

MULTIDIMENSIONALITY IS TO MASCULINITIES WHAT INTERSECTIONALITY IS TO FEMINISM

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This Article explores the intellectual history of the emergence and pairing of multidimensionality theory and masculinities theory in the legal academy as tools for analyzing men's experiences, practices, powers, and lives.¹ It argues that the pairing of these two theories—as opposed to a pairing of intersectional theory and masculinities theory—is largely a function of history, but one that responded to perceived limitations of intersectional theory. These limitations included the fact that intersectionality had primarily been applied to women's lives but also included the very manner in which women's lives were often seen and analyzed.

The Article arises out of a debate that ensued at the conference on Multidimensional Masculinities and Law: A Colloquium, held at the University of Nevada, Las Vegas, William S. Boyd School of Law in 2011.² In terms of masculinities theory, as the title of the colloquium suggests, many of the colloquium participants were multidimensionality theory enthusiasts. I am included in that group. In my conference presentation, I intimated that multidimensionality theory better captured the complexity of analyzing men's lives as seen through masculinities theory because of its insistence on context. I was more specific in my paper,³ in which I praised the multidimensional turn in intersectional theory and sought to situate an earlier project on “progressive black masculinities” more deeply in it.⁴ I noted:

I believe the multidimensional turn in intersectionality theory better situates masculine identities and practices within the matrix of socially constructed hierarchies, better explains the synergistic interplay between categories such as gender and race, and better explains the role context plays in that interaction. As such, it is a useful tool in explaining and clarifying the gendered racial dynamics present in such phenomena as racial profiling⁵

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¹ I review some of this same history in Athena D. Mutua, *The Multidimensional Turn: Revisiting Progressive Black Masculinities*, in *MASCULINITIES AND THE LAW: A MULTIDIMENSIONAL APPROACH* 78, 79 (Frank Rudy Cooper & Ann C. McGinley eds., 2012) [hereinafter Mutua, *The Multidimensional Turn*].

² Multidimensional Masculinities and Law: A Colloquium, in Las Vegas, Nev. (Feb. 18–19, 2011), available at <http://scholars.law.unlv.edu/mml/2011/> [hereinafter The Colloquium].

³ Mutua, *The Multidimensional Turn*, *supra* note 1, at 79.

⁴ *Id.*

⁵ *Id.*

Legal scholar Devon Carbado, as well as Russell Robinson, flatly disagreed. Carbado boldly and bluntly argued that anything that could be analyzed using multidimensionality could also be effectively analyzed through intersectionality theory.⁶ In a lively conversation that followed,⁷ he ardently and persuasively made his case. Nevertheless, at one point, scholar Juliet Williams, committed to intersectionality theory in her feminist work, expressed a sentiment to where she thought Carbado's argument might lead. This sentiment was that, perhaps, "multidimensionality is to masculinities theory, what intersectionality is to feminism."⁸

This Article largely concedes the point that much of what can be analyzed by employing the multidimensionality framework can also be analyzed through intersectionality theory, a term coined by Kimberlé Crenshaw.⁹ It does so by suggesting that previous critiques of intersectionality had been implicit in the original theory and/or were absorbed later by it. In other words, it suggests that intersectionality, a powerful metaphor and analytical framework that has matured and gone global,¹⁰ is both broad and flexible enough to have absorbed the later insights generated by the lesbian, gay, bisexual, and transgendered legal scholars of color (LGBT) and masculinities legal scholars who participated in further developing multidimensionality. Further, multidimensionality employs intersectionality as part of its methodology and is, in part, based on it.¹¹

Nevertheless, this Article argues that early interpretations of intersectionality theory, its groundings in the analyses of women's lives, and the way in which women's lives were both understood and examined, limited intersection-

⁶ This sentiment was expressed in private conversations and in the discussion on the second day of the conference, February 19, 2011, at a lunch entitled, "A Conversation—Developing the Discipline of Masculinities and Law: Where Do We Go from Here?" Frank Rudy Cooper & Ann C. McGinley, *A Conversation—Developing the Discipline of Masculinities and Law: Where Do We Go from Here?*, at *Multidimensional Masculinities and Law: A Colloquium*, in Las Vegas, Nev. (Feb. 19, 2011), available at <http://scholars.law.unlv.edu/mml/2011/events/11/>.

⁷ *Id.*

⁸ *Id.* (Juliet Williams expressed this sentiment, specifically commenting that "multidimensional theory is to masculinities studies as intersectionality is to feminism.")

⁹ Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139, 140 [hereinafter Crenshaw, *Demarginalizing the Intersection*]; Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1242–44 (1991) [hereinafter Crenshaw, *Mapping the Margins*].

¹⁰ See, e.g., Gaayathri Nair, *It's Time We Understood Intersectionality*, 23 ASIA PAC. F. ON WOMEN, L. & DEV. 5–6 (2010); *The Politics of Institutionalizing Intersectionality in Europe*, INT'L POL. SCI. ASS'N (July 11, 2012), <http://www.ipsa.org/my-ipsa/events/madrid2012/panel/politics-institutionalizing-intersectionality-europe>; see also Emanuela Lombardo & Maria Bustelo, *The Political Treatment of Inequalities in Europe: A Comparative Analysis of Italy, Portugal and Spain* 1–2 (Sept. 10, 2009) (unpublished manuscript), available at http://www.quing.eu/files/WHY_lombardo_bustelo.pdf; Vigdis Mathisen Olsvik, *Intersectionality Used in the Analysis of Power Relations in Connection with Abuse of Women with Physical Disabilities*, E. NORWAY RES. INST. 10–11 (July 2008), <http://www.ostforsk.no/images/notater/162007.pdf>.

¹¹ See *infra* notes 55–81 and accompanying text.

ality's intuitive power in analyzing men as gendered beings for some legal scholars. Further, these perceived limitations, the sparse literature in law analyzing men as gendered beings, and the almost simultaneous emergence in the legal academy of masculinities studies and multidimensional theory helped to propel the further development of multidimensional theory. Finally, I suggest that given the way the two theories inform one another and the appeal that they have to the cadre of legal scholars that work with them, the emerging reality may well be that, "multidimensionality is to masculinities what intersectionality is to feminism."

This Article proceeds in three parts. However, it does not proceed in chronological order. In Part I, I share my intellectual journey in trying to apply intersectionality to analyses of men as gendered beings and as one participating in the development of multidimensionality. Part II provides a brief overview of the history of masculinities theory and multidimensionality and then focuses on the perceived limitations of intersectionality theory, particularly as applied to LGBT identity and experiences. These applications led to calls for and spurred the development of multidimensionality. Part III examines other perceived limitations of intersectionality, returning to the masculinities studies context. It argues that the ways in which women's lives were analyzed, among others, also played a role in stimulating multidimensionality's further development.

I. AN EARLY INTERPRETATION: BLACK MEN ARE PRIVILEGED BY SEX AND OPPRESSED BY RACE¹²

In spring 2000, at about the same time that Darren Hutchinson was sitting down to write a series of articles advocating for the development and application of the multidimensional framework to LGBT identity, experiences, and politics,¹³ my colleague Stephanie Phillips and I were teaching a course on critical race theory.¹⁴ In one class, we compared certain elements of slavery to modern practices of mass incarceration or hyper-incarceration.¹⁵ We then went

¹² Morehouse College, *Mission Statement of Black Men for the Eradication of Sexism*, in TRAPS: AFRICAN AMERICAN MEN ON GENDER AND SEXUALITY 200, 200 (Rudolph P. Byrd & Beverly Guy-Sheftall eds., 2001) [hereinafter Morehouse College, *Mission Statement*].

¹³ Darren Lenard Hutchinson, *Identity Crisis: "Intersectionality," "Multidimensionality," and the Development of an Adequate Theory of Subordination*, 6 MICH. J. RACE & L. 285, 291 (2001) [hereinafter Hutchinson, *Identity Crisis*]; Darren Lenard Hutchinson, *Ignoring the Sexualization of Race: Heteronormativity, Critical Race Theory and Anti-Racist Politics*, 47 BUFF. L. REV. 1, 9–10 (1999) [hereinafter Hutchinson, *Sexualization*]; Darren Lenard Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse*, 29 CONN. L. REV. 561, 566 (1997) [hereinafter Hutchinson, *Out Yet Unseen*].

¹⁴ See Athena D. Mutua, *Introduction: Mapping the Contours of Progressive Masculinities*, in PROGRESSIVE BLACK MASCULINITIES xi, xii (Athena D. Mutua ed., 2006) [hereinafter Mutua, *Introduction*].

¹⁵ *Id.* Cooper and McGinley moved from using the term "mass incarceration" to the term "hyper-incarceration," suggesting that there is no mass incarceration of the general public or the deserved incarceration of a particular group but rather there is the targeted incarceration and warehousing of poor blacks and Latinos in the inner city. See Ann C. McGinley & Frank Rudy Cooper, *Introduction: Masculinities, Multidimensionality, and Law: Why They Need One Another*, in MASCULINITIES AND THE LAW: A MULTIDIMENSIONAL APPROACH, *supra* note 1, at 1, 11 (citing sociologist Loïc Wacquant, *Racial Stigma in the Making of America's Punitive State*, in RACE, INCARCERATION, AND AMERICAN VALUES (Glen C. Loury et al. eds.,

on to discuss racial profiling. During the discussions, it became clear to us that, although most people analyzed racial profiling from a racial perspective, there existed a gender component. That is, while both black men and women were black and subject to racial profiling, black men suffered a higher incidence of profiling and seemed especially targeted for it not only because they were black but also because they were men.¹⁶

A. *The Move from Sex to Gender: Is Racial Profiling Sexist?*

In making the observation that black men seemed disproportionately profiled because they were both black and men, our questions became: Is racial profiling sexist? Is this sexism? In other words, it was the late 1990s and feminists, including race scholars, were only beginning to develop the language to talk about gendered racism. For instance, in the context of educational institutions, feminist legal scholars were starting to move from the language of women studies to gender studies.¹⁷ Yet, up until that time, they had primarily used the term “gender” to describe the difference between sex as a biological notion and gender as the cultural interpretations and assignment of roles based on sex. Gender was what cultures made of the biological differences between men and women.¹⁸ In fact, there was some debate as to whether the distinction between sex and gender adequately captured the reality of women’s lives, given that biology-induced practices such as breastfeeding shaped cultural notions

2008)) [hereinafter McGinley & Cooper, *Introduction*]. See also Frank Rudy Cooper, *Hyper-incarceration as a Multidimensional Attack: Replying to Angela Harris Through The Wire*, 37 WASH. U. J.L. & POL’Y 67, 71 (2011); see also Loïc Wacquant, *Racial Stigma in the Making of the Punitive State*, in RACE, INCARCERATION, AND AMERICAN VALUES 57, 59 (2008) (advocating for the term “hyper-incarceration” instead of “mass incarceration”).

¹⁶ Mutua, *The Multidimensional Turn*, *supra* note 1, at 93–94.

¹⁷ I make a similar point in discussing the feminization of poverty. See Athena Mutua, *Why Retire the Feminization of Poverty Construct?*, 78 DENV. U. L. REV. 1179, 1197 (2001) [hereinafter Mutua, *Feminization of Poverty*]. Jill Liddington gives some hint of the transition from simply a focus on women and women studies in history to gender studies. The study of gender arises out of feminist’s theorizing and focuses on women. See Jill Liddington, *History, Feminism and Gender Studies* (Univ. of Leeds Centre for Interdisciplinary Gender Stud., Working Paper No. 1, 2001), available at <http://www.jliddington.org.uk/cig1.html>; see also Linda Christiansen-Ruffman, *Women, Knowledge and Change: Gender is Not Enough*, 32 RESOURCES FOR FEMINIST RES. 114, 123 (2007) (both chronicling the emergence of the term “gender” and its meanings and critiquing use of the term from a feminist political and academic position. Christiansen-Ruffman notes in relation to her own boycott of the word “gender” and what the word means in certain contexts: “Indeed, because my feminist experiences had taught me that words are powerful and their meanings are contextual, after lengthy discussions with women who obviously experienced the word gender as powerful, I decided to stop my boycott of the term. More specifically, the persuasive powers of Neuma Aguiar, a Brazilian feminist and sociologist who headed the group DAWN, convinced me to use the word gender in an international call for essays on behalf of WISISA (Women in Society [Research Committee 32 of the] International Sociological Association) which I was chairing in 1992. In fact, almost all of the subsequent entries to that 1994 competition treated gender as if it meant women and implied women’s equality. And it has also come as no surprise that if and when meanings change so that gender no longer means women in a particular place, long-time feminist supporters of the concept reconsider their former support.”) (internal citations omitted).

¹⁸ See Christiansen-Ruffman, *supra* note 17, at 118.

about biology, and cultural practices had biological effects and impact.¹⁹ In any event, in the legal community, despite the move from women studies to gender studies, gender continued for some time to refer primarily to women. This was so even though masculinities studies had been around for more than a decade and men also have gender-cultural understandings and interpretations of their maleness.

B. Black Men are Privileged by Gender: Not Always!

In looking for a response to the question of whether racial profiling was a form of sexism, Phillips and I organized a conference about progressive black masculinities and turned to Black Nationalism on one hand, and to black feminism on the other for an answer to the question, as well as to masculinities studies, LGBT scholarship, and critical race theory. Since the 1960s, black nationalists, in particular, have argued that black men were more of a threat to white supremacy than were black women and, as such, were targeted for harsher treatment. In other words, they implicitly made a gender claim.²⁰ However, their answer to the problem seemed to be that black men be given the same patriarchal privileges and prerogatives as white men.²¹ Black feminists, on the other hand, had developed a substantial body of literature on women and race by the 1990s, much of which had been captured in intersectional theory.²² However, intersectionality had been used to excavate experiences of women of color, an intersection shaped by two subordinating systems: race (black) and gender (women).

When intersectionality was applied to black men, it was initially interpreted to suggest that “black men were privileged by gender and subordinated by race;”²³ that is, black men sat at the intersection of the subordinating and oppressive system of race (black) and the privileged system of gender (men).²⁴ Intuitively this notion seemed correct. It also seemed to support the dominant social and academic practice of examining the oppressive conditions that black men faced from a racial perspective. Yet, the interpretation of black men as privileged by gender and oppressed by race appeared incorrect in our observations of racial profiling.

¹⁹ See LESLIE BENDER & DAAN BRAVEMAN, *POWER, PRIVILEGE AND LAW: A CIVIL RIGHTS READER* 232, 233–34 (1995) (citing Stephanie Riger, *Rethinking the Distinction Between Sex and Gender* (unpublished manuscript)).

²⁰ Several authors critique this thinking. See, e.g., M. BAHATI KUUMBA, *GENDER AND SOCIAL MOVEMENTS* 31 (2001); Barbara Ransby, *Afrocentrism, Cultural Nationalism, and the Problem with Essentialist Definitions of Race, Gender, and Sexuality*, in *DISPATCHES FROM THE EBONY TOWER: INTELLECTUALS CONFRONT THE AFRICAN AMERICAN EXPERIENCE* 216, 222 (Manning Marable ed., 2000); MICHELE WALLACE, *BLACK MACHO AND THE MYTH OF THE SUPERWOMAN* 23, 81 (Verso 1990) (1978); see also BELL HOOKS, *AIN’T I A WOMAN: BLACK WOMEN AND FEMINISM* 3–5 (1981).

²¹ HOOKS, *supra* note 20, at 3–4. See also Mutua, *Introduction*, *supra* note 14, at xii–xiii, xvii (discussing Black Nationalism of the 1960s and modern day Afrocentricity, a strand of Black Nationalist thought).

²² See Crenshaw, *Mapping the Margins*, *supra* note 9, at 1242–43 n.3 (listing the legal scholarship available that investigates the connections between race and gender).

²³ Mutua, *Introduction*, *supra* note 14, at xvi.

²⁴ Morehouse College, *Mission Statement*, *supra* note 12, at 200.

Further, while this interpretation of intersectionality seemed to capture some of the differentials between women and men in the black community, as in wage differentials for example, it did not capture the harsher treatment black men seemed to face, not only in the context of anonymous public space that often characterized racial profiling,²⁵ but also in terms of higher rates of hyperincarceration, death by homicide and certain diseases, suicide rates, and high unemployment as compared to black women.²⁶ These conditions almost seemed to negate the idea that black men had any male privilege at all as posited by feminist theorizing. Thus, I proposed a new phrase to capture the insights we had garnered from our study of racial profiling, among other studies. What black men were experiencing was not sexism, a term that over a long history seemed to me to reference the discrimination and oppression of women,²⁷ but rather, was gendered racism.²⁸ In many ways, gendered racism recognized that black men also stood at the intersection of race and gender. As the operation of gendered racism in the context of racial profiling was counter to the intuition and interpretation of intersectionality theory that had suggested that black men were privileged by gender and oppressed by race, it complicated the notion of privilege—an insight I had noted before and at which scholar Darren Hutchinson had also arrived.²⁹ That is, our studies indicated that the

²⁵ See John O. Calmore, *Reasonable and Unreasonable Suspects: The Cultural Construction of the Anonymous Black Man in Public Space (Here Be Dragons)*, in *PROGRESSIVE BLACK MASCULINITIES*, *supra* note 14, at 137, 138–39 (explaining that black men are constructed as “unwanted traffic” in anonymous public space).

²⁶ See Athena D. Mutua, *Theorizing Progressive Black Masculinities*, in *PROGRESSIVE BLACK MASCULINITIES*, *supra* note 14, at 3, 19–20 [hereinafter Mutua, *Theorizing PBM*]. See also PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* 59–60 (2d ed. 2000) (discussing the classical pattern of higher rates of vulnerability and unemployment for black men as compared to black women and the higher wages of black men when employed as compared to black women).

²⁷ I also wanted to maintain this particularized meaning of sexism as applying to women.

²⁸ I first saw this phraseology in the context of Sumi Cho’s work on Asian women in which she referred to “sexualized racial stereotypes” and “racialized gender stereotypes.” Sumi K. Cho, *Converging Stereotypes in Racialized Sexual Harassment: Where the Model Minority Meets Suzie Wong*, 1 J. GENDER RACE & JUST. 177, 182 (1997). I had also played with such phraseology earlier. See, e.g., Mutua, *Feminization of Poverty*, *supra* note 17, at 1182. But others had also used similar terms. See, e.g., CHARLES HERBERT STEMBER, *SEXUAL RACISM: THE EMOTIONAL BARRIER TO AN INTEGRATED SOCIETY* ix (1976) (using the term “sexual racism”); Stacey Pastel Dougan, *With Justice for Whom? The Presumption of Moral Innocence in Rape Trials*, 71 IND. L.J. 419, 435 (1996) (referring to “racialized sexual stereotypes”); Hutchinson, *Sexualization*, *supra* note 13, at 7.

²⁹ Darren Lenard Hutchinson, *“Gay Rights” for “Gay Whites”? : Race, Sexual Identity, and Equal Protection Discourse*, 85 CORNELL L. REV. 1358, 1369–70 (2000) [hereinafter Hutchinson, *“Gay Rights” for “Gay Whites”?*] (suggesting that the notion of privilege is both problematic and complicated in some contexts); Mutua, *Feminization of Poverty*, *supra* note 17, at 1197 (discussing Elvia Arriola’s examination of the feminization of poverty in the maquiladoras, American industrial development south of the U.S. border in Mexico. Though Arriola focused on women, she also described a situation in which men drawn from the Mexican countryside to the maquiladoras found little employment and thus felt compelled to cross the border. She, I argued, had demonstrated that both the women and men in this context were poor but their poverty was gendered and had different impact. Male privilege seemed complicated under these circumstances.); see also Hutchinson, *Identity Crisis*, *supra* note 13, at 312–13.

assumed privileged gender position of men, in the context of people of color, was not always accurate because being gendered men could sometimes be a source of oppression.³⁰

At the same time, I observed that black men were being seen as “blackmen”—one word—as one multidimensional whole.³¹ I thus posited that multidimensionality theory might better capture the way black men were being seen (in the streets, as it were), as opposed to the way they were being analyzed (as simply a racial subject).³² Multidimensionality also captured the reality that a high percentage of the men profiled in anonymous public space also appeared to be young and potentially poor. And so I began to compile all of the disparate ideas that seemed to constitute and inform the theory of multidimensionality. In doing so, I came to many of the same conclusions about the value of multidimensionality, as an expansion of intersectionality, as had Hutchinson,³³ and Frank Valdes,³⁴ and as would others, such as Frank Rudy Cooper³⁵ and Ann McGinley.³⁶

Finally, the analysis of the intersection of race and gender in the context of black men also made clear the necessity of looking to the context to determine what in fact was going on—whether black men were being privileged by gender, oppressed by it, or oppressed by gendered racism. In fact, the analysis demonstrated that context was methodologically important in determining whether race, gender, or the intersection of some other social system was salient to, structured, or determined a particular outlook or outcome, and nothing definitive could be said without an analysis of it.³⁷

C. *Intersectionality, Multidimensionality, and Black Men in Retrospect*

I drew many of the ideas that I used in constructing multidimensional theory from intersectionality theory. In retrospect, to the extent the insights I garnered seemed novel, I could have interpreted intersectionality in a way to have accommodated these ideas. This is so because several of the ideas were not novel. For instance, the importance of context had a long history in feminist, critical race theory, and related circles.³⁸ Further, the insight that gendered

³⁰ Mutua, *Theorizing PBM*, *supra* note 26, at 19–23.

³¹ *Id.* at 23.

³² *Id.*

³³ See Hutchinson, *Identity Crisis*, *supra* note 13, at 309–10; Hutchinson, *Sexualization*, *supra* note 13, at 11; Hutchinson, *Out Yet Unseen*, *supra* note 13, at 640–41. See also *infra* notes 96–109 (discussing Hutchinson’s analyses).

³⁴ See *infra* note 75 and accompanying text (discussing the multidimensionality of subordination).

³⁵ See, e.g., Frank Rudy Cooper, *The King Stay the King: Multidimensional Masculinities and Capitalism in The Wire*, in *MASCULINITIES AND THE LAW: A MULTIDIMENSIONAL APPROACH*, *supra* note 1, at 96, 103; Frank Rudy Cooper, “Who’s the Man?”: *Masculinities Studies*, Terry Stops, and Police Training, 18 *COLUM. J. GENDER & L.* 671, 681–82 (2009); Frank Rudy Cooper, *Against Bipolar Black Masculinity: Intersectionality, Assimilation, Identity Performance, and Hierarchy*, 39 *U.C. DAVIS L. REV.* 853, 862–63 n.33 (2006).

³⁶ McGinley & Cooper, *Introduction*, *supra* note 15, at 6.

³⁷ Mutua, *The Multidimensional Turn*, *supra* note 1, at 85–86.

³⁸ In fact, Crenshaw, in her seminal piece on the transformation and legitimation of antidiscrimination law, had also made this claim. Kimberlé Williams Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 *HARV. L.*

racism (specifically the intersection of race and gender in the context of racial profiling) complicated the concept of privilege could potentially have been drawn from the notion that structures interact, interrelate, and are synergistic and mutually reinforcing.

The idea that intersecting social systems are mutually reinforcing had been expressed earlier, both as a potential clarification of intersectionality and a critique.³⁹ But, to my mind, this idea had been implicit in the original articulation of intersectionality theory and/or absorbed by it. That is, though the focus in intersectional theory had previously been on the intersection of two *subordinating structures* (e.g., race and gender in the context of black women), the suggestion had been that race shaped gender and gender shaped race at the intersection to create unique experiences for groups like black women.

Thus, perhaps I could have simply refuted the interpretation, and reinterpreted and expanded on intersectional theory through this new application to a seemingly partially privileged group (black men). This is plausible given that I had—metaphorically—grown up with and associated the idea of mutually reinforcing structures with intersectionality theory,⁴⁰ even though the idea had been more explicitly articulated after the theory's initial formulation.⁴¹ This reality is perhaps a testament to intersectionality theory's ability to grow and absorb critiques, rendering the critiques mere expansions or elaborations of the theory.

In addition, years before Phillips and I formulated the question of whether racial profiling was sexist, she had argued that intersectionality could be used to excavate the lives of black men, although she did not explain how.⁴² Further in conversation, she challenged whether the interpretation of intersectionality as suggesting that black men were always privileged by sex and oppressed by race was accurate even though it had intuitive power.⁴³

Moreover, black women were/are arguably also seen as a multidimensional whole—"blackwoman"—one word; they are seen as simultaneously both black and female. This is a point I have intimated in explaining the "intersectionality" concept in the classroom. I often do so by telling the story of my first law firm interview, in which, upon my entry, the hiring partner glanced down at my resume, smiled, leaned back in his chair, put his hands behind his head, and asked: "So why are you interested in the secretarial position here?" I then explain to my students that I have never been sure if he overlooked my

REV. 1331, 1356 (1988) (chastising critical legal studies scholars for not paying attention to the African American experience in their analyses and dismissal of "rights talk" as a frame for articulating justice claims. She noted that "rights talk" had been extremely important in the context of African American justice struggles).

³⁹ See, e.g., *infra* note 76.

⁴⁰ I believe others also see this insight, mutually reinforcing structures, as part and parcel of intersectionality theory. See, e.g., *infra* note 85.

⁴¹ See *infra* notes 81–95 and accompanying text.

⁴² Stephanie L. Phillips, *Claiming Our Foremothers: The Legend of Sally Hemings and the Tasks of Black Feminist Theory*, 8 HASTINGS WOMEN'S L.J. 401, 459–60 (1997); Stephanie L. Phillips, *Beyond Competitive Victimhood: Abandoning Arguments that Black Women or Black Men Are Worse Off*, in PROGRESSIVE BLACK MASCULINITIES, *supra* note 14, at 217, 220 [hereinafter Phillips, *Beyond Competitive Victimhood*] (critiquing this interpretation and citing Orlando Patterson and others as criticizing the notion that black women were doubly oppressed and thus more oppressed than black men).

⁴³ Mutua, *Theorizing PBM*, *supra* note 26, at 22.

legal training-framed resume and was confused because I was a woman or because I was black. Probably both, I conclude. Horror and comedy convey the idea of the intersection and the interplay of race and gender. But the example could explain multidimensionality just as well. In fact, Crenshaw also refers to the multidimensionality of black women in her analysis of antidiscrimination law and intersectionality. She notes: “I will center Black women in this analysis in order to contrast the multidimensionality of Black women’s experience with the [antidiscrimination] single-axis analysis that distorts these experiences.”⁴⁴

Masculinities theory, however, brought some other perceived challenges to the application of intersectionality to the study of men’s lives and experiences. This was particularly true for feminist masculinities legal scholars.

II. MASCULINITIES, MULTIDIMENSIONALITY, AND THE CRITIQUES OF INTERSECTIONALITY

A. *Masculinities Theory*

The study of men and masculinities as part of the gender social structure began in earnest in the West in the mid-1970s. However, some of the earliest work in the modern era can be found in psychology, located in Sigmund Freud’s “Oedipus complex” and Alfred Adler’s “masculine protest.”⁴⁵ Additional work on men and masculinities has been done in sociobiology,⁴⁶ anthropology,⁴⁷ and sociology, among other fields.⁴⁸ However, masculinities studies really took off in response to the 1970s feminist movement.⁴⁹ In fact, a men’s movement developed, which partially aspired to be pro-feminist and antisexist.⁵⁰ Masculinities studies grew out of this movement and began to challenge two major assumptions of feminist theory. First, it began to challenge, as had some feminists, the adequacy of sex role theory in explaining the lived experiences of both men and women.⁵¹ Second, it challenged the idea that men were

⁴⁴ Crenshaw, *Demarginalizing the Intersection*, *supra* note 9, at 139.

⁴⁵ R. W. CONNELL, *MASCULINITIES* 8, 16, 27–28, 31, 208 (2d ed. 2005) (chronicling the development of studies on men and masculinities and discussing Freud, Adler, Goldberg, and Mead, among many others).

⁴⁶ *See, e.g.*, STEVEN GOLDBERG, *THE INEVITABILITY OF PATRIARCHY* 134–35 (1973); STEVEN GOLDBERG, *WHEN WISH REPLACES THOUGHT: WHY SO MUCH OF WHAT YOU BELIEVE IS FALSE* 71–72 (1991); STEVEN GOLDBERG, *WHY MEN RULE: A THEORY OF MALE DOMINANCE* 103–04 (1993); STEVEN GOLDBERG, *FADS AND FALLACIES IN THE SOCIAL SCIENCES* 94 (2003) (generally arguing that the differences between men and women’s behavior are biologically innate).

⁴⁷ *See, e.g.*, MARGARET MEAD, *SEX AND TEMPERAMENT IN THREE PRIMITIVE SOCIETIES* 186–88 (1963); MARGARET MEAD, *MALE AND FEMALE: A STUDY OF THE SEXES IN A CHANGING WORLD* 186–87, 190, 194 (1949) (finding a variety of masculine practices in her cross cultural work on gender regimes in other societies).

⁴⁸ *See generally* CONNELL, *supra* note 45, at 7–8, 21, 30 (discussing these various scholars); Athena D. Mutua, *Latino Masculinities*, in *THE OXFORD ENCYCLOPEDIA OF LATINOS AND LATINAS IN CONTEMPORARY POLITICS, LAW AND SOCIAL MOVEMENTS* (forthcoming 2013) [hereinafter Mutua, *LATINO/A ENCYCLOPEDIA*] (summarizing the Connell material and making the identical points).

⁴⁹ CONNELL, *supra* note 45, at 28.

⁵⁰ *See id.*

⁵¹ *Id.* at 23–26.

homogenous and monolithic, a homogeneity that feminists' use of the term "patriarchy" seemed to suggest given its focus on women.⁵² That is to say, in exploring the lives of women, feminists had left the lives of men unexamined, consequently referring to men only as part of the monolithic standard against which women were measured and a power base through which women were oppressed. Although men live, participate, and are often complicit in, as well as benefit from, the country's patriarchal gender structure, which privileges men and oppresses women, masculinities studies demonstrated that men were varied, had varied access to power, and were themselves subject to a hierarchal continuum and system of privilege and subordination.⁵³ Consequently, though most of the early studies on men focused on white professional men, the diversity of men also became a serious interest of masculinities scholarship.⁵⁴

⁵² In masculinities scholarship this term tends to stand for a particular type of gender regime. Most countries have a patriarchal gender regime, "in which men and masculinities—referring nominally to a set of practices and prerogatives that shrift [sic] over time and are associated with the male body—constitute the gender of dominance, prestige, value, and privilege. Embedded in this understanding of gender relations is the idea that they are socially constructed." Mutua, *LATINO/A ENCYCLOPEDIA*, *supra* note 48.

⁵³ See, e.g., CONNELL, *supra* note 45, at 76–78; MICHAEL S. KIMMEL & MICHAEL A. MESSNER, *MEN'S LIVES* xv–xvii (9th ed. 2013); Michael S. Kimmel, *Introduction* to *THE GENDERED SOCIETY READER* 1, 3 (Michael S. Kimmel & Amy Aronson eds., 3d ed. 2008); Michael S. Kimmel, *Masculinity as Homophobia: Fear, Shame and Silence in the Construction of Gender Identity*, in *THEORIZING MASCULINITIES* 119, 135–38 (Harry Brod & Michael Kaufman eds., 1994); Øystein Gullvåg Holter, *Social Theories for Researching Men and Masculinities: Direct Gender Hierarchy and Structural Inequality*, in *HANDBOOK OF STUDIES ON MEN & MASCULINITIES* 15, 17–20 (Michael S. Kimmel, Jeff Hearn & R.W. Connell eds., 2005); ALLAN G. JOHNSON, *THE GENDER KNOT: UNRAVELING OUR PATRIARCHAL LEGACY* 17–19 (1997).

⁵⁴ Nancy E. Dowd, Nancy Levit & Ann C. McGinley, *Feminist Legal Theory Meets Masculinities Theory*, in *MASCULINITIES AND THE LAW: A MULTIDIMENSIONAL APPROACH*, *supra* note 1, at 25, 27. There exist some basic tenets or core understandings on which many masculinities scholars agree. Though I have modified and reordered these ideas, Nancy Dowd provides a list of some of these basic understandings. They are:

1. Masculinity is a social construction, not a biological given.
2. Men are not monolithic or undifferentiated.
3. The two most common [directives] defining masculinity are, at all costs, to not be like a woman and not be gay.
4. The patriarchal dividend is the benefit that all men have from the dominance of men in the overall gender order.
5. Men pay a price for privilege.
6. Intersections of manhood particularly with race, class and sexual orientation are critical to the interplay of privilege and disadvantage, to hierarchies among men
7. Masculinities study exposes how structures and cultures are gendered male.
8. Hegemonic masculinity recognizes that one masculinity norm dominates multiple masculinities.
9. Masculinity is as much about relation[s among men] as it is about relation[s] to women.
10. Men, although powerful [as a group, often] feel powerless [as individuals].
11. The spaces and places that men and women daily inhabit and work within are remarkably different.
12. The role of men in achieving feminist goals is uncertain and unclear.
13. The asymmetry of masculinities scholarship and feminist theory reflects the differences in the general position of men and women.

Although there have been legal studies that examine men and men's lives from a gender perspective,⁵⁵ it was not until the early part of this century that masculinities studies and theory consistently entered the legal academy and legal scholarship.⁵⁶ It did so at about the same time that multidimensionality was emerging as a theory, some eight or nine years after intersectionality appeared as a named theory.⁵⁷

B. *Multidimensionality*

The term multidimensionality has a long history. However, it seems to have arrived on the legal scene in a significant manner in the late 1980s.⁵⁸ Legal scholars appear to have initially used the term to describe a multiplicity of factors that shape some idea or practice.⁵⁹ Later they used the term to describe an alternative approach to examining complex issues, problems, and/or processes—for example, in multidimensional lawyering, where lawyers are encouraged to recognize the multiple roles they must play to be effective generally and in particular fields.⁶⁰

This also appears true for Latina and Latino Critical Legal Theory (Lat-Crit) scholars, in whose lexicon multidimensionality had been a part almost

Nancy E. Dowd, *Asking the Man Question: Masculinities Analysis and Feminist Theory*, 33 HARV. J.L. & GENDER 415, 418–19 (2010). Also, for a fuller discussion summarizing masculinities theory, see Mutua, *The Multidimensional Turn*, *supra* note 1, at 86–88.

⁵⁵ See, e.g., Mary Becker, *Patriarchy and Inequality: Towards a Substantive Feminism*, 1999 U. CHI. LEGAL F. 21, 26, 30–31; see generally FLOYD D. WEATHERSPOON, *AFRICAN-AMERICAN MALES AND THE LAW: CASES AND MATERIALS* 1–177, 264–328 (1998); see also Devon W. Carbado, *The Construction of O.J. Simpson as a Racial Victim*, 32 HARV. C.R.-C.L. L. REV. 49, 50 (1997); D. Marvin Jones, “We’re All Stuck Here for a While”: *Law and the Social Construction of the Black Male*, 24 J. CONTEMP. L. 35, 40–44 (1998); Kenneth L. Karst, *The Pursuit of Manhood and the Desegregation of the Armed Forces*, 38 UCLA L. REV. 499, 508–09 (1991); Michael S. Kimmel, *Issues for Men in the 1990s*, 46 U. MIAMI L. REV. 671, 675 (1992).

⁵⁶ See Nancy E. Dowd, *Masculinities and Feminist Legal Theory*, 23 WIS. J. L. GENDER & SOC’Y 201, 205–06 & n.10 (2008).

⁵⁷ See *supra* note 9–11 and accompanying text.

⁵⁸ For example, a brief Lexis search reveals only one article that uses the term “multidimensional” between 1974–1980, forty-two articles using the term from 1974–1985 and over 100 articles or more using the term from 1985–1990.

⁵⁹ See, e.g., Dowd, *supra* note 56, at 209 (“Masculinities theory sees masculinity . . . as a social construction . . . it is a set of practices that one constantly engages in or performs.”).

⁶⁰ See, e.g., Margaret Chon, *Multidimensional Lawyering and Professional Responsibility*, 43 SYRACUSE L. REV. 1137, 1137, 1140 (1992); Robert J. Condlin, “Cases on Both Sides”: *Patterns of Argument in Legal Dispute-Negotiation*, 44 MD. L. REV. 65, 85–86 (1985) (suggesting that multidimensionality in argumentation makes a better argument. He notes: “For each issue of each legal claim, one may frame arguments from the perspectives of rule, policy, principle, analogy, consequences, and custom. The best arguments are made in all of these dimensions, where each dimension registers in its own right, but also builds upon the others and is independently significant for what it contributes to the sum of the argument’s parts.”); Francisco Valdes, *Beyond Sexual Orientation in Queer Legal Theory: Majoritarianism, Multidimensionality, and Responsibility in Social Justice Scholarship; or, Legal Scholars as Cultural Warriors*, 75 DENV. U. L. REV. 1409, 1414–15 (1998) [hereinafter Valdes, *Beyond Sexual Orientation*]; Elizabeth M. Iglesias & Francisco Valdes, *Expanding Directions, Exploding Parameters: Culture and Nation in LatCrit Coalitional Imagination*, 33 U. MICH. J.L. REFORM 203, 214–15 (2000).

from LatCrit's inception in 1995.⁶¹ However, the institutionalization of multidimensionality as a major theme in the LatCrit organization took some time, even though scholars such as Berta Hernández-Truyol had used the term to describe Latina/o identity as early as 1993.⁶² The shift from a periodically used term to a major theme of the organization provides a good example of the term's development and, in part, marks the theory's development.⁶³ During the late 1990s and early 2000s, the first few years of LatCrit's development,⁶⁴ two of its major themes and commitments were to anti-essentialism and anti-subordination.⁶⁵ A commitment to anti-essentialism demonstrated the group's recognition that there was no single Latina/o experience that could represent all Latinos, just as there was no individual woman's experience or group of women's experiences (such as those of white women) that could represent the experiences of the entire group called women.⁶⁶ Within the Latina/o collective, the anti-essentialism insight was crystal clear. The group called Latinas/os included people of various races, multiple nationalities, as well as different genders, sexualities, classes, and other traits. However, while an anti-essentialist commitment worked well as a principle, it did not adequately describe some

⁶¹ For example, multidimensionality is discussed in relationship to the concepts of multiplicity and intersectionality in the very first LatCrit conference. See, e.g., Francisco Valdes, *Foreword: Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Empowerment*, 2 HARV. LATINO L. REV. 1, 55 (1997) [hereinafter Valdes, *Foreword: Poised at the Cusp*] (noting that "[t]he symposium authors generally agree that these interrogations require LatCrit theorists to employ cross-disciplinary analysis as well as critical concepts like multiplicity, multi-dimensionality and intersectionality, which come from outsider legal scholars"). This was the first LatCrit Annual Conference. *Id.* at 2, 3 n.5.

⁶² Berta Esperanza Hernández Tuyol, *Building Bridges—Latinas and Latinos at the Crossroads: Realities, Rhetoric and Replacement*, 25 COLUM. HUM. RTS. L. REV. 369, 433 (1994) (while focusing on multidimensionality as an approach and a perspective, she also indirectly applies the term to identity, noting this approach "embraces the acceptance that we are black latinass/os, white latinass/os, mestizas/os, indias/os, and chinas/os; muslim, christian, santeras/os and jews; male and female; lesbian/gay and heterosexual; rich and poor; physically able and physically challenged; and so on. . . . Latinass/os, because of our many components, have lived multidimensionally"); Berta Esperanza Hernández-Truyol, *Borders (En)Gendered: Normativities, Latinas, and a LatCrit Paradigm*, 72 N.Y.U. L. REV. 882, 883–85 (1997); Berta Esperanza Hernández-Truyol, *Latina Multidimensionality and LatCrit Possibilities: Culture, Gender, and Sex*, 53 U. MIAMI L. REV. 811, 812–15 (1999).

⁶³ See, e.g., *Overview of LatCrit Publications*, LATCRIT, <http://latcrit.org/content/publications/> (last visited March 31, 2013) (outlining a number of LatCrit publications currently on the market).

⁶⁴ It grew out of and built on critical race theory, critical legal studies and feminist theory, among other theories. See Athena D. Mutua, *The Rise, Development and Future Directions of Critical Race Theory and Related Scholarship*, 84 DENV. U. L. REV. 329, 338, 340, 349–50 (2006). See also Valdes, *Foreword: Poised at the Cusp*, *supra* note 61, at 3 n.5.

⁶⁵ See, e.g., Elizabeth M. Iglesias & Francisco Valdes, *Religion, Gender, Sexuality, Race and Class in Coalitional Theory: A Critical and Self-Critical Analysis of LatCrit Social Justice Agendas*, 19 CHICANO-LATINO L. REV. 503, 506–07, 510–11 (1998) [hereinafter Iglesias & Valdes, *Coalitional Theory*] (discussing anti-essentialism and anti-subordination along with coalition building as major themes); Francisco Valdes, *Legal Reform and Social Justice: An Introduction to LatCrit Theory, Praxis and Community*, 14 GRIFFITH L. REV. 148, 157 (2005) (explaining the same).

⁶⁶ See Trina Grillo, *Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House*, 10 BERKELEY WOMEN'S L.J. 16, 19–22 (1995).

group members' relationship to their own identity.⁶⁷ Whether this sentiment contributed to the shift is unclear. But, by 2005 or so, multidimensionality as a description of the Latina/o collective identity had emerged, even though the group retained its commitment to anti-essentialist thinking.⁶⁸

The anti-subordination commitment embraced a stance against all forms and systems of subordination. LatCrit, again from its inception, recognized that there were multiple forms of subordination—multiple axes of inequality. Several theories had already made this insight clear, including anti-essentialism and intersectional theory, explained by Crenshaw in 1989.⁶⁹ Intersectionality, an outgrowth of black feminist thought, focused on social structures of subordination and was developed initially to explain, explicate, and make visible black women's experiences.⁷⁰ It suggested that black women were not simply sub-

⁶⁷ Margaret Montoya, in a conversation with me at one of the earlier LatCrit conferences, expressed this discomfort with the term anti-essentialism as it applied to her own identity. Conversation with Margaret Montoya, Emerita Professor of Law, University of New Mexico School of Law (discussion likely occurred at either Latcrit IV, 1999 or LatCrit V, 2000).

⁶⁸ Concerns about essentialist theorizing and activism are manifest in the initial LatCrit conferences as well as the symposia that surrounded LatCrit's foundation and beginnings. See Francisco Valdes, *Foreword: Latina/o Ethnicities, Critical Race Theory, and Post-Identity Politics in Postmodern Legal Culture: From Practices to Possibilities*, 9 LA RAZA L.J. 1, 3–4, 27–30 (1996); Valdes, *Foreword: Poised at the Cusp*, *supra* note 61, at 30, 55 (examining the LatCrit I conference, focusing on essentialism but mentioning “multi-dimensionality”); see also Iglesias & Valdes, *Coalitional Theory*, *supra* note 65, at 505, 508, 584 (examining and pulling out common themes of the LatCrit II conference and articulating the anti-essentialist and anti-subordination themes. However, the term “multidimensionality” appears in a list of frameworks promoting anti-essentialism. It notes: “These lessons begin with multiplicity, intersectionality and multidimensionality, which avert essentialist oversight and poise us to manage both intra- and inter-group diversities.”). At LatCrit III, multidimensionality begins to become more of a theme in reference to the work by “queer” scholars or LGBT scholars of color. But anti-essentialism remains the main focus of thinking about identity and analysis. See Francisco Valdes, *Afterword: Theorizing “OutCrit” Theories: Coalitional Method and Comparative Jurisprudential Experience—RaceCrits, QueerCrits and LatCrits*, 53 U. MIAMI L. REV. 1265, 1272 (1999). By 2000, at LatCrit V, multidimensionality emerged as a guidepost for analyzing both the generality and specificity of group experience and analysis. See Elizabeth M. Iglesias & Francisco Valdes, *Afterword to LatCrit V Symposium: LatCrit at Five: Institutionalizing a Postsubordination Future*, 78 DENV. U. L. REV. 1249, 1251, 1266–67 (2001) (explaining that “[t]he basic LatCrit approach to the Annual Conferences and other projects [have] embraced ‘multidimensionality’ as the standard of critical anti-subordination analysis and action. . . . [B]y ‘multidimensionality’ we mean the practice of interrogating sociolegal conditions with an eye toward the many overlapping constructs and dynamics that converge on particular persons, groups, settings, events or issues. Building on preceding theoretical breakthroughs like multiplicity, intersectionality and anti-essentialism, we previously have urged that, “[m]ultidimensionality denotes more a qualitative shift in analytical consciousness and discursive climate than a quantitative increase in the recognition of identities and their intersections”). By LatCrit X in 2005, the conference began to regularly employ multidimensionality analysis and list as a guidepost the “multidimensionality of Latina/o identity and its relationship to current legal, political and cultural regimes or practices.” LatCrit Board of Directors, “*Critical Approaches to the Economic In/Justice*”: Call for Papers and Panel Proposals, LATCRIT X: TENTH ANNUAL LATCRIT CONFERENCE (Oct. 2005), <http://biblioteca.uprrp.edu/latcritcd/annualconferences/acx/lcxaccallforpapers%282005%29.pdf>.

⁶⁹ See generally Crenshaw, *Demarginalizing the Intersection*, *supra* note 9, at 139–68.

⁷⁰ *Id.* at 139–40; see also Crenshaw, *Mapping the Margins*, *supra* note 9, at 1242–43. Crenshaw noticed, among other things, that given the way antidiscrimination legal doctrine

jected to a system or social structure of racial oppression, but were also subject to the social institution of sexism.⁷¹ Black women, presumably unlike black men or white women were subject not to one, but to two or more social regimes of subjugation.⁷² In suggesting this, intersectionality also made a second claim about identity.⁷³ It claimed that (initially some) identities were shaped, affected, and perhaps constructed by, as well as, sat at the very intersection of these multiple crisscrossing subordinating structures.⁷⁴ Frank Valdes, a leader in LatCrit who also wrote as, what Hutchinson calls, a race-sex scholar on LGBT issues, focused on the multiple structures that shaped identities and later noted the multidimensionality of subordination, beginning to postulate a multidimensionality theory.⁷⁵

Building on anti-essentialism and intersectionality, multidimensionality is a framework that guides analysis of patterns and interactions between complex hierarchal systems “and the social identity categories around which social power and disempowerment are distributed.”⁷⁶ The framework cannot be mechanically applied.⁷⁷ It requires observation and thick (detailed and relatively comprehensive) description of context, together with the acquired knowledge about and experience with these systems and identity categories, which are “inextricably and forever intertwined.”⁷⁸ The theory has several basic tenets

worked, using a single axis frame such as race or gender, black women’s voices were silenced and their experiences ignored. To the extent that black women did not have the same experiences as either white women or black men, courts could not address their injuries—injuries they uniquely faced as black women. Intersectionality thus made black women’s claims and experiences visible, responding to the invisibility suggested by the older phrase and insight that “all the women are white [and] all the blacks are men, but some of us are brave.” Crenshaw, *Demarginalizing the Intersection*, *supra* note 9, at 139–40 (citing ALL THE WOMEN ARE WHITE, ALL THE BLACKS ARE MEN, BUT SOME OF US ARE BRAVE: BLACK WOMEN’S STUDIES (Gloria T. Hull et al. eds., 1982)). LatCrit’s stand against all forms of subordination was a stand against these multiple intersecting forms of subordination and began discussion of multidimensionality as a theory. *See* Iglesias & Valdes, *Coalitional Theory*, *supra* note 65, at 509.

⁷¹ *See* Crenshaw, *Demarginalizing the Intersection*, *supra* note 9, at 140; Crenshaw, *Mapping the Margins*, *supra* note 9, at 1244.

⁷² Crenshaw, *Demarginalizing the Intersection*, *supra* note 9, at 149; Crenshaw, *Mapping the Margins*, *supra* note 9, at 1251–52. *See also* Mutua, *Theorizing PBM*, *supra* note 26, at 21–22.

⁷³ *See, e.g.*, Jennifer C. Nash, *Re-Thinking Intersectionality*, 89 FEMINIST REV. 1, 2–3 (2008) (noting “intersectionality’s theoretical dominance as a way of conceptualizing identity,” within feminist scholarship in particular).

⁷⁴ *See id.* at 2.

⁷⁵ Valdes, *Beyond Sexual Orientation*, *supra* note 60, at 1414–15. Valdes advances multidimensionality as a way to “balanc[e] human complexity and social heterogeneity in a scholarship of antisubordination solidarity.” *Id.* at 1451.

⁷⁶ Hutchinson, *Identity Crisis*, *supra* note 13, at 309 (quoting Hutchinson, *Sexualization*, *supra* note 13, at 9) (internal quotation marks omitted).

⁷⁷ Mutua, *The Multidimensional Turn*, *supra* note 1, at 86.

⁷⁸ Hutchinson, *Identity Crisis*, *supra* note 13, at 309 (quoting Hutchinson, *Out Yet Unseen*, *supra* note 13, at 641).

and insights,⁷⁹ but Frank Cooper and Ann McGinley have summarized the identity-based insights as (1) co-constituting and (2) context-dependent.⁸⁰

C. Intersectionality: Critique, Elaboration, and the Push Toward Multidimensionality

The various tenets of multidimensionality arose not only from anti-essentialism and intersectionality, but also from various critiques of intersectionality theory. Some of these critiques were arguably implicit in Crenshaw's initial articulation of the theory.⁸¹ But through the process of a multitude of scholars explaining, interpreting, and using intersectionality, the theory was broadened, turning many of the critiques into mere expansions and elaborations of the theory, a theory that Crenshaw herself initially saw as transitional.⁸² In other words, intersectionality proved both broad and flexible enough to absorb a number of critical elaborations, such that intersectionality, as Nash notes, has

⁷⁹ I have outlined the tenets of multidimensionality to include that it:

1. Recognizes that individuals have many dimensions, some of which are embodied human traits such as skin color, sex, ear-lobe length, and eye color; and others, which are expressed, such as being Methodist or Catholic, a cat owner or dog owner, etc.
2. Recognizes that groups also are multidimensional. They are internally diverse such that "African Americans" may be seen as a racial group but consists of people who occupy different classes, are gendered differently (men, women, and transgendered people), and are sexualized differently (heterosexuals, homosexuals, bisexuals). Society has selected one trait or expression around which the group is organized, and the group is essentialized based on that one trait or expression [when i]n fact, groups are multidimensional, not monolithic.
3. Focuses on materially relevant systems that structure and rank groups in a hierarchy based on traits or expressions. These traits have been made materially relevant historically through the allocation and denial of resources (both expressive and material) and other patterned practices. Based on these practices, meanings are constructed about those who bear those traits or expressions. . . .
4. Acknowledges that these hierarchal systems form a matrix of privilege and oppression that interact, intersect, and are mutually reinforcing [and synergistic] such that for example, in the United States, racism is patriarchal and patriarchy is racist, or as bell hooks suggests, the American society is a white supremacist capitalist patriarchy. At the same time, these categories are unstable and shift in different contexts, such that in the context of anonymous public space, [for example], black men appear much more subject to racial profiling than black women have been, even though black men could be seen as inhabiting a privileged gender category (i.e., men) and a subordinated racial category (i.e., black) as opposed to black women who occupy two subordinated categories.
5. [Exclaims] that context matters[!] This idea has long been a central tenet of critical race theory but is also centrally important to multidimensional theory. For instance, while the concept of "white supremacy" is infinitely clarifying about the nature of racism in the United States or South Africa, it perhaps tells us little about the nature of racism in the context of China.

In addition, context is not only important as an insight but is important methodologically because it directs attention to the specific hierarchy that is foregrounded in a given situation as well as the particular aspects of the system that may be in play.

Mutua, *The Multidimensionality Turn*, *supra* note 1, at 84–85 (internal citations omitted).

⁸⁰ McGinley & Cooper, *Introduction*, *supra* note 15, at 6.

⁸¹ See *infra* notes 85–100 and accompanying text.

⁸² See Kimberlé Williams Crenshaw, *Beyond Racism and Misogyny: Black Feminism and 2 Live Crew*, in *WORDS THAT WOUND: CRITICAL RACE THEORY, ASSAULTIVE SPEECH, AND THE FIRST AMENDMENT* 111, 114 (Mari J. Matsuda et al. eds., 1993) (describing intersectionality as a "transitional concept").

become one of “the most important theoretical contribution[s]” that critical race theorists and feminists have made in the last couple of decades.⁸³ And, it has become (and remains) the “primary analytic tool . . . deploy[ed] for theorizing identity and oppression.”⁸⁴ Nevertheless, a number of the perceived limitations of intersectional theory, particularly as applied to LGBT people of color and to men, propelled the further development of multidimensionality theory.

One of the first significant critiques or expansions of the intersectional idea was the notion that structures of race and gender did not simply intersect but mutually and synergistically shape, reinforce, and constitute one another. While several people made this observation,⁸⁵ Peter Kwan emphatically made this critique in 1997.⁸⁶ However, this idea could be seen as implicit in Crenshaw’s discussion of black women.⁸⁷ These experiences were not simply the result of adding race and gender, but constituted unique experiences,⁸⁸ arguably the product of the co-constituting, mutually reinforcing, and shaping of race and gender that Kwan describes as a part of his notion of co-synthesis.⁸⁹ Not only might this critique be seen as implicit in the initial articulations of intersectional theory, but other scholars using the theory merely interpreted intersectionality as including this insight, an insight previously made, intuited, or simply incorporated into it. In doing so, they made explicit an implicit idea or simply elaborated on the theory itself.⁹⁰

Several other critiques of intersectionality surfaced. But the same process seems to have prevailed. Nevertheless, LGBT scholars of color later seized upon two of these critiques: (1) everyone inhabits an intersectional identity or is raced, gendered, and classed, etc., and (2) some identities, such as white women, sit at the intersection of a privileged category and a subordinated category. Again, many of these observations had been made earlier in the exposition of intersectionality (or essentialism) theory. For instance, Angela Harris, in her seminal piece on women and essentialism, suggested this idea as early as 1990,⁹¹ as had people such as Elvia Arriola in 1994,⁹² Stephanie Wildman in

⁸³ Nash, *supra* note 73, at 2 (quoting Leslie McCall, *The Complexity of Intersectionality*, 30 SIGNS: J. WOMEN CULTURE & SOC’Y 1771, 1771 (2005)).

⁸⁴ *Id.* at 1.

⁸⁵ Including Crenshaw herself. See Crenshaw, *Mapping the Margins*, *supra* note 9, at 1244. See also Paulette M. Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 1991 DUKE L.J. 365, 371–72; Nancy Levit, *Feminism for Men: Legal Ideology and the Construction of Maleness*, 43 UCLA L. REV. 1037, 1090 (1996); Mari J. Matsuda, *Beside My Sister, Facing the Enemy: Legal Theory out of Coalition*, 43 STAN. L. REV. 1183, 1189 (1991).

⁸⁶ Peter Kwan, *Jeffrey Dahmer and the Cosynthesis of Categories*, 48 HASTINGS L.J. 1257, 1280–81 (1997).

⁸⁷ Others have made a similar observation. See, e.g., Devon W. Carbado & Mitu Gulati, *The Fifth Black Woman*, 11 J. CONTEMP. LEGAL ISSUES 701, 710–13 (2001).

⁸⁸ See Crenshaw, *Mapping the Margins*, *supra* note 9, at 1265–66 (discussing how race and gender interact in the discourse of rape to uniquely marginalize women of color).

⁸⁹ Kwan, *supra* note 86, at 1280–81.

⁹⁰ See *infra* notes 97–112.

⁹¹ See Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 615 (1990).

⁹² Elvia R. Arriola, *Gendered Inequality: Lesbians, Gays, and Feminist Legal Theory*, 9 BERKELEY WOMEN’S L.J. 103, 108 (1994).

1995,⁹³ and Trina Grillo in 1995.⁹⁴ Wildman had already noted the idea that white women sit at the intersection of the privileged and subordinated categories of race and gender, an idea implicit in the anti-essentialist critique of the category called “women” and made apparent by the language and framework of intersectionality.⁹⁵

Of the LGBT scholars of color writing in this area, Darren Hutchinson had the most comprehensive analysis of the implications of these critiques, advocating for the move from intersectionality to multidimensionality theory, particularly as applied to LGBT identity and activism.⁹⁶ In a series of three articles, focusing first on the diversity of LGBT people,⁹⁷ second, on the sexualization of racial oppression and the essentialism of antiracist movements,⁹⁸ and third, on the essentialism of the LGBT politics and movement,⁹⁹ he explained these critiques as limitations of intersectionality theory and proposed broadening the theory through developing multidimensionality.¹⁰⁰

Hutchinson acknowledged the strengths of intersectionality¹⁰¹ but emphasized the idea that everyone has an intersectional identity, characterizing intersectional or multidimensional identity as “universal.”¹⁰² He then argued that

⁹³ Stephanie M. Wildman & Adrienne D. Davis, *Language and Silence: Making Systems of Privilege Visible*, in *CRITICAL RACE THEORY: THE CUTTING EDGE* 573, 578 (Richard Delgado ed., 1995).

⁹⁴ See Grillo, *supra* note 66, at 18.

⁹⁵ Wildman, *supra* note 93, at 574.

⁹⁶ Hutchinson notes: “I . . . prefer multidimensionality because it more effectively captures the inherent complexity and irreversibly multilayered nature of everyone’s identities and of oppression. While the term intersectionality suggests a separability of identities and oppressions, the scholarship in this area has forcefully taught us otherwise.” Hutchinson, *Out Yet Unseen*, *supra* note 13, at 641 (emphasis omitted).

⁹⁷ *Id.* (discussing how “[g]ay,” . . . has racial, gender, and class dimensions [and] may describe a poor, Latino male, a black, lesbian feminist, or a white, middle-class male—depending on the context of its usage.”).

⁹⁸ See Hutchinson, *Sexualization*, *supra* note 13, at 8–9 (examining the heteronormativity of antiracist scholarship and activism. It does so in part by detailing the sexualization of racial oppression arguing that both racism and sexuality are multidimensional and that violent oppression of gay and lesbians is also racial; that individuals that are raced as subordinates and gay men appear to suffer higher incidences of gay bashing; that gay bashing results also from race. He also critiques the typical responses of antiracist groups, who he suggests are hyper-vigilant of the sexualized racial oppression of black men in lynching but ignore the sexualized racial oppression of gay men and women).

⁹⁹ Hutchinson, *Identity Crisis*, *supra* note 13, at 290 (discussing “the pitfalls that occur when scholars and activists engage in essentialist politics and treat identities and forms of subordination as conflicting forces . . . [and] how essentialism negatively affects legal theory in the equality context”).

¹⁰⁰ See *id.* at 312.

¹⁰¹ Hutchinson notes, for instance, that intersectional theory “provide[d] a formidable challenge to the notion that scholars can adequately examine or provide solutions to one form of subordination without analyzing how it is affected and shaped by other systems of domination” and notes that “the failure to examine the problem of intersecting subordination produces an equality theory that centers around the lives of relatively privileged individuals.” *Id.* at 308.

¹⁰² *Id.* at 311–12 (stating “[t]he race-sexuality theorists have also offered several conceptual reformulations of intersectionality. These scholars, for example, have examined the ‘intersections’ of privilege and subordination, while intersectionality usually focuses primarily upon the reality of intersecting subordination. Accordingly, my scholarship treats complex

identities and groups that sit at the intersection of a privileged category and a subordinated one—the partially privileged—had been under-analyzed by intersectional theorists and required a more complex analysis.¹⁰³ Ultimately, Hutchinson sought to substantively broaden what he called post-intersectionality theory by including the examination of heteronormativity, heterosexism, and homophobia as an axis of subordination, and he persuasively demonstrated the benefits of such an examination.¹⁰⁴ He suggested that multidimensionality was a better tool for examining partially privileged identities and their experiences and that such analyses captured a number of additional insights, including:

1. [M]ultidimensional analysis . . . problematizes the notion of intersecting subordination, the primary focus of intersectionality scholarship. [For instance, h]eterosexist domination privilege[d] heterosexual women of color (the quintessential subjects of intersectionality) and disadvantage[d] lesbians of color.¹⁰⁵
2. Multidimensionality . . . complicates the very notions of privilege and subordination. For instance . . . , [l]ynching . . . was frequently “justified” through a racist, sexualized rhetoric that constructed black males as heterosexual threats to white women. Thus, heterosexual status, typically a privileged category, has served as a source of racial subjugation.¹⁰⁶
3. Multidimensionality exposed that the identities of stereotypical standard bearers of essentialist movements are also multidimensional and that the failure to acknowledge this often results in reinstating the biases attendant to the unstated but usually privileged dimensions of these identities. For example, the stereotypical standard bearer for the gay movement is not just gay but a white wealthy gay man. This image has fueled sentiments that LGBT people, unlike people of color and ignoring LGBT people of color, do not need civil rights, while the interests of wealthy white gay men inform the gay movement’s policy decisions often to the detriment of LGBT people of color.¹⁰⁷

These understandings became more apparent in Hutchinson’s analysis of the experiences of partially privileged people than they had been in the examinations of those groups structured by two subordinating systems. These insights, thus in part, informed what Hutchinson called and developed as multidimensional theory.¹⁰⁸

However, as noted earlier, each of the underlying ideas for these insights was arguably implicit in the initial articulation of intersectionality theory and/or could have been easily incorporated into it. In addition, though Hutchinson sought to expand “post-intersectional” theories to include examinations of

subordination as a ‘universal phenomenon,’ rather than a problem limited to classes of persons currently excluded from equality discourse.”).

¹⁰³ *Id.* at 312–13.

¹⁰⁴ *Id.* at 309, 311.

¹⁰⁵ *Id.* at 312–13 (demonstrating that even those at the intersection of two subordinating regimes enjoyed some privilege).

¹⁰⁶ *Id.* at 312; see also Hutchinson, “Gay Rights” for “Gay Whites”?, *supra* note 29, at 1368.

¹⁰⁷ Hutchinson, *Identity Crisis*, *supra* note 13, at 314. See also Crenshaw, *Mapping the Margins*, *supra* note 9, at 1252 (noting “[t]he failure of feminism to interrogate race means that the resistance strategies of feminism will often replicate and reinforce the subordination of people of color, and the failure of antiracism to interrogate patriarchy means that antiracism will frequently reproduce the subordination of women.”).

¹⁰⁸ Hutchinson, *Identity Crisis*, *supra* note 13, at 309–10.

heterosexism, critical race theory in the early 1990s had endured debates about whether “gay men and lesbians [were] ‘oppressed people,’ and if so, whether their liberation had anything to do with the fight against racial oppression.”¹⁰⁹ Most of the founders and initial Conference organizers, including Crenshaw, believed that anti-racist struggle involved a struggle against all forms of oppression including sexual orientation oppression.¹¹⁰ Thus it is unlikely that Crenshaw would not have seen the experiences of LGBT people, particularly LGBT people of color, as not having an intersectional identity.¹¹¹

The perceived limitations of intersectionality theory propelled Hutchinson’s development of multidimensional theory. Scholars engaging in masculinities scholarship would make similar findings for similar and different reasons.¹¹² But there was more to the development of multidimensionality than the perceived limitations of intersectionality theory itself.

III. A FAILURE TO MODEL COMPLEXITY?

While scholars could have employed intersectionality instead of multidimensionality to elicit many of the ideas discussed thus far, this was not the case, in part, as Hutchinson notes, because few intersectionality scholars had examined partially privileged identities and experiences from an intersectional perspective.¹¹³ That is to say, there were no models on which others, particularly LGBT scholars, could base their efforts. Even so, they perceived intersectionality as inadequate for analyzing what they perceived to be the more complex experiences of partially privileged groups, such as gay men of color.¹¹⁴

¹⁰⁹ Stephanie L. Phillips, *The Convergence of the Critical Race Theory Workshop with Lat-Crit Theory: A History*, 53 U. MIAMI L. REV. 1247, 1250 (1999).

¹¹⁰ *Id.* at 1248–49 (noting “The person principally responsible for the idea of the Workshop, and the person who coined the label ‘Critical Race Theory,’ is Kimberlé Crenshaw. Almost all of us who, constituted the Organizing Committees for the first two workshops had a leftist political orientation. Our agreed-upon description of the Workshop, and of the scholarship we hoped it would spawn, was that Critical Race Theory would apply the tools of critical theory to the task of dismantling racial hierarchy in the United States. In addition, the organizers adhered to a stance against all forms of oppression, including oppression on the basis of race, class, gender, and sexual orientation. Despite our controversial ‘invitation only’ policy, it had become glaringly obvious by the end of the Second Workshop that not everyone in attendance shared the organizers’ political orientation.”).

¹¹¹ In fact, Crenshaw’s comments in the preface to Devon Carbado’s book suggests that she was very much interested in seeing men integrate gender and sexuality discussions into their analysis of race and commented that the male hetero subject still remains the standpoint from which most of the essays in the book come. See Kimberlé Williams Crenshaw, *Foreword: Why We Can’t Wait: Integrating Gender and Sexuality into Antiracist Politics*, in *BLACK MEN ON RACE, GENDER, AND SEXUALITY: A CRITICAL READER* xi, xii–xiii (Devon W. Carbado ed., 1999).

¹¹² See, e.g., McGinley & Cooper, *Introduction*, *supra* note 15, at 7 (suggesting that they switched metaphors from intersectional to multidimensional because they believed that multidimensionality invoked and allowed one to think of multiple identities and context, whereas intersectionality invoked a two-dimensional reading or image).

¹¹³ See Hutchinson, *Identity Crisis*, *supra* note 13, at 311–12.

¹¹⁴ *Id.* at 312–13.

Masculinities scholars faced similar but specifically different challenges in applying intersectionality to men's lives. The complexity of examining masculine identities involved the intersection of a potentially privileging identity—men—in the gender regime with seemingly external potentially subordinating hierarches of race, class, and other hierarchies, rendering black men's identities, for example, partially privileged and thus difficult to analyze. But in addition, analysts had to contend with the internal hierarchies and rankings of men that masculinities theory also identified as structuring men's lives.¹¹⁵ Thus, the complexity of masculine identities involved both an internal and external set of hierarchies that structured the ranking of men.

Again, feminists' intersectional analyses did not provide a model for using intersectionality as a tool for exploring partially privileged identities but in addition did not provide a model for exploring the complexity of a structure that involved both internal and external hierarchies. This was so despite the fact that women's lives are equally complex and involve internal and external rankings. However, the predominant way in which feminists analyzed and understood women's lives and oppression, as well as the way they used intersectional tools to conduct these analyses, underplayed this complexity (or potentially segregated the analyses).¹¹⁶

The multidimensional framework, in contrast, appeared to allow scholars to map the internal and external structures that shaped men's experiences. Multidimensionality thus complemented and informed masculinities theory, and vice versa. Further, the migration of masculinities theory into the legal academy just as multidimensionality was emerging was fortuitous. But the pairing of the two theories initially made more intuitive sense for legal scholars who were aware of both. All of these reasons, again, likely propelled the further development of the multidimensionality framework.¹¹⁷

Finally, intersectionality scholars likely did not examine the partially privileged lives of black men and white women, in part, because they had their hands full in examining the excluded voices of those who sat at the intersection of two subordinating structures. After all, the voices of both white women and black men were being heard and their lives were being examined. They were simply heard and examined as the most privileged segments of the groups called women and blacks, respectively. In addition, intersectionality scholars might not have explored these partially privileged groups from an intersectional perspective because the literature examining the privileged and often normative positionalities such as whiteness, maleness, and wealth, had not yet been fully developed and were only recently emerging in the legal academy.

¹¹⁵ See Athena D. Mutua, *The Multidimensional Turn* (2012) (unpublished working draft) (on file with author), which uses the frame of "internal and external ranking" to refer to the multiple hierarchical structures that rank men; rankings that masculinities theory identified, drawing on and developing a multidimensional lens to do so. This is one of the ways that the two theories shaped one another.

¹¹⁶ See *infra* text accompanying notes 122–30.

¹¹⁷ See *infra* page 363.

A. The Complexity of Identity

Masculinities scholarship posited that men are not monolithic but rather are diverse. It further posited that men and masculinities are ranked in a hierarchy.¹¹⁸ This ranking, however, has at least two forms. First, they are ranked internally behaviorally; that is, they are ranked by how they present and act or by how they appear and behave. Men are admonished that they should not act, present, or be like women, effeminate, or gay (often translated as effeminate even though not all gay men are effeminate). They instead should present, act, or be physically and emotionally strong, heterosexual, and in control—or manly. Men who appear, act, or in fact are not physically and emotionally strong, heterosexual, and/or in control often are seen as *not* men, or as *lesser* men. These traits, in this historical moment, are a basis for ranking men, a ranking that is monitored and assessed, most importantly, by other men, as well as women.¹¹⁹

Second, men are ranked by the intersecting hierarchal systems of race, class, nationality, sexuality, age, among others. That is, intersectionality theory has been used to analyze social systems and hierarchies external to but intersecting with the gender regime. (Sexuality is a complication to which I will return later.) Stated differently, in the gender system, male identity is privileged; however, that privilege may be compromised by behavior or by some other intersecting categories such as race, class, or disability. The theories intimate that, in the case of a man of color, such as a Latino man, his identity sits at the intersection of a privileged category and a subordinated category, the meaning of which turns on context and whether his assumed gender privilege actually may be an additional source of oppression (e.g., in anonymous public space). Furthermore, his appearance, behavior, and manners (e.g., is he a professional-looking man, does he act like an athlete) contribute to his rankings among men.¹²⁰

In contrast, women, or the category called women, have been seen simply as subordinate. Women are subordinate to men in the gender regime. Intersectionality feminists have largely understood the ranking of women as resulting singularly from the intersection of gender as a subordinate category, with the external social structures of race, class, among other social structures. In other words, while women's lives were difficult because they were oppressed, it appeared that their identities were not complex unless complicated by the intersection of another subordinating structure. From this perspective, masculine identities seemed more complex than women's identities because the ranking of men occurred along at least two axes: an internal axis centering around performances, appearances, and behavior, and an external one centering around the multitude of intersecting systems, such as race and class. In the examination of the lives of men of color, the analysis seemed particularly complex because, not only did they sit at the intersection of privileged and subordinate categories—a presumed partially-privileged intersection, a complication in and of

¹¹⁸ See *supra* notes 52–54 (listing some of the prominent masculinities scholars).

¹¹⁹ See *supra* notes 49–57 and accompanying text (discussing the basic tenets of masculinities scholarship as well as citing some of the prominent scholars in the field).

¹²⁰ See *supra* notes 53–54 and accompanying text.

itself—but they were also subject to the internal, second order, ranking of men.¹²¹

Women's identities, however, are as complex as men's identities. Women, too, are counseled to behave in certain ways: to act like a lady, to be feminine. They are also ranked by how close they come to performing, acting, or being like some notion of what a lady is. These notions, as with masculine identities, shift and change over time but exist nonetheless. Consider, for example, common standards of beauty or the cult of womanhood that originated in the United States in the 1800s but resurfaced in numerous forms throughout the Twentieth Century in the United States.¹²² The cult of domesticity counseled women against working, encouraging them to stay at home. By definition, the cult made it difficult for black women or working class women to live up to "true womanhood" in part because these women and their families often could not afford the non-employment of adult family members (gender at the intersections of race and/or class). But it also likely ranked otherwise privileged white women, such as unmarried women or married women without children, lower than elite white married women with children—those in the best position to live up to its ideals. Feminists have studied and uncovered these pressures—these rankings based on looks, performance, and ways of being. These diversities and rankings, however, generally have been underplayed in the context of intersectionality analysis unless they involved the intersection of a structure seemingly external to the gender regime, such as race or class—black women or poor women.

Women's internal rankings may have been underplayed for two reasons. One reason may be that the political goals of securing equal and equitable treatment for women required that they be presented simply as subordinate, except to the extent their experiences were also shaped by an external intersecting system of subordination (a recognition upon which women of color insisted through the critique of essentialism and in which case women of color appeared doubly oppressed,¹²³ or in any event oppressed differently). Another reason may be that the behavioral admonishments that result in internal rankings are simply not as strong for women as they used to be, nor as strong as they are for men. In other words, women today, though constrained, may have more flexibility than men to perform, act, and be who they choose to be.¹²⁴ But women's lives are equally complex, though often not analyzed in this way in the context of intersectionality theory.

With regard to sexuality, heterosexuality is solidly embedded in the gender regime, which sees women's and men's roles as complementary, both socially and sexually. Thus, sexuality also complicates this picture, bringing an

¹²¹ See *infra* notes 122–23 and accompanying text.

¹²² Catherine Lavender, *The Cult of Domesticity and True Womanhood*, HISTORY/WOMEN'S STUDIES COURSE HOMEPAGE: THE COLLEGE OF STATEN ISLAND OF CUNY, <http://www.library.csi.cuny.edu/dept/history/lavender/386/truwoman.html> (last visited March 31, 2013); see also Barbara Welter, *The Cult of True Womanhood: 1820–1860*, 18 AM. Q. 151, 152 (1966).

¹²³ See Phillips, *Beyond Competitive Victimhood*, *supra* note 42, at 220–22 (debunking, as others had, the "doubly oppressed" interpretation and noting simply that others were oppressed differently).

¹²⁴ See Mutua, *Theorizing PBM*, *supra* note 26, at 15.

internal/external structural dynamic to the gender regime, whereby it functions as an internal compulsion and an external system around sexual orientation, gender presentation, and the like. Cooper and McGinley, from a multidimensional perspective, explain this internal/external dynamic this way:

[I]dentities are co-constituted [and as such] race, gender, class, sexual orientation, and other discrete identities . . . actually [imbricate] 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.¹²⁵

For another example, “historically to be black was also to be (seen as) sexually deviant¹²⁶ or to be Asian was to be (seen as) gendered feminine.”¹²⁷ Still, masculinities scholars have suggested that “heterosexism is more fundamental to the dynamics of sexism [and the gender regime] than is, for example, racism or classism.”¹²⁸ Compelled heterosexuality may be even more complicating for men, in the context of masculinities, than for women because women are not categorically admonished to be “not like men.” In fact, in certain realms, women are required to act (somewhat) like men.

In any event, because women were seen as simply subordinate, despite other complexities, and intersectionality has primarily been used as a tool to examine the external systems of subordination that intersect with the gender regime, feminists’ use of intersectionality did not provide an adequate model for applying the theory to men’s lives. This seemed true particularly for the lives of men of color, as they were subject not only to the intersectional external subordinating structures of race with the privileged gender category of men, but were also subject to the internal ranking of masculinities based on performance.

Masculinities scholars were thus pushed to develop a model that they thought would more fully capture the complexities of men’s lives. And multidimensionality, which was just beginning to develop, seemed to serve this purpose. Stated differently, the perception that the analysis of men’s lives was more complex than analysis of women’s lives limited the initial intuitive power of intersectionality when applied to men, particularly men of color. That masculinities theory migrated into the legal academy at roughly the same time that multidimensionality was emerging was simply fortuitous. But, in the process, masculinities theory, with its scheme of internal and external rankings of men, informed the development of multidimensionality theory and multidimensionality, providing a framework for the interaction of these internal/external ranking hierarchies informed masculinities theory.

¹²⁵ McGinley & Cooper, *Introduction*, *supra* note 15, at 6–7.

¹²⁶ Mutua, *The Multidimensional Turn*, *supra* note 1, at 83 (citing PATRICIA HILL COLLINS, *BLACK SEXUAL POLITICS: AFRICAN AMERICANS, GENDER, AND THE NEW RACISM* (2004)).

¹²⁷ *Id.* (citing Sylvia Yanagisako, *Transforming Orientalism: Gender, Nationality, and Class in Asian American Studies*, in *NATURALIZING POWER: ESSAYS IN FEMINIST CULTURAL ANALYSIS* (Sylvia Yanagisako & Carol Delaney eds., 1995)).

¹²⁸ Harry Brod & Michael Kaufman, *Introduction to THEORIZING MASCULINITIES*, *supra* note 53, at 1, 5.

1. *Methodology: Exploring Privilege*

Periodically, analysts have critiqued intersectionality theorists for not implying or explicitly mapping a methodology. For instance, Robert Chang and Jerome Culp suggested that intersectionality might not be the correct metaphor for the complexity of identity or the intersecting structures that shape them.¹²⁹ Further, Nash specifically questioned whether intersectionality has a methodology.¹³⁰ I believe it does. And I believe that one of the many reasons intersectionality scholars did not fully engage in examinations of groups that lived partially privileged identities and experiences was because, though the awareness of these groups and experiences existed, the literature that explored privileged positions such as whiteness, elite status, and men did not. Masculinities theory, at least with regard to the study of men's lives, may be filling some of the perceived gaps in intersectional/multidimensional methodology.

Several scholars, such as Hutchinson, Valdes, and even Devon Carbado, have informed and developed fairly sophisticated intersectional and multidimensional methodologies.¹³¹ Nevertheless, at a minimum, an intersectional analysis requires thick description or detailed description of the context and situation. Though both theories provide ideas and concepts about patterns that exist in the social world—such as the idea that groups and individuals are multidimensional, and that there are strong cultural and institutional structures and regimes that shape people's relations—neither provides a definitive answer about what is going on in a particular situation or place. For instance, whether race, class, or some other social or cultural structure is implicated in or governs a particular interaction, stereotype, or norm is dependent on context.¹³²

Instead, these theories provide guidance or aid in framing what may be occurring in a given situation; that is, they help point to which of the many cultural assumptions, practices, and structures are at work in the thick description of a given situation involving operations, situations, data, and/or events. In the context of multidimensionality, it employs intersectionality to analyze a given intersectional point in the context of multidimensional identities and structures. However, the analyst needs information about the structure and needs to know not only that the structure exists, but how it operates.

¹²⁹ Robert S. Chang & Jerome McCristal Culp, Jr., *After Intersectionality*, 71 UMKC L. REV. 485, 489 (2002).

¹³⁰ Nash, *supra* note 73, at 4–5.

¹³¹ See, e.g., Hutchinson, *Identity Crisis*, *supra* note 13, at 312–13; Carbado & Gulati, *supra* note 87, at 703; Iglesias & Valdes, *Coalitional Theory*, *supra* note 65, at 584; Valdes, *Beyond Sexual Orientation*, *supra* note 60, at 1449.

¹³² So, for instance, when a white American shakes his finger in the face of and purports to scold an American President and the leader of the free world, who happens to be black, given that they share some of the same values—most Americans show some deference to the President even when they think he is wrong and share a history and knowledge of race in America—an argument can be made that there is something else going on other than the fact that he might be simply angry. An argument can be made that he feels entitled, not just to criticize a black man, even if he is the President, but in fact to scold him. We can argue that racial privilege and entitlement and/or animus may be at play. But we have to know something about the people, the reason for the anger, the environment in which they find themselves, etc. We have to know the context through thick description.

In the case of privileged categories or positionalities in the hierarchical social structures of race, class, and gender, this information, though often known experientially and captured in thick description, has not been readily available for examination from an intersectional perspective. So, for instance, race has historically referred to blacks and other people of color. It is only in the last two decades that analysts have specifically noted that whites also have a race and have begun to explore how their race operates and privileges them.¹³³ This is so despite the fact that people of color experientially have always known that white people stand at the top of the racial hierarchy and have known (and historically had to know and acknowledge for purposes of survival) white people to be white and thus privileged, even when whites themselves (particularly in the current moment and as the unspoken norm) have not always recognized this.¹³⁴ Similarly, with class, the situation remains murky. Much literature and knowledge exists about poor people, working-class people, and even some about middle-class people.¹³⁵ However, there is little analytical work that attempts to examine the elite as elites and the ways in which the class structure of which they are a part operates to maintain them as elites.¹³⁶

The same is true of men and masculinities. Though masculinities scholarship has been around since the 1970s, the examination of men and men's lives as part of and in the context of the gender regime has also received limited attention. Though feminist literature has discussed patriarchy and examined how it works, the men behind it, in it, and subject to it—as well as the ways they all reap benefits from it, are complicit in it, sometimes resist it, and are hurt by it—is only now being examined, particularly in the legal academy.

Without this literature, intersectional analysis is difficult to do. It is difficult when the information needed to inform one arm of the intersection—for example, in the intersection of race and gender (in reference to men)—is miss-

¹³³ For some of the work of those engaged in what is often called “whiteness studies,” see GEORGE LIPSITZ, *THE POSSESSIVE INVESTMENT IN WHITENESS: HOW WHITE PEOPLE PROFIT FROM IDENTITY POLITICS I* (2006); DAVID R. ROEDIGER, *WORKING TOWARD WHITENESS: HOW AMERICA'S IMMIGRANTS BECAME WHITE, THE STRANGE JOURNEY FROM ELLIS ISLAND TO THE SUBURBS* 174 (2005); DAVID R. ROEDIGER, *THE WAGES OF WHITENESS: RACE AND THE MAKING OF THE AMERICAN WORKING CLASS* 20 (1991); see also MAURICE BERGER, *WHITE LIES: RACE AND THE MYTHS OF WHITENESS* 12 (1999); NOEL IGNATIEV, *HOW THE IRISH BECAME WHITE* 2 (2009); Cheryl I. Harris, *Whiteness as Property*, 106 *HARV. L. REV.* 1707, 1758 (1993); see also John Garvey & Noel Ignatiev, *Editorial: Abolish the White Race*, in *RACE TRAITOR* 9, 10 (John Garvey & Noel Ignatiev eds., 1996); Mike Hill, *Introduction: Vipers in Shangri-la: Whiteness, Writing, and Other Ordinary Terrors*, in *Whiteness: A Critical Reader* 1, 2 (Mike Hill ed., 1997).

¹³⁴ Several authors have examined the phenomenon whereby whites, constructed as the norm, fail to see their own race. See, e.g., HARLON L. DALTON, *RACIAL HEALING: CONFRONTING THE FEAR BETWEEN BLACKS AND WHITES* 109 (1995); Barbara J. Flagg, “*Was Blind, But Now I See*”: *White Race Consciousness and the Requirement of Discriminatory Intent*, 91 *MICH. L. REV.* 953, 957 (1993); see also Peggy McIntosh, *White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences Through Work in Women's Studies*, in *POWER, PRIVILEGE AND LAW: A CIVIL RIGHTS READER*, *supra* note 19, at 22, 23.

¹³⁵ I have made this point elsewhere. See Athena D. Mutua, *Introducing ClassCrits: From Class Blindness to a Critical Legal Analysis of Economic Inequality*, 56 *BUFF. L. REV.* 859, 882–84 (2008).

¹³⁶ See *id.* at 888.

ing, muddled, or mystified. However, the information is now being culled and multidimensionality scholars, in the case of masculinities, are analyzing and re-analyzing the everyday practices and experiences of men.

2. “Multidimensional Masculinities”

In Frank Cooper and Ann McGinley’s edited collection entitled *Masculinities and the Law: A Multidimensional Approach*, the authors introduce the reader to an emerging theory they call “multidimensional masculinities theory.”¹³⁷ The authors consider multidimensional masculinities a new critical theory of law, the purpose of which is to expand legal theory through an examination of the under-analyzed category of men and masculinities.¹³⁸ Its objective is “to investigate how concepts of masculinity interact with other categories of identity in varied legal contexts.”¹³⁹

This collection, among other works,¹⁴⁰ claims that a new critical legal theory on multidimensional masculinities is emerging.¹⁴¹ Thus, the existence of a cadre of legal scholars who in fact are pairing masculinities theory with multidimensionality theory and to whom this pairing appeals may be the primary reason why multidimensionality may become to masculinities what intersectionality is to feminism.

CONCLUSION

Intersectionality is a powerful metaphor and tool for analyzing identity. Legal scholars engaging masculinities scholarship likely could use it as a tool for analyzing masculine identities and men’s lives. This is so because intersectionality theory is broad and flexible enough to accommodate and absorb any number of critiques. As this Article argued, it absorbed the ideas that intersectional identity and experience is universal, and that there are multiple hierarchical social structures and regimes that intersect, interrelate, and are synergistic, mutually reinforcing and co-constituting of identity and experience. It also could have likely absorbed the insights generated by analysts’ engagement with identities that sit at the intersection of privilege and subordinate hierarchies; insights that problematized concepts of privilege and subordination; insights that observed that all identities likely include some form of privilege and as

¹³⁷ See McGinley & Cooper, *Introduction*, *supra* note 15, at 1.

¹³⁸ *Id.*

¹³⁹ *Id.* at 2.

¹⁴⁰ See, e.g., Johnson Cheu & Carolyn Tyjewski, *The Male Rapunzel in Film: The Intersections of Disability, Gender, Race, and Sexuality*, in *PERFORMING AMERICAN MASCULINITIES: THE 21ST-CENTURY MAN IN POPULAR CULTURE* 153, 153 (Elwood Watson & Marc E. Shaw eds., 2011) (discussing multidimensional masculinities in part two of the book, looking specifically at the intersections of male gender with race, class, disability in the context of popular culture in the new millennium); Jimmie Manning, *Masculinities in Dating Relationships: Reality and Representation at the Intersection of Race, Class, and Sexual Orientation*, in *PERFORMING AMERICAN MASCULINITIES: THE 21ST-CENTURY MAN IN POPULAR CULTURE*, *supra* at 167, 167. See also Helena Gurfinkel, *Feeling Like A New Man: Trollope’s Multi-Dimensional Masculinities*, *NINETEENTH-CENTURY GENDER STUDIES* (Winter 2009), <http://www.ncgsjournal.com/issue53/gurfinkel.htm> (reviewing Margaret Markwick’s book *NEW MEN IN TROLLOPE’S NOVELS: REWRITING THE VICTORIAN MALE* (2007)).

¹⁴¹ See McGinley & Cooper, *Introduction*, *supra* note 15, at 1–2.

such are partially privileged identities—rendering this reality also universal; and that single-category identities include both internal and external hierarchies along with identities that often imbricate within one another.

Masculinities scholars could have interpreted intersectionality to include these insights but did not. This consequence, this Article argues, arose in part because of limited interpretations of intersectionality and the initial perceptions that it was an inadequate tool for explaining the complexity of the lives and experiences of the most obviously partially privileged identities, such as gay (white) men, black men, and white women. These perceptions were influenced by the fact that intersectionality theorists did not significantly engage partially privileged groups and, thus, did not provide a model for applying intersectionality to these groups.

It may be that intersectional scholars did not examine partially privileged identities because, at least for white women and black men, these identities were examined from an essentialized gender and racial perspective, respectively. In addition, it may be that the privileged identity categories more generally—such as men, whites, and elites, the other arms of privileged intersections—are only now emerging, at least in the legal field. Furthermore, feminist scholars and others, such as critical race theorists, had not significantly challenged, from an intersectional perspective, the idea that women, on whom they primarily focused, were diverse and complex, complete with internal gender-specific hierarchies and rankings about what it means to be a woman—behaviorally, aesthetically, and socially. That is, gender identities that intersect with race, class, disability, etc., are not the only social hierarchies that complicate and rank women's identities and lives.

Given these perceptions, masculinities scholars and others, such as LGBT scholars, reached for and developed what they thought might be a more comprehensive theory: multidimensionality. Multidimensionality employs an intersectional framework to analyze a single point of intersection drawn from a multidimensional identity or the confluence of multiple social structures. In this way, multidimensionality expands intersectionality theory. In addition, according to its enthusiasts, the term itself better captures the complexity of identities and the multiplicity of hierarchical structures. As such, multidimensionality, in terms of masculinities studies, is likely here to stay—for a while.

And, in the end, given the work already done, it may well become that “multidimensionality is to masculinities what intersectionality is to feminism,” perhaps for no other reason than many masculinities legal scholars seem to prefer pairing this metaphor and framework with their examination of men's lives.