

## MASCULINITIES AND FEMINIST LEGAL THEORY\*

*Nancy E. Dowd\*\**

Feminist theory has examined men, patriarchy, and masculine characteristics predominantly as sources of power, domination, inequality, and subordination.<sup>1</sup> Various theories of inequality developed by feminists challenge

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\*\*Chesterfield Smith Professor of Law and Co-Director, Center for Children and Families, Levin College of Law, University of Florida.

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I am grateful for the support and encouragement of Barbara Bennett Woodhouse, Ann McGinley and Shani King. Kelly Reese, Renee Allen, and Emily Sue Banks provided wonderful research assistance. My students in my Gender and the Law classes inspired and challenged me to explore this area and this piece is dedicated to them.

1. The range of work generated by feminists, and more specifically by feminist legal scholars, has profoundly challenged the male oriented, male dominant model of the law (and other disciplines and structures) by exposing the valuing of men as a group, the subordination of women as a group, and the invisibility of women. *See, e.g.*, GERDA LERNER, *THE CREATION OF PATRIARCHY* (1986); CAROL GILLIGAN, *IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT* (1982); CAROL SMART, *FEMINISM AND THE POWER OF LAW* (1989); PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* (1991); PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* (1990); MARTHA ALBERTSON FINEMAN, *THE NEUTERED MOTHER, THE SEXUAL FAMILY, AND OTHER TWENTIETH CENTURY TRAGEDIES* (1995); LINDA K. KERBER, *NO CONSTITUTIONAL RIGHT TO BE LADIES: WOMEN AND THE OBLIGATIONS OF*

and reveal structures and discourses that reinforce explicitly or implicitly the centrality of men and the male identity of a hierarchical power and economic structure.<sup>2</sup> Even where women are formally equal, feminists have sought to explain their ongoing real inequality in relation to men. In doing so, they have exposed how even the process of reform can contain the seed of reconstituted inequality.<sup>3</sup>

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CITIZENSHIP (1998); CATHARINE A. MACKINNON, FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW (1987); CRITICAL RACE FEMINISM: A READER (Adrien Katherine Wing ed., 1997); JOAN WILLIAMS, UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT (2000); DOROTHY ROBERTS, KILLING THE BLACK BODY: RACE, REPRODUCTION, AND THE MEANING OF LIBERTY (1997); UNEQUAL SISTERS: A MULTICULTURAL READER IN U.S. WOMEN'S HISTORY (Vicki L. Ruiz & Ellen Carol DuBois eds., 2d ed. 1994), BARBARA ALLEN BABCOCK ET AL., SEX DISCRIMINATION AND THE LAW: HISTORY, PRACTICE, AND THEORY (2d ed. 1996).

2. The theories of inequality articulated by feminists include liberal, radical, dominance, difference, and postmodern theories. For several collections of theory, *see generally* FEMINIST LEGAL THEORY: FOUNDATIONS (D. Kelly Weisberg ed., 1993); FEMINIST JURISPRUDENCE (Patricia Smith ed., 1993); FEMINIST LEGAL THEORY: READINGS IN LAW AND GENDER (Katharine T. Bartlett & Roseanne Kennedy eds., 1991); MARTHA CHAMALLAS, INTRODUCTION TO FEMINIST LEGAL THEORY (1999). *See also* Katharine T. Bartlett, *Cracking Foundations as Feminist Method*, 8 AM. U. J. GENDER SOC. POL'Y & L. 31 (2000); Joan Williams, *Do Women Need Special Treatment? Do Feminists Need Equality?* 9 J. CONTEMP. LEGAL ISSUES 279 (1998); Christine A. Littleton, *Equality and Feminist Legal Theory*, 48 U. PITT. L. REV. 1043 (1987); Tracy E. Higgins, *Why Feminists Can't (Or Shouldn't) Be Liberals*, 72 FORDHAM L. REV. 1629 (2004); CATHARINE A. MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE (1989); MARTHA MINOW, THE DILEMMA OF DIFFERENCE: INCLUSION, EXCLUSION, AND AMERICAN LAW (1990); ELIZABETH V. SPELMAN, INESSENTIAL WOMAN: PROBLEMS OF EXCLUSION IN FEMINIST THOUGHT (1988).

3. Martha Fineman's scholarship on the consequences of adopting a gender-neutral model in family law is a prime example of exposing how unintended consequences of the model undermine the position of women and children even though the goal was greater equality. Her work on the centrality of autonomy in models of family, and the reality of dependency, similarly exposes how ideas of independence and self-sufficiency can ignore important familial patterns disproportionately experienced by women, and thereby can reinscribe a model of negative consequences for women. *See* MARTHA ALBERTSON FINEMAN, THE AUTONOMY MYTH: A THEORY OF DEPENDENCY (2004); MARTHA ALBERTSON FINEMAN, THE ILLUSION OF EQUALITY: THE RHETORIC AND REALITY OF DIVORCE REFORM (1991). *See also* MARTHA ALBERTSON FINEMAN, THE NEUTERED MOTHER, THE SEXUAL FAMILY AND OTHER TWENTIETH CENTURY TRAGEDIES (1995). The support of fathers under the family law model of gender neutrality energized a fathers' rights movement that frequently fights to reinforce patriarchal norms and rights rather than reorienting fathers' role toward greater care and social fatherhood. *See generally* NANCY E. DOWD, REDEFINING FATHERHOOD (2000); FATHERS' RIGHTS ACTIVISM AND LAW REFORM IN COMPARATIVE PERSPECTIVE (Richard Collier & Sally Sheldon eds., 2006). Similarly, in domestic violence reform, greater protection of predominantly female victims has at times led to a model of mutual arrest, in which victims are arrested along with their batterers. Children may be removed from their mothers if the mothers fail to report domestic violence but also if they do report the violence. *See generally* Naomi Cahn, *Civil Images of Battered Women: The Impact of Domestic Violence on Child Custody Decisions*, 44 VAND. L. REV. 1041 (1991); Joan S. Meier, *Domestic Violence, Child Custody, and Child Protection: Understanding Judicial Resistance and Imagining the Solutions*, 11 AM. U. J. GENDER SOC. POL'Y & L. 657 (2003); Michelle S. Jacobs, *Requiring Battered Women Die: Murder Liability for Mothers under Failure to*

The woman question is comprised of a rich series of questions that has continued to challenge inequality as well as expose the silences and absences of women in law and society. As feminist theory has developed, it also has been increasingly critical to differentiate among women, particularly so that the experience of a single group of women does not drive and dominate feminist analysis. Intersectionality and anti-essentialism have moved feminists to “ask the other question,” or questions, of race, class, age, and sexual orientation as those characteristics move singly and in combination to complicate simplistic notions of the operation of gender or to hide hierarchies among women with universal claims of subordination.<sup>4</sup> The interactive, interwoven nature of subordination has been exposed as a house of cards, to use the metaphor suggested by Nancy Ehrenreich.<sup>5</sup> Because they interlock in significant ways, attacking one form of subordination holds the hope to undermine others.

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*Protect Statutes*, 88 J. CRIM. L. & CRIMINOLOGY 579 (1998); David Hirschel et al., *Domestic Violence and Mandatory Arrest Laws: To What Extent Do They Influence Police Arrest Decisions?* 98 J. CRIM. L. & CRIMINOLOGY 255 (2007).

4. The classic articles on intersectionality and anti-essentialism (flagged) include: Angela Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990); 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 (1989); Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 14 WOMEN'S RTS. L. REP. 297 (1992). Collections include: FEMINIST LEGAL THEORY: AN ANTI-ESSENTIALIST READER (Nancy E. Dowd & Michelle S. Jacobs eds., 2003); THE BLACK FEMINIST READER (Joy James & T. Denean Sharpley-Whiting eds., 2000); SISTERHOOD IS FOREVER: THE WOMEN'S ANTHOLOGY FOR A NEW MILLENIUM (Robin Morgan ed., 2003); CRITICAL RACE FEMINISM: A READER (Adrien Katherine Wing ed., 1997). A sampling of more recent scholarship grounded in an anti-essentialist perspective includes: Cheryl I. Harris, *Finding Sojourner's Truth: Race, Gender, and the Institution of Property*, 18 CARDOZO L. REV. 309 (1997); Martha Mahoney, *Whiteness and Women, in Practice and Theory: A Reply to Catharine MacKinnon*, 5 YALE J.L. & FEMINISM 217 (1993); Tanya Katerí Hernández, *A Critical Race Feminism Empirical Research Project: Sexual Harassment and the Internal Complaints Black Box*, 39 U.C. DAVIS L. REV. 1235 (2006); Emily M.S. Houh, *Toward Praxis*, 39 U.C. DAVIS L. REV. 905 (2006); Reginald Oh, *Interracial Marriage in the Shadows of Jim Crow: Racial Segregation as a System of Racial and Gender Subordination*, 39 U.C. DAVIS L. REV. 1321 (2006); Leti Volpp, *Divesting Citizenship: On Asian American History and the Loss of Citizenship Through Marriage*, 53 UCLA L. REV. 405 (2006); Lisa Ikemoto, *In the Shadow of Race: Women of Color in Health Disparities Policy*, 39 U.C. DAVIS L. REV. 1023 (2006); Angela Onwuachi-Willig, *The Return of the Ring: Welfare Reform's Marriage Cure as the Revival of Post-Bellum Control*, 93 CAL. L. REV. 1647 (2005); Adele M. Morrison, *Changing the Domestic Violence (Dis)Course: Moving from White Victim to Multi-Cultural Survivor*, 39 U.C. DAVIS L. REV. 1061 (2006); Jennifer C. Nash, *From Lavender to Purple: Privacy, Black Women, and Feminist Legal Theory*, 11 CARDOZO WOMEN'S L.J. 303 (2005); Sarah Buel, *Effective Assistance of Counsel for Battered Women Defendants: A Normative Construct*, 26 HARV. WOMEN'S L.J. 217 (2003); Mario L. Barnes, *Black Women's Stories and the Criminal Law: Restating the Power of Narrative*, 39 U.C. DAVIS L. REV. 941 (2006); Berta Hernandez-Truyol et al., *Beyond the First Decade: A Forward-Looking History of LatCrit Theory, Community and Praxis*, 17 BERKELEY LA RAZA L.J. 169 (2006).

5. Nancy Ehrenreich, *Subordination and Symbiosis: Mechanisms of Mutual Support Between Subordinating Systems*, 71 UMKC L. REV. 251 (2002).

In much feminist analysis, men as a group largely have been undifferentiated, even universal. What has been critiqued as essentialist when considering women as a group has been accepted with respect to men. It is time, I would suggest, to “ask the man question” in feminist theory. It is a logical consequence of anti-essentialist principles and it serves feminist theory for several reasons.

First, asking about men as men will enhance the analysis of women’s equality and justice issues by replacing presumed universality with the realities of multiple masculinities. The analysis of men’s power will be more subtle and complex. Exposing how structures and culture are “male,” a core feminist claim, will be enriched and further substantiated.

Second, asking about men will expose where men are disadvantaged by the existing gender system. In certain respects, all men are disadvantaged as men. Explicitly, for example, only men remain subject to the requirement for registration for the draft.<sup>6</sup> Men are the dominant casualties and injuries in war.<sup>7</sup> Systemically, men are the dominant victims of violent crime.<sup>8</sup> Men often pay a

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6. Military Selective Service Act of June 24, 1948, ch. 625, 62 stat. 604, 50 U.S.C. app. § 453 (1996). *See also* Selective Service Home Page, <http://www.sss.gov/> (last visited Nov. 22, 2008). Significant benefits are linked to registration, both under federal and supportive state laws including student loans and employment opportunities. “Virtually all men must register with Selective Service within 30 days of turning 18. Although the last draft ended in 1973, registration has been ongoing since 1980 . . . Congress has linked many federal benefits to the registration requirement. For example, a man must be registered to be eligible for federal student loans as well as Pell grants, job-training programs under the Job Training Partnership Act (JTPA), and federal jobs in the Executive Branch of the government, including jobs with the U.S. Postal Service. Male immigrants who fail to register as required cannot obtain U.S. citizenship. Late registrations are accepted, but a man cannot register after reaching age 26. In recent years, many states enacted laws that mirror the federal statute . . . [affecting eligibility for] state student financial assistance or jobs in state government. It also prohibits non-registrants from enrolling in state colleges and universities.” *Selective Service System: News and Public Affairs*, <http://www.sss.gov/idaho.htm> (last visited Nov. 22, 2008).

7. In the Iraq war, as of March 2008, there were 3,965 deaths; 97.7% were male. In Afghanistan as of the same date, there were 478 deaths, 97.3% of which were male. CRS REPORT FOR CONGRESS, MARCH 2008, <http://www.fas.org/sgp/crs/natsec/R522452.pdf> (last visited July 23, 2008). Injuries from Iraq and Afghanistan follow the same gender proportions. *Id.* In the Vietnam War, from 1965 to 1975, the total casualties were 58,156; however, the women killed were few enough that they were chronicled by name, reflecting the nearly all-male military of that era. *See Vietnam War Statistics*, <http://www.mrfa.org/vnstats.htm> (last visited Nov. 22, 2008). Women’s roles, primarily as nurses but in other capacities as well, have been ignored in honoring Vietnam veterans and casualties in other wars. *See Vietnam Womens Memorial*, <http://www.vietnamwomensmemorial.org> (last visited July 23, 2008). In every conflict men have served disproportionately while women have served invisibly.

8. Men are more commonly victims of violent crime with the exception of sexual assault. For example, 79% of murder victims are male. *Department of Justice Statistics*, [http://www.ojp.usdoj.gov/bjs/cvict\\_v.htm](http://www.ojp.usdoj.gov/bjs/cvict_v.htm) (last visited July 23, 2008). “The U.S. homicide rate for males age 15-24 is the highest among developed countries, and is 8 times higher than the rate of the next-highest country.” Nancy E. Dowd, *Introduction to HANDBOOK OF CHILDREN, CULTURE AND VIOLENCE* ix (Nancy E. Dowd et al. eds., 2006). *See* JOHN BEYNON,

price for their privilege, a price that many may be unwilling to pay but are blocked from another alternative. In addition, how the price of privilege can be exacted, even when privilege itself may not be enjoyed, exposes the complex way in which gender hierarchy is sustained.

Third, asking about men exposes the relationships between men, just as intersectionality and anti-essentialism in analysis of women revealed not only the differences in positions and circumstances and issues among women but also exposed the subordination of some women by others. Relationships among men, I would argue, are even more critical to men's position in the gender system and have an enormous impact on male-female relationships as well. Finally, asking the man question may also give us better insight into whether men can be feminists and whether men and women can be allies in reaching gender equality.

The process of incorporating scholarship and analysis on men and masculinities has already begun in legal scholarship, particularly through the landmark work of Angela Harris,<sup>9</sup> and more recently by scholars such as Ann McGinley.<sup>10</sup> This nucleus of scholars has begun to integrate the insights and

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MASCULINITIES AND CULTURE 77-79 (2002), for a longer catalogue of statistical harms, including men's higher rate of suicide, lower life span, greater likelihood of death from heart disease, and higher rate of committing crime, especially crimes of violence.

9. Angela P. Harris, *Gender, Violence, Race, and Criminal Justice*, 52 STAN. L. REV. 777 (2000).

10. Ann C. McGinley, *Masculinities at Work*, 83 OR. L. REV. 359 (2004) [hereinafter McGinley, *Masculinities at Work*]; Ann C. McGinley, *Babes and Beefcake: Exclusive Hiring Arrangements and Sexy Dress Codes*, 14 DUKE J. GENDER L. & POL'Y 257 (2007). For a sampling of work on masculinities, or focusing on men as men as subjects, see, e.g., Michael Kimmel, *Integrating Men into the Curriculum*, 4 DUKE J. GENDER L. AND POL'Y 181 (1997); Anna Gavanas, *Domesticating Masculinity and Masculinizing Domesticity in Contemporary U.S. Fatherhood Politics*, 11 (2) INT'L STUD. IN GENDER, STATE & SOC'Y 247 (2004); Rachel Toker, *Multiple Masculinities: A New Vision for Same-Sex Harassment Law*, 34 HARV. C.R.-C.L. L. REV. 577 (1999); Sherene Razack, *Outwhiting the White Guys*, 71 UMKC L. REV. 331 (2002); Kathleen Kennedy, *Manhood and Subversion During World War I: The Cases of Eugene Debs and Alexander Berkman*, 82 N.C. L. REV. 1661 (2004); Joan Howarth, *Executing White Masculinities*, 81 OR. L. REV. 183 (2002); James Robertson, *A Clean Heart and an Empty Head*, 81 N.C. L. REV. 433 (2003); Olga Giller, *Patriarchy on Lockdown: Deliberate Indifference and Male Prison Rape*, 10 CARDOZO WOMEN'S L.J. 659 (2004); Christopher D. Man & John P. Cronan, *The Prison Subculture of Masculinity as a Backdrop for "Deliberate Indifference,"* 92 J. CRIM. L. & CRIMINOLOGY 127 (2001); Victor L. Streib, *Gendering the Death Penalty: Countering Sex Bias in a Masculine Sanctuary*, 63 OHIO ST. L.J. 433 (2002); Dorothy Roberts, *The Social and Moral Cost of Mass Incarceration in African American Communities*, 56 STAN. L. REV. 1271 (2004); Valorie K. Vojdik, *Gender Outlaws: Challenging Masculinity in Traditionally Male Institutions*, 17 BERKELEY WOMEN'S L.J. 68 (2002); Corey Rayburn, *Why are YOU Taking Gender and the Law?: Deconstructing the Norms that Keep Men out of the Law School's "Pink Ghetto,"* 14 HASTINGS WOMEN'S L.J. 71 (2003); Raymond Gunn, *Being Here and Being There: Fieldwork Encounters and Ethnographic Discoveries: Inner-City "Schoolboy" Life*, 595 ANNALS 63 (2004); Stephen H. Webb, *Defending All-Male Education: A New Cultural Moment for a Renewed Debate*, 29 FORDHAM URB. L.J. 601 (2001); Frank R. Cooper, *Against Bipolar Black Masculinity: Intersectionality, Assimilation, Identity Performance, and Hierarchy*, 39 U.C. DAVIS L. REV. 853 (2006); Michael Selmi, *Sex Discrimination in the*

data of masculinities scholarship, a cross-disciplinary body of work that emerged beginning in the late 1970s and 1980s out of feminist theory and gay/lesbian/queer theory.<sup>11</sup>

In this article, I explore the body of masculinities scholarship, particularly the theoretical scholarship, to suggest how that scholarship might inform and enrich feminist theory. I also suggest how masculinities theory needs to reinvigorate its focus with greater feminist questioning of male power. I also provide several substantive examples of how the theoretical relationship might be applied in practice. The bottom line I hope to achieve is to de-essentialize men in feminist theory, use masculinities scholarship to enrich efforts to identify male privilege and the specific practices that sustain male dominance, and expose the price of male privilege in male disadvantage. In addition to enriching feminist theory, I intend to challenge masculinities theory to more strongly address the means to undermine male power. This article is linked to a larger project on the interface between masculinities scholarship and feminist theory.

In Part I, I briefly describe the emergence of the study of masculinities. In Part II, I explore the theoretical positions of contemporary masculinities scholarship. Part III summarizes the implications of masculinities scholarship for feminist theory. In Part IV, I use the examples of boys and education, and men and fatherhood, to explore how this refined approach might work. I suggest in both cases that this analysis would argue for the necessity of gender-specific, gender-linked models to achieve meaningful change.

### I. MASCULINITIES RESEARCH

In the wave of feminist scholarship during the 1970s, the challenging of gender norms and the invisibility of women in most disciplines eventually led to examining men as men, as gendered beings, rather than as simply the “natural,” non-gendered objects of study.<sup>12</sup> In conjunction with the

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*Nineties, Seventies Style: Case Studies in the Preservation of Male Workplace Norms*, 9 EMP. RTS. & EMP. POL'Y J. 1, 1-25, 35-41 (2005); Nancy Levit, *Separating Equals: Educational Research and the Long-Term Consequences of Sex Segregation*, 67 GEO. WASH. L. REV. 451 (1999); Nancy Levit, *Feminism for Men: Legal Ideology and the Construction of Maleness*, 43 UCLA L. REV. 1037 (1996); Fadi Hanna, *Punishing Masculinity in Gay Asylum Claims*, 114 YALE L.J. 913 (2005); Marc R. Poirier, *Hastening the Kulturkampf: Boy Scouts of America v. Dale and the Politics of American Masculinity*, 12 LAW & SEXUALITY 271, 303-08 (2003); Gail Dines, *The White Man's Burden: Gonzo Pornography and the Construction of Black Masculinity*, 18 YALE J.L. & FEMINISM 283 (2006); Francisco Valdes, *Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of "Sex," "Gender," and "Sexual Orientation" in Euro-American Law and Society*, 83 CAL. L. REV. 1 (1995) [hereinafter Valdes, *Queers, Sissies, Dykes, and Tomboys*]; Sylvia A. Law, *Homosexuality and the Social Meaning of Gender*, 1988 WIS. L. REV. 187.

11. See *infra* pp. 14-29 and accompanying notes.

12. DAVID BUCHBINDER, *MASCULINITIES AND IDENTITIES* 22-25 (1994); Tony Haddad, *Introduction to MEN AND MASCULINITIES: A CRITICAL ANTHOLOGY* xi, xi-xiii (Tony Haddad ed., 1993); R.W. CONNELL, *MASCULINITIES*, iv-xxv, 21-81 (2d ed. 2005) [hereinafter CONNELL, *MASCULINITIES*].

development of women's studies, men's studies courses began to emerge in the 1980s, and by 1989 one scholar catalogued roughly 200 courses at American universities.<sup>13</sup> A similar pattern happened in the United Kingdom and, much later, in Australia.<sup>14</sup> At the same time, the men's movement was active in this period, particularly inspired by Robert Bly's work *Iron John*,<sup>15</sup> which for some had a distinctly anti-feminist message.<sup>16</sup>

The emerging study of men and masculinities was also fed by the development of gay and lesbian studies, and later queer theory, in roughly the same period.<sup>17</sup> This contributed to a distinctly anti-essentialist focus, not exclusively on grounds of sexual orientation, but certainly led by that analysis.

Early on, some work in men's studies/masculinities focused on men's disadvantages or the limits of their gender role.<sup>18</sup> In the context of men's privilege, this was a very different assertion of subordination than that made by women and was very controversial among some feminists. Indeed, the whole notion of focusing on men, when the focus on women was so recent and the material differences were so great, made many feminists suspicious or uneasy about this emerging area of study.<sup>19</sup>

In addition, some scholars and popular movements argued that men or boys were in "crisis."<sup>20</sup> Often, although not always, these claims suggested or implied that feminism was to blame or that feminism triggered a re-

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13. DAVID BUCHBINDER, MASCULINITIES AND IDENTITIES 23 (1994).

14. *Id.* at 23-24.

15. ROBERT BLY, IRON JOHN (First Vintage Books 1992) (1990).

16. Bly's argument was that men had lost their masculinity, which he characterized as a deep, essential, universal essence. He argued that calls for change wrongly demanded men to reject this core essence of self, and encouraged men to bond with each other to rediscover this sense of self. It was also characteristic of Bly's message that a significant part of adult male pain was the lack of relationship with their fathers. *Id.* The men's movement of the 1990s was inspired by Bly's work and generated a movement of self discovery that for some moved in the direction of an anti-feminist and misogynist men's rights movement. It should also be noted that at the same time a profeminist movement existed distinct from both of these other groups. Michael S. Kimmel & Michael Kaufman, *Weekend Warriors: The New Men's Movement*, in THEORIZING MASCULINITIES, 259, 259-61 (Harry Brod & Michael Kaufman eds., 1994); Harry Brod, *The Mythopoetic Men's Movement: A Political Critique*, in WINGSPAN: INSIDE THE MEN'S MOVEMENT (Christopher Harding ed., 1992); Michael Flood, *Men's Collective Struggles for Gender Justice: The Case of Antiviolence Activism*, in HANDBOOK OF STUDIES ON MEN & MASCULINITIES 458, 459 (Michael Kimmel et al. eds., 2005).

17. Harry Brod & Michael Kaufman, *Introduction* to THEORIZING MASCULINITIES, *supra* note 16, at 1, 5; Harry Brod, *Some Thoughts on Some Histories of Some Masculinities: Jews and Other Others*, in THEORIZING MASCULINITIES 82, 82-96 (Harry Brod & Michael Kaufman eds., 1994). For the history of gay and lesbian rights and queer theory, see generally WILLIAM N. ESKRIDGE JR., *GAYLAW: CHALLENGING THE APARTHEID OF THE CLOSET* (1999); ANNAMARIE JAGOSE, *QUEER THEORY: AN INTRODUCTION* (1996).

18. Haddad, *supra* note 12, at xi; BEYNON, *supra* note 8, at 85.

19. Haddad, *supra* note 12, at xii. See *supra* note 5 for a discussion of ongoing feminist concerns.

20. BEYNON, *supra* note 8, at 76-91.

examination or shift in power that left men feeling as if they were in crisis. The claim of “crisis” in masculinity in fact is quite common historically. It is one of the ironies of masculinity studies that the perception of crisis could be viewed as a characteristic of masculinity, a rationale for reinterpreting masculinity in a way that has reconstituted patriarchy.<sup>21</sup>

“Masculinities” as a term emerged in the 1980s, and by the early 1990s identified a cohering field that was particularly situated in the discipline of sociology.<sup>22</sup> Psychology earlier had explored masculinity as a presumed norm, but sociologists were the first to examine men’s identities and contexts to try to explore the basis for their dominance and subordination of others. Thus, masculinities studies initially had a clearly profeminist tilt, although the examination of power dynamics has become less pronounced over time.

In the section that follows, I explore the theoretical positions dominant in the field. What is most important to emphasize here is that masculinities scholarship by its terms cannot be simply compared with feminist scholarship, because its subjects as a group are situated so differently. Men as a group remain more powerful, privileged, and supported than women as a group. An examination of the dominant group cannot be the same as examining the subordinated group. Because of this, the focus and development of the field has been quite different and distinctive. Most significantly, it tends to be more descriptive of men and masculinities rather than analyzing how and why their power is sustained. The agenda for equality is not clearly present, in other words. Indeed, much of the scholarship might lead one to a position of despair over whether men themselves might embrace equality, since the scholarship reveals repeatedly how men gain from the perpetuation of their dominant position, even when it includes significant costs.

## II. THEORETICAL PERSPECTIVES FROM MASCULINITIES SCHOLARSHIP

### A. Overview

Masculinities scholarship has cohered in the recognition of several critical concepts.<sup>23</sup> First, the term is *multiple*: “masculinities,” not “masculinity” scholarship. Thus, there are multiple conceptions of masculinities. Nevertheless, second, there is a dominant set of norms of masculinity identified by scholars as *hegemonic masculinity* that dominates a *hierarchy of*

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21. *Id.* at 89-93.

22. Stephen M. Whitehead & Frank J. Barrett, *The Sociology of Masculinity*, in THE MASCULINITIES READER 1, 15 (Stephen M. Whitehead & Frank J. Barrett eds., 2001); Jeff Hearn & David H.J. Morgan, *Men, Masculinities and Social Theory*, in MEN, MASCULINITIES AND SOCIAL THEORY 1-18, at 7 (Jeff Hearn & David Morgan eds., 1990); MICHAEL BACH, *Uncovering the Institutionalized Masculine: Notes for a Sociology of Masculinity*, in MEN AND MASCULINITIES: A CRITICAL ANTHOLOGY 37, 41 (Tony Haddad ed., 1993); Scott Coltrane, *Theorizing Masculinities in Contemporary Social Science*, in THEORIZING MASCULINITIES 39, 44-56 (Harry Brod & Michael Kaufman eds., 1994).

23. See *infra* Part II.B-C for a detailed exploration of masculinities scholarship.

*masculinities*. Third, masculinity is viewed as *socially constructed* rather than genetically hard-wired or a timeless “essence.” Masculinity is defined as much by *men’s relationship with other men* as it is with women. Many men feel powerless, not powerful, and this is linked more to their position vis-à-vis other men than to their position in relation to women. As David Leverenz has insightfully argued, manhood is about defense against humiliation; underlying everything is fear.<sup>24</sup> Finally, some of the *core elements of masculinity norms are negative ones*: not defining what masculinity is, but what it is not. The two key negatives to being a man are not being a girl or woman, and not being gay.

Masculinities theory sees masculinity, in any form, as a social construction, not as a biological given. It is not a thing that one has; rather, it is a set of practices that one constantly engages in or performs. In that sense, it is interactive: the individual relates to the social/cultural construction, but the individual also remakes and changes it, potentially, rather than simply following the script. It is fluid, not fixed, neither universal nor timeless, but rather changeable and malleable. Seeing masculinity as a social construct rejects, and in fact critiques, the notion of a set or stable sex role that one acquires or masculinity as an inevitable phase of development from child to adult, from boy to man. Indeed, this perspective even rejects the notion that only males perform masculinities; because this is a social construction, while it is dominantly used or performed by men, it does not require a biologically male body. Women can be masculine also, and there are female masculinities that can expose masculinity in unique ways.

The approach taken by masculinities scholars is closest to that taken by cultural feminists, yet the underlying dynamic is very different. The focus of masculinities scholarship is on identity and practices, in the sense of exposing what masculinities are and how they function and are felt. The purpose of cultural feminism was to identify things associated with women and argue that they should be equally valued, that inequality was linked to the lack of value or support attached to the qualities associated with women and the practices of their lives. Inherent in this claim was that female-associated qualities and practices were valuable. The critique of cultural feminism was that it might unintentionally reinforce the limitation of women to those identities, qualities, practices, and life courses associated with women. Within masculinities study, because men as a group are not subordinated, and things associated with men are not devalued, the examination of what constitutes masculinities—the acquisition, sustenance, and practices of masculinities—lacks a clear goal, even when there is an express concern about equality and social justice. Much of what is associated with men is deemed of value, so it is not a matter of claiming value. Those things that are not valued, or which we might want to detach from masculinity because it is a negative (violence, for example), raise a unique issue and might point in the direction of analyzing how those qualities are acquired and how they might be discouraged (or other more positive values

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24. David Leverenz, *Manhood, Humiliation, and Public Life: Some Stories*, 71 *SOUTHWEST REV.* 442 (1986).

encouraged). This has not seemed to be the focus of much of the analysis. What also might be helpful from this approach is identifying what is male/masculine in structures and institutions so that dominance/hierarchy or sexual advantage can be identified (and presumably eliminated). What is not particularly strong in masculinities theory is the identification of ways to eliminate dominance, or a vision of masculinity consistent with equality.

A key piece of masculinities theory is that masculinity is not unitary; hence, masculinities, plural, is the name of the field. There are multiple masculinities, although some would also point out that there are some critical links between them, suggesting some universality. Multiple masculinities do not, however, mean all masculinities are equal. Rather, many scholars argue that there tends to be a preferred, dominant masculinity. This is called “hegemonic masculinity”: the most empowered, the one at the top of the hierarchy. In relation to hegemonic masculinity, there are subordinate masculinities, and subversive masculinities. Not surprisingly, the subordinate masculinities are defined especially by race and class. Also important to remember is that within race and class identities there are multiple masculinities (or, that multiple masculinities do not simply include a singular “Black male masculinity” or “gay male masculinity” but rather include a range of masculinities subsumed under race and sexual orientation identities). Subordinate or subversive masculinities hold the promise of resistance and new models of collaboration and solidarity, but there is a risk that denial of power will translate into the oppression of others who are situated lower in the hierarchy. Anti-essentialism is recognized as critical to the development of masculinities theory, yet masculinities scholarship reflects difficulties carrying out that insight, a difficulty that persists in much feminist analysis as well.

Masculinity is as much about men’s relation to other men as it is about men’s relation to women. Indeed, it seems that competition and hierarchy with other men may be a more intense part of masculinity. In addition, one’s standing and place is never secure; masculinity is often described as something never attained but, rather, as something that must be consistently achieved on a daily basis. The importance of men’s relationship to other men is brought home particularly by thinking about the different spaces and places that men and women occupy in their daily lives and particularly what spaces are male only, or dominantly male, as compared to homosocial female environments. Within homosocial environments, men are constantly evaluated and tested.

This sense of constant testing may be linked to men’s experience of power. Ironically, men, although powerful and empowered as a group, feel powerless. The privileged feel subordinated or at least that they must strive to be a man every day. Some men are indeed powerless; others are powerless because the demands of masculinity are that it must be constantly proven, it can never simply be achieved and claimed. It is easy to be a woman; it is a constant struggle to be a man. The boundaries placed on men are significant, and the expectations to meet dominant norms disserve men in relationships with both women and men.

Strangely, women disappear frequently, or appear only as universal persons, in masculinities analysis. In the same way that men are uni-

dimensional and essentialized in feminist theory, so too are women in masculinities theory.

### *B. Threads of scholarship*

The dominant discipline from which masculinities scholarship emerged has been sociology. Robert Connell is one of the leading theorists of masculinities scholarship who has developed a rich perspective on multiple masculinities and is most closely associated with the concept of hegemonic masculinity.<sup>25</sup> Connell defines masculinity as “simultaneously a place in gender relations, the practices through which men and women engage that place in gender, and the effects of these practices in bodily experience, personality and culture.”<sup>26</sup> He focuses on how masculinity is practiced in a way that embodies inequality and dominance. His core concept of hegemonic masculinity is one of a dominant norm: “[T]he configuration of gender practice which embodies the currently accepted answer to the problem of the legitimacy of patriarchy, which guarantees (or is taken to guarantee) the dominant position of men and the subordination of women.”<sup>27</sup> Hegemony means cultural dominance and support, rarely dominance that is violently claimed. Connell sees men’s dominance as being reinforced by the state, creating the “*patriarchal dividend*: the advantage

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25. See, e.g., R.W. Connell, *Psychoanalysis on Masculinity*, in THEORIZING MASCULINITIES 11 (Harry Brod & Michael Kaufman eds., 1994); R.W. Connell, *The History of Masculinity*, in THE MASCULINITY STUDIES READER 245 (Rachel Adams & David Savran eds., 2002); R.W. Connell & James W. Messerschmidt, *Hegemonic Masculinity: Rethinking the Concept*, 19 GENDER & SOC’Y 829 (2005); R.W. CONNELL, GENDER (2002); R.W. CONNELL, MASCULINITIES (2d ed. 2005); Robert W. Connell, *Arms and the Man: Using the New Research on Masculinity to Understand Violence and Promote Peace in the Contemporary World*, in MALE ROLES, MASCULINITIES AND VIOLENCE: A CULTURE OF PEACE PERSPECTIVE 21 (Ingeborg Breines et al. eds., 2000); R.W. Connell, *A Very Straight Gay: Masculinity, Homosexual Experience, and the Dynamics of Gender*, 57 AM. SOC. REV. 735 (1992); R.W. Connell & Julian Wood, *Globalization and Business Masculinities*, 7 MEN & MASCULINITIES 347 (2005).

26. CONNELL, MASCULINITIES, *supra* note 12, at 71.

27. *Id.* at 77. The concept of hegemonic masculinity has been critiqued by a number of theorists as reductionist, oversimplified, ambiguous, and imprecise. See, e.g., Stephen Whitehead, Review Article, *Hegemonic Masculinity Revisited*, 6 GENDER, WORK & ORG. 58 (1999); RICHARD COLLIER, MASCULINITIES, CRIME AND CRIMINOLOGY: MEN, HETEROSEXUALITY AND THE CRIMINAL(ISED) OTHER (1998); JOHN MACINNES, THE END OF MASCULINITY: THE CONFUSION OF SEXUAL GENESIS AND SEXUAL DIFFERENCE IN MODERN SOCIETY (1998); Demetrakis Z. Demetriou, *Connell’s Concept of Hegemonic Masculinity: A Critique*, 30 THEORY & SOC’Y 337 (2001); THEORIZING MASCULINITIES (Jeff Hearn & David L. Collinson eds., 1994); Robert A. Nye, *Locating Masculinity: Some Recent Work on Men*, 30 SIGNS: J. WOMEN IN CULTURE & SOC’Y 1937 (2005); Alan Petersen, *Research on Men and Masculinities: Some Implications of Recent Theory for Future Work*, 6 MEN & MASCULINITIES 54 (2003); Gabriela Spector-Mersel, *Never-Aging Stories: Western Hegemonic Masculinity Scripts*, 15 J. GENDER STUD. 67 (2006); Jean-François Roussel & Christian Downs, *Epistemological Perspectives on Concepts of Gender and Masculinity/Masculinities*, 15 J. MEN’S STUD. 178 (2007).

to men as a group from maintaining an unequal gender order.<sup>28</sup> Dominance is pervasive and taken for granted; it is this latter characteristic that supports the idea that patterns are natural or given.<sup>29</sup> There is complicity by those who do not meet the hegemonic standard: indeed, few men meet the definition of hegemonic masculinity, but most men benefit from it by reaping the patriarchal dividend.<sup>30</sup>

Connell argues that patriarchy has crumbled, but it has reinvented itself.<sup>31</sup> His agenda for dismantling patriarchy includes:

[C]ontesting men's predominance in the state, professions and management, and ending men's violence against women . . . changing the institutional structures that make elite power and body-to-body violence possible in the first place . . . ending the patriarchal dividend in the money economy, sharing the burden of domestic work and equalizing access to education and training . . . ending the stigma of sexual difference and the imposition of compulsory heterosexuality, and reconstructing heterosexuality on the basis of reciprocity not hierarchy.<sup>32</sup>

He argues for dismantling hegemonic masculinity and identifies difference as the primary way of justifying continued dominance.<sup>33</sup> This would include "re-embodiment" for men, "a search for different ways of using, feeling and showing male bodies."<sup>34</sup> The model must be gender specific and distinctive because of men's position: "the model of a liberation movement simply cannot apply to the group that holds the position of power."<sup>35</sup>

Michael Kimmel has been equally dominant in masculinities scholarship, focusing particularly on issues of inequality and power.<sup>36</sup> Like Connell, he

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28. CONNELL, GENDER, *supra* note 25, at 142.

29. CONNELL, MASCULINITIES, *supra* note 12, at 77-78, 246-48.

30. CONNELL, GENDER, *supra* note 25, at 142. One alternative would be *masculinism*, the study of the "ideology that justifies and naturalizes male domination." STEPHEN M. WHITEHEAD, MEN AND MASCULINITIES: KEY THEMES AND NEW DIRECTIONS 97 (2002). The term is attributed to Arthur Brittan. See ARTHUR BRITTAN, MASCULINITY AND POWER (1989).

31. John MacInnes argues that dominance is sustained as a response to the threat to men's power because of the undermining of the sexual division of labor by modernity. John MacInnes, *The Crisis of Masculinity and the Politics of Identity*, in THE MASCULINITIES READER, *supra* note 22, at 311, 313.

32. CONNELL, MASCULINITIES, *supra* note 12, at 229-30.

33. *Id.* at 232.

34. *Id.* at 233.

35. *Id.* at 235.

36. See, e.g., Michael Kimmel, *Foreword* to MASCULINITIES MATTER!: MEN, GENDER AND DEVELOPMENT xi-xiv (Frances Cleaver ed., 2002); Michael Kimmel, *Foreword* to MASCULINITY STUDIES AND FEMINIST THEORY: NEW DIRECTIONS ix, ix-xi (Judith Kegan Gardiner ed., 2002); Michael Kimmel, *Reducing Men's Violence: The Personal Meets the Political*, in MALE ROLES, MASCULINITIES AND VIOLENCE: A CULTURE OF PEACE PERSPECTIVE 239, 239-47 (Ingeborg Breines et al. eds., 2000); Michael S. Kimmel, *Global*

argues for eliminating structures that create and magnify differences between men and women, because difference is used to legitimate inequality.<sup>37</sup> Kimmel emphasizes the invisibility of gender to men, as well as the invisibility of men as objects of gender study: “[W]e continue to act as if gender applied only to women. Surely the time has come to make gender visible to men. As the Chinese proverb has it, the fish are the last to discover the ocean.”<sup>38</sup> Kimmel also articulates men’s lack of a sense of power, despite their clear gender advantage. While social constructionist approaches identify gender as power relations, the assumption that all men recognize, feel, and use that power is false: “[a]lthough men may be *in* power everywhere one cares to look, individual men are not ‘in power,’ and they do not feel powerful . . . Men as a group are in power (when compared with women), but do not feel powerful.”<sup>39</sup> Power is an attribute of group life, not of individual life; “[i]t can neither be willed away nor ignored.”<sup>40</sup> Kimmel notes that a definition of masculinity as striving for power comes from women’s perspective; from men’s perspective, they commonly see themselves as powerless.<sup>41</sup> Out of this sense of powerlessness comes the desire for control. Masculinity is thus to a large degree about fear and shame and emotional isolation.<sup>42</sup> The sense that masculinity is a constant struggle, never achieved but always needing to be proved, is a critical component of this sense of powerlessness.<sup>43</sup>

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*Masculinities: Restoration and Resistance*, in *A MAN’S WORLD?: CHANGING MEN’S PRACTICES IN A GLOBALIZED WORLD* 21, 21-37 (Bob Pease & Keith Pringle eds., 2001); Michael S. Kimmel, *Masculinity as Homophobia: Fear, Shame, and Silence in the Construction of Gender Identity*, in *THEORIZING MASCULINITIES*, *supra* note 16, at 119, 119-41; MICHAEL KIMMEL & MICHAEL A. MESSNER, *MEN’S LIVES* (2001); Michael S. Kimmel & Michael Kaufman, *Weekend Warriors: The New Men’s Movement*, in *THEORIZING MASCULINITIES*, *supra* note 16, at 259, 259-88; R.W. Connell, Jeff Hearn & Michael S. Kimmel, *Introduction* to *HANDBOOK OF STUDIES ON MEN & MASCULINITIES* 1, 1-12 (Michael S. Kimmel, Jeff Hearn & R.W. Connell eds., 2005); MICHAEL S. KIMMEL, *THE GENDERED SOCIETY* (2d ed. 2004); Michael S. Kimmel, *Masculinity as Homophobia: Fear, Shame, and Silence in the Construction of Gender Identity*, in *TOWARD A NEW PSYCHOLOGY OF GENDER* 223 (Mary M. Gergen & Sara N. Davis eds., 1997); Michael Kimmel & Amy Traver, *Mentoring Masculinities: Race and Class in the (Re-)Construction of Gender in the USA and the UK*, 14 *IR. J. OF SOC.* 213, 213-30 (2005).

37. MICHAEL KIMMEL, *THE GENDERED SOCIETY*, *supra* note 36, at 4-5.

38. *Id.* at 6.

39. *Id.* at 100.

40. *Id.* Michael Kaufman echoes this same theme of men’s sense of powerlessness. Michael Kaufman, *Men, Feminism, and Men’s Contradictory Experiences of Power*, in *THEORIZING MASCULINITIES*, *supra* note 16, at 142.

41. Michael S. Kimmel, *Masculinity as Homophobia: Fear, Shame, and Silence in the Construction of Gender Identity*, in *THEORIZING MASCULINITIES*, *supra* note 16, at 136.

42. *Id.* at 138. Scott Coltrane emphasizes that the fact that men possess power and yet feel powerless is critical. Scott Coltrane, *Theorizing Masculinities in Contemporary Social Science*, in *THEORIZING MASCULINITIES*, *supra* note 16, at 39.

43. This is the core thesis of Susan Faludi. SUSAN FALUDI, *STIFFED: THE BETRAYAL OF THE AMERICAN MAN* (1999).

Kimmel also focuses on the construction of gender by the interaction of people and institutions. We “do” gender, not in a vacuum, but in the context of institutions constructed with gender in mind: “Our social world is built on systemic, structural inequality based on gender; social life reproduces both gender difference and gender inequality.”<sup>44</sup> Those institutions include school, work, and families.<sup>45</sup>

Jeff Hearn is a third important theorist because his work is explicitly from a framework that considers power the critical issue in theorizing masculinities.<sup>46</sup> Hearn would distinguish men’s studies from critical studies on men, with the former focusing on the descriptive and the latter insisting that power issues are critical, and explicitly connecting to feminist and queer theory. Hearn would suggest a shift in theorizing from masculinity to men, specifically to focus on the *hegemony of men*.<sup>47</sup> He argues that masculinities research has focused too narrowly on gender relations:

[I]t is time to go back from *masculinity* to *men*, to examine the hegemony of men and about men. The hegemony of men seeks to address the double complexity that men are both a *social category formed by the gender system and dominant collective and individual agents of social practices* . . . . The deconstruction of the dominant and the obvious, the social category of men, remains urgent. What indeed would society look like without this category, not through gendecide but through gender transformation?<sup>48</sup>

His vision is the “possibility of the abolition of ‘men’ as a significant social category of power.”<sup>49</sup> Hearn thus reworks the concept of hegemony to

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44. MICHAEL KIMMEL, THE GENDERED SOCIETY, *supra* note 36, at 113.

45. Sylvia Walby identifies six critical structures in patriarchy that justify the domination of women: household production, wage work, the state, male violence, sexuality, and cultural institutions. SYLVIA WALBY, THEORIZING PATRIARCHY 20 (1990). Practices create structures, and the tendency has been to move from private to public patriarchy. *Id.* at 200. Lynne Segal, in her classic work, identifies a major link between masculinity and work. LYNN SEGAL, SLOW MOTION: CHANGING MASCULINITIES, CHANGING MEN (1990).

46. See generally Jeff Hearn, *From Hegemonic Masculinity to the Hegemony of Men*, 5 FEMINIST THEORY 49 (2004).

47. *Id.* at 50.

48. *Id.* at 59.

49. *Id.* at 66. In work similar to Hearn’s, John Remy focuses on the exclusivity of men and the concept of “club” which separates men from women and some men from other men. John Remy, *Patriarchy and Fratriarchy as Forms of Androcracy*, in MEN, MASCULINITIES & SOCIAL THEORY 43 (Jeff Hearn & David Morgan eds., 1990). Remy discusses the concepts of androcracy, patriarchy, fratriarchy, and the institution of the male hut (as associated with the notions of male bond and fraternity). He focuses on homosocial environments or areas of homosocial or dominantly homosocial power and the policing of entry to only some men and no women. Remy defines androcracy as “rule by men,” divided into patriarchy (“rule of the fathers”) and fratriarchy (“rule of the brother-(hood)s”). Both forms are based on an institution that he calls the men’s hut. *Id.* at 43. German social scientists identified a key aspect of androcracy as *Männerbund* or “men’s league.” *Id.* at 45. The location of power in

focus not on the construction of masculinity but rather on the construction and sustaining of male power. In the process, he particularly concentrates on “taken-for-granted power,” which is where hegemony sustains itself by support from those who are dominated. He also suggests that the focus should not exclusively be on the gender system, and most essentially must examine the economic system.<sup>50</sup>

Psychology is a second disciplinary grounding for masculinities scholarship.<sup>51</sup> Barry Richards identifies three psychoanalytically-based models of masculinity.<sup>52</sup> Richards notes that two of the three are negative models. First, the Freudian model is one where identifying with the father is defensive and competitive and includes castration anxiety. Second, Nancy Chodorow and other feminists explore the implications of mother-centered care where the developmental task of boys becomes rejecting their mothers and resisting dependency.<sup>53</sup> The third model, a much more recent model based on masculinities analysis, is of identification with the father as a loving adult, an identification that is important to selfhood. It is only in this third model “that we have an image of masculinity as a benign, indeed necessary, quality of psychic life in men.”<sup>54</sup>

The classic notion of masculinity was that there was a male gender role, and the process of psychological development was learning or attaining that

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androcracy is the men’s hut or men’s house: “This is the place where those males who have earned the right to call themselves *men*, or are in the process of attaining this emblem of privilege, gather.” *Id.* at 46. Typically, in order to enter the hut, men must go through a rite of passage or testing. *Id.* at 49.

50. Hearn, *supra* note 46, at 55.

51. This disciplinary focus yields some very important differences in perspective from sociology. On the one hand, the concept of masculinity seems more rigid and stereotypical, particularly with respect to trying to “measure” masculinity. Another respect in which there are differences is that a definition of masculinity is used clinically, to treat someone who has a psychological disorder associated with gender identity. A third difference is that the focus for some is describing human development, and articulating what is “normal” when it comes to gender, which inherently requires a concept of masculinity. ELIZABETH LUNBECK, *THE PSYCHIATRIC PERSUASION: KNOWLEDGE, GENDER, AND POWER IN MODERN AMERICA* (1994). Male issues that psychologists have identified relating to masculinity include: the lack of early childhood contact with adult males and adult dissatisfaction with their relationships with their father; the suppression of emotion that is taught from an early age, with its lifelong psychological, physical, and social implications; the difficulty in creating and sustaining intimate relationships, and a general lack of healthy, robust relationships with others; the significant mental health issues connected to divorce or the breakup of adult relationships, which are contrary to the social model of independence; the disproportionate involvement in violence and disproportionate representation in prisons; and a shorter average lifespan than women. CHRISTOPHER KILMARTIN, *THE MASCULINE SELF* 5 (2d ed. 2000).

52. Barry Richards, *Masculinity, Identification, and Political Culture*, in *MEN, MASCULINITIES & SOCIAL THEORY*, *supra* note 49, at 160-69.

53. NANCY CHODOROW, *THE REPRODUCTION OF MOTHERING: PSYCHOANALYSIS AND THE SOCIOLOGY OF GENDER* (1978).

54. Richards, *supra* note 52, at 162-64.

role. This was seen as involving two basic steps, labeled “disidentification.”<sup>55</sup> Boys first had to sever their ties with their caregiver mothers and then had to take the second step of identifying with their father. “These developmental tasks have been held as necessary steps toward emotional autonomy, psychological separation, and most important here, securing the development of the masculine self.”<sup>56</sup> As this description indicates, inherent in this view is a model of masculinity that includes autonomy, separation, and a “masculine self.” This classic model has been unhealthy for men, leading to what one scholar calls the “fragile masculine self” that either avoids healthy emotional relationships or is overdependent.<sup>57</sup> Concern with the emotional tasks of boys and their relationship with mothers is a strong theme picked up by psychologists who have focused their work on boys, and the emotional issues of adult men are a pervasive theme among all psychologists.

Assumed in the disidentification process is a “masculine self” that must be attained. This assumes a kind of innate “maleness” or “masculinity” with a biological base that must be achieved.<sup>58</sup> Social constructionists would challenge the biological basis of this gender role and argue that it is socially and culturally constructed and taught rather than biologically based. Further, the masculinities theorists in the psychological field have seen the role not as positive but as problematic.

Three theorists who have challenged classic psychological conceptions of gender roles, and particularly of men’s gender role, are Joseph Pleck, William Pollack, and Stephen Bergman.<sup>59</sup> Pleck critiqued the concept of *gender role* and replaced it with a model of *gender role strain*. Pleck argued that men violate much of their gender role so that it is a model of strain rather than a role that is achieved and easily.<sup>60</sup> Pleck identifies three core ideas to his theory of gender role strain:

[A] significant proportion of males exhibit long-term failure to fulfill male role expectations . . . . This dynamic is ‘gender role discrepancy’ or ‘incongruity.’ Second, even if male role expectations

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55. Christopher Blazina, *Gender Role Conflict and the Disidentification Process: Two Case Studies on Fragile Masculine Self*, 12 J. MEN’S STUD. 151 (2004).

56. *Id.* at 151.

57. *Id.* at 153.

58. Debby A. Phillips, *Masculinity, Male Development, Gender, and Identity: Modern and Postmodern Meanings*, 27 ISSUES IN MENTAL HEALTH NURSING 403, 404 (2006).

59. *Id.* at 406.

60. *Id.* at 407. “[T]he gender role strain paradigm proposes that contemporary gender roles are contradictory and inconsistent; that the proportions of persons who violate gender roles is high; that violation of gender roles leads to condemnation and negative psychological consequences; that actual or imagined violation of gender roles leads people to overconform to them; that violating gender roles has more severe consequences for males than for females, and that certain prescribed gender role traits (such as male aggression) are too often dysfunctional.” Ronald F. Levant & William S. Pollack, *Introduction to A NEW PSYCHOLOGY OF MEN 3* (Ronald E. Levant & William S. Pollack eds., 1995).

are successfully fulfilled, the socialization process . . . is traumatic, or the fulfillment itself is traumatic . . . . This is the ‘gender role *trauma*’ argument . . . [and] the third [critical concept is that] . . . the successful fulfillment of male role expectations can have negative consequences . . . . This is the ‘gender role *dysfunction* argument.’<sup>61</sup>

Pleck sees the role of masculine ideology as critical to this strain and negative outcome.<sup>62</sup>

Pollack takes a different tack, focusing on the process of emotional development and its lifelong consequences.<sup>63</sup> He sees the development of empathy as critical for men and connects their typical lack of empathy to the forced separation of boys at a young age from their mothers. This enforced separation leads men, he argues, to both seek isolation and desire relatedness and intimacy.<sup>64</sup> Pollack characterizes male gender identity as problematic because of male identification with their mothers: boys must separate while also valuing their connection with their mothers. He sees socialization models that require separation as “a gender-specific vulnerability to *traumatic abrogation* of the early holding environment, an *impingement* in boys’ development.”<sup>65</sup> Men’s favorite emotion is anger because that is an emotion that they are allowed.<sup>66</sup> Pollack argues for a redefined masculinity that retains concepts of difference and celebrates positive male traits: “a masculinity that distills what is historically, proactively, and positively male-gendered yet remains respectful of women’s specialness.”<sup>67</sup> Pollack means to reorient this definition to reflect “a redefinition, from a critical, psychoanalytic perspective, of boys’ early developmental struggles for gendered selfhood . . . [that would reject the existing model that leads to] a traumatic abrogation of their early holding environment, [by] premature psychic separation from both their maternal and paternal caregivers.”<sup>68</sup>

Pollack calls for greater empathy toward men in order for men to learn to be more empathetic. He also sees engaging in nurture as critical to repairing and reorienting men so that men can transform themselves.<sup>69</sup>

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61. Joseph Pleck, *The Gender Role Strain Paradigm: An Update*, in *A NEW PSYCHOLOGY OF MEN*, *supra* note 60, at 11, 12. *See also* JOSEPH PLECK, *THE MYTH OF MASCULINITY* (1981).

62. Pleck, *Gender Role Strain*, *supra* note 61, at 19-21.

63. William S. Pollack, *No Man Is an Island: Toward a New Psychoanalytic Psychology of Men*, in *A NEW PSYCHOLOGY OF MEN*, *supra* note 60, at 33. *See also* WILLIAM S. POLLACK, *REAL BOYS’ VOICES* (2000); WILLIAM POLLACK, *REAL BOYS: RESCUING OUR SONS FROM THE MYTHS OF BOYHOOD* (1998); William S. Pollack, *The “War” For Boys: Hearing “Real Boys’” Voices, Healing their Pain*, 37 *PROF. PSYCHOL. – RES. & PRAC.* 190 (2006).

64. Pollack, *No Man is an Island*, *supra* note 63, at 39-40.

65. *Id.* at 41.

66. *Id.* at 46.

67. *Id.* at 35.

68. *Id.*

69. *Id.* at 55-57.

Bergman, the third leading psychological theorist, focuses on the importance of development of *self-in-relation*, power *with* instead of power *over* and autonomy.<sup>70</sup> Instead of focusing on identity, he focuses on relational development: greater relationship and intimacy is what creates a powerful person. Bergman sees relationship as essential to identity: “rather than identity *before* intimacy, relationship *informs* identity in a continuous, ongoing process—the more connected, the more powerful.”<sup>71</sup> Boys, however, identify relationships as a bad thing because they are associated with mothers, while fathers fail to create a strong emotional relationship.<sup>72</sup> In addition, boys learn male violence and power. The toll this takes on relationships and the need to reorient only comes for many men in midlife when the desire for connection outweighs socialization to the contrary.<sup>73</sup> Bergman’s goal is the “relationalization” of men and women, based on a vision of creative and collaborative relationship.

One other psychological perspective on masculinity is that articulated by feminist paradigms in psychology.<sup>74</sup> Feminist perspectives focus on power differences as critical to gender analysis. Material differences are not necessarily reflected in individual or subjective senses of power. This suggests why men, although powerful, feel powerless:

First, members of a privileged group are typically the least likely people to be aware of their privilege. . . . The second reason that many men may feel subjectively disempowered is that there are great emotional costs to the constant striving to erect and maintain positions of power. . . . Finally, power is not distributed evenly among all men. . . .<sup>75</sup>

While feminist paradigms have been used primarily to treat and analyze women, there is no reason the focus on power relations could not be used for the benefit of men as well.

William Pollack, Daniel Kindlon, and Kindlon’s co-authors have been particularly interested in the development of masculinities in boys.<sup>76</sup> What is

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70. Stephen J. Bergman, *Men’s Psychological Development: A Relational Perspective*, in *A NEW PSYCHOLOGY OF MEN*, *supra* note 60, at 68.

71. *Id.* at 73.

72. *Id.* at 76-77.

73. Bergman argues for a vision of “non-self-centered, mutual relationships and to grow in connection . . . collaborative, co-creative.” *Id.* at 85. “What is being suggested here is not the feminization of men but the relationalization of all, men and women both . . . moving into a power-with way of living. . . . In shifting the paradigm from self-other to relationship, we are entering the realm of the common good.” *Id.* at 88-89.

74. See Michael E. Addis & Geoffrey H. Cohane, *Social Scientific Paradigms of Masculinity and Their Implications for Research and Practice in Men’s Mental Health*, 61(6) *J. CLIN. PSYCHOL.* 633 (2005).

75. *Id.* at 642.

76. See WILLIAM S. POLLACK, *REAL BOYS’ VOICES* (2000); WILLIAM POLLACK, *REAL BOYS: RESCUING OUR SONS FROM THE MYTHS OF BOYHOOD* (1998) [hereinafter POLLACK,

especially striking in this scholarship is young boys' emotional openness and expressiveness and the gradual suppression of emotion and empathy as boys develop. There is awareness, as there has been with girls, that our gender socialization carries serious consequences. However, those consequences are different for boys and girls.

William Pollack articulates a simple thesis to explain the yearning and emotional difficulties of boys: early in their development boys are expected to separate from their mothers, and that lost relationship is not replaced by one with their fathers. This exacts an emotional price that plays out in boys' differential performance in school and in relationships, because boys are held to a "boy code."<sup>77</sup> The emotional difficulties of boys become the foundation for the problems of adult men.<sup>78</sup>

Dan Kindlon shares Pollack's perspective that our socialization pushes boys into "lives of isolation, shame and anger."<sup>79</sup> He links this to the emotional suppression that we socialize in boys so that they lack "emotional literacy."<sup>80</sup> Emotional literacy includes the ability to "identify and name our emotions...[recognize] the emotional content of voice and facial expression...and [understand] situations or reactions that produce emotional states."<sup>81</sup> Kindlon points out that as boys mature, they express less emotion, although there is evidence that they still feel plenty of emotion.<sup>82</sup> Like Pollack, he disputes the role of testosterone and aggressiveness.<sup>83</sup>

Kindlon calls masculinity the "Big Impossible," a term borrowed from the Eastern Highlands of Papua, New Guinea, naming the standard that cannot be achieved.<sup>84</sup> He sees boys as experiencing a very stressful testing period in adolescence: "A boy lives in a narrowly defined world of developing masculinity in which everything he does or thinks is judged on the basis of the strength or weakness it represents: you are either strong and worthwhile, or weak and worthless."<sup>85</sup> This includes massive amounts of teasing and taunting about being "gay" or a "fag," all meant to limit male behavior.<sup>86</sup> This leads to

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REAL BOYS]; DAN KINDLON ET AL., *RAISING CAIN: PROTECTING THE EMOTIONAL LIFE OF BOYS* (1999).

77. POLLACK, *REAL BOYS*, *supra* note 76, at xxiii.

78. July Chu and her collaborators call the way masculinity is socialized "emotional miseducation" by teaching men "emotional stoicism." Judy Y. Chu et al., *The Adolescent Masculinity Ideology in Relationships Scale: Development and Validation of a New Measure for Boys*, 8 *MEN & MASCULINITIES* 93, 94 (2005).

79. KINDLON ET AL., *supra* note 76, at ix.

80. *Id.* at 5. Newberger, like Pollack and Kindlon, sees as a major problem with boys the lack of emotional literacy. ELI H. NEWBERGER, *THE MEN THEY WILL BECOME: THE NATURE AND NURTURE OF MALE CHARACTER* (1999).

81. KINDLON ET AL., *supra* note 76, at 5.

82. *Id.* at 10-11.

83. *Id.* at 13.

84. *Id.* at 78.

85. *Id.* at 79.

86. *Id.* at 81.

significant amounts of depression in boys as well as a high rate of completed suicides—while more girls attempt suicide, more boys succeed.<sup>87</sup> Essential to a different model of manhood, Kindlon argues, is a model that includes and values emotional attachment.<sup>88</sup>

Other researchers of boys have explored the social context and meaning of adolescence. The pressure to conform to hegemonic masculinity, and the narrow range of acceptable alternative masculinities, makes puberty and adolescence a critical time in the development of masculinity. In addition, it is a time when the notion of gender difference is at its peak. School is a major site of gender construction with peers as the most important influence at this stage.<sup>89</sup>

In addition to sociology and psychology, there are a number of additional key streams or thinkers in masculinities theoretical scholarship. James Messerschmidt and Don Sabo have brought the perspective of criminology and its concentration on the dominance of men as perpetrators and victims of violence, and as inmates in the prison system, to the study of masculinities.<sup>90</sup> Both see male crime and prison behavior as extensions of “normal” masculinity. Messerschmidt sees the overrepresentation of men amongst victims and perpetrators of crime as explained by crime being merely another way of doing gender and also by the fact that gender intersects with race and class.<sup>91</sup> Reducing inequality, in his view, is the best long-term way to reduce crime. “Crime by men is not simply an extension of the ‘male sex role.’ Rather, crime by men is a form of social practice invoked as a resource, when other resources are unavailable, for accomplishing masculinity.”<sup>92</sup> The content of men’s practices varies by race and class. Sabo similarly sees prison as an extension of normal patterns of masculinity and further argues that imprisonment reinforces violent masculinities.<sup>93</sup> “The prison code is very familiar to men in the United States because it is similar to the male code that reigns outside of prison.”<sup>94</sup>

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87. *Id.* at 169-70.

88. *Id.* at 254-56.

89. See, e.g., James W. Messerschmidt, *Becoming ‘Real Men’: Adolescent Masculinity Challenges and Sexual Violence*, 2 MEN & MASCULINITIES 286 (2000); ADOLESCENT BOYS: EXPLORING DIVERSE CULTURES OF BOYHOOD (Niobe Way & Judy Y. Chu eds., 2004).

90. See generally JAMES W. MESSERSCHMIDT, MASCULINITIES AND CRIME: CRITIQUE AND RECONCEPTUALIZATION OF THEORY (1993) [hereinafter MESSERSCHMIDT, CRITIQUE]; James W. Messerschmidt, *Masculinities, Crime, and Prison*, in PRISON MASCULINITIES 67, 67-68 (Don Sabo et al. eds., 2001); James W. Messerschmidt, *Men Victimizing Men: The Case of Lynching, 1865-1900*, in MASCULINITIES AND VIOLENCE 125 (Lee H. Bowker ed., 1998) [hereinafter Messerschmidt, *Lynching*]; Don Sabo et al., *Gender and the Politics of Punishment*, in PRISON MASCULINITIES, *supra*, at 3-6.

91. MESSERSCHMIDT, CRITIQUE, *supra* note 90, at 185.

92. *Id.* at 85.

93. Sabo et al., *supra* note 90, at 4-5.

94. *Id.* at 10.

Anthropology has been another discipline involved in masculinity study, and, as with sociology, scholars have challenged the failure to study men as men.<sup>95</sup> One of the more fascinating anthropological studies is David Gilmore's cross-cultural identification of similarities in concepts of masculinity and manhood.<sup>96</sup> Although Gilmore's work is frequently cited in support of the view that manhood is a universal and timeless essence, he makes it clear that masculinity is learned, not inherent, that manhood is seen as something difficult to attain and he contrasts this with how femaleness or womanhood is viewed. That "[m]anhood is a test in most societies" confirms that it is stressful and never fully achieved.<sup>97</sup> Gilmore also finds manhood is consistently associated with three things: "[O]ne must impregnate women, protect dependents from danger, and provision kith and kin."<sup>98</sup>

Finally, geography has been an equally interesting discipline studying masculinities noting how space supports dominance such as how pubs, sports areas, and workplaces are all places where masculinities are made and performed.<sup>99</sup> It is fascinating to consider how men and women move differently through space especially in those spaces that are singularly or dominantly male versus singularly or dominantly female. It also reminds us that the physical environment is constructed in complex ways and that crossing boundaries may operate differently for men and women.

### C. *Alternative masculinities*

One of the other lines of scholarship in masculinities theorizing is alternative or subversive masculinities. Although masculinities theorists consistently adopt the perspective that masculinities are plural and that race, class, age, and sexual orientation play a critical role in constructing those masculinities, the scholarship about these masculinities remains sparse. Thus the critique of masculinities scholarship as essentialist in practice, though not in articulation, hits home. In this respect masculinities scholarship mirrors the challenges and shortcomings of implementing anti-essentialism that persist in feminist theory and practice as well.

These alternative masculinities, however, are critical both to exposing the hierarchy within masculinity, the role of other identity factors, and the interaction of privilege and disadvantage. Most significantly, they suggest alternative masculinities that represent a less hierarchical, more egalitarian

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95. Andrea Cornwall & Nancy Lindisfarne, *Dislocating Masculinity: Gender, Power and Anthropology*, in *DISLOCATING MASCULINITY: COMPARATIVE ETHNOGRAPHERS* 11, 27-28 (Andrea Cornwall & Nancy Lindisfarne eds., 1996).

96. See generally DAVID GILMORE, *MANHOOD IN THE MAKING: CULTURAL CONCEPTS OF MASCULINITY* (1990).

97. *Id.* at 220-21.

98. *Id.* at 222-23.

99. See, e.g., Bettina van Hoven & Kathrin Hörschelmann, *Introduction to SPACES OF MASCULINITIES* 1, 5-6, 11 (Bettina van Hoven & Kathrin Hörschelmann eds., 2005); Daphne Spain, *Gendered Spaces and Women's Status*, 11 *SOC. THEORY* 137, 137-41 (1993).

model of masculinity. This would argue for placing these marginalized models at the center of masculinities theory.

The development of theory around sexual orientation, including the development of queer theory, was one of the progenitors of masculinities scholarship. The ongoing relationship between masculinities and queer theory is an important theoretical perspective to explore. Because queer theory resists sex/gender classification and “grand” theorizing as undermining the queer project, it is both a creative and yet sometimes unsatisfying force within masculinities theory.

Homophobia is a powerful piece in the construction of masculinities. Men define themselves in relation to other men, often in homosocial environments.<sup>100</sup> If “not being like women” is the negative definition of masculinity, that avoidance is also strongly linked to not being “gay.” Indeed, men’s strong homophobia is linked to their need to avoid being feminine in order to meet masculine norms.<sup>101</sup> This is expressed in avoiding men who are perceived as feminine, anti-gay harassment and violence, and men themselves avoiding characteristics and behaviors that would identify them as feminine or gay.<sup>102</sup> These behaviors and attitudes begin in adolescence as “heteronormative masculinity,”<sup>103</sup> which makes gay and lesbian youth particularly vulnerable.<sup>104</sup>

Homophobic attitudes and behaviors manifest strongly in the workplace with sexual discrimination against gay men or men perceived as violating the norms of masculinity.<sup>105</sup> As Sylvia Law pointed out in her classic article decades ago, discrimination against gays and lesbians is powerfully linked to sexism: it represents a way of enforcing sex norms for both women and men.<sup>106</sup> “[H]omosexuality is censured because it violates the prescriptions of gender

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100. Michael S. Kimmel, *Masculinity as Homophobia: Fear, Shame, and Silence in the Construction of Gender Identity*, in TOWARD A NEW PSYCHOLOGY OF GENDER, 223, 224, 231-32 (Mary M. Gergen & Sara N. Davis eds., 1997).

101. Wayne W. Wilkinson, *Authoritarian Hegemony, Dimensions of Masculinity, and Male Antigay Attitudes*, 5 PSYCHOL. OF MEN & MASCULINITY 121, 121-22 (2004).

102. Stephen E. Kilianski, *Explaining Heterosexual Men’s Attitudes Toward Women and Gay Men: The Theory of Exclusively Masculine Identity*, 4 PSYCHOL. OF MEN & MASCULINITY 37, 37-38 (2003); see also HATE CRIMES: CONFRONTING VIOLENCE AGAINST LESBIANS AND GAY MEN (Gregory M. Herek & Kevin T. Berrill eds., 1992); Peter Bartlett, *Killing Gay Men, 1976-2001*, 47 BRIT. J. CRIMINOLOGY 573, 591-93 (2007); Gregory M. Herek, *Confronting Sexual Stigma and Prejudice: Theory and Practice*, 63 J. SOC. ISSUES 905, 906, 908, 910 (2007).

103. Neill Korobov, *Ironizing Masculinity: How Adolescent Boys Negotiate Heteronormative Dilemmas in Conversational Interaction*, 13 J. MEN’S STUD. 225, 228 (2005).

104. Sonia Renee Martin, *A Child’s Right to be Gay: Addressing the Emotional Maltreatment of Queer Youth*, 48 HASTINGS L.J. 167, 167-68 (1996).

105. Theodore A. Schroeder, *Fables of the Deconstruction: The Practical Failures of Gay and Lesbian Theory in the Realm of Employment Discrimination*, 6 AM. U. J. GENDER & L. 333, 334, 339 (1998).

106. Sylvia A. Law, *Homosexuality and the Social Meaning of Gender*, 1988 WIS. L. REV. 187, 195-96.

role expectations.”<sup>107</sup> The explicit regulation of homosexuality is one of the key ways in which law regulates masculinity and reinforces a particular male norm.<sup>108</sup> This is done by the absence of legal protection, such as the absence of a federal cause of action for employment discrimination based on sexual orientation, which permits a discriminatory workplace culture that reinforces a narrow male norm of masculinity. Limiting marriage in most states only to opposite sex couples also reinforces gender norms.<sup>109</sup> The regulation is accomplished by linking sex, gender, and sexual orientation.<sup>110</sup>

Asserting a legal theory to combat discrimination against gays and lesbians, as well as a positive identity and culture of gays and lesbians, inevitably contributes to a more expansive notion of masculinity. Since being “not gay” is such a defining part of masculinity, undermining the negative perception and behavior toward being gay liberates all men. The focus of theory in gay and lesbian civil rights, and queer theory, however, has not been on gender but rather on sexuality, as it is sexuality that has been the defining characteristic of condemnation and regulation.

Queer theory is the most recent evolution of gay and lesbian legal scholarship, emerging in the 1980s and 1990s from the work of scholars in the humanities.<sup>111</sup> One scholar identifies four major claims of queer theory:

(1) sexuality is central, not marginal, to the construction of meaning and political power; (2) identity is performative, not natural; (3) political struggle is better understood as ironic parody than as earnest liberation; and (4) popular culture provides a unique insight into the everyday operation of political power that may under certain circumstances transform, rather than simply mirror, status quo power relations.”<sup>112</sup>

Queer theory in particular attacks the notion of categories, particularly the binary notion of sex and gender.<sup>113</sup> Queer theory explores how sexual identities are socialized and limited and how heterosexuality becomes the dominant position and sustains itself. Queer theorists argue that sexuality is based on unstable, changing categories and do not limit themselves to a “queer position”

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107. *Id.* at 196.

108. Justin Reinheimer, *Same-Sex Marriage Through the Equal Protection Clause: A Gender-Conscious Analysis*, 21 BERKELEY J. GENDER L. & JUST. 213, 214, 223 (2006); Valdes, *Queers, Sissies, Dykes, and Tomboys*, *supra* note 10, at 25.

109. Reinheimer, *supra* note 108, at 215, 223-24, 239.

110. Valdes, *Queers, Sissies, Dykes, and Tomboys*, *supra* note 10, at 23-24.

111. Susan Burgess, *Queer (Theory) Eye for the Straight (Legal) Guy: Lawrence v. Texas' Makeover of Bowers v. Hardwick*, 59 POL. RES. Q. 401 (2006).

112. *Id.* at 401.

113. Andrew J. Hostetler & Gilbert H. Herdt, *Culture, Sexual Lifeways, and Developmental Subjectivities: Rethinking Sexual Taxonomies*, 65 SOC. RES. 249, 252 (1998).

on sexuality.<sup>114</sup> Thus, “queering” an area of study or analysis is not limited to gay and lesbian issues; rather, it is a way of critiquing categories, seeing how categories limit, and refusing to use categories to achieve liberation and equality.

The approach of queer theory, applied to the study of masculinities, would challenge the category itself. Moreover, where heterosexism is promoted, queer theory helps uncover how masculinities are limited and defined.<sup>115</sup> Queer theory therefore challenges the categories of sexual orientation and disrupts heteronormativity.<sup>116</sup> “[Q]ueer theory seeks to demonstrate that all sexual behavior is socially constructed and that sexuality is not determined by biology.”<sup>117</sup> “The *principle* of ‘queer’ . . . is the disassembling of common beliefs about gender and sexuality . . . . The *activity* of ‘queer’ is the ‘queering’ of culture. . . . As *theory*, [it] leads to the rejection of all categorizations as limiting and labeled by dominant power structures.”<sup>118</sup>

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114. Annette Schlichter, *Queer at Last? Straight Intellectuals and the Desire for Transgression*, 10 GLQ: J. GAY & LESBIAN STUD. 543, 546 (2004).

115. See George P. Smith II, *Civil Liberties, Sexuality and the Law*, 24 N.Y.U. REV. L. & SOC. CHANGE 333 (1998) (reviewing DONALD G. CASSWELL, LESBIANS, GAY MEN, AND CANADIAN LAW (1996)).

116. Adam Isaiah Green, *Queer Theory and Sociology: Locating the Subject and the Self in Sexuality Studies*, 25 SOC. THEORY 26 (2007).

117. Kim Brooks & Debra Parkes, *Queering Legal Education: A Project of Theoretical Discovery*, 27 HARV. WOMEN'S L.J. 89, 97 (2004).

118. MAX H. KIRSCH, QUEER THEORY AND SOCIAL CHANGE 33 (2000). In this respect queer theory is very distinctive from mainstream gay and lesbian politics, which have emphasized a category and argued for the recognition of equal rights and justice for the category. Paisley Currah, *Queer Theory, Lesbian and Gay Rights, and Transsexual Marriages*, in SEXUAL IDENTITIES, QUEER POLITICS (Mark Blasius ed., 2001). Whether queer theory can translate into pragmatic political strategy has been a chief criticism of queer theory. “[I]f the insights of queer theory were to be seriously integrated into the reasoning of the rights advocates of sexual minorities, those advocates would find themselves facing something of a quandary: how to articulate a rights claim on behalf of an identity that is, in fact, radically contingent—an illusion, a fiction, or at best, an only occasionally coherent narrative.” *Id.* at 180. See also Carlos A. Ball, *Essentialism and Universalism in Gay Rights Philosophy: Liberalism Meets Queer Theory*, 26 LAW & SOC. INQUIRY 271 (2001) (reviewing LADELLE MCWHORTER, BODIES AND PLEASURES: FOUCAULT AND THE POLITICS OF SEXUAL NORMALIZATION (1999) & DAVID A. J. RICHARDS, IDENTITY AND THE CASE FOR GAY RIGHTS: RACE, GENDER, RELIGION AS ANALOGIES (1999)). A second critique views queer theory and feminism as being at odds because feminists would reject discarding the category “women” and because of a fear that “queer” has a dominantly male orientation. Diane Richardson et al., *Introduction* to INTERSECTIONS BETWEEN FEMINISM AND QUEER THEORY (Diane Richardson et al. eds., 2006); Sami Zeidan, *The Limits of Queer Theory in GLBT Litigation and the International Human Rights Discourse*, 14 WILLAMETTE J. INT'L L. & DISP. RESOL. 73 (2006); Ian Halley, *Queer Theory by Men*, 11 DUKE J. GENDER L. & POL'Y 7 (2004). Another critique of queer theory calls for greater diversity and anti-essentialism. 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 (1998); Jeffrey C. Mingo, *More Colors than the Rainbow: Gay Men of Color Speak About Their Identities and Legal Choices*, 8 LAW &

Two insights emerge from this area that are particularly useful for masculinities. One is Kenji Yoshino's concept of covering, his exploration of the ways gays and lesbians hide their true selves in order to avoid discrimination and harm.<sup>119</sup> Something akin to covering, I would argue, is part of masculinities since so much negativism is part of the definition and it is so harmful to deviate from the norm. In addition, the need to conform affects all men.<sup>120</sup> Second, if the concept of affirmative action is used to remedy the treatment of gay men and lesbians in the workplace, then inevitably it is designed to expand the culture of permissible masculinity but could do so in such a marginalized way that it would reinforce hegemonic norms.<sup>121</sup>

The other significant area of alternative masculinities is work on minority men with the most work being done about Black men. Minority men provide examples of resistance to hegemony but also sometimes demonstrate acceptance of gender inequality as entitlement, or of male equality as a priority, so resistance and support of hegemonic masculinity are tied together. An example of this is the sign carried by civil rights protestors in Birmingham, Alabama in 1968 stating "I Am a Man" as a claim to equality.<sup>122</sup> The distinctive masculinity of African American men has been labeled "cool pose" by Richard Majors.<sup>123</sup> "[B]lack men often cope with their frustration, embitterment, alienation, and social impotence by channeling their creative energies into the construction of unique, expressive, and conspicuous styles of demeanor, speech, gesture, clothing, hairstyle, walk, stance, and handshake."<sup>124</sup> The pose, Majors argues, is both resistance and assertion against the race and gender subjugation of Black men.<sup>125</sup>

The wonderful theoretical models of masculinity that arise out of the perspective of minority men suggest that in the model of Black masculinity there is not deviance but a new model for manhood. The works of Michael Awkward and Devon Carbado, who both focus on men as feminists, and specifically the place of Black men in Black women's feminism, epitomize this possibility.<sup>126</sup> Awkward suggests a potential model for masculinity grounded in

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SEXUALITY 561 (1998); Darren Lenard Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Disclosure*, 29 CONN. L. REV. 561 (1997).

119. Kenji Yoshino, *Covering*, 111 YALE L.J. 769 (2002).

120. See, e.g., Fadi Hanna, *Punishing Masculinity in Gay Asylum Claims*, 114 YALE L.J. 913 (2005).

121. Jeffrey S. Byrne, *Affirmative Action for Lesbians and Gay Men: A Proposal for True Equality of Opportunity and Workforce Diversity*, 11 YALE L. & POL'Y REV. 47 (1993).

122. Maurice Berger et al., *Introduction to CONSTRUCTING MASCULINITY* (Maurice Berger et al. eds., 1995).

123. Richard F. Lazur & Richard Majors, *Men of Color: Ethnocultural Variations of Male Gender Role Strain*, in *NEW PSYCHOLOGY OF MEN* 337, 341 (Ronald F. Levant & William S. Pollack eds., 1995).

124. Richard Majors, *Cool Pose: Black Masculinity and Sports*, in *THE MASCULINITIES READER*, *supra* note 22, at 209, 211.

125. *Id.* at 212.

126. Michael Awkward, *A Black Man's Place in Black Feminist Criticism*, in *BLACK MEN ON RACE, GENDER, AND SEXUALITY: A READER* 362 (Devon Carbado ed., 1999); Devon

the Black feminist critique of feminism and his effort to consider the role of men in feminism, a way of seeing the interaction between masculinities and feminist theory that is very atypical of white feminists or white male masculinities scholars. His view suggests that an outsider perspective can lead to the difficult dance that is needed if masculinities are to be of any value to feminist theory.

Awkward talks about the necessity of examining benefits and disadvantages of feminist discourse: Black men could be purely self-interested, versus exploring the privileges and position of men.<sup>127</sup> One of the possibilities that Black men have to offer relates to the structure of the Black family and the strong role of mothers: Black men, he argues, using the work of Hortense Spillers,<sup>128</sup> know the female within to a far greater degree than most men do.<sup>129</sup> “It is the heritage of the *mother* that the African-American male must regain as an aspect of his own personhood—the power of ‘yes’ to the ‘female’ within.”<sup>130</sup> Feminism, Awkward argues, might allow for reconceptualizing a Black man but not in an oppressive way.<sup>131</sup> In other words, feminism could create room for not only non-patriarchal masculinity but also masculinity that is not linked to racial oppression. Devon Carbado picks up the theme of male feminism raised by Awkward, of the necessity of men coming to terms with male privilege, including heterosexual privilege.<sup>132</sup> He argues male feminism must be male-centered (which masculinities are) but that it should focus on disconnecting from power.<sup>133</sup>

Another positive characteristic of Black masculinity is the value placed on responsibility. In a review of the literature on African American men, Wisdom Hammond and Jacqueline Mattis note that the value of responsibility and accountability is the key value of Black masculinity and that manhood is

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Carbado, *Epilogue* to BLACK MEN ON RACE, GENDER AND SEXUALITY: A CRITICAL READER, *supra* note 126, at 417.

127. Awkward, *supra* note 126, at 369.

128. Hortense Spillers is the Gertrude Conaway Vanderbilt Professor at Vanderbilt University, a prominent scholar of literary and cultural criticism. The particular work cited in this piece is an essay called *Mama's Baby, Papa's Maybe: An American Grammar Book*, in 17 DIACRITICS 65 (1987) [hereinafter Spillers, *Mama's Baby*]. A bibliography of her work is available at Hortense Spillers-Bibliography, [http://www.Blackculturalstudies.org/spillers/spillers/spillers\\_index.html](http://www.Blackculturalstudies.org/spillers/spillers/spillers_index.html) (last visited Nov. 22, 2008). See also Hortense Spillers-Vanderbilt University English Department, [http://www.vanderbilt.edu/english/hortense\\_spillers](http://www.vanderbilt.edu/english/hortense_spillers) (last visited Nov. 22, 2008).

129. Awkward, *supra* note 126, at 372.

130. Spillers, *Mama's Baby*, *supra* note 128, at 80.

131. Awkward, *supra* note 126, at 378.

132. Carbado, *supra* note 126, at 418.

133. *Id.* at 425. Carbado has critiqued the dominance of men in racial discourse as privileged victims in anti-racist analysis. See Devon Carbado, *Introduction* to BLACK MEN ON RACE, GENDER AND SEXUALITY: A CRITICAL READER, *supra* note 126, at 4. See also Devon W. Carbado, *Men in Black*, J. GENDER RACE & JUST. 427 (2006).

constructed relationally.<sup>134</sup> On the other hand, it is critical to uncover as well the negatives that link to the experience of subordination. For example, Elijah Ward raises issues with Black masculinity, particularly the links between Black masculinity and homophobia.<sup>135</sup> Ward argues that Black masculinity is characterized by hypermasculinity that is constructed in defense of the fear of Black men and the denial of Black men's personhood.<sup>136</sup> A part of Black masculinity is strong expression of homophobia while denying a discussion of sexuality.<sup>137</sup> One consequence of homophobia is its deterrent effects on relationships of affection between Black men.<sup>138</sup> Mark Anthony Neal similarly raises the concern that need for strength and opposition in Black masculinity can express itself in homophobic, misogynist ways.<sup>139</sup>

Frank Cooper suggests that within Black masculinity there is a "good Black man" and "bad Black man" model that is externally constructed and imposed.<sup>140</sup> The effect of these cultural representations on Black men is to discipline them to be good Black men, trying to be white but still subordinate to white males.<sup>141</sup> The power of the negative construction of Black masculinity is exposed by Gail Dines' study of pornography, where she finds the presence of Black men widespread in images used to denigrate Black men as animalistic and to degrade white women with images of sick sexuality.<sup>142</sup> The construction

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134. Wisdom P. Hammond & Jacqueline S. Mattis, *Being a Man About It: Manhood Meaning Among African American Men*, 6 PSYCHOL. OF MEN & MASCULINITY 114, 114 (2005). This suggests an affirmative model of manhood that is contrary to popular models. A similar theme is suggested by Adu-Poku, who suggests that at the margins you may find alternative models. Samuel Adu-Poku, *Envisioning (Black) Male Feminism: A Cross-Cultural Perspective*, 10 J. GENDER STUD. 157 (2001).

135. Elijah Ward, *Homophobia, Hypermasculinity and the US Black Church*, 7 CULTURE, HEALTH & SEXUALITY 493 (2005).

136. *Id.* at 495-97.

137. *Id.* at 497-500.

138. *Id.* at 500.

139. See MARK ANTHONY NEAL, *NEW BLACK MAN* (2005).

140. Frank Rudy Cooper, *Against Bipolar Black Masculinity: Intersectionality, Assimilation, Identity Performance, and Hierarchy*, 39 U.C. DAVIS L. REV. 853 (2006).

141. *Id.* at 858.

142. Gail Dines, *The White Man's Burden: Gonzo Pornography and the Construction of Black Masculinity*, 18 YALE J.L. & FEMINISM 283, 285 (2006). The denigration of Black men and the challenges of Black manhood are evident historically: two examples are lynching and Jim Crow. Acting like a white man was considered to be insubordinate and insulting. Messerschmidt, *Lynching*, *supra* note 90, at 125. Manhood was at the core of lynching, a violent response to the perceived threat of Black men being equal to white men. Lynching, a public event, often included castration. It most commonly served to punish Black men who approached or were accused of assault by white women. By participating in the lynching, white men could prove themselves to their white male peers. At the same time, the power of lynching as a symbol of racism is also a strange denial of the treatment of Black women. Marlon B. Ross, *Race, Rape, Castration: Feminist Theories of Sexual Violence and Masculine Strategies of Black Protest*, in MASCULINITY STUDIES AND FEMINIST THEORY: NEW DIRECTIONS, *supra* note 36, at 307. "[T]he institutionalized rape of Black women has never been as powerful a symbol of Black oppression as the spectacle of lynching." HAZEL V. CARBY, *RECONSTRUCTING WOMANHOOD: THE EMERGENCE OF THE AFRO-AMERICAN*

of Black masculinity also plays out structurally, in education, work, health, and criminal justice.<sup>143</sup>

Masculinities scholarship on alternative, subordinate, non-hegemonic masculinities challenges an essentialist portrait of men. Instead of seeing men as a single entity, and only described in terms of dominance and power, this aspect of the study of masculinities reveals ways in which the dominant gender system subordinates and differentiates among men. Race frequently trumps gender privilege. Anti-essentialism means exposing affirmative differences among men that challenge dominant definitions of masculinity. The lives of men of color suggest models of masculinity without privilege, particularly with respect to their role in families. A similar dynamic may describe the parenting and relational models of men in same-sex couples. Queer theory presents one of the most sustained critiques of the privileged masculinity norm that defines manhood as heterosexual. Masculinities analysis exposes how those alternative models are constructed as well as quashed by the dominance of a preferred, singular gender model that ultimately limits men's freedom and resists women's equality.

### *C. Insights of Masculinities Scholarship and Their Implications for Feminist Theory*

From the theoretical work of masculinities scholars, a number of insights and implications can be drawn for feminist analysis. In the first part of this section, I summarize those insights; in the second part, I suggest how they might influence feminist theory.

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WOMAN NOVELIST 39 (1987). This returns to the concern that asserting manhood is at the expense of women. Ross also details how, during the Jim Crow era, Black men asserted manhood despite its denial, to "man" the race. Ross, *Race, Rape, Castration*, *supra* note 36, at 305. Sherene Razack has asserted that when men of color are complicit in dehumanizing others, it is not compensatory humiliation, but following the hegemonic script and doing exactly what white men do. Razack, *supra* note 10, at 331.

143. The education pieces are especially compelling for exposing the pattern of lost opportunity and denial. James Earl Davis, *Research at the Margin: Mapping Masculinity and Mobility of African-American High School Dropouts*, 19 INT'L J. OF QUALITATIVE STUD. IN EDUC. 289-304 (2006); ANN ARNETT FERGUSON, *BAD BOYS: PUBLIC SCHOOLS IN THE MAKING OF BLACK MASCULINITY* (2000). The second structural area is work, the denial of the breadwinner role by denial of economic opportunities. At least one author links this to the failure to see Black men under Title VII as having anything other than race disadvantage; their gender disadvantage is invisible. Pamela J. Smith, *Romantic Paternalism—The Ties that Bind: Hierarchies of Economic Oppression That Reveal Judicial Disaffinity for Black Women and Men* (pt. 2), 3 J. GENDER RACE & JUST. 181 (1999). Health data expose significant differences in morbidity and mortality. John A. Rich, *The Health of African American Men*, 569 ANNALS AM. ACAD. POL. & SOC. SCI. 149 (2000). Finally, there is the all too familiar pattern of criminal involvement, disproportionate sentencing, and hassling of young Black men, whether engaging in criminal activity or not. Doris Marie Provine, *Too Many Black Men: The Sentencing Judge's Dilemma*, 23 LAW & SOC. INQUIRY 823 (1998); Rod K. Brunson & Jody Miller, *Young Black Men and Urban Policing in the United States*, 46 BRIT. J. CRIMINOLOGY 613 (2006).

## 1. The Insights of Masculinities Theory

### *1. Men are not universal or undifferentiated*

This is a very critical and important insight, although it seems particularly simple and unremarkable. Yet much of feminist theory simply presumes universality or that the benefit of manhood/masculinity is universal enough to justify treating men as a class. It is important to see men as residing within another hierarchy, a hierarchy of men, as well as sometimes losing the “benefit” of being a man entirely. It is just as important in terms of dismantling male privilege to recognize that not all men are similarly situated and that gender privilege may even be trumped by another characteristic or by nonconformity to gender norms. It is also a core insight of masculinity that men experience manhood as something constantly to be achieved, not something simply attained and lived. This instability is critically linked to hierarchy among men. Differentiation, hierarchy, and even the negation of privilege may also suggest that gender is only a rough indicator of inequality, not an absolute.

Do differences among men open up opportunities for collaboration by revealing the hierarchy and destabilizing its power? Or will men close ranks in defense of gender privilege, even if they might not be the ones to enjoy it? Differences among men at a minimum suggest the need to calibrate policy and pay attention to men who might be differently situated so that they are not ignored or disproportionately burdened.

### *2. Intersections of manhood particularly with race, class, and sexual orientation are critical to the interplay of privilege and disadvantage, of hierarchies among men, and of factors that may entirely trump male gender privilege*

There are scholars who have urged us to pay attention to what happens at the intersections of critical characteristics, both when privilege is reinforced and when it is undermined.<sup>144</sup> Dismantling male privilege means understanding how it is constructed. Intersectionality suggests how men remain committed to and supportive of male privilege even when they do not benefit from the most favored male position. Hegemony importantly includes the concept that those who are subordinated may be complicit in the structure of hierarchy. That pattern seems apparent at the intersections that create hierarchy among men. In looking at Black men in particular, one of the most interesting patterns is the potential they open up for both a different model or models of masculinity, while at the same time displaying hypermasculinity in response to the denial of privilege.

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144. See Ehrenreich, *supra* note 5; see also Devon W. Carbado, *Straight Out of the Closet*, 15 BERKELEY WOMEN'S L.J. 76, 94-95 (2000).

### 3. *Men pay a price for privilege*

This insight means that we have simply ignored certain issues because clearing away privilege comes first. Yet uncovering the price paid might be a way into undermining privilege or the appeal of seeking or having it. There are consequences associated with the demands of masculinity that are apparent in the statistics about men and boys. Men's health is clearly affected by the stresses and demands of masculinity and the refusal to seek out care, physical or mental, when care is needed. Data describing boys' rate of injury as well as their higher rate of completed suicide and their victimization from, as well as commission of, crime all reflect the demands and burdens of masculinity norms.<sup>145</sup> Boys' failure at education is another cost of a masculinity ideal that eschews academic achievement and a school environment that is not responsive to boys. Perhaps the saddest example of the burdens of privilege is the consensus among researchers of men and boys that social and cultural masculinities norms reinforce emotional limitations that play out lifelong in a lack of empathy and difficulties with intimate relationships including both friendships and partnerships, whether heterosexual or homosexual. The emotional life of men, as a group, is stunted and limited. This is a price that affects every aspect of their well-being.

That privilege would be embraced with such a price exposes the strength and attraction of male privilege. The price paid becomes justification and entitlement. Would exposing the price change the dynamic? Certainly, it is indefensible to ignore the disadvantages and burdens of men; to do so would undermine the powerful equality claim of feminist theory. This complex inequality dynamic is critical for feminists to explore, understand, and address. Simplistic either/or approaches (either women or men), or prioritizing inequalities (women are more unequal) move us away from understanding that we need to understand the interactive nature of men's and women's inequalities and privileges.

### 4. *The asymmetry of masculinities scholarship and feminist theory reflects the differences in the general position of men and women*<sup>146</sup>

The temptation to see masculinities theory as complementary to feminist theory, equalizing gender analysis, comes from the powerful notion of gender

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145. KINDLON ET AL., *supra* note 76, at 169-70.

146. See Jalna Hanmer, *Men, Power and the Exploitation of Women*, in *MEN, MASCULINITIES & SOCIAL THEORY*, *supra* note 22, at 21; Joyce E. Canaan & Christine Griffin, *The New Men's Studies: Part of the Problem or Part of the Solution?*, in *MEN, MASCULINITIES & SOCIAL THEORY*, *supra* note 22, at 206; Sally Robinson, *Pedagogy of the Opaque: Teaching Masculinity Studies*, in *MASCULINITY STUDIES AND FEMINIST THEORY: NEW DIRECTIONS*, *supra* note 36, at 141; Judith Kegan Gardiner, *Theorizing Age with Gender: Bly's Boys, Feminism, and Maturity Masculinity*, in *MASCULINITY STUDIES AND FEMINIST THEORY: NEW DIRECTIONS*, *supra* note 36, at 90; Meg Luxton, *Dreams and Dilemmas: Feminist Musings on 'The Man Question'*, in *MEN AND MASCULINITIES: A CRITICAL ANTHOLOGY*, *supra* note 12, at 347.

neutrality. This shows the perversion that can occur when a good idea—studying men as men—is turned into a bad idea by ignoring the material differences between men and women as a group. Associated with that asymmetry and difference are dangers that expose how patriarchal power replicates itself.

What masculinities has to offer feminist theory, in general, is the enrichment, contextualization, and refinement of theory, as well as making men simply visible. What feminism has to offer masculinities theory, on the other hand, is a set of tools to address much more strongly inequality, subordination, and how to shift from power-over to power-with.

Masculinities is not, dominantly, about understanding and dismantling male power and privilege; instead, it is about understanding how male identity is constructed and sustained. Although this is not true of all scholars who study men, it does describe a great many, and dominant theory is much more descriptive than analytical or critical. At least one critic says that this is not the right focus and that, instead of focusing on the dominant form of masculinity, we should go back to concentrating on men and men's dominance.<sup>147</sup> There are not many voices, however, talking about gender transformation or about how power is sustained.

##### *5. Masculinity is a social construction*

Masculinities theory sees masculinity as a social construction, not as a biological given; it is a set of practices that one constantly engages in or must perform; it is fluid, not fixed. This opens the hope that masculinity can change and that it is plural, not unitary. But just as women experience their gender as powerful and fixed, so too men experience their masculinity.

##### *6. Hegemonic masculinity is the dominant and most valued form of masculinity*

Hegemonic masculinity recognizes that one masculinity norm dominates multiple masculinities, and the one most commonly articulated is a Western European/American norm. Unlike the feminist norm of equality, albeit with much debate about what constitutes equality for women, hegemonic masculinity is a negative norm in relation to equality. The focus is on the negative mold rather than an alternative, egalitarian one. In identifying egalitarian goals or models, masculinities scholarship has much to learn from feminist scholarship. The negative hegemonic norm nevertheless may provide feminists with more ammunition to describe how this norm infuses cultural, social, and structural norms. It also suggests that there are alternative or subversive masculinities that might provide an alternative model or that would suggest opportunities for collaboration. As many masculinities scholars have pointed out, it is the rare man who meets the hegemonic masculinity standard. Indeed, it is part of the standard that the norm is one you must constantly

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147. Jeff Hearn, *From Hegemonic Masculinity to the Hegemony of Men*, *supra* note 46, at 59.

demonstrate. This demanding, unstable position may open up opportunities even as it is acknowledged to remain depressingly strong.

*7. The patriarchal dividend is the benefit that all men have from the dominance of men in the overall gender order*

Identifying and naming this dividend, and showing how it operates, has been a key goal of feminist theory, particularly as facial discrimination has largely disappeared and deeper structural and cultural discrimination continues to perpetuate patriarchy. The patriarchal dividend is so pervasive that it goes largely unnoticed; it is taken-for-granted oppression. While it is not equally enjoyed by all men, as a group men draw on that power. Even men who would reject this unearned benefit still have this advantage. Indeed, it is a challenge to articulate ways that the dividend can be rejected, as opposed to eliminating the dividend. One way of exploring this, to get at the everyday nature of male privilege, is to identify the daily examples of privilege, to make this more visible.<sup>148</sup>

*8. The two most common defining elements of masculinity are imperative negatives: not to be a woman and not to be gay*

A critical piece of masculinity is this negative defining, which is linked to issues of power and hierarchy (plus race and class). The rejection of things female, things associated with mothers, is life-long. As one author says— "[w]hen does it end? Never. To admit weakness, to admit frailty or fragility, is to be seen as a wimp, a sissy, not a real man."<sup>149</sup> The ultimate fear is to come up short in front of other men. There is much here connected to fear, shame, and emotional isolation. If these two elements remain core to the definition of masculinity, then the ability to attack the hierarchy of men over women and heterosexuals over homosexuals is fundamentally stalled. Subordination will be reworked but not destroyed. It seems critical to imagine or create a positive definition of what it means to be a man, but this simple goal seems strangely difficult and is largely ignored. One of the most important potential places to look for alternatives is to explore in greater depth the masculinities of minority men and gay men, as well as to explore comparatively masculinities of other cultures and countries. Minority men may provide a model, but it is complicated, since they are both resistant and complicit. That very complexity, however, may teach us much more than looking at hegemonic males. Focusing on males who are more at the margin of masculinities may be very revealing.

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148. Peggy MacIntosh's notion of the "invisible knapsack of privilege" is a particularly useful tool to accomplish this. Peggy MacIntosh, *White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences Through Work in Women's Studies*, in FEMINIST LEGAL THEORY: AN ANTI-ESSENTIALIST READER 63, 63 (Nancy E. Dowd & Michelle S. Jacobs eds., 2003).

149. Michael Kimmel, *Masculinity as Homophobia: Fear, Shame, and Silence in the Construction of Gender Identity*, in THEORIZING MASCULINITIES, *supra* note 16, at 119, 128.

9. *Masculinity is as much about relation to other men as it is about relation to women*

The importance of this insight cannot be sufficiently underscored. Much of feminist theory has focused on women's relationship or comparison to men. Some feminists have pointed out that not all women are oppressed, or not all are oppressed equally, and have identified examples of where women have oppressed other women. For example, the structure of work and family operates differently for women depending upon where they work and their income. Women employ women to do domestic and care work, and frequently overwork and underpay other women, as well as provide them with insufficient benefits that fail to ensure that female employees are able to balance work and family for their own families. Similarly, the relationship between white women and women of color has been a vexed one, less based on solidarity than on distrust, challenging collaboration to identify priorities as well as challenging the absence of race consciousness in the women's movement and feminist scholarship.

Masculinities scholarship points out similar dynamics, but there is also an underlying dynamic in masculinity that pits every man against every man. In addition to being challenged to meet a standard of masculinity that must continuously be performed, masculinity also is a process of comparison, of measuring, that puts each man against all others. To identify equality issues as solely focusing on male/female issues, then, would miss this important piece of the equality puzzle.

10. *Men, although powerful, feel powerless*

This insight of masculinities scholarship seems very strange and counterintuitive. Is this sense of powerlessness linked to denial of men's power? Or does it represent a form of backlash to women's gains? Or is it a central component to men's masculinity, linked to their constant measuring against other men, and against the standard of masculinity, the "Big Impossible"? Whether false consciousness or real consciousness, this sense of powerlessness might explain the failure of men to be drawn by feminism or the difficulty of recruiting men to feminism, because feminism's core claim of male power does not ring true. It is a perception that is helpful to strategizing, although ultimately the data tend to undermine the reality of this view of things. But we have long recognized that irrationality sustains much of the unconscious as well as conscious thinking about inequalities of gender, as well as those of race, class, and sexual orientation. What may be most important is to understand that this conviction is real and stands in the way of changing consciousness of men about men, and of women about men so that movement forward toward equality is possible.

11. *Masculinities study exposes how structures and cultures are gendered male*

Some of the most important work of masculinities is the strong support it provides for the feminist claim that structures, such as work, are gendered male. As Ann McGinley has suggested in the context of employment

discrimination law, the data and expertise of this scholarship may provide the expert testimony necessary to expose gendered cultures and structures of the workplace.<sup>150</sup> In this area masculinities study supplements and supports feminist theory in significant ways. Where this might lead is a richer debate over the vision of a truly egalitarian workplace, given that masculinities scholarship exposes not only the male imprint on work culture and structures but also the hierarchy among men within that male culture.

*12. The spaces and places that men and women inhabit and work within on a daily basis are remarkably different*

Related to the gendering of cultures and structures are literal, physical spaces. Masculinities scholars have explored a number of spaces that are male dominant, such as sports arenas and pubs. If you imagine the daily spaces where men and women function, this includes a different range of spaces that we identify as male or female, as well as different spaces within locations that are gendered. Pediatrician's offices are female spaces, as are elementary school classrooms; sports fields and especially football are male spaces. Particular course areas and the work/educational spaces for those areas, like engineering and agriculture, are gendered male, while teaching and nursing are gendered female. If we followed the geography and topography of daily life, and how spaces function, they are quite different for men and women as a whole. This different geography of life and places is important to explore, to determine how the environment supports gender integration as well as gender separation, and the implications for equality. There are many places that are sex segregated, and we should identify them, as well as how segregation is carried out even within the appearance of integration.

*13. Men have little incentive to sacrifice privilege in pursuit of feminism's equality project; masculinities can help by conceptualizing a different model of manhood*

Finally, masculinities scholarship raises the question of the role of men in achieving feminist goals, as well as their own equality. Can a man be a feminist? And if so, what would his goals be—to support feminism or to articulate goals for men that are distinctive as well as supportive of the equality project of feminism? Why should men want to change? Judged from the masculinities scholarship, men have little incentive to change because the pull of privilege is too great while the pull of equality is moral and emotional. Changing men is far more difficult than changing women. One is giving up power; the other is opening up opportunities. Masculinities scholarship reinforces the view that change will have to be pushed; it is unlikely to be given. The most essential change for men is to imagine a different manhood, which has direct implications for the success of the feminist project. Their most direct contribution to feminism is to focus on what masculinities scholarship

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150. McGinley, *Masculinities at Work*, *supra* note 10, at 363.

exposes, while at the same time recognizing and supporting women's equality goals.<sup>151</sup>

### III. IMPLICATIONS FOR FEMINIST THEORY

I would suggest that the insights of masculinities theorists suggest three necessary tasks for the refinement of feminist theory. Feminist theorists first need to ask the man question, and must go on to incorporate masculinities scholarship to help create gender-specific strategies to achieve equality, as well as use the insights gained from asking the man question to identify and demonstrate how patriarchy constructs and infuses institutions.

#### A. Ask the man question in gender analysis

Probably the most significant change in feminist theory suggested by masculinities scholarship is to include men in gender analysis by thinking about men differently. This would require asking the man question in gender analysis, just as the overarching project of feminist theory has been to ask questions on behalf of women. Asking the man question would include a number of more nuanced approaches to equality issues to benefit women, as well as making visible men's relationship to women's equality and men's unique issues of subordination, whether in relation to women or to each other.

Mari Matsuda and Angela Harris have been particularly responsible in feminist theory for encouraging us to "ask the other question."<sup>152</sup> When we tend to classify a particular situation or scenario as "a gender issue" or "a race issue," asking the other question encourages us to look for other forms of subordination that we might be missing, noting not only how various inequalities reinforce each other but also that this approach opens up opportunities for collaboration and a more robust strategy for equality.

Borrowing from Matsuda and Harris, and building on their example, I would suggest that asking the man question means asking the other (gender) question in any situation. Instead of focusing exclusively on women's equality, we should be asking whether men or boys are also disadvantaged. For example, when considering the issue of domestic violence, in which women are disproportionately represented among victims and in which gender constructs

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151. Bob Pease, *(Re)Constructing Men's Interests*, 5 *MEN & MASCULINITIES*, 165 (2002). Pease identifies three ways men might relate to feminism: first, they benefit from women's oppression, so they would reject feminism or a different masculinity; second, men are oppressed by masculinities, so out of self-interest they would join in the feminist project; and finally, and most ethereal, is the devotion of some men to ethical and moral stands, and therefore they are drawn to imagining a relationship with women that is ethical and moral (versus built on oppression). So which one reflects the greatest possibility for getting men to change? Pease argues that significant change requires changing material and structural conditions and two ways he suggests are important are encouraging empathy in men and reconceptualizing their pain as need.

152. Harris, *supra* note 9; Mari Matsuda, *Beside My Sister, Facing the Enemy: Legal Theory Out of Coalition*, 43 *STAN. L. REV.* 1183 (1993).

influence the thoughts and actions of batterers, asking the man question could bring instances of male victimhood to light. We might expose situations in which men, though victims, fail to report their victimization; places where boys are direct victims or witnesses to others' victimization; and the frequency with which boys model as adults the very behavior that terrified them as children.

In addition, we might further refine the man question by exploring the manner in which men are differently situated and examining how different social systems and structures can be tailored to be more responsive to the needs of differently situated men and boys. We know from masculinities scholarship that frequently there are hierarchies among men and boys. Therefore, in the domestic violence example, we might learn that Black men would be even more strongly dissuaded from using the available criminal justice remedies than would other men and that gay men and gay youth are likely to find the system unresponsive as well to their unique concerns.

In addition to asking about potential male victimization, we should be examining how male privilege actually functions in any given situation. This would require an intense focus on the process and dynamic of privilege and subordination, rather than a determination of whether subordination is present. Masculinities scholarship sheds light on this dynamic in situations of domestic violence by linking it to the role of violence in constructing masculinity, to the suppression of emotional learning among boys and men and the associated relationship problems, to the combination of greater egalitarianism and hypermasculinity among minority men, and to the core construction of masculinity as being *not* female and *not* gay. Masculinities scholarship may help construct interventions that are more effective with batterers and even more effective strategies of prevention as opposed to reaction.

Finally, asking the man question also should include exploring what price men pay, both when men are privileged and when disadvantaged. It is clear that those who are privileged may nevertheless frequently pay a price and that privilege reinforces the price paid and encourages ongoing subordination of others. Even when men are disadvantaged, it often plays itself out as privilege. This helps us to understand how dominance works, how it keeps the dominant group unconsciously tied to gender hierarchy. In the arena of domestic violence, men's gender privilege is directly connected to the use of violence. The price of privilege is the destruction of relationships, of families, and of self. The link between this form of violence and others is direct and significant. The gendered nature of violence has a massive impact on boys and men who are victimized along with women, but we lose sight of the patterns of gender specific violence by naming it in a way that identifies women as victims, making them visible, but continuing to render invisible male on male violence.

Including the man question does not mean shifting focus away from women; it means situating women within a more realistic picture of gender subordination, while acknowledging men's subordination in that picture. It is critical, then, to reject the notions of choosing either women or men, and to resist equating the position of women and men, because such notions only feed into the backlash characteristic of significant portions of the men's movement.

Masculinities theorists should not permit women to disappear in their analyses because this shifts the focus away from the inequality issues that should take a prominent position in the scholarship. For example, critics of the educational system focus on how schools fail to serve boys, and how they undermine and even damage their emotional and intellectual development. The familiar claim of “boys are different” can reinforce traditional notions of gender difference and inequality. In addition, a justified focus on boys can too easily lead to a blaming of girls—and the resources devoted to addressing girls’ gender issues—as the culprits in the failure to serve boys.

There is a very real difference in most gender areas in the positions as a group of women and men. Making men visible does not mean hiding women or claiming equal harm. This is a false dichotomy that must be resisted in favor of a comprehensive gender picture. Returning to the example of education, it would mean that both boys’ issues and girls’ issues should be considered and that imagining an educational system of gender equality would not necessarily be wedded to a singular model of success or assume that all boys and all girls learn in a particularly gendered way. It would also recognize how strongly schools are gendered, both formally and informally, and begin to address how that could be used positively to achieve gender equality.

*B. Incorporate masculinities scholarship to create gender-specific strategies to achieve equality*

If the man question in all its complexity is asked, and if the broader view of gender inequality is sustained, rather than ignored in favor of simplistic gender prioritizing or balancing, then the next important piece is to incorporate the teaching of masculinities scholarship in strategies to achieve equality. Most importantly, gender specificity is critical to the achievement of gender equality as there is considerable asymmetry in the gender specific goals. While gender neutrality might be a useful goal in some situations, even neutrality might require specific strategies in order to achieve truly equal results. But to presume a single standard or a single and balanced strategy ignores the asymmetry brought home by adding masculinities scholarship to feminist theory. At the same time, and consistent with the argument above that bringing men into gender analysis should not render women less important or less visible, adopting gender specific strategies requires a connection between the gender specific perspectives rather than insularity.

Education provides an example of the necessity for separately addressing the gender issues of boys and girls to ensure the equality of both, while making it a critical component of those issues that every strategy or analysis consider the impact of the approach on the other group. So, for example, boys are viewed as dangerous and disruptive, while girls are less respected and valued for their contributions in class. Debating the value of single sex education has different implications for boys than girls. Consciously framing the school culture to support gender equality also would require specific but connected strategies.

Another example of the importance of gender specific strategies is seen in the struggle to balance work and family that is informed by our models of

mother- and fatherhood. The stresses of work and family affect all parents but typically do so differently for mothers and fathers. For fathers, the dominance of the breadwinner role overshadows support for and the economic practicability of care, whereas social and work expectations of family primacy undermine mothers' roles as workers. These expectations also challenge mothers' abilities to parent either in partnership or as a single caregiver and stay economically afloat. A linking of the two models is essential to prevent the replication of a fixed role of parenthood defined by gender and to create a vision of equality based on multiple models of parenting without reinforcing traditional gender roles.

*C. Use masculinities scholarship to help identify and demonstrate how patriarchy constructs and infuses institutions*

A final way in which masculinities theory affects feminist theory is by reinforcing central feminist positions. In particular, masculinities scholarship demonstrates how patriarchy constructs and infuses institutions. This helps to make concrete the claim that structures and culture are "male." For example, an exploration of the juvenile justice system makes it clear that the system has assumed boys as the objects of the system and has assumed particular masculinities in understanding the dominance of boys in this system. This affects boys to the extent those constructions are inaccurate or grounded on hegemonic masculinities or stereotypes of the masculinities particularly of minority males. It also affects girls because the system has not adjusted to their distinctive needs and may push them toward adopting destructive masculinities.

Identifying how masculinities genders institutions or cultures may expose gender in the structure but does not necessarily provide a vision of an egalitarian structure or culture. Early feminist goals were geared toward allowing women to compete with men under the same rules. If those rules are biased toward socialization or skills identified as "male," then only those women who are able to perform those masculinities and to be accepted in their performance as equal to men can achieve equality. If "female" rules are simply added to the mix, then a dual system emerges that effectively perpetuates male power by identifying it with the preferred male track. So the identification of a liberatory structure that does not constrain either men or women is not easy as we move toward equality from an unequal context. Nevertheless, making the case more explicitly of the "male" structures is a contribution that masculinities scholarship can make and that feminists should embrace.

IV. INFUSING FEMINIST ANALYSIS WITH MASCULINITIES SCHOLARSHIP: THE EXAMPLES OF MEN AND FATHERHOOD, AND BOYS AND EDUCATION

In this final section, I want to briefly illustrate how feminist analysis, infused with the insights of masculinities scholarship, might approach and analyze two areas differently: fatherhood and its place in work/family analysis, and boys in relationship to educational equity issues.

*A. Masculinities and fatherhood*

Masculinities affect fathers in several ways. Men are blocked from embracing nurture by masculinity's identification of care as feminine and its command that men not be like women.<sup>153</sup> As characteristic and as action, nurture is unmanly.<sup>154</sup> Just as significantly, men embrace the role of breadwinner as the defining characteristic of partnership with women and parenthood.<sup>155</sup> This role also is conceived as one that either defines parenting economically or that cannot be done in conjunction with care because of the way wage work is constructed.<sup>156</sup> Thus fatherhood as a social construction presents challenges for men unless masculine norms take over or reconstruct what has been seen as quintessentially female. In addition, social norms support limited or secondary parenthood based on the breadwinner role. The treatment of single fathers who take a primary or sole parent role exposes the social myth of the danger of fathers or the incongruity of men and nurture.<sup>157</sup> We remain far from an actual experience of shared care or of seeing men as competent nurturers.<sup>158</sup> On the other hand, we have moved, at least ideologically and to some extent practically, to a role model of more involved fatherhood, demonstrating the malleability and ability to change norms that masculinities scholarship has exposed.<sup>159</sup>

Multiple masculinities reveal the variations in norms and behavior. Black men, for example, have been challenged in their ability to be fathers by the unique characteristics of Black masculinity that both support nurture and resist

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153. NANCY E. DOWD, *REDEFINING FATHERHOOD* 186-88 (2000).

154. *Id.* at 193.

155. Nancy E. Dowd, *From Genes, Marriage, and Money to Nurture: Redefining Fatherhood*, in *GENETIC TIES AND THE FAMILY: THE IMPACT OF PATERNITY TESTING ON PARENTS AND CHILDREN* 81-82 (Mark A. Rothstein et al. eds., 2005); see also Jessica L. Roberts, Comment, *Conclusions from the Body: Coerced Fatherhood and Caregiving as Child Support*, 17 *YALE J.L. & FEMINISM* 501 (2005).

156. Dowd, *supra* note 153, at 132-54. See also Michael Selmi, *Sex Discrimination in the Nineties, Seventies Style: Case Studies in the Preservation of Male Workplace Norms*, 9 *EMP. RTS. & EMP. POL'Y J.* 1 (2005); Michael Selmi, *Care, Work and the Road to Equality: A Commentary on Fineman and Williams*, 76 *CHI.-KENT L. REV.* 1557 (2001); Michael Selmi & Naomi Cahn, *Women in the Workplace: Which Women, Which Agenda?*, 13 *DUKE J. GENDER L. & POL'Y* 7 (2006); Michael Selmi & Naomi Cahn, *Caretaking and the Contradictions of Contemporary Policy*, 55 *ME. L. REV.* 289 (2003); Michael Selmi, *Family Leave and the Gender Wage Gap*, 78 *N.C. L. REV.* 707 (2000); Michael Selmi, *The Work-Family Conflict: An Essay on Employers, Men and Responsibility*, 4 *U. ST. THOMAS L.J.* 573 (2007).

157. Nancy E. Dowd, *Fathers and the Supreme Court: Founding Fathers and Nurturing Fathers*, 54 *EMORY L.J.* 1271, 1272-76 (2005); NANCY E. DOWD, *IN DEFENSE OF SINGLE PARENT FAMILIES* 12-15 (1997).

158. Dowd, *supra* note 153. See, e.g., Katherine Silbaugh, *Women's Place: Urban Planning, Housing Design, and Work-Family Balance*, 76 *FORDHAM L. REV.* 1797, 1816 (2007) ("[T]he increase in fathers' child-rearing responsibilities, while discernible, is not pronounced: on average, fathers spend approximately sixty percent of the amount of time mothers do with children, and in more flexible tasks than mothers[.]").

159. See sources cited *supra* note 157.

it. As Michael Awkward has argued, Black men are more connected and in touch with nurture because of the strong position of Black women in Black families.<sup>160</sup> At the same time, Black masculinity has been identified by cool pose and hypermasculinity, characteristics that may be inconsistent with nurture.<sup>161</sup> In addition, the difficulty associated with achieving breadwinner status that is faced by all men in changing economic times is exacerbated for Black men.<sup>162</sup> Finally, the labeling and perception of Black men as dangerous creates the stark barrier of incarceration or connection to the criminal justice system for far too many Black men.<sup>163</sup>

The masculinities of gay men also expose the challenges of nurturing fatherhood. Gay men are assumed to be feminine, to practice a masculinity that would open the door to an embrace of nurture.<sup>164</sup> At the same time, our stereotypes and homophobia have typically resisted the notion of gay men as partners and parents. This is evident in the resistance to gay marriage and gay adoption.<sup>165</sup> Multiple fathers are socially associated with patterns of paternity and non-marital or divorced fatherhood; they have typically not been socially

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160. Michael Awkward, *Black Male Trouble: The Challenges of Rethinking Masculine Differences*, in MASCULINITY STUDIES & FEMINIST THEORY: NEW DIRECTIONS 290 (Judith Kegan Gardiner ed., 2002); Michael Awkward, *A Black Man's Place in Black Feminist Criticism*, in BLACK MEN ON RACE, GENDER, AND SEXUALITY: A CRITICAL READER 25 (Devon Carbado ed., 1999).

161. Richard Majors, *Cool Pose*, *supra* note 124, at 209.

162. Pamela J. Smith, *Romantic Paternalism—The Ties that Bind: Hierarchies of Economic Oppression that Reveal Judicial Disaffinity for Black Women and Men* (pt. 2), 3 J. GENDER RACE & JUST. 181 (1999). *See also* Solangel Maldonado, *Deadbeat or Deadbroke: Redefining Child Support for Poor Fathers*, 39 U.C. DAVIS L. REV. 991 (2006).

163. Dorothy Roberts, *The Social and Moral Cost of Mass Incarceration in African American Communities*, 56 STAN. L. REV. 1271 (2004).

164. On the association between homosexuality and gender, *see* Sylvia A. Law, *Homosexuality and the Social Meaning of Gender*, 1988 WIS. L. REV. 187; Poirier, *supra* note 10, at 303-08.

165. *See, e.g.*, Julie Novkov, *The Miscegenation/Same-Sex Marriage Analogy: What Can We Learn from Legal History?*, 33 LAW & SOC. INQUIRY 345 (2008); Jaime M. Gher, *Polygamy and Same-Sex Marriage – Allies or Adversaries Within the Same-Sex Marriage Movement*, 14 WM. & MARY J. WOMEN & L. 559 (2008); WILLIAM N. ESKRIDGE JR. & DARREN R. SPEDALE, *GAY MARRIAGE: FOR BETTER OR FOR WORSE? WHAT WE'VE LEARNED FROM THE EVIDENCE* (2006); Lynn D. Wardle, *The Hague Convention on Intercountry Adoption and American Implementing Law: Implications for International Adoptions by Gay and Lesbian Couples or Partners*, 18 INT'L & COMP. L.Q. 113 (2008); Paula L. Ettlbrick, *Domestic Partnership, Civil Unions, or Marriage: One Size Does Not Fit All*, 64 ALB. L. REV. 905, 905-14 (2001); William C. Duncan, *Domestic Partnership Laws in the United States: A Review and Critique*, 2001 BYU L. REV. 961; William N. Eskridge Jr., *Equality Practice: Liberal Reflections on the Jurisprudence of Civil Unions*, 64 ALB. L. REV. 853 (2001); Melanie B. Jacobs, *Micah Has One Mommy and One Legal Stranger: Adjudicating Maternity for Nonbiological Lesbian Coparents*, 50 BUFF. L. REV. 341 (2002); Mark Strasser, *When Is a Parent Not a Parent? On DOMA, Civil Unions, and Presumptions of Parenthood*, 23 CARDOZO L. REV. 299 (2001); Jennifer Wriggins, *Marriage Law and Family Law: Autonomy, Interdependence and Couples of the Same Gender*, 41 B.C. L. REV. 265 (2000).

imagined as being dual parents or two dads.<sup>166</sup> The resistance to gay men as fathers taps into stereotypes of sexual danger and risk that actually link to heterosexual men but instead are tied in the public to gay men.<sup>167</sup> The barriers for gay fathers are explicit in the dominant resistance to gay marriage and continued resistance to gay couples and the high level of resistance to gay adoption even where it is not formally proscribed.<sup>168</sup>

Typically, feminist evaluation of work/family issues and fatherhood has come from the perspective of women or predominantly of women.<sup>169</sup> Women's interest has been to increase the involvement of men in family care, both childcare and housework, as well as having the value of family care/family work recognized in a way that does not leave mothers economically subordinated.<sup>170</sup> In addition, women have sought greater economic security and the ability to combine family work with wage work. They have sought not only to work in comparable occupations and fields with men but to restructure the way work is done and the culture of work not only so that they do not function in a way that devalues and subordinates women but also so that they permit those women who nurture and care for children to combine work and family.<sup>171</sup> In addition, some have argued for a comprehensive support structure including childcare, health care, paid leave and reduced work schedules, and family

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166. Nancy E. Dowd, *Multiple Parents/Multiple Fathers*, 9 J.L. & FAM. STUD. 309 (2007); Melanie Jacobs, *Why Just Two? Disaggregating Traditional Parental Rights and Responsibilities to Recognize Multiple Parents*, 9 J.L. & FAM. STUD. 309 (2007).

167. The most common sexual offender is a heterosexual, middle class married white male who molests his daughter or step-daughter. See LAWRENCE A. GREENFELD, MINN. CTR. AGAINST VIOLENCE & ABUSE, SEX OFFENSES AND OFFENDERS: AN ANALYSIS OF DATA ON RAPE AND SEXUAL ASSAULT (Feb. 1997), <http://www.mincava.umn.edu/documents/sexoff/sexoff.html> (last visited Dec. 7, 2008); CTR. FOR SEX OFFENDER MGMT., MYTHS AND FACTS ABOUT SEX OFFENDERS (Aug. 2000), <http://www.csom.org/pubs/mythsfacts.html> (last visited Dec. 7, 2008); Jon R. Conte, *Overview of Child Sexual Abuse*, in AMERICAN PSYCHIATRIC PRESS REVIEW OF PSYCHIATRY 283-308 (Allan Tasman & Stephen M. Goldfinger eds., 1991).

168. See sources cited *supra* note 157.

169. For examples of recent scholarship and summaries of trends in the field of work/family scholarship, see, e.g., Katherine Silbaugh, *supra* note 158; Laura T. Kessler, *Keeping Discrimination Theory Front and Center in the Discourse over Work and Family Conflict*, 34 PEPP. L. REV. 313 (2007); Debbie Kaminer, *The Child Care Crisis and the Work-Family Conflict: A Policy Rationale for Federal Legislation*, 28 BERKELEY J. EMP. & LAB. LAW 495 (2007); Joan C. Williams & Elizabeth S. Westfall, *Deconstructing the Maternal Wall: Strategies for Vindicating the Civil Rights of "Careers" in the Workplace*, 13 DUKE J. GENDER L. & POL'Y 31 (2006).

170. See sources cited *supra* note 157.

171. See *id.* See also Catherine Albiston, *Anti-Essentialism and the Work/Family Dilemma*, 20 BERKELEY J. GENDER L. & JUST. 30 (2005); Jerry A. Jacobs & Kathleen Gerson, *Toward a Family-Friendly, Gender-Equitable Work Week*, 1 U. PA. J. LAB. & EMP. L. 457 (1998); Vicki Schultz, *Life's Work*, 100 COLUM. L. REV. 1881 (2000); Laura Kessler, *Transgressive Caregiving*, 33 FLA. ST. U. L. REV. 1 (2005); Melissa Murray, *The Networked Family: Reframing the Legal Understanding of Caregiving and Caregivers*, 94 VA. L. REV. 385 (2008).

support payments.<sup>172</sup> Many have argued that these changes need to occur in a way that does not simply support women but that encourages men to engage in family care.<sup>173</sup>

In addition, feminists have argued that mother care and its relation to wage work must be recognized in family law in structuring parental obligations in nonmarital and divorced families as well as the implicit understanding of responsibilities in marital families.<sup>174</sup> Feminist efforts in family law have been focused on making the law responsive to the actual provision of care and its consequences rather than an abstract notion of equality that fails to reflect the realities of most families.<sup>175</sup> In addition, feminists have focused on the increase in nontraditional families as essential to devising fair rules of support for partners and children.<sup>176</sup> Some of this has been reflected in the granting of

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172. See, e.g., Nancy E. Dowd, *Work and Family: Restructuring the Workplace*, 32 ARIZ. L. REV. 431 (1990); Nancy E. Dowd, *Envisioning Work and Family: A Critical Perspective on International Models*, 26 HARV. J. ON LEGIS. 311 (1989); Katherine Silbaugh, *supra* note 158.

173. See, e.g., Selmi & Cahn, *Women in the Workplace*, *supra* note 156; Selmi & Cahn, *Caretaking and Contradictions of Contemporary Policy*, *supra* note 156; JOAN WILLIAMS, UNBENDING GENDER: WHY FAMILY AND WORK UNFLICT AND WHAT TO DO ABOUT IT (2000). See also Russell Shorto, *No Babies?*, N.Y. TIMES MAGAZINE, June 29, 2008 (discussing the impact of fathers' involvement on women's work and procreation).

174. See, e.g., FINEMAN, *supra* note 3; Twila L. Perry, *The "Essentials of Marriage": Reconsidering the Duty of Support and Services*, 15 YALE J.L. & FEMINISM 1 (2003); Ira Mark Ellman, *The Theory of Alimony*, 77 CAL. L. REV. 1 (1989); Elizabeth S. Scott & Robert E. Scott, *Marriage as Relational Contract*, 84 VA. L. REV. 1225 (1998); Mary E. Becker, *Prince Charming: Abstract Equality*, 1987 SUP. CT. REV. 201; Katharine Silbaugh, *Gender and Nonfinancial Matters in the ALI Principles of the Law of Family Dissolution*, 8 DUKE J. GENDER L. & POL'Y 203 (2001); Lenore J. Weitzman, *Women and Children Last: The Social and Economic Consequences of Divorce Law Reforms*, in FEMINISM, CHILDREN, AND THE NEW FAMILIES 212 (Sanford M. Dornbusch & Myra H. Strober eds., 1988); Cythia Lee Starnes, *Mothers as Suckers: Pity, Partnership, and Divorce Discourse*, 90 IOWA L. REV. 1513 (2005); Jane Rutheford, *Duty In Divorce: Shared Income as a Path to Equality*, 58 FORDHAM L. REV. 539 (1990); June Carbone, *Has the Gender Divide Become Unbridgeable? The Implications for Social Equality*, 5 J. GENDER RACE & JUST. 31 (2001); Katharine T. Bartlett, *U.S. Custody Law and Trends in the Context of the ALI Principles of the Law of Family Dissolution*, 10 VA. J. SOC. POL'Y & L. 5 (2002); Solangel Maldonado, *Beyond Economic Fatherhood: Encouraging Divorced Fathers to Parent*, 153 U. PA. L. REV. 921 (2005); Jana B. Singer & William L. Reynolds, *A Dissent on Joint Custody*, 47 MD. L. REV. 497 (1988); Margaret F. Brinig, *Feminism and Child Custody under Chapter Two of the American Law Institute's Principles of the Law of Family Dissolution*, 8 DUKE J. GENDER L. & POL'Y 301 (2001); ANDREW I. SCHEPARD, CHILDREN, COURTS, AND CUSTODY: INTERDISCIPLINARY MODELS FOR DIVORCING FAMILIES (2004).

175. Professor Martha Fineman has been a particularly strong voice in focusing family care issues on realities rather than abstract models. See FINEMAN, THE AUTONOMY MYTH; FINEMAN, THE ILLUSION OF EQUALITY; FINEMAN, THE NEUTERED MOTHER, *supra* note 3.

176. See, e.g., Lisa Glennon, *Obligations Between Adult Partners: Moving from Form to Function?* 22 INT'L J.L. POL'Y & FAM. 22 (2008); Marsha Garrison, *Is Consent Necessary? An Evaluation of the Emerging Law of Cohabitation Obligation*, 52 UCLA L. REV. 885 (2005); JUNE CARBONE, FROM PARTNERS TO PARENTS: THE SECOND REVOLUTION IN FAMILY LAW (2000); Anne Barlow, *Cohabitation Law Reform - Messages from Research*, 14 FEMINIST LEGAL STUD. 167 (2006); Nancy Polikoff, *Making Marriage Matter Less: The ALI*

greater obligations and rights to non-marital fathers who establish paternity but these trends nevertheless retain a dominantly economic model of fatherhood.<sup>177</sup> Family law has been one of the areas where men have given voice to a claim of bias against male care and have been successful in raising the issue of systemic refusal to shift the norms and practices of judges.<sup>178</sup> Unfortunately, this has come primarily from an anti-feminist, backlash perspective rather than one supportive of women's nurture and care. Yet family law remains largely idealistic rather than realistic about the costs of nurture to an ideal of a clean break and assumed workplace equality for women. At the same time, it reflects powerful assumptions about the superiority of mother care as long as mothers prioritize nurture over wage work.<sup>179</sup>

What masculinities adds to this perspective, if we now ask the man question, is a consideration of the barriers men face with respect to fatherhood as social/cultural and economic.<sup>180</sup> To the extent that feminists seek the involvement of fathers along with the support and recognition of mothers' care, strategies, and analysis can benefit from the insights gained from masculinities. It is very clear from masculinities work that the negative definition of masculinity and the incompatibility of care with masculinity norms, especially hegemonic norms, create a significant barrier. On the other hand, the social construction of masculinity and the changes in fatherhood norms and legal support for fathers indicates that this can change and has changed. The responsiveness of some men to fatherhood suggests a model for further programs that would help both fathers and mothers.<sup>181</sup> In addition, feminists' perspective on the barriers to collaboration between mothers and fathers would lead toward the essential piece of addressing issues of violence.<sup>182</sup> Again, masculinities scholarship can be enormously helpful in further exposing the place of violence in masculinity norms<sup>183</sup> and therefore the necessity for

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*Domestic Partner Principles Are One Step In The Right Direction*, 2004 U. CHI. LEGAL F. 353 (2004).

177. Dowd, *supra* note 157, at 1309-33.

178. *Id.* at 1276-1309 (constitutional cases); Lindsay Taylor, *Family Care Commitment Discrimination: Bridging the Gap Between Work and Family*, 46 FAM. CT. REV. 558 (2008) (work discrimination for fathers and mothers with custody/care responsibilities); Dowd, *supra* note 154, at 136-42 (claims of bias in family courts).

179. Mothers remain the dominant caregivers after divorce, but within an ideal that mothers put family primary and career second, there is evidence of judicial bias against working professional mothers. Amy D. Runner, *Women Who Dance on the Professional Track: Custody and the Red Shoes*, 23 HARV. WOMEN'S L.J. 173 (2000); D. Kelly Weisberg, *Professional Women and the Professionalization of Motherhood: Marcia Clark's Double Bind*, 6 HASTINGS WOMEN'S L.J. 295 (1995).

180. Dowd, *supra* note 153, at 213-31.

181. For example, there is an opportunity to support a reorientation of fatherhood by support of men at the birth of their children, including both marital and non marital fathers.

182. Dowd, *supra* note 153, at 194-202.

183. *See, e.g., supra* note 90. Work on bullying, criminal violence of adolescents and adults, and prison masculinities, all links together around the central connection between masculinity and violence, between men as well as between men and women.

proactive policies; feminist scholarship can be helpful in pushing masculinities scholars to analyze how power is replicated and how it might be undermined.

Feminist analysis as enriched by masculinities scholarship could move work/family analysis, and specific fatherhood issues, into a gender specific but gender linked direction. The position of fathers and mothers with respect to the care of children is asymmetrical but interlinked. One of the core common areas is the economic support of families and the resistance of the culture and structure of work to combining wage work and family care. All of this is linked to what our vision is of fathers and mothers, particularly whether we assume a model of shared or primary care, and whether we mean that model to be infused with gender equality.

### *B. Boys and education*

Masculinities affect boys as they move through the educational process in a number of ways.<sup>184</sup> The evidence that boys as a group are doing poorly in comparison to girls as a group includes lower grades, being held back more, a higher drop out rate, lower test scores, more behavior problems, a disproportionate share of being labeled learning disabled or emotionally disturbed, a disproportionate rate of school suspensions and involvement as a victim or perpetrator of violence, a higher rate of suicide, and a lower likelihood of attending college.<sup>185</sup> Most significantly, as boys construct their masculinity, particularly in adolescence, the demands of masculinity conflict with achieving in school.<sup>186</sup> Masculinity norms thus have a major impact on boys' achievement and on grades, test scores, repeating grades, and dropout rates.<sup>187</sup> In addition, the norm of male-male gender violence is very high, ranging from punking and bullying to physical violence, all the way to the extreme of school shootings and death.<sup>188</sup> Male violence toward females is also

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184. See, e.g., Marcus Weaver-Hightower, *The "Boy Turn" in Research on Gender and Education*, 73 REV. OF EDUC. RES. 471-98, 481 (2003); Wayne Martino, *Boys, Masculinities and Literacy: Addressing the Issues*, 26 AUSTL. J. OF LANGUAGE & LITERACY 9 (2003); Michael Kimmel & Amy Traver, *Mentoring Masculinities: Race and Class in the (Re-)Construction of Gender in the USA and the UK*, 14 IR. J. OF SOC. 213 (2005); FAILING BOYS? ISSUES IN GENDER AND ACHIEVEMENT (Debbie Epstein, Jannette Elwood, Valerie Hey & Janet Maw eds., 1998); CHRISTINE SKELTON, *SCHOOLING THE BOYS: MASCULINITIES AND PRIMARY EDUCATION* (2001); MAIRTIN MAC AN GHAILL, *THE MAKING OF MEN: MASCULINITIES, SEXUALITIES AND SCHOOLING* (1994); MASCULINITIES AT SCHOOL (Nancy Lesko ed., 2000).

185. Kimmel & Traver, *supra* note 184, at 213-14.

186. Ann Phoenix, *Neoliberalism and Masculinity: Racialization and the Contradictions of Schooling for 11- to 14-year olds*, 36 YOUTH & SOC'Y, 227, 228, 243-44 (2004); Debbie Epstein, *Real Boys Don't Work: 'Underachievement,' Masculinity and the Harassment of 'Sissies,'* in FAILING BOYS? ISSUES IN GENDER AND ACHIEVEMENT 96, 105-06 (Debbie Epstein et al. eds., 1998).

187. See *supra* note 185.

188. See generally Debby A. Phillips, *Punking and Bullying: Strategies in Middle School, High School, and Beyond*, 22 J. OF INTERPERSONAL VIOLENCE, 158-78, 158 (2007) (describing punking as "a practice of verbal and physical violence, humiliation, and shaming

very high at school, and male subordination of girls is part of the masculinity norm.<sup>189</sup> Structurally and culturally, schools reinforce dominant masculinities, often unintentionally but sometimes explicitly.<sup>190</sup> “The curriculum, division of labor, tracking, disciplinary schemes, and other school structures—all elements of the school’s ‘gender regime’—affect gender relations in subtle ways.”<sup>191</sup> Teachers may be a part of this process, constructing their masculinity in a way that matches dominant norms and imposing masculinity on boys consistent with hegemonic norms.<sup>192</sup>

Boys are gender-policed more strongly than girls.<sup>193</sup> Heterosexuality is an especially rigid norm, and much policing is done by labeling one who deviates from the norm as being “gay” or a “fag.”<sup>194</sup> The dominant masculinity is that

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usually done in public by males to other males”); Pat Mahoney, *Girls Will Be Girls and Boys Will be First*, in *FAILING BOYS? ISSUES IN GENDER AND ACHIEVEMENT* 37 (Debbie Epstein, Jannette Elwood, Valerie Hey & Janet Maw eds., 1998); Brett G. Stoudt, *You’re Either In or You’re Out: School Violence, Peer Discipline, and the (Re)Production of Hegemonic Masculinity*, 8 *MEN & MASCULINITIES* 273 (2006). See also Susan P. Limber, *Peer Victimization: The Nature and Prevalence of Bullying Among Children and Youth*, in *HANDBOOK OF CHILDREN, CULTURE AND VIOLENCE* 313-32 (Nancy E. Dowd, Dorothy G. Singer & Robin Fretwell Wilson eds., 2006); Ellen DeLara, *Bullying and Violence in American Schools*, in *HANDBOOK OF CHILDREN, CULTURE AND VIOLENCE*, 333-54 (Nancy E. Dowd, Dorothy G. Singer & Robin Fretwell Wilson eds., 2006).

189. Leanne Dalley-Trim, *Just Boys Being Boys?*, 25 *YOUTH STUD. AUSTR.*, 26-33, 32 (2006); David Jackson, *Breaking Out of the Binary Trap: Boys’ Underachievement, Schooling and Gender Relations*, in *FAILING BOYS? ISSUES IN GENDER AND ACHIEVEMENT*, 77, 80, 90-91 (Debbie Epstein, Jannette Elwood, Valerie Hey & Janet Maw eds., 1998); see also Valorie K. Vojdik, *Gender Outlaws: Challenging Masculinity in Traditionally Male Institutions*, 17 *BERKELEY WOMEN’S L.J.* 68, 68-74, 98-110 (2002) (discussing the Citadel example of resistance to women being admitted to the Citadel and the hypermasculine culture used to train men).

190. SKELTON, *supra* note 184; MAIRTIN MAC AN GHAILL, *THE MAKING OF MEN: MASCULINITIES, SEXUALITIES AND SCHOOLING* 3-4 (1994); Kimmel & Traver, *supra* note 184, at 213-16 (arguing that the scholarship points to three pieces: performance, behavior and participation); Weaver-Hightower, *supra* note 184, at 471-98, 481.

191. Weaver-Hightower, *supra* note 184, at 481.

192. Wayne Martino & Deborah Berrill, *Boys, Schooling and Masculinities: Interrogating the ‘Right’ Way to Educate Boys*, 55 *EDUC. REV.* 99, 101 (2003); SKELTON, *supra* note 184, at 120-38; Wayne Martino & Blye Frank, *The Tyranny of Surveillance: Male Teachers and the Policing of Masculinities in a Single Sex School*, 18 *GENDER & EDUC.* 17 (2006). See also Kimmell & Traver, *supra* note 184, at 218-21 (on mentoring and exposing how it reinforces traditional hegemonic masculinity, citing in particular the history and purposes of the Big Brother organization).

193. Robert Young & Helen Sweeting, *Adolescent Bullying, Relationships, Psychological Well-Being, and Gender-Atypical Behavior: A Gender Diagnosticity Approach*, 30 *SEX ROLES* 525, 527 (2004).

194. See Stoudt, *supra* note 188. See also C.J. Pascoe, *Multiple Masculinities? Teenage Boys Talk About Jocks and Gender*, 46 *AM. BEHAV. SCIENTIST* 1423 (2003); David Jackson, *Breaking Out of the Binary Trap: Boys’ Underachievement, Schooling and Gender Relations*, in *FAILING BOYS? ISSUES IN GENDER AND ACHIEVEMENT* 77, 80 (Debbie Epstein et al. eds., 1998); MAIRTIN MAC AN GHAILL, *THE MAKING OF MEN: MASCULINITIES, SEXUALITIES AND SCHOOLING* 9, 90-99 (1994). In particular, policing is done by calling boys “gay” or “fag” not as a label of sexual orientation but to criticize behavior seen as unmanly

identified with the “jocks,” and even those who are not part of this group often use sports as a means to construct identity.<sup>195</sup> Multiple masculinities also are evident particularly by race, which further complicates the relationship between boys and education.<sup>196</sup> Interestingly, boys’ difficulties in education are commonly excused especially with the conclusory statement that “boys will be boys”—a statement which dismisses boys. “[T]his biologising infers a tone of dismissal, and attests to the pointlessness of challenging the actions of boys.”<sup>197</sup> Not surprisingly, boys’ lack of achievement historically was and currently is linked to external factors, while girls’ lack of achievement historically has been linked to internal factors.<sup>198</sup> “[G]irls’ underachievement is linked to their essential nature, while boys’ is linked to something external since they are expected to come first.”<sup>199</sup>

Masculinities scholarship on the psychology of boys, and on boys and education, provides powerful insights into the privileges and disadvantages of boys in education. The dialogue about boys and education exposes, as does the dialogue about fathers, the potential pitfalls and dangers, but also the promise, of incorporating masculinities work into gender analysis. Boys have been deemed in crisis, the object of a gender war where girls and women have dominated, and thus in need of protection and resistance to the feminization of education.<sup>200</sup> But the reality is that there are both advantages and disadvantages in education for girls and boys. A more refined look at the data indicates this more complex pattern and how the two interrelate. “[I]n recent decades both sexes have experienced discrimination, undesirable educational outcomes, and stereotyping in distinct ways . . . current achievement data reveal a complex picture in which neither sex consistently outperforms the other. Instead, . . . ‘both boys and girls are on the unfavorable side of the gender gap in education

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according to the dominant norm. See C.J. PASCO, DUDE YOU’RE A FAG: MASCULINITY AND SEXUALITY IN HIGH SCHOOL (2007).

195. Pascoe, *supra* note 194, at 1424; Anne Torhild Klomsten et al., *Adolescents’ Perceptions of Masculine and Feminine Values in Sport and Physical Education: A Study of Gender Differences*, 52 SEX ROLES 625 (2005).

196. See Tony Sewell, *Loose Canons: Exploding the Myth of the ‘Black Macho’ Lad*, in FAILING BOYS? ISSUES IN GENDER AND ACHIEVEMENT 111, 124-26 (Debbie Epstein et al. eds., 1998). As Sewell points out, the tendency of the structure is to essentialize Black masculinities, justifying an even more serious pattern of lack of achievement, greater discipline, and higher school failure, among other patterns. *Id.* See also Raymond Gunn, *Inner-City ‘Schoolboy’ Life*, 595 ANNALS. AM. ACAD. POL. & SOC. SCI. 63, 63, 78 (2004).

197. Leanne Dalley-Trim, *Just Boys Being Boys?*, 25 YOUTH STUD. AUSTL. 26, 26 (2006).

198. Michele Cohen, *‘A Habit of Healthy Idleness’: Boys’ Underachievement in Historical Perspective*, in FAILING BOYS? ISSUES IN GENDER AND ACHIEVEMENT, 19, 20 (Debbie Epstein et al. eds., 1998); Blye Frank et al., *A Tangle of Trouble: Boys, Masculinity and Schooling—Future Directions*, 55 EDUC. REV. 119, 121-23 (2003).

199. Frank et al., *supra* note 198, at 122.

200. For a critique of the “panic,” see *id.* at 119; Wayne Martino & Deborah Berrill, *Boys, Schooling and Masculinities: Interrogating the ‘Right’ Way to Educate Boys*, 55 EDUC. REV. 99, 99-101 (2003).

and developmental matters.”<sup>201</sup> So, for example, while boys outperformed girls on geography, calculus, and science tests, girls consistently score higher than boys in reading and writing examinations.<sup>202</sup> Scholars have concluded that there are more differences *among* boys and girls than *between* boys and girls and that class and race are much more salient for achievement differences.<sup>203</sup> “There is more overlap between the attainment of boys and girls than there is difference; there are significant differences in the relative attainments of boys and girls in different subjects and at different levels; and, while there are many boys who are not performing well at schools, there are many others who are doing very well indeed. . . . Overall, the ‘underachievement’ of boys at school is a strongly classed and racialized phenomenon.”<sup>204</sup>

Feminists have understandably fought and continue to fight for equality for girls in education.<sup>205</sup> They have succeeded in removing formal barriers and attending to specific areas of need, such as math and science.<sup>206</sup> Implicit in this model is comparing girls to boys and assuring that girls are not held back from learning due to structure or cultural norms. But, ironically, some of that emphasis on achievement, especially measuring by test scores, has come back to argue that boys now are disadvantaged.<sup>207</sup>

Masculinities research can be used to expose the complexity and, most significantly, to expose the masculinities present in education, in boys’ construction of identity, in teachers, in curriculum, in school culture, and in our standards of what the goals of education are. Approaching this as not a zero sum game but as a comprehensive strategy to benefit both girls and boys is

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201. Kimberly J. Jenkins, *Constitutional Lessons for the Next Generation of Public Single-Sex Elementary and Secondary Schools*, 47 WM. & MARY L. REV. 1953, 1966-67 (2006).

202. *Id.* at 1967-69.

203. On differences *among* boys rather than *between* boys and girls, see Debbie Epstein et al., *Schoolboy Frictions: Feminism and ‘Failing’ Boys*, in FAILING BOYS? ISSUES IN GENDER AND ACHIEVEMENT 3, 10 (Debbie Epstein et al. eds., 1998). For a discussion of class as a factor, see Georgina Tsolidis & Ian R. Dobson, *Single-Sex Schooling: Is It Simply a ‘Class Act’?*, 18 GENDER & EDUC. 213-18 (2006); SKELTON, *supra* note 184. On the related issue of the single sex education debate, see generally Benjamin Carr, Note, *Can Separate Be Equal? Single-Sex Classrooms, the Constitution, and Title IX*, 83 NOTRE DAME L. REV. 409 (2007); Georgina Tsolidis & Ian R. Dobson, *Single-Sex Schooling: Is It Simply a ‘Class Act’?*, 18 GENDER & EDUC. 213-28 (2006); Jenkins, *supra* note 201, at 1953; Nancy Levit, *Separating Equals: Educational Research and the Long-Term Consequences of Sex Segregation*, 67 GEO. WASH. L. REV. 451 (1999).

204. See Epstein et al., *supra* note 203, at 10-11.

205. See generally AMERICAN ASSOCIATION OF UNIVERSITY WOMEN, HOW SCHOOLS SHORTCHANGE GIRLS (1992); AMERICAN ASSOCIATION OF UNIVERSITY WOMEN, GROWING SMART: WHAT’S WORKING FOR GIRLS IN SCHOOL (1995); MYRA & DAVID SADKER, FAILING AT FAIRNESS; HOW OUR SCHOOLS CHEAT GIRLS (1994); MARY PIPHER, REVIVING OPHELIA: SAVING THE SELVES OF ADOLESCENT GIRLS (1994); PEGGY ORENSTEIN, SCHOOL GIRLS: YOUNG WOMEN, SELF-ESTEEM, AND THE CONFIDENCE GAP (1994).

206. AMERICAN ASSOCIATION OF UNIVERSITY WOMEN, GROWING SMART, *supra* note 205.

207. Weaver-Hightower, *supra* note 184, at 476, 485-86.

critical.<sup>208</sup> This is clearly the lesson of pulling apart the “boy turn” and “crisis” focus of the popular and scholarly discourse on boys and education. Adding men should not mean displacing women and requires a willingness to consider the position of the dominant gender group while demanding that the dominant group acknowledge and commit to the achievement of liberation and justice for women while raising men’s and boys’ issues.<sup>209</sup> Masculinities research also points to class and race as equally, if not more, significant questions to be asked.<sup>210</sup> In other words, asking the other question, the man question, leads to asking the other questions of class and race. In this way, feminist analysis, infused by masculinities scholarship, might lead or contribute to making race and class feminist issues.<sup>211</sup>

Both of these substantive examples demonstrate, I believe, the enriching of feminist analysis by incorporating masculinities scholarship and de-essentializing men in feminist analysis. At the same time, they suggest how masculinities scholarship could benefit from re-energizing the commitment to explore male power and strategize undermining that power and collaborating with as well as supporting women. In addition, my exploration of masculinities scholarship also suggests a convergence between feminist and masculinities theories, a convergence that I hope to explore further. But let me close by suggesting the direction of that convergence. I believe that the most critical question to ask may be, do men have power in this situation? Is it power over other men or women, that is, is it *power over* versus *empowerment*? If it is gender power (or gender combined with race, class, etc.) then that is unjustified because it is inconsistent with equality and justice. Powerlessness of the individual has to be taken into account but does not remove the reality of power—and maybe advantage or privilege—for the group as a whole. Institutions, structures, and practices that reinforce such arbitrary gender power must be our focus, including where they subordinate and injure boys and men.

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208. Joan Swann, *Language and Gender: Who, If Anyone, is Disadvantaged by What*, in *FAILING BOYS? ISSUES IN GENDER AND ACHIEVEMENT* 147, 147 (Debbie Epstein et al. eds., 1998); Wayne Martino, *Boys, Masculinities and Literacy: Addressing the Issues*, 26 *AUSTL. J. LANGUAGE & LITERACY* 9, 10 (2003); Weaver-Hightower, *supra* note 184, at 476, 484-87; Debbie Epstein et al., *supra* note 203, at 3, 13-14.

209. *See supra* note 207.

210. Tony Sewell, *Loose Canons: Exploding the Myth of the ‘Black Macho’ Lad*, in *FAILING BOYS? ISSUES IN GENDER AND ACHIEVEMENT* 111, 124-26 (Debbie Epstein et al. eds., 1998). *See* Epstein et al., *supra* note 203, at 3, 11; MAIRTIN MAC AN GHAILL, *THE MAKING OF MEN: MASCULINITIES, SEXUALITIES AND SCHOOLING* 56 (1994); SKELTON, *supra* note 184, at 94.

211. NANCY E. DOWD, *RACE AS A FEMINIST ISSUE* (forthcoming \_\_\_\_).