

The impossibility of women's studies.

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Abstract:

There is enough retrospective analyses and harangue pertaining to the field of women's studies that exists to raise the issue of whether or not this academic discipline is in its twilight. Perhaps the essential question involved is to what extent is women's studies still tenable as an institutionalized domain of academic study and what are the existing intellectual premises of the discipline.

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There is today enough retrospective analysis and harangue concerning the field of women's studies to raise the question of whether dusk on its epoch has arrived, even if nothing approaching Minerva's wisdom has yet emerged. Consider the public arguments about its value and direction over the past half decade: Is it rigorous? Scholarly? Quasi-religious? Doctrinaire? Is it anti-intellectual and too political? Overly theoretical and insufficiently political? Does it mass-produce victims instead of heroines, losers instead of winners? Or does it turn out jargon-speaking metaphysicians who have lost all concern with Real Women? Has it become unmoored from its founding principles? Was it captured by the radical fringe? The theoretical elite? The moon worshipers? The man-haters? The sex police? Perhaps even more interesting than the public debates are the questions many feminist scholars are asking privately: Why are so few younger scholars drawn to women's studies? Why are many senior feminist scholars, once movers and shakers in the making of women's studies programs, no longer involved with them? How did women's studies lose its cachet? Is it a casualty of rapidly changing trends and hot spots in academe, or has it outlived its time or its value in some more profound sense? Does it continue to secure a crucial political space in male-dominated academia? What is the relationship between its political and its intellectual mission?

I want to consider a problem to one side of these questions that might also shed light on them. To what extent is women's studies still tenable as an institutionalized domain of academic study, as a circumscribed intellectual endeavor appropriate as a basis for undergraduate or graduate degrees? Given the very achievements of feminist knowledge about foundations, identities, and boundaries over the last two decades, what are the intellectual premises of women's studies now? What are the boundaries that define it and differentiate it from other kinds of inquiry? These are not abstract questions, but ones that issue from the very real conundrums currently faced by those of us in women's studies. Consider the following examples from my own program, one that is formally strong and robust with its five full-time faculty, two hundred majors, and introductory courses that annually enroll more than seven hundred students (and hence reach nearly one-quarter of the undergraduate population of the university as a whole).

Several years ago, my program undertook that frightening project of self-scrutiny known as curriculum revision. What brought us to this point is itself interesting. For a number of years, we had maintained a set of requirements for the undergraduate bachelor of arts degree that comprised an odd mix of the academically generic and the political, requirements that were not coined all at once as a coherent vision of a women's studies curriculum but rather, had been pieced together in response to various and conflicting demands as the program developed. The generic: students were required to take a three-term sequence consisting of "Introduction to Feminism," "Feminist Theory," and "Methodological Perspectives in Feminism," a sequence marked by category distinctions notably at odds with the expansive understanding of theory, the critique of methodism, and the challenge to a meaningful divide between the humanities and social sciences that are all putatively fundamental to feminist inquiry. This meant that quite often our first project in these courses was to undo the very distinctions we had given ourselves, thus repeating our founding rebellion against disciplinary distinctions, this time in our own house. The political: the only other content-specific requirement for the major was a course called "Women of Color in the United States," in which students gained some exposure to the histories, literatures, and cultures of Asian American, African American, Latina, and Native American women, and in which white students in the course learned to "decenter themselves" while women of color spoke.

This strange combination of genres in the curricular requirements schooled our students in the isolated intellectual (and putatively non-racialized) character of something called theory, the isolated (and putatively non-theoretical) political mandate of race, and the illusion that there was something called method (applied theory?) that unified all feminist research and thinking. Most of the students loved the experiential and issue-oriented introductory course, feared theory, disliked methods, and participated somewhat anxiously in the "Women of Color" class. Hence, most Women's Studies students regarded the requirements as something to be borne, and the major as having its rewards in the particulars of the elective courses they chose, or in the feminist community of students the major fostered. Moreover, the limited and incoherent nature of these requirements as a course of study meant that our students were obtaining their degrees on the basis of rather impoverished educations, something women have had too much of for too long.

But what happened when we finally sat down to revise the curriculum is even more interesting than the desires symptomized by the existing curriculum - in particular, the desire for disciplinary status signified by the claim to a distinct theory and method (even as women's studies necessarily challenges disciplinarity) and the desire to conquer the racialized challenge to women's studies' early objects of study by institutionalizing that challenge in the curriculum. In our curriculum revision meetings, we found ourselves completely stumped over the question of what a women's studies curriculum should contain. Since, in addition to trying to produce a curriculum that would express the range, depth, and problems occupying women's studies scholarship, we were also trying to address faculty frustration about students not being well enough trained in anything to provide rewarding classroom exchange in the faculty's areas of expertise, we focused intently on the question of what would constitute an intellectually rigorous as well as coherent program. We speculatively explored a number of different possibilities - a thematically organized curriculum, pathways which roughly followed the disciplines, more extensive requirements in each domain of feminist scholarship that the faculty considered important - but each possibility collapsed under close analysis. Each approach seemed terribly arbitrary, each featured some dimension of feminist scholarship that had no reason to be privileged, each continued to beg the question of what a well-educated student in women's studies ought to know and with what tools she ought to craft her thinking. We also found ourselves repeatedly mired by a strange chasm between Faculty and students in the program. A majority of our majors were interested in some variant of Feminist sociological or psychological analysis - experientially, empirically, and practically oriented - or in studies of popular culture. Yet not one of our core Faculty worked in sociology, psychology, community studies, communications, or film/video. Many of our students wanted to think, learn, and talk about body image and eating disorders, gender and sexuality in the media, sexual practices, intimate relationships, sexual violence, how children and adolescents are gendered, and survivor identities ranging from alcohol to incest. Our five core and three most closely affiliated Faculty are trained respectively in American literature, American history, Chinese history, English literature, Renaissance Italian and French literature, Western political theory, European history, and molecular biology. As Feminist scholars, we have clearly strayed from the most traditional boundaries of these fields, just as we have learned and taught material relatively unrelated to them, but even this reformation of our training and scholarly orientation could not close the gap between the students' interests and our own.

If the practical project we set for ourselves in revising the curriculum was running aground, certainly we were in the grip of an important historical-political problem. Why, when we looked closely at this project for which we had fought so hard and that was now academically institutionalized, could we find no there there? That is, why was the question of what constituted the Fundamentals of knowledge in women's studies so elusive to us?(1) We were up against more than the oft-discussed divide between "women's studies" and Feminist theory, the political insidiousness of the institutional division between "ethnic studies" and "women's studies," a similarly disturbing division between queer and feminist theory, or the way that the ostensibly less identitarian rubric of "cultural studies" promised but failed to relieve these troubling distinctions. And we were up against more than the paradox that the disciplines which have been so radically denatured in recent years are also apparently that which we cannot completely do without, if only to position ourselves against them within them. We were also up against more than the dramatic fracturing of women's studies as a domain of inquiry during the last decade - the fact that contemporary feminist scholarship is not a single conversation but is instead engaged with respective domains of knowledge, or bodies of theory, that are themselves infrequently engaged with each other. And, we were up against more than the ways that this decade's theoretical challenges to the stability of the category of gender, and political challenges to a discourse of gender apart from race, class, and other markers of social identity, constituted very nearly overwhelming challenges to women's studies as a coherent endeavor. We were up against more than the fact that many of the intellectual impulses originally formative of women's studies have now dispersed themselves - appropriately, productively, yet in ways that profoundly challenged the turf that women's studies historically claimed as its own, especially the terrains of sexuality and of race.

We were up against more than any one of these challenges because we were up against all of them. And together, they called into question the quarter-century old project of institutionalizing as curriculum, method, field, major, or bachelor of arts what was a profoundly important political moment in the academy,

the moment in which women's movements challenged the ubiquitous misogyny, masculinism, and sexism in academic research, curricula, canons, and pedagogies. Indisputably, women's studies as a critique of such practices was politically important and intellectually creative. Women's studies as a contemporary institution, however, may be politically and theoretically incoherent, as well as tacitly conservative - incoherent because by definition it circumscribes uncircumscribable "women" as an object of study, and conservative because it must resist all objections to such circumscription if it is to sustain that object of study as its *raison d'être*. Hence the persistent theory wars, race wars, and sex wars notoriously ravaging women's studies in the 1980s, not to mention the ways in which women's studies has sometimes greeted uncomfortably (and even with hostility) the rise of feminist literary studies and theory outside of its purview, Critical Race Theory, postcolonial theory, queer theory, and cultural studies. Theory that destabilizes the category of women, racial formations that disrupt the unity or primacy of the category, and sexualities that similarly blur the solidarity of the category - each of these must be resisted, restricted, or worse, colonized, to preserve the realm.⁽²⁾ Each, therefore, is compelled to go elsewhere, while women's studies consolidates itself in the remains, impoverished by the lack of challenges from within, bewildered by its new ghettoization in the academy - this time by feminists themselves.

If uncertainty about what constitutes a women's studies education is a persistent whisper in all undergraduate program development, it positively howls as a problem at the level of graduate training. Since our program has regularly been invited by our administration over the past decade to submit a plan for a graduate program, we have struggled repeatedly to conjure the intellectual basis for a PhD program in women's studies. In what should the graduate student in women's studies be trained? What bodies of knowledge must a women's studies doctoral candidate have mastered and why? Which women should she know about and what should she know about them? Which techniques of analyzing gender should she command and why? Ethnography or oral history? Lacanian psychoanalysis? Quantitative sociological analysis? Objects relations theory? Literary theory? Postcolonial criticism? Neo-Marxist theories of labor and political economy? Social history? Critical science studies? There is a further question: who are we to teach these things simply because we are interested in feminism and feminist analysis from our own scholarly perspectives?

The unanswered question of what women's studies is also manifests itself in day-to-day concerns about what may count as a women's studies course and who may count as an affiliated member of a women's studies faculty. Almost all women's studies programs rely on faculty and curricular offerings in other departments, both because they are too small to do otherwise and because of the proud interdisciplinarity undergirding the intellectual project of women's studies. But if political devotion to the cause (once the main criterion for who is in women's studies and who is not) no longer serves as the measure for what constitutes a women's studies course, what does? Must such a class be focused solely or primarily on women? (What of feminist courses on other topics, such as feminist science studies or studies in masculinity, and what of nonfeminist courses concerned with women?) Must the class be taught from a feminist perspective? (What counts as such a perspective and who decides?) Is it a class that potentially contributes to feminist theory and research? (Don't most well-conceived courses in the social sciences and humanities potentially make such a contribution?)

For many women's studies programs, the difficulty of deciding these things leads to some strange curricular formations: Chaucer taught by one faculty member may count for women's studies, but not when it is taught by another; "Introduction to Sociology" does not count, but a course called "The Chicano Experience" does; philosophy courses in phenomenology are excluded, but courses on Saussure and Derrida are included; "Early Modern Europe" taught by a feminist historian counts, but "Modern Europe" taught by a nonfeminist does not; similarly, Lacan taught by a lesbian feminist semiotician counts, while Lacan taught by an avant garde art historian and filmmaker does not; an anthropology course called "Queer Political Cultures" counts, but one called "Peoples and Cultures of the American Southwest" does not. And then there is the endless petitioning. A student wants to know if her invertebrate biology course, in which she focused intensely on biological discourses of mating, might count - and why not? Another student wonders whether he can include his history of political theory courses - and what better background for grasping the antecedents of feminist political theory? A third student complains that her "Psychology of Women" course, listed as a women's studies elective, mostly trafficked in unreconstructed psychological behaviorism and was not feminist at all. Yet another petitions to have her passion for psychoanalytic feminism certified as legitimate by letting her count all her studies in Freud and Klein as part of her feminist education. Especially given the strange routes by which most faculty arrived at women's studies, and given the diverse materials we draw upon to vitalize our own research, who are we to police the intellectual boundaries of this endeavor? And how did we become cops anyway?

II

Certainly when peered at closely, the definitions of all disciplines wobble, their identities mutate, their rules and regulations appear contingent and contestable. Most disciplines, founded through necessary exclusions and illusions about the stability and boundedness of their objects, have reached crises in their attempts to

secure their boundaries, define an exclusive terrain of inquiry, and fix their object of study. And in most cases, the desire to persist over time has resulted in a certain conservatism, or its close cousin, methodism. Thus for sociology to sustain the radicalism that was one strain of its founding, rather than becoming nominalist and positivist, it had to connect with political economy, politics, semiotics, and history, as a small branch of it did. Similarly, the contemporary battles in literary studies can be understood, in part, as turning on the question of whether literature's object of study shall remain fixed and narrow or become much more indeterminate and broad in scope, up to and past the point where the objects that define the identity of the discipline - literary texts - are regarded as contingent and even dispensable.

There is something about women's studies, though, and perhaps about any field organized by social identity rather than by genre of inquiry, that is especially vulnerable to losing its *raison d'être* when the coherence or boundedness of its object of study is challenged. Thus, paradoxically, sustaining gender as a critical, self-reflexive category rather than a normative or nominal one, and sustaining women's studies as an intellectually and institutionally radical site rather than a regulatory one - in short, refusing to allow gender and women's studies to be disciplined - are concerns and refusals at odds with affirming women's studies as a coherent field of study. This paradox will become clearer as I turn to what I take to be one of the central problematics of feminist inquiry today, and one of the central conundrums facing women's studies: how to come to terms with the problem of the powers involved in the construction of subjects.

This problem is also shaped by a paradox. On one hand, various marked subjects are created through very different kinds of powers - not just different powers. That is, subjects of gender, class, nationality, race, sexuality, and so forth, are created through different histories, different mechanisms and sites of power, different discursive formations, different regulatory schemes. On the other hand, we are not fabricated as subjects in discrete units by these various powers: they do not operate on and through us independently, or linearly, or cumulatively. Insofar as subject construction does not take place along discrete lines of nationality, race, sexuality, gender, caste, class, and so forth, these powers of subject formation are not separable in the subject itself. These powers neither constitute links in a chain nor overlapping spheres of oppression; they are not "intersectional" in their formation (Crenshaw); they are not simply degrees of privilege (Hurtado); and they cannot be reduced to being "inside or outside, or more or less proximate to, dominant power formations" (Hill Collins).(3) As so many feminist, postcolonial, queer, and critical race theorists have noted in recent years, it is impossible to extract the race from gender, or the gender from sexuality, or the masculinity from colonialism. Moreover, to treat various modalities of subject formation as additive in any of the ways suggested by the terms above, is to elide the way subjects are brought into being through subjectifying discourses. We are not simply oppressed but produced through these discourses, a production that is historically complex, contingent, and occurs through formations that do not honor analytically distinct identity categories.(4)

For feminist theory, the most problematic dimension of this paradox is that grasping subject construction for different forms of social subjection (class, race, etc.) requires distinctive models of power, yet subject construction itself does not unfold according to any one of these models precisely because we are always more than one, even if we participate in the norms of some and the deviations of others. Not simply the content but the modalities of power producing gender, race, or caste are specific to each production - the mode of production and dimensions of state power that produce class, and the discourses and institutions of normative heterosexuality that produce gender, are largely noncomparable forms and styles of power. Thus, for example, understanding the way in which class and gender are regulated by various discourses of class and gender is not a matter of applying a neutral "apparatus" of regulation to the specific problem of class and gender. There is not first gender and then the apparatus that regulates it; gender does not exist prior to its regulation (Butler). Rather, the gendered subject emerges through a regulatory scheme of gender - we are literally brought into being as gendered subjects through gender regulation. From this perspective, the very idea of a regulatory "apparatus" appears as a kind of structuralist Althusserian hangover clouding the Foucaultian insight into the radical reach of subject production through regulatory discourse. In Foucault's understanding of the power that circulates through the subject of regulation, there can be no actual apparatus because there is no sharp distinction between what is produced and what is regulating - we are not simply targets but vehicles of power? Thus, to paraphrase Nietzsche awkwardly, we must be able to conceive regulation without the regulator, to understand regulation as only and always materializing in its effects, and to understand these effects as specific to that which is being regulated.

This problem can be put the other way around: the forms of power that produce gender or class are themselves saturated with that production - they do not precede it. Indeed, it is this element of subject production that makes intelligible the very notions of masculinist power, or bourgeois power, as opposed to speaking about gender and class power simply in terms of rule by one group of people and the oppression of another. In the more conventional way of speaking about power as an instrument of domination interchangeable among groups and even individuals, power is cast as a (gender, class, and race) neutral means of achieving privilege and domination. Power is conceived as something held by particular individuals or groups, and this commodity status gives it independence from the bearer of it and the subject of power. It is this (mis)conception of power that allows various forms of oppression to be spoken of in

additive and interchangeable terms. Power in this pre-Foucaultian view is seen to locate subjects in a field of power but the field itself is not seen to produce the subjects it locates; it is not regarded as the very medium of emergence of those subjects.

Law is one quite fertile place to see the effects of the conundrum that distinctive models of power are required for grasping various kinds of subject production, yet subject construction itself does not transpire in accordance with any of these models. I want to ponder this domain at some length, in order to shed light from outside the field of women's studies on the problem of the subject that it faces. In considering the ways that different kinds of marked subjects appear in law and legal studies we may be able to reflect on the difficulties that women's studies encounters in its simultaneous effort to center gender analytically and to presume gender's imbrication with other forms of social power.

Bracketing the sphere of formal and relatively abstract antidiscrimination law, where discrimination on the basis of a laundry list of identity attributes and personal beliefs is prohibited, it is unusual to find the injuries of racism, sexism, homophobia, and poverty harbored in the same corners of the law. These injuries are rarely recognized or regulated through the same legal categories, or redressed through the same legal strategies. Consequently, legal theorists engage with different dimensions of the law depending on the identity category with which they are concerned - for example, feminists might focus intently upon family law while working-class activists might be more closely engaged with contract and labor law. In addition, they often figure the law itself in quite incommensurate ways. Consider, as an example of the latter, the debate about the value of rights between Critical Legal Theorists concerned about the function of property rights in producing the very existence of workers, tenants, the poor, and the homeless, and Critical Race Theorists concerned with enfranchising historically rights-deprived members of subordinated racial groups. While Critical Legal Theorists tend to regard rights as entrenching and masking inequality, many Critical Race Theorists have figured rights as vital symbols of personhood and citizenship, as the very currency of civic belonging in liberal constitutional orders. More interesting than brokering this debate in terms of the relative validity of the arguments is recognizing what each argument makes visible that the other does not. The neo-Marxist perspective of the Critical Legal Theorists emphasizes the convergence of formal legal equality with the tendency of other liberal and capitalist discourses to naturalize class inequality and the social powers constitutive of class, including those powers conferred by legal rights. The histories of slavery and the Civil Rights movement out of which arises the Critical Race Theory position, in contrast, emphasizes the extent to which, historically, rights discourse has designated who does and does not count as a member of human society: if rights signal personhood, then being without them is not merely to be without a concrete asset, but to lack the less tangible but equally essential degree of civic belonging they confer.

Both claims are important and compelling, but can both be true? Can the same juridical discourse obscure and articulate social inequality, serve as an instrument of entrenching inequality and as a means of redressing it? This question appears less paradoxical when it is recognized that what the Critical Legal Theory position makes visible are certain mechanisms of socioeconomic inequality in liberal and capitalist societies while the Critical Race Theory claim about the symbolic value of rights highlights discursive strategies of marginalization and dehumanization.⁽⁶⁾ These are two different forms of power and subjection, sometimes converging in a common subject and injury, sometimes not. While both are relevant to class as well as race, the former probably has a heavier bearing for class and the latter for race. Because the powers formative of class and of race are so different, it should not surprise us to discover that they bear different relationships to crucial legal categories. What is difficult, of course, is determining how to navigate these differences when one is dealing with race and class subordination in a single subject. Indeed, it is in the place where race and class converge (in a poor, racially stigmatized population) that the operation of rights becomes deeply paradoxical. This problem becomes even more complex when one considers the category of gender, where both socioeconomic deprivation and dehumanization operate as part of what constitutes women as such: clearly women need the "rights of man" in order to establish their place in humanity, yet, as countless feminist theorists have also pointed out, these same rights not only fail to address but will also mask many of the substantive ways in which women's subordination operates.⁽⁷⁾

Consider other examples of the ways the law itself is figured differently by those invested in different social categories and social identities. The sodomy statutes that quite literally constitute the homosexual legal subject, and constitute it as an always already criminal subject, have no obvious parallel in the making of race, gender, or class.⁽⁸⁾ There are no similarly taboo practices that both identify and criminalize the racialized, gendered, or class subject. Nor is there, in the production and regulation of these other subjects, an analogy to the prohibition on same-sex marriage or the lack of a secure legal status for homosexual parenting. On the other hand, the equality/difference dilemma faced by feminist legal reformers has no parallel in theorizing about race or class and rarely surfaces in discussions of gay rights. There would appear to be no equivalent, in the operation of homosexual, racial, or class subjection, to the conundrum of maternity, or even of sexual and physical violability and vulnerability, in defining the central problematic, and central paradoxes, of feminist legal reform. More generally, there is no equivalent to the crucial place of reproductive rights for women's equality in defining the parameters of racial freedom, or ending the stigma

for minority sexual orientation.(9) Within liberal legalism, no distinctive domain of control equivalent to that of women over reproduction stands as a condition of freedom and equality for homosexuals or racially marked subjects. Beyond liberal legalism, it was Marx, of course, who argued that collectivization of the means of production was exactly such a condition for the working class, but even this possible parallel breaks down when the importance of collective ownership and control for workers is contrasted with women's need for individual control over their reproductive bodies.

The heated debate among advocates of lesbian and gay legal reform about whether gayness is immutable (genetically rooted) also has no parallel in other domains of identity-based Critical Legal Theory. While there is certainly much discussion about gender's mutability among feminist theorists and activists, and much controversy about hypothesized racial differences, these discussions have not entered the legal fray in the same way as the "gay gene" debate, nor could one imagine them occupying the place that the mutability debate has in queer theory and legal reform. The central question in the legal version of the immutability debate is not simply about whether sexual preference is genetically coded and hence determined prior to the emergence of desire. Rather, the debate revolves around whether it best serves homosexuals to represent themselves as unable to be other than what they are, and hence as discriminated against if they are subjected to unequal treatment, or conversely, whether it is strategically wiser to concede not only the mutability but even the temporal contingency and ambiguity of sexual preferences and practices and to root antidiscrimination claims in a program of sexual freedoms relevant to all sexualities. It is hard to imagine a parallel to this debate in other domains of legal politics, such as those concerned with race or gender, since it has never become part of popular consideration to imagine that we have a choice in these identities or that the markers of those identities are radically contingent or ambiguous.

Given such differences in the formation and legal inscription of different marked subjects, it is unsurprising that concern with securing certain legal terrains does not simply vary, but often works at cross purposes for differently marked identities. Earlier I offered the example of conflicts over the general value of rights. Privacy functions in a similar way. For many feminists, the legal and political concept of privacy is a highly ambivalent one insofar as, historically, "the private" has functioned to depoliticize many of the constituent activities and injuries of women - reproduction and caring for children, domestic violence, incest, unremunerated household labor, emotional and sexual service to men. Yet for those concerned with sexual freedom, with welfare rights for the poor, and with the rights to bodily integrity historically denied racially subjugated peoples, privacy appears as an unambiguous good. Indeed, the absence of a universal right to privacy constitutes the ground on which Hardwick's bedroom was invaded in *Bowers v. Hardwick*. This absence was also the legal basis for decades of surprise visits by social workers to enforce the "man in the house rule" for welfare recipients. Like rights themselves, depending upon the function of privacy in the powers that make and position the subject, and depending upon the particular dimension of marked identity that is at issue, privacy will sometimes be regarded as advancing emancipatory aims, sometimes deterring them; in some cases it will be seen to cloak the operation of inequality, while in others it will be seen as assisting in the elaboration of equality doctrine.

Nor is it only categories, problems, and domains of law that vary across different modalities of social subjection. Approaches to law vary as well, depending upon the modality in question, since law is understood to carry and deploy these different powers in disparate ways. Thus racism, understood by most Critical Race Theorists as omnipresent in legal argument yet less frequently explicit in legislation and adjudication, has necessitated the development of a critical practice for excavating the racism in legal textual narrative. Much Critical Race Theory involves close readings of the narrative strategies and devices - including symbol, metaphor, metonymy, and analogy - upon which judicial opinion draws when discussing race or racialized cases. This is an analytical practice, however, that neither feminist jurisprudence, nor Critical Legal Theory concerned with class, nor most queer legal theory have followed: each has been more inclined to expand or rework the formal legal categories that overtly carry the power of gender, class, and homosexuality.(10)

I have chosen critical approaches to the law as a way of highlighting diversity in the production and regulation of different marked subjects because law's formal purpose in liberal constitutional orders is to redress the injuries occasioned by unjust distributions of power, and the purpose of critical theoretical engagements with legal doctrine has been to more closely specify such power. Consequent to this attention to power, the ensemble of critical practices aimed at reforming juridical practices vis-a-vis particular identities highlights something often mentioned but rarely followed for its implications in feminist theory: formations of socially marked subjects occur in radically different modalities, which themselves contain different histories and technologies, touch different surfaces and depths, form different bodies and psyches. This is why it is so difficult for politically progressive legal reformers to work on more than one kind of marked identity at once. This is why it is nearly impossible to theorize a legal subject that is not monolithic, totalized by one identity category, and cast as identical with other subjects in that category. We appear not only in the law but in courts and public policy either as (undifferentiated) women, or as economically deprived, or as lesbians, or as racially stigmatized, but never as the complex, compound, internally diverse and divided subjects that we are. While this could be seen as a symptom of the law's deficiency, a sign of

its ontological clumsiness and epistemological primitivism, more significant for purposes of this essay is what it suggests about the difficulty of analytically grasping the powers constitutive of subjection, a difficulty symptomatized by the law's inability either to express our complexity or to redress the injuries carried by this complexity.

In other words, the problem of representing and redressing the construction, the positioning, and the injuries of complex subjects is not just the law's problem with power, but ours. It is a problem that can only be compounded by programs of study that feature one dimension of power - gender, sexuality, race, or class - as primary and structuring. And there is simply no escaping that this is what women's studies does, no matter how strenuously it seeks to compensate for it. Indeed, the notoriously fraught relationship of women's studies to race and racism can be understood as configured by this dynamic of compensation for a structural effect that can never be made to recede, even as it is frantically countered and covered over. Insofar as the superordination of white women within women's studies is secured by the primacy and purity of the category gender, guilt emerges as the persistent social relation of women's studies to race, a guilt that cannot be undone by any amount of courses, readings, and new hires focused on women of color. Consider again the curriculum I describe in which "women of color in the U.S." is the sole group of women our students are required to learn about. Consider again that students' experience of this course is intensely emotional - guilty, proud, righteous, anxious, vengeful, marginalized, angry, or abject. And consider, too, that alumnae of the course often relay these feelings, highly mediated, into other women's studies courses as criticisms of the syllabi, the student constituency, or the pedagogy in terms of a failure to center women of color, race, or racism. Faculty, curriculum, and students in women's studies programs are in a relentless, compensatory cycle of guilt and blame about race, a cycle structured by women's studies original, nominalist, and conceptual subordination of race (and all other forms of social stratification) to gender.

III

To reiterate, the paradoxical moment in the problem I have been discussing comes with the recognition that despite the diverse and often even unrelated formations of the subject according to race, class, nation, gender, and so forth, subject construction itself does not occur in discrete units as race, class, nation, and so forth. So the model of power developed to apprehend the making of a particular subject/ion will never accurately describe or trace the lines of a living subject. Nor can this paradox be resolved through greater levels of specificity in the models themselves, e.g., mapping the precise formation of the contemporary "middle-class Tejana lesbian." This subject, too, is a fiction insofar as there are always significant elements of subjectivity and subjection that exceed the accounting offered by such lists. There will always be those who feel misdescribed by such descriptions even as they officially "fit" them. Perhaps even more importantly, this kind of excessive specificity sacrifices the imaginative reach of theory, inevitably moving toward positivism, and in this way repeats the very eclipse of sociohistorical powers it was intended to challenge: these powers become fixed as categories of analysis, rendered as adjectives and nouns, rather than historicized and theorized. Finally, this kind of specificity in identity description and analysis tacitly reiterates an understanding of power as only domination: the powers named in these supposedly complex appellations or "subject positions" always refer to vectors of social stratification that figure social power in terms of hierarchy. That is, "white middle class" is presumed to convey two lines of privilege while "Third World woman" is presumed to convey two lines of subjugation. Power is not seen as producing the subject, but only as privileging or oppressing it.

To conclude this excursus into the question of subject production, as feminism has for many become irreversibly connected to the project of multicultural, postcolonial, and queer analysis, terms such as "multiplicity," "intersections," "crossroads," "borderlands," "hybridity," and "fracturing" have emerged to acknowledge - without fully explaining or theorizing - the complex workings of power that converge at the site of identity. The currency of these terms suggests the limitations of existing theories of both power and history in articulating the making of subjects, and especially gendered subjects. For this work of articulation, I would argue that we need a combination of, on the one hand, analyses of subject-producing power accounted through careful histories, psychoanalysis, political economy, and cultural, political, and legal discourse analysis, and, on the other, genealogies of particular modalities of subjection that presume neither coherence in the formations of particular kinds of subjects nor equivalence between different formations. In other words, what is needed is the practice of a historiography quite different from that expressed by notions of cause and effect, accumulation, origin, or various intersecting lines of development, a historiography that emphasizes instead contingent developments, formations that may be at odds with or convergent with each other, and trajectories of power that vary in weight for different kinds of subjects. The work I am describing involves serious and difficult research, arduous thought, and complex theoretical formulations - it will not be conducive to easy polemics or slogans in battle. And it will add up neither to a unified and coherent notion of gender nor to a firm foundation for women's studies. But it might allow us to take those powerful founding and sustaining impulses of women's studies - to challenge the seamless histories, theories, literatures, and sciences featuring and reproducing a Humanism starring only Man - and harness them for another generation or two of productive, insurrectionary work. However much it is shaped by feminism, this work will no longer have gender at its core and is in that sense, no longer women's studies. To the extent

that women's studies programs can allow themselves to be transformed - in name, content, and scope - by these and allied projects, they will be renewed as sites of critical inquiry and political energy. To the extent that they refuse this task, and adhere to a founding and exclusive preoccupation with women and feminism, they will further entrench themselves as conservative barriers to the critical theory and research called for by the very scholarship they incited and pedagogical practices they mobilized over the past two decades.

IV

Some final thoughts and rejoinders. Among those committed to women's studies who are cognizant of the problems and incoherence of the field, the usual arguments on behalf of sustaining and building women's studies programs are mounted in expressly political language. Women's studies, it is said, remains the primary site for feminist consciousness raising among students, and for feminist agitation in university life as a whole. Moreover, given the historical struggle to institutionalize women's studies programs through the establishment of departments or the procurement of full-time faculty positions, the idea of radically transforming their direction such that they are no longer identified primarily with women or even gender seems as if it could only signal that the opposition was right all along. In other words, most of us assume that women's studies programs continue to have irrefutable political value, that there are intractable political constraints against accepting even friendly challenges to women's studies programs, and that this value and these constraints must override whatever is troubling about women's studies' intellectual aporias.

I share this assumption to a degree, but the problem with allowing it to serve as the justification for maintaining women's studies programs as they are is that it renders dispensable a deep and serious intellectual basis for women's studies, just as it discounts the erosion of that basis as something less than a challenge to women's studies' *raison d'être*. Indeed, by privileging the political over the intellectual, the institutionally strategic over the intellectually sound, and by effectively conceding that these operate on separate planes, these arguments affirm the status of women's studies as something distinct from the rest of the university's intellectual mission for research and teaching. In effect, by admitting its thoroughly politicized rationale, these defenses replicate the low value that hostile outsiders often accuse women's studies of attaching to the caliber of arguments and to intellectual life as a whole; suspicions about the non- or anti-intellectual dimensions of women's studies are thus confirmed. Equally problematic, these arguments affirm this nonintellectual mission for something wholly and uniquely identified with women, and what could be more detrimental to feminist aims? How, indeed, could such an understanding of women's studies constitute it as a credible basis from which to influence university curricula and life?

I am not arguing that the struggle to establish women's studies programs was misbegotten, nor am I suggesting that women's studies is entirely void of rich intellectual content. Rather, I am making a specific historical argument. There is an unimpeachable importance to the last two decades of developing scholarship, of feminist teaching across the university, and of feminist influences on administrations, all of which were incited by struggles centered on developing women's studies programs. Without doubt we are everywhere now, and without doubt, this "we" was literally brought into being by the fight to establish and legitimate women's studies. But the strategies and ambitions that produced this effect at one historical moment are not necessarily those that will sustain or enhance it at another. Feminist scholars must ask whether the very institutional strategies that once fomented rich and exciting intellectual endeavor now work against it, or work against the currents that might be its most fruitful future.

There is another question to be raised here. If the mission of women's studies is understood as primarily political, and as willingly sacrificing intellectual coherence to its political project, who will teach in such programs and what kind of teaching will it be? Without discounting the varied degrees and types of political aims that many of us bring to our academic work, it is one thing to craft and mobilize these aims in the course of one's teaching and research and quite another to function within an intensely politicized space in which intellectual life, and standards, are often regarded as secondary concerns. Many contemporary feminist scholars currently have limited traffic with women's studies programs - they may cross-list a course or two, or allow their names to be affiliated with the program, but remain peripheral to the curriculum and governance of the program. Conversely, many women's studies programs are staffed by a disproportional number of faculty with an attenuated relationship to academic research and writing, but whose political devotion to feminism and pedagogical devotion to the students is often quite intense. More and more, feminist scholarship is spun from sites other than women's studies programs. And more and more, women's studies faculty are not using this scholarship; sometimes they are explicitly hostile to it.

Rather than assigning blame for this complex and painful dynamic, let us note instead some of its effects. First, the anti-intellectualism discussed above is increasingly codified as the spirit of women's studies work, while the gap widens between the ethos and curriculum of women's studies and the rest of the humanities, arts, and social sciences. Second, while women's studies once served to legitimate and support, in a positive way, feminist scholarship across the academy, it would now seem to legitimate it negatively by allowing feminist scholars in other disciplines to tacitly define themselves and their work against women's studies. Women's studies has come to be perversely useful to some academic feminists as "the other" against which

respectable feminist scholarship is defined.

Is it possible to radically reconfigure women's studies programs without sacrificing the feminism they promulgate among students and help to keep alive at universities? We might ask this question another way, by asking whether teaching feminist courses, including basic courses such as "Introduction to Feminisms," "Introduction to Feminist Theories," and "Histories and Varieties of Women's Movements," must be done in the context of a degree-granting program or whether the discussions we had long ago about "mainstreaming" (moving these courses into the general curriculum of other disciplinary and especially interdisciplinary programmatic sites) might be revived. To retain such course work without containing it within women's studies might allow us to reconfigure women's studies programs without such a move appearing as a neoconservative return to "traditional curriculums." And it might allow us, too, to insist that students of feminism and feminist theory learn the appropriate antecedents and cognates to these topics, for example, the emergence of the struggle for women's emancipation in the context of democratic and socialist revolutions in the West, or the relevance of Rousseau, Marx, Freud, and more recent philosophical and literary thinkers to feminist thought and practice. In this regard, consider how difficult it is to teach contemporary feminist theory to students who share none of the intellectual referents of the feminist theorists they are reading. What a difference it would make to develop those background knowledges as part of students' work in philosophy, cultural studies, literature, anthropology, or critical theory so that they would actually be armed to engage and contest the arguments they encounter in feminist theory and in postcolonial, queer, and critical race theories as well.

Still, am I, in the end, suggesting that we never should have developed and institutionalized women's studies programs? Absolutely not. Without doubt, women's studies constituted one of the most vibrant and exciting contributions to the American academy in the 1970s and 1980s. Moreover, I believe there are large and complex lessons to be developed - about institutionalizing identitarian political struggles, about conflating the political with the academic, and about late modern forms of disciplinarity - from the process of watching women's studies falter in the 1990s. The story of women's studies suggests that our current and future contests over meaning and knowledge, and for freedom and equality, should probably avoid consolidating victories in the form of new degree-granting programs in the university. But it does not tell us what to do instead. Perhaps the present moment is one for considering where we have been so that we might, in a Nietzschean vein, affirm our errors. Perhaps it is a moment for thinking.

For their critical engagement with a draft of this essay, I am indebted to Judith Butler, Gail Hershatter, Valerie Hartouni, and Joan Wallach Scott. None of them should be held responsible for, nor associated with, the criticisms and positions it tenders.

Notes

1 While it is true that debates about "fundamentals" pervade many disciplines, I think that in most it is possible to both acknowledge the fictional character of the field and to venture arguments about what constitutes a good undergraduate education in it. For example, I would argue that any undergraduate obtaining a bachelor of arts in politics or political science in this country should have a basic grasp of (1) international relations in the era of nation-states and globalization, (2) U.S. political institutions, (3) one or two other political systems, (4) political economy, (5) social movements as sources of modern political upheaval and change, and (6) the history of political theory. This is a contestable list, and it also does not specify how this basic grasp is to be procured. However, what concerns me here is the disconcerting fact of my inability, and my colleagues' inability, to even conjure a similar list for women's studies about which to begin arguing.

2 Two recent anecdotes from feminist colleagues at other universities sharpen this point. (1) A feminist scholar at a public university was asked to remove her course, "Introduction to Sexualities," from the women's studies curriculum on the grounds that its subject matter was sex, not gender. (2) The Director of Women's Studies at a research university was seeking to convert her steadily declining program into one on gender and sexuality, for which there was abundant student demand and faculty interest. But in the process, she met with intense resistance from colleagues who feared a loss of focus on women, and especially women of color, in the revamped program.

3 The formulations offered by Kimberle Crenshaw, Aida Hurtado, and Patricia Hill Collins are extremely useful in thinking about: the difficult place of entry for black women into legal discourse (Crenshaw), the difficulty of making feminist political coalitions among women of color and white women (Hurtado), and the distinctiveness of black women's thought and political practice (Hill Collins). Nonetheless, these projects should not be confused with the project of offering an account of subject formation.

4 Thus, to consider the making of gender through sexuality without reference to the more general regime of sexuality Foucault depicts in *The History of Sexuality* (MacKinnon's mistake [Feminism Unmodified]) is just as myopic as formulating the terms of that regime with little or no reference to gender (Foucault's

mistake).

5 "The individual is an effect of power, and at the same time . . . it is the element of its articulation. The individual which power has constituted is at the same time its vehicle" (Foucault, "Two Lectures" 98).

6 It should be underscored that not all who travel under the sign of "Critical Race Theory" subscribe to the view of rights articulated by Patricia Williams in *The Alchemy of Race and Rights* and by Robert Williams in an earlier article, "Taking Rights Aggressively."

7 For a more complete development of this point, see my "Rights and Losses" (in *States of Injury*) and "Suffering Rights as Paradoxes."

8 Some might argue that miscegenation laws functioned in this way. However, miscegenation laws did not criminalize the racially marked subject as such but rather, regulated the sexuality of such subjects.

9 It should be noted that the monological axes of analysis I am deploying here both underscore and fail the point made above, that modes of subject production operate through different trajectories and modalities of subjection, and must be subjected to distinctive modes of analysis, yet cannot be extricated from one another in living subjects. Thus, to say as I did here, that "there is no equivalent to the place of reproductive rights for women's equality in defining the parameters of racial freedom, or ending the stigma for minority sexual orientation," elides the fact that racism and heterosexism operate in part through a distinct lack of reproductive freedom for peoples of color and homosexuals. Yet to presume that this lack functions in the same way as racism and heterosexism as it does as sexism is precisely to colonize racism and heterosexism with a feminist analysis, a colonization feminists have been engaging in for too long. This is the move that Catharine MacKinnon makes with regard to thinking about the place of women of color and racism in pornography, presumably to establish that her feminist analysis is also an analysis of race and racism (Only Words). But it strikes me as an argument that is in bad faith as well as analytically impoverished.

10 Janet Halley and Kendall Thomas, in, for example, their respective readings of *Bowers v. Hardwick*, are notable exceptions in the field of queer jurisprudence.

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