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ABSTRACT

Change in the roles of women in American society during the past 15 years provides an opportunity to evaluate basic theories dealing with life course, the impact of early socialization, and trait analysis. The case of women in the legal profession is of particular value in exploring these issues since law, an exclusively male domain for more than 50 years, is now 14 percent female, and one third of recruitments are women. Biological and social inheritance theories provide justification for the exclusion of women from jobs regarded as male; however, today these models are scrutinized for their more general analysis of human nature and development. Theories of this type have been, in some cases, adopted by feminine activists and fundamentalists, who each maintain that women are predisposed to values and objectives different from men. While early socialization does provide part of the explanation for the self-selection pattern which dissuades women from choosing careers that have been sex-typed as male, it does not account for the substantial increase in the number of women applicants to law school in the 1970's; these women were not socialized to the profession. The rapid and dramatic rise in women's admissions to law school occurred in too short a time to reflect real change in the childrearing patterns for young girls. Possible explanations for the increased enrollment for women lawyers include the influence of spouses and peers, and, in the case of older women going back to school, the influence of children. Opportunity has not only seemed to affect women's choice of law as a profession in the 1970's but their ambitions and aspirations as well. Although women have been socialized to place family and feminine values ahead of occupational success, more women now strive to succeed in the legal profession. (AG)

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CHANGING PERSPECTIVES AND OPPORTUNITIES  
AND THEIR IMPACT ON CAREERS AND ASPIRATIONS:  
THE CASE OF WOMEN LAWYERS

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Change in the roles of women in American society over the past decade and a half provides an opportunity to evaluate some basic theories dealing with life course, the impact of early socialization and trait analysis.

The case of women in the legal profession is of particular value in exploring these issues because of the radical change which turned law from a virtually exclusive male domain/with a mere two percent of women among its ranks through the 1930s and 1940s, to three percent for another 20 years, through the '60s, to a profession which is 14 percent female today (New York Times, November 15, 1982) and in which a third of new recruits are women. To some extent, law represents an extreme case of occupational

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sex typing. Not only was it a statistical reality that men populated the occupation, but norms legitimated this skewed sex composition and mechanisms were firmly in place to maintain it. My first study of women lawyers in 1968 (Epstein, 1968) revealed that the then tiny numbers of women lawyers <sup>who negotiated the obstacle course</sup> were regarded as deviants by men in the profession,<sup>1/</sup> and that many of them shared the belief that women were not suited to legal careers. These views were also evident in the popular culture.


Of course sex-typing is characteristic of most occupations, not only in the United States but in most societies. As I pointed out in a book, Women's Place in 1970, and as others have shown, all societies sex type occupations but the same occupation may be labelled male in one place and female in another. It is a constant that jobs and specialties of high rank and prestige are men's jobs and that whatever the sex designation of a job, there is cultural legitimation for it. It may take the form of myth and lore explaining why men or women should do the jobs they are assigned. Scientific models have also provided legitimation. The scientific quest, although formulated according to principles of objectivity, is certainly affected by cultural and ideological bias. Thus, theories exist which provide justification for women's exclusion from jobs regarded as male (and in a more limited way, men's exclusion from jobs defined as women's).

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<sup>1/</sup> A survey of legal firms throughout the country in 1965 by the Harvard Law Record showed women lawyers to be least desired as recruits with the exception of people performing at the bottom of their law school classes. (Epstein, 1981).

These include models under scrutiny today for their more general analysis of human nature and development. Some suggest that women and men have distinct traits, either inherited or set early through socialization; that they follow prescribed life courses linked to age and stages of development; and that they determine the choices made among available alternatives. With regard to women, traits and preferences and place in the life cycle are believed to create predispositions to work for wages, or for no pay in the family; to press women to work at some kinds of work rather than others in the paid labor force; and to create patterns of motivation and commitment in women that are different from men's especially in ways that affect promotion and material rewards. Women's differences from men--psychological as well as biological--and their different orientations and expectations as they move through the life cycle are at the core of explanations for their exclusion from jobs characterized as having a progressive career line. Interestingly, theories of this type have been adopted by feminist activists as well as right-wing fundamentalists, each maintaining that the biological and social inheritance of women predispose them to values and objectives different from those of men.

Biological inheritance and early socialization are also used to explain male behavior, and theories that the life course unfolds in set stages have triggered both scientific and popular explanations for the occupational and private behavior of men. (Sheehy, Levinson)

Reflecting on the implicit gender bias of theoretical frameworks in several articles (which appeared in the early )

1970s) (Epstein, 1973-1975) it seemed clear that women were undergoing considerable change in their lives. This was true not only for lawyers, but for other women who moved into business and professional careers, often feeling more powerful as people. This change could not be predicted from their past histories. It is unlikely that their socialization was much different from older siblings who made more conventional life choices. It seemed clear to me that people could and did change as the social settings in which they lived changed. Although as Brim (1976) has pointed out, there are "hundreds of investigations which substantiate personality change in adulthood; in reactions to situations, in attitudes, in reference groups," but there remains a conceptual hegemony of theories which suggest a certain immutability of people's personalities and behavior. I have more to say than time permits about why I believe some sets of ideas meet with more receptivity than others, but for the moment I shall only mention a few.

Certainly notions of fixity justify the status quo and appeal to those who benefit from rationalizations defining their right to places of distinction. Since such persons often are not only gatekeepers of their domains but gatekeepers of ideas (to borrow a term from Lewis Coser) one cannot expect them to give much thought to alternative hypotheses.

These perspectives have histories and traditions which contribute to continuity. Of course, competitive ideologies challenge the ongoing paradigms, as Thomas Kuhn has pointed out (although he was hardly the first). And indeed, discomfort in the 1960s with the political

implications of certain theories, probably motivated many researchers to question paradigms that viewed people as locked into social and psychological roles by dint of their inheritance, or even their passage through the life course--whether black, female, old or young. And, of course, there were those who were also particularly attentive to the evidence that Brim referred to. Questioning such thinking were social scientists such as Riley, Emmerich (1973) and others.

The appeal of the psychoanalytic model in and out of the scientific community can account for some of the resistance to notions that change may occur in adult years which is not linked to early development.

Theories which characterize the self as an integrated composition of traits preclude an understanding of the role virtuosity--and the accompanying multifaceted identities which can be held by a single person--exhibited by persons whose life situations evoke this phenomenon.

A culture pressing individuals to discover their "real self," the "true me" is acting within social psychological frameworks which hold that a particular core self is the mark of the healthy person. Implicit in this is the view that the self-discovered is probably inherited or set early and will unfold predictably through the life sequence.

Perhaps it is the quest for order--permitting prediction of the life cycle's progression or of the behavior of classes of persons--which is the motivating power here.

Orville Brim pointed out in his address to the American Psychological Association in 1974 (1976) that the attribution of constancy of personality in the face of experiences and evidence to the contrary is a puzzle, and he asked, "Could it be that society is heavily invested in particular age-sex categories?" Although Brim concentrated on males at mid-life in his address, he noted the question ought to apply equally at all ages and to women as well as men. He noted too that the stability seen in some individual life sequences may depend on an unchanging environment. Certainly, the self-fulfilling prophecy (Merton, 1957) explains why theories of an unchanging personality seem to be supported by data. Predictions about how traits will determine behavior carry a normative component. When we expect persons of a group to behave in a certain manner or according to a certain sequence, we create conditions which facilitate that behavior and inhibit other behavior.

As Robert Merton recently pointed out in oral publication (1982) "socially expected durations constitute a class of social expectations which significantly affect the current behavior of groups and individuals, and of those in their role-sets and organization sets."<sup>2/</sup>

Certainly social expectations about women and the sequencing of events in their lives has determined their occupational profiles. These

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<sup>2/</sup> He observed that since purposive social action involves anticipation or perception of relevant futures, and since social structures involve intermeshed networks of socially supported normative expectancies in the form of statuses and roles, socially expected durations should constitute a fundamental class of patterned expectations linking social structures and individual action.



expectations have created both supply side and demand side choices and barriers for women in the work world. In fact, explanations of women's place in society offered by economic theorists, particularly those theorists persuaded by the human capital model, focuses on choices created by early socialization and expectation of life patterns which make women avoid upwardly mobile career paths. In sociology, status attainment models suggest that attainment rests on individuals backgrounds and differences in ability, motivation and self-assessment (Duncan, Featherman and Duncan, 1972) but they do not consider the interaction effect between opportunity and aspiration.

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Let me now turn to the case of women lawyers in considering change in adult years. These observations are the result of 15 years of personal study of women in the legal profession, of hundreds of interviews and of statistical information gathered from census data, surveys and bar association records.

#### Socialization and Life Course

Early socialization is supposed to account for the development of identity and lay the path for career choice of men and women. Girls and boys, by this reasoning, learn that certain classes of jobs are appropriate for persons of their gender and certain jobs are inappropriate. Thus men and women self-select themselves into occupational spheres.

This argument has merit, of course. In fact there is a literature that identifies certain career trajectories on the basis of occupational legacy—boys who become lawyers are more likely to inherit professional direction from fathers than are sons of other professionals. A 1961 National Opinion Research Center study indicated that a lawyer father is the strongest single predictor of the choice of law for boys.

(Epstein, 1981) An expected assumption of the father's mantle and the father's position as role-model is presumed to orient the boy to choose law intellectual capacity permitting.

Early socialization has been offered also as an explanation for the self selection pattern which dissuades women from choosing careers sex-typed as male. No doubt this does provide part of the explanation, but there is a problem. Since before the 1970s law was regarded as nonfeminine and not a profession for women, virtually no women underwent socialization orienting them to the profession. Yet by the early 1970s the numbers of women applicants to law school had substantially increased.

Very few respondents in my first study of women lawyers in 1965 could be viewed as having been socialized to careers as lawyers, although many were brought up to believe they would work in adult life. Nearly all were subjected to the common stereotyped views identifying women primarily as homemakers and mothers. (In fact, a recent review article by Huston-Stein and Higgins-Trent (1978) shows that there is a mismatch between socialization agents and messages about women's "proper" traditional roles and personality attributes and women's changing roles and personality characteristics.) Why then did these women choose

law? Their reasons were idiosyncratic and, it is important to note, they were deviant cases. Let me point out that for years the percentage of law students in the U.S. never exceeded five percent (on average), yet in 1969 there was an upsurge which pushed the percentage in leaps and bounds. From about 4 percent through 1967 to 9.4 in 1971 to 12 percent in 1972 to 25 percent in 1976 to 33 percent in 1980.

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This rapid and dramatic rise in women's admissions to law school occurred in too short a period of time to reflect a real change in the child rearing patterns of young girls. It is all the more interesting since the age of young women entering law school was higher than that of men; their socialization experiences probably were substantially the

same as those of women who never thought of entering law school four or five years before. Many women who chose law school in the 1970s, were older young women--in their mid and late twenties--who had tried other things first. They, like women in generations before, had played with dolls and had been exposed to images of women in the media as housewives or workers in traditional occupations. But many found the set of expectations about "appropriate" work lives to be unsatisfying; they were unwilling to reproduce the life patterns of their mothers.

By the late 1960s the woman's movement offered norms counter to those still prevalent about women's lives. There was not only a change in norms about work, but a change in norms about what the stages of women's lives ought to hold. As women were exposed to their mother's discontents and exposed to the new set of expectations generated by the social movements of the sixties and a new sense of need for equity, they created a new time table. (It is important to note that two new technologies assisted in this. One, the pill--a reliable form of birth control and two, amniocentesis, which reduced risk of later child bearing.)

Before the 1970s, even if women had interest in a nontraditional professional career like law the reality of their reception often was enough to turn them aside. I have documented in Women in Law (1981) the punishing environment of the law schools for women students and the high level of openly expressed prejudice against women law school graduates. The opening of the opportunity structure, created by the Civil Rights Acts of 1964 and implemented in a series of landmark cases,

together with the growing women's movement, restructured women's views of what a reasonable set of aspirations might be. Thus communication from the legal community that women applicants would be regarded positively, directed and spurred women's entry into a field which only a few years before had been taboo, and which did not enter into their vision of a possible future.

However, the decision to go into law as young adults or older adults was not merely characteristic of the cohort maturing in the 1970s. The decision for "non-traditional" work in the past did not depend on an aberrant socialization pattern. The first women attorneys in the U.S., back in the late 1800s, chose law because of the suggestions and opportunity presented by lawyer-husbands. These men provided them with apprenticeship training and encouraged their participation in family law firms which then often provided the only opportunity for women to practice law. Some of these husbands became public advocates for women's admission to the bar. For a number of women in my study of lawyers, the suggestion or example of husbands was also important. In fact, among the most successful and ambitious, the notion of going to law school only occurred after marriage. A woman who is now a federal appeals court judge told me in an interview that she chose law because her husband wished to be a lawyer and she decided to do the same thing in the spirit of the "togetherness of the fifties." If he had chosen medicine, she would have become a doctor, she reported. Apprenticeship in the large firm that employed her husband started one

prominent attorney on the route that led to partnership in the firm, and for another, meeting her husband, then working for a large Wall Street firm during her last year at college, gave her a perspective of law as an intellectually challenging occupation.

Influence of peers on young adults also provided the impetus for women to apply to law schools in the late 1960s and 1970s. During that period, in many of the elite women's colleges, the perception (often not correct) was that "everyone" was going to law school. At Barnard College, for example, the change in peer culture is noted by the fact that six months after graduation 2.8 percent of the graduating class was attending law school in 1969. By 1971, a scant two years later, the percentage had increased to 5.8 percent. Talk of law was in the air, I was told. It was becoming the thing to do when a young woman couldn't make up her mind about what else to do.

A student at University of Virginia Law School told me in 1975 that she went to law school because at Princeton, where she was an undergraduate, everyone had success goals and she was ashamed that she did not. Another changed from a traditional career goal in art history to law after a junior year at Williams College because "after having no idea about what I was going to do after college I realized everyone had a plan and was thinking about medical school or law school, and I had no preparation in science."

But in the seventies, a high proportion of women applying to law schools did not come straight from college. Although I do not have exact statistics, law schools admissions officers, and the women

I interviewed, reported that there were streams of women in their classes who were "second deciders." At NYU's class of 1979, 10% had been out of college for 5 years or more. At Harvard and other law schools, students with Ph.D.s in fields without vocational promise were turning to careers in law. These "older" women, in their late twenties and in their early thirties were of a cohort much affected by the social movements of the sixties. Many of them had been civil rights activists or had been involved in the peace movement.

Many of them realized that they were ineffective in their roles and sought to gain greater competence and legitimacy by obtaining law degrees. Others realized their skills were not transferable and went to law schools.

Reversing the usual generational process, some of these women had acted as role models for their mothers. Several mothers, housewives in their late forties, following the example of daughters, sought to change their lives by seeking a career in law, an unthinkable possibility when they were younger.

### Aspiration

Opportunity not only seemed to affect women's choice of law as a profession in the 1970s but their ambitions and aspirations as well.

Women in my sample of/ <sup>lawyers in 1965-6</sup> (Epstein 1968) seemed to exemplify the view that most women were not interested in career building or success "in male terms." For most women lawyers it seemed apparent that aspirations were modest; by not aiming high they were exhibiting attitudes and behavior consistent with their socialization to put family priorities

and feminine values ahead of success in occupational terms. They also tended to avoid certain specialties, among them corporate work and litigation, because of what they viewed as women's natural disinclination for courtroom combat and the crass world of business; also consistent with the socialization most women can be assumed to have experienced.

However, even had these women been socialized to want success, the profession offered little opportunity to attain it. Women in law were placed on different tracks than men. Their specialties were not those valued within the profession and not visible. But of more interest are the changes in aspiration and subsequent attainment I found among my sample of women lawyers.

Interviews with the same people five to seven years apart, and comparison of two sets of interviews done in the 1960s and 1970s showed impressive (if impressionistic) changes.

Almost none of the women interviewed in 1965 indicated aspirations to become judges. For some it was because they knew there was prejudice against them, but one woman expressed the view of many when she pointed out that "career women" were unhappy people.

I have no particular goals. My mother was friends with the first woman magistrate. But she died a broken-hearted woman. I never thought about being a judge as a result.

Or the woman who, like many others, indicated that as the mother of a young child she could not hope to ascend the bench.

That both of these women are judges today is a measure of the change in norms for women's achievement, as much as a change in each woman's life situation.



A woman in 1980 expressed the view of a number of lawyers who had the new set of ambitions:

Some people want to be judges. I happen to be one of them. They are looking for blacks now, and I guess they are coming around to looking for women, and I'll be ready when they do.

Many women had similar reactions to the possibility of partnership in large firms in the 1960s. They said they didn't seek partnership and they failed to meet the work norms--evening and weekend work--which would make partnership possible. They did this because they were told they had no hope of becoming partners, no matter how long they worked. By contrast, women lawyers in the 1970s fully expected that after a seven to ten year apprenticeship, they had good chances of being elevated to partner, and adjusted their behavior by working nights and weekends to prove their commitment.

It seems clear that these different perspectives on what the future could hold were very much a product of changed social norms, both in the occupations and in the culture. Legal suits against the large firms had resulted in settlements which provided for promotion of women; and changes in sexual mores meant that young people could live together without marriage, resulting in a later age at marriage and deferral of childbirth. Of course, women with college degrees who went on to the professions always married at a later age than other women, but this pattern was considered unfortunate rather than legitimate. Norms had also changed so that many college educated women believed that they need not choose between family and career or retire from career for the

years of child rearing, but they could play both sets of roles at the same time. Women lawyers interviewed in the 1970s who were in career lines leading to high rank were managing to meet the demands of those careers. Further, of the most successful—those elevated to partnership in Wall Street firms—the vast majority were not only married (30 of 41) but mothers of children (27 of the 30), often quite small children. That married women with children are particularly successful is linked with a number of factors discussed in my book, Women in Law. One of the most important is their view that taking on multiple roles does not cause strains beyond the point of coping, and that they need not conform to conventional life cycle sequences for women. In fact, many of these professional women found that as they became more successful they went from strength to strength—acquiring more self esteem and more self reliance, a phenomenon now documented by a group of social scientists (Baruch and Barnett (1979), Marks (1977), Sieber (1974), and Rose Laub Coser (1975).)

Furthermore, women who found themselves in positions leading to high prestige, rank and money often acquired the aspirations appropriate to those positions even though they had earlier expected and even hoped to engage in the more traditional female specialties in law—those centering on social justice issues and the public sector which also provided promise of quite different kinds of rewards. But many women had to switch course when employment opportunities changed due to withdrawal of government funding. Thus women who had sought low aspiration work in "female" specialties found, when forced to engage in corporate and

litigation law, that they both enjoyed the work and assumed the values appropriate to it.

Women who never hoped for partnership now worked fiercely to win it; women who had not thought that money was important aspired to making large salaries. However, still affected by cultural norms sanctioning women for taking on aspirations considered appropriate for men, some women did feel conflict about the prospect of changing their goals. Women who were in social circles in which friends accused them of taking on "male values" were particularly at risk.

This is but one example of the process of social control which I believe is important to the acquisition of social roles, aspirations, and even identity. Norms regarding appropriate attitudes and behavior do not simply float around in the culture. Powerful sanctions are attached to them. Changes in the norms are accompanied by a change in sanctions. Thus in the past, women who chose inappropriate roles (like becoming lawyers) and even thought inappropriate thoughts (like wanting to become rich through their own efforts, or to exercise authority; to become a judge or a Wall Street partner) were punished. They were given the boring, invisible work to do. They were regarded as bitchy disgruntled failures as women. (I report in Women in Law the kinds of formal and informal sanctions imposed on women.) Those punishments have diminished but they are not gone. Certainly workplace cultures as well as the kinds of work people do (Kohn, Schooler, etc. 19 ) produce or discourage certain kinds of attitudes and presentations of self. Furthermore, we know from the work of Arlie Hochschild (1979) that

people can be quite active in manipulating their emotions to bring them into line with their objective situations.

Although there is still much work to be done in assessing the impact of individual's history on their later attitudes and behavior, I think that the social changes in society in the 1970s offer a good opportunity to contemplate the flexibility of human nature. Looking at women's roles in particular provides the basis for field experiments to test change.

I believe in the sub field of women in the professions there is ample evidence that people are not necessarily locked into identities set early in life, precluding new responses to new possibilities created by changes in their immediate or large social environments. I have tried to show how an opened opportunity structure permitted women to choose the non-traditional occupation of law, and once within it, to acquire the tastes for mobility and aspiration characteristic of the profession's different spheres. Furthermore, I have tried to show how women are affected by sex-role definitions and life cycle definitions about what they should and can do at various points in their lives but that they may change these perspectives easily when there are rewards attached to them.

The rapidity of change and the numbers of women who have acted contrary to their own and others' expectations indicate that human nature is more flexible than others would have us believe.

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