

# *Understanding the Gender Gap: Readings and Cases*

## *Annotated Table of Contents*

### **Chapter one: Introduction**

This chapter sets out arguments about the invisibility of gendered norms about who is responsible for childrearing and housework, and uses vivid examples to explain how women's choices are structured by expectations that are often invisible and very difficult to change or ignore.

### **Chapter two: Sociologists of Work Study the Gender Gap**

Arguments from various sociologists of work are examined, from Jacobs' pathbreaking work on the reasons why women do not persist in male-dominated workplaces, to work that attempts to quantify the wage penalty of motherhood, to work examining what difference it makes in our overall understanding of the occupational segregation if we treat unpaid work in the home as "employment," and finally, comparative research on national policies that support working parents and ban workplace discrimination.

#### *Readings:*

- Jerry A. Jacobs, *Revolving doors: sex segregation and women's careers*, Stanford, CA: Stanford University Press, 1989
- Michelle J. Budig and Paula England, "The Wage Penalty for Motherhood," *American Sociological Review*, Vol. 66 (2): 204-225 (Apr., 2001).
- Philip Cohen, "The Gender Division of Labor: Keeping House and Occupational Segregation in the United States" (2004)
- Mariko Lin Chang, "The Evolution of Sex Segregation Regimes," *The American Journal of Sociology*, 105(6): 1658-1701 (May, 2000).

### **Chapter three: The Devaluation of Women's Work**

Why is women's work typically depreciated? What consequences does such depreciation have for supporting women who have been responsible for childrearing and housework once their marriages end, or for thinking about citizenship, welfare benefits, and the linkages between women and notions of dependence?

#### *Readings:*

- Ann Crittenden, *The Price of Motherhood: Why the Most Important Job in the World is Still the Least Valued*, New York: H. Holt & Co., 2001
- Joan Williams, "Do Wives Own Half? Winning for Wives after Wendt" *Connecticut Law Review* (2000) 32: 249-280 and *Unbending Gender: Why Family and Work Conflict and What to Do About It*, New York: Oxford University Press, 2000
- Nancy Fraser and Linda Gordon, "A Genealogy of Dependency: Tracing a Keyword of the US Welfare State," *Signs* 19(2): 276- 303, 1994

## **Chapter four: Opting Out or Being Pushed?**

The opt-out revolution has become legendary; this chapter gives three takes on that revolution. First, the *NYT Magazine* article by Belkin that launched the debate; then Stone's scholarly work that strongly disputes the notion that high-achieving women opt out of their careers, arguing instead that they are pushed out by policies unfriendly to workers who have significant domestic responsibilities, and finally an article that presents evidence that women and men are pressured in different ways by family responsibilities, and that generous work-family policies are frequently associated with female-ghettoized workplaces.

### *Readings:*

- Lisa Belkin, "The Opt-Out Revolution," *New York Times Magazine*, October 26, 2003
- Pamela Stone, *Opting out? Why Women Really Quit Careers and Head Home* (Berkeley: University of California Press, 2007)
- Jerry Jacobs and Kathleen Gerson, *The Time Divide: Work, family, and gender inequality* (Cambridge, MA : Harvard University Press, 2004)

## **Chapter five: Employment Discrimination Against Working Parents**

This chapter takes a tour through five key decisions dealing with workplace discrimination on the basis of pregnancy and parenting responsibilities. The legal bases for the cases range from Title VII of the Civil Rights Act of 1964, to the 14<sup>th</sup> Amendment, to the Family and Medical Leave Act. The upshot is that while there has been progress, judges do not yet uniformly back workers who bring lawsuits alleging employment discrimination on the basis of parental responsibilities or gender-based stereotyping.

### *Readings:*

- *Phillips v. Martin Marietta Corp.* (US Supreme Court, 400 U.S. 542, 1971)
- *Cleveland Board of Education v. LaFleur* (US Supreme Court, 414 U.S. 632, 1974)
- *Tracey Lust v. Sealy, Inc.* (United States Court of Appeals, Seventh Circuit, 383 F.3d 580, 2004)
- *Back v. Hastings on Hudson Union Free School District* (United States Court of Appeals, Second Circuit, 365 F.3d 107, 2004)
- *Knussman v. Maryland* (United States Court of Appeals, Fourth Circuit, 272 F.3d 625, 2001)

## **Chapter six: Divorce Law Reform: The Trouble with Properly Valuing Women's Contribution to the Marital Unit**

This chapter presents two divorce cases, a hypothetical divorce settlement exercise based on a blue collar man and woman divorcing, and a law review article that argues that protecting children and ex-wives from drops in standard of living and poverty requires holding men accountable for supporting their children and ex-wives, even after their marriages end.

*Readings:*

- “*Jack and Jill*,” from Ann Crittenden, *The Price of Motherhood: Why the most important job in the world is still the least valued*, NY: Metropolitan Books, 2001
- *Michael O'Brien v. Loretta O'Brien* (Court of Appeals of New York, 489 N.E.2d 712, Dec. 26, 1985)
- *Lorna J. Wendt v. Gary C. Wendt* (Appellate Court for Stamford, Connecticut, AC 18388, Lavery C.J., 2000)
- Joan Williams, “Do Wives Own Half? Winning for Wives after Wendt,” *Connecticut Law Review* 32: 249-280 (2000)

**Chapter seven: Bucking the Tide: Personal Prescriptions for Sharing Childrearing Responsibility and Maximizing Careers**

This chapter examines three feisty and distinct approaches to private, familial-based arrangements that are based on conscious efforts to make sure that women and men both have chances to flourish in their careers.

*Readings:*

- Alix Kates Shulman, “A Marriage Agreement”
- Linda Hirshman, “America’s Stay-at-Home Feminists,” *The American Prospect*, November 24, 2005
- Francine M. Deutsch, *Halving it All: How Equally Shared Parenting Works*, Cambridge, MA: Harvard University Press, 1999

**Chapter eight: Policy Change**

As one might expect, many who write about the gender gap have prescriptions for change and ideas about how to bring about more working mother-friendly policies. This chapter reviews several such proposals, examines arguments comparing the United States to other wealthy countries with large percentages of working mothers, and suggests some of the obstacles to passing such policies in the U.S.

*Readings:*

- Pamela Stone, *Opting Out? Why women really quit their careers and head home*, Berkeley: University of California Press, 2007
- Joan Williams, “Interaction of Courts and Legislatures in Creating Family-Responsive Workplaces” from *Working Time for Working Families: Europe and the United States*, Friedrich Ebert Stiftung, 2005
- Ann Crittenden, *The Price of Motherhood: Why the most important job in the world is still the least valued*, NY: Metropolitan Books, 2001
- Elizabeth Steiner, “Why Are Divorced Mothers Economically Disadvantaged? And What Can Be Done About It?” *Texas Journal of Women & the Law* 17: 131-151 (2007)