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WE STILL HAVE NOT LEARNED FROM ANITA HILL'S TESTIMONY

Kimberlé W. Crenshaw*¹

Twenty-seven years after Anita Hill testified in front of the Senate Judiciary Committee that Clarence Thomas sexually harassed her, and as Christine Blasey Ford prepares to testify that Brett Kavanaugh sexually assaulted her when they were teenagers, we still have not learned our mistakes from that mess in 1991.

Most people recognized that it looked bad, a black woman fending for herself in front of a group of white men. Yet we can't acknowledge the central tragedy of 1991—the false tension between feminist and antiracist movements.

We are still ignoring the unique vulnerability of black women.

I watched Anita Hill testify as a member of her support team. I worried that she would be trapped between an antiracist movement that foregrounded black men, and a feminism that could not fully address how race shaped society's perception of black victims.

I thought this subtext might be subtle. But when Clarence Thomas denounced Ms. Hill's testimony as "a high-tech lynching," I knew this nuance had exploded into full-scale war. Underlying his comment was the idea that sexual harassment, like the feminism that pointed it out, was a white preoccupation incompatible with antiracism.

The two groups most visible at the Hill-Thomas hearing were at odds with each other. Many white feminists appeared largely unaware of the racial dynamics that shaped the Thomas-Hill confrontation. And many people fighting for racial justice, aware of lynching's toll on black men, heeded Judge Thomas's appeal to racial solidarity. They argued past each other, damaging the goal of

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1. Originally printed in the *New York Times*. Kimberlé W. Crenshaw, *We Still Haven't Learned From Anita Hill's Testimony*, N.Y. TIMES (Sept. 27, 2018), <https://www.nytimes.com/2018/09/18/opinion/anita-hill-brett-kavanaugh-clarence-thomas.html> [<https://perma.cc/5NUF-U58F>].

antiracist and feminist collaboration—the sort of alliance Ms. Hill's testimony might have, in a better world, solidified.

Meanwhile, Judge Thomas's counterassault contradicted a good deal of his own legal and political thought. Judge Thomas was an apostle of individualist self-help—blacks could advance only by pulling themselves up from their own bootstraps. He had long derided the civil rights movement's focus on structural racism and its corresponding calls for structural remedies.

So my colleagues and I were stunned as Judge Thomas, who spent years attacking the work of civil rights leaders and his own black sister, asserted his own racial victimhood. More significantly, Judge Thomas's sound bite instantly divided the white feminists and antiracists, who might otherwise have been able to unite to block his confirmation.

Consider what the other Hill supporters and I saw as we left the Capitol late that evening. A group of African-Americans, most of them women, had gathered at the bottom of the steps, in song and prayer. At first, we thought it was a mobilization in support of Anita Hill in the great civil rights tradition.

But as we drew closer, we heard them praying for the Lord to intercede on Clarence Thomas's behalf, to rescue him from the scheming malice of Anita Hill. We fled and piled into a taxi, only to hear a black radio talk show host inveighing against Ms. Hill. One caller after another sided with Judge Thomas.

We despaired as it became clear that our organizing on Anita Hill's behalf was ineffective in the face of outrage over a black woman who had dared to turn on a fellow African-American at the cusp of enormous judicial power. This complaint echoed across barber shops, churches and dining rooms across the country.

To our distress, Anita Hill was not defended by the most influential Democrats on the Judiciary Committee or by a majority of African-Americans. Inside the hearing room, committee members painted her as an angry and sexually deranged woman. Outside, Republican senators described her as having nefarious motives and a dubious background.

The Harvard sociologist Orlando Patterson sought to provide a more highbrow analysis. Many blacks did believe that Judge Thomas likely said those things, but like Dr. Patterson, chastised Ms. Hill for bringing these matters into the public domain. To him, Judge Thomas's repeated pornography-laden harassment against an "aloof" Anita Hill may have looked like a textbook case of workplace harassment to a white, puritanical feminist eye. But it was, in fact, a down-home style of courting that affirmed their shared racial

background. It was Anita Hill who was being uppity, who deigned to think that her workplace rights had been denied.

Dr. Patterson, of course, wasn't the first person to use a cultural defense to justify the abuse of black women. The "othering" of black women's sexuality has long been a part of American history. This reality informed "the talk" black mothers would have with their daughters when they were summoned to work in the big house, the fields or later in factories. This stereotype has rationalized sexual abuse as culturally-sanctioned byplay between male predators of all races and black female victims.

Black women are vulnerable not only because of racial bias against them, but also because of stereotypes—that they expect less nurturing, they are more willing, no one will believe them. This is what marks them as prey to men of all races. Long before Anita Hill's poised testimony, black women knew all too well the many ways in which the mere facts of their race and gender identities made them targets.

Feminists rightly denounced the locker-room treatment of Ms. Hill by the Judiciary Committee and by the media. But they were largely flatfooted in their efforts to grapple with the racial undertow that sapped her support within the Senate chamber and in much of the African-American community. White feminists cast her as an accomplished lawyer and legal scholar whose race was immaterial.

Such colorblind feminism did a profound disservice to Ms. Hill. And it marked another key moment of political erasure—in this case, one that effaced modern feminist history. Treating the racial backdrop of the hearing as just noise meant that we missed an opportunity to create a nuanced understanding of sexual harassment. In the great awakening around sexual harassment, race was politely ushered offstage.

The failure of antiracists and white feminists to counter the racist stereotypes lobbed against Ms. Hill left a gaping hole. So black feminists filled it. They rallied together to purchase a full-page advertisement in *The New York Times* titled "African American Women in Defense of Ourselves." The 1,600 signatories noted the racism and sexism playing out in the Hill-Thomas drama. The advertisement showed what the mainstream media was determined to overlook—that black women were disbelieved and undervalued.

In the quarter-century since Justice Thomas's confirmation, Ms. Hill has continued to reckon with the failure of Congress and the media to give her a fair hearing. And as sexual harassment has gained more recognition as a legitimate crossracial grievance,

most recently via the #MeToo movement, millions of ordinary Americans have come to realize just how badly our institutions had treated Ms. Hill.

We can still redress the shameful legacy of the Hill-Thomas confrontation by placing black women in their rightful place at the center of the fight against sexual predation on and off the job. Black plaintiffs like Sandra Bundy, Mechelle Vinson and Pamela Price, for example, led the way for sexual harassment to be recognized as sex discrimination in landmark cases. Eleanor Holmes Norton was at the vanguard of this work when she was the director of the Equal Employment Opportunity Commission.

Righting the history would also mean resurrecting the feminist legacies of the iconic figures of the civil rights movement. It would mean freeing Rosa Parks from that lonely seat on a Montgomery bus and placing her on the damp soil of rural Alabama where she undertook the dangerous job of defending Recy Taylor, a black woman gang-raped by white men who were never held accountable. It would mean giving the proper due to the unsung legal genius, Pauli Murray, whom Ruth Bader Ginsburg credited with advancing the logic of race and gender parallelism that opened up gender discrimination to constitutional scrutiny.

Correcting the record would also mean that movements against police violence and gender-based violence should prioritize the abuse of black women, which has long been a distant afterthought in both.

It would also mean that “My Brother’s Keeper” and similar programs would include at-risk girls in their educational and mentorship programs. For too long, racial justice groups and leading women’s groups have been silent about this exclusion or content with underfunded spinoffs that focus on reducing pregnancy rather than enhancing academic achievement.

And rectifying the legacy of the Hill-Thomas hearing would mean that antiracist work against mass incarceration and juvenile justice would also focus on black girls, not just boys.

Throughout history, black feminist frameworks have been doing the hard work of building the social justice movements that race-only or gender-only frames cannot. Intersectionality, my term for the urgent project of uniting the battles for race and gender justice, is an indispensable way to understand aspects of our history, that, to our peril, remain hidden.

The Hill-Thomas conflict has gone down in history as a colossal failure of intersectional organizing. It’s not too late, as the Kavanaugh nomination fight enters its next phase, to write a better history.