

THE SECOND SEXISM

Discrimination
Against Men
and Boys

DAVID BENATAR



WILEY-BLACKWELL

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To my brothers

Preface

Sexism negatively affects not only women and girls, but also men and boys. While the former manifestation of sexism is widely acknowledged, few people recognize or take seriously the fact that males are the primary victims of many and quite serious forms of sex discrimination. The central purpose of this book is to draw attention to this “second sexism” and to respond to those who would deny that it exists.

It is worth pre-empting the joke that a book about discrimination against males must be a very short book. Although this *is* a relatively short book, this is not because the scope or seriousness of the problem it discusses is limited. Instead it is (partly) because a longer book is not required to show that there is an extensive and dangerous second sexism.

That said, the book develops, at much greater length, the arguments I advanced in an earlier paper on this topic. The editors of *Social Theory and Practice*, to which I had submitted that paper, invited four responses. These were published alongside my original article as well as my rejoinder in the April 2003 (vol. 29, no. 2) issue of the journal. I am grateful to the editors of the journal for permission to draw on those earlier papers of mine in writing this book. I also acknowledge the use of material used in Chapter 6 that is drawn but significantly adapted from two other previous works of mine: “Diversity limited,” in Laurence Thomas (ed.), *Contemporary Debates in Social Philosophy*, Oxford: Blackwell, 2008, pp. 212–225; and “Justice, diversity and racial preference: a critique of affirmative action,” *South African Law Journal*, 125(2), 2008, pp. 274–306.

The first draft of this book was written while I was a Laurence S. Rockefeller Visiting Fellow at Princeton’s University Center for Human Values for the (northern hemisphere) 2009/2010 academic year. I want to thank the director, faculty and staff of the Center, both for awarding me this fellowship and for making my visit such an agreeable one. I could not have asked for a more stimulating environment in which to conduct my research

and do my writing. The Princeton University libraries were also an invaluable resource and I appreciate the assistance provided by the library staff.

My thanks also go to the University of Cape Town for the period of sabbatical leave that enabled me to take up the fellowship and write the book.

Leo Boonzaier, Meghan Finn and Andrew Fisher provided very able research assistance. Jessica du Toit compiled the list of bibliographic references from my endnotes, and detected some typographical errors in the process. I am grateful to have had such excellent assistants.

I presented an overview of the book as the Morris Colloquium Speaker at the University of Colorado at Boulder. At a Laurence S. Rockefeller Fellows Seminar at the University Center for Human Values in Princeton, I presented parts of Chapter 5. In the Admiral Anderson Speaker Series at the United States Naval Academy, I presented the material on women and combat. I am grateful to those who attended these events for their comments.

Kingsley Browne kindly commented on my response (in Chapter 4) to his *Co-Ed Combat*. He and I still disagree on the question of women in combat, but his critical comments were most welcome. Nannerl Keohane provided helpful written comments on parts of Chapter 5.

I am especially grateful to Don Hubin and Iddo Landau, the two reviewers for Wiley-Blackwell, for their extensive and extremely helpful comments.

Finally, my thanks go to members of my family. The book is dedicated to my brothers.

DB
Cape Town
20 June 2011

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Introduction

Many men are far more oppressed than many women, and any feminist who was determined to support women in all situations would certainly encounter some where her support of women against men would increase the level of injustice in the world. ... No feminist whose concern for women stems from concern for justice in general can ever legitimately allow her only interest to be the advantage of women.

Janet Radcliffe Richards, *The Sceptical Feminist*,
London: Penguin Books, 1994, p. 31.

What Is the Second Sexism?

In those societies in which sex discrimination has been recognized to be wrong, the response to this form of discrimination has targeted those attitudes and practices that (primarily) disadvantage women and girls. At the most, there has been only scant attention to those manifestations of sex discrimination whose primary victims are men and boys.¹ What little recognition there has been of discrimination against males² has very rarely resulted in amelioration. For these reasons, we might refer to discrimination against males as the “second sexism,” to adapt Simone de Beauvoir’s famous phrase.³ The second sexism is the neglected sexism, the sexism that is not taken seriously even by most of those who oppose (or at least claim that they oppose) sex discrimination. This is regrettable not only because of its implications for ongoing discrimination against males but also, as I shall argue later, because discrimination against *females* cannot fully be addressed without attending to all forms of sexism.

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Disadvantage

So unrecognized is the second sexism that the mere mention of it will appear laughable to some. Such people cannot even think of any ways in which males are disadvantaged, and yet some of them are surprised, when provided with examples, that they never thought of these before. Male disadvantages include the absence of immunity, typically enjoyed by females, from conscription into military service. Men, unlike women, are not only conscripted but also sent into combat, where they risk injury, both physical and psychological, and death. Men are also disproportionately the victims of violence in most (but not all) non-combat contexts. For example, most victims of violent crime are male, and men are often (but again not always) specially targeted for mass killing. Males are more likely than females to be subject to corporal punishment. Indeed, sometimes such punishment of females is prohibited, while it is permitted, if not encouraged, for males. Although males are less often victims of sexual assault than are females, the sexual assault of males is typically taken less seriously and is thus even more significantly under-reported. Fathers are less likely than mothers to win custody of their children in the event of divorce. These and other examples will be presented in some, but by no means exhaustive detail, in Chapter 2.

However, demonstrating the existence of male disadvantage is, by itself, insufficient to show that males are the victims of sexism. Not all disadvantages somebody suffers on the basis of his or her sex amount to sexism. By way of illustration, consider the following. The disease called hereditary haemochromatosis is a genetic condition in which the body gradually absorbs too much iron, storing it in major organs. If the condition is not detected in time, serious organ damage and failure can result, often resulting in death. The treatment, if the condition is detected sufficiently early, is regular blood-letting.⁴ Although both males and females can have this genetic condition, males are more likely to suffer from the resultant disease. This is because females, during their reproductive years, regularly lose blood, and thus iron, during menstruation.⁵ It thus transpires that menstruation is an advantage for those females with haemochromatosis. But menstruation can also be a disadvantage. Because younger women do lose blood and iron, they are more prone than are men to iron deficiency anemia. Menstruation is thus an advantage for women with haemochromatosis, but a disadvantage for women who are susceptible to iron deficiency anemia. Similarly, the absence of menstruation is a health disadvantage for men with haemochromatosis, but an advantage for men who might otherwise be susceptible to iron deficiency.

The presence or absence of these disadvantages does not demonstrate that males with symptomatic haemochromatosis and females with iron deficiency anemia are the victims of *sexism*.

Discrimination

To understand the relationship between disadvantage (on the basis of sex) and sexism, there are a number of concepts we need to understand and distinguish. First, we need to distinguish disadvantage from discrimination. The man with haemochromatosis is disadvantaged by not menstruating, but he is not discriminated against. For there to be discrimination the disadvantage must be at least partly the product of agency, or, on some views, of social structures or practices. Thus an individual, an institution or a state might discriminate against people of one sex. Or it might be the case that particular social structures or practices have the effect of favoring one sex over the other. The disadvantage suffered by the man with haemochromatosis is not in itself the product of any of these. For example, nobody forbade or discouraged him from menstruating or removed the uterus he never had, or prevented him from acquiring one.⁶

We cannot conclude, however, that whenever some disadvantage is experienced as a result of discrimination on the basis of sex that the person suffering the disadvantage is the victim of sexism. This is because discrimination is sometimes entirely appropriate, if not desirable. The word “discrimination” is so often used in its pejorative sense that it is sometimes forgotten that it also has an entirely non-pejorative sense. To discriminate is to recognize a difference or to differentiate. Some discrimination in this sense is both necessary and desirable. Teachers, for example, must discriminate – discern the difference – between good- and bad-quality work submitted by their students. If teachers awarded first-class passes for all work, or failed all work, irrespective of its quality, they would not be acting in an appropriately discriminating way.

Wrongful discrimination

This brings us to a second distinction, namely between discrimination and unfair or wrongful discrimination. Whereas discrimination *per se* can be morally acceptable, wrongful discrimination is, by definition, morally problematic.

There are obviously many possible grounds on which one might wrongly discriminate. These include sex, race, religion, ethnic group, national origin and sexual orientation. Of interest in this book is wrongful discrimination on the basis of a person's sex.⁷

However, sex is not *always* an inappropriate basis on which to discriminate between people. Thus once one has established that a disadvantage is the product of discrimination on the basis of somebody's sex, one then needs to establish whether or not that discrimination is fair, just or justifiable. That is to say, one must determine whether or not a person's sex provides an

appropriate basis for the differential treatment. For example, one might say that middle-aged males are discriminated against if their medical insurance does not cover them, but does cover females of similar age, for routine mammography. However, one might argue that the discrimination is not unfair on account of a relevant difference between men and women. Women, given the nature of their breasts, are more likely to get breast cancer, and thus the cost of routine scanning may be warranted for them but not for men. (We can imagine exceptions, of course. If some subset of males were known to have an elevated risk of breast cancer, we might think it unfair if they, unlike other men, were not covered.)

As we might expect, there is disagreement about the correct account of when discrimination is wrong. My preferred answer is that discrimination is wrong when people are treated differently without there being a relevant difference between the people that justifies the differential treatment. (When I speak of the differential treatment being *justified*, I do not mean that some or other reason is *offered* for the differential treatment, but rather that there is good objective reason for the differential treatment.) If, for example, a teacher were to fail work that deserves to pass and does so on account of its having been written by a student of a particular sex, race, religion, ethnic group or sexual orientation, then that teacher has also acted unfairly and wrongly. Such features of the author of a piece of written work are irrelevant to assessing the quality of that work.

Although this is my preferred account of what makes discrimination wrong, it is not necessary to accept this particular account in order to reach the conclusions for which I shall argue later in this book. It is possible for people with different accounts of what makes discrimination wrong to agree that specific instances of discrimination are wrongful. Thus my arguments in subsequent chapters will not presuppose a specific account of when discrimination is wrongful. In this way I hope to bypass at least some disagreement about what makes some discrimination wrong.

To give a specific example, we do not need to have an account of what makes discrimination wrong in order to know that excluding women from university (because they are women) amounts to wrongful discrimination. Similarly, we do not need to have such an account in order to know that laws permitting the corporal punishment of boys but not of girls amounts to wrongful discrimination. This is not to say that each of these discriminatory practices has not had its defenders. Instead it is to say that the best way to determine whether a given form of discrimination is wrong is to examine that specific treatment and all the considerations relevant to it. That is what I shall do in Chapter 4.

For this same reason it is not necessary, for those who do accept my preferred account, to give a more detailed account of *when* precisely a person's

sex is irrelevant. This question too can be bypassed. Moreover, it is not clear, in any event, that any more precise account could be given. There are so many different ways of treating people and so many different conditions under which they may be treated. To expect that a precise account can be given to cover all these cases is to expect more than can be provided.⁸ Consider, for example, the breast cancer screening example above. Determining whether that is a case of justifiable discrimination depends on the relative risks of breast cancer faced by men and women, on the costs of competing screening policies and on the rationing principles one uses to distribute scarce resources. This is just one of very many contexts in which we need to determine whether discrimination is fair.

Sexism

I shall refer to wrongful discrimination on the basis of sex as “sex discrimination,” “sexist discrimination” or “sexism.”⁹ This seems like an entirely reasonable understanding of what sexism is. However, it is not uncontroversial and thus more needs to be said about this definition, its competitors and what is at stake between them.

The first thing to note is that there is no single, standard usage of the term “sexism.” It is used in many different ways, even by those who are united in opposing it. For example, Janet Radcliffe Richards defines it, albeit in passing, as counting “sex as relevant in contexts in which it is not.”¹⁰ Mary Anne Warren says that sexism “is usually defined as wrongful discrimination on the basis of sex”¹¹ and that discrimination “based on sex may be wrong either because it is based on false and invidious beliefs about persons of one sex or the other, or because it unjustly harms those discriminated against.”¹²

Others think that a definition of this kind is inadequate and that sexism involves at least one further element, which is variably described as the *subordination* of one sex to the other, the *domination* of one sex by another or the *oppression* of one sex.¹³ Those who think that some such additional element is required for sexism to exist typically think that sexism must be a *systemic* phenomenon, because subordination, domination or oppression could not exist without systemic discrimination. They also think that such additional conditions for sexism preclude the possibility that males could be the victims of sexism. This is because they deny that males suffer from subordination or being dominated or oppressed. In addition they might deny that discrimination against males, even if it exists, is systemic in some other way.

There are innumerable versions and combinations of these views and I obviously cannot consider them all. However, I shall consider a few examples.

Richard Wasserstrom says that "racism and sexism should not be thought of as phenomena that consist simply in taking a person's race into account ... in an arbitrary way."¹⁴ It must also be the case that this occur

in the context of a specific set of institutional arrangements and a specific ideology which together create and maintain a specific *system* of institutions, role assignments, beliefs and attitudes. That system is one, and has been one, in which political, economic, and social power and advantage is concentrated in the hands of those who are white and male.¹⁵

According to this understanding of sexism, it must be systemic and the system must favor those who enjoy overall power.¹⁶ Marilyn Frye is another who thinks that sexism must be systemic and to the overall advantage of some. She says that "the locus of sexism is primarily in the system or framework, not in the particular act"¹⁷ and that the "term 'sexist' characterizes cultural and economic structures which create and enforce the elaborate and rigid patterns of sex-marking and sex-announcing which divide the species, along lines of sex, into dominators and subordinates."¹⁸

These definitions of sexism are, in one sense, broader than mine, but in another sense they are narrower. It will be recalled that I have defined "sexism" as wrongful discrimination on the basis of a person's sex. The definitions of Professors Frye and Wasserstrom are broader in the sense that they focus not on an individual act, but a system into which the act does (or does not) feed. However, their definitions are narrower than mine in another sense. If we follow their lead, fewer actions will count as sexist. This is because it is only a subset of actions that wrongly discriminate against people on the basis of their sex that creates or contributes to hegemonies.

What can be said in favor of the definitions that compete with mine? Professor Frye asks us to consider the following case:

If a company is hiring a supervisor who will supervise a group of male workers who have always worked for male supervisors, it can scarcely be denied that the sex of a candidate for the job is relevant to the candidate's prospects of moving smoothly and successfully into an effective working relationship with the supervisees.¹⁹

This case is intended to show that unfair discrimination cannot consist merely in treating people differently on the basis of an arbitrary or irrelevant attribute such as their sex. This is because, it is said, sex is not irrelevant in this case to the ability to perform the job. What Professor Frye finds problematic about the case is that if a woman is not hired, this will feed into a broader system in which females are disempowered.

I agree that systems can be sexist and I agree that systematic exclusion of women from particular positions is sexist. However, I deny that unfair discrimination *must* reach the systemic level in order to constitute sexism. I shall say more about this later, but now I shall indicate why the “irrelevant characteristic” view is able to account for Professor Frye’s case. First, we should note that the relevance of the applicant’s sex in her case is dependent on the attitudes of those workers who will be supervised. If they had different attitudes to women or to female supervisors then a female supervisor would be able to function as effectively as a male one. Thus we need to ask whether the differential attitude that the workers have toward male and female supervisors was based on an irrelevant characteristic. The answer to that question is affirmative and thus we could conclude, following the view that Professor Frye rejects, that the workers have sexist attitudes.

There is now a secondary question whether the people hiring the supervisor should take those sexist attitudes as a given or whether they should override them. While I doubt that a categorical answer can be given to this question, I strongly suspect that much more often than not, they should not pander to the sexist views. For example, historical experience suggests that pandering to such views only reinforces them (which is problematic, independent of systemic concerns). By contrast, resisting prejudice by opening positions to people irrespective of their sex (or race), although it can have teething problems, helps to break down prejudicial attitudes. In all cases where those hiring should hire the woman despite the workers’ attitudes, pandering to sexism could be said to be derivatively sexist.

Professor Wasserstrom provides a different case. He says that what was primarily wrong with human slavery was “not that the particular individuals who were assigned the place of slaves were assigned there arbitrarily because the assignment was made in virtue of an irrelevant characteristic, i.e., their race.”²⁰ Instead, he says, the primary problem is with the practice itself – “the fact of some individuals being able to own other individuals and all that goes with that practice.”²¹

Does the case of human slavery really show that the “irrelevant characteristic” account of racism or sexism fails? I do not think so. There are at least two possible alternative reasons. According to the first, it is precisely because what is primarily wrong about slavery is that people are treated as chattel that the wrong is not primarily one of discrimination. Given this, it should be unsurprising that racism fails to provide an exhaustive account of what is wrong with slavery. Of course, where race is the criterion for who may be enslaved, then racist discrimination is a further wrongful feature of slavery, but there is no reason to think that the underlying wrong of slavery must be explained in terms of racism and thus in terms of the “irrelevant characteristic” account of racism. What this nicely illustrates is that some actions may