“Mommy wars” are nothing new, but American mothers became particularly good at judging one another’s choices this year. Witness the debate between Facebook COO Sheryl Sandberg and Princeton University professor Anne-Marie Slaughter about having it all (or not), the furor over

1 Sheryl Sandberg, C.O.O., Facebook, Inc., Barnard College Commencement Address (May 17, 2011), available at http://barnard.edu/headlines/transcript-and-video-speech-sheryl-sandberg-chief-operating-officer-facebook. After discussing an “ambition gap” between men and women, Sandberg attributed difficulties in work-life balance to women “quietly leaning back” from ambitious professional tracks in anticipation of one day needing to stay home with children. “Women almost never make one decision to leave the workforce. It doesn’t happen that way. They make small little decisions along the way that eventually lead them there. . . . Do not lean back; lean in. . . . That’s the only way, when that day comes, you’ll even have a decision to make.” Id.

2 Anne-Marie Slaughter, Why Women Still Can’t Have It All, ATLANTIC MONTHLY, July/Aug. 2012, at 84, available at http://www.theatlantic.com/magazine/archive/2012/07/why-women-still-cant-have-it-all/309020/. Slaughter’s article explained her decision to leave her job as the first female director of State Department policy planning in order to spend more time with her teenage sons. She concluded that contrary to the “feminist credo” that women can have both a full home life and a high-powered professional job, the “unresolvable tensions between family and career” will require a massive overhaul in the structures of the American economy and workplace culture. Id. at 86–87.

3 In Slaughter’s article, she discusses Sandberg’s speech: “Although couched in terms of encouragement, Sandberg’s exhortation contains more than a note of reproach. We who have made it to the top, or are striving to get there, are essentially saying to the women in the generation behind us: ‘What’s the matter with you?’” Id. at 87–88. Slaughter also expressed skepticism about Sandberg’s attribution to differences between men and women’s career paths to an ambition gap: “I fear that the obstacles that keep women from reaching the top are rather more prosaic than the scope of their ambition. . . . I would hope to see commencement speeches that finger America’s social and business policies, rather than women’s level of ambition, in explaining the dearth of women at the top.” Id. at 90–91. For an excellent compilation of commentary on Slaughter’s article and Sandberg’s speech, see Allison Benedikt, Dan Kois, Marcelle Friedman, Farhad Manjoo, Matthew
a woman breastfeeding her almost four-year-old son on the cover of *Time*., the commentary by a Democrat Party strategist on CNN that Ann Romney “never worked a day in her life” while raising five children, and the critical response to newly-named Yahoo! CEO Marissa Meyer’s expectation that she’d take only a couple weeks off after the birth of her daughter. Mainstream media, “mommy bloggers,” and op-ed columnists all want to know if we’re “mom enough,” but as compared to . . . what? Differing expectations of “good mothers” manifest themselves in these debates over breastfeeding vs. bottle, daycare vs. nanny, stay-at-

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8 Patricia Sellers, *New Yahoo CEO Marissa Mayer is pregnant*, CNNMONEY (July 16, 2012, 11:13 PM), http://postcards.blogs.fortune.cnn.com/2012/07/16/mayer-yahoo-ceo-pregnant/ (“I like to stay in the rhythm of things. . . . My maternity leave will be a few weeks long and I’ll work throughout it.”).

9 The phrase is borrowed from the cover headline of *Time*’s coverage of the attachment parenting method. See supra note 4.

home dads vs. traditional male breadwinners. The supposed choice of whether to work or stay home remains a lively source of debate about who counts as a good mother (despite talk about stay-at-home fathers being the “new normal,” these men are still treated more as novelties).

With the furor over Slaughter’s essay and Mayer’s maternity leave swirling in our heads, the essay compilation Women Who Opt Out: The Debate over Working Mothers and Work-Family Balance could not have had better publication timing. While the work-family balance topic resonates with public discourse in 2012, the catalyst for this book is a decade-old The New York Times article that remains a seminal fixture in the popular debate about working mothers. Lisa Belkin’s article, “The Opt-Out Revolution,” featured highly-educated women who decided to forego the professional workplace in favor of home life and parenting. Two years later, the Times reported on female college students at Yale, Harvard, and Princeton who expected to remain home with children once married. The women sounded chipper but their words indicated a fatalistic view about the potential to be a working mother. One nineteen-year-old explained her view: “My mother’s always told me you can’t be the best career woman and politicians, or random strangers grabbing their breasts while telling them how to raise their babies and live their lives.”) with Sasha Brown-Worshman, Breast Is Best & Saying So Is Not ‘Bullying’, THE STIR, (Aug. 22, 2011), http://thestir.cafemom.com/baby/124741/breast_is_best_saying_so (“The fact is, breast milk is the best thing for young babies. Go ahead and throw stones at me.”).


See Williams, supra note 10.


the best mother at the same time. You always have to choose one over the other.”

These two articles epitomize the third-wave “choice feminism” argument that a woman’s decision to “opt out” of the paid work force in order to parent full-time should be respected and celebrated. Once women have access to the same educational and professional opportunities as men, so the choice feminism argument goes, it is up to them to decide whether to do so. In the name of autonomy and respect for women’s choices, staying home should be regarded as a valid preference. As Belkin wrote in her piece, “Why don’t women run the world? Maybe it’s because they don’t want to.”

In the preface to Women Who Opt Out, editor Bernie D. Jones directly ties the book to Belkin’s piece, calling it the “embodiment of . . . certain American cultural anxieties.” Jones characterizes the supposed phenomenon of successful young women giving up careers for home as a kind of “retreat.” I found the description both chilling and perfect in its implication. To retreat means that there must have been some conflict in the first place—a conflict that the retreating mother apparently lost.

Such framing challenges the choice feminism view in its assertion that there was a choice in the first place. As Jones writes in her opening introductory essay, the choice view begets a “mind-set that women no

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14 Id.
17 See Belkin, supra note 12.
19 Id.
longer experience discrimination; they experience only a myriad of choices from which to choose.” Like Jones’s use of the word “retreat” in the opening of the book, each essay in Women Who Opt Out skews the choice feminism view and confirmed for me that we are just fooling ourselves if we pretend that women opt out because that is what they want.

Like the conception of opting out popularized by the New York Times, the compilation opens with an examination of the supposed choices of economically privileged women. After an introductory history of working mothers and feminist theory in Part I, the book critiques Belkin’s narrative in Part II, entitled “Is ‘Opting Out’ for Real?” In “The Rhetoric and Reality of Opting Out,” Pamela Stone and Lisa Ackerly Hernandez persuasively argue that popular coverage of women leaving the workforce “continues a long-standing practice in the media of positioning elite women as arbiters of gender norms and of associating motherhood with class and race privilege.” Curiously, however, their essay focuses on this same group—“white, college-educated, married mothers”—as it seeks to debunk popular notions of opting out among privileged women.

Leaving this dissonance aside, I found Stone and Hernandez’s essay strong. They provide a literature review of sorts, synthesizing recent studies to question whether the so-called opt-out revolution exists at all. For example, among the privileged group described above, population survey data show that the number leaving the workforce has declined from 25.2% in 1981 to 21.3% in 2005. The face of at-home motherhood is no longer white and college-educated but more commonly Hispanic and less educated. Stone and Hernandez discuss Stone’s own 2007 qualitative study of former upper-middle class professional and managerial career women, demonstrating through interviews and analysis that “workplace pushes” account for the primary factors leading women to leave their careers.

The next essay draws attention to a different type of “opting out”—women who remain in the workforce but with lower career aspirations and fewer opportunities for career development. Kerstin Aumann and Ellen

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21 Contents, WOMEN WHO OPT OUT, supra note 18, at vii.
23 Id. at 42.
24 Id.
25 Id. at 43.
26 Id. at 47.
27 Kerstin Aumann & Ellen Galinsky, The Real “Opt-Out Revolution” and a New Model of Flexible Careers, in WOMEN WHO OPT OUT, supra note 18, at 57.
Galinsky are quick to acknowledge that this phenomenon affects both women and men in their discussion of recent data trends in the National Study of the Changing Workforce (NSCW). As they write, “[t]he real opt-out revolution needs to be reconceptualized and it needs to include men.” According to the data, employees with children under age 18 are more likely to prefer jobs with less responsibility due to “job pressure” concerns than are employees without children. At the same time, among young women under age 29, those with children, as well as those without children, are “equal in their desire to move to jobs with more responsibility.”

After a discussion of data from the NSCW survey, Aumann and Galinsky propose a framework for “flexible careers” taking into account the life stages of employees. This section called to mind Anne-Marie Slaughter’s ultimate conclusion in her July/August 2012 Atlantic article: the struggle to “make it work” as a professional and a parent requires us to “redefine[e] the arc” of our career paths, accounting for fluctuations in an individual’s ability to commit fully to the office, hospital, or university.

If the first two essays in Women Who Opt Out challenge the validity of the supposed trend of professional women cheerfully leaving paid work for home and hearth, the remainder of the collection focuses on the women unaccounted for in the “Opt-Out Revolution” narrative. Susan J. Lambert uses census data, Current Population Survey (CPS) data, and trends in labor practices to show that far from opting out, many women in hourly work seek to opt in to full-time employment, expressing preferences for more hours. This is particularly stark among women of color. Lambert argues that employer practices that create instability for hourly workers bar women from fully opting in; for example, many hourly employees receive their work schedules a week or so in advance, making it difficult for employees to coordinate care for children or dependent adults.

28 Id.
29 Id. at 60.
30 Id. at 61.
31 Id. at 60.
32 See generally id. at 63–84.
33 Slaughter, supra note 2, at 97.
34 Susan J. Lambert, “Opting In” to Full Labor Force Participation in Hourly Jobs, in WOMEN WHO OPT OUT, supra note 18, at 87, 87–92. Overall, 7.3% of women in hourly work would prefer fewer hours, while 27.4% of women would prefer more hours. Id. at 89.
35 Id. at 91.
Among the essays in Part III: “Can All Women ‘Opt In’ before They ‘Opt Out’?” 37  “The Challenges to and Consequences of “Opting Out” for Low-Wage, New Mothers”38 by Maureen Perry-Jenkins stands out for its rich presentation of the lived experiences of women. Each selection in *Women Who Opt Out* utilizes hard data to make its argument, and many used interviews to elucidate trends. Perry-Jenkins takes her work a step further by actually offering the reader quotations from the interviews she conducted with the Work and Family Transitions Project. Instead of simply reporting that many interviewees struggled when work schedules unexpectedly changed, we hear from Donna, who organized child care around her 6:00 a.m. to 2:00 p.m. shift as a truck driver.39 Her reaction when her supervisor calls to tell her that she will be working 11:00 a.m. to 7:00 p.m., effective the next day: “I burst into tears . . . . I was ready to quit, but what could I do? We needed the job.”40 The stories of Donna and others make the essay’s point even more palpable and clear: “For low-wage working women . . . stepping out of the workforce to be a full-time, stay-at-home mother may be the dream, but the financial reality does not allow it.”41

Similarly, Joan C. Williams42 and Jamie Dolkas use detailed personal accounts from union arbitration reports to illustrate their points in the concluding essay of the book, “The Opt-Out Revolution Revisited.”43 The stories range from flight attendants who bring small children along with them on flights when a babysitter cancels last minute44 to single fathers fired when they refuse overtime work.45 Williams and Dolkas write, “the arbitrations paint a vivid picture of inflexible workplaces and a shortage of financial resources that makes child care difficult—and retaining a job of paramount importance.”46 I couldn’t agree more. While many of the essays

39 Id. at 109.
40 Id.
41 Id. at 116.
42 Joan Williams commented on the supposed Slaughter-Sandberg debates about professional women by concluding that both were right: “Sandberg, like Slaughter, is trying to help other women. She’s just grasped a different part of the elephant.” Joan Williams, *Slaughter vs. Sandberg: Both Right*, THE HUFFINGTON POST, (June 22, 2012, 5:35 PM), http://www.huffingtonpost.com/joan-williams/ann-marie-slaughter_b_1619324.html.
44 Id. at 160.
45 Id. at 163.
46 Id. at 151.
effectively argue that the so-called opt out revolution is simply unrepresentative of the experiences of American working women, the use of personal narrative by Perry-Jenkins and Williams & Dolkas make these two essays the strongest of the compilation.

There were two things I expected to see in this book that ended up being absent. One was the experience of non-heterosexual couples. How does the calculus change when both partners are female, particularly if both bear children within the relationship? How about when both partners are male—in environments where men are expected to accept overtime without question or where paternity leaves lasting more than two weeks raise eyebrows, how do couples negotiate their child care and work responsibilities with employers and within their own relationship? Since the compilation relies heavily on empirical data, perhaps that information is just not out there. Still, an essay addressing the particular circumstances of homosexual couples would have fleshed out this collection.

Second, I would have loved to see an analysis of proposed legislation. What are lawmakers doing at the local and state levels to address some of these problems? What are the pros and cons of pending proposals? If one of the writers had carte blanche ability to enact a law, what might it look like? The compilation provides a bountiful amount of information and analysis to enlighten legislators—now what might they do about it?

Overall, by the end of Women Who Opt Out, the reader “sees how misleading is the message that work-family conflict is a story about privileged women leaving fast-track careers.”47 The time and energy spent picking apart each other’s parenting choices as presented in The New York Times feel not just counterproductive to the women’s movement, but irrelevant. It is a long way from the smiling woman in yoga pants breastfeeding her toddler on the cover of Time to Donna, who pulls off the highway to pump milk roadside in her truck.48 Instead of asserting our own smug opinions of Marissa Meyer’s expected short break post-baby,49 why don’t we talk about back-up day care for flight attendants and paid maternity leave for retail workers?

At the same time, I cannot help but feel that the women leaving the professional workforce matter, too—indeed, that their “choices” are inextricably tied to the middle-income and low-income women with children discussed throughout the book. I would love for Women Who Opt Out to spark discussion about how the supposed opt-out revolution connects to the desire of hourly wage earners to opt-in to full employment. If women

47 Id. at 170.
48 Perry-Jenkins, supra note 38, at 110.
49 See Baskin, supra note 6; Sitt, supra note 6.
leave professional work entirely or decline to follow the grueling path to top leadership, what impact does that have on all female employees? Perhaps we need more women sitting on corporate boards of major airlines in order to institute family-friendly policies for flight attendants. We certainly could use more women in political leadership positions to enact the type of legislation that demands, say, mandatory pumping breaks for female truck drivers.\(^5\)

Choice feminism might respond that it is not the responsibility of every professional woman to continue beating the high-powered career path drum, especially when it is to the detriment of her family. I think that makes sense from the standpoint of the individual, but to what extent is there much of a choice involved, and what are the costs when we aggregate all those “choices” together? What about the women for whom staying at home with children is out of the question? These are the questions raised by Bernie D. Jones’s compilation. Those scrutinizing the parenting and professional decisions of high-profile women like Marissa Meyer, Ann Romney, and Anne-Marie Slaughter might do well to turn their attention to the considerations raised in *Women Who Opt Out.*

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5\(^5\) Slaughter made a similar point about the importance of women in national politics in her *Atlantic* article, writing, “The best hope for improving the lot of all women . . . is to close the leadership gap. . . . Only when women wield power in sufficient numbers will we create a society that genuinely works for all women. That will be a society that works for everyone.” Slaughter, *supra* note 2, at 89.