

TOWARD (A REAL) FEMINISM

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INTRODUCTION

Though feminist theory boasts a lively diversity of approaches, it coalesces in its shared effort to combat systemic patriarchal oppression, which effectively subjugates and exploits women (be they biological or social “women”). However, the effort to identify the experience of female oppression and classify the category of “woman” itself has been fraught with disagreement and conflict. Feminists of color in particular have argued that feminist discourse in the academy uses a privileged, “White” woman’s experience as the universal woman’s experience, thereby marginalizing and silencing not only the experiences of women who do not fit into that category, but also those feminists who try to break into the discourse to offer something new. While it is difficult to generalize and problematic to homogenize Western mainstream academic feminist discourse, I recognize two important points: (1) that Western dominant academic feminist discourse has come a long way in making space for diverse bodies of theory and recognizing social, political and economic intersectionalities; but that (2) there remain serious deficiencies in the discourse that deny non-White, non-EuroAmerican, non-Christian, non-middle class, non-heterosexual voices their due presence and influence on the discourse. This article attempts to address these deficiencies.

The first half of this paper will explore two popular approaches in traditional feminist discourse: Catharine MacKinnon’s “dominance feminism” and Robin West’s theory of “difference feminism.” I choose these two approaches for three principle reasons: (1) they are offered by their proponents as radical approaches within feminism, thereby implying that they offer the most room to incorporate those women who are at the furthest margins of debate; (2) they argue that the central focus of their respective approaches are experiences that are accessible to all/most women (sexual violence and motherhood); and (3) they are universalist approaches aimed specifically at incorporating all women under their respective umbrellas of definitions and experiences.

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The second half of this paper will present multicultural feminism as an alternative framework through which to challenge patriarchy. However, multicultural feminism encompasses a diverse range of voices, some of which require additional critique. I offer some of Susan Okin's thoughts on multiculturalism as one prominent voice of critique. Though I agree with many of her criticisms, I ultimately find that her reasoning only devalues non-White, non-privileged, non-Western feminist movements, while simultaneously essentializing and dehumanizing all people and cultures outside of the West. Okin's approach broadly rejects all forms of multiculturalism, and suggests a return to a feminist discourse that predates the entry and critique of non-White, non-privileged, non-Western feminists.

Critiques such as Okin's construct all of multiculturalism as a moral relativism exercised by those who defend anti-feminist (or worse, inhumane) practices against change advocated by foreign outsiders on the basis that each society (or culture) has its own value system that should not be imposed on others. The problem is that many feminists, multicultural relativists and traditional feminists falsely assume a binary between this kind of multiculturalism and traditional mainstream academic feminism. In fact, they are both at fault for their essentializing. Thus, the only way for feminism to effectively incorporate alternative voices and move away from an elitist essentialist notion of womanhood and patriarchy is to adopt an alternative, more nuanced multiculturalist critique that is conscious of the delicate line between helping others empower themselves, and projecting a colonial universalism that dismisses all values and practices that are different from non-EuroAmerican, non-middle class norms.

CRITIQUE OF FEMINISM

Critique of Dominance Feminism (Catharine MacKinnon)

The premise of Catharine MacKinnon's dominance theory is that females are victims of male dominance, which manifests itself in defining female sexuality and ultimately, in defining sex. For MacKinnon, heterosexuality is the basis for gender inequality; however, she ultimately concludes that all sex, irrespective of the partners' gender, is coercive and violent male-over-female

domination.¹ But MacKinnon essentializes “woman” without differentiating among their experiences. In failing to do so, she universalizes one group of women’s experiences as everyone’s. While MacKinnon may acknowledge conditions that are uniquely associated with particular groups of women, they are merely footnoted, as Angela Harris describes.² Thus, in MacKinnon’s analysis, race, class, and sexual orientation are simple “add-ons” to the universal experience of woman. They are not incorporated as permanent variables into the foundation of the theoretical analysis. “In dominance theory, black women are white women, only more so.”³

But this essentialism is more than a snubbing; rather, it has the consequence of systematically marginalizing and silencing non-privileged White women. Harris continues:

Essentialism in feminist theory has two characteristics that ensure that black women's voices will be ignored. First, in the pursuit of the essential feminine, Woman leached of all color and irrelevant social circumstance, issues of race are bracketed as belonging to a separate and distinct discourse -- a process which leaves black women's selves fragmented beyond recognition. Second, feminist essentialists find that in removing issues of "race" they have actually only managed to remove black women -- meaning that white women now stand as the epitome of Woman. Both processes can be seen at work in dominance theory.⁴

For MacKinnon, at the foundation of all sex (rape) is the exercise of (decontextualized) male dominance over (decontextualized) female(s): “sexuality [is] a social sphere of male power of which forced rape is paradigmatic.”⁵ MacKinnon does not recognize other systems of power and exploitation that fit into this hypothetical of heterosexual sex or rape. To the extent she would acknowledge that they do exist, they seem to fall outside the scope of a feminist analysis.

¹ Catharine A. MacKinnon, *Feminism, Marxism, Method, and the State: An Agenda for Theory*, 7 SIGNS 515 (1982).

² Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 591-92 (1990).

³ *Id.*

⁴ Harris, *supra* note 2, at 592.

⁵ MacKinnon, *supra* note 1, at 646.

In the footnote that Harris points to as MacKinnon's only acknowledgement of race, MacKinnon writes, "Racism in the United States, by singling out Black men for allegations of rape of white women, has helped obscure the fact that it is men who rape women, disproportionately women of color."⁶ Rape is rape, MacKinnon argues, and including a race (or any other) analysis is merely obscuring what is simply male violence against women. Yes, women of Color are raped, MacKinnon acknowledges in a footnoted afterthought. She even recognizes that women of color are raped at higher rates than White women. But MacKinnon argues that women of color are raped for the same exact reasons that White women are raped. Thus, the only reason a woman may suffer from sexual violence is because she is a woman, and not because she is poor, a woman of color, young, or in some other way occupying a subordinate social position to her attacker. Harris argues, "[i]n this peculiar fashion MacKinnon simultaneously recognizes and shelves racism, finally reaffirming that the divide between men and women is more fundamental and that women of color are simply 'women plus.'"⁷ But Black women as a group do not have the same experience of rape as White women at a mere statistically higher rate. Says Harris, "[f]or black women, rape is a far more complex experience, and an experience as deeply rooted in color as in gender."⁸

The history of rape in Black America must be evaluated against a backdrop of slavery and institutional racism, where Black women were forced to submit to sex by their owners and employers,⁹ thus underscoring their dual vulnerability as women and as Black. As a legal concept, "rape" did not apply to Black women during slavery, as forcing sex from them was not considered a crime. After emancipation, rape laws were not enforced to protect Black women, since they were considered naturally promiscuous, and thus having to "force" a Black woman to have sex was an impossible paradox.¹⁰

Black women were left with no legal recourse to protect themselves against sexual violence, and as Harris says, "'[r]ape,' in this sense, was something that only happened to white women; what happened to black women was simply life."¹¹ Lastly, Harris

⁶ *Id.* at 646 n.22.

⁷ Harris, *supra* note 2, at 598.

⁸ *Id.*

⁹ *Id.* at 598-99.

¹⁰ *Id.* at 599.

¹¹ *Id.*

describes the term “rape” as a signifier for terrorism in the Black community, in that it was used by White men and women to justify brutalizing Black men.

The phenomenon of “crying rape” does not belong to a bygone era. According to Susan Estrich, between 1930 and 1967, 89 percent of convicted male rapists who were sentenced to death were Black.¹² The Bureau of Justice Statistics reports that in 2002, 63.4 percent of arrestees for rape were White, while 34.0 percent were Black.¹³ Of those convicted of rape in state courts, 66 percent were White and 30 percent were Black.¹⁴ Of those convicted, 86 percent of Whites were sentenced to prison, for an average term of 120 months,¹⁵ and 90 percent of Blacks were sentenced to prison, for an average term of 148 months.¹⁶ Twenty-four percent of Whites convicted of rape were sentenced to probation, compared to only eight percent of Blacks.¹⁷ It is this complex historical, legal, and political experience of “rape” by Black women and men that MacKinnon’s theoretical framework denies.

The flaws of MacKinnon’s methodology have larger theoretical and practical implications. In the early 1990s, MacKinnon began a campaign against Serbian rapists who participated in the Bosnian genocide. In an article published in the July/August 1993 issue of *Ms. Magazine*, MacKinnon paints a horrific picture of the sexual atrocities—many of which were filmed—committed against Muslim and Croat women by Serbian men during the Bosnia-Herzegovina War.

The abuses that MacKinnon retells are shocking and painful, and serve as a stark reminder of women’s unique and disproportionate vulnerability as targets of sexual violence. But MacKinnon’s methodology of universalizing privileged experiences is even more problematic in her Bosnia campaign, as it tenuously treads the line between coalition activism (in

¹² SUSAN ESTRICH, *REAL RAPE* 107 n.2 (1987).

¹³ U.S. DEP’T OF JUSTICE, FBI, *CRIME IN THE UNITED STATES: CRIME INDEX OFFENSES REPORTED – FORCIBLE RAPE (2002)*, http://www.fbi.gov/ucr/cius_02/html/web/offreported/02-nforciblerape04.html.

¹⁴ U.S. DEP’T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, *STATE COURT SENTENCING OF CONVICTED FELONS, 1992: STATISTICAL TABLES*, tbl.2.1 (1992) <http://www.ojp.usdoj.gov/bjs/pub/pdf/sco202st.pdf>

¹⁵ *Id.* at tbl.2.10.

¹⁶ *Id.* at tbl.2.12.

¹⁷ *Id.* at tbl.2.11.

solidarity with the victims) and the colonial exportation of ideology (robbing victims of agency by an outsider who speaks with false authority and tells them how and why they are victimized).

First, she holds pornography responsible for the sexual violence perpetrated against Muslim and Croat women. She asserts that posters of naked pin-up girls in military installations and the circulation of pornographic magazines and videos serve as evidence that Serbian soldiers perpetrated crimes that they would not have imagined without the aid of pornographic material. Soldiers' filming of activities such as gang rapes and "snuff" videos of mutilation and murder¹⁸—and the subsequent circulation of these videos for mass consumption—also demonstrated to MacKinnon that the rapists were attempting to emulate pornography.

While pornography may feed into the overarching sexualization and gendering of war,¹⁹ MacKinnon holds pornography responsible for what she describes as a shift of sexual abuse against women from "extracurricular, something men just do, as a product rather than a policy of war"²⁰ to a systematic use of sexual abuse as a weapon against the collective enemy. She holds pornography responsible in two ways: first, for expanding

¹⁸ "Snuff" films are pornographic films that end with the killing of the sex object, usually a woman. MacKinnon accounts the story of an incident witnessed by a man named "Haris."

[Haris] watched a man and a woman—who appeared to be seven or eight months pregnant—being taken to a clearing in the woods. The woman was tied vertically to a cross, legs pressed together and arms extended. They ripped her pregnant belly open with a knife. "It was alive...it moved." The woman took about 15 minutes to die. The man, apparently her husband and the father of the baby, was bound to a nearby tree and forced to watch. The attackers attempted to force him to eat the baby's arm. Then "they hacked him up, cut the flesh on him so that he would bleed to death." While they were doing this, "they were laughing . . . 'We're going to slaughter all of you. This is our Serbia.'" Haris is certain [the incident] was filmed.

Catharine A. MacKinnon, *Turning Rape into Pornography: Postmodern Genocide*, Ms. July-Aug.1993, at 24, 30.

¹⁹ See generally *GENDERING WAR* (miriam cooke & Angela Woollacott eds., 1993).

²⁰ MacKinnon, *supra* note 18, at 30.

the Serbian soldier's imagination in the ways he can violate women, and second, for serving as a weapon in itself, as the acts of filming and performing for the camera each exacerbated the abuse perpetrated against Bosnian and Croat women. But, while the mass rapes stand as grotesque incidents of male violence against women, they cannot be viewed in isolation as acts perpetrated by males for the sole purpose of dominating and sexing females. The rapes were just one gruesome method of a larger scale war, and to ignore the political realities of the conflict is to minimize the relevance of the conditions leading to the use of rape as a weapon, and to wrongly prop rape up as an end in and of itself. These women were not raped because they were women; they were raped because they were *Bosnian* and *Croat* women. The intersectionality of their identities is crucial to understanding their condition of oppression.

Further, soldiers often raped women not only to derive pleasure or to inflict pain or humiliation, but to impregnate. Over 35,000 Bosnian and Croat women were impregnated, held until they could no longer abort the child, and then released. Women were left with no choice but to give birth, and thereafter often raised the child with their Bosnian or Croat spouses.²¹ This use of rape as a weapon for ethnic cleansing to eliminate the genetic material of the targeted group is hardly connected to pornography.

Nor can the mass rapes of Bosnia be seen as the first time rape was used as a weapon of warfare. From the invasions of Genghis Khan's armies to the wars in Vietnam, Rwanda, the Congo and Iraq—women's bodies have functioned as the front lines for men's wars. Yet, MacKinnon acknowledges only a fellow Western nation, Nazi Germany, as an example where violence against women was used as a form of warfare and cites to it merely to attribute to it a violent exceptionalism, in order to say that Bosnia was worse. Further, MacKinnon also misses one of Western history's more "successful" attempts at genocide: the sexual violence perpetrated in the campaign against Native Americans.

²¹ BEVERLY ALLEN, *RAPE WARFARE: THE HIDDEN GENOCIDE IN BOSNIA-HERZEGOVINA AND CROATIA* 96 (1996).

Critique of Difference Feminism (Robin West)

Some feminists have identified the cross-cultural common ground for women as their experiences related to pregnancy, childbirth, and motherhood.²² As Tracy Higgins describes, while there is some appeal to identifying the experience of reproduction as a commonality among all women, this approach has “inevitably produced factionalization and rebellion” within feminism.²³ Not all women are, or will be mothers, and not all mothers share the same experiences of pregnancy, childbirth, and child-rearing.²⁴

To modify Simone de Beauvoir’s words, one is not born, but becomes a mother.²⁵ While many women may experience similar biological processes of conceiving, bearing, birthing and raising a child, those experiences will have different implications for different women, and it is these differing experiences that produce variations in motherhood. Certainly, an unmarried pregnant teenager, a rape victim, a mother living with her children in a war-zone, and a poverty-stricken woman who is pregnant with her tenth child each have different experiences of motherhood than does a woman who was able to carefully time her pregnancy and otherwise enjoys belonging to the upper echelons of the world’s economic, social, and political classes. In each of these different cases, the implications of conceiving, surviving a pregnancy and providing for a child are likely to differ vastly.

Nearly every language has a term such as “mother” that describes the female(s) who play(s) one or more roles in the life of a child, including child-bearer, breast-feeder, caregiver, disciplinarian, and nurturer. But the precise meaning of the term varies, particularly between cultures and classes. Only members of the smallest and most homogenous communities come close to agreeing on the role of “mother.” Even then, differences in perception and experience are inevitable. Admittedly, with the

²² Tracy E. Higgins, “*By Reason of Their Sex*”: *Feminist Theory, Postmodernism and Justice*, 80 CORNELL L. REV. 1536, 1564 (1995).

²³ *Id.* at 1565.

²⁴ *Id.* at 1566.

²⁵ SIMONE DE BEAUVOIR, *THE SECOND SEX* 267 (H.M. Parshley ed. and trans., Vintage Books 1989) (1953). The original words, translated from French, “One is not born, but rather becomes, a woman,” are a comment on femininity and womanhood as social constructs rather than biological conditions. This notion includes an important distinction—particularly groundbreaking at the time of publication—between sex and gender.

advent of mass media, a single, particular notion of “mother” could be propagated as the universal meaning for all “proper” or “normal” families, but even then, diversity in the perceived and practical role of “mothers” not only survives, but abounds. Not only is popular culture increasingly incorporating various prototypes or ideals of the mother figure, but these images and messages are always read through the diverse experiences of the audience member. Such subjective interpretations of “mother,” in conjunction with the range of economic and social responsibilities that mothers cannot ignore, lessen the normalizing effect—indeed, even the relevance of popular culture’s mythical notion—of “mother.”

Mothers will undoubtedly encounter similarities, but these are not universal, and should not be given undue importance in relation to the experience of motherhood simply because they are shared. Imagine first a wealthy woman who gives birth to only one child and who chooses not to breastfeed, discipline or function as its primary nurturer or care provider. Next, imagine a mother of eight who not only performs each of these functions but also works as the sole caretaker of the home. Thus, questioning the underlying assumption seems necessary: Why should the act of childbearing or child-birthing serve as the crystallizing event of “motherhood” for both of these women?

To decontextualize and depoliticize the process of motherhood is to reduce it to the singular experience of the feminist writer. While the feminist writer may not come from the privileged class of mothers earlier described, her efforts to find a decomplexified common denominator for “pregnancy,” inevitably result in a prototype of “motherhood” that is solely enjoyed by women who have the luxury of being free from the pressures that otherwise fog the “commonality” of motherhood. In fact, the very ability of the feminist writer, in spite of her own personal hardships, to *imagine* a motherhood free from the social, medical, economic and political pressures that plague so many women, is a feat in itself. The ability to separate and block out such hardships indicates a privilege to transcend all motherhoods in favor of standardizing the luxurious motherhood of a lucky minority of women.

For (biology-based) difference feminists such as Robin West, the shortfalls of a decontextualized and standardized “motherhood” prototype do not outweigh the benefits of reaching a “commonality” among all women. A quintessential biology-

based difference feminist, West describes women as being essentially connected to others, rather than as completely autonomous, independent people. She asserts that there are four formative events that create these connections or relationships: (1) pregnancy; (2) heterosexual penetration (sometimes leading to pregnancy); (3) menstruation (related to the potential for pregnancy); and (4) breast-feeding (after pregnancy).²⁶ These pregnancy-derived events define women, and are inherently relational. Thus, women are “essentially connected” and not “essentially separate” from others.²⁷ West continues,

To the considerable degree that our potentiality for motherhood defines ourselves, women’s lives are relational, not autonomous. As mothers, we nurture the weak and *we depend upon the strong*. More than do men, we live in an interdependent and hierarchical natural web with others of varying degrees of strength.²⁸ (Emphasis added).

While there is something to be said for West’s criticism that the liberal legalist identification of human beings as autonomous, independent selves who possess freedom of choice ignores relationships critical to (and constrictive of) individual life and choice, she goes both too far and not far enough. When she recognizes the biological relationship created for women as mothers, West does point to an important source of self-identification for certain groups of women. However, as noted above, she states “[a]s mothers . . . we depend upon the strong,” which hints at the dependent relationship that women have with others.²⁹ If all women are dependent, and all women depend on others who are stronger (than women) then we can infer that West is saying that women depend on men. It is not clear whether West—as a biology-based difference feminist—intends this dependency to be a biological product or a social construct.

The former is problematic because if women are biologically—and thus inevitably—dependent on and subordinate to *men*, then this precludes the feminist’s attempts to combat that very condition. If West intends the latter—that relationships of

²⁶ Robin West, *Jurisprudence and Gender*, 55 U. CHI. L. REV. 1, 2-3 (1988).

²⁷ *Id.* at 3.

²⁸ Robin L. West, *The Difference in Women’s Hedonic Lives: A Phenomenological Critique of Feminist Legal Theory*, 15 WIS. WOMEN’S L.J. 149, 210 (2000).

²⁹ *Id.*

dependency are socially constructed—then she is conceding that women’s primary sources of self-identification (relationships of dependency, subordination and exploitation) are socially constructed. Yet she does not acknowledge that a vast majority of the female population may not identify their most subordinate relationships as those with husbands or other male family members. Rather, the most dependent and exploitive relationships women have may be linked to employers, political leaders or even to conditions that cannot be traced to individual human beings, such as war, occupation, poverty or economic exploitation. These relationships may have little to do with motherhood or womanhood, and their positions of dependency may be experienced alongside men.

Within West’s rationale, we understand that to be a woman is not only to be connected, but to be connected first and foremost as “mother” (or as potential mother). Does this identification exclude the potential for more salient identities? What is to be said about the Black woman who sometimes identifies herself primarily as a Black woman, and secondarily as a mother? If this woman finds greater commonality with Black men than other non-Black mothers, is she less of a woman than she is a Black (person)? *Can* she be less or more of one or the other? Is she only a full woman in those instances when motherhood fully occupies her mind and identity?

The same question extends to the case of the Palestinian woman who identifies her vulnerability to and dependency on, first and foremost, her Israeli occupiers—male and female—noting that this dependency exists irrespective of her condition as a mother. Are these women, who experience alternative hierarchies of dependencies, and who define themselves within different oppositionalities (e.g., as occupied to occupier, rather than as mother to child), are they less Woman?³⁰

³⁰ I intentionally use examples from “minority” women in the United States and disadvantaged women outside the -United States interchangeably. I do not draw the boundaries of my analysis along the political borders of the United States (or the West). I also use the term “EuroAmerican” as a cultural distinction that does *not* encompass all those within Europe and America. For this paper, political boundaries are as arbitrary for delineating societies and cultures as time zones or the Earth’s fault lines. For example, a wealthy Parisian fashion model is likely to have more in common with her colleagues from New York and Tokyo than with her immigrant housekeeper of five years. I also reject the notion that “comparative” analysis is reserved for those outside of the United States while “multicultural” analysis is what is used for “minority”

In her critique of the academic left's preoccupation with the "mechanistic, mind-bogglingly redundant, and almost absurdly abstract set of claims about structures of oppression and inequality as revealed through deconstructive readings,"³¹ West argues that the academic left loses "interest in the quality of people's lives,"³² and "becomes incapable of understanding or communicating the narratives of those who are living out their lives" in conditions of human suffering.³³

Though West's interest in reaching out to communities that experience suffering is admirable, it is this interest in "understanding and communicating the narratives" of others that is precisely the kind of well-intentioned liberal approach that ultimately reinforces and supports the structures of power and systems of post-colonialism. It is these structures that are often at the root of human suffering--the very human suffering that liberals purport to address.

At the heart of this approach are several problematic assumptions: (1) that outside observers of oppressed groups can or should self-appoint themselves as community spokespeople;³⁴ (2) that these individual self-appointed spokespeople can effectively understand and communicate the community's needs; and most importantly, (3) that the solution is to understand and communicate how others are suffering. Allow me to elaborate on this third point.

groups within the U.S. The "comparative" perspective of dividing and distinguishing results in a dismissal of theories and experiences taking place outside of the United States as incomparable-but-when-chosen, and as Okin describes, the "multiculturalist" perspective is merely an attempt by the privileged to appease the disadvantaged by occasionally permitting them to air out their frustrations. See SUSAN M. OKIN, *Is Multiculturalism Bad for Women?*, in *IS MULTICULTURALISM BAD FOR WOMEN?* (Joshua Cohen et al. eds., 1999). My critique of multiculturalism continues in the following sections.

³¹ Robin West, *Desperately Seeking a Moralist*, 29 *HARV. J.L. & GENDER* 1, 13 (2006).

³² *Id.*

³³ *Id.* at 12.

³⁴ This is not to say that one cannot empathize or mobilize with a community of which they are not a part, but there is a critical difference between acting *in solidarity* with a community and speaking *on behalf of* a community. Among other things, the differences can lie in attitudes of "ownership" of the cause, whereby the self-appointed spokesperson becomes the self-appointed negotiator—and decider—regarding points and resources that the community is willing to concede to further the cause. For obvious reasons, the self-appointed spokesperson cannot become a righteous decision-maker for the group.

From the perspective of the self-appointed spokesperson, the third point assumes that there exists somewhere in an outside, separate, and unrelated sphere, a human suffering that is completely internal to the community in which it exists, both in causes and effects.³⁵ Rather than examining the causes of suffering, proponents of this approach often begin analysis by identifying suffering geographically (“the site of suffering”). Then they conduct analysis in a vacuum that is limited in at least two critical ways: geographically to the site of suffering and historically to the time after the suffering began.

This approach considers only that local changes can be part of the solution, and its self-appointed liberal actors imagine themselves and their predecessors to be invisible. No consideration whatsoever is given to the footprints left by prior visitors from that self-appointed spokesperson’s own community, nor does that self-appointed spokesperson consider what effect—sometimes irreversible—is done by their own activities at the site of suffering. At best, this effort to reach a purported “commonality” does nothing more than allow the privileged few to feel that they have bridged the socio-economic-political gap between themselves and the majority of less-advantaged women. At worst, the communities of these less-advantaged women have been permanently changed by the activities of the idealistic self-appointed spokespeople, who have the luxury of going home—far, far away from the site of their experimental work.

Though discussions on structures of power and oppression can indeed be “absurdly abstract,” as West critiques, ultimately, the causes, effects, and conditions of human suffering are complicated, and we cannot reject whole systems of analysis—the most appropriate systems of analysis—simply because they are complicated and abstract. The framework of “commonality” that West suggests as a starting point is not only insufficient, ahistorical, and inexcusably decontextualized, but it also suggests that common empathy and solidarity cannot be justified except among those people who share common experiences.

Thus, though West’s language does not mirror the self-righteousness echoed in MacKinnon’s work on Bosnia, both

³⁵ Not to say that there is no human suffering that is not caused by postcolonial conditions, but much of suffering on which feminist groups focus—poverty, patriarchy, etc.—is intimately related to the social, political, and economic experiences of that community, which is in turn intimately related to that community’s colonial and postcolonial experiences and relationships.

feminists share a liberal missionizing starting point, and MacKinnon serves as an example of West's approach taken to its logical end.

Even Harris criticizes the unapologetic absence of non-White women in West's work, "in contrast to MacKinnon's [work]; issues of race do not appear even in guilty footnotes. However, just as in MacKinnon's work, the bracketing of issues of race leads to the installation of white women³⁶ on the throne of essential womanhood."³⁷

MULTICULTURALISM/DIVERSITY AS A RESPONSE

One response to the critiques leveled above has come from the multicultural feminists. While the umbrella of multicultural feminism encompasses a range of methodologies and thoughts (including race critique), multicultural feminists unite in their objection to what they call "feminist essentialism" (universalizing women) and "female chauvinism" (when certain economic or politically privileged feminists speak as if on behalf of all women).³⁸

Multicultural feminists challenge traditional feminism as exclusive in its efforts to homogenize women's experiences. More specifically, they fault traditional feminism for not differentiating the experiences of "white, middle-class, heterosexual, Christian women in advanced and affluent Western industrialized countries" from the experiences of women who do not come from this small clique of privilege.³⁹ Instead, multiculturalists celebrate difference among women and work against efforts that try to compartmentalize and separate the multiple identities and oppressions simultaneously experienced by individual women.

³⁶ Here Harris focuses specifically on the absence of race analysis in West's framework. It is important to note that using terms such as "white" as shorthand for privilege and "black" or "colored" as shorthand for disadvantage is problematic in that it ignores other significant factors of privilege, including class, sexual orientation among others. Nevertheless, in the United States while perhaps most White people are not privileged, almost all of the *most* privileged people are White. Thus, "White" is almost a necessary element of American privilege, but not the only one. By using such shorthand, these types of critiques unfortunately risk falling into the very same failure to recognize intersectionality as the works they criticize.

³⁷ Harris, *supra* note 2, at 603.

³⁸ ROSEMARY P. TONG, *FEMINIST THOUGHT: A MORE COMPREHENSIVE INTRODUCTION* 212 (2nd ed. 1998).

³⁹ *Id.* at 215.

Multiculturalists take issue with more than just the destructiveness, if not the impossibility, of separating multiple identities and oppressions. Masking differences or casting them aside as irrelevant to female oppression marginalizes the conditions of all women whose narratives do not conform to the specific one described by traditional feminism. Patricia Hill Collins points out, that

[f]rom the mammies, Jezebels, and breeder women of slavery to the smiling Aunt Jemimas on pancake mix boxes, ubiquitous Black prostitutes, and ever-present welfare mothers of contemporary popular culture, the nexus of negative stereotypical images applied to African-American women has been fundamental to Black women's oppression.⁴⁰

Thus, to ignore the unique circumstances of Black women's oppression is not only to refrain from fighting against it, but it is also to deny that their unique condition of oppression is inseparable from race.

Often when a Black woman is targeted for being a woman, she is specifically targeted for being a *Black* woman. As Rosemary Tong argues, for example, the power dynamic critical to discriminatory sexual harassment exploits both gender and racial vulnerabilities.⁴¹ When a White male employer exercises control over a Black woman via these dual vulnerabilities, his actions are both racist and sexist. Tong notes that “[s]exual harassers tend to take advantage of those whom they perceive as most vulnerable, and whether “White” America cares to face it or not, black women epitomize as well as en flesh the vulnerability of their people's slave past.”⁴² In contrast, when a White woman is harassed by a Black man, Tong argues that even if the Black man is her employer, the woman's “whiteness” will probably work to her advantage and protection.

⁴⁰PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* 7 (1990).

⁴¹ Tong describes discriminatory sexual harassment as sexual harassment taking place where the perpetrator exercises a degree of official power over the victim, such as employer over employee. Nondiscriminatory sexual harassment, on the other hand, is sexual harassment in the absence of an official, hierarchical relationship of power. TONG, *supra* note 38, at 221.

⁴² *Id.*

Tong overlooks this second hypothetical scenario that cannot be properly analyzed without considering the class difference between this Black employer and White employee. Though a White woman's whiteness and a Black man's blackness may not completely trump their economic relationship and reverse their positions of power, the fact is that when a Black employer sexually harasses a white employee, race matters - unlike an incidence of sexual harassment committed by a White male employer upon his White female employee, wherein race would not even be a remote issue. For example, more people are likely to believe a White victim's account of harassment by a Black aggressor.⁴³ Thus, the system is more receptive to processing and punishing Black-on-White sexual harassers.⁴⁴

It is not merely a coincidence that some of the safeguards now in place to protect women from sexual harassment are the result of feminism's efforts. If Tong's analysis is accurate, then it is also not a coincidence that as a group, White women alone have full effective access to these defenses against sexual harassment.

Multicultural feminists oppose the idea that there is such a thing as a universal notion of Woman and argue that a feminism founded on that basis is Eurocentric, egocentric, and phallogocentric. But these feminists ask for more than a mere acknowledgement of difference. Audre Lorde argues,

Advocating the mere tolerance of difference between women is the grossest reformism. It is a total denial of the creative function of difference in our lives. Difference must not be merely tolerated, but seen as a fund of necessary polarities between which our creativity can spark like a dialectic. Only then does the necessity for interdependency become unthreatening. Only within that interdependency of different strengths, acknowledged and equal, can the power to seek new ways of being in the world generate, as well as the courage and sustenance to act where there are no charters.⁴⁵

Another strand of multicultural feminism borrows heavily from the larger trends of multiculturalist thought. These

⁴³ *Id.*

⁴⁴ *Id.* at 222.

⁴⁵ AUDRE LORDE, *SISTER OUTSIDER* 111 (1984).

feminists encourage and embrace diversity for diversity's sake. Some go so far as to argue that just as environmentalists say that natural diversity is necessary to sustain life on the planet, so cultural diversity is also a precondition for the sustenance of human society.⁴⁶ Often termed "ethical" or "moral relativists," these feminists oppose ethical absolutism as insensitive to the circumstances that differ from those where the value was originally formulated. For many of these multiculturalists, while a practice may be considered patriarchal and oppressive in one context, if a majority practice it, it must be accepted, thereby granting the majority its agency in deciding what is best for themselves. While different theorists fall in different places along the continuum of ethical relativism and often disagree with one another, many agree that in spite of the slippery-slope tendency of relativism, it remains the less oppressive option when compared to ethical absolutism.

However, some relativists depart from this position and argue that some acts, such as rape, are so heinous that feminists must declare them universally wrong.⁴⁷ These relativists recognize the theoretical inconsistency here and insist that in the minority of cases, ethical relativist feminists must explain why they have departed from their normal course of respecting culture.⁴⁸

CRITICISMS OF MULTICULTURALISM/DIVERSITY

Traditional feminists did not take multiculturalism's criticisms without objection. Opponents often echo the nineteenth century sentiments of Elizabeth Cady Stanton: the fight against sexism should precede the struggles against all other "isms."⁴⁹ They also accuse multicultural feminists of too easily forgiving or forgetting the patriarchal oppression effected by non-White men.⁵⁰ Some feminists worry about the "difference" claims of multiculturalists and the effect that "difference" will have on the notion of "sisterhood," weakening a movement whose strength depends in large part on the solidarity of its members.⁵¹

⁴⁶ TONG, *supra* note 38, at 237.

⁴⁷ *Id.* at 239

⁴⁸ *Id.*

⁴⁹ *Id.* at 217.

⁵⁰ *Id.*

⁵¹ *Id.* at 238.

Susan Okin, another important critic of multiculturalism, loosely defines it as “the claim, made in the context of basically liberal democracies, that minority cultures or ways of life [should be] protected.”⁵² According to Okin, multiculturalists argue that minority “cultures,” especially those that face extinction, should either be granted protected status or be left alone; that there is inherent value in culture itself because people need culture to develop self-esteem, self-respect and make the best life choices. But Okin argues that “Many of the world’s traditions and cultures, including those practiced within formerly conquered or colonized nations—certainly including most of the peoples of Africa, the Middle East, Latin America and Asia—are quite distinctly patriarchal.”⁵³ Since multiculturalism attempts to protect and preserve cultures, and since most cultures are patriarchal and systematically subordinate women to men, Okin argues, multiculturalism is anti-feminist.

To illustrate what she sees as the problems with multiculturalism, Okin cites the legally tolerated practice of polygyny among African immigrants in France.⁵⁴ In some cases, men who take on additional wives have openly acknowledged that the practice is aimed at controlling women. One man argued that having one wife was too much of a hassle, and that marrying additional women forced each wife to be “polite” and “well-behaved.”⁵⁵ In contrast, co-wives denied that they enjoyed their shared status and insisted that the condition was imposed upon them without their input or consent.⁵⁶

Okin also describes the phenomenon in many cultures in Latin America, rural South East Asia and parts of West Africa where rapists may escape prosecution if they marry or offer to marry their victim.⁵⁷ Furthermore, some communities in Pakistan and parts of the Arab Middle East often impose punishment not upon the perpetrators but the *victims* of rape, because they have engaged in extra-marital sex. Punishments in these communities range from whipping and stoning, to killing or coercing the woman to take her own life.⁵⁸ “Thus,” Okin argues, “many culturally-based customs aim to control women and render them,

⁵² OKIN, *supra* note 30, at 15.

⁵³ *Id.* at 14.

⁵⁴ *Id.* at 9-10.

⁵⁵ *Id.* at 15.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.* at 16.

especially sexually and reproductively, servile to men's desires and interests."⁵⁹ Even when laws exist that protect women's rights, the "very powerful cultural roots" of sex discrimination override those laws.⁶⁰

Okin notes that almost all of the world's cultures have patriarchal pasts and continue to control and oppress females, but religious and old cultures (which she identifies as those that look to ancient texts and traditions for instruction on how to live today) are most susceptible to patriarchy.⁶¹ While the West still grapples with its own forms of patriarchy, she says, "Western liberal cultures—have departed far further from [their patriarchal past] than others."⁶² For example, Western women are legally assured protection from sex discrimination, and most families do not communicate to their daughters that they are subordinate to their brothers.⁶³ Moreover, many Western families do not tell their daughters "that the only positive value of their sexuality is that it be strictly confined to marriage, the service of men and reproductive ends."⁶⁴

A RESPONSE TO THESE CRITIQUES

Though cursory and selective, our earlier tour of the main strands of legal feminism demonstrated their serious shortcomings in addressing, including, and incorporating (as equals) the concerns, experiences and most importantly, the voices of women who are not White, middle-class, and heterosexual into the legal feminist discourse. Multiculturalism, in the broad sense of the term, offers a constructive critique and useful framework through which to view not only the structures of patriarchal oppression, but also the extent to which these systems of exploitation have been subsumed within the traditional feminist discourse.

The wide net of multicultural feminism includes its problematic assumptions and theoretical inconsistencies, and I will address those here. However, this section will be primarily oriented towards addressing the criticisms leveled against multiculturalism. This is an important task, since the strand of

⁵⁹ *Id.*

⁶⁰ *Id.* at 22.

⁶¹ *Id.* at 21.

⁶² *Id.* at 16.

⁶³ *Id.* at 17.

⁶⁴ *Id.*

multiculturalism that I ultimately support is a marginalized discourse within mainstream feminism. Minority experiences (including women's) show that it is far too easy for the majority to unjustly silence the critical few.

The argument that women should deal with "sexism" before addressing any of the other "isms" has at least two problematic assumptions. First, it assumes that women can indeed separate the "isms" of which they find themselves victimized. The writings of countless Black, Latina and other non-White, non-EuroAmerican feminists, some of whom were referenced above, insist repeatedly and consistently that their identities as women are inseparable from their identities as colored, poor, lesbian and/or other identities. They cannot or will not separate their multiple (self-)identities, just as much as society around them will not make those distinctions when it processes them in its assembly-line of social privilege and discrimination. Observers of this debate should be weary of the line between those claiming that "isms" can and should be separate and those who claim that they can are usually easily identifiable along class, ethnic/racial and sexual orientation lines.

The second problematic assumption of this claim is that oppressions can be hierarchized and that at the top of the hierarchy is sex-based discrimination. We cannot and should not compare and compete for oppressions. A victim should not cease their struggle against injustice if they discover a fate worse than their own. More importantly, the socially, politically, and economically powerful should not engage in the business of deciding which oppressions are worse to suffer. This is particularly the case for feminists, who posit themselves as invested in a liberatory movement. As mentioned earlier, observers of the debate should be leery of those who claim sex discrimination to be the worst of all "isms." This is urged by those who tend to be free from the disadvantages of race, class and sexual orientation. Angela Gilliam suggests that perhaps "the separation of sexism from the political, economic *and* racial is a strategy of elites. As such it becomes a tool to confuse the real issues around which most of the world's women struggle."⁶⁵

⁶⁵ TONG, *supra* note 38, at 230. This is not an argument to minimize sexism, but rather to say that advocates against sexism, racism, classism and "isms" trample on the very people they claim to champion (women) when they separate the political, economic and social contexts that lie at the intertwined roots of female oppression.

Another charge against multicultural feminism is that it encourages colored, poor and/or lesbian women to ignore their most intimate oppressors, and it masks the patriarchy that exists within Black, Latino, etc. communities. This attack is justified to the extent that self-described feminists refuse to examine particular systems of patriarchy because they exist within an economically or politically disadvantaged community. The Anita Hill story is a memorable illustration of this logic. When Hill made public allegations of sexual harassment against then-candidate for the Supreme Court Clarence Thomas, many people in the Black community responded with particular disdain.⁶⁶ They accused her of disloyalty to the Black community because her claims undermined the only Black Supreme Court candidate.⁶⁷ But unless it is possible to be an on-again, off-again feminist, no one who, on these grounds, supported or participated in Hill's public shaming can claim to be a feminist.⁶⁸

Feminism by definition implies a concerted effort to work for the betterment of the condition of women—against patriarchal (broadly construed) oppression—all patriarchal oppression, regardless of color or class. Someone who cannot or will not work towards this theoretically consistent position cannot call her/himself a feminist with the universality that the term implies. Someone who is interested solely in the selective protection of females or the selective targeting of those who oppress them cannot appropriate the legitimacy granted to feminism by virtue of its universality.⁶⁹

Excepting the minority of people who would admit to a “selective feminism,”⁷⁰ an uncomfortable number of self-identified feminists systematically ignore non-privileged patriarchy. Those especially concerned about underprivileged communities fear that turning a critical eye inward when the community already lives in

⁶⁶ *Id.* at 222.

⁶⁷ *Id.*

⁶⁸ Similarly, no feminist who in other contexts supports the economic, political, or social oppression of other women can legitimately claim to be a feminist.

⁶⁹ Albeit that its true universality is under contention and is the subject of this paper, but nevertheless most if not all of its shapers and thinkers strive for such universality, if only in liberation.

⁷⁰ I mean the term to refer to those who focus on a selective patriarchy or conversely, those who refuse to acknowledge patriarchy in specific communities.

a hostile environment will undermine the interests of that same community.⁷¹

There is a concern among some women (and men) that their critical words will be co-opted by the racist, sometimes militant, voices of the dominant society. They worry that their thoughts will be decontextualized and mutilated beyond recognition, that their agency as victims and members of their communities will be erased and that the correctives they seek will never be heard. While this does not justify relegating the struggle against sexism to the backburner, and though it demonstrates yet another problematic effort to hierarchize oppressions, there is historical and current precedent for these fears. Western feminists (such as those with the Feminist Majority) have claimed to struggle for Afghan women's rights for decades. Afghan feminist activists and women across Afghanistan would have been undoubtedly surprised when they heard their own words co-opted by the Bush Administration and its Feminist Majority advisors.⁷² They learned shortly thereafter that the Coalition bombs falling on their homes and families were coming to liberate them.⁷³ Nevertheless, such cooptation and exploitation of a liberatory message should not dissuade those who truly struggle for justice.

Notwithstanding these concerns, feminists across non-privileged communities elect theoretical and moral consistency, and turn their attentions inward to localized manifestations of patriarchy and female abuse. The traditional feminist critique that non-privileged communities refuse to identify internal systems of patriarchy is a correct description of the *dominant* sentiments within these groups, rather than feminist sentiments. In other words, it was members of the Black community and not self-described Black feminists who disapproved of Hill's revelation.

⁷¹ "To be sure, black feminists have been loathe to make a "public issue" of sexism in the black community for fear of feeding some whites' misperception that black men are more sexually voracious and violent than white men or, in a related view, that black women, like their "men folk," have enormous sexual appetites." GLORIA I. JOSEPH & JILL LEWIS, COMMON DIFFERENCES: CONFLICTS IN BLACK AND WHITE FEMINIST PERSPECTIVES 44-45 (1981).

⁷²For what the Bush administration calls Afghan women's "rejoicing" about Coalition gains in the War on Afghanistan, see Laura Bush, *Radio Address*, Nov 17, 2001, <http://www.presidency.ucsb.edu/ws/index.php?pid=24992>.

⁷³ *Id.*

Feminism is as much a marginalized discourse in non-privileged communities as it is in the dominant society. It would be unfair and inaccurate to hold Black feminists responsible for their community's resistance to a feminist analysis as much as it would be to hold White feminists responsible for the patriarchy existing within the dominant society. One can be simultaneously anti-racist and anti-sexist without forgiving feminists their racism and race activists their sexism. Thus, as much as Hill's critics were anti-feminist, so those who insist on dealing with sexism before other "isms" are racist and classist.

Moving on to Okin's challenges against multiculturalism, her first complaint above is that multiculturalism aims to protect minority cultures, most of which are patriarchal and oppressive of women, and are therefore anti-feminist. She is correct in arguing that protecting practices—all practices—of non-White, EuroAmerican communities because they are the "cultural traditions" of racial/ethnic minority groups is anti-feminist.

The strand of multicultural feminism that Okin takes issue with is that which celebrates "cultural" diversity for the sake of diversity, and holds it as a precondition for the sustenance of human society. But this kind of multiculturalism prioritizes "culture" in all its amorphousness above social justice and freedom from exploitation. This positioning precludes a feminist analysis, because it is first and foremost a dialectic between what they basically describe as "cultural minorities" and White, upper-middle class, heterosexual, EuroAmerican cultural imperialism. I appreciate the intention to combat the long tentacles of imperialism, whose hegemonic power erases and displaces the values, practices, and social structures of less economically and politically powerful groups. But this effort is misguided and patronizing—robbing people of agency and reifying culture over the well-being of the people who practice it.

This kind of multiculturalism posits a singular notion of culture per community, but it fails to take into account (a) the heterogeneity of social practices within a unified community; (b) the power relations behind the evolution of dominant practices; and (c) the agency of those within each community to act contrary to the dominant practices. The unit of analysis for these multiculturalists is the "culture" and not the people who practice them, which is problematic for a feminism that concerns itself with the well-being of individual women.

Furthermore, multiculturalism is a normalizing discourse, which elevates certain versions of culture over others with little concern for subaltern experiences. It is inconsistent for any feminist who accepts the importance of power relations in determining social norms and popular discourse to ignore the silencing role of power in defining and solidifying the practices of the controlling elite as the singular popular “culture.”

A final critique of multiculturalism is its tendency to remove agency from individuals located within a particular “culture.” It elevates certain social practices, leaving little explanation for people who deviate from the “norm” or for variations in reasons behind why people choose to participate in such practices. In other words, “culture” just *is*, with little attention to the rational basis for social practices labeled “culture” and little room for the fluidity of culture once the conditions that rationalized certain practices cease to exist.

Although Okin positions herself in opposition to multiculturalism, her faults are no different from the multiculturalists’: she accepts the existence of culture as defined by this strand of multiculturalism and descends into a critique of culture that equally essentializes, disempowers, and patronizes people located within “minority cultures.” In fact, she goes further than the multiculturalists by invoking a certain Western exceptionalism to patriarchy, as she singles out “most of the peoples of Africa, the Middle East, Latin America and Asia” as distinctly patriarchal. In other words, White EuroAmerica⁷⁴ stands alone as having “departed far further from [its patriarchal past] than others.”⁷⁵

Judit Moschkovich, a Jewish Latina immigrant feminist laments being persistently asked, “Aren’t Latin (or Black, etc.) men *more* macho and women *more* oppressed in that culture?”⁷⁶

⁷⁴ I use “White EuroAmerica” intentionally to exclude non-White groups living in the West, as Okin clearly assigns to them—immigrant groups in particular—a “culture” that is geographically located in Africa, the Middle East, Latin America, Asia, etc. The problems with this reduction and the permanent “foreignness” implied by it are the subject of many debates on immigration, national identity, citizenship, and race, but unfortunately go beyond the scope of this paper.

⁷⁵ OKIN, *supra* note 30.

⁷⁶ Judit Moschkovich, “—But I Know You, American Woman”, in *THIS BRIDGE CALLED MY BACK: WRITINGS BY RADICAL WOMEN OF COLOR*, 82 (Cherrie Moraga & Gloria Anzaldúa eds., 2d ed., Kitchen Table: Women of Color Press 1983).

Okin here divides the world into a “the West and the Rest,”⁷⁷ thereby homogenizing the entire *world* and placing it in opposition to the West, Western values, and the West’s alleged enlightened departure from its patriarchal roots.

As Nahla Abdo points out, this dichotomous view of the world as “East” and “West,” and “inferior” and “superior” correspondingly, is not new to the “Western epistemology . . . of domination and Empire.”⁷⁸ Western feminists have developed a preoccupation with the sexualities and bodies of “Eastern” women; in other words, “cultural imperialism, which is largely influenced by economic and political imperialism, has used women’s bodies and sexuality as a terrain for colonial and settler colonial polices.”⁷⁹

Okin may not consciously employ the use of these imperial frameworks for the explicit purpose of colonial or imperial expansion. Yet her aim is no different from the “White [Men’s] Burdens” that came before her: to export her superior values, her superior patriarchy, in order to save the native peoples of the worlds from their own unenlightened and un-modernized selves.

Okin cites several examples of patriarchal cultural roots and its control of women that occurs in different countries. This claim is problematic in at least two ways. First, Okin implies that patriarchal practices in White EuroAmerica somehow have a different, non-cultural basis than do non-White EuroAmerican practices. She turns her gaze towards non-Western people, for no apparent purpose other than to support her claim that the world outside of White EuroAmerica is patriarchal. But with this sweeping gaze, she homogenizes and objectifies the “Other”—privileging her positionality as one of power and moral integrity.

Nawal El Saadawi wrote a joint statement about a 1977 Wellesley Conference on Women and Development, criticizing the scant representation of women from developing countries, but more importantly, the complete absence of papers on American women.

⁷⁷ See, e.g., Nahla Abdo, *Eurocentrism, Orientalism, and Essentialism: Some Reflections on September 11 and Beyond*, in *AFTER SHOCK: SEPTEMBER 11 2001: GLOBAL FEMINIST PERSPECTIVES*, 408 (Susan Hawthorne & Bronwyn Winter, eds., 2003).

⁷⁸ *Id.* at 420.

⁷⁹ *Id.* at 421.

This absence made us Third World women realize that we were invited to attend a conference where mostly US ‘scholars’ were interpreting for us our conditions, our culture, our religion and our experiences . . . combined with the absence of papers on US women to restore for us the hardly healed colonial experience—where detached outsiders define your world for you. To feel like a fish in a glass bowl is a very uncomfortable feeling. . . .⁸⁰

Aside from the patronizing and essentializing effect of the accounts constructed by Western feminists of the non-White, non-EuroAmerican “Other,” it also takes on a self-congratulatory function for Western feminists who can claim to be more liberated while simultaneously “helping” their poor oppressed sisters across the world. But both the self-congratulation and the stereotypes of non-White, non-EuroAmerican women filter into mainstream Western discourse to the detriment of the feminist agenda.

Witness, for example, the common conversation in the United States today where the participants claim with incredulity, “Do you know how *they* [Muslims, Arabs, Southeast Asians and/or Afghans] treat their women?” As if the way women are treated in the United States does not demand equal incredulity. While speaking with an openly gay male colleague a few weeks ago, who comes from a rural area in Texas, he asked about my country of birth. Upon telling him that I come from Yemen, a Muslim, Arab country, he turned to me in sympathy and stated, “Wow, what is it like? It must be so hard.” as if my brand of oppression is of a more virulent, vicious brand than his, so much so that he could not even imagine it.

When I told him that I actually quite enjoyed living in Yemen and was lucky to have an understanding, communicative family, he looked at me unconvinced. While not doubting my experience, he could not categorize me as anything other than an anomaly, an exception to the hordes of abused Arab and Muslim women whose conditions are permanent until they can escape their “cultures.” Says Leti Volpp, “[w]estern subjects are defined

⁸⁰ NAWAL EL SAADAWI, *THE NAWAL EL SAADAWI READER* 146 (1997).

by their power to make choices, in contrast to Third World subjects, who are defined by their group-based determinism.”⁸¹

The second problem with Okin’s argument here is that she presents her anecdotes about African, Middle Eastern, Latin American, and Asian patriarchy as women’s stories. In fact, these illustrations are stories about men and about the bounds of their control: Okin’s stories are not about women. To consider these patriarchal accounts of women’s lives as the *only* narratives of these societies further marginalizes women, their stories and their work. Maschkovich wonders,

Why is everyone so willing to accept the very male view of Latin American culture as consisting simply of macho males and Catholic priests? There are scores of strong women living in Latin America today and our history is full of famous and lesser known strong women. Are they to be ignored as women have always been ignored?⁸²

Furthermore, when abusive men claim that “culture” somehow forces them to treat women as such, “the perspective of women within that community who would reject such a claim is generally ignored.”⁸³ Imagine the blow to Western women if their abusers began to justify violence against women as a cultural norm, and society did nothing but shake their head at “culture” rather than at the abusers themselves.

This phenomenon is not uncommon, both among feminists and within mainstream society. Individual unsubstantiated anecdotes of female abuse are propped up as the norm within specific “cultures,” and rather than blaming a patriarchy that women may mobilize against from within, they root patriarchy deeply and permanently within the culture. They ossify the culture, making it simultaneously unchangeable and removable, and then argue that the only way for non-White EuroAmerican women to escape patriarchy and abuse is to desert their communities and disown their cultures altogether.

This logic stands in contrast to feminism’s approach to dealing with patriarchy within their own societies. Feminists may

⁸¹ Leti Volpp, *Feminism versus Multiculturalism*, 101 COLUM. L. REV. 1181, 1192 (2001).

⁸² Moschkovich, *supra* note 76, at 82.

⁸³ Volpp, *supra* note 81, at 1193.

recognize the deep roots of patriarchy, while maintaining varying degrees of optimism for positive change. How many White American feminists have suggested that the only way for them to escape their patriarchy is to move to Scandinavia? Instead, many White EuroAmerican feminists are far more likely to recognize the fluidity of their own cultures and social practices, while maintaining a belief in being able to successfully bring about feminist change. Even those feminists who call for a separation from men do not dislocate themselves from their own (female) communities nor do they strip their identities and discard them for another.

Okin acknowledges that many countries have laws that protect women's rights, but she argues that the culture of patriarchy neutralizes these laws.⁸⁴ Unlike Western women, she argues, who are "legally assured protection from sex discrimination."⁸⁵ It seems that legal protections from sex discrimination are all that Western women need, while non-White non-EuroAmerican women need far more, given the strength and viciousness of their culture's patriarchy. Incidents of patriarchy in non-Western cultures are seen as the norm, whereas the high rates of sexual assault, domestic abuse, and gender discrimination in EuroAmerica are taken as anomalies to what the law dictates; mere exceptions to the rule.

As Volpp points out, "Culture is invoked to explain forms of violence against Third World or immigrant women while culture is not similarly invoked to explain forms of violence that affect mainstream Western women."⁸⁶ In fact, Okin's description of life in the West would lead a reader to believe that patriarchy is no longer a problem. This does a huge injustice to ongoing feminist efforts in the West, which continue to struggle against patriarchy.

Okin also argues that Western women are sexually liberated, and that their families encourage them to explore their sexuality outside the confines of marriage, the service of men, and reproduction.⁸⁷ This claim calls into question the work of countless Western theorists who continue to study the subject of female sexual repression and the double standards for male and female sexualities. Okin points out that non-White, non-

⁸⁴ OKIN, *supra* note 30, at 16-17.

⁸⁵ *Id.*

⁸⁶ Volpp, *supra* note 81, at 1187.

⁸⁷ OKIN, *supra* note 30, at 16-17.

EuroAmerican societies often verbally communicate patriarchal ideas about female subordination to young girls.⁸⁸ However, Moschkovich insists that “sexist and heterosexist oppression is more or less visible depending on how communicative people in a culture are. That Anglo culture is more Puritan and less visibly expressive does not mean it is less sexist.”⁸⁹

Strength in Coalition

In her chapter on the repressive effects academic institutions can have on feminists, Dorothy Smith asks why conditions which seem “obvious” to feminists are entirely invisible to a majority of their male colleagues and superiors. Feminists’ claims of oppression are easily silenced and subjectivized with comments such as: “Well, it doesn’t only happen to women,” or the shrugged, “So he was a bit rude or insensitive,” or the demand of “Where is your evidence?”⁹⁰

These questions and comments shift the discussion from the feminist discourse to a “language of allegations, charges, evidence, and due process, which has the effect of stagnating and crippling the effort for a serious examination of patriarchy.”⁹¹ Smith points to the systematic chilling effect that the bulwark of the academy has on the efforts to raise a consciousness about the woman’s condition. “Such universalizing or objectifying discourses operate to coordinate people’s diversities of experience, perspective, and interest into a unified frame at the institutional level.”⁹²

No doubt many feminists can identify with Smith’s complaint in their own struggles to raise awareness about and eradicate patriarchy. These same modes of power and control exist within the feminist movement itself, and while there is a debate to be had about the future direction of feminism, those occupying the seats of leadership in the production of feminist discourse should be weary of utilizing the same chilling tools of control when confronted, perhaps even attacked by feminists joining the conversation from non-privileged status positions.

⁸⁸ *Id.*

⁸⁹ Moschkovich, *supra* note 76, at 82.

⁹⁰ DOROTHY E. SMITH, *WRITING THE SOCIAL: CRITIQUE, THEORY AND INVESTIGATIONS* 197 (1999).

⁹¹ *Id.* at 198.

⁹² *Id.* at 196.

Of course, there is no single homogenous Western feminism, nor is there an organized leadership. However, as Aida Hurtado points out, “[a]cademic production requires time and financial resources.”⁹³ Thus a majority of those writing in the academy tend to be women who cannot or do not include the experiences of women who come from social or economic classes that do not traditionally have easy access to higher education.⁹⁴

Producers of feminist discourse also happen to be members of other groups, and these other affiliations inherently inform and shape the feminist in her work within the movement. Her multiple memberships may belong to groups that exercise domination over her feminist sisters in other contexts. Without being vigilant, she can only too easily impose outside frameworks of hierarchy and domination on her interactions with her fellow feminists. It is not about who suffers more oppression and whose lives are worse. Rather, it is about who enjoys the *privilege* of freedom from these oppressions, and how this privilege blinds one to her own participation in and perhaps even support and affirmation of these oppressions—in other words, her own consumptive role in the oppression of her feminist sisters.

There should be no temptation to compare, quantify, and weigh different oppressions against each other for licenses of legitimacy. Nor is the possession of privilege morally wrong; in fact, anti-oppression activists mobilize in hopes of achieving some of this privilege for less fortunate groups. But it would be theoretically shortsighted to deny that one has *access* to this privilege, or to deny the power of privilege in shaping and forming ideas and worldviews.

It would be equally shortsighted to deny the responsibility of the privileged to recognize their place in a conversation of many or to ignore the power of their words in the context of existing power structures. Feminists do not seem surprised by the man who is apathetic to feminism, acknowledging the blinding, sanitizing power of privilege. Yet do they not insist on the importance, the need, in fact the moral responsibility of male participation, education, and mobilization against systems of patriarchy? Would the male feminist, newly conscientious to the gendered power structures, now deny his accidental birth into the

⁹³ AIDA HURTADO, *THE COLOR OF PRIVILEGE: THREE BLASPHEMIES ON RACE AND FEMINISM* 6 (1999).

⁹⁴ *Id.*

privileged group of males? Would this male now deny his power to exploit, solely on the basis of his new conscience?

The remaining question is: how can feminists accommodate each other's diversity, while simultaneously building solidarity? First, women from differing backgrounds of privilege or non-privilege should never deny any parts of themselves. Tong writes,

Just because a feminist wants to work with women very different from her—who may, for example, have suffered oppressions far more harmful to body, mind, and spirit than the ones she has suffered—does not mean she should deny who she is. Nor does it mean she should keep her counsel for fear of offending others. On the contrary, to refuse to reveal one's self to others is to assume that others are not capable of coming to terms with one. "Although I think I have what it takes to understand others, I doubt that they share this ability": To think in such a fashion is the height of arrogance. . . ."⁹⁵

Second, success lies in a kind of coalition building that rejects the constructions of "Self" and "Other" along the lines of White, upper/middle-class, heterosexual, EuroAmerican and everything that is not. It is not surprising that women have been cast as the oppositional "Other" to men, since Western philosophical thought has traditionally maintained dualistic conceptions such as mind/body, reason/emotion, public/private. But as Carrie Paechter explains,

The terms in these pairs are, however, not equivalent; one is given priority over the other and, in some cases, as in the distinction between reason and emotion, one is defined simply as the negative of the other. Dichotomies such as these have long been used to distinguish Subject from Other, and to call the Other's humanness into question.⁹⁶

We use the "Other" to construct our understandings of ourselves: men may view women as men with an added "wo" and

⁹⁵ TONG, *supra* note 38, at 228.

⁹⁶ CARRIE PAECHTER, *EDUCATING THE OTHER: GENDER, POWER AND SCHOOLING* 8 (1997).

different genitalia; traditional feminists may view non-White, non-EuroAmerican women as women, only more oppressed. The construction of the “Other” is problematic for its dualism, and its dehumanizing essentialism, but also because the “self” is constructed in relation to this flawed “Other.”⁹⁷

Only by comparing Western women to the “cultures of Africa, the Middle East, Latin America and Asia” may a self-described feminist like Okin arrive at the conclusion that Western women are more or less free from patriarchy. Feminists have rejected the construction of woman as nothing more than man with “add-ons;” now they must come equally as far in rejecting the notion of a singular Woman: adding hyphenated identities such as “Black” or “Latina” among others to describe women’s deviation from the standard White, upper/middle class, heterosexual norm.

Feminism must work on forming coalitions, coalitions in which women may speak to each other as equals and not as antagonists in competition for the singular idea of “woman.” The coalition should embody de Beauvoir’s “ethics of ambiguity . . . which will refuse to deny *a priori* that separate existants can, at the same time, be bound to each other, that their individual freedoms can forge laws valid for all.”⁹⁸

⁹⁷ See generally LUCE IRIGARAY, KEY WRITINGS, 23-27 (2004).

⁹⁸ SIMONE DE BEAUVOIR, ETHICS OF AMBIGUITY 18 (Bernard Frechtman trans., Carol Publishing Group 1997) (1948).