

far from reflecting a gender-neutral liberally inspired body of rules reflecting societal values, becomes a force of oppression of women who comprise some 50% of the population.

WHAT IS FEMINIST JURISPRUDENCE?

On the tenth anniversary of the introduction of the *Harvard Women's Law Journal*, Christine Littleton took the opportunity to overview the development of feminist jurisprudence in the Journal's first decade:

IN SEARCH OF A FEMINIST JURISPRUDENCE¹³

Christine A Littleton

'Feminist jurisprudence' has certainly come of age. At the January 1987 annual meeting of the Association of American Law Schools, participants were offered a day long 'Mini-Workshop in Emerging Traditions in Legal Education and Legal Scholarship', including feminist jurisprudence. Like other contemporary movements, it can be viewed both as a critique within legal education and scholarship and as a direct challenge to their very structure.

First, feminist jurisprudence criticises the law's omission of and bias against women's concerns, offering its insights as a supplement and corrective. Simple inclusion is not, however, the primary goal of feminist jurisprudence.¹⁴ Rather, feminist legal theorists routinely speak of challenging, subverting or transforming legal relations at their core. If feminist jurisprudence is not simply addition of missing pieces within legal education and scholarship, what is it?

We might begin with Catharine MacKinnon's suggested definition: 'Feminist jurisprudence is an examination of the relationship between law and society from the point of view of all women'.¹⁵ This definition, while succinct and comprehensive, must be unpacked. Feminists have discovered the endless variety of women's experience¹⁶ and the different ways in which law affects our experience.

Heather Wishik has proposed a framework of inquiry for feminist jurisprudence:

- (1) What women's experiences are addressed by an area of law?
- (2) What assumptions or descriptions of experience does the law make?
- (3) What is the area of distortion or denial so created?
- (4) What reforms have been proposed, and how will they affect women both practically and ideologically?
- (6) In an ideal world, how would women's situation look?
- (7) How do we get there from here?¹⁷

13 Christine A Littleton, 'In Search of a Feminist Jurisprudence' (1987) 10 *Harvard Women's Law Journal*, p 1.

14 See H Wishik, 'To Question Everything: The Inquiries of Feminist Jurisprudence' (1986) 1 *Berkeley Women's Law Journal* 64 (describing 'compensatory scholarship' as a necessary but insufficient development in legal scholarship about 'women and law').

15 CA MacKinnon, Panel Discussion, 'Developing Feminist Jurisprudence' at the 14th National Conference on Women and Law, Washington DC 1983, quoted in H Wishik, *op cit*, p 64.

16 See H Eisenstein and A Jardine, *The Future of Difference* (1980).

17 H Wishik, *op cit*, pp 72-75.

If these are, as they seem to me, the right (although not the only) questions to ask, then feminist jurisprudence necessarily involves more than 'examination' – it also demands active struggle for change.

'Jurisprudence', as traditionally practised (ie as practised by men), considers overarching questions usually ignored or assumed by scholars in narrow doctrinal fields. It includes studies of the 'nature' of law and legal reasoning, sources of legal obligation and legitimacy of legal systems, and the relationship between law and the social structure. On this definition, Janet Rifkin's article 'Toward a Theory of Law and Patriarchy'¹⁸ clearly qualifies. 'Law plays a primary and significant role in social order, states Rifkin, and 'is powerful as both a symbol and a vehicle for male authority'.¹⁹ By my reckoning, Rifkin's is easily the most cited piece the Harvard Women's Law Journal has ever published. Her work challenges traditional understandings of the way law functions within (and in relation to) social institutions, but its focus is on the traditional questions of jurisprudence.

Feminist jurisprudence has also embraced forms of scholarship not usually seen as 'jurisprudential'. Women's law journals regularly include sociological studies,²⁰ articles advocating legal reform, and tactical advice. These categories are not new to law reviews, but are treated somewhat differently. Women's law journals tend not to devalue law reform pieces simply because they are 'reformist' or 'advocacy'. Similarly, they do not treat sociological data and theory as 'not really law', nor do they eschew practitioner oriented pieces. What role in the 'development of a feminist jurisprudence' is played by such pieces?

Sociological data is central to feminist methodology, grounded as it is in the discovering, sharing, and analysis of women's concrete experience. While the practice of sociology has been 'male'²¹ in ways that are similar to the practice of law, feminists cannot afford to ignore the fragments of women's experience that can be gleaned from it. To the extent that women's law journals enable feminist lawyers and legal scholars to gain access to such data, they offer some of the building blocks of feminist legal theory.

Questions about the value of legal reform have been raised within every social movement that radically challenges existing hierarchies.²² As a critique of the entire structure of law, feminist jurisprudence must likewise ask whether 'cleaning up' particular legal doctrines can do anything other than legitimate the patriarchal order.²³ Yet feminist 'law reform' writing is valuable for two interrelated reasons.

First, as feminists, we cannot disregard the suffering of individual women or groups of women. Our experience of being told to place our legitimate demands

18 Janet Rifkin, 'Toward a Theory of Law and Patriarchy' (1980) 3 *Harvard Women's Law Journal* (on which see Chapter 2).

19 *Ibid*, p 84.

20 See eg Kater, 'Reflections on Women and the Legal Profession: A Sociological Perspective' (1978) 1 *Harvard Women's Law Journal* 1; C Menkel-Meadow 'Portia in a Different Voice: Speculations on a Women's Lawyering Process' (1986) 1 *Berkeley Women's Law Journal* 39. (On which see Chapter 6.)

21 See S Walby, *Patriarchy at Work* (1986) pp 7–16 (criticising 'near total focus on men' in sociological theory pertaining to work).

22 See eg Bell, 'Forward: the Civil Rights Chronicle's' (1985) 99 *Harvard Law Review* 1.

23 See eg Polan, 'Toward a Theory of Law and Patriarchy' in *The Politics of Law*, D Kairys (ed), 1982, p 294.

on the back burner until 'more important' problems were solved should make us especially sensitive to the dangers of ignoring immediate human pain in the service of theoretical revolution. While legal reform, based on division among women will perpetuate the very structures we resist, reform that opens paths to additional struggles must be part of feminist jurisprudence. Any broadening of equality guarantees, any new legislation designed to ease women's double burden of work and family, any plausible attempt to make the legal system live up to the lip service it pays our concerns, should be embraced as long as it will not make the next demand on behalf of women less likely to succeed.

Second, even when legal reform efforts fail, they may still serve the feminist legal enterprise. If such efforts are clearly grounded in the purported availability of fundamental rights for all, their very failure demonstrates the hypocrisy of the legal system. Feminist law reform advocacy offer the legal system two choices: live up to your promises, or be exposed as a naked system of power and domination. While we should not expect the imminent demise of an exposed system, neither should we lose an opportunity to point out that the emperor is inadequately clothed.

Finally, when feminist jurisprudence criticises both the forms and the categories on which current legal concepts are based, why include in feminist legal periodicals suggestions to practitioners on the use of existing doctrine? This question is clearly posed in the disagreement between a major strand in critical legal studies (CLS) scholarship and many feminists on the usefulness of rights discourse. CLS critiques rights analysis by suggesting that people might believe that a grant of abstract rights equals the concrete ability to exercise such rights, that energies better used in community action and political struggle are diverted into endless rounds of litigation, and that reliance on lawyers replaces self-reliance and leadership development. Feminists point out the CLS scholarship has failed to account for women's concrete experience of empowerment through making rights based claims. While acknowledging that abstract rights, in and of themselves, do not alter the relationship between oppressed and oppressor, feminists have begun to explore the 'dialectic' between legal formulations of rights and concrete claims made upon the system. The distinction is between uncritical use of legal loopholes for short term advantage and self-conscious strategising that takes account of our larger enterprise.

The underlying pragmatism of feminist jurisprudence develops from the requirements of good feminist methodology and theory. Feminists cannot ignore the concrete experience of women; it is the foundation of both feminist theory and practice. And theory that does not work in practice is bad theory. Thus, in its attempt to achieve the elusive goal of 'praxis', feminist jurisprudence plays both ends, but to find a middle, but to expand the repertoire of resistance.

Conclusion

Definitions of feminist jurisprudence can be either inclusive or exclusive. I have self-consciously aimed at the former. While lacking the elusive certainty of clear boundaries, inclusive definitions are far more suitable to this, and I hope every, stage of the feminist enterprise. Rather than seeking merely to distinguish ourselves from others, in the time-honoured manner of traditional male legal discourse, feminists must explore the paradox of commonality in diversity that is our experience as women. Part of the strength of the feminist jurisprudence which the Harvard Women's Law Journal has helped to foster has been the embracing of just this paradox.

What is Feminist Theory?²⁴

Elizabeth Grosz

If we continue to speak this sameness, if we speak to each other as men have spoken for centuries, as they have taught us to speak, we will fail each other. Again ... words will pass through our bodies, above our heads, disappear, make us disappear.²⁵

In the 60s, feminists began to question various images, representations, ideas and presumptions, traditional theorem developed about women and the feminine. To begin with, feminists directed their theoretical attention to patriarchal discourses, those which were either openly hostile to and aggressive about women and the feminine, or those which had nothing at all to say about women. Feminists seemed largely preoccupied with the inclusion of women in those spheres from which they had been excluded, that is, with creating representations which would enable women to be regarded as men's equals. Instead of being ignored by and excluded from theory, women were to be included as possible objects of investigation. Issues of direct relevance to women's lives – the family, sexuality, the 'private' or domestic sphere, interpersonal relations – were to be included, in some instances for the first time, as a relevant and worthy object of intellectual concern. Generally, feminists continued to rely on the methods, techniques, concepts and frameworks of traditional patriarchal theories, especially in leftist or radical form, using them to develop accounts of women's oppression. Some of the relevant names circulating in feminist discourses at the time included Marx, Reich, Marcuse, McLuhan, Laing, Cooper, Sartre, Fanon, Masters and Johnson. Women used these texts in their attempts to include women as the equals of men in the sphere of theoretical analysis, developing out of various theories of (class or race) oppression by modifying and adjusting their details in order to account for women's specific oppression.

Among the relevant features or characteristics describing this phase in the development of feminist theory could be the following:

1. Women and the feminine become worthwhile objects of theory and research. Having been neglected, or denied value in patriarchal terms, women become focal points of empirical and theoretical investigation.
2. Women and the feminine, as excluded or neglected objects in traditional theoretical terms, are now conceptualised as men's equals – as the same as men in relevant socio-economic and intellectual terms.
3. While elements or components of patriarchal discourses may be criticised, questions about their more basic framework and assumptions, whether ontological, epistemological or political, remain unasked.
4. While remaining critical toward the attitude of patriarchal discourses to the position of women, feminist theory is largely concerned with 'women's issues', those which directly affect women's lives, leaving other, 'broader' or more 'public' issues uncriticised.
5. Patriarchal discourses were subjected to an either/or decision: either they were considered thoroughly infiltrated with patriarchal values and thus need to be rejected; or they are capable of 'rectification' so that women can now be

24 Elizabeth Grosz, 'What is Feminist Theory?' in Carole Pateman and Elizabeth Grosz (eds), *Feminist Challenges: Law and Social Theory* (Allen and Unwin, 1986), pp 190–205.

25 Luce Irigaray, 'When Our Two Lips Speak Together', *Signs*, 6, 1, pp 69–79.

included. Patriarchal discourses, in other words, were either rejected outright or were more or less wholeheartedly accepted (with 'minor adjustments').

However, within a short period it became clear that the aim of including women as men's equals within patriarchal theory contained a number of problems not anticipated at the outset. Perhaps most strikingly, it became increasingly clear that it was not possible simply to include women in those theories where they had previously been excluded, for this exclusion forms a fundamental structuring principle and key presumption of patriarchal discourses. Many patriarchal discourses were incapable of being broadened or extended to include women without major upheavals and transformations. There was no space within the confines of these discourses to accommodate women's inclusion and equal participation. Moreover, even if women were incorporated into patriarchal discourses, at best they could only be regarded as variations of a basic humanity. The project of women's equal inclusion meant that only women's sameness to men, only women's humanity and not their womanliness could be discussed. Further, while women could now be included as the objects of theoretical speculation, their positions as the subjects or producers of knowledge was not raised. In other words, in adopting the role of the (male) subjects of knowledge, women began to assume the role of surrogate men.

As subjects of knowledge, women were faced with a dilemma. They could either remain detached from the 'objects' of their theoretical investigations (where these objects are women or femininity), in which case women may be considered to retain their 'objectivity' and, neutrality'; or women could maintain a closeness to and identification with their 'objects'. In the first case, such women, while gaining the approval of their male colleagues and possibly some position of respect within academic communities, must nevertheless disavow their own positions as women. In the second case, by their self-inclusion within the category of objects investigated, many women lose the detachment needed to be considered 'scientific' or 'objective', resulting, perhaps, in ridicule or some form of academic secondariness. Yet such women, through the risks they thus take in questioning the most general assumptions and givens of intellectual inquiry, retain some possibility of maintaining identities as women. In the long run this may have led to questioning the use and value of the distinction between subject and object, transforming the very grounds of current debate.

In abandoning such attempts to include women where theory excluded them, many feminists came to realise that the project of women's inclusion as men's equals could not succeed. This was because it was not simply the range and scope of objects that required transformation: more profoundly, and threateningly, the very questions posed and the methods used to answer them, basic assumptions about methodology, criteria of validity and merit, all needed to be seriously questioned. The political, ontological and epistemological commitments underlying patriarchal discourses, as well as their theoretical contents required re-evaluation from feminist perspectives, as it became increasingly clear that women could only be included in patriarchal texts as deviant or duplicate men: the *a priori* assumptions of sameness or interchangeability, sexual neutrality or indifference, the complete neglect of women's specificities and differences, could not be accommodated in traditional theoretical terms. The whole social, political, scientific and metaphysical underpinning of patriarchal theoretical systems needed to be shaken up.

While problematic and ultimately impossible, the aspiration towards an equality between men and women was nevertheless politically and historically necessary. Without such attempts, women could not question the naturalness or seeming

inevitability of women's second class status as citizens, subjects, sexual beings etc. This aim of equality served as a political, and perhaps as an experiential, prerequisite to the more far-reaching struggles directed towards female autonomy – that is, to women's right to political, social, economic and intellectual self-determination. This seems probably the most striking shift in feminist politics since its revival in the 60s.

This basic shift from a politics of equality to a politics of autonomy may have created an uneasy tension within feminist circles, for these two commitments are not necessarily compatible. Autonomy implies the right to see oneself in whatever terms one chooses – which may imply an integration or alliance with other groups and individuals or may not. Equality, on the other hand, implies a measurement according to a given standard. Equality is the equivalence of two (or more) terms, one of which takes the role of norm or model in unquestionable ways. Autonomy, by contrast, implies the right to accept or reject such norms or standards according to their appropriateness to one's self-definition. Struggles for equality imply an acceptance of given standards and a conformity to their expectations and requirements. Struggles for autonomy, on the other hand, imply the right to reject such standards and create new ones.

Feminists concerned with questions surrounding women's autonomy and self-determination are, ironically, no less concerned with the work of male or masculinist theory than their equality oriented counterparts, although the male proper names have changed significantly over the 20 year period of feminism's existence as a self-consciously political intervention into theory. The names of Freud, Lacan, Nietzsche, Derrida, Deleuze, Althusser, Foucault in France, and Richard Rorty, Anthony Wilden, Frederic Jameson, Stephen Heath, Terry Eagleton, Paul de Man etc, in England and North America constitute just some of the 'names' with which contemporary feminist theory has engaged. But what has dramatically changed is the feminist attitude towards and use of patriarchal discourses. Instead of these discourses and their methods and assumptions providing uncriticised tools and frameworks by which women could be analysed as objects, now these discourses become the objects of critical feminist scrutiny. Such discourses and methods are now tactically used without necessarily retaining general commitment to their frameworks and presumptions. Feminists do not seem so eager to slot women into pre-existing patriarchal categories and theoretical spaces; instead, it is women's lives, and experiences, that provide criteria by which patriarchal texts can be judged. Basic, unspoken assumptions of patriarchal theories, the ways in which they develop and gain precedence, their use of criteria and methods of inclusion and exclusion are all beginning to be analysed from feminist perspectives. Women asserted themselves not as objects but as subjects of knowledge with particular perspectives and points of view often systematically different from men's. Such perspectives or viewpoints are not simply 'subjective' in the sense of individual, personal or idiosyncratic positions – 'subjectivity' being seen as an interference with the 'objective' procedures of knowledge in just the same way that men's theoretical productions are a function of their lived positions in the world. The production of discourse is, for the first time, being examined as a process of sexual division and exclusion.

Feminists of autonomy can be contrasted with feminists committed to struggles of equality on at least the following points:

1. Women become both the subjects as well as the objects of knowledge; but, in occupying the position of subject, feminists do not continue to produce knowledge as if they were men, as if knowledge were sexually indifferent.

Women's femininity is asserted as a theoretical undertaking, with a number of consequences, among them:

2. In assuming the positions of knower or subject, the methods, procedures, presumptions and techniques of theory are all put into question.
3. Feminists develop perspectives not just on or about women and women's issues' but about any object at all – including other theories, systems of representation etc.
4. Feminists don't simply assert the either/or alternative, based on 'expelling unsound' or patriarchal elements or wholesale adoption of theoretical viewpoints. Instead, while attempting to 'work through' patriarchal texts, understanding how they work and how they exert their dominances, feminists attempt to use what they can of these theories – often against themselves! No longer simply condemning or accepting certain discourses, now they are analysed, examined and questioned – actively engaged with and challenged in their operations.
5. Feminist theory challenge both the content and the frameworks of discourses, disciplines and institutions, attempting to present alternatives or develop them where they did not yet exist.

These interventions and interrogations may have produced one of the most subversive challenges to patriarchal theory that this century, or epoch, has seen: 'It is a major historical event which holds the promise of enabling a more complete challenge to domination than has yet been possible before'.²⁶ In the diverse disciplines constituting the social sciences and humanities, in which most feminist theorists received their training, many matured from a position akin to apprenticeship (where women learned the skills of prevailing (masculine) forms of scholarship and research) to a position of relative self-determination (where women are able to use the techniques and skills they have acquired against the very disciplines in which they were trained). These disciplines, and the specific texts and practices associated with them, have become the objects of feminist analysis and criticism. Theory, rather than 'Woman' is now the terrain of contestation between feminists and non- or anti-feminists.

Feminist struggles for autonomy, self-determination and a viable place which women can occupy as women in the theoretical and socio-political universe have developed into a two pronged or dual faceted form. On the one hand, feminist theory has radically questioned and attempted to undermine the presumptions, methods and frameworks of phallogocentric or patriarchal discourses and disciplines. On the other hand, feminist theory has simultaneously attempted to explore and develop alternatives to these phallogocentric systems, bringing into being new, hitherto unarticulated, feminine perspectives on the world. In other words, today feminist theory is involved in both an anti-sexist project, which involves challenging and deconstructing phallogocentric discourses; and in a positive project of constructing and developing alternative models, methods, procedures, discourses etc.

The anti-sexist project clearly implies a thorough knowledge of and familiarity with prevailing theoretical paradigms and their histories. Such an endeavour means working with, understanding and reflecting on those theoretical systems which comprise women's history and their contemporary situation, and

26 G Finn and A Miles (eds), *Feminism in Canada: From Pressure to Politics* (Montreal: Black Rose Books, 1982).

participating in women's oppression. Yet anti-sexism is largely negative and reactive, aiming to challenge what currently exists, what is presently dominant and responsible for women's phallogocentric position in theoretical representation. Such a critical, reactive project is necessary if feminist theory is to avoid the intellectual perils of abstraction, idealisation or irrelevance. It risks projecting an ideal or utopian future for women which is unanchored in or unrelated to what exists here and now. It risks a series of commitments it may wish, on reflection, to reject. It risks repeating problems of the past without recognising them as problems or learning from them. The critical, anti-sexist project is directed against the methods, assumptions and procedures by which patriarchal discourses reduce women to a necessary dependence on men as well as against more insidious, structural expressions of misogyny, which, rather than making sexist pronouncements about women instead present perspectives on the world from a masculine point of view as if such a position were sexually neutral.

If, however, feminist theory remains simply reactive, merely a critique, paradoxically it affirms the very paradigms it seeks to contest. It remains on the very grounds it wishes to question and transform. To criticise prevailing theoretical systems without posing viable alternatives is to affirm such theoretical systems as necessary. Although feminist theory must retain a familiarity with these systems, it must also establish a theoretical distance from too close an adherence to them. If feminist theory does not extend beyond the terms of anti-sexism, it remains bound up with a politics of sameness or equality even while criticising it. The limited but strategically necessary aim of destabilising and dismantling patriarchal discourses is only the first stage or prerequisite for a more encompassing and threatening challenge to patriarchal domination – the struggle for autonomy, implying struggles for the right to different paradigms, theoretical tools, and possibly even a reconceptualisation of the entire system of knowledge and acceptable theoretical methods.

Coupled with the anti-sexist project, feminists are thus involved in the positive task of experimenting with and creating alternatives to patriarchal theoretical norms. Feminist theory can no longer be content with adapting patriarchal theories so that they are capable of analysing woman – which in itself is a phallogocentric endeavour, for it reduces women to theories and categories appropriate for and developed from masculine points of view. The positive components question and displace the very foundations upon which traditional theories are based.

It cannot be specified in advance what an autonomous feminist theory would involve, for this contradicts the very idea of autonomy, the right to choose and define the world for oneself. In their diversity and multiplicity, women claim the right to define their own aims and goals. Although it cannot be specified using one or many models, feminist theory can nevertheless be outlined negatively, for it seems clear that there are a number of theoretical assumptions it would not wish to reproduce. It cannot be regarded, for example, as the reverse or opposite of patriarchal texts, transforming their objects but not their underlying assumptions. On the contrary, it attempts to move beyond them, their frameworks and their limits.

In other words, feminist theory cannot be accurately regarded as a competing or rival account, diverging from patriarchal texts over what counts as true. It is not a true discourse, nor a mere objective or scientific account. It could be appropriately seen, rather, as a strategy, a local, specific, concrete, intervention with definite political, even if provisional, aims and goals. In the 1980s, feminist theory no longer seems to seek the status of unchangeable, trans-historical and

trans-geographic truth in its hypotheses and propositions. Rather, it seeks effective forms of intervention into systems of power in order to subvert them and replace them with others more preferable. Strategy implies a recognition of the current situation, in both its general, structural features (macrolithic power alignments), and its specific, detailed, regionalised forms (microlithic power investments). It needs to know the spaces and strategies of its adversaries in order to undermine their positions within an overall system. It must thus be aware of the kinds of counterstrategy or tactics used by phallogocentric discourses to deploy in order to seek the points of vulnerability. All forms of strategy, in short, involve recognising what is in order to move on to what should be. Strategy always involves short term aims, seen as necessary for the achievement of longer term ideals, which themselves are capable of being modified and transformed during the processes of struggle. As a form of strategy, feminist theory needs to use whatever means are available to it, whether these are 'patriarchal' or not. Phallogocentric insights, concepts and theoretical tools are evaluated in terms of their usefulness, their functioning in particular contexts, rather than in terms of an ideal but impossible purity. As strategy, it is necessarily implicated in the systems it wishes to challenge. Aspirations to a theoretical purity, a position 'untainted' by patriarchal impingements, that is, forms of theoretical separatism where patriarchal terms and practices are rejected, seem naive. They are unable to struggle with, or thus move beyond the patriarchal terms that return to haunt them. In order to challenge and move beyond patriarchal models, feminists must be able to use whatever means are at hand, including those of the very systems it challenges.

As a series of strategic interventions into patriarchal texts, feminist theory does not simply aim to reveal what is 'wrong' with, or false about, patriarchal theories – to replacing one 'truth' with another. It aims to render patriarchal systems, methods and presumptions unable to function, unable to retain their dominance and power. It aims to make clear how such a dominance has been possible; and to make it no longer viable. Since feminist theory lacks the means to directly confront a sophisticated patriarchal theoretical regime in creating alternatives, feminists have had to resort to forms of intellectual guerrilla warfare, striking out at the points of patriarchy's greatest weakness, its blindspots.²⁷ The grounds and terrain upon which patriarchy develops its arguments reveals their partial and partisan instead of universal or representative position. Patriarchal intellectual systems are unlikely to allow such attempts at political subversion to proceed uncontested. In fact, it is clear that traditional discourses and the positions they support have developed a series of counter-strategies and tactical response to the incursions of feminism, and indeed, women, into its fields of operation. These range from more or less personal or petty tactics to more serious, far ranging threats – from personal ridicule, ignorance, stereotyping, to forms of counterattack including wilful misrepresentation, being refused access to professional status and/or a livelihood or having one's work co-opted or neutralised. Such counterattacks are by no means mutually exclusive and are exercised with greater or lesser strength according to the degree of threat feminist theories and objections pose. Without at least some awareness of the range and ferocity of these counterattacks, feminism may be unable to effect the wide ranging subversions it seeks. It need not be committed to patriarchal discourses and their values, yet without understanding them in detail, feminists will be unable to move beyond them.

27 See Luce Irigaray, *Speculum of the Other Woman* (Cornell University Press, 1985).

In summary, feminist theory involves, first, a recognition of the overt and covert forms of misogyny in which discourses participate. This means developing the skills of recognising what makes these discourses patriarchal – including their explicit pronouncements about men and women, and their respective values, as well as the capacity to see how such theories divide up the world according to masculine interests. Second, it involves an ability to recognise patriarchal discourses in terms of their absences, gaps, lacunae, around the question of women and the feminine, understanding how these silences function to structure and make patriarchal discourses possible. Third, feminist theory must be capable of articulating the role that these silences and masculinist representations play in the suppression of femininity, and of affirming the possibility of other, alternative, perspectives, making patriarchal texts unable to assert their hegemony; and fourth, it must develop viable methods for superseding phallogocentric systems of representation even if this means relying on patriarchal methods, using them as a starting point for new directions in theoretical research. By its very existence, such forms of feminist theory demonstrate that patriarchal discourses are not neutral, universal or unquestionable models, but are the effects of the specific (political) positions occupied by men ...

... [F]eminist theory can be provisionally located at the interface of the negative, anti-sexist project and a more positive, speculative, project. It is the refusal of a number of central values, concepts and operations necessary for the functioning of patriarchal theory, and an affirmation of the alternatives to these given forms of discourse. Among the central concepts and values questioned by feminist theory is a core of assumptions shared by most, if not all of the social sciences. In particular, it has seriously questioned patriarchal adherences to the following theoretical commitments:

1. Commitment to a singular or universal concept of truth and methods for verifying (or falsifying) truth. Few theories aspiring to the status of scientific objectivity and truth, conventionally understood, accept their own historicity and the effects that context, environment and particular circumstances have on the production and evaluation of theory. In particular, such theoretical aspirations cannot acknowledge the costs (the silences, exclusions and invalidations) on which they are founded: in seeking the status of truth, they seek a position beyond history and outside power.
2. Its commitments to objectivity, observer neutrality and the context – independence as unquestioned theoretical values. These are closely related to the overevaluation of science and truth as models for knowledge. Objectivity is considered as a form of interchangeability or substitutability of observers or experimenters, as a check against individual bias. This ideal of interchangeability is based on the assumption of a similarity of viewpoint and position between observers – who must be ‘appropriately trained’. This assumption is necessarily blind to the different structural positions men and women occupy, their different degrees of access to suitable training, and their (possibly) different relations to their disciplines. The neutrality and universality of many patriarchal discourses presumed in the social sciences is thus sex-blind – unable to acknowledge the different social positions of men and women in presuming a neutral, interchangeable subject.
3. The commitment to a universal subject of knowledge, a subject presumed to have certain qualities and features: the ability to separate itself from feelings, emotions, passions, personal interests and motives, socio-economic and political factors, the past, one’s aspirations for the future etc. This subject of knowledge is capable of achieving a distance from the object known, thus

being able to reflect on it. It is, however, a subject incapable of accepting its own limits, its materiality and historicity, its immersion in socio-economic and political values. The subject is conceived as disembodied, rational sexually indifferent subject – a mind unlocated in space, time or constitutive interrelations with others; a status normally only attributed to angels!²⁸

4. The commitment to a fixed, static truth, an immutable, given reality, a guaranteed knowledge of Being and access to Reason. Such an ahistorical view cannot account for the variability and historical nature of what counts as true except in terms of a greater and greater access to and knowledge of the truth, that is, except in terms of historical views being false views. It refuses to endorse the possibility of a 'politics of truth', of the political investments in truth. Truth, as a correspondence or veridical reflection of reality, is a perspectiveless knowledge, a knowledge without a point of view – or, what amounts to the same thing, a truth claiming a universal perspective.
5. The commitment to the intertranslatability of concepts, terms, truths, propositions and discourses. As embodied in a prepositional form, knowledge 'is not regarded as dependent on its particular modes of formulation', but on the underlying thoughts it is presumed to express. Language is considered a vehicle for the communication of pre-existent thoughts or ideas. It is seen merely as a medium, a dispensable tool for the transmission of thought, rather than being seen as thought's necessary condition. In denying the materiality of language, prevailing discourses can avoid recognising their dependence on and debt to tropes, figures of speech, images, metaphors etc. evoking the feminine, women or maternity. Patriarchal discourses ignore the complicity of discursive systems with oppressive social structures, and the dependence of discourses on particular positions established by particular modes of language.

There are, of course, many positive features that can be briefly sketched out in general ways which do not pre-empt women's various attempts at self-determination. Included among them are:

1. Intellectual commitments, not to truth, objectivity and neutrality, but to theoretical positions openly acknowledged as observer and context-specific. Rather than deny its spatio-temporal conditions and limits, feminist theory accepts and affirms them, for they are its *raison d'être*. Following Nietzsche, it seems prepared to avow its own perspectivism, its specific position of enunciation, its being written from a particular point of view, with specific aims and goals.
2. In acknowledging its conditions of production, feminist theory seems prepared to question the value of the criteria of objectivity and scientificity so rigidly and imperialistically accepted by intellectual orthodoxies. This is not, however, an admission of any 'subjective bias'. The very distinction between objective (knowledge) and subjective (opinion) is put into question. Feminists seem prepared to accept that the knower always occupies a position, spatially, temporally, sexually and politically. This is a corollary of its perspectivism. It is neither subjective nor objective, neither absolute nor relative. These alternatives, for one thing, cannot explain the productive investments of power in the production of knowledges. This does not, however, mean that feminist theory used no criteria of evaluation or self-

28 cf Luce Irigaray, *L'Éthique de la Différence Sexuelle* (Paris: Minuit).