Housework, Reproduction, and Feminist Struggle* (PM Press, 2012) 28-40. Throughout this essay references are to the original 1975 edition.

[13] Kathi Weeks, *The Problem with Work: Feminism, Marxism, Antiwork Politics, and Postwork Imaginaries* (Duke University Press, 2011) 118.

[14] Ibid 114.

[15] See generally Cinzia Arruzza, 'Functionalist, Determinist, Reductionist: Social Reproduction Feminism and Its Critics' (2015) 80(1) *Science & Society* 9.

bounded, more fluid terms, and the relegation of class ... to a "bit part" in a series of endlessly dissolving analyses of identities, subjectivities and intersectionalities'.[16]

But while the campaign hit an impasse as an overt *political* project, its underlying conceptual offerings – on social reproduction and reproductive labour – were absorbed into diverse feminist thinking and praxis. Kick-started by these provocations, a rich interdisciplinary feminist project spanning the fields of critical political economy, feminist economics, geography, migration, sociology and social policy has, for a number of decades now, sought to theorize and make visible the role of social reproduction and reproductive labour and its 'crises' and 'depletions' in post-Fordist life.[17]

However, this long-standing and lively transdisciplinary feminist project on social reproduction has routinely been situated *outside of law*. There are, of course, notable exceptions to this absence of scholarship on social reproduction in law, including in particular the pioneering work of feminist labour law scholars,[18] some feminist legal scholars working from a global south perspective,[19] and others advancing critical approaches to marriage and family law,[20] and international economic and trade law[21] (scholarship which the present essay is greatly indebted to and draws much inspiration from).[22] Yet the question remains, why has (Anglo-American) feminist legal scholarship been

[16] Joanne Conaghan, 'Feminism, Law and Materialism: Reclaiming the "Tainted" Realm' in Margaret Davies and Vanessa E Munro (eds), *The Ashgate Research Companion to Feminist Legal Theory* (Ashgate, 2013) 31, 31.

[17] See eg Cindi Katz, 'Vagabond Capitalism and the Necessity of Social Reproduction' (2001) 33(4) *Antipode* 709; Stephen Gill and Isabella Bakker, *Power, Production and Social Reproduction: Human In/Security in the Global Political Economy* (Springer, 2003); Isabella Bakker, 'Social Reproduction and the Constitution of a Gendered Political Economy' (2007) 12(4) *New Political Economy* 541; Kate Bezanson and Meg Luxton, *Social Reproduction: Feminist Political Economy Challenges Neo-Liberalism* (McGill-Queen's Press, 2006); Shahra Razavi, 'Households, Families, and Social Reproduction' in Georgina Waylen et al. (eds), *The Oxford Handbook on Gender and Politics* (Oxford University Press, 2013) 289; Tithi Bhattacharya (ed), *Social Reproduction Theory: Remapping Class, Recentering Oppression* (Pluto Press, 2017); Alessandra Mezzadri, 'On the Value of Social Reproduction: Informal Labour, the Majority World and the Need for Inclusive Theories and Politics' (2019) 2.04 *Radical Philosophy* 33; Alessandra Mezzadri, 'Social Reproduction and Pandemic Neoliberalism: Planetary Crises and the Reorganisation of Life, Work and Death' (2022) 29(3) *Organization* 379; Shirin M Rai, Catherine Hoskyns and Dania Thomas, 'Depletion: The Cost of Social Reproduction' (2014) 16(1) *International Feminist Journal of Politics* 86.

[18] See eg Judy Fudge, 'Feminist Reflections on the Scope of Labour Law: Domestic Work, Social Reproduction, and Jurisdiction' (2014) 22(1) *Feminist Legal Studies* 1; Joanne Conaghan, 'Labour Law and Feminist Method' (2017) 33(1) *International Journal of Comparative Labour Law and Industrial Relations* 93.

[19] See eg Prabha Kotiswaran, 'The Laws of Social Reproduction: A Lesson in Appropriation' (2013) 64(3) *Northern Ireland Legal Quarterly* 317; Prabha Kotiswaran, 'An Ode to Altruism: How Indian Courts Value Unpaid Domestic Work' (2021) 56(36) *Economic & Political Weekly* <https://www.epw.in/journal/2021/36/special-articles/ode-altruism.html>; Beth Goldblatt and Shirin M Rai, 'Remedying Depletion through Social Reproduction: A Critical Engagement with the United Nations' Business and Human Rights Framework' (2020) 3(2) *European Journal of Politics and Gender* 185; Beth Goldblatt and Shirin M Rai, 'Recognizing the Full Costs of Care? Compensation for Families in South Africa's Silicosis Class Action' (2018) 27(6) *Social & Legal Studies* 671.

[20] See eg Nicola Barker, *Not The Marrying Kind: A Feminist Critique of Same-Sex Marriage* (Palgrave Macmillan, 2012).

[21] See eg Donatella Alessandrini, *Value Making in International Economic Law and Regulation: Alternative Possibilities* (Routledge, 2016); Donatella Alessandrini, 'A Not So "New Dawn" for International Economic Law and Development: Towards a Social Reproduction Approach to GVCs' (2022) 33(1) *European Journal of International Law* 131; Donatella Alessandrini, 'Of Value, Measurement and Social Reproduction' (2018) 27(4) *Griffith Law Review* 393; Donatella Alessandrini, 'Immaterial Labour and Alternative Valorisation Processes in Italian Feminist Debates: (Re)Exploring the "Commons" of Re-Production' (2012) 1(2) *feminists@law*.

[22] In the last several years there have been significant new contributions by feminist legal scholars in this field, including in particular the 'Laws of Social Reproduction' project (2018-2023) led by Prabha Kotiswaran: <https://lawsofsocialreproduction.net/>. See in particular the recent special issue on social reproduction published in this journal in 2023: Enrica Rigo and Donatella Alessandrini, 'Introduction: Social Reproduction and the Challenge to Legal Studies' (2023) 12(2) *feminists@law*; Prabha Kotiswaran, 'Social Reproduction, Feminism and the Law: Ships in the Night Passing Each Other' (2023) 12(2) *feminists@law*; Prabha Kotiswaran, 'Introduction to Laws

historically so reticent to engage with social reproduction theory, as first espoused by the WfH manifestos? As Maria Drakopoulou and Rosemary Hunter describe in their call for papers, feminist legal scholarship seems to be marked by a 'a certain unwillingness to grapple with feminism's intellectual and/or textual traditions' such that we have 'not only lost sight of these earlier texts, but … left this disconnection from [this] past to go entirely unnoticed'.[23]

Kathi Weeks speaks to some of the general challenges of revisiting historical feminist texts linked to 'feminism's own historiographical practices, including some of its most familiar periodizing models and classificatory schemes'.[24] One of these historiographic practices is a tendency to use a 'dialectical logic to explicate a progressive development of feminist theories over time'.[25] As part of a dominant historical narrativization within feminism, 'essentialist' feminist thought of the 1970s is 'imagined as part of a history that has been superseded'. [26] Because of this, as Weeks puts it, older feminist work such as the WfH manifestos are 'understood not only as a distraction, but as a regression, as a return ... to the mistakes [now] thoroughly repudiated'.[27]

Our context of the *legal* academy brings several additional factors that help to explain a 'disregard or disavowal'[28] of the WfH manifestos (as well as a now vast corpus of interdisciplinary feminist scholarship on social reproduction). First, feminist writing on reproductive labour and social reproduction brings with it clear associations and lineage with marxist and materialist theory. As Joanne Conaghan argues, materialism has been traditionally marked by its 'conspicuous absence from most contemporary accounts of feminist legal theory' having been 'dismissed as having little to do with the role of law in society and therefore of no interest to feminist legal theory'.[29] The discipline-wide avoidance of marxist and materialist theories and analysis helps to explain a reluctance to engage with the WfH manifestos and their possible contributions to legal thought. Second, Anglo-American feminist legal scholarship has traditionally been more strongly aligned with the dominant liberal framing on women and work. Informed by liberal and rationalist-

of Social Reproduction Lectures' (2023) 12(2) *feminists@law*; Kerry Rittich, 'Visibility and Value at Work: The Legal Organization of Productive and Reproductive Work: First Annual Lecture in the Laws of Social Reproduction, 18 August 2020' (2023) 12(2) *feminists@law*; Silvia Federici, 'From Reproducing Labour Power to Reproducing Our Struggle: A Strategy for a Revolutionary Feminism: Second Annual Lecture in the Laws of Social Reproduction, 13 July 2021' (2023) 12(2) *feminists@law*; Verónica Gago and Liz Mason Deese, 'Social Reproduction and Financial Extractivism : Third Annual Lecture in the Laws of Social Reproduction, 16 September 2022' (2023) 12(2) *feminists@law*. Outside of this publication, see also Prabha Kotiswaran, 'Laws of Social Reproduction' (2023) 19(1) *Annual Review of Law and Social Science* 145; Miriam Bak McKenna, 'Feminist Materialism and the Laws of Social Reproduction' in Paul O'Connell and Umut Özsu (eds), *Research Handbook on Law and Marxism* (Edward Elgar Publishing, 2021) 283; Beth Goldblatt, 'The Work of Living: Social Reproduction and the Right to the Continuous Improvement of Living Conditions' in Jessie Hohmann and Beth Goldblatt (eds), *The Right to the Continuous Improvement of Living Conditions: Responding to Complex Global Challenges* (Hart Publishing, 2021) 205.

[23] Maria Drakopoulou and Rosemary Hunter, 'CfP: The Forgotten Foundations of Feminist Legal Scholarship, Part I: 1970-1985', *Critical Legal Thinking* (25 March 2022) <https://criticallegalthinking.com/2022/03/25/cfp-the-forgotten-foundations-of-feminist-legal-scholarship-part-i-1970-1985/> ('CfP').

[24] Weeks (n 13) 114.

[25] Ibid 115.

[26] Ibid.

[27] Ibid.

[28] Drakopoulou and Hunter (n 23).

[29] Conaghan (n 16) 32. In recent years, however, there has been a resurgence of law and political economy approaches within critical legal scholarship: Angela Harris and James J Varellas, 'Law and Political Economy in a Time of Accelerating Crises' (2020) 1(1) *Journal of Law and Political Economy*; Jedediah Britton-Purdy et al, 'Building a Law-and-Political-Economy Framework: Beyond the Twentieth-Century Synthesis' (2020) 129(6) *Yale Law Journal* 1600; Jedediah Britton-Purdy, Amy Kapczynski and David Singh Grewal, 'Law and Political Economy: Toward a Manifesto', *LPE Project* (6 November 2017) <https://lpeproject.org/blog/law-and-political-economy-toward-a-manifesto/>.

humanist critiques of gender inequality, this strand of feminist thinking has positioned *access to waged work* as the most appropriate pathway towards gender equality.[30] Feminist efforts here, with legal feminists at the helm, have focused on removing formal legal and other barriers to women's access to employment and education, underpinned by liberal arguments about equality and women's shared humanity with men.[31] On face value, any apparent (or even mischievous) goal to pay 'wages' for 'housework' would seem incompatible with expanding women's access to paid work. Third, where legal feminist interventions have turned to questions of care they have largely been informed by cultural feminist approaches which articulate a moral and normative case for valuing care and dependency, rather than situating their analyses upon accounts of political economy and social reproduction. [32]

In light of the revival of feminist attention to questions of social reproduction, including in contemporary manifestos such as *Feminism for the 99 Percent,* this essay returns to the WfH manifestos of the 1970s. The following sections sketch out three areas where legal feminists might consider their provocations and lines of possibility. First, this essay draws out the manifestos' rethinking of the family, the market, what counts as 'work', and who gets to be a worker. Second, the essay offers a reparative reading of the manifestos' 'housewife' figure. Third, I consider the manifestos' more radical challenge to the dominant liberal paradigm of reform on matters of 'care'. In so doing, following Weeks, my approach here is to resist viewing the manifestos as a 'dead relic' or a 'finished product consigned to the boundaries of a particular historical period'.[33] This essay instead seeks to look 'to 'valuable insights and innovative analyses ... produced at [the] margins' without resorting to redeem or resurrect the movement as a whole.[34] Furthermore, following Weeks, this essay pays attention to the affects and energies of the *genre* of the manifesto itself. This invites going beyond the specific contents of claims and demands (tied to a particular time and place) of the manifestos to also look to 'the practice of demanding, of what a demand is, and of what it can do'.[35]

II. Historicizing the emergence of the 'family' and the 'market' and redefining reproductive labour as 'work'

In their 1972 manifesto *The Power of Women and the Subversion of the Community*, activist-theorists Mariarosa Dalla Costa and Selma James tell a compelling story of how the 'family' and 'market' emerged as incommensurably distinct and separate spheres of life under Fordist capitalism. They describe the 'origins of the capitalist family' as follows:

> In pre-capitalist patriarchal society *the home and the family* were central to agricultural and artisan production. With the advent of capitalism the socialization of production was

[30] Susan Ferguson, *Women and Work: Feminism, Labour, and Social Reproduction* (Pluto Press, 2020) 38.
[31] Martha Chamallas, *Introduction to Feminist Legal Theory* (Aspen Publishers, 2003) 23-38; Martha Albertson Fineman, 'Gender and Law: Feminist Legal Theory's Role in New Legal Realism' [2005] 2 *Wisconsin Law Review* 405, 408.
[32] Philomila Tsoukala, 'Gary Becker, Legal Feminism, and the Costs of Moralizing Care' (2007) 16(2) *Columbia Journal of Gender and Law* 357, 376. For important feminist scholarship within this tradition, see eg Martha Albertson Fineman, 'Contract and Care' (2000) 76 *Chicago-Kent Law Review* 1403; Martha Albertson Fineman, 'Cracking the Foundational Myths: Independence, Autonomy, and Self-Sufficiency' (2000) 8(1) *American University Journal of Gender, Social Policy & the Law* 13; Nicole Busby, *A Right to Care?: Unpaid Work in European Employment Law* (Oxford University Press, 2011).
[33] Weeks (n 13) 117.
[34] Ibid 119.
[35] Ibid 120.

> organized with *the factory* as its center. Those who worked in the new productive center, the factory, received a wage. Those who were excluded did not. Women, children, and the aged lost the relative power that derived from the family's dependence on their labor, *which was seen to be social and necessary*. Capital, destroying the family and the community and production as one whole, on the one hand has concentrated basic social protection in the factory and the office, and on the other has in essence detached the man from the family and turned him into a *wage laborer.*[36]

The Power of Women and the Subversion of the Community therefore historicizes how the 'family' and the 'market' were spatially, economically, ideologically and legally split apart as a new capitalist mode of production slowly displaced the prior feudal order. Under pre-capitalist society 'the whole community of serfs was compelled to be in co-operative in an unity of unfreedom that involved to the same degree women, children and men'. [37] But '[t]he passage from serfdom to free labour power separated the male from the female proletariat … [t]he unfree patriarch was transformed into the "free" wage earner'.[38] This new 'strict division of labor' separated reproductive and productive labours spatially in their new domains of the home and the factory, and in so doing, consolidated new gendered relations, roles and identities.[39] In particular, the creation of new spheres of public (market, factory) and private (family, home), led to a 'complete diminution of woman ... capital constructed the female role'.[40] As Dalla Costa and James explain, '[w]ith the advent of the capitalist mode of production, then, women were relegated to a condition of isolation, enclosed within the family cell'.[41]

What emerges here, then, is an early critique of the constitution and disciplinary functions of the nuclear, hetero-patriarchal family model under Fordism. As Dalla Costa and James state: 'capitalism has *created the modern family* and the housewife's role in it'.[42] They explain that the modern institution of the 'family is the very pillar of the capitalist organization of work'.[43] Nicole Cox and Silvia Federici similarly describe how, '[i]t is the essence of capitalist ideology to glorify the family as a "private world" ... [and] the wage relation has mystified the social function of the family'.[44] The manifestos point to the underlying role of the private family as institution for absorbing strains, shocks and disruptions to social reproduction due to unemployment, illness, disability and old age. As Dalla Costa and James describe: '[t]he family, this maternal cradle always ready to help and protect in time of need'; it is the family that can 'receive back in to the home all those who are periodically expelled from their jobs by economic crisis'.[45] In addition, it is the family unit that 'can absorb the fall in the price of labor power'.[46]

In *Family, Welfare and the State*, a longer-form analysis published in Italian in 1983, Mariarosa Dalla Costa elaborates how Roosevelt's New Deal of the 1930s sought to consolidate the United States'

[36] Dalla Costa and James (n 9) 23-24 (original emphasis).
[37] Ibid 24.
[38] Ibid.
[39] Ibid.
[40] Ibid 31.
[41] Ibid 29.
[42] Ibid 21 (emphasis added).
[43] Ibid 35.
[44] Cox and Federici (n 12) 9.
[45] Dalla Costa and James (n 9) 34.
[46] Ibid 45.

male breadwinner and female housewife norm through a suite of government policies, programs and legal reform.[47] Here, Dalla Costa argues that:

> the family functioned at the center of Roosevelt's New Deal' through policies and reforms that sought to ensure the role of the family in 'reabsorbing and reproducing individuals not immediately active [in paid work], successfully producing new labor power and reproducing active labour power, and therefore defending the capacity of consumption in general.[48]

Despite the actual reality of increasing women's employment, particularly during the crisis of the Great Depression, both governments and trade unions sought to ensure that women 'remain[ed] the main, indeed exclusive, figures responsible for ensuring the proper functioning of the family' rather than workers.[49]

This historicization of the separation of the family from the market also demystifies and denaturalizes the separation of 'productive' labour and 'reproductive' labour. The manifestos therefore explain, and also challenge, how reproductive labour usually performed in the household has morphed into 'women's work' and 'an act of love', and is seen as 'unskilled' and a 'natural attribute' of women. Dalla Costa and James emphasize:

> Woman ... has been isolated in the home, forced to carry out work that is considered *unskilled*, the work of giving birth to, raising, disciplining, and servicing the worker in production. Her role in the cycle of social reproduction *remained invisible* because only the produce of her labour, the laborer, was visible there.[50]

Silvia Federici similarly describes how housework transformed into a 'natural attribute' of women:

> not only has housework been imposed on women, but it has been transformed into a natural attribute of our female physique and personality, an internal need, an aspiration, supposedly coming from the depth of our female character. Housework had to be transformed into a natural attribute rather than be recognised as a social contract because from the beginning of capital's scheme for women this work was destined to be unwaged. Capital had to convince us that it is a natural, unavoidable and even fulfilling activity to make us accept our unwaged work.[51]

This presentation of reproductive labour as unwaged 'non-work' is crucial for capitalist accumulation. As Federici elaborates:

> We must admit that capital has been very successful in hiding our work. It has created a true masterpiece at the expense of women. By denying housework a wage and transforming it into an act of love, capital has killed many birds with one stone. ... it has got a hell of a lot of work almost for free ...[52]

Through this historical and materialist analysis, the WfH manifestos therefore insist that reproductive labour – even where it does not attract a wage – is work. Federici opens *Wages against Housework* thus: 'They say it is love. We say it is unwaged work. They call it frigidity. We call it

[47] Mariarosa Dalla Costa, *Family, Welfare, and the State: Between Progressivism and the New Deal* (Common Notions, 2nd ed, 2021). Originally published in Italian in 1983, the book was not translated and published in English until 2015 which may explain its limited reception by Anglo-American legal feminists.
[48] Ibid.
[49] Ibid 95.
[50] Dalla Costa and James (n 9) 28 (emphasis altered).
[51] Federici (n 11) 2.
[52] Ibid 3.

absenteeism. Every miscarriage is a work accident. ... More smiles? More money'.[53] Dalla Costa and James likewise insist: 'Work is still work, whether inside or outside the home'.[54]

What distinguishes these manifestos' framing of reproductive labour is that they do not appeal to the sentimental or moral worthiness of 'women's work'. Indeed, it is quite the opposite. As Dalla Costa and James assert: '[d]omestic labor is not essentially "feminine work"'.[55] Their analysis instead situates reproductive labour within the broader labour process, highlighting the importance of reproductive labour to capitalist production. In particular, the manifestos argue that the most 'precious product' in capitalism – a worker's *labour power* – is reproduced and sustained by the family unit. As Cox and Federici put it: 'the availability of a stable, well disciplined labour force is an essential condition of production at every stage of capitalist development'.[56] Without the social role of the family in reproducing the worker, and in reproducing future workers, capitalism could not function. It is how the worker returns to work each day, available to dedicate themselves to work. As Federici argues, 'having somebody at home who takes care of [the waged worker] is the only condition of not going crazy after a day spent on an assembly line or at a desk'.[57] Therefore 'behind every factory, behind every school, behind every office or mine is the hidden work of millions of women who have consumed their life, their labour power, in producing the labour power that works in that factory, school, office or mine'.[58] By highlighting the role of reproductive labour in producing the worker, and future workers, the manifestos challenge the length of the working day and the notion that all work is waged: 'we know that the working day for capital does not necessarily produce a pay-check, it does not begin and end at the factory gates'.[59] Without these labours that sustain and support human life and communities, capitalist production could not exist.

These manifestos offer a broad definition of housework that has been highly generative for feminist theorizations of both waged and unwaged reproductive labour. As they put it, '[h]ousework is much more than house cleaning'.[60] It includes 'servicing the wage earners physically, emotionally, sexually, getting them ready for work day after day'. [61] It is 'the socks we mend and the meals we cook'. [62] But it is also 'taking care of our children – the future workers – assisting them from birth through their school years, ensuring they too perform in the ways expected of them under capitalism'.[63] Thus, in these early articulations, reproductive labour is more than just physical work, it also encompasses emotional, affective and immaterial dimensions of social reproduction. Such analysis provided an opening for an expansive concept of reproductive labour in feminist theory (including sex work,[64] surrogacy,[65] and paid domestic and care work[66]).

[53] Ibid 1.
[54] Dalla Costa and James (n 9) 35.
[55] Ibid 33.
[56] Cox and Federici (n 12) 5.
[57] Federici (n 11) 3-4.
[58] Cox and Federici (n 12) 5.
[59] Ibid 4.
[60] Ibid.
[61] Ibid.
[62] Ibid.
[63] Ibid 4–5.
[64] Fortunati (n 10).
[65] Kalindi Vora, *Reimagining Reproduction: Essays on Surrogacy, Labor, and Technologies of Human Reproduction* (Routledge India, 2022).
[66] Evelyn Nakano Glenn, 'From Servitude to Service Work: Historical Continuities in the Racial Division of Paid Reproductive Labor' (1992) 18(1) *Signs: Journal of Women in Culture and Society* 1.

The WfH manifestos' reappraisal and elongation of the labour process therefore includes reproductive labour as part of the working day, as a step in the process of the generation of 'value'. Dalla Costa and James are adamant: 'We have to be clear that ... domestic work produces not merely use values, *but is essential to the production of surplus value*'.[67] Federici similarly describes how 'capital has made and makes money out of our cooking, smiling, fucking'.[68] Their point here is that reproductive labours – cooking meals, cleaning and mending clothes, gestating, birthing and raising children, the efforts of care, love and attention that sustain workers, households and communities – do not just reproduce life and 'use values' outside of capitalism. They are not 'outside of production' because they produce the commodity of labour power, but are kept unwaged and treated as 'free' in order to maximize capitalist surplus. The manifestos therefore seek to offer a corrective to traditional marxian approaches that saw housework as 'outside of production' and the housewife just as a 'supplier of a series of use values in the home'.[69] As Dalla Costa and James put it, 'the true nature of the housewife never emerges clearly in Marx'. [70]

Turning to this technically-laden question of 'value' proved, however, to be a perilous move. In response to this bold revisionist claim that reproductive labour in fact produced value, feminist and marxist energies 'became mired in a debate about how to conceive the relationship between domestic labor and Marx's theory of value'.[71] Exchanges therefore lost sight of the broader intellectual and political stakes of asserting the value of reproductive labour.[72] As Weeks describes, '[t]he conceptual and political point of the exercise was increasingly obscured as the debate frequently degenerated into a contest to locate the definitive passage from Marx that would resolve the dispute once and for all'.[73]

In summary, given the salience of legal feminists' critique of law's 'public'/'private' distinctions, it is worth recalling what the WfH campaigns offer feminist theory and praxis on this issue. In particular, the WfH manifestos offer a cogent and critical historicization of how and why domains of 'family' and 'market' emerged as distinct spheres with the advent of capitalism. They also provide novel theorizations of the disciplinary functions of the modern nuclear 'family' under Fordism. While the political movement itself descended into 'an ever more technical debate over Marx's theory of value',[74] the manifestos' core claim – that housework *is work* – remains fertile terrain for feminists to challenge the invisibility and non-value of reproductive labours more broadly conceived (going well beyond housework itself).

III. Only housewives? The desire to answer the 'Woman Question' and limits in articulating intersectional systems of oppression

The Power of Women and the Subversion of the Community opens with the figure of the housewife unabashedly front-and-centre. Dalla Costa and James begin:

[67] Dalla Costa and James (n 9) 33 (emphasis added).
[68] Federici (n 11) 5.
[69] Dalla Costa and James (n 9) 33.
[70] Ibid.
[71] Weeks (n 13) 119.
[72] For a concise overview of the marxist feminist debate on the question of 'value' within marxian theory see Ferguson (n 30) 121–130.
[73] Weeks (n 13) 119.
[74] Ibid 119.

> We place foremost in these pages the housewife as the central figure in this female role. We assume that all women are housewives and even those who work outside the home continue to be housewives. That is, on a world level, it is precisely what is particular to domestic work ... as quality of life and relationships which it generates, that determines a woman's place wherever she is and to whichever class she belongs ... the role of the working class housewife, which we believe has been indispensable to capitalist production, is the determinant for the position of all other women.[75]

Federici likewise casts the housewife as her manifesto's main protagonist, even though, as she points out, 'identifying ourselves as housewives, a fate which we all agree, is, so to speak, worse than death'.[76] Federici insists, nonetheless, that 'we are all housewives, we are all prostitutes, and we are all gay ... no matter where we are they can always count on more work from us'.[77]

The figure of the housewife was, therefore, the WfH manifestos' means to 'define and analyze the "Woman Question"' [78] that feminists of the day had grappled with. As Louise Toupin describes, '[a]t the time, neo-feminist activists, all trends combined, were eager to find a single source of oppression *shared* by all women'.[79] Feminists were on a 'search for "origins"' seeking to 'identify[] the specific "oppression"'. [80] The housewife figure was the WfH manifestos' answer to this question. The housewife enabled the texts to adopt the 'sweeping "we" pronoun'[81] typical of the manifesto genre. The trope was a means to find a collective voice, speak to their audience, generate new subjectivities, locate a place from which to make demands, a means to unite women as a collective for coordinated political action. Nonetheless, the project never intended to bind its audience to the housewife identity – the bigger plan was to destroy it. As Cox and Federici argue, 'Who is to say who are we? All we can find out now is who we are not, to the degree that through struggle we gain the power to break with capitalist identification'.[82]

Yet the housewife protagonist was sometimes alienating, or confronting, even for their contemporary audience. Federici concedes that many women of the day did not want to identify as housewives: '[u]unfortunately, many women – particularly single women – are afraid ... of identifying even for a second with the housewife. They know it is the most powerless position in society and so they do not want to realise that they are housewives too'.[83] Critics quickly objected to such a sweeping suggestion that the housewife could be said to represent the voice, positionality and common experience of *all women*. As Angela Davis emphasized, writing in 1981, '[i]n the United States, women of color – and especially Black women – have been receiving wages for housework for untold decades'.[84]

How are we to receive this divisive figure of the housewife today? With the far-reaching transformations to the post-Fordist sexual contract, the manifestos' figure of the housewife strikes a contemporary feminist reader as jarringly antiquated. With the widespread transition to an adult model of employment, the stay-at-home housewife without any attachment to the paid workforce

[75] Dalla Costa and James (n 9) 21.
[76] Federici (n 11) 1.
[77] Ibid 8.
[78] Dalla Costa and James (n 9) 21.
[79] Toupin (n 9) 24.
[80] Ibid.
[81] Fahs (n 7) 9.
[82] Cox and Federici (n 12) 8.
[83] Ibid.
[84] Angela Y Davis, *Women, Race & Class* (Random House Inc/Penguin Classics, 1981) 214.

is now, of course, an anomaly rather than a norm.[85] Indeed, even at the peak of Fordist capitalism – which even the manifestos note through the references to working class women's participation in paid work – the figure of the full-time housewife was more an ideological fantasy and disciplinary tool rather than a matter of steady empirical fact.[86]

In a generous and reparative reading of the manifestos, however, the housewife emerges not (just) as a literal class or social position or as an assertion of empirical fact. It is also an organizing motif and heuristic device. It is the manifestos' means to explain a mixed social and economic process by which reproductive labour has been made invisible and non-work under capitalism, which could be linked to the general disadvantage of women in society. As Weeks explains:

> They did not mean that all women were unwaged housewives and mothers; rather, they seemed to mean that the gender division of domestic labor, exemplified by the figure of the housewife, was fundamental to the production of gender difference and hierarchy; it was more like a shared condition or context that touched all women's lives directly or indirectly.[87]

Thus, the figure of the housewife, interpreted in this way, can be seen as more than a thin invocation of the literal position of all women. More substantively, at an analytical level, the housewife is used as an organizing tool and a heuristic device seeking to make visible the processes by which reproductive labour has been devalued. Nonetheless, the potency and exuberance of the housewife figure across the pages of the manifestos is hard to ignore – and it draws our attention to the half-century that has elapsed between the time they were written and their twenty-first century readers. Like their contemporaries, these feminist-activists were on a hunt for a singular root cause analysis of women's oppression, an origin story, a unifying thread. These writings were, clearly, then, still a product of their time. Like other feminist work of the 1970s, the manifestos displayed tendencies to make sweeping universal claims ('we are all housewives!'), and to put a singular methodological emphasis upon production and economic forces at the expense of other messy and indeterminate social, cultural, political and gendered forces, relations and identities, and thus meandered, often due to the housewife trope, into reductive or functionalist analysis.[88] This explains a twenty-first century feminist's unease with a sweeping, vivacious housewife-as-all-women figure. With the rise of intersectionality theory in the late 1980s, first articulated by Black feminist legal scholar Kimberlé Crenshaw,[89] marxian analyses were thus subject to an intense 'critique for [their] inattention to the complex dynamics of various social locations' at the intersections of gender, sexuality, class and race.[90]

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[85] Jane Lewis and Susanna Giullari, 'The Adult Worker Model Family, Gender Equality and Care: The Search For New Policy Principles and the Possibilities and Problems of a Capabilities Approach' (2005) 34(1) *Economy and Society* 76; Lisa Adkins and Maryanne Dever, *The Post-Fordist Sexual Contract: Working and Living in Contingency* (Springer, 2016).

[86] Lisa Adkins and Maryanne Dever, 'Housework, Wages and Money' (2014) 29(79) *Australian Feminist Studies* 50.

[87] Weeks (n 13) 148.

[88] Ibid 126; Arruzza (n 15); Ashley Bohrer, 'Intersectionality and Marxism: A Critical Historiography' (2018) 26(2) *Historical Materialism* 46; Susan Ferguson, 'Intersectionality and Social-Reproduction Feminisms: Toward an Integrative Ontology' (2016) 24(2) *Historical Materialism* 38.

[89] Kimberlé Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' [1989] *The University of Chicago Legal Forum* 139; Kimberlé Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (1991) 43(6) *Stanford Law Review* 1241.

[90] Bohrer (n 88) 46.

However, outright dismissal of the manifestos on the basis that the housewife figure is out-dated or linked to sweeping claims about the nature of women's oppression distracts from the other, more novel ways in which the manifestos nonetheless pioneered an analysis that started to bring together the multi-factorial nature of systems of oppression across the lines of race, gender and class, and between the global north and south. After all, the WfH movement's demand for wages was explicitly inspired, as they note, by the US welfare rights movement[91] – where Black working-class women 'refused state "charity" [because] they were demanding a salary from the state because they were working'.[92] As Selma James elaborates in *Sex, Race and Class*, published in 1974, '[r]ace, sex, age, nationality, each [are] an indispensable element of the international division of labour'.[93] She continues, '[t]he work you do and the wages you receive are not merely "economic" but social determinants, determinants of social power'.[94]

In addition, their analytical emphasis on how capitalism treated reproductive labour as 'free' or 'wageless' (as discussed in the section above) opened up new ways to think about the broader conditions of wagelessness and informality in the international division of labour and the causes of underdevelopment. As Cox and Federici put it, 'a reserve of wageless labour both in the "underdeveloped" countries and in the metropolis has allowed capital to move from those areas where labour had made itself too expensive'. [95] They continue, 'it is no accident that while capitalism is based on waged labour, more than half of the world's population is still unwaged. Wagelessness and underdevelopment, in fact, are essential elements of capitalist planning'.[96]

Similarly, a closer reading highlights how the manifestos, in fact, resist viewing the categorizations of 'family', 'market' and 'housewife' as innate or fixed. Their analysis relies on illuminating a 'specific history'[97] of social and market relations, processes, institutions and divisions of labour. Dalla Costa and James see the institution of the family and the social roles of men and women as 'a moment in a process' which is 'by no means complete' – they remind us that '[n]or should we take for granted that family as we know it today ... is the final form the family can assume under capitalism'.[98] As Toupin describes, this marked a significant break from early radical feminists who saw 'patriarchy' as 'an eternal, timeless, ahistorical system'.[99] In so doing, the manifestos acknowledge that forms of patriarchal oppression of women can and have occurred outside of contemporary capitalist society, recalling that '[t]he oppression of women, after all, did not begin with capitalism'.[100]

In summary, the striking and unmissable housewife figure accentuates the distance that has since elapsed between the time the WfH manifestos were written and the post-Fordist habitat of a contemporary feminist reader. The reliance on the housewife trope highlights the limits of a functionalist analysis and points to the discipline-wide shifts that followed from the important contributions of intersectionality theory to feminist legal thought. But to dismiss the manifestos

[91] Cox and Federici (n 12) 12.
[92] Toupin (n 9) 41; Federici, *Revolution at Point Zero* (n 12) 7.
[93] Selma James, *Sex, Race and Class* (Falling Wall Press, 1975), republished in Selma James, *Sex, Race and Class, the Perspective of Winning: A Selection of Writings 1952-2011* (PM Press, 2012) 96.
[94] Ibid.
[95] Cox and Federici (n 12) 10.
[96] Ibid.
[97] Dalla Costa and James (n 9) 41.
[98] Ibid 22.
[99] Toupin (n 9) 7.
[100] Dalla Costa and James (n 9) 23.

outright on the basis of the housewife trope obscures the real thrust of their analytical focus on reproductive labour and how they sought to begin to grapple with complex questions of how gender, race and class come together – and might shift – in systems of oppression and disadvantage. Finally, a reparative reading highlights how the trope of the housewife does not remain fixed as an end-point identity but rather is only a starting point for mobilization and asserting power; a place from which to make demands, with the goal of abolishing the role of the housewife itself. The final section therefore turns to the question of demand-making and the implications of the manifestos' insistence on revolution over incrementalist liberal reform for feminist legal theory.

IV. Utopian visions and demanding subjects: manifestos against incrementalist legal reform

As a political experiment, the WfH campaign was mired by some basic uncertainty: were these manifestos actually demanding wages for housework or, by contrast, something else entirely?[101] Once *The Power of Women and the Subversion of the Community* began to circulate, both 'supporters and detractors ... tended to focus on the wage goal as a more straightforward demand for money'.[102] When reduced to a literal claim for wages for – rather than *against* – housework, leftist and women's groups often feared it would be a 'step backward in the demand for women's equality'[103] because such a demand was seen as 'narrow, reformist, and potentially damaging for women'.[104] Some trade unions, for example, raised concerns that wages for housework would 'reinforce the gendered division of roles, keeping women in the traditional role of wife and mother', 'encourage women to stay away from the labour market', thus 'disrupt[ing] any possibility of sharing tasks within the couple' and meaning that 'the state would no longer feel obligated to institute community services'.[105]

Yet closer analysis reveals that these demands are not so straightforwardly about 'add[ing] a bit of money to the shitty lives we have now and then ask, so what?'.[106] As Federici emphasizes, demanding wages was much more than that:

> When we struggle for wages we struggle unambiguously and directly against our social role ... when we struggle for a wage we do not struggle to enter capitalist relations ... We struggle to break capital's plans for women ... Wages for housework, then, is a revolutionary demand not because by itself it destroys capital, but because it attacks capital and forces it to restructure social relations ... *to demand wages for housework does not mean to say that if we are paid we will continue to do it. It means precisely the opposite. To say that we want money for housework is the first step towards refusing to do it* ...[107]

Thus, as Federici emphasizes, wages are positioned as a step in the direction of refusing housework altogether, a revolutionary demand to restructure social relations and abolish the role of the

[101] See eg Weeks (n 13) 128.
[102] Ferguson (n 30) 98.
[103] Toupin (n 9) 3.
[104] Ferguson (n 30) 98; Toupin (n 9) 46.
[105] These objections to 'wages for housework' were issued by three Quebec trade union federations, translated and set out in Toupin (n 9) 4.
[106] Federici (n 11) 1.
[107] Ibid 5 (emphasis altered).

housewife. Dalla Costa and James likewise emphasize the goal was not to consolidate the position of the housewife but, on the contrary, to 'destroy the position of the housewife as the pivot of the nuclear family'.[108] They insist upon the need to:

> develop forms of struggle which do not leave the housewife peacefully at home ... waiting for a wage that would never pay for anything; rather we must discover forms of struggle which immediately break the whole structure of domestic work, rejecting it absolutely, rejecting our role as housewives and the home as the ghetto of our existence, since the problem is not only to stop doing this work, but to smash the entire role of the housewife.[109]

The manifestos, therefore, take on a particular politics of *refusal*, generating a much larger revolutionary, and indeed utopian, perspective than a mere policy proposal. Cox and Federici elaborate: 'Wages for Housework, then, is not a demand, one among others, but a political perspective which opens a new ground of struggle'.[110] As Weeks describes, their demand was 'not merely a policy proposal but a perspective and a provocation, a pedagogical practice that entails a critical analysis of the present and an imagination of a different future'.[111]

Inspired by the autonomist marxist tradition, the manifestos are especially animated by their refusal of (all) work – both inside and outside the home, both paid and unpaid.[112] Dalla Costa and James state clearly that 'not one of us believes that emancipation, liberation, can be achieved through work'.[113] Instead, they argue, it is about *working less* because 'we have worked enough'.[114] Women have 'chopped billions of tons of cottons, washed billions of dishes, scrubbed billions of floors, typed billions of words, wired billions of radio sets, washed billions of nappies'.[115] While they want freedom from housework, the solution in mind is also not a liberal desire to be more fully included in waged labour:

> the struggle of the working woman is not to return to the isolation of the home, appealing as this sometimes may be on Monday morning; any more than the housewife's struggle is to exchange being imprisoned in a house for being clinched to desks or machines, as appealing as this sometimes may be compared to the loneliness of the 12th story flat.[116]

In addition, by refusing to advocate for incrementalism and the solutions of traditional liberal legal reform – namely that 'the liberation of the working class woman lies in her getting a job outside the home'[117] – the manifestos carve out a 'dividing line between reformism and revolutionary politics'.[118] As Dalla Costa and James put it: 'slavery to an assembly line is not liberation from slavery to a kitchen sink'.[119] The manifestos therefore resist incrementalist liberalist reform and the main offerings of a mainstream legal reform agenda. Their goal is to disrupt the privatized system of social reproduction as a whole, taking down with it the private nuclear family and the role of

[108] Dalla Costa and James (n 9) 37.
[109] Ibid 36.
[110] Cox and Federici (n 12) 3.
[111] Weeks (n 13) 147.
[112] See ibid 92-96.
[113] Dalla Costa and James (n 9) 35.
[114] Ibid 49.
[115] Ibid 49-50.
[116] Ibid 50.
[117] Ibid 35.
[118] Ibid 50.
[119] Ibid 35.

the housewife, as well as a productivist mirage of paid work as women's salvation. Making bold, utopian and revolutionary demands is undoubtedly a feature of the genre of manifesto. As Fahs describes:

> At its best, the feminist manifesto is not only a weapon against patriarchy but a weapon against the worst aspects of feminist politics – it refutes liberal tendencies of moderation and incremental, slow, "wait and be patient" modes of reform ... It rips down the principles that underlie institutional politeness, women's complicity in their own oppression, and authorial passivity.[120]

In making these bold, revolutionary demands, the manifestos generate angry and powerful, feminist subjectivities and affects. While women might be 'seen as nagging bitches' they are, in fact, Federici insists, 'workers in a struggle'.[121] As Fahs describes, manifestos 'work[] against the highly gendered norms of respectability'[122] and 'do not hide behind rarified and obscure language; they pulsate with reality, breaking things'.[123] The subjects generated here are 'impatient, unmotherly, irritated, revolutionary, nasty, ambitious, bossy, and at times violent – all of which constitute traditionally "unfeminine" qualities'.[124] They are not, therefore, such ordinary housewives after all. These demanding and angry subjects refuse to sentimentalize their role in ways that obscure their labour. But they also refuse liberal reforms that are premised on women exchanging reproductive labour for different (paid) work and, in turn, continuing to work too much. They also want more time to live:

> We want canteens too, and nurseries and washing machines and dishwashers, but we also want choices: to eat in privacy with few people when we want, to have time to be with children, to be with old people, with the sick, when and where we choose. *To "have time" means to work less.* To have time to be with children, the old and the sick does not mean running to pay a quick visit ...[125]

Federici similarly describes: '[i]t is one thing to set up a day care centre the way we want it, and demand the State pay for it. It is quite another thing to deliver our children to the State and ask the State to control them'.[126] She continues: 'although we can ask for everything, day care, equal pay, free laundromats, we will never achieve any real change unless we attack our female role at its roots'.[127]

These manifestos therefore urge a more radical feminist vision for gender equality that is not limited to merely *more (or different) work*. Although they were written in the early to mid 1970s, the manifestos unnervingly predict, with alarming precision, how women's mass entry into the workforce would eventually come to pass with the transformation of the post-Fordist economy. In particular, the manifestos draw out the structural relation between women's dual responsibility for both unpaid and paid work in entrapping women into low-quality work. As Cox and Federici emphasize: '[o]ur lack of a wage for the work we do in the home has also been the primary cause of our weakness in the wage labor market. Employers know that we are used to work for nothing,

120 Fahs (n 7) 14.
121 Federici (n 11) 3.
122 Fahs (n 7) 18.
123 Ibid 14.
124 Ibid 15.
125 Dalla Costa and James (n 9) 40 (emphasis added).
126 Federici (n 11) 7.
127 Ibid 6.

and we are so desperate for some money of our own that they can get us at a very low price'.[128] This feminization of employment has clearly played out: because women continue to bear most of the responsibility for reproductive labour, they remain concentrated in feminized industries, in insecure, lower-quality jobs with lower wages and limited career progression. The manifestos therefore offer important provocations and challenges for legal feminists: what would a truly transformative agenda for gender equality look like? What would a radically new social reproduction bargain look like, one that goes beyond a 'business case' of women's economic participation in the paid labour market?

The manifestos therefore challenge us to think more boldly, to reimagine the social provisioning and distribution of care and social reproduction. While once unthinkable, the state's role in the provision of childcare services, for example, is now firmly set in the mainstream political agenda. Yet the value of state-funded childcare services is not usually grounded in reasons of social justice, poverty reduction, reducing inequality, or reversing the private, familial and gendered positioning of care as 'women's work'. Rather, public early childhood education and care services have overwhelming become politically acceptable on the grounds that they can increase women's employment and improve productivity.[129] Indeed, welfare conditionality often prevents parents who are not in paid work or study from even being eligible to access state-provided care services in the first place.[130] Thus, in order to be eligible to use these services, women and carers must be well-disciplined, neoliberal subjects participating in paid work – reproductive labour in the home continues to be unrecognized as socially valuable work.

Similarly, a new legal frontier of 'work-care' reconciliation and 'family-friendly' reforms aims to enable women and carers to 'balance' their 'work' and 'care' duties.[131] Yet this neoliberal framing of 'work' and 'care' reconciliation often leaves little room for demanding a life beyond care or work or challenging the gendered responsibility for care as women's work.[132] As Weeks describes, 'using the moralization of nonwaged work to argue for a reduction of waged work precludes a broader or more insistent interrogation of dominant work values'.[133] How can legal feminists challenge the ways in which current legal reforms often reinscribe narrow visions of care and kinship relationships that are reduced to, and thus re-inscribe, the nuclear hetero-patriarchal family? How can we avoid reiterating that the only legitimate ground for accessing workplace flexibility is by working more (either at home or, alternatively, at the workplace)? To do so, we

[128] Cox and Federici (n 12) 7-8.
[129] See eg Joint Research Centre, European Commission, 'Increasing Early Childhood Education and Care Participation Can Promote Women's Employment', *European Commission* (8 March 2023) <https://joint-research-centre.ec.europa.eu/jrc-news/increasing-early-childhood-education-and-care-participation-can-promote-womens-employment-2023-03-08_en>; The Treasury Portfolio, Australian Government, 'Making Child Care More Affordable and Boosting Workforce Participation' (2 May 2021) <https://ministers.treasury.gov.au/ministers/josh-frydenberg-2018/media-releases/making-child-care-more-affordable-and-boosting>.
[130] For example in Australia, in July 2018, the significant 'Jobs for Families' reform brought about a number of changes including making childcare subsidy eligibility being dependent on both parents being in (paid) 'work' or study to be eligible: Danica Beutler and Marianne Fenech, 'An Analysis of the Australian Government's Jobs for Families Child Care Package: The Utility of Bacchi's WPR Methodology to Identify Potential Influences on Parents' Childcare Choices' (2018) 43(1) *Australasian Journal of Early Childhood* 16.
[131] See eg Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on Work-Life Balance for Parents and Carers and Repealing Council Directive 2010/18/EU 2019 (OJ L).
[132] See eg Ivana Isailovic, 'Gender Equality as Investment: EU Work-Life Balance Measures and the Neo-Liberal Shift' (2021) 46(2) *Yale Journal of International Law* 277.
[133] Weeks (n 13) 159.

might return to those manifestos which ask us: 'why are these our only alternatives and what kind of struggle will move us beyond them?'.[134]

V. Conclusion

Legal feminist thought has long been averse to materialist approaches and has been more strongly aligned with the liberal feminist project of advancing women's access to paid work and cultural feminist articulations of care in the family. However, the urgent resurgence of questions of social reproduction prompts us to return to the WfH manifestos' provocations and lines of possibility. The WfH manifestos' powerful defamiliarization of 'the market' and 'the family' continues to have a strong relevance for feminist legal thought and highlights the generative possibilities of using methods of historicization to unravel rigid 'public'/'private' distinctions.

In addition, although the WfH manifestos are often dismissed outright due to their sweeping 'housewife' trope and because they provoked an insular debate on marxist value theory, a reparative reading retrieves their underlying analytic contribution – *that housework is work*. This analytical frame remains a generative opening for making reproductive labours legible and to challenge their low (social and economic) value.

Finally, the manifestos' bold practices of revolutionary claim-making and the demanding, angry – and un-motherly – subjectivities that they bring to life are as relevant as ever. In particular, the manifestos pose important and generative provocations about the meaning and purpose of 'gender equality', the eery resilience of the private nuclear hetero-patriarchal family in absorbing shortfalls and strains in social reproduction, and the liberal tendency to straightforwardly equate (more) paid work in the market as women's liberation. Most vitally, the manifestos push legal feminists to more ambitiously reimagine the possibilities for revaluing and redistributing the work of care and what a new social reproduction bargain might look like.

[134] Federici (n 11) 8.