

Deliverable Male

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In the summer of 2010, the *Atlantic Monthly* declared that we have reached *The End of Men*,¹ explicating, in direct and unvarnished language, an idea that's been brewing for some time.² That article claimed that we are in an era that puts the wind at the back of women in every way, and that “[o]nce you open your eyes to this possibility, the evidence is all around you.”³

Joan Williams’s rich book, *Reshaping the Work-Family Debate: Why Men and Class Matter*, similarly investigates the surprising fragility of men’s role in twenty-first-century America.⁴ For a generation, feminists—Williams included—have fought direct and individual discrimination, as well as structures having a disparate impact on women, across all fields of law. In light of where we started, it is startling to witness over the past several decades a negative impact on the economic, educational, and family life of *men*.

Feminists have long noted that gender stereotyping constrained men as well as women. Stereotyping limits choices and stunts the realization of individual potential, so men needed to explore their feminine side just as women were discovering their masculine one. But something different is now being explored. In the conventional masculine areas where men used to dominate women handily (e.g., employment, educational attainment), men are now falling so far behind that we need to worry about them as a class. The chorus of anxiety about this point is unmistakable; and while the evidence is not one-sided, as to some issues there’s considerable support for the cultural concern.

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1. Hanna Rosin, *The End of Men*, ATLANTIC MONTHLY, July/Aug. 2010, at 56–72.

2. See, e.g., SUSAN FALUDI, STIFFED: THE BETRAYAL OF THE AMERICAN MAN (1999).

3. Rosin, *supra* note 1, at 60.

4. JOAN C. WILLIAMS, *RESHAPING THE WORK-FAMILY DEBATE: WHY MEN AND CLASS MATTER* (2010). Williams’s book gives an even more extensive examination of class, a matter of at least equal importance when discussing roles in the family or the market, but this idea is not one I will focus on in this Essay.

Williams provides a nice exploration of the double-binds men find themselves in with respect to work-family balance. The first side of the double-bind relates to the breadth of their roles. Whether due to a shift in egalitarian ideas or a deflation of the family wage, men's wives are now in the workforce. As a result, men now shoulder some of the family-care work.⁵ Men also have economic anxieties associated both with traditional breadwinner identity pressures and with the economic decline of traditionally male fields such as manufacturing and construction.

These phenomena are incredibly important to the work-family puzzle. To understand how, we need to consider the second half of men's double-bind: men do not own up to their family responsibilities to their employers and coworkers the way women do.⁶ Working-class men in particular "walk the walk" on egalitarian family care without "talking the talk."⁷ This Essay will focus on a tension underlying this second phenomenon: Should we support the dignity men experience when expressing traditional masculinity⁸ or instead coax men to abandon the trappings of what increasingly looks like a losing strategy at work, school, and in the family?

Williams works through an incredible cache of union arbitrations involving men disciplined or dismissed because their family care conflicted with what their employer asked of them.⁹ It's a persuasive story of families deciding whose job is more at risk and of men stuck in the same situation with their employers that we've come to understand so clearly for women. In these databases, Williams finds men to be less willing to provide their employers with the reason for their absence if family care figures in.¹⁰ If the men expose their care responsibilities to their employer, they may be treated less generously than women employees, and that might be a rational explanation for their reticence. But perhaps men don't explain because something about those family-care responsibilities embarrasses them.

Williams pays particular attention to the way men negotiate a masculine self-image that sits uneasily with the reality of family care.¹¹ How

5. *Id.* at 46–50.

6. *Id.* at 56–59; Ann C. McGinley, *Work, Caregiving, and Masculinities*, 34 SEATTLE U. L. REV. 703, 716 (2011).

7. WILLIAMS, *supra* note 4, at 59.

8. The notion and contours of an idea like "traditional masculinity" may be too complex to use in this Essay. Williams herself devotes more coverage to the nuances of the concept. I'm aware of the weakness of the concept. But I'm using it here because even in its simplest form, it influences different approaches to reform, particularly in the sphere of elementary and secondary education for boys.

9. See WILLIAMS, *supra* note 4, at 43–61.

10. *Id.* at 57–59.

11. *Id.* at 88–91.

should this tension be managed? Williams favors some form of preserving masculine self-image by reframing the subject to one of worker empowerment rather than family care.¹² This strategy aims at political efficacy and coalition building. Asking men to imitate women's successes, it might be argued, is interesting but too threatening to be attractive. This Essay nonetheless leans in that direction.

This Essay will first look at the evidence for the decline in men's status. Williams investigates the evidence in the workforce, and I'll highlight some particularly interesting evidence from recent years. I will add to that evidence from elementary, secondary, and higher education, and elaborate a bit on the evidence from men's role in families. From this section emerges the "end of men" hypothesis that begs the important question: What can be done to reverse the trend? Williams recognizes the challenge of the task and sees the difficulty in the choice to either support traditional masculine performance or to transform it. This same tension is visible in the greater literature about masculine anxieties.¹³

I will argue that, as painful as it may be, Williams is right that the economic success of men depends on the transformation of masculinity to incorporate a desire for the skills currently gendered female in the workforce, family life, and educational institutions. In places, Williams seems to embrace a "covering"¹⁴ strategy for men that might sit between traditional masculinities and reformation, one that seeks to accommodate the affront to men's dignity implied in transforming their masculine performance. I incline more toward ripping off the Band-Aid, but I embrace Williams's general emphasis and will explicate some of the implications for extending her agenda into the debates within education in particular.

I. THE DECLINE OF MEN

The catalog of indicators suggesting men may be in trouble is significant. There is much to quibble with in this research. In particular, nothing in the research undermines evidence of employer discrimination against women. But the underlying point is hard to avoid: boys and men do not enjoy every advantage over girls and women, even in traditionally male spheres. We're familiar with some of the seemingly disconnected

12. *See id.* at 91.

13. *See generally* MICHAEL KIMMEL, GUYLAND: THE PERILOUS WORLD WHERE BOYS BECOME MEN (2008); MICHAEL S. KIMMEL, THE HISTORY OF MEN: ESSAYS IN THE HISTORY OF AMERICAN AND BRITISH MASCULINITIES (2005); Beth A. Burkstrand-Reid, "Trophy Husbands" & "Opt-Out" Moms, 34 SEATTLE U. L. REV. 663 (2011); McGinley, *supra* note 6; Andrew Romano & Tony Dokoupil, *Men's Lib*, NEWSWEEK, Sept. 27, 2010, at 42-49.

14. *See, e.g.*, KENJI YOSHINO, COVERING: THE HIDDEN ASSAULT ON OUR CIVIL RIGHTS (2006).

indicators: Men are four times more likely to commit suicide¹⁵ and fourteen times more likely to be in prison.¹⁶ But a systematic walk through major spheres of life—family, work, and education—reveals a more pervasive fragility than any individual indicator can show.

A. Men at Work

Unemployment for men is greater than unemployment for women.¹⁷ Men have suffered job loss and sector loss in fields that traditionally employed more men than women: factory work and construction.¹⁸ The most recent labor-force contraction has been dubbed a “ManceSSION”¹⁹ because its impact on men has been so significant that they are on track to become a minority in the labor force very soon.²⁰ Even when the recession ends, the outlook remains bleak for men. The manufacturing jobs they may wish would return can be permanently outsourced, while women-worker-heavy service jobs in healthcare and education cannot.²¹ At this time, women have greater job security than men. And while overall wages for occupations that are sex-segregated male are higher than wages for occupations that are sex-segregated female, it is difficult to see how this division can last as wages in construction and manufacturing stagnate.

For older workers in particular, the wage gap between men and women persists, as it does in Williams’s “mothers and others” division.²² But the wage news that appeared last fall must have caught some young men by surprise: until burdened by parenthood, women have closed the wage gap. Media reports this fall covered one unreleased study claiming

15. CTR. FOR DISEASE CONTROL & PREVENTION, SUICIDE (2010), http://www.cdc.gov/violenceprevention/pdf/Suicide_DataSheet-a.pdf.

16. U.S. CENSUS BUREAU, POPULATION IN GROUP QUARTERS BY TYPE, SEX AND AGE, FOR THE UNITED STATES: 1990 AND 2000 (2003), <http://www.census.gov/population/www/cen2000/briefs/phc-t26/index.html>.

17. Aysegül Şahin, Joseph Song & Bart Hobijn, *The Unemployment Gender Gap During the 2007 Recession*, 16 CURRENT ISSUES IN ECON. & FIN. (Fed. Reserve Bank of N.Y.), Feb. 2010, at 1, available at http://www.newyorkfed.org/research/current_issues/ci16-2.html.

18. *Id.*

19. Catherine Rampell, *The ManceSSION*, N.Y. TIMES, Aug. 10, 2009, <http://economix.blogs.nytimes.com/2009/08/10/the-manceSSION/?scp=5-b&sq=unemployment+trade+manufacturing+men&st=nyt>.

20. *Id.*

21. Nancy Folbre, *The Declining Demand for Men*, N.Y. TIMES, Dec. 13, 2010, <http://economix.blogs.nytimes.com/2010/12/13/the-declining-demand-for-men/>.

22. See, e.g., Joan Williams, *Our Economy of Mothers and Others: Women and Economics Revisited*, 5 J. GENDER RACE & JUST. 411 (2002). Williams uses the phrase “mothers and others” to highlight a point from wage and employment data: women don’t suffer in the labor market as a demographic until they become parents—an identity transformation that has no similar detrimental impact on men. *Id.*

that these women earn 8% more than their male counterparts.²³ Some rushed to point out that higher wages for women result directly from their greater educational attainment; a pro-male wage gap still exists for men and women with equal educational qualifications.²⁴ Intended to remind us that employment discrimination against women is still evident when qualifications are compared, this caution nonetheless feeds rather than quells anxiety about men's status because it illustrates that they now have weaker qualifications than their female counterparts.

Employers still discriminate against women,²⁵ but women have overcompensated in skills development to the point that even the advantage given to men by discrimination is inadequate to maintain workforce dominance.²⁶ This development is not to say that women's workforce status is superior in terms of positions or wage. It is only to say that looking into the not-too-distant future, a plausible scenario has women dominating in positions and wages just as they are dominating in job security and educational attainment today.

B. Men in Families

For years, policy-makers have expressed concerns about men's detachment from family life. An early focus on African-American men²⁷ remains in the discourse, but in recent years, policy-makers have placed less emphasis on race in promoting marriage and encouraging men to reattach, as race is not a telling indicator of family attachment for men.²⁸ Many view marriage as a mechanism for supporting women and children. But a skeptical chorus has countered that the marriage movement serves men by reaffirming their masculinity.²⁹ Like the realization that men need help in educational institutions and at work, the notion that it is men who are suffering from the loss of marriage as much if not more than women is a bit startling but worth investigating.

23. Belinda Luscombe, *Workplace Salaries: At Last, Women on Top*, TIME, Sept. 1, 2010, <http://www.time.com/time/business/article/0,8599,2015274,00.html>.

24. Heather Boushey, *Are Young Women Earning More than their Boyfriends? Yes, But Only Because They're Better Educated*, SLATE, Sept. 7, 2010, <http://www.slate.com/id/2266148/>.

25. See generally DAVID NEUMARK, SEX DIFFERENCES IN LABOR MARKETS (2004).

26. This development is not to say the glass ceiling hasn't protected men's leadership roles in the workforce. The argument is only that it is a surprise to see men struggling so much vis-à-vis women given the long and recent history of discrimination and expectations for men's dominance in the workforce.

27. OFFICE OF POLICY, PLANNING & RESEARCH, U.S. DEP'T OF LABOR, THE NEGRO FAMILY: THE CASE FOR NATIONAL ACTION (1965) (The Moynihan Report).

28. For discussion of marriage promotion, see generally Linda C. McClain, *The Place of Marriage in Democracy's Formative Project*, 11:3 THE GOOD SOC'Y 50, 51 (2002).

29. *Id.* at 54; LINDA C. MCCLAIN, THE PLACE OF FAMILIES: FOSTERING CAPACITY, EQUALITY, AND RESPONSIBILITY (2006).

With marriage becoming more common among middle- and upper-middle-class families than among lower-income families, marriage has shifted from being a plan for economic stability to being a reward for it.³⁰ It's not that low-income women don't value marriage, they do, but they want it once stability is achieved.³¹ Non-marriage is a result of poverty, rather than poverty being a consequence of non-marriage.³² On this view, women see less need for marriage to their children's father than need for stable employment for their children's father. As his employment prospects stagnate or deflate, the notion that marriage to him will lift family economic prospects is drawn into question. Without work, his role in the family is less certain. The public discourse has treated this as a question of irresponsible fatherhood. But consider the issue through a lens of concern about his status within the family: Is he rejected from the family community due to factors in the larger economy that degrade his potential as a breadwinner?

It turns out that men value marriage a bit *more* than women do, contrary to the wives' tale that marriage is desired by women and granted by men. Today, men are more likely than women to say that married people find happiness more easily, have higher social status, and get ahead in their careers.³³ Women initiate more divorces.³⁴ Women are no longer in need of men for economic survival, though single mothers are more likely to be in poverty than married mothers. Women can be more selective about whether to live alone or with a partner than they could a generation ago.³⁵

Organizations like the Promise Keepers³⁶ promote a return to head-of-household status for Christian men—confronting head-on the crisis in men's increasingly optional role within the family system. What has long been characterized as an abdication of fatherly responsibility by men

30. PEW RES. CTR., THE DECLINE OF MARRIAGE AND RISE OF NEW FAMILIES (2010), <http://pewsocialtrends.org/2010/11/18/the-decline-of-marriage-and-rise-of-new-families/>.

31. See, e.g., KATHRYN EDIN & MARIA KEFALAS, PROMISES I CAN KEEP: WHY POOR WOMEN PUT MOTHERHOOD BEFORE MARRIAGE 114–15 (2005).

32. *Id.* at 114–15; Stephanie Coontz & Nancy Folbre, *Marriage, Poverty, and Public Policy*, THE AM. PROSPECT (Mar. 19, 2002), http://www.prospect.org/cs/articles?article=marriage_poverty_and_public_policy.

33. PEW RES. CTR., *supra* note 30.

34. Belinda Luscombe, *Who Needs Marriage? A Changing Institution*, TIME, Nov. 18, 2010, <http://www.time.com/time/nation/article/0,8599,2031962,00.html>.

35. *Id.*; PEW RES. CTR., *supra* note 30.

36. *Core Values*, PROMISE KEEPERS, <http://www.promisekeepers.org/about/pkcorevalues> (last visited Feb. 7, 2011) (“The mission of Promise Keepers is to ignite and unite men to become warriors who will change their world through living out the ‘Seven Promises’ to God, their families, their fellow man and community.”).

shows new hints of becoming a freeze-out³⁷ as family life without husbands has moved from outlier status to a new normal.³⁸

That's not to say all is well in fatherless households, which are significantly more likely to suffer in poverty. It is only to say that years of characterizing the trend as male privilege is becoming complicated as men's desirability within families is thrown into question absent stable incomes.³⁹ Causation has become murky: perhaps it's not the man that stabilizes the household, it's the stable man that is allowed into the household.⁴⁰ The last generation's moral condemnation of women for engaging in extramarital sex and having children out of wedlock now shares the stage with condemnation of men for the inability to achieve economic stability.

Williams's book works with these notions—that men's position in the workforce and in the family is more fragile than we've sometimes acknowledged, and that both issues engage masculine identity crises that we cannot ignore. I turn now to a look at the education crisis for boys, where a similar tension is on display, and the strategies advocated resemble those discussed in Williams's book in terms of negotiating masculinity norms.

C. Men and Boys in Education

A gender achievement gap exists in education, and it favors girls and women.⁴¹ In many parts of the world, girls don't have equal access to education. The international human rights community has long made equal access a core cause because of the connection between women's education and the economic welfare of the whole population in developing countries.

But in many parts of the world, girls and boys do enjoy equal access to education, and where that is the case, girls are out-performing boys.⁴² This fact is particularly true in language arts.⁴³ Boys are four times more likely to be expelled, more likely to drop-out, and less likely

37. PEW RES. CTR., *supra* note 30.

38. *Id.*; see also NAOMI CAHN & JUNE CARBONE, *RED FAMILIES V. BLUE FAMILIES: LEGAL POLARIZATION AND THE CREATION OF CULTURE* (2010).

39. Williams discusses the distinction between hard living and stability that is relevant to the desirability of a man within a household. WILLIAMS, *supra* note 4, at 176–77.

40. See, e.g., EDIN & KEFALAS, *supra* note 31, at 111–15.

41. See, e.g., *Trends in Educational Equity of Girls & Women: 2004*, NAT'L CTR. FOR EDUC. STAT., INST. OF EDUC. SCI., U.S. DEP'T OF EDUC., <http://nces.ed.gov/pubs2005/equity/Section4.asp> [hereinafter *Trends in Educational Equity*]; see also BECKY FRANCIS & CHRISTINE SKELTON, *REASSESSING GENDER AND ACHIEVEMENT: QUESTIONING CONTEMPORARY KEY DEBATES 3* (2005).

42. FRANCIS & SKELTON, *supra* note 41, at 3; *Trends in Educational Equity*, *supra* note 41, § 4.

43. *Trends in Educational Equity*, *supra* note 41, § 4.

to achieve proficiency on statewide achievement tests.⁴⁴ In popular media, the consensus seems to be that schools are designed for the success of girls, and boys cannot win in our educational system.

The medical community responded to the challenges boys face at school by increasing the number of Attention Deficit and Hyperactivity Disorder (ADHD) diagnoses. Research suggests that boys are diagnosed with ADHD between four and nine times more often than girls.⁴⁵ The rate of diagnosis skyrocketed in the 1990s, coincident with the development of drugs to treat ADHD. Some educational theorists and physicians argue that ADHD is overdiagnosed in boys through a process that pathologizes regular boy behavior in school settings that ask both boys and girls to focus in a way that favors the success of girls.⁴⁶

Evidence of a gender achievement gap continues into higher education. More women are in college, more finish college, more go to graduate school, more finish graduate school.⁴⁷ Women have outnumbered men in higher education since the 1980s, and it has become an open secret at universities that the standards are lower for admitting men than women in the interest of maintaining gender diversity.

II. THE OPTIONS FOR RECOVERY

Williams is theoretically sophisticated while being strongly attached to practical politics, where her efforts have led to remarkable successes.⁴⁸ Those practical politics require coalition building and a big tent for ideas, attitudes, and actions. She thus stakes out a range of strategies to move beyond the dilemmas men face. Williams is ever one to both acknowledge lines of division and to encourage open-eyed unity. She works through, in great detail, ways that apparent divisions might be re-

44. *Digest of Education Statistics*, IES NAT'L CTR. FOR EDUC. STAT., INST. OF EDUC. SCI., U.S. DEP'T OF EDUC., http://nces.ed.gov/programs/digest/d04/tables/dt04_144.asp (last visited Feb. 7, 2011); see also PEG TYRE, *THE TROUBLE WITH BOYS: A SURPRISING REPORT CARD ON OUR SONS, THEIR PROBLEMS AT SCHOOL, AND WHAT PARENTS AND EDUCATORS MUST DO* (2008).

45. Robert Reid et al., Abstract, *Gender and Ethnic Differences in ADHD as Assessed by Behavior Ratings*, 8 J. EMOTIONAL & BEHAV. DISORDERS 38 (2000), available at <http://ebx.sagepub.com/content/8/1/38.abstract>.

46. See, e.g., LEONARD SAX, *BOYS ADRIFT: THE FIVE FACTORS DRIVING THE GROWING EPIDEMIC OF UNMOTIVATED BOYS AND UNDERACHIEVING YOUNG MEN* (2007).

47. *School Enrollment—Social and Economic Characteristics of Students: October 2004*, U.S. CENSUS BUREAU, <http://www.census.gov/population/www/socdemo/school/cps2004.html>; *Trends in Educational Equity*, supra note 41.

48. Probably nothing exemplifies her successes better than the EEOC guidance on Family Responsibility Discrimination, which reverberated through human-resource offices throughout the country. E.g., EEOC, *EEOC Enforcement Guidance: Unlawful Disparate Treatment of Workers with Caregiving Responsibilities*, Notice No. 915.002, May 23, 2007, available at <http://www.eeoc.gov/policy/docs/caregiving.html>.

worked to promote alliances.⁴⁹ It should be no surprise that, on occasion, that project is in tension with theoretical coherence, as successful practical politics frequently are. I am so appreciative of her political project that I hope it is with the utmost humility and good faith that I can gnaw through some knots arising from her suggested treatment of masculinity.

I sign on wholeheartedly to Williams's suggestion that what is needed is "a cultural component aimed at helping men invent a wider range of masculinities, so that refusing to conform to the orthodoxy will not require so much raw courage."⁵⁰ But I have some concerns about the implications of the following, which is another strand in Williams's formula:

If unions can persuade men to think about their need to leave for family reasons as an issue of worker empowerment, rather than as a situation that advertises their inability to be good providers, family caregiving can become an effective organizing issue rather than a key cause of worker vulnerability.⁵¹

The former is a call to go through the painful process of revising masculinity such that men can succeed in a woman's world by acquiring the skills and attitudes that have propelled women into the place they now find themselves at school, work, and home. It resembles assimilationist or sameness feminism but in reverse: men adapt to what's working for women. The latter, crudely, is something more like difference or reconstructive feminism: preserving what is valued in conventional masculinity and trying to harness it for the goals of feminism's political and policy agenda.⁵² For the purposes of this short Essay, I will be brutally reductionist in considering these to be separate approaches to negotiating masculinity. This reductionism is justified here by its ability to delineate po-

49. WILLIAMS, *supra* note 4, at 113–14. For example, she does a great job arguing that conflicts within feminism might have been just a problem of discussing different topics—work-family, sex-violence, or queer theory—that might require distinct analysis but don't deserve to be accused of failing to be conversations about something other than what they are.

50. *Id.* at 91.

51. *Id.* at 61.

52. I'm sure Williams would take issue with my reduction of these positions to the sameness–difference poles, given her extended effort to reframe that debate in Chapter 4. *Id.* at 109–50. Williams is a prolific coiner of phrases and many have had substantial impact on policy debates (think "maternal wall" and "family responsibilities discrimination"). See, e.g., Joan C. Williams & Stephanie Bornstein, *The Evolution of "FReD": Family Responsibilities Discrimination and Developments in the Law of Stereotyping and Implicit Bias*, 59 HASTINGS L.J. 1311 (2008); Joan C. Williams & Nancy Segal, *Beyond the Maternal Wall: Relief for Family Caregivers Who Are Discriminated Against on the Job*, 26 HARV. WOMEN'S L.J. 77 (2003). Given how insanely successful she's been at making these concepts and labels stick, it's risky to ask when they're more useful than others. But I see her reconstructive feminism concept as effectively a call to détente in favor of politically effective coalitions rather than an actual resolution of the sameness–difference theoretical problem. But perhaps I'm missing something.

tentially disparate policy implications of the two approaches, particularly disparate education policy directions.

A. Difference Feminism: Celebrating Conventional Masculinities

1. Man Up (or Slack Off)

At its worst, there's a call for men to "Man Up" as a way to resolve their role tensions. This call is a claim that men need to restore their masculinity, traditionally understood. Stop seeming so anxious, stop deferring to their partners, stop cuddling the kids.⁵³ The baseline for this vision of masculinity is difficult to pinpoint because norms for men have migrated across seemingly inconsistent characteristics like elite land-ownership and labor-union populism, high intellect work and dirty work, responsibility for the education of children to distance therefrom. But the notion of reclaiming a traditional masculinity resonates with some as a way out of men's role anxieties. We may know that the return to a more robust and pure masculinity is nostalgia. Nostalgia is by definition concerned not with the past as it was, but with a narrative idealizing certain practices and forgetting others. But whether it is real difference we are celebrating or idealized difference, there is one set of reactions to the current dilemma men face that is embedded in restoring honor to men's stereotyped attributes. At work, find a job on an oil rig or the North Slope in Alaska, and in the bar, stop drinking light beer. I am calling this *difference masculinity* because it ennobles and celebrates male identity in much the way difference feminism celebrates and ennobles female identity.

At its most absurd, we see difference masculinity as an approach to the "end of men" operating in popular romantic comedies of this decade. These movies follow a remarkable formula of hypercompetent women and bumbling, idiotic, juvenile men.⁵⁴ In 2007, David Denby of the *New Yorker* listed the following twenty-first-century hits that follow this new slacker-striver romance formula: *High Fidelity*; *About A Boy*; *Fever Pitch*; *Old School*; *Big Daddy*; *50 First Dates*; *Shallow Hal*; *School of Rock*; *Failure to Launch*; *You, Me and Dupree*; *Wedding Crashers*; *The Break-Up*; and *Knocked Up*.⁵⁵

53. *E.g.*, ROBERT BLY, *IRON JOHN: A BOOK ABOUT MEN* (1990). This call can be seen everywhere from beer ads to psychology best sellers.

54. David Denby, *A Fine Romance: The New Comedy of the Sexes*, *THE NEW YORKER*, July 23, 2007, at 59.

55. *Id.* We could add more since 2007, but any survey would seem haphazard in comparison to Denby's.

In Denby's words, these movies "establish[] the self-dramatizing underachiever as hero." These movies pull comedy, says Denby, "out of the struggle between male infantilism and female ambition." These movies seem to celebrate a certain form of anti-hero masculinity, hitting directly the new fragile, uncertain, and *optional* status of men in both the workforce and in the family. These men may finally connect with these striver women, but they need to *earn* it—she is stable without him. How then are these films a celebration of masculine difference? Because while he changes, he changes only a little bit. They resolve to stay together through their difference but not because the basic slacker–striver roles are upended. It turns out she was stable but no fun, and he teaches her not to use all that competence to be a buzz kill. He needs to modify the worst parts of his puerile behaviors, but in the end, these movies relish the joys of juvenile masculinity out of precisely the cultural anxiety over men's status that forms the basis of this Essay.

2. Difference vs. Sameness in Education Policy

Perhaps no cultural plane better displays the tension between difference and sameness approaches to boys and men than the movement toward single-sex education. The notion that boys need to be separated out from girls as a response to the education crisis of boys has seized the education world, even in public schools covered by Title IX. But in the promotion of boys' schools, single-sex education celebrates precisely the attributes of boys that make it difficult for them to succeed in today's educational culture. At its worst, the movement stems from a failure to give masculine norms in boys the hard, critical look they may need, instead choosing to step out of the sphere of comparison to girls that coeducation invites. Based on a claim of significant, scientifically based difference between boys and girls, single-sex-education proponents often make a virtue out of boys' failure to adapt to a twenty-first-century success strategy.

Beginning in the 1990s, a movement arose celebrating the benefits of single-sex education.⁵⁶ Since then it has generated surprising bedfellows. In what the *New York Times* called a nod to 1970s feminism aimed at encouraging at-risk girls to stay in school, the Young Women's Leadership School of East Harlem (YWLS) opened as a public charter school in New York City in 1996. YWLS does not base its claim for single-sex education on neurological differences between boys and girls. But it partners with a separate movement to promote single-sex educa-

56. For a general discussion of the movement, see Elizabeth Weil, *Teaching Boys and Girls Separately*, N.Y. TIMES MAG., Mar. 2, 2008, http://www.nytimes.com/2008/03/02/magazine/02sex3-t.html?_r=1.

tion: boys' school advocates who base their claim for separating the sexes on neuroscience. These advocates use brain scans that find differences between boys and girls from which they extrapolate the need for separation of the sexes. In 2006, these two forces succeeded in getting a change to Title IX regulations that makes it easier to operate single-sex schools and programs without running afoul of the federal statute guaranteeing equal education without regard to sex.⁵⁷

The new regulations allow public schools to offer single-sex classrooms if the practice is substantially related to an important objective such as improving the academic achievement of students.⁵⁸ According to the National Association for Single-Sex Public Education, at the time of its founding in 2002, a dozen public schools offered single-sex programming. Today that number is well over 500.⁵⁹ There are at least ninety public schools in the United States right now that are entirely single-sex.⁶⁰ While YWLS was in the minds of many drafters, the new Title IX regulations have in practice mainly served to smooth the way for single-sex programs premised on the idea that boys and girls are very different neurologically and they learn so differently that they are best served in programs that do not try to teach across their differences.⁶¹

Most prominent among the brain-science advocates are Michael Gurion⁶² and Leonard Sax. Leonard Sax is a physician who has written a book with a subtitle that fits the dilemma of this Essay perfectly: *The Five Factors Driving the Growing Epidemic of Unmotivated Boys and Underachieving Young Men*.⁶³ On Sax's list are medically based factors, such as the overuse of ADHD prescriptions, drugs, and environmental contaminants, as well as cultural ones, including the "devaluation of masculinity."⁶⁴ Sax is concerned about the state of boys, but in seeking to revalue masculinity, he concerns himself with boys' self-image and not with the skills they need to succeed in the new economy.

The relevant differences that fuel the drive to separate the sexes include the notion that girls are more empathetic about literature while boys need to focus on the plot, boys are competitive and girls are cooper-

57. Single-Sex Rules Final Notice, 71 Fed. Reg. 62,529 (Oct. 25, 2006) (to be codified at 34 C.F.R. pt. 106).

58. *Id.*

59. *Single-Sex Schools/Schools with Single-Sex Classrooms/What's the Difference?*, NAT'L ASS'N FOR SINGLE SEX PUB. EDUC., <http://www.singlesexschools.org/schools-schools.htm> (last visited Feb. 7, 2011).

60. *Id.*

61. Weil, *supra* note 56.

62. MICHAEL GURION & KATHY STEVENS, *BOYS AND GIRLS LEARN DIFFERENTLY!: A GUIDE FOR TEACHERS AND PARENTS* (10th ed. 2010).

63. SAX, *supra* note 46.

64. *Id.* at 11, 163–83.

ative and relational, girls are concrete thinkers and boys are more abstract thinkers, boys should not be looked in the eye, boys need more opportunities to express themselves physically, boys cannot sit still and focus as early as girls, boys do not hear as well as girls.⁶⁵ Couched in scans of the brain, Gurion and Sax draw conclusions about educating the sexes that are dramatic and that engage cultural stereotypes in the extreme.

The call to take boys out of coeducational environments and put them into all-boys environments is premised on the belief that boys are rough-and-tumble, unfocused, and impulsive. And it seeks to adapt the educational program accordingly. But it is also premised on a deep acceptance of the concept of difference and a seeming acceptance of the notion that we should not be asking boys to do what we ask girls to do because it's just too hard for them. *It offers a justification for the slacker-striver gap, not a formula for closing it.*

The ACLU has energetically challenged the movement toward single-sex public education and, in the process, highlighted pieces of the brain-science research that speak directly to the problem at hand in this Essay. Perhaps the most striking emblem of the masculinity puzzle is the following ACLU fact sheet drawn from a book by Sax:

A boy who likes to read, who does not enjoy contact sports, and who does not have a lot of close male friends has a problem, even if he thinks he is happy. He should be firmly disciplined, required to spend time with "normal males," and made to play sports.⁶⁶

Most people consider reading competency one of the key goals of grade-school education. Yet this paragraph, part of the justification for separating boys from girls in schools, suggests that a boy who likes to read has a problem and needs to spend time with "normal males." The reification of restoring masculinity associated with the single-sex education movement goes so far as to problematize good educational outcomes that conflict with that reification. In this one move, we can see the way essentializing difference can make a hero out of failure.

What if boys do have more trouble focusing and sitting still? And what if they are slower to understand the emotional context of literature and to get beyond the plot? I don't accept that either of these propositions has been demonstrated, but I do accept their cultural resonance. For

65. GURION & STEVENS, *supra* note 62.

66. BOYS' BRAINS VS. GIRLS' BRAINS: WHAT SEX SEGREGATION TEACHES STUDENTS, AM. CIVIL LIBERTIES UNION (2008), <http://www.aclu.org/womens-rights/boys-brains-vs-girls-brains-what-sex-segregation-teaches-students-0#5> (drawing from LEONARD SAX, WHY GENDER MATTERS: WHAT PARENTS AND TEACHERS NEED TO KNOW ABOUT THE EMERGING SCIENCE OF SEX DIFFERENCES 218–28 (2005)).

argument's sake, what if it were true? The single-sex education movement suggests we should not ask them to be something they are not. This solution prematurely decides the open question of whether there are real differences in learning implicated by what can be found on the brain scan—the two sides fight that out in scientific and educational journals and in the popular media. But the debate doesn't even seem to ask the next and more important question: Even if boys have a harder time sitting still, focusing on work, cooperating with one another, and understanding the emotional content of literature, shouldn't we ask them to learn those skills because they are linked to success in academics and in the marketplace?

B. Sameness Feminism: Assimilating to Women's Success Formula

Whatever is working for women these days, the policy for men and boys should be to study it and figure out how to make it work for them too. This is sameness masculinism/feminism, and it's summed up well in a recent *Newsweek* article entitled, *Men's Lib* with a subtitle that adds, "To survive in a hostile world, guys need to embrace girly jobs and dirty diapers."⁶⁷ In her heart, I think Williams agrees with this approach, which forms much of her strategy for including men in the discussion over work-family balance. But she frames this sameness strategy as one that expands masculinity rather than abandoning it, in a way that at times feels more like doublespeak than a feasible strategy. Williams may be concerned that it humiliates or embarrasses men to admit that they need to study women's success. But accommodating that concern threatens to obscure the difficult task ahead in parenting boys and educating boys and men for the workforce.

What would a sameness formula look like? Media reports about the rise of stay-at-home fathers are prone to an interesting array of reactions. Some may see this phenomenon as a major marker of success for feminism, as men feel able to occupy roles traditionally occupied by women just as women have done with men's market positions. Others may worry that the trend reflects a regressive attachment to gendered role differentiation, regardless of who plays the roles.⁶⁸ The trend may be a reflection of men's higher rates of unemployment, not an ideological shift. Williams would want us to notice that when workers are out of the marketplace entirely, it is likely because they didn't perceive one of the options to be a balanced employment situation that valued their family-care role, for men as much as for women. Whatever it is, it is *not* a sameness for-

67. Romano & Dokoupil, *supra* note 13.

68. See Burkstrand-Reid, *supra* note 13, at 673–74.

mula that imitates women's life patterns because most mothers are not out of the labor force full time. If women have become relatively successful in the workforce and in educational institutions, do we want men to adopt behaviors of full-time mothers or the behaviors of the majority of mothers who are succeeding in the workforce and at home?

However we define the skills that have brought women to their current status—which is not a perfect place but has its strengths—I think the strategy for men needs to be the study and emulation of that success formula, not the guarding of male traditions.

In education, the implications of the sameness formula are clear. Perhaps boys are falling behind due to the design of educational expectations. The current claim is that they are set up for failure when asked to learn the skills that supposedly come easier to girls. But it's possible that it is just those skills that are linked to success in today's job market. The *Atlantic* article made this claim with evidence that cooperation makes businesses run more effectively than impulsive competition.⁶⁹ Boys need to learn those skills in school *even if* they are harder for boys to learn (a matter I don't try to resolve).⁷⁰ The difference masculinism that attempts to rescue boys from the walls that are closing in around them by celebrating the old ways seems like a trap. Given the educational crisis boys face, the reimagining of their goals and expectations is a pressing policy matter from the earliest ages. The single-sex education movement threatens to divert attention away from the hard work of educating boys for the twenty-first century.

Williams's interest in reforming masculinities is driven in substantial part by a desire to engage men politically in the fight for the right to work-family balance. I trust she also embraces whatever will turn out to be good for men in this puzzling era that has destabilized some aspects of their power. The strategic question is whether that can be done without embarrassing them. Williams hopes so by encouraging these expanded skills under the rubric of masculinity itself. My concern is that anything that celebrates traditional masculinities runs perilously close to a celebration of the defeatist thinking embedded in the single-sex education claim that a boy who likes to read and does not like contact sports has a problem.

69. Rosin, *supra* note 1, at 65.

70. As a parent, I've sat through more lectures and read more on the topic of boys and education than I care to admit. From this experience, I've concluded that advocates extend the implications of the available brain research further than it can be made to stretch. But I can't tell one way or the other whether there are any learning implications at all for the brain scans. *See generally* LISE ELIOT, *PINK BRAIN, BLUE BRAIN: HOW SMALL DIFFERENCES GROW INTO TROUBLESOME GAPS—AND WHAT WE CAN DO ABOUT IT* (2009).

III. THE WAGES AND PRICE OF DISCRIMINATION

With respect to this sameness strategy, nothing has disserved men more than employment and educational discrimination in their favor (!). Women began out-representing men as a percentage of those enrolled in full-time undergraduate education in the 1980s.⁷¹ In graduate-school enrollment, women passed men in the 1980s as well.⁷² Men have grown accustomed to the higher wages associated with sex-segregated manufacturing and construction jobs, and the wage gap between those and service jobs makes it more difficult for men to stomach the need to shift their occupational fields. Men are further behind educationally than they were in the 1980s, when they might have first developed concern about their relative educational deficits. But no such concern developed because, despite women's higher educational attainment, men's wages outpaced women's due to discrimination in the marketplace. That discrimination was a rope-a-dope that maintained male complacency along with male privilege. With the moment of women's greater job security upon us, men have further ground to make up than they would had they begun the task of educational attainment back when women first passed them.

CONCLUSION

Once again, Joan Williams has given us an incredibly rich, ambitious, smart book. She works policy analysis, media analysis, cultural criticism, and political action into a single mix that seeks to take important ideas from the academy and turn them into something that can make a difference in electoral politics. She gives all her readers a great deal to think about, and we can only hope that her readership is broad among campaign managers and policy-makers alike. No one has contributed more to either the academic discussion about work-family tension or to the legal climate around the issue, and to be such a significant voice in both is a rare accomplishment that bespeaks a tireless commitment to both the practical and the theoretical.

In this Essay, I've focused on the state of men and boys in the market, the family, society at large, and most particularly in schools. I respect Williams's charge to consider the evolution of masculinity and the way political actors need to understand men's feelings about masculine norms. At one time, feminists seemed to want men's values to change to improve the relations between the sexes. I'm adding that men's values need to change for their self-preservation. I'm arguing for an assimilationist approach to the current masculinity crisis. While Williams may do

71. See, e.g., *Trends in Educational Equity*, *supra* note 41, at fig.I.

72. See, e.g., *id.* at fig.J.

the same in effect, she is advocating a technique for getting there that transforms masculinity while preserving it. I would love for her to be right that that's a workable strategy, but I'm concerned that it's not—that nothing short of a full recognition of the extent to which men need to study women's skills will break their fall.