scholarship for many years, there are still new insights to be made. New advances in economics itself, especially in game theory, make subjects such as predatory pricing as interesting and as controversial as ever.

At Chicago, we seem well positioned to continue to advance the field. Our scholars remain productive and eager to explore new fields and re-examine old ones. Ronald Coase, Richard Posner, William Landes, and Richard Epstein, who gave shape to the field, remain active scholars at the Law School. My own contemporaries,

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including Daniel Fischel, Frank Easterbrook, and Geoffrey Miller, set much of the terms of the debate in law and economics in the 1980s and continue to find new paths to explore. Young scholars, such as Alan Sykes, Dan Shaviro, Stephen Gilles, and Randal Picker, are poised to challenge the conventional wisdom, even if what is now the conventional wisdom was once cutting edge law and economics.

The ultimate ambition of legal scholarship is to say useful things about how the world works. Hence, the question is not whether the assumptions of law and economics capture all the nuance and ambiguity that exists in the world, but whether these assumptions capture enough of the essence of our world to shed light on how it works. In the end, every contribution to law and economics should lead to an empirical test. In many cases, such as the law and economics of corporate and securities law, there is a wealth of data and the tests are easy. In other areas, data is less accessible and the challenges are greater.

A brief survey of the current projects at the Law School gives a sense of the many facets of law and economics, its broad focus, and its commitment to rigorous examination of areas of the law that matter the most. Richard Epstein is writing on health law and the many ways in which government regulation of the medical profession affect the quality of health care in this country. Randal Picker continues his work on the basic principles of the law of bankruptcy and corporate reorganization. Daniel Shaviro is undertaking a major re-examination of our law of corporate income taxation. Alan Sykes continues using economics as a way of understanding the structure and the policies inherent in the laws governing international trade regulation. We remain confident that in these and other areas, careful and thoughtful economic analysis will make it possible to understand and improve the law.

Many contributions to law and economics that have been made at Chicago are now so much a part of the established wisdom that it is easy to forget the controversy they originally provoked. These well understood contributions are not regarded as economic analysis of law, but simply as common sense. Of course, if the idea had been a commonplace at its inception, it could not have been much of a contribution. Too often, however, we forget that the idea was first greeted with derision, hostility and disbelief. The ultimate test of good scholarship is whether it can make the passage from being an idea that is obviously wrong to being one that is obviously right. As one might expect, one of the quickest passages was made by Coase's "The Problem of Social Cost." When he first presented the paper at Chicago, a vote was taken at the outset on whether Coase was in error and the vote was twenty to one against Coase. As George Stigler explained later, "If Ronald had not been allowed to vote, it would have been more one-sided." At the end of the evening another vote was taken, and there were twenty-one votes in Coase's favor and none against.

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Since the early eighties, legal feminism has been filled with controversy and conflict among feminists, with each year bringing more disagreements on how best to use the legal system to improve women's status and lives. Many of the new controversies and insights are related to a greater appreciation of differences: how women and men differ and how women differ from each other; why they differ; how to accommodate difference without accepting inequality.

There has still been little exploration among academic feminists in law, however, of women's feelings and how those feelings differ from the feelings of men. One of the weaknesses of much feminist legal-academic writing is that it tends to be abstract, obscuring, rather than illuminating the ways in which specific laws or practices contribute to women's subordination or are inconsistent with women's needs. One reason for the tendency toward abstraction may be that for many issues, concrete exploration of the issue may reveal conflicts among women of different colors or races or sexual orientations or marital status or generations. In addition, discussing women's feelings is often dangerous.

Let me use child custody to illustrate some of these points. Custody rules should make sense on an emotional level. Yet we tend to ignore emotions in analyzing custody. Ignoring emotions is not gender neutral. Custody laws ignoring emotions stronger for women (and their children) inevitably tend to be more consistent with men's emotional needs than women's (and children's).

Although we all know that children mean different things emotionally to most women and most men, feminists writing about custody standards have tended to downplay that difference. Indeed, with the notable exception of Martha Fineman ('75), feminists have not even mentioned the fact that women's bonds with their children are important. And no one has explored in any depth the differential quality of the emotional relationship of women and men with children.

This silence is easy to understand. Discussions of the emotional differences between mothering and fathering are dangerous and likely to produce, as well as reveal, conflicts among women. Such discussions are dangerous because they reinforce traditional stereotypes of women as mothers, as people whose essential fulfillment is in nurturing rather than self-actualization or achievement.

Such discussions are likely to produce conflict because different generations of women are likely to have different perceptions about the emotional meaning of mothering. Older women who have mothered are likely to realize that, no matter how important self-actualization and achievement are for them, mothering is also extremely important emotionally and more important to them than fathering is for the fathers of their children. Older women are likely to realize that equal parenting cannot be achieved by an act of egalitarian will by even the most egalitarian of couples. Younger women are more likely to believe that equal parenting is a real possibility, and that they and their partners will achieve it. Many women in both groups believe that equal parenting is necessary for equality between the sexes, and this belief silences older women, who are reluctant to make equality more difficult for younger women to achieve or to dampen young women's hopes for realizing equality in their lives. Older women rightly realize that expressing their feelings about the importance of mothering will inevitably reinforce harmful stereotypes and make it more difficult for individual women to negotiate equal parenting in their relationships with men. Any exploration of maternal feelings in the context of child custody reveals a conflict between two goals, both of which are critically important for feminists: improving the quality of women's lives, including their emotional lives, and reducing women's subordination to men.

Yet silence is also dangerous. As Audre Lorde eloquently puts it in an essay in her book Sister Outsider: "what is most important to me must be spoken, made verbal and shared, even at the risk of having it bruised and misunderstood." In the context of custody, silence can mean deep emotional injury for mothers and children when emotionally distant fathers receive custody because women's emotional labor is invisible.

Although I have used custody rules to make my points, I think that in the future feminists need to explore many legal rules and practices from the perspective, not just of sexual inequality, but also from the perspective of the needs of women living today, including their emotional needs. And similar conflicts are likely to arise in analyzing many issues: rape, pornography, sexuality, cosmetic surgery, religion, military service, marital-paternal leave, marriages, sexual harassment, and beauty standards in employment, to name a few.

Feminist legal writing is still in its infancy. It is only within the last decade that feminist legal academics have begun the difficult task of exploring, in light of the differences between women and men and among women, how legal rules and practices should be adjusted both to move toward sexual equality and to reflect and protect women's needs (including emotional needs). Although both goals are crucial, they often conflict. Exploring these conflicts and the conflicts among women is the feminist agenda of the nineties.

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