

University of Pennsylvania Carey Law School

Penn Carey Law: Legal Scholarship Repository

Faculty Scholarship at Penn Carey Law

2013

Historicizing the "End of Men": The Politics of Reaction(s)

Serena Mayeri

University of Pennsylvania Carey Law School

Follow this and additional works at: https://scholarship.law.upenn.edu/faculty_scholarship



Part of the [Civil Rights and Discrimination Commons](#), [Constitutional Law Commons](#), [Family, Life Course, and Society Commons](#), [Gender and Sexuality Commons](#), [Inequality and Stratification Commons](#), [Policy Design, Analysis, and Evaluation Commons](#), [Race and Ethnicity Commons](#), [Social Welfare Commons](#), and the [Work, Economy and Organizations Commons](#)

Repository Citation

Mayeri, Serena, "Historicizing the "End of Men": The Politics of Reaction(s)" (2013). *Faculty Scholarship at Penn Carey Law*. 534.

https://scholarship.law.upenn.edu/faculty_scholarship/534

This Article is brought to you for free and open access by Penn Carey Law: Legal Scholarship Repository. It has been accepted for inclusion in Faculty Scholarship at Penn Carey Law by an authorized administrator of Penn Carey Law: Legal Scholarship Repository. For more information, please contact PennlawIR@law.upenn.edu.

HISTORICIZING THE “END OF MEN”: THE POLITICS OF REACTION(S)

SERENA MAYERI*

In fact, the most distinctive change is probably the emergence of an American matriarchy, where the younger men especially are unmoored, and closer than at any other time in history to being obsolete

– Hanna Rosin¹

In 1965 a Labor Department official named Daniel Patrick Moynihan wrote a report entitled *The Negro Family: The Case for National Action* (the Moynihan Report), intended only for internal Johnson Administration use but quickly leaked to the press.² Designed to motivate the President and his deputies to launch massive federal employment and anti-poverty initiatives directed at impoverished African Americans, Moynihan’s report inadvertently sparked a sometimes vitriolic debate that reverberated through the next half century of social policy.³ Characterized as everything from a “subtle racist”⁴ to a “prescient”⁵ prophet, Moynihan and his assessment of black urban family life have been endlessly analyzed, vilified, and rehabilitated by commentators in the years since his report identified a “tangle of pathology” that threatened the welfare and stability of poor African American communities.⁶ At the center of the “pathology” Moynihan lamented was a “matriarchal” family structure characterized by “illegitimate” births, welfare dependency, and juvenile

* Professor of Law and History, University of Pennsylvania Law School. I am grateful to Kristin Collins for helpful comments on an earlier draft of this Essay; to Linda McClain, Hanna Rosin, and participants in the Conference, “Evaluating Claims About the ‘End of Men’: Legal and Other Perspectives,” out of which this Symposium grew; and to the staff of the *Boston University Law Review* for editorial assistance.

¹ HANNA ROSIN, *THE END OF MEN: AND THE RISE OF WOMEN* 82 (2012).

² DANIEL PATRICK MOYNIHAN, OFFICE OF POLICY PLANNING & RESEARCH, U.S. DEP’T OF LABOR, *THE NEGRO FAMILY: THE CASE FOR NATIONAL ACTION* (1965). For a discussion of how the report was leaked, see LEE RAINWATER & WILLIAM L. YANCEY, *THE MOYNIHAN REPORT AND THE POLITICS OF CONTROVERSY* 136-39 (1967).

³ See, e.g., JAMES T. PATTERSON, *FREEDOM IS NOT ENOUGH: THE MOYNIHAN REPORT AND AMERICA’S STRUGGLE OVER BLACK FAMILY LIFE – FROM LBJ TO OBAMA* 59-63 (2010); RAINWATER & YANCEY, *supra* note 2, at 216-45.

⁴ RAINWATER & YANCEY, *supra* note 2, at 173.

⁵ PATTERSON, *supra* note 3, at 63.

⁶ MOYNIHAN, *supra* note 2, at 29.

delinquency.⁷ Until “Negro males” reclaimed their proper place as breadwinning heads of households, Moynihan’s report suggested, poverty, violence, and dysfunction would mar the hard-won progress of the civil rights movement and deepen the chasm between black and white Americans.⁸ Using overheated rhetoric designed to capture the attention of policymakers, the Moynihan Report essentially forecast the “end of men” in inner-city Black America.

Many liberal commentators and civil rights leaders excoriated the Moynihan Report for its unflattering picture of black family life, and interpreted Moynihan’s focus on family structure, somewhat unfairly, as a rejection of structural, institutional, and economic explanations for poverty and racial inequality.⁹ But Moynihan’s concerns about the growing number of “female-headed households” and the concomitant “emasculatation” of African American men reflected a long-lived consensus within the liberal and civil rights establishments that a male-breadwinner/female-homemaker model of household political economy was integral to racial progress.¹⁰ Moynihan’s diagnosis of the “pathology” inherent in female household leadership was not new; indeed, prominent black scholars, such as sociologist E. Franklin Frazier, and civil rights leaders, such as Whitney Young, had long made similar observations about the deleterious effects of family breakdown and female dominance on racial uplift.¹¹ For these commentators, the rise of women within black families – Negro women’s allegedly superior educational attainments

⁷ See generally *id.*

⁸ See *id.*

⁹ ROBERT O. SELF, *ALL IN THE FAMILY: THE REALIGNMENT OF AMERICAN DEMOCRACY SINCE THE 1960S*, at 30 (2012) (stating that Moynihan’s report “became an argument against, not for, greater government attention to African American rights – the opposite of what Moynihan had intended”); see also PATTERSON, *supra* note 3, at 61-63 (defending Moynihan against charges that he ignored racism and structural inequality as causes of poverty among African Americans).

¹⁰ On this liberal consensus, see, for example, MARISA CHAPPELL, *THE WAR ON WELFARE: FAMILY, POVERTY AND POLITICS IN MODERN AMERICA* 37 (2010) (“[T]he controversy over [Moynihan’s] report has blinded historians to the larger consensus on the importance of family structure to black economic disadvantage.”); RUTH FELDSTEIN, *MOTHERHOOD IN BLACK AND WHITE: RACE AND SEX IN AMERICAN LIBERALISM, 1930-1965*, at 144-52 (2000) (describing commonalities and divergences between Moynihan and his liberal critics); SERENA MAYERI, *REASONING FROM RACE: FEMINISM, LAW, AND THE CIVIL RIGHTS REVOLUTION* 23-26, 41-42 (2011) (describing the liberal conventional wisdom that black women’s economic independence undermined racial progress); and SELF, *supra* note 9, at 4, 20 (describing “breadwinner liberalism,” the reigning paradigm of 1960s American political economy, as epitomized by the Moynihan Report).

¹¹ See CHAPPELL, *supra* note 10, at 39 (observing that Whitney Young had earlier made an argument almost identical to the thesis of the Moynihan report); FELDSTEIN, *supra* note 10, at 28-33 (discussing E. Franklin Frazier’s work, which identified “maternally organized families” as an impediment to African American progress).

and job prospects – necessarily entailed the end of men. Moynihan and his liberal critics also agreed on the appropriate remedy: that government policy and resources be focused on improving the employment prospects of Negro *men* with an eye toward reinstating them as primary breadwinners in marital households.¹² Implicitly or explicitly, this vision entailed African American women marrying, withdrawing from the labor market, and staying home to care for children without relying on public assistance. With urban unrest seizing American cities in the months and years after the Moynihan Report's release, restoring black male breadwinners seemed imperative not only for the fight against poverty but for social stability and peace.¹³

Many civil rights leaders and social critics to the left of Moynihan assailed his report for depicting black families as pathological rather than resilient, for feeding stereotypes about black inferiority, and for distorting the magnitude of racial differences in family structure.¹⁴ But few commentators questioned his underlying premise: the "end of men" and the "rise of women" went hand in hand, and both developments were problematic. Taken to its logical conclusion, the consensus view stipulated that African American women's progress in schools and workplaces and their ascendance to positions of community and political leadership were inimical to racial progress. Black women's advancement undermined Negro manhood by upending the normative gendered division of family labor; the solution was to restore women and children's dependence on the husbands and fathers whose inferior position created not only economic need but social pathology and psychological harm. A 1967 column by journalist Lloyd Shearer was a crude but not unrepresentative example of this analysis. In this column, *Negro Problem: Women Rule the Roost*, Shearer declared: "Unless and until the Negro Family Structure in America becomes a patriarchy instead of the matriarchy it now is, this country is not likely to enjoy social peace."¹⁵ Chronic unemployment meant that "[d]ependent upon women, [Negro men] soon became the object of their scorn, pity, rejection, and tyranny in addition to the contempt of their own children."¹⁶ Shearer urged that "American business . . . adopt as a motto, 'Give a Negro man a job,' with the accent on the words

¹² MAYERI, *supra* note 10, at 25-26.

¹³ See SELF, *supra* note 9, at 30 ("Together the [Moynihan] report and the [Watts] riot threatened the black freedom movement's still-tenuous legitimacy among whites and shifted the national discussion away from the moral legitimacy of black demands to familial arrangements within the black community.").

¹⁴ PATTERSON, *supra* note 3, at 59-80; RAINWATER & YANCEY, *supra* note 2, at 216-44. The heated nature of the controversy may have stemmed in part from the fact that Moynihan's report leaked to the press in a "piecemeal" fashion, allowing journalists to seize on "its more sensational aspects." CHAPPELL, *supra* note 10, at 38.

¹⁵ Lloyd Shearer, *Negro Problem: Women Rule the Roost*, PARADE, Aug. 20, 1967, at 4, 4.

¹⁶ *Id.* at 5.

‘Negro man.’”¹⁷ An accompanying photograph of black students working at their desks was captioned: “One of the major Negro problems is that females are better educated than men. Result too often is that women are qualified for better jobs. This continuing cycle must change.”¹⁸ Shearer concluded: “The Negro man must be made to feel like a man. Pains must be taken to see that he reaches a position where he can assume the rightful role of father in the family life of American society.”¹⁹ Ironically, while many advocates of Black Power recoiled from the Moynihan Report and condemned its author,²⁰ the movement shared the bedrock assumption that female breadwinning and leadership emasculated African American men, with devastating economic and psychological consequences.²¹

From the moment Moynihan’s analysis – and various interpretations and distortions thereof – became public, prominent women in government, policymaking, and advocacy circles dissented from the assumptions that drove Moynihan and his critics alike. Advocates for women objected to Moynihanian discourse on numerous grounds. They vigorously disputed the assertions of Moynihan and others that black women were flourishing in comparison to their male counterparts. Armed with labor market statistics, feminists pointed out that black women’s wages still lagged behind all other demographic groups, including black men.²² Black women, they insisted, suffered from multiple and intersecting forms of discrimination in education, employment, and political life, in addition to shouldering the lion’s share of responsibility for their families’ support and care. These advocates argued that while black men needed and deserved attention and government resources, initiatives designed to bolster the prospects of black women were at least as integral to ameliorating poverty and inequality.²³ Women in government, in civil rights groups, and in women’s organizations old and new agitated for the passage and

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ William Julius Wilson, *The Moynihan Report and Research on the Black Community*, 621 ANNALS AM. ACAD. POL. & SOC. SCI. 34, 36 (2009) (discussing the Black Power movement’s influence on the reaction to the Moynihan Report).

²¹ For a discussion of African American feminist responses to the Black Power movement, see generally Kimberly Springer, *Black Feminists Respond to Black Power Masculinism*, in THE BLACK POWER MOVEMENT: RETHINKING THE CIVIL RIGHTS-BLACK POWER ERA (Peniel E. Joseph ed., 2006). See also Wini Breines, *Sixties Stories’ Silences: White Feminism, Black Feminism, Black Power*, 8 NWSA J. 101, 106-08 (1996).

²² See PAULA GIDDINGS, WHEN AND WHERE I ENTER: THE IMPACT OF BLACK WOMEN ON RACE AND SEX IN AMERICA 327 (1984) (comparing the wages of black women to white women and black men); MAYERI, *supra* note 10, at 26, 57 (discussing feminist critiques that highlighted black women’s economic plight).

²³ See MAYERI, *supra* note 10, at 41-42 (discussing black feminists who “spotlighted intersections between race and sex inequality”).

vigorous enforcement of laws against sex discrimination in employment,²⁴ education,²⁵ and jury service;²⁶ for greater access to birth control and abortion;²⁷ for women's participation in job training programs;²⁸ and for the inclusion of women in emerging affirmative action programs.²⁹

Some commentators have lamented that the visceral negative reactions many liberals and civil rights leaders had to the Moynihan Report rendered serious discussion of the problems he identified verboten within liberal social science and policy circles for years to come, suppressing debate over the role of family structure in perpetuating poverty and disadvantage among African Americans.³⁰ In his recently published history of the controversy, James Patterson argues that this silencing had the paradoxical effect of ceding the field to conservatives, who further distorted Moynihan's analysis by downplaying economic and structural determinants of poverty and attributing racial inequality and urban decline to cultural pathology remediable only by individual and private community initiatives.³¹ Conservatives not only rejected the notion that government resources should be directed at urban poverty, but framed government intervention as contributing to economic blight by perpetuating dependency on welfare, encouraging non-marital childbearing and male desertion, and discouraging marriage and responsible fatherhood.³²

²⁴ See NANCY MACLEAN, *FREEDOM IS NOT ENOUGH: THE OPENING OF THE AMERICAN WORKPLACE* 117-54 (2006); MAYERI, *supra* note 10, at 20-23 (discussing the inclusion of sex discrimination in Title VII).

²⁵ See, e.g., MAYERI, *supra* note 10, at 58-60 (discussing legal challenges to the male-only admission policies of prestigious high schools and colleges).

²⁶ *Id.* at 26-29, 173-81 (describing litigation challenging women's exclusion from jury service). For more comprehensive accounts of women's jury service activism, see LINDA K. KERBER, *NO CONSTITUTIONAL RIGHT TO BE LADIES* 128-220 (1998), and HOLLY J. MCCAMMON, *THE U.S. WOMEN'S JURY MOVEMENTS AND STRATEGIC ADAPTATION: A MORE JUST VERDICT* (2011).

²⁷ See generally, e.g., DAVID GARROW, *LIBERTY AND SEXUALITY: THE RIGHT TO PRIVACY AND THE MAKING OF ROE V. WADE* (1998) (offering a detailed account of the litigation campaign against prohibitions on contraception and abortion); LINDA GORDON, *THE MORAL PROPERTY OF WOMEN: A HISTORY OF BIRTH CONTROL POLITICS IN AMERICA* (2002); LINDA GREENHOUSE & REVA B. SIEGEL, *BEFORE ROE V. WADE* (2011) (describing feminist activism for abortion rights prior to the Supreme Court's decision decriminalizing abortion).

²⁸ MACLEAN, *supra* note 24, at 142-43.

²⁹ See *id.* at 147-54, 306-32.

³⁰ See, e.g., PATTERSON, *supra* note 3, at 135-36; Wilson, *supra* note 20, at 37 ("[I]n the aftermath of th[e] controversy [over the Moynihan Report] and in an effort to protect their work from the charge of racism, or of blaming the victim, many liberal social scientists tended to avoid describing any behavior that could be construed as unflattering or stigmatizing to people of color.").

³¹ See PATTERSON, *supra* note 3, at 147-65 (describing conservative interpretations of Moynihan's thesis).

³² See *id.* at 140-41. From a different perspective, historian Deborah Gray White charges that despite Moynihan's apparently benign intent, his report and the ensuing controversy

But the research of historians of African American and feminist activism suggest another side to the Moynihan Report and the reactions it provoked – a more productive and generative side.³³ Far from choking off debate among advocates for women, the report helped to provide a focal point for feminist advocacy, not only on behalf of the rise of women, but against the notion that the rise of women necessarily meant the end of men.

* * *

Feminists saw ghosts of the Moynihan Report everywhere in the decade following its publication.³⁴ National Organization for Women (NOW) President Aileen Hernandez wrote in 1970 that “[s]o many of [Moynihan’s] damaging notions have formed the basis of the federal policies which either ignore women altogether or actually worsen their circumstances.”³⁵ From job training (“manpower”) programs that favored men over women, to affirmative action plans designed primarily to move men into traditionally male occupations, to the EEOC’s failure to enforce Title VII against sex discrimination in employment, to complaints about rising rates of “illegitimacy” and welfare dependency, to educational enrichment programs that excluded girls of color, feminists of various stripes identified Moynihanian thinking as the culprit behind government policy that assumed that the best way to advance the fortunes of African American men was to promote the gendered family-wage model as the sine qua non of middle-class success.³⁶

dealt, at least temporarily, a fatal blow to the efforts of black women’s organizations to rehabilitate the image of black women in the public mind – to combat stereotypes about black women’s supposed promiscuity, domineering nature, and emasculation of black men. DEBORAH GRAY WHITE, *TOO HEAVY A LOAD: BLACK WOMEN IN DEFENSE OF THEMSELVES, 1894-1994*, at 198-201 (1999).

³³ In a review of Patterson’s book on the Moynihan Report, historian Felicia Kornbluh argues persuasively that “[f]rom the perspectives of women’s and African American history . . . the controversies [over the Moynihan Report] may have been more productive than destructive . . .” Felicia Kornbluh, Book Review, 117 *AM. HIST. REV.* 236, 237 (2012). For a sampling of works of African American and women’s history that discuss the feminist reaction to the Moynihan Report, see, for example, CHAPPELL, *supra* note 10, at 47-48; GIDDINGS, *supra* note 22, at 328-29; ALICE KESSLER-HARRIS, *IN PURSUIT OF EQUITY: WOMEN, MEN, AND THE QUEST FOR ECONOMIC CITIZENSHIP IN 20TH-CENTURY AMERICA* 269-70 (2001); MACLEAN, *supra* note 24, at 230-31; MAYERI, *supra* note 10, at 24-26, 41-51; KIMBERLY SPRINGER, *LIVING FOR THE REVOLUTION: BLACK FEMINIST ORGANIZATIONS, 1968-1980*, at 37-39 (2005); and WHITE, *supra* note 32, at 201-03. *See also* SELF, *supra* note 9, at 32 (observing that the Moynihan Report provided a “starting point for a distinctly African American feminism”).

³⁴ *See* MAYERI, *supra* note 10, at 42.

³⁵ *Id.* at 41 (quoting Letter from Aileen Hernandez, President, NOW, to Merrilee A. Dolan, Coordinator, NOW Women and Poverty Task Force (December 15, 1970) (on file with Schlesinger Library, Radcliffe Institute, Harvard University)).

³⁶ *See id.* at 42-75 (describing feminist challenges to discriminatory policies and the

The feminist response to Moynihan was affirmative as well as defensive. Feminists – particularly African American feminists – offered an alternative vision of the family structure that government policy should promote. Moynihan and his interpreters suggested that African American families should pattern themselves on the male-breadwinner/female-homemaker ideal that had animated public policy since before the New Deal.³⁷ The more subtle analyses (including Moynihan's) acknowledged that there was nothing inherently superior about patriarchy, but nevertheless maintained that black Americans deviated from the governing paradigm of white America at their own peril.³⁸ In sharp contrast, African American feminists such as Pauli Murray, Eleanor Holmes Norton, Patricia Roberts Harris, and Aileen Hernandez positioned black women as role models for white women, and egalitarian black marriages as worthy of white couples' emulation.³⁹ Norton encouraged African American women to "pioneer in establishing new male-female relationships around two careers."⁴⁰ She told the *New York Times* in 1970: "The black wom[a]n already has a rough equality which came into existence out of necessity and is now ingrained in the black life style. . . . [T]hat give[s] the black family very much of a head-start on egalitarian family life."⁴¹ Norton forecast that, "fortified by her uncommon experience as co-breadwinner in the family, the black woman can be expected to move . . . into far wider participation in business and in all higher-paying occupations – quite possibly in advance of white women."⁴² Norton expressed this view in even starker terms in 1972, telling *Ms.*, "Black family life will be a disaster if it copies white family life."⁴³ Instead, Norton and her compatriots argued that African American men and women should aspire to model gender

complicated relationship between feminist and black progressive organizations).

³⁷ On the male-breadwinner/female-homemaker model, or "family-wage" ideal, see, for example, CHAPPELL, *supra* note 10, at 65-105 (examining legislative attempts to support a male-breadwinner model); KESSLER-HARRIS, *supra* note 33, at 40-42 (discussing the "family-wage" concept of male and female employment); and MACLEAN, *supra* note 24, at 16-17 (discussing the origins of the family-wage model and its dominance in the mid-twentieth century).

³⁸ MOYNIHAN, *supra* note 2, at 29 ("There is, presumably, no special reason why a society in which males are dominant in family relationships is to be preferred to a matriarchal arrangement. However, it is clearly a disadvantage for a minority group to be operating on one principle, while the great majority of the population . . . is operating on another.").

³⁹ MAYERI, *supra* note 10, at 41-51.

⁴⁰ JOAN STEINAU LESTER, *ELEANOR HOLMES NORTON: FIRE IN MY SOUL* 148 (2003).

⁴¹ Charlayne Hunter, *Many Blacks Wary of 'Women's Liberation' Movement in U.S.*, *N.Y. TIMES*, Nov. 17, 1970, at 47.

⁴² Eleanor H. Norton, *For Black Women, Opportunities Open*, *N.Y. TIMES*, Jan. 10, 1971, at NER40.

⁴³ Cellestine Ware, *The Black Family and Feminism: A Conversation with Eleanor Holmes Norton*, *Ms.*, Spring 1972, at 95, 96.

egalitarianism in a sex- and race-stratified society: “Let’s build an entirely new kind of family with the recognition that there may be two people who work, two people who are strong, and nobody has to be dependent.”⁴⁴ As Pauli Murray put it: “People who blame our troubles on ‘Negro matriarchy’ are ignoring a source of strength in Negro women that ought to be available to white women, too.”⁴⁵ In 1969 journalist Caroline Bird reported that Murray “would like to see black women use their psychic freedoms to pioneer egalitarian marriages which can serve as models for young people of both sexes and races.”⁴⁶

Like the social science on which Moynihan based his report, black feminist ideas about African Americans modeling gender egalitarianism to white couples were not new. As the historian Christina Simmons has demonstrated, African American thinkers had explored similar themes since at least the early twentieth century.⁴⁷ But never before had these theories been tied to a robust public policy agenda, and never before had feminists been better positioned to advance their vision in legislatures, courts, and administrative agencies.

This gender egalitarian vision of marriage, in which husbands and wives shared breadwinning and caregiving responsibilities, animated many of the constitutional sex equality cases that came before the Supreme Court in the 1970s. After decades of federal policy shoring up the male-breadwinner/female-homemaker model, Ruth Bader Ginsburg’s litigation campaign attacked government preference for traditional gendered divisions of family labor.⁴⁸ Ginsburg and her allies insisted that the state could no longer assume that women were always economically dependent upon men, or that wives never provided for their husbands and children, or that a father’s care was less important than a mother’s. In a series of cases challenging sex-specific allocations of government benefits, this campaign largely succeeded in rendering marriage formally gender neutral.⁴⁹ In the eyes of the law, husbands

⁴⁴ *Id.*

⁴⁵ Caroline Bird, *Black Womanpower*, NEW YORK, Mar. 10, 1969, at 36, 38.

⁴⁶ *Id.*

⁴⁷ See CHRISTINA SIMMONS, *MAKING MARRIAGE MODERN: WOMEN’S SEXUALITY FROM THE PROGRESSIVE ERA TO WORLD WAR II*, at 150-64 (2009) (discussing how African Americans “pioneered” sexually egalitarian marriages); Christina Simmons, “*Modern Marriage*” for African Americans, 1920-1940, 30 CANADIAN REV. AM. STUD. 273, 294 (2000).

⁴⁸ For more on Ginsburg’s litigation campaign, see MAYERI, *supra* note 10, at 50-185 (examining litigation against policies discriminating on the basis of sex), and Cary Franklin, *The Anti-Stereotyping Principle in Constitutional Sex Discrimination Law*, 85 N.Y.U. L. REV. 83, 84-88 (2010) (discussing Ginsburg’s use of male plaintiffs in sex discrimination cases as a challenge to traditional gender roles).

⁴⁹ See, e.g., *Califano v. Westcott*, 443 U.S. 76, 93 (1979) (invalidating the provision of public assistance to families with unemployed fathers but not to those with unemployed mothers); *Orr v. Orr*, 440 U.S. 268, 270-71 (1979) (holding unconstitutional a statute which required only husbands to pay alimony); *Califano v. Goldfarb*, 430 U.S. 199, 201-02 (1977)

and wives were now mostly fungible spouses; the government could no longer overtly penalize nontraditional divisions of family labor. In a way, the African American feminist vision of marriage had come to fruition as a matter of formal legal doctrine, albeit not social reality.

To be sure, this vision and its implementation suffered from limitations. Neutralizing the benefits of marriage did little for the increasing numbers of women (and men) for whom marriage remained out of reach. For these Americans, combating discrimination in employment, broadening access to education and health care, strengthening the safety net, expanding the rights of non-marital children and their parents, and navigating the end of an era of prosperity undoubtedly took precedence. As I have explored elsewhere, feminists attacked these problems as well, with varying results.⁵⁰ But feminist advocates did succeed in undermining the assumption that pervaded the debate over the Moynihan Report – that is, that a male-breadwinner/female-homemaker model was the gold standard for family structure generally and for racial progress in particular.

Feminists also sought to dispel the view that the rise of women necessarily implicated the end of men. Ginsburg's use of male plaintiffs in many of the constitutional sex equality cases is one of the more visible manifestations of this ethos.⁵¹ NOW's mission statement expressed a vision of feminism in which women strove for equality "in partnership with men."⁵² Feminist advocates such as Norton, Hernandez, Murray, and Harris insisted that attacking economic disadvantage and inequality need not be a zero-sum game pitting men against women, or black against white.⁵³

Contemporary fears about the end of men – and the rise of women – did not fade in the years after the Moynihan Report drew attention to family structure

(holding that widows and widowers must be equally entitled to survivors' benefits); *Weinberger v. Wiesenfeld*, 420 U.S. 636, 637-38 (1975) (holding that a father was entitled to Social Security benefits to care for his child after his wife's death, just as a similarly situated mother would have been); *Frontiero v. Richardson*, 411 U.S. 677, 678-79 (1973) (holding unconstitutional a law that required military servicewomen to establish that their husbands relied on them for support to receive certain housing and medical benefits automatically available to servicemen).

⁵⁰ See MAYERI, *supra* note 10, *passim* (discussing various challenges faced by feminists). In forthcoming work, I will explore more fully how feminist and other efforts to challenge the legal primacy of marriage during this period met with limited success. See generally Serena Mayeri, *The Status of Marriage: Marital Supremacy Challenged and Remade, 1960-2000* (unpublished manuscript) (on file with the author).

⁵¹ For discussion of Ginsburg's use of male plaintiffs, see JOAN WILLIAMS, *UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT* 208-31 (2000), and Franklin, *supra* note 48, at 84-88.

⁵² Betty Friedan, *The National Organization for Women's 1966 Statement of Purpose*, NAT'L ORG. FOR WOMEN, <http://www.now.org/history/purpos66.html> (last visited Mar. 1, 2013).

⁵³ See MAYERI, *supra* note 10, at 45-51.

and its relationship to poverty. In the 1970s anxiety about the decline of men's earning power and the traditional family intensified and spread across racial and class lines. As the historian Natasha Zaretsky describes, by the early 1970s, "anxiety that middle- and upper-class families were coming to resemble their poorer counterparts was accompanied by the related fear that the ostensibly stable divide between white and black families was breaking down."⁵⁴ Perhaps Pauli Murray was the prescient one when she observed in 1966 that "the Negro male may be undergoing in an aggravated form some of the problems of adjustment confronting American males generally as the trend of women out of the home into paid occupations continues."⁵⁵ Demographic phenomena such as non-marital childbearing, single-parent households, and women's workforce participation that Moynihan identified in mid-1960s black America increasingly became features of American life more generally.⁵⁶ By 1979 Christopher Lasch lamented that white "middle-class society has become a pale copy of the black ghetto."⁵⁷

African American family life, in both its gender-egalitarian professional and struggling single-parent guises, proved a bellwether for American society more generally. The gap between the affluent, educated, and married on the one hand, and the working class and poor, less educated, and increasingly unmarried on the other, grew in a way that not only crossed racial lines but also accentuated the gap between rich and poor – a gap that was strongly correlated with race. By 1985 Eleanor Holmes Norton was writing candidly in the *New York Times* of the toll family breakdown had taken on black communities.⁵⁸ She credited the Moynihan Report with identifying troubling trends that had only worsened in the twenty years since its release.⁵⁹ Norton called for both government intervention and community initiatives to address poverty and racial inequality. But she did not prescribe different remedies for black men and black women, or call for a return to a male-breadwinner/female-homemaker model. Instead, she encouraged government agencies and community groups to devote resources to finding gainful employment for women and men; improving education and job training for boys and girls;

⁵⁴ NATASHA ZARETSKY, *NO DIRECTION HOME: THE AMERICAN FAMILY AND THE FEAR OF NATIONAL DECLINE*, 1968-1980, at 13 (2007).

⁵⁵ Murray speculated that "the dislocations . . . may have affected Negro males somewhat sooner than white males because of the historical necessity for Negro women to work." Letter from Pauli Murray to William Yancey (Jan. 25, 1966) (on file with Schlesinger Library, Radcliffe Institute, Harvard University).

⁵⁶ ZARETSKY, *supra* note 54, at 13.

⁵⁷ CHRISTOPHER LASCH, *THE CULTURE OF NARCISSISM* 67 (1979), *quoted in* ZARETSKY, *supra* note 54, at 208.

⁵⁸ Eleanor Holmes Norton, *Restoring the Traditional Black Family*, N.Y. TIMES, June 2, 1985, § 6 (Magazine), at 43.

⁵⁹ *Id.*

moving mothers from welfare to work; and, ideally, moving fathers into jobs and back into homes and parental roles.⁶⁰

Statements like Norton's are often portrayed as acknowledgements that Moynihan was right after all.⁶¹ But Norton's diagnosis of the problem differed in significant ways from the views expressed by Moynihan and his non-feminist critics twenty years earlier, and the remedies she proposed did not perpetuate the assumption that racial progress depended on men and women assuming distinctive roles as breadwinners and homemakers. To put it another way, she did not assume that the rise of women meant the end of men – or vice versa – but rather that men and women would rise or fall together.

Since 1985 some elements of both Norton and Moynihan's visions have become official policy. A longtime champion of equal employment opportunity for women, Norton proposed that women on public assistance receive training and jobs that would enable them to be self-sufficient, a major objective of subsequent welfare reform.⁶² The connections Moynihan drew between non-marriage and poverty are visible in the marriage-promotion initiatives implemented in recent years.⁶³ The premise of the latter initiatives derives from the old consensus that a gendered family wage model is the best escape hatch from poverty.

Significantly, though, other aspects of their prescriptions have languished. Norton's version of "welfare-to-work" required that women and their families receive government support in the form of subsidized day care and, if decent jobs were not available in the private sector, public employment programs.⁶⁴ Moynihan had once promoted a guaranteed minimum income for impoverished families.⁶⁵ Work requirements without adequate support and marriage promotion without measures to alleviate poverty left both the gender-based family-wage model *and* the gender-egalitarian partnership model out of reach

⁶⁰ *Id.*

⁶¹ See, e.g., PATTERSON, *supra* note 3, at 150-52 (discussing Norton's article and other commentary at the time that appeared to support Moynihan's thesis). Norton herself credited the Moynihan Report in her 1985 article. Norton, *supra* note 58.

⁶² Norton, *supra* note 58.

⁶³ For critical scholarly views of marriage promotion initiatives, see, for example, LINDA C. MCCLAIN, *THE PLACE OF FAMILIES: FOSTERING CAPACITY, EQUALITY, AND RESPONSIBILITY* 117-41 (2006) ("[T]he program of marriage promotion advanced by the marriage movement and by governmental actors championing marriage as an antipoverty strategy has serious flaws. Marriage promotion efforts have not adequately promoted equality within families and equality among families."); Angela Onwuachi-Willig, *The Return of the Ring: Welfare Reform's Marriage Cure as the Revival of Post-Bellum Control*, 93 CALIF. L. REV. 1647, 1653 (2005) (criticizing marriage promotion initiatives as a tool historically used to oppress African Americans).

⁶⁴ Norton, *supra* note 58.

⁶⁵ According to Patterson, Moynihan had second thoughts about guaranteed income when local experiments seemed to suggest that the policy was correlated with marital break-up. PATTERSON, *supra* note 3, at 123.

for most poor families.⁶⁶ But it is still worth observing that these are two very different visions of the good – one seeks racial and socioeconomic equity through a gendered division of labor, the other seeks gender egalitarianism as well as race and class equality. Moreover, these two visions entail very different remedial implications and policy prescriptions.

The chasms between the positions of today's feminist organizations and today's conservatives are even easier to see, and they illuminate the somewhat subtler distinctions between the approaches of Norton and Moynihan. Feminists have long argued that, rather than fostering women's dependence upon men, public policy should strengthen the economic position of single mothers by enabling them to be independent of male partners.⁶⁷ They point out that dependence on men not only makes women less self-sufficient, but also traps them in violent relationships: oft-cited statistics show that as many as sixty-five percent of welfare recipients have suffered from domestic violence.⁶⁸ Rather than promoting marriage, feminists contend, we should devote public resources to programs that enable women's economic self-sufficiency and promote children's welfare. Rather than lamenting rising rates of "illegitimacy" and attempting to make non-marital childbearing more costly, we should try to ameliorate poverty directly, and try to make "unwed motherhood" morally and, more important, economically neutral.

Many of these arguments have their roots in alliances between feminists and welfare rights advocates, whose organized opposition to the subordination of "welfare mothers" peaked in the early 1970s. National Welfare Rights Organization Chairwoman Johnnie Tillmon put the feminist welfare rights critique most memorably when she wrote in 1972 that welfare was "like a super-sexist marriage. You trade in a man for the man. But you can't divorce him if he treats you bad. He can divorce you, of course, cut you off any time he wants. But in that case, he keeps the kids, not you."⁶⁹ Welfare rights advocates exposed how officials invaded the privacy of recipients to ensure they were not secretly depending upon a male breadwinner, but provided neither sufficient aid nor the prospect of decent employment to enable women and children to

⁶⁶ LAURA LEIN ET AL., *LIFE AFTER WELFARE: REFORM AND THE PERSISTENCE OF POVERTY* 62 (2007) (concluding that few women who leave welfare find jobs that pay enough to support their families); MCCLAIN, *supra* note 63, at 132-34 (discussing how marriage promotion programs do not address the effects of poverty which make healthy relationships difficult for the poor to maintain).

⁶⁷ See, e.g., CHAPPELL, *supra* note 10, at 103 (describing NOW Poverty Task Force Chair Merrill Lee Dolan's view that "[p]reservation of the [male-breadwinner] family is not the business of government," and Dolan's "preferred solution to women's poverty – a generous guaranteed income with work incentives, adequate affordable child care, and full employment with vigorous antidiscrimination enforcement" which "aimed instead to make women 'economically independent'" (alteration in original)).

⁶⁸ U.S. GEN. ACCOUNTING OFFICE, *DOMESTIC VIOLENCE: PREVALENCE AND IMPLICATIONS FOR EMPLOYMENT AMONG WELFARE RECIPIENTS* 4 (1998).

⁶⁹ Johnnie Tillmon, *Welfare is a Women's Issue*, MS., Spring 1972, at 111, 111.

become financially independent.⁷⁰ In the 1960s and early 1970s, the price of public assistance could be sexual abstinence or even involuntary sterilization; more uniformly, it was humiliation and loss of control over body and household economy.⁷¹ Tillmon described its perversity in vivid terms:

*The man runs everything. In ordinary marriage, sex is supposed to be for your husband. On A.F.D.C. [(Aid to Families with Dependent Children)] you're not supposed to have any sex at all. You give up control of your own body. It's a condition of aid. . . . The man, the welfare system, controls your money. He tells you what to buy, what not to buy, where to buy it, and how much things cost.*⁷²

The welfare-rights critique highlighted the shortcomings of work requirements in the absence of education, training, and good jobs with adequate pay: "There are some ten million jobs that now pay less than the minimum wage, and if you're a woman, you've got the best chance of getting one."⁷³ Tillmon, who had worked for years in a Los Angeles laundry to singlehandedly support her six children, called for a guaranteed minimum income for all families, regardless of their structure: "There would be no 'categories' – men, women, children, single, married, kids, no kids – just poor people who need aid."⁷⁴ Tillmon and her allies helped to make welfare and single motherhood feminist issues, working not for the end of men, but for the end of "The Man."

In the wake of recent media coverage of the rise in non-marital childbearing among American women, feminist commentators and organizations have sought to reframe the discussion of single motherhood.⁷⁵ Feminists highlighted

⁷⁰ On the history of the welfare rights movement, see generally MARTHA F. DAVIS, *BRUTAL NEED: LAWYERS AND THE WELFARE RIGHTS MOVEMENT, 1960-1973* (1993); FELICIA KORNBLOH, *THE BATTLE FOR WELFARE RIGHTS: POVERTY AND POLITICS IN MODERN AMERICA* (2007); PREMILLA NADASEN, *WELFARE WARRIORS: THE WELFARE RIGHTS MOVEMENT IN THE UNITED STATES* (2005); ANNELISE ORLECK, *STORMING CAESARS PALACE: HOW BLACK MOTHERS FOUGHT THEIR OWN WAR ON POVERTY* (2005); and GUIDA WEST, *THE NATIONAL WELFARE RIGHTS MOVEMENT: THE SOCIAL PROTEST OF POOR WOMEN* (1981).

⁷¹ For discussion of involuntary sterilization during this period, see generally Lisa C. Ikemoto, *Infertile by Force and Federal Complicity: The Story of Relf v. Weinberger*, in *WOMEN AND THE LAW STORIES* (Elizabeth M. Schneider & Stephanie M. Wildman eds., 2011). See also REBECCA M. KLUCHIN, *FIT TO BE TIED: STERILIZATION AND REPRODUCTIVE RIGHTS IN AMERICA, 1950-1980*, at chs. 3, 5 (2009); JENNIFER NELSON, *WOMEN OF COLOR AND THE REPRODUCTIVE RIGHTS MOVEMENT 68-69* (2003) (discussing proposed punitive sterilization laws).

⁷² Tillmon, *supra* note 69, at 111.

⁷³ *Id.* at 112.

⁷⁴ *Id.* at 114.

⁷⁵ This effort is not new. See, e.g., NANCY E. DOWD, *IN DEFENSE OF SINGLE-PARENT FAMILIES*, at xv (1997) ("The stigmatizing of single parents informs popular culture, and, in so doing, justifies the structure of policies and institutions that have enormous impact on the lives of single parents and their families.").

the conflation of “female-headed households” with inevitable poverty, trumpeted the positive outcomes that mothers could achieve with more extensive social and economic support, and exposed the dearth of such support in the United States at the time as compared with other developed countries where households headed by single mothers had a greater chance to flourish.⁷⁶ Legal Momentum, for instance, issued a statement condemning the *New York Times*’ coverage of the relationship between family structure and poverty as “sexist” and “misogynistic” in its equation of father absence with “chaos,” and an utter lack of “discipline and structure.”⁷⁷ The organization then prepared a report, *Single Motherhood in the United States – A Snapshot*,⁷⁸ and followed up a few weeks later with another statement, “Latest Poverty Data Highlights Critical Need to Strengthen the Social Safety Net,” reporting that the poverty rate for single-mother households had reached a fifteen-year high of 40.1%.⁷⁹ The subtitle, “Poverty Remains High, Gender Poverty Gap Grows,” seemed implicitly to refute claims that the economic downturn should be considered a “he-cession” or a “mancecession.”⁸⁰

The positions of today’s feminist organizations have roots in both Norton’s and Tillmon’s brands of feminism, but also respond to the rightward shift in welfare policy and politics.⁸¹ In today’s political climate, arguing for a guaranteed minimum income is a non-starter, and dramatic reforms to the welfare system presuppose limits on the duration of public assistance and the desirability of moving recipients into jobs. Feminists’ responses to these reforms are, perhaps by necessity, largely reactive: calling for changes to the Temporary Assistance for Needy Families (TANF) program, which replaced AFDC with stringent time limits and work requirements,⁸² critiquing requirements that mothers, especially victims of intimate violence, cooperate in

⁷⁶ For such commentary in the popular press, see, for example, Katie Roiphe, Op-Ed., *In Defense of Single Motherhood*, N.Y. TIMES, Aug. 12, 2012, at SR8 (arguing that the problems associated with single-parent families are primarily economic and not a result of family structure per se).

⁷⁷ *Legal Momentum Responds to New York Times on Single Mothers*, LEGAL MOMENTUM (Aug. 17, 2012), <http://www.legalmomentum.org/news-room/announcements/legal-momentum-responds-to.html>.

⁷⁸ See LEGAL MOMENTUM, *SINGLE MOTHERHOOD IN THE UNITED STATES – A SNAPSHOT* (2012), available at http://www.legalmomentum.org/sites/default/files/reports/single-mothers-snapshot_0.pdf.

⁷⁹ Press Release, Legal Momentum, Latest Poverty Data Highlights Critical Need to Strengthen the Social Safety Net (Sept. 12, 2012), available at <http://www.legalmomentum.org/news-room/latest-poverty-data.html>.

⁸⁰ See *id.*

⁸¹ Norton herself, writing at the beginning of the second Reagan Administration, may have been responding to this rightward shift as well.

⁸² See, e.g., GWENDOLYN MINK, *WELFARE’S END* 43-44 (1998) (criticizing TANF’s work requirements and pointing out that the program creates incentives for women to marry).

establishing paternity and seeking child support from fathers;⁸³ opposing "family caps" or "child exclusion" policies that limit aid to women who have additional children;⁸⁴ promoting the availability and affordability of child care for women with young children who must work outside the home;⁸⁵ supporting funding for education and job training programs that afford opportunities for upward mobility;⁸⁶ combating the assumption that encouraging marriage should be a primary objective of welfare reform;⁸⁷ and opposing funding bans for contraception, abortion, and other reproductive health services for low-income and poor women.⁸⁸

These contemporary realities may be sufficient to explain feminist skepticism regarding claims about the "end of men" and the "rise of women" – and in particular, to the linkage between male decline and female empowerment. Feminists worry that emphasizing women's gains and men's losses will undermine everything from anti-discrimination laws, to an already anemic social safety net, to effective enforcement of laws against rape and domestic violence. To be sure, Rosin's analysis is more nuanced than the title of her book reflects. And her tone is one of neither despair nor celebration. But perhaps inevitably, the headlines and generalizations often trump the details and caveats.

⁸³ See, e.g., *id.* at 71-77 ("[M]andatory paternity establishment and child support provisions mark poor single mothers as a separate caste, subject to a separate system of law.").

⁸⁴ See ELLEN REESE, *BACKLASH AGAINST WELFARE MOTHERS: PAST AND PRESENT 190-91* (2005) (describing feminist opposition to "family caps" on welfare benefits).

⁸⁵ See CHAPPELL, *supra* note 10, at 248 (describing the demands of some feminists that working women receive state-supported child care).

⁸⁶ See, e.g., MINK, *supra* note 82, at 138 (advocating education and job training programs); Felicia Kornbluh, *The Goals of the National Welfare Rights Movement: Why We Need Them Thirty Years Later*, 24 *FEMINIST STUD.* 65, 75-76 (1998) ("[F]eminist scholars should help students who are struggling to maintain [welfare] benefits while they are in community or four-year colleges.").

⁸⁷ See MINK, *supra* note 82, at 66-67 (criticizing the moralistic tone of welfare reform); see also MCCLAIN, *supra* note 63; Onwuachi-Willig, *supra* note 63.

⁸⁸ See, e.g., Rickie Solinger, *Dependency and Choice: The Two Faces of Eve*, in *WHOSE WELFARE?* 7, 33 (Gwendolyn Mink ed., 1999) (discussing how Congress prevents public funds from being used to pay for abortions). Collections of primary documents relating to the history of public assistance and welfare reform can be found in *WELFARE: A DOCUMENTARY HISTORY OF U.S. POLICY AND POLITICS* (Gwendolyn Mink & Rickie Solinger eds., 2003) and *WELFARE IN THE UNITED STATES: A HISTORY WITH DOCUMENTS, 1935-1996*, at 2 (Premilla Nadasen et al. eds., 2009). Compelling studies of the workings of the welfare system since 1996 include KATHRYN EDIN & LAURA LEIN, *MAKING ENDS MEET: HOW SINGLE MOTHERS SURVIVE WELFARE AND LOW-WAGE WORK* (1997); KAARYN S. GUSTAFSON, *CHEATING WELFARE: PUBLIC ASSISTANCE AND THE CRIMINALIZATION OF POVERTY* (2011); and LEIN ET AL., *supra* note 66.

What can the history of past “end-of-men” claims and the reactions they have inspired add to our understanding of today’s debate?⁸⁹ The most obvious takeaway is that today’s claims about the “end of men” are nothing new – neither are wildly variant interpretations of the same statistical and anecdotal data. One person’s “feminist paradise” – which, as Rosin aptly acknowledges, the world she describes is not⁹⁰ – is another’s “pathological” “matriarchy.” Complex and nuanced pieces of writing are reduced to simplistic sound bites, molded to fit ideological preconceptions, or just plain distorted.

In the past, claims about the “end of men” (and the “rise of women”) have had real consequences. They have fostered public policies and discourses that reinforced, or attempted to reinvigorate, traditional gender norms. They have led to misconceptions about the relationship between male decline and female advantage, impeding the recognition that trends which hurt men are not likely to benefit women in the long run (or perhaps even the short run). They have, often inadvertently, obscured economic, racial, and other inequalities of power by drawing attention to gender differences that are in fact mediated or constituted by other status hierarchies. But describing what is in fact a partial, ambivalent set of trends among particular subsets of the population as universal and stark can provoke introspection and inspire action. From a historian’s perspective, it is far too soon to assess the reaction to recent “end-of-men” claims, much less their long-term impact on policy or academic and popular discourse. It does seem safe to say that past assertions that the end of men is at hand have sparked reactions – from feminists and others – that helped to galvanize activism to change norms, laws, and public policies in progressive as well as reactionary directions.

⁸⁹ By asking this question, I do not mean to equate *The End of Men* with the Moynihan Report or the 1970s economic downturn with the Great Recession.

⁹⁰ See ROSIN, *supra* note 1, at 93.