Mothers Do Not Make Good Workers: The Role of Work/Life Policies in Reinforcing Gendered Stereotypes

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Abstract

So-called "family friendly" policies such as maternity leave allow millions of women in the U.S. to take some time off when they give birth or adopt a child in order to spend time physically recuperating and/or initiating a bond with their children. However, many working women who have children or are interested in having children and then returning to their job, face stereotypes that either negatively affect their decision-making at work or cause them to be the specific targets of discrimination in their workplace. This paper, which draws upon in-depth interviews with 36 women from two types of work environments (the U.S. military and an academic institution) identifies stereotypes that have developed in these institutions, both of which create an image of the working mother as someone who is shirking her responsibilities as an employee. I argue that these stereotypes are generated in part, and reinforced by, the policies that are aimed at easing the tension between work and family. Based on responses from the interview participants themselves, I offer suggestions for how policymakers can begin to address this problem.

Introduction

"[M]y commander… said 'well, um, basically you quit on me. I've never had an officer quit on me.' And I'm like, quit? What are you talking about? And I was like hold up, no, I got pregnant, and I was then taken out of the exercise – I couldn't participate. I didn't quit! Like in his mind, I quit. He didn't view it as a medical thing…."

– Chloe, 37-year-old Air Force Captain

So-called "family friendly" policies such as maternity leave allow millions of women in the U.S. to take some time off when they give birth or adopt a child in order to spend time physically recuperating and/or initiating a bond with their children. These policies are often created with the attempt to implement social changes that allow for better work/life balance for working mothers. However, many working women who have children or are interested in having children and then returning to their job, face stereotypes that either negatively affect their decision-making at work or cause them to be the specific targets of discrimination in their workplace. This paper, which draws upon in-depth interviews with 36 women from two types of work environments (the U.S. military and an academic institution) identifies stereotypes that have developed in these institutions, both of which create an image of the working mother as someone who is shirking her responsibilities as an employee. This paper proceeds in five parts. First, I briefly examine how sociolegal and critical race theory has outlined the connection between policy and culture, and how this paper fits into that discussion. Next, I outline the methods used in collecting and analyzing the interview data presented here. Third, I document the existence of the institution-specific stereotypes observed in the interview data. Fourth, I present an argument that these stereotypes are generated in part, and reinforced by, the policies that are aimed at easing the tension between work and family.

Finally, based on responses from the interview participants themselves, I offer suggestions for how policymakers can begin to address this problem.

The Connection between Policy and Culture

The interviews presented in this paper were conducted with one fundamental question in mind: how do working mothers think about their entitlements to policies aimed at improving work/life balance, such as maternity leave, and the right to express breast milk at work? This question is largely informed by sociolegal research on rights mobilization, which has pointed to the significance of individuals' subjective cognitive processes in affecting rights mobilization. Rights are limited, these scholars have argued, by the impact of informal norms, power relations, social interactions, and institutional constraints (Albiston 2010; Quinn 2000; Scheingold 1974; McCann 1994; Bumiller 1987; Ewick and Silbey 1998; Marshall 2003; 2005; Gruber 1998; Williams and Cooper 2004). Catherine Albiston (2010), for instance, finds that women have difficulty mobilizing their right to FMLA leave, because "workplace rights mobilization remains embedded within existing practices, deeply held beliefs, and taken-for-granted expectations about work, gender, and disability, all of which can create subtle but persistent resistance to these new rights" (181). These scholars have therefore documented the significant role that informal schemas and norms can play in nullifying rights or rights-granting polices, or in making mobilizing those rights extremely difficult for individuals.

Other researchers have indicated that the formation of policies themselves can also be intimately connected to these types of informal schemas (Sigal and Jacobsen 1999; Hancock 2004; Jordan-Zachery 2008; Gilens 2001). These scholars, therefore, note that the relationship between policy and cultural norms may not simply be one of culture

resisting policy, but culture informing policy formation. Ange-Marie Hancock (2004), for instance, argues that a discourse of "disgust" around welfare recipients has led to the marginalization of recipients from the debate regarding welfare reform policy, and the creation of policy that is informed by what is essentially an empirically debunked "public image" or stereotype. Julia Jordan-Zachery (2008) likewise makes a convincing connection between the discourse surrounding Black women's sexuality and policy formation.

This study aims to contribute to this research on the significant connections between cultural discourse and public policy by demonstrating that not only can culture resist social policy, or play a role in constructing it – but sometimes social policy can also play a role in constructing culture. Existing scholarship has indicated that policy backlash can give rise to stereotypes that may cause individuals even more difficulties with claiming their rights under policies aimed at improving gender imbalances (DeAlwis 2011; Williams 2000; Tinkler 2012). This study provides empirical evidence to support the claim that social policy can have harmful effects when its cultural implications are not taken into account. In the personal narratives presented below, it becomes clear that stereotypes exist in the two very different institutional settings examined. While these stereotypes are institution-specific, they share one important characteristic. These stereotypes both reflect an institutional culture that stigmatizes mothers because they are taking time away from their work to meet family needs. This paper argues that the design of work/life policies to allow women to do just that has contributed to the creation and persistence of these stereotypes. I also make the case that social change in this area must be brought about through a combined effort of policy, activism, and organizational

leadership, as suggested by Charles Epp's *Making Rights Real* (2009). The final section of this paper offers some possible solutions for workplace leaders and policymakers who are looking to address problems such as retention of working mothers.

Data and Methods

This paper draws on data from 36 in-depth interviews collected by the author over a four month period in the Fall of 2012 and early 2013. 18 of these interviews were conducted with faculty and staff members at a small public university in the U.S., and 18 of them were conducted with former and active duty service members from various branches of the U.S. military (Army, Navy, Air Force and Air Force reserves, Marines, and Coast Guard). The ages of the women interviewed ranged from 23 to 58. The number of children each woman had had varied significantly as well. One of the women had not yet had children but was planning to very soon, and another woman had had five children ranging in age from 4 years to 21 years old. Additionally, the levels of career achievement (and consequently income levels) varied widely among the women interviewed. Among military women, 10 of the women were enlisted members in ranks ranging from E-3 to E-7, and 8 of the women were officers, with the highest rank represented being a colonel in the Air Force. Among women at the university, I spoke with 3 women holding staff positions, 6 women who were in either visiting assistant professorships or adjunct positions, 7 women who had been tenure-track assistant professors at the time of taking leave, and 2 women who had been tenured at the time of having children. Race and ethnicity among the participants, unfortunately, does not vary significantly, with only two individuals interviewed identifying as non-white (one in each case).

Each woman interviewed was asked the same series of interview questions about her experiences with taking maternity leave at her place of work, which included questions about her experiences with planning to have children, pregnancy and/or adoption, taking leave, finding information about policies, returning to work, and interactions with colleagues and/or supervisors regarding work/family issues. Each interviewee was also asked a series of questions about her opinions regarding maternity leave in the U.S. and at her place of work, and about how she might like to change policies if at all. These questions were all covered in each interview, however the format and structure of each interview was unique, and certain follow-up questions differed based on each individual's related experiences.

The stereotypes discussed below were identified using interpretive methods through a careful reading of the interview texts. Each interview in some way reflected the stereotypes, and I provide concrete examples of where I identified their presence, both in explicit and implicit statements. The interview data for this study is presented in narrative form. The interpretive method in political science has long held the significance of speech as "action" - as something that, once it is "out there" is at once interpreted by others and simultaneously shaping their interpretations. Paul Ricoeur (1991) suggests that this speech gains meaning as a "text" once it is uttered, and its meaning is contingent upon its interpretation. Ewick and Silbey (1995) similarly suggest that storytelling both creates, shapes and passes on meaning for the storyteller, but also that its interpretation by others is significant in either shaping and maintaining hegemonic ordering, or in subverting it by offering antidotes. In addition, the authors point out, narratives can play a role in identifying where inequalities exist. "Narratives are likely to bear the marks of

existing social inequities, disparities of power, and ideological effects" (1995, 222). This final feature of narrative makes it a useful tool for research into traditionally oppressed groups, therefore narrative is commonly used in feminist methodology, both as a means of identifying patterns of domination and as a means of allowing women's voices to be heard.

The Military Mother who is Trying to Get Out of Deploying

When speaking with military service women, it became clear very quickly that a stereotype existed, and that each of the women I spoke to was in some way reacting to it. In all but one of the 18 interviews, the service member identified the stereotype explicitly. Additionally, in detailing what the stereotype was, each of these women was also careful to identify herself as someone who did *not* fit the stereotype. For example, Grace, a 33-year-old Sergeant First Class in the Army, clarified that she was aware of the stereotype, but that she wasn't deployable when she got pregnant herself.

> "I mean there's a little bit of a stigma for people – especially women – that are staying behind [from a deployment]…It's 'oh, did she get pregnant to get out of deployment? I mean – which, I'd been pregnant before it was even known that we were deploying, but there's still always that little bit that, you know, the possibility of that chatter… it's more – I think, more of a gossip thing."

Grace goes on, however, to point out that she knows another woman who might better fit the stereotype.

> "[A soldier under my supervision] was actually in Afghanistan when she found out she was pregnant…. [F]rom the view of the command, they were not out to do her any favors. You know, she got sent home, technically she could have been punished. I mean, it didn't happen, but it definitely leaves a bad taste in the command's mouth in a situation like that."

Similarly, Joyce, 58, currently serves as a colonel in the Air Force. However, she left active duty for the reserves when she decided to start her family, and only re-entered

when her children were school age. “I separated [from active duty] what, a year and a half before the war [in Afghanistan] kicked off, so it wasn’t like I did it because I had to go to war,” she explains, clearly indicating her knowledge of the stereotype and her own position outside of its reach. She continues, though, to relate that:

> “[a] friend of mine was in a similar situation only she delivered her baby in August of 1990… and her husband was already deployed to Desert Shield, and when she came back to our squadron, which is a deployable squadron, a flying squadron, she went over to a non-deployable squadron… and people talked about that. Even years later people talked about that, how she didn’t, you know, that – that she was given special treatment or that she not – you know, that she didn’t do what she was – what she should have done, which was deploy.”

Sophia, a 23-year-old 3rd Class Petty Officer in the Navy, however, had a harder time defending her position vis a vis the stereotype. Sophia, who is not married, became pregnant unintentionally while on a deployable ship, and had to leave her boat for shore duty as a result. Sophia insists that she is not one of the “girls who mess up” and “put a stigma on all the rest of the pregnant girls.” Yet she felt as though she needed to hide her pregnancy from her fellow sailors when she left her ship, fearing that they would think she fit that stereotype.

> “There were a few people like that, they were like, ah, yeah, I see what you’re doing, you know. And I kind of tried to keep it really quiet that I was pregnant when I was leaving, um, I told a lot of people I was leaving because of a bad back. So I – I didn’t want to be known as that girl who got pregnant or got knocked up and had – had to leave the boat.”

Many of the service women who were interviewed also went beyond simply mentioning the stereotype and defining themselves in opposition to it. A number of them also said that their decision-making, or that of other women they knew, has been influenced in the whole or in part by the existence of this stereotype. For instance, some, like Gina, a chief petty officer in the Coast Guard, said that they consciously tried to

work harder than their colleagues as a way of combatting the image. Gina says:

> "I feel like already because we're females we have to work twice as hard to earn the respect that the males are already given, and then when you have these impressions running around in everybody's minds, and then it just – it spurs me on even more. I moved up pretty quick in my advancement, and a lot of that is just my initiative and my drive to prove people wrong. I'm tired of hearing it."

Adrienne, a 38-year-old Air Force major, took a similar, though slightly different approach to combatting the stereotype. During her pregnancy, Adrienne took pride in doing tasks that were above and beyond those recommended by her military "profile".[1] Adrienne talks about meeting wounded warriors on the flight line right up until delivery, and also braving a massive snowstorm to go into work at eight months pregnant because she knew she would be able to get there before her supervisor to make sure that her work was being overseen at a critical time. She says she made these decisions because "I just didn't want them to appear that I was using my profile to get out of work." And that she was "just doing what you're supposed to do as a leader." She says of her profile:

> "I think it recommended like you not stand for so many – for such a period of time or something like that – and then it allows you to wear tennis shoes if you wanted. Which is another thing, I never wore tennis shoes. I was so proud not to wear tennis shoes my whole entire pregnancy. I wore my boots – my combat boots the entire pregnancy. I um, I guess I just didn't want them to think I – that I was – because I was on profile I was taking the easy way out I guess."

Liv, a 26-year-old Army sergeant, says that she was so worried about how being pregnant when her unit was planning to deploy would look that she offered to waive her post partum period of deferred eligibility for deployment.

> "[My supervisor] said 'oh you know, you getting ready to deploy with us?' and I said, 'well – well sir, I'm pregnant, you know, and I'm due in February,' and I – and at that time, they weren't supposed to deploy until a little bit later, so I

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[1] A system used by the military to determine what a service member should be expected to do mentally, physically and medically for certain jobs and for their particular circumstances. A pregnancy, therefore, changes an individual's profile temporarily.

said, ‘I could waive my post partum time and I can, you know, deploy with you guys’ and you know, he was all for that. He doesn’t have any children…. However, my sergeant major who is married… said that he wouldn’t allow me to waive my post partum time to meet them in Afghanistan.”

Not all of the women felt that their decision-making due to the stereotype was a way to combat it. Some of the service women said that they knew a lot of their colleagues simply accepted that children and the military do not go together. Gabrielle, a 36-year-old lieutenant colonel in the Air Force says that “a good number of us [mothers in the Air Force] will punch at that 10 year point. Because at that point in time, you’ve either gotten married or you haven’t and you want to, uh, and you’ve had children and you’re trying to balance and it just – something’s gotta give basically.” Leaving the military after 10 years of service means that women choosing that path are losing out on significant benefits and compensation that can only be attained after 20 years of service. The existence of the stereotype, Gabrielle believes, causes many women to think that balancing a military career and family are simply not possible, and so they leave, meaning that women are much scarcer in the higher ranks, where a certain length of service is a pre-requisite.

While not all of the service women interviewed felt that they had been especially harmed by the existence of the stereotype, a few did. One of the veterans, Zoe, who had served in the Air Force for 3 ½ years, cited the stereotype, and her supervisor’s reaction to it, as the reason she decided to take the option offered by all branches of the armed forces – to leave service with an honorable discharge during pregnancy. Zoe says when she found out she was pregnant and would be a single mother, she had never intended to leave her career. “I knew it was gonna take some, uh – I knew that it was gonna be a stressful experience, but I also knew that I was gonna have my schooling paid for, and that I would rise up in the ranks, and that this was what I had wanted to do since I could

remember, you know?" She says, though, that she decided to get out when a supervisor approached her after learning of her pregnancy, and threatened her.

> "[T]he new NCOIC said to me, um, 'mark my words, when you get back, as soon as your son is six months old, I'm deploying your ass.' And I was like, what? Oh – what? And he was like, 'yeah. You said you wanted to go on TCNs, and deployments and all this kind of shit when you got here, you're leaving when your son's six months old, so get your little family care plan together.'"

Six months post partum is the earliest that women in the Air Force are required to be eligible to deploy again. In the Army, women are expected to be eligible four months post partum. Zoe insists that she knew she would potentially have to deploy, but that it was the fact that her supervisor had made her feel as though she would be specifically targeted because he perceived that she was trying to get out of it that made her start to think about leaving. "You know, I knew that it was a possibility…As soon as any – like my bucket comes up, or whatever, I want to go…But it would have been vastly different, because I – I knew the intention isn't to separate me from my child. You know, and that was his intention. And to cause me kind of like undo, you know, stress."

Brianna, a 34-year-old Army specialist with two children, whose husband is also serving in the Army, also felt personally targeted because of the existence of the stereotype. Brianna says that not long after having her first child, she was deployed to Kuwait. "Little did I know, um, I was pregnant with my daughter…. [My] first sergeant was irate. She was livid. She told me I should be a housewife, um, that the Army isn't for me. Um, I'm a substandard soldier. She gave me 45 minutes of what she thought about me being pregnant." Brianna said that she felt particularly hurt by being a target of this first sergeant, because prior to this incident, she had looked to her as a mentor for how to become a strong female leader in the military. "She really got in my head, she really

messed with me…I joined the military to serve my country. I come from kind of like a rich background of military in my family. And so for me to deploy, I was very proud… So a lot of me felt like I let my unit down, I let myself down, I let my family down."

The Academic Mother who is Not Serious About her Career

In the interviews with women at the small public university, a similar, though distinct stereotype emerged from discussions with them. Fifteen of the women interviewed referred to an explicit stereotype – that women who have children at an academic institution are not serious about their careers. The remaining three women interviewed still referenced how having a family could cause professional difficulties, but their discussion of this tension was more of an implicit one.

Valerie, 31, is a visiting assistant professor with a 2-year-old son. She discusses how this stereotype was related in stark terms to her by another female colleague:

> "[I]t was like Labor Day or something, that we had classes, but none of the local public schools had classes. A couple of the parents brought their kids to the office. But I did have someone tell me – I didn't bring my son, you know – but I did have someone tell me, you know, as a woman I wouldn't do that if I were you. People have trouble taking moms seriously, and they won't take you seriously if they see you walking around with your son. They won't think you take the job seriously."

Carol, a 39-year-old associate professor with a young child, says that she also had an interaction with a colleague that made her aware of the stereotype.

> "[My colleague] is a woman who is not – does not have a partner and does not have kids, and…she is a person who – the excessive energy around – 'oh let's talk about your kids, oh it's so exciting that you're pregnant' – felt suspicious to me…. I mean, it was very nice of her… but I just remember feeling like she was wanting to peg me as, ok, now she's a mom. Like, she's not really a scholar, she's a mom, and so I'm gonna talk to her in a baby voice about the kids…. I don't think that this was intentional. I don't think that this was, you know, some sort of consciously hostile thing. But it felt to me like I'm being stereotyped."

Overall, the women employed at the academic institution seemed less concerned

than the service women had about needing to distinguish their own position outside of the stereotype. Though some, like Carol, made conscious choices to avoid being stereotyped, not every individual interviewed in this case made this distinction as starkly or as comprehensively as the service women had. Instead, the academic women who identified the stereotype explicitly went on to deny its validity. Simultaneously, however, each woman interviewed in this case study discussed the difficulties that she had faced in trying to remain good at her job while balancing it with her family demands. What seemed to be a trend among academic women was to discuss the choices that they had made in response to these demands, and many said that their knowledge of the stereotype had caused them to feel conflicted, and had for some it had had some serious effects on their decision-making.

Several of the academic women interviewed, like the service women, talked about feeling the need to work harder to counter the narrative that they are somehow shirking their duties. Vicky, for instance, a mother of two who is in her 40s, says that she worked from home during her entire maternity leave with her second child.

> "I was one of those really awful people who knew that they could take the time away, but would sit on the computer and do the work. Because [my son] had been born…early, I hadn't finished some of those projects that I was supposed to finish, I felt really compelled to do them, and so a week after he was born I was probably getting back on the computer and trying to do the work…."

Other academic mothers felt that they had to make some difficult personal choices in order to respond to the stereotype. Constance is a 39-year-old woman who wanted to have children when she was hired as a tenure-track assistant professor. She says she felt the dual pressure of trying to become a first-time parent at her age, while at the same time starting a new job. She says she only felt comfortable trying to get pregnant in the

“window” of time that would have allowed her to have her baby in the summer before she started her job, because “I was worried about how it would look at my job… I mean, I am a good worker, right? I’m a responsible person, and I didn’t want to start off on that kind of – what seemed like they would think of as an irresponsible thing.” Had she not been successful getting pregnant in that “three month window,” Constance says, she would have waited an additional year before trying again for that window – even at her age.

> “So, like, the way the calendar fell, we would have had to wait another year, and I – that was horrifying to me, so we just got – you know, to be honest with you, I took hormones. Not because I had trouble getting pregnant, but because I needed to get pregnant then. So I took you know the shots and all that stuff to make sure I got pregnant, and it didn’t happen ‘til its last month. We had three months to try, and I did that specifically because of this, um, because of the situation with maternity leave… that I thought I was facing. So that – that wasn’t fun… those shots are not fun.”

Marie, too, made a personal choice that for her was extremely difficult. Marie is a 31-year-old visiting assistant professor who does not yet have children, and is waiting to do so until she secures a tenure-track job. Marie feels that the stereotype is particularly acute as a visiting assistant professor. Even though she wants to ask about policies available to her, she says, “It’s this question you’re told you cannot ask because it’ll work against you in the job evaluation, and they’ll assume that you’re about to go out and have a whole litter of babies, so – yeah, I feel very silenced about [it]. I couldn’t ask if just in case, what are my rights, how would you handle it – nothing.” In addition to this tension, Marie also feels conflicted because she is a Catholic, and until recently was not taking birth control. As a married woman, Marie was faced with a potentially impossible situation. She says, “the choice I was looking at was not so much contracept as not contracept, although that was my solution. The choice I was looking at is abortion or my

career… that's not a choice." Marie made a difficult decision for her to go against the teachings of her religion in order to counteract the stereotype that she faces in her career.

Most commonly, however, the academic women who were in faculty roles in particular mentioned making career sacrifices in order to be able to better balance the demands of their jobs and the demands of their families. This decision seems to be a way of trying to take ownership of the stereotype and nullify its significance by discussing it in terms of personal choice. Alex, for instance, says:

> "Yeah, I think at some point I decided, am I going to be the most aggressive publisher in the world, or am I going to be ok with not being the most aggressive publisher in the world, and spend more time with my kids? And I made that decision and you know I was a little worried. I did fine with tenure, I was a little worried with tenure, I think everybody is, but I certainly at that point, when I was turning in my packet I was like, I wish I had, you know, been a little bit more productive at least you know somewhere in there. But at the same time it was a decision I made."

Alex takes responsibility for her decision to make some career sacrifices to attain a better work/family balance. At the same time, however, the stereotype of her as someone who is not as serious about her career seems to have caused her some doubt about her choices when she was going up for tenure. Therefore, even though her personal decision-making was a way of voicing her autonomy from the stereotype, she was not entirely able to escape its power to cause her anxiety.

As was the case with the service women, not all of the academic women interviewed said that they had felt personally targeted because of the stereotype. A few, however, did experience personal attacks or discrimination because of their decision to have children. One assistant professor interviewed, who does not yet have children, but is thinking about having them in the near future, was not affected herself, but had a friend who she felt had been targeted, and this experience made her wary of having children

pre-tenure.

> "[O]ne of my colleagues went up for tenure, and she had stopped the clock, and she was just really, really worried about tenure, because – she ended up getting it, but I guess at her panel interview people… what she told me was that people had said like, you know, you had that whole extra year, what were you doing? And said well, you know, I had an infant at home, I wasn't really – I just didn't have the opportunity to focus on my research, it wasn't like a sabbatical year and – just even having to defend that just seems really shortsighted to me."

Other women felt more directly targeted. Danielle, a 32-year-old visiting assistant professor with a young child, says that she felt she had been singled out by a fellow faculty member while pregnant. Her job involves field work, so she was frequently out in the field working, rather than in her office. "I had a particular faculty member contact the dean telling the dean that I'm not in my office, that I'm not doing my job, because I'm not face to face. And so I got an email that was forwarded fro my dean, asking where am I, and I simply replied, I'm in the field…." Danielle expressed, like many of the other women interviewed, that she had been working extra hard during her pregnancy to make up for the fact that she was going to take time off. That was why this colleague's behavior seemed especially perplexing to her. When asked why she thought that colleague had targeted her to report to her dean, Danielle said, "she was very, very conservative in her beliefs, and being at the time unmarried and pregnant, probably added to her personal views towards me."

Nora, a mother of two children, felt even more explicitly targeted because of the stereotype. Nora is an administrator, and when she was applying for an advanced position, she said that the person interviewing her said to her outright, "she said she was concerned about my ability to do the job because I had a child…. So at that point in time I was like… you've got to be kidding me." Nora says that she feels her job and the

stereotype that exists there is counterproductive. “Um, there’s nothing enlightened about that. The first – it ought to be congratulations, how can we make it so that you can enjoy and – and have a healthy experience for you and your child, and then embrace you so that you come back to us ready to go, and that’s just never happened that I’ve seen.”

Eve, a 33-year-old mother of two, who is an assistant tenure-track professor, said that she almost didn’t to return to her job in the year that she was interviewed because of an experience where she had felt targeted. She said that, at first, her supervisor and her colleagues had been excited and happy for her when she returned to work from maternity leave with her most recent child.

> “[A]nd then as we started to get into the evaluation process of my work those conversations kind of started to change a little bit. Like my evaluation, my mid-tenure review. I started getting comments. I had my lowest annual review the year that I [took maternity leave], with the comment written that my personal life was affecting my work…. Um, comments being made perhaps I should consider getting a nanny instead of using childcare if I wanted to be successful in my job. Have I ever thought about working part-time, so that I can spend more time at home with my children? Comments like that from my colleagues and from my immediate supervisor that was – that I was not expecting…. It made me start to think that maybe I couldn’t do it. Like, wow – maybe I can’t be the mom that I want to be and be the professional that I want to be at the same time, and it really kind of started to weigh heavily on me, reconsidering my options for employment. Maybe I needed to go part-time, maybe I needed to do different things – I almost didn’t come back this year.”

The irony is that when asked whether she personally felt that her performance at her job had suffered because of having her second child, Eve emphatically denied it. “No. Not at all. Not at all. I felt like I was able to balance it. I had a great support system at home, and so I thought I… was doing fine. I really did…. I actually felt – hey I can do this! Like, this is really manageable. So I was really surprised with the outcome.”

The Role of Policy in Creating and Reinforcing Stereotypes

Most law and society scholarship has treated stereotypes as norms that operate in the "shadow of the law," governing attitudes and behavior in ways that are not governed by the law, or are norms that perhaps have grown out of an absence of law. Norms that exist in the shadow of the law may even be in conflict with laws or policies themselves. Catherine Albiston (2005; 2010) discusses the power of such stereotypes to regulate women's abilities to bargain for their rights under the Family and Medical Leave Act. She notes that,

> "Over time, the interconnected and mutually reinforcing systems of meaning among, and work have come to form an invisible cognitive framework that gives meaning to leave for family or medical purposes. In particular, seemingly neutral features of work, such as attendance and time invested in work rather than productivity, have come to define 'good workers"' (2005, 17).

The narratives presented in this paper illustrate the relevance of Albiston's observation in broader context. The power of stereotypes – which are essentially what Albiston is describing when she talks about "systems of meaning among gender, disability and work" – have proved to go beyond what is possible to regulate with policy. Attitudes and behaviors such as those described above may be discouraged by the policies in place in these institutions, but hearts and minds cannot be effectively changed by policies alone, and in fact cultural change must often happen before policies can be truly effective.[2]

While this observation alone is interesting and important, another significant finding emerges from this research. The comparative opportunity provided by these interviews – the ability to look at two very different workplaces, with very different

[2] This is one of the fundamental points that critical legal scholars make. "[L]iberal rights rhetoric ordinarily fails to consider that fundamental social changes are necessary to allow people to exercise their rights" (Tushnet 1984, 1380).

policies and non-policy normative ordering – reveals connections that go beyond institution-specific norms. The stereotypes that are visible in the military, and academia (as well as the norms that Albiston records in her study), are all connected to values associated with being a good worker. Joan Williams discusses the image of the "ideal worker" as someone who works full-time, does not take sick leave, and is willing to put in overtime at the drop of a hat (Williams 2000). Clearly, a woman who has or adopts a child and takes maternity leave does not fit into this image. Further, the stereotypes that are present in these institutions indicate that mothers are being defined as antithetical to the ideal worker – they are in fact workers who shirk their responsibilities.

The reality is, though, that these stereotypes are closely tied to the policies that mothers in these institutions – and in workplaces everywhere – rely upon to be able to bear or adopt a child and initiate a bond with that child before returning to work. Whatever importance this time may hold for the health and wellbeing of the mother and the child, the fact is that maternity and other work/family balance policies create a legal system in which mothers *are* receiving exemptions from workplace duties that other workers are not entitled to. The stereotype in the military is that military mothers are trying to get out of deployment. Deploying is an essential duty, which, upon sign up in the armed forces, is potentially required of anyone at any time. While it may not be true that an individual is *trying to get out of deployment*, a mother may often not deploy with her unit due to pregnancy. Childbirth and the subsequent deployment deferral make mothers an exception to that duty. Likewise, in academia, as a faculty member you must "publish or perish" and in many other ways you are expected to demonstrate devotion to your job. Stopping the tenure clock or taking six weeks or more of maternity leave that

keeps you out of the office, away from students, and delays your publishing – these are all ways in which mothers are exempted from the expectations of their jobs in academia to have children.

The stereotypes observed in this study are important to record and wrestle with, therefore, not simply because they hold power in and of themselves to shape attitudes and behaviors (often in negative ways), but they also reflect the inherent problems in the current structure of work/family policies themselves. It seems that work/family policies might often be implemented without taking into account how an institutional culture might react, and begin to shape norms and attitudes around those policies. Indeed, through an examination of two workplace-specific cultures, it appears that as long as their workplace policies are structured to exempt mothers from work for family needs in ways that other workers are not permitted to be exempt, then mothers will continue to suffer from stereotypes of them as workers who are trying to shirk their responsibilities.

Towards Solutions

In *Making Rights Real* (2009), Charles Epp documents the effects of court-led reform on bureaucratic practices, trying to understand how legal tools can play a part in helping activists to push forward social change. He discovers that practices such as programs to ensure strict implementation and compliances with policies – such as training programs and oversight bodies – drastically improved the effectiveness of policies aimed at social change. The women interviewed in this study discussed again and again how such measures aimed at improving policy *implementation* would help to negate the effects of the stereotypes they find themselves combatting.

Many of women interviewed for this study are acutely conscious of how the

policies themselves help to produce and reinforce the stereotype. As Joan, a 29-year-old captain in the Marines points out,

> "[I]f you're a pregnant female marine, then you're, you know, everyone knows you're taking maternity leave, so you are – you're going to be away from work. You made a personal choice that is going to take you away from your job for a certain amount of time. Whereas for a male marine who has a pregnant spouse, it is, uh, a show of virility. Uh, that's kind of a – a conflict."

The stark contrast between men and women, and between women with children and women without children, was something that many of the interview participants discussed. Additionally, several of the women took this contrast into account when asked to imagine how they would like to see their workplace policies improve. The role of men, in particular, was often discussed. "Our dads need their time with their infant children, says Danielle. "Especially those critical first couple of months."

Paternity leave is in fact available under the Family and Medical Leave act. Additionally, at the academic institution, male faculty members are able to modify their teaching and service schedules in the semester following the birth or adoption of a child, and they are also able to stop their tenure clock in the same way that their female colleagues are. Since 2009, male service members in all branches of the armed forces are also eligible for 10 days of paternity leave upon birth or adoption of a child. The problem, say women in this study, and studies elsewhere, is that men don't take it. According to the Bureau of Labor Statistics, women were 30 times more likely to cite birth or adoption of a child as their reason for taking leave in any given week in 2011, even though they were less than 4% more likely than men to take leave from work overall (BLS 2011). This discrepancy can serve to exacerbate the stereotype that women are not ideal workers, when men have leave available to them and are not taking it, but women are. The fact that

maternity leave is so often conflated with disability – or sick leave – only serves to compound this problem. When asked about whether they thought leave was important, most of the women brought up the temporary physical disability that childbirth causes as a justification for maternity leave policy. However, women who adopt children, or men who wish to take advantage of family leave policies aimed at fathers, are not able to justify their leave-taking in these terms.

One solution, some women suggested, was to make paternity leave not just equal, but mandatory. The argument is that this might help to diminish the problems associated with men opting out of the leave, and would also help to combat the image of mothers as choosing to shirk their workplace responsibilities while fathers don't. "[I]t would be great if it was mandatory for both men and women so that it wouldn't affect… people by gender," says Mandy, a member of staff at the academic institution, and 34-year-old mother of three. "I think, you know, if being the dad in the military, they don't have to decide to take their leave it's – it's actually just given to them to – kind of two free weeks and then they can help everyone adjust," agrees Natalie, a 39-year-old major in the Air Force and mother of five. As a country, Sweden has attempted to create policy that does just this, mandating that men take at least two months off during a child's formative years, and providing eligibility for much more time should a father choose to use it. The resulting statistics suggest that such culture-conscious policies – while achieving total gender equality – are pushing Swedish society in the right direction. Eighty-five percent of Swedish men take paternity leave, and women's participation in the workforce is around 72% - compared with around 60% for women in the U.S. (Bennhold 2010; Hansegard 2012; Theodossiou 2012).

Sweden's policies, while moving their society in a positive direction, have not secured total workplace equality. Marie, a visiting assistant professor who wants to have children but doesn't feel she can yet, explains why this may be, noting,

> "I think part of it is because in many institutions, their policy about getting women into the academy is to assume that women are like men and treat them like men too – and there's something to be said for gender neutrality. But I think it also fails to address the fact that…anatomically… pregnancy and childbirth create a blackout date that exists for women and not so for men, no matter how generous your leave policy is for new fathers."

Additionally, Sweden's approach does not take into account the discrepancies that occur between those men and women who have children and those that do not.

Sweden's approach suggests that changing the way that policies are designed and implemented may be one way to approach the question of how to combat stereotypes that are reinforced by family-friendly policies. Another possible approach – and one that may be more appealing to policy makers on an institutional level – is to leave the institutional policies as they are, and instead tackle the institutional culture itself. The importance f education seems to have been a key thread that ran through most of the interviews, with women often expressing that their good experiences were due to supportive supervisors who understood what they were going through. Leadership, in particular, who are aware of the problems that the stereotype can present can be particularly effective. Emma, a 28-year-old corporal in the Marines, says that her experience with having her 2-year-old was made significantly easier by the support she felt from her immediate supervisor, who was a father, and whose wife was pregnant at the same time as Emma.

> "I honestly think that a lot of how he was was because…he was more – a lot more sympathetic because he'd already been there. You know, as opposed to somebody who has never had kids before and really doesn't know what's going on with the mom or just with the pregnancy in general. I just think that really has a lot to do with it"

Brianna agrees that educating leadership in the military about the needs and rights of mothers would make a significant difference to how stigmatized they become. She thinks the military should "educate leaders more on what to expect you know… yes we're girls…but we're not, you know, we're still soldiers. We're still out here doing the same exact thing….Yes, you know, we ovulate and we do all that other stuff too, you know, so you need to be prepared on how to deal with us. I don't think a lot of them are."

While the discussion of education or training as a means of combatting the stereotypes that working mothers experience was more prevalent as a theme in the military interviews, women at the academic institution did also discuss the importance of leadership who are understanding and sympathetic to their needs. Vicky, who is in a supervisory position herself, says that she makes an effort to be that kind of supervisor, and also emphasizes the importance of a supervisor being willing and able to educate employees about their rights.

> "[I]f you're a second-year faculty member thinking about having a baby, you're not going to go to anybody and go, 'I'm thinking about this, what should I do?' … [B]ut unless you've got a chair who is regularly saying to you, 'So, if and when you decide you want to have a child, let's talk, you know, these are the poloicies that we'll look at together'… I know not every faculty member does that and not every chair does that…."

Education, whether formal or informal, therefore, emerged as one possible solution to combatting the cultural norms that generate and perpetuate stereotypes of mothers as bad workers. Specifically, individuals in supervisory roles, where policy implementation and microcosmic normative ordering takes place, are the best targets for such education. Yet another type of educational solution also emerged from the interview data. In the absence of supervisory support, and in the face of challenges presented by

stereotypes and work/life balance issues, many of the women interviewed in this study turned to *other mothers* in their workplaces for support, education and guidance. Carol, a faculty member, for instance, says “I turn to my – my professional friends, my friends who are also faculty who have kids – I turn to them for so much. You know, they are my number one resource, I would say, in terms of just information.” Sophia, a service member, agrees that networking with other mothers at work is essential, and tries to be a source of support for enlisted members in the lower ranks.

> “I noticed that, you know, I’d try a lot harder to be more of a role model, especially for the really younger girls, um, like we have – we have an 18-year-old girl in the shop who’s pregnant, and newly married and you know, I try to – I try to help steer her and a couple of the others….all of my E-3 and below sailors – and I’m – they’re not precisely mine, but I call them mine – all of my E-3 and below sailors in my shop, um, they all know my address and they all know my phone number, and they all know they have a… place to crash anytime they need it.”

Most interestingly, however, is that it seems as though these networks can also be a site of resistance for women – both to the institutional stereotypes, as well as institutional policies themselves that are collectively deemed to be “unfair”. Gina, a service member, says that she has often tried to speak up for her lower-ranking colleagues when others have tried to target her because of the stereotype surrounding pregnant service members. “[T]here’s a real junior E-4, um, who I’ve kinda kept an eye on and just made sure that – that she was doing ok…. Her immediate co-workers are fine, but I’ve heard other guys in the office giving her shit about, um, you know, taking time to get her pump, and stuff like that, it drives me crazy. So, you know, I always speak up when I hear it….” Eileen, a 33-year-old staff sergeant in the Air Force, says that such a colleague who was willing to stand up for her in the face of a stereotype being professed by other service members, made it possible for her to continue to breastfeed her child when she returned

to work. Eileen says her colleague informed her that she had the right to be provided with a space to pump at work, and would talk to her male colleagues on Eileen's behalf to spare her having to explain when she needed to pump.

> "She would just say you know, ok you just go do what you need to do. I'll take some of your customers, or I'll talk to the guys and just let them know, look you have to do this… whereas, you know, I maybe – I would have felt uncomfortable to say I'm engorged [laughs] I'm gonna have to pump, you know?"

At the academic institution, informal networks were also used for information and advice, but some of the faculty also discussed how "back room" talk among faculty mothers also led to some active resistance against how a particular policy at the university was being implemented. The policy, which, separate from the FMLA, allows faculty to modify their responsibilities (teaching, research, service) in the semester following the birth or adoption of a child, is similar to those offered at number of universities across the U.S. Many of the faculty interviewed, however, felt that their institution's provost's office had been unfair or inconsistent in how it was approving plans to modify work loads. Eve explains that many women at the university have formed an informal network, where women offer advice on how best to offer resistance to the perceived limitations imposed by the provost's office. "I think it's just word of mouth. I think… we kind of network together. Or people have just pointed in my direction. We're a relatively small campus, even for as large as we are, it's a small community. And I think it's just word of mouth…." Nora agrees, stating that the network is a resource for discussing how to get the best out of the policy available:

> "So there's all this sort of back room talk about how to do this, and what to say and what not to say, and how to – how to get around the policy implications that the provost's office might levy upon you. So there's all this sort of hush hush talk, you might want to talk to so and so, but don't tell her I said this, and when you put your modification of duties proposal together, make sure you say this, but

don't say that."

The important role that informal networks play should not be overlooked as a possible source of finding solutions to the effects of policy on culture. Institutional leaders can encourage such networks, or offer formal support that reproduces some of the resources that women find within these networks. For instance, mentoring programs often exist in other capacities in the workplace, and might be appropriate tools for replicating or reinforcing the success that informal networks of mothers have fostered in certain cases.

Conclusion

The narratives of women in the military and women in academia reveal that institution-specific norms are significant in helping to shape women's decision-making around work/life policies. What this analysis highlights, however, is that despite the distinct differences in institutional policy and implementation, the fundamental similarity across current efforts to create policies that balance work/life goals is that they focus on providing time away from work. While this study is by no means an attempt to suggest that policymakers have been wrong in designing policies that allow mothers to take the necessary time to initiate a bond with a new child, pump breast milk, or pick up a sick child from school, it does indicate that by ignoring the effect of policies on institutional culture, such policies may in fact be a counterproductive force in the lives of many working mothers who are seeking a better work/life balance. This study offers evidence that better attention to the cultural effects of policies at the stage of their design and implementation – particularly policies that are attempts to bring about cultural change –

is needed going forward. Further, in asking women affected by the policies how they envision policies being modified or implemented to improve the cultural environment, this research provides some important avenues for exploration by policymakers and future scholarly research.

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