



1991

Enough Said

Deborah L. Rhode

Follow this and additional works at: <https://digitalcommons.law.yale.edu/yjlf>



Part of the [Law Commons](#)

Recommended Citation

Deborah L. Rhode, *Enough Said*, 4 YALE J.L. & FEMINISM (1991).
Available at: <https://digitalcommons.law.yale.edu/yjlf/vol4/iss1/5>

This Article is brought to you for free and open access by Yale Law School Legal Scholarship Repository. It has been accepted for inclusion in Yale Journal of Law & Feminism by an authorized editor of Yale Law School Legal Scholarship Repository. For more information, please contact julian.aiken@yale.edu.

Enough Said

Deborah L. Rhode[†]

I should begin by acknowledging that I spent far more time constructing, deconstructing, and reconstructing my brief comments for this panel than for any similar presentation. The reason, I suspect, has much to do with issues of difference that are central to this Conference and to feminism more generally. My discomfort reflects the sense of being something of an outsider. This is not, of course, my first experience of that kind. But what makes this experience different is the nature of my difference. I had the sense that in this company I'd be a token not of some subordinate or marginalized group—women, left, academic—but of the mainstream—white, heterosexual, economically privileged, and blonde to boot. For the first time that I can recall, my response was a conscious search for something safe to say. As I discovered myself pulling together favorite quotes from favorite authors—many sitting in this room—I was struck by the pointlessness of the enterprise. It may well be that in many contexts where I am a token of a different sort it would make sense to preach to the unconverted with texts from hooks, MacKinnon, Matsuda, Romany, Williams, and others here.¹ But for this audience that strategy didn't seem likely to advance the conversation.

Yet all the obvious alternatives seemed much more risky. "Of what exactly are you afraid?" I asked myself nonrhetorically. If "getting it wrong" is the problem, then that's getting in the way of getting anything at all. And maybe, I thought, we should talk about that.

So I will, briefly. What seems to be plaguing some of our theorizing and much of our practice is an unwillingness to engage critically with our aspirations or anxieties about difference. We aren't advancing the conversation because we'd rather not have it. Even broaching the topic I've identified carries obvious risks. It threatens to decenter the dialogue and once again focus not on the needs of subordinate groups but on the concerns of the privileged

[†] Deborah L. Rhode is a Professor of Law at Stanford University. This piece is a close adaptation of the speech she gave at the Conference, *Feminism in the 90s: Bridging the Gap Between Theory and Practice*, for the panel on *Broadening the Definition of Feminism*. The comments of Regina Austin, Angela Harris, bell hooks, and Celina Romany are gratefully acknowledged.

1. A representative sample would include: Kimberlé W. Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in AntiDiscrimination Law*, 101 HARV. L. REV. 1331 (1988); BELL HOOKS, *AIN'T I A WOMAN?: BLACK WOMEN AND FEMINISM* (1981); *TALKING BACK: THINKING FEMINIST, THINKING BLACK* (1989); CATHARINE A. MACKINNON, *FEMINISM UNMODIFIED* (1987); *TOWARD A FEMINIST THEORY OF THE STATE* (1989); Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN'S RTS. L. REP. 7 (1989); Patricia J. Williams, *Alchemical Notes: Reconstructed Ideals from Deconstructed Rights*, 22 HARV. C.R.-C.L. L. REV. 401 (1987); See also sources cited *infra* notes 2, 4, 5, 7, 8, 11.

majority. The discussion could well prove all too reminiscent of those clichéd courtship rituals in which a pompous white male turns to his female companion after an extended monologue and announces, "Well that's enough about me. Let's talk about you. What do you think of me?"

In wondering how to avoid that pattern, I recalled last year's plenary session at the Association of American Law Schools where Regina Austin gave a highly moving talk titled *Educating White People*.² She reviewed the perils of having your agenda set by others' needs. I could certainly empathize with that position if not fully share it. Her account reminded me of occasions where some distinguished white male professor would ask for a Reader's Digest condensed version of what feminism had to offer law. A bibliography is almost never what he had in mind. The experience reflects a kind of solipsism of the center in which the mainstream scholar wants a little gossip about what the margins are up to these days.³

But a still greater danger arises from making the request for dialogue too risky. The result may be that those genuinely worried about "getting it wrong" won't be able to get "it" at all. That is not to imply the existence of some universal truths or uniform perspective shared by the subordinate. But it is to suggest that experiences of marginalization can enrich analysis. On the issues of most central concern to feminists, there may be no "right" answers but there are better and worse ways of thinking about the questions. Not all approaches are equally coherent, self-critical, and inclusive. Exploring our differences can be a crucial means of expanding our vision and identifying our commonalities.

That point has gained increasing recognition in feminist theory.⁴ But feminist practice and feminist politics lag behind. It is not, as Audre Lorde once noted, "those differences between us that are separating us. It is rather our refusal to recognize those differences, and to examine the distortions which result"⁵ So, at the risk of compounding my discomfort by confronting it, let me just briefly sketch several ways that I think well-intentioned, non-marginalized groups are silenced by the subject of silencing.

There is first the fear of addressing issues that could expose our unconscious racism, homophobia, or class biases. Of course, that risk can't

2. Regina Austin, *Educating White People*, Association of American Law Schools plenary session speech (Jan. 6, 1990) (on file with the *Yale Journal of Law and Feminism*).

3. See Deborah L. Rhode, *The 'Woman's Point of View'*, 38 J. LEGAL EDUC. 39 (1988); Trina Grillo & Stephanie M. Wildman, *Obscuring the Importance of Race: The Implication of Making Comparisons Between Racism, Sexism (Or Other -isms)*, 1991 DUKE L.J. 397.

4. See, e.g., Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990); Marlee Kline, *Race, Racism, and Feminist Legal Theory*, 12 HARV. WOMEN'S L.J. 115 (1989); Sandra Harding, *The Instability of the Analytic Categories of Feminist Theory*, 11 SIGNS 645 (1986); Christine Di Stefano, *Dilemmas of Difference: Feminism, Modernity and Postmodernism*, in FEMINISM/POSTMODERNISM 63 (Linda J. Nicholson ed., 1990); Regenia Gagnier, *Feminist Postmodernism: The End of Feminism or the Ends of Theory?*, in THEORETICAL PERSPECTIVES ON SEXUAL DIFFERENCE 21 (Deborah L. Rhode ed., 1990).

5. AUDRE LORDE, *SISTER OUTSIDER* 115 (1984).

be avoided by entirely avoiding discussion. The dilemma is that either talking or not talking about differences these days can get one in trouble. Yet all too often we seek to escape the dilemma by acknowledging without really addressing those differences. We note, but too seldom explore, variations in experience across the familiar litany of race, class, ethnicity, sexual orientation, and so forth. We speak in ways that make difference seem more like an attribute rather than a relationship and that deflect focus from its social construction and constraints.⁶ In seeking to avoid parochialism, we often compound it; a common strategy is what Marilyn Frye describes as a retreat into autobiography—stringing suitable adjectives before the noun “woman” (speaking as a middle-aged, middle-class Anglo . . .).⁷ Or we assume the existence of some illusory “generic woman” and add qualifying tag lines to every other paragraph such as “and all this is worse for women of color.”⁸ Well it almost always is, but just announcing that fact and moving on will never change it. Nor will treating such groups as homogenous categories adequately illumine the diversity of their members’ experiences and concerns.⁹

We often end up with that unsatisfying compromise because the alternative, a real exploration of differences, involves much more work and much more risk. Suppose you really miss it, and no one tells you. Or even worse, tells everyone else. I remember a white student confiding to me that she was afraid to speak on these issues in class for fear that she’d find herself in one of the teacher’s footnotes as an example of unconscious racism.

That anxiety points up another risk. Our dialogue can itself become a stab at “political correctness,” preoccupied more with self-presentation than social activism.¹⁰ A fixation with deconstructing difference can deflect energies from constructing coalitions around the immediate needs of subordinate groups.

Of course, it is thinking about thinking (or Theory, as we in academia like to call it) that brings the greatest professional rewards, rewards which often seem inversely correlated with relevance for practice. Universities want us to organize ideas, not communities. But here, and I mean to be self-critical as well as critical, we cannot truly respond to difference without expanding our audience and our agendas. We need to refocus attention in ways that others in this symposium have so movingly described. If we’re interested in changing

6. See MARTHA MINOW, MAKING ALL THE DIFFERENCE 19-23, 41-42, 56-60, 217-19, 375-77 (1990).

7. For critiques of this “additive” approach see Marilyn Frye, *The Possibility of Feminist Theory*, in THEORETICAL PERSPECTIVES ON SEXUAL DIFFERENCE, *supra* note 4, at 178; see also PATRICIA H. COLLINS, BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT 19-28 (1990).

8. See generally ELIZABETH V. SPELMAN, INESSENTIAL WOMAN: PROBLEMS OF EXCLUSION IN FEMINIST THOUGHT 114, 167 (1988).

9. See Alex M. Johnson, Jr., *The New Voice of Color*, 100 YALE L.J. 2007 (1991) (arguing for pluralistic concept of race consciousness); Harris, *supra* note 4.

10. As a consequence, feminism’s emphasis on self-transformation as a prelude to social change is replaced with a focus on self-transformation as a substitute for social change. See L.A. Kauffmann, *The Anti-Politics of Identity*, 20 SOCIALIST REV. 67, 77-78 (1990); Deborah L. Rhode, *The ‘No-Problem’ Problem: Feminist Challenges and Cultural Change*, 100 YALE L.J. 1731 (1991).

not just our concepts but our worlds, we've got to get on with it. More of our energy needs to focus on doing what we too often just acknowledge needs to be done. It's not enough, as Celina Romany reminds us, to bring more voices into the conversation; we need to transform the material conditions that determine who is able to be heard.¹¹

Our discourse on difference will advance that end only by remaining sensitive to the power relations that underlie it. We need ways of engaging these issues without reasserting the hierarchy we seek to challenge. In her recent work *Yearning*, bell hooks recounts her impatience at the dialogue among many self-proclaimed radical and feminist scholars:

I am waiting for them to stop talking about the 'Other,' to stop even describing how important it is to be able to speak about difference. . . . Often this speech about the 'Other' annihilates, erases: "No need to hear your voice when I can talk about you better than you can speak about yourself. . . . Re-writing you, I write myself anew. I am still author, authority. . . ." ¹²

Damn, I think as I contemplate using that quote. Are these comments more of same—and more indicative of the problem than of the solution?

I don't know. But I can't help hoping that it's useful to ask.

11. Celina Romany, *Ain't I A Feminist?*, 4 YALE J.L. & FEMINISM 23 (1991).

12. BELL HOOKS, *YEARNING: RACE, GENDER AND CULTURAL POLITICS* 151-52 (1990).