State Politics, Policies, and Maternal Employment

Examining Female Social and Political Empowerment across States

We have begun to see that Ava’s and Michelle’s experiences are characteristic of mothers in their respective states. Ava lives in a state where child care is affordable, school days are long, and after-school care is of good quality and widely available. Most of Ava’s friends with children work full time, and the stress of child care is less of a worry for Ava than for Michelle. The results of Chapter 2 show that Ava’s experiences are typical of mothers in her home state, Nebraska. By contrast, Michelle faces child-care challenges to her employment: expensive and difficult-to-access infant care and short day length for toddler care. While Michelle works full time, many of her friends stay at home rather than trying to navigate the challenges of child care. Michelle’s experiences, as demonstrated, are typical of many mothers in the state of California, where the majority work part time or stay at home. Michelle’s troubles will not ease when her son enters public school, as school day lengths there are some of the shortest and after-school care some of the most difficult to access in the nation. Thus, Michelle’s challenges of matching child care with work will linger into the school years.

The difficulty Michelle faces accessing care for her child is particularly pernicious and frustrating in the state of California where women can earn more money, have greater access to professional positions and more robust gender discrimination and family policies, and are better represented by female politicians. Thus, stay-at-home mothers in California miss out on more lucrative labor markets than those in Nebraska. Michelle, who works full time, feels these benefits acutely. Following the birth of her child, Michelle
was able to spend the first six weeks bonding with her son with the state of California shouldering some of the cost. For Michelle, this time was invaluable, and she feels grateful to live in a state with a government that values gender equality. When asked which women in her state serve as role models, Michelle can easily name a range of politicians and leaders in industry that inspire her. She once ran into Kamala Harris at a local coffee shop, which left her motivated to invest more in her career. For Michelle, the opportunities available to women in her state are not limited by ideology, economic opportunity, or precedent. Rather, Michelle’s opportunities are limited by the high cost of living in the golden state—child care, rent, utilities, gas, food, and other daily expenses gobble up most of their family budget. While Michelle finds great value in her work, she understands why many of her friends drop out of employment—the cost of child care on top of other expenses becomes too cumbersome.

Ava has the opposite experience to Michelle’s. Child care and costs of living in Nebraska are some of the most affordable in the nation, yet Ava’s career opportunities within the state are limited. There are only a few companies that would pay Ava a wage equivalent to a male worker’s, and competition for high-paid jobs is fierce. Most mothers in Ava’s state work in jobs with relatively short career ladders and fixed pay—teachers, nurses, caregivers. As Ava points out, these are good middle-class jobs but do not bring the wealth seen in other labor markets. Last year, Ava declined a higher-paying job in a coastal state because the salary was not sufficient to neutralize the increase in cost of living. For Ava, Nebraska is a wonderful place to raise a family, but she worries that her daughter will have fewer career opportunities when she gets older. Ava and her husband are already saving money in case their daughter wants to move out of state for college. Unlike Michelle, Ava sees her state as offering women greater economic security rather than unlimited opportunity. Ava often wonders if she would have a better career if she lived in a more economically powerful state; Michelle does not share these concerns.
than less-progressive states. Paid parental leave policies are a good case study of this phenomenon. At a federal level, the United States offers working mothers limited unpaid parental leave under the Family and Medical Leave Act (FMLA). This provides eligible employees with unpaid leave for specific family and medical conditions for up to twelve workweeks. It can only be accessed in the first year after a child’s birth, however, and the fact that it is unpaid makes it impractical for a large proportion of American mothers. As a result, salaried employees are more likely to save their paid vacation or sick leave to ease the transition postbirth and to cope with unexpected family demands (Meyers and Gornick 2005).

The FMLA is effectively a legal provision that prevents mothers from being fired after giving birth and is hardly a comprehensive family-supportive policy. In response to this federal gap in legislation, a handful of state governments have legislated state-level paid parental leave for working mothers. These include California, Rhode Island, Washington, New Jersey, and New York. The District of Columbia, too, legislates universal paid family leave. All these paid parental leave schemes are funded by each state’s insurance fund, indicating that states directly pay for them; thus, these states require the ongoing support of their constituents to continue to fund these policies (Steinbach and Gunzenhauser 2017), and they are driven by key political and social movement actors (Sholar 2016). All these states are typically described as progressive, consistently falling on the blue side of the American red-blue political divide (Gallup, n.d.). Parental leave is a prime example of politicians legislating within federal policy gaps to meet constituents’ demands.

One of the most progressive of any of these states, California, was the very first to pass a family leave provision. It is intriguing to note, however, that, as illustrated in Chapter 2, California has some of the most expensive child care and the shortest school day lengths in the country. It also has some of the lowest rates of full-time maternal employment. Politically and institutionally, then, California appears to have two very different approaches to supporting working mothers: providing parents with paid parental leave but failing to adequately subsidize child-care expenses and extend the school day, ranking high on gender empowerment but poorly on child care. The institutional state contexts theoretical model predicts that progressive states, with stronger family-friendly policies, ought to provide more favorable institutional contexts for maternal employment, increasing the number of women in full-time work. The case of California suggests this relationship is more complex, and analyses in this chapter examine whether other typically progressive states mirror this disjointed institutional approach to supporting maternal employment.
States’ progressiveness, and their policy environments, may not be their only political influence on maternal employment. A stream of feminist literature suggests that nation-states with higher numbers of women represented in their parliaments or legislatures tend to generate more policies aimed at reducing gender inequality (Bochel and Briggs 2000; Childs 2004; Childs and Withey 2004; Phillips 1998; Stockemer 2009; Thomas 2003; Vickers 1996). Within the United States, a small body of research suggests, congressional legislatures with larger numbers of women have historically tended to legislate more family policies (Swers 2002; Thomas 2003). Female politicians are also highly visible role models with the capacity to inspire women’s greater engagement in the public sphere (Wolbrecht and Campbell 2007). It seems intuitive that female legislators would be more likely to vote for policies that support women’s interests. Other literature, however, questions this assumption, arguing that female legislators do not necessarily hold enough substantive power to enact female-supportive policies on their own, and that simply having a large number of female legislators does not guarantee that a legislature will vote in women’s interests (Beckwith 2007; Bochel and Briggs 2000; Considine and Deutchman 1996; Grey 2002; Phillips 1998; Studlar and McAllister 2002). Indeed, there could be a number of complex interactions explaining why nation-states with more female representatives tend to have stronger family-friendly policies: for example, those states might simply have a more progressive political culture, mimicking Gosta Esping-Andersen’s ideal-type social-democratic welfare state, or they might have instituted representational quotas to make themselves appear more female-friendly (Childs 2006).²

This is all to say that larger concentrations of female representatives may not directly result in a state instituting more family policies, but regardless, the relative numbers of female legislators in each U.S. state warrants examination as part of our institutional state contexts theoretical model. States where women are more politically empowered, both in terms of the prevalence of family policies and the concentration of women in state legislatures, ought to have institutional contexts that better facilitate maternal employment, by empowering mothers with the resources and political support they need to stay in work. We might describe these states as having more gender empowerment, or contexts where women are more holistically empowered politically, economically, and educationally. In the sections that follow, state-to-state variation in policies to support families and working women, rates of female state legislators, and antidiscrimination laws, are illustrated through a series of maps that collectively help illustrate which U.S. states exhibit gender empowerment.
Welfare state typologies often focus on two types of family policy provisions: universal child care and paid parental leave. In the United States, however, states offer a range of provisions to support working families. The diversity in family resources reflects the United States’ “liberal” welfare state approach, whereby families must identify a range of family care solutions, including drawing on employers, the market, and family and friends to care for children. As a consequence, states provide a variety of leave policies to support families, which have been collated and summed in a state-level leave index, depicted in Figure 3.1. This leave index is a collection of family policies taken from the National Conference of State Legislatures (2016). It captures a total of seven possible leave provisions available in each state: (1) any leave provided beyond the FMLA; (2) paid parental leave, (3) policies allowing employees to transfer personal paid sick leave to parental leave, (4) policies providing small necessities law (ability to take leave to care for families), (5) leave for military families, (6) pregnancy protection as a form of disability, and (7) parental leave after an adoption. Each state’s provisions across these measures are summed. Since no state provides a comprehensive leave policy across all seven of these measures, the index ranges from zero, for states with none of these leave provisions, to the maximum of five, capturing a cumulative score for these leave policies.
Rhode Island has the most generous leave policies, providing parents with access to five forms of family leave. The Pacific states—California, Oregon, and Washington—also provide comprehensive family leave, with four of the denoted provisions, followed by a clustering of New England and Mid-Atlantic states—New York, New Jersey, Connecticut, Vermont, and Massachusetts—that offer three different policies. This shows that New England, the Mid-Atlantic, and the Pacific states cluster in offering the most comprehensive, progressive family policies in the United States, which supports broader public discussions about these state legislatures implementing the most politically progressive policies. While generous in their policies, these same states appear in our earlier analyses to be the ones failing to offer working mothers inexpensive child care and long school days, which suggests that the progressive policy states do not holistically support working mothers in ways consistent with welfare state theory.

In regard to its policies, a state like California is among the most generous in its policies, reflecting its status as one of the most gender empowered. By contrast, a state like Nebraska has only one policy to support working families. This suggests that states with expansive child-care resources, like Nebraska, offer few resources to politically and socially empower women more broadly, in spite of having some of the highest numbers of mothers employed full time. Yet states like California that are the most gender empowered fail to institutionally support mothers through child-care regimes. This cleavage is explored in greater detail in Chapter 4.

**Female Legislators: Representation across U.S. States**

As discussed previously, female legislators may be important power brokers for more progressive family and gender policies. As Figure 3.2 indicates, female political representation is more deeply concentrated in some states than others. First, it is important to note that in no state do women hold equal representation in state legislatures, with the highest concentration at 40 percent in Colorado. This is despite the fact that women account for half of the United States’ population (50.8 percent); women are therefore underrepresented in state legislatures across the United States, though they are less underrepresented in some states than others.

After Colorado, female state legislature representation is highest in New England states (Vermont, New Hampshire, and Connecticut) and in one South Atlantic state (Maryland). High concentrations of female state legislative representatives also appear in two Pacific states (Washington and Hawaii), one West North Central state (Minnesota), one East North Central
state (Illinois), and two Mountain states (Arizona as well as Colorado). Indeed, most of the Pacific and Mountain states, with the exception of Wyoming and Utah, have relatively high concentrations of female state legislators. By contrast, the West and East South Central and South Atlantic States (Louisiana, Alabama, Mississippi, Oklahoma, South Carolina, and West Virginia) have some of the lowest female legislative representation, as does one Mid-Atlantic state (Pennsylvania) and one West North Central state (North Dakota). Here, the southern states cluster in their low levels of female state legislative representation, a feature typical of historically informed arguments that southern conservatism is characterized by more patriarchal political structures. By contrast, the Pacific and Mountain states have both the most progressive family leave policies and some of the highest concentrations of female legislators, confirming assumptions that these states have more progressive, female-friendly legislative contexts.

This apparent correlation between female state legislative representation and progressive family leave policies suggests that female legislators do, indeed, help produce progressive family policies. Of course, it may also just be that more progressive states are more likely to elect legislators, regardless of gender, who support strong welfare regimes. As with all the other measures examined thus far, states cluster geographically into groups with higher and lower numbers of female state representatives, and those groups of states with both higher female state legislative representation and stronger parental leave policies are the same states typically identified as progressive (see Figures 3.1
and 3.2). Regardless of whether there is a causal relationship between female legislative representation and progressive family leave policies, then, the above results demonstrate that states have distinct, comprehensive legislative contexts, expressed by their political representation and policy outcomes, with the capacity to affect how mothers engage in the workforce. These legislative contexts appear intrinsically associated with each state’s level of progressiveness, which is not an unexpected finding.

The relationship between these legislative contexts and maternal employment outcomes is explored in more detail toward the end of this chapter. First, however, the analyses explore three other state-level metrics that provide broader context on states’ levels of gender empowerment by charting (1) the number of legal claims made under the Equal Pay Act (EPA), (2) women’s wages, and (3) the number of college-educated women in each state. Rational-choice arguments predict that maternal employment will be more common in states where antidiscrimination laws are more stringent (i.e., with stronger enforcement of EPA legislation), where mothers can earn more money (i.e., where women have higher earnings and where there are lower gender wage gaps), and where more women hold greater human capital (i.e., where they have higher rates of college education). Simply, mothers will maximize their employment in states where women have better economic outcomes. These rational-choice arguments are weighed against welfare state arguments that empowering women will encourage maternal employment. The subsequent sections assess these arguments across U.S. states.

**Equal Pay Act Litigation as a Measure of Gendered Pay Discrimination**

The Equal Pay Act (EPA) of 1963 was an amendment to the federally mandated Fair Labor Act, and notionally outlawed gender-based pay inequality across the United States. The EPA prohibits employers from discriminating based on sex “by paying wages to employees at a rate less than the rate paid to employees of the opposite sex for equal work on jobs with equal skill, effort and responsibility and which are performed under similar working conditions” (Section 206 d). This language implies universality, but a company violates the EPA only when three specific provisions are collectively breached: when (1) male and female workers are paid different wages in (2) jobs with equal skill, effort, and responsibility and that have (3) equivalent working conditions. Particularly since men and women are often distributed into different types of work according to their gender, simultaneous violations of these three components are often hard to prove (Brown 2017;
It has therefore always been difficult for women to successfully litigate an EPA claim. While all states are bound by EPA legislation, some states have expanded its federal mandate through additional provisions, including allowing victims of gender discrimination to be financially compensated. Across all states, fifteen do not have a provision to sue for damages related to violations of the equal pay provisions (National Conference of State Legislatures 2016). These fifteen states include southern states (Alabama, Louisiana, Mississippi, North and South Carolina, Oklahoma, and Texas), along with Alaska, the District of Columbia, Hawaii, Maine, Montana, Nevada, Utah, and Wisconsin.

While the EPA is a universal federal provision, then, its application varies significantly across states. Individuals in states with weak legislation may be less likely to litigate against discrimination and workplaces that employ discriminatory practices. This might lead to state-to-state differences in levels of EPA litigation. With relation to maternal employment, states with more mothers in the labor market might have a higher percentage of EPA charges, simply because more mothers are vulnerable to workplace discrimination (see Chapter 2). States with more EPA charges may have state legislators and district attorneys who take gender equality in employment more seriously, and thus may also have legislated a range of family-friendly measures (including paid parental leave, progressive family policies, and strict and enforceable EPA legislation). In this regard, EPA charges may be one element of a state’s broader approach to overcoming economic gender inequality, an additional measure of state legislators’ disposition toward gender nondiscrimination and, more broadly, equality. To better understand the distribution of states’ anti–gender discrimination policies, Figure 3.3 provides a graphical overview of state-to-state variation in the percentage of EPA charges as a percentage of all litigation occurring within each state in a four-year period, from 2010 to 2014. States are required to record EPA charges with the Equal Employment Opportunity Commission, which then calculates these charges as state-based percentages to enable cross-state comparability.

The data show that the West North Central states (North and South Dakota and Nebraska) have some of the highest concentrations of state-based EPA claims. Similarly, the Mountain states (Montana, Wyoming, Idaho, Nevada, Utah, Colorado, and New Mexico) exhibit considerable concentrations of EPA claims. Two West South Central states (Louisiana and Arkansas), one East South Central state (Alabama), one West North Central state (Missouri), and one South Atlantic state (West Virginia) exhibit some of the highest concentrations of EPA charges in the nation. By contrast, New England, much of the East North Central region, and the Middle and South Atlantic
states have some of the lowest concentrations of EPA claims. Figure 3.3 illustrates that the West North Central states cluster together with particularly high rates of EPA litigation. These are the same states with the cheapest child care, longest school days, most expansive after-school care, and highest rates of full-time maternal employment in the United States. In part, the relatively high claims may reflect the fact that more mothers are in the labor market in these states. Putting endogeneity aside, the concentration of claims indicates that women in these states feel empowered to challenge inequitable employment environments. That these states consistently cluster together along all these metrics suggests that they might provide an institutional context that is particularly conducive to maternal employment.

The Gender Gaps in Earnings: Variation across U.S. States

While the previous sections document state-to-state differences in legislation, the following sections focus more explicitly on women’s economic status across states, an important dimension of gender empowerment. As a country with an archetypally laissez-faire economic structure, the United States incentivizes maternal employment at a federal level through market rather than government forces. This is based on a rational-choice model of liberal
governance, which argues that individuals survey their available options and make decisions to maximize their individual resources. If mothers tend to apply rational-choice logic to their decision-making processes around employment, then their odds of employment will likely be higher in states where women earn more money, and where gender wage gaps are smaller.\(^5\)

Figure 3.4 depicts the gender wage gap, which captures the percentage of women’s earnings relative to men’s and may also structure mothers’ employment decisions. Rational-choice arguments suggest that mothers will enter labor markets that are more economically favorable to women, so on an individual level, mothers may be more likely to be employed in states where gender gaps in earnings are small. Gender wage gaps may also be an important feature of legislators’ broader approach to politically and economically empowering women, and some states might holistically provide working mothers with better economic and political resources (collectively encompassing family benefits, higher earnings, stricter anti–gender discrimination legislation, and smaller gender wage gaps). Figure 3.4 depicts the gender wage gaps across states, with higher values capturing smaller gender wage gaps (i.e., a value of 78 means women earn 78 percent of men’s wages). No state reports gender parity in wages, but the gap between men and women varies substantially across states. The gender wage gap is smallest in three Pacific states (California, Hawaii, and Alaska), two Mountain states (Nevada and New Mexico), two New England states (Rhode Island and Vermont) and
two Mid- and South Atlantic states (New York and Maryland). By contrast, gender wage gaps are widest in the West South Central states (Louisiana, Texas, and Oklahoma), two West North Central states (North Dakota and Kansas), one South Atlantic state (West Virginia), and three Mountain states (Wyoming, Idaho, and Utah). In short, when it comes to pay, the gender gaps are smallest in the coastal states and largest in the South and some of the Midwest.

Wage gaps are one component, but women’s actual wages may also factor into mothers’ propensity to remain employed. Figure 3.5 shows that women earn the most in New England (New Hampshire and Connecticut) and in the Mid-Atlantic states of New York and New Jersey. Women’s earnings are also high in the South Atlantic states of Maryland and Virginia. Indeed, the East Coast provides some of the highest-paying jobs in the nation for women. Women in California also report high wages, with high female wage rates clustering along the Pacific states, including Oregon, Washington, and Hawaii. Colorado, Minnesota, Illinois, and Alaska also report some of the highest average female wage rates. By contrast, women’s earnings are lowest in the center of the nation, particularly in the Mountain states (Idaho, Montana, and Utah) as well as in the South (Oklahoma, Arkansas, Louisiana, Mississippi, West Virginia, and Alabama). The distribution of high female earnings relative to maternal employment is stark: it suggests that mothers are less likely to be employed in the states with the highest earnings. In models.
not shown, the relationship between women’s and men’s earnings was explored—states where women earn more money are also those where men are paid more as well. This suggests that states’ economic affluence may provide sufficient financial flexibility for more mothers to stay at home, but also that mothers are exiting the most lucrative job markets. Exits from employment in high-earning labor markets means mothers’ long-term economic health—accumulation of retirement savings, career ladders, and earnings potentials—may be more severely handicapped than in states where mothers’ earnings, on average, are more modest.

At this stage, we can begin to see how states appear to divide into two types of clusters: those with comprehensive child-care regimes (i.e., with inexpensive, easily accessible child care and long school days), like Nebraska, and those with greater gender empowerment (i.e., expansive family policies and high female political representation), like California. The former cluster has higher rates of maternal employment, while the latter cluster has higher female wage rates. These states provide archetypes of our models of state welfare explored in greater depth later in the book.

**College-Educated Women: Concentrations at the State Level**

In addition to women’s incomes, states may vary in their concentration of highly educated women. This is primarily worth investigating because, as discussed previously, most measures of female social, political, and economic status consider women’s educational attainment to be a crucial element of their aggregate empowerment. Thus, more educated mothers might be more likely to vote for, and defend, their right to work (Brewster and Padavic 2000). Beyond this, recent research has shown that more educated Americans tend to be more likely to vote for Democratic politicians than for Republicans, suggesting that they subscribe to the Democrats’ more progressive policy agenda, including their stronger record of feminist advocacy (Galston and Hendrickson 2016; Pew Research Center 2015; Silver 2016). Since our analysis so far has indicated that more progressive states have more gender-empowered contexts, it follows that states with more educated women would also exhibit gender empowerment, which might lead to more mothers in those states staying in work.

Figure 3.6 shows the percentage of women in each state with college or graduate degrees. New England has the highest concentration of women with college or higher degrees, particularly in New Hampshire, Vermont, Massachusetts, and Connecticut. The Mid-Atlantic states of New York
and New Jersey, and the South Atlantic states of Maryland and Virginia, also have some of the highest numbers of college-educated women. Colorado stands alone as the only Mountain state with a high concentration of college-educated women. The Pacific coast states (California, Washington, and Oregon) as well as two West North Central states (Minnesota and Kansas) and one East North Central state (Illinois) have relatively high concentrations of college-educated women. By contrast, most of the East and West South Central states (Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, and Kentucky), as well as one East North Central state (Indiana), two Mountain states (Idaho and Nevada), and one South Atlantic state (West Virginia), have some of the lowest concentrations of college-educated women.

Again, the Pacific coast and New England cluster as the most gender and politically empowered, with the highest concentrations of college-educated and high-earning women, progressive family policies, and female state legislative representation. By contrast, the West and East South Central states have the least economically and politically empowered women. These patterns are more consistent with arguments about the “progressive” blue and “conservative” red states. But, as this book indicates, these simple divisions do not adequately capture the complicated relationships between political, economic, and educational gender empowerment on the one hand and childcare resources and maternal employment on the other.
Comparing Figures 3.4, 3.5, and 3.6, we can clearly see that states with higher-educated women also have higher average female wages, which is not surprising. They also appear to have higher-than-average rates of female state legislature representatives, and marginally stronger-than-average family leave policies, which supports the assumption that states with stronger gender empowerment are also those with higher-educated women. In this regard, California presents the ideal case of a gender-empowered state. Nebraska, again, serves as an example of America’s “child-care-regime” states, which are generous in their child care but poor in their political and economic policy support of gender empowerment. The District of Columbia does well across both of these measures, but Idaho does poorly and thus is a policy-void state. In the following section, all these relationships are analyzed with greater statistical precision, to paint a clearer picture of which U.S. states have the most politically and socially empowered women.

The Legislative State: Policies and Representation

The previous section identifies variation across U.S. states in their gender and family policies, female legislative representation, and a number of social, political, and economic empowerment metrics. Generally, they show that the New England, Mid-Atlantic, Pacific, and Mountain states cluster together with similar results across a number of these measures. These results warrant additional investigation. Do any states provide a comprehensive approach to gender issues across all of these political and social empowerment metrics, or do states exhibit more heterogeneity in their gender and family provisions than Figures 3.1–3.6 suggest? To better understand these relationships, Table 3.1 presents results from a correlation analysis examining all the above measures. Statistically significant relationships are listed in italics.

These results show one particularly clear and consistent pattern: states with a higher concentration of female state legislators are more likely to have generous parental leave benefits and stricter gender pay gap legislation. This confirms our earlier preliminary analyses that suggested states with more women in state legislatures tend to have more progressive family policies and more rigorous EPA enforcement. A second clear correlation indicates that states where women earn more tend to have more expansive family policies, greater female state legislative representation, and more college-educated women, also in line with some of our preliminary analyses above.

Across this analysis, however, the percentage of women in state legislatures provides most of the significant correlations. Specifically, states with higher numbers of female state legislators are also more likely to have a range
### Table 3.1. State-Level Correlations Among EPA Discrimination Charges, Family Policy, Women's Economic Status, and Female State Legislature Representation

<table>
<thead>
<tr>
<th>States providing paid parental leave (0–1)</th>
<th>Family-leave policy index</th>
<th>Female state legislature representation (%)</th>
<th>State-based equal-pay charges (%)</th>
<th>Damages for gender pay discrimination</th>
<th>Women's earnings</th>
<th>Women with college degree or higher (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>States providing paid parental leave (0–1)</td>
<td>1</td>
<td>.633**</td>
<td>.164</td>
<td>–.175</td>
<td>.213</td>
<td>.399**</td>
</tr>
<tr>
<td>Family-leave policy index</td>
<td>.633**</td>
<td>1</td>
<td>.534**</td>
<td>–.192</td>
<td>.136</td>
<td>.586**</td>
</tr>
<tr>
<td>Female state legislature representation (%)</td>
<td>.164</td>
<td>.534**</td>
<td>1</td>
<td>–.146</td>
<td>.280*</td>
<td>.500**</td>
</tr>
<tr>
<td>State-based equal-pay charges (%)</td>
<td>–.175</td>
<td>–.192</td>
<td>–.146</td>
<td>1</td>
<td>.055</td>
<td>–.258</td>
</tr>
<tr>
<td>Damages for gender pay discrimination</td>
<td>.213</td>
<td>.136</td>
<td>.280*</td>
<td>.055</td>
<td>1</td>
<td>.160</td>
</tr>
<tr>
<td>Women's earnings</td>
<td>.399**</td>
<td>.586**</td>
<td>.500**</td>
<td>–.258</td>
<td>.160</td>
<td>1</td>
</tr>
<tr>
<td>Women with college degree or higher (%)</td>
<td>.189</td>
<td>.520**</td>
<td>.630**</td>
<td>–.135</td>
<td>.105</td>
<td>.858**</td>
</tr>
</tbody>
</table>

*Correlation is significant at the .05 level (2-tailed).

**Correlation is significant at the .01 level (2-tailed).
of family and gender policies including more generous family leaves, equal pay legislation, legal protection to sue for damages in gender discrimination cases, women who earn more money, and a higher concentration of women with college degrees. These relationships were neither as intuitively obvious nor as immediately visible as some others in Figures 3.1–3.6 and also counter a growing body of research that argues female legislators have relatively limited power to facilitate gender-progressive policies. It is possible that the number of female legislators per state is merely the most accurate representation of how progressive a state is, but these results make it seem equally likely that female legislators have a substantive impact on the female-friendliness of states’ legislative contexts.

Overall, these results lend further support to our earlier suggestion that states with holistically stronger legislative contexts that support women also lend women greater economic power. Since our earlier analyses concluded that progressive, left-leaning states—including California, Rhode Island, Washington, and New York—were those with the most gender empowerment, we can conclude that women in progressive states are the most socially, politically, and economically empowered in the United States. This might not seem surprising, given that it parallels academic and popular assumptions made about women having the strongest life-chances and opportunities in left-leaning, politically supportive states, but it is still important in lending support to the institutional state contexts theoretical model.

What is more surprising, however, is the relationship between these metrics of gender empowerment and other state-level institutional support offered to working mothers. Welfare state research suggests U.S. states with more progressive political agendas may also provide more comprehensive child care and school-aged care to families. To assess these relationships, Table 3.2 shows the correlation results between state-level political, child-care, and school-aged-care measures.

These results indicate that states with more progressive legislative contexts actually have poorer institutional child-care and school-aged-care environments. For example, states with more female legislators have more expensive child care and shorter school days. Similar patterns are evident for our policy measures. States with paid parental leave and more expansive family leave policies have shorter average school day lengths. States with more generous family leave policies have more expensive child-care costs. This suggests that more gender-empowered states actually have abnormally family-unfriendly child-care environments.

Similar patterns emerge across the other metrics examined in this chapter. States with more expansive equal pay legislation have more expensive
TABLE 3.2. STATE-LEVEL CORRELATIONS FOR FEMALE PARLIAMENTARY REPRESENTATION AND CHILD-CARE RESOURCES

| States providing paid parental leave (0–1) | .231 | -.413** | .008 | -.101 |
| Family-leave policy index | .552** | -.470** | -.053 | .016 |
| Female state legislature representation (%) | .654** | -.417** | -.357* | -.015 |
| State-based equal-pay charges (%) | -.088 | .244 | -.082 | -.048 |
| Damages for gender pay discrimination | .206 | -.179 | -.267 | -.390** |
| Women’s earnings | .528** | -.374** | .216 | .099 |
| Women with college degree or higher (%) | .539** | -.224 | .089 | .254 |

*Correlation is significant at the .05 level (2-tailed).
**Correlation is significant at the .01 level (2-tailed).

child care and shorter school day lengths. Those that legislate damages for gender pay discrimination have fewer mothers with quick returns to work. Finally, states where women earn higher wages have more expensive child care, and shorter school days.

Overall, these results paint a complex picture of U.S. states’ institutional contexts. More progressive states, with more female legislative representatives, higher wages, and more educated women, appear to be legislating for stronger family-friendly policies, such as paid parental leave. These policies, however, are countered by institutional barriers to maternal employment in these states, in the form of poor child-care resources and prohibitively short school days. States rarely offer both a strong legislative context and comprehensive child-care resources. In other words, as suggested above, U.S. states can be relatively neatly divided into those with strong child-care regimes and those with strong politically gender-empowered institutional contexts. Many states with strong child-care regimes rate poorly on metrics of gender empowerment, and vice versa.

This pattern also counters the findings from Table 3.1, which show that states with more female state legislators have more expansive family leave, robust gender pay discrimination legislation, and women with higher earnings and education. That female legislators are associated with more progressive
policies but poorer child-care outcomes suggests that arguments about women’s substantive (i.e., powerful) versus descriptive (i.e., symbolic) power are overly simplistic (Celis 2008). Rather, female state legislators may be more effective in representing women on certain policies (i.e., parental leave) than others (i.e., child care). Holistically, higher numbers of female state legislators are associated with more family-friendly political environments, but the fact that these legislative contexts do not translate into strong child-care regimes suggests that female state legislators might not have the influence on states’ institutional contexts that many feminist welfare state theorists would predict. For states to be truly progressive in supporting working mothers, legislators must enact policies to redress the cost and availability of child care and school day length. Legislating parental leave and other family policies, in the absence of a comprehensive child-care agenda, is inadequate to comprehensively support working mothers.

Gender Empowerment and Maternal Employment: Is There a Link?

In light of the results above, we ought to ask: Do progressive states, with stronger legislative contexts and more empowered women, have lower rates of maternal employment? A breadth of cross-national research shows mothers are more likely to be employed in countries with more expansive leave and child-care policies but, given the bifurcation between political and child-care-supportive states in the United States, it is difficult to make assumptions based on this research. Instead, Table 3.3 tests for relationships between maternal employment outcomes and each one of the variables analyzed in this chapter.

Table 3.3 shows that none of the political measures—the percentage of EPA charges, family leave policy index, or the percentage of women in state

| TABLE 3.3. MATERNAL EMPLOYMENT BY FAMILY POLICIES, EPA CHARGES, AND FEMALE STATE LEGISLATORS |
|---------------------------------|-----------------|-----------------|-----------------|
|                                 | Full-time        | Part-time        | Stay-at-home     |
|                                 | employment       | employment       | mother           |
| Constant                        | 38.523*          | 15.251*          | 16.859*          |
| Family-leave policy index       | −0.624           | 0.394            | −0.272           |
| EPA charges (% of state charges)| 0.234            | 0.317            | −1.159           |
| Female state legislators (%)    | −0.113           | 0.041            | −0.012           |
| Adjusted R-squared (%)          | 0.02             | 0.073            | 0.011            |

*p < .05
legislatures—are significantly associated with maternal employment rates. Thus, while the EPA charges and family policy measures may be one dimension of a state’s broader female-friendly political climate, these measures are not statistically linked to maternal employment on their own. This finding confirms previous descriptive patterns documenting that states with high rates of full-time maternal employment and inexpensive child care are not the same ones with the most progressive policies or strong female political representation. Again, states bifurcate into two patterns: child-care regimes with inexpensive child care, long school days, and high rates of maternal employment; and gender-empowered regimes with high rates of female state representatives, expansive family and strict EPA policies, and high female earnings.

Overall, these tables suggest there is very little association between women’s economic and political power and married mothers’ employment. Neither EPA charges nor family-friendly policies are associated with maternal employment outcomes, indicating that states’ legislative contexts are disjointed from married mothers’ employment patterns. Rational-choice theorists argue that increasing women’s human capital is the best way to overcome institutional barriers keeping women out of full-time work, while welfare state and feminist scholars focus on female-friendly policy, political representation, and empowerment. The results from this section indicate that married mothers in states where a larger segment of the female population have high human capital and greater political clout are no more likely to be employed than in those where women have poorer resources. Rather, mothers’ employment appears to be explicitly tied to the availability of inexpensive child care and long school days, as evidenced in previous chapters.

Chapter Summary

States vary across a range of measures including married mothers’ employment patterns, child-care costs, school day length and after-school availability, EPA charges, family policies, and women’s political and economic status. So far, a few clusters have emerged. The first includes the West North Central states—including North and South Dakota, Nebraska, and Iowa—that exhibit high maternal employment, inexpensive child care, relatively long school days, and expansive after-school care. The demand for infant/toddler care is also highest within these states, indicating that mothers prefer to return to work as quickly as possible after their children’s birth, and they also have the United States’ highest concentrations of Equal Pay Act (EPA) claims. While these states provide mothers with greater child-care resources,
they offer few family policies beyond the federal Family and Medical Leave Act (FMLA), have some of the lowest representation of women in elected state government positions, and offer no extended or paid parental leave to new mothers. Thus, they fail to provide a female-friendly legislative context. Simply put, these states do not legislate policies beyond federal mandates, yet they have some of the best maternal employment outcomes and child-care and school-aged-care resources across the United States. As a result, these states are typical of what we describe as a “child-care-regime” type of U.S. state.

In a second cluster, the Pacific and Mountain states form a distinct grouping characterized by some of the lowest rates of maternal employment. Here, many mothers stay at home while their husbands work. These states also have the most expensive child care in the United States, the shortest school day lengths, and after-school care that fails to meet demand. Mothers in these states are less likely to return to work immediately following the birth of a child than in the West North Central states. California serves as an exemplar of this gender-empowered cluster. In contrast to these relatively poor maternal employment indicators, these states also have some of the highest female earnings, the lowest gender wage gaps, the highest concentrations of female state legislators, and the most progressive parental leave policies across the country. These characteristics suggest these states are more “gender empowered” than others but, in these states, this does not translate into generous child-care resources or strong maternal employment outcomes.

The patterns and clusters illustrated in this chapter suggest most states fail to provide a comprehensive approach to maternal employment. The midwestern states, like Nebraska, provide expansive child and school-age care but have no paid parental leave policies to support working families. Yet in these states, maternal employment is high. By contrast, the western states, like California, are progressive in their parental leave policies and female state legislative representation. Yet mothers in these states are more likely to stay at home than to work and must deal with expensive child care and short school day lengths. These clusters suggest that states are either progressive in their legislative contexts or expansive in their child-care regimes. In this respect, no single cluster has an ideal institutional context to support working mothers, holistically supporting working mothers and mothers’ right to work.

Married mothers in states where women have above-average human capital (i.e., earnings, education, and political clout) are no more likely to be employed than in those where women have fewer political and economic resources at their disposal. Instead, mothers’ employment appears to be explicitly tied to the availability of inexpensive child care and long school days.
The fact that these child-care resources are not universally available to all mothers but, rather, clustered in specific states suggests the failure of the liberal market-based approach to U.S. welfare to effectively encourage and support maternal employment, and underscores the need for a more holistic, government-driven approach. As explored in subsequent chapters, the cost of living is an important factor driving expensive child care and deterring maternal employment. This suggests that in expensive states, a free-market approach gives primacy to more lucrative businesses than to child-care centers, which effectively boxes mothers out of employment. It is especially in these progressive yet expensive markets that state governments must intervene to support maternal employment.

In this regard, progressive U.S. states, with strong female-friendly legislative contexts, have failed to implement policies that appear to effectively encourage women’s employment. This is not to imply that paid parental leave and female legislative representation are not valuable, even vital, resources for working mothers, but they may not effectively promote maternal employment if states structurally prevent mothers from working by denying them institutional resources such as affordable, easily accessible child care, long school days, and widely available after-school care. Thus, even though many progressive states have legislated family leave beyond the federal scope, it is imperative that state legislators and policy makers expand their child-care resources if they aim to be truly progressive welfare states. Chapter 5 explores whether state-sponsored interventions are effective in developing a child-care regime.

Chapter 4 synthesizes these findings and outlines a comprehensive typology of different types of U.S. welfare states. American states do not fit existing models of welfare state systems, such as Esping-Andersen’s (1990) “liberal” or “social-democratic” welfare state types, in that the most politically liberal states appear to be peculiarly poor at supporting maternal employment. This book extends feminist arguments about gender and family to states but also notes a bifurcation in state support of gender empowerment and child care. What follows is a novel, value-neutral reinterpretation of the institutional and social contexts informing American states’ approaches to maternal welfare, and a starting point for academics and public servants seeking to create a comprehensively more employment-friendly America, one in which working mothers are both politically and institutionally supported.