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OUR FIRST UNISEX PRESIDENT?: BLACK MASCULINITY AND OBAMA'S FEMININE SIDE

FRANK RUDY COOPER[†]

ABSTRACT

People often talk about the significance of Barack Obama's status as our first black President. During the 2008 Presidential campaign, however, a newspaper columnist declared, "If Bill Clinton was once considered America's first black president, Obama may one day be viewed as our first woman president." That statement epitomized a large media discourse on Obama's femininity. In this essay, I thus ask how Obama will influence people's understandings of the implications of both race and gender.

To do so, I explicate and apply insights from the fields of identity performance theory, critical race theory, and masculinities studies. With respect to race, the essay confirms my prior theory of "bipolar black masculinity." That is, the media tends to represent black men as either the completely threatening and race-affirming Bad Black Man or the completely comforting and assimilationist Good Black Man. For Obama, this meant he had to avoid the stereotype of the angry black man. Meanwhile, though, the association of the Presidency with the hegemonic form of masculinity presented difficulties for Obama. He was regularly called upon to be more aggressive in responding to attacks and more masculine in general. As a result, Obama could not be too masculine because that would have triggered the Bad Black Man stereotype but he could not be too feminine because that would have looked unpresidential.

Obama solved that dilemma by adopting a "unisex" style. He was a candidate who was designed to be suitable to either gender. I believe Obama's unisex performance on the world's biggest stage suggests that we are all more free to perform our race and our gender as we see fit than we had previously believed.

† Copyright © 2009 Frank Rudy Cooper. Professor, Suffolk University Law School. I dedicate this essay to my sister, Autumn Cooper McDonald. Special thanks to my co-organizer for this symposium, Catherine Smith. I thank Ann C. McGinley, Angela Onwuachi-Willig, Andrew Perlman, Song Richardson, Jessica Silbey, and Devon Carbado's Critical Race Theory Colloquium class for incisive feedback. I also thank Ann Brown, Eddie Crane, and Lia Marino for helpful research assistance. I further thank Mike Smith and the staff of the *Denver University Law Review* for editorial excellence. I welcome comments at fcooper@suffolk.edu.

INTRODUCTION

During the 2008 Democratic Presidential primaries and general election there was a whole discourse in the media about Senator Barack Obama's (D-IL) femininity. When he faced Senator Hillary Clinton (D-NY) in the primaries, the head of a women's non-profit said, "He's the girl in the race."[1] The magazine *Marketing* said, "In swept Barack Obama with what could be described as a classically feminine campaign. . . . The values he represented contrasted with Clinton in being more collaborative, more human, more feelings-led and people-focused."[2] The idea was that while Clinton was tough and hawkish, Obama was empathetic and inclusive.[3] Carol Marin expressed that point of view in an editorial in the *Chicago Sun Times*:

> If Bill Clinton was once considered America's first black president, Obama may one day be viewed as our first woman president. While [Hillary] Clinton, the warrior, battles on, talks about toughness, and out loud considers nuking Iran, it is Obama who is full of feminine virtues.
>
> Consensus. Conciliation. Peace, not war.[4]

For those reasons, a number of people (half-jokingly) refer to Obama as our first female president.[5]

A caveat: In order to evaluate Obama's status as our first female President, we must ask, what does it mean to say that a Presidential candidate acted "feminine" or "masculine" during the campaign? Even someone who believes in a version of cultural feminism has to acknowledge that "masculine" qualities are hardly limited to men and "feminine" qualities are not limited to women.[6] Cultural feminism is the theory that women tend to have certain cultural traits that are most prevalent among women, such as focusing on nurturing relationships rather than applying hierarchical principles in a zero-sum game.[7] Still, "masculine" and

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1. *See* Amy Sullivan, *Gender Bender*, TIME, June 16, 2008, at 36 (analyzing why Hillary Clinton did not win Democratic Presidential primary) (quoting Marie Wilson).

2. Philippa Roberts & Jane Cunningham, *Feminisation of Brands*, MARKETING, Sept. 3, 2008, at 26.

3. *See* Martin Linsky, Op-Ed., *The First Woman President? Obama's Campaign Bends Gender Conventions*, NEWSWEEK, Feb. 26, 2008, *available at* http://www.newsweek.com/id/115397/page/1 (arguing that Obama advocates conversation and collaboration while Hillary Clinton supports realism).

4. Carol Marin, Editorial, *Thanks to Hillary for Being a Winner at Heart*, CHI. SUN TIMES, May 11, 2008, at A17.

5. *See, e.g.*, Lucy Berrington & Jeff Onore, Op-Ed., *Bam: Our 1st Woman Prez?*, N.Y. POST, Jan. 7, 2008, *available at* http://tinyurl.com/cd4d8s (noting Obama's feminine style); Linsky, *supra* note 3 (same); Marin, *supra* note 4, at A17 (same); Roberts & Cunningham, *supra* note 2, at 26 (same).

6. *See* Nancy Ehrenreich, *Disguising Empire: Racialized Masculinity and the "Civilizing" of Iraq*, 52 CLEV. ST. L. REV. 131, 132 (2005) (noting both sexes can bask in reflected masculinity).

7. *See* MARTHA CHAMALLAS, INTRODUCTION TO FEMINIST LEGAL THEORY 53-60 (2d ed., Aspen 2003) (describing the rise of difference feminism).

"feminine" qualities are nothing more than shared understandings about what it means to act like a man or woman.[8] They are not reflective of stable essences of man or woman as such.[9] Their definitions are subject to change over time and in different cultural contexts.[10] Nonetheless, the discourse in the popular media used these concepts to describe the presidential candidates. Accordingly, I[11] will analyze what it meant that Obama displayed qualities the media calls feminine during his campaign for the Presidency.

In order to analyze the significance of Obama's feminine side, I will turn to theories of identity. Identity performance theory says that people make choices about how to present themselves that position their identities against the backdrop of social expectations.[12] Critical race theory explores the ways that race is simultaneously non-existent and materially consequential.[13] Masculinities studies says that assumptions about the meaning of manhood influence behaviors, ideologies, and institutions.[14] Together, these theories will help us analyze how Obama's Presidential campaign influenced popular understandings of femininity and of black male identity.

I argue that Obama was more feminine than most mainstream candidates because he is a black male.[15] I base this argument on my theory

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8. *See* MICHAEL S. KIMMEL, *Masculinity as Homophobia*, *in* THE GENDER OF DESIRE: ESSAYS ON MALE SEXUALITY 25, 26 (2005) [hereinafter KIMMEL, *Masculinity as Homophobia*] (declaring that "manhood is socially constructed and historically shifting").

9. Athena D. Mutua, *Theorizing Progressive Black Masculinities*, *in* PROGRESSIVE BLACK MASCULINITIES 3, 12 (Athena D. Mutua ed., 2006). *See also* discussion *infra* notes 40-50 (explicating Judith Butler's theory of gender).

10. *See generally* Devon W. Carbado & Mitu Gulati, *Working Identity*, 85 CORNELL L. REV. 1259 (2000) [hereinafter Carbado & Gulati, *Working Identity*] (developing a theory of identity performance).

11. I sometimes use the first person in this essay because that is consistent with poststructuralist feminist methodology. *See* Michael Awkward, *A Black Man's Place in Black Feminist Criticism*, *in* BLACK MEN ON RACE, GENDER, AND SEXUALITY: A CRITICAL READER 362, 362 (Devon W. Carbado ed., 1999) (arguing for autobiographical stance in male feminism).

12. *See* Frank Rudy Cooper, *Cultural Context Matters:* Terry*'s "Seesaw Effect"*, 56 OKLA. L. REV. 833, 843 (2003) [hereinafter Cooper, *Cultural Context Matters*] (arguing identity negotiation is influenced by social expectations). For some recent thoughts on identity performance, see Russell K. Robinson, *Uncovering Covering*, 101 NW. U. L. REV. 1809 (2007), critically reviewing identity performance theory, and Holning Lau, Tailoring Equal Protection to Address Today's Democratic Deficit (manuscript on file with author), applying identity performance theory to equal protection doctrine.

13. *See* Frank Rudy Cooper, *The "Seesaw Effect" from Racial Profiling to Depolicing: Toward Critical Cultural Theory*, *in* THE NEW CIVIL RIGHTS RESEARCH: A CONSTITUTIVE APPROACH 139, 148 (Benjamin Fleury-Steiner & Laura Beth Nielsen eds., 2006) [hereinafter Cooper, *The "Seesaw Effect"*] (defining critical race theory).

14. *See generally* Frank Rudy Cooper, *'Who's the Man?': Masculinities and Police Stops* (Soc. Sci. Research Network, Research Paper No. 08-23, 2008), *available at* http://ssrn.com/abstract=1257183 [hereinafter Cooper, *'Who's the Man?'*] (defining and applying masculinities studies).

15. Obama is half-black. Historically, however, one drop of black blood has made you black in the United States. Further, Obama's skin tone made it hard for him to emphasize his whiteness. And Obama seems to have usually chosen to accept descriptions of himself as black. It is possible

of the "bipolarity" of media representations of black men.[16] We are typically described as either the completely threatening Bad Black Man or the fully assimilationist Good Black Man. The Bad Black Man is a criminal you might see on the local news or a race-conscious black leader you might see in other shows.[17] The Good Black Man is a token member of the corporate world or a conservative post-race spokesman.[18] A prime stereotype of the Bad Black Man that Obama must avoid is the stereotype of the angry black man.[19] One way to counter this stereotype is to be unusually calm. Obama has that quality, as well as a penchant for negotiation over imposition. Together, those qualities seem to be the source of claims that he would be our first female president.[20]

Obama's calmness has roots in the general need of black men to be non-threatening in order to achieve mainstream success. As a youth, Obama learned to be calm in order to assimilate.[21] During the Presidential campaign, Obama's calmness in the face of attacks was strategic in order to prevent whites from associating him with the angry black man stereotype.[22] Obama's feminine qualities are thus revealed to have been necessitated in part by his desire to avoid a stereotype of the Bad Black Man.[23]

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that his whiteness nonetheless made him more palatable to some voters. Still he seems to have generally been perceived as black, not black and white.

16. *See generally* Frank Rudy Cooper, *Against Bipolar Black Masculinity: Intersectionality, Assimilation, Identity Performance, and Hierarchy*, 39 U.C. DAVIS L. REV. 853 (2006) [hereinafter Cooper, *Against Bipolar Black Masculinity*] (arguing media depicts black men in either/or fashion).

17. *See id.* at 875-79 (defining Bad Black Man). Jerry Kang argues that the local news is full of stories about violent crimes prominently featuring African Americans as the perpetrators. Jerry Kang, *Trojan Horses of Race*, 118 HARV. L. REV. 1489, 1490 (2005) (summarizing research on implicit bias and arguing racism in news is insidious and pervasive). Individuals rely on and trust their local news, and thereby internalize these images, which exacerbate their implicit biases about black men. *Id.*

18. *See* Cooper, *Against Bipolar Black Masculinity*, *supra* note 16, at 879-86 (defining Good Black Man). An example of a conservative post-race spokesman is Shelby Steele. *See generally* SHELBY STEELE, A BOUND MAN: WHY WE ARE EXCITED ABOUT OBAMA AND WHY HE CAN'T WIN (2008) (arguing Obama should take stances that go against the views of the overwhelming majority of blacks).

19. *See* Courtland Milloy, *Maybe It's Time We Redefined Manliness*, WASH. POST, Sept. 10, 2008, at B1 (analyzing masculinity in the Presidential contest).

20. *See, e.g.*, Linsky, *supra* note 3 (contrasting Obama's non-confrontational approach with Hillary Clinton's more masculine approach).

21. *See* David Remnick, *The Joshua Generation*, NEW YORKER, Nov. 17, 2008, at 68, 71-72 (suggesting that Obama adopted his calm demeanor in order to counter stereotypes of black men); *see also* discussion *infra* notes 140-43 and accompanying text (locating roots of Obama's calmness in his youth).

22. *See* discussion *infra* notes 117-45 and accompanying text (applying bipolar black masculinity thesis to Obama).

23. I cannot definitively prove that Obama thought about being feminine as a means of avoiding the angry black man stereotype. There is some evidence of such thinking. *See* Joe Klein, *Anger vs. Steadiness in the Crisis*, TIME, Oct. 2, 2008, *available at* http://www.time.com/time/politics/article/0,8599,1846401,00.html (mentioning angry black man stereotype in discussing how Obama thinks about the campaign). However, little that a Presidential candidate does is unplanned. It is possible that Obama's camp was only subconsciously aware of the need to avoid the angry black man stereotype. Regardless, speculating about the identity constraints Obama faced reveals interesting things about race and gender.

Obama's feminization strategy was potentially dangerous, however, since femininity is still a slur in our male-dominated culture. Obama had to engage in a balancing act. He could not be too masculine because that would trigger the Bad Black Man image but he could not be too feminine because that would have looked unpresidential.

Obama seems to have resolved that conflict by being masculine enough to pass the Commander-in-Chief test yet feminine enough to make people comfortable with his blackness.[24] He tried to place himself more toward the middle of the general gender continuum, rather than the masculine end that most Presidential candidates frequent, as a means of showing that he was on the good side of the specific black masculinity continuum. The appropriate term for Obama's feminine-but-not-too-much-so style seems to be "unisex."[25] A unisex style is one that is "designed to be suitable for" either gender.[26] A unisex style can swing both ways, creating the overall impression of being in the middle of the gender continuum. Obama's style was unisex in that he moved from more masculine to more feminine depending on the context.

While there is some implication that a unisex style is one that lacks the characteristics of either sex, I am emphasizing the fact that a unisex style is one that a member of either gender can adopt.[27] Often the term applies to clothing that can be worn by either men or women. The example that comes to mind is the blue jean, which can be masculinized or feminized to suit the wearer's needs on the particular occasion.[28] A uni-

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24. In this sense, Obama was engaged in what Carbado and Gulati call a "comforting strategy." *See* Carbado & Gulati, *Working Identity*, *supra* note 10, at 1301-04 (describing potential strategies for subordinated group members who wish to be accepted in mainstream environments).

25. One could suggest that Obama's style was "metrosexual," but I do not believe that label fits. The term is "generally applied to heterosexual men with a strong concern for their appearance, and/or whose lifestyles display attributes stereotypically attributed to gay men." Wikipedia, http://en.wikipedia.org/wiki/Metrosexual (last visited Nov. 21, 2008). While feminine styles are often associated with homosexuality, having a more feminine political approach is not the same as being metrosexual. *See* KIMMEL, *Masculinity as Homophobia*, *supra* note 8, at 38 (discussing homophobia, as fear of being unmasked as unmanly, as a source of denigration of femininity). At heart, metrosexuality creates the appearance that the individual could possibly be gay or bisexual. *See* Wikipedia, *supra* ("Rising popularity of the term followed the increasing integration of gay men into mainstream society and a correspondingly decreased taboo towards deviation from existing notions of masculinity."); *see also* Bernard E. Harcourt, *Foreword: "You Are Entering a Gay and Lesbian Free Zone": On the Radical Dissents of Justice Scalia and Other (Post-) Queers. [Raising Questions about Lawrence, Sex Wars, and the Criminal Law]*, 94 J. CRIM. L. & CRIMINOLOGY 503, 516 (2004) (defining "metrosexuals" to refer to "generally heterosexual practicing males—sometimes hyper-heterosexual—who share aesthetic sensibilities with the more traditional stereotype of the gay male"). Obama's style makes no such suggestion.

26. *See* SHORTER OXFORD ENGLISH DICTIONARY 3447 (5th ed.2002) (defining "unisex").

27. *See id.* (defining "unisex").

28. "Unisex" means different things for people with different identities. Hillary Clinton's version of going unisex was to wear pant suits with conservative blouses. *See* Robin Givhan, *The Frontrunners: Fashion Sense*, WASH. POST, Dec. 18, 2007, http://www.washingtonpost.com/wp-dyn/content/discussion/2007/12/16/DI2007121601778.html (mentioning Hillary Clinton's pant suits and the controversy over her revealing cleavage during one press conference). Being unisex, in the asexual sense of the term, is demanded of a white woman candidate in a way that is not expected of a black man.

sex style fits between the two genders, but not in the sense of being asexual. Obama was more feminine than most Presidential candidates, but hardly non-gendered, like "Pat" from the famous *Saturday Night Live* skit.[29] Obama's style ranged from his tough guy acceptance speech at the Democratic convention[30] to his playing of feminist folk songs at his rallies.[31] Accordingly, I argue that Obama was not our first female Presidential candidate, but our first unisex Presidential candidate.

I will make that argument in three stages. First, I will review some tenets of identity performance theory, critical race theory, and masculinities studies. Next, I will analyze how the discourse on Obama's femininity is related to both the bipolarity of black masculinity and the denigration of femininity within the hegemonic discourse on masculinity. Finally, I will conclude that Obama has broken the mold for Presidential candidates and thereby left all of us more free to perform our race and our gender as we see fit.[32]

I. THEORIES OF IDENTITIES

My methodology in this essay is rather simple. I have reviewed the news stories on LEXIS/NEXIS that discuss Obama and femininity.[33] I have analyzed those stories using the lenses of critical race theory and masculinities studies.

A. The Performative Theory of Identities

Before I describe my theories of race and of masculinities, I need to describe my theory of identities in general. I begin by noting that everybody has a sense of *self identity*.[34] This is the sense of self that we carry around inside our own heads. That self-image changes over time, but we could, theoretically, isolate a particular self image at a particular time.[35]

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29. *See* Wikipedia.org, Pat (*Saturday Night Live*), http://en.wikipedia.org/wiki/Pat_ (last visited Mar. 31, 2009) (describing the character).

30. *See* Carla Marinucci, *Obama Promises to Restore Promise of the U.S.,* S.F. CHRON., Aug. 29, 2008, at A1 (describing Obama's speech as "tough" on McCain).

31. Michael Scherer, *Hillary is from Mars, Obama is from Venus*, SALON.COM, July 12, 2007, http://www.salon.com/news/feature/2007/07/12/obama_hillary/print.html (noting Obama rallies sometimes play Indigo Girls music).

32. I mean "free" only in the sense that, with one set of assumptions having been broken down, there seems to be more of a possibility that we can break down other assumptions. I do not mean that we are free in a transcendental sense. I agree with Judith Butler that "freedom" is actually obtained through the repetition with a slight difference of the process of citationality. *See generally* JUDITH BUTLER, EXCITABLE SPEECH: A POLITICS OF THE PERFORMATIVE (1997) [hereinafter BUTLER, EXCITABLE SPEECH] (discussing Derrida's concept of citationality).

33. I used the following two searches under the terms and connectors method: "obama /s masculine or feminine" and "obama /s 'first female president,'" then supplemented those searches with a variety of searches for specific propositions.

34. *See* Cooper, *Cultural Context Matters*, *supra* note 12, at 841-46 (describing aspects of a model of identity negotiation).

35. *See* Carbado & Gulati, *Working Identity*, *supra* note 10, at 1261, n.2 (describing how facets of identity interact).

But there are other images of us. Others have theories of who we are. They attribute certain characteristics to us.[36] That *attributed identity* is also a part of an individual's identity because each of us must confront the expectations of others when going about our lives. For instance, let us hypothesize that Obama self-identifies as being as much white as black. The fact that he looks like a fairly typical black man means that he was always likely to be labeled black as a matter of attributed identity.[37] Consequently, one's self identity and attributed identity can be in conflict.

At that point, the individual has choices.[38] He could seek to have others fully adopt his self conception, he could comport himself fully in accordance with his attributed identity, or he could act somewhere along the continuum between those two poles. If Obama does think of himself as being as much white as black, he could have insisted that he is not black, but has a hybrid identity, as Tiger Woods did.[39] Or Obama could have never referred to his whiteness. Or Obama could have generally accepted his attributed blackness, but occasionally reminded people of his white roots, which is what he did. Each of those choices constitutes a particular way of performing his identity. So, in addition to the realms of self identity and attributed identity, there is a realm of *identity performance*.

The radical version of this idea is provided by Judith Butler and others who contend that there is no natural component of sex that is not filtered through the social construction of gender.[40] I have said elsewhere that, in sum, Butler's theory is that "[w]e are what we do."[41] If we act aggressively and then explain our act as stemming from our masculinity, we can fool ourselves into thinking that we have an inner mascu-

36. *Id.*

37. *See* Trina Jones, *Shades of Brown: The Law of Skin Color*, 49 DUKE L. J. 1487, 1490 (2000) (maintaining that color differences are frequently used as a basis for discrimination independently of racial categorization). Society uses "colorism" to draw lines between minorities and to determine the relative position and treatment of individuals within racial categories. In practice, the lighter one's skin tone, the better one is likely to fare economically and socially. *Id.* at 1498. *See generally* Leonard M. Baynes, *If It's Not Just Black and White Anymore, Why Does Darkness Cast a Longer Discriminatory Shadow Than Lightness? An Investigation and Analysis of the Color Hierarchy*, 75 DENV. U. L. REV. 131 (1997).

38. Of course, "much of what is defined as masculine within a group is both internalized and enacted as much as constructed and chosen." Mutua, *supra* note 9, at 14.

39. *See* Clifford May, *The Wright Stuff vs. the Woods Model*, MISSISSIPPI PRESS, Apr. 3, 2008, at 7A (referring to controversy over Woods's distancing himself from his phenotypical blackness by referring to himself as "Cablinasian").

40. *See* JUDITH BUTLER, GENDER TROUBLE: FEMINISM AND THE SUBVERSION OF IDENTITY 33 (Routledge 1990) [hereinafter BUTLER, GENDER TROUBLE] (describing how gender is performatively produced). *See generally* Frank Rudy Cooper, *Surveillance and Identity Performance: Some Thoughts Inspired by Martin Luther King*, 32 N.Y.U. REV. L. & SOC. CHANGE (2008) [hereinafter Cooper, *Surveillance and Identity Performance*] (explicating Butler and applying her theories to surveillance law); SARA SALIH, JUDITH BUTLER (Routledge 2002) (explicating Butler's theory of subjectivity).

41. *See generally* Cooper, *Surveillance and Identity Performance*, *supra* note 40 (summarizing Butler).

linity that expresses itself through our act.[42] When we interpret our act as "masculine," we create the fiction of an inner self that is the doer of the deed.[43] In fact, the supposed biological imperative to act masculine does not exist prior to our doing the act and then interpreting it as masculine. We do not perform a preexisting gender identity, we create that identity through our performance.

One implication of Butler's performativity theory is that we are not "free" to create wholly new performances of identity, but only free to create a new wrinkle on what has come before. We always perform our identities by "citing" to existing understandings of the implications of identities.[44] When we signal that we are masculine that performance can only succeed because it "echoes prior actions, and *accumulates the force of authority through the repetition or citation of a prior and authoritative set of practices*."[45] So, picking a fight in a bar is read as particularly masculine because there is cultural precedent for understanding such posturing as an attempt to be masculine. As I will discuss, Presidential candidates have been expected to be masculine in the sense of aggressively responding to attacks.[46]

The choice of how to perform one's identity is constrained by the intelligibility or unintelligibility of particular performances to the audience and influenced by the incentives or disincentives a cultural context attaches to particular performances.[47] As legal scholar Athena Mutua declares:

> both individuals and groups have some agency in defining masculinity. However, neither groups nor individuals define and construct masculinity in a vacuum. Rather, they draw on other culturally prevalent notions and are constrained by various social structures.[48]

Given that identity performances are not made in a vacuum, individuals can only signal their identity in terms that will be recognized by their audiences. Meanwhile, as critics of assimilation have shown, society has certain expectations for how particular individuals will act.[49] The expected behaviors are rewarded and unexpected behaviors are often pun-

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42. *See id*. (explaining Butler's theory that there is no inner self).

43. *Id. See also* BUTLER, GENDER TROUBLE, *supra* note 40, at 33 (citing Nietzsche for the proposition that there is no doer before the deed).

44. *See* BUTLER, EXCITABLE SPEECH, *supra* note 32, at 226-27 (discussing Derrida's concept of citationality).

45. *Id.*

46. *See* discussions *infra* notes 104-06 and 157-60 (describing calls for Obama to be more aggressive).

47. *See, e.g.,* Angela Onwuachi-Willig, *Volunteer Discrimination*, 40 U.C. DAVIS L. REV. 1895, 1917 (2007) (referring to "socially acceptable" performances).

48. Mutua, *supra* note 9, at 14.

49. *See generally* Carbado & Gulati, *Working Identity*, *supra* note 10 (describing extra identity "work" individuals with stigmatized identities must do to be accepted at work); KENJI YOSHINO, COVERING (2006) (describing incentives to "cover" one's stigmatized traits).

ished.[50] Society thus steers individuals toward particular identity performances.

In Butler's view, the possibility of change exists in the form of citing precedent but with a new wrinkle added to the performance. The early adopters of the metrosexual style revealed that we already had the freedom to be straight-but-gay-acting, but they did not create that performance from the whole cloth. They were citing gay sub-cultural performances, but with the wrinkle that they were straight men. This is the sense that we are "free" to make change even under a Butlerian understanding of identity performance. When I conclude this essay with the argument that Obama has made us all more free, I will be doing so only in the sense that he has revealed that we can cite precedent with a difference. We might understand Obama's unexpected performances of black masculinity and Presidential masculinity as means of citing but also reworking those cultural understandings. This performative model of identities serves as the base for my discussions of critical race theory and masculinities studies.

B. Shared Tenets of Critical Race and Masculinities Theories

A shared tenet of both critical race theory and masculinities studies is that race and masculinity are not natural but socially constructed.[51] People's identities are socially constructed in that we learn our roles, rather than being born with an essential identity that we merely express.[52] Men do not act like men simply because they are biologically male.[53] Instead, all men must learn how to act out particular forms of masculinity through social training.[54] Because identity is socially constructed, part of what was at stake in the 2008 Presidential election was what types of behaviors people would learn to expect of black men.

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50. *See generally* Angela Onwuachi-Willig, *A Beautiful Lie: Exploring* Rhinelander v. Rhinelander *as a Formative Lesson on Race, Identity, Marriage, and Family*, 95 CAL. L. REV. 2393 (2007) (noting ways people are punished for acting against the expectations of their identity).

51. On race as socially constructed, see for example, Angela Onwuachi-Willig & Mario Barnes, *By Any Other Name?: On Being "Regarded As" Black, and Why Title VII Should Apply Even If Lakisha and Jamal Are White*, 2005 WISC. L. REV. 1283, 1296 (2005) (asserting that race is not purely physical but also socially constructed, and that racial discrimination is often based upon socially constructed ideas about characteristics that are viewed as being linked to a particular racial group). On gender as socially constructed, see for example, Nancy Levit, *Feminism for Men: Legal Ideology and the Construction of Maleness*, 43 UCLA L. REV. 1037, 1051 (1996) (arguing that women's identities are shaped by culture and social situations); Laura Morgan Roberts & Darryl Roberts, *Testing the Limits of Antidiscrimination Law: The Business, Legal, and Ethical Ramifications of Cultural Profiling at Work*, 14 DUKE J. GENDER L. & POL'Y 369, 379 (2007) (explaining that personal identities are a function of social forces and social institutions); Valorie Vojdik, *Gender Outlaws: Challenging Masculinity in Traditionally Male Institutions*, 17 BERKELEY WOMEN'S L.J. 68, 75 (2002) (focusing on the material and symbolic practices that construct gender).

52. *See, e.g.,* Marc Poirier, *Hastening the Kulturkampf:* Boy Scouts of America v. Dale *and the Politics of American Masculinity*, 12 L. & SEXUALITY 271, 326 (2003) ("The gender-stereotypical wife and mother does not invent the role, but learns it through interactions with her parents and others.").

53. *See* Levit, *supra* note 51, at 1098 (arguing that gender is biosocially determined).

54. *See id.* at 1062 (noting that men learn to endure suffering in private).

Another shared tenet of both critical race theory and masculinities studies is that identities are multiple. Critical race theory's concept of intersectionality illustrates this point. Intersectionality refers to the fact that unique identities are formed at the places where categories of identities intersect.[55] Men who are black have different attributed identities (and self identities) than men who are white. Likewise, men who are black have different attributed identities (and self identities) than blacks who are also women. Consequently, masculinities studies scholars agree that there is no such thing as a singular masculinity; instead, there are masculinities in the plural.[56] The plurality of masculine identities includes working-class white masculinity, gay black masculinity, and so on.[57] And each of those sub-groups is further segmented.[58]

A third shared tenet of critical race theory and masculinities studies is that there are hierarchies within identities. The hierarchization of races in the West is so obvious that it does not bear further discussion.[59] Similarly, sociologists Robert Connell and James Messerschmidt say that certain forms of masculinities are more honored and wield more power than others.[60] The masculinity traditionally associated with white, Christian, straight upper-class men has been installed as the ideal.[61] Alternative masculinities, such as those associated with black, Jewish, gay, and lower-class men, have been denigrated. Those men have been depicted as too masculine or too feminine, or both.[62] The tenets that identities are performative, socially constructed, multiple, and hierarchized constitute a shared understanding of how identities work that grounds my explications of critical race theory and masculinities studies.

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55. *See, e.g.,* Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241 (1991) (describing basis of intersectionality theory). For a nice explication of the differences between intersectionality theory and identity performance theory, see Devon W. Carbado & Mitu Gulati, *The Fifth Black Woman*, 11 J. CONTEMP. L. ISSUES 701, 701-02 (2001) (defining the two terms).

56. *See Introduction in* BOYS: MASCULINITIES IN CONTEMPORARY CULTURE 1, 3 (Paul Smith ed., 1996) ("[M]asculinity *is not*; rather, there are only *masculinities* in the plural . . . .").

57. In keeping with multidimensionality theory's elaboration upon intersectionality theory, we can say that "given the interconnectedness of patriarch/sexism and racism, among other oppressive systems, black men, as a single multidimensional positionality, are in some contexts privileged by gender and sometimes oppressed by gendered racism." Mutua, *supra* note 9, at 6.

58. *See id.* at 20-21 (describing how hegemonic masculinity positions black men).

59. *See, e.g.*, CORNELL WEST, RACE MATTERS *passim* (1993) (analyzing aspects of white supremacy).

60. R.W. Connell & James W. Messerschmidt, *Hegemonic Masculinity: Rethinking the Concept*, 19 GENDER & SOC'Y 829, 846 (2005). Still, hegemonic authority is exercised by co-opting portions of disparate points of view so as to make the dominant view palatable to a wide range of groups. *Id.* at 844 (accepting that "hegemonic masculinity appropriates from other masculinities whatever appears to be pragmatically useful for continued domination"); *see id.* at 835 ("Challenges to hegemony are common, and so are adjustments in the face of these challenges.").

61. *See* KIMMEL, *Masculinity as Homophobia*, *supra* note 8, at 25 (declaring a certain white masculinity to be normative for all men).

62. *See id.* at 37-38 (identifying homophobia, as fear of being unmasked as unmanly, as a source of denigration based on other identity categories).

C. Some Tenets of Critical Race Theory

With those shared understandings of identities in mind, I now turn to the task of summarizing critical race theory. Critical race theory is an interdisciplinary field that draws heavily upon ethnic studies, history, and sociology, among other fields. The editors of the legal academy's most important anthology of critical race theory texts define this school of thought as "challeng[ing] the ways in which race and racial power are constructed and represented in American legal culture and, more generally, in American society as a whole."[63] In this section of the essay, I will review some tenets of critical race theory.[64]

The first tenet of critical race theory is that it is founded on the need to unpack the ways in which race and other identities are both socially constructed and materially consequential.[65] Proponents of social construction accept Michael Omi and Howard Winant's theory that race is "formed." That is, bases for racial stratification are ideologically constructed, or formed, and then used to justify particular social orders.[66] Race and masculinity, and thus black maleness, do not actually exist. At best, they are biological configurations that in no way dictate personalities. Society "forms" the meanings of identity positions, such as heterosexual black maleness, and people then adopt the practices associated with those positions.[67] However, the status of being black and male is materially consequential in that it triggers a whole host of stereotypes, such as the angry black man stereotype that I discuss further in Part II. Those stereotypes are materially consequential in that they influence the distribution of social goods.[68]

A second tenet of critical race theory is that the racial status quo is often perpetuated by bias that is implicit rather than explicit. Accordingly, Jerry Kang and Mahzarin Banaji apply implicit bias theory to argue that, rather than traditional affirmative action, what we need are "debiasing agents."[69] These are people who's identities contradict biases

63. Kimberle Crenshaw et al., *Introduction* to CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT xiii, xiii (Kimberle Crenshaw et al. eds., 1995). For a more recent compilation of articles, legal cases, and other materials, *see* JUAN PEREA ET AL., RACE AND RACES: CASES AND MATERIALS FOR A DIVERSE AMERICA (2d ed. 2007) (collecting materials for a law course on identities).

64. These are not nearly all of the tenets of critical race theory, but they are the ones that are relevant to this essay. Some additional projects of critical race theory include the critique of the black-white binary paradigm of race, the critique of the intentional model of discrimination, and exploration of the place of autobiography in critique.

65. Cooper, *The "Seesaw Effect," supra* note 13, at 148.

66. *See generally* MICHAEL OMI & HOWARD WINANT, RACIAL FORMATION IN THE UNITED STATES: FROM THE 1960S TO THE 1990S (1994) (defining and applying concept of racial formation).

67. *See* ANNA MARIE SMITH, LACLAU & MOUFFE: THE RADICAL DEMOCRATIC IMAGINARY 61 (1998) (arguing identity is a discursive construct).

68. *See, e.g.,* Carbado & Gulati, *Working Identity*, *supra* note 10, at 1267-70 (linking stereotyping to workplace discrimination based on identity performance).

69. *See* Jerry Kang & Mahzarin R. Banaji, *Fair Measures: A Behavioral Realist Revision of "Affirmative Action"*, 94 CAL. L. REV. 1063, 1066 (2006) (introducing term).

about who would, and would not, hold certain positions.[70] As a black President, Obama could serve as a debiasing agent for the whole country by changing expectations about what types of people can hold that position. In my conclusion, I will both note Obama's debiasing effect and discuss the ways that Obama does and does not change expectations for performances of race and gender in general.

As this focus on how identity characteristics matter suggests, a third tenet of critical race theory is the critique of colorblindness. As presently used, colorblindness is a perversion of the first Justice Harlan's statement that "our constitution is colorblind"[71] and Martin Luther King, Jr.'s statement that blacks should be judged by the "content of their character."[72] Those statements have been translated into the proposition that merely acknowledging someone's race is invidious racism.[73] Accordingly, schools cannot consider how a student's racial identity has negatively affected or enriched her experiences.[74] Elsewhere, I have noted that accepting colorblindness seems to be an implicit requirement for black men to be able to advance in corporations.[75] In Part II of this essay I will argue that during the campaign Obama was subject to assimilationist pressure to pretend that race does not matter. For now, it suffices to say that critical race theory refuses to view black men as if our race were inconsequential to the expectations that people have of us.

Taken together, the principles of identity theories in general and these three tenets of critical race theory in particular describe a perspective that can be brought to bear on the question of how black men are understood in popular culture. In my article, *Against Bipolar Black Masculinity: Intersectionality, Assimilation, Identity Performance, and Hierarchy*, I critically reviewed scholarship on media representations of black men and found that they

> depict us as either the completely threatening Bad Black Man or the fully assimilationist Good Black Man. The Bad Black Man is animalistic, sexually depraved, and crime-prone. The Good Black Man distances himself from black people and emulates white views. The images are bipolar in that they swing from one extreme to another with little room for nuanced depictions. Threatened with the Bad

70. *See id.* at 1109-11 (defining debiasing agent's role).

71. Plessy v. Ferguson, 163 U.S. 537, 559 (1896) (Harlan, J., dissenting).

72. *See* Crenshaw et al., *supra* note 63, at xv (decrying misappropriation of Martin Luther King, Jr.'s language).

73. *See id.* at xiv (critiquing mainstream perspective on civil rights).

74. *See* Darnell M. Hunt, *UCLA's Process Rights a Wrong*, L.A. TIMES, Sept. 7, 2008, at A34 (reporting Ward Connerly's complaint that colleges are considering race as revealed in essay statements, allegedly in contravention of Prop. 209's prohibition on affirmative action).

75. Cooper, *Against Bipolar Black Masculinity*, *supra* note 16, at 884.

> Black Man image, black men are provided with an "assimilationist incentive" to pursue the Good Black Man image.[76]

It may be helpful to emphasize some points about the bipolarity of black masculinity. First, similar phenomena play out with respect to other denigrated groups. For instance, Mahmood Mamdani discusses a good muslim, bad muslim dichotomy in post-9/11 representations of Islam.[77] Second, I identify race consciousness as a trait of the Bad Black Man because the bipolarity of black masculinity has the purpose of forcing assimilation to the mainstream norm. The assimilationist model makes no room for race consciousness, let alone racial loyalty. Since the default position on black men is that we are bad, we must defeat that presumption to gain mainstream acceptance.[78] While the criminal is the paradigmatic Bad Black Man, the race-conscious black man also fails to defeat that presumption.

Because the default position on black men is that we fit the Bad Black Man stereotype, we are incentivized to demonstrate our assimilation.[79] A primary means for the Good Black Man to distinguish himself from the Bad Black Man is to respond to the assimilationist incentive by engaging in race-distancing acts.[80] Race-distancing acts, such as adopting the colorblind stance that one does not even notice the color of the people one interacts with, are ways of performing one's identity that respond to the assimilationist incentive. Such race-distancing in order to assimilate is problematic, though, since it suggests that only blacks who act white deserve mainstream success.[81] As a mainstream candidate, Obama would seem to have been especially subject to the assimilationist incentive. I will apply this theory of bipolar black masculinity to Obama in Part II of this essay by arguing that his feminine style was a choice about how to perform his identity that had strategic benefits.

D. Some Tenets of Masculinities Studies

We can best define masculinities studies as the interdisciplinary field that describes the ways assumptions about the meanings of man-

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76. *Id.* at 857-58; *see also* D. Aaron Lacy, *The Most Endangered Title VII Plaintiff?: Exponential Discrimination Against Black Males*, 86 NEB. L. REV. 552, 566 (2008) (contending black men are subject to Good Black Man and Bad Black Man depictions); *cf.* Devon W. Carbado, *(E)Racing the Fourth Amendment*, 100 MICH. L. REV. 946, 1034-43 (2002) (describing ways that the ACLU makes the argument against racial profiling depend on whether black men are "good").

77. *See generally* MAHMOOD MAMDANI, GOOD MUSLIM, BAD MUSLIM: AMERICA, THE COLD WAR, AND THE ROOTS OF TERROR (2004) (discussing dichotmony popularly made between Westernized and medevial muslims and connecting radical islam to Western cold war manipulation in the middle east).

78. *Cf.* Carbado, *supra* note 76, at 968-69 (noting Court's "perpetrator perspective" causes it to presume all police are "racially good" unless proved "racially bad").

79. *See* Cooper, *Against Bipolar Black Masculinity*, *supra* note 16, at 887 (identifying default position on black men).

80. *See id.* (describing incentive to engage in race-distancing acts).

81. *See id.* at 893-95 (declaring the assimilationist incentive to provide a false inclusiveness).

hood are used to justify particular ideas, behaviors, and institutions.[82] Masculinities studies is interdisciplinary in that it draws heavily upon feminist theory, sociology, and queer theory, among other fields. I will describe the contours of this field by reviewing some of masculinities studies basic tenets.[83]

The first tenet of masculinities studies is that the principal message that masculinity norms send is that masculinity is to be privileged over femininity. For example, Deborah Brake has described the privileging of men in athletics.[84] Ann C. McGinley has discussed the privileging of masculinity in the very structure of work.[85] Valerie Vojdik has discussed male privileging in the rituals of all-male educational institutions.[86] Throughout Western civilization men have generally been the leaders and have generally relegated women to the private sphere.[87] Here, that privileging is seen in the fact that Obama was often denigrated for having feminine traits, as I will describe in Part II of this essay.[88]

A second tenet of masculinities studies is that men have a constant need to prove to other men that they possess the normative masculinity, which leads to an ongoing masculine anxiety.[89] That is so because the rules of the hegemonic, or dominant, form of masculinity[90] are unrealiz-

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82. *See generally* Cooper, *'Who's the Man?', supra* note 14 (defining masculinities studies, applying it to police stops, proposing reforming police training).

83. There are other tenets, but these are the ones most useful to my current project.

84. *See, e.g.*, Deborah Brake, *The Struggle for Sex Equality in Sports and the Theory Behind Title IX*, 34 U. MICH. J.L. REFORM 13, 92-93 (2001) (explaining masculinity and male dominance in male athletics).

85. *See* Ann C. McGinley, *Masculinities at Work*, 83 OR. L. REV. 359 (2004) (applying masculinities studies to workplace norms).

86. *See* Vojdik, *supra* note 51, at 71, 75 (criticizing male dominance in the male military academies).

87. *See* Lorna Fox, *Re-Possessing "Home": A Re-Analysis of Gender, Homeownership, and Debtor Default for Feminist Legal Theory*, 14 WM. & MARY J. OF WOMEN & L. 423, 437 (2008) (arguing that the association of women and home confined women to the private sphere and inhibited female development outside the home); *see also* Judith Koons, *"Just" Married?: Same-Sex Marriage and a History of Family Plurality*, 12 MICH. J. GENDER & L. 1, 11-12 (2005) (arguing that the family construct is fundamental to women's confinement to private sphere); *see also* Gila Stopler, *Gender Construction and the Limits of Liberal Equality*, 15 TEX. J. WOMEN & L. 43, 46 (2005) (distinguishing the feminine private sphere of the family and the masculine public sphere of the market and politics).

88. A related tenet of masculinities studies is that what makes this privileging of masculinity over femininity all the more insidious is the fact that it has been invisible. When I say masculinities have been invisible, I mean this in the way Barbara Flagg talks about "white transparency." Flagg's point is that whites sometimes operate from perspectives that are widely shared by whites but not widely shared by nonwhites without acknowledging that they are utilizing a particular perspective. *See generally* Barbara J. Flagg, *"Was Blind, But Now I See": White Race Consciousness and the Requirement of Discriminatory Intent*, *in* A READER ON RACE, CIVIL RIGHTS, AND AMERICAN LAW: A MULTIRACIAL APPROACH 33 (Timothy Davis et al. eds., 2001). Similarly, men may often operate from a male perspective while thinking they are operating from a neutral perspective. *See* Cooper, *"Who's the Man?"*, *supra* note 14 (making this argument).

89. *See* KIMMEL, *Masculinity as Homophobia*, *supra* note 8, at 33 (defining masculinity as "homosocial" in this sense).

90. Kimmel's rules of hegemonic masculinity are (1) never act feminine, (2) accrue power, success, wealth, and status, (3) always hold your emotions in check, and (4) always exude an aura of daring and aggression. *Id.* at 30-31.

able.[91] Manhood is a relentless test of how close you are to the ideal.[92] Men must constantly re-prove that they possess the hegemonic form of masculinity.[93] We are thus placed in a state of constant anxiety over our masculinity.[94]

For example, in the 2000 and 2004 elections, individual men's anxieties over their masculinity seemed to have been rooted in Republican-created anxiety over the lack of masculinity of Democratic presidential candidates Al Gore and John Kerry.[95] Nancy Ehrenreich's theory of reflected masculinity is instructive. She says,

> [M]embers of both sexes can obtain a validating sense of masculinity (of strength, moral merit, and the like) from the reflected masculinity of their country. Concomitantly, many individuals (of both sexes) may feel emasculated (that is, may feel a humiliating loss of power) when their sense of strength and "maleness" of their country is threatened—such as by the events of September 11, 2001. . . . American masculinity invites citizens to bask in the reflected glare of state virility, improving their own sense of self-worth through identification with the aggressive actions of their government.[96]

The damning effect of feminizing presidential candidates thus seems to stem from both the fact that masculinity is privileged over femininity and anxiety over our nation's masculinity.[97] The need to prove one's own masculinity is the principle source of the anxiety some men (and women) feel over the nation's reflected masculinity.

A third tenet of masculinities studies is that norms of masculinity constrain men's performances of their identities. The first constraint on men's identity performances is the need to denigrate contrast figures. As Mutua says, "the central feature of masculinity is the domination and oppression of others; namely women, children, and other subordinated men."[98] Since the idealized figure of the powerful white male is the model for hegemonic masculinity, demonstrating that you fit the hege-

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91. *Id.* at 31.

92. *Id.*

93. *See id.* at 36 ("The possibilities of being unmasked are everywhere.").

94. *See id.* at 37 (defining homophobia as omnipresent fear of being unmasked as less than masculine).

95. *See* Maureen Dowd, *Who's Hormonal? Hillary or Dick?*, N.Y. TIMES, Feb. 8, 2006, at A21 ("G.O.P. gunslingers played into the Western myth and mined images of manliness . . . ."); David Nitkin, *Clinton Voters Disappointed More than Words Needed to Unite Party, Many Say*, BALTIMORE SUN, June 8, 2008, at A2 ("'Republicans always try to feminize Democrats' . . . ." (quoting Shawn Parry-Giles)). Even when the Republicans picked a female Vice-Presidential candidate, she was the decidedly masculine Sarah Palin. *See* Milloy, *supra* note 19, at B1 (calling Sarah Palin a "masculine . . . moose hunter," "hockey mo[m]," and "pit bull").

96. Ehrenreich, *supra* note 6, at 132.

97. Note that "masculinity" is not just a proxy for describing being in a position of dominance. Rather, it is a particular style of acting. For instance, one can wield power by gently persuading someone that a certain course of action is in everyone's best interest, but that would not be deemed a masculine way of acting.

98. Mutua, *supra* note 9, at 5.

monic pattern of U.S. masculinity involves a repudiation of that model's contrast figures, most notably, women, gays, and racial minorities.[99] This tenet, like the tenet of masculine anxiety, helps explain why the Republicans' recent strategy of feminizing Democratic presidential candidates had been so effective prior to Obama's election. To feminize the candidate is to make him seem less manly, and thus, less presidential.[100] According to Glen Greenwald,

> Central to the right-wing myth-making machine is the depiction of [Republican] male leaders as swaggering tough guys in the iconic mold of an American cowboy and brave, steadfast warrior . . . .
>
> Vital to this masculinity marketing campaign is the demonization of Democrats and liberal males as weak, sniveling, effeminate, effete cowards . . . .[101]

Greenwald's statement seems to accurately capture the way President George W. Bush was able to portray himself as more masculine than Democratic candidates Al Gore and John Kerry. Bush's characterization of the Democratic candidates as aloof seemed tinged with the implication that they were too feminine for the job.

The point is not just that denigrating masculinity is effective, but that denigrating others is an imperative of the hegemonic form of masculinity. Accordingly, presidential candidates are expected to denigrate each other's masculinities. During the 2008 Presidential general campaign, Obama denigrated Senator John McCain (R-AZ) as old ("erratic")[102] and McCain denigrated Obama as effete.[103]

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99. *Id.* at 24-25.

100. *See* Rick Pearson, *Obama*, *McCain Clash on Security; Rivals Fire from Afar on Mideast Policy*, CHI. TRIB., May 17, 2008, at C1 ("'[T]he American people have every reason to doubt whether [Obama] has the strength, judgment and determination to keep us safe' . . . .") (quoting John McCain).

101. *See* Glen Greenwald, *Book News and Media Campaign Coverage*, SALON.COM, Apr. 2, 2008, http://www.salon.com/opinion/greenwald/2008/04/02/book_news (describing responses to his book, GREAT AMERICAN HYPOCRITES).

102. Charles Babington, *Mortgage Plan Called Raw Deal*, STAR LEDGER, Oct. 10, 2008, at 3 ("Obama said, 'I don't think we can afford that kind of erratic and uncertain leadership in these uncertain times.' Some Republicans say the word 'erratic' is meant to raise doubts about McCain's age, 72."); Foon Rhee, *Candidates Step up Battle over Mortgage Crisis, Ailing Economy,* BOSTON GLOBE, Oct. 10, 2008, at A8 ("Obama said the [economic] plan is the latest example of McCain's 'erratic' behavior during the campaign, a description that Republicans assert is intended to remind voters of the Republican's age, 72."); Jill Zuckman & John McCormick, *Fighting to the Finish*, CHI. TRIB., Oct. 16, 2008, at C1 ("'Obama's campaign has used words such as 'erratic,' 'out of touch' and 'losing his bearings' to describe McCain.'") (quoting Bob Schieffer).

103. Jonah Lehrer, *The Next Decider; The Election Isn't Just a Referendum on Ideology. It's a Contest Between Two Modes of Thinking*, BOSTON GLOBE, Oct. 5, 2008, at K1 ("McCain has attempted to brand Obama as an effete elitist, while Obama has stressed the riskiness of McCain's approach."); Dana Milbank, *For Obama and McCain the Bitter and the Sweet*, WASH. POST, Apr. 15, 2008, at A3 ("Hillary Clinton and [John] McCain portray Obama as a member of the effete elite, alongside John Kerry (Turnbull & Asser shirts) and John Edwards ($400 haircuts.)"); Jill Zuckman, *Obama's 2-front Battle Has Given McCain an Edge*, CHI. TRIB., May 11, 2008, at C1

A second constraint on men's identity performance stems from the first: a competitiveness reflected in a need to dominate other men. Behaviors that seek to express dominance over other men, such as aggression, are part of the project of establishing that one possesses the hegemonic form of U.S. masculinity.[104] Given that hegemonic masculinity is associated with economic success, it might seem strange that a low-brow quality like aggression is so prized. As Jewel Woods notes, however,

> Despite the economic trend away from blue-collar jobs, many of the most powerful expressions of masculinity within contemporary American society continue to be associated with blue-collar imagery. . . .
>
> . . . At the very same time society is becoming less reliant on male brawn, the dominant cultural images of masculinity are largely derived from the "traditional" ideas of maleness.[105]

So, there is a nostalgia for blue-collar aggression. The expectation that a man will display an aggressive demeanor is so pervasive that it stands as a second constraint on men's performances of their identities. This fact was reflected in the many criticisms of Obama for not striking back more aggressively when attacked by Hillary Clinton or McCain, which I will analyze in Part II of this essay.[106]

II. ANALYZING OBAMA'S FEMININITY

As sociologist Michael Kimmel has noted, "From the founding of the country, presidents of the United States have seen the political arena as a masculine testing ground."[107] It is thus appropriate that the *Orlando Sentinel* presented the 2008 Presidential general election as a referendum on whether we wanted masculine leadership or feminine leadership. It said, "Now that the actual [P]residential campaign is under way, we have

("McCain has been portraying Obama as inexperienced, self-entitled and effete, a candidate coddled by a loving press corps and lacking the judgment necessary for the highest office in the land.").

104. *See* Patricia Hill Collins, *A Telling Difference: Dominance, Strength, and Black Masculinities*, *in* PROGRESSIVE BLACK MASCULINITIES, *supra* note 9, at 73, 86 ("Physical dominance, aggressiveness, and the use of violence to maintain male power constitute a central feature in the definitions of hegemonic white masculinity . . . .").

105. Jewel Woods, Editorial, *Why Guys Have a Man-Crush on Obama; Sure Women Swoon, But Modern Men Seem Weak-Kneed, Too*, CHICAGO SUN-TIMES, July 24, 2008, at 25.

106. *See, e.g.,* Maureen Dowd, Editorial, *Where's His Right Hook? Barack Obama Seems Refreshingly Decent. Can He Survive Hardball Politics?*, PITTSBURGH POST-GAZETTE, Mar. 5, 2007, at B7 [hereinafter Dowd, *Where's His Right Hook?*]; Milloy, *supra* note 19, at B1 (noting criticism of Obama for not being aggressive enough); Amy Alkon, Advice Goddess Blog, The Self-Help President, (Aug. 26, 2008) http://www.advicegoddess.com/archives/2008/08/26/the_selfhelp_pr.html (criticizing Obama for seeming less masculine than his wife). The expectation of aggression can be thought of as stemming from our "culture of honor." *See generally* Dov Cohen & Joe Vandello, *Social Norms, Social Meaning, and the Economic Analysis of Law*, 27 J. LEGAL STUD. 567 (1998) (defining cultures of honor); Cooper, *"Who's the Man?"*, *supra* note 14 (discussing cultures of honor).

107. Michael Kimmel, *Integrating Men into the Curriculum*, 4 DUKE J. GENDER L. & POL'Y 181, 183 (1997).

the traditionally 'masculine' style, embodied by John McCain, emphasizing experience, toughness, feistiness, stubbornness, grit, exclusivity, etc., and the newly emergent 'feminine' managerial style practiced by Obama and emphasizing communication, consensus, collegiality and inclusivity."[108] Prior to that editorial, the *New York Post* ran an editorial suggesting that Obama would be "our first woman president."[109] There are more examples of the gendered framing of this race in the media, which I will address later.[110]

Obama was called feminine because of his restraint, calm demeanor, collaborative style, willingness to speak with enemies, and finely honed language.[111] Those characterizations of Obama as feminine, while melodramatic, did seem to capture real differences between Obama and his opponents. The media has recognized that Obama has "an unusual blend of traditionally masculine and feminine skills at work in him."[112] Further, there is reason to believe Obama's feminization was conscious: [113] Obama's feminine style was unlikely to be accidental given the meticulous planning that goes into every move of a Presidential candidate.[114] The media's gendered framing of Obama thus had some basis in Obama's actions.

The identity theories that I outlined in Part I will prove helpful in analyzing Obama's feminine style. First, this election gave us a chance to observe the processes of the social construction of the meanings of black masculinity and of femininity in action. Since the Presidency is a bully pulpit that influences how people think about themselves and others, I expect that Obama's election will influence people's expectations for performances of race and gender. Second, we see both the multiplicity and the hierarchy of masculinities in the different constraints (and privileges) placed on Obama because he is a black male. McCain could be angry, but Obama could not.[115] Ironically, Obama's status as a minority male may have given him more leeway to feminize himself than McCain because of the assumption that black men are already overly

108. *The Macho Factor*, ORLANDO SENTINEL, Sept. 1, 2008, at A18.

109. Berrington & Onore, *supra* note 5.

110. *See, e.g.,* Ellen Goodman, Editorial, *Trading Places; Obama is the Woman*, PITTSBURGH POST-GAZETTE, Feb. 22, 2008, at B7 [hereinafter Goodman, *Trading Places*] (saying Obama was the "Oprah candidate"); Milloy, *supra* note 19, at B1 (portraying Obama as aloof and non-aggressive while describing Sarah Palin as a "masculine . . . moose hunter," "hockey mo[m]," and "pit bull").

111. *See* Goodman, *Trading Places*, *supra* note 93, at B7.

112. Christi Parsons, *Women Lean Toward Obama; But McCain to Fight for Clinton Backers*, CHI. TRIB., June 18, 2008, at C1.

113. *See* Linda Valdez, Editorial, *We Need a President with Both Masculine, Feminine Values*, ARIZ. REPUBLIC, May 8, 2008, at 4 ("Barack Obama understands that real strength comes from a blending of the masculine and feminine.").

114. Obama may have found it strategic to demonstrate a feminine side to the disproportionately female Democratic electorate.

115. *See, e.g.,* Steve Chapman, *John McCain, Reveling in Anger*, CHI. TRIB., Oct. 14, 2008, at C33 (describing McCain as an anger-based candidate).

masculine.[116] With those general identity theory insights in mind, I now turn to specific critical race theory and masculinities studies analyses of Obama's femininity.

A. Critical Race Theory and Obama as a Good Black Man

Does the bipolar black masculinity thesis that I described in Part I of this essay apply to the 2008 election? Seemingly, yes. The media has sometimes acknowledged Obama's bipolarity problem. In an article in the *Washington Post*, journalist Courtland Milloy says, "You can walk a fine line between being too black for whites and not black enough for blacks."[117] That is the basic problem Obama faced, even though he largely had blacks locked into voting for him given that Republican John McCain was not seen as a viable alternative. I suspect that many whites would have been less interested in Obama if he were seen as an inauthentic black man or downright collaborator with white supremacy. Obama thus had to navigate between poles of blackness and whiteness.

David Frank and Mark Lawrence McPhail illustrate the way Obama has been positioned as a Good Black Man in their article, *Barack Obama's Address to the 2004 Democratic National Convention: Trauma, Compromise, Consilience, and the (Im)Possibility of Racial Reconciliation*.[118] They note that at the 2004 Democratic Convention, the media contrasted Obama as the Good Black Man against Reverend Al Sharpton as the Bad Black Man.[119] Sharpton was a Bad Black Man because he was race-conscious rather than race-distancing. Observers agree that during his presidential run Obama distanced himself from both race in general and past racial minority candidates in particular.[120] He could thus be characterized as playing the Good Black Man role.

As the Good Black Man image would dictate, Obama consistently downplayed his race and avoided racial issues.[121] For instance, David Axelrod, a significant Obama campaign official, was quoted as saying, "[W]e're focusing not on his race but the qualities of leadership that he would bring to this country."[122] Such statements are problematic be-

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116. *See* KIMMEL, *Masculinity as Homophobia*, *supra* note 8, at 38 (describing construction of black men as hypermasculine). Ann C. McGinley reminds me that McCain faced his own identity constraints, as his age threatened to demasculinize him. McGinley, *supra* note 85, at 376. That fact helps explain McCain's emphasis on his military experience and his "maverick" tendencies.

117. Milloy, *supra* note 19, at B1.

118. David A. Frank & Mark Lawrence McPhail, *Barack Obama's Address to the 2004 Democratic National Convention: Trauma, Compromise, Consilience, and the (Im)Possibility of Racial Reconciliation*, 8 RHETORIC & PUB. AFF. 571 (2005).

119. *See id.* at 576-77, 583-85 (comparing and contrasting Obama and Sharpton speeches).

120. Ind. Univ., *Two Elephants in the Room*, IU NEWS ROOM, Apr. 10, 2008, http://newsinfo.iu.edu/news/page/normal/7542.html ("Obama . . . is trying to avoid being portrayed as the 'black' candidate . . . .") (quoting Larry Hanks).

121. Cooper, *Against Bipolar Black Masculinity*, *supra* note 16, at 887 (stating the Good Black Man must downplay his blackness and avoid racial issues in general).

122. Christi Parsons & John McCormick, *Obama, Huckabee Strike First with Iowa Victories; Edwards Ekes by Clinton for 2nd Amid Huge Turnout,* CHI. TRIB., Jan. 4, 2008, at N1 (quoting

cause, in the context of Obama's refusal to mention race even as he made racial history, they suggest that he was engaging in the type of race-distancing acts that the Good Black Man model calls for.[123] That conclusion is supported by the fact that Obama seemingly tied himself to colorblindness,[124] another characteristic of the Good Black Man.[125] Obama often said things like, "There's not a black America and white America and Latino America and Asian America—there's the United States of America."[126]

My analysis of Obama as a potential Good Black Man also seems to be supported by the general tone of Obama's campaign. As others have noted, Obama cultivated a "post-racial" image.[127] While Obama did explicitly mention race during the controversy over his former pastor, Jeremiah Wright, he only did so when race was unavoidable and precisely in order to take race off the table. In a post-election NEW YORKER article, journalist David Remnick said "[t]he speech in Philadelphia did more than change the subject."[128] But changing the subject was the speech's primary goal.

The bigger problem for Obama, though, was his need to reject linkage with the Bad Black Man. This explains why he denigrated black fathers and repudiated Wright. First, in his Father's Day speech to a black audience, Obama scolded fathers, but especially black fathers, for being "missing in action."[129] It is hard not to believe that such statements

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David Axelrod); *see also* Susan Page & William Risser, *Beyond Black and White; Obama's Rise Spotlights Gains in Race Relations and How Ethnicity Remains a Dividing Line on Some Issues*, USA TODAY, Sept. 23, 2008, at 1A (noting that Obama usually does not emphasize his race); Joseph Williams, *Changing of the Guard; New Generation Replaces Past Civil Rights Leaders*, BOSTON GLOBE, Aug. 28, 2008, at A1 ("'Obama's success running a race-neutral campaign has set the standard for ambitious African-American politicians.'") (quoting Michael Cobb).

123. *See EUR Political Analysis: Obama Hit for not Mentioning Dr. King's Name During Acceptance Speech*, ELECTRONIC URB. REP., Sept. 2, 2008, http://www.eurweb.com/story/eur46705.cfm (criticizing Obama's refusal to mention Martin Luther King's name during acceptance speech).

124. *See* Frank & McPhail, *supra* note 118, at 583-84 (criticizing Obama's speech to the 2004 DNC for inviting "the erasure of race"). In a future article, I will explore whether Obama has adopted a colorblind position on affirmative action.

125. *See* Cooper, *Against Bipolar Black Masculinity*, *supra* note 16, at 884.

126. John Aloysius Farrell, *Obama Revives MLK's Dream*, DENV. POST, Aug. 1, 2004, at A25 (quoting Barack Obama); *see also* Peter Wehner, *Why Republicans Like Obama*, WASH. POST, Feb. 3, 2008, at B7 ("I did not travel around this state over the last year and see a white South Carolina or a black South Carolina. . . . I saw South Carolina.") (quoting Barack Obama).

127. *See* Matt Bai, *Post-Race*, N.Y. TIMES, Aug. 10, 2008, at MM8, *available at* http://www.nytimes.com/2008/08/10/magazine/10politics-t.html (describing potentially post-racial generation of black politicians).

128. Remnick, *supra* note 21, at 79.

129. Michael McAuliff, *Bam Slams AWOL Fathers*, DAILY NEWS (N.Y.), June 16, 2008, at 8 ("Father's Day turned out to be family values day for Barack Obama, who went home to a Chicago church to scold 'MIA' dads, especially in the black community."); *see also* Julie Bosman, *Obama Calls for More Responsibility from Black Fathers*, N.Y. TIMES, June 16, 2008, at A15 ("Addressing a packed congregation at one of the city's largest black churches, Senator Barack Obama on Sunday invoked his own absent father to deliver a sharp message to black men . . . ."); Juliet Eilperin, *Obama Discusses Duties of Fatherhood*, WASH. POST, June 16, 2008, at A7 ("Calling himself 'an imperfect father,' Sen. Barack Obama (D-Ill.) spoke of the need for more African American men to

were meant to distance Obama from the Bad Black Man image. As civil rights leader Julian Bond told Remnick, "Jesse [Jackson, Sr.] had the feeling that Obama played to white Americans by criticizing black Americans, for not doing enough to help ourselves . . . ."[130] When Jackson had to apologize for the crude form of such a criticism, it gave Obama the opportunity to distance himself from a famously race-affirming black man.[131]

Second, Obama repudiated Wright because Wright is a symbol of the Bad Black Man by virtue of his race-affirming rather than race-distancing acts. Specifically, Wright has said, "[T]he government gives (black men) drugs, builds bigger prisons, passes a three-strike law and then wants us to sing 'God Bless America.'"[132] Because those statements are highly race-affirming, they raise the Bad Black Man association. As Remnick says, the Obama campaign worried that whites were wondering if "[u]nderneath his welcoming demeanor, was he [Obama] like a cartoon version of Wright, full of condemnation and loyal only to his race?"[133] The loyalty question is key, as black men are presumed to be completely race loyal.[134] Obama needed to sever his connections to such

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live up to their responsibilities in a Father's Day sermon yesterday."); Abdon M. Pallasch, *Obama Urges Fathers to Step Up*, CHI. SUN-TIMES, June 16, 2008, at 2 ("White House hopeful Barack Obama gave a tough-love but optimistic Father's Day sermon at the Apostolic Church of God on Sunday, exhorting other fathers, especially African Americans, to meet their responsibilities.").

130. Remnick, *supra* note 21, at 79 (quoting Julian Bond); *see also* Gregory Scott Parks & Jeffrey J. Rachlinski, *A Better Metric: The Role of Unconscious Race and Gender Bias in the 2008 Presidential Race*, Cornell Legal Studies Research Paper No. 08-007, at 23-24 (2008), *available at* http://ssrn.com/abstract=1102704 (warning that blacks would deem Obama insufficiently black if he were perceived to be chastising blacks in order to curry favor with whites).

131. *See* Remnick, *supra* note 21, at 79 (describing Jackson's criticism of Obama).

132. Marie Szaniszlo, *Race for White House Impacted by Freedom of Preach*, BOSTON HERALD, Mar. 16, 2008, at 14 (quoting Wright). One might be tempted to say that Obama only had to reject Wright because what he said was stupid. Frankly, Wright's statement might be true. The government has long been accused of having helped send drugs into the black community as a response to the Black Power movement. *See* PATRICIA A. TURNER, I HEARD IT THROUGH THE GRAPEVINE: RUMOR IN AFRICAN-AMERICAN CULTURE 181-83 (1993) (describing rumors linking drugs in black neighborhoods with some type of conspiracy); Regina Austin, *Beyond Black Demons & White Devils: Antiblack Conspiracy Theorizing & the Black Public Sphere*, 22 FLA. ST. U. L. REV. 1021, 1023 (1994) (discussing broadly disseminated theory dealing with the "wholesale destruction of urban black communities by means of drugs and guns"); Kenneth B. Nunn, *Race, Crime, and the Pool of Surplus Criminality: Of Why the "War on Drugs" was a "War on Blacks,"* 6 J. GENDER RACE & JUST. 381, 425 (2002) (describing the accusations). The government has built more prisons and disproportionately sent blacks there. *See* VIJAY PRASHAD, KEEPING UP WITH THE DOW JONESES: DEBT, PRISON, WORKFARE 69 (2003) (containing chapter on "Prison" criticizing hyper-imprisonment). The government does pass three-strikes laws that permanently imprison petty criminals, a disproportionate amount of those prisoners being black. *See* Christopher M. Alexander, *Crushing Equality: Gender Equal Sentencing in America*, 6 AM. U. J. GENDER & L. 199, 214-17 (1997) (discussing three-strike laws' adverse effect on African-American women); Mary Beth Lipp, *A New Perspective on the "War on Drugs": Comparing the Consequences of Sentencing Policies in the United States and England*, 37 LOY. L.A. ENT. L. REV. 979, 1022 (2004) (criticizing three-strike laws for racially disparate impact)); Michael Tonry & Matthew Melewski, *The Malign Effects of Drug and Crime Control Policies on Black Americans*, 37 CRIME & JUST. 1, 29 (2008) (same).

133. Remnick, *supra* note 21, at 78.

134. *See* Cooper, *Against Bipolar Black Masculinity, supra* note 16, at 891 (arguing default position on black men helps justify the status quo).

a speaker more so than a white politician would have had to sever ties to a white supremacist because the bipolarity of black masculinity makes such associations a sign of a completely bad character. If white masculinity were represented in such a bipolar fashion, McCain could have been subjected to claims that he had a completely bad character. But the media hardly mentioned McCain's ties to Reverend John Hagee, who said that Hitler "was fulfilling God's plan for Jews."[135]

Having seen the applicability of the bipolar black masculinity thesis, we can now see that Obama's post-racial Good Black Man approach is related to his feminine style. The best example of this is the fact that, as a black man, Obama had to soften his approach or be deemed an angry black man. During the campaign, Milloy said that Obama was being called on to prove he was man enough for the Presidency, but "without coming off as an angry black man."[136] That stereotype may be related to the image of black men as overly masculine since anger is an extreme form of the aggressiveness expected of men.[137] People fear that black men will easily lose their tempers and become out of control.[138] *Time Magazine* made this point a month before the general election.[139]

I speculate that Obama's preternaturally calm demeanor originated in his need to counter the stereotype of the angry black man. Anecdotes from Obama's autobiography, *Dreams From my Father: A Story of Race and Inheritance*, support that view. Remnick concludes that as an undergraduate, "What Obama did learn in those days was the strategic benefit of a calm and inviting temperament."[140] Obama learned that people like a calm black man; "such a pleasant surprise to find a well-mannered young black man who didn't seem angry all the time."[141] Remnick's statements are consistent with what we know about how

135. *See* Eric Ressner, Letter to the Editor, *Associations: Tit for Tat*, ST. LOUIS POST-DISPATCH, Oct. 19, 2008, at B2 (writing that "Rev. John Hagee, whose endorsement Mr. McCain sought, called the Catholic Church 'the great whore,' said Hitler was fulfilling God's plan for Jews, and preached that Hurricane Katrina was God's vengeance on New Orleans for allowing a Gay Pride parade"); Frank Rich, Op-Ed., *If Terrorists Rock the Vote in 2008*, N.Y. TIMES, June 29, 2008, at WK12 (noting McCain's "tardy disowning of the endorsement he sought" from Hagee); Michael Scherer, *Still Prepping for Prime Time*, TIME, June 9, 2008, at 28 ("McCain was forced to announce he would 'reject' the endorsements of two controversial evangelical pastors . . . .").

136. *See* Milloy, *supra* note 19, at B1 (considering Obama).

137. *See* KIMMEL, *Masculinity as Homophobia*, *supra* note 8, at 38 (describing images of black men as hypermasculine); *see also* discussion *supra* notes 104-06 and accompanying text (identifying expectation of aggressiveness as a constraint on men's identity performances).

138. *See* U.S. GLASS CEILING COMM'N, GOOD FOR BUSINESS: MAKING FULL USE OF THE NATION'S HUMAN CAPITAL 71 (1995) (documenting stereotypes of black males as "aggressive," "undisciplined," "violent," "confrontational," "emotional," "hostile," and so on). On stereotyping of Black males, see generally FLOYD D. WEATHERSPOON, AFRICAN-AMERICAN MALES AND THE LAW: CASES AND MATERIALS (1998).

139. *See* Klein, *supra* note 23 ("Part of Obama's steadiness is born of necessity: An angry, or flashy, black man isn't going to be elected President.").

140. Remnick, *supra* note 21, at 71.

141. *Id.* (quoting BARACK OBAMA, DREAMS FROM MY FATHER: A STORY OF RACE AND INHERITANCE (1996)).

young black men are raised. We are often warned to be non-threatening in order to avoid police brutality, which is disproportionately visited upon young black males.[142] Obama was certainly aware that black men are often viewed as threatening since he mentioned his grandmother's fear of black men during his campaign speech on race.[143]

My argument is not that Obama was in fact an angry black man who hid his anger during the campaign. Rather, I argue that Obama became a calm black man much earlier in life because he learned that angry black men are not acceptable in elite mainstream environments. Further, the reason angry black masculinity is unacceptable is because it is associated with a race-affirming position. For example, even when Obama wanted to infuse race into the conversation, he found that whites would not allow him to do so. As Remnick reports, the campaign noted a decline in Obama's poll numbers after he repeatedly stated that he did not look like the other Presidents on U.S. currency during his European tour.[144] Obama immediately ceased and desisted from race talk.[145] Consequently, Obama's refusal to get angry even in the face of attacks, which contradicts hegemonic masculinity's call for aggressiveness and is a primary basis for his being called feminine, should be deemed to be the result of special constraints on the performance of black male identity. The principal reason Obama was more feminine than other Presidential candidates was to avoid a pervasive stereotype associated with the Bad Black Man. As I will demonstrate, however, that feminization strategy came with risks.

B. Masculinities Studies and the Dangers of Obama's Feminization

Obama's conundrum was that he had to feminize himself in order not to be seen as an angry black man, but femininity is still a slur. People do not fully believe that women can lead or that feminine styles can show strength.[146] Despite his masculine traits, such as being an avid sports fan[147] and his seemingly traditional relationship with his wife Mi-

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142. *See* Carbado, *supra* note 76, at 954-53 (relating Kenneth Meeks' warnings to black men who are stopped for "driving while black").

143. *See* Michael McAuliff & Michael Saul, *Bam Jam Over 'Typical White' Folk Talk in Philly*, DAILY NEWS (N.Y.), Mar. 21, 2008, at 9 (noting use of grandmother anecdote in speech).

144. *See* Remnick, *supra* note 21, at 78.

145. *Id.*

146. *See* Laura Padilla, *A Gendered Update on Women Law Deans: Who, Where, and Why Not?*, 15 AM. U. J. GENDER SOC. POL'Y & L. 443, 485 (2007) (arguing that negative attitudes and stereotypes about women leaders prevail despite the women's rights movement); Mary Radford, *Sex Stereotyping and the Promotion of Women to Positions of Power*, 41 HASTINGS L.J. 471, 490-91 (1990) (noting Western perception that males are dominant, self-confident leaders and women are docile, gentle followers); Deborah Rhode, *The Difference "Difference" Makes*, 55 ME. L. REV. 15, 17 (2003) (arguing that gender stereotypes create obstacles to female advancement).

147. *See* Jonathan Martin, *First Fan Obama takes aim at the BCS*, POLITICO.COM, Jan. 11, 2009, http://www.politico.com/news/stories/0109/17313.html ("Obama is seemingly as sports-crazed as the city from which he hails . . .").

chelle,[148] Obama had a feminine style in the ways I have discussed. History professor Estelle Freedman fleshed out Obama's gender problem. She said, "Some of the criticism of Obama as being too aloof, or not going after red meat enough, or not being aggressive enough, are really questioning his masculinity in some ways."[149] So, Obama's restrained style could have proven unacceptable to too many people because it was a break with the masculine style traditionally associated with the Presidency.

The masculinities studies tenets I noted earlier elucidate the aspects of Obama's feminine style that proved problematic. First, the privileging of masculinity is clearly seen in the denigration of Obama for his feminine style. For example, MSNBC talk show host Joe Scarborough called Obama "prissy" and insinuated that Obama is not "a real man" because he is not good at bowling.[150] That denigration of Obama's perceived feminine qualities was consistent with hegemonic masculinity's privileging of masculinity. The persistence of associations between the Presidency and masculinity suggests that we still have a long way to go on gender.

Second, we see masculine anxiety in the hand-wringing about the possibility that an Obama presidency might be a feminized presidency. Recall that a need to prove that one is sufficiently masculine is built into the structure of masculinity.[151] Recall further that many people implicitly expect to be able to bask in the nation's reflected masculinity.[152] By virtue of his feminine style, Obama risked failing to satisfy people's needs to soothe their anxiety over our nation's masculinity. His calmness and openness to negotiating rather than imposing his will made some people worry he was not tough enough to be President.[153] That anxiousness was gendered.

Third, the criticism of Obama's lack of manliness reflects hegemonic masculinity's constraint of requiring the denigration of contrast figures. In contravention of the dictates of hegemonic masculinity, whereby masculinity is achieved by not "acting like a woman,"[154] Obama

148. *See* Christi Parsons, *Is Michelle Obama really in the kitchen?*, L.A. TIMES, Feb. 23, 2009, at A9, *available at* http://www.latimes.com/news/nationworld/nation/la-na-michelle-obama23-2009feb23,0,2585916.story ("Is her goal to become a symbol of the traditional wife and mother?"). Of course, this is also about Obama's heteronormativity, which is an important subject that I do not address in this essay.

149. *See* Milloy, *supra* note 19, at B1 (quoting Estelle Freedman, Professor of history, Stanford University).

150. *Morning Joe* (MSNBC television broadcast Mar. 31, 2008), *available at* http://mediamatters.org/items/200803310007.

151. *See* discussion *supra* notes 89-97 and accompanying text (discussing masculine anxiety).

152. *See* Ehrenreich, *supra* note 6, at 132 (detailing reflected masculinity thesis).

153. *See* Linda Killian, *Obama's Tough Talk Falls Short*, POLITICO.COM, Aug. 2, 2007, http://www.politico.com/news/stories/0807/5222.html (criticizing Obama for lacking toughness).

154. *See* Angela Harris, *Gender, Violence, Race, and Criminal Justice*, 52 STAN. L. REV. 777, 785 (2000) (discussing how men prove their masculinity).

did not attempt to distance himself from his feminine tendencies.[155] Given the need to denigrate contrast figures that inheres in hegemonic masculinity, Obama put his masculinity in question when he acted inclusive rather than exclusive. As I suggested when discussing the constraints on the performance of masculinity, hegemonic masculinity calls on men to reject femininity.[156] Obama's failure to do so may explain why he was often criticized as unmanly.

Fourth, a further constraint on Obama's performance of his identity is that, given the premium that hegemonic masculinity places on aggressiveness, Obama's empathetic style is anti-masculine.[157] This was reflected in the calls for Obama to be tougher in responding to attacks. The title of one editorial captures the spirit of this criticism: *Where's his Right Hook? Barack Obama Seems Refreshingly Decent. Can he Survive Hardball Politics?*[158] That attitude about Obama's candidacy was reflective of the expectation that men will maintain an aggressive demeanor, especially in the face of attacks.[159] Calls for Obama to be more aggressive were also reflective of Democrats' desires to "fight the last war" by not having their candidate get "swift-boated."[160] But the intensity of the calls for aggressiveness, in conjunction with general calls for Obama to be more manly, suggests that gender, and not just political effectiveness, was at issue.

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155. Obama did denigrate his female opponent, Hillary Clinton—"You're likable enough"—but that is not the same thing as denigrating femininity. *See* Steve Huntley, *Despite Divisions, Dems on Top*, CHI. SUN-TIMES, Feb. 10, 2008, at A27 (noting Obama's comment during a debate). Given pervasive fears amongst whites that Obama would be race-loyal, he may have been in a position where it was better to be criticized for being feminine because he was inclusive rather than being seen as exclusive in the sense of race-loyalty.

156. *See, e.g.*, I. Bennett Capers, *Sex(ual) Orientation and Title VII*, 91 COLUM. L. REV. 1158, 1171-72 (1991) (noting that women may face employment barriers if perceived as cooperative, sensitive, and submissive); Jane Maslow Cohen, *Equality for Girls and Other Women: The Built Architecture for the Purposive Life*, 9 J. CONTEMP. LEGAL ISSUES 103, 106 (1998) (explaining critiques of andocentrism for valorizing the male condition and denigrating the female condition); Barbara Stark, *Guys and Dolls: Remedial Nurturing Skills in Post-Divorce Practice, Feminist Theory, and Family Law Doctrine*, 26 HOFSTRA L. REV. 293, 336 (1997) (recognizing law's failure to value traditionally feminine attributes such as intimacy and empathy).

157. *See* Mary Becker, *Patriarchy and Inequality: Towards a Substantive Feminism*, 1999 U. CHI. LEGAL. F. 21, 27 (1999) (observing that patriarchal cultures idealize women as "dependent, vulnerable, pliant, weak, supportive, nurturing, intuitive, emotional, and empathic"); Amy Cohen, *Gender: An (Un)Useful Category of Prescriptive Negotiation Analysis?*, 13 TEX. J. WOMEN & L. 169, 173, 175 (2003) (arguing that feminine characteristics such as inclusivity and empathy are "denigrated in negotiation theory and practice"); Emma Lindsay, *Lysistrata, Women & War: International Law's Treatment of Women in Conflict and Post-Conflict Situations*, 12 TEX. WESLEYAN L. REV. 345, 351 (2005) (associating female characteristics such as submissiveness, passivity, and inclusivity with weakness).

158. Dowd, *Where's His Right Hook?*, *supra* note 106, at B7; s*ee also* Alkon, *supra* note 89 (criticizing Obama for seeming less masculine than his wife); Milloy, *supra* note 19, at B1 (noting criticism of Obama for not being aggressive enough).

159. *See* discussion *supra* notes 104-06 and accompanying text (arguing an expectation of aggressiveness constrains men's identity performances).

160. *See, e.g.*, E.J. Dionne, Editorial, *Finally, Jinxed Month of August is Almost Over*, CHARLESTON GAZETTE (W. Va.), Aug. 23, 2008, at 4A (raising the issue of Obama's ability to head-off demonizing attacks).

Finally, we might note that despite the dangers that Obama's feminization presented for him, his ability to feminize was bolstered by certain stereotypes. As a man, Obama had more room to feminize without seeming too feminine than female politicians. Moreover, the stereotypes of black men as overly masculine meant people still took Obama to be sufficiently masculine. In contrast, Hillary Clinton clearly felt the need to out-macho Obama during their Democratic primary contests.[161] As professor Georgia Duerst-Lahti says, "The first woman has to out-masculine the man, kind of like Margaret Thatcher did. . . . Men have a lot more latitude."[162] As a man, and a black man in particular, Obama had more room to negotiate a partly feminized masculinity.[163]

C. Obama Had to be Unisex

So, why do I suggest that Obama is our first "unisex" President? Because Obama could not be too masculine, even as he had to prove he was not too feminine. Perhaps, then, Obama's masculinity problem is really a refracted version of his bipolar black masculinity problem. Just as Obama had to navigate between the shoals of blackness and whiteness, he had to position himself as feminine, but not too much so. He had to be unisex.

Use of the term unisex is especially appropriate in this context because it captures the performative nature of race and gender. If Obama was unisex in the sense that blue jeans are unisex, the strategic nature of his choices of when to act more feminine or more masculine comes into high relief. He sometimes chose to be more feminine than other Presidential candidates in order to be racially palatable. He sometimes chose to be more masculine in order to project the ability to be Commander-in-Chief. The overall effect was to place him in the middle of the gender continuum that we might expect from a Presidential candidate rather than on the more masculine end.

Still, he was hardly feminine or asexual compared to the general populace. Rather, he was relatively unisex for the context of a Presidential campaign. That his gender performance must be contextualized helps us see that all identity performance is limited by what is intelligible and acceptable to the relevant audience. As Ann C. McGinley points out

161. *See* Richard Ruelas, *Must Hillary Walk "Man Enough" Line?*, ARIZ. REPUBLIC, March 4, 2008, at 1 (noting Hillary's dilemma of how masculine to be). Palin, while feminine in many ways, was also masculine in many ways. *See* Milloy, *supra* note 19, at B1 (calling Sarah Palin a "masculine moose hunter, hockey mom, and pitbull"). Whether Palin was also trying to be unisex in the sense of being male-enough to be Presidential and female-enough to make people comfortable is an interesting question for another day.

162. Michael Scherer, *Hillary is from Mars, Obama is from Venus*, SALON.COM, July 12, 2007, http://www.salon.com/news/feature/2007/07/12/obama_hillary/print.html.

163. For examples of how Hillary Clinton and other prominent women had their identity performances constrained during the 2008 campaign, see Ann C. McGinley's excellent essay in this symposium. Ann C. McGinley, *Hillary Clinton, Sarah Palin, and Michelle Obama: Performing Gender, Race, and Class on the Campaign Trail*, 86 DENV. U. L. REV. 709 (2009).

in this symposium, Hillary Clinton, Sarah Palin and Michelle Obama each performed their identities differently because of ways that aspects of their identities, such as age, ideology, and race, made certain identity stances more or less available to them.[164] For Obama, identity factors impelled him toward a certain unisex style.

III. CONCLUSION: THE POSSIBILITIES OF A UNISEX PRESIDENCY

I did not imagine I would live to see a black President (and I am not especially old). Nor did I expect to see anything but a macho man (or woman) win the Presidency in our recent climate. Given the symbolic power of the Presidency, one would expect Obama's election to influence how people think about race and gender. In this concluding section of the essay, I speculate about the impact of Obama's unisex style.

Freedman suggests a racial problem with Obama's feminization: "Obama has been successful because he embodies an earlier model of black male politicians for whom respectability and reason were tickets into full citizenship."[165] The politics of respectability that Freedman refers to is dangerous for the same reason that playing the Good Black Man game is dangerous. Striving to prove one's exceptional respectability accepts that only special blacks merit inclusion while the dregs of the race are to be left behind.[166] Freedman was right that the media was questioning Obama's masculinity.[167] If the only answer was for Obama to play the politics of respectability, his feminization served as a similar type of race-distancing act as bipolar black masculinity has always required.

Nonetheless, there is some reason for optimism. The potential for Obama to change what is an intelligible performance of black masculinity has been recognized by black men:

> For African-American men, Obama has accomplished something even more extraordinary. He has arguably single-handedly transformed the black public sphere. In their eyes, it is no longer "easy" to view black men solely through the lens of deficiencies, bad behavior, their bodies or even their relationship to black women.[168]

In the simplest sense, then, black male identity has already been reconstructed by Obama's success since it is now possible to imagine a black

164. *See generally* McGinley, *supra* note 163 (comparing women's identity performances during the campaign).

165. Milloy, *supra* note 19, at B1 (quoting Estelle Freedman, Professor of history, Stanford University).

166. *See* Cooper, *Against Bipolar Black Masculinity*, *supra* note 16, at 892 (arguing triumphalism about assimilated black successes assumes the "dregs" of the black community deserve their fate).

167. *See* discussion *supra* note 149 and accompanying text (quoting Estelle Freedman, Professor of history, Stanford University).

168. Woods, *supra* note 105, at 25.

man as a president. In addition to that opening up of images of black men, there may also be a shutting down of images. After Obama, many people's dominant image of black men will be of calmness rather than anger. Obama thus has a debiasing effect on racial stereotypes. Further, Obama will create new images of black masculinity that will help to construct the future expectations of black men. For black men, therefore, Obama stands as a redemptive figure for our attributed identities. This is the racial payoff of Obama's success.[169]

The gender payoff of Obama's success is that it could remove some of the stigma from femininity. Taken together, the tenets of masculinity describe a privileged but anxious status that may constrain men nearly as much as it empowers them. This is why men, who are clearly privileged as a group, sometimes feel disempowered as individuals.[170] This creates a tension in masculinity whereby masculinity is both something people expect you to demonstrate and something some people might want to escape. This may be the genius of Obama's feminization: it allows us to have it both ways on masculinity. While Obama is hardly effeminate, he seems unusually non-anxious about his masculinity. As *MS. Magazine* recently put it on their cover, perhaps Obama is "what a feminist looks like."[171] He certainly seems to be a man who is comfortable with the fact that he has a feminine side. There is certainly reason to believe that Obama may be a harbinger of a move toward "progressive black masculinities" that are not based on the denigration of femininity.[172] As a result, the potential is there for Obama's example to allow all men greater movement along the gender continuum.

However, while Obama is not exactly "metrosexual," that gender-bending status suggests a cautionary note. Metrosexuals have been accused of taking advantage of their privileged heterosexual status in order to dabble in gay style when it is convenient.[173] To the extent that Obama's feminization was only enabled by his male (and even black male) privilege, his being unisex does not necessarily portend the loosening of identity constraints.

Ultimately, though, I expect Obama's unisex performance on the world's biggest stage to free up all sorts of people to perform their identities against the grain. Butler might say that Obama has cited norms of black masculinity and Presidential masculinity with a difference and

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169. A remaining concern, however, is that Obama may be framed as a special case that proves nothing about the abilities and characters of black men in general.

170. *See* KIMMEL, *Masculinity as Homophobia*, *supra* note 8, at 40 (noting that chauffeurs can feel disempowered even as others are pedestrians).

171. *See* http://msmagazine.com/ (last visited January 28, 2009) (showing cover of latest issue with Obama wearing a "This is what a feminist looks like" t-shirt).

172. Mutua, *supra* note 9, at 7.

173. *See* José Gabilondo, *Irrational Exuberance About Babies: The Taste for Heterosexuality and Its Conspicuous Reproduction*, 28 B.C. THIRD WORLD L.J. 1, 64 (2008) (suggesting that heterosexuals stand to gain from copying homosexuals).

thereby created new performative possibilities. In a small way, but at a fundamental level, Obama's refusal to accept that a Presidential demeanor requires a hyper-masculine style challenges the assumptions of the hegemonic form of masculinity. If the President can be both black and unisex, maybe we are all more free to perform our identities as we see fit than we had imagined.[174]

174. Again, I do not mean that we are free in a transcendental sense. I mean only that, after the election of a black and unisex President, it is easier to imagine that we can break down other assumptions.