

Feminists in Power

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Abstract

In contrast to the scholarship allied with first and second waves of feminism, feminist analysts today survey a changed landscape of gender across the United States and much of the world: formal exclusions and discrimination are outlawed, gender hierarchies have been undermined, and women are appearing among economic, political, and other elites to an unprecedented degree even as gender inequalities stubbornly persist across multiple arenas. A focal point of debate among analysts of sexuality, political economy, and culture is the meaning and implications of pursuing gender equality in a world that no longer neatly divides into subordinated women and powerful men, and in which the increasing number of women among the socially advantaged problematizes traditional notions of female victimization and male domination. In this essay, we first offer an overview of earlier approaches to gender equality, then turn to critiques of these approaches which insist on the need for a new starting point for considering gender equality and women's emancipation.

Feminists in the United States and across the world are today presented with sharply contrasting developments. Formal exclusions of women and gender discrimination are outlawed, gender hierarchies have been undermined, and women are appearing among economic, political, and other elites to an unprecedented degree even as gender inequalities stubbornly persist across multiple arenas. Yet while the rightness of formal gender equality—that is, equal treatment under the law—is largely taken for granted, if and how states or other institutions should press for greater equalization of resources, rights, and responsibilities is contested. Moreover, some of feminists' own achievements seem to be simultaneously advancing and legitimizing neoliberal politics and state projects focused on policing and punishing that stand in the way of further movement toward gender equality and that reflect, at least partially, unanticipated cooptation of feminist ideas into political projects harnessed to the demands of contemporary capitalism and patriarchal social conservatism.

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This new gendered landscape poses new questions for feminists. The guarantee of formal gender equalities and the increasing numbers of women in the advantaged sectors of society, which reflect the partial achievement of feminist goals, have significant implications for how we think about core feminist values such as gender equality, women's emancipation, and gender justice. What does it mean, for example, to talk about female victimization—a key trope in the fight against endemic sexual violence or coercive labor conditions—in a world that no longer neatly divides into subordinated women and powerful men, and in which there is an increasing number of women among the socially advantaged, who may nonetheless face threats to bodily integrity? What are the implications of voicing feminist values from within the precincts of power? And what should we make of the fact that the successes of socially conservative and neoliberal intellectual and political projects has resulted in part from the appropriation and reshaping of ideas originally forwarded by feminists? In this essay, we contend that taking into consideration the institutionalization of feminist ideas within core sites of state power and the cooptation by, and actual alliances of some feminists with, socially conservative and neoliberal projects²—is critical for assessing the opportunities and dangers confronting contemporary feminist politics.

We first offer an overview of earlier approaches to gender equality, a term whose meaning is deeply contested. Rather than providing a static definition, we wish to reflect on the ways in which feminism's own understandings of, and approach to, gender equality have significantly changed since the second wave of feminism. We then turn to what we believe to be a new and evolving debate among analysts of sexuality, political economy, and culture on the implications of feminism's new relation to institutions of state power and law in the United States, especially those that feature increasing reliance on policing and punishment, and to the neoliberal political projects of capital and their intellectual advocates. In calling for a new starting point for considering gender equality and women's emancipation, these critiques shed light on the implications of pursuing a feminist politics today. We focus on

2. The term "neoliberalism" is invoked often, we think rather too easily, without considering its specific political manifestations. Stephanie Lee Mudge (2008) provides a historically grounded definition of the term which distinguishes among three modes of neoliberalism: the intellectual, the bureaucratic, and the political. As an intellectual project, neoliberalism was born within the institutions of welfare capitalism and is characterized by an emphasis on the free market as the source and arbiter of human freedoms and a disdain for politics, bureaucracies, and the welfare state. In its bureaucratic face, neoliberalism is expressed by state policy reforms that are guided by the assumption that the state is different from the market and that encourage competition by rejecting state regulation and management, and desacralizing institutions (such as education and health care) that were previously protected from the forces of the market. Finally, neoliberalism signifies a market-centric politics guided by the assumption that "one should unleash market forces whenever possible and that the reach of political decision-making should be limited." Neoliberal political forces have sometimes allied with socially conservative, often religiously inspired, groups, but we maintain that it is important to distinguish between them. See also Hall and Lamont (2013).

the United States, where these critiques have been most prominent, but our suggestions may have wider applicability.

THE OLD GENDER ORDER

Even after the political victories of the first-wave feminist movement in the early twentieth century—women’s suffrage above all—the gender order of the mid-twentieth century was characterized by explicitly gendered formal institutions. Informal institutions, too, reflected and reinforced gender difference and inequality and masculine power. Many organizations advocating women’s equality—a “second wave” of feminism—emerged in the 1970s in the United States and across the West to contest these conditions, claiming that women shared interests in eradicating this state of affairs, despite many differences among them.

Scholars have examined the variety of feminist responses to this unsatisfactory set of arrangements, proposing typologies based on multiple dimensions of difference (see, e.g., Echols, 1989). Then, as is the case today, socialist or labor feminists tended to be most concerned with fundamentally overhauling the political economy and shifting the gendered division of labor by encouraging women to work for pay and men to participate in care and domestic work, as well as by developing public services; radical feminist approaches involving the law, sexuality, and violence involved deterring and punishing male perpetrators of violence alongside critiquing compulsory heterosexuality, the eroticization of violence, and the nuclear family. Liberal feminists were focused on reforming capitalist and democratic institutions by eliminating discrimination and exclusions, bringing women into the polity, the labor force, and, ultimately, the very heart of power. These differences in emphasis remain among current thinkers. What changed was the commonly held assumption that had tied divergent strands of feminist thinking together: that all women, regardless of differences in social location, faced certain kinds of political and social exclusions. Today’s feminist critics are distinguished from earlier generations by the realization that feminism is no longer a countercultural minority discourse, as some feminist ideas have been installed into government and legal institutions, and an increasing number of women and feminists occupy positions of formal authority and power. In the following section, we provide an overview of some of the changes characterizing today’s gendered landscape, the context for contemporary critiques of feminism. We then turn to these new critiques and to the questions and challenges they pose for feminists.

THE NEW GENDER ORDER AND ITS CRITICS

The play of advantage and disadvantage across gender and other forms of power, difference, and inequality is clearly different from that in the era of stable gendered hierarchies. Long-standing feminist support for women's claims to personhood, and most importantly to the recognition of women as individual social beings has undoubtedly found some success. While great strides have been made in eliminating formal discrimination, we are far from a "50/50" world, whether we look at politics, wages, care work, sexual pleasure, or almost anything else. There are also stark inequalities among women (and men) by class, race, ethnicity, citizenship status, and household structure in access to good employment and to quality care services.

Since World War II in the global North, manufacturing has declined as service sector employment has risen, driven importantly by outsourcing of the work formerly done by housewives to paid service workers, many of whom migrate to take up this work, and contributing both to women's increasing employment levels, and to increasing income inequality.³ The gendered division of labor of the "male breadwinner family," with married women doing full-time care or part-time work plus care, and men providing most of the income and working full time, has been modified, not ended, as—on average—women's time in unpaid caregiving and domestic work has declined while men's take-up of care work within and across households is far less than women's take-up of paid work.

These "complex inequalities" among women and men have been a significant focus of work on the "intersectional" nature of inequality and power, by scholars such as Kimberlé Crenshaw (1991), Leslie McCall (2001), and others (see Cho, Crenshaw, & McCall, 2013 for an overview). According to these scholars, mainstream feminism is at fault for concentrating on gender to the exclusion of its co-constitution with other forms of inequality. Pointing to the specificities of contemporary inequalities, in which some women have achieved economic success by taking advantage of the supply of less well-paid women service workers (see, e.g., Boris & Parreñas, 2010; Parreñas, 2001; Roberts, 1995), they argue that sexual domination and masculine violence are crossed by class, racial, and educational inequalities. They call on feminists committed to social justice to engage with the struggles of the most marginalized people, as a true commitment to social justice would require feminists to refrain from seeing the world solely in terms of female injury and male subordination. Rather, feminists must acknowledge that there are

3. Women's income inequalities have widened over the past few decades (McCall, 2001), and women's labor force participation levels vary substantially by education, with highly educated women participating at higher levels than their less-educated counterparts in most Western countries (see, e.g., Evertsson *et al.*, 2009).

multiple forms of inequality and domination and that we face widening gaps between the situations of the advantaged and the disenfranchised.

These premises are indisputable. But they do not address specifically political questions about feminist projects, in which particular groups make specific claims, anticipating the agreement of others. In politics, exclusion is inevitable. The only cure is not a demand that “all”—especially the most marginalized—be included in every political campaign, but rather an openness to contestation. This raises a new set of questions regarding the specific opportunities and risks when feminists are in power. What, for example, are the implications of the fact that more women are playing on the field of “men’s politics,” accompanied by claims that women leaders offer both descriptive and substantive representation for other women? And what do the complex alliances forming between feminists, state institutions, and the law imply for traditional understandings of gender equality and emancipation?

We contend that widening inequalities among women form a critical part of the backdrop against which a new generation of feminist analysts consider the implications for feminism of the incorporation of feminists into elite positions of authority in the corporate sector, civil society, and politics, and the incorporation of feminist ideas into legal, political, and economic discourses. According to these contemporary analysts—we will call them “the critics of feminism in power”—feminism’s appropriation by, and complicity with, socially conservative movements and neoliberal political elites, threaten to stand in the way of achieving gender equality. This set of critiques is the focus of the next section.

THE CRITICS OF FEMINISTS IN POWER

Focused on feminists’ increasing access to power and changed relation to states, a new generation of analysts point to significant shifts within feminism with respect to political economy and sexuality. In terms of political economy, feminism has, these critics allege, shifted away from a redistributive model of justice—a model that was predominant on the left and center-left since the late nineteenth century, centering on state remedies for the inequities and oppression generated by capitalism and, in the case of feminism, “capitalist patriarchy”—to one that emphasizes individual “choice” and paid employment as the routes toward women’s emancipation. This shift echoes changes in the political and intellectual landscapes for “parties of movement” and left-liberal organizations as state-funded and publicly provided services and benefits, and state regulation of the economy have given way to market-based remedies for social problems. In the United States, especially, neoliberal policy prescriptions for the deregulation of

the economy and the rolling back of programs of social security were joined to the buildup of the state's capacities for policing, punishment, and imprisonment.

Critical works on feminist campaigns against sexual violence have been key sources of new understandings of the consequences of feminists' alliances with power and deployment of the law as the tool to confront and disarm patriarchal practices. They show how feminists concerned with sexual violence and domination have moved away from critiques of pervasive masculine power toward remedies centered on incarceration and punishment for gender-based violence, seen primarily as perpetrated by outsiders rather than intimates, and have started forming alliances with social conservatives who want to strengthen state punishment of perpetrators. These alliances, they contend, have problematic and even dangerous implications when carried out from within the precincts of power.

Analysts of feminist antiviolence efforts have pointed to the complex interrelations between feminism, neoliberalism, and projects that encourage incarceration, policing, and punishment. Richie (2012) argues that feminist antiviolence activists had a part—unintended—in creating harsher punishment policies in the United States, in a context in which right-wing forces had succeeded in disinvesting from poor urban communities and shredding the safety net while building up the state's incarcerating and policing powers. Feminist demands for greater public and legal recognition of the harm caused by sexual violence served as an inspiration for broader campaigns for criminalization. This has had damaging effects on the most vulnerable women, who may face imprisonment themselves or have few resources when the men in their households are imprisoned, and worked to enhance the transformation of the United States into a “prison nation.” Bumiller (2008) notes that these campaigns worked to legitimize an agenda premised on the notion that the maintenance of the social order depends on the incarceration and punishment of, “violent perpetrators who preyed on innocent victims,” and transformed the initial feminist sensibility that any man can be a rapist into a campaign driven by fear of strangers. Those strands of feminism which emphasized personal responsibility, the demonization of the sex-predator, and the valorization of the private family received precedence over those which did not adapt themselves to the ascending neoliberal logic.

Feminist antitrafficking campaigns have also fueled neoliberal agendas. Chapkis (2003) shows how the focus on sex-trafficking legislation, which assumes a distinction between “innocent victims” and “guilty migrants,” works to legitimize enhanced border control and antiimmigration policies. Brennan (2008) and Shih (2013) point to the ways in which the exclusive focus on sex trafficking over all other forms of exploitive labor legitimizes

the incarceration of migrants and obscures coercive labor conditions. Rhacel Parreñas (2001: see also Boris and Parreñas 2010) has argued that feminist antitrafficking campaigns which seek the abolition of prostitution—thereby depriving sex workers of their livelihood—hide the fact that the key issue for sex workers and care workers alike, particularly those without the legal protections afforded by citizenship, is coerced and unregulated labor and not “sex slavery.” Here, switching the focus away from regulation of exploitive labor relations dovetails with neoliberal agendas, which have been relentlessly antiregulation.

Elizabeth Bernstein (2007, 2010, 2012) focuses on the problematic alliances formed between neoliberal elites and feminist antitrafficking campaigns. She argues that the promotion of a neoliberal law and order agenda is not an unintended consequence of feminist campaigns but rather one that some feminists deliberately pursued, while some corporate elites have used antitrafficking campaigns to burnish their brands. Self-interested and predominantly white middle class feminists situated the family as a privatized sphere of safety to be protected by the criminal justice system. Bernstein thus describes the alliance formed between neoliberalism and feminism as a two-sided relationship rather than a one-sided appropriation; neoliberalism supported versions of feminism which idealized the private family, reinforced notions of personal responsibility and condemned public disorder, just as feminists purposefully joined forces with neoliberal projects because it served their self-interests.

Analyses of gendered welfare institutions have also contributed to new understandings of the complex alliances forming between neoliberal political agendas and the interests of women. In the United States, many have criticized the approach taken by self-described feminists to the consequential 1996 law that “reformed” US social assistance, passed by a Republican-led Congress and accepted by President Bill Clinton and most Democrats; the law was considered by many to represent the apogee of neoliberal policy influence as well as the imposition of a socially conservative and coercive set of regulations on welfare recipients. Although the law eliminated the right to social assistance and mandated that welfare recipients, the majority of women in Congress, including feminists and most other progressives (e.g., the Congressional Black Caucus) went along with the 1996 law (see, e.g., Mink, 1998; the essays collected in Mink, 1999). Nor did feminist organizations mount protests of welfare reform. This was partly because it seemed to be a lost and unpopular cause and partly because rank and file members of feminist groups such as the National Organization for Women (NOW) supported employment for welfare mothers. This element of the reform made sense given their commitment to encouraging women’s employment as a route to gender equality (Orloff, 2006). Mink (1998) indicted “middle-class,

white” feminists and feminist political leaders for abandoning poor single mothers, overwhelmingly women of color, in US welfare reform, in favor of promoting their interests in employment. Others see the problem as the lack of the public support in the United States (e.g., paid parental leaves, child care) that have accompanied such mandates in other countries, such as Sweden, Norway, Denmark, and Finland (e.g., Orloff, 2006; see Leira, 2002; Lundqvist, 2011 on Nordic developments).

It is not only in the United States that women’s employment has been encouraged by reforms of welfare states (see, e.g., Esping-Andersen, 1999, 2009; Korpi, 2000; Morgan, 2006; O’Connor, Orloff, & Shaver, 1999). Thus, even when critical of other aspects of neoliberal-inspired change, many feminists argued that women’s paid employment—which overlapped with the “activation agenda” of neoliberal prescription—could be understood as indicative of progress toward gender equality when it was accompanied by supportive services. Some analysts, prominently Nancy Fraser (2013) see in this coincidence the evidence for broader claims that second-wave feminism implicitly supports some elements of neoliberalism, yet others (e.g., Orloff, 2009) are more dubious that gender-egalitarian forces, and in particular, their support for women’s employment, have been so completely absorbed by neoliberalism. Janet Newman (2013) sees alliances between feminism and neoliberal state projects as two-sided; while feminism has had to adapt to neoliberalism, neoliberalism has also had to adapt itself to feminist projects, demanding equality, rights, and welfare benefits.

CONCLUSION: RETHINKING THE MEANINGS OF A FEMINIST POLITICS

The upshot of these analyses is that some feminists are in power in a world in which women are no longer only victims, nor are they, formally speaking, second-class citizens. Implicit to all is a frustration with traditional feminist understandings of female subordination and male domination and a search for a new language by which to address persisting gender inequalities at a time when women are empowered precisely by deploying what might be thought of as “perverse” or deformed variants of feminism.

While they diverge both in the subject matter of their analysis and in whether they view feminists’ complicity with neoliberal elites as intended, these emerging contemporary critiques of *feminists in power* all seem to point to the ways in which traditional feminist ideas have been mobilized, and in turn transformed by state elites, the members of which include self-identified feminists. For these analysts, the actions of feminists in power are seen as colluding with a broader neoliberal project of disembedding capitalism, promoting deregulation, marketization, and employment for all,

to the exclusion of other changes in social relations that would be needed for women's emancipation to become a reality.

Two recent attempts to grapple with the fate of contemporary feminism as an emancipatory political project are Janet Halley's *Split Decisions* (2006) and Nancy Fraser's *Fortunes of Feminism* (2013). Their critique of contemporary feminism—seemingly focused on the United States, but presented as a general challenge—emerges from a joint premise, shared also by scholars of intersectionality, that a concentration on injustices to women to the exclusion of others who suffer social injustice, stands in the way of a true emancipatory feminist politics. Feminists' increasing power within state elites and the perverse alliances formed between some feminists and neoliberal elites, make feminism's ostensible commitment to all women problematic, they claim.

At the same time, Halley and Fraser diverge in their view of the implications of this state of affairs on a contemporary feminist politics. For Halley, feminists' increasing representation among the wielders of power—a phenomenon which she terms *governance feminism*—leaves us no other option than to “take a break” from feminism. Tracing the past two decades of theoretical work on sexuality in the United States, she concludes that all feminist theories, share three core notions: femininity is distinguished from masculinity; femininity is defined by its subordinated relation to masculinity, and feminism's goal is to put an end to such subordination. These three core notions have defined feminism from its inception and have not substantially changed. What has changed is the standpoint from which they are articulated. While feminist ideas were initially articulated from the standpoint of a countercultural minority, since the early 1990s there has been an “incremental, but by now quite noticeable installation of feminists and feminist ideas in actual legal-institutional power” (Halley, 2006, p. 340).

In Halley's view, feminism's commitment to women, and to the particularistic vision of justice implied by this commitment, was justified when feminism spoke from the standpoint of a countercultural minority, but is no longer when applied by state elites and institutions. First, by continuously viewing itself as the underdog and women as eternal victims, “governance feminism” disregards not only the possibility that women are at times instigators of conflict but also occludes the suffering and death of men. Forms of violence and domination that cannot be translated into male domination and female victimization thus fall into the background. Second, feminism's commitment to female innocence encourages a simplistic rights discourse in which no showing of a specific harm is needed in order to determine injury to women. This in turn invites feminists to turn to criminal/social control visions of law which speak the language of total prohibition.

Thus, in her call to “take a break from feminism,” Halley is not arguing for a complete abandonment of feminism’s core tenets but rather for repositioning feminism as one political project alongside others. According to Halley, feminist politics can complement, but not replace, other projects for racial, economic, and social justice. In her view, only by refusing to view the world solely through the lens of feminism can we potentially mitigate the dangerous consequences of pursuing a totalistic feminist agenda from within positions of power.

Fraser (2013) advances a different approach in *The Fortunes of Feminism*: feminists should reinvest in feminist ideology rather than “take a break” from it. For Fraser, the change within feminism is not a result of feminists’ growing power within state elites but rather a response to changing social and political circumstances—the demise of communism, the surge of free market ideology and the rise of identity politics. According to Fraser, in the initial stages of second-wave feminism, feminists critical of the exclusive framing of injustice as unfair economic distribution attempted to expand the meaning of justice to include matters previously considered “private,” such as culture, sexuality, and housework. As a result, they formulated a critique that integrated three analytically distinct dimensions of gender justice: economic justice, political justice, and cultural justice. These were woven together into one general critique in the context of state-organized “Keynesian welfare” capitalism, which was simultaneously organized around the needs of households “headed” by breadwinning men. However, in the changed context of neoliberalism they came to be separated from one another and from the critique of capitalism that had initially integrated them. The disintegration of feminist critique allowed for the selective incorporation of feminist ideas, creating a perverse affinity between neoliberalism and feminism, as when feminists’ support for women’s employment was taken up by US welfare reformers, but denuded of feminists’ demand for supportive services, or when feminist critiques of the family wage and traditional masculine authority supplied neoliberalism a good part of the “romance” that invests flexible capitalism with a higher meaning and moral point. According to Fraser, it is this perverse affinity which also explains why feminism thrived in the context of neoliberalism and became a broad based mass social phenomenon.

Halley and Fraser thus provide us with two contrasting approaches for grappling with the fate of contemporary feminism. Halley argues that feminism has been, and always will be, defined by its commitment to women and by the particularistic vision of justice this commitment implies. To argue otherwise is to misunderstand the nature of politics. Thus, rather than (fruitlessly) trying to turn feminism into a universal and all-encompassing emancipatory political project, Halley asks us to acknowledge its limitations and to

reposition feminism as such. Fraser on the other hand, believes that by reintegrating the dimensions of redistribution, recognition, and representation that had splintered in the previous era, and by refocusing feminism's critique on constraints that arise from market-mediated processes of subordination, feminism can disrupt the easy passage from feminism to neoliberalism.

What then is the fate of feminism? Is it possible to disrupt the "easy passage from feminism to neoliberalism"? And if not, are we left with the choice either of "taking a break" from feminism, to which, after all, many of us are strongly connected, or of surrendering to an inevitable alliance with politically ascendant neoliberal projects and remedies centered on incarceration and punishment that are inimical to the concerns of most women and repugnant to many of us who would call ourselves feminists?

To answer the question of whether feminists' increasing exercise of power entails a perverse alliance with neoliberal elites or rather opens up spaces for alternative forms of claim making and political alliances is beyond the scope of this essay, but we would contend that an answer will require empirical analyses of historically and spatially specific contexts in which feminists have pursued their diverse political projects. Rather, our goal in this initial overview is to shed light on the fact that any discussion of contemporary feminist politics must take into consideration two interrelated, yet separate, developments: first, that the rise of second-wave feminism coincided with the rise of new forms of politics on the right—both socially conservative and neoliberal intellectual and political projects have proliferated and enjoyed political successes. It does seem that part of their successes has resulted from the appropriation and reshaping of ideas and values originally forwarded by feminists. And, second, that the installation of feminist ideas within state elite institutions works to reshape and redefine these (feminist) ideas themselves. An exploration of these coinciding developments and the interrelations between them is critical for a full understanding of the implications of pursuing an emancipatory feminist politics today.

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Talia Schiff is a JD-PhD candidate at Northwestern University (Department of Sociology and School of Law). She is a graduate of the Adi Lautman Interdisciplinary Program for Outstanding Students at Tel Aviv University from which she received her MA in Sociology in 2009. Schiff's research interests include law, political sociology, gender, culture, and historical and comparative sociology. Her research examines the processes through which social norms and institutions inform legal categories. Her current project sets to examine the evolution of legal reliefs from deportation in U.S. immigration law. More specifically, it explores how a new regime of asylum policy commenced in the 1980s fueled a significant shift in how classes of persons eligible for relief came to be defined in U.S. law and political discourse. Schiff is the author of the paper "Between Minor and Major Identity: Jaqueline Kahanoff and the 'Israelization' of Levantinism," which appeared in the journal *Theory and Criticism* [Hebrew]. Schiff served as the coeditor of the Annual Journal of the Interdisciplinary Program for Outstanding Students (2005–2006) and was on the editorial board of the Northwestern Journal of Law and Social Policy (2013–2014).

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