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ARTICLES

THE HARM THAT HAS NO NAME: STREET HARASSMENT, EMBODIMENT, AND AFRICAN AMERICAN WOMEN

Deirdre Davis*

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This Article is dedicated to my past, my grandmother Angela Hall, who taught me how not to be afraid to speak, and my future, my niece Ricci Scott, who reminds me why it is so important to speak.

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INTRODUCTION

*But dehumanizing the victim makes things simpler
 it's like breathing with a respirator
 it eases the conscience of even
 the most conscious
 and calculating violator
 words can reduce a person to an object
 something more easy to hate
 an inanimate entity
 completely disposable
 no problem to obliterate.*

— THE DISPOSABLE HEROS OF HIPHOPRISY¹

The juice from tomatoes is not called merely juice. It is always called TOMATO juice.

— Gwendolyn Brooks²

In her article *Street Harassment and the Informal Ghettoization of Women*, Law Professor Cynthia Grant Bowman explores street harassment³ as a harm and the necessity of legally recognizing street harassment's oppressive effects.⁴ She concludes by stating that her article attempts to continue and expand the street harassment dialogue.⁵ This Article explores the idea that "[w]e cannot hope to understand the meaning of a person's experiences, including her experiences of oppression, without first thinking of her as embodied, and second thinking about the particular meanings assigned to that embodiment"⁶ in the context of street harassment and African American women.⁷ To embody a subject is "to represent in bodily form; personify."⁸ Disregarding a person's embodiment "ignore[s] the ways in which different forms of embodiment are correlated with different kinds of experience."⁹

Part I of this Article constructs the context — street harassment — in which African American women's embodiment will

1. THE DISPOSABLE HEROS OF HIPHOPRISY, *Language of Violence, on HIPHOPRISY IS THE GREATEST LUXURY* (Island Records 1992).

2. Quoted in ELIZABETH V. SPELMAN, *INESSENTIAL WOMAN: PROBLEMS OF EXCLUSION IN FEMINIST THOUGHT* 160, 186 (1988).

3. See *infra* note 115 and accompanying text.

4. Cynthia G. Bowman, *Street Harassment and the Informal Ghettoization of Women*, 106 HARV. L. REV. 517 (1993).

5. *Id.* at 580.

6. SPELMAN, *supra* note 2, at 129-30.

7. See *infra* note 117 and accompanying text.

8. AMERICAN HERITAGE DICTIONARY 426 (10th ed. 1981).

9. SPELMAN, *supra* note 2, at 130.

be explored, by defining street harassment. Part II looks at street harassment's perpetuation of patriarchal domination by examining street harassment's social effects and the pre-existing context — psychological oppression — that enables street harassment. Ultimately, street harassment causes harm by genderizing the street.

Part III attempts to bring a fuller understanding to the harm caused by street harassment by exploring African American women's experiences with street harassment. First, I discuss the exclusion of African American women's experiences from feminist discourse and the attempts to include those experiences in feminist theory. Next, I focus on street harassment discourse and its exclusion of African American women's experience. Then I incorporate African American women's experiences with street harassment into this discourse by examining how street harassment evokes images of slavery — specifically, the cult of true womanhood, the image of African American women as "Jezebels" and as property — for African American women. Part III also explores how both white men and African American men assign these images to African American women's embodiment. Part III concludes by arguing that the term "multiple consciousness" furnishes women with a way to understand the harm caused by street harassment and that the effects of street harassment can be understood as "spirit murder."

This Article attempts to meet a challenge put forth by Audre Lorde:

and when we speak we are afraid
 our words will not be heard
 nor welcomed
 but when we are silent
 we are still afraid.
 So it is better to speak
 remembering
 we were never meant to survive.¹⁰

Street harassment silences women. Similarly, racism has silenced and continues to silence African American women. Writing about street harassment and African American women legitimizes and recognizes the existence and importance of both.

10. AUDRE LORDE, *A Litany for Survival*, in *THE BLACK UNICORN* 31, 32 (1978).

I. THE MECHANICS OF STREET HARASSMENT

I am standing at a corner bus stop on my way to work, dressed in a suit. A car stops at the red light. The driver leans over, rolls down the window and asks me, "How much?"

Two men say, "Honey, honey, honey" to an eight month pregnant woman as she walks by them.¹¹

I am walking home after a hectic day at work. A man behind me asks me if I need help carrying my bags, which include my purse and briefcase. I ignore him. He yells, "Bitch, don't ignore me, I'm talking to you." I turn around. It's a boy no older than sixteen.

A fire truck passes me as I walk down the street. A fireman on the back of the truck leans out and yells, "Hey pretty thing. Do you want to go for a ride?" I am thirteen years old.

A man says "Hello" as a woman walks past him. When she doesn't reply, he says, "Oh, stuck up? Bitch."¹²

As I walk down New York's Lexington Avenue at lunch time, a man walks past me and says, "Do you taste as good as you look?" I ignore him. He stops in the middle of the street, turns around, yells, "Hey bitch! You! I'm talking to you bitch!" and starts to run after me. I have to duck into Bloomingdales to get away from him. I am seventeen years old.

I am walking into a cafe when a man blocks me from entering. He asks me for money. After I say "no," he tries to engage me in a conversation about my boyfriend by asking, "Does he go down on you?" followed by "Do you masturbate?"

It is early evening. I am walking to the bus stop to go home. A man starts talking to me and following me. He follows me for three blocks, mumbling about my hot ass and how good I must taste. I duck into a store and wait twenty minutes before I do anything. I find a phone and call a friend to ask him to drive me home.

As I am walking down the street, a car pulls up beside me and the driver says, "Want to get in and see how fast and hard I, I mean, my car, can go?" I turn around and start walking in the direction from which I came. The driver puts the car in reverse and keeps following me.

A bike messenger rides by me. Next thing I know, he has thrown down his bike and is yelling at me, "Why don't you answer me bitch! I just said you are pretty. Fucking bitch!" I never heard him say anything.

11. Elizabeth Kuster, *Don't "hey, baby" Me: How to Fight Street Harassment*, GLAMOUR, Sept. 1992, at 308, 311.

12. *Id.* at 311.

There are three ways to define and understand street harassment. Specifically, particular acts constitute street harassment. Normatively, the following characteristics identify particular acts of street harassment: the locale; the gender of and the relationship between the harasser and the target; the unacceptability of "thank you" as a response; and the reference to body parts. Systemically, street harassment can be understood as an element of a larger system of sexual terrorism.

A. *Specific Acts of Street Harassment*

Cheris Kramarae, Professor of Speech Communication and Sociology, and Elizabeth Kissling describe street harassment as "verbal and nonverbal markers . . . wolf-whistles, leers, winks, grabs, pinches, catcalls and street remarks."¹³ Specific remarks commonly include, "Hey, pretty," "Hey, whore," "What ya doin' tonight?" "Look at them legs," "Wanna fuck?"¹⁴ "Are you working?" "Great legs," "Hey, cunt,"¹⁵ "Smile," "Smile for *me* baby," "Smile bitch," "Come here girl,"¹⁶ and "I'll be back when you get a little older baby."¹⁷ When these acts occur on a public street,¹⁸ street harassment takes place.

B. *Normative Characteristics of Street Harassment*

Any incident of street harassment typically has five characteristics. First, street harassment occurs in a public place.¹⁹ Sec-

13. Elizabeth A. Kissling & Cheris Kramarae, *Stranger Compliments: The Interpretation of Street Remarks*, 14 *WOMEN'S STUD. IN COMM.* 75, 75-76 (1991) (reporting results from a computer notes file discussion on street harassment).

14. *Id.* at 78.

15. Cheris Kramarae, *Harassment and Everyday Life*, in *WOMEN MAKING MEANING* 100, 111, 113 (Lana Rakow ed., 1992).

16. Courtland Milloy, *The Ugly Sounds of Summer*, *WASH. POST*, May 31, 1990, at J1.

17. *Id.* (comment made by a grown man to a 12-year-old girl).

18. I focus on the street/sidewalk as the situs. I exclude places like buses, bus stations, taxis, stores and other public accommodations to highlight the arbitrariness of street harassment. For example, in a store or on a bus, a man might have an extended period of time to evaluate his target, assess the situation (if she is alone or with someone [a man]) and then make a comment. Furthermore, sexual harassment on the job assumes that the harasser is acquainted with his target.

On the street there is less time to assess the situation (although it is possible for the man to have watched the woman walking down the street). While the harasser can get to "know" his target in other settings, this type of familiarity does not result from a chance interaction on the street. Although I choose to focus on the street, harassment can and does occur in other places.

19. Elizabeth A. Kissling, *Street Harassment: The Language of Sexual Terrorism*, 2 *DISCOURSE & SOC'Y* 451, 453 (1991) (citing Carol Brooks Gardner, *Passing*

ond, the remarks are passed among unacquainted members of the opposite sex.²⁰ While women can and do in fact make comments to other women, a qualitative difference exists. Women's comments directed toward other women are not situated in the same place of power as are men's comments.

Third, the expected response to a compliment — thank you — is unacceptable to the harasser and often leads to escalating hostility.²¹ As one woman notes, "If I refuse to talk or *just say thank you*, I am inevitably called a 'bitch' and yelled at for thinking I am too good."²² To the extent that a comment made on the street is complimentary and not derogatory, "thank you" is an acceptable response. However, "thank you" is not an appropriate response to the majority of the comments made on the street.²³ A woman's "thank you" response creates a dialogue — which usually requires two "subjects." By removing herself from the "other" position and placing herself in the "subject" position, a woman frustrates the harasser's attempts to objectify her. The creation of an "equal" situation causes the harasser's anger and hostility to escalate.²⁴

Fourth, the remarks often refer to parts of the body not available for public examination.²⁵ Although the body parts that the harasser comments on may not be literally exposed to the public, the pervasiveness of pornography *does* make body parts available for public examination/consumption and may explain why men feel justified in making remarks regarding women's body parts.²⁶

By: Street Remarks, Address Rights, and the Urban Female, 50 SOC. INQUIRY 328 (1980)).

20. *Id.*

21. Kissling, *supra* note 19, at 453. See *infra* pp. 148–49, for a discussion on compliments versus street harassment.

22. African American U.C. Berkeley School of Law (Boalt Hall) student (emphasis added).

23. When someone calls you a "bitch," you are probably not inclined to thank the person.

24. An alternative response — expressing anger at the harasser — is often not a viable option. As one woman notes, "we have . . . learned through experience that responding angrily only invites more trouble from men who like to harass women." Emily Bernard, *Black Women and the Backwash of Harassment*, WASH. POST, Aug. 12, 1990, at C8.

25. Kissling, *supra* note 19, at 453.

26. See generally CATHARINE A. MACKINNON, *FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW* 125–213 (1987) [hereinafter *FEMINISM UNMODIFIED*].

Finally, the remarks are usually not positive appraisals; in fact, they are often quite derogatory.²⁷ I do not mean to suggest that positive appraisals are not harmful. Whether the harasser says, "Nice ass" or "Fat legs," a woman still feels objectified and reduced to her body parts. In conclusion, while some variation can exist, every incident of street harassment has these normative characteristics.

C. *Street Harassment's Role in Sexual Terrorism*

Recognizing street harassment's role in sexual terrorism is crucial to understanding its potential to harm. Carole Sheffield defines sexual terrorism as men's systematic control and domination of women through actual and implied violence.²⁸ She views sexual terrorism as both the objective condition of women's existence and the theoretical framework that creates and maintains social orders.²⁹ Sexual terrorism and violence play crucial roles in the ongoing process of female subordination.³⁰ Violence is not one particular act, nor is it static; rather, it is a continuum of behavior in which street harassment must be placed in order to understand the depth and pervasiveness of sexual terrorism.³¹

Street harassment "frightens women and reinforces fears of rape and other acts of terrorism."³² Rape is generally viewed as a violent act of power occurring in a context limited to particular individuals or situations. However, rape may begin with an act of street harassment. Potential rapists can test the accessibility of a victim by making derogatory sexual comments to determine if

27. Kissling, *supra* note 19, at 453 (citing Carol Brooks Gardner, *Passing By: Street Remarks, Address Rights, and the Urban Female*, 50 SOC. INQUIRY 328 (1980)).

28. Carole J. Sheffield, *Sexual Terrorism: The Social Control of Women*, in ANALYZING GENDER 171, 171 (Beth B. Hess & Myra Marx Ferree eds., 1987).

29. *Id.* at 172. The manifestations of sexual terrorism include wife-battering, sexual harassment in the workplace, incest, sexual slavery, prostitution and rape. *Id.* at 171.

30. *Id.* at 172.

31. There is an "unstated relationship [between] compliments, verbal hostility and physical attack." Kissling & Kramarae, *supra* note 13, at 78; see also Cristina Del Sesto, *Our Mean Streets; D.C.'s Women Walk Through Verbal Combat Zones*, WASH. POST, Mar. 18, 1990, at B1 ("I'm afraid everyday that a verbal assault is going to turn into a physical one.").

32. Kissling, *supra* note 19, at 456. As Robin West points out, "for exceptionally privileged and protected young women and girls who do not learn elsewhere the threat under which they live, street hassling gets the message across." Robin West, *The Difference in Women's Hedonic Lives: A Phenomenological Critique of Feminist Legal Theory*, 3 WIS. WOMEN'S L.J. 81, 106 (1987).

she can be intimidated.³³ As a result, street harassment plays a definite role in the objective condition of women fearing bodily harm on a day to day basis.³⁴

Women also experience the connection between rape and street harassment on a subjective level. Regardless of whether there is the possibility of *actual* rape, when women endure street harassment, they fear the *possibility* of rape.³⁵ That one of every eight adult woman has been raped makes rape a constant possibility on a subjective level.³⁶ The sexual content of street harassment "reminds women of their vulnerability to violent attack in American urban centers, and to sexual violence in general"³⁷ and intensifies the fear of the possibility of rape. As a precursor to rape and an escalator of the fear of rape, street harassment entraps women in a sexually terroristic environment.

Within the framework of sexual terrorism, the specific acts and normative characteristics of street harassment identify the range of behavior that constitutes street harassment. Once it is realized that "street harassment is not a product of a sexually terroristic culture, but an active factor in creating such a culture,"³⁸ then the ability of an act of street harassment to cause harm becomes clearer.

II. GENDERIZATION OF THE STREET: THE EFFECTS AND CONTEXT OF STREET HARASSMENT

Once it becomes clear that street harassment consists of specific remarks possessing normative characteristics that play a role in the larger context of sexual terrorism, then street harassment is not just a discrete act, but is part of a process. While Part

33. See Bowman, *supra* note 4, at 536.

34. See BELL HOOKS, *AIN'T I A WOMAN: BLACK WOMEN AND FEMINISM* 27 (1981) ("Black activist Angela Davis has convincingly argued that the rape of black female slaves was not, as other scholars have suggested, a case of white men satisfying their sexual lust, but was in fact an *institutionalized method of terrorism which had as its goal the demoralization and dehumanization of black women.*") (emphasis added).

35. Kissling, *supra* note 19, at 454; Kissling & Kramarae, *supra* note 13, at 84-85.

36. Bowman, *supra* note 4, at 536 n.86 (quoting *Study: Rapes Far Underestimated*, CHI. TRIB., Apr. 24, 1992, § 1, at 3).

37. Kissling & Kramarae, *supra* note 13, at 76. One woman responded to their survey by stating, "[I fear the possibility of rape and am always cautious]. Unfortunately many women have been taught to think this way, not because of paranoia, but because of reality." *Id.* at 85; see also Bowman, *supra* note 4, at 535-36, 539-40.

38. See Kissling, *supra* note 19, at 456.

I of the Article focuses on the definition of street harassment, Part II is concerned with the effects and the context of street harassment. Street harassment genderizes the street by distributing power in such a way that perpetuates male supremacy and female subordination.³⁹ Consequently, street harassment transforms the street into yet another forum that perpetuates and reinforces the gender hierarchy. Street harassment's genderization of the street can be explored by looking at the four social effects of street harassment — exclusion, domination, invasion, and oppression. How street harassment genderizes the street can be understood by exploring the pre-existing context that enables the social effects to be successful.

A. *Social Effects of Street Harassment*

The four social effects of street harassment — exclusion, domination, invasion, and oppression — demonstrate street harassment's genderization of the street.

1. Exclusion

Street harassment genderizes the street by demarcating the street as male space, thereby excluding women. Invoking traditional notions of private sphere versus public sphere,⁴⁰ street harassers create a hostile environment on the street, implicitly informing their targets that they are not welcome.⁴¹ Street harassment implies "either that women are acting out of role simply by their presence in public or that a part of their role is in fact to be open to the public."⁴² Street harassment punishes women who "participate" in the street for altering the traditional framework of private versus public sphere.⁴³ Consequently, street harassment excludes women by institutionalizing male privilege in,

39. See CATHARINE A. MACKINNON, *Difference and Dominance: On Discrimination*, in FEMINISM UNMODIFIED, *supra* note 26, at 32, 40.

40. See generally Wendy W. Williams, *The Equality Crisis: Some Reflections on Culture, Courts and Feminism*, in FEMINIST LEGAL THEORY 15, 16 (Katharine T. Bartlett & Rosanne Kennedy eds., 1991).

41. Cynthia G. Bowman refers to this consequence of street harassment as a violation of "the norm of civil inattention." See Bowman, *supra* note 4, at 526.

42. *Id.* (citing Carol Brooks Gardner, *Passing By: Street Remarks, Address Rights, and the Urban Female*, 50 SOC. INQUIRY 328, 331-33 (1980)). Street harassment actually does both. See also *supra* note 26 and accompanying text.

43. See generally Cheryl Benard & Edit Schlaffer, *The Man in the Street: Why He Harasses*, in FEMINIST FRAMEWORKS: ALTERNATIVE THEORETICAL ACCOUNTS OF THE RELATIONS BETWEEN WOMEN AND MEN 70, 72 (Alison M. Jaggar & Paula S. Rothenberg eds., 1984) ("Harassment is a way of ensuring that women will not

and “ownership” of, the public street and maintains and perpetuates the public/private distinction in a gendered form.

2. Domination

Street harassment allows men to establish the boundaries that define women’s participation in the street. Street harassment dominates women by “pressuring . . . members of subordinated groups to replace individual and cultural ways of knowing with the dominant group’s specialized thought.”⁴⁴ Through street harassment, men inform women that women are public participants only with men’s permission. Consequently, women must be wholly accessible to men in the street. For example, the “smile” genre of street comments — “Smile,” “Smile for me baby,” “What’s the matter baby? Why don’t you smile? It can’t be that bad” — implies that men feel that if women are going to partake of the public sphere, they should do so in a manner that gives men pleasure.⁴⁵

Street harassment also dominates women by controlling their emotional and intellectual growth. Returning to the “smile” genre of street harassment, the day I found out that my grandmother died, not one, but two men told me to “smile.” This invasion of privacy prevented me from processing and experiencing the emotions necessary to cope with my loss. Similarly, an incident of street harassment often forces me to rechannel my energies away from issues on my mind to the intrusive interaction, makes me lose my train of thought, and interrupts my thought process. As a result, my way of knowing is replaced by men’s thought of women. By enforcing the male-defined rules of women’s “public” participation, street harassment genderizes the street via domination, and inhibits women’s abilities to enjoy even the basic pleasures of everyday life.⁴⁶

feel at ease . . . and not consider themselves equal citizens participating in public life.”).

44. PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* 229 (1991).

45. Robin West captures this sensation when she states, “We smile on the street — we express pleasure — when we are being threatened and feeling pain.” West, *supra* note 32, at 127.

46. See Donna K. Rushin, *The Tired Poem: Last Letter For a Typically Unemployed Black Professional Woman*, in *HOME GIRLS: A BLACK FEMINIST ANTHOLOGY* 255, 255 (Barbara Smith ed., 1983) (“So it’s a gorgeous afternoon in the park/ It’s so nice you forgot your Attitude/The one your mamma taught you/The one that says Don’t-Mess-With-Me/You forgot until you hear all this/Whistling and lip-smacking. . .”).

3. Invasion

To the extent that women participate in the public sphere, street harassment invades women's right to privacy. Women often perceive street harassment as an invasion of privacy.⁴⁷ Traditionally, the right to privacy hinges on a right of citizenship *within* a particular sphere. The public sphere/private sphere dichotomy defines the characteristics of citizenship in a gendered manner with men's citizenship occurring in the public sphere and women's citizenship occurring in the private sphere. Therefore, women are "open persons in public places,"⁴⁸ and, by walking in public, they forfeit any right to privacy. Thus, within the private sphere, women's "privacy" is honored. Of course, women's rights within the private sphere are often "respected" to the detriment of a woman, or enforced in a way to maintain women's oppression. For example, in domestic violence situations, the police often will not interfere because it is a "private" matter. The eradication of abortion rights may be seen as a way to make women adhere to their "private sphere" responsibility of motherhood. In contrast, women's right to privacy is not recognized on the street, which is outside of their "gendered" sphere. By removing the basic right of privacy that women as citizens should have on the street, street harassment has an invading effect and makes a pervasive statement about women's non-citizenship and lack of claim to privacy.⁴⁹

4. Oppression

Oppression is the "absence of choices."⁵⁰ Street harassment oppresses women by restricting their physical and geographical mobility, thereby denying women a right guaranteed to all citizens — the power of locomotion, a fundamental liberty of freedom.⁵¹ Many women forgo walking, deciding to drive instead, to

47. See generally Bowman, *supra* note 4, at 535; Kissling, *supra* note 19, at 453; Kissling & Kramarae, *supra* note 13, at 82–85.

48. Kissling, *supra* note 19, at 453.

49. The idea of invasion of privacy has different implications in an urban environment than it does in a rural environment. On the one hand, cities tend to be more anonymous, whereas small towns breed a sense of familiarity. While one would think that anonymity would facilitate the respect of one's privacy, street harassment tends to be more of an urban phenomenon. See Bowman, *supra* note 4, at 529.

50. BELL HOOKS, *FEMINIST THEORY: FROM MARGIN TO CENTER* 5 (1984) (emphasis omitted).

51. Bowman, *supra* note 4, at 520–21.

avoid street harassment. Some women choose not to go out at all.⁵² Some women avoid certain activities that involve being on the street.⁵³ Given that street harassment "makes the urban environment uncomfortable, hostile, and frightening for women,"⁵⁴ some women will even factor in street harassment when deciding where to live.

Street harassment forces women to alter their behavior, thus further oppressing women by denying them the opportunity to make an "authentic choice of self."⁵⁵ Many women wear sunglasses to avoid making eye contact with men on the street.⁵⁶ Others wear a walkman to avoid hearing comments. Some women dress down if they think they are going to be in a situation where there is a potential for street harassment.⁵⁷

Street harassment also affects women's behavior regarding potential interactions. Often, a woman, sensing that a man walking toward her is going to make a comment, attempts to thwart any interaction by acting as though she is engaged in an important conversation with her companion. If a woman is alone, she may cross the street in order to avoid the harasser.⁵⁸ Consequently, street harassment forecloses potentially welcome interactions.⁵⁹ Women also tend to ignore, or pretend not to hear, a

52. Often, when friends ask me if I want to meet them somewhere, I decline the invitation because I do not want to leave the safety of my home and make myself vulnerable to street harassment. As a general matter, I am a homebody, which I think is the effect of the fear of rape and street harassment.

53. Bowman, *supra* note 4, at 539. I know women who jog on indoor tracks in order to avoid street harassment.

54. *Id.*

55. The denial of a woman's "authentic choice of self" by externally imposing on them the conditions in which they live is also perpetuated by the existence of stereotypes. See *infra* p. 147.

56. This has a different type of relevance to African American women: "An effective strategy of white supremacist terror and dehumanization during slavery centered around *white control of the back gaze*." BELL HOOKS, *Representations of Whiteness in the Black Imagination*, in *BLACK LOOKS: RACE AND REPRESENTATION* 165, 168 (1992) (emphasis added).

57. See Kuster, *supra* note 11, at 310 (describing "avoiding certain clothing in public (short skirts or leggings) or covering it with a coat" as one of the protective behaviors ingrained in women as a result of street harassment). See also *infra* pp. 150-52, for a discussion about sexual objectification and one's style of dress.

58. One time, I crossed the street for the sake of convenience. A man yelled across the street at me, "There was no need for you to cross the street. I won't hurt you."

59. I often walk by people I know on the street because I am concentrating on avoiding uncomfortable situations. My attempts to avoid certain interactions do not always work.

street harasser's comments.⁶⁰ Normally, when people talk to you, you do not ignore them. Thus, street harassment forces women to act in ways they would not otherwise act. Street harassment does not allow women to be their authentic selves. Yet women are conscious of the fact that they are not being themselves.⁶¹ Street harassment's oppressive effect forces women to alter their behavior in response to the pervasive fear and threat of street harassment by "redefining" and changing themselves, rather than by changing the situation.⁶²

In conclusion, the four social effects of street harassment demonstrate how it genderizes the street. By trying to exclude women from the street, street harassment marks the street as male. To the extent that men "allow" women to participate in the street, street harassment genderizes the street by establishing the rules of women's participation. By removing any sense of privacy, street harassment further genderizes the street. Finally, by forcing women to alter their behavior, street harassment's oppressive effect perpetuates female subordination.

B. *The Pre-Existing Context That Enables Street Harassment: Psychological Oppression*

In order for the social effects of street harassment to occur, a pre-existing context must exist that enables street harassment. Psychological oppression serves as the context that allows street harassment to genderize the street. Employing anthropologist Frantz Fanon's categorization of psychological oppression of blacks in *Black Skin, White Masks*, Sandra Lee Bartky explores women's psychological oppression in reference to three experiences: stereotyping, cultural domination and sexual objectification.⁶³ The systematic and institutionalized phenomenon of

60. Bowman, *supra* note 4, at 537.

61. When walking to school, I always wore a walkman and sunglasses for the express reason of shutting out comments; shutting myself off from the world, I feel safe and empowered. One day, when I arrived at school, I ran into someone who knew me. She said, "You look so tough. I would never mess with you." On the one hand, I was glad that my façade was effective. On the other hand, I did not think of myself as a tough, intimidating person and it was painful for me to hear that someone who knows me could have that impression. Street harassment has made me into a person that I am not.

62. West, *supra* note 32, at 94.

63. Sandra L. Bartky, *On Psychological Oppression*, in *PHILOSOPHY AND WOMEN* 33, 34 (Sharon Bishop & Marjorie Weinzwieg eds., 1979) (quoting Joyce Mitchell Cook). While Bartky criticizes Fanon for focusing on black colonized men in his work, Bartky commits a similar offense by talking about women without acknowl-

psychological oppression causes a victim "to be weighed down in [her] mind . . . to have a harsh dominion exercised over [her] self-esteem."⁶⁴

Stereotypes hide women's reactions to street harassment by focusing on men's ways of understanding women, and thus, the acceptability of street harassment. Cultural domination informs women's interpretations of street harassment. Stereotypes and cultural domination are the structures that precede and make possible sexual objectification, which affects both men and women's perceptions of women's embodiment.

1. Stereotypes

Stereotypes about women obscure their reactions to street harassment by focusing on men's interpretations. Stereotypes negate the possibility of men understanding women's needs, respecting women's rights,⁶⁵ and perceiving street harassment as harmful, threatening or unwanted.

One man has commented that, "every woman in the world wants to be thought attractive" and that a woman should "take it [a whistle] as a compliment if it happens to you."⁶⁶ This speaker's belief, that a woman's "stereotypical" need to have her attractiveness affirmed could actually be satisfied by a stranger's random act, highlights the man's failure to see the act as a harm. To the extent that a woman needs to be thought of as attractive is genuine and not stereotypical, this need usually occurs in the context of trust and not in the context of the street.⁶⁷

The same man asserted: "If a woman whistles at a guy, she is a 'modern woman.' If a guy whistles at a woman, he is a 'chauvinist' or a rapist."⁶⁸ This perspective, based on a stereotype of "the modern woman," detracts from the pain women subjected to street harassment suffer. Furthermore, this comment assumes that the harm would be the same if suffered by a man and implies that, even if men were subjected to this behavior, they would not see it as a harm. As Robin West explains: "The blanket dismissal

edging the differences between them. Throughout her work, she makes comparisons between the experiences of "blacks" and "women" without exploring the ramifications of being both.

64. *Id.*

65. *Id.* at 35.

66. Kissling & Kramarae, *supra* note 13, at 80.

67. See *infra* p. 149, for a discussion on the role of trust in street harassment situations.

68. Kissling & Kramarae, *supra* note 13, at 80.

of women's gender-specific suffering . . . may be (partly) a reflection of the extent to which the pain women feel is *not understood*, and *that* it is not understood may be because it is itself different, and not just a product of our difference."⁶⁹ Thus, stereotypes obscure men's ability to perceive women's experience of street harassment and ultimately silence women.

2. Cultural Domination

Street harassment relies on the cultural domination of women. Bartky defines culture as "all the items in the general life of a people."⁷⁰ While both men and women share the same culture, the subordination of women — a defining feature of culture — dominates women's understanding of themselves:

To claim that we women are the victims of cultural domination is to claim that all the items in the general life of our people — our language, our institutions, our art and literature, our popular culture — are sexist; that all, to a greater or lesser degree, manifest male supremacy.⁷¹

As a result, culture is male-defined, and no matter how "degraded or distorted an image we [women] see reflected in the patriarchal culture, the culture of our men is still our culture."⁷²

The reification of street harassment into a natural and unalterable fact of cultural experience provides the context in which women interpret street harassment.⁷³ Street harassment is a manifestation of cultural domination because it is a pervasive "item" in everyday life. While some question the legitimacy of street harassment as a harm,⁷⁴ people do not say they have "never seen, heard about, taken part in or experienced such a phenomena."⁷⁵ Furthermore, while there is much dispute about the meaning and causes of street harassment, "there is evidently general agreement . . . as to what street remarks look and sound like."⁷⁶ As an entrenched and pervasive form of behavior, recognized at least on an abstract level, street harassment can be conceptualized as a form of cultural domination.

69. West, *supra* note 32, at 85.

70. Bartky, *supra* note 63, at 36. In this section, the term "culture" is used in an abstract, general sense. In Part III the term culture refers to a specific, historical culture. See *infra* pp. 171–73.

71. Bartky, *supra* note 63, at 36.

72. *Id.*

73. *Id.*

74. See *infra* notes 94–95 and accompanying text.

75. Kissling & Kramarae, *supra* note 13, at 78.

76. *Id.*

Women's inability to be a defining force of culture results in women's lack of "cultural autonomy."⁷⁷ Because our male-defined culture views street harassment as an "acceptable," natural part of a woman's everyday life, some women view street harassment as complimentary.⁷⁸ However, the fact that some women enjoy comments/compliments directed at them on the street does not make the behavior something other than street harassment. Given that "[w]e are taught that men's compliments are the highest compliments we — supposedly socially, intellectually and economically their inferiors — can receive,"⁷⁹ women are socially conditioned and trained to view such behavior, at the very least, as inoffensive. Furthermore, while it may be true that, due to social conditioning, women want to be thought of as attractive, most women want this affirmation from someone they *trust*⁸⁰ — a friend, a lover — and not from someone who has the potential to hurt or harm them.⁸¹ A woman can in fact trust a stranger and, alternatively, not trust a friend or lover.⁸² However, the concept of trust implies the absence of *fear*, regardless of the woman's relationship to the man. To the extent that women do not find street harassment harmful, the reification of street harassment into an acceptable cultural item, and women's "acceptance" of it, highlights women's lack of cultural autonomy.

Finally, comments about a *particular* woman are distinguishable from comments about *any* woman. One day, a man walking down the street told me that *I* have a pretty smile. In this situation, the comment was clearly an expression of admiration particular to me and I took it as a compliment. Alternatively, an order to "smile" is not referring to a particular woman but is a man's attempt to control and dominate women.⁸³ However, the distinc-

77. Bartky, *supra* note 63, at 36.

78. "Street harassment is inappropriate to describe experiences that many women find pleasant, or at least not unpleasant." Kissling & Kramarae, *supra* note 13, at 92 n.1.

79. Kramarae, *supra* note 15, at 112.

80. As Robin West states, "we also crave — because we also *need* — the capacity to trust one another." West, *supra* note 32, at 132 (emphasis omitted).

81. "Believe it or not some people don't CARE if you admire their looks. They would rather not get whistled at by some random stranger that knows nothing about them." Kissling & Kramarae, *supra* note 13, at 83. (Although the authors were not sure of the gender of the commentator, I would guess that a woman made this comment). It should also be noted that social conditioning is a tool that perpetuates cultural domination and female subordination.

82. This notion is reflected in date and marital rape.

83. See *supra* note 45 and accompanying text.

tion between these two types of interactions is not always clear and should be seen as occurring on a spectrum.⁸⁴ In conclusion, street harassment has become a dominant and cultural fact that distorts women's ability to recognize harassing behavior. This distortion causes women who are subjected to street harassment to suffer psychological oppression.

3. Sexual Objectification

Sexual objectification facilitates both men's and women's perceptions of women. Sexual objectification occurs when "[a] person[']s . . . sexual parts or sexual functions are separated out from the rest of her personality and reduced to the status of mere instruments or else regarded as if they were capable of representing her."⁸⁵ Sexual objectification coerces women to reject identifying their "selves" as human individuals and to adopt a view of their "selves" as inextricably intertwined with their sexuality and sexual parts.

"[T]he construction of gender is the product and process of both representation and self-representation."⁸⁶ Men objectify and reduce women to body parts, thus producing a representation on the gendered street. Many harassers comment on body parts: "Nice legs," "Nice tits," "Nice ass." Sexual objectification leads men to see women only in terms of sexual parts.

Some men argue that they do not objectify women, but rather, that women *present* themselves or parts of themselves as objects available for sexual consumption through the manner of their dress. One man asserts, "'How you dress is inevitably going to send messages to the people you encounter . . . Whores don't dress like whores just for the hell of it. They dress like whores

84. However, the pervasiveness of street harassment often results in all different forms of remarks being categorized as an expression of men's domination:

I have lost the ability to discriminate between men who are being friendly and those who wish to do me harm. Now I view *all* gestures from men on the street as potential threats. *All* the car honks and "hey-baby" comments that I once considered just annoying are now ominous and alarming.

Bernard, *supra* note 24, at C8 (emphasis added).

Again, street harassment forecloses the possibility of *welcome* encounters due to women's inability to differentiate between compliments/comments about the woman and comments directed at the woman because she is a woman.

85. Bartky, *supra* note 63, at 36.

86. Elspeth Probyn, *Theorizing Through the Body, in WOMEN MAKING MEANING*, *supra* note 14, at 83, 93 (quoting TERESA DE LAURETIS, *TECHNOLOGIES OF GENDER* 6 (1987)).

because it's enticing and inviting. . . . *There are clothes that say it without words.*'⁸⁷

One response to the assertion that women dress for harassment is that many women dress for themselves and not for the general public. The man's comment above assumes that women participate in the public sphere in order to entertain and please men.⁸⁸ Even if women dress to attract attention, it is doubtful that women want degrading, negative attention that creates fear.⁸⁹

Another reason why the style of dress explanation for street harassment fails is that women are harassed *regardless* of the type of clothes they wear.⁹⁰ Indeed, street harassment may be attributed to physical characteristics other than dress.⁹¹ Those who claim that women are responsible for their sexual objectification simply blame the victim and detract from the harasser's behavior.⁹²

Harassing words on the street fragment a woman's body parts from her mind, psyche, and self, leaving a woman with a representation of herself as a collection of sexual parts without a core. Sexual objectification frustrates a woman's ability to self-represent:

She gives up her sexual appearance for visual consumption, in exchange for the safety of her subjectivity. *Thought* stops. *Feeling* stops. She must — and does — stop thinking and feeling when she is on the street, because it is the thinking, feeling,

87. Kissling & Kramarae, *supra* note 13, at 81 (emphasis added).

88. See *supra* pp. 142–44.

89. This is another area where there is a relationship between street harassment and rape. Many attempt to justify or defend acts of rape by pointing to the victim's style of dress.

90. See Kuster, *supra* note 11, at 310, where seven women were sent out in various types of outfits (jeans and a t-shirt, a long skirt and long sleeved t-shirt, long shorts and a t-shirt, a unitard, a suit, and an office type dress) and all were harassed on the street. As a result of this test, the author concluded, "[o]bviously, women get unwanted attention on the street no matter *what* they wear. So let's stop blaming the victim." *Id.*

91. Two women told me that they were harassed on the street more often when they had long hair.

92. The following statement reveals the fallacy of the "blame the victim" reasoning: "If you got mugged because you were wearing an expensive-looking watch in plain view, would you think it was your fault for 'tempting' the poor mugger?" Kissling & Kramarae, *supra* note 13, at 82.

In fact, race and gender may be more determinative of how one is perceived than one's dress. Singer and actress Vanessa Williams was mistaken for a waitress at a party at The White House right after she had performed, despite the fact that she was wearing a Bob Mackie designer dress. It would appear that there is no escape.

subjective person who is most denied and hence most threatened by harassment. The subjective, thinking, feeling being must hide. What she becomes on the street is visually consumed, given-away sex.⁹³

Finally, sexual objectification alters forms of self-representation: "[T]here is more involved in this encounter than their mere fragmented perception of me. . . . [I] must be *made* to know that I am a 'nice piece of ass'; I must be made to see myself as they see me."⁹⁴ Street harassment's impact on women's ability to self-represent as a full human individual, and not just as sexual parts, inevitably weighs on a woman's self-esteem. In conclusion, the stereotypes, cultural domination, and sexual objectification displayed in street harassment create a psychologically oppressive environment for women. It is this environment that allows the social aspects of street harassment to be effective. Ultimately, all of these factors interact in such a way as to genderize the street and perpetuate sexual terrorism.

C. *The Visibility of Street Harassment and Naming the Harm*

Despite street harassment's clear social and psychologically oppressive effects, street harassment remains invisible as a harm.⁹⁵ Because men do not suffer street harassment to the extent women do,⁹⁶ street harassment is characterized as something other than harassment. Acts that are legally cognizable harms gain recognition "as an injury of the systematic abuse of power in hierarchies [when it is an exercise of] power men recognize."⁹⁷ Men view street harassment as innocuous, trivial, "boys will be boys" type of behavior and blame women for attaching negative meanings to their acts.⁹⁸ Street harassment remains invisible because it is not a harm men suffer, and therefore it is not a harm men, or society as a whole, recognize.

93. West, *supra* note 32, at 107.

94. Bartky, *supra* note 63, at 37.

95. There is very little published on the topic. See Bowman, *supra* note 4, at 522-23; Kissling, *supra* note 19, at 456.

96. The closest parallel to women's experience with street harassment for men is the verbal street harassment that gay men suffer. While it is conceivable that straight men can be harassed by gay men, it is probably *very* infrequent and is not based on notions of domination.

97. CATHARINE A. MACKINNON, *Sexual Harassment: Its First Decade in Court*, in FEMINISM UNMODIFIED, *supra* note 26, at 103, 107.

98. See Kissling & Kramarae, *supra* note 13, at 79 ("How can you be offended by so *trivial* a thing as a whistle? YOU are the ones who put meaning into the whistle. . . .")(emphasis added).

While some women view street harassment as a trivial part of their everyday lives,⁹⁹ they can still suffer extreme consequences. First, as a result of trivializing street harassment, women do not talk about it and are thus silenced.¹⁰⁰ This reinforces the invisibility of street harassment and its effects. Moreover, when a woman thinks about ending the silence, she may have a lot of doubt, given that street harassment — a pervasive part of everyday life — is so trivialized.¹⁰¹ Ignoring street harassment causes women to become complicit supporters of a system of sexual terrorism.¹⁰² Finally, failing to perceive street harassment as a harm causes women to “transform the pain into *something else*, such as, for example, punishment, or flattery, or transcendence, or unconscious pleasure.”¹⁰³

Giving a harm a name is the first step in making the harm visible. Given that “an injury uniquely sustained by a disempowered group will *lack a name*, a history, and in general a *linguistic reality*,”¹⁰⁴ it is crucial for the targets of street harassment to name the harm. Naming is not a random or neutral pro-

99. “I’ve received thousands of ‘Hey, sexy’s and ‘Wanna fuck?’s . . . It has happened to me so often that I started to get used to it, told myself it was normal . . . ‘It’s no big deal,’ I said.” Kuster, *supra* note 11, at 308–09; *see also supra* pp. 148–50.

100. Cynthia Bowman professes, “When I began to work on this Article and to discuss it with students, acquaintances, friends, and colleagues, I discovered that women do not frequently talk about street harassment, not even with one another. *Instead, we suppress our feelings about it and may even repress the experience itself.*” Bowman, *supra* note 4, at 579–80 (emphasis added). In the course of working on this Article, I have talked to many women about their experiences with street harassment. Many times, I was told that that was the first time they told their story or realized that a particular experience was an incident of street harassment.

The lack of discussion also takes away a common bond for women. “Yet whenever I have asked female students and friends about their experiences and their opinions, they have invariably been responsive, have talked eagerly, and have reacted with a sense of solidarity and anger.” *Id.* at 580; *see also* AUDRE LORDE, *The Transformation of Silence into Language and Action*, in *SISTER OUTSIDER* 40, 41 (1984) (“The women who sustained me through that period . . . all shared a war against the tyrannies of silence. They all gave me a strength and concern without which I could not have survived intact.”). While working on this Article, I bonded with many women over our shared and common experiences with street harassment.

101. *See West, supra* note 32, at 107 (“Should I talk about this? Domestic violence is too exceptional; street harassment is — too ordinary? Too frequent? Too trivial? Am I over-sensitive?”). Fortunately, West realizes that, “[i]t is *because* of their frequency, their constancy, and their banality that the sexual threats expressed on the street are so effective, and so foundational.” *Id.*

102. Kissling, *supra* note 19, at 456.

103. West, *supra* note 32, at 85. This is also something that the street harasser does.

104. *Id.* (emphasis added).

cess, but is biased.¹⁰⁵ One need only look at workplace sexual harassment, date rape, domestic violence, and marital rape to understand the importance of naming a harm. While these harms have been a part of society for a long time, once they had a name, their visibility, both as acts and as harms, increased and led to the possibility of redress.

There has been much discussion about what to call comments made on the street. Sociologist Carol Brooks Gardner defined these comments as "street remarks," to reflect the commentary aspect of the interaction.¹⁰⁶ However, this term is imprecise because it does not address "the non-verbal and visual elements"¹⁰⁷ of these interactions. Some use the term "public harassment" to reflect the social context of the behavior.¹⁰⁸ Others have used the term "peer harassment" to distinguish street interactions from "institutional power over the recipients."¹⁰⁹ However, men's status as men is an institutionalized and widely exercised form of dominance. Consequently, calling men "peers" of women is misleading. Finally, some have defined "sexual harassment" broadly enough to encompass verbal interactions on the street.¹¹⁰

Some have rejected the term "street harassment" because it is too evaluative.¹¹¹ However, the purpose underlying the naming process is to force society to evaluate the actual act. Others believe that the term "street harassment" fails to take into account the fact that many women find the experience pleasant.¹¹² However, as previously argued,¹¹³ the cultural domination of women's interpretations of street harassment more accurately explains why women may view the experience as pleasant as opposed to the actual "pleasantness" of the experience. The term "street harassment" most accurately reflects the main ele-

105. Kissling, *supra* note 19, at 457.

106. *Id.*

107. *Id.*

108. *Id.*

109. *Id.*

110. See, e.g., Kramarae, *supra* note 15, at 101 (defining everyday verbal sexual or gender harassment as including "intimidating, coercive or offensive sexual jokes, persistent request for dates, nonreciprocal types of compliments, demeaning references to women present or absent, anonymous or signed notes and letters; calling women crazy, sexual remarks, paternalistic or sarcastic tone of voice, teasing, and suggestive or insulting sounds including whistling and sucking.").

111. See Kissling, *supra* note 19, at 457.

112. See Kissling & Kramarae, *supra* note 13, at 92 n.1.

113. See *supra* notes 77-78 and accompanying text.

ments of the interaction by addressing the location — the street — and the behavior — harassment.¹¹⁴ Additionally, the word “harassment” is a term already associated with and recognized as a harm. The most comprehensive definition of street harassment is:

Street harassment occurs when one or more strange men accost one or more women . . . in a public place which is not the woman's/women's worksite. Through looks, words, or gestures the man asserts his right to intrude on the woman's attention, defining her as a sexual object, and forcing her to interact with him.¹¹⁵

It is important for women to name the harms they suffer because, “[b]y taking the power of naming for themselves [and gaining cultural autonomy], women can determine with what bias street harassment will be encoded.”¹¹⁶ Discussing and naming street harassment is a crucial step toward erasing a constant source of women's pain and making street harassment visible as a harm.

III. INCLUDING AFRICAN AMERICAN WOMEN IN THE DISCOURSE ON STREET HARASSMENT: GENDERIZATION AND RACIALIZATION OF THE STREET

This section of the Article explores the genderization and racialization of the street in the context of African American¹¹⁷

114. While the terms “gender street harassment” or “sexual street harassment” may be more specific, they are too exclusionary. One advantage to naming an invisible harm is that one has the opportunity to make it as inclusive as possible from the beginning, instead of constructing a narrow term that must be expanded in order to include the harms suffered by others. Therefore, while this discussion focuses on women, there is no need to have a term that only applies to women's experiences with street harassment. Furthermore, including the term “gender” or “sexual” to the definition of street harassment also excludes the other sites of identity — race, sexual orientation, class — upon which street harassment impacts.

115. Bowman, *supra* note 4, at 524 (citing Micaela di Leonardo, *Political Economy of Street Harassment*, AEGIS, Summer 1981, 51, 51–52).

116. See Kissling, *supra* note 19, at 457; see also Kissling & Kramarae, *supra* note 13, at 92 n.1.

117. I choose to use the term “African American” because I see it as a term that realizes that “white people have the power to enforce their own definitions in many (but not all) situations, *but they are not the only people determining the meanings of race categories and race words, and what they determine for themselves (and enforce) is not necessarily congruent with what others are determining for themselves.*” MARILYN FRYE, *White Woman Feminist: 1983–1992*, in *WILLFUL VIRGIN: ESSAYS IN FEMINISM* 147, 149 n.5 (1992) (emphasis added). Furthermore, it is a “[n]on-racial’ concept . . . [that] provide[s] an independent basis for cultural diversity.” Neil Go-

women. While Parts I and II set the general context in which all women are embodied, Part III looks at the embodiment of African American women. Thus Part III examines feminist theory's exclusion of African American women's experiences and then describes efforts to make feminist discourse more inclusive. Returning to street harassment, I will show that generalizations and explicit disregard of race have framed street harassment discourse. Then I will discuss the relationship between slavery and street harassment for African American women. Finally, I will describe two of the potential benefits of including African American women's experience in the street harassment discourse — the recognition of multiple consciousness as a way of challenging the effects of street harassment and the more inclusive definition of "spirit murder" to reflect the depth of street harassment's harms.

A. *The Exclusion of African American Women's Experience from Feminist Theory: A Critique of Gender Essentialism*

African American women have repeatedly found their experiences excluded from feminist and antidiscrimination discourse.¹¹⁸ Law professor Kimberlé Crenshaw argues that feminist and antiracist theories exclude African American women by perceiving subordination as occurring along a single cate-

tanda, *A Critique of "Our Constitution Is Color-Blind,"* 44 STAN. L. REV. 1, 4 (1991); see also Patricia J. Williams, *THE ALCHEMY OF RACE AND RIGHTS* 256-57 (1991) ("I wish to recognize that terms like 'black' and 'white' do not begin to capture the rich ethnic and political diversity of my subject. But I do believe that the simple matter of the color of one's skin so profoundly affects the way one is treated, so radically shapes what one is allowed to think and feel about this society, that the decision to generalize from such a division is valid. . . . I prefer 'African-American' in my own conversational usage because it effectively evokes the specific cultural dimensions of my identity, but in this book I use most frequently the term 'black' in order to accentuate the unshaded monolithism of color itself as a social force." (emphasis added)). But see Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 586 n.20 (1990) (describing the term "African American" as reflecting ideas of nationality and genetics and the term "black" as reflecting issues of culture).

118. Many inroads have been made in creating a feminist outlook that is more inclusive. However, many feminists, and society as a whole, still retreat to an essentialist view. One only need remember the treatment of Anita Hill to recognize that the "dominant conceptions of racism and sexism [still] render it virtually impossible to represent our situation in ways that fully articulate our subject position as black women." Kimberlé W. Crenshaw, *Whose Story Is It, Anyway? Feminist and Antiracist Appropriations of Anita Hill*, in *RACE-ING, JUSTICE, EN-GENDERING POWER: ESSAYS ON ANITA HILL, CLARENCE THOMAS, AND THE CONSTRUCTION OF SOCIAL REALITY* 402, 406 (Toni Morrison ed., 1992) [hereinafter *RACE-ING*].

gorical axis — race *or* gender — each of which assumes a discrete set of experiences.¹¹⁹ Philosophy professor Elizabeth Spelman argues that feminist theory's attempt to understand the relationship between gender subordination and other forms of oppression results in an "additive analysis," whereby each form of oppression is treated independently: "There's sex *and* race *and* class; there's sexism *and* racism *and* classism."¹²⁰

A single categorical approach to the various elements of identity perpetuates "gender essentialism," the notion that "a unitary, 'essential' women's experience can be isolated and described independently of race, class, sexual orientation, and other realities of experience."¹²¹ Gender essentialism leads to generalizations about gender oppression that do not adequately address or reflect African American women's experiences. Law professor Angela Harris refers to this phenomenon as the "nuance theory" in which, "by being sensitive to the notion that different women have different experiences, generalizations can be offered about 'all women' while qualifying statements, often in footnotes, supplement the general account with the subtle nuances of experience that 'different' women add to the mix."¹²²

Gender essentialism ignores the ways in which African American women's experiences may qualitatively differ from other women's experiences. African American women do not necessarily suffer *more* due to their "double burden,"¹²³ but they experience oppression in a different way:

Black Women can experience discrimination in ways that are both similar to and different from those experienced by white women and Black men. . . . Yet often they experience double-

119. Kimberlé W. Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics*, in *FEMINIST LEGAL THEORY* 57, 57-58 (Katharine T. Bartlett & Rosanne Kennedy eds., 1991).

120. SPELMAN, *supra* note 2, at 115. She also refers to this dilemma as the "ampersand problem in feminist thought." *Id.* at 114.

121. Harris, *supra* note 117, at 585. Harris' definition of essentialism is particularly useful in that, if you take Harris' reference to "other realities of experience" to heart, you constantly challenge the notion of "the woman's experience" beyond the traditional categorizations of race, sexual orientation, gender, age, ableness, religion and class.

122. *Id.* at 595.

123. Note that even the term "double burden" assumes a division of an African American woman into two. The point is that it is one burden and even if one were to try to divide the burden, it is not always *just* race and gender; class, age, sexual orientation, etc. can be included. While I employ and focus on the term "intersection of race and gender," I acknowledge its shortcomings.

discrimination — the combined effects of practices which discriminate on the basis of race, and on the basis of sex. *And sometimes, they experience discrimination as Black women — not the sum of race and sex discrimination, but as Black women.*¹²⁴

Given the various contexts in which African American women face discrimination, “they are affected in different ways, depending upon the extent to which they are affected by other forms of oppression.”¹²⁵

In order truly to understand *any* woman's experience, it is crucial to think of her as embodied and not as an individual experiencing oppression on various, nonintersecting axes.¹²⁶ When African American women experience racism or sexism — if one can tell the difference — the forms of oppression “do not have different ‘objects.’”¹²⁷ In the end, forcing African American women's oppression through the framework of additive analysis, or onto a single categorical axis, is failing to understand her oppression.

B. *Moving Away From Essentialism: A Recognition of Multiple Consciousness*

Perceiving difference as “a product of the friction between *easily* identifiable and unitary components of identity . . . competing for dominance within the subject,”¹²⁸ leads to the conclusion that difference can be extricated from the individual and have an independent, acontextual meaning. In order to move away from the binary framework of identity that dominates feminist theory, many African American feminists have explored the ways in which African American women experience and embody difference and its consequences. Situating difference and its consequences *within* African American women's identity, instead of outside or between identities,¹²⁹ moves African American wo-

124. Crenshaw, *supra* note 119, at 63–64 (emphasis added); see also SPELMAN, *supra* note 2, at 123 (“An additive analysis treats the oppression of a Black woman in a society that is racist as well as sexist as if it were a further burden when, in fact, it is a different burden. As the work of [Angela] Davis, among others, shows, to ignore the difference is to deny the particular reality of the Black woman's experience.”).

125. SPELMAN, *supra* note 2, at 122.

126. *Id.* at 129–30.

127. *Id.* at 122.

128. DIANA FUSS, *ESSENTIALLY SPEAKING: FEMINISM, NATURE & DIFFERENCE* 103 (1989) (emphasis added).

129. *Id.*

men from margin to center¹³⁰ and acknowledges them as “invisible women with multiple consciousness.”¹³¹

One way to challenge the dominant categorical framework is to rethink how pre-existing paradigms define difference and its consequences. Kimberlé Crenshaw argues that antidiscrimination law’s “top-down approach,” whereby discrimination or lack thereof is determined by a “but for” analysis, only protects African American women to the extent that their experiences are similar to harms recognized by antidiscrimination law.¹³² For example, if an African American woman experiences discrimination in a way that white women have, then the harm is recognized. Similarly, if an African American woman experiences discrimination in a manner parallel to an African American man’s experience, she is protected by racial antidiscrimination doctrine. Crenshaw believes that a bottom-up approach — which would combine the experiences of all disadvantaged people and recognize their oppression as the result of numerous, intersecting factors — would more accurately reflect and address the concerns of African American women and all marginalized people, without privileging one set of experiences over another.¹³³ To borrow from Audre Lorde,¹³⁴ this approach creates the tools that will be used to dismantle the master’s house.

African American feminists have also tried to move African American women’s difference and experiences out of the dominant understanding of oppression by redefining the terms that express African American women’s difference. Not only does renaming demarginalize African American women’s experiences, but it also benefits *all* women concerned with addressing and eradicating all forms of oppression.

Those who have discussed African American women as “subject” observe that the oppressions that African American women suffer do not affect one part of the equation and not the other. “The actuality of our layered experience is *multiplicative*. Multiply each of my parts together, one *x* one *x* one *x* one *x* one,

130. HOOKS, *supra* note 50.

131. Adrien K. Wing, *Brief Reflections Toward a Multiplicative Theory and Praxis of Being*, 6 BERKELEY WOMEN’S L.J. 181, 191 (1990-91).

132. Crenshaw, *supra* note 119, at 64-66.

133. *Id.* at 73.

134. AUDRE LORDE, *The Master’s Tools Will Never Dismantle the Master’s House*, in *SISTER OUTSIDER*, *supra* note 100, at 110, 110.

and you have *one* indivisible being. If you divide these parts from one you still have *one*."¹³⁵

Angela Harris finds that African American women's voices come from a source of "multiple consciousness"; a source which realizes that "we are not born with a 'self,' but rather are composed of a welter of partial, sometimes contradictory, or even antithetical selves."¹³⁶ Viewing African American women as having a multiple consciousness clarifies the idea that difference and identity are relational and not inherent.¹³⁷ Consequently, multiple consciousness undermines feminist theory's intentional or unintentional effort to encourage any woman to "pluck out some one aspect of [herself] and present this as the meaningful whole, eclipsing or denying the other parts of self."¹³⁸ Multiple consciousness is not just a way of being, but also a position from which "propositions are constantly set forth, challenged and subverted."¹³⁹

Gender essentialism's obsession with victimization as a source of commonality and solidarity creates a dangerous passive zone of comfort in which "women who rely on their victimization to define themselves may be reluctant to let go and create their own self-definitions."¹⁴⁰ Focusing on the "woman as victim" also prevents African American women from celebrating their identities. For African American women, gender essentialism's bifurcation and "favoring" of gender oppression over racial oppression denies "the positive aspects of racial identities."¹⁴¹ Elizabeth Spelman recognizes that "being Black is a source of pride, as well as an occasion for being oppressed."¹⁴² By employing the terms "racism" and "sexism," difference, identity and

135. Wing, *supra* note 131, at 194. For another mathematical equation expressing the oppression suffered by African American women, see Deborah K. King, *Multiple Jeopardy, Multiple Consciousness: The Context of a Black Feminist Ideology*, 14 SIGNS 42, 51 (1988) ("racism + sexism = straight black women's experience," or "racism + sexism + homophobia = black lesbian experience.").

136. Harris, *supra* note 117, at 584.

137. *Id.* at 610.

138. AUDRE LORDE, *Age, Race, Class, and Sex: Women Redefining Difference*, in SISTER OUTSIDER, *supra* note 100, at 114, 120.

139. Harris, *supra* note 117, at 584. Adrien Wing refers to this process as "iterative synergy." Wing, *supra* note 131, at 182.

140. Harris, *supra* note 117, at 613; *see also* HOOKS, *supra* note 50, at 5.

141. SPELMAN, *supra* note 2, at 124.

142. *Id.* One of the most liberating moments in my life was the realization that not only was I African American, but also that (1) I liked being African American and (2) would never want to be anything but African American. (Realize that you can feel (1) without feeling (2) and vice versa.)

their consequences define the individual in terms of institutionalized forms of oppression. The concept of the woman as victim impinges not only upon African American women's ability to self-define and perpetuate the celebratory nature of their identity, but also upon all women's ability to embrace and celebrate all their differences. Thus, acknowledging African American women's multiple consciousness deters *all* women from making victimization central to their identity.¹⁴³ In conclusion, recognizing all of the differences embodied in each African American woman allows for a more accurate understanding of the oppression that she suffers.

C. *African American Women and Street Harassment:
Recurring Images of Slavery*

By refusing to acknowledge difference, street harassment discourse has excluded African American women's experiences. Many have argued that street harassment just "is," and that race, class, and sexual orientation are irrelevant: "In fact, women will sometimes comment that they think that women of all races, classes, and ages are subject to attacks from men — of all races, classes, and ages."¹⁴⁴ This statement relies on the idea that street harassment is primarily based on gender domination. Consequently, this statement implies that, because all women experience street harassment, it has no significance beyond its gender meaning: "[T]he women who do find street remarks disturbing, disgusting, or dangerous evidently hear them as more sexist than racist or classist."¹⁴⁵ The race of the harassers has also been disregarded: "You can say what you like about class and race. Those differences are real. But in this everyday scenario, any man on earth, no matter what his color or class is, has the power to make any woman who is exposed to him hate herself and her body."¹⁴⁶ This nuanced treatment of race ignores the relevant inquiry: the issue is not the act's independence from these differ-

143. Harris, *supra* note 117, at 584.

144. Kissling & Kramarae, *supra* note 13, at 90.

145. *Id.* It would be helpful to know the race, and sexual orientation and the economic status of the women commentators.

146. Meredith Tax, *Woman and Her Mind: The Story of Everyday Life*, in *RADICAL FEMINISM* 23, 28 (Anne Koedt et al. eds., 1973). While this may be true, there is still a power differential among men based on race. See *infra* p. 171; see also Benard & Schlaffer, *supra* note 43, at 71 ("However, this form of male behavior [street harassment] is quite independent of continent, race, generation, and the degree of individual frustration.").

ences, but the fact that the act occurs in spite of the differences. Abstracting the categories of identity limits understanding of the dynamics of street harassment.

Street harassment discourse's essentialist approach reflects the "strategic" need to identify gender as the primary source of oppression.¹⁴⁷ In summarizing the results of their study, Kissling and Kramarae state that, "[w]e are also aware that in other women's accounts of street harassment, identification of race, age, and class is usually not made or is not considered *primary*."¹⁴⁸ Exploring street harassment with African American women at the center clarifies the fact that no one categorization is primary.

All women are subjected to street harassment and, consequently, street harassment is a form of gender subordination. However, when African American women are subjected to street harassment, street harassment is, at the very least, genderized and racialized.¹⁴⁹ This is not to say that street harassment has one meaning for African American women and a different meaning for all other women. Given the various histories of women of differing races and ethnicities, including white women,¹⁵⁰ street harassment is both genderized and racialized for every woman;

147. See Harris, *supra* note 117, at 605-07 ("The Attractions of Gender Essentialism"). Harris identifies the following as the appeals of gender essentialism: intellectual comfort, emotional safety, the opportunity to play power games with men and other feminists, and the simplification of the categories. *Id.*

148. Kissling & Kramarae, *supra* note 13, at 90 (emphasis added). Again, one must ask if Kissling and Kramarae's original study incorporated identification of the subjects' race, age, or class. To Kramarae's credit, she now emphasizes the importance of race when examining street harassment. See Kramarae, *supra* note 15, at 103-04.

149. I limit this Article to race, specifically African American, and gender. While a disservice is done to issues of sexual orientation, class and other forms of oppression, I hope it is clear that I believe essentialism is not very effective. Ideally, all forms of oppression must be addressed when looking at a particular issue.

150. When people talk of the "social construction of race," the discussion often focuses in the social construction of "other" races — black, hispanic, oriental, indian (I use these terms to reflect the *constructionist* aspect of race). Yet, the discourse often fails to address "white" as a socially constructed race, since "white" is often the norm from which the discussion of race starts. See ADRIENNE RICH, *Disloyal to Civilization: Feminism, Racism, Gynephobia*, in ON LIES, SECRETS AND SILENCE 275, 299 (1979) ("White solipsism" is the tendency "to think, imagine, and speak as if whiteness described the world."); see also MARILYN FRYE, *On Being White: Thinking Toward A Feminist Understanding of Race and Race Supremacy*, in THE POLITICS OF REALITY: ESSAYS IN FEMINIST THEORY 110, 117 (1983) ("It [is] breathtaking to discover that in the culture I was born and reared in, the word 'woman' means *white woman*, just as we discovered that the word 'man' means *male man*.").

but the racial aspect is set in the particular historical context to which the particular woman belongs.¹⁵¹

The earlier discussion regarding street harassment's genderization of the street applies to African American women's experiences with street harassment.¹⁵² However, during and as a result of slavery, African American women have experienced the pre-existing context that enables street harassment to be a factor in our sexually terroristic environment. Consequently, the psychological oppression of street harassment has a different — not a double — impact on African American women given their embodiment as indivisible beings. Street harassment evokes the institutional memory of slavery. Thus African American women's response to street harassment can be understood as "objective correlative," "[t]he process by which our memory of the enemy pulls the past forward into the present."¹⁵³ Street harassment forces African American women to realize that the ideologies of slavery still exist.

Although slavery has been legally eradicated, the racist ideology perpetuated during the slave era still exists with a different face. While the "formal barriers and symbolic manifestations of subordination"¹⁵⁴ have disappeared, "[t]he white norm . . . has not disappeared; it has only been submerged in popular consciousness."¹⁵⁵ White men struggle to maintain their hierarchical position in a social structure that is constantly being challenged, questioned, and chiseled away.

Street harassment is a forum that allows white men, in the absence of slavery, to maintain the boundaries of their relationship with black women and to perpetuate the image of African American women as "blackwomen." The legal and cultural invisibility of street harassment gives white men a way of oppress-

151. See AMOJA THREE RIVERS, *CULTURAL ETIQUETTE: A GUIDE FOR THE WELL-INTENTIONED* 24 (1990) ("Don't forget that every white person alive today is also descended from tribal peoples. If you are white, don't neglect your own ancient traditions. They are as valid as anybody else's.").

152. See *supra* pp. 141-52.

153. SHELBY STEELE, *THE CONTENT OF OUR CHARACTER: A NEW VISION OF RACE IN AMERICA* 153 (1990).

154. Kimberlé W. Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331, 1378 (1988).

155. *Id.* at 1379. For a powerful account of the continued existence of racist ideology, see Adrian Piper, *Passing for White, Passing for Black*, 58 TRANSITION 4 (1993) (a light skinned black woman's account of the racist comments made to her by people who do not realize she is African American).

ing African American women that replaces the historical slave/master structure.

1. The Cult of True Womanhood: The White Woman as Paradigm

Street harassment oppresses women because it denies women an authentic choice of self and mandates conformance to gender stereotypes. Such oppression also formed the basis of the slave era's dominant gender ideology. In her work, *Reconstructing Womanhood*, English and African American Studies Professor Hazel Carby explores women slaves' relationship to the predominant ideology of the "cult of true [white] womanhood."¹⁵⁶ Based on notions of motherhood and womanhood, the cardinal tenets of piety, purity (sexual and nonsexual), submissiveness and domesticity characterized the cult of true womanhood.¹⁵⁷

The ideology had two cultural effects: "[I]t was dominant, in the sense of being the most subscribed to convention governing female behavior, but it was also clearly recognizable as a dominating image, describing the parameters within which women were measured and declared to be, or not to be, women."¹⁵⁸ White men used the cult of true womanhood to establish the normative ideal for white women and to establish the boundaries *outside of which* slave women were placed.¹⁵⁹ Despite the opposing definitions of motherhood and womanhood for white women and slave women, the definitions were dependent upon one another.¹⁶⁰

Before street harassment denied African American women the ability to make an authentic choice of self, slavery denied the female slave the right to define herself independently of a governing standard. Street harassment denies African American women an authentic choice of self, not only because it restricts

156. HAZEL V. CARBY, RECONSTRUCTING WOMANHOOD: THE EMERGENCE OF THE AFRO-AMERICAN WOMAN NOVELIST 23 (1987); see also HOOKS, *supra* note 34, at 48-49.

157. CARBY, *supra* note 156, at 20-39.

158. *Id.*

159. Hazel V. Carby, Lecture in Class on Black Women Writers at Wesleyan University (Sept. 9, 1987). See *infra* pp. 166-67 for a discussion on the use of the Jezebel stereotype to establish the boundaries of the relationship between white men and slave women.

160. For example, although all women "had" to reproduce, white women were responsible for producing heirs and slave women were responsible for producing property for the heirs to inherit. Carby, *supra* note 159.

their geographic mobility and physical mobility and alters their behavior,¹⁶¹ but also because African American women's embodiment has been historically determined by and dependent upon the dominant ideology of white women established during slavery.

The cult of true womanhood also illustrates how stereotypes obscure women's reality by focusing on men's interpretations. During slavery, slave owners and buyers perceived some characteristics as negative in white women, yet as positive, economic assets in slave women. For example, "[s]trength and ability to bear fatigue, argued to be so distasteful a presence in a white woman, were positive features to be emphasized in the promotion and selling of a black female field hand at a slave auction."¹⁶²

In light of these differing stereotypes for African American and white women, it is not accurate to say that a woman's assertive response to a street harasser's comment is a failure to conform to "the" stereotype of the "passive" woman;¹⁶³ rather, it is a *white* woman's failure to conform to a stereotype about white women. For African American women, an assertive response to street harassment conforms to another stereotype — that of African American women as "uppity."¹⁶⁴

Slavery's underlying beliefs about female slaves, reified into natural and unalterable truisms of their personhood, facilitate African American women's interpretation of street harassment. African American slave women internalized the underlying ideological beliefs and, "[b]y completely accepting the female role as defined by patriarchy, enslaved black women embraced and upheld an oppressive sexist social order and became (along with their white sisters) both accomplices in the crimes perpetuated against women and the victims of those crimes."¹⁶⁵ Consequently, cultural domination has lead African American women

161. See *supra* pp. 144–46.

162. CARBY, *supra* note 156, at 25; see also HOOKS, *supra* note 34, at 22 ("the black female was *exploited* as a laborer in the fields, a worker in the domestic household, a breeder, and as an object of white male sexual assault.") (emphasis added).

163. Bartky, *supra* note 63, at 35.

164. A friend of mine, walking by a group of older African American men who were making comments, informed them that she did not appreciate their comments. One of the men responded, "We don't like your attitude. You wouldn't be so uppity if my dick was in you."

165. HOOKS, *supra* note 34, at 49.

to believe that street harassment is an acceptable, natural part of everyday life, given the slave culture.

2. The Controlling Image of Jezebel: African American Woman as (White) Man's Temptress

*As far back as slavery, white people established a social hierarchy based on race and sex that ranked white men first, white women second, though sometimes equal to black men, who are ranked third, and black women last.*¹⁶⁶

While the cult of true womanhood defined the relationship between white men and white women, the relationship between slave women and white men required an independent ideology.¹⁶⁷ The "Jezebel" image established the sexual boundaries of the relationship between African American women and white men.

During slavery, white men developed a racist ideology particular to slave women, which consisted of four "interrelated, socially constructed controlling images."¹⁶⁸ Created by white men to justify, maintain, and perpetuate the subordination of African American women, the most powerful of these controlling images is that of the female slave as a Jezebel.¹⁶⁹

The Jezebel image — the slave woman as "whore, sexually aggressive wet nurse,"¹⁷⁰ and "sexual temptress"¹⁷¹ — served two functions. First, it justified white men's sexual abuse of slave women.¹⁷² Second, it justified the inapplicability of the cult of true

166. HOOKS, *supra* note 34, at 52–53.

167. See Crenshaw, *supra* note 118, at 414.

For black women the issue is not the precariousness of holding on to the protection that the madonna image provides or the manner in which the madonna image works to regulate and thereby constrain black women's sexuality. Instead, it is the denial of the presumption of 'madonna-hood' that shapes responses to black women's sexual victimization.

Id. I do not mean to suggest that the cult of true womanhood is a positive alternative, but rather, to highlight the different issues of the particular ideology imposed upon slave women.

168. COLLINS, *supra* note 44, at 71. The other controlling images of African American womanhood are the "mammy," the "matriarch," and the "welfare mother." See *id.* at 71–77.

169. I focus on the Jezebel image — the "theme of Black women's sexuality" — because it is "the foundation underlying elite white male conceptualizations of the mammy, matriarch, and welfare mother." *Id.* at 78.

170. *Id.* at 77.

171. HOOKS, *supra* note 34, at 33.

172. *Id.* at 34; COLLINS, *supra* note 44, at 77.

womanhood to slave women — if a slave woman was seen as a sexual animal, then she was not a real woman. The hypersexual Jezebel image dehumanized black women and justified their exploitation in the fields.¹⁷³ White men used the controlling image of Jezebel, in conjunction with other images,¹⁷⁴ to create and maintain the existing slave/master social and economic structure.

The Jezebel image defined the relationship between African American women and white men and objectified African American women. To the extent that it was not clear that, as property, white men could do whatever they wanted with slave women, the perpetuation of the Jezebel stereotype made it clear that one of the implied conditions of the master/slave “contract” was that the slave owner had free sexual access to the slave woman.

The controlling image of Jezebel firmly entrenched the objectification of black women as “other.” Objectification allows subjects to “define their own reality, establish their own identities, name their history.”¹⁷⁵ In contrast, as an object, “one’s reality is defined by others, one’s identity created by others, one’s history named only in ways that define one’s relationship to those who are subject.”¹⁷⁶ Slave women’s status as “other” was already defined by the black/white and male/female dichotomies. By tying a slave woman’s embodiment to her sexual identity, the “subject” slave owner took the objectification one level deeper to assure its prevalence and permanence. By reducing slave women to the object of “blackwoman” — never one, never the other, always one and the same — white men assigned a meaning to slave women’s embodiment that resulted in a unique “other” position.

a. *Multiple Subordination: The Intersection of White Men’s and African American Men’s Objectification of African American Women*

While “[r]acism has always been a divisive force separating black men and white men, [it has been] sexism [that] has been a

173. PATRICIA MORTON, *DISFIGURED IMAGES: THE HISTORICAL ASSAULT ON AFRO-AMERICAN WOMEN* 10 (1991).

174. The mammy and matriarch images established the economic boundary of the relationship, while the welfare mother image worked as a reproductive boundary. See COLLINS, *supra* note 44, at 71–77. See also MORTON, *supra* note 172, at 10, for a discussion of the relationship between Jezebel and mammy images.

175. BELL HOOKS, *Feminist Scholarship: Ethical Issues*, in *TALKING BACK: THINKING FEMINIST, THINKING BLACK*, at 42, 42 (1989).

176. *Id.* at 42–43.

force that unites the two groups.”¹⁷⁷ Like white men, African American men have been socialized to exercise their male status to oppress women: “As Americans, they [African American men] had not been taught to really believe that social equality was an inherent right all people possess, but they had been socialized to believe that it is the nature of males to desire and have access to power and privilege.”¹⁷⁸ One of the entitlements of being a member of the male gender is the ability to exercise dominance over women. During the slavery era, the African American man, “though obviously deprived of the social status that would enable him to protect and provide for himself and others, had a higher status than the black female slave based solely on his being male.”¹⁷⁹ Again, the binary framework of racism and sexism ignores the fact that, “[r]acism does not prevent black men from absorbing the same sexist socialization white men are inundated with.”¹⁸⁰ As a result of the intersection of race and gender, while racism “cause[s] white men to make black women targets,”¹⁸¹ “sexism . . . causes *all* men to think they can verbally or physically assault women sexually with impunity.”¹⁸² The assignment of the stereotypical image of Jezebel to African American women highlights the intersection of white men’s and African American men’s objectification of African American women:

[I]t is white men who have created this race-sex hierarchy, not black men. Black men merely accept and support it. In fact, if white men decided at any given moment that owning a purple female was the symbol of masculine status and success, black men in competition with white men would have to try and possess a purple female.¹⁸³

b. *When African American Men Seek a Position of Whiteness:
The Experience of Intra-racial Harassment*

*Most Americans, and that includes black people, acknowledge and accept this [social] hierarchy [based on race and gender]; they have internalized it consciously or unconsciously.*¹⁸⁴

177. HOOKS, *supra* note 50, at 99.

178. *Id.* at 98.

179. *Id.* at 88–89.

180. *Id.* at 101–02.

181. *Id.* at 68.

182. *Id.* at 68–69 (emphasis added).

183. *Id.* at 112.

184. HOOKS, *supra* note 34, at 53.

Given the pervasiveness of the controlling images of African American womanhood created and perpetuated by white men, African American men also view African American women “as nothing more than mammies, matriarchs, or Jezebels.”¹⁸⁵ As bell hooks points out, “[a]s sexist ideology has been accepted by black people, these negative myths and stereotypes have effectively transcended class and race boundaries and affected the way black women [are] perceived by members of their own race.”¹⁸⁶

While both white men and African American men assign the Jezebel image to African American women, there exists a major distinction between white men’s oppression of African American women and African American men’s oppression of African American women. African American men react to African American women as a group based on color and not on race.

The social construction of race has produced a racist ideology that provides a series of rationalizations, stereotypes and myths.¹⁸⁷ The term “race-ing” highlights the idea that “race is not a fixed thing or a neutral quality — e.g., skin color — but rather is the product of active, conscious social interactions.”¹⁸⁸ Consequently, race is a “particular system of classification, with its metaphorical construction of racial purity for whites, [that] has a specific history as a badge of enslavability.”¹⁸⁹ By assigning an image that has its roots in slavery to African American women, white men interact with African American woman on the basis of a socially constructed *race*.

In contrast, when African American men assign the Jezebel image to African American women, they interact with African American women on the basis of their *racial* color.¹⁹⁰ Despite the similarities between white men and African American men’s

185. COLLINS, *supra* note 44, at 186.

186. HOOKS, *supra* note 34, at 70.

187. Crenshaw, *supra* note 153, at 1369.

188. Neil Gotanda, “Race-ing,” Racial Non-Recognition, and Racial Stratification: Re-Reading Judge Joyce Karlin’s Sentencing Colloquy in *People v. Soon Ja Du* 23 (Mar. 12, 1993) (unpublished manuscript on file with author).

189. Gotanda, *supra* note 117, at 34.

190. Adrian Piper captures the distinction between a racist interaction and a racial interaction when she says:

What joins me to other blacks, then, and other blacks to another, is not a set of shared physical characteristics, for there is none that all blacks share. Rather, it is the shared experience of being visually or cognitively *identified* as black by a white racist society, and the punitive and damaging effects of that identification.

sexist behavior, there is a very important distinction in terms of *what* men are reacting to. This distinction is important because, whereas an interaction based on race perpetuates notions of race and gender difference, an interaction based on color evokes only gender difference. To the extent that African Americans share a common characteristic — their color — a window of opportunity exists in which African American men and women can work together to eradicate sexist behavior.

African American men exercise the power implicit in sexism from a “position of whiteness.” A position of whiteness consists of the “historically derived constellation of privileges associated with white [male] racial domination.”¹⁹¹ A person acting from a position of whiteness creates a racial hierarchy and produces and reinforces stereotypical images.¹⁹² This position of whiteness is not limited to white men, but can be seen as a position of authority attended by the privileges associated with authority.¹⁹³

African American men's invocation of a position of whiteness reflects one of the goals of hegemony — members of the dominated class are convinced that the existing order is necessary.¹⁹⁴ The creation of “races” leads to categories that are filled with meaning. Not surprisingly, the racial categories are oppositional in nature, with whites possessing normatively positive characteristics and African Americans possessing inferior characteristics.¹⁹⁵ Racial characteristics and their meanings make racial

Piper, *supra* note 154, at 30–31. While whites can have a racial interaction with African Americans, African Americans can't have a racist interaction with other African Americans.

191. Gotanda, *supra* note 188, at 42. Kimberlé Crenshaw refers to this position as “perspectivelessness,” whereby “everyday institutional practices embody ‘white norms’ that are camouflaged by a stance of cultural neutrality.” Gery Peller, *Race Consciousness*, 1990 DUKE L.J. 758, 758–59 (summarizing the argument found in Kimberlé Crenshaw, *Forward: Toward a Race-Conscious Pedagogy in Legal Education*, 11 NAT'L BLACK L.J. 1 (1989)).

192. Gotanda, *supra* note 188, at 40–42.

193. For example, in the *Soon Ja Du* case, Gotanda pointed out that even if the judge had been a man of color, he would have been in a position of whiteness, i.e., a position of authority that has traditionally been held by white men. Furthermore, although the judge in the *Soon Ja Du* case was a woman, she spoke from a position of whiteness given *both* her race *and* her position of authority. *Id.*

194. Hegemony is “the means by which a system of attitudes and beliefs, permeating both popular consciousness and the ideology of elites, reinforces existing social arrangement and convinces the dominated classes that the existing order is inevitable.” Crenshaw, *supra* note 154, at 1350–51 (quoting ANTONIO GRAMSCI, *SELECTIONS FROM THE PRISON NOTEBOOKS* (Quentin Hoare & George Smith trans., 1971)).

195. *Id.* at 1373–74.

categories successful only if both the dominating group and the dominated group accept the categories and impose the characteristics uniformly. Consequently, all whites must see African Americans as inferior and all African Americans must see themselves as defined by the relevant characteristics, i.e., as inferior.¹⁹⁶

Whereas white men assign and invoke the Jezebel image of African American women in order to maintain dominance, African American men use the same image in order to try to obtain that which white men have — the power to define the position of whiteness. As bell hooks has noted, “[t]heir [black men’s] expressions of rage and anger are less a critique of the white male patriarchal social order and more a reaction against the fact that *they have not been allowed full participation in the power game.*”¹⁹⁷

Engaging in any form of oppression when you are a member of a marginalized group may make a person feel more powerful and less oppressed.¹⁹⁸ Nevertheless, the established social order, though possibly capable of change, is still relative. Consequently, “men of color are not able to reap the material and social rewards for their participation in patriarchy. In fact they often suffer from blindly and passively acting out a myth of masculinity

196. One example of the hegemonic success of the Jezebel image in the context of a position of whiteness is the politics around the Hill-Thomas Hearings. During the controversy surrounding Clarence Thomas’ confirmation to the Supreme Court, society, afraid of placing a stereotypical “black rapist” label on Thomas, perceived Anita Hill as a rejected Jezebel, mainly because “the oversexed-black-Jezebel [image is] still unreconstructed” and “is more likely than not still taken at face value.” Nell I. Painter, *Hill, Thomas, and the Use of Racial Stereotype*, in *RACE-ING*, *supra* note 118, at 200, 209. The use of the “Jezebel” image in this context reflects the invisibility of African American women’s oppression. While both African American and white members of society have struggled to erase the oppressive sexualized stereotype of African American men as rapists, there has been no similar movement to address the sexual stereotypes of African American women. See generally ANGELA Y. DAVIS, *Rape, Racism and the Myth of the Black Rapist*, in *WOMEN, RACE, AND CLASS* 172–201 (1981). This intraracial exchange proves how successful the dominant culture has been at maintaining certain stereotypes about African American women, while at the same time, clearing the path for African American men to gain access to a position of whiteness. Crenshaw, *supra* note 118, at 429.

197. HOOKS, *supra* note 34, at 94 (emphasis added).

198. See Virginia R. Harris & Trinity A. Ordoña, *Developing Unity Among Women of Color: Crossing the Barriers of Internalized Racism and Cross-Racial Hostility*, in *MAKING FACE, MAKING SOUL: HACIENDO CARAS* 304, 308 (Gloria Anzaldúa ed., 1990) (“When someone like us [a person of color] . . . exhibits the same racist behavior we experience from whites, it feels the same, tastes the same, but because it is coming from another person of color the impact is orders of magnitude greater.”).

that is life-threatening. Sexist thinking blinds them to this reality. They become victims of the patriarchy."¹⁹⁹

Some African American men fail to perceive how street harassment borrows from the hegemonic trappings of a position of whiteness. Consequently, some people view intraracial street harassment as a phenomenon specific to African American culture.²⁰⁰ Some have argued that street harassment does not harm African American women because "[i]n many African American communities, men and women engage in sexually oriented banter in public."²⁰¹ Even if this rapping does exist between African American men and women, the speech rights are asymmetrical because "although many African American women respond assertively to rapping, they typically do not initiate it."²⁰² Furthermore, the fact that some African American women may engage in rapping does not negate the fact that:

[b]lack leaders, male and female, have been unwilling to acknowledge black male sexist oppression of black women because they do not want to acknowledge that racism is not the only oppressive force in our lives. *Nor do they wish to complicate efforts to resist racism by acknowledging that black men can be victimized by racism but at the same time act as sexist oppressors of black women.*²⁰³

Reification of street harassment into an African American cultural phenomenon forecloses any meaningful analysis of street harassment as a harm. Thus, racist ideology and stereotypical images of African American women serve a hegemonic function by justifying African American men's oppressive treatment of

199. BELL HOOKS, *Reflections on Race and Sex*, in *YEARNING: RACE, GENDER AND CULTURAL POLITICS* 57, 63 (1990).

200. See Milloy, *supra* note 16, at J1, where the author addresses the "black men who are making the District [of Columbia] a living hell for their sisters." While he accurately notes that street harassment is not necessarily class-based ("But don't think that it's only unemployed and homeless people who pose a threat. Middle-class black men are increasingly invading the privacy of black female colleagues"), he incorrectly characterizes street harassment as an African American cultural phenomena; see also Kim Edmonds, *Letter to the Editor*, *WASH. POST*, June 6, 1990, at C6 ("However, I think that Mr. Milloy is mistaken in characterizing this issue as a black-on-black crime. I have received gross comments from men of various races and class backgrounds.").

201. Bowman, *supra* note 4, at 532. This type of banter has been referred to as "rapping." See also Crenshaw, *supra* note 118, at 421-34, for an excellent criticism of the now infamous Orlando Patterson editorial in the *New York Times*, where he argued that Anita Hill failed to recognize Thomas' behavior as a "down-home style courting." *N.Y. TIMES*, Oct. 20, 1991, § 4, at 15.

202. Bowman, *supra* note 4, at 532.

203. HOOKS, *supra* note 34, at 88 (emphasis added).

African American women and by leading people to believe that street harassment is culturally specific behavior.

Finally, characterizing street harassment as an African American cultural phenomenon ignores the intersection of race and gender by “overlook[ing] the way in which this sexual discourse reflects a differential power relationship between men and women.”²⁰⁴ This characterization also allows society to avoid examining “the different means by which these [African American cultural] practices are maintained and legitimated,”²⁰⁵ thereby perpetuating the subordination of African American women. In conclusion, when African American men engage in sexist behavior toward all women, they are acting from a position of whiteness that allows them to assert their male status.

3. African American Women as Property: Valuing a Woman by the Yield of her Womb

Street harassment’s invasion of women’s privacy has an alternative meaning in the context of African American women. Street harassment disrespects a woman’s right to be left alone. However, rights are only “guaranteed” to citizens and, as property, slaves were denied rights.²⁰⁶ Therefore, when an African American woman experiences the degradation of street harassment, she is reminded that she need not be afforded respect — as “property,” she is not entitled to the guarantees of citizenship.

Furthermore, the objectifying nature of street harassment evokes African American women’s embodiment as property. During slavery, slave women were exploited as “breeders,”²⁰⁷ slave women were objectified as wombs. Slave owners coerced slave women to have children consecutively in order to increase their labor force.²⁰⁸ Breeding also encouraged the rape of slave women, for mulatto stock was easier to sell and procured a higher price.²⁰⁹ A slave woman’s ability to reproduce also deter-

204. Crenshaw, *supra* note 118, at 429.

205. *Id.* at 431 (arguing that women do participate in the conspiracy of silence around misogyny in the African American community).

206. *Dred Scott v. Sandford*, 60 U.S. (19 How.) 393 (1857) (holding that slaves were not citizens and did not have the rights that are inherent in citizenship).

207. DAVIS, *supra* note 195, at 8.

208. HOOKS, *supra* note 34, at 39.

209. *Id.* at 40.

mined her marketability.²¹⁰ Just as the exploitation of slave women's body parts and the objectification of slave women as sexual beings was central to the perpetuation of slavery, so the sexual objectification of women in street harassment perpetuates gender domination.

Lastly, finding that the cult of true womanhood ideology denied them a sexual outlet for their contempt of all women, white men recharacterized slave women as Jezebels or "sexually aggressive women," thereby incarnating slave women as sexual objects. The Jezebel image "lent further credibility to the myth that black females were inherently wanton and therefore responsible for rape."²¹¹ Consequently, the comment "Hey momma" or "Jezebel" to an African American woman conflates notions of motherhood,²¹² reproduction, and women as sexual objects, and forces an African American woman to recall her prior status as a sexually exploited breeder.

D. *Multiple Consciousness and Street Harassment: Incorporating African American Women's Experience*

Including African American women's experiences in the street harassment discourse enlightens women to their multiple consciousness and provides all women with a tool that enables them to cope with the social and psychologically oppressive effects of street harassment. Angela Harris states that "[t]his sense of a multiplicitous self is not unique to black women, but black women have expressed this sense in ways that are striking, poignant, and potentially useful to feminist theory."²¹³

By embracing the multiplicitous self, African American women, as the descendants of slaves, have learned how to handle the multiple forms of oppression, including gender and racial oppression. Recognizing a multiple consciousness helps women to deconstruct and accept their experiences with street harassment. By embracing the multiple parts of self, and moving away from a binary construction of "self," we also recognize the possibility for internal contradiction. Muriel Dimen posits that street harass-

210. *Id.* at 39. "Advertisements announcing the sale of black female slaves used the terms 'breeding slaves,' 'child-bearing woman,' 'breeding period,' 'too old to breed,' to describe individual women." *Id.* at 39-40.

211. HOOKS, *supra* note 34, at 34.

212. Slave women were often not allowed to "mother" their children because they had to work in the fields or because the child was sold or had died. *See* DAVIS, *supra* note 195, at 7.

213. Harris, *supra* note 117, at 608 (emphasis added).

ment exposes the “essential contradiction” of women’s lives: “Neither Subject or Object, [women] are, paradoxically, both.”²¹⁴ On a cognitive level, women must confront this contradiction: “In order to live from day to day, they must both accept and reject what they know, that they are and are not people.”²¹⁵ On a psychological level however, the dissonance created by street harassment causes mental pandemonium:

Being the Subject-as-Object is maddening. It is to be both Self and Other, and to be torn between them. In such a divided state of mind, one’s perceptions of others, of one’s relations to them, and of oneself become untrustworthy. This chaotic moment can seem like madness, to which one responds with a desperate struggle to understand and explain. When, then, a woman turns into the Subject-as-Object, as in street hassling, she can feel as though she were losing her mind. As if to prevent her from going crazy, thoughts and feelings rush in, materializing into a ghostly chorus, each voice shrieking a contradictory explanation for what just happened or a conflicting instruction about what to do about it.²¹⁶

African American women have historically and consistently existed in a zone of dissonance. African American women, as society’s “other” are, in a multiple of ways, disenfranchised and excluded from society. At the same time, African American women are “essential for [society’s] survival because those individuals who stand at the margins of society clarify its boundaries. African-American women, by not belonging, emphasize the significance of belonging.”²¹⁷

Harris’ request that we embrace our multiple consciousness allows all women to *expect* to be treated as “object” and “subject.” The multiple consciousness is yet another site of identity, where both the subjective self and objective self co-exist. Recognizing this site of identity will allow women to shift their energies from deconstructing and understanding women’s response to street harassment, to eradicating street harassment.²¹⁸

214. MURIEL DIMEN, *SURVIVING SEXUAL CONTRADICTIONS: A STARTLING AND DIFFERENT LOOK AT A DAY IN THE LIFE OF A CONTEMPORARY PROFESSIONAL WOMAN* 5 (1986).

215. *Id.*

216. *Id.* at 10; see also Tax, *supra* note 146, at 28 (describing the fragmentation that occurs as a result of street harassment as “Female Schizophrenia.”).

217. COLLINS, *supra* note 44, at 68.

218. But see *infra* pp. 176–77, for a discussion of my awareness of the reification of myself into subject and object, despite the fact that I embrace my multiple parts. While that discussion may appear to contradict this statement, the ability to move beyond the pain of the injury caused by street harassment to actively fight street

E. *A New Definition for the Effects of Street Harassment:
Spirit Murder*

Including African American women's experiences in street harassment discourse provides a fuller understanding of how all women may experience street harassment. This inclusion also provides access to a broader term that may more fully reflect street harassment's invidious role in terrorizing *all* women. Law professor Patricia Williams states that, "[a] fundamental part of ourselves and of our dignity is dependent upon the uncontrollable, powerful, external observers who constitute society."²¹⁹ Engaging in racist behavior, which is the overt expression of the internalized "system of formalized distortions of thought,"²²⁰ leads to the "disregard for others whose lives qualitatively depend on our regard."²²¹ Williams terms this disregard "spirit murder," a phenomenon that creates and perpetuates social structures that are defined by hate and fear, and give inexpressed feeling an outlet.²²²

While Williams' discussion of spirit murder encompasses only race, Adrien Wing incorporates sexism into the concept of spirit murder.²²³ While spirit murder is the cumulative effect, it is made up of micro aggressions, "[h]undreds, if not thousands of spirit injuries and assaults — some major, some minor — the cumulative effect of which is the slow death of the psyche, the soul and the persona."²²⁴ In the context of street harassment, it is easy to understand spirit murder as being subjected to many incidences of street harassment each day. To gain a fuller understanding of street harassment and its impact on African American women, it is necessary to place street harassment in the continuum of behavior that includes spirit murder. Using these terms, one can understand the full extent to which all women are terrorized.

When I am subjected to street harassment, I experience many emotions. I am angry, frustrated, confused, humiliated.

harassment is a process. Daily, I move further away from blaming myself and closer to blaming the harasser.

219. Patricia J. Williams, *Spirit-Murdering the Messenger: The Discourse of Fingerpointing as the Law's Response to Racism*, 42 U. MIAMI L. REV 127, 151 (1987).

220. *Id.*

221. *Id.*

222. *Id.* at 151-52.

223. Wing, *supra* note 131, at 186.

224. *Id.*

No matter how hard I try to subvert the harasser's intent to cause me harm by being strong and dismissing the comment, the effect persists. I replay the interaction in my mind, create alternative endings, i.e., saying something that hurts him as much as it hurts me.²²⁵ On good days, I think about it for only a few minutes. But on other days, I fume. By disregarding my right to use my energy as I deem appropriate, the harasser has caused me to suffer a spirit murder.

However, realizing that street harassment is not the only form of terror an African American woman experiences is crucial to understanding the profundity of spirit murder. If I experience one incident of street harassment in a day, I am frustrated and angry. But combine that with the questioning and hostile looks I get from both whites and African Americans for being a part of an interracial couple; with being followed around in a store by a salesperson; with going into a store where a salesperson does not offer to help me;²²⁶ with being told that I do not *seem* Black; and I die a little death each time.²²⁷ Naming street harassment a form of spirit murder acknowledges *all* of the injuries that all the parts of me experience as an indivisible being.

Redefining street harassment as spirit murder benefits not only African American women, but all women. It allows for recognition of the "other" harms that *women* suffer, which may or may not be due to their gender. For example, many people struggled with trying to categorize the type of harm suffered by the mentally disabled woman in the Glen Ridge rape trial. While the sexual assault was obviously predicated on her gender, the media and defense attorney emphasized the "friendship" be-

225. However, as Charles Lawrence points out,

There is a great difference between the offensiveness of words that you would rather not hear — because they are labeled dirty, impolite, or personally demeaning — and the *injury* inflicted by words that remind the world that you are fair game for physical attack, evoke in you all of the millions of cultural lessons regarding your inferiority that you have so painstakingly repressed, and imprint upon you a badge of servitude and subservience for all the world to see.

Charles R. Lawrence III, *If He Hollers Let Him Go: Regulating Racist Speech on Campus*, 1990 DUKE L.J. 431, 491.

226. See also Williams, *supra* note 219, at 128–29 (relating an incident where a store employee would not let her in, telling her the store was closed, even though it was the middle of the day and other (white) people were inside). This frequently occurs in the lives of African American women and spares no one, regardless of economic or social status. Two well-known African American women, Oprah Winfrey and Whoopi Goldberg, have had similar experiences.

227. Yes, all of these things happened to me in *one single* day.

tween the victim and the assaulters. The victim's mental incapacity impacted on her understanding of this friendship. When thought of in terms of spirit murder, this "friendship," its importance to her, and her implicit trust in the friendship, was the victims' "regard" that was abused, exploited and "disregarded" by the assaulters. Consequently, she not only suffered a sexual and physical assault, but also spirit murder.

Furthermore, defining street harassment as "spirit murder" both helps to give street harassment a name and identifies the harasser's wrong instead of focusing on the target. An objective definition of street harassment focuses upon the harasser's actions as a form of intrusion instead of "looking to" or blaming the female target.²²⁸ By incorporating African American women's experiences into any street harassment discourse, women are empowered with a terminology that fully portrays the depth of women's experiences with street harassment.

CONCLUSION

The first step in recognizing an act as a harm requires an accurate construction of that act. Once street harassment is constructed and understood to be a harm that plays a role in the sexual terrorism that governs women's lives by genderizing the street in order to perpetuate female subordination, street harassment becomes visible as a harm. In order to address, deconstruct and eradicate a harm, the harm must have a name. Employing the term street harassment to describe the type of behavior is one step toward breaking the silence and misconceptions that surround street harassment.

Including African American women's experiences within street harassment, and recognizing the different ways in which African American women experience street harassment due to their experiences with slavery, broadens street harassment discourse. This inclusion provides both access to a term, multiple consciousness, that defines the site in which the harm occurs, and a broader meaning of the effects of street harassment, spirit murder. These terms give women a fuller understanding of the harm that street harassment causes.

Naming the harm gives all women the tools with which street harassment can be dismantled and gives them the strength to speak out, up, loud, and in response to street harassment.

228. See Bowman, *supra* note 4, at 524.