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POINTS AGAINST POSTMODERNISM

CATHARINE A. MACKINNON*

For an American feminist . . . reading *The Newly Born Woman* is like going to sleep in one world and waking in another—going to sleep in a realm of facts, which one must labor to theorize, and waking in a domain of theory, which one must strive to (f)actualize.

—Sandra M. Gilbert¹

It has been over a quarter of a century since, according to Mary Joe Frug, “MacKinnon . . . launched feminism into social theory orbit.”² In the context of the women’s movement practice at the time, my thought in taking up method was that women’s situation lacked and needed a full-dress theory of its own, and that the experience of women had a distinctive contribution to make to political theory on the epistemic level. Back then, my view was that the relation between knowledge and power was the central issue that women’s situation and formal theory posed for each other, and that sexuality was where this issue was crucially played out.³ Almost thirty years later, the

* These thoughts were originally given as a talk in Valencia, Spain, to the seminar on Feminism and Politics for the International University Menendez y Pelayo (UIMP), University of Valencia, on July 4, 1996. I had thought that the tendency criticized would wither away in deserved obscurity; many have made related criticisms. See, e.g., *RADICALLY SPEAKING: FEMINISM RECLAIMED* 279-420 (Diane Bell & Renate Klein eds., 1996). Students persuaded me that this piece gave them back something that had been taken from them. For the generosity of their insightful comments, and their kind attempts (however unavailing) to watch my back, I am grateful to Martha Nussbaum, Don Herzog, Anita Bernstein, Marc Spindelman, and Lisa Cardyn. I also thank Dennis Westlind, Paul Ferak, and Steve Moeller-Sally for their assistance.

1. Sandra M. Gilbert, *Introduction: A Tarantella of Theory*, in HÉLÈNE CIXOUS AND CATHERINE CLÉMENT: *THE NEWLY BORN WOMAN* ix, x (Betsy Wing trans., 1986).

2. Mary Joe Frug, *A Postmodern Feminist Legal Manifesto (An Unfinished Draft)*, 105 *HARV. L. REV.* 1045, 1045 (1992). The parts on method in CATHARINE A. MACKINNON, *TOWARD A FEMINIST THEORY OF THE STATE* (1989), were essentially written in 1971 and 1972, circulated, and then published in pieces in 1982 and 1983 in *Signs*, one part subtitled *An Agenda for Theory*. The book as a whole was published 15 years later.

3. Unknown to me, Foucault may have been writing on similar themes at around the same time or slightly later. Foucault’s *Surveiller et punir: Naissance de la prison*, containing some brief abstract passages about knowledge and power in the first chapter, appeared in French in 1975; he spoke on the same ideas in public in 1978. See JAMES MILLER, *THE PASSION OF MICHEL FOUCAULT* 233-34, 301-05 (1993) (discussing the knowledge/power relation as Foucault expressed it during this period); see also MICHEL FOUCAULT, *1 HISTOIRE DE LA SEXUALITÉ* (1976); *POWER/KNOWLEDGE: SELECTED INTERVIEWS AND OTHER WRITINGS 1972-1977* (Colin Gordon ed. & Colin Gordon et al. trans., 1980).

discussion launched then is far from finished.

I.

Feminism's development as theory is impelled by the realities of women's situation. Women's lives, the women's movement has found, have contours with content. Centrally, women's lives were found to have been lived mainly in silence, of which existing theories were ignorant. Almost totally silenced has been women's sexual violation by men. Beginning in the early 1970s, direct engagement with this social reality—not reality in the abstract, *this* reality in the broken-down immediate socially lived-out concrete—exposed the regularities and widespread extent and trauma of sexual abuse in childhood, the pervasiveness of rape and other sexual assault, the torture and shame of battering, the routine existence of sexual harassment at work, in school and on the street, and the endemic abuse constituted by pornography and prostitution. The extent and nature of these practices and their place in sexual politics, hence politics, were uncovered and examined. Once this genealogy and its continuity with sexuality more generally was established, nothing from the state to interest groups to culture to intimate relations looked as it had. One implication was that both knowing and the known had to be remade to contend with the role of male power in constructing them.

This practical confrontation with the specific realities of sexual and physical violation created feminist theory, including so-called high theory, in form and content. That these realities were gendered was not assumed, posited, invented, or imagined. Gender was not created in our minds after reading philosophy books other people wrote; it was not a Truth that we set out to establish to end academic debates or to create a field or niche so we could get jobs. It was what was found there, by women, in women's lives. Piece by bloody piece, in articulating direct experiences, in resisting the disclosed particulars, in trying to make women's status *be* different than it was, a theory of the status of women was forged, and with it a theory of the method that could be adequate to it: *how* we had to know in order to know *this*.

This particular theory, so built, was a theory of sex inequality and more broadly of sexual politics. In and from the experience of woman after woman emerged a systematic, systemic, organized, structured, newly coherent picture of the relations between women

and men that discernibly extended from intimacy throughout the social order and the state. Our minds could know it was real because our bodies, collectively, lived through it. It therefore socially existed. Nor did its diversity undermine its reality; it constituted it. We said: this happens. The movement quickly became global, as women everywhere identified sex inequality in their own experience and its place in denying them whole lives.⁴ This particular cohered reality was not an example of what a new way of thinking about knowing or a new angle of vision produced by way of data; it was a specific reality that, collectively conscious, called for a new way of thinking about knowing.

Everything about this theory was, to repeat, particular. It was not general. It was concrete. It was not abstract. It was specific and grounded. It was not a uniform homogeneous unity. It was a complex whole. The point of the discussion of method in *Toward a Feminist Theory of the State* was to articulate the consequences of this new knowledge and the way it was apprehended for theory—specifically for the kind of philosophy that thought that a thought had to be general and abstract, meaning free of particularity of position or substantive social content, not experienced—in order to be validly theoretical. And to connect this new information on what took place in women's lives, silenced by prior theory, to law: law as a state practice, one that has also claimed its validity in putting generality and abstraction into a particular lived form backed by power and authority. The point was to take women's experience seriously enough—both the how and the what of it—to end the inequality. The process was to get to the bottom of the theoretical constructs that had covered it up and defined its reality as theoretically invalid and empirically nonexistent or at most marginal, and had institutionalized that theory and its products as governing norms in law.

“Women” was not an abstract category. “Women” in feminist theory, in contours and content, was thus, as a theoretical matter, formally largely new. Its content was the substantive experience that

4. See, e.g., *SISTERHOOD IS GLOBAL: THE INTERNATIONAL WOMEN'S MOVEMENT ANTHOLOGY* (Robin Morgan ed., Feminist Press 1996) (1984). For analysis of the process in the United States, see SARA EVANS, *PERSONAL POLITICS: THE ROOTS OF WOMEN'S LIBERATION IN THE CIVIL RIGHTS MOVEMENT AND THE NEW LEFT* (1979), ETHEL KLEIN, *GENDER POLITICS: FROM CONSCIOUSNESS TO MASS POLITICS* (1984), and RUTH ROSEN, *THE WORLD SPLIT OPEN: HOW THE MODERN WOMEN'S MOVEMENT CHANGED AMERICA* (2000). For documents, see *IN THE COMPANY OF WOMEN: VOICES FROM THE WOMEN'S MOVEMENT* (Bonnie Watkins & Nina Rothchild eds., 1996), and *RADICAL FEMINISM: A DOCUMENTARY READER* (Barbara A. Crow ed., 2000).

women in all their particularities and variations had. Not because the theory corresponded to this reality, but because it *was constituted by it*. This was not a general theory of particulars, it was a theory built of these particulars: a particular theory. It was built on, and accountable to, women's experiences of abuse and violation. Its grounded construction and engaged accountability was not a posture it adopted or a flag it flew. It was what it was made of, what it did. It did not purport to be the one true account of how everything really is. It claimed to be accurate and accountable to the social world that constituted it. It related to the reality it theorized in this new way.

Feminism did call for rethinking everything. For one simple instance, the distinction drawn since the Enlightenment between the universal and the particular was revealed to be false, because what had been called universal was the particular from the point of view of power. For another, the subjective/objective division was revealed to be false, because the objective standpoint—or so I argued in *Toward a Feminist Theory of the State*—was specifically the view from the male position of power. That is, those who occupy what is called the objective standpoint socially, who also engage in the practice from that standpoint called objectification—the practice of making people into things to make them knowable—this standpoint and practice is an expression of the social position of dominance that is occupied by men. This standpoint is not positionless or point-of-viewless, as it purports to be; it does not simply own accuracy and fairness as many believe; it embodies and asserts a specific form of power, one that had been invisible to politics and theory but, by feminism, lay exposed as underlying them.

This theory was not an affirmation of the feminine particularity as opposed to the masculine universal. It was not a claim to female subjectivity or a search for it. It saw that these concepts, and the purported divide between them, are products of male power that cannot see themselves or much else. Until exposed, these concepts looked general, empty of content, universally available to all, valid, mere tools, against which all else fell short. Feminism exposed how prior theory was tautologous to its own terms of validation, and could hardly be universal because it had left out at least half the universe.

Neither did feminism precisely lay claim to the territory that women had been assigned under this system. More, it was its claim to us that we sought to *disclaim*. We were not looking for a plusher cell or a more dignified stereotype. We were not looking to elaborate the feminine particularity as if it was ours; we had been living inside its

walls for centuries. We were not looking to claim the subjectivity or subject position to which we had been relegated any more than we sought to oppress others by gaining access to the power to objectify and dominate that we had revealed as such. All this would have left what we were trying to challenge squarely in place; by comparison with our agenda, it was playing with, or within, blocks. Identity as such was not our issue. Inside, we knew who we were to a considerable extent. Gender identity—the term introduced by Robert Stoller in 1964 to refer to the mental representation of the self as masculine or feminine—situates women’s problem in the wrong place.⁵ Our priority was gaining access to the reality of our collective experience in order to understand and change it for all of us in our own lifetimes.

My own work provides just one illustration of how this philosophical approach of theory from-the-ground-up has been productive in practice. This theory, applied, produced the claim for sexual harassment as a legal claim for sex discrimination.⁶ So now, when a woman is sexually harassed and she speaks of it, that is not simply a woman speaking in a different voice, or narrating her subject experience of her situation. She is saying what happened to her. And what happened to her, when it happens, is now authoritatively recognized in law as inequality on the basis of sex, that is, as a violation of women’s human rights. The civil remedy under the Violence Against Women Act uses the same logic to recognize that rape and battering can be practices of sex discrimination.⁷ Similarly, Andrea Dworkin’s and my proposed law that pornography be recognized as a practice of sex discrimination is based on the realities of the experience of women violated through the making and use of pornography. Under it, women’s testimony about their abuse through pornography would be recognized as evidence, so that pornography is legally seen to do the injuries that it does in reality.⁸ The same approach produced the argument, adopted by the Second

5. See Robert J. Stoller, *A Contribution to the Study of Gender Identity*, 45 INT’L J. PSYCHO-ANALYSIS 220, 220 (1964).

6. See generally CATHARINE A. MACKINNON, *SEXUAL HARASSMENT OF WORKING WOMEN: A CASE OF SEX DISCRIMINATION* (1979).

7. Violence Against Women Act of 1994, Pub. L. No. 103-322, tit. IV, 108 Stat. 1796, 1902-55.

8. See generally ANDREA DWORKIN & CATHARINE A. MACKINNON, *PORNOGRAPHY AND CIVIL RIGHTS: A NEW DAY FOR WOMEN’S EQUALITY* (1988); IN *HARM’S WAY: THE PORNOGRAPHY CIVIL RIGHTS HEARINGS* (Catharine A. MacKinnon & Andrea Dworkin eds., 1997).

Circuit, that when rape is an act of genocide in fact, it is an act of genocide in law. That is, sexually violating women because they are women of a particular ethnic or religious community aims to destroy that community.⁹

Just these few examples of the practice of this theory show a two-pronged transformation taking place. By including what violates women under civil and human rights law, the meaning of “citizen” and “human” begins to have a woman’s face. As women’s actual conditions are recognized as inhuman, those conditions are being changed by requiring that they meet a standard of citizenship and humanity that previously did not apply because they were women. In other words, women both change the standard as we come under it and change the reality it governs by having it applied to us. This democratic process describes not only the common law when it works but also a cardinal tenet of feminist analysis: women are entitled to access to things as they are and also to change them into something worth us having.

Thus women are transforming the definition of equality not by making ourselves the same as men, entitled to violate and silence, or by reifying women’s so-called differences, but by insisting that equal citizenship must include what women need to be human, including a right not to be sexually violated and silenced. This was done in the Bosnian case by recognizing ethnic particularity, not by denying it. Adapting the words of the philosopher Richard Rorty, we are making the word woman a “name of a way of being human.”¹⁰ We are challenging and changing the process of knowing and the practice of power at the same time. In other words, it works.

Feminism made a bold claim in Western philosophy: women can access our own reality because we live it; slightly more broadly, that living a subordinated status can give one access to its reality. Not reality with a capital R—this particular social reality. Since women were not playing power games or trying to win academic debates, we did not claim privilege. We simply claimed the reality of women’s experience as a ground to stand on and move from, as a basis for conscious political action. As it turned out, once rescued from

9. See *Kadic v. Karadžić*, 70 F.3d 232, 241-42 (2d Cir. 1995) (brought against Radovan Karadžić by Bosnian Croat and Bosnian Muslim women survivors for sexual atrocities in his genocidal “ethnic cleansing” campaign to eliminate all non-Serbs from Bosnia-Herzegovina), *cert. denied*, 518 U.S. 1005 (1996). A New York jury awarded the plaintiffs \$745 million in damages on August 10, 2000.

10. Richard Rorty, *Feminism and Pragmatism*, 30 MICH. Q. REV. 231, 234 (1991).

flagrant invisibility, women's realities could often be documented in other ways and nearly anyone proved able to understand them with a little sympathetic application. Women turned the realities of powerlessness into a form of power: credibility. And reality supported us. What we said was credible because it was real. Few people claimed that women were not violated in the ways we had found or did not occupy a second class status in society. Not many openly disputed that what we had uncovered did, in fact, exist. What was said instead was that in society, nothing really exists.

II.

During the same twenty-five year period that this theory and practice have been ongoing, a trend in theory called postmodernism has been working on undoing it. Its main target is, precisely, reality. Postmodernism, I will argue—or more narrowly, the central epistemic tendency in it that I am focusing on—derealizes social reality by ignoring it, by refusing to be accountable to it, and, in a somewhat new move, by openly repudiating any connection with an “it” by claiming “it” is not there.

Postmodernism is a flag flown by a diverse congeries, motley because lack of unity is their credo and they feel no need to be consistent. Part of the problem in coming to grips with postmodernism is that, pretending to be profound while being merely obscure (many are fooled), slathering subjects with words, its self-proclaimed practitioners fairly often don't say much of anything.¹¹ A third part of the problem is that some commentators credit postmodernism with ideas that serious critical traditions originated and have long practiced. For example: “Balkin has been one of the few legal writers willing to explore postmodern issues such as the social construction of reality, the role of ideology, and the problem of social critique.”¹² Jack Balkin does explore these themes, calling that

11. A splendid illustration is the parody of postmodern writing that was in fact gibberish that was accepted and published in a leading postmodern journal. See generally Alan D. Sokal, *Transgressing the Boundaries: Toward a Transformative Hermeneutics of Quantum Gravity*, SOC. TEXT, Spring/Summer 1996, at 217. Mr. Sokal said he did this because he was “an unabashed Old Leftist who never quite understood how deconstruction was supposed to help the working class.” ALAN SOKAL & JEAN BRICMONT, FASHIONABLE NONSENSE: POSTMODERN INTELLECTUALS' ABUSE OF SCIENCE 269 (1998). The emptiness at the core of some postmodern writing, deflected by jazzy footwork on the surface, is laid bare by Martha C. Nussbaum, *The Professor of Parody*, NEW REPUBLIC, Feb. 22, 1999, at 37.

12. Stephen M. Feldman, *The Politics of Postmodern Jurisprudence*, 95 MICH. L. REV. 166, 202 (1996).

work postmodern, but legal feminists have been exploring them in depth for about thirty years, as have Marxists and some legal realists, beginning long before, to name only some. Another part of the problem is that postmodernism steals from feminism—claiming for example that the critique of objectivity is a postmodern insight—and covering its larceny by subsuming feminism as a subprovince of postmodernism.¹³

In any event, the appellation “postmodernism” does cohere a constellation of recent tendencies and sentiments in theory. To trace my particular theme, I analyze three issues that are central to women, politics, and theory, to see what postmodernism has made of feminism’s methodological breakthrough just described. These three issues roughly parallel Jane Flax’s discussion of postmodernism as revolving around the death of man, the death of metaphysics, and the death of history.¹⁴ I do not criticize all that is called postmodern or defend everything said by its detractors; in particular, the American mutation I focus upon is distinguishable from some European poststructuralists whom the Americans appropriate for a patina of authority. Far from attempting to tar them all with this brush, I invite anyone to disidentify with what I describe. And to stop doing it any time.

A. “Women”

Postmodernism’s rejection of universals has been described by Lyotard, defining postmodernism, as “incredulity toward meta-narratives.”¹⁵ In its feminist guise, this theme runs under the criticism of “the grand narratives” of feminist theory,¹⁶ questioning in the name of “differences” whether “women” exist and can be spoken of, or

13. One aspect of this problem is illustrated by loopy readings that call everything that is critical of the status quo “postmodern.” See, e.g., Steven G. Gey, *The Case Against Postmodern Censorship Theory*, 145 U. PA. L. REV. 193 (1996) (calling my work postmodern throughout).

14. See JANE FLAX, *THINKING FRAGMENTS: PSYCHOANALYSIS, FEMINISM, AND POSTMODERNISM IN THE CONTEMPORARY WEST* 32-35 (1990). Flax’s analysis is usefully discussed by SEYLA BENHABIB, *SITUATING THE SELF: GENDER, COMMUNITY AND POSTMODERNISM IN CONTEMPORARY ETHICS* 211-30 (1992).

15. JEAN-FRANÇOIS LYOTARD, *THE POSTMODERN CONDITION: A REPORT ON KNOWLEDGE* xxiv (Geoff Bennington & Brian Massumi trans., 1984).

16. Lyotard writes of various “grand narratives” throughout *The Postmodern Condition*, see *supra* note 15. Nancy Fraser and Linda J. Nicholson criticize the “quasi-metanarratives” of what they see as nonpostmodern feminism. See Nancy Fraser & Linda J. Nicholson, *Social Criticism Without Philosophy: An Encounter Between Feminism and Postmodernism*, in *FEMINISM/POST-MODERNISM* 19, 26-34 (Linda J. Nicholson ed., 1990). No “meta” I have ever encountered has also been “quasi.”

died with “man.” As Mary Joe Frug articulated this point: “I am in favor of localized disruptions. I am against totalizing theory.”¹⁷ Anti-essentialism is one facet of this objection: the view that there is no such thing as “women” because there are always other aspects to women’s identities and bases other than sex for their oppressions. The defense of multiculturalism is another facet of it: there is no such thing as women in the singular, there are only women in the plural, many different particularized, localized, socially constructed, culturally modified women, hence no “women” in what post-modernists imagine is the feminist sense.

If anyone does “grand narratives,” I suppose I do, so I think I’m entitled to say that I don’t know that they’re talking about. As to “totality”—a bloated, overfed but also oddly empty term—what is one against when one is “against totalizing theory”? Why doesn’t anyone say what is meant by the term? Why aren’t there footnotes to the charge?¹⁸ One imagines it is a reference to Marx and Freud. It is apparently a synonym for “universal,” but, just to begin with, no analysis that is predicated on a gender division can be a universal one.

Feminism has also never, to my knowledge, had what is called a “monocausal” narrative,¹⁹ at least I haven’t. We do not say that gender is all there is. We have never said it explains everything. We have said that gender is big and pervasive, never not there, that it has a shape and regularities and laws of motion to it, and that it explains a lot—much otherwise missed, unexplained. It is a feature of most everything, pervasively denied. That does not mean that everything reduces to gender, that it is the only regularity or the only explanation for things, the single cause of everything, or the only thing there. It is also worth repeating that sexual politics, in feminism, is not an overarching preexisting general theory that is appealed to in order to understand or explain, but a constantly provisional analysis in the process of being made by the social realities that produce(d) it.

17. Frug, *supra* note 2, at 1046.

18. An example of sloppy reading combined with the use of this term as epithet to spit on feminist work, without citations, is found in Donna Haraway, *A Manifesto for Cyborgs: Science, Technology, and Socialist Feminism in the 1980s*, SOCIALIST REV., Mar.-Apr. 1985, at 65, 77-78. “Fragmentation, indeterminacy, and intense distrust of all universal or ‘totalizing’ discourses (to use the favoured phrase) are the hallmark of postmodernist thought.” DAVID HARVEY, THE CONDITION OF POSTMODERNITY: AN ENQUIRY INTO THE ORIGINS OF CULTURAL CHANGE 9 (photo. reprint 1990) (1989).

19. This charge is ubiquitous; one example is Celina Romany, *Ain’t I a Feminist?*, 4 YALE J.L. & FEMINISM 23, 23 (1991). A term sometimes used as a synonym is “reductionist.” See Martha R. Mahoney, *Whiteness and Women*, In *Practice and Theory: A Reply to Catharine MacKinnon*, 5 YALE J.L. & FEMINISM 217, 221 (1993).

The postmodern critique of feminism seems to assume that the “women” of feminist theory are all the same, homogeneous, a uniform unit. I do not know where they got this idea either. Not from me. They don’t say. This notion that everyone must be the same to have access to the label “women” is not an idea that operates in feminist theory to my knowledge. That uniformity is a standard theoretical property of a category does not mean that it is feminism’s concept of women. Women, in feminist theory, are concrete; they are not abstract. They are not sex or gender, they are marked and defined and controlled by it. Gender, in feminist analysis, is also observed to be powerfully binary in society, but not exclusively so; power divisions are observed to exist within sex-defined groups as well as between them, so also in the feminist theory of gender.

Of course, feminism in one sense started the critique of universality as currently practiced by showing how women are left out of the human episteme. We took the critique of society as socially constructed to a new depth by showing how even something often thought by others to be biological—sexuality—is social, and draws power lines. Feminism thus does not “assume,”²⁰ it rather builds, its “women.” From women who socially exist. When feminism makes its “women” from the ground up, out of particularities, from practice, rather than from the top down, out of abstractions and prior theory, the so-called essentialism problem cannot occur.²¹ The claim that feminism is essentialist also serves to obscure the formative role of women of color and lesbians, among others, in every part of the feminist theory discussed. They as much as any, and more than most, created the women’s movement’s, and feminism’s, “women.”

Postmodernism natters on about how feminism privileges gender,²² but seldom says what that means either. If to privilege gender means that feminism arranges gender at the top of some

20. Fraser and Nicholson falsely assert that social theorists like me assume the universal significance of constructs like sexuality before constructing genealogies of them. See Fraser & Nicholson, *supra* note 16, at 31; see also JUDITH BUTLER, *GENDER TROUBLE: FEMINISM AND THE SUBVERSION OF IDENTITY 1* (1990) (“For the most part, feminist theory has assumed that there is some existing identity, understood through the category of women . . .”).

21. See generally Catharine A. MacKinnon, *From Practice to Theory, or What Is a White Woman Anyway?*, 4 *YALE J.L. & FEMINISM* 13 (1991).

22. See, e.g., Jane Flax, *Postmodernism and Gender Relations in Feminist Theory*, in *FEMINISM/POSTMODERNISM*, *supra* note 16, at 39, 45 (accusing feminism of “privileg[ing] the man as unproblematic or exempted from determination by gender relations”); Fraser & Nicholson, *supra* note 16, at 27, 34-35 (advocating the need to replace feminism’s “unitary notions of woman and feminine gender identity with plural and complexly constructed conceptions of social identity, treating gender as one relevant strand among others”); see also Susan H. Williams, *Feminist Legal Epistemology*, 8 *BERKELEY WOMEN’S L.J.* 63 (1993).

hierarchy of oppressions, the allegation is false, at least as to me. I don't do hierarchy. If these critics mean that feminists think gender matters a lot, and often read situations in terms of dynamics of gender hierarchy, and refuse to shut up about gender as a form of domination, they're right. They should say why, in each instance, we are wrong to do so, why its place in our analysis is unearned. Male supremacy "privileges" gender; we criticize it.

A related argument is that feminism "essentializes" gender. One concept of anti-essentialism (there are many) is defined by Tracy Higgins, as "the rejection . . . of the idea that particular characteristics can be identified with women over time and across cultures."²³ It seems to me that this presents an empirical rather than a conceptual question. Do characteristics exist that can be identified with—meaning found in the reality of—the status of women across time and place, including by those women themselves? Women report the existence of such regularities: sex inequality, for one. It is either there or it is not. One does not oppose the observation that it is there in the name of an idea that rejects thinking that it is there. Once it has been found to exist, to say it isn't there, show it isn't there—show, for example, that female genital mutilation is a collective delusion or harmless or a practice of equality. Women worldwide say that society after society contains practices that treat them unequally to men. To contest this, find a society where they are equal, where unequal practices do not exist. To contest the documentation of common characteristics of women's status across time and place, show they are not there. Of course, social reality has to exist to pursue this. What the postmodernists seem to be saying here is that they don't like the idea that women are unequal everywhere. Well, we don't like it either.

Much of what has animated the critique of the so-called essentialism of feminist theory is the criticism that feminism is racist—that the image of "the feminine" in feminism, according to this critique, has a white woman's face. This criticism applies to the racism of the academy that calls itself feminist but refuses to credential women of color as theorists or appropriates their work as part of its pluralism while itself doing nothing any differently than it did before. It also applies to the racism of the media that presents itself as sympathetic but does not, for example, show how women of

23. Tracy E. Higgins, *Anti-Essentialism, Relativism, and Human Rights*, 19 HARV. WOMEN'S L.J. 89, 91 n.14 (1996).

color formed feminism since its beginning and continue to do so today. It best criticizes the feminist face of liberal elitism that passes for feminism in some quarters, including in the women's movement. But unlike "essentialism," which sounds like you're talking theory, racism is an ugly, academically nonpresentable, and risky political word that pisses off white people. So instead of saying that something or someone is racist, which they often are, we get the obscure philosophical swear word "essentialist" or we hear that feminists do not take "difference" into account.²⁴

Nice neutral word, difference, and it has all that French credibility. Never mind that differences can simply be fragmented universals. It doesn't improve one's ability to analyze hierarchy as socially constructed to add more pieces called differences if the differences are seen as biologically determined to begin with. You can have a biological theory of race just like you can have a biological theory of gender, and you've gotten equally nowhere in terms of dismantling social hierarchy. Put another way, if women don't exist, because there are only particular women, maybe Black people don't exist either, because they are divided by sex. Probably lesbians can't exist either, because they are divided by race and class; if women don't exist, woman-identified women surely don't exist, except in their heads. We are reduced to individuals, which, of all coincidences, is where liberalism places us. With its affirmation of women's commonalities in all their diversity, it is feminism that rejects the view that "woman" is a pre-social, i.e., biologically determined, category and the notion that all women are the same. Feminism and essentialism cannot occupy the same space.

The postmodern attack on universality also proves a bit too much. Inconveniently, the fact of death *is* a universal—approaching 100%. Whatever it means, however it is related-to culturally and spiritually, whatever happens after it, it happens. Much to the embarrassment of the anti-essentialists, who prefer flights of fancy to gritty realities, life and death is even basically a binary distinction—and not a very nuanced one either, especially from the dead side of the line, at least when seen from the standpoint of the living, i.e., as far as we know. And it is even biological at some point. So the idea that there is nothing essential, in the sense that there are no human universals, is dogma. Ask most anyone who is going to be shot at

24. One example is Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 591-92 (1990).

dawn.

Multiculturalism is a politically normative version of the anthropological notion of cultural relativism premised on the view “that all cultures are equally valid.”²⁵ The postmodern version of the multiculturalist critique assumes that the speaker takes their own culture and its values to be valid, and criticizes other cultures from the standpoint of their own. Feminism, however, questions the cultural validity of subordinating women to men anywhere. Feminism does not assume that “other” cultures²⁶ are to be measured against the validity of their own, because feminism does not assume that anyone’s culture, including their own, is valid. How could we? Defenses of local differences, as they are called,²⁷ are often simply a defense of male power in its local guise. Male power virtually always appears in local guises; one might hazard that there *are nothing but* local guises for male power. The fact that they are local does not improve them.

Two recent criminal cases in which a multicultural so-called “cultural defense” was employed show this multiculturalism’s dynamic, particularly its erasure of indigenous women, in operation. In *Chen*,²⁸ a Chinese immigrant man who beat his wife to death with a claw hammer was defended on the grounds that his rage and violence at the imagined infidelity of his wife were normal in his culture of origin. In another, *Rhines*,²⁹ an African-American man was accused of rape through physical force and verbal abuse of an

25. Higgins, *supra* note 23, at 95 (defining premises of cultural relativists); see Nancy Kim, *Toward a Feminist Theory of Human Rights: Straddling the Fence Between Western Imperialism and Uncritical Absolutism*, 25 COLUM. HUM. RTS. L. REV. 49, 56-59 (1993). Ruth Benedict is generally associated with the view that differing views of right and wrong have no validity outside their cultural setting. See RUTH BENEDICT, PATTERNS OF CULTURE 278 (Houghton Mifflin Co. 1989) (1934) (urging acceptance of cultural relativity as “a more realistic social faith, accepting as grounds of hope and as new bases for tolerance the coexisting and equally valid patterns of life which mankind has created for itself from the raw materials of existence”); see also MELVILLE J. HERSKOVITS, *Cultural Relativism and Cultural Values*, in PERSPECTIVES IN CULTURAL PLURALISM 11, 14-21 (Frances Herskovits ed., 1972); Jack Donnelly, *Human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights*, 76 AM. POL. SCI. REV. 303 (1982).

26. Feminists beginning with Beauvoir, together with antiracist analysts of race, largely made “the Other” mean what it now means, so postmodernists did not invent that one either. See SIMONE DE BEAUVOIR, *THE SECOND SEX* xxviii (H. M. Parshley ed. & trans., Vintage Books 1989) (1952).

27. A useful discussion of this theme can be found in Elspeth Probyn, *Travels in the Postmodern: Making Sense of the Local*, in FEMINISM/POSTMODERNISM, *supra* note 16, at 176.

28. *People v. Chen*, No. 87-7774 (N.Y. Sup. Ct. Dec. 2, 1988). The *Chen* case is discussed in further detail in Doriane Lambelet Coleman, *Individualizing Justice Through Multiculturalism: The Liberals’ Dilemma*, 96 COLUM. L. REV. 1093 (1996).

29. *People v. Rhines*, 182 Cal. Rptr. 478 (Ct. App. 1982).

African-American woman. His defense was that he mistakenly believed that she consented to the rape because Black people are routinely violent and yell at each other.³⁰ Presumably the racism of these assumptions is apparent, although the defenses were made in the name of opposing the racism of white culture in punishing these men for raping women of color and beating them to death. The African-American woman in the rape case was very clear that she was raped. If African-Americans yell at each other, she might be the first to know what it meant and not be silenced by it into acting like she wanted to have sex, or so he could think.

I would also like to know in what culture some men *don't* kill their wives for perceived infidelity (or just because . . .), and in what culture men are *not* supported in culturally-specific ways in believing that force is part of sex. (Let's move there.) What postmodernism gives us instead is a multicultural defense for male violence—a defense for it wherever it is, which in effect is a pretty universal defense. Pornography also provides an excellent cultural defense to rape in most Western cultures: the more pornography is consumed, the more difficult it is for men to know that they are using force when they force women into sex—so they *will* culturally believe that women consent to sex no matter how much force is used.³¹ Why are we coming up with a multicultural defense for *each* culture in which men specifically and particularly are permitted to believe rape is sex, instead of looking at the assumption that rape happens in a man's mind rather than in a woman's body in all of them? None of this would be possible if the dissenting women of each culture—the women who say, I was raped—were credited with knowing the reality of what was done to them.

B. Method

Postmodernism as practiced often comes across as style—petulant, joyriding, more posture than position. But it has a method, making metaphysics far from dead. Its approach and its position, its

30. *See id.* at 483.

31. A recent meta-analysis concluded that, taken together, the body of experimental studies shows that exposure to pornography increases rape myth acceptance—greater for violent pornography but also holding true for nonviolent pornography. *See* Mike Allen et al., *Exposure to Pornography and Acceptance of Rape Myths*, 45 J. COMM. 5 (1995). The same consequences of exposure were found in Japan. *See* Ken-Ichi Ohbuchi et al., *Effects of Violent Pornography upon Viewers' Rape Myth Beliefs: A Study of Japanese Males*, 1 PSYCHOL. CRIME & LAW 71, 77-78 (1994).

posture toward the world and its view of what is real, is that it's all mental. Postmodernism imagines that society happens in your head. Back in the modern period, this position was called idealism. In its continuity with this method, to offer a few examples, postmodernism has made the penis into "the phallus" and it is mostly observed to signify.³² Women have become "an ongoing discursive practice,"³³ or, ubiquitously, "the female body,"³⁴ which is written on and signified but seldom, if ever, raped, beaten, or otherwise violated. Racism and homophobia are elided "differences" in disguise.

Abuse has become "agency"—or rather challenges to sexual abuse have been replaced by invocations of "agency," women's violation become the sneering wound of a "victim" pinned in arch quotation marks.³⁵ Instead of facing what was done to women when we were violated, we are told how much freedom we had at the time. (For this we need feminism?) Agency in the postmodern lexicon is a stand-in for the powerless exercising power; sometimes it means freedom, sometimes self-action, sometimes resistance, sometimes desire. We are not told which of these is meant, precisely, or how any or all of these things are possible under the circumstances. It would be good to know. Oddly missing in this usage is what an agent legally is: someone who acts for someone else, the principal, who is pulling

32. See BUTLER, *supra* note 20, at 55-60. For conflation of penis with phallus, see Drucilla Cornell, *The Doubly-Prized World: Myth, Allegory and the Feminine*, 75 CORNELL L. REV. 644, 661-62 (1990); Ellie Ragland, *Lacan and the Subject of Law: Sexuation and Discourse in the Mapping of Subject Positions that Give the Ur-Form of Law*, 54 WASH. & LEE L. REV. 1091 (1997); Adelaide H. Villmoare, *Feminist Jurisprudence and Political Vision*, 24 LAW & SOC. INQUIRY 443, 455-56 (1999). To Lacan, of course, the phallus is not the penis, but the object of desire for that which is lacked. See JACQUES LACAN, *The Signification of the Phallus*, in *ÉCRITS: A SELECTION* 281, 285-91 (Alan Sheridan trans., W. W. Norton & Co. 1977) (1966). My point is that the penis has a behavioral reality in male dominance—it does actual things—and that theorizing "the phallus" has largely served to distract rather than to focus the project of understanding what it does. The phallus in this discourse is abstract; the penis remains relentlessly concrete, but not on postmodern pages, although even French feminists began concretely initially. See, e.g., Benoîte Groult, *Night Porters*, in *NEW FRENCH FEMINISMS: AN ANTHOLOGY* 68 (Elaine Marks & Isabelle de Courtivron eds. & Ellisa Gelfand trans., 1980); LUCE IRIGARAY, *CE SEXE QUI N'EN EST PAS UN* (1977); Dominique Poggi, *A Defense of the Master-Slave Relationship*, in *NEW FRENCH FEMINISMS*, *supra*, at 76.

33. BUTLER, *supra* note 20, at 33.

34. This can be located in postmodern literature virtually at random, but a good example is found in Butler. See *id.* at 79-141.

35. On "agency," see generally Kathryn Abrams, *From Autonomy to Agency: Feminist Perspectives on Self-Direction*, 40 WM. & MARY L. REV. 805 (1999), Kathryn Abrams, *Sex Wars Redux: Agency and Coercion in Feminist Legal Theory*, 95 COLUM. L. REV. 304 (1995), and James Boyle, *Is Subjectivity Possible? The Postmodern Subject in Legal Theory*, 62 U. COLO. L. REV. 489 (1991). Exemplifying "victim," see WENDY BROWN, *STATES OF INJURY: POWER AND FREEDOM IN LATE MODERNITY* 93 (1995). The injury of social subordination is also rendered "the 'injury' of social subordination." *Id.* at 27; see also BUTLER, *supra* note 20, at 142-47 (on "agency").

their strings.

Domination, postmodernists know exists, but they don't tell us how or where or why. It is something that no one does or has done to them but somehow winds up in "gendered lopsidedness."³⁶ What we used to call "what happened to her," has become, at its most credible, "narrative." But real harm has ceased to exist.

So whole chapters of books with "pornography" in their titles can be written without ever once talking about what the pornography industry concretely does, who they are, or what is done to whom in and with the materials.³⁷ There is no discussion of how pornography exploits and mass-produces sexual abuse. There is not even an extension of the early work on the scopie drive by Foucault, Lacan, and Irigaray (who are even French)—an analysis that is readily extendable to describe the aggressive appropriation and trafficking of women in pornography.³⁸ Nor have I noticed the multiculturalists out there opposing the spread of pornography from Scandinavia, Germany, and the United States on grounds of cultural imperialism, and it's taking over the world. The point of postmodernism is to get as far away from anything real as possible.

Postmodern feminists seldom build on or refer to the real lives of real women directly; mostly, they build on the work of French men, if selectively and often not very well.³⁹ Foucault, for instance, studied some real practices, though he mostly missed gender, which from the standpoint of feminism is a rather big thing to miss. Foucault's elision of gender, feminist postmodernists try endlessly to fix, but his actual engagement with reality—"I'm an empiricist"⁴⁰—they have totally abandoned. Feminist postmodernism is far, far away from the realities of the subordination of women. All women should be so fortunate.

36. Frug, *supra* note 2, at 1052.

37. See, e.g., ROSI BRAIDOTTI, *NOMADIC SUBJECTS: EMBODIMENT AND SEXUAL DIFFERENCE IN CONTEMPORARY FEMINIST THEORY* 57-74 (1994); DRUCILLA CORNELL, *THE IMAGINARY DOMAIN: ABORTION, PORNOGRAPHY & SEXUAL HARASSMENT* 95-163 (1995).

38. See MICHEL FOUCAULT, *DISCIPLINE AND PUNISH: THE BIRTH OF THE PRISON* 195-228 (Alan Sheridan trans., Vintage Books 1978) (discussing panopticism); IRIGARAY, *supra* note 32, at 25-26 (describing women's entrance into "une économie scopique dominante"); JACQUES LACAN, *THE FOUR FUNDAMENTAL CONCEPTS OF PSYCHO-ANALYSIS* 67-78 (Alan Sheridan trans., W W. Norton & Co. 1978) (1973) (on originating "scopie drive").

39. See Christine Delphy, *The Invention of French Feminism: An Essential Move*, 87 *YALE FRENCH STUD.* 190, 196 (1995).

40. MICHEL FOUCAULT, *On Power, in POLITICS, PHILOSOPHY, CULTURE: INTERVIEWS AND OTHER WRITINGS 1977-1984*, at 96, 106 (Lawrence D. Krizman ed. & Alan Sheridan et al. trans., 1988).

C. Reality

It is my view that it is the *relation* of theory to reality that feminism changed, and it is in part a reversion to a prefeminist relation of theory to reality that postmodernism is reimposing. This is not about truth. Truth is a generality, an abstraction of a certain shape and quality. Social realities are something else again. Postmodernism has decided that because truth died with God, there are no social facts. The fact that reality is a social construction does not mean that it is not there; it means that it is there, in society, where we live.

According to postmodernism, there are no facts; everything is a reading, so there can be no lies. Apparently it cannot be known whether the Holocaust is a hoax, whether women love to be raped, whether Black people are genetically intellectually inferior to white people, whether homosexuals are child molesters. To postmodernists, these factish things are indeterminate, contingent, in play, all a matter of interpretation. Similarly, whether or not acts of incest happened or are traumatic to children become fogged over in “epistemological quandaries” as beyond thinking, beyond narrative, beyond intelligibility, as “this event that is no event”—as if survivors have not often reported, in intelligible narratives, that such events did happen and did harm them.⁴¹ That violation often damages speech and memory does not mean that, if one has speech and memory, one was not violated. Recall when Bill Clinton, asked about his sexual relationship with a young woman intern, said that it all depended on what “is” means. The country jeered his epistemic dodge as a transparent and slimy subterfuge to evade accountability: get real. The postmodernists were strangely silent. But you can’t commit perjury if there are no facts. Where are these people when you need them?

What postmodernists want, I have come to think, apart from to live in their heads instead of in the world (that old dodge), is to vault themselves out of power methodologically. They want to beat

41. Judith Butler, *Quandaries of the Incest Taboo*, in WHOSE FREUD? THE PLACE OF PSYCHOANALYSIS IN CONTEMPORARY CULTURE 39, 40-41 (Peter Brooks & Alex Woloch eds., 2000). Reports of events of incest form the extensive database analyzed by DIANA E. H. RUSSELL, *THE SECRET TRAUMA: INCEST IN THE LIVES OF GIRLS AND WOMEN* (1986). Widely overlooked is the excellent study by Linda Williams that begins with medically documented acts of child abuse and locates survivors 17 years later to inquire into their memory of the events. Thirty-eight percent did not recall them. See Linda Meyer Williams, *Recall of Childhood Trauma: A Prospective Study of Women’s Memories of Child Sexual Abuse*, 62 J. CONSULTING & CLINICAL PSYCHOL. 1167 (1994).

dominance at its own game, which is usually called dominating. They want to win every argument in advance. Also, if everything is interpretation, you can never be wrong. Feminism has faced that you don't know what is real by getting outside your determinants (which you can't do anyway) but by getting deep inside them with a lot of other people with the same foot (even feet) on their necks. Abdicating this, feminism's source of power, postmodernism has swallowed the objective standpoint while claiming to be off on a whole new methodological departure. Then they sigh and admit they might have to concede partiality,⁴² meaning admitting only knowing part. What, again, was the alternative? Totality? What's wrong with partiality—except from the objective standpoint, which thinks it means you can't be right? Who said there is either the whole or a part? Postmodernism keeps becoming what it claims to supersede.⁴³

If feminism is modernist—which is highly problematic, as it is as much a critique of modernism⁴⁴—and postmodernists want to be *post-feminist*, they have to take feminism with them and go further. They often claim to. To be *postmodern* in this sense, the insights of modernism and its critics into the inequalities of sex, race, and class must, it seems to me, be taken on board before they can be gone beyond.⁴⁵ Instead of superceding these insights, postmodernists routinely elaborately deny them, ignore them, act like they are not there. This is premodern, as if feminism never existed. On the question of continuity, whether postmodernism has much if anything to say that modernism didn't, is also worth asking. The great modern,

42. See, e.g., Higgins, *supra* note 23, at 119-20. For critique, see MARTHA C. NUSSBAUM, *THE FRAGILITY OF GOODNESS: LUCK AND ETHICS IN GREEK TRAGEDY AND PHILOSOPHY* 81 (1986).

43. A specific form of this argument is made effectively, on postmodern terrain, in Susan Bordo, "Material Girl": *The Effacements of Postmodern Culture*, in *THE FEMALE BODY: FIGURES, STYLES, SPECULATIONS* 106 (Laurence Goldstein ed., 1991). That postmodernism claims to supercede modernism can be seen, for example, in Christine Di Stefano, *Dilemmas of Difference: Feminism, Modernity, and Postmodernism*, in *FEMINISM/POSTMODERNISM*, *supra* note 16, at 63, 63 ("Postmodernism has taken things one step further" beyond theorists such as Rousseau, Marx, and de Beauvoir.). She observes that it may "rerun, in updated garb," what it claims to supercede. *Id.* at 77. If postmodernism sees itself superceding modernism by discontinuity or rupture, it is not claiming to address modernism's concerns better than it does, just to scratch a different itch, to use Wittgenstein's metaphor for what philosophy does. See LUDWIG WITTGENSTEIN, *VERMISCHTE BEMERKUNGEN* 14 (1977), *quoted in* RICHARD RORTY, *PHILOSOPHY AND THE MIRROR OF NATURE* vii (1979). Perhaps part of the problem here is that women's concerns are a lot more urgent and life-threatening than itches.

44. A useful discussion of this problem is found in Dennis Patterson, *Postmodernism/Feminism/Law*, 77 *CORNELL L. REV.* 254 (1992).

45. This Hegelian sublation postmodernists may disagree with as the path from modernism to postmodernism. Maybe they should say what the "post" prefix means in its copula with modernism. If it represents a rupture, why doesn't it have its own name?

Gertrude Stein, wrote in 1946: “[T]here aint any answer, there aint going to be any answer, there never has been an answer, that’s the answer.”⁴⁶ How is postmodernism “post” that?

What I mean to say on the question of reality in theory is this: When something happens to women, it happens in social reality. The perspective from women’s point of view does not mean that women’s reality can only be seen from there, hence is inaccessible to anyone else and can’t be talked about and does not exist. Rather, what can be seen from the point of view of the subordination of women has been there all along—too long. We wish it didn’t exist but it can’t be wished out of existence. Anyone can see it. It can be found. It can be ascertained. It can even be measured sometimes. It can be discussed. Before us, it has been missed, overlooked, made invisible.

In other words, the harm of second class human status does not pose an abstract reality question. In social life, there is little that is subtle about most rapes; there is nothing complex about a fist in your face; there is nothing nuanced about genocide—although many nuanced questions no doubt can be raised about them. These social realities, central to feminism, do not raise difficult first-order reality questions, not any more.

It is the *denial* of their social reality that is complicated and raises difficult philosophical questions. Understand that the denial of the reality of such events has been a philosophical position about reality itself. Unless and until effectively challenged, only what power wants to see as real is granted reality status. Reality is a social *status*. Power’s reality does not have to establish itself as real in order to exist, because it has the status as real that power gives it; only the reality of the powerless has to establish itself as real. Power can also establish unreality—like the harmlessness of pornography or smoking—as reality. That doesn’t make it harmless. But until power is effectively challenged on these lies, and they are lies, only those harmed (and those harming them, who have every incentive to conceal) have access to knowing that that is what they are. So it has taken us all this time, and a movement that has challenged male power, to figure out that women’s reality is also a philosophical position: that women’s reality exists, including women’s denied violation, therefore social reality exists separate from its constitution by male power or its validation by male knowledge.

This analysis raises some questions about postmodernism that

46. GERTRUDE STEIN, BREWSIE AND WILLIE 30 (1946).

are not simply a report on my current mental state. They are: Can postmodernism stop the rape of children when everyone has their story, and everyone is presumably exercising sexual agency all the time? Can postmodernism identify fascism if power only exists in microcenters and never in systematic, fixed, and determinate hierarchical arrangements? How can you oppose something that is always only in play? How do you organize against something that isn't even really there except when you are thinking about it? Can postmodernism hold the perpetrators of genocide accountable? If the subject is dead, and we are dealing with deeds without doers,⁴⁷ how do we hold perpetrators accountable for what they perpetrate? Can the Serbian cultural defense for the extermination of Croats, Bosnian Muslims, and Kosovar Albanians be far behind? If we can have a multicultural defense for the current genocide, because that's how the Serbs see it, why not a German cultural defense for the earlier one? Anti-Semitism *was* part of German culture. Finally, for another old question, if you only exist in opposition, if you are only full in opposition to the modern,⁴⁸ it has determined you. Don't you need an account of how you are not merely reiterating your determinations? From postmodernists, one is not yet forthcoming. The postmodernist reality corrosion, thus, not only makes it incoherent and useless—the pragmatists' valid criticism⁴⁹—but also regressive, disempowering, and collaborationist.

There *is* reality to many of the postmodernists' favorite concepts, although they seldom talk about it. Take their "fragmented self."⁵⁰

47. See BUTLER, *supra* note 20, at 25 ("A great deal of feminist theory and literature has nevertheless assumed that there is a 'doer' behind the deed."). Nietzsche exposed the fallacy of separating the doer from the deed. See generally FRIEDRICH NIETZSCHE, ON THE GENEALOGY OF MORALS: A POLEMIC (Douglas Smith trans., 1996). Or, as Yeats asked, "How can we know the dancer from the dance?" WILLIAM BUTLER YEATS, *Among School Children*, in THE COLLECTED POEMS OF W. B. YEATS 212, 214 (1956). Behind the point on accountability is a larger one pointing less toward a doer behind the deed—raising whether the self is the cause of one's actions (as in Kant) or the effect of one's actions (as in Sartre)—and more to a doer *beyond* the deed. Neither modernism nor feminism evaporates the subject, as postmodernism seeks to do.

48. Another formulation of this same idea is that feminist postmodernism is "an epistemology that justifies knowledge claims only insofar as they arise from enthusiastic violation of the founding taboos of Western humanism." SANDRA HARDING, THE SCIENCE QUESTION IN FEMINISM 193 (1986).

49. For a lucid update on the state of this criticism, see RICHARD RORTY, PHILOSOPHY AND SOCIAL HOPE 262-77 (1999).

50. The concept comes from Fredric Jameson. See FREDRIC JAMESON, POSTMODERNISM, OR, THE CULTURAL LOGIC OF LATE CAPITALISM 90 (1991); see also Trina Grillo, *Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House*, 10 BERKELEY WOMEN'S L.J. 16, 17 (1995); Joan C. Williams, *Dissolving the Sameness/Difference Debate: A Post-Modern Path Beyond Essentialism in Feminist and Critical Race Theory*, 1991 DUKE L.J.

In the material world they largely refuse to engage or countenance, the fragmented self is a multiple personality. Multiplicity is created through extreme, usually sexual, torture at a very young age.⁵¹ Postmodernists ought to have to confront the human pain of the ideas they think are so much fun.⁵² Take being nomadic. My Bosnian women clients are refugees. Will Rosi Braidotti's *Nomadic Subjects* help them get through the day?⁵³ Being a real nomad can include being forced to flee your own country for your own survival as your family is exterminated in front of you. Postmodernism celebrates interculturality as a liberating head trip for its cultural rootlessness and multiple possibilities. The actual experience can be something else again. But then, Rosi did say homelessness only got fun after she got tenure.⁵⁴

One final example puts together these points about postmodernism on women, method, multiculturalism, and therefore social reality. It centers on a question, large in Western philosophy, of whether the world exists independently of our ideas of it. This has been a big male problem. An introduction to the postmodern collection, *Dominating Knowledge*, by Stephen Marglin addresses it by stating that the material world has objective reality but the social world does not.⁵⁵ His example is that although he knows the earth is round (he doesn't say how), people used to think it was flat; in human society, according to him, there is no reality, hence no knowing, like

296, 307 ("[The] post-modern approach starts from the notion of a fragmented and shifting self.").

51. In a sample of 100 individuals who are multiple in a study conducted for the National Institutes of Mental Health, 97% reported experiencing significant trauma in childhood, 83% reported sexual abuse, 75% reported repeated physical abuse, and 68% reported both. See Frank W. Putnam et al., *The Clinical Phenomenology of Multiple Personality Disorder: Review of 100 Recent Cases*, 47 J. CLINICAL PSYCHIATRY 285, 289-90 (1986). Cumulative, overwhelming, severe, long-lasting abuse was found related to the level of dissociation that results from childhood trauma in a large sample of inpatients. See Nel Draijer & Willie Langeland, *Childhood Trauma and Perceived Parental Dysfunction in the Etiology of Dissociative Symptoms in Psychiatric Inpatients*, 156 AM. J. PSYCHIATRY 379 (1999); see also JUDITH LEWIS HERMAN, *TRAUMA AND RECOVERY* 125-26 (1992).

52. A stark contrast to the conception of multiplicity discussed here is that of MARI J. MATSUDA, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, in *WHERE IS YOUR BODY?*, AND OTHER ESSAYS ON RACE, GENDER, AND THE LAW 3 (1996).

53. See BRAIDOTTI, *supra* note 37, at 13 (referring glancingly to the Bosnian situation in her discussion of language).

54. The printed version is: "[I]t was not until I found some stability and sense of partial belonging, supported by a permanent job and a happy relationship, that I could actually start thinking adequately about nomadism." *Id.* at 35.

55. Stephen A. Marglin, *Towards the Decolonization of the Mind*, in *DOMINATING KNOWLEDGE: DEVELOPMENT, CULTURE, AND RESISTANCE* 1, 12-14 (Frédérique Apffel Marglin & Stephen A. Marglin eds., 1990).

that.⁵⁶ The idea is, if you believe the social equivalent of the world is flat—like, say, that women are inferior to men—it is. In society, there is no reality, there is only what is thought to be real.

To illustrate this, he discusses the subject of “human sacrifice” in a society that believes in its necessity:

Imagine the priestess called upon to explain the consequences of a failure to sacrifice the requisite virgins in the requisite manner. She might well say, “Society will fall apart. Our women and our land will become barren because our men will become impotent as lovers and ineffective as cultivators.” *And she will be right.* Believing themselves to be impotent in the hammock and inefficient in the field, the men will be unable to perform in either context. The birth rate will decline, and the harvest will fail. Society *will* fall apart. . . . [B]eliefs bring about the very conditions that will make these beliefs come true.⁵⁷

What we have here is a multicultural sexual and economic rationalization for the murder of little girls. We also have a situation in which men’s erections can be dependent on killing female children. Male impotence occupies the status of a fact; erections, I guess, exist. What I want to say about this sort of thing is that no one is asking the girls. The description of “the way things are” is from the position of a man who is about to kill a child. Of course, in this example, it’s put in the mouth of a woman. Women often serve male power, and do have power over children, but postmodernists have to portray women actually having power that men largely have in order to confuse people about power. (That they want to avoid being called sexist in the process, we have accomplished.)

My point is this: what happens to the virgin being sacrificed is independent of what she thinks about it. *She* may think that the crops will grow just as well if she is alive tomorrow as if she is killed today. She may even think her human rights are being violated. It makes no difference to the reality of her getting killed today. No matter what she thinks about it, she will be—*be*—dead. This seems to me very simple: the reality of people who don’t have power exists independently of what they think. The social constructs that control their lives very often are not their constructs. What women think doesn’t tend to make things be the way we think because we don’t have the social power to do them or to stop them. Any woman who doesn’t know this, in my opinion, has not pushed very hard on the walls around her and other women, or has been, so far, very

56. *Id.* at 13.

57. *Id.*

privileged and very lucky.

The reason that it doesn't appear to men (especially men of the theory class) that the world exists independently of their minds is because they largely *do* have the power to do whatever happens in their minds. If they want, in their minds, to kill her, they can do that. If they want it to give them erections, it will. So they naturally don't know what comes first, it or them. What this means is that women are the ones who know something about social reality as such, which is the extent of its independence of mind. If social reality is independent of *our* minds, it's independent of mind, and men just think it isn't because of their social location.

Women are in a position to know this to the extent that reality does not respond to us. What we know is that the power to make reality be real is a product of social power to act, not just to imagine. We know that reality is about power because we can imagine change all day long and nothing is any different. This is a criticism; it is not an inevitability. We can collectively intervene in social life, but not if we deny that it is there or what makes it be there. We can even imagine, long enough to organize to stop these men, what could happen if some such girls got away with their lives and the crops kept right on growing. Steven Marglin is not asking this girl if society will fall apart if she lives. We are. We are, if you will, an improbable movement of the escapees and survivors of such sacrifice.

Yes, society is largely made of peoples' consciousness of social relations. That doesn't mean that everyone's consciousness constitutes social reality equally. As long as social reality is a product of inequality, and postmodernists refuse to contend with social inequality methodologically, postmodernism will go on adopting the methodological position of male power, and the politics of the women's movement of the 1970s will be dead, in theory. Meantime, women in the world will go on fighting to change the unequal social realities of women's lives as if postmodernism did not exist.

III.

If it is to contribute to feminism's future, postmodernism has, I think, some questions to answer. What is its account of itself? How convenient to repudiate account-giving when it seems to have none, at least no presentable one. What are its grounds? Now this is an aggressive question. Thinking grounds matter, they repudiate as "foundationalism." But what are the sexual and material pre-

conditions for this theory? David Harvey traces the economic and cultural forces of late twentieth-century capitalism that, in his analysis, have produced, read determined, postmodernism.⁵⁸ What does this suggest about their ability to promote change? What is postmodernism's project? How linear, how teleological, how serious. To whom and what is it accountable? I say it is accountable to academic hierarchy. Who else can afford this theory?

Postmodernism appropriates its methodological pretensions and gestures from feminism, but it doesn't practice them. Its reality position is closer to the premodern, certainly the prefeminist, a throwback to before the feminism initially described. So it's forward to the past: to yet another set of abstractions with no accountability to subordinated peoples' reality and an implicit but total accountability to power, with familiar if fancier reasons for doing nothing—radical-sounding, but with the same origins, a dislocated elite, and the same consequences, a disengaged theory, that corrodes material resistance to power.

Postmodernism's analysis of the social construction of reality is stolen from feminism and the left but gutted of substantive content—producing Marxism without the working class, feminism without women. It's an abstract critique of abstract subjects. The hall of mirrors (that's plural) that much of postmodernism substitutes for any attempt to grasp a real social world is an ultimate collapse into liberalism's relativism regresses. As mildly put by Alan Sokal and Jean Bricmont, "relativism is an extremely weak foundation on which to build a criticism of the existing social order."⁵⁹ Once postmodernism's various acts of theft and sell-out are exposed, what is left is a pose, an empty gesture of theatrical anarchism (to which Marx's critique applies), a Hegelian negation of the status quo (and just as determined by it), liberalism's terrible child (many liberals look plenty grounded and engaged by comparison), a precious politics of abdication and passivism.

I do know this: we cannot have this postmodernism and still have a meaningful practice of women's human rights, far less a women's movement. Ironically, and how postmodernism loves an irony, just as women have begun to become human, even as we have begun to transform the human so it is something more worth having and might apply to us, we are told by high theory that the human is inherently

58. HARVEY, *supra* note 18, at 116-17, is particularly cogent.

59. SOKAL & BRICMONT, *supra* note 11, at 209.

authoritarian, not worth having, untransformable, and may not even exist—and how hopelessly nineteenth-century of us to want it.⁶⁰ (That few of the feminist postmodernists, had it not been for the theory of humanity they criticize, would have been permitted to learn to read and write—this is perhaps a small point.)

The reason postmodernism undermines a practice of human rights is not because it corrodes universality. Human rights in the real world are proving far less attached to their Enlightenment baggage than are the intellectuals who guard its theory. The reason is, the reality of violation is the only ground the violated have to stand on to end it. Power and its pretenders think they can dispense with ground because they are in no danger of losing theirs or the power that goes with it. Postmodernism vitiates human rights to the extent it erects itself on its *lack of* relation to the realities of the subordinated because it is only in social reality that human violation takes place, can be known, and can be stopped.

This analysis in turn raises a question feminism has not had to answer before, as critically as we do now, because we never had a theory class before: what is the place of the academy in the movement? Postmodernism, empty as much of it is, is taking up a lot of feminist theoretical energy in this one world that we all go to sleep in and wake up in. Postmodernism is an academic theory, originating in academia with an academic elite, not in the world of women and men, where feminist theory is rooted. In the early 1970s, I (for one) had imagined that feminists doing theory would retheorize life in the concrete rather than spend the next three decades on metatheory, talking *about* theory, rehashing over and over in this disconnected way how theory should be done, leaving women's lives twisting in the wind. Too, theorizing about little except other theories of theories provides little experience on how to do it.

My feeling is, if the postmodernists took responsibility for changing even one real thing, they would learn more about theory than everything they have written to date put together. Instead, as practiced by postmodernists, the job of theory, as the blood sport of the academic cutting edge, is to observe and pass on and play with these big questions, out of touch with and unaccountable to the lives of the unequal. Their critically-minded students are taught that

60. A different version of this point is made by Nancy Hartsock, *Rethinking Modernism: Minority vs. Majority Theories*, CULTURAL CRITIQUE, Fall 1997, at 187, 204-06. The postmodernists are to be thanked for drawing a line that makes me feel part of a tradition that I never felt much included in before.

nothing is real, that disengagement is smart (not to mention career-promoting), that politics is pantomime and ventriloquism, that reality is a text (reading is safer than acting any day), that creative misreading is resistance (you feel so radical and comfortably marginal), that nothing can be changed (you can only amuse yourself). With power left standing, the feminism of this theory cannot be proven by any living woman. It is time to ask these people: what are you *doing*?