
SEX AS A TEAM SPORT: A REACTION TO HANNA ROSIN'S *THE END OF MEN*

LIBBY ADLER*

If you access the online version of Hanna Rosin's 2010 article, *The End of Men*,¹ you will find an embedded video² in which, according to the caption, Rosin and her daughter "debate the superiority of women" with Rosin's husband and son. For about five minutes, this two-parent family, headed by accomplished journalists, sits in the kitchen with a roaming toddler while the rest face off at the table, males on one side, females on the other. Rosin supports her bright and confident daughter as the daughter makes her case on behalf of girls and women, then Rosin's husband encourages their young son to give an opening statement on behalf of boys and men. The scene is beyond contrived: it has the quality of each person stepping into a prescribed role having little to do with his or her actual experience.

There is, for example, some discussion of boys' and men's greater physical strength, but neither the son nor the father looks like the first person you would call to help you move. The father, *Slate* editor David Plotz,³ appears rather bookish, and it is hard to imagine that physical strength is what he really values about himself. And the smart money is on the daughter beating up her younger brother, not the other way around. The boys' team makes an argument that civilization's great inventions and creations have been produced largely by men, but it is odd that they draw their examples from so far outside the household (for example, Van Gogh and Picasso) when the husband has made his life with another professional in his same field. You do not get the feeling that he sees his wife as less than his professional equal, especially now, as he accompanies her on her book tour.⁴ Likewise, while Rosin grouses a bit about

* Professor of Law, Northeastern University School of Law. Many thanks to Aziza Ahmed, Janet Halley, and Kara Swanson for fun conversations as well as helpful comments on earlier drafts. Thanks also to Liza Hays, football player and research assistant extraordinaire.

¹ Hanna Rosin, *The End of Men*, ATLANTIC, July/Aug. 2010, at 56, available at http://www.theatlantic.com/magazine/archive/2010/07/the-end-of-men/308135/?single_page=true.

² *Resolved: Girls Are Better Than Boys*, ATLANTIC, http://link.brightcove.com/services/player/bcpid42950271001?bckey=AQ~~,AAAABvb_NGE~,DMkZt2E6wO3Ltfleoh6Zb7QdQVJE3mcx&bctid=89556585001 (last visited Feb 21, 2013).

³ *Authors: David Plotz*, SLATE, http://www.slate.com/authors.david_plotz.html (last visited Feb. 21, 2013).

⁴ See *The End of Men with Hanna Rosin and David Plotz*, FORA.TV, <http://fora.tv/2012/>

doing the lion's share of child care, it is obvious from witnessing the father and son together that Rosin has married an involved and devoted co-parent. She also accuses this apparently gentle man and a boy of perhaps five of bullying her and her daughter, despite the daughter coming off as the most aggressive participant at the table: for the sex that is reputed to be more relational and cooperative, she throws down a *whole* lot of trash talk (for example, "girls rule").⁵

Trash talk, of course, is part of friendly competition. It is a discourse of exaggeration, meant to insult one's opponent and puff oneself.⁶ It is playful, not entirely serious, and meant to taunt rather than state a rigorously tested truth. Hyperbole is characteristic of trash talk, as in "Yankees suck." I despise the Yankees down to my cells as much as anyone else raised in a Red Sox household, but they *suck*? Really?

Rosin's title reads similarly, as the taunt of a competitor. Surely any proclamation that the "End of Men" is upon us is an overstatement, as others in this symposium make abundantly evident. The idea that men are *over*, at least insofar as they are defined by their economic superiority, is a notion with which to toy, not one to observe as an empirical truth, despite the tenor of empiricism that pervades both the essay and the book.

Perhaps, though, we can derive some fresh value by stepping back and considering the framework Rosin constructs through her title and larger analysis: that of a transcultural, transhistorical match up – boys versus girls, brawn versus brains, gander versus goose – not because team sports is the best way to understand sex, but because viewing sex through the lens of team sports might shed some light on the rules of the game as well as on the arenas of play.

Indeed, there is some evidence that sports crossed Rosin's mind. In her article, Rosin bolsters her empirical case with a few pop-culture anecdotes.⁷ For instance, she recounts an ad that aired during a recent Super Bowl, presumably to gain insight into the male in his natural habitat.⁸ The ad reportedly showed a group of men whose virility had been thoroughly sapped by, among other forces, women. A voice drones obediently, "I will put the seat down, I will separate the recycling, I will carry your lip balm." A Dodge Charger then zooms in as if it were liberation. Rosin rereads the ad cleverly: the men have been so utterly subdued, a woman is probably behind the wheel.⁹

09/11/The_End_of_Men_with_Hanna_Rosin_and_David_Plotz (last visited Feb. 21, 2013).

⁵ See *Resolved: Girls Are Better Than Boys*, *supra* note 2. Rosin's book, *The End of Men*, also contains the argument that women are becoming more aggressive, though her evidence is presented in something of a grab-bag fashion. See HANNA ROSIN, *THE END OF MEN: AND THE RISE OF WOMEN* 1-91 (2012).

⁶ Trash talk is defined as "disparaging, taunting, or boastful comments esp[ecially] between opponents trying to intimidate each other." MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY 1257 (10th ed. 1999).

⁷ Rosin, *supra* note 1, at 70-72.

⁸ *Id.* at 72.

⁹ *Id.*

Rosin recounts the ad apparently to make the point that these vacuous creatures formerly known as men have replaced the Marlboro Man, an iconic figure with which she frames her discussion.¹⁰ Part of her argument is that an image of such virility is now “too far-fetched and preposterous even for advertising.”¹¹ This suggests to me that Rosin does not watch a lot of football. Tune in any Sunday during football season and you are likely to meet the rough-stubbled guy who fixes his own classic car, drives it on desert roads, and takes Viagra; the “Ram Tough” trucker with a payload of cement that crash-lands into his vehicle, kicking up slow-motion clouds of manly grit; and the guys who build General Electric turbines that provide the power to make (not wine coolers but) beer. The Marlboro Man may have died of lung cancer,¹² but he comes back to life every Sunday during football season. He has merely given up smoking in favor of sex, trucks, and alcohol (a trade for which I personally commend him).

But despite Rosin’s obvious unfamiliarity with the territory, she might actually be digging in an interesting spot. Football could provide more than an illustrative anecdote; it could prove a useful comparison to the team sport that Rosin constructs. I have long viewed football as at least as much a lawyer’s game as a man’s game. There are infinite rules, and they change to accommodate evolving policy preferences (recently, serial concussion avoidance).¹³

Once I wondered why different rules govern the front and back of the end zone. When a player is entering the end zone from the field, in order to score a touchdown he merely has to “break the plane”;¹⁴ that is, the tip of the ball has to penetrate (sorry for this) the end zone only slightly. The player’s feet can be six feet away from the end zone, but if the tip breaks the plane, he scores.

If, however, a player catches a pass in the *back* of the end zone, just getting a small part of the ball into the zone will not be sufficient. The player must securely catch the ball and get both feet down inbounds in order to score a touchdown.¹⁵ Why? Why is a pass caught at the back line not treated the same

¹⁰ *See id.*

¹¹ *Id.*

¹² At least one Marlboro model died of lung cancer. John Marchese, *A Rough Ride*, N.Y. TIMES Sept. 13, 1992, § 9, at 1.

¹³ *See New NFL Rules Designed to Limit Head Injuries*, NFL (Aug. 6, 2010, 5:33 PM), <http://www.nfl.com/news/story/09000d5d81990bdf/article/new-nfl-rules-designed-to-limit-head-injuries>. For an analysis of a possible rule change under consideration, see Brian Burke, *More Scoring! More Fumbles! What Would Happen if the NFL Eliminated Kickoffs?*, SLATE (Dec. 7, 2012, 4:05 PM), http://www.slate.com/articles/sports/sports_nut/2012/12/roger_goodell_kickoff_ban_more_scoring_more_fumbles_and_other_potential.html.

¹⁴ NFL, OFFICIAL PLAYING RULES AND CASEBOOK OF THE NATIONAL FOOTBALL LEAGUE 56 (2012) [hereinafter NFL RULES], available at <http://static.nfl.com/static/content/public/image/rulebook/pdfs/2012%20-%20Rule%20Book.pdf>.

¹⁵ *Id.*

as a ball coming in on the other side of the same rectangle?

Watch a few games and you will figure it out. The NFL uses rules to elicit the most exciting motion from the players' bodies. It is breathtaking to watch a player stretch his body out to break the plane, sometimes in mid-air, while defensive players are trying to tackle him, and you know the human instinct must be to curl oneself inward. Almost equally gripping is witnessing a player's effort to halt, even reverse, his own forward motion after leaping up to catch a pass in the back of the end zone, so that he can bring it back down inside the line. The rules are there to produce movements that maximize the thrill of the game.¹⁶

Here is another way for lawyers to have fun: a lawyer who has read Oliver Wendell Holmes will not be able to prevent him or herself from recognizing the Holmesian "bad man" that is every football player and coach. In his 1897 essay, *The Path of the Law*, Holmes famously wrote that studying law was about learning to make predictions.¹⁷ "The prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law. . . ."¹⁸ He drew a distinction between morality and law, not because he thought they bore no resemblance to one another, but because to acquire "a business-like understanding of the matter," it made sense to observe that both good and bad men had an interest in "avoid[ing] an encounter with the public force."¹⁹ To isolate, then, the legal element from the moral, one should approach a question of conduct "as a bad man, who cares only for the material consequences which . . . knowledge [of the law] enables him to predict, not as a good one, who finds his reasons for conduct . . . in the vaguer sanctions of conscience."²⁰

Part of football is walking the line of the rules, seeing what you can get past the ref, and making the rules work to one's advantage. Players intentionally draw penalties from the opposing team all the time to gain a few yards or a fresh set of downs. They deliver the hardest hits they can while testing referee discretion under the "unnecessary roughness" standard.²¹ They insist on obscure formalities that have outsized substantive consequences, such as the "tuck rule,"²² covering situations in which a quarterback's arm moves slightly forward as he loses the ball, turning a fumble into an incomplete pass. The rule can determine who gets possession of the ball, and in 2002 probably determined the outcome of a playoff game.²³ Football players are classic

¹⁶ For a discussion of bodies as instruments of disciplinary power, see MICHEL FOUCAULT, *DISCIPLINE AND PUNISH: THE BIRTH OF THE PRISON* 135-69 (Alan Sheridan trans., Vintage Books 2d ed. 1995) (1977).

¹⁷ O.W. Holmes, *The Path of the Law*, 10 HARV. L. REV. 457, 457 (1897).

¹⁸ *Id.* at 461.

¹⁹ *Id.* at 459.

²⁰ *Id.*

²¹ NFL RULES, *supra* note 14, at 66-67.

²² *Id.* at 10.

²³ *Ice Man Cometh: Vinatieri Kicks Two Clutch FGs as Pats Top Raiders in OT*, CNN

Holmesian bad men: amoral actors making predictions about the applications of rules and standards, then behaving to their own advantage.

Players and coaches make judgment calls based on the full array of conditions in a given environment, anticipating how those conditions will affect their success in walking the line of the rules. If a team has been practicing in Miami, and has a December game in Buffalo, its coaches should think ahead about the hard ground and stiff fingers trying to catch the ball. Weather could affect what plays a team runs; a passing offense might lean on its running backs a bit more in cold or inclement weather. But more than that, when these kinds of environmental factors interact with the rules and judgments of the referees, it produces an entire “strategic situation.”²⁴ Rules governing false starts and encroachment interact with crowd noise; rules on ball control and keeping one’s feet inbounds interact with rain, which can make surfaces slippery. Teams change strategies and swap players and formations to adapt.

Duncan Kennedy found an analogy in basketball to illustrate the role that apparently neutral ground rules play in picking winners and losers in economic contests: “[T]he rules of basketball could be changed so as to increase or decrease the advantages of tall players over short ones, fast ones over slow ones, and so forth. Lowering the height of the hoop would affect, in complex ways, the relative ‘ability’ of each player.”²⁵ The height of a basketball hoop was not prescribed by God nor found in nature, but it renders the height of players an incredibly significant asset in that sport. Likewise, lengthening the time of play might change the importance of stamina; permitting certain contacts that are currently deemed fouls might reduce the desirability of players whose principal strength is taking graceful shots from the three-point range in favor of those who can bulldoze their way past physically aggressive defensive players.

As the game changes, who is good at the game also changes. Rosin’s contribution is to shine a spotlight on this. She appreciates the importance of a changing game. She conceptualizes men and women as two teams, and argues that as the game evolves, the team that has been behind forever is gaining on the other team’s lead. I am not sure this is verifiable for many of the reasons that other writers in this symposium discuss, but it does at least offer an opportunity to reconsider the game, its rules, and its conditions.

SPORTS ILLUSTRATED (Jan. 20, 2002, 3:15 AM), http://sportsillustrated.cnn.com/football/2002/playoffs/news/2002/01/19/raiders_patriots_ap/.

²⁴ For a Foucauldian description of power as a “complex strategical situation” presented by innumerable “force relations” “always local and unstable,” “produced from one moment to the next,” see 1 MICHEL FOUCAULT, *THE HISTORY OF SEXUALITY: AN INTRODUCTION* 92-93 (Robert Hurley trans., Pantheon Books 1978).

²⁵ DUNCAN KENNEDY, *The Stakes of Law, or Hale and Foucault!*, in *SEXY DRESSING ETC.* 83, 85 (1993). There is more to the point that Kennedy is trying to make about economic struggle. For one thing, you are supposed to go on to imagine that winners dominate the process of choosing the rules. *See id.* at 84-85.

Rosin's game is played on a number of related fields: primary and secondary schools, colleges and graduate schools, anti-discrimination and anti-harassment regimes, all sectors of the labor force, public assistance, child support and family law, just to name a few. Law, in Holmes' meaning, is imminent in each of these domains, influencing how people navigate other conditions in their environment – not altitude, weather, and crowd noise, but economic and cultural trends.

Rosin's data offer the opportunity to make predictions: what material consequences are likely to result from the application of existing rules and standards as they interact with current and emerging conditions? What strategic and adaptive behavior can we anticipate?

Rosin describes conditions in multiple arenas in which her two teams meet, and each setting is separately amenable to such an inquiry. Take, for example, college admissions. As Rosin observes, the concept of "gender balance"²⁶ exerts tremendous influence on this crucial field of play. "Racial balance," as any student of constitutional law knows, is absolutely verboten in the same context.²⁷ That concept does not benefit from the demands of heteronormativity according to which a college ought to have enough boys for each girl. At the same time, it suffers from the burdens of race-based affirmative action discourse, including anxiety about "innocent individuals"²⁸ and analytical flaws in the diversity rationale.²⁹ It is therefore difficult to imagine that "racial balance" will be deemed a virtuous objective any time soon. Yet "gender balance" somehow seems an entirely proper pursuit, unencumbered by constitutional or discursive obstacles. Due to the excess of applications from girls as compared with those from boys, "gender balance" as a discursive ideal combined with constitutional permissiveness results in a distributive advantage to the boys' team.³⁰

Rosin's work discusses other confluences of legal and discursive streams that can be assessed for distributive effect. One gloomy example takes place in the arena of child support.³¹ Child support law as we currently know it is a product of the last quarter of the twentieth century and of an unresolved ambivalence about treating husbands and wives equally upon divorce. In the

²⁶ Rosin, *supra* note 1, at 66-70.

²⁷ See *Gratz v. Bollinger*, 539 U.S. 244, 270 (2003) (finding a University of Michigan undergraduate affirmative action policy to be unconstitutional).

²⁸ *Regents of the Univ. of Cal. v. Bakke*, 438 U.S. 265, 307-10 (1978) ("We have never approved a classification that aids persons perceived as members of relatively victimized groups at the expense of other innocent individuals in the absence of judicial, legislative, or administrative findings of constitutional or statutory violations.").

²⁹ See *Gratz*, 539 U.S. at 293-94 (Souter, J., dissenting).

³⁰ See Jennifer Delahunty Britz, *To All the Girls I've Rejected*, N.Y. TIMES, Mar. 23, 2006, at A25 (maintaining that, despite females' strong applications, there are fewer male applicants and therefore males are more likely to be admitted to college).

³¹ See Rosin, *supra* note 1, at 62-64.

1970s and 1980s, as no-fault divorce became the norm, attention to the poverty of female-headed families grew, yet women's formal equality reduced the availability of permanent alimony.³² The tender years doctrine,³³ officially presuming maternal superiority in custody decisions, fell from favor, but the ostensibly gender-neutral primary caretaker presumption placed most children of divorce with their mothers.³⁴ Child support, once determined by reference to the *cost* of raising a child, would be calculated instead based on *income* and effectively converted to household support, due to the difficulties of extricating child-only costs from general household costs such as rent.³⁵ This shift was also a product of an emerging ideology that held that the two households – the site of primary physical custody and the site of visitation – should be roughly equal in resources,³⁶ producing a backdoor form of alimony. Even ex-husbands who were not ordered to pay alimony found themselves effectively supporting ex-wives under the application of federally mandated, state-promulgated child support guidelines.³⁷

In the 1990s, with the advent of federal welfare reform,³⁸ enforcement measures got tough. Liens, automated wage assignment, license revocation, tax refund intercept, and other enforcement mechanisms were added to state plans.³⁹ “Most Wanted” posters went up in some states,⁴⁰ and high-profile

³² Herma Hill Kay, *Equality and Difference: A Perspective on No-Fault Divorce and Its Aftermath*, 56 U. CIN. L. REV. 1, 66 (1987).

³³ Steven N. Peskind, *Determining the Undeterminable: The Best Interest of the Child Standard as an Imperfect but Necessary Guidepost to Determine Child Custody*, 25 N. ILL. U. L. REV. 449, 454 (2005).

³⁴ Gary Crippen, *Stumbling Beyond Best Interests of the Child: Reexamining Child Custody Standard-Setting in the Wake of Minnesota's Four Year Experiment with the Primary Caretaker Preference*, 75 MINN. L. REV. 427, 452-53, 453 n.101 (1990).

³⁵ Robert G. Williams, *Guidelines for Setting Levels of Child Support Orders*, 21 FAM. L.Q. 281, 287-89 (1987).

³⁶ Marygold S. Melli, *Guideline Review: Child Support and Time Sharing by Parents*, 33 FAM. L.Q. 219, 220-21 (1999).

³⁷ Robert H. Mnookin & Lewis Kornhauser, *Bargaining in the Shadow of the Law: The Case of Divorce*, 88 YALE L.J. 950, 960-62 (1979). This is not to ignore never-married parents and their children, who were to be treated similarly for constitutional reasons. See *Trimble v. Gordon*, 430 U.S. 762, 775-76 (1977) (applying equal protection analysis and holding that restrictions on intestate succession allowing children born out of wedlock to inherit only from their mothers to be unconstitutional).

³⁸ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105 (1996) (codified in scattered sections of 2, 7, 8, 10, 11, 13, 21, 26, 29, 42, 44 U.S.C.).

³⁹ Paul K. Legler, *The Coming Revolution in Child Support Policy: Implications of the 1996 Welfare Act*, 30 FAM. L.Q. 519, 538-55 (1996); see also VICKI TURETSKY, CTR. FOR LAW & SOC. POL'Y, CHILD SUPPORT ADMINISTRATIVE PROCESSES: A SUMMARY OF REQUIREMENTS IN THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996, at 27-30 (1997), available at <http://www.policyarchive.org/handle/10207/137>

busts of delinquent child support obligors living large made for some thrilling press, especially where there was an abandoned and impoverished family back home.⁴¹ Legal and cultural forces converged to render the “deadbeat dad” an object of national scorn.⁴² Child support guideline figures have risen and constitutional challenges to them have uniformly failed.⁴³

Enter some of Rosin’s observations about the relative positions of men and women in the post-2008 economy. Reporting on a fathering class in Kansas City for delinquent child support obligors,⁴⁴ Rosin provides sympathetic coverage. The women to whom they owe support apparently earn more than the men in the class do.⁴⁵ Diagnosing these men as “casualties of the end of the manufacturing era,”⁴⁶ Rosin depicts a hapless band of displaced providers and deposed authority figures, men who had become useless to their families and found themselves in the humiliating position of seeking public assistance in a benefits system largely constructed around single motherhood.⁴⁷ This arena of play is governed by intersecting legal and discursive conditions from an earlier historical moment combined with emerging economic conditions. In at least some cases – surely we could marshal numerous examples to the contrary – men are the losers and women’s fortunes look pretty good by comparison.

To the extent that Rosin is trying to point out to us that the game has

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⁴⁰ See Sandra E. Lundy, *Challenging the Status Quo: Divorce*, in *BREAKING BARRIERS: THE UNFINISHED STORY OF WOMEN LAWYERS AND JUDGES IN MASSACHUSETTS* 131 (Patti B. Saris, Margot Botsford & Barbara F. Berenson eds., 2012) (showing a reprinted “Most Wanted” poster, originally produced by the Massachusetts Department of Revenue in its effort to bring attention to delinquent child support obligors). Massachusetts circulated these posters ahead of other states, and was out front on a number of child support enforcement efforts. Dep’t of Revenue, *Overview and Basic Rules of Income Withholding*, MASS.GOV, <http://www.mass.gov/dor/child-support/employers/making-payments/income-withholding/overview-and-basic-rules.html> (last visited Feb. 8, 2013).

⁴¹ See, e.g., *Albert Tecci Won a \$7.1 Million Lotto Jackpot . . .*, ORLANDO SENTINEL (May 6, 1989), http://articles.orlandosentinel.com/1989-05-06/news/8905065116_1_standard-of-living-luck-revere (“[After the jackpot,] [t]hen came the bad news from Massachusetts. A felony fugitive arrest warrant was issued in Chelsea District Court [], accusing [Albert Tecci] of being behind in child support . . . Tecci’s children live in Revere, near Boston. The boys, who turn 8 and 9 this month, live with their mother on public assistance. Officials said the state will draft a support order that will ‘reflect Tecci’s current standard of living.’”).

⁴² See, e.g., Peter J. Howe, *State Could Save \$155 Million If ‘Deadbeat Dads’ Paid Up*, *Study Says*, BOS. GLOBE, Nov. 4, 1993, at 33.

⁴³ See Laura W. Morgan, *The Constitutionality of Child Support Guidelines*, 14 *DIVORCE LITIG.* 117, 117-23 (2002).

⁴⁴ Rosin, *supra* note 1, at 62-63.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ See *id.*

changed, there can be no doubt that she is right. The ability to lift heavy things is not the key to success in the current economy,⁴⁸ and this may have a good deal to do with the defeat of the men in the fathering class and with women's concomitant rising achievement, perhaps as much as or more than the Lily Ledbetter Act⁴⁹ ever could.

Same-sex marriage arguably comes to us along the same avenue. As Nancy Cott, one of the nation's leading historians on marriage, has attested, same-sex marriage simply would not have made sense under the nineteenth-century doctrine of coverture.⁵⁰ Under coverture, marriage consisted of formal, legally specified gender roles, including the husband's duty of support and the wife's duty of obedience; marriage then was conceptualized as economic complementarity, rooted in a traditional division of labor.⁵¹ After industrialization and the shift away from the agrarian economy, the demise of coverture, the passage of Title VII, and a host of equal protection decisions issued by the U.S. Supreme Court in the 1970s that produced near-formal equality for women, however, the nature of marriage changed.⁵² Now, as a formal legal matter, marriage is a partnership of equals, a companionate institution in which spouses do not play legally specified roles. As a result, same-sex marriage is no longer inconceivable. One way to explain the successes of the same-sex marriage campaign is that as economic and other conditions changed around same-sex couples, just as women's capacities were rendered more adaptive, same-sex partnerships were rendered more adaptive as well.

Rosin *is* on to something. To the extent that she is waving her arms and urging that women cease reflexively inhabiting the role of the perpetual underdog, she does everyone a service. Her analysis, however, has limits.

In football, on any given day, we know what team a player is on by what color jersey he is wearing. The teams are as discrete as categories can be. During a game, we know who is in the lead by looking at the scoreboard, and at any moment during the season, we know which team is ahead in the AFC East by comparing records of wins and losses. But men and women are not the New England Patriots and the New York Jets.

Rosin draws her illustrations from contexts across race, class, and the globe, yet it does not seem to have occurred to her that race and national context might serve as cross-cutting categories that undermine the determinative power of sex. And one could easily object to her erasure of people who never sat

⁴⁸ *See id.* at 58-60.

⁴⁹ Lilly Ledbetter Fair Pay Act of 2009, Pub. L. No. 111-2, 123 Stat. 5 (codified in scattered sections of 29 and 42 U.S.C.).

⁵⁰ *See* Nancy F. Cott, *No Objections: What History Tells Us About Remaking Marriage*, BOS. REV., <http://www.bostonreview.net/BR36.1/cott.php> (last visited Feb. 21, 2013).

⁵¹ *Id.*

⁵² *Id.* (describing the changes in marriage across time and highlighting the important Supreme Court cases and social changes that helped to reform the institution).

comfortably in the categories that Rosin simply assumes: gay, lesbian, and transgender people are obvious examples. These criticisms have long been levied against any analysis that relies uncritically on the broad and undifferentiated categories of men and women. Often the criticisms are given polite nods before they are ignored, perhaps with the unspoken belief that they represent marginal concerns, nagging at the heels of central, general, predominant sex-based phenomena. Well, maybe now, the reigning analytics are ebbing in their centrality, generality, and dominance. Rosin has gathered together some important observations on how the world is changing, but trying to figure out who is moving into the lead and who is over seems a feckless pursuit. The teams as Rosin imagines them are, to say the least, fractured. Folks are bursting out of their uniforms.

If a college admissions office's daily tracking shows that the college is admitting more black female applicants than black male applicants, to a degree that significantly increases the female side of its male-to-female ratio, and then the office admits some white male applicants over some white females in order to achieve gender balance, how do we know whether men or women won? If a lesbian couple and male best friend agree to produce a baby, and after the couple breaks up, a court determines that the non-biologically related woman is the only one with visitation access and a child support obligation to her ex-lover, again, did the men's team or women's team win? Distributions by legal and other decisionmaking entities can get messy. The teams are neither stable nor monolithic, and sometimes a win can be a loss, and vice versa.

An alternative interpretation of the mass of conflicting data presented by Rosin as well as her critics is that the *categories* of men and women are diminishing in their usefulness. We might be approaching a time when these categories actually obscure more than they illuminate. Maybe it is not the "End of Men" as in a reversal of fortunes, but the "End of Men" as in a decline in the utility of generalizing about men and women.

Rosin seems pleased by her team's progress, delighted to talk a bit of trash, and righteous about women finally taking the lead. But one can also detect in Rosin's writing a touch of nostalgia over a time that may be slipping into history: the Marlboro Man's time, a time when men were men, women knew not what opportunities awaited them, and anybody else was simply too invisible to consider. Though some grief may accompany its passing, mourners can take solace: it had a good run.