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Table of Contents

Introduction: The Importance of Discussing U.S. Maternity Leave.....	2
The System of Domination: Capitalism and Women as Mothers.....	5
<i>Capitalism and the Mother</i>	8
Discourse and Social Control: Structuring Society for Upper-Class Benefit.....	12
<i>Systems of Discourse and Control in Capitalism: The Ab-normalization and Privatization of Mothers</i>	14
<i>False Freedoms and the Worker: Leave and Return</i>	19
<i>Acceptance of the Status Quo: Workers' Imaginations for Current and Future Policy</i> ...	24
<i>A One-Sided Discussion: The Exclusion of the Working Class in Policy Making</i>	27
Penalties Taken and Inherent Contradictions: Punishments Received by Mothers.....	31
<i>Women: Essential for a Functioning System, but Punished for Participation</i>	35
<i>Identifying the Contradictions</i>	38
<i>Efforts to End the Contradictions</i>	42
Policy Discourse: The Family and Medical Leave Act.....	45
<i>Pentadic Analysis of the Family and Medical Leave Act</i>	45
<i>The Act: Family and Medical Leave in the United States</i>	46
<i>The Agent</i>	47
<i>The Agency</i>	49
<i>The Scene</i>	52
<i>The Purpose</i>	53
<i>The Purpose and Values of the Family and Medical Leave Act</i>	55
<i>Possible First Steps Taken by Women Needing Maternity Leave</i>	59
Is There a Solution to Unfair Gender Expectations Within Maternity Leave?.....	62
<i>Previous Attempts to Bring About Change: Sandberg's Lean In Phenomenon</i>	63
<i>The Role of Celebrity</i>	66
<i>Gendering: A Solution to Unfair Gender Roles</i>	69

Introduction: The Importance of Discussing U.S. Maternity Leave

“Pregnancy is an inconvenience to employers,” says Donald Trump, corporate business owner and President of the United States.¹ A father of five himself, Trump views the pregnancy and birth of one’s child as an inconvenience for business. This statement may initially seem shocking, but the sentiment is quite commonplace within U.S. society. It largely stems from discourse surrounding the role of a worker within capitalist society, under which a “good worker” is often defined as one holding their job at highest priority, with work coming before their family.

With this focus on the workplace and the benefit of the employer, it is not surprising that policies regarding the needs of workers also revolve around the workplace. The discourse surrounding maternity leave, or the way by which we discuss the policy itself, stems from the effects of unproductive time off on the employer’s ability to earn a profit, instead of the effects on the mother, the child, or even society as a whole. This discourse is not seen as abnormal, as it is consistent with the expectations of capitalism; an upsetting statement about our society. In the United States, mothers who ask for time off are often met with “denial of requests for accommodations to pregnancies” and “extreme disappointment on behalf of employers.”² Rather than providing support, workers are often punished for

¹ Alex Byers, “Yes, Trump Did Call Pregnancy an ‘Inconvenience’ for Employers,” POLITICO, September 26, 2016, accessed October 17, 2016, <http://www.politico.com/blogs/2016-presidential-debate-fact-check/2016/09/yes-trump-did-call-pregnancy-an-inconvenience-for-employers-228743>.

² Meina Liu and Patrice M. Buzzanell, “Negotiating Maternity Leave Expectations,” *The Journal of Business Communication* 41, 4 (2004): 331.

their time off through blame, demotion, or denial of raises or promotions.³ Women, are expected to “lean in” to the corporate capitalist system.⁴

This thesis examines the role that discourse plays within capitalism to form this acceptance of unpaid maternity leave, looking to answer the question of how discourse contributes to complacency, and what is needed to change this expectation of unpaid leave. In particular I will assess capitalism within the United States, focusing on the Family and Medical Leave Act. The 12 weeks of unpaid time off allotted to be taken by workers in the United States, has faced little resistance since its creation in 1993, as it closely aligns with the expectations of a worker to be dedicated to their job, and not their family.⁵

While the Family and Medical Leave Act is able to be taken by both men and women that fulfill all eligibility requirements, this thesis focuses mainly on women, and their expected role in society.⁶ Even though women and men hold extremely different roles during the birth of one’s child, as a woman is the one bearing the physical burden of the birth of a child, both the man and the woman are expected to return to work within the same time period, with both cases being lumped under one single FMLA policy.⁷ However, with the

³ Ibid, 332.

⁴ Bell Hooks, “Dig Deep: Beyond Lean in,” *The Feminist Wire*, October 28, 2016, accessed November 7, 2016, <http://www.thefeministwire.com/2013/10/17973/>.

⁵ United States Department of Labor, “Wage and Hour Division (WHD) Family and Medical Leave Act,” United States Department of Labor, n.d., accessed March 21, 2017, <https://www.dol.gov/whd/fmla/>.

⁶ “Fathers’ Rights and FMLA,” FindLaw, Thomson Reuters, n.d., accessed December 5, 2017, <http://family.findlaw.com/paternity/fathers-rights-and-fmla.html>

⁷ United States Department of Labor, “Wage and Hour Division (WHD) Family and Medical Leave Act.”

majority of workers taking FMLA provided leave being women, women are the focus of this research.⁸

In my analysis I examine the economic system of capitalism in the United States to understand how discourse forms and manipulates expectations of workers within society, at what cost, and for whose benefit. The discourse surrounding maternity leave policy, especially the expectations of a worker, creates an inherent contradiction as it supports an unchallenged federal policy in which maternity leave is an inconvenience and women who attempt to challenge this system by requesting or taking maternity leave are punished, all while the birth of children is necessary for the continuation of this system.⁹ While this societal expectation that a worker dedicated primarily to work (over family life) is particular to capitalist states, it is true that other economic systems result in oppressive practices. In this thesis, pentadic means of analyzing discourse, or a 5-part analysis method created by Meisenbach, Remke, Buzzanell, and Liu, reveal actors involved in the creation of maternity leave as well as spaces for changes in discourse that might eventually lead to systemic changes.¹⁰

⁸ "Use of the FMLA," Wage and Hour Division, United States Department of Labor, n.d., accessed December 5, 2017, <https://www.dol.gov/whd/fmla/chapter3.htm>.

⁹ Alex Byers, "Yes, Trump Did Call Pregnancy an 'Inconvenience' for Employers."

¹⁰ Rebecca J. Meisenbach, Robyn V. Remke, Patrice M. Buzzanell, and Meina Liu, "'They Allowed': Pentadic Mapping of Women's Maternity Leave Discourse as Organizational Rhetoric," *Communication Monographs* 75, 1 (2008): 8.

The System of Domination: Capitalism and Women as Mothers

Our American economic system is one of capitalism. From this starting point, using Marxist theory, we must consider two groups of actors: the working class (the proletariat) and the ruling class (the bourgeoisie) whom “exploits and oppresses” the workers.¹¹ Society is structured for the benefit of those in power, all others becoming nothing but powerless “appendage[s] of the [capitalist] machine.”¹² In this system even family relations have been reduced “to a mere money relation[s].”¹³ All aspects of a worker’s life revolve around returning to the workplace, and “the cost of production of a workman is restricted, almost entirely, to the means of substance that he requires for his maintenance,” or, a worker is paid exactly enough for him to be healthy enough to return to work the next day.¹⁴ Workers are reliant on their wage, and thus their employer, for survival. Employers, on the other hand, are focused on keeping workers in the workplace as much as possible, so that they gain optimal profit, dominating society.¹⁵

This domination is all extensive: “the purchase of labor gives control over the laborer and far-reaching influence over his physical, intellectual, social, and ethical existence.”¹⁶ Through wages provided to employees, the employer has control over all aspects of the worker’s existence both inside and outside workplace. The business owner has almost all power; “the man of property who sells other commodities,” or the business owner, “has an

¹¹ Karl Marx and Friedrich Engels, edited by Robert C. Tucker, *The Marx- Engels Reader*, Second ed., (New York: W. W. Norton and Company, 1978), 472.

¹² Ibid, 476.

¹³ Ibid, 476.

¹⁴ Ibid, 479.

¹⁵ Ibid, 479.

¹⁶ Richard T. Ely, “The Labor Movement in America,” in *Theories of the Labor Movement*, ed. Simeon Larson and Bruce Nissen (Detroit: Wayne State University Press, 1987), 254.

option... The laborer, however, has, as a rule, only the service residing in his own person with which to sustain himself and his family.”¹⁷ While the employer has more freedom to choose where to work and how to run their company, workers are given no choice but to go to work to earn just enough money to survive.

This domination is so extensive that workers do not recognize its existence: “We live in a world in which a capitalist market in labor, land, goods, and ideas has become so normalized and naturalized that it almost vanishes from our consciousness, both lay and academic.”¹⁸ Capitalism and its inherent requirements have become so normalized in society that workers do not even question why they go to work, or why they have to ask permission to take the leave required have a child. These thoughts have “almost [vanished] from our from our consciousness,”¹⁹ becoming the means for the maintenance of domination.²⁰ The proletariat, to overtake the bourgeoisie and end their own control, must become aware of the domination, something that is shielded by normalized actions of a worker.²¹ It is not until these vanished thoughts (thoughts about domination and true freedom), as described by Lichtenstein, are back into everyday discourse that the capitalist-aiding, self-deprecating actions of the working class will be questioned.²²

While discussing the deployment of workers for capitalist benefit, Foucault refers to workers as “human capital,” defining this as “the extension of economic analysis into a

¹⁷ Ibid, 254.

¹⁸ Nelson Lichtenstein, *American Capitalism: Social Thought and Political Economy in the Twentieth Century* (Philadelphia: University of Philadelphia Press, 2006), 2.

¹⁹ Ibid, 2.

²⁰ Karl Marx and Friedrich Engels, ed. Robert C. Tucker, *The Marx- Engels Reader*, 479.

²¹ Ibid, 479.

²² Nelson Lichtenstein, *American Capitalism: Social Thought and Political Economy in the Twentieth Century*, 2.

previously unexplored domain... the possibility of giving a strictly economic interpretation of a whole domain previously thought to be non-economic.”²³ The workforce has entered all aspects of a worker’s life, not solely while they are at their job, but into the “non-economic” areas as well, such a childbearing.²⁴ The solution to this control is where one can see the differences between Marx and Foucault.

Marx believes once the proletariat, the working class, is aware of their own domination, they will be able to revolt against the upper class and end the oppression, a rather positive ending.²⁵ Foucault, on the other hand, does not theorize the same positive end to an oppressive system. Foucault, in lectures given at the Collège de France, discussed the imposition of beliefs and discourse by those in power onto the people, and made it clear that there is no way out of this system- there is no positive ending.²⁶ These “games of desire and power” created by those in power work to “establish a relation of domination,” one that leads to the maintenance of the system.²⁷ While Foucault and Marx disagree over what is to be done to fix this domination, with Marx holding a much more hopeful view than Foucault, both would agree that workers become “enslaved by the machine.”²⁸ Workers, instead of being seen as people, are seen as another source of capital that capitalists long to gain. It is no longer just about gaining money, but gaining enough human capital to continue your profit.

²³ Michel Foucault and Michel Senellart, *The birth of biopolitics: lectures at the Collège de France, 1978-1979* (Basingstoke [England]: Palgrave Macmillan, 2008), 219.

²⁴ Ibid, 219.

²⁵ Karl Marx and Friedrich Engels, ed. Robert C. Tucker, *The Marx- Engels Reader*, 479.

²⁶ Michel Foucault, *Lectures on the Will to Know Lectures at the Collège de France 1970-1971 and Oedipal Knowledge*, ed. Daniel Defert, trans. Graham Burchell (New York: Picador, 2013), 61-64.

²⁷ Ibid, 64.

²⁸ Karl Marx and Friedrich Engels, edited by Robert C. Tucker, *The Marx- Engels Reader*, 478.

Capitalism and the Mother

While an employer could care about their employee as a person, or even just their well-being, this is not the case under capitalism. Within capitalism, an employer must focus on earning a profit and their bottom line, as this is what allows them to have employees in the first place. The health of employees is taken into consideration, as a worker needs to be healthy in order to return to the office and complete their tasks efficiently, explaining why the FMLA exists. However, profit must be the primary concern of the business owners. This domination, under which the business owner structures a society for their own benefit by taking advantage of the working class, must be concealed, to keep the working class from rebelling against the system that controls them.²⁹

Even the relation between mother and child has been commodified, in regards to a capitalist's "investment" in the labor power of the mother.³⁰ The "mother-child relationship" is "characterized by the time spent by the mother with the child... its education, and not only its scholastic but also its physical progress" which "all constitute for the neo-liberals an investment which can be measured in time."³¹ This raising of a child, instead of being seen as a happy time to grow and better the future, is measured in time, and by extension, money.

This is not surprising. A continual workforce is needed for the maintenance and continuation of the system, to ensure the future of production. The raising of a child will eventually turn into another source of labor power, "it will constitute a human capital, the child's human capital, which will produce an income."³² The problem with this mother-child

²⁹ Ibid, 479.

³⁰ Michel Foucault and Michel Senellart, *The birth of biopolitics: lectures at the Collège de France, 1978-1979*, 243.

³¹ Ibid, 244.

³² Ibid, 244.

raising is that it takes time away from the short-term production within the workforce; “their problem is the formation and transmission of human capital which, as we have seen, implies the parents having the time for educational care and so on.”³³ A mother needing time off to have and care for a child decreases production, explaining the lack of paid leave.

With it being no surprise that leave is unpaid within the United States capitalist system,³⁴ it should also be unsurprising that many employees are faced with denial of special treatment, or even positive treatment, when having a child and needing leave.³⁵ As aforementioned, not only are women not receiving needed help while pregnant, but they often receive punishments instead, with their time off used as a “[reason] to blame them” for any workplace problems.³⁶ Punishment is,

this great concern of the law, the principle constantly recalled that for a penal system to function well a good law is necessary and almost sufficient, was nothing other than the desire for what could be called, in economic terms, a reduction in the transactional cost. The law is the most economical solution for punishing people adequately and for this punishment to be effective.³⁷

Being punished for taking maternity leave is different than being punished for committing a crime such as stealing with a punishment like jail time, as women instead receive blame, demotion, or lack of further promotion.³⁸ The punishment, though, is only bad enough to keep workers in the workplace, or for them to return quickly (having unpaid leave instead of paid leave, demotions instead of job loss, etc.). Instead of permanently losing workers, and

³³ Ibid, 244.

³⁴ United States Department of Labor, “Wage and Hour Division (WHD) Family and Medical Leave Act.”

³⁵ Meina Liu and Patrice M. Buzzanell, “Negotiating Maternity Leave Expectations,” 331.

³⁶ Ibid, 332.

³⁷ Michel Foucault and Michel Senellart, *The birth of biopolitics: lectures at the Collège de France, 1978-1979*, 249.

³⁸ Meina Liu and Patrice M. Buzzanell, “Negotiating Maternity Leave Expectations,” 332.

thus means of production, women are merely deterred from taking maternity leave due to the punishments.

While formally “punishing” a woman for taking maternity leave is technically illegal,³⁹ and the Supreme Court has ruled that there are cases under which pregnant workers should receive special cases, punishments still occur within society.⁴⁰ These punishments are yet not always combatted in modern society, with many cases of pregnancy discrimination later reported.⁴¹ Punishments are not questioned, as they fit into society’s expectation of a good worker.⁴² While it may seem unfair to be punished, or even met with disapproval and disappointment when telling a boss (or, rather, asking permission from a boss) to take leave, this is not seen as abnormal. Receiving punishments for decreased production and decreased profit for the business owners aligns directly with a system under which the worker goes to work for the business owner’s benefit. The working class, largely and collectively unaware of their own domination, does not view the FMLA as an oppressive practice, as it aligns with commonplace thought.

It is the lack of knowledge within the working class that allows for this functioning (or complacency with punishments) to occur. The knowledge of true domination and relations among society is held within the upper class, those who control the modes of production. Lenin, commenting on this monopoly of knowledge, states,

³⁹ “Enforcement Guidance: Pregnancy Discrimination and Related Issues,” U.S. Equal Employment Opportunity Commission, n.d., accessed December 5, 2017, https://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm#I.

⁴⁰ “Young v. United Parcel Service, Inc.,” Oyez, accessed December 5, 2017, <https://www.oyez.org/cases/2014/12-1226>.

⁴¹ Meina Liu and Patrice M. Buzzanell, “Negotiating Maternity Leave Expectations,” 324.

⁴² Nelson Lichtenstein, *American Capitalism: Social Thought and Political Economy in the Twentieth Century*, 2.

in order that we may do this [change the system and actively participate in the economy], the intellectuals must talk to us less of what we already know and tell us more about what we do not yet know and what we can never learn from our factory and “economic” experience, namely, political knowledge. You intellectuals can acquire this knowledge, and it is your duty to bring it to us...⁴³

This knowledge is held by the few in power, and not transmitted to the working class in their day-to-day lifestyle.⁴⁴ A change in discourse is needed to reveal the truth about existing power structures within society, for real systemic change to occur. It is through this discourse and inherent definitions that society is maintained, as will be discussed in the next section, and, it is through a change in discourse, with true definitions that reflect the current power structures, that the system will be changed.

⁴³ Vladimir I. Lenin, “What Is To Be Done,” in *Theories of the Labor Movement*, ed. Simeon Larson and Bruce Nissen (Detroit: Wayne State University Press, 1987), 53.

⁴⁴ Ibid, 53.

Discourse and Social Control: Structuring Society for Upper-Class Benefit

Systems of domination require methods of control. Capitalism functions on the premise that the working class will be dedicated to their job, and will not become aware of their own domination. Discourse is used as the method of control to ensure these relations. Those who hold the power to define terms in society, a power in this case held by the Establishment, also control how different terms, actors, or roles in a society are viewed, their expectations, and their value.

The Establishment, or those in power within the capitalist system of domination, manipulate discourse by setting definitions of common terms, such as “mother” or “good worker,” to structure society for their benefit. By defining a “good worker” as one who is dedicated to their job instead of their family, workers hold their primary focus as excelling in the workplace, creating the largest profit for the employer. This profit reaped, something that would not occur had a “good worker” been one focused on their family, directly benefits the Establishment, showing this self-benefitting control over society.

Discourse is “a system of rules that legitimizes certain knowledge but not other knowledge and that indicates who has the right to express themselves with authority,” showing the inherent power relations held.⁴⁵ As discourse creates and transmits power, discourse analysis, then, allows one to “highlight and show alternative paths within moments of discourse closure.”⁴⁶ An example of this might be the changing expectation of a good worker to one that is dedicated to their family, instead of their job. Discourse, through its

⁴⁵ Göran Bergström, Linda Ekström, and Kristina Boréus, “Discourse Analysis,” in *Analyzing Text and Discourse Eight Approaches for the Social Sciences*, ed. Kristina Boréus and Göran Bergström (London: SAGE Publications Ltd, 2017), 212.

⁴⁶ Rebecca J. Meisenbach, Robyn V. Remke, Patrice M. Buzzanell, and Meina Liu, “‘They Allowed’: Pentadic Mapping of Women’s Maternity Leave Discourse as Organizational Rhetoric,” 2.

power to control which languages is “normal,” and the value of such terms, plays a role in producing and reproducing a society under which a good worker is one who goes to work every day and holds their job at top priority. It is this power that maintains the capitalist society.

We can thus use discourse analysis to show the power of words, how they are used to dominate and manipulate the working class, and reveal the power relations within United States’ society. To identify these moments of closure, a variety of pentadic tools can be used to highlight current societal domination and the means by which terms such as “worker” are manipulated to maintain the oppressive capitalist system. Meisenbach, Remke, Buzzanell, and Liu argue that “by identifying the existing dominant relations among pentadic terms (ratios) present in interview discourse and then considering alternative ratios and pentads that are being overlooked, underused, or excluded, feminist organizational scholarship can identify important presences, absences, and possibilities for change.”⁴⁷

Through identifying the relationships existent within current maternity leave policy, one can see the overlooked relations, such as the nonexistent female to policy maker relation, to find spaces for change. The relation between worker to employer shows the amount, or lack of, understanding and accommodation. Through the relationship between capitalism and societal thinking, one can see how the expectations of a good worker are created. Through the relation between business owner to policy maker, one can see how the requirements for maternity leave are created, and what is valued. What is lacking here, however, is any mention of the needs of the female worker.

⁴⁷ Ibid, 2.

Through analyzing the policy itself along with the relationships involved in creating the policy, it is thus possible to “highlight and show alternative paths within moments of discursive closure” to “identify where these moments are occurring within the discourse and where opportunities for transformation might exist.”⁴⁸ Alternative paths within discourse, along with means of changing the discourse, allow for a changing societal expectation of what is expected of a “good worker,” finally bringing these problems into the light and leading to change.

Systems of Discourse and Control in Capitalism: The Ab-normalization and Privatization of Mothers

Those in power frame the discourse surrounding a “good worker” by defining it as one dedicated to their jobs first, and home lives second. This is evident in a variety of obvious ways we understand how we define workers. For example, if one googles how to be a good worker, a similar pattern of dedication and motivation appears. *Forbes*, for example, emphasizes that a good worker is “successful,” “hard-working,” and “passionate” about their job, none of which imply a dedication to one’s family, or a well-balanced family-work lifestyle.⁴⁹ Other lists of characteristics of a “good worker” list “dedication” as the first trait, defining this dedication as “showing up on to work on time and going the extra mile to get the job done,” once again insinuating that the ideal worker must be dedicated to their job, and

⁴⁸ Ibid, 2.

⁴⁹ Ken Sundheim, “15 Traits of the Ideal Employee,” *Forbes*, April 2, 2013, accessed October 1, 2017, <https://www.forbes.com/sites/kensundheim/2013/04/02/15-traits-of-the-ideal-employee/#1ff79b00161f>.

only their job, leaving no room for family, or children.⁵⁰ While this “good worker” image does benefit the upper class, the definition was not directly created by a group of business owners. Instead, it is reproduced through the capitalist nature of United States’ society, and has become reality. Through this reproduction, the inherent definition creates and maintains a society for the benefit of the corporate class, and defines how the working class views their role in this system.

Discourse thus normalizes actions in society, labeling what is accepted and expected, and what is not. The role of workers is one seen as normal, while certain motherly tasks in the workplace and in public, have been defined as not normal, in certain situations. Breastfeeding is one example of these actions, as much controversy surrounds the public action. While breastfeeding in public is legal in 49 states, this natural and necessary task has been deemed a private motherly task, that women are not supposed to do in public.⁵¹ Incidents regarding the expulsion of breastfeeding mothers from public areas have received media attention in recent years. This outrage is often short-lived, with the story removed from public conversation within a matter of months.

Last spring *Time Inc.* detailed the story of Ashley Cooper, a mother ordered to stop and relocate breastfeeding her eight-month-old while at a mall, even though her action was legal in Virginia, and she was completely covered while feeding her.⁵² Even while discussing Cooper, the article made no move to defend her (legal) action, or discuss the issue

⁵⁰ Nicole Vulcan, “The Definition of a Good Worker & Workmanship,” Chron, Hearst Newspapers, LLC, n.d., accessed October 1, 2017, <http://work.chron.com/definition-good-worker-workmanship-20017.html>.

⁵¹ “Breastfeeding State Laws,” NCSL, National Conference of State Legislatures, June 5, 2017, accessed December 5, 2017, <http://www.ncsl.org/research/health/breastfeeding-state-laws.aspx>.

⁵² Gabrielle Olya, “Mom Who Was Shamed by Mall Security for Breastfeeding in Public Reacts in Live Video,” PEOPLE.COM, Time Inc., April 14, 2017, accessed September 23, 2017, <http://people.com/bodies/mom-shamed-by-mall-security-for-breastfeeding-in-public/>.

publically, only describing what had occurred.⁵³ The attention was short lived. While this incident occurred just earlier in 2017, a Google search today of “Ashley Cooper” brings up little but tennis and Facebook profiles. While the action may have been legal, the discourse and perception of breastfeeding caused her action to be seen as offensive, explaining why she was asked to move. Once the incident was over, it then fell out from the public sphere, leading once again to social complacency surrounding the “obscenity” of motherly actions.

Ashley Cooper’s experience is not abnormal. Amber Hinds shared a similar experience while breastfeeding her child at her community pool.⁵⁴ Even though Hinds was at a family-friendly, family-filled location, completely covered while nursing in a state where laws permitted her to breastfeed “wherever [she was] legally allowed to be,” a lifeguard at the pool still told her that her action was not allowed on the pool deck, and asked her to move to the locker room.⁵⁵ Under further questioning of the management, Hinds found out that there was actually no pool rule regarding nursing anywhere on the property, and received an apology for the incident.⁵⁶ This common normalized view of the inappropriateness surrounding breastfeeding in public caused a female lifeguard, one who will possibly breastfeed a child of her own at some point in her life, to assume that breastfeeding was not allowed.⁵⁷ This assumption led her to ask Hinds to relocate her feeding her child, and is the result of a societal decision to view this action as abnormal in any public context.⁵⁸

⁵³ Ibid.

⁵⁴ Amber Hinds, “Why I’m Glad Someone Told Me To Stop Breastfeeding In Public,” The Huffington Post, TheHuffingtonPost.com, September 14, 2013, accessed October 1, 2017, http://www.huffingtonpost.com/amber-hinds/breastfeeding-in-public_b_3095644.html.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

It is important to quickly note that breastfeeding is not solely seen as inappropriate due to discourse, but also due to the societal sexualization of the female breast. In one example, the social media site Facebook was removing pictures pertaining to “reproductive health, pregnancy, labor, childbirth,” and “breastfeeding” due to their likely “indecent” character.⁵⁹ This sexualization of the female breast, while it is a bodily organ with the purpose of feeding children, has become a means of “maintaining social hierarchies” and are “objects of repression, oppression and powerlessness.”⁶⁰ The sexualization the female breast furthers the commonplace view of the indecency of public breastfeeding, further ab-normalizing the action.

Herbert Marcuse, in reference to normalization of certain tasks, provides an explanation for the Establishment’s use of ab-normalizing actions in society to reveal how this ab-normalization is used to benefit the upper class and further manipulate the thoughts of workers. He states that those in power label some tasks as obscene, with this obscenity being “a moral concept in the verbal arsenal of the Establishment, which abuses the term by applying it, not to expressions of its own morality but to those of another.”⁶¹ Breastfeeding, then, is obscene due to the “total distortion of [its] meaning by the Establishment.”⁶² A necessary act performed by a mother is deemed obscene to keep them out of the public sphere; to separate those who work and go about their everyday profit-earning and spending lives, from mothers. This separation and discipline to privatize the acts of mothers,

⁵⁹ Soraya Chemaly, “Why Female Nudity Isn’t Obscene, But Is Threatening to a Sexist Status Quo,” Huffpost, Oath Inc., June 22, 2014, accessed December 5, 2017, https://www.huffingtonpost.com/soraya-chemaly/female-nudity-isnt-obscen_b_5186495.html.

⁶⁰ Ibid.

⁶¹ Herbert Marcuse, *An Essay on Liberation* (Boston: Beacon Press, 1969), 8.

⁶² Ibid, 8.

“establishes the division between those considered unsuitable or incapable and the other.”⁶³

This discourse surrounding the “obscene” actions of mothers both corrects behavior, leading to obedience with commonplace gender expectations by keeping mothers out of the public sphere, like Ashley Cooper having to leave the mall⁶⁴, and positions mothers in the “unsuitable” and “incapable” category, in regards to every day, work related actions.⁶⁵

Separating mothers out from workers by labeling necessary acts such as breastfeeding obscene in the public sphere creates two options for workers: either be a mother, who is often kept in the private sphere, or be a worker, whom has more public freedom. Unpaid maternity leave, then, justifies and reinforces this binary decision. Explicit and implicit punishments discourage many women from taking leave and staying at work, or discourage them from being at work, choosing to stay at home and have children instead in the private sphere. Leave, then, a policy influenced by business owners’ “needs,” reinforces these two roles (worker or mother). Two roles that are produced and reproduced by certain “obscene” actions, labeled as such by the Establishment.⁶⁶ Establishment decided and controlled discourse, specifically definitions created and value assigned, maintain and control a society for the Establishment’s own benefit.

⁶³ Michel Foucault, *Security, Territory, Population Lectures at the Collège de France 1977-1978*, ed. Michel Senellart, trans. Graham Burchell (New York: Picador, 2007), 57.

⁶⁴ Gabrielle Olya, “Mom Who Was Shamed by Mall Security for Breastfeeding in Public Reacts in Live Video.”

⁶⁵ Michel Foucault, *Security, Territory, Population Lectures at the Collège de France 1977-1978*, 57.

⁶⁶ Herbert Marcuse, *An Essay on Liberation*, 8.

False Freedoms and the Worker: Leave and Return

Defining terms such as good worker along with the privatization of actions such as breastfeeding are only two ways that the Establishment uses discourse to manipulate and control society. While the value of terms such as “good worker” often determine how a worker is able to live, as a worker is punished for being more dedicated to their family than their job, workers are often not aware of this fact. Definitions set by the Establishment predetermine how a worker is able to live within their life, as a worker must follow the rules of the capitalist system to earn enough wage to survive. But, these predetermined actions span farther than creating a workforce dedicated to their job, and into creating a workforce that aids the upper-class, even while not at the workplace. All decisions, from how much one will work, to how much one will earn, to what to spend money on are all partially controlled by the upper class.

Marcuse describes these predetermined aspects of a worker’s life as false freedoms, stating that workers feel free within their life to make their own decisions on whether or not to take leave, what to spend money on, etc., when, in reality, it is all predetermined for them;⁶⁷ they become “lobotomized proletarians.”⁶⁸ One example of these false freedoms relates to the purchase of products: workers feel free to pick which “new” and “necessary” iPhone they need when, in reality, the want/need is predetermined for them. Workers are able to decide between the new iPhone and the new Samsung phone, but the business owners create these choices, and profit goes directly to the business owners no matter which option the worker selects.

⁶⁷ Herbert Marcuse, *An Essay on Liberation*, 13.

⁶⁸ André Gorz, “Strategy for Labor,” in *Theories of the Labor Movement*, ed. Simeon Larson and Bruce Nissen (Detroit: Wayne State University Press, 1987), 111.

Whether this phone be for work or one's personal life, the worker feels free to make the decision, even though the upper class creates and limits these choices. As Marcuse emphasizes, "The established values become the people's own values: adaptation turns into spontaneity, autonomy; and the choice between social necessities appears as freedom."⁶⁹ While workers feel free to decide which products to purchase, they are all, in reality, pre-chosen for them by capitalists, for the capitalists' benefit.⁷⁰ This false freedom's phenomenon extends far past just product purchase, and into maternity leave as well.

False freedoms apply to leave in two ways. First, false freedoms play a role in the effect of leave on a worker's false sense of freedom. Maternity leave, as it is an unpaid, unproductive amount of time off, restricts the worker's ability to buy these new and necessary products they think they need, restricting their false sense of freedom as well. Mothers, then, often return quickly to the workplace after having a child to regain their income, and their sense of "freedom." Since maternity leave is unpaid and having a child is expensive, much of the worker's money goes to necessary items for the child, leaving less money for the items the worker thinks they need, such as new technology. This lack of income leads to a worker's lack of ability to purchase "necessary" products, leading to a lack of sense of freedom, as well. To regain this freedom, or false freedom, workers may promptly return to work after taking leave, to gain back their income, and ability to purchase "necessary" products.

Another major way false freedoms appear within maternity leave policy is in regard to one's freedom take leave to begin with. While one may *seem* free to decide whether or not

⁶⁹ Herbert Marcuse, *An Essay on Liberation*, 13.

⁷⁰ Ibid, 13.

to take leave, with the FMLA providing 12 weeks of time off to all eligible employees, this decision is not that simple.⁷¹ Mothers who chose to take time off are punished by being blamed for workplace failure, demoted from current positions, or denied “raises or promotions that were promised previously.”⁷² As a result, in 2015 “43% of women with children leave work voluntarily at some point in their careers,” out of the small 59% of US workers that are actually covered by the FMLA to begin with.⁷³ The punishments that may arise, from lack of further promotion to loss of job, persuade the worker, if possible, to stay in the workplace and avoid these punishments.⁷⁴ While a worker may feel free to decide whether or not to take leave, the decision is still greatly controlled by the corporations, demonstrating this false sense of freedom again.

This control over the discourse serves as control over the working class in their decisions; “the new art of government appears as the management of freedom.”⁷⁵ Freedom must be controlled so that workers continue going to work instead of taking time off for the continuation of the system. This is possible through the labeling of workers and the “other,” as done through the control over obscenity, and continued through false freedoms. Workers, as free as they may feel, are completely under the power of the system; they are mere “[appendages] of the machine.”⁷⁶ While maternity leave is offered, everything from the

⁷¹ “29 U.S. Code § 2612 Leave Requirement,” Legal Information Institute, Cornell Law School, n.d., accessed September 7, 2017, <https://www.law.cornell.edu/uscode/text/29/2612>.

⁷² Meina Liu and Patrice M. Buzzanell, “Negotiating Maternity Leave Expectations,” 332.

⁷³ Lyndsey Gilpin, “10 things you need to know about maternity leave in the US,” TechRepublic, CBS Interactive, May 8, 2015, accessed October 23, 2017, <https://www.techrepublic.com/article/10-things-you-need-to-know-about-maternity-leave-in-the-us/>.

⁷⁴ Meina Liu and Patrice M. Buzzanell, “Negotiating Maternity Leave Expectations,” 332.

⁷⁵ Michel Foucault, *The Birth of Biopolitics Lectures at the Collège de France 1978-1979*, 63.

⁷⁶ Karl Marx and Friedrich Engels, Edited by Robert C. Tucker, *The Marx- Engels Reader*, 479.

punishments, to the discourse surrounding leave, all down to one's decision to take the time off or not, is not a freedom felt by workers.

The decisions made by the workers, such as whether or not to take leave or what product to purchase, benefit the upper class, even if it is not intended. The purchase of products increases corporate profits; the choice to take leave continues the labor force for the future, and gets workers back to the workplace quickly without pay during time off; the choice to not take leave due to punishments immediately continues the current labor force and production. This cycle then is one of continual benefit for the corporate class; "The situation of *homo economicus* could therefore be described as doubly involuntary with regards to the accidents that happen to him and with regard to the benefit he unintentionally produces for others."⁷⁷ The world is set up so the decisions given in the capitalist system all benefit the business owner, whether the worker is aware of this or not. No matter which iPhone is purchased, if or when leave is taken, how long a worker stays at work, some benefit ends up with the upper class.

This control of freedom, also, however, extends to female workers whom are within the Establishment, not just middle and lower class workers. Sheryl Sandberg, the chief operating officer at Facebook, wrote about the effects of the expectation of women in the workforce to be fully dedicated to their jobs in her book *Lean In: women, work, and the will to lead*.⁷⁸ While Sandberg states that she wanted to take the full three months off upon the birth of her child, she worried about losing her job at Google, where she worked at the time.⁷⁹

⁷⁷ Michel Foucault, *The Birth of Biopolitics Lectures at the Collège de France 1978-1979*, 277.

⁷⁸ Sheryl Sandberg, *Lean In: women, work, and the will to lead* (New York: Alfred A. Knopf, 2013), 126.

⁷⁹ Ibid, 126.

After declaring that she would be taking the full three months allotted by Google, Sandberg states that she “was unable to unplug much at all,” “checked e-mail constantly,” and “organized meetings in [her] living room,” and overall “look[s] back on maternity leave as a pretty unhappy time,” even considering the time spent with her son.⁸⁰ While Sandberg may not have been present in the office, little time off from completing work was taken.

Even though Sandberg is a part of the Establishment class, heading a large corporation, she still feels the pressure of the contradicting expectations set for women and workers in society.⁸¹ While Sandberg may not be subject to the financial burdens felt by many lower-class workers, the pressure for a worker to be fully engaged in society extends to women of all classes. Women may be fighting for change and insisting on taking the full three months of leave, but these changes are still being made within the capitalist system, explaining why the expectations of a good worker still apply.⁸² Sandberg may have more control over her financial situation, but her freedom to take leave is still limited, as shown by her fear of losing her job.⁸³ These false freedoms may be created largely by the upper class, but women of all social classes are subject to their effects.

As is seen with Sandberg, this system is far more complex than one class working to benefit the other. The business owners must control every aspect of the workers lives, including their wants, to maintain this power structure. According to Foucault, “the art of government will not consist in restoring an essence or in remaining faithful to it, but in

⁸⁰ Ibid, 127.

⁸¹ Ibid, 126.

⁸² Herbert Marcuse, “Trasvaluation of Values and Radical Social Change: Five New Lectures, 1966-1976,” ed. Peter-Erwin Jansen, Sarah Surak, and Charles Reitz (Toronto: International Herbert Marcuse Society, 2017), xxiii.

⁸³ Sheryl Sandberg, *Lean In: women, work, and the will to lead*, 126.

manipulating, maintaining, distributing, and re-establishing relations of force within a space of competition that entrails competitive growths.”⁸⁴ These false freedoms, the wants, and the types of control are always changing. Control over freedom must be adjusted as the new products change, and the Establishment must change the wants of the working class as well, for its continued benefit. These relations, the power structure between the working and upper class, must be controlled, with enough freedom and movement left to prevent rebellion. This system controls the needs of everyone, but manipulates the power to benefit one, and not the other.

Acceptance of the Status Quo: Workers' Imaginations for Current and Future Policy

Through obscenity, false freedoms, and leave policy itself, the system of discourse is produced and reproduced by the Establishment for its own benefit. By making the definitions inherent, workers are led to believe something as True, as it is their view of the meaning of the term, and do not begin to question how they became to think in such a way. The deployment of regimes of truth within discourse is concealed; “truth does not have a seat in discourse; or it is not discourse that manifests it. One approaches it through discourse.”⁸⁵ For discourse to be used, it does not need to be true. Rather, it only needs to be accepted as Truth. Workers do not question why maternity leave is unpaid, as it fits in within the normalized view of an average worker. To change this view, the truth of the domination in the system must be revealed, starting with the manipulation of discourse.⁸⁶ For Marx, the

⁸⁴ Michel Foucault, *Security, Territory, Population Lectures at the Collège de France 1977-1978*, 312.

⁸⁵ Michel Foucault, *Lectures on the Will to Know Lectures at the Collège de France 1970-1971 and Oedipal Knowledge*, 75.

⁸⁶ Ibid, 75.

class must become conscious; consciousness of domination, and a knowledge of the lack of truth, must arise in order for change to occur.⁸⁷

While it seems that this capitalist economic structure is entirely about deceiving the working class into thinking they're free when, in reality, their whole life is just a game of hidden domination by the capitalist class, this is not entirely true. While, yes, most truth behind discourse, maternity leave, false freedoms, etc. is hidden, not all of the domination is as such. Economic systems, or "money [,] is therefore above all an instrument of regulation between the different elements making up the city."⁸⁸ This regulation can be described as the regulation of the "relation of money to truth," a relationship that exists "by establishing the equilibrium [between the two]."⁸⁹ The workers only know as much truth as is needed to keep the system running or believe that they have no power to make any real change.

Workers are able to see the realities of some of their domination, as knowledge of Canada's 50-week paid leave⁹⁰ and American Express offering 20 weeks of paid parental leave to their employees are both public knowledge,⁹¹ as well as the cyclical nature of having to go to work just enough to earn a wage to return to work.⁹² These facts, however, are normalized into society to keep the system running. Not all truth is hidden, as some is

⁸⁷ Karl Marx and Friedrich Engels, ed. Robert C. Tucker, *The Marx- Engels Reader*, 479.

⁸⁸ Michel Foucault, *Lectures on the Will to Know Lectures at the Collège de France 1978-1979 and Oedipal Knowledge*, 142.

⁸⁹ Ibid, 143.

⁹⁰ Patricia M. Evans, "Comparative Perspectives on Changes to Canada's Paid Parental Leave: Implications for Class and Gender," *International Journal of Social Welfare* 16, no. 1369-6866 (2006): 119.

⁹¹ Kathy Gurchiek, "Study: Little Change to Maternity, Paternity Leave at U.S. Employers Since 2012," Society for Human Resource Management, SHRM, March 8, 2017, accessed December 5, 2017, <https://www.shrm.org/resourcesandtools/hr-topics/benefits/pages/little-change-to-maternity,-paternity-leave-at-u.s.-employers.aspx>.

⁹² Karl Marx and Friedrich Engels, ed. Robert C. Tucker, *The Marx- Engels Reader*, 479.

needed for the continuation of the system, but this truth is normalized into society to prevent further questioning.

When workers do not question the society they are in, and they also do not imagine a better society for the future. The same limited truth that furthers society helps shape the workers' imaginations, and what they see as a better, more ideal system. The definitions of good worker as one creating a society in which a good and fulfilled person will go to work and earn a wage, limits the scope of what is needed, or even what is deserved of workers, in regards to leave policy. Since most truth is concealed about the domination in society that leads to the exploitation of workers, workers do not question why society prioritizes work over a family life; to them, this is seen as normal. This structure and "organization of class society, which [has] shaped the sensibility and the reason of man, [has] also shaped the freedom of the imagination."⁹³

Similarly to how workers do not question the leave policy they have, workers also do not fight and advocate for better maternity leave policy as it is not something they are able to think of as possible. Rather, their imagination for what is possible is limited by the capitalist structure of domination. Discourse and manipulation leads to the "repressive reduction of thought," leading to one's limited imagination.⁹⁴ This manipulation of the definitions inherent within discourse does not only just affect leave policy and the expectations of a worker, but extends through what they are willing to fight for, and what they think is possible. The Establishment limits the challenges through the system by limiting one's imagination for the future.

⁹³ Herbert Marcuse, *An Essay on Liberation*, 29.

⁹⁴ Herbert Marcuse, *One Dimensional Man* (Boston: Beacon Press, 1991), 110.

A One-Sided Discussion: The Exclusion of the Working Class in Policy Making

While workers do have some choice, they can pick whether or not to take time off for events such as having a baby, this system is far more one-sided than a normal discussion. The definitions of a good worker, a mother, maternity leave, etc. are all decided by the Establishment for its own benefit. Workers may control when and if to take leave, what to purchase, or how one should spend money, but there is only so much room for this discussion within the system. Discourse structure and maintenance is one sided; “It’s not a matter of leading two subjects to think the same things by speaking the truth; it is a matter of excluding one of the speaking subjects from the discourse by transforming things at the level at which they were said.”⁹⁵ Looking specifically at maternity leave, then, working-class women are excluded from the discourse surrounding what is needed during their time off to have a child, leaving the (majority male) business owners to make decisions about what is best for the working women.⁹⁶

Instead of being concerned about the health and needs of the woman, leave is structured around what is best for the business owner, and their own personal gains. Leave in the United States is unpaid and only 12 weeks, short compared to that of other neo-liberal capitalist countries, as it is the best for the capitalist and increasing production, not because it

⁹⁵ Michel Foucault, *Lectures on the Will to Know Lectures at the Collège de France 1978-1979 and Oedipal Knowledge*, 49.

⁹⁶ As of September 2016, it was estimated that only “19.4 percent of all U.S. operations” were “women-owned businesses,” with these companies only accounting for “4% of the country’s overall sales receipts.” The overwhelming majority of business owners, ones making decisions regarding a woman’s needs during maternity leave, were male. (*source*: Andrew Soergel, “Most of America’s Businesses Run by White Men,” U.S. News and World Report, U.S. News & World Report L.P., September 1, 2016, accessed November 20, 2017, <https://www.usnews.com/news/articles/2016-09-01/most-of-americas-businesses-run-by-white-men-says-census-bureau>.)

is what is best for the woman.⁹⁷ This one-sided discussion and discourse is not uncommon to policy that affects woman, spanning much farther than just maternity leave. Earlier this year, President Donald Trump “banned the US government from giving funding to health groups that offer abortion counselling,” along with “reinstating the ‘global gag rule,’” or “[denying] US foreign aid to groups who ‘perform or actively promote’ terminations.”⁹⁸ There is one major factor in this ban, a ban that largely affects the rights of women; there only appeared to be men present for the signing (See Figure 1. Signing of the Abortion Ban).



Figure 1. Signing of the Abortion Ban.⁹⁹

⁹⁷ United States Department of Labor, “Wage and Hour Division (WHD) Family and Medical Leave Act.”

⁹⁸ Mikey Smith and Dan Bloom, “Donald Trump signs anti-abortion advice law surrounded by men in one of his first acts as President,” *Mirror*, January 23, 2017, accessed September 24, 2017, <http://www.mirror.co.uk/news/world-news/donald-trump-signs-anti-abortion-9680191>.

⁹⁹ Figure 1. Signing of the Abortion Ban. *Source*: Mikey Smith and Dan Bloom, “Donald Trump signs anti-abortion advice law surrounded by men in one of his first acts as President,” *Mirror*,

Looking at Figure 1, we are able to see the important actors that go into signing policy regarding women, their needs, and their health.¹⁰⁰ Among those present are President Donald Trump, a corporate business owner and previous reality show host,¹⁰¹ Vice President Mike Pence, a previous talk show host,¹⁰² among other male staff members.¹⁰³ Even though this law solely effects women and their right to an abortion, mainly older upper class white men were the only ones present, demonstrating the exclusion of more than half of the speaking subjects.¹⁰⁴ This one-sided discourse remains true in regards to maternity leave, with women excused from the conversation about their own health and well-being.

The opinion that is considered with this policy is how to maximize profits for the capitalist, and is thus the only discourse included in the conversation. As shown within Figure 1, this one-sided discourse does exist within U.S. capitalism.¹⁰⁵ While this discourse controls roles and expectations within society, not all classes are included within the conversation. This system of discourse normalizes capitalist-benefitting definitions into society to prevent further questioning and to make the roles of a worker seem like average expectations, instead of draining domination. As stated by Marcuse,

January 23, 2017, accessed September 24, 2017, <http://www.mirror.co.uk/news/world-news/donald-trump-signs-anti-abortion-9680191>.

¹⁰⁰ Ibid.

¹⁰¹ Alice Roth, Erica Moriarty, and Tynesha Foreman, "How *The Apprentice* Manufactured Trump," The Atlantic, The Atlantic Monthly Group, March 27, 2017, accessed September 24, 2017, <https://www.theatlantic.com/video/index/520821/how-the-apprentice-manufactured-trump/>.

¹⁰² Darren Samuelsohn, "The Old Cassettes that explain Mike Pence," POLITICO, POLITICO LLC, July 20, 2017, accessed September 24, 2017, <http://www.politico.com/story/2016/07/mike-pence-talk-radio-225855>.

¹⁰³ Figure 1. Signing of the Abortion Ban. *Source:* Mikey Smith and Dan Bloom, "Donald Trump signs anti-abortion advice law surrounded by men in one of his first acts as President."

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

These requirements, as interpreted by the leadership which controls the apparatus, define what is right and wrong, true and false. They leave no time and no space for a discussion which would project disruptive alternatives. This language no longer lends itself to 'discourse' at all. It pronounces and, by virtue of the power of the apparatus, establishes facts-it is self-validating enunciation.... The closed language does not demonstrate and explain-it communicates decision, dictum, command. Where it defines, the definition becomes "separation of good from evil"; it establishes unquestionable rights and wrongs, and one value as justification of another value... this sort of validation promotes a consciousness for which the language of the powers that be is the language of truth.¹⁰⁶

Discourse has become so one-dimensional it is hardly able to be considered discourse, due to the lack of conversation, and imposition of one singular viewpoint. Definitions created by the Establishment are automatically accepted as true, and set the clear lines between what is appropriate, and what is not. While there is a lack of discussion, lack of true opinion by the majority, and creation of indisputable expectations, the quick acceptance of this discourse and domination by the working class creates a sense of truth and reality within the manipulated world.

¹⁰⁶ Herbert Marcuse, *One Dimensional Man*, 104-105.

Penalties Taken and Inherent Contradictions: Punishments Received by Mothers

Within capitalism the worker is needed to continue production: “it doesn’t matter who does the work, as long as a profit is generated and value extracted.”¹⁰⁷ A worker is a worker, and an employer should not need to discriminate based on race, age, gender, etc. as long as the worker is able to complete the task up to standards. If a young woman is able to complete the task at the same speed and to the same quality as a middle-aged man, the employer should not need to discriminate based off gender, as the same “profit is generated and value extracted.”¹⁰⁸ While this may be so, women are still at a less than equal standpoint, as they are not viewed as having the same abilities as a man. Despite holding the same job position, “as more or less everybody knows, women still earn less than men for the same work, and are heavily over-represented in part-time and badly-paid jobs.”¹⁰⁹ There are a few important statements made within this quote: **it is well known (and also, well accepted) that women are paid less, and women are often seen as holding part-time or badly-paid jobs.**¹¹⁰

As has been discussed in previous sections, women are often separated out from competent workers,¹¹¹ and labeled as “unsuitable” and “incapable.”¹¹² The lessened pay, then, is not seen as odd, as it aligns with this viewpoint, as furthered through discourse, that

¹⁰⁷ Nina Power, *One Dimensional Woman* (Winchester: O Books, 2009), 5.

¹⁰⁸ Ibid, 5.

¹⁰⁹ Ibid, 5.

¹¹⁰ Ibid, 5.

¹¹¹ Competent workers being men whom are able to be fully dedicated to their job, as they do not need time off to have children, due to their biological inability to do so. While womanly tasks can be seen as private and “obscene,” men are valued for their ability to be “good workers.” (source: Herbert Marcuse, *An Essay on Liberation*, 8.).

¹¹² Michel Foucault, *Security, Territory, Population Lectures at the Collège de France 1977-1978*, 57.

women are lesser than men. This “lessened” viewpoint largely stems from the domestic tasks that women must perform, one being childbirth, that requires more time off, time off that men will never need due to their inability to bear a child. This viewpoint explains why, even though “more or less everybody knows” that women are paid less,¹¹³ it has not been changed (women still earning around 79 cents per dollar a man earns in 2016), even after the institution of the Equal Pay Act in 1963.¹¹⁴ While it may not matter who performs the menial worker tasks, women, mainly mothers, have been separated out from men, leading to a wide acceptance of their lessened pay for the same work.

Powers, a social theorist that addresses the success (or lack of success) of contemporary feminism in her book *One Dimensional Woman*, also argues that part time jobs are often filled by women as it gives them more time to complete expected domestic tasks.¹¹⁵ Women are often expected to do the “second shift,” defined as “the work that greets us when we come home from work.”¹¹⁶ Women are the ones who “[notice] we are running low on toothpaste... granola bars... Pepperidge Farm Goldfish...” and the ones whom “do more of the intellectual, mental, and emotional work of childcare and household maintenance.”¹¹⁷ While men may “‘help out’ by doing their fair share of chores and errands, it is the women who noticed what needed to be done.”¹¹⁸

¹¹³ Nina Power, *One Dimensional Woman*, 5.

¹¹⁴ “The Wage Gap Over Time: In Real Dollars, Women See a Continuing Gap,” Pay-Equity.org, National Committee on Pay Equity, September 2016, accessed October 4, 2017, <https://www.pay-equity.org/info-time.html>.

¹¹⁵ Nina Power, *One Dimensional Woman*, 5.

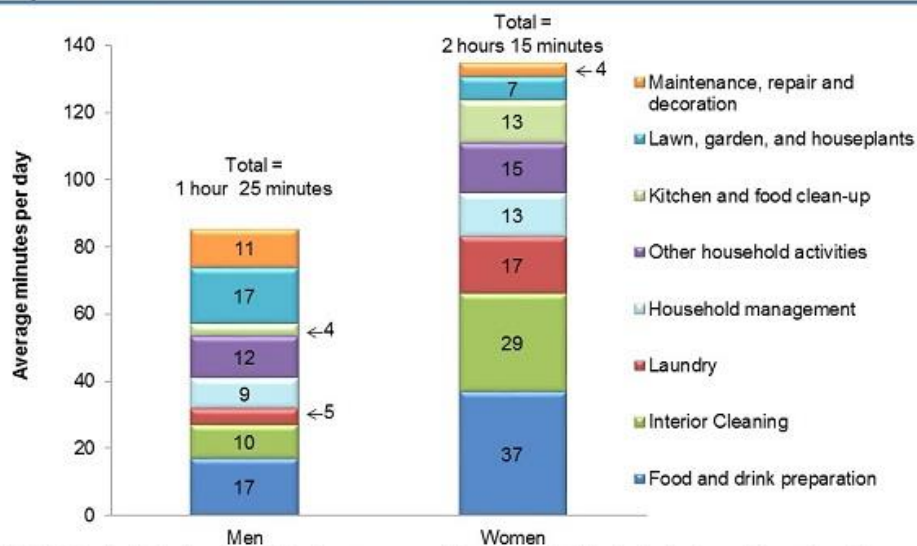
¹¹⁶ Lisa Wade, “The Invisible Workload That Drags Women Down,” Money, Time Inc., December 29, 2016, accessed October 4, 2017, <http://time.com/money/4561314/women-work-home-gender-gap/>.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

Looking at statistics from the United States Department of Labor, women complete an hour more of “household activities” than men daily.¹¹⁹ As shown in Figure 2, while men may do more of the “maintenance, repair, and decoration” along with the “lawn, garden, and houseplants,” women spend more hours daily on domestic tasks than men (See Figure 2. Daily Hours Spent on Housework).¹²⁰

Average minutes per day men and women spent in household activities



NOTE: Data include all noninstitutional persons age 15 and over. Data include all days of the week and are annual averages for 2015. Travel related to these activities is not included in these estimates.

SOURCE: Bureau of Labor Statistics, American Time Use Survey

Figure 2. Daily Hours Spent on Housework¹²¹

However this unequal split between men and women’s time spent on domestic tasks extends past just household activities, and into “care for and helping household members,” and

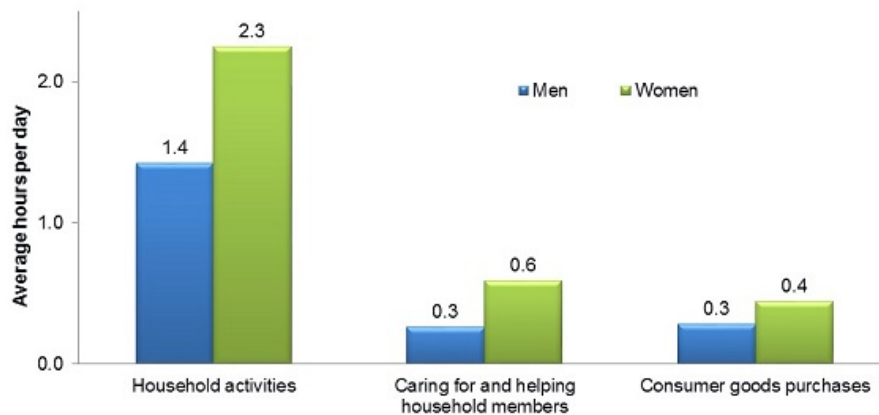
¹¹⁹ “Charts by Topic: Household activities,” Bureau of Labor Statistics, United States Department of Labor, December 20, 2016, accessed December 5, 2016, <https://www.bls.gov/TUS/CHARTS/HOUSEHOLD.HTM>.

¹²⁰ Ibid.

¹²¹ Figure 2. Daily Hours Spent on Housework. *Source:* “Charts by Topic: Household activities,” Bureau of Labor Statistics, United States Department of Labor, December 20, 2016, accessed December 5, 2016, <https://www.bls.gov/TUS/CHARTS/HOUSEHOLD.HTM>.

“consumer goods and purchases.”¹²² As shown in Figure 3, women not only do the majority of “food and drink preparation,” but also have to purchase this food and drink as well (See Figure 3. Hours Per Day on All Domestic Tasks).¹²³

Average hours per day men and women spent in various activities



NOTE: Data include all noninstitutional persons age 15 and over. Data include all days of the week and are annual averages for 2015. Travel related to these activities is not included in these estimates.

SOURCE: Bureau of Labor Statistics, American Time Use Survey

Figure 3. Hours Per Day on All Domestic Tasks.¹²⁴

Not only do women do 7 hours more of work per week in the household, but complete, on average, 23.1 hours of domestic work each week, compared to a smaller 14 hours completed by men.¹²⁵

This expected domestic work that a woman must complete takes time away from her ability to go to work and complete the paid tasks. Comparing this paid work of men to

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Figure 3. Daily Hours Spent on Housework. *Source:* “Charts by Topic: Household activities,” Bureau of Labor Statistics, United States Department of Labor, December 20, 2016, accessed December 5, 2016, <https://www.bls.gov/TUS/CHARTS/HOUSEHOLD.HTM>.

¹²⁵ Ibid.

unpaid, domestic work of women, “the amount of sheer hours that men and women spend in combined paid and unpaid work is pretty close to equal.”¹²⁶ More women work in part time jobs, as this is what is needed in order to complete all domestic tasks alongside a job.

Women and men may do close to “equal” work, which can become largely unequal if women go to work full time and still complete domestic tasks, but the wage earned by women is far from equal, a large contradiction within U.S. society.¹²⁷

Women: Essential for a Functioning System, but Punished for Participation

Unpaid work expected from women extends far past domestic tasks such as being the person to buy Goldfish and clean the kitchen, and into the unpaid yet expected act of taking time off for childbirth.¹²⁸ After taking unpaid leave, women often return back to the workplace quickly out of necessity to regain their income. Women are ““encouraged by a government desperate to get mothers, in particular, back to work, even without providing adequate access to childcare... female participation in the labor market has been high for a long time,¹²⁹ and women, particularly young, single women, are a key factor in the proliferation and success of job agencies.”¹³⁰

Two major contradictions are revealed in this quote. While women are “encouraged” by a “desperate” government to return to work, not only are they left without childcare at the

¹²⁶ Lisa Wade, “The Invisible Workload That Drags Women Down.”

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ It is important to note that the participation being discussed is within the UK labor market, not United States. But, with 131,040 total women of working age in the labor force in the United States, this quote is applicable to the U.S. capitalist system as well. (*source*: “Women of Working Age,” Women’s Bureau, United States Department of Labor, n.d., accessed October 4, 2017, https://www.dol.gov/wb/stats/NEWSTATS/latest/civilian_nonpopulation_sex_race_hisp2016_txt.htm.)

¹³⁰ Nina Power, *One Dimensional Woman*, 18.

time of return, but they are not paid during this time off, making it even harder to afford essential childcare.¹³¹ This “encouragement,” while the word choice may sound like a fun, positive incentive, is often out of financial need, with women having to return to the labor force to be able to survive.¹³² Under the FMLA, 78% of those who needed leave but did not take the offered time off did so as they were concerned about money for food, and bills.¹³³ Along with this, over half of those that took leave listed their main concern as “having enough money to pay bills.”¹³⁴ This “positive incentive” to return to the workplace is the need for survival in the form of income.

While women may be necessary to the system, as a future workforce is needed for the continuation of production, this “incentive” offered to return to work stems from the unpaid aspect of maternity leave. Women are a “key factor in the proliferation and success of job agencies,” but yet are forced to worry and struggle to survive when on leave, due to their lack of income, and are not aided in the return to work, due to the lack of provided childcare.¹³⁵ Childbirth is not valued enough to even be given its own policy, instead lumped in with all other medical reasons to take time off in the Family and Medical Leave Act.¹³⁶ Women may be essential to the system, but this does not align with the separation of women into the incapable and lower-valued category.¹³⁷ Leave is structured as such to cause women to return back to the workplace out of need, instead of want, as it aligns directly with their

¹³¹ Ibid, 18.

¹³² Ibid, 18.

¹³³ Heidi M. Berggren, “US family leave policy: the legacy of ‘separate spheres,’” *International Journal of Social Welfare* 17, no. 4 (2008): 314.

¹³⁴ Ibid, 314.

¹³⁵ Nina Power, *One Dimensional Woman*, 18.

¹³⁶ “29 U.S. Code § 2612 Leave Requirement.”

¹³⁷ Michel Foucault, *Security, Territory, Population Lectures at the Collège de France 1977-1978*, 57.

incapable place in society. Maternity leave, while essential, is not valued enough to receive its own policy- another contradiction within the United States capitalist system.¹³⁸

Men, while necessary in the process of creating/producing a child, often place blame and responsibility for the pregnancy and birth of one's child onto the woman. When discussing a woman whom needed to take maternity leave, "at the very moment where some sort of collective response might be appropriate- for example, campaigning against discrimination of pregnant women at work- the language of choice is invoked: 'it was her *choice* to get pregnant, why should we have to work more to cover her time off?'"¹³⁹ While getting pregnant requires a man, "women are still expected to carry the majority of the burden of childcare, regardless of whether the father wants to be involved, and this conflicts with their roles as enthusiastic and fully-available workers."¹⁴⁰ Once again, women are met with the punishment due to their lessened place and role in society. Men, while necessary in this process, are able to put the blame on the woman¹⁴¹ as "it was her *choice* to get

¹³⁸ United States Department of Labor, "Wage and Hour Division (WHD) Family and Medical Leave Act."

¹³⁹ Nina Power, *One Dimensional Woman*, 19.

¹⁴⁰ *Ibid*, 19.

¹⁴¹ It is also very possible that women themselves could use this type of discourse, not wanting to help other women.

pregnant,”¹⁴² adding to the inferior view of women in the workplace.¹⁴³ Women, while needed to have children to continue society, are often punished for doing so due to their need for time off, highlighting another contradiction in our society.

Identifying the Contradictions

The punishments taken by women in regards to maternity leave are a driving force of these ironic contradictions that arise within society. Meina Liu and Patrice M. Buzzanell conducted a study, using data from “102 interviews about maternity leave with women of different occupations, relational situations, socioeconomic backgrounds, and perceptions about their experience,” using only the data from those participants that marked “discouraged” or “very discouraged” after taking leave, to examine the mother’s discourse to “indicate why they felt discouraged, how tensions among values may pull them in different directions, and what they and others can do to create more positive experiences for women.”¹⁴⁴ It is through the stories told and the discourse and actions of employers/bosses that these penalties are revealed.

¹⁴² It is important to note that almost 40% of births as of 2012 were unintended, making it not the woman’s “choice” to be pregnant, but often times an accident (*source*: Carrie Gann and ABC News Medical Unit, “After 30 Years, Unintended Birth Rate Still Almost 40 Percent,” ABC News, July 24, 2012, accessed October 4, 2012, <http://abcnews.go.com/Health/cdc-40-percent-us-births-unintended/story?id=16840288>). Along with this, in 1996, there were an “estimated 32,101 pregnancies [that resulted] from rape each year” (*source*: Holmes MM, Resnick HS, Kilpatrick DG, and Best CL, “Rape-related pregnancy: estimates and descriptive characteristics from a national sample of women,” PubMed.gov, US National Library of Medicine National Institutes of Health, n.d., accessed October 5, 2017, <https://www.ncbi.nlm.nih.gov/pubmed/8765248>. See Holmes MM, HS Resnick, DG Kilpatrick, and CL Best. 19. “Rape-related pregnancy: estimates and descriptive characteristics from a national sample of women”. *American Journal of Obstetrics and Gynecology*. 175 (2): 320-4.) This statistic, while old, shows that a large number of pregnancies are not chosen by women at all, but yet forced upon them by men, making it *his choice* that he likely will not accept the penalty for.

¹⁴³ Nina Power, *One Dimensional Woman*, 19.

¹⁴⁴ Meina Liu and Patrice M. Buzzanell, “Negotiating Maternity Leave Expectations,” 328.

Tara was a photo lab technician working at a retail store.¹⁴⁵ When pregnant, her managers were indifferent to her “disabled” condition, “making [her] do things that [she] shouldn’t or thought that no pregnant person should be doing...” such as “[carrying] a crib when [she] was 6 ½ months pregnant by [herself],” actions that eventually led to “severe physical complications during her pregnancy.”¹⁴⁶ As a worker, she was expected to still complete all tasks assigned to her, even if they caused harm to her, or her baby. Going into maternity leave, Tara thought leave “was designed to help you and not the company, that it was like a benefit that the company provided,” but instead gaining an experience that “turned out to be ‘extremely disappoint[ing].’”¹⁴⁷ This lack of support from her managers underscores how leave is not just a service given to mothers to better their lives. Mothers are still expected to complete all tasks up to and after maternity leave, for the benefit of the company. This one-sided discourse is apparent, with no one appearing to listen to the mother about her own health, as shown by the health complications developed by Tara.¹⁴⁸

In another case, Brice, a seamstress, stated, “When you are pregnant, it is a transformation from you being important [to unimportant. It] starts to change, you start to feel neglected sometimes.”¹⁴⁹ Since pregnant women are not able to complete all tasks up to full productivity, earning the most income for the boss, it is not surprising that they are neglected, as they are no longer of benefit, and therefore of interest, to their employer. While

¹⁴⁵ Ibid, 331.

¹⁴⁶ Ibid, 331.

¹⁴⁷ Ibid, 331.

¹⁴⁸ Ibid, 331.

¹⁴⁹ Ibid, 333.

pregnancy is necessary, it can be seen as an “inconvenience” by bosses, due to the decreased production.¹⁵⁰

Not only do the punishments received by workers deter them from taking maternity leave, but the process itself can deter many, due to its length and complexity. While leave is supposed to aid the woman during her time off (or, give her enough time so she is safe and healthy during the birth of her child so she is able to return immediately back to the workplace), “many women reported that it was an extremely energy-consuming process for them to apply for benefits and to find any information on maternity leave policies through the bureaucratic process.”¹⁵¹ This confusing process achieves a few things: it can deter women from taking leave in order to avoid the complex paperwork, for the benefit of the employer; it can “make it difficult for women to exercise control over their leave taking process,” for the benefit of the employer, and it can hide the “opportunities in which [women] could have negotiated,” for the benefit of the employer.¹⁵²

Those who chose not to take maternity leave benefit the employer, as they remain as a fully functioning and efficient employee, maintaining production. If the worker chooses to instead leave the office, the employer is able to hire a new, efficient worker whom does not need to take leave which is also for the employer’s own benefit. Women, not being in charge of their own leave policy, give the employers more freedom to do what is best for themselves (maintaining production), instead of worrying about the needs of the mother. Lastly, by hiding opportunities for more extensive maternity leave policy,¹⁵³ women will take the

¹⁵⁰ Alex Byers, “Yes, Trump Did Call Pregnancy an ‘Inconvenience’ for Employers.”

¹⁵¹ Meina Liu and Patrice M. Buzzanell, “Negotiating Maternity Leave Expectations,” 339.

¹⁵² Ibid, 339.

¹⁵³ More extensive referring to a worker’s ability to negotiate with her employer for maternity leave longer than the 12-weeks of mandated leave in the FMLA.

minimum 12-weeks offered, thinking it is their only option, once again for the benefit of their employer.¹⁵⁴ These penalties, while seemingly unfair for mothers, all work to benefit the upper class.

Marcuse discusses this lack of compassion and care towards the needs of the worker, stating that it is not a feeling possible within capitalism.¹⁵⁵ Marcuse discusses the “Performance Principle,” or the “[embodiment of] aggressive hyper-masculinity that characterizes neoliberal drive for supremacy” stating that it is an integral part of capitalism.¹⁵⁶ These feelings of “receptivity, sensitivity, [and] tenderness” or “feminine qualities” are the exact antithesis to this masculinity.¹⁵⁷ Compassion, a “feminine quality” that may lead an employer to feel bad for a woman who is already going through a stressful time of having a child and then has to take on more stress through the extensive unpaid maternity leave process, does not exist within U.S. capitalism.¹⁵⁸

The Establishment is not structured with “feminine qualities,” but yet with “aggressive hyper-masculinity,” leading women to have to either be at work and dedicated to their jobs, have to suffer through unpaid time off, or fully leave the workforce.¹⁵⁹ The U.S. workforce is characterized by a drive to be the best, with half of the workforce reporting “work-related stress... interfering with their sleep,... 60 percent us[ing] their smartphones to

¹⁵⁴ These hidden opportunities for more extensive maternity leave policy are shown through the lack of knowledge of one’s ability to negotiate their time off. Hidden “opportunities” for negotiation make it so workers take the minimum leave offered. (*source*: Meina Liu and Patrice M. Buzzanell, “Negotiating Maternity Leave Expectations,” 339.)

¹⁵⁵ Herbert Marcuse, “Trasvaluation of Values and Radical Social Change: Five New Lectures, 1966-1976,” xxvii.

¹⁵⁶ *Ibid*, xxvii.

¹⁵⁷ *Ibid*, xxvii.

¹⁵⁸ *Ibid*, xxvii.

¹⁵⁹ *Ibid*, xxvii.

check in with work outside of normal working hours,” and a huge “eighty-three percent of workers” stating “they’re stressed about their jobs.”¹⁶⁰ This “aggressive hyper-masculinity”¹⁶¹ is shown through the need to do work related tasks even outside of the workplace, a factor which often affects one’s sleep; the lack of compassion is shown through this all extending stress and worry.¹⁶² A lack of “sensitivity” that characterizes the FMLA is demonstrated through this focus on the workplace, one that is listed as the top purpose of the policy,¹⁶³ instead of a focus on the worker.¹⁶⁴

Efforts to End the Contradictions

Efforts have been made to combat these contradictions. The wage gap is decreasing,¹⁶⁵ books, like *Lean In: women, work, and the will to lead* by Sheryl Sandberg, are attempts to inspire liberal “feminist” change, and some women even have access to paid maternity leave.¹⁶⁶ However, the wage gap is still far from closed, *Lean In* did not bring about a massive overhaul of discriminating policy, and only 12% of women in the private sector in 2015 had access to paid maternity leave.¹⁶⁷ These “solutions” meant to combat the

¹⁶⁰ Carolyn Gregoire, “The American Workplace is Broken. Here’s How We Can Start Fixing It,” Huffpost, Oath Inc., November 22, 2016, accessed December 5, 2017, https://www.huffingtonpost.com/entry/american-workplace-broken-stress_us_566b3152e4b011b83a6b42bd.

¹⁶¹ Herbert Marcuse, “Trasvaluation of Values and Radical Social Change: Five New Lectures, 1966-1976,” xxvii.

¹⁶² Carolyn Gregoire, “The American Workplace is Broken. Here’s How We Can Start Fixing It.”

¹⁶³ “The Family and Medical Leave Act of 1993, as amended,” Wage and Hour Division, United States Department of Labor, n.d., accessed October 19, 2017, https://www.dol.gov/whd/fmla/fmlaAmended.htm#SEC_2_FINDINGS_AND_PURPOSES.

¹⁶⁴ Herbert Marcuse, “Trasvaluation of Values and Radical Social Change: Five New Lectures, 1966-1976,” xxvii.

¹⁶⁵ “The Wage Gap Over Time: In Real Dollars, Women See a Continuing Gap.”

¹⁶⁶ “DOL Factsheet: Paid Family and Medical Leave,” United States Department of Labor, June 2015, accessed October 5, 2017, https://www.dol.gov/wb/resources/paid_leave_fact_sheet.pdf.

¹⁶⁷ Ibid.

irony of penalizing women for taking time off to have children (something that is needed for the continuation of the work force) are, ironically, not working.

The recent feminist push in the United States is meant to help better the position of women in society. The aforementioned efforts, such as decreasing the wage gap, are aimed at creating a society which values women and their ability to bear children, instead of penalizing them for a “lessened” ability to perform work-related tasks. However, the opposite effect than what is desired is occurring as, “almost anything turns out to be ‘feminist’ - shopping, pole-dancing, even eating chocolate.”¹⁶⁸ Instead of fixing specific aspects of society that are furthering this discrimination against women, such as discourse, everything has become feminist, making nothing remarkably feminist.

This widespread feminization, then, creates a “similarity between ‘liberating’ feminism and ‘liberating’ capitalism, and the way in which the desire for emancipation starts to look like something wholly interchangeable with the desire simply to buy more things.”¹⁶⁹ Feminism, instead of being used to liberate and bring about change, is being sold “as the latest must-have accessory.”¹⁷⁰ It has become “stripped of any internationalist and political quantity,” and feminism is now “about as radical as a diamanté phone cover.”¹⁷¹ The discourse surrounding leave has turned it into another must-have object. Feminism has become another false freedom. By stating that one is a feminist, one feels more “free,” and like one is doing her part to better the place of women. While things may not be getting any better, at least if one is a self-proclaimed “feminist,” she can feel as though she is doing her

¹⁶⁸ Nina Power, *One Dimensional Woman*, 27.

¹⁶⁹ Ibid, 27-28.

¹⁷⁰ Ibid, 30.

¹⁷¹ Ibid, 30.

part. This manipulation and consumerism of the term “feminist” steers the movement away from any benefit for women, once again benefitting the capitalist class, as no major change has come.

These contradictions create a society which both is dependent on and constantly punishing women. While children are needed for the future of the labor force, women are often punished for taking maternity leave, due to the decrease in productivity while they are away from work. These punishments further maintain the inequality between women and men- women being less suited for the position of a worker, and therefore have less value than men within capitalism. While efforts have been made to change this discriminating position, the feminist movement has largely been used to continue women’s complacency within the system, achieving the exact opposite goal. Solutions, if any, to this societal problem will be discussed in a later section, to see if the contradictions surrounding maternity leave and women’s role within society hold the possibility for change, beginning at the discourse level.

Policy Discourse: The Family and Medical Leave Act

Discourse surrounding maternity leave, or even the discourse used within the leave policy itself, says much about society's views of women and/in labor. From President Trump calling pregnancy an "inconvenience,"¹⁷² to maternity leave being clumped in with other reasons for needing medical-related leave, discourse surrounding pregnancy and a mother's role is used to degrade the role of women in society, and adds to the complacency surrounding unpaid leave.¹⁷³ Even studies aimed at helping show this discrimination and combat unfair expectations, such as Liu and Buzzanell's "Negotiating Maternity Leave Expectations," succumb to one-dimensional discourse, starting their study with, "there are numerous recommendations designed to enable childbearing women to participate more fully in the U.S. workforce," insinuating that women are not yet participating fully by being both mothers and workers.¹⁷⁴ This system-perpetuating discourse runs through all aspects of life, from the workplace, to expected domestic duties, and even in studies aimed at helping better the position of women, showing why it is necessary to examine and analyze discourse.

Pentadic Analysis of the Family and Medical Leave Act

As aforementioned, Meisenbach, Remke, Buzzanell, and Liu made a list of pentadic tools to "highlight and show alternative paths within moments of discourse closure," as "by identifying the existing dominant relations among pentadic terms (ratios) present in interview discourse and then considering alternative ratios and pentads that are being overlooked,

¹⁷² Alex Byers, "Yes Trump Did Call Pregnancy an 'Inconvenience' for Employers."

¹⁷³ United States Department of Labor, "Wage and Hour Division (WHD) Family and Medical Leave Act."

¹⁷⁴ Meina Liu and Patrice M. Buzzanell, "Negotiating Maternity Leave Expectations," 323.

underused, or excluded, feminist organizational scholarship can identify important presences, absences, and possibilities for change.”¹⁷⁵ This pentad consists of identifying the act, agents, agency, the scene, and the purpose to see how much influence, or lack of influence, that a worker has on their own maternity leave policy.¹⁷⁶

The Act: Family and Medical Leave in the United States

The act within U.S. maternity leave policy is simple: a woman is pregnant, and needs time off for the birth of a child. Under the Family and Medical Leave Act (FLMA), a woman must ask for the time off, gain permission from her employer, and meet eligibility requirements.¹⁷⁷ To be eligible, an employee must “[work] for a covered employer; [have] worked for the employer for at least 12 months; [have] at least 1,250 hours of service for the employer during the 12 month period immediately preceding the leave; and [work] at a location where the employer has at least 50 employees within 75 miles.”¹⁷⁸ The act, then, is not just taking (or asking for) maternity leave when needed, but also meeting a list of requirements to be eligible in the first place.

Maternity leave places logistical and financial strain on the employee, as the employer must determine if both themselves and the employee meet these eligibility requirements, something which requires many data points from hours of service to the total number of employees and related job duties as federally categorized. The power to control whether or not an employee is able to receive maternity leave, then, lies with the employer,

¹⁷⁵ Rebecca J. Meisenbach., Robyn V. Remke, Patrice M. Buzzanell, and Meina Liu, “‘They Allowed’: Pentadic Mapping of Women’s Maternity Leave Discourse as Organizational Rhetoric,” 2.

¹⁷⁶ Ibid, 8.

¹⁷⁷ “29 U.S. Code § 2612 Leave Requirement.”

¹⁷⁸ Ibid.

who does not even need to follow the FMLA mandates if they do not meet the requirements for the company (the number of employers within 75 miles, having coverage, etc.).¹⁷⁹

In addition to the language, the actual signing of the act solidified the discourse surrounding maternity leave, making it another action worth evaluating. The FMLA was first introduced by the Women's Legal Defense Fund, now the National Partnership for Women & Families, in 1984.¹⁸⁰ While it was discussed in Congress each year from 1984-1993, vetoed twice in 1991 and 1992, it finally passed in 1993, signed by Bill Clinton.¹⁸¹ Before 1993, there was no federal mandated maternity leave policy.¹⁸² The FMLA, providing only 12-weeks of unpaid leave,¹⁸³ was blocked or vetoed 9 times, as the federal government did not see maternity leave as an act that needed protection.¹⁸⁴ It was not until 1993 that Bill Clinton and the 103rd Congress passed the FMLA that maternity leave was a right held by (some) women.¹⁸⁵ The action in this case, was its approval by Congress, and President Clinton's signing into law.

The Agent

The second step in the pentad, after the action, is to evaluate the agents involved within the action.¹⁸⁶ When asking for leave, the two main agents are very clear: the worker

¹⁷⁹ Ibid.

¹⁸⁰ "History of the FMLA," National Partnership for Women & Families, n.d., accessed October 11, 2017, <http://www.nationalpartnership.org/issues/work-family/history-of-the-fmla.html?referrer=https://www.google.com/>.

¹⁸¹ Ibid.

¹⁸² Lawrence M Berger and Jane Waldfogel, 2004, "Maternity leave and the employment of new mothers in the United States," *Journal of Population Economics*, 17 (2): 332.

¹⁸³ "29 U.S. Code § 2612 Leave Requirement."

¹⁸⁴ "History of the FMLA."

¹⁸⁵ Ibid.

¹⁸⁶ Rebecca J. Meisenbach., Robyn V. Remke, Patrice M. Buzzanell, and Meina Liu, "'They Allowed': Pentadic Mapping of Women's Maternity Leave Discourse as Organizational Rhetoric," 8.

and the employee. The worker is the clear agent within maternity leave, as they are the ones whom need leave to begin with. The FMLA discusses the worker, the workers are the ones to fill out the paperwork, and the workers are the ones who will eventually take the time off.¹⁸⁷ The employer is the other agent, the one whom is approached by the worker for the time off, and the one who can punish the woman for leaving the office.¹⁸⁸ With the employer being the one who allows the time off, and the worker as the one who takes the time off, this may seem like every agent involved in this conversation, but this is not the case.

The policymakers who wrote the FMLA held major influence over the discussion of maternity leave, therefore they are collectively another agent in this situation. The FMLA includes multiple reasons for needing medical-related time off, far past just having a child.¹⁸⁹ By lumping maternity leave in with other cases, the birth of a child is valued the same as all reasons for medical leave, playing an important role in the perception of maternity leave.¹⁹⁰ Instead of rewarding employees for furthering the future of the system, maternity leave policy is written to be an “extensive” process, which can dissuade workers from needing the time off.¹⁹¹

¹⁸⁷ “29 U.S. Code § 2612 Leave Requirement.”

¹⁸⁸ While an employer cannot technically “fire you, deny you a promotion, or take other disciplinary actions against you for using FMLA leave,” the process of getting a lawyer, going to court, getting a verdict, and then receiving what is awarded, while it may be in favor of the employee as an employer cannot punish the employee, is a long and expensive process. (*source*: “The Family and Medical Leave Act (FMLA) Frequently Asked Questions,” National Partnership for Women & Families, n.d., accessed December 5, 2017, http://go.nationalpartnership.org/site/DocServer/The_Family_and_Medical_Leave_Act_FAQs_Dec_2009.pdf?docID=6501.) The process being so long and costing so much may deter workers from going to court, allowing the employer the power to punish the employee, and that is assuming that the worker knows that the employer is performing an illegal action. (*source*: “What are ‘Costs’ in a Civil Lawsuit?,” Lawyers.com, Internet Brands, Inc., n.d, accessed December, 5, 2017, <https://www.lawyers.com/legal-info/research/court-costs-in-civil-lawsuits.html>.)

¹⁸⁹ “29 U.S. Code § 2612 Leave Requirement.”

¹⁹⁰ *Ibid.*

¹⁹¹ Meina Liu and Patrice M. Buzzanell, “Negotiating Maternity Leave Expectations,” 339.

The discourse used within and created because of the FMLA, namely the perception of the value of motherly actions such as childbirth (in comparison to other reasons for medical leave), perpetuates a system in which women are not seen as helping the system when having a child, but instead viewed as harming the system, and being an “inconvenience.”¹⁹² Those who draft the policy and associated federal rules, while they may not be directly a part of the conversation between the worker and the employer, play an important role in producing and reproducing a system under which women are looked down on for taking leave.

In regards to the second aforementioned “Act,” the physical signing of the FMLA into law, there are other agents’ with differing forms of power. President Clinton is an agent as he signed the bill into law.¹⁹³ The 103rd Congress, whom held control in 1993, were the ones to pass the bill onto the president for his signature instead of allowing the bill to be combatted by opponents as had occurred in previous years.¹⁹⁴ The House of Representatives, Senate, and the President are the ones whom formally brought the FMLA into law, making them notable agents in the passage of U.S. maternity leave policy as well.¹⁹⁵

The Agency

Agency in the pentad is defined as “what means or instruments [he or she] used.”¹⁹⁶ Following the same pattern, I will first examine the action of physically asking for/taking maternity leave. The agency between the two main agents remains clear, as the means or

¹⁹² Alex Byers, “Yes, Trump Did Call Pregnancy an “Inconvenience” for Employers.”

¹⁹³ “History of the FMLA.”

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ K. Burke quoted in Rebecca J. Meisenbach., Robyn V. Remke, Patrice M. Buzzanell, and Meina Liu, ““They Allowed”: Pentadic Mapping of Women's Maternity Leave Discourse as Organizational Rhetoric,” 5.

instruments used is telling, or rather asking, one's employer for time off. The process of taking maternity leave often begins here, with the employee first asking for permission for time off, or discussing the process for receiving this needed time off. After a worker is able to determine if they meet eligibility requirements, a daunting and confusing task, with many Americans not sure if they even qualify,¹⁹⁷ the worker must begin the extensive paperwork, an "extremely energy-consuming process for them."¹⁹⁸ A worker completes the necessary steps by locating the eligibility requirements, filling out paperwork, getting approved for leave, and negotiating and discussing the time off with one's boss. Once the worker completes these steps, they are then able to take the unpaid time off, assuming they can take the financial burden.

The "means or instruments" needed by the employer are slightly different from the process of the employee.¹⁹⁹ The employer chooses to negotiate or not with their employee regarding the request for leave. An employer also chooses how to structure their workplace. By choosing not to have "50 employees within 75 miles," the employer is not subject to provide the FMLA mandated leave.²⁰⁰ By not holding their workplace up to eligibility standards listed in the FMLA, an employer holds all power to decide whether or not a worker is able to receive the 12-weeks of time off to begin with. If an employer must provide leave to their employees, they do maintain a type of power in that they are the ones whom decide

¹⁹⁷ Heidi M. Berggren, "US family leave policy: the legacy of 'separate spheres,'" 313.

¹⁹⁸ Meina Liu and Patrice M. Buzzanell, "Negotiating Maternity Leave Expectations," 339.

¹⁹⁹ K. Burke quoted in Rebecca J. Meisenbach., Robyn V. Remke, Patrice M. Buzzanell, and Meina Liu, "'They Allowed': Pentadic Mapping of Women's Maternity Leave Discourse as Organizational Rhetoric," 5.

²⁰⁰ "29 U.S. Code § 2612 Leave Requirement."

to “blame them, demote them, or deny raises or promotions that were promised previously.”²⁰¹

The power of the instruments used by the employer are far stronger than those of the worker. The employee is busy filling out paperwork, going through complex requirements, and making financial decisions surrounding their ability to take leave. On the other hand, the employer, if even required to provide the minimum 12 weeks of unpaid leave, can choose to provide punishments for a worker’s lost productivity, dissuading future workers from taking maternity leave. The worker has to complete the most steps and means to take the leave; the power here is in the hands of the employer.

The “means or instruments”²⁰² used in the signing of the bill are the bureaucratic process; a bill was proposed, passed by Congress, and then signed by the President.²⁰³ The Women’s Legal Defense Fund proposed the original the legislation, working with a member of Congress to assure its introduction each legislative session from 1984-1993 until it ultimately passed.²⁰⁴ The instruments used were the writing and introducing of the law into the Congress, where the bureaucratic process would eventually turn it into law. Congress used their voting power to pass the legislation, and the President used his executive power to sign the bill into law.²⁰⁵ While the discourse surrounding these actions holds great power, the instruments themselves that were used to sign the bill into law are commonplace, every day actions within the federal government.

²⁰¹ Meina Liu and Patrice M. Buzzanell, “Negotiating Maternity Leave Expectations,” 332.

²⁰² K. Burke quoted in Rebecca J. Meisenbach., Robyn V. Remke, Patrice M. Buzzanell, and Meina Liu, “‘They Allowed’: Pentadic Mapping of Women’s Maternity Leave Discourse as Organizational Rhetoric,” 5.

²⁰³ “History of the FMLA.”

²⁰⁴ Ibid.

²⁰⁵ Ibid.

The Scene

Following this is the scene, or the “situation in which it occurred.”²⁰⁶ United States maternity leave occurs within U.S. capitalism, a dehumanizing system which has already been discussed in great detail. When asking for leave, one must ask their employer, oftentimes in their office. This situation already puts the focus on the office, instead of the worker, while needing permission from their employer devalues the needs of the mother. The system in which this occurs holds going to work to earn a profit of highest priority, separating mothers into the “other” category. This situation puts the strain on the mother, as she must do the research, the paperwork, the financial planning, and the cost-benefit analysis of the penalties that can be taken, creating a scene much in favor of the employer.

In regards to the passing of the actual FMLA policy, the scene was largely the same. 1993 held the same capitalist system as today, with the same strain put on the worker, and the same power in the hands of the upper class. This policy being passed was seen as a “historic day” and “one of [the] proudest moments as an organization,” by the National Partnership for Women and Families, as it was still time off ensured to women, to make taking medical leave “easier.”²⁰⁷ This policy “win” of unpaid time off that punishes rather than rewards women for having children, often with a financial burden, came in a time when there was no national maternity leave policy.²⁰⁸

²⁰⁶ K. Burke quoted in Rebecca J. Meisenbach., Robyn V. Remke, Patrice M. Buzzanell, and Meina Liu, “‘They Allowed’: Pentadic Mapping of Women’s Maternity Leave Discourse as Organizational Rhetoric,” 5.

²⁰⁷ “History of the FMLA.”

²⁰⁸ Lawrence M Berger and Jane Waldfogel, “Maternity leave and the employment of new mothers in the United States,” 332.

While this policy may have been seen as a success at the time, as it was better than no mandated policy at all, the situation created by this policy was not as positive. The FMLA created a burden on women to navigate the confusing application and eligibility process, along with the financial burden of a lack of income.²⁰⁹ Even with the passage of the FMLA, the U.S. is still “last among developed countries when it comes to paid maternity leave,” not offering paid leave at all.²¹⁰ This situation is not as positive and helpful of an accomplishment as it may seem, with the burden still placed on the worker to get a mere 12-weeks of unpaid time off.

The Purpose

Throughout this pentad thus far, the needs of the woman have not been mentioned, despite discussing not only the written policy itself, but the passage of the FMLA as well. This unfortunate pattern continues through the purpose, the last aspect of the pentad.²¹¹ The purpose of a woman asking for leave is obvious: she is asking for leave, as she needs the time off for the birth of a child. It is the underlying reason and purpose that a woman needs to ask for this leave in the first place that shines light on the true purpose of the FMLA’s structure. Paying a worker during time off incentivizes (or does not de incentivize) workers to have children, while lessening the profit of the employer. Thus, the purpose of the FMLA is to give workers just enough time off that they are healthy, but need to return to work quickly after, due to financial necessity (explaining why the FMLA is unpaid). Both the purpose of

²⁰⁹ Meina Liu and Patrice M. Buzzanell, “Negotiating Maternity Leave Expectations,” 339.

²¹⁰ Rita Rubin, “U.S. Dead Last Among Developed Countries When It Comes To Paid Maternity Leave,” *Pharma & Healthcare, Forbes*, April 6, 2016, accessed October 12, 2017, <https://www.forbes.com/sites/ritarubin/2016/04/06/united-states-lags-behind-all-other-developed-countries-when-it-comes-to-paid-maternity-leave/#20e865518f15>.

²¹¹ Rebecca J. Meisenbach., Robyn V. Remke, Patrice M. Buzzanell, and Meina Liu, “‘They Allowed’: Pentadic Mapping of Women's Maternity Leave Discourse as Organizational Rhetoric,” 8.

the structure and the purpose of the signing of the FMLA revolve around the needs of the Establishment, not the needs of the woman.

A common pattern thus emerges in this analysis: the focus on the needs of the employer. The employer is a major agent in this process, and the center of this act, with the woman having to ask the employer for time off. The focus of the situation is on the employer, as they are the ones whom have to give their permission, allow the woman to negotiate, and can choose to provide punishments, which often discourage leave. The agency once again focuses on the workplace as the means used are often revolving around eligibility requirements (all surroundings one's time at the workplace), and using leave provided by an employer. The legislation and its implementation revolves around the continuation of the capitalist system, its current success, and its continued success into the future.

Even President Clinton and the 103rd Congress whom ultimately signed the bill into law²¹² are not focused on women, with just over 5% of the Congress being female; the rest being male, along with President Clinton himself.²¹³ While men are able to sign policies that support women, and the FMLA was written by a women's organization, the lack of sympathy and support for the mother (as shown through the extensive process and financial burden) can be further explained by the lack of women in the 103rd Congress.²¹⁴ Had more women been present in Congress, there would have been more opportunity to hear the perspective of a woman and her own needs during maternity leave, instead of the debate being constituted by

²¹² "History of the FMLA."

²¹³ Jennifer E. Manning, Ida A. Brudnick, and Colleen J. Shogan, "Women in Congress: Historical Overview, Tables, and Discussion," Congressional Research Service, April 29, 2017, accessed October 30, 2017, <https://fas.org/sgp/crs/misc/R43244.pdf>.

²¹⁴ Ibid.

a 95% male group.²¹⁵ As this pentad shows, the focus of maternity leave revolves around the needs of the workplace, with the power in the hands of the employer.

The Purpose and Values of the Family and Medical Leave Act

James Gee also outlined a means of analyzing discourse, looking directly at the aspects of Conversation.²¹⁶ These three aspects are defined as, “controversy, that is, ‘sides’ we can identify as constituting a debate,” “values and ways of thinking connected to the debate,” and “the ‘symbolic’ value of objects and institutions that are what we might call non-verbal participants in the Conversation.”²¹⁷ To begin, I will directly analyze the text of the FMLA. The Department of Labor states that the purpose of the FMLA is

(b) PURPOSES.--It is the purpose of this Act--

- (1) to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity;
- (2) to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition;
- (3) to accomplish the purposes described in paragraphs (1) and (2) in a manner that accommodates the legitimate interests of employers;
- (4) to accomplish the purposes described in paragraphs (1) and (2) in a manner that, consistent with the Equal Protection Clause of the Fourteenth Amendment, minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis; and
- (5) to promote the goal of equal employment opportunity for women and men, pursuant to such clause.²¹⁸

²¹⁵ Ibid.

²¹⁶ James Paul Gee, *An Introduction to Discourse Analysis: Theory and Method* (London: Routledge, 1999), 34.

²¹⁷ Ibid, 34-35.

²¹⁸ “The Family and Medical Leave Act of 1993, as amended.”

It is this purpose of the FMLA, the Department of Labor quote listed above, that will be analyzed using Gee's method.

Starting with the controversy, the first aspect of Gee's Conversation, the sides of the "debate" are still the worker and the employer, but with one other important side of the controversy mentioned.²¹⁹ The first, and thus seemingly most important purpose, the policy reads as such: "to balance the demands of the workplace with the needs of families."²²⁰ This statement does two things. It identifies the workplace first as a factor in this Conversation, as the needs of the workplace are the first purpose mentioned.²²¹ Second, through having to "balance" the needs of the workplace with worker's needs, the needs of the system become more important than the needs of the worker.²²² While the other statements made throughout this list, from having to meet the interests of the employer (point 3), or trying to create equal opportunity for men and women (point 5), the first point made reveals the true major factor regarded within the FMLA, and thus the major controversy as well: the needs of the workplace.²²³

After the controversy, the first aspect of Gee's Conversation, is the "values and ways of thinking connected to the debate," or the second aspect of Conversation.²²⁴ Looking at this debate, namely the FMLA policy and the actors discussed within the policy, there is a clear set of values surrounding this debate, all revolving around the workplace. From the fact that the first purpose taken into consideration was the needs of the workplace, to calling 12

²¹⁹ James Paul Gee, *An Introduction to Discourse Analysis: Theory and Method*, 34.

²²⁰ "The Family and Medical Leave Act of 1993, as amended."

²²¹ Ibid.

²²² Ibid.

²²³ Ibid.

²²⁴ James Paul Gee, *An Introduction to Discourse Analysis: Theory and Method*, 34.

weeks of unpaid leave “reasonable leave,” having to take into account “legitimate interests of employers” (even though these are largely the same as the needs of the workplace), and having something regarding the workplace mentioned in every purpose stated, it is clear that the values considered in the FMLA are capitalist values.²²⁵

At no point is the health of the worker mentioned, nor is the health or interests of the child. In fact, the only time the needs of the worker are mentioned at all is by stating they need to be “balanced” with “the demands of the workplace.”²²⁶ This debate does not revolve around the needs of the worker, as they are not a major part of this equation in the eyes of the Establishment. The values considered are those essential to capitalism; ways to keep the system running into the future, while making the most profit. If Canada can provide 50 weeks of paid leave to be taken by either parent,²²⁷ greatly valuing the mental, physical, and financial health of both the mother and baby (instead of focusing on the workplace), the United States cannot consider the burdensome 12 weeks of unpaid maternity leave provided to only women “reasonable leave.”²²⁸

The last aspect of Conversation identified by Gee is “the ‘symbolic’ value of objects and institutions that are what we might call non-verbal participants in the Conversation.”²²⁹ The major non-verbal actor in this situation, however, is explicitly stated, and even implied as the most important actor in the Conversation: the system. The capitalist system functions when workers are dedicated to their job, go to work to earn a wage, and put that wage back

²²⁵ “The Family and Medical Leave Act of 1993, as amended.”

²²⁶ *Ibid.*

²²⁷ Patricia M Evans, “Comparative Perspectives on Changes to Canada’s Paid Parental Leave: Implications for Class and Gender,” 119.

²²⁸ “The Family and Medical Leave Act of 1993, as amended.”

²²⁹ James Paul Gee, *An Introduction to Discourse Analysis: Theory and Method*, 35.

into the system. As has been stated, this system is interrupted by the time off needed for the birth of a child, explaining why the needs of the mother have to be “balanced” with workplace needs; they must be added into this existing equation.²³⁰ By listing the needs of the workplace first, it becomes clear what values the FMLA is modeled around, even if the capitalist system itself is a non-verbal actor.²³¹

After first centering the discussion around the workplace, it is not surprising that the FMLA provides unpaid leave, as this fits into the United States’ notion of a “good worker.” This actor, the workplace, having fit itself into all aspects of Gee’s Conversation, holds all control over the FMLA policy. The needs of the worker are hardly considered within the FMLA, instead focusing on how to fit these needs in with the “demands” of the workforce (seemingly un-negotiable wants), and the “legitimate interests of the employer.”²³² With the needs of the system being mentioned before the needs of the worker, the scene is set for an Establishment aiding policy.

Through these two tools, the pentadic strategy used by Meisenbach, Remke, Buzzanell, and Liu and the aspects of Conversation as defined by Gee, the true focus of the Family and Medical Leave Act is revealed: the workplace. The needs of the employer and a strain on the worker were the overarching theme of the act, scene, agent, agency, and purpose as defined by the authors.²³³ The stress of having to locate the eligibility requirements, meeting the requirements, negotiating with one’s boss, completing the extraneous paperwork, and having the financial resources to take leave all falls on the worker, while the boss

²³⁰ “The Family and Medical Leave Act of 1993, as amended.”

²³¹ Ibid.

²³² Ibid.

²³³ Rebecca J. Meisenbach., Robyn V. Remke, Patrice M. Buzzanell, and Meina Liu, “‘They Allowed’: Pentadic Mapping of Women’s Maternity Leave Discourse as Organizational Rhetoric,” 2.

controls whether or not they are even eligible, and the punishments given to the workers. Along with this, the discourse of the purpose of the FMLA as defined by the Department of Labor and analyzed using Gee's method reveal the capitalist values of the policy, and the lack of importance of the worker.

Possible First Steps Taken by Women Needing Maternity Leave

Now that I have discussed the relationships existent and Conversation within the policy itself, I will look at the process of taking maternity leave. When a worker needs the time off, they might quickly Google "maternity leave, United States." This search, however, only displays Wikipedia pages, and articles with titles such as "Paid family leave is an elite benefit in the U.S.,"²³⁴ "U.S. Dead Last Among Developed Countries When It Comes To Paid Maternity Leave,"²³⁵ and "The world is getting better and paid maternity leave. The U.S. is not."²³⁶ Out of the first 30 results, almost every headline discusses how "far behind" or "horrible" the United States policy is. And, yet, this policy is still not largely discussed within national debate, and the name or qualifications of the policy are not found. If one continues to search "maternity leave United States policy," clearly looking for the policy itself, all that is found are the same results.

²³⁴ Ashley May, "Paid family leave is an elite benefit in the U.S.," USA TODAY, May 18, 2017, accessed October 19, 2017, <https://www.usatoday.com/story/news/nation-now/2017/05/17/paid-maternity-leave-elite-benefit-u-s/325075001/>.

²³⁵ Rita Rubin, "U.S. Dead Last Among Developed Countries When It Comes To Paid Maternity Leave."

²³⁶ Melissa Etehad and Jeremy C.F. Lin, "The world is getting better and paid maternity leave. The U.S. is not," The Washington Post, August 13, 2016, accessed October 19, 2017, https://www.washingtonpost.com/news/worldviews/wp/2016/08/13/the-world-is-getting-better-at-paid-maternity-leave-the-u-s-is-not/?utm_term=.d575cdd1dbff.

It is not until one searches “Family and Medical Leave Act” that the policy is finally in the results (assuming that the worker is able to figure out the FMLA is where their mandated time off stems from). With this search, the first result is the United States Department of Labor’s page, with an overview of the policy. The page reads, “The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.”²³⁷ Not only is this sentence long and confusing, but it does not at any point state what makes an employee “eligible.”²³⁸ While it does continue on to list the reasons one might need medical related time off, the eligibility qualifications are not listed anywhere on the home page.²³⁹ From this page, one has the choices to click on “General Guidance,” “Fact Sheets,” “E-tools,” “Posters,” “Forms,” “Interpretive Guidance,” and “Applicable Laws and Regulations.”²⁴⁰ To finally find the eligibility qualifications, one must click “General Guidance,” then “FMLA employee guide,” (the seventh option on a list of eleven options), then download the FMLA Employee Guide PDF, and scroll to page 4.²⁴¹

If the punishments or disappointment from one’s employer did not already discourage them from taking maternity leave, the confusing discourse on the Department of Labor’s homepage, or the long process of searching, having to find the name of the policy, being redirected, and locating the PDF just to find the eligibility qualifications might. This process

²³⁷ “Family and Medical Leave Act,” Wage and Hour Division, United States Department of Labor, n.d., accessed October 19, 2017, <https://www.dol.gov/whd/fmla/>.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ Ibid.

is to determine if one is even eligible, before any of the negotiations or paperwork have even begun. While maternity leave would logically be aimed at helping mothers during the birth of their child, this process is anything but user friendly. The time consuming, clunky-worded process makes even finding information out about the FMLA nearly impossible.

As Meisenbach, Remke, Buzzanell, and Liu emphasize through their pentad method and Gee through the aspects of conversation, the needs of the worker are not greatly considered in the Family and Medical Leave Act. This is furthered through their confusing website and nearly impossible to find eligibility requirements. The workplace “demands” that workers come to work for the system’s benefit, which requires that workers do not take time off.²⁴² To fulfill this demand, the Establishment facilitates confusion and difficulty in finding policy to persuade workers to just stay in the workplace, instead of looking further into leave. Without knowing the qualifications of leave, where to find the policy, or even the policy name itself, workers are unable to take the time off, all for the benefit of the business owner. Not only are workers not a focus of the FMLA policy, as shown through the pentad, but they are not a priority of the purposes for the Act, as shown through Gee’s aspects of Conversation.²⁴³ Everything from the writing of the policy, to the true intentions behind the policy, to a worker’s task when needing to take the policy is structured against the woman for the benefit of the employer.

²⁴² “The Family and Medical Leave Act of 1993, as amended.”

²⁴³ Ibid.

Is There a Solution to Unfair Gender Expectations Within Maternity Leave?

Women are expected to both be fully available workers, and have children for the continuation of the system. Unpaid maternity leave policy, specifically the Family and Medical Leave Act, has created a society in which a woman has to pick one or the other, either being a worker or a mother. The discourse surrounding maternity leave reinforces these options further. However, this discourse can also be used as a means of change, to work to better the system. Having largely discussed the problem, it is time to see if there is a solution.

The discourse used surrounding and within the FMLA shows the true intentions of the policy itself, and the societal needs that are valued. While discourse often leads to the maintenance of the oppressive system, it can also be used to show places for change, or ways in which the oppressive system can be altered, giving more freedom to the workers. As stated by Meisenbach, Remke, Buzzanell, and Liu, discourse analysis “allows one to highlight and show alternative paths within moments of discourse closure.”²⁴⁴ This section will highlight these “alternative paths” to find means to change the workplace and capitalist system centered maternity leave discourse, while examining the efforts that have been made in the past, to work towards a solution for unfair structuring of maternity leave policy.²⁴⁵

The first step in thinking about means of change is the recognition of the system under which the discourse exists. Society is one of predetermined discourse and definitions, something that cannot be changed. Deciding that the definitions of words should not be as such will not change the consciousness and the common thoughts and connotations of these

²⁴⁴ Rebecca J. Meisenbach., Robyn V. Remke, Patrice M. Buzzanell, and Meina Liu, " 'They Allowed': Pentadic Mapping of Women's Maternity Leave Discourse as Organizational Rhetoric," 2.

²⁴⁵ Ibid, 2.

words as held by the majority of the population. The new system must first start by looking at the predetermined society under which one exists; “The state was a way of conceiving, analyzing, and defining the nature and relations of these already given elements.”²⁴⁶ The relationship between the existing aspects of society must first be exposed and discussed before one is able to work towards change. A new society cannot be created without first beginning within the existing relations.

Previous Attempts to Bring About Change: Sandberg’s Lean In Phenomenon

There have been efforts to work within the U.S. capitalist society to bring about a more equal society for women. Sheryl Sandberg, author of *Lean In: Women, Work, and the Will to Lead*, has been acclaimed as “full of many such gems, slogans that ambition women would do well to pin up on their wall” for speaking out about the different expectations of men and women within the workplace, specifically the corporate workplace with Sandberg being the chief operating officer of Facebook, and discussing the discrimination she has faced.²⁴⁷ Sandberg was viewed as a major force in the fight for change, but yet no change has come. Discussing maternity leave extensively in her book, specifically the effects it has on a mother staying in the workplace, one might think that the FMLA would have been widely discussed or overhauled since its creation in 1993 (*Lean In* published in 2015), after

²⁴⁶ Michel Foucault, *Security, Territory, Population Lectures at the Collège de France 1977-1978*, 286.

²⁴⁷ Anne-Marie Slaughter, “Yes, You Can Sheryl Sandberg’s Lean In,” *The New York Times*, The New York Times Company, March 7, 2013, accessed October 30, 2017, <http://www.nytimes.com/2013/03/10/books/review/sheryl-sandbergs-lean-in.html>.

2.25 million copies of Sandberg's book had been sold in just one year after being published.²⁴⁸ This discussion, though, has not come about.

While Sandberg did discuss the capitalist system, and went into detail about her specific experiences with oppression, one example being her struggle being teased for wanting to take the full three months of maternity leave, Sandberg does not make any effort to change the system.²⁴⁹ Instead of calling for a change in capitalism, Sandberg calls for a *change in women*, urging them to instead “lean in” to the capitalist system.²⁵⁰ While Sandberg is trying to better the position of women, this book did not work to fix any unfair gender stereotypes, or start any maternity leave policy.

Sandberg, instead of calling for policy change, states that women need to discuss their wants with their bosses, as this worked for her in her previous employment positions.²⁵¹ This, however, ignores her position of power. Just because asking for time off or pregnancy parking in Sandberg's upper-class positions has proved positive for her does not mean this will work for the average mother, whom could easily just be fired and replaced by a man that does not need such requests. The change that *Lean In* was inspiring to bring was mere change in women, instead of change in the system that degrades their value and position in society in the first place.

What Sandberg is missing in her book is the recognition of the systemic pressure put on women to be fully available or be replaced. She “makes it seem that privileged white men

²⁴⁸ Gianna Palmer, “What impact has Lean In had on women?,” BBC News, BBC, March 5, 2015, accessed October 30, 2017, <http://www.bbc.com/news/business-31727796>.

²⁴⁹ Sheryl Sandberg, *Lean In*, 126-127.

²⁵⁰ Bell Hooks, “Dig Deep: Beyond Lean In.”

²⁵¹ One example of this being Sandberg's example of her marching into her bosses office at Google, and stated that their office “needed pregnancy parking,” to which her boss agreed immediately. (source: Sheryl Sandberg, *Lean In*, 3-4)

will eagerly choose to extend the benefits of corporate capitalism to white women who have the courage to ‘lean in.’”²⁵² Sandberg portrays that any woman has this power to challenge the patriarchy and be widely accepted, but this ignores her place of power. She continues to argue that having more women at the top of the corporate ladder will help those at the bottom.²⁵³ Women at the top often don’t work to help those at the bottom, with “Sarah Palin and Michele Bachmann, [being an example of] two women who have been in powerful positions but have no interest in furthering opportunities for women at the bottom (or, in some cases, anywhere on the ladder).”²⁵⁴ Sandberg herself even gives an example of this statement through her chronicle of her fight for pregnancy parking.²⁵⁵

The only reason that Sandberg felt the need to fight for pregnancy parking is because she experienced a situation under which it would have benefitted her directly.²⁵⁶ But, as stated by Covert, “what about other unmet needs that pregnancy employees might need that Sandberg didn’t experience?” continuing, “Mayer, for instance, has the resources to go back to work two weeks after the birth of a baby, so may not realize that her less well off employees need more time off than they currently have. Sandberg herself admits to being embarrassed that she didn’t even think about reserved pregnancy parking for pregnancy women until she herself was pregnant...”²⁵⁷ This fight that Sandberg is striving for will not benefit all women. While some offices may now have pregnancy parking, and some workers

²⁵² Bell Hooks, “Dig Deep: Beyond Lean In.”

²⁵³ Ibid.

²⁵⁴ Bryce Covert, “Lean In, Trickle Down: The False Promise of Sheryl Sandberg’s Theory of Change,” *Forbes*, February 25, 2013, accessed October 30, 2017, <https://www.forbes.com/sites/brycecovert/2013/02/25/lean-in-trickle-down-the-false-promise-of-sheryl-sandbergs-theory-of-change/#a5e564042567>.

²⁵⁵ Ibid.

²⁵⁶ Ibid.

²⁵⁷ Ibid.

may be aware that this is a resource they may be entitled to, maternity leave is still unpaid, and largely unchallenged. *Lean In* was not the solution to fixing unjust gender expectations.

The Role of Celebrity

The *Lean In* phenomenon made clear another aspect of the solution: the person, the who, that is bringing out the change matters. Before *Lean In*, there was little “public discussion of feminist thinking and practice. Rarely, if ever, was there any feminist book mentioned as a bestseller and certainly not included on the *New York Times* Best Seller list.”²⁵⁸ Even those “who have devoted lifetimes to teaching and writing theory” find that their audience does not stem much past “academic sub-culture.”²⁵⁹ But yet, when Sheryl Sandberg, a “young, high-level corporate executive” whom is friends with people such as Oprah Winfrey uses their celebrity to write about feminism, it is in the center of pop-culture.²⁶⁰ These topics such as maternity leave and the role of women in society are not new, and oppression of women has been around for a large portion of history. Yet, it is not widely discussed until a celebrity, like Sandberg, is able to use their fame and idealized place in society to create and control a space for discussion.

When theorists discuss men mistreating women, it wasn’t always discussed in the pop-culture sphere. However, when celebrities, such as Amy Poehler, tackle the feminist topic, it is brought into the public sphere, as shown through the show *Parks and Recreation*. Misconceptions about women and their bodies are not new in society, but were brought into the public conversation when, on the show, character Leslie Knope, a feminist icon, brings

²⁵⁸ Bell Hooks, “Dig Deep: Beyond Lean In.”

²⁵⁹ Ibid.

²⁶⁰ Ibid.

back old Parks and Recreation Department directors for a copy of the summer catalog.²⁶¹

When discussing Leslie's dream of becoming director of the Parks Department, Clarence, a male previous director, states "Oh I don't think that's a good idea. Women, they need a lot of blood flow through to their baby centers which leaves less to the brains," a clearly ridiculous and false statement, but one that is believed by this male character.²⁶² A popular comical television show is able to show the absurdity of some beliefs, while many theorists would have been disregarded or brushed off due to the absurdity of the statement, and their small "academic sub-culture" audience.²⁶³

Another example of this celebrity influence directly regards maternity leave. Paid maternity leave is rarely discussed in the United States, and not viewed as a need or requirement by most. Even the National Partnership for Women and Families, an organization that fights for the rights of women, only fought for the 12 weeks of unpaid leave, and even today still views this gain as a major accomplishment.²⁶⁴ This issue, however, took the center of the public eye when Anne Hathaway, an Academy Award winning actress, spoke on the topic of paid maternity and paternity leave to the United Nations.²⁶⁵ While the ideas aren't new, Hathaway speaking about how little 12 weeks of maternity leave is,²⁶⁶ especially with many lower-class Americans unable to take the pay cut,

²⁶¹ *Parks and Recreation*, "Summer Catalog," directed by Ken Whittingham, written by Greg Daniels and Michael Schur, NBC, March 25, 2010.

²⁶² Ibid.

²⁶³ Bell Hooks, "Dig Deep: Beyond Lean In."

²⁶⁴ "History of the FMLA."

²⁶⁵ "Speech: 'Paid Parental Leave is about Creating Freedom to Define Roles' – UN Women Goodwill Ambassador Anne Hathaway," UN Women, March 08, 2017, accessed March 23, 2017, <http://www.unwomen.org/en/news/stories/2017/3/speech-anne-hathaway-iwd-2017>.

²⁶⁶ Ibid.

the video has over 16 million views and 200,277 shares²⁶⁷, with comments such as “Totally disturbing!,”²⁶⁸ “America, the corporate world that wud milk a mother to fatten the CEO’s pockets & leave an infant at home deprived of that mom’s nurturing care,”²⁶⁹ and “so sad.”²⁷⁰ Grammatical mistakes and spelling errors aside, one thing can be seen: a public discussion of the unfairness of the FMLA has begun, all because of the speech given by Anne Hathaway.

These popular icons, may they be characters from a television show such as Leslie Knope, or academy award winning actresses such as Anne Hathaway, bring these undiscussed gender expectations into the public eye, and open them for discussion. While these problems have always existed, the need for a pop-culture celebrity figure instead of a theorist as the vehicle for discussion allows this knowledge of unfair maternity leave to enter the consciousness of the working class, and thus can bring on change- an essential part of the solution of the problem.

As stated by Foucault, “a single subject goes from desire to know (savior) to knowledge (connaissance), for the good reason that if knowledge were not there as

²⁶⁷ Illumeably’s Facebook page, accessed October 30, 2017, https://www.facebook.com/Illumeably/videos/267142393690868/?hc_ref=ARSX6Gvuxgz9Gwk1sQYr4oUp3b9DSWX_ZbpfC67BdGZO4d0Av00-2faKCvAeFpPOYNc.

²⁶⁸ Comment on Illumeably’s Facebook page, September 8, 2017 (2:40 a.m.), accessed October 30, 2017, https://www.facebook.com/Illumeably/videos/267142393690868/?hc_ref=ARSX6Gvuxgz9Gwk1sQYr4oUp3b9DSWX_ZbpfC67BdGZO4d0Av00-2faKCvAeFpPOYNc.

²⁶⁹ Comment on Illumeably’s Facebook page, September 10, 2017 (4:25 a.m.), accessed October 30, 2017, https://www.facebook.com/Illumeably/videos/267142393690868/?hc_ref=ARSX6Gvuxgz9Gwk1sQYr4oUp3b9DSWX_ZbpfC67BdGZO4d0Av00-2faKCvAeFpPOYNc.

²⁷⁰ Comment on Illumeably’s Facebook page, September 10, 2017 (2:14 p.m.), accessed October 30, 2017, https://www.facebook.com/Illumeably/videos/267142393690868/?hc_ref=ARSX6Gvuxgz9Gwk1sQYr4oUp3b9DSWX_ZbpfC67BdGZO4d0Av00-2faKCvAeFpPOYNc.

precedence of desire, the desire itself would not exist.”²⁷¹ One cannot desire change or more knowledge until one is aware that there is something wrong- one has knowledge about the problem to begin with.²⁷² Celebrities, by discussing the problems within society, give knowledge of injustice to the working class, which creates a space for discussion and change. While no major changes have yet come to the FMLA, the 200,277 shares and 5,700 comments on Hathaway’s speech create a dialogue about the problem of unpaid leave that did not exist before.²⁷³

Degendering: A Solution to Unfair Gender Roles

One solution that has come out of this dialogue surrounding gender expectations is the push for degendering. The thesis of this movement can be stated as such: “I argue that it is this gendering that needs to be challenged by feminists, with the long-term goal of not just minimizing but of doing away with binary gender divisions completely.”²⁷⁴ By doing away with gender, men and women would be equals, as there would be no category to separate them to begin with. This idea, however, has one major flaw. The article points out this flaw in plain words, but makes no move to provide a solution. As stated, the article is discussing the “supposed inborn differences between females and males. The ultimate touchstone is pregnancy and childbirth... This belief in natural- and thus, necessary- differences legitimates many gender inequalities and exploitations of women.”²⁷⁵

²⁷¹ Michel Foucault, *Lectures on the Will to Know Lectures at the Collège de France 1978-1979 and Oedipal Knowledge*, 16.

²⁷² Ibid, 16.

²⁷³ Comment on Illumeably’s Facebook page.

²⁷⁴ Judith Lorber, "Using gender to undo gender: A feminist degendering movement," *Feminist Theory*. 1, 1 (2000): 80.

²⁷⁵ Ibid, 83.

This, here, is the major flaw with degendering as a solution. Women and men are biologically different beings, and thus cannot be expected to perform the same work. This expectation for the same abilities of both genders is the cause of unfair workplace expectations that lead to paid maternity leave in the first place, and thus cannot also be the solution. Women are the only thing capable of carrying a child to reproduce society, something absolutely necessary for the continuation of the system. Even without genders assigned, one half of the biological population will still be separated out from the other, and will still have different needs. Degendering does not do away with the need for maternity leave. Holding all people at the same expectation due to the lack of gender will, if anything, make this problem worse, as those carrying a child will not be able to work, as there will be no basis to separate men and women to accommodate for the different needs between the two genders.

The solution to these unfair expectations stems from the recognition of the differing needs. Until the view of a “good worker” is changed and the focus changes from the workplace onto the worker itself, the strain put on working women to be both mothers and fully-available workers will not change. The purpose of the FMLA revolves around the workplace, as stated in its first purpose listed, instead of the needs of the worker itself.²⁷⁶ By changing the discourse so that a woman is not asking for time off for the birth of a child but instead telling one’s boss, or even an employer seeing the birth of a child as a positive aspect instead of something that disrupts their earning of capital, gender expectations would diminish, and the value of a woman as both a worker and a mother would go up.

²⁷⁶ “The Family and Medical Leave Act of 1993, as amended.”

Instead of discourse maintaining a society under which workers are taken advantage of for their labor power, a new society could be created where workers and their lives outside the workplace are valued, instead of just the workplace. Instead of punishing mothers for needing time off, the FMLA could be overturned, and a new policy could be put in place that values the act of a new child being brought into the workplace, with this process not being counted in time and decreased production. It is not until the discourse in and surrounding both maternity leave and a worker changes, a change that will eventually lead to systemic change and an end to the oppressive capitalist society, that unfair maternity leave will end.

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