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The Lenses of Gender: Transforming the Debate on Sexual Inequality

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THE LENSES OF GENDER: TRANSFORMING THE DEBATE ON SEXUAL INEQUALITY. By *Sandra Lipsitz Bem*. New Haven: Yale University Press. 1993. Pp. xii, 244. \$30.

A pale eggy yellow background. Circles of different dingy colors — murky avocado green, rusty orange, dull burnt sienna, and opaque sapphire blue, overlapping in parts to create smoggy brownish colors. Is this a dress worn by Marcia Brady circa 1974? A retro Venn diagram? No, it is the cover design of *The Lenses of Gender*. Sandra Lipsitz Bem,¹ who was a scholar of androgyny in the 1970s,² dresses her book in androgynous 1970s fashion.³ In this book, she attempts to move beyond the concept of 1970s androgyny toward a broader, modern theory of cultural androcentrism, a concept she labels “gender schema theory.” Her broad-ranging theory encompasses multidisciplinary fields such as biology, psychology, sociology, history, economics, politics, and law. In her preface, she acknowledges the risks of writing a book with such a comprehensive goal: “Because I poach on the domains of other specialists, my rendition of their discourse may seem unoriginal; on some occasions, it may not even ring true to their ears” (p. ix). Although the book does at times seem unoriginal — even somewhat outdated⁴ — and at times gives cursory treatment of vast subjects, Bem does supply a new framework, or at least a new vocabulary, for understanding the oppression of women and sexual minorities.

The title of the book gives us the first component of Bem’s new vocabulary — the three “lenses of gender.” According to Bem, we see the world through various “lenses,” which are “hidden assumptions about sex and gender [that] remain embedded in cultural discourses,

1. Professor of Psychology and Women’s Studies, Cornell University.

2. See p. viii; see, e.g., Sandra Lipsitz Bem, *On the Utility of Alternative Procedures for Assessing Psychological Androgyny*, 45 J. CONSULTING & CLINICAL PSYCHOL. 196 (1977) [hereinafter Bem, *Utility*]; Sandra Lipsitz Bem, *Sex Role Adaptability: One Consequence of Psychological Androgyny*, 31 J. PERSONALITY & SOC. PSYCHOL. 634 (1975); Sandra Lipsitz Bem, *The Measurement of Psychological Androgyny*, 42 J. CONSULTING & CLINICAL PSYCHOL. 155 (1974) [hereinafter Bem, *The Measurement of Psychological Androgyny*].

3. This is in contrast to the many recent “women’s books” that come dressed in feminine colors, such as pinks, lavenders, purples, and burgundies. See, e.g., ELIZABETH ANDERSON, *VALUE IN ETHICS AND ECONOMICS* (1993) (mauve and lavender); RENÉE R. ANSPACH, *DECIDING WHO LIVES: FATEFUL CHOICES IN THE INTENSIVE-CARE NURSERY* (1993) (lavender and rose); ZILLAH R. EISENSTEIN, *THE FEMALE BODY AND THE LAW* (1988) (burgundy). *But see* ZILLAH R. EISENSTEIN, *THE COLOR OF GENDER: REIMAGING DEMOCRACY* (1994) (play-figure woman dressed in blue, red, fuchsia, mustard, and black, but wearing a dress).

4. Bem’s theory, especially the lens of androcentrism, seems particularly outdated and unoriginal when compared with Catharine MacKinnon’s work over the past fifteen years. In this book, however, Bem adds her significant psychological work on gender schematicity and androgyny to MacKinnon’s sociolegal theories, thus giving a psychological framework to what legal scholars would otherwise recognize as MacKinnon’s dominance theory. See *infra* note 6.

social institutions, and individual psyches" (p. 2). These lenses are (i) androcentrism, (ii) gender polarization, and (iii) biological essentialism. She calls them "lenses" because we are raised with them and we assume that we are seeing the only possible reality when we look through them, but if we learn to remove the lenses, we can see a different construction of reality.⁵ The lenses of gender are problematic because they "invisibly and systemically reproduce male power in generation after generation" (p. 2). One of the goals of Bem's book is to teach us to recognize the lenses of gender in ourselves, thus enabling us to look *at* the lenses of gender rather than *through* them. This ability requires a "raised social consciousness" (p. 1) that allows us to recognize the ways in which *gender* as a social construction shapes our views of social reality. Exposing the lenses of gender, Bem argues, will transform the sex equality movement (p. 176). The end result of this raised consciousness, to which Bem aspires, would be a shift in the feminist debate away from the focus on differences between men and women, and toward a focus on the way in which "androcentric social institutions transform male-female difference into female disadvantage" (p. 177). As Bem acknowledges (pp. xi, 183-84), feminist legal scholar Catharine MacKinnon has been making this same argument since the late 1970s.⁶

5. Bem describes the effects of our enculturation in the following way:

[T]he hallmark of a native consciousness is not being able to distinguish between reality and the way one's culture construes reality; in other words, the reality one perceives and the cultural lenses through which one perceives it are "indissoluble." . . . [T]he child growing up within a culture is thus like the proverbial fish who is unaware that its environment is wet. After all, what else could it be?

P. 140 (quoting CLIFFORD GEERTZ, "*From the Native's Point of View*": *On the Nature of Anthropological Understanding*, in LOCAL KNOWLEDGE: FURTHER ESSAYS IN INTERPRETIVE ANTHROPOLOGY 55, 58 (1983)).

6. Bem's shift from difference to androcentrism parallels MacKinnon's shift from difference to dominance. For example, in one of her more recent works, MacKinnon writes: "In this approach, inequality is a matter not of sameness and difference, but of dominance and subordination. . . . Keeping the reality of gender in view makes it impossible to see gender as a difference . . ." CATHARINE A. MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE 242-43 (1989) [hereinafter MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE]. See generally *id.* at 215-49; CATHARINE A. MACKINNON, *Introduction: The Art of the Impossible* [hereinafter MACKINNON, *Art of the Impossible*], in FEMINISM UNMODIFIED 1, 8-10 (1987); CATHARINE MACKINNON, *Difference and Dominance* [hereinafter MACKINNON, *Difference and Dominance*], in FEMINISM UNMODIFIED, *supra*, at 32. She also writes, "If you follow my shift in perspective from gender as difference to gender as dominance, gender changes from a distinction that is presumptively valid to a detriment that is presumptively suspect. The difference approach tries to map reality; the dominance approach tries to challenge and change it." *Id.* at 44. In an earlier work, she notes,

It is as much the social creation of differences, and the transformation of differences into social advantages and disadvantages, upon which inequality can *rationaly* be predicated. . . .

Sex discrimination is treated as a logical and necessary outgrowth of a social whole in which the human sex difference has been transformed into a systematic social inequality — for the benefit of some, to the detriment of others.

CATHARINE A. MACKINNON, SEXUAL HARASSMENT OF WORKING WOMEN 105, 126-27 (1979) [hereinafter MACKINNON, SEXUAL HARASSMENT]. See generally *id.* at 101-41.

The first lens of gender is *androcentrism*, or male-centeredness (pp. 39-79):

[A]ndrocentrism is the privileging of male experience and the "otherizing" of female experience; that is, males and male experience are treated as a neutral standard or norm for the culture or the species as a whole, and females and female experience are treated as a sex-specific deviation from that allegedly universal standard. [p. 41]

Bem surveys various cultural discourses — theology, philosophy, psychology, and law — pointing out the androcentrism in each area. Her analysis of equal rights law (pp. 62-79) reads like the text to an introductory undergraduate course on the history of women and the law. She easily flips through the infamous early cases — *Bradwell v. Illinois*⁷ and *Muller v. Oregon*⁸ — the leading 1970s equality cases — *Reed v. Reed*,⁹ *Frontiero v. Richardson*,¹⁰ *Craig v. Boren*,¹¹ *Geduldig v. Aiello*,¹² *General Electric Co. v. Gilbert*,¹³ and *Personnel Administrator v. Feeney*¹⁴ — and the "comparable worth" case — *AFSCME v. Washington*.¹⁵ The last case, *AFSCME v. Washington*, is the only case she cites that was decided after the 1970s. Bem gives cursory treatment to the cases and to the feminist strategies that went into them, using the cases only to prove her point — that the law is androcentric. Bem also criticizes the predominant feminist legal strategy that framed the 1970s cases — gender neutrality — without mentioning the expansive debate over the issue, through which many feminists have come to the conclusion that gender neutrality is not the best feminist legal strategy.¹⁶ Put simply, Bem chooses an easy target and then makes it look even easier. Although the cases she cites clearly do demonstrate androcentrism in the legal system, she could have added dimension to the examples by expounding on the feminist discourse that went into the cases and came after them and by drawing on some of the more recent controversial focal areas of feminist legal strategy, such as sexuality, sexual harassment, pornography, prostitution, surrogacy, incest,

7. 83 U.S. (16 Wall.) 130 (1873); see pp. 66-68.

8. 208 U.S. 412 (1908); see pp. 67-70.

9. 404 U.S. 71 (1971); see pp. 70-71.

10. 411 U.S. 677 (1973); see pp. 71-73.

11. 429 U.S. 190 (1976); see pp. 72-73.

12. 417 U.S. 484 (1974); see pp. 74-77.

13. 429 U.S. 125 (1976); see pp. 74-77.

14. 442 U.S. 256 (1979); see p. 77.

15. 770 F.2d 1401 (9th Cir. 1985); see pp. 77-78.

16. See, e.g., MACKINNON, *Difference and Dominance*, *supra* note 6, at 33-34; MACKINNON, *SEXUAL HARASSMENT*, *supra* note 6, at 106-18; Katharine T. Bartlett & Rosanne Kennedy, *Introduction to FEMINIST LEGAL THEORY: READINGS IN LAW AND GENDER* 1, 5-7 (Katharine T. Bartlett & Rosanne Kennedy eds., 1991); Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139; Joan C. Williams, *Deconstructing Gender*, 87 MICH. L. REV. 797 (1989); Wendy W. Williams, *The Equality Crisis: Some Reflections on Culture, Courts, and Feminism*, 7 WOMEN'S RTS. L. REP. 175 (1982).

battery, and rape. Overall, however, Bem's discussion of androcentrism proves, to anyone who has not already figured it out, that our institutions and fields of thought are defined and function from a male point of view.

The second lens is *gender polarization* (pp. 80-132), or "the ubiquitous organization of social life around the distinction between male and female" (p. 80). This lens polarizes men and women so that we appear to have vast differences in many aspects of life, such as biology, modes of dress, social roles, emotions, and sexual desires (p. 2). This lens is also the reason why people generally perceive that there are only two sexes.¹⁷ Bem begins her analysis of gender polarization by focusing on the way in which scientists have contributed to gender polarization by stigmatizing homosexuality as a sexual "deviation." She examines the late-nineteenth-century concept of sexual inversion, Freud's views on homosexuality, and American psychiatrists' pathologizing of homosexuality (pp. 87-101). She concludes that homosexual oppression is a result of gender polarization and compulsory heterosexuality.¹⁸

Bem then analyzes scientific studies that focus on what she calls the "nonsexual" masculinity-femininity of the individual psyche — "the assessment of masculinity-femininity, the treatment and prevention of masculinity-femininity disorders, especially 'transsexualism,' and the development of masculinity-femininity in 'normal' children" (pp. 101-02). At this point, Bem includes the results of an interesting study she did to test children's understanding of gender as a biological concept.¹⁹ Bem showed fifty-eight children (three-, four-, and five-year-olds) a photograph of a nude toddler. She then asked the children to identify the sex of that same toddler in two other pictures — one in which the toddler is dressed in a sex-consistent way, and one in which the toddler is cross-dressed.²⁰ The children's responses to the test showed whether they understood that gender is based on genitalia or whether they thought that gender is based on dress or hairstyle. Sixty percent of the children in the study misidentified the gender of the toddler, failing the test.²¹ Bem argues that this lack of biological gender knowledge leads to gender traditionalism and gender polarization because children grow up thinking that there are certain things that they must *do* in order to be male or female. Bem explains:

17. P. 80; see also MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE, *supra* note 6, at 233 ("Sex in nature is not a bipolarity, it is a continuum; society makes it into a bipolarity.").

18. P. 101. See generally Adrienne Rich, *Compulsory Heterosexuality and Lesbian Existence*, 5 SIGNS 631 (1980).

19. Sandra Lipsitz Bem, *Genital Knowledge and Gender Constancy in Preschool Children*, 60 CHILD DEV. 649 (1989); see pp. 115-17.

20. See pp. 116-17 (reprinting photographs used in the study).

21. Bem, *supra* note 19, at 660-62.

As I see it, the legacy of learning a social definition of sex lasts long after a child has learned about the special significance of the genitalia as the defining attributes of male and female. Not only does the social definition set up a pattern of behavior that is culturally consistent with whatever sex the child is told he or she is; it also instills in the child the never-to-be-fully-forgotten feeling that being male or female is something to work at, to accomplish, and to be sure not to lose, rather than something one *is* biologically. [p. 148]

Bem concludes that much of the previous psychological and psychiatric discourse contributes to gender polarization by privileging gender traditionalism and pathologizing gender "deviance" according to cultural standards (p. 115). Bem and other feminist psychologists began to challenge this discourse in the 1970s. Bem originally focused on the area of androgyny but soon came to recognize the limitations of that concept as a vehicle for social and political change. Feminist theorists at the time criticized the concept of androgyny as being "simultaneously so gender neutral, so utopian, and so devoid of any real connection to historical reality that it doesn't even acknowledge the existence of gender inequality" (p. 123). They also criticized androgyny for being "too private and too personal . . . to be of any value politically" and for reproducing the gender polarity that it sought to undercut.²² Bem herself, while clinging to the idea that androgyny has value as a vision of utopia (p. 124), has shifted the focus of her research from androgyny to the concept of gender schematicity (p. 125).

Bem best defines and explains the gender schema theory for scholars outside the field of psychology in her article, *Gender Schema Theory and Its Implications for Child Development: Raising Gender-aschematic Children in a Gender-schematic Society*.²³ Gender schema theory provides an explanation for "sex typing," or the way in which children become masculine or feminine by acquiring sex-appropriate preferences, skills, personality attributes, behaviors, and self-concepts.²⁴ "[G]ender schema theory proposes that sex typing derives in large measure from gender-schematic processing, from a generalized readiness on the part of the child to encode and to organize information — including information about the self — according to the culture's definitions of maleness and femaleness."²⁵ Bem explains that children learn society's cultural definitions of maleness and femaleness as a schema.²⁶ Sex typing results as children internalize the schema

22. P. 123. For a critique of androgyny from a legal perspective, see Christine A. Littleton, *Reconstructing Sexual Equality*, 75 CAL. L. REV. 1279, 1292-95 (1987).

23. Sandra Lipsitz Bem, *Gender Schema Theory and Its Implications for Child Development: Raising Gender-aschematic Children in a Gender-schematic Society*, 8 SIGNS 598 (1983).

24. *Id.* at 598.

25. *Id.* at 603.

26. Bem defines *schema* as:

a cognitive structure, a network of associations that organizes and guides an individual's perception. A schema functions as an anticipatory structure, a readiness to search for and

and develop a gendered self-concept, thus becoming gender schematic without even realizing it (p. 125). Once children internalize the gender schema, they begin to evaluate themselves on the basis of gendered criteria.²⁷

[T]he child also learns to evaluate his or her adequacy as a person according to the gender schema The gender schema becomes a prescriptive standard or guide, and self-esteem becomes its hostage. Here, then, enters an internalized motivational factor that prompts an individual to regulate his or her behavior so that it conforms to cultural definitions of femaleness and maleness. Thus do cultural myths become self-fulfilling prophecies, and thus, according to gender schema theory, do we arrive at the phenomenon known as sex typing.²⁸

Once the child becomes sex typed, he or she will sort information and make decisions based on gender classifications and on the schema's definitions of what is appropriate masculinity or femininity, rather than on other factors that could work equally well (pp. 125-27).

Bem expands on the gender schema theory in *The Lenses of Gender* (pp. 125-27, 138-75). She takes her original gender schema theory and adds to it the lens of androcentrism. She also places new emphasis on how the process of enculturation transfers the gender schema from the culture to the individual psyche (p. 139). This theory explains how and why men and women in our society become androcentric and gender-polarizing themselves and then unwittingly collaborate in the reproduction of male power.²⁹

The third lens is *biological essentialism*, which works to rationalize the other two lenses by claiming that there is a clear biological reason for all the differences between men and women (pp. 2, 6-38). Bem

to assimilate incoming information in schema-relevant terms. Schematic information processing is thus highly selective and enables the individual to impose structure and meaning onto a vast array of incoming stimuli. More specifically, schematic information processing entails a readiness to sort information into categories on the basis of some particular dimension, despite the existence of other dimensions that could serve equally well in this regard.

Id. at 603-04.

27. In order to identify such sex-typed individuals, Bem created the Bem Sex Role Inventory (BSRI). See pp. 118-20; Bem, *Utility*, *supra* note 2, at 196-97; Bem, *The Measurement of Psychological Androgyny*, *supra* note 2. The BSRI contains a list of positive personality characteristics, some that are considered "masculine" — for example, assertiveness and independence — and some that are considered "feminine" — for example, tenderness and understanding — according to American cultural definitions of sex appropriateness. The person taking the BSRI indicates how well each of the personality characteristics describes himself or herself. After the BSRI is scored, the person receives a Masculinity Score and a Femininity Score. If the Masculinity Score is higher, the person is said to have a masculine sex role; if the Femininity Score is higher, the person is said to have a feminine sex role. If the Masculinity and the Femininity Scores are approximately equal, then the person is said to have an androgynous sex role. Pp. 119-20; Bem, *Utility*, *supra* note 2, at 197.

28. Bem, *supra* note 23, at 604-05 (footnote omitted).

29. See also MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE, *supra* note 6, at 230 ("The distinction between women and men is not simply etched onto perceived reality, but superimposed on a picture that already exists in the mind because it exists in the social world.")

places this section first in her book because "Western culture has for so long analyzed almost all issues related to women and men in terms of biological difference that this cultural concern with biology must be laid to rest before I can go on with my story" (pp. 3-4). Bem points out the way in which science has worked "to rationalize and legitimize the sexual status quo" throughout history and through recent sociobiological theories (p. 6). She criticizes sociobiologists and biopsychologists for underestimating the influence of culture and situational context on the individual and for overestimating the importance of the individual's biology. Bem then offers her own biohistorical account of sexual difference and sexual inequality. She theorizes that men and women developed a gendered division of labor in hunter-gatherer societies because women had to deal with the biological reality of being pregnant or breastfeeding for most of their adult lives. Men, who were responsible for defense and hunting, developed male-dominated political institutions, while women were busy raising children and doing whatever other productive activities they could do with children "either in them or on them" (p. 31). The big question, according to Bem, is why these inequalities still exist, given that in technologically advanced societies women are no longer constrained by their fertility. She concludes that history has so firmly entrenched male political dominance that modern cultural institutions continue to enforce the division of labor through seemingly neutral means — for example, by making it extremely difficult in our society to be both a parent and a worker in the paid labor force (pp. 32-33). Bem succinctly states her final opinion on the biology issue: "[N]o matter what subtle biological differences there may someday prove to be between women and men on the average, those differences will never justify the sexual inequality that has, for centuries, been a feature of human social life."³⁰

One main criticism of *The Lenses of Gender* is that Bem rarely discusses the development of women's sexuality, especially through sexual abuse, as a part of the gender schema leading to women's inequality. She gives a cursory discussion of marital rape (p. 145), violence against women (p. 163), and the eroticization of sexual inequality (pp. 163-64), and she briefly lists prostitution, stripping, and go-go dancing as "women's jobs" (p. 144). The omission of a more detailed discussion of the development of women's sexuality, however, is somewhat odd considering the prominence of the idea that inequality on the basis of sexuality is a major part of gender inequality.³¹

30. P. 38; cf. MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE, *supra* note 6. To the extent that the biology of one sex is a social disadvantage, while the biology of the other is not, or is a social advantage, the sexes are equally different but not equally powerful. The issue becomes the social meaning of biology, not any facticity or object quality of biology itself.

Id. at 232.

31. See, e.g., SANDRA HARDING, WHOSE SCIENCE? WHOSE KNOWLEDGE? 261-63 (1991); MACKINNON, SEXUAL HARASSMENT, *supra* note 6; Kimberlé Crenshaw, *Whose Story Is It, Any-*

Catharine MacKinnon theorizes:

Sexuality, then, is a form of power. Gender, as socially constructed, embodies it, not the reverse. Women and men are divided by gender, made into the sexes as we know them, by the social requirements of heterosexuality, which institutionalizes male sexual dominance and female sexual submission. If this is true, sexuality is the linchpin of gender inequality.³²

Bem does give considerable attention to compulsory heterosexuality as a form of gender inequality, but in general she centers her theory around the problems surrounding childbearing, childrearing, and equality in the workplace. Yet the socialization of women as sexual beings would fit nicely into Bem's gender schema theory, helping to explain why women are such frequent victims of men's sexual oppression. As MacKinnon explains it, the socialization of women leads women to internalize men's image of sexuality, which is exactly what Bem says women do with other aspects of becoming socially appropriate, feminine women. MacKinnon explains: "Gender socialization is the process through which women come to identify themselves as sexual beings, as beings that exist for men. It is that process through which women internalize (make their own) a male image of their sexuality as their identity as women. It is not just an illusion."³³

An interesting addition to Bem's book would have been a more thorough analysis of how the gendered socialization of men and women contributes to rape, sexual harassment, prostitution, pornography, and violence against women. For example, Bem's theory of women's internalization of the gender schema could have an impact on a sexual harassment trial in which the defense argues that the woman "asked for it" by wearing traditionally gendered clothing — a tight short skirt, spiked heels, and so on. In the first place, Bem's theory could explain why women dress the way they do based on sex typing.³⁴ More important, Bem's theory could be useful for analyzing

way? *Feminist and Antiracist Appropriations of Anita Hill*, in RACE-ING JUSTICE, EN-GENDERING POWER 402, 407-16 (Toni Morrison ed., 1992); Frances Olsen, *Statutory Rape: A Feminist Critique of Rights Analysis*, 63 TEXAS L. REV. 387, 394-96 (1984); Elizabeth M. Schneider, *The Dialectic of Rights and Politics: Perspectives from the Women's Movement*, 61 N.Y.U. L. REV. 589, 604-10 (1986); Wendy W. Williams, *supra* note 16, at 179-90 (discussing women's sexuality and statutory rape laws).

32. Catharine A. MacKinnon, *Feminism, Marxism, Method, and the State: An Agenda for Theory*, 7 SIGNS 515, 533 (1982) (footnote omitted).

33. *Id.* at 530-31 (footnote omitted).

34. Cf. DUNCAN KENNEDY, *Sexual Abuse, Sexy Dressing, and the Eroticization of Domination*, in SEXY DRESSING ETC. 126, 162-213 (1993). Kennedy quotes a letter to the editor in response to a controversial newspaper article about sexual harassment:

"Enjoying what one wears is one thing, but many misguided women dress provocatively to seek attention and approval from men, not necessarily their advances. Men are told that such outfits are a signal that advances are welcome. Why, after all, would any sane person dress that way for her own comfort or pleasure?"

Id. at 177 (quoting Janice Zazinski, Letter to the Editor, *On the Clothes Women Wear to Work*, BOSTON GLOBE, Jan. 25, 1992, at 22).

juries. Because both men and women on the jury presumably form opinions of witnesses based on the results of gender schematicity, a lawyer could attempt to present expert testimony explaining to the jurors the way in which their own sex typing plays an improper role in jury deliberations. Jurors tend to blame women for the way they dress³⁵ and may not believe a "sexy dressing" woman when she testifies that harassing conduct was unwelcome. Bem's theory, however, could explain to the jury both what was going on when the harassment occurred *and* why the jurors themselves may believe certain untrue things about the witnesses due to gender schematicity.

Bem's theory could also have an application for rape and domestic violence cases. Properly developed and convincingly presented through expert testimony, this is the type of theory that could replace the much-criticized battered woman syndrome and rape trauma syndrome.³⁶ By stressing the way the jurors themselves make decisions based on gender schematicity, attorneys could lead the focus of such a defense away from what is wrong with the victim and toward what is wrong with the way jurors make gendered decisions in deliberations.³⁷

Bem places herself into the feminist debate over the use of various strategies for gender equality (pp. 127-32, 177-96). She criticizes both the gender neutrality strategy of the 1970s — the sameness approach, or gender minimizers — and the woman-centered approach of the 1980s — the difference approach, or gender maximizers. Bem criticizes the gender neutrality approach for its narrow-mindedness (pp. 177-85). She maintains that by claiming to be the same as men, women set themselves up for disaster in areas where women are different, particularly in pregnancy. She also criticizes the sameness approach for helping only those women who need it the least — those who are "similarly situated" to men (p. 179). The 1980s glorification of women's differences was a backlash against the 1970s focus on gender neutrality, androgyny, and women as victims.

Bem's critique of the 1980s approach clearly outlines the various gender-maximizing theories — the biologically essentialist approach

35. See, e.g., *id.* at 176 ("[M]any women perceive violating the dress code in the direction of being 'too sexy' as creating a particular risk of persistent propositions, unwanted touching, suggestive remarks, exhibitionism, obscene phone calls, and the like . . .").

36. See, e.g., Elizabeth M. Schneider, *Describing and Changing: Women's Self-Defense Work and the Problem of Expert Testimony on Battery*, 9 WOMEN'S RTS. L. REP. 195 (1986). In fact, Bem's critique of androgyny is similar to critiques of the battered woman syndrome and the rape trauma syndrome in that androgyny focuses too much on the personal rather than the political, thus diverting attention away from more useful strategies. Compare pp. 123-24 with Schneider, *supra*, at 212-22 and Susan Stefan, *The Protection Racket: Rape Trauma Syndrome, Psychiatric Labeling, and the Law*, 88 Nw. U. L. REV. (forthcoming 1994). See also *Harris v. Forklift Sys., Inc.*, 114 S. Ct. 367, 371 (1993) (holding that a plaintiff in a sexual harassment trial need not prove serious psychological injury, as "[s]uch an inquiry may needlessly focus the factfinder's attention on concrete psychological harm, an element Title VII does not require").

37. See generally Stefan, *supra* note 36.

espoused by Adrienne Rich and Mary Daly; the child development approach seen in the work of Evelyn Fox Keller, Carol Gilligan, and Nancy Chodorow; and the social psychological approach seen in the work of Jean Baker Miller, Sarah Ruddick, Dorothy Smith, Hilary Rose, Bettina Aptheker, Nancy Hartsock, and Sandra Harding (pp. 129-30). Although Bem commends the 1980s theorists for pulling the feminist discourse away from gender neutrality and victimization by exposing social oppression and patriarchy, she criticizes them for reproducing the lenses of gender polarization and biological essentialism (p. 130). She argues that the woman-centered approach is simply the flip side of current gender polarization, but with men rather than women being denigrated, which still leaves us with the politically dangerous idea that there are vast "natural" differences between men and women.³⁸ MacKinnon points out the political danger of this approach: "When difference means dominance as it does with gender, for women to affirm differences is to affirm the qualities and characteristics of powerlessness."³⁹

Bem addresses several other key feminist legal debates in her book. She comments on the controversial strategy of "special protection" through protectivist legislation (p. 178). She exposes errors in the argument that women "choose" inequality by opting for lower-paying jobs and childrearing instead of "men's" careers — the argument that prevailed in the so-called comparable worth cases (pp. 177-78). One area of feminism that Bem unfortunately skims over is multiple consciousness (pp. 182, 187, 191). Multiple consciousness seeks to make feminism more inclusive by moving to the center those experiences of women who are traditionally marginalized within the feminist movement, usually on the basis of race, class, sexual orientation, or disability.⁴⁰ Bem raises the issue of women's differences in one paragraph, and then, "[t]hese female-female differences notwithstanding," she defends the feminist struggle as valid (p. 182). She begins her next paragraph "[w]ith that said," as if the issues of racism, classism, homophobia, and disability among feminists only merit two paragraphs of discussion (p. 182). Once again, it appears that Bem could use her schema theory to encompass these issues. Along with the gender schema, are we not also raised with a racial schema, a class schema, a physical ability schema?

38. See MACKINNON, *Art of the Impossible*, *supra* note 6, at 3 ("To treat gender as a difference . . . means to treat it as a bipolar distinction, each pole of which is defined in contrast to the other by opposed intrinsic attributes. . . . The idea of gender difference helps keep the reality of male dominance in place.").

39. MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE, *supra* note 6, at 51.

40. See, e.g., Patricia A. Cain, *Feminist Jurisprudence: Grounding the Theories*, 4 BERKELEY WOMEN'S L.J. 191 (1989-1990); Crenshaw, *supra* note 16; Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990); Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN'S RTS. L. REP. 7 (1989).

Bem promotes a unified feminist movement as the best policy goal without truly examining the ways in which her theory could be of further, more inclusive use. For example, what happens to her example of the incompatibility of work and childrearing when we consider cultures with large extended families who share in the childrearing? In what ways do androcentrism and gender polarization work with racism to create unique problems for women of color?⁴¹ What happens to those women who are raised to be gender schematic in our society but never can reach anything close to the gender "ideal" of beauty because they are disabled, overweight, or not white?⁴² In what ways does gender schematicity encourage sex-typed women to "otherize" women who do not exemplify the traditional gender ideal? Bem's theory of enculturation could provide an interesting framework for analyzing these issues.

Bem devotes serious attention to the issues of compulsory heterosexuality and homophobia. The issues surrounding homosexuality are clearly an integral part of her gender schema theory. Bem exposes the sexism inherent in homophobia,⁴³ especially in her comparison of the terms *sissy* and *tomboy*. As children, girls are allowed to cross gender boundaries much more readily than boys are, which is evident "in the merciless teasing of sissies, as opposed to the benign neglect or even open admiration of tomboys."⁴⁴ Bem illustrates this asymmetry with the following example:

[A]lthough a girl can now wear almost any item of clothing and play with almost any toy without so much as an eyebrow being raised by her social community, let a boy even once have the urge to try on a princess costume in the dress-up corner of his nursery school, and his parents and teachers will instantly schedule a conference to discuss the adequacy of his gender identity. [p. 150]

Bem points out that men are held to a nearly unattainable goal of becoming "real men." In order to come close to that ideal, Bem argues, men dominate women as a way of feeling powerful, privileged, and masculine (pp. 150-51).

41. See generally RACE-ING JUSTICE, EN-GENDERING POWER, *supra* note 31.

42. See generally TONI MORRISON, *THE BLUEST EYE* (1970); NAOMI WOLF, *THE BEAUTY MYTH* (1991).

43. See also John Stoltenberg, *Gays and the Propornography Movement: Having the Hots for Sex Discrimination*, in *MEN CONFRONT PORNOGRAPHY* 248 (Michael S. Kimmel ed., 1991).

Those of us who are queer have a fairly obvious special interest in ending sex discrimination, because homophobia is both a consequence of sex discrimination and an enforcer of sex discrimination. The system of male supremacy requires gender polarity — with real men as different from real women as they can be, and with men's social superiority to women expressed in public and in private in every way imaginable. Homophobia is, in part, how the system punishes those who deviate and seem to dissent from it. . . . Homophobia is central to the maintenance of sex discrimination.

Id. at 251.

44. P. 150. For a grown-up example of this, compare any of the male figure skaters or ice dancers with Bonnie Blair.

Bem's view of homophobia is politically useful: "[A]s much as the fear or abhorrence of homosexuality may be a psychological problem for many individuals, that fear or abhorrence is created by an institutional and ideological emphasis on gender polarization and compulsory heterosexuality" (p. 101). Bem objects to homophobia as a concept that treats homosexual oppression as an individual pathological condition rather than as a social institution of oppression. This is another area where Bem could have drawn on more recent events and political strategies. For example, how does her theory work with the current debate within the homosexual community of assimilation versus separatism? How would her strategy have contributed to the Clinton administration's decision to press "gays in the military" as its first homosexual rights issue? How could her theory be used in the homosexual rights cases that are making their way toward the U.S. Supreme Court?⁴⁵ How might her theory convince voters in Colorado and other states not to support laws opposing homosexual rights?⁴⁶

Another concern with Bem's analysis of homosexuality is why she omitted a serious discussion of the differences between lesbians and gay men, especially in light of her heavy reliance on Adrienne Rich (pp. 40, 99, 121-23, 129). One of Rich's main arguments is that "[l]esbians have historically been deprived of a political existence through 'inclusion' as female versions of male homosexuality. To equate lesbian existence with male homosexuality because each is stigmatized is to deny and erase female reality once again."⁴⁷ Similarly, Sandra Harding points out how a distinctive lesbian epistemological standpoint exposes androcentrism.⁴⁸ Bem mentions this issue briefly in a parenthetical note as part of a discussion of the vocabulary of the "gay" rights movement (p. 172), but she never returns to it. After Bem devotes such attention to *sissies* and *tomboys*, one would have expected a more thorough analysis of the political ramifications of combining the lesbian rights movement with the gay rights movement in such an androcentric, gender-polarizing society.⁴⁹ For example, gay men are not exempt from many of the privileges of an androcentric society just because they are in the sexual minority.⁵⁰

45. See Joan Biskupic, *Gay Rights Activists Seek a Supreme Court Test Case*, WASH. POST, Dec. 19, 1993, at A1.

46. See Valerie Richardson, *Tough Challenges in Courts Stymie Gay Rights Backlash*, WASH. TIMES, Dec. 20, 1993, at A1.

47. Rich, *supra* note 18, at 649.

48. See HARDING, *supra* note 31, at 249-67.

49. See RUTHANN ROBSON, *LESBIAN (OUT)LAW* 11-26 (1992). "Feminist legal theorists also conceptualize lesbians with 'their men,' i.e., gay men. Astonishing in a discipline that dissects gender in every other aspect of life is the absence of a gendered perspective regarding sexual orientation. For feminist legal scholars, *gay men and lesbians* is a single term." *Id.* at 22.

50. Some commentators have argued, as a matter of fact, that the gay male movement may even be contributing to the subordination of women by supporting the pornography industry. See, e.g., Stoltenberg, *supra* note 43.

A final issue in this area that Bem could have explored further is homosexuality as an identity. Bem claims that the politicizing of gay and lesbian identities has been empowering but may be a historically and culturally created fiction. She modifies this statement by ceding that "they are fictions that come to have psychological reality if they are institutionalized by the dominant culture" (p. 175). Given the political and personal importance of homosexuality as an identity, Bem could have expanded more on this idea.⁵¹

Bem's writing style is clear and conversational, making the subject she discusses appear deceptively easy. She seems serious about *teaching* her theories to the reader and about establishing a friendly rapport, simplifying her language at points rather than attempting to impress the reader with technical jargon. Throughout the book, Bem intersperses her theory with quirky personal facts and stories. One of the best stories Bem tells is about her son Jeremy:

Jeremy . . . naively decided to wear barrettes to nursery school. Several times that day, another little boy insisted that Jeremy must be a girl because "only girls wear barrettes." After repeatedly insisting that "wearing barrettes doesn't matter; being a boy means having a penis and testicles," Jeremy finally pulled down his pants to make his point more convincingly. The other boy was not impressed. He simply said, "Everybody has a penis; only girls wear barrettes." [p. 149]

In her own family, she tried to teach her children at the earliest possible age that "being a boy means having a penis and testicles; being a girl means having a vagina, a clitoris, and a uterus; and whether you're a boy or a girl, a man or a woman, doesn't need to matter unless and until you want to make a baby" (p. 149).

These stories, somewhat unexpected in a serious work by a leading authority in gender roles, are actually a delight to run across. They are engaging, making Bem appear human and personable. By showing us how she and her family have been affected by the social construction of gender roles, she encourages us to question our own daily experiences through the framework of her theory. This rapport is particularly comforting in light of the sections of the book that may lead her readers to question their own gender identities or the way in which they have contributed to the creation of traditionally gendered identities in their own children.⁵²

In Bem's life and work, she attempts to promote gender subversiveness. Her vision of a feminist utopia would be a world in which

51. See generally Judith Butler, *Gender Trouble, Feminist Theory, and Psychoanalytic Discourse*, in *FEMINISM/POSTMODERNISM* 324 (Linda J. Nicholson ed., 1990).

52. See, e.g., pp. 133-75 ("The Construction of Gender Identity"). Bem specifically asks us to reconsider our personal psyches in her conclusion to the book. "Gender depolarization would also require a *psychological* revolution in our most personal sense of who and what we are as males and females, a profound alteration in our feelings about the meaning of our biological sex and its relation to our psyche and our sexuality." P. 196.

people look at one another, not primarily as “men” and “women,” but as *human* (p. 196). The question at this point is whether others can use Bem’s theories to reach that utopia. Bem’s gender schema theory may have great potential in the legal field — a potential that Bem, who is not a legal scholar, does not develop. In this fashion, Bem’s theories may have made it out of the 1970s, and the 1990s may yet have a use for them.

— *Jill M. Dahlmann*