

TRANSFORMING “SHEDETS” INTO “KEYDETS”: AN EMPIRICAL STUDY EXAMINING COEDUCATION THROUGH THE LENS OF GENDER POLARIZATION

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“I live under the power of the fathers, and I have access only to so much of privilege or influence as the patriarchy is willing to accede to me, and only for so long as I will pay the price for male approval.”

— *Of Woman Born*, Adrienne Rich

“You have Shedets and cadets who are female. Female cadets are physically and academically squared away and deserve to be here. Shedets are the opposite.”

— A VMI cadet¹

ABSTRACT

On June 26, 1996, a seven-one majority of the U.S. Supreme Court held that the all-male admissions policy at the Virginia Military Institute (“VMI”) violated the Equal Protection Clause of the Fourteenth Amendment. United States v. Virginia resulted in more than a mere change to an admissions policy; it fundamentally altered VMI’s cultural landscape and had far-reaching implications on the Institution and its student body. As such, United States v. Virginia raised many difficult questions but provided few answers. First and foremost, what would it mean to be a woman at VMI, and how high a price would female cadets have to pay to be labeled “keydets” who deserve to be at VMI instead of “shedets”?

In an attempt to answer these complex questions, I collaborated with a sociologist and

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1 Data Set, Q. 62, R. 39.

psychologist to survey VMI's student body via an anonymous online questionnaire. Three hundred sixty-four students responded, including 311 men and 53 women. This article is the first in a series arising from the empirical data collected in our quantitative impact analysis, which, to my knowledge, is the first and only study of its kind to illuminate the "not-so-happily-ever-after" of VMI's long and complex litigation story. In this article, I examine the perceived impact of coeducation, perceptions of why members of the opposite sex attend VMI, pressures to conform to prescriptive gender stereotypes of how feminine or how masculine a cadet should be, and perceptions of an expected adverse reaction to perceived violations of gender boundaries.

The article illuminates the impact of gender polarization on the gender identity formation of male and female cadets. It paints a picture of male cadets fiercely defending their traditionally masculine domain and the power and privilege that they derive from it. Fifteen years after the onset of coeducation, many male cadets still perceive female cadets as intruders who are more masculine than non-VMI women. To assimilate into VMI's stronghold of masculinity, "otherized" female cadets often employ gender strategies, such as emphatic sameness, to avoid accepting the demeaning status of feminine "shedet" within VMI's androcentric and gender polarized environment. Yet, in so doing, female cadets may inadvertently forfeit a vital part of their feminine gender identities. What remains unclear, however, is whether the price of assimilation comes at too high a cost.

INTRODUCTION

On June 26, 1996, a seven-one majority of the Supreme Court of the United States held that the all-male admissions policy at the Virginia Military Institute ("VMI") violated the Equal Protection Clause of the Fourteenth Amendment.² As author of the majority opinion in *United States v. Virginia*, 518 U.S. 515 (1996), Justice Ruth Bader Ginsburg—a longtime advocate of equal rights for women—rejected VMI's contention that coeducation would fundamentally alter the VMI experience and destroy VMI's unique adversative educational system. The following year, VMI became coeducational.

United States v. Virginia raised many difficult questions but provided few answers. First and foremost, what should equality at a coeducational VMI look like? Does equality require *identical* treatment of men and women, even where such treatment could potential-

2 My goal is not to engage in further equal protection analysis of the decision, as that body of scholarship is already quite well developed. Instead, I hope to explore the perceived impact of the decision on VMI and its student body.

ly harm the individuals it aims to protect?³ Or does equality necessitate, or at least permit, recognition of real differences? If yes, then who determines which differences are “real,” and how is that determination made? What does such recognition look like, and when does it go too far?

In 2011, my co-researchers and I began to search for the answers to these complex and difficult questions. With VMI’s permission, we surveyed VMI’s entire student population—approximately 1,569 students—via an anonymous online questionnaire.⁴ Three hundred sixty-four students responded, including three hundred eleven men (85.4%) and fifty-three women (14.6%).⁵

In this article, I explore what it means to be a woman at VMI and whether VMI is such a male-gendered institution that its cadets, both male and female, must also become gender-masculine to succeed. Put differently, how high a price must female cadets pay to be

3 Although “sex” and “gender” are often used interchangeably, throughout this article I use “sex” to refer to biological maleness and femaleness and “gender” to refer to the gender identity socially constructed on the basis of attributes traditionally associated with masculinity or femininity. By contrast, *gender essentialism* assumes that “sex and gender are coextensive, that all males and only males have the masculine traits” and vice-versa. See Mary Anne Case, *Two Cheers for Cheerleading: The Noisy Integration of VMI and the Quiet Success of Virginia Women in Leadership*, 1999 U. CHI. LEGAL F. 347, 354 (1999).

4 By comparison, approximately 1,300 students attended VMI at the time of the litigation. *United States v. Virginia*, 518 U.S. 515, 521 (1996).

5 *VMI Common Data Set, Fall 2010*, VA. MIL. INST., <http://www.vmi.edu/content.aspx?id=8047> [<http://perma.cc/9YJC-VYQK>] (last visited Apr. 11, 2014). This marked sex disparity is unsurprising given that in the fall of 2010, VMI’s student body consisted of 1,425 males but only 144 females. See *id.*

deemed “keydets”⁶ who deserve to be at VMI instead of “shedets” who do not belong?⁷ To answer these questions, I examine student attitudes regarding possible gender boundary violations in the context of coeducation as well as the potential impact of gender polarization on the gender identities of female cadets.⁸ Specifically, I examine the perceived impact of coeducation, perceptions of why members of the opposite sex attend VMI, expectations of how *feminine* and how *masculine* a cadet should be and pressures to conform to those gender stereotypes, and perceptions of an expected adverse reaction—sex discrimination—to perceived violations of gender boundaries.

To interpret gender differences regarding the general attitude toward coeducation, I primarily focus on gender polarization, which is the separation of sex and gender into opposite poles representing masculine and feminine domains. Gender polarization often legitimates the place and power of men to the detriment of women. Due in part to Americans’ tendency to view men and women through a gender polarized lens, many female cadets are perceived as “shedets” or “non-males” who are violating clear gender boundaries. Because women’s attempts to assimilate into VMI’s “cult of masculinity” threaten to undermine male privilege, they are often met with palpable resistance.⁹

6 *Keydets* commonly refers to VMI’s athletic teams. According to VMI:

The source and/or meaning of the nickname “Keydets” is not as easy to find. The problem lies in the fact that there is no definite meaning that has been found for the word. There have been plenty of explanations offered, but none have been convincingly substantiated. The United States Military Academy claims that it was a word used to denote the gray of the standard uniform of a cadet. One less factual definition is that due to the Southern drawl of some of the members of the VMI Corps, the common term cadet was transformed into “Keydet” The name stuck and became more popular during the 1920 football season. It wasn’t until the 30’s that the term “Keydet” came into use in conjunction with the athletic teams.

Keydets and Kangaroos, VA. MIL. INST., <http://www.vmi.edu/content.aspx?id=16521> [<http://perma.cc/RR9Y-Z8B7>] (last visited Oct. 15, 2014). As used herein, *keydet* refers to assimilated and accepted members of the VMI student body.

7 *Shedet* is a derogatory nickname given to some female students.

8 *Gender polarization* refers to the separation of sex and gender into opposite poles representing masculine and feminine domains. See SANDRA LIPSITZ BEM, *THE LENSES OF GENDER: TRANSFORMING THE DEBATE ON SEXUAL INEQUALITY* 2 (1993).

9 Case, *supra* note 3, at 358.

I. Background

As Laura Brodie explains, "VMI is a very Southern school in a very Southern town."¹⁰ VMI is often heralded as "the most challenging military school in the United States."¹¹ Perhaps no school in America offers the same brand of rigorous military training as VMI.¹²

One cannot understand what VMI has become without first examining what it has been. As Dianne Avery opines, "it is not possible to understand VMI as an institution without appreciating the influence of the autonomous cadet culture in shaping and defining the school's traditions, as well as its larger values and goals."¹³ In 1816, Virginia established three arsenals to store munitions assembled during the War of 1812 and staffed them with militiamen.¹⁴ Two decades later, the citizens of Lexington, Virginia, decided to establish a military college there.¹⁵ Its purpose was to replace "the present Guard, by another, composed of young men, from seventeen to twenty-four years of age, to perform the necessary duties of a guard, who would receive no pay, but, in lieu, have afforded to them the opportunities of a liberal education."¹⁶

On March 22, 1836, the Virginia Legislature approved an act creating VMI.¹⁷ On November 11, 1839, VMI opened its doors to twenty-three white males chosen from more

10 LAURA FAIRCHILD BRODIE, *BREAKING OUT: VMI AND THE COMING OF WOMEN* 10 (2000).

11 *United States v. Virginia*, 766 F. Supp. 1407, 1421 (W.D. Va. 1991).

12 *Id.*

13 Dianne Avery, *Institutional Myths, Historical Narratives and Social Science Evidence: Reading the "Record" in the Virginia Military Institute Case*, 5 S. CAL. REV. L. & WOMEN'S STUD. 189, 197 (1996).

14 PHILIPPA STRUM, *WOMEN IN THE BARRACKS: THE VMI CASE AND EQUAL RIGHTS* 9 (2002). For a thorough history of VMI, see HENRY A. WISE, *DRAWING OUT THE MAN: THE VMI STORY* (1978).

15 BRODIE, *supra* note 10, at 13. As a proud Washington and Lee alumna, I feel compelled to mention that VMI was originally connected with Washington College, now Washington and Lee University, so that VMI would enjoy "the instant prestige of an association with a private liberal arts college that had a long and distinguished history of educating young men." Avery, *supra* note 13, at 234. Washington College had opened in 1749, boasted an endowment from its namesake, George Washington, and was, quite conveniently, located right across the street. STRUM, *supra* note 14, at 10. In an interesting twist, District Court Judge Jackson Kiser who decided *United States v. Virginia* ("*VMI I*"), 766 F. Supp. 1407 (W.D. Va. 1991), was a graduate of Washington and Lee University School of Law.

16 STRUM, *supra* note 14, at 9.

17 *Id.* at 10. This statute contained the word "men" when referring to the fifty Virginian cadets whose VMI education the state would subsidize. *Id.* at 88.

than seventy applicants; two days later, five more students arrived.¹⁸ And so began the nation's first state-sponsored military school.¹⁹

Despite its designation as "the West Point of the South,"²⁰ VMI's primary goal was:

To produce educated and honorable men, prepared for the varied work of civil life, imbued with love of learning, confident in the functions and attitudes of leadership, possessing a high sense of public service, advocates of the American democracy and free enterprise system, and ready as citizen-soldiers to defend their country in time of national peril.²¹

Unlike the federal service academies,²² VMI's initial aim was to cultivate gentlemen, not to serve as a direct pipeline to the military.²³ In fact, VMI served as a teachers' college for many years and later became the first Southern school to offer courses in industrial chemistry and engineering.²⁴ VMI's primary goal, however, was always to produce citizen-soldiers and true gentlemen. Accordingly, the VMI Code of a Gentleman states:

A Gentleman: Does not speak more than casually about his girlfriend . . . Does not go to the lady's house if he is affected by alcohol . . . Does not hail a lady from a club (Barracks) window . . . Never discusses the merits or demerits of a lady . . . Does not slap strangers on the back nor so much as lay a finger on a lady.²⁵

18 *Id.* at 12. Twelve of the original twenty-eight cadets were only sixteen years old. Avery, *supra* note 13, at 241 (citing A VIRGINIA MILITARY INSTITUTE ALBUM, 1839–1910: A COLLECTION OF PHOTOGRAPHS AND MANUSCRIPTS FROM THE VMI ARCHIVES, LEXINGTON, VIRGINIA 7 (Diane B. Jacob & Judith M. Arnold eds., 1982)).

19 STRUM, *supra* note 14, at 13.

20 *Id.*

21 United States v. Virginia, 518 U.S. 515, 521–22 (1996) (quotation marks omitted).

22 Another distinction between VMI and the federal service academies is that the latter pay the entire cost of attendance and guarantee graduates an officer's position in the military. Avery, *supra* note 13, at 243.

23 STRUM, *supra* note 14, at 12. Despite its educational mission, VMI cadets guarded real munitions. Avery, *supra* note 13, at 240. On June 12, 1864, the Union Army burned down VMI, causing the Arsenal to explode. *Id.* In addition, a battalion of VMI cadets fought as a unit in the Battle of New Market, and ten cadets lost their lives. WISE, *supra* note 14, at 40.

24 WISE, *supra* note 14, at 13.

25 BRODIE, *supra* note 10, at 13.

VMI took this mission seriously. It required Protestant students to attend Sunday services until 1973.²⁶ VMI prohibited alcohol and tobacco use on Post.²⁷ It also banned gambling and possession of cards.²⁸ VMI's initial resistance to coeducation can only be understood in light of its unique origins. As Laura Brodie opined, "VMI's Southern heritage and reverence for tradition have influenced its legal struggles, its planning for coeducation, and its approach toward men and women."²⁹

Described as a "cloistered society, full of private rituals, complex rules, and a language of confusing acronyms," VMI was the nation's last all-male military college.³⁰ In fact, in 2000, only a handful of all-male colleges, none military, existed.³¹ Often the butt of much criticism, the view from inside VMI is quite different from the perspective from the outside. Perhaps for this reason, members of the VMI community are often wary of outsiders.³²

VMI produces citizen-soldiers through an adversative educational model, featuring "physical rigor, mental stress, absolute equality of treatment, absence of privacy, minute regulation of behavior, and indoctrination in desirable values."³³ Other defining features of the unique VMI experience include a strictly enforced Honor Code, a class system, and a *Dyke System* that assigns a senior, or *first classman*, mentor to each freshman, or *rat*.³⁴

26 STRUM, *supra* note 14, at 11.

27 *Id.* at 12.

28 *Id.*

29 BRODIE, *supra* note 10, at 10.

30 *Id.* at xi-xii.

31 *Id.* at 15. At the time of the litigation, only a few all-male colleges existed in America. Such colleges included Hampden-Sydney, Morehouse College, and Wabash College. *Id.*

32 *Id.* at xiii.

33 *United States v. Virginia*, 518 U.S. 515, 577 (1996) (citing *United States v. Virginia*, 766 F. Supp. 1407, 1421 (W.D. Va. 1991)). According to Dianne Avery, "VMI has immersed itself in, and drawn from, the myths and culture of Southern manhood as it has attempted to give content to its mission of educating citizen-soldiers." Avery, *supra* note 13, at 197. Michael Kimmel asserts that "[a]t VMI and the Citadel, it was assumed that the adversative method was a time-honored tradition that was effective and meritorious. As a result, the only question was whether women could be as violent as men, whether they could take the pressure without breaking down." Michael Kimmel, *Saving the Males: The Sociological Implications of the Virginia Military Institute and the Citadel*, 14 GENDER & SOC'Y 494, 512 (2000).

34 *United States v. Virginia*, 518 U.S. at 522. Freshmen are termed "rats" until they complete the Ratline at which point they are deemed "fourth classmen."

VMI contends that its unique educational style emphasizes adversity, surviving well under stress, and the development of strong character.³⁵ VMI creates a culture of egalitarianism, honor, integrity, and homogeneity as manifested in its uniforms, haircuts, and even its Panopticon-like architecture, which mimics a prison and creates a lack of privacy.³⁶

Like everything else at VMI, daily life is spartan and structured.³⁷ Four cadets share a room that is less than 300 square feet in size equipped with one sink; each cadet has a bed, a wall locker, and a clothes rack.³⁸ There are no telephones, televisions, air-conditioning, or even pictures on the wall.³⁹ VMI cadets rise at 6:30 a.m., performing chores for their dykes and completing sit-ups, pull-ups, and a 1.5-mile run before breakfast.⁴⁰ Cadets attend classes from 8:00 a.m. to 3:30 p.m., and lights out is promptly at 11:30 p.m. Monday through Thursday.⁴¹

Although VMI's rigid structure and singular methodology certainly do not appeal to everyone, to its students and alumni, VMI represents a stronghold of masculinity akin to a fraternity or tight-knit brotherhood. Ironclad bonds are forged in the hellish environment of the *Ratline*, a seven-month system of intense hazing that aims to break down each rat's individuality and rebuild him or her into a VMI cadet.⁴² Freshmen "are called 'rats' [until

35 Transcript of Oral Argument at 4, *United States v. Virginia*, 518 U.S. 515 (1996) (Nos. 94-1941, 94-2107). Debate over the utility of the adversative educational method for men or women has been quite heated. VMI contended that its conclusions that the adversative style was unsuitable for most women and a cooperative model at VWIL was proper were "'justified pedagogically,' based on 'important differences between men and women in learning and developmental needs,' 'psychological and sociological differences.'" *Virginia*, 518 U.S. at 549. In other words, the differences were "'real,'" not stereotypes. *Id.*; see also Kimmel, *supra* note 33, at 499 ("Several expert witnesses supported VMI's position, including sociologist David Riesman, who argued that VMI's adversative method would be 'inappropriate' for women."); *Faulkner v. Jones*, 858 F. Supp. 552 (1994) (According to the litigation documents, The Citadel admitted Shannon Faulkner but then withdrew its acceptance upon learning she was female. The Citadel also argued that men needed a more adversative educational environment whereas women thrived in a more cooperative educational setting.).

36 BRODIE, *supra* note 10, at 6; STRUM, *supra* note 14, at 44.

37 See STRUM, *supra* note 14, at 44.

38 *Id.*

39 *Id.*

40 *Id.* at 45; *The First Year – The Rat Line*, VA. MIL. INST., <http://admissions.vmi.edu/experience/first-year/> [<http://perma.cc/8A8B-8EEL>] (last visited Dec. 2, 2014).

41 STRUM, *supra* note 14, at 45.

42 BRODIE, *supra* note 10, at xiii, 6.

they complete the Ratline] because the rat is 'probably the lowest animal on earth.'"⁴³ Every cadet endures the Ratline, which includes "indoctrination, egalitarian treatment, rituals . . . minute regulation of individual behavior, frequent punishments, and use of privileges to support desired behaviors."⁴⁴ According to the District Court in *United States v. Virginia*, "[t]he ratline is more dramatic and more stressful than Army boot camp or Army basic training. It is comparable to Marine Corps boot camp in terms of both the physical rigor and mental stress of the experience."⁴⁵ Only the strong survive, which is perhaps the point. Although attrition rates likely vary year to year, approximately 4% of cadets leave during the first week, and 25% withdraw by the end of the first year, which is more than twice the attrition rate of federal service academies.⁴⁶

As famed anthropologist Abigail Adams opined, "[r]ats are reborn at VMI."⁴⁷ "Break-out" is the Ratline graduation ritual symbolic of the rats' yearlong struggle to survive the Ratline.⁴⁸ Rats crawl across a muddy field and form a human chain to scramble up a muddy hill.⁴⁹ At first the upperclassmen push the rats down, but eventually they assist them in ascending the hill.⁵⁰ Only through teamwork do rats overcome the obstacles.

Given the changing legal landscape regarding women's rights, it was no surprise that VMI's single-sex admissions policy eventually came under fire. VMI has been described at turns as "a stronghold of integrity and honor in a culture marred by compromise and political correctness, or an archaic bastion of macho conservatism, where misogyny is masked by

43 *United States v. Virginia*, 766 F. Supp. 1407, 1422 (W.D. Va. 1991). Similarly, first-year students are called "knobs" at The Citadel. See Kimmel, *supra* note 33, at 498.

44 *United States v. Virginia*, 766 F. Supp. at 1422; see also Kimmel, *supra* note 33, at 498 ("The brutality of the adversative system implants a deeply felt bonding among the men; solidarity among cadets is intense and loyalty of alumni is fierce.").

45 *United States v. Virginia*, 766 F. Supp. at 1422.

46 STRUM, *supra* note 14, at 48. Although VMI alumni pride themselves on the notion that VMI's high attrition rate results from the fact that the VMI experience is far more rigorous than that of the federal service academies, we have not explored any data to confirm or contravene this assertion. It is quite possible that other factors, such as the free tuition and international prestige that the service academies offer, may play a role in the different attrition rates.

47 STRUM, *supra* note 14, at 48. Adams conducted an anthropological study of VMI. *Id.*

48 BRODIE, *supra* note 10, at 102, 312.

49 *Id.* at 102.

50 *Id.*

a veneer of Southern gentility. While each stereotype contains its iota of truth, the reality behind VMI is much more complex.”⁵¹ Outsiders saw VMI’s exclusion of women as “an attempt to preserve a chauvinistic men’s club, one that promoted constrictive notions of women’s abilities and their role in society. After all, what sort of attitudes toward women were being cultivated in this public institution?”⁵²

Despite VMI’s well-known all-male admissions policy, 347 women inquired about admission to VMI between 1988 and 1990;⁵³ VMI responded to none.⁵⁴ That all changed in 1990 when VMI denied admission to an anonymous female high school student.⁵⁵ In response, she filed a Complaint with the Attorney General, which prompted the United States Department of Justice (DOJ) to sue the Commonwealth of Virginia, alleging that VMI’s all-male admissions policy violated the Equal Protection Clause of the Fourteenth Amendment.⁵⁶ VMI countered with a Catch-22 argument: if VMI were forced to become coeducational, neither men nor women would be able to enjoy the unique VMI Experience because the presence of women would destroy the very aspects of VMI that distinguish it from other colleges.⁵⁷

In upholding VMI’s all-male admissions policy, the District Court concluded that diversity in education constitutes a legitimate state interest, that VMI’s single-sex environment and unique adversative educational methodology contributed to that diversity, and

51 *Id.* at 5.

52 *Id.* at 17.

53 Because VMI had never attempted to recruit women and VMI’s well-known single-sex admissions policy had likely preempted most women from applying, there was little or no hard evidence, aside from the inquiries, regarding women’s interest in a VMI education. *United States v. Virginia*, 766 F. Supp. 1407, 1436 (W.D. Va. 1991).

54 *United States v. Virginia*, 518 U.S. 515, 523 (1996). VMI originally sent letters to female applicants informing them that VMI was single-sex but had adopted a no-response policy in the two years prior to the litigation. *United States v. Virginia*, 766 F. Supp. at 1436.

55 *United States v. Virginia*, 518 U.S. at 523; BRODIE, *supra* note 10, at 11; STRUM, *supra* note 14, at 86. See also Juliette Kayyem, *Recent Development, The Search for Citizen-Soldiers: Female Cadets and the Campaign Against the Virginia Military Institute – United States v. Commonwealth of Virginia*, 852 F. Supp. 471 (W.D. Va. 1994), 30 HARV. C.R.-C.L. L. REV. 247, 264 (1995) (noting that “[t]he young woman whose letter sparked the United States’ interest in VMI dropped out of the picture fairly quickly” and “her identity was never disclosed in any of the court opinions”).

56 *United States v. Virginia*, 518 U.S. at 523.

57 *Id.* at 540.

that the single-sex admissions policy was substantially related to the interest in educational diversity.⁵⁸ The District Court further determined that single-sex education is beneficial and excluding women is the only way to achieve it.⁵⁹ The District Court agreed with VMI that although women are “denied a unique educational opportunity that is available only at VMI,” coeducation would require alteration of “some aspects of” the VMI Experience, including its adversative methodology.⁶⁰ Specifically, “[a]llowance[s] for personal privacy would have to be made,” “[p]hysical education requirements would have to be altered, at least for the women,” and “the adversative environment could not survive unmodified.”⁶¹ Notably, the District Court operated under the assumption that the hyper-masculine adversative methodology was worth saving without any modification; its arguably androcentric reasoning focused almost exclusively upon whether women would fit into and benefit from this methodology, despite expert testimony suggesting that the methodology might be unsuitable for most men and women.⁶²

On appeal, the United States Court of Appeals for the Fourth Circuit (“Fourth Circuit”) held that Virginia had not “advanced any state policy by which it can justify its determination, under an announced policy of diversity, to afford VMI’s unique type of program to men and not to women.”⁶³ Ultimately, while the Fourth Circuit agreed that “VMI’s unique methodology justifies a single-gender policy and material aspects of its essentially holistic system would be substantially changed by coeducation,” it determined that Virginia’s failure to offer a unique educational experience like VMI to women violated the Equal Protection Clause.⁶⁴ As such, it vacated and remanded the case to the District Court so that

58 *Id.* at 523–24.

59 *United States v. Virginia*, 766 F. Supp. at 1415.

60 *Id.* at 1413, 1432.

61 *United States v. Virginia*, 518 U.S. at 524; 766 F. Supp. at 1412–13.

62 *See United States v. Virginia*, 766 F. Supp. at 1412–13. In the subsequent Supreme Court opinion, Justice Ginsburg pointed out that most men would not choose VMI and that only 15% of VMI cadets enter the military. *United States v. Virginia*, 518 U.S. at 522, 542. Likewise, Avery highlights the irony that at the time of the VMI litigation, women could serve in the U.S. Military but could not attend America’s most rigorous military school. Avery, *supra* note 13, at 211.

63 *United States v. Virginia*, 976 F.2d 890, 892, 899 (4th Cir. 1992) (concluding that VMI “has not adequately explained how the maintenance of a one single-gender institution gives effect to, or establishes the existence of, the governmental objective advanced to support VMI’s admissions policy, a desire for educational diversity”). The panel included Judge Hiram Ward, a senior district judge from Winston-Salem, North Carolina, and Senior Circuit Judge Phillips, Jr., who was also from North Carolina. STRUM, *supra* note 14, at 191.

64 *United States v. Virginia*, 976 F.2d at 892.

Virginia could "formulate, adopt, and implement a plan that conforms to the principles of equal protection."⁶⁵

In response, the VMI Foundation⁶⁶ established the Virginia Women's Institute for Leadership ("VWIL") at Mary Baldwin College, a four-year college thirty miles north of Lexington.⁶⁷ VWIL differed from VMI in several ways, and these distinctions later undermined VMI's argument that VWIL cured the alleged equal protection violation.⁶⁸ VWIL involved a student-run, one-week wilderness program, an Honor System, community service projects, leadership programming, and a confidence-building program, which required students to complete obstacle courses.⁶⁹ Unlike VMI, VWIL did not employ a rigorous adversative system or Ratline.⁷⁰ Although the District Court had observed that some of the most integral aspects of the VMI Experience occurred in the barracks, VWIL cadets did

65 *Id.*

66 Avery, *supra* note 13, at 198 (describing the VMI Foundation and VMI Alumni Association as the "guardians and translators of VMI's core traditions and as spokesmen for the cadets").

67 BRODIE, *supra* note 10, at 20. The District Court observed:

Gender discrimination, as a rule, works to the benefit of one group and to the detriment of another. But in a real sense of the word, that is not true in this case because, as the testimony of experts demonstrates, it would be impossible for a female to participate in the "VMI experience." Even if the female could physically and psychologically undergo the rigors of the life of a male cadet, her introduction into the process would change it. Thus, the very experience she sought would no longer be available. Consequently, it seems to me that the criticism which might be directed toward Virginia's higher educational policy is not that it maintains VMI as an all-male institution, but rather that it fails to maintain at least one all-female institution. But this issue is not before the Court.

United States v. Virginia, 766 F. Supp. 1407, 1414 (W.D. Va. 1991) (internal footnote omitted). During the proceedings, the District Court asked: "assuming, as we have been so far, that the number of females that might demand education at VMI would be small, why would they have to participate in the rat line and the dyke system and that sort of thing? Once you say you have two classes, couldn't they function separately?" The witness responded: "Well, yes, sir, but I think you are building another school for the females that is not VMI." STRUM, at *supra* note 14, at 145.

68 STRUM, *supra* note 14, at 205.

69 *Id.* at 204. Notably, these observations appear to have been derived from the District Court findings about VWIL, which were relied upon by the Supreme Court in concluding that VWIL was insufficient to cure the equal protection violation.

70 BRODIE, *supra* note 10, at 20.

not live in separate dorms or barracks.⁷¹ Nor were they required to eat together.⁷² Cadets wore uniforms only three days per week and attended ROTC classes at VMI.⁷³ VWIL did not issue arms to students.⁷⁴ VMI also had more extensive, well-developed athletic programs and opportunities, including a NCAA competition level track and field facility, and baseball, soccer, and lacrosse fields.⁷⁵ The minimum physical fitness requirement at VMI consisted of sixty sit-ups and five pull-ups in two minutes and a 1.5-mile run in twelve minutes.⁷⁶ By comparison, VWIL modeled its physical fitness standards after the military standard for women, requiring twenty-eight pushups in two minutes, sixty full body sit-ups in two minutes, a flexed arm hang of at least fifteen seconds, and a 1.5-mile run in fourteen minutes twenty-four seconds.⁷⁷ VWIL received equal public support from the state,⁷⁸ which amounted to a third of the total tuition and fees of \$19,100 at Mary Baldwin College but nothing for students taking engineering courses through a partnership with Washington University in St. Louis.⁷⁹ The caliber of students at VMI and VWIL also differed. Specifically, the average combined SAT score for Mary Baldwin was 100 points lower than VMI.⁸⁰ Fewer faculty at Mary Baldwin had Ph.D.s, and as a new program, VWIL would have little or no VWIL-specific alumni base, although it could enjoy the support of other Mary Baldwin alumna.⁸¹

Critics decried VWIL as “an unconstitutional throwback to the separate-but-equal doctrine of racial segregation.”⁸² Supporters praised it as a “unique educational opportunity for

71 *Id.*; STRUM, *supra* note 14, at 205.

72 STRUM, *supra* note 14, at 205.

73 BRODIE, *supra* note 10, at 20.

74 STRUM, *supra* note 14, at 205.

75 *Id.*

76 *Id.* at 206.

77 *Id.*

78 *Id.* at 205.

79 *Id.*

80 BRODIE, *supra* note 10, at 21.

81 *Id.*

82 Spenser S. Hsu, *U.S. Takes VMI Case to Supreme Court: Court Officials Call Program for Women Separate-But-Equal Treatment*, WASH. POST, May 27, 1995, at B5.

women” that emphasized cooperative learning and leadership training.⁸³ Although VWIL and VMI’s educational methodologies were markedly different, VWIL aimed “to produce ‘citizen-soldiers who are educated and honorable women.’”⁸⁴ After a six-day bench trial featuring exhaustive witness and expert testimony, the District Court approved VWIL and ordered its implementation “with all deliberate speed.”⁸⁵ The District Court further observed that “‘controlling legal principles . . . do not require the Commonwealth to provide a mirror image VMI for women.’”⁸⁶ Acknowledging the substantive differences between VWIL and VMI, the District Court observed, “‘if VMI marches to the beat of a drum, then Mary Baldwin marches to the melody of a fife, and when the march is over, both will have arrived at the same destination.’”⁸⁷

A divided panel of the Fourth Circuit affirmed,⁸⁸ concluding that “the adversative method vital to a VMI education ‘has never been tolerated in a sexually heterogeneous environment’ [F]emale participation in VMI’s adversative training ‘would destroy . . . any sense of decency that still permeates the relationship between the sexes.’”⁸⁹ Judge Phil-

83 Richard Carelli, *Justice Department Says “Women’s VMI” Would Perpetuate Bias*, ASSOCIATED PRESS, May 26, 1995; *United States v. Virginia*, 44 F.3d at 1234. Mary Anne Case describes VWIL as “a plan . . . based on gender stereotypes: the plan assumed first a perfect identity between sex and gender, and second a near perfect dichotomy between genders. . . . [I]t proceeded from the premises that all men were gendered masculine, all women gendered feminine, and masculine and feminine were in most respects polar opposites.” Case, *supra* note 3, at 352.

84 Avery, *supra* note 13, at 220.

85 *United States v. Virginia*, 852 F. Supp. 471, 484–85 (W.D. Va. 1994). Avery notes that Judge Kiser discounted the DOJ’s argument that admitting women was the sole way to cure the constitutional violation so much so that he relegated all discussion of it to a single footnote. Avery, *supra* note 13, at 226 (citing *United States v. Virginia*, 852 F. Supp. at 473 n.2). Notably, in *Brown v. Board of Ed.*, 349 U.S. 294, 301 (1955), the U.S. Supreme Court ordered K-12 public schools to begin admitting African American students “with all deliberate speed”—a phrase purportedly borrowed from English poet Francis Thompson’s “The Hound of Heaven.”

86 *United States v. Virginia*, 852 F. Supp. at 481.

87 BRODIE, *supra* note 10, at 21.

88 *Id.*

89 *United States v. Virginia*, 518 U.S. at 528. Avery argues that:

[e]ven if it is assumed that most women are different than men, there is no reason why they, like black men, or Chinese or Iranian nationals, could not be treated as equals at VMI: no reason why the Institute could not survive this change as it has survived other profound changes in its past.

lips dissented because, in his opinion, Virginia had not shown an “‘exceedingly persuasive [justification]’” for excluding women from VMI.⁹⁰ He emphasized that the original aim of VMI’s single-sex admissions policy was not to diversify Virginia’s educational system but instead “‘to preserve [VMI’s] historic character and mission.’”⁹¹ According to Judge Phillips, Virginia could cure the equal protection violation by “simultaneously open[ing] single-gender undergraduate institutions having substantially comparable curricular and extra-curricular programs, funding, physical plant, administration and support services, and faculty and library resources,” but VWIL obviously fell short.⁹²

The Fourth Circuit denied rehearing *en banc*.⁹³ Judge Motz, joined by Judges Hall, Murnaghan, and Michael, dissented.⁹⁴ On May 26, 1995, the United States petitioned the U.S. Supreme Court for a writ of certiorari, arguing that VWIL was not substantially comparable to VMI and admitting women to VMI was the only way to remedy the equal protection violation.⁹⁵

On June 26, 1996, a seven-one majority of the Supreme Court reversed, holding that VMI’s refusal to admit women violated the Equal Protection Clause.⁹⁶ In writing for the majority, Justice Ruth Bader Ginsburg framed the issues as follows: whether the exclusion of women “capable of all of the individual activities required of VMI cadets” violated

Avery, *supra* note 13, at 211–12.

90 United States v. Virginia, 518 U.S. at 529 (internal quotation marks omitted).

91 *Id.* Avery refers to educational diversity as an “after-the-fact rationalization[]” of VMI’s single-sex admissions policy. Avery, *supra* note 13, at 229.

92 United States v. Virginia, 44 F.3d 1229, 1250 (4th Cir. 1995). Notably, Judge Phillips appears to concede that in certain circumstances, some separate-but-equal arrangements might pass constitutional muster. *Id.* at 1245. By contrast, VMI’s expert witness, Elizabeth Fox-Genovese testified, “VWIL is as good a design for producing female citizen soldiers as I have seen and . . . may well be unique in the country.” Avery, *supra* note 13, at 287. According to Avery, Fox-Genovese’s testimony effectively cast VWIL as “an affirmative action plan for women who want to enter the ‘individualistic market and polity’ as citizen-soldiers.” *Id.*

93 United States v. Virginia, 52 F.3d 90 (4th Cir. 1995).

94 *Id.* at 91, 94.

95 Petition for Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit, United States v. Virginia, 518 U.S. 515 (1996) (No. 94-1941).

96 United States v. Virginia, 518 U.S. 515 (1996). Justice Clarence Thomas recused himself because his son attended VMI at the time of the litigation. Joan Biskupic, *Supreme Court Invalidates Exclusion of Women by VMI*, WASH. POST, June 17, 1996, at A1.

equal protection, and if so, then what is the remedial requirement?⁹⁷ The majority held that parties who seek to defend sex-based government action must demonstrate an exceedingly persuasive justification by showing that the classification serves an important governmental objective and that the discriminatory means employed are substantially related to the achievement of that objective.⁹⁸ The majority concluded that VMI had not been established as an all-male school in order to increase diversity in Virginia's educational system.⁹⁹ According to the majority, "[t]he justification [for the sex-based classification] must be genuine, not hypothesized or invented *post hoc* in response to litigation. And it must not rely on overbroad generalizations about the different talents, capacities, or preferences of males and females."¹⁰⁰

The distinction of biological differences between males and females as opposed to sex and gender stereotypes played a crucial role in Justice Ginsburg's reasoning. She emphasized that "[i]nherent differences' between men and women . . . remain cause for celebration, but not for denigration of the members of either sex or for artificial constraints on an individual's opportunity."¹⁰¹ Nor may "[s]tate actors . . . exclude qualified individuals based

97 United States v. Virginia, 518 U.S. at 530–31 (internal quotation marks omitted).

98 *Id.* at 532–33.

99 *Id.* at 535–36 ("[J]ustifications proffered in defense of categorical exclusions . . . must describe actual state purposes, not rationalizations for actions in fact differently grounded."); *id.* at 539 ("In sum, we find no persuasive evidence in this record that VMI's male-only admission policy 'is in furtherance of a state policy of 'diversity.'"). According to Avery, VMI initially argued that coeducation would undermine its mission to produce citizen-soldiers and did not focus heavily on its diversity argument until midway through the litigation. Avery, *supra* note 13, at 223.

100 United States v. Virginia, 518 U.S. at 533.

101 *Id.* at 533, 541 (quoting *Miss. Univ. for Women v. Hogan*, 458 U.S. 718, 725 (1982)) (concluding that the District Court's findings on gender-based developmental differences are generalizations and "fixed notions concerning the roles and abilities of males and females"). Avery criticizes Judge Kiser's factual findings as follows:

Packaged as facts, many of these conclusions are nothing more than simplistic or reductionist summaries of complex and sometimes controversial research and scholarship findings that are stripped of their underlying assumptions, caveats and qualifications. Moreover, many of the adjudicative facts about VMI are shaped by Judge Kiser's apparent acceptance of the Institute's mythic image of itself. But the trial record presented only a small and incomplete sampling of the historical and cultural narratives that can be—or have been—told about VMI.

Avery, *supra* note 13, at 270. In addition, DOJ's expert, Professor Carol Jacklin, testified that there were no

on 'fixed notions concerning the roles and abilities of males and females.'"¹⁰² She stressed that the parties agreed that "'some women can meet the physical standards now imposed on men;'"¹⁰³ VMI's adversative educational style "'could be used to educate women,'"¹⁰⁴ and "that some women may prefer it to the methodology a women's college might pursue."¹⁰⁵ As she explained, "[i]t is on behalf of these women that the United States has instituted this suit, and it is for them that a remedy must be crafted, a remedy that will end their exclusion from a state-supplied educational opportunity for which they are fit."¹⁰⁶

Nor was Justice Ginsburg convinced that coeducation would destroy the essence of VMI. VMI contended that the adversative method could not be made available unmodified to women and that altering the method would necessarily destroy the thing sought—the VMI Experience.¹⁰⁷ Justice Ginsburg disagreed, opining, "[t]here is no reason to believe that the admission of women capable of all the activities required of VMI cadets would destroy the Institute rather than enhance its capacity to serve the 'more perfect Union.'"¹⁰⁸ According to Justice Ginsburg, "[t]he notion that admission of women would downgrade VMI's stature, destroy the adversative system and, with it, even the school, is a judgment hardly proved, a prediction hardly different from other 'self-fulfilling prophec[ies]' once routinely used to deny rights and opportunities."¹⁰⁹ For these reasons, the majority determined that VMI had failed to show an exceedingly persuasive justification to exclude

sex differences in how people learn. Regarding other psychological traits, there were some sex differences observed, but they were minimal compared to the "'very large individual differences'" among men as a group and women as a group. *Id.* at 306.

102 *United States v. Virginia*, 518 U.S. 515, 541–42 (1996) (citing *Miss. Univ. for Women v. Hogan*, 458 U.S. 718, 725 (1982)).

103 *Id.* at 525.

104 *Id.* at 540–41 (emphasizing that VMI's mission of producing citizen-soldiers is not inherently unsuitable for women).

105 *Id.* at 540 ("Education, to be sure, is not a 'one size fits all' business."). *Id.* at 542.

106 *Id.* at 550–51 (footnote omitted).

107 *United States v. Virginia*, 518 U.S. 515, 540 (1996). However, Justice Ginsburg did acknowledge that certain changes would have to be made, such as in housing assignments and physical training programs. *Id.*

108 *Id.* at 558.

109 *Id.* at 542–43 (internal citation omitted); *id.* at 550 (concluding that "generalizations about 'the way women are,' estimates of what is appropriate for *most women*, no longer justify denying opportunity to women whose talent and capacity place them outside the average description").

women and thus, its single-sex admissions policy was unconstitutional.¹¹⁰ As to the nature of the appropriate remedy, Justice Ginsburg rejected VMI's assertion that graduating from VWIL would provide women with the same benefits as graduating from VMI, given the latter's prestige and history due to the distinctions outlined above.¹¹¹

Justice Antonin Scalia wrote a scathing dissent, criticizing the decision as "politics-smuggled-into-law" and "law-making by indirection."¹¹² He censured the majority for rejecting the lower courts' factual findings acknowledging the existence of "gender-based developmental differences" and that being all-male was "essential" to the VMI Experience.¹¹³

Reactions to the decision were mixed. Cadet responses "ranged from anger, to apathy, to determined professionalism."¹¹⁴ However, for the most part, the VMI community mobilized to make the mission of coeducation as successful as possible: "hundreds of people on VMI's Post—from cadets, to faculty, to laundry workers—all came together to prepare for the arrival of women."¹¹⁵ Lieutenant General Winfield S. Scott, former Superintendent of

110 *Id.* at 545–46. Notably, however, even Justice Ginsburg focused on explaining whether the adversative methodology was suitable to women rather than whether it or the cooperative VWIL methodology was more suitable to men and women. *See id.* at 550–51. In other words, she appears to have operated under the assumption that the adversative method was a proper educational style and "any softening of these methods should be considered only to the extent necessary to accommodate women too weak to endure their harshness." Case, *supra* note 3, at 366.

111 *United States v. Virginia*, 518 U.S. 515, 547–49 (1996). Avery, *supra* note 13, at 297–98 (disputing Fox-Genovese's assertion that Mary Baldwin College and VMI have comparable reputations and observing that "in the world of business, politics and the military [their reputations] are not comparable at all"). *But see* Case, *supra* note 3, at 350 (opining that VWIL is a "greater success" than coeducational VMI).

112 *United States v. Virginia*, 518 U.S. at 569, 587 (Scalia, J., dissenting); *see also* BRODIE, *supra* note 10, at 24. When the Supreme Court denied certiorari to VMI in 1993, Justice Scalia took the unusual step of dissenting from the denial. He observed, "whether it is constitutional for a State to have a men-only military school is an issue that should receive the attention of this Court before, rather than after, a national institution as venerable as the Virginia Military Institute is compelled to transform itself." *Va. Military Inst. v. United States*, 508 U.S. 946 (1993).

113 *United States v. Virginia*, 518 U.S. at 566, 585 (Scalia, J., dissenting) ("It dismisses the District Court's "'findings' on 'gender-based developmental differences'" on the ground that "these "findings" restate the opinions of Virginia's expert witnesses, opinions about typically male or typically female "tendencies." How remarkable to criticize the District Court on the ground that its findings rest on the evidence (i.e., the testimony of Virginia's witnesses)!" (internal citation omitted)).

114 BRODIE, *supra* note 10, at 99.

115 *Id.* at xiv.

the Air Force Academy, declared, "no other military college had done so much to prepare for the arrival of women."¹¹⁶

Reactions within the feminist community also varied. While some viewed *United States v. Virginia* as a victory for women's rights and gender equality, others argued that the androcentrism¹¹⁷ and gender polarization arguably underlying the decision caused the Supreme Court to see only two options for VMI: (1) admitting women but requiring them to conform as necessary to the male-gendered institution of VMI and its androcentric rituals and traditions or (2) allowing VMI to exclude women but creating an altogether distinct, female-gendered and female-only VWIL. As Professor Mary Anne Case points out, no one suggested that VMI not only become coeducational but also become less hyper-masculine, perhaps by altering its Ratline or adversative methodology.¹¹⁸ Nor does anyone appear to have considered allowing VWIL to retain its cooperative approach but also admit men attracted to that methodology.¹¹⁹ Instead, even Justice Ginsburg appears to have subscribed to the belief that "[k]ept away from the pressures, hazards and psychological bonding characteristic of VMI's adversative training . . . VWIL students will not know the 'feeling of tremendous accomplishment' commonly experienced by VMI's successful cadets."¹²⁰

In any event, the litigation battle of the sexes that had been waging in the federal courts for many years had finally come to an end. On August 18, 1997, 31 female *pre-strains* arrived.¹²¹ In his opening statement, VMI's General Josiah Bunting made clear, "We do not care if you are poor or rich, black or white, female or male, Taiwanese or Virginian. We care about your heart and your determination. We care about your integrity."¹²²

116 *Id.*

117 *Androcentrism* refers to the treatment of men, maleness, and masculinity as the norm or standard and designation of all things female and feminine as "other" or a deviation from the norm. BEM, *supra* note 8, at 41 (1993).

118 Notably, integration of the federal service academies led them to abandon adversative educational practices and adopt more developmental, positive instructional methods. Case, *supra* note 3, at 362-63.

119 *Id.*

120 *Id.* at 367.

121 BRODIE, *supra* note 10, at 197, 226. Incoming rats are known as "prestrains." *Id.* at 226. In 1986, VMI started a Summer Transition Program ("STP"), which allowed at-risk students to undergo non-adversative training during the summer before college. *Id.* at 197-98. STP attendees had lower attrition rates, and eighteen women began the program on June 30, 1997. *Id.*

122 *Id.* at 217. That was the sole mention of coeducation in General Bunting's opening remarks. *Id.*

II. Analytical Framework

In this article, I explore the potential impact of gender polarization and, to a much lesser extent, androcentrism, on the gender identities of female cadets at VMI by examining student attitudes toward coeducation and their perceptions of possible gender boundary violations at VMI. I derive my analytical framework from Sandra Lipsitz Bem's *The Lenses of Gender* (1993), which discusses three prisms through which men and women often view one another and the world: gender polarization, androcentrism, and biological essentialism.¹²³ Bem defines these "lenses" as "hidden assumptions about sex and gender . . . embedded in cultural discourses, social institutions, and individual psyches that invisibly and systemically reproduce male power in generation after generation."¹²⁴ Like Bem, my goal is to empower readers to re-examine *United States v. Virginia* by looking "at the culture's gender lenses rather than *through* them."¹²⁵ Conclusions reached as a result of viewing men and women through these lenses appear to have provoked fierce opposition to coeducation at VMI and may continue to impact the gender identities of male and female cadets.

The first lens—*biological essentialism*—refers to the use of biology and science to "legitimize the sexual status quo."¹²⁶ In other words, biological essentialism relies upon biological distinctions to rationalize why men are inherently dominant and why it is permissible, sometimes necessary, to treat men and women differently. By way of illustration, in 1873, Harvard professor Edward Clarke argued that education was harmful because it would divert energy from the development of a woman's reproductive organs to her brain.¹²⁷ A century later, Lionel Tiger attributed the exclusion of women from political, economic, and military power to men's "'genetically programmed behavioural propensity'" for male

123 BEM, *supra* note 8, at 1–2 (1993).

124 *Id.* at 2. Although I use the terms "maleness," "male-centeredness," and "male power" throughout this article, it should be clear that like Bem, I define those terms as the "power historically held by rich, white, heterosexual men." *Id.* at 3.

125 *Id.* at 2.

126 *Id.* at 2, 6.

127 *Id.* at 10. Although Professor Clarke arguably mistook "correlation for cause" in concluding that education harmed women's reproductive health, his book, *Sex in Education*, was the "best-selling book on higher education of the entire century." Kimmel, *supra* note 33, at 501. Notably, in *United States v. Virginia*, Justice Ginsburg referenced an article by Clarke to illustrate now defunct arguments initially made in resistance to opening up the medical profession to women. *United States v. Virginia*, 518 U.S. 515, 544 (1996).

bonding.¹²⁸ However, according to Bem, “cultural invention can so radically transform the situational context of human life that the human organism can be liberated from what had earlier seemed to be its intrinsic biological limitations.”¹²⁹ Furthermore, research now reveals that environmental and other non-genetic factors, which psychologists often refer to as “nurture,” may play a significant, if not equal, role in development as one’s genetics, or “nature.”¹³⁰

The second lens—*gender polarization*—refers to the separation of sex and gender into opposite poles representing masculine and feminine domains in order to interpret sex and gender differences. According to Bem, “gender polarization homogenizes women and men, rather than allowing either the diversity that naturally exists within each sex or the overlap that naturally exists between the two sexes to flower in social and psychological life.”¹³¹ Furthermore, internalization of gender polarizing views may result in *gender schematicity*, or “the imposition of a gender-based classification on social reality, the sorting of persons, attributes, behaviors, and other things on the basis of the polarized definitions of masculinity and femininity that prevail in the culture.”¹³²

The third lens—*androcentrism*—signifies a male-centeredness that treats men and maleness as the norm and women as “other.”¹³³ Put differently, male experience is the “reference point or the standard for the culture.”¹³⁴ Our arguably androcentric English language provides several good examples. For instance, use of “Man” or “Mankind” to refer to the entire human race excludes women.¹³⁵ Likewise, until recently, grammar rules dictated use of masculine pronouns like “his” in conjunction with sex-neutral subjects,

128 BEM, *supra* note 8, at 14.

129 *Id.* at 21.

130 *Id.* at 23–38.

131 *Id.* at 193.

132 *Id.* at 125.

133 *Id.* at 41. According to Bem, Charlotte Perkins Gilman first enunciated the concept of “androcentrism,” which she described as “man being held the human type; woman a sort of accompaniment . . .” *Id.*

134 BEM, *supra* note 8, at 42.

135 Androcentric language has been adopted and perpetuated throughout history. For example, the Declaration of Independence states, “All men are created equal.” Likewise, more than a century later, the first man on the moon, Neil Armstrong, is quoted as saying, “That’s one small step for a Man, one giant leap for Mankind.”

such as “student” or “employee.” Androcentrism has also pervaded American law. For example, U.S. Supreme Court decisions have often treated the male body as the standard, thus including healthcare coverage for circumcision and prostatectomies, while designating the female body as “other,” and consequently excluding pregnancy from coverage. Significantly, androcentrism is the lens that most often turns gender difference into male advantage and female disadvantage, creating a bias toward men and against women. Bem asserts that when feminine and masculine domains are largely separated (i.e., gender polarized), androcentrism typically comes into play, emphasizing gender differences, normalizing the male perspective, and “otherizing” the female perspective.¹³⁶

These three lenses, in tandem, often serve to legitimate male privilege. As Bem explains, “[b]ecause society is not only gender polarizing but androcentric, the males and females living within it become androcentric and gender polarizing themselves.”¹³⁷ They tend to construct gender identities consistent with the lenses through which they view the world.¹³⁸ As a historically all-male military institution utilizing the hyper-masculine adversative educational method, VMI cadets likely viewed and perhaps still view one another through the reality-altering lenses of androcentrism and gender polarization. Any attempt to challenge this stronghold of masculinity would likely meet with resistance.¹³⁹

Primarily using the lenses of gender polarization and, to a lesser degree, androcentrism, I explore student attitudes regarding the impact of coeducation at VMI and their perceptions of why members of the opposite sex attend VMI. I also examine gender prescriptive attitudes regarding masculinity and femininity to assess possible pressures placed on women and men to conform to gender boundaries. To measure perceived violations of the appropriate gendered place of female cadets by their male counterparts, I examine pressures toward gender conformity as well as hostile reactions to perceived violations of gender boundaries, such as instances of sex discrimination.

III. Results and Discussion

My co-researchers and I surveyed VMI’s entire student population via an anonymous

136 BEM, *supra* note 8, at 42.

137 *Id.* at 139.

138 *Id.*

139 In *Stiffed: The Betrayal of the American Man* (1999), Susan Faludi notes that the first female cadet at The Citadel was so thoroughly harassed that she withdrew, and male cadets treated all things feminine with disdain. SUSAN FALUDI, *STIFFED: THE BETRAYAL OF THE AMERICAN MAN* 116–17, 119–20 (1999).

online questionnaire. Three hundred sixty-four students responded. Three hundred eleven (85.4%) of the respondents were male, while fifty-three (14.6%) were female. Response rates per class were fairly proportional. One hundred (27.5%) first classmen, including eighty-five men (27.33%) and fifteen women (28.3%); eighty-three (22.8%) second classmen, including seventy-two men (23.2%) and eleven women (20.8%); eighty-seven (23.9%) third classmen, including seventy-three men (23.5%) and fourteen women (26.4%); and ninety-four (25.8%) fourth classmen, including eighty-one men (26.1%) and thirteen women (24.5%), participated in our survey.¹⁴⁰ Most respondents—236 students or 65.7%—planned to enter the military. Of these, 208 (67.3%) were male, and twenty-eight (56%) were female. Seventy-four (24.0%) men and seventeen (34%) women did not plan to accept a military commission.¹⁴¹

A. Perceptions of *United States v. Virginia*

Before turning to our results regarding the perceived impact of coeducation and indicators of gender polarization at VMI, I will briefly discuss students' familiarity with *United States v. Virginia*—the decision that resulted in coeducation.

140 At VMI, freshmen are referred to as "rats" until "Breakout" and "fourth classmen" thereafter. Sophomores are "third classmen," juniors are "second classmen," and seniors are "first classmen." See *United States v. Virginia*, 766 F. Supp. 1407, 1422–23 (W.D. Va. 1991).

141 Twenty-seven (8.74%) men and five (10%) women did not yet know if they would join the service.

TABLE 1: ARE YOU FAMILIAR WITH THE UNITED STATES SUPREME COURT DECISION *UNITED STATES V. VIRGINIA*?¹⁴²

Response	Male	Female	Total #	Total %
Yes	227 (76.95%)	24 (51.06%)	251	73.4%
No	68 (23.05%)	23 (48.94%)	91	26.61%
Total	295	47	342	

Chi Square = 13.91

Sig. = .000¹⁴³

As shown in Table 1, the vast majority of students—73.4%—were familiar with the decision.¹⁴⁴ However, perhaps surprisingly, more men (77.0%) than women (51.1%) knew about *United States v. Virginia*, even though the decision made women's attendance at VMI possible and clarified the intermediate scrutiny standard now applied to sex-based classifications subject to constitutional challenges. It is striking that nearly half—48.9%—of female cadets were unfamiliar with *United States v. Virginia*, even though it has been heralded as an important victory in the battle for sex and gender equality.¹⁴⁵

142 No survey is entirely devoid of potential biases. *Respondent bias* occurs when a survey participant is unable or unwilling to provide an accurate, honest response. Respondent bias has various causes, including question format and context. Although it may be impossible to craft a question that would never incite respondent bias, we attempted to do so by typically wording our questions neutrally and providing a neutral option or opt-out choice for each question. Another potential problem is *social desirability bias*, which occurs when a participant does not answer a question honestly because he or she wants to provide a socially acceptable response that will, *inter alia*, prevent embarrassment. To preempt social desirability bias to the extent possible, we worded our questions in a nonjudgmental way and guaranteed participants anonymity. Social desirability bias is of particular concern for students who fear that their honest responses might embarrass them or VMI if disclosed. For the question presented in Table 1, 342 students responded, and twenty-two students, including six women and sixteen men, did not respond to this question.

143 In statistics, Sig.=.000 indicates that an event is logically impossible. Use of $p<.001$ indicates that the odds of obtaining this extreme result are less than 1 in 1,000. Here, however, we report the actual p values generated from the analysis, rather than converting all $p=.000$ values into $p<.001$.

144 For the ease of the reader, I tailored the formatting of each table and presentation of the data therein to the specific information presented in the related subsection of the article, rather than formatting each table uniformly.

145 It is worth noting that at least some social science research indicates that boys are likelier to represent themselves as having knowledge of an area than girls even where pre-tests reveal that both groups share the same degree of background knowledge. This may, at least in part, explain the surprising disparity among

Cadets' framing of *United States v. Virginia* is also quite revealing. Most respondents describe *United States v. Virginia* as "forcing" VMI to admit women, even though VMI retained the option of going private.¹⁴⁶ Typical responses included "because [VMI] was forced to by the Supreme Court," "[t]he Supreme Court ordered us to," and "[t]he Supreme Court made [VMI] admit women." However, contrary to popular belief, *United States v. Virginia* did not mandate that VMI become coeducational. Instead, VMI had several options, such as becoming a private, all-male military college, a coeducational military college, a non-military college, or closing. After determining that going private proved financially unattractive, VMI *chose* to admit women. Despite this reality, however, approximately 132 respondents referred to the decision as mandating coeducation.

Other common responses, which similarly cast the reasoning underlying the decision in a negative light, largely relate to the reputational harm of refusing to admit women to VMI. Such responses characterize *United States v. Virginia* as bowing to "political correctness" and attribute the decision to "political pressure," "government pressure," "societal pressure," "pressure from other military schools," to preempt "a ridiculous amount of lawsuits from women's rights activists" or to avoid "bad publicity." Another ascribed the decision to "the weakening of American society."

These responses arguably reflect continued resistance to and disagreement with *United States v. Virginia*. They may also reveal resentment of court-imposed coeducation by "outsiders"—judges and agencies unfamiliar with the VMI experience who, in the minds of the cadets, did not fully understand or appreciate VMI's unique culture rather than as a consensual decision made *by cadets for cadets*. Indeed, *United States v. Virginia* was commonly criticized because it was made by individuals who had neither visited nor attended VMI.¹⁴⁷ As one cadet remarked, "[p]eople who do not understand the military in general or VMI in particular decided to make policy on an issue that they were almost entirely ignorant of." Another opined, "[s]ociety disconnected from VMI didn't understand

women and men.

146 Several respondents specifically blamed Justice Sandra Day O'Connor for coeducation, even though Justice Ruth Bader Ginsburg authored the majority opinion in *United States v. Virginia*. This may reflect the respondents' lack of familiarity with authorship of the majority opinion or confusion of Justice O'Connor with Justice Ginsburg. Likewise, historians have noted that during their first few years on the Supreme Court, some litigants and journalists occasionally confused Justice O'Connor and Justice Ginsburg. STRUM, *supra* note 14, at 82–83.

147 Justice Clarence Thomas had a son attending VMI during the pendency of the case. Biskupic, *supra* note 96. Ironically, the same connection that perhaps provided him with the best opportunity to gain insight into the perspective from inside the VMI community also required him to recuse himself.

the culture of VMI and saw it as just another school, rather than the more professional fraternity style atmosphere it truly is.”

Although these attitudes come more than two decades after the onset of the VMI litigation, they echo many of the same concerns over coeducation that were expressed at the outset of the case. Even though most people had anticipated an eventual challenge to VMI’s single-sex admissions policy, reaction to the challenge was still “emotional and fractious.”¹⁴⁸ In the eyes of many VMI adherents, *United States v. Virginia* exemplified larger battles between “states’ rights [versus] federal intrusion, Southern tradition versus Northern self-righteousness.”¹⁴⁹

Interestingly, only a minority of respondents discussed the constitutional issue at the heart of *United States v. Virginia*, which involved whether VMI’s all-male admissions policy violated the Equal Protection Clause of the Fourteenth Amendment by discriminating against women on the basis of sex. Such respondents noted that “it would be unconstitutional for [VMI] to only admit males” or “courts found it unconstitutional to prohibit women.” Notably, although some respondents acknowledged that the Supreme Court framed the issue as an equal protection challenge, some respondents recast that characterization in a negative or demeaning light. For example, one student remarked, “[b]ecause liberals complained that it was unfair, equal rights even though the majority [didn’t] want it.” Another referred to the “flawed separate but equal clause.” One respondent even called the female litigant who initiated the lawsuit “selfish” and part of the “me generation” because she fought to attend VMI but then left the Ratline because she “changed her mind.” However, the impact of her decision was lasting.

A fair number of respondents recognized that financial considerations played a role in VMI’s decision to admit women, but again, typically characterized coeducation as coerced, not consensual. For example, one respondent remarked that “[t]he Supreme Court *legally forced* VMI to accept women by stating that without such action, VMI would lose all funding from the state; an action which would have bankrupted [VMI].” Others observed that women were admitted “to keep state funding,” “to get more money from the state,” “so [VMI] didn’t have to go private,” or “under threat of defunding.” The narratives about VMI’s decision to admit women rather than go private consistently seemed apologetic as though VMI had no choice but to surrender.

148 BRODIE, *supra* note 10, at 11.

149 *Id.* In keeping with VMI’s natural suspicion of the federal government, VMI’s first flag bore the saying “I am true to Virginia.” STRUM, *supra* note 14, at 13.

Several students attributed the decision to evolving societal norms regarding sex and gender equality—changes with which many disagreed. For example, one respondent commented:

VMI began to accept women because of our changing culture. Women feel that 'equality' means being the same as men and felt like they deserved to be allowed to attend an all male school. VMI allowed this because of the support of the liberal media and other liberal groups who want to ruin America.

Other common responses included: "[b]ecause society was changing and VMI needed to conform to society;" "[l]egal pressure to conform to a further liberalization of society. No real gain to admitting women;" "[t]o cater to the women who felt they belonged . . . Liberals convinced the women of society that they belonged . . . the bastards buckled under the pressures of society and admitted the weaker sex into our school."

No matter how misguided they may be, these perceptions of *United States v. Virginia* appear prevalent at VMI and when woven into the institutional narratives about coeducation, may impact students' attitudes about coeducation and the opposite sex. Although the data do not capture empirical evidence of the following, I suspect that male students who view coeducation as resulting from coercion, not choice, may be likelier to perceive female students as intruders or infidels who do not really belong and thus, resent them accordingly. The institutional myth that the all-male VMI of yesteryear was harder, tougher, and better than the coeducational VMI of today may be transmitted from one dyke to another, from VMI alumni to current students, and from family members to VMI legacies, exacerbating the ever-present tension between male and female cadets. As one student remarked:

Women should not be here. They breed trouble. There are a few women who are tough enough to meet the cut. But most are worthless and weak. My father went here when it was just guys and I wish it had stayed that way. If women want to go a military college, what is Mary Baldwin? That's an all girl school so they can go there and not come to my school. But no they have to have everything equal.

Although it is unclear whether the student is expressing his personal beliefs or simply regurgitating what his father had told him regarding the impact of coeducation, his response tends to support my theory of myth-transmission. Likewise, female students may anticipate resistance and stigmatization, even where none exists, because they expect their

male peers to resent coeducation because it is perceived as imposed, instead of consensual. Female dykes, alumna, and female relatives may transfer their own institutional narratives of gender tension, inequality, and resistance to coeducation from one generation of women to another, shaping female students' views of the opposite sex before they ever set foot on campus.¹⁵⁰

That being said, not all students characterized *United States v. Virginia* in a negative way. Several students mentioned "equality," "because it was sexist to keep [women] out," "to allow women the same opportunities as men," "women were paying taxes in the state of Virginia and they thus had a right to receive the benefits of VMI," "women are excelling just as quickly and efficiently as men and they are just useful in many career fields," and "under gender fairness females wanted to be treated the same." One respondent decried VMI's history with regard to coeducation as "embarrassing." Another commented:

[I]t is impractical for a military school to be single-sex in the 21st Century. In today's military, it is almost a guarantee that at one point in an officer's career, he will be working under a woman. So, in order to appropriately prepare military officers at a military college, it is necessary to have women enrolled at the school.

Yet another observed, "We're in the 20th century and if women were in the military they might as well be trained in an institution in which they can actually learn and be proficient officers." A different student stated, "the change of norms within society . . . have determined that men and women are equally able to perform their jobs. VMI . . . needed to accept this reality which the armed forces had already accepted in order to adapt to the change in society and perception of gender equality."

In sum, most respondents disagree with *United States v. Virginia* and have a negative perception of the reasons underlying VMI's decision to admit women. Only a handful of respondents referenced equality or equal opportunity as playing any part in the decision, and several of those responses framed equal opportunity in a negative way, such as "people cried for equal rights." It is unclear to what extent this characterization of *United States v. Virginia* is inculcated into cadets before and after their matriculation at VMI. The perception of coeducation as court-imposed rather than consensual likely impacts the acceptance of coeducation and of women at VMI.

150 Although we asked respondents whether their VMI Experience with the opposite sex has affected viewpoints toward women in the military, the results of that data will be discussed in a future article.

B. Indicators of the Existence of Gender Polarization

Next, I examine potential indicators of the existence of gender polarization in the minds and attitudes of our respondents. Although “VMI is not for everyone,”¹⁵¹ at least some of the attitudes of VMI students toward gender roles comport with those typical of our gender-dichotomized American society. Indeed, the data indicates that like many Americans, respondents of both sexes may view the world through the lens of gender polarization.

To assess the existence of gender polarization among respondents, the survey asked a series of questions, two of which will be discussed herein. Both questions pertain to the allocation of childcare decision-making, which many, if not most Americans usually perceive as being part of the female domain.

TABLE 2: “ASSUMING YOU HAVE CHILDREN, DO YOU BELIEVE YOU WOULD STAY HOME (REGARDLESS OF WHETHER YOU ARE MALE OR FEMALE) WITH YOUR BABY FOR AT LEAST THE FIRST SIX MONTHS?”¹⁵²

Response	Response Percent	Response Count	Male (#)	Male (%)	Female (#)	Female (%)
Definitely yes	16.2%	55	37	12.76%	18	36.73%
Probably yes	31.3%	106	83	28.62%	23	46.94%
Probably not	41.3%	140	133	45.86%	7	14.29%
Definitely not	11.2%	38	37	12.76%	1	2.04%
Total		339	290		49	

Chi square = 33.77
Sig. = 0.00

151 *Virginia Military Institute Admissions*, VA. MIL. INST., <http://admissions.vmi.edu> [<http://perma.cc/MPE3-YRYB>] (last visited Apr. 8, 2014).

152 Forty-nine women and two hundred ninety men (totaling three hundred thirty-nine students) responded to this question. Twenty-five students, including four women and twenty-one men, did not respond.

TABLE 3: “WHEN CHILDREN ARE BORN, THEIR MOTHERS SHOULD BE THE ONES TO DECIDE WHETHER OR NOT TO STAY HOME TO TAKE CARE OF THEM FOR AT LEAST THE FIRST SIX MONTHS.”¹⁵³

Response	Response Percent	Response Count	Male (#)	Male (%)	Female (#)	Female (%)
Disagree strongly	8%	27	26	9%	1	2.04%
Disagree somewhat	13.6%	46	43	14.88%	3	6.12%
Agree somewhat	44.7%	151	128	44.29%	23	46.94%
Agree strongly	33.7%	114	92	31.83%	22	44.9%
Total		338	289		49	

Chi square = 7.084
Sig. = 0.069

58.62% of male respondents (170 men) said they would probably or definitely *not* stay home with a new child for at least the first six months. Although the decision to attend VMI, standing alone, arguably constitutes a deviation from the female gender norm and is atypical, surprisingly, 83.67% of women (41 cadets) indicated that they probably or definitely *would* stay home with a new child. Likewise, the vast majority of male and female respondents—78.40%—also agreed that *mothers* should be the ones to decide whether or not to stay home or take care of children for at least the first six months. These attitudes comport with a gender polarizing view of society in which childrearing resides within the woman’s domain, and women serve as the primary caregivers to children. Thus, although this data is certainly not dispositive of the existence of gender polarizing attitudes among our respondents, it may at least indicate that despite the extraordinary nature of VMI, many of its cadets possess viewpoints of the opposite sex and of appropriate gender roles that are

153 Two hundred eighty-nine men and forty-nine women (338 students in total) responded to this question. Twenty-six students, including four women and twenty-two men, did not respond to this question.

just as gender polarized as those of the average American.¹⁵⁴

C. Attitudes toward Coeducation

I next examine student perceptions of coeducation and its impact on VMI.

TABLE 4: DO YOU BELIEVE VMI SHOULD HAVE BECOME A COEDUCATIONAL INSTITUTION?¹⁵⁵

Response	Response Percent	Response Count	Male (#)	Male (%)	Female (#)	Female (%)
Strongly yes	12.6%	45	15	4.89%	30	58.82%
Somewhat yes	12.0%	43	31	10.10%	12	23.53%
Neutral	9.8%	35	29	9.45%	6	11.76%
Somewhat no	20.9%	75	72	23.45%	3	5.88%
Strongly no	44.7%	160	160	52.12%	0	0%

Chi square = 141.05

Sig. = .000

Perhaps not surprisingly, women are predictably in favor of coeducation (82.3%), but even two decades after the onset of *United States v. Virginia*, most men still oppose it (75.6%), with over half being strongly opposed. Male cadets appear to prefer a gender polarized and androcentric educational environment where females neither invade their male domain nor challenge their masculine gender identities. After all, if our gender polarized, androcentric American society traditionally associates attributes, such as physical weakness, with women, then what does it mean to the average male cadet when a woman survives the rigors of the Ratline, outperforms him during the physical fitness exam, or holds rank over him? In *Saving the Males*, Michael Kimmel, who served as the Department of Justice's expert witness on "masculinity" during *United States v. Virginia*, explores this peculiar question. He recounts overhearing a VMI cadre shouting to a male cadet, "What's wrong with you, skirt? There are women who can do more push-ups than

¹⁵⁴ Although we collected data on a vast array of other indicators, such as allocation of responsibility for household chores and attitudes toward partner income, here we only include data pertaining to the traditionally female-gendered duties of childcare and childrearing.

¹⁵⁵ Six students did not respond to this question.

you. When I was in the army, there was a woman who could do 100 push-ups. You can't even do fifty."¹⁵⁶ The anecdote suggests that at VMI, "woman" and all things feminine represent weakness, failure, and the low bar of performance—a denigrated status to avoid, not one to which to aspire. As such, no VMI cadet wants to be viewed as a "woman" or "skirt," least of all the female cadets.

TABLE 5: WHAT OVERALL IMPACT, IF ANY, DO YOU BELIEVE COEDUCATION HAS HAD ON VMI?¹⁵⁷

Response	Response Percent	Response Count	Male (#)	Male (%)	Female (#)	Female (%)
Very positive impact	5%	18	8	2.58%	10	20%
Somewhat positive impact	18.3%	66	35	11.29%	31	62%
No impact	3.3%	12	12	3.87%	0	0%
Somewhat negative impact	34.7%	125	117	37.74%	8	16%
Very negative impact	38.6%	139	138	44.52%	1	2%
Totals		360	310		50	

Chi square = 114.74
Sig. = .000

As shown in Table 4 above, the vast majority of male cadets—255 men or 82.26%—stated that coeducation had negatively impacted VMI, with almost half indicating that it had had a "very negative" impact. Surprisingly, nine women, or 18% of female respondents, agreed that coeducation had negatively impacted VMI, even though coeducation made their attendance at VMI possible. Significantly, none of these students had ever attended VMI before it became coeducational, and the data do not capture the source of their opinions. As explained previously, it is possible that alumni, dykes, and/or relatives perpetuate potentially harmful institutional myths regarding the adverse impact of coeducation that effectively

¹⁵⁶ Kimmel, *supra* note 33, at 494–95.

¹⁵⁷ Four students did not respond to this question.

predispose cadets against it. Yet it is worth noting that roughly 15% of male students (46 men) believed VMI should have become coeducational. Perhaps most surprising is the fact that nearly 15% of female respondents (nine women) did not believe VMI should have admitted women or were neutral in that regard.

Predictably, most women—82%—view coeducation as having had a positive impact at VMI. Most male cadets believe that coeducation has negatively impacted VMI and appear to prefer a gender-polarized environment where females cannot invade their masculine domain. However, not every man shared this view. Indeed, 13.9% of men (forty-three men) agreed that coeducation had had a positive impact. In 1998, one male cadet remarked, “VMI is about the honor code . . . the alumni network . . . the (mentoring) system, the big brother. It’s about respecting those who have gone before you. If anyone tells you that VMI itself has changed [as a result of coeducation], then they don’t know what VMI is all about.”¹⁵⁸

D. Perceptions of the Reasons Why the Opposite Sex Attend VMI

Examining student perceptions of the reasons that members of the *opposite* sex attend VMI sheds light on the dynamics underlying men’s and women’s sharply contrasting views regarding the impact of coeducation. Most men believe that women attend VMI “to prove something,” “to feel equal,” “because they are ‘manly,’” “to get an education and commission,” “to ‘hunt’ men,” “because they are raging lesbians,” “because of athletics,” “to find husbands,” “to get a VMI degree,” “to be in a physically and mentally challenging environment,” and “to get a military commission.” Many of these perceptions are negative and relate to unsubstantiated (and arguably misguided) beliefs about the sexual orientation or sexual proclivities of most female cadets.

Indeed, male cadets frequently made derogatory sexual references about female cadets, implying that they attend VMI because they are promiscuous or homosexual. Illustrative responses include: “they came here to hookup [sic] with very desperate men,” “they want a place where it’s easy to find men to have sex with,” “easy sex apparently,” “they are looking to get laid,” “to sleep with as many guys as possible,” “because they see hot guys

158 Kimmel, *supra* note 33, at 511. *But see* Avery, *supra* note 13, at 290 (quoting VMI’s expert witness, Elizabeth Fox-Genovese) (“I doubt [Jackie Jones] would be attracted to [an] all female VMI because I do believe that the presence of men and the distinguished history are virtually an indissociable part of what people think they want from VMI. If they want the institution itself.”); Wes Allison, *MBC Program May Exceed 100; Its Largest Class Will Arrive Tomorrow*, RICHMOND TIMES DISPATCH, Aug. 18, 1997, at B4 (“Only three women applied to both VMI and VWIL. All chose Mary Baldwin.”).

in uniforms,” “because they want to have a lot of sex,” “to hook up with a bunch of guys,” “promiscuity,” “to find mates,” “because they are raging lesbians who are seeking to change the world,” and “attention.” Similarly, another added:

to make it easier for them to fool around. Where the ratio of male to female cadets is 5 to 1. Most women here have no desire to accept a military commission and are here on a free ride for athletics. Most of them are fat and fail to take care of themselves physically and freely chase men with little to no regard for their reputations.

Sadly, these responses, taken as a whole, imply that at least some male cadets perceive many, if not all, female cadets as wanton women and/or “shedets” who do not deserve to be at VMI.¹⁵⁹

Responses also reflect the “badge of inferiority” with which many, if not most, female cadets are branded:¹⁶⁰

For the tiny fraction of legitimate female cadets, they apply for the same reason the majority of males did. However, there is a larger percentage that seeks only the name that comes with this place and believe they can simply quit when the going gets tough (and they were right, there was nothing that upperclassmen could do without putting their cadetship in danger), they are a disgrace. Additionally, there is a large number that applied to hook up with as many guys as they can manage, they are sluts and whores and a stain on the Institute.

While male cadets often characterize women’s motivations for attending VMI in a

159 Women are seemingly caught between a rock and a hard place. Cadets may assume that women who assimilate by becoming androgynous are lesbians because in the cadets’ polarized and stereotypical view of the world, the traits these women exemplify are usually associated with masculinity and homosexuality. On the other hand, female cadets who refuse to cast off their femininity or heterosexuality in order to assimilate are labeled as promiscuous. Notably, the survey also asked, “[w]hat is the most significant way your experience at VMI would differ if you were a member of the opposite sex, if at all?” Sixty-three male respondents indicated that if they were female, they would not have come to VMI.

160 In Justice Clarence Thomas’s concurring opinion in *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 241 (1995), he opined that race-based preference programs “stamp minorities with a badge of inferiority and may cause them to develop dependencies or to adopt an attitude that they are ‘entitled’ to preferences.” Similarly, women at VMI may be branded with a “badge of inferiority” leading peers to assume that each woman was only admitted to VMI, elevated to a position of leadership, etc., because of her sex, not her merit.

negative light or one entirely divorced from the reasons the women provide, female cadets tend to frame men's reasons for attending VMI more positively and in terms that relate to factors integral to the VMI Experience: preparedness for military service (e.g., "to get a military commission,"); male solidarity (e.g., "because of the brotherhood"); VMI's history of academic excellence and high ranking (e.g., "for the education"); and VMI's unique traditions (e.g., "because of the tradition").¹⁶¹ In sum, women tend to view men's decisions to attend VMI as stemming from their desires to serve in the military, to become leaders, to function in a male-dominated society, to have "bragging rights," and to demonstrate their masculinity.¹⁶²

These dramatically contrasting views regarding the opposite sex's reason for attendance likely result from men viewing female cadets as violating gender norms and boundaries. One obvious indication of this is the recurring reference to women as "raging lesbians" and as being "manly." In *Gender Diversity*, Serena Nanda observes that Americans tend to dichotomize what is feminine and masculine and to fuse sex (biological) and gender (a social construct).¹⁶³ Thus, men must look and act masculine, while women must appear and behave in traditionally feminine ways. Any attempt to breach this dichotomous and fused sex-gender cultural template is stigmatized and viewed as an instance of undesirable gender diversity. Some societies acknowledge more than two gender categories, thus tolerating male gender-variants (individuals who take on the culturally-framed characteristics of members of the other sex). For example, male gender-variants may dress or behave in feminine ways or handle traditionally feminine occupations, provided that these individuals stay within heterogenderal boundaries. Indeed, among the Mojave, some females become warriors

161 Avery undermines VMI's reliance on tradition as an argument for coeducation by arguing that "VMI has re-created itself many times to accommodate both external and internal pressures to alter or abandon certain formal and informal rules and practices." Avery, *supra* note 13, at 197. She challenges VMI's "myths of continuity" by exploring how VMI has already transformed in response to, *inter alia*, the admission of African American cadets in 1968. *Id.* at 200–18. Furthermore, VMI only admitted Virginia students until 1858 and thereafter, only admitted students from other Southern states if spots were open. *Id.* at 257. However, over 41% of the incoming class of 2018 were out-of-state matriculants. *Profile of the Class of 2018*, VA. MIL. INST., <http://admissions.vmi.edu/wp-content/uploads/2013/09/class-profile-17.pdf> [<http://perma.cc/NK8V-C3LC>] (last visited Nov. 6, 2014). Avery also observes that after the Civil War, VMI avoided closure by reinventing itself from Virginia's "first normal school" primarily producing teachers into a vanguard "scientific and technical school" offering courses in fine arts, agriculture, and engineering. Avery, *supra* note 13, at 257, 259–60.

162 According to Michael Kimmel, the VMI and Citadel cases had a "hidden subtext . . . that had less to do with women's educational opportunities and more to do with the making of men." Kimmel, *supra* note 33, at 496. Case hopes that VMI will someday abandon its "tenaciously maintained hyper-masculinity." Case, *supra* note 3, at 380.

163 SERENA NANDA, *GENDER DIVERSITY: CROSSCULTURAL VARIATIONS*, 87 (2000).

and dress accordingly, while some males assume domestic roles. A number of these gender variants marry, but their gender variance is tolerated so long as these relationships are heterogenderal.

Male perceptions of the reasons women attend VMI may elucidate, at least in part, why many male cadets still oppose coeducation. It also logically prompts related questions regarding whether cadets perceive coeducation as having had a positive or negative effect on the indoctrination of “desirable” values and other hallmarks of the VMI Experience, including the Honor System.¹⁶⁴ As the following tables will show, men may be likelier to perceive coeducation as having a negative impact in part because most (55.23%) believe that coeducation has compromised the indoctrination of certain core “desirable values” at VMI. It is striking that 27.08% of women share this view.

E. Perceived Impact of Coeducation on the Indoctrination of Desirable Values

TABLE 6: IF YOU BELIEVE COEDUCATION HAS HAD AN IMPACT ON THE INDOCTRINATION OF DESIRABLE VALUES, PLEASE SPECIFY WHETHER YOU PERSONALLY BELIEVE THAT IMPACT HAS BEEN POSITIVE OR NEGATIVE FOR THE INSTITUTION.¹⁶⁵

	Positive	Negative	No Impact	Total
Male	27 (8.82%)	169 (55.23%)	110 (35.95%)	306
Female	19 (39.58%)	13 (27.08%)	16 (33.33%)	48
Total	46 (12.99%)	182 (51.41%)	126 (35.59%)	354

Chi Square = 36.684
Sig. = .000

A slight majority of male respondents believe that coeducation has harmed the indoctrination of desirable values. One hundred sixty-nine men, or 55.23%, stated that coeducation had negatively impacted the indoctrination of desirable values. Surprisingly, thirteen women, or 27.08%, agreed. Only a minority of respondents believed that coeducation benefited the indoctrination of desirable values. Twenty-seven men, or 8.82%,

164 Data regarding other hallmarks of the VMI Experience, such as male solidarity, the absence of privacy, and physical rigor, will be explored in a future article.

165 This was a multi-part question that assessed the perceived impact of coeducation on the indoctrination of desirable values, physical rigor, strict regulation of behavior, mental stress, and other factors.

and nineteen women, or 39.58%, opined that coeducation had positively impacted the indoctrination of desirable values. Interestingly, 110 men, or 35.95%, and sixteen women, or 33.33%, reported that coeducation had not impacted the indoctrination of desirable values.

I next examine the perceived impact of coeducation on the Honor System, which is undoubtedly integral to the VMI Experience but which received little or no attention during the litigation. I selected this variable because, unlike levels of privacy, barracks life, and physical training requirements, the Honor System is more easily divorced from real biological differences between the sexes.¹⁶⁶ As one cadet aptly observed, “[a] sexual organ does not determine your ability to live an honorable life.” While some may expect the overwhelming majority of respondents to believe that coeducation had little or no impact on the Honor System, 42.1% of respondents stated that coeducation had harmed the Honor System; only a narrow majority—55.6%—felt that coeducation had had no impact.

F. Perceived Impact of Coeducation on the Honor System

VMI is well known for its Honor System, which it describes as “the heart of VMI.”¹⁶⁷ VMI’s Honor Code, which dates back to 1839, states that “[a] cadet does not lie, cheat, steal, nor tolerate those who do.”¹⁶⁸ The Honor Court of Cadets is elected from the upper two classes and enforces the Honor Code.¹⁶⁹ Individuals who violate the Honor System are subject to a *drumout* in which snare and bass drums are beaten as the shamed former cadet is dismissed from the school.¹⁷⁰ The Honor Court President announces that the dismissed cadet “has placed personal gain above personal honor and has left the Institute in shame. His name will never be mentioned in the four walls of Barracks again.”¹⁷¹ The cadets

166 This may also be the reason that the Supreme Court did not discuss any potential ramifications of coeducation upon VMI’s Honor System.

167 *History of the VMI Honor System and Honor Court*, VA. MIL. INST., <http://www.vmi.edu/archives.aspx?id=4294973008&libID=4294973005> [http://perma.cc/3GKG-PL8N] (last visited Apr. 9, 2014).

168 STRUM, *supra* note 14, at 40. Although the Honor Code prohibits lying, cheating, and stealing, it occasionally works (or perhaps is worked) in a peculiar way. For example, a cadet who sneaks out and wears unauthorized civilian clothes to a Washington and Lee fraternity party has not technically violated the Honor Code. However, a cadet who signs out, warranting in writing that he or she is in uniform, but who wears unauthorized clothing will be dismissed for making a false official statement. BRODIE, *supra* note 10, at 38–39.

169 STRUM, *supra* note 14, at 40.

170 BRODIE, *supra* note 10, at 37–38.

171 *Id.* at 38.

turn their backs on the exiled student and return to bed.¹⁷² The expelled student's name can never again be uttered in Barracks.¹⁷³ Expulsion is the sole penalty for Honor Code violations.¹⁷⁴ VMI's unusual emphasis on honor creates a unique educational environment where doors are rarely, if ever, locked, and cadets may leave a wallet or other valuables out in the open without fear of theft.¹⁷⁵

Critics of coeducation predicted that the admission of women would undermine the Honor Code by leading to the development of romantic attachments in which cadets would not want to turn in a lover.¹⁷⁶ VMI considered altering the Honor Code to encompass sexual harassment,¹⁷⁷ but ultimately left the Honor Code unchanged, creating a separate sexual harassment policy.¹⁷⁸

TABLE 7: WHAT IMPACT, IF ANY, HAS COEDUCATION HAD ON THE HONOR SYSTEM?¹⁷⁹

	Harmed Greatly	Harmed Somewhat	No Effect	Enhanced Somewhat	Enhanced Greatly	Response Count
M	69 (22.4%)	78 (25.32%)	156 (50.65%)	3 (0.97%)	2 (0.65%)	308
F	0	3 (6.25%)	42 (87.5%)	0	3 (6.25%)	48
Total	69 (19.4%)	81 (22.8%)	198 (55.6%)	3 (0.8%)	5 (1.4%)	356

172 *Id.*

173 *Id.*

174 *Id.* at 37.

175 *See id.* at 39.

176 BRODIE, *supra* note 10, at 39. VMI forbids dating rats and dating within the chain of command. VMI also prohibits sexual activity in Barracks. Case, *supra* note 3, at 377 n.144 (citing David Nakamura, *VMI Leader Still Prefers the Old Way*, WASH. POST, June 13, 1998, at C1).

177 BRODIE, *supra* note 10, at 39.

178 *Id.* Notably, VMI initially refused DOJ's suggestion that VMI add a clause explicitly stating that sexual harassment is an honor offense.

179 This was a multi-part question assessing the perceived impact of coeducation on the Honor System and other aspects of VMI culture.

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Nearly half of male cadets believe that the presence of women at VMI has harmed the Honor System, whereas the vast majority of female cadets feel that coeducation has had no impact on the Honor System. As one male cadet explained, “[t]he introduction of females has diluted the intensity of the honor and moral development of cadets in barracks, because they are too great a distraction and detract from our mission here.” In reality, during the 2012–13 school year, only one female was charged with an Honor Code violation.¹⁸⁰

Specifically, 42.1% of respondents believed that coeducation had harmed the Honor System. A narrow majority—55.6%—opined that coeducation had no effect on the Honor System. Only 2.2% of respondents felt that coeducation had enhanced the Honor System. Turning to the perspective of male cadets, 147 men, or 47.72%, believed that coeducation had harmed the Honor System, and 156, or 50.65%, felt that coeducation had not impacted the Honor System. Only five men, or 1.62%, thought coeducation had enhanced the Honor System. Interestingly, the vast majority of female respondents—87.5%—believed that coeducation had no impact on the Honor System. Three women, or 6.25%, stated that coeducation had harmed the Honor System somewhat, while three others concluded that coeducation had greatly enhanced the Honor System.

The responses to this question are quite illuminating. Several respondents felt that the Honor System has been compromised primarily as a result of increased sex in the barracks and illicit intra-cadet romantic fraternization. As one student explained, “[t]here are many issues of lying and false official statement[s] that stem [from] relationships between cadets.” Although we have been unable to obtain data to confirm or undermine student responses, we do know that by the conclusion of the 1998–99 school year, VMI had suspended two cadets and given an incomplete to a male cadet for sexual harassment, and had expelled a female cadet for an honor offense.¹⁸¹ VMI dismissed a top cadet for allegedly using his perceived power to establish romantic relationships with several female rats.¹⁸²

180 Documentation of Honor Court hearings is destroyed every five years, so data from years prior to assimilation as well as the first year of coeducation is unavailable. *Virginia Military Institute Records Management Policy*, VA. MIL. INST., 5, May 1, 2014. available at <http://www.vmi.edu/WorkArea/downloadasset.aspx?id=14963> [<http://perma.cc/X52H-C46R>].

181 BRODIE, *supra* note 10, at 349.

182 *Id.* at 349–50.

VMI also suspended a female rat for hitting a senior cadet.¹⁸³ The Department of Justice requested information on the case, but VMI refused to share that information because it related to an internal disciplinary matter.¹⁸⁴

The Honor Court's unequal treatment of men and women is a recurring theme. Men repeatedly observed that women "play" the system to get out of Honor Code violations for which males would be punished. Several respondents noted that VMI punishes male cadets for Honor violations more frequently and severely than women because VMI wants to encourage females to apply and maintain female enrollment. Similarly, another cadet opined that the Honor System had been harmed because VMI was trying to "keep the numbers high, so they try not to kick any [women] out." One respondent wrote that a female athlete who had repeatedly been brought up on Honor Code violations was retained so that her good performance would attract female applicants. Many male students expressed outrage at a female student being found guilty of an Honor Code violation but purportedly not punished. Several also reported a female being expelled but readmitted. It is unclear whether these numerous responses refer to the same woman, but the responses may exemplify how the behavior of one female, even if an outlier, is often ascribed to all females as a group. As one woman remarked, "'[a]ny time any one of the women acts in any way that brings scorn upon herself, she brings it on all of us.' . . . 'Everybody looks and they don't see that particular female; they see *a* female, and that can lead to some serious disagreements.'"¹⁸⁵

Another perceived problem within the Honor System is failure to enforce malingering violations. As one cadet explained, "someone can fake an injury to get out of duty without the threat of being investigated by the Honor Court." Given student responses indicating suspicion that women are likelier than men to *ride the gim* in order to avoid the Ratline, these remarks may also be targeted at women.¹⁸⁶

Not surprisingly, VMI women often self-police even more stringently than male cadets. By way of illustration, female cadets attempted to throw a "blanket party" for a fe-

183 *Id.* at 271.

184 *Id.* at 272.

185 *Id.* at 294.

186 "Riding the gim" refers to relying upon an illness or injury to avoid participating in the Ratline. BRODIE, *supra* note 10, at 245.

male cadet who they felt was faking physical injuries to avoid the Ratline.¹⁸⁷ When the administration discovered these plans, they placed a sentinel outside the cadet's room and told the other female cadets that "[a]ny rat is a Brother Rat, and your whole focus should be on helping them succeed, rather than fail."¹⁸⁸

Other student responses reflected a deep distrust of the opposite sex. For example, one cadet commented, "[w]omen tend to be more deceptive than men." Another opined, "females have a lesser sense of the value of honor." Another commented that a female could "cry rape" and become "untouchable." A different cadet claimed that females lied to pass VMI's physical fitness exam. Another remarked, coeducation has "made me hate girls . . . because al[l] the girls here are conniving she-devils." One cadet commented, "[s]hedets are responsible for many problems at VMI."

The following response was especially illuminating with regard to the male/female dynamics at VMI:

The Honor System is supposed to be a system that helps the Rats learn how to be cadets. Instead now it's a system where [a] dyke goes and complains to a commandant staff member if someone told their rat they were worthless or a piece of shit or called them a bitch. There are no values here taught anymore of how a person should act, because you always have to break it into male and females, how each should act towards the opposite sex. With females, I feel like you have to kick them out of a room in order to actually say what you want to, and more importantly, what needs to be said. [The] Honor System has been left intact, because reading articles from how it was before females came in the 90's, there were huge scandals and cheating rings then, but luckily the [Honor] Court is still all male and no female has been [sic] chose to be on it. Hopefully that trend continues.

Blaming coeducation for the extinction of chivalry, gentlemanliness, and Southern honor was another common refrain. A cadet complained that VMI cadets are no longer taught to be chivalrous Southern gentlemen but instead to be officers who treat women as equals.¹⁸⁹ For example, male cadets must tip their hats to female Washington and Lee

187 *Id.* at 292. In a "blanket party," cadets enter another cadet's room at night, encircle the victim in his or her sheets, and inflict a punishment, which sometimes involves physical violence. *Id.*

188 *Id.* at 292–93.

189 VMI's Code of a Gentleman so impressed Justice Scalia that he commented, "I do not know whether the

students and other non-VMI women they encounter on Lexington streets. They must also refer to these women as “Ma’am.”¹⁹⁰ However, they are not required to tip their hats to female rats, who are referred to as “brother rats.”¹⁹¹ This strange dichotomy between female rats and non-VMI women raises the obvious question of whether a tipping your hat to a female rat and calling her “ma’am” would effectively deprive her of the VMI Experience she sought. Does it deny her the equal treatment to which she is entitled? Some cadets may believe that gender equality requires treating female rats the same as male rats, as “brothers,” not ladies entitled to chivalrous, gentlemanly behavior. Female cadets are unlikely to demand or expect that they be treated like non-VMI women due to *difference anxiety* and consequent attempts to *gender pass*.¹⁹² Indeed, gender passing is not uncommon for women in military settings who tend to deemphasize their stigmatized gender, rather than call attention to it.¹⁹³

In sum, most male cadets tend to believe that coeducation has negatively impacted VMI in large part because it has decreased the indoctrination of desirable core values. A sizeable minority of male students also believes that the presence of women has harmed the Honor System.¹⁹⁴ Furthermore, male cadets appear to unconsciously organize VMI cadets into various categories: males and non-males or in the alternative: (1) male cadets; (2) *shedets*—women who are female-gendered and fail to conform to the VMI Standard; and (3) female Brother Rats—women who have earned their place at VMI. As one male cadet

men of VMI lived by this code; perhaps not. But it is powerfully impressive that a public institution of higher education still in existence sought to have them do so. I do not think any of us, women included, will be better off for its destruction.” *United States v. Virginia*, 518 U.S. 515, 603 (1996).

190 See BRODIE, *supra* note 10, at 14.

191 Although it is somewhat unclear, it appears that a male cadet need only refer to a female cadet as “Ma’am” where the female is an upperclassman, a member of the Cadre, or holds superior rank. Josh White, *Loud and Clear at VMI: Yes, Ma’am!*, WASH. POST, Aug. 19, 1999, available at <http://www.washingtonpost.com/wp-srv/local/daily/aug99/vmi19.htm> [<http://perma.cc/SU5H-H8VM>].

192 Difference anxiety refers to feelings of anxiety resulting from perceived or actual differences between men and women and the implications thereof. See Kimberlyn Leary, *Passing, Posing, and “Keeping it Real,”* 6 CONSTELLATIONS 85, 85 (1999) (defining *gender passing* as “a cultural performance whereby one member of a defined social group masquerades as another in order to enjoy the privileges afforded to the dominant group”).

193 *Id.*

194 According to Avery, VMI argued that the “essence” of VMI was not maleness but instead “the homogeneity of gender in the process, regardless of which sex is considered.” Avery, *supra* note 13, at 222. Assuming this is true, then arguably VMI effectively accepted that men and women could both attend VMI, so long as all cadets were male-gendered. See *id.*

explained, “[t]here are perhaps five females in the entire Corps who I personally know deserve to be here.” These five women represent the female Brother Rats, while many VMI men perceive the vast majority of VMI women to be *shedets*—women who do not deserve to be at VMI and who received admission, special accommodations, rank, and other honors primarily because of their sex, not because of their merit.

Considering the traditional gender polarization and exaggerated emphasis on hyper-masculinity at VMI, the dichotomy between the sexes and the fusion between sex and gender is more pronounced. Given the gender polarization prevalent both in American society and at VMI, we would expect violations of gender boundaries, especially in the androcentric environment of a previously all-male military college, to be viewed quite negatively. To measure these boundaries, I explore student perceptions of how masculine and how feminine male and female cadets should be, respectively, in the context of gendered perspectives.

G. Sex and Gender Stereotyping at VMI

Sex and gender stereotypes appear to have played a prominent role in *United States v. Virginia*. VMI consistently argued that the average woman was incapable of fulfilling the onerous physical requirements expected of VMI cadets. According to VMI, women, on average, are “physically weaker . . . more emotional, and cannot take stress as well as men.”¹⁹⁵ In an attempt to prove that these “fixed notions” were real, not stereotypes, VMI cited over 100 physiological differences between men and women.¹⁹⁶ VMI expressed concern that female cadets would “break down crying” or suffer “psychological trauma” as a result of the Ratline and VMI’s adversative educational style.¹⁹⁷ However, in the end, these arguments proved unavailing. As explained earlier, Justice Ginsburg made clear that VMI could not lawfully exclude qualified women capable of the activities required of VMI cadets based on “fixed notions concerning the roles and abilities of males and females.”¹⁹⁸

United States v. Virginia highlighted a longstanding debate within the feminist community regarding which brand of feminism is preferable: *equality feminism*, which involves women minimizing sex and gender differences in order to prove they are not fundamen-

195 Kimmel, *supra* note 33, at 501.

196 *Id.*

197 *Id.*

198 *United States v. Virginia*, 518 U.S. 515, 541–42 (1996).

tally different than men,¹⁹⁹ or *difference feminism*,²⁰⁰ which not only recognizes sex and gender distinctions but sometimes mandates differential treatment as a result.²⁰¹ These two types of feminism highlight a question “that has plagued the debate on female inequality for 150 years[:] . . . whether women and men are fundamentally the same or fundamentally different.”²⁰²

Student responses suggest that many VMI cadets, regardless of sex, believe that equality requires identical treatment and that equality is synonymous with sameness. The egalitarian ethos of VMI as an institution and of the Ratline in particular may especially pressure women to deemphasize sex and gender differences.²⁰³ As one cadet explained, “[g]ender equality is important. Females should be allowed at VMI, but only if they can do everything a male can do.” Similarly, another cadet remarked, “‘I saw a rat. I didn’t see male or female; their gender was just transformed into one single rat.’”²⁰⁴ In *United States v. Virginia*, Justice Ginsburg cited a West Point cadet squad leader who commented, “[T]he classes of ’78 and ’79 see the women as women, but the classes of ’80 and ’81 see them as classmates.”²⁰⁵

The Department of Justice’s expert witness on masculinity, Michael Kimmel, also observed *gender strategies*, which he described as “ways of doing gender,” among female

199 Like equality feminism, the related concept of *gender neutrality* “mandates that no distinctions ever be made on the basis of sex.” BEM, *supra* note 8, at 178. In keeping with this approach, some feminists, perhaps more commonly in the early days of the women’s rights movement, advocated androgyny and wholesale abolition of gender distinctions. *Id.* at 181.

200 Bem describes difference feminism as “sensitivity to sexual difference,” which “mandates that special provision be made in the workplace to compensate women for their biological and historical role as the caregivers for children,” paid maternity leave and mandatory insurance coverage for pregnancy being two examples. *Id.* at 178–79. There is some concern that difference feminism reinforces archaic sex stereotypes. *Id.* at 180.

201 BRODIE, *supra* note 10, at 134–35. According to Michael Kimmel, “equality has always been confused as sameness In America, we believe that difference leads to inequality and equality means sameness.” Kimmel, *supra* note 33, at 496–97. Yet as Justice Potter Stewart once observed, “[t]he grossest discrimination can lie in treating things that are different as though they were exactly alike.” *Jeness v. Fortson*, 403 U.S. 431, 442 (1971).

202 BEM, *supra* note 8, at 177.

203 BRODIE, *supra* note 10, at 134–35.

204 *Id.* at 321.

205 *United States v. Virginia*, 518 U.S. 515, 545 n.15 (1996).

cadets at West Point and Norwich.²⁰⁶ Our results suggest that female cadets at VMI utilize these same strategies to cope with difference anxiety and to fit into VMI's hyper-masculine culture. Put differently, female cadets who feel "otherized" or stigmatized due to their sex or gender may actively dissociate themselves from all things feminine, including other women, in an attempt to be regarded as "one of the guys." They gender pass to gain social acceptance with peers and/or to cope with difference anxiety.²⁰⁷ Such gender passing is not uncommon, especially in military contexts.²⁰⁸ While it is unusual for women warriors, as they are often called, to alter their biological attributes, they do typically masculinize their dress, appearance, and behavior in order to gain social acceptance in the gender-masculine phenomenon of war.²⁰⁹

The first gender strategy—*emphatic sameness*—involves "downplaying gender identity as women [as well as female solidarity] in favor of being seen as cadets."²¹⁰ As one West Point graduate explained, "[o]nce I was accepted as 'not one of those women' then I was O.K."²¹¹ In *G.I. Jane* (1997), the female Navy SEAL in training played by Demi Moore shaves her head and refuses special treatment in order to fit in with her male peers.²¹²

206 Kimmel, *supra* note 33, at 505.

207 See Leary, *supra* note 192, at 85.

208 See *The Women Who Fought in the Civil War*, SMITHSONIAN.COM, <http://www.smithsonianmag.com/history/the-women-who-fought-in-the-civil-war-1402680/?no-ist> [<http://perma.cc/ER9R-FC33>] (last visited Apr. 9, 2014) (observing that an estimated 400 women disguised themselves as men to fight in the Civil War, some of whom were imprisoned upon discovery); *Joan of Arc*, HISTORY, <http://www.history.com/topics/saint-joan-of-arc> [<http://perma.cc/DB8V-MU94>] (last visited Apr. 9, 2014) (Joan of Arc dressed in male attire when she led the French Army in the fifteenth century before being burnt at the stake); DAVID E. JONES, *WOMEN WARRIORS: A HISTORY* 134 (2000).

209 Legendary Amazonian warriors may be one exception. According to Joshua Goldstein, "the Amazons of Greek myth not only participated in fighting and controlled politics, but exclusively made up both the population and the fighting force. They supposedly lived in the area north of the Black Sea about 700 years before the fifth century BC when the historian Herodotus reports hearing stories about them. According to myth, the Amazons were an all-female society of fierce warriors who got pregnant by neighboring societies' men and then practiced male infanticide (or sent male babies away). Supposedly they cut off one breast to make shooting a bow and arrow easier, although most artistic renditions do not show this." JOSHUA S. GOLDSTEIN, *WAR AND GENDER: HOW GENDER SHAPES THE WAR SYSTEM AND VICE VERSA* 11 (2001). Notably, however, he continues that archaeological and anthropological evidence has neither proved nor conclusively disproved the existence of the mythic Amazonians. *Id.*

210 Kimmel, *supra* note 33, at 505.

211 *Id.*

212 *Id.* at 507.

During a bloody confrontation when her male adversary asks her if she is ready to surrender, she shouts, “Suck my di*k!”²¹³ As Kimmel explains, “Moore does not possess a penis . . . [but] Moore possesses the phallus—the signifier if not the thing signified.”²¹⁴ Likewise, some sources indicate that in 1997, several female rats at VMI voluntarily shaved their heads, although the school did not require it.²¹⁵

Consequently, many women at VMI tend not to sex segregate. Indeed, twenty-three women, or 46.94%, responded that most of their close friends were male.²¹⁶ According to Brodie, most female rats felt more comfortable talking to male dykes than female exchange students.²¹⁷ Female rats saw female exchange students as “outsiders” and snubbed them.²¹⁸ Although this data, standing alone, does not indicate the reason that the many women form close friendships with men, it is possible that women more often form close opposite sex friendships in an attempt to gender pass, actively dissociating themselves from other women in order to be “one of the boys.” Similarly, women at West Point and Norwich usually avoided traveling in groups of more than two.²¹⁹

The women of VWIL and VMI also had “contrasting styles of femininity” most evident when the VWIL women took ROTC classes alongside VMI students. Rather than exhibiting female solidarity, significant tension developed between the women of VMI and VWIL. Some VMI women resented that VWIL women wore makeup, jewelry, and varying lengths of hair. As a result, cadets from VWIL and VMI often refused to sit together.²²⁰ According to Brodie, “[e]very female cadet [at VMI] had to earn her place separately, and

213 *Id.*

214 *Id.*

215 See BRODIE, *supra* note 10, at 220–22.

216 In stark contrast, 266 male cadets, or 89.86%, indicated that their closest friends were male.

217 BRODIE, *supra* note 10, at 300.

218 *Id.* at 299–300, 303.

219 Kimmel, *supra* note 33, at 505; see also BEM, *supra* note 8, at 182 (noting concern regarding whether women as a group have too many subgroups with different interests “to constitute the kind of political interest group that could possibly be served by any single program of social change”). According to Estelle Freedman, “we must avoid the tendency to assume both a false unity across genders and a greater disunity within our gender than in fact exists.” *Id.*

220 BRODIE, *supra* note 10, at 296.

this sort of pressure was not conducive to group bonding.”²²¹

Nor did VMI women show special allegiance to other VMI women.²²² In preparing for assimilation, VMI established an exchange program that brought female cadets from coeducational military programs to VMI and sent VMI upperclassmen to those schools.²²³ VMI hoped the female exchange students would serve as role models for the first female rats and enlighten upperclassmen about how coeducation functioned at their home institutions.²²⁴ Unfortunately, tension existed between the female exchange students and the female rats they were intended to mentor, and female rats usually treated the exchange students as “other” at the encouragement of the first classmen.²²⁵ VMI rats refused to call female exchange students “ma’am” and snubbed them.²²⁶

Women attempting to succeed in traditionally male-dominated spheres may intentionally adopt traditionally masculine traits, dress, and behaviors, such as increased use of profanity, binding breasts, refusing to wear jewelry, makeup, or perfume, and adopting short, masculinized haircuts, to minimize perceived difference. Female cadets at VMI appear to have taken great strides to differentiate themselves from VWIL students and to deemphasize traditionally feminine dress, appearance, and behaviors.²²⁷ Females even rejected the term “Sister Rats.”²²⁸ According to Major Sherrise Powers:

The women [at VMI] feel that they have to do the very same things [as the men], to the point that they will acquire language that they would not normally use; they will start spitting on the stoop “I’ve got to be one of the guys” . . . I think a woman can be a cadet and still be a lady. We’re not teaching that just yet, partly because many of the women feel that they

221 *Id.* at 294.

222 *Id.*

223 *Id.* at 47.

224 *Id.*

225 *Id.* at 299–300, 303.

226 BRODIE, *supra* note 10, at 303.

227 According to Kimmel, “[t]he United States Military Academy . . . offered its first women a class in how to apply and wear makeup.” Kimmel, *supra* note 33, at 506.

228 BRODIE, *supra* note 10, at 286. Another female cadet remarked, “‘We’re all treated the same, we’re all brother rats.’” Case, *supra* note 3, at 375.

have to be just like the men.²²⁹

At West Point, a female cadet allegedly bit the head off a live chicken “apparently sensing that fitting in with the guys meant going to extremes.”²³⁰ At VMI, female cadets were rumored to curse and drink more to fit in with male peers.²³¹ One female cadet remarked proudly that upperclassmen had achieved “gender blindness . . . We get yelled at as much as the guys do, and vice versa.”²³² According to Bem, the lenses of androcentrism and gender polarization cause the expression of a physiological need or function, such as sweating, belching, growing body hair, or farting, to be associated with masculinity and maleness.²³³ Thus, although I can only speculate, it would be unsurprising to find that female cadets are likelier than non-VMI women to exhibit some of these behaviors, especially when in the company of male cadets.

In critiquing equality feminism and the related concept of emphatic sameness, Kimmel observes, “the equality = sameness and difference = inequality dynamic is ill equipped to fully embrace the social dynamics of race, class, or gender.”²³⁴ The “sameness” approach, which seems predominant at VMI, is further problematic because maleness and masculinity are deemed the standard around which to build; in other words, men set the standard that women must meet.²³⁵ As one rather enlightened West Point cadet explained, “[E]quality does not mean we all have to be the same.”²³⁶ However, as Kimmel cautions:

a liberal, egalitarian feminism, one that is based on the different abilities of individuals regardless of gender, also may be misguided. The notion

229 BRODIE, *supra* note 10, at 286–87.

230 *Id.* at 288.

231 *Id.*

232 Case, *supra* note 3, at 375.

233 BEM, *supra* note 8, at 162.

234 Kimmel, *supra* note 33, at 512. *See also* BEM, *supra* note 8, at 181 (explaining that some individuals “define[] female equality as sameness to men”). According to Case, “feminist legal theorists have long been vexed by the question to what extent sex equality requires sameness of treatment for the two sexes or alternatively what sorts of differences between the sexes may serve as the basis for requiring or permitting what sort of differences in treatment.” Case, *supra* note 3, at 360.

235 Case, *supra* note 3, at 361.

236 Kimmel, *supra* note 33, at 507.

that any individual can accomplish what he or she wants to, and ought not be handicapped by gender stereotypes, while true enough, also ignores the way in which these actors act in gendered institutions.²³⁷

It was this egalitarian ethos that drove VMI and, perhaps to some extent, the Supreme Court. VMI consistently argued that its adversative educational method would be unsuitable for women and most women would be unable to keep pace with their male counterparts due to real biological and developmental differences between the sexes.²³⁸ The Supreme Court countered that no evidence suggested that no woman could fulfill the rigorous requirements of VMI; in other words, even if one woman could meet these demands, that was enough to give rise to a violation of equal protection. The majority rejected reliance upon generalizations about women as a group.²³⁹ As a result, VMI women “constantly negotiat[e] sameness and difference with each other, with male cadets, with faculty and staff, and with themselves. When they stressed sameness, they were seen as different; when they stressed difference, they were treated the same.”²⁴⁰ Yet as Bem notes, women should not have to act “exactly like men in order to earn what men earn.”²⁴¹ Nor should they have to “virtually become men to make it in the world” or at VMI.²⁴²

A second gender strategy—*strategic overcompensation*—is a natural consequence of women feeling that they must overcompensate simply to be viewed as equals to their male counterparts.²⁴³ Studies show that women usually underestimate their performance quali-

237 *Id.* at 512. According to Case, expert testimony indicates that VMI is “gendered masculine” and VWIL is “gendered feminine.” Case, *supra* note 3, at 353.

238 *United States v. Virginia*, 518 U.S. 515, 541 (1996) (“The United States does not challenge any expert witness estimation on average capacities or preferences of men and women.”). Interestingly, during the six-day trial regarding VWIL, plaintiff’s expert witness, Carol Jacklin, an expert on gender and developmental psychology, observed that she was unaware of any educational authority endorsing use of the adversative educational style for women. She responded, “No, nor for men.” Avery, *supra* note 13, at 227 n.139 (citing *Joint Appendix* at 856, *United States v. Virginia*, 44 F.3d 1229 (4th Cir. 1995) (Nos. 94-1667, 94-1712)). Alexander Astin, an expert on higher education, stated that he was “not sure” there was any authority endorsing use of the adversative style for either sex. *Id.* (citing *Joint Appendix* at 992, *United States v. Virginia*, 44 F.3d 1229 (4th Cir. 1995) (Nos. 94-1667, 94-1712)).

239 *United States v. Virginia*, 518 U.S. at 541-42.

240 Kimmel, *supra* note 33, at 505.

241 BEM, *supra* note 8, at 181.

242 *Id.* at 179.

243 Kimmel, *supra* note 33, at 505.

ty and under-reward themselves, while men typically overestimate their performance and over-reward themselves.²⁴⁴ Thus, while most males tend to see themselves as “competent and deserving until proven otherwise,” women usually feel the need to constantly demonstrate their competence and merit to others.²⁴⁵ The same holds true at VMI. As one female cadet explained, “We are going to have to prove ourselves We have to prove the point that we can be here We are not little girly-girlies.”²⁴⁶

A third strategy is known as the *strategic deployment of gendered display*.²⁴⁷ Women utilizing this strategy dress and behave in traditionally feminine ways in *social* situations but downplay femininity in *professional* settings.²⁴⁸ Although our data did not capture information regarding the employment of this strategy, I speculate that female cadets may dress and behave in a more traditionally feminine way when they are outside the confines of VMI and free of the scrutiny of their peers.

Aside from evidence of the employment of gender strategies, another indirect measure of the importance of gender boundaries is the degree of pressure imposed on individuals to conform to gender prescriptions. Boundaries tend to be more rigid when they are perceived to be under threat. An example of this pressure to conform is found in Susan Faludi's discussion of The Citadel's first attempt at coeducation.²⁴⁹ According to Faludi, before The Citadel became coeducational, male students tended to be very nurturing to one another and generally, to treat females on campus with a degree of civility.²⁵⁰ However, once coeducation began, there was even more pressure to be hyper-masculine and a tendency to demean anyone (male or female) who appeared to be non-masculine.²⁵¹

Our survey measured the pressure to be a gender conformist through questions regarding the perceived frequency of sex stereotyping at VMI, whether women who attend

244 BEM, *supra* note 8, at 158.

245 *Id.*

246 BRODIE, *supra* note 10, at 305.

247 Kimmel, *supra* note 33, at 506.

248 *Id.*

249 See FALUDI, *supra* note 139, at 114.

250 *Id.* at 117, 128–29. However, Faludi does discuss several instances in which male cadets mistreated female professors. *Id.* at 117–18.

251 *Id.* at 116–17.

VMI are more masculine than most women cadets know, and finally, how masculine and feminine the respondents believe male and female cadets, respectively, should be. The results reveal that sex stereotypes are perceived as quite prevalent at VMI, and there is intense pressure for men to be hyper-masculine.

At VMI, the gender dichotomy and the fusion of sex and gender is exacerbated due to the gender polarization, androcentrism, and emphasis on hyper-masculinity. In the following tables, I examine perceptions regarding the degree of masculinity or femininity that should be exhibited by male and female cadets, respectively. Given the gender polarization and androcentrism prevalent at VMI, I would expect violations of gender boundaries to be viewed negatively. I measure these boundaries by studying the perceived femininity of female cadets and prescriptive norms regarding how masculine and feminine respondents believe male and female cadets ought to be. The results indicate that male cadets are far likelier to view female cadets as *more* masculine than women in general, there is intense pressure on male cadets to exemplify masculinity, and gender neutrality of female cadets is acceptable, if not expected.

TABLE 8: “FEMALE STUDENTS WHO ATTEND VMI ARE TYPICALLY MORE MASCULINE THAN MOST WOMEN I KNOW (E.G., DRESS, HAIRSTYLE, INTERESTS, BEHAVIOR, ETC.)”²⁵²

	Male	Female	Total Count	Total Percentage
Strongly agree	102 (33.66%)	1 (2.08%)	103	29.34%
Somewhat agree	125 (41.25%)	6 (12.50%)	131	37.32%
Somewhat disagree	54 (17.82%)	24 (50%)	78	22.22%
Strongly disagree	22 (7.26%)	17 (35.42%)	39	11.11%
Total	303	48	351	

Chi Square = 72.132
Sig. = .000

Predictably, the vast majority of male respondents—74.91%—believed that the women who attend VMI are more masculine than most women they know. By comparison, 85.42% of female cadets disagreed. This is significant because women’s internalization of stereotypes regarding their lack of femininity may impact their gender identities. Interestingly, roughly

252 Nine students did not respond to this question.

a quarter of male cadets—25.08%—do not believe that VMI women are more masculine than those who do not attend VMI. Likewise, 14.58% of women agree that female students who attend VMI are typically more masculine than most women they know. In addition, our survey also explored gender prescriptive attitudes regarding masculinity and femininity to assess possible pressures placed on women and men to conform to gender boundaries.

TABLE 9: “HOW MASCULINE DO YOU THINK THAT MALE CADETS SHOULD BE?”²⁵³

	Male	Female	Total Count	Total Percentage
Very Masculine	137 (46.76%)	12 (24.49%)	149	43.6%
Somewhat Masculine	132 (45.05%)	29 (59.18%)	161	47.08%
Gender neutral	22 (7.51%)	7 (14.29%)	29	8.45%
Somewhat not masculine	0	0	0	0
Not Masculine	2 (0.68%)	1 (2.04%)	3	0.88%
Total	293	49	342	

Chi Square = 9.716
Sig. = .021

The overwhelming majority of cadets, both male and female, agree that male cadets should be somewhat or very masculine. In fact, less than 1% of respondents (two men and one woman) believed that male cadets should not be masculine. Only 8.45% of respondents asserted that male cadets should be gender neutral. This data underscores my previous assertion that VMI is a male-gendered, androcentric institution and stronghold of masculinity that prides itself on turning boys into men and perhaps women into brothers.

253 Twenty-two students did not respond to this question.

TABLE 10: "HOW FEMININE DO YOU THINK THAT FEMALE CADETS SHOULD BE?"²⁵⁴

	Male	Female	Total Count	Total Percentage
Very feminine	20 (6.85%)	4 (8.16%)	24	7.03%
Somewhat feminine	113 (38.7%)	24 (48.98%)	137	40.18%
Gender neutral	100 (34.25%)	16 (32.65%)	116	34.02%
Somewhat not feminine	25 (8.56%)	4 (8.16%)	29	8.5%
Not feminine	34 (11.64%)	1 (2.04%)	35	10.26%

Chi Square = 5.016

Sig. = .286

Nearly half of all respondents—47.21%, including 45.55% of men and 57.14% of women—stated that female cadets should be feminine, with only 7.03%, including twenty men and six women, stating that they should be very feminine. 18.77% of respondents, including fifty-nine men and five women, stated that female cadets should not be feminine. Significantly, 116 cadets, including 100 men and sixteen women, believed that female cadets should be gender neutral. Roughly proportional numbers of men and women—34.25% and 32.65%, respectively—advocated for such neutrality.

Male cadets are far more likely to view female cadets as *more* masculine than women in general. One-third of the men (33.7%) agree strongly, and another 41.3% agree somewhat with the statement that the female students are more masculine. Thus, 75% of the men believe that these women are, to some extent, different from other women, that they are more masculine than *most* other females. Thus, perhaps Brodie was correct when she opined that "[u]ltimately, it would be easier for the Institute to produce a female rat than to create a 'VMI Woman.'"²⁵⁵ Given the men's opposition to coeducation, it is not surprising that they would find the women to be, in effect, violating gender boundaries by moving into the traditional male domain. Perhaps, as Michael Kimmel observes, "At VMI . . . women

254 Twenty-three students did not respond to this question. Three hundred forty-one responded.

255 BRODIE, *supra* note 10, at 306.

and men 'do' masculinity and appear to do it pretty equally well."²⁵⁶

By contrast, 85.4% of the women disagree with the assessment that they are more masculine than most other women, with just over one-third strongly disagreeing. Thus, although the women do not view themselves as unduly masculine, most of their male peers certainly do. Male cadets may fear that if gender boundaries are violated, the traditionally masculine domain could become feminized. In fact, this fear seems to be equated with very negative views of femininity. As one male cadet observed, coeducation has resulted in "the overall sissification of the VMI system." Some perceive the admission of women as compromising the integrity of a venerable institution that remains a stronghold of masculinity.

In sum, there is intense pressure from both men and women for VMI men to be masculine. The key difference is the degree to which men should be masculine. Almost half the men (46.8%) believe they should be very masculine, in contrast to 24.5% of the women who share this view. By contrast, both men and women seem less concerned with females being feminine, with only 6.8% of men and 8.2% of women believing that females should be very feminine. What is perhaps most intriguing is that both sexes view gender neutrality as more appropriate for women than men. It is possible that while the traditional masculinity associated with VMI is seen as vital for men to display, the women are given an impossible choice: neither to be masculine nor feminine in a world where they are apparently not accepted into the masculine domain but where their femininity is neither valued nor permitted. Thus, for some women (and men), being gender invisible (for women) or gender neutral may be the most acceptable option. As one female cadet explained, "I don't know whether I want to be feminine for the outside world, or whether I want to be tough for VMI. I don't know which world I need to live up to There's no middle, either."²⁵⁷ Likewise, a male cadet remarked, "I saw a rat. I didn't see male or female; their gender was just transformed into one single rat."²⁵⁸ Notably, however, VMI Administrator Major Terri Reddings observed, "It was important that women always be identified as women, not as something neuter, or worse, men. [VMI] must always allow them to still be women."²⁵⁹

256 Kimmel, *supra* note 33, at 512.

257 BRODIE, *supra* note 10, at 291.

258 *Id.* at 321.

259 *Id.* at 126. For this reason, appearance standards for VMI women took on a deeper significance, and VMI took extreme care in developing them; debate both within and outside the VMI community raged regarding what a VMI woman should look like and how female cadets could preserve their femininity in the androcentric

These pressures for men to be hyper-masculine and women to be gender neutral prompt a related question regarding whether cadets more typically self-identify as a cadet first or as a man or woman first. I explore this issue in the next table and discover that half of respondents, regardless of sex, self-identify as a cadet first.

H. Self-Identification as Cadet First or Sex First

A primary goal of VMI's Ratline and adversative educational style is to break down each student, removing all traces of individuality or difference and rebuilding him or her into a VMI cadet—the ideal citizen-soldier.²⁶⁰ As Colonel N. Michael Bissell, former Commandant of Cadets at VMI, explained:

VMI literally dissects the young student that comes in there, kind of pulls him apart, and through the stress, everything that goes on in that environment, would teach him to know everything about himself. He truly knows how far he can go with his anger, he knows how much he can take under stress, he knows how much he can take when he is totally tired, he knows just exactly what he can do when he is physically exhausted, he fully understands himself and his limits and capabilities. Something I think is the mainstay of leadership. I think every VMI man that leaves there knows a great deal about his human capacity to do things under all kinds of duress and stress.²⁶¹

As such, the Ratline involves the indoctrination of “desirable values,” egalitarian treatment, a spartan living environment, unique rituals and traditions (such as walking the Ratline), minute regulation of individual behavior, frequent punishments for deviation, and use of privileges to reinforce desired behaviors.²⁶² The District Court observed that “the rat line is more dramatic and more stressful than Army boot camp or Army basic training.”²⁶³ All rats must endure the Ratline and are supposed to be treated identically.²⁶⁴

environment of the Barracks. *See id.* at 284–86.

²⁶⁰ *Id.* at 6.

²⁶¹ *United States v. Virginia*, 766 F. Supp. 1407, 1421–22 (W.D. Va. 1991).

²⁶² *Id.* at 1422.

²⁶³ *Id.*

²⁶⁴ STRUM, *supra* note 14, at 43.

To further effectuate this purpose, VMI creates a culture of homogeneity and egalitarianism most clearly manifested in its uniforms, buzzed haircuts, and even its Panopticon-like architecture, which affords cadets little or no privacy.²⁶⁵ As explained earlier, cadets share spartan rooms devoid of personal touches or frivolities,²⁶⁶ including telephones, televisions, air-conditioning, or decorative pictures.²⁶⁷

TABLE 11: “HOW DO YOU DEFINE YOURSELF FIRST, AS A MAN/WOMAN OR A CADET?”²⁶⁸

	Sex First, then Cadet	Cadet First, then Sex	Other	Total
Male	106 (36.43%)	140 (48.11%)	45 (15.46%)	291
Female	16 (32.65%)	30 (61.22%)	3 (6.12%)	49
Total Respondents	122	170	48	340

Chi Square = 4.201
Sig. = .122

Based on our results, VMI’s indoctrination process appears to be working for men and women, and their responses do not reveal a statistically significant difference. 50% (170/340) of respondents, regardless of sex, identified as cadet first, then as a man or woman. Only 35.9% identified as a man or woman first.

Although the difference in male versus female responses is not statistically significant, the breakdown of the data is still somewhat revealing. 61.22% of females as compared to 48.11% of men self-identified as cadet first. This may suggest that women who view

265 BRODIE, *supra* note 10, at 6; STRUM, *supra* note 14, at 44.

266 STRUM, *supra* note 14, at 44.

267 *Id.*

268 Forty-nine women and two hundred ninety-one men (totaling 340 students) responded to this question, but twenty-four students did not respond to this question. Although the question may appear to be gender polarized since the survey asked students to self-identify as man *or* woman, rather than providing options to identify as neither or both, the survey did allow students to comment rather than select a category. Interestingly, however, no cadets indicated that they resisted categorization as male or female. Instead, those who opted to comment typically responded that they did not self-identify as cadet or sex first but instead as a member of a religious denomination (e.g., Christian, Catholic), ethnic group (e.g., Anglo-Indian), and/or as an American. Indeed, 14.1% (forty-eight) self-identified in another way first, such as a Christian or a Muslim.

themselves and the world through gender polarized or androcentric lenses may, as a result, perceive their sex and gender as disadvantages or a stigmatized deviation from the male-centered “norm.” Thus, these women may be likelier to shed the stigmatized status of “woman” and self-identify as the arguably more androgynous and praiseworthy category of cadet first.²⁶⁹ This is especially likely considering that VMI is a male-gendered institution that places a premium on attributes and behaviors traditionally associated with maleness and masculinity.²⁷⁰

According to Bem, “the cultural debate about sexual inequality must be reframed so that it addresses not male-female difference but [rather] how androcentric social institutions transform male-female difference into female disadvantage.”²⁷¹ As such, advancement in androcentric institutions like VMI may come at a “formidable emotional cost” to women—in this case, prompting them to disassociate from their female identity.²⁷² By contrast, because hyper-masculinity is prized at VMI, male cadets may be less inclined to prioritize their status as cadet over their personal masculine gender identities.²⁷³

I. Perceptions of the Prevalence of Sex Discrimination

As VMI is a highly masculinized institution that pressures male cadets to also be hyper-masculine, it is unsurprising that male cadets who view coeducation as threatening to their male identities would staunchly resist women’s attempts to assimilate specifically

269 “Women who could do so would be allowed to fit themselves into a mold designed for men, in the same way that non-white Anglo-Saxon Protestant immigrants had been permitted to become part of the United States. ‘Look as much as possible as we do,’ generations of newcomers had been told. ‘Speak only our language; celebrate only our culture and our holidays; make our values your own.’” STRUM, *supra* note 14, at 311.

270 Kimmel, *supra* note 33, at 512 (“The gender of institutions does more to shape the behaviors of the people in them than the gendered identities of individuals who populate them That institutions are as gendered as the individuals who inhabit them leads to certain binds for tokens, for gender nonconformists.”). See also BEM, *supra* note 8, at 183 (“[According to Catherine MacKinnon,] what is ultimately responsible for every aspect of female inequality . . . is not male-female difference but a social world so organized from a male perspective that men’s special needs are automatically taken care of while women’s special needs are either treated as special cases or left unmet.”).

271 BEM, *supra* note 8, at 176–77.

272 *Id.* at 190.

273 Notably, the data did not capture *when* this prioritization of identification began, and we have not yet analyzed whether identification as a cadet first is more prevalent among the upperclassmen who have been subject to VMI’s indoctrination process for a longer period of time or less prevalent among certain racial groups.

by discriminating against, harassing, and even assaulting them.²⁷⁴

Before turning to our results regarding these adverse reactions to attempts at assimilation, it is important to note that VMI took special measures to prevent sex discrimination, sexual harassment, and sexual assault. VMI revised its policies to expressly prohibit sex discrimination and hired a Deputy Title IX Coordinator.²⁷⁵ It added security lighting in the summer and fall of 1997.²⁷⁶ The Facilities Committee even organized groups of women to tour the campus at night to determine where to add lighting; after installation of the new lights, the campus was twice as bright as the University of Virginia.²⁷⁷ VMI cleared shrubs and installed 11 emergency call boxes with a direct link to Lexington 911.²⁷⁸ In addition, the Cadre underwent extra training on sexual harassment, and VMI also created a separate sexual harassment policy.²⁷⁹ Cursing, sexual remarks, and comments about weight were forbidden during the Ratline.²⁸⁰ VMI administrators were so concerned that they even debated whether if women did pushups in front of the Ratline, as was common practice, men would look up their shorts.²⁸¹ In sum, VMI took many measures to prevent instances of sex discrimination, sexual harassment, and sexual assault. However, just as employers feared that Title VII of the Civil Rights Act of 1964 would impose a “general civility code” at the workplace, some members of the VMI community feared that “stoop lingo” or the adverse treatment typical of the Ratline would “be perceived as sexual discrimination or harassment when applied to women.”²⁸²

274 In *Stiffed: The Betrayal of the American Man* (1999), Susan Faludi notes that the first female cadet at The Citadel was so thoroughly harassed that she withdrew, and male cadets treated all things feminine with disdain. FALUDI, *supra* note 139, at 116–17, 119–20. In this section of the article, I focus on perceptions of sex discrimination, but the data also captures information regarding sexual harassment and sexual assault, which will be explored in a future article.

275 BRODIE, *supra* note 10, at 47–48. See *New Cadet Handbook: Academic Year 2014–2015*, VA. MIL. INST. 38–39 (2013) [hereinafter *New Cadet Handbook*].

276 *New Cadet Handbook*, *supra* note 275, at 119.

277 *Id.* at 120.

278 *Id.* at 121.

279 *Id.* at 226; *Inspector General and Title IX Coordinator: Identifying Sexual Harassment*, VA. MIL. INST., available at [http://www.vmi.edu/Administration/Inspector_General/Identifying_Sexual_Harassment\(2\)/\[http://perma.cc/W9HH-Y65B\]](http://www.vmi.edu/Administration/Inspector_General/Identifying_Sexual_Harassment(2)/[http://perma.cc/W9HH-Y65B]) (last visited Nov. 17, 2014).

280 *New Cadet Handbook*, *supra* note 275, at 227.

281 *Id.*

282 *Id.* at 63; see *id.* at 79–82.

**TABLE 12: "HAVE YOU EVER EXPERIENCED DISCRIMINATION AT VMI
BECAUSE OF YOUR SEX?"²⁸³**

	Male	Female	Total #	Total %
Yes	69 (22.85%)	36 (73.47%)	105	29.91%
No	233 (77.15%)	13 (26.53%)	246	70.09%
Total	302	49	351	

Chi Square= 51.530

Sig.= .000

To the extent female cadets are viewed as violating gender boundaries, one would expect their attempts to assimilate to incite adverse reactions, such as sex discrimination. That is exactly what appears to be happening at VMI. The vast majority of respondents—70.1%—stated that they had not experienced sex discrimination at VMI, but nearly a third—29.9%, or 105 students—reported experiencing sex discrimination. Of those, thirty-six, or 73.47%, were female as compared to sixty-nine, or 22.85%, who were male. Approximately, three-quarters of male respondents did not report suffering sex discrimination, while less than a third of the women could say the same.²⁸⁴

Many male respondents cited instances of perceived reverse discrimination in the form of lighter punishments for females, unequal physical training standards (e.g., "I have to do 5 pull-ups. Girls have to do 1. Are we equal or not?"). Other students cite Honor Court charges being inexplicably dropped for females and preferential treatment of women during the Ratline. Rumors may be partly responsible for false perceptions of differential treatment of men and women. For instance, during the fall of 1997, rumors arose that a VMI administrator had dismissed a cadet for merely complimenting a woman on her legs; although the allegation was false, it fueled anti-female sentiment and concern that VMI's sexual harassment policy had created an overly stringent and unworkable civility code.²⁸⁵ However, VMI does subject women to less onerous physical training standards and less stringent appearance standards than male cadets, which has been a point of contention with men and women alike.

283 Thirteen students did not respond to this question.

284 It is worth noting that similar discrepancies in male and female responses may exist at other institutions, but such a comparison exceeds the scope and purpose of this article.

285 BRODIE, *supra* note 10, at 210.

Women recounted quite egregious examples of discrimination, such as being called derogatory slurs like “slut,” “whore,” “corps whores,” “lesbian,” and “shedet.” They also noted being treated as “outsiders,” becoming sexual targets due to stereotypes about female cadets being promiscuous, being unable to join the hockey team, as well as becoming the subject of “comments, prejudice, [and] rumors.” According to one woman, “It’s hard to describe. It’s almost an everyday thing with the looks and snide comments.” Another female cadet’s response was especially unsettling: “I am a girl. People think I am less than them. They look down upon me. They call me names like slut or whore.”

In sum, the difference in reports of sexual discrimination is striking. While 22.8% of men report discrimination, more than three times that number—73.5%—of women indicate being victims of sex discrimination. Many men believe that women are given preferential treatment and are held to less onerous standards for physical activities, which is true. Many women experience marginalization and express frustration that their male counterparts assume they attain leadership positions because of their sex, rather than their merit, even though a sizeable minority of women shared that view.

CONCLUSION

On May 15, 1999, Chih-Yuan Ho and Melissa Graham became the first women to graduate from VMI.²⁸⁶ Nearly two decades later, tensions between the sexes and institutional myths regarding coeducation remain alive and well. In light of this, one naturally wonders whether coeducation at VMI has been a success. The cadets at the heart of the controversy give mixed reviews. Only twenty-three respondents, or 6.52%, stated that coeducation at VMI had been “very successful.”²⁸⁷ As one cadet explained, “[b]eing a woman here is one of the hardest things I have ever done.” Yet most women felt that coeducation had been somewhat successful, and a majority—63.26%—believed it had positively impacted their lives. By comparison, a sizeable minority—48.36%—of men described coeducation as unsuccessful, and 65.69% of men asserted that coeducation had affected them negatively, with a quarter opining that it had affected them very negatively. Significantly, these results come nearly twenty years after assimilation at a time when the expected initial “kinks” of assimilation should have subsided.

As noted, given the tradition of single-sex education, especially within VMI’s androcentric environment, the continued presence of gender polarization at VMI is

286 *Id.* at 341.

287 No table is provided herein pertaining to this data.

unsurprising. The data paints a picture of some men fiercely defending their traditionally masculine domain and the power and privilege that they derive from it. Their animosity toward female cadets whom they perceive as intruders and their frustration with coeducation are reflected in their perception of female cadets as being more masculine than women in general. Moreover, displeasure with female cadets is further manifested in the pressure for hyper-masculinity among male cadets in conjunction with a surprisingly high level of pressure for female cadets to be gender neutral.²⁸⁸ Gender strategies, such as gender neutrality and emphatic sameness, allow "otherized" female cadets to avoid having to accept the lower status domain of femininity within androcentric, gender polarized environments like VMI while simultaneously being denied access to the advantages associated with masculinity. Hence, at VMI, the behaviors of male and female cadets not only confirm their gendered place and status level at VMI but their gendered identities as well.²⁸⁹ For men, preserving their male domain maintains male privilege and a firm grip on each man's masculine identity. The pressure toward hyper-masculinity suggests that coeducation may cause male cadets to feel as if their control and gendered identity are under assault.

For women, the relationship between status and gender identity is more problematic. Assuming that a female cadet has lived as a female-gendered being prior to entering VMI, she likely has a vested interest in seeing herself as feminine after matriculation and throughout her transformation into a cadet. After all, her femininity is likely an important part of her personal identity. On the other hand, she is attempting, whether intentionally and consciously or not, to assimilate into a stronghold of masculinity. By opting for gender neutrality or emphatic sameness, she hopes to avoid the lower status of being a feminine "shedet." Yet, in so doing, she may unintentionally forfeit a vital part of her gender identity as Woman. Thus, perhaps VMI women "have access only to so much of privilege or influence as [their peers] are willing to accede . . . and only for so long as [the female cadets] will pay the price for male approval."²⁹⁰ What remains unclear, however, is whether the price of assimilation comes at too high a cost.

In light of society's dichotomous and fused sex/gender system, the pressures for men

288 See L.A. Rudman et al., *Status Incongruity and Backlash Effects: Defending the Gender Hierarchy Motivates Prejudice against Female Leaders*, 48 J. EXPERIMENTAL SOC. PSYCHOL., 165, 165 (providing a useful framework regarding why males want to preserve their higher status world and why females tend to practice gender neutrality).

289 ERVING GOFFMAN, *RELATIONS IN PUBLIC: MICROSTUDIES OF THE PUBLIC ORDER* (1971) (observing that when humans interact with each other, bits of our identity are encoded in that behavior and exchanged).

290 ADRIENNE RICH, *OF WOMAN BORN* 58 (1976).

to be masculine and for women to be feminine are often invisible but very powerful. Not surprisingly, male and female cadets navigate life at VMI largely unaware of the significance of these underlying gender boundaries, frameworks, and identities.²⁹¹ However, the underlying power of gender is revealed in the men's perceptions of VMI women as more masculine than other women and in the pressure to conform to gender norms as reflected in the questions about the desirability of masculine and feminine identities.

In conclusion, *United States v. Virginia* is not a case about a simple change to an admissions policy. Instead, it is about a fundamental alteration of VMI's cultural landscape that has had far-reaching implications on the Institution as well as its student body. The adoption of coeducation changed VMI's cultural landscape in a significant way. Such environmental instability, whether physical or cultural, is frequently associated with increased pressure toward gender polarization and a tendency for greater male dominance.²⁹² Thus, one unintentional and unforeseen consequence of coeducation is the exacerbation of existing gender polarization at VMI. This may help to explain the stigmatized status often associated with female cadets who, for the most part, simply wish to receive the same excellent training that has been historically available to men. This significant environmental change also illuminates women's and men's different responses regarding sex discrimination. Discriminatory actions may constitute powerful negative sanctions designed to keep women in their place or drive them out of VMI for fear that women will destroy the VMI Experience. There is still hope, however, as illustrated by the sizeable minority of male students and the vast majority of female students who support VMI's decision to become coeducational and do not believe that coeducation has harmed the VMI Experience. As Dianne Avery explains, as "shared meanings" of "equality, discipline, citizen-soldier, and even honor" have evolved, so too has VMI.²⁹³ Indeed, "[t]o become a national asset and to carry out its timeless ideals, VMI has transformed and re-created itself many times If VMI had not changed, it would not have survived."²⁹⁴ Perhaps the gender identities of both VMI and its cadets are merely works-in-progress that will

291 JOANE NAGEL, RACE, ETHNICITY, AND SEXUALITY: INTIMATE INTERSECTIONS, FORBIDDEN FRONTIERS 52 (2003) (in discussing performance, which focuses on the actual behaviors of people, and performativity, which refers to the underlying normative frameworks that operationalize these behaviors, Nagel focuses on the invisible gender identities and related beliefs that guide human behavior).

292 See YOLANDA MURPHY & ROBERT F. MURPHY, WOMEN OF THE FOREST (2d ed. 1985).

293 Avery, *supra* note 13, at 201.

294 *Id.* at 201, 218.

continue to evolve, some more quickly than others.²⁹⁵

295 According to Avery, "the most powerful myth constructed about VMI is that it is an institution that has never changed." *Id.* at 200. In her excellent article, Avery debunks that myth, explaining in great detail how VMI has transformed from a religious to a secular institution, from a Virginians-only school to one that admits students from around the world, from an all-white school to one that admits students of all racial and ethnic backgrounds, and most recently, from a single-sex to a coeducational college. *See id.*

