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THE CONCEPT OF “WOMAN”: FEMINISM AFTER THE ESSENTIALISM CRITIQUE

by

KATHERINE N. FULFER

Under the direction of Christie J. Hartley and Andrew I. Cohen

ABSTRACT

Although feminists resist accounts that define women as having certain features that are essential to their being women, feminists are also guilty of giving essentialist definitions. Because women are extremely diverse in their experiences, the essentialist critics question whether a universal (non-essentialist) account of women can be given. I argue that it is possible to formulate a valuable category of woman, despite potential essentialist challenges. Even with diversity among women, women are oppressed *as women* by patriarchal structures such as rape, pornography, and sexual harassment that regulate women’s sexuality and construct women as beings whose main role is to service men’s needs.

INDEX WORDS: Feminism, Essentialism, Essentialist critique, Rape, Pornography, Sexual harassment, Oppression

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by

KATHERINE N. FULFER

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DEDICATION

For my mother, Karen Adams—the strongest woman I know.

For Katie, Ashley, and Adair—without friendships, feminism would not be possible.

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TABLE OF CONTENTS

DEDICATION iv

ACKNOWLEDGEMENTS v

CHAPTER

1 INTRODUCTION 1

2 DEFINING THE PROBLEM OF ESSENTIALISM 8

The Overlooking Problem 8

The Authority Problem 9

The Problems of Essentialism and the Possibility of a Concept of Woman 14

3 REJECTING A POSTMODERNIST APPROACH 23

4 TOWARD A CONCEPT OF WOMAN 33

The Structure of Oppression 33

Rape 35

Pornography 44

Sexual Harassment 48

What a Concept of Woman Can Accomplish 55

REFERENCES 61

Chapter One: Introduction

Sojourner Truth's famous speech "Ar'n't I a Woman?" has always intrigued me because it attempts to unify white and black women by appealing to something that they all share because they are women.[1] Truth does not explain what the common feature that all women share is, but she implies that a person's biological capacity to birth children is a possible candidate when she asked, "And how came Jesus into the world? Through God who created him and woman who bore him."[2] Like Truth, many people have tried to unify different groups of women by describing them in terms of features or experiences that all women share because they are women.

This sort of project has typically resulted in essentialism, which is the idea that certain features or experiences are necessarily constitutive of members of a group. Many feminist theorists, especially the "essentialist critics,"[3] have resisted any such project for defining women because features that have been thought to be "essential" to women have also been central to their oppression. For example, historically women were thought to be intellectually inferior to men and thus were denied many educational opportunities. Another example might be a description of women as being "closer" to nature because they physically give birth to children. This characterization may be used to argue that, as a result of their being necessarily closer to nature than men, women ought to be the primary caregivers for children.

The aforementioned examples are not the sort that the essentialist critics find particularly problematic. Rather, their focus is on essentialist problems within feminism. Patriarchal essentialist concepts are disturbing, but those within feminism are even more worrisome. Since

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[1] Sojourner Truth, "Ar'n't I a Woman," *Theorizing Feminisms,* ed. Elizabeth Hackett and Sally Haslanger (New York: Oxford UP, 2006), 113.
[2] Ibid., 113.
[3] The central theorists I discuss who criticize essentialist accounts (as given by feminists and non-feminists) are bell hooks, Maria Lugones, and Elizabeth Spelman.

women typically have been (mis)defined by essentialist accounts, one might assume that feminists would be among the least likely group to make the mistake of asserting that some feature or experience is constitutive of or characteristic of women. But, in fact, many feminists have made this mistake when attempting to depict women's oppression or describe women's interests. Specifically, some feminists have treated the situation and interests of white middle-class women as representative of all women. Such feminists have overlooked the interests of other women and made problematic authoritative claims about what a "woman" is and what issues should concern her.

The diversity of women's interests and experiences has led some feminists to question whether a non-essentialist description of women's interests can be given. The essentialist critique in feminist theory represents an intentional inward focusing on the content, purpose, and direction of feminism. Essentialist critics challenge feminists to theorize in a way that does not make any feature or experience constitutive of all women when the said feature (or experience) only applies to particular groups of women. However, the danger of the essentialist critique is that the task of identifying a feature or experience that all women share may be impossible, or it may even be that the project is nonsensical. Elizabeth Spelman describes the danger as such: "For essentialism invites me to take what I understand to be true of me 'as a woman' for some golden nugget of womaness all women have as women; and it makes the participation of other women inessential to the production of the story. How lovely: the many turn out to be one, and the one that they are is me."[4] Spelman's statement may lead to the cynical conclusion that a feminist cannot talk about women in a way that unifies them or represents all of them. If what it means for someone to be a woman differs between women or if the subject of feminism is

[4] Elizabeth V. Spelman, *Inessential Woman* (Boston: Beacon Press.1988), 159.

unknowable or unstable, then the essentialist critique may undermine the possibility of any meaningful discourse about *women*. Without a stable subject, some aspects of feminist theory may need to be seriously revamped, and if there is no knowable subject for feminist theory, it will likely have little import in the lives of individuals or in advancing social change.

Despite worries raised by the essentialism critique, I will argue that feminists can engage in meaningful discourse about women, and I will argue that the discourse will be politically useful for eradicating gender oppression. I will frame this conversation in terms of a concept of woman that focuses on how women are oppressed *as women*. In the aforementioned statement, Spelman questions whether one woman can possibly give a representative statement of what it means to be a woman, but my approach will not proceed in that manner. However, I am interested in universality—is there something distinctive that affects or applies to all women simply because they are women? My main project is to delineate a universal way to talk about women that will adequately represent the experiences and interests all women have because they are women. A concept of woman will describe what features identify a person as a woman, and it can be used to better understand the oppression that women experience.

My motivation for formulating a concept of woman stems from the daunting nature of gender oppression. Because the problem is intricate and thorny, it is easy to lose sight of the big picture: women are systematically oppressed. Marilyn Frye uses the analogy of a birdcage to illustrate the problem of oppression: if we focus too carefully on an individual wire it will become unclear to us why the bird cannot step around the wire to escape. Single wires do not appear problematic until we step back and observe the way in which the wires work in conjunction with other wires to cage in the bird. Then, Frye asserts, "it is perfectly *obvious* that the bird is surrounded by a network of systematically related barriers, no one of which would be the least

hindrance to its flight, but which, by their relations to each other, are as confining as the solid walls of a dungeon."[5] Frye's analogy is extremely helpful in understanding why a concept of woman is philosophically significant. As mentioned previously, the essentialism critique could lead to the implication that theorizing about women is not a meaningful task. Recall Spelman's quote—she implies that any concept of woman will be rooted only in a formulation about one woman. However, this direction implies that feminist theory focuses solely on individual women. In only focusing on the differences between individuals and the challenges that arise from women's diversity, feminism could lose sight of the big picture—how the wires of the birdcage connect to form a system of oppression that cages women. A concept of woman will help steer away from an eliminitivist-like attitude about women toward a perspective that appreciates the diversity among women while also accounting for and challenging the systemic oppression women face.

In the second chapter, I will demonstrate why worries that stem from the essentialism critique raise questions about the possibility of having a concept of woman that does not make essentialist claims. In the third chapter, I will reject postmodernism's answer to the problem of essentialism. In the fourth chapter, I will formulate a concept of woman in a meaningful way that is valuable for feminist theory and does not fall prey to potential essentialist challenges. Even with diversity among women's experiences, women are oppressed *as women* by constructions that strongly determine the ways that people think about being/treating women. Patriarchal institutions such as pornography, rape, and sexual harassment regulate women's sexuality and construct women as beings whose main role is to service men's needs. No matter how privileged a woman may be due to other aspects of her identity, she is always subject to practices that subordinate her to men because she is a woman—a being constructed in a certain way by the dominant patriarchal

[5] Marilyn Frye, "Oppression," in *Feminist Theory: A Philosophical Anthology*. ed. Ann E. Cudd and Robin O. Andreasen. (Malden, MA: Blackwell, 2005), 86. Emphasis original.

culture. Although women are oppressed in other ways as well, such as being persons who are designated as the primary caregivers for dependents, in this paper I specifically focus on how women's sexuality is regulated by patriarchal institutions.

I will explain the concept of woman as being broader or more inclusive than some have thought it to be because my account allows for males to function as women in certain situations. In discussing a concept of woman, I first examine the situations of women to see if they share any features or experiences. At this point, "women" are persons that we would commonly refer to as women who, roughly speaking, we could say are females. The features identified with females, namely certain physiological features, are taken to signify that a person is a woman, although in some cases the features are perceived as being present when in fact they are not.

While women do not seem *necessarily* to share any particular feature or experience, they will be candidates to be treated or molded into certain kinds of beings by patriarchal institutions. These patriarchal institutions put forth a normative view of what women should be—creatures in the service of men—and compel females (and some males in some instances) to conform to standards that place them in a subordinate role to men. The stereotypical fashion magazine demonstrates common behavior norms forced on women, for instance, to be truly beautiful for a man, one must be slim. The experiences of a woman (continue to read "woman" roughly as female) are shaped by the regulatory role oppressive institutions play in their lives. However, in presenting a view of how women ought to be, the normative view of woman created by the institutions can apply to males who function in a subordinate role to men. As a result, the entities that will fit into a concept of woman are not necessarily restricted to being females; the concept may include some males as well.

The shape of the project will change from examining the lives of women (what an ordinary language user would call a woman) to analyzing how patriarchal institutions define what women are and should be (persons in the service of men). Women in the second sense may still have and be perceived as having physiological features typical of females because certain features, such as those associated with reproduction, have been connected with being subordinate to men. The majority of the second chapter will focus on women understood in the first sense, while the fourth chapter will mainly concern women in the second sense of the term. I will conclude the paper by giving a concept of woman, understanding women as beings that have been created for men by patriarchal institutions. Though this second move gives a more robust social understanding of women, it is an insufficient ending point for feminism. Nevertheless, looking at how patriarchal institutions create women provides feminists with a ground for social criticism. Patriarchal institutions universalize oppressive norms for women's behavior, and all women will have certain interests pertaining to how they have been negatively constructed because they are perceived in a certain way. Since feminists work to eradicate gender oppression, they can use the concept of woman that I will offer to highlight the problematic ways in which women (at this point, we should read "women" as the beings whose behavior is systemically regulated by the patriarchal institutions) are affected by oppressive institutions. In turn, feminists can debunk the patriarchal institutions, which will allow for the formulation of a feminist concept of woman in which what it means to be a woman is not defined in terms of men's interests. Although I will not formulate a feminist concept of woman in this present work, I will posit certain interests women have as women that stem from the oppression they have suffered and ways in which feminists can use a concept of woman that views women through how their sexuality has been regulated.

To summarize, I will use “concept of woman” in two main ways. First, a concept of woman will refer to the beings that most people refer to when they think of women. This first use roughly refers to females. Second, I will shift my meaning of a concept of woman to focus on how patriarchal institutions create women, and I will take “women” to be the persons that are relegated to roles that service men and are defined by men’s interests. Most often these individuals will be females, but it is not the case that only females will fit into these roles. I do not mean to suggest that the concept of woman is scalar, although it certainly lends itself to that understanding, because I do not want to imply that a person can be more of less of a woman. Any person who is relegated to the role of a woman is a woman. Some people will fit into these roles more often than others. A male who is feminized through rape does not necessarily become a woman for the rest of his life, but females will generally fit into these roles more often. Because a person may not always be a woman does not mean that she is less of a woman. Instead, it means that the concept of woman does not have fixed referents; people may or may not function as women in different situations. The point I want to emphasize is that because women are created as being a certain way by outside institutions, their agency is undermined. As a result, women will have shared interests that relate to eliminating their role of servicing men. The second chapter will mainly utilize the first understanding of a concept of woman, and the fourth chapter will mainly utilize the second.

Chapter Two: Defining the Problem of Essentialism

There are at least two interrelated ways of unpacking the heart of the essentialist critique; one I will call the Overlooking problem and the second I will call the Authority problem. These problems occur when a theorist defines a group of people by wrongly attributing to them a constitutive feature, and the problems concern normative claims about what it means to be a woman and what issues women ought to care about as women. The Overlooking problem occurs when feminists, in focusing on the interests of white, heterosexual, middle-class, able-bodied women, ignore the concerns of women of color, poor women, and other women (e.g., lesbians, disabled women, et cetera). The Authority problem occurs when women with more power dictate and define what the interests of women are, and as a result, silence the voices of other women.[6] In this section, "women" refers to what ordinary language users would identify as women, namely beings with female physiological parts, and a concept of woman refers to finding a feature or experience that all women share.

I. The Overlooking Problem

bell hooks criticizes the origins of feminist theory, claiming that it has "never emerged from women who are most victimized by sexist oppression; women who are daily beaten down, mentally, physically, and spiritually—women who are powerless to change their condition in life."[7] To support this claim, hooks cites Betty Friedan's *The Feminine Mystique*, in which Friedan conflates the condition of all women with the condition of middle class white women who wished to hold full-time careers rather than be stay-at-home wives/mothers. However, as hooks' quote indicates, white middle class women, although discriminated against along gender

[6] Sally Haslanger has a related discussion of these problems, which she terms the "Commonality" and "Normativity" problems. See Sally Haslanger, "Gender and race: (What) are they? (What) do we want them to be?" *Noûs* 34.1 (2000): 37.
[7] bell hooks, *Feminist Theory from Margin to Center* (Boston: South End Press, 1984), 1-2.

lines, are privileged with respect to their economic status and their race. Because of privileged aspects of their identities, middle class white women had a greater voice with which to speak out against their oppression and their experiences were thus discussed more often than the experiences of women of color, poor women, or lesbians. When white middle class women wrote about the concept of woman, they ignored situations and interests of other women. While the overlooking of some women was not necessarily intentional, white middle class women presumed their situations represented the situations of all women.[8]

II. The Authority Problem

Although related, the Authority problem is more subtle and complicated than the Overlooking problem because it deals with who is (or which groups of women are) allowed to speak authoritatively for the interests of different women. Although Friedan focused on the experiences and issues particular to women in her position, she made claims about all women. Friedan limited the scope of her arguments to certain types of experiences, which implied that these issues should be the focal point for feminist theory. In speaking authoritatively about women, Friedan meant for the content of her critique to be representative of women as such, but her approach defined "woman" and "women's oppression" in a certain way, and her definitions did not always match the experiences of other women. If someone uses to the term “woman,” then the term refers to all women and should indicate something true about them; however, Friedan’s use of the word did not. By not restricting the content her claim to a certain group of women, Friedan’s use of the term “woman” wrongly left out some groups of women, which in turn silenced the voices of these women. If someone were to identify women based on Friedan’s

[8] Whether or not Friedan actually gave an account of women that failed to be representative of women as such is not important for the uses of this paper. Rather, since it is plausible that reasonable persons could interpret Friedan as giving an unrepresentative account, this interpretation of her work serves as an instance of the type of problems identified by the essentialist critique. In this paper, when I refer to the claims made by Friedan, I specifically refer to the interpretation of her claims as making unrepresentative statements about women.

concept of woman, it is highly possible that only white middle class women might be recognized as being women. The absence of other groups of women entailed that their concerns do not count as legitimate concerns of women.

Maria Lugones and Elizabeth Spelman shed some light on why women's voices are silenced when other women misuse universal terms:

> You theorize about women and we are women, so you understand yourselves to be theorizing about us and we understand you to be theorizing about us. Yet none of the feminist theories developed so far seem to me to help Hispanas in the articulation of our experiences. . . . We do not recognize ourselves in these theories.[9]

When the Hispanas hear feminists make universal claims that do not represent their experiences, they may question whether they are actual women—they feel fragmented between various interests that may correspond to their identity (as Hispanic women). Lugones and Spelman describe this line of thinking as creating a "schizophrenic split" between women's interests as women and their interests as determined by other aspects of a woman's identity. Take, for instance, an African-American mother who works low-paying service jobs to support her children and who wishes to spend more time with them. If she hears feminists devalue the role of mothers and the role of the stay at home mother, then the black mother will likely feel isolated from the feminists' message—she desires to stay home with her children, but instead she works multiple jobs to feed them. If feminism is supposed to empower and benefit women, then it is not accomplishing its goal if women feel isolated from its claims. For feminism to be effective, women should identify with its message, or at least feel that it has some positive import in their lives. However, the single mother feels pulled towards opposing sides—is she less of a woman for wanting to stay home? Is she not a real woman for not desiring to leave her family for a

[9] Maria C. Lugones and Elizabeth V. Spelman, "Have We Got a Theory for You! Feminist Theory, Cultural Imperialism and the Demand for 'the Woman's Voice," 576. The quote should be read in an Hispana's voice.

high-paying career, if she had the opportunity? She experiences the isolating and bewildering fragmentation of self that Lugones and Spelman describe. Furthermore, the isolation compounds on the alienation she already experiences as a member of one or more oppressed groups, and she is "paralyzed into a state of displacement with no place to go."[10] Cut off from a group of which she is supposed to be a member, the black mother is left without a platform from which she can speak of her experiences and interests. If the experiences of other women do not count as the experiences of women as given by an essentialist description, then these women are left without a voice to speak about their interests as women.

In addition to the problem of silenced voices, there is a dilemma with who gets included in the process of defining women and women's oppression. According to hooks, some women speak about there being a "common oppression," but the women with power (for hooks, white, middle-class, heterosexual women) define what constitutes oppression, and their definitions mostly focus on the concerns of the women in power rather than other women. hooks accuses women with power of speaking about white, upper-middle class, heterosexual women instead of women as such. While white women have not tried to understand the plight of women of color, they do try to tell black women what feminism *should* be to them.[11] Lugones and Spelman highlight a similar problem: the dominant patriarchal culture does not demand that white women share in the culture and experiences of women of color, but women of color are forced to participate in the dominant culture. For instance, white culture is dominant in America in that its norms are implicit in our social structure, and deviations from those norms are viewed as aberrant. Simply by living in America, people of color are forced to encounter and often comply with white cultural norms. Thus, women of color have an understanding of white women's

[10] Ibid., 576.
[11] hooks, *Feminist Theory from Margin to Center*, 11.

situations that white women in turn do not have about women of color.[12] It is problematic for white women to make authoritative claims about what other women should care about when they have inadequate knowledge of other women's experiences and since the experiences of other women are so distinct. By distinct, I mean that women's experiences and the other aspects of their identities affect each woman's personal experience of womanhood. Return to the example of the poor African-American mother and compare her situation to that of a well-off white woman who may be frustrated with how she has been defined in terms providing care for her children. Whereas the poorer black woman may be frustrated by how she has to work multiple low-income service jobs to provide for her children and would like to have the opportunity to have better paying jobs so she could send more time with her family, the wealthier white mother wants her work to be defined in terms other than caretaking. Although both women are concerned with work, their experiences of work and how they desire to relate to work diverge.

In discussing the relationship between white women and women of color, Lugones and Spelman present a complicated view of feminist cooperation: "I do not think that you [white women] have an obligation to understand us [women of color]. You do have an obligation to abandon your imperialism, your universal claims, your reduction of us to your selves simply because they [the imperialistic, universal, reductionist claims] seriously harm us"[13] (Lugones and Spelman do suggest that women can work together on theory if done through friendship and trust). When Lugones and Spelman claim that white women do not have an obligation to understand women of color, they are not saying that it is acceptable for white women to continue making authoritative claims about other women. Instead, Lugones and Spelman suggest that complete understanding between women of different ethnic groups is impossible.

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[12]Lugones and Spelman, "Have We Got a Theory for You!" 576.
[13] Ibid., 576.

One might read Lugones and Spelman as suggesting that giving a concept of woman is impossible because of problems with making authoritative claims about other women; perhaps working cooperatively with each other is the best women can do because white women will never *fully know* and *truly understand* the experiences of women of color. Lugones and Spelman imply this reading in their discussion of the difficulties of translating experiences across language barriers. When a woman frames her understanding of herself, either verbally or conceptually, she works in her own language and in the cultural concepts particular to her society. Some aspect or nuance is always missed/misrepresented/misunderstood through the process of translation. Translation is a specific barrier, but more generally, it seems that complete understanding between groups of women may be impossible because of possible epistemic barriers. Even though I, as a heterosexual woman, may lobby for the lesbian rights, I do not have first-person access to what it means to be a lesbian. Although I can imagine the situations of lesbians, I have not experienced their situations in the relevant sense. If first-person access to experiences is necessary for the pertinent kind of knowledge that Lugones and Spelman suggest, then it seems like different groups women cannot understand each other. Thus, women will not be able to make claims that appropriately represent all women. The problem is not simply that women of color have been ignored, but that any attempts made by a white woman to frame the interests of women of color will be lacking because white women lack necessary knowledge of the situations of other women. Thus, universal claims that are supposed to be authoritative for all women will not be able to appropriately represent all women's experiences and interests, nor will they be able to prescribe that women ought to behave a certain way or have particular interests.

III. The Problems of Essentialism and the Possibility of a Concept of Woman

Thus far, I have looked at the problems a concept of woman has in finding a feature or experience that all women share. I have used the term "women" to loosely correspond to persons who are females. As the Overlooking and Authority problems indicate, framing a concept of woman in this way is inadequate. This section will explore how feminists can posit a concept of woman that does not commit the Overlooking and Authority problems.

Overcoming the Overlooking problem does not seem too difficult. If the problem is simply that white women have ignored other women, then white women need to step back and allow more voices to speak about women's oppression. Furthermore, women could abstract from their own circumstances and try to determine what interests they would have if they were in the position of different groups of women. In many cases, this sort of work is already being done in feminist theory as a greater diversity of voices participates in the conversation. Feminists are more aware that experiences among groups of women are different and that feminist theory as a body of work is enriched (more powerful, more helpful, more accurate) by addressing a larger range of experiences. On the other hand, the Overlooking problem indicates a lack of unity among women. Women of various races and economic backgrounds seem to have a difficult time relating to women outside of their group because their circumstances and interests are shaped by dissimilar experiences. Or, perhaps a better way of framing the lack of unity problem is that women have an easier time associating with women with whom they share distinct and obvious features (e.g., skin color) or similar cultural backgrounds. Sally Haslanger makes a similar point: such features generally are thought to indicate a commonality in experiences; however, with such diversity among women's experiences, locating commonalities among

groups of women may seem extremely difficult.[14]

If there are interests common to all women and if the Overlooking problem consists in some women's interests being ignored, then it is not logically impossible for there to be an account of interests that all women share as women, despite diversity among them. A representative concept would need to describe multiple groups of women without overlooking a particular group, and it should identify the feature or experience common to all women (I will present my specific account of a concept of woman on pages 17-22). Conversely, some feminists believe that there are significant differences among women that prevent them from having any shared interests, and thus a concept of woman that explains the interests women have as women cannot be given. Moreover, some women may decide, given the great diversity among women, groups of women should adopt a separatist-type attitude in which smaller groups of women focus on the interests of their particular group (e.g., Hispanic women focus on theorizing for only Hispanic women).

Women may have two distinct concerns that lead them to a separatist-type solution. First, as mentioned earlier, it may be the case that there are no interests that all women share. Or, secondly, women inclined toward the separatist approach may believe the Overlooking problem results because different groups of women lack the ability to relate to each other and to share common experiences in a way that is epistemologically useful for formulating feminist political theory. According to this type of view, it would be epistemically difficult for women to talk about any shared experiences, and therefore feminists would be better off theoretically and politically dealing with more restricted groups of women (e.g., black women focus on black women) in which members have greater epistemic access to shared experiences than work with a

[14] Haslanger, "Gender and Race," 45.

concept of woman.

This latter solution also alludes to difficulties raised by the Authority problem. As stated before, the Authority problem is more complex than the Overlooking problem because it questions whether various groups of women have the authority to make normative claims about what constitutes a proper understanding of woman and what women's interests should be. Even if white women try to understand the experiences of black women, speaking for them will still be problematic. Instead, marginalized women need to speak in a voice of their own. According to Lugones and Spelman, women of color need a "non-coerced space" in order to theorize.[15] Similarly, hooks asserts that feminist theory must come from a broad base, especially since different groups of women have unique perspectives to contribute to feminist theory.[16] In formulating a concept of woman, a broad base would help avoid the Overlooking problem. If a more diverse group of women participate in creating feminist theory, then it is less likely that the interests of some women will be overlooked.

Moreover, a broad base will help avoid the Authority problem because, in the presence of great diversity of voices, people are more sensitive to differences and it is more difficult for one group of women to make authoritative claims that purport to represent the entire group. An authority problem arises with what Lugones and Spelman term "one-sided dialogue."[17] There is no apparent reason why a group should believe an account given by someone outside the group when the group members have no role in the conversation, and there is also a worry that the outsider's account will negatively influence the way an insider views herself, her judgments, and her experiences. Lugones and Spelman worry that women of color will take white women's

[15] Lugones and Spelman, "Have We Got a Theory for You!" 576.
[16] hooks, *Feminist Theory from Margin to Center*, 15; Lugones and Spelman, "Have We Got a Theory for You," 576.
[17] Lugones and Spelman, "Have We Got a Theory for You," 577.

claims about them as normative. While it is possible for an outsider to make objective claims about or justifiably criticize a group, outsiders should give some deference to groups when it comes to the interpretation of their experiences and interests. The problem with one-sided dialogue is not centered primarily in the accuracy of the outsider's claims but in the lack of participation in the supposed conversation by the insiders—they have no voice to respond to the outsider or to relate their own stories. Instead of one-sided dialogue and assimilation, Lugones and Spelman argue that women need genuine dialogue founded on friendship and trust in order to incorporate diverse experiences and to create theory that will be meaningful to multiple groups of women.[18]

The ideas presented in the prior two paragraphs go far in ridding feminist theory of problematic and essentialist claims, both in conjunction with the Overlooking and the Authority problems. However, these solutions do not really address how feminists might specifically approach a concept of woman. The previous approach, to identify shared features or experiences among females, was inadequate. It ignored the different aspects of women's identities and the complex relationship between those aspects, which makes it challenging to formulate a representative concept of woman. Women disagree about what womanhood is—what defines it, and what it feels like. In the midst of such diversity, it is difficult to see whether different groups of women have an equivalent, or even a similar, idea of what it means to "be a woman." Distinctive experiences and characteristics shape womanhood for each woman, and it seems impossible to pinpoint a family of particular things that identifies what a woman is.

One reason why identifying a feature that all women share is extremely difficult is that women have complex intersecting identities. Although the issue of intersecting identities

[18] Ibid., 577.

warrants a more extensive discussion of its own, I mention it because it helps explain why the essentialism critique gains so much traction. A Hispanic woman cannot separate her "womanhood" from other aspects of her identity. What it means for a Hispanic woman to be a woman is intertwined with ethnic, cultural, and economic influences. Her womanhood is not prior to her other identities in that it came first or regulates the other identities, nor are her other identities less important or less influential than her gender. In Spelman's words, "Selves are not made up of separable units of identity strung together to constitute a whole person."[19] Since various aspects of one's identity resemble a web rather than a stack of blocks, talking about women as women seems to be a tangled issue. To give a better concept of woman, we need to frame the situation differently than the previous attempt.

According to Spelman, "Being a 'woman' is not the same thing as, or reducible to, being a 'female.' 'Women' are what females of the human species become, or are supposed to become, through learning how to think, act, and live in certain ways."[20] Part of this quote touches on issues raised in the prior paragraph, but it also points toward the social construction of women. Females have not just evolved a certain way, but they have been taught to be a certain kind of being. Although females are viewed as having certain key physical features, those features do not make someone a woman. To be a woman is to occupy a certain sort of social position—"woman" is juxtaposed with "men" and other social categories and constructed by the society and culture in which one lives. Instead of looking only at females, the social construction of gender will provide a better starting point for formulating a concept of woman.

If we take other identities to be at the least partially constructed, then the two challenges merge; not only are we dealing with an individual occupying one social position (gender), we are

[19] Spelman, *Inessential Woman*, 158.
[20] Ibid., 134.

talking about an individual occupying multiple and overlapping social positions, such as gender and race. While this combination seems to complicate talking about women, it has the potential to be very powerful for theory. If gender is constructed, then we can target specific issues that affect how individuals function as women. The following definition from Haslanger may clarify the point: if a person has or is perceived to have certain features associated with female reproduction; if these features relegate the person to a subordinate social position; if the previous two conditionals factor into the person's systematic subordination, then the person functions as a woman.[21] Like Haslanger, I see specific features and social positions as constituting a person's oppression. However, a person may manifest other features that cause her to be relegated to a different yet likewise subordinate position. These different features are not mutually exclusive of identity categories; hence other identities may influence gender. Despite the interconnected nature of a person's various identities, specific institutions will particularly focus on what it means to be a woman because they associate a social position with certain features.

In their discussions of what a woman is, Lugones, Spelman, and hooks seem to imply the following questions: "Why talk about women? What is the usefulness in a project like that?" The answer to these questions hints to how feminists could use a concept of woman to achieve gender equality. The task shifts from a project that attempts to identify women in the world to one that attempts to identify why and how it is useful to talk about women. Haslanger states that this sort of method does not attempt to "explicate our ordinary concepts; nor is it [used] to investigate the kind that we may or may not be tracking with our everyday conceptual analysis; instead we begin by considering more fully the pragmatics of our talk employing the terms in question. . . . What cognitive or practical task do they (or should they) enable us to

[21] Haslanger, "Gender and Race," 42-43.

accomplish?"[22] The Overlooking and Authority problems emphasize problems feminists encounter when restricting the concept of woman to "ordinary concepts." To me, it seems much simpler to think about "birds" or "*homo sapiens*" and say fairly definitively what beings are included in the extension of those terms because of essential physical traits, but it is arguably much more complicated (perhaps impossible) to do so for women. With birds or *homo sapiens*, classification seems much more biologically or physiologically based. Sure, some birds cannot fly, but all birds have wings—there is some ostensible feature or anatomical indicator that people can point to. To give an analogous description of women seems more difficult because there are more considerations than just physiology or biology. With women, multiple social contexts shape the significance of ostensible physiological features. For a brief example, consider gender identity disorder or transsexualism—that we have disorders and classifications like these two demonstrates the problematic method of mapping gender identifications onto physiology.

The second part of Haslanger's statement insinuates the direction my account will take. As she points out, theorists are able to give a different sort of description of what a woman is. Feminists have a specific goal—ending gender oppression. Instead of framing the concept of woman in terms and meanings typical of an ordinary language user, a feminist might, as Haslanger suggests, think about what she wants a concept of woman to accomplish. One goal of feminism is promoting gender equality, but for men and women to be equal, the sources of women's oppression must be uncovered and overthrown. I view my project as fitting in this juncture. Because oppression is perpetrated by social institutions, if feminists can formulate a concept of woman that stems from the construction of woman as beings in the service of men, the concept will be able to be politically useful in getting rid of or changing those institutions. I

[22] Ibid., 33.

propose this sort of concept of woman—one that views how social institutions have created women as being entities that serve men, entities that are and should be sexually available to men.

In talking about how women are oppressed as women through the regulation of their sexuality, it may be useful to discuss what sort of referents fit into this concept. What sort of actual beings are oppressed as women? Haslanger provides an interesting discussion on this point, and I use her definition as part of my concept. In her terminology, women have been discursively constructed "to a significant extent . . . because of what [feature or experience] is attributed to it [women] or how it [women] is classified."[23] Thus, women are beings that have the features attributed to women by patriarchal institutions, and these attributes shape how women function in society. A woman's social functioning will also shape how a woman views herself. This definition leaves open the possibility that a male may be a woman if he is perceived as having woman's features and is classified accordingly.

What, then, will a concept of woman that would be politically useful need to address to be successful? Because it indicates the features all women share, the concept should say something representative of and meaningful about every member of the class term woman. The concept will help explain one way in which women experience oppression, namely through how they are constructed by patriarchal institutions.[24] Even though we are not concerned with a concept that simply identifies objects in the world, the concept should accurately correspond to the experiences of women and capture what interests women have as women. Before a concept can be useful to us, it must make sense in light of the events we experience.

In addition, it is possible that a woman will not function socially as a woman in each instance of her life. Because of this possibility, Haslanger argues that a successful concept of

[23] Haslanger, "Gender and Social Construction," 19.
[24] Haslanger, "Gender and Race," 35. Although women may be oppressed as women in other ways, I limit the scope of the present concept of woman to how women are oppressed through the regulation of their sexuality.

gender should be "compatible with the idea that (at least for some of us) one's gender may not be entirely stable, and that other systems of oppression may disrupt gender in particular contexts."[25] I agree with Haslanger's point, and I will further discuss this view and how it relates to the concept of woman in the next chapter, especially in how the instability of gender is developed in Judith Butler's philosophy. Moreover, the second condition may help explain why some women do not feel they are oppressed because they are privileged in other respects, such as by being white or wealthy.

Third, to be successful, a concept cannot suffer from the Overlooking or Authority problems. With these problems in mind, an adequate concept will attempt to address the situations of all women, but it will not give a particular group of women normative power to speak for all women. It should not discount the autonomy of women, and it should aid in empowering them against oppression.[26] Moreover, it will not privilege gender above other identities one may have, although I will specifically focus on gender.

[25] Ibid., 42.
[26] Ibid., 36.

Chapter Three: Rejecting a Postmodernist Approach

Some feminists will question whether giving a concept of woman is useful. Along these lines, hooks makes the ominous claim that "there is much evidence substantiating the reality that race and class identity creates differences in quality of life, social status, and lifestyle that takes precedence over the common experiences women share—differences which are rarely transcended."[27] There seems to be some sense in which women are inevitably divided and despite efforts to understand one another, women will always be fragmented into smaller groups. When hooks claims that women will not be able to transcend their stark differences, she means that whatever commonalities are shared will not be enough to overcome the differences women have in their respective situations. For example, I may be able to share some sort of common experiences with a woman who has not received an education past the eighth grade, but the divergences in our situations will present an epistemic barrier that cannot be overcome. This barrier hearkens back to Lugones and Spelman's claim that complete understanding between women is impossible, but these worries do not show that a concept of woman is impossible, although certainly there are particular challenges in formulating what an account looks like. Some epistemic barriers will prevent women from overcoming some of their differences. As I white woman, I cannot have first person access to what it is like to be black; however, some experiences will affect me as a white woman that will also affect a black woman because we are both women, and thus an account of women's interests is still possible.

Nevertheless, if categories are always exclusionary, then feminist theory seems to be left with bleak options. In celebrating the differences between various groups of women, are women doomed to admit that really there is no viable way of talking about women *as women*? Must

[27] hooks, *Feminist Theory from Margin to Center*, 4.

women splinter into groups so that black women deal solely with black women's experiences and interests while white women deal with white women's experiences and interests? If so, it does not seem legitimate to theorize about *women* at all.

To respond to these legitimate claims, feminists have, broadly speaking, two options. One option, which I proposed in the previous chapter, is to understand the concept of woman in terms of how patriarchal institutions regulate and exploit female sexuality. All women, no matter what race, social class, or sexual orientation individual women belong to, are affected by the regulation of female sexuality. On the other hand, feminists may take a postmodernist approach and abandon understanding women's oppression and women's concerns in a way that represents the interests women have because they are women. I find this approach unsatisfactory, namely because the postmodernist approach is incapable of making strong enough social critiques. In this section I will demonstrate why postmodernism fails as the best approach to understanding women because it cannot give a concept of woman, a concept which is vital for feminism and the eradication of gender oppression. Furthermore, although I ultimately reject a postmodernist approach, I will highlight ways in which postmodernism makes positive suggestions for feminist methodology in formulating a concept of woman.

To feminists like Judith Butler, the idea of a concept of woman is logically exclusionary and limited so that any attempt at representing all women will be inadequate. Nancy Fraser describes a view like Butler's as arguing that identity terms, like "woman," are exclusionary because "they are constructed only through the repression of difference."[28] In attempts to give a concept that represents all women, important differences between women will be glossed over. However, glossing over important differences results in certain persons (that we want to include

[28] Nancy Fraser, "Multiculturalism, Antiessentialism, and Radical Democracy," *Justice Interruptus*, (New York: Routledge, 1997), 183.

in the term) being left out. One could apply this problem to Friedan's work: in trying to give a concept of woman, Friedan glossed over differences in economic class; however, some women were not described by her formulation of the concept because of their economic status. No matter how specific one tries to be, some women will *always* be outside of the extension of the concept of woman because they will not meet the necessary requirements for inclusion. According to Butler, "The premature insistence on a stable subject of feminism, understood as a seamless category[29] of women, inevitably generates multiple refusals to accept the category. These domains of exclusion reveal the coercive and regulatory consequences of that construction, even when the construction has been elaborated for emancipatory purposes."[30] On Butler's view, no matter how a concept of woman is formulated, there will always be someone who does not meet the given criteria for what a woman is. For any universal formulation, some women will not count as women based on the criteria presented; thus, any attempt to give a stable concept, no matter how broad the conception, will not capture the complete group of members (that we want to include) in the extension of a concept of woman. In the remainder of this section, I will further explain the position that a fixed concept will always exclude members of the class term and why implications of this view pose problems for grounding a feminist critique of patriarchal institutions.

Generally speaking, postmodernism is suspicious of grand, historical narratives that represent all people.[31] Any attempt to formulate a concept of woman will be misguided. In

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[29] I take Butler's use of what "category" to be analogous to my use of "concept." In *Gender Trouble* she writes, "For the most part, feminist theory has assumed that there is some existing identity, understood through the category of women, who not only initiates feminist interests and goals within discourse, but constitutes the subject for whom political representation is pursued" (2). A category of women plays a representative role in describing what beings should be described as women, and it also plays a normative role in prescribing what the interests of feminism are.
[30] Judith Butler, *Gender Trouble* (New York: Routledge, 2006), 6.
[31] Seyla Benhabib, "Feminism and Postmodernism: An Uneasy Alliance," *Feminist Contentions: A Philosophical Exchange* (New York: Routledge, 1995), 23. See also Nancy Fraser and Linda Nicholson, "Social Criticism without

addition, postmodernists distrust universal claims about the state of humans. According to postmodernists there does not seem to be any original state of human nature.[32] Even concepts that seem to be organized naturally are laden with cultural baggage. For instance, feminists often distinguish between a person's biological sex and the social construction of gender. However, as Butler indicates, sex is a gendered concept in that it is organized around heterosexual reproduction (much like patriarchal conceptions of woman).[33] Butler suggests that the history of sex will confuse its status as a natural category. The features of sex which seem most obvious to us, namely certain physiological parts, have been classified in a politically significant way. Females are beings that are penetrated by the male phallus and birth children, and males are the beings that have power, for instance, to impregnate females. Even the predicates that classify the so-called natural categories of male and female seem loaded with political implications, which also seem to presuppose or mirror concepts of gender.[34] Sex seems to be just as constructed as gender does. Social notions of gender help define social understandings of sex, but this seems to counter the idea that sex is a foundational, natural category. Instead, the definitions are interconnected. If categories such as sex, which many people take to be basic, are suspect, then all claims about nature seem suspect as well. People often take certain categories as being natural rather than constructed, but on a postmodernist reading this view naively ignores the ways social constructions seem to be, in some manner, prior to the natural definitions that people posit.

For Butler, gender concepts are unstable and have no fixed meaning, and feminists should not try to give gender concepts a stable meaning. When a feminist tries to formulate a

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Philosophy: An Encounter between Feminism and Postmodernism," *Theorizing Feminisms*, ed. Elizabeth Hackett and Sally Haslanger (New York: Oxford UP, 2006), 342.
[32] Benhabib, "Feminism and Postmodernism," 18.
[33] Butler, *Gender Trouble*, 8-10.
[34] Ibid., 9-10.

fixed meaning, reading fixed meaning as necessary requirements for inclusion into a concept, the meaning will be undermined by someone's experiences that do not obviously fit into the concept. This exclusion indicates the impossibility of formulating a coherent and stable concept of woman, but Butler argues that instability is a positive feature of concepts. Butler's main argument is hinted at in the following way, "The assumption of its [gender concepts, specifically, the concept of woman] essential incompleteness permits that category to serve as a permanently available site of contested meanings. The definitional incompleteness of the category might then serve as a normative ideal relieved of coercive force."[35] Butler begins with the inability of a concept to appropriately represent all the entities it purports to describe and argues that what follows from theorists' inability to give representative concepts is politically powerful. First, because gender by its nature does not have any apparently inherent characteristics, the meaning of a particular gender concept cannot be captured by a concept with a fixed meaning. Because the concept cannot provide completeness in its representation, its meaning will fluctuate according to various experiences. Postmodernists are often suspicious of binary oppositions that force people to comply with only one of two options. Butler disagrees with positing concepts of "homosexuality" and "heterosexuality" because they constitute a false dichotomy, for instance, by not allowing for "homosexual" aspects of desire to partly structure a "heterosexual" experience.[36] Moreover, the men/women binary is oppressive in that it seeks to make heterosexuality socially compulsive. However, because what it means to be a woman is not fixed, then the instability of the concept serves as resistance against patriarchal oppression; the concept cannot simply mean what it has traditionally been portrayed as meaning.

[35] Ibid., 21.
[36] Ibid., 165.

Even though Butler argues against binary categories such as homosexuality and heterosexuality, she also questions any purportedly stable concept. Butler worries that any category, especially one concerning identity, that rejects or tries to transcend the norms affirmed by other categories will develop exclusive norms of its own—it will be just as exclusive as the categories which it tried to surpass.[37] She argues, "Identity categories tend to be instruments of regulatory regimes, whether as the normalizing categories of oppressive structures or as the rallying points for a liberatory contestation of that very oppression."[38] Butler identifies two particular sorts of categories as being problematic: "normalizing categories of oppressive structures" and "rallying points for a liberatory contestation of oppression." The first disjunct in her claim refers to the coercive nature of binaries as discussed in the previous paragraph. With the second disjunct, Butler worries that any concept of woman formulated by feminists, even one posited for reasons of ending gender oppression, will function just as the oppressive construction does.

Like Butler, I am concerned that "normalizing" concepts are harmful to women and function as a tool used to regulate behavior and identity. However, concepts as rallying points for liberation are not necessarily regulative; they can be predominantly descriptive of a certain issue (gender oppression, for our purposes) without prescribing that certain essential features or experiences continue to characterize individuals' experiences in all circumstances and time periods. Fraser highlights the singular focus on ontology as being the flaw of this type of approach: "Deconstructionist antiessentialists . . . do not ask, in contrast, how a given identity or difference is related to social relations of inequality."[39] To hearken back to Frye's birdcage

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[37] Ibid., 173-74.
[38] Judith Butler, "Imitation and Gender Subordination," *The Lesbian and Gay Studies Reader*, ed. by Henry Abelove, Michèle Aina Barale, and David M. Halperin (New York: Routledge), 308.
[39] Fraser, *Justice Interruptus*, 183.

image, postmodernists do not always put enough focus on the way in which the wires of the birdcage are interconnected to form a cage of oppression. Thus, one way a concept may avoid essentialism is by focusing on social influences rather than the ontology of the members of the extension. What may be common or shared between all members of the class is their social position, not physical or mental characteristics.

Postmodernists tend to be very concerned with language and how language structures social concepts, and as a result of the construction of concepts, how it structures actual beings. In Jane Flax's words, "Man is a social, historical, or linguistic artifact, not a noumenal or transcendental Being."[40] As Flax indicates, postmodernists are particularly interested in the linguistic situation of gender; Butler's entire project of *Gender Trouble* illustrates a profound concern with language's relationship to (our understanding of) society, epistemology, and metaphysics.[41] Like Fraser, Catharine MacKinnon attacks postmodern feminists for ignoring the social facts of oppression.[42] Oppression may be manifested in different ways for various cultures, but observation supports the claim that women across cultures are subordinated to men. For being concerned with the construction of identity, it seems odd that postmodernists will abstract from social facts of oppression (such as rape), but abstracting from social facts will not change the social institutions that oppress women. On my reading, Butler is concerned with a different confusion about gender than I am. She is worried about how language constructs subjects as being a certain way, and because of her linguistic concerns she focuses less on social institutions.

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[40] Jane Flax, quoted in "Feminism and Postmodernism," by Seyla Benhabib. (New York: Routledge, 1995), 18.
[41] In fairness, French feminists like Wittiq or Irigaray deal with sexism and language in a different way than English speakers do because of the gendered nature of French.
[42] Catharine A. MacKinnon, "Points against Postmodernism," *Chicago-Kent Law Review*, 75 (2000), 701.

Unlike Butler, I am more concerned with how certain social institutions construct women as being in the service of men. Since the principal concerns of my approach differ from Butler's, our accounts may not be equivalently useful for the same sorts of goals. Although linguistic concerns are legitimate, language is not the only form of patriarchal oppression women experience, nor would I argue that linguistic concerns are the most politically relevant for women in our contemporary society. Despite problems with language, patriarchal oppression affects women in more overtly physical ways—such as the fear of rape and sexual harassment. Women are not just concerned with their status as subjects but with their safety as well. MacKinnon argues, "When feminism makes its 'women' from the ground up, out of particularities, from practice, rather than from the top down, out of abstractions and prior theory, the so-called essentialism cannot occur."[43] MacKinnon indicates that it is possible for a feminist's reference to representative claims about all women not be what postmodernists seem to target in their attacks on universal claims. MacKinnon's point holds true for my account, which looks at the situations of women (using the ordinary language aspect of the word) and connects the dots between them in order to better understand what gender is as a patriarchal social construction and how feminism can use it. My approach does not posit a special feature and attempt to mold women accordingly, nor does it start from an ideal woman and define the members of the extension of women based on the ideal.

Despite postmodernism's inability to provide a solid foundation for feminist social criticism, some of its tenets should not be completely ignored. If gender categories always have instable contents, then we have reason to worry that a concept of woman cannot be formulated in firm enough grounds to attack the social institutions that create problematic notions of what it

[43] Ibid., 696.

means to be a woman. To some extent, feminists should pay attention to and perhaps appropriate certain aspects of postmodernism's cultural critique. The most notable point which feminists should be concerned with is the fluidity of gender, both as a concept and as an identity (the discussion of Haslanger in the previous chapter incorporated this idea). Postmodernists claim that no feature characterizes all women across time and cultures. In other words, people's experiences will always undermine attempts to give a concept a fixed meaning. I agree that there is no *necessary* feature or experience (for instance, oppression or reproduction) that defines what a woman should be. However, history seems fairly consistent in representing the situations of women, across time and cultures, as being in the service as men. While I want to say that this fact, and I believe it is not a misnomer to call it a fact, is not one that *must* define women for all time, it has thus far accurately described women throughout time. Postmodernism's failure to recognize this aspect of women's history and lives constitutes a weakness that I believe is fatal to the adequacy their social project.

That being said, an adequate concept of woman should be loose enough to allow for a variety of experiences and a change in experiences in addition to appropriately reflecting women's experiences. Butler is often troubled by how to formulate a "lesbian" or "gay" identity that not only reflects the experiences of marginalized sexual orientations but also remains fluctuating as to not force members of the identity group to behave or feel in a particular, fixed manner. The same point should also hold for a concept of woman. I am not asserting that women must act in a certain way in order to count as women. Instead, I focus on the ways in which women have been oppressed as women, how women have been problematically unable to speak and to act, and how these absences have been created and fostered by patriarchal institutions.

With the postmodern-influenced idea of the impossibility of fixed, rigid concepts, a concept of woman is much more capable of addressing the suspect way in which social institutions construct gender than the postmodernist conception of instability and subversion. Unlike postmodernists, I believe that having a concept of woman mean something concrete is philosophically important and politically useful. Yes, it will not be a rigidly fixed signifier that holds for all time, but it will capture aspects of women's experiences that are shared across economic, racial, and sexual orientation lines. The danger with postmodernism is that gender identity will be destabilized to the extent that it does not seem fruitful to talk about the positive aspects of solidarity in relation to a gender category. My account is more capable of grounding social critique because it allows women to organize around specific ways that social institutions seek to regulate their behaviors. Once women understand the location of the oppression, they can work to change it. Moreover, understanding a concept of woman in this way does not force women to compartmentalize or ignore other aspects of their identities, as was often the case with previous attempts to formulate a concept of the interests women have because they are women.

Chapter Four: Toward a Concept of Woman

I. The Structure of Oppression

hooks argues that the phrase "common oppression" stems from race and class privilege—middle class white women have talked about their interests as developing out of a common oppression in attempts to convince women of color that the interests of white women were ones all women should affirm. According to hooks, white women's "isolation from women of other class and race groups provided no immediate comparative base by which to test their assumptions of common oppression."[44] Certainly hooks's concern about the formulation of a "common" oppression is warranted, but feminists have a way to talk about common oppression without making problematic authoritative claims. A concept of woman is possible because women do have a "comparative base" from which they can theorize. As Frye states, "There is a woman's place, a sector, which is inhabited by women of *all classes and races*, and is not defined by geographical boundaries but by function. The function is the service of men and men's interests as men define them."[45] In particular, I refer to the function of women as the social position women hold viewed through the lens of the systematic regulation of women's sexuality by patriarchal structures such as rape, pornography, and sexual harassment. Although women are oppressed as women in other ways as well, such as being relegated to be the primary caregiver to dependents, I will focus on women's place in the service of men's sexual desires. At this point, when I use the term "women" I do not refer to females but to those who occupy a specific social position.

By oppression I mean the systematic disadvantage suffered by individuals insofar as they

[44] hooks, *Feminist Theory from Margin to Center,* 6.
[45] Marilyn Frye, "Oppression," 87.

are members of certain groups.[46] The discrimination is structural and systematic in that it is rooted in cultural practices and norms. While one group is privileged or advantaged in some respect, another group(s) is disadvantaged. As Iris M. Young points out, oppression in its contemporary manifestations is not necessarily the intentional result of a single individual's actions and agendas. Rather, oppression's causes "are embedded in unquestioned norms, habits, and symbols, in the assumptions underlying institutional rules and the collective consequences of following those rules."[47] Because individuals are members of a particular group, or because they are perceived to be members, they are candidates to be disadvantaged according to how that group is viewed. Young develops five specific categories that explain various ways in which a group of people may be oppressed: exploitation, marginalization, powerlessness, cultural imperialism, and violence.[48]

One specific problem members of oppressed groups typically face is an absence of meaningful choices.[49] What makes a choice genuine is about the quality of the choice and not necessarily the quantity of choices that are available. Oftentimes women are confronted with situations in which they lose no matter what choice they make. Every outcome is an unacceptable option. These types of choices do not count as genuine because the agent's choices do not have any satisfactory outcomes—all of the results are problematic, though perhaps for different reasons. Frye describes the absence of adequate choices as "the double bind." She states, "Women are caught like this, too, by networks of forces and barriers that expose one to penalty, loss, or contempt whether one works outside the home or not, is on welfare or not, bears

[46] Frye, "Oppression," 87; Haslanger, "Gender and Race," 39.
[47] Iris M. Young, "Five Faces of Oppression," *Theorizing Feminisms,* ed. Elizabeth Hackett and Sally Haslanger (New York: Oxford UP, 2006), 4.
[48] Ibid., 4.
[49] hooks, *Feminist Theory from Margin to Center*, 5.

children, or not,"[50] and the list continues. Frye does not develop her examples in detail, but her point is clear—the choices women have are not genuine choices because all options result in the woman being blamed, viewed in some negative fashion. Consider the following example of an oppressive double bind: If I choose to have a career instead of children, I am power hungry. If I choose to have children instead of a career, I am giving up on my potential. If I choose to have a career and children, I'm a bad mother because I do not put my children as my first priority. Although my choices will have dissimilar consequences, each results in me being judged negatively by social norms.

As illustrated by double binds, patriarchal institutions shape women's choices such that the choices cannot be meaningful in certain situations. When a group of people is oppressed, they are disadvantaged in a number of possible ways, and being restricted from having options is one of those ways. Oppression can force certain kinds of behaviors because the oppressed do not have meaningful choices to do otherwise as a result of their systematic subordination. In particular, patriarchal institutions oppress women by regulating women's sexuality in two ways. First, the institutions perpetrate a view of women as subordinate to men. Second, the structures regulate women's sexuality by forcing certain behavioral norms. These institutions oppress women as women; no racial group, economic class, or other aspect of one's identity will make one exempt from them.

a. Rape

Claudia Card's discussion of rape as a terrorist institution provides one example of how rape, as a patriarchal institution, oppresses women as women. According to Card, rape exemplifies a lack of choices: "Women successfully terrorized, and others socialized by them,

[50] Frye, "Oppression," 85.

comply with men's demands."[51] MacKinnon's language about rape and its social context is even stronger: as an institution, "rape with legal impunity *makes* women second-class citizens."[52] Card emphasizes that the social meaning of "consent" in sexual relationships is not really about choices but about choosing the least intolerable option available.[53] By presenting women with a lack of choices, rape and the threat of rape restricts them from certain possibilities for action and do not allow them a way to deny consent.

According to Card, rape as a social institution attempts to socialize two types of women, both the victims of the actual physical assault and "those to whom the message is sent by way of treatment of the [victims of the physical assault],"[54] women who are not physical victims but who should still conform to certain behavioral standards. Rape is a terrifying example of institutionalized oppression because of its wide-sweeping threat to all women. Insofar as a person is viewed socially as a woman,[55] she is threatened by rape, regardless of aspects of her identity that may typically indicate a greater social privilege. Rape occurs in poorer neighborhoods and wealthier neighborhoods, and it is committed by strangers and people who are acquaintances of the victims.

Furthermore, rape targets more than the physical victims of sexual assault. Rape regulates women's sexuality in that, as an institution, it instructs all women to act in certain ways. Card lists several "rules" of rape that shape women's behavior and social perspectives on sexuality in an oppressive manner (some of the rules apply to other patriarchal institutions as well). She frames these rules in conjunction with the social definition of what constitutes

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[51] Claudia Card, "Rape as a Terrorist Institution," *Violence, Terrorism, and Justice* ed. R. G. Frey and Christopher W. Morris (New York: Cambridge UP, 1991), 302.
[52] Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (Cambridge: Harvard UP, 1989), 182. Emphasis mine.
[53] Card, "Rape as a Terrorist Institution," 315.
[54] Ibid.,," 302.
[55] Haslanger offers a helpful social definition of woman in "Gender and Race," 42.

"consent" in a sexual relationship and argues that "the rules [of rape] give the woman's status itself the value of consent."[56] Based on the rules (we could also call them myths and false generalizations), women's sexuality is controlled. Women are taught that the rules are normative for their behavior, and thus the rules force women to comply with behavior norms that place them in a subordinate role to men. These rules can be summarized in three broad categories: (1) consent, once given, cannot be withdrawn,[57] (2) women are to blame for their rapes, and (3) a woman's "no" really means "yes."[58]

Acquaintance rape, which is loosely defined as "nonconsensual sex between adults who know each other"[59] and includes spousal rape and date rape, exemplifies how the rules shape social understandings of rape. According to Martha Burt, "More than half of all rapes are committed by someone known to the victim; most do no involve a weapon, or injury beyond minor bruises and scratches; most occur indoors, in either the victim or the assailant's home (Ageton, 1983; Amir, 1971; Burgess and Holmstrom, 1979; Koss, 1985; MacDonald, 1979; Russell, 1984; Warshaw, 1988).[60] In addition to acquaintance rape accounting for most rapes, Laurie Bechhofer and Andrea Parrot state that "it is estimated that less than one percent of acquaintance rape victims report the crime to the police (Burkhart, 1983)."[61] I purposefully discuss acquaintance rape for reasons illustrated by the previous two quotes: first, acquaintance accounts for the majority of rapes, and second, it counters the scenario of a dark alley and

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[56] Card, "Rape as a Terrorist Institution," 309.
[57] This point encompasses Card's discussion of the dated legal idea that husbands could not rape their wives.
[58] Ibid., 308-11.
[59] Laurie Bechhofer and Andrea Parrot, "What is Acquaintance Rape?" in *Acquaintance Rape: The Hidden Crime*. ed. by Laurie Bechhofer and Andrea Parrot (New York: John Wiley & Sons, 1991), 12.
[60] Martha R. Burt, "Rape Myths and Acquaintance Rape," *Acquaintance Rape: The Hidden Crime*. ed. by Laurie Bechhofer and Andrea Parrot (New York: John Wiley & Sons, 1991), 27. Similarly, Laurie Bechhofer and Andrea Parrot report that "the vast majority [of rapes] are committed by someone known to the victim (Kanin 1957; Koss, Gidycz, & Wisniewski, 1987; Parrot, 1985; Russell, 1982). Most assailants do not appear to be psychopaths. The majority of rapes take place in the residence of the victim or perpetrator (Parrot and Link, 1983)." see Bechhofer and Parrot, "What is Acquaintance Rape?" 10. See also MacKinnon, "Rape: On Coercion and Consent," 176.
[61] Bechhofer and Parrot, "What is Acquaintance Rape?" 11.

masked stranger that comes to mind when many people think of rape.

Like Card, Burt sees rules, or "myths" in Burt's language, as promoting false views about rape. One rule of rape is that consent, once it is given, cannot be withdrawn. This rule maintains that consent may be given to one person but extend to another, or it could be given to a person in one situation and extend to all situations involving that same person. According to Burt, "This is the type of myth that traps many minority women, whose experiences of sexual violation are not taken seriously because they are stereotyped as sleeping with many men and therefore already devalued."[62] Burt includes divorced women and prostitutes in the list of sexually promiscuous women, but other groups of women could be included as stereotypically sexually active women, such as members of college sororities. In addition to divorced women, MacKinnon includes wives because wives are viewed as sexual active beings simply in virtue of their being married.[63] According to this rape rule, these types of women consent to sex in many instances. MacKinnon describes them as "unrapable" from the man's point of view because they are perceived as being whorish.[64] Thus, when they have been raped, they are less likely to be believed. Their prior consent, or at least what was perceived as prior consent, is seen to extend to all situations in which they engage in sexual activities.

Another rule of rape is that women are to blame for their rapes. Bechhofer and Parrot emphasize that this myth seems especially true for instances of acquaintance rape.[65] As mentioned earlier, most instances of acquaintance rape occur in the home of the victim or of the rapist. The victim and the rapist may have been drinking at a bar together or engaged in what seems to be a common social activity, such as going to dinner or to a movie. In the midst of

[62] Burt, "Rape Myths and Acquaintance Rape," 29.
[63] MacKinnon, "Rape: On Coercion and Consent," 175.
[64] Ibid., 175.
[65] Bechhofer and Parrot, "What is Acquaintance Rape?" 11.

these seemingly usual circumstances, it seems odd to many people that something that seems less usual, rape, could occur. The woman must be at fault; she must have been talking too flirtatiously, dressed too provocatively, or drinking too much. As Burt notes, "the myths do not differentiate between her [the victim] 'asking for' companionship, friendship, and a date and her 'asking for' rape."[66] Rape rules portray the rapist as having no measure of responsibility for the rape because the victim is the person who acted incorrectly in some manner.

Likewise, a third rule of rape rejects that the rapist is responsible for the crime because when a woman refuses sex, she really means she wants it. Her "no" actually means "yes." This rule is also closely related to the first rule, that consent cannot be withdrawn. If a woman has had sex before, she is seen as *necessarily* wanting it again. Her other actions, like dancing with a date, indicate that she is really saying "yes" to sex even if she verbally refuses or physically resists. However, as Bechhofer and Parrot assert, "For a person to give consent in a sexual situation, legally and morally, she or he must say 'yes' *and* not say 'no.' Consent must be obtained on every separate occasion and cannot be assumed from previous interactions."[67] Although I cannot address whether sexual consent requires an explicit yes on every occasion as Bechhofer and Parrot imply, at the very least, if a person resists sexual advances, verbally or physically, she has not given consent, despite whatever signs someone has perceived the individual as sending.

Burt and Card argue that these rules strip consent away from women. In conjunction with acquaintance rape, Burt asserts, "Rape myths . . . transform rape by an acquaintance, friends, and intimates into no rape at all."[68] Similarly, Card argues, "Women unable to withhold

[66] Burt, "Rape Myths and Acquaintance Rape," 31.
[67] Bechhofer and Parrot, "What is Acquaintance Rape?" 13.
[68] Burt, "Rape Myths and Acquaintance Rape," 37.

consent are also unable to give it."[69] Note that Card's claim is not empirical, but political. She does not claim that women never have consensual sex; rather, she emphasizes the political power that women lack. If rape and sexual norms discount women's agency and dictate that all behavior is really consent, then what grounds are left to constitute a woman's ability to deny consent? MacKinnon pushes further, commenting on the foundations of the consent problem. According to MacKinnon, even if women did have a viable way in which to deny consent, the structure of consent between men and women is unequal. Although consent is meant to be the woman's means of control over her circumstances, the consent scenario begins with the man instigating sexual engagements. Men have the power to initiate sex, and only after their initiation are woman given an opportunity to speak. This disparity leads MacKinnon to state, "Yet the consequences [of rape] are attributed to her as if the sexes began at an arm's length, on equal terrain."[70] The lack of equality in the structure of consent indicates that women still make decisions based on men's desires. But, even if one does not accept MacKinnon's stronger claim, Card's point still holds. The rules of rape and the sex hierarchy they perpetrate imply that she has no will and she is just an object that can (acceptably) be used!

Moreover, a woman is not just an object to be violated by rapists[71] because the rules of rape also impose certain stereotypical roles onto women. For instance, women who are alone are vulnerable to rape; therefore, women should have *male* protectors to guard them, and as Card points out, what these "guardians" choose to do sexually to women does not count as rape because they are protecting women from the big bad rapists in the world.[72] Rape is an inescapable bind in which women's willpower means nothing. As an institution, rape creates

[69] Card, "Rape as a Terrorist Institution," 312.
[70] MacKinnon, "Rape: On Coercion and Consent," 174.
[71] Or, perhaps we should say that what defines a "rapist" is too limited.
[72] Ibid., 314.

and supports the oppressive view that women are objects for men's pleasure and that women are in need of male protection. Both men and women internalize this view, which is tremendously dangerous to women's development and self-concepts.[73]

An important claim of this thesis is that a successful account of women's oppression should be compatible with the idea that one's identity may not be stable, which allows for some females not to function as "women" in every situation in the sense that I am defining the term. As a result, however, this account allows for beings that an ordinary language user may not intuitively think of as functioning as woman, such as males, to be a feminized in some circumstances. Male on male rape provides one example of how non-females may function as women. This feature of the category of women is not a weakness but a strength. If males can function as women in certain social situations, the focus of the gender oppression problem as being with social institutions is further emphasized. Like the rape of women, male on male rape reinforces the myth that men should have sexual access to whatever they desire, whether the individual be a female or a male. Male on male rape imposes certain behaviors as appropriate for men and women. Rus Ervin Funk writes powerfully about how he was gang-raped by three white men, and although he considers his rape to be an extreme case, he notes that rape sends a particular message about what it means to "be a man" and what it means to "be a woman":

> The theme of the rape of men is that rape, regardless of the perceived gender of the victim, is a weapon of male supremacy. . . . Men who are or are perceived to be effeminate, men of color, men who act up and act out of the prescribed roles of male supremacy are at a greater risk of being raped, and the threat of rape is extremely effective in keeping men acting like men.[74]

As an activist for ending men's violence against women, children, and other men, Funk challenges social notions of what it meant to be a man. As a result of working with battered

[73] Ibid., 315.
[74] Rus Ervin Funk. "Men Who Are Raped: A Profeminist Perspective," *Male on Male Rape: The Hidden Toll of Stigma and Shame* by Michael Scarce (New York: Insight, 1997), 230.

victims, Funk notes that his perception on "men's rights" changed. He relates, "The jokes that had always been so funny weren't so funny, the pornography I had always understood as being entertainment (sic) and my right (sic) became less enjoyable and less of a right. The ways men interacted with the women in our lives, which had always seemed so appropriate, weren't."[75] Funk's rape served as a message to him that he, as a male, was not acting as a man should as defined by patriarchal standards. His rape attempted to enforce certain behavior codes on him and it made him into a sex object. His objectification through rape was supposed to reinforce to Funk that he was acting outside of what it meant to "be a man," and it sent a message about patriarchal dominance: men have power and dominance over women.

In addition, it is not a problem for my concept of woman if other identities or if intersecting identities take an active part in explaining a woman's rape. For example, a black woman is raped by a white man. Perhaps the rapist is racist and believes that blacks are inferior to whites, and thus he has certain beliefs about black women and how black women should be treated, not just about women. In particular, the rapist targets black women of short stature with extremely dark skin who have meek temperaments. The woman's intersecting identities together explain her being rape, which seems to contradict my claim that rape oppresses women *as women*. However, the seeming contradiction is not a problem for my account. Because an institution oppresses women as women, it does not mean that other identities or factors do not influence instances of oppression. Moreover, because gender, race, and sexual orientation are social constructs, multiple aspects of one identity may be constructed together in a certain way. For example, women are socially constructed beings, but it is also the case that being a *black woman* is a construction. Because the black woman is black and is a woman, her rapist views

[75] Ibid., 227.

her as an object that can be used sexually for his own pleasure. Although other women may not be black, or short-statured, or meek, women in some way can identify with the fear, hurt, anger, et cetera the rape victim felt. Unlike some other experiences, the fear of rape means something to all women. The rape victim's being a *black woman* explains why she is raped, but so does the fact that she is a woman.

Consider the New Mexico Court of Appeals case *State v. Johnson*.[76] This case illustrates how a woman may be raped because she is a woman although other parts of her identity contribute to her rape. It also demonstrates the complex nature of determining consent and how the rules of rape shape how society views rape. In *State v. Johnson*, the defendant argues that his rape conviction should be reversed because his (alleged) victims were prostitutes. According to the defendant, the women charged him with rape because he refused to pay them. Contrary to the defendant's allegations, at least one of the victims stated that although she had previously worked as a prostitute, she was not working as one on the night of the (alleged) rape. However, the court agreed with the defendant that the victims' past sexual activity was relevant to the case: "We believe this evidence would have tended to support Defendant's claim that the women agreed to engage in sexual activity with him for money and later alleged that Defendant raped them because he refused to pay."[77] The sexual history of the victims gave them, in the court's eyes, a "motive to fabricate" their rapes.

State v. Johnson illustrates the extent to which victims are blamed (or not believed) for rapes because of prior sexual consent—even though they consented to sex with other individuals and not the defendant.[78] The following are aspects of the case (I do not call them facts because

[76] In Catharine MacKinnon, *Sex Equality*.
[77] Ibid., 829.
[78] For the purposes of this paper, I treat the allegations of rape in *State v. Johnson* as true. Whether the women were raped or whether they lied is not my primary issue—we assume that their story is true and see what follows.

not all parties agree on what happened): (1) The defendant tricked the women into coming with him to an isolated location by posing as a police office; (2) the defendant coerced the victims into having sex with him by holding them at knifepoint; and (3) at least one of the victims had worked as a prostitute on a prior occasion, but not on the night in question. The court decided that the third aspect of the case might have particular relevance to the sincerity of the alleged victims and their motive to lie about aspects one and two, but the other aspects lead to interesting questions that the court did not apparently consider. For instance, MacKinnon poses the following question:

> In what position of power does the ruling in this case [the rape conviction was reversed] place police officers relative to prostituted women? Why did [the] defendant, if he did, succeed in picking up these two women who were not then prostituting by telling them that he was a policeman?[79]

In *State v. Johnson*, the defendant viewed the women as being there to fulfill his desires. The women's former employment as prostitutes is not equivalent to consent, although it may have contributed to their being targeted as victims of rape. Despite their genuine lack of consent, in the eyes of their rapist and in the court, what happened to these women did not count as rape, even though they had been made into sex objects to be used for a man's pleasure.

b. Pornography

In a similar way, pornography[80] as an institution regulates women's sexuality by objectifying women and forcing certain behavioral norms. MacKinnon defines a feminist

[79] Ibid., 829.

[80] MacKinnon and Andrea Dworkin define pornography as "the graphic sexually explicit subordination of women through pictures." They also describe pornography as "a practice of sex discrimination which exists in the commonwealth and threatens the health, safety, peace, welfare, and equality of its citizens." The full definition is quite lengthy and describes, in further detail, the harm that pornography does to women. See "Model Antipornography Civil Rights Ordinance," in Andrea Dworkin and Catharine A. MacKinnon, *Pornography and Civil Rights: A New Day for Women's Equality* (Minneapolis: Organizing Against Pornography, 1988), 138-142.

perspective of pornography as being "a form of forced sex . . . an institution of sexual politics."[81] In the model antipornography ordinance that MacKinnon and Andrea Dworkin authored, they identify harms to women that express two sorts of targets, just as Card identified two targets of rape.[82] Pornography may harm the participants in the production of pornography in a numbers of ways, including physical abuse and humiliation. In addition, pornography targets all women insofar as the message creates and contributes to the subordination of women to men. This point seems particularly true of the message pornography sends to men.

As Dworkin and MacKinnon state, pornography leads to the "lower[ing of] the human dignity, worth, and civil status of women and damage[s] mutual respect between the sexes; [and] contribute[s] significantly to restricting women in particular from full exercise of citizenship and participation in the life of the community."[83] Pornography does not merely depict women as being second-class citizens—it makes them such. To some people, this may seem like a strong claim to make; however, pornography represents and constructs an extreme view of women and their sexuality that negatively affects their status as equal citizens—a view in which women are treated as being objects that men can purchase and use for sex.[84] Furthermore, MacKinnon argues that pornography "contributes causally to attitudes and behaviors of violence and discrimination which define the treatment and status of half the population."[85] Whether or not one agrees that pornography functions in a direct causal relationship with other forms of sexual discrimination, the use of pornography arguably is correlated with other forms of sexual discrimination because its message, like the message of rape and other institutions, shapes women into a certain kind of being that exists for men.

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[81] MacKinnon, *Toward a Feminist Theory of the State*, 197.
[82] Dworkin and MacKinnon, "Model Antipornography Ordinance."
[83] Ibid., lines 23-27.
[84] MacKinnon, *Toward a Feminist Theory of the State*, 195.
[85] Ibid., 196.

MacKinnon argues pornography is "sexualized objectification," which "is what defines women as sexual and as women under male supremacy."[86] Pornography contributes to patriarchal domination by objectifying women. It makes women sex objects—sex objects that bring (perceived) pleasure to their male counterparts and pleasure to the user. Thus, pornography perpetrates women's sexual availability as creatures that satisfy men's desires. Moreover, some of the rape rules Card identifies also are rules for pornography, such as a woman's "no" really means "yes." Women are seen as desiring and needing men to fulfill their desires, even when women initially seem to refuse consent.[87] In MacKinnon's view, "what pornography says about us [women] is that we enjoy degradation, that we are sexually turned on by being degraded."[88] It is "sexy" to be submissive and to conform to men's desires. Like rape, pornography negatively socializes women; it makes women into beings who are sex objects for the service of men; and as a result, women lose their agency.

Not only is pornography harmful to women because of the message it sends them, but it is also harmful because of the message it sends to men. Pornography is not a fantasy or a nightmare detached from the actuality of women's lives. It is parasitic on, it intensifies, and it *creates* the power hierarchy that embodies our social concept of gender. According the MacKinnon, "[Gender] has no basis in anything other than the social reality its hegemony constructs. The process that gives sexuality its male supremacist meaning is therefore the process through which gender inequality becomes socially real."[89] Pornography is one of the processes that creates the gender hierarchy implicit on our society, along with the norms that

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[86] Catharine A. MacKinnon, "Desire and Power," *Theorizing Feminisms*, ed. Elizabeth Hackett and Sally Haslanger (New York: Oxford UP, 2006), 259.
[87] Card briefly mentions the ways in which media like pornography promote rape fantasies. See page 313-14.
[88] Catharine MacKinnon, "Sex and Violence: A Perspective," *Theorizing Feminisms*, ed. Elizabeth Hackett and Sally Haslanger (New York: Oxford UP, 2006), 269.
[89] MacKinnon, *Toward a Feminist Theory of the State*, 198.

express women's subordination to men.

Some feminists believe that pornography offers, to use Judith Butler's language, a "highly erotic promise of transgressing traditional restrictions on women's sexuality."[90] A proponent of this view may argue that whenever pornography focuses on the woman as "in charge" or on a same-sex couple, it challenges traditional conceptions of gendered relationships. For instance, consider a woman as being portrayed in pornography as holding a position of authority over a man. Before endorsing such pornography, we should question how much authority the woman actually has. She holds an authoritative position because it serves men's purposes to allow her it—sex is still defined by men's interests. Women cannot remove themselves from being objects that men control, and even in situations in which a woman appears to have control, her perceived power is regulated by men's authority. If pornography as the production of a good for consumers is dictated by what sexually gratifies men, then any instance of pornography which seems to counter this norm is still suspect. This relationship seems to be what MacKinnon is getting at when she says, "The liberal defense of pornography as human sexual liberation . . . is a defense not only of force and sexual terrorism, but of the subordination of women."[91]

What if a pornography company run by homosexuals were to produce erotic media in celebration of sexual freedom? MacKinnon seems wary of pornography being helped or changed through transcendence when the issue of men's domination of women is still driving the industry, but if domination is absent, would the pornography still represent a gendered hierarchy? This question is difficult to answer. On my account, institutions force certain behavioral norms on women. However, they also play into, reinforce, and create norms of women's inferiority. Insofar as the majority of consumers of pornography are men, the industry

[90] Judith Butler, "Against Proper Objects," *Theorizing Feminisms*, ed. Elizabeth Hackett and Sally Haslanger (New York: Oxford UP, 2006), 544.
[91] MacKinnon, *Toward a Feminist Theory of the State*, 198.

is directed by men's interests and is oppressive to women. Despite the intentions of the producers, the message may be misconstrued as meaning that women are subordinate to men. If MacKinnon is right about *sex* and porn being in some way equivalent, or that pornography constructs a hierarchal view of what sex is, then most instances of pornography, in our culture at this time, seem to at least partially contribute to the regulation of women's sexuality. That being said, a production company ran by homosexuals that focuses on sexual liberation and not sexual regulation may perhaps offer a promising idea of what society's understanding of gender could be like in the future.

c. Sexual Harassment

Like rape and pornography, the practice of sexual harassment reinforces the patriarchal dominance of women by men. It exemplifies the power structure embedded in gender and demonstrates how men's experiences define what society typically views as appropriate conduct. As MacKinnon points out, the *sex* aspect of sexual harassment has not always been emphasized; people often see sexual harassment as an abuse of power but not as an abuse of sexuality. People do not "question whether sexuality, as socially constructed in our society through gender roles, is *itself* a power structure."[92] However, sexual harassment as a practice functions to place women in a power struggle below men—women are supposed to be sexually available to men whenever men want them to be.

MacKinnon has distinguished between two types of sexual harassment, both of which are illegal under Title VII of the 1964 Civil Rights Act. The first type, *quid pro quo*, occurs when "sex is exchanged, or sought to be exchanged, for a workplace or educational benefit."[93] The second type, termed hostile environment, occurs "when conditions of work are damagingly

[92] MacKinnon, "Sex and Violence," 269. Emphasis original.
[93] MacKinnon, *Sex Equality*, 943.

sexualized (or otherwise harmful) on the basis of sex."[94] These conditions could interfere with the individual's ability to work, or they could be intimidating or insulting.[95] James Gruber identifies sexual harassment in the workplace as a tool men use to lash out against what they view as threats to their place of dominance. He states that the hostile environment form of harassment can be extremely effective in placing women in a subordinate position to men, and in leading to *quid pro quo* harassment: "The male traditionality of an *occupation* creates a work culture that is an extension of male culture, and numerical dominance of the *workplace* by men heightens visibility of, and hostility toward, women workers who are perceived as violating male territory."[96]

To many people, the line between "sexual harassment" and "good-natured, harmless flirtation" is very fine, much like the line between giving or denying consent in rape cases. This distinction results from a failure to take what would be reasonable from a reasonable woman's perspective as defining what constitutes sexual harassment instead of the norms that are set by patriarchal definitions. As Elizabeth Anderson notes, there needs to be some objective standard to determine whether a woman welcomes sexual attention, but objective standards often default or reduce to patriarchal, men-centered definitions.[97] This problem has led some feminists to posit that the perspective that should be used in determining whether attention is welcome or not should be that of the "reasonable women." In describing a "reasonable person" standpoint, Supreme Court Justice Ruth Bader Ginsburg states, "It suffices to prove that a reasonable person subjected to the discriminatory conduct would find, as the plaintiff did, that the harassment so

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[94] Ibid., 943.
[95] Elizabeth Anderson, "Recent Thinking about Sexual Harassment: A Review Essay," *Philosophy and Public Affairs*, 34.3 (2006): 284-311.
[96] James E. Gruber, "The Impact of Male Work Environments and Organizational Policies on Women's Experiences of Sexual Harassment," *Gender and Society*, 12.3 (1998): 303. Emphasis original.
[97] Anderson, "Recent Thinking about Sexual Harassment," 301.

altered working conditions as to 'make it more difficult to do the job (*Harris v. Forklift Systems, Inc*.)."[98] The reasonable woman perspective is analogous to the reasonable person perspective described by Ginsburg. We abstract from questions of mental health or the background of the victim and instead ask, would a woman reasonably find the situation in question to be oppressive and a hindrance to one's job? If so, then the courts have reason to believe that the event truly counts as harassment. This perspective is not completely subjective; it adds an element of objectivity and accounts for a woman's point of view in deciding what counts as sexual harassment.[99]

Other feminists have argued that the law should concentrate on the act of harassment that occurred. Anderson describes the view as "the proposal to infer unwelcomeness immediately from facially hostile acts. For sexual advances unaccompanied by overt hostility . . . the test should focus on the defendant's regard for the target's will."[100] Both of these approaches highlight the problems with finding a somewhat objective standard by which to judge instances of alleged harassment and still respect the point of view of the victim. These questions are not easy to answer, and they lay outside the scope of my current project. Nevertheless, they both agree on one important feature of how sexual harassment has been handled by the legal system and our society—it has judged women by patriarchal standards. For now, the "reasonable woman" perspective may be the best we can do, but it is still an attempt not to define sexual harassment with purely masculine concepts. It is one way in which feminists have tried to counter the oppressive nature of some sexual harassment laws. How men characterize oppressive conduct towards women may differ drastically from how women characterize it, and the reasonable woman perspective seeks to give women some sort of political voice to speak

[98] qtd. in MacKinnon, *Sex Equality*, 957.
[99] Ibid., 301.
[100] Ibid., 302.

about their experiences with sexual harassment. A goal in formulating a concept of woman through their oppression by patriarchal institutions is to identify interests all women have as women, and the reasonable woman perspective is a manifestation of one of those interests—a stronger political voice to speak about women's experiences.

Consider the following example, which displays the problem of judging unwelcomeness and the lack of political voice victims have in sexual harassment situations: A couple years ago a friend called me, distraught about a sexual harassment charge two of his peers in graduate school were bringing to their dean against him. My friend was devastated—a sexual harassment charge could damage his graduate career and could impact his future professional career as well. When he related the story to me, I was stupefied: while driving to lunch one day with these two girls, my friend made some obscene jokes and asked the girls when and where they liked to be naked. He said they did not really respond, but they also seemed relatively normal. The sexual harassment charges threw him completely off guard. After all, he related to me, he was married. Why would he harass them? Why couldn't they understand he was just kidding? There are two significant aspects to this story, both of which concern how the male's perspective is taken as definitive: (1) My friend could not see his behavior as an instance of sexual harassment; in his mind, he was inoffensively joking with girls about their sexuality. (2) The sexual harassment charge was about what the girls did wrong, not the man—they failed to have a sense of humor. My friend was concerned with his career and the repercussions of a sexual harassment charge, but not with the experiences of his classmates and their understanding of what transpired. Although questions of where the burden lays of proving harassment are indeed fuzzy, my friend's situation does illustrate how many people discount the woman's perspective as unimportant or irrelevant.

I do not believe that my friend is alone in failing to acknowledge women's experiences, or what a reasonable woman would count, as the standard that defines sexual harassment. The perpetrator may not consciously realize that his actions subordinate and harm women, but women's experiences have been ignored and what counts as acceptable behavior is defined only by men's perspectives. Patriarchal institutions and their influences on society do not cultivate a mind-set that recognizes women's perspectives. As MacKinnon points out, sexual harassment *acts out* the gender hierarchy and silences women's ability have their own voices:

> Whenever—every and any time—a woman feels conflicted and wonder what's wrong with her that she can't decline although she has no inclination, and she feels open to male accusations, whether they come from women or men, of 'why didn't you just tell him to buzz off?' we have sold her out, not named her experience. We are taught that we exist for men.[101]

Just as pornography makes women into sex objects, sexual harassment makes them into objects for men's pleasure. Sexual harassment perpetrates the view that men have control over women and can treat them however they wish while women lack power to respond. James Gruber discusses women's lack of power in sexual harassment cases:

> Women's coping behavior is also affected in sexually tolerant environments: Their responses to harassment are influenced by their perceptions of the level of risk involved in complaining about harassment, the likelihood that such complaints will be taken seriously, and the likelihood that the perpetrators will be punished (Hulin, Fitzgerald, and Drasgow 1996).[102]

Gruber's statement provides support for the claim that women internalize patriarchal norms that are harmful to them. When practices like sexual harassment continually ignore women's experiences and silence their voices, women began to feel and act as if they should be silent.

I have largely drawn from the work MacKinnon did in reforming how the legal system and society view sexual harassment. However, some people criticize the way her view has been

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[101] MacKinnon, "Sex and Violence," 269.
[102] Gruber, "The Impact of Male Work Environments," 304.

interpreted by the legal system. My view is able to correct for most of the weak spots people have identified in MacKinnon's theory. A brief overview of problems that Anderson identifies in MacKinnon's view and the way the law has applied it will be useful to highlight some strengths of my view. Anderson describes MacKinnon's work as having "entrenched a paradigm of sexual harassment as sexual conduct that men impose on women because they are women."[103] Anderson's depiction of MacKinnon's position mirrors my own—patriarchal institutions regulate women's sexuality by depicting and making them into objects that are defined by men's desires. Anderson pinpoints a problem that has arisen from MacKinnon's view with the kinds of individuals who have been charging sexual harassment, which include "women who have been harassed in nonsexual ways; gays, lesbians, and transsexuals who have been harassed in on account of their sexual orientation and identities, and heterosexual men who have bullied by other men."[104] This problem results because MacKinnon's view and its common legal interpretations seems to have a "narrow focus" that does not allow for some instances of questionable behavior to count as sexual harassment, even though these behaviors target the sexuality or gender of victims.[105]

However, one does not have to see sexual harassment as *necessarily* having narrow scope—which is Anderson's point as well as a main tenet of my proposal. As Anderson notes, sexual desire may not be explicit in every case of sexual harassment. For instance, she worries that the pornographic workplace illustrates that some instances of harassment are not obviously issues of sex discrimination. She states, "The pornographic workplace does not target the complaitant, although it sexually objectifies members of her sex."[106] This scenario maps onto

[103] Anderson, "Recent Thinking on Sexual Harassment," 284.
[104] Ibid., 284.
[105] Ibid., 287.
[106] Ibid., 288-289.

Card's point about the threat of rape targeting two types of women: the victims who have been physically assaulted and the women to whom patriarchal norms are meant to apply. The pornographic workplace can be understood as having as its primary object the second sort of victim. The message of women being sexually objectified counts as sex discrimination because it establishes a gendered hierarchy in which the woman is subordinate to the man. However, insofar as the message of the pornographic workplace targets women, any woman interacting in the workplace will be a target, and the pornography will be sending a message about how she should be viewed by herself and her colleagues—a message of subordination and discrimination.

In addition to the pornographic workplace scenario, the 1998 Supreme Court case *Onacle v. Sundowner Offshore Services, Inc.* raises questions about whether males' sexual harassment of other males in the absence of sexual desire can count as sexual harassment for legal purposes. On my reading it can, because the harassed male is feminized by the act of the harassment, and the harassment targets him and other women (even if they were not directly present in the harassment case) by professing that certain behaviors are acceptable for men and certain behaviors are acceptable for women.

While Onacle worked with seven other men (there were no women present) on an oil platform, he was "forcibly subjected to sex-related, humiliating actions against him in the presence of the rest of the crew. [Respondents] Pippen and Lyons also physically assaulted Onacle in a sexual manner, and Lyons threatened him with rape."[107] In addition, Pippen and Lyons "held him [Onacle] down while one pressed his penis against his head and arm, and shoved a bar of soap between the cheeks of his buttocks while he showered."[108] The respondents were heterosexual; there was no obvious instance of sexual desire motivating the harassment.

[107] MacKinnon, *Sex Equality*, 935.
[108] Anderson, "Recent Thinking about Sexual Harassment," 305-06.

However, on my account, Onacle's situation can count as an instance of sexual harassment. Like Funk's rapists, Pippen and Lyons' behavior sought to enforce masculine norms, which include men's dominance of women, as appropriate behavior. In harassing Onacle, Pippen and Lyons forced him into the inferior position of a woman, a being sexually available to meet men's needs. Anderson describes the meaning behind harassment, in which "H manifests or enforces male dominance in harassing A," whether A be male or female, as what constitutes the harassment as sexual harassment.[109] Onacle's harassment was very much centered on sexuality, and his harassers' behavior sought to enforce a patriarchal belief about what men's sexuality should be.

The *Onacle* case provides support for my thesis in two important ways. First, it provides further evidence for the claim that the social position of woman extends beyond females. Second, and more significantly, *Onacle* demonstrates how males can be feminized—how they can be *made* women—which emphasizes that institutions like sexual harassment actually create gendered hierarchies of power. They do more than enforce an already present reality; they actually make women into beings that are subordinate to men.

II. What a Concept of Woman Can Accomplish

Understanding certain patriarchal institutions such as pornography and rape as specifically targeting women as women allows women to come together to work for social change. A concept of woman framed in this way does not necessitate that women be a certain way or have a certain intrinsic characteristic or experience.[110] Furthermore, understanding certain issues as women's issues does not entail that feminist theory only needs to be concerned

[109] Ibid., 307.

[110] Framing a concept of woman in this way may be over-inclusive; surely we do not want to say that cabbages could be women. The concept of woman I have posited builds off of a discursive construction of woman. Beings are oppressed as women insofar as they have (or are perceived as having) certain attributes. Thus, a person's having a vagina or being perceived as being overly-emotional and irrational may make her function as a woman socially. However, it is unlikely that a cabbage will be perceived as being irrational in the way women are.

with those issues. Other issues merit attention as well, and the concept of woman I have posited does not imply that those other concerns do not count. For instance, there are other important ways in which women are oppressed as women, such as being assigned to be primary caregivers for children and other dependents. Although the concept given in this paper does not address those issues, it does give feminists a robust and powerful means to critique patriarchy.

Previously I laid out three conditions that a successful concept of woman should meet, and I will now show that I have met each condition.[111] The explanation for the first condition, that a concept should have explanatory power, is tied to the explanation for the second condition, that a concept should recognize that some people's various identities are not always stable. Some women claim that they do not feel oppressed, and thus they believe they must not experience oppression. However, I focus on how women's sexuality is regulated by social institutions. The concept helps explain how certain institutions limit women's abilities to make choices. Also, the concept makes it possible for a woman not to feel oppressed but still to be oppressed by an institution insofar as that institution makes normative claims that remove women's willpower and limit how women should function in society.

I also argue that the concept of woman I have given does not suffer from the Overlooking or Authority problems, but someone may question whether I succeed. After all, I am one feminist (who happens to be white and educated) offering a concept of how to understand how women are oppression as women. However, I do not view my work as being essentialist and I am not claiming that feminists should adopt only this concept. I have consciously tried to gather and understand the experiences of all women. By taking steps to promote conversation, and hopefully cooperation, among different groups of women about what it means to be a woman

[111] See pages 17-22 of this paper for a discussion of the conditions for a concept of woman.

and how feminism can work toward gender equality, I believe that I have shown how one can develop a concept of how all women are oppressed in virtue of their social position as women. While individual experiences will vary, the method of patriarchal dominance is similar for all women. The concept of woman does not silence women's voices, but attempts to create a space for women, no matter what their race or economic status, to speak about against patriarchal oppression. Moreover, the concept does not posit one sort of feature or particular experience as constitutive to particular physical beings, and it does not restrict the concept of woman to an exclusive set of characteristics, thereby leaving out some of the beings that we would want to include in the concept.[112] Rather, I have tried to demonstrate that we can understand what a woman is by looking at one way in which she functions in society, and by looking at how oppressive patriarchal institutions force certain standards on women.

One of the criticisms made in relation to the Authority problem concerns the exclusion of particular groups of women from the process of defining "woman." Even if a group presents an accurate representation of "woman," the project fails if other groups of women are not involved in the discussion. For example, if a white woman presents a concept of woman that does not overlook the experiences of non-white women or make a certain characteristic constitutive of women, but excludes women of color from participating in the process, then the concept would still be lacking.[113] In my formulation of a concept of woman, I have not presumed to have authority over other groups of women, and I have not tried to make such claims. By drawing from a diverse group of feminists, my position has not been informed solely by my experiences, nor do I believe that it only speaks to the experiences of women whose situations are very similar

[112] I do assume that oppression is a universal fact for the social position of "women"; however, it is not necessary that individuals experience oppression is the exact same way.
[113] I define "process" very loosely and do not mean, for instance, the actual process of writing a paper on the definition of woman.

to mine. This concept can be affirmed by diverse groups of women and can be useful to feminist theory and the project of working toward gender equality.

To some feminists, defining the social position of woman against that of men and patriarchal systems of dominance may seem to be the incorrect strategy. Patriarchal systems have done numerous harms to women, and feminists may question an account of women given in relation to those harms. On the other hand, understanding the social position to which women are relegated by oppressive social structures and practices will help women be able to organize and work toward political and social change. A concept of woman that focuses on one way in which women are oppressed as women, such as the one I have proposed, emphasizes the method of patriarchal dominance over women, but it does not imply that women should accept or endorse the views as put forth by these institutions. Instead, this concept creates a framework that feminists can use to ground their social critique of patriarchy by targeting the specific oppressive institutions and the messages they convey.[114] Although I have not carried the project further than this point, I have laid the groundwork for how feminists can recreate the concept of woman once problematic social institutions have been debunked.

For example, consider cases in which companies have actively tried to implement policies against and policies punishing sexual harassment. Gruber's work with M. Smith supports the claim that when organizations have strong policies against sexual harassment, women are more likely to speak out about instances in which they were harassed and against perpetrators. On their analysis, "women in workplaces with proactive strategies were less likely

[114] This framework is not the only which feminists could use, and the institutions that I have focused on are not the only contributing factors to gender oppression, nor are the issues necessarily more important than other issues that concern feminists. The concept I have proposed is one way of looking at gender oppression women experience as women that provides a basis for political and social change.

to be physically threatened or to be the targets of offensive sexual comments or questions."[115] Not only do policies empower women to speak out against harassment, but they also help reduce the number of sexual harassment cases. In addition to his study with Smith, Gruber cites other cases in which policies have helped reduce the number sexual harassment instances (at least that were reported). He reports on a Department of Defense study which showed a decrease in sexual harassment reports in the military from 64 percent in 1988 (the 1988 numbers are based on the first comprehensive military assessment of sexual harassment) to 55 percent in 1995.[116] These figures seem to suggest that when people recognize the experiences of women and the ways in which they are oppressed by patriarchal institutions, then people are able to initiate change. Statistics such as those reported by Gruber should encourage us to understand the social position of women as I have suggested. Once we understand the oppression, we can begin to undermine and eradicate it.

As mentioned earlier, many women feel isolated from the feminist movement, and a frequent response women give to not affirming feminism is that they do not feel oppressed. The feminist project does not make sense to them in light of their experiences. Feminists have responses to these claims (e.g., women have internalized their oppression), but the responses do not always provide the best means of bringing women to feminism. My concept of woman can speak to women who have not affirmed feminism because the explanation of oppression through the institutions of rape, pornography, and sexual harassment makes sense to women unfamiliar with feminists' particular language about oppression. Many women will resonate with the terror of rape or with the behavior norms that pornography prescribes for women. As a greater number of women join the feminist movement, feminists' resources will expand, and we will be better

[115] Gruber, "The Impact of Male Work Environments," 316.
[116] Ibid., 305.

able to fight for gender equality.

Furthermore, the account of women's oppression I have offered is useful for building sisterhood. Many feminists emphasize the importance of consciousness-raising experiences and the bonds of sisterhood that result from them. hooks, who writes much on the value of sisterhood, notes that sisterhood may not be as powerful as it was at the beginning of the contemporary feminist movement: "Political solidarity between women which had been the force putting in place positive change *has been and is now consistently undermined and threatened*. As a consequence we are as in need of a renewed commitment to political solidarity between women."[117] Understanding some forms of oppression as targeting all women helps promote sisterhood as a political commitment to end gender oppression and to fight for gender equality. Given the difficulties women have in connecting across race and class lines, understanding the oppression all women are subjected to by institutions such as rape and pornography presents a powerful means women have for connecting in political solidarity. The promotion of sisterhood, in turn, contributes to the potential political force that this account of women offers.

[117] bell hooks, *Feminism is for Everybody: Passionate Politics* (Cambridge, South End Press: 2000), 17. Emphasis added.

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