

# PANEL IV: FEMINISM, CHILDREN AND THE FAMILY

## INTRODUCTION

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It is sometimes said that history is biography. As I listened for two days here, it seems to me that one's views of feminism are almost entirely autobiographical, which leads me to explain why I am your moderator. In my patriarchal family, one of my roles is to serve as my wife's chauffeur. She was speaking last night, and I was designated to drive her down here. She sugar-coats that role by calling me an "Article III" chauffeur (laughter).

I've learned a lot from the panels in the past couple of days. My wife warned all of you the first night that ideas have consequences,<sup>1</sup> and I have been thinking. I was trying to put together some of the best thoughts that I could extract from Professors Epstein,<sup>2</sup> Fineman,<sup>3</sup> and Case,<sup>4</sup> to deal with a particular problem of mine. When, almost forty years ago, I proposed to my wife, she accepted based on two conditions. The first was that I would never play golf, and the second, which has become more troublesome, is that I would not smoke cigars in the house. I have worked on the latter problem over the years, trying to work cigars up to the house through the cellar and trying to appeal to her compassion. But I was always faced with this rigid, contractual, formalistic argument (laughter).

But, having thought about what Professor Epstein, Professor Fineman, and Professor Case said, I have developed a defense. And if you think about it, it is going to be a difficult defense for my wife to controvert. My claim is that it was a contract of adhesion (laughter).

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1. See Rosalie Silberman, *Ideas Have Consequences*, 18 HARV. J.L. & PUB. POL'Y 409 (1995).

2. See Richard A. Epstein, *Two Challenges for Feminist Thought*, 18 HARV. J.L. & PUB. POL'Y 331 (1995).

3. See Martha A. Fineman, *Feminist Theory and Law*, 18 HARV. J.L. & PUB. POL'Y 349 (1995).

4. See Mary Anne Case, *Of Richard Epstein and Other Radical Feminists*, 18 HARV. J.L. & PUB. POL'Y 369 (1995).

Well, with that, let us proceed with our panel: FEMINISM, CHILDREN AND THE FAMILY. We have a very distinguished group of speakers, and I hope that they will shed some light on our topic, which is an unwieldy combination of ideology and reality.