

O.J. SIMPSON & THE MYTH OF GENDER/RACE CONFLICT

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As an observer of the O.J. Simpson trial, what struck me more than anything about this social drama was how it played out, in the media and in the public consciousness, so similarly to other previous events in which an African American man has been charged with aggression against a woman. Whether their names are O.J. Simpson or Mike Tyson, Nicole Brown Simpson or Anita Hill, the characters in these morality plays have the same roles, and the Greek chorus says the same lines:

Was this another "high-tech lynching," or was it instead a gender-violence travesty? Which is the bigger societal problem—white supremacy or patriarchy? police brutality or domestic violence? And how can progressive political coalitions be forged between groups whose interests are diametrically opposed? How can people of color and women unite to fight for affirmative action and other common goals when their concerns so often conflict?

That is the chorus that usually gets repeated during one of these national morality plays, whether it's the Thomas/Hill hearings or the Simpson trial.

But I have a different set of questions. I want to know: Why was it considered racist to oppose Clarence Thomas but not to disbelieve Anita Hill? Why is it seen as antifeminist to support the Simpson acquittal on the grounds that racial bias infected the proceedings (and evidence) against him? And who benefits from the endless performance of this play—with its message that the interests of people of color and women are irretrievably, unavoidably in conflict?¹

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1. I realize that the term "people of color and women" includes women of color twice. Indeed, the fact that conventional analyses fail to perceive this is itself part of the problem I wish to address. I preserve that imprecise terminology here intentionally because it is part of the message that the morality play usually conveys.

When I think about the intersection between race and gender, I often find myself thinking about the old story of the blind folks and the elephant. According to that story, at least as I remember it, several blind men encountered an elephant, but because each one was touching a different part of it, they disagreed vigorously about how to describe it. The moral of the story, of course, is about the importance of seeing the big picture, rather than getting lost in the particulars. And that is the message I want to convey here: that unidimensional analyses of the Simpson case miss as much as they see. So while I will first talk a bit about the part of the elephant that I suppose I, as a white feminist, was asked here to address (that is, domestic violence), I will also argue that the domestic-violence lens, at least as it is usually conceptualized, misses some important aspects of the Simpson situation—and other situations like it—aspects that are very important for the success of both feminist and antiracist activism and scholarship.

I. NICOLE BROWN SIMPSON'S DEATH AS A DOMESTIC-VIOLENCE CASE²

As a domestic-violence case, the most notable thing about Nicole Simpson's death, actually, is its banality. Women are killed all the time, usually by intimates. Between one-third and one-half of female homicide victims are killed by a husband or boyfriend.³ According to FBI statistics, approximately 1432 women were killed by their partners in 1992.⁴ Three to four million women a year are affected by domestic violence.⁵ That comes down to one woman being beaten every fifteen seconds and ten women dying every day as a result of spouse or partner

2. By focusing on Nicole Brown Simpson, I do not mean to overlook the other victim of the double murder that occurred at the Simpson townhouse. However, because Ronald Goldman's death has not been given much of a part in the morality play that I'm attempting to analyze, it is not particularly relevant to the issues I'll be addressing here.

3. Jill Smolowe, *When Violence Hits Home*, TIME, July 4, 1994, at 18, 21 (50%); *Doctors Must Join Fight Against Domestic Violence*, USA TODAY, June 18, 1992, at 12A (30%).

4. MARIANNE W. ZAWITZ, U.S. DEP'T OF JUSTICE, VIOLENCE BETWEEN INTIMATES 2 (1994).

5. Pat Swift, *Spousal Abuse May Lose Place in the Spotlight*, BUFF. NEWS, Oct. 7, 1995, at 7B.

abuse.⁶ Thus, if O.J. Simpson did in fact kill his wife, there's nothing particularly unusual about that. From the feminist vantage point, the thought of O.J. as a killer is not shocking, given his history of spousal abuse. In fact, the thought of him killing his wife is rather mundane, predictable—in short, nothing new. Men kill their partners (and ex-partners) every day.

To someone familiar with these statistics, the skeptical popular reaction to the death of Nicole Brown Simpson is also unsurprising. Periodically, a high-visibility domestic-violence case brings national outpourings of concern and outrage. But the overall low level of our societal commitment to eliminating domestic violence remains unchanged. The resources that we as a society are willing to devote to this epidemic of domestic violence are pitifully inadequate. As domestic-violence activists often point out, there are about 3800 animal shelters in the United States, as compared with only 1500 shelters for battered women.⁷ In fact, the aura of uniqueness and rarity that brings attention to the high-visibility case in the first place also allows it to fade away without challenging the national complacency about the problem. If domestic violence were seen as more of an everyday occurrence, perhaps it would be taken more seriously.

From a feminist perspective, defense strategies and observers' reactions to the case are tiresomely familiar as well. Attempts by the Simpson defense team to paint Nicole as a partying drug user are part of a time-worn tradition of depicting victims of male violence as bad girls who deserved it. (Of course, the defense didn't put it that way—saying instead that Nicole's drug use raised the possibility of a drug-related slaying—but the rhetorical message was clear.) As many feminist scholars have pointed out, female victims of male violence, in order to be believable, must present themselves as virtuous, vulnerable, and violated. Poor judgment, irresponsible behavior, or even righteous anger have no place in the collective fantasy of the female victim.⁸

6. *Id.*

7. General Facts About Domestic Violence, on INTERNET, at <http://www.cybergrl.com/dv/stat/statgen.html> (on file with the *University of Colorado Law Review*).

8. See Kristin Bumiller, *Fallen Angels: The Representation of Violence Against Women in Legal Culture*, in *AT THE BOUNDARIES OF LAW* 95, 102-03 (Martha A. Fineman & Nancy S. Thomadsen eds., 1991).

Victimhood is such a circumscribed role that women who defend themselves against their attackers are treated much more harshly by the criminal justice system than the attackers themselves. Women who kill batterers are charged more often with first- or second-degree murder than are men who kill women whom they have known.⁹ And while women convicted of murdering a husband or lover serve an average of eleven years, their male counterparts serve an average of only three.¹⁰ The defense team tried to paint Nicole as a bad girl because, in this society, juries tend to act as if bad girls have no right to be protected from male violence. Partying and drug use are definitely inconsistent with the prevailing image of female victimhood.

Not only is the role of the disparaged victim a familiar one, but so is the role of the persecuted perpetrator. The initial outpouring of faith in and sympathy for O.J. (remember all those sign-wavers along the route of the Bronco "chase"?) is not surprising, from a feminist vantage point. We live in a country that valorizes athletes as paradigmatically and heroically male. Yet the organizing metaphors for professional sports are replete with imagery of sexualized violence. Violence toward women is widely associated with, but (somewhat paradoxically) more likely to be accepted from, athletes.¹¹

So the sign-wavers, men and women you'll recall, just couldn't see such a fabulous athlete—and beautiful man—as O.J. as a killer. Our national love affair with celebrities—along with, perhaps, the persistent misapprehension that woman abuse is committed by men of lower economic and educational status—meant that the notion of the impeccably dressed, charming Simpson as a wife-murderer simply escaped the collective imagination.

Finally, the failures of the system—not the criminal justice system that tried Simpson for murder, but the criminal justice system, and media, that minimized his previous acts of wife abuse—are also an old story. The fine of only \$700 (along with some community service and counseling) that Simpson received

9. ANGELA BROWNE, WHEN BATTERED WOMEN KILL 11 (1987).

10. Maureen Downey, *Steinem: People Need to Talk About Violence*, ATLANTA CONST., Oct. 12, 1995, at 8E.

11. See generally MARIAH B. NELSON, THE STRONGER WOMEN GET, THE MORE MEN LOVE FOOTBALL: SEXISM AND THE AMERICAN CULTURE OF SPORTS (1994).

for blackening Nicole's eye and leaving a handprint on her neck,¹² as well as the media's protective silence about a pattern of behavior of which they must have been aware, is typical of the national complicity in this violence epidemic.

As a domestic-violence case, the whole Simpson affair is depressingly, frustratingly familiar. There is nothing new here: men beat their partners with astounding regularity; police responses to such behavior, while getting better, are often inadequate;¹³ a conspiracy of silence by people who know about a situation often allows it to continue; when the woman leaves she risks losing her life.¹⁴

But now, having said all this, I want to argue that if I stopped here I'd be doing this symposium a disservice. The analysis I've presented so far is incomplete, inadequate, even dangerous; its omissions work to the detriment of all women—and all people of color.

II. THE O.J. AFFAIR AS A NATIONAL MORALITY PLAY ABOUT RACE AND GENDER

A. *Race vs. Gender*

Popular reactions to the events surrounding Nicole Brown Simpson's death can be seen as part of a national morality play about race and gender. The national opinion polls, as you'll recall, showed sharp divisions of opinion about the case. One pre-verdict poll conducted by *USA Today* and CNN showed that, while 60% of African American respondents believed that Simpson was innocent, 68% of white respondents believed that he was guilty.¹⁵ The nation was similarly divided along racial lines

12. *Sport People: Football: O.J. Simpson Fined*, N.Y. TIMES, May 25, 1989, at D26. There were reportedly eight police responses to Simpson's residence that apparently resulted in no charges at all. Christine Spolar & William Hamilton, *Simpson's Ex-Wife Pleads For Help on Police Tapes*, WASH. POST, June 23, 1994, at A1, A16.

13. See Suzanne M. Browne, Note, *Due Process and Equal Protection Challenges to the Inadequate Response of the Police in Domestic Violence Situations*, 68 S. CAL. L. REV. 1295, 1297-1300 (1995).

14. About 75% of visits to emergency rooms by battered women occur after separation; many women killed by batterers are killed after they leave them. National Coalition Against Domestic Violence Fact Sheet (1996).

15. Blair S. Walker, *Racial Aspect of Case is a Charged Issue*, USA TODAY, July 6, 1994, at 1A.

regarding the influence of Simpson's race on reactions to the case. Fifty-four percent of African American respondents agreed with the statement that public attention was increased due to the fact that Simpson was black, as compared with only 17% of white respondents.¹⁶

Just as pre-trial opinions on the issue of Simpson's innocence were divided along racial lines, so was the public reaction to the verdict itself. A Los Angeles County poll showed that 65% of the whites polled disagreed with the verdict (including 51% who disagreed strongly) while 77% of the African Americans polled agreed with the verdict (including 68% who strongly agreed).¹⁷

The conventional wisdom explained these splits as reflecting the diametrically opposed interests of blacks and women. To whites, the black view was the result of racial paranoia and a denial by African Americans of the sexism in their midst; to blacks, the feminist view was man hating or racist or both.¹⁸ On one end of the spectrum was Tammy Bruce, the president of the Los Angeles chapter of the National Organization of Women ("NOW"), who was publicly censured by the national NOW office for what it called "racially insensitive" statements about the Simpson case. In a piece written in the *Los Angeles Times*, Bruce rejected the notion that race was relevant to assessing the Simpson case, maintaining that batterers "do not discriminate."¹⁹ "The issues we are committed to are colorblind," she stated.²⁰ "[T]he work we do . . . will benefit all women."²¹ Similarly, a columnist in the Cleveland, Ohio *Plain Dealer* lamented that gender was "subsumed by the issue of race" in public reactions to the case, and that "the card of racism obliterate[d] a matter that is, at core, about gender."²²

16. *Id.*

17. Cathleen Decker, *Most in County Disagree with Simpson Verdicts*, L.A. TIMES, Oct. 8, 1995, at A1, A36.

18. Henry Louis Gates noted that analysts quickly shifted their focus from the verdict itself to the reactions to it: "which is to say, black indignation at white anger at black jubilation at Simpson's acquittal." Henry L. Gates, Jr., *Thirteen Ways of Looking at a Black Man*, NEW YORKER, Oct. 23, 1995, at 56.

19. Tammy Bruce, *Playing Politics While Three Women Die Each Day*, L.A. TIMES, Dec. 24, 1995, at M5.

20. *Id.*

21. *Id.*

22. Eleanor Mallet, *Everywoman—Verdict Reopens Old Chasm of Race*, THE PLAIN DEALER, Oct. 10, 1995, at E1. Of course, not all feminists reacted as these writers did; some steadfastly resisted the pressure to see the case as a race versus

On the other end of the spectrum, antiracists spent little if any energy condemning spousal abuse before launching into their discussions of racist overtones to the case. Thus, Columnist Andrea Jones said: "The media and battered women's groups are playing up the O.J. story as an act of domestic violence, even though the man has yet to be tried. . . . But the issue on my mind as a young black woman is race."²³ African American opera singer Jessye Norman, in an apparent attempt to normalize Simpson's spouse abuse, stated, "You have to stop getting into how they were at home, because there are not a lot of relationships [about which] we would think, OK, that's a good one."²⁴ And the novelist Ishmael Reed said of Nicole: "Apparently she had a violent temper. She slapped her Jamaican maid. I'm wondering, the feminists who are giving Simpson such a hard time—do they approve of white women slapping maids?"²⁵

Paralleling these pre-trial reactions, when the jury rendered its verdict, many whites saw that conclusion as a victory of race over gender—rather than as the product of a reasoned weighing of the evidence. In a *Los Angeles Times* poll, two-thirds of whites believed that the minority jury was biased toward Simpson and, in another poll, 47% of whites thought the jury was trying to send a message about race.²⁶ In contrast, African Americans argued that, in addition to other evidentiary problems, Mark Fuhrman's behavior raised legitimate concerns about the reliability of his evidence and, for some, Los Angeles Police Department evidence in general. (For African Americans, especially those in Los Angeles, Fuhrman's behavior must have been as maddeningly familiar as the circumstances of Nicole's death were to feminists.) Thus, 71% of blacks believed that the jury was not biased due to Simpson's race, and only 17% of blacks saw the verdict as a message about race.²⁷ Sixty-nine percent of blacks, as opposed to

gender controversy. See, e.g., Swift, *supra* note 5, at 7B ("If we can say that [public awareness of racism has been raised] the past year would be easier to bear."); *Hill Says Courts Ignore Wife-Beating*, TULSA WORLD, Jan. 16, 1996, at A6 (Anita Hill is quoted as saying, "I just don't think that you can separate the issues of racial oppression and gender oppression.").

23. Walker, *supra* note 15, at 2A.

24. Gates, *supra* note 18, at 58.

25. *Id.* at 60.

26. Decker, *supra* note 17, at A36.

27. *Id.*

41% of whites, thought the verdict was based on the evidence.²⁸ To say the verdict was based on race, they contended, was to say that black jurors could not reach reasoned decisions.

As I have already suggested, the construction of the Simpson situation as a battle between women and people of color is anything but new. Many of the most high-visibility recent events have been seen through that lens. As I mentioned, both the Thomas/Hill hearings and the Mike Tyson rape trial were seen as race/gender conflicts. In both situations commentators and citizens wondered aloud whether the black man was the victim of racist stereotypes (in Tyson's case especially because William Kennedy Smith had been acquitted of date rape around the same time), or, on the other hand, whether the black woman was the victim of gender stereotypes.

Rap music too is often characterized as presenting a conflict between race and gender. Is it misogynist trash that ought to be prohibited or the vibrant cultural expression of an oppressed racial minority? But just as bell hooks has argued about rap music,²⁹ I want to argue here that viewing events like the Simpson trial through the lens of race versus gender distorts our understanding and reinforces political schisms, ultimately serving neither feminism nor antiracism. It is important to appreciate the complex and subtle ways in which racism, as well as sexism, infused the national discourse about the Simpson case.

B. The Image of Nicole Simpson as a Victim of Male Power

1. The White Female Victim, Gender Subordination, and Racial Subordination

To describe the events surrounding the murder of Nicole Brown Simpson as an example of male violence against women is certainly accurate, but it is also incomplete—and as such it is ultimately counterproductive to feminist goals. It is incomplete, first, because it ignores the racial configuration of the pair involved. More specifically, it ignores Nicole Simpson's race privilege.

28. *Id.*

29. bell hooks, *Sexism and Misogyny: Who Takes the Rap?*, Z MAG., Feb. 1994, at 26.

Now how, you might ask, is that relevant? She's white, but she's the one who is dead. How can white privilege be relevant here? Yet, regardless of the fact that Nicole's whiteness did not protect her from a tragic death, we must still interrogate its role in popular and systemic reactions to her fate. It is important for white feminists like myself to recognize and acknowledge the historical etiology of the views of people of color towards the Simpson situation and others like it.

Historically, charges of rape—the paradigmatic crime of male violence against women—were regularly used as a tool of racial subordination. The story of Emmett Till is only one of many that could be told. As many people know, Till, a fourteen-year-old black boy from Mississippi, was lynched in 1953 for allegedly whistling at a white woman. Angela Davis, in discussing the incident and the use of rape as a tool of racial subordination, criticizes feminist Susan Brownmiller's account of the events surrounding the lynching.³⁰ In equating Till's act of what Davis calls "adolescent bravado" to sexual assault, Brownmiller, says Davis, buys into the fear of black men as rapists that allowed the lynching to occur in the first place.³¹ As I will discuss further below,³² black skepticism about the charges against Simpson must be understood against this backdrop of the historical use of violence charges as a tool of racial subordination of black men—a backdrop white feminists have sometimes ignored.

But first I want to focus on the gender dynamics underlying this national myth of the dangerous black man. That myth has functioned not only as a tool of racial subordination but also as a tool of gender subordination. The very chastity and vulnerability of white women that justified the lynching of black men also formed the main elements in a stereotype that limited those women's opportunities and punished their sexual expression. Women who didn't fit the stereotype of the pure and vulnerable female victim (including women of color, as discussed below) were frequently denied the protection of the law. Even today, as I've noted, a rape or domestic-violence victim must be painted as a "good girl" in order to be believed—and to be vindicated in court.

Thus the patriarchal ideology that kept white women confined to the home was reinforced by—and used to justify—the

30. ANGELA Y. DAVIS, *WOMEN, RACE & CLASS* 178-79 (1981).

31. *Id.*

32. See *infra* part II.C.

racial subordination of black men. Both white women and men of color were hurt by this interlocking set of stereotypes. To demonize O.J. as a dangerous black man (which some white feminists made easier by not addressing racial aspects of the case) supports the scare tactics used to exhort white women to stay inside where it's safe. And to depict Nicole as a bad girl (as, for example, the Simpson defense team did) reinforces a virgin/whore dichotomy that has been deployed against black men accused of attacking "virginal" white women. To see the Simpson affair as a conflict between gender and race is to ignore the mutually reinforcing nature of white supremacy and patriarchy.

2. The Black Female Victim, Gender Subordination, and Racial Subordination

Racialized stereotypes reinforce not only the subordination of white women but also, of course, the subordination of women of color. In particular, they justify marked disparities in the treatment of female victims of male violence.

For women of color, subjection to male violence has never been just an artifact of their gender; it has been painfully and enduringly about their race. During the slavery era, African women were routinely subjected to sexual assault, as well as beatings, by their masters—treatment that was justified on the basis of their supposed lack of morals.³³ They were forced to undergo mutilating gynecological surgical experiments because they were thought to be impervious to pain.³⁴ Even as recently as the 1970s, African American women were subjected to forced sterilization in huge numbers due to their supposed promiscuity and irresponsibility as mothers.³⁵

33. See bell hooks, *AIN'T I A WOMAN* 32-33 (1981). When black women tried to obtain vindication in court, judges often instructed juries to weigh their testimony less seriously, because they were thought to be less credible. Kimberlé 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* 412-13 (Toni Morrison ed., 1992). Much of the structure, and some of the substance, of this paper was inspired by Crenshaw's excellent essay.

34. See hooks, *supra* note 33.

35. See Andrea Asaro, *The Judicial Portrayal of the Physician in Abortion and Sterilization Decisions: The Use and Abuse of Medical Discretion*, 6 *HARV. WOMEN'S L.J.* 51, 94-95 (1983) (citing Emily Diamond, Note, *Coerced Sterilization Under Federally Funded Family Planning Programs*, 11 *NEW ENG. L. REV.* 589, 595 n.39).

Today a black victim of sexual assault is likely to see her attacker punished much less severely than a white woman's attacker (whether he is black or white). One study found that the average sentence given to black women's attackers—when they receive jail time, which they do less than others—is two years, as compared to a ten-year average for those who attack white women.³⁶ The system takes white women's injuries much more seriously than those suffered by our sisters of color. For black and other minority women, violence against women is not "just" a gender issue; it is a race issue, too.

This is so, of course, because of racial stereotyping of African American women. The prevailing images of such women as strong, dominating, promiscuous, and irresponsible³⁷ make it extremely difficult for them to be presented as paradigmatic victims of male violence. In the traditional virgin/whore dichotomy, while white women can easily and arbitrarily fall from grace, women of color rarely have the opportunity to be seen as virgins at all. Thus, while white feminists often point out how the female victim of male violence has to be constructed as a saint—as I did in criticizing the attempts to sully Nicole's image with drug-use accusations—they less often note that women of color are virtually barred from entry into that confining but legitimizing stereotype.

The mistreatment of African American women *as women* is tied to their race. We simply cannot eradicate such violence without addressing issues of racism as well as sexism. For African American women, then, to express a concern about racial bias against O.J. Simpson is not necessarily to be antiwomen, for the interests of *those* women are tied to gender *and* race.

When white women say that the Simpson case was about gender and not about race, they treat the story of their own experience of male violence as the story of all women, impliedly suggesting that African American women's subjugation is somehow less purely about gender. In so doing, they essentially treat black women as somehow lesser women. It's no wonder, then, that a domestic-violence movement that has treated male violence against women as only a gender issue has been populated primarily by white women.

(1976)); DAVIS, *supra* note 30, at 215-18.

36. See Crenshaw, *supra* note 33, at 413.

37. See generally PATRICIA H. COLLINS, *BLACK FEMINIST THOUGHT* (1990).

And it's no wonder that a similar split is revealed in reactions to the Simpson case. Although the public opinion data about the Simpson trial were rarely broken down by race *and* gender, a couple of studies nevertheless suggest a sharp difference of opinion between white women and women of color, with the latter much less likely to believe that O.J. committed the murder. A pre-verdict poll in Los Angeles reportedly found that eighty-five percent of the African American women there believed that Simpson had been "set up" by the Los Angeles police.³⁸ And a *USA Today/CNN/Gallup* poll found that three times as many black women as black men doubted the charges against Simpson.³⁹

Such splits suggest that it has been difficult for women of color to identify with Nicole. Because the white feminist movement seems so often to exclude the interests of women of color, those women simply may not perceive its efforts against domestic violence as relevant to their concerns. Only if race is incorporated into white feminist discussions of domestic violence will a more broad-based movement against such violence become possible. Once specific images of male violence, as experienced by African American women, are included in the movement's rhetoric, such women will be more able to identify with victims like Nicole Simpson.

Incorporating race into the analysis would make a broad-based movement possible for another reason as well. Racial solidarity is, understandably, incredibly important to people of color. Only by sticking together and supporting each other have they been able to survive the centuries of racial inequality they have suffered. For that reason, whenever an issue is presented as a conflict between gender and race, it seems likely that many women of color will pick race.⁴⁰ Thus, to the extent that white feminists acceded to the construction of the Simpson case as a gender/race controversy (which not all did, of course),⁴¹ they failed to serve their own interests. By making it seem as if condemning O.J.'s abuse of his wife required rejecting race-based concerns about his prosecution, they made it extraordinarily difficult for

38. *Newsmakers*, AUSTIN-AMERICAN STATESMAN, July 29, 1995, at 10B.

39. Walker, *supra* note 15. Forty-seven percent of black men believed the charges were true, while only 15% of black women thought they were. *Id.*

40. Crenshaw, *supra* note 33, at 415, makes this point.

41. See *supra* note 22 and accompanying text.

women of color to take a stand (publicly or privately) against Simpson's acts of domestic violence.⁴²

3. Gender Dichotomies and Racial Subordination

So far I have argued that the racist image of the dangerous black man has reinforced the sexual subordination of white women by helping impose a code of sexual purity on such women. And I have also argued that racist stereotypes of women of color have justified the trivialization of male violence against such women. The failure of the domestic-violence movement to draw sufficient attention to the erasure of harms suffered by black women has in turn prevented women of color from identifying with the concerns of that movement.

Moreover, it is not only the image of the dangerous black man but also the image of the "bad" black woman that has functioned to enforce upon white women a code of sexual purity and domesticity. The dichotomy between good girls and bad girls only has meaning if it seems believable to the national consciousness that there are two different kinds of women. And it is racism (as well as classism) that has made that dichotomy plausible, through constructing women of color (and low-income women) as the paradigmatic bad girls. As black theorist Patricia Hill Collins put it in discussing the fact that slave women were forced into sexual encounters with their masters: "[The forced prostitution of enslaved African women] allowed white women to be the opposite;

42. There is an additional factor that may have contributed to women of color's views of the Simpson affair: the animosity that many of them feel toward white (perhaps especially blond) women who date or marry black men. White standards of beauty impose severe psychological and economic burdens on women of color, and when an African American man chooses a white woman he appears to be accepting the devaluation that those standards convey. Yet black women's anger at their own men for such behavior can sometimes get displaced onto those men's white partners. This dynamic illustrates yet another way in which gender inequality and racial inequality are inextricably intertwined. (A conversation with Sherryl Weston helped me to see this point.)

Of course, animosity toward blond women is not the province of African American women only. Spike Lee, while reporting that he "wasn't happy" with the Simpson verdict, had this to say about it:

A lot of black folks said, "Man, O.J. is *bad*, you know. This is the first brother in the history of the world who got away with the murder of white folks, and a blond, blue-eyed woman at that."

Gates, *supra* note 18, at 60. Even if it is best understood as displaced rage at white men for the criminal justice abuses perpetrated against black men in the name of protecting white women, the anger is still there.

Black 'whores' make white 'virgins' possible."⁴³ Thus, only when women of color are defined as deviant are white women seen as good. The very stereotypes that white women seek to escape are themselves made plausible and durable by their contrast with the stereotypes that black women seek to escape.

As long as race is a category of differentiation and disparagement in this society, women of color will continue to be negatively stereotyped as promiscuous, irresponsible, and the like. As long as that stereotyping occurs, white women will continue to be subjected to an idealized image of sexual purity—a stereotype that, while certainly constituting a form of white privilege that protects them from harm in some cases, also subjects them to harm in others.⁴⁴

In addition, it might be that at least some of the physical abuse of white women is itself justified by race-based gender categories. What are we to make, for example, of the fact that in recent months numerous black men engaging in domestic violence against white women have reportedly threatened to do to their victims "what O.J. did to Nicole"? A few have even used "to O.J." as a verb.⁴⁵ Do men of color who engage in domestic violence displace racial animosity onto their white partners (and vice versa)? Could it be that this case will not legitimize the violence of batterers in general, but only a certain subset of perpetrators? Will white perpetrators be less likely to identify with O.J. because of race differences? Will victims of color be even less likely to come forward than before, because if a victim who fit the good-girl stereotype got no protection, how could they? We ignore the racial complexity of these cases at our peril.

For all of these reasons, when white feminists see race deployed to demonize an individual accused of violence against women—such as in *Time* magazine's darkening of O.J.'s face to make him look more "criminal"—or when we see crimes of male violence against white victims taken much more seriously than similar crimes against women of color—such as when the "Central Park jogger's" plight was front-page news while a

43. COLLINS, *supra* note 37, at 176.

44. For further discussion of this point, see Nancy Ehrenreich, *The Colonization of the Womb*, 43 DUKE L.J. 492, 581-86 (1993).

45. Conversation with Chris Radeff, project coordinator for the Denver-based Project Safeguard (Feb. 1996); see also Celine Garcia, *T-Shirt Project Focuses on Domestic Violence*, DALLAS MORNING NEWS, Oct. 13, 1995, at 1J (quoting board member of domestic-violence center as having heard similar remarks).

woman of color similarly attacked the same week went ignored⁴⁶—it should give us pause. In addition to the outrage that any individual feminist might, as an antiracist, express about such situations, she should also stop to ask: What are women losing from such depictions?

Thus, for example, what should we make of the pervasive post-verdict media condemnation of O.J.—all the refused interviews, the sympathetic treatment of threats to block the phone lines for ordering the Simpson video, etc.? While it is certainly upsetting if a wife killer has in fact been set free, the intensity of the response here is rather striking.⁴⁷ It behooves white feminists, I'm suggesting, to look such gift horses in the mouth. Whom does it benefit to treat O.J.'s acquittal as a national tragedy? Whom does it harm?

It is undeniable that this case will have a huge impact, simply because of Simpson's celebrity status. In the Denver area, for example, the number of women coming forward for domestic-violence assistance appears to have increased after the case began and decreased after the acquittal.⁴⁸ But white feminists must combine our condemnation of male violence with a corollary condemnation of the racism that allows some types of male violence to be treated more seriously than others. Only if we do so will we have any hope of reducing the effects of that violence on white and black women alike.

C. *The Image of O.J. Simpson as a Victim of White Power*

I have contended thus far that it is a mistake to perceive the Simpson case as only about domestic violence, only about gender. However, to see this case as involving nothing more than race is just as reductionist. Thus, it is important also to critique the other side of the coin—the account of Nicole Simpson's death not as a domestic-violence tragedy but rather as another “high-tech

46. Crenshaw, *supra* note 33, at 414.

47. I am not aware, for example, of a similar media rejection of William Kennedy Smith after his acquittal of rape charges.

48. Conversation with Chris Radeff, *supra* note 45. For example, the number of requests for restraining orders that one domestic-violence office filed was close to 60 per month in the summer months following Nicole Brown Simpson's death but ranged from only 28 to 40 per month in the period immediately surrounding the verdict. *Id.*

lynching" reminiscent of the confirmation hearing in which Clarence Thomas coined that phrase.

The ironic similarities between this situation and the Thomas/Hill hearings are only too apparent. Both involved a black man who had eschewed any identification with other African Americans suddenly reversing his position and claiming to be the victim of racial discrimination. And in both, the situation was widely perceived as a conflict between gender and race, an even more amazing characterization in the Thomas/Hill case where the victim involved was herself a woman of color.

Nevertheless, despite the irony in Simpson's being the particular standard-bearer involved, the flag of racial oppression was clearly an appropriate one to be flying here. In addition to the few facts I have already mentioned about the history of race-based criminal charges against African American men and the lower sentences imposed upon attackers of African American women, one could cite an array of other evidence of racial bias in the criminal justice system. The disparate sentencing of offenses involving crack cocaine⁴⁹ and the disparate prosecution of women of color for prenatal substance abuse⁵⁰ are just two recent examples, not to mention the Rodney King incident (and verdict). Even before Mark Fuhrman's racism was revealed, African Americans had ample reason to be skeptical of the system.

But to focus only on how racial bias may have affected both police practices and public perceptions of the Simpson case (it truly is remarkable to see so many white men suddenly exorcized about domestic violence!) is to be just as incomplete as to focus only on gender bias. First of all, it is important to note that O.J.'s stance as a victim of racial subordination rings true only if we forget about black women, for it equates black interests with black *men's* interests: Something can't be harmful to the black "race" if it protects half of it from violence. If Simpson really killed his ex-wife and escaped unpunished, that enables the next

49. See generally David A. Sklansky, *Cocaine, Race, and Equal Protection*, 47 STAN. L. REV. 1283 (1995); Laura A. Wytmsa, Comment, *Punishment for "Just Us"—A Constitutional Analysis of the Crack Cocaine Sentencing Statutes*, 3 GEO. MASON INDEPENDENT L. REV. 473 (1995).

50. Dawn Johnsen, *Shared Interests: Promoting Healthy Births Without Sacrificing Women's Liberty*, 43 HASTINGS L.J. 569, 613 (citing ACLU memorandum reporting that, in 1990, 80% of such prosecutions had been against women of color); see generally Dorothy E. Roberts, *Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy*, 104 HARV. L. REV. 1419 (1991).

batterer, regardless of the race of his victim, and thus works to the detriment of battered black women, too.⁵¹

Moreover, while racial solidarity and skepticism about white intentions are, as I have said, very understandable and defensible postures for people of color to take in this society, they can also be abused. As a number of feminists of color have pointed out (risking condemnation as race traitors in doing so), the Thomas/Hill events offer a striking example of how racial solidarity can be deployed to justify sexism in the black community and erase the harms suffered by black women.⁵²

Thus, Princeton history professor Christine Stansell says of Thomas: "His contempt for Anita Hill came clothed as a black man's brave stand against racism; veiled by the symbols of race and masculinity, his misogyny went uncontested among many black people."⁵³ The same, of course, could be said for O.J.—regardless of whether or not he killed his ex-wife.⁵⁴ In both cases, race was used as a cover for male violence against women.

III. CONCLUSION

The fact of the matter is that white supremacy and patriarchy support each other. Conservatives showed their knowledge of this fact very cleverly in the Thomas/Hill episode, pitting white women and people of color against each other to obtain the confirmation of a very disappointing replacement for Thurgood Marshall on the Supreme Court.

Progressive white women and men and women of color need to learn the gender/race connection, too. For as long as race and gender issues are treated as separate and unrelated phenomena,

51. I realize that this point may appear to be in tension with my argument above to the effect that racism hurts women of color, too. See *supra* parts II.B.2-3. A perceptive reader might argue: If racism hurts women of color, then Simpson's battle against it is good for those women. But my point is that *neither* the traditional antiracist *nor* the traditional white feminist position is sufficient here. Battling white supremacy only works if it is done in conjunction with battling patriarchy (and vice versa).

52. See, e.g., Crenshaw, *supra* note 33, at 432-33.

53. Christine Stansell, *White Feminists and Black Realities: The Politics of Authenticity*, in RACE-ING JUSTICE, EN-GENDERING POWER: ESSAYS ON ANITA HILL, CLARENCE THOMAS, AND THE CONSTRUCTION OF SOCIAL REALITY, *supra* note 33, at 266.

54. To anyone who has seen Simpson's exercise video, in which he jokes, while making a punching motion, about working out with his wife, the man's contempt for women is abundantly clear.

and feminism and antiracism are seen as opposing liberatory movements, the perceived splits between them will enable the very forces that both are fighting against.