

Sorority “Sisters,” “Peeping Toms,” and “Toxic” Masculinity

B.A. Hunter

I. Sorority “Sisters,” “Peeping Toms,” and “Toxic” Masculinity.

In recent news a Wyoming judge dismissed a lawsuit brought by six women to block a 6-foot 2-inch, 260 pound biological male, identified as “Terry Smith” (Artemis Langford), who self-identifies as a female, from joining their sorority.¹ The women bringing the suit not only alleged that “she” did not routinely dress, act, or even live as one would expect of a female, and had made absolutely no attempt to “convert” into a biological female, but, as well, allegations were made of Langford getting visible erections through “her” leggings, becoming visibly aroused while watching the girls change and undress, and staring at the girls for hours in a creepy manner. It was alleged as well that many members felt uncomfortable around Langford. Some even stated that they “live in constant fear in our home.”²

The judge ultimately dismissed the lawsuit, of course, and the allegations against Langford were dismissed as nothing but baseless and “cruel rumors” “used to vilify and dehumanize members of the LGBTQIA+ community for generations.”³ Even a spokesperson for the sorority itself applauded the court’s ruling and praised the ruling all around as a victory for transgender rights and support for alternative genders and gender identifications generally.

The lawyer representing the women plaintiffs made the statement that “Women have a biological reality that deserves to be protected and recognized.” Yet, nonetheless, the statement continued on to make it a women’s rights issue that was traced all the way back to the suffrage. The lawyer continued:

...we will continue to fight for that right [women’s biological reality that deserves to be protected and recognized] just as women suffragists for decades have been told that their bodies, opinions, and safety doesn't matter. The Court stated it would not define what a “woman” is. The fundamental issue has remained undecided.⁴

II. Sex-Based Rights, Feminism, and Beyond.

The above statements on women’s need to be protected and have their biological realities recognized are both true and laudable. However, once again it is always the case that, no matter what, feminism just can’t be let go of. No matter what, even conservatives claiming to protect women still grasp onto the basic ideals of feminism as though it were the sole life-preserver in the midst of an expansive ocean.

¹ See Richard Pollina, Judge Rejects Sorority Sister’s Lawsuit Blocking Trans Woman from Joining: “The Court Will Not Define a ‘Woman,’” N.Y. Post (August 29, 2023), <https://nypost.com/2023/08/29/judge-rejects-sorority-sisters-lawsuit-blocking-trans-woman-artemis-langford-from-joining/>; Matthew Impelli, Judge Sides With Trans Sorority Member Accused of Inappropriate Erection, Newsweek (August 28, 2023), <https://www.newsweek.com/judge-sides-trans-sorority-member-accused-inappropriate-erection-1822852>.

² Pollina, *supra* note 1.

³ Id. Now there is a new acronym for the world to keep up with. What on earth does LGBTQIA+ even mean? According to the Princeton Gender + Sexuality Resource Center:

LGBTQIA+ is an acronym that brings together many different gender and sexual identities that often face marginalization across society. The acronym stands for lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, and the + holds space for the expanding and new understanding of different parts of the very diverse gender and sexual identities.

LGBTQIA + 101, <https://www.gsrc.princeton.edu/lgbtqia-101>.

⁴ Impelli, *supra* note 1.

We now openly talk about “sex-based rights,” which can also rightly be identified as synonymous with being sex-based protections for women. Yet the reality is that women already had these “sex-based rights” and protections *before* feminism. Nobody wants to talk about or admit that it was feminism that actually caused the destruction of these rights and protections in the first place.

The women plaintiffs complained that Langford allegedly stared at them creepily while they were getting undressed, and that they basically, in plain words, felt that their privacy had been invaded and their safety compromised. The spaces were supposed to be women-only (with the plaintiff women identifying a woman as an “adult human female”)⁵, and thus the women arguably had a reasonable expectation that men would not invade these spaces in a way that compromised their safety, privacy, and well-being. How would this have been dealt with before feminism? One might start by acknowledging the existence of legislation, pre-feminism, that distinguished rights, responsibilities, and duties on the basis of sex. Consider, for instance, a relevant North Carolina “Peeping Tom” statute that was at issue in a 1978 North Carolina Supreme Court case:

Secretly peeping into room occupied by female person. — Any person who shall peep secretly into any room occupied by a female person shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.⁶

Notice that the statute specifically protected *female* persons. One might suspect men would mostly be guilty of the offense, but the statute is actually gender-neutral as to who might be prosecuted, meaning another woman, or women, or even perhaps a mixed group of individuals might be subject to prosecution under the statute. Surely this pre-feminist and sex-based law, as well as others, would have been broad enough to cover the complaining sorority sisters and protect them. Other states might have had more generous laws, ditching the “secretly” requirement.⁷

Of course, these are only strictly legal protections. One must also consider social and cultural factors in the analysis. It would have once been considered highly improper for males and females to share one another’s private spaces, whether in dormitories, changing areas, restrooms, and, in some instances, entire hotels.⁸ Sometimes males were not even allowed into the lobbies or upper floors at all where women resided or stayed in these female-only spaces.⁹

⁵ Id.

⁶ In re Banks, 244 S.E. 386, 388 (N.C. 1978) (at issue was whether or not the North Carolina “Peeping Tom” statute- G.S 14-202- was unconstitutionally vague. The court found that it was not. The court stated, “...giving the language of the statute its meaning as interpreted by this Court, G.S. 14-202 prohibits the wrongful spying into a room upon a female with the intent of violating the female's legitimate expectation of privacy.” Id. at 390).

⁷ See e.g., id. (discussing similar Alabama “Peeping Tom” statute, which contained no “requirement that the peeping be done ‘secretly.’” The statute was held unconstitutional for vagueness.).

⁸ See e.g., Erin Blakemore, The Lost Age of Women-Only Hotels, Nat’l Geographic (April 6, 2021), <https://www.nationalgeographic.com/history/article/lost-age-women-only-hotels> (discussing the history of women-only hotels. According to the article, the hotels were typically places where women could socialize with other women and live free and independent lives. The women-only hotels were also considered as safe havens from the harsh outside world and places where women could live free from the threat of sexual harassment, discrimination, and abuse from males. The article describes these hotels as having their “heyday” from the early 20th century to the early 1970s, where women-only hotels swiftly became a relic of the past.)

⁹ See e.g., id. (“Men were not allowed on the upper floors.”)

Another relevant factor, of course, is simply the overall loss of male protection. One might, for instance, consider what would have been, even as little as 40 years ago, the biggest threat to a male, thinking himself to be a female, who walked off into a women-only space (e.g., a locker room, woman's restroom, etc....) where women changed and went about their business. His biggest threat probably wouldn't have been that he would break a house rule or two, or even violate some local ordinance or "Peeping Tom" statute. Rather, his biggest threat would have probably been that the women would have complained and other males would have subsequently interceded to drag his f@---t a### out of there, and, if he was lucky, merely rough him up a bit and threaten and warn him against doing it again.

Even duly acknowledging the extralegal nature of such a "remedy," what the latter signifies is that it was once considered integral to the concept of manhood to protect women. Now, of course, it has been pushed for at least the last 25-30 years that the traditional aspects associated with masculinity, such as physical strength, dominance, heterosexual prowess, the devaluation of women as inferior beings, and "homophobia" are all aspects of what is now being commonly termed as "toxic masculinity." The common remedies now proposed for this "toxic masculinity" are to "challenge gender and sexual inequality in schools... challenge toxic masculinity in schools... highlight women's achievements in curricula and in the classroom... explicitly teach and model complex masculinity" ... and ... "explicitly teach about sexist speech, behavior, and gender-based violence."¹⁰ Ways proposed to achieve these goals include the following examples:

...it is important for educators, in particular, to think about masculinity and to consider the roles that schools can play in shaping conceptualizations of masculinity and gendered patterns of power. Schools are powerful socializing institutions, which is why they have been at the forefront of efforts to address gender and sexual inequality for years and why they have been successful in helping facilitate change in this area...

Successfully resisting toxic masculinity on a cultural level requires the participation of men committed to being allies in the fight against gender inequality. School-based LGBTQ advocacy, particularly the work of Gay-Straight Alliances (GSAs), provides an instructive example of this kind of work. Since their founding in the 1990s, GSAs have grown into a school-based, grassroots movement aimed at involving LGBTQ youth and heterosexual allies in the fight against homophobia and gender and sexual discrimination...Educators can draw on the lessons of GSAs and previous gender equality work to once again take the lead in more fully transforming ideas about gender, identity and power and moving toward a more just and equitable society.¹¹

Also proposed have been ideas about "expanding" concepts of masculinity:

...the image of masculinity youth encounter in the media, popular culture and even in textbooks and other curricular resources is often dangerously oversimplified and focused on aspects of toxic masculinity such as physical strength, dominance and heterosexual prowess. Provide boys of all ages and grade levels with diverse

¹⁰ Kathlee Elliott, *Challenging Toxic Masculinity in Schools and Society*, 26 *On The Horizon* 17, 18-20 (2018).

¹¹ *Id.*, at 19.

examples of men and of masculinity and encourage them to identify and explore the varied and complex aspects of their own identities...

Teachers can model respect for all genders and sexualities, demonstrate vulnerability, express emotion, sensitivity and empathy and create learning spaces and opportunities in which all their students can do the same. This may be particularly important for teachers who are men to demonstrate to boys and young men in schools.¹²

And don't forget about all of the "homophobia.":

...teaching students the homophobic nature of saying "that's so gay" or the sexist underpinnings of calling someone a "pussy" as a way of marking them as weak or timid can make them reconsider their language and change their behavior...

Paying attention to, naming and challenging sexist and homophobic language and behavior in the moment are some of the most powerful ways that educators can teach young people to think and behave differently.¹³

This all, apparently, leads to a society with "...healthier, more complex understandings of masculinity and femininity; the kind that can support more equitable relationships, social patterns and institutions."¹⁴ The only question is: More "equitable" for whom?

III. The True Origins of "Toxic Masculinity."

The more I have personally delved into and researched the subject over time, the harder it is for me, personally, to hang onto the belief that women, feminism, or women's rights organizations, are solely responsible for all of the changes in family law, gender relations, and society that have occurred over the past half-century. Feminists could never have acted alone in a vacuum, especially with so much opposition. And there *was* substantial opposition, even from women themselves.¹⁵ It seems more likely that the actions and behavior of men, as well as men's organizations, along with the aid of a certain number of women and women's organizations, is what really brought about the "revolution." This can be seen by way of, for instance, the usage of nearly exclusively all-male plaintiffs to judicially dismantle legislation that specifically favored or protected women, and imposed upon men the obligations of patriarchal provider and protector.¹⁶

Indeed, even scholars who have historically studied the issue have noted the existence of a "men's movement" in the 1950s-1960s that predated and foreshadowed the women's liberation movement.¹⁷ This "movement" saw a drastic cultural change at this time-period as regards the

¹² *Id.*, at 20.

¹³ *Id.*

¹⁴ *Id.*, at 21.

¹⁵ The fight against the Equal Rights Amendment in the 1970s is the most prominent example of this.

¹⁶ See e.g., some of my previous work on this issue: B.A. Hunter, *Against the Conscriptio of Women, What's Wrong With Equal Rights?* (November 28, 2022), <https://whatswrongwithequalrights.wordpress.com/2022/11/28/against-the-conscriptio-of-women/>.

¹⁷ See e.g., David Peterson, *Wife Beating: An American Tradition*, 23 *J. Interdisciplinary Hist.* 23 (1992) (examining domestic violence cases in a late 19th century Oregon town. The author proposes that there were actually fewer instances of domestic violence against wives- and women overall- in the late 19th century than in the mid and late 20th century. The author proposes that one reason might very well be "because men's views of their responsibilities

attitudes of men concerning their responsibilities to provide for and protect women that some have even speculated might have precipitated or even indirectly or directly caused the women's liberation movement.¹⁸

Likewise, when one looks at the degeneration of traditional forms of masculinity today, and the now-commonplace term of "toxic masculinity," it would be amiss to blame it all on a bunch of angry, haranguing, "man-hating" feminists. The term "toxic masculinity" itself did not originate with feminism. Rather, it has its origins in *conservativism* and played a feature role in the men's movement from the 1980s through the early 2000s. Only within the past decade, and more specifically since about 2016, has the term been utilized and adopted by feminists or shown up in the scholarly and medical literature or media.¹⁹

The term "toxic masculinity" was actually originally coined by writer Shepherd Bliss, who stated that he coined the term "to characterize his father's militarized, authoritarian masculinity."²⁰ The term was originally used repeatedly to refer to marginalized men. Conservative policymakers and even psychologists then subsequently began using the term to promote a wider social agenda in the 1990s. Toxic masculinity was posited to stem from emotionally absent fathers and the original policy goals- supported by organizations such as the U.S. National Fatherhood Initiative

toward women changed...The court records suggest that violent husbands battered less readily in the late nineteenth century than in the late twentieth century. The proportion of husbands who beat their wives apparently increased from 1890-1980." Id. at 100, 109-10. The author suggests that "A paternalistic sense of women's otherness and dependence may have inhibited men's violence towards them...gender separation in work groups correlated negatively with wife beating." Id. at 112. The author then goes on to discuss a "men's movement" where men's attitudes about their duties towards women began to change in the mid-20th century, stating: "Yet the twentieth-century decline of paternalism has had a life apart from feminism. Ehrenreich's study of men in the 1950s and 1960s persuasively shows that a men's revolution preceded the feminist one- that a large fraction of men began denying at that time that they owed women financial support or paternalistic deference. As conservative women pointed out, feminism accentuated this trend." Id. at 113-14 (speaking of studies conducted by Barbara Ehrenreich)).

¹⁸ See e.g., Id. Indeed, it was already quite common for American women, even before women's liberation really took off to, for instance, complain about the immaturity and irresponsibility of American men. While the 1950s is typically considered to be the golden age of the family and age of the modernized housewife, and while this time-period also saw a reduced overall percentage of women in higher education, and a reduced overall percentage of women pursuing more advanced careers than what had actually been the case in the previous decades, the overall cultural current of demeaning the role of the housewife and traditional female role was arguably already underway. See generally, Betty Friedan, *The Feminine Mystique* (1963).

Perhaps it was that cultural undercurrent that saw housewives as wasting their talents (society, after all, it was alleged, needed that largely untapped female brainpower in, say, physics and the sciences), and that cultural shift overall in attitudes towards women that was responsible for that "problem that has no name" that Betty Friedan was writing about during the time. Friedan, of course, concluded that the "problem that has no name" was really women wanting "more" than being a mere housewife. Id.

But perhaps it was that very demonization of the housewife's role and that dissatisfaction with men in general among women that was causing all of the agitation. It doesn't, after all, take a psychiatrist to understand what happens whenever women become dissatisfied and distraught with the men in their lives- especially whenever they are dependent upon those very men for their sole protection or provision. As most women can attest, a general overall state of agitation and dissatisfaction typically sets in.

¹⁹ See Carol Harrington, What is "Toxic Masculinity" and Why Does it Matter? 24 *Men & Masculinities* 345, 346 (2021) (discussing the origins of the term "toxic masculinity." "Between 1990 and 2015, texts referring to toxic masculinity never numbered above 20 a year...The term took off as part of what some scholars have called a new 'feminist movement,' intensifying after 2014.").

²⁰ Id. at 347. And one can imagine that his father's generation, with their "authoritarian" and "militarized" masculinity, undoubtedly had much greater success with women, as well as much stabler families and marriages.

and even the OECD, as well as even by many liberal feminists- were to draw mothers into the paid labor market and encourage a more “engaged” form of fatherhood and “shared parenting.”²¹

Only by encouraging the hands-on mentoring and nurturing of an “engaged” father- and *never* the traditional love and nurturing of a mother- who displayed this “new” form of masculinity, could boys be prevented from growing up and becoming violent criminals. Single mothers and emotionally absent fathers apparently turned young men into violent criminals who do things such as commit mass shootings. Indeed, even the Columbine school shooting was blamed on emotionally absent fatherhood.²² It was also posited that “engaging” and encouraging men to be more hands-on and proactive with fatherhood would “tame” men and cause them to “adjust to the discipline of domestic routines” and stay with their families (as opposed to being antisocial criminals).²³

One wonders why these (violent and antisocial juvenile delinquent males with “toxic masculinity”) were never previous widespread social issues whenever the norm was that mothers were primarily nurturers and homemakers and fathers the primary breadwinners. The original aims of “toxic masculinity,” then, were to disparage women, and most specifically *mothers*, not men or fathers, and obliterate not only the traditional right of a woman to be financially provided for while nurturing her children, but also to rip apart traditional family patterns and the traditional sexual division of labor within families.

Even for those who acknowledge that feminism, no-fault divorce, and the sexual revolution have wreaked havoc on society, nobody ever suggests actually re-evaluating any of these policies at their foundation nor encouraging traditional families once again (something that has a time-honored record of *actually* working to create civilized society and responsible behavior among men and youth). No, instead the goal is to simply press forward and “make accommodations to the wreckage left in the wake of the sexual revolution and the breakdown of the traditional family.”²⁴ The ones hurt, of course, are not primarily men, but rather innocent women and children who get caught up in the cross-fire.

In summation on this point, “toxic masculinity” is now a term thrown around in the unofficial medical literature, in the media, among liberals, and among feminists, but its roots go much deeper to the demolition of traditional family patterns and the encouraging of more “inclusive” and alternative “forms” of masculinity. A more sensitive and softer form of masculinity, however, I would argue, is the root cause of not only the destruction of the family, but also the destruction of traditional sexual mores altogether. Men no longer see themselves as the providers and protectors of the female sex. They no longer seek to marry and provide for a wife. They are no longer pushed to focus on developing their traditional and stereotypical masculine strengths and abilities, and they no longer seek the traditional masculine role of leader. If they did, and a sort of stigma and social condemnation and ostracism attached to weak and effeminate men

²¹ See *id.*, at 348. (“Toxic masculinity provided a discourse for diagnosing men’s problems in the face of the gendered fall-out from deindustrialization, during which well-paid jobs in ‘masculine’ occupational sectors disappeared while feminized service sector occupations expanded. Influential organizations, such as the OECD, recommended increasing household incomes in such conditions by drawing mothers into paid work, while promoting shared parenting... There were calls for welfare systems to include fathers when offering family services.”)

²² See e.g., *id.*, at 347 (quoting U.S. National Fatherhood Initiative founder Don Eberly in 1999).

²³ *Id.* at 348.

²⁴ F. Carolyn Graglia, *A Nonfeminist’s Perspectives of Mothers and Homemakers Under Chapter 2 of the ALI Principles of the Law of Family Dissolution*, 2001 *BYU L. Rev.* 993, 1002 (2001).

who strayed from traditional masculine roles and patterns of behavior, and who sought instead to be, act, or live more like a female, it is unlikely that all of these “alternative” genders and sexualities could truly flourish in society. It is also unlikely that biological males could or would ever openly seek to dress, act, and behave like women, join the girl’s team, or invade women’s spaces for the sole purpose of seeking to *become* one of the girls.

If women had the protection of men who displayed and internalized the traditional masculine roles of protector and provider, and society and the law once again placed women into a protected class (i.e., “women and children first,” and traditional protective legislation for the female sex) then they would never be put in a position of having to defend themselves against men invading their private spaces like we are now seeing en masse on a societal scale. Women would not have to worry about being officially placed in the position of directly competing against men. And women would never be told to just shut up and deal with it, and stop being lying “transphobes,” because the term “woman” will not be defined, when a “transgender woman” wants to move into their private quarters, undress in front of them, or watch them undress.

Conclusion

A decade ago it was all over the news, with panic and hysteria all around, that we were witnessing “the end of men.”²⁵ But I think that, rather, time is showing the exact opposite to be true. In a society that no longer takes any notice, nor gives any special consideration, to women’s unique problems and circumstances, what we are witnessing today in the modern world is not the end of *men*, but rather the slow annihilation and end of *women*. Perhaps it is men, then, who should ask themselves if this- the end of women- is something that *they* truly desire or actually want.

²⁵ See e.g., Hanna Rosin, The End of Men, The Atl. (June 8, 2010), <https://www.theatlantic.com/magazine/archive/2010/07/the-end-of-men/308135/> (women out-achieving men; the future is female where females will be preferred to males; men marginalized and outcast with no support groups, etc.... Success for women, of course, is defined solely in terms of workplace achievement and political representation. The things that have always been most important and dearest to the hearts of most women- marriage, motherhood, stable and enduring relationships with men who stick around for a lifetime- are given no consideration in the analysis of women’s “achievements” or “advancement.”).