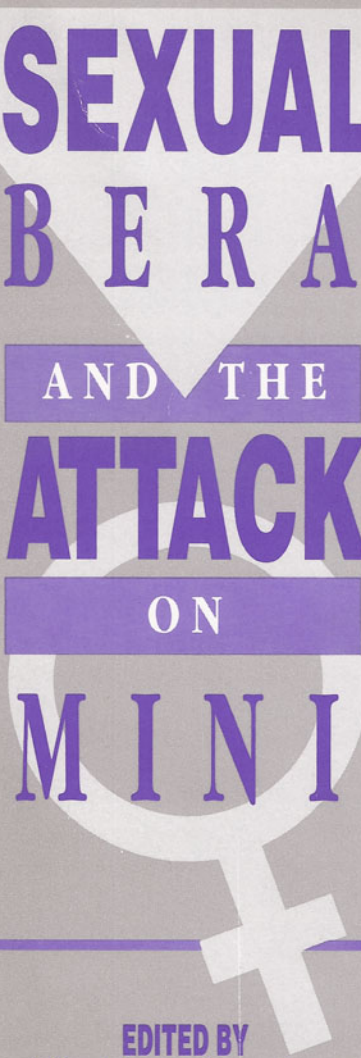
THE SEXUAL LIBERALS AND THE ATTACK ON FEMINISM



EDITED BY
Dorchen Leidholdt and Janice G. Raymond

THE ATHENE SERIES

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Liberalism and the Death of Feminism

Catharine A. MacKinnon

Once there was a women's movement. I first heard about it from the liberated issue of *Rat*, which Robin Morgan and a collective of intrepid women put together by taking over an underground newspaper on which they had worked. What I learned from liberated *Rat* was that something that excluded women from equal participation, that denigrated women's voice, that silenced women's contribution, that did not take women seriously, that patronized women, that no matter what else that something did or didn't do, it had to be publicly repudiated at minimum, and at best taken over and transformed. I did not hear at that time that feminists had censored *Rat*, although no doubt some people thought so. To me, it was speech.

Then, there was a women's movement that criticized as socially based—not natural or God-given or even descended from Congress—acts like rape as male violence against women, as a form of sexual terrorism. It criticized war as male ejaculation. It criticized marriage and the family as institutional crucibles of male privilege, and the vaginal orgasm as a mass hysterical survival response. It criticized definitions of merit as implicitly sex biased, class biased, and race biased. It even criticized fairy tales.

When this movement criticized rape, it meant rapists and the point of view that saw rape as sex. When it criticized prostitution, it meant pimps and johns and the point of view that women are born to sell sex. When it criticized incest, it meant those who did it to us, and the point of view that made our vulnerability and enforced silence sexy. When it criticized battery, it meant batterers, and the point of view that violence expressed the intensity of love. Nobody thought that in criticizing these practices, the movement was criticizing their victims.

It also criticized sacred concepts from the standpoint of women's

material existence, our reality, concepts like choice. It was a movement that knew when material conditions preclude 99 percent of your options, it is not meaningful to call the remaining 1 percent—what you are doing—your choice. This movement was not taken in by concepts like consent. It knew that when force is a normalized part of sex, when no is taken to mean yes, when fear and despair produce acquiescence and acquiescence is taken to mean consent, consent is not a meaningful concept.

This movement also criticized concepts that we took and made our own, like equality. It knew that the way equality had been defined was premised not only on a meaningless symmetry, an empty equivalence, but also that it was defined according to a male standard. It knew the limits of being told you could either be the same as men or different from men. If you were the same as men, you were equal to their standards; if you were different from men, you were different from their standards. This movement said if that was equality, we didn't want it.

It also criticized the ruling concept of freedom, especially sexual freedom, unpacked and unmasked it as a cover for the freedom to abuse. When people with power defended their oppression of women as freedom, this movement knew it was the thrill of their power they were defending. This was a movement that was critical of the freedom to oppress, not one that thought women would be free when we had more of it.

Some intrepid spirits even criticized love, saying that it was a lust for self-annihilation that bound women to their oppression. And, eventually and at great cost, some criticized sex, including the institution of intercourse as a strategy and practice in subordination.

Implicit in all these criticisms was a criticism of abstraction as a strategy in male hegemony. This was a movement that always wanted to know where the women were, substantively. Where was *women's* "choice"? Where was *women's* "consent"? Where was equality as *women* define it? What did freedom for *women* mean? As we criticized male reality in this movement that was, we always looked for the prick in the piece. We found that abstractions were a coverup for the gendered reality that was really going on. On this basis, this movement produced a systematic, relentless, deeply materially based and empirically rigorous critique of the male-dominated reality of women's lives and the glossy abstractions that made it seem not male-dominated. It uncovered, in this process, deep connections between race, class, and sexual oppression, and pursued them not as an afterthought, not as a footnote, not as a list, but because they were essential. This was a movement that said that every issue was a women's issue and every place was a woman's place.

This was also a movement that demonstrated against the Miss America Pageant and *Snuff* and understood the connection between the two. It understood that sexual objectification as use and sexual objectification as abuse are two facets of the same problem, that the logic of both is making a person into a sexual thing. Miss America is the foreplay, turning a woman into a plaything. *Snuff* is the consummation, turning a woman into a corpse.

This was a movement that defaced objectifying posters. It marched, it petitioned, it organized, it hexed Wall Street and levitated the Pentagon, it sued, it used whatever it could get its hands on. In the words of Monique Wittig, failing that, it invented.

Why did we do all of this? We did it, I think, because we were a movement that valued women. Women mattered. We were not defensive about it. When women were hurt, this movement defended them. Individually and in groups, it organized and started shelters and groups of and for all women: battered women, incest survivors, prostitutes. We did this not because those women were thought "bad" by society or considered outlaws or shunned. We did it because what was done to them was a systematic act of power against each one of us, although they were taking the brunt of it. This was not a sentimental identification. We knew that whatever could be done to them could be, was being, would be done to us. We *were* them, also.

This was a movement that took women's side in everything. Of everything, it asked the question: "Is it good for women?" Each woman was all women in some way. Any woman who was violated was our priority. It was a deeply collectivist movement. In this movement, when we said "women, we," it had content. It didn't mean that we all had to be the same in order to be part of this common condition. That, in fact, was the genius, one of the unique contributions of this movement: it premised unity as much on diversity as on commonality. It did not assume that commonality meant sameness.

This was a movement in which people understood the need to act with courage in everyday life, that feminism was not a better deal or a riskless guarantee but a discipline of a hostile reality. To say that the personal was political meant, among other things, that what we do every day matters. It meant you become what you do not resist. The personal and everyday was understood to be part of the political order we organized to change, part of our political agenda. To see the personal as the political did not mean that what turns you on grounds the policies you promote.

We also felt and understood, I think, a responsibility to all women. We opposed women's invisibility, insisted on women's dignity, questioned everything that advanced itself at women's expense. Most of all,

this movement believed in change. It intended to transform language, community, the life of the spirit and the body and the mind, the definition of physicality and intelligence, the meaning of left and right, right and wrong, and the shape and nature of power.

It was not all roses, this movement that we had. But it did mean to change the face of this earth. It knew that this was necessary. Most of all, it knew that we did not yet have what we need and believed that we could get it.

I learned everything I know from this movement.

Then something happened. Or started to happen, or maybe it had been happening all along and some of us had overlooked it. The first time I noticed this something was with the Equal Rights Amendment. We were told that we could and should have this constitutional amendment because sex equality under law was not really going to do very much, would not really change anything, surely nothing basic. What the movement had identified as the pervasive, basic oppression and exploitation of women by men became transformed into an evil called "sex-based classifications by law."[1] That, suddenly, was what sex equality had to change. Under this notion of sex equality, we were given the choice of being the same as men—the left's choice for us—or different from men—the right's choice. We were told that the left's choice was clearly better and the only route to true equality. So so-called gender neutrality—ignoring what is distinctively done to women and ignoring who is doing it—became termed the feminist position. I heard no one challenge the fact that, under this approach to ERA, either way it was the male standard, either way it was not what the movement had in mind by equality. The ERA strategy based on this analysis was, apparently, that sex equality can be made nonthreatening to the hierarchical status quo and still be real. This approach never identified male supremacy as what we had to contend with. It presented the extraordinary spectacle—which I, frankly, found humiliating—of feminists ardently denying that sex equality would make much difference while urgently seeking it.

Then I started to connect that with what was going on with abortion. While the women's movement had criticized the line between public and private and had identified the private as a primary sphere of the subordination of women, *Roe v. Wade*[2] had decriminalized access to

[1] An example of this transformation is Brown, Emerson, Freedman, Falk, "The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women," 80 Yale L.J. (1971).

[2] *Roe v. Wade*, 410 U.S. 113 (1973).

abortion as a privacy right. A movement that knew that the private was a cover for our public condition was suddenly being told—and saying—that the abortion right was our right *to* that same privacy. If you forgot what this movement knew, this seemed like a good thing, just like being the same as men seemed like a good thing. Men, especially straight white ones, live in a gender-neutral universe. It is a lot better than the sex-specific universe women live in. Men have privacy. Maybe if women had some, things would be better. Then *Harris v. McRae*[3] came along and denied public funding for all women who cannot pay for abortions, playing out the logic of the private as we had known it all along. If you can't pay for it, you can't get it — or there are other ways to get it, which are not what rights look like. A coathanger is not a right. The logic was that the government, the public, had no duty to fund publicly what the government was supposed to keep out of, the private. It is not that decriminalization wasn't an improvement over jail. It is that getting a right to abortion as a privacy right without addressing the sex inequality of and in the private sphere is to assume that sexual equality already exists.

These suspicions about the male supremacist nature of the privacy right were furthered by another thing some of us noticed. That was that the freedom of the penis to engage in anal penetration in the name of privacy had become a priority issue for women under the banner of "gay and lesbian rights," without connecting a critique of homophobia with a critique of misogyny. Nothing in the sodomy cases criticized gender, far less gender inequality.

If these suspicions are pursued into sex discrimination law, further difficulties emerge, for example, in *Sears v. EEOC*, a garden variety sex discrimination case.[4] There we see a drastic disparity between women and men in some of the better paying jobs at Sears over a long time, a massive statistical disparity, and the Equal Employment Opportunity Commission suing them. A woman—a feminist—testified that this was necessarily evidence of discrimination by Sears because women want the same things from employment that men want, like money.[5] Another woman — a feminist — testified that this is not necessarily evidence of discrimination by Sears because women want different things from employment than men do. The gender difference is consistent

[3] *Harris v. McRae*, 448 U.S. 297 (1980).

[4] *EEOC v. Sears, Roebuck & Co.*, 839 F.2d 302 (7th Cir. 1988).

[5] Offer of Proof Concerning the Testimony of Dr. Rosalind Rosenberg and Written Rebuttal Testimony of Dr. Rosalind Rosenberg before the United States District Court for the Northern District of Illinois in *EEOC v. Sears, Roebuck & Co.*, 504 F. Supp. 241 (N.D. Ill. 1988).

with this statistical disparity because women choose jobs which pay less because they are women.[6]

So you have a large pile of men at the top and a large pile of women at the bottom and the question is, which of the two theories best explains that: the theory that says women are the same as men or the theory that says women are different from men? Obviously the latter theory does, especially if you believe that women do what they want to do, and are free to want anything. Even then, the women's movement was fairly clear that Sears' position, even in the mouth of a feminist, justified an oppressive status quo which kept some women on the bottom, and it was perverse to do this in the name of feminism.

Then it became a good day to go back to bed—if bed is a safe place for you—the day we were told by feminist groups that guaranteeing maternity leave to women is a form of sex discrimination, and a statute that does this violates Title VII of the Civil Rights Act. No feminist group that filed a brief in the Supreme Court case on the subject said that it was sex discrimination *not* to give women maternity leave. No one said that if Title VII required maternity leave be *denied* to women, *that* would be sex discrimination under the Constitution. Nobody said squarely that if all the people hurt by this deprivation are women, *that* makes it discrimination on the basis of sex.

Actually, the Supreme Court figured this out all by itself, better than any brief from any women's group did. The Supreme Court said essentially that granting maternity leaves by law is not sex discrimination, it is sex equality. Women getting what they need to work is what sex equality means. The decision, I might add, was written by Justice Thurgood Marshall, a Black man.[7] Once he did it, some feminist groups cheered and took credit for what they had opposed.

Then there was the debate over sadomasochism. If it had escaped you before, it was hard to miss this breakdown in what the women's movement had meant. The part I want to highlight has to do with our ability to say the word "we" in discussions of sexuality, including of sexual abuse, and to have it mean anything. It seems to me that the advocacy of sadomasochism as women's first love, women's final destiny, what we would all do if we really did what we wanted, is based on the absence of a critique of why women *would* experience sexuality in exactly the way in which it has been shoved down our throats since day one: top down. Actually, women have largely rejected the politics

[6] Written Testimony of Alice Kessler-Harris before the United States District Court for the Northern District of Illinois in *EEOC v. Sears, Roebuck & Co.*, 504 F.Supp. 241 (N.D. Ill. 1988).

[7] *California Federal Savings & Loan, et al. v. Guerra*, 479 U.S. 272 (1987).

of sadomasochism. But the residue of its defense has been extremely destructive nonetheless. In discussions of sexuality, women don't say "women" any more, but "speaking only for myself, I . . ." The debate over sadomasochism made "women, we" taboo in the sexual area. It began in a moral morass and left us, politically, with an individualistic analysis of sexuality, undermining a collectivity that was never based on conformity, but on resistance.

Everything some of us had started to notice exploded in the discussion on pornography. As many of you may know, Andrea Dworkin and I conceived and designed a law based on the politics of the women's movement that we thought we were part of and fielded it with others who were under the same illusion. It is a sex equality law, a civil-rights law, a law that says that sexual subordination of women through pictures and words, this sexual traffic in women, violates women's civil rights.[8]

This was done in feminist terms: as if women mattered; because we value women; because it wasn't enough only to criticize oppression, and it wasn't enough only to engage in guerilla activities of resistance, although they are crucial. We wanted to change the norm. To change the norm, we looked for a vulnerable place in the system. We looked for something that could be made to work for us, something we could use. We took whatever we could get our hands on, and when it wasn't there, we invented. We invented a sex equality law against pornography on women's terms.

To no one's surprise, especially ours, it was opposed by many people. It was opposed by conservatives who discovered that they disliked sex equality a lot more than they disliked pornography. It was opposed by liberals, who discovered that they liked speech—i.e., sex, i.e., women being used—a great deal more than they liked sex equality. Then came the opposition from a quarter that labeled itself feminist: from FACT, the Feminist Anti-Censorship Task Force. At this point, for me, the women's movement that I had known came to an end.

In an act of extraordinary horizontal hostility, FACT filed a brief against the ordinance in court as part of a media-based legal attack on it.[9] They did what they could to prevent from existing, to keep out of women's hands, this law, written in women's blood, in women's tears, in women's pain, in women's experience, out of women's silence, this

[8] *An Ordinance for the City of Minneapolis,* Amending Title 7, Chapter 139 of the Minneapolis Code of Ordinances relating to Civil Rights, section 139.10 et seq., reprinted in Dworkin and MacKinnon, *Pornography & Civil Rights: A New Day for Women's Equality* (Minneapolis: Organizing Against Pornography, 1988).

[9] Brief Amici Curiae of Feminist Anti-Censorship Task Force et al. in *American Booksellers Association v. Hudnut,* 21 J. of L. Reform 69 (1988).

law to make acts against women actionable—acts like coercion, force, assault, trafficking in our flesh. Pornography, they said, *is* sex equality. Women should just have better access to it. Using the debased model of equality-as-sameness that the women's movement we used to know was predicated on criticizing, they argued that pornography must not be actionable by its victims because, among other reasons, "the range of feminist imagination and expression in the realm of sexuality has barely begun to find voice. Women need the freedom and socially recognized space to appropriate for themselves the robustness of what traditionally has been male language."[10] Men have it; FACT women want it. Thus, "even pornography which is problematic for women can be experienced as affirming of women's desires and of women's *equality*"[11] (emphasis added). This is a subquote from Ellen Willis in the brief, "Pornography can be psychic assault,"—get it, that rape only happened in your head—"but for women, as for men, it can also be a source of erotic pleasure. . . . A woman who enjoys pornography, even if that means enjoying a rape fantasy, is, in a sense, a rebel." From what is she rebelling? Their answer: "Insisting on an aspect of her sexuality that has been defined as a male preserve."[12] Now who can't tell the difference between rape and sex? Rape has been a male preserve. But to insist on being defined by what one has been forced to be defined by is, to say the least, a rather limited notion of freedom. And choice. And a women's movement that aspires to inhabit rapist preserves is not a women's movement I want any part of.

Equality in the FACT brief means equal access to pornography by women. That is, equal access by women to the population of women who must be treated in the ways that the ordinance makes actionable, so that pornography of them can be available. The FACT brief further objects that the ordinance "makes socially invisible women who find sexually explicit images of women in positions of display or penetrated by objects to be erotic, liberating, or educational."[13] In other words, an entire population of women must continue to be treated in the ways the ordinance makes actionable so that this other population of women can experience its eroticism, liberation, or education at their expense.

The FACT brief was critical of the politics of the ordinance for implying that in a society of sex inequality—where sex is what women *have* to sell, sex is what we are, sex is what we are valued for, we are born sex, we die sex—that if we don't choose all of that, if we don't

[10] Ibid. at 121.
[11] Ibid.
[12] Ibid.
[13] Ibid. at 129.

recognize that that is a choice, then *we* are demeaning prostitutes and oppressing women. It said that when the ordinance told courts that they could not use all the excuses they have always used to disbelieve women when we say we are sexually coerced, that *we* are not respecting women's consent. This was a movement which understood that the choice to be beaten by one man for economic survival was not a real choice, despite the appearance of consent a marriage contract might provide. It was not considered demeaning or oppressive to battered women to do everything possible to help them leave. Yet now we are supposed to believe, in the name of feminism, that the choice to be fucked by hundreds of men for economic survival must be affirmed as a real choice, and if the woman signs a model release there is no coercion there.[14]

You might be wondering what the FACT response to all the knowledge, data, understanding, and experience of women's sexual victimization presented in support of the ordinance was. What their response was to all the women who wanted to use the law, the women who had the courage to speak out so it could exist, who put their lives, their reputations, and, yes, their honor on the line for it. Mostly, FACT did not even mention them. They were beneath notice. Coerced women, assaulted women, subordinated women became "some women." In fact, the FACT brief did what pornography does: it makes harm to women invisible by making it sex. It makes harm to women into ideas about sex, just like the right-wing male judge did who found the ordinance unconstitutional. On the bottom line, the FACT brief was a pure address to the penis. It said, "We like it. We want it. All we want is 'in.' Want to watch?"

And you know, it worked. Women's equality, in the decision that invalidated the ordinance as a prohibition on ideas, became one "point of view" on sex.[15] Doing something about acts of inequality became the regulation of a point of view. FACT does not deserve all the credit for this, because their power comes from fronting for male supremacy. Nor do they deserve all the blame. That belongs with the pornographers, their legitimate media cohorts, and the ACLU. But as an upfront antifeminist vehicle in the name of feminism, FACT made it possible for that right-wing judge to write, as he struck down the ordinance: "Feminists have entered this case as *amici* on both sides."[16] Yes: Linda Marchiano, the woman who was coerced into the pornographic film *Deep Throat*, and Dorothy Stratten, who was in *Playboy* and was mur-

[14] Ibid. at 122, 127–28, 130, 131.

[15] *American Booksellers v. Hudnut*, 771 F.2d 323, 327 (7th Cir. 1985).

[16] *Id.* at 324.

dered by her pimp, rape crisis centers, community groups representing working class neighborhoods and communities of color — they filed on one side. FACT, an elite group mostly of academics and lawyers, filed on the other.

The Black movement has Uncle Toms and Oreo cookies. The labor movement has scabs. The women's movement has FACT.

What is the difference between the women's movement we had and the one we have now, if it can be called a movement? I think the difference is liberalism. Where feminism was collective, liberalism is individualistic. We have been reduced to that. Where feminism is socially based and critical, liberalism is naturalistic, attributing the product of women's oppression to women's natural sexuality, making it "ours." Where feminism criticizes the ways in which women have been socially determined in an attempt to change that determination, liberalism is voluntaristic, meaning it acts like we have choices that we do not have. Where feminism is based on material reality, liberalism is based on some ideal realm in the head. And where feminism is relentlessly political, about power and powerlessness, the best that can be mustered by this nouveau movement is a watered-down form of moralism: this is good, this is bad, no analysis of power or powerlessness at all. In other words, members of groups, like women, who have no choice but to live life as members of groups are taken as if they are unique individuals. Their social characteristics are then reduced to natural characteristics. Preclusion of choices becomes expression of free will. Material reality is turned into ideas about reality. And concrete positions of power and powerlessness are transformed into mere relative value judgments about which reasonable people can form different but equally valid preferences. Women's experience of abuse becomes a "point of view."

The way this gets itself up in law is as gender neutrality, consent, privacy, and speech. Gender neutrality means that you cannot take gender into account, you cannot recognize, as we once knew we had to, that neutrality enforces a non-neutral status quo. Consent means that whatever you are forced to do is attributed to your free will. Privacy protects the sphere of women's intimate oppression. Speech protects sexual violence against women and sexual use of women because they are male forms of self-expression. Under the First Amendment, only those who already have speech have protected speech. Women are more likely to *be* men's speech. No one who does not already have these rights guaranteed them socially gets them legally.

What has been achieved for women through these politics of liberalism? The ERA has been lost. Abortion funding has been lost. Nothing very significant has been accomplished with rape law reform. The Supreme Court is fashioning some progressive law on sex discrimina-

tion largely on its own. You know, it is an incredible insult when the state does sex equality better than the women's movement does it. We would have *lost* statutory maternity leave if this feminism had its way. And pornography has been saved.

Liberalism makes these results necessary, in part because it cannot look at sexual misogyny. This is because misogyny *is* sexual. To be clear, it is sexual on the left, it is sexual on the right, it is sexual to liberals, and it is sexual to conservatives. As a result, sexuality, as socially organized, is deeply misogynist. To male dominance, of which liberalism is the current ruling ideology, the sexual misogyny that is fundamental to all these problems cannot be seen as a sex equality issue because sexuality is premised on sex *in*equality. Equality law cannot apply to sexuality because equality is not sexy and inequality is. Equality cannot apply to sexuality because sexuality occurs in private and nothing is supposed to interfere in the private, however unequal it is. And equality cannot be more important than speech because sexual expression is sex and unequal sex is something men want to say.

Having said that, here we are in this room—there are more people at this conference than it took Bolsheviks to topple the czar. You make me begin to believe that we may have a women's movement to get back. In your workshops, perhaps you could think about ways—the ordinance is one, we know others, and there are many waiting to be discovered—to mobilize women's sex-based physical and economic insecurity, women's vulnerability and desperation, not to be defeated by women's sex-based personal indignity, women's boredom, and women's despair. Think about how to change women's fear, so that fear is no longer the most rational emotion we feel, how to transform women's invisibility and exhaustion and silence and self-hate. If we loosed all of that, what could stand against it? Also, think about how, against all odds, against history, against all the evidence, we can create—invent—a sex-based hope.