The Opt-out Revolution in the United States: Implications for Modern Organizations

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For the first time since American women joined the labor force in the 1970s, the number of working mothers has decreased. Dubbed the ‘opt-out revolution’ by The New York Times, the so-called exodus has left companies confused, social conservatives jubilant and feminists incensed. This article explores the reasons for women’s workforce departure and argues that it is a predictable result of organizations’ failure to understand differences between male and female workers, an ignorance that leads to flawed incentive structures which eventually drive women out of the workplace. I discuss three of the most problematic assumptions made by organizations: (1) men and women are motivated by the same things; (2) managers determine promotion and pay on merit; and (3) implementing policies designed for women, such as family–friendly benefits, will solve retention problems. Copyright © 2006 John Wiley & Sons, Ltd.
politically charged manner. The opt-out problem becomes startlingly clear, I argue, when examined through the lens of evolutionary psychology (EP). EP can lend considerable insight into why American mothers, and those in many other industrialized nations, are rejecting work despite high wages, benefits such as health and life insurance, and other incentives to stay (e.g. flexible work arrangements; retirement pensions; paid educational benefits).

‘Opting Out’ in the United States

In June 2003, the US Census Bureau quietly released its annual report on Children’s Living Arrangements and Characteristics (US Census Bureau, 2003). By October of the same year, the statistics in the report would be at the centerpieces of a highly charged public debate. Two data points in particular were noteworthy. The first shows that the number of children being cared for by stay-at-home mothers increased by 13% from 1994 to 2002. The second shows that the number of new mothers returning to work in the first year after childbirth decreased by five percentage points from 1998 to 2002, and that this decline is greatest among white, educated women—those with a choice.

Whether these changes are related to a new motherhood consciousness, as argued in much of the media coverage, is debatable. A single decline in stay-at-home moms does not tell us whether the decline is simply a function of macroeconomic factors such as overall unemployment and declining job creation. A recent analysis shows that the number of new mothers returning to work in the first year after childbirth decreased by five percentage points from 1998 to 2002, and that this decline is greatest among white, educated women—those with a choice.

While debates between human capital and structural explanations of wage gaps continue, a growing body of research has begun to focus specifically on motherhood as a critical cause (Waldfogel, 1997, 1998; Lundberg and Rose, 1999; Budig and England, 2001; Anderson et al., 2003). Leading theoretical perspectives on the gender earnings gap have significant weaknesses. Human capital arguments favored by economists proffer that women’s lesser work experience is the major culprit in explaining their earnings, but cannot explain why women who have invested considerable effort in education and work and whose earnings are equivalent to their husbands (or even surpass them), as is the case with many opt-out women, would reject work. Additionally, gaps for
childrearing are embedded in human capital differences, since one primary measure of human capital is work experience. Structural arguments favored by sociologists cannot explain why certain women are discriminated against and others are not, since a sizeable number of women fare as well as men or experience similar outcomes (Judiesch and Lyness, 1999; Petersen et al., 2000; Kanazawa, 2005). Cultural explanations, which emphasize deep-seated gender role expectations as the major hurdle for women, have difficulty explaining the considerable change that has occurred (for example, that more than 70% of all mothers are in the workforce) or how roles came to exist and be reified in the first place.

Insights from EP

EP can explain gaps in leading theoretical arguments. It does not supplant the theoretical contributions of these approaches; instead, it sheds light on the causal mechanisms underlying the relationship between gender and the ongoing inequality experienced by many women in the workplace. Like others who draw upon EP, I assume that evolved psychological mechanisms provide a base of behaviors that individuals employ within cultures (and structures) that are socially constructed (Pierce and White, 1999). But because of the highly politicized topic addressed in this article, as well as the general antipathy in the social sciences toward explanations involving biology (and an even greater antipathy toward such explanations on the part of gender scholars, among whom I count myself), I begin with some clarification of common misnomers about EP, to elucidate what this paper will not argue.

WHAT EP DOES NOT ARGUE

Biology is Destiny

EP, properly understood, does not propose that human behavior is simply and only a product of evolution or genes. Instead, the more common view among students of EP is that evolved psychological mechanisms, which impel humans to action, are responsive to the environment (Freese et al., 2003). The importance of understanding the interaction between evolved mechanisms, environmental resources and cultural norms has been the topic of much research in the EP tradition. Daly and Wilson (1988), for example, show that modern stepparenting is antithetical to evolved behavior and thus can help explain why a child with a stepparent has a much greater risk of being abused than a child with birth parents. Daly and Wilson do not argue that individuals who become stepparents are so programmed by genes that they will all abuse their stepchildren. Similarly, Kanazawa and Still (1999) argue that women’s evolved propensity to choose a mate with high status does not pre-destine all women to marry highest-status men, which would lead to the institution of polygynous marriage; women’s marital choices depend on the resources available in the societies in which they live. The more equally distributed the resources are, the more likely a woman is to marry monogamously, rather than to choose to be another wife of a wealthy man and share his resources with other wives.

All Women are Different from all Men

Evolutionary psychologists have spent considerable effort demonstrating how and why men and women differ; by one count, as much as 70% of published research with an evolutionary psychological argument is about sex differences (Freese et al., 2003). But evolutionary psychologists are of course speaking of averages; they expect men to evince a greater inclination toward risk, competition and aggression than women, but that does not mean it is impossible to find a particular female who is more aggressive or risk-prone than a particular male. Markoczy and Goldberg (1998) explain this universality dilemma using the analogy of snowflakes, which have shared characteristics defined by physics but also exhibit an infinite number of shapes, all of which would be roughly described as snowflake shaped. Variation and universality co-exist. Thus, this paper will not argue that all women are more child and family-oriented than all men and all men are more work focused than women. Of course it is possible to find men who are more family focused than women, and women who are more work focused than men.

What is Natural is Good

A common misconception is that EP’s view of human behavior as influenced by millions of years
of evolutionary adaptation means such behavior is natural, good and right, but in fact many evolutionary theorists argue it is maladapted for the modern world (Nicholson, 1998). It is the contention of this paper that an evolutionary psychological explanation for men’s and women’s tendencies to exhibit differing labor force behavior is not the equivalent of a moral argument or even an argument that the behaviors, being natural, exclude the possibilities for cultural intervention.

MAJOR EP TENETS

Two fundamental but simple evolutionary psychological arguments are particularly salient in studying women’s choice to leave the labor market: women and men, on average, are different, and women and men, on average, value different things. I offer these statements with the caveat that they refer to averages.

Women and Men are Different

EP diverges from structural sociology and economics by its unequivocal position that men and women are different, and that these behaviors are based on the disparate ways males and females (humans or not) maximize their reproductive success. Unlike structural theory in sociology, which assumes gendered behavior is an effect of the social networks in which individuals are embedded (Moore, 1990; Smith-Lovin and McPherson, 1993), EP contends that differing networks are more likely to be the result of the distinct ways males and females accomplish their evolutionary goals. Kanazawa (2001), for example, uses data from the US General Social Survey to show that women’s kin-centric networks are a result of the greater investment females make in offspring; kin are needed to help raise children.

Women’s greater parental investment is indeed culturally prescribed, but whence the cultural norm? The underlying psychological mechanism impelling women to sacrifice more for their offspring is explained by the long gestation period for women in comparison with the brief time it takes men to inseminate a woman (Buss, 1999). Both men and women wish to successfully reproduce, but the means by which they are likely to achieve their goals is different. For men, insemination of numerous mates increases the likelihood of reproductive success, whereas for women—whose lifetime opportunities to procreate are far more limited in number—the careful selection of a mate increases the likelihood of reproductive success. What this fundamental difference leads to is differential parental investment in offspring, since women have fewer opportunities to succeed reproductively than men; women must invest as much as they are able to ensure that each child thrives and ultimately reproduces.

Men and Women Value Different Things

It is not difficult, then, to see the connection between differential parental investment and why women would choose to care for children instead of working. If women fear work will prevent their children from thriving, they will be more likely to choose to stay home to care for them than men, whose (unconscious) psychological mechanisms lead them to achieve greater status to increase sexual opportunities (Wright, 1994). This does not imply that men are unfeeling and do not care about the wellbeing of their children. Rather, men’s evolved behavioral mechanisms lead them to provide resources, a second factor contributing to their work-focus. Having greater material resources enables men to have more sexual partners, increasing their potential reproductive success, and to take care of existing children so that they will survive and reproduce themselves. But on the whole, women and men’s differing evolved psychological mechanisms compel them, consciously or unconsciously, to prioritize differently. Women, on average, invest more in children and men in earnings and work, since these are their distinct routes to reproductive success (Browne, 2002). Empirically, family and work scholars have repeatedly shown these divergent values to exist.

Knowing the origins of such values helps us understand why they are so intransigent. Despite more than 30 years of equality between the sexes, at least in terms of educational and economic opportunities, most US households are at best neo-traditional, as sociologists Moen and Sweet (2003) have named them, based on their study of dual-earner couples in New York state. In neo-traditional households, women work, but less than fulltime, and still do the majority of housework, as well as manage the household, the children, and their own work time flexibly to accommodate their husbands’ primary career.
One might wonder, though, why women in American neo-traditional marriages would opt out of the workforce? Why can’t US companies retain such women?

THE US DAYCARE PROBLEM

In the environment of evolutionary adaptedness (EEA), women’s activity revolved around finding food and feeding their offspring. Women either foraged with children present, or could leave them with quality substitute care provided by kin, whose interest in their wellbeing was almost as great as the children’s mothers, since their genes are shared (Kanazawa, 2001). Our brains evolved to respond to the conditions of the EEA, not the modern world in which one exchanges money for care. Leaving one’s child to someone unknown and unrelated is a risky proposition for a mother. The only potential counter to such evolved psychological mechanisms is if the care were equal or better than what the mother could provide. But in the United States, unlike in countries like France where children are seen as public goods, such a prospect is unlikely. According to a recent policy analysis of childcare, only 10% of US home-based and 15% of center-based care was rated as good or higher by expert observers, and only 14 states plus the District of Columbia require daycare workers to have any previous experience (Williams and Mitchell, 2004). In addition, daycare workers earn an average of $7.86 an hour (Center for the Child Care Workforce, 2002).

Compared to mothers in other industrialized nations, US mothers face several other significant obstacles. First, the highly individualist and anti-government American culture makes child care a private concern, not a public issue. While the US spends less than any industrialized country on child care subsidies (Gornick and Meyers, 2003), the majority of Americans (63%) feel that the government spends enough or too much on child care for working parents (National Opinion Research Center, 2005). This separation of public and private spheres helps explain why none of the 25 legislative bills related to work and family in the past 3 years has resulted in a public law.

In addition to poor child care (not to mention lack of affordability), many US mothers, particularly those in the middle to upper classes, face an escalating culture of intensive mothering (Hays, 1996). Images of the soccer mom, so important in the presidential election of 2000, come to mind. American mothers are expected to manage their children’s academic and athletic or performance careers as if they were their personal agents. Lessons, organized sports and competitions requiring extensive travel are becoming part of middle class life (Warner, 2005). In her research on women attorneys, Epstein (2004) describes what happens to women who do not succumb to this image: ...(W)omen who spent long hours at work when they were mothers of small children often were regarded as poor mothers by relatives, and particularly by younger women they knew who disapproved of their efforts to be ‘superwomen.’ Thus women lawyers were regarded as hardhearted, and as making sacrifices that were unusual and deviant, (p. 325).

Just as the institution of motherhood makes extraordinary demands on women, the institution of work makes similar demands. The ideal worker is one who works 40 years straight, relocates on demand, travels whenever the company needs him or her to, works long hours (often 50 or more a week) and needs no time off for personal issues or illness (Williams, 2000). As Moen and Roehling (2004) argue, “Lost in women’s push to equality was the recognition that the career mystique (that Americans give their all to paid labor in order to ‘make it’) rested upon the feminine mystique. The American Dream required hard work by two people—one at a job, one at a home“. It is easy to see why anyone trying to fulfill both roles would experience tension and anxiety. Classical psychological and sociological theory predicts that individuals experiencing such cognitive dissonance, or role strain, would do their best to minimize it (Simmel, 1922; Heider, 1958). It is easier to quit a job than to quit being a mother—and more in keeping with evolved psychological mechanisms.

A tremendous amount of scholarly attention has been paid to whether women and men are truly different as workers. Are women, especially mothers, less committed to work? Are men better leaders, and women better team players? It is safe to say that one could build a compelling case either way. Recent studies support the structural notion that women are similar to men in at least one measure of work orientation—commitment to work (Marsden et al., 1993; Singh et al., 2004). In studies examining behavioral measures rather than
attitudinal, however, the evidence seems in favor of differences between men and women. Women are more likely to move for their husbands’ jobs (Bielby and Bielby, 1992) and are more likely to scale back their work efforts to accommodate family needs (Becker and Moen, 1999).

Another important question is whether men and women want different things from jobs. If women and men, on average, hold different values, then it stands to reason that they will value different features of work. EP would predict that women who are mothers would prefer to spend as much time as possible with their children, at least in societies such as the United States where daycare is of low quality or is prohibitively expensive. Thus, mothers should value flexible hours and reduced-hour schedules. Men, on the other hand, should value income, promotions and opportunities, since these are routes to greater status.

To test whether gender predicts desirable aspects of work as EP would predict, I use data from the General Social Survey, a national random sample survey of nearly 50,000 Americans collected since 1972.

I regress respondents’ preferences for two distinct features of jobs—high income and short working hours—on gender, parenting status and other common predictors such as education (Table 1). The purpose of this model is not to be exhaustive but suggestive. I limit the sample to married men and women, since most women do not have the luxury of opting out unless they have reliable financial support provided by a husband.

Table 1 shows results for the two dependent variables, first run without an interaction effect. I estimate the model with the four independent variables education, occupational prestige, parental status and gender. Education and occupational prestige significantly reduce respondents’ ratings of income as a high priority for them, while the variables have no significant effect on the priority to work short hours. Parental status does not impact income preferences, while it significantly reduces the preference for short hours. Finally, women (mothers and childless) have significantly less preference for high income, but not significantly more preference for shorter hours. EP predictions, however, require us to add an interaction effect, between parenting and gender. Once we do so, we can see that indeed, women who are mothers are significantly less likely than men and childless women to value income in their jobs.
They are significantly more likely to value short work hours. Motherhood is the pivotal life event for female employees, and they will reshape their work life around it.

**HOW US COMPANIES FAIL WOMEN**

Companies fail women in three significant ways: (1) they assume women and men value the same things; (2) they assume their managers are unbiased, and (3) they ‘accommodate’ women symbolically. These three failings lead to a multitude of problematic practices. First, assuming men and women hold the same values leads companies to rely entirely on what motivates men when determining workers’ rewards and incentives. Second, assuming managers are unbiased leads companies to hand over distribution of rewards to managers who often exhibit bias against mothers (Williams, 2003). Third, allowing companies to voluntarily adjust to employees’ family needs leads to programs designed more for public relations than for actual usage. In what remains of the paper, I discuss these failings in detail.

**Failing #1: The Sameness Assumption**

Companies that assume all employees are the same will never retain women. The belief that women will want to follow career hierarchies designed nearly a century ago for an all-male workforce, and that merely absorbing women into these hierarchies will counter inequalities, is naïve. When organizations are structured through systems of rewards designed by men for men, they will not truly engage women; women will, as they are doing in the United States, opt out of their day jobs.2

The sameness/difference debate is one that rages on in feminist circles (Williams, 2000), but companies understandably have spent considerable time and effort since the 1960s and 1970s making facially gender neutral policies and practices. Thus, internal labor markets and adherence to Equal Employment Opportunity Commission rules were the major forms of corporate response to gender inequality. Women then found themselves in companies that motivate employees with pay, promotions and power: distinctly male values. The ideal worker they nurture is based on a male body that never needs time off to bear children, or to rear them (Williams, 2000).

Consider the very words of the women in the infamous “opt-out” article. All Ivy League-educated, they discuss their anguish over giving up promising careers to stay home. The article begins with a cover photo of a mother and son, and the following title: Q: Why Don’t More Women Get to the Top? A: They Choose Not To. One mother, a TV reporter who left a six-figure salary to stay home, speaks of her epiphany: ‘Will was growing up, and I was driving home from a fire...I knew there would always be wrecks and fires, but there wouldn’t always be his childhood. The station would not give me a part-time contract...They said it was all or nothing,’ (Belkin, 2003). In another telling description, the author explains a crucial conversation between a mother who has a career as an attorney, and her husband:

...He asked, ‘What is the ultimate goal?’

‘In theory,’ she answered, ‘the goal is to become a partner.’

‘Does your life get better or worse if you become a partner?’

‘Well, financially it gets better, but in terms of my actual life, it gets worse.’

The mother quits, as do many mothers like her. Indeed, several of the mothers in the “opt-out” story confessed that they had tried to work out reduced work loads with their employers but were unsuccessful. One even says rather than opting out, she feels motherhood led her to being ‘kicked out’ (Belkin, 2003).

**Failing #2: Cluelessness about Managerial Bias**

If one accepts the fundamental assumptions of EP, that the brain evolves in the same way as other body organs and has adapted to an environment very different from the world we live in today, then one must also accept that certain human tendencies are maladaptive, even socially deplorable, in the modern world. Such an example exists in the strong human tendency to differentiate people—to stereotype. ‘Throughout our species’ history,’ write Robert Kurzban, John Tooby and Leda Cosmides, ‘intergroup conflict depended on the categorization of the social world into us versus them,’ (Kurzban et al., 2001). Social network theorists have found this tendency repeatedly in empirical work, which shows the
strong inclination toward homophily, or associ-
ation with similar others. When our ancestors
encountered a new individual, their reaction was
to categorize that person based on their sex and
age, to calculate the likelihood of reproduction
with that individual.

What connection do such tendencies have with
the modern world of work? When sex and age
categorizations are made, assumptions about
typical behaviors associated with those categories
follow. Social psychologists have identified a
number of specific stereotypes that affect women
and especially mothers. ‘Maternal wall’ bias occurs
from negative competence assumptions about
mothers as workers (Williams and Segal, 2003).
A series of studies by Susan Fiske, Peter Glick, Jun
Xu, and Amy Cuddy documents that, while
businesswomen are considered highly competent,
similar to businessmen and millionaires, house-
wives are considered very low in competence,
alongside the elderly, blind, ‘retarded’, and dis-
abled (Fiske et al., 1999).

Although little research exists on the underlying
psychological mechanisms impelling us to regard
mothers as ‘bad’ workers, one provocative study
provides clues. According to sociologist Rosemary
Hopcroft, men exhibit a cognitive bias when
comparing themselves to women on gender-
neutral tasks, and women exhibit a similar bias,
but against themselves (Hopcroft, 2002). Both
women of reproductive age and men rate men
higher on these activities, a finding that Hopcroft
claims is evolutionary adaptive: women’s low self-
esteem indicates youth and controllability, char-
acteristics that men look for in future mates.

In the workplace, however, these traits indicate
poor work performance, and would lead empiri-
cally to a bias against women of reproductive age.
Such biases are beginning to be challenged in
American courts under any number of legal
theories, most commonly Title VII of the Civil
Rights Act, which prohibits discrimination against
women. A large number of the cases involve loose
lips—hostile prescriptive stereotyping in which
employers express open hostility to working
mothers and prescribe traditional gender roles
(Glick and Fiske, 1997). In a Virginia wrongful
discharge case, for example, Bailey v. Scott-
Gallaher (1997), a mother called her employer to
find out when she should return from maternity
leave, but was told she should not return, since a
mother’s place was in the home with her child.

In Moore v. Alabama State University (1997), a
vice president told a female employee he would not
promote her because she was married, pregnant
and a mother, and he believed she should stay at
home to take care of her family. Pointing to her
stomach—he was 8 months pregnant—he said, “I
was going to put you in charge of the office, but
look at you now” (p. 431). In Sheehan v. Donlen
Corporation (1999), a supervisor blurted out, ‘Oh
my God, she’s pregnant again’, and told the
plaintiff ‘you’re not coming back after this
baby.’

Numerous other forms of stereotyping exist
against mothers, such as benevolent stereotyping,
in which a mother is spared from working late or
taking on a new project in the belief that she is
being helped. Descriptive stereotyping occurs when
the status of a worker—in this case motherhood
—is assumed to explain an observed behavior,
such as a lack of productivity.

Failing #3. Symbolic Accommodation

Work-life programs have emerged as the institu-
tionalized solution to the problem of women’s
increased labor force participation (Glass and
Estes, 1997). Practices such as on-site child care,
flexible scheduling, and daycare referral are
perceived to help working parents manage jobs
and families. Such programs, though, are strictly
voluntary; a company has complete discretion
over whether and how it adopts them, as well as
which features it offers employees. Thus, corporate
work/life programs tend to be symbolic rather
than substantive. Most employees feel they will be
stigmatized as uncommitted if they ask for an
alternative work arrangement, since managers
tend to believe usage makes managing more
difficult (Eaton, 2003). With the long hours culture
in the United States—Americans work more hours
than citizens in any industrialized nation (Gornick
and Meyers, 2003)—as well as the emphasis on
face time and other sacrifices (Bailyn, 1993;
Hochschild, 1997), most companies need not fear
their employees will underwork. For their part,
companies are motivated to appear to respond to
employee needs, but to do so cheaply. Kelly
(2003), for example, shows how organizations
responded to pressures to accommodate women’s
need for child care by adopting inexpensive pre-tax
child care spending accounts that help defray some
of the cost of childcare, rather than by offering
their own on-site daycare centers. Indeed, even among the companies most admired for their responsiveness to women—the winners of Working Mother magazine’s annual Best Companies for Working Mothers—onsite childcare centers are not common (Still, 2000). According to the Families and Work Institute, less than half of the employees it surveyed are even able to set their start and quit times within a range of hours on occasion (Galinsky et al., 2004).

Besides failing to adopt more expensive or substantive programs such as onsite childcare, US companies lag woefully behind European counterparts in other employee concessions. A comparison reveals precisely how insubstantial and ceremonial are the US responses. American workers average about 10 days vacation a year in their first year with a company and about 14 days in the next 5 years (US Department of Labor, 2004). The European Union, on the other hand, requires that employers give 4 weeks of paid vacation a year, and many European countries go beyond that, with some allowing as much as 25–30 days off (European Union, 1996; Gornick and Meyers, 2003). The United States also lacks adequate parental and sick leave. Mothers in many other countries are paid by either the government or their employers during 14 or more weeks of maternity leave (Gornick and Meyers, 2003). In Germany, mothers are given 14 weeks leave at full pay and after that either parent can take leave and may receive a monthly sum from social security (up to the child’s third birthday); in Canada, maternity benefits are paid for 15 weeks and parental benefits up to an additional 35 weeks; in Finland, mothers can take 106 paid days and then either parent may take 158 paid days after that (Stebbins, 2001; Clearinghouse on International Developments in Child Youth and Families Policy, 2002; Human Resources Development Canada, 2003).

The United States also lags behind most of the industrialized world in affording leaves to care for sick family members. The Family and Medical Leave Act (FMLA) of 1993 allows for unpaid leave to care for serious health conditions of the employee or his or her family members, but more than 40% of US employees are not covered by FMLA because they either have not enough tenure or work for smaller employers, and most companies do not allow workers to care for such relatives as in-laws or grandparents or to take such leave for routine medical needs (Gornick and Meyers, 2003).

The European Union has addressed the issues of parity for part-timers by making it illegal to give a worker less favorable terms and conditions (pro-rata) merely because they work less hours, and strongly encourages part-time jobs in higher paid occupations and sectors so that part-time work is no longer synonymous with low-paid, low-quality work. In 1997, the European Union adopted a directive giving part-time workers the right to treatment equal to full-time workers regarding all terms of their contracts. The directive began in 2000 and is in force in all 25 European Union member states. At the same time, several individual European countries have adopted legislation giving employees individual rights to change their working hours. The furthest reaching of these is the Dutch 2000 Law on Working Time Adjustment. The law gives employees with a minimum of 1 year’s service in companies with at least 10 employees the right to demand a reduction in working hours; the request for what in effect amounts to a permanent change in contract has to include the desired weekly hours, their distribution between different days, and the effective starting date. The employer has to grant the request unless there are demonstrated serious business reasons (see Burri et al., 2003 for a detailed discussion). An employee also has a right to ask for extended hours, although here there are fewer restraints on employers. The German Part-time Law, which came in effect in 2001, is similar to the Dutch law, although employers only have to demonstrate ‘business and organizational reasons’ (not serious business reasons as in the Dutch case) to refuse a request (Burri et al., 2003). One important difference, however, exists between the two laws: the German law provides equal protection for decisions regarding the distribution of hours as it does regarding the overall length of the working week; the Dutch law (and case law as well) views the scheduling of working time as a prerogative of the employer—an approach not necessarily helpful to people with caring responsibilities (Burri, 2004). The UK approach provides much weaker rights, but combines these with a broader approach to work/life balance: the law is limited to parents who have children under the age of 6 or a disabled child under 18 requiring changes in work organization specifically to care for a child. Moreover, employees only have a right to ‘request’ a change; as long

as the employer follows a given timetable and format in preparing a response, employees cannot externally challenge the decision. The UK approach is broader than the Dutch and German laws in that it encourages employees to consider a broad menu of when, where and for how long work is done when putting together their request. Interestingly, in spite of its employer-friendly approach, the UK law has been surprisingly effective; 1 year after the introductions of both the German and the UK laws, usage was 10 times as high as in Germany, with successful requests going significantly beyond the designated group of parents of young children (Hegewisch, 2005).

CONCLUSION

The ‘opt-out revolution’ in the United States is a predictable response to the unique features of the US workplace which lead women to stay home with children. Because of deeply held American beliefs about the virtues of the market and privatization of care, and equally intractable norms rewarding long hours and other family hostile work behaviors, American mothers find themselves in an untenable position. The choice is between two undesirable options: quit work to become an ‘intensive’ mother, or become an ideal worker who is regarded as cold and a bad mother.

I have argued that EP illuminates why the market, unfettered, fails American women. In countries where public policy supports for mothers are stronger, women’s labor force attachment is greater than in the United States (Stier et al., 2001). Given that women’s evolved psychological mechanisms dispose them to greater parental investment than men, they are more likely to value their caregiving roles over work. The empirical results in this paper support such an argument: regression analyses show mothers are significantly more likely to value jobs with short hours and significantly less likely to value jobs with high income than are fathers and other non-mothers. I do not argue that all mothers value children more highly than work, nor that cultural interventions cannot counter such ingrained tendencies. Quality child care, as is found in French preschools for example, can help reduce the gender wage gap by making women less reticent to accept substitute care for their children. But given US sentiment against government-funded child care, prospects for radical improvement in the quality of care seem unlikely.

What, then, can the United States do to keep women in the labor force? It is important that this research, and other research in the EP tradition, not be used to justify assumptions that all women or all mothers want to work less and spend more time with children. I have tried carefully to argue that it is these tendencies that explain why so many women, also mothers, are unhappy enough with work to leave it. It is important that companies respond not only to these women, but to all potentially productive citizens who value something else as much as or more than work. It could be elderly employees who wish to spend time with grandchildren; future Olympians who would like reduced schedules in order to train, or workers caring for elderly parents.

Hewlett (2002) and others have recommended novel approaches to work that allow ‘on and off ramps’ to assist employees in all stages of the life course manage home and work more effectively. Such gradual entrances and exits could be used by all employees, such as workers going back to school, those nearing retirement age, mothers and fathers, and employees pursuing personal goals unrelated to work. By expanding the groups of employees who might use such policies, stigmatization of mothers would be reduced; Mommy tracks do nothing to reduce gender inequality.

The United States has left work/family policies up to the discretion of companies, and the result has been a dearth of true family–friendly programs. In a country dominated by work, more coercive means may be necessary. American employees are taking to the courts; lawsuits charging discrimination against caregivers—mostly mothers—have increased by more than 400% in the last decade (WorkLife Law, 2005). Many US states have passed anti-discrimination laws that are at least as protective if not more so than federal laws. In addition, several states and localities have passed laws expressly prohibiting discrimination against parents. One example is the District of Columbia’s Human Rights Act (DC Human Rights Act, 1981), which protects workers against discrimination because they are also family caregivers. Such litigation is expensive, confrontational and socially disruptive, but it is probably the only tactic to force American companies to truly care about retaining mothers in the workforce.
NOTES

1. Although human capital traditionally includes education, women are now virtually equal to men in their levels of education, thus differences no longer explain disparate outcomes.

2. I use opt out in quotations because the media employs the term to depict options in a typical decisionmaking framework in which an individual seeks to maximize utility in selecting between two potential actions. For many women, leaving their jobs to stay home with children is a forced choice, sometimes made on the brink of being fired or suffering ill health effects from work overload and stress. For more detail on women’s decisionmaking process on leaving work, see Stone (2004).


4. Employees in organizations with less than 10 workers have weaker rights; see Burri (2004).


REFERENCES


Williams JC. 2003. The social psychology of stereotyping: using social science to litigate gender discrimination.


