

Historical Influences on Modern America and the Pink Tax

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## **Table of Contents**

**Introduction**

**Part One: American Women As the Other Sex**

**Part Two: Modern Traces of the Other Sex**

**Part Three: The Commercialization of Menstruation**

**Part Four: The Pink Tax and Socioeconomic Groups**

**Part Five: Where To Go From Here**

**Bibliography**

## Introduction

Patriarchy, and its implications, have long been central to the concerns of feminists across the globe. Patriarchy impacts every facet of life for all people, whether they are male or female. It impacts sexuality, education, employment, and consumerism. For thousands of years both men and women have played their roles in perpetuating patriarchal societies. However, now is the time that this complacency needs to stop. In this paper, I will examine sexism in America through the lens of the pink tax. I will discuss American women's history as the other sex, as defined by Simone de Beauvoir, the modern implications of the other sex, and the commercialization of menstruation.<sup>1</sup> Finally I will discuss the most current predicament facing American women, the pink tax.

The pink tax refers to “the extra amount women are charged for certain products or services.”<sup>2</sup> Some of these goods and services include menstruation products, razors, dry cleaning, clothing, and deodorant. In the case of products, such as razors, which are used by both sexes, a simple change in color from blue to pink can drive the price of the product up. For other items, women must pay an extra tax. This is true in the case of sanitary pads and tampons, as these items are listed in tax codes as “luxury items,” and are therefore subject to a tax placed on all items in that category.

As a starting place to analyze patriarchy and its impact on the pink tax, I will take a look at American society. Historically, women have been viewed as the other sex. Some scholars have argued this inequality is traced back to the Bible, or is due to biological makeup, or any other

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<sup>1</sup> Simone de Beauvoir, *The Second Sex*, (New York: Alfred A. Knopf, 2010).

<sup>2</sup> Candice Elliot, “The Pink Tax- The Cost of Being a Female Consumer,” *Listen Money Matters*, January 6, 2018, <https://www.listenmoneymatters.com/the-pink-tax/>.

number of reasons.<sup>3</sup> However, when it's all said and done, gender is just a social construction, meaning we have the power to change it.<sup>4</sup> Gender as a social construction means that men and women are learning through socialization how to act. People do not naturally “act like a boy” or “act like a girl,” they are taught how to think and behave by the adults, media, and peers surrounding them.<sup>5</sup> Little girls are taught to like all things pink, play with Barbies, and act as caregivers. While little boys are taught to love the color blue, play with trucks, and never under any circumstances cry. Changing a social construction may seem like a daunting task, but let's remember that we have done it before.

I have researched and will discuss how capitalism in the United States has allowed menstruation to become a commercialized experience for girls and women. With the creation of the New Germ Theory in the 1880s, hygiene became an important part of everyday life.<sup>6</sup> The New Germ Theory impacted everything from encouraging people to wash their hands, to encouraging girls to have a more hygienic menstruation. An unintended consequence of this new social standard, was that it allowed women's health, and more specifically menstruation, to become commercialized. We have shifted from a time when menstruation was regarded as a biological event, to the present, where female health and maturation has been pushed aside to make room for a focus on hygiene. As hygiene and menstruation have become more and more

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<sup>3</sup> John Wijngaards, “Women were considered to be in a state of punishment for sin,” [womenpriests.org](http://www.womenpriests.org), Accessed April 28, 2018, <http://www.womenpriests.org/traditio/sinful.asp>.

<sup>4</sup> Judith Butler, “Beside Oneself: On the Limits of Sexual Autonomy from Undoing Gender,” in *Feminist Theory*, ed. Wendy Kolmar and Frances Bartkowski (New York: McGraw Hill, 2010), 546.

<sup>5</sup> Rosemarie Putnam Tong, *Feminist Thought*, (Boulder: Westview Press, 1998), 139.

<sup>6</sup> Joan Brumberg, *The Body Project*, (New York: Random House, 1997), 38.

intertwined, companies have been able to exploit girl's and women's necessity to buy sanitary pads and tampons, in order to make money. Girls were informed that they should no longer use reusable cloth while menstruating, they should use disposable pads that should be changed a minimum of six times per day to ensure good hygiene. Parents, no longer wanting to discuss the increasingly taboo subject of menstruation, left it up to sanitary pad companies to educate their daughters, leaving ample room for young girls to be brainwashed into commercializing their periods.<sup>7</sup> Once companies understood the profitable market of commercializing personal hygiene and female appearance, they began to commercialize so much more, such as hair, makeup, nail polish, and skincare. This shift to consumerism in the late nineteenth and early twentieth centuries opened up the door for what we know today as the pink tax.

When the United States was founded in 1776, not only was the woman's role in the home, but so was the man's. It was through the process of the United States becoming more and more industrialized in the eighteenth century that these gender roles began to shift. Women's place remained in the home while men went outside of the home to work. Then, in the twentieth century, thanks to the hard work of countless women such as Betty Friedan, feminist activist and author of "The Feminist Mystique,"<sup>8</sup> and Simone de Beauvoir, author of "The Second Sex,"<sup>9</sup> women gained the courage and social consciousness that allowed them to move out of the home and become successful "career women." In the 242 years since the United States was founded, gender roles have been constantly shifting, and it is in the twenty-first century, that I believe

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<sup>7</sup> Brumberg, *The Body Project*, 41.

<sup>8</sup> Betty Friedan, *The Feminine Mystique*, (New York: Norton, 1963).

<sup>9</sup> Simone de Beauvoir, *The Second Sex*.

women may finally shift them enough to place us on an equal playing field with men. By looking at America's history, and the roles women have played, we will be able to understand the development of women's status in America and women's desire for, and progress toward, equality in consumer society.

As we continue to understand more recent American history, such as the equal rights movement in the 1960s and 1970s, the failure of the Equal Rights Amendment in 1982, and the waves of feminism, we will be able to better see the modern traces of the idea of women as the other sex.<sup>10</sup> We will be able to see ways in which women are still, to this day, discriminated against and how often women's most valued role is as a mother. We will also be able to see how these aspects of the patriarchy affect female consumerism, especially in terms of menstruation and the pink tax. This leads to the very real economic question of, when objects necessary to women such as pads and tampons are increasingly expensive, how does this affect women of different socioeconomic groups? A middle class woman will have more access to necessary menstruation products than an impoverished woman, and exponentially more access than an incarcerated woman. Once we take a look at how women of different socioeconomic groups are impacted by the commercialization of female hygiene, where do we go from there? What are the ways in which we can change the social construction of gender in order to allow women to no longer be discriminated against in their lives as consumers?

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<sup>10</sup> de Beauvoir, *The Second Sex*.

## Part One: American Women as the Other Sex

American women have been consistently viewed as subordinate to American men. However, this phenomenon of inequality dates back to long before the creation of the United States. Understanding how this inequality came about, especially in American society, will give us a better understanding of the current issues facing American women. Looking at primitive societies, women's place in Greek and Roman societies, and women's differing education in early America, sheds some light on the historical inequality of American women.

Simone de Beauvoir coined the term "the second sex" in referring to women.<sup>11</sup> She explains the reasoning behind this term in her book "The Second Sex." The term alludes to the fact that women, in most societies, are consistently being viewed as the other.<sup>12</sup> Males are the status quo and females are the differentiation from the norm. According to de Beauvoir, the earliest cases of gender inequality took place in primitive societies, about ten thousand years ago.<sup>13</sup> During primitive times it was crucial that one be able to defend themselves against predators and against enemies. These were dangerous times, and self-defense was of the utmost importance. However, without the existence of birth control, and without the basic reproductive knowledge to understand how women became pregnant, women often spent much of their fertile years with a baby in their womb.<sup>14</sup> Pregnancy rendered these women unable to defend

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<sup>11</sup> Simone de Beauvoir, *The Second Sex*, 6.

<sup>12</sup> Simone de Beauvoir, *The Second Sex*, 6.

<sup>13</sup> Simone de Beauvoir, *The Second Sex*, 7.

<sup>14</sup> Simone de Beauvoir, *The Second Sex*, 72.

themselves, thus forcing them to rely on their male companions for protection. Men had the physical advantage of force, while women had the biological disadvantage of reproduction.<sup>15</sup> Men were able to seek to advance their communities, in hunting techniques, in agriculture, in architecture and so on, while women were bed ridden for months at a time.<sup>16</sup> It was in risking his life that man was able to raise himself above women, whether this be in warrior or hunting expeditions. It was only a matter of time before “superiority [had] been granted not to the sex that gives birth but to the one that kills,”<sup>17</sup> for it was this killing that allowed their communities to live to fight another day. While both work in the home and out of the home was equally important to primitive communities, the value of this work changed as time went by. Men soon realized that what they were obtaining through their hunting and gathering expeditions could be traded. Their work represented monetary value, whereas the outcome of women's' work did not. Women could not trade child-rearing, whereas men could trade the food they acquired through hunting. The monetary value of men's work pushed them into the public sphere and women's family and domestic labor pushed them even further into the private sphere, doing work that was increasingly undervalued as it had no value in terms of trade. Thus the view of women as the second sex was furthered.

For thousands of years, society continued to form based on the primitive notion than men were the backbone and reason for each community's survival. The conflict this caused became

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<sup>15</sup> Simone de Beauvoir, *The Second Sex*, 74.

<sup>16</sup> It is important to note that not all women had the same pregnancy experiences. Some women were bedridden for weeks at a time, while other women gave birth and worked the fields with their babies on their hips the very next day. Simone de Beauvoir discusses the bedridden women, however we must remember that this was not accurate for all women.

<sup>17</sup> Simone de Beauvoir, *The Second Sex*, 74.

extremely evident in the greco-roman period of history. In the interest of preventing women from inheriting land and property from their relatives, Greek and Roman law deemed women “perpetual minors in civil life.”<sup>18</sup> It was deemed necessary that women always have a guardian to look over them, it was their guardian who would legally inherit whatever fortunes were left to these women. A girl’s first guardian was always her father, or in his absence, any male relatives, guardianship would eventually be passed on to her husband, and in his absence, his brothers. Greek women, in a sense, were glorified slaves forced to act at the whim of her guardian.

Literature from this time period influenced the way Greeks and Romans viewed the female sex. Reviewing the literature also allows us to see the specifics of female inequality in the greco-roman period. For example, books such as Homer show men routinely sending women off to their chambers, the Greek equivalent of sending an unruly child to their bedroom for timeout.<sup>19</sup> Greek books often spoke poorly of women, calling them thieves and stating that they should not be trusted.<sup>20</sup> Simonides of Amorgos, a Greek poet, claimed “women are the greatest evil God ever created: if they sometimes seem useful, they soon change into trouble for their masters.”<sup>21</sup> Statements like these reinforced the idea to Greeks and Romans that women needed to be subordinate to men in order for their society to continue to flourish.

The Greco-Roman period was exceptional in the way education was valued. It was a time when great strides were made in the realms of math, science, philosophy, and so many other topics. With all of the benefits this produced, there was a downside; education became the new

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<sup>18</sup> Simone de Beauvoir, *The Second Sex*, 99.

<sup>19</sup> Simone de Beauvoir, *The Second Sex*, 99.

<sup>20</sup> Simone de Beauvoir, *The Second Sex*, 98.

<sup>21</sup> Simone de Beauvoir, *The Second Sex*, 98.

way to separate the women from the men. By the time societies began to focus on education, men had long been superior to women. Men used social institutions, such as education, not as a way to gain power but as a way to maintain their power.

Hundreds of years later, with the creation of a new democratic country, the United States of America, in the late eighteenth century, came an increasing need for public education. As future voters, young boys needed to be educated about the world around them. However, why educate girls since they couldn't vote? This thinking creates an out of control spiral in the inequality of education that has taken centuries to correct. Participation in politics comes in many forms, from voting, to holding office, to protesting and lobbying. Just because girls could not legally vote, does not mean it would be impossible for them to participate in politics. However, in order to be politically active, which is necessary of all citizens in a democratic regime, one must be educated. Without education, it became virtually impossible for women to participate in America's political system. Not only were they not aware of the different ways other than voting that they could influence policy, but they were also unaware of the different policies being debated.<sup>22</sup> Although not always educated on contemporary issues and public policy, women were still expected to keep their sons and husbands involved. American Mothers' lives were "dedicated to the service of civic virtue; she educated her sons for it; she condemned and corrected her husbands lapses from it."<sup>23</sup> The encouragement of their sons and husbands to participate politically was the extent of women's political roles in post-revolutionary America.

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<sup>22</sup> John Stuart Miller, "The Subjugation of Women," in *Feminist Theory*, ed. Wendy Kolmar and Frances Bartkowski (New York: McGraw Hill, 2010), 81.

<sup>23</sup> Linda Kerber, "The Republican Mother: women and the Enlightenment- An American Perspective," *American Quarterly* 28 no. 2 (1976), 202.

“When education is a scarce resource, the powerful keep it for themselves or ration it to other groups in a manner that meets elite expectations and desires.”<sup>24</sup> In early America, the elite expectation of the governing men was that women only needed to learn the skills that would make them productive wives and mothers.<sup>25</sup> Any further education could threaten the elite males’ power over society, and thus was an unnecessary risk to take. Refraining from educating women was an extremely effective way for men to maintain their power in early America. Aside from discouraging young girls from pursuing an education, men also hindered the education of girls by giving women’s education significantly less funds than they gave to men’s education.<sup>26</sup> The allocation of money towards women’s education was consistently less than what was allocated to the men, a problem still not completely solved in America today. The inequality in education came at every level, from elementary school to college.<sup>27</sup>

Colleges funded by the states were springing up left and right in the mid-nineteenth century. However, girls had a much harder time being accepted into these institutions of higher education. So when Emma Willard proposed a plan to the New York State legislature to create a female public seminary, she was promptly turned down.<sup>28</sup> This did not stop her from re-shaping women’s education in America, however. She went on to establish her own private academy in

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<sup>24</sup> Dorothy E. McBride, *Women’s Rights in the USA: Policy Debates and Gender Roles*, (New York: Routledge, 2016), 137.

<sup>25</sup> McBride, *Women’s Rights in the USA*, 138

<sup>26</sup> “The Education of Women- Mid 1800s,” accessed Feb. 20, 2018. <https://historyengine.richmond.edu/episodes/view/5151>.

<sup>27</sup> “The Education of Women- Mid 1800s.”

<sup>28</sup> “The Education of Women- Mid 1800s.”

Troy, NY for women to attend.<sup>29</sup> Influential women who had donated to men's colleges for years began shifting their funds to female only institutions, which taught women secretarial work, industrial arts, and economics.<sup>30</sup> While admission to these universities required women to have basic knowledge on history, English, arithmetic, geography, and many more areas of study, the requirements for admission were still lower than that of the men's colleges.<sup>31</sup> Female institutions also granted bachelors degrees after fewer years of study, and did not grant masters or other advanced degrees.<sup>32</sup> This is significant because even the women who were receiving college level education were not receiving the same caliber of education that was being granted to the men.<sup>33</sup>

Despite the increase in women attending colleges in the late 1880s, mixing of the sexes in these institutions was still highly debated. Opponents of men and women learning together argued that, "The presence of females would impair men's education by 'feminizing' institutions of learning."<sup>34</sup> In the next section of my paper I will further discuss the lasting implications of female's lack of education funds as well as the lasting implications of this notion that women in the classroom could impede on the education of the boys.

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<sup>29</sup> "The Education of Women- Mid 1800s."

<sup>30</sup> "The Education of Women- Mid 1800s."

<sup>31</sup> Thomas Woody, *A History of Women's Education in the United States* (New York: Science Press, 1966), 163.

<sup>32</sup> Woody, *A History of Women's Education in the United States*, 162.

<sup>33</sup> At this point in time, it was only elite men and women who were obtaining access to universities. Not all men had the opportunity to receive a college level education.

<sup>34</sup> McBride, *Women's rights in the USA*, 142.

It was the concept of viewing women as different from the status quo that effectively caused women to lose power in all aspects of public and private life. One of the biggest impacts of viewing women as subordinate was the impact it had on their education. Women's education was rarely valued and rarely funded. In political systems where commoners had no say in politics, this may not have been too important. However in a democratic country, such as the United States, the incapability of women to become politically literate and to participate in influencing policy continued the avalanche effect of their loss of power under American law and policy.

### **Part Two: Modern Traces of the Other Sex**

In terms of legality, twenty-first century women in the United States have virtually become equal to men. However, this equality on paper does not always translate into reality.<sup>35</sup> As discussed in the previous section, the lack of value placed on women's education and the lack of motivation to help them become politically active citizens has had lasting effects on the status of women in American society. The three most prominent areas of public life in which women are at a vast disadvantage to men are education, politics, and employment. These three areas are not independent of each other. As a matter of fact, it is almost like a domino effect when it comes to

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<sup>35</sup> Women's equality further differs according to race and ethnicity. White women reached legal equality long before women of color. White women also get to enjoy more social equality than women of color.

women's inequality in these spheres. Lack of education will inevitably lead to a lack of political influence and poor employment opportunities. In this section I will analyze the ways in which women's historical inequality, as discussed in Part One, impacts modern women and correlates with my critique of the pink tax.

According to Dorothy McBride, author of "Women's Rights in the USA," there are three phases for female education.<sup>36</sup> The first phase moved women into their sphere as wives and mothers. As was evident in early America, women were only being educated to raise smart sons and to run a prosperous home. This type of education did not really teach girls anything new, since they were already learning these skills at home. Its true purpose was for the elites to claim that women were receiving an education in an effort to placate the women that demanded it. The second phase granted women an equal opportunity to enjoy the same education in men. The second phase occurred in the early to late twentieth century with the introduction of Title IX, which granted more funds to women's education and athletics in public schools and universities, and the increase of women attending university. In the third, and current phase, women "have asserted their right to develop new knowledge."<sup>37</sup> Women can now have their own ideas, they can lead research teams, they can analyze information, and their discoveries can be equally valued to men's. McBride hypothesizes that the longer women spend in this third phase, the further they will stray from inequality and the more influence they will have over the content of education for young girls and boys.<sup>38</sup>

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<sup>36</sup> McBride, *Women's Rights in the USA*, 168.

<sup>37</sup> McBride, *Women's Rights in the USA*, 168.

<sup>38</sup> McBride, *Women's Rights in the USA*, 168.

McBride's three phases make it clear that women have come a long way in their search for equal education.<sup>39</sup> However, being centuries behind men in terms of educational opportunities has had a lasting effect on modern women. One lasting effect is that women are still encouraged to pursue careers in female dominated spheres, such as education and social work, rather than careers in fields that are centered on math and science. The Department of Education keeps track of the number of men and women in each college major. According to the Department of Education, in 2010, roughly 20% of computer science and engineering majors were female, while roughly 80% of health, education, and social work majors were women.<sup>40</sup> A possible explanation for this is given by Andrea Miller and Eugene Borgida, authors of "The Separate Spheres Model of Gendered Inequality. They claim that, "when men and women violate gender stereotypes by crossing spheres...they face backlash and economic penalties."<sup>41</sup> A possible backlash that women in male dominated studies and careers face is that their work is deeply undervalued and that the structure of male dominated workplaces oppose the flexible accommodations that are necessary for some women who are expected to be both caregivers and career women.

The differentiation in education between what women and men are studying in universities has a direct impact on their employment. Many workplaces revolve around a schedule that assumes that each worker is always fully available to the employer and has no

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<sup>39</sup> McBride, *Women's Rights in the USA*, 168.

<sup>40</sup> "Who Studies What? Men, Women and College Majors," *National Public Radio*, last modified October 28, 2014, <https://www.npr.org/sections/money/2014/10/28/359419934/who-studies-what-men-women-and-college-majors>.

<sup>41</sup> Andrea L. Miller and Eugene Borgida, "The Separate Spheres Model of Gendered Inequality," *PLoS One*, no. 11(1) (2016): e0147315, doi: [10.1371/journal.pone.0147315](https://doi.org/10.1371/journal.pone.0147315).

conflicts with their lives outside of work. If companies are able to adopt policies that allow for flexible accommodations such as family leave and flexible start and end times, “they help reduce economic inequality for women who have both careers and families to care for.”<sup>42</sup> Aside from this, the policies also encourage male employees to become more involved in family life. Flexibility on the part of employers open up career fields for women that they may not otherwise get to partake in. However, there are many people who oppose flexibility accommodations. Especially in the United States, where society values individualism and meritocracy, many individuals may recognize the unfairness a strictly structured workplace may pose on women, but they still do not believe that the “workplaces should bear the burden of enacting flexible policies.”<sup>43</sup> Additionally, there is backlash in these workplaces for women who require flexibility. Supervisors of inflexible workplaces “may be more likely to engage in discriminatory conduct against employees with caregiving responsibilities, because these employees are blurring the boundaries between the home and workplace spheres.”<sup>44</sup> If the vast majority of companies within a specific field do not offer flexible accommodations, then women will be less likely to study these fields in university, even if they are fields with high wages.

“Dominant groups remain privileged because they write the rules, and the rules they write enable them to continue to write the rules.”<sup>45</sup> The ability to write the rules, allows the dominant group to re-write rules to stop threats to their position of power. An example of this is the

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<sup>42</sup> Miller and Borgida, “Separate Spheres Model of Gendered Inequality.”

<sup>43</sup> Miller and Borgida, “Separate Spheres Model of Gendered Inequality.”

<sup>44</sup> Miller and Borgida, “Separate Spheres Model of Gendered Inequality.”

<sup>45</sup> Judith Lorber, *The Social Construction of Gender*, (Newbury Park: SAGE Publications, 1990), 142.

concept of the wage gap. The wage gap is a way for the submissive group, women, to be allowed to have careers that still allows the dominant group, men, to reduce the threat of their power being taken away.<sup>46</sup>

Differentiation is the “practice of distinguishing categories based on some attribute.”<sup>47</sup> It is a fundamental process in all hierarchies. Differentiation involves classifying members into two categories, category A (“the subject) and category Not-A (“the other”). Instead of the hierarchy viewing these two classes as different groups of equal value, it sees “A” as valuable and as having positive qualities and “Not-A” as its opposite, invaluable and possessing only negative qualities. This is the hierarchical system that classifies gender in the United States.<sup>48</sup> The regard of category “Not-A” as lacking value shows itself to be true in the lack of value placed on women’s work and the consequential gap in wages between the men and women.<sup>49</sup>

The wage gap is the most enduring manifestation of inequality between men and women. It is the difference in median earnings between the sexes. Currently in the United States, women make an average of 20% less than men.<sup>50</sup> In some states, such as Louisiana and Utah, the wage gap shows women making as low as 70% of what their male counterparts make.<sup>51</sup> This gap dips

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<sup>46</sup> Lorber, *The Social Construction of Gender*, 143.

<sup>47</sup> Lorber, *The Social Construction of Gender*, 143.

<sup>48</sup> Judith Lorber, *The Social Construction of Gender*, 144.

<sup>49</sup> These classifications of groups “A” and “Not-A” directly correlate with de Beauvoir’s observation of society’s view of men as essential and women as the other. These two theories are virtually synonymous with each other, they just use different terms to convey the same idea.

<sup>50</sup> Kevin Miller, “The Simple Truth about the Gender Pay Gap,” *AAUW*, Accessed March 3, 2018, <https://www.aauw.org/research/the-simple-truth-about-the-gender-pay-gap/>.

<sup>51</sup> Miller, “The Simple Truth.”

even lower when looking at wages earned by women of color. Latina women make on average just 54% of what white men earn in the United States.<sup>52</sup>

There are numerous causes of the wage gap in the United States. One cause is the pressure on girls to pursue education and careers in “female spheres,” which often times consist of lower paying jobs. For example, we saw before that 80% of education majors are female and only 20% of engineering majors are female; when entering the workforce, these teachers are going to make significantly less money than the engineers. By pressuring women to pursue education in female dominated spheres, we are setting them up to earn significantly lower wages than males. Work in spheres typically dominated by females, such as education and social work, have been classified as ‘unskilled’ labor.<sup>53 54</sup> This classification is continuously used as justification for a wage gap. It is said that we should not pay ‘unskilled’ workers an equal amount as ‘skilled’ workers. Non-coincidentally, it is men’s work that is defined as ‘skilled,’ and women’s work that is defined as ‘unskilled.’ Women’s lack of power then prevents them from being able to label their work as ‘skilled,’ which would effectively increase their pay and value.<sup>55</sup>

Although it seems that encouraging girls to attend college can counteract the wage gap, this is not true. In fact, in some cases, “the gender pay gap is larger at higher levels of

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<sup>52</sup> Miller, “The Simple Truth.”

<sup>53</sup> The classification of women’s work as ‘unskilled labor’ can be attributed to men. Classifying women’s work as ‘unskilled’ allows for women to be paid lower wages. The thinking goes that one would not pay the same amount for someone to complete a job that requires skill and for someone to complete a job that requires no skill. This logic inspired elite males to classify male dominated occupations as ‘skilled’ labor, and female dominated occupations as ‘unskilled’ labor.

<sup>54</sup> Lorber, *The Social Construction of Gender*, 153.

<sup>55</sup> Lorber, *The Social Construction of Gender*, 153.

education.”<sup>56</sup> It is for this reason that women hold nearly two-thirds of the outstanding student debt in the United States.<sup>57</sup> Not only are women making less money, but they are saving less money, because it is taking them longer to pay off their student debt than it takes men. The percentage gap of how much debt men and women are able to pay off in a set amount of time is another statistic that changes based on race. White women can pay off roughly 37 percent of their student debt in about 3 years, whereas men can pay off about 44 percent and Latina women can only pay off an average of 3 percent.<sup>58</sup>

When it comes down to it, the wage gap signifies the lasting inequality of women in American society. Women are still treated as the “other sex.”<sup>59</sup> Female employees are held to unrealistic standards and are punished for juggling both a career and a family. The need for flexible accommodations causes male employers to see women as less committed to their jobs than their male employees, and women’s value in the workplace begins to deplete. Females in the workforce are perceived to be less value to the companies for which they work, and this lack of value has translated itself into workers’ pay.

Lack of political influence is the final manifestation of women as the second sex that I will discuss. The ability of any citizen, regardless of gender, to realize their legal rights is impacted by poverty. As discussed, women earn less money than men and are therefore less likely to realize their legal rights. Among many other obstacles, the wage gap is a challenge posed to women’s participation in politics.

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<sup>56</sup> Miller, “The Simple Truth.”

<sup>57</sup> Miller, “The Simple Truth.”

<sup>58</sup> Miller, “The Simple Truth.”

<sup>59</sup> Simone de Beauvoir, *The Second Sex*.

The first major decision women must make when pursuing policy change is whether they want to choose “equality leading to invisibility or difference leading to inferiority.”<sup>60</sup> Do women want to pursue gendered legislation that has specific protections for women’s rights, or do they want to pursue legislation that views men and women as equals and leaves out specific protections for either sex? There is no right answer to this question. Each path leads women to a place where they are still seen as group ‘Not-A,’ only the specific details regarding their inequality differ, not the level of inequality itself. The split this decision makes amongst women often causes any legislation regarding women’s rights to fail. Being forced to make this decision in order to have an impact on American democracy is just another tactic used to keep women in a position with limited power and influence over public policy.

Despite being forced to decide how women want the law to view them, in the past few decades, women have seen an increasing ability to impact legislation. More and more women are flocking to voting booths, lobbying for rights and protections, and participating in protests across the nation. However, one area of political life that women have not been able to see much progress in, is the issue of representation. In 2014, women held a record number of positions in the congress, at just 18%.<sup>61</sup> In 2013, there had only been thirty-five female governors in American history.<sup>62</sup> Additionally, only about one third of these governors were actually elected, the others came into office replacing their deceased husbands or gaining office through constitutional accession.

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<sup>60</sup> McBride, *Women’s Rights in the USA*, 58.

<sup>61</sup> McBride, *Women’s Rights in the USA*, 72.

<sup>62</sup> McBride, *Women’s Rights in the USA*, 73.

A lack of female representation in politics has a large and direct impact on policy making in the United States. On average, women are more likely than men to be “ideologically liberal, to call themselves feminists, and to overly pursue policy issues of particular relevance to women.”<sup>63</sup> In order for women’s rights to be advocated for in our government, women must be holding seats in our government. One cause of the small number of women in elected positions stems from when they were young. Often times “young women are less likely than young men—particularly during the critical college years—to receive the parental and peer encouragement that frequently drives political participation.”<sup>64</sup> Young women are encouraged by their families and peers to pursue passions other than politics, leaving the door of politics to remain unopened for them. This process is known as political socialization.<sup>65</sup> Since the 1970s when feminists began to make the explicit effort to run for elected office and to force law schools into accepting women, political socialization has been used to diminish the pool of well-qualified female candidates. Women must have a seat at the table that is our government in order to be heard and affect change. A lack of female representatives makes this a daunting task facing women.

Differences in education, employment, and politics are true indicators of the everlasting gender inequality that has manifested itself in American society. Although laws have been passed creating some level of equality between the sexes, socially, women continue to be grouped into category ‘Not-A.’ Being grouped into a category that is regarded as having no value and only negative qualities allows for big corporations to prey on women who have no choice but to act

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<sup>63</sup> McBride, *Women’s Rights in the USA*, 74.

<sup>64</sup> McBride, *Women’s Rights in the USA*, 74.

<sup>65</sup> McBride, *Women’s Rights in the USA*, 74.

out their gender roles. The impact of commercializing most aspects of femininity will be discussed in the next section as we take a look into the commercialization of menstruation and the pink tax.

### **Part Three: The Commercialization of Menstruation**

The commercialization of menstruation, much like gender inequality, did not come about over night. The way women have handled menstruation and have taught their daughters about it has changed drastically over the past two hundred years. Gender inequality has allowed for large corporations to commercialize feminine hygiene products in a way that men's products have never been and never will be. In this section, we will analyze the shift in menstruation education from a focus on reproduction to a focus on hygiene, the use of manuals in the 1950s and 1960s to educate young girls on menstruation and femininity, and the feminization of hygiene products in an attempt to commercialize them.

The term “commercialization” means to manage something for the sole principle of financial gain.<sup>66</sup> This is how feminine products have been treated over the last century. This commercialization has reached every aspect of what society tells women they need to be feminine. Companies have commercialized hair products, nail products, razors, deodorant, and even necessary items like tampons and sanitary pads. The ways in which older women educated

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<sup>66</sup> “Commercialize,” *Merriam-Webster.com*, Accessed April 8, 2018, <https://www.merriam-webster.com/dictionary/commercialize>.

young girls on menstruation changed in the late nineteenth century, and it was this shift that would cause a ripple effect and eventually allow for the commercialization of feminine products.<sup>67</sup>

In the nineteenth century, it was up to mothers to teach their daughters how to handle menstruation. Young girls would be taught how to prevent blood from soaking through their clothing; to do this they made homemade sanitary pads. Often time these were just folded linens that would be put in their underwear.<sup>68</sup> Hygiene books typically did not address the taboo subject of periods. In the 1880s, scientists discovered the “new germ theory.” This theory stated that human waste, air, and water all contained something alive that could be harmful and cause disease.<sup>69</sup> Public health officials, fueled by the new germ theory, began to advocate “antiseptic cleanliness of the house and person.”<sup>70</sup> The result of this was that menstruation became subjected to new hygienic standards. Girls were now encouraged to change their sanitary pads at least twice a day, to avoid breeding bacteria. The formerly taboo subject of menstruation was no longer such a secret. “Menstrual rags,” were considered dangerous and women began to use disposable pads. Advertisers in the late nineteenth century claimed that these disposable pads were endorsed by doctors due to their antiseptic properties. These commercially produced products soon became a necessity for women in middle class homes.

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<sup>67</sup> Brumberg, *The Body Project*, 54.

<sup>68</sup> Brumberg, *The Body Project*, 37.

<sup>69</sup> Judith Hooper, “A New Germ Theory,” *The Atlantic*, February 1999, <https://www.theatlantic.com/magazine/archive/1999/02/a-new-germ-theory/377430/>.

<sup>70</sup> Brumberg, *The Body Project*, 38.

In the Victorian era, before the new germ theory, girls were educated by their mothers about the sexual maturation caused by menarche. Once the new germ theory began stressing the importance of menstruation hygiene, something never before talked about, a shift in the conversation occurred. Instead of viewing menstruation as a sign of sexual maturation, and educating their daughters on that, “modern mothers typically stress the importance of outside appearances for their daughters: keeping clean, avoiding soiled clothes, and purchasing the right ‘equipment.’”<sup>71</sup> By stressing hygiene and appearance, mothers further linked the two with femininity. In order for a young girl to be lady-like while on her period, she had to keep clean and not let her appearance give away any hint that she was menstruating.

After World War II, not only were girls being educated by their mothers, but parents and teachers were using reading materials and corporate sponsored films to educate young girls. These conversations, readings, and film-viewings gave information about female anatomy, as well as “information about the availability of commercial, mass-produced sanitary napkins, but not about sexuality,” differing in this way from the Victorian era.<sup>72</sup>

Allowing their children to be educated on the facts of life by a manual was a way for parents in the 1950s and 60s to avoid the dreaded, and sometimes embarrassing, talk about the birds and the bees. Often times these manuals discussed reproduction and dating. One popular pamphlet was produced by Kotex and titled, *Very Personally Yours. Very Personally Yours* was created to teach girls about the ‘miracle’ that is menstruation. It also advertised a “particular

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<sup>71</sup> Brumberg, *The Body Project*, 30.

<sup>72</sup> Brumberg, *The Body Project*, 31.

vision of womanhood along with a certain brand of sanitary napkins.”<sup>73</sup> As you could guess, this brand was Kotex. While parents were giving their teenage daughters this manual to educate them, at the same time it was very subtly priming them to use Kotex brand sanitary pads. This kind of slick advertising in the name of education was not unique to Kotex. *Growing Up and Liking It* was a pamphlet created to teach girls about menstruation, all while advertising Modess sanitary napkins. As a matter of fact, most of these pamphlets were produced by one sanitary pad brand or another.

Between an overwhelming number of ads for jewelry, wedding gowns, china sets, and so on, teenage girls were being primed for consumerism. They were expected to be able to pick out their favorite china sets before even graduating from high school. The lines between matrimony and consumerism had already been blurred, and it was in the mid twentieth century that the lines between menstruation and consumerism were following suit. Marketing strategists saw that sales to the baby-boom generation, which would soon be the largest number of teenagers in American history, would turn menstruation into gold. To sell more products, advertisers stressed hygiene even more. Young girls were encouraged to change their pads as many as six times per day, a large increase from the previous recommendation of two times.<sup>74</sup> Companies even started producing new products, like tampons and liners that women could buy. Women were encouraged, and still are, to wear panty liners all month long. Sanitary pad companies claim women should constantly wear panty liners so they can stay “clean and confident” all month long, however the true reason is that it would bring in extra cash flow for the company. The

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<sup>73</sup> Lynn Peril, *Pink Think: Becoming a Woman in Many Uneasy Lessons*, (New York: W.W. Norton & Company, Inc, 2002), 83.

<sup>74</sup> Brumberg, *The Body Project*, 49.

American way of menstruating now involves participation in consumer society. So, it should be no surprise that in the 1990s, “the sanitary products industry [was] a more than \$2 billion-a-year industry, built on scientific and popular beliefs about cleanliness.”<sup>75</sup> Thanks to reports in marketplace research, we know that when girls begin to menstruate their mothers introduce them to their favorite brand of sanitary protection, and girls usually remain loyal to that brand for life.<sup>76</sup> While maternal recommendations are well-intended, an unintended consequence is that it has encouraged the idea that menstruation is a matter of consumer decision making, and that the difficulties that a young girl faces in coming of age are to be worked out in the marketplace as opposed to at home. “At menarche, then, contemporary American girls establish a firm bond with the marketplace, facilitated by their mothers.”<sup>77</sup>

The post-World War II pad industry paved the way for many other feminine products to become commercialized. Hair, skin, nail, and breast products all became commercialized. With these things being of great concern to adolescent girls, the market opportunities for large corporations were great. Companies began to feminize products that already existed, as a way to sell seemingly new products that young girls just could not live without. For example, in 1960 Norelco produced a pink razor titled, ‘Lady Norelco.’ Similarly, in 1962, Papermate produced the ‘Lady Capri’ pen, guaranteed to be able to glide smoothly over grease and cold cream.<sup>78</sup> In reality, these products were probably no different than their non-feminized counterparts, but their pastel colors and enticing prefixes made them quite desirable to young women.

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<sup>75</sup> Brumberg, *The Body Project*, 30.

<sup>76</sup> Brumberg, *The Body Project*, 33.

<sup>77</sup> Brumberg, *The Body Project*, 33.

<sup>78</sup> Peril, *Pink Think: Becoming a Woman in Many Uneasy Lessons*, 14.

Creating a more feminine version of already existing products is something that has not changed since the 1960s. An example of this is an energy drink company that has tailored itself to market to girls. With its competition's tough names such as Red Bull and Monster, this company decided to go with the feminine name of "Go Girl Energy Drink," and surprisingly enough, it is packaged in a sparkly pink can. Similarly, Crispello Chocolate, produced by Cadbury, recently released a chocolate bar specifically for women. It contains fewer calories than their average chocolate bar, which is perfect for women who have been encouraged by this same consumer society to stay thin. Similar feminized products include beer for "chicks," and Bic "for her" pens. Young girls and women are being targeted by large companies as a way for them to make an extra buck without having to create any new or original ideas. All they have to do is change the advertising to coincide with our preconceived notions of how we must act out our femininity, and they are able to become rich.

The shift in menstruation education from a focus on reproduction to a focus on hygiene had numerous, long lasting impacts on both society and the economy. With companies producing disposable pads and increase in the number of doctors recommending girls to change their pads more frequently, the perfect storm was created for menstruation to become commercialized. Using manuals to inform young girls about the facts of life had similar unintended consequences of linking menstruation products with other ads, blurring the line between consumerism and menstruation even further. Finally, the complete commercialization of menstruation allowed for companies to see how vulnerable young girls were as consumers, allowing for them to create feminine versions of already existing products and make large sums of money off of it. In the

next section, I will discuss the ways in which this marketing towards women and commercialization of feminine products has created what we now know today as the pink tax.

#### **Part Four: The Pink Tax and Socioeconomic Groups**

The pink tax, simply defined, is the extra amount of money that women pay for certain goods or services. In some cases, an increase in price is due to a literal tax on items, or in other cases, it is a theoretical tax symbolizing the necessary price increase.<sup>79</sup> The goods and services that are intertwined with the pink tax vary greatly. They range from feminine hygiene products to razors, dry cleaning, haircuts, and medication.

Especially in American society, it is critical that men and women do their gender appropriately. Unfortunately, this costs women more to do. Women must pay more to reflect their identities as feminine. Products are often bought for their purpose as well as for their symbolic meaning. For example, women who wish to appear to be professional must buy professional clothes and put up with paying more for them. The clothes serve the purpose of preventing nakedness, but more importantly, they are bought for their symbolism of professionalism.

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<sup>79</sup> Products society considers necessary such as medicine, food, and toilet paper are not subject to a sales tax. However, pads and tampons are subject to sales taxes because rather than being listed as “necessary” items they are listed as “luxury” items. In other words, they are labeled under tax codes as non-essential items, causing them to have an extra cost tacked on to their already steep price.

Gendered pricing only works if women believe that it's natural to pay more for certain goods and services. As we saw in the previous sections, young girls have been indoctrinated to believe that this necessity exists. They've been taught that they need certain products to accurately depict their femininity, regardless of the price of these products. The social costs of not seeming feminine are far greater than the monetary costs of giving in to the pink tax. Women are being forced to choose the lesser of two evils, leading to the draining of their wallets.

Some goods and services being impacted by the pink tax are dry cleaning, haircuts, and Rogaine foam. The greatest price differences are amongst products that show gender more. In the case of dry cleaning, women pay 92 percent more than men for virtually the same service, dry cleaning a button down shirt.<sup>80</sup> Similar to this, women pay about 54 percent more for a haircut than men do.<sup>81</sup> In an even more interesting case, involving price differentiation in goods, women pay 40 percent for Rogaine foam than men do.<sup>82</sup> What's interesting about this is that the version made for women actually contains 3 percent less minoxidil foam, the medication that promotes hair growth, than the men's version. In other words, women are paying more money for less product. The State of California estimates that the pink tax on services alone costs women approximately \$2,135 per year.<sup>83</sup> This figure does not include the extra amount women pay for

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<sup>80</sup> U.S. Congress, Joint Economic Committee, *The Pink Tax: How Gender- Based Pricing Hurts Women's Buying Power: A Report*, Report prepared by Carolyn B. Maloney, 114th Cong., 2nd seas., 2016, 5.

<sup>81</sup> U.S. Congress, *The Pink Tax*, 5.

<sup>82</sup> Ilya Petrou, "The Pink Tax: Some drugs cost 40% more for women," *Dermatology Times* 9, no.38 (2017): 40-41.

<sup>83</sup> U.S. Congress, *The Pink Tax*, 5.

products such as razors, tampons, deodorant, Rogaine foam, and so on, which are estimated to be about another \$1,400 more per year.

The litany of products impacted by price discrimination could go on and on, however what's important is not which products are impacted, but rather, the causes of it, and how we plan to stop it. The U.S. Congress' Joint Economic Committee produced a report on the pink tax, in which they list possible explanations for price differentiation amongst similar goods and services.<sup>84</sup> Their first explanation is tariffs. Tariffs on some imported goods vary based on whether the product is made for women or men. For example, women's clothing imports are taxed 3.2 percent higher than clothing imports for men.<sup>85</sup> This tariff may be passed on to consumers, which would explain the markup on women's clothing. Product differentiation is also a possible explanation for the pink tax. Product differentiation can be used as a marketing strategy companies may use to entice consumers to buy their products over those being sold by their competitors. For example, they may change the packaging or the product's color to better target a specific market. However, producing a small number of different products may increase the cost of production when compared to the larger run of less feminine looking products. Again, this price is most likely then passed on to the consumer, explaining the increase in price for slightly different goods.

“Men's and women's products are rarely identical, which makes precise comparisons difficult.”<sup>86</sup> This difficulty ends up serving as a loophole in any legislation that is passed to

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<sup>84</sup> U.S. Congress, *The Pink Tax*, 5.

<sup>85</sup> U.S. Congress, *The Pink Tax*, 5.

<sup>86</sup> U.S. Congress, *The Pink Tax*, 5.

prevent gendered-pricing. During the 114th congress, Representative Jackie Speier introduced the Pink Tax Repeal Act. This act would “make it illegal to charge men and women different prices for substantially similar consumer products and services at the national level.”<sup>87</sup>

Unfortunately, the bill failed due to its vague definition of what constituted ‘substantially similar’ items. In the end, big business interests were seen as more important than consumer rights.

Although no federal bills outlaw the pink tax, there are some states who have passed similar legislation. However, many of these state laws only apply to services and not goods. For example, the Massachusetts Public Accommodations Act stops gender-pricing for cosmetology services.<sup>88</sup> California and New York also have legislation prohibiting gender-based pricing for different services.<sup>89</sup> As stated before, though, these bills all fall prey to the loopholes that appear when businesses start trying to justify why it is that their products, or services, differ in pricing.

When it comes to sanitary pads and tampons, an actual tax exists on them. Tampons and pads are subject to sales taxes in forty states, whereas medicine, food, and other necessary items are not. In California alone, this accrues “over \$20 million annually in taxes.”<sup>90</sup> What separates tampons being taxed in some states and not others is the whether or not the states deems them to be luxury items. States will exempt ‘necessary’ items from sales taxes, such as food stamp purchases, medical purchases, and sometimes even clothes. However, forty states deem sanitary pads and tampons to be luxury items, and thus, not necessities. Assemblywoman Ling Ling

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<sup>87</sup> U.S. Congress, *The Pink Tax*, 5.

<sup>88</sup> U.S. Congress, *The Pink Tax*, 5.

<sup>89</sup> U.S. Congress, *The Pink Tax*, 5.

<sup>90</sup> Sarah Larimer, “The ‘Tampon Tax,’ Explained,” *The Washington Post*, January 8, 2016, [https://www.washingtonpost.com/news/wonk/wp/2016/01/08/the-tampon-tax-explained/?utm\\_term=.10362ef210c9](https://www.washingtonpost.com/news/wonk/wp/2016/01/08/the-tampon-tax-explained/?utm_term=.10362ef210c9).

Chang argues that one of the reasons so few bills have been introduced regarding the pink tax is the subjects' sense of taboo. Menstruation is a topic we've been taught to hide or not to talk about. Men especially feel uncomfortable bringing up the topic of menstruation, so the men in government are waiting for women to take charge.<sup>91</sup> However, with so few female representatives in our government, 'waiting for a woman to take charge' may be a lengthy task.

The price of doing gender, and of having periods, affects women of different socioeconomic groups very differently. Not only must women 'do gender' but they must also 'do social class.' More often than not, if a woman is able to, she is willing to buy social standing. This means she's willing to pay more for certain products or services that convey a high social standing to the rest of the world. For example, she may be willing to spend more on a haircut because she knows having nice hair conveys both heightened femininity as well as heightened social standing. Going to either a high-end or low-end salon does not make you rich or poor, it only conveys the look of privilege. The issue with buying social class is that the more high end a business is the higher their gender disparity is. High end salons have a much greater difference in the prices they charge men and women than lower end salons do. If a woman cannot afford this gender disparity then she will be forced to have a haircut that conveys to the world that she may be underprivileged.<sup>92</sup> This is usually the case. Poorer women tend to buy more generic brands, go to cheaper salons, and dry clean less than richer women.<sup>93</sup> Furthermore, where the pricing of medication differs by gender, as in the case of Rogaine foam, there may be unintended

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<sup>91</sup> Larimer, "The 'Tampon Tax,' Explained."

<sup>92</sup> Megan Dueterhaus et. al, "The Cost of Doing Femininity: Gendered Disparities in Pricing of Personal Care Products and Services," *Gender Issues* 28, no. 4 (2011): 186.

<sup>93</sup> Dueterhaus, "The Cost of Doing Femininity," 184.

consequences. Such price differences could lead to "disparities in healthcare and discrimination,"<sup>94</sup> not only between men and women, but between middle class and lower class women. Although gender-pricing may be legal, it does open up a lot of ethical questions that are not easily solved without the elimination of gender-based pricing. Especially when taking in to account that due to racial injustices within the United States, women of color are much more likely to live in poverty than white women.<sup>95</sup> It is much more likely then that women of color will bear the burden of not being able to perform a high social class or will feel the effects of possible healthcare discrimination.

In attempting to research how the pink tax affects women of different socioeconomic groups, I came across a striking realization. For the most part, research only represents white middle class women. Very little research has been conducted or published regarding women of color and working class women. In some cases, racial exclusion is an accident, and in some it is done on purpose.<sup>96</sup> When feminist researchers study taboo topics such as Judith Herman did in her research on incest, she purposely only researched white families. She did this to avoid any "possibility that the information gathered might be used to fuel idle speculation about racial differences."<sup>97</sup> While she did this as a protective measure, the overwhelming prevalence of excluding women of color from research leads to generalizations about women that are not true representations of all women. "The social realities of other groups, such as minorities and the

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<sup>94</sup> Petrou, "The Pink Tax," 40-41.

<sup>95</sup> Jasmine Tucker and Caitlin Lowell, "National Snapshot: Poverty Among Women & Families, 2015," *National Women's Law Center*, September 14, 2016, <https://nwlc.org/resources/national-snapshot-poverty-among-women-families-2015/>.

<sup>96</sup> Lorber, *The Social Construction of Gender*, 247.

<sup>97</sup> Lorber, *The Social Construction of Gender*, 247.

working classes, become relegated to side issues."<sup>98</sup> More quantitative research needs to be conducted on how the pink tax affects women of different socioeconomic groups. We know women relying on food stamps and government assistance will have a harder time buying a \$7 box of tampons every month than a woman who has enough money that she does not even need to look at the price tag. However, we do not have enough quantitative findings to show the actual affect this has on the poorer women and ways the pink tax further burdens this population.

We see the pink tax in almost every area of female consumerism, from medication and clothing to tampons and dry cleaning, but for the most part, we have seen minimal legislation passed to try to stop it. The legislation that has been passed has been rendered completely futile thanks to weak excuses on the part of big businesses. Unfortunately, it is minority and working class women who bear the biggest brunt of these expenses. Societal requirements make it impossible for them to avoid paying high prices for certain goods and services, rendering their wallets even lighter than they were to begin with. Without quantitative data to back this up, though, it may be a very long time until any legislation is passed that could prevent the pink tax, or that could prevent the loopholes that exist in current legislation.

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<sup>98</sup> Lorber, *The Social Construction of Gender*, 247.

### Part Five: Where To Go From Here

Historically, women have been viewed as the other sex. Regardless of when this concept originated or from where, when it's all said and done, gender is just a social construction.<sup>99</sup> Socialization has allowed for a society where little boys are taught to act one way and little girls are taught to act in a completely opposite way. Allowing for such a binary has made gender discrimination quite simple. By viewing males and females as having mutually exclusive traits, it is easy to justify treating them differently.

With the creation of the New Germ Theory in the 1880s, hygiene became an important part of everyday life.<sup>100</sup> An unintended consequence of the New Germ Theory was that it allowed menstruation, to become commercialized. The New Germ Theory caused a shift in menstruation from being regarded as a biological event signifying fertility to a medical event in which women had to act in a certain way in order to prevent disease. As hygiene and menstruation have become more and more intertwined, companies have been able to exploit girl's and women's necessity to buy sanitary pads and tampons, in order to make money. Once companies in other industries understood the profitable market of commercializing personal hygiene and female appearance, they began to commercialize their products. This shift to consumerism in the late nineteenth and early twentieth centuries opened up the door for the pink tax.

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<sup>99</sup> Butler, "Beside Oneself," 546.

<sup>100</sup> Joan Brumberg, *The Body Project*, 38.

In the twentieth century, thanks to the hard work of countless women such as Betty Friedan, feminist activist and author of “The Feminist Mystique,”<sup>101</sup> and Simone de Beauvoir, author of “The Second Sex,”<sup>102</sup> women gained the social consciousness that allowed them to move out of the home and become successful “career women.” As we note the way women continue to be discriminated against in the workplace with inflexible accommodations and unequal pay we can see the modern traces of the other sex.<sup>103</sup> We can also see how aspects of the patriarchy affect female consumerism, especially in terms of menstruation and the pink tax.

With all of the information gathered, and all of the historical facts laid out, what do we do next? Where do we go from here? How do we get out of this never ending cycle of women being trapped in an unfair consumer society?

Elizabeth Kissling, in her book titled, “Capitalizing on the Curse,” discusses the consumer paradox.<sup>104</sup> The consumer paradox is the idea that consumerism serves as some sort of personal fulfillment, while simultaneously playing a role in controlling the “character of everyday life.”<sup>105</sup> Readily available menstruation products for women gives them a freedom that women in past centuries did not always have, but at the same time, as mobility for women increased, so did the demand for their “freshness.” In order for women to continue to receive the advantages of their new-found mobility, they are forced to participate in the construction of their

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<sup>101</sup> Betty Friedan, *The Feminine Mystique*.

<sup>102</sup> de Beauvoir, *The Second Sex*.

<sup>103</sup> de Beauvoir, *The Second Sex*.

<sup>104</sup> Kissling, *Capitalizing on the Curse*, (Boulder: Lynne Rienner Publishers, 2006).

<sup>105</sup> Kissling, *Capitalizing on the Curse*, 123.

own otherness. Women must literally and figuratively buy into the idea that menstruation taints their femininity. So how do we create mobility for women and demand equality?

The first thing we must do is work to make menstruation less of a taboo topic. Regarding menstruation as taboo produces a shame stigma for women on their periods. It also prevents women and men from freely talking about the topic. This is especially detrimental in male lawmakers' discomfort in creating bills that target the pink tax. If menstruation were no longer taboo women could use their voices, and their wallets, to demand menstrual product companies promote products based on their merit and safety, rather than cloaking their marketing campaigns in secrecy and shame, depicting women in white dresses dancing through a meadow.

The Equal Pay act of 1963 requires that jobs that are “substantially equal” be paid the same.<sup>106</sup> More research needs to be done into why this wording worked in regards to equal pay. It is possible that this same wording could be used in federal legislation regarding the pink tax. Civil rights law do not protect against discrimination in most retail markets, however we may be able to use the Equal Pay Act as a stepping stone in creating concrete legislation to end the pink tax. For the new legislation to be concrete its writers must be able to prove that the price discrimination is based on gender. This would close up the loopholes that we have witnessed in the state level legislation in California, New York, and Massachusetts, for example.

Finally, we must demand more accurate research. We must demand that pink tax research be conducted on women of color and women of different socioeconomic groups. Without truly representative research, it is impossible to argue the facts of the issue as we know them. As I said

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<sup>106</sup> Melisa Fugiero, "Equal Pay Act of 1963," *Britannica Academic*, accessed April 08, 2018, <https://academic-eb-com.brockport.idm.oclc.org/levels/collegiate/article/Equal-Pay-Act-of-1963/606197>.

before, we know women in different socioeconomic groups struggle differently with the pink tax, but without quantitative data, our arguments for change lack any form of reliability.

I believe all of these goals are entirely possible with the next generation of feminists. We have seen feminism form a new wave, when people thought our fight was all but futile. With the ambition and character that I have witnessed young women exude there is not a fiber in my being that does not believe that us women can impact real, and very important, change.

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