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Exploring the Economic Meanings of Gender

AFTERWORD

EXPLORING THE ECONOMIC MEANINGS OF GENDER

JOAN WILLIAMS*

It is an exciting moment. Quite suddenly, the issue of care is on the table. Joan Tronto, Martha Fineman, Eva Kittay, Mona Harrington, and Deborah Stone, all are asking how society needs to change: first, to make time for the daily work involved in caring for children and the elderly; second, to make sure that the widespread devaluation of care work does not impoverish the adults who do it.¹ At an important recent conference, a coalition of sociologists, economists, lawyers, and others began to crystallize around the issue

* Professor of Law, *American University, Washington College of Law*; Co-Director, Gender, Work & Family Project. This Afterword is a response to feedback on my book, both during lectures in other cities and during the conference covered in this volume. My deepest thanks to Adrienne Davis, whom it has been my privilege to work with in founding the Gender, Work & Family Project. Both Adrienne and Martha Ertman read the draft of parts of this Essay, and gave me useful guidance and comments. To my colleague Jamin Raskin I owe the phrase "economic meanings"; he talks often of the "economic and other social meanings." Brooke Grandle, Nadine Stocklin, Leticia Vasquez, and Sheryl Kay provided expert research assistance.

1. See generally MARTHA FINEMAN, *THE NEUTERED MOTHER AND THE SEXUAL FAMILY* 231 (1998) [hereinafter *SEXUAL FAMILY*] (arguing that public policy should shift from its current focus on the "sexual family" to a new focus on the mother/child dyad as the solution to the "inevitable dependencies"); MONA HARRINGTON, *CARE AND EQUALITY* 44 (1999) (declaring that family care must become recognized as a "national social value rightfully calling on Americans for meaningful support as a matter of high priority"); EVA FEDER KITTAY, *LOVE'S LABOR* (1999) (arguing that society must recognize "the indispensable role of dependency workers and the importance of their participation as full citizens"); JOAN TRONTO, *MORAL BOUNDARIES, A POLITICAL ARGUMENT FOR AN ETHIC OF CARE* 161-62 (1994) (placing care work at the center of political theory and arguing for care as the ethical ideal); Deborah Stone, *Why We Need A Care Movement*, *THE NATION*, Mar. 13, 2000, at 13 (asserting the need for a "care movement" and discussing the needs of informal caregivers, as well as the "army of underpaid and overworked formal caregivers").

of care work.²

This issue reports on a Symposium organized around what I call “reconstructive feminism,”³ my own contribution to this debate. It is a great luxury for any author to be able to invite colleagues she respects to engage with her work. I am grateful to a generous dean who provided the funding, and to the participants for adding another event to their already busy lives. In this Essay, I grapple with a few of the important questions that have been raised in the debates over care work and reconstructive feminism.

Are social subsidies the answer?

As always, it depends on the question. Social subsidies, without a doubt, are sorely needed in the United States to address the outrageously high levels of childhood poverty. The poverty rate among U.S. children is 21.5%, higher than the rates in every European country except for the poorest (Ireland).⁴ Poor children in the United States have a lower real standard of living than in virtually any other Western country, despite the fact that the United States has a higher real standard of living than most of the comparison countries.⁵

Social subsidies could offer caretakers a basic level of economic independence, thereby enabling them to support their children independent of men. This would mean that we would no longer see battered women who cannot leave for economic reasons, or men free to be overbearing in subtler ways because their partners have no realistic economic alternative but to put up with them. New social

2. See, e.g., Conference on *Work & Family: Expanding the Horizons*, The Business and Women's Foundation, The Center for Working Families at the University of California, Berkeley, and the Alfred P. Sloan Foundation, San Francisco, California (Mar. 3-4, 2000) (addressing issues related to the needs for child care). The Sloan Foundation funds five centers that carry out research on working families. These include the Employment and Family Careers Institute at Cornell University; the Center on Parents, Children, and Work at the University of Chicago; the Center on Working Families at the University of California, Berkeley; the Center for Ethnography of Everyday Life at the University of Michigan; and the newly funded Center on Rituals and Myths on Working Families at Emory University. It has played a major role in fueling the care movement, through these centers and a listserv run by Professor Bob Drago of Pennsylvania State University.

3. See JOAN WILLIAMS, *UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT* 4-6 (1999) [hereinafter *UNBENDING GENDER*] (outlining a “new paradigm” that calls for the elimination of the “ideal-worker norm” in market work and family entitlements, as well as a proposal for “changing the ways we talk about gender”).

4. See THEDA SKOCPOL, *THE MISSING MIDDLE* 105 (2000) (noting that child-poverty rates are under 10% in all European nations except Ireland, the poorest European country, which has a 12% child-poverty rate).

5. See *id.* The exceptions are Ireland and Israel, where children have lower standards of living than in the United States.

subsidies, if and when the political will exists to pass them, would be an important step in helping many women. Yet it is important to consider whether social subsidies, alone, will deliver economic equality for women.

The Scandinavian experience suggests they will not. The most sobering examples are from Norway and Sweden. Both provide social subsidies for care work that are generous by world standards, including parental leave and long periods during which parents are entitled to work part-time to care for children.⁶ The result in both countries is high levels of women working part-time, while men avoid part-time work because it typically stalls career advancement.⁷ In Sweden, the end result is a level of sex segregation even higher than our own very high rate.⁸ The Scandinavian experience suggests that social subsidies, alone, will not deliver economic equality for women. To deliver equality to women as a group, we need not only to redefine caretakers' relationship to public wealth, but also to redefine their relationship to private wealth.

This redefinition involves the agenda of reconstructive feminism,

6. See JUDITH LORBER, PARADOXES OF GENDER 164 (1994) (citing Sweden's method of permitting one parent to take parental leave for the first year of their child's life, with nine months fully compensated and allowing parents to work part-time until the child is eight years old); *Parental Leave in Europe*, 262 EUROPEAN INDUS. REL. REV. 14, 14-23 (1995) (describing Norway's system of allowing employees to take one year's parental leave paid at a rate of 80% of their earnings for the previous 52 weeks).

7. See Marguerite G. Rosenthal, *Sweden: Promise and Paradox*, in THE FEMINIZATION OF POVERTY: ONLY IN AMERICA? ch. 6 (Gertrude Schaffner Goldberg & Eleanor Kremen eds., 1990) (discussing the limits of Sweden's quest for gender equality); Jane Lewis & Gertrude Åström, *Equality, Difference, and State Welfare: Labor Market And Family Policies in Sweden*, 18 FEMINIST STUD. 59, 71 (1992) (stating that in Sweden "women tend to become part-time workers with the birth of a first child") (citing Eva M. Bernhardt, *The Choice of Part-Time Work Among Swedish One-Child Mothers*, STOCKHOLM RESEARCH REPORTS IN DEMOGRAPHY no. 40 (1987)); see also Kari Waerness, *Work-Family Relations in Late Modernity: A Scandinavian Perspective*, Presentation at Conference on *Work and Family: Expanding the Horizons* (Mar. 3-4, 2000) (commenting that the ideal worker has been redefined in public sector jobs, which offer significant job flexibility, in sharp contrast to private sector jobs, a point confirmed by another conference participant, Elin Krande, of the Norwegian University of Science and Technology).

8. See Lewis & Åström, *supra* note 7, at 72 (stating that Sweden has "one of the most sexually segregated labor markets in the Western world") (citing Christina Jonung, *Patterns of Occupational Segregation in the Labour Market*, in SEX DISCRIMINATION AND EQUAL OPPORTUNITIES 44-68 (1984)). Lewis & Åström noted, and Waerness agreed, that the concentration of women in public sector jobs fuels the high levels of sex segregation in the Swedish economy. See Lewis & Åström, *supra* note 7, at 72. This phenomenon exists because women in public sector jobs are not penalized for working part-time and taking advantage of other forms of state-mandated scheduling flexibility, as are most workers in private sector jobs. See *id.* at 75 (describing the time flexibility accorded mothers in the Swedish public sector). Evidently, in Scandinavia as elsewhere, mothers' career selections are driven as much by job structure as by job content.

and requires restructuring both market work and family entitlements. The fact is that most of the world's wealth is accessed through paid employment. Social subsidies are no substitute for restructuring jobs so as to make employment equally accessible to men and women.

Nor do social subsidies for caretakers accomplish the goals achieved by redefining who owns what within the family. This emerged in a Law & Society session where one Israeli audience member observed that, while social subsidies would "of course" exist, they tend to be too low.⁹ A 1992 article found that "[w]henever a state benefit has been offered to women for their work as mothers, or, more commonly in the 1980s, for their work in caring for elderly and infirm dependents, the rates have been extremely low."¹⁰

Looking at it another way, U.S. husbands typically earn seventy percent of the family income.¹¹ This means that, in most families, the chief family asset is the ideal-worker wage. Should men be left as sole owners of that wage? I would argue they should not, even if mothers were to receive social subsidies for caretaking.

The ideal-worker wage should be jointly owned because it embeds not only the ideal worker's market work but also the family work performed by the primary caretaker, without which the father could not perform as an ideal worker. Even in a society that offered social subsidies for care work, why should men continue to be defined as the sole owners of the private wealth produced by the ideal worker/marginalized caretaker dyad? Even if women are given a more equal share of the *public* wealth, they should be treated as joint owners of the *private* wealth produced by the family unit.

In conclusion, subsidies for care work are of vital importance in attaining economic equality for women, but subsidies must be complemented by restructuring market work and family entitlements to change women's relationship to private wealth. All three projects

9. *Restructuring Market Work and Family Entitlements*, Law and Society Association Annual Meeting (May 28, 1999) (quote from audience member). This comment demonstrates how unusual the United States is in its resistance to social subsidies. Other data confirms this resistance. For example, the United States is one of the very short list of industrialized countries that has no universal health insurance and no paid parental or maternity leaves. See J. Kevin Mills, *Childcare Leave: Unequal Treatment in the European Economic Community*, 1992 U. CHI. LEGAL F. 497, 497 ("The United States thus remains one of the few advanced industrialized nations that has no national health insurance, no national maternity or parental leave policies, and no national legislation mandating job-protected leaves at the time of childbirth.").

10. Lewis & Åström, *supra* note 7, at 79-80 (reporting the low benefit rates offered to women for their work as mothers and caretakers for the elderly).

11. UNBENDING GENDER, *supra* note 3, at 60. See STEPHEN ROSE, ON SHAKY GROUND: RISING FEARS ABOUT INCOMES AND EARNINGS (National Comm'n for Employment Policy, Research Report No. 94-02, 1994).

are necessary in order to change the economic meanings of gender.

Proportional pay, benefits, and advancement for part-time work: should this be a central focus of the effort to restructure market work? What does it offer to non-affluent women and single mothers?

The most striking aspect of the morning session of the symposium was its tight focus on the principle of proportional pay, benefits, and advancement for part-time work. This was due, in part, to the presence of many women lawyers in the audience. Because relatively few mothers survive the standard legal career path, with its forty years of mandatory overtime, the economy of mothers and others emerges with sharp clarity in the legal profession. Given that ninety-three percent of mothers¹² work less than fifty hours a week during their key career-building years, non-marginalized part-time tracks clearly are a pressing issue for women lawyers.¹³

Yet the claim that nondiscrimination principles require proportional pay, benefits, and advancement for part-time work has implications far beyond the legal profession. Bob Drago, Professor of Labor Studies at Pennsylvania State University, has challenged me to consider whether a tight focus on what we can call the principle of proportionality is appropriate as a more general matter. In my book I shied away from an explicit focus on part-time work because of data indicating that African-American women are less likely than white women to work part-time,¹⁴ and because of data indicating that only about one in every five employed women work part time in the United States.¹⁵

However, during the final stages of the publication of my book, Professor Manuelita Ureta kindly offered to re-examine the raw Census data on women's work schedules.¹⁶ She pointed out that we need to identify not only those mothers who work part-time but also

12. The data refers to mothers aged 25 to 44 with children under 18. See UNBENDING GENDER, *supra* note 3, at 2.

13. See *id.* For an important study of the ways in which part-time attorneys are marginalized, see CYNTHIA FUCHS EPSTEIN ET AL., THE PART-TIME PARADOX: TIME NORMS, PROFESSIONAL LIFE, FAMILY AND GENDER (1999).

14. See Chris Tilly, *Short Hours, Short Shift: The Causes and Consequences of Part-Time Employment*, in NEW POLICIES FOR THE PART-TIME CONTINGENT WORKFORCE 15, 18, tbl. 1 (Virginia L. du Rivage ed., 1992) (citing 1988 U.S. Bureau of Labor statistics indicating that 27.7% of white women worked part-time, while 20.7% of black women worked part-time).

15. See Michael Selmi, *Family Leave and the Gender Wage Gap*, 78 N.C. L. REV. 707, 733 n.95 (2000) (estimating that fewer than 20% of women over age 25 work part-time).

16. Professor Ureta is Associate Professor of Economics at Texas A & M University. She used machine-readable versions of BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, CURRENT POPULATION SURVEY, PUBLIC USE FILES (Mar. Supp. 1996). Professor Ureta's research is hereinafter referred to as Ureta Census Data.

those who work part *year*, because some mothers who work full time do not work year round. When Professor Ureta ran the numbers, we found that current data on part-time work seriously underestimate the extent to which mothers fail to meet the ideal worker norm in traditionally masculine jobs. In fact, during the key years of career building (between the ages of twenty-five and forty-four), nearly forty percent of mothers do not work forty hours/week year round.¹⁷ An *additional* twenty-five percent of this group are homemakers.¹⁸

In other words, *two out of every three mothers do not perform as ideal workers during the key years of career development*, even in the minimal sense of working year-round forty hours a week. In addition (as noted above), only seven percent work substantial overtime. This means that most mothers are excluded from desirable blue- and white-collar jobs that require substantial overtime or a "full-time" schedule. In this social context, the proposal to guarantee proportional pay, benefits, and advancement holds tremendous importance.

It stands to benefit several different groups of women. The first is homemakers. Many of the mothers who are at home full-time during the key years of career advancement might well prefer to be in the labor force. Why aren't they? Many probably have trouble finding child care, given the mismatch between the supply and the demand for child care.¹⁹ Others might well want to work, but not for the long hours currently required of ideal workers. A track that offered quality part-time work, thereby reducing the number of hours required for paid and family work combined, would increase women's economic equality by increasing the number of women able to participate in the labor force. This would help the economy by tapping the talents of many trained and productive workers who currently are frozen out because of a mismatch between their preferred schedule and what the market has to offer.

A quality part-time track also would benefit women (and men) who currently work part-time. Part-time workers today typically pay a significant price for the "privilege" of working part time: they average fifty-eight cents on each dollar earned by full-time workers *per hour worked*; are less likely to have health insurance, pensions, and other job benefits; and frequently are cut off from career

17. *See id.*

18. *See id.*

19. *See* HELEN BLANK ET AL., CHILDREN'S DEFENSE FUND, THE SUPPLY OF CHILD CARE, EARLY EDUCATION, AND SCHOOL-AGE CARE IS INADEQUATE, KEY FACTS: ESSENTIAL INFORMATION ABOUT CHILD CARE, EARLY EDUCATION, AND SCHOOL-AGE CARE 55-62 (1999).

advancement.²⁰ Proportional pay would mean a pay raise for many part-timers; proportionality would also give them benefits and promotions for the first time since they went part-time.

A quality part-time track also would benefit many women who currently work full time. Many mothers who work full time now find themselves on mommy tracks because of their inability to work overtime. Given that many of the best blue- and white-collar jobs require large amounts of mandatory overtime, the principle of proportionality would open up many of the economy's best jobs to women. This includes not only jobs in upper-level management (still more than ninety-five percent white men) but high-quality blue-collar jobs as well.²¹ Those jobs, which have the highest concentration of white men of any job category,²² now often require so much overtime that some unions have begun to change their traditional embrace of overtime and to oppose mandatory overtime as a key bargaining demand in contract negotiations.²³

In addition, the principle of proportionality could help reverse the growing "time divide" among American workers. According to Bob Drago, "A consistent body of research demonstrates that U.S. employees are increasingly split into those working very short or very long hours."²⁴ This time divide is a gendered one: women are twice as likely as men to work part time and men are nearly three times as likely as women to work overtime.²⁵ Drago's data also show that the length of men's workday has increased much more sharply than women's.²⁶ Assuming that men who work long hours of overtime are less likely to share equally in household work (not an implausible assumption), the time divide has important implications for gender equality.²⁷

20. See Chris Tilly, *Reasons for the Continuing Growth of Part-Time Employment*, 114 MONTHLY LAB. REV. 12 (1991) (noting that "part-time workers are much less likely to receive most major fringe benefits" than full-time workers; while only one in twenty full-time workers earned the minimum wage in 1984, over one-fourth of part-time workers did. In 1989, the median part-time wage translated into 58% of the median full-timer's hourly wage).

21. See UNBENDING GENDER, *supra* note 3, at 67.

22. See *id.* at 76.

23. See *id.* at 80; Remarks by Morty Bahr, President, Communications Workers of America, at the Industrial Relations Research Association Conference (June 22-23, 2000) (noting that the large amounts of overtime required of communications workers is a problem; if a family has to rely on large amounts of overtime to get by, "there's something wrong").

24. BOB DRAGO, TRENDS IN WORKING TIME IN THE U.S.: A POLICY PERSPECTIVE 6 (June 2000) [hereinafter Drago Inventory Paper] (Inventory Paper for the Sloan Work/Family Policy Network) (on file with author).

25. *Id.*

26. *Id.* at tbl. 1.

27. The allocation of overtime also has important race and class implications.

It is also important to assess whether proportionality would offer benefits to single mothers as well as married ones. In this context, the most important point is that, while fewer single than married mothers work part-time, almost as low a percentage of single as married mothers work substantial overtime:²⁸ roughly ninety percent of single mothers work less than fifty hours a week.²⁹ Thus to the (significant) extent that single mothers' marginalization stems from their inability to work overtime, proportionality offers significant advantages.

Proportionality would help single mothers in an additional way as well. To the extent that inability to work "full time" and overtime currently excludes mothers from traditionally masculine jobs, proportionality would help open up reduced hours tracks in traditionally masculine jobs for the first time. The resulting climate in such jobs would benefit non-mothers as well as mothers. Data from cognitive bias psychology show that women suffer a disadvantage when only a few try to make it in traditionally male workplaces where women are rare. If more mothers entered such workplaces, the number of women would rise, a development that would help all women, whether or not they have children.³⁰

In addition to helping women in general, mothers with different work schedules, and single as well as married mothers, proportionality also has the potential to help women of different income groups. It could help very low-income mothers in two different ways. First, when these women are forced into the labor force by welfare "reform," part-time jobs are often all they can find. As a consequence, low-income women find they earn disproportionately low wages, lack benefits, and are precluded from career tracks that lead to management positions. The principle of

Drago's data show that the average number of hours has fallen for the lowest two deciles of women and has not risen for the lowest three quartiles of men, but has risen sharply for higher-income workers, with the rises sharpest among the most privileged workers. *Id.*

28. While single mothers are less likely than married ones to work part time, 11% of divorced mothers and 15% of never-married mothers work less than 35 hours/week. Ureta Census Data, *supra* note 16 (calculations based on Table 8, "Employment Status of Persons by Presence and Age of Children, Sex, Race, Hispanic Origin, and Marital Status, Annual Averages 1999 (based on the Current Population Survey)").

29. *See id.* (90.07% of single mothers work less than 50 hours/week).

30. Linda Hamilton Krieger, *The Content of Our Categories: A Cognitive Bias Approach to Discrimination and Equal Employment Opportunity*, 47 STAN. L. REV. 1161, 1193-94 (1995) (discussing social cognition experiments which revealed that evaluators favored minority applications who were "superstars" over identical majority applicants, but viewed other minority applicants more harshly than identical majority applicants).

proportionality would improve their earning power and their benefits, and would open up advancement opportunities as well.³¹

Proportionality has the potential to help working-class women as well as poor ones. The best jobs available for women with a high school education typically are blue-collar jobs. As I noted in *Unbending Gender*, such jobs often exclude women through two types of masculine norms.³² First, they design work around men's bodies, either by designing equipment in ways that exclude large proportions of women (and Asian-American men).³³ Second, good blue-collar jobs (like good white-collar ones) often are designed around men's relative immunity from child care.³⁴ Hence they require employees to work large amounts of overtime, or to attend apprenticeship or other training programs that occur after work hours, in order to qualify for the jobs or for promotions. Both the overtime requirements and the fact that virtually no good blue-collar jobs offer part-time tracks contribute to the absence of women in such jobs. A track that offered proportional pay, benefits, and advancement could play a significant role in opening up those jobs to women.

Proportionality also holds advantages for women in elite professional and managerial jobs. In those jobs, the "executive schedule" plays the central role by precluding most mothers from high-level jobs, which typically require substantial overtime. Where "flexibility" and part-time work are available, typically they are linked with marginalization and the mommy track.³⁵

This analysis shows that a non-marginalized part-time track would help many different groups of women. Proportionality also would create more options for men. To demonstrate how men would benefit from the restructuring of part-time work, let me start with a few anecdotes.

Take the new father who used his sabbatical year to be the primary caretaker of his daughter. Or the father who left work religiously at 5:30 p.m. every day, even when he was under tremendous time pressure as an associate dean. Or the father who proudly brings his children to work on snow days when his wife has to work.

An important point is that all of these men are tenured law

31. Interview with Joyce S. Agunbiade, Ph.D., Executive Director, Life Pathways, Inc. and Board Member, National Council on Family Care (May 5, 2000). Life Pathways is an organization that works with Welfare-to-Work mothers.

32. Sexual harassment also plays an important role in policing women out of good blue-collar jobs. See *UNBENDING GENDER*, *supra* note 3, at 77-79.

33. See *id.* at 76-77.

34. *Id.* at 79-81.

35. *Id.* at 66-76.

professors. What they already have is what I am trying to give other men (as well as women): flexible work arrangements that do not preclude career advancement. For if you ask not who is willing to leave at 5:30 p.m. as an associate dean, but who is willing to leave early when that results in denial of tenure, you will find many women, but few men.

This is because we still “measure masculinity by the size of a paycheck.”³⁶ Work success, as defined in terms of wages earned, continues as the central thread of identity for all but very unconventional men. Thus, most men will not pay the price for primary caretaking that mothers have traditionally paid, that is, permanent economic vulnerability.

Many men have no desire to live “a gray life at hard labor,”³⁷ or to repeat childhoods in which they rarely saw their fathers. One 1998 poll found that forty-four percent of the men surveyed would choose to reduce their hours (with a proportionate decrease in pay) if their employers allowed them to do so.³⁸ Bob Drago’s research suggests that men have a greater mismatch between their preferred and their actual hours than women do.³⁹ If men don’t want to work such long hours, why do they continue to do so? Often the alternative is a career wipe-out few men can afford, both for psychological reasons relating to the linkage of masculine identity and work roles,⁴⁰ and for economic ones in a society where the typical father still earns seventy percent of the family income.⁴¹

Many men who are unwilling to “wipe out” would be willing to slow down their careers, so long as they can remain in a steady (if slower) career progression. This is particularly true, I suspect, because the mere existence of non-marginalized part-time tracks would change pre-marital bargaining in significant ways.

Today, the only thing a young women can do is to ask her intended whether he will share equally once children are born. In era when the gap between “the talk” and “the walk” is often a wide one,

36. See Robert E. Gould, *Measuring Masculinity by the Size of a Paycheck*, in MEN AND MASCULINITY 96 (Joseph H. Pleck & Jack Sawyer eds., 1974) (noting that our culture equates money with success and similarly, man’s worth or masculinity is measured by his money).

37. See JULIET SCHOR, *THE OVERWORKED AMERICAN* 43 (1991) (arguing that capitalism created incentives for employers to require long hours).

38. See Karl E. Reichardt & David Schroeder, *Salaries\$ 1998*, 79 STRATEGIC FIN. 26 (1998).

39. See Drago Inventory Paper, *supra* note 24, at 8.

40. See UNBENDING GENDER, *supra* note 3, at 25-27 (discussing the association between masculinity and “breadwinning”).

41. See *id.* at 60.

intentions are often not an accurate predictor of what will actually happen. But imagine if a young woman could ask a follow-up question: does that mean we both will work thirty-five hours a week for a significant period after we have children? Even if the answer were no, she would have had the advantage of truth in packaging, and that is worth a lot.

The results of this change in marital (and pre-marital) bargaining might well be more men working nonstandard schedules and a gradual weakening of the linkage between caretaking and femininity. Cultural space would open up for a new definition of caretaking as manly.⁴²

If nurturance were redefined as manly and were not so closely associated with economic vulnerability, the devaluation of family work might well begin to shift. In my view, this is a much more effective strategy for reversing the current devaluation of care work than an approach that depends solely on exhortation and jawboning. Feminists have been arguing for twenty years or more that we need to increase the value we give to unpaid care work. Jawboning has not proved very effective. What we need is to change the material consequences of care work by changing our system of providing for children's care by economically marginalizing those who care for them. While symbolic valuation is important, it tends to follow material consequences.

An additional important question is whether people could afford to work only part-time. Keep in mind, first, that "part-time" in a mandatory overtime environment may well mean a forty-hour week (which is the official definition of part-time in many Washington law firms). In other contexts, the net result of non-marginalized part-time tracks would be not a lower overall family income, but a reallocation of that income between husband and wife (or ex-wife). Recall that the average American father still earns seventy percent of the family income, while the average mother earns only thirty percent.⁴³ If workers were offered proportionality, the work hours (and the incomes) of mothers and fathers might tend equalize. This not only would increase women's bargaining power within marriage.

42. I am thinking here of a Norwegian advertisement that shows the government minister in charge of implementing the family leave policy, bare from the waist up and hairy chested, holding up a baby in each muscled arm. See Larry May & Robert Strikwerd, *Rethinking Masculinity: Philosophical Explorations in Light of Feminism*, in *FATHERHOOD AND NURTURANCE* 90 (1992) (discussing an "ideal characterization of fatherhood in terms of nurturance" which corresponds to the experiences many contemporary fathers are having or at least would aspire to).

43. See *supra* note 11 and accompanying text.

It would also help protect women and children from impoverishment in the event of divorce.

A final consideration concerns the impact of proportionality on a particularly vulnerable group of women: professional child care workers. The depressed wage rates of child care providers no doubt reflect racism and the gendered devaluation of care work. But they also reflect a pass-through of exploitation. Remember that (although women without children earn roughly ninety percent of men's wages) mothers earn only sixty percent of the wages of fathers,⁴⁴ and the gap between the wages of mothers and others has actually *widened* in recent years.⁴⁵ The low wages of mothers are important because the accepted calculation is to measure whether "it is worth it for mom to work" by measuring the amount the mother earns against the amount the family has to pay for child care.⁴⁶ Given this calculation, an end to mothers' economic marginalization could be expected to raise the wages of child care workers.

Proportionality could be expected to raise child care workers' salaries for another reason. Today, women who work full-time are much more likely to use childcare by nonfamily members.⁴⁷ Such women often feel they cannot afford high rates for child care because they need so much of it—coverage for at least forty-five hours a week (a forty-hour week, plus the average one-hour commute).⁴⁸ However, if parents could work fewer hours with only a proportional decrease in pay, benefits, and advancement, more couples could be expected to work staggered, reduced time schedules. For example, each parent could work four days a week and have their infant in child care only twenty-seven hours a week.⁴⁹ Parents with school-age children could each work a thirty-five-hour week and still be available

44. See Jane Waldfogel, *The Family Gap for Young Women in the U.S. and Britain*, 16 J. LABOR ECON. 505, 507 (1998) (noting a report citing statistics from the late 1980s discussing the wage gap affecting women in both the United States and United Kingdom).

45. See *id.* (quoted in UNBENDING GENDER, *supra* note 3, at 2 (stating that "[h]aving children has a very strong negative effect on women's income")).

46. Note that this calculation embeds the assumption that child care is the mother's responsibility, although in fact the family needs child care equally as much because the father is employed, as it does because the mother is employed.

47. See Joan Williams, *Revised Memo for the Sloan Work/Family Policy Network: Who is Caring for America's Children?* 9 (June 4, 2000) (on file with author) [hereinafter *Network Memo*] (mothers who work part-time much more likely to use only family members or relatives for child care).

48. See Joan Williams, *Gender Wars: Selfless Women in the Republic of Choice*, 66 N.Y.U. L. REV. 1559, 1597 (1996) (noting that the average worker's commute is one hour).

49. Each parent would care for the child for one weekday (eight hours/day plus a one hour commute = nine hours/day). The family would need child care for only three days/week: nine hours/day for three days/week = twenty-seven hours/week.

to pick up the kids from school a day or two each week, to take them to the lessons and play dates that have become increasingly important in middle class childrearing.⁵⁰ The net result of these changes in work schedule would be that many families would need much less than forty-five hours/week of child care.⁵¹ As a result, they might well find it economically feasible to pay more per hour of care.

This brings us back to our initial question: is a tight focus appropriate on proportional pay, benefits, and advancement for reduced-hours work? A signal advantage of proportionality is that it is immediately imageable, a very important consideration when dealing with the public and the mainstream press. I recall walking out of a television studio in Denver, having just done a spot for the local news. The policeman in the front lobby, with whom I had chatted as I entered, hailed me as I left. "You were great," he said. "My wife has been home with the kids, but now they're older so she's starting to look for work. Your idea of proportional pay, benefits, and advancement makes a lot of sense. I'm going to buy her your book."⁵²

All that said, it is important to point out that the agenda of reconstructive feminism is much broader than that defined by the principle of proportionality. Proportionality is important, but not all encompassing. For example, telecommuting is another important tool in restructuring work. Take Denver executive Jim Johnson, who offered telecommuting as well as proportional benefits for part-time workers to the employees of his moving company as the result of a lecture I gave last year. Not only the benefits, but also the telecommuting, made a tremendous difference in the lives of his workers, according to an article in the *Denver Post*.

Johnson's employees were 'absolutely thrilled' with the chance to stay home and work flexible hours, says Lori Spurr, the company's executive vice president and a mom who routinely works from her home office on Fridays.

"They were just giddy when Jim Johnson went around to tell them what was coming," Spurr says.

'It makes you feel really secure in your knowledge that the

50. "Lessons" are one of the primary child care arrangements for children five to thirteen. See *Network Memo*, *supra* note 47, at 5 (citing SANDRA L. HOFFERTH ET AL., THE NATIONAL CHILD CARE SURVEY, tbls. 2.15, 2.20 (1990) [hereinafter NCCS]).

51. For example, one parent had a fifteen-minute commute each way and worked fifteen minutes from their children's school. S/he could work thirty-five hours/week and still pick up the children two days a week. If the other parent worked farther away, s/he could still pick up the children from school one day and work a thirty-five-hour week.

52. *9 News at 4* (KUSA-TV (Denver) television broadcast, Jan. 14, 2000). I have paraphrased; I did not note down the policeman's actual wording.

company does understand you have a personal life, and that they also understand that your family has to be your priority.'

"He's pro-rating benefits? Wow," she [Laura Asher of the National Partnership for Women and Families] said when she heard about Johnson. "It's happening a little more, but it's still unusual."⁵³

Absenteeism and sick leave policies are other areas that are important when the goal is to restructure paid work. Each year, many women, particularly low-income ones, are fired due to absenteeism when their child care fell through, or when a child was ill.⁵⁴ Workplace policies that preclude workers from using their sick leave to care for ill dependents can be shown, in many workplaces, to have a disproportionate impact on women, as can rigid absenteeism policies. Other common policies with a disproportionate impact on women are pension policies that give credit for time taken off for military duty but not time taken off for childrearing; factories where on-the-job training programs occur at night; apprenticeship programs that require the apprentice to work all day and then attend classes at night. They also include insurance company rules that bar health insurance and other benefits for those who work part-time, as Jim Johnson discovered when he tried to offer benefits for workers who worked less than twenty hours a week.⁵⁵ The list goes on and on.

Although the principle of proportionality is important, it does not exhaust the ways that paid work needs to be restructured. Reconstructive feminism also calls for a redesign of government benefits linked with paid work. The design of such benefits also disproportionately excludes women. These include unemployment policies that disqualify workers who are available only for part-time work, anti-discrimination laws, unemployment laws, occupational health and safety laws, the federal plant closing act, as well as Employment Retirement Income Security Act ("ERISA"), and the Family and Medical Leave Act ("FMLA").⁵⁶

In conclusion, the principle of proportional pay, benefits, and

53. See Claire Martin, *Work at Home?*, DENVER POST, Feb. 13, 2000, at E7. The employees affected include the customer service and accounting departments.

54. See RANDY ALBELDA & CAROL COSENZA, CHOICES AND TRADEOFFS: THE PARENT SURVEY ON CHILD CARE IN MASSACHUSETTS 12 (2000) [hereinafter CHOICES & TRADEOFFS] (low-income parents more likely than higher-income ones to be fired or forced to quit because of child care programs).

55. See Martin, *supra* note 53, at E7 (describing Johnson's unusual practice of offering benefits to part-time workers).

56. See UNBENDING GENDER, *supra* note 3, at 110-13 (discussing the application of laws and government benefits to women that were created at a time when it was assumed that women did not work outside the home).

advancement for part-time work is an important one. Perhaps, as Heidi Hartman suggested,⁵⁷ we should work towards three tracks, a twenty-five-hour track, a forty-hour track, and a mandatory overtime track. But while proportionality is important, it does not exhaust the ways we need to restructure paid work and the benefits linked to it.

What does reconstructive feminism offer to less affluent women?

Domesticity began as a gender system that was both raced and classed. Having an “angel in the home” was a key marker of middle-class status.⁵⁸ Historically, domesticity helped to form and express race as well as class identity. It served not only to define middle-class women’s place in the class hierarchy; it also defined white women’s place in the racial hierarchy. Domesticity was understood by whites as applying only to white women. Black women were not seen as Moral Mothers; they were expected to work outside the home.⁵⁹ A key question is whether we can redeem this questionable pedigree.

A central argument of *Unbending Gender* is that domesticity persists as part of our *habitus*, as “embodied history, internalized as second nature, and so forgotten as history.”⁶⁰ If domesticity persists as a racist and classist heritage that still operates beneath our level of consciousness, the only question is whether domesticity will only be used *against* progressive goals, or whether it will be used *for* them as well. I argue for strategic uses of “domesticity in drag” to support progressive agendas.

A central question is whether we can democratize access to domesticity. If we truly value children, goes the argument, we should be willing to restructure work around the values people hold in family life, namely the norm of parental care. Reconstructive feminism claims for all workers, not just privileged ones, the time and flexibility they need for family care.

In a culture with few languages of solidarity, domesticity is an important cultural resource. My book documents that some unions have used rhetoric that frames demands for increased government programs in terms tied to children’s welfare.⁶¹ So have some influential academics. For example, Martha Fineman has argued for a new universalist social program modeled on Social Security to support all those charged with dependent care.⁶² Barbara Bergman,

57. See *supra* transcript of Panel 1: Redesigning Work and the Benefits Related To It (comments of Heidi Hartman).

58. See *UNBENDING GENDER*, *supra* note 3, at 34-37.

59. See *id.* at 164-68.

60. See *id.* at 38 (quoting Bourdieu).

61. See *id.* at 201.

62. See *SEXUAL FAMILY*, *supra* note 1, at 231; Conversation with Martha Fineman

too, has argued for huge new social subsidies, linked with the needs of children.⁶³ In a culture with few viable languages of social democracy, domesticity has important redistributive potential.

Reconstructive feminism also proposes to shift the focus of feminism away from the full-commodification model, which enshrined an ideal of having women perform as ideal workers along with the men while child care is delegated to market providers.⁶⁴ Originally this vision included an assumption that child care centers would be as common, and as free, as public libraries, but significant government subsidies for child care have not been forthcoming. As a result, full-commodification feminism has held little appeal for impoverished women. To them, the market looks like a hostile place to seek child care for both obvious reasons and more subtle ones. The obvious reason is that "you get what you pay for" and poor women cannot afford to pay much. More subtle is that almost half of poor working parents work rotating or changing schedules, and this often makes market child care infeasible.⁶⁵

In addition, when Lucie White talked with low-income mothers in Boston, she found "a strong ambivalence about placing their children in day care centers."⁶⁶

Many of these women linked day care centers with other institutions, like schools, subsidized housing, health services, and welfare offices, in which they felt disrespected and powerless. They resented the routinized, impersonal, or rude treatment they often received in these settings. In contrast, they regarded their status and role as mothers as one of their few sources of societal respect and personal efficiency. They described their role as mothers as their central moral anchor in very precarious lives. It gave them a sense of identity and a sense of status in their communities. Therefore, they wanted a say in the care of their children when they were at work. They wanted their caretaker's language and values to mirror their own. And they also wanted a personal relationship with the caregiver, as well as the power and

(Oct. 19, 1999).

63. BARBARA R. BERGMAN, *SAVING OUR CHILDREN FROM POVERTY* 18 (1996) ("A differently structured and considerably more expensive set of new programs would be necessary if the United States were to provide a decent standard of living for all American children.").

64. See *UNBENDING GENDER*, *supra* note 3, at Chapter 2 (describing and critiquing full-commodification feminism).

65. See *Network Memo*, *supra* note 47, at 8 (citing *CHOICES & TRADEOFFS*, *supra* note 54).

66. Lucie White, *Quality Child Care for Low-Income Families: Despair, Impasse, Improvisation*, in *HARD LABOR: WOMEN AND WORK IN THE POST-WELFARE ERA* 116 (Joel F. Handler & Lucie White eds., 1999).

opportunity to supervise what the caregiver did with their child.⁶⁷

White acknowledges that, at some day care centers, excellent and respectful teachers may offer multicultural curricula and strong parental involvement. “Even if they have heard about such programs, the argument goes, low-income parents may doubt that this kind of care would ever be made available to them.”⁶⁸

Available evidence shows that less affluent parents are much more likely to rely on care by family members than are more affluent parents.⁶⁹ Low-income families are much less likely to pay for care than other families are, even though their use of child care is high.⁷⁰ Low-income parents are considerably less likely than affluent parents to use day care centers; they also are much less likely to use extended day programs.⁷¹ Instead, less affluent parents are much more likely to have their young children cared for by parents and relatives. This makes sense, as I pointed out in my book, because family-based arrangements protect the children of less affluent families from having their class disenfranchisement translate into lower-quality market child care. In this context, the traditional feminist focus on day care centers seems mismatched with the types of arrangements less affluent parents prefer in an environment tragically devoid of social subsidies for child care. Lucie White has echoed these concerns:

Perhaps a policy vision that would replace the unpaid care work of mothers with a universal scheme of professionalized, commodified care services is itself flawed. If we are either unable or unprepared, as a society, to bear the full cost of monetizing and professionalizing child care for every child, at a level of quality that would ensure real communication and power-sharing between parents and caregivers, then perhaps it is best to rethink the problem from the outset. Otherwise, there is a great risk that the consensus model will never be funded and implemented in ways that reach the poorest families, and a conspiracy of wishful thinking and silence will preclude us from designing second best, but feasible, strategies to fill the vacuum that results.⁷²

White calls for child care advocates to abandon the professionalized, center-based model that is the current goal of most child care advocates, in favor of a model that has two basic thrusts.

67. *Id.* at 128-29.

68. *Id.* at 129.

69. *See Network Memo*, *supra* note 47, at 9 (citing NCCS, *supra* note 50, tbls. 2.15, 2.20).

70. *See id.* at 10 (citing CHOICES AND TRADEOFFS, *supra* note 54, at 11).

71. *See id.* (citing NCCS, *supra* note 50, tbls. 2.15 & 2.20).

72. White, *supra* note 66, at 129-30.

The first would “enable parents to care for their own children, particularly infants, in arrangements that do not reinforce the isolation and gender-inequity of the family wage arrangement.”⁷³ The second would

move beyond rigid, professionally oriented approaches to ensuring quality child care to more flexible, network-oriented approaches. . . . A network of small child-care facilities within a single neighborhood could be established, supported, and linked together by a community-based development corporation. . . . that would train, place, and supervise a range of different sources of labor for the entire network, including volunteer labor from youth, elders, and student apprentices within the community; community service volunteers from other, more affluent communities; and. . . paraprofessionals.⁷⁴

White also proposes coalitions that pull together all of the groups with an interest in quality child care, including employers and churches.⁷⁵

White shows the need for a language that states that all children, not just affluent ones, are entitled to care from their parents. She also shows how the current cultural climate surrounding issues of care work—the ideological system I have called domesticity—places American feminists under such severe constraints that they need to consider “second best, but feasible, strategies.”

Reconstructive feminism shares this pragmatic approach, though White focuses on child care whereas my focus is on restructuring work to give parents time to play a role in their children’s care. Parental care today among many poor and working people means that parents work staggered shifts, for example with one parent working nights while the other works days. This arrangement (used by many working-class families) often takes a tremendous toll on family life, because the parents rarely see each other.⁷⁶ Many families who cannot afford to have one parent work part-time under the current punitive arrangements *would* be able to afford to have both parents shave off a few hours (to enable them to spend some time together or to get more sleep) if a reduced hours arrangement did not consign them to a depressed pay rate with no benefits or advancement, which is today the current price tag of “part-time” work.

73. *Id.* at 138.

74. *Id.* at 139.

75. *See id.* at 139-40.

76. *See* UNBENDING GENDER, *supra* note 3, at 155.

In addition, reconstructive feminism's deconstruction of domesticity offers several additional weapons for advocates of the very poor. After all, poor women suffer most from domesticity's system of delivering child services through moms in cars. Poor moms don't have cars, so they now have the privilege of taking three buses in the middle of the night to take their asthmatic child to the hospital—and then being told they are lazy.⁷⁷

The charge that poor mothers are “lazy” illustrates the particularly harsh effects on poor women of domesticity's erasure of care work. Although poor women's family work is erased along with the work of everyone else, the consequences for poor women are particularly severe. As many commentators have pointed out, privileged women are complimented for “choosing” to stay at home at the same time that poor women are berated for staying home and “doing nothing.” This is a very literal erasure of the child care and housekeeping work poor women perform under very adverse and time-consuming circumstances. The erasure of family work may deprive privileged women of their careers, but its effects on poor women are more acute. They are pushed into the labor force with no attention to the fact that this often forces them to entrust their children to low-quality child care. Poor women who are child care providers are also disadvantaged because domesticity's coding of care work as not “real” work justifies the dismally low wages paid to child care providers (who are paid less than garbage collectors).⁷⁸

A welfare researcher in Wisconsin, Professor Maria Cancian of the University of Wisconsin, has pointed out that my deconstruction of domesticity can help advocates for poor women in another way. The welfare “reform” debate in Wisconsin, she noted, has tended to assume only two alternatives—either that poor women perform as ideal workers, or that they “stay home.”⁷⁹ Reconstructive feminism deconstructs the either/or distinction between being “at home” or “working.” To the extent that it is no longer politically feasible for poor women to stay at home full time, reconstructive feminism opens up the possibility that being “at work” for welfare mothers should mean part-time work because most primary caretakers (particularly of

77. See *supra* transcript of Panel 3: New Directions in Feminist Legal Theory (comments of Lucie White).

78. See GINA C. ADAMS & NICOLE OXENDINE POERSCH, CHILDREN'S DEFENSE FUND, KEY FACTS ABOUT CHILD CARE AND EARLY EDUCATION: A BRIEFING BOOK A1-A5 (1997).

79. Professor Maria Cancian is an Associate Professor of Public Affairs and Social Work at the Robert M. La Follette Institute of Public Affairs at the University of Wisconsin-Madison. Her comments were made during a Master Class taught by Joan Williams at the University of Wisconsin Law School, Madison, January 28, 2000.

young children) do not work forty hours a week year round.⁸⁰

Professor Lisa Disch of the University of Minnesota has urged me to apply ideal worker analysis to the welfare debate by carrying it one step further. She questions the basic assumption driving the welfare debate, namely that women on welfare can pull themselves and their families out of poverty by getting a job. This argument, she points out, rests on the assumption that the jobs available to such women are those available to white, male ideal workers. In fact, they are not. Nearly half (44%) of all women earners have salaries so low that they cannot raise a family of three above the poverty line.⁸¹ The ideal-worker norm is not only gendered; it also is covertly racialized and classed. For even if Welfare-to-Work mothers were to get the kinds of jobs that are available to their male partners, most still would not escape from poverty.⁸² An analysis of the ideal worker as gendered, classed, and raced shows that the attempt to end poverty by forcing mothers into the labor market is doomed to failure.⁸³

In short, reconstructive feminism has the potential to help poor women in several different ways: by reversing the erasure of their household work; by establishing for their children an entitlement for family care; by teasing out the hidden race and class dimension behind the assumption that full-time work yields a stable family income; and by questioning the assumption that mothers "ordinarily" work full time. In these ways the agenda of reconstructive feminism has the potential to help poor and working-class women as well as richer ones.

Note that I have added working-class women back into the discussion. As Theda Skocpol has persuasively argued, progressives have given brilliant attention to the very poor, but in recent years they have often overlooked the "missing middle," the ordinary working-class people without whom no lasting political coalition can

80. See *supra* note 17 and accompanying text.

81. See BUREAU OF LABOR STATISTICS & BUREAU OF THE CENSUS, 1998 ANNUAL DEMOGRAPHIC SURVEY MARCH SUPPLEMENT (1998), *available at* <http://www.bls.census.gov/cps/ads/1998/sdata.htm>. Grateful thanks to Randy Albelda for help in generating this figure.

82. See JOHN M. MARTINEZ & CYNTHIA MILLER, MANPOWER DEMONSTRATION RESEARCH CORPORATION, WORKING AND EARNING: THE IMPACT OF PARENTS' FAIR SHARE ON LOW-INCOME FATHERS' EMPLOYMENT 9 (2000) (showing that the average earnings of the male partners of Welfare-to-Work mothers was \$8,204 per year), *available at* <http://www.mdrc.org/Reports2000/ParentsFairShare/PFSWorking&Earnings.pdf>. This yearly wage falls well below the Department of Health and Human Services Poverty Guidelines threshold of \$14,150 for a family of three. Annual Update of the HHS Poverty Guidelines, 65 Fed. Reg. 7,555, 7,555 (Feb. 15, 2000).

83. See Letter from Lisa Disch, Professor, University of Minnesota, to Joan Williams (Feb. 9, 2000) (on file with author).

be sustained.⁸⁴

Feminists, like many others, have sometimes missed the middle. In my book, I made a concerted attempt to create a coalition that would bind working-class women with more privileged ones—a broad coalition in a country where roughly eighty-five percent of the population is poor.⁸⁵ Marion Crain's moving comments about her grandmother dramatize the importance of bringing working-class voices more towards the center of the feminist imagination.⁸⁶

Growing evidence suggests that work/family issues are important to union members, many of whom are not privileged people. Unions have bargained for, and gained, rights to classic work/life policies such as the right to work part time after the birth of a child (No. California Newspaper Guild Local 52 and International Brotherhood of Electrical Workers Local 1245), flextime (Communications Workers of America), the right to telecommute (Service Employees International Union (SEIU)), job sharing (American Federation of State, County & Municipal Employees), compressed work weeks (International Brotherhood of Teamsters Local 830), making all overtime voluntary as opposed to mandatory (Washington-Baltimore Newspaper Guild Local 35), and voluntary reduced time (SEIU Local 715, Office and Professional Employees International Union Local 3). In addition, many unions have taken a leading role in ensuring that workers can exercise their rights under the Family and Medical Leave Act, which include the right to take time off to care for a newborn or newly adopted child, or to care for the worker's parents or children when they are ill. These include the United Steelworkers of America Local 12075, the American Federation of Musicians Local 6, American Federation of State, County & Municipal Employees Local 11, the Hotel Employees and Restaurant Employees Locals 2 and 2850, SEIU Locals 535 and 1877, Public Employees Local One, United Auto Workers Local 2324, and American Federation of Teachers. The New York State Nurses Association and the St. Luke's Roosevelt Hospital Center obtained the right to have workers donate their leave to a leave bank or to another employee who has used up all of her own leave, so that employees can help out a co-worker with unexpected illness of themselves or their dependents. Other unions have gained for workers the right to use their own sick leave to care

84. See generally SKOCPOL, *supra* note 4.

85. See BUREAU OF CENSUS, DEP'T OF COMMERCE, CURRENT POPULATION SURVEY, POVERTY STATISTICS (1998) (showing poverty rate of 12.7% for the United States in 1998).

86. See *supra* transcript of Panel 2: Who's Minding the Baby? (comments of Marion Crain).

for sick family members. These examples illustrate that work/life concerns have appeal among a wide range of workers (despite unions' traditional reluctance to push these issues).⁸⁷

In conclusion, reconstructive feminism's deconstruction of domesticity, and its focus on work/family issues, has much to offer to less affluent women. To build effective coalitions, we must remember the middle, but we must do so without forgetting the most disadvantaged women in one of the most unequal industrialized societies in the world.⁸⁸

Does reconstructive feminism merely serve to reinforce the heterosexual family?

The most direct answer is that, by dismantling the system of providing for children's care by marginalizing their caregivers, reconstructive feminism would significantly reshape the economic forces that now make it difficult for mothers to assess their sexual orientation in an honest way.

Domesticity is a gender system that enhances men's economic power through a two-step process. First, the ideal worker norm establishes men's bodies and life patterns as the gold standard in market work, systematically enhancing the economic position of fathers while undermining the economic position of mothers. Second, the "he who earns it, owns it" rule fosters mothers' economic marginalization and vulnerability. According to this rule, if a couple divorces, the husband is treated as the sole owner of the ideal worker wage. However, the ideal worker wage encompasses not only the ideal worker's market work, but also the flow of family work from the marginalized caregiver, which allows the husband to perform as an ideal worker while his children are raised in accordance with the norm of parental care. If the joint work of two family members produces an asset, it makes no sense to award its ownership unilaterally to only one of them.

Reconstructive feminism seeks to dismantle both the ideal worker norm in market work, and the "he who earns it, owns it" rule that impoverishes mothers upon divorce and erodes their bargaining

87. All data in this paragraph are drawn from LEA GRUNDY ET AL., LABOR'S ROLE IN ADDRESSING THE CHILD CARE CRISIS (Dec. 1999) (Foundation for Child Development Working Paper Series) (on file with author).

88. See ROLF AABERGE ET AL., STOCKHOLM SCHOOL OF ECONOMICS: SSE/EFI WORKING PAPER SERIES, IN 98 ECONOMICS AND FINANCE: INCOME INEQUALITY AND INCOME MOBILITY IN THE SCANDINAVIAN COUNTRIES COMPARED TO THE UNITED STATES 1 (1996) (noting that the United States is one of the countries with the highest income inequality).

power during marriage.⁸⁹ The result would be to sharply decrease the economic considerations that fuel compulsory heterosexuality. Today, the institution of motherhood, framed by the ideal-worker norm and the “he who earns it” rule, leaves most mothers with few real choices.

To support their children with some degree of economic security, which most mothers feel is the prerequisite to giving children the education and opportunities they need for a good start in life, most mothers need a man. Here’s some data. The average middle class woman has the earning power of a working class woman.⁹⁰ Nearly forty percent of mothers end up below the poverty line after divorce, including many who were middle class while they were married.⁹¹ Divorce is a key reason many women end up on welfare.⁹² For many women, the most effective way to get off welfare is to remarry.

Those who decry compulsory heterosexuality have very good reasons to endorse an agenda designed to decrease the economic pressures on mothers to sustain relationships with men. This is not to deny that many such relationships are positive; but if they are, they will flourish without making heterosexuality compulsory. Mothers will no longer have to “choose” not to leave violent partners because they cannot support themselves and their children unless they stay; mothers will not have to stay with partners who humiliate them, or who fail to make equal household contributions, because of a lack of economic alternatives. Changing the economics of heterosexuality would also mean fewer children whose life chances are sullied when their fathers walk away with the ideal-worker wage upon divorce, and choose to disinvest in their first families in favor of founding a new family.⁹³ All these patterns are commonplace. All reflect patterns

89. For power studies, see generally ROBERT O. BLOOD & DONALD M. WOLFE, *HUSBANDS AND WIVES: THE DYNAMICS OF MARRIED LIVING* (1960); Paula England & Barbara Stanek Kilbourne, *Markets, Marriages, and Other Mates: The Problem of Power, in BEYOND THE MARKET PLACE: RETHINKING ECONOMY AND SOCIETY* (Roger Friedland & A.F. Robertson eds., 1990); Phyllis N. Hallenbeck, *An Analysis of Power Dynamic in Marriage*, 28 J. MARRIAGE & FAMILY 200 (1966); Gerald W. McDonald, *Family Power: The Assessment of A Decade of Theory and Research, 1970-1979*, 42 J. MARRIAGE & FAMILY 841 (1980).

90. See Jay D. Teachman & Kathleen M. Pasch, *Financial Impact of Divorce on Children and Their Families*, in *THE FUTURE OF CHILDREN: CHILDREN AND DIVORCE* 63 (1994).

91. See DEMIE KURZ, *FOR RICHER OR FOR POORER* 3 (1995) (39% of divorced mothers in poverty).

92. See NANCY E. DOWD, *IN DEFENSE OF SINGLE PARENT FAMILIES* 74 (1997) (asserting that family law fails to provide adequate support for divorced women). See Emily Jackson, *Economic Justice in Divorce*, 2 CARDOZO WOMEN’S L.J. 23, 42 (1995) (stating that at least 50% of divorced women become dependent on welfare for some period of time during the three years immediately following a marital separation).

93. See Barbara Bennett Woodhouse, *Towards a Revitalization of Family Law*, 69

reconstructive feminism seeks to change.

Finally, it is important to remember that many lesbians and gays are parents, and thus are affected by the same economic forces all parents face, namely workplaces structured around an ideal worker who takes no time off for childrearing. A key point is that couples are sometimes forced into traditional gender roles by the structure of traditionally masculine jobs. If the structure of the economy plays an important role in reproducing traditional gender roles, gay as well as straight couples will be affected.

My working hypothesis is that gay male couples with children are more likely to conform to traditional gender roles than are lesbian couples. When, in the course of writing my co-authored casebook on property, I interviewed a divorce lawyer who specializes in "gay divorces," he asserted that the dominant domestic ecology is common among gay men raising children, with one taking the role of primary caregiver while the other specializes in market work.⁹⁴

In sharp contrast, a growing number of studies suggests that, while the "Rozzie and Harriet" breadwinner/caregiver pattern exists in lesbian couples, such couples are much more likely than heterosexual couples to share both the caregiver and the breadwinner roles.⁹⁵ Why the difference between lesbian and gay

TEX. L. REV. 245, 285 (1990) (discussing the possible reasons why fathers withdraw support from their children and noting that some observers believe that a new concept of fatherhood exists, "one in which parental responsibility lasts only as long as the relationship with the child's mother").

94. See CURTIS J. BERGER & JOAN C. WILLIAMS, PROPERTY: LAND OWNERSHIP AND USE 391, 465, 487-88 (citing interview with Frederick C. Hertz, Esq., Mar. 1997).

95. See, e.g., Gillian A. Dunne, *Opting into Motherhood: Lesbians Blurring the Boundaries and Transforming the Meaning of Parenthood and Kinship*, 14 GENDER & SOC'Y 11 (2000) (studying eight households, finding strong egalitarian patterns; not unusual to find the higher earner in a partnership reducing her hours of employment to share care or become the main caregiver); Pauline I. Elera & Karen Fredriksen, *Lesbian Stepfamilies: A Unique Family Structure*, 80 FAMILIES IN SOC'Y 263 (1999) (noting that prior studies conflict on whether egalitarian ideology or economics is more influential); Maureen Sullivan, *Rozzie and Harriet? Gender and Family Patterns of Lesbian Coparents*, 10 GENDER & SOC'Y 747 (1996) (explaining that in a study of thirty-four lesbian couples with children, twenty-nine couples had relatively equal sharing arrangements, even if significant gaps in partners' income levels existed, while five couples assumed a "Rozzie and Harriet" pattern); see also Susan Moller Okin, *Sexual Orientation, Gender, and Families: Dichotomizing Differences*, 11 HYPATIA 42 (1996) (arguing lesbian egalitarianism; no recent studies cited); M. Deborah Bialeschki & Kimberly D. Pearce, *I Don't Want a Lifestyle—I Want a Life: The Effect of Role Negotiations on the Leisure of Lesbian Mothers*, 29 J. OF LEISURE RES. 113 (1997) (studying nine couples; strong egalitarian patterns reported). The last article, in my view, takes too much at face value statements that role negotiations result in allocation of tasks based on personal interests; such language is often used to justify extremely traditional caregiver/breadwinner role allocations, at least in heterosexual couples. More study is needed to see whether this pattern holds for lesbian couples.

parents? My hypothesis is that conventional genderings tend to occur in families where one partner has an ideal-worker wage in a traditionally masculine job—and that this happens more frequently in gay than in lesbian couples. To what extent is egalitarianism in parenting affected by economics, by the gendered structure of market work, and to what extent is it affected by ideology, by a family's professed beliefs in egalitarian gender ideals? This is an intriguing arena for future research.⁹⁶

Does reconstructive feminism ignore single parents and other post-modern families?

By focusing on the dominant family ecology of ideal-worker fathers and primary-caregiver mothers, aren't I ignoring single parents and other post-modern families?

Far from it. Indeed, the largest group of single parents—divorced mothers with children—is directly at the center of my analysis.⁹⁷ Nearly two out of every three single parents are divorced or separated.⁹⁸ The impoverishment of divorced mothers and their children is a major issue: as noted above nearly forty percent of divorced mothers end up in poverty;⁹⁹ the children of divorce are less likely than other children to reach the educational level or class status of their fathers.¹⁰⁰

As noted above, I have proposed that the wages of both parents should be viewed as jointly owned, rather than having the ideal-worker wage seen as the sole personal property of the father. This proposal has important implications for the economy of gratitude¹⁰¹ in existing marriages, but its chief financial impact would be to benefit divorced single mothers.

What of often-quoted statistics to the effect that few American families are breadwinner/homemaker families? Well known sources

96. Compare Dunne, *supra* note 95, at 17 (finding lesbian couples influenced more by egalitarian gender ideology than economics), with Erera & Fredriksen, *supra* note 95, at 267 (noting that prior studies conflict with some studies finding lesbian couples more egalitarian regardless of income differentials, while others find the low-earning partner more involved in child-rearing, and the birth mother more involved in child-rearing).

97. This emphasis is not readily apparent from this symposium. It focuses on restructuring market work because a prior symposium focused on my proposals designed to deconstruct the ideal-worker norm in family entitlements. See Joan Williams, *Do Wives Own Half? The Intersection of Family Law and Property Law After Wendt*, 32 CONN. L. REV. 249 (1999) (Gallivan lecture, Apr. 9, 1999).

98. See NANCY DOWD, IN DEFENSE OF SINGLE PARENT FAMILIES 5 (1997).

99. See KURZ, *supra* note 91, at 3.

100. See Woodhouse, *supra* note 93, at 268-69 (discussing educational attainment and class status of the children of divorced families).

101. See ARLIE HOCHSCHILD, THE SECOND SHIFT: WORKING PARENTS AND THE REVOLUTION AT HOME 18 (1989).

have placed this figure as low as three percent.¹⁰² In fact, twenty-nine percent of families with children are of the breadwinner/housewife type. The dominant family ecology is alive and well in America.

However, looking only at mothers at home full time underestimates the persistence of the traditional pattern of providing for children's care by marginalizing their mothers. Recall that two out of three mothers aged twenty-five to forty-four with children under eighteen work forty hours a week all year.¹⁰³ In addition, for fifty-nine percent of infants and forty-nine percent of toddlers, parents are the primary child care arrangement.¹⁰⁴ Only one in three mothers with children under the age of three, and two in five mothers with children under the age of six, work full time all year.¹⁰⁵

Domesticity has not died; it has mutated. Though most mothers are no longer permanent housewives, their workforce participation still is framed around their family work in ways that often impede their ability to meet the masculinist ideal of a worker who is available full time and for overtime "as needed" for forty years straight.

Though most mothers eventually return to work, few attain the economic status they would have attained had they not taken time off for childrearing.¹⁰⁶ This is what produces the "family gap" documented by Jane Waldfogel.¹⁰⁷ This "family gap," along with the "wage gap," helps explain why nearly eighty percent of those in poverty in the United States are women and children.¹⁰⁸

102. This low statistic is misleading, however, because it refers only to American families with two children. Rather, 16.3% of *all* American families consist of this arrangement. A much larger percentage of two-parent families with children under the age of eighteen (29%) are of the breadwinner-homemaker status. Personal communication with Katie Kirkland, U.S. Dep't of Labor, Bureau of Labor Statistics (July 20, 2000) (faxed material on file with author).

103. See UNBENDING GENDER, *supra* note 3, at 2; see also INSTITUTE FOR WOMEN'S POLICY RESEARCH, LOOKING TOWARDS THE WORKPLACE OF THE 21ST CENTURY—CLOSING THE POLICY GAP FOR WOMEN 14-20 (1996) (breadwinner fathers and homemaker mothers comprise 20% of families with children).

104. See *Network Memo*, *supra* note 47, at 4 (citing NCCS, *supra* note 50, tbl. 2.16).

105. See BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, REPORT ON THE AMERICAN WORKPLACE 1999 at 115, tbl. 3-8 (1999); BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, CURRENT POPULATION SURVEY MARCH SUPPLEMENT (1999).

106. See Jane Waldfogel, *The Effect of Children on Women's Wages*, 62 AM. SOC. REV. 209, 216 (1997); see also Rebecca Abrams, *Why a Second Child Spells Ruin*, NEW STATESMAN, Feb. 28, 2000, at 15-16 (describing a study finding that the mother gap in wages is more severe after a second child); Sylvia Ann Hewlett, *Have a Child and Experience the Wage Gap*, N.Y. TIMES, May 16, 2000, at A23 (reporting on a Rand Corporation study showing a woman's lifetime earnings decreased by 13% after a first child and 19% after a second child).

107. See Jane Waldfogel, *supra* note 106, at 216; see also Abrams, *supra* note 106, at 15-16 (describing a study finding that the gap in wages is more severe after a second child).

108. See Joan Williams, *Notes of a Jewish-Episcopalian: Gender as a Language of Class, Religion as a Dialect of Liberalism*, in DEBATING DEMOCRACY'S DISCONTENTS (Anita Allen

The central precept of domesticity continues. We have preserved the system of providing for children's care by marginalizing their mothers. Single as well as married mothers are affected. As mentioned above, single mothers are almost as reluctant as married ones to work substantial overtime in an economy where the best jobs often require overtime work. This pattern reflects the fact that, in most divorced couples, the father continues to be the ideal worker, still supported by a flow of family work from his ex-wife.

Gender roles in most divorced families are extraordinarily traditional.¹⁰⁹ The most common arrangement is for the mother to have custody while the father has visitation. Child care continues to be treated as the responsibility of the mother, as it typically was during the marriage: to quote Karen Czapanskiy, the mother is treated as a draftee, while the father is treated as a volunteer.¹¹⁰

Among never-married couples, gender roles with respect to childrearing are often equally traditional. Although many never-married fathers help the mothers of their children with occasional gifts and child care, most never-married fathers are involved very little in day-to-day child-rearing.¹¹¹

In conclusion, scholars who focus on family form tend to notice how much has changed. A lot has: the hegemony of the breadwinner/housewife has been replaced by a diversity of family types. Yet when the focus is on gender roles rather than family form, what emerges most clearly are the patterns of continuity. Most divorced mothers continue as primary caregivers, with fathers "just visiting." Never-married fathers often play little role in their children's lives. And most married fathers continue to be seen as breadwinners, even when both parents are in the labor force.¹¹²

& Milton Regan eds., 1998) (citing 80% figure).

109. See SUSAN STEWART, NONRESIDENT MOTHERS' AND FATHERS' SOCIAL CONTACT WITH CHILDREN 894 (1999) (noting that "[s]tudies using nationally representative data consistently find that father involvement with nonresident children is extremely low").

110. See Karen Czapanskiy, *Volunteers and Draftees: The Struggle for Parental Equality*, 38 UCLA L. REV. 1415, 1415-16 (1991). See generally Karen Czapanskiy, *Interdependencies, Families and Children*, 39 SANTA CLARA L. REV. 957 (1999) (reconceptualizing family law to make central the dependence of the child on the caretakers and the interdependence of children's caretakers on society and vice versa).

111. See Dowd, *supra* note 92, at 50 (noting the small number of "never-married custodial fathers who actively nurture their children"); see also KATHRYN EDIN & LAURA LEIN, MAKING ENDS MEET: HOW SINGLE MOTHERS SURVIVE WELFARE AND LOW-WAGE WORK 163 (1997) (describing in-kind assistance by absent fathers).

112. See JEAN POTUCKEK, WHO SUPPORTS THE FAMILY? GENDER AND BREADWINNING IN DUAL-EARNER MARRIAGES 188 (1997) (confirming "the finding that employed wives are not necessarily regarded as family breadwinners").

The important point is that an analysis of *family form* is logically independent of an analysis of *gender roles*. A crucially important message is that our current definition of the ideal worker has the harshest implications for single mothers. Needless to say, when mothers parent alone they are not supported by a flow of family work from a wife.

Domesticity in drag: why not just get over it?

Why would we want to work within domesticity, rather than simply leaving it behind? It always surprises me when people still ask this question, for I see domesticity as so pervasive that our chances of “just getting over it” are minimal. Most people (including many feminists) still believe that women share an ethic of care, a classic expression of the ideology of domesticity. Two-thirds of Americans believe that it is better for everyone if mothers stay home with the children.¹¹³ And two-thirds of mothers still do not work forty hours per week all year during the key years of child rearing.¹¹⁴

Domesticity has proved remarkably unbending: it is so powerful an influence on our daily lives that we cannot simply wish it away. Its hold stems from the way it intermixes gender (and class and race) oppression with our most cherished goals for our children and ourselves.

Any employed mother who has felt torn between home and work, that she is serving many masters and none well, is feeling domesticity's clash between the ideal-worker norm and the norm of parental care. Any mother who has quit work, because of a sense that otherwise she could not do right by her children, has had her life determined by domesticity's mandate that mothers “should have all the time in the world to give.”¹¹⁵ Any woman who is on a “mommy track” because she could not keep up with the pace required of ideal workers and still be a responsible parent, has had seen her career goals crushed under the weight of domesticity's definition of the ideal worker. Any woman who is childless because her career path required such intense commitment that she suddenly awoke and found herself forty, with her chances to have children dwindling, has

113. See Richard Morin & Megan Rosenfeld, *With More Equity, More Sweat; Poll Shows Sexes Agree on Pros and Cons of New Roles*, WASH. POST, Mar. 22, 1998, at A1 (recognizing the changing roles of women in society).

114. See Ureta Census Data, *supra* note 16 (1995 data).

115. See DEBORAH FALLOWS, *A MOTHER'S WORK* 13 (1985) (lamenting the fact that for the author, as a working mother, “rushing was becoming the norm,” which made it difficult to spend uninterrupted time with her child); see also UNBENDING GENDER, *supra* note 3, at 30-37 (stating that it is still a widely-accepted notion that mothers “should have all the time in the world” to give to their children).

had a different, but equally painful, encounter with domesticity.¹¹⁶ Any woman who is childfree, and is looked at askance as unwomanly and selfish, faces dignitary affronts that stem from domesticity's insistence that true womanhood is defined by motherhood.¹¹⁷

Domesticity shapes men's lives as well as women's. Any house-husband who has been belittled for his failure to be a "real man" has felt the discipline of domesticity. Any father who feels caught between the demands of his wife for household equality and the demands of his boss to work 24/7 is caught between domesticity's ideal-worker norm and its norm of parental care. Any nonfather who has been treated as less of a man because he lacks the expected accoutrements of manhood—a wife and children—feels the pressure of the provider role enshrined by domesticity. Men from subordinated groups who feel the sting of their inability to be providers are experiencing domesticity's role in maintaining class and racial hierarchies among men.

Domesticity is so pervasive that the only realistic alternative is to use its momentum against itself in the manner of a judo master, to flip and bend it into new configurations. Judith Butler's notion of drag as a political strategy¹¹⁸ is most powerful in this context when combined with Pierre Bourdieu's *habitus*.¹¹⁹ The *habitus* helps us understand the way gender operates as a force field that pulls men into the provider role and women into traditions of selfless motherhood. This force field derives both from objective structures such as workplace norms and cultures and our system for delivering child services through moms in cars, and from internalized structures such as our aspirations to be a "good mother" who selflessly subsumes her own goals to her family's needs, and our (typically unconscious) sense of what men need in order to attain dignity and self fulfillment.¹²⁰

116. See ELINOR BURKETT, *THE BABY BOON* 55 (2000) (relating the story of female journalist who was on a demanding career path, so intense that "without realizing what I was doing to myself until it was too late, I forfeited the chance to have children").

117. *Id.* at 183 (discussing the idea that women without children have always been considered "openly suspect" in the United States and throughout the world).

118. See JUDITH BUTLER, *GENDER TROUBLE AND THE SUBVERSION OF IDENTITY* 139 (1990) (describing the body as "a variable boundary, surface whose permeability is politically regulated").

119. Two sources especially helpful in providing background on *habitus* are PIERRE BOURDIEU, *THE LOGIC OF PRACTICE* 26-56 (1980); PIERRE BOURDIEU, *DISTINCTION: A SOCIAL CRITIQUE OF THE JUDGEMENT OF TASTE* 169-225 (trans. Richard Nice 1984) [hereinafter *DISTINCTION*].

120. *Cf.* *DISTINCTION*, *supra* note 119, at 190-92 (a man's dignity requires large quantities of suitable food and drink that he can consume in a manner befitting his masculinity).

Domesticity defines the *habitus* that shapes our work and family lives. The economics of gender stem from our dreams for our children, in a culture that genders both market work and family work and insistently ignores the public interest at stake in the vital task of raising the next generation. The reproduction of traditional genderings is overdetermined in an environment where so many factors—both material and ideological—serve to anchor domesticity's preferred gender performances securely in place.

If Bourdieu helps answer one of the central puzzles for any gender theorist today—why gender has proved so unbending—Butler helps to define the political strategies that will be most effective in gender bending, i.e. in changing existing hegemonic and subordinated genderings into new, more promising norms and institutions forged from old materials.¹²¹ Butler's message begins from an important insight about tradition. The structure of our desire, she recognizes, is built on the frame of traditional genderings. That is why traditional gender displays, performances, and rituals have such a hold on our sexual lives. Similarly, I have argued, our dreams for family life are forged on the anvil of institutions, aspirations, and personalities derived from domesticity. That is why tradition continues to set the mold for our work and family lives.

Given the role of tradition in shaping our dreams for human connection (both sexual and familial), the only effective strategy is to enact the gendered displays, performances, aspirations, and personalities that constitute us in ways that transmute their traditional meanings. Butler helps explain why the interventions we intend to be subversive will, inevitably, also have retrograde effects (to quote Martha Ertman's apt formulation).¹²² Butler's importance as a political strategist lies in her insight that the strategies that present our best hopes for liberation also, simultaneously, reinscribe the traditions we seek to change. She reminds us that, when our goal is to build new masculinities and femininities, we will inevitably preserve large chunks of the old ones. In the process of setting priorities and finding a plausible balance between reinvention and comprehensibility, we will inevitably reproduce parts of those same traditions we seek to escape.

Domesticity in drag is the only possibility for a pragmatic program designed to meet women where they are and to take them to the next step. This does not mean that visionary feminism is unimportant. It

121. Two sources especially helpful in presenting Butler's theories are JUDITH BUTLER, *GENDER TROUBLE* (1990) and JUDITH BUTLER, *BODIES THAT MATTER* (1993).

122. Conversations with Martha Ertman (Feb.-May 2000).

is. But we need to avoid gender wars between feminists committed to opening up new conceptual space in the “épanter les bourgeois” tradition of the avant guard, and those in the pragmatist tradition whose goal is to articulate plausible-sounding arguments for goals that push the envelope but are potentially implementable under current conditions. These two different projects are mutually reinforcing, if only because what is not practical today may become practical tomorrow. It would be foolhardy to set our sights too low.

But it would also be rash to set goals so high that we can achieve nothing in the short run. We need to remember that the percentage of American women who self-identify as feminists is small, and has actually *fallen* in recent years, from thirty-four percent in 1989 to twenty-eight percent in 1998.¹²³ Many different people, with many different priorities, are working to transmute our gender traditions, using the only raw materials available—other elements of our gender inheritance. This process is more like rebuilding our houseboat as it rocks in high seas, than like rebuilding a recreational sailboat on dry land. We can’t deconstruct too much at once even if we wanted to. The risk is that we will sink like a stone.

We need to remember that feminists are always making difficult trade-offs in order to balance moral entrepreneurship with our need to function day to day in a world where our economy and our personalities are gendered all the way down.¹²⁴ Only by acknowledging our own gendered compromises will be capable of accepting each other’s. This is a crucial step towards effective and humane coalition.

123. See Time/CNN Poll, TIME, June 29, 1998, at 58.

124. See Richard Posner, *The Problematics of Moral and Legal Theory*, 111 HARV. L. REV. 1637, 1642 (1998).

APPENDIX

This table was generated just before this issue went to press; many thanks to Liana Sayer of the Center on Population, Gender & Social Inequality, Department of Sociology at the University of Maryland for generating it. It is directly relevant to two issues discussed in the conference and the *Afterword*.

First, a bit of background. The table uses education as a proxy for class, which is a common approach. All the data are for mothers aged 25—44: the key years of career advancement. During those crucial years:

The common claim that “only privileged women stay home” is inaccurate. This table confirms prior data that, in fact, *poor and working-class mothers are much more likely to be out of the labor force than are more affluent ones*. Thus, 43% of poor and 23% of working-class mothers are out of the labor force, whereas only 19% of more privileged mothers are. (Note that “welfare reform” appears not to have changed the historical pattern: how are these poor mothers feeding their children, given the low rate of marriage among the poor?)

A second equally common claim, also inaccurate, is that only privileged mothers work part-time. *In fact, one out of three working-class mothers works part-time*. The proportion of poor mothers working part-time is only slightly lower—28%. These data appear to confirm that proportional pay, benefits and advancement would significantly improve the lives of many nonprivileged women in two ways. It would end the artificially depressed compensation rates and lack of advancement of part-time workers, which would help mothers currently working part-time. It would also make it easier for mothers to join the labor force, by opening up reduced hours schedules for women (and men) who have to rely on family members for day care. (It would also, as noted in the text, make it far easier for “tag-team” families; the AFL-CIO’s *Ask A Working Woman* survey found that 51% of married women with children work a different shift from their husband.)¹²⁵

125. See AFL-CIO, *Ask a Working Woman Survey*, at <http://www.aflcio.org/women/survey1.htm> (last visited Jan. 18, 2001).

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AFTERWORD

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Table 1. Work Hours by Educational Attainment, Mothers Age 25 to 44, 1999				
Hours Last Year	Less Than High School	High School Diploma	Some College	College Graduate
No weekly work hours	43%	23%	19%	19%
34 or less weekly work hours	28%	33%	33%	36%
35 to 39 weekly work hours	4%	5%	5%	4%
40 to 49 weekly work hours	23%	34%	37%	33%
50 plus weekly work hours	2%	4%	5%	8%
Hours Last Week				
No weekly work hours	52%	33%	30%	28%
34 or less work hours	17%	21%	23%	24%
35 to 39 work hours	5%	7%	8%	6%
40 to 49 work hours	23%	33%	33%	32%
50 plus work hours	3%	6%	6%	10%
N	1912	4509	4115	3077
<i>Source: March 1999 Current Population Survey, All Mothers age 25 to 44¹²⁶</i>				

126. BUREAU OF LABOR STATISTICS & BUREAU OF THE CENSUS, CURRENT POPULATION SURVEY, 1999 ANNUAL DEMOGRAPHIC SURVEY, MARCH SUPPLEMENT (1999), *available at* <http://www.bls.census.gov/cps/ads/1999/sdata.htm>.

Table 2. Work Hours by Educational Attainment, Mothers Age 25 to 44, 1999				
<i>Overlapping Definition; Columns do not add to 100%</i>				
Hours Last Year	Less Than High School	High School Diploma	Some College	College Graduate
No weekly work hours	43%	23%	19%	19%
34 or less weekly work hours	13%	21%	22%	23%
39 or less weekly work hours	19%	27%	29%	29%
49 or less weekly work hours	54%	71%	75%	71%
Hours Last Week				
No weekly work hours	52%	33%	30%	28%
34 or less work hours	17%	21%	23%	24%
39 or less work hours	22%	28%	31%	30%
49 or less work hours	45%	61%	64%	63%
N	1912	4509	4115	3077
<i>Source: March 1999 Current Population Survey. All Mothers age 25 to 44¹²⁷</i>				

127. *Id.*