Maternity Reconceived in the Public and Private Spheres

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ABSTRACT

 Conceptual, theoretical, and practical bias against working mothers in the US perpetuate patriarchy and prioritize institutions over families. Examining the cultural contexts, feminist concerns, and federal policies and practices surrounding maternity creates a comprehensive picture of the recursive patterns stemming from systemic oppression. As recent generations of women have taken their place in the workforce, the US has lagged behind the global movement to secure paid maternity leave for budding families. This essay underscores various roots to such detrimental and discriminatory neglect. First, the conceptions and evolution of the nuclear family and motherhood are explored as they relate to the “Mommy Wars,” a result of societal expectations regarding the competing public and private sphere. Chapter Two presents a discussion of the liberal feminist agenda to resist pronatalism and promote equality. The limitations of their strategies constrain progress toward maternity leave and reinforce the medicalization of maternity within the labor market. Finally, an assessment of US federal regulation finds that the needs of working mothers are routinely overlooked or misinterpreted by figures in authority. Consequentially, they are penalized financially and culturally for their role as mother, which serves to reinforce overarching patriarchal structures of oppression. As a result of this marginalization, working mothers continue to endure the consequences of discrimination and judgment within both their workplaces and their family lives.

Keywords: Motherhood, Maternity Leave, Discrimination, “Mommy Wars”, “Motherhood Penalty”

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INTRODUCTION

A review of United States (US) labor policy and employer/employee practices surrounding maternity over the course of the late 20th and early 21st century suggests a drastic evolution in the perception of mothers in the workplace. The most recent three generations of women have increased their presence in the American workforce and have struggled to achieve an equal standing with their male counterparts. Directly following World War II, only one-third of the workforce was comprised of women; by 2013 the Bureau of Labor Statistics reports that women made up 57.2% of employees (2014:1). Despite the seismic change in labor force demographics and labor market interests, industry continues to perpetuate a deep-seated inequity between men and women including discrepancies in financial compensation and cultural capital. The issue of maternity further encourages the existing biases toward women and results in detriment to both the public and private sphere.

The situation for expecting and new mothers in the US is a stark contrast to the approach taken by countries throughout the rest of the world, despite their developed economic status or philosophical stance on family structure. It is one of only four countries (Swaziland, Lesotho, Papua New Guinea, and the US) in the world to leave new mothers with no income during the work leave allotted for physical recovery and adjustment to their infants (UNStats.org). Less than half of the countries reported to provide paid leave place the financial burden on employers (ibid). Presently, the European Union (EU) is negotiating and debating the merit of extending the amount of time that mothers would be required to receive in paid leave (Hinton-Beales 2015: 1). Recently, Richard Branson, a celebrity investor and magnate, has announced a new policy for his Virgin employees in London and Geneva, which broadens the scope of parental leave to include fathers; he has implemented a policy providing up to a year of paid leave after the birth of their children (Bishop 2015: 1). Around the world, maternity leave policies remain very much a focus of the cultural consciousness, and the roles of mother and father act as a compelling argument in favor of more generous and overarching policies. While other countries are reassessing and extending already present policies for both parents to dedicate time to their private sphere upon the birth of a child, the US continues to neglect the value of parental leave and the inequities experienced by working mothers.

The US Federal Government has done little to protect its mothers from the capitalist aims of the labor market, which prioritize the time and talent of its employee base over the individual health and satisfaction of mother and child. Some state governments and independent companies manage the maternity leave needs of their female constituents using a patchwork of other policies, but the benefits of even the meager federal support structure reach many women inequitably. It is through the implementation of this inadequate policy that sociologists have sought to identify injustices towards women in the workforce. The patriarchal predispositions of policy compound the discrimination faced by parents as characteristics of class and gender intersect to make the establishment of fair and just maternity and paternity leaves a seemingly Sisyphean task.

An essential element of this prejudice stems from the cultural constructions of motherhood, family, and the existing, predominant gender roles. Faced with the gender-specific and cultural expectations, women must not only negotiate physical recovery time from childbirth and childcare, but they must simultaneously maintain their position in the workplace. Equal opportunity feminist advocacy has enlisted a gender-neutral strategy to combat the tension, but many facets of maternity remain unattended, including the continued philosophy of pronatalism and unchecked systemic oppression. “Women’s normal biological capacity to become pregnant is unique – sui generis – and insofar as pregnancy is a unique conditions, the situations of men and women cannot be viewed as comparable” (Vogel 1993: 69). An egalitarian approach ignores this biological reality that expecting and new mothers require different considerations than women and men with other conditions and denies them equity. The challenge to reconcile these notions is not made easier by the prevailing institutional policies applying to working mothers. In its attempt to engender equality, the US federal government has provided piecemeal solutions to deal with maternity utilizing anti-discrimination law, labor laws, and medical leave laws. In doing so, equity for mothers in the workplace becomes increasingly problematic.

As a result, the outcomes of these unfair circumstances create a recursive pattern in cultural constructions. Mothers forced to take too little time to recover and adjust to their newborn must also grapple with the judgements from stay at home mothers. The medicalization of maternity and the lack of control over their choices and throughout the process of childbirth and child rearing negates their authority and makes them subject to further institutional manipulation. The policies in place meant to protect parents from punitive employer response reinforce the stigma attached to splitting time, energies, and attention between family and career. Without a federal system of financial support, employers of mothers who suffer the burden of staffing and operations while women take parental leave inevitably pass on that inconvenience. Perhaps the most continuously resounding effect of absent maternity policy is the booming childcare industry; childcare centers, extended family and babysitters become responsible for America’s infants and toddlers. With each generation of working mothers, these effects force a larger gap between the social needs of the family and the labor needs of industry and reinforce the existing paradigm.

This paper seeks first to question and criticize some of the conceptual and theoretical foundations for the prevailing attitudes towards maternity and labor policy in the US. Despite liberal feminist critique, due to the limitations of that critique, I will establish that these policies are predicated on recursive cultural and patriarchal systems of discrimination. Practically, this paper aims to articulate some of the discriminations experienced by women in the labor market in an explication of the limitations of feminist advocacy and capitalist practices. Each player involved in this intersection of family and work suffers from the lack of supportive governmental programs and infrastructure. This paper will establish that the recursive conceptual, theoretical, and practical biases against motherhood in the US perpetuate patriarchy and prioritize institutions over families.

LITERATURE OVERVIEW

 Current publications regarding maternity leave in the US approach the topic by exploring three major avenues of entry: underlying ideological notions of motherhood and parenting, the evolution and implementation of actual policy, and the resulting data that measure the effectiveness of the existing structure. Though this paper will focus on the first slant, the remaining research is helpful in understanding the perception of need. Scholars from a myriad of disciplines have established foundational research, which has been pivotal in identifying and defining the social problems associated with the increasingly prevalent difficulties experienced by mothers within the US. Psychologists, cultural studies and business management scholars, among others, bring equally vital insights to the topic, enabling more sociological research to investigate the causes and potential patterns within this continuously changing landscape.

Firstly, scholars have explored the concept of motherhood and parenting as the result of evolving constructions of social expectation. Ideas defining parenthood and its responsibilities in the western world often dictate mothers’ expected behaviors, and their success is subsequently based on these standards. Feminists such as Marsha Gimenez (1975), Herta E. Harsch (2006), and Judy Heymann (2000; 2006) articulate some of the problematics of the numerous elements of motherhood and their impact on gender equality and the conflict within the workplace. Traditional gender roles of mothers and fathers are explored in the context of the nuclear family and its cultural evolution in the US (Coontz; Popenoe 1993; Stacey 1993; Allen 2001). The recursive nature of the traditional role of mother in a household reinforces the idea that if women are interested in maintaining a role in both the workforce and the family that they must be kept in “separate spheres” (Berggren 2008; Rosicki 2012). Of course, the expectations are not the same for everyone. Thus, many researchers have studied the effects and changing ideas of motherhood globally and how those philosophies intersect with other cultures and systems of patriarchy (Morris 2006; Amermenia and Gerstel 2005).

A second point of entry into this research focuses on the evolution of policy itself, in areas pertaining to both the labor and the medical fields. Many of these studies culminate in the most recent initiatives of the Family and Medical Leave Act (FMLA) (Wisensale1997; White 2002). Furthermore, the dissection of FMLA and its possibilities for implementation have been explored to predict its effectiveness and validity (Guthrie and Roth 1999). *Maternity Leave: Policy and Practice* provides a comprehensive overview of the intersection between work and family, touching upon various circumstances and elements that come into play when negotiating these complicated matters (Gordon 2013). However, much debate exists over mothers’ choices when faced with the countering obligations to family and work. Can women “have it all” and should they (Kricheli-Katz 2012; Douglas and Michaels 2004; Jones 2012)?

A final major line of research focuses on gathering qualitative and quantitative data regarding the outcomes and effects of the choices women make post-partum. Because the experience of working mothers varies so widely across diverse working environments, quantitative studies have analyzed the likelihood and commonality of parents taking leaves in different environments, determining the patterns emerging in the duration and frequency of leaves (Guendelman et al.2013; Armenia and Gerstel 2005; Gordon 2013). One strand of research pulls into focus the relationship of the employee and employer, qualifying the perceptions of each and the dialectical push and pull between business needs and family needs (Choi 2003; Coleman and Franiuk 2011; Mäkelä 2011). In many cases, researchers prioritize and evaluate the need of the firm as the impetus behind their studies (Lundquist et al 2012). In another strand, the needs of the family are made central and the health outcomes for children of working mothers and their families are quantified (Aitken et al. 2015; Rossin 2011). Some sociological research has been conducted on minorities within the working class mother role, which focuses on the difficulty of low-income households when faced with the challenge of integrating a new member of the family into the existing dynamic of the household.

CHAPTER ONE: THEORETICAL FOUNDATIONS OF POLICY

*Constructions of Concept*

“Language encodes what is important to people and provides the means for them to articulate the understanding of what is significant” (Bowden and Mummery 2009:34). This chapter will first explore the connotations and implications of some of the most relevant language surrounding maternity, outlining the feminist concepts upon which perceptions are established. Here, we examine a few terms that imply substantial and significant meanings as they pertain to the intersection of labor and maternity and lead to the tension between these two identity-forming areas: the public and private spheres, sex discrimination, the choice to mother, the nuclear family, and motherhood. These expressions, as they apply to various fields of study and avenues of analysis, are utilized bearing a wide range of definitions. By placing them in relationship with one another, a conceptual map can be drawn which culminates in the social issue of the “Mommy Wars.” As these components of the greater phenomenological conception of motherhood intertwine, tension and judgement develops between women who work and those who exclusively parent. Consequentially, as the environment and culture in the US begins to change, policies and attitudes fall short of acknowledging the complexities for existing working mothers. In order to address the ways in which these ideas perform problematically within the discourse and structure of the labor economy, we must first understand and discuss their implications.

*Public and Private Sphere*

The notion of “separate spheres” attempts to establish two social contexts in which men and women perform in contrasting and distinct roles (Berggren 2008: 313). The private sphere refers to any area of life, which does not interact with the greater public— put simply, “the family and household responsibilities” (Collins 1994:46). The term public sphere, originating from Habermas and referring to the “discursive space in which individuals and groups congregate to discuss matters of mutual interest” has been expanded within existing research and discussion (Hauser 2009:86). Rather it incorporates a sociological definition of public life, including Rosicki’s inclusion of the “real sphere of social practices,” the “area of civil rights” and “the sphere of freedom” (2012: 10, 17, 18). Perhaps a more salient distinction between these separate spheres represents an assumption of gender separation within each arena. These two overlapping domains of social life emerge from capitalist categories rearticulated by Remigiusz Rosicki’s analysis of the “Public and Private Sphere” and Martha Gimenez’s analysis of “Marx and Feminism” (2012; 1975). Gimenez (1975:62) asserts that, “under capitalist conditions, the structures of sexuality, reproduction, and socialization are combined in a unit – the family – which defines the ‘woman’s world,’ while the structure of production defines the ‘man’s world’”. Mimi Sheller and John Urry (2003:112) state the same point, emphasizing that the public “refer[s] to everything outside the household…including economic institutions such as the workplace or corporations, and political institutions of the state *and* public spaces.” As the landscape of the American labor economy has increasingly added women to its ranks, this categorization is no longer reflective of current conditions, but the distinction and separation of the two spheres continues to exist and serve as an impediment to changes in maternity leave policy in the US.

It is possible to argue that with the proliferation of the internet and the changing economy, these spheres are becoming less distinct from one another. “Information, communications, screens, are all material worlds, hybrids of private and public life” and tend to blend the responsibilities of one with the obligations of the other (Sheller and Urry 2003:121). Social networks and hiring practices seem to bring more of the employee’s private life into their evaluation. Employees tend to bring work home, remain on call in their off hours, and maintain communication even when they are on vacation. The public sphere ekes into the private persona as the demands of the workplace become more continual and pervasive. As the two spheres compete for the attention and dedication of the individual, the benefits of each can become amalgamated, conflated, and co-dependent. Both arenas provide an individual with fulfillment and satisfaction, financially, intellectually, and socially. Both rely on social relationships to thrive and endure, promoting an interdependence on others to do well and make the longest strides. It is perhaps because of these parallel benefits that both spheres compete for the time and commitment of their actors.

*Nuclear Family*

David Popenoe defines family as “a group in which people typically live together in a household and function as a cooperative unit, particularly through the sharing of economic resources, in the pursuit of domestic activities” (1993:529). According to Krull and Sampruch the “nuclear family exists more as an ideal than an actuality” (2011:16). In this paper, an understanding of the transformation of the nuclear family and its normative constraints relies heavily on both the context in which those aspects were constructed as well as the purpose for which the term serves. Motherhood cannot be defined then, without some relationship to the nuclear family it serves. Until and through the World War II American landscape, the ideal nuclear family consisted of two, married, biological parents and their offspring, a reflection of the *Leave it to Beaver* era featuring a “male breadwinner – dependent wife caregiver binary” (Krull and Sampruch 2011:11). Whether or not this construct mirrored the majority of American families is in dispute as Popenoe articulates in his 1993 article on “American Family Decline.” From the late 1950s to the early 1990s, a series of statistical realities presented trends, which allude to a very different reality. Families emerge as something we do, not what we are” (Krull and Sampruch 2011:27). So it is significant that so many seemingly negative trends (reflecting what people were doing) were on the rise amongst the population: the age of married women, the number of single women living on their own, the number of women entering the workforce, the number of children born out of the institution of marriage, and the frequency of cohabitation (Popenoe 1993:530-532; Krull and Sampruch 2011:16). Conversely, the average number of children was in decline, as well as the family units formed by two biological parents (ibid). Popenoe asserts that certain attitudinal changes were direct results of such structural and functional deviations, including the decrease in positivity regarding motherhood (ibid: 530). The very purpose of marriage shifted from “social obligation toward a mechanism of self-fulfillment” (ibid: 533). Critics say that Popenoe was hasty in drawing such correlations and in characterizing these characteristics as a “decline”; rather it “distorts crucial historical sources” and neglects to recognize family as process (Stacey 1993:546; Bengtson 2001:3).

Though it is impossible to deny the empirical evidence of change, a theoretical renovation must also be illuminated to engender a balanced picture of the “new” nuclear family. Its “primary functions had changed from social institutional to emotional supportive” (Bengtson 2001:1). Families were becoming a product of choice, a wanted circumstance in which the members could be fulfilled and mentored. Recent decades have found that the notion of the private sphere more often incorporates extended family, multi-generational tiers of families, stepfamilies, and non-traditional self-selected families. Kinship is no longer exclusive to biological connection. Families glean emotional, financial, and domestic support from all kinds of sources; in so doing, these practices “destabiliz[e] the normative assumptions about family and reconceptualiz[e] intimate relations and care work” (Krull and Sampruch 2011:25). These changes have not been proven to have a detrimental effect on the children involved. Children of working mothers do not register lower self-worth or destructive values (Bengtson 2001:11). Indeed, the role models within the family structure of a Generation X child are more likely to be better educated and exemplifying a healthy balance between family and work life (Bengtson 2001:10). Stacey argues that a continuation of these practices and the promotion of family policies “restructuring work schedules and benefit policies to accommodate familial responsibilities…enacting comparable worth standards of pay equity to enable women as well as men to earn a family wage…and providing universal health, prenatal and childcare” (Stacey 1993:547) are the factors which will be most beneficial to children.

Scholarly research continues to explore the longitudinal effects on children of family structures and the various ways in which the private sphere is constructed. A critical analysis of these trends point not only to a self-fulfillment engendered within the new framework and definition of family, but an element of choice that empowers those that decide to produce a family with children. A reevaluation of the reality of the nuclear family cannot be undertaken without an acknowledgement of the tensions it causes. The “lag in adjusting values, behaviors, and institutions to new realities” present challenges in the everyday workings of social interactions, expectations, and policy-making (Coontz 1997: 109). New boundaries and limitations are inevitably invoked and different repercussions stem from their implementation, including judgement about what does and does not constitute a good influence on future generations.

*Motherhood*

Context and circumstance are crucial elements when studying the notion of motherhood in historical and cultural frameworks. Without these informing factors, the definition of motherhood remains esoteric and abstract. Of course, by definition, motherhood is inextricably linked to procreation, “as well as the creation, protection and care of human life in its entirety [and] raising and nurturing children and adolescents” (Tazi-Preve 2013:21). However, the concept of motherhood in the 21st century in the US has been informed by patriarchal and colonial influences, and some of these prescribed attributes associated with mothers remain ingrained in cultural perceptions. According to Parsons, motherhood’s normative role encompassed “a role within the family setting which encompassed childcare, shopping, cleaning, and husband care, but which did not include paid work” (Gatrell 2005:47). Not all definitions associate the external responsibilities for house and partner with this concept and Parson’s work has been criticized for its inability to transcend its original context. Such beliefs are anachronistic, considering the updated concept of the nuclear family. Lax’s more psychological assertion that “motherhood is a state of being” (2006:1) implicates a space and energy within the mind, which is inhabited by the consciousness related to a mother’s duty. Also important to consider are the diverse populations which make up the US and the way in which race and class might modify what it means to be a mother. Patricia Hill Collins addresses this by coining the term, “motherwork” to “soften the existing dichotomies in feminist theorizing about motherhood that posit rigid distinctions about private and public, family and work” (1994:48). To her, separating a woman’s identity, her sense of self, from the diverse responsibilities related to her role as mother helps to uncomplicate the convoluted term of motherhood. In this analysis, this latter acknowledgement is helpful, considering that the policies and practices with which new mothers must contend are preoccupied with the perception of and expectation for American women in general.

*Sex Discrimination*

 The private sphere of a mother often interferes with the public sphere of her career, leading to a specific set of sex discrimination. Sex discrimination has been defined by the Equal Employment Opportunity Commission (EEOC) as “treating someone (an applicant or employee) unfavorably because of that person’s sex” or “…because of his or her connection with an organization or group that is generally associated with people of a certain sex” (EEOC). Discrimination occurs when this treatment can be empirically qualified or quantified. That is, these attitudes give voice, shape, and meaning to unfavorable judgements through narrative accounts of lived experience and have measurable effects on the behaviors and lives of the victims. The association of employee and mother engenders critical attitudes which in part relegates all women to particular roles. For example, the beginning of the twentieth century excluded women from certain professions simply “by barring them from taking three of the five civil service exams necessary to qualify for positions” (Heymann 2000:140). Women’s labor unions were excluded from other sanctioned and established organized labor unions, which severely muted their concerns, hindered their advocacy for equal rights, and diminished their importance within the workforce (ibid: 141).

Though the Civil Rights Act of 1964 banned these types of blatantly discriminatory policies, today’s environment continues to exhibit clear delineations of gender in which men hold the majority of power, either by retaining more authoritative positions or by occupying job descriptions accompanied by greater financial compensation. For example, a recent assessment of Standard & Poor (S&P) 500 companies determined that only 4.6 percent of CEO positions are held by women (Catalyst 2015:n.p.). According to the American Community Survey, men comprise only 45% of the US population earning under $50,000, while making up 66% of the population earning more than that (US Census 2010). As the gender motivated power struggle plays out and couples with other types of discrimination, it becomes evident that sex discrimination carries with it consequences for the class structure of the worker. As men keep their stronghold on the more lucrative, higher profile jobs, women are allocated to jobs with lower incomes and fewer benefits. Such empirical evidence is hard to refute, considering the prevalence of these kinds of statistical divergences.

Technological advancement and globalization, which have transformed the very nature of the market’s function and components, require the patriarchal institutions of the US labor market to exhibit flexibility and innovation. Despite various federal and state anti-discrimination policies, which are meant to force those in authority to become mindful and accountable for their biases, evidence for the perpetuation of workplace sex stratification endures. “The differential power and prestige associated with male and female roles” should be recognized for the “division of labor” which hinders women’s progress in the field (Gimenez 1975: 63-64). In 1970, this division of labor manifested in the clearly differentiated job requirements listed in the gender-separated help wanted ads (Heymann 2000:142). Listings for females sought the same skills that homemakers and mothers might already have mastered. Today, one can recognize the division of labor based upon the meager number of women who comprise the “decision-makers” and “shape the public and private policies” of major corporations (ibid:156). Women should no longer be subject to unreasonable expectations, including attitudes, which objectify, degrade, unfairly subjugate, or otherwise segregate them from the population for the attributes and characteristics which make them female. This includes any unfair practices that could be related to their ability and choice to become mothers. Unfortunately, the financial, social, emotional, and biological components of maternity continue to frame the female employee’s identity within the workplace and influence her role in the family.

*The “Mommy Wars”*

Each of these terms carries with it certain conventions, which feed into a proliferating phenomenon amongst American mothers, the “Mommy Wars”: “discourse battles between mothers working for pay and those who stay at home” (Crowley 2015:217).. Though “not an all-encompassing belief system in American society,” the “Mommy Wars” do contribute to the decision-making process of women and has been proven to be “influential among their peer groups” (Crowley 2015:232-233). Especially in white, middle class American families, women are criticizing other women who choose to place priorities in both career and family (ibid: 220). By labeling, defining, and redefining the organizational constructs above, which assemble to create a network of socioeconomic and familial ideals, we can see certain patterns and motivations arise within modern American families. In the pursuit of emotional self-fulfillment—now provided by both her family and her career— more women have options. Some women prefer to live at home, raising their children and maintaining the household as their full time commitment. Others decide that their career is equally deserving of their time and attention and enter into a co-committed lifestyle balancing the commitments of both public and private spheres. Still others select a lifestyle that does not include the institution of marriage or children. There are variations of commitment to both spheres that create subdivisions among women. Also, elements of class play a role in the options afforded them. In many cases, a woman’s association with motherhood is “no longer the route to social and economic well-being, it has become a real detriment” (Valeska 1984:74). While motherhood used to be a prerequisite to becoming a kept housewife and lent adequate respectability to a woman’s image, the more recent necessity to maintain two incomes within a household raises the expectation of women. As women have become more involved in the labor market, and the labor market has become more reliant upon their participation, they glean much of their social and economic capital from that arena. Unfortunately, some women are not able to afford to support themselves and their families without earning their own income. Still others can not secure work because of their situation at home. The “Mommy Wars” are emblematic of the dichotomous relationship between the two major branches of women, working mothers and stay-at-home moms.

Just like *Leave it to Beaver* affected the public’s conception of the nuclear family and motherhood, television and media contributed to the “Mommy Wars” throughout the 1980s and 1990s (Douglass and Michaels 2004:205). The diversity of opinions were bolstered by opposing portrayals of families. Shows like *thirtysomething* (debuting in 1987) “romanticized child rearing” and “celebrated and reinforced the norms of intensive mothering” (ibid: 205). On the other hand, *Roseanne* (1998 debut) presented a snarky, working-class, “tell-it-like-it is” family, which challenged this “saccharine” conception, lent “legitimacy to a more ambivalent, frank, even jaundiced portrayal of motherhood,” and “offer[ed] women a different kind of permissible role model” (ibid:217). Such popular and visible influences either reinforced or demoralized the opinions of women. Because the roles of mother and worker are so engrained into one’s identity, criticism became a personal point of contention. In present day, anonymous media, social networking, blogging, and other internet venues continue to perpetuate the argument (Crowley 2015: 228).

The institutionalized constructions of the public and private sphere, the nuclear family, and motherhood, coupled with the structural and class oppression of sex discrimination pit women against each other. Coontz’s assertion rings true: “clinging to old values merely prolongs the period of transition and stress, preventing us from making needed adjustments in our lives and institutions” (1997:115). The lack of support amongst mothers, based heavily on these conceptual constructions, has escalated to the phenomena of the “Mommy Wars.” This conflict remains central to the formulation of attitudes toward sex roles, family life, and the labor economy.

CHAPTER TWO: THEORETICAL FOUNDATIONS

“Motherhood, more than many other areas of life, has been troubling for feminists because of the tensions it presents” and an enormous amount of research has explored its intersection with inequality and discrimination (Woodward and Woodward 2009:72). As its overall project, feminism gives women a voice in the political and philosophical discourse of the times, inserting the priorities of women into the already existing patriarchal equation and rewriting expectations and ideals. Established by those same traditions is the collective theoretical exploration and advocacy for the equality of the sexes, which attempt to change the enduring “restrictions associated with women’s social opportunities” (Bowden and Mummery 2009:13). “Second wave” feminism endeavored to institute change by appealing to the rhetorical power of the equal rights movement, initiated by the Civil Rights Movement and overcome a number of oppressive practices existing within society (Bowden and Mummery 2009:1). Such an enormous project of change leaves much to continuously consider and reconsider about the many limits inherent in the cultural fabric of the Western world and its institutions. Each unique branch of feminist thinking, located within the framework of second wave feminism is challenged when its own limitations become barriers for progress and change. Liberal feminism or “equal choice feminism” seeks an egalitarian society, but falls short of this project when aspects of men and women disassociate, resulting in subjects which cannot be objectively compared or measured (Jones 2012:23; Allen 2001:794). Some feminisms locate themselves within a cultural or radical context and concentrate on celebrating the individuality of women and the value of their voice to the societal conversation (ibid). “Difference feminism”, “gynocentrism” or “cultural feminism” contend that “revaluing and celebrating the strengths and virtues of womanhood, femininity, and women’s work is central to overcoming women’s social and economic oppression” (Bowden and Mummery 2009:21). Though cultural feminism admires women’s individuality, conflicts can emerge when institutions try to generalize or universalize their policies. Radical feminism advocates for the voice of women, but lacks strength in environments dominated by patriarchy, like the industrial milieu. In this chapter, we explore how models of pronatalism, equality, and systemic oppression contribute to the construction of sex roles in the workplace. This connection is the next step to understanding the difficulty surrounding mothers in the workplace.

“The sociology of motherhood was a central focus of feminist research during the 1970s and 1980s when writers explored the issues of childbearing, child-rearing, and mothers’ work…from a theoretical as opposed to an empirical, standpoint” (Gatrell 2005:46-47). A universalized analysis of the emotional burden and epistemological constructions of motherhood is unrealistic due to their immeasurability and inherent inimitability; too many factors render the project ungeneralizable and unwieldy. Though Arendell points out that the tasks of motherwork across culture and class are similar by their very definition, I contend that the individual and cultural concerns, in tandem with institutional influences, fragment the lived experience (2000:1194). No pregnancy is the same. No mother is identical to another. Reducing the motherhood experience to a universalist approach neglects too many significant variables. A particularist approach may be more beneficial in exposing the underbelly of maternity practices in 21st century America, considering that the very concepts discussed in Chapter One are shifting and expanding their strictures so drastically (ibid:1195).

Thus far, this paper has approached maternity with a conceptual slant, interpreting and criticizing the assertions found in a cultural context. In order to isolate the practical application of maternity policies and practices in the US, this paper begins to address their foundations by granting consideration to the essential and influential concepts motivating feminist movements concerning mothers. “As Canadian epistemologist Lorraine Code (1998) succinctly explains, ‘epistemologies, in their trickle-down effects in the everyday world, play a part in sustaining patriarchal and other hierarchical social structures’” (Bowden and Mummery 2009:25). Because the scope of literature is too vast to encapsulate all the research and discussion, this section will address specific factors related to maternity. First, we will explore some constraints of pronatalism, which Gimenez argues stands in opposition to feminist advocacy’s emphasis on reproductive self-determination (1984:290). Once women have chosen to become mothers and simultaneously participate as workers in the public sphere, the juxtaposition between equality and equity merits explication. Finally, this section will highlight some feminist discussions regarding systemic oppression. Capitalist constructions of the labor market and the gender roles of mothers and fathers reflect long-standing systemic oppression as they interact with each other and their competing commitments in the public sphere. It would follow then that these arguments and discussions helped to inform and influence the policies that followed the shift in the labor force and the equal opportunity push in the last thirty years of 20th century America.

*Pronatalism*

The existence of structural and ideological pressures resulting in socially prescribed parenthood is a precondition for all adult roles (Gimenez 1984: 290). More specifically, these pressures relate to the given expectation that women will inevitably and happily participate in childbirth and child-rearing at some point in their life course. These ideas are born in the presumption that “womanhood and motherhood are treated as synonymous identities and categories of experience” (Arendell 2000:1192). However, like many assumptions formerly characterized as “natural,” “the craving [or choice] to have a child, which has been considered mistakenly to originate from an innate ‘maternal instinct,’ actually stems from an unconscious response to pressures that still predominantly define a woman’s role and being in terms of motherhood” (Lax 2006:2). An analysis of the family as merely a “natural unit” as opposed to a “social entity” further emphasizes the underlying pronatalist philosophy and undermines the project of feminism (Barrett 1980:188). This presumptuous attitudinal predisposition directs the everyday lived experiences of women and the laws that relate to women, maternity, and motherhood.

Prior to the establishment of federal maternity leave policy in the US, feminists such as Judith Blake, Juliet Mitchell, Linda Gordon, and Shulamith Firestone explored some of the implications and nuances of pronatalism on the role of women in society (Gimenez 1983: 294-299). Biological determinism no longer dictates many of the behaviors in contemporary society. Medical and technological advances have interrupted the natural process of life, saving cancer patients, eradicating disease, and compensating for disabilities. Logically, the advance for equal rights and opportunities associated with the feminist movement might similarly have succeeded in erasing the obligations and responsibilities associated with woman’s biological capacity to procreate. Despite recent feminist action, American culture still conflates women’s physiological capacity and their desire to create new life.

Upon finding (and marrying) a partner, the “typical” next step in the life course is to have children. If the couple chooses to wait or cannot procreate, many report feeling a stigma attached to their decision or situation (Hayden 2010:272). “Mothers are women, but this is not to say that all women are mothers, which raises important social points about the merging of femininity with the maternal” (Woodward and Woodward 2009:72). The conflation of maternity and femininity is in great part due to the culture of pronatalism. As maternity leave policies are created within this environment of expectation, the assumption that women must have children and simply integrate them into their existing, broader, public lives becomes viewed as a matter of course. A woman’s position as mother becomes an automatic one, secondary to the position within society for which women have trained and been hired. Consequently, “motherhood, if conceived as a taken core granted dimension of women’s normal adult role, becomes one of the key sources of women’s oppression” (Giminez 1984:288). Within her chosen career, a mother must also manage all the duties associated with the private sphere of her life. Not only must she maintain household duties and responsibilities to her community, family, friends, and partner, but also she must now fit into this already obligation-laden life, the duties of motherhood. Pronatalism dictates that these two simultaneous “full-time jobs” should be in conflict with each other, pulling the mother/employee in two directions ( Douglas and Michaels 2004: 203). It further implies that a woman *should* feel such a pull, because she is predisposed to commit to one sphere over the other (ibid).

In the US, a woman’s duties as mother become much more complicated by the fact that there are few benefits in place which prioritize the needs of families; as we’ll discuss in detail in chapter three, compared to other countries, neither governmental support nor industry’s infrastructural accommodations allow mothers adequate space and time to manage such commitments. Early returns from maternity leave and the flourishing childcare industry, as well as an increase of childhood independence, all reflect alternative solutions to society’s lack of commitment to the insulation of family life. The continuous transformation of the family responds and adapts to the various external forces which impact it, and it does not rely solely on the mother’s alleged innate embodiment of nurturer and caregiver (Bengtson 2001:4). Though the dynamic of the family has changed, the expectation for mothers has not yet shifted. Her “natural” obligations to the family come into conflict with her duties to her employer; their criticisms, based on pronatalist theories of motherhood, lead to penalties and discriminatory practices in the workplace. The concept and culture of pronatalism promotes a working environment in which families are not only deprioritized but also left to decay for the sake of the public sphere. Promoting pronatalism practices only serves to exacerbate sex discrimination, especially in the workplace.

*Equality over Equity*

The terms equality and equity as they apply to the treatment of women —though often used interchangeably—must be made distinct from one another. According to economist Martin Bronfenbrenner’s treatment, equality is measured objectively, while equity is subjective (1973:9). While his analysis describes equality based on income distribution, its tenants are generalizable, and the basis for much of the feminist theory and legislation discussed in this paper. Bronfenbrenner outlines norms related to the conditions and characteristics by which equality should be determined, including behaving in a nondiscriminatory manner and an empirical accounting of the various distributions and gains, which justly and unjustly affect the outcome of income distribution (ibid:12-14). In applying this notion to gender relations, equality assumes that “women, having the same basic needs and interests as men, [and] should be recognized as equal to men” (Bowden and Mummery 2009:14). This becomes problematic in two ways. First, it assumes that the basic needs and interests are universal to humankind and are not dependent variables of sex or gender. Secondly, equality cannot be achieved when “recognition” is not measured objectively. Equity can be characterized “precisely as the equal treatment of equal things or persons” (ibid: 10). When these terms are applied to a situation or circumstance opposed to a measurable and quantifiable indicator, as they are in feminist thought, the conflation of the two is an untenable goal. A formula cannot be as easily applied to equity as it is to equality, especially when faced with the task of prescribing and regulating the behavior toward and treatment of women in the workforce.

Feminism has also long associated itself strongly with the term equality. In many circumstances, this has reinforced the message that feminists must eliminate inequality in all arenas of the social milieu, when in fact the goal has been to eliminate injustice. The terms “equal rights” and “equal opportunity” apply to many of the experiences feminists strive to improve. Ensuring these conditions is pivotal to their societal position, especially as it pertains to their treatment by employers and colleagues (Bowden and Mummery 2009:35). Laws governing American citizens have lent this word and concept much gravity, beginning as early as first wave feminism’s resulting proposal of the Equal Rights Amendment to “eliminate[e] all laws that treated women differently from men” in 1923 (Vogel 1993:47). However, laws do not govern attitudes as well as they constrain behaviors. Perceptions of women and mothers are not so easily regulated.

The concept of equality between men and women becomes problematic when a situation or circumstance lacks either a female or male complement. An equality strategy makes sense when the circumstances are universal and objective. When comparing tasks or scenarios in which men and women can be held up side-by-side and assessed on equal footing, the goal of equality seems logical. The argument against the wage gap always begins with this particular brand of activism. Equal pay for equal work makes rational sense. One reason it hasn’t yet taken hold and been established as a normative expectation has more to do with the underlying complexities of everyday mechanisms of institutionalism. Maternity and motherhood are essential components of this inequality. When the responsibilities of motherhood detract from an employee’s work quality or quantity, they cannot be painted as equal. Some components of becoming a parent hinder employees from being seen in a gender-neutral light by their employers and colleagues. Women employees who are mothers must demand time in their lives for both the private and the public spheres. Here, we begin to see where the “the fallacy of thinking about the possibilities of all human beings under the terms of a single universal ideal” interferes with this line of theory (Bowden and Mummery 2009:22).

Even more problematic is that “for the purposes of equality analysis, men are the standard to which women are to be measured” (Vogel 1993:70). It is in this measuring up that employers are compelled to feel less pressure to grant mothers maternity leave. If the standard to which industry must raise the woman’s role is equal to a man’s, then there is no need to consider the aspects of maternity that do not have a male equivalency. It is through this false equivalency in which the “mother’s relationship to her children is automatically secondary” to the production work for which men are responsible in the labor market (Valeska 1983: 72). Bowden and Mummery point out that “maternal and wifely work – caring for and nursing the interest of others – is women’s work and inferior, while the activities of economic production and political decision-making are men’s work and superior” (2009:18). Though women have become increasingly imperative to the success of the public sphere, their value and ranking within that societal arena remains second-class. It follows, then, that any aspect of their lives which does not pertain to their role within economic production, is even further down the list of priorities. Echoing the sentiment of pronatalist thought, the positioning of the male role as the standard to which women should be raised reconstructs the idea that a woman’s role in the private sphere is less important. Dorothy Smith contends that sociological discourse, among others, has entirely excluded the presence of women and their particular insights and ideas (1987:18). Following that logic, societal norms and ideals in the US are shaped in large part from a patriarchal viewpoint, which cannot and does not always have an appropriately validated counterpart in women’s rights. The fight for equality has raged for over a century in the US, while its female pioneers are continually granted less credence than their male counterparts.

Although American culture strives to construe the concept of parenthood as gender-neutral, some responsibilities particularly associated with motherhood are exclusive to female persons. Equally valid is the assumption that fatherhood holds its own distinctive attributes. Each carry with them connotations and obligations—biological or social—binding each identity role to a unique function. In her chapter on “the rights of children to receive care,” Virginia Held contends that mothers and fathers have socially constructed ways of parenting that are indeed construed as different behaviors, (i.e. mothering and fathering communicate “entirely different meanings”) (Held 1984:7). Not only must they be available to administer care and take responsibility for the basic human needs of their children, but also parents must develop and foster social skills, imagination, creativity, and other characteristics, which will lead to the child’s success in future endeavors. Each parent completes these tasks using different methods. The patriarch is traditionally responsible for “earning the family’s keep and maintaining discipline” (ibid: 189). Conversely, the role of the matriarch was associated with a “commitment to housekeeping, marriage, and motherhood” (Bowden and Mummery 2009:16). According to Talcott Parson’s functionalist approach, the family must maintain stability both emotionally and morally; mothers must take care of the needs of both their children and her partner, and “socialize children into society’s normative system of values” (Barrett 1980:188). Research has shown that nurturing is as imperative and influential as a child’s genetic makeup (Dovey 2015:1). Without it, children will not be as adequately prepared to enter into the educational system and eventually into industry.

The “breadwinner-homemaker model” celebrates the nurturing, organizing, and involved participation of the female homemaker and the male who provides for his partner and children (Coontz 1997:159). Even in “two-earner families,” in which housework and childcare are shared burdens, the approach and style of each individual parent will differ and gender roles will subconsciously affect their family position (ibid). These roles and positions within the Western world’s conception of family are equitably valuable, but cannot be justifiably described as equal. The root of these inequalities is further embedded in the recursive nature of the social constructions of gender. “Our culture does not arise spontaneously; it is ‘manufactured’” (Smith 1987:19). Recent perceptions have shown these roles to be more transmutable, especially as children grow older and gender roles within the US evolve. Still, the underpinnings of these constructions are rooted in practice and discourse. “Men and women are different and have different powers and social participation because they are socialized differently” (Gimenez 1975:62). Parallel to the conflation of woman and mother, genders cannot be merged into one universal category. The project of equality tries to do so without realizing the problematic barriers addressed here.

*Systemic Oppression*

Just as pronatalism and equality have informed the feminist conversation, so too has institutionalization. Systemic oppression manifests itself within the institutions of the federal government, the labor market, and the family. Thus, their practices regularly confront and affect working mothers. Each of these environments in the US is predicated upon a mainly colonial (and therefore patriarchal) foundation, which has designed and regulated the organization of the public and private spheres. Capitalism has established for society a set of norms to which governments, institutions, and individuals must adhere. Following these philosophies are the discriminations as they play out within an existing mechanism of hierarchical establishmentarianism. The US demonstrates a male dominated federal government and labor market with a built-in bias and segregation. In the 114th US Congress, only 19.5% of the representatives are women; this stands as an improvement to the 10.1% in 1993 and more than quadruples the percentage of 1983’s Congress (CAMP). Executive and leadership positions in corporate America exhibit similar imbalance. “Only 14.2% of the top five leadership positions at the companies in the S&P 500 are held by women” (Egan 2015:n.p.). Though women are making progress towards strengthening their authority and voice, and these statistics are incrementally increasing, they face a myriad of blockades in this process, often related to maternity. Many obstacles, which are inherent to the organizational structures forming corporations and industries, persist as women attempt to overcome this discourse, which attempts to relegate them to the private sphere.

 Firstly, established discourse in various fields has maintained the credibility of the opinion that it is “women’s ‘natural’ function to lead a life of dependence and servitude in the family” (Bowden and Mummery 2009:24). The attitude expecting this subservience transfers with them as they transition to careers in all types of industry. Though advocates for women’s right to vote, property rights, and reproductive rights seek to negate this expectation of servitude and engender female autonomy, these gains have been incremental over the course of the twentieth century. The authority given to the male persona in both the family and in business indicates that women should defer to the status quo. When women speak against their bosses, their behavior can be characterized as insubordinate and unprofessional. Another scapegoat culpable for their behavior is the stereotypical emotionality and mercurial nature of women. Once again, media echo this cultural bias by emphasizing the value of men’s brains over women’s bodies.

In order to address the influence of systemic oppression on the approach to maternity leave, we must examine the ways in which the hierarchical structure and power relations within the labor market affect this population. Despite the fact that “pregnancy and marriage bars and other forms of public discrimination have been made illegal, women remain effectively segregated by job and wage” (Heymann 2000: 147). The most recent assessment of women in the labor force, completed by the Bureau of Labor Statistics indicates that while women comprise 51 percent of management and professional employees, a further breakdown indicates a strong segregation of women based on the discipline or segment of industry (2014). For example, teaching (at the primary and secondary level) is almost exclusively held by women (BLS), perhaps because schools require skills and talents associated with nurturing, patience, and caretaking. Caroline Gatrell’s qualitative interviews reveal additional equity issues in this area. Women should be prepared to meet with pushback, discipline, or demotion if they wish to “change working practices” (by shifting schedules, working fewer days, or working from home) to make room for both sets of obligations (Gatrell 2005:188-190). Boris and Kleinberg, in their analysis of gendered labor admit that for women, “it typically resulted in segregation into low paid employments inaccurately stigmatized as being unskilled, or the assumption that their economic interests are less significant than men’s” (2003:100).

Gatrell reiterates a prevailing “assumption which many employers make— that women are even less valuable as employees (compared to men) once they have children” and adds that the potential to have children is enough to dissuade employers from choosing women as employees (2005:185). Jody Heymann’s extensive research on inequalities in the workplace indicate a historical tradition of discrimination. For example, in 1928 more than 60% of school districts would not hire married women as teachers, and half would not allow women teachers who married to keep their jobs” (Heymann 2000: 140). More recent research includes interviews in which mothers have been discriminated against as soon as their family status was revealed (Heymann 2006: 114). Employers admit to feeling reservations about hiring or continuing to employ mothers and expecting mothers because they require accommodation (ibid). Mothers experience job loss and income loss when they must prioritize their family’s needs over their employer’s needs (ibid: 123, 126). Repeatedly, mothers must fight to gain ground and authority within the public sphere. Furthermore, as is evident in all social relations, their own status, perceptions, and receptions will reinforce these stereotypes and biases amongst their peers and families.

Once again, I defer to Popenoe. His explanation of the familial institution applies also to the labor market; “there are three key dimensions to the strength of an institution: the institution’s cohesion or the hold which it has over its members, how well it performs its functions, and the power it has in society relative to other institutions” (Popenoe 1993:536). Working mothers are negotiating two spheres, which each establish their sense of self-worth, identity, and capital to and within those institutional systems. They are at once committed to contributing to society themselves and serving the pivotal role of ushering in a new generation of scholars and workers (Bowden and Mummery 2009:19). External pressures in both spheres attempt to emphasize the traditional conception that “paid work and family work are incompatible and that women who value their families should stay at home” (Krull and Sampruch 2011:25). This systemic tradition “reinforces domesticity and divides women against themselves, each trying to live up to either the role of the ideal worker or the full-time caregiver” (ibid). When women are forced into subservient positions, relegated to specific fields and segregated from each other, and prematurely disciplined for their choice to have children, their performance is hindered. Because both industry and family were institutionalized by their constructions of gender, they jointly manipulate the choices and behaviors of employees and employers alike.

*Maternity as Disability: Medicalization*

Cultural feminism has endeavored to mitigate the repercussions of systemic oppression, discard the traditions of pronatalism, and force institutions into equal and equitable practices. This chapter has outlined some of the specific problematics associated, which each of those aims, but there also exists a process of generalization. Pronatalism correlates the identity of the woman with the identity of the mother. This old logic concludes that a system, which works well for one, will inevitably work well for the other, because they are one in the same. This leads to a systemic and structural oppression, which institutionalizes these existing conventions and discriminates against its agents. Attitudes and behaviors surrounding maternity tend only to further naturalize the constructed gender roles associated with family and working mothers. Feminists’ attempts to combat this process result in conflicting strategies and convoluted meanings. As a result, the experience of maternity is reduced to that which can be made equal to a man. Government and industry have dealt with this reconciling by further medicalizing maternity; in doing so they “eclipse[ed] other perspectives toward human problems and conditions” discussed in this chapter and addressed these issues through a context of measurable policies with universal applications (Litt 2000:4).

Beginning in the 1960s, the process of pregnancy and childbirth has been mandatorily monitored and directed by health care professionals; the intervention of pediatricians and psychologists began as early as the 1920s, and Dr. Spock’s famous *The Common Sense Book of Baby and Child Care* was first published in 1946 and continues to be the “most widely used baby book in US history” (Gatrell 2005:53-54; Litt 2000: i). This was the onset of the medicalization of maternity. At its core, medicalization is “the process of identification of an undesirable social condition or mental state as a medical problem subject to treatment” (Calhoun 2002:n.p.). The approval and advice of professional medical experts puts women less and less in control of their bodies and their families (Gatrell 2005: 54). Industry echoed this process in the interest of fostering employee efficiency and effective business policy. Corporate reliance on data ignores much of the systemic oppression embedded in attitudes toward maternity and instead prioritized those issues which could be measurably assessed and regulated, such as medical leave and breastfeeding regulations. “Equality” was offered to mothers by categorizing pregnancy as a disability. This seems to be the only way in which industry attempts to reconcile the discrimination stemming from maternity.

Pregnancy and childbirth are physical conditions that have real life impacts on the ability for a woman to maintain a regular routine and perhaps even influence her quality of performance at work. For example, morning sickness, fatigue, and general limitations of movement can be of consequence to females whose work requires highly taxing physical labor. These might require that employees request accommodations or change their work status. Childbirth, at its barest minimum, is a traumatic and sometimes surgical procedure, which requires a leave associated with labor and physical recovery post-partum. This leave needs to be approved and managed by the woman’s employer. It is this circumstance, by which the everyday experiences of the employer might be affected, that has led to the medicalization of maternity by employers.

While existing laws in the US can compensate for the medical demands on a woman’s body, they do not consider the further implications of the life-changing impact of childbirth. Though some of the medical needs surrounding pregnancy and childbirth are similar to other disabilities, the post-partum aspects of childcare and adjustment to a life-changing force within the family is entirely ignored. It is during this segment of family development in which maternity leave usually takes place. However, by simplifying this condition to merely a medical disability and addressing its needs under laws that have been designed for disabilities of diverse and intrinsically different needs, as the US has done, women are meant to be protected under the same umbrella term as a man. This pivotal period of a family’s maturity still warrants an additional non-medical characterization of need. Unfortunately, the assumption of pronatalist philosophy and the insistence upon equality allows this distinct aspect of maternity to be categorically ignored in governmental and institutional policies. Unfortunately, the US dawdles behind other world powers and rationalizes its underdeveloped and uninspired take on its policies.

CHAPTER THREE: PRACTICAL IMPLICATIONS

To provide the reader with a practical application of the aforementioned concepts and theories, this chapter will focus on the limitations of various federal laws, which apply to the treatment of mothers in the public sphere. While it is by no means a comprehensive account of legislation and policies (many state laws supplement the federal ones enumerated here), the laws covered in this paper directly relate to the governmental influence upon mothers and maternity. The selection herein will demonstrate that anti-discrimination laws, in conjunction with relevant medical, labor, and social welfare legislation, not only reflect the systemic oppression inherent in our government and institutions, but also solidify and perpetuate its presence. Furthermore, this analysis will confirm the feminist argument that “protective legislation discriminate[s] by treating women as a class” (Vogel 1993:57) and in so doing create a “motherhood penalty”. While the spirit of each of these laws endeavors to empower women and occasionally serves as a legal pathway to remuneration for discrimination against them, it does little in establishing authentic attitudes of equity within the workplace. By relying on such a complex network of laws to address an issue at the heart of so many American families, many citizens remain ignored and neglected.

 One of the aspects of the US that holds its governmental structure separate from other countries involves the separation of federal and state governments. The federal government sets minimum parameters protecting citizens’ rights, while also validating the ability of the states to govern their citizens with more specifically catered policies. For example, The Family Support Act of 1988 sought to extend the child support laws and set up a Job Opportunity and Basic Skills (JOBS) program to support families nationwide (Institute for Research on Poverty 1999:15). Its intent was to “provide poor single mothers with opportunities to better their lives” (ibid: 18), but without forcing unfunded mandates on the organizations which were meant to facilitate this opportunity. State laws were then able to choose their own implementation of JOBS programs and their funding would then correspond to their level of need and, consequently, their engagement and expenditures within individual communities (ibid: 16). Symptomatic of President Reagan’s Republican agenda to shift away from “big government” and allow state and municipal governments to make decisions based on their constituencies’ religious beliefs and family values, this legislation redistributed the burden of family responsibility and social welfare into the hands of the state and individual rather than the federal government (Wisendale 1997:79). This laissez faire trend has remained fundamental to the laws prioritizing family and has been a contributor to the lack of federal mandates uniformly regulating parental leave in the workplace.

The Equal Employment Opportunity Commission (EEOC), currently consisting of five presidentially appointed women, enforces “federal laws prohibiting employment discrimination,” including issues of “unfair treatment…harassment…denial of reasonable workplace accommodations….[and] retaliation” (EEOC.gov, Employees and Job Applicants). The laws discussed in this chapter are listed here because they directly relate to the issue of sex discrimination, which the EEOC defines as “treating someone (an applicant or employee) unfavorably because of that person’s sex” or “…because of his or her connection with an organization or group that is generally associated with people of a certain sex” (EEOC, Sex Based Discrimination). Their presence helps to facilitate the Equal Protection Clause of the 14th Amendment, which was ratified in 1868, which disallows any state from “abridg[ing] the privileges or immunities of citizens” or “depriv[ing] any person of life, liberty, or property, without due process of law” (Equal Protection Clause). Essentially, their job is to make sure that individuals are actually protected by the constitutional and federal laws and amendments designed to equalize the employee’s experience of the workplace environment.

*Anti-discrimination law*

More recently, anti-discrimination legislation has strived to enforce citizens’ entitlement to “life, liberty, and property.” The Civil Rights Act of 1964 ensured that every citizen be protected by its statutes and, perhaps more importantly, be able to hold accountable any authority, which acted discriminatorily. Title VII of this act deals specifically with employment discrimination, barring employers from using the basis of “race, color, religion, sex, and national origin” as grounds for unfair treatment of potential or current employees (EEOC, Title VII Act of 1964). Amendments made to Title VII include the the Pregnancy Discrimination Act of 1978, the Civil Rights Act of 1991, and the Lily Ledbetter Fair Pay Act of 2009. The 1991 law allowed for a greater remuneration for those personnel who had been victims of discrimination, specifically for the emotional distress such experiences might have caused. The Lily Ledbetter Fair Pay Act allowed employees the right to seek compensation for discriminatory pay by reestablishing the 180-day statute of limitations upon every incident of receiving pay unequal to his or her counterparts. Both these amendments allow for the possibility of citizens to seek damages for previous experiences of discrimination rather than prohibit or ban future practices. These two laws were meant to provide an avenue to justice for minorities and equated the effects of sex and racial discrimination (Vogel 1993:57). The vulnerability to sex discrimination attached to motherhood makes these policies specifically pertinent, considering their likelihood of experiencing unfairness in the workplace. These laws can qualify as “protective” in that they protect both the equality rights for women and their entitlement to hold the perpetrators accountable. In their intent, these laws address circumstances in which women are treated differently than men for characteristics that do not deserve or warrant a differential approach. They fall short, though, as the pursuit of such remuneration is costly, stressful, and oppressive in and of itself, so women are less likely to seek justice (Gattrell 2005:184).

*Labor law*

Labor laws also attempt to regulate the economy and practices of American institutions.

The Fair Labor Standards Act (FLSA) addresses various aspects of documentation, salary, and time management for employees. It is within this act, first a statute in 1938 and amended as recently as 2009, in which the minimum wage and child labor conditions are established. The federal government does not prohibit states from making laws that improve upon the basic requirements established in the FLSA. Like other federal mandates, it creates a baseline for all employees. Standards such as financial compensation and the age at which children can become full time workers seem relatively simple and objective measurements to establish, because they do not directly seek to mitigate existing gender specific issues within the workforce. Strangely embedded in this act, is one gender-specific and maternity related item: a regulation requiring employers to provide nursing mothers with privacy and time to express breast milk for at least one year after childbirth. Like the others of its kind, which we will discuss shortly, this stipulation provides for a physicality of maternity, which cannot be avoided. Its necessity for inclusion within labor statutes stems from a lack of appropriately funded and elongated maternity leave.

Further oppression seems embedded within the law’s details including its duration and attention to privacy. The year-long period seems to be an American social convention prescribing the bare minimum amount of time allocated to breastfeeding a child, considering the World Health Organization’s recommendation is “continued breastfeeding up to 2 years of age or beyond” (Center for Disease Control 2015). The minimum conditions of privacy happen to protect both the employee and the business. In reducing the visibility of the mother’s needs, the employer avoids the social judgement of the public for a controversial behavior. Furthermore, the mother is able to maintain the activities necessary to healthily nurture and provide for her child without being exposed or embarrassed by its logistical requirements.

Unfortunately, the federal government’s prescription of privacy only perpetuates the embarrassment and the public moral judgement surrounding breastfeeding. This seemingly logistical labor regulation affects all mothers who must continue to work shortly following childbirth, but its circumstance once again encompasses a more significant impact on the mother, her choices, and the attitudes she must face in her workplace. The judgement of her peers may encourage her to discontinue breastfeeding to avoid feelings of awkwardness and isolation. Research studies have shown a positive correlation between the duration of leave and breastfeeding, implying that American babies of working mothers have less likelihood of being breastfed for the recommended time (Gordon 2013:122). The break time a woman is allowed to pump her breastmilk may interfere with other needs, such as eating lunch or attending to other personal matters. Her colleagues may treat her differently because of the “special treatment” (Crawford 2013: 198). Once again, this merging of private and public sphere behaviors are reported as generally cumbersome and unpleasant for the mother.

Before this provision and FMLA were enacted, the Pregnancy Discrimination Act amended the Civil Rights Act of 1964. President Carter’s 1978 gender-specific policy hones in on maternity issues more specifically, but in doing so restricts their characterization to the reductive pronatalist position. It clarifies that the phrasing already existing within the Civil Rights Act of 1964, “because of sex,” refers to women and is related to “pregnancy, childbirth, or related medical conditions” (EEOC.gov, Pregnancy Discrimination Act). With the enactment of this amendment, pregnancy discrimination became equivalent to sex discrimination, a connection that was overtly denied in *Geduldig v. Aiello* (Gordon 2013:6). Moreover, women should have been granted opportunities equal to that of any other employee. It should have negated any black mark that might be associated with working mothers and the obligations of motherhood. What it fails to do though, is explicate the larger familial and social implications of pregnancy and childbirth discussed in the previous chapters. In its medicalization of maternity, the Pregnancy Discrimination Act planted the seeds of the Family Medical Leave Act (Wisendale 1997:77).

*Protective Law*

The Family and Medical Leave Act (FMLA) was initially debated in Congress in 1987 and was paired with the Act for Better Child Care (which provided extended federal funding for preschool programs such as Head Start and other providers). FMLA did not pass muster with Republicans due to its lack of reasonable implementation amongst states with varying resources and standards (Wisendale 1997:80). Various versions of this act were presented to Congress, two of which passed in the house and were vetoed by President Bush in 1990 and 1992. President Clinton’s administration brought with it “unprecedented numbers of women and minorities” and “increased attention to family-oriented issues”; under this new administration, the bill passed in 1993 (Wisendale 1997: 82-83). However, Clinton’s first major legislation, updated only once in the last two decades, lacks generalizability.

Explicitly stated within the FMLA is the provision for parents to leave due to “the birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care” (Fact Sheet #28: The Family and Medical Leave Act 2012:1). However, the restrictions and limitations to the provision are considerable. Firstly, the law only applies to businesses with 50 or more employees (Sec 101.4 FMLA), ruling out many independently owned and operated businesses. Though a company may meet this criterion, the employees must also meet minimum requirements to be entitled to the leave granted by the FMLA. Among them are characteristics which do not describe many of the employees and jobs available in the tenuous and unstable economy following the most recent recession in 2008. In order to qualify, workers must have earned a year of tenure within the company and worked for 1250 hours within the 12 months preceding their intended leave (Sec 101.2 FMLA). Workers who have recently changed companies or moved cannot meet these minimums; neither can employees whose supervisors restrict their hours or young people with part-time restrictions on labor. Additionally, short-term workers who fill temporary or holiday positions and independent contractors whose employment is task specific cannot achieve or claim this longevity. Additionally, the FMLA outlines other expectations of the employee seeking leave, including a 30 day notice to the employer, an attempt to schedule any intermittent leave appropriately “so as not to unduly disrupt the employer’s operations,” and, in some cases, the submission of a medical certification form that confirms a leave is necessary (FMLA Fact Sheet #28:2; Gordon 2013: 18). While these may seem like reasonable requests, most women will contest that many aspects of motherhood are unpredictable and doctors’ visits are costly. FMLA legislation seems to be designed with the corporate interest in mind, rather than the needs of the parent.

Though the requirements to take this type of leave are extensive, the benefits afforded to eligible parents are meager compared to other countries. They limit leave to a maximum of twelve unpaid weeks of work. No payment is ever distributed by either the federal or the state governments for leaves related to FMLA. If workers cannot afford the leave, their own financial limitations restrict the usage of this provision. A select few state governments have legislated maternity pay, and some companies and unions have written policies into their contracts, which allow employees to use sick or vacation pay in tandem with the FMLA leave. In substituting earned time off designated for the worker’s sickness and vacation time, mothers must sacrifice luxuries, which are afforded to non-parents. Many studies have been conducted to glean the attitudes of mothers surrounding their affordance, especially in university settings where the sick time provision is often an option. Some mothers look at unpaid time as punishment, others decide that childcare will be less costly than unpaid time off and limit their maternity time to the amount of sick time they have saved (Gordon 2013:162, 181).

Another benefit included in the FMLA is the assurance that the employee will “be restored by the employing agency to the position held by the employee when the leave commenced or (2) to be restored to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment” (FMLA 1993:22). Again, the rights of the worker are not prioritized over the rights of the institution. Therefore, any need which stretches beyond the leave parameters are not protected by this provision. It is in this way that mothers who require changes to their work placements and circumstances are taken advantage of.

The federal government continues to monitor the success of FMLA and collects data on its usage and implementation. According to a survey issued by the Department of Labor in 2012, FMLA contains restrictions which make it applicable to only about 60 percent of US employees and 1/6th of worksites (Klerman et al 2012:i). Only 2/3 of employees know about their protected benefits under the law and only 13 percent have used these benefits according to both the 2000 and 2012 surveys; of that 13 percent, only 21% is due to pregnancy or maternity leave (ibid: ii);. This means that 2.73 percent of parents eligible for FMLA take advantage of that benefit. When assessing their likelihood of pay, the survey determined that 48% report receiving full pay and another 17% receive partial pay”; of those, only 40% take leave for a period of more than 10 days (ibid:ii). Though this report reveals some serious gaps in the policy, it maintains that the law has little negative impact on the employers (ibid:iii). Here, the focus on prioritizing the business needs over the parental needs continues to be evident.

*Absence of Family Policy and the “Motherhood Penalty”*

Maternity related laws remain as generally applicable and timeless as possible. Thus, the cultural biases on the experiences of women are not strongly considered. Anti-discrimination laws ignore the non-medical needs of women because they cannot conform to the male paradigm. The Fair Labor Standards Act promotes dissention and compels mothers to conform to norms that are unhealthy for their children. The Pregnancy Discrimination Act reduces sex to its biological characteristics, the ability of women to bear children, but does not recognize their role within the broader climate of the public and the private sphere. The Family Medical Leave Act leaves out 40% of the population in its wake and neglects the circumstances surrounding employment and the class divide. Each of these laws prioritizes institutional operations and diminishes parental concerns. According to various interviews, women are relegated to make do with what has been provided by their individual companies, sacrifice what they can for the good of the family, and work something out privately.

Federal government may be wary of presenting and passing such targeted laws because of the emphasis on equality and because cultural contexts are sure to change throughout the duration of the law. Unfortunately, the tradition of ignoring the impact and influence of cultural expectations on mothers neglects an entire element of pregnancy and motherhood. The tensions between career and family are not medically related, but carry just as much of a burden for mothers as a disability might. Where then are the laws pertaining to more nuanced discriminations targeting parents? How do we protect mothers from “statistical discrimination” in which women are not hired because they are more “costly” than men (Gatrell 2005:184)? How can we mitigate the drawbacks they encounter within their individualized circumstances?

Anti-discrimination law holds employers to a standard of fairness and an expectation of favorable behavior. Discerning discrimination with the various milieus of industry must be based on a comparison of an ideal and the example. In this case, women are held to two ideals. The first relates to the ideal characteristics of the American worker or the person holding all the majority characteristics sets the “dominant paradigm of economic citizenship”, which patriarchal colonialism had established as a “wage-earning father with financially dependent mother and children” (Boris and Kleinberg 2003:91). Federal lawmakers list the characteristic of sex amongst other related classifications (such as race, color, religion or national origin) in anti-discrimination law, implying that mothers who do not fit this paradigm are facing inequity. The second ideal, which propagates sex discrimination, is that mothers cannot conform to the “ideal worker standard of performance” (Crowley 2013:192). Here, the labor environment dictates what is expected from its workers and differentiates dedicated or good employees from others. Employers expect full access to employees and full dedication from them at all times, especially in a digital age when communication is so immediate (ibid). Mothers – and more broadly in this case, parents— cannot contribute an ideal level of diligence to a career because they must split their time. Therefore, employers believe that mothers cannot perform yet another element of the “ideal” worker.

Placing these laws in a 21st century, feminist American context, debate exists regarding the language that should be used to regulate policies. On one hand, gender-neutral language will keep women from being segregated into a particular class, further marginalized and treated as a “special” subset of the population. Much of the established anti-discrimination law has aimed to utilize gender-neutral terminology, encouraged by the support of women’s advocates for this reason. Problematically, maternity leave issues and situations surrounding motherhood, which pertain specifically to women, are overlooked using this equality strategy. Gender-neutral language refuses to acknowledge the problematic predisposition of affirming the male as the ideal. Furthermore, policies cannot directly address their needs in a gender-neutral way because there is no male equivalency. These laws neglect the trends and patriarchal tendencies of the victimization of women. Furthermore, they seem to imply that both men and women endure the discrimination they wish to prevent. Of course, the legislation would be remiss if it did not protect all individuals, regardless of a person’s identifier, but feminist advocates and supporters who rallied for this strain of legislation obviously struggled for the plight of women. Systemic biases underwrite the entire project of equality and only affect the manifestations of the discrimination, rather than the discrimination itself. Despite their choice of language, some argue that “female-specific policies…cannot confront the structural realities of a society that systematically disadvantage women” (Vogel 1993:118). In this respect, the law neglects to acknowledge and validate the pre-existing oppression of women. Rather, it demonstrates the patriarchal tendencies of federal legislature.

 Despite all the legislation listed above designed to protect all citizens from discrimination, mothers continue to face disadvantages. Some explanation for the endurance of discrimination lies in its chameleon-like manifestation. As laws forbid behaviors, the way in which those attitudes express themselves changes. While women can no longer be segregated in the help wanted ads, the qualifications for which they are targeted may not change. Their “economic citizenship” becomes scrutinized because of their projected role in family life (Boris and Kleinberg 2003:92). Sociological research has voiced their concerns and issues in qualitative interviews, and economic studies have provided further statistical analysis to indicate the disadvantage endured by mothers. Sociologists have termed the measurable impact on mothers via their pay, evaluation, and status as the “motherhood penalty.” In every state in the nation, women still earn less than men (Hess et al 2015: 43). Much media attention has been given to the wage gap in the US between women and men, but little fanfare exists regarding the gap between mothers and nonmothers. In fact, even when controlling for external variables such human capital and unobserved heterogeneity, Anderson, Binder, and Krause estimate a 10% motherhood wage penalty (2003: 274). A 2007 study of employers determined that “evaluators rated mothers as less competent and committed to paid work than nonmothers, and consequently, discriminated against mothers when making hiring and salary decisions” (Correll et al 2007:1330).

 These sorts of discrepancies stem from the lack of family policy and support. For example, had federal government initiated a social security benefit paying mothers for their time off, perhaps the judgement by employers of mothers’ choices to take leave might be mitigated. The onus of responsibility to generate, enforce, and finance an individualized institutional parental leave policy could be avoided. A blanket federal policy across institutions would create an atmosphere in which this circumstance might be built already into the business model and therefore could be anticipated and acceptable. If leave was more commonplace and corporations regularly instituted such policies for themselves, without the necessity of pressure from feminist advocates, the norm might begin to take root in the public consciousness. If adequate leave time was afforded by FMLA, workers might avoid the stigma that accompanies breastfeeding and its logistical complications of that function throughout an infant’s first year. Creating a gender-specific policy for gender-specific circumstances could alleviate the perplexity of attempting to apply policy to all persons. Though paid leave cannot solve the all the attitudinal problems its implementation might begin to adjust and amend the manner of thinking surrounding working mothers and what it means to be an ideal worker in the first place.

DISCUSSION AND CONCLUSION

As we conceptualize the meanings of motherhood, its role in a woman’s life, and its intersection with the identity of the worker, many problematic conflicts and tensions emerge. Contextualizing each of these notions remains crucial to the project of understanding the problem holistically. By placing ideas into an historical, political, and economic landscape, extrapolating their nuance, and isolating the friction that inevitably emerges when differing ideas scrape against one other, this essay seeks to place the relationships in a perspective that will help shape the next evolution of motherhood’s meaning. Chapter one examined the ontology of being, defining the agents and factors that construct the public imaginary of motherhood and its intersecting geographies, the nuclear family and the labor market. The role of space and place as the public and private sphere, in the formation of a nuclear family and motherhood identity, remains essential to understanding the sex discrimination experienced as a result of these concepts. In chapter two, epistemological concerns inspiring a strand of feminism which supports a difference approach to equality. This approach demands that decision-makers “acknowledge the ways in which motherhood is gendered” and “challenge existing maternity laws and how we conceive of the workplace” (Woodward and Woodward 2009: 93). Pronatalism unnecessarily constructs a depiction of womanhood that no longer corresponds with the cultural expectation of womanhood. Feminist attempts to prioritize equality over equity has resulted in a hierarchical structure which promotes systemic oppression. The third chapter approaches maternity from a phenomenological standpoint to outline how women experience these constructs and approaches. Though anti-discrimination, labor, and protective laws and policies have been enacted to mitigate the negative effects of this experience, the approach continues to demean and diminish a woman’s position in the public sphere.

The “Mommy Wars”, medicalization, and the “motherhood penalty” take the stage in different arenas, but each serves to reduce the autonomy and authority of the maternal figure, both conceptually and personally. The “Mommy Wars” cause dissention amongst women within the private sphere. “Tension between career mothers and those who choose to stay at home” is rooted in the notion that women are automatically afforded the freedom to choose what they want, rather than what is required to economically and logistically maintain their home (Gatrell 2005:51). “The ultimate ‘choice’ to leave the workforce is greatly influenced by a family’s economic security, and consequently for those who live from paycheck to paycheck the major constraint of the job is primarily a financial one” (Perry-Jenkins 2012:104). As each mother makes her own decision about what equals a balance between work and life, they assess their situations based on class affordances, personal desires and family values, and cultural and social constructs. Even though their rationales may be perfectly sound and legitimate for their own family needs, the opinions of other women within the private sphere disrespect their choices. This judgement results in a guilt and shame which resonates with the individual and strengthens the argument against her choice. Not only does a mother’s participation in the public sphere detract from her family life, but the dissention amongst other mothers degrades the integrity of the private sphere as well.

Medicalization merges these two spaces in a different way and relates specifically to the problematic nature of making the matters of the private sphere a concern of the public sphere. As doctors and policies dictate what choices a mother will have and should make, her ability to insulate her private life from the influence of public life is stolen. Leave policies purport to dictate the length of leave necessary to medically recover, but in fact they restrict the length of time allotted to caring for newborn. They are based on only a medical assessment of the woman, as opposed to the overall needs of the mother, which extend to non-medical family demands. “The production of life and food, also providing life’s essentials, is assigned the lowest priority both in capitalism and socialism” (Tavi-Preve 2013:229). Industry remains less concerned with the non-working element of the family than its personal interest in keeping the mother working, so its policies only seek to secure equality with a woman’s male peers. This breed of medicalization oversimplifies the complexities of motherhood and the private sphere, while unfairly controlling its inner workings.

“Motherhood penalties,” which take place in the public sphere, also affect the mother in the private sphere. “While increasing numbers of women may achieve their dreams in education and employment, most are confined to the lower rungs of the marketplace and ‘pink collar’ positions of caring and subservience to the needs of others” (Bowden and Mummery 2009:17). When a woman’s wage is incomparable to her male counterparts’, the family she sustains on that wage is affected. When she is relegated to a position below her training or capability, she is denied her right to thrive in the workplace. Assumptions, which are grounded in antiquated foundations of gender roles and pronatalism are evident in various research which reveal that women are “perceived as less committed, less willing to make the necessary sacrifices for career advancement” (Gordon 2013:259). Her image and reputation is diminished. Her capital is lessened in both spheres. “Naturalizing the gendered distribution of power and resources renders the disparity necessary and justifies it politically” (Krull 2011:20). In so doing, a woman’s potential for financial contribution to the family is restricted. Finally, her private sphere life, despite her ability to manage and compartmentalize her family, manages to seep into her career possibilities.

This essay seeks to remind us, “families come in many forms, just as work has many locations” (Boris and Kleinberg 2003:91). Universal policies and generalized concepts do not lend themselves to the aims truly targeted by liberal feminism, though they may be an entryway. As we can learn from more advanced countries, once basic maternity and leave policies are in place, the role of working mothers can become normalized, and these policies can be expanded to accommodate those gaps, which remain unattended. This goal will not be achieved without further research into the consequences of institutionalized norms regarding maternity and additional empirical assessments, which quantify discrimination’s impact on both spheres of social interaction. Neither the public nor the private sphere is well served with the current mandates and attitudes. It is in broadening our expectation, listening to the voice of the unheard and undervalued motherhood experience, and examining the underpinnings of established ideals that the public imaginary will begin to reshape and respect both spheres equally and equitably.

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