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Class Differences in Women's Family and Work Behaviors

Sharon Sassler* and Amanda J. Miller**

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Introduction

In the United States, there have been unprecedented changes in family building processes over the past few decades. Many young adults are deferring marriage, though they are not opting out of intimate relationships. The majority of young women (59%) have cohabited with a romantic partner by their mid-twenties,¹ and cohabitation prior to marriage is now normative.² Changes in family building are also evident in the sequencing

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1. See Robert Schoen, Nancy Landale & Kimberly Daniels, *Family Transitions in Young Adulthood*, 44 *DEMOGRAPHY* 807, 812 (2007) (discussing the family and relationship experiences of women up to age 24, utilizing the National Longitudinal Study of Adolescent Health); see generally Sheela Kennedy & Larry Bumpass, *Cohabitation and Children's Living Arrangements: New Estimates from the United States*, 19 *DEMOGRAPHIC RES.* 1663, 1680–83 (2008) (reviewing changes in estimates of cohabitation utilizing the 1995 and 2002 waves of the National Survey of Family Growth, or NSFG).

2. See Larry Bumpass & Hsien-Hen Lu, *Trends in Cohabitation and the Implications for Children's Family Contexts in the United States*, 54 *POP. STUD.* 29, 31–32 (2000)

of childbearing and marriage. "Unmarried mothers gave birth to 4 out of every 10 babies born in the United States in 2007"³—though many of these women are not technically "single." While cohabitation is not yet universally viewed as an acceptable alternative to marriage for childrearing,⁴ nearly half of recent non-marital births were to cohabiting couples.⁵

These transformations in family formation processes have taken front stage in contemporary public policy debates in the United States.⁶ But

[hereinafter *Trends in Cohabitation*] (presenting statistics from the 1995 NSFG to show that as of 1995, half of women in their thirties had cohabited outside of marriage); see also Kennedy & Bumpass, *supra* note 1, at 1680–83 (finding increases in both the prevalence and duration of unmarried cohabitation between 1995 and 2002).

3. See Gardiner Harris, *Out of Wedlock Birth Rates Are Soaring*, U.S. Reports, N.Y. TIMES, May 13, 2009, available at <http://www.nytimes.com/2009/05/13/health/13mothers.html> (last visited Feb. 12, 2009) (reporting the results of the National Center for Health Statistics release of the most recent data from the National Vital Statistics System (NVSS) Natality Data) (on file with the Washington and Lee Journal of Civil Rights and Social Justice); see also Stephanie J. Ventura, *Changing Patterns of Nonmarital Childbearing in the United States*, NCHS DATA BRIEF No. 18, National Center for Health Statistics 2009, <http://www.cdc.gov/nchs/data/databriefs/db18.pdf> (reporting the natality results).

4. See Joanna Reed, *Not Crossing the "Extra Line": How Cohabitors with Children View Their Unions*, 68 J. MARRIAGE & FAM. 1117, 1126 (2006) (discussing how cohabiting parents believe it is better to be married before having a child); see also Sharon Sassler & Anna Cunningham, *How Cohabitors View Childbearing*, 51 SOC. PERSP. 3, 14–16 (2008) (discussing how a qualitative sample of cohabiting individuals who are not (yet) parents believe that marriage should precede childbearing).

5. Wendy Sigle-Rushton & Sara McLanahan, *The Living Arrangements of New Unmarried Mothers*, 39 DEMOGRAPHY 415, 420 (2002); see also Kennedy & Bumpass, *supra* note 1, at 1676 (reporting that 18% of all births during the 1997 to 2001 period were to cohabiting mothers and about 34% of all births were non-marital, while approximately half of births to unmarried women were to cohabiting women).

6. See Steven L. Nock, *Marriage as a Public Issue*, 15 THE FUTURE OF CHILD. 13, 26–27 (2005) (reporting that a stated goal of the 1996 welfare reform was to encourage the formation of two-parent families, especially among low-income single mothers); see also Personal Responsibility, Work, and Family Promotion Act of 2002, H.R. 4700, 107th Cong. § 103 (2002), available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_congbills&docid=f:h4700ih.txt.pdf (stating the importance of promoting family formation and a healthy marriage); see also Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104–193, 110 Stat. 2105 ("Sec. 101: Findings. The Congress makes the following findings: 1. Marriage is the foundation of a successful society. 2. Marriage is an essential institution of a successful society which promotes the interests of children. 3. Promotion of responsible fatherhood and motherhood is integral to successful child rearing and the well-being of children."). More recently, the Deficit Reduction Act of 2005 provided \$150 million per year for programs to promote marriage, among other objectives, through the Administration for Children and Families' Healthy Marriage Initiative; funds may be used for a range of research and demonstration projects,

much of that attention has focused on the child-bearing and union formation patterns of the most economically disadvantaged populations. Overlooked in this emphasis on low-income families is growing evidence that those with moderate levels of education—individuals who have graduated from high school or who have pursued some post-secondary schooling but not obtained a Bachelor's degree—are also diverging from the middle class in their family building processes in cohabitation, marriage, childbearing, and the sequencing of these events.

All of these changes have also accelerated as American women's places in the paid labor force have become firmly entrenched.⁷ Women account for nearly half of civilian employees.⁸ In recent decades, the largest increase in female employment has been among mothers with young children.⁹ However, the social class divides that are becoming more apparent in patterns of union formation and childbearing are also emerging among working women, and particularly among working mothers. What these trends suggest is that the confluence of marital behavior and the returns to employment are fueling the diverging destinies of America's families, with important and long-range ramifications for children.¹⁰

including marriage education, relationship skills training, mentoring programs, and public advertising campaigns on the value of marriage. See generally Reauthorization of the Temporary Assistance for Needy Families Program, 71 Fed. Reg. 37,454, 37,455–62 (June 29, 2006) (to be codified at 45 C.F.R. pts. 261–263, 265).

7. See Catherine Rampell, *As Layoffs Surge, Women May Pass Men in Job Force*, N.Y. TIMES, Feb. 5, 2009, available at <http://www.nytimes.com/2009/02/06/business/06women.html> (last visited Feb. 12, 2009) (describing how the increase in layoffs has affected men's employment more than women's, with the result being an increase in the proportion of the work force that is female) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

8. See *Employment Situation News Release*, Bureau of Labor Statistics, <http://www.bls.gov/news.release/empsit.htm> (last visited Feb. 21, 2009) ("As of November [of 2009], women held 49.9% of the nation's jobs, according to nonfarm payroll data collected by the Bureau of Labor Statistics.") (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

9. See U.S. Census Bureau, *Current Population Survey*, June 1976–2006, available at <http://www.census.gov/population/socdemo/fertility/cps2006/SupFertTab5.xls> (showing that, in 1980, only 38% of women aged 15 to 44 who had given birth in the prior year worked in the paid labor force, which increased to 55.9% among similarly aged women in 2006); see also Gloria P. Glorings, *The Employment Situation: December 2007*, 55 EMP. & EARNINGS 1 (2008), available at <http://www.bls.gov/opub/ee/empear200801.pdf> (showing that the increase was much smaller for the total population of women in the civilian labor force, whose participation rates increased only from 51.5% in 1980 to 59.6% as of 2006 according to the U.S. Bureau of Labor Statistics); U.S. Census Bureau, 130 MONTHLY LABOR REV. 6 (Nov. 2007), <http://www.bls.gov/opub/mlr/2007/11/mlr200711.pdf>.

10. See generally Sara McLanahan, *Diverging Destinies: How Children Are Faring*

Consider the experiences of women lawyers and legal scholars, and the administrative assistants that people their offices, for example. The educational requirements for the jobs clearly differ, but so do the employment opportunities, the work-family policies, the family stressors, and increasingly, the well being of these groups of women. Further, the choices these women make regarding work following the births of their children differ based upon social class, leading us to conclude that highly educated women are not necessarily "opting out" of the workforce as a large-scale social trend.¹¹

Here, we illustrate some of these changes and show you how women's family building behaviors are diverging across social class groups. We also present information on the employment patterns of women, by marital and parental status, drawing on recent data from the American Community Survey gathered by the U.S. Census Bureau. Finally, we address some reasons why professional women may be less likely to leave the workforce than their less-educated peers.

I. Demographic Trends

The lives of American women have changed dramatically since the middle of the twentieth century. Focusing on various demographic trends, including marital delay, the rise in non-marital cohabitation, increases in non-marital births, and rates of marriage, reveal that while such changes have been broadly experienced, the ramifications—in terms of the likelihood of experiencing such events, as well as the outcomes associated with them—vary widely by social class.¹² Overall, these trends suggest that

Under the Second Demographic Transition, 41 DEMOGRAPHY 607 (2004) (explaining differential opportunities between college-educated women and their less-educated counterparts). These differences are further elaborated upon in McLanahan's subsequent review article. See generally Sara McLanahan & Christine Percheski, *Family Structure and the Reproduction of Inequalities*, 34 ANN. REV. SOC. 257 (2008) (suggesting that family structure has become an important mechanism for the reproduction of class, race, and gender inequalities). Increases in income inequality exacerbate the growth in single motherhood among less educated women, which in turn affects children's material resources and the parenting they experience. *Id.* at 271.

11. See Christine Percheski, *Opting Out? Cohort Differences in Professional Women's Employment Rates from 1960 to 2005*, 73 AM. SOC. REV. 497, 507–13 (2008) (demonstrating that employment levels among college-educated women are very high, even among women in historically male professions and mothers of young children).

12. See Joshua R. Goldstein & Catherine T. Kenney, *Marriage Delayed or Marriage Forgone? New Cohort Forecasts of First Marriage for U.S. Women*, 66 AM. SOC. REV. 506, 507–08 (2001) (explaining the recent trends in marriage rates).

the most highly educated women have an increasing advantage over those women with some college or less in that they are more likely to marry¹³ (either following cohabitation or without ever cohabiting),¹⁴ giving them greater access to their partners' economic resources and the "enforceable trust" of legally sanctioned unions.¹⁵ Women with a college degree or more are also substantially less likely to have children out of wedlock.¹⁶ Finally, they are also better able to negotiate shared household responsibilities with their partners¹⁷ or outsource these duties,¹⁸ reducing their "second shift."¹⁹

13. See *id.* at 510–19 (describing how, in contrast to the not so distant past, recent college graduates are now forecast to marry at higher levels than their less-educated counterparts, despite their later entry into first marriage). The authors argue that this educational crossover, evidence of which is found for both black women and white women in recent cohorts, suggests that marriage is increasingly becoming a province of the most educated, and suggest that this trend may become a new source of inequality for future generations. *Id.* at 516.

14. See Daniel T. Lichter, Zhenchao Qian & Leanna M. Mellott, *Marriage or Dissolution? Union Transitions Among Poor Cohabiting Women*, 43 DEMOGRAPHY 223, 232 (2006) (showing that among nonpoor women, cohabitation is more likely to transition to marriage than it is among poor women); see also Daniel T. Lichter & Zhenchao Qian, *Serial Cohabitation and the Marital Life Course*, 70 J. MARRIAGE & FAM. 861, 867–72 (2008) (depicting the lower rates of single-instance and serial cohabitation prior to marriage among women with more education and advantaged family upbringings); Kristi Williams, Sharon Sassler & Lisa M. Nicholson, *For Better or for Worse? The Consequences of Marriage and Cohabitation for Single Mothers*, 86 SOC. FORCES 1481, 1490, 1498 (2008) (showing that single mothers are less likely to marry than childless women and if they do, less likely to experience enduring marriages and to benefit in terms of improved physical health from their unions).

15. See Andrew J. Cherlin, *American Marriage in the Early Twenty-First Century*, 15 FUTURE OF CHILD. 33, 37–39 (2005) (arguing that children, especially poor and minority children, are increasingly likely to grow up in single-parent families and to experience family instability).

16. See David T. Ellwood & Christopher Jencks, *The Uneven Spread of Single Parent Families: What Do We Know? Where Do We Look for Answers?*, in SOCIAL INEQUALITY 3, 28–29 (Kathryn M. Neckerman ed., 2004) (documenting the rise in non-marital childbearing among women in the bottom and middle third of the educational distribution, while the proportion of women in the top third of the educational distribution—college-educated women—experiencing births outside of marriage has remained relatively flat over the past few decades).

17. See Suzanne Bianchi, Melissa Milkie, Liana Sayer & John Robinson, *Is Anyone Doing the Housework? Trends in the Gender Division of Household Labor*, 79 SOC. FORCES 191, 216–19 (2000) (showing that when wives have more education than their husbands, women do less housework and men do more housework than couples where wives have less education than their husbands; also demonstrating that the greater the wives' relative incomes, the less housework they do and the more housework their husbands do).

18. See Judith Treas & Esther de Ruijter, *Earnings and Expenditures on Household Services in Married and Cohabiting Unions*, 70 J. MARRIAGE & FAM. 196, 801–02 (2008) (showing that women's earned income is more important than men's for reducing their

One change experienced across social classes is a rise in the age at first marriage.²⁰ The median age at first marriage increased dramatically between 1950 and 2006.²¹ In 1950, half of all women were married for the first time by age 20.3, and for men by age 22.8.²² By 2006, the median age at first marriage had risen by over five years for women, to 25.5.²³ And the median age at first marriage for men is also at its highest level ever (27.5).²⁴

While young adults are marrying later, they are not foregoing romantic relationships. In fact, while there have been delays in the age at first sexual debut over the past decade,²⁵ the modal age of first sex nowadays is between age 16 and 17, leaving contemporary young adults quite a lengthy period of time to explore intimate relationships.²⁶

Perhaps because premarital sexual relationships have become normative,²⁷ other aspects of union formation behavior have changed as

domestic burden by outsourcing to purchase female tasks, and that the earnings of married men are more strongly linked to expenditures on female tasks than are the earnings of cohabiting men); see also Sanjiv Gupta, *Her Money, Her Time: Women's Earnings and Their Housework Hours*, 35 SOC. SCI. RES. 975, 987–88 (2006) (showing that the difference between the mean housework hours of the women with the lowest and highest earnings is as large as the difference between the mean housework hours of women and men).

19. See generally ARLIE HOCHSCHILD, *THE SECOND SHIFT: WORKING PARENTS AND THE REVOLUTION AT HOME* (1989) (explaining the term "second shift," which is when women work outside of the home in the paid labor force and are also responsible for domestic labor in the home, generally to a much greater extent than their male partners).

20. See U.S. Census Bureau, *Estimated Median Age at First Marriage, by Sex: 1890 to the Present*, CURRENT POP. SURVEY, <http://www.census.gov/population/socdemo/hh-fam/ms2.pdf> (Sept. 2006) (depicting the median age at first marriage, by sex, from 1890 to the present).

21. *Id.*

22. *Id.*

23. *Id.*

24. *Id.*

25. See generally Joyce C. Abma, Gladys M. Martinez, William D. Mosher & Brittany S. Dawson, *Teenagers in the United States: Sexual Activity, Contraceptive Use, and Childbearing, 2002*, 23 VITAL & HEALTH STAT. (2004) (stating the findings of an analysis comparing results from the 2002 National Survey of Family Growth with the previous survey conducted in 1995, which found that sexual activity declined significantly for younger teenage girls and for teenage boys).

26. See Lawrence B. Finer, *Trends in Premarital Sex in the United States, 1954–2003*, 122 PUB. HEALTH REP. 73, 76 (2007) (using data from four cycles of the National Survey of Family Growth (1982–2002) to show that almost all Americans have sex before marrying). For example, among cohorts of women turning 15 between 1964 and 1993, at least 91% had had premarital sex by age 30, as had 82% of those turning 15 between 1954 and 1963. *Id.* at 77.

27. *Id.* at 78.

well. In particular, over the past few decades there has been a dramatic increase in cohabiting unions, or couples who are living together without being married. Between 1990 and 2000 the increase in heterosexual, cohabiting couple households captured in the Census rose by 71%.²⁸ The likelihood that American adults will live with an opposite-sex romantic partner without being married has increased across all age groups, marital statuses, and educational levels.²⁹ Among recent cohorts of American women, more than half of those in their 20s and 30s have lived with (at least one) opposite-sex partner without being married.³⁰ But cohabitation has also changed over the past few years, as it has become increasingly common.³¹

For one thing, as cohabitation has become more normative, the likelihood that cohabitators will go on to marry has declined.³² Another important shift is that as cohabitation has become more acceptable, it is increasingly the union choice not just of the most disadvantaged, but of more educated women as well.³³ In 1987, for example, the proportions of women with high school degrees, some college, or a college degree who had ever cohabited by age 45 were about the same, ranging between 30 and 32%; by 1995 there had been a large increase in cohabitation among women with high school degrees, and over the next few years the proportion of women with some college education or a Bachelor's degree

28. PCT14. *Unmarried-Partner Households by Sex of Partners*, U.S. CENSUS BUREAU, http://factfinder.census.gov/servlet/DTable?_bm=y&-geo_id=01000US&-ds_name=DEC_2000_SF1_U&-lang=en&-mt_name=DEC_2000_SF1_U_PCT014&-format=-CONTEXT=dt (last visited Nov. 7, 2010) (on file with the Washington and Lee Journal of Civil Rights and Social Justice). See generally Dorian Solot & Marshall Miller, *How Many Unmarried Couples Are There in Your Neighborhood?*, <http://www.unmarriedtoeachother.com/census/> (detailing how to determine number of unmarried couples in a given neighborhood) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

29. See Bumpass & Lu, *supra* note 2, at 31–32 (explaining the trends in cohabitation); see also Kennedy & Bumpass, *supra* note 1, at 1680–83 (reviewing changes in estimates of cohabitation utilizing the 1995 and 2002 waves of the National Survey of Family Growth, or NSFG).

30. See Bumpass & Lu, *supra* note 2, at 32 ("By 1995, half of the women in their thirties had cohabited outside of marriage.")

31. See *id.* (explaining that this is important in showing how the increased tolerance of cohabitation is likely to continue in the whole population).

32. See *id.* at 33 (stating this produces decreased stability of unions); see also Lichter, Qian & Mellott, *supra* note 14, at 236 (showing results that indicate a declining share of cohabitators transitioning to marriage than earlier studies reported).

33. See generally Bumpass & Lu, *supra* note 2 (comparing results based on the women's level of education).

who had ever cohabited jumped.³⁴ While cohabitation has become normative across all educational groups, the increase has been the most dramatic for those with high school degrees or some college education. Between 1987 and 2002, the shares of women with a high school degree who had ever cohabited increased 115% while for women with some college the proportions grew 93%. The increase for women with a college degree, while substantial, was far smaller in comparison—only 45%.³⁵

One of the more dramatic changes reshaping American families has been the significant increase in births to women who are unmarried. While teen pregnancy has garnered a lot of attention,³⁶ in large part because nowadays teenagers rarely get married if they decide to give birth to a child,³⁷ between 1990 and 2006 teen birth rates actually declined.³⁸ The age

34. *Id.* See generally Anjani Chandram, G.M. Martinez, William D. Mosher, Joyce C. Abma & J. Jones, *Fertility, Family Planning, and Reproductive Health of U.S. Women: Data from the 2002 National Survey of Family Growth*, 25 VITAL & HEALTH STAT. 1 (CDC, Vital & Health Stat. Series No. 23, 2005) [hereinafter *2002 National Survey*].

35. These estimates are calculated from Bumpass & Lu, *supra* note 2, and *2002 National Survey*, *supra* note 34.

36. See Sara Rimer, *TV's Perfect Girl Is Pregnant; Real Families Talk*, N.Y. TIMES, Dec. 21, 2007, at A1 (demonstrating that since 2006 there has also been the widely publicized pregnancy of the sister of Brittany Spears, movies about teen pregnancy (*Juno*), and media coverage of rumors of teen pregnancy "pacts"); see also Katherine Q. Seelye, *Palin's Teen Daughter Is Pregnant; New G.O.P. Tumult*, N.Y. TIMES, Sept. 1, 2008 (discussing pregnancy of the daughter of the 2008 Republican vice-presidential candidate). Furthermore, rates of teen pregnancy, which had been in decline since the early 1990s, began to rise again in the latter half of the first decade of the twenty-first century, with data from the CDC's National Center for Health Statistics (NCHS) reporting that the U.S. teen birth rate increased in 2007 for the second straight year. Press Release, CDC, *Teen Birth Rates Up Again in 2007* (Mar. 18, 2009), available at <http://www.cdc.gov/nchs/pressroom/09newsreleases/teenbirth2007.htm> (on file with the Washington and Lee Journal of Civil Rights and Social Justice). The full text of the report can be found in Brady E. Hamilton, Joyce A. Martin & Stephanie Ventura, *Births: Preliminary Data for 2007 No. 12*, 57 NAT'L VITAL STAT. REP. 1 (2009), http://www.cdc.gov/nchs/data/nvsr/nvsr57/nvsr57_12.pdf.

37. See Press Release, Nat'l Campaign to Prevent Teen & Unplanned Pregnancy, Bill Albert, Teens, Relationships, and Marriage: A Statement from the National Campaign to Prevent Teen and Unplanned Pregnancy (Mar. 12, 2009), <http://www.thenationalcampaign.org/media/press-release.aspx?releaseID=26> (last visited Feb. 22, 2010) ("Despite high expectations for marriage, fewer than 8% of teen mothers marry their baby's father within one year of the birth of their child.") (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

38. See Nat'l Campaign to Prevent Teen & Unplanned Pregnancy, *Teen Birthrates in the United States, 1940–2006* (2009), http://www.thenationalcampaign.org/resources/pdf/TBR_1940-2006.pdf (demonstrating that between 1991 and 2005, the teen birth rate decreased 35% to a record low of 40.5 of every 1,000 teen girls in 2005).

group that has experienced the largest increase in non-marital births is women ages 20 to 24.³⁹

At the same time that there have been shifts in the age at which women experience non-marital childbearing, the context in which many of these children are born has also changed. Family building increasingly occurs within cohabiting unions, and adults entering into new cohabiting unions often bring children from prior relationships with them. Nearly half of non-marital births, for example, are to cohabiting women.⁴⁰ And sizable proportions of children are projected to live with a parent and his or her cohabiting partner at some point while growing up.⁴¹

II. *The Changing Class Dimension of Parenting Experiences*

The outcomes of unplanned pregnancy have also shifted in recent decades. "Shot-Gun Weddings," or marriages that follow a conception, are less likely to take place in the closing decades of the 20th century than they were in the 1950s through the 1970s—particularly among certain populations.⁴² The end result of these changes is that the likelihood of

39. See Nat'l Campaign to Prevent Teen & Unplanned Pregnancy, *Briefly . . . Unplanned Pregnancy & Community Colleges* (2007), <http://www.thenationalcampaign.org/resources/pdf/briefly-unplanned-pregnancy-and-community-colleges.pdf> (stating that "[m]ore than one-third of all unplanned pregnancies . . . are to unmarried women in their twenties"). In response to the decline in teen pregnancy, and the continued high rates of unintended pregnancy, in conjunction with the increased compositional shift of unintended births to women in their early twenties, the National Campaign to Prevent Teen Pregnancy expanded their name to include "and Unplanned," and now includes an emphasis on women in their early twenties. See generally NAT'L CAMPAIGN TO PREVENT TEEN & UNPLANNED PREGNANCY, www.thenationalcampaign.org (last visited Feb. 12, 2010) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

40. Sigle-Rushton & McLanahan, *supra* note 5, at 420; accord Kennedy & Bumpass, *supra* note 1, at 1676 (charting statistics cited).

41. See generally Patrick Heuveline & Jeffrey M. Timberlake, *The Role of Cohabitation in Family Formation: The United States in Comparative Perspective*, 66 J. MARRIAGE & FAM. 1214, 1214–30 (2004) (discussing children living with cohabiting parent and partner); see also Deborah Koempke Graefe & Daniel T. Lichter, *Life Course Transitions of American Children: Parental Cohabitation, Marriage, and Single Motherhood*, 36 DEMOGRAPHY 205, 210 (1999) (noting likelihood of children living in cohabiting unions). These sources estimate that between one-quarter to one-third of children will live in a cohabiting union prior to age 16, whether due to being born into a cohabiting union, having biological parents form a cohabiting union following their birth, or because their (custodial) parent enters into a cohabiting union with a non-biological parent after the birth.

42. See R. Kelly Raley, *Increasing Fertility in Cohabiting Unions: Evidence for the Second Demographic Transition in the United States?*, 38 DEMOGRAPHY 59, 63 (2001)

giving birth outside of marriage, while quite high for the least advantaged women, has risen dramatically for those women in the middle of the social class spectrum.⁴³ These are the women who some have begun to term "the missing middle"⁴⁴ or the "moderately educated";⁴⁵ they generally have a high school degree, some college education, or an Associate's degree—but not a Bachelor's degree. Of women who gave birth in 2006, for example, approximately two-thirds (67.4%) of those who had less than a high school level of education were unmarried, whereas 91.7% of new mothers with 16 or more years of schooling (a Bachelor's degree or higher) were married. Women with at least 12 years of schooling or some post-secondary attendance were intermediate between these two extremes. Slightly more than half of new mothers who had only a high school diploma but no further education (51.3%) were unmarried; for women with some post-secondary education, the proportion was smaller, though still not insignificant, as over one-third (34%) of new mothers in this group were unmarried.⁴⁶ These estimates, however, likely understate patterns on non-

("From the early 1970s to the early 1990s, women single at conception became much less likely to marry before the birth of their child. Instead, they increasingly remained single or began cohabiting."); *see generally* Kelly Musick, *Planned and Unplanned Childbearing Among Unmarried Women*, 64 J. MARRIAGE & FAM. 915, 915–29 (2002) (discussing cohabitation trends). Several recent qualitative studies have begun to explore the justifications given for not marrying following the birth of a child. *See* Sharon Sassler, Amanda Miller & Sarah M. Favinger, *Planned Parenthood? Fertility Intentions and Experiences*, 30 J. FAM. ISSUES 223, 223–25 (exploring the viewpoints of working class cohabiting parents who believe they should not marry just because they have children together); *see also* Joanna M. Reed, *Not Crossing the "Extra Line": How Cohabitators with Children View Their Unions*, 68 J. MARRIAGE & FAM. 1117, 1124 (2006) (expressing the views of low-income cohabiting parents who say that, "having a child together is not a good reason to get married").

43. *See generally* Ellwood & Jencks, *supra* note 16, at 3–77 (showing changes in the propensity to experience births outside of marriage by educational attainment). The largest gain was experienced by women who had not completed their high school diploma, but a sizable increase was also experienced among women in the middle-third of the educational distribution (those with a high school diploma or some post-secondary schooling). *Id.* As of 2000, a quarter of women with between thirteen and fifteen years of school were unmarried mothers, a 71% increase from 1960. *Id.*

44. *See generally* THEDA SKOCPOL, *THE MISSING MIDDLE: WORKING FAMILIES AND THE FUTURE OF AMERICAN SOCIAL POLICY* (2000) (explaining "the missing middle"), and KATHERINE S. NEWMAN & VICTOR TAN CHEN, *THE MISSING CLASS: PORTRAITS OF THE NEAR POOR IN AMERICA* (2007) (same).

45. *See generally* ANDREW J. CHERLIN, *THE MARRIAGE GO ROUND: THE STATE OF MARRIAGE AND THE FAMILY IN AMERICA TODAY* (2009) (describing marriage and cohabitation trends).

46. Calculated from CDC, *VitalStats*, <http://www.cdc.gov/nchs/vitalstats.htm> (last visited Feb. 12, 2010) (on file with the Washington and Lee Journal of Civil Rights and

marital conception, as women who are not married upon discovering they are pregnant may marry before the birth of the child, or subsequently. Nonetheless, women who "legitimize" a birth and wed the father of their new baby—either before or after the birth—are disproportionately drawn from the more-educated women.⁴⁷ The end result is that highly educated women who give birth are more likely to do so in marital unions; their less-educated counterparts, in contrast, are increasingly parenting within cohabiting unions, or outside of coresidential relationships. But while births within cohabiting unions have become more common, such relationships are far less stable than are marital unions. As a result, the rise in single parenting among women in the middle education tier has continued apace between 1980 to the present.⁴⁸

A discussion of the growing divides in the experiences of more or less-educated women is incomplete without mentioning one of the key factors accounting for these changes—marriage. Historically, highly educated women were less likely to marry than their less-educated counterparts.⁴⁹ Either they did not want to marry and their better opportunities or work orientation kept them from marrying or they were not perceived as the best marriage material. But that has changed in recent decades. Women with Bachelor's degrees or more are now more likely to be married than are women who stop their schooling with a high school diploma—even though women with college degrees remain better able to support themselves on their own if they work.⁵⁰ Furthermore, while divorce rates remain quite high, they have declined the most sharply among the best-educated

Social Justice).

47. See Raley, *supra* note 42, at 63 (finding that college-educated women were more likely to wed following a conception than their less-educated counterparts); see also Musick, *supra* note 42, at 920 (defining "planned" births).

48. See McLanahan, *supra* note 10, at 612–13 (showing that from 1980 to 2000 single motherhood had risen from approximately 19% to approximately 28% among those in the middle-education tier).

49. See Goldstein & Kenney, *supra* note 12, at 516 (demonstrating how 94.5% of non-college-educated and 91.1% of college-educated women born from 1945–49 ever married but 86.4% of non-college-educated and 94.6% of college-educated women born from 1960–64 ever married).

50. See *id.* at 516 (demonstrating that less-educated women are less likely to marry); see also Sharon Sassler & Robert Schoen, *The Effect of Attitudes and Economic Activity on Marriage*, 61 J. MARRIAGE & FAM. 147, 154 (1999) (showing that older women with a strong career orientation were substantially more likely to marry than the youngest women with similar work orientations, and that educational attainment and employment improved women's odds of marrying relative to less economically attractive women).

women.⁵¹ For example, using data from the Survey of Income and Program Participation to examine marital dissolution rates for U.S. women by education level, Martin found that divorce rates fell among women with a four-year college degree or more, but remained high among women with less than a four-year college degree.⁵² Among those married for the first time between 1990 and 1994, for example, women in the middle education tier were nearly twice as likely to have divorced within a ten-year period as their female counterparts who were in the top third of the education distribution.⁵³ The result is that highly educated women are now more likely to get married and stay married than women with lower levels of education. They are also more likely to parent within marital unions, which are more stable than cohabiting relationships.⁵⁴

III. The Employment Experiences of Mothers: The "Opt Out" Debate, Revisited

The employment patterns of highly educated women following childbearing are also contributing to the growing divide between more and less-educated women and their families. Recent high profile newspaper stories suggest that professional women are increasingly choosing to leave the paid labor force in order to care for young children,⁵⁵ feeling that

51. See Matthew D. Bramlett & William O. Mosher, *Cohabitation, Marriage, Divorce, and Remarriage in the U.S. Ser. No. 23*, 22 VITAL & HEALTH STAT. 19, 55 (2002) (showing that less-educated women are more likely to divorce than more-educated women 1, 3, 5, 10, and 15 years after first marriage).

52. See Steven P. Martin, *Trends in Marital Dissolution by Women's Education in the United States*, 15 DEMOGRAPHIC RES. 537, 546 (2006) (demonstrating that whereas women in the bottom third of the educational distribution experienced a 4.3% increase in the likelihood of experiencing the dissolution of first marriage within a ten-year period between those marrying in 1975–79 and those who wed between 1990–94, women in the top third of the education distribution experienced a 12.8% decline in the likelihood of divorcing within ten years).

53. *Id.* at tbl.1.

54. See Bramlett & Mosher, *supra* note 51, at 7–8 (showing that women who live with a partner have a greater likelihood of experiencing the dissolution of that union within ten years than do women who marry their partner); see also McLanahan, *supra* note 10, at 612–13 (showing that even when children are involved, cohabiting couples are far less likely to remain together over a five-year period than are married parents).

55. See Lisa Belkin, *The Opt-Out Revolution*, N.Y. TIMES MAG., Oct. 26, 2003, at 42 (identifying a situation in which women from elite colleges, with impressive occupational credentials, "chose" to pursue motherhood over high-flying careers); see also Louise Story, *Many Women at Elite Colleges Set Career Path to Motherhood*, N.Y. TIMES, Sept. 20, 2005, at A1 (interviewing a small handful of women at colleges such as Harvard and Yale

maternal employment and mothering are not compatible, and that children thereby suffer. In focusing on professional women, such stories utilize the language of "choice," to convey the notion that leaving the paid labor force is an option that professional women, who have more options than their less-advantaged counterparts, can avail themselves of.⁵⁶ But are professional women more likely to be leaving the paid labor force than their less occupationally privileged counterparts?

The proportion of women, particularly mothers, who were employed in the paid labor force increased steadily from the mid-1970s.⁵⁷ However, the number of employed mothers as a share of all adult women subsequently declined, dropping to 55% in 2000 and remaining at that level in 2002 and 2004. Many in the popular press heralded this unprecedented (if small) decline in maternal employment as a rejection of the world of work and as a harbinger of future change. Women were voting with their feet, such stories suggested, leaving paid employment because they viewed it as detrimental to their children, to their ability to be good mothers, and to their marriages. Stories in the popular press focused in particular on professional women, such as prominent political consultants leaving for "family reasons,"⁵⁸ or women in high paid careers who "opt out" to be stay-at-home soccer moms.⁵⁹

University and concluding that college women expressed a desire to assume the primary responsibility of caring for the home and children once they began childbearing). In the words of one young woman, "My mother's always told me you can't be the best career woman and the best mother at the same time. You always have to choose one over the other." *Id.*

56. See generally PAMELA STONE, *OPTING OUT? WHY WOMEN REALLY QUIT CAREERS AND HEAD HOME* (2007) (arguing that structural constraints—inflexible work places, the long hours required for professional jobs, as well as being married to professional husbands with similar time and occupational demands—rather than "choice" shaped women's decisions to leave the paid labor force for the job of raising children).

57. See generally Philip N. Cohen & Suzanne M. Bianchi, *Marriage, Children, and Women's Employment: What Do We Know?*, 122 MONTHLY LAB. REV., Dec. 1999, at 22–31 (reviewing changes in the likelihood that mothers would work in the paid labor force); see also Jane Lawler Dye, *Fertility of American Women: June 2004*, P20-555 CURRENT POP. REP. 7, fig.2 (Dec. 2005) (documenting that between 1976 and 1998, the percentage of employed mothers grew from 31% to 59%).

58. See Robin Toner, *The Nation: Women's Place; at the Table, but not for Dinner*, N.Y. TIMES, Apr. 28, 2002, at 43, available at <http://www.nytimes.com/2002/04/28/weekinreview/the-nation-women-s-place-at-the-table-but-not-for-dinner.html> (last visited Mar. 19, 2010) (discussing Karen Hughes' decision to return to Texas for family reasons) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

59. See generally Joan C. Williams, Jessica Manvell & Stephanie Bornstein, *"Opt Out" or Pushed Out? How the Press Covers Work/Family Conflict, The Untold Story of Why Women Leave the Workforce*, CTR. FOR WORKLIFE L. (2006),

Such stories largely ignored the bigger picture, and failed to examine the employment patterns of professional women relative to their less-educated counterparts. In fact, recent cohorts of professional women are even more likely to work full-time, year-round than their counterparts who were born during World War II (1936 to 1945) or the Early Baby Boom cohort (born 1946 to 1955).⁶⁰ Furthermore, compared to the total population of U.S. women, professional women work at considerably higher rates.⁶¹ Employment among women with young children also has increased dramatically over time; approximately 76% of women born between 1956 and 1975 with children under the age of six were employed.⁶² The hullabaloo about opting out notwithstanding, Generation X professional women with young children were more likely to work full-time, year-round than any previous cohort.⁶³

Highly educated women are more likely to be employed during pregnancies, as well as within the first year of their children's births, than are less-educated women. Among women who had their first birth between 2001 and 2003, for example, less than a third of women who had not obtained a high school degree were employed during their pregnancies, as were 59.1% of high school graduates, compared with three-quarters of those with some college and 82.2% of those with at least a college degree.⁶⁴ Higher levels of education are also accompanied by higher utilization of paid-leave benefits following the birth of a child.⁶⁵

<http://www.worklifelaw.org/pubs/OptOutPushedOut.pdf> (reviewing how media coverage of work-family challenges emphasizes the "choice" of leaving rather than structural impediments to staying in the paid labor force).

60. See Percheski, *supra* note 11 (showing that employment levels among college-educated women in professional and managerial occupations have increased across birth cohorts, and continue to rise, even among women in historically male professions and mothers of young children).

61. See Liana C. Sayer, Philip N. Cohen & Lynne M. Casper, *Women, Men, and Work*, in *THE AMERICAN PEOPLE: CENSUS 2000*, 76, 97-98 (Reynolds Farley & John Haaga eds., 2005) (showing that 55% of professional women aged 25 to 34 who were born between 1966 and 1975 worked full-time, year-round, compared with 44% for women in the general population).

62. Percheski, *supra* note 11, at 509.

63. *Id.* at 513.

64. Tallese D. Johnson, *Maternity Leave and Employment Patterns of First Time Mothers: 1961-2003*, P70-113 CURRENT POP. REP. 5, tbl.2 (2007).

65. *Id.* at 9, tbl.5 (showing that the proportions of women with a high school degree who utilized paid leave was much smaller (39.1%) than for women with a Bachelor's degree or more (60% of whom used paid leave)). The least educated women were more likely to quit their jobs (37.2% of women with less than a high school degree utilized this approach, compared to 18.8% of women with a college degree or more). *Id.* at 11, tbl.7.

While prevalence rates of female employment by educational attainment and maternal status can highlight persistence or reduction in the paid labor force, these figures cannot definitively provide an answer to the question of whether women are opting out of challenging professional demands by moving to less "greedy" jobs,⁶⁶ or if they depart the paid labor force once they have children. Even examining maternal employment within the year following the birth of a child cannot fully answer this question because women may leave the labor force as children age and it becomes more challenging to engage in the intensive mothering expected in today's society, or they may depart after the birth of a second child.⁶⁷ Such arguments notwithstanding, it is clear that highly educated new mothers are managing to juggle work and family considerably more often than are less-educated women. In other words, women who are lawyers and academics are far more likely to return to work following the birth of their children than are the women who are their administrative assistants.

Once these more highly educated women are married with children, an additional support may exist to help facilitate their remaining in the workplace. Many married women are faced with an unequal division of household labor because they find themselves working a larger "second shift" than their husbands once they return home from their paid jobs.⁶⁸ That is, although women's roles in the workforce have changed dramatically, men have not yet taken on a corresponding share of the division of labor at home.⁶⁹ Still, middle class women generally do a smaller share of the housework and/or outsource the household labor to lower class women⁷⁰ when at least one member of the couple has a

66. See generally MARY BLAIR-LOY, *COMPETING DEVOTIONS: CAREER AND FAMILY AMONG WOMEN EXECUTIVES* (2003).

67. See generally STONE, *supra* note 56 (arguing that it is often the second child that causes women to leave the paid labor force). The costs of paying for multiple day cares becomes prohibitive, and older children are seen as having needs that are less able to be met by the low-wage (and often less-educated) women who are child care workers. *Id.*

68. See Scott South & Glenna Spitze, *Housework in Marital and Nonmarital Households*, 59 AM. SOC. REV. 327, 327 (1994) ("In all situations [single hood, cohabitation, married, divorced, and widowed], women spend more time than men doing housework but the gender gap is widest among married persons.").

69. See Liana Sayer et al., *Women, Men, and Work*, in THE AMERICAN PEOPLE: CENSUS 2000, 77 (Reynolds Farley & John Haaga, eds. 2004) ("For several decades, conflicts between work and family were defined as women's issues because, since 1950, women's work and family roles have changed more dramatically than men's.").

70. See generally Pierrette Hondagneu-Sotelo, *Domestica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence* (2001) (exploring the lives of modern day domestic servants from immigrant backgrounds), and Esther de Ruijter et al., *Outsourcing*

relatively high level of income or education.⁷¹ However, some evidence suggests that it is the relative resources of the female partner that matter.⁷² Working class men may also be more reluctant than middle class men to take on a greater share of the household labor due, in part, to their more gender-traditional attitudes.⁷³ The greater help with the housework that middle class women receive from their husbands (or purchase from cleaning services), then, may make it easier for women with more education to remain in the paid labor force following the birth of a child.

The structure of specific occupations may also help more educated women remain in the workforce to a greater extent than their less-educated counterparts. Although married men have increased the proportion of childcare they do over the past few decades,⁷⁴ parenting responsibilities still fall disproportionately on the female partner,⁷⁵ making it difficult to balance work and childcare. Although some very high-level professional occupations lack flexibility, many allow for part-time or flexible work hours. For example, some female lawyers are able to work at firms with fewer billable hours or at firms that offer the opportunity to remain on

the Gender Factory: Living Arrangements and Service Expenditures on Female and Male Tasks, 84 SOC. FORCES 315 (2005) (showing that married couple households spend more on female-typed tasks when women are more educated).

71. See Beth Anne Shelton & Daphne John, *Does Marital Status Make a Difference? Housework Among Married and Cohabiting Men and Women*, 14 J. FAMILY ISSUES 401, 412–13 (1993) (demonstrating that women do less housework when they or their partners have higher levels of income and/or education).

72. See Shannon Davis & Theodore Greenstein, *Cross-National Variations in the Division of Household Labor*, 66 J. MARRIAGE & FAM. 1260, 1260 (2004) ("[I]n households where wives' educations equals or exceeds that of their husbands, husbands are more likely to perform half of the household labor.").

73. See generally FRANCINE DEUTSCH, *HALVING IT ALL: HOW EQUALLY SHARED PARENTING WORKS* (1999) (examining the familial structure of families with two income earners and children); LILLIAN RUBIN, *WORLDS OF PAIN: LIFE IN THE WORKING CLASS FAMILY* (1976) (discussing the distinct struggles of the white working class compared to the middle class); LILLIAN RUBIN, *FAMILIES ON THE FAULT LINE: AMERICA'S WORKING CLASS SPEAKS ABOUT THE FAMILY, THE ECONOMY, RACE, AND ETHNICITY* (1994) (combating the myth that America is a classless society).

74. See Suzanne Bianchi, *Maternal Employment and Time with Children: Dramatic Change or Surprising Continuity?*, 37 DEMOGRAPHY 401, 410–11 (2000) (showing that college-educated married fathers have increased the amount of time they spend caring for children at a significantly greater rate than their less-educated male counterparts).

75. See Liana Sayer et al., *Are Parents Investing Less in Children? Trends in Mothers' and Fathers' Time with Children*, 110 AM. J. SOC. 1, 19–24 (2004) (concluding that mothers spent at least as much time with their children in 1998 as in 1965, if not more, and that married fathers still do less childcare than married mothers, but the gap has narrowed over the past few decades).

partnership track while working reduced hour schedules.⁷⁶ Academics have greater flexibility regarding their responsibilities (such as when they will teach courses, conduct research, or write) than do less advantaged women with more rigid time schedules and who report to others. The same opportunities often do not exist for less-educated women employed in administrative assistant or service industry roles.⁷⁷ Even if working class women are able to find part-time or flexible employment, it often does not pay enough to cover the costs of daycare and transportation, nor do their male partners earn enough to be able to make up for these costs.⁷⁸

IV. Conclusions

Overall, the future looks very different for middle-class and working-class women. It promises far more stability for college-educated women than it does for the less educated ones. More-educated women are more likely to marry than their less-advantaged counterparts, and for the growing share that have lived with a partner prior to the wedding, their likelihood of avoiding pregnancy until after the knot has been tied is greater.⁷⁹ Much of that, of course, is a function of their higher social class standing to start with. But they and their partners' behaviors following marriage demonstrate how such advantages can then contribute to their further accumulation of social capital that would

76. Project for Attorney Retention, *Interim Report*, WORKLIFE L. (2001), available at http://www.pardc.org/Publications/lf_interim_report.shtml (describing the need for such programs and the widespread difficulties concerning their implementation) (on file with the Washington and Lee Journal of Civil Rights and Social Justice); see also Patrick Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871, 924–40 (1999) (suggesting that young lawyers who desire a better work-family balance avoid large law firms in favor of alternative practice settings).

77. See generally BARBARA EHRENREICH, NICKEL AND DIMED: ON (NOT) GETTING BY IN AMERICA (2002) (discussing the difficulties of living on minimum wage).

78. See generally JERRY JACOBS & KATHLEEN GERSON, THE TIME DIVIDE: WORK, FAMILY, AND GENDER INEQUALITY (2004) (exploring how time demands in the workplace put women at a disadvantage when trying to consecutively fulfill the traditional caretaker role); JEAN POTUCHEK, WHO SUPPORTS THE FAMILY? GENDER AND BREADWINNING IN DUAL-EARNER MARRIAGES (1997) (examining how more men in dual-income families expect their wives to work regardless of income).

79. See McLanahan, *supra* note 10, at 612–13 (showing that in 2000, approximately 28% of those women in the middle-education tier were single mothers compared to approximately 7% for the most educated women).

firmly ensconce them in the middle class, and enable them to provide more for their children.

The work and family balancing act of professional women, such as lawyers and academics, is often substantively different from what less educated women—such as the administrative assistants who people our offices—have to look forward to. While juggling demanding jobs and family needs is not easy for professional women, such women are most likely to benefit from institutional supports such as marriage, the financial benefits provided by spouses, and what are often well-paid careers, in addition to having greater access to supportive work-place employment policies.

The prospects for less-educated women, in contrast, look far bleaker. They are less likely nowadays to get married⁸⁰ or stay married.⁸¹ More of the women in the middle-education tier are having children outside of marriage.⁸² These unions are less stable than marriages, and if they break up, the likelihood of marrying a subsequent partner is reduced.⁸³ Unstable unions are problematic for children as well.⁸⁴ And the employment prospects for less-educated women are not that rosy. Finding a job can be challenging, but there are time limits placed on the duration single mothers or those in need of aid can receive public assistance.⁸⁵ When less educated women are employed, it is often in low wage positions, which

80. See Goldstein & Kenney, *supra* note 12 at 516 (demonstrating how 94.5% of non-college-educated and 91.1% of college-educated women born from 1945–1949 ever married but 86.4% of non-college-educated and 94.6% of college-educated women born from 1960–1964 ever married).

81. See Bramlett & Mosher, *supra* note 51, at 55 (showing that less-educated women are more likely to divorce than more-educated women at all intervals up to 15 years after first marriage).

82. See McLanahan, *supra* note 10, at 612–13 (showing that in 2000 over one-quarter (28%) of women with a high school degree or some college schooling were single mothers, compared with only 7% of women who had a college or advanced degree).

83. See Lichter, Qian & Mellott, *supra* note 14, at 232–35 (showing that poor women with more children are more likely to dissolve their cohabiting unions than those with less children, or those who are not poor); see also Graefe & Lichter, *supra* note 41, at 291 (showing that having a child out of wedlock is more likely to lead to divorce, even if the woman marries her child's biological father).

84. See McLanahan, *supra* note 10, at 610 (discussing how children of single mothers have a more stressful upbringing due to the lack of financial and emotional support from their fathers).

85. See Health and Human Services, *Fact Sheet: Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (1996), <http://aspe.hhs.gov/HSP/abbrev/prwora96.htm> ("Families who have received assistance for five cumulative years (or less at state option) will be ineligible for cash aid under the new welfare law.").

actually increase their expenses.⁸⁶ Even with relatively low earnings, they often do not qualify for subsidized childcare and must piece together family members or friends who are willing to watch their children on occasion, or pay large proportions of their income to procure care for their children.⁸⁷ Their jobs are often physically difficult, but they find themselves uninsured or underinsured.⁸⁸ In short, less-educated women are disadvantaged both at home and at work, which makes striking a balance between the two extremely difficult. Focusing more attention on reducing the challenges of balancing work and family faced by women who are neither the most disadvantaged nor the most advantaged is crucial if we are to stem the widening of social disparities.

86. See generally KATHERINE EDIN & LAURA LEIN, MAKING ENDS MEET: HOW SINGLE MOTHERS SURVIVE WELFARE AND LOW WAGE WORK (1997) (finding that unskilled, unemployed, single mothers may be worse off working than on welfare), and Newman & Chen, *supra* note 44 (exploring the lives of families between the middle and working classes).

87. EDIN & LEIN, *supra* note 86 and accompanying text; NEWMAN & CHEN, *supra* note 44 and accompanying text; see generally Sharon Hays, *Flat Broke with Children: Women in the Age of Welfare Reform* (2003) (exploring the impact of welfare reform on America's poor).

88. See NEWMAN & CHEN, *supra* note 44, at 119–48 (describing the poor health conditions of low-wage workers, most of whom are uninsured or underinsured).