

INTRODUCTION

Masculinities, Multidimensionality, and Law: Why They Need One Another

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This book engages the emergence of a new school of legal thought: multidimensional masculinities theory. As a critical theory of law, multidimensional masculinities theory assumes that law distributes power by relying upon assumptions about human behavior that reproduce preexisting social relations. Law and culture are co-constitutive (Nice 2000): cultural norms influence law and legal norms simultaneously influence culture. This book seeks to expand critical legal theory by considering a set of cultural and legal norms that have been under-explored: masculinities.

Masculinities theory has already established itself in the social sciences (Connell 1995), and posits that “assumptions about the meaning of manhood influence behaviors, ideologies, and institutions” (Cooper 2009, 635). Masculinities scholars analyze “how societal norms shape behavior of individual men and women, how masculinities are imbedded in the structure of institutions, and how individuals and groups perform masculinities within those institutions” (McGinley 2010, 720). Masculinities scholars thus evaluate the ways that concepts of masculinity are used to produce power.

The purpose of multidimensional masculinities theory is to investigate how concepts of masculinity interact with other categories of identity in varied legal contexts. Multidimensionality theory holds that categories of identity are (1) always intertwined with one another and (2) experienced and interpreted differently in different contexts (Cooper 2010). We apply multidimensionality theory to masculinities theory because it helps show that masculinities differ depending on the context and the other categories of identity with which they overlap. We bring masculinities theory to multidimensionality theory because too few scholars have focused multidimensionality theory on the often-invisible category of masculinity.¹

Multidimensional masculinities theory has a number of theoretical foundations. It derives from feminist theory, feminist legal theory, and critical race theory (especially critical race feminism, as influenced by queer theory), which together spawned multidimensionality theory. This book attempts to expand masculinities theory by viewing it through a multidimensional lens in order to examine legal issues in new ways. To convey this approach, we begin with a short explanation of how multidimensional masculinities theory has emerged and where we hope the new discipline of Multidimensional Masculinities and Law will go.

Historical Development of Underlying Theories

When looking at feminist legal theory and critical race theory as the foundations of multidimensional masculinities theory, we see contrasting trajectories. In both the social sciences and law, feminist theory, in large part, birthed masculinities theory. In this book we intentionally intervene in masculinities theory in order to bring critical race and feminist theories to masculinities theory and apply the result to law.

Feminist Theory and Feminist Legal Theory

Masculinities theory is an outgrowth of the feminist theorizing that developed as a response to the “feminist movement” of the late 1960s and early 1970s. Those feminists posited that patriarchal systems allowed men as a group to exercise power over women as a group. Soon thereafter, feminist legal theory developed. As the numbers of women in the legal academy grew, they began to challenge the male-oriented foundations of the law. Feminist legal theory, “as an approach ... describes and analyzes the law’s impact on women, particularly focusing on how law subordinates women” (Perry 2011, 244).

Similarly, the number of law professors of color increased significantly in the late 1980s, and some of these professors began to write about race in new ways, challenging the neutrality of the law (*ibid.*). These scholars focused on the invisible racial biases contained in the law. They would ultimately create the critical race theory movement. In the late 1980s and early 1990s, Kimberlé Crenshaw and Angela Harris, two black female law professors, wrote influential articles criticizing white feminist legal theorists for their failure to recognize that women of color experience law and culture differently than white women do (*ibid.* 244–45).

Simultaneously, postmodernism began to take hold in feminist thought, especially in the social sciences, emphasizing that there is no one truth and questioning the power of law to find one solution to a common problem among women (Vicente 1997). Recently, feminist legal theorists like Martha Fineman do not focus on gender. Rather, they address what they perceive to be all people's common vulnerability (Fineman 2008). Nonetheless, it is fair to say that feminist theory originally focused on women and that many, if not most, feminist legal theorists continue to do so.

As feminist legal theory took hold in the legal academy, masculinities theory was emerging in the social sciences in response to the women's movement of the 1970s. Masculinities theorists would agree with feminists that men as a group have power over women as a group, but they tend to complicate the situation. Peter F. Murphy explains that by the late 1970s, for the first time, men began to examine the effects of the social construction of the roles of men. In essence, men started using feminist methodology to "turn the feminist lens upon themselves as men" (Murphy 2004, 9). He states, "feminism became more a critical perspective through which men could scrutinize masculinity, and less a call for men to act solely as advocates for women's causes" (*ibid.*).

Whereas feminist theory focuses on women as the subject, masculinities theorists focus on men. Both theories see much of gender as socially constructed, but feminist theory, in its focus on women, tends to see men in essentialist ways (Dowd 2010). Feminist theory has tended to analyze all men as fundamentally and equally oppressors of women. Thus, while feminist theory does the important work of analyzing the power that men have as a group over women as a group, it does not always consider how men achieve power and retain power, power differentials among men, and how those power differentials harm not only women as a group but also some men. In contrast, masculinities theorists see masculinity as a social construct that encourages men to compete with one another in order to prove their masculinity to each other. Those behaviors, in turn, harm women because as

men anxiously compete to prove their masculinity to one another, they often use women as pawns or props in the competition (Kimmel 2005). Moreover, segregation of the sexes and differentiation from women and all things “feminine” enhances the masculinity of men, leading to the false impression that women are inferior (Cohen, this volume).

The masculinities theorists whose work we develop in the legal context are feminists, and the theory derives from feminism, but, unlike feminist theory, much of this work describes the harm that our gendered culture does to men. In joining this discussion of harms to men, we feel the need to emphatically distance ourselves from certain work on men. There is another branch of theorists who engage in male studies who agree that culture harms men, but who see feminism as one of the culprits. This group sees feminism as placing a restriction on men’s true nature and encourages men to “be men” by engaging in hypermasculine behaviors. The classic statement of that approach is Robert Bly’s *Iron John: A Book about Men* (1992). Groups of mostly white, mostly older men meet to bemoan their position in the world vis-à-vis women (Liu 2011). We see that work as unsophisticated in its understanding of the nature of the gender system and the harm it does to men, and downright puerile in its depiction of women and suggestion that the answer is to be more manly (defined as aggressive). There exists another branch of writings on men that might be called “collaborator ‘feminism.’” Here we are thinking of publications, mostly by women, that claim there is a “War on Boys.” An example is Christina Hoff Sommers, *The War against Boys: How Misguided Feminism Is Harming Our Young Men* (2001). These texts seem to be aligned with groups like the anti-choice Susan B. Anthony List and the “mama grizzly” politicians. Such claims to feminism would be laughable if they were not so dangerous.

Feminist legal theorists who engage with masculinities theory not only analyze the ways masculinities harm men but also ask how we might break down gender segregation and social gender barriers to the benefit of both men and women. In this collection, for example, Nancy Dowd, Nancy Levit, and Ann McGinley use masculinities theory not only to understand the male subject better, but also to return to the question of how societal constructions of men’s roles create difficulties for women who seek equality. It is necessary, they assert, to understand masculinities theory and the pressure that the gender order places on men in order to consider how feminism should respond. Moreover, Dowd, Levit, and McGinley explain that it is often important to shift lenses in order to see what is in front of you. For example, a study of boys in prisons requires us to shift the primary lens of analysis

from gender to race in order to understand the simultaneously gendered and raced issues prevalent in the juvenile justice system.

This book engages in such lens-shifting in order to merge masculinities theory with feminist and critical race theories, and in some instances, queer theory, to achieve an understanding of why masculinity in general is such an enduring social value and how masculinities combine with race, sexual orientation, class, and other identities in different contexts. Furthermore, it uses multiple lenses to show both how identity concepts are embedded in the law and how the law furthers gendered, racial, classed, and other hierarchies.

In pursuing this project, we note that although masculinities theory begins with feminism, it sometimes becomes so absorbed with its analysis of the harm that socially constructed masculinity does to men that it appears to forget that, as a group, men have power over women as a group. Thus, some masculinities theorists have responded to this weakness by moving from the concept of hegemonic masculinity, the view that there is a form of masculinity that is most powerful, to the concept of the hegemony of men, the view that men as a group have significant power even though individual men do not always experience that power because of their race, class, or other characteristics (Beasley 2008; Hearn 2004).² We do not see the concepts of hegemonic masculinity and the hegemony of men as mutually exclusive. We endorse an approach that uses the idea of hegemonic (norm-setting) masculinity to explain why women and some men are disadvantaged in a given cultural context but also remains vigilant about remembering the overall dominance of men over women. We use the term “hegemonic masculinity” more broadly here to mean any form of masculinity that has power over others in a particular place at a particular time. Thus, although many regard the upper-middle-class white male’s form of masculinity as hegemonic, that type of masculinity is most powerful in many settings, but not in all. Other forms of masculinities that are often characterized as reactive to the hegemonic masculinity may actually become hegemonic (in the sense of being norm-setting) in certain local settings (Demetriou 2001). For example, while the white upper-middle-class type of masculinity may reign in board rooms and may have more power socially because of its access to capital, hypermasculinities may be hegemonic when they govern in blue collar workplaces or inner-cities (Cooper, this volume; McGinley 2008). And, even these two types of hypermasculinity, both hegemonic in their own local economies, will manifest themselves differently depending on the other identities in play and the context of the situation.

Critical Race Theory

Multidimensional masculinities theory argues that we will best understand the significance of the multiplicity of identities and the difference context makes by linking feminist theory with a multi-lensed version of critical race theory. Critical race theory is fundamentally about investigating the paradox that race is simultaneously socially constructed and materially crucial (Cooper 2006b). One of the major tenets of critical race theory is that identities are “socially constructed.” The meanings of race do not derive from nature, but nurture; people are trained to associate particular characteristics with particular phenotypes (Onwuachi-Willig and Barnes 2005). Second, there are hierarchies among and within categories of identity (Cooper 2006a). Third, the material consequences of the hierarchization of identities include the skewed distribution of goods ranging from money to social capital (ibid.). Fourth, the skewing of the distribution of goods, previously accomplished by de jure and de facto regimes of intentional discrimination, is now most often accomplished by means of implicit bias (Kang 2005). Fifth, identities are intersectional. This means that people’s identities intersect; we are simultaneously raced, gendered, sex-oriented, classed, and so on (Crenshaw 1991; Harris 1990).³

This book’s multidimensional approach works within and also seeks to extend the intersectionality school of critical race theory. In a nutshell, intersectionality is the concept that unique identities are formed at the places where categories of identity intersect (Crenshaw 1991). For example, critical race feminism (Wing 2003) is premised on the notion that black women have identities that are not reducible to the sum of the lowest common denominator of racial identity plus the lowest common denominator of female identity. Black women’s senses of self and the traits externally attributed to them are distinct from those associated with black men and white women. Intersectionality theory is thus antiessentialist in its rejection of the tendency to identify the needs or goals of black women in light of what is deemed generally important to groups with which they overlap (Harris 1990).

Multidimensionality theory stems from intersectionality theory and was developed by critical race theorists who were also concerned with queer theory (Hutchinson 2000; Kwan 1997; Valdes 1998). Multidimensionality theory can be broken down into at least five insights that are well-identified by Athena Mutua (this volume). As a general matter, these boil down to two principles: (1) identities are co-constituted and (2) identities are context-dependent. A multidimensional approach argues that since identities

are co-constituted, race, gender, class, sexual orientation, and other discrete identities are actually imbricated within one another and cannot be understood in isolation. For example, assumptions about the gender characteristics (e.g., overly masculine) and sexual proclivities (e.g., excessive) of blacks are themselves part of the meanings of blackness (Williams 1998). A multidimensional approach also argues that the meanings of discrete identities, even when understood in light of their co-constituted nature, interact differently in different settings. For example, the self identities and attributed identities of black men are generally different in the U.S. South than the North (Richardson 2007). Moreover, the same individual may find different aspects of his identity to be more or less salient over time, in different settings, and depending on what other identities are in the mix. Consequently, an individual with the same combination of identities might be treated very differently depending on the cultural context (Ehrenreich 2002).

With that focus on context in mind, it will be helpful to describe how these multidimensionality insights relate to intersectionality theory.⁴ Multidimensionality theory makes the most sense when it is explained in light of its roots in intersectionality theory. We switch terms simply to focus the mind on the broader context in which overlapping identities interact. The metaphor of intersectionality suggests two cars traveling down roads that collide at an intersection (Crenshaw 1989). The metaphor of multidimensionality more readily suggests a world that exists at many levels, with trains underground, planes above, and other automobiles on the roads. At the level of metaphor, while intersectionality theory might be understood as two-dimensional, multidimensionality theory clearly encompasses three or more dimensions. It is not that one cannot read the original intersectionality articles to imply multiple dimensions, but we think one is more likely to consider multiple identities and contexts when thinking about the multidimensionality of identities. As we discuss in the next part of this introduction, legal interpretation needs masculinities theory, and a masculinities theory of law needs multidimensional theory.

Themes of This Collection

In this collection we attempt to demonstrate that a multidimensional approach to masculinities theory allows us to capture human experience more accurately and richly. Because much legal interpretation is based on concepts of how and why people behave in certain ways in particular contexts, a more multidimensional understanding of this behavior should affect how law is interpreted. We therefore pose two questions that we briefly

answer in this part of the introduction: (1) Why does law need masculinities theory? (2) Why does a masculinities theory of law need multidimensionality theory?

Why Does Law Need Masculinities Theory?

Much of law is based on untested implicit and explicit assumptions about human behavior. Many of those assumptions include dated views of motivations for behavior that judges and the law ascribe to actors in particular contexts. Masculinities theory can be used to push the law to interpret behavior differently in certain situations.

Law is a discipline that relies on other disciplines to give it content. (Or, at least it should do so more often than it does.) While laws and regulations can be found in law books or on the Internet, the laws themselves do not answer most of the important questions regarding interpretation and application. Most law, be it statutory or common law, needs interpretation so that it can be applied to the circumstances before the decision maker—judge, jury, legal counsel, or citizen—who is governed by the law. This interpretation is largely based on the decision maker’s experience, especially his or her understanding of how “reasonable” people act in given circumstances. But often a decision maker is incapable of intuiting whether a person’s behavior is proper or reasonable because the decision maker, perhaps unconsciously, employs stereotypes and cognitive biases as a screen through which she or he processes information. The Implicit Association Test, which grades the subject’s automatic preference for black or white faces, for old or young, for the disabled or the able-bodied, for women or men in careers, demonstrates that even though people believe that they do not hold preferences for one group or another, they respond differently to prompts identified with one group or the other (Kang 2005). If people are still pervasively implicitly biased, and research confirms that we are, law’s supposedly objective search for the perspective of “the reasonable man” or even “the reasonable person” is doomed (Lee 2003). The problem is not just that stereotyping prevents most people from acting reasonably, but also that stereotyping prevents us from attaining objectivity in our interpretations of behavior.

A powerful example of how stereotypical beliefs may affect law is the idea embodied in the saying, “boys will be boys.” What does this aphorism say about masculinity? First, it assumes that all boys are the same, at least in the essence of what makes them male. Thus, their behavior is biologically related and not a product of social construction. Second, it assumes that it is natural for boys to act aggressively and wildly (Cohen 2009). This saying is

used ordinarily to excuse behavior that is somewhat antisocial or wild, even illegal. It protects boys who have engaged in behavior such as drunkenness, destruction of property, or assaultive offenses against girls or less masculine boys. It presumes that this behavior is natural, a result of male hormones, and that the boys will outgrow it. It ordinarily applies to boys who, when acting in groups, engage in this destructive behavior. Because this behavior results from biology, the saying seems to assume, we should forgive boys for their behavior. They cannot help it. Nor can we help it through any intervention.

Masculinities theorists have a different view of the behavior. We do not agree that boys' behavior is controlled by biology. Society encourages and pressures boys to compete with one another to prove their masculinity. These pressures create relentless competition among boys, and they engage in a homosocial (intra-gender) battle to prove themselves (Kimmel 2005; Sedgewick 1985). Thus, a boy proves his masculinity by engaging in reckless, destructive behavior that often constructs women or girls as objects to be used to prove the boys' masculinity to other boys.

An example of this type of behavior and community response is illustrated in *Our Guys* (Lefkowitz 1998), the true story of a group of high school football players in a middle-class New Jersey town who raped a mentally impaired teenage girl. The boys involved had for a number of years engaged in destructive, disrespectful, and at times criminal behavior, all of which was excused or ignored by their families and the community. When the rape occurred, the town closed ranks around the boys and blamed the victim, the press, and the justice system, but few believed that the boys themselves or their families were responsible for the behavior. This reaction was harmful to the young woman and her family, to other girls in the town, to the community as a whole, to the other boys who did not engage in such behavior, and even to the very boys who raped the girl because, even despite the criminal prosecutions, they learned from their parents and the community that their behavior was acceptable.

This "boys will be boys" attitude is apparent in hostile work environment law under Title VII of the 1964 Civil Rights Act as well. A victim must prove by an objective standard that the harassing behavior was severe or pervasive, that it was unwelcome, and that it occurred "because of sex." This standard, which the courts interpret as being difficult to meet, doubts the veracity of the victim, assumes that the encounter was welcome, and then concludes that without severity or pervasiveness the behavior is not actionable. Moreover, when a man is the victim, especially when a group of men are engaged in the harassment, he often loses his lawsuit because the courts consider the behavior to be mere "hazing" or insufficiently severe or pervasive

(McGinley 2008). Masculinities theorists understand that these behaviors occur as homosocial testing grounds. Members of the group harass the victim to prove their masculinity to one another and to prove the masculinity of the group. They select their male victim because of his failure to conform to masculinity norms, and dominating him demonstrates to the group that he is not one of them. This harassment thereby preserves the masculinity of the group and its members.

In light of the “boys will be boys” attitude, consider an example of how masculinity plays out in the criminal law. When killers seek to mitigate their culpability from the crime of murder down to that of manslaughter, which significantly reduces the sentence, courts look for evidence that they acted in the “heat of passion” and with “sudden, adequate provocation.” The crucial question of whether what provoked the killer was adequate is answered by asking how the “reasonable person” would act in the circumstances. This used to be called the “reasonable man” test. It turns out that many of the cases taught to law students in order to demonstrate the standard involve men killing women who have bruised their masculine esteem by denigrating their sexual prowess or becoming involved with other partners (Harris 2000). It seems that defending one’s masculinity against women is reasonable enough to cut years off your sentence. Here, then, is an example of law mirroring, if not reinforcing or even creating, a culture in which we assume “boys will be boys.”

But the boys in *Our Guys* did not merely enjoy the privilege of their gender. It also seems clear that they enjoyed privilege along lines of race, sexual orientation, class, and geography. How should we analyze the difference those privileges made?

Why Does a Masculinities Theory of Law Need Multidimensionality Theory?

A multidimensional masculinities analysis begins by noting that the “boys will be boys” slogan does not protect all boys. A large percentage of boys engage in lawbreaking behavior, but a much smaller percentage of them are prosecuted for it (Dowd 2010). While many believe that the law responds neutrally to criminal behavior by boys, social forces excuse some boys while punishing others for similar behavior. “Boys will be boys” shields only boys who are members of privileged classes—primarily white, “straight,” upper-middle-class, Christian boys. Black boys, especially those in lower socioeconomic classes, do not enjoy the protection of the mantra. Rather, black boys are criminalized at younger and younger ages, often arrested and tried as

adults for their violations. Black masculinity, an alternative (and assertedly subversive) form of masculinity, is dangerous and frightening to the white community, and the law presumes that it must be contained (ibid.).

Here we see that identities are co-constituted because masculinity does not mean just one thing even when we consider only the context of the juvenile justice system. Young black masculinity means “punish” while young white masculinity means “rehabilitate” (Goel 2009). Simultaneously, the differential meanings of young black and white masculinities demonstrate the contextual nature of the “boys will be boys” narrative. Because concepts such as “boys will be boys” are embedded into law, there will be unequal prosecution and treatment of boys, depending on their social class and race. Moreover, boys who are accused of crimes will be treated differently from girls who engage in similar behavior.

The topic of crime provides another example: the disturbing phenomenon of hyper-incarceration. You will note that we do not refer to the explosion in incarceration over the past 40 years as “mass incarceration.” Instead, we use the term “hyper-incarceration” to capture the targeted nature of punishment in the United States. Mass incarceration would be either truly a general phenomenon or *deservedly* focused on certain populations requiring social control. The Nixon-era reframing of the government as the enemy, which was greatly accelerated by the Reagan Revolution, is the real reason we have seen the explosive growth of the prison industry. The current anti-government discourse suggests that helping the poor is insensible and warehousing the poor in prison is responsible.

Sociologist Loïc Wacquant reveals that this hyper-incarceration is a multidimensional attack on a specific group of people (Wacquant 2008). He argues that hyper-incarceration “[has] been finely targeted, first by class, second by that disguised brand of ethnicity called race, and third by place” (ibid. 59). That is, the poor are the targets. But not just any poor people: blacks and Latina/os. Further, it is important to note that hyper-incarceration consists mostly of inner-city residents. Moreover, there is a gender element, as it is the men who are most targeted for incarceration, while poor racial minority women in the inner city are “inculcat[ed with] the duty of working for work’s sake” (ibid. 68). A straightforward masculinities approach to law might note hyper-incarceration’s targeting of racial minority males, but needs multidimensionality theory to explain how all of the pieces of this puzzle fit together. The chapters in this book demonstrate the various ways that a multidimensional masculinities approach helps us better understand the inequalities built into the cultural narratives that affect and are affected by law.

This Collection of Chapters

Part I: Theorizing Multidimensional Masculinities

In chapter 1, *Feminist Legal Theory Meets Masculinities Theory*, Nancy Dowd, Nancy Levit, and Ann McGinley introduce the reader to masculinities theory. The authors argue that masculinities and feminist theories can aid one another in understanding gender. As with the physical sex segregation in education, work, and other areas, the theories themselves are ordinarily segregated by sex: feminist theory for women and masculinities theory for men. The chapter urges both feminists and masculinities theorists to learn from one another and to incorporate concepts from the other theory to gain a more complicated understanding of gender. It explains that masculinities theory, while derivative of feminist theory, often describes the circumstances of men only and focuses on men's identity without acknowledging male power, whereas feminist theory tends to focus on women and to see men as powerful in an essentialist way that disregards partly subordinated alternatives to the generally hegemonic masculinity. Masculinities theory can benefit from feminist theory by studying the power of men as a group. Feminists can learn from masculinities theorists that although men as a group are more powerful than women as a group, different circumstances may make individual men feel, and be, powerless.

Dowd, Levit, and McGinley also encourage the use of masculinities theory to reveal race to be a gender issue. They propose using complexity theory, of which multidimensionality theory is a form, to go beyond the intersection of race and gender to examine the myriad identity categories, experiences, and environments in which individuals are located. Masculinities theory, as these authors interpret it, would encourage a shifting of lenses when analyzing a legal problem. This lens-shifting allows the theorist to understand the problem from a more nuanced perspective. The chapter demonstrates how to shift the lens in various ways, by discussing the juvenile justice system as not only racially segregated, but also segregated by gender, and the implications that lens shift raises; by considering sex-segregated education through a racial lens, which allows a more nuanced understanding of the problems of segregating students by sex; and by analyzing *Ricci v. De Stefano*, a race discrimination suit, using a gender and class lens because of the gendered, classed, and racial history of firefighting.

Devon Carbado's chapter, *Masculinity by Law*, also shifts lenses. He starts with a feminist critique of the *Jespersen v. Harrah's Operating Co.* (9th Cir. 2004) case, in which a female casino bartender was fired for not wearing makeup, as an example of how women are not allowed to be masculine. He

then analyzes the mainstream campaign against the anti-gay Don't Ask Don't Tell military policy in order to show that it normalized gays as white and blacks as heterosexual by presenting the sympathetic gay soldier as a hegemonic white man but for his sexual orientation. Carbadó switches lenses again to show how both the ACLU's anti-racial profiling campaign and criticism of Sergeant Crowley for arresting Henry Louis Gates utilize a similar mechanism to make the paradigmatic victim normatively masculine in contrast to the presumed hypermasculinity of racial minority men. Carbadó ties this all together by putting on the lens of Marlon Riggs' assertion that black-gay-masculinity is a "triple negation," which helps demonstrate that there are multiple normative masculinities. He thus concludes that we might employ the term "palatable masculinities" rather than "hegemonic masculinities."

Athena Mutua's chapter, *The Multidimensional Turn: Revisiting Progressive Black Masculinities*, picks up on the multiplicity of masculinities to argue for utilizing multidimensionality theory to analyze masculinities. Mutua's goal is to promote progressive black masculinities (Mutua 2006). That project would combine progressive blackness—the disruption of white supremacy—and progressive masculinities—the disruption of patriarchy. To describe the project, Mutua explicates multidimensionality theory. Multidimensionality has its roots in the related concepts of antiessentialism—the idea that there is no lowest common denominator experience of any identity group—and intersectionality theory, which analyzes the effects of the above-noted fact that every individual is the product of intersecting identities. Together, antiessentialism and intersectionality generate five tenets of multidimensionality. First, individuals have many dimensions of identity, ranging from gender to pet ownership. Second, groups are multidimensional, including male and female individuals, gay and straight individuals, and myriad other variations of the shared quality of, say, being black. Third, societies distribute resources based on hierarchies within and among identities. Fourth, those systems of allocation interact with one another in shifting ways. Fifth, the context in which the systems interact affects how particular individuals are seen and see themselves. Mutua ties those insights together by arguing that black men should pursue progressive black masculinities because, having seen the way white supremacy oppresses racial minorities (and patriarchy oppresses both women and men), it is both ethical and strategically necessary to seek to disrupt all forms of oppression at once.

Frank Rudy Cooper's chapter, *The King Stay the King: Multidimensional Masculinities and Capitalism in *The Wire**, picks up on and applies Mutua's argument for multidimensionality. He looks at the critically acclaimed HBO police drama *The Wire*'s metaphor of the drug game as a chess game. This

analogy is also a metaphor for the way the hierarchy of identities reproduces itself. He argues that “the king stay the king,” in chess and in the game of real life identities, because we tend to accept the fundamental principle that there will always be some form of hierarchy. Addressing the hegemonic masculinity versus hegemony of men debate within masculinities studies, Cooper argues that multidimensionality theory helps provide an answer by showing that there is simultaneously a general but diffuse hegemonic masculinity and a variety of alternative masculinities that are sometimes hegemonic in particular contexts. In the context of *The Wire*, that simultaneity is reflected in the fact that the drug dealers who are so well-depicted in the show aspire to succeed under both the general society’s definition of success and their own inner-city codes. Highlighting the class dynamics that travel along with racial and gender dynamics in the show, Cooper calls for a multidimensional masculinities theory that incorporates a critique of capitalism.

Part II: Telling Stories about (Heroic) Masculinities

In *Rescue Me*, Robert Chang discusses the absence of Asian Americans as firefighters in fire departments nationwide. Chang uses illustrations from popular culture to demonstrate that the common stereotype of Asian American men does not conform to masculine norms generally accepted as necessary for firefighters. For example, in the cable television program, *Rescue Me*, the firefighters are predominantly white men with an occasional black or Latino male and one woman. There are no Asian American firefighters. Their absence, moreover, is invisible, just like that of their non-existent female firefighter colleagues discussed in Dowd, Levit, and McGinley’s chapter in this volume. Chang also describes the exaggerated homophobia and misogyny that is represented in *Rescue Me*. For example, in a speech to probationary officers, the main character brags about the size of his “balls,” calls the cadets “pussies,” and tells them that the fire department is in the business of discovering cowards. Thus, male firefighters reinforce their own masculinity by differentiating themselves from women and gays. And, because Asian Americans are considered effeminate and unmanly, they cannot be successful firefighters. Specifically, white men use firefighting to distance themselves from these “others” in order to assure their own manliness. Ultimately, the invisible absence of Asian American male firefighters exists not only in *Rescue Me*, but also in race discrimination lawsuits brought to equalize opportunities in fire departments. These suits, while important in gaining rights for some racial minorities, lionize the black/white racial paradigm and often neglect other racial minority groups.

The policing of the boundaries of masculinity, such as that occurring in firefighting, produces a fear that John Kang describes in the next chapter, *Manliness's Paradox*—the fear of being called a coward. Kang discusses soldiers in combat to demonstrate that not only women, but also men—even those who appear particularly masculine—are oppressed by the requirements of manliness. Kang demonstrates that courage, a virtue associated with and required of men by society to the extent that a lack of it is unmanly, actually results from men's fear (a woman's vice) of being considered a coward. He demonstrates through letters of Civil War soldiers as well as soldiers fighting in Vietnam and other wars that the same concern has existed among male soldiers for more than a century. Men who are soldiers demonstrate through their own words that their most haunting fear is that of being considered afraid. This fear propels them to go to war and to act bravely in battle. Thus, the paradox of manliness is that fear itself is what motivates fearlessness. Men, Kang notes, unlike women, do not have a choice to be courageous or not, if they are to be considered manly by society. He notes that being a man can thus be “appallingly oppressive.” This oppression is regulated by law, which requires men, and not women, to register for the draft and which prohibits women, but not men, from engaging in combat.

Like Chang's firefighters and Kang's soldiers, undocumented male workers seek masculinity in their work. In *Border-Crossing Stories and Masculinities*, Leticia Saucedo analyzes interviews she conducted with men from Hidalgo, Mexico, who immigrated illegally to the United States to work and then returned to Mexico. Saucedo identifies three masculinity narratives that she coins the “endurance” narrative, the “family provider” narrative, and the “family order” narrative. The endurance narrative emphasizes the difficulty of passing into the United States illegally and the strength and honor that men who make the passage must have in order to cross the border; strength that is necessary to do the difficult and dirty work that the undocumented workers find when they get to the United States. The family provider narrative focuses on the men's sacrifice in order to provide for their families back home in Mexico and bestows honor and dignity on the men who agree to make the sacrifice. The family order narrative helps the men to deny the effect of the American economy on their job prospects in the United States and claims instead that the men return to Mexico in order to assure that their children are receiving the proper discipline that only a man can bestow. All of these narratives allow men who work in the most menial jobs in the United States, and who are sometimes intensely disliked by U.S. citizens, to enhance their masculinity and their dignity in their own eyes and in the eyes of their families and their communities. The narratives

explain why changes in the immigration laws that make it more difficult and more dangerous to enter the United States actually serve to enhance the masculinity of the men who cross the border and therefore make border crossing attractive to them.

Part III: Questioning Segregation in Masculine Spaces

David Cohen's chapter, *Sex Segregation, Masculinities, and Gender-Variant Individuals*, leads off Part III by arguing that sex segregation harms women by reinforcing the power of men as a superior group and subordinates individuals whose biological sex and/or gender do not conform to societal ideals (gender variants) by promoting assimilation to essentialist notions of gender. For Cohen, sex segregation, whether required or merely tolerated by law, reproduces the essentialist idea that there are only two sexes and that those sexes determine whether a person is and should be masculine or feminine. The tendency of the law and society to sex segregate reinforces both hegemonic masculinity and the hegemony of men. It is not only restrictive but also dangerous for gender variants because it forces people to conform to the expectations that society places on them.

Kim Shayo Buchanan's chapter, *E-race-ing Gender: The Racial Construction of Prison Rape*, shifts the lens when she analyzes another sex-segregated environment: prisons. She explains that the empirical research concerning prison rape in male prisons has largely been ignored by those telling the story of prison rape. Although the race rape myth about prisons posits that black men subject white men to rape in prisons more frequently, the empirical data do not support this conclusion. Rather, it is interracial men who are raped more often by fellow prisoners, and black men who are raped more frequently by staff. More importantly, rape in prison depends on gender—masculinity—rather than race. As Buchanan notes, the prison rapist “is commonly described in hypermasculine terms” while his victim is often described as a “fag” or a “queen” (Buchanan, this volume). Prison rape is, therefore, a “practice of gender enforcement that enhances the perpetrator's masculinity while emasculating his target” (ibid.).

Buchanan's chapter further demonstrates that the race rape myth is enduring despite its falsity. Academic commentators and policymakers uncritically assert and rely on it when making policy prescriptions. The danger in this response, according to Buchanan, is that the uncritical acceptance of the myth affects whether a particular inmate is believed when he reports rape. It also leads to bad policy, as it has encouraged the current call by some policymakers for racial segregation in the prisons.

Deborah Brake's chapter, *Sport and Masculinity: The Promise and Limits of Title IX*, also tells the story of a particularly valorized masculinity, that of athletes. She starts by noting the successes of Title IX's development of women's sports. Unfortunately, that success has not de-gendered sports. Certain sports provide a celebrated, traditional masculinity that privileges heterosexuality and confers access to women, though the valorization varies somewhat along lines of race and class. In order to explore that valorized masculinity, Brake considers legal opinions about claims that male athletes sexually assaulted women or male teammates. She finds some hope in courts' increasing ability to see the gendered nature of actions such as hazing. She argues that we need to encourage this increasing sensitivity of the courts because male as well as female athletes pay a price for the valorization of sports masculinity, especially in the form of educational neglect.

Part IV: Constructing Masculinities in the Global Context

In *Masculinities and Child Soldiers in Post-Conflict Societies*, Fionnuala Ní Aoláin, Naomi Cahn, and Dina Haynes explore the importance of masculinities in the rehabilitation of child soldiers in post-conflict societies. They explain that conflict does not end automatically with the formal end of hostilities. Post-conflict societies experience numerous problems related to gender. War, violence, and masculinity are inextricably related, and peacekeepers must understand that the formal end of public hostilities does not mean that hostilities have ended in the private sphere. Boy soldiers are both perpetrators and victims of the conflict and have been trained in a hypermasculine method of fighting. This training, along with the child soldiers' failure to attend school and inability to provide for themselves and their families economically in nonviolent ways, can cause serious problems. Moreover, there are intergenerational pressures on boys and girls that entrench stratified gender roles. As the authors state, "The core point is that conflicted societies can mummify highly gendered role expectations for men and for women from early childhood in ways that are quantifiably more intense than in societies not experiencing communal violence" (Ní Aoláin, Cahn, and Haynes, this volume). The authors thus argue that DDR programs (disarmament, demobilization, and reintegration) should take into account the problematic transfer of masculinity norms and their contribution to conflict. These programs need to develop counseling and training that addresses the harms experienced by child soldiers and the community.

In *Sexuality without Borders: Exploring the Paradoxical Connection between Dancehall and Colonial Law in Jamaica*, Camille Nelson

interrogates the hypermasculine, homophobic lyrics of dancehall music in Jamaica. Explaining that dancehall music is wildly popular in Jamaica and important in defining the identity of Jamaicans, Nelson resists the calls to ban the music. Musicians engaged in dancehall argue that by condemning homosexuality they are resisting white colonial power. They link colonial power to homosexuality, and express their own identities as African and heterosexual. Ironically, Nelson demonstrates, the Jamaican statute criminalizing homosexuality was created by the English colonizers. Moreover, Nelson demonstrates that the law is based in masculinity in that it forbids male penetration of other men but does not equally condemn women engaging in same-sex acts. Finally, she notes with irony that contemporary Jamaican leaders forbid homosexuals in their cabinets. Thus, these contemporary leaders are aligned with the Jamaican dancehall artists who assert that they create an authentic Jamaican voice by condemning homosexuality. While not supporting the under-theorized proposals for external boycotts of Jamaica, Nelson concludes that Jamaicans should recognize the colonial roots of laws banning homosexual acts and revise the culture and music they have inspired.

Valorie K. Vojdik's chapter, *Masculinities, Feminism, and the Turkish Headscarf Ban: Revisiting Şahin v. Turkey*, reveals how masculinities are at stake in the debate over banning the Islamic headscarf. She reviews a legal case before the European Court of Human Rights (ECHR) that was brought by a female Turkish student who was suspended from her university for wearing the headscarf in contravention of the state's enforcement of secularism. The court held the ban was justified in order to prevent the threat posed by Islamic fundamentalism. Vojdik reveals that the headscarf ban was part of a narrative situating the state as the masculine protector of women from the excessive and restrictive masculinity of Islamic fundamentalists. Vojdik complicates Turkey's presentation as enlightened by showing that the women now challenging the ban are using the headscarf as a political act, challenging the secularism of the state while not accepting some tenets of Islamic fundamentalism. The ECHR's ruling against the headscarf thus reproduces a masculinist narrative in the face of certain women's attempts to exercise their agency.

Conclusion

In the proverbial nutshell, this book attempts to unify three different areas of inquiry—masculinities theory, multidimensionality theory, and law—to arrive at a deeper understanding of how gender, race, national origin, religion, sexual orientation, class, and other identity factors are present yet often invisible in legal theory and doctrine. Multidimensional masculinities

theory of law argues that we must always simultaneously consider gender, race, class, and other identities, but we must also often shift lenses to put the primary focus on a particular identity that is foregrounded in that cultural context. Multidimensional masculinities theory thus explores how particular concepts of masculinity are used to produce power in ways that differ depending on what other categories of identity they interact with, and in what cultural context. Using that approach, this book reveals how individual men and groups of men achieve and retain power, that there are differentials among men, and how these differentials harm both women as a group and some men. Because much legal analysis is based on narrow conceptions of how and why people act in certain ways in particular situations, multidimensional masculinities theory can change how law is interpreted and applied. We believe that these changes would result in a more just society.

NOTES

1. Of course forerunners exist (Carbado 1999; Harris 2000; Hutchinson 2000; Valdes 1998).
2. At the University of Nevada, Las Vegas Boyd School of Law February 18–19, 2011, conference celebrating the completion of the chapters in this book, *Multidimensional Masculinities and Law: A Colloquium*, Russell Robinson pointed out that the term “hegemony of men” risks erasing female masculinities.
3. For analysis of other tenets of critical race theory, see especially the three predominant volumes on the subject (Crenshaw et al. 1995; Delgado and Stefancic 2000; Perea et al. 2007).
4. At the aforementioned conference celebrating the completion of the chapters in this book, Devon Carbado emphasized that multidimensionality is not “post-intersectionality,” but implicit within a proper reading of some of the original works. We agree, but use the term multidimensionality because we think its use tends to focus people on the influence of cultural context. At the same conference, Juliet Williams pointed out that there are political reasons for making people aware of the intersectional roots of multidimensionality, not least of which is to avoid displacement of the critical race feminist roots of intersectionality.

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