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McCluskey attacks fear of feminism

By PATRICIA DONOVAN

A legal scholar in the University at Buffalo Law School has strongly criticized allegations that pro-feminist press bias produces a sense of victimization in women whose lot has improved dramatically in the past 30 years.

In fact, Martha A. McCluskey, associate professor of law at UB, maintains that despite protests to the contrary, the mainstream media have not gone far enough to shed light on the laws, beliefs, practices and behaviors that support the ongoing oppression of women in American society and abroad.

"Media, Feminism and the Law" (Oxford University Press, 1997), a new book McCluskey edited with Martha T. Fineman, professor of law at Columbia University, explores several popular redefinitions of feminism. Written by 23 scholars from law and other disciplines, it explores how lawyers, courts and legislatures, together with the popular media, have produced myriad changes in women's lives for good or ill.

Individual essays address portrayals of feminism in the media; feminism, law and popular culture; and how gender is "essentialized" or reduced to a fixed characteristic separate from such factors as race, class, age and sexuality.

As its title suggests, the book looks at how feminist legal scholars have rewritten and reinterpreted laws to increase protection against domestic violence, sexual harassment and economic inequality. Beyond that, however, the authors demonstrate that the success and failure of these legal struggles often have depended as much upon talk shows and soap operas as upon the courts and legislatures.

In an article titled "Fear of



Associate Professor
Martha T. McCluskey

PHOTO: K.C. KRANT

Feminism," McCluskey responds to critics in the popular press who warn that media stories of women's suffering perpetuate outdated stereotypes of women as weak and vulnerable. Such critics publicly allege that women have made tremendous legal and social gains and that feminist "male-bashing" has made men the real victims of gender crime and abuse.

"I acknowledge that there have been significant advances for woman in many areas," McCluskey says. "It is absurd, however, to suggest, as some have, that feminists ignore these gains — gains they themselves produced — or to insist that woman's social, economical, medical and legal problems have been solved.

"To suggest that feminists are 'producing' woman-victims by continuing to talk about date rape, financial deprivation, domestic violence, sexual harassment and other forms of male abuse of women ignores reality," she says.

"In fact," McCluskey adds, "despite some progress, despite 25 years of mas-

sive efforts by feminists to redress the victimization of women, we continue to face persistent gender-based inequality in law and fact.

"Furthermore," she says, "those women who continue to protest unfair treatment are often criticized by men and women alike who are uncomfortable with anyone who insists on equal treatment."

She calls for men and women "to reject the double standard that views women who complain about abuse of male power as whiners, manipulative liars or as weak and dependent." She contrasts the negative treatment of women's complaints with the popular media's sympathy for men who complain about abuse by feminists. The media often uphold these men as brave defenders of such individual rights as free speech and due process.

"The message often played out in media of all kinds is that women must choose between power and protection," McCluskey says. "We can be strong, we are told, only if we remain silent and

keep our problems private. Men, on the other hand, especially economically privileged white heterosexual men, can have it both ways — their demands for public protection are taken as a sign of their power and responsibility.”

McCluskey uses date-rape policies as an example. Critics claim, she points out, that strict date-rape policies “infantilize” women by assuming that women cannot resist offensive male advances on their own.

“If this is so,” she asks, “then the U.S. military’s strict anti-gay policies infantilize soldiers in assuming they couldn’t resist the mere mention of a comrade’s same-sex desires.”

She points to the Anita Hill allegations of sexual harassment by Clarence Thomas as another example of the double standard applied to women.

“If Hill should have quit her job in the face of offensive sexual harassment, as many of her critics have suggested,” McCluskey asks, “then why shouldn’t strong, smart men respond to undeserved charges of sexual harassment or feminist abuse by quitting theirs? Or, in the case of universities, by switching colleges?”

This double standard, says McCluskey, excuses men’s fears of feminist harm as natural and reasonable, while condemning women’s fears of male harm as hysterical or devious.

“Innumerable media stories warn that feminist concerns about oppressive male power run to exaggeration and excess,” she says. “The child’s kiss, the compliment, the offhand joke, they say, are turned by maniacal feminists into a sexual harassment charge.”

“But where are the comparable stories warning against excess and exaggeration in the concerns expressed by heterosexual white males about oppressive feminist power?” she demands.

“Where are these real-life ‘Feminazis’ and ‘feminist thought police’ who supposedly keep men in terror on campus and in the workplace, threatening the end of heterosexual romance, or even the end Western civilization?”

McCluskey calls for the rejection of stereotypes — “not just those of tough men and weak women, but of tough, autonomous individuals and weak, irresponsible victims.”

Mutua and Scales-Trent are honored by black law students

Two UB Law faculty members, Makau Mutua and Judy Scales-Trent, received awards from the regional National Black Law Students Association (NBLSA) for their commitment to educating students of color. The awards were presented on Saturday, Feb. 7, during a dinner highlighting the 30th annual regional convention of the organization, hosted by the UB chapter and attended by some 350 law students from the Northeast.

NBLSA, through its 210 college and university chapters, advances education, development and growth of African-American law students.

Mutua, associate professor of law, received the Thurgood Marshall Award recognizing his continued commitment to the education and training of law students of color at UB, as well as for his extensive experience in international law.

He is co-director, with UB Professor Claude Welch, of the university’s Human Rights Center and of the Baldy Center Program on Human Rights. Formerly, he was associate director of Harvard University’s Human Rights Program. Mutua has conducted numerous human rights, diplomatic and rule-of-law missions in Africa, Latin America and Europe.

Scales-Trent, professor of law, received the Barbara Jordan Award for Faculty Excellence, recognizing her commitment to educating law students of color and her teaching methods and impact on the education of UB Law students.

She is the author of “Notes of a White Black Woman” and is continuing research comparing racial purity laws in the U.S., Nazi Germany and South Africa.

She earned a law degree from Northwestern University and has served as an attorney for the Appellate Division, Equal Employment Opportunity Commission (EEOC) and special assistant to general counsel and commissioner of the EEOC. ■



Judy Scales-Trent and Makau Mutua

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