
THE “END OF MEN” IS NOT TRUE: WHAT IS NOT AND WHAT MIGHT BE ON THE ROAD TOWARD GENDER EQUALITY

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INTRODUCTION

Hanna Rosin has written that she “hesitate[s] to get drawn into data wars” (and suggested my blog to those readers who have “an appetite for them”).¹ Statistics, however, are not mere technical details, academic in the pejorative sense. They are reflections of reality – numbers that represent characteristics of a sample which, if done right, reflect the population from which the sample is drawn. It is in the broad sense of measuring reality, not the narrow sense of quibbling over details at the *n*th decimal place, that the “end of men” is not true. Rosin’s depiction of reality is not accurate.

While her prominent 2010 article in *The Atlantic*² launched the “end-of-men” phenomenon, it was only later, while watching her TED Talk,³ that I realized the scale of the problem. Many of the facts offered in that talk were either wrong or misinterpreted to exaggerate the looming approach – or arrival

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¹ Hanna Rosin, *Male Decline Is No Myth*, SLATE (Oct. 2, 2012, 5:06 PM), http://www.slate.com/articles/double_x/doublex/2012/10/male_decline_is_no_myth_why_hat_new_york_times_op_ed_has_it_wrong_.html.

² Hanna Rosin, *The End of Men*, ATLANTIC, July/Aug. 2010, at 56.

³ Hanna Rosin, *New Data on the Rise of Women*, TED, http://www.ted.com/talks/hanna_rosin_new_data_on_the_rise_of_women.html (last visited Mar. 1, 2013).

– of female dominance. Since reading her book, *The End of Men: And the Rise of Women*,⁴ I have come to see Rosin’s tendency toward exaggeration and misrepresentation as fundamental to its narrative and crippling to its credibility. Because the anecdotes that comprise the bulk of the text have little weight without the broader context provided by the statistics, the story cannot survive on its colorful illustrations alone. In Part I of this Essay, I debunk the most prominent of Rosin’s erroneous empirical claims.⁵ The book and its surrounding debate, however, have encouraged me to think about framing the current state of gender inequality. I therefore discuss in Part II a few policy approaches to advancing beyond the current stall in progress toward gender equality that require shedding the mistaken “looming-matriarchy” perspective, as well as its less extreme “equality-is-inevitable” cousin.⁶

I. AN EMPIRICAL CRITIQUE OF *THE END OF MEN*

In a *New York Times Magazine* cover story,⁷ Rosin excerpted her then-forthcoming book, posing in the title of her piece the question, “Who Wears the Pants in This Economy?” Rosin profiled married-couple families with unemployed or underemployed men depending on the incomes of wives working in the new economy. Her handful of anecdotes was accompanied by ominous photographs of women as triumphant and resolved while their husbands were defeated shells of their former selves.⁸ The anecdotes are fascinating and well told, but they are also grossly overplayed. In one interview, for example, Rosin reported, “When I talked with Patsy in the family room at their house, she forbade Reuben to come downstairs, because he can sometimes dominate conversations. She quarantined him on the second floor, and I caught glimpses of him carrying a basket of laundry.”⁹

According to Rosin’s account, deindustrialization, the rising importance of education, and the growing service and information sectors of the economy have privileged women’s qualities and reduced the status men – especially

⁴ HANNA ROSIN, *THE END OF MEN: AND THE END OF MEN* (2012).

⁵ I do not deal with Rosin’s chapter on Asia in this Essay. For an excellent review, see Mara Hvistendahl, *Nobody Told Asia About The End of Men*, FOREIGN POL’Y (Sept. 19, 2012),

http://www.foreignpolicy.com/articles/2012/09/19/nobody_told_asia_about_the_end_of_men (critiquing Rosin’s attempt to extend her end of men theory to Asia, where “the ‘end of men’ meme – as well as the data backing it up – is particularly problematic”).

⁶ For a review of stalled progress toward gender equality, see David A. Cotter et al., *The End of the Gender Revolution? Gender Role Attitudes from 1977 to 2008*, 117 AM. J. SOC. 259 (2011), and Paula England, *The Gender Revolution: Uneven and Stalled*, 24 GENDER & SOC’Y 149 (2010).

⁷ Hanna Rosin, *Who Wears the Pants in This Economy?*, N.Y. TIMES, Sept. 2, 2012, (Magazine), at 22.

⁸ *Id.*

⁹ *Id.*

working-class men – formerly gained from a brawn-based economy. According to Rosin, the world faces an encroaching matriarchy. In Alabama, for example, “[i]t’s not hard to imagine a time when the prevailing dynamic in town might be female bosses shutting men out of the only open jobs.”¹⁰ Surely, we may be able to imagine that. But is it too much to first imagine the way things actually are?

A. Education and Employment

In Rosin’s TED Talk she says the majority of “managers” are now women,¹¹ but the image on the slide which flashes by briefly refers to “managerial and professional jobs”¹² – a crucial distinction, since “professionals” includes such female-dominated, non-supervisory occupations as nurses and elementary school teachers, and managers themselves are not majority female.¹³ She also uses phrases such as “[women are] taking control of everything,”¹⁴ and women are “starting to dominate” among “doctors, lawyers, bankers, [and] accountants.”¹⁵ These claims are demonstrably false.¹⁶

She reports in the TED Talk, as in the book, that “young women” earn more than “young men.”¹⁷ That is a misstatement of a statistic, which has been going around for a few years, that in fact refers to single, childless women under thirty living in metropolitan areas and working fulltime and year-round; that is to say, not a category reasonably captured by the general term “young women.” Most important, it excludes wide swaths of workers by age and family status, but includes all races, ethnicities, and education levels. The number was provided by Reach Advisors, a consulting firm that calculated it from the American Community Survey (ACS), the U.S. Census Bureau’s

¹⁰ *Id.*

¹¹ Rosin, *supra* note 3, at 00:50.

¹² *Id.* at 04:21.

¹³ Among managers themselves, women do in fact represent a growing share (although not a majority, and the growth has slowed considerably), but they remain heavily segregated in certain categories of management. See Philip N. Cohen et al., *Stalled Progress? Gender Segregation and Wage Inequality Among Managers, 1980-2000*, 36 WORK & OCCUPATIONS 318, 318 (2009) (finding that “after decreasing in the 1980s, gender segregation among managers rebounded sharply upward in the 1990s”).

¹⁴ Rosin, *supra* note 3, at 00:25.

¹⁵ *Id.* at 00:41.

¹⁶ For example, four percent of Fortune 1000 CEOs are women. See *Women CEOs of the Fortune 1000*, CATALYST (Jan. 1, 2013), <http://www.catalyst.org/publication/271/women-ceos-of-the-fortune-1000>. Among the four occupations listed, lawyers are 31.1% female; accountants/auditors, 60.9%; and physicians/surgeons, 34.3%. See *Household Data, 2011 Annual Averages - Employed Persons by Detailed Occupation, Sex, Race, and Hispanic or Latino Ethnicity*, BUREAU LAB. STAT. (2011), www.bls.gov/cps/cpsaat11.pdf.

¹⁷ Rosin, *supra* note 3, at 04:26.

annual data collection for analysis of local-area demographics.¹⁸ I did not repeat their analysis for every metropolitan area, but at the national level there is a clear pattern that helps explain the finding of women's higher earnings: this group includes a disproportionate share of white women and Latino men.¹⁹ When we compare the earnings by gender and race/ethnicity within this group, we find that women's advantage is apparent only among Latinos. Thus, the large number of Latino men (with relatively low levels of education) and white women (with relatively high levels of education) leads to an apparent earnings advantage for women as a whole.²⁰ Contrary to Rosin's assertions, this does not imply that young, single women in general earn more than the men they encounter in their workplaces. Among that narrow sample of ages twenty-two to thirty, a simple breakdown by education level shows that men earn more at each level.²¹

In Rosin's story, women's educational achievement is the force propelling them upward. The basic statistic anchoring this part of the analysis is that women earn the majority of college degrees, as "women's dominance on college campuses is possibly the strangest and most profound change of the century."²² Further, "it's largely because women dominate colleges that they are taking over the middle class."²³

¹⁸ *About Reach Advisors in the New York Times Sunday Magazine Article*, REACH ADVISORS, <http://www.reachadvisors.com/about-reach-advisors-in-the-new-york-times-sunday-magazine-article> (last visited Mar. 1, 2013) (answering common questions about "data on how the median full-time income for young, single, childless women is higher than that of their male peers").

¹⁹ The analysis used microdata from the 2010 American Community Survey, which can be viewed by accessing Steven Ruggles et al., Univ. of Minn., *Integrated Public Use Microdata Series: Version 5.0 [Machine-Readable Database]*, <https://usa.ipums.org/usa/> (last visited Mar. 1, 2013). For the details of that analysis, with figures illustrating the results, see Philip N. Cohen, *Mystery Solved? Why "Women in their 20s" Earn More*, FAM. INEQUALITY (Sept. 17, 2012), <http://familyinequality.wordpress.com/2012/09/17/why-women-in-their-20s-earn-more/> (finding that fulltime, year-round-employed, never-married, metropolitan-area-dwelling workers between the ages of twenty-two and thirty include 23.7% Latinos among men but only 15.9% Latinas among women, and 59.4% whites among women but only 55.2% whites among men).

²⁰ For the details of that analysis, with figures illustrating the results, see Cohen, *supra* note 19 (finding empirical flaws in claims that "[w]omen in their 20s outearn men in their 20s").

²¹ My calculations for this were presented in Stephanie Coontz, *The Myth of Male Decline*, N.Y TIMES, Sept. 29, 2012, at SR1 ("Among never-married, childless 22- to 30-year-old metropolitan-area workers with the same educational credentials, males out-earn females in every category, according to a reanalysis of census data to be presented [] at Boston University by Philip Cohen.").

²² ROSIN, *supra* note 4, at 149.

²³ *Id.*

As is well known, women surpassed men as the majority of bachelor's-degree earners in the early 1980s, and have marginally increased that advantage to 57%.²⁴ The problem remains gender segregation across fields of study, which has proved high and stubbornly resistant to change.²⁵ Although men still earn the vast majority of degrees in math and computer science, Rosin writes that women are "starting to accelerate" in that area.²⁶ But the percentage of females among those degree holders is around 30% for people ages sixty-five and older – barely lower than the nearly 31% share held by women ages between the ages of twenty-five and thirty-nine – which does not hold out much promise for generational change.²⁷ By Rosin's interpretation, however, women are "beginning to crowd out" men in the fields of engineering and science, where they are 46% of all degree recipients between the ages of twenty-five and thirty-nine.²⁸ This category, however, includes such fields as engineering (still just 20% female) and psychology (75% female), making the overall gender composition beside the point.²⁹

If education is what pulls women upward, it is deindustrialization that pushes men's fortunes downward, multiplying women's occupational opportunities while squeezing men into fewer jobs or out of the labor force altogether. The effects of deindustrialization thus favor women over men. As a statement of post-World War II economic trends, this is not controversial. But there is not much evidence this is still happening, at least to the extent seen around the 1970s.³⁰ Rosin makes frequent references to a set of projections

²⁴ See Table 283: *Degrees Conferred by Degree-Granting Institutions, by Level of Degree and Sex of Student: Selected Years, 1869-70 Through 2020-21*, NAT'L CENTER EDUC. STAT., http://nces.ed.gov/programs/digest/d11/tables/dt11_283.asp (last visited Mar. 16, 2013) (showing annual number of associate's, bachelor's, master's, and doctoral degrees awarded by gender).

²⁵ See England, *supra* note 6, at 154 ("Consistent with the incentives embedded in the ongoing devaluation of female fields, desegregation of fields of college study came from more women going into fields that were predominantly male, not from more men entering 'female' fields.").

²⁶ ROSIN, *supra* note 4, at 150.

²⁷ JULIE SIEBENS & CAMILLE L. RYAN, U.S. CENSUS BUREAU, FIELD OF BACHELOR'S DEGREE IN THE UNITED STATES: 2009, at 5 tbl.2 (2012), available at <http://www.census.gov/prod/2012pubs/acs-18.pdf> (stating that females between the ages of twenty-five and thirty-nine constitute 30.6% of all computers, mathematics, and engineering bachelor's degrees, while females sixty-five and over constitute 29.9% of such degrees).

²⁸ ROSIN, *supra* note 4, at 150.

²⁹ See SIEBENS & RYAN, *supra* note 27, at 5 tbl.2 (stating that females between twenty-five and thirty-nine constitute 20.1% of all engineering bachelor's degrees and 74.9% of all psychology degrees).

³⁰ See Philip Cohen, *Women's Economic Dominance: Is It Really Inevitable?*, ATLANTIC (Oct. 31, 2012, 11:07 AM), <http://www.theatlantic.com/sexes/archive/2012/10/womens-economic-dominance-is-it-really-inevitable/264312/> (arguing that "[t]he ostensibly gender-neutral processes of economic transformation are not the source of women's progress they

from the Bureau of Labor Statistics (BLS), showing that the occupations with the largest expected growth are dominated by women rather than men.³¹ But that description is, it turns out, misleading. In the book, she writes:

The recession merely revealed – and accelerated – a profound economic shift that has been going on for at least 30 years, and in some respects even longer . . . Of the fifteen job categories projected to grow the most in the United States over the next decade, twelve are occupied primarily by women.³²

Critical readers should pause at the phrase, “occupied primarily by women.” Women are nearly half the labor force, so if an occupation is primarily filled by women, how big a difference from the average does that imply? This statement alone clearly does not indicate that the occupational structure is strongly shifting in women’s favor.

The BLS projections include hundreds of occupations, including rapidly growing and female-dominated sectors, such as healthcare support occupations.³³ But that is a small fraction of the labor force, a mere four million workers.³⁴ Much larger is the group of twenty-three million workers in office and administrative support occupations, which are 72% female and projected to grow slowly. In all, those top fifteen occupations Rosin mentioned comprise just 22% of the workforce, and are projected to increase to just 23% in the next decade.³⁵ The growth in these jobs simply does not represent a dominant force for change in the economy as a whole.

The pattern of women’s employment growth being driven by increasing demand in female-dominated occupations actually dissipated decades ago. In 2001, analyzing occupational trends of the twentieth century, researchers David Cotter, Joan Hermsen, and Reeve Vanneman wrote: “Change in the occupational structure is not responsible for the continued growth in women’s labor force participation after 1970. That is, it is not the growth of traditionally

once were”).

³¹ See Margaret Wente, *Plastic Women, Cardboard Men*, GLOBE & MAIL, Sept. 15, 2012, at F11 (“Of the 30 professions projected to add the most jobs over the next decade, women dominate 20.”); Anna Louise Sussman, *Is ‘End of Men’ an Overstatement?*, CHI. TRIB. (Oct. 5, 2012), http://articles.chicagotribune.com/2012-10-05/features/sc-ent-1003-books-end-men-20121005_1_hanna-rosin-women-managerial-jobs (“Rosin . . . points to growth in female-dominated occupational sectors as proof that women are winning the day.”).

³² ROSIN, *supra* note 4, at 4-5.

³³ See Press Release, Bureau of Labor Statistics, Employment Projections – 2010-20, at 1 (Feb. 1, 2012), available at <http://www.bls.gov/news.release/pdf/ecopro.pdf> (projecting “[i]ndustries and occupations related to health care, personal care and social assistance, and construction . . . to have the fastest job growth between 2010 and 2020”).

³⁴ See *id.* at 10 tbl.5 (stating that healthcare support occupations employed 4,190,000 workers in 2010).

³⁵ See *id.* at 11 tbl.6 (detailing the thirty occupations with the largest projected employment growth).

female occupations that is driving the continuing growth in women's labor force participation rates in the 1970s and 1980s.³⁶

Rather than female-dominated occupations growing, it is the *integration* of occupations that has provided the impetus for improvements in women's labor force status; the overall shift toward traditionally female-typed occupations largely ended by the 1970s. The fact that occupational integration has slowed to a crawl since the 1980s thus strongly undermines overall progress.³⁷

Elsewhere, Rosin focuses on industries instead of occupations.³⁸ The "masculine" industries are indeed growing slower than education and health services, which are projected to grow by 33% during the next decade, but BLS projects education and health will only grow from 15% to 17% of the workforce.³⁹ The much-touted shrinking of manufacturing, which was once a major force in transforming the economy, today only affects 8% of workers.⁴⁰ Most of the projected employment growth is in the integrated industries – retail trade, professional, and business services; leisure and hospitality; and government – affecting both men's and women's employment.⁴¹

Overall, women are projected to increase their share of the labor force from 46.7% in 2010 to only 47% in 2020.⁴² It is easy to pitch the narrative of women's rapid advance because readers are used to hearing it, but most have not noticed that women reached 46% of the labor force in 1994, and still have not surpassed 47%.⁴³

³⁶ David Cotter et al., *Women's Work and Working Women: The Demand for Female Labor*, 15 GENDER & SOC'Y 429, 436 (2001).

³⁷ See Philip N. Cohen, *Gender Integration's Lost Decade*, FAM. INEQUALITY (Oct. 24, 2011), <http://familyinequality.wordpress.com/2011/10/24/gender-integrations-lost-decade/> (showing the trends in occupational gender segregation from 1950 to 2010).

³⁸ She describes construction, transportation, and utilities as "fading away." ROSIN, *supra* note 4, at 85. By BLS estimates, however, these industries are projected to grow in the next decade. See Press Release, Bureau of Labor Statistics, *supra* note 33, at 10 tbl.5 (projecting "construction and extraction occupations" to grow by 22.2% and "transportation and material moving occupations" by 14.8% over the next decade).

³⁹ Press Release, Bureau of Labor Statistics, *supra* note 33, at 7 tbl.2, 10 tbl.7 (projecting health care to grow by 33% and education to grow by 15.3% over the next decade, while projecting the healthcare and education share of the work force to rise from 13.7% to 15.9%).

⁴⁰ *Id.* at 7 tbl.2 (finding that manufacturing employed 8.1% of workers in 2010).

⁴¹ *Id.* at 2 (projecting retail trade, professional and business services, leisure and hospitality, and government to be among the highest growth industries between 2010 and 2020).

⁴² *Id.* at 6 tbl.1.

⁴³ BUREAU OF LABOR STATISTICS, INTERNATIONAL COMPARISONS OF ANNUAL LABOR FORCE STATISTICS 12 tbl.9 (2012), available at <http://www.bls.gov/fls/flscomparelf/lfcatalog.pdf> (stating that women's share of the U.S. labor force was 46.6%).

B. Inequality Within Couples

A narrative of men increasingly falling behind their wives, and even staying home with the children – and a “new normal” of dominant women – has emerged in news reporting on family trends.⁴⁴ Yet according to the U.S. Census Bureau, although the proportion of married-couple families in which the father meets strict stay-at-home criteria – out of the labor force for an entire year for reasons of “‘taking care of home and family’”⁴⁵ – doubled in the last decade, it rose only from 0.4% to 0.8% of all such families.⁴⁶ If one includes fathers working part-time, the number rises to 2.8% of married-couple families with children under fifteen. Therefore, statistics do not support the notion of a “new normal.”

The Census Bureau annually publishes a table for all married couples (excepting homogamous couples⁴⁷), showing the relative earnings of husbands and wives. In 2011 wives earned at least \$5000 more in 21% of families, while the opposite was true in 54% of families. At the extremes, 21% of husbands earned \$50,000 or more above their wives’ earnings, an advantage held by just 4% of wives.⁴⁸ Rosin repeatedly says that women are rapidly *becoming* primary earners, breadwinners, pants-wearers, and so on, in their families.⁴⁹ It is absolutely true that the trend is in that direction, but the gap to close remains large.⁵⁰ As Rosin wrote in her *Atlantic* article, “In feminist circles, these social,

⁴⁴ See, e.g., Alex Williams, *Just Wait Until Your Mother Gets Home*, N.Y. TIMES, Aug. 12, 2012, at ST1 (“In the last decade . . . the number of men who have left the work force entirely to raise children has more than doubled . . . ”).

⁴⁵ U.S. CENSUS BUREAU, PARENTS AND CHILDREN IN STAY-AT-HOME PARENT FAMILY GROUPS: 1994 TO PRESENT (2011), available at <http://census.gov/population/socdemo/hh-fam/shp1.xls>.

⁴⁶ A *New York Times* article reports that there are 176,000 stay-at-home fathers in married-couple families, which represents 0.8% of the 21,689,000 married-couple families with children under age fifteen in this census report. Williams, *supra* note 44; see also U.S. CENSUS BUREAU, *supra* note 45. According to the *New York Times* article, the Census Bureau provided them with the number 626,000 for the number of part-time stay-at-home dads, which represents 2.8% of those 21,689,000 families. Williams, *supra* note 44.

⁴⁷ See Philip N. Cohen, *Homogamy Unmodified*, 3 J. FAM. THEORY & REV. 47, 47 (2011) (“I suggest that two existing terms – homogamy and heterogamy – be repurposed to signify same-sex and opposite-sex unions respectively, thus permitting balanced labeling of union types.”).

⁴⁸ These figures are my adaptation of U.S. CENSUS BUREAU, TABLE FG4: MARRIED COUPLE FAMILY GROUPS, BY PRESENCE OF OWN CHILDREN IN SPECIFIC AGE GROUPS, AND AGE, EARNINGS, EDUCATION, AND RACE AND HISPANIC ORIGIN OF BOTH SPOUSES: 2011 (2011), available at <http://www.census.gov/hhes/families/files/cps2011/tabcg4-all.xls>.

⁴⁹ See, e.g., Rosin, *supra* note 3, at 04:26 (asserting that young women now earn more than young men).

⁵⁰ Similarly, the Earth is heading toward being devoured by the Sun, but the details are still to be worked out. See David Appell, *The Sun Will Eventually Engulf Earth – Maybe*, SCI. AM. (Sept. 8, 2008), <http://www.scientificamerican.com/article.cfm?id=the-sun>

political, and economic changes are always cast as a slow, arduous form of catch-up in a continuing struggle for female equality.”⁵¹ Empirically, the “feminist circles” are right – they just don’t share Rosin’s imaginative interpretation.

Rosin believes that women’s rising earning power is fundamentally altering relationships within marriage.⁵² It is true that earning power and earning potential affect the structure of marriage, including the division of housework⁵³ and decisions about job relocations.⁵⁴ In the world that Rosin imagines, in which women’s earning power is almost or already greater than that of their husbands, however, the challenge for women is to improve their within-couple expectations rather than reshape careers and workplaces. Thus, she writes:

This is an economy where single childless women under thirty make more money than single childless men. This means that among the elite, who tend to marry later, there is a high chance that the woman is making more than the man when they first get married. Women can learn to let that early start set the rhythm of the marriage and to resist the impulse to defer.⁵⁵

That may be sound advice, but the extent to which we rely on such impulse control – rather than, for example, employer practices and the laws that govern them – depends on what that “high chance” that women outearn their husbands actually is. Among people who married for the first time in the previous twelve months, 28% of the women had higher incomes than their husbands, a number that rose to 36% among women with a bachelor’s degree or more education.⁵⁶ That may reflect a higher chance than women in previous generations had of starting a marriage with a greater share of income than that of their husbands, but it is far from universal or even normative. For women who marry a man who also has a bachelor’s or higher degree, the percentage earning more than

will-eventually-engulf-earth-maybe.

⁵¹ Rosin, *supra* note 2, at 60.

⁵² See, e.g., *id.* (discussing how “[d]ozens of college women” whom Rosin interviewed “assumed that they very well might be the ones working while their husbands stayed at home”).

⁵³ Sanjiv Gupta, *Autonomy, Dependence, or Display? The Relationship Between Married Women’s Earnings and Housework*, 69 J. MARRIAGE & FAM. 399, 399-400 (2007) (arguing that there is a strong relationship between women’s autonomous earnings and their share of housework).

⁵⁴ Claudia Geist & Patricia A. McManus, *Different Reasons, Different Results: Implications of Migration by Gender and Family Status*, 49 DEMOGRAPHY 197, 197 (2011) (arguing that achieving “[e]qual breadwinner status may protect women from becoming tied movers”).

⁵⁵ ROSIN, *supra* note 4, at 220.

⁵⁶ The author’s analysis of this data is on file with the *Boston University Law Review* and is available at bu.edu/bulawreview as Philip Cohen, *Online Appendix I* (under Volume 93, Number 3 (May 2013)).

their husbands is lower, at 31%.⁵⁷ Further, because of persistent marital endogamy, the vast majority of people marry on the same side of the college/non-college divide.⁵⁸ Among married women between the ages twenty-five and thirty-four with a college degree, only 35% have married a man with less than a college education, and that number has not changed since 1990.⁵⁹

Finally, to measure the changing nature of power within families we might consider a quaint indicator of gender dominance: family names. As of 2004, only 6% of married women had a surname that differed from that of their husbands.⁶⁰ Among those under thirty – the demographic wedge of future change – the figure is 9%.⁶¹ This seems normal, traditional, and not remarkable to modern-day Americans, but to an anthropologist from a distant land, this indicator of patrilineal descent would be a defining characteristic of American patriarchal family structure.

C. Women's Power

According to Rosin, the growing economic advantages women enjoy have given them a newfound social dominance outside of families as well, reversing millennia of patriarchy. As one of her laid-off male informants in Alexander City, Alabama, reportedly told her, "Suddenly, it's us who are relying on the women. Suddenly, we got the women in control."⁶² She quotes a local Southern Baptist leader as saying, "The real issue here is not the end of men, but the disappearance of manhood."⁶³ This rising female dominance is the core the "end-of-men" myth.

Alexander City is a small town devastated by the shrinking manufacturing sector, especially the departure of Russell Corporation, an athletic-wear maker.⁶⁴ To that description Rosin adds ominously, "This year, Alexander City

⁵⁷ See *supra* note 56.

⁵⁸ See Stephanie Coontz, Op-Ed., *The M.R.S. and the Ph.D.*, N.Y. TIMES, Feb. 12, 2012, at SR1 ("Almost 30 percent of wives today have more education than their husbands, while less than 20 percent of husbands have more education than their wives . . .").

⁵⁹ The author's analysis of this data is on file with the *Boston University Law Review* and is available at bu.edu/bulawreview as Philip Cohen, *Online Appendix II* (under Volume 93, Number 3 (May 2013)).

⁶⁰ Gretchen E. Gooding & Rose M. Kreider, *Women's Marital Naming Choices in a Nationally Representative Sample*, 31 J. FAM. ISSUES 681, 690 (2010) ("There were 3.1 million married women who used a different surname than their husbands, comprising 6.4% of all native-born married women.").

⁶¹ *Id.* at 693 ("9.0% of those under 30 used a different surname than their husbands.").

⁶² ROSIN, *supra* note 4, at 84.

⁶³ *Id.* at 97.

⁶⁴ 10 INTERNATIONAL DIRECTORY OF COMPANY HISTORIES 399, 401 (Jay P. Pederson ed., 2000) (discussing Russell's decisions between 1998 and 1999 to eliminate 4000 jobs, close twenty-five plants, move most of its final assembly to Central America and the Caribbean,

had its first female mayor.”⁶⁵ But what is the model of power behind such a portrayal? A laid-off man’s bitter outburst, a conservative Christian’s apocalyptic pronouncement, a woman as mayor, an economic shift disproportionately affecting men – is this what makes women dominant over men? Is this what makes a matriarchy?

To see the limited nature of these isolated indicators, consider several facts. To begin with, Alexander City mayor Barbara Young was actually first elected in 2004,⁶⁶ and then re-elected in 2008 with 85% of the vote⁶⁷ – clearly not a recent takeover of the city’s political power structure by women. The city council also included five men and one woman in 2012.⁶⁸ All five contenders to replace Mayor Young in 2012 were men,⁶⁹ including the winner, Charles Shaw.⁷⁰ In the city government, moreover, just one of the fourteen department heads featured on the city’s website in fall 2012 was a woman – the manager of the Senior Nutrition Program.⁷¹ Far from a matriarchy, this seems like a normal level of male domination in American politics.

Alexander City undoubtedly is a poor place, and men’s earnings are especially low. Forty-three percent of men who work fulltime all year earn less than \$30,000, compared with just 24% nationally.⁷² And there are, in fact,

and to open a second headquarters in Atlanta in order to “make marketing more convenient and to aid in recruiting efforts, particularly of marketing aces who did not relish the idea of living in the small town of Alexander City”).

⁶⁵ ROSIN, *supra* note 4, at 84. This detail is so riveting that Katie Roiphe repeated it in her review, *Is This the End of Men?*, FIN. TIMES (Oct. 5, 2012, 7:07 PM), <http://www.ft.com/intl/cms/s/2/e3e2482a-0cea-11e2-a73c-00144feabdc0.html>. In paraphrasing Rosin’s passage, however, Roiphe made the understandable error of assuming Mayor Young was elected in that year.

⁶⁶ *Breaking News: Young Wins Mayor’s Race*, ALEXCITYOUTLOOK.COM (Sept. 14, 2004, 12:00 AM), <http://www.alexcityoutlook.com/2004/09/14/breaking-news-young-wins-mayors-race/> (“For the first time in the history of the city, Alexander City will have a female mayor. Barbara Young defeated incumbent Don McClellan 2,045 to 1,989 in Tuesday’s municipal run-off election.”).

⁶⁷ *Political Winds Change*, ALEXCITYOUTLOOK.COM (Dec. 26, 2008, 12:00 AM), <http://www.alexcityoutlook.com/2008/12/26/political-winds-change/>.

⁶⁸ *City Council*, ALEXANDER CITY, <http://www.alexandercityonline.com/council.html> (last visited Mar. 2, 2013) (showing that the only female member elected to city council was Sherry Ellison-Simpson).

⁶⁹ Virginia Spears, *Shaw, Lamborne to Face Off Oct. 9*, ALEXCITYOUTLOOK.COM (Aug. 29, 2012, 10:27 AM), <http://www.alexcityoutlook.com/2012/08/29/shaw-lamborne-to-face-off-oct-9/>.

⁷⁰ Austin Nelson, *City Elects Shaw as Mayor*, ALEXCITYOUTLOOK.COM (Oct. 10, 2012, 12:13 PM), <http://www.alexcityoutlook.com/2012/10/10/city-elects-shaw-as-mayor/>.

⁷¹ See *Senior Nutrition Program*, ALEXANDER CITY, <http://www.alexandercityonline.com/senior.html> (last visited Feb. 18, 2013) (listing Janice Taylor, head of the Senior Nutrition Program, who was the only female department head).

⁷² See Table B19325: *Sex by Work Experience in the Past 12 Months by Income in the*

more women than men with jobs in the \$30,000-to-\$50,000 earnings range.⁷³ But at the top of Alexander City's economic hierarchy, 70% of the people earning more than \$75,000 are men (which is where 15% of men are, compared with 7% of women).⁷⁴ Men's fulltime year-round median earnings are about \$5,000 more than women's earnings.⁷⁵

Rosin especially highlights the economic plight of young men with low levels of education, belaboring out an anecdote about a couple in which the woman works two jobs while attending nursing school to support her deadbeat boyfriend and their son.⁷⁶ According to Rosin, this man's situation is so common that when he does the family's shopping, all he sees are "aisles and aisles of dudes" at the store.⁷⁷ But in Alexander City, 77% of the twenty-something men are employed, compared with only 53% of women.⁷⁸ In fact, the employment rate is higher for men at all ages, and the employed labor force overall is 53% male.⁷⁹

Down the road from Alexander City, meanwhile, Auburn, Alabama, is Rosin's flipside, representing the successful response to the "rise of women." She writes, "Auburn has become the region's one economic powerhouse by turning itself into a town dominated by women."⁸⁰ Again, the claim of women's "domination" is very strong, but what is the evidence?

Rosin starts with the relative income of young women, reporting that in the Auburn-Opelika metropolitan area, "it turns out that the median income of the women there is about 140 percent of the median income of the men."⁸¹ Although she mentions that the source for this data is the Reach Advisors analysis, she does not clarify that "young women" and "young men" here again

Past 12 Months (In 2010 Inflation-Adjusted Dollars) for the Population 15 Years and Over,
U.S. CENSUS BUREAU,
http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_10_5YR_B19325&prodType=table (detailing income estimates for the 2006-to-2010 period for residents of Alexander City, Alabama).

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ See ROSIN, *supra* note 4, at 103-05 ("Shannon works a part-time shift at the Walmart so she can go to school and study nursing at the local community college in the late afternoon and evenings. To make the rest of the income they need, she works as an exotic dancer in Birmingham, where she can sometimes bring home \$250 a night.").

⁷⁷ *Id.*

⁷⁸ See Table B23001: *Sex by Age by Employment Status for the Population 16 Years and Over,* U.S. CENSUS BUREAU,
http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_10_5YR_B23001&prodType=table (providing estimates for the 2006-to-2010 period for the employment status of residents of Alexander City, Alabama).

⁷⁹ *Id.*

⁸⁰ ROSIN, *supra* note 4, at 106.

⁸¹ *Id.* at 107.

refer only to single, childless, fulltime and full-year employed workers between the ages of twenty-two and thirty.⁸² She describes Auburn as a "perfect reflection of the modern, feminized economy: a combination of university, service, government jobs, with a small share in manufacturing."⁸³ But after that, the story relies mainly on anecdotes, such as one about a woman who "works in the female-dominated economic development department" (which is actually directed by a man⁸⁴), and her "three best girlfriends[,] . . . a consultant, a lawyer, and an engineer."⁸⁵

To consider some other indicators for Auburn, I checked the mayor's gender (male) and the composition of the city council (100% male),⁸⁶ the city government's department heads (80% male),⁸⁷ and the top leadership of Auburn University (the President, Provost, and Executive Vice Provost are all male, and the board of trustees is 86% male).⁸⁸ For labor force indicators, Auburn city has a workforce that is 54% male, with women on average earning 71% of men's earnings, men filling 70% of management occupations, and male managers earning on average 36% more than female managers.⁸⁹ And within married couples (with wives between the ages of twenty and fifty-four), the total percentage of families in which the wife earns more than 50% of family income reaches only 20%, little different from the national rate.⁹⁰

⁸² See *supra* note 18 and accompanying text.

⁸³ ROSIN, *supra* note 4, at 108.

⁸⁴ As of this writing the director is listed as T. Phillip Dunlap. See *Economic Development*, CITY OF AUBURN, <http://www.auburnalabama.org/ed/Default.aspx?PageID=49> (last visited Apr. 1, 2013).

⁸⁵ ROSIN, *supra* note 4, at 108.

⁸⁶ City Council Members, CITY OF AUBURN, <http://www.auburnalabama.org/cc/Default.aspx?PageID=145> (last visited Feb. 18, 2013). Auburn's only female city council member (Sheila Eckman, Ward 2) retired in November 2012 and was replaced by a male (Ron Anders, Jr.), leaving the city council with complete male gender homogeneity. See Press Release, City of Auburn, Ron Anders Appointed Ward 2 Councilperson (Nov. 7, 2012), available at <http://www.auburnalabama.org/PressRelease.aspx?PRID=762>.

⁸⁷ Office of the City Manager, CITY OF AUBURN, <http://www.auburnalabama.org/Default.aspx?PageID=530> (last visited Feb. 18, 2013) (listing Penny Smith (Finance Department) and Rebecca Richardson (Parks and Recreation) as the only female Auburn department heads).

⁸⁸ Board of Trustees, AUBURN U., <http://www.auburn.edu/administration/trustees> (last visited Feb. 18, 2013) (listing two women out of fourteen trustees on the Board).

⁸⁹ See Table S2401: Occupation by Sex and Median Earnings in the Past 12 Months (in 2010 Inflation-Adjusted Dollars) for the Civilian Employed Population 16 Years and Over, U.S. CENSUS BUREAU, http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_10_5YR_S2401&prodType=table (detailing employment estimates for residents of Auburn City, Alabama between 2006 and 2010).

⁹⁰ For the details of that analysis, with figures illustrating the results, see Philip N.

In short, I find no indicators of anything approaching equality between men and women in Alexander City or Auburn, Alabama, and even less suggesting systematic domination by women. There may be interesting or important stories to tell about those families or organizations affected by the declining fortunes of men displaced from the manufacturing industry, but the story of female domination is false.

D. *Gender and Violence*

In addition to the domination of Southern cities and families, Rosin also presents a theory that, because of women's increased economic power, they no longer are trapped in bad relationships and thus have "the new power . . . to ward off men if they want to."⁹¹ In turn, she claims, women are committing more violence themselves.⁹² The evidence does not support her inflated claims, although there certainly has been a decline in sexual violence in the United States.⁹³ Rosin writes:

One of the great crime stories of the last twenty years is the dramatic decline of sexual assault. Rates are so low in parts of the country – for white women especially – that criminologists can't plot the numbers on a chart.⁹⁴ 'Women in much of America might as well be living in Sweden,⁹⁵ they're so safe,' says criminologist Mike Males.⁹⁶

Cohen, *Hanna Rosin Reality Check, Part Whatever*, FAM. INEQUALITY (Sept. 1, 2012), <http://familyinequality.wordpress.com/2012/09/01/hanna-rosin-reality-check-part-whatever/>.

⁹¹ ROSIN, *supra* note 4, at 19.

⁹² *Id.* at 176 ("The great crime wave of the mid-nineties was finally coming to an end. Rates of all violent crimes were plummeting – that is, violent crime committed by men. In fact, rates of arrests overall for men, especially juveniles, were at an all-time low. But arrests for women were moving in the opposite direction. The share of women arrested for violent crimes rose from 11 percent in 1990 to 18 percent in 2008.").

⁹³ *Id.* at 19-20 (reporting a "dramatic decline of sexual assault" and attributing that decline to "women's recent economic success").

⁹⁴ The claim that sexual assault is "so low" it can't be plotted, although nonsensical, jumps off the page into other media outlets. Thus, it was paraphrased in *Esquire*: "In parts of the United States, rapes have declined to such a low number that they can't be charted." Stephen Marche, *The Contempt of Women: The Rise of Men. And the Whining of Girls*, ESQUIRE, Sept. 2012, at 108, 110.

⁹⁵ That is an ironic reference, because Sweden actually has a very high (for Europe) rate of reported rape, which has been attributed to its broad definition and aggressive attempts at prosecution and data collection. See Louise Loftus, *E.U. Rape Data Pose Complex Challenge*, INT'L HERALD TRIB., Oct. 25, 2011, at 10 ("Sweden, ranked fourth out of 134 countries in terms of gender equality in the World Economic Forum's 2010 gender gap report . . . was also ranked fourth in the number of rape convictions per 100,000 in 2006. But without additional information, it is not possible to explain this as an acute problem in Sweden or a result of better legislation, reporting, and prosecuting.").

⁹⁶ ROSIN, *supra* note 4, at 19-20 (footnotes added).

Rape is difficult to measure, partly because of conflicting definitions and reporting problems, but the numbers are consistent enough from different sources to support the conclusion that rape in the United States has become less common in the last several decades, along with violent crime in general.⁹⁷ This is good news. The rate of reported "forcible rape" of women as defined by the FBI's crime reporting system, the Uniform Crime Reports, fell about 25% in the 1990s, and another 14% in the 2000s.⁹⁸

To put the U.S. rape rates in perspective, consider that the lowest rate in any state is 11.2 per 100,000 inhabitants in New Jersey, while the highest is 75 in Alaska.⁹⁹ For 360 metropolitan areas, the rate of forcible rape reported was 31.5 per 100,000.¹⁰⁰ Except for Carson City, Nevada, no place had a rate lower than 5.1.¹⁰¹ Not only are these numbers not too low to plot on a chart, but they are not low at all by the international standards of wealthy countries.¹⁰² Among forty-two European countries in 2007, the median rate of sexual assault was just 4 per 100,000, which is lower than every U.S. metropolitan area but one.¹⁰³

⁹⁷ *Id.* at 19-20; 176.

⁹⁸ *Crime in the United States Table 1: Volume and Rate per 100,000 Inhabitants, 1991-2010*, FBI, <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s./2010/crime-in-the-u.s.-2010/tables/10tbl01.xls> (last visited Feb. 18, 2013) (reporting that forcible rape fell from a rate of 42.3 per 100,000 in 1991 to a rate of 32.0 in 2000, and fell again to a rate of 27.5 in 2010). The FBI defined forcible rape as "the carnal knowledge of a female forcibly and against her will. Attempts or assaults to commit rape by force or threat of force are also included; statutory rape (without force) and other sex offenses, however, are excluded." FBI, CRIME IN THE UNITED STATES: FORCIBLE RAPE 1 (2011), available at <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s./2010/crime-in-the-u.s.-2010/violent-crime/rapemain.pdf>. That definition is in the process of being changed to include oral and anal penetration, as well as male victims, but data based on those changes are not yet being reported. Charlie Savage, *U.S. to Expand Its Definition of Rape in Statistics*, N.Y. TIMES, Jan. 6, 2012, at A11.

⁹⁹ *Crime in the United States Table 5: By State, 2010*, FBI, <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s./2010/crime-in-the-u.s.-2010/tables/10tbl05.xls> (last visited Mar. 2, 2013).

¹⁰⁰ See *Crime in the United States Table 6: By Metropolitan Statistical Area, 2010*, FBI, <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s./2010/crime-in-the-u.s.-2010/tables/table-6/output.xls> (last visited Mar. 2, 2013) (reporting the rate of forcible rape in various metropolitan areas).

¹⁰¹ *Id.*

¹⁰² See EUROPEAN SOURCEBOOK OF CRIME AND CRIMINAL JUSTICE STATISTICS – 2010, at 47 (4th ed. 2010) (reporting the median number of sexual assault offenses across forty-two European countries).

¹⁰³ *Id.* Carson City, Nevada, is the only U.S. metropolitan area with a lower rate of sexual assault, having a rate of only 1.8 per 100,000 inhabitants. *Crime in the United States Table 6: By Metropolitan Statistical Area, 2010*, *supra* note 100.

On September 14, 2012, Hanna Rosin was a guest on the radio show *To the Point*, and the host asked her, “Are [women] superior?”¹⁰⁴ She answered:

No. In fact, one thing I explicitly avoid in the book is this idea from Steven Pinker and others, that when women take over the world the world becomes a wonderful place, which is why I explicitly put in a chapter about violence, just to sort of make people understand that it’s not that women are wonderful and better [P]ower has an effect on women like it has an effect on men.¹⁰⁵

Rosin’s theory that women are becoming more violent mirrors her explanation for why women are experiencing a decline in violent victimization: they are growing more powerful.¹⁰⁶ She quotes approvingly novelist Patricia Cornwell’s speculation: ““The more women appropriate power, the more their behavior will mimic that of other powerful people.””¹⁰⁷ She offers this description: “At the start of the aughts, criminologists began to notice something curious about the crime trends. The great crime wave of the mid-nineties was finally coming to an end. Rates of all violent crimes were plummeting – that is, violent crime committed by men.”¹⁰⁸

The evidence for an upward trend in violence by women turns out to be only from juvenile arrest rates. Using a report on the trend from 1992 to 2003, for example, Rosin describes the increase in juvenile assault arrests for girls, which rose in the 1990s and fell in the 2000s, but remain higher than they were in 1980.¹⁰⁹ Rosin writes, “Women were by no means catching up to men, but they were fast closing the gap.”¹¹⁰ Indeed, the male rate fell from roughly eight times to about four times the female rate.¹¹¹ But arrest rates are slippery, since they reflect both violence and selective police responses. Consider that, within the overall rate of violent crime arrests, the rate of homicide arrests against

¹⁰⁴ *To the Point: Anti-American Protests; The ‘End of Men’* (KCRW radio broadcast Sept. 14, 2012), available at http://www.kcrw.com/news/programs/tp/tp120914anti-american_protes.

¹⁰⁵ *Id.* at 30:30.

¹⁰⁶ See ROSIN, *supra* note 4, at 176 (suggesting a positive correlation between the accumulation of power by women generally and violence perpetrated by women).

¹⁰⁷ ROSIN, *supra* note 4, at 176 (quoting Sam Tanenhaus, *Violence That Art Didn’t See Coming*, N.Y. TIMES, Feb. 24, 2010, at AR 1). Cornwell’s comments were made in reaction to the case of Amy Bishop, a scientist who shot six colleagues. Tanenhaus, *supra*.

¹⁰⁸ ROSIN, *supra* note 4, at 176.

¹⁰⁹ *Id.* (“Juvenile girls were showing remarkable increases. Between 1992 and 2003, arrests of girls for assault climbed an astonishing 40.9 percent, while for boys arrests climbed only 4.3 percent, according to FBI numbers.”); see also HOWARD N. SNYDER, BUREAU OF JUSTICE STATISTICS, ARREST IN THE UNITED STATES, 1980-2009, at 3-13 (2011), <http://www.bjs.gov/content/pub/pdf/aus8009.pdf> (indicating that arrest rates for men and women converged for several crimes during the thirty year period at issue).

¹¹⁰ ROSIN, *supra* note 4, at 176.

¹¹¹ SNYDER, *supra* note 109, at 1.

female juveniles fell from around 1.0 per 100,000 in the early 1980s to about 0.5 in the late 2000s.¹¹²

Further, it is not clear why juvenile violence is relevant for Rosin's theory. Looking at violence by adult women, the results are quite different. The National Crime Victimization Surveys show a drop in the number of women as violent offenders since the late 1990s, falling from more than ten crimes per 100,000 women to less than six.¹¹³ According to FBI reports of homicide offenders, the number of male offenders was about the same in 2005 as it was thirty years earlier, but the number of women committing murder fell by more than 40%.¹¹⁴ As a result, the percentage of murders committed by women has fallen from approximately 15% to approximately 10%.¹¹⁵ Finally, homicide for intimate partners shows dramatic and clear trends: from 1975 to 2005, the number of men murdered by intimates dropped by 75%, compared with a 25% drop in the number of women murdered by intimates.¹¹⁶

Women's violence is on the decline – it is not rising, as Rosin both says explicitly and implies. Even if the juvenile arrest rates reflect violence trends instead of just policing, those have also been falling since the early 1990s. In any event, those rates probably have little to do with women's increasing economic power.¹¹⁷

So far, these claims go in the categories of exaggeration, ignoring existing evidence, and reading too much into too little evidence. But Rosin's book does worse than that. Writer Ally Fogg points out a case in which Rosin states as evidence for her argument research that actually supports an opposite

¹¹² *Juvenile Arrest Rate Trends*, OFF. JUV. JUST. & DELINQUENCY PREVENTION, http://www.ojjdp.gov/ojstatbb/crime/JAR_Display.asp?ID=qa05232&text=yes (last visited Feb. 18, 2013) (indicating the decline in arrests of female juveniles from 0.9 per 100,000 females in 1980 to 0.6 per 100,000 females in 2010).

¹¹³ *Criminal Victimization in the United States Table 38: Percent Distribution of Single-Offender Victimization, by Type of Crime and Perceived Gender of Offender, 1996-2007*, BUREAU JUST. STAT., <http://www.bjs.gov/content/pub/pdf/cvus/previous/cvus38.pdf> (last visited Mar. 2, 2013).

¹¹⁴ James Alan Fox & Marianne W. Zawitz, *Homicide Trends in the United States, 1976-2005*, BUREAU JUST. STAT. 54, <http://bjs.ojp.usdoj.gov/content/pub/pdf/htius.pdf> (last visited Mar. 2, 2013) (reporting that 3295 women committed homicide in 1976, while 1826 women committed homicide in 2005).

¹¹⁵ *Id.* (reporting that in 1976, 3295 women committed homicide and 17,057 men committed homicide, while in 2005, 1826 women committed homicide and 17,301 men committed homicide).

¹¹⁶ *Id.* at 90 (reporting that in 1976, 1304 men were victims of intimate homicide and 1587 women were victims of intimate homicide, while in 2005, 329 men were victims of intimate homicide and 1181 women were victims of intimate homicide).

¹¹⁷ *Juvenile Arrest Rate Trends*, *supra* note 112 (indicating a decline in arrests of female juveniles for murder).

conclusion.¹¹⁸ Regarding women's arrest rates, Rosin writes that "[a] recent British study showed the women were three times more likely to be arrested for domestic violence, and far more likely to use a weapon."¹¹⁹ Here is the relevant passage in the study to which she refers, with emphasis added:

As might be expected from the nature and severity of the domestic violence incidents, *there were more arrests overall of men than of women . . .* Nonetheless, women were arrested to a disproportionate degree *given the fewer incidents where they were perpetrators.* Women were three times more likely to be arrested.¹²⁰

This is not a case of just leaving out the context. The study's finding is the opposite of what Rosin implied, which was that women commit more domestic violence.¹²¹ In fact, domestic violence that rises to the level of physical harm is overwhelmingly perpetrated by men.¹²² For the United States, the Bureau of Justice Statistics reports that men experience just 17% of all nonfatal intimate-partner violence.¹²³ Overall, women commit 10% of stranger violence, 16% of all nonfamily violence, 23% of all family violence, 24% of violence among friends or acquaintances, and 16% of violence between

¹¹⁸ See Ally Fogg, *Has the Worm Really Turned? Reflections on the End of Men, Part 1*, HETERONORMATIVE PATRIARCHY FOR MEN (Oct. 1, 2012), <http://hetpat.wordpress.com/2012/10/01/has-the-worm-really-turned-reflections-on-the-end-of-men-part-1/> ("In the chapter on the supposed increase in female violence and aggression, Rosin states baldly that: 'A recent British study found that women were three times more likely to be arrested for domestic violence [than men].' . . . I recognised the study she references – it found that where a woman is identified as the primary offender in an incident, her chances of being arrested are three times higher. That tells you something about arresting policies of police officers, but literally nothing nothing [sic] about the prevalence of female violence. (Actually, it's a bit more complicated than that, but never mind). In truth the study found that nine men are arrested for every one woman. When you know that so many claims in the book are unreliable, it becomes very difficult to trust anything Rosin says. That is frustrating, because had the research and statistics been reported accurately, the issues she wants to address would have been no less compelling." (alteration in original) (quoting ROSIN, *supra* note 4, at 183)).

¹¹⁹ ROSIN, *supra* note 4, at 183.

¹²⁰ MARIANNE HESTER, VIOLENCE AGAINST WOMEN RESEARCH GRP., UNIV. OF BRISTOL, WHO DOES WHAT TO WHOM? GENDER AND DOMESTIC VIOLENCE PERPETRATORS 9 (2009), available at <http://www.nr-foundation.org.uk/wp-content/uploads/2011/07/Who-Does-What-to-Whom.pdf>.

¹²¹ *Id.* at 2 ("In previous research involving the North East of England the vast majority of domestic violence perpetrators recorded by the police were found to be men (92%) and their victims mainly female (91%).").

¹²² See *id.* at 9-10.

¹²³ *Intimate Partner Violence in the U.S.: Circumstances*, BUREAU JUST. STAT., <http://bjs.ojp.usdoj.gov/content/intimate/circumstances.cfm> (last visited Feb. 18, 2013) (reporting average annual incidents of intimate partner violence in the United States).

boyfriends and girlfriends.¹²⁴ The improved economic status of women does not seem to have increased their contribution to violence much.

E. Women on Top

Rosin acknowledges that "the familiar statistics" show women very underrepresented in the top echelons of wealth and power.¹²⁵ Indeed. At the start of 2013, the 113th Congress was sworn in with 101 voting female members, or 18.9% representation – an increase from 16.8% in the previous year. This development was greeted with "thrumming" excitement at the Capitol, according to the *New York Times*.¹²⁶ On America's corporate boards, 16.1% of the members and 2.6% of the chairs are women.¹²⁷ For Rosin, these statistics showing male domination are "the last gasp of a vanishing age."¹²⁸ To put our historical moment in perspective she offers this capsule summary: "Women are now lead TV anchors, Ivy League college heads, bank presidents, corporate CEOs, movie directors, scatologically savvy comedians, presidential candidates – all unthinkable even twenty years ago."¹²⁹ This statement is not true, however. Every one of those items was not only *thinkable*, it had already *occurred* twenty years earlier, some of them several decades earlier (with the exception of Ivy League president, which did not occur until 1993).¹³⁰

Is this an insignificant piece of "data war," a technical detail that does not undermine her central argument, illustrated as it is by compelling personal stories and anecdotes? I believe it is not. Rather, it demonstrates the book's method of reasoning and central flaw. Rosin presents a story of millennia-long patriarchy accidentally overturned by the rise of technology (which makes men's manual labor advantages irrelevant) and the service economy (which inherently values those skills and qualities that women, for unknown reasons, possess in greater abundance than do men).¹³¹ But if her description of women's dominance is false, the explanation for it loses salience.

¹²⁴ BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, FAMILY VIOLENCE STATISTICS, INCLUDING STATISTICS ON STRANGERS AND ACQUAINTANCES 13 (2005), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/fvs.pdf>.

¹²⁵ ROSIN, *supra* note 4, at 198 (considering evidence that women are underrepresented in senior positions in government and industry).

¹²⁶ Ashley Parker, *Day of Records and Firsts as 113th Congress Opens*, N.Y. TIMES, Jan. 3, 2013, at A11.

¹²⁷ *Women on Boards*, CATALYST (Aug. 16, 2012), <http://www.catalyst.org/knowledge/women-boards>.

¹²⁸ ROSIN, *supra* note 4, at 199.

¹²⁹ *Id.* at 198.

¹³⁰ For more details, see Philip N. Cohen, *Who Knew? (Cuz Hanna Rosin Said So Edition)*, FAM. INEQUALITY (Oct. 7, 2012), <http://familyinequality.wordpress.com/2012/10/07/who-knew-cuz-hanna-rosin-said-so-edition/> (rebutting Rosin's suggestion that women's progress in certain fields is novel).

¹³¹ See generally ROSIN, *supra* note 54.

The inescapable conclusion is that Rosin's conception of gender inequality is wrong: women are not in, nor are they rapidly approaching, a dominant position in the gender order. Instead, incremental progress in most areas has brought them closer to equality, but that destination remains far out of reach, and progress has slowed or stalled.

II. THE PLACE OF FEMINISM

The list of accomplishments for women so badly misinterpreted by Rosin was completed by the 1990s because the *previous* two decades were when the bulk of women's progress toward equality in the United States occurred.¹³² That progress did not happen merely as a result of faceless, technology-driven economic development, but rather reflected a cultural and political push from feminism that rode the back of that development.¹³³ Feminism helped convert economic and technological developments into concrete advancement for women.

The forces for equality that Rosin describes are indeed real: the growth of the information and service sectors, the importance of interpersonal skills, new technologies, and the expansion of education. Add to that the competitive forces that threaten to put at a disadvantage organizations choosing to exercise an archaic preference for male privilege, and there are strong pressures in the direction of gender equality.¹³⁴ It is hard to see as a mere historical coincidence, however, the concurrent rise of women's status and women's political activism through the feminist movement.

The opponents of equality have noticed the role of concerted action. There is abundant evidence of resistance to feminist progress on the part of those men who would stand to lose their privileged position from feminism's success.¹³⁵ In the blue-collar craft and trade occupations, men have resisted the entrance of women.¹³⁶ In the boardrooms and executive suites of corporate America, on

¹³² England, *supra* note 6, at 151.

¹³³ Cotter et al., *supra* note 6, at 259, 282 (identifying "rising egalitarianism in gender attitudes" during the 1970s and asserting that "[f]eminism held the public stage almost alone during that decade").

¹³⁴ ROBERT M. JACKSON, DESTINED FOR EQUALITY: THE INEVITABLE RISE OF WOMEN'S STATUS 241 (1998) ("Modern bureaucratic organizations such as businesses, political parties, and schools have little or no vested interest in preserving gender domination, so the general drift of social power from the patriarchal family to these faceless bureaucracies gives women the opening they need to battle successfully for more equal treatment.").

¹³⁵ See SHARON H. MASTRACCI, BREAKING OUT OF THE PINK-COLLAR GHETTO: POLICY SOLUTIONS FOR NON-COLLEGE WOMEN 143-47 (2004) (asserting that women sometimes encounter hostile work environments in certain industries and identifying efforts to ameliorate those conditions).

¹³⁶ *Id.* at 143-44 ("Worksite 2000 revealed that women in construction either learned to cope with hostile work environments, or they left. No workplace strategy existed, and the individual, ad hoc, case-by-case approach common in the industry created a hostile work

the shop floors and in the retail aisles, men have erected obstacles to women's progress.¹³⁷ Gender discrimination remains a real and pervasive problem, often but not always associated with women's status as mothers.¹³⁸ The segregation of women into ghettoized occupations, the tracking of women into educational specialties with lower pay and prestige, the cultural devaluation of women's skills, and the oppressive forces of objectification, pornography, and sexual violence all continue to work against gender equality.¹³⁹

One fundamental aspect of ongoing gender inequality in fact is the imbalance of power and resources between men and women within families.¹⁴⁰ Although Rosin and others draw illustrative portraits from those families in which women have attained the upper hand economically, these remain a very small minority despite women's improved earnings and occupational status in recent decades.¹⁴¹ Women retain responsibility for the majority of housework and childcare even when they are employed,¹⁴² and men's increased contributions in these arenas have not matched the changes in women's labor force participation or relative earnings.¹⁴³ Persistent inequality within families is of course highly interrelated with labor market inequality. The family demands on women's time and energy, as well as the persistent deference to men's careers and family decisionmaking, impede women's upward mobility

environment." (citing LOURIE WEISSMAN LEBRENTON & SARA SEGAL LOEYV, BREAKING NEW GROUND: WORKSITE 2000 (1992)).

¹³⁷ See William T. Bielby, *Social Science Accounts of the Maternal Wall: Applications in Litigation Contexts*, 26 T. JEFFERSON L. REV. 15, 17 (2003) ("More important than differences in the skills, aptitudes, and interests of men and women, employers are treating otherwise equally capable men and women differently based upon often unexamined assumptions about their respective qualifications.").

¹³⁸ Stephen Benard & Shelley J. Correll, *Normative Discrimination and the Motherhood Penalty*, 24 GENDER & SOC'Y 616, 616 (2010) ("Mothers fare worse in the labor market than women without children and men.").

¹³⁹ See generally GAIL DINES, PORNLAND: HOW PORN HAS HIJACKED OUR SEXUALITY (2010) (discussing the negative impact sexualization and objectification has on modern women's self-esteem and idea of self-worth).

¹⁴⁰ See Myra Marx Ferree, *Filling the Glass: Gender Perspectives on Families*, 72 J. MARRIAGE & FAM. 420, 431 (2010) (assessing certain effects of "income inequality in couples").

¹⁴¹ Gupta, *supra* note 53, at 401.

¹⁴² Liana C. Sayer, *Gender, Time and Inequality: Trends in Women's and Men's Paid Work, Unpaid Work and Free Time*, 84 SOC. FORCES 285, 292 (2005) (indicating that women perform more housework and assume more childcare responsibilities than men even as women increasingly perform paid work, but demonstrating that this gap is closing rapidly).

¹⁴³ Gupta, *supra* note 53, at 401 (explaining the "gender display perspective," according to which "individuals use housework to affirm gender identity in the face of gender-atypical economic circumstances," and therefore suggesting that "married women whose earnings exceed their husbands' will spend more time on domestic labor than other women").

in their careers.¹⁴⁴ And workplace norms that continue to privilege a masculinist model of the ideal worker penalize women disproportionately for their family obligations.¹⁴⁵

The stall in the gender revolution arguably reflects at least in part the decline of active feminism and its transformation into an inward-looking program of self-improvement under the mantra of empowerment. The momentum of the egalitarian policy agenda has weakened. Consider the examples of equal pay and abortion rights. President Obama's signature gender-equality action was signing the Lilly Ledbetter Fair Pay Act,¹⁴⁶ which simply restored antidiscrimination law to its state before the 2007 *Ledbetter* Supreme Court case.¹⁴⁷ The much larger problem of inadequate protection against unequal pay under existing law has not emerged as a major public issue, and more ambitious proposals, which have sat before Congress for years, have languished.¹⁴⁸ Similarly, with regard to abortion, President Obama secured the support of pro-choice voters – despite issuing an executive order to ensure that the Affordable Care Act as implemented would not conflict with existing federal laws prohibiting the use of federal funds for certain abortions¹⁴⁹ – by appointing judges who seem likely to protect *Roe v. Wade* and by simply

¹⁴⁴ Youngjoo Cha, *Reinforcing Separate Spheres: The Effect of Spousal Overwork on Men's and Women's Employment in Dual-Earner Households*, 75 AM. SOC. REV. 303, 324 (2010) ("Findings provide strong evidence that long work hours contribute to gender inequality, and caregiving responsibility is the key condition generating unequal outcomes of spousal overwork for men and women.").

¹⁴⁵ JOAN C. WILLIAMS, RESHAPING THE WORK-FAMILY DEBATE: WHY MEN AND CLASS MATTER 91-103 (2010) ("Of all the triggers of stereotyping in today's workplace, motherhood triggers the strongest bias Separate-spheres imagery of selfless motherhood continues to structure social intuitions in ways that systematically disadvantage women at work.").

¹⁴⁶ Lilly Ledbetter Fair Pay Act of 2009, Pub. L. No. 111-2, 123 Stat. 5 (legislating that "a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice").

¹⁴⁷ *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618, 642-43 (2007) (holding that a plaintiff suing under Title VII of the Civil Rights Act for gender pay discrimination must bring the action within 180 days of the pay decision and that this statute of limitations does not reset with each paycheck).

¹⁴⁸ Vicky Lovell, *Evaluating Policy Solutions to Sex-Based Pay Discrimination: Women Workers, Lawmakers, and Cultural Change*, 9 U. MD. L.J. RACE RELIGION GENDER & CLASS 45, 53-59 (2009) (arguing that legislators have generally favored cautious but limited legislative remedies to equal-pay problems).

¹⁴⁹ See Exec. Order No. 13535, 3 C.F.R. 201, 201 (2011) ("Following the recent enactment of the Patient Protection and Affordable Care Act . . . it is necessary to establish an adequate enforcement mechanism to ensure that Federal funds are not used for abortion services (except in cases of rape or incest, or when the life of the woman would be endangered), consistent with a longstanding Federal statutory restriction that is commonly known as the Hyde Amendment.").

opposing the abolition of Planned Parenthood.¹⁵⁰ Active intervention to move toward gender equality is not high on the mainstream political agenda.

CONCLUSION: LINKED RESPONSES

I conclude this Essay by suggesting several policy approaches beyond antidiscrimination enforcement and protecting reproductive freedom that, based on research into the factors underlying today's gender stall, may help reduce barriers to gender equality. My suggestions stem from the observation that continued gender inequality is closely related to two other intransigent problems: (1) work-family conflicts, which disparately affect single parents and working-class families, and (2) the stickiness of intergenerational mobility, which pins children from the upper and lower ends of the income distribution to their respective social locations into adulthood, in part reflecting the structure of their families.¹⁵¹ Rather than assuming inevitable change toward gender equality, or focusing merely on protecting existing achievements, we should consider how linked policies to address these interrelated problems might provide a renewed impetus for unstalling gender as well.

Such an approach suggests three policy changes: paid family leave, universal preschool education, and labor time reform. The effect of family-related work policies, however, is complicated. A comparison of wages in European countries showed that the unexplained gender wage gap is smaller in countries with more generous policies reconciling work and family, including: available childcare, paid maternity leave, part-time employment options, and flexible schedules.¹⁵² But such policies appear to *increase* gender inequality at the top of the earnings distribution, because they in effect encourage women to prioritize their families over their careers.¹⁵³ Nevertheless, there is reason to believe the following reforms would have beneficial effects.

¹⁵⁰ See Jackie Calmes, *Obama Campaign Plans Big Effort to Court Women*, N.Y. TIMES, Mar. 11, 2012, at A1 (discussing the Obama administration's threat to cut federal funding to Texas because the state blocked funding to Planned Parenthood); *Senate Confirms Appellate Judge, Rebuffing Critics*, N.Y. TIMES, June 13, 2012, at A20 (discussing the appointment of Andrew Hurwitz to the Ninth Circuit despite conservative criticism that he "influenced the Roe v. Wade ruling on abortion" while a law clerk for District Court Judge Jon Newman, who "wrote two opinions that were the forerunners" of *Roe*).

¹⁵¹ See Janet C. Gornick & Marcia K. Meyers, *Creating Gender Egalitarian Societies: An Agenda for Reform*, 36 POL. & SOC'Y 313, 314 (2008) (proposing "a blueprint of institutional reforms that would support gender egalitarian caregiving" as a response to "the alleged tradeoffs among gender equality, family time, and child well-being").

¹⁵² LOUIS N. CHRISTOFIDES ET AL., INST. FOR THE STUDY OF LABOR, IZA DP NO. 5044, THE GENDER WAGE GAPS, 'STICKY FLOORS' AND 'GLASS CEILINGS' OF THE EUROPEAN UNION 19 (2010), available at <http://ftp.iza.org/dp5044.pdf> ("Generous policies concerning the reconciliation of work and family life also reduce the mean and median unexplained wage gaps.").

¹⁵³ *Id.* at 19 ("It is conceivable that, if these [policies] are long and generous, they may encourage absences from the labor market which, in the end, have unintended effects as

Paid family leave for mothers and fathers. The lack of paid family leave for parents in the United States is widely recognized. A comparison of twenty-one developed countries showed that only the United States and Australia had no guaranteed paid leave for mothers after the birth of a child; about half the countries had at least some paid leave for fathers.¹⁵⁴ The lack of support for parental leave, combined with the tendency of mothers to take responsibility for unpaid care work within families, increases the effect of childrearing on gender inequality.¹⁵⁵ The solution to the problem of family leave undermining women's careers is to structure leave so that fathers as well as mothers take time out of the labor force. Further, wage replacement can be financed through social insurance, so that employers will not have as much incentive to discourage leave-taking, especially by men.

Universal preschool education. There is a strong relationship between the enrollment levels of young children in formal education and the gender pay gap, such that countries with more young children in school have much less gender inequality in earnings.¹⁵⁶ In practice, publicly financed preschool versus paid parental leave is a tradeoff – two ways for the state to support childrearing – although it does not have to be. If one had to choose, it is clear that providing preschool education does more to reduce gender inequality in the labor market.¹⁵⁷ Further, early education, which has demonstrated benefits for children's later school performance, may help increase intergenerational mobility by equalizing the opportunities of children from rich and poor families.¹⁵⁸

Less paid labor time, with employee control. A survey of hours worked by employed people in thirteen countries showed that workers in the United States

returning female workers are only able to command lower wages.”).

¹⁵⁴ REBECCA RAY ET AL., CTR. FOR POLICY AND ECON. RESEARCH, PARENTAL LEAVE POLICIES IN 21 COUNTRIES: ASSESSING GENEROSITY AND GENDER EQUALITY 1 (2009) (“The United States is one of only two countries to offer no paid parental leave. Australia also offers no paid leave, but supports new parents with a substantial financial ‘baby bonus’ regardless of whether they take parental leave.”).

¹⁵⁵ *Id.* at 1-2 (“In the absence of paid parental leave policies, traditional gender roles that involve women as ‘caregivers’ and men as ‘providers,’ and the typically lower earnings of mothers (relative to fathers) in the labor market, create strong incentives for women to reduce their employment and take on a large majority of child care responsibilities. The most obvious problems associated with such outcomes are that women bear a disproportionate burden of child care responsibilities and pay both a short- and a long-term penalty in the labor market.”).

¹⁵⁶ OECD, CLOSING THE GENDER GAP: ACT NOW 212 (2012).

¹⁵⁷ See *id.* at 18 (“Formal childcare support is particularly important for boosting female employment levels and for achieving greater gender equality throughout working life.”).

¹⁵⁸ Greg J. Duncan et al., *Reducing Poverty Through Preschool Interventions*, 17 FUTURE CHILD. 143, 144-45 (2007) (arguing that “[c]hildren’s early learning environments differ profoundly across lines of both race and class,” and proposing that increased early childhood education “will reduce poverty in both the short and the long run”).

worked more than those in nine European countries and Canada, and less only than those in Korea and Japan.¹⁵⁹ Estimates from the OECD show that between 2001 and 2011 U.S. workers worked more hours annually than workers in many European economies, although they worked less than some in Southern and Eastern Europe, Asia, and Latin America.¹⁶⁰ The differences are quite large: American men and women combined work approximately 1800 hours per year, or approximately 400 hours more than workers in Norway, 370 more than workers in Germany, 250 more than workers in France, and 150 more than workers in the United Kingdom.¹⁶¹ Given the tendency toward longer working hours in the United States than in certain other countries, and the concentration of overwork hours¹⁶² among men (especially in professional occupations), a shorter workweek might have the effect of equalizing paid labor time between men and women, with benefits for the gender division of housework and childcare.¹⁶³ Among those in non-professional jobs, working hours have become more erratic and more likely to conflict with family care responsibilities.¹⁶⁴ As men increasingly hold these irregularly scheduled jobs, they are less able to contribute to unpaid care work in their families.¹⁶⁵ Employee control over work schedules thus might contribute to greater gender equality within families.

¹⁵⁹ Susan E. Fleck, *International Comparisons of Hours Worked: An Assessment of the Statistics*, 132 MONTHLY LAB. REV. 3, 31 (2009).

¹⁶⁰ Average Annual Hours Actually Worked Per Worker, OECD, <http://stats.oecd.org/Index.aspx?DatasetCode=ANHRS> (last visited Mar. 3, 2013) (reporting that U.S. workers worked more than workers in every surveyed country except Chile, Estonia, Greece, Hungary, Israel, Korea, Mexico, Poland, Russia, Slovakia, and Turkey).

¹⁶¹ Fleck, *supra* note 159, at 31.

¹⁶² The term “overwork hours” refers to extra hours that employees, particularly salaried professionals who do not receive overtime pay, work beyond the standard forty-hour workweek. See, e.g., Youngjoo Cha, *Reinforcing Separate Spheres: The Effect of Spousal Overwork on Men’s and Women’s Employment in Dual-Earner Households*, 75 AM. SOC. REV. 303, 303-04 (2010).

¹⁶³ Jeanne Fagnani & Marie-Thérèse Letablier, *Work and Family Life Balance: The Impact of the 35-Hour Laws in France*, 18 WORK EMP. SOC’Y 551, 553 (2004) (examining “the French adoption of a 35-hour working week,” a legislative measure imposed in part with the purpose “of improving equality between men and women”); Vicki Schultz & Allison Hoffman, *The Need for a Reduced Workweek in the United States*, in PRECARIOUS WORK, WOMEN, AND THE NEW ECONOMY: THE CHALLENGE TO LEGAL NORMS 139-51 (Judy Fudge & Rosemary Owens eds., 2006) (“Reducing the standard workweek would decrease the stress on all workers, provide a foundation for greater equality in working time between spouses or partners, and create a more level playing-field for single parents who are balancing wage-earning and family responsibilities.”).

¹⁶⁴ Elaine McCrate, *Flexibility for Whom? Control over Work Schedule Variability in the US*, 18 FEMINIST ECON. 39, 41 (2012).

¹⁶⁵ *Id.* (“While these jobs are distributed widely across demographic groups, their incumbents are somewhat more likely to be men . . .”).

Such policy reforms go beyond antidiscrimination law and enforcement, and beyond the defense of reproductive rights, to address family-based sources of gender inequality, as well as work-family conflict and intergenerational immobility. Given the ubiquity of these problems – and the gender-neutral nature of these reforms – mobilizing popular support for these policies is possible. Media reports that describe gender inequality as already gone or rapidly vanishing due to inherent characteristics of our economic development, however, may undermine the ability to develop such support. Ending the “end-of-men” myth is an important step on the road toward gender equality.