

## FORUM

### REFLECTIONS ON BETTY CROCKER, SOCCER MOM AND DIVORCE: A MESSAGE FROM DETERGENT MANUFACTURERS

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She is pompadoured, high-heeled, beautiful, and efficient with her pot of coffee, fresh biscuits and electric washing machine; "Breakfast with the family," the caption reads, "while clothes wash super clean."<sup>1</sup> Nearby, a husband and two young sons smile adoringly as Mom draws a red heart on her new electric clothes drier.<sup>2</sup> A few pages later, a shiny toaster inspires a white-gowned bride to smooch her uniformed husband; "Love, Honor . . . and *Crisper* Toast!" the caption explains.<sup>3</sup>

The appliance manufacturers who commissioned these advertisements from the 1940s through the 1960s identified a target: Betty Crocker, the full-time housewife eager to improve her service to family by conscripting the latest electric appliance. The pictorial story of these women unfolds in *Mechanical Brides: Women and Machines from Home to Office*, a publication of the Smithsonian's Cooper-Hewitt National Museum of Design in New York.

As I leaf through *Mechanical Brides*, another picture comes to mind: a harried, middle-class woman with two children, whipping her forest green minivan down the interstate. Mascara and lipstick roll across her passenger seat; reminder post-it notes decorate her dashboard as she races to work.<sup>4</sup> She is Soccer Mom,<sup>5</sup> a briefcase-carrying Betty Crocker

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1. ELLEN LUPTON, *MECHANICAL BRIDES: WOMEN AND MACHINES FROM HOME TO OFFICE* 19 (1993) (1946-47 advertisement).

2. *Id.* at 13 (1966 advertisement).

3. *Id.* at 5 (1942 advertisement).

4. See Mary Duggan Leahy, *Despite Their Harried Schedules, Soccer Moms Know the Rules*, *SAN ANTONIO EXPRESS NEWS*, Oct. 27, 1996.

5. The first political use of the term *Soccer Mom* has been attributed to Susan Casey, who in 1995 won a Denver election using the slogan "A Soccer Mom for City Council." See Christopher Cox, *Original Soccer Mom Spurs Kick*, *BOSTON HERALD*, Oct. 24, 1996, at 1. Explained Casey:

We arrange our lives around our kids and support them . . . . I wanted people to understand that. I've been a teacher, I have a Ph.D., I've managed national presidential campaigns, but when I wake up in the

struggling to combine a job with primary caretaking responsibilities. Indeed, presidential candidates in the last election identified this new-age Betty Crocker as a prime target. To Soccer Mom they offered a president-as-care-giver—"the ultimate household appliance."<sup>6</sup>

So what do appliance manufacturers of the '50s and presidential candidates of the '90s have in common? They are realists. Each knows that reality drives rhetoric and not the converse. Each understands that in the world of capitalism and politics, success often depends on accurately identifying a target—a *real* target, not an idealized one. And for each, Mom is *real*. In 1957, she was Betty Crocker. In 1997, she is Soccer Mom. But whether it is 1957 or 1997, she is female and she is primarily responsible for care of home and family. Appliance manufacturers and political strategists know her. People who sell laundry detergent on daytime television know her. So does the United States Bureau of Labor Statistics.

In December of 1991, the Bureau counted approximately 51.5 million wives in the United States.<sup>7</sup> Of these married women, approximately sixteen million were not in the labor force because they were "keeping house."<sup>8</sup> In addition to these full-time homemakers, vast numbers of women combine labor force participation with primary caretaking responsibilities, effectively working two shifts.<sup>9</sup> In 1996, Congress expressly recognized that "the primary responsibility for family caretaking often falls on women, and such responsibility affects the

morning and when I go to bed at night, my heart and soul are in my family.

*Id.* Soccer Mom has been broadly and narrowly defined. See Dee J. Hall, *Politicians Wage War for the Attention of the Soccer Mom*, WIS. STATE J., Oct. 24, 1996, at 1A (defining the term Soccer Mom as "a catch-all phrase for the group of white women from their 20s to their 40s who, for the most part, have jobs and children"); see also *Soccer Moms Have an Offset in Deer Hunter Dads*, THE HARRISBURG PATRIOT, Oct. 26, 1996, at A9 (stating that Soccer Mom is "in her 30s, educated and holds a job . . . ; married to a professional, drives a forest-green sport-utility vehicle, lives in the 'burbs, has two or more children and goes to church"); *Nation*, TIME, July 1, 1996, at 25 (stating that Hillary Clinton is a Soccer Mom, as she "went grocery shopping and to the baseball games and firmly hitched her wagon to her husband's star").

6. See Leahy, *supra* note 4.

7. BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, 39 EMPLOYMENT AND EARNINGS 26 (1992).

8. *Id.* The Bureau further reported that of the approximately 42.3 million women (married or unmarried) who stayed out of the labor force in 1991, approximately 22.8 million did not want a job because they were "keeping house." An additional 1.2 million women wanted a job, but did not look for one because of "home responsibility." Only 415,000 men, by contrast, stayed out of the labor force to "keep house." *Id.* at 204, tbl. 35.

9. See generally ARLIE HOCHSCHILD, *THE SECOND SHIFT* (1989).

working lives of women more than it affects the working lives of men.”<sup>10</sup>

The curious thing, though, is that people keep insisting Betty Crocker is dead or that Soccer Mom is a myth. Take the creators of the Cooper-Hewitt Exhibit on Mechanical Brides, for example. Next to a 1961 photo on display at the exhibit, museum commentary referenced the “disappearance of full-time homemakers.” Disappearance? This observation would no doubt surprise the sixteen million married women who told the Bureau they were not in the labor force because they were “keeping house.”<sup>11</sup>

Or take the political idealists who question whether moms are “that different from dads.”<sup>12</sup> “Aren’t there soccer dads,” they challenge, “Isn’t it unfair to lump people into a group?”<sup>13</sup> Evidence abounds that women are still primary caretakers whether or not they also work in the marketplace. I remember, for example, the day I toured the Mechanical Brides exhibit. I was still pondering the alleged “disappearance of full-time homemakers” when I entered a restaurant just around the corner from the museum at 91st and Madison. As I munched on a cheeseburger, I began to notice something about the clientele. At noon on this weekday, the restaurant was filled with mothers and small children who had just completed a half-day of school. I began to count . . . 10 . . . 11 . . . 12 moms and children with book bags, and a single dad who looked curiously out of place, and not because of his olive suit or the pink and purple book bag in his hand. I wondered: What kinds of jobs give these mothers afternoons off to lunch with their children? Do they have jobs? Did the creators of the museum exhibit lunch here?

Actually, I didn’t have to travel to New York to find primary caretaking women. I know Betty Crocker; she lives down the street from me in Ann Arbor. I also know Soccer Mom; she drives my son to

10. Family and Medical Leave Act, 29 U.S.C. § 2601(a)(5) (1996).

11. See BUREAU OF LABOR STATISTICS, *supra* note 7, at 26.

12. See Neil MacFarquhar, *In Campaign '96, Soccer Moms Elevated to Oracles*, NEWS TRIB. (Tacoma, Wash.), Oct. 27, 1996 (quoting U.S. Rep. Pat Schroeder who asked, “I keep wondering about the demographics—are the moms that different from the dads, and why?”). Even Susan Casey, the politician who coined the phrase Soccer Mom, later observed:

It has nothing to do with women or men—‘soccer parent’ just didn’t sound like a good phrase . . . . If I were a male I probably would have said soccer dad, but it wasn’t meant to be an appeal to women. Soccer dads know that soccer moms are the same. Actually the dads I know . . . are much more involved.

*Id.*

13. See *id.* (quoting Governor Christine Todd Whitman of New Jersey: “It is unfair in the sense that there are soccer dads as well. I have a problem when you lump people into a group, because you lose a lot of people.”).

basketball practice. Doesn't everyone else see these women? I don't mean to insult the people who write commentary for museum exhibits. Especially feminist exhibits. Nor do I want to pick on the politicians who question the existence of Soccer Mom. I share their concern that "Soccer Mom" is sometimes intended as an epithet. And I am loathe to criticize because I've made the same mistake.

Early in my work on divorce I believed the inspirational, guiding no-fault rhetoric: because men and women are equally abled, they should receive essentially equal treatment at divorce followed by a clean break. Lingering entanglements should be minimized to allow both husband and wife a fresh start.<sup>14</sup> Under such an approach, any marital property is divided equitably (probably equally), and any alimony is limited to a short rehabilitative period<sup>15</sup> (more would be insulting to women).<sup>16</sup> The equity of this simple no-fault approach, however, is premised on a baseline of comparable opportunity—an assumption that men and women are equally able to recover financially from a failed marriage and so are

14. This clean break notion seems to be based on an analogy to the winding up and dissolution of a partnership. The Uniform Marriage and Divorce Act (UMDA) Prefatory Note states: "The distribution of property upon the termination of a marriage should be treated, as nearly as possible, like the distribution of assets incident to the dissolution of a partnership." UNIF. MARRIAGE AND DIVORCE ACT, 9A U.L.A. 147, 149 (1987) (Prefatory Note). At the heart of this partnership model are two key concepts: divorce should be available at will; and divorce should terminate the parties' mutual responsibilities, thus affording each party an emotional and economic clean break.

Under such a model, alimony perpetuates the spouses' entanglement and thus is not favored, a point made clear in an Official Comment: "The dual intention of this section and Section 307 is to encourage the court to provide for the financial needs of the spouses by property disposition rather than by an award of maintenance." *Id.* § 308, 9A U.L.A. at 348 (Official Comment). Adoption of a partnership model for marriage actually does not compel limitation or rejection of alimony. Instead, partnership law provides a sound basis for determining when alimony is appropriate and for quantifying an alimony award. See Cynthia Starnes, *Divorce and the Displaced Homemaker: A Discourse on Playing with Dolls, Partnership Buyouts and Dissociation Under No-Fault*, 60 U. CHI. L. REV. 67 (1993).

15. The UMDA Prefatory Note provides that "the Act does not continue the traditional reliance upon maintenance as the primary means of support for divorced spouses." UNIF. MARRIAGE AND DIVORCE ACT, 9A U.L.A. at 149 (Prefatory Note). The UMDA text explains that the court awarding maintenance should consider, among other factors, "the time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment." *Id.* § 308(b)(2), 9A U.L.A. at 348.

16. See LENORE J. WEITZMAN, *THE DIVORCE REVOLUTION* 359-60 (1985) (stating that alimony sometimes is viewed as an insult to women and an encumbrance to feminine independence); see also BETTY FRIEDAN, *IT CHANGED MY LIFE* 325-26 (1976) ("The women's movement was so concerned with principle—that equality of right and opportunity had to mean equality of responsibility, and therefore alimony was out—that we did not realize the trap we were falling into.").

similarly situated soon after divorce.<sup>17</sup> I assumed they were. And so I thought long-term alimony was appropriate only for a dwindling number of aging, full-time homemakers whom I viewed as dinosaurs—disappearing relics of the Betty Crocker era. I was wrong.

I began to suspect my mistake as one after another of my female law students told me after class of their plans to “stay home for a while” when they married and gave birth. Still, I was surprised when my colleague, a young visiting professor, reported that most of the women with whom she graduated a few years earlier had left their jobs at big firms, opting to stay home or work in positions with more regular hours in order to accommodate family responsibilities.<sup>18</sup> The goal among many of her married friends, my colleague explained, was to work only until their husband’s salary could support a family. To be able to stay home with small children, she added, was a kind of status symbol among her peers.

My curiosity piqued, I began a search for demographics. In addition to the Bureau reports identifying sixteen million full-time homemaking wives, I found statistics suggesting the beginnings of a “demographic sea change,” the return of the traditional one-paycheck family, as women of child-bearing age leave the work force.<sup>19</sup> I also found numerous studies exploring the continuing role of women as primary caretakers, even when they also work in the marketplace. Demo and Acock, for example, found that women continue to assume seventy to eighty percent of all housework.<sup>20</sup> Hochschild found that husbands did forty-five to fifty percent of the family work in only eighteen percent of dual-earner families. None of the husbands studied did more.<sup>21</sup> Goldscheider and

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17. See Martha L. Fineman, *Implementing Equality: Ideology, Contradiction and Social Change: A Study of Rhetoric and Results in the Regulation of the Consequences of Divorce*, 1983 WIS. L. REV. 789, 853-85 (observing the mistaken belief of Wisconsin no-fault reformers that injustice could be avoided by treating marriage as a partnership between equals and equally dividing marital property).

18. Conversation with Jacqui Kelly, former visiting professor of law at Detroit College of Law, Detroit, Michigan (March 1994).

19. See Maggie Mahar, *A Change of Place*, BARRON'S, Mar. 21, 1994, at 121 (citing Bureau of Labor statistics which allegedly show that “[a]fter three decades of growth, labor force participation by women appears to be slowing, with Generation X driving the trend”). I am not, of course, suggesting that a traditional family structure with husband as wage-earner and wife as full-time homemaker is the best or the only legitimate family structure. I mean only to dispute its dismissal as extinct and to stress its market costs to women. The minority status of these full-time homemakers only increases the law’s temptation to ignore them.

20. David H. Demo & Alan C. Acock, *Family Diversity and the Division of Domestic Labor: How Much Have Things Really Changed?*, 42 FAM. REL. 323, 326 (1993).

21. HOCHSCHILD, *supra* note 9, at 276.

Waite observed that when both spouses work outside the home, "husbands do not step into the breach very often, if at all; employed wives seem simply to add the demands of a job to their traditional responsibilities of running a household."<sup>22</sup> Rhode reports that working wives spend twice as much time doing household chores as their husbands and that only one husband in twenty makes the bed in which he sleeps.<sup>23</sup> Faludi concludes that the only thing that has changed in the last fifteen years is that middle-class men now *think* they do more housework.<sup>24</sup>

A caretaker's home responsibilities, as Congress recognized,<sup>25</sup> may limit her career choice and advancement. Many women, the Census Bureau observed, "choose work that will fit around . . . their family responsibilities, a complication and impediment to occupational advancement not faced by most men."<sup>26</sup> Obviously, I was wrong to think Betty Crockers are disappearing dinosaurs just because they now drive minivans to work. I was wrong to equate equal ability with equal positioning; to assume that if opportunities for men and women are equal at eighteen, they are also equal ten or twenty or thirty years later; to assume that current roles do not impact future opportunities. That is simply not reality.<sup>27</sup> To the extent legislators and judges responsible for divorce laws share my misperceptions, mom is in trouble. Serious trouble.

22. FRANCES K. GOLDSCHIEDER & LINDA J. WAITE, *NEW FAMILIES, NO FAMILIES?: THE TRANSFORMATION OF THE AMERICAN HOME* 111 (1991).

23. DEBORAH L. RHODE, *JUSTICE AND GENDER* 174 (1989) (citing representative studies).

24. SUSAN FALUDI, *BACKLASH: THE UNDECLARED WAR AGAINST AMERICAN WOMEN* at xiv (1991).

25. See Family and Medical Leave Act, 29 U.S.C. § 2601(a)(5) (1996).

26. BUREAU OF THE CENSUS, U.S. DEP'T OF COMM., *WOMEN IN THE AMERICAN ECONOMY*, Series P-23, No. 146, at 7 (1986).

27. See Joyce P. Jacobsen & Laurence M. Levin, *Effects of Intermittent Labor Force Attachment on Women's Earnings*, 18 MONTHLY LAB. REV. 14 (1995) (demonstrating through empirical data that "when women re-enter the labor market, their earnings are much lower than those of a comparable group of women who did not leave the labor market" and further observing that "[o]ver time, that difference diminishes . . . but never disappears, even after as long as 20 years"); see also JACOB MINCER & SOLOMON POLACHEK, *Family Investments in Human Capital: Earnings of Women*, in *ECONOMICS OF THE FAMILY: MARRIAGE, CHILDREN AND HUMAN CAPITAL* 415 (Theodore W. Schultz ed., 1974) (reporting that women who remain out of the labor market after the birth of their first child suffer a decline in earning capacity of about 1.5 percent per year); ELAINE SORENSEN, *EXPLORING THE REASONS BEHIND THE NARROWING GENDER GAP IN EARNINGS* 3 (1991) (reporting that over 84% of the female work force between ages 35 and 41 have worked intermittently; these women earn 30% less than women in the same age range who have worked continuously).

I am convinced that the financial disaster American women and children are suffering under no-fault divorce laws<sup>28</sup> stems largely from a failure to recognize and address realistically the disparate positions men and women commonly occupy at divorce.<sup>29</sup>

Most obvious is the case of Betty Crocker, the long-term, full-time homemaker displaced by divorce after spending her most career-productive years caring for home and family. It is ridiculous to imagine that when her marriage ends this homemaker, "no matter her age or lack of training—can find a nice little job and a nice little apartment and conduct her later years as she might have done at age 25."<sup>30</sup> To pretend that such a woman will be equally situated with her income-earning husband after a quick rehabilitation is cruel—especially where the couple is middle class,<sup>31</sup> assets are minimal<sup>32</sup> and the husband enjoys an income enhanced through years of primary career investment. In such cases, a clean break allows divorce law to become "a handy vehicle for the summary disposal of old and used wives."<sup>33</sup>

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28. Lenore Weitzman reported that under California's no-fault divorce system women and children's standard of living dropped by 73% the first year after divorce, while men's standard of living rose by 42%. See WEITZMAN, *supra* note 16, at 323. While Weitzman's figures were controversial, most critics attacked the amount of the reported disparity, rather than its existence. See, e.g., FALUDI, *supra* note 24, at 19-25 (citing a study showing a 30% temporary decline in women's living standards and a 10 to 15% rise in men's living standards). Recently, Weitzman acknowledged that the numbers were actually closer to 27% and 10%, respectively. See *Post-Divorce Wealth Gap Was Wrong, Agrees Author*, SEATTLE TIMES, May 19, 1996, at A3.

29. Martha Fineman has long criticized the disparity between rhetoric and the reality of the family. See generally MARTHA FINEMAN, *THE ILLUSION OF EQUALITY: THE RHETORIC AND REALITY OF DIVORCE REFORM* (1991). See also Martha Fineman, *Masking Dependency: The Political Role of Family Rhetoric*, 81 VA. L. REV. 2181, 2181 (1995) (criticizing "adherence to an unrealistic and unrepresentative set of assumptions about the family [that affect] the way we perceive and attempt to solve persistent problems of poverty and social welfare").

30. Lynn Hecht Schafran, *Documenting Gender Bias in the Courts: The Task Force Approach*, 70 JUDICATURE 280, 285 (1987) (quoting a New York legislator investigating possible gender bias in the courts).

31. If the couple has minimal income, alimony may not be a realistic means of compensating a caretaker. An alimony order may merely serve to thrust both parties into poverty or near-poverty.

32. Lenore Weitzman's research, for example, reveals that half of the divorcing couples in Los Angeles county in 1978 had less than \$20,000 in assets. See WEITZMAN, *supra* note 16, at 56-57; see also Ilene E. Shapiro & Barry P. Schatz, *Has the Illinois Equitable Distribution Statute Advanced the Cause of the Homemaker?*, 74 ILL. BAR J. 492, 500 (June 1986) (arguing that "most estates are too small to support anyone").

33. *In Re Brantner*, 136 Cal. Rptr. 635, 637 (1977). These old wives are not, of course, a static group; today's young moms, dropping out of the work force to stay home with young children could become the old and used wives of tomorrow.

Equally serious, though less obvious, is the case of the divorcing Soccer Mom. While some courts and legislatures have begun to recognize the lost opportunities of the long-term homemaker,<sup>34</sup> far fewer have acknowledged the true costs of divorce to the younger mom who juggles primary caretaking responsibilities, often involving minor children, with paid employment.<sup>35</sup> In the marketplace, such a woman is not, as one commentator put it, an "ideal worker."<sup>36</sup> Pregnancy, family illness and such vagaries as elementary school scheduling may direct her attention away from her job. Consequently, her employment may be part-time or sporadic and she is likely to be channeled into the secondary job market where wages are low and opportunities for advancement limited.<sup>37</sup>

Often, this Soccer Mom earns less at divorce than her husband, who has made a more concentrated, uninterrupted investment in his human capital. Yet the career costs of the spousal division of labor are not often acknowledged as a major factor in the spouse's income disparity. Rather, the caretaker may be blamed for her limited earning ability in a hostile, disparaging rhetoric of suspicion: "care of the house and children can be done with one hand tied behind the back. Send the kids out to school, put them to bed, and the rest of the time free to play tennis and bridge . . ."<sup>38</sup> The story line sounds good. Unfortunately it's not true.

And it gets worse. Divorce does not end the reality of caretaking. Because about ninety percent of moms receive custody of children,<sup>39</sup>

34. This recognition of the costs of homemaking to older wives is suggested by working drafts of the American Law Institute's Principles of the Law of Family Dissolution. In their proposed final draft of February 14, 1997, the Institute recognizes as "compensable" the loss in living standard experienced at dissolution of a marriage of "significant duration." THE AMERICAN LAW INSTITUTE, PRINCIPLES OF THE LAW OF FAMILY DISSOLUTION: ANALYSIS AND RECOMMENDATIONS, PROPOSED FINAL DRAFT § 5.03(2)(b) (February 14, 1997).

35. See Katharine Silbaugh, *Turning Labor into Love: Housework and the Law*, 91 NW. U. L. REV. 1 (1996) (urging policy makers to recognize the potential impact of housework). See generally Ann Laquer Estin, *Maintenance, Alimony, and the Rehabilitation of Family Care*, 71 N.C. L. REV. 721 (1993) (urging maintenance for young caregivers who contribute to the family at significant personal cost).

36. Joan Williams, *Married Women and Property*, 1 VA. J. SOC. POL'Y & L. 383, 392 (1994).

37. Faludi reports that nearly 80% of working women are clustered in traditional female jobs—as "secretaries, administrative 'support' workers and sales clerks." FALUDI, *supra* note 24, at xiii. See generally JULIE A. MATTHAEI, *AN ECONOMIC HISTORY OF WOMEN IN AMERICA; WOMEN'S WORK, THE SEXUAL DIVISION OF LABOR, AND THE DEVELOPMENT OF CAPITALISM* (1982).

38. Schafran, *supra* note 30, at 285 (quoting a New York legislator).

39. IRA MARK ELLMAN ET AL., *FAMILY LAW* 508 (2d ed., 1991). This percentage reflects the higher incidence of custody requests by mothers. A much higher

Soccer Mom may well continue to compromise her career investment after divorce in order to care for marital children. As a single parent, she may in fact have *less* time to invest in her career, a reality that perpetuates and exacerbates the disparity in earnings between mom and dad. Child support will not adequately address this situation since it is designed to support children rather than to compensate mom for her lost opportunity to invest in the market to the same extent as the noncustodial dad.<sup>40</sup> Rare indeed is the court that will recognize the reality of this Soccer Mom's continuing career costs.

I am not, of course, criticizing caretaking. Somebody has to do the grocery shopping, the dishwashing, the cooking, the housecleaning, the laundry. And somebody sometimes makes home a retreat from the nastiness outside. I haven't forgotten the incredible aroma of Mom's chocolate chip cookies welcoming me home from a tough day at Burnett Elementary School. Nor have I forgotten the hot tea Grandma brewed for me (and served in a china cup) whenever I complained of tummy aches. I remember feeling warm, cared for, and secure. And today I feel that same warmth as my son trudges to our door from school and I hear his pleased, "Hi Mom!" Caretaking is good, both for recipient and provider. It is a fundamental investment in the character of our world's future. What is bad is the reality that caretaking is often gender-driven<sup>41</sup> and career-costly. I wish I could restructure reality to make it not so. But I can't. Neither can the legislators and judges who pretend men and women are equally empowered at divorce.

Divorce laws must be reformed to deal realistically and equitably with disparately positioned spouses. The law must recognize that because women are still primary caretakers in most marriages, whether or not they also work outside their homes, their financial opportunities after divorce

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percentage of fathers receive custody in contested cases. See Jeff Atkinson, *Criteria for Deciding Child Custody in the Trial and Appellate Court*, 18 FAM. L.Q. 1, 10-11 (1982-83) (stating that fathers receive custody in 51% of contested cases).

40. Mom will necessarily benefit at least indirectly from child support. She will, for example, share the house needed to shelter and the car needed to transport the child. This necessary sharing of benefits, however, is not designed to address mom's accumulating career costs during her years as custodian. The formula for calculating child support makes this clear. Most often, child support guidelines presumptively determine the amount of a child support order according to an income shares model which considers both parents' incomes in an attempt to approximate the standard of living the child would have enjoyed had the marriage continued. See ELLMAN ET AL., *supra* note 39, at 373.

41. I use this term in its cultural rather than essential sense. As Martha Fineman explains, women are not "inevitable dependents" (as, e.g., are children) but rather experience a "derivative dependency" stemming from their role as caretaker. This derivative dependency is not inevitable or universal, but is socially assigned. Fineman, *supra* note 29, at 2199.

differ from those of their husbands. I and others have urged that primary caretakers be compensated through awards of alimony.<sup>42</sup> I have proposed a partnership model of marriage which would require a spouse with disparately enhanced earnings to buy out the other spouse at divorce. This proposal often will require a husband to pay alimony to a wife whose earnings are reduced because of her role as primary caretaker. The amount of this buyout is defined by the length of the marriage and the difference in the spouses' enhanced earnings, i.e., the differential increase in the parties' incomes during marriage. Legislation adopting my simple mathematical model could provide an inexpensive, presumptive method for calculating alimony while limiting judicial discretion to act upon unrealistic assumptions about the disparate financial costs of divorce to men and women.

But the success of my efforts and the efforts of others to change the law of divorce depends initially on an honest recognition of the different roles men and women often assume in marriage. Thus, my travail over no-fault fantasies, political idealism, and museum commentary.

Better to stick with day-time television. I like the commercials, especially the detergent commercials where I see women washing children's clothes, and the cleaning product commercials where I see women scrubbing home bathrooms. No dissonance between rhetoric and reality there.

I think I am onto something here. Maybe I am not the only one who can benefit by watching television commercials. And so I offer some advice to legislators and courts responsible for ensuring equity on divorce: spend one hour every week watching daytime television. On your screen you will likely see revealing acts like women trying new laundry detergents. And you may learn from detergent manufacturers what you cannot learn from museum commentary or political idealism—the difference between the rhetoric of equal opportunity and the reality of Betty Crocker.

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42. Starnes, *supra* note 14; see also SUSAN OKIN, JUSTICE, GENDER AND THE FAMILY (1989); June Carbone, *Income Sharing: Redefining the Family in Terms of Community*, 31 HOUS. L. REV. 359 (1994); Ira Mark Ellman, *The Theory of Alimony*, 77 CAL. L. REV. 1 (1989); Estin, *supra* note 35; Jana Singer, *Divorce Reform*, 67 N.C. L. REV. 1113 (1989); Williams, *supra* note 36.