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### Race, Gender, and Sexual Harassment

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# RACE, GENDER, AND SEXUAL HARASSMENT\*

KIMBERLE CRENSHAW\*\*

I would like to thank Anita Hill and express my deep respect to her for having the courage to shatter the silence on sexual harassment. I am certain that I speak for millions of women in saying that I have been inspired and renewed by her strength and integrity.

I have looked forward to addressing you tonight on a critical issue at this very important juncture in our political history. Sexual harassment has captured our attention over the last several weeks and has of course galvanized women in a way that scarcely could have been imagined only a few short months ago. The issue I want to address tonight, however, is at once narrower and broader than sexual harassment. Focusing on the intersections of race and gender, I want to highlight the racial dimensions of sexual harassment of African-American women.

Over the last month women have consistently used the concept of silence to talk about why harassment has been buried for so long and why women are now beginning to shatter that silence. We have also talked about how women who have experienced sexual harassment are situated between a rock and a hard place. We understand now that our choices as women are limited to silently tolerating sexual harassment and other abuses or confronting the further degradation and psychic assault that we are sure to receive if we speak out and resist.

I would like to build upon both those metaphors as a means to uncover the particular ways in which Black women are silenced between the rocks and the hard places of racism and sexism. One way of beginning to think about this space is suggested by the concept of intersectionality. African-American women by virtue of our race and gender are

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\* Based upon a speech at the Forum for Women State Legislators held in San Diego, California on November 15, 1991 and sponsored by the Rutgers University Center for the American Woman and Politics.

\*\* Samuel Rubin Visiting Professor of Law at Columbia University. The ideas in this piece are further developed in *Sexuality and Intersectional Politics: When Race and Gender Stop Making Sense*, in RACE-ING JUSTICE, EN-GENDERING CHANGE (Toni Morrison 1992).

situated within at least two systems of subordination: racism and sexism. This dual vulnerability does not simply mean that our burdens are doubled but instead, that the dynamics of racism and sexism intersect in our lives to create experiences that are sometimes unique to us. In other words, our experiences of racism are shaped by our gender, and our experiences of sexism are often shaped by our race. The rocks and hard places that make it so difficult for Black women to articulate these experiences, however, are not simply racism and sexism, but instead, the oppositional politics of mainstream feminism and antiracism. Because each movement focuses on gender or race exclusive of the other, issues reflecting the intersections of race and gender are alien to both movements. Consequently, although Black women are formally constituents of both, their intersectional interests are addressed by neither.

Within feminism, to the extent that race is addressed at all, it is usually seen as an additional burden, one that simply adds to gender oppression rather than being a part of it. Yet race cannot be separated from gender in Black women's lives. Race in many ways both shapes and kinds of gender subordination Black women experience and limits the opportunities to successfully challenge it.

If the tremendous momentum generated by Anita Hill's courageous act is to create a women's agenda that substantively includes rather than tokenizes other women, we will all have to work hard to see that race and other intersections are fully incorporated in to our understanding of women's issues. Not only is this broadening essential if we are to reach women whose lives differ from the movement's straight white middle class center of gravity, it is important that we highlight the connections between all the "isms" as a way of combatting the divide and conquer strategy that has so successfully pitted women's interests against the interests of people of color. Indeed, if anything has been made clear to us in the wake of the Hearings, it is that efforts to put at odds the constituencies mobilized around gender and race issues have devastated our uneasy coalition. Rebuilding and fortifying our connections must be our priority. As part of this strategy, we should begin to uncover the many silences that have made this oppositionalism plausible, silences about the connections between racism and sexism and the futility for many of us of moving concretely on one front without addressing the other. Toward this end, I want to discuss some of the ways that race intersects with gender in the context of the sexual harassment of Black women. This is far from an exhaustive analysis of race and gender: instead it is an attempt to illustrate the many nuances that a gender-only framework

misses and to suggest that it is through addressing precisely these silences that we can open the door to a vibrant and powerful women's agenda.

In efforts to analyze and explain sexual harassment and the law's inadequate efforts to deal with it, feminists have frequently used *rape* as an analytical paradigm. Rape is a helpful paradigm because it captures the ways that many women respond to sexual abuse and the way that law shapes the treatment of the few courageous women who do come forward. In sexual harassment as well as in rape, it is the woman rather than the accuser who is on trial. The inquiry is animated by myths about women, about assumptions regarding our veracity, about our integrity, and even about our grasp upon reality. Rape law traditionally, and sexual harassment law currently, focuses on women's conduct and their character rather than on the conduct, and character of the perpetrator. This imbalanced enquiry was, I think, very clearly illustrated in the hearings.

The parallel between rape and sexual harassment is also helpful in highlighting some of the more specific ways that Black women have experienced sexual aggression. Rape and sexual abuse in the work context, now termed sexual harassment, has been a condition of Black women's work-life for centuries. Forced sexual access to Black women was institutionalized in slavery and was central to its reproduction. Rape and other sexual abuses were justified by the myth that Black women were sexually voracious and indiscriminate and that they readily copulated with animals, most frequently represented to be apes and monkeys. Indeed, their very anatomy was often objectified. Black feminist scholar Patricia Hill Collins reports that the abuse and the mutilation that these myths inspired are memorialized to this day in a Paris museum where the buttocks and genitalia of Sarah Barton as the so-called "Venus Hot-tentot" remains on display.

Although the institution of slavery is now behind us, the stereotypes that justified sexual abuse of Black women are still very much a part of our current society. We see elements of this in the experiences of Black women who are abused in their jobs and in the experiences of Black women elsewhere. In sexual harassment cases involving African-American women, the abusive conduct directed toward them sometimes represented a merging of racist myths with their vulnerability as women. Black women share with other women the experience of being referred to and treated as "cunts," "beavers," or "piece." Yet for Black women those insults are sometimes prefaced with "Black," or "nigger," or "jungle." Perhaps it is due to this racialization of sexual harassment that

Black women are disproportionately represented as plaintiffs in these cases. There is little room to doubt that this behavior is hostile and discriminatory. Racism may provide the clarity to see that sexual harassment is not a flattering or misguided social overture but an intentional act of sexual discrimination that is threatening, and humiliating.

Pervasive stereotypes about Black women not only shape the kind of harassment that Black women experience but also influence whether Black women's stories are likely to be believed. Historically Black women's words were not taken as true. In our own legal system, a connection was once drawn between chastity and lack of veracity. In other words, a woman who was likely to have sex was not likely to tell the truth. Because Black women were not expected to be chaste, similarly, they were unlikely to tell the truth. Judges were known to instruct juries to take a Black woman's word with a grain of salt. One judge warned jurors that the general presumption of chastity applicable to white women did not apply to Black women. Lest we believe that these attitudes are a thing of the past, a very recent study of jurors in rape trials revealed that Black women's integrity is still very deeply questioned by many people in society. One juror, explaining why Black rape victims were discredited by the jury, said "you can't believe everything they say; they're known to exaggerate the truth."

Even when the facts of our stories are believed, myths and stereotypes about Black women also influence whether the insult and the injury we've experienced is thought to be relevant or important. Again, attitudes of jurors seem to reflect a common belief that Black women are different from white women and that sexually abusive behavior directed toward them is somehow less objectionable. Said one juror in a case involving the rape of a Black pre-teen, "being from that neighborhood she probably wasn't a virgin anyway." A recent study found that assailants who assault Black women are less likely to receive jail time than those who attack white women. Another found that when they are incarcerated, the average sentence given to Black women's assailants is two years. The average sentence given to white women's assailants is ten years.

Lest we think these responses are exceptional let us think critically about the societal response to the victimization of say Carol Stewart, the Boston woman whose murder precipitated a door-to-door search in the Black community, or for that matter the rape of the Central Park jogger. Can any of us honestly say the public outcry would have been the same if either of these victims had been Black? Would the Boston police have

conducted a door to door search of the Black or white communities in Boston had Carol Stuart and her fetus been Black? Would Donald Trump have taken out a full page ad in the *New York Times* calling for the reinstatement of the death penalty had the Central Park jogger been a Black service worker? Surely the Black woman who was gang raped during that very same week, who was thrown down an elevator shaft and left to die, and the other twenty-eight women who were raped that week, none of whom received an outpouring of public concern, would find it impossible to deny that society views the victimization of some women as less important than others. So would the Black woman who was gang raped at St. John's University and the thousands of other Black women whose word's and integrity are not valued in our society. While we think about the public spectacle of the devaluation of Black women I urge you to look at media representations themselves to see just one way that these myths that devalue Black women are constantly reproduced. Consider whether you have seen portrayed a crowded police station or a red light district without Black women present. The Black woman as prostitute is a stock character in virtually any gritty, "realistic," urban scene. We talk frequently about the way male racism shapes the betrayal of Blacks, usually men (as Black male criminals), and the way sexism shapes the portrayal of women, usually white (as sex objects). We talk less frequently about the way these representations intersect to create an image of Black women as sexual deviants—as a combination of the criminal and the sexual.

The Hearings have also revealed that shared racial identity does not render anyone immune to the myths and stereotypes that distort the sexual images of Black women. Orlando Patterson, a highly acclaimed Harvard professor, argued in the aftermath of the Confirmation Hearings that even if testimony about Thomas's gross pornography-laden harassment was actually true, Thomas was justified in lying about it given that such behavior was recognizable (and apparently acceptable) to Black women as simply a style of "down home courting."

Patterson's argument is enlightening because we see here that sexual stereotypes about African Americans not only can be believed by Blacks as well as whites, but that these beliefs might explain why harassers of both races might treat women differently on the basis of race. For example, white harassers may believe that certain behavior is acceptable to Black women because "they" are different, while Black harassers may believe that certain behavior is acceptable because "we" are different. Of

course, there are probably significant differences in the way these harassers are perceived by Black women, but the point remains that race shapes Black women's vulnerability to harassment in both instances.

Perhaps most troubling, however, is Patterson's use of a cultural difference to legitimate the unwelcome and often hostile harassment of Black women when it is intraracial. How ironic it is that such an affirmative action defense to sexual harassment would be offered to defend Clarence Thomas, a man who otherwise refuses to recognize the most legitimate of cultural differences. This cultural defense effectively deflects criticisms of sexist attitudes and practices that subordinate Black women and other women of color in our communities. The conversation-ending effect of cultural arguments is grounded in the complex politics of race. Many whites, knowing little about other people of color, can do little more than defer to a distinguished spokesman who declares that his group is simply different. Moreover, some whites may be predisposed to accept the claims of difference, especially in matters relating to sexuality. People of color may also be silenced by the cultural defense out of our desire to maintain our much needed communal bonds and out of a well-placed fear that minority cultures, generally under assault, must be protected in order to survive. Organized women must begin to grapple with these issues, to find ways of empowering women of different cultural heritages to oppose sexist practices within our community and to oppose racist assaults against our communities.

The intersections of racism and sexism must be acknowledged and actively addressed if women of color are to be empowered to struggle against sexual abuse. Toward this end it is also important that organized women understand the internal dimensions of the lives of women of color, particularly, the way that they cope with sexual harassment and other sexual abuses when it is intraracial. For example, the pervasive silence about this issue in the Black community is grounded in fears that speaking about sexual abuse will reinforce negative racial stereotypes about Blacks in general and about Black men in particular. Of course this silence creates a classic double bind. To speak, one risks the censure of one's closest allies. To remain silent renders one continually vulnerable to the kinds of abuses heaped upon people who have no voice. While many Black women are understandably silent out of a belief that our interests are best served by a singular focus on race, many are beginning to see our silences as costly and ultimately counterproductive to the interests of the entire Black community. For example, we are well aware that Black women are disproportionately likely to be the sole economic

support for their families. Sexual harassment, whether interracial or intraracial, is thus a race issue for the Black community because it not only places Black women in personal jeopardy, but it also threatens the well-being of the majority of Black families who are dependent on a female wage earner. Black women of course need the collective support of organized women in order to grapple with harassment and other issues. But your support means much more if you understand and work to change the underlying reality of racism that places us betwixt and between and renders so many of us silent.

There are other political dilemmas, that await the women's movement if it does not undertake the difficult task of constructing a political program that addresses these intersections. A central problem that was revealed during the Hearings is that women's issues are often seen by the public as representing the selected concerns of a few well placed, overly influential white women. One of the most troubling manifestations of this attitude is represented by those who claim that any Black woman who raises a gender related issue is simply acting on the white women's agenda and not on that of the Black community. Apparently a Black woman who has been harassed, or raped, or battered cannot conclude on her own that this behavior is damaging to her as a Black woman. Of course, Black feminists and other feminists of color have rejected these claims and have labored to uncover the many ways that nonwhite communities are affected by sexism. However, white feminist politicians and other activists must do their part to address some of the reasons why this perception persists. Organized women must affirmatively act to make women's issues relevant to communities of color as well of to working class and poor women. This effort requires that they go beyond the usual practice of incorporating only those aspects of women's lives that appear to be familiar as "gender" while marginalizing those issues that seem to relate solely to class or to race. For example, when organized women have portrayed sexual harassment, it has been tempting to focus on the highly successful physician or businesswoman who despite her talent, her wealth, and her clear ability to make it on men's terms is nonetheless discriminated against. Too often she is thought of as the strongest symbol of gender subordination. Yet it is important to recognize that there are other compelling stories that characterize sexual harassment that must be incorporated if feminism is going to speak to women of color and poor women more directly. Nonwhite working class women, if they are ever to identify with the organized women's movement, must be able to see themselves in the representations of women. They must see diversity and an appreciation of the differential constraints that double and triple



jeopardy places upon them. We also have to be aware of the media's tendency to focus on these few exceptional women as representative of sexual discrimination while excluding others. Yesterday, for example, many of us who attended the hearings on sexual harassment sponsored by the California Women's Caucus were moved by the stories told by scores of women who were called to testify about their experiences of sexual harassment. To a room packed with media and concerned women, a surgeon, a businesswoman, and a major radio station manager all told their stories. Yet only after the media and most of the audience left did the few who remained gain a unique appreciation of the diverse ways that women of color, working class women and lesbian women confront sexual harassment. I wish that everyone could have heard the testimony of a white working class woman, a waitress, who was subject to repeated sexual abuse by three brothers who employed her, and who was ultimately raped by one of them. She was awarded a mere \$30,000 and pursuant to a California State Court decision, was denied even that. I wish that everyone could have heard the story of an Asian construction worker whose co-workers shoved a hammer between her legs, who was taunted with racial slurs who was repeatedly grabbed on her breasts while installing overhead fixtures, and who was asked whether it was true that Asian women's vaginas were sideways. She testified that when she was told, "you don't belong here," she couldn't figure out whether it was because she was Asian, female or both. And I wish everyone could have heard the Latina community worker who at 2:30 one morning was harassed by two of her supervisors in her home, who was then urged to be quiet by other women in the organization—women who had already tolerated the abuse in silence—for fear that exposing the perpetrators would undermine their movement and embarrass the Latino community. I wish everyone could have heard the story of a lesbian pipe fitter who was harassed as much for being a woman as for purportedly not being a woman, who finally picked up an axe and destroyed an office desk in response to sexist jokes, who despite her skill and her commitment was finally forced to seek employment elsewhere. Had the media heard this diversity and managed to portray it, if women representatives, political actors and supporters had been more fully versed in it then we would be two steps closer to reaching the many women who do not yet identify the problems they face as women's issues.

Political possibilities open up when we expand the parameters of the center and embrace the margins. When we pierce the veil of race and class and look to find women's issues behind that veil we will find unexpected opportunities to better women's lives and to build a coalition. For

example, if we go beyond our focus on working women and ask poor and unemployed women about sexual harassment, we might hear about broad scale sexual harassment that women face in the rental housing market and perhaps also in social service delivery. When we begin to see that a problem initially conceived somewhat narrowly has broader manifestations, we also see that problems we thought unrelated are actually somewhat familiar and that in fact feminism might have some conceptual tools to address them. This facilitates the building of a coalition. We must also broaden the scope of women's issues to reveal other sites where gender subordination continues unabated. If we look at the experience of women in the trades, for example, it is clear that we've done much better in integrating women into the ranks of Harvard Business School and Yale Law School than into the ranks of the local carpenters, pipe fitters, or electrician unions. We can and should confront these male enclaves and talk about how the social opportunities of millions of women are bounded and policed through subordinating gender practices such as sexual harassment.

In short, we have opportunities to broaden the base and to strengthen the clout of the women's movement. It is imperative that we reach across these boundaries to ensure that the artificial separation between racism, sexism, and other "isms" never again erases the experience of any woman. Each of you can contribute to this effort by incorporating an intersectional sensibility into your political activities. For example, when each of you as women politicians, artists, executives or academics are called upon to dispell myths and stereotypes used to justify the subordination of women be sure to include on that list racist images such as the Black welfare queen. When you complain about glass ceilings, do not forget to complain about the elusive wrench, or the inaccessible scaffold as well. When you criticize the media for lack of good women's roles, and when you rally against sexual objectification be sure to mention the sexual vilification of African-American women and the virtual absence of any other women of color in the industry. And when you write checks and fund groups make sure you put some economic clout behind efforts to speak to women of color, working class and poor women. By reorienting political practices away from that which is most familiar and centering on the complexities of race and class and other intersections we can give voice to silences and renew our energies towards a powerful, effective women's movement. And if in retrospect this is the only lesson that we've learned from the extraordinary events during the Fall of 1991 we might be able to say that although we may

have lost this battle against sexual harassment, we can go on to win the war to end the silence. Thank you.