Panel on: Separate Silos: Marginalizing Men in Feminist Legal Theory and Forgetting Females in Masculinity Studies

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In society, the impulse toward sex segregation remains strong. Social separation of the sexes persists, from childhood on. Pink and blue tracking in the nursery gives way to sex segregated public schooling—which is on the rise. In 2006 the Department of Education released new regulations expanding the opportunities for single-sex classes, schools, and extracurricular activities. These regulations fueled an explosive increase in single-sex public schools and classes. In 1995, only three public schools in the country offered a single sex options for students; in 2009, 547 public schools are either entirely single-sex or offer all boys and all girls classes. The popular media endorse separatist themes—from heralding the “boy crisis” in education to proclaiming that single-sex schools are “better for girls.” The separatism continues in labor market. Even though women comprise 47 percent of the labor force, occupational segregation by sex persists, with women accounting for 79 percent of social workers and 89 percent of healthcare support occupations, while 77 percent of protective service workers and 92 percent of construction managers are men. In sum, almost 70 percent of all workers are in occupations that are strongly dominated by one sex or the other.

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1 34 C.F.R. § 106.34(b).
2 See Elizabeth S. Kisthardt, Comment, Singling Them Out: The Influence of the “Boy Crisis” on the New Title IX Regulations, 22 Wis. Women’s L.J. 313, 313 (2007). Kisthardt points out that the No Child Left Behind Act provides special funding for “innovative assistance programs, which may include . . . programs to provide same-gender schools and classrooms.” Id. at 313 n.3.
6 Sociologists studying labor markets offer a framework for the consideration
This segregation in society has its parallels in legal doctrine and legal theory. The central premise of this essay is that masculinities studies and feminist legal theory occupy separate academic silos. The branches of inquiry, although drawing on selected excerpts from each other and with some cross-fertilization in recent years, have remained largely segregated—in their methodologies, scholarship, conferences, and subjects. The first part of the essay traces how those silos were built; the second part addresses whether they should be dismantled and, if so, in what ways.

of occupations as sex segregated: A male dominated occupation is one that has fewer than 25 percent female workers; a female dominated occupation is one that has more than 55 percent female workers; and integrated occupation has between 25 and 55 percent female workers. Sheila C. Jacobs, Changing Patterns of Sex Segregated Occupations Through the Life Course, 11 EUR. SOC. REV. 157 (Sep. 1995). Applying this framework to current American labor market statistics, among the 321 specific jobs with at least 50,000 employed, 123 are more than 55 percent female dominated, 82 are “integrated” (between 25 and 55 percent female), and 116 are male dominated (less than 25 percent). Department of Labor, Bureau of Labor Statistics, Women in the Labor Force: A Databook (2009), http://www.bls.gov/cps/wlftable11.htm. (There are 321 job titles that have an employment base of at least 50,000 to provide valid statistics. If there are fewer than 50,000 workers in any job, that job category does not show a breakdown by gender.). I am indebted to Lawrence D. MacLachlan for this analysis.