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Unsettled Times for American Families

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LEVITSKY, SANDRA R. *Caring for Our Own: Why There Is No Political Demand for New American Social Welfare Rights*. New York: Oxford University Press, 2014.

In Caring for Our Own: Why There Is No Political Demand for New American Social Welfare Rights *(2014), Sandra Levitsky reveals how an enduring ideology of family responsibility and a decoupling of social support groups from organized advocacy constrains mass legal mobilization to address long-term elderly care in the United States. This essay argues that American families have entered an unsettled period linked to social inequality, young adult living arrangements, immigration, and institutional shifts related to LGBTQ families, workplace-family conflict, and the criminalization of elder abuse. These changes to the family may create the conditions for questioning the ideology of family responsibility and new possibilities for collective action with potentially contradictory meanings and lines of action, including politicization and legal mobilization.*

We are only at the beginning of what will be a long national struggle to manage the aging of America humanely and with dignity. Fifteen percent of Americans were aged sixty-five years or older in 2015, and these figures are projected to rise to more than 20 percent by 2040 and to 33 percent by 2060 (Administration on Aging 2016, 1). Sandra Levitsky argues in her excellent *Caring for Our Own* that thus far this struggle largely has unfolded privately within families. Informal caregivers—more women than men—bear much of the responsibility for caring for older and infirm adult family members amid a sparse patchwork of supporting social policies. The puzzle Levitsky addresses in *Caring for Our Own* is how long-term caregiving became a broad social problem in the shadows of domestic life without mass political demand for governmental intervention.

Through a qualitative study of caregivers drawn from public support groups, Levitsky begins solving this puzzle by pointing to the resilience of the "ideology of family responsibility" (2014, 4). This ideology normatively roots long-term caregiving in the image of "dutiful family members" (170) and facilitates the reproduction of social policies privileging individualized coping. Family caregivers can and do become politicized about long-term caregiving, particularly if they participate in public support groups and after the deaths of the family members for whom they were caring (159–60). But "discursively integrating" their political consciousness with new, collective state intervention does not occur because private family care provision continues

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to be seen as "natural" (176) and social welfare/support organizations are decoupled from organized advocacy (172).

At a theoretical level, Levitsky offers new ideas for understanding how the interplay of culture and organizational structures facilitates or constrains mass mobilization. She makes a strong case for why law and society scholars should study "the policies that shape everyday living" as they study legal consciousness (174). Her work also enables us to ask new questions about how social and institutional change influence political and legal consciousness in and about families. More abstractly, we live in "unsettled" times for the American family linked to social inequality and shifts in young adult living arrangements, mass immigration, and institutional changes related to LGBT families, workplace-family conflict, and the criminalization of elder abuse. In unsettled times, established ideologies typically come to be questioned and recast as individuals and groups engage in cultural innovation with potentially contradictory meanings and lines of action, including politicization and legal mobilization (Swidler 1986, 278–29).

SOCIAL INEQUALITY AND SHIFTS IN YOUNG ADULT LIVING ARRANGEMENTS

For the first time since the late nineteenth century, US young adults aged eighteen to thirty-four are more likely to be living in their parents' home than they are to be living with a spouse or partner in their own households. In 2014, 31 percent of young adults lived in their own households with a spouse or partner compared to 32 percent living with their parents and 37 percent either living alone or in other arrangements. By comparison, in 1960, these three figures stood, respectively, at 62 percent, 20 percent, and 18 percent. The 2014 figures also vary by educational attainment and race, with 19 percent of college-educated and 36 percent of both black and Latino young adults living with their parents. The underlying dynamics of these demographic changes relate to broad-scale trends in postponing marriage and fertility, longer liminal periods of transition from childhood to adulthood, and short- and long-term economic conditions, especially shrinking labor markets during and after the 2008 recession, the latter of which hit deeper and continued longer for black and Latino young adults compared to other ethnic categories (Settersten and Ray 2010; Fry 2016). Simultaneously, informal, long-term elder caregiving is ongoing in just over one-fifth of both black and Latino families, compared to 17 percent in white and just under one-fifth in Asian American families (NAC/AARP 2015, 15).

Researchers report that long-term elder caregiving is already fraught with burden in low-income black and Latino families due to multiple forms of segregation that limit access to much needed resources (Fox, Hinton, and Levkoff 1999; Landale and Oropresa 2007). Additional young persons in the household, especially with uncertain employment, may further stretch economic resources and the spatial capacity of households for long-term caregiving. If so, these changes may moderate what Levitsky observed with regard to group differences in long-term, caregiving politicization: "[R]esearchers have long documented the ways in which the

caregiving experience differs for people of different racial and ethnic groups, genders and socioeconomic status.... In this study, ... distinctions among groups played a surprisingly minor role with regard to the process of politicization" (2014, 33). Young adults returning to their families of origin, especially those already struggling with economic challenges, may intensify class differences, including the potential for family strife. Under these conditions, it could become increasingly difficult to uphold the ideology of family responsibility. Moreover, younger adults may face the challenges of long-term eldercare earlier because their parents had children at an older ages. As a result, larger groups of adults will become aware of and/or participate in long-term caregiving and the resource constraints it entails, and politicization may occur around broader sets of family issues, long-term elder caregiving among them. At the same time, the increasing number of young adults living in families with older adults might lead to more hands capable of helping with and/or innovations in caregiving.

Perhaps more speculatively, the closer proximity to or participation of younger and older adults in informal caregiving could provide alternative pathways to organized advocacy. Such pathways, for example, might lead to involvement with intergenerational organizations that advocate for and with the elderly on policy change and research (Balakrishnan 2012). They also could lead to innovative strategies for senior care that involve collective solutions, ranging from alternative senior living communities to coordination across public and private clinics and other support services.

On the other hand, this partly hopeful picture could look quite different, particularly with regard to social class differences. Based on her multifamily ethnography, Lareau (2003) observes how social class, more than ethnicity or race, plays an outsized role in shaping how childrearing and care unfolds in families. She argues that middle-class parents are more likely than working-class parents to outsource aspects of childrearing to a bevy of experts, coaches, tutors, and other organized activities (Lareau 2003). In her study, she found that middle-class children developed "extensive experience with adults in their lives with whom they have a relatively contained, bureaucratically regulated and somewhat superficial relationship," while their parents gained confidence in navigating those bureaucracies as they adopted professional standards and positioned their children for the greatest success (Lareau 2003, 243–44). The working-class children she observed, by contrast, were more likely left to occupy themselves (because their parents were working) and became more self-reliant. Working-class parents, meanwhile, had less contact with private or public bureaucracies connected to children and, when they did, often found them to be inscrutable or unfair, leaving them, if not their children, with a "feeling of the threat of looming catastrophe" (2003, 231).

Although it is unclear how well these characterizations generalize to all US middle- and working-class families, Lareau's observations suggest very different ideologies of family responsibility—a middle-class ideology oriented toward extra-familial organizations as sources of caregiving support, or perhaps large-scale collective intervention, and a working-class ideology in which dutiful family members or elders themselves bear the responsibility of caregiving in tenuous ways. If so, a working-class ideology of family responsibility could lead to a retreat back

into the family with the increasing numbers of young adults living in lower-income black and Latino families bearing ever more hidden responsibility for older family members and not looking to bureaucratic interventions of any kind. Meanwhile, middle-class caregivers might increasingly demand more government-provided services, drawing on their knowledge of public bureaucracies, which ultimately could widen the gap between state supports experienced by middle- and working-class families.

MASS IMMIGRATION

Mass immigration to the United States also has created the conditions for unsettled times, especially for Latino immigrant families. On the one hand, sociologists argue that Latino families often embody "familism"—"a collective orientation … that family roles are highly valued and family members are oriented more toward the needs of the family unit (broadly defined) than to their individual desires" (Landale and Oropresa 2007, 396). Familism is thus a close conceptual cousin of the ideology of family responsibility and would seem to reinforce the dutiful-family-member norm not only in nuclear families, but also in extended-family caregiving arrangements. In practice, however, there is mixed empirical evidence for how familism plays out on the ground. For Latino families overall, Landale and Oropresa (2007, 397) argue that "changing gender roles, especially increased female labor force participation, geographic mobility, and reductions in the numbers of children within families have weakened extended family caregiving arrangements." Economic and legal precariousness can further exacerbate these dynamics for families with undocumented adult members.

Hondagneu-Sotelo's (2001) study of Latina domestic workers—*domésticas*—in largely white, middle-class families raises another set of possibilities with respect to the interplay between mass immigration, the ideology of family responsibility, and rights mobilization. She gives us a window into the mostly invisible world of caregiving, including long-term care, which occurs at the intersection of migration, ethnic, gender, and social class inequality. Like Levitsky, Hondagneu-Sotelo conducted her research in Los Angeles, which she reports is a city where *domésticas* "proliferate" and increasingly take on important responsibilities of caregiving in middle-class families, including long-term child- and eldercare. Many *domésticas* toil in the shadows of the law both threatened by the possibility of deportation because they are undocumented and subordinated to the families for whom they work with few, if any, labor rights (Hondagneu-Sotelo 2001, 7). Because *domésticas* increasingly work at long-term care, their proliferation could be considered what Levitsky calls the commodification of long-term care provision. This commodification, so Levitsky (2014, 79) argues, recasts long-term care as something that not only family members can provide, but also as a service, care work, which can be shared or purchased. This distinction also makes visible caregiving that is over and above the duties of being a family member, which further leads to the modification of the ideology of family responsibility.

The irony here, at least with regard to *domésticas*, is that care work of this sort still remains largely invisible to broader publics and that *domésticas* themselves still

remain largely powerless. Indeed, the caregivers Levitsky (2014, 183) interviewed rarely mentioned *domésticas* in long-term, elder caregiving roles either because they could not afford them (47 percent of her interview participants had incomes below $50,000 per year) or because care work of this sort is generally devalued since it primarily is performed by women (England 2005) who are typically both Latina and immigrant. The proliferation of *domésticas* in care work roles further cloaks long-term eldercare in a taken-for-granted veil—only this time wrapped in intersectional inequalities grounded in gender, ethnic, and immigrant identities.

But there is another possibility that could occur through interactions at the family and organizational field levels as new organizational actors come into the caregiving/care work field, perhaps ultimately influencing the character of cultural categories relevant to long-term care in families. The National Domestic Workers Alliance, for example, has become increasingly more visible, politicizing and protecting domestic workers. This organization, along with others, may ultimately transform the organizational field with regard to domestic and care work, perhaps even transforming what Hondagneu-Sotello (2001) reports as one of the enduring features of the domestic worker/family employer dynamic—family members thinking of themselves as "consumers" rather than "employers." As consumers, family members see themselves paying for domestic services they might not necessarily be able to perform, which is analogous in some ways to what Levitsky (2014, 142) describes as a "residualist" orientation among caregivers who seek help from Medicaid for long-term caregiving responsibilities they cannot meet. As "employers," family members employing low-paid domestic workers as long-term care workers may have a different relationship with the state and with domestic workers, which may transform the logic and ideology of family responsibility.

The recasting of family members as employers could open up new fronts of politicization, perhaps ultimately transforming the thousands, if not millions, of families employing domestic workers into quasi-workplaces with all the associated institutionalized expectations, legal rights, and disadvantages and advantages for both domestic workers and their family employers. If this were to occur, rights mobilization by domestic care workers, rather than family caregivers, might take center stage. And family caregivers, at least from the middle classes, would face even more challenges than they currently do, caught between the state and the domestic worker movement. Such changes could bring the ideology of family responsibility, anti- and pro-immigrant fervor, and neoliberal pro-marketization and pro-unionism into contentious interplay that would politicize all the actors involved. Contention of this sort could not only lead toward social justice, but also constrain clear pathways toward welfare rights.

INSTITUTIONAL CHANGE: LGBT FAMILIES, WORKPLACES, AND CRIME

These last speculations point to institutional changes that might occur and could alter the ideology of family responsibility and politicization around long-term caregiving in families. There are, however, institutional changes already afoot that

could have equal if not more powerful consequences than those already discussed. The first of these has to do with population increases and the legitimization of LGBT families.

Research using the 2000 and 2010 US censuses indicates that same-sex couple households increased by 80 percent during this period from just under 358,390 to 646,464 (Gates 2012). Data from the American Community Survey further indicate that in 2012, 19 percent of same-sex couples were raising children under the age of eighteen and that nearly six million children have an LGBT parent (Gates 2013). Although multiple national surveys suggest that "large segments" of the US public still remain "ambivalent or resistant" to including same-sex couple households in their definitions of "family" (Moore and Stambolis-Ruhstorfer 2013, 493), dramatic developments—such as the Supreme Court's 2015 decision in *Obergefell v. Hodges*, in which the Supreme Court held that the right to marry is guaranteed to same-sex couples—suggest that institutionalized norms and laws are rapidly changing on this issue. *Obergefell*, in particular, was a watershed moment legitimizing LGBT families as it intervened into multiple fields of contention.

At the same time, critics have argued that the "recognition of same-sex marriage" tends to reproduce some social norms even as it recalibrates some aspects of internal family and gender roles (Moore and Stambolis-Ruhstorfer 2013, 493). Although there is not a great deal of research on family forms and internal roles in LGBT families, there is some evidence from research on partners of transgender persons that the former engage in stylistic "gendered labor" to facilitate and "normalize" their partners' transitions. Female partners of transmen, for example, report doing more house and care work than their partners (Ward 2010). As such, we might expect that such dynamics would reproduce the traditionally gendered and dutiful family member underlying the ideology of family responsibility. Other research, however, suggests that LGBT families contain more egalitarian, innovative, and flexible structures of caregiving compared to heteronormative families (Biblarz and Savci 2010; Pfeffer 2012). These structures may be changing the ideology of family responsibility in different ways, including subverting traditional gender norms and extending responsibility for long-term caregiving beyond nuclear family members.

Large-scale legal reforms relevant to workplace-family conflict raise related but different possibilities. At the core of workplace-family conflict are social norms defining what constitutes "good workers" and, again, tied to Levitsky's central concerns, dutiful family members. As female labor participation has dramatically increased over the past few decades, working women find themselves in what Albiston (2007, 400) calls a "socially structured moral dilemma" by institutionalized gender and work norms. Within these normative contours, women are still seen as bearing primary family caregiving responsibility as they endeavor to be both good workers in workplaces and dutiful family members, especially "good mothers." Among the legal reforms addressing these conflicts, the most visible is the Family and Medical Leave Act (FMLA) that "requires covered employers to grant eligible workers up to 12 weeks of unpaid, job-protected leave each year for a variety of family and medical reasons" (Albiston 2007, 400). Men are less likely than women to take FMLA leave, women can face stigma for doing so, and workers with more

powerful professional positions enjoy more options for handling work and family responsibilities (2007, 402–03, 418). These reforms and their related practices thus unintentionally reproduce the ideology of family responsibility with heterosexual women at its core as primary caregivers.

However, tweaks in the FMLA and other leave policies could change these patterns. For example, Albiston (2007, 418) argues that "paid leave" could "encourage" men to take leave because they would not have to choose between "caring for family members and being the family breadwinner." Paid leave also could reduce conflict between men and women with regard to who takes leave for family caregiving responsibilities, and have affinities with more egalitarian and flexible caregiving roles emergent in some LGBT families. More generally, such reforms might subvert aspects of the ideology of family responsibility that frames long-term caregiving as a devalued and form of shadow work.

The last institutional change related to unsettled times involves how the US obsession with crime has recast American families. Simon (2007, 177) argues that "the problem of crime … has extended the institutional and metaphoric force of the criminal law into families with a scope and intensity at least as great, if not greater, than the market place." The contemporary family has become both an object of control by a bevy of criminal justice and social welfare mechanisms and an agent of responsibility for preventing crime, with parents at the core of these efforts aimed at children and youth (2007, 205). Although not discussed by Simon, the same logic can be extended to long-term elder caregiving. At issue is the pain, injury, or mental anguish inflicted upon older adults often in informal caregiving or care work contexts—what has come to be known as "elder abuse" (Falk, Baigis, and Kopac 2012).

Health professionals have long been concerned with elder abuse as a public health issue (Fulmer and O'Malley 1987), but the Elder Justice Act (EJA) of 2009, Title VI of the Patient Protection and Affordable Care Act, represents collective legal mobilization that in a short period of time has reframed it as a crime problem with greater visibility and federal funding. Congress authorized $770 million to the EJA, of which $500 million was authorized for adult protective services. Federally funded forensic centers operate at the heart of these services, supporting the collaboration and prosecution of crimes committed against the elderly (Falk, Baigis, and Kopac 2012, 3). My point is not that elder abuse is ephemeral or represents minimal harm for both the elderly and their families; rather, my point, parallel to Simon (2007, 196), is that the EJA prioritizes the prevention of elder abuse as crime over other kinds of risks, such as everyday social inequities and welfare rights. Moreover, the EJA deputizes a number of agents in crime prevention and detection efforts, including family members, care workers, health professionals, and even the elderly themselves, who may be guilty of "self-neglect" (Falk, Baigis and Kopac 2012, 4). If the organizations mobilizing and seeking to protect the rights of domestic workers are, in part, seeking to transform the family into a workplace, organizations and constituents related to the EJA have begun transforming the family into a site of crime control. In so doing, they have used the ideology of family responsibility as cultural bedrock for politicization and legal mobilization around crime detection and fear rather than welfare provision.

CONCLUSION

In *Caring for Our Own*, Levitsky offers us specific insights into the political and practical dilemmas of long-term, elder caregiving in the twenty-first century, and general insights into the conditions that constrain collective politicization and mobilization around broad social problems. Her conceptual approach enables us to begin understanding how unsettled times for US families influence and are influenced by the ideology of family responsibility and collective political dynamics. What have we learned at a more theoretical level from this brief engagement with Levitsky's arguments and changes in the American family? First, the population scope of a social problem (who is directly and indirectly affected) can expand the pathways toward politicization and potential new linkages to organized advocacy. For example, the potential greater involvement of young adults in long-term elder caregiving may increase the possibility of intergenerational social linkages to advocacy organizations. Second, the appearance of new organizational actors that reshape field-level contentious politics can transform the meanings of social problems, altering the resonance of collective frames (Snow and Benford 1988) and linkages to advocacy organizations in unexpected directions. Organizational actors linked with reforms relevant to LGBT families, domestic workers, work-family conflict, and the criminalization of elder abuse, for instance, all could lead to enhanced politicization and political and legal mobilization related to caregiving to and care work for the elderly, albeit linked to the central framing and goals of these movements. Some of these goals and frames will facilitate, while others inhibit, welfare provision. These lessons only begin tapping into the generativity of Levitsky's *Caring for Our Own*—a work as significant for the study of the American family as it is for law and society.

REFERENCES

Administration on Aging. *A Profile of Older Americans: 2015*. Washington, DC: US Department of Health and Human Services, 2016.

Albiston, Catherine. "Institutional Perspectives on Law, Work, and Family." *Annual Review of Law and Social Science* 3 (2007): 397–426.

Balakrishnan, Shweta. "The Youth Movement: The Future of Aging and Alzheimer's Research." *Journal of Intergenerational Relationships* 10 (2012): 173–78.

Biblarz, Timothy J., and Evren Savci. "Lesbian, Gay, Bisexual, and Transgender Families." *Journal of Marriage and Family* 72 (2010): 480–97.

England, Paula. "Emerging Theories of Care Work." *Annual Review of Sociology* 31 (2005): 381–99.

Falk, Nancy L., Judith Baigis, and Catherine Kopac. "Elder Mistreatment and the Elder Justice Act." *Online Journal of Issues in Nursing* 17 (2012): 1–14.

Fox, Kenneth, W. Ladson Hinton, and Sue Levkoff. "Take Up the Caregiver's Burden: Stories of Care for Urban African American Elders with Dementia." *Culture, Medicine, and Psychiatry* 23 (1999): 501–29.

Fry, Richard. *For the First Time in Modern Era, Living with Parents Edges Out Other Living Arrangements for 18- to 34-Year-Olds*. Washington, DC: Pew Research Center, 2016.

Fulmer, Terry T., and Terrence A. O'Malley. *Inadequate Care of the Elderly: A Health Care Perspective on Abuse and Neglect*. New York: Springer, 1987.

Gates, Gary J. *Same-Sex Couples in Census 2010: Race and Ethnicity*. Williams Institute, UCLA, 2012. http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-CouplesRaceEthnicity-April-2012.pdf.

——. *LGBT Parenting in the United States*. Williams Institute, UCLA, 2013. http://williams institute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf.

Hondagneu-Sotelo, Pierrette. *Doméstca: Immigrant Workers Cleaning and Caring in the Shadows of Affluence*. Berkeley: University of California Press, 2001.

Landale, Nancy, and R. S. Oropresa. "Hispanic Families: Stability and Change." *Annual Review of Sociology* 33 (2007): 381–405.

Lareau, Annette. *Unequal Childhoods: Class, Race, and Family Life*. Berkeley: University of California Press, 2003.

Moore, Mignon R., and Michael Stambolis-Ruhstorfer. "LGBT Sexuality and Families at the Start of the Twenty-First Century." *Annual Review of Sociology* 39 (2013): 491–507.

National Alliance for Caregiving (NAC)/American Association for Retired Persons (AARP). *Caregiving in the U.S.* Bethesda, MD: National Alliance for Caregiving, 2015.

Pfeffer, Carla A. "Normative Resistance and Inventive Pragmatism: Negotiating Structure and Agency in Transgender Families." *Gender and Society* 26 (2012): 574–602.

Settersten, Richard A., and Barbara Ray. "What's Going on with Young People Today? The Long and Twisting Path to Adulthood." *Future of Children* 20 (2010): 19–41.

Simon, Jonathan. *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. Oxford: Oxford University Press, 2007.

Snow, David A., and Robert D. Benford. "Ideology, Frame Resonance, and Participant Mobilization." In *From Structure to Action: Comparing Social Movement Research Across Cultures*, Volume 1, *International Social Research*, edited by Bert Klandermans, Hanspeter Kriesi, and Sidney G. Tarrow, 197–217. London: JAI Press, 1988.

Swidler, Ann. "Culture in Action: Symbols and Strategies." *American Sociological Review* 51 (1986): 273–86.

Ward, Jane. "Gender Labor: Transmen, Femmes, and Collective Work of Transgression." *Sexualities* 13 (2010): 236–54.

CASE CITED

James Obergefell, et al. v. Richard Hodges 135 S.Ct. 2584 (2015).