

## Making Systems of Privilege Visible

—Stephanie M. Wildman with Adrienne D. Davis

The notion of privilege, although part of the consciousness of popular culture, has not been recognized in legal language and doctrine. This failure to acknowledge privilege, to make it visible in legal doctrine, creates a serious gap in legal reasoning, rendering us unable to address issues of systemic unfairness.

The invisibility of privilege strengthens the power it creates and maintains. The invisible cannot be combated, and as a result privilege is allowed to perpetuate, regenerate, and re-create itself. Privilege is systemic, not an occasional occurrence. Privilege is invisible only until looked for, but silence in the face of privilege sustains its invisibility.

Silence is the lack of sound and voice. Silence may result from a desire for quiet; it may signify intense mental concentration; it may also arise from oppression or fear. Whatever the reason, when there is silence, no criticism is expressed. What we do not say, what we do not talk about, allows the status quo to continue. To describe these unspoken systems means we need to use language. But even when we try to talk about privilege, the language we use inhibits our ability to perceive the systems of privilege that constitute the status quo.

### HOW LANGUAGE VEILS THE EXISTENCE OF SYSTEMS OF PRIVILEGE

Language contributes to the invisibility and regeneration of privilege. To begin the conversation about subordination, we sort ideas into categories such as race and gender. These words are part of a system of categorization that we use without thinking and that seems linguistically neutral. Race and gender are, after all, just words.

usually "Is it a girl or a boy?" Why do we ask that, instead of something like "Are the mother and child healthy?" We ask, "Is it a girl or a boy?" according to philosopher Marilyn Frye, because we do not know how to relate to this new being without knowing its gender.<sup>1</sup> Imagine how long you would have a discussion with or about someone without knowing her or his gender. We place people into these categories because our world is gendered.

Similarly, our world is also raced, and it is hard for us to avoid categorical notes as to race. We use our language to categorize by race, particularly, if we are white, when that race is other than white. Marge Shultz has written of calling on a Latino student in her class.<sup>2</sup> She called him Mr. Martínez, but his name was Rodríguez. The class tensed up at her error earlier that same day another professor had called him Mr. Hernández, the name of the defendant in the criminal law case under discussion. Professor Shultz talked with her class, at its next session, about her error and how our thought processes lead us to categorize in order to think. She acknowledged how this process leads to stereotyping that causes pain to individuals. We all live in this raced and gendered world, inside these powerful categories, that make it hard to see each other as whole people.

But the problem does not stop with the general terms "race" and "gender." Each of these categories contains the images, like an entrance to a tunnel with many passages and arrows pointing down each possible path of subcategories. Race is often defined as Black and white; sometimes it is defined as white and "of color." There are other races, and sometimes the categories are each listed, for example, as African American, Hispanic American, Asian American, Native American, and White American, if whiteness is mentioned at all. All these words, describing racial subcategories, seem neutral on their face, like equivalent titles. But however the subcategories are listed, however neutrally the words are expressed, these words mask a system of power, and that system privileges whiteness.

Gender, too, is a seemingly neutral category that leads us to imagine subcategories of male and female. A recent scientific article suggested that five genders might be a more accurate characterization of human anatomy, but there is a heavy systemic stake in our image of two genders.<sup>3</sup> The apparently neutral categories male and female mask the privileging of males that is part of the gender power system. Try to think of equivalent gendered titles, like king and queen, prince and princess, and you will quickly see that male and female are not equal titles in our cultural imagination.

Poet and social critic Adrienne Rich has written convincingly about the compulsory heterosexuality that is part of this gender power system.<sup>4</sup> Almost everywhere we look, heterosexuality is portrayed as the norm. In Olympic ice-skating and dancing, for example, a couple is defined as a man partnered with a woman.<sup>5</sup> Heterosexuality is privileged over any other relationship. The words we use, such as "marriage," "husband," and

"wife," are not neutral, but convey this privileging. The amazing, says Rich, is that there are any lesbians or gay men at all.<sup>6</sup>

Our culture suppresses conversation about class privilege as well as race and gender privileges. Although we must have money or access to money to obtain human necessities such as food, clothing, and shelter, those fundamental needs are recognized only as an individual responsibility. The notion of privilege based on economic wealth is viewed as a radical, dangerous idea, or an idiosyncratic throwback to the past, conjuring up connotations with monarchies, nobility, serfs, and peasants. Yet even the archaic vocabulary makes clear that no one wants to be categorized as a have-not. The economic power system is not invisible—everyone knows that money brings privilege. But the myth persists that all have access to that power through individual resourcefulness. This myth of potential economic equality supports the invisibility of the other power systems that prevent fulfillment of that ideal.

Other words we use to describe subordination also mask the operation of privilege. Increasingly, people use terms like "racism" and "sexism" to describe disparate treatment and the perpetuation of power. Yet this vocabulary of "isms" as a descriptive shorthand for undesirable, disadvantageous treatment creates several serious problems.

First, calling someone a racist individualizes the behavior and veils the fact that racism can occur only where it is culturally, socially, and legally supported. It lays the blame on the individual rather than the systemic forces that have shaped that individual and his or her society. White people 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, through the linguistic juxtaposition, as equivalent subparts. 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 subcategories that underlie the isms allows us to consider them parallel parts, and obscures the pattern of domination and subordination within each classification.

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 form. Thus, a person 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, the seemingly neutral subparts of categories, and the apparent interchangeability underlying the vocabulary of isms all obscure the existence of systems of privilege and power. It is difficult to see and talk about how oppression operates when the vocabulary itself makes these systems of privilege invisible. "White supremacy" is associated with a lunatic fringe, not with the everyday life of well-meaning white citizens. "Racism" is defined by whites in terms of specific, discriminatory racist actions by others. The vocabulary allows us to talk about discrimination and oppression, but it 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, or any focus on discrimination, masks the privileging that is created by these systems of power.

Thus the very vocabulary we use to talk about discrimination obfuscates these power systems and the privilege that is their natural companion. To remedy discrimination effectively we must make the power systems and the privileges they create visible and part of the discourse. To move toward a unified theory of the dynamics of subordination, we have to find a way to talk about privilege. When we discuss race, sex, and sexual orientation, each needs to be described as a power system that creates privileges in some people as well as disadvantages in others. Most of the literature has focused on disadvantage or discrimination, ignoring the element of privilege. To really talk about these issues, privilege must be made visible.

## WHAT IS PRIVILEGE?

What then is privilege? We all recognize its most blatant forms. "Men only admitted to this club." "We will not allow African Americans into that school." Blatant exercises of privilege certainly exist, but they are not what most people think of as our way of life. They are only the tip of the iceberg, however.

When we try to look at privilege we see several elements. 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. Both the conflation of privilege with the societal norm and the implicit option to ignore oppression mean that privilege is rarely seen by the holder of the privilege.

### A. THE NORMALIZATION OF PRIVILEGE

The characteristics and attributes of those who are privileged group mem-

normal in society.<sup>7</sup> This normalization of privilege means that members of society are judged, and succeed or fail, measured against the characteristics that are held by those privileged. The privileged characteristic is the norm; those who stand outside are the aberrant or "alternative."

For example, a thirteen-year-old-girl who aspires to be a major-league ballplayer can have only a low expectation of achieving that goal, no matter how superior a batter and fielder she is. Maleness is the foremost "qualification" of major-league baseball players. Similarly, those who legally are permitted to marry are heterosexual. A gay or lesbian couple, prepared to make a life commitment, cannot cross the threshold of qualification to be married.

I had an example of being outside the norm recently when I was called to jury service. Jurors are expected to serve until 5 P.M. During that year, my family's life was set up so that I picked up my children after school at 2:40 and made sure that they got to various activities. If courtroom life were designed to privilege my needs, then there would have been 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.

Even as these child care needs were outside the norm, I was privileged economically to be able to meet my children's needs. What many would have described as mothering, not privilege—my ability to pick them up and be present in their after-school lives—was a benefit of my association with privilege.

Members of the privileged group gain many benefits by their affiliation with the dominant side of the power system. This affiliation with power is not identified as such; often it may be transformed into and presented as individual merit. Legacy admissions at elite colleges and professional schools are perceived to be merit-based, when this process of identification with power and transmutation into qualifications occurs. Achievements by members of the privileged group are viewed as the result of individual effort, rather than privilege. . . .

### B. CHOOSING WHETHER TO STRUGGLE AGAINST OPPRESSION

Members of privileged groups can opt out of struggles against oppression if they choose. Often this privilege may be exercised by 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 additional 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 flinched as he was asked the questions. I wondered

Wildman, I'm a professor of law, and yes, I speak English." I wanted to focus attention on the subordinating conduct of the attorney, but I did not. 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 consciously made 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 enables the choice invisible.

. . . Privilege is not visible to its holder; it is merely there, a part of the world, a way of life, simply the way things are. Others have a *lack*, an absence, a deficiency.

## SYSTEMS OF PRIVILEGE

Although different privileges bestow certain common characteristics (membership in the norm, the ability to choose whether to object to the power system, and the invisibility of its benefit), the form of a privilege may vary according to the power relationship that produces it. White privilege derives from the race power system of white supremacy. Male privilege<sup>8</sup> and heterosexual privilege result from the gender hierarchy.<sup>9</sup> Class privilege derives from an economic, wealth-based hierarchy.

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## VISUALIZING PRIVILEGE

For me the struggle to visualize privilege has most often taken the form of the struggle to see my white privilege. Even as I write about this struggle, I fear that my own 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. 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, members of a race. The power to ignore race, when white is the race, is a privilege, a societal advantage. The term "racism/white supremacy" emphasizes the link between discriminatory racism and the privilege held by whites to ignore their own race.

As bell hooks explains, liberal whites do not see themselves as prejudiced or interested in domination through coercion, yet "they cannot recognize the ways their actions support and affirm the very structure of racist domination and oppression that they profess to wish to see eradicated."<sup>10</sup> The perpetuation of white supremacy is racist.

All whites are racist in this use of the term, because we benefit from systemic white privilege. Generally whites think of racism as voluntary, intentional conduct, done by horrible others. Whites spend a lot of time trying to convince ourselves and each other that we are not racist. A big step would be for whites to admit that we are racist and then to consider what to do about it.<sup>11</sup>

## NOTES

1. See Marilyn Frye, *The Politics of Reality: Essays in Feminist Theory* 19-34 (1983) (discussing sex marking, sex announcing, and the necessity to determine gender).
2. Angela Harris and Marge Shultz, "A(nother) Critique of Pure Reason": *Toward Civic Virtue in Legal Education*, 45 *Stan. L. Rev.* 1773, 1796 (1993).
3. Anne Fausto-Sterling, *The Five Sexes: Why Male and Female Are Not Enough*, *Sciences*, Mar./Apr. 1993. (Thanks to Gregg Bryan for calling my attention to this article.) See also Frye, *supra* note 1, at 25.
4. Adrienne Rich, *Compulsory Heterosexuality and Lesbian Existence*, in *Blood, Bread, and Poetry, Selected Prose 1979-1985* (1986).
5. See Stephanie M. Wildman and Becky Wildman-Tobriner, *Sex Roles Iced Popular Team?* *S.F. Chron.*, Feb. 25, 1994, at A23.
6. Rich, *supra* note 4, at 57 ("Heterosexuality has been both forcibly and subliminally imposed on women").
7. Richard Delgado and 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.)
8. Catharine A. MacKinnon, *Toward a Feminist Theory of the State* 224 (1989).
9. Sylvia Law, *Homosexuality and the Social Meaning of Gender*, 188 *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.
10. bell hooks, *overcoming white supremacy: a comment*, in *Talking Back: Thinking Feminist, Thinking Black* 113 (1989).
11. See also Jerome McCristal Culp Jr., *Water Buffalo and Diversity: Naming Names and Reclaiming the Racial Discourse*, 26 *Conn. L. Rev.* 209 (1993) (urging people to name racism as racism).