

Personal Narrative and Paternal Stereotypes

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Holning Lau, [Shaping Expectations About Dads as Caregivers: Toward an Ecological Approach](#), 45 *Hofstra L. Rev.* 183 (2017).

On the first day of my Family Law class, when discussing my goals for the semester, I tell students that even if they do not practice in the area of family law, the class will be helpful for them because of how directly family law impacts everyday life. The impact of other areas of law is typically more attenuated, and of the legal fields that also operate directly upon individuals—tax and criminal law come to mind—family law is the topic that is both omnipresent and often joyfully applicable, as when a couple marries.

Beyond the direct interventions in our relationships, however, family law sends implicit messages about society's expectations for familial relationships. These messages can be difficult to uncover and even more complex to address. [Holning Lau's](#) article *Shaping Expectations About Dads as Caregivers: Toward an Ecological Approach* is a refreshingly clear contribution, drawing upon his experiences as a new father as a springboard for legal reform.

Lau and his husband recently adopted a baby girl, and his article begins by describing a number of experiences undercutting Lau's role as an engaged, caregiving parent. He notes that he was lucky to be able to take advantage of a generous family leave policy, an option not available to most parents regardless of their gender. But during his time on leave from teaching responsibilities, Lau faced myriad small but direct messages that assumed caregiving parents were all female. When outside of his home, he faced difficulty finding men's bathrooms with changing tables—when out to a meal to celebrate Father's Day, a restaurant owner apologized and offered to let Lau use the women's bathroom changing table instead. Looking for activities for his daughter, Lau noted most of the classes intended for infants were called "Mommy and Me," rather than a gender neutral term. This was in keeping with the vast majority of baby product advertisements, which targeted mothers rather than all parents. Conversely, when Lau wasn't being ignored as a parent, he was being singled out as doing something unusual, as when he and his husband were complimented by strangers for "babysitting" when they ran errands with their daughter.

After chronicling some of his experiences, Lau outlines the broader effects of such microaggressions. Caregiving fathers feel alienated as they are constantly singled out as different. Fathers or potential fathers deciding whether to take on significant caregiving work are nudged away from doing so. Just as men are pushed away from caregiving, women are pushed towards taking on the caregiving work. Societal expectations and individual choices become a self-fulfilling cycle: because more women are the primary caregiver, we assume all primary caregivers are women, which pressures new parents towards fulfilling the stereotype.

One reason Lau's article is so persuasive is because of the personal narrative he includes in explaining the problem he seeks to address. I have written about the cultural messages sent to caregiving fathers¹ as have [Beth Burkstrand-Reid](#)² and [Nancy Dowd](#)³ among many others. But for reasons likely made obvious by our first names, we cannot provide first-hand examples of the broader phenomenon. Lau demonstrates the utility of personal narrative in legal scholarship through a few well-chosen anecdotes, a technique notably used by Darren Rosenblum in his 2012 article [Unsex Mothering: Toward a New Culture of Parenting](#). By using such an effective narrative, Lau persuasively argues that fathers are tangibly affected by gender stereotypes even before he began his analysis.

After sketching out the problem of gender stereotypes in parental roles, Lau outlines existing proposals to encourage more caregiving by fathers in the context of workplace policies, principally expanding paid parental leave and setting

aside a portion of the leave solely for use by fathers, on the theory that an early incentive to take some time early in a child's life as the primary caregiver will make fathers more likely to continue sharing caregiving work. Supporters of such a "daddy quota" of parental leave often point to Scandinavian countries as demonstrations of the success of such policies. Lau points out, however, that the broader culture of Norway and Sweden was significantly different than American expectations about parenting even before the daddy quotas were created, and calls upon scholars to "expand our conversation beyond workplace policies" toward ecological reform.

By ecological reform, Lau means a broad inquiry into how the state can generally encourage caregiving by fathers. He provides three examples to spark discussion: physical infrastructure, such as equal access to changing tables in public bathrooms; the targeted audience for community events, requiring classes currently labeled "Mommy and Me" to use gender-neutral names by tying the name change to funding for public buildings where such classes often take place; and media campaigns to encourage paternal caregiving.

What I found most helpful about Lau's final proposals is how they are simultaneously large- and small-scale. On the one hand, Lau has persuasively outlined how pervasive gender stereotypes are, and his call to think of ecological reform broadens the field of potential changes well outside of workplace leave policies alone. On the other hand, Lau's starting points are quite narrow in focus: how to require some "Mommy and Me" classes to change their names to be more inclusive, for example.

Lau does not have specific proposals to reform family law itself, although obviously his piece is easily identified as about the family. I write about gender stereotypes in parenting, and specifically about caregiving fathers, but have typically focused upon relatively large-scale questions of how to define legal parents in statutory language. Lau's call to open the field of reform to relatively small interventions, but multiple interventions across different areas and types of laws, reminds us that combating gender stereotypes must be as far-reaching as the stereotypes themselves.

1. Dara Purvis, *Expectant Fathers, Abortions and Embryos*, 43 **J. L. Med & Ethics** 330 (2015), Dara Purvis, *Parental Rights: Labor, Intent and Fathers*, 41 **Fla. St. Univ. L. Rev.** 645 (2014). [?]
2. Beth Burkstand-Reid, *Dirty Harry Meets Dirty Diapers: Masculinities, at-Home Fathers, and Making the Law Work for Families*, 22 **Tex. J. Women & L.** 1 (2012). [?]
3. Nancy Dowd, *Fatherhood and Equality: Reconfiguring Masculinities*, 45 **Suffolk U. L. Rev.** 1047 (2012), Nancy Dowd, *Fathers and the Supreme Court: Founding Fathers and Nurturing Fathers*, 54 **Emory L. J.** 1271 (2005), Nancy Dowd, *From Genes, Marriage and Money to Nurture: Redefining Fatherhood*, 10 **Cardozo Women's L. J.** 132 (2003). [?]

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