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## The Myth of Enforcing Border Security Versus the Reality of Enforcing Dominant Masculinities

Jamie R. Abrams

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**THE MYTH OF ENFORCING BORDER SECURITY VERSUS  
THE REALITY OF ENFORCING DOMINANT MASCULINITIES**

JAMIE R. ABRAMS\*

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## I. INTRODUCTION

This essay explores the masculinities underpinnings in modern immigration law, policy, and rhetoric. Existing analysis has captured the ways in which Trump-era immigration laws, policies, and rhetoric are explicitly and implicitly packaged in alarming racism and xenophobia.<sup>1</sup> These critical lenses continue a long and deeply worrisome legacy of “othering” and dehumanizing immigrants<sup>2</sup> and, more broadly, marginalizing communities of color in the United States.<sup>3</sup>

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1. See, e.g., Marc Hooghe & Ruth Dassonneville, *Explaining the Trump Vote: The Effect of Racist Resentment and Anti-Immigrant Sentiments*, POL. SCI. 528 (2018) (concluding that “racist resentment and anti-immigrant sentiment” were instrumental in Trump’s election); John Pomfret, *Trump Takes Us Back to the Dark Days of American Xenophobia*, WASH. POST (Oct. 31, 2018), [https://www.washingtonpost.com/news/global-opinions/wp/2018/10/31/trump-takes-us-back-to-the-darkest-days-of-american-xenophobia/?noredirect=on&utm\\_term=.f882a5968278](https://www.washingtonpost.com/news/global-opinions/wp/2018/10/31/trump-takes-us-back-to-the-darkest-days-of-american-xenophobia/?noredirect=on&utm_term=.f882a5968278); Alvaro Huerta, *President Trump’s Racially Charged Immigration Rhetoric and Policies Are So Dangerous*, SCHOLARS STRATEGY NETWORK (June 28, 2018), <https://scholars.org/contribution/why-president-trumps-racially-charged-immigration-rhetoric-and-policies-are-so> (explaining how the United States is at risk for repeating dangerous and destructive policies); Alvaro Huerta, *Latina/o Immigrants in the Racist Era of Trump*, IMMIGR. PROF. BLOG (May 14, 2018), <https://lawprofessors.typepad.com/immigration/2018/05/latinao-immigrants-in-the-racist-era-of-trump-by-alvaro-huerta-phd.html> (describing the divisive “us-versus-them” politics); JORGE RAMOS, STRANGER: THE CHALLENGE OF A LATINO IMMIGRANT IN THE TRUMP ERA 6 (2018) (describing Trump’s presidency as “one of the saddest moments in an already long list of racial and ethnic strife”).

2. See, e.g., Douglas Epps & Rich Furman, *The “Alien Other”: A Culture of Dehumanizing Immigrants in the United States*, 14 SOC. WORK & SOC’Y INT’L ONLINE J. 1, 2 (2016); Mariela Olivares, *Intersectionality at the Intersection of Profiteering and Immigration Detention*, 94 NEB. L. REV. 963 (2016) (describing the history of detaining immigrants and its connection to detention practices of people of color).

3. See generally MICHELLE ALEXANDER, THE NEW JIM CROW (2012); FRANK H. WU, YELLOW: RACE IN AMERICAN BEYOND BLACK AND WHITE (2003); EDUARDO BONILLA-SILVA, RACISM WITHOUT RACISTS: COLOR-BLIND RACISM AND THE PERSISTENCE OF INEQUALITY IN AMERICA (2018); Jessica Autumn Brown, *Running on Fear: Immigration, Race and Crime Framings in Contemporary GOP Presidential Debate Discourse*, 24 CRIT. CRIM. 315, 315–19 (2016) (describing the use of “racially divisive appeals” designed to “denigrate[] a particular minority, frame[] that group as a threat to the target audience, advocate[] for special restrictions against them, or

Outside of the immigration law lens, separate strands of scholarship and media coverage have highlighted the toxic masculinities of the Trump era.<sup>4</sup> These discussions have generally focused on President Trump's treatment of women,<sup>5</sup> the gendered campaign dynamics with other candidates and reporters,<sup>6</sup> the modern #MeToo movement,<sup>7</sup> and Trump's overall leadership style.<sup>8</sup>

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reassure[] the audience of their rightfully privileged position vis-à-vis the problematized group”).

4. See, e.g., ARLIE RUSSELL HOCHSCHILD, *STRANGERS IN THEIR OWN LAND: ANGER AND MOURNING ON THE AMERICAN RIGHT* (2018); Emily K. Carian & Tagart Cain Sobotka, *Playing the Trump Card: Masculinity Threat and the U.S. 2016 Presidential Election*, 4 *SOCIUS: SOC. RES. FOR A DYNAMIC WORLD* (2018); Kali Holloway, *How Toxic Masculinity Explains the Trump Presidency*, NAT'L MEMO (Aug. 16, 2019), <https://www.nationalmemo.com/toxic-masculinity-explains-trump-presidency/> (“But Trump is more than just a case study in male posturing and fragility; he’s a reflection of the culture that elevated and embraced him.”).

5. See, e.g., Katie Reilly, *Donald Trump’s ‘Locker Room Talk’ Was the Last Straw for Many Young Voters*, TIME (Oct. 14, 2016), <http://time.com/4530118/donald-trump-locker-room-talk-college/>.

6. See, e.g., Philip Rucker, *Trump Says Fox’s Megyn Kelly Had ‘Blood Coming Out of Her Wherever’*, WASH. POST (Aug. 8, 2015), [https://www.washingtonpost.com/news/post-politics/wp/2015/08/07/trump-says-foxs-megyn-kelly-had-blood-coming-out-of-her-wherever/?noredirect=on&utm\\_term=.1657ba4b8397](https://www.washingtonpost.com/news/post-politics/wp/2015/08/07/trump-says-foxs-megyn-kelly-had-blood-coming-out-of-her-wherever/?noredirect=on&utm_term=.1657ba4b8397).

7. See, e.g., Mark Lander, *Trump, Saying ‘Mere Allegation’ Ruins Lives, Appears to Doubt the #MeToo Movement*, N.Y. TIMES (Feb. 10, 2018), <https://www.nytimes.com/2018/02/10/us/politics/trump-porter-me-too-movement.html>; Richard Godwin, *Men After #MeToo: ‘There’s a Narrative that Masculinity Is Fundamentally Toxic’*, GUARDIAN (Mar. 9, 2018), <https://www.theguardian.com/world/2018/mar/09/men-after-metoo-masculinity-fundamentally-toxic>; Felicia Sonmez, *Trump Mocks #MeToo Movement in Montana Rally*, WASH. POST (July 5, 2018), [https://www.washingtonpost.com/politics/trump-mocks-metoo-movement-in-montana-rally/2018/07/05/fad40ce2-80b3-11e8-b660-4d0f9f0351f1\\_story.html?utm\\_term=.85d0e054b784](https://www.washingtonpost.com/politics/trump-mocks-metoo-movement-in-montana-rally/2018/07/05/fad40ce2-80b3-11e8-b660-4d0f9f0351f1_story.html?utm_term=.85d0e054b784).

8. See, e.g., Crispin Sartwell, *All the President’s Men and Their Styles of Masculinity*, WALL STREET J. (Aug. 4, 2017), <https://www.wsj.com/articles/all-the-presidents-men-and-their-styles-of-masculinity-1501874928>; Marc Fisher, *Bravado and Branding: Trump Brings a New Leadership Style to the White House*, WASH. POST (Jan. 19, 2017), [https://www.washingtonpost.com/politics/bravado-and-branding-trump-brings-a-new-leadership-style-to-the-white-house/2017/01/17/91cbe4d2c623-11e6-bf4bc064d32a4bf\\_story.html?utm\\_term=.0dfc66cc9b79](https://www.washingtonpost.com/politics/bravado-and-branding-trump-brings-a-new-leadership-style-to-the-white-house/2017/01/17/91cbe4d2c623-11e6-bf4bc064d32a4bf_story.html?utm_term=.0dfc66cc9b79); William Ming Liu, *How Trump’s ‘Toxic Masculinity’ Is Bad for Other Men*, TIME (Apr. 14, 2016), <https://time.com/4273865/donald-trump-toxic-masculinity/>.

This essay brings these strands of scholarship together to examine the masculinities underpinnings of modern immigration law, policy, and rhetoric in addition to the much more examined racist and nativist frames.<sup>9</sup> This masculinities lens continues my prior work from 2013 titled *Enforcing Masculinities at the Border*.<sup>10</sup> This work concluded that masculinities theory offers an additional—even unifying—dimension to the study of disparate and divergent immigration laws and policies. It concluded that the history of American immigration law reveals rich, multi-dimensional narratives of class and race; but it also reveals a lesser-studied masculinities dimension. This prior work concluded, “our immigration laws and policies reinforce dominant masculinities at the border by excluding marginalized masculinities and admitting those who comport with dominant masculinity norms.”<sup>11</sup>

This essay modernizes this earlier thesis to address Trump-era law, policy, and rhetoric. Trump distinctly leveraged anti-immigrant sentiment to catapult himself into the White House.<sup>12</sup> Particularly, he channeled anti-immigrant sentiment around a strand of dominant masculinities that uniquely mobilized his white working to middle-class voter base and inflamed toxic masculinities systemically. The implications of this political strategy extend far beyond immigration law and merit deep scrutiny.

Section II explores the earlier thesis of *Enforcing Masculinities at the Border*. Section III describes the strands of modern masculinities that Trump relied upon to win the election and gain popularity. Section IV highlights select examples of Trump’s immigration policies and rhetoric. Trump’s immigration laws and policies respond to the masculinities of his voter base first and national security second, if at

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9. See, e.g., Mariela Olivares, *Narrative Reform Dilemmas*, 82 MO. L. REV. 1089, 1105 (2017) (“Although some challenged his statements, his popularity and racist, xenophobic rhetoric catapulted him to the White House,” which highlights how “the practical effect of societal perceptions and stereotypes continue to support this ongoing racial, cultural, religious and ethnocentric oppression in society, law and policy.”).

10. Jamie R. Abrams, *Enforcing Masculinities at the Border*, 13 NEV. L.J. 564 (2013).

11. *Id.* at 565.

12. See, e.g., James G. Gimpel, *Immigration Policy Opinion and the 2016 Presidential Vote*, CTR. FOR IMMIGR. STUD. (Dec. 4, 2017), <https://cis.org/Report/Immigration-Policy-Opinion-and-2016-Presidential-Vote> (explaining how Trump made immigration control central to his campaign).

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all. It reveals how these policies engage in politics of explicit “othering;” move dominant strands of masculinities from the margins to the mainstream; reflect regressive dominant controlling of women and children; and masculinize the state around a toxic hyper-masculinity regime.

## II. ENFORCING MASCULINITIES AT THE BORDER

In *Enforcing Masculinities at the Border*, I argued that immigration laws and policies do more than enforce our nation’s borders; they also enforce our nation’s dominant masculinities by excluding immigrants who do not comport with our prevailing masculinities norms of the era.<sup>13</sup> This thesis sought to add to additional accounts of race and class. It offered a “cautionary tale” for the trajectory of immigration law reforms.<sup>14</sup>

Masculinities are the study of the power and hierarchies that men hold in relation to each other and in relation to others. Masculinities are multi-dimensional, relational, and fluid. Men do not hold a single masculinity. Instead, multiple strands of masculinities exist that fluctuate from context to context and institution to institution. The masculinities that might dominate a police department or fraternity, for example, might be different in a factory or faith community. Masculinities are always, however, “dependent on the ‘other’ to define itself,” allowing masculinities hierarchies and marginalization to be built and sustained.<sup>15</sup>

Of these various strands of masculinities, dominant masculinities are of particular relevance in the Trump era. Dominant masculinities are distinctly built upon a rejection of the “other” as being feminine or as being an outsider. The earlier 2013 article highlighted how “the exclusion of marginalized and threatened groups has long been a ‘masculine retreat’ in our nation’s history, as dominant masculinities have espoused consistent sentiments of nativism and fears of feminization.”<sup>16</sup> The article provided several historical examples to reinforce how dominant masculinities were embedded in immigration

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13. Abrams, *supra* note 10, at 565.

14. *Id.*

15. *Id.* at 566.

16. *Id.* at 568.

laws, such as the Chinese Exclusion Act, the Emergency Quota Act, and the Immigration and Nationality Act of 1965.<sup>17</sup>

Masculinities also change over time. *Enforcing Masculinities at the Border* previewed the status of modern masculinities in a post-9-11 world. It highlighted how a particular strand of modern masculinities, for white men who were moving down in their economic positioning, distinctly resorted to anger, violence, and a sense of victimization.<sup>18</sup> This strand of masculinities is particularly aligned with anti-immigrant sentiments and fears of feminization as the source of the perceived victimization.<sup>19</sup>

Citing masculinities scholar James Messerschmidt's framing of masculinities as something that can be "used and camouflaged and manipulated in ways that contribute to discourse in a 'manufactured fiction,'" the prior article concluded, "the state was not just enforcing immigration laws at its borders but was also enforcing masculinity norms."<sup>20</sup> To unveil these "camouflaged masculinities" lurking beneath the surface of immigration law and policy dispels the myth that our immigration laws only secure and reinforce our borders. It revealed how immigration law and policy also reinforce problematic masculinities.<sup>21</sup> The article sought to reframe immigration debates to reflect broader social values and effective policies. The following section updates this thesis with a modern discussion of masculinities in the Trump era and highlights how a specific strand of masculinities shaped his election, how they shaped his presidency, and how they tell a regressive cautionary tale for the future.

### III. HOW TRUMP DEPLOYED "RAPISTS," "BAD HOMBRES," AND "ANIMALS" IN A TOXIC MIXTURE OF RACE, XENOPHOBIA, AND MASCULINITIES

Traditional narratives posit Trump's rise to power on the electoral support of white working-class voters deeply motivated by their views about race and immigration, as explored below. Importantly though,

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17. *Id.* at 569–80.

18. *Id.* at 581.

19. Abrams, *supra* note 10, at 582.

20. *Id.* at 565, 583.

21. *Id.* at 584.

these voters and Trump's policies and rhetoric wielded electoral support by stoking the threatened masculinities of this population particularly.<sup>22</sup> This section expands the traditional narratives of race and class to reflect further on the additional masculinities underpinnings of Trump's rise to power.

### A. *Trump's Rise to Power*

Traditional models of voter behavior describe how voters choose candidates based on a combination of long-term and short-term considerations. Long-term considerations look to partisanship, gender, age, religion, and class.<sup>23</sup> Short-term considerations look to the characteristics of the candidate, the current economy, and the issues of the day.<sup>24</sup>

Accounts of Trump's candidacy describe how he rose to power on the tandem political appeal pairing "fear-and-anger, anger-and-fear."<sup>25</sup> Trump uniquely "weaponized fear" in a way that was very simple: "Be very, very afraid. And I am the cure."<sup>26</sup> The politics of fear are by no means unique to the Trump candidacy, the Trump presidency, or to masculinities at all.<sup>27</sup> Fear, particularly fear of outsiders, has persisted throughout history as a political strategy.<sup>28</sup> Trump masterfully invoked

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22. David D. Sussman, *Immigration, Trump, and Agenda-Setting in the 2016 Election*, 41 FLETCHER F. WORLD AFF., 75, 92 (2017) (suggesting that Trump both "swayed people toward this position" and also that he "attracted those already possessing similar viewpoints").

23. Hooghe & Dassonneville, *supra* note 1.

24. *Id.*

25. See, e.g., Molly Ball, *Donald Trump and the Politics of Fear*, ATLANTIC (Sept. 2, 2016), <https://www.theatlantic.com/politics/archive/2016/09/donald-trump-and-the-politics-of-fear/498116/>; Brown, *supra* note 3, at 315–16 (summarizing the message "*Your property, your loved ones, YOU are in danger.*").

26. Alex Altman, *No President Has Spread Fear Like Donald Trump*, TIME (Feb. 9, 2017), <https://time.com/4665755/donald-trump-fear/>.

27. See, e.g., Sara Egge, *How Midwestern Suffragists Used Anti-Immigrant Fervor to Help Gain the Vote*, ZOCALO PUB. SQUARE (Sept. 17, 2018), <https://www.zocalopublicsquare.org/2018/09/17/midwestern-suffragists-used-anti-immigrant-fervor-help-gain-vote/ideas/essay/> (recounting the ways in which native fears were stoked over immigrant voting).

28. See generally Brown, *supra* note 3, at 315–19 (analyzing the use of immigration rhetoric in prior elections); Ball, *supra* note 25 (describing fear of



the fear of outsiders though. He did so in both “concrete and abstract ways, summoning and validating [fear],” and then channeling it toward “promises of protection, toughness, and strength” that only he could offer.<sup>29</sup> He did not just channel fear *toward* his own electoral successes. He channeled fear and anger *against* specific others, namely brown and black men of color.<sup>30</sup>

Trump’s candidacy revealed that the “cultural and psychological impact of the feeling of threat [has become] so pervasive that more traditional socioeconomic interests [were] dwarfed as voting motives.”<sup>31</sup> Trump deployed a masculinity threat suggesting that his voter base should be afraid of outsiders and feminization. Thus, in 2016, the typical long-term and short-term voting drivers took a backseat to these politics of fear. Instead, voter choice in 2016 was heavily driven by “anti-immigrant sentiments and racial resentment” within certain communities.<sup>32</sup> This is a form of “protest voting,” which protests outsider groups and minority groups.<sup>33</sup>

There were many targets of Trump’s blame in this ‘fear-and-anger’ loop. He harnessed a sense of “felt powerlessness” in which his voters took “otherness—whether in the form of alien ideas, political institutions, or other people—as a sign of their own ‘personal failure to achieve freedom.’”<sup>34</sup> Immigrants were the predominant targets of this blame.

This targeting aligns with what David Rubenstein calls “immigration blame.”<sup>35</sup> Blame is a “normative force” powerfully

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numerous groups of individuals, such as Italians, Catholics, and Irish communities throughout American history).

29. Ball, *supra* note 25.

30. See, e.g., Michael D. Shear & Julie Hirschfeld Davis, *As Midterm Vote Nears, Trump Reprises a Favorite Message: Fear Immigrants*, N.Y. TIMES (Nov. 1, 2018), <https://www.nytimes.com/2018/11/01/us/politics/trump-immigration> (reporting that Trump tweeted a video of immigrants charged with crimes and “images of a throng of brown-skinned men breaching a barrier and running forward”).

31. Hooghe & Dassonneville, *supra* note 1, at 529.

32. *Id.*

33. *Id.*

34. Paul Elliot Johnson, *The Art of Masculine Victimhood: Donald Trump’s Demagoguery*, 40 WOMEN’S STUD. IN COMM. 229, 238–39 (2017).

35. See generally David S. Rubenstein, *Immigration Blame*, 87 FORDHAM L. REV. 125 (2018).

linked to “anger, indignation, or resentment.”<sup>36</sup> “Immigration blame” explains how we demonize migrants for crime, the economy, terrorism, and cultural threats.<sup>37</sup> Trump channeled a broad generic blame of immigrants for “infest[ing] the country.”<sup>38</sup> He also more pointedly directed the anger toward at least two communities: Muslims and Central American immigrants.<sup>39</sup> He emphasized how “drugs are ‘pouring’ across the border. ‘Bad people (with bad intentions)’ are flooding through our airports.”<sup>40</sup>

Notably, he won “[p]artly because of—rather than in spite of—these claims.”<sup>41</sup> The *New Yorker* concluded bluntly that “Trump’s ability to gin up fears about illegal immigration, more than perhaps any other issue, won him the White House.”<sup>42</sup> Trump brought immigration front and center as one single issue that resonated with certain voters.<sup>43</sup> These political strategies have also dominated his presidency.

Immigration indeed played a uniquely important role in the 2016 presidential election.<sup>44</sup> Notably, Trump did not create these views or

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36. *Id.* at 134.

37. *Id.* at 135–36 (“Generally speaking, undocumented migrants attract more blame than lawfully present ones; migrants who commit crimes tend to attract more blame than law-abiding migrants; and migrants of color tend to attract more blame than their Caucasian counterparts.”).

38. Catherine Lucey, Jonathan Lemire & Jill Colvin, *With Eyes on Midterms, Trump Embraces Immigration Fight*, AP NEWS (June 20, 2018), <https://apnews.com/a13439e023e340ee8885b5e43871563d>.

39. *See generally* Brown, *supra* note 3, at 315–19 (describing the scrutiny that has emerged in recent years against Central American immigrants and foreign-born Muslims).

40. Altman, *supra* note 26.

41. Johnson, *supra* note 34, at 231 (“Trump’s rhetorical form performs a positional exteriority to the system he attacks, creating an avenue of identification with audiences who imagine themselves as voiceless on the basis of their subjugation to the power of the political establishment.”).

42. Susan B. Glasser, *Trump’s Cynical Immigration Strategy Might Work for Him—Again*, NEW YORKER (June 22, 2018), <https://www.newyorker.com/news/letter-from-trumps-washington/trumps-cynical-immigration-strategy-might-work-for-himagain> (predicting that this could win the midterms too because he continues to use this strategy to rally his base).

43. Gimpel, *supra* note 12, at 2 (explaining how Trump “seems to have clearly comprehended these trends while rival GOP candidates remained willfully blind, deaf, and mute” to the partisan difference calling for reductions in immigration).

44. *Id.* at 1 (explaining that Trump made immigration central to his campaign).

these political strategies.<sup>45</sup> Rather, he mobilized these views to achieve electoral success. Political anger existed long before the Trump candidacy.<sup>46</sup> America has a strong history of “[t]oxic patterns of American masculinity associated with heteropatriarchy, racism, misogyny, and homophobia.”<sup>47</sup> Emotions like anger, particularly when rising to the level of outrage and directed at a particular political issue, can lead people to vote.<sup>48</sup>

One layer of the “Immigration Blame” story is partisan differences. It was immigration policy attitudes that drove Trump supporters to him.<sup>49</sup> Thirteen percent of voters polled in 2016 on Election Day described immigration as the most important issue facing our country, with terrorism and the economy identified as *the* most important to the individual voter.<sup>50</sup> The partisan gap leading up to the 2016 election was a notable 16% differential, with 74.1% of Republicans identifying immigration as “extremely/very important” and just 58% of Democrats identifying immigration as such.<sup>51</sup> Trump’s voter base strongly supported building a wall (67%), held negative views of Muslims (71%), and believed the Constitution should be amended so as not to grant citizenship to everyone born in the United States (49%).<sup>52</sup> These

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45. See generally *id.* at 2 (explaining how Gallup surveys reveal “a marked partisan difference in support for increased/decreased immigration” dating back much sooner); Brown, *supra* note 3, at 316 (highlighting how conflicts have historically been “filtered through the distorting lens of panics about crime, moral decay, and loss of native-born political, economic, or social control” such as panic surrounding Irish migration, Japanese Americans, etc.).

46. See, e.g., John Sides, Michael Tesler & Lynn Vavreck, *How Trump Lost and Won*, 28 J. OF DEMOCRACY 34, 35 (2017).

47. Jim Burns, *Biopolitics, Toxic Masculinities, Disavowed Histories, and Youth Radicalization*, 29 PEACE REV. 176, 178 (2017) (noting that these “[p]atterns of dominant masculinity have been reconfigured over time”).

48. Rubenstein, *supra* note 35, at 154.

49. Gimpel, *supra* note 12, at 4 (noting how Romney was advised to minimize immigration discussion, so as not to “alienate Hispanic voters,” while Trump announced immigration restrictions as the inaugural message about his campaign).

50. Sussman, *supra* note 22, at 75.

51. JAMES G. GIMPEL, CTR. FOR IMMIGR. STUDIES, IMMIGR. OP. AND THE RISE OF DONALD TRUMP T.1 (2016).

52. Philip Klinkner, *Yes, Trump’s Hard-line Immigration Stance Helped Him Win the Election—but It Could Be His Undoing*, L.A. TIMES (Apr. 17, 2018), <https://www.latimes.com/opinion/op-ed/la-oe-klinker-immigration-election-20170417-story.html>.

respondents likewise differed in their preferred response to what the survey described as “illegal immigration.” Democrats overwhelmingly supported legalizing undocumented immigrants (71.3%) compared to only 32.2% of Republicans.<sup>53</sup> Republicans supported stopping the flow of immigration and deporting immigrants (67.8%) compared to only 28.7% of Democrats.<sup>54</sup>

Race was also a key factor in these voting migrations, and not simply in the racial identity of the voter. Race, class, and gender of party affiliation had also shifted. Many white voters shifted toward the Republican Party between 2007 and 2016. In 2007, before Obama’s Presidency, white voters were split almost equally at 44% across Democrats and Republicans.<sup>55</sup> However, by 2010, white voters had shifted dramatically to the Republican Party 51% to 39%.<sup>56</sup> By 2016, the gap had widened to a fifteen-point differential of 54% to 39%.<sup>57</sup> This movement resulted in more men shifting to the Republican Party, accelerating a “white-male flight from the Democratic Party.”<sup>58</sup>

The difference between white voters who migrated to the Republican Party, as opposed to those who did not, sat squarely in educational levels.<sup>59</sup> Respondents with higher education and income levels were less likely to position immigration policy as “extremely/very important” than those reporting lower education and lower income levels.<sup>60</sup> While respondents with no college degree had previously been split equally across the two major parties from 1992 to 2008, 24% of white voters with no college degree shifted to the Republican Party, increasing the number of Republican voters from 33% to 57% by 2015.<sup>61</sup>

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53. GIMPEL, *supra* note 51, at T.2.

54. *Id.*

55. Sides, Tesler, & Vavreck, *supra* note 46, at 34, 38.

56. *Id.*

57. *Id.*

58. *Id.*

59. See generally Tyler T. Reny, Loren Collingwood, & Ali A. Valenzuela, *Vote Switching in the 2016 Election: How Racial and Immigration Attitudes, Not Economics, Explain Shifts in White Voting*, 83 PUB. OP. Q. 91 (2019).

60. GIMPEL, *supra* note 51, at T.A1 (noting that the survey did not inquire about what the solutions were to “illegal immigration”).

61. Sides, Tesler, & Vavreck, *supra* note 46, at 34, 38 (noting, however, that it is inaccurate to discount the elite Republican support he also had).

Race was also a key factor in these voter migrations. White voters with “less favorable attitudes toward African Americans” were the most predicated cohort of partisan shift.<sup>62</sup> While the Republican National Committee had previously sought to bring Latinx and Asian-American voters into the party for the 2016 election, others—like Trump—realized that stoking the “racial attitudes of whites, and especially whites without a college education,” would actually energize voters.<sup>63</sup>

Stoking racial animosities as a political strategy also has deep historic roots.<sup>64</sup> Immigrants seem to have “largely supplanted blacks as the focus of condemnation within the last few election cycles.”<sup>65</sup>

Immigrants are now framed as the major source of crime threats, with Muslim Americans presented as perpetrators of religiously motivated violence and Latinos as sources of gang, drug, or trafficking crimes – although in some cases both communities are alleged to be working together, bound only by a mutual hatred of the United States, toward some ill-defined, nefarious goal.<sup>66</sup>

Notably, geography does not explain the election as much as many might think. Trump’s win is not just a simple story of voters from coal-country Kentucky voting for Trump. There is much more “geographic complexity” and “spatial pervasiveness” to Trump’s electoral win.<sup>67</sup> The question is, how did Trump “so quickly turn immigration policy in a more coercive direction?”<sup>68</sup> The next section adds masculinities to those narratives in partial response.

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62. *Id.* at 38.

63. *Id.* at 39.

64. Brown, *supra* note 3, at 328.

65. *Id.*

66. *Id.*

67. Barbara Ellen Smith & Jamie Winders, *The Trump Effect? Whiteness, Masculinity, and Working-Class Lives*, ANTIPODE FOUND. (Aug. 8, 2017), <https://antipodefoundation.org/2017/08/08/the-trump-effect/>.

68. Roger Waldinger, *Immigration and the Election of Donald Trump: Why the Sociology of Migration Left Us Unprepared . . . and Why We Should Not Have Been Surprised*, 41 ETHNIC & RACIAL STUD. 1411, 1412 (2018).

*B. Masculinities Manipulation*

The channeling of fear and anger toward particular immigrant communities also had a notable masculinities underpinning to it that is entirely under-theorized. This section begins to explore Trump's rise to power and how it manipulated masculinities.

Before Trump's election, masculinities sociologist Michael Kimmel wrote in *ANGRY WHITE MEN* that many American men have an "aggrieved entitlement" dominated by anger and victimization.<sup>69</sup> Masculinities are central to law and society in the Trump era. In his candidacy, Trump deployed a "weaponized" masculinity against his opponents, sixteen of whom were male, and only one female. In the primaries, he threw "emasculating" names like "Low-Energy Jeb" and "Little Marco" at his opponents.<sup>70</sup>

Trump churned up existing white working-class men's sense of victimization. He then deployed dominant masculinities strategies and rhetoric that appealed to their sense of victimization. He ingrained a "status anxiety" within his voter base.<sup>71</sup> His coalition of voters was uniquely "energized by discourses evoking authoritarianism, anti-elite populism, and racialized fear of the other."<sup>72</sup> Trump voters distinctly demonstrated a "preference for authoritarian leadership"<sup>73</sup> consistent with dominant masculinity norms.

Trump spoke uniquely to these men, particularly those who have masculinities anxieties, about a perceived loss of dominance. He positioned his supporters as "victims of a political tragedy centered around the displacement of 'real America' from the political center by

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69. See MICHAEL KIMMEL, *ANGRY WHITE MEN* (2d ed. 2017).

70. Danielle Kurtzleben, *Trump and the Testosterone Takeover of 2016*, NPR (Oct. 1, 2016), <https://www.npr.org/2016/10/01/494249104/trump-and-the-testosterone-takeover-of-2016> (chronicling a long history of campaigns emphasizing relative manhood).

71. Ludger Viefhues-Bailey, *Looking Forward to a New Heaven and a New Earth Where American Greatness Dwells: Trumpism's Political Theology*, 18 *POL. THEOLOGY* 194, 194 (May 2017).

72. *Id.* (citing Michael Kimmel's *ANGRY WHITE MEN*).

73. *The New Politics of Masculinity and Migration*, AM. SOCIOLOGICAL ASS'N (Nov. 2, 2016), <https://www.asanet.org/news-events/asa-news/new-politics-masculinity-and-migration>.

a feminized political establishment.”<sup>74</sup> By stoking racism, xenophobia, and masculinities, Trump successfully linked their sense of being left out and tethered it directly to immigration.

“Make America Great Again” effectively sought to restore subordinating hierarchies by race, national origin, and gender.<sup>75</sup> Trump notably positioned immigrants as the *cause* of this feeling of an “aggrieved entitlement” and immigrant exclusion as something that can fix that sense of marginalization.<sup>76</sup> Thus, he did not just demonize certain communities as explored in *Section A (Trump’s Rise to Power)*, he also lifted up the masculinities of white male voters and mainstreamed dominant and toxic masculinities.<sup>77</sup>

In his infamous 2015 campaign announcement speech, Trump called immigrants from Mexico “rapists” and “criminals.”<sup>78</sup> This notorious comment was made in the context of the murder of Kate Steinle in San Francisco allegedly committed by an undocumented immigrant who had been deported five times before and had a lengthy criminal history.<sup>79</sup> At political rallies, Trump described the assailant as an “animal” and notably juxtaposed these remarks with the narrative of Kate as “beautiful Kate.”<sup>80</sup> This narrative—and this comment specifically—mobilized Trump’s voter base and garnered much

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74. Johnson, *supra* note 34, at 250.

75. Tom Jacobs, *Masculinity in the Time of Trump*, PAC. STANDARD (Oct. 20, 2016), <https://psmag.com/news/masculinity-in-the-time-of-trump>.

76. Smith & Winders, *supra* note 67.

77. See, e.g., Michael Salter, *The Problem with a Fight Against Toxic Masculinity*, ATLANTIC (Feb. 27, 2019), <https://www.theatlantic.com/health/archive/2019/02/toxic-masculinity-history/583411/> (describing how “toxic masculinities” relates to the social and political construction of masculinities more broadly).

78. Kate Reilly, *Here Are All the Times Donald Trump Insulted Mexico*, TIME (Aug. 31, 2016), <https://time.com/4473972/donald-trump-mexico-meeting-insult/> (“When Mexico sends its people, they’re not sending their best,” he said in the same speech. “They’re not sending you. They’re not sending you. They’re sending people that have lots of problems, and they’re bringing those problems with us. They’re bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people.”).

79. Christopher N. Lasch, *Sanctuary Cities and Dog-Whistle Politics*, 42 NEW ENGLAND J. ON CRIM. & CIV. CONFINEMENT 159, 165 (2016).

80. *Id.* at 175.

attention and criticism.<sup>81</sup> Despite the criticisms, Trump continued using the quote by juxtaposing these statements starkly with his audience, distinguishing how “[t]hey’re not sending their best. They’re not sending you.”<sup>82</sup>

This contrast explicitly revealed the underlying masculinities hierarchies making the narrative both about the “other,” but also about sustaining the superiority of the dominant white masculinity. Trump’s politicization of masculinities is truly a story of contrast.<sup>83</sup> Trump is connected with a form of “dominating masculinities . . . that involve commanding and controlling interactions to exercise power and control over people and events” in ways that “work to legitimize unequal relations.”<sup>84</sup> His masculinity is positioned as dominant and hegemonic in striking contrast to the “other” groups of men and women who are subordinate and inferior.<sup>85</sup> He depicts himself as aggressive, invulnerable, and able to protect all remaining U.S. citizens, who are depicted as dependent and uniquely vulnerable.

Trump’s America positions him as “the father of the nation, the decider, and [the] leader,” embodying all the framings of patriarchy.<sup>86</sup> This framework aligns with regressive masculinities and also aligns with what Ludger Viefhues-Bailey describes as an “evangelical theory of gender,” preserving male power and divine social order.<sup>87</sup>

This is a classic framework of dominant masculinity, seeking to expel all that is weak and feminine and exalt strength and impenetrability. Inflamed and threatened masculinities are central to

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81. Reilly, *supra* note 78.

82. *Id.*

83. James Messerschmidt & Tristan Bridges, *Trump and the Politics of Fluid Masculinities*, GENDER & SOC’Y (July 21, 2017), <https://gendersociety.wordpress.com/2017/07/21/trump-and-the-politics-of-fluid-masculinities/> (“Trump’s masculinity is fluid, contradictory, situational, and it demonstrates the diverse crisscrossing pillars of support that uphold inequalities worldwide. From different types of hegemonic masculinities, to a toxic predatory heteromascularity, to his dominating masculinity, Trump’s chameleonic display is part of the contemporary landscape of gender, class, race, age, and sexuality relations and inequalities.”).

84. *Id.*

85. *Id.*

86. Viefhues-Bailey, *supra* note 71, at 197.

87. *Id.* at 197 (noting that women can hold positions of authority, so long as they are tethered to the male authority figure).



the Trump voter base. The Public Religion Research Institute with THE ATLANTIC researched how Trump supporters and Republican respondents believed that society punishes men for being men more than Clinton supporters and Democratic respondents.<sup>88</sup> The view that men are punished unfairly as men was a view that 25% of men with a high school degree or less “completely agreed” with.<sup>89</sup> Sixty-eight percent of Trump supporters agreed that “society as a whole has become too soft and feminine” compared to 31% of Clinton supporters and 42% of all respondents.<sup>90</sup> In another survey conducted by The Pew Research Center, 91% of respondents who identified as Trump supporters agreed that obstacles inhibiting women’s success were gone compared to 45% of all respondents.<sup>91</sup>

Masculinities scholars, James Messerschmidt and Tristan Bridges, described Trump’s politics as those of “fluid masculinities.”<sup>92</sup> They described how one component of Trump’s masculinities is his “authoritarian personality” through which he demands “absolute authority” and the “enactment of that belief through direct and indirect marginalization and suppression of ‘subordinates.’”<sup>93</sup> Another component includes “dominating masculinities” through which he deploys “commanding and controlling interactions to exercise power and control over people and events.”<sup>94</sup> In these controlling and authoritarian roles, Trump “ascribes culturally-defined ‘inferior’ subordinate gender qualities to his opponents while imbuing himself with culturally defined ‘superior’ masculine qualities.”<sup>95</sup>

Once elected, Trump built upon these masculinities underpinnings and moved toxic masculinities from law to policy as explored in the next section.

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88. Olga Khazan, *The Precarious Masculinity of 2016 Voters*, ATLANTIC (Oct. 12, 2016), <https://www.theatlantic.com/politics/archive/2016/10/male-trump-voters-masculinity/503741/>.

89. *Id.*

90. *Id.*

91. *Id.*

92. Messerschmidt & Bridges, *supra* note 83.

93. *Id.*

94. *Id.* at 1.

95. *Id.* at 2.

#### IV. TRUMP'S PRESIDENCY AND POLICIES MOVE DOMINANT MASCULINITIES TO LAW AND POLICY

Trump's immigration policies and rhetoric then closely followed these masculinities scripts. This section explores how Trump's immigration policies are distinctly based on: "othering" immigrants of color in absolute terms; targeting families, women, and children; and positioning Trump as the protector of America in ways that resurrect problematic historical tropes.

##### *A. Immigrant "Othering" Pushes Toxic Masculinities from the Margins to the Mainstream*

Trump spoke uniquely to men who have masculinities anxieties about a perceived loss of dominance. He took the feelings of white men and "their sense of being left out, of being left behind, and linked it successfully to immigration, among other causes.<sup>96</sup> Notably, this positioned immigrants as the cause of this feeling and immigrant exclusion as something that can fix that sense of marginalization."<sup>97</sup> While in office, Trump's policies have paralleled the masculinities framings of his candidacy accordingly. His Presidential policies have been authoritarian, absolute, "othering," criminalizing, and dehumanizing of immigrants in response to his own dominant and hegemonic masculinities.

Following *Enforcing Masculinities at the Border's* earlier call to examine how our borders are used to enforce dominant and hegemonic masculinities reveals the most explicit examples in modern times. Unveiling the camouflaged masculinities sitting just below the surface of these policies is critical. These masculinities call into question whether Trump's presidential policies are at all pertinent to border security or national security or were they instead a means of securing the vulnerable masculinities of some of Trump's voter base.

Though the most obvious example is the travel ban, the Interior Orders and subsequent border policies all provide examples of this critique of authoritarian "othering." Trump's travel ban was first issued on January 27, 2017, as a signature policy initiative.<sup>98</sup> It flatly excluded

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96. Smith & Winders, *supra* note 67.

97. *Id.*

98. Exec. Order No. 13769, 82 Fed. Reg. 8977 (2017).

citizens from seven Muslim majority countries (Iraq, Syria, Iran, Libya, Somalia, Sudan, and Yemen) from entering the United States for 90 days, leading it to be described as a “Muslim Ban.”<sup>99</sup> The ban greatly impacted immigrant families in the United States with pending visa applications, petitions, or authorizations involving family members from the affected countries by suspending the processing of any immigration benefits to citizens of the affected countries.<sup>100</sup>

After facing legal challenges to the travel ban,<sup>101</sup> Trump published a revised Executive Order on March 6, 2017.<sup>102</sup> This version removed Iraq from the list, leaving six countries with pending travel bans, instead of the original seven.<sup>103</sup> It allowed for the Customs and Border Patrol to issue waivers on a case-by-case basis in circumstances where denying entry would cause undue hardship.<sup>104</sup> Nationwide court injunctions also barred implementation of these entry restrictions.<sup>105</sup> When reviewing the second version of the travel ban, the United States Supreme Court upheld the denial of entry from the identified countries of any foreign nationals who lacked any “bona fide relationship with any person or entity in the United States” and scheduled arguments on the remaining challenges.<sup>106</sup>

While that case was pending before the Supreme Court, Trump published the third travel ban in an Executive Order on September 24,

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99. *Id.* (stating that the purpose of the travel ban was to ensure that adequate safeguards were in place to stop the “infiltration by foreign terrorists or criminals”).

100. *See id.*

101. *See* *Washington v. Trump*, 847 F.3d 1151 (9th Cir. 2017) (*per curiam*).

102. Exec. Order No. 13780, 82 Fed. Reg. 13209 (2017).

103. *Id.*

104. *Id.* (Some of the enumerated examples of hardship included entry to “visit or reside with a close family member who holds a qualifying legal status” or entry for “an infant, a young child or adoptee . . . whose entry is otherwise justified by the special circumstances of the case.”); *see also* Margaret Hu, *Algorithmic Jim Crow*, *FORDHAM L. REV.* 633, 636 (2017) (explaining that these executive orders uniquely focus on “[i]dentity-management and information-sharing capabilities, protocols, and practices”).

105. *See, e.g., Int’l Refugee Assistance Project v. Trump*, 857 F.3d 554 (4th Cir. 2017); *Hawaii v. Trump*, 859 F.3d 741 (9th Cir. 2017) (*per curiam*) (explaining the reasoning of the appellate opinions notably differed from the respective reasoning of the district court opinions).

106. *Trump v. Int’l Refugee Assistance Project*, 137 S. Ct. 2080 (2017) (*per curiam*). This would later become moot.

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2017.<sup>107</sup> This order restricted entry of any nationals from eight countries that the Trump Administration had concluded lacked adequate systems for managing and sharing information about its nationals traveling abroad.<sup>108</sup> This Executive Order was again challenged in the Supreme Court, alleging it discriminates on the basis of nationality and religion. The Court upheld the ban in a 5-4 decision.<sup>109</sup>

The travel bans reflect a policy driven first by the dominant masculinity of “othering” a community of individuals as inferior outsiders. The various iterations of the travel bans reflect a “tail wagging the dog” effort to bring the policy into alignment with national security, sound public policy, and factual evidence only after asserting the policy to first appease the masculinities of a segment of his voter base.

The “Interior Orders” also reveal the intersection between Trump’s laws and policies and marginalized masculinities. The “Interior Orders” supplemented the wholesale exclusion of predominantly Muslim nationals with the criminalizing and demonizing of Central American immigrants. While the travel ban received significant media attention, the “Interior Orders” had more sweeping potential to widely “other” immigrants on U.S. soil than the travel ban. The *Border Security and Immigration Enforcement Improvements* Executive Order called for the expanded detentions of any individuals unlawfully present in the United States and increased efforts to enter agreements with local law enforcement agencies to enforce immigration laws.<sup>110</sup> This order directed U.S. Immigration and Customs Enforcement (“ICE”) officers to expand the process of expedited removal, beyond just those within 100 miles of a United States border, to anyone in the United States lacking documentation and lawful status who have committed fraud or a material misrepresentation.<sup>111</sup>

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107. Proc. No. 9645, 82 Fed. Reg. 45161.

108. *Id.* (exempting certain categories, including an “undue hardship” waiver, which might be applied for family unity, medical care, or business obligations).

109. *Trump v. Hawaii*, 138 S. Ct. 2392 (2018).

110. *Id.*

111. *See* 8 U.S.C.S. §§ 235(b)(1), 1225(b)(1).

The Executive Order *Enhancing Public Safety in the Interior of the United States* had sweeping effects in communities nationwide.<sup>112</sup> It rescinded all prior policies governing interior enforcement and left all unauthorized noncitizens in the United States vulnerable to detention and removal proceedings.<sup>113</sup> The Executive Order shifted enforcement priorities so dramatically that it effectively included nearly all immigrants without lawful presence in the United States. The order included anyone who committed any acts that are a chargeable criminal offense, anyone who is suspected of fraud or willful misrepresentation in immigration matters, and anyone believed to be abusing government benefits would now be subject to detention and removal proceedings.<sup>114</sup>

Trump's policies pushed immigrant families underground and paralyzed communities in fear. Every encounter a mixed legal status immigrant family had with places of worship, school, childcare, bus stops, restaurants, community events, etc. became a point of danger.<sup>115</sup> For the purpose of this thesis, however, it also framed immigrants around a criminalized "other" that stands starkly in contrast with their lived realities. These enforcement orders reinforced the dichotomy Trump created between Americans and those who are "infest[ing] the country" as the inferior "other."

Consistent with this overall thesis, it is perhaps not surprising that there are gendered inequalities in detentions. One study concluded that 93% of all detainees are men, though they comprise only 57% of the overall undocumented population.<sup>116</sup> As a result, the deportation system is often referred to as a "gendered racial removal program."<sup>117</sup>

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112. Exec. Order No. 13768, 82 Fed. Reg. 8799 (2017); *see also* Haley Sweetland Edwards, 'No One Is Safe:' How Trump's Immigration Policy Is Splitting Families Apart, TIME (Mar. 8, 2018), <https://time.com/longform/donald-trump-immigration-policy-splitting-families/> (stating that the number of deportations increased by one-third from 2016 to 2017).

113. Edwards, *supra* note 112 (including notable policy changes relating to sanctuary jurisdictions, but these policies are excluded from the scope of this article).

114. *See* Paromita Shah, Julie Mao, & Kemi Bello, *FAQ on Immigration Enforcement Executive Actions: Interior Enforcement*, IMMIGRANT JUST. NETWORK (Jan. 26, 2017), <http://immigrantjusticenetwork.org/resources/immigration-faq/>.

115. JOANNA DREBY, *EVERYDAY ILLEGAL: WHEN POLICIES UNDERMINE IMMIGRANT FAMILIES* 25–26 (2015).

116. *Id.* at 24.

117. Emily Ryo & Ian Peacock, *The Landscape of Immigration Detention in the United States*, AM. IMMIGR. COUNCIL (Dec. 8, 2018),

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This deportation practice causes families to suffer immensely when fathers are deported by instantly creating single-parent households and permanently altering the household structure.<sup>118</sup>

The contrast in how Trump's policies and rhetoric portray male immigrants could not be more dissonant with the masculinities of the actual male immigrants at the Southern border. Masculinities narratives of immigrant men are built heavily on themes of "endurance," "family provider," and "family order" in the voiced experiences of immigrants entering the United States, particularly across the Southern border.<sup>119</sup> Many male migrants crossing the border are deploying the masculinities narrative of a "family provider" making a "treacherous journey" to the United States so he can provide for his family left at home.<sup>120</sup> Connected to this "family provider" narrative is a resounding "endurance" narrative in which migrant workers "endured the conditions and sacrificed their time, effort, and bodies for the sake of fulfilling their roles as the family provider."<sup>121</sup>

Trump's masculinities rhetoric did not only depict his leadership role, but it mobilized and engaged masculinities in communities nationwide. Further, these masculinities framings are notable because the policies are deeply harmful to entire communities. These stoked masculinities, in turn, pose threats to the communities that Trump has targeted.

When immigrants are portrayed as "rapists," "criminals," and "animals,"<sup>122</sup> it is dehumanizing and dangerous, particularly when used

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<https://americanimmigrationcouncil.org/research/landscape-immigration-detention-united-states> (calling for "systemic investigations into whether and how detention practices in particular might contribute to that dynamic").

118. DREBY, *supra* note 115, at 34 (comparing how, in contrast, divorce usually leads to the continued involvement of both parents economically and socially).

119. See, e.g., Leticia M. Saucedo & Maria Cristina Morales, *Voices Without Law: The Border Crossing Stories and Workplace Attitudes of Immigrants*, 21 CORNELL J.L. & PUB. POL'Y 641, 649 (2011).

120. See, e.g., *id.* at 649–50.

121. See, e.g., *id.* at 652.

122. Jessica Taylor, *Trump Tests Midterm Message on Immigration, MS-13 'Animals' During Tenn. Rally*, NPR POL. (May 29, 2018), <https://www.npr.org/2018/05/29/615355282/trump-tests-midterm-message-on-immigration-ms-13-animals-during-tenn-rally> (quoting Trump stating "They're not human beings" and suggesting that they are "infiltrat[ing] our country" to commit murder, rape and "cut people up into little pieces.").

to solidify and bolster the masculinities of others. Grave consequences, which distinctly represent hyper-masculine responses, are already occurring. Perhaps the most sobering example of this occurred on August 3, 2019, just as this essay was going to print, when a gunman killed 22 people and injured dozens more at a Wal-Mart in El Paso, Texas.<sup>123</sup> The gunman told detectives that he was targeting Mexicans and is believed to have published a “racist, xenophobic manifesto” minutes before the shooting warning of a “Hispanic invasion” in Texas.<sup>124</sup>

The F.B.I. reported a three-year consecutive rise in hate crimes in November of 2018.<sup>125</sup> The uptick from 2017 to 2018 reflected the biggest spike in hate crimes since the September 11 attacks.<sup>126</sup> The Council on American-Islamic Relations also reported an increase in reports of anti-Muslim sentiments, discrimination, and hate crimes.<sup>127</sup> Crimes against the Muslim community increased by 100%, although remaining an overall small percentage compared to crimes against African-Americans and the Latino community.<sup>128</sup> Three out of five people polled reported that hate crimes are motivated primarily by race and ethnicity, followed by religion and sexual orientation as the other leading causes.<sup>129</sup> The F.B.I. reported a 23% spike in religiously

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123. See, e.g., Cedar Attanasio, Michael Balsamo, & Diana Heidgerd, *20 Killed, 26 Wounded When Gunman Attacks Texas Shoppers*, AP NEWS (Aug. 4, 2019), <https://www.apnews.com/13545dd216ae4e7aa46524b7ee4cbec>.

124. See, e.g., Alexia Fernandez Campbell, *The El Paso Shooter Told Police that He Was Targeting Mexicans*, VOX (Aug. 9, 2019), <https://www.vox.com/2019/8/6/20756750/el-paso-shooter-targeted-latinx-walmart>.

125. *2017 Hate Crime Statistics*, FBI UNIFORM CRIME REPORTING (Feb. 13, 2018), <https://ucr.fbi.gov/hate-crime/2017>; see also John Eligon, *Hate Crimes Increase for the Third Consecutive Year, F.B.I. Reports*, N.Y. TIMES (Nov. 13, 2018), <https://www.nytimes.com/2018/11/13/us/hate-crimes-fbi-2017.html> (noting that reporting is voluntary and is often underreported).

126. Masood Farivar, *FBI Reports Largest Spike in Hate Crimes Since 9/11*, VOA (Nov. 13, 2018), <https://www.voanews.com/usa/fbi-reports-largest-spike-hate-crimes-911>.

127. Don Byrd, *Report Indicates Significant Rise in Anti-Muslim Incidents Post Travel Plan*, BAPTIST JOINT COMM. FOR RELIG. LIBERTY (Apr. 26, 2018), <https://bjconline.org/report-indicates-significant-rise-in-anti-muslim-violence-042618/>.

128. Farivar, *supra* note 126.

129. Eligon, *supra* note 125.

motivated hate crimes, including crimes against the Jewish community and the Muslim community.<sup>130</sup> The N.A.A.C.P. reported similar upticks in racially motivated crimes.<sup>131</sup>

Perhaps most directly worrisome to this thesis is the realization that many agents of ICE and Customs and Border Patrol may themselves reflect these dehumanizing views steeped in toxic masculinities. PROPUBLICA's reporting revealed in July 2019 a private Facebook group with a staggering 9,500 members in which border patrol agents exchanged misogynistic, cruel, and dehumanizing posts joking about migrant deaths.<sup>132</sup> These agents are federal employees entrusted to secure our borders with integrity.

This section revealed how threatened masculinities and "othering" immigrants drive Trump's immigration laws and policies consistent with the dominant and hegemonic framings of masculinities. It previews the dangers that these views pose to entire communities.

### *B. Controlling Women and Children Resurrects Regressive Patriarchal Governance*

Consistent with dominant and hegemonic masculinities, Trump-era policies have uniquely controlled women and children. Trump has replicated a regressive head of household protectorate role. This role positions him as the "heroic protector" of our country, which triggers harmful regressions to outdated models of paternalistic governance.<sup>133</sup>

The most persuasive example of this point emerged in Trump's campaign kick-off speech in which he described Kate Steinle's alleged assailant as an "animal" and juxtaposed these remarks with the narrative of Kate as "beautiful Kate."<sup>134</sup> This language constructs a racialized

130. Farivar, *supra* note 126.

131. Eligon, *supra* note 125.

132. A.C. Thompson, *Inside the Secret Border Patrol Facebook Group Where Agents Joke About Migrant Deaths and Post Sexist Memes*, PRO PUBLICA (July 1, 2019), <https://www.propublica.org/article/secret-border-patrol-facebook-group-agents-joke-about-migrant-deaths-post-sexist-memes>.

133. Messerschmidt & Bridges, *supra* note 83. *But see id.* ("Trump's many masculinities represent a collection of contradictions. Trump's heroic protector hegemonic masculinity should have been effectively unmasked, revealing a toxic predatory heteromascularity.")

134. Lasch, *supra* note 79, at 175; Johnson, *supra* note 34, at 242 (noting his campaign's "obsession with sexual assault by racial others" as evidence of "the



narrative that blames outsiders for what happened to “beautiful (white) Kate.”<sup>135</sup> Notably, the protected “other” in Trump’s political script was white women’s victimization while the demonized “other” was immigrant men.

This narrative also constructed a tellingly regressive historical narrative of white men protecting white women from the harms of men from marginalized masculinities. Trump positioned himself as the dominant (white) masculinity protecting others from his demarcations of lesser masculinities. He “adopts a position as white masculine *protector* of Americans against men of color, instructing all U.S. citizens to entrust their lives to him; in return, he offers safety. Trump situates himself as analogous to the patriarchal masculine protector toward his wife and other members of the patriarchal household.”<sup>136</sup> This perspective includes the victimization of white women and the related demonization of brown men.<sup>137</sup> Trump’s strategy reveals worrisome regressive framings that extend well beyond immigration law and into the everyday existence of Americans.

Paradoxically, Trump positioned himself as “the heroic protector of all Americans, while in reality masking the role he plays as a “predator feeling entitled to women’s bodies.”<sup>138</sup> This masculine protectorate framing is aligned even more systemically with regressive framings of white male entitlement to women’s bodies. The “aggrieved entitlement” Michael Kimmel described in *ANGRY WHITE MEN* played out in the *ACCESS HOLLYWOOD* tapes in which Trump described his own perceived sexual entitlement to women. In these descriptions, Trump “played into a particular masculinity leaving certain men believing they can build anything, do anything, have any women.” The

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centrality of masculinist themes of dominance and submission to [Trump’s] rhetorical form”).

135. Lasch, *supra* note 79, at 181.

136. Messerschmidt & Bridges, *supra* note 83.

137. See, e.g., Shear & Davis, *supra* note 30 (warning that the “large, organized caravans” included “[a] lot of young men, strong men and a lot of men we maybe don’t want in our country. They have injured; they have attacked”). See generally Burns, *supra* note 47, at 178 (“The language of white supremacy in the United States historically has been predicated on viewing whites as a social body under threat from people of color.”).

138. *Id.*

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idea of “taking our country back” connotes similar privilege and entitlement.<sup>139</sup>

Statements such as these depict a “toxic masculinity” that is “geared toward dominance and control” and establish a type that “views women and LGBT people as inferior, sees sex as an act not of affection but domination, and which valorizes violence as the way to prove one’s self to the world.”<sup>140</sup> Trump, in the words of one commentator, “has made it terrifyingly clear that his toxic version is not at all peripheral to 21st-century modern masculinity. It is central. It is authoritarian. And it is lethal.”<sup>141</sup> The leaders that surround Trump further reinforce this toxic masculinity in the mainstream.<sup>142</sup>

Trump’s immigration policies, such as separating women and children,<sup>143</sup> detaining pregnant women,<sup>144</sup> controlling women’s reproductive autonomy,<sup>145</sup> and minimizing domestic violence<sup>146</sup> are examples of regressive gender framing demonstrated through law and policy. These policies move toxic masculinities from the margins into the mainstream.

Pregnant women in immigration detention have been targeted in new ways. Previously, ICE was to “consider and address the particular

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139. Jacobs, *supra* note 75.

140. Amanda Marcotte, *Overcompensation Nation: It’s Time to Admit that Toxic Masculinity Drives Gun Violence*, SALON (June 13, 2016), [https://www.salon.com/2016/06/13/overcompensation\\_nation\\_its\\_time\\_to\\_admit\\_th\\_at\\_toxic\\_masculinity\\_drives\\_gun\\_violence/](https://www.salon.com/2016/06/13/overcompensation_nation_its_time_to_admit_th_at_toxic_masculinity_drives_gun_violence/) (noting that toxic masculinity “is a specific model of manhood, geared towards dominance and control. It’s a manhood that views women and LGBT people as inferior, sees sex as an act not of affection but domination, and which valorizes violence as the way to prove one’s self to the world.”).

141. Lisa Wade, *The Big Picture: Confronting Manhood After Trump*, PUBLICBOOKS (Oct. 26, 2017), <https://www.publicbooks.org/big-picture-confronting-manhood-trump/>.

142. Many Cabinet officials “embody the most repugnant aspects of toxic masculinity—worship of the military, virulent misogyny and homophobia, racism, anti-Semitism, and Islamophobia.” Burns, *supra* note 47, at 179 (naming figures like Mike Pence, Steve Bannon, Michael Flynn, and James Mattis).

143. U.S. DEP’T OF HOMELAND SECURITY, POL’Y OPTIONS TO RESPOND TO BORDER SURGE OF ILLEGAL IMMIGR. (2017).

144. *See infra* notes 147–65.

145. *See infra* notes 166–72.

146. U.S. Dep’t of Justice, Office of the Att’y Gen., 27 I&N Dec. 316 (A.G. 2018).

needs and vulnerabilities of pregnant women detained in its custody.”<sup>147</sup> Under the Obama administration, pregnant women not subject to mandatory release were to be presumptively released.<sup>148</sup> The prior policy directed that a pregnant detainee should not be detained unless she was subject to mandatory detention or “extraordinary circumstances” warranted her detention.<sup>149</sup> If detained, a full medical assessment should occur including referral for prenatal and medical care.<sup>150</sup>

The Trump administration revised the policy for pregnant women in immigration detention in an ICE directive on December 14, 2017.<sup>151</sup> This marks another policy change driven first by dominant masculinities with policy rationales lagging behind, if at all. Between December of 2017 and March of 2018, ICE detained 506 pregnant women.<sup>152</sup> Trump’s revised policy orders that all pregnant detainees will now be analyzed on a case-by-case basis and those deemed a danger or a flight risk will most likely remain in detention. ICE detention centers must now provide notice when a pregnant woman falls under its care and then commit to providing “appropriate medical care including effectuating transfers to facilities that are able to provide appropriate medical treatment.”<sup>153</sup>

This revised policy raises considerable concerns about the conditions of detention for pregnant women, which can be harmful to fetal health.<sup>154</sup> Detained pregnant women are subject to overcrowding,

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147. Memorandum from U.S. Immigration and Customs Enforcement Office of Enforcement and Removal Operations to Field Office Directors on Identification and Monitoring of Pregnant Detainees (Aug. 15, 2016), [https://www.ice.gov/sites/default/files/documents/Document/2018/11032\\_3\\_PregnantDetainees.pdf](https://www.ice.gov/sites/default/files/documents/Document/2018/11032_3_PregnantDetainees.pdf) [hereinafter Memo to Field Office Directors].

148. Dan Levine, *U.S. Ends Presumed Freedom for Pregnant Immigrants*, REUTERS (Mar. 29, 2018), <https://www.reuters.com/article/us-usa-immigration-women/u-s-ends-presumed-freedom-for-pregnant-immigrants-idUSKBN1H52VK>.

149. Memo to Field Office Directors, *supra* note 147.

150. *Id.* (noting that all decisions to detain should be cleared with a field office director).

151. *Id.*

152. Levine, *supra* note 148.

153. Memo to Field Office Directors, *supra* note 147.

154. See, e.g., April L. Cherry, *The Detention, Confinement, and Incarceration of Pregnant Women for the Benefit of Fetal Health*, 16 COLUM. J. GENDER & L. 147 (2007).

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exposed to contagious diseases, and receive little or no prenatal care.<sup>155</sup> Initially, at least ten women filed complaints about inadequate prenatal care and miscarriages.<sup>156</sup> As more pregnant women are detained, more accounts continue to emerge.<sup>157</sup> The letter from members of Congress to the Secretary of Homeland Security highlighted several examples of the policy's inadequacies. One asylum-seeking woman told Customs and Border Patrol that she was pregnant, in pain, and bleeding, but she received no medical care for six days while in ICE custody. She ultimately learned she had miscarried.<sup>158</sup> Another pregnant woman seeking asylum reported she was detained for six months of her pregnancy, during which she was transferred to six different facilities, including a 23-hour transport with limited food and bathroom access.<sup>159</sup> She suffered exhaustion and dehydration from the transport and other hardships throughout her pregnancy in detention.<sup>160</sup> One pregnant woman reported that she accepted deportation back to an abusive partner because she feared that the conditions of detention would harm her child.<sup>161</sup> The risks to return a pregnant woman to her home would also be dangerous. For example, NPR profiled a pregnant detainee who ICE planned to put on a flight back to Mexico when she began bleeding in the back of a patrol car.<sup>162</sup>

The detention of pregnant women is even more concerning and traumatic when understood in the context that many women “are pregnant as a result of rape and violence that they experienced either on

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155. *See, e.g., id.* at 154–55.

156. Liz Jones, *Pregnant and Detained*, NPR (Apr. 6, 2018), <https://www.npr.org/2018/04/05/599802820/pregnant-and-detained>.

157. Mihir Zaveri, *Woman Delivers Stillborn Baby While in ICE Custody*, N.Y. TIMES (Feb. 25, 2019), <https://www.nytimes.com/2019/02/25/us/mother-birth-ice-custody.html>.

158. Ben Soskin, *Seventy Members of Congress Demand Answers on Reports of Increased Detention of Pregnant Women*, CONGRESSWOMAN LUCILLE ROYBAL-ALLARD: PRESS RELEASES (Nov. 1, 2019), <https://roybal-allard.house.gov/news/documentsingle.aspx?DocumentID=398366>.

159. *Id.*

160. *Id.*

161. *Id.*

162. Jones, *supra* note 156.

the journey to the U.S. or that may be part of an asylum claim.”<sup>163</sup> Indeed, a letter directed to then-acting Secretary of Homeland Security from seventy members of Congress explained that “in light of the high rates of sexual assault women and girls experience on their journey, attorneys and advocates are reporting a marked increase in the number of pregnant women with serious medical concerns coming to their attention in recent months.”<sup>164</sup> This letter summarized “[t]he detention of pregnant women is cruel, high-risk, and almost never appropriate given the danger it poses to the life of both the mother and her unborn child.”<sup>165</sup>

This policy intersects with another issue involving the subordination and control of women: the reproductive autonomy of pregnant minors in detention. In 2017, 420 unaccompanied minors were pregnant in detention, 18 of which requested to terminate their pregnancy while in detention.<sup>166</sup> Under the Obama Administration, these girls would be able to abort the pregnancy if they could do so at their own expense, unless it was a case of rape, incest, or a threat to maternal life, in which case the government paid for the procedure.<sup>167</sup> In what the American Civil Liberties Union described as a “blatant abuse of power,” the Trump Administration abandoned this practice and refused to allow girls access to abortion treatment.<sup>168</sup> The Administration reasoned that it refused to carve out exceptions in detention policies for individuals who were not subject to the immigration laws.<sup>169</sup> A federal judge issued an order preventing the government from blocking access to abortion treatment and concluded

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163. Tal Kopan, *ICE Paves Way to Detain More Pregnant Immigrants*, CNN (Mar. 29, 2018), <https://www.cnn.com/2018/03/29/politics/ice-immigration-pregnant-women/index.html>.

164. Soskin, *supra* note 158.

165. *Id.*

166. Ann E. Marimow, Spencer S. Hsu, & Maria Sacchetti, *U.S. Government Ordered to Allow Abortion Access to Detained Immigrant Teens*, WASH. POST (Mar. 30, 2018), [https://www.washingtonpost.com/local/public-safety/us-judge-orders-government-to-allow-abortion-access-to-detained-immigrant-teens/2018/03/30/19e9fcf8-3128-11e8-94fa-32d48460b955\\_story.html](https://www.washingtonpost.com/local/public-safety/us-judge-orders-government-to-allow-abortion-access-to-detained-immigrant-teens/2018/03/30/19e9fcf8-3128-11e8-94fa-32d48460b955_story.html).

167. *Id.*

168. *Id.*

169. Jones, *supra* note 156.

that such a practice was likely unconstitutional.<sup>170</sup> The court reasoned, “the court will not sanction any policy or practice that forces vulnerable young women to make such a [Hobson’s] choice.”<sup>171</sup> The Supreme Court nullified the ruling, thus removing its future precedential value because factual developments had mooted the issue.<sup>172</sup>

This masculine protectorate framing is distinctly aligned with regressive—even abusive—framings of white male entitlement to women’s bodies. It is also aligned with a gendered and marginalizing white male protectorate role demonizing men of color. As one powerful headline in *THE NEW YORKER* boldly stated, “The Language of the Trump Administration is the Language of Domestic Violence.”<sup>173</sup>

It is thus further notable and worrisome that the Trump Administration dramatically rolled back asylum eligibility for domestic violence victims.<sup>174</sup> Attorney General Jeff Sessions took the unusual step of intervening in the case of *A-B*.<sup>175</sup> The case involved a woman, initialed A-B, who had petitioned for asylum as part of a particular social group because she was unable to leave her abusive relationship. Unfortunately, the government was unable to provide her protections.<sup>176</sup> Sessions authored the ruling, reasoning that “private violence,” like domestic violence and gang violence, is not the type of “misfortune” that the United States government should consider in

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170. Marimow, *supra* note 166.

171. *Garza v. Hargan*, 304 F. Supp. 3d 145 (D.D.C. 2018).

172. *Azar v. Garza*, 138 S. Ct. 1790 (2018).

173. Jessica Winter, *The Language of the Trump Administration Is the Language of Domestic Violence*, *NEW YORKER* (June 11, 2018), <https://www.newyorker.com/culture/cultural-comment/the-language-of-the-trump-administration-is-the-language-of-domestic-violence> (explaining how “look what you made me do” has emerged as the dominant ethos of the current White House,” and noting that “many observers drew parallels between the language of abusers and that of Trump on the campaign trail”); *see also* Immigration Prof, *Trump Is the “Abuser-In-Chief”*, *IMMIGR. PROF. BLOG* (July 27, 2018), <https://lawprofessors.typepad.com/immigration/2018/07/trump-is-the-abuser-in-chief.html>.

174. U.S. Dep’t of Justice, *supra* note 146.

175. *Id.* (because immigration courts sit under the authority of the Department of Justice, rather than the judicial branch, he has authority over decisions issued by the courts).

176. *Id.* at 344.

granting asylum petitions.<sup>177</sup> He said, “social groups defined by their vulnerability to private criminal activity likely lack the particularity” required by law because “broad swaths of society may be susceptible to victimization.”<sup>178</sup> Private violence, Sessions reasoned, may not be “‘one central reason’ for the abuse.” He explained it is unlikely that the abuser “attacked because her husband was aware of, and hostile to, her particular social group: women who were unable to leave their relationship.”<sup>179</sup> Rather, Sessions explained, “the prototypical refugee flees her home country because the government has persecuted her.”<sup>180</sup> A policy memorandum also generally explained that domestic violence and gang violence “will not establish the basis for asylum, refugee status, or a credible or reasonable fear of persecution.”<sup>181</sup> This closed an avenue of relief for asylum seekers, one particularly used by women arriving from Central America.<sup>182</sup>

This legal move deeply worried advocates and immigration lawyers.<sup>183</sup> The Retired Immigration Judges and Former Members of the Board Immigration Appeals Statement voiced an opposition to the *Matter of A-B*. They acknowledged that the decision “erased an important legal development that was universally agreed to be

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177. *Id.* at 320.

178. *Id.* at 335.

179. *Id.* at 338–39.

180. *Id.* at 318.

181. U.S. CITIZENSHIP AND IMMIGR. SERVICES, U.S. DEP’T OF HOMELAND SEC., Policy Memorandum No. PM-602-0162, GUIDANCE FOR PROCESSING REASONABLE FEAR, CREDIBLE FEAR, ASYLUM, AND REFUGEE CLAIMS IN ACCORDANCE WITH *MATTER OF A-B*- (2018).

182. Kate Benner & Caitlin Dickerson, *Sessions Says Domestic and Gang Violence Are Not Grounds for Asylum*, N.Y. TIMES (June 11, 2018), <https://www.nytimes.com/2018/06/11/us/politics/sessions-domestic-violence-asylum.html>.

183. HONORABLE STEVEN R. ABRAMS ET AL., AILA DOC NO. 18061134, RETIRED IMMIGR. JUDGES AND FORMER MEMBERS OF THE BOARD OF IMMIGR. APPEALS STATEMENT IN RESPONSE TO ATTORNEY GENERAL’S DECISION IN *MATTER OF A-B*- (2018); Benner & Dickerson, *supra* note 182 (quoting Karen Musalo who directs the Center for Gender and Refugee Studies at the University of Hastings College of the Law stating “what this decisions does is yank us all back to the Dark Ages of human rights and women’s human rights and the conceptualization of it”) (citations omitted).

correct.”<sup>184</sup> The statement also described the decision as “an affront to the rule of law.”<sup>185</sup> They highlighted how the precedential Board of Immigration Appeals (“BIA”) case went through a fifteen-year review by immigration courts and the BIA after three different United States Attorney Generals refused to hear the case.<sup>186</sup> Immigration scholar Geoffrey A. Hoffman blogged that this “unilaterally rewrote the Board of Immigration Appeals’ asylum jurisprudence by interpreting the statute in a novel and overly restrictive way.”<sup>187</sup> The United States District Court for the District of Columbia struck down these policy actions in *Grace et al. v. Whitaker*, Case 1:18-cv-01853-EGS, on December 19, 2018, since they violated both the Administrative Procedures Act and the Immigration Naturalization Act.

While ultimately struck down, this decision aligned with—and was compounded by—new definitions of domestic violence that were both alarmingly and secretly put in place by the Trump administration.<sup>188</sup> The Department of Justice’s Office of Violence Against Women changed its definition of domestic violence without announcing, explaining, or vetting it.<sup>189</sup> The new definition limits domestic violence to *only* harms that constitute a felony or misdemeanor, thus eliminating emotional, economic, and psychological abuse.<sup>190</sup>

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184. HONORABLE STEVEN R. ABRAMS ET AL., AILA DOC NO. 18061134, RETIRED IMMIGR. JUDGES AND FORMER MEMBERS OF THE BOARD OF IMMIGR. APPEALS STATEMENT IN RESPONSE TO ATTORNEY GENERAL’S DECISION IN *MATTER OF A-B-* (2018).

185. *Id.*

186. *Id.*

187. Geoffrey A. Hoffman, *Why Pereira v. Sessions Bodes Well for Overturning Matter of A-B-*, IMMIGR. PROF BLOG (July 2, 2018), <http://lawprofessors.typepad.com/immigration/2018/07/why-pereira-v-sessions-bodes-well-for-overturning-matter-of-a-b-by-geoffrey-a-hoffman.html>.

188. Maya Oppenheim, *Trump Administration ‘Rolling Back Women’s Rights by 50 Years’ by Changing Definitions of Domestic Violence and Sexual Assault*, INDEPENDENT (Jan. 24, 2019), <https://www.independent.co.uk/news/world/americas/trump-domestic-abuse-sexual-assault-definition-womens-rights-justice-department-a8744546.html> (explaining that it removed psychological abuse from the legal definition).

189. Definition of Domestic Violence, U.S. DEP’T JUST., OFFICE ON VIOLENCE AGAINST WOMEN, <https://www.justice.gov/ovw/domestic-violence> (last visited Feb. 15, 2019).

190. *Id.* Previous definitions included physical, sexual, emotional, economic, and psychological abuse, stated examples of which included grabbing, pinching,



These actions collectively reveal powerfully worrisome lessons of how immigration laws and policies are enforcing masculinities at the border. It is apparent that these masculinities are becoming codified as law and policy in regressive ways with systemic implications.

*C. The Masculinized State and the Hyper-Masculinity of Border Militarization*

*Enforcing Masculinities at the Border* further argued that the shaping of immigration policy by dominant masculinities was important because it “endorsed a masculinized state” and a “masculinized conception of citizenship.”<sup>191</sup> The United States’ history of “toxic, white masculinity” has cultivated a racism that “pervades not only the state, but all social, political, cultural, and economic institutions.”<sup>192</sup> Trump is the perfect embodiment of the reality of institutionalized “toxic, white masculinity” embedded in society, politics, and the government.

Many of Trump’s policies reflect a stark hyper-militarization and a forcefulness that is aligned with hegemonic and dominant masculinities. The *Border Security and Immigration Enforcement Improvements* Executive Order, for example, authorized an increase of more than 15,000 agents from Customs and Border Protection and ICE.<sup>193</sup> It included directives toward building a Southern border wall and increasing detention facilities at the Southern border.<sup>194</sup> Nancy Pelosi bluntly described the political battle over Trump’s border wall as a “manhood issue,” referring to his determination to not appear weak on a campaign promise.<sup>195</sup> Trump compared, for example, the deportation of undocumented immigrants to “liberating a town or area”

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name-calling, forced isolation, denial of medical care, etc., none of which qualify as domestic violence under the new definition. *Id.*

191. Abrams, *supra* note 10, at 565.

192. Burns, *supra* note 47, at 180.

193. Exec. Order No. 13767, 82 Fed. Reg. 8793 (2017).

194. *Id.*

195. Monica Hunter-Hart, *Nancy Pelosi Says Trump’s Border Wall Is a ‘Manhood Issue’ She Doesn’t Want to Deal with*, BUSTLE (Oct. 17, 2018), <https://www.bustle.com/p/nancy-pelosi-says-trumps-border-wall-is-a-manhood-issue-she-doesnt-want-to-deal-with-12587520>.

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in a combat military situation.<sup>196</sup> The characterization of ICE as “tough” and “go[ing] in swinging” links immigration policy to masculinities.<sup>197</sup>

The modern masculinized state is heavily engaged in the militarization of immigration enforcement in worrisome ways.<sup>198</sup> These techniques are not necessarily effective as a matter of policy, but they are clearly effective as a codification of hyper-masculine responses to dominant masculinity norms. Understanding the underlying masculinities calls into further question the efficacy of these policies and approaches. Are walls, military personnel, and weapons necessary for border security? Or is their purpose to reinforce a certain type of masculinized state that resonates with Trump’s voter base?

Hyper-militarization reveals further masculinities underpinnings of modern immigration law and policy. It suggests the need for greater vigilance to the gendered harms that it systematically creates.

#### V. WHY MASCULINITIES MATTER

This essay explored how a masculinities analysis offers an important additional dimension to critiquing immigration law and policy in conjunction with existing critiques examining race and nationalism. Trump has explicitly deployed masculinities hierarchies in which he is “imbuing himself with culturally defined ‘superior’

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196. Anne Gearan, *Trump Likens Immigration Enforcement to ‘Liberating a Town’ in Combat*, WASH. POST (July 3, 2018), [https://www.washingtonpost.com/politics/trump-likens-immigration-enforcement-to-liberating-a-town-in-combat/2018/07/03/572a4b4c-7f05-11e8-bb6b-c1cb691f1402\\_story.html](https://www.washingtonpost.com/politics/trump-likens-immigration-enforcement-to-liberating-a-town-in-combat/2018/07/03/572a4b4c-7f05-11e8-bb6b-c1cb691f1402_story.html).

197. *Id.*

198. See, e.g., US-Mexico Border Program, *On the Borderline: Abuses at the United States–Mexico Border*, AM. FRIENDS SERV. COMM. (2017), [https://www.afsc.org/sites/default/files/documents/On\\_The\\_Borderline\\_AFSC-SD\\_2017.pdf](https://www.afsc.org/sites/default/files/documents/On_The_Borderline_AFSC-SD_2017.pdf); Ronna Bolante, *Resisting Border Militarization*, AM. FRIENDS SERV. COMM. (July 3, 2017), <https://www.afsc.org/story/resisting-border-militarization>; Interview with Maria Jiménez, INMOTION (1998), <http://www.inmotionmagazine.com/mj1.html>; Jeff Abbott, *Keep Out! How the U.S. Is Militarizing Mexico’s Southern Border*, PROGRESSIVE (Oct. 2, 2017), <https://progressive.org/magazine/keep-out-how-the-us-militarizes-mexico-southern-border/>; Greg Grandin, *The Militarization of the Southern Border Is a Long-Standing American Tradition*, NATION (Jan. 14, 2019), <https://www.thenation.com/article/the-militarization-of-the-southern-border-is-a-long-standing-american-tradition/>.

masculinities.”<sup>199</sup> Trump sets up a stark contrast between American masculinities—“one dominating *and* hegemonic (Trump) and one subordinate (the ‘other’ men).”<sup>200</sup> The “other” subordinate masculinity that stands in contrast to Trump’s dominant masculinity is not just abstract and hypothetical as *Enforcing Masculinities at the Border* suggested. Trump has given concrete identities to the inferior and superior masculinities and has built law and policy around that hierarchy.

The implications of this essay extend far beyond immigration law and policy. For immigrant communities, the masculinized state is intervening in immigrant families in ways that bring toxic masculinities into the mainstream. There is a tremendous amount of discretion built into immigration law, family law, and even criminal law. Any efforts to systemically dehumanize immigrant communities as “others” can lead to bias and stigma permeating the discretion of police officers, prosecutors, border patrol agents, family court judges, school resource officers, and more. This worry manifested itself most recently in the exposure of the disturbing content shared within Border Patrol’s private Facebook group.<sup>201</sup>

The thesis of this essay extends beyond immigration law too. If masculinities are also driving the politics and law, and if those masculinities are regressive and toxic, the effects of these conclusions extend into and beyond families, communities, faith communities, and employment settings. This exaltation of dominant and toxic masculinities threatens to roll back the clock by decades when it comes to family equality, gender equality, violence against women, political equality, criminal justice, and more.

Pulling the *Enforcing Masculinities at the Border* thesis forward to the present reveals that masculinities continue to dominate immigration law in ways that reveal the myth of border security and the reality of reinforcing dominant masculinities at the border. This essay seeks to begin the dialogue with countless dimensions remaining for discussion and action.

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199. Messerschmidt & Bridges, *supra* note 83.

200. *Id.*

201. *See* Thompson, *supra* note 132.