



Perverse Politics? Feminism, Anti-Imperialism, Multiplicity

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Ann Shola Orloff Talia Shiff #

Article information:

To cite this document: Ann Shola Orloff Talia Shiff # . "Feminism/s in Power: Rethinking Gender Equality after the Second Wave" *In* Perverse Politics? Feminism, Anti-Imperialism, Multiplicity. Published online: 31 Mar 2016; 109-134.

Permanent link to this document:

<http://dx.doi.org/10.1108/S0198-871920160000030003>

Downloaded on: 06 April 2016, At: 10:28 (PT)

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FEMINISM/S IN POWER: RETHINKING GENDER EQUALITY AFTER THE SECOND WAVE

Ann Shola Orloff and Talia Shiff[☆]

ABSTRACT

In recent decades, it is possible to point to a new and evolving debate among analysts of sexuality, political economy, and culture, focused on the implications of feminism's changing relations to institutions of state power and law in the United States. According to these analysts, to whom we refer as the critics of feminism in power, the alliances formed between some feminists and neoliberal and conservative elites, coupled with the installation of feminist ideas in law and state institutions problematize the once commonly held assumption, shared by second-wave feminists, that all women, regardless of differences in social location, face certain kinds of exclusions. With women entering formal positions of power from states to NGOs to corporations, this assumption cannot stand. Critical analysts of feminists in power insist that we consider the implications of advancing a feminist politics not from the margins of

[☆]The authors are equal co-authors and the names are in alphabetical order.

society but from within the precincts of power. They shine a light on a change in feminism's relation to institutions of state power and law as reflected in new political alliances forming between feminists and neoliberal and conservative elites, and the political and discursive uses to which feminist ideas and ideals have been put. Building on work on inequalities and hierarchies among women, these critics take up specifically political questions concerning the kind of feminist politics to be promoted in today's changed gendered landscape. Perhaps most notably, they make explicit a concern shared by radical political movements more generally: what does it mean when the ideas of those who were once considered political outsiders become institutionalized within core sites of state power and law? At the same time, the very broad-brush narratives concerning the cooptation of feminism by neoliberalism put forth by some of these analysts could be complemented with historical and empirical research on specific instances of feminism's reciprocal, though still unequal, relationship with neoliberalism and state power.

Keywords: Feminism; politics; state; law; power; neoliberalism

Feminists in the United States and across the world are today presented with a gendered landscape characterized by 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. Observers invoke “a world split open” (Rosen, 2013) to signify the magnitude of the upending of what has been understood as “tradition” when it comes to women’s – and men’s – “place(s),” family, and gender relations. At the same time, gender inequalities stubbornly persist across multiple arenas, and we’re far from a “50/50” world, whether we look at politics, wages, care work, sexual pleasure, or almost anything else. There are persistent and 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. Thus, while the necessity 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,

in the United States, there has been a significant transformation in feminisms' relation to institutions of state power and law.¹ If second-wave feminists were largely making claims as political outsiders, today's feminisms can no longer be said to consist of counter-cultural minority discourses – it's quite the opposite, according to some commentators.

The implications of feminisms' changing relations to institutions of state power and law in the United States, especially those that feature reliance on policing and punishment and overlap with neoliberal political projects, have become the focus of what we believe to be a new and evolving debate among analysts of sexuality, political economy, and culture. According to these analysts, to whom we refer as the *critics of feminism in power*, the growing number of women who occupy positions of formal authority and power, the ways in which some foundational feminist ideas are installed within core sites of state power and law, and the fact that the successes of socially conservative and neoliberal intellectual and political projects have resulted, in part, from the appropriation and reshaping of ideas originally forwarded by feminists, pose new questions and challenges for feminists.²

"Feminists now walk the halls of power," according to Janet Halley, and feminists' expanding exercise of power has tracked the vast expansion of public/private alliances which now govern human life at every level, from the local to the global. Halley (2006, 2008) coined the term "governance feminism" to refer to feminists who hold positions of authority in "fluid, non-pyramidal, networked connections" or in formal state institutions and as corporate elites. Fraser (2009) has referred to "the cunning of history" in describing the appropriation of feminist ideas and the cooptation of feminists by their erstwhile opponents, corporate leaders, and their political advocates. While these critics differ in the types of arguments that they level against feminism they similarly contend that the alliances formed between some feminists and neoliberal and conservative elites coupled with the installation of feminist ideas in law and state institutions make feminisms' ostensible commitment to all women problematic – these are perverse alliances.

From this perspective, 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 projects³ – is critical for assessing the opportunities and dangers confronting contemporary feminist politics. What does it mean to voice feminist values from within the precincts of power and to talk about female victimization – a key trope in the fight against endemic sexual violence or coercive labor conditions – in a world that does not neatly divide into subordinated women and powerful men, and in which there is an increasing

number of women claiming independent standing among the socially advantaged, who may nonetheless face threats to bodily integrity?

This essay attempts to shed light on this arguably new and emerging set of (post-second wave) critiques of *feminism in power*. We believe they are distinct from those of past generations in their focus on feminisms' changed relations to institutions of state power and law as a primary lens for (re)thinking feminism as an emancipatory and political project. Do they have a genuinely distinct vision of feminism? In their call for a new starting point for considering gender equality and women's emancipation, what new light do these critiques shed on the implications of pursuing a feminist politics today? We argue that the questions they raise will be useful for scholars who want to understand new challenges for feminist politics and feminist theories, and that they should encourage contextualized, empirical research on feminisms' reciprocal, albeit still unequal, relationship with political and social power in all its guises.

We focus on the United States, where these critiques have been most prominent and where there are notable linkages among feminism, neoliberal and carceral state projects, which have gone further than anywhere else in the world. However, these suggestions about the significance of feminists in power may have wider applicability, and, indeed, one of our aims in this paper is to stimulate comparative discussions of these issues. It seems quite likely that the differing political contexts – dominated by social democratic or bourgeois parties, or in imperial or neocolonial states, and so on – in which feminists find themselves will shape the impact of feminists wielding power.

In recent years, scholars have offered various definitions of new approaches characterizing contemporary feminist debates. Snyder (2008, pp. 176–196), for example, contends that it is possible to point to a “third” wave of feminist debate, distinguished from second-wave feminism by the tactical approach it offers to some of the impasses that developed within feminist theory in the 1980s. This approach includes foregrounding personal narratives that illustrate a multi-perspectival version of feminism in response to the collapse of the category of women, an embrace of multi-vocality over synthesis and action over theoretical justification, and an emphasis on “an inclusive and nonjudgmental approach that refuses to police the boundaries of the feminist political.” While we choose to refrain from the use of the wave imagery, we contend that the “critiques of feminism in power” can arguably be distinguished from the analyses of both second-wave and third-wave feminists: they differ from the former in their focus on feminisms' changed relation to institutions of state power and from the latter in their rejection of a seemingly “welcoming feminist politics

of coalition” unreflective on how personalized feminist narratives are selectively incorporated by neoliberal and conservative elites in ways that undermine further movement toward gender equality.⁴ Perhaps most distinctly, they view feminisms’ changed relation with state institutions and law as a primary lens through which to (re)think gender equality and political emancipation.

In the following section, we provide an overview of some of the changes which differentiate today’s gendered landscape – the context for these contemporary *critiques of feminism in power* – from earlier conditions. We then lay out what seem to us to be the distinctive elements of the new critiques, and then turn to the questions and challenges they pose for feminists. What types of arguments do they level against feminism? To what extent do they view the changes in feminisms’, or feminists’, relation to the state as standing in the way of further movement toward gender equality?

A NEW GENDERED ORDER: NEW QUESTIONS AND CHALLENGES FOR FEMINIST CRITIQUE

The play of advantage and disadvantage across gender and other forms of power, difference, and inequality clearly diverges from what these were in the era of more stable gendered hierarchies. 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. The fact of state-sanctioned discrimination and explicitly gender-differentiated social provision, buttressed by informal institutions keeping most women in a state of economic dependency and vulnerability to violence and sexual exploitation, gave credence to the claims of second-wave feminists that women shared interests in eradicating this state of affairs, despite many differences among them.

Today, long-standing feminist support for women’s claims to personhood, and most importantly to the recognition of women as individual social beings (see, e.g., [Pateman, 1988](#)), has undoubtedly found some success.⁵ Yet, while great strides have been made in eliminating formal discrimination, gendered inequalities remain notable. 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.⁶ 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.

This unsatisfactory set of arrangements has long been critiqued by feminists; scholars have examined the variety of feminist responses to these persisting gender inequalities, proposing many typologies (see, e.g., Echols, 1989; Nicholson, 1997). Socialist or labor feminists aimed to overhaul the political economy and shift 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. To a certain extent, these differences in emphasis remain among current thinkers, but we can no longer easily divide feminists into three or four groupings within a broad women's movement — and, indeed, historical research on second-wave feminism suggests the inadequacy of simple typologies even for the earlier period. What is clear to many observers is that ideas that might be identified as feminist have diversified, and feminists are to be found in a far greater range of political organizations and movements.⁷ Yet we do want to stress one key change: the demise of the commonly held assumption that had previously tied divergent strands of feminist thinking together: that all women, regardless of differences in social location, faced certain kinds of political and social exclusions. With women entering formal positions of power in states, global governance institutions, NGOs, and corporations, this assumption cannot stand. And it is precisely this growing awareness to feminisms' and feminists changed relation with institutions of state power and law that has become the focus of a new set of critiques, the critiques of *feminism in power*.

In this context, it is worth saying a few words about the ways in which critiques of *feminism in power* differ from those voiced by “intersectionality” scholars such as Crenshaw (1991), 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.⁸ Pointing to the specificities of contemporary inequalities, they argue that 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), and that women’s experiences of sexual domination and masculine violence reflect 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 multiple forms of inequality and domination and that in the contemporary global North, we face widening gaps between the situations of the advantaged and the disenfranchised.

These premises are indisputable. But their concern has been less with specifically political questions about feminist projects and it is in this sense that they differ quite distinctly from what we identify as the new *critics of feminism in power*. According to the latter, the complex – possibly “perverse,” possibly only “uneasy” – alliances forming between feminists, state institutions, and the law, and what these imply for traditional understandings of gender equality and emancipation, raise new sets of questions regarding the specific opportunities and risks when core feminist ideas are incorporated within mainstream state institutions and law, questions which will not be limited to asking who got left out.⁹ 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. Critical analysts of *feminists in power* insist that we consider the implications of advancing a feminist politics not from the margins of society but from within the precincts of power. Implicit to all is a frustration with traditional feminist understandings of women’s subordination and masculine domination. They implore us to search for a new language by which to address persisting gender inequalities at a time when some women are empowered precisely by deploying some of the tropes of feminism, which, they argue, might be thought of as “perverse” or deformed variants of feminist ideologies. This set of critiques is the focus of the next section.

A POST-SECOND WAVE FEMINIST DEBATE: THE CRITICS OF *FEMINISM IN POWER*

Critics of feminism in power comprise a diverse group of scholars and their critiques of feminisms and feminists cover a wide range of issues. These critics are to some degree split over the extent to which feminisms' changed relation to state institutions and law contributes to the narrowing of the substance of gender equality and whether these developments are an inevitable concomitant of feminisms' successes. What nonetheless ties them all together is the shared contention that there has been a significant change in feminisms' relation to positions of authority and state power and that this change has important implications for how we think of feminism as an emancipatory political project.

Two main areas of scholarship taken up by this emerging group of scholars include work on feminist campaigns against sexual violence, with a particular focus on anti-sex trafficking campaigns, and work on gendered welfare institutions. While these critiques are to some extent intertwined, they diverge in the types of arguments they level against feminism and in how they define the target of their assessments. Works on sexual violence and sex trafficking tend to focus their critique on feminists allying with carceral, anti-sex groups and on the problematic alliances of feminism with social conservatives' fixed notions of victimhood and "worthy" and "unworthy" women, and their use of the state and the law to police sexuality. In contrast, scholars working on gendered welfare institutions are more concerned with the uneasy alliances, particularly around promoting women's paid employment, formed between political elites influenced by neoliberal thinking and the organizations or individuals describing themselves as dedicated to promoting the interests of women.

CRITIQUES OF FEMINIST IN POWER: ANTI-SEXUAL VIOLENCE AND ANTI-SEX TRAFFICKING CAMPAIGNS

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. These new analyses build on the work of [Brown](#)

(1995), Smart (2002), and others about the problems attendant on feminisms' turn to law and other elements of the neoliberal state for resolution of injury and harms. The increasing reliance of feminisms on legal rights as a source of emancipation and gender equality tends to undermine people's recognition that freedom depends on its practice, rather than legal guarantees alone (see also Zerilli, 2005). Because legal rights tend to operate as an ahistorical, acultural, and acontextual idiom they claim a distance from particular political contexts and become an end rather than a means.

Like past generations of scholars, *critics of feminism in power* argue that the attempt to write women's experience into law runs the danger of constituting women as sexually violable, obscuring not only the diversity and complexity of women and women's experience but also creating them as eternal victims. Their critique, however, is focused less on the experience of individual women and more on what this implies for feminism as an emancipatory political project. From this perspective, the harm caused by feminists' deployment of law as a primary tool for battling sexual violence is the transformation within feminism itself; feminists concerned with sexual violence and domination have increasingly shifted their 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 formed alliances with social conservatives and neoliberal elites who want to strengthen state punishment of perpetrators.¹⁰ These alliances, they contend, have problematic and even dangerous implications – they are “perverse” from the perspective of a democratic and intersectional feminism.

The encouragement of incarceration, policing, and punishment in place of public investment is one such problematic implication of the complex interrelations forming among feminism and neoliberal projects. Richie (2012) argues that feminist anti-violence 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 furthered the transformation of the United States into a “prison nation.” Bumiller (2008) notes that these campaigns helped 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. Suk (2006) shows how feminists’ support of and active contribution to the recasting of violence against women in the home as a public (as opposed to private) matter resulted in a reconstruction of the home as a “space in which criminal law deliberately and coercively reorders and controls private rights and relationships in property and marriage – not as an incident of prosecution, but as its goal” (p. 7).

The ways in which feminist anti-trafficking campaigns have fueled neoliberal and socially conservative agendas, many times standing in the way of further movement toward gender equality, has also been a major focus of *critics of feminists in power*. Parreñas (2001; see also Boris & Parreñas, 2010) has argued that feminist anti-trafficking 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.” Bernstein and Shih (2014) expose the exploitative “rescue” operations of Christian NGOs, in which former sex workers toil for low wages in bad conditions in “rehabilitative” projects, all let loose in the wake of the absence of formal state labor protections. Here, switching the focus away from regulation of exploitive labor relations dovetails with neoliberal agendas, which have been relentlessly anti-regulation. At the same time, Parreñas (2014) identifies difficulties in describing these matters as labor issues and appealing to labor standards to deal with the coercion characteristic of some sex work as well as some domestic, agricultural, or manufacturing labor; she does not believe campaigns in favor of abolition of prostitution target these issues, but does not want to revert to the most commonly specified alternative, libertarianism or laissez-faire. Here, one might identify these discursive and political difficulties as the collateral damage of the loss of social-democratic alternatives in the wake of the demise of the Soviet bloc and the rise of the political and religious right.

Bernstein (2007, 2010, 2012, 2016) focuses on the problematic alliances formed between neoliberal elites and feminist anti-trafficking 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 anti-trafficking 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 – by which she seems to imply both specific corporate elites as well as an economic and social philosophy – 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.

Perhaps one of the most influential thinkers on the changes in feminism's relation to institutions of state power and law in this context is Janet Halley, who devoted her 2006 book *Split Decisions: How and Why to Take a Break from Feminism*, to feminists' increasing representation among those who wield power – a phenomenon she terms *governance feminism*. According to Halley, feminists' changed relations to institutions of state power and law leaves us no other option that to “take a break” from feminism. Tracing the last two decades of theoretical work on sexuality in the United States, she concludes that all feminist theories share three core notions: “m is distinguished from f,” that is, femininity, or women, or females, are distinguished from masculinity, or men, or males; descriptively, f is defined by its subordinated relation to m, and feminism's normative goal is to put an end to such subordination – “feminism carries a brief for f.” She argues that 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 counter-cultural 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).¹¹

In Halley's view, feminism's commitment to women, and to the particularistic vision of justice implied by this commitment, was justifiable when feminists spoke from the standpoint of a counter-cultural minority, but is no longer so when applied by state elites and institutions. Although a growing number of “[f]eminists now walk the halls of power,” feminism continuously views itself as the underdog and women as eternal victims disregarding not only the possibility that women are at times instigators of conflict but also occluding 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. Halley has the later work of Catharine MacKinnon – particularly its “conflation of theory with reality and feminism with truth” (2006, p. 128) – very much in mind in making her critique of governance feminism, which instantiates what is understood to be the viewpoint of “f,” and then creates policies and laws based on the “truth” of feminism which will “carry a brief” for women, such as the well-known MacKinnon/Dworkin anti-pornography ordinances. In a remarkable passage in *Split Decisions*, Halley discusses the bad faith – the refusal to acknowledge its will to power – of governance feminism: “Any force as powerful as feminism must find itself occasionally looking down at its own bloody hands ... Prodigal theory often emerges to represent sexual subjects, sexual possibilities, sexual realities, acts, bodies, relationships onto which feminism has been willing to shift the sometimes very acute costs of feminist victories in governance. I think this is an inevitable, not a bad, consequence of feminism's ascendance to some governance powers. But when governance feminism/feminist theory pretends it is always the underdog, and when feminists insist that prodigals must be converged back to feminism or feminism will die, it waxes power without owning it” (Halley, 2006, p. 33).

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.

CRITIQUES OF FEMINISTS IN POWER: THE GENDERED WELFARE STATE

Critical analysts of gendered welfare institutions have primarily focused on the uneasy alliances forming between political elites influenced by neo-liberal thinking and the organizations or individuals describing themselves

as dedicated to promoting 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. The law eliminated the right to social assistance and mandated that welfare recipients, even those with very young children, work for pay or engage in “workfare” activities. However, 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, but also reflected the fact that rank and file members of feminist groups like the National Organization for Women (NOW) supported work requirements for welfare mothers, given their overall commitment to encouraging women’s employment as the preferred 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 own interests in opening employment opportunities. In *Feminism Seduced*, Eisenstein (2009) traces the ways in which “mainstream” and liberal feminism served to legitimize the ideas and practices of corporate capitalism by undermining labor and socialist feminists’ struggles to promote the distinct needs and interests of women, which she sees as instantiated in the protection of women’s caregiving. Eisenstein contends that the push to integrate women into the capitalist economy provided a convenient justification for neoliberal elites to cut welfare programs and lower wages.

Other scholars have pointed to the ways in which changes in the system of social provision and regulation in the United States have also featured the rise of new technologies of subjectification which draw strength from therapeutic thinking and neoliberalism’s anti-social perspective. Carceral and welfare functions are linked, and public and private institutions involved in complex and often-opaque webs of governance that elude democratic control.¹²

Fraser (2013) indicts welfare reform for its promotion of women’s employment, its neglect of caregiving and other non-commodified but socially essential activities and its unquestioning acceptance of the

public-private divide. She uses this as evidence for broader claims that second-wave feminism implicitly supports some elements of neoliberalism. However, for Fraser the growing power of self-identified feminists within state elites, the complicity of some feminists with neoliberal elites and the cooptation of feminist ideas into core institutions of state power and law, are not an inevitable consequence of feminism's ascendance to some governance powers 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. And according to Fraser, not only is it possible to reverse this perverse affinity formed between feminism and neoliberal elites, but this reversal can only be achieved through a reinvestment in feminist ideology itself.

In *Fortunes of Feminism* (2013), Fraser provides a historical narrative which depicts a significant change in feminism's core tenets, a striking contrast to Halley, who argues that feminism's core notions have essentially remained unaltered, and that what has changed is their social positioning vis-à-vis state institutions and law. 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 and androcentric "Keynesian welfare" capitalism, which was simultaneously organized around the needs of households "headed" by breadwinning men. However, reflecting the "cunning of history," 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.¹³ The disintegration of feminist critique allowed for the selective incorporation of feminist ideas and cultural attitudes into the neoliberal transformations of postwar capitalism. This created 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.¹⁴ According to Fraser, it is this perverse affinity that also explains why feminism thrived in the context of neoliberalism and became a broad based mass social phenomenon.

In Fraser's view, a reframed feminism has the potential to "disrupt the easy passage" from feminism to neoliberalism by working to reintegrate the dimensions of redistribution, recognition, and representation that have splintered since the high point of the second wave, and by working to end the consignment of caregiving to the private sphere alone. More specifically, contemporary feminism should refocus its critique on the constraints on most women's lives that arise from market-mediated processes of subordination, for it is over these forms of gender subordination that feminism and neoliberalism diverge. Would such a feminism be socialist? Like Halley, Fraser takes a "left" positioning for granted, but while Halley sees "socialist feminism" as all but a corpse, thus pinning her hopes for progressives on other elements of the rainbow coalition, Fraser seems to believe that some variety of (feminist) socialism could be resurrected. Rather than take a break from feminism, feminists should reinvest in the radical versions of feminist ideology.

We must note that there are no actual agents in Fraser's analysis, but rather ideas, feeling currents, cultural attitudes that work to legitimate new forms of capitalism. In contrast to Halley, whose book is filled with careful analysis of specific authors and texts, Fraser never cites a single "second-wave feminist" author or text. Because we believe that second-wave feminists – plural – had diverse political tendencies and have developed their work in diverging ways, we find the lack of specificity in her critique troubling. Fraser draws heavily on Eisenstein's (2005, 2009) analysis of "Feminism Seduced" (her title) which from the sound of it would have living feminists succumbing to the advances of neoliberal elites ... guys in suits? According to Eisenstein, feminist ideas and women's labor both (inadvertently?) "help" corporate capital; her book is subtitled "how global elites use women's labor and ideas to exploit the world." Fraser therefore seems to be saying that feminists are "objectively" allying with – or used by – neoliberalism, which denies the true victimhood (economically) of the masses by claiming that all women are capable of economic agency.

DISCUSSION: RETHINKING THE MEANINGS OF A (NEW?) FEMINIST POLITICS

Critics of feminists in power seem to be critiquing "feminists in power," who are allied with different elements in the right-wing coalition that is too often identified simply as "neoliberal." Moreover, it is not always clear

whether they are targeting feminist practice and the actual “feminists [that] now walk the halls of power” (Halley), or feminist theory and the cooptation of feminist ideas and values by their erstwhile opponents, corporate leaders and their political advocates (Fraser). Moreover, while critics of anti-sexual violence/sex trafficking campaigns seem to be more concerned with the alliance of feminism with social conservatives and their use of state and law to police sexuality, scholars of the gendered welfare state seem to be more worried about the alliance of feminism with commodifying and individualizing neoliberalism. As such these critics provide us at times with contrasting approaches for grappling with the fate of contemporary feminism. The one approach, articulated most clearly by Halley, defines feminism as a form of political affiliation and practice. From this perspective 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 a particular project, but one not without justifications. The second approach, articulated most clearly in Fraser’s *Fortunes of Feminism*, defines feminism first and foremost as a set of ideas and values. According to this view, by reintegrating the dimensions of redistribution, recognition, and representation, and by refocusing feminism’s critique on constraints that arise from market-mediated processes of subordination – especially those related to caregiving, feminism can “disrupt the easy passage from feminism to neoliberalism” and provide instead an opening to a broader emancipatory project.

Notwithstanding these differences the upshot of these analyses is that certain strands of feminism have been incorporated into mainstream political discourse and law and that some self-identified feminists are in power in a world in which women are no longer only victims, nor are they, formally speaking, second-class citizens. Moreover, they 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. 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, in addition to 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 decreasing the state’s role in social provision were joined to the buildup of the state’s capacities for policing, punishment, and imprisonment.

Thus, what perhaps most distinguishes these *critics of feminism in power* from those of past generations is the shared assertion that feminisms’ relation to institutions of state power and law has changed and that this change is crucial for how we think and do feminist politics. While one sees some overlap with the “sex wars” of the 1980s, in that these critics are, like the so-called “pro-sex” feminists in that encounter, suspicious of claims that the law can further women’s diverse erotic interests, they are concerned less with how to formulate a feminist response to subjectification while respecting the diverse desires of different women and men, than with the implications of making claims in the name of women, whether against or for various forms of sexual behavior, from within the precincts of power. The *critics of feminism in power* find fault with anti-pornography feminists for aligning with the political conservative right and for presuming to know the truth of women’s interests and desires. At the same time, their critique is focused less on understanding sex as a venue for pleasure and agency, as well as a source of danger, and more on disrupting what they view as the perverse alliances formed between certain mainstream strands of feminism and neoliberal and conservative elites. Stated differently, these critics shift the focus of the debate from the threat posed to the agency of individual women to the threat posed to feminism as a political emancipatory project.

We note that these scholars work within, and usually seem to assume, a US context, but they are cited and taken up well beyond the borders of the United States. In the spirit of “provincializing” the United States, we present their critiques as most relevant for this country. However, we also want to open up the question of whether these analyses have applicability elsewhere, or if differing contexts require different analytic frameworks, or simply different conclusions about states, law, and feminism.¹⁵

CONCLUSION

What are we to make of the *critics of feminism in power*? We believe they have zeroed in on a phenomenon that feminists would do well to examine further. The critics of *feminism in power* shine a light on a change in feminism's relation to institutions of state power and law as reflected in new political alliances forming between feminists and neoliberal and conservative elites, and the political and discursive uses to which feminist ideas and ideals have been put. Building on work on inequalities and hierarchies among women, these critics take up specifically political questions concerning the kind of feminist politics to be promoted in today's changed gendered landscape. Perhaps most notably, they make explicit a concern shared by radical political movements more generally: what does it mean when the ideas of those who were once considered political outsiders become institutionalized within core sites of state power and law? Is it possible to avoid allying with the powers that be, neoliberal or socially conservative, in pursuit of feminist aims of combatting women's exploitation? Should we be trying to avoid such political entanglements? What are the implications of such alliances? Is appropriation the only fate of feminism and feminist ideas in the context of capitalism and neoliberal governance? And how does feminism relate to other emancipatory and democratic movements?

In making explicit these concerns and in demanding that we contend with the implications of changes in feminisms' relation to institutions of state power and law, *critics of feminists in power* shed light on some of the core political challenges facing feminism which previous generations of critics have too often left unexamined. At the same time, we think the critics of feminists and feminism in power – including Halley's critique of "governance feminism," or Fraser's broadside against second-wave feminism's appropriation by the commodification agenda of neoliberalism – are engaging in very broad-brush and over-generalized narratives concerning the cooptation of feminism by neoliberalism (see also [Eschle & Maiguashca, 2014](#); [Newman, 2013](#)).

Significant political specificities are occluded by such stories. For example, some analysts chart growing divergence on issues of gender and sexuality between the libertarian right and social conservatives, while the abolitionist agendas of concern to Halley have been taken up by a very wide range of political forces, including social democrats as well as corporate elites (Bernstein forthcoming). And while the social-democratically inflected feminism predominant in Sweden has successfully achieved far

greater support for caregiving activities than is the case in the United States, it has also supported an abolitionist position vis-à-vis prostitution. Is “governance feminism” ever justified? Or is the problem “just” that it won’t acknowledge its will to power? Moreover, we find somewhat frustrating Halley’s analysis of “hybrid” (or “divergent”) feminisms for it seems to us that she could build on the potential in hybrid feminisms in her prescriptions for the future, were she not so intent on justifying a “break” from feminism. Similarly, the term “neoliberalism” is too often invoked without considering its specific political manifestations. We will need a rather more contingent and contextualized political analysis of feminism, neoliberalism, and the socially conservative right in order to understand future possibilities. We would like to see a more nuanced analysis that examines the reciprocal, though still unequal relationship, between neoliberalism and feminism.

If we reflect on the question of women’s employment – commodification of their labor, and loss of the exemption from the mandate to work for pay by virtue of caregiving – we can see that 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). But in the United States, mandates for maternal employment have not been joined with the expansion of public supports such as paid parental leaves and child care that have accompanied such mandates in other countries, such as Sweden, Norway, Denmark, and Finland (e.g., Orloff, 2006, 2009; see Leira, 2002; Lundqvist, 2011 on Nordic developments). 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. As women’s activism helped neoliberal capitalism expand by contributing to women’s activation for employment, it also made new demands on capitalism, including for equality, rights, and welfare benefits.

Similarly, when considering feminist campaigns against sexual violence and anti-trafficking campaigns, *critics of feminism in power* seem to all too easily disregard the potential usefulness of law and state authority (i.e., police) as tools for combating violence and, in certain instances, even empowering its victims. While rightfully criticizing the problematic implications of the perverse alliances forming between feminists and neoliberal and conservative elites – namely projects that encourage incarceration, policing, and punishment, many times to the detriment of the most

vulnerable of women – they fail to recognize how in certain circumstances quests for reform through use of law and from within the current system have the potential to produce a better future for women (e.g., Karalekas, 2014; Westlund, 1999). Moreover, their critiques leave unattended the question of whether there is a real (and desired) alternative to that of working within the precincts of power and through use of law to combat different forms of sexual violence. An absolute rejection of law as an institution to which women can turn is absurd. Rather, we need to investigate the contexts and conditions under which feminists' use of law and work within state institutions might produce enabling alternatives for women.

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?

Our goal in this initial overview is to shed light on the fact that a new approach to feminism, states, law, and power is emerging among US-based feminist analysts of political economy and sexuality. These scholars and activists raise important questions for contemporary feminist politics: that any discussion of contemporary feminist politics must take into consideration two interrelated, yet distinct, 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, and that this in part came 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.¹⁶

To answer the question of how feminists' increasing exercise of power may open up spaces for alternative forms of claim making and political alliances is beyond the scope of this paper, 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. We reject over-generalizations of feminisms' alliances with neoliberal forces and elites; these are detrimental to feminist politics. We prefer a more contextual approach – one that recognizes possibilities for change across feminists' diverse alliances, with both elite and popular organizations, through and beyond state policies and the law. To understand the

implications of pursuing an emancipatory feminist politics today, we encourage an exploration of these coinciding developments and the interrelations between them.

NOTES

1. There are interesting parallels to work on transformations in racial states. For example, King and Lieberman (forthcoming) investigate the instantiation of the ideas of the civil rights movement into the US state – contemporaneous or slightly before the installation of ideas about gender equality – by disaggregating “the state into a set of primary activities and dimensions” in order to examine the different modalities by which the American state affects racial politics and racial inequalities. They argue that the federal state underwent a transformation from being an agent of oppressing African Americans to being an agent of civil rights and formal racial equality. How to account for these changes and the simultaneous development of mass incarceration, disproportionately affecting African Americans, and the persistence of others elements of racial disparities and oppression is an analytic challenge, again with interesting parallels for understanding the unevenness of gendered political transformations.

2. A wide range of materials documenting the rise in the numbers of women in political office can be found at the useful websites of the Inter-Parliamentary Union – <http://www.ipu.org/iss-e/women.htm>, and the Center for Women and Politics at Rutgers University – <http://www.cawp.rutgers.edu/>. For accounts of women’s achievement in education, see Arnot, David, and Weiner (1999). Brunson (1991, 1997) and Angela McRobbie (2009) have both pointed to the ways in which feminism has become canonized as part of the academic curriculum.

3. 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 than 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.

4. A number of scholars have problematized the imagery of waves as occluding the contributions of feminist women of color, portrayed as having emerged on the feminist scene only with the “third wave,” thereby transforming a “white” movement into a multicultural one. Thompson (2002) writes the second wave’s history

foregrounding the prominent contributions of women of color and anti-racist feminism.

5. Thanks to Sheila Shaver for raising this point.

6. Women's income inequalities have widened over the last 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).

7. Thanks to Wendy Larner for raising this point at our session at the "Revising Gender" conference, Stockholm, in June 2014.

8. Contemporary analysts are not, of course, the first to notice the complex inequalities and hierarchies among women. Historically, women, and the feminists among them have been divided around slavery, Jim Crow, religion, class or colonialism – to name but a few of the political cleavages which affected women and men alike. It is worth remembering that there were also moments of learning across these differences, for example, when Murray and Eastwood (1965) analogized Jim Crow to the treatment of women, as "Jane Crow."

9. Zerilli argues (2005, p. 172) that, "The idea that speaking for others necessarily generates exclusions and refusals and therefore should be avoided is to miss the whole point of democratic politics. Such politics consists precisely in the making of universal claims (speaking for), hence in closure, and in their acceptance or refusal (speaking back), hence also in openness. Fundamentally anticipatory in character, speaking politically is about testing the limits to every claim to community, about testing the limits and nature of agreement, about discovering what happens when the agreement breaks down or never materializes in the way we thought in the first place, that is, when we spoke politically (in other words, claimed to be speaking for others)."

10. The term "neoliberal elites" is often used too loosely. While some seem to refer to corporate elites, others seem to focus more on social conservative and anti-sex moralists.

11. In later projects, Halley distinguishes between strands of feminism that "walk the halls of power" (Halley, 2006, p. 21) and strands of feminism which "disqualify their proponents from inclusion in the power elite" (Halley, Kotiswaran, Rebouché, Shamir, & Thomas, n.d., p. 2). See also Halley (2011).

12. Haney's (2010) ethnographic explorations of juvenile homes and facilities for incarcerated mothers are exemplary in showing how well-intentioned feminist initiatives have resulted in greater surveillance and control of both mothers and children.

13. Indeed, Funk (2013) questions Fraser's assumption that second-wave feminism was dominated by Marxist or socialist feminism; instead, she claims that liberal feminism was the dominant strand.

14. Fraser discusses the affinities between feminism and some elements of capitalism as consisting in the mutual critique of traditional (patriarchal) authority, restating Marx and Engels' famous description of capitalism's "solvent" effects on "tradition" (Berman, 1983).

15. We hope in future research to assess work on the "woman friendly" Nordic state (Hernes, 1987), European social democracy and "state feminism," and the role of "femocrats" (a term originating in Australia, Eisenstein, 1996).

16. We are not here simply restating Fraser's and Halley's points, respectively. We think these two points reflect empirical realities that feminists face.

ACKNOWLEDGMENTS

An earlier and much shorter version of this paper appears in *Emerging Trends*, edited by Robert Scott and Stephen Kosslyn (Wiley, 2015). Thanks to the other editors of this special issue, Raka Ray and Evren Savcı, and to the anonymous reviewers, for helpful suggestions. We also benefitted from the comments of our fellow panelists and discussants, Abigail Andrews, Savina Balasubramanian, Elizabeth Bernstein, Jennifer Carlson, Hae Yeon Choo, Myra Marx Ferree, Anna Korteweg, Raka Ray, Evren Savcı, and Nazanin Shahrokni at the Social Science History Association 2013 and 2014 annual meetings, and Agnes Hubert at the *Social Politics* 20th anniversary celebration conference “Revisioning Gender,” held in Stockholm, Sweden, in June 2014. We are also grateful to several colleagues who read earlier versions of the paper and provided suggestions: Marianne Constable, Mary Dudziak, Joan Fujimura, Bruno Perraeu, and Sheila Shaver. Any remaining mistakes, over-generalizations, and infelicities of expression are ours alone.

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