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GENDERED IDENTITIES: WOMEN AND HOUSEHOLD WORK*

NAOMI R. CAHN**

1. Introduction

This Article attempts to link women’s workplace and home roles starting at home, rather than, as have many articles, with the workplace. It is conceptually easier to talk about change in the workplace; workplace regulations have been upheld since well before Muller v. Oregon,1 and there is a panoply of federal, state and local laws that prescribe business operations. Although these laws have not been entirely successful in creating gender equality, at least they exist as a generally accepted (although flawed) medium for changing behaviour.

Changing roles in the family through legal regulation is conceptually harder because there is a history of believing that we should not “intervene” in the family.2 The rhetoric of “non-intervention” persists, even

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** Professor of Law, George Washington University Law School. Thanks to participants at the Villanova Symposium honoring Mary Joe Frug, to Michelle Anderson, Eileen Boris, Adrienne Davis, Jenny Lyman, Mike Selmi, Jana Singer, Brenda Smith and Joan Williams for comments and encouragement and to Dean Young for his support. This paper is part of a larger project that investigates women’s power within the home.

1. 208 U.S. 412 (1908). Prior to Muller, the United States Supreme Court upheld states’ exclusion of women from the practice of law. See Bradwell v. Illinois, 83 U.S. (16 Wall.) 130, 138-39 (1872) (holding that state’s decision to refuse to grant law license to women is not constitutional violation); see also Judith Olans Brown et al., The Mythogenesis of Gender: Judicial Images of Women in Paid and Unpaid Labor, 6 UCLA Women’s L.J. 457, 467 (1996) (asserting that early twentieth century myths about capability of women facilitated gender-differentiated judicial outcomes); Samuel Issacharoff & Elyse Rosenblum, Women and the Workplace: Accommodating the Demands of Pregnancy, 94 Colum. L. Rev. 2154, 2172-73 (1994) (discussing historical acceptance of protective workplace legislation for women).


Robin West asserts that the unequal parenting burden profoundly constrains a woman’s political participation and autonomy. See ROBIN WEST, PROGRESSIVE CONSTITUTIONALISM: RESTRUCTURING THE FOURTEENTH AMENDMENT 114-18 (1994)

(525)
though there are many laws that have a direct impact on the family. This Article argues that workplace change will be hampered until women relinquish some of the power that they have at home.

This Article addresses one piece in the puzzle of why household labor remains divided by gender, and why women still have not achieved the workplace equality sought by Mary Joe Frug, among others. Given that one important piece of the wage gap between men and women is the allocation of household work, more equitable responsibility for that work should help decrease the gap. Some additional pieces of this equality puzzle are addressed by other articles presented at this symposium. These articles advocate for changes in the workplace that are more supportive of family roles and changes in men—so that they assume more responsibility at home, establish competence at those responsibilities, feel the same need as many women to press for workplace change and also experience a corresponding decrease in the need to conform to a breadwinner model.

Start with a given: the structure of power within the household is patriarchal. Nonetheless, within this patriarchal space, women may exercise some power. Power is, of course, a complex topic. Nonetheless, (discussing general incompatibility of women's needs and societal conception of ordered liberty). This constraint is not, under current understandings of substantive due process, vulnerable to constitutional attack for two reasons. See id. at 114-15. First, many of the liberties that women lack are not negative (e.g., the freedom from intrusion), but instead are positive, such as the freedom to live a certain kind of involved, public and political life. See id. Because our Constitution protects negative but not positive liberty, the constraints on women's public lives will never rise to the level of constitutional magnitude. See id. at 117. Second, the constraints that limit women's liberty are typically imposed by private relationships, not the state. See id. at 115.


5. See id. at 2242-44 (detailing psychological pressures on both low and high income men that result in maintenance of traditional gender patterns); see also Karen Pyke, Class-Based Masculinities: The Interdependence of Gender, Class, and Interpersonal Power, 10 Gender & Soc. 527 (1996) (discussing relationship of class and masculinity). This Article asserts that men must change and assume more power within the household. Men have colluded in the maintenance of the existing household structure. See Francine Deutsch, Having It All: How Equally Shared Parenting Works (1999).

6. See, e.g., I Michel Foucault, The History of Sexuality 93 (1978) (defining power as \"war pursued by other means\"). Foucault further explains: [P]ower must be understood in the first instance as the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization; as the processes which, through cease-
power here refers to the management and control exercised by caretakers over their children, their household, their partners and their culture. Mothers’ power within the home has developed not just through an ideology of domesticity that celebrates women’s maternal roles, but also because women have actually performed the work of child care and housekeeping. This discussion, then, about women’s household power, applies even to women who have not conformed to the white middle-class ideal of domesticity. Mothers excluded from the traditional conception of domesticity have taken care of the children and the home; their motherwork has created some form of power for them.

less struggles and confrontations, transforms, strengthens, or reverses them; as the support which these force relations find in one another, thus forming a chain or a system, or on the contrary, the disjunctions and contradictions which isolate them from one another; and lastly, as the strategies in which they take effect, whose general design or institutional crystallization is embodied in the state’s apparatus, in the formulation of the law, in the various social hegemonies.

Id.; see Lucie E. White, Seeking "... The Faces of Otherness:...": A Response to Professors Sarat, Felstiner, and Cahn, 77 CORNELL L. REV. 1499, 1505-06 (1992) (noting that Foucaultian worldview undermines two important aspects of power: (1) it stunts ability to rethink social institutions in emancipatory ways and (2) it obscures human desire to realize ourselves by feeling with other people, as well as by winning against them); see also Nancy Hartsock, Foucault on Power: A Theory for Women?, in FEMINISM/POSTMODERNISM 157, 158 (Linda J. Nicholson ed., 1990) (arguing that post-structuralism theories, such as those set forth by Foucault, fail to provide theory of power for women). Hartsock believes that feminists “need a theory of power that recognizes that our practical daily activity contains an understanding of the world—subjugated perhaps, but present.” Id. at 172.

7. See Molly Ladd-Taylor, Mother-Work: Women, Child Welfare, and the State, 1890-1930 1 (1994) (defining mother-work as women’s “unpaid work of reproduction and care-giving”). There is, of course, a distinction between motherwork and household work; the former is rewarding unto itself, and the latter is often quite unappealing. See id. at 26-32 (contrasting time spent on household “maintenance,” such as sewing and cooking, and time spent on care giving). Most studies of domestic labor do not, however, distinguish between the two types of obligations, apparently viewing both as inherent in women’s roles. Moreover, difficult and unpleasant as it is, even household work is an example of gender performance because it is one component of the image of the typical wife. See Pyke, supra note 5. For example, when a mother-in-law comes to visit, she evaluates a daughter-in-law’s ‘wifely virtues based, in part, on the cleanliness of the house.

8. See Dorothy E. Roberts, Spiritual and Menial Housework, 9 YALE J.L. & FEMINISM 51, 68-70 (1997) (noting that for black slave women and paid domestics, devotion to their own households provided solace from white suppression and defied expectation of total service to whites). Professor Roberts believes that housework by African-American women in their own homes has operated as a method of resistance to the dominant culture. See id. at 69. This domestic work is thus a form of power over and against a dominant culture, in addition to acting as a form of power over a home sphere. See id.

The historical relationship of black women and the mothering role has been highly complex. See Evelyn Nakano Glenn, Cleaning Up/Kept Down: A Historical Perspective on Racial Inequality in “Women’s Work,” 43 STAN. L. REV. 1333, 1341-44 (1991) (stating that black women forced to work outside home were placed in untenable position). Many black servants had to leave their own homes and children on a daily basis in order to “mother” their employer’s children or perform
This household power base exists because women have performed the work expected of their gender; doing the work has given women their actual (and presumed) power. Domestic power is generally exercised in a two-parent relationship. Outside of that model, however, women still preserve their spheres as mothers; becoming a mother is often integral to a woman's self-definition. By mothering children, a woman affirms her identity to herself and to the public. That is, to perform as a mother does not require the performance of a father (once certain biological tasks have been performed, of course). Mother-work is not necessarily a fundamental part of women's identity, nor is it necessarily women's choice to perform this work. The question of whether women are biologically more suited than men to mothering obscures the central point that child care has been constructed as work that is gendered female, and women are drawn into participating in it. As early second-wave feminists pointed out, and as they are echoed by contemporary sociobiologists, biology is not necessarily destiny; what matters are the constraints under which it becomes destiny.

This inquiry, then, is deeply feminist. It asks a modified version of what Professor Katharine Bartlett deems "the woman question." What difference does it make to women that home-work is presumed to be their choice of role, but that they have been excluded from the process by which that role is allocated to them? I am not blaming women for having household labor elsewhere. See id. at 1342. Black women created spaces—the family, women's organizations and networks, churches and community institutions—within which they could challenge dominant cultural conceptions and construct their own self-definitions. See id. at 1343.


11. See Marjorie DeVault, Feeding the Family. The Social Organization of Caring as Gendered Work 11 (1991) (emphasizing how caring is socially constructed as women's work, and power of this construction). DeVault argues that "women are continually recruited—whatever their psychological predispositions—into participation in social relations that produce their subordination." Id. at 13. It is true that some women, and some communities of women, have affirmatively sought to perform such work as a sign of equality. Nonetheless, its construction as women's work is generally a badge of inequality. See id. at 11 (noting prevailing notions of inequality).

12. See Katharine T. Bartlett, Feminist Legal Methods, 103 Harv. L. Rev. 829, 836-64 (1990) (including in feminist legal methods: (1) questioning if women have been left out of consideration in formulating social practices and rules, and if so, how might that omission be corrected; (2) feminist practical reasoning; and (3) engaging in consciousness raising). Although many people have commented that I need to be careful not to be seen as anti-feminist, no one with children has suggested that I am wrong on the basic issue of women having some form of power in the home. They have, instead, warned me to be wary of all the complexities of that power.
exerted power within the domestic sphere; I am not condemning women for false consciousness, for liking something women are forced into doing nor for feeling competent in this sphere. See Naomi Cahn, Doing Gender (forthcoming 2000) (relying on distinction between gender and sex). Mothering is gendered behavior expected of women—not all women, of course, are mothers. See id. Not all mothers display the gendered behavior expected of them. If they do not, however, society tends to think of them as “bad mothers.” See “BAD MOTHERS”: THE POLITICS OF BLAME IN TWENTIETH CENTURY AMERICA 2-3 (Molly Ladd-Taylor & Laura Umansky eds., 1998) (“By virtue of race, class, age, marital status, sexual orientation, and numerous other factors, millions of American women have been deemed substandard . . . . Women who did not fit the middle-class family ideal of breadwinning father and stay-at-home mother have born the brunt of mother-blaming throughout most of American history.”).

14. See generally Maxine Eichner, Square Peg in a Round Hole: Parenting Policies and Liberal Theory, 59 Ohio St. L.J. 133 (1998) (noting widespread public support for strong parenting protections). Because I focus on women in this Article, I do not emphasize the benefits to children from changes in the home/work structure. For further discussion of this topic, see generally Cahn, Supra note 13.

15. See Martha Fineman, Images of Mothers in Poverty Discourses, 1991 DUKE L.J. 274, 289-90 (stating “motherhood has always been, and continues to be, a colonized concept—an event physically practiced and experienced by women, but occupied and defined, given content and value, by the core concepts of patriarchal ideology”); see also SHARON HAYS, THE CULTURAL CONTRADICTIONS OF MOTHERHOOD 162-63 (1996) (remarking on and providing cites to scholarship that argues: (1) capitalism is well-served by women’s commitment to child rearing; and (2) ideology of intensive mothering serves men).

16. See Cahn, supra note 13 (stating that women’s power within home stems from variety of sources). From one economic perspective, as Professor Amy Wax points out in this Symposium, there had to be a market break down in order to induce women to remain home. See Amy L. Wax, Caring Enough: Sex Roles, Work and Taxing Women, 44 VILL. L. REV. 495, 518-22 (1999). According to other economists, household specialization is the most efficient method for operating a market economy. See GARY S. BECKER, A TREATISE ON THE FAMILY 38 (1991) (asserting that women have comparative advantage over men in performing household tasks).

17. See William L. F. Felstiner & Austin Sarat, Enactments of Power: Negotiating Reality and Responsibility in Lawyer-Client Interactions, 77 CORNELL L. REV. 1447, 1448-50 (1992) (recognizing that social structure and power are encoded in seemingly uneventful and routinized interactions). Whatever the form of the interactions, the social phenomena that occur are negotiated. See id. at 1449. If this negotiation is not explicit, it is carried on through the exercise of power and attempts at resistance and subversion. See id. As Karen Pyke notes, “it appears that women can
My argument is not that all women must work, nor that women need to change their nurture orientation. Although women may not be able to leave the domestic sphere easily, many simply do not want to do so.\textsuperscript{18} Instead, women must be willing to share the power of child care and feel comfortable doing so.\textsuperscript{19} Although this Article has primary applicability to the two-parent families with children younger than eighteen, it also applies to single parent households, where women also conform, often willingly, to gender.\textsuperscript{19}

This Article is part of a larger project in which I argue that the structure of household labor must change. This paper focuses on the role of gender performance, which provides one reason why it has been so difficult for women to give up power within the home. Gender performance can be described as the process by which men and women display and reinforce the characteristics of their gender.\textsuperscript{20} Thus, women are expected to mother, and when they mother, they perform in accordance with expectations of their gender.

First, this Article explores how the concept of gender performance provides insight into contemporary mothering. Second, it illustrates how gender performance provides a critique of this display of motherhood. Finally, this Article concludes with some thoughts on how a theory based on gender performance affects the possibility of change in the home/work allocation. Although there are many other reasons why women may be reluctant to cede power within the domestic sphere, such as women's feelings of competence in performing home-work,\textsuperscript{21} the identity formation inherent to acting like a mother and a wife is one important component.

\textbf{II. GENDER PERFORMANCE AND MOTHERING}

Women spend disproportionately more time than men on child care and housework. In most households, children continue to rely on their mothers as the primary caregiver and emotional supporter, responsible for leaving work when they are sick and responsible for managing their schedules. Even when both men and women work, women are still primarily

exercise greater power without sanction when it is on behalf of others, such as children, than when it is to serve their own apparent purposes, as in their job." Pyke, \textit{supra} note 5, at 531.

\textsuperscript{18} See \textsc{Linda R. Hirshman} & \textsc{Jane E. Larson}, \textit{Hard Bargains: The Politics of Sex} 262 (1998) (distinguishing between "agency," defined as "the feeling of acting for oneself," and "power," defined as "the capacity to influence one's own circumstances and those of others"); \textit{see also} Robin West, \textit{Authority, Autonomy, and Choice: The Role of Consent in the Moral and Political Visions of Franz Kafka and Richard Posner}, 99 \textsc{Harv. L. Rev} 384, 391-404 (1985) (questioning relationship between consent and autonomy).

\textsuperscript{19} For further discussion, see generally Cahn, \textit{supra} note 13.

\textsuperscript{20} For a discussion of gender performance and how it reinforces characteristics of gender, see \textit{infra} notes 29-50 and accompanying text.

\textsuperscript{21} \textit{See generally} Cahn, \textit{supra} note 13.
responsible for performing household services. Although the gap between time spent by women and men has decreased over the past several decades, women still devote between two to three times as many hours as men.

There are many explanations for the structure of household labor, including but not limited to an economic theory that proposes an efficiency rationale to explain work allocation and a celebration of women’s choice to act as primary caretaker. Under the bargaining theory, it is assumed that higher market earnings translate into increased power not to do chores at home. There are, however, various problems with these explanations. For example, the association between men’s and women’s income and their time spent on housework does not completely support the economic/bargaining power hypothesis. Further, there are problems with simply accepting—without challenge or further analysis—

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22. For a further discussion of this point, see Beth Anne Shelton, Understanding the Distribution of Housework between Husbands and Wives (forthcoming 2000) (pointing to gender performance as motivation behind continued gendered division of labor); Cahn, supra note 13; Amy L. Wax, Bargaining in the Shadow of the Market: Is There a Future for Egalitarian Marriage?, 84 Va. L. Rev. 509, 518-26 (1998) (addressing “work-leisure gap” and stating that average wife in dual-earner couple devotes significantly more time to work of one form or another than does her husband); Wax, supra note 16.

23. See Cahn, supra note 13 (noting that even this improvement is under question).

24. See, e.g., Becker, supra note 16, at 38 (“If women have a comparative advantage over men in the household sector when they make the same investments in human capital, an efficient household with both sexes would allocate the time of women mainly to the household and the time of men mainly to the market sector.”); Victor R. Fuchs, Women’s Quest for Economic Equality 2 (1989) (discussing negative socioeconomic aspects of sex-role revolution). For further discussion of this hypothesis, see Milton Regan, Alone Together: Law and the Meanings of Marriage (1999); Margaret Brinig, Comment on Jana Singer’s Alimony and Efficiency, 82 Geo. L.J. 2461, 2472 (1994) (arguing that specialization will not necessarily lead to efficiency); Katherine Silbaugh, Turning Labor Into Love: Housework and the Law, 91 Nw. U. L. Rev. 1, 12 (1996) (noting significant sex segregation by task in housework); Jana Singer, Alimony and Efficiency, 82 Geo. L.J. 2423, 2439 (1994) (questioning theorists contention that efficient and optimally productive marriage entails pronounced division of labor); Wax, supra note 22, at 519-24 (discussing generation and allocation of resources in marriage).

25. For a discussion and critique of this explanation, see generally Joan Williams, Unbending Gender: Why Family and Work Conflict and What to Do About It (forthcoming 1999).


27. See Shelton, supra note 22, at 11 (noting gender identity reinforcement, not bargaining power, as motivation behind time women spend on homework). Professors Strober and Chan, who assert that “most people, most of the time, seek to use their bargaining power to do fewer tasks,” also discuss anomalies in the bargaining hypothesis, such as the unwillingness of full-time employed mothers to trade away child care. See Strober & Chan, supra note 25, at 100 (noting inaccuracy
women's choice to remain in a socially and economically subordinate position, notwithstanding the inestimable pleasure of childcare.28

No one explanation seems adequate for explaining the continued gendered division of labor. Some sociologists and critical theorists have suggested that women continue to perform housework as a means of producing gender, or reinforcing their own identity as women.29 They are performing gender. The concept of gender performance has various meanings, depending on the context. Within feminist critical theory, it generally refers to the practice of constructing gender through conduct associated with that gender.30 It is the process of creating and affirming masculine or feminine identity.31 As an analytical concept, it serves to abstract, to separate gendered behavior from the individual body performing those actions,32 even though the body and the actions are typically the same sex/gender. This conduct may be legally, culturally or even individually prescribed so that the person conforms to gender. For example, Professor Kathryn Franke argues that sexual harassment is a method for men to prove their masculinity at the same time as they inscribe femininity on

of bargaining theory's assumption that most spouses consider household management tasks to be undesirable chores).

28. See Catharine MacKinnon, Feminism Unmodified: Discourses on Life and Law 99 (1987) ("Women have a history all right, but it is a history both of what was and of what was not allowed to be."); Williams, supra note 25.

29. See Shelton, supra note 22, at 11; Candace West & Sarah Fenstermaker, Power, Inequality, and the Accomplishment of Gender: An Ethnomethodological View, in Theory on Gender/Feminism on Theory 162 (Paula England ed., 1993) (illustrating how doing laundry affords women opportunity to reinforce "one's gendered relationship to the work itself").

30. See Judith Butler, Gender Trouble: Feminism and the Subversion of Identity 24-25 (1990) (defining gender not as noun, but as "a set of free-flowing attributes"). Professor Butler explains: "the action of gender requires a performance that is repeated. This repetition is at once a reenactment and reexperiencing of a set of meanings already socially established; and it is the mundane and ritualized form of their legitimation." Id. at 140 (citations omitted). Professor Kathryn Franke argues that law reinforces the boundaries of appropriate gender behavior by punishing those who deviate from prescribed gender roles, and that sexual identity is constituted through behavioral rather than deterministic norms. See Katherine M. Franke, The Central Mistake of Sex Discrimination Law: The Disaggregation of Sex from Gender, 144 U. Pa. L. Rev. 1, 58, 63 (1995) ("The law has been a well-worn tool in the normalization and protection of the signs of sexual differences."). Professor Sandra Lee Bartky traces the cultural practices that create a feminine appearance: those regulating women's size, those resulting in recognizably "female" movements and those encouraging feminine ornamentation. See Sandra Lee Bartky, Foucault, Femininity, and the Modernization of Patriarchal Power, in Feminism & Foucault: Reflections on Resistance 61, 64 (Irene Diamond & Lee Quinby eds., 1990) (explaining how ideas of female figure change over time and among various cultures).


32. See Susan Leigh Foster, Choreographies of Gender, 24 Signs 1, 2, 27 (1998) (separating actions from actors to define behavior without analyzing actor first).
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their victims—it serves to discipline, confine and reinforce gender.33 Dressing in a certain way is, as many theorists assert, gender performance that reinforces sexual identity.34 Children learn, when they are very young, that gender is something that needs work, that is more (or less) than biology, and so must be continually accomplished.35

Through gender performance, femininity and masculinity are produced and reproduced in a dynamic fashion, rather than established as rigid, pre-determined categories.36 According to this account, gender is "something that one does, and does recurrently, in interaction with others."37 Gender is created and recreated through displaying its attributes—it is not a static status.38 For example, in conversational interactions, men and women exhibit various styles that are not only associated with gender but also "demonstrate" gender.39

33. See Katherine M. Franke, What’s Wrong with Sexual Harassment?, 49 STAN. L. REV. 691, 764-66, 772 (1997) (finding that men use sexual harassment to feminize women and render them less competent and make themselves more sexual). One commentator has applied this theory to lawyer-identity. See Camille A. Gear, Note, The Ideology of Domination: Barriers to Client Autonomy in Legal Ethics Scholarship, 107 YALE L.J. 2473, 2483-86 (1998) (theorizing that attorneys attempt to fit all client ideology with their own moral code).

34. See Note, Patriarchy is Such a Drag: The Strategic Possibilities of a Postmodern Account of Gender, 108 HARV. L. REV. 1973, 1977-78 (1998) (explaining how gay and lesbian deployments of masculinity and femininity, such as dressing in drag, demonstrate performative aspects of gender). In an experiment on toddlers, Professor Bem found that the participants determined gender based on dress and hair, rather than genitalia. See SANDRA LIPSITZ BEM, LENSES OF GENDER: TRANSFORMING THE DEBATE ON SEXUAL INEQUALITY 114-18 (1993) [hereinafter BEM, LENSES OF GENDER (explaining how male/female identity is affirmed by dressing in accordance with gender)]; Sandra Lipsitz Bem, Genital Knowledge and Gender Constancy in Preschool Children, 60 CHILD DEV. 649 (1989) [hereinafter Bem, Genital Knowledge] (“Because children are perception bound, they define male and female in terms of visually salient perceptual cues like hairstyle and clothing rather than in terms of genitalia.”). Eighty percent of two-year-olds identified children as male or female based on hairstyle and clothes, and only 50% of three and four year-olds identified children’s sex based on genitalia. See id.

35. See BEM, LENSES OF GENDER, supra note 34, at 148 (explaining how gender is learned art, not simply inherent in one’s chromosomes).

36. See JEAN L. POTUCHEK, WHO SUPPORTS THE FAMILY? GENDER AND BREAD-WINNING IN DUAL-EARNER MARRIAGES 26 (1997) (analyzing gender construction model that envisions a dynamic, fragmented gender system that is full of contradictions and inconsistencies). According to the author, "[t]he content of gender difference is contested, shifting, subject to continual challenge and negotiation, and always in the process of creation and re-creation." Id.


38. See West & Fenstermaker, supra note 29, at 156 (finding dress indicative of gender). West and Fenstermaker explain that gender "is a situated accomplishment: the local management of conduct in relation to normative conceptions of appropriate attitudes and activities for particular sex categories." Id.

39. See id. at 161 (finding that men and women’s curtailment of conversation is guided by what it means to be male or female). For a discussion of the gendered differences in conversational styles, see DEBORAH TANNEN, THE ARGUMENT CULTURE: MOVING FROM DEBATE TO DIALOGUE 166-207 (1998) (illustrating how males...
Turning to housework, not only are women supposed to do household work, but when they perform it, they affirm their own identification with their gender, and reinforce the gendered identification of that work. 40 Similarly, women are supposed to mother—not to act as a mother should call into question a woman’s femininity. 41 Doing housework and child care results in the following three simultaneous accomplishments: (1) the work actually gets done; (2) the work is perpetuated as “feminine”; and (3) the woman performing it reinforces her identity as a mother. 42

When women work outside of the home, many resist seeing themselves as primary wage-earners, and thereby resist conformance with what is perceived as the male role of breadwinner, further reinforcing their female identity. 43 Thus, women seek opportunities to perform gender-associated responsibilities to affirm their identity as women. Staying home to care for children reinforces motherhood, as well as women’s right to expect financial support from men. 44 Even working women may engage in “gender display [in this case participation in household labor] that may appear irrational if housework is conceptualized only as a means of producing a meal or a clean house rather than also gender itself.” 45

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40. See West & Fenstermaker, supra note 29, at 162-63 (explaining how women engage in housework to affirm femininity); West & Zimmerman, supra note 36, at 144 (same). Professor Katherine Baker observes that “a woman’s sense of self and womanhood often depends on her sense of her own mothering ability.” Katherine K. Baker, Taking Care of Our Daughters, 18 CARDOZO L. REV. 1495, 1513 (1997) (book review) (contrasting men’s sense of self and manhood as stemming from “material and social reaffirmation”).

41. See DeVault, supra note 11, at 119 (explaining how women feel obligated to perform role of mother to not risk losing feminine identification).

42. For further discussion of how game theory affects women’s willingness to actually do the housework, see generally Cahn, supra note 13.

43. See Potuchek, supra note 36, at 63 (concluding that women “use bread-winning as a gender boundary that distinguishes their husbands’ employment from their own”). The women discussed in Potuchek’s book, although some earned more than their husbands, all de-emphasized their “contributions to family financial support” in part by believing that the husbands were the primary providers. See id. This bread-winning distinction is “not something that each individual does in isolation. Rather it is an interactive process in which the nature, location, and meaning of gender boundaries are created through negotiation.” Id. at 65.

44. See id. at 195 (discussing women’s attributes regarding husbands and family responsibilities).

45. Beth Anne Shelton & Daphne John, The Division of Household Labor, 22 ANN. REV. SOC. 299, 312 (1996). In her book discussing women’s meal production, Marjorie DeVault concludes that women’s “feeding work” is not just created by the family, but also helps to create the family. See DeVault, supra note 11, at 236 (describing how housework not only defines female gender roles, but also concepts of families). DeVault also argues that, because family feeding is considered women’s work, it produces gender in the family. See id. at 95 (hypothesizing that women’s engaging in meal production reinforces feminine gender roles). She ex-
Housework becomes symbolic of women’s domesticity and role conformance.\(^{46}\)

Gender performance involves actions having both individual and cultural significance. Although there is no uniformity in the performance of motherhood between cultures, there are models that establish the preferred behavior.\(^{47}\) Contemporary American culture has enshrined a style of “intensive” mothering, that requires extensive involvement and interaction between mother and child, in contrast to styles of mothering from even one generation earlier.\(^{48}\) Women who do not mother in accordance with these expectations, or who do not mother at all, are considered unnatural. The maternal imperative remains quite strong, even though many women make the affirmative choice not to become mothers. The gender performance of being a woman includes a visible mothering component.\(^{49}\)

While it is difficult to determine the validity of the gender display model, Professor Julie Brines attempted to measure its explanatory nature by examining data drawn from the University of Michigan’s Panel Study of Income Dynamics.\(^{50}\) She found that the more husbands are economically dependent on their wives, the less likely they are to perform housework. This is, she argues, consistent with the gender performance model because men are reluctant to engage in the feminifie occupation of housework.

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\(^{46}\) See West & Zimmerman, supra note 37, at 144 (explaining how housework acts to define women). West & Zimmerman determine that:

> It is not simply that household labor is designated as 'women’s work,' but that for a woman to engage in it and a man not to engage in it is to draw on and exhibit the 'essential nature' of each. What is produced and reproduced is not merely the activity and artifact of domestic life, but the material embodiment of wifely and husbandly roles, and derivatively, of womanly and manly conduct.

\(^{47}\) See Roberts, supra note 8, at 56 (comparing role of black mother to that of white mother); see also Tracy Higgins, “By Reason of their Sex”: Feminist Theory, Postmodernism, and Justice, 80 CORNELL L. REV. 1536, 1565-66 (1995) (rejecting idea that motherhood is "consistent cross-culturally or indeed within any single culture"); DOROTHY ROBERTS, KILLING THE BLACK BODY 10 (1997) (stating that "women have been defined in terms of motherhood," which makes societal devaluation of black motherhood particularly damaging).

\(^{48}\) See Hays, supra note 15, at 9 (exploring "intensive" mothering); WILLIAMS, supra note 24 (contrasting contemporary mothering to that of prior generations).

\(^{49}\) The gender pay gap is almost non-existent when men and women first begin in the workplace. Ironically, it is only when women gender-perform the visible activities of getting married and having children that the gap widens. Thus, mother performance reinforces women’s confinement to the domestic sphere.

\(^{50}\) See Julie Brines, Economic Dependency, Gender, and the Division of Labor at Home, 100 AM. J. SOC. 652, 666-84 (1994) (articulating theory regarding husbands and wives dependencies and their economic situations).
work. Their “male” status could be jeopardized through taking responsibility for housework.

Within the African-American community, child care and other forms of household work may have implications for the continuity of the community. Rather than reinforcing prescribed roles, Professor Dorothy Roberts suggests that housework is “a form of resistance, directly benefitting Black people rather than their white masters and employers alone . . . .”

[F]or oppressed women . . . social reproduction carries the added importance of preserving cultural traditions under assault by the dominant society.”

Unlike performance of the same work by white women that reaffirms gender and race, mother and housework performed by black women challenges dominant stereotypes—it is gender performance, but against a background of race discrimination that disturbs existing conceptions of black women excluded by the myth of domesticity. Again, however, it is women who perform these responsibilities, whether it be as acts of resistance against a white culture, or acts of compliance with that culture.

For white women as well, mothering may also serve as a form of resistance against a market-based society. This creates a domain that celebrates nurturance and relationships—a domain gendered female in opposition to the “male” world of competitions. Thus, the nurturance expected of women is an extraordinary construction of gender identity and reinforces a gendered sphere of the household.

III. GENDERED IDENTITIES?

The gender performance model explains why, in addition to the pleasures they receive from child care, mothers may be unwilling to cede power within the household. Because acting in accordance with the mother role serves many purposes, not acting like a mother becomes threatening to a woman. Women may feel reluctant to relinquish domestic power because they feel jealous or guilty that they are not adequately performing their gender roles; that feeling may also simply result from an unwillingness to relinquish power.

A. Guilt and Gender Display

Journalist Susan Chira describes how she experienced “waves of unusual jealousy and self-doubt” rather than relief when her husband assumed some of her formerly maternal responsibilities. Instead of happily shar-

51. See id. at 682-83 (finding that men refuse to engage in traditionally female housework despite fact that woman is breadwinner).

52. Roberts, supra note 8, at 69.

53. See Hays, supra note 15, at 18 (discussing how some women engage in mothering to avoid participating in occupations that promote competition typically associated with male-dominated labor market).

ing her role, she felt temporarily insecure in her maternal identity. Because the ideology of mothering assumes that women will provide the care, women are often reluctant to share. 55

Additionally, mothers failing to relinquish control can be destructive to the family. Arlie Hochschild tells the following story of how one woman’s marriage ended:

[W]hen the baby arrived, and Diane [the wife] wanted to stay home for six months to take care of him, her husband Jim objected . . . . She said her husband had suffered a blow at work, that she had criticized him strongly . . . . He had been extremely involved with the birth of his son, and wanted to share the care of him. Perhaps if things were not going well at work, he wanted to devote more of his identity to being a father. It was when Diane began to crowd him out of his role at home that Jim began to urge her back to work. She would not share the power at home with him or appreciate the identity as a father he was trying to build . . . . Jim walked out on his wife and nine-month-old baby . . . . If women want men involved at home, they will have to share the power and the respect for the work it takes. 56

Diane got what most women want—a man who wanted to spend more time taking care of the child. Like many women, however, she sought to protect her power within the home by discouraging and ultimately alienating that man—her identity depended on acting as the primary caretaker, and perhaps on her husband continuing to act as the breadwinner. Women, thus, may undercut men’s attempts to nurture children. 57

In another study of families, Barnett and Rivers suggest that working mothers may find it particularly hard to relinquish child care because women view children as their responsibility or feel guilty for not being good-enough mothers. “A working mother may feel that the end of the day is her time with the kids, and may be more reluctant to let the father intervene . . . . fathers may back off, having internalized the social message that a

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55. See Joan K. Peters, When Mothers Work: Loving Our Children Without Sacrificing Ourselves 137 (1997) ("The maternal ideal obliges women to be everything to their children, and maternal guilt makes them fearful of relinquishing the management of their children's lives . . . mothers find it terribly difficult to tolerate other caregivers, even the child's father.").

56. Arlie Hochschild, The Second Shift 213-14 (1997). Nigella Lawson reports: "even though we pretend that it is only power in the outside world that counts, that isn't true. . . . I would find it very hard to stop being at the domestic center; the heart of the home." Susan Campbell, Maternal Comfort; Dad's Nice, but Mom's Who Most Kids Say they Want in a Crisis, Hartford Courant, Dec. 27, 1995, at E1. “Some researchers say mothers still tend to try to answer too many of their children's needs and leave little room for fathers to nurture,” perhaps because of "supermom syndrome." Id.

57. See Shannon Brownlee et al., Lies Parents Tell Themselves About Why They Work, USA Today, May 12, 1997, at 58 (quoting Dr. William Pollack) (discussing women’s actions).
man's proper role is to keep a respectful distance away. Even in light of the overload that many working women experience, women are still reluctant to cede too much responsibility to their husbands. Women generally feel more competent than their husbands at understanding and caring for their children. For example, even when women and men earn approximately equal amounts, women stay home from work to take care of a sick child because they feel more competent than their husbands. Women often do not trust their husbands with the responsibility of providing adequate care.

B. "Gatekeeping"

Psychologists have labeled the phenomenon of retaining power within the household as "gatekeeping." Through gatekeeping, the mother may control the father's childcare role. In longitudinal research involving one-hundred couples, the Boston University Pregnancy and Parenting Study found that mothers might not actively discourage fathers from assuming more responsibilities—instead, mothers may act more subtly by criticizing fathers for not doing a good job when they take care of the children. Gatekeeping does not fully explain these dynamics be-

60. See Liza N. Burby, When a Child is Sick, Who Stays Home?, Newsday, Jan. 18, 1997, at B1 (observation of Joan Atwood, Director of Hofstra University's graduate program in marriage and family therapy) (noting why women stay home with sick children more often than men). A study of who cares for children aged six to ten found that mothers stayed home in 85% of cases, and fathers in 6%. See id. Another study found that 83% of mothers stay home with a sick child, compared to 22% of fathers. See Margaret Carlson, Does He or Doesn't He?, Time, Apr. 27, 1998, at 22 (studying stay-at-home rates).
62. See R. William Betcher & William S. Pollack, In a Time of Fallen Heroes: The Re-Creation of Masculinity 236 (1993) (defining gatekeeping as mothers making fathers feel inadequate with child); Chira, supra note 54, at 248 (commenting on Rhona Mahony’s idea of allowing fathers to catch up to mothers attachment).
63. See Martin Malin, Fathers and Parental Leave, 72 Tex. L. Rev. 1047, 1067 (1994) (discussing how mothers’ continuous early contact with children leads to “maternal domination in child care”).
64. See Betcher & Pollack, supra note 62, at 236 (noting study showing that women criticize men, discouraging men from assuming more responsibility at home). They explain that the process of gatekeeping as:

[S]ubtle, such as handing the baby to the father at an inopportune moment and then saying, 'Oh dear, don’t hold her like that . . .' Often the father, who already felt inadequate, would unconsciously collude by hastily giving the baby to his wife and then backing off. With men and wo-

http://digitalcommons.law.villanova.edu/vlr/vol44/iss3/9
cause fathers often will relinquish control over their children and admit their incompetence.65

In study after study, women express a strong desire for men to share equally in parenting.66 Nonetheless, women tend to accept the gendered situation and rationalize the status quo. As Sharon Hays found in her ethnographic study of mothering, none of the women suggested that the men give up their jobs to stay home with the children, and most of the women identified various problems with men doing more child care.67 The women often correctly believed that the men were incompetent and less able to handle the needs of the children.68 One woman explained: “[My husband will] just watch [the children] to make sure things do not go wrong. But he doesn’t interact [with the children]. When I’m gone and I’ll come home, he’ll be watching TV. I like to do stuff with them.”69

Stay-at-home mothers experience even more pressure to retain control over the family. The family is their primary source of fulfillment. “Since home and the children constitute her major sphere, she is often

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... men increasingly invading each other’s traditional ‘turf,’ it is understandable that women may feel inclined to maintain some control over the household, especially over parenting.

*Id.; see* T. Berry Brazelton, “What Do We Do Now?”—Adjusting to Your Newborn, CHATTANOOGA NEWS-FREE PRESS CO., June 5, 1996, at 1 (“Gatekeeping . . . [may] make the father feel shut out.”); Ricardo Gandara, Dads Have Changed (And Not Just Diapers): 3 Austin Dads Have Learned the Benefits of Bonding, AUSTIN-AM. STATESMAN, June 16, 1996, at E1 (noting that gatekeeping barrier must be overcome by fathers); Mary Jo Kochakian, New Mothers Should Resist “Gatekeeping,” HARTFORD COURANT, Aug. 8, 1995, at E1 (“Women do [gatekeeping] all the time, even though it is inimical to what they say they want—a partner fully involved in the work of having a family.”).

65. *See* Alison Bass, Making Room for Fathering, CHI. TRIB., May 8, 1988, at C2 (noting that fathers sometimes do not spend much time with their children because mothers will not let them).

66. *See* The Amazing American Woman, 115 LADIES HOME J., Sept. 1, 1998, at 146 (discussing survey). In a survey of over 1000 women, when women were asked, “Would you rather be in an equal marriage and just scraping by financially, or be married to a rich man who makes all major family and household decisions for you?” 93% preferred the equal marriage. *Id.* at 150. Fifty-seven percent of the women wanted their husbands to help out more around the house. *See id.*

67. *See* HAYS, supra note 15, at 101 (surveying women about men and fathering). Hays interviewed 38 women with various backgrounds. *See id.* at xi. As she recognizes, her sample is not representative of the ideology of American mothering; nonetheless, she was surprised at the consistency of the ideology between participants, given the diversity of her sample, as well as the consistency with more general societal proscriptions for mothering. *See id.* at xi-xii.

68. *See id.* at 103 (discussing how women believe men are incompetent with children); Peters, supra note 55, at 118 (relating to childrearing, “most women still do not trust [men]”).

69. *Hays, supra note 15, at 103.* Men too are subject to the societal role constraints of fatherhood, and gender performance of masculinity is confining. *See id.; see also* BEM, LENSES OF GENDER, supra note 34, at 114 (discussing gender problem and children’s identification of gender roles); Nancy Dowd, Rethinking Fatherhood, 48 FLA. L. REV. 523, 525 (1996) (discussing importance of father’s economic contributions to family).
under psychological pressure to keep her husband out of these spheres, or prevent his being an equal partner in the more creative aspects of home management and child-rearing." 70 By staying home, women visibly perform the gendered role of "housewife."

Working women emphasize the importance of their roles as mothers. Similar to stay-at-home mothers, working mothers believe in an ideology of "intensive" mothering—both categories of women affirm their strong commitment to the maternal role. 71 This belief also explains why high-career-achieving women participate more in household work than do their husbands—they not only maintain the house, but also display themselves as women. 72 Women often justify their commitment to work as benefiting their children. In her study of nurses working the night shift, sociologist Anita Ilta Garey found that, notwithstanding their full-time jobs, the women constructed themselves as full-time, stay-at-home mothers. 73 She explains that the mothers did so by confining their work so that it occurred outside of "normal" working hours, and by being present at their children's school and extracurricular activities. 74 These mothers appeared to have the conventional family form "in which the mother is available to her children during the day, both as the person who performs symbolically invested activities, such as volunteering at her child's school, and as the person whose very being is symbolically invested—the woman in the house, the mother at home." 75 Consequently, they were able to preserve the illusion, for themselves, their children and the public, that they did not, in fact, work as full-time nurses.

70. Alice S. Rossi, Women Re-Entering the Work Force: Socio-Psychological Concerns of Working Women, Soc'y, Jan. 11, 1998, at 11. Mothers who do not have an occupational outlet, seek it by managing at home and that men "may do the dirty work in the house and garden, or bring [their wives] the thermometer for her to minister to a sick child at night, but be excluded from the opportunity to become a child's intimate comforter." Id.

71. See HAYS, supra note 15, at 149-50 (determining that both working and stay-at-home mothers believe in their strong maternal role).

72. See SHELTON, supra note 22, at 12 (summarizing conclusions of Silberstein with respect to dual-career marriages); see also Brines, supra note 49, at 332 (finding that in relationships where the husband is most economically dependent on his wife, he performs less housework and she performs more than in relationships typified by less dependency, presumably because each is concerned with "gender-normative" behaviors).


74. See id. at 722 (discussing routine of night shift nurses and how they "construct themselves as 'stay-at-home moms'" by: (1) limiting visibility of their labor force participation; (2) making themselves available to participate in their children's activities outside home; and (3) positioning themselves in "the culturally appropriate place and time: at home, during the day").

75. Id.
Unfortunately, men often participate in child care and housekeeping only when the mother works longer hours, changing the allocation of duties. \footnote{76} When women work as managers, their husbands perform almost twice as many household chores as do women at lower employment levels (30\% to 17\%). \footnote{77} The responsibility for change, then, remains on the woman.

A woman performing household labor creates power. Household labor, however, does not receive the same credit or recognition as other forms of labor. Household labor is also not necessarily affirmative. Nonetheless, women have traditionally only been able to attain this type of power.

IV. Conclusion

Women must feel safe relinquishing power in the household, which means that women must believe that their children will be well cared for. Further, women must feel safe to attain and assume forms of power other than household labor, and safe that in doing so they will not lose all power within the home. “Undoing” gender, revealing the constitutive nature of gendered performances and scrambling those performances, is scary. Consequently, many barriers remain to changing the allocation of responsibilities within the household. This section provides preliminary suggestions of some methods for reallocating roles. \footnote{78}

A. Changing Men

Even within two-parent families, many men remain unwilling to take on sufficient responsibility. \footnote{79} Women’s assumption of men’s incompetence is often based in reality—men are not socialized in the same way as women to assume household responsibilities. Men may even cultivate this
incompetence, because they have had the power to do so, to assume a certain allocation of household work. 80 Social conceptions of masculinity do not include the typical nurturing work of caretaking, and so men must break out of their own gender performance to become good fathers. 81 Although men clearly can nurture children, the typical pattern of fatherhood differs from that of motherhood. Fathers' parenting provides support to mothers, who continue to do the primary caretaking in families. 82 Men do not function as the primary nurturer because their sex-role training has taught them that this is "women's work."

Moreover, men may be reluctant to change their roles as "ideal workers." To do so requires an adjustment in the conception of the masculine role of breadwinning, and it requires changes in the gender performance expected of men. Choosing to perform more nurturing at home might result in marginalization at work because men would be unable to continue to perform as full-time employees. This accounts, at least in part, for why many men will not take parental leave—men do not want to experience ridicule for performing women's work and for "falling down" on the job by not doing their full share. 83 The pressure on men to perform precludes them from fully assuming the nurturing father role—they must change their work patterns in order to do so. 84

B. Changing Other Structures

Changing patterns also requires more employer tolerance of alternative work structures. For example, part-time workers are paid less per

80. See Deutsch, supra note 5, at 73-81.
81. See Dowd, supra note 69, at 533 (discussing how nurturing is not masculine role). Social concepts of men continue to emphasize qualities in conflict with good parenting, and good parenting requires men to acquire unmanly characteristics. See id. It seems natural that mothering and fathering are substantively different. See id.
83. See Arlie Hochschild, The Time Bind: When Work Becomes Home and Home Becomes Work '52 (1997) (providing examples); see also Baker, supra note 40, at 1513 (discussing how man's sense of masculinity is determined by society). Professor Baker notes that "a man's sense of self and manhood often depends on the material and social reaffirmation that he gets from the public world around him." Id.
84. See Nancy Levitt, Feminism for Men: Legal Ideology and the Construction of Maleness, 43 UCLA L. Rev. 1037, 1073 (1996) (noting how fathers are precluded socially from assuming nurturing roles). For example, in the 1979 hit movie, Kramer vs. Kramer, after the mother left the family, the father changed his work life to accommodate his familial responsibilities. See id. at 116 n.317 (observing that such films involve "exceptional men" in "typically female roles"). As one suggestion, a shorter work week could lead to more time at home—if the standard amount of hours changes, then workers may change their expectations of themselves. See Barbara Bergmann, Work-Family Policies and Equality Between Women and Men, in Gender and Family Issues in the Workplace 277, 279 (Francine D. Blau & Ronald G. Ehrenberg eds., 1997) (discussing advantages of shorter work weeks).
hour than are full-time workers. Given the disproportionately female nature of the part-time worker population, this pay gap hurts mothers. More employers are placing daycare centers on-site. For older children, however, some difficulties remain. Who picks up the children from school? How do they get to their extra-curricular activities? How can parents attend parent/teacher conferences?

Within single-parent families, society has not provided enough support to caretakers to allow parents to choose to stay home or work. Indeed, most single parents must work to support their families, a virtually explicit requirement for women receiving public welfare, and an implicit one for middle-class women receiving inadequate child support.

Women are thus precluded from diverse sources of power outside the home. Within the workplace, women still do not earn as much as men, even when performing the same work. Nor have women attained the same degree of power within professions as men.

C. Difficulties With Relinquishing Power

It may also not be safe for women to relinquish this power not just because men will not perform home-work, but also because relinquishment will have other detrimental impacts on them. When it comes to child custody, leaving home penalizes working women because they lose child custody to working men. While I do not suggest that women in a relationship calculate the costs of a child custody proceeding, women often know, through television and other media, the realities.

As a second way that it may not be safe, abusers may prevent battered women from working, or force battered women to quit after being severely harassed. Additionally, if battered women relinquish responsibility in the

87. See, e.g., Hector v. Young, No. 96-2847, 1999 WL 492591, *1 (Fla. July 14, 1998) (discussing how female attorney lost custody of child to architect); Ireland v. Smith, 547 N.W.2d 686, 689 (Mich. 1996) (explaining that lower court awarded custody to father because mother would place child in day care while she attended college); Krista Carpenter, Why Mothers are Still Losing: An Analysis of Gender Bias in Child Custody Cases, 1996 DET. C.L. REv. 33, 34 (1996) (discussing change in providing custody to fathers); Julie Kunce Field, Damned for Using Daycare: Appellate Brief of Jennifer Ireland in Ireland v. Smith, 3 MICH. J. GENDER & L. 569, 569 (1996) (noting that court had no basis in law to decide that single parent could not raise child while going to school); Carol Sanger, Separating from Children, 96 COLUM. L. REV. 375, 470-71 (1996) (noting that Ireland’s absence would not have been more significant than father’s absence as both were students relying on private daycare). “A mother’s absence, even when it exhibits no indicia of abandonment, is always more pronounced.” Sanger, supra, at 471.
home, this could be extremely dangerous for their children because woman abusers often batter their children as well.\textsuperscript{88}

Assuming that all of these difficulties could be overcome, with respect to power within the home, this Article does not advocate that women relinquish all responsibility for children, or that child care become removed from the home so that women can participate \textit{fully} in the workplace. Instead, I believe that the workplace should be restructured to accommodate parenting roles and responsibilities, and that home life should be restructured so that women can share responsibilities safely—safely in the sense that they know their children will receive excellent care, and they need not rely solely on the family for feelings of power, self-identity and competence.\textsuperscript{89}

Just as women need not relinquish all household responsibilities, neither must all women work outside of the home. Many women, and many men would want to stay home with their children, and would do so culturally and financially. Similarly, the expectations that women on public welfare should and will work need to be reexamined, not just because of the discriminatory assumptions about welfare mothers,\textsuperscript{90} but also because of the critical role that mothering plays in women’s and children’s lives.

Thus, these proposals remain unrealistic for many women. Nonetheless, evidence of increased amounts of shared parenting exists—the home is beginning to change.\textsuperscript{91} By raising issues concerning women’s identity within the home, I hope to contribute to gender equality in the workplace and at home. Gender equality is quite difficult, however, but that does not


\textsuperscript{89} See Frug, \textit{supra} note 3, at 59 (advocating for restructuring workplace in order to accommodate parenting roles and responsibilities); Garey, \textit{supra} note 73, at 717 (noting need for restructured workplace to support parenting roles); Williams, \textit{supra} note 4, at 2245 (determining that change in structure of workplace is necessary so that parenting roles may be defined).


\textsuperscript{91} See, e.g., Coltrane, \textit{supra} note 76, at 791 (discussing how parents share in parenting); Rosanna Hertz, \textit{The Parenting Approach to the Work-Family Dilemma, in Families in the U.S.}, \textit{supra} note 73, at 769 (observing that men have modified work schedules to share in parenting).
mean that it be discussed sensitively. A better understanding of work and child care by those who perform may develop improved policies for changing those meanings. Knowing that one reason for the allocation of family roles may be the creation of identity and gender itself helps explain why workforce proposals alone will not resolve the work/family conflict.

92. Cf. SHELTON, supra note 22, at 14 (discussing need for improved policies with regard to work and child care).