

Straight Out of the Closet

Devon W. Carbado†

Prologue: Privileged Perpetrators	77
I. Introduction	79
II. Male Feminist or Oxymoron?.....	84
A. Men are Not Where Women Are: A Starting Point for Male Feminism	85
B. Gender Identity/Feminist Ideology	87
III. Black Men and Black Feminism	88
A. Authenticity and Dominance	88
B. Identity Authenticity vs. Politics	90
C. Summary.....	92
IV. Rethinking Manhood to "Unbecome" Men.....	92
V. A Male Feminist Method: Identifying Everyday Privilege.....	97
A. Gender Privilege (and Race)	97
B. Gender Privileges: A List.....	99
C. Negative Identity Signification.....	105
D. Heterosexual Privilege (and Race).....	108
1. Heterosexual Anxieties About Homosexual Suspicion: Preserving the Heterosexual Presumption	110
2. Exposing Heterosexual Normalcy: "Coming Out" as Heterosexual.....	111
3. Heterosexual Privileges: A List	116
VI. Conclusion: Resisting Privileges.....	122

© 2000, THE REGENTS OF THE UNIVERSITY OF CALIFORNIA.

† Acting Professor of Law, UCLA School of Law. J.D., Harvard Law School, 1994, B.A., UCLA, 1991. A shorter version of this essay appeared as the epilogue in *BLACK MEN ON RACE, GENDER, AND SEXUALITY* (Devon W. Carbado ed., 1999). For comments on earlier versions of this essay, I thank Kimberlé Crenshaw, Mitu Gulati, Lauren Teukolsky, Laura Gomez, Kenneth Karst, Jody Freeman, Gillian Lester, Nanci Freeman, Julie Ralston, David Sklansky, Frances Olsen, Jane Goldsmith, Katherine Franke, Angela Harris, Daphne Bishop, Adrienne Davis, Jennifer Gerarda Brown, Frank Valdes, Adrien Wing, Darren Hutchinson and the participants at the Cornell Feminist Legal Theory Workshop (Summer 1999), the Fordham Critical Race Theory and Feminism Workshop (Spring 1998), and the Iowa Journal of Gender, Race, & Justice Symposium (Fall 1998). Peter VanOosting and the Hugh & Hazel Darling Law Library provided invaluable research and editorial assistance. I thank the editors of the *BERKELEY WOMEN'S LAW JOURNAL* for very helpful editorial suggestions. For administrative assistance, I thank Mina Quintos.

[H]eterosexuality...needs to be recognized and studied as a political institution. — Adrienne Rich¹

Heterosexuality is a problem. Male heterosexuality is double trouble.
— Bruce Ryderr²

It may be . . . that a damaging bias toward heterosocial or heterosexist assumptions inheres unavoidably in the very concept of gender . . . [T]he ultimate definitional appeal in any gender-based analysis must necessarily be to the diacritical frontier between different genders. This gives heterosocial and heterosexual relationships a conceptual privilege of incalculable consequence.

— Eve K. Sedgwick³

Heterosexuality [is]...the grail, the ultimate in human maturity and happiness. — Gore Vidal⁴

PROLOGUE: PRIVILEGED PERPETRATORS

This Article is part of a larger intellectual project to encourage a shift in—or at least a broadening of—our conceptualization of discrimination. With this Article, I hope to expand our notion of what it means to be a perpetrator of discrimination. Typically, we define a perpetrator of discrimination as someone who acts intentionally to bring about some discriminatory result.⁵ This is a narrow and politically palatable conception. Those of us who unquestionably accept the racial, gender, and heterosexual privileges we have, and those of us who fail to acknowledge our victimless status vis-à-vis racism, sexism, and homophobia, are also perpetrators of discrimination.⁶

Taking identity privileges for granted helps to legitimize certain problematic assumptions about identity and entitlement.⁷ These assump-

-
1. Adrienne Rich, *Compulsory Heterosexuality and Lesbian Existence*, in POWERS OF DESIRE: THE POLITICS OF SEXUALITY 177, 182 (Ann Snitow et al. eds., 1987).
 2. Bruce Ryderr, *Straight Talk: Male Heterosexual Privilege*, 16 QUEEN'S L.J. 287, 287 (1991).
 3. EVE K. SEDGWICK, EPISTEMOLOGY OF THE CLOSET 32 (1990).
 4. Gore Vidal, *Foreword* to JONATHAN NED KATZ, THE INVENTION OF HETEROSEXUALITY at vii, viii (1995).
 5. See *Washington v. Davis*, 426 U.S. 229, 246-48 (1976) (requiring a showing of discriminatory intent to establish an equal protection claim). For two classic critiques of this standard, see Alan D. Freeman, *Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine*, 62 MINN. L. REV. 1049 (1978); Charles R. Lawrence, III, *The Id, the Ego, and Equal Protection: Reckoning With Unconscious Racism*, 39 STAN. L. REV. 317 (1987).
 6. See generally STEPHANIE WILDMAN, PRIVILEGE REVEALED: HOW INVISIBLE PREFERENCE UNDERMINES AMERICA (1996) [hereinafter WILDMAN, PRIVILEGE REVEALED].
 7. See *infra* Part V.

tions make it difficult for us to challenge the starting points of many of our most controversial conversations about equality. We simply assume, for example, that men should be able to fight for their country (the question is whether women should be entitled to this "honor"); that heterosexuals should be able to get married (the question is whether the "privilege" should be extended to gays and lesbians); that white men should be able to compete for all the slots in a university's entering class (the question is whether white women and people of color should be entitled to "preferential" treatment).

Admittedly, linking perpetrator status to identity privilege might prove too much. All of us enjoy at least some privilege.⁸ Are all of us perpetrators of discrimination? Perhaps. The answer may depend on what we do with, and to, our privileges. All of us, through the ways in which we negotiate our identities,⁹ play a role in entrenching a variety of social practices, institutional arrangements, and laws which disadvantage other(ed) people. All of us make choices every day that legitimize certain discriminatory practices. I came to work at UCLA Law School even as Proposition 209 has drastically reduced the number of certain students of color, and especially Black students, at the law school. Many of us get married and/or attend weddings, even as lesbian and gay marriages are not legally recognized. Others of us have racially monolithic social encounters, live in de facto white only (or predominantly white) neighborhoods, or send our kids to white only (or predominantly white) schools. Still others of us have "straight only" associations—that is, our friends are all heterosexuals and our children's friends all have mommies and daddies. These choices are not just personal; they are political. And the cumulative effect of these micro-political choices is the entrenchment of the very social practices—racism, sexism, classism, and homophobia—we profess to abhor.¹⁰

In other words, there is a link between privilege and discrimination.¹¹ Our identities are both reflective and constitutive of certain systems of oppression. Racism requires white privilege. Sexism requires male privilege. Homophobia requires heterosexual privilege. Thus, all of us have an obligation to expose and to challenge our privileges.¹² We have to remake

8. See generally WILDMAN, PRIVILEGE REVEALED, *supra* note 6.

9. See, e.g., Devon W. Carbado & Mitu Gulati, *Working Identity*, CORNELL L. REV. (forthcoming 2000) (describing the ways in which employees reveal their identities in the workplace).

10. See generally Karen D. Pyke, *Class-Based Masculinities: The Interdependence of Gender, Class, & Interpersonal Power*, 10 GENDER & SOC'Y 527 (1996) ("[C]onventional theoretical perspectives on power . . . view microlevel power practices as simply derivative of macrostructural inequalities and overlook how power in day-to-day interactions shapes broader structures of inequality.").

11. See WILDMAN, PRIVILEGE REVEALED, *supra* note 6.

12. See generally Peggy McIntosh, *White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences Through Work in Women's Studies*, in POWER, PRIVILEGE AND LAW: A CIVIL RIGHTS READER 22 (Leslie Bender & Daar Braverman eds., 1995).

ourselves—our identities—if we are to remake our institutions. We cannot hope to institutionalize our political commitments unless we personalize our politics. Resistance to identity privileges may be futile, we cannot know for sure. But, to the extent that we do nothing, this much is clear: we perpetuate the systems of discrimination that our identities reflect.

But precisely what constitutes a privilege? How do we identify our privileges? And what acts are sufficiently disruptive of our privileges to amount to resistance? Focusing on male and heterosexual privileges, this Article addresses the foregoing questions in the context of a discussion about men and feminism. For as I will show, men can and should employ feminism to identify and resist male and heterosexual privileges.

I. INTRODUCTION

This Article advances an argument that many progressives might agree with: namely, that men should embrace and assert a feminist political identity. Yet, the argument is certainly not uncontroversial.¹³ Male assertions of feminist identity raise serious concerns about (1) political territory (whether feminism is women's political terrain);¹⁴ (2) safe space (whether feminism is a place for women to escape male epistemological dominance)¹⁵; and (3) authenticity (whether feminism is constructed on,

13. There is now a fairly large body of literature exploring this question. See, e.g., HARRY CHRISTIAN, *THE MAKING OF ANTI-SEXIST MEN* (1994); KENNETH HUDSON, *MEN AND WOMEN: FEMINISM AND ANTI-FEMINISM TODAY* (1968); DECLAN KIBERD, *MEN AND FEMINISM IN MODERN LITERATURE* (1985); VICTOR J. SEIDLER, *RECREATING SEXUAL POLITICS: MEN, FEMINISM, AND POLITICS* (1991) (exploring men's response to feminism while stressing the importance of social and political theory); *AGAINST THE TIDE: PROFEMINIST MEN IN THE UNITED STATES 1776-1990: A DOCUMENTARY HISTORY* (Michael S. Kimmel & Thomas E. Mosmiller eds., 1992); Brian Bendig, *Images of Men in Feminist Legal Theory*, 20 PEPP. L. REV. 991 (1993); *BETWEEN MEN AND FEMINISM* (David Porter ed., 1992); *ENGENDERING MEN: THE QUESTION OF MALE FEMINIST CRITICISM* (Joseph A. Boone & Michael Cadden eds., 1990) (discussing the ways in which men participate in feminism and feminist causes); Nancy Levit, *Feminism for Men: Legal Ideology and the Construction of Malesness*, 43 UCLA L. REV. 1037 (1996); *MEN DOING FEMINISM* (Tom Digby ed., 1998); *MEN IN FEMINISM* (Alice Jardine & Paul Smith eds., 1987); *OUT OF BOUNDS: MALE WRITERS AND GENDER(ED) CRITICISM* (Laura Claridge & Elizabeth Langland eds., 1990).

14. See *infra* Part II.

15. See *infra* Part III. Of course, the escape can never be complete. As Catharine MacKinnon observes, "no woman escapes the meaning of being a woman within a gendered social system . . ." Catharine MacKinnon, *Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence*, 8 SIGNS 635, 640 n.8 (1983). See also DRUCILLA CORNELL, *Beyond ACCOMMODATION: ETHICAL FEMINISM, DECONSTRUCTION, AND THE LAW* 7 (1991) (employing the term "derelection" to describe a state of being "in which feminine difference cannot be expressed except as signified in the masculine imaginary or the masculine symbolic"); Angela Harris, *Categorical Discourse and Dominance Theory*, 5 BERKELEY WOMEN'S L.J. 181, 184-85 (1990) (reviewing CATHARINE A. MACKINNON, *TOWARD A FEMINIST THEORY OF THE STATE* (1989)) ("Consciousness raising demonstrates that there is nowhere to hide from male domination, for it exists even in the depths of [a woman's] most cherished possession, her 'self.'"). But see Patricia A. Cain, *Feminist Jurisprudence: Grounding the Theories*, BERKELEY WOMEN'S L.J. 191, 193-94 (1989) (suggesting that there might, however, be moments in which women "have glimpses of our own authenticity even within the patriarchy").

and intended to be a voice for, women's experiences).¹⁶ Significantly, in arguing that men should identify as feminists, I am not suggesting that men should endeavor to speak in a "different" (read: women's) voice.¹⁷

-
16. See *infra* Part III. Francisco Valdes raises a similar issue in the context of a discussion about gay male participation in lesbian discourse. See Francisco Valdes, *Sex and Race in Queer Legal Culture: Ruminations on Identities and Inter-Connectivities*, 5 S. CAL. REV. L. & WOMEN'S STUD. 25 (1995). I quote Valdes' narrative at some length here to reveal the complicated and uncomfortable ways that concerns about authenticity, safe spaces, and epistemological dominance can function within discourses about identity:

My personal parable is factually simple. The program for the prior event was billed as "*Lesbian Legal Theory*," and it brought together as panelists a lesbian Latina, three white lesbians, and myself—a gay Latino. It was another queer, and Queer, moment in sexual minority legal discourse and culture.

The lesbian Latina spoke first, addressing the relevance of transsexualism to the exposition of lesbian legal theory. Then two of the white lesbians addressed issues specifically focused on lesbian legal experience. Next, I expounded on the mutual relevance of Queer legal theory and lesbian legal theory. The third white lesbian concluded the panel, also focusing specifically on lesbian legal concerns. At the conclusion of these presentations, we turned to the audience for discussion.

The first comment set the tone, and the limits, for the remainder of the event. This initial comment challenged the program in two fundamental ways: first, it challenged the inclusion of a talk on transsexuals, and second, it challenged the presence of a man on the dais. This comment was followed in rapid succession by several others voicing the same challenges.

Several of these follow-up comments expressly asserted a sense that a community had been transgressed both by the talk on transsexuals and by the male body of a panelist. One follow-up comment, in particular, proposed that transsexuals and gay men organize "their" own events, while another comment flatly proclaimed that neither transsexuals nor men (even gay ones) were a part of that speaker's imagined community. In general, these challenges asserted two basic points: that transsexuals, and discussion of them, are out of place in lesbian venues, and that men have no place in lesbian events

. . . .

In retrospect, I think it fair to say that we never got to talk about lesbian legal theory on the merits, much less the relevancy of transsexuals and Queer legal theory to lesbian life and discourse. Interestingly, the handful of men in the audience did not venture a single word the entire time. Just deserts, perhaps. And although the challenge to the mention of transsexuals, or to the presence of a man, may have been just a cry for space and time often denied lesbians as lesbians, the effect of the identity politics voiced in that room was unfortunate for everyone there, and for our larger communities as well.

Id. at 35-38 (footnotes omitted). See also Devon W. Carbado, *The Construction of O.J. Simpson as a Racial Victim*, 32 HARV. C.R.-C.L. L. REV. 49, 63-67, 90-91 (1997) (discussing his experiences as a man in a domestic abuse workshop); Pamela J. Smith, Comment, *We Are Not Sisters: African-American Women and the Freedom to Associate and Disassociate*, 66 TUL. L. REV. 1467, 1471 (1992) (arguing that "African-American women [should] exclude white women from their associations when necessary to heal or gain empowerment").

17. For the most famous articulation of the "different voice" thesis, see generally CAROL GILLIGAN, *IN A DIFFERENT VOICE* (1982). According to Gilligan,

[t]he moral imperative . . . [for] women is an injunction to care, a responsibility to discern and alleviate the 'real and recognizable trouble' of this world. For men, the moral imperative appears rather an injunction to respect the rights of others and thus to protect from interference the rights to life and self-fulfillment.

Id. at 100.

Gilligan describes the different voice of women this way:

The different voice I describe is characterized not by gender but theme. Its association with women is an empirical observation, and it is primarily through women's voices that I trace its development. But this association is not absolute, and the contrasts between male and female voices presented here to highlight a distinction be-

Moreover, male feminism should not attempt to replicate female feminism.¹⁸

Nor do I mean to suggest that men, as feminists, should presume to speak for women. The last thing we need is more men—under the guise and ostensible legitimacy of feminism—presuming to define the nature of women's experiences.¹⁹ Women

do not want you [men] to *mimic* us, to become the same as us; we don't want your pathos or your guilt; and we don't even want your admiration (even if it's nice to get it once in a while). What we want, I would even say what we need, is your *work* . . . And like all serious work, that involves struggle and pain.²⁰

tween two modes of thought and to focus a problem of interpretation rather than to represent a generalization about either sex. In tracing development, I point to the interplay of these voices within each sex and suggest that their convergence marks times of crisis and change. No claims are made about the origins of the differences . . .

Id. at 2-3. See also NANCY CHODOROW, THE REPRODUCTION OF MOTHERING: PSYCHOANALYSIS AND THE SOCIOLOGY OF GENDER 90-91 (1978) (suggesting that relational connections is a gender difference). Gilligan's work generated a substantial body of literature on the question of gender differences. See Joan C. Williams, *Deconstructing Gender*, 87 MICH. L. REV. 797, 845 n.17 (referring to these works). Not all feminists agree with Gilligan's "different voice" thesis. See, e.g., CATHARINE A. MACKINNON, *Difference and Dominance: On Sex Discrimination*, in FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW 33-34 (1987) [hereinafter MACKINNON, *Difference and Dominance*] (questioning Gilligan's approach).

In suggesting that men should not attempt to speak in a woman's voice, I do not mean to suggest that women do in fact have a distinctive voice. The category "woman" is a compounded identity. As Black feminists continue to argue, race shapes women's identity and thus women's voices. See PATRICIA HILL COLLINS, BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT (1990); BELL HOOKS, YEARNING: RACE, GENDER, AND CULTURAL POLITICS (1990); MICHELE WALLACE, BLACK MACHO AND THE MYTH OF THE SUPER WOMAN (1978); Kimberlé Crenshaw, *Demarginalizing the Intersection of Race & Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, in FEMINISM & POLITICS 314 (Anne Phillips ed., 1978); CRITICAL RACE FEMINISM: A READER (Adrien Katherine Wing ed., 1991); Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 586-87 (1990) [hereinafter Harris, *Race and Essentialism*]; Cheryl I. Harris, *Finding Sojourner's Truth*, 18 CARDOZO L. REV. 309 (1996). Sexual orientation shapes women's identities as well. See AUDRE LORDE, SISTER OUTSIDER (1984); AFREKEITE (Catharine E. McKinley & L. Joyce DeLaney eds., 1995); Patricia A. Cain, *Lesbian Perspective, Lesbian Experience, and the Risk of Essentialism*, 2 VA. J. SOC. POL'Y & L. 43, 60-61 (1994); CHICANA LESBIANS: THE GIRLS OUR MOTHERS WARNED US ABOUT (Carla Trujillo ed., 1991).

Finally, my argument that men should not speak in a "different voice" is not intended to privilege "difference" feminism. For a discussion of the different feminist theories, see Patricia A. Cain, *Feminist Jurisprudence: Grounding the Theories*, 4 BERKELEY WOMEN'S L.J. 191 (1990).

18. See *infra* Part IV.
19. To the extent that one subscribes to Foucault's notion of subject formation, one might very well ask, as Foucault does, "what difference does it make who is speaking?" Michel Foucault, *What is an Author?*, in THE FOUCACULT READER 101, 120 (Paul Rabinow ed., 1984). For me, there is a "distinction between the metaphysical claim of 'difference' and a political understanding of 'difference.' Whereas the former ought to have no purchase in the world of interpretative practice and theory, the latter is of vital significance. It is through the metaphysical death of the author that the political writer (and reader) come to life. It is in this sense that it matters and makes a difference who is speaking (and reading)." Allan C. Hutchinson, *Identity Crisis: The Politics of Interpretation*, 26 NEW ENG. L. REV. 1173, 1175 (1992).
20. Alice Jardine, *Men in Feminism: Odor di Uomo or Compagnons de Route*, in MEN IN FEMINISM, *supra* note 13, at 54, 60. . .

Part of the work of male feminism should involve men coming to terms with, recognizing and challenging, male intersectional privileges.²¹ This should be a fundamental component of any male feminist project. Thus, the political thrust of this Article is the employment of feminist insights to expose and to contest the male experiential side of heteropatriarchy.

Part II explores whether and to what extent men can and should be feminists. Part III racializes that discussion. By and large, the feminist discourse about men and feminism is a discourse about white men and white feminism, with few voices of color.²² Part III's explicit racialization of the debate identifies some of the concerns Black feminists might have about Black male participation in Black feminist discourse. Together, Parts II and III argue that, though the issue is far from uncontroversial, men can, and indeed should, be feminists.

The question then becomes: What does male feminism look like? How is it different from or related to female feminism? Parts IV and V take up these questions. In Part IV, I argue that male feminism should focus on challenging male, and especially male heterosexual,²³ privileges.

-
21. See Trina Grillo, *Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House*, 10 BERKELEY WOMEN'S L.J. 16, 18 (1995) (discussing arguments that intersectionality should be employed not only to discuss disadvantage, but also to discuss privilege); Martha R. Mahoney, *Whiteness and Women, in Practice and Theory: A Response to Catharine MacKinnon*, 5 YALE J.L. & FEMINISM 218, 240 (1993) ("Privileged identity requires reinforcement and maintenance, but not seeing the mechanisms that reinforce and maintain privilege is an important component of privilege.").
 22. See Kimberlé Williams Crenshaw, *Foreword*, in *BLACK MEN ON RACE, GENDER, AND SEXUALITY* at xi, xii (Devon W. Carbado ed., 1999) [hereinafter Crenshaw, *Foreword*] ("There are now several edited volumes exploring the role of men in feminist theory, each of which might very well be entitled 'White Men in White Feminism,' given the general silence of voices of color in their pages.").
 23. Of course, the terms "homosexual" and "heterosexual" are problematic. For one thing, many people do not fit neatly into these categories. THE WOLFENDEN REPORT: REPORT OF THE COMMITTEE ON HOMOSEXUAL AFFAIRS AND PROSTITUTION (1963) (suggesting that sexual orientation is not fixed but exists along a continuum); Tomas Almaguer, *Chicano Men: A Cartography of Homosexual Identity and Behavior*, DIFFERENCES, Summer 1991, at 75 (discussing the extent to which some men assert heterosexual identity (non-hypocratically) even as they engage in same-sex intimacy); Vivienne C. Cass, *Homosexual Identity: A Concept in Need of Definition*, in *ORIGINS OF SEXUALITY AND HOMOSEXUALITY* 105 (John P. DeCecco & Michael Shively eds., 1985) (suggesting that sexuality and sexual orientation are constantly being redefined); Andrew Koppleman, *Gaze in the Military: A Response to Professor Woodruff*, 64 UMKC L. REV. 179, 192 (1995) (arguing that "the idea that the universe of human beings can be neatly divided into 'homosexuals' and 'heterosexuals' is fantasy"). The employment of the terms homosexual and heterosexual to signify identities are problematic for another reason: homosexuality and heterosexuality, like race and gender, are socially constructed identity categories. See, e.g., Janet E. Halley, *Reasoning About Sodomy: Act and Identity After Bowers v. Hardwick*, 79 V.A. L. REV. 1721, 1723 (1993) [hereinafter Halley, *Reasoning About Sodomy*] ("I use the terms 'homosexuality' and 'homosexual'—and more tendentiously, the terms 'heterosexuality' and 'heterosexual'—without any implication that they accurately describe persons living or dead [T]hese terms describe rhetorical categories that have real, material importance notwithstanding their failure to provide adequate descriptions of any one of us."). The fact that we can and should problematize the categories heterosexual and homosexual does not mean that we should never employ them. As John Boswell argues:

It can be well argued that homosexual/heterosexual dichotomy is not a real one, and this would have been the response of most ancient authorities. At best these categories

This is not to say that men should be unconcerned with the various ways in which women are disadvantaged. On the contrary, men should always have as part of their political project the goal of ameliorating the gender subordination of women. Part IV's focus on male privilege is based on the realization that it is much easier for men to observe, acknowledge, and challenge the gender inequality (read: subordination) in women's lives than it is for us to observe, acknowledge, and challenge the gender inequality (read: privilege) in our own.²⁴ Part IV argues that men must begin to see the relationship between the everyday ways in which men experience gender privileges and the broader social practices that subordinate women. Part IV further suggests that, to the extent that men are not born men but rather become men—to the extent that manhood is socially constructed²⁵—men must endeavor to change not only the social meanings²⁶ of manhood,²⁷ but also the patriarchal ways in which manhood is per-

group together according to one arbitrarily chosen aspect of sexual actions—the genders of the parties involved—varieties of sexual behavior which may be more dissimilar than similar . . . Moreover, it is not clear that in most humans it is the gender of the other party which makes the sexual act desirable or not . . . Such objections are cogent but serve only to demonstrate the inevitable weakness of taxonomic arrangement of human behavior: the homosexual/heterosexual dichotomy is crude and imprecise and often obscures more than it clarifies; but it does nonetheless correspond to types of actions and feelings which can be distinguished by this criterion, and the fact that they could also be arranged in different ways does not undermine the limited validity of the division.

JOHN BOSWELL, CHRISTIANITY, SOCIAL TOLERANCE, AND HOMOSEXUALITY 42 n.3 (1980).

- 24. Stephanie Wildman makes a similar argument about whiteness. According to Wildman: [W]hite people in this culture are very eager to label prejudiced behavior that we see as racist and to separate ourselves from that behavior. Society is certainly full of extreme cases of racism. White people are so eager to distance ourselves from racism and spend so much time trying to demonstrate we are not racist, that we fail to see the systemic privileging of whiteness. This privileging ensures that extreme acts of racism, as well as the daily microaggressions, will continue to exist.
- 25. See Christine A. Littleton, *Reconstructing Sexual Equality*, 75 CAL. L. REV. 1279, 1280 (1987) (observing that “‘to be a man’ does not simply mean to possess biologically male traits, but also to take on, or at least aspire to, the culturally male”).
- 26. See Sylvia A. Law, *Homosexuality and the Social Meaning of Gender*, 1988 WIS. L. REV. 187 (1988).
- 27. In recent years, there has been a proliferation of scholarship focusing on the extent to which masculinity is socially constructed and re-enacted (performed) in everyday social interactions. See, e.g., TIMOTHY BENEKE, PROVING MANHOOD: REFLECTIONS ON MEN AND SEXISM (1997) (exploring factors which inform how men identify themselves vis-à-vis society and their sexuality); BARBARA EHRENREICH, THE HEARTS OF MEN 11 (1983) (discussing “the ideology that shaped the breadwinner ethic and how that ideology collapsed”); SUSAN JEFFORDS, THE REMASCULATION OF AMERICA (1989) (examining masculine stereotypes resulting from the Vietnam War); SAM KEEN, FIRE IN THE BELLY: ON BEING A MAN (1991) (exploring archetypal associations with the sexual construction of man); RICHARD MAJORS & JANET MANCINI BILLSON, COOL POSE: THE DILEMMAS OF BLACK MANHOOD IN AMERICA (1992) (examining the effects of the persona young black men portray in public on their personal/private relationships); DAVID SAVRAN, TAKING IT LIKE A MAN: WHITE MASCULINITY, MASOCHISM, AND CONTEMPORARY AMERICAN CULTURE (1998) (describing the effects of sexuality on one’s identity); MALE ORDER: UNWRAPPING MASCULINITY (Rowena Chapman & Jonathon Rutherford eds., 1988) (exploring the portrayal of men in popular culture through film, television, and other media forms); THE POLITICS OF MANHOOD: PROFEMINIST MEN RESPOND TO THE MYTHOPOETIC MEN’S MOVEMENT (AND THE MYTHOPOETIC LEADER’S ANSWER)

formed.²⁸ Part V sets forth the particular methodology men can employ to identify their privileges. Part VI concludes the Article. It explains the importance of resisting privilege and offers some tentative suggestions for how men might engage in such resistance.

II. MALE FEMINIST OR OXYMORON?

It might indeed be the case that “men’s relation to feminism is an impossible one,”²⁹ that men cannot be feminists. This “impossibility thesis” is quite arresting. Here is a strong articulation of the argument:

Women are the subjects of feminism, its initiators, its makers, its force; the move and the join from being a woman to being a feminist is the grasp of that subjecthood. Men are the objects, part of the analysis, agents of the structure to be transformed, representatives in, carriers of the patriarchal mode; and my desire to be a subject there too in feminism—to be a feminist—is then only also the last feint in the long history of *their* colonization.³⁰

Assuming that this male-object/female-subject dichotomy is accurate, the analysis avoids the central normative question: conceding that women were the initiators of feminism, its makers, its force, should it remain so? Proponents of the “impossibility thesis” seem to suggest that quite apart from what we might want, it must be so: the impossibility of men’s relationship to feminism stems from the very different (unequal) social reality men and women live.³¹ Because “[t]here is no equality, no symmetry . . . there can be no reversing: it is for women now to reclaim and redefine the terrain of sexuality [and feminism], for us [men] to learn from them.”³²

Importantly, the claim that men cannot be feminists is not urging political abdication—that men should not attempt to transform hierarchical gendered arrangements.³³ Rather, the argument is that the anti-patriarchal work that men perform is not feminism. Male feminism, the argument goes, is a contradiction in terms.³⁴ Because women are the “na-

(Michael S. Kimmel ed., 1995) (examining the mythopoetic men’s movement and responding to feminist dialogues); SPEAK MY NAME: BLACK MEN ON MASCULINITY AND THE AMERICAN DREAM (Don Belton ed., 1995) (discussing the various stereotypes imposed upon black men and how such stereotypes affect black men’s lives).

- 28. See, e.g., JUDITH BUTLER, GENDER TROUBLE: FEMINISM AND THE SUBVERSION OF IDENTITY 136-39 (1990) [hereinafter BUTLER, GENDER TROUBLE] (noting that gender is a performance).
- 29. Stephen Heath, *Male Feminism*, in MEN IN FEMINISM, *supra* note 13, at 1.
- 30. *Id.*
- 31. See *id.* (“I [a man] am not where they [women] are and I cannot pretend to be.”).
- 32. *Id.* at 14.
- 33. See *id.* at 1 (arguing that, even though men cannot be feminists, this does not mean “that I can do nothing in my life, that I cannot respond to and change for feminism”).
- 34. See *id.* at 28 (“[H]ow ludicrous it would be to say ‘female feminism.’”).

tives" of feminism, men necessarily are the "colonists."³⁵ Alas, there is no male exit from patriarchy.³⁶

I am not persuaded that men's relationship to feminism is an impossible one. I advance two arguments to explain why. First, male feminism need not reflect male epistemological dominance (men speaking for or definitively about women's experiences). Second, feminism is more about ideology and political commitment than it is about male or female identity per se. I elaborate on these arguments below.

A. Men are Not Where Women Are: A Starting Point for Male Feminism

Few people would quarrel with the notion that men and women have different social realities.³⁷ This realization is often invoked to support the argument that men cannot be feminists.³⁸ Yet, the fact that men and women live different social lives might be a starting point for male feminism. Men's realization of gender difference and gender hierarchy can provide us with the opportunity to theorize about gender from the gender-privileged positions we occupy as men.³⁹ Indeed, men's challenges to gender hierarchy should be grounded in men's and women's positional difference. Such challenges should expose the extent to which gender is socially constructed and contingent, make clear that gender is about power and marginalization, and highlight the fact that men, and not just women, live the gender difference.⁴⁰ Male feminism need not attempt to speak in a "different voice." Instead, male feminism should be *explicitly* informed by men's experiential differences. These differences could be the basis for raising consciousness among and between men.⁴¹ I am not speaking about consciousness-raising "for the purpose of finding the 'hairy beast' or the

35. See Joseph A. Boone & Michael Cadden, *Introduction to ENGENDERING MEN*, *supra* note 13, at 3.

36. See MARY DALY, *GYN/ECOLOGY: THE METAETHICS OF RADICAL FEMINISM* 28 (1978) ("[Men are] originators, planners, controllers, and legitimators of patriarchy. Patriarchy is the homeland of males; it is Father Land; and men are its agents.").

37. See Kenneth L. Karst, *Women's Constitution*, 1984 DUKE L.J. 447 (arguing that men and women have different perceptions of social relations and thus different approaches to moral issues).

38. See Heath, *supra* note 29.

39. See generally ENGENDERING MEN, *supra* note 13; MEN IN FEMINISM, *supra* note 13.

40. See generally ENGENDERING MEN, *supra* note 13; MEN IN FEMINISM, *supra* note 13.

41. Of course, the notion of male consciousness-raising is controversial. MacKinnon's employment of the term consciousness-raising, for example, is explicitly en-gendered. See Catharine MacKinnon, *Feminism, Marxism, Method, and the State: An Agenda for Theory*, in FEMINIST THEORY: A CRITIQUE OF IDEOLOGY 29 (Nannerl O. Keohane et al. eds., 1982) (describing consciousness-raising as "the collective critical reconstitution of the meaning of women's social experience, as women live through it"); see also Richard F. Devlin, *Legal Education as Political Consciousness-Raising or Paving the Road to Hell*, 39 J. LEGAL EDUC. 213, 228 (1989) ("Can or should a man, even if he is pro-feminist, attempt to raise concerns that are of particular relevance to women? Does he experience enough, can he know enough to carry through the project without harming those he hopes to encourage and support?").

'wild man' within."⁴² The consciousness-raising that I have in mind would help men identify and challenge the social practices in their lives that entrench and normalize their privileges.

It is not clear to me that male feminism would merely reproduce "what has come before"⁴³—that is to say, patriarchy. Male feminism could en-gender men,⁴⁴ persuade men to examine their gender(ed) subjectivities. Part of the problem with discourses produced by men is their un-gendered, purportedly neutral, substantive content.⁴⁵ Male discourses are carefully abstracted from male experiential realities. Employing feminism, men could begin to examine the specific ways in which *their* gender identity structures and helps to give meaning to *their* everyday social interactions and informs their epistemology.⁴⁶

The personal is political—one of feminism's first principles.⁴⁷ This first principle *could* support a feminist project that centers the male subject as a problematic and privileged identity. It is easier for men to acknowledge the realities of gender subordination in women's lives than it is for us to acknowledge the realities of gender privilege in our own.⁴⁸ Generally speaking, men do not perceive themselves to be en-gendered.⁴⁹ Gender, for men, is a term that relates to women and women's experiences; it is synonymous with "female."⁵⁰ Thus, men have not paid much attention to the ways in which the social constructions of gender shape and define men's experiences as men. Indeed, men accept their identities as pre-political givens. The gender question, when it is addressed, is rarely

42. Ryder, *supra* note 2, at 300 (critiquing the movement associated with Robert Bly which encourages men to come in contact with the wild, aggressive side of their personalities).

43. Jardine, *supra* note 20, at 60.

44. See Boone & Cadden, *supra* note 35, at 2 (suggesting that feminism could encourage men "to articulate the 'me' in 'men'").

45. See Martha Minow, *The Supreme Court 1986 Term, Foreword: Justice Engendered*, 101 HARV. L. REV. 10 (1987).

46. See Boone & Cadden, *supra* note 35, at 12 (arguing that a man who participates in feminism may come to learn that "his voice no longer exists as an abstraction, but that it in fact inhabits a body: its own sexual/textual body").

47. See generally CATHARINE A. MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE 190-91 (1989) ("[P]rivacy doctrine is most at home at home, the place that women experience the most force, in the family For women the measure of the intimacy has been the measure of the oppression This is why feminism has seen the personal as the political."); SUSAN MOLLER OKIN, JUSTICE, GENDER, AND THE FAMILY 110-33 (1989) (discussing the close relationship between the supposedly distinct public and domestic spheres and the public/domestic distinction's impact on feminist politics and theory).

48. See Jardine, *supra* note 20, at 60 (observing that "[i]t is much easier [for a man] to speak about women than to speak [about himself] as a body-coded male").

49. *See id.*

50. See Lucinda M. Finley, *Breaking Women's Silence in Law: The Dilemma of the Gendered Nature of Legal Reasoning*, 64 NOTRE DAME L. REV. 886, 888 (1989) [hereinafter Finley, *Breaking Women's Silence*] ("The body of law about gender discrimination is widely understood to involve 'women's issues'—thus reinforcing the understanding that 'man' is a genderless, standard creature who does not have to concern himself with gender issues.").

about the nature and consequences of male privilege, but rather about the nature and consequences of female disadvantage.⁵¹

A male feminist project could challenge men's tendency to conceptualize gender outside of their own experiences as men. As Hélène Cixous observes: "Men still have everything to say about their sexuality."⁵² It remains the "dark continent."⁵³ A male engagement *in* feminism (assuming men can be feminists) or *with* feminism (assuming they cannot), could generate male self-criticism. Employing this self-criticism, men could expose the interpersonal ways in which they install patriarchy, and identify the distributive consequences of that installation for men and women.⁵⁴

Significantly, patriarchy is not just "out there," external to our relationships and experiences; it is manifested in, and constituted by, how we choose to structure those relationships and experiences. Part of a male feminist project, then, should be to persuade men to *see themselves* as body-coded (as distinct from naturally-created) men. With this gender awareness, men are in a political position to challenge the ways in which they enact and naturalize the patriarchal codes of manhood in their everyday social encounters.

B. Gender Identity/Feminist Ideology

Another way to advance the claim that men's relationship to feminism is not necessarily impossible or even problematic is to distinguish between feminism (ideology) and women (identity). Although men can be feminists, they cannot experience women's social realities.⁵⁵ An analogy to race is helpful. Whites can, and indeed should be encouraged

51. See WILDMAN, PRIVILEGE REVEALED, *supra* note 6; Lucinda Finley, *The Nature of Domination and the Nature of Women: Reflections on Feminism Unmodified*, 82 Nw. U. L. REV. 352 (1988) [hereinafter Finley, *The Nature of Domination*].

52. Hélène Cixous, *The Laugh of Medusa*, 1 SIGNS 875, 877 n.1 (Keith Cohen & Paula Cohen trans., 1976).

53. ROSALIND COWARD, FEMALE DESIRE 227 (1984) (explaining that Freud used this expression to solve the mystery of women's sexuality at the turn of the century).

54. See Michael Awkward, *A Black Man's Place in Black Feminist Criticism*, in BLACK MEN ON RACE, GENDER, AND SEXUALITY, *supra* note 22, at 362, 362 (exploring "the process of rejecting the phallocentric perspectives by which men traditionally have justified the subjugation of women").

55. My purpose is not to naturalize the categories "man" and "woman." Nor do I mean to imply that the categories are fixed or that they reflect essences. My point is rather that a person socially marked as male will have different gender experiences than a person socially marked as female. Thus, it might be problematic for a man to speak "authentically" as a woman (even if such speech might help to destabilize gender categories):

Pro-feminist men play an important role in disseminating and implementing feminist ideas. But as to whether men can speak as *feminists*—i.e., speak from the perspective of women's experience—my own position is as follows: I take the experience of living a goodly number of years as a woman to be a necessary, but not sufficient, prerequisite of feminism. Ergo, on my definition, men would have to give up their class status in some contemporary way in order to meet the minimum qualifications. This does not appear to me to have occurred to any significant degree.

Littleton, *supra* note 25, at 1294 n.91.

to, be antiracist. However, they cannot experience Blackness.⁵⁶ This identity-experience/ideology dichotomy suggests that the men and feminism question need not be about political terrain or gender essentialism—but about political vision.⁵⁷ I develop this argument more fully below in the context of theorizing Black men's relationship to Black feminism. But to reiterate the general idea: ideology and political commitment, not gender identity, defines (or should define) feminism.⁵⁸

III. BLACK MEN AND BLACK FEMINISM

What if the question becomes: What is Black men's relationship to Black feminist discourse?⁵⁹ Does the preceding analysis change? The short answer—not entirely. Yet there are some differences that relate to the ways in which gender is negotiated in antiracist politics.

A. Authenticity and Dominance

The problems relating to authenticity, epistemological dominance, and safe space do not disappear when the “men and feminism” debate is racially rearticulated as the Black men and Black feminism debate.⁶⁰ I will begin by discussing authenticity. Some Black feminists argue that the terms *feminist* or *feminism* should refer to female proponents of gender equality and the terms *profeminism* or *profeminist* should refer to anti-patriarchal men.⁶¹ They “biologize” feminism to support this femi-

56. See Toril Moi, *Men Against Patriarchy*, in GENDER AND THEORY: DIALOGUES ON FEMINIST CRITICISM 181, 183 (Linda Kauffman ed., 1989) (arguing that while men can be feminist they cannot be women and that there is a parallel to the struggle against racism: “whites can—indeed ought to be—anti-racist, but they cannot be black”); see also Patricia Hill Collins, *Book Review*, 20 SIGNS 728 (1995) (reviewing RUTH FRANKENBERG, WHITE WOMEN, RACE MATTERS: THE SOCIAL CONSTRUCTION OF WHITENESS (1993) and BLACK POPULAR CULTURE (Gina Dent & Michele Wallace eds., 1992)). Collins argues that it would be useful to expand the notion “of whiteness to accommodate an antiracist white culture. Such an expansion would provide a much needed conceptual space for white race-cognizant political resistance. This space would allow race-cognizant white people to access a powerful politics of responsibility and would provide a foundation for a more effective coalition with people of color.” *Id.* at 731.

57. See generally AGAINST THE TIDE, *supra* note 13; CHRISTIAN, *supra* note 13; HUDSON, *supra* note 13.

58. See Moi, *supra* note 56, at 183. But see Catharine MacKinnon, Developing Feminist Jurisprudence, Panel Discussion, at 14th National Conference on Women and the Law, Washington, D.C. (Apr. 9, 1983) (“[F]eminist jurisprudence is an examination of the relationship between law and society from the point of view of all women.”) (emphasis added), quoted in Heather Ruth Wishik, *To Question Everything: The Inquiries of Feminist Jurisprudence*, 1 BERKELEY WOMEN'S L.J. 64, 64 (1985).

59. This racially-specific framing of the discussion is especially important given (1) the white-centered nature of the men and feminism debate, see Crenshaw, *Foreword*, *supra* note 22, at xii, and (2) the outsider status Black feminists occupy within traditional Black antiracist discourse. This outsider status results from the construction of Black feminists either as racially disloyal—women who conspire with white feminists to “emasculate” Black men—or as racially naïve women who ignore or fail to appreciate the extent to which American law and social policy is designed to destroy the Black family via the destruction of Black. See, e.g., Robert Staples, *The Myth of Black Macho: A Response to Angry Black Feminists*, 10 THE BLACK SCHOLAR 24 (1979).

60. See generally Joy James, *Antiracist (Pro)Feminisms and Coalition Politics: “No Justice, No Peace,”* in MEN DOING FEMINISM, *supra* note 13, at 237.

61. See *id.* at 240.

nism/profeminism dichotomy: Women can be feminists because they are women; men cannot be feminists because they are men.⁶² Sex is both qualifying and disqualifying—authenticating and “inauthenticating.”

The epistemological dominance problem arises because knowledge production is always already gendered.⁶³ This is true even when the intellectual location of this production is ideologically oriented to the left.⁶⁴ The question then becomes: Is this dominance reflected in Black antiracist discourse? More specifically, is there evidence of Black male control of Black feminist discourse? Some Black feminists say “yes.”⁶⁵ They refer to Henry Louis Gates, Jr.’s canonization of Black literary theory as a concrete example. They argue that Gates is “single-handedly reshaping, codifying and consolidating the entire field of Afro-American studies, including black feminist studies.”⁶⁶ The results of Gates’ intellectual monopoly “are inevitably patriarchal. Having established himself as the father of Afro-American Literary Studies . . . he now proposes to become the phallic mother of the newly depolitized, mainstreamed, and commodified black feminist literary criticism.”⁶⁷

The argument that Gates has monopolized our understanding of Black literary theory—including Black feminism—relates to a more general claim Black feminists advance about the intellectual and political space Black men occupy in discourses about race: Black men have more authority than Black women to speak for the race.⁶⁸ To the extent that Black men engage in feminism and/or define the content of Black feminism, they entrench and legitimize this authority. In this sense, the apprehension some Black feminists have about Black male participation in

62. See *id.* (observing that “perhaps my uneasiness with male feminists is tied to my desire to biologize this ideology”).

63. See generally MARY FIELD BELENKY ET AL., WOMEN’S WAYS OF KNOWING: THE DEVELOPMENT OF SELF, VOICE AND MIND (1986).

64. Consider, for example, that Gender Studies is replacing Women’s Studies on many college campuses. See James, *supra* note 60, at 241. Consider, too, that within these same colleges, a fair number of male intellectuals are engaging (in) feminism. See, e.g., *id.* at 238. These facts do not necessarily reflect male control of discourse—and certainly they do not reflect Black male control of discourse. Yet, it is not at all clear that these developments are (in the literal and more campy sense of the term) all good. Does the identity move from women to gender entrench the notion that issues germane to women do not deserve scholarly attention? Is the increased level of male participation in feminism intended to legitimize what is otherwise perceived to be an illegitimate and non-scholarly enterprise? There are no easy answers to these questions. Still, they remind us that male epistemological dominance potentially resides even within leftist intellectual and political domains. Cf. Kimberlé Williams Crenshaw, *Race, Reform and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331 (1988) (exploring the racial dimensions of leftist intellectual work).

65. See, e.g., MICHELE WALLACE, INVISIBILITY BLUES: FROM POP TO THEORY (1990); James, *supra* note 60.

66. WALLACE, *supra* note 65, at 251.

67. *Id.*

68. See Dwight A. McBride, *Can the Queen Speak? Racial Essentialism, Sexuality, and the Problem of Authority*, in BLACK MEN ON RACE, GENDER, AND SEXUALITY, *supra* note 22, at 253 (discussing how gender and sexual identity affects one’s standing within the Black community).

Black feminism reflects a deeper concern about the relationship between gender and racial authority within Black antiracist politics.⁶⁹

B. Identity Authenticity vs. Politics

Notwithstanding concerns about authenticity and dominance, Black men—like all men—can and should be feminists. This argument privileges politics over identity. A person's standing to claim a feminist subjectivity should depend on the person's political commitments.⁷⁰ Central to this claim is the notion that all of us (men and women) have a stake in transforming gender relations. Feminism provides an ideological vehicle for all of us to do this work.

A "(Black) women's only" conception of (Black) feminism is misguided for at least two reasons. First, it provides men with a political out, creating the impression that feminism is women's work. Surprisingly, "even as [feminists] were attacking sex role divisions of labor, the institutionalized sexism which assigns unpaid, devalued, 'dirty' work to women, they were assigning to women yet another sex role task: making a feminist revolution."⁷¹ This sexual division of political labor is problematic. It authorizes men to opt out of the political struggle of dismantling gender hierarchy. The legitimization of this political exit means the primary agents in perpetuating gender hierarchy avoid the patriarchal burden of eliminating it.⁷²

The second problem with the conceptualization of feminism as a "women's only" political movement is that the idea is often buttressed by a social construction of gender that posits all men as the enemy.⁷³ This conceptualization ignores the fact that men are differently situated with respect to patriarchy; race, gender, class, and sexuality structure how men

69. For a discussion of how gender is implicated in Black antiracist politics, see Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Anti-discrimination Doctrine, Feminist Theory, and Antiracist Politics*, in FEMINISM & POLITICS 314 (Anne Phillips ed., 1998). See also Kimberlé Williams Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, in CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT 357 (Kimberlé Williams Crenshaw et al. eds., 1995) [hereinafter Crenshaw, *Mapping the Margins*].

70. See, e.g., BELL HOOKS, FEMINIST THEORY: FROM MARGIN TO CENTER (1989) [hereinafter HOOKS, FEMINIST THEORY].

71. *Id.* at 67.

72. See *id.* at 81 (arguing that sexism "can only be successfully eradicated if men are compelled to assume responsibility for transforming their consciousness and the consciousness of society as a whole"); see also Nancy Levit, *Feminism For Men: Legal Ideology and the Construction of Maleness*, 43 UCLA L. REV. 1037, 1040 (1996) (observing that since patriarchy harms men as well as women, "it is not only possible for men to become feminists, but imperative that they do"). Still, one need not agree with the argument that feminism "needs" men or the claim that feminism is men's (as well as women's) burden, to accept the proposition that there is room in feminism for men. How much room? That is controversial. My general point is that men whose personal politics reflect feminist ideological commitments are "comrades" in a feminist movement. I agree with bell hooks that such men "have a place" in feminism. They should be engaged in feminist work. See HOOKS, FEMINIST THEORY, *supra* note 70, at 80.

73. See HOOKS, FEMINIST THEORY, *supra* note 70, at 68.

perform and thus experience their manhood. As bell hooks explains, “assertions like ‘all men are the enemy,’ and ‘all men hate women’ lump all groups of men in one category, thereby suggesting that they share equally in all forms of male privilege.”⁷⁴ Moreover, these assertions are based largely on white, upper- and middle-class women’s relationships with white, upper- and middle-class men.⁷⁵ Feminist discourses about men and feminism should not essentialize male identity.⁷⁶

One can agree with the claim that the men and feminism debate should be about political vision and action and still not be sanguine about Black male participation in Black feminist discourse. For in addition to the concerns about dominance and authenticity, Black male participation in Black feminism (like male participation in feminism more generally) raises questions about safe spaces.⁷⁷ The notion here is this: Black feminism constitutes “A Room of One’s Own” for Black women—a place for Black women “to claim for themselves a place from which to speak, a space within which to develop their voices as thinkers and writers, to cultivate that warm intellectual glow of the poets that circumstances and ideology had stifled for so long.”⁷⁸ Given the male tendency both to dominate and to control discourse,⁷⁹ the argument might go, Black male

74. *Id.* See also Levit, *supra* note 13, at 1049 (“[D]ominance theory opens the door to an essentialist position for the viewing of men as a uniform collective: none are better, some are worse, all are guilty.”). There is a good deal of discussion about essentialism and women in feminist theory. See Angela Harris, *Race and Essentialism*, *supra* note 17, at 585 (critiquing Catharine MacKinnon and Robin West for assuming “that a unitary, ‘essential’ women’s experience can be isolated and described independently of race, class, sexual orientation, and other realities of experience”); Daniel R. Ortiz, *Creating Controversy: Essentialism and Constructivism and the Politics of Gay Identity*, 79 VA. L. REV. 1833, 1848 (1993) (“Essentialist[] [feminists] . . . ascribe certain qualities to all women, qualities that anti-essentialists contest as to some women. The nub of their disagreement concerns the universalizability of particular descriptions across the category of all women.”).

75. According to hooks, “[d]espite sexism, black women have continually contributed equally to the antiracist struggle, and frequently, before the contemporary black liberation effort, black men recognized this contribution.” HOOKS, *FEMINIST THEORY*, *supra* note 70, at 69. hooks’ argument regarding Black male acknowledgement of Black female contributions to antiracist efforts is certainly contestable, but her broader point is that feminist theories about the possibilities for male feminist engagements are often white and middle class centered. See *id.* at 68. In this sense, hooks’ argument is a part of a body literature criticizing feminist discourse for privileging the experiences of white, upper-middle class heterosexual women. For an indication of the scope of this body of literature, see Darren Lenard Hutchinson, *Ignoring the Sexualization of Race: Heteronormativity, Critical Race Theory, and Anti-Racist Politics*, 47 BUFF. L. REV. 1, 3-4 n.9 (1999) [hereinafter Hutchinson, *Ignoring the Sexualization of Race*].

76. See David Porter, *Introduction* to BETWEEN MEN AND FEMINISM, *supra* note 13, at 1 (commenting on Virginia Woolf’s appeal to women to find a “safe” place from which to write); cf. Katherine M. Franke, *The Central Mistake of Sex-Discrimination Law: The Disaggregation of Sex from Gender*, 144 U. PA. L. REV. 1 (1995) (describing the harm which arises from gender role stereotypes whether imposed on men or women).

77. See David Porter, *Introduction* to BETWEEN MEN AND FEMINISM, *supra* note 13, at 1.

78. *Id.*

79. See, e.g., Lynn Smith-Lovin & Dawn T. Robinson, *Gender and Conversational Dynamics*, in GENDER, INTERACTION, AND INEQUALITY 122 (Cecilia L. Ridgeway ed., 1992) (describing the ways in which men control conversations); DEBORAH TANNEN, *GENDER AND DISCOURSE* (1994) (same).

presence in Black feminism would violate or disrupt (the nature of) this “room.”

While the concerns about safe space are quite real, I do not believe that they require the conclusion that men cannot be feminists. Indeed, the male feminist project that I have in mind encourages, supports and respects the need for “women’s only” associations. Male feminism, as I imagine it, rejects the idea that men have a *right* to participate in or define the gender boundaries of women’s social, political, and intellectual organizations.

C. Summary

I have argued that men can be feminists. Is this a controversial claim? Yes. I have discussed why the argument is controversial and revealed how the controversy is manifested in discourses about Black men and Black feminism. In the next section, I sketch out the ideological contours of a male feminist project specifically to illustrate how men can employ this project both to identify and to challenge male heterosexual privileges.

IV. RETHINKING MANHOOD TO “UNBECOME” MEN

The argument that men can be feminists invites several queries. What does male feminism look like? Is there a male feminist methodology? How can male feminism facilitate the dismantling of male heterosexual privileges? This part explores these questions.

A fundamental goal of male feminism should be to facilitate the process of men unbecoming men. In other words, male feminism should help men unlearn and repudiate the patriarchal ways in which they have learned to *become* men. Ever since Simone de Beauvoir articulated the idea that women are socialized into womanhood rather than born into it,⁸⁰ feminists have been grappling with ways to strip the category “women” of its patriarchal trappings.⁸¹ The hope is to locate the pre-socially con-

80. See SIMONE DE BEAUVIOR, THE SECOND SEX (H.M. Parshley ed. & trans., Alfred A. Knopf, Inc. 1957) (1949).

81. See TANIA MODLESKI, FEMINISM WITHOUT WOMEN: CULTURE AND CRITICISM IN A “POSTFEMINIST” AGE 15-17 (1991) (discussing the importance of stripping social construction from women’s identities in feminist discourse); see also MARILYN FRYE, THE POLITICS OF REALITY: ESSAYS IN FEMINIST THEORY 53 (1983) (discussing the extent to which feminist theory should be concerned with locating or imagining women who have not been harmed by patriarchy); Robin West, *Juris-prudence of Gender*, 55 U. CHI. L. REV. 1, 72 (1988) (arguing that patriarchy needs to be eliminated before women can find their true identities); Wishik, *supra* note 58, at 75 (raising the question of what a woman’s “situation” would look like “in an ideal world”).

structed, pre-patriarchal woman—the woman whose personal identity has not been over-determined by her gender.⁸²

The feminist search for the pre-patriarchal woman is not based on the notion that, in the absence of patriarchy, there is some true female essence. (Indeed, it might not even be meaningful to refer to a person whose identity has not been over-determined by female gender norms as a woman.) The point is that people who are body-coded female cannot experience their personhood outside of the social construction of their gender, which is agency-denying⁸³ and subordinating.⁸⁴

Of course, gender for men is also socially constructed.⁸⁵ One must learn to be a man in this society because manhood is a socially produced

-
- 82. See sources cited *supra* note 82. For a useful discussion of the ways in which sex, gender, and sexual orientation are conflated to overdetermine male and female identities, see Francisco Valdes, *Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of "Sex," "Gender," and "Sexual Orientation" in Euro-American Law and Society*, 83 CAL. L. REV. 1 (1995) [hereinafter Valdes, *Queers, Sissies*].
 - 83. On the relationship between agency and gender, see generally Kathryn Abrams, *Sex Wars Redux: Agency and Coercion in Feminist Legal Theory*, 95 COLUM. L. REV. 304 (1995), and Finley, *The Nature of Domination*, *supra* note 51.
 - 84. Catharine MacKinnon questions whether it is meaningful to speak of woman's ability to articulate the nature of her subjectivity to the extent that "his foot is on her throat." Ellen C. DuBois et al., *Feminist Discourse: Moral Values and the Law—A Conversation*, 34 BUFF. L. REV. 11, 74-75 (1985) (presenting a conversation between Catharine MacKinnon and other feminist theorists about moral values and the law).
 - 85. The argument sometimes is made that gender also subordinates men. See Levit, *supra* note 13, at 1079-1104. This argument has some force with respect to men of color (given the role racism plays in regulating gender norms), but less force with respect to white heterosexual men. This is not to say that white heterosexual men do not experience the disciplinary nature of their gender norms. They do. See generally Mary Anne C. Case, *Disaggregating Gender from Sex and Sexual Orientation: The Effeminate Man in the Law and Feminist Jurisprudence*, 105 YALE L.J. 1 (1995) (tracing the history of sex stereotyping in the law); Franke, *supra* note 78 (describing the harm which arises from gender role stereotypes whether imposed on men or women); Valdes, *Queers, Sissies*, *supra* note 82, at 139-47 (discussing the ramifications of *Smith v. Liberty Mutual Insurance*, in which the court held that discrimination based on effeminacy does not fall within the provisions of Title VII). It might even be fair to say that gender norms circumscribe men's agency as well. Yet, the nature and consequences of this circumscription are really quite different for men and women. An analogy to race is helpful. An argument can be made that white people are harmed by racism, that racial regimes circumscribe white people's agency. See James M. O'Fallon & Cheyney C. Ryan, *Finding a Voice, Giving an Ear: Reflections of Masters/Slaves, Men/Women*, 24 GA. L. REV. 883, 884 n.6 (1990) (citing Hegel's assertion that racism damages white people to the extent that it interferes with their ability to locate their true humanity). Anti-miscegenation statutes, for example, prevented Black people from marrying whites, but they also prevented white people from marrying Blacks. See *Loving v. Virginia*, 388 U.S. 1 (1967). However, white and Black people were not harmed in the same way or to the same extent by anti-miscegenation statutes. See DERRICK BELL, RACE, RACISM AND AMERICAN LAW 64-109 (1992) [hereinafter BELL, RACISM AND AMERICAN LAW] (discussing the politics, history, and law of anti-miscegenation statutes). Such statutes were an important part of the racist apparatus of Jim Crow. For a more general response to the argument that oppressors are harmed by their own participation in oppression, see BELL HOOKS, BLACK LOOKS: RACE AND REPRESENTATION 13 (1992):

Implicit in the assumption that even those people who are privileged *via* racist hierarchy suffer is the notion that it is only when those in power get in touch with how they too are victimized will they rebel against structures of domination. The truth is that many folks benefit greatly from dominating others and are not suffering a wound that is any way similar to the condition of the exploited and oppressed.

One need not agree with hooks to accept the notion that men and women are not similarly situated—and thus are differentially harmed—by our gender norms.

category.⁸⁶ Manhood is a performance.⁸⁷ A script.⁸⁸ It is accomplished and re-enacted in everyday relationships.⁸⁹ Yet, men have not been inclined to examine the sex/gender category we inhabit, reproduce, and legitimize. Nor have men developed a practice of exposing the contingency and “false necessity” of manhood.⁹⁰ There is little effort within male communities to locate, or even imagine, the pre-patriarchal man, the man whose personal identity has not been over-determined by his gender.⁹¹ We (men) sometimes discuss gender inequality, but rarely do we discuss gender privilege. The assumption is that our privileges as men are not politically contingent, but social givens—inevitable and unchangeable.⁹²

Men should challenge the social construction of gender employing our privileged gender(ed) experiences as starting points. We should detail and problematize the specific ways in which patriarchy structures and determines our social lives. This experiential information should not displace or replace victim-centered or bottom-up accounts of sexism. That is to say, men’s articulation of the ways in which they are the beneficiaries of patriarchy should not be a substitute for women’s articulations of the ways in which they are the victims of patriarchy. Both narratives are valuable and illuminating. The telling of both narratives helps to make clear that patriarchy is bi-directional: patriarchy gives to men what it takes away from women; the disempowerment of women is achieved through the empowerment of men.⁹³ Patriarchy effectuates and maintains

86. Cf. HENRY LOUIS GATES, JR., *LOOSE CANNONS: NOTES ON THE CULTURE WARS* 101 (1992) (“One must learn to be ‘black’ in this society, precisely because ‘blackness’ is a socially produced category.”).
87. See BUTLER, *GENDER TROUBLE*, *supra* note 28, at 24-25 (describing the performative aspect of gender); Franke, *supra* note 78, at 3 (“[S]exual identity—that is, what it means to be a woman and what it means to be a man—must be understood not in deterministic, biological terms, but according to a set of behavioral, performative norms . . .”); see also Carbado & Gulati, *supra* note 9 (discussing identity performance as a function of a strategic response to specific institutional norms).
88. See generally Judith Butler, *Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory*, 40 THEATRE J. 519, 523 (1988) (“[T]he body becomes its gender through a series of acts which are renewed, revised and consolidated through time.”). But see BRUCE WILSHIRE, *ROLE PLAYING AND IDENTITY: THE LIMITS OF THEATRE AS METAPHOR* (1982) (arguing that gender is not a performance).
89. See JUDITH LORBER, *PARADOXES OF GENDER* 13 (1994) (arguing that gender is an institution that is created and re-created as part of our everyday lives).
90. For a discussion of the concept of false necessity in legal theory, see generally ROBERTO M. UNGER, *FALSE NECESSITY: ANTI-NECESSITARIAN SOCIAL THEORY IN THE SERVICE OF RADICAL DEMOCRACY* (1987).
91. See McIntosh, *supra* note 12 (discussing the reluctance of men to acknowledge gender privilege).
92. See *id.*
93. Of course, not all men are empowered by patriarchy in the same way. Race, class, and sexual orientation shape the nature of men’s relationships to patriarchal privilege. Perhaps it is more accurate to say, then, that patriarchy gives to (some) men (more than others) what it takes away from (some) women (more than others); the disempowerment of (some) women (more than others) is achieved through the empowerment of (some) men (more than others). See Pyke, *supra* note 10, at 531 (“[T]he effects of gender on interpersonal power relations are not one dimensional. Hierarchies of social class, race, and sexuality provide additional layers of complication.

this relational difference.⁹⁴ The social construction of women as the second sex requires the social construction of men as the first.⁹⁵

Heterosexism, too, effectuates and maintains a relational difference that is based on power.⁹⁶ There is no disadvantage without a corresponding advantage, no marginalized group without the powerfully elite, no subordinate identity without a dominant identity.⁹⁷ Power and privilege are relational; so, too, are our identities. "What heterosexism gives straight men and women, what it takes away from lesbians and gays, is heterosexual privilege."⁹⁸ The normalization of heterosexuality is only achieved through the "abnormalization" of homosexuality.⁹⁹ Yet, rarely do heterosexuals critically examine their identities as heterosexual, their sexual identity privilege. Indeed, even pro-gay rights heterosexuals conceive of sexual identity as something other(ed) people have, something that disadvantages other(ed) people, rather than something heterosexuals have that gives them advantages.¹⁰⁰

Male feminism should identify the privileges reflected in the relational constitution of the male identity.¹⁰¹ Moreover, it should offer some suggestions for how individual men can identify these privileges and relinquish them.¹⁰² Equality cannot be achieved unless privilege is relinquished. Andrea Dworkin and Catharine MacKinnon put the point this way: "Equality means someone loses power The mathematics are simple: taking power from the exploiters extends and multiplies the rights of those they have been exploiting."¹⁰³

Such a zero-sum political framing of equality, however, may be damaging. The framework can be employed to fuel various conservative positions about rights. Consider, for example, the standard argument made by some conservatives that extending marriage rights to gays and lesbians would cheapen or harm heterosexual marriage.¹⁰⁴ In some sense, this ar-

They form the structural and cultural contexts in which gender is enacted in everyday life, thereby fragmenting gender into multiple masculinities and femininities.").

94. Here, too, my comments about race, class, and sexual orientation pertain.

95. See BEAUVIOR, *supra* note 80.

96. See Ryder, *supra* note 2, at 290.

97. See MACKINNON, *Difference and Dominance*, *supra* note 17.

98. Ryder, *supra* note 2, at 290.

99. See generally LORBER, *supra* note 89. To say that we should address personal privilege is not to say that we should ignore the structural ways in which subordination is produced. See Jerome McCristal Culp, Jr., *The Michael Jackson Pill: Equality, Race & Culture*, 92 MICH. L. REV. 2613, 2629 (1994) (observing that "the problem . . . at the heart of our legal system is a reliance on microchoices that leave unresolved macroproblems").

100. See Ryder, *supra* note 2; Lorber, *supra* note 89.

101. See WILDMAN, *PRIVILEGE REVEALED*, *supra* note 6 (arguing that all feminists should recognize racial, gender, and sexual privileges).

102. See *id.*

103. ANDREA DWORAKIN & CATHARINE MACKINNON, *PORNGRAPHY AND CIVIL RIGHTS: A NEW DAY FOR WOMEN'S EQUALITY* 22-23 (1988).

104. See, e.g., John M. Finnis, *Law, Morality and "Sexual Orientation,"* 69 NOTRE DAME L. REV. 1049, 1070 (1994) (arguing that same-sex marriage threatens the stability of the institution of mar-

gument is accurate: to the extent that lesbian and gay marriages are legalized, the “value” of heterosexual marriage—its cultural, political, and social currency—is diminished.¹⁰⁵ Part of the perceived value of marriage as an institution derives from its heterosexual exclusivity.¹⁰⁶ Not everyone has a right to get married; and presently, no one has a right to gay marriage. The right to marriage must be heterosexually earned.¹⁰⁷ In our present political and legal culture, the social meaning of marriage as the normal and most respectable way to express love and commitment requires heterosexuality.¹⁰⁸ Thus, legalizing lesbian and gay marriages would change not only the social meaning of marriage, but also the social meaning of homo- and hetero-sexuality.¹⁰⁹ This is because the regulation of marriage has, at least in part, always been about the regulation of morality—including sexual morality.¹¹⁰ Legalizing gay marriage would help to moralize—render socio-sexually respectable—homosexuality.¹¹¹ This is precisely why some gay rights proponents continue to employ marriage as a site for broader sexual identity equality struggle,¹¹² and this is pre-

riage).

105. See *id.*
106. Witness California's recent enactment of a state referendum reserving marriage only for opposite sex partners. See Jenifer Warren, *Campaign 2000, Proposition 22: Ban on Gay Marriages Wins in All Regions but Bay Area*, L.A. TIMES, Mar. 8, 2000, at A23 (noting that Proposition 22's backer believes that allowing homosexuals to marry would weaken the institution of marriage).
107. See Samuel A. Marcossen, *Romer and the Limits of Legitimacy: Stripping Opponents of Gay and Lesbian Rights of Their "First Line of Defense" in the Same-Sex Marriage Fight*, 24 J. CONTEMP. L. 217, 246 (discussing the importance of marriage to heterosexuals).
108. See Sally F. Goldfarb, *Family Law, Marriage, and Heterosexuality: Questioning the Assumptions*, 7 TEMP. POL. & CIV. RTS. L. REV. 285, 288 (1998) (arguing that, in family law, heterosexuality functions as a “defining element of marriage itself”).
109. Racializing the discussion of marriage adds further complications. Historically, Black people's relationship to marriage is complicated by the fact that Black people, as an enslaved people, could not marry. See Adrienne D. Davis, *The Private Law of Race and Sex: An Antebellum Perspective*, 51 STAN. L. REV. 221, 245 (1999) (“[W]ithin the institution of slavery, as elsewhere, the use of marriage to distinguish the sexual family from the legal family had profound symbolic effects. It entailed ideological production as well as distributive consequences.”). The racial regulation of marriage did not end with slavery. Within the context of Jim Crow, anti-miscegenation statutes regulated the extent to which Black people could interracially marry. In *Loving v. Virginia*, 388 U.S. 1 (1967), the Supreme Court finally declared anti-miscegenation statutes unconstitutional.
110. As Lord Devlin observed:
The institution of marriage is the creation of morality. The moral law of a society is made up from the ideas which members of that society have in common about the right way to live. The association of man and woman in wedlock has from time immemorial been of such importance in every society that its regulation has always been a matter of morals.
PATRICK DEVLIN, THE ENFORCEMENT OF MORALS 61 (1965).
111. See, e.g., WILLIAM N. ESKRIDGE, JR., THE CASE FOR SAME-SEX MARRIAGE (1996).
112. Significantly, I am not suggesting that marriage should be a site for sexual identity equality struggles. Some gay rights proponents argue strenuously for same-sex marriage rights. See, e.g., ANDREW SULLIVAN, VIRTUALLY NORMAL: AN ARGUMENT ABOUT HOMOSEXUALITY 178-79 (1995); Nan D. Hunter, *Marriage, Law and Gender: A Feminist Inquiry*, 1 LAW & SEXUALITY 9 (1991). Others argue that marriage is a problematic institution for lesbians and gays. See, e.g., Paula Etelbrick, *Since When is Marriage a Path to Liberation?*, in LESBIANS, GAY MEN, AND THE LAW 401 (William B. Rubenstein ed., 1993); Nancy D. Polikoff, *We Will Get What We Ask For: Why Legalizing Gay and Lesbian Marriage Will Not "Dismantle the Legal Structure of Gender in Every*

cisely why many conservatives police the borders of marriage so vigorously.¹¹³

V. A MALE FEMINIST METHOD: IDENTIFYING EVERYDAY PRIVILEGE

It's up to him [man] to say where his masculinity and femininity are at. — Hélène Cixous¹¹⁴

I have argued that male feminism should not attempt to replicate female feminism in the sense of trying to articulate the nature of women's experiences. Instead, male feminism should be male-centered, striving to render concrete the ways in which men—especially white heterosexual men—benefit from patriarchy.¹¹⁵ This part provides a methodology for how men might do so.

A. Gender Privilege (and Race)

A white heterosexual male's engagement with feminism might begin by acknowledging that He (the white heterosexual male) is the norm. Mankind. The baseline. He is our reference.¹¹⁶ We are all defined with Him in mind. We are the same as or different from Him.¹¹⁷

Marriage," 79 VA. L. REV. 1535 (1993). For a racial and class critique of arguments for legalizing gay and lesbian marriages, see Darren Lenard Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse*, 29 CONN. L. REV. 561, 586-601 (1997) which argues that the legalization of same-sex marriage will not result in mainstream acceptance of homosexuals who also experience racial and class discrimination. Of course, feminist scholars continue to critique the gendered nature and historical origin of the institution of marriage. See, e.g., ALICE ECHOLS, *DARING TO BE BAD: RADICAL FEMINISM IN AMERICA 1967-1975*, at 176-77 (1989) (describing the radical feminist critique of marriage in the late 1960s).

113. See generally Defense of Marriage Act 28 U.S.C.A. § 1738C & 1 U.S.C.A. § 7 (1998) (providing that no state shall be required to give effect to a same-sex marriage contracted in another state).

114. Cixous, *supra* note 52, at 877.

115. Peter Halewood argues that white heterosexual men should:

redirect the focus of our scholarship to ourselves—to white-maleness—in an effort to discover the myriad ways in which white-maleness has encoded the racialized, gendered privilege and power which white men enjoy and expect in our society. By thus inserting ourselves and our privilege into the scholarly equation, the normative thrust of our scholarship could then be to reconstruct positive, nondiscriminatory forms of white-maleness rather than to dispassionately study the oppression of others.

Peter Halewood, *White Men Can't Jump: Critical Epistemologies, Embodiment, and the Praxis of Legal Scholarship*, 7 YALE J.L. & FEMINISM 1, 7 (1995).

116. See Emmanuelle de Lesseps, *Female Reality: Biology or Society?*, FEMINIST ISSUES, Winter 1981, at 77, 101 ("Man is the reference, woman is the difference.").

117. See Martha Minow, *Feminist Reason: Getting it and Losing It*, 38 J. LEGAL EDUC. 47, 48 (1988) [hereinafter Minow, *Feminist Reason*] ("The norms and the dynamics of the natural world—the way its biological, evolutionary, and even chemical and physical properties are explained—embody unstated male reference points."); see also Janet E. Ainsworth, *In a Different Register: The Pragmatics of Powerlessness in Police Interrogation*, 103 YALE L.J. 259, 316-17 (1993) (noting that "the law's incorporation of a male normative standard may be invisible but it is not inconsequential"); Finley, *Breaking Women's Silence*, *supra* note 50, at 888 (discussing the extent to which men are perceived to be without gender). Of course, I am engaging in a crude

A clear and now fairly uncontroversial illustration of the male norm in operation is revealed in the debates about women's equality. Essentially, two competing paths exist to pursue women's equality in the United States: demonstrate either that women are the same as, or different from, men. "The main theme in the fugue is 'we're the same, we're the same, we're the same.' The counterpoint theme (in a higher register) is 'but we're different, but we're different, but we're different.'"¹¹⁸ Both of these conceptions of gender have man as their reference. "Under the sameness standard, women are measured according to our correspondence with man . . . Under the difference standard, we are measured according to our lack of correspondence with him . . ."¹¹⁹

Yet men are taught to be unaware of their engendered lives. We are taught to be unaware of the baseline privileges of gender.¹²⁰ The "taboos against . . . male self-analysis"¹²¹ compound the problem. As a consequence, men do not recognize male privileges.¹²² We accept present-day social gender arrangements, and ideologies about gender as necessary, pre-political, and inevitable.

Moreover, even when we perceive our gender privileges as privileges, rarely are we willing publicly to acknowledge them as such.¹²³ Given a choice between analyzing how gender norms unfairly disadvantage women and exposing the ways in which these same norms privilege men, men prefer to analyze women.¹²⁴ This is unfortunate. Considering that gender hierarchy requires gender privilege, men's intellectual inattentiveness to male privilege entrenches the social and political differences of gender.¹²⁵

Broadly speaking, there are two categories of privileges male feminism should attempt to identify. The first category can be described as "an invisible package of unearned assets that [men] can count on cashing in each day."¹²⁶ The second category includes a series of disadvantages that men do not experience precisely because they are men. The following list presents examples from both categories.

form of essentialism to the extent that I am suggesting that heterosexual white men unmodified (or as such) operate as the norm. Quite obviously, there are other aspects of identity such as class, ethnicity, or religious affiliation that complicate the notion of white heterosexual male privilege.

118. MACKINNON, *Difference and Dominance*, *supra* note 17, at 34..

119. *Id.*

120. See Mahoney, *supra* note 21, at 240.

121. Elaine Showalter, *Introduction: The Rise of Gender*, in SPEAKING OF GENDER 1, 6 (Elaine Showalter ed., 1989).

122. See McIntosh, *supra* note 12, at 23 (referring to "men's reluctance to acknowledge male privilege").

123. See WILDMAN, *PRIVILEGE REVEALED*, *supra* note 6, at 7-24.

124. To put the point a little differently, "rarely will a man go beyond acknowledging that women are disadvantaged to acknowledging that men have unearned advantage, or that unearned privilege has not been good for men's development . . ." McIntosh, *supra* note 12, at 23.

125. See ELIZABETH V. SPELMAN, INESSENTIAL WOMAN: PROBLEMS OF EXCLUSION IN FEMINIST THOUGHT 162 (1988) (observing that "the 'problem of difference' is really the problem of privilege").

126. McIntosh, *supra* note 12, at 23.

B. Gender Privileges: A List¹²⁷

1. I can walk in public, alone, without fear of being sexually violated.¹²⁸
2. Prospective employers will never ask me if I plan on having children.¹²⁹
3. I can be confident that my career path will never be tainted by accusations that I “slept my way to the top”¹³⁰ (though it might be “tainted” by the perception that I am a beneficiary of affirmative action).
4. I don’t have to worry about whether I am being paid less than my female colleagues¹³¹ (though I might worry about whether I’m being paid less than my white male colleagues).
5. When I get dressed in the morning, I do not worry about whether my clothing “invites” sexual harassment.¹³²
6. I can be moody, irritable, or brusque without it being attributed to my sex, to biological changes in my life, or to menstruating or experiencing “PMS”¹³³ (though it might be attributable to my “preoccupation” with race).

127. It is precisely the point of this list to illustrate the lack of discussion of these male privileges. Thus the footnotes generally describe the corresponding lack of privilege experienced by the disadvantaged.
128. See, e.g., SUSAN BROWNMILLER, AGAINST OUR WILL (1975); SUSAN ESTRICH, REAL RAPE (1987) [hereinafter ESTRICH, REAL RAPE].
129. See, e.g., Joan Acker, *Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations*, 4 GENDER & SOC’Y 139, 149 (1990) (“[The ideal worker is] the male worker whose life centers on his full-time, life-long job, while his wife . . . takes care of his personal needs and his children.”). See generally Nadine Taub, *Keeping Women in Their Place: Stereotyping per se as a Form of Employment Discrimination*, 21 B.C. L. REV. 345 (1980) (discussing how gender stereotyping causes and maintains sex segregation and discrimination in the workplace).
130. See, e.g., Barbara J. Gazeley, *Venus, Mars, and the Law: On Mediation of Sexual Harassment Cases*, 33 WILLAMETTE L. REV. 605, 630 (1997) (asserting that since ambition and success are socially constructed as “male” traits, when a woman has reached a managerial position she is met by the assumption that she must have slept her way there).
131. Many studies have been conducted on wage disparities between men and women. Even when controlling for other possible causes of the pay disparities (i.e., job segregation by sex, level of education, or experience), women still earn approximately 75 cents for every dollar earned by men. For nonwhite women the disparity is even greater. See HOPE LANDRINE & ELIZABETH A. KLONOFF, DISCRIMINATION AGAINST WOMEN: PREVALENCE, CONSEQUENCES, REMEDIES 6-8 (1997).
132. See, e.g., Meritor Savings Bank v. Vinson, 477 U.S. 57, 69 (1986) (holding that in hostile work environment sexual harassment cases, a plaintiff’s provocative speech and dress may be relevant in determining whether the sexual harassment was unwelcome); Karl E. Klare, *Power/Dressing: Regulation of Employee Appearance*, 26 NEW ENG. L. REV. 1395, 1399 (1992) (noting the pervasive belief that if a woman dresses in a particular way she invites or signals her receptivity to sexual advances).
133. See, e.g., Susan Markens, *The Problematic of “Experience”: A Political and Cultural Critique of PMS*, 10 GENDER & SOC’Y 42, 51-53 (1996) (focusing on how “gender ideology” pervades the construction of PMS and finding that women’s experiences of PMS are often treated as evidence that women’s bodies are deficient or abnormal).

7. My career opportunities are not dependent on the extent to which I am perceived to be as good as a man¹³⁴ (though they may be dependent upon the extent to which I am perceived to be "a good black"—i.e., racially assimilable).

8. I do not have to choose between having a family or having a career.¹³⁵

9. I do not have to worry about being called selfish for having a career instead of having a family.¹³⁶

10. It will almost always be the case that my supervisor will be a man¹³⁷ (though rarely will my supervisor be Black).

11. I can express outrage without being perceived as irrational, emotional, or too sensitive¹³⁸ (except if I am expressing outrage about race).

12. I can fight for my country without controversy.¹³⁹

13. No one will qualify my intellectual or technical ability with the phrase "for a man"¹⁴⁰ (though they may qualify my ability with the phrase "for a Black man").

134. See, e.g., Acker, *supra* note 129, at 150 ("The concept of a universal worker excludes and marginalizes women who cannot, almost by definition, achieve the qualities of a real worker because to do so is to become like a man."); Taub, *supra* note 129, at 357 (describing the "double bind" that women suffer in the workplace whereby if a woman is successful she will be judged deficient as a female, but if a woman meets the expectations of "womanhood" she is found not to be doing her job).

135. See, e.g., Acker, *supra* note 129, at 149-50 (commenting that the female worker is assumed to have legitimate obligations other than her job whereas the male worker is not); Nancy E. Dowd, *Work and Family: The Gender Paradox and the Limitations of Discrimination Analysis in Restructuring the Workplace*, 24 HARV. C.R.-C.L. L. REV. 79, 88-89 (1989) (observing that women fit work around their families whereas men do the opposite); Mary Joe Frug, *Securing Job Equality for Women: Labor Market Hostility to Working Mothers*, 59 B.U. L. REV. 55 (1979); Taub, *supra* note 129, at 352-53 (discussing the expectation that a woman's participation in the workforce is considered secondary to family considerations).

136. See, e.g., Williams, *supra* note 17, at 831-33 (finding that women are often forced to either deny themselves a career altogether or subordinate their job to their family while men are not forced to do either).

137. See, e.g., DONALD TOMASKOVIC-DEVEY, *GENDER AND RACIAL INEQUALITY AT WORK: THE SOURCES AND CONSEQUENCES OF JOB SEGREGATION* 71 (1993) (concluding that women are excluded from jobs with high levels of training, managerial decision-making power, supervisory authority, and chances for promotion and asserting that as the desirability of a job increases, so does the exclusion of women); Taub, *supra* note 129, at 354 (commenting that equally qualified women are less likely to be hired for or promoted to managerial positions).

138. See, e.g., Kathryn Abrams, *Title VII and the Complex Female Subject*, 92 MICH. L. REV. 2479, 2528 (1994) [hereinafter Abrams, *Title VII*] (reflecting on the stereotyping of women as overly emotional or irrational); Elizabeth A. Delfs, *Foul Play in the Courtroom: Persistence, Cause and Remedies*, 17 WOMEN'S RTS. L. REP. 309, 314 (1996) (discussing the perception of women as too emotional or weak to be competent in the courtroom).

139. See, e.g., Eric Schmitt, *Generals Oppose Combat by Women*, N.Y. TIMES, June 17, 1994, at A1 ("Many generals believe that women cannot handle the physical rigors of service in the infantry, armor and artillery, the military's most lethal ground units and the forces most likely to engage in direct combat.").

140. See, e.g., Darlene C. Goring, *Silent Beneficiaries: Affirmative Action and Gender in Law School*

14. I can be outspoken without being called a “bitch”¹⁴¹ (though I might be referred to as uppity).

15. I do not have to concern myself with finding the line between being assertive and aggressive¹⁴² (except with respect to conversations about race).

16. I do not have to think about whether my race comes before my gender, about whether I am Black first and a man second.¹⁴³

17. The politics of dress—to wear or not to wear make-up, high heels, or trousers, to straighten or not to straighten, to braid or not to braid my hair—affect me less than they do women.¹⁴⁴

18. More is known about “male” diseases and how medicine affects male bodies than about “female” diseases and female bodies¹⁴⁵ (though diseases that disproportionately affect Black people continue to be understudied¹⁴⁶).

Academic Support Programs, 84 Ky. L.J. 941, 944-45 (1995/1996) (arguing that women must demonstrate intellectual competence or they are assumed to be academically inferior tokens).

141. See, e.g., Delfs, *supra* note 138, at 313 (reporting that aggressiveness in women is frequently characterised as “bitchy,” while aggressiveness in men is valued). See e.g., Abrams, *Title VII*, *supra* note 138, at 2529 (discussing gender dichotomies that operate in the workplace, such as the insufficiently assertive woman versus the aggressive bitch).
142. See, e.g., Price Waterhouse v. Hopkins, 490 U.S. 228, 251 (1989) (“An employer who objects to aggressiveness in women but whose positions require this trait places women in an intolerable and impermissible catch 22: out of a job if they behave aggressively and out of a job if they do not.”); Case, *supra* note 85, at 12 (asserting that certain adjectives—such as “aggressive,” “ambitious,” or “dominant”—are “coded” masculine); J. Cindy Eson, *In Praise of Macho Women*: Price Waterhouse v. Hopkins, 46 U. MIAMI L. REV. 835, 846 (1992) (arguing that while assertiveness is often necessary for success, it is frequently perceived as negative in women).
143. See, e.g., Crenshaw, *Mapping the Margins*, *supra* note 69, at 358 (discussing her theory of the intersectionality of race and gender and her belief that this intersectionality cannot be dealt with by looking separately at race or at gender); AUDRE LORDE, *The Master’s Tools Will Never Dismantle the Master’s House*, in *SISTER OUTSIDER*, *supra* note 17, at 110, 113 (commenting on the double duty women of color have to bear, both as women trying to educate men and as women of color trying to educate white women); AUDRE LORDE, *Age, Race, Class, and Sex: Women Re-defining Difference*, in *SISTER OUTSIDER*, *supra* note 17, at 114, 119 (“Within Black communities where racism is a living reality, differences among us often seem dangerous and suspect. The need for unity is often misnamed as a need for homogeneity, and a Black feminist vision mistaken for betrayal of our common interests as people.”).
144. Commentators have noted the gendered politics of dress in the workplace. See, e.g., Kirsten Dellinginger & Christine L. Williams, *Makeup at Work: Negotiating Appearance Rules in the Workplace*, 1997 GENDER & SOC’Y 151, 174-75 (commenting that wearing appropriate makeup is strongly linked to assumptions of women’s heterosexuality and credibility in the workplace); Klare, *supra* note 132 at 1420-31 (concluding that appearance law is disciplinary in that it enforces social norms regarding behavior and acts as a social control for the benefit of the dominant group). Courts have elaborated on the gendered politics of dress. See, e.g., Carroll v. Talman Fed. Sav. and Loan Ass’n of Chicago, 604 F.2d 1028, 1032 (7th Cir. 1979) (holding that as long as grooming regulations are reasonably related to business needs and are applied to both sexes, the specific content may be different based on gender).
145. See, e.g., LANDRINE & KLONOFF, *supra* note 131, at 5 (reporting that the most extensive study on how aspirin aided in the prevention of heart disease was solely based on male subjects).
146. See, e.g., H. Jack Geiger, *An American Dilemma?*, NEW ENG. J. MED., Sept. 12, 1996, at 815, 815-16 (discussing the different standard of care being provided to people of different races); Vernellia R. Randall, *Slavery, Segregation and Racism: Trusting the Health Care System Ain’t*

19. I was not "supposed" to change my name upon getting married.¹⁴⁷
20. I am rewarded for vigorously and aggressively pursuing my career.¹⁴⁸
21. I do not have to worry about opposite-sex strangers or close acquaintances committing gender violence against me¹⁴⁹ (though I do have to worry about racial violence).
22. I am not less manly because I play sports¹⁵⁰ (though I may be considered less Black and less manly if I do not play sports).
23. My reputation does not diminish with each additional person with whom I have sexual relations.¹⁵¹
24. There is no societal pressure for me to marry before the age of thirty.¹⁵²
25. I can dominate a conversation without being perceived as domineering¹⁵³ (unless the discussion is about race).
26. I am praised for spending time with my children, cooking, cleaning, or doing other household chores.¹⁵⁴

Always Easy! An African American Perspective on Bioethics, 15 ST. LOUIS U. PUB. L. REV. 191 (1996) (noting cases from the time of slavery to the present that have prompted African Americans to distrust the health care system).

147. See, e.g., BARBARA J. RISMAN, GENDER VERTIGO: AMERICAN FAMILIES IN TRANSITION 36-37 (1998) (stating that while a man does not become a "Mr. Her," a woman changes her name upon marriage, which implicitly supports and reifies the definition of wifehood and woman). Risman also finds that society has constrained a woman's possible choices, because if she does not follow these rituals she is making a choice that will require an explanation. See *id.*
148. See, e.g., TOMASKOVIC-DEVEY, *supra* note 137, at 71; Taub, *supra* note 129, at 354-57.
149. See generally SUSAN BROWNMILLER, *supra* note 128; ESTRICH, REAL RAPE, *supra* note 130; DEL MARTIN, BATTERED WIVES (1976); SUSAN SCHECHTER, WOMEN AND MALE VIOLENCE: THE VISIONS AND STRUGGLES OF THE BATTERED WOMEN'S MOVEMENT (1982); LENORE E. WALKER, THE BATTERED WOMAN (1979); KATHLEEN WAITS, *The Criminal Justice System's Response to Battering: Understanding the Problem, Forging the Solution*, in FEMINIST JURISPRUDENCE 188 (Patricia Smith ed., 1993).
150. See, e.g., Syda Kosofsky, *Toward Gender Equality in Professional Sports*, 4 HASTINGS WOMEN'S L.J. 209, 219 (1993) (concluding that sports are equated with masculinity and that female athletes are seen as less than, or other than, feminine for defying a submissive role by playing sports).
151. See, e.g., Susan Estrich, *Sex At Work*, 43 STAN. L. REV. 813, 849 (1991) (commenting on the perception that men with active sex lives are healthy and that men are encouraged to "play the field," whereas women with active sex lives are stereotyped as loose, easy, and unworthy).
152. See, e.g., SUSAN FALUDI, BACKLASH 99-104 (1991) (discussing the fact that some women's fears of not marrying are exacerbated by societal images of marriage).
153. See, e.g., Smith-Lovin & Robinson, *supra* note 79, at 122.
154. See, e.g., Devon W. Carbado, *Motherhood and Work in Cultural Context: One Woman's Patriarchal Bargain*, 21 HARV. WOMEN'S L.J. 1 (1998) (discussing the gendered allocation of family work); Joan Williams, *Toward a Reconstructive Feminism: Reconstructing the Relationship of Market Work and Family Work*, 19 N. ILL. U. L. REV. 89 (1998).

27. I will rarely have to worry whether compliments from my boss contain a sexual subtext¹⁵⁵ (though I will worry that they may contain a racial subtext).

28. I am not expected to have a small appetite.¹⁵⁶

29. The responsibility for birth control is not placed on men's shoulders and men are not accused of getting pregnant.¹⁵⁷

30. There is a presumption that a person of my gender can run the country¹⁵⁸ (though there is uncertainty about whether a person of my race can run the country).

31. White men don't have to worry about whether their gender will interfere with their ability effectively to bargain for a house, car, etc.¹⁵⁹

32. If I kiss someone on a first date, I do not have to worry about whether I have provided that person with a defense to rape.¹⁶⁰

33. Men I know do not consistently address me by pet names such as "baby"¹⁶¹ or "sweetheart," nor do strangers employ such terms to refer to or greet me.

34. I do not have to worry about resisting chivalry—refusing to go through the door first, paying for oneself, etc. in order to maintain my independence.¹⁶²

35. I do not have to think about the "female gaze"¹⁶³ (though I do have to think about the racial gaze).

155. See, e.g., Catharine A. MacKinnon, *Sexual Harassment: Its First Decade in Court*, in FEMINIST JURISPRUDENCE, *supra* note 149, at 145, 147 (estimating that approximately 85% of all women will be sexually harassed at some point in their working lives).

156. See, e.g., NAOMI WOLF, *THE BEAUTY MYTH* (1990).

157. See, e.g., Linda C. McClain, "*Irresponsible*" *Reproduction*, 47 HASTINGS L.J. 339, 423 (1996).

158. See, e.g., Mark Gillespie, *Dole Dips Toe in Presidential Pool* (visited Apr. 13, 2000) <<http://www.gallup.com/poll/releases/pr990310b.asp>> (noting that, all else being equal, 42% of Americans think a man would make a better President, while only 31% think that a woman would make a better President).

159. For an example of the ways in which identity shapes our commercial interactions, see Ian Ayres, *Fair Driving: Gender and Race Discrimination in Retail Car Negotiations*, 104 HARV. L. REV. 817 (1991).

160. See, e.g., LINDA A. FAIRSTEIN, *SEXUAL VIOLENCE: OUR WAR AGAINST RAPE* 107 (1993) ("The most common defense in acquaintance rape cases today . . . is that the victim consented to have sex with the accused—she asked for it."); HUBERT S. FEILD & LEIGH B. BIENEN, *JURORS AND RAPE* 54 (1980) (noting that, of a 1056-person sample, 11% believed that "[i]f a woman was raped, she was asking for it," and 66% believed a woman's appearance or behavior could provoke rape).

161. See, e.g., *Jenson v. Eveleth Taconite Co.*, 824 F. Supp. 847, 880 (D. Minn. 1993) (discussing pet names such as "honey" or "babe" as evidence of sexual harassment).

162. See, e.g., Faith A. Seidenberg, *The Bifurcated Woman: Problems of Women Lawyers in the Courtroom*, 1 CANADIAN J. WOMEN & L. 219, 221 (1985) (discussing the difficulty many women have in articulating the subtle forms of gender discrimination and harassment that usually arise as a constant stream of occurrences which remind women of their inferior status, but may also arise as pretextual acts of chivalry).

36. I do not have to worry about being heckled or harassed by strangers because of my gender¹⁶⁴ (though I do have to worry about “drive by” racial harassment).

37. I do not have to worry about leaving particular events early—such as a sporting event—to avoid a ridiculous wait at the bathroom.¹⁶⁵

38. I do not have to worry about varicose veins, spinal malalignment, or disk injury from wearing high heels.¹⁶⁶

39. To the extent that I dry-clean my clothes, I do not have to worry about the gender-surcharge.¹⁶⁷

40. Every month is (White) Men's History Month.¹⁶⁸

This list does not reflect the male privileges of all men. It is both under and over inclusive. Class, race, and sexual orientation impact male identities, shaping the various dimensions of male privilege.¹⁶⁹ For example, the list does not include as a privilege the fact that men are automatically perceived as authority figures. While this may be true of white men, it has not been my experience as a Black man. Moreover, my list clearly reveals my class privilege. My relationship to patriarchy is thus not the same as that of a working class Black male. In constructing a list of male privilege, then, one has to be careful not to universalize manhood, not to present it as a “cohesive identity”¹⁷⁰ in ways that deny, obscure, or threaten the recognition of male multiplicity.

However, even taking male multiplicity into account, the preceding list of male advantages does not go far enough. The foregoing items do not directly address what might be referred to as “male patriarchal

163. See, e.g., Laura Mulvey, *Visual Pleasure and Narrative Cinema*, in *VISUAL AND OTHER PLEASURES* 14, 14-26 (1980); Margaret M. Russell, *Race and the Dominant Gaze: Narratives of Law and Inequality in Popular Film*, 15 *LEGAL STUD. F.* 243, 244 (1991).

164. See, e.g., Cynthia Grant Bowman, *Street Harassment and the Informal Ghettoization of Women*, 106 *HARV. L. REV.* 517 (1993); Deborah Tuerkheimer, *Street Harassment as Sexual Subordination: The Phenomenology of Gender-Specific Harm*, 12 *WIS. WOMEN'S L.J.* 167 (1997).

165. See, e.g., Franke, *supra* note 76, at 69 (discussing how restrooms operate to regulate gender).

166. See, e.g., Marc Linder, *Smart Women, Stupid Shoes, and Cynical Employers: The Unlawfulness and Adverse Health Consequences of Sexually Discriminatory Workplace Footwear Requirements for Female Employees*, 22 *J. CORP. L.* 295 (1997).

167. See, e.g., Recent Legislation, *Civil Rights—Gender Discrimination—California Prohibits Gender-Based Pricing—Cal. Civ. Code § 51.6 (West Supp. 1996)*, 109 *HARV. L. REV.* 1839 (1996) (discussing legislation outlawing gender-based pricing in such areas as dry cleaning).

168. See, e.g., Sharon L. Sims, *Women's History and the Public Schools*, 14 *WOMEN'S RTS. L. REP.* 9 (1992) (criticizing the paucity of female figures and experiences in history textbooks).

169. See WILDMAN, *PRIVILEGE REVEALED*, *supra* note 6; Pyke, *supra* note 10.

170. See, e.g., Robert Vorlicky, *(In)visible Alliances: Conflicting “Chronicles” of Feminism*, in *ENGENDERING MEN*, *supra* note 13, at 275, 275-76 (discussing universal manhood in the context of women's outrage toward men for the gang rape of a New York jogger).

agency”—the extent to which men make choices that entrench male advantages and women’s disadvantages. Some of the privileges I have identified are the products of the cumulative choices men make every day in their personal and professional lives. The identification of privileges, then, is not enough.¹⁷¹ Resistance is also necessary.¹⁷²

C. Negative Identity Signification

Part of the reason men, especially white heterosexual men, do not conceive of themselves as (*m*)en-gendered and part of the reason men do not recognize their privileges relates to negative identity signification.¹⁷³ White heterosexual men live on the white side of race, the male side of gender, and the straight side of sexual orientation. To put the point a little differently, white heterosexual male identity is socially construed to be normative.

Those of us on the “other” side of race, gender, or sexual orientation have to contend with and respond to negative identity signification. That is to say, we live with (even as we fight against) the reality that our identities are not normative.¹⁷⁴ We are “different.” Thus, our identities have negative social meanings. Some of these meanings are more entrenched in the American psyche than others. Race, gender, and sexually oriented assumptions about personhood are especially difficult to dismantle.

For example, when I walk into a department store, my identity signifies not only that I am Black and male but also that I am a potential criminal.¹⁷⁵ My individual identity is lost in the social construction of Black manhood. I can try to adopt race-negating strategies to challenge this dignity-destroying social meaning.¹⁷⁶ I can work my identity (to attempt) to repudiate the stereotype.¹⁷⁷ I might, for example, dress “respectable” when I go shopping. There is, after all, something to the politics of dress,¹⁷⁸ particularly in social contexts in which race mat-

171. See McIntosh, *supra* note 12, at 22.

172. See generally WILDMAN, PRIVILEGE REVEALED, *supra* note 6; Pyke, *supra* note 10.

173. See McIntosh, *supra* note 12, at 22.

174. See generally Marc A. Fajer, *Can Two Real Men Eat Quiche Together? Storytelling, Gender-Role Stereotypes, and Legal Protection for Lesbians*, 46 U. MIAMI L. REV. 511 (1992); BELL, RACISM AND AMERICAN LAW, *supra* note 85.

175. See generally Paul Butler, *Retribution for Liberals*, 46 UCLA L. REV. 1873 (1999) (discussing the extent to which criminal justice attention is focused on Black men); Paul Butler, *Racially Based Jury Nullification: Black Power in the Criminal Justice System*, 105 YALE L. J. 677 (1995).

176. See Patricia Williams, *Spirit-Murdering the Messenger: The Discourse of Fingerpointing as the Law’s Response to Racism*, 42 U. MIAMI L. REV. 127 (1996) (discussing the ways in which racism causes “spirit” injuries).

177. See Carbado & Gulati, *supra* note 9 (arguing that people work their identities to avoid discrimination).

178. According to Alinor Sterling:

[S]emiotic theories of dress . . . can be used to describe how women’s clothing conveys meaning. Women’s dress has gendered, political content. The themes of compli-

ters—that is to say, in every American social context.¹⁷⁹ I can appear less “Black” in a social meaning sense via my satorial practices. Purchasing an item, especially something expensive, immediately upon entering the store is another strategy I can employ to disabuse people of my “Blackness.” This sort of signaling strategy will reveal to the department store’s security personnel what might not otherwise be apparent because of my race and gender: that I am a shopper.¹⁸⁰ If I am not in the mood to dress up and I do not want to spend any money, there is a third strategy I can employ: solicit the assistance of a white sales associate. This, too, must be done early in the shopping experience. A white salesperson would not be suspected of facilitating or contributing to Black shoplifting and can be trusted to keep an eye on me. Finally, I might simply whistle Vivaldi as I move among the merchandise: only a good (safe, respectable) Black man would know Vivaldi or whistle classical music.¹⁸¹

White people do not have to worry about employing these strategies. White people do not have to work their identities to respond to these racial concerns.¹⁸² Nor should they have to—no one should. However, white people should recognize and grapple with the fact that they do not have to employ or think about employing these strategies.¹⁸³ White people should recognize that they do not have to perform this work.¹⁸⁴

ance and rebellion, fear and empowerment permeate the meanings of the signs in this system. Women produce a wide variety of meaning through dress as they oscillate between two patriarchal commands: the imperative to be modest or covered and the imperative to be objectified, sexualized, or uncovered.

Alinor C. Sterling, *Undressing the Victim: The Intersection of Evidentiary and Semiotic Meanings of Women's Clothing in Rape Trials*, 7 YALE J.L. & FEMINISM 87, 90 (1995). See also Franke, *supra* note 76, at 62 (“Of course, if somatic gender norms are to be enforced through the use of sartorial rules, clothing must be understood to communicate gender clearly. And of course, it does. We have very clear notions of men's clothes and women's clothes, down to a level of detail that assigns gender to the direction in which shirts button and zippers zip.”); LORBER, *supra* note 89, at 87 (observing that “cross-dressing and wearing clothes above one's station” can function symbolically to subvert hierarchical social arrangement). See generally MAJORIE GARBER, *VESTED INTERESTS: CROSS DRESSING & CULTURAL ANXIETY* (1992); DUNCAN KENNEDY, *SEXY DRESSING ETC.* (1993).

179. See DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL* (1992) (discussing the thesis that racism is a permanent part of the American political culture); DERRICK BELL, *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* (1987) (same); see also CORNEL WEST, *RACE MATTERS* (1994) (discussing the various ways in which race continues to matter in American society).

180. See PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* 44-45 (1991) (discussing the “buzzer” system in certain New York stores whereby Black males—especially “17-year-old black males wearing running shoes and hooded sweatshirts”—are denied entry); see also Lena Williams, *When Blacks Shop, Bias Often Accompanies Sale*, N.Y. TIMES, Apr. 30, 1991, at A1 (discussing Black shoppers’ experience with discrimination).

181. See Brent Staples, *The Future of Black Men*, in *BROTHERMAN: THE ODYSSEY OF BLACK MEN IN AMERICA* (Herb Boyd & Robert L. Allen eds., 1995) (discussing the author’s attempts to appear harmless while walking at night by whistling Vivaldi).

182. See Carbado & Gulati, *supra* note 9 (discussing the costs and burdens of working one’s identity).

183. For a discussion of the legal legitimization of white privilege, see IAN F. HANEY LÓPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* (1996); WILDMAN, *PRIVILEGE REVEALED*, *supra* note 6; Cheryl Harris, *Whiteness as Property*, 106 HARV. L. REV. 1707 (1993).

184. See Carbado & Gulati, *supra* note 9 (arguing that working one’s identity is work); see also Elizabeth V. Spelman, *“Race” and the Labor of Identity*, in *RACISM AND PHILOSOPHY* 202-15 (Susan E.

This is a necessary first step for white people to come to terms with white privilege. Barbara Flagg¹⁸⁵ and Peggy McIntosh¹⁸⁶—two white women—make similar arguments. Their self-referential examination of whiteness¹⁸⁷ is the analytical analogue to my examination of male identity (above) and heterosexuality (below).

According to Barbara Flagg, “[t]here is a profound cognitive dimension to the material and social privilege that attaches to whiteness in this society, in that the white person has an everyday option not to think of herself in racial terms at all.”¹⁸⁸ This, reasons Flagg, is indeed what defines whiteness: “to be white is not to think about it.”¹⁸⁹ Flagg refers to the propensity of whites not to think in racial terms as the “transparency phenomenon.”¹⁹⁰

Importantly, Flagg does not suggest that white people are unmindful of the racial identities of other whites or the racial “difference” of nonwhites; “[r]ace is undeniably a powerful determinant of social status and so is always noticed, in a way that eye color, for example, may not be.”¹⁹¹ Rather, her point is that because whiteness operates as the racial norm, whites are able “to relegate their own racial specificity to the realm of the subconscious.”¹⁹² As a result, racial distinctiveness is Black, is Asian, is Latina/o, is Native American, but it is not white.¹⁹³ To address transparency, Flagg suggests the “[reconceptualization of] white race consciousness . . . [to develop] a positive white racial identity, one neither founded on the implicit acceptance of white racial domination nor productive of distributive effects that systematically advantage whites.”¹⁹⁴

Peggy McIntosh’s work provides a specific indication of some of the every day “distributive effects” of white racial privilege.¹⁹⁵ Thinking about how male privilege is normalized in everyday life but denied and

Babbitt & Sue Campbell eds., 1999) (same).

185. See Barbara Flagg, *Was Blind, But Now I See: White Race Consciousness and the Requirement of Discriminatory Intent*, 91 MICH. L. REV. 953, 963 (1994).

186. See McIntosh, *supra* note 12.

187. One author engages in a similar self-referential interrogation of whiteness:

A white woman lives the tension between ongoing oppression and the attempt to effe-
fectuate her life as if inside a bubble of dominant culture. To most of us, the bubble is
transparent. The culture we live in makes the specificity of our lives invisible to us.
White interactions go on whether or not we intend to subordinate another person or to
interact with consciousness of race. . . . Feeling unlike an agent in one’s life, noticing
only the ways in which one is not powerful, may be a vision of the self which depends
on the transparency of the ways in which you are privileged.

Mahoney, *supra* note 21, at 248.

188. Flagg, *supra* note 185, at 963.

189. *Id.*

190. *Id.* at 957.

191. *Id.* at 970-71.

192. *Id.* at 971.

193. *See id.*

194. *Id.* at 957.

195. See McIntosh, *supra* note 12.

protected by men, McIntosh "realized that since hierarchies in our society are interlocking, there was most likely a phenomenon of white privilege that was similarly denied and protected."¹⁹⁶ To illustrate the extent to which white privilege structures and is implicated in day-to-day social encounters, McIntosh exposes the "unearned" advantages that she accrues on a daily basis because she is white.¹⁹⁷ For example, precisely because she is white, McIntosh did not have to educate her children to be aware of systemic racism for their own daily physical protection.¹⁹⁸ Nor, observes McIntosh, does she have to worry about whether negative encounters with certain governmental entities (e.g., the IRS, the police) reflect racial harassment.¹⁹⁹

McIntosh is careful to point out that the term "privilege" is something of a misnomer: "We usually think of privilege as being a favored state, whether earned, or conferred by birth or luck. . . . The word 'privilege' carries the connotation of being something everyone must want. Yet some of the conditions I have described here work to systematically overempower certain groups."²⁰⁰ Accordingly, McIntosh distinguishes between "positive advantages that we can work to spread . . . and negative types of advantage that unless rejected will always reinforce our present hierarchies."²⁰¹

D. Heterosexual Privilege (and Race)

I am a Negro Faggot, if I believe what movies, TV, and rap music say of me . . . Because of my sexuality, I cannot be black. A strong, proud, 'Afrocentric' black man is resolutely heterosexual, not even bisexual. Hence I remain a Negro. My sexual difference is . . . a testament to weakness, passivity, the absence of real guts—balls. Hence I remain a sissy, punk, faggot. I cannot be a black gay man because, by the tenets of black macho, a black gay man is a triple negation.

— Marlon T. Riggs²⁰²

Like whiteness, heterosexuality should be critically examined. Like whiteness, heterosexuality operates as an identity norm.²⁰³ Heterosexual-

196. McIntosh, *supra* note 12, at 23.

197. *See id.*

198. *See id.*

199. *See id.* at 25-26; *see also* HOOKS, FEMINIST THEORY, *supra* note 70, at 54-55 (1990) (interrogating whiteness).

200. McIntosh, *supra* note 12, at 23.

201. *Id.*

202. Marlon T. Riggs, *Black Macho Revisited: Reflections of a Snap! Queen*, in BROTHER TO BROTHER: COLLECTED WRITINGS BY BLACK GAY MEN 253, 254 (Essex Hemphill ed., 1991).

203. *See* Francisco Valdes, *Sexual Minorities in the Military: Charting the Constitutional Frontiers of Status and Conduct*, 27 CREIGHTON L. REV. 384, 389 n.10 (1994) (observing that the "historic discourse [on the causes of sexual orientation] has obsessed on same-sex sexuality, while assuming the pre-existence of cross-sex sexuality").

ity functions as the “what is” or “what is supposed to be” of sexuality.²⁰⁴ This is illustrated, for example, by the nature versus nurture debate.²⁰⁵ The question about the cause of sexuality is almost always formulated in terms of whether *homosexuality* is or is not biologically determined rather than whether *sexual orientation*, which includes heterosexuality, is or is not biologically determined. Scientists are searching for a gay, not a heterosexual or sexual orientation, gene.²⁰⁶ Like non-whiteness, then, homosexuality signifies “difference”—more specifically, sexual identity distinctiveness. The normativity of heterosexuality requires that homosexuality be “specified, pointed out.”²⁰⁷ Heterosexuality is always already presumed.²⁰⁸

Male feminism should challenge the normativity and normalization of heterosexuality. Male feminists should challenge the heterosexual presumption. But potential male feminists might be reluctant to do so. Such challenges (might be thought to) create homosexual suspicion. Moreover,

204. See Mary Coombs, *Between Women/Between Men: The Significance for Lesbianism of Historical Understandings of Same-(Male) Sex Sexual Activities*, 8 YALE J.L. & HUMAN. 241, 255 (1996) (“Heterosexuality is both assumed as the natural and normal form of sexual practice, and assumed away as a subject to be examined.”). See generally Rich, *supra* note 1; Ryder, *supra* note 2.
205. There is an ongoing debate about whether homosexuality is biologically determined (the “nature” argument) or whether it is socially determined (the “nurture” argument). For an analysis of data supporting biological arguments, see RICHARD C. FRIEDMAN, MALE HOMOSEXUALITY: A CONTEMPORARY PSYCHOANALYTIC PERSPECTIVE 11 (1988) (discussing the degree to which sexual orientation is determined at the level of hormones). See also Bruce Bower, *From the Exotic to Erotic: Roots of Sexual Orientation Found in Personality, Childhood Friendships*, SCI. NEWS, Aug. 10, 1996, at 88-89 (discussing the non-biological determination of homosexuality); Ortiz, *supra* note 74, at 1837-38 (“Nature and nurture, in fact, represent the two primary forms of determinism. Both assume that sexual orientation is given to individuals The accounts differ only in what they attribute the cause of desire to—biology or upbringing.”). My point is not to engage in this debate, but rather to suggest that the treatment of homosexuality in antiracist discourse should not hinge on whether it is attributable to “nature” or “nurture,” nor should it hinge on the question of “choice.” What is almost always true about efforts to locate the “cause” of homosexuality is that such efforts are buttressed by the idea that homosexuality is deviant. See David B. Cruz, *Controlling Desires: Sexual Orientation Conversion and the Limits of Knowledge and Law*, 72 S. CAL. L. REV. 1297, 1304 (1999) (“[H]omosexuality has historically been regarded as so loathsome that medical authorities have literally tried to excise it from subjects.”); Eve Kosofsky Sedgwick, *How to Bring Your Kids Up Gay*, in *FEAR OF A QUEER PLANET: QUEER POLITICS AND SOCIAL THEORY* 69, 79 (1993) (discussing the extent to which same-sex desire is constructed as “deficient,” reflecting some biological imbalance).
206. See Dean H. Hammer, et al., *A Linkage Between DNA Markers on the X-Chromosome and Male Sexual Orientation*, 261 SCI. 321 (1993) (linking sexual orientation to genes).
207. Minow, *Feminist Reason*, *supra* note 117, at 48 (“[F]eminist analyses have often presumed that a white middle-class, heterosexual, Christian, and able-bodied person is the norm behind ‘women’s’ experience. Anything else must be specified, pointed out.”).
208. Increasingly, people are beginning to raise the question of “what causes heterosexuality?” See Hammer, *supra* note 206, at 389. Judith Butler’s work has forcefully demonstrated the ways in which heterosexuality—always in panic—seeks to maintain itself through a series of repetitions. According to Butler, “gender is a kind of imitation for which there is no original; in fact, it is a kind of imitation that produces the very notion of the original as an *effect* and consequence of the imitation itself,” and thus she concludes that “heterosexuality is always in the process of imitating and approximating its own phantasmatic idealization of itself—and failing.” Judith Butler, *Imitation and Gender Insubordination*, in *INSIDE OUT: LESBIAN THEORIES, GAY THEORIES* 13, 21 (Dianna Fuss ed., 1991).

even to the extent that heterosexuals are willing to destabilize heterosexual normativity by, for example, exposing their heterosexuality—"coming out" as heterosexuals—such strategies can function to reinforce heterosexual normalcy. I develop these arguments below.

1. Heterosexual Anxieties About Homosexual Suspicion: Preserving the Heterosexual Presumption

Straight men, even progressive straight men, might be reluctant to challenge heterosexual privilege to the extent that such challenges call into question their (hetero)sexual orientation. As Lee Edelman observes in a related context, there "is a deeply rooted concern on the part of . . . heterosexual males about the possible meanings of [men subverting gender roles]."²⁰⁹ According to Edelman, heterosexual men consider certain gender role inversions to be potentially dangerous because they portend not only a "[male] feminization that would destabilize or question gender" but also a "feminization that would challenge one's (hetero)sexuality."²¹⁰

Edelman's observations suggest that straight men want to preserve what I am calling the "heterosexual presumption."²¹¹ Their investment in this presumption is less a function of what heterosexuality signifies in a positive sense and more a function of what it signifies in the negative—not being homosexual.²¹²

And there are racial dimensions to male investment in heterosexuality. For example, straight Black male strategies to avoid homosexual suspicion could relate to the racial aspects of male privileges: heterosexual privilege is one of the few privileges some Black men have.²¹³ These Black men may want to take comfort in the fact that whatever else is going on in their lives, they are not, finally, "sissies," "punks," "faggots." By this surmise, I do not mean to suggest that Black male heterosexuality has the normative standing of white male heterosexuality. It does not. Straight Black men continue to be perceived as heterosexually deviant (oversexual; potential rapists)²¹⁴ and heterosexually irresponsible (jobless fathers of children out of wedlock). Still, Black male heterosexuality is closer to white male heterosexual normalcy and normativity than is Black gay sexuality. Consequently, some straight (or closeted) Black men will

209. Lee Edelman, *Redeeming the Phallus: Wallace Stevens, Frank Lentricchia, and the Politics of (Hetero)sexuality*, in *ENGENDERING MEN*, *supra* note 27, at 50.

210. *Id.*

211. See also Rich, *supra* note 1, at 227 (describing the concept of "compulsory heterosexuality," which both presumes and expects heterosexuality).

212. See *id.*

213. See generally BELL HOOKS, *TALKING BACK: THINKING FEMINIST, THINKING BLACK* (1989) [hereinafter HOOKS, *TALKING BACK*].

214. See WEST, *supra* note 179 (arguing that Black men are constructed as predators of white women); A. Leon Higginbotham, Jr., *Racism in American and South African Courts: Similarities and Differences*, 65 N.Y.U. L. REV. 479, 535 (discussing the "myth that black men are particularly prone to rape white women").

want to avoid the “black gay ma[le] . . . triple negation” to which Marlon Riggs refers.²¹⁵

2. Exposing Heterosexual Normalcy: “Coming Out” as Heterosexual

Perhaps heterosexuals should develop a practice of “pointing out” their heterosexuality to destabilize the notion of homosexual difference and to highlight male heterosexual privileges. Perhaps heterosexuals should be encouraged to “come out” as heterosexuals. One argument to support this practice would be that the more heterosexuals explicitly invoke their heterosexuality, the less it operates as an unstated norm.²¹⁶ Though this argument has some force, I am uncomfortable with the idea of heterosexuals “coming out.”

My uneasiness is unrelated to concerns about whether individual acts of heterosexual signification undermine political efforts to establish a privacy norm around (*homo*)sexuality. The privacy norm argument would go something like the following: to the extent that heterosexuals are “closeted” (i.e., private) about their (*hetero*)sexuality, they help to send a message that (*homo*)sexuality is a private matter and should be irrelevant to social and political decision-making.²¹⁷

I am not persuaded by this sexual identity privacy argument. It is analogous to race-neutrality arguments: not invoking race, ignoring race, keeping race “private,” helps to delegitimize the invidious employment of race as a relevant social category. However, keeping race private, removing race from public discourses, further entrenches racism. The social realities of race derive in part from the fact that race is always already public—a status marker of difference. Race continues to matter. Therefore, we ought to talk about it—and publicly. Avoiding public discussions about sexuality is not a sensible way to address the social realities of homophobia.²¹⁸ Sexuality matters. Thus, we ought to have public discussions about why and how it matters.²¹⁹ We have to deal with sexuality before we can get beyond it.

215. Riggs, *supra* note 202, at 254. For an excellent discussion of the ways in which Black male identity is construed in heterosexual and masculinist terms in anti-racist discourse, see PHILLIP BRIAN HARPER, *ARE WE NOT MEN? MASCULINE ANXIETY AND THE PROBLEM OF AFRICAN-AMERICAN IDENTITY* (1996).

216. See generally Fajer, *supra* note 174.

217. For discussions of the ways in which privacy arguments about homosexuality play themselves out in the context of constitutional discourse, see generally Halley, *Reasoning About Sodomy*, *supra* note 23, and Kendall Thomas, *Corpus Juris (Hetero) Sexualis: Doctrine, Discourse, and Desire in Bowers v. Hardwick*, 1 GLQ: J. LESBIAN & GAY STUD. 33 (1993). See also Yao Apasu-Gbotsu et al., *Survey of the Constitutional Right to Privacy in the Context of Homosexual Activity*, 40 U. MIAMI L. REV. 521 (1986); Jeb Rubenfeld, *The Right of Privacy*, 102 HARV. L. REV. 737 (1989).

218. See Fajer, *supra* note 174, at 596.

219. Keeping homosexuality private helps to legitimize the idea that “public discussion about gay issues is inappropriate—that gay men and lesbians are tolerable only if they keep their sexual orientation secret.” Fajer, *supra* note 174, at 571. Consider the following narrative:

My concerns about heterosexuals "coming out" relate to the social meaning of that act. Individual acts of heterosexual signification contribute to the growing tendency on the part of people who are not gay or lesbian to employ the term "coming out" to reveal some usually uncontroversial or safe aspect of their personhood. Nowadays, people are "coming out" as chocolate addicts, as yuppies, as soap opera viewers, and even as Trekkies. Sometimes the "outing" is more political—"I 'out' myself as a conservative," I heard someone say recently. This appropriation and redeployment of the term is problematic to the extent that it obscures the economic, psychological, and physical harms that potentially attend the gay and lesbian coming out²²⁰ (or outing²²¹) process. Although context would clearly matter, there is usually little, if any, vulnerability to "coming out" as a conservative, as a yuppie, as a Trekkie, etc. Nor is there usually any vulnerability to "coming out" as a heterosexual. The assertion of heterosexuality, without more, merely re-authenticates heterosexual normalcy.²²²

I was involved in a campaign [at a highly-reputed college] . . . to get a statement forbidding discrimination on the basis of sexual orientation in the official records. The initial response was to the effect: "Look, we're not going to discriminate. We don't really care about what people do in their personal lives. But let's not talk about gay life, let's not single out that group in the by-laws. It's bad publicity for the school." . . . What we wanted was not that homosexuality be tolerated as something that's okay as long as it's in its place—that is, its hiding place, the closet—but that it have an open place, that it have its say, that it find its own overt expression. So I don't have much patience with people . . . who might say, "[o]f course, there have always been plenty of homosexuals in the academe. One knows who they are, and they know that people know. *But at least they have the decency and the manners not to go around proclaiming it.*"

TOBY MAROTA, SONS OF HARVARD: GAY MEN FROM THE CLASS OF 1967 at 277-78 (1982) (emphasis added).

- 220. See, e.g., Ann Yuri Ueda, *Mother Tongue*, in RESIST!: ESSAYS AGAINST A HOMOPHOBIC CULTURE 23 (Mona Oikawa et al. eds., 1994) (describing how her family has not spoken to her since she came out).
- 221. On the politics of outing, see generally RICHARD D. MOHR, GAY IDEAS: OUTING AND OTHER CONTROVERSIES (1992). For a discussion of the ways in which the politics of outing can reinscribe the notion of homosexual and heterosexual identities, see Naomi Mezey, *Dismantling the Wall: Bisexuality and the Possibilities of Sexual Identity Classification Based on Acts*, 10 BERKELEY WOMEN's L.J. 98, 120-21 (1995) ("Outing purports to get at the 'truth.' Once outed, a person is no longer heterosexual; she is now homosexual. 'The outee is free to tell the truth, tell a lie, or remain silent.' But in a world ruled by a dichotomous sexual paradigm, lying and telling the truth are not sufficient options for anyone who is not exclusively heterosexual or homosexual . . .") (quoting MOHR, *supra*, at 16). It is important to recognize that while much of the discussion of outing centers on the fact that the individuals doing the "outing" are gay or lesbian, see, for example, MICHELANGELO SIGNORILE, QUEER IN AMERICA: SEX, THE MEDIA, AND THE CLOSETS OF POWER 89 (1993) (discussing the outing of David Geffen), the practice of outing is more the culmination of heterosexual "witch hunts" for individuals believed to be gay, lesbian or bisexual. For a discussion of outing in the context of the military, see ALLAN BERUBE, COMING OUT UNDER FIRE: THE HISTORY OF GAY MEN AND WOMEN IN WORLD WAR Two (1990).
- 222. In some sense, heterosexuals are out all the time, kissing comfortably in public, sharing wedding pictures at work, announcing anniversaries, etc. These are not the practices I am referring to when I suggest that, perhaps, heterosexuals should develop a practice of "coming out." For none of the foregoing heterosexual significations challenge the socially constructed normalcy of heterosexuality. Further along in the article, I provide an indication of how heterosexuals *might* be able to assert their heterosexuality without further entrenching heterosexual normalcy. See *infra*

Yet, more and more heterosexuals are “coming out,”²²³ and often with good intentions. This “coming out” is performed explicitly and implicitly—affirmatively and by negation. Consider, for example, the way Houston Baker comes out in a panel discussion about gender, sexuality, and Black images: “I am not gay, but I have many gay friends.”²²⁴ When asked about his decision to reveal his sexual identity in the negative (Baker did not say, “‘I am a heterosexual,’ but ‘I am not gay’”²²⁵), Baker responds that in thinking about our identities, “You decide what you are not, rather than leaping out of the womb saying, ‘I am this.’”²²⁶

The questions about whether Baker should have “come out” as a heterosexual in the affirmative or the negative obscures the fact that it is the “coming out” itself that is potentially problematic. As Bruce Ryder points out, “heterosexual men taking gay or lesbian positions must continually deal with the question of whether or not to reveal their heterosexuality.”²²⁷ On the one hand, self-identifying as a heterosexual is a way to position oneself within a discourse so as not to create the (mis)impression of gay authenticity.²²⁸ Moreover, revealing one’s heterosexuality can help to convey the idea that “heterosexism should be as much an issue for straight people as racism should be for white people.”²²⁹ On the other hand, “coming out” as a heterosexual can be a heteronormative move to avoid gay and lesbian stigmatization.²³⁰ It can function not simply as a denial of same sex desire but to preempt the attribution of certain stereotypes to one’s sexual identity.²³¹ The assertion of heterosexuality, stated differently, is (functionally, if not intentionally) both an affirmative and a negative assertion about sexual preferences (“I sleep with persons of the opposite, *not* the same sex”) and about the normalcy of one’s sexual relationships (“therefore I am normal, *not* abnormal”).

Keith Boykin, former director of the Black Gay and Lesbian Leadership Forum, maintains that, “heterosexual sexual orientation has become so ingrained in our social custom, so destigmatized of our fears about sex, that we often fail to make any connection between heterosexuality and

text accompanying notes 243-44.

223. See, e.g., JONATHON NED KATZ, THE INVENTION OF HETEROSEXUALITY 168-69 (1995).

224. Houston A. Baker, Jr., “*You Cain’t Trus’ It*”: Experts Witnessing in the Case of Rap, in BLACK POPULAR CULTURE 132, 132 (Gina Dent ed., 1992).

225. *Id.* at 139.

226. *Id.*

227. Ryder, *supra* note 2, at 303.

228. *See id.*

229. *Id.*

230. “Heteronormativity” refers to the extent to which heterosexuality is normalized in our culture. See Michael Warner, *Introduction* to FEAR OF A QUEER PLANET, *supra* note 205, at xxi-xxv (“Hetculture thinks of itself as the elemental form of human association, as the very model of inter-gender relations, as the indivisible basis of all community and as the means of reproduction without which society would not exist.”).

231. *See id.*

sex."²³² Boykin is only half right. The socially constructed normalcy of heterosexuality is not due solely to the desexualization of heterosexuality in mainstream political and popular culture. It is due also to (1) the sexualization of heterosexuality as normative, and (2) the gender norm presumptions about heterosexuality—that it is the normal way sexually to express one's gender.²³³

Moreover, it is not simply that homosexuality is sexed that motivates or stimulates homophobic fears about gay and lesbian relationships. These fears also relate to the fact that homosexuality is (1) stigmatized, and (2) perceived to be an abnormal way sexually to express one's gender.²³⁴ The disparate social meanings that attach to gay and lesbian identities on the one hand and straight identities on the other make individual acts of heterosexual signification cause for concern.

Recently, I participated in a workshop where one of the presenters "came out" as a heterosexual in the context of giving his talk.²³⁵ This sexual identity disclosure engendered a certain amount of whispering in the back row. Up until that moment, I think many people had assumed the presenter was gay. After all, he was sitting on a panel discussing sexual orientation and had participated in the Gay and Lesbian Section of the American Association of Law Schools. There were three other heterosexuals on the panel, but everyone knew they were not gay because everyone *knew* them; they had all been in teaching for a while, two were very senior, and everyone knew of their spouses or partners. Everyone also knew that there was a lesbian on the panel. She, too, had been in teaching for some time and had been out for many years. Apparently, few of the workshop participants knew very much about the presenter who "came out." Because "there is a widespread assumption in both gay and straight communities that any man who says something supportive about issues of concern to lesbian or gay communities must be gay himself,"²³⁶ there was, at the very least, a question about his sexuality. Whatever his intentions were for "coming out," whatever his motivations, his assertion of heterosexuality removed the question.

232. KEITH BOYKIN, ONE MORE RIVER TO CROSS: BLACK AND GAY IN AMERICA 42 (1997).

233. See generally Valdes, *Queers, Sissies*, *supra* note 82.

234. See *id*; see also Law, *supra* note 26, at 187 ("[D]isapprobation of homosexual behavior is a reaction to the violation of gender norms, rather than simply scorn for the violation of norms of sexual behaviors."); Elvia R. Arriola, *Gendered Inequality: Lesbians, Gays, and Feminist Legal Theory*, 9 BERKELEY WOMEN'S L.J. 103, 122 (1994) (observing that gay identities are often theoretically connected to gender).

235. A colleague relayed a similar experience to me. He was sitting on a panel discussing his school's anti-sexual orientation discrimination policy. At the end of his presentation a colleague from another department asked him whether his wife knew that he was gay. Marc Fajer makes a related point: "Even simple advocacy can trigger the usual sanctions that attend public gay speech, as well as the assumption that the speaker is gay." Fajer, *supra* note 174, at 573.

236. Ryder, *supra* note 2, at 303.

It is the politics behind the removal of the question—the politics of sexual identity signification—that we should be concerned about. Is it an act of resistance or does it reflect an acquiescence to existing sexual identity social meanings? Consider, for example, the television situation comedy, *Spin City*, in which Michael Boatman plays the role of Carter Heywood, an openly gay Black male character.²³⁷ Boatman is clearly very comfortable with the role and is “believably gay”—perhaps for some, “too believably gay.” Thus, in a recent article in *Essence* about Boatman we learn rather quickly that Boatman is not in fact gay—he just plays one on television.²³⁸ We learn, too, that it was not Heywood’s sexuality that attracted Boatman to the role (he had not set out to play a gay man), but rather Heywood’s career. The relevant text reads: “It was Heywood’s job description (a civil rights attorney who joins the mayor’s office) rather than his sexuality that attracted the 32-year-old actor to the groundbreaking sitcom. ‘We’ve been exposed to the stereotype of swishy gay men,’ explains the *happily married* acting veteran . . .”²³⁹ The text thus removes the question about Boatman’s (homo)sexuality.

I became sensitized to the politics of heterosexuals “coming out” in the context of reading about James Baldwin. Try to find a piece written about Baldwin and count the number of lines before the author comes out as heterosexual. Usually, it is not more than a couple of paragraphs, so the game ends fast. The following introduction from a recently published essay about Baldwin is one example of what I am talking about: “The last time I saw James Baldwin was late autumn of 1985, when my wife and I attended a sumptuous book party . . .”²⁴⁰ In this case, the game ends immediately. Independent of any question of intentionality on the author’s part, his wife functions as an identity signifier to subtextually “out” his heterosexuality. We *read* “wife,” we *think* heterosexual. My point here is not to suggest that the essay’s overall tone is heterosexually defensive; I simply find it suspicious when heterosexuals speak of their spouses so quickly (in this case the very first sentence of the essay) when a subject (a topic or a personality—here, James Baldwin) implicates homosexuality.

After reading that introduction, I thought about a book review I had read a few years ago where the reviewer, after describing how generous Baldwin had been to him as a young man in Paris, casually drops a line that read something like, “I met a young woman on a train and we made love.” No mention of the woman again. No mention of any other woman either. These weren’t recollections of his Paris days, but were recollections of his relationship with Baldwin. But that single sentence serves its intended purpose. There is no point wondering what he was “doing” with

237. See Michael Boatman Acting ‘Out,’ *ESSENCE*, Sept. 1997, at 78.

238. See *id.*

239. *Id.*

240. LEON FORREST, *Evidences of Jimmy Baldwin*, in *RELOCATIONS OF THE SPIRIT* 267 (1994).

Baldwin in Paris. The game is over. The possibility of a gay subtextual reading of the text vis-à-vis the author's relationship with Baldwin and/or the author's sexual identity is rendered untenable by the rhetorical deployment of the "young woman." Her presence in the text operates not only to signify and authenticate the author's heterosexual subject position but also to signify and functionally (if not intentionally) stigmatize Baldwin's gay subject position. The author engages in what I refer to as "the politics of the 3Ds"—disassociation, disidentification and differentiation. The author is "different" from Baldwin (the author sleeps with women), and this difference, based as it is on sexual identity, compels the author to disassociate himself from and disidentify with that which makes Baldwin "different" (Baldwin sleeps with men).

Heterosexual significations need not always reflect the politics of the 3Ds. In other words, the possibility exists for heterosexuals to point out their heterosexuality without re-authenticating heterosexuality. Consider, for example, the heterosexual privilege list below. As a prelude to the list, I should be clear to point out that the list certainly is not complete. Nor do the privileges reflected in the list represent the experiences of all heterosexuals. As Bruce Ryder observes:

Male heterosexual privilege has different effects on men of, for example, different races and classes In our society, the dominant or 'hegemonic' form of masculinity to which other masculinities are subordinated is white, middle-class, and heterosexual. This means that the heterosexual privilege of, say, straight black men takes a very different shape in their lives than it does for straight white men.²⁴¹

My goal in presenting this list, then, is not to represent every heterosexual man. Instead, the purpose is to intervene in the normalization of heterosexual privileges. With this intervention, I hope to challenge the pervasive tendency of heterosexuals to see homophobia as something that puts others at a disadvantage and not something that actually advantages them.²⁴²

3. Heterosexual Privileges: A List²⁴³

1. Whether on television or in the movies, (white) heterosexuality is always affirmed as healthy and/or normal²⁴⁴ (Black heterosexuality and family arrangements are still, to some degree, perceived to be deviant).

241. Ryder, *supra* note 2, at 292.

242. See *id.*; cf. McIntosh, *supra* note 12, at 23 ("As a white person, I realized I had been taught about racism as something that puts others at a disadvantage, but had been taught not to see one of its corollary aspects, white privilege, which puts me at an advantage.").

243. See discussion *supra* note 127.

244. See, e.g., VITO RUSSO, THE CELLULOID CLOSET: HOMOSEXUALITY IN THE MOVIES (1981).

2. Without making a special effort, heterosexuals are surrounded by other heterosexuals every day.²⁴⁵
3. A husband and wife can comfortably express affection in any social setting, even a predominantly gay one.²⁴⁶
5. The children of a heterosexual couple will not have to explain why their parents have different genders—why they have a mummy and a daddy.
6. (White) Heterosexuals are not blamed for creating and spreading the AIDS virus²⁴⁷ (though Africans—as a collective group—are blamed).
7. Heterosexuals do not have to worry about people trying to “cure” their sexual orientation²⁴⁸ (though Black people have to worry about people trying to “cure” Black “racial pathologies”).
9. Black heterosexual males did not have to worry about whether they would be accepted at the Million Man March.²⁴⁹
10. Rarely, if ever, will a doctor, upon learning that her patient is heterosexual, inquire as to whether the patient has ever taken an AIDS test and if so, how recently.
11. Medical service will never be denied to heterosexuals because they are heterosexuals (though medical services may not be recommended to Black people because they are Black).²⁵⁰
12. Friends of heterosexuals generally do not refer to heterosexuals as their “straight friends”²⁵¹ (though non-Black people often refer to Black people as their “Black friends”).

245. See, e.g., Gregory M. Herek, *Myths About Sexual Orientation: A Lawyer's Guide to Social Science Research*, 1 L. & SEXUALITY 133, 145 (1991) (noting that many lesbians and gay men feel pressure to conceal their sexual orientation and that they “face difficult situations in their day-to-day lives as a result of the stigma attached to their sexual orientation”).

246. See, e.g., Stephanie M. Wildman & Adrienne D. Davis, *Language and Silence: Making Systems of Privilege Visible*, 35 SANTA CLARA L. REV. 881, 890 (1995) (discussing examples of the “normalization of privilege” characterizing the attributes of privileged group members and noting further that “[t]hose who stand outside are the aberrant or ‘alternate’”).

247. See, e.g., Douglas Scott Johnson, *The United States' Denial of the Immigration of People with AIDS*, 6 TEMP. INT'L. & COMP. L.J. 145, 148 (1992).

248. See, e.g., John Sibley Butler, *Homosexuals and the Military Establishment*, 31 SOC'Y 13 (1993) (noting that, in psychiatry, homosexuality was regarded as a condition that could be treated).

249. See, e.g., Darren Lenard Hutchinson, “Claiming” and “Speaking” Who We Are: Black Gays and Lesbians, Racial Politics, and the Million Man March, in *BLACK MEN ON RACE, GENDER, AND SEXUALITY*, *supra* note 22, at 28, 28.

250. See, e.g., Lindsey Tanner, *Study Finds Racial Gap in Surgery for Glaucoma*, SUN-SENTINEL, Feb. 16, 2000, at 16A; David L. Wheeler, *Racial Disparity Found in Lung Cancer Care*, CHRON. OF HIGHER EDUC., Nov. 5, 1999, at A26; Teri Walsh, *African Americans: Demand More Aggressive Stroke Treatment*, PREVENTION, Dec. 1, 1999, at 38.

13. A heterosexual couple can enter a restaurant on their anniversary and be fairly confident that staff and fellow diners will warmly congratulate them if an announcement is made²⁵² (though the extent of the congratulation and the nature of the welcome might depend on the racial identities of the couple).
14. White heterosexuals do not have to worry about whether a fictional film villain who is heterosexual will reflect negatively on their heterosexuality²⁵³ (though Blacks may always have to worry about their racial representation in films).
15. Heterosexuals are entitled to legal recognition of their marriages throughout the United States and the world.²⁵⁴
16. Within the Black community, Black male heterosexuality does not engender comments like "what a waste," "there goes another good Black man," or "if they're not in jail, they're faggots."²⁵⁵
18. Heterosexuals can take jobs with most companies without worrying about whether their spouses will be included in the benefits package.²⁵⁶
19. Child molestation by heterosexuals does not confirm the deviance of heterosexuality²⁵⁷ (though if the alleged molester is Black, the alleged molestation becomes evidence of the deviance of Black (hetero)sexuality).²⁵⁸

251. See, e.g., Fajer, *supra* note 174.

252. See, e.g., Fajer, *supra* note 174, at 570-91 (describing the common perception that gay issues and relationships are inappropriate for public discussion and recognition).

253. See, e.g., Russo, *supra* note 244, at 207 ("Films about gay life, especially those made by openly gay filmmakers, have had the burden of having to redress all the misinformation, the stereotypes and the myths of society that have accumulated through the ages."); Timothy Lin, Note, *Social Norms and Judicial Decisionmaking: Examining the Role of Narratives in Same-Sex Adoption Cases*, 99 COLUM. L. REV. 739, 739 (noting that false stereotypes can be dismantled using lesbian and gay narratives).

254. See generally ESKRIDGE, *supra* note 111; William N. Eskridge, Jr. & Shelia Rose Foster, *Discussion of Same-Sex Marriage*, 7 TEMP. POL. & CIV. RTS. L. REV. 329 (Spring 1998).

255. See generally Hutchinson, *Ignoring the Sexualization of Race*, *supra* note 15 (discussing anti-racist political discourse and heterosexism).

256. See, e.g., *Arbitrator Rules State Must Offer Benefits for Same-Sex Partners*, GRAND RAPIDS PRESS, Feb. 2, 2000, at A6; John M.R. Bull, *ACLU Questions Pitt. Role in Same-Sex Benefit Plan*, PITTSBURGH POST-GAZETTE, Nov. 24, 1999, at B1; Jill Leonard, *Pennsylvania State U.: Penn State Group Ponders Benefits of Law Granting Same-Sex Health Benefits*, U-WIRE, Dec. 8, 1999, available in 1999 WL 30226524; Dane Stickney, *Prof. Fights for Domestic Partner Benefits at U. Nebraska*, U-WIRE, Nov. 5, 1999, available in 1999 WL 18822892.

257. See, e.g., Mark Strasser, *Legislative Presumptions and Judicial Assumptions: On Parenting, Adoption, and the Best Interests of the Child*, 45 U. KAN. L. REV. 49, 69 (1996) (discussing the argument that preventing gay men and lesbians from adopting children will reduce the likelihood of child sexual abuse); *In re J.S. & C.*, 324 A.2d 90 (N.J. Super. Ct. Law Div. 1974), *aff'd*, 362 A.2d 54 (N.J. Super. Ct. App. Div. 1976) (restricting a homosexual father's visitation rights to daytime hours).

258. For a discussion of the myths about black sexual deviance, see Charles R. Lawrence III, *The Message of the Verdict: A Three-Act Morality Play Starring Clarence Thomas, Willie Smith, and Mike Tyson*, in *BLACK MEN ON RACE, GENDER, AND SEXUALITY*, *supra* note 22, at 212, 212.

20. Black rap artists do not make songs suggesting that heterosexuals should be shot or beaten up because they are heterosexuals.²⁵⁹

21. Black male heterosexuality does not undermine a Black heterosexual male's ability to be a role model for Black boys.²⁶⁰

22. Heterosexuals can join the military without concealing their sexual identity.²⁶¹

23. Children will be taught in school, explicitly or implicitly, about the naturalness of heterosexuality²⁶² (they will also be taught to internalize the notion of white normativity).

24. Conversations on Black liberation will always include concerns about heterosexual men.²⁶³

25. Heterosexuals can adopt children without being perceived as selfish and without anyone questioning their motives.²⁶⁴

26. Heterosexuals are not denied custody or visitation rights of their children because they are heterosexuals.²⁶⁵

259. See, e.g., Kimberlé Crenshaw, *Beyond Racism and Misogyny: Black Feminism and 2 Live Crew*, in *BOSTON REV.*, 1991, at 6, 30; Francis Davis, *Vox Populi*, *THE ATLANTIC*, Oct., 1993, at 104, 106 ("[P]eople condemn rap for its comic-book Afrocentrism, its monotonous profanity, its Uzi-brandishing, its anti-Semitism and intolerance of Asians, its homophobia and crotch-grabbing misogyny, and the seeming determination of many of its performers to conform to every negative black stereotype.").
260. See, e.g., Cheryl Clarke, *The Failure to Transform: Homophobia in the Black Community*, in *HOME GIRLS: A BLACK FEMINIST ANTHOLOGY* 197 (Barbara Smith ed., 1983) (discussing the prevalence of "the disease of homophobia" in the black community); Harlon L. Dalton, *AIDS in Blackface*, 118 *DAEDALUS* 205, 215 (1989) (discussing homophobia in the Black community); see also BELL HOOKS, *TALKING BACK*, *supra* note 215 at 120-26 (discussing the perception that Black communities are highly homophobic).
261. For a discussion of the politics of sexual identity in the military, see Devon W. Carbado, *Black Rights, Gay Rights, Civil Rights: Race/Sexual Orientation Analogies in Debates About "Don't Ask, Don't Tell,"* 47 *UCLA L. Rev.* (forthcoming 2000).
262. See, e.g., Coombs, *supra* note 204, at 255 (asserting that "heterosexuality is . . . assumed as the natural and normal form of sexual practice").
263. See, e.g., Gloria Joseph, *The Incompatible Menage A Trois: Marxism, Feminism, and Racism*, in *WOMEN AND REVOLUTION: A DISCUSSION OF THE UNHAPPY MARRIAGE OF MARXISM AND FEMINISM* 91 (Lydia Sargent ed., 1981) (commenting on how racism must be specifically addressed when creating a theory of feminism and Marxism).
264. See, e.g., Marla J. Hollandsworth, *Gay Men Creating Families Through Surro-Gay Arrangements: A Paradigm for Reproductive Freedom*, 3 *AM. U. J. GENDER & L.* 183, 184-85 (1995) (discussing options for creating gay families); see generally Lin, *supra* note 253, at 762-66 (discussing difficulties facing gay and lesbian couples who try to adopt children); Nancy D. Polikoff, *This Child Does Have Two Mothers: Redefining Parenthood to Meet the Needs of Children in Lesbian-Mother and Other Nontraditional Families*, 78 *GEO. L.J.* 459 (1990) [hereinafter Polikoff, *This Child*] (discussing the parental rights of lesbian mothers who separate before their child is grown).
265. See, e.g., Hollandsworth, *supra* note 264; Lin, *supra* note 253; Polikoff, *This Child*, *supra* note 264.

27. Heterosexual men are welcomed as leaders of Boy Scout troops.²⁶⁶
28. Heterosexuals can visit their parents and family as who they are, and take their spouses, partners, or dates with them to family functions.²⁶⁷
29. Heterosexuals can talk matter-of-factly about their relationships with their partners without people commenting that they are “flaunting” their sexuality.²⁶⁸
30. A Black heterosexual couple would be welcomed as members of any Black church.²⁶⁹
31. Heterosexual couples do not have to worry about whether kissing each other in public or holding hands in public will render them vulnerable to violence.²⁷⁰
32. Heterosexuals do not have to struggle with “coming out” or worry about being “outed.”²⁷¹
33. The parents of heterosexuals do not love them “in spite of” their sexual orientation, and parents do not blame themselves for their children’s heterosexuality.²⁷²
34. Heterosexuality is affirmed in most religious traditions.²⁷³

266. See, e.g., *Curran v. Mount Diablo Council of the Boy Scouts of Am.*, 952 P.2d 218, 239 (Cal. 1998) (holding that the Boy Scout Council is not a “business establishment” subject to California’s civil rights act and thus does not need to accept gay scouts).

267. See, e.g., David H. Pollack, *Forced out of the Closet: Sexual Orientation and the Legal Dilemma of “Outing.”* 46 U. MIAMI L. REV. 711 (1992).

268. See, e.g., Fajer, *supra* note 174, at 587-91; Wildman & Davis, *supra* note 246 (addressing the power of privileges associated with race, gender, and sexual orientation).

269. See, e.g., HOOKS, *TALKING BACK*, *supra* note 215; Clarke, *supra* note 260; Dalton, *supra* note 260, at 215 (discussing Black communities’ willingness to accept gay and lesbian members if they deny or downplay their sexuality).

270. See, e.g., Kevin T. Berrill, *Anti-Gay Violence and Victimization in the United States: An Overview*, in *HATE CRIMES: CONFRONTING VIOLENCE AGAINST LESBIANS AND GAY MEN* (Gregory M. Herek & Kevin T. Berrill eds., 1992) (discussing the problem of anti-gay violence in the United States); Terry S. Kogan, *Legislative Violence Against Lesbians and Gay Men*, 1994 UTAH L. REV. 209 (linking homophobia in legal structures with homophobic violence).

271. See, e.g., Janet E. Halley, *The Politics of the Closet: Towards Equal Protection for Gay, Lesbian, and Bisexual Identity*, 36 UCLA L. REV. 915, 946 (1989); Marta A. Navarro, *Interview with Ana Castillo*, in *CHICANA LESBIANS: THE GIRLS OUR MOTHERS WARNED US ABOUT* 113, 123 (Carla Trujillo ed., 1991) (observing that Chicana lesbians remain in the closet because they do not want to face the risk of further disenfranchisement).

272. See, e.g., Lin, *supra* note 253.

273. See, e.g., GARY DAVID COMSTOCK, *GAY THEOLOGY WITHOUT APOLOGY* (1993) (putting forth a gay theology beginning with a Christian “point of departure”); NANCY WILSON, *OUR TRIBE: QUEER FOLKS, GOD, JESUS, AND THE BIBLE* (1995) (proclaiming a gay theology and attempting to “radicalize” the Christian Church).

35. Heterosexuals can introduce their spouses to colleagues and not worry about whether the decision will have a detrimental impact on their careers.²⁷⁴
36. A Black heterosexual male does not have to choose between being Black and being heterosexual.²⁷⁵
37. Heterosexuals can prominently display their spouses' photographs at work without causing office gossip or hostility.
38. (White) Heterosexuals do not have to worry about "positively" representing heterosexuality.²⁷⁶
39. Few will take pity on a heterosexual upon hearing that she is straight, or feel the need to say, "That's okay" (though it is not uncommon for a Black person to hear, "It's okay that you're Black" or "We don't care that you're Black" or "When we look at you, we don't see a Black person").
40. (Male) Heterosexuality is not considered to be symptomatic of the "pathology" of the Black family.²⁷⁷
41. Heterosexuality is never mistaken as the only aspect of one's lifestyle, but is perceived instead as merely one more component of one's personal identity.²⁷⁸
42. (White) Heterosexuals do not have to worry over the impact their sexuality will have personally on their children's lives, particularly as it relates to their social lives²⁷⁹ (though Black families of all identity configurations do have to worry about how race and racism will affect their children's well-being).

274. See, e.g., M.V. Lee Badgett, *Beyond Biased Samples: Challenging the Myths on the Economic Status of Lesbians and Gay Men*, in *HOMO ECONOMICS: CAPITALISM, COMMUNITY, AND LESBIAN AND GAY LIFE* 65 (Amy Gluckman & Betsy Reed eds., 1997) (finding that, contrary to popular belief, gay men, lesbians, and bisexuals may earn less than heterosexuals, probably due to discrimination).

275. See, e.g., Devon W. Carbado, *Introduction to BLACK MEN ON RACE, GENDER, AND SEXUALITY*, *supra* note 22, at 1, 10 (discussing the fact that Black heterosexual men are not asked to "prioritize aspects of their identity").

276. See, e.g., DENNIS ALTMAN, *THE HOMOSEXUALIZATION OF AMERICA* 113 (1982) (explaining that the raid on the Stonewall Bar and the ensuing riot are the origins of Gay Pride Day).

277. See, e.g., Carbado, *supra* note 275, at 9 ("[M]ale heterosexuality is normalized in antiracist discourse . . .").

278. See, e.g., Fajer, *supra* note 174, at 537-46 (discussing the "sex-as-lifestyle" assumption made about gay men and lesbians).

279. See, e.g., Strasser, *supra* note 257, at 70.

43. Heterosexuals do not have to worry about being “bashed” after leaving a social event with other heterosexuals²⁸⁰ (though Black people of all sexual orientations do have to worry about being “racially bashed” on any given day).

44. Every day is (white) “Heterosexual Pride Day.”²⁸¹

VI. CONCLUSION: RESISTING PRIVILEGES

I have argued that men should employ feminism to expose and challenge male privileges. In advancing this argument, I do not mean to suggest that the role of male feminists is to legitimize “untrustworthy” and “self-interested” victim-centered accounts of discrimination. There is a tendency on the part of dominant groups (e.g., males and heterosexuals) to discount the experiences of subordinate groups (e.g., straight women, lesbians and gays) unless those experiences are authenticated or legitimized by a member of the dominant group. For example, it is one thing for me, a Black man, to say I experienced discrimination in a particular social setting; it is quite another for my white male colleague to say he witnessed that discrimination. My telling of the story is suspect because I am Black (racially interested). My white colleague’s telling of the story is not suspect because he is white (racially disinterested). The racial transparency of whiteness—its “perspectivelessness”²⁸²—renders my colleague’s account “objective.”²⁸³

280. See, e.g., Berrill, *supra* note 270 (discussing anti-gay violence); Kogan, *supra* note 270 (linking homophobia in legal structures with homophobic violence).

281. See, e.g., Fajer, *supra* note 174, at 602-08 (asserting that our culture constantly flaunts heterosexuality).

282. See Kimberlé Williams Crenshaw, *Foreword: Toward a Race-Conscious Pedagogy in Legal Education*, 4 S. CAL. REV. L. & WOMEN'S STUD. 33, 35 (Fall 1994) (employing the term “perspectivelessness” to describe the ostensibly race-neutral way in which law is taught).

283. Peter Halewood comments on this problem from a white heterosexual male perspective. According to Halewood:

Because I am white and male, the Article is more likely to be accepted (or ignored) by colleagues as a scholarly application of scholarly ideas than it would be if written by a black female professor. A black female author of this piece would probably encounter more skepticism about the method, claims, and motives of the article [sic] and would probably be viewed, at least by some, as being oversensitive and making trouble for her mostly white and male colleagues.

Halewood, *supra* note 115, at 6 n.14.

To avoid contributing to this authentication of whiteness and delegitimation of Blackness, Halewood argues that:

[r]ather than approaching the subject of law and subordination as neutral, theoretical experts or as political vanguardists, white male legal academics must recognize the legitimacy—even the superiority—of certain ‘outsider’ perspectives on these issues, and assume the role of secondary contributors to the development of scholarship in these areas.

Id at 7.

The problem of racial status (in)credibility is quite real. Consider how Cornel West alludes to it in the following anecdote about his inability to get a cab in New York City:

After the ninth taxi refused me, my blood began to boil. The tenth taxi refused me and stopped for a kind, well-dressed, smiling female fellow citizen of European descent. As she stepped in the cab, she said, "This is really ridiculous, is it not?"

Ugly racial memories of the past flashed through my mind. Years ago, while driving from New York to teach at Williams College, I was stopped on fake charges of trafficking cocaine. When I told the police officer I was a professor of religion, he replied, "Yeh, and I'm the Flying Nun. Let's go, nigger!" I was stopped three times in my first ten days in Princeton for driving too slowly on a residential street with a speed limit of twenty-five miles per hour Needless to say, these incidents are dwarfed by those like Rodney King's beating Yet the memories cut like a merciless knife at my soul as I waited on that godforsaken corner. Finally I decided to take the subway. I walked three long avenues, arrived late, and had to catch my moral breath as I approached the white male photographer and white female cover designer. I chose not to dwell on this everyday experience of black New Yorkers. And we had a good time talking, posing, and taking pictures.²⁸⁴

West is connecting two problematic episodes. His racial representations of these episodes reflect concerns about his racial credibility. West's narrative suggests that he is worried about how his readers will read him (is he a trustworthy witness?) and thus *read* the events he describes (do they reflect racism?). West understands that he is (or, rather, will be constructed as) an unreliable witness to his own racial victimization. That is to say, he is fully aware that, as a Black man, his racial story (like his racial identity) is suspect. Thus, he rhetorically deploys a "disinterested" witness to legitimize and authenticate his racial narrative—the woman "of European descent." She can be trusted. She is white and respectable—"well-dressed" and "smiling." To the extent that she confirms West's racial interpretation of the cab story—"This is really ridiculous, is it not?",²⁸⁵—the notion is forwarded that West is not racially imagining things; in fact, his race *is* interfering with his ability to get a cab. The employment of whiteness to racially authenticate West's first story renders West's second story (in which West is called a "nigger") more believable.²⁸⁶

284. WEST, *supra* note 179, at xv-xvi.

285. *Id.* at xv.

286. For a very thoughtful discussion of the role of race in Cornel West's scholarship and especially in his popular book, *Race Matters*, see Dwight McBride, *Transdisciplinary Intellectual Practice: Cornel West and the Rhetoric of Race Transcending*, 11 HARV. BLACKLETTER J. 155 (1994).

Male feminists should be careful not to replicate the kind of authentication strategy reflected in West's anecdote. In other words, male feminists should not perform the legitimization function the white woman's challenge to racism performs in West's text. To the extent that male heterosexuals participate in discourses on gender and sexuality, they should not create the (mis)impression that, because they do not experience the subordinating effects of patriarchy and heterosexism, their critiques of patriarchy and/or heterosexism are more valid and less suspect than the critiques propounded by lesbians, straight women, and gay men.

Assuming that the male feminist method I have described avoids the problem of authentication, one still might wonder whether the project is sufficiently radical to dismantle gender and sexual orientation hierarchies. Certainly the lists I have presented do not go far enough. They represent the very early stages in a more complicated process to end gender and sexual orientation discrimination.

The lists, nevertheless, are politically valuable.²⁸⁷ For one thing, the items on the lists reveal that men enforce and maintain their gender privileges through the personal actions they take and do not take every day. For another, to the extent that the lists focus our attention on privileges, they invite men to think about the extent to which they are unjustly enriched because of certain aspects of their identities.

To be sure, men will not be eager to learn or quick to accept the notion that they are unjustly enriched. The realization and acknowledgment of unjust enrichment carries with it the possibility of disgorgement. However, to the extent that men actually come to see their privileges as forms of unjust enrichment (and the lists help men do precisely that), they are more likely to take notice of the ways in which unjust enrichment operates systemically.

None of this is to say that awareness and acknowledgement of privilege is enough. Resistance is needed as well. But how does one resist? And what counts as resistance? With respect to marriage, for example, does resistance to heterosexual privilege require heterosexuals to refrain from getting married and/or attending weddings? It might mean both of those things. At the very least, resistance to identity privilege would seem to require "critical acquiescence": criticizing, if not rejecting, aspects of our life that are directly linked to our privilege. A heterosexual who gets married and/or attends weddings but who also openly challenges the idea that marriage is a heterosexual entitlement is engaging in critical acquiescence.

In the end, critical acquiescence might not go far enough. It might even be a cop out. Still, it is a useful and politically manageable place to begin.

287. See McIntosh, *supra* note 12.