Ample research makes clear that there is a significant wage penalty for motherhood (Anderson, Binder and Krause 2003; Budig and England 2001; Kelly 2005; Waldfogel 1997a; Waldfogel 1997b). Mothers earn less than men, whether or not those men have children; mothers also earn less than women who do not have children. For example, Waldfogel (1997b) found that in 1991, mothers’ hourly wages were 81 percent of childless women’s wages and 73 percent of men’s wages. Other studies document similar penalties, and these penalties persist even after controlling for factors such as human capital investments, part-time employment, the mother-friendly characteristics of jobs held by mothers, and other important differences in the characteristics, skills, and behaviors of mothers and non-mothers (Anderson, Binder and Krause 2003; Budig and England 2001; Waldfogel 1997a). One author estimates the total lifetime penalty for motherhood at more than one million dollars for college-educated women (Crittenden 2001).

Experimental research that holds constant worker characteristics such as qualifications and productivity confirms that wage differentials likely result from employer discrimination against mothers, rather than from differences between mothers and other workers (Correll, Benard and Paik 2007; Cuddy, Fiske and Glick 2004; Fuegen et al. 2004). For example, Cuddy et al. (2004) found that when working women become mothers they trade evaluations of perceived competence for warmth: they are perceived to be warmer but less competent than women without children. In contrast, when men become fathers they make no such trade-off; instead they gain in perceived warmth and maintain perceived competence relative to working men without children. Cuddy et al. (2004) also found that evaluators reported less interest in hiring, promoting, and educating working mothers relative to working fathers and childless employees. Correll et al. (2007) found that subjects who evaluated applications from equally qualified job candidates penalized mothers relative to other workers on factors such as perceived competence, suitability for management training, and recommended starting salary. Mothers were also held to a higher performance standard than non-mothers in terms of attendance and punctuality at work (Correll et al. 2007).

To test the external validity of these findings, Correll et al. (2007) also conducted a field study by sending out resumes of identified parents and nonparents in response to job advertisements placed in the Sunday paper of a large Northeastern city. Childless women received more than two times as many call backs as equally qualified mothers, while fathers were called back at a higher rate than childless men, although the difference for fathers was not statistically significant. Other research also documents how employers rely on stereotypes about working mothers. For example, employers have not
considered women with children for promotions because they assume these women are not interested in career advancement (Schultz 1990). In an analysis of court cases advancing this “lack of interest” defense, Schultz (1990) found that courts were receptive to this argument as a justification for discriminatory treatment of women. In addition, qualitative research indicates that when women take family leave, some employers view this as a signal that they are no longer committed to their jobs (Albiston 2005a; Albiston 2005b; Albiston 2006; Hochschild 1997).

Correll et al. (2007) hypothesize that two dynamics may be producing the bias against mothers. First, employers may practice status-based discrimination by assuming that mothers are less competent and committed to paid work than non-mothers. In fact Correll et al. (2007) found that lower competence evaluations of mothers mediated the relationship between motherhood status and outcomes such as salary or access to management training. Correll et al. (2007) also proposed a second dynamic that may operate: normative discrimination against mothers, which occurs when employers discriminate against mothers simply because they believe mothers belong at home with their children. They argue that normative discrimination occurs because women who are highly competent at and committed to paid work defy stereotypes prevalent in many cultures about the appropriate place of women. These stereotypes indicate that women belong in the home serving as caretakers for dependent children. When women defy those stereotypes, they are disliked and perceived as more interpersonally hostile than other types of workers. As a result, employers are more willing to deny mothers organizational rewards. In these circumstances, mothers who present unassailable evidence of competence and effort at work actually find themselves worse off because they violate stereotypes that mothers’ first priority should be caring for their children.

In addition to the motherhood penalty, some studies also show that behavior that signals care responsibilities, such as taking family leave, is associated with lower performance evaluations, less likelihood of promotion, and lower salaries (Allen and Russell 1999; Glass 2004; Judiesch and Lyness 1999; Wayne and Cordeiro 2003). In an experimental study, Allen & Russell (1999) found that both men and women who took leave were perceived to be less committed to work. In addition, men seem to suffer particular disadvantages for stepping out of the breadwinner role: men who took leave were perceived as less committed to work and less likely to be recommended for organizational rewards than men who did not take leave, and than women whether or not they took leave. In another experimental study, Wayne & Cordeiro (2003) found that subjects rated men who took parental leave covered by the Family and Medical Leave Act (FMLA) as less likely to help their coworkers, be punctual, work overtime, or have good attendance than men who did not take parental leave and than women regardless of leave-taking behavior. Only Wayne & Cordeiro (2003) evaluated whether taking legally protected leave (i.e. FMLA leave) produced discriminatory evaluations of leave takers and this study did not include a comparator condition in which leave was not legally protected. Other qualitative and survey research confirms that many employers believe that men should not take more than a few days off for parental leave, if that (Albiston 2005a; Malin 1993-94).

These studies suggest significant workplace penalties attached to motherhood status and to behavior that signals that a worker is a caregiver. Status discrimination may be at play here, as competence ratings go down for these workers in some studies. In
addition, the gendered nature of parenthood penalties, coupled with the greater penalty for men who engage in caretaking behavior, suggest that normative discrimination is operating here. Not all women, but instead women who violate stereotypical motherhood norms by engaging in paid labor when they have children, experience these workplace penalties. Similarly, men who violate stereotypical breadwinner norms by taking family leave experience particularly significant workplace penalties. These complementary findings suggest that workers experience these penalties when they defy stereotypes that women should be family caretakers and men should be family breadwinners, in short when they violate the family wage norm. Note that in either case, the stereotype that seems to attach is that workers who become parents or engage in caretaking will become less reliable, less competent, and less committed workers.

The effect of law on normative evaluations: Law may be able to influence these normative judgments. Law and society scholars have long posited that law can affect society not only through punitive sanctions, but also through its symbolic or expressive effect on normative judgments (Berkowitz and Walker 1967; Galanter 1983; MacCoun 1993; Suchman 1997; Sunstein 1996b). In contrast to rational actor approaches which assume that compliance with the law is driven by factors such as the probability and severity of legal penalties, moral perspectives posit that compliance results from actors’ moral evaluations of illegal conduct. In this view, law can affect moral judgments by symbolically conveying that certain actions are improper or wrong (MacCoun 1993).

Along these lines, Berkowitz & Walker (1967) suggest that laws may be taken as implying a social consensus that particular conduct is wrong, and this implied consensus could influence moral judgments of that behavior. In addition, they note that when an individual believes that law constitutes legitimate authority, he may conform his behavior to the law, and, to reduce any cognitive dissonance between his moral views and his behavior, also come to see the behavior prohibited by law as wrong. In an experimental test of these ideas, Berkowitz & Walker (1967) found that, once informed of the legality or illegality of certain actions, students tended to alter their judgments of the morality of those actions in accord with the law. More recently, legal scholars have argued that law’s expressive function, as opposed to its coercive function, can change behavior, and in some instances, norms (Geisinger 2002-03; McAdams 2000a; McAdams 2000b; Sunstein 1996a; Sunstein 1996b). The more normative approaches within this framework suggest that law not only operates as an external constraint on behavior but also that it can also change individual values (i.e. internalized norms) by changing the meaning of a behavior and with it individuals’ normative evaluation of that behavior (Lessig 1995; Sunstein 1996a; Sunstein 1996b). These theoretical approaches are consistent with the effects we seek to investigate here.

If law can change both moral judgments and behavior, then legal prohibitions against discrimination against caregivers should improve workplace outcomes and perceptions of mothers and leave takers. In this way, law’s expressive influence could help mitigate the workplace penalties now experienced by mothers and fathers who step outside of stereotypical roles dictated by the family wage ideal. Such a finding would
have important policy implications for pending proposals to prohibit discrimination against caregivers and expand family leave protections.¹

**The effect of voluntary policies on normative evaluations:** An additional question is the effect of law compared with voluntary employer policies on discriminatory behavior and normative judgments. One policy objection often raised to work/family legislation is that individual workplaces can and will voluntarily provide work/family policies that are better tailored to the needs of their employees than one-size-fits all legal regulations. In addition, some scholars have argued that top-down legal regulation is ineffective against nuanced, evaluative bias like bias against caregivers (Sturm 2001). These scholars instead argue for self-regulation, voluntary policies, and internal dispute resolution mechanisms within work organizations (Estlund 2005; Sturm 2001). These proposals take a rational actor view of compliance, noting the limited effectiveness of top-down coercive regulations when there are few resources for enforcement and therefore little incentive for organizations to comply with legal rules.

From a normative perspective, however, it is an open question whether voluntary policies prohibiting discrimination against workers who take leave will have the same effect on evaluators’ behavior and normative judgments as do legal rules. It may be that even the existence of a voluntary policy will mitigate bias against caregivers. The literature on normative and legitimating effects of law, however, suggests that because law carries significant normative authority as well as instrumental sanctions, even if enforcement is lax, legal prohibitions may nevertheless inspire compliance. Accordingly, we would also predict that the effect of such voluntary policies, if any, would be weaker than the effect of law but perhaps stronger than the effect of no policy at all. Some empirical research on the relative effects of legal and non-legal signaling suggests this ordering of effects is likely to occur (Berkowitz and Walker 1967; McAdams and Nadler 2005).

**Proposed Research and Method**

The proposed research will evaluate whether knowledge of legal prohibitions protecting employees who use family leave affects the workplace evaluations of these employees and the organizational rewards they receive, such as pay raises and recommendations for promotion. We will also measure whether knowledge of these legal prohibitions affects individuals’ normative judgments about working mothers and leave takers. Finally, we will examine whether legal requirements differ from voluntary company policies in their effects on moral judgments and behavior. To this end, the study will have three conditions: one in which legal prohibitions against the expected discrimination are in place, one in which company policy requires equal treatment of parents and allows family leave, and one in which no policy is in place. This design has

¹ Of course, by focusing on how individuals evaluate workers who take leave, we do not intend to discount how environmental factors such as organizational context contribute to discrimination (see, e.g., Edelman 1999; Edelman et al. 1993; Edelman & Suchman 1997; Suchman & Edelman 1996). We believe that our theoretical approach is consistent with theories that address how social context contributes to discrimination because we view normative belief systems around gender and family as societal level, rather than individual level, factors that shape judgments of mothers and caregivers.
the added benefit of testing arguments that delegated governance in the form of voluntary policies may be as effective as legal requirements in eliminating discrimination in the workplace (Sturm 2001).

We use an experimental method based on the design employed by Correll et al. (2007) and Benard and Correll (in progress). In these studies, paid undergraduate volunteers rated equally qualified fictitious job applicants (based on paper applications) in a hiring decision context. Participants rated the applicants, who were either parents or non-parents, on measures of competence, commitment, likeability, interpersonal hostility, and they made recommendations about hiring and salary. The proposed research will change the evaluation context from a hiring decision to an employee performance evaluation setting to allow for the inclusion of information about past leave taking behavior. Thus, the novel contribution of the current study is to evaluate whether family leave legislation and voluntary policies reduce or eliminate the previously established bias against mothers and leave takers. The experiment, described below, will be conducted in the laboratories at Cornell where several similar studies have been successfully conducted. Before describing the design, we comment on the use of undergraduates in employee evaluation studies.

**The use of undergraduates:** The laboratory experiment described below features a highly controlled setting and the collection of a diverse set of measures, allowing us to generate data that are well suited for evaluating our theoretical argument. Further, the laboratory setting ensures that we can maintain sufficient control over factors that would interfere with tests of our hypotheses. Understanding the conditions under which discrimination can be reduced is important if we wish to reduce the disadvantages mothers and caregivers face. Since it would not be feasible to convince approximately 200 actual employers to visit the laboratory and spend 1 hour participating in an experiment, by necessity we rely on a sample of undergraduates in order to obtain a complete test of our theoretical claims. The obvious limit with the use of undergraduate students is they have limited workplace experience, preventing a direct generalization from these data to claims about actual employer behavior. However, quantitative research, including meta-analytic studies, suggests that managers and student evaluators offer similar appraisals of applicants and that evaluators respond similarly to real and hypothetical applicants (Cleveland and Berman 1987; Cleveland 1991; Olian and Schwab 1988). More directly relevant to the current project, a recent study using the design employed here and highly similar materials (resumes, etc.) found that actual employers and student evaluators engaged in similar levels of discrimination (Correll et al. 2007). In this study, undergraduate evaluators were 1.8 times more likely to recommend a childless woman for hire than an equally qualified mother. In a field study that used the same applicant profiles as the study with undergraduates, actual employers were 2.1 times more likely to call back a childless woman applicant than an equally qualified mother. So, while we cannot know how the results of this present study would differ if our participants were

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2 There are relatively small numbers of students at Cornell who have hiring experience, such as those enrolled in the MBA program. Researchers at Cornell University, who have used a combination of MBA and undergraduate students in studies of gender bias, find that the two groups make similar ratings, with MBA students exhibiting slightly higher levels of bias against highly competent women (Thomas-Hunt, personal communication).
actual employers, it is nonetheless encouraging that recent research using a highly similar design and experimental materials, found that actual employers and undergraduate participants made very similar employee evaluations and exhibited the same level of bias. (The field study conducted in the previous project required 18-months to complete and cost over $100,000 dollars. For this reason, we will not be replicating it here).

**Overview of method:** Participants will evaluate the competence, commitment, dependability, likeability and hostility of three equally qualified, same gender employees who differ on parental status and on whether they have taken an extended parental leave. Participants will also be asked to evaluate the promotion possibility and make a recommendation for a salary increase for each of the three employees. All three will be presented as highly competent and committed employees, at the same rank, and who have been with their company for approximately 7 years. In one condition, the company will be described as covered by the Family and Medical Leave Act (FMLA), with some detail about what that law entails. In a second condition, the company will instead have a voluntary family leave policy, and in a third condition there will be no mention of a policy that covers family leave. After evaluating the three employees, participants will complete a short survey to measure their attitudes towards mothers working in the paid labor market and toward employees who take family leave. The survey will also include additional attitudinal items (e.g. attitudes towards gun control and taxation) to avoid suspicion.

**Design and experimental manipulations:** The experiment consists of three between subject factors: type of policy (none, FMLA, voluntary), gender of employee (male, female), and gender of participant (male, female). There is also one within subject factor where we vary the parental status/leave taking status of the three employees being evaluated. The three employees to be evaluated are presented as either: 1) a parent who has not taken extended leave, 2) a parent who has taken extended leave for the birth of a child, and 3) a non-parent who has not taken extended leave. Parental status is manipulated on the resume of the parent employee who has not taken leave by listing his/her position as an officer in an elementary school Parent Teacher Association, a manipulation that has been successful in previous research (Correll et al. 2007). Leave status is manipulated by including a form, described below, in the files where employers check whether an employee has taken extended leave. Parental/leave status will be counterbalanced across the files for the 3 employees.

15 Male and 15 female participants will be randomly assigned to one of the following conditions, for a total of 180 participants. An additional 30 participants will be included for pre-testing purposes.

**Conditions:**
1) No policy condition/female employees
2) No policy condition/male employees
3) Formal law condition/female employees
4) Formal law condition/male employees
5) Voluntary company policy condition/female employees
6) Voluntary company policy condition/male employees
**Cover story**: The following cover story is used to increase the believability of the study and to reduce potential suspicion over why undergraduate participants would be making employee evaluations. Participants will be told the following:

“The Cornell Decision Making Center (CDMC) has been contracted to evaluate a new employee evaluation system to be implemented in the coming fiscal year by a communications company named CommTech. The new system will be based on the currently popular “360 Evaluation” system. With 360 Evaluations, employees are evaluated by a “circle” of 4-8 co-workers, including their peers, subordinates and supervisors. Prior to implementing the 360 Evaluation the company would like to compare how ratings under the new system might compare to their older system where employees received a single evaluation by their supervisor. In particular, CommTech would like to understand how employee ratings differ when raters are of different ages and have different levels of education and work experience. To assist in this effort, we are conducting an experimental evaluation that compares the old and new system by having individuals rate a randomly chosen set of CommTech employees who are all at the same rank with the company. Participants in the experiment include current CommTech supervisors, students and staff members from two college campuses, and customers at 3 area post offices.

You will first read a description of CommTech and then evaluate files for three current CommTech employees. Your ratings will be compared with those who differ from you in terms of age, education and work experience. Your ratings will also be compared with those of the employee’s supervisor who used the older evaluation system.”

Because 360 evaluation systems are on the rise, this cover story is not only plausible but also may contribute to external validity. For example, one source noted that 40% of U.S. companies used 360 evaluations in 1995 and 65% used them in 2000 (Pfau and Kay 2002).

**Procedure**: These procedures are a modified version of those that have been successfully employed in similar previous studies (Correll et al. 2007; Benard and Correll, in progress). The study involves three steps, described below. Participants first complete the “Employee Evaluation” portion of the study, followed by the “Survey of Undergraduate Attitudes,” and finally, the “Quality Control Questionnaire.”

Participants will come to the lab individually and be invited to participate in an employee evaluation study. After giving their consent, the experimenter will describe the ostensible purpose of the experiment and provide participants with a folder describing the company, CommTech. The folder will contain, among other things, a description of the company’s benefits and polices and a description of the federal laws that apply to it. These items are used to manipulate the key independent variable, type of family leave. To check for comprehension, participants will be asked to write a paragraph describing CommTech’s mission and policies.
Participants will then read a handout on 360 Evaluations, which describes the advantages of 360 and lists the variety of employment contexts in which it is used. Next, they will evaluate three equally qualified, same gender employees, one at a time. In the first phase of evaluation, participants will provide their initial impressions of the employees by rating the employees on a series of items designed to measure their perceptions of the employees’ competence, commitment, dependability, likeability and hostility. To entice them to look carefully at the employees’ folders, they will be asked to create a list of the strengths and weakness of each employee. After completing an initial impression evaluation of each employee, participants will then complete an “Employee Evaluation Analysis,” where they assess the likelihood of promotion and advancement for each employee and also make a salary increase recommendation. They will then complete a final questionnaire, which contains items to assess whether the manipulations were successful and to measure whether participants were suspicious about the study hypotheses.

At this point, participants will be offered an additional five dollars if they are willing to complete a short survey. The purpose of the survey is to measure participants’ attitudes about working mothers and employees who take family leave and to assess whether these attitudes differed across the experimental conditions. However, in order to avoid suspicion about the study hypotheses, participants will be lead to believe that the survey is unrelated to the experiment. The will be told that the survey is part of a Cornell undergraduate student’s honor’s thesis on the attitudes of today’s college students. The survey will contain filler items to avoid raising suspicion. Based on past experience, we expect that almost all participants will agree to participate. The few who do not agree will be debriefed and paid. All others will be escorted to another cubicle where they will be instructed to take one survey from a pile of surveys, complete it and place it in the labeled box. The survey will be printed on different colored paper from the employee evaluation materials and will use a different font. Further, it will look as if a novice researcher designed it.

After completing the survey, participants will complete a Quality Control Questionnaire, which is, purportedly, conducted for all studies in the Cornell laboratories to assure quality experiences. This form will have a checklist of studies so that they can indicate which studies they participated in and a section where they can describe their experiences, thoughts and reactions. In actuality, this questionnaire is intended to assess whether they were suspicious about link between the “employee evaluation” and “attitudes of college students” studies. Participants will then be debriefed, thanked and paid.

**Materials:** Participants will first receive a folder that describes CommTech as an innovative, communications company. The folder will contain items intended to manipulate the type of family leave policy. In all conditions there will be a statement that CommTech is an equal opportunity employer, followed by a list and short description of federal laws that purportedly apply to CommTech. In the “formal law” condition, FMLA will be described, followed by two filler laws (e.g. a law about environmental compliance, and a law about work and safety regulations). In the other two conditions,
the list will instead contain 3 filler laws. In all conditions, there will also be a list of benefits and voluntary policies (e.g. a 401K plan, an on-site fitness center) with brief descriptions. In the “voluntary policy” condition, the list of benefits will include a description of the firm’s family leave policy. In the FMLA and “no policy” conditions, the list will make no mention of a voluntary family leave policy.

There will also be a folder for each of the three employees to be evaluated, containing the following three items:
1) A one-page resume presenting the employees with MBA degrees, and similar prior work experience.
2) A summary of past performance reviews, which presents the employee as a competent, highly valued employee. The summary will also provide descriptive information about the employee’s tenure with CommTech, including the number of years overall that the employee has been with CommTech. It will include a section where the supervisor notes whether the employee has had any extended absences and, if so, the reason for the absence and the dates of the absence. The two employees who have not had an extended absence will be described as having worked for CommTech for 6.5 or 7 years and the leave taker will been with CommTech for 7.5 years overall, but have taken a 3-month leave of absence during his/her 5th year with the firm.
3) The employees’ most recent self-evaluation and self-improvement plan. This form will be used to communicate that the employees are all ambitious and would like to be considered for future promotions.

**Pre-testing:** Prior to beginning the actual experiment, templates for materials for the 3 employees will be pre-tested using a different sample from the same population to ensure that the employees are judged to be of equivalent quality. Specifically, we will remove markers of gender, parental status and leave taking and have participants rate the employees using the same measures to be used in the actual experiment (see below). To further ensure that differences between employee materials are not driving differences in employee ratings, in the actual experiment we will counter balance parent/leave taking status across the three employees to be evaluated.

**Main Dependent Measures:** The primary dependent variables include evaluations of the employee (e.g. competence, commitment, dependability, hostility and likeability) and organizational rewards to be offered (e.g. salary, promotion). These items are taken from similar previous studies and all scales have been shown to be reliable in past research (Correll, Benard and Paik 2007; Cuddy, Fiske and Glick 2004; Heilman, Wallen, Fuchs and Tamkins 2004; Wayne and Cordeiro 2003).

**Evaluation variables:** The competence scale will be created from participants’ perceptions on 7-point scales to how capable, efficient, skilled, intelligent, independent, self-confident, aggressive and organized they view the employee. Commitment is single item where participants are asked to rank employees on a percentile scale, where a 0 means that all other employees are more committed than this employee and a 99% means this employee is considered more committed than 99% of other employees at the same firm. We will also measure perceived dependability with four items used by Wayne and
Coderio (2003). Participants are asked to rate on a 7-point scale the likelihood that, in future years, the employee will help a co-worker with a difficult project, help orient new workers even though it is not required, be punctual to work, and have better attendance that most employees. The hostility scale is drawn from Heilman et al. (2004) and includes participants’ evaluations on 7-point scales about how abrasive, conniving, manipulate, untrustworthy, selfish and pushy they view the employee. The likeability scale is comprised of two items where participants respond on 7-point scales to the questions of how well liked they think the employee is at work and how much they think they would like the employee.

Organizational rewards variables: Participants will be asked to recommend an annual raise for each employee. They will be told that the company provides merit-based raises each year, so that higher performing employees receive larger raises than others. They are told that, on average, employees at this rank receive annual raises of approximately 3000-5000 dollars. They will be told that they can recommend any value from no raise to $10,000.

Participants will be asked to rate the promotion potential of the employee on a 4-point scale. After being told that the average employee receives one promotion every 3-5 years, they will then be asked to estimate how many promotions the employee will have in the next 10 years. Finally, they will be asked to estimate on a 4-point scale the odds that an employee would be hired by one of CommTech’s competitor’s if s/he were to apply.

Main experimental predictions: In the “no policy condition,” we expect that mothers (regardless of whether they took leave) and leave-takers (regardless of gender) will experience status discrimination. That is, they will be rated as less competent, less committed and less dependable than other types of employees. We further expect that mothers who do not take leave and fathers who do will experience normative discrimination, a type of discrimination that occurs when individuals violate norms about the “appropriate” roles for men and women. That is, they will be rated as less likeable and more interpersonally hostile. Since both status and normative biases have been shown in past work to lead to lower levels of organizational rewards, we expect that in the “no policy condition,” mothers, regardless of whether they take leave, and men who take leave will be offered smaller raises, and be seen as less promotable and hirable.

We further expect that legal policies, such as FMLA, and perhaps to a lesser extent, voluntary company leave polices will reduce normative discrimination, and perhaps status discrimination as well. The policies may reduce normative discrimination by explicitly permitting and legitimizing counter-stereotype behavior (i.e. men taking leave), and by prohibiting penalties against workers who take leave. The policies may also reduce status discrimination by making explicit the danger of potential bias against mothers and caregivers, and, as a result, counteracting tendencies to discount these workers’ competence. As a result, we expect that the mothers and men who take leave will experience smaller organizational reward penalties in these conditions compared with the “no policy” condition.
Supplementary dependent measures: While the items above allow us to evaluate whether legal or voluntary policies reduce biases against mothers and caretakers, the following items allow us to assess whether such policies affect the more general normative judgments of participants about mothers who work in the paid labor market and employees who take extended leave for caregiving. We include filler items to avoid suspicion about the purpose of the attitudinal survey, as described above.

Normative assessment variables: To measure normative judgments about employed mothers, participants will be asked to respond to two items, taken from the General Social Survey (GSS) about the employment of mothers in the paid labor market. They will asked to respond using a 4-point scale ranging from strongly agree to strongly disagree to the prompt, “It is much better for everyone involved if the man is the achiever outside the home and the woman takes care of the home and family.” Using the same scale, they will also respond to the prompt, “A preschool child suffers if his or her mother works.” To measure normative judgments about employees who take caregiving leave, we must create our own measures since such measures are not available in the GSS or other sources. Participants will be asked to respond on a 4-point scale ranging from strongly agreed to strongly disagree to the following two prompts: “Employees who take time off when their children are born are not as committed to work as those who do not take time off,” and “Employers should reward workers who put work before family responsibilities.”

Filler variables: To reduce suspicion, the survey contains several additional questions drawn from the GSS, including a political ideology scale, where participants rate themselves on a 7-point scale ranging from “extremely liberal” to “extremely conservative.” Other items measure their attitudes towards taxation, capital punishment, gun control, free speech, pornography and affirmative action.

Supplementary empirical predictions: We predict that legal and voluntary policies will reduce normative evaluations against mothers who work and men and women who take family leave. That is, we expect that participants in the “formal law” and “voluntary policy” conditions will have more positive ratings of employed mothers and individuals who take leave compared with participants in the “no leave” condition. While participants will differ in their attitudes prior to participating in the experiment, these differences should be randomly distributed across condition. Therefore, we expect that differences between condition, if found, will be due to the experimental manipulation of family leave policy. A pre-test/post test design, where we instead measured participants attitudes both prior and after the experiment, would provide a better evaluation of this argument. However, asking questions about working mothers and caregivers prior to the experiment would contaminate the experiment itself. For this reason, we ask our supplementary items only at the conclusion of the study.

The filler items can provide some additional, albeit limited, empirical leverage on the theoretical argument. Since most of the items are drawn the GSS, we know what the existing inter-item correlations between the “working mother” items and the other attitudinal items (e.g. gun control, taxation) are for a probability sample of the U.S.
population and, more importantly, for the subset of individuals in these national data who are similar to our participants (i.e. those who are young and educated). While the experimental manipulation is argued to affect participants’ ratings of working mothers, it should not have a similar affect on the other items, such as attitudes towards gun control or pornography. Therefore, atypical correlations between the dependent variables and the filler items in the “formal law” and “voluntary policy” conditions, would further suggest that the experimental manipulations produced the change in normative evaluations of mothers and caregivers.

POLICY IMPLICATIONS AND BROADER IMPACTS

This research has important policy implications. More employers are offering leave to their employees and more employees are making use of leave. In addition, men increasing are expressing a desire to take family leave and are making more use of these policies. Understanding the workplace dynamics that disadvantage workers who make use of these policies can inform policy choices about how eradicate discrimination against men and women who step out of traditional gender roles with regard to work and family. These policies are especially important to enable more men to take leave and to counter the perception that caretaking remains women’s responsibility, both of which may promote a more egalitarian division of labor in the family. In addition, the motherhood penalty caries significant career and financial costs for women who have children. To the extent that legal reforms could mitigate these effects, the financial gain to both women and families is potentially enormous.

It is also important to document whether and how normative biases operate when employers evaluate mothers and leave takers. These kinds of biases are hard to identify, and legal theories for addressing them are not well developed. In addition, to the extent that normative bias operates regardless of the performance and competence of individual workers, this emphasizes the urgency of pursuing public policy responses that take account of these discriminatory dynamics. Such policy changes not only would help mitigate these discriminatory effects, but would also expand legal definitions of discrimination to take into account the interaction between gender and caretaking behavior. Such an approach may help break the deadlock of outdated conceptions of gender discrimination that dominate current doctrinal approaches to employment discrimination.

The proposed research has the potential to be transformative by drawing together two important strands of research on gender theory and law’s effect on normative judgments. Empirical research increasingly makes clear that gender discrimination at work is informed by complex social belief systems about appropriate behavior for mothers and fathers who work. This research suggests that motherhood and caretaker status are disadvantaged status characteristics separate from gender, so much so that the interaction of caretaker status and gender seems to overcome male privilege in workplace evaluations of competence and commitment. Prevailing normative judgments about gender and work generally prescribe that women should be caretakers and men should be breadwinners, and this research indicates that workers who violate those gendered expectations pay a price at work. By demonstrating that law can mitigate or reverse these implicit moral judgments, this research will extend a long law and society tradition of
research about law and norms in the compliance and deterrence context, but brings this theory to bear in a new policy context related to work, gender, and family.

The project has several additional broader impacts. It will contribute the infrastructure of science by providing both undergraduate and graduate students at two universities first-hand training and experience in the conduct of empirical research. From past experience we expect that over half of these graduates and undergraduates will be women and/or racial/ethnic minorities, increasing the likelihood that these students will pursue scientific careers. Additionally, this project establishes a new collaboration between the disciplines of law and sociology, as well as between Cornell University and the University of California, Berkeley. Finally, we anticipate distributing our results through innovative outlets such as the WorkLife Law project at Hastings and Moms Rising, a rapidly growing internet-based social movement of working mothers, in addition to traditional academic publications.

**TIME FRAME FOR PROPOSED RESEARCH**

This study will begin in Spring 2009 and be completed by Summer 2010. In Spring 2009 we will design and pre-test our materials. Graduate RAs at both sites (Cornell and Berkeley) will be involved in the design of the materials. Pre-testing will occur only at Cornell, the location of the actual experiment. Prior experience with a similar design suggests that designing and pre-testing materials will take one semester.

The main experiment will be run in Fall 2009 and Spring 2010. Data analysis will begin summer 2010, and paper describing the results will be written and presented at the annual meetings of the American Sociological Association in late summer 2010 and at the Law and Society Association annual meeting in the summer of 2010.

**REFERENCES CITED**


