POST-INTERSECTIONALITY

The Curious Reception of Intersectionality in Legal Scholarship[1]

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Abstract

Although intersectionality analysis originates in a critique of legal doctrine and its confining approach to subject formation, intersectionality has been adopted widely outside of legal scholarship—nationally and internationally—to explain how fields of power operate and interact to produce hierarchy for any limitless combination of identities. Yet, within law, some scholars have raised questions precisely about the capacity of intersectionality to grapple with subjects who occupy multiple social positions and those with "partially privileged" identities in particular. Thus, over roughly a decade, a critique took shape about the theoretical capacity and normative commitment of intersectionality theory to address particular subgroups.

This essay tells part of the curious story about how a race-sexuality critique of intersectionality emerged, what may have motivated it, and how it has facilitated an emerging progressive masculinities literature that is "post-intersectional," i.e., positioned over and against intersectionality. Like other post-intersectionality approaches, multidimensionality theorists decidedly seek to 'get beyond' something, and that 'something' that underwrites the turn away from intersectionality appears not as substantive theoretical or analytical content, or as political strategy, but rather, as identity-driven and engendered.

Keywords: Intersectionality, Post-Intersectionality, Multidimensionality, Sexuality, Masculinities, Critical Race Theory

INTRODUCTION

In 1989, Kimberlé Crenshaw published "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine" introducing the term, "intersectionality" into the lexicon of critical theory. Intersectionality theory suggests a methodological approach and epistemological stance vis-à-vis combating multiple forms of subordination within and through various movements for social change (Collins 1991; Davis 1981; Giddings 1984; hooks 1984; Spelman 1990). Intersectionality was widely adopted in the social sciences and humanities as an indispensable analytical tool with which one might study and examine the ways in which structures of power interact to produce disparate conditions of social inequality that affect groups and individuals differently. Recognizing that both power and identity are complex and interrelated, intersectionality offers a systemic and structural analysis of both, while recognizing the variability, fluidity, and contingency of specific manifestations of subordination.

Although intersectionality analysis originates in a critique of legal doctrine and its cramped approach to subject formation, intersectionality has been adopted widely outside of legal scholarship—nationally and internationally—to explain how fields of power operate and interact to produce hierarchy for any limitless combination of identities. The theory, in other words, is not confined to its provenance originating in race and gender. Nor is intersectionality limited to an engagement with law. Theorists outside of law embraced intersectionality to provide the antidote to modern conceptions of power and subordination and to engage an ever expanding combination of subject formations.

Yet, within law, scholars have raised serious questions precisely about the capacity of intersectionality to grapple with multiple social positions. Within a decade of its publication, a critique developed about the theoretical capacity and normative commitment of the theory. Much, though certainly not all, of this criticism focused on sexuality. The claim was that intersectionality had not engaged, and was not theoretically suited to engage, issues of sexuality. This claim was part of a broader critique of Critical Race Theory (CRT)—that it had largely ignored sexuality. Significantly, this critique of CRT occurred at the level of theory (that the theory of CRT is heteronormative) and at the level of institutional organization (that the annual CRT workshop was not a safe space for people who were gays and lesbians; but nor was it a space in which homophobia was prevalent).

These critiques affected the organizational and theoretical development of CRT and the development of intersectionality. In part as a result of the contestation over sexuality, the CRT workshop ceased, and the Latina and Latino Critical Legal Theory (LatCrit) workshop emerged as the new space for doing critical race scholarship. Much of this scholarship was situated under the rubric of LatCrit theory.

The theory of intersectionality is clearly not dead or superseded. But the critique of the theory as heteronormative has limited the subjects to which the theory could be applied. This disciplinary move explains at least in part, the emergence of a new group of legal scholars writing about "progressive Black masculinities" (Mutua 2012, p. 78) who ostensibly identify as "multidimensionality theory enthusiasts" (Mutua 2013, p. 341). As reflected in Athena Mutua's (2013) provocatively-titled recent essay, "Multidimensionality Is to Masculinities What Intersectionality Is to Feminism,"[2] many of these masculinities scholars seek to effectuate a "turn" away from intersectionality theory in law, in favor of a multidimensionality approach. Understanding how the effort to supersede intersectionality theory occurred over the past two decades by other critical race legal scholars is crucial to understanding an unarticulated aspect of CRT's intellectual history. Because intersectionality emerged in law, and "as a product and an articulation of critical race theory" (Carbado 2013, p. 817), it is particularly important to understand some of the ways in which it has—and has not—traveled in that domain.

This essay tells part of that curious story. More specifically, it focuses on how the sexuality critique of intersectionality emerged, what may have motivated it, and how it has facilitated a masculinities and the law literature that, at least to some extent, is positioned over and against intersectionality. A parallel argument could be made about LatCrit theory and CRT, but that is beyond the scope of this essay. I focus my attention more narrowly on the sexuality critique of intersectionality.

FROM INTERSECTIONALITY TO POST-INTERSECTIONALITY

When Kimberlé Crenshaw (1989, 1991) published the two classic works coining and conceptualizing intersectionality, it represented a significant theoretical, political,

and methodological contribution that could not be dismissed by the group of "hegemonic" feminists who damned with faint praise the earlier collected works as "poetic," or "experiential" (as opposed to theoretical) (Sandoval 2000, p. 46). Crenshaw's location as a legal scholar allowed an institutional focus that added to earlier voices by identifying the void of legal subjecthood that erases Black women, and by providing a multilayered theory of power[3] that suggested in turn a novel methodological approach to how one might study complex social relations.[4] By deconstructing the insistent logic of Title VII's unipolar categories (Black or White, male or female), Crenshaw (1989) exposed a structural background or expression of the interlocking systems of oppression that were experienced.

But Crenshaw's engagement did not end with legal doctrine. While providing mid-level descriptive theory[5] about the inner-workings of feminist activism within the antidomestic violence movement, Crenshaw also provided analytic tools with which feminists might understand how existing movement categories such as "battered women" were universal in ambition, but particular in application when it came to practical issues in shelters involving language, culture, immigration status, and normative issues involving assumptions, expectations, and definitions (Crenshaw 1989). Such a revelation demanded fundamental reconceptualization in the delivery of services and reorganization of political interventions.

The thick description also suggested an *intracategorical* complexity to the domestic violence shelter movement that demanded that social activists and policy makers pay particular attention to the needs of women of color, immigrant, and non-English-speaking women. In this respect, Crenshaw's intervention was at once theoretical, doctrinal, practical, activist, antiessentialist, and strategically essential. The theory did not "go out there" looking for subjects; it responded to their existing formation in multiples sites of power and marginalization. Building upon the foundation of writing by radical feminists of color, the timing of Crenshaw's two articles was impeccable, the analysis compelling, and the applications infinite.

For these reasons, feminist sociologist Leslie McCall (2005) suggests that intersectionality is a major research paradigm and may be the "most important theoretical contribution that women's studies has made" (p. 1771). A similar point can be made about its place in the domain of legal theory. Intersectionality's widespread appeal does not, of course, mean that there is no basis upon which to critique the theory. The question is whether the criticism that has emerged in law is compelling. For reasons that I elaborate upon below, my answer is in the negative. As I will show, the "post-intersectionality"[6] legal literature fails on its own terms (Chang and Culp, 2002, p. 4). That is to say, the post-intersectionality move cannot be explained as analytically or conceptually distinct from intersectionality, a point conceded by even Mutua (2013) who admits that Darren Hutchinson's employment of multidimensionality theory to address partially privileged individuals can be traced back to intersectionality: "as noted earlier, each of the underlying ideas for [Hutchinson's] insights was arguably implicit in the initial articulation of intersectionality theory and/or could have been easily incorporated into it" (p. 358). Nor can multidimensionality be understood to be more politically "effective." Thus, I suggest a set of extratextual factors that drive the post-intersectionality move at a particular point in time. These factors are experienced as three deep skepticisms that counter-distinguish one generation of critical race scholars from the next—the "Black-White paradigm," the centrality of sexuality to the critical race project, and the early workshop approach to community building and knowledge production. Only by understanding these three deep skepticisms shaping the disposition of critical race scholars toward intersectionality, can one comprehend more fully the anterior life to post-intersectionality theorizing.

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ENGAGING INTERSECTIONALITY AMONG CRITICAL RACE SCHOLARS

The proliferation of intersectionality in the legal academy was well suited to the times. The legal academy significantly diversified itself racially from the late 1980s to the mid-1990s with a very small number of hires made possible in part by the national movements for faculty diversity in law schools (Cho and Westley, 2000; Crenshaw 2002). Intersectionality was well suited not only because its insight into the void in legal, political, and theoretical subjecthood was so powerful, but also because its frame and method were culturally compatible with the initial wave of early adopters.

The earliest works in roughly the first decade of the intersectionality elaboration genre tended to be works by other critical race theory scholars, most often women of varying colors and cultures who felt that the intersectionality frame spoke to them. These fellow travelers usually sought to apply intersectionality analysis to a slightly different context, community, or set of co-constituting structures and identities. I refer to this stage of intersectionality literature production as elaboration, in which mostly women of different races "tried on" intersectionality to test whether its insights applied, for example, to Asian or Latina women (Cho 1997; Hernandez-Truyol 1997; Montoya 1994; Volpp 1994; Wing 1997a), to women of color in contexts other than domestic violence or class action litigation (Banks 1999; Caldwell 1991; Crooms 1997; Gunning 1992; Johnson 1995; Russell 1994), or to other intersectional identities besides race and gender, such as sexuality (Arriola 1994; Gilmore 1990; Jefferson 1998; Ota 2000; Rosenblum 1994).

Intersectionality, as applied in these works and according to these authors, proved generally to be a very useful theoretical and analytic tool, indispensable to naming injuries that had theretofore been suppressed in legal scholarship. Early adopters may have sought to "tweak" intersectionality at the margins, but the general stance towards the approach was largely collaborative and expansive, usually seeking to extend the original insight to new identity formations. The early adopters, perhaps best represented in the anthology, *Critical Race Feminism* (Wing 1997b), showed that intersectionality had analytic and political relevance to women of different colors (Wing 2003). Additionally, these elaborations provided important mid-level theoretical description of how various complex identities interacted with legal structures.

Around the same time, in the mid- to late-1990s to early 2000s, another group of critical scholars were engaging intersectionality, but from a decidedly different stance.[7] These scholars interrogated intersectionality and other critical concepts at a moment in which "post-identitarian" theoretical analyses and political formations were actively engaged and pursued among some on the left (Chang and Culp, 2002; Danielson and Engle, 1995). Many of these post-identity scholars applied interdisciplinary perspectives about complex postmodern subject formation[8] to what became disparaged as "identity politics" (Ford 2002; Guinier and Torres, 2003; Lowe 1996). That is not to say that the post-intersectionality move is wholly interchangeable with the post-identity move. However, the homologous development of the two approaches does provide some overlapping continuities which are reflected in the three common criticisms of intersectionality discussed below.

Although not a post-identity scholar by any measure, Darren Hutchinson (1999) was among the group of scholars suggesting that intersectionality be transcended. He coined "race-sexuality" theory to describe the engagement by the mostly gay men of color in the legal academy generating work that cannot in hindsight be described as intersectionality elaborations, but rather, as replacement theories. Initial praise of

intersectionality's contributions eventually culminated in calls to erase or supersede it with an allegedly new and improved version, that ranged from cosynthesis, through to complexity theory and interconnectivity, before ultimately seeming to settle on "multidimensionality" (Hutchinson 2004, p. 1200). What this project represented was decidedly different in both content and disposition from the varied theoretical applications by women of color scholars mentioned earlier. Ultimately its stance was transcendent: "legal scholars recently have moved beyond intersectionality to develop alternative accounts of multiple identity theory" (Kwan 2000, p. 687).[9]

COMMON CRITICISMS OF INTERSECTIONALITY

It is important to engage post-intersectionality on its own terms to assess substantive conceptual departures from and contributions to intersectionality theory. What do post-intersectional approaches offer substantively or politically? What did post-intersectionality theorists seek to explode? Three main conceptual critiques recur in the post-intersectionality critique of intersectionality: the problem of "hierarchized" identities that emphasize race and gender; the problem of lacking a conceptualization of structural or systemic features of subordination; and the failure to conceptualize the diffuseness of power and the hybridity of identity that challenges any intersectional analysis that takes categories seriously. These substantive critiques also contain corresponding political critiques that I will explore as well.

The Criticism of Intersectionality for "Categorical Hegemony" and "Slighting" Sexual Orientation

Post-intersectional approaches assert that intersectionality emphasizes race and gender to the exclusion or minimization of sexuality and other identities. Intersectionality theory "forces a priori, which identities matter" (Kwan 2000, p. 1277), a defect that charges intersectionality with occupying the same theoretical stance as pre-intersectionality approaches. Although Crenshaw (1991) encouraged at the outset the expansion and application of intersectional approaches to issues of "class, sexual orientation, age, and color," race-sexuality scholars such as Peter Kwan read the classic works on intersectionality as creating a "categorical hegemony" (Kwan 1997, p. 1276) that privileged race and gender, and Black women in particular.

Notably citing William Eskridge,[10] Kwan channels the voice of the gay rights Yale law professor: "As William Eskridge has noted, 'the most interesting theme in the new outsider scholarship is "intersectionality" . . . [F]or the period 1982–91 . . . the most-cited works on intersectionality slighted issues of sexual orientation'" (p. 1276). By focusing on the "particularities of Black women's experience," intersectionality was guilty of "pushing to its margins issues of class, religion, and able-bodiedness" (p. 1276). According to Eskridge and Kwan, intersectionality proponents responded to their own marginalization by creating "new marginal categories that by their very nature, themselves encourage the idea of categorical hegemony" (Kwan 1997, p. 1276).

However, Kwan's citing of Eskridge's evidence for the slighting of sexual orientation in the intersectionality literature is puzzling given the timeframe of 1982–1991. Since Crenshaw's "Mapping the Margins" was not published until 1991, Eskridge's selected timeframe says very little about the failings of the proponents of intersectionality to discuss sexuality in an era that predates a central work of inter-

sectionality, not to mention the modern integration of law school faculties that would fuel the scholarly interest in intersectionality.[11]

In addition to Kwan's criticisms, Darren Hutchinson (2001) asserted that what "multidimensionality . . . brings to intersectionality scholarship is the examination of heterosexist subordination . . . a topic that is omitted from much of intersectionality literature" (p. 311). Hutchinson's effort to highlight the ways in which sexuality is racialized was important. His work helped to broaden the terms upon which race and sexual orientation were examined, however his positioning of intersectionality in this project was curious; because at times, he seemed to target intersectionality itself. The claim was that "multidimensionality" is necessary in part to avoid the "great short-coming" of intersectionality. Other times, the criticisms are leveled at proponents of the theory—namely, that they failed "to interrogate seriously the implications of sexual identity and heterosexism upon their analyses" (Hutchinson 2002, p. 435). As a result, Hutchinson (1999) reasoned, intersectional scholarship has been limited "almost exclusively" to "understanding and exploring the operation of just two sources of oppression—patriarchy and racism" (p. 11).

The claim that categorical hegemony of race and gender excludes discussion of sexuality and heterosexism is an odd one for a number of reasons. While it is true that intersectionality's earliest applications did employ a focus on the intersection of race and gender—specifically to discuss problems of domestic violence and employment discrimination—interpreting the centering of Black women's experiences as invoking patriarchy and racism solely or exclusively is to misunderstand the Black feminism that informs intersectionality. The rootedness of intersectionality in the long intellectual and political tradition of Black feminism ensured the theory was neither heteronormative nor exclusionary. As the iconic Combahee River Collective (1978) defined it, Black feminism was far from domesticated or bourgeois. Instead, it was "repugnant, dangerous, threatening, and therefore, revolutionary." The politics of sexuality, class, disability, and age were all inextricably linked to Black feminist politics for collective members:

> We believe that sexual politics under patriarchy is as pervasive in Black women's lives as are the politics of class and race. We also often find it difficult to separate race from class from sex oppression because in our lives they are most often experienced simultaneously. We know that there is such a thing as racial-sexual oppression which is neither solely racial nor solely sexual, e.g., the history of rape of Black women by white men as a weapon of political repression (Combahee River Collective 1978).

Crenshaw's (1991) original work not only expressed this same coalitional disposition, but it also emphasized a healthy postmodern skepticism as to the fixity of the categories: "In the context of violence against women, the elision of difference in identity politics is problematic, fundamentally because the violence that many women experience is often shaped by other dimensions of their identities, such as race and class" (p. 1242). There is no fixity or hierarchy to race and gender announced as categories of engagement in intersectionality. Crenshaw herself inveighed against reading intersectionality as a "new, totalizing theory of identity" (p. 1244). Rather, race and gender intersectionality merely provided a jumping off point to illustrate the larger point of how identity categories constitute and require political coalitions.

Indeed, the earliest articulations of intersectionality understood the concept of coalition as the starting point for group politics, and anticipated sexuality as a key basis for either division or coalition within the category of race: "[I]ntersectionality

provides the basis for reconceptualizing race as a coalition between men and women. . . . [R]ace can also be a coalition of straight and gay people of color, and thus serve as a basis of critique of churches and other cultural institutions that reproduce hetero-sexism" (Crenshaw 1991, p. 1299). Acknowledging that class and sexuality are critical in shaping the experiences of women of color, Crenshaw emphasizes that her focus on race and gender highlights the need to account for "multiple grounds of identity" in thinking about how the social world is constructed (p. 1245).

Another reason the charge of categorical hegemony is surprising is that whatever hierarchy is produced by placing women of color at the center or using Black women as the point of departure is similarly reproduced by focusing instead on gay men of color as the new "center." Thus, the problem is not conceptual or unique to inter-sectionality, or for that matter, "multidimensionality" or "cosynthesis." Under this reductive theorizing, other categories of difference or emerging subordinated identities—such as the disabled, the undocumented, and the "not quite/not white" racial ambiguity of South Asians, Muslims, and Arabs in a post-9/11 world—stand ready to provide new evidence for recycling through the "which identities matter" or "matter most" critique. Indeed, post-intersectionality theorists themselves are com-pelled to make similar blanket inclusions of "other" identities beyond race, class, sexuality, and gender. Kwan, for example, uses the phrase "class, race, gender, sexu-ality and *all other subordinating categories*" (Kwan 1997, p. 1292, emphasis added) as his enumerated list of which identities matter. So his articulation of cosynthesis, contrary to his stated ambitions, suggests an *a priori* hierarchy of certain privileged identities over "all other [unenumerated] subordinating categories."

The claim that intersectionality literature as practiced generally omits discussion of heterosexism is even more troubling. This critique is based on a flawed description of the literature, that does not take into account the "early adopter'" literature from legal scholarship, discussed previously. Such a reading is possible only by overlook-ing the considerable number of scholars who wrote about sexuality and other over-lapping identity categories employing an intersectionality approach or analysis, and at times critiquing and expanding intersectionality in the process. Notably, Kwan and Hutchinson gloss over the significant literature by women of color who used intersectionality theory to discuss sexuality, thereby allowing them to characterize the "prevailing literature" as heteronormative and claiming that it only explored the operation of "just two sources of oppression—patriarchy and racism" (Hutchinson 1999, p. 6). In contrast, a critical mass of the early adopters engaged issues of sexuality and identity categories outside of race and gender. Only by ignoring these writers might one suggest that scholarship engaging intersectional approaches among early adopters of intersectionality occluded discussions of heterosexism and sexuality.

The Criticism that Intersectionality is not Universal or Coalitional

A second major criticism race-sexuality scholars have lodged against intersectionality is that it offers something less than a universal, all-inclusive, or coalitional model. According to this logic, intersectionality has a "limited relevance" (Hutchinson 1999, p. 12) because it focuses on "multiple burdened" individuals who experience com-pounded forms of discrimination. Sensitive to systems of power, intersectionality analysis does not presume to treat those at the top of a given hierarchy the same as those at the bottom. Crenshaw (1989) illustrates this insight through her detailing of how class action litigation prioritizes the more privileged members of a subordinated group (males among Blacks, Whites among women, middle-class members for both), and how feminist and racial politics often do the same.[12] This focus on "looking to

the bottom" (Matsuda 1987, p. 324) as a method is not exclusionary, but rather inclusionary, Crenshaw argues, because restructuring the world according to those who are multiply disadvantaged will likely and logically mean that those who are singularly disadvantaged will also be unburdened. Intersectionality conceptually promotes the notion that centering the most marginalized will also promote collective action by linking structures of subordination and compounded subjectivities, thereby refusing compartmentalization. In this sense, intersectionality promotes both a universal ethic of justice for singularly- and multiply-subordinated individuals, and suggests a coalitional strategy for achieving justice.

However, post-intersectionality scholars have read the centering of women of color, especially Black women, as exclusionary. Hutchinson critiques the "almost exclusive focus the literature has given to the experience of women of color" (Hutchinson 1999, p. 12) and the concomitant sidelining of White women and men of color:

> [W]hite women and men of color also experience "multi-dimensional" oppression. Men of color and white women however, may not typically conceive of their subordination as a combination of gender and racial hierarchy because "maleness" and "whiteness," privileged and dominant categories in a patriarchal and white supremacist society, are rarely acknowledged to exist but nevertheless, form the invisible foundation for social policy, civil rights strategies and critical theory. Although some race-gender scholars have acknowledged the multiplicity of white women and men of color experiences, they have not explored significantly the dimensions of these experiences but have limited their analyses primarily to uncovering the multidimensionality of women of color and their historical experiences with subordination (Hutchinson 1999, pp. 13–14).[13]

In short, Hutchinson (2004) promotes his multidimensionality turn as a more "universal" (p. 16) conceptual approach that recognizes the multilayered experiences of all members of subordinated groups.[14]

Kwan (1997) similarly shares Hutchinson's concern about the exclusionary nature of intersectionality. He is critical of intersectionality theory because although "straight white maleness arguably is a multiple identity," "intersectionality theorists would resist the claim by straight white males that theirs is an intersectional subjectivity" (p. 1275). This criticism reflects a shared aversion to the methodology of centering women of color or "looking to the bottom." It also suggests that intersectional approaches suffer from an inherent divisiveness. In short, intersectionality promotes an identity politics that is antithetical to a broader coalitional politic. For example, Kwan (2000) asserts that "Intersectionality's reductionism does not allow us to forge ideological coalitions, political allegiances nor communities of support . . . What does Intersectionality offer straight Black women, say, that suggests to them that they have a stake in, for example, the struggles of the gay Asian community?" (p. 687) Alternately, cosynthesis "opens up spaces for conceptualizing identity formation that do not prioritize one category over others, but rather force us to recognize their mutual dependence and hence the importance of dealing with all modes of oppression simultaneously" (Kwan 1997, p. 1292).

The distillation of a multi-faceted power analysis down to only two vectors of race and gender is a troubling move by post-intersectionality scholars, both as a textual and an historical matter in light of the radical Black feminist organizational politics that inspired intersectionality. What may be most ironic about Kwan's critique of intersectionality not being coalitional enough, is that his proposed replacement theory is internally inconsistent with other cosynthetic critiques about the

antisystemic nature of intersectionality. In short, Kwan's concern about whether intersectionality properly accounts for the straight White male or disproportionately centers Black women suggests that he might favor an approach that would be inattentive to power or the specificity of actual political struggle. Intersectionality seeks to interrogate the assumption of universality and commonality, and uses an understanding of how overlapping vectors of power intersect to ferret out those false assumptions. As one commentator observed, "Professor Kwan's call to find commonalities for political struggle seems retrograde to the extent that it levels the incommensurability of different political antagonisms" (Han 2006, p. 30).

Moreover, one must wonder why a theory centering Black women is automatically presumed to be too particular to be either universal or coalitional. Devon Carbado (2013) articulates this trend, that it is becoming increasingly "unspeakable" (p. 814) to frame theoretical and political interventions around Black women in a postracial, post-identity society. Still, Carbado (2013) also observes it is a trend in which "far too many progressive scholars have acquiesced or actively participated" (p. 814). Seemingly, the genesis of intersectionality in Black feminist theory limits the imagination of scholars to envision the potential domains to which intersectionality might travel.

The Criticism of Intersectionality as Antisystemic or Non-interactive

A third problem critics raise with intersectionality is its alleged elementary conceptualization of power that leads to a framing of problems at an individual or identity level. Post-intersectional actors "moved intersectional concepts to the systemic level," in order to interrogate how systems of oppression reinforce one another—to understand better how forces of racism, heterosexism, patriarchy, and classism are interrelated, and not conflicting phenomena (Levit 2002, p. 231).

What is perplexing about this second claim is that intersectionality was explicitly about systems and structures. In Crenshaw's (1989) article, one would be hard-pressed to describe her discussion of sexual violence as anything but a systemic analysis:

When Black Women are raped by white men, they were being raped not as women generally, but as Black women specifically: Their femaleness made them sexually vulnerable to racist domination, while their Blackness effectively denied them any protection. This white male power was reinforced by a system in which the successful conviction of a white male for raping a Black woman was virtually unthinkable. In sum, sexist expectations of chastity and racist assumptions of sexual promiscuity combined to create a distinct set of issues confronting Black women (pp. 158–159).

Similarly, in "Mapping the Margins," Crenshaw (1991) uses domestic violence as an example to clearly articulate a nuanced understanding of the systemic and interwoven nature of the problem:

Many women of color, for example, are burdened by poverty, child care responsibilities, and the lack of job skills. These burdens, largely the consequence of gender and class oppression, are then compounded by the racially discriminatory employment and housing practices women of color often face, as well as by the disproportionately high unemployment among people of color that makes bat-

tered women of color less able to depend on the support of friends and relatives for temporary shelter.

Where systems of race, gender and class domination converge, as they do in the experiences of battered women of color, intervention strategies based solely on the experiences of women who do not share the same class or race backgrounds will be of limited help to women who because of race and class face different obstacles (pp. 1245–1246).

It is also clear from the examples cited—Black women vis-à-vis the law, legal analysis, and specifically antidiscrimination law and class-action rules—that intersectionality contemplated a wholly systemic critique of the totalizing power of legal categories that used both procedural rules of class-action certification and substantive differential treatment law to "erase" Black women from legal subjecthood (Crenshaw 1989). It is difficult to read this layered critique of the doctrinal treatment of Black women as merely an individual or identity-based injury.

The problem that post-intersectional approaches commonly cite is intersectionality's alleged assumption of the static nature of one's relative privilege based on identity categories and a failure to capture the "diffuseness" and malleability of how power is exercised. Instead, multidimensionality scholars claim to embrace what Eric Yamamoto (1999) would name as "simultaneity" (pp. 109–114) or what Carbado (2011) refers to as "bi-directionality" (p. 1614). Post-intersectional approaches assert that a member of a subordinated group could be simultaneously exercising privilege and experiencing disadvantage, given our shifting and contingent sets of identities and contexts.

Post-intersectionality scholars claim that intersectionality is conceptually lacking because it is unable to accommodate the multiplicity of complex identities: "Each person is composed of a complex and unique matrix of identities that shift over time, is never fixed, is constantly unstable and forever distinguishable from that of everyone else in the universe" (Kwan 1997, p. 1277). This articulation of identity draws from theories of hybrid identities (Lowe 1996), and more recently, the "assemblage" (Puar 2007) of identities. That is to say that identity is theorized as a negative unity, relational, and in flux, not fixed in time or place.

However, in "Mapping the Margins," Crenshaw (1991) presents a nuanced view of how systems of subordination interact, evincing precisely a sense of simultaneity or bi-directionality toward Black men accused of rape:

[T]he dominant conceptualization of rape . . . has left Black men subject to legal and extralegal violence. The use of rape to legitimize efforts to control and discipline the Black community is well established, and the casting of all Black men as potential threats to the sanctity of White womanhood was a familiar construct that antiracists confronted and attempted to dispel over a century ago (pp. 1265–1275).

Masculinities scholars should note that the vulnerability of the Black male to masculinity-policing mechanisms used by the state to control the Black community are duly noted in the article. However, they should also note that intersectionality theory does not stop there. Crenshaw (1991) demands that the reader also consider the ways in which even resistance movements and identity groups may work at cross purposes and strengthen structures of subordination if an intersectional framework is not adopted:

> [W]hen one discourse fails to acknowledge the significance of the other, the power relations that each attempt to challenge are strengthened. For example, when feminists fail to acknowledge the role that race played in the public response to the rape of the Central Park jogger, feminism contributes to the forces that produce disproportionate punishment for Black men who rape White women, and when antiracists represent the case solely in terms of racial domination, they belittle the fact that women particularly, and all people generally, should be outraged by the gender violence the case represented (p. 1282).

These examples should demonstrate why there seems to be no analytic reason why intersectionality could not be used to evaluate the ways in which systems of racial, sexual, or other forms of subordination interact with one another, among socially constructed groups.

These three sections exploring the dominant post-intersectionality critiques to emerge among race-sexuality scholars establish a lack of substantive grounding that may inhere in a misreading or misinterpretation of intersectionality altogether. Perhaps interdisciplinary legal scholar Sora Han (2006) framed the post-intersectionality move best in her critique of Kwan's post-intersectionality work: "The misrepresentation of cosynthesis as an act of critique in good faith actually leaves the reader with the sole option of moving past intersectionality without ever having encountered it. This misrepresentation subtly coerces the reader to accept second and third hand statements about intersectionality—intersectionality reduced to a 'slogan'" (p. 30).

THREE DEEP SKEPTICISMS THAT EXPLAIN THE "TURN" TOWARD MULTIDIMENSIONALITY

Having briefly reviewed the conceptual and political interventions offered by post-intersectionality scholars, I want to now offer an institutional and intellectual history that provides at least a partial explanation of the emergence and embrace of post-intersectionality within a cohort of critical race scholars. As will become clear, this historical account, like any, is partial and incomplete. But it helps to reveal a link between certain critiques of intersectionality and broader critiques of both the institutional organization and perceived substantive content of CRT.

The over-and-against stance toward intersectionality among race-sexuality scholars seems in part motivated by a problematic rejection/projection of the Black-White paradigm, the workshop heteronormativity, and the actual organization of the CRT workshops. This transcendent stance must also be understood in the context of mid- to late-1990s ambition to get beyond the Black-White paradigm. Insofar as founding race critics and their scholarship seemed to focus on African Americans, second generation race critics asserted an unlikely causal linkage between the scholarship and the hegemonic binarism of Black-White. As Carbado (2011) skillfully elaborates in his recent article, "Critical What What?," the projection and critique of the Black-White paradigm along these lines is subject to its own critical apparatus.[15]

One unfortunate version of this line of criticism is the articulated or unarticulated suspicion that African Americans were somehow primarily responsible for the creation and continuation of this racial binary (Mutua 1999, 2006). At CRT workshops, one manifestation of this critique, which ultimately led to the formation of the LatCrit collective, was the palpable sense by some workshop participants that somehow Black members of the workshop and pivotal founders who are African American kept the non-Black membership of the workshop artificially low. In personal narra-

tives, individual exclusion from workshop attendance (or even other invitation-only gatherings) often was attributed to one's non-Black identity, whether verifiable or not.[16] Rather than contextualize the workshop's makeup based on the overall demographics of the legal academy at the time (that had barely integrated only about 5% faculty of color around the time of the first CRT workshop, of which approximately 70% were African Americans) (Cho and Westley, 2000),[17] a sense of representative disparity loomed, not only in the membership at the workshop but also in the topics of what became the most well-known works produced through the workshop. Because there was a nearly complete turnover from the original founding members of the workshop and later participants, it would be very difficult to contest or even discuss these impressionistic sensibilities and the development of what I might call an ahistorical and projected critique of the Black-White paradigm lodged against CRT, despite valiant attempts to dislodge these impressions.[18]

Another source for the post-intersectionality theorists' skeptical stance that may be read more sympathetically than that of the Black-White paradigm critique involves the treatment of sexuality. As early as the second workshop in 1990, "all hell broke loose" (Phillips 1999, p. 1250) over the sexuality intervention. As recounted by an organizer, the principal "bone of contention" surrounded a founding principle under consideration about whether gay men and lesbians were "oppressed people" (p. 1250), and if so, whether their liberation had anything to do with the fight against racial oppression.[19] In subsequent CRT workshops, these ruptures would continue. It bears noting that the last (9th) CRT workshop was held around the same time as one of the first symposia centering on race-sexuality approaches at Hastings in 1997.[20] In its waning years, the systemic inability of many (and outright refusal of some), particularly heterosexually-identified male members of the small workshop, to see the centrality of sexuality to race was painful, frustrating, depressing, and traumatic. That the small but consistently regressive contingent of workshop participants also happened to be African American may also have enhanced (consciously or subconsciously) any non-Black resentments stemming from the aforementioned Black-White paradigm critique. Of course, it bears mentioning that heteronormativity and homophobia are not racially exclusive. The fact that all or most of the sexuality-challenged workshop participants were African American should not be taken to mean that somehow Blacks are the "most homophobic" group. Rather, it merely reflects the overall demographics of the legal academy (and therefore, the CRT workshop) at the time. To illustrate further that homophobia was/is not a "Black-only" problem, the same sexuality crossroads presented itself as early as the second gathering of "LatCrit" scholars that formed after the conclusion of the CRT workshops. At LatCrit II, the same tensions emerged in the reformulated setting, where the painful comments made, predominantly by straight Latino males, at that conference caused race-sexuality scholars to feel less than welcome as full participants, and left some questioning whether the LatCrit formation was a safe space for LGBTQ scholars of color (Ota 1998).

As Stephanie Phillips (1999) recounted, it would take nearly eight years before the workshop fully embraced the gay and lesbian issues as an integral part of the antiracist struggle, and before the number of openly gay and lesbian participants increased from one to two in the first years to eight to ten by 1997.[21] Given the uneven and checkered history of incorporating an analysis of heteronormativity and straight supremacy as an interlocking mode of subordination alongside White normativity and supremacy, it is certainly understandable that those seeking to advance the race and sexuality conversation might want to seek a safe separate space, and even language, perhaps wholly apart from CRT.

A final source of post-intersectionality skepticism inheres in the format of the workshop itself. The intimate space allowed for personal engagement, shared political commitments, and quality feedback, but could be experienced by those not invited as exclusionary and elitist in its endeavor.[22] Those not invited may have perceived that the discretionary admissions of the workshop was designed not to enhance analytical rigor or share substantive commitments, but rather to promote insiders, "cliques," and "vanguardism" (Montoya and Valdes, 2008, p. 1228)[23] through its politics-based selectivity. In addition, the workshop's histories were passed down mostly by oral tradition, leading to a governance-by-gossip mode of replication and sense that one might be at any moment overstepping the boundaries of accepted but unwritten protocol.

Given the workshop history into which emerging race-sexuality scholars were introduced to Critical Race Theory in the mid- to late-1990s, one might understand the skeptical stance of race-sexuality activists vis-à-vis CRT as a whole.[24] But it is harder to understand why intersectionality theory became the focal point of their critique, particularly when its key author reportedly left the workshop in large part due to the refusal of contemporaries to fully embrace more radical politics that would recognize the centrality of sexuality and class to the CRT project. Unfortunately, given the tradition of orally passing down workshop history, it became possible to convey this history in a decidedly partial and haphazard way. Thus, newer arrivals could be, and were, provided with a distorted (or at least, one-sided) view of the CRT project, its founding members, and key works and concepts such as intersectionality.

CONCLUSION: POST-INTERSECTIONALITY'S LEGACY AND THE CURRENT "MULTIDIMENSIONAL TURN" IN MASCULINITIES STUDIES

I want to conclude this essay by returning to the place where I began—highlighting the emergence of a masculinities literature that, at least to some extent, positions itself over and against intersectionality. In an edited volume entitled, *Masculinities and the Law: A Multidimensional Approach*, Frank Rudy Cooper and Ann McGinley (2012) introduce scholars to "multidimensional masculinities theory" which seeks to apply the under-analyzed category of men and masculinities to legal contexts. This intellectually vibrant group of scholars has produced a very engaging and thoughtful body of work in a short amount of time (Mutua 2012, 2013). Moreover, the book itself is essential reading for those who are interested in the numerous ways in which the law implicates masculinity. Cooper and McGinley (2012, 2013) and Mutua (2012, 2013) among others, are to be commended for the broad vision that underwrites the project.

Like the race-sexuality scholars who preceded them, masculinities scholars also praise and acknowledge the intellectual debt to intersectionality before asserting its transcendence in favor of multidimensionality frameworks, often using Crenshaw's own words as permission.[25] This is not to say that all masculinities scholars agree with this turn. At a recent gathering, a few participants disagreed with the now well-rehearsed "deficiency thesis" of intersectionality increasingly common to such legal discussions of men and masculinities passed down from the race-sexuality conversations of a prior decade. Indeed, Mutua (2013) calls out both Russell Robinson and Carbado who "*flatly disagreed*" (p. 342, emphasis added) with multidimensionality's alleged supremacy. As she put it, "Carbado *boldly and bluntly* (emphasis added) argued that anything that could be analyzed using multidimensionality could also be effectively analyzed through intersectionality . . ." (p. 342).

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What is intriguing about Mutua's comments are the words she chooses. What work are the "boldly and bluntly" and "flatly disagreed" descriptors doing in her account? Is it that Carbado was being "bold" and "blunt" but the proponents of the multidimensionality thesis were not? Clearly, there is something in the description that suggests that the intervention was outside of the bounds of something. Collegiality? Permissible argument? Mutua's descriptors clearly do not flatter their recipients.

But let us turn more directly to one of Mutua's (2013) claims as to why the "turn" away from intersectionality to multidimensionality is necessary. She reasons that multidimensionality is preferred because it uniquely addresses internal as well as external structures that shape the lives of men who have "partially privileged identities" (p. 360). Specifically, Mutua argues that the multidimensional turn was necessary because "masculine identities seemed more complex than women's identities because the ranking of men occurred along at least two axes: an internal axis centering around performances, appearances, and behavior, and an external one centering around the multitude of intersecting systems, such as race and class" (p. 361). Let us put to one side the factually suspect nature of this claim; employment discrimination cases—from *Rogers v. American Airlines* (1981)[26] to *Price Waterhouse v. Hopkins* (1989)[27] to *Jesperson v. Harrahs* (2006)[28]—have long documented the struggle women have had to contend with and navigate the internal and external hierarchies of gender performances. More recently, there seems to be no reason why intersectionality could not be used to analyze "partially privileged identities" (Mutua 2013, p. 358) and the internal and external hierarchies that shape the lives of men. After all, Crenshaw (1991) critiqued identity politics and single axis analysis due to their inattentiveness to internal hierarchy that "frequently conflates or ignores intragroup differences" (Crenshaw 1991, p. 342). Intersectionality seems incredibly well suited to the task of deconstructing internal and external hierarchies, and indeed it already has.

So in light of the preceding arguments, combined with the fact that one of the leading multidimensionality theorists and enthusiasts has conceded the point that "much of what can be analyzed by employing the multidimensionality framework can also be analyzed through intersectionality theory," why is there a "multidimensional turn" (Mutua 2013, p. 341) at all? Mutua goes further in both her "Introduction" and "Conclusion," detailing how all the criticisms against intersectionality could have been reconciled since intersectionality theory is "broad and flexible enough to accommodate and absorb any number of critiques" (p. 342) from race-sexuality and masculinities scholars. In short, she explicitly states that both groups could have interpreted intersectionality to encompass their concerns and insights, but did not. She explains that these scholars instead adopted the multidimensionality framework because "gay men, men of color, and White women" perceived that intersectionality did not speak to the complexity of their lives (p. 367). According to Mutua, this perception arose in part due to the fact that intersectionality was adopted by feminists scholars, especially women of color, to analyze women's lives, combined with the perception among masculinities scholars that "the analysis of men's lives was more complex than analysis of women's lives" (Mutua 2013, p. 363).

I find this explanation deeply candid and yet unsatisfying, even troubling. This explanation suggests a possible performative contradiction. 'Masculinities enthusiasts' shun intersectionality not for a substantive or political deficiency. Rather, is it possible masculinities scholars shun intersectionality for reasons of identity? Indeed, in her own closing comments to her essay, Mutua (2012) stipulates as much:

> And in the end, given the work already done, it may well become that "multidimensionality is to masculinities what intersectionality is to feminism," perhaps

for no other reason than many masculinities legal scholars seem to prefer pairing this metaphor and framework with their examination of men's lives" (p. 367).

Recall the title of Mutua's paper, "Multidimensionality is to Masculinity What Intersectionality is to Feminism." Might a tongue-in-cheek rephrasing of the title be "Multidimensionality is to Boys and Masculinities, what Intersectionality is to Girls and Feminism?" Is the problem with intersectionality that it has become a "pink ghetto," overly populated by feminists (mostly of color)? I do not mean for this question to be rhetorical. I raise it in the hope that proponents of multidimensionality will provide an answer as they continue to develop their work. Mutua's work is to be commended for clearly articulating why she believes a turn to multidimensionality theory may have been undertaken—i.e., to provide those subjects who simultaneously occupy positions of privilege and subordination (like men of color, gay men, or white women)[29] with a theoretical model that speaks to them. However, she fails to acknowledge the extent to which this argument relies upon a demographic analysis of intersectionality's end-users. In other words, the beef masculinities scholars seem to have with intersectionality theory is one of distribution, not design. She also fails to interrogate critically, the 'distribution' problem, or why certain uses (and users) of intersectionality were delimited. For example, Mutua often assumes a narrator role in her 2013 article, reporting on questionable pre-existing perceptions or beliefs, such as assertions that "masculine identities seemed more complex than women's identities. . ." (p. 361). While she later clarifies that she believes women's identities are as complex as men's identities, she nonetheless authorizes and advocates the turn away from intersectionality to multidimensionality in large part due to this pre-existing perception among masculinities scholars. As such, Mutua seems to identify intersectionality scholars exploring women's lives for their "failure to model" this greater complexity for men's lives as the source for the needed turn to multidimensionality (pp. 359–360, 363).[30] Ostensibly, had intersectionality scholars and end-users more fully documented how women's lives are subject to both internal and external gender-specific hierarchies, perhaps masculinities scholars might have adopted intersectionality as framework.

Like other post-intersectionality approaches, multidimensionality theorists decidedly seek to "get beyond" something, and that 'something' that underwrites the turn away from intersectionality appears not as substantive theoretical or analytical content or as political strategy. Instead, as Mutua's careful tracing suggests, the post-intersectionality turn to the "multidimensionality" framework may be largely identity-driven and engendered. I look forward to exploring this possibility with those engaging intersectionality and multidimensionality theory, and to deepening the conversation about the meaning of post-intersectionality within the critical theorizing project.

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NOTES

1. I thank the *Du Bois Review* editors for their helpful feedback on this piece. I also thank the African American Policy Forum for its generous support to present an early version of this paper in at the Social Justice Writers workshop, and for comments received there, particularly from Barbara Tomlinson, George Lipsitz, Alvin Starks, and Luke Harris. This work was strengthened due to conversations with my friend, Athena Mutua, who is

a gracious and challenging dialogue partner. Of course, this work would not be possible without the inspiration of the author originating intersectionality theory, Kimberlé Crenshaw.

2. See also Mutua (2012).
3. In this volume, authors Chun et al. (2013) succinctly summarize one contribution of intersectionality analysis as "revealing that power works in uneven and differentiated ways" (p. 922) adding that it is about "the way things work rather than who people are" (p. 923).
4. McCall (2005) has helpfully expanded the methodological challenges in undertaking research on intersectionality, identifying three approaches to grapple with the complexity of the intersectional subject in feminist research: anticategorical, intercategorical, and intracategorical complexity approaches.
5. I thank George Lipsitz for providing his insight that complex conditions must be described provisionally before they can be analyzed exhaustively at the 6th Annual Social Justice Writers Workshop convened by the African American Policy Forum in 2011. Lipsitz draws upon Louis Althusser's conception of descriptive theory to argue for the importance of understanding thick description as mid-level descriptive theory. See also Althusser (1971) on descriptive theory (pp. 138–141).
6. Chang and Culp (2002) credit Peter Kwan with coining the term "post-intersectionality."
7. In addition to Peter Kwan, Chang and Culp (2002) identify two other contemporary critical race-sexuality scholars developing post-intersectionality approaches—Darren Hutchinson and Francisco Valdes. For this literature, see Hutchinson (1998, 1999, 2001, 2002); Kwan (1997, 2000); Valdes, (1997, 1998).
8. The third group of scholars engaging intersectionality is White feminists who seek to redeem intersectionality by providing more "complexity" or theoretical heft. Beginning with Abrams (1994) announcement of the "complex female subject," through Nancy Ehrenreich's (2002) "symbiosis" or new complexity theory, White feminists (from liberal to progressive) began a project of reclaiming the ideas behind intersectionality from their seeming utter simplicity. See also Abrams (1995).
9. For other examples of the transcendent imperative, see also Kwan (1997), who states: "The moment may have arrived for critical race theorists to abandon the notion of intersectionality and the fixity of mind it provides, in favor of more fluid, complex, and nuanced notions of class, race, gender, sexuality, and all other subordinating categories" (p. 1292); and Hutchinson (2002), who comments that "[o]n one level, this substantive omission [of discussing heterosexism] does not destabilize intersectionality; its usefulness as a jurisprudential model is not necessarily complicated simply because its proponents have not explored every potential context of its usage" (p. 435).
10. The deployment of Eskridge's voice and authority is also ironic. Eskridge has been critiqued by race-sexuality scholars for promoting a racially hegemonic gay legal theory. Hutchinson (1998) notes that Eskridge's work on same-sex marriage serves "as a perfect example of gay and lesbian essentialism and the problematic impact it has upon theory" (p. 586).
11. For example, from the mid-1970s through the late 1980s when the student movement for faculty diversity in law schools gained national momentum, the percentage of full-time law teachers of color ranged from approximately 3.8–5.6% in any given year. Within two years of the 1989 nationwide law student strike for diversity, the percentages nearly doubled, reaching double digits, ranging from 10–13% in the early to mid-1990s (Cho & Westley, 2000).
12. Specifically see Crenshaw (1989) for discussion of class action litigation (pp. 141–152); feminist politics (pp. 152–160); and antiracist politics (pp. 160–166).
13. Hutchinson (1999) cites Richard Mohr for the latter's characterization of demands made by lesbian feminists and people of color of the gay rights movement as a "wasteful drain on the movement" (p. 15). Hutchinson curiously gives credence to this old essentialist canard of the dangers that "particularity" poses to allegedly universal goals by echoing that intersectionality may indeed be a "wasteful" or "at least less relevant-venture for white women and men of color" (p. 15).
14. See also Hutchinson (2004) where he states that "while Critical Race Feminists have viewed intersectionality as a condition that affects the 'multiply burdened,' primarily or exclusively, multidimensionality scholars have treated multiplicity as a 'universal' concept" (p. 1199).
15. See also, Carbado (2002) in which he sensitively but forthrightly sketches concerns surrounding the articulation of the critique of the Black-White paradigm or binary.

16. As Phillips (1999) suggests, one major criterion for invitation to the workshop had was non-racial, and may not have been considered a factor by those not invited—one's politics. As Phillips recounted, "[a]lmost all of us who constituted the Organizing Committees for the first two workshops had a leftist political orientation" (p. 1248).

17. As of the date of publication of their article in 2000, it was reported that law schools hired 80% of all Latina/o law faculty in the last ten years (1988–1997) reported by the Association of American Law Schools. In the two decades prior (1966–87), an average 1.27 Latina/os entered law teaching on an annual basis. That average jumped to 8.8 Latina/os per year for the period 1988–97. Similarly, about 70% or eleven out of the sixteen American Indian law faculty entered in the 1988–97 period.

18. See Phillips (1999) where she explains that her genealogical tracing of the CRT workshop and its development "is necessary to put to rest the suspicion expressed in some LatCrit writings that the early Workshop deliberately denigrated the importance of the experiences and histories of American people of color who are not black" (pp. 1251–1252). Phillips also shares the history of the Fourth CRT workshop in 1992, at which "non-blacks who were present formed a caucus and emerged with the following challenge to the Workshop's 'Afrocentrism': 'the Workshop had been, perhaps, overly-dominated by African Americans, and had, certainly, overemphasized the history and present circumstances of blacks, with an unprincipled neglect of the conditions of non-Black peoples of color'" (pp. 1252–1253).

19. As Phillips (1999) recounts, in the Second Workshop's discussion of proposed Tenets of Critical Race Theory the first six were uncontroversial. But the seventh was hotly contested and ended the workshop with many participants not speaking to one another. It should be noted that not all participants present agreed with this description of heternormativity or homophobia that recurred at the workshop, particularly in the early workshop years.

    The seven proposed tenets were as follows:

    Critical Race Theory
    1. holds that racism is endemic to, rather than a deviation from, American norms;
    2. bears skepticism towards the dominant claims of meritocracy, neutrality, objectivity, and color-blindness;
    3. challenges ahistoricism, and insists on a contextual and, historical analysis of the law;
    4. challenges the presumptive legitimacy of social institutions;
    5. insists on recognition of both the experiential knowledge and critical consciousness of people of color in understanding law and society;
    6. is interdisciplinary and eclectic (drawing upon, inter alia, liberalism, post-structuralism, feminism, Marxism, critical legal theory, post-modernism, and pragmatism), with the claim that the intersection of race and the law overruns disciplinary boundaries; and
    7. works toward the liberation of people of color as it embraces the larger project of liberating all oppressed people. (pp. 1249–1250).

20. The symposium was entitled, "Intersections of Race, Ethnicity, Class, Gender & Sexual Orientation." Some of the papers appeared as articles in the sixth issue of *Hastings Law Journal* (1997). In the following year, Denver University Law Review sponsored a symposium entitled, "InterSEXionality: Interdisciplinary Perspectives on Queering Legal Theory." Some of the papers appeared as articles in the fourth issue of the *Denver University Law Review* (1998).

21. The Ninth and last CRT workshop took place in the summer of 1997 at Tulane University School of Law in New Orleans. Thus, the CRT workshop overlapped with LatCrit a couple of years, as the first LatCrit annual meeting occurred in May of 1996.

22. See Mutua (2006), where she describes the "invitation-only" policy of the CRT workshop as having "contributed to the critique of CRT as elitist" (p. 349).

23. Montoya and Valdes (2008) adopted Angela Harris' use of "vanguard" to describe the CRT workshop model featuring a "cadre-based approach" based on "small groups of like-minded scholars gathering annually . . . for intense discussions in alternative conferences or workshops" (p. 1212).

24. Indeed, at least some of the founding critical race theorists reject the notion that the workshop as a whole was LGBTQ-unfriendly. Consider, for example, comments by Matsuda (2010), in which she rejected the contention that early workshops were not safe

spaces for LGBTQ scholars. See also, Gilmore (1990). Note in particular, the author's participation at an early Critical Race Theory workshop at which Kimberlé Crenshaw encouraged the author's exploration of the intersection of race, gender, and sexuality.
25. To effectuate the masculinities turn, the intersectionality-as-deficiency thesis inevitably emerges with a seeming invitation from the original author to make such a turn, citing to language in passages from two articles by Crenshaw referring to intersectionality alternately as a "transitional" or "provisional" concept. For Crenshaw's widely cited "transitional concept" language, see Crenshaw (1993). For the "provisional concept" source, see Crenshaw (1991). For multidimensionality scholars interpreting this careful qualification as license to displace intersectionality with multidimensionality theory, see Chang and Culp (2002); Hutchinson (1998, pp. 330–331); Hutchinson (2001, p. 307); Hutchinson (2002, p. 52); Mutua (2012, p. 82).
26. This case upheld employer policy of prohibiting cornrow hairstyles as non-discriminatory because an all-braided hair style is an "easily changed characteristic," and, even if socioculturally associated with a particular race or nationality, is not an impermissible basis for distinctions in the application of employment practices by an employer."
27. This case established as an actionable violation of Title VII under mixed-motive theory, sex-based stereotypes of aspiring partner Hopkins who was described variously by other partners as "overly aggressive, unduly harsh, difficult to work with and impatient with staff," "macho," in need of "a course at charm school."
28. This case upheld employer's "personal best" grooming policy requiring female bartender to wear "big hair" and to undertake a daily make-up regime. See also Carbado (2013) for an analysis of the Jespersen case using the lens of intersectionality.
29. It should be noted that prior to multidimensional masculinities scholars, White feminists have also suggested replacing intersectionality with post-intersectional approaches to capture better the experience of White women, or "singly-burdened" (i.e., "partially privileged") individuals. For this earlier post-intersectional discussion of the need to better account for White women's lives, see Chang and Culp (2002); Ehrenreich (2002) and Levit (2002).
30. See, for example, Mutua's contention that ". . . feminists' use of intersectionality did not provide an adequate model for applying the theory to men's lives" (2013, p. 363).

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