Women’s Work

"The exodus of women into the economy," writes sociologist Arlie Hochschild, "has not been accompanied by a new view of marriage and work that would make this transition smooth. Most workplaces have remained inflexible in the face of the changing needs of workers with families, and most men have yet to really adapt to the changes in women."

So far, that's true. But growing demand for a more flexible, family-friendly workplace has at least put issues like parental leave on the bargaining table. While certain feminists have argued that such modest reforms will do little to improve women's status, most people agree that women stand to benefit from them. The only question is how much they will benefit.

A greater worry is whether the newly flexible workplace, combined with recent trends in family law, might actually leave many women more vulnerable than they were before. It's fine to sacrifice some money and career growth for the sake of home and family; it's good when businesses will let employees take leave, or share jobs, or work part-time. But in the age of no-fault, low-alimony divorce, women who make these sacrifices may pay dearly for them in the long run. We seem to have entered a period where policymakers want employers to take family ties seriously, yet want marriages easily dissolved, and preferably with no strings attached. How did we end up in this double-bind?

The law traditionally viewed production and reproduction—that is, work and family—as fundamentally separate and incompatible realms. Indeed, the strict separation of the "private" domestic sphere from the "public" world of work and politics was thought necessary not only to promote economic growth, but also to safeguard the family's place as a "haven in a heartless world." The legal and ideological separation of the two realms was also a cornerstone of the system of gender hierarchy that permeated virtually all aspects of life.

This sharp division between work and family hurt women and men alike. It hurt women by severely restricting their participation in the paid labor market and thereby ensuring their continued economic dependence on men. It hurt men by denigrating their nurturing capacities and limiting their role in the family.
to that of economic provider. The notion of a deep natural division between our productive and our reproductive lives also tended to obscure the interconnections between the structure of the workplace and the structure of the family. As a result, work-family conflicts came to be seen as essentially private matters. The inability to handle both work and family responsibilities was viewed as an individual failure, not as a social problem.

Today this rigid compartmentalization is beginning to break down. Both scholars and policymakers are coming to recognize the inevitable connections between work and family. They now acknowledge that the laws governing each realm help to shape the structure of the other.

All of this is a step in the right direction—better, at least, than the “separate spheres” ideology that for so long characterized the legal relationship between our productive and reproductive lives. Nevertheless, the integration of work and family is taking place in ways that may do many women more harm than good.

In the first place, many “pro-family” workplace reforms are based on a picture of the typical American family that is far removed from the realities experienced by many women in the paid labor force. Second, some of the most popular reform strategies—for example, those that create a separate “parenting track”—may only serve to perpetuate the economic marginalization of women. Finally, the notions of economic sacrifice and shared family responsibility that underlie many workplace reforms run counter to the emphasis on individual autonomy and economic self-sufficiency that characterizes recent changes in family law, especially in the area of divorce and alimony. The result of this mismatch of incentives may be to leave women who avail themselves of current family-related “benefits” in the worst of all possible positions.

The Changing American Family

What is the picture of the American family embodied in recent workplace reform strategies? It is the picture of a two-parent, two-income family. The worker who can best afford to take advantage of most of today’s family-related accommodations has a partner who is himself a full-time wage earner on the “career track.” This is particularly true of unpaid leave proposals, such as the Family and Medical Leave act vetoed by President Bush last year and now once again before Congress.

While unpaid parenting leave is obviously better than forced resignation or dismissal, the economic sacrifices accompanying such leave make it of little value to precisely those employees who face the most severe work-family crunch: single parents and other workers who depend exclusively on their own paychecks to support themselves and their dependents. The same picture of the modern worker as half of a two-earner partnership underlies many part-time and job-sharing arrangements, particularly those that fail to provide health insurance or other common employee benefits.

This comforting portrait of the middle-class (or even upper-middle-class) family utterly fails to reflect the realities faced by a substantial percentage of working women. Because of the soaring divorce rate and the high incidence of single motherhood, many employed women who are struggling to reconcile their work and family responsibilities do not have access to a second income.

Statistics underscore this point. At present, approximately one out of every two American marriages ends in divorce. This rate has held steady since the mid-1970s. Most divorces involve children, and in about 90 percent of the cases the mother ends up with custody. Moreover, although most divorced persons eventually remarry, the remarriage rates are significantly lower for mothers than for fathers.

At least as significant as the high divorce rate is the increase in families maintained by single women. Over the past two decades, the number of families maintained by never-married women has increased tenfold, rising from 248,000 in 1970 to 2.7 million in 1988. In 1960 slightly more than 5 percent of all births were to unmarried women; by 1987 that figure had risen to 25 percent. For women of color, the figure approaches 50 percent.

Taken together, these two trends largely explain why today almost one quarter of all American households with children are maintained by a single parent. In 90 percent of those households, the parent is a woman. At best, policies based on the model of a two-parent, two-income family are irrelevant to these single parents.
and their children. At worst, they place ever farther from the economic mainstream the very workers most in need of family-related workplace accommodations.

Policies based on the model of the two-parent, two-income family likewise fail to help those children most desperately in need of help. Researchers estimate that six out of ten children born in the 1980s will live for some length of time with only one parent—for the vast majority, with their mother. And children living with a single parent are much more likely to be poor than are children living in two-parent households. In 1988 less than one in ten two-parent families was poor; by contrast, almost half of the female-maintained families fell below the poverty line.

What Price the Parenting Track?

A second drawback to recent workplace reform proposals is that they may perpetuate, and even exacerbate, the economic marginalization of women workers. One important way that they may do this is by reinforcing the unequal gender-based division of labor within the family.

Although women’s labor-force participation has increased dramatically over the last two decades, men generally haven’t picked up the slack at home. Not only do employed wives devote a good deal more time than their employed husbands to housework and child care, but men who are married to “working women” do not spend appreciably more time on housework and child care than do husbands of full-time homemakers.

The result is that employed women usually work two shifts: a 9-to-5 shift on the job—paid, but often at a relatively low wage—and an unpaid evening shift at home (with weekends and early morning hours typically added). The effects of this double work shift on women, their husbands, and their children was recently chronicled in a book by Arlie Hochschild called, appropriately, _The Second Shift._

One of Hochschild’s most disturbing findings is that both women and men tend to view women’s disproportionate household responsibilities as justified by their smaller financial contributions to the family and their lesser commitment to the work force. This is particularly ironic because wage-earning wives often suffer from greater stress on the job than their husbands. According to recent studies, many of the lower-paying pink-collar jobs typically held by women are actually more stressful than the more lucrative professional and blue-collar jobs typically held by men.

More important, however, is that employed wives often become trapped in a vicious circle. Because women generally earn less than men, it makes economic sense, in most two-income families, for the wife, rather than the husband, to cut back on her paid work in order to handle the housekeeping and take care of the children. But the more women limit their work-force participation, the less they will earn; and the less women earn, the more likely it is that they—and not their partners—will continue to work the second shift.

Again, some statistics may help to underscore the point. Despite more than two decades of legal and social reform, full-time working women today still earn only about 70 cents for every dollar earned by men. Experts estimate that about 70 percent of this wage difference can be attributed to the fact that women assume primary responsibility for housework and child care. Current research also confirms that the economic effects of even a short-term hiatus in employment are likely to be both substantial and long-lasting. Economists have estimated, for example, that college-educated women suffer a 4.3 percent reduction in long-term earning capacity for each year out of the labor force. Thus, to the extent that employers’ policies encourage women to reconcile their work and family responsibilities by limiting their participation in the paid labor force—without addressing either the long-term economic costs of this accommodation, or the broader issues surrounding the unequal division of labor at home—these policies may actually perpetuate women’s economic dependence.

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Reforms that create a parenting track in occupations previously dominated by men may also end up recreating precisely the sort of job segregation by sex that still characterizes the overall labor market. The company’s upper tier would continue to be populated by men, along with those few women who were willing to forgo family involvement in order to advance faster and farther on the job. Underneath would be the parenting tier, populated largely by women, joined by a few brave (or economically foolish) men. Workers in this second tier would have considerably more flexibility to meet family responsibilities, but at the cost of a truncated career ladder and permanent economic disadvantage.

Conflicting Ideals

The very notion of cutting back on paid work in order to improve life at home rests on the assumption that workers should sacrifice some degree of economic independence for the sake of their families. This assumption, in turn, seems to affirm the importance of family relationships and the values of caring and nurturing generally associated with those relationships. Moreover, our willingness to require employers to provide certain family-related benefits shows that we think it ap-
propriate, at least in some circumstances, to limit the pursuit of private gain in the service of broader social goals.

Our desire to integrate work and family further reflects our acceptance of dependency. We take it for granted that children and elderly family members are dependent on the adult workers responsible for their care. Moreover, when the workers are themselves part of two-income families, we may even encourage the economic dependence of one wage-earner on the other. Whatever is lost in income, we think, will be more than made up for at home.

In general, we should be pleased that such "pro-family" assumptions are working their way into our legal and economic structures. The problem is that recent trends in family law embody precisely the opposite set of assumptions. Indeed, the modern law governing divorce and its financial consequences could well be summed up as "Every family member for himself," or possibly, "May the most self-interested person win."

Take, for example, the shift from fault-based to no-fault divorce. The overriding emphasis of our current no-fault system is on an easy exit from marriage. In most states, marriage has become a relationship terminable at the will of either party—either immediately, upon demand, or after a waiting period of less than a year. This means that someone who wants to preserve the legal or economic incidents of marriage is usually powerless to do so.

Perhaps even more important are the assumptions that have increasingly come to govern the financial consequences of divorce. Chief among these is the idea of a clean break between the partners. Thus, current rules regarding the division of marital property and the availability of alimony overwhelmingly reject the idea of any continuing financial responsibilities growing out of the marriage. Instead the rules emphasize the importance of individual autonomy and economic self-sufficiency.

Divorce statutes in many states, for example, dispense with the obligation to support a former spouse unless she—for it is almost always a "she"—is unable to provide for herself. The ability to provide for oneself, in this context, is defined quite liberally: almost any degree of earning capacity will jeopardize the availability of a support award. Even in states where such awards are more common, the primary purpose of alimony is to "rehabilitate" an ex-spouse—that is, to enable her to become economically self-supporting.

Of course, our current divorce regime hasn't totally scrapped the notions of equity and marital partnership. By and large, though, it assumes that whatever partnership adjustments are appropriate when a marriage dissolves can be achieved through the equitable division of marital property. The problem with this assumption is that current definitions of marital property exclude the most valuable assets acquired during most marriages: the increased earning power that comes from such things as graduate and professional education, on-the-job training, and career advancement during marriage. As a result of this exclusion, most divorcing couples have very little marital property to divide, and even the most generous property-division schemes do little to compensate a spouse who has sacrificed economic independence for the sake of family commitment.

Employed mothers who have stinted their careers in order to meet family obligations also run the risk of losing in a custody dispute. In some courtrooms they still face lingering prejudice against mothers who work outside the home. Worse yet, almost all judges initially assume that if both parents work outside the home, then neither qualifies as the "primary caretaker"—despite overwhelming evidence that employed mothers retain primary child-care responsibilities in the vast majority of two-income families. At the same time, an employed mother who has sacrificed economically to care for children is likely to be disfavored in a custody dispute because she earns less than her career-track husband. And, to the extent that her reduced commitment to the labor force makes her more vulnerable to layoffs and job changes, her ability to provide a stable home environment might be called into question.

Thus, someone who has accepted the invitation to accommodate her work to her family responsibilities—who, in effect, has "bought in" to the notions of economic partnership, shared financial responsibility, and the primacy of the family over individual well-being—will find herself confronted in the event of divorce by the legal system's insistence on a clean financial break, its glorification of economic self-sufficiency, and its privileging of individual autonomy over the enforcement of family responsibilities. It is women who are likely to get caught in this clash of...
ideals, even when parental leave and similar workplace reforms are formally gender-neutral. For both economic and cultural reasons, women will most often be the ones who cut back on paid work in order to accommodate their family goals. They will then be the ones who pay the economic and parenting price for that accommodation in the event that they divorce. The notion that any disadvantages they suffer are merely the unfortunate result of the work-family trade-offs they chose only helps to obscure the larger economic and structural inequalities contributing to these so-called choices.

Policy Recommendations

Are there any ways out of the work-family dilemma? There may be at least some partial solutions. On the family law side, we should support changes that would protect, rather than penalize, a woman’s investment in her family. Among other things, this would mean requiring a much greater degree of continued sharing of financial resources after the dissolution of a marriage. Instead of making postdivorce income-sharing the exception, we should make it the rule, at least where the divorcing couple has not agreed otherwise. In the custody area, we must press for changes that reward past parenting activity and that emphasize parental responsibilities, rather than parental rights.

On the employment side, we should be very wary of policies that create a separate parenting track, or that force workers to choose between family commitment and economic security. Instead we should seek reforms that aim at restructuring the workplace and redefining the nature of careers. We should also consider more carefully the effect of various reform proposals on workers who are single parents.

In universities, for example, the entire tenure structure merits rethinking from the vantage point of work and family. Even a moment’s reflection reveals that most existing tenure rules were not designed with primary parents in mind. The same years that a young teacher is expected to make good on the promise of scholarship are typically the years that require the heaviest family commitments. What would be gained, and what lost, by replacing our rigid career ladder with a more flexible system that allows individual faculty members to petition for tenure at whatever point they believe they have achieved their scholarly potential?

As for the unequal division of household labor, we are often told that the law is powerless to change behavior within the family. But this simply isn’t true. The law affects behavior at home in a myriad of subtle, and not so subtle, ways.

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The failure to mandate pay equity for women in female-dominated occupations effectively reinforces traditional family patterns. The wage gap between men and women means that it will continue to make economic sense for wives, rather than husbands, to shoulder most of the load at home. Similarly, our toleration of work environments potentially hazardous to pregnant women stacks the deck in favor of men’s economic dominance and the unequal division of family labor associated with it.

The legal doctrines governing family relations likewise influence the division of labor within the home. Custody and visitation rules that protect parental rights, but don’t enforce parental obligations, help ensure that men will not be forced to assume a greater share of the work of raising children. By the same token, spousal support doctrines that discourage postdivorce income-sharing provide an incentive for fathers, and maybe mothers as well, to concentrate their energies on paid employment.

In light of these connections, the real question becomes not whether we can use the legal system to alter the unequal division of labor at home, but whether we have the political will to do so.

— Jana Singer