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Review of Stephanie M. Wildman, Margalynne Armstrong, Adrienne D. Davis, and Trina Grillo's, *Privilege Revealed: How Invisible Preference Undermines America* (N.Y.: N.Y. University Press, 1996).

by Marguerite Spencer

In her book, *Privilege Revealed: How Invisible Preference Undermines America*, Santa Clara legal scholar Stephanie M. Wildman, joined by others, describes how white privilege reinforces the existing racial status quo and overlaps and interacts with other systems of privilege, including gender, sexual orientation, wealth, physical ability, and religion (xi). Her main goal, however, is to develop the vocabulary needed to understand and make visible this privilege, which will benefit not only whites but all who profit from it. In the process, she stresses the importance of shifting jurisprudential focus from discrimination to privilege and from victim-like accusers to privileged actors (5). She calls for “a unified theory of the dynamics of subordination” that goes beyond intent to recognize elements of systemic unfairness that recreate and perpetuate themselves (8). Her descriptive, prescriptive, and story-driven work is an important resource for educators and members of the public who want to overcome their positions of privilege. However, it is an even more important respectful, but firm corrective for those fair-minded people who do not recognize they are privileged and those close-minded people who do.

Writing with Adrienne D. Davis of Chapel Hill, Wildman describes how language veils the existence of systems of privilege. By categorizing those with whom we interact, our world becomes “gendered”, “raced”, “sexual preferenced” etc... When meeting a newborn we almost universally ask, “Is it a boy or a girl?” While this may appear natural, male and female are not equal titles in our cultural imagination. Wildman and Davis argue that each category we employ contains many images that mask a system of power that privileges maleness, whiteness, and heterosexuality (9-10). Societal norms are also set by these dominant categories. As legal scholar and feminist Catherine McKinnan argues, “men’s physiology defines most sports...their perspectives and concerns define quality in scholarship...their image defines god, and their genitals define sex (15).” The authors note that the use of “ists” and “isms” to describe this privileging is also problematic. Calling someone racist individualizes the behavior and veils cultural, institutional, and systemic racism. Also, if one can avoid being called racist, one need not attend to privilege. Moreover, naming oneself the victim of one “ism” might mask or allow one to ignore one’s own role as oppressor of another category. Of course, having the luxury to choose which types of struggles to engage with is a form of privilege in itself (11-13). Despite the fact that “white” is a race, whites most often do not look at themselves or the world through a filter of racial awareness. Of course, each person is

embedded in and lies at the intersection of a matrix of various categories, not just one (23).

After this preliminary exposition, Wildman examines white privilege in the workplace, housing, and media. In the workplace, Title VII of the 1964 Civil Rights Act proscribed discrimination but left privilege and power untouched, ensuring the replication economic disparities that income would alleviate. Focusing on women, Wildman notes that our definition of work excludes that done by women around the world in giving birth to and caring for children, and in keeping house. This further exacerbates and masks the reality that to enter the “workplace” is to enter a male-defined, white, heterosexual, middle-class world (27). Wildman recalls a conference exercise in which a “power line” is drawn and participants indicate where they are situated in terms of the protected classes under Title VII. Affiliation with the stronger side of the power line – which defines the norm – is defined as merit and worthiness. For example, when hiring, a European accent is acceptable, whereas a Filipino accent is not – people will more often complain that the Filipino does not speak English (29).¹ Similarly, women rarely are the “right kind” in an employment setting because men are setting the standard to which they must conform – either they are not “feminine” enough or they are too much so. Wildman proposes that language in Title VII forbidding an employer from “limiting” an employee because of any illegal classification could be applied to limits resulting from entrenched systems of privilege (31-32). The Supreme Court, however, has been rendering it more difficult to prevail under Title VII since 1981, requiring employees to prove intent and motivation, and allowing employers to show that absent the discrimination the same result would have occurred (33).

Margalynne Armstrong, also at Santa Clara, addresses privilege in residential housing. The Fair Housing Act prohibits discrimination in the sale or rental of a dwelling, but like Title VII does little to combat widespread segregation of poor and minority Americans (45). Adequate housing is not a constitutional right and economic discrimination is not prohibited under the equal protection clause, even if it coincides with racialized outcomes (53-54). Armstrong urges society to challenge the way the legal system reinforces the assumptions that whites have the privilege of escaping impoverished people of color and that anyone who can afford to is entitled to abandon the urban poor (45). Whites often sustain the whiteness and economic prosperity of their suburban enclaves by using whatever means possible to keep affordable housing from being built there and to attract businesses to increase their tax base (46). They mask their privilege by falsely implying that freedom of choice and consumer preference work in a neutral manner (48). Poor people are blamed for their lot, when in reality they lack the adequate life opportunities that would allow them to earn equal financial status.

Turning to the media, Wildman and Davis employ the Hill-Thomas hearings to show how race and gender interact as symbols. They argue that Thomas controlled his

¹ Wildman also notes that language referring to skin tone is normalized as white; “flesh-colored” means pale whereas it could mean dark etc... (29). A recent study showed that lighter colored and taller immigrants earn higher salaries than their darker skin, shorter counterparts. Although rare, discrimination suits based on “color” rather than “race” could be an emerging legal cause of action. The Associated Press reported that, “Joni Hersch, a law and economics professor at Vanderbilt University, looked at a government survey of 2,084 legal immigrants to the United States from around the world and found that those with the lightest skin earned an average of 8% to 15% more than similar immigrants with much darker skin.” Travis Loller, “Immigrant Skin Tone Linked to Salary,” *Detroit Free Press*, January 28, 2007.

referent “Black” to become a symbol of “making it on one’s own”, until gender intruded. The privileged, male, patriarchal Senate controlled this symbol by embracing Thomas and vilifying Hill and women in general. When Thomas claimed he was the victim of a “high tech lynching,” he seized command of race again, and in the process “de-raced” and partially erased Hill (74-77). Because political structures are grounded in maleness, it is no wonder that political representation of women is insensitive and uneven (83).

Trina Grillo, formerly of Santa Clara, and Wildman explore a different type of insensitivity, that of analogizing one “ism” to another without good intentions or proper caution. White women, for example, often liken their experiences of sexism to those of black women, claiming that they understand what it is about. Not only does this allow white women to stay focused on their own situation without grappling with that of black woman (86), it also perpetuates patterns of racial domination by minimizing the impact of racism and the unique pain it causes (90). The authors illustrate this phenomenon with episodes from academic conferences at which multiracial issues reach the plenary level, only to have whites steal center stage with their experiences rather than those to whom the time was devoted. To mitigate this danger, they suggest building coalitions and recognizing one type of oppression at a time before reflecting on their analogies and intersectionalities (99-100).

In the context of affirmative action in hiring and admissions, Wildman tells a story based on experiences in law school settings to explain another danger – what Derrick Bell call “the tipping point”. Here, the well-intentioned dominant group members allow a few “others” into their institution, but only if they will be less numerous and less valuable than the good old boys. Group dynamics, argues Wildman, “intersect with systems of privilege to tacitly reinforce the presence and power of those systems (109).” By prohibiting diverse minority members from unveiling their supremacy, the dominant group maintains its deeply held belief that their vision of the world is the only correct one.

This leads Wildman to question the role of justice in the legal system. Americans aspire to justice, she says. They believe that the rule of law embodies the idea of fair and equal treatment and that from it just results flow. Yet, Wildman argues, “When we apply legal standards of equal treatment to a social and economic culture that systematically privileges some and disadvantages others, the result is the maintenance of an uneven and unequal status quo (140).” White, male, heterosexual, upper class, Christian Americans retain privilege over all others in accordance with the unwritten rules of our society. She believes that we need “a recovery program for the rule of law” to align it toward justice (146). Using theater as a lens with which to view justice, Wildman finds in *The Merchant of Venice* the poverty of the letter of the law, which erases the Jew and silences the women (151); and in Arthur Miller’s *A View from the Bridge* she sees the bridge as a man, and the law as helpless, although there is more room for interpretation (155). But in Ann Deaver’s Smith’s *Fires in the Mirror*, a documentary theatre on race and anti-Semitism set in the modern U.S., Wildman discovers a new kind of theatre, one in which the issue of race comes to center stage in the person of Smith who plays all of the characters, conveying multiple viewpoints and diverse perspectives (156). Wildman believes this production models and creates a public space in which we can notice and talk about privilege (159).

Wildman provides some suggestions on how the law school classroom (or any gathering place) can create a similar environment for public discourse – *if* it is diverse and *if* it overcomes the patriarchal, hierarchical *Paper Chase* model in which classrooms are organized with the most often male instructor in the authoritative position of privilege, demeaning the students (165). Educators should listen to and engage in discussion all students; attend to discriminatory or privileged remarks or dynamics; and transform the curricula to address gender, race, sexual orientation, disability etc....(167). Equally important, they should expose the weaknesses of “legal liberalism”, a system grounded in the notion of a “color-blind” Constitution espoused by Clarence Thomas and others, which teaches us that all people should be treated equally, fairly, and in the same way. Although attractive as an ideal, Wildman argues, our nation has taken a misstep in pretending that this aspiration has been achieved (173). The reality is that all individuals are not similarly situated nor are they fairly treated, which forces students and others to make “systematic privilege” part of their vocabulary (170-71). Wildman calls all of her readers to recognize that the 1970s feminist slogan “The personal is political” remains true. Those of us who are on the dominant side of the power-line must remember that privilege is a part of who we are and, where and how we live and work. Wildman argues that we need to start by looking in the mirror to name the privileges we possess and the “isms” we support (41). Wildman admits that she, a white woman, is racist because she benefits from the privilege systemic racism ensures (20). Because white people are so eager to distance ourselves from racism and spend so much time trying to demonstrate that we are not racist, without this introspection we fail to see the systemic privileging of whiteness (169). Finally, together with Margalynne Armstrong, Wildman makes a plea for friendship, for more sharing and less selfishness as we struggle to understand and explain systemic unfairness.

This text works at many levels. For those who study and strive to eradicate white privilege and systemic racism, Wildman reminds us of the intersectionality of privileges, yet warns us of the dangers of analogizing one “ism” to another. In reflecting on how we utilize our “isms”, she also warns us not to hide behind them as oppressors ourselves. Her section on language provides a wealth of new material with which to engage others on how we categorize each other and the things that we use (like translucent nylons being called “skin- tone”). While her expositions of housing and affirmative action are less than original, her discussions of the workplace and the media provide a helpful gender analysis that is often subsumed in one of race. Throughout, she provides teachable stories and techniques to engage others in the uncovering and understanding of privilege. The power-line exercise in particular will be sure to awaken some to their dominant positions in society. My only regret is that I did not make note all of these suggestions as I was reading along. Wildman’s jurisprudential arguments, while perhaps less accessible, are insightful and constructive. That civil rights law focuses only on discrimination and leaves privilege untouched requires remedying. She and others should pursue stretching the “limiting” clause of Title VII to include dominance. She certainly pushes legal scholars to think of other approaches.

Finally, as mentioned earlier, this text could work for those who don’t study privilege, either out of lack of sensitivity to it, out enjoyment of it, or worse yet because they are what George Lipsitz would call “possessed” by it. Wildman respects, yet pushes readers to relinquish safe ground and admit that we haven’t reached the ideals that a

color-blind mentality says we have. I don't doubt that some who are privileged, be they white, male, heterosexual, or Christian, will take offense at what she uncovers. Yet at some level, she believes they can be touched, even if by anger. Wildman describes one classroom exercise meant to reach such students in which they are asked to think of an abusive word that would strike at the heart of who they are. They are then asked to imagine themselves in non-privileged shoes, as if they were being harassed by neighbors with signs and verbal taunts (169). I would argue that an experiential moment is most effective if it occurs in real time and space. Service learning or public interest legal work might open up some to inequalities, but until they become victims themselves, they will most likely blame the underprivileged for their lack. Nonetheless, this book is an important contribution to the ongoing task of dismantling privilege in all of its vestiges. Wildman and her co-authors inspire and equip activists to educate others about privilege and its dangers. They awaken the general public to make an examination of self. Finally, they call for the reinterpretation of civil rights law. I only wish they had provided more of their practical guidance on what next steps we might take.

Substantive Questions for Discussion:

1. Wildman spends a good deal of time talking about language and categories and analogies. What insights does the Christian tradition offer in these areas that might help us dismantle privilege?
2. Wildman mentions only briefly the privileging of "church" over "mosque" or "synagogue." Noting the danger of analogizing, we can still ask...
 - What would an examination of Christian privilege uncover in the U.S. today? How does this compare with the historical trajectory from established Christian religions in the early settlements and colonies through the cultural establishment of Protestantism through the mid-1900s?
 - How does this privilege intersect with others, such as whiteness, maleness, and heterosexuality? [And celibacy in the Catholic Church].
 - How would we go about exposing and relinquishing this privilege? Would such a relinquishment compromise church doctrine?
3. Wildman insists that a full attack on privilege and oppression can begin in earnest only when the legal profession recognizes this privileging dynamic (141). What steps can the profession take?