

63 Language and Silence: Making Systems of Privilege Visible

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THE AMERICAN Heritage Dictionary of the English Language defines privilege as "a special advantage, immunity, permission, right, or benefit granted to or enjoyed by an individual, class, or caste." The word is derived from the Latin *privilegium*, a law affecting an individual, *privus* meaning single or individual and *lex* meaning law. This definition touched a chord for me, because the root of the word recognizes the legal, systemic nature of the term privilege that has become lost in its modern meaning. And it is the systemic nature of these power systems that we must begin to examine.

Consider the use of terms like racism and sexism. Increasingly, people use -isms language as a way to describe discriminatory treatment. Yet this approach creates several serious problems. First, calling someone racist individualizes the behavior, ignoring the larger system within which the person is situated. To label an individual a racist conceals that racism can only occur where it is culturally, socially, and legally supported. It lays the blame on the individual rather than the forces that have shaped that individual and the society that the individual inhabits. For white people this means that they know they do not want to be labeled racist. They become concerned with how to avoid that label, rather than worrying about systemic racism and how to change it.

Second, the -isms language focuses on the larger category such as race, gender, sexual preference. -Isms language suggests that within these larger categories two seemingly neutral halves exist, equal parts in a mirror. Thus black and white, male and female, heterosexual and gay/lesbian appear as equivalent sub-parts. In fact, although the category does not take note of it, blacks and whites, men and women, heterosexuals and gays/lesbians are not equivalently situated in society. Thus the way we think and talk about the categories and sub-categories that underlie the -isms obscures the pattern of domination and subordination within each classification.

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Similarly, the phrase *-isms* itself gives the illusion that all patterns of domination and subordination are the same and interchangeable. The language suggests that someone subordinated under one form of oppression would be similarly situated to another person subordinated under another system or form. Thus, someone subordinated under one form may feel no need to view himself/herself as a possible oppressor, or beneficiary of oppression, within a different form. For example, white women, having an *-ism* that defines their condition—sexism—may not look at the way they are privileged by racism. They have defined themselves as one of the oppressed.

Finally, the focus on individual behavior, seemingly neutral sub-parts of categories, and the apparent interchangeability underlying the vocabulary of *-isms* mask the existence of systems of power. It is difficult to see and talk about how oppression operates when the vocabulary itself makes those power systems invisible. The vocabulary allows us to talk about discrimination and oppression, but hides the mechanism that makes that oppression possible and efficient. It also hides the existence of specific, identifiable beneficiaries of oppression (who are not always the actual perpetrators of discrimination). The use of *-isms* language masks the privileging that is created by these systems of power.

The very vocabulary that we use to talk about discrimination obscures these power systems and the privilege that is their natural companion. To remedy discrimination effectively we must make the power systems and privileges which they create visible and part of discourse. So this is our problem with talking about race, sex, and sexual orientation: Each needs to be described as a power system that creates privileges in some, as well as disadvantages in others. Most civil rights writing and advocacy have focused on disadvantage or discrimination, ignoring the element of privilege. To really talk about these issues, privilege must be made visible.

Law plays an important role in the perpetuation of privilege by ignoring that privilege exists. And by ignoring its existence, law, with help from our language, ensures the perpetuation of privilege.

What is privilege? We all recognize its most blatant forms. Men only admitted to this club. We won't allow African-Americans into that school. Blatant exercises of privilege certainly exist, but are not the heartbeat of what most people will say they believe belongs as part of our way of life. They are also only the tip of the iceberg in examining privilege.

When we look at privilege we see several things. First, the characteristics of the privileged group define the societal norm, often benefiting those in the privileged group. Second, privileged group members can rely on their privilege and avoid objecting to oppression. And third, privilege is rarely seen by the holder of the privilege.

Examining privilege reveals that the characteristics and attributes of those who are privileged group members are described as societal norms—as the way things are and as what is normal in society.¹ This normalization of privilege means that members of society are measured against characteristics held by those

privileged. The privileged characteristic comes to define the norm. Those who stand outside are the aberrant or "alternative."

I had a powerful example of being outside the norm recently when I was called to jury service. Jurors are expected to serve until 5 P.M. During this year, my family's life has been set up so that I pick up my children after school at 2:40 and see that they get to various activities. If courtroom life were designed to privilege my needs, then there would be an afternoon recess to honor children. But in this culture children's lives, and the lives of their caretakers, are the alternative (or "other") and we must conform to the norm.

Members of the privileged group gain many benefits by their affiliation with the dominant side of the power system. This power affiliation is not identified as such. It may be transformed into and presented as individual merit. This is how legacy admissions at elite colleges and professional schools are perceived to be merit-based. Achievements by members of the privileged group are viewed as meritorious and the result of individual effort, rather than as privileged. Another example is my privilege to pick up my children at 2:40.

Many feminist theorists have described the male tilt of normative standards in law, including the gendered nature of legal reasoning, the male bias inherent in the reasonable person standard, and the gender bias in classrooms. Looking more broadly at male privilege in society, definitions based on male models delineate many societal norms. As Catharine MacKinnon has observed:

Men's physiology defines most sports, their health needs largely define insurance coverage, their socially designed biographies define workplace expectations and successful career patterns, their perspectives and concerns define quality in scholarship, their experiences and obsessions define merit, their military service defines citizenship, their presence defines family, their inability to get along with each other—their wars and rulerships—defines history, their image defines god, and their genitals define sex.²

Male privilege thus defines many vital aspects of American culture from a male point of view. The maleness of that view becomes masked as that view is generalized as the societal norm, the measure for us all.

Another characteristic of privilege is that members of privileged groups experience the comfort of opting out of struggles against oppression if they choose. It may be the privilege of silence. At the same time that I was the outsider in jury service, I was also a privileged insider. During voir dire, each prospective juror was asked to introduce herself or himself. The plaintiff's and defendant's attorneys then asked supplementary questions. I watched the defense attorney, during voir dire, ask each Asian-looking male prospective juror if he spoke English. No one else was asked. The judge did nothing. The Asian-American man sitting next to me smiled and recoiled as he was asked the question. I wondered how many times in his life he had been made to answer questions such as that one. I considered beginning my own questioning by saying, "I'm Stephanie Wildman, I'm a professor of law, and yes, I speak English." But I did not. I feared there would be repercussions if I did. But I exercised my white privilege by my silence. I exercised

my privilege to opt out of engagement, even though this choice may not always be made consciously by someone with privilege.

Depending on the number of privileges someone has, she or he may experience the power of choosing the types of struggles in which to engage. Even this choice may be masked as an identification with oppression, thereby making the privilege that renders the choice invisible. For example, privilege based on race and class power systems may temper or alleviate gender bias or subordination based on gender. In spite of the common characteristics of normativeness, ability to choose whether to object to the power system, and invisibility, which different privileges share, the form of privilege may vary based on the type of power relationship which produces it. Within each power system, privilege manifests itself and operates in a manner shaped by the power relationship from which it results. White privilege derives from the system of white supremacy. Male privilege and heterosexual privilege result from the gender hierarchy.³

Examining white privilege, Peggy McIntosh has found it "an elusive and fugitive subject. The pressure to avoid it is great,"⁴ she observes, as a white person who benefits from the privileges. She defines white privilege as

an invisible package of unearned assets which [she] can count on cashing in each day, but about which [she] was "meant" to remain oblivious. White privilege is like an invisible weightless knapsack of special provisions, assurance, tools, maps, guides, codebooks, passports, visas, clothes, compass, emergency gear, and blank checks.⁵

McIntosh identified 46 conditions available to her as a white person that her African-American co-workers, friends, and acquaintances could not count on.⁶ Some of these include: being told that people of her color made American heritage or civilization what it is; not needing to educate her children to be aware of systemic racism for their own daily protection; and never being asked to speak for all people of her racial group.⁷

Privilege also exists based on sexual orientation. Society presumes heterosexuality, generally constituting gay and lesbian relations as invisible.⁸ Professor Marc Fajer describes what he calls three societal pre-understandings about gay men and lesbians: the sex-as-lifestyle assumption, the cross-gender assumption, and the idea that gay issues are inappropriate for public discussion. According to Professor Fajer the sex-as-lifestyle assumption means that there is a "common non-gay belief that gay people experience sexual activity differently from non-gays" in a way that is "all-encompassing, obsessive and completely divorced from love, long-term relationships, and family structure."⁹ As to the cross-gender assumption, Professor Fajer explains that many non-gay people believe that gay men and lesbians exhibit "behavior stereotypically associated with the other gender."¹⁰ The idea that gay issues are inappropriate for public discussion has received prominent press coverage recently as "Don't ask, don't tell" concerning the military. Thus, even if being gay is acceptable, "talking about being gay is not," according to Professor Fajer.¹¹

Professor Fajer does not discuss these pre-understandings in terms of privilege. Nevertheless he is describing aspects of the sexual orientation power system which allow heterosexuals to function in a world where similar assumptions are not made about their sexuality. Not only are these assumptions not made about heterosexuals, but also their sexuality may be discussed and even advertised in public.

In spite of the pervasiveness of privilege, anti-discrimination practice and theory [have] generally not examined it and its role in perpetuating discrimination. Anti-discrimination advocates focus only on one half of the power system dyad, the subordinated characteristic, rather than seeing the essential companionship between domination that accompanies subordination and privilege that accompanies discrimination.

Professor Adrienne Davis has written:

Anti-discrimination activists are attacking the visible half of the domination/subordination dyad, trying bravely to chop it up into little pieces. These anti-discrimination activists fail to realize that the subordination will grow back from the ignored half of the dyad of privilege. Like a mythic double-headed hydra, which will inevitably grow a second head if both heads are not slain, discrimination cannot be ended by focusing only on subordination.¹²

Yet the descriptive vocabulary and conceptualization of discrimination hinder our ability to see the hydra-head of privilege. This invisibility is serious because that which is not seen cannot be discussed or changed. Thus, to end subordination, one must first recognize privilege. Seeing privilege means articulating a new vocabulary and structure for anti-subordination theory. Only by visualizing this privilege and incorporating it into discourse can people of good faith combat discrimination.

For me the struggle to visualize privilege most often has taken the form of the struggle to see my own white privilege. Even as I write about this struggle, I fear that my racism will make things worse, causing me to do more harm than good. Some readers may be shocked to see a white person contritely acknowledge that she is racist. Understand I do not say this with pride. I simply believe that no matter how hard I work at not being racist, I still am. Because part of racism is systemic, I benefit from the privilege that I am struggling to see.

Whites do not look at the world through a filter of racial awareness, even though whites are, of course, a race. The power to ignore race, when white is the race, is a privilege, a societal advantage. Yet whites spend a lot of time trying to convince ourselves and each other that we are not racist. I think a big step would be for whites to admit that we are racist and then to consider what to do about it.¹³ I also work on not being sexist. This work is different from my work on my racism, because I am a woman and I experience gender subordination. But it is important to realize that even when we are not privileged by a particular power system, we are products of the culture that instills its attitudes in us. I have to make sure that I am calling on women students and listening to them as carefully as I listen to men.

While we work at seeing privilege, it is also important to remember that each

of us is much more complex than simply our race and gender. Professor Kimberlé Crenshaw and others introduced the idea of the intersection into feminist jurisprudence. Her work examines the intersection of race, as African-American, with gender, as female. Thus, Crenshaw's intersectionality analysis focused on intersections of subordination.

Intersectionality can help reveal privilege, especially when we remember that the intersection is multi-dimensional, including intersections of both subordination and privilege. Imagine intersections in three dimensions, where multiple lines intersect. From the center one can see in many different directions. Every individual exists at the center of these multiple intersections, where many strands meet, similar to a Koosh ball.¹⁴

The Koosh ball is a popular children's toy. Although it is called a ball and that category leads one to imagine a firm, round surface used for catching and throwing, the Koosh is neither hard nor firm. Picture hundreds of rubber bands, tied in the center. Mentally cut the end of each band. The wriggling, unfirm mass in your hand is a Koosh ball, still usable for throwing and catching, but changing shape as it sails through the air or as the wind blows through its rubbery limbs when it is at rest. It is a dynamic ball.

The Koosh is the perfect post-modern ball. Its image "highlights that each person is embedded in a matrix of . . . [categories] that interact in different contexts" taking different shapes.¹⁵ In some contexts we are privileged and in some subordinated, and these contexts interact.

Societal efforts at categorization are dynamic in the same way as the Koosh is, changing, yet keeping a central mass. When society categorizes someone on the basis of race, as either white or of color, it picks up a strand of the Koosh, a piece of rubber band, and says, "See this strand, this is defining and central. It matters." And it might be a highly important strand, but looking at one strand does not really help anyone to see the shape of the whole ball or the whole person. And race may be a whole cluster of strands including color, culture, identification, and experience. Even naming the experience "race" veils its many facets.

Categorical thinking obscures our vision of the whole, in which multiple strands interrelate with each other, as well as our vision of its individual strands. No individual really fits into any one category; rather, everyone resides at the intersection of many categories. Yet categorical thinking makes it hard or impossible to conceptualize the complexity of an individual. The cultural push has long been to choose a category.¹⁶ Yet forcing a choice results in a hollow vision that cannot do justice. Justice requires seeing the whole person in her or his social context.

Complex, difficult situations that are in reality discrimination cannot be adequately described using ordinary language, because that language masks privilege. Language masks privilege by making the bases of subordination themselves appear linguistically neutral, so that the cultural hierarchy implicit in words such as race, gender, and sexual orientation is banished from the language. Once the hierarchy is made visible the problems remain no less complex, but it becomes possible to discuss them in a more revealing and useful fashion.

NOTES

Note: I acknowledge my intellectual debt to two colleagues, Adrienne Davis and Trina Grillo, both professors at my school. The three of us worked together for almost two years, writing several working papers examining privilege and subordination. The "with" designation for authorship reflects Davis's contribution in paragraphs concerning "-isms" language and categories which we wrote together for the working papers. [S.M.W.]

1. Richard Delgado & Jean Stefancic, *Pornography and Harm to Women: "No Empirical Evidence"?*, 53 OHIO ST. L.J. 1037 (1992) (describing this "way things are." Because the norm or reality is perceived as including these benefits, the privileges are not visible.).

2. CATHARINE A. MACKINNON, *TOWARD A FEMINIST THEORY OF THE STATE* 224 (1989).

3. Sylvia Law, *Homosexuality and the Social Meaning of Gender*, 1988 WIS. L. REV. 187, 197 (1988); Marc Fajer, *Can Two Real Men Eat Quiche Together? Storytelling, Gender-Role Stereotypes, and Legal Protection for Lesbians and Gay Men*, 46 U. MIAMI L. REV. 511, 617 (1992). Both articles describe heterosexism as a form of gender oppression.

4. Peggy McIntosh, *Unpacking the Invisible Knapsack: White Privilege*, CREATION SPIRITUALITY, Jan.-Feb. 1992, at 33. Marnie Mahoney has also described aspects of white privilege. Martha Mahoney, *Whiteness and Women*, in *Practice and Theory: A Reply to Catharine MacKinnon*, 5 YALE J.L. & FEMINISM 217 (1993).

5. McIntosh, *supra* note 4, at 33.

6. *Id.* at 34.

7. *Id.*

8. ADRIENNE RICH, *Compulsory Heterosexuality and Lesbian Existence*, in *BLOOD, BREAD, AND POETRY: SELECTED PROSE 1979-1985* (1986).

9. Fajer, *supra* note 3, at 514.

10. *Id.* at 515.

11. *Id.*

12. Adrienne D. Davis, *Toward a Post-Essentialist Methodology; or, A Call to Countercategorical Practices* (1994) (unpublished manuscript).

13. See also Jerome McCristal Culp, Jr., *Water Buffalos and Diversity: Naming Names and Reclaiming the Racial Discourse*, 26 CONN. L. REV. 209 (1993) (urging people to name racism as racism).

14. The image of the Koosh ball to describe the individual at the center of many intersections evolved during a working session between Adrienne Davis, Trina Grillo, and me.

15. Joan C. Williams, *Dissolving the Sameness/Difference Debate: A Post-Modern Path Beyond Essentialism in Feminist and Critical Race Theory*, 1991 DUKE L.J. 296, 307.

16. Thus in 1916 Harold Laski wrote: "Whether we will or no, we are bundles of hyphens. When the central linkages conflict, a choice must be made." Harold Laski, *The Personality of Associations*, 29 HARV. L. REV. 404, 425 (1916).

From the Editors: Issues and Comments

IS MINORITY racial status possible only in a society that has formed the category of whiteness as a preferred condition? That is, are whiteness and blackness (or brownness, etc.) mutually dependent notions, such that without the one the other would not exist? If so, should it be a first order of business for any society bent on achieving racial justice to come to grips with the meaning of its own dominant coloration, which in the American case is whiteness? Do you agree that in our own society whiteness is equated with innocence, as Ross says; is the basis for extrapolation and metaphor, as Grillo and Wildman argue; and is the baseline for determining privilege, as Wildman and Davis suggest? When it comes to deciding who can intermarry and who can naturalize, is even a drop of nonwhite blood tantamount to contamination, as Haney López implies, based on his assessment of Supreme Court jurisprudence?

The reader intrigued by recent Critical attention to the idea of whiteness may well wonder what is next, in particular whether masculinity, another category freighted by power and privilege, will not come in for examination. In the past several years, novels (e.g., Alice Walker's *The Color Purple*) and book-essays (e.g., Ishmael Reed's *Airing Dirty Laundry*) have called attention to issues of misogyny and divisions between men and women of color. Recently a few race-Crits have begun to address these issues as well. Derrick Bell's *And We Are Not Saved* contains a pungent—and controversial—Chronicle concerning black professional women's marriage chances. Through a fictional interlocutor, Bell raises the possibility that black men who date or marry white women, get themselves arrested, or otherwise make themselves unmarriageable are responsible for the predicament of black women faced with a lonely future (DERRICK BELL, *AND WE ARE NOT SAVED* 193–214 (1987)). Devon Carbado, Marvin Jones, and others also write in this vein.

In an article (*The Social Construction of a Rape Victim*, 1992 U. ILL. L. REV. 997) Kevin Brown uses conversations with African-American males in Indianapolis to show how belief systems operating in the black community constructed heavyweight boxing champion Mike Tyson as a victim of white justice, even though he was accused and convicted of raping Desirée Washington. Brown, an African-American, points out how loyalty to the black community demands that racism trump sexism as the first struggle to be won, due to the ingrained belief that justice is white and sexism mainly a white issue. Brown argues that this view victimizes African-American women, leaving them exposed, perhaps indefinitely, because the racial problem will never be solved. It also victimizes black men by reinforcing stereotypes of them as violent and oversexed.

Jerome Culp, writing about the Rodney King case (*Notes from California: Rodney King and the Race Question*, 70 DEN. U.L. REV. 199 (1993)) argues that white insecurities play a large part in the predicament of black men. White police officers view uppity African-American men as sexual and political competitors and make sure that they remain in their place. Culp details the "rules of engagement" by which many African-American males are taught to survive during encounters with the police and urges that not acknowledging the role of race in criminal justice simply increases racial subordination.

Will Critical Race Masculinism be the next area of inquiry for civil rights scholarship and activism? Developments move quickly in Critical thought, especially during times of ferment like the present. Only a few years ago, essentialism and antiessentialism, as well as intersectionality, were only beginning to be written about. Today, they are on the front burner. Critical white studies is an even more recent development; some books on Critical Race Theory do not even mention it. Although making predictions is always hazardous, it seems likely that a reexamination of the role of gender in communities of color, and of the construction of femininity and masculinity in general, is very much in order. Other areas likely to move to the forefront are environmental justice, international human rights, children and adoptees of color, multiracialism, and religion in social reform movements.

Suggested Readings

- ALLEN, THEODORE W., *THE INVENTION OF THE WHITE RACE: RACIAL OPPRESSION AND SOCIAL CONTROL* (1994).
- Bell, Derrick A., Jr., *White Superiority in America: Its Legacy, Its Economic Costs*, 33 VILL. L. REV. 767 (1988).
- CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR (Richard Delgado & Jean Stefan-cic eds. 1997).
- Davis, Adrienne D., *Identity Notes, Part One: Playing in the Light*, 45 AM. U.L. REV. 695 (1996).
- DISPLACING WHITENESS: ESSAYS IN SOCIAL AND CULTURAL CRITICISM (Ruth Frankenberg ed. 1997).
- EZEKIEL, RAPHAEL S., *THE RACIST MIND: PORTRAITS OF AMERICAN NEO-NAZIS AND KLANSMEN* (1995).
- FEAGIN, JOE R., & HERNÁN VERA, *WHITE RACISM: THE BASICS* (1995).
- FLAGG, BARBARA J., *WAS BLIND, BUT NOW I SEE: WHITE RACE CONSCIOUSNESS AND THE LAW* (1998).
- FRANKENBERG, RUTH, *WHITE WOMEN, RACE MATTERS: THE SOCIAL CONSTRUCTION OF WHITENESS* (1993).
- HALE, GRACE ELIZABETH, *MAKING WHITENESS: THE CULTURE OF SEGREGATION IN THE SOUTH, 1890-1940* (1998).
- Harris, Cheryl L., *Whiteness as Property*, 106 HARV. L. REV. 1707 (1993).
- HORSMAN, REGINALD, *RACE AND MANIFEST DESTINY: THE ORIGINS OF AMERICAN RACIAL ANGLO-SAXONISM* (1981).