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Woman (Modified)

Susan Christian[†]

Justice means children with full bellies sleeping in warm beds under clean sheets. Justice means no lynchings, no rapes. Justice means access to a livelihood. It means control over one's own body. These kinds of concrete and substantive visions of justice flow naturally from the experience of oppression.¹

Justice has been the demand of most movements advocating social change. Justice for women is the essential demand of feminism. There has been, however, constant disagreement among feminists about what the phrase "justice for women" actually means. This argument has both legitimate and illegitimate aspects. It has encompassed the legal issue, also relevant to theory, of whether justice requires the same treatment for both genders, or whether the realization of justice demands recognition of the overarching and systemic social inequities which distinguish the experiences of women from those of men. The debate has also entertained what I view to be a much less legitimate argument, one which essentially asks: which type of woman deserves to represent Women? Stated differently, the question has been "what type of woman would be the exemplar—the 'poster girl'—for the feminist struggle?" Thus has the ideal of feminism devolved from its radical essence—justice for all women—to become a tool of racial and class antagonism.

Racial mistrust and racism within feminist movements, the phenomenon of working class racism, and the continuing prevalence of sexism and anti-gay bias across racial and ethnic lines demonstrate that disadvantage does not necessarily engender enlightened concern for the plight of others. And so, one is compelled to ask: is a politics of justice that seeks to address the specific claims and circumstances of all women possible? This politics is possible. The key to its realization is passionate allegiance to an ideal of Justice which is

[†] Associate with the law firm of Munger, Tolles & Olson in Los Angeles, California. The author wishes to thank all of the women in the Collective on Women of Color and the Law at Yale, past and present, for their efforts and friendship. Particularly, I wish to acknowledge those who took it upon themselves to establish the Collective and organize the first Conference on Women of Color and the Law: Karen Porter, Brenda Thomas, Lourdes Rivera, Toquyen Truong, Katherine Lin, Rosa Kim, Natalie Williams, Michelle Baker, April Cherry, Lizzie Portella and Tanya Hernandez. Although my comments in this essay are inspired in great part by the Collective, the opinions expressed are my own. I would also like to thank Sydney Patel and Yasmin Cader for their perspectives on the contents of this essay. Finally, I would like to thank those who are not women of color who have, through their work, their actions, and their words, made me certain that feminism does indeed have a future.

1. Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN'S RTS. L. REP. 7, 8 (1989).

truly meant to be accessible to all; an ideal of Justice that neither participates in nor thrives upon anyone's subordination. Without a commitment to such an ideal, feminism will fail to realize its potential as a vehicle for systemic change.

In the conference address, which she entitled "What is a White Woman Anyway?", Catharine MacKinnon engaged the question discussed above: whether it is possible to speak of "women" and "justice for women" without "invok[ing] any abstract essence or homogeneous generic or ideal type" of woman.²

The central tenet of Catharine MacKinnon's work is the assertion that a woman is subjected to certain distinctive forms of abuse and subordination because she is a woman.³ Some have criticized MacKinnon's thinking on this point as being "essentialist."⁴ From this critical perspective, the claim that all women share a collective condition of subordination based upon gender ignores, or at the very least de-emphasizes, the impact that other forms of subordination have on women's lives.⁵ The concern at the root of this criticism—does a political vision prioritize one form of oppression over others—is a thoroughly legitimate one. Indeed, the question is so crucial to the legitimacy of a political theory that it should be asked of all work related to social change. When the vision of such work is found lacking, it should be challenged on the basis of this shortcoming. I would, however, argue that MacKinnon's thinking, as represented by her view that women are subordinated *as* women, i.e., on the basis of their sex, is not "essentialist." A perspective defined by a focus upon a form of inequality which affects all women, albeit in different ways depending upon our characteristics and resources, is not inherently "essentialist." Furthermore, I do not read MacKinnon's work as an argument for the proposition that either 1) forms of oppression are distinct and separable, or 2) that one form of subordination—that based upon sexual inequality—is more significant or pervasive than others. On the contrary, I read MacKinnon's work as an assertion that characteristics other than sex—race, class, sexual orientation—are co-factors that are critical to, and inseparable from, a woman's identity—and subordination—as a woman. Consider the following:

The first task of a movement for social change is to face one's situation

2. Catharine A. MacKinnon, *From Practice to Theory, or What is a White Woman Anyway?*, 4 YALE J. L. & FEMINISM 13, 16 (1991) [hereinafter MacKinnon, Conference Address]. This essay is not offered as a complete review of MacKinnon's address, although the work presented by each conferee deserves such attention. My intention is simply to present a brief analysis of one concept evoked by her comments—the concept of identity and the meaning of "woman" in relation to it.

3. "Inequality on the basis of sex, women share. It is women's collective condition." CATHARINE MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE 241 (1989) [hereinafter FEMINIST THEORY OF THE STATE]. See also MacKinnon, Conference Address, *supra* note 2, at 13.

4. See e.g. Angela Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 585 (1990).

5. *Id.*

and name it. The failure to face and criticize the reality of women's condition, a failure of idealism and denial, is a failure of feminism in its liberal forms. . . . Feminism on its own terms has begun to give voice to and describe the collective condition of women as such, so largely comprised as it is of all women's particularities.⁶

MacKinnon's recognition that a feminist movement for social change must be rooted in the particularities of women's experiences is consistent with the approach that many women of color, particularly those who have identified themselves with feminist politics, have taken all along. It presents the refrain that we are not simply women, nor, for example, only African American, but African American women. Yet, I would argue that MacKinnon's Conference Address exhorts women to push even farther than this determined coupling of aspects, attempting a move that has radical implications for theory and practice. MacKinnon asks feminists to embrace a concept of "Woman" that is not primarily rooted in an identification based solely on biological sex. She seeks to assemble a being with a new identity which is characterized, in a primary sense, by the critical aspects and traits beyond biological sex which themselves admit, and even boast, of great variation. While race, class, sexual orientation, and other characteristics retain their salience within the boundaries of this newly conceived Woman, this new category which she seeks to create represents neither an abstraction nor a chimera. Rather, it describes a complex person whose identity is at root multifaceted, a being who cannot be reduced to one essential characteristic—whether sex, sexual orientation, gender, race or class. An orchid is no less a flower than is a bird of paradise; an Asian woman or a Latina is no less the Woman for whom feminists seek justice than is a white woman. One might say that, as Flower is to the orchid and the bird of paradise, so is Woman to woman (modified).

These identities can co-exist in a framework that is characterized by a consciousness of "both/and" as opposed to "either/or." Indeed, this type of identification is gaining strength among women who work or live in situations where the concept of a community of women of color has either social or political roots. It is strongest, though not existent exclusively, among those women who consider themselves to be feminists. One example of this is the experience of women of color at Yale who have come together from different communities to forge an alliance which is rooted in those aspects of our experiences and identity which are shared. This connection has been made across the lines which define each of the groups as distinct from the other. Because we had a shared sense of being outside the recognized "norm," we came together despite our differences to work, laugh, support, and encourage one another. Many of us were moved to look for a community of women because our numbers were so small and because we needed, sometimes

6. MACKINNON, *FEMINIST THEORY OF THE STATE*, *supra* note 3, at 241.

desperately, the understanding, affection and support that come with true community. Once we came together, we found that we liked the connection that we had established, and we nurtured it. Not only did this newly created community become a useful platform from which to respond to painful or oppressive circumstances, but this connection also empowered us to act affirmatively by giving us a relationship through which we could empower one another. Consequently, what was in many respects a reactive act produced an extremely positive and empowering community that is a continuing source of energy for proactive activities and initiatives. The narrow minds of others, viewing us as different from them and therefore the same as one another, threw us together into one "colored" heap. We took this categorization, drew together and transformed what was meant to be a negative and dismissive association into a positive organization based not upon resentment of the "Other," but upon mutual regard stemming from an inward focus. By making a commitment to each others' needs, we created a community and a reservoir of strength. To a great extent many of us now think of ourselves as women of color as much as we think of ourselves as Asian, Black or Latina.

In calling for an identification that is common to *all* women, MacKinnon urges women to do something that has, to my present knowledge, not been done on a group level, and rarely accomplished at the individual level. Although the Collective was, for many of us, a largely reactive alliance which nevertheless produced an empowering community that broke through racial barriers, MacKinnon is pushing for the movement made by women of color to be taken to another level. She does not urge feminists to adopt what is, despite its value, an essentially reactive identification and transform it into a positive vehicle for growth and change. Instead, MacKinnon urges a different strategy—she urges all women to take a proactive stance in relation to our identity. In challenging her audience to consider "what is a white woman anyway?", she urges women to reach across the very bright line which separates "white" from "black" and to categorize ourselves in a way that the categorizing Other—in MacKinnon's view, that "other" being men, particularly men who are both heterosexual and white—has not.

MacKinnon's vision of feminism and womankind, however, will undoubtedly encounter resistance from all quarters because it displaces the very basis of whatever power women currently possess—most significantly, the pillars of race and ethnicity. For example, women who are white have often complied with the individual and systemic oppression of people of color in order to share in the benefits of dominance created by racist systems and practices. These women perceive a system or environment to be "just" for "women" as long as it does not disadvantage them. As a result, women of color are denied their identity as women and their rights as human beings. While white women gain very real material advantages from active participation in or passive acquiescence in an unjust system, they forgo the

opportunity to empower women as women, to truly seek justice for women by working with women of color. The "white woman" whose existence MacKinnon challenges exists. She is the very woman who clings to her skin privilege in the face of an awareness of the cost that her privilege extracts from other women and men. The fact that these women exist, and see themselves as feminists, must be recognized, and their commitment to feminism challenged.

Among women of color, MacKinnon's view may also encounter resistance from those who feel that their identity and basis of power lies in their racial identity, and in no other place. While we have historically fought for the simultaneous advancement of racial and gender equality, women of color have too often indulged in the very politics of self-interest from which we have suffered so profoundly. This fact is exemplified by the exclusion of, and bias against, lesbian women and gay men in communities of color.

Yet, despite the historical struggle waged by women of color on behalf of both women and men in our communities, the social concessions made to women of color have primarily been made as redress for discrimination based on race alone. The points in this country's history at which the white social structure gave official recognition to the humanity of Blacks were instances where the society chose to recognize the humanity of Black men and their right to be treated *as men* in this society. To the extent that women have shared the characteristic which generated the moral imperative for this recognition—race—we have benefitted. However, to the extent that African American women have needs which are unique, these needs have not been recognized. In this context, race has been the sole basis of women's power and the impetus for change, while the underlying inequalities based upon sex and gender have too often gone unchallenged. Men of color have too often sought to define the agenda for political change without the full participation of women, and in a manner that enhances male privilege and subordinates female authority and power.

Thus, for both women who are white and women of color, race has been the central basis of power and change. Indeed, this society has never endowed women with power as women, separate and distinct from their relationship to men.⁷ Because women's sense of power in this society has been rooted in race, there has never been a sense of the common power of women in the minds of the majority of women. Given this reality, it is not likely that a wide array of women would readily identify with a "womanhood" that actually crossed all lines, encompassed all women, and enveloped their racial, cultural, ethnic and gender identity.

What, then, could possibly lead to the openness necessary to break through

7. Although lesbian women would be more apt to reconceptualize their identity as women in the manner which MacKinnon advocates, many lesbian women act upon feelings of racial solidarity and indulge in blatant racism.

these barriers? Whatever means are created to reach across these lines, they must be preceded by a hunger for change which drives each of us to risk comfort and privilege, whatever their bases. The theories and practices used to effect change must be preceded by a desire for connection and for Justice which leads each of us to disdain the subordination of others, or truly radical changes will never occur. Hunger for connection and Justice may be the only thing that can provide us with the courage to be vulnerable enough to learn and generous enough to teach.

Any strategy that seeks to end subordination of women must necessarily be competent to address the oppression of women of color, just as any analysis or theory worthy of the appellation "Nationalist," "Progressive" or "Radical" must necessarily recognize and speak to the subordination of all women. The only difference between the theories should be in the initial angle from which oppression is viewed. Whatever the perspective, the ultimate goal must be the same, and can be phrased in several ways—the end of the subordination of all groups of people, some of whom will be women, or the end of the subordination of women, all of whom fall into different groups. Whatever your opinion of the ideas presented by Catharine MacKinnon in her Conference Address, two messages should be heard and internalized by all: no one's pain should be trivialized, and each of us must be willing to face whatever role we play in the subordination of others. I would like to close with the words of Patricia Williams, another conferee and gifted theoretician, whose work is firmly rooted in the complexity of human identity.

The perspective we need to acquire is one beyond those boxes that have been set up. It is a perspective that exists on all three levels and eighty-five more besides—simultaneously. It is this perspective, the ambivalent, multivalent way of seeing, that is at the core of what is called critical theory, feminist theory, and much more of the minority critique of the law. It has to do with a fluid positioning that sees back and forth across boundary, which acknowledges that I can be black and good and black and bad, and that I can also be black and white, male and female, yin and yang, love and hate. Nothing is simple. Each day is a new labor.⁸

8. PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS: DIARY OF A LAW PROFESSOR* 130 (1991).