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Volume 19

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Articles

Introduction

Lorraine Schmall 1

Fathers and Parental Leave Revisited

Professor Martin H. Malin 25

This article continues the author's work on parental leave and fathers' involvement with their children in light of several years under the Family and Medical Leave Act. It discusses why paternal involvement is important to children, fathers and mothers. It also explores the link between fathers' taking parental leave and their later involvement in the lives of their children. It focuses on two barriers to paternal use of parental leave: economics and workplace hostility. It examines developments under collective bargaining agreements, unemployment compensation laws and the FMLA. It finds that evolving arbitral interpretations of collective bargaining agreements and judicial interpretations of unemployment compensation statutes are trending toward recognizing employer responsibilities to accommodate employees' childcare responsibilities. However, it also finds a disturbing developing judicial hostility toward the remedial purposes behind the FMLA which could impede that statute's effectiveness for breaking down barriers to increased paternal use of parental leave.

Women, Work and Family: Recent Economic Trends

Manuelita Ureta 57

This article presents an overview of recent economic trends in the labor force behavior of men and women. The author focuses on the factors that play a role in a woman's decision to join the work force, and presents data to illustrate the current labor situation. The author concludes that government mandated minimum wages and benefits are detrimental, rather than beneficial, to low-skilled workers.

Towards a Reconstructive Feminism: Reconstructing the Relationship of Market Work and Family Work

Joan Williams 89

This article traces the separation of the work and family spheres, arising in the nineteenth century, and how this separation into traditionally male and female areas has affected women's "choice" to stay home and rear children, or to participate in the workforce. This article explains how women often fail to achieve the ideal-worker norm because of the demands on their time created by childrearing. The author ends by discussing the shortcomings of the classic strategy feminists have proposed to change domesticity's ordering of family and market work and suggests a new paradigm, called "reconstructive feminism," which eliminates the ideal-worker norm in both the work and family spheres.

Comments

Neonaticide: Less Than Murder?

James J. Dvorak 173

This comment examines the crime of infanticide. The comment includes a brief history of infanticide and an explanation of how the crime is treated in common law countries. A comparison of the United States and other common law countries leads the author to suggest that the United States should adopt an infanticide statute similar to other common law countries.

Free Exercise in Illinois: Does the State Constitution Envision Constitutionally Compelled Religious Exemptions?

Glen V. Salyer 197

The author contends that the Illinois Constitution's Religious Freedom Section compels religious exemptions to some generally applicable state laws, and argues that the Illinois Supreme Court should revive the section for use in its free exercise jurisprudence.