

“Trophy Husbands” & “Opt-Out” Moms

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INTRODUCTION

Before women were “opting out” of the workforce (as depicted by the *New York Times*)¹ to stay at home with their children, a subset of fathers had already done so.² The 2002 *Fortune* cover story titled *Trophy Husbands* documented the “dramatic shift afoot” of well-off, educated men leaving paid work in order to tend to the home and kids in support

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1. Lisa Belkin, *The Opt-Out Revolution*, N.Y. TIMES MAG., Oct. 26, 2003, at 42. *The Opt-Out Revolution* was by no means the first story about women leaving careers to stay at home. See, e.g., Darice Bailer, *Women Leaving Medicine for Home*, N.Y. TIMES, Sept. 21, 1997, at 12, available at <http://www.nytimes.com/1997/09/21/nyregion/women-leaving-medicine-for-home.html?sec=&spone=&pagewanted=all> (discussing the “new minority” of women leaving medicine to stay at home); Dena Kleiman, *Many Young Women Now Say They’d Pick Family Over Career*, N.Y. TIMES, Dec. 28, 1980, at 1 (discussing a Princeton-educated woman who, when married with children, planned to quit her future job for eight years to be an at-home mother).

2. Betsy Morris, *Trophy Husbands*, FORTUNE, Oct. 14, 2002, at 79. The same year, a novel, *Househusband* by Ad Hudler, traced the life of a man who leaves his successful job to support his wife, who was offered her “dream job.” AD HUDLER, HOUSEHUSBAND (2002). It is important to note, however, that in many families, fathers are not nearly as involved in caregiving. See Katharine B. Silbaugh, *Women’s Place: Urban Planning, Housing Design, and Work-Family Balance*, 76 FORDHAM L. REV. 1797, 1816 (2007) (citing W. Jean Yeung et al., *Children’s Time with Fathers in Intact Families*, 63 J. MARRIAGE & FAM. 136, 145–48 (2001) (noting that the average father spends only 60% of the amount of time mothers spend with their children, and that the time is spent on more flexible tasks)). The *Fortune* article was not the first to coin the term “trophy husband.” See, e.g., Bill Haltom, *In Louisiana, When You Say “I Do,” You’d Better Mean It*, 33 TENN. B.J. 35 (July/Aug. 1997), available at http://www.tba.org/Journal_Tbarchives/jul97/tbj-jul97-haltom.html (“[N]ow that so many women are executives and successful ‘bidness-people,’ we middle-aged men may soon find ourselves the victim of trophy husbands. Yep, my wife may trade me in for some guy in his 20s with a flat stomach.”).

of their powerful wives' careers.³ "Trophy Husbands? Arm candy? Are you kidding? While their fast-track wives go to work, stay-at-home husbands mind the kids. They deserve a trophy for trading places."⁴ The article portrayed these men as taking one for the team: hitting a sacrifice fly so that their wives could advance.

Nearly one year later, *The Opt-Out Revolution*, an article in the *New York Times Magazine*, asked why women—especially well-educated, socioeconomically secure women—were leaving paid work. "Why don't women run the world?" it asked. "Maybe it's because they don't want to."⁵ The story quoted highly educated, professional women, who left paid work to be full-time caregivers.⁶ An exemplary quote, offered toward the beginning of the article by a woman with a graduate degree, neatly summarized the piece: "Maternity provides an escape hatch that paternity does not. Having a baby provides a graceful, convenient exit."⁷ In the same article, Professor Joan Williams articulated a strong critique of the "choice" rhetoric depicting women as opting out of paid work.⁸ In her book, she argues that many women do not opt out of paid work but are pushed out by "family-hostile" policies.⁹ Although *The Opt-Out Revolution* ultimately concluded that the workplace should change to address the needs of working mothers, as Williams pointed out, "the typical opt-out story never gets there."¹⁰

On the surface, *Trophy Husbands* and *The Opt-Out Revolution* appear to be strangely disparate commentaries on what is arguably the same act: leaving paid work for the unpaid work of being an at-home parent. But the media portrayals of these parents are decidedly gendered. Fathers are portrayed as heroes for being at home, while women are dro-

3. Morris, *supra* note 2, at 80 (indicating that the prevalence of this trend has not actually been measured).

4. *Id.* at 79 (quoting the tagline to the *Fortune* article).

5. Belkin, *supra* note 1, at 45. Belkin wrote openly about her work-family balance issues as a reporter at the *New York Times*. See also ANN CRITTENDEN, THE PRICE OF MOTHERHOOD: WHY THE MOST IMPORTANT JOB IN THE WORLD IS STILL THE LEAST VALUED 28 (2001) (recounting her work-family balance issues while at the *New York Times*).

6. Belkin, *supra* note 1. Actions like this one were arguably not anticipated decades prior. See, e.g., Ruth Bader Ginsburg, *Women at the Bar—A Generation of Change*, 2 U. PUGET SOUND L. REV. 1, 14 (1978), reprinted in 34 SEATTLE U. L. REV. 649, 662 (2011) (describing "autonomy, responsibility for planning one's own life, that sweet sense of independence which, once known, is not easily relinquished").

7. Belkin, *supra* note 1, at 44.

8. See *id.*

9. JOAN C. WILLIAMS, RESHAPING THE WORK-FAMILY DEBATE: WHY MEN AND CLASS MATTER 1 (2010).

10. *Id.* at 3. Some more recent stories do. See, e.g., Joan Williams, *The Times Opts Out of the "Opt Out" Narrative*, HUFFINGTON POST, Aug 11, 2010, http://www.huffingtonpost.com/joan-williams/the-times-opts-out-of-the_b_677810.html.

pouts or even, in their own words, traitors for turning their backs on the feminist revolution that enabled them to work in the first place.¹¹ Although these discordant representations of at-home parents are distressing, they are even more troubling because they obscure greater truths. First, each story demonstrates that when a mother or a father leaves the paid workforce, we cannot assume it was the product of free choice. Second, presenting these decisions as "choices" in the media may actually harm the drive for work-family law reform.

The argument that women do not drop out but are, in fact, pushed out of the labor force is a central theme of Williams's writing and research, including her most recent book, *Reshaping the Work-Family Debate: Why Men and Class Matter*.¹² This Essay seeks to build on Williams's work by using *Fortune's Trophy Husbands*, an article contemporary to the now-infamous *The Opt-Out Revolution*, as an entrée into a broad discussion about how fathers fit into the opt-out conversation. Part I briefly describes the current demographics and descriptive qualities of at-home-father families, noting that the challenge of defining who is an at-home father is reflected in both the media and U.S. Census Bureau statistics. It then describes the *New York Times's The Opt-Out Revolution* and *Fortune's Trophy Husbands*, two germinal opt-out stories, both of which elevated storylines that persist in national¹³ and interna-

11. Belkin, *supra* note 1, at 44 ("Women—specifically, educated professional women—were supposed to achieve like men. Once the barriers came down, once the playing field was leveled, they were supposed to march toward the future and take rightful ownership of the universe, or at the very least, ownership of their half."). See generally Morris, *supra* note 2.

12. WILLIAMS, *supra* note 9.

13. For examples of opt-out stories see, e.g., Susan J. Douglas, *The End of Men, or the End of Reason?*, IN THESE TIMES, July 2010, at 13, available at <http://www.inthesetimes.com/article/6180/>; Sadie Stein, *Housewives: An Endangered Species*, JEZEBEL (July 20, 2010), <http://jezebel.com/5591852/housewives-an-endangered-species> (citing Katrin Bennhold, *The Stigma of Being a Housewife*, N.Y. TIMES, July 20, 2010, http://www.nytimes.com/2010/07/21/world/europe/21iht-LETTER.html?_r=2 ("The reference to housewife was just too embarrassing," said the feminist economist Charlotte Koren of the Norwegian Institute of Social Research, a former member and mother of two. When it is no longer socially acceptable to be a housewife—or homemaker, in modern American parlance—has feminism overshot its objective?")); Eve Tahmincioglu, *Working Moms Redefining Success*, MSNBC.COM (Aug. 16, 2010), http://www.msnbc.msn.com/id/38692477/ns/business-going_green/. The opt-out storyline in particular is often discussed in trade books and academic writing. In addition to Williams's work, see, e.g., LESLIE BENNETTS, *THE FEMININE MISTAKE: ARE WE GIVING UP TOO MUCH?* 32–57 (2007); Brenda Cossman, *The "Opt Out Revolution" and the Changing Narratives of Motherhood: Self Governing the Work/Family Conflict*, 11 J. L. FAM. STUD. 407, 425 (2009) (concluding that women are constrained by multiple private and public forces); Laura T. Kessler, *Balancing Career & Family: A Work/Life Symposium: Keeping Discrimination Theory Front and Center in the Discourse over Work and Family Conflict*, 34 PEPP. L. REV. 313, 320–21 (2007) (noting the "popular depictions" of women as opting out of the paid labor force); Ann C. McGinley, *Masculinities at Work*, 83 OR. L. REV. 359, 363 (2004) (asserting that women's choices to stay at home reflect societal pressures and lack of alternate opportunities). For examples of trophy husband stories, see, e.g., Steve Blow, *Nine is Enough in this Miracle Mar-*

tional media today.¹⁴ Part II examines whether men in *Trophy Husbands* actually opted out of paid work or were pushed out by family-unfriendly employment policies, ultimately concluding that some of the men featured may have been pushed out of paid work, at least in part. Part III then discusses how these two opt-out stories may affect the conversations surrounding work-life balance and law reform. The Essay ultimately concludes that the laudatory media coverage of at-home-dad families may actually harm work-family law reform efforts.

I. MEN MINDING THE CHILDREN: AT-HOME-FATHER FAMILIES¹⁵

Any discussion of at-home fathers must start with two seemingly simple inquiries: (1) how is “at-home father” defined and (2) how many at-home fathers are there? The answers to these queries are far from clear. This is problematic: if we cannot understand who is actually an at-home parent, we cannot hope to understand the implications of that deci-

riage, DALL. MORNING NEWS, June 27, 2010, at B01; Barbara Rose, ‘Trophy Husband’ Tells All in *Blog*, CHI. TRIB., June 11, 2007, at 2, available at http://articles.chicagotribune.com/2007-06-11/business/0706100346_1_nortel-networks-career-paths-stay-at-home-spouses (citing the *Fortune Trophy Husbands* article for the point that “more than one-third of the magazine’s ‘50 Most Powerful Women in Business’ in 2002 had stay-at-home spouses”); Hilary Stout, *Real-Life Stay-at-Home Husbands*, MARIE CLAIRE MAG., Sept. 2010, at 148–52, available at <http://www.marieclaire.com/sex-love/relationship-issues/articles/stay-at-home-husband-status-symbol> (quoting Diane Sollee, director of the Coalition for Marriage, Family and Couples Education, who explains that “as women work more, the qualities we value in a partner can shift greatly. ‘In a way, it’s almost like bragging for a woman to say she has a stay-at-home husband,’ she observes. ‘Not only is she the breadwinner with a great job, but she’s also got this highly evolved male person—a feminist, father, and husband who doesn’t care what the gender roles are. It’s really an elevated life-form.’”). Some stories did not use the “trophy husband” terminology directly but covered the subject in largely the same fashion. See, e.g., Peg Tyre & Daniel McGinn, *She Works, He Doesn’t*, NEWSWEEK, May 12, 2003 (quoting this author).

14. See, e.g., Kate Holmquist, *A Magnificent New Specimen: The Ornamental Male*, IRISH TIMES, June 29, 2010, at 15, available at <http://www.irishtimes.com/newspaper/features/2010/0629/1224273546693.html> (“We don’t call our Mr[.] Moms unemployed. We call them trophy husbands, or say ‘he’s on early retirement’ or he’s ‘taking a sabbatical’ or ‘he has a portfolio career.’ We don’t acknowledge the fact that Ireland screwed up the economy, putting so many fathers out of work.”); Kevin McKeever, *I Am Househusband, Hear Me Roar!*, GLOBE AND MAIL (Can.), Aug. 23, 2010, <http://www.theglobeandmail.com/news/opinions/i-am-househusband-hear-me-roar/article1680579/>; Micah Toub, *Sugar Mamas Can be a Sweet Thrill*, GLOBE AND MAIL (Can.), Apr. 29, 2010, <http://www.theglobeandmail.com/life/sugar-mamas-can-be-a-sweet-thrill/article1520644/>.

15. Clearly, not only fathers stay at home. In 1969, 44% of married women with children under fifteen years of age stayed at home; that number decreased to 26% in 2009. ROSE M. KREIDER & DIANA B. ELLIOTT, U.S. CENSUS BUREAU, HISTORICAL CHANGES IN STAY-AT-HOME MOTHERS: 1969 TO 2009, at 7–8 (2010), available at <http://www.census.gov/population/www/socdemo/hh-fam.html>. This Essay focuses on married, presumably heterosexual families only because that family structure is depicted in the two subject news stories. For a discussion of gender and family nonconformity, see Gowri Ramachandran, *Confronting Difference and Finding Common Ground*, 34 SEATTLE U. L. REV 725, 729–31 (2011).

sion. Neither the media nor the government brings clarity to this conundrum.

One might presume that, at a minimum, an at-home parent is one who has given up paid work. That assumption may be wrong. As *Fortune* shows, at-home fathers often keep at least a toe in the labor market by taking part-time consulting or other paid work.¹⁶ Some at-home mothers do as well.¹⁷ In other words, at-home parents, as portrayed by the media, may lack what we assume as the central characteristic of at-home parents: a singular focus on being a (unpaid) caregiver. Are parents who are both primary caregivers and part-time paid workers "at-home parents"? Are they "working parents"? Or are they a type of parent (and therefore part of a type of family) that has yet to be defined?

The normative questions raised by media coverage of at-home parents are also unresolved by the government's definition of "at-home parents." If the media is overinclusive in its definition of at-home parents, the census is exactly the opposite: excluding many parents from the definition of "at-home parent" even though they serve as primary family caregivers. According to the U.S. Census Bureau, an at-home father is a father "not in the labor force" for fifty-two weeks of the prior year and who is "caring for family" while his spouse works.¹⁸ The definition of "not in the labor force" is complex, but it generally means that the father is not working *at all* and is not *looking* for paid work.¹⁹ Some self-defined (and media-defined) "at-home fathers," then, are excluded from

16. Morris, *supra* note 2, at 80. See also ANDREA DOUCET, DO MEN MOTHER? 88 (2006) (discussing at-home fathers' paid and unpaid work); John M. Robertson and Cia Verschelden, *Voluntary Male Homemakers and Female Providers: Reported Experiences and Perceived Social Reactions*, 1 J. MEN'S STUD. 383 (May 1993) (noting that studies of at-home father/breadwinner mother families typically include men who are not at home full-time). Even books for at-home fathers discuss paid work. See, e.g., PETER BAYLIES WITH JESSICA TOONKEL, THE STAY-AT-HOME DAD HANDBOOK 205-06 (2004) (listing "Resources for Running a Home Business"). Working from home while caregiving is not exclusive to fathers. ROBERT KOGER, THE ULTIMATE GUIDE FOR STAY-AT-HOME PARENTS (2008) (discussing paid work from home in a gender-neutral fashion). The census definition ambiguity that plagues the definition of at-home fathers applies to at-home mothers but is likely obscured by the greater number of at-home mothers.

17. Belkin, *supra* note 1, at 44.

18. U.S. CENSUS BUREAU, AMERICA'S FAMILIES AND LIVING ARRANGEMENTS: 2009 tbl.FG8 (2010) [hereinafter AMERICA'S FAMILIES AND LIVING ARRANGEMENTS], available at <http://www.census.gov/population/www/socdemo/hh-fam/cps2009.html>. "Family" includes children only under fifteen years old. *Id.*

19. *Labor Force Statistics from the Current Population Survey: How the Government Measures Unemployment*, BUREAU OF LAB. STAT. (Oct. 16, 2009), http://www.bls.gov/cps/cps_htgm.htm#nilf ("[T]he labor force is made up of the employed and the unemployed. The remainder—those who have no job and are not looking for one—are counted as 'not in the labor force.' Many who are not in the labor force are going to school or are retired. Family responsibilities keep others out of the labor force."). The criteria for at-home mothers and at-home fathers are the same. *Id.*

the census count because (1) they work part-time (e.g., shift work or work on a freelance or contractual basis) or (2) they are seeking paid employment.²⁰ For these reasons, the census definition of “at-home parents” may exclude a significant number of fathers. For example, one survey indicated that 37% of at-home fathers “were in transition between jobs or careers” and were therefore at home temporarily, presumably excluding them from the census definition.²¹ Moreover, depending on how long and how hard a father looks for paid work, he may be excluded from census numbers even if he is serving as the family’s primary caregiver.

Because the definition of “at-home father” is unclear, the real number of at-home fathers is difficult to determine. In 2008 there were 158,000 at-home fathers, as compared with 5.1 million at-home mothers, according to the U.S. Census Bureau.²² Men between forty and forty-four years old represented the highest number of at-home fathers.²³ But we also know that as of 2005, fathers served as primary caretakers for approximately 18% of all children four years old and younger—some two million children—who had an employed mother.²⁴ Unsurprisingly, households with the highest reported incomes had the greatest number of at-home fathers.²⁵ These numbers, again, are based on census data and all of the potential problems that are implied.

Beyond their numbers, it is difficult not to essentialize at-home fathers based on the way they are portrayed in the media: as educationally

20. There are not clear definitions of what type and how much “work” excludes men from being counted by the census as “at-home,” or of the degree of effort to find employment that constitutes “looking for work.” *Id.*

21. DOUCET, *supra* note 16, at 90.

22. AMERICA’S FAMILIES AND LIVING ARRANGEMENTS, *supra* note 18. For the statistics on at-home fathers the year that *Trophy Husbands* was published, see U.S. CENSUS BUREAU, P20-547, U.S. CHILDREN’S LIVING ARRANGEMENTS AND CHARACTERISTICS: MARCH 2002, at 10 (2003) [hereinafter U.S. CHILDREN’S LIVING ARRANGEMENTS], available at <http://www.census.gov/prod/2003pubs/p20-547.pdf> (“[C]hildren who were living with a father who was not in the labor force in order to care for his family, but whose mothers were in the labor force . . . revealed a group of 189,000 children under age 15, about 0.5% of children under 15 living with two parents. This group comprised 105,000 married fathers with children under 15. . . . Stay-at-home mothers represented 5.2 million married mothers with children under 15 in 2002. In summary, children under age 15 living with both parents were 56 times as likely to live with a stay-at-home mother while their father was in the labor force than they were to live with a stay-at-home father while their mother was in the labor force.”).

23. *Id.*

24. These statistics don’t add up: both come from census data, but the second statistic suggests that the number of at-home fathers may be significantly higher than the first statistic suggests. U.S. CENSUS BUREAU, P70-121, WHO’S MINDING THE KIDS? CHILD CARE ARRANGEMENTS: SPRING 2005 tbl.2B (2008), available at <http://www.census.gov/population/www/socdemo/child/pp1-2005.html>.

25. See generally AMERICA’S FAMILIES AND LIVING ARRANGEMENTS, *supra* note 18.

and socioeconomically privileged men.²⁶ For example, *Trophy Husbands* takes pains to emphasize that the at-home fathers featured are high-level professionals married to women executives at companies such as Charles Schwab, J.P. Morgan-Chase, Xerox, Sun, Verizon, and Coca-Cola.²⁷ The women included in *The Opt-Out Revolution* were similarly advantaged. Some attended elite educational institutions, some earned graduate degrees, and some occupied high-status professions; but unlike the wives in *Trophy Husbands*, they left paid work.²⁸

Undoubtedly, however, at-home parenting generally—and at-home fatherhood specifically—is not homogenous. Many at-home-father families fall below the poverty line, are not heterosexual, or have varied cultural and geographic backgrounds—all facts which are often overlooked.²⁹ At-home fathers with fewer financial resources are likely underrepresented in research: for example, they may have greater difficulty participating in research on their family structure or be less connected to the manner in which the research is conducted.³⁰ Still, articles such as *Trophy Husbands* and *The Opt-Out Revolution* portray at-home parenthood as a province exclusively for the wealthy and a product of choice when, in fact, at-home fathers, for example, may be pushed out of paid work by economic realities beyond their control. If the parents in either *Trophy Husbands* or *Opt-Out Revolution* fall outside the privileged work–education–socioeconomic-status triad often depicted in the media, it is not apparent.

26. At-home mothers, too, may be portrayed in a skewed manner. WILLIAMS, *supra* note 9, at 17–21.

27. In fact, the survey presented in the article to show that at-home dads were a trend in certain circles asserted that 30% of women participating in the *Fortune* "Most Powerful Women in Business Survey" had "househusbands." Morris, *supra* note 2, at 80.

28. Belkin, *supra* note 1, at 42, 44.

29. See AMERICA'S FAMILIES AND LIVING ARRANGEMENTS, *supra* note 18; DOUCET, *supra* note 16, at 13 (noting the diversity of the fathers studied); MEN AS CAREGIVERS: THEORY, RESEARCH, AND SERVICE IMPLICATIONS (Betty J. Kramer & Edward H. Thompson, Jr. eds., 2002) (noting the particular challenges facing gay and socioeconomically disadvantaged male caregivers and male caregivers of persons who are physically or mentally ill); Lisa R. Pruitt, *Rural Families and Work-Family Issues*, in SLOAN WORK & FAMILY RESEARCH NETWORK ONLINE ENCYCLOPEDIA (Stephen Sweet & Judi Casey eds., 2008), http://wfnetwork.bc.edu/encyclopedia_entry.php?id=15186&area=All (last visited Feb. 6, 2011) (noting that family structure is affected by geographic location). Gay couples may, in fact, be more likely to have one at-home parent. WILLIAMS, *supra* note 9, at 119–20.

30. Aaron B. Rochlan et. al, *Predictors of Relationship Satisfaction, Psychological Well-Being, and Life Satisfaction Among Stay-at-Home Fathers*, 9 PSYCH. OF MEN & MASCULINITY 17, 26 (2008).

II. (TRUE OR FALSE) CHOICE³¹

“Choice” is a loaded word, as Williams’s writing and research on work-life balance aptly demonstrates, but it can have a positive, empowering connotation. “Pushed,” however, does not. “Pushed” connotes weakness and vulnerability. Perhaps that is why parents who leave their paid employment to be at home (and the media that covers them) use “choice” rhetoric to describe the decision. Nonetheless, at-home fathers, like at-home mothers, may not have made a true choice to leave their out-of-home work. The difference: “trophy husbands” are represented as doing so for the women in their lives, while “opt-out” moms cite the irresistible pull of childrearing. That is all—and that is everything. What at-home fathers do—leave the workplace to support their families at home—should not be noteworthy: women have been doing it for a long time.³² Nevertheless, at-home fathers are presented as subverting the dominant gender role that places women at the center of families and caregiving.³³

The media portrayals of at-home parents in *Trophy Husbands* and *The Opt-Out Revolution* are gendered in this stereotypical manner.³⁴ The career sacrifices of “trophy husbands” are portrayed as altruistic, presumably because of their ostensible rejection of gender roles.³⁵ “Opt-out” moms are presented as being in the classic modern double bind: they si-

31. Comparing two news articles presents several limitations. We are viewing the lives of at-home dads and moms through the filters of the author (and editors) of each article and of the subjects of the articles themselves. Furthermore, the selection of *Trophy Husbands* as the sole *Opt-Out* comparator is subjective. Other *Opt-Out* comparators could have been used instead of or in addition to *Trophy Husbands*, though arguably *Trophy Husbands* was one of the most complete and contemporaneous of those efforts in print media. Even with these limitations, to the extent that these stories reflect and perhaps drive public opinion, such an analysis is fruitful. See WILLIAMS, *supra* note 9, at 40. Moreover, one pre-*Trophy Husbands* study that looked at the portrayal of at-home fathers in television suggests that the *Fortune* article is not an outlier in terms of its presentation of at-home fathers. See, e.g., Mary Douglas Vavrus, *Domesticating Patriarchy: Hegemonic Masculinity and Television’s “Mr. Mom,”* 19 CRITICAL STUD. IN MEDIA COMM. 352, 360 (2002) (decrying one father’s use of the word “choice” to describe his decision to stay at home post-layoff and arguing that the portrayal of at-home fathers on television idealizes male, financially privileged caregivers).

32. See generally KREIDER & ELLIOTT, *supra* note 15 (describing trends in at-home motherhood).

33. See, e.g., Morris, *supra* note 2, at 79 (describing one husband as cooking a “killer beef Wellington”). To this end, many books have been written to help at-home dads transition into their role and to share the experiences of at-home dads. See, e.g., BAYLIES, *supra* note 16; AUSTIN MURPHY, HOW TOUGH COULD IT BE? THE TRIALS AND ERRORS OF A SPORTSWRITER TURNED STAY-AT-HOME DAD (2004); JEREMY ADAM SMITH, THE DADDY SHIFT: HOW STAY-AT-HOME DADS, BREADWINNING MOMS, AND SHARED PARENTING ARE TRANSFORMING THE AMERICAN FAMILY (2009).

34. For an analysis of the power of narrative in shaping the debate surrounding work-family issues, see Nancy Levit, *Reshaping the Narrative Debate*, 34 SEATTLE U. L. REV. 751, 761–64 (2011).

35. See generally Morris, *supra* note 2.

multaneously pontificate on their biologic destiny while dissecting whether their actions belie the achievements of their feminist forbearers.³⁶

Regardless of whether they are "opt-out" mothers or executive wives, women fare poorly in both articles. *Trophy Husbands*, for example, refers back to a prior story that portrayed at-home wives as vapid, lurching, conspicuously consuming socialites who were responsible for keeping "their husbands off Viagra."³⁷ *Trophy Husbands* then compares those seemingly worthless at-home wives to modern "trophy husbands," who valiantly coach, carpool, cook, and manage household finances: "Talk about trophy," it heralds.³⁸ It does not similarly praise the women who work outside the home, supporting their families. And although the article does mention the "bad rap" these women who work in paid labor get as mothers, it still focuses on the plight of at-home fathers, concluding that "it is even more difficult for men" at home.

The men in *Trophy Husbands* also suffer from troublesome representations in their opt-out stories. Though *Trophy Husbands* praises the at-home dad for his household contributions, he is also reduced to being a prize, a possession, strangely reminiscent of those at-home women described in *Fortune* thirteen years prior.³⁹ Scratch ever-so-lightly beneath the surface and one will see that *Trophy Husbands* may not, in fact, show families subverting a dominant gender paradigm: gender roles may be merely swapped, rather than redefined.⁴⁰ Media rhetoric shows this redefinition. As one child of an at-home father said, "My dad has always been my mom."⁴¹ Just look at the photographs of the men in *Trophy Husbands*: the cover features a sneaker-clad, apron-covered dad holding two

36. Compare Morris, *supra* note 2, at 79 ("While their fast-track wives go to work, stay-at-home husbands mind the kids. They deserve a trophy for trading places."), with Belkin, *supra* note 1, at 46 ("I do somehow feel that I let the cause down."). Countless advice books have been written to address women's struggles with work-life balance. See, e.g., KRISTIN MASCHKA, THIS IS NOT HOW I THOUGHT IT WOULD BE: REMODELING MOTHERHOOD TO GET THE LIVES WE WANT TODAY (2009); JULIE SHIELDS, HOW TO AVOID THE MOMMY TRAP: A ROADMAP FOR SHARING PARENTING AND MAKING IT WORK (2002).

37. Morris, *supra* note 2, at 80.

38. *Id.*

39. As a *Baltimore Sun* editorial said, "The [*Fortune*] headline makes it sound as if those husbands stooped to the lowly level of caregiver. What an insult to stay-at-home mothers, and what a messed up message to fathers." Nathan Bierma, *Dad's Turn*, BALT. SUN, June 20, 2004, at 5C, available at http://articles.baltimoresun.com/2004-06-20/news/0406190217_1_pizza-hut-mothers-caregiving.

40. Compare Morris, *supra* note 2, at 98 (asserting that the at-home dad shift is "simultaneously radical and conservative . . . There is a back-to-the-future quality to their domestic relations."), with BENNETTS, *supra* note 13, at 1-31 (2006) (quoting one mom as embracing the "1950s life").

41. Morris, *supra* note 2, at 79 (emphasis added).

young girls, one clutching a baby doll.⁴² Another photograph features a man perched on a couch, folded towels in hand.⁴³ A suit-clad corporate wife smiles at the camera while her husband stares at her longingly, a teddy bear dangling from his hand.⁴⁴ These photographs—with an at-home wife, of course—could have appeared in a 1950s magazine.

It is not surprising, then, that one undercurrent of *Trophy Husbands* is how these men maintain their masculinity while at home.⁴⁵ Sometimes the magazine itself heralds their masculinity. *Fortune* declared that these men “are not wimps.”⁴⁶ To the contrary, the story cites the fact that they left stereotypically masculine careers as scientists, lawyers, executives, and military men to be at home.⁴⁷ And in one case, a wife herself defends the masculinity of her husband. Carly Fiorina, then-chairman and CEO of Hewlett-Packard, says in *Trophy Husbands* that her husband “has been a huge source of support. He had a very successful career and has lots of interests outside of me and my career. He has been a rock for me; I am tremendously lucky. To describe him as a stay-at-home husband is not fair to him.”⁴⁸ In her effort to praise him, she emphasized his life outside the home, rejecting the “at-home” label applied to women for so long.⁴⁹ A rhetorical question follows: how could leaving such fabulous careers—a move that may threaten the very core of their masculinity—not be the product of choice?⁵⁰ Any suggestion otherwise, regardless of its source, could undercut the very notion of a man’s superior position in his family, whether he works at home or in an office. And as the men’s masculinity is preserved, so too is the women’s femininity.⁵¹

Wife or husband, *Trophy Husbands* and *The Opt-Out Revolution* tell the stories of parents who are struggling to make choices that satisfy them personally and professionally and do so in the shadow of unforgiv-

42. *Id.* at front cover.

43. *Id.* at 78.

44. *Id.* at 86.

45. Belkin, *supra* note 1, at 86 (writing that “men are being freed to act like women.”); Morris, *supra* note 2, at 94 (quoting one husband, a former engineer, saying, “It’s taking a while to adjust to this . . . I’ve been programmed all my life to be a provider. I’m becoming a domestic god.”; describing another father who, when his girls want to play Barbie, asks them to play “Barbie with cars.”). For an in-depth discussion of masculinities theory, see generally Ann C. McGinley, *Work, Caregiving, and Masculinities*, 34 SEATTLE U. L. REV. 703 (2011).

46. Morris, *supra* note 2, at 86 (declaring that the wives in the story “are not ball-busters”); *id.* at 90 (recounting one Phi Beta Kappa husband who decided to stay at home being told, “You are one of the smartest men I know. This is a very brave thing for you to do.”).

47. *Id.* at 86.

48. *Id.* at 80.

49. Fiorina’s husband retired early from his position as a vice president at AT&T. *Id.*

50. *Id.* (“Call him what you will: househusband, stay-at-home dad, domestic engineer. But credit him with setting aside his own career by dropping out, retiring early or going part-time . . .”).

51. *Id.* at 86.

ing societal pressures pushing them toward the roles most acceptable for their sex.⁵² And many, arguably, are not choosing to stay at home, but are choosing the least-unacceptable path available to them.⁵³ Just look at what the women and men in *Trophy Husbands* and *Opt-Out Revolution* say about their “chosen” family structure—and what they do not say.

Many “trophy husbands” note their wives’ better earning capacity as a reason for staying at home.⁵⁴ Implicit in these statements is that a wife’s increased earning capacity is dependent on her ability to function as what Williams terms an “ideal worker,” or someone who can work full time (and overtime) with little or no time taken for childbearing or childrearing, and who can move if necessary.⁵⁵ In this respect, men may be pushed out of the workforce for the same reasons women traditionally are pushed out: a family—especially one with children—can support only one ideal worker at a time because of the unrelenting employer expectations that the ideal worker may face.⁵⁶ A “trophy husband,” therefore, may not be able to function as an ideal worker because his wife is taking that role, thus necessitating that one spouse “choose” to leave paid work.⁵⁷

Strikingly, although some of the wives in *Trophy Husbands* noted the necessity of their husbands’ career sacrifices for their own careers to progress, not one of the husbands was quoted specifically on the issue of workplace flexibility or how it influenced their ultimate decision to stay at home. *Trophy Husbands* does not discuss whether the men would have continued working if workplace policies were more family friendly, let alone fully explore whether men have regrets about quitting their jobs. Instead, it portrays these husbands as altruistic, authentic choice makers, suggesting that their choice is largely based not on a (traditionally feminine) care ethic, but on financial considerations.⁵⁸

52. *Fortune* does acknowledge that some men are forced into the role after losing their jobs. *Id.* at 94.

53. Belkin, *supra* note 1, at 85 (“Among women I know, quitting is driven as much from the job-dissatisfaction side as from the pull-to-motherhood side.”).

54. See DOUCET, *supra* note 16, at 216. See generally Morris, *supra* note 2.

55. JOAN WILLIAMS, UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT 1, 5 (2000). Men are also expected to be ideal workers. *Id.* at 25–30; see also CRITTENDEN, *supra* note 5, at 28–44 (detailing the pressures that discourage women from paid work).

56. See WILLIAMS, *supra* note 55, at 1–5.

57. See, e.g., WILLIAMS, *supra* note 9, at 80 (men are forced to choose between being an ideal worker or a “wimpy nurturing father”); Morris, *supra* note 2, at 98 (“I don’t know how people with two full-time, unforgiving careers manage all the small stuff.”).

58. *Fortune* does note that at least one man lost his job, but then tempers that by recasting the man’s decision not to seek reemployment as a choice. Morris, *supra* note 2, at 94.

Unlike the women in *The Opt-Out Revolution*, none of the men in *Fortune* are quoted as saying they chose to stay at home primarily to spend time with their children.⁵⁹ This fact is a striking difference between “trophy husbands” and “opt-out” mothers: mothers opine at length about how the pull of home and children overtook their career ambitions.⁶⁰ Men, it is presented, leave for money—either because they were laid off or because it would be economically advantageous to focus on their wives’ careers.⁶¹ This justification may be a much more palatable reason for a man to proffer, as it does not threaten stereotypical notions of masculinity.⁶² This is not to say that at-home fathers did not leave in part out of a desire to spend time with their family, but that desire may not have been—or at least was not cited as—the motivation for their decision.⁶³ Given that the men do not discuss a paternal pull toward home and their children, if *Fortune*’s representations are accurate, one could presume that some “trophy husbands” were, in fact, pushed out of the labor force because they made the “choice” to support their wives as the family’s ideal worker.

III. IMPLICATIONS FOR WORK-LIFE LAW

As Williams’s work, as well as *Trophy Husbands* and *The Opt-Out Revolution*, demonstrates, men today may play many roles in a family. Some function as ideal workers with a wife at home; others may be “trophy husbands,” at home to support a career-oriented wife. Many are in dual-career families, where both spouses engage in paid work. There are many iterations of family structures, but they share at least one thing in common: the lack of family-supportive law and policy affecting both mothers and fathers.⁶⁴

As Williams notes, men who are in paid employment must function as ideal workers, which constrains them from actively engaging in family

59. “[M]en seem to be less willing than women to acknowledge that they need to leave work for reasons related to family care” WILLIAMS, *supra* note 9, at 57. Compare Belkin, *supra* note 1, at 45, 47, with Morris, *supra* note 2.

60. Belkin, *supra* note 1, at 46–47.

61. See *supra* note 58 and accompanying text.

62. WILLIAMS, *supra* note 9, at 80.

63. Again, this presupposes that the article accurately reflects the motivations of the men at issue, which is a significant assumption. See, e.g., *id.* at 27 (citing the disparity between the media representation of women as being pulled home and a study that suggests pushes were more significant factors).

64. See *id.* at 3–5; WILLIAMS, *supra* note 55, at 3–4, 58–60. See generally JANET C. GORNICK & MARCIA K. MEYERS, *FAMILIES THAT WORK* (2003) (describing necessary improvements in work-family policies and offering comparisons to such policies in Europe).

life.⁶⁵ But, although it was not reflected in *Trophy Husbands*, a substantial percentage of men say they would reject this employment construct if they could. Nearly one-third of men recently surveyed said they would take a reduction in pay to spend more time with their children; 40% of them would consider a pay reduction of 10% or more.⁶⁶

If the story is an accurate reflection of their motivations, *Fortune's* "trophy husbands" left their jobs, at least in part, to facilitate their wives' career growth. As one wife, then the chief financial officer of J.P. Morgan-Chase, said, "[T]here is no doubt in my mind that the extent to which I can do this is because of his willingness to be at home."⁶⁷ But having a financial justification for doing something is not the equivalent of making a free choice. Perhaps "trophy husbands" do deserve kudos for doing what many women have long done: staying at home to support their families. But it is crucial that, amidst the praise, there is acknowledgement that some of these husbands may be examples of workers pushed out of the labor force. Their choices may have been constrained by an employment system in which their wives had to function as ideal workers to excel. In this way, the at-home-father structure is not revolutionary at all. In fact, it merely reflects the continuing lack of family-cognizant policy in the United States.

This brings us to a more controversial issue: media coverage of at-home-father families may actually harm work-family law reform efforts. As the continued attention paid to *The Opt-Out Revolution* shows, presenting women as "choosing" to stay at home, when many had actually been pushed out of paid work, painted a too-rosy view of the options available to mothers and obscured the fact that the structure of the American workplace was not supportive of caregivers.⁶⁸ Media coverage suggesting that men—ostensibly like the women in *The Opt-Out Revolution*—make the "choice" to leave paid work falsely implies that parents can simply opt out of paid work if they want better work-family balance

65. WILLIAMS, *supra* note 9, at 80; Nancy Levit, *Feminism for Men: Legal Ideology and the Construction of Maleness*, 43 UCLA L. REV. 1037, 1073 & n.168 (1996) (citing VICTOR R. FUCHS, *WOMEN'S QUEST FOR ECONOMIC EQUALITY* (1988)) (arguing that market discrimination also affects men and may lessen the likelihood that they will be a primary caretaker, "even if men might prefer a role as the primary childrearer").

66. WILLIAMS, *supra* note 55, at 58–61; *Fewer Working Fathers Willing to Be Stay-At-Home Dads Than Previous Years, Finds CareerBuilder's Annual Father's Day Survey*, CAREERBUILDER.COM (June 17, 2009), http://www.careerbuilder.com/share/aboutus/pressreleasesdetail.aspx?id=pr502&sd=6%2f17%2f2009&ed=12%2f31%2f2009&siteid=cbpr&sc_cmp1=cb_pr502_9. It would be incorrect to assume that all men are, or are willing to be, "trophy husbands." Indeed, research has shown that many men are not pulling their weight at home. CRITTENDEN, *supra* note 5, at 23–27.

67. Morris, *supra* note 2, at 80.

68. WILLIAMS, *supra* note 9, at 12–41.

and that they will suffer no ramifications.⁶⁹ Moreover, even if men's decisions to leave paid work are unconstrained, those men have partners who remain in the workplace, still subject to its constraints. The romanticized portrayal of the fathers in *Fortune* is just that: romantic. For reasons personal, financial, and otherwise, the choice of some men to stay at home is not a tenable solution to the work-family woes of most men, women, or families.⁷⁰

Just look at the issues women with at-home husbands may face, according to the media: the women are deemed bad mothers,⁷¹ their emotional bonds with their spouses and children suffer,⁷² and they feel the pressure of being the primary or sole breadwinner.⁷³ For their part, "trophy" fathers' motivations for caregiving are questioned. Are they potential adulterers, lying in wait to pounce on at-home mothers?⁷⁴ Were they fired?⁷⁵ They may be isolated⁷⁶ or have given up work that they enjoyed. Both at-home husbands and wives still pay a price if they seek to reenter the paid workforce.⁷⁷ Although we cannot and should not overly generalize from the parents in *Trophy Husbands* and *Opt-Out Revolution*, these stories do, at a minimum, suggest that regardless of sex, when a parent leaves the paid work force, we cannot assume it was the product of choice. When media coverage implies otherwise, it presents a false solution to work-family balance issues. It undermines the legal and policy changes that would help all families with working parents by shifting the focus away from needed legal reforms to the exceptional cases of men who stay home.⁷⁸

69. *Id.*

70. The stay-at-home father solution is further undercut by the very fact that women in paid work may make less money than their male counterparts. Jessica Bennett & Jesse Ellison, *Tracking the Wage Gap: In Honor of Equal Pay Day, 12 Sobering Figures About Men, Women, and Work*, NEWSWEEK, Apr. 20, 2010, <http://www.newsweek.com/2010/04/19/tracking-the-wage-gap.html>.

71. Morris, *supra* note 2, at 82.

72. *See id.*

73. *Id.*

74. *Id.* at 90.

75. *Id.* at 82. At least one of the fathers featured was laid off. *Id.* at 94.

76. *Id.* at 82 (saying at-home fathers "must deal with their own demons as they knock around an empty house").

77. Kamba J. Dunham, *Stay-at-Home Dads Fight Stigma: Men Who Parented Full Time Say They Get Third Degree at Interviews*, WALL ST. J., Aug. 26, 2003, at B1, available at <http://online.wsj.com/article/SB106184492170212200.html> (describing employers' off-the-wall reactions to learning that a man was a former at-home father); Williams, *supra* note 10 (citing a study that suggests women who take one year off from paid work lose 20% of their lifetime earnings).

78. For a commentary on the power of the media to influence policy, see generally Levit, *supra* note 34.

As Williams points out, laws protecting parents are weak in the United States.⁷⁹ Family and medical leave remains unpaid.⁸⁰ There is a lack of quality, available, and affordable childcare.⁸¹ Tax policy is fashioned in a manner that may discourage dual earning.⁸² Families lack adequate health coverage.⁸³ Both employers and work-life law fail to recognize that the ideal worker construct is outdated.⁸⁴ Revising laws and policies to better support all families requires us to understand the complex issues behind why workers "choose" to leave the workforce.⁸⁵ Laudatory media accounts glamorizing the decision—whether of men or of women—to leave paid work distract from this important task.

IV. CONCLUSION

"Choice" rhetoric has long distorted the availability of true work-life balance for working mothers. If *Trophy Husbands* is an accurate indicator, the same holds true for fathers. Williams's work shows that the full panoply of family-related laws—employment, health, childcare, tax, and more—must be reformed to address the needs of all families. And it establishes that some parents do not opt out of paid employment, but are pushed out. Williams recognizes the importance of including men and class in work-family law reform. As part of that effort, it is crucial to recognize that the choice of a father to stay at home might not really be a choice at all.⁸⁶

79. See generally WILLIAMS, *supra* note 9. The importance of this undertaking to eliminate sex-based discrimination more generally is underscored by Williams's citation to the call by now-Justice Ruth Bader Ginsburg for congressional action "assuring job security, health insurance coverage, and income maintenance for childrearing women." *Id.* at 116 (quoting Ruth Bader Ginsburg, *Some Thoughts on Benign Classifications in the Context of Sex*, 10 CONN. L. REV. 813, 826 (1978)).

80. *Id.* at 35–36.

81. *Id.* at 36–38.

82. *Id.* at 40.

83. *Id.* at 39–40.

84. *Id.* at 38–39.

85. See *id.* at 209.

86. See generally *id.*; Aaron B. Rochlen & Ryan A. McKelley, *Working Therapeutically With Stay-at-Home Fathers*, in COUNSELING FATHERS 207, 209 (C. Oren & D. Oren eds., 2009); Aaron B. Rochlen, Ryan A. McKelley & Tiffany A. Whittaker, *Stay-at-Home Fathers' Reasons for Entering the Role and Stigma Experiences: A Preliminary Report*, 11 PSYCHOL. OF MEN & MASCULINITY 279, 281 (2010).