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Open Letters to Catharine MacKinnon

These letters were written and sent to Professor MacKinnon in direct response to her speech¹ delivered at the Conference on February 9, 1991. Some of the concerns and comments in these letters were expressed in the question and answer session following Professor MacKinnon's speech, some were part of a larger debate that was engendered and referred to throughout the Conference and after, and some are part of an ongoing discourse among women of color and white feminists. Shortly after the conference, Professor MacKinnon invited response to her speech by giving the Yale Collective on Women of Color and the Law a written version of her speech so that any members of the Collective who wished could react and respond directly to her spoken words. The first letter results from discussions among many women, which have been consolidated into one response. As of yet, no reply to the letter has been received from Professor MacKinnon.

Dear Professor MacKinnon:

This letter represents both a personal and a collective response to your paper presentation at the *Feminism in the 90s: Bridging the Gap Between Theory and Practice* Conference, co-sponsored by the *Journal of Law and Feminism* and the Collective on Women of Color and the Law. As a member of the Collective and an organizer of the Conference, I am pleased that the Conference intensified dialogue at Yale about women of color, feminism and law. Your speech highlighted many important issues.

Discussions about your speech have taken place among members of the Collective, among other women of color and among white women. While I initiated this text, the final draft is the result of an extensive collective effort. Women who were involved in the process and who support the final text include their names below as contributors. Three of these women have also included letters of their own in which they raise issues of particular concern to them. These letters follow this open letter. We intend our response to be viewed in the context of other responses to your speech, especially those of other Collective members.²

In furnishing the Collective with a written copy of your speech, you specified that it could not be distributed beyond the membership of the

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

2. Two pieces, written by Collective members, appear in this issue: Susan Christian, *Woman (Modified)*, 4 YALE J.L. & FEMINISM 171 (1991); e. christi cunningham, *Unmaddening: A Response to Angela Harris*, 4 YALE J.L. & FEMINISM 155 (1991).

Collective. Several contributors to the letter attended your paper presentation at Battel Chapel but are not in the Collective. Those contributors respond based on their memory of your talk. I have tried to reference your spoken words rather than your written text. Also, I refrain from quoting your paper. In order to aid you in following our comments and criticism, when possible there are page and paragraph references to the written copy you gave the collective.³

After reading your speech and talking with other women about it, I have reflected upon the comments I addressed to you following your presentation at Battel Chapel. As a result, I regret any insinuation that your affirmation of experience "as a woman" signified a universal concept of womanhood. Maintaining the existence of experience "as a woman," as well as the vision of sisterhood, is integral to all women who consciously identify themselves as feminists. This vision of sisterhood is dependent on all women's ability to empathize with the discourse of feminism. When feminists articulate theory, especially through scholarship, we are unable to address every facet of the feminist project. Women of color often emphasize the boundaries in feminist texts, rather than construing texts to embrace a broader spectrum of experience. For example, in her article *Race and Essentialism and Feminist Legal Theory*, Angela Harris writes, "I invite the critique and subversion of my own generalizations."⁴

Our persistent concerns revolve around two interpretations of your speech. First, the concept of experience "as a woman," although not in and of itself essentialist, is presented in your paper as limited to forms of exploitation involving women's reproductive or sexual capacities. Second, the misapprehension of the relationship of women of color to white women and to men of color implies a partial dismissal of the critical contribution of women of color to feminist discourse. We found it difficult to comment on passages of your speech that were open to many interpretations. For instance, we questioned the connotations of the speech's title, *From Practice to Theory, or What Is A White Woman Anyway?*

For example, you argue that women have experiences based on their gender,⁵ and that forms of oppression affecting men are not central to sex equality because men are not structurally subject to reproductive and sexual exploitation.⁶ You criticize authors who neglect gender as a category of oppression.⁷ In our understanding, writings by women of color and Third World women acknowledge the existence of gender oppression, but they also maintain that gender oppression never occurs in a racially-neutral or culturally

3. The page numbers that are provided herein refer to the page numbers of Professor MacKinnon's speech as it appears in this journal.

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

5. MacKinnon, *supra* note 1, at 14.

6. *Id.*

7. *Id.* at 18.

independent context. Saying gender and race are interdependent or occur simultaneously is not to say gender does not exist. We are greatly inspired by the theoretical work of Trinh Minh-ha and Chandra Mohanty, who explain how Third World women shape their own identity, but negotiate this with an identity in Third World culture and an identity imposed by oppressor cultures.

You reject those aspects of writings by Susan Brownmiller and Simone de Beauvoir which center on "the biological" as a determinant of women's oppression and make reproduction into disempowerment or make sex as subordination seem inevitable.⁸ We agree with your criticism but wonder why you do not mention what is missing in the conception of "women's experience" in biologically essentialist writings. Those writings do not acknowledge the exploitation of women which (i) involves race as a dynamic of gender subordination or (ii) involves forms of gender/race oppression distinct from, and at times counterposed to, the experiences of white women. In *Ain't I A Woman: Black Women and Feminism*, bell hooks (Gloria Watkins) was one of the first women of color writers to offer such a critique of essentialism in white feminism.⁹

Women's experiences which are not shared with white women have been the most difficult to admit into feminist discourse, usually because white feminists classify them as race-based rather than gender-based. We disagree with your notion of an empirical reality which would pervade all experiences "as a woman" in Third World and in white cultures.¹⁰ Your speech presents examples of gender oppression as if they are not mediated by race, thereby manifesting the limitations of your concept of women's experience. For instance, you talk about pornographic stereotypes of women of color but never mention the possibility that men of color (inside and outside the U.S.) may attribute different stereotypes to women of color.¹¹ Other examples of gender oppression often neglected by white feminists are: the industrial, domestic and supportive services women of color provide for white women and men in the contexts of colonialism, imperialism and slavery; the exploitation of women of color which is gender specific but attributed to race; and, the subordination of women as defined by Third World cultures, which differs from patriarchy in white culture.

Third World cultures provide alternative conceptions of womanhood, and of women's subordination. Feminist legal theory must include these alternative conceptions even though doing so risks further complicating the reformulation process. The presence of Third World enclaves in the U.S., the survival of Native peoples, the exploitation in the Third World by U.S. corporations, and the impact of U.S. policy in the Third World (etc.) make clear the necessity

8. *Id.* at 17.

9. BELL HOOKS, *AIN'T I A WOMAN: BLACK WOMEN AND FEMINISM* (1981).

10. MacKinnon, *supra* note 1, at 14.

11. *Id.* at 20.

of recognizing Third World culture as a legal, normative force. The legal scholarship of Mari Matsuda, Celina Romany, and Robert Williams exemplifies this endeavor.

A limited concept of experience "as a woman" is implicit in your treatment of Mechelle Vinson's agency in the formulation of sexual harassment legal doctrine. Mechelle Vinson brought action against her employer as a woman, but more accurately as a Black woman. You fail to recognize this in your description of the acts Mechelle Vinson's employer committed against her.¹² Perhaps Ms. Vinson would not articulate her experience differently. Although shaped by the case of *Meritor Savings Bank v. Vinson*,¹³ sexual harassment legal doctrine is not centered on women of color. That Mechelle Vinson, a Black woman, was the plaintiff in this landmark case has not automatically protected women of color from being marginalized in the legal theory of sexual harassment. The theory needs expressly to encompass those forms of sexual harassment which involve race as subordination. Sexual harassment as a theory focuses on sexual exploitation as linked to reproductive or sexual capacity. It neglects sexual exploitation in the context of race subordination, and the practice of sexual harassment law does not fully address harms done to women of color.

Women of color who bring actions against male harassers have difficulty demonstrating the full extent of harm they wish to redress. First, a woman of color must refigure her experience of harassment to conform to one of two relevant legal definitions of harassment: racial and sexual. In the case of *Barnes v. Costle*,¹⁴ Paulette Barnes first decided to claim racial harassment. Then, realizing the "error," instead claimed sexual harassment. It is very likely that Ms. Barnes' employer thought that he could get away with coercing Ms. Barnes into a sexual relationship, not only because she was a woman, but because she was a Black woman. Similarly, in a complaint in the Minnesota Department of Human Rights, a hearing examiner reduced Willie Ruth Hawkins' award of back pay damages in a sexual harassment action because "racial discrimination [not addressable under a sexual harassment claim] contributed to the tension at the plant."¹⁵ The facts of many leading cases of racial harassment in which women of color are complainants show that the harm inflicted on women of color is similarly distorted by that doctrine's confinement to race issues.¹⁶

In sexual discrimination law as a whole, women of color confront doctrine consistently marginalizing their experience. In *Moore v. Hughes Helicopter*,

12. *Id.* at 15.

13. 477 U.S. 57 (1986).

14. 561 F.2d 983 (D.C. Cir. 1977).

15. *Continental Can Co., Inc. v. State*, 297 N.W.2d 241, 245 (Minn. 1980).

16. See *Taylor v. Jones*, 653 F.2d 1196 (8th Cir. 1981) (Corenna Taylor was, *inter alia*, assigned physically demanding work constituting racial harassment); *Rogers v. EEOC*, 454 F.2d 234 (5th Cir. 1971) (Josephine Chavez was fired by a male manager who would not tolerate "friction" between Ms. Chavez and white female workers).

Inc.,¹⁷ Tommie Moore was unable to maintain her claim of sexual discrimination because she included elements of racial discrimination in her complaint. The best a court has done with sexual discrimination law is to include women of color under the "sex-plus" doctrine.¹⁸ The "sex-plus" doctrine was envisioned to discourage the use of purportedly neutral criteria to justify sexual discrimination; it consequently treats women of color as a "subcategory" of women. Undoubtedly, you are familiar with the work of Professor Kimberle Crenshaw who proposes dismantling the equal protection law's categorical treatment of oppression in order to recognize the "intersection" of race and gender.¹⁹

We interpret your discussion of sexual harassment to be, in part, a reaction to criticism that feminist legal theory has marginalized women of color. As described above, the current state of sexual harassment and sexual discrimination law does not allow a simultaneous focus on racial and sexual discrimination. We believe our task is to reform feminist legal theory to encourage a more central position for women of color in legal doctrine, and in the practical applications of law. You do not explicitly reject criticism by women of color of feminist legal theory or of white feminism generally. Nonetheless, we find such a rejection implicit in your analysis of sexual harassment law, your discussion of images denigrating white women, and your treatment of relationships between women of color and men of color.

In your speech you point to the treatment of the straight, white, economically privileged woman as a stereotype used to trivialize and ridicule feminism.²⁰ Women of color must condemn trivialization of gender oppression. Our dilemma in doing so was described by bell hooks in her keynote address at the Conference.²¹ While "sneering" at the "privileged" woman can be a form of antifeminism, the image of privileged women which you describe mirrors very real perceptions women of color have had of white women throughout slavery and colonialism. To what extent do you hold women of color responsible for this "sneering" at privileged women? Although women of color must be aware that our discourse is sometimes appropriated by other groups to dismantle feminism, we cannot be silenced about the effects of race privilege in our relationships with white women.

While you neglect tensions existing between white women and women of color, you also mischaracterize the empathy women of color feel towards men of color. You suggest that this empathy may be motivated by the desire to disassociate from feminism and the dehumanized status accorded to women in patriarchal society. You specifically say that women of color do not want

17. 708 F.2d 475 (5th Cir. 1980).

18. *Jefferies v. Harris Cty. Community Action Ass'n*, 615 F.2d 1025 (5th Cir. 1980).

19. Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics*, U. CHI. LEG. FOR. 139 (1989).

20. MacKinnon, *supra* note 1, at 18.

21. bell hooks, *Theory as Liberatory Practice*, 4 YALE J.L. & FEMINISM 1 (1991).

to be identified with a discourse like feminism which excludes male experiences of oppression.²² Under that logic, both our criticism of white feminism and our alliance with men of color can be explained in terms of benefits of being located away from white women and closer to men of color.

Certainly, many women of color operate strategically within the structures of heterosexuality and patriarchy. However, our criticism of feminist theory is predominantly driven by feminism's tendency not to speak to our experience, and not by a desire to disassociate from feminism or accumulate "power" by associating with men. We participate in a discourse with men of color hoping to incorporate common historical and personal experiences of exploitation in a vision of change. This coherence with men of color is not a choice. It is a necessity if we are to win any battles against racism. Finally, a belief that men of color cannot be separated from our struggle is not a means to deny that women of color share commonalities with white women. In order to accept your suggestion that women of color seek affiliation with men of color to gain legitimacy, we would have to be sure that an association with a male-centered antiracist discourse confers more legitimacy than an affiliation with white-centered feminist discourse. This is not clear. The argument that women of color ally with men of color to attain status parallels accusations (usually made by men of color) that women of color internalize white culture when we identify as feminists. In addition, we had difficulty understanding your claim that no one is attacking male-centered "people" of color discourse when it purports to include women. Some of us work in Ethnic Studies and are fortunate to be in the company of colleagues who persistently challenge analyses which do not include the dynamic of gender. Indeed, the woman of color movement emerged in part to facilitate gender mediation in antiracist discourse.

Professor MacKinnon, we cannot close this letter without mentioning the reference in your speech to *This Bridge Called My Back*,²³ a foundational work of the woman of color movement. The title of Gloria Anzaldúa and Cherríe Moraga's anthology uses the metaphor of a bridge to illustrate the role some men of color and white women have circumscribed for women of color, namely to support either white feminist or male anti-racist discourse, both of which actually de-center our experience. It is women of color who bridge the movements of white women and "people" of color. While being this bridge has been a burden, it defines the place where our voices have been located and a role we have been compelled to accept. To dismiss the bridge metaphor would be to erase our place, role, and location in feminist discourse.

You invoke the bridge metaphor at the conclusion of your speech, stating that the bridge between theory and practice is not, in your view, built on the backs of women of color. This dismissal is based on your belief that if the

22. MacKinnon, *supra* note 1, at 14.

23. CHERRIE MORAGA & GLORIA ANZALDUA, *THIS BRIDGE CALLED MY BACK* (1981).

practical experience of all women is the basis for theory, essentialism is no longer valid as a critique. We are unable to see how the gap between theory and practice is dissolved in your analysis. You conclude that because Mechelle Vinson's injuries were remedied by a sexual harassment claim, sexual harassment theory does not marginalize women of color. This approach obscures the structural inflexibility of legal doctrine largely controlled by people who are not women of color. Your methodology could be viewed as exemplifying the type of political manipulation denounced in *This Bridge Called My Back*.

In summary, we disagree with your definition of women's experience, which gives primacy to exploitation based on female reproductive and sexual capacity. You incorporate a limited concept of womanhood in your analysis, and thus misconstrue the criticisms women of color have made of feminist theory. We wish here to underscore our recognition of your valuable insight that experience "as a woman" must be affirmed in order to dissolve the gap between theory and practice and to advance the feminist movement. As you say, all women need to reclaim and insist upon the dignity of the feminist project, which includes very real oppression suffered by women, despite any access women may have to social privilege (and we include ourselves as recipients of social privilege). As you point out, any social privilege that is accessed by women is degraded in relation to that of men. Lastly, this letter addresses your paper presentation at the Conference and not your work as a whole, and we hope our enthusiasm to write this response has conveyed an appreciation for the sincere attention your speech, and your work in general, gives to issues affecting women of color.

We look forward to hearing from you in response to this letter.

As a woman,

Cynthia Powell

Contributors to the Letter:

Ana Mari Bermudez, Daphne Butler, Lisa Daugaard, Debby Freedman, Gloria Jan, Tish Lee, Sydney Patel, Cathy Powell, Toni Mercedita Smith, Yasmin Tambiah, Heidi Tinsman, Diana Torres, and Dahni Tsuboi.

Additions by Contributors:

Dear Professor MacKinnon:

I am writing this brief note as an addition to the open letter in response to your paper presentation at the *Feminism in the 90s: Bridging the Gap Between Theory and Practice* Conference. In your paper, *From Practice to Theory, or What Is A White Woman Anyway*, you quote Andrea Dworkin in saying that feminist theorizing requires new ways of thinking. I wholeheartedly agree with that statement.

I find, however, that your paper relies upon an old way of thinking. Ten years ago Cherríe Moraga noted, "In academic and cultural circles, Third World women have become the subject of many literary and artistic endeavors by white women, and yet we are refused access to the pen, . . . , and the classroom."²⁴ While you use women of color's experiences, you do not integrate the theories created by women of color as you seek to create theory. I am not arguing that practice and theory are separate or divisible. I am saying that when a woman of color takes up a pen and writes, it is a part of our existence. You do not fully discuss women of color's experience unless you discuss our thinking and writing too.

I would have liked to hear you engage the thoughts and theories of women of color. Of course, the intertwined forces of racism, patriarchy and capitalism have made it so that very few women of color are privileged enough to record our ideas. Recognition of this fact needs to be part of any theory. Yet, many women of color do write "theoretically" about their experiences. bell hooks and Cherríe Moraga, for example, engage the ideas of white women and of other women of color (and not merely women of their own color) when writing about their experiences as women. Critically engaging another's ideas is an act that shows respect, both out in the "real world" and especially in the academy. As Cherríe Moraga noted about women of color feminists challenging white feminists, "It is an act of love to take someone at her word, to expect the most out of a woman who calls herself a feminist—to challenge her as you yourself wish to be challenged."²⁵

In your paper, you give expositions of and responses to the ideas of other feminist writers. The longest discussions look at the work of Simone de Beauvoir, Andrea Dworkin, Susan Brownmiller and Elizabeth Spelman—four white women. Your argument is based, in part, upon the experiences of two Black women, Mechelle Vinson and Lillian Garland. Your argument critiques what you perceive to be the ideas of women of color as a group: denigration of the oppression of privileged white women, and identification with men of

24. MORAGA & ANZALDUA, *supra* note 23, at 61.

25. *Id.* at 62.

color. Although you briefly mention women of color as thinkers (for example, Angela Harris, Ntozake Shange, and the anthology *This Bridge Called My Back*), you do not accord their work equal treatment.

Your mention of *This Bridge Called My Back* provides a good illustration of my point. You give what I heard as only a punning reference to that work. You did not give an exposition of the ideas it presents. Your pun, "And this bridge, . . . is not built on anyone's back," states that you believe you have solved the problem that the book exposes. Those women in the audience who had heard of the book understood the pun. Those women who had not heard of *This Bridge* could pass right over the reference. They were not called upon to think about the ideas presented in the book. Nor did they have an opportunity to think about your paper in relation to *This Bridge* and its ideas. It is not enough to speculate that everyone had heard of or read *This Bridge*. Certainly most people in the audience had heard of Simone de Beauvoir or Susan Brownmiller, but you felt compelled to provide an exposition of their work.

Women of all races, classes, and sexualities must discuss each other's experiences. I am not suggesting that you fail to do so. I am expressing my desire that you engage the ideas of women of color. Theory does not exist in the world disembodied from the theorizer. The world of ideas and theories has not yet freed itself from the need for affirmative action. At this point in its history, I do not think that the practice of constructing feminist theory can be race-blind as to theory any more than it can be race-blind as to experience.

Sincerely yours,

Daphne Butler

Professor MacKinnon:

I associate myself with the comments in the Open Letter. As a white woman, I wanted, as well, to briefly tell you of my own reactions to your talk, from my perspective on *What Is A White Woman Anyway*.

1. First, I thought that your insight about what underlies the frequent dismissal or trivialization of white women's oppression was particularly valuable. I agree with you that those who minimize the gendered inequality of white women are quite often really trying to dismiss gender as an analytical and political category entirely.

However, I do not think that this project has anything in common with the movement of women of color to criticize "White Feminism" for purporting to synthesize all women's interests into a harmonious, uncolored experience

of gender. Your talk did not make clear whether you think that the women of color movement is a primary perpetrator of this dismissal of white women's oppression. For my part, although I recognize the phenomenon that you describe, I do not attribute it to the women of color movement, which itself insists on the gendered components of exploitation. Moreover, while the contention that we don't know what oppression means is clearly hurtful to white women, it is important to acknowledge that it can be destructive to the project of women of color as well. It often occurs in this formula: "The so-called oppression of white women is negligible/laughable. Feminism is about white women. Thus, women of color aren't feminists. Women of color are seriously oppressed (only) based on race." Denying white women's oppression manages to negate the lived experience of white women, and then is used as a weapon denying the agency and analysis of women of color who identify themselves as feminists or who, abjuring the label "feminist," work on gender issues within communities of color.

Thus, I truly believe that women of color and white women together stand to gain from combatting the sneer that accompanies many discussions of white women's oppression. But our ability to join in that effort will be hampered so long as the middle element in the insidious formula above continues to ring mostly true for many women of color: that "feminism is white."

2. It is incumbent upon white feminists who are conversant with and who respect the women of color critiques of "White Feminism," to acknowledge those critiques and to respond to them by scrutinizing our own contributions to feminist discourse in light of them. There is a fine line between that, and "taking them on," attempting to rebuff their insights by demonstrating that our own work does not belong to the classic "White Feminist" syndrome identified by the women of color school. Not to be guilty ourselves of perpetuating the problem they have diagnosed, should be a minimum requirement for "reconstructed" White Feminism. But if we do manage that (a claim that must be open to challenge from women of color who believe that we don't, in fact, "get it"), we should acknowledge that the progress is primarily owed to the crucial theoretical interventions of the women of color movement. Any "success" we might have in meeting the challenge, would not moot the challenge or somehow make its analysis less accurate. Yet, my sense from your talk was that you indeed felt you had shown the women of color critique to be, if not misplaced, then at least overcome, and perhaps anachronistic.

Rather than plainly acknowledging in your talk that the women of color movement has depicted the tradition of White Feminism essentially accurately, you seemed in a sense to dispute it. I heard: that you are a white woman, and you believe your feminism is not tainted, and so feminism by white women need not be tainted. But the critiques are not based on what, in some essentialist sense, feminism by white women *has to be*—but on what it in fact

historically has been, and overwhelmingly is today. The need is to apply that lesson prospectively—not to recover and redeem some aspects of white-dominated feminist discourse, in a way that purports to acknowledge, but which effectively undercuts, the women of color analysis.

3. The other element I felt was missing from your talk was any treatment of the relationships of domination and exploitation that have connected white women and women of color throughout our shared histories. I really don't see how this can go unspoken in a discussion about the divide between feminists of color and white feminists. Especially, when you so clearly insisted that experience "as a woman" is *always* mediated by race, class, sexuality and other facets of identity. That recognition immediately poses for us the problem of antagonisms *between* women rooted in race and class hierarchies. The interests of women of color and white women have clashed in many respects *not* because of a failure on someone's part to analytically comprehend the social meaning of our common sex—but because white women benefitted, and benefit, from the degradation of women of color. The lives of upper middle class women were, and are, more pleasurable, more bearable, more leisurely, because of the exploitation of poor women. Thus, how can white feminists hope to see the "gap" bridged without committing themselves as fully to eradicating racism and economic exploitation, as to ending sex inequality? The logic of your own argument about the plurality of experience "as a woman," demands that we address the tension that flows from the reality that women oppress women.

Like the other women who are sending their comments on to you, I want to convey my deep appreciation for your teaching and scholarship. Your talk provoked needed discussion and reflection, and gave me an opportunity to think through my ideas about this issue. I hope you will be able to respond to our comments.

Sincerely,

Lisa Dugaard

Dear Professor MacKinnon:

I share the concerns expressed in the Open Letter and wanted to add a few additional comments. Your paper, *From Practice to Theory, or What Is A White Woman Anyway?*, provoked a great deal of thought and discussion both at the Conference and in the weeks following. All of the speakers at the Conference brought radiant insights and spiritual renewal to our law school community. The contribution your presentation made was particularly useful,

because it established a framework within which much discussion occurred.

It is obvious to me that students here respect and miss you tremendously. In fact, those students who are sharing their criticisms with you (here and in other collective or individual responses) are doing so precisely because they have a great deal of respect for you, and are some of your biggest supporters. We all feel the large void that your sex equality class used to occupy in the curriculum.

While different people had different reactions to your talk, it seems to me that the very purpose of a conference subtitled *Bridging the Gap Between Theory and Practice* is to stir debate in order that we may bring to the surface the underlying tensions and/or contradictions which undergird the feminist project. It is because many of us want to work toward a common feminism which cuts across barriers that stratify us along lines of class, race, sexual orientation and other socially constructed divisions, that we have expressed the concerns highlighted in the Open Letter. I have three additional thoughts.

1. As I read the women of color critiques of feminists, we are not trying to dismantle feminism, but rather our critiques are designed to try to redefine feminism, so that we can comfortably share that label with white feminists. Your insights regarding constructing a feminist theory which reflects the reality of women's lives goes a step in the direction of redefining feminist theory, but women of color must be involved in the process of identifying these realities and of incorporating them into feminist theory. Lisa Daugaard points out in her statement that determining whether white feminists "get it" must be open to challenge by women of color. This is because none of us can go forward with the feminist project unless we *all* go forward. Moreover, even if you personally have "gotten it right," there is still the rest of the feminist movement which has yet to incorporate the perspectives and suggested strategies of women of color. The abortion rights movement, for instance, is alien to most Black women, many of whom share a different range of reproductive health concerns from white feminists who have largely defined the reproductive health agenda. Byllye Avery offered some perceptive observations at the Conference on this point.

2. As others have commented, your recognition that our common experience "as women" must be embraced to advance feminism was an extremely valuable contribution. But until courts in this country recognize that to be discriminated against "as a woman" includes the experiences of women of many different backgrounds, the legal claims of women of color will be peripheral in sex equality law. Yes, Mechelle Vinson and Lillian Garland, both Black women, brought their cases "as women" (more precisely, their lawyers brought the cases on these grounds). But the "as a woman" paradigm employed by most courts does not reflect the realities of the lives of women of color (as reflected

in Cynthia's analysis of the shortcomings of sexual harassment doctrine). There is a gap between the "as a woman" concept most courts have conceptualized and the "as a woman" concept embodying the realities of *all* women which you put forth.

Connected to this point, I was confused by your statement that theory must work for women of color to be good theory,²⁶ in light of the fact that the second half of your speech seems to imply that if feminist theory does not work for white women, it isn't good theory. Perhaps what you are saying is that theory must work for *all* women in practice for it to be good theory. After all, white women cannot be made to be the default category (upon which other categories of oppression—i.e., racism—are piled on top), because womanhood encompasses more than white womanhood. You imply this yourself in saying that white women are not the essence of womanhood,²⁷ but you also say that what is done to white women is a floor for what happens to other women. This *could be* interpreted to mean that white women are the conceptual box for all women.

3. Lastly, the implication in your speech that women of color choose to identify more strongly with the racial oppression we have in common with men of color than with the gender oppression we have in common with white women overlooks the reality that most women of color do not have a choice. Many women of color are fighting battles of survival in devastated communities. This is not to say that patriarchy is not a very real part of our oppression as well (within family structures and other social and economic relations), but in terms of forming alliances with others, women of color and white women often do not live and struggle in the same communities. Racial segregation in education, housing and health care in this country has led to limited contact. The contact that we do have is often mediated by market structures in the labor force which tend to relegate women of color to subordinate positions. For instance, my grandmother, a Black woman, had little contact with white women, while she was growing up in rural South Carolina in a family that survived on subsistence farming, until she later moved to New York where she worked as a domestic for a wealthy white family. She has told me how degrading this experience was in both gender and racial terms.

Moreover, I am skeptical that women of color join men of color-centered movements because we feel we can benefit from their male-gender privilege. Surely, as pointed out in the Open Letter, there are women of color who operate strategically within the frameworks of heterosexuality and patriarchy, but we also operate within the framework of racism. I too am doubtful that the benefits of allying with men because of their male-gender privilege

26. MacKinnon, *supra* note 1, at 16.

27. *Id.* at 21.

outweigh the benefits of allying with white women because of their white-skin privilege. Just as you have pointed out that white women have not been insulated by their skin privilege from violence and misogyny,²⁸ so too men of color have not been insulated by their gender privilege. Black men, for example, are vilified, beaten, feared and criminalized in American society.

Related to this, I am curious as to whether the information you supplied regarding the average income of Black men and white women includes unemployed Black men and white women. Due to the fact that twenty-five percent of Black men are in prison or on parole, and that many others are unemployed, it seems important that these Black men be counted, just as unemployed white women should be included. This way we can capture not just who has access to higher incomes once they have been fortunate to get jobs, but also who has access to these jobs to begin with. In suggesting this, I am in no way implying that we include the unemployed in our estimate of average income because white women have access, as wives of white men, to higher income. This suggestion is not only heterocentric, but demeaning to all women, both white and Black, whose income-earning capacity should not be based on who they happen to go home with at night.

Finally, it is not clear to me that women of color make decisions (to the extent we have the free will to choose) regarding what groups to form alliances with based on who has greater privilege over us. This is the equivalent of saying we want to join arms with that group which has proven it can oppress us the most—men of color or white women. Alliances that women of color form with white women and/or men of color should be and I believe are based on the recognition of a common history and experience of oppression which informs visions of change.

In closing, I want to express thanks for inviting us to respond. The exchange of comments has pushed my own thinking about these issues and has stimulated valuable dialogue among all of us. This dialogue between women of color and white women must continue for us to truly bridge the gap between theory and practice.

Yours in Struggle,

Cathy Powell

28. *Id.* at 19-20.