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THE DOUBLY-PRIZED WORLD: MYTH, ALLEGORY AND THE FEMININE

Drucilla Cornell †

Who in his heart doubts either that the facts of feminine clothiering are there all the time or that the feminine fiction, stranger than the facts, is there also at the same time, only a little to the rere? Or that one may be separated from the other? Or that both may then be contemplated simultaneously? Or that each may be taken up and considered in turn apart from the other?¹

I

INTRODUCTION

My purpose in this essay is to give an account of the “feminine fiction, stranger than the facts” that is there “at the same time, only a little to the rere.” I will elaborate on the relationship between the Feminine, as what I will call an imaginative universal, the experience of actual women, and the dream of a new choreography of sexual difference. As we will see, the Feminine should neither be identified with the experience of any given historical group of women, nor philosophically denied and politically rejected as a regrettable return to essentialism belied by the play of difference. To affirm the Feminine within sexual difference, we do not need an essentialist or naturalist theory of woman.

Ultimately we cannot escape an appeal to the Feminine within feminist theory. Why, indeed, would we, as feminists, want to join the chorus of those who would deny feminine “reality?” Yet, I put the word “reality” in quotation marks deliberately. It is precisely the status of feminine reality as “stranger than the facts” and “a little to the rere” which must be accounted for if we are to move beyond the central dilemma confronting feminist theory. That dilemma can be summarized as follows: If there is to be feminism at

† Professor of Law, Benjamin N. Cardozo School of Law. This essay is dedicated to Robin Flicker and Deborah Garfield. I want to express my thanks to Nelly Furman and Susan Williams for their excellent comments and to Robin West for his true dialogic engagement with the text. I want to thank William Bratton for his support and criticism. In addition, I thank Richard Bernstein for his thoughtful remarks on an earlier draft of this paper. Special gratitude is owed to Bruce Ackerman for his friendship and unflagging intellectual energy and insight.

¹ JAMES JOYCE, *FINNEGANS WAKE* 109 (1939).

all, as a movement unique to women, we must rely on a feminine voice and a feminine "reality" that can be identified as such and correlated with the lives of actual women. Yet all accounts of the Feminine seem to reset the trap of rigid gender identities, deny the real differences among women (white women have certainly been reminded of this danger by women of color), and reflect the history of oppression and discrimination rather than an ideal to which we ought to aspire. To solve this dilemma, we must return to the significance of the Feminine. The Feminine must play a role both in feminist theory and in feminist *praxis*.

Emily Brontë once wrote in her journal, "this world is hopeless without, the world I doubly prize." Without the dream of the doubly-prized world, the failings of this world, particularly as they are experienced by Brontë as a woman, are unbearable. For purposes of feminist theory, I suggest that we must give a new twist to Brontë's lines to give an account of the Feminine. The world doubly prized is the world "stranger than the facts" that opens us to the possibility of a new choreography of sexual difference, through an allegorical account of the Feminine as beyond any of our current stereotypes of Woman. We also need to prize the Feminine, in and for itself, through the retelling of the myths of the Feminine as an imaginative universal. Both myth and allegory are necessary, indeed unavoidable, in feminist theory.

Once we understand the relationship between myth and allegory in accounts of the Feminine, we can also unfold the role of the utopian or redemptive perspective of the not-yet. This perspective exposes our current system of gender representation as "fallen." Within feminist theory the Feminine itself has often stood in as the figure that gives body to redemptive perspectives. How should we hope to become? Like Woman.

This implicit normative judgment is often drawn from descriptions of the way women supposedly "are." Yet the ethical dimension is irreducible to a mere descriptive account of the way women are or have been. Of course, it is crucially important to break the silence that has kept "her-story" from being heard. But we also need to recognize explicitly the "should be" inherent in accounts of the Feminine, insofar as the Feminine is prized as not only a different, but a better, way of being human. My goal is to suggest ethical feminism as an alternative to both liberal and radical feminism. Ethical feminism explicitly recognizes the "should be" in representations of the Feminine. Correspondingly, ethical feminism rests its claim for the intelligibility and coherence of "her-story" not on what women "are," but on the remembrance of the "not yet" which is recollected in both allegory and myth. I begin this essay with a cri-

tique of a countervailing narration of the Feminine as rooted in the unique bodily experience of women.

There have been competing conceptions of how the Feminine as the expression of the female body shapes women's identities and maintains feminine differences as distinct from the experience of masculine subjectivity. Michèle Montrelay, for example, describes how the shadow of a primary female identity, and a separate libidinal economy, are created through the girl's primordial experience of internal genital organs.² This uniquely female libidinal economy lingers even after it is restructured and reorganized by the little girl's entry into the symbolic order. Although both sexes enter the realm of the symbolic, the feminine unconscious differs from the masculine because the dynamic of repression differs. The little girl's identity continues to be marked by the shadow of her primordial experience. Kristeva also provides a complex account of how a woman's experience of her body provides the basis for a different way of being human.³ For Kristeva, it is the experience of mothering that differentiates women from men. More importantly, motherhood connects us to the other in a way that undermines the masculine notion of the self as a "possessive individual." Within American jurisprudence, Robin West developed a narration similar to Kristeva's without the same recourse to psychoanalytic theory.⁴ I will combine my critique of Kristeva with a discussion of West's writing.

II

WEST'S "PHENOMENOLOGY" OF THE FEMININE

West develops a conception of women's hedonic experience which correlates with our reproductive capacities and which separates the female identity from the male. For West, the central goal of feminist theory is to develop a "phenomenology"⁵ of woman's difference which will expose woman's experience. Only within the context of a "phenomenology" of women's experience can feminists

² Michèle Montrelay, *Inquiry Into Femininity*, in *FRENCH FEMINIST THOUGHT* 227 (Toril Moi ed. 1987).

³ Julia Kristeva, *Woman Can Never Be Defined*, in *NEW FRENCH FEMINISMS* 137 (Elaine Marks & Isabelle de Courtivron eds. 1980) [hereinafter Kristeva, *Woman Can Never Be Defined*]; Julia Kristeva, *Women's Time*, in *THE KRISTEVA READER* 187 (Toril Moi ed. 1986) [hereinafter Kristeva, *Women's Time*].

⁴ See generally Robin West, *The Difference in Women's Hedonic Lives: A Phenomenological Critique of Feminist Legal Theory*, 3 *WIS. WOMEN'S L.J.* 81 (1987) [hereinafter West, *Women's Hedonic Lives*]; Robin West, *Jurisprudence and Gender*, 55 *U. CHI. L. REV.* 1 (1988) [hereinafter West, *Jurisprudence and Gender*].

⁵ "Phenomenology" is not used by West in the strict philosophical sense. The meaning is best understood in West's own words. See West, *Women's Hedonic Lives*, *supra* note 4, at 81-97.

critique the values of the current legal system as male-dominated. As West explains:

This abandonment by feminist legal theorists of the phenomenological realm of pleasure and desire is a function of legalism, not true feminism. It reflects the extent to which we have embraced the ideals of legalism—whether we regard those ideals as substantive equality, liberal tolerance, privacy or individual autonomy—rather than the methodology of feminism—careful attention to phenomenological narrative. It reflects the extent to which we have allowed liberal and radical norms drawn from non-feminist traditions to become the criteria by which we judge the narratives of our lives that emerge from consciousness-raising, *instead of the other way around*.⁶

West gives us several examples of how the experience of women goes unnoticed by the law.⁷ This lack of attention perpetuates tremendous suffering in the lives of actual women by denying their experience. Within the legal sphere, the identification of the human with the male keeps our claims from being heard, let alone justified:

Just as women's work is not recognized or compensated by the market culture, women's injuries are often not recognized or compensated *as injuries* by the legal culture. The dismissal of women's gender-specific suffering comes in various forms, but the outcome is always the same: women's suffering for one reason or another is outside the scope of legal redress. Thus, women's distinctive, gender-specific injuries are now or have in the recent past been variously dismissed as trivial (sexual harassment on the street); consensual (sexual harassment on the job); humorous (non-violent marital rape); participatory, subconsciously wanted, or self-induced (father/daughter incest); natural or biological, and therefore inevitable (childbirth); sporadic, and conceptually continuous with gender-neutral pain (rape, viewed as a crime of violence); deserved or private (domestic violence); non-existent (pornography); incomprehensible (unpleasant and unwanted consensual sex) or legally predetermined (marital rape, in states with the marital exemption).⁸

For West, the central mistake of liberal feminism is its attempt to justify women's injuries as legally redressable by translating them into a framework which inevitably only further distorts the "real" experience of women.⁹ West argues that the norms of the legal system itself—such as autonomy—make such translation impossible be-

⁶ *Id.* at 118 (emphasis in original).

⁷ *See id.* at 97-108.

⁸ *Id.* at 82 (footnote omitted) (emphasis in original).

⁹ *Id.* at 83-84.

cause these norms reflect male, rather than female, experience.¹⁰ We get legal redress in our current system, in other words, only by denying, or at least distorting, the truth of female "reality." For West, a reconstructive feminist jurisprudence must face this dilemma directly. Otherwise, legal reform will only perpetuate the silencing of our women's voices. As West explains, "'Reconstructive feminist jurisprudence,' I believe, should try to explain or reconstruct the reforms necessary to the safety and improvement of women's lives in direct language that is true to our own experience and our own subjective lives."¹¹

For West, the process of translating the harms suffered by women into legally established rights should reflect women's fundamental experience of our bodies based on our reproductive capacity.¹² As a result of our unique bodily structure, we relate to the world differently from the way men do. According to West, we value intimacy rather than individuation because of our connection to birthing and child-rearing. Our bodies also make us vulnerable to invasion. For example, we are susceptible to rape and unwanted pregnancies. For West, the right to abortion is the right to defend against bodily invasion.¹³ Only on the basis of such a justification will the right reflect the experience of women. If our legal system is to overcome its masculine bias, we must introduce into the law woman's experience of bodily vulnerability, self-defense and the values of intimacy and love. But we can only understand the legal system as masculine if we first grasp the basis of the unique relationship to the world which women share simply because we are women. West's account of women's bodies is the "foundation" for both her critical and her reconstructive projects:

Underlying and underscoring the poor fit between the proxies for subjective well-being endorsed by liberals and radicals—choice and power—and women's subjective, hedonic lives is the simple fact that women's lives—*because of our biological, reproductive role*—are drastically at odds with this fundamental vision of human life. Women's lives are *not* autonomous, they are profoundly relational. This is at least the biological reflection, if not the biological cause, of virtually all aspects, hedonic and otherwise, of our "difference." Women, and *only* women, and *most* women, transcend *physically* the differentiation or individuation of biological self from the rest of human life trumpeted as the norm by the entire Kantian tradition. When a woman is pregnant her biological life embraces the embryonic life of another. When she later

¹⁰ *Id.* at 81-83.

¹¹ West, *Jurisprudence and Gender*, *supra* note 4, at 70.

¹² *Id.*

¹³ *Id.*

nurtures children, her needs will embrace their needs. The experience of being human, for women, differentially from men, includes the counter-autonomous experience of a shared physical identity between woman and fetus, as well as the counter-autonomous experience of the emotional and psychological bond between mother and infant.¹⁴

There is a tension in West's work as to the causality of the biological in the formation of female identity. At times, West indicates that it is because of our biology that women are and have been different from men. Biology, in other words, causes women to have a particular psychic structure. Our reproductive capacities shape our psychic identity. Therefore, women value intimacy and connection rather than autonomy and separation.¹⁵ Yet West also recognizes that women may experience their biology in the way she describes because it is given expression and lived in a particular system of gender representation.¹⁶ Thus, the system of gender representation, rather than the underlying biological "facts," engenders feminine identity. Correspondingly, not biology, but the system of gender representation, provides the basis for women's shared experience. To quote West:

[M]aterial biology does not *mandate* existential value: men *can* connect to other human life. Men can nurture life. Men can mother. Obviously, men can care, and love, and support, and affirm life. Just as obviously, however, most men don't. One reason that they don't, of course, is male privilege. Another reason, though, may be the blinders of our masculinist utopian visionary. Surely one of the most important insights of feminism has been that biology is indeed destiny when we are unaware of the extent to which biology is narrowing our fate, but that *biology is destiny only to the extent of our ignorance*.¹⁷

Yet, in spite of her recognition of the limits of biologically determined explanations of feminine difference, West continues to maintain that there are connections among women's identity, experience and biology.¹⁸ Indeed, she defends the need to root feminist theory in a theory of female *nature*, which requires an account of how biology functions in the acquisition of a female identity.¹⁹ Without a theory of female *nature*, West believes it is impossible to develop a "phenomenology" of women's unique and shared experience.²⁰

14 West, *Women's Hedonic Lives*, *supra* note 4, at 140.

15 *See id.* at 140-41.

16 *See id.* at 140.

17 West, *Jurisprudence and Gender*, *supra* note 4, at 71 (emphasis in original).

18 *See generally* West, *Women's Hedonic Lives*, *supra* note 4.

19 *See id.* at 140-41.

20 *Id.*

Furthermore, without such a "phenomenology," West argues, there is no basis for a feminism founded in the unique experience of women. For feminism to exist, we must have a naturalist or essentialist view of the Feminine, for only this view provides a "female reality" that all women can, at least potentially, understand as their own. In other words, women are differentiated from one another, but as *women*, we share a common biological structure, which in turn affects our psychic identity. Individual identity remains, in this sense, a female identity. Therefore, shared experience is possible because of a female nature. The feminine in this way is mapped onto femaleness. It is the mapping of the feminine onto femaleness which marks West's project as naturalist or essentialist.

Yet it is precisely essentialist and naturalistic accounts of the feminine that have been philosophically rejected as inconsistent with post-modern philosophy. It is not a coincidence that many works that are often labeled as post-modern grew out of the critique of Husserl's phenomenology. West's own project, however, is based on neither French nor German phenomenology. West wants to root the feminine in a natural account of women's reproductive capacity. As we have seen, for West, the "essence" of women is fundamentally linked with women's actual reproductive capacities. In this sense, she finds the ultimate reality of woman in her biological structure. By so doing, she collapses women's essence into her nature. In Husserl, on the other hand, "essences" are irreducible to the "factual" or to the natural. Husserlian phenomenology is instead concerned with essences that are eidetically abstracted pure phenomena. Yet, as we will see, West's insistence on a feminine "reality" "there" as women's nature would still fall prey to the post-modern deconstruction of the philosophical basis of phenomenology.

III

THE FEMINIST DILEMMA RE-STATED

Derrida's deconstruction²¹ of Husserl's metaphor of the interweaving of the "pre-expressive" *noema* with the "expressive" power of language²² is relevant here. Derrida, with others, has deconstructed the rigid divide between *Sinn* and *Bedeutung*, roughly translated as reference and meaning. Derrida shows that reference involves a context of pre-given meaning, which makes pure revelation impossible because we can not erase the performative aspect of

²¹ See generally Jacques Derrida, *Form and Meaning: A Note on the Phenomenology of Language*, in MARGINS OF PHILOSOPHY 155 (Alan Bass trans. 1982).

²² Derrida is commenting principally on Husserl's *Logical Investigations*. See generally EDMUND HUSSERL, LOGICAL INVESTIGATIONS (J.N. Findlay trans. 1970).

language.²³ Derrida demonstrates that although Husserl recognizes the productivity of language as expression through metaphor, and its inevitable "use" in the relation of pre-expressive *noema*, he continually seeks a "mirror writing" that would ultimately cancel out his own inevitable use of metaphor to "describe" the relation between the "two states," so as to let us uncover the essence the things form. To quote Derrida:

Thus, the preexpressive noema, the prelinguistic sense, must be imprinted in the expressive noema, must find its conceptual mark in the content of meaning. Expression, in order to limit itself to transporting a constituted sense to the exterior, and by the same token to bring this sense to conceptual generality without altering it, in order to express what is already thought (one almost would have to say written), and in order to redouble faithfully—expression then must permit itself to be imprinted by sense at the same time as it expresses sense. The expressive noema must offer itself, and this is the new image of its unproductivity as a blank page or virgin tablet; or at least as a palimpsest given over to its pure receptivity. Once the inscription of the sense in it renders it legible, the logical order of conceptuality will be constituted as such.²⁴

This attempt to achieve "mirror writing," which ultimately erases its own metaphors, and with metaphor the performative power of language, is, for Derrida, the very definition of metaphysical language which could be *true* to the things themselves. As we will see, for Derrida, such a language is impossible. But for Husserl, it is necessary for the revelation of *essence* as a conceptually generalizable form. Crucial to Husserl's project is the "purification" of the concept of form and with it of essence from the metaphysical tradition which had "corrupted" it. But, as Derrida explains, this "purifying" critique continually gets bogged down by the very productivity of language in which it must be carried out and explained, which then undercuts its own claim to "cut" through to the "essence" of the form of things themselves. Derrida states that "[f]orm 'is'—[i]ts [e]llipsis,"²⁵ because the interrelationship between the two strata cannot be described other than through expression which involves metaphors. It would only be possible to achieve phenomenology's stated goal of revealing the form of the things themselves if expressing is to do nothing more than transport a constituted sense to the exterior, and by so doing merely re-issue a *noematic* sense by providing access to conceptual form.²⁶ But just as Husserl tries to explain how this purification is to take place, he gets strung up in the ex-

²³ See Derrida, *supra* note 21, at 158-66.

²⁴ *Id.* at 164.

²⁵ *Id.* at 169.

²⁶ See *id.* at 162-63.

pression of the interlacing of the two strata, the pre-expressive and linguistic expression:

The *interweaving* (*Verwebung*) of language, the interweaving of that which is purely language in language with the other threads of experience constitutes a cloth. The word *Verwebung* refers to this metaphorical zone. The "strata" are "woven," their intercomplication is such that the warp cannot be distinguished from the woof. If the stratum of the logos were simply *founded*, one could extract it and bring to light its underlying stratum of nonexpressive acts and contents. But since this superstructure acts back upon the *Unterschicht* in an essential and decisive manner, one is indeed obliged, from the very outset of the description, to associate a properly *textural* metaphor with the geological metaphor: for cloth means *text*. *Verweben* here means *texere*. The discursive is related to the nondiscursive, the linguistic "stratum" is intermixed with the prelinguistic "stratum" according to the regulated system of a kind of *text*.²⁷

Thus, Derrida shows us in his deconstruction of Husserl's text that the interweaving of *Sinn* and *Bedeutung* is regulated by its textuality and *mode* of expression. This is not to say that there is no distinction, but only that the distinction is itself dependent upon textuality.

We can now begin to understand what Derrida means and does not mean by his famous statement "there is nothing outside of the text." He does not mean that deconstruction suspends reference as if such a suspension would be possible. Indeed, language implies reference. If we can say that without *Bedeutung* there would be no *Sinn*, we could also say that, without the postulation of reference, there would be no *Bedeutung*. We will return to the relationship of this postulation of reference to undecidability which, within the context of Husserl's philosophy, indicates the impossibility of purifying form, so as to know, through eidetic abstraction, the essence of things themselves. We will also see how undecidability plays a necessary role in the reconceptualization of feminism as ethical feminism. For now, I simply want to emphasize that deconstruction's insistence that the real world is "there" as textual effect does not mean that there is no "real" world to which we refer. The "real world" can not be erased precisely because it is "here" as textual "effect." Deconstruction reminds us, in other words, about how the real world "is"; it does not deny its pull on us, even as it insists that it is a pull which, in turn, implies the possibility of resistance. This reminder of how the real world "is" as textual effect does reinstate a transcendental aspect in Derrida's thought, which is why Derrida himself is careful to remind us that deconstruction is neither anti-

²⁷ *Id.* at 160 (emphasis in original).

foundationalist nor foundationalist. But the transcendental moment is itself called into question as the relationship between *Sinn* and *Bedeutung* is continuously problematized:

To say, in effect, that the description of the infrastructure (of sense) has been guided secretly by the superstructural possibility of meaning, is not to contest, against Husserl, the duality of the strata and the unity of a certain transition which relates them one to the other. It is neither to wish to reduce one stratum to the other nor to judge it impossible completely to recast sense in meaning. It is neither to reconstruct the experience (of sense) as a *language*, above all if one takes this to be a *discourse*, a verbal fabric, nor to produce a critique of language on the basis of the ineffable riches of sense. It is simply to ask questions about *another relationship* between what are called, problematically, *sense* and *meaning*.²⁸

Deconstruction, then, undermines the attempt to establish language as a pure medium that simply accepts sense and brings it to conceptual form. The discourse of phenomenology cannot free itself from the productivity of *Eindildung*, because of its own use of images, figures, etc.

West does not speak directly to the issue of the status she wants to give to her phenomenology.²⁹ But to the degree that she wants to get back, beyond language to the *very essence of form of Woman*, she is ensnared in the phenomenologist's dilemma. An essentialist theory of Woman would have to reveal Woman for what she truly is, beyond the trappings of culture and the "false consciousness" of patriarchy. This attempt demands that we "purify" language so that it is only a medium which would allow the "true" form of woman to at last be self-evident. West misunderstands the degree to which her own essentialist project necessarily replicates the attempt to cleanse language of its productivity. It is in this sense that the deconstruction of the rigid divide between *Sinn* and *Bedeutung*³⁰ is relevant to recent feminist debates over the question of essentialism. Essentialism, in the strong sense, demands a particular view of language. Even West's belief that women lie implies something like an appeal to a known interiority in which "our experience" is safely enclosed.³¹ If one takes West's phenomenology literally, then consciousness-raising would be the end of this lying. Consciousness-raising would bring "our experience" into the exterior, giving it

²⁸ *Id.* at 171-72 (emphasis in original).

²⁹ See generally West, *Women's Hedonic Lives*, *supra* note 4.

³⁰ See *supra* notes 21-28 and accompanying text.

³¹ See West, *Women's Hedonic Lives*, *supra* note 4, at 127. West is relying on Adriene Rich's argument that one of women's problems is that women lie. For a more comprehensive discussion of this argument, see *infra* notes 64-65 and accompanying text.

conceptual form through expression. I believe that West herself has a more expansive concept of consciousness-raising than making explicit what was already there. But I also want to suggest that to the degree that she continues to advocate essentialism, she is in danger of limiting the role of consciousness-raising.

To better understand what is at stake in the essentialist/anti-essentialist debate as it has been developed in feminist theory, we are again returned to Derrida's analysis of philosophical language as necessarily aspiring to effectively erase the metaphors in which it is enclosed. The goal is to achieve a pure conceptual knowledge through the constant cleansing of language, so as to allow an accurate representation of the thing it seeks to know. This aspiration inevitably involves a suspicion of metaphor as the "contamination" of "mirror writing." Yet, as we have seen in Husserl, metaphor is inevitable to the description of the metaphysical project itself. To quote Derrida:

Metaphor, therefore, is determined by philosophy as a provisional loss of meaning, an economy of the proper without irreparable damage, a certainly inevitable detour, but also a history with its sights set on, and within the horizon of, the circular reappropriation of the literal, proper meaning. This is why the philosophical evaluation of metaphor always has been ambiguous: metaphor is dangerous and foreign as concerns *intuition* (vision or contact), *concept* (the grasping or proper presence of the signified), and *consciousness* (proximity or self-presence); but it is in complicity with what it endangers, is necessary to it in the extent to which the detour is a re-turn guided by the function of resemblance (*mimēsis* or *homoiōsis*), under the law of the same. The opposition of intuition, the concept, and consciousness at this point no longer has any pertinence. These three values belong to the order and to the movement of meaning. Like metaphor.³²

Derrida shows us that there is no reassuring opposition of the metaphoric and the proper at the same time that he demonstrates that it is through metaphor that we assign what is "proper" to a given thing. As we have seen, Derrida deconstructs the possibility of reaching the essence of the form of the thing itself through eidetic abstraction. But there is still the aspiration in philosophy to know the "essence" of the real so that one can decisively separate the real and the literal from fantasy, illusion and fiction.

Let us for the moment define the "literal" rendering of the real as that which most clearly respects the properties of things. If we cannot escape language, or render it a pure medium, we are forced

³² Jacques Derrida, *White Mythology: Metaphor in the Text of Philosophy*, in MARGINS OF PHILOSOPHY 270 (Alan Bass trans. 1985) (emphasis in original).

to attribute properties through the "detour" of metaphor. Figuration through metaphor is a tool that must be eventually discarded if it is to achieve its function of taking us to the "literal." This fundamental ambivalence inheres in the relationship Derrida describes between metaphor and philosophy. Put very simply, philosophy needs metaphor to reach the real and yet metaphor always takes us away from "it" by performing on "it." Metaphorical transference, in other words, is a mechanism by which we attempt to reach the literal, understood as the necessary or essential properties of things. But ultimately we must discard it as a mechanism, if we are to achieve "mirror writing," and therefore know the essence of the things themselves. To quote Derrida's description of the conditions "necessary" for metaphoric transportation:

The transported significations are those of attributed properties, not those of the thing itself, as subject or substance. Which causes metaphor to remain mediate and abstract. For metaphor to be possible, it is necessary, without involving the thing itself in a play of substitutions, that one be able to replace properties for one another, and that these properties belong to the same essence of the same thing, or that they be extracted from different essences. The necessary condition of these extractions and exchanges is that the essence of a concrete subject be capable of several properties, and then that a particular permutation between the essence and what is proper to (and inseparable from) it be possible, within the medium of quasi-synonymy. That is what Aristotle calls the *antikatēgoreisthai*: the predicate of the essence and the predicate of the proper can be exchanged without the statement becoming false.³³

Essence and property are not identical. The point is that without "direct" access to the essence of the thing, we reach that essence only through the metaphorical transference of properties. Metaphor, however, must then ultimately be re-collected if Husserl is to achieve his goal of reducing expression so that it merely re-issues *noematic* sense. But if this cannot be done, and it cannot be done if the trail of metaphor never comes to an end, then we are left with a *prescriptive* transference through metaphor of the properties supposedly essential to the thing. It is in precisely this *prescriptive* moment in metaphorical transference, which is supposedly erased in the myth, that we can ultimately re-collect metaphor. In other words, there is the myth that I am not speaking of what is *proper* to the thing as it should be, I am only indicating what it truly is in its essence. Otherwise, we are left with the prescription of properties that cannot erase its normative underpinnings. We prescribe these proper-

³³ *Id.* at 249.

ties as the essence of the thing because that is how we know the thing, or more precisely how we think the thing should be, because if we cannot simply give the thing its proper name through pure expression, we are always *prescribing* its properties. It is this moment of prescription in metaphorical transference, which assigns the proper, that makes Derrida himself suspicious of metaphor.

I want to return now to the way in which the appeal to the essence of Woman, since it is not possible in any pure sense, leads to reification of so-called properties of femininity and with it the proper place of women. What gets called the essence of Woman is precisely this metaphorical transport of the so-called proper. Therefore, what one is really doing when one states the essence of Woman is re-instating her in her proper place. But the proper place, so defined through West's essential properties of what women can be, ends by shutting them in once again in that *proper* place. In this special sense, the appeal to the essence of Woman, since it cannot be separated completely from the *prescription* of properties to her, reinforces the stereotypes that limit our possibilities. I want to emphasize how West's essentialism misses its prescriptive re-instatement of the proper, precisely to the degree that it claims to have reached the "essence" of Woman.³⁴ This essence, as we have seen, carries within it our "should be," in the sense that women are better because of their essence or nature.

There appear in the literature two ethical presentations—one stronger and one weaker, sometimes without a clear line of demarcation between them—of the view that the female voice should count as an expression of feminine difference. The first is that women's voices should count because all voices should count. The second is more explicitly rooted in the feminine as a different way of being human. Women's experience should count because it is ethically superior and, therefore, can provide us with a standard for judging this world. To paraphrase the argument: we, unlike men, know what it means to care and to love others. As a result, if we bring our voice into the public realm, the ethical and political reality of all of our lives will be changed. West embraces as her own the stronger rather than the weaker version of the story that tells of the *value* of taking into account female difference. For West, the rejection of the relevance of love as fundamental in public life is a reflection of masculine values. Moreover, this exclusion has severely crippled even the most radical of masculine political visions:

Indeed, I can't imagine any project more crucial, right now, to the survival of this species than the clear articulation of the impor-

³⁴ See generally West, *Women's Hedonic Lives*, *supra* note 4.

tance of love to a well-led public life. We not only need to show that these values are missing from public life and not rewarded in private life, but we also need to show how our community would improve if they were valued.³⁵

When West makes statements about the ethical significance of our difference, she is very close to Aristotelian naturalism—indeed, closer to Aristotelian naturalism than she is to Husserl's phenomenology—although no “modern” Aristotelian would embrace her conception of love as necessary to public life. Women *are X*. A *good* woman is true to what she is. This description of the true woman carries within its own properties. We know what a *good* woman is because we know what a woman is and, therefore, what it means to be “true” to our own nature. To be “good” is to live up to the aspiration that this truth lays out for us, at least if we take seriously the Aristotelian form of argumentation.

West wants to ground women's difference in their nature; yet, in spite of herself, she limits consciousness-raising to revelation. “True consensus,” in other words, is ultimately possible between women, even if we currently disagree, because we can *use* consciousness-raising to take us back to our nature. Once we know what our true nature is, we can also assess whether our nature is “better” than theirs, by comparing the properties that inhere in our “true” nature to those of men. The prescriptive moment in this argument demands the ascription of properties to women. It is this relationship of prescription to ascription that allows ethical statements to achieve the objectivity that West seeks. In spite of her affirmation of the creative power of consciousness-raising and her sensitivity to the danger of accusing any woman of the distinction between her own sexuality and the “true” nature of woman, she cannot avoid—at least as long as she wants to embrace naturalism—telling us of the proper place for Woman.

The sense in which I am writing of prescription is exactly the kind of prescription that makes Catharine MacKinnon suspicious of any writing of the feminine that affirms feminine difference. In the name of an appeal to essence, we are only reinstating the vision of what is proper to us in patriarchal society. This is why MacKinnon insists that any affirmation of the feminine involves limiting our possibilities.³⁶ MacKinnon insists that we must reject any notion of Woman's proper place. To reify this proper place as nature is worse yet because for MacKinnon our “nature” has always been defined by man.

To summarize, the deconstructive project resists the reinstatement

³⁵ West, *Jurisprudence and Gender*, *supra* note 4, at 65.

³⁶ See *infra* notes 103-06 and accompanying text.

ment of a theory of female nature as a philosophically misguided bolstering of rigid gender identity within the dichotomous structure of the *logos*. Deconstruction also demonstrates that there is no essence of Woman that can be eidetically abstracted from the linguistic representations of Woman. The referent Woman is dependent on the systems of representation in which she is given meaning.

Moreover essentialist or naturalist theories of the feminine—and they are not the same—have been ethically and politically condemned for providing a new justification for the old stereotypes, even if those stereotypes supposedly are now being used to *affirm* the feminine. The price we pay for the affirmation of the feminine, so the argument goes, even if it could be philosophically defended, is too high. This view that the price is too high is the basis for the sophisticated version of liberal feminism which would insist that the only way for women to achieve legal recognition of their equal status to men is, at the very least, to deny the legal relevance of their difference to the degree that it exists. Women are individuals, and as individuals they should be recognized as legal persons and not reduced to their specific gender identity. There is, in other words, no shared female identity. There are only individuals who happen to be women.

But, of course, the feminist response is that this strategy joins forces with the dominant discourses so as to again deny us legal redress. Worse yet, to the degree liberal feminism accepts masculine norms it undermines the possibility of recognition of the unnoticed suffering of women. West seems to have a powerful argument that without an account that affirms the unique experience of women as *women* we participate in our silencing. For West, we are not just individuals. We are women, and we cannot escape our destiny as genderized human beings by maintaining the illusion that women and men are just “people.”

Moreover, as we have seen, the challenge to “individualism” in West is not just made in the name of protecting the reality of a shared female experience, although this is obviously the central goal. Female difference should be valued not just because it is “there” but because it indicates a better way to live. For West, a crucial aspect of feminist theory is to affirm the feminine.

Note that I use the words “*affirm* the feminine,” for, as already indicated, West does not merely claim that women’s suffering exists. The claim, as we have seen, is also that there is “value” in this experience and that major social institutions, like law, should not deny this value by privileging the “masculine” as the norm. For West, in order “to prize” the feminine, we must have a phenomenological

account that shows us why this way of being in the world is better and how this experience is rooted in female nature.

If, however, as I have argued, we must reject West's explicit return to naturalist or essentialist theories of Woman's difference, the question remains whether we can still *affirm* the feminine. Even if they are not the same, both theories rely on the postulation of the essence of Woman that we can know as her Trnth. It is precisely the idea that we can discover the truth of women in reality as Woman that I challenge both methodologically and ethically. And yet, if we refuse this affirmation, how can we answer the accusation that we are indeed participating in the traditional repression and the disparagement of the feminine, at the same time that we are also undercutting the basis for a "phenomenological" account of female experience on which West and other radical feminists rely as *their basis* for a critical interpretation of what is?

One response to this charge is to focus on how the feminine as a psychoanalytic category is produced so that it also serves as a disruptive force of the very gender system in which it is given meaning. The "feminine" is not celebrated simply because it is the feminine, but because it stands in for the heterogeneity that undermines the logic of identity. As Barbara Johnson reminds us, when we write of women everything is out of place, and it is precisely this displacement of gender identity, which potentially inheres in the writing of women, that is celebrated.

This position has appeal because it does not claim to show what women's nature or essence actually is. Instead, all that is demonstrated is how the feminine is produced within a particular system of gender representation so as to be disruptive of gender identity and hierarchy. The "feminine" is a critical heuristic device within the dichotomous system of gender identity in which the masculine is privileged as the norm. Yet inherent in this position is the risk that the "not yet" of a new choreography of sexual difference will be presented as an actual "reality" now, rather than as a promise that remains to be fulfilled. Even as we want to recognize that the play of sexual difference is not captured by the stereotypes of any gender hierarchy, we also do not want to deny the tragedy of women's suffering. The explosive power of feminine jurisprudence can be only too easily cut off by the reality of a legal system that denies the feminine in the name of the masculine. However, it can also be cut off by undermining the actual experience of suffering that exists now, in the name of a possibility that "exists"—but as a dream, not an actuality.

We need to ask: Is it just the critical heuristic force of heterogeneity that is valued in the feminine, or is there something "valuable"

in the feminine that cannot be reduced to the affirmation, in general, of difference? If, on the other hand, we affirm the feminine for its own sake, how can we do so without relying on essentialist or naturalist conceptions of what women are? In order to even begin to answer these questions, we must think differently about the insights of post-modern philosophy, as these insights demand that we re-think the philosophical underpinnings of the feminine. We will begin this exploration within the psychoanalytic framework which opens up a non-biological view of the feminine. We will then turn to a reconsideration of how deconstruction has worked within the psychoanalytic account of the feminine to expose it as allegory. Let me begin by discussing how and why Kristeva's account of mothering diverges from that offered by West.

IV

THE DIFFERENCE BETWEEN WEST AND KRISTEVA

The central difference between West and Kristeva is that Kristeva relies on a psychoanalytic framework that explicitly rejects West's biologism. Indeed, Kristeva's psychoanalytic insight works against her own representation of the female body and of mothering as the "basis" of female difference.³⁷ To adequately understand Kristeva, we must put her account of mothering into the context of Jacques Lacan's psychoanalytic theory.³⁸ Lacan's central insight has been to correct the biological readings of Freud's account of gender differentiation through the castration complex.³⁹ According to Lacan, the genesis of linguistic consciousness occurs when the infant recognizes itself as having an identity separate from the mother. The primordial moment of separation is experienced by the infant as both loss and as acquisition of identity. The pain of loss results in a primary repression that buries the memory of the relationship to the mother within the unconscious and catapults the infant into the symbolic realm to fulfill its desire for the Other. Once projected into language, however, this primary identification with the mother is projected only as lack. The phallic Mother and what she represents cannot be expressed in language, which is why Kristeva em-

³⁷ It is important to note a pronounced tension in Kristeva's work between her comments on mothering and her insistence that, on a deeper level, woman cannot be. I am emphasizing one strand in Kristeva's work, because it is in her comments on mothering that Kristeva attempts to draw the connection between Woman and actual empirical women. For a more detailed analysis of this tension, see Drucilla Cornell & Adam Thurschwell, *Feminism, Negativity, Intersubjectivity*, in *FEMINISM AS CRITIQUE* 143 (Seyla Benhabib & Drucilla Cornell eds. 1987).

³⁸ JACQUES LACAN, *ECRITS* (Alan Sheridan trans. 1977).

³⁹ See generally JANE GALLOP, *THE DAUGHTER'S SEDUCTION: FEMINISM AND PSYCHOANALYSIS* 12 (1982).

phasizes that we can only reach Her through the semeiotic, not through the symbolic. Thus, Kristeva insists that the Feminine, when "identified" as the phallic Mother, embodies the dream of an undistorted relation to the Other which lies at the foundation of social life, but which cannot be adequately represented. From this view of Woman, or the Feminine, "[i]t follows that feminist practice can only be negative, at odds with what already exists so that we may say 'that's not it' and 'that's still not it.'"⁴⁰

So far, in this account, it would seem that both sexes are castrated by their exile from the phallic Mother. Despite this facially gender-neutral account, however, Lacan goes further and appropriates signification in general to the masculine.⁴¹ Although Lacanians maintain the difference between the penis and the phallus—the phallus represents lack for both sexes—it remains the case that, because the penis is visible and can represent the lack, the penis can stand in for the would-be-neutral phallus. The phallus as the transcendental signifier, then, cannot be totally separated from its representation as the penis. Woman, as a result, is identified only by her lack of the phallus. She is different *from* the phallus. She can know herself only as this difference, as this lack. As lack, she cannot speak of herself directly. As Lacan remarks, "there is no woman, but excluded from the value of words."⁴² She is only as a hole in the system of linguistic representation. She is that which cannot be represented in the realm of the symbolic. This is the basis of Lacan's infamous assertion that Woman does not exist,⁴³ which is one way of saying that the phallic Mother and women's repressed relationship to Her cannot be represented.

Lacan's assertion, however, is also a way of insisting that women cannot tell of the experience of Woman, because it is exactly this universal experience which is beyond representation. Lacanianism, in other words, seems to undermine all attempts on the part of feminists or anti-feminists to tell us what Woman is. She is the beyond. At the same time, Woman, or the Feminine, is "there" in her absence, as the lack that marks the ultimate object of desire in all subjects. To say that She is unknowable is not, then, to argue that Her lack is not felt. Indeed, Woman as lack is constitutive of genderized subjectivity. Even so, Woman does not exist as a "reality," present to the subject, but as a loss.

Lacan explains some of the great myths of the quest in which masculine identity seeks to ground itself as a quest for Her. The

⁴⁰ Kristeva, *Woman Can Never Be Defined*, *supra* note 3, at 137.

⁴¹ J. LACAN, *supra* note 38, at 287.

⁴² *Id.* at 647.

⁴³ This assertion lies at the root of Lacan's psychoanalytic theory of gender.

Feminine becomes the Holy Grail. Within the Lacanian framework, the myths of Woman are about this quest to ground masculine subjectivity. As a result, these myths cannot serve as clues to unlocking Her mystery. They tell us about masculine subjectivity, not about Woman.

As women, we are cut off from the myths that could give the Feminine meaning and, therefore, in Lacan's sense, we are silenced before the mystery of the ground of our own identity. The Feminine is only given meaning in the *symbolic order* that belies Her existence as "real." The Feminine is imaginary, represented only in the contents of masculine fantasy. As a result, women cannot knowingly engage the Feminine in order to gain identity. They are, instead, appropriated by the imaginary Feminine as it informs male fantasy. But the "truth" of this fantasy is rooted in a primordial desire for the Other that cannot be destroyed and continues to threaten the order of the symbolic. In this sense, the Feminine remains a subversive force in Lacanian psychoanalysis.

Kristeva accepts this basic Lacanian framework. Her Lacanianism, at first glance, seems to belie her own attempt to make mothering a basis for an explanation of feminine difference.⁴⁴ Lacan denies that the feminine or the Phallic Mother is closer to women than to men, even if the two sexes are not cut off from her in the same way. Kristeva, on the other hand, attempts to draw the close connection between Woman and women.⁴⁵ Kristeva argues that through pregnancy, women experience an *other* within themselves, "redoubling up of the body, separation and coexistence of the self and of an other, of nature and consciousness, of physiology and speech."⁴⁶ Thus, women can overcome the destructive dualities created by the separation from the Mother by relating as mothers themselves. Women's reproductive capacity carries with it the potential to overcome, to some degree, the "effects" of the castration that both genders suffer in their separation from the Phallic Mother. In this way women are differentiated from men in their relationship to the Feminine. By mothering, women can learn to relate in a non-dominating way that is inaccessible to the masculine subject, at least to the degree that he accepts his castration. However, it must be emphasized that because Kristeva associates the semeiotic with the Feminine, not with actual empirical women, she always leaves open the possibility that men, too, can reach beyond their own gender

⁴⁴ See Kristeva, *Women's Time*, *supra* note 3, at 197-98, 206-07.

⁴⁵ As Kristeva herself states, "[w]e can understand the warning against the recent invasion of the women's movement by paranoia, as in Lacan's scandalous sentence, 'There is no such thing as Woman.' Indeed, she does not exist with a capital 'W,' possessor of some mythical unity. . . ." *Id.* at 205.

⁴⁶ *Id.* at 206.

identity to reconnect with the repressed Mother. Despite this recognition that the semeiotic is not the unique province of women, women are still different from men in their relationship to their castration from Woman because they can eventually mother themselves. In this way, mothering potentially creates a difference between the genders in their internalization of the separation from the phallic Mother.

Kristeva's account of the Feminine, unlike West's, does not rest on biology. Kristeva's account gives us room to explain why men, as well as women, can care and love. There are not the "two" realities, one male and female, that West inevitably establishes. West accepts the story of masculine "separation" from the Mother as the foundation for male identity, and, therefore, she cannot explain how a man could get beyond this identity. Kristeva's psychoanalytic framework, on the other hand, shows how men too can escape entrapment in gender identity, because, on a theoretical plane, both the masculine and the feminine positions are accessible to each—albeit not in exactly the same way.

West's difficulty stems from her reliance on object relations theory, which draws a direct connection between the social relations of mother-based child-bearing and gender identity.⁴⁷ Psychic structure, in other words, is understood as engendered by social relations. The result is the reduction of psychic structure to social reality. Unlike the psychoanalytic framework, the feminine position is not even theoretically available to males. West's two "realities," one male, one female, lie at the base of her analysis of the writers in the Conference of Critical Legal Studies.⁴⁸

In West's view, men, lacking reproductive capacity, do not connect to others in the primordial way that women do. The male subject may, therefore, live out the fundamental contradiction elaborated in Critical Legal Studies. West summarizes the "fundamental contradiction," as it has been expressed in the work of Duncan Kennedy, as an accurate expression of masculine subjectivity:

According to Kennedy, we value *both* autonomy and connection, and fear *both* annihilation by the other and alienation from him, and all for good reason. The other is both necessary to our continued existence and a threat to that continued existence. While it is true that the dominant liberal story of autonomy and annihilation serves to perpetuate the status quo, it does not follow from that fact that the subjective desires for freedom and security which those liberal values reify are entirely *false*. Rather, Kennedy ar-

⁴⁷ See West, *Women's Hedonic Lives*, *supra* note 4, at 84 n.5.

⁴⁸ See West, *Jurisprudence and Gender*, *supra* note 4, at 50-52.

gues, collectivity is both essential to our identity and an obstacle to it. We have contradictory desires and values because our essential human condition—physical separation from the collectivity which is necessary to our identity—is itself contradictory.⁴⁹

But this reality is not the same for women, according to West, although she recognizes that women, too, may fear intimacy as an invasion against their personhood. West believes that men, more than women, internalize their separation from others as the very basis for their identity.

V

THE LACANIAN ACCOUNT OF MASCULINE SUBJECTIVITY AND THE BASIS FOR FEMALE SOLIDARITY

The Lacanian account turns West's story on its head. Although both genders are cut off from the repressed Mother, and, theoretically, have access to the position of the other, only men, to the degree they become traditional, heterosexual men, are fundamentally "connected" to one another in the order of the symbolic. Without this connection, there would be no ground for masculine identity.

At first glance, this may seem a strange argument because of the association of connection with a particular normative practice of intimacy. But within Lacanianism, connection has a technical meaning. Masculine identity is not about separation from, but subordination to, the reign of the symbolic which is the foundation of social order. The order of the symbolic, in turn, provides the basis for the "boys club." The myth of the autonomous man protects against the painful recognition that the brothers find their masculinity only through their subordination of the Law of the Father and that it is this shared reality of the Law that maintains their sense of belonging to their identities as men. Women are *the other* to this club, marking its boundaries and defining its membership. David Mamet once described men as the puppy dogs of the universe. The Lacanian account of gender difference helps to explain why they are puppy dogs. Sexual difference engenders a shared, social, masculine "reality." This social "reality," however, is not as West sees it through the window of object relations. On the Lacanian understanding, the legal norms described by West may represent an aspiration shared by men to achieve autonomy, but they do not reflect the actual social "reality" created by sexual difference, for that "reality" is one of subordination to the Law of the Father.⁵⁰

⁴⁹ West, *Jurisprudence and Gender*, *supra* note 4, at 51 (emphasis in original) (citing Duncan Kennedy, *The Structure of Blackstone's Commentaries*, 28 BUFFALO L. REV. 209, 211-13 (1979)).

⁵⁰ In his early writings, Lacan argues that the progress of analysis takes the subject

In this framework, if there is a basis for the solidarity of women, it is the shared experience of exile and, more profoundly, of mourning for the Feminine that is shut out of the realm of the symbolic, except as represented in male fantasy. Women cannot easily find themselves in the representations of the Feminine that appear in masculine fantasy because these fantasies represent the male loss of the Mother.

Perhaps the most elegant expression of the communion of mourning that "unites" women is found in the novels of Marguerite Duras. Anne-Marie Stretter weeps continually: "She looks . . . imprisoned in a kind of suffering. But . . . a very old suffering . . . too old to make her sad any more . . . And yet she cries . . ." ⁵¹ But her tears are not hers alone. There is no love that can fill this void. The mourning is not for the man who does not come, but for the Feminine that is shut out. Duras also portrays the tragedy imposed on women by the lack of the Feminine in the opening pages of *The Vice-Consul* ⁵² and in *India Song*. ⁵³ In *India Song*, a young Laotian peasant woman is sent away by her mother because there is no place for her at home now that she is pregnant. She can neither save herself, nor her child, in a world where the Feminine has no place. In her dreams, she is returned to the Mother. But her dreams cannot be realized. Her only escape from incessant longing is madness. She embraces the lack of the Feminine that is her only identity. "She's always been trying to lose herself, really, ever since her life began." ⁵⁴

Instead of seeking female identity, Duras turns the reader to mourning and to the subversive power of the holes in discourse that point beyond the order of the symbolic. In order to write of Woman, we need

a hole-word, whose center would have been hollowed out into a hole, the kind of hole in which all other words would have been buried. . . . Enormous, endless, an empty gong, it would have held back anyone who had wanted to leave, it would have convinced them of the impossible, it would have made them deaf to any other word save that one, in one fell swoop it would have defined the future and the moment themselves. By its absence, this word ruins all the others, it contaminates them, it is also the dead dog

from the imaginary autonomy of the ego to its true location in the domain of intersubjectivity. The autonomy of the ego is, in other words, an illusion. See generally J. LACAN, *supra* note 38.

⁵¹ MARGUERITE DURAS, *INDIA SONG* 65 (Barbara Bray trans. 1976).

⁵² MARGUERITE DURAS, *THE VICE-CONSUL* (Eileen Ellenbogn trans. 1968).

⁵³ M. DURAS, *supra* note 51.

⁵⁴ *Id.* at 132.

on the beach at high noon, this hole of flesh.⁵⁵

We mourn for the Phallic Mother that never has been, and yet reminds us of the "not yet" in which the Feminine would not be reduced to male fantasy, including the fantasy that the female lover is merely the Mother replacement. The woman in Duras' *The Malady of Death*⁵⁶ grows impatient with the man's identification of her as the lost Mother. The woman who is figured as the Feminine in *The Malady of Death* is absent in her slumbering and eternally fleeing the full presence that would allow her to be his fantasy:

Perhaps you'd look for her outside your room, on the beaches, outside cafés, in the streets. But you wouldn't be able to find her, because in the light of day you can't recognize anyone. You wouldn't recognize her. All you know of her is her sleeping body beneath her shut or half-shut eyes.⁵⁷

Kristeva, unlike Duras, does not endure the unique relationship of women to the Phallic Mother as a communion of mourning for the lost ground of female identity. This is Duras' "unavowable community."⁵⁸ Like Cixous and Irigaray,⁵⁹ Kristeva emphasizes that through our access to the semeiotic, women can move toward the lost Mother. The maternal is not just the actual experience of pregnancy and reproductive capacity, but the possibility of re-connection with the repressed maternal which can be more easily achieved by women than by men because of women's potential for mothering. Kristeva, Cixous and Irigaray emphasize the connection with the Mother, rather than our exile from Her in a world in which the Feminine is rejected. As Cixous muses:

In woman there is always, more or less, something of "the mother" repairing and feeding, resisting separation, a force that does not let itself be cut off but that runs codes ragged . . . Text, my body: traversed by lilting flows; listen to me, it is not a captivating, clinging "mother"; it is the equivocal that, touching you, affects you, pushes you away from your breast to come to language, that summons *your* strength; it is the rhyt-me that laughs you; the one intimately addressed who makes all metaphors, all body(?)—bodies(?)—possible and desirable, who is no more describable than god, soul, or the Other; the part of you that puts

⁵⁵ MARGUERITE DURAS, *THE RAVISHING OF LOL STEIN* 38 (Richard Seaver trans. 1966).

⁵⁶ MARGUERITE DURAS, *THE MALADY OF DEATH* (Barbara Bray trans. 1986).

⁵⁷ *Id.* at 54.

⁵⁸ I am borrowing the phrase "unavowable community" from Blanchot's extraordinary work of the same title. See MAURICE BLANCHOT, *THE UNAVOWABLE COMMUNITY* (Pierre Joris trans. 1988).

⁵⁹ See generally LUCE IRIGARAY, *THIS SEX WHICH IS NOT ONE* (Catherine Porter trans. 1985); HÉLÈNE CIXOUS & CATHERINE CLEMENT, *THE NEWLY BORN WOMAN* (Betsy Wing trans. 1986).

space between yourself and pushes you to inscribe your woman's style in language. Voice: milk that could go on forever. Found again. The lost mother/bitter-lost. Eternity: is voice mixed with milk.⁶⁰

The "not yet" is already here in this potential for resurrection of the repressed maternal.

It is difficult—although not impossible—to base feminist practice on Duras' allegory of the Feminine. This difficulty undoubtedly explains why both West and Kristeva have turned to mothering and women's reproductive capacity as the bases for a feminine practice of writing—and in West's case for a feminist politics—rooted in the way women are or potentially can be.

VI

THE CRITIQUE OF WEST AND KRISTEVA

There are, however, several difficulties with relying on the bodily experience of mothering as a basis for feminist theory. Of course, not all women mother. Therefore, some would not have this experience of difference. But more importantly, West's and Kristeva's reliance on motherhood identifies the Feminine with the Mother. Duras' allegories, on the other hand, underscore the *separation* of the Feminine from the Mother.

Montrelay's analysis of the young girl's primordial relation to her own body—represented in the symbolic—is more helpful because it roots feminine identity in female sexuality rather than in mothering.⁶¹ Women may choose not to become mothers, and feminists have insisted that women need not become mothers to become "real" women. If the actual experience of mothering provides for the "ideal" of a different way of relating, then some women will never become "real women". Feminism defined in this way would not rely on the experience of women, but on that of women as mothers.

Even if we recognize that the maternal is being used as a metaphor for the Feminine, and not as the actual experience of mothering, we still have the problem of the perpetuation of the identification of Woman as Mother. The maternal as metaphor in Cixous and Irigaray represents the lost paradise of intimacy, not only with the Phallic Mother, but more generally with the world around us.⁶² The maternal is but one metaphor for the Feminine. I

60 H. CIXOUS, *Sorties*, in *THE NEWLY BORN WOMAN*, *supra* note 59, at 93.

61 See generally Montrelay, *supra* note 2.

62 I am using intimacy in the sense Bataille gives to the word. Intimacy is the fluid relationship between the self and the world that Bataille envisions as "water in water." GEORGES BATAILLE, *THEORY OF RELIGION* 19 (Robert Hurley trans. 1989). In intimacy

do not argue that the maternal as a metaphor is unimportant, but rather that the Feminine should not be limited to the metaphor of the maternal.

The next problem is the danger of reifying the historical experience of a group of women into a "second nature" that is then attributed to all women. We need not accept MacKinnon's bleak description of our different voice as the expression of complicity in subordination⁶³ to suggest that women's difference as it has been described in history cannot, in and of itself, serve as the ideal, precisely because it has been contaminated by the "reality" of patriarchy. There is a serious danger in simply turning the "is" of our difference, even if it were found to be true, into an "ought."

The third problem in relying on women's experience of mothering and reproductive potential as the basis of feminist theory is that women themselves disagree as to what that experience "is" and what it ultimately means for a female identity. Not only do we potentially trap ourselves in an experience that may represent a contaminated ideal, we must also determine exactly what the actual experience of women is as an empirical matter and as a subjectively felt "reality," when there is no consensus among us. Without consensus, we are confronted with the dilemma of how to uncover shared experience. West herself recognizes that in a fragmented society like our own, any attempt to root feminine experience in women's consensus of our reality will be problematic:

As Adrienne Rich has eloquently argued, one of women's most disabling problems is that women *lie*. For a multitude of reasons, we lie to ourselves and to others. And, one thing women lie about more than any other, perhaps, is the quality and content of our own hedonic lives. . . . This lying has hurt us. We lie so often we don't know when we are doing it. We lie so often we lack the sense of internal identity necessary to the identification of a proposition's truth or falsity. We lie so often that we lack a self who lies. We just *are* lies; we inhabit falsehood. Our lives are them-

we experience the profound immanence of all that is, the soulful mingling of self and others. Intimacy cannot be expressed discursively. To quote Bataille:

The swelling to the bursting point, the malice that breaks out with clenched teeth and weeps; the sinking feeling that doesn't know where it comes from or what it's about; the fear that sings its head off in the dark; the white-eyed pallor, the sweet sadness, the rage and the vomiting . . . are so many evasions.

What is intimate, in the strong sense, is what has the passion of an absence of individuality, the imperceptible sonority of a river, the empty limpidity of the sky . . .

Id. at 50.

⁶³ CATHARINE A. MACKINNON, *FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW* 38-39 (1987).

selves lies.⁶⁴

I suggest that we place West's concern about the female propensity to lie into the problematic offered by Lyotard's writing on the *differend*.⁶⁵ The *differend* is that which has been shut out of traditional legal discourse and the social conventions of meaning. The suffering of women can be understood as the *differend*. The harm to women literally disappears because it cannot be represented as a harm within the law. It is not so much, then, that we are lying as that we cannot discover the "truth" of our experience in the current system of gender representation. The "truth" of our own experience awaits the discourse in which it can be expressed. Women, in a very profound sense, are creating our experience as we write differently. Within law, this attempt to give expression to the *differend* is necessary to avoid the danger of analogizing women's experience to that of men in order to find redress within the legal system. We cannot give expression to the *differend* simply by turning Woman into "a litigant" if such transformation demands that women's suffering be translated into the prevailing norms of the system which cannot express adequately, if at all, the suffering of women. Feminist jurisprudence demands a new idiom. If women cannot express their reality within the legal system, their reality disappears. As Lyotard explains:

In the differend, something "asks" to be put into phrases, and suffers from the wrong of not being able to put be into phrases right away. This is when the human beings who thought they could use language as an instrument of communication learn through the feeling of pain which accompanies silence (and of pleasure which accompanies the invention of a new idiom), that they are summoned by language, not to augment to their profit the quantity of information communicable through existing idi-

⁶⁴ West, *Women's Hedonic Lives*, *supra* note 4, at 127 (footnote omitted) (emphasis in original).

⁶⁵ See JEAN-FRANÇOIS LYOTARD, *THE DIFFEREND: PHRASES IN DISPUTE* 140 (Georges Van Den Abbeele 1983). As Lyotard explains:

A differend, I say, and not a litigation. It is not that humans are mean, or that their interests or passions are antagonistic. On the same score as what is not human (animals, plants, gods, God and the angels, extraterrestrials, seasons, tides, rain and fair weather, plague and fire), they are situated in heterogeneous phrase regimens and are taken hold of by stakes tied to heterogenous genres of discourse. The judgment which is passed over the nature of their social being can come into being only in accordance with one of these regimens, or at least in accordance with one of these genres of discourse. The tribunal thereby makes this regimen and/or this genre prevail over the others. By transcribing the heterogeneity of phrases, which is at play in the social and in the commentary on the social, the tribunal also necessarily wrongs the other regimens and/or genres.

oms, but to recognize that what remains to be phrased exceeds what they can presently phrase, and that they must be allowed to institute idioms which do not yet exist.⁶⁶

We depend on the performative power of language, particularly of poetic signification, to bring our feminine "reality" into view. As we will see, this need to expand the current discourse in order to "discover" our "reality" explains the necessity for re-telling the myths of the Feminine.⁶⁷ These myths function within metaphors which, as metaphors, have a surplus of meaning that allows us to both expand and create a new feminine "reality" from within the old.

In law, a shift in the representation of feminine "reality" can have important political and legal implications. Modes of behavior that were formerly thought to be outside the parameters of the legal system can be seen as harms to women. We can expand the scope of litigation to turn women from silenced victims into plaintiffs who now find the words with which to speak:

The plaintiff lodges his or her complaint before the tribunal, the accused argues in such a way as to show the inanity of the accusation. Litigation takes place. I would like to call a *differend* [*differend*] the case where the plaintiff is divested of the means to argue and becomes for that reason a victim.⁶⁸

For example, the debate over what kind of male behavior constitutes sexual harassment inevitably turns on how the legal system "sees" women or, more precisely, allows them to be seen. If women are seen as "asking for it" when they dress to enhance their attractiveness, then it would make sense to allow evidence of a woman's dress in a sexual harassment case. After all, how would the poor man know that she did not want his advances? Evidentiary standards and procedures define relevancy. I am suggesting that what is relevant will turn not just on the interpretation of those procedures

⁶⁶ *Id.* at 13.

⁶⁷ The word "discover" appears in quotation marks because once we understand the metaphorical dimension of feminine reality we can no longer completely separate discovery and invention. Our reality is in the process of being created in our very effort to "discover" its meaning for us. This point about feminine reality should be understood within the context of a shifting understanding of the nature of reality itself, once we understand that what "is" comes to us wrapped in language. I agree with Paul Ricoeur that we must metaphorize the verb "to be" itself and recognize in "being as" the correlate of "seeing as" in which is summarized in the work of metaphor. 3 PAUL RICOEUR, *TIME AND NARRATIVE* 155 (1984). Ricoeur himself recognizes that once we metaphorize the verb "to be," we can no longer rely on the traditional conception of "truth" as the adequation of language to a pre-given reality. Language in the making celebrates reality in the making. We can no longer maintain that an interpretation of reality corresponds with, or represents, some unmediated literal fact.

⁶⁸ J.-F. LYOTARD, *supra* note 65, at 9.

and standards, but on how one "sees" women and sexual relations. As a result, the redefinition of the legal wrong, as well as the harm to women, will involve the process of changing the representation of the Feminine.

The criticisms of West that I have enumerated thus far do not necessarily undermine her "phenomenology," at least in a weak sense, as a narrative account that attempts to confirm the experience of women. West wants to expose harms to women that have remained invisible within our current legal system, particularly in areas like wife-battering and sexual harassment. West believes that we are forced to rely on some account of the "objective" reality of all women, irreducible to women's subjective perceptions. As we have seen, this objective "reality" is rooted in West's account of female nature. It does not rest on a consensus among women as to what that "reality" is. West's account of female nature is the basis for her "phenomenology." We can meet her aspirations, however, by showing that gender representation harms women by defining and enforcing "reality" in a way that makes legal redress difficult, if not impossible. In other words, we do not need to point to an "objective" reality rooted in the nature of all women to overcome the dilemma created by lack of consensus. We can point, instead, to a particular view of women within a particular system of legal definition.

Susan Estrich, for example, has very successfully demonstrated that the "consent" defense in rape harms women by making it very difficult for them to successfully press charges in court.⁶⁹ More importantly, because of the consent defense, the harm in rape becomes the harm of non-consensual sex, rather than the violation of the woman's bodily integrity and of her soul. The consent defense, in other words, misconstrues the harm in rape and prevents the full suffering of rape victims from being "seen." It is one thing to be subjected to non-consensual sex; it is quite another to be fundamentally violated by a terrifying assault that strips the woman of even the pretense that she is an individual and is recognized as such.

We are then confronted, as Estrich reminds us,⁷⁰ with the further difficulty of the meaning of consent, because it is the conventional wisdom that when women say no, they mean yes. The reality of rape is shaped in this way by the legal system in which it is interpreted.

If women find it difficult and humiliating to press their claims in situations like rape, then men *are* given license by the law to violate

⁶⁹ SUSAN ESTRICH, *REAL RAPE* 29-41 (1987).

⁷⁰ See *id.* at 92-104.

women. Law has the power to make itself true. A normative reality is created by who is or is not found guilty of rape and why. The justification "boys will be boys" is only too well known and truly horrifying, particularly as used recently in situations of date rape.⁷¹ But there is also meaning to the statement that they are being boys. Gender is a system that gives meaning and that establishes identity and shared reality. None of us are free just to be beyond gender. It matters, however, whether we focus on how gender hierarchy is produced and reinforced by the legal system so as to harm women, or whether we instead rely on a theory of female nature that attempts to identify what Woman is as the basis of an account of the Feminine. (Women of color have frequently argued that such attempts are inherently suspect because they identify the "essence" of women with white women.)⁷²

By looking at how gender hierarchy is produced and represented in the law, we can provide for a version of West's "phenomenology" and avoid relying on the consensus of women's felt experience as the basis for expanding legal definitions. We can, at the same time, destabilize the system of gender hierarchy in the name of a "new choreography" of sexual difference that is beyond mere replication of what is.

This need to protect the possibility of a new choreography of sexual difference takes me to my next objection to West's and Kristeva's account of mothering as the basis for what is different in the Feminine. Lacan teaches us that there are no such "things" as men and women in any theoretically pure sense.⁷³ As split subjects we are all defined as both Masculine and Feminine, because there can be no pure referent outside of the system of gender representation that designates our sex. The Lacanian story reveals the Feminine inherent in the masculine desire for the imaginary relation to the Mother. The Lacanian story also demonstrates that women, as well as men, are masculine in so far as they enter the symbolic.⁷⁴ Genderized subjectivity, as a system, is produced imperfectly. Gen-

⁷¹ As Karen Barrett explained in an article designed to increase women's awareness of the phenomenon of date rape, there is a "pervasive . . . notion of female responsibility in the face of boys-will-be-boys reality. A young man explains, '[i]t's like driving—a woman has to use her rear-view mirror, get out of the fast lane if someone's coming up behind her. Otherwise, she's going to get into trouble.'" Karen Barrett, *Date Rape—A Campus Epidemic?*, Ms., Sept., 1982, at 48, 50. Barrett warned against the "temptation to see college-boy mashers merely as victims of horny adolescent confusion." *Id.* at 130. Instead, she urged young women to realize that acquaintance rape is as serious, and often as premeditated and violent as other kinds of rape. *See id.*

⁷² *See generally* Regina Austin, "The Black Community" and the Difference/Deviance Divide, 11 *CARDOZO L. REV.* (forthcoming 1990).

⁷³ *See generally* J. LACAN, *supra* note 38.

⁷⁴ *See generally id.*

der identity is bounded by historical circumstances. Such constraint can never, in a theoretical sense, be total. As a result, there cannot be the sharply divided, totally genderized "realities" that West describes. I do not want to reject entirely West's account of the differences between men and women in their experiences of acquiring an identity through the internalization of a genderized social reality. Far from it. I do, however, want to argue that this experience is not, and cannot be, the whole story. If it were, we would have two worlds, one male, one female, and never the twain would meet. Without in any way denying how deeply imprinted our gender identity is, it is still possible to change, and, more specifically, for men to change by allowing themselves to "accept" the feminine in themselves.

VII

THE DECONSTRUCTIVE ALLEGORY OF WOMAN

The second approach to the revolutionary power of the feminine also returns us to the Lacanian framework or, more precisely, to Derrida's deconstructive reading of Lacan. Derrida shows us how Lacan cuts off the revolutionary implications of his own statement "Woman does not exist." In *Glas*,⁷⁵ *La Carte Postale*,⁷⁶ *Spurs*,⁷⁷ and *Choreographies*,⁷⁸ Derrida exposes the lie of Lacan's identification of the "feminine" as the *truth* of castration, as the "hole" that can only be filled in, never understood or represented, and certainly not by women themselves, who are excluded from the value of words. The lack, the inevitable absence of the Phallic Mother, is precisely what cannot be given a proper place. Indeed, Woman disrupts the very notion of a proper place, even the Lacanian "designation" of her as the lack of the phallus. The fallacy of the phallus is that it attempts to erect itself as its own truth. To quote Derrida:

By determining the place of the lack, the topos of that which is lacking from its place, and in constituting it as a fixed center, Lacan is indeed proposing, at the same time as a truth-discourse, a discourse on the truth of the purloined letter as the truth of *The Purloined Letter* The link of Femininity and Truth is the ultimate signified of this deciphering Femininity is the Truth (of) castration, is the best figure of castration, because in the logic of the signifier it has always already been castrated; and Feminin-

⁷⁵ JACQUES DERRIDA, *GLAS* (John P. Leavey, Jr. & Richard Rand trans. 1986).

⁷⁶ JACQUES DERRIDA, *THE POST CARD: FROM SOCRATES TO FREUD AND BEYOND* (Alan Bass trans. 1987).

⁷⁷ JACQUES DERRIDA, *SPURS: NIETZSCHE'S STYLES/ÉPERONS: LES STYLES DE NIETZSCHE* (Barbara Harlow trans. 1978).

⁷⁸ Jacques Derrida, *Choreographies*, in *THE EAR OF THE OTHER* 163 (Christie V. McDonald ed., Peggy Kamuf trans. 1985) (reprinted from *12 DIACRITICS* 76 (1982)).

ity "leaves" something in circulation (here the letter), something detached from itself in order to have it brought back to itself, because she has "never had it: whence truth comes out of the well, but only half-way."⁷⁹

Derrida shows us that within Lacan's own analysis the feminine is the Other that remains beyond any system. Yet, because he desires to analyze, Lacan locates her again. But if one takes Lacan at his word there can be no definitive locale for Woman.⁸⁰ She cannot be contained by any system of gender identification, including the one offered by Lacan. The Feminine expresses the play of difference that cannot be wiped out. Yet Lacan, in spite of—or because of—his own assertions about Woman, wants to contain the feminine by proclaiming her truth. Derrida, on the other hand, reads the feminine allegorically through his deconstruction of Lacan's insistence that he can turn Woman into another fact that he can know. Lacan, in other words, creates, in spite of himself, the place of woman as opposition, in the sense that she is defined as the lack of the phallus. He thinks that he has gotten to the bottom of her. Single-handedly, he claims to know Her.

In other words, Lacan indulges in "essentializing fetishes." He does so because of his conviction that he has grasped the truth of Woman as the fact of the lack of the phallus, a *fact* that is just "there." Derrida deconstructs Lacan's insistent separation of the Truth of Woman as castration from the fictions that surround and inhabit her. Lacan is determined to show us that "truth inhabits fiction." Derrida explains that, for Lacan,

"[t]ruth inhabits fiction" cannot be understood in the somewhat perverse sense of a fiction more powerful than the truth which inhabits it, the truth that fiction inscribes within itself. In truth, the truth inhabits fiction as the master of the house, as the law of the house, as the economy of fiction.⁸¹

Derrida, on the other hand, reverses the order of the Lacanian relationship of "Truth" to fiction, particularly as Lacan's more general statements about the relationship of "Truth" and fiction inform his proclaiming of the "Truth" of "Woman." However, Derrida's understanding of the relationship between "Truth" and fiction does not deny reference to women, or even to Woman as Woman is embodied in any given social context.

⁷⁹ J. DERRIDA, *supra* note 76, at 441-42.

⁸⁰ Derrida is primarily concerned here with Lacan's "Seminar" on *The Purloined Letter*. Alan Bass explains in his notes to *La Carte Postale*, that the "Seminar" appears at the beginning of Lacan's *Ecrits*. As Derrida himself explains, Lacan focuses on a literary text that exemplifies the pre-eminence of the signifier. *Id.* at 420-21.

⁸¹ *Id.* at 426.

As we saw earlier, the deconstruction of the rigid divide between *Sinn* and *Bedeutung*, which also emphasizes the inevitable figural or metaphorical casting of the real itself, is not meant to deny reference. But since this misreading of deconstruction is common among its political foes, I return to it. To quote Derrida:

To say for example, "deconstruction suspends reference," that deconstruction is a way of enclosing oneself in the sign, in the "signifier," is an enormous naiveté stated in that form. . . . Not only is there reference for a text, but never was it proposed that we erase effects of reference or referents. Merely that we re-think these effects of reference. I would indeed say that the referent is textual. The referent is in the text. Yet that does not exempt us from having to describe very rigorously the necessity of those referents.⁸²

Translated into the sphere of feminist politics, Derrida recognizes the need to "describe" the referent Woman as it has been played with on the historical stage and as it has trapped, oppressed, and subordinated actual women. But he is also saying that such "descriptions" are never pure explanations, as if Woman could be separated from the texts in which she has been told. Our oppression is not a fiction, nor is it all a reality, a site, indeed, a prison from which escape is impossible. If escape were impossible, it would also be impossible to avoid replicating the very structure of rigid gender identity which has imprisoned women and made the dance of the maverick feminist so difficult to keep up. Yet this being said, these fictions as representations are still there for us. Indeed, it is only through these metaphors, representations and fictions that we attempt to reach Woman. We cannot separate the "Truth" of Woman from the fictions in which she is represented and through which she portrays herself. In this sense, she becomes veiled. Therefore, we cannot not know once and for all who or what She is, because the fictions in which we confront Her always carry within the possibility of multiple interpretations, and there is no outside referent, such as nature or biology, in which this process of interpretation comes to an end. As a result, we cannot "discover" the ground of *feminine identity* which would allow us to grasp her Truth once and for all. Yet, Woman is not reduced to lack just because the metaphors of Her produce an always shifting "reality." If there is a danger in Duras' extraordinary allegories of the Feminine, it is in the seemingly implicit acceptance of the truth of the Feminine as lack of the phallus and, therefore, of our power of re-metaphorization of

⁸² Jacques Derrida, *Deconstruction in America* (interview with James Creech, Peggy Kamuf, and Jane Todd), in *CRITICAL EXCHANGE* No. 17, at 19 (1985).

"Her." Thus, the *only* "basis" for female solidarity is the unavowable community of mourning.

Derrida, on the other hand, wants to affirm the power to dance differently. He bows to the maverick feminist, determined to escape the confines of the given stereotypes of the feminine. Correctly understood, the Feminine also opens the space to which the productive power of the metaphors of the Feminine can operate to enhance and expand our "reality." We are not fated to simply repeat the same old dance, we can *be* out of step. The Feminine is not engraved in stone.

Perhaps woman does not have a history, not so much because of any notion of the "Eternal Feminine" but because all alone she can resist and step back from a certain history (precisely in order to dance) in which revolution, or at least the "concept" of revolution, is generally inscribed. That history is one of continuous progress, despite the revolutionary break—oriented in the case of the women's movement towards the reappropriation of woman's own essence, her own specific difference, oriented in short towards a notion of woman's "truth." Your "maverick feminist" showed herself ready to break with the most authorized, the most dogmatic form of consensus, one that claims (and this is the most serious aspect of it) to speak out in the name of revolution and history. Perhaps she was thinking of a completely other history: a history of paradoxical laws and non-dialectical discontinuities, a history of absolutely heterogeneous pockets, irreducible particularities, of unheard of and incalculable sexual differences; a history of women who have—centuries ago—"gone further" by stepping back with their lone dance, or who are today inventing sexual idioms at a distance from the main forum of feminist activity with a kind of reserve that does not necessarily prevent them from subscribing to the movement, and even, occasionally, from becoming a militant for it.⁸³

This emphasis on the possibility of breaking beyond the identification of the feminine as opposition is inherently ethical and political in Derrida. The need to push beyond the limit of the "reality" of Woman defined as lack of the phallus, the insistence that Woman cannot be separated from the metaphors in which she is presented and in which she veils herself, does not mean that there "is" no reality to women's oppression.⁸⁴ Derrida completely understands the

⁸³ Derrida, *supra* note 78, at 167.

⁸⁴ In *Choreographies*, *supra* note 78, Derrida is very careful to make this distinction between the dream of a new choreography of sexual difference that has not been and cannot be erased in spite of the oppressiveness of our current system of gender representation and the reality of the oppression of women. Derrida's "utopianism" in this interview is often interpreted to mean that he is not a "feminist." But this is a seriously mistaken reading. Of course, Derrida is for legal reforms that *would* alleviate the most

importance of bringing the dance of the maverick feminist into line with the "revolution" that seeks to end the practical "reality" of women's subordination:

The most serious part of the difficulty is the necessity to bring the dance and its tempo into tune with the "revolution." The lack of place for [*l'atopie*] or the madness of the dance—this bit of luck can also compromise the political chances of feminism and serve as an alibi for deserting organized, patient, laborious "feminist" struggles when brought into contact with all the forms of resistance that a dance movement cannot dispel, even though the dance is not synonymous with either powerlessness or fragility. I will not insist on this point, but you can surely see the kind of impossible and necessary compromise that I am alluding to: an incessant, daily negotiation—individual or not—sometimes microscopic, sometimes punctuated by a poker-like gamble; always deprived of insurance, whether it be in private life or within institutions. Each man and each woman must commit his or her own singularity, the untranslatable factor of his or her life and death.⁸⁵

As Derrida reminds us, there is always more to the story of Woman than meets the eye, including Lacan's eye and his identification of Woman with castration. To quote Derrida:

The feminine distance abstracts truth from itself in a *suspension* of the relation with castration. This relation is suspended much as one might tauten or stretch a canvas, or a relation, which nevertheless remains—suspended—in indecision It is with castration that this relation is suspended, not with the truth of castration—in which woman does believe anyway—and not with the truth inasmuch as it might be castration. Nor is it the relation with truth-castration that is suspended, for that is precisely a man's affair. That is the masculine *concern*, the *concern* of the male who has never come of age, who is never sufficiently sceptical or dissimulating.⁸⁶

The reinstatement of rigid gender identity in the symbolic is replicated in Lacan's own account of Woman. In this sense, Lacan, like other men who think they know Woman, participate in their

aggravated abuses against women. But these reforms cannot ultimately touch the deeper underlying problem of sexual difference as it has become expressed in rigid gender identities. Feminism, if it is conceived as a struggle of women for political power—and this definition is, of course, only one definition of feminism—cannot reach the "underlying" problem of why sexual difference has taken the limited and oppressive form it has. For power is a limited, if necessary, step in the "liberation" of women from rigid gender identity. Put very simply, feminism, by this definition, replicates the dichotomous structure of the logos, even if it also seeks to put women on top. Therefore, there must be a "beyond" to feminism if we are to realize the dream of a new choreography of sexual difference.

⁸⁵ Derrida, *supra* note 78, at 169.

⁸⁶ J. DERRIDA, *supra* note 77, at 59.

own castration by imprisoning themselves in a system of gender representation that cuts off their own desire for Her and replaces it with the illusion that they have grasped Her in their fantasies. But what they know is only the content of those fantasies, not Woman. Even as the idealized Mother (*mere*), she is more (*mehr*). Lacan cannot hold her down:

Woman (truth) will not be pinned down. In truth woman, truth will not be pinned down. That which will not be pinned down by truth is, in truth—*feminine*. This should not, however, be hastily mistaken for a woman's *femininity*, for female *sexuality*, or for any other of those essentializing fetishes which might still tantalize the dogmatic philosopher, the impotent artist or the inexperienced seducer who has not yet escaped his foolish hopes of capture.⁸⁷

Spurs is often mistakenly read as just another attempt to identify Woman with Truth. Derrida, however, understands that because he writes within the problematic he cannot simply dislocate himself from it:

The truth value (that is, Woman as the major allegory of truth in Western discourse) and its correlative, Femininity (the essence or Truth of Woman), are there to assuage such hermeneutic anxiety. These are the places that one should acknowledge, at least that is if one is interested in doing so; they are the foundations or anchorings of Western rationality (of what I have called "phallogocentrism" [as the complicity of Western metaphysics with a notion of male firstness]). Such recognition should not make of either the truth value or femininity an object of knowledge (at stake are the norms of knowledge and knowledge as norm); still less should it make of them a place to inhabit, a home. It should rather permit the invention of an other inscription, one very old and very new, a displacement of bodies and places that is quite different.⁸⁸

Yet Derrida's desire for the new choreography of sexual difference also makes him wary of any attempt to introduce a new concept of representation of Woman to replace the ones we have now, because this change would again turn her into an object of knowledge. Woman would again be normalized, her proper place established. Thus, in response to Christie McDonald's question as to whether and how we can change the representation of Woman through "stage two" of deconstruction, in which the dichotomous hierarchy of the masculine and the feminine is reversed, Derrida responds:

No, I do not believe that we have one [a new concept of Woman], if indeed it is possible to *have* such a thing or if such a thing could

⁸⁷ *Id.* at 55 (emphasis added).

⁸⁸ Derrida, *supra* note 78, at 170-71.

exist or show promise of existing. Personally, I am not sure that I feel the lack of it. Before having one that is new, are we certain of having had an old one? It is the word "concept" or "conception" that I would in turn question in its relationship to any essence which is rigorously or properly identifiable.⁸⁹

Derrida, in other words, does not want feminism to be another excuse for passing out "sexual identity cards."⁹⁰ There is no ultimate feminine concept of Woman that can be identified once and for all. But this suspicion also prevents Derrida from proclaiming the Truth of Woman as absence, or more specifically as the absence of Truth. This is Lacan's "concept." Derrida instead is celebrating the potential in the Feminine to refuse castration, and by so doing to allow actual woman to dance differently:

"Woman"—her name made epoch—no more believes in castration's exact opposite, anti-castration, than she does in castration itself. . . . Unable to seduce or to give vent to desire without it, "woman" is in need of castration's effect. But evidently she does not believe in it. She who, unbelieving, still plays with castration, she is "woman."⁹¹

The misinterpretation of Derrida that insists that he, in spite of himself, evokes Woman as the absence, signified by the lack of the phallus, stems from the failure to note the full implications of Derrida's reversal of the Lacanian relationship of Truth and fiction as it relates to Woman. Again, this does not mean the relationship of Truth and fiction is simply reversed, because it is precisely Lacan's point, in one sense, that Woman is a fiction. Derrida is not saying that there is nothing to be said about women written within this system of gender representation, although he is clearly more interested in what women write for themselves. He is simply showing the claim that there "is" a truth of Woman that establishes her lack as fact of sexual difference that itself takes place in the textuality of the referent woman. Derrida exposes the metaphorical transference that hides itself in the *literal* assumption that "there is" inescapable castration.

Stated within the technical language of Lacan's own analysis, the Real itself cannot be completely severed from the linguistic code of the unconscious.⁹² A linguistic code cannot be frozen because of the slippage of meaning inherent in the metaphoricity of language.

⁸⁹ *Id.* at 174-75.

⁹⁰ *Id.* at 169.

⁹¹ J. DERRIDA, *supra* note 77, at 61.

⁹² Jane Gallop points out that "Lacan's contribution to Freudian theory of sexual difference is to articulate the castration complex around the phallus The phallus symbolizing unmediated, full *jouissance* must be lacking for any subject to enter the symbolic order, that is to enter language . . ." J. GALLOP, *supra* note 39, at 95-96.

Lacan belies the force of his own insight into the linguistic formation of the unconscious. There "is no pure beyond to the Symbolic," but there is also not a complete cut from either the Imaginary, and the idealized woman, or the Real, because they only "are" in language.⁹³ The three realms Lacan differentiates are intermingled, and thus the Law of the Father is marked and contaminated by what it needs to shut out to achieve the imaginary self-presence of phallic authority. To quote Derrida:

That does not mean (to say) that there is no castration, but that this *there is* does not take place. There is that one cannot cut through to a decision between the two contrary and recognized functions of the fetish, any more than between the thing itself and its supplement. Any more than between the sexes.⁹⁴

The erection of the *Ça*, Lacan's own term for the erection of sexual difference in the unconscious, is just that—an erection, fated to fall: the Law of the Father "is" only against what it represses, the idealized symbolic relationship of the infant to the mother. But this moment of repression marks the Law of the Father itself, indeed, makes it what *it is*, as authoritative because it is *phallic*, therefore *not* feminine. Lacan's assertion of the self-presence of the Father is exposed as a mechanism of denial to protect against the "return" of the feminine. The illusion of self-presence of the male authority figure who pronounces the law "is," is exposed as precisely that, illusion. The Law rests on the repressed underside of the feminine which, even when held down, continues to disrupt the purported unity of the law. The feminine "operator" can intensify the effect of Her disruption. Derrida's *Spurs* is a hymn to Her power of disruption which belies Lacan's attempt to pin Her *Truth* down.

The question of the woman suspends the decidable opposition of true and non-true and inaugurates the epochal regime of quotation marks which is to be enforced for every concept belonging to the system of philosophical decidability . . . Truth in the guise of production, the unveiling/dissimulation of the present product, is dismantled. The veil no more raised than it is lowered. Its suspension is delimited—the epoch. To delimit, to undo, to come undone, when it is a matter of the veil, is that not once again tantamount to unveiling? even to the destruction of a fetish? This question, *inasmuch as it is a question*, remains—interminably.⁹⁵

Derrida's allegorical reading of the feminine is itself utopian, in that it refuses the so-called realism of castration. Woman is the very

⁹³ For a more detailed explanation of the Lacanian framework, see Cornell & Thurschwell, *supra* note 37, at 145 n.2.

⁹⁴ J. DERRIDA, *supra* note 75, at 229.

⁹⁵ J. DERRIDA, *supra* note 77, at 107-09 (emphasis in original).

figure in Derrida's *Spurs* of the constitutive power of the not yet, the beyond to Lacan's symbolic! The play of difference does exactly the opposite of what it is thought to do, it does not make utopian thinking impossible, it makes it necessary, since the meaning of Woman, and of sexual difference, is displaced into the future. Lacan's pretense that we know her truth and establish Her as a fact is belied as expression of a desire to know Her so he can capture Her. But such a desire is exposed as the pretense he must play out to assuage his longing and not as the truth of reality.

What Derrida writes of the male more generally applies specifically to Lacan:

In such an affair the male, in his credulousness and naivety (which is always sexual, pretending even at times to masterful expertise), castrates himself and from the secretion of his act fashions the snare of truth-castration. (Perhaps at this point one ought to interrogate—and “unboss”—the metaphorical full-blown sail of truth's declamation, of the castration and phallogentrism, for example, in Lacan's discourse).⁹⁶

Very simply put, we are not stuck with the way things are “now,” because the way things “are” “now” carries within the beyond to the current system of gender representation. Lacan's delusion is to see himself as the master of Woman. Woman continually plays with her truth, taking up through performance the position he has supposedly reduced her to. But in Derrida, engaging with this performance is knowing that she is “playing”:

She takes aim and amuses herself (*en joue*) with it as she would with a new concept or structure of belief, but even as she plays she is gleefully anticipating her laughter, her mockery of man. With a knowledge that would out-measure the most self-respecting dogmatic or credulous philosopher, woman knows that castration *does not take place*.⁹⁷

But I want to intervene here with a cautionary caveat. Derrida, as we have seen, should not be taken to indicate that there are no stabilized gender representations enforced in social conventions so as to become “true.” Indeed, the very opposite is the case. Without such stabilized representations it would not be possible to give a critical account of the treatment of the feminine, and of women within law. The point to be made is that the “truth” of feminine “reality,” once we understand its inevitable metaphorical dimension, does not and cannot lie in properties of the object Woman, but in the systems of representation that have become so stabilized that they appear unshakable. It would also be a mistake to conclude that

⁹⁶ *Id.* at 59-61.

⁹⁷ *Id.* at 61 (emphasis in original).

all interpretations of the feminine are equal, once we do away with the notion of a female nature that can be known, so that competing interpretations of the feminine can be judged for their adequacy to the object Woman. Instead, the criteria for judgment are both ethical and political. Does one interpretation rather than another expand and enhance the way Woman is "seen," so as to lift the stereotypes that justify the continuing oppression of women? The language of the feminine is how we typically operate to displace the stereotypes associated with gender difference—by using the feminine affirmatively.

To engage with the language at least traditionally associated with the feminine body, then, is not a coincidence. Derrida frequently in his writing—all the while knowing that what he does is not the same as when a woman does it—positions himself through the feminine. But his very style of writing in a chorus of "polysexual" voices also expresses his desire for the disruption of the prescriptive order of gender identity associated with the reification of literal gender identifications. For Derrida, an "answer" to the question "who are we sexually?" if indeed it should even be risked, cannot even be approached if the standpoint of either male or female is reified so that the author speaks and writes from a unified position:

At the approach of this shadowy area it has always seemed to me that the voice itself had to be divided in order to say that which is given to thought or speech. No monological discourse—and by that I mean here mono-sexual discourse—can dominate with a single voice, a single tone, the space of this half-light, even if the "proffered discourse" is then signed by a sexually marked patronymic. Thus, to limit myself to one account, and not to propose an example, I have felt the necessity for a chorus, for a choreographic text with polysexual signatures.⁹⁸

This attempt to achieve a "choreographic text with polysexual signatures" obviously should not be confused with an attempt to reinstate a sexually neutral position from which to write. Derrida consistently argues that such a position within our system of gender identity is impossible, which is why the choreographic text still involves designatable masculine and feminine voices at the same time that it tries to blur the traits and lines of thought traditionally associated with the gender opposition. Thus, even though Derrida deliberately re-sexualizes the supposedly neutral language of philosophy, and does so by using words which carry associations with the feminine body, hymen and invagination for example, he also hesitates before the danger that such a use of language, while recognizing the repressed feminine, will do so in such a way as to again reinforce

⁹⁸ Derrida, *supra* note 78, at 183 (footnote omitted).

rigid gender identity. Derrida recognizes that one can never know for sure whether any attempt to shift the boundaries of meaning and representation through a re-invention of language is complicit with or breaks with existing ideology. The use of words associated with the feminine body could only too easily reinstate phallogocentric discourse by perpetuating myths of what that body is from the masculine viewpoint. Derrida believes he has chosen his words carefully to disrupt traditional associations that would seem to be determinate of the feminine. The introduction of such language carries a performative aspect that can never be totally assessed, but which unmasks the pretense of neutrality, while it questions the current line of cleavage between the sexes that would rigidly designate: This is masculine, this is feminine. The hymen "is" between male and female, but as what gives way "in love." To quote Derrida:

One could say quite accurately that the hymen *does not exist*. Anything constituting the value of existence is foreign to the "hymen." And if there were hymen—I am not saying if the hymen existed—property value would be no more appropriate to it for reasons that I have stressed in the texts to which you refer. How can one then attribute the *existence* of the hymen *properly* to woman? Not that it is any more the distinguishing feature of man or, for that matter, of the human creature. I would say the same for the term "invagination" which has, moreover, always been reinscribed in a chiasmus, one doubly folded, redoubled and inversed, etc.⁹⁹

The link between the Other, Woman, as the more (*mehr/mere*) of a given state of affairs is the threshold. We are constantly invited to cross through the essentialist conceptions of sexual difference, which in turn create the openings for new interpretations. This link, evoked as the hymen, is both the invitation to crossover and a barrier to full accessibility. The hymen, however, if inseparable from the feminine, cannot be reduced to a property of the female body.

But Derrida also knows only too well the ethical risks inherent in the gender-neutral position. Traditionally, ethics has been conceived as involving a universal position attainable for all subjects and thus independent of their sexual markings. Ethics seems, then, to involve the ability, at least for the purposes of morality, to speak of humanity in general and in a language that reflects that generality:

[T]he possibility of ethics could be saved, if one takes ethics to mean that relationship to the other which accounts for no other determination or sexual characteristic in particular. What kind of an ethics would there be if belonging to one sex or another be-

⁹⁹ *Id.* at 181-82.

came its law or privilege? What if the universality of moral laws were modelled on or limited according to the sexes? What if their universality were not unconditional, without sexual condition in particular?¹⁰⁰

If we do not accept the possibility of achieving a neutral position, then by definition morality itself will be sexually marked. More importantly, it will be marked by the privileging of the masculine, if we understand the sexual opposition not only as a dichotomy but as a hierarchy in which the feminine, understood as more than the other of opposition to them, is erased. The hierarchy establishes us as their counterpart, which is what Luce Irigaray has called the "old dream of symmetry." As Derrida explains:

One could, I think, demonstrate this: when sexual difference is determined by *opposition* in the dialectical sense (according to the Hegelian movement of speculative dialectics which remains so powerful even beyond Hegel's text), one appears to set off "the war between the sexes"; but one precipitates the end with victory going to the masculine sex. The determination of sexual difference in opposition is destined, designed, in truth, for truth; it is so in order to erase sexual difference. The dialectical opposition neutralizes or supersedes . . . the difference. However, according to surreptitious operation that must be flushed out, one insures phallogentric mastery under the cover of neutralization every time. These are now well known paradoxes.¹⁰¹

The only way out of this paradox is to work within the hierarchy to reverse the order of repression, which is why, as we have seen, Derrida positions himself through the feminine. Since rebellion against metaphysical oppositions cannot simply take the form of denial that they exist in already established "neutral" discourse, there must be a "phase" of overturning. This phase is necessary for the intervention into the hierarchical structure of opposition. But it is not a phase that one simply surpasses, because the oppositions continually re-assert themselves. The phase, then, is structural, not temporal. We never just "get over it." We cannot settle down once and for all. In that sense, deconstruction is interminable; there cannot be a clear line between "phase one" and "phase two." As Derrida explains:

I am not sure that "phase two" marks a split with "phase one," a split whose form would be cut along an indivisible line. The relationship between these two phases doubtless has another structure. I spoke of two distinct phases for the sake of clarity, but the relationship of one phase to another is marked less by conceptual

¹⁰⁰ *Id.* at 178.

¹⁰¹ *Id.* at 175.

determinations (that is, where a new concept follows an archaic one) than by a transformation or general deformation of logic.¹⁰²

It is the deformation of the logic of sexual difference as opposition, and the repression of the Feminine upon which it rests, that deconstruction seeks to disrupt. Therefore, in spite of his recognition that the phase of overturning is necessary, Derrida does not seek a new concept or representation of Woman. Even the metaphors that give body to the feminine, including, as we have seen, those of the feminine body, are suspect in that they seem to assert what Woman is. I do, however, want to note that a potential tension exists between Derrida's insistence on the phase of overturning and his uneasiness with attempts to give body to the Feminine. The danger is that Derrida jumps too quickly to the new "choreography of sexual difference," in spite of his great care to recognize the phallogocentric nature of traditional metaphysics.

VIII

THE CRITIQUE OF CATHARINE MACKINNON: FEMINISM ALWAYS MODIFIED

The system of gender representation is not a prison from which we cannot escape. It is there, as Joyce reminds us, as the world of "ficti-fact."¹⁰³ Catharine MacKinnon presents a powerful account of the oppression experienced by women in a system of gender repression in which the masculine is everywhere privileged. The feminine is ignored when we are passive and obliterated when we resist.¹⁰⁴ MacKinnon's theoretical mistake is her failure to recognize the status of our current system of gender identity as "ficti-fact." MacKinnon characterizes any attempt to affirm the feminine as a misguided effort to find consolation within the gender roles that shackle us. Her view is in tension with her own understanding of the social and genderized construction of truth. MacKinnon's point is that we are in chains; there is nothing, absolutely nothing to celebrate in that condition. We must, as a result, confront our own distortion by the male power that denies us the lives available to men. MacKinnon does not want us to *pretend* that things are different now so that the world seems more bearable. She wants to destroy the pretense of femininity as a justification for any further complicity in our oppression. Therefore, we must, in an unmodified way, condemn our present situation. To quote MacKinnon:

Feminists say women are not individuals. To retort that we "are"

102 *Id.*

103 See generally J. JOYCE, *supra* note 1.

104 See generally C. MACKINNON, *supra* note 63.

will not make it so; it will obscure the need to *make change so that it can be so*. To retort to the feminist charge that women “are” not equal, “Oh, you think women aren’t equal to men” is to act as though *saying* we “are” will make it so. What it will do instead, what it has done and is doing, is legitimize the vision that we already “are” equal. That *this* life as we live it now is equality for us. It acts as if the purpose of speech is to say what we want reality to be like, as if it already is that way, as if that will help move reality to that place. This may work in fiction, but it won’t work in theory.¹⁰⁵

The central purpose of this essay is to show that the reality of Woman cannot be separated from the *fictions* in life and in theory. When we write of Woman, we are indicating the “not yet.” Feminist theory, in other words, cannot be separately maintained from fiction. Feminist theory, in so far as it involves an appeal to Woman, demands poetic evocation. As I have already indicated, I agree with MacKinnon that we should not justify our current system of gender representation as if the dream of the new choreography of sexual difference has already been realized. We must condemn our oppression. Moreover, there is no doubt that MacKinnon’s vivid narrations of woman’s position in patriarchy have made a significant contribution to our ability to see the world as genderized on all levels. The *power* of MacKinnon’s writing lies in the different way of seeing that she gives us. I do not, in any way, want to deny or mitigate the full extent of women’s suffering under patriarchy. Our suffering has either gone unnoticed or been rendered acceptable as the inevitable result of femininity for too long, far too long. But MacKinnon’s theoretical mistake carries its own dangers, not the least of which—and in spite of her intent—is the privileging of the masculine position.

MacKinnon’s central error is that she reduces Feminine reality by *identifying* the feminine *totally* with the real world as it is seen and constructed through the male gaze. On one level, MacKinnon explicitly rejects the idea of an objective reality beyond social construction. For MacKinnon, the objective standpoint is the male point of view in disguise:

The *kind* of analysis that such a feminism is, and, specifically, the standard by which it is accepted as valid, is largely a matter of the criteria one adopts for adequacy in a theory. If feminism is a critique of the objective standpoint as male, then we also disavow standard scientific norms as the adequacy criteria for our theory, because the objective standpoint we criticize is the posture of science. In other words, our critique of the objective standpoint as

¹⁰⁵ *Id.* at 59 (italics in original, emphasis added).

male is a critique of science as a specifically male approach to knowledge. With it, we reject male criteria for verification. We're not seeking truth in its female counterpart either, since that, too, is constructed by male power. We do not vaunt the subjective. We begin by seeking the truth of and in that which has constructed all this—that is, in gender.¹⁰⁶

My disagreement with MacKinnon is that feminism *must* seek truth-value, not as MacKinnon would in its female counterpart, but in the allegories and myths of the feminine. Feminism is *always* modified differently as different groups of women insist on their reality. As I have argued, being cannot be separated from seeing, but it cannot be reduced to it either. Indeed, it is precisely because of the impossibility of this separation that what “is” cannot be reduced to the way one particular group sees reality. Other visions are always possible. There is always the possibility of slippage between what is seen and what “is,” even if we can only understand the significance of the slippage from another point of view.

MacKinnon, on the other hand, gives us an unshakable, objective, unmodifiable reality, the reality constructed by the male gaze. I am suggesting that that reality is not as unshakable as it might look, because that reality cannot be separated from its metaphors. Through metaphor we can modify the world because the world as it “is” appears in the language in which it is represented. The feminist visionary who sees the world differently and tells us of her world may be ignored, but her vision cannot be taken away from her. The deconstructive allegory of the Feminine indicates that Woman is the *seer* precisely to the degree that she skirts castration by the symbolic order. Cassandra saw “the truth” of Troy.¹⁰⁷ In the feminist retelling of the myth, she was not mad, she was true to her reality.

If it were not possible for feminism to confirm a different view of the world through women's solidarity, feminism would lose its critical edge. There would be no other viewpoint than the one established as the real masculine world. If the feminine view is repudiated, the masculine stance is the only one possible. Feminism ironically becomes the call to stand up like a man. I agree with MacKinnon that there cannot be a third neutral position from which one can look down upon gender. But the danger of the re-assertion of the masculine, which blocks all other visions, demands the affirmation of the feminine.

We envision not only a world in which the viewpoint of the feminine is appreciated; we also see a world peopled by individuals,

¹⁰⁶ *Id.* at 54 (emphasis in original).

¹⁰⁷ See CHRISTA WOLF, *CASSANDRA: A NOVEL AND FOUR ESSAYS* (Jan Van Heurck trans. 1984).

sexed differently, a world beyond castration. Through our visions we affirm the "should be" of a different way of being human. The goal of ethical feminism, which sees the "should be" inherent in the feminine viewpoint, is not *just* power for women, but the redefinition of all of our fundamental concepts, including power. Feminine power should not, in other words, be separated from the different, ethical vision of human beings sought after in the feminine. When "Anna Stessa arises," it is not in the form of an erection.¹⁰⁸

Within the sado-masochistic system of gender representation in which the masculine is on top and the feminine is on the bottom, the only alternative is reversal of *power*. One is either a slave, or a master. The political goal of empowerment can only be obtained by reversing the hierarchy. But the hierarchy is not dismantled, even if women were to take the upper position. Ethical feminism refuses this alternative as just an assumption of the masculine position.

Without an ethical affirmation of the feminine as the skirting of castration we cannot, I am arguing, slip beyond the replication of hierarchy inherent in the master/slave dialectic. As a result, our political struggle for power must be informed by our vision of the ideal. A real danger inherent in MacKinnon's brilliant transposition of the Marxist paradigm to gender is that it must reject as distortion any ethical ideal of the feminine and, therefore, leave us only with the struggle for power within the pre-given hierarchy. But another more subtle danger is the implicit privileging of masculine values, such as freedom, as more important than love and intimacy, and the masculine concept of the self. Andrea Dworkin tells us that Emma Bovary *really* wanted *freedom*: "Romance was her suicidal substitute for action; fantasy her suicidal substitute for a real world, a wide world. And intercourse her suicidal substitute for freedom."¹⁰⁹ Her death was the result of her false consciousness, her supposed impotence. But what kind of freedom did she want? The freedom to be Charles Bovary? The freedom to enter into realm of the symbolic and by so doing assume her own castration? Dworkin's message, symbolized by her interpretation of the fate of Emma Bovary, is that *we*—women—would be better off if we stopped desiring intimacy. But would we, or for that matter would anyone, be better off? Indeed, *can* we even stop our desire in a system of gender representation in which the Feminine as the Phallic Mother and the intimacy she figures is cut off by the order of the symbolic? I do not want to emphasize the *can*, but the *should*. We *should* not want to cast off our desire for intimacy in the name of the freedom to be Charles

¹⁰⁸ "Anna Stessa's Rise to Notice" is one of the titles of the mamafesta in *Finnegans Wake*. See J. JOYCE, *supra* note 1, at 104.

¹⁰⁹ ANDREA DWORKIN, INTERCOURSE 111 (1987).

Bovary. I refer to Dworkin's use of Emma Bovary only to reinforce the inevitable reinstatement of the masculine when the feminine is repudiated. If the choice is between suicide and the assumption of castration, then the very use of the word choice is *truly* a mockery.

Perhaps my central disagreement with MacKinnon can be stated as follows: MacKinnon writes, "[w]e would settle for that equal protection of the laws under which one would be born, live, and die, in a country where protection is not a dirty word and equality is not a special privilege."¹¹⁰ I agree with MacKinnon that we should fight for equal protection under the law, but I would not *settle* for it. With Derrida, I will continue to dream of a new choreography of sexual difference: in which love and intimacy is other than the lackluster lassitude of tired and cynical collusion in women's oppression.

[W]hat if we were to reach, what if we were to approach here (for one does not arrive at this as one would at a determined location) the area of a relationship to the other where the code of sexual marks would no longer be discriminating? The relationship would not be a-sexual, far from it, but would be sexual otherwise: beyond the binary difference that governs the decorum of all codes, beyond the opposition feminine/masculine, beyond bisexuality as well, beyond homosexuality and heterosexuality which come to the same thing. As I dream of saving the chance that this question offers I would like to believe in the multiplicity of sexually marked voices. I would like to believe in the masses, this indeterminate number of blended voices, this mobile of non-identified sexual marks whose choreography can carry, divide, multiply the body of each "individual," whether he be classified as "man" or as "woman" according to the criteria of usage.¹¹¹

IX

THE ART OF LOSING

There is a theoretical reason for the affirmation of the dream. The psychoanalytic framework, particularly as it has been developed by Lacan, teaches us that the law and the legal system cannot be separated from the Law of the Father through which gender identity is established. It also follows from MacKinnon's position that women can only achieve legal equality if we challenge the very basis of sexual difference. This intertwining of law with the Law explains why we cannot settle for changes in the legal system—these reforms must themselves involve a challenge to gender identity. Otherwise—and we have certainly lived to testify to this reality—even the

¹¹⁰ C. MACKINNON, *supra* note 63, at 45.

¹¹¹ Derrida, *supra* note 78, at 184.

most modest legal reforms will be undermined at every stage by the re-assertion of the Law.

MacKinnon reminds us that *all* of our concepts are genderized. Under her *own* unmodified feminism, the idea of the self would have to be genderized as well. For MacKinnon, the feminine self is the one "who gets fucked."¹¹² Femininity is the trap in which we ensnare ourselves in our distorted desire "to be fucked." To quote MacKinnon: "I'm saying femininity as we know it is how we come to want male dominance, which most emphatically is not in our interest."¹¹³ The masculine self is defined as the "one who fucks" and "fucks over" the other. What is the worst imaginable disaster to this masculine self? To be fucked. The *man* is the one who penetrates, not the one who is penetrated. That, according to MacKinnon, makes him a man. But we now have to ask why it is the end of the world "to be fucked" if you are a man.

The obvious answer is that this is what happens to women. Whatever happens to women is to be avoided in the name of being men. That is how he *knows* he is a man and so he does not let *that* happen to him. This may provide a partial explanation of the homophobia directed toward gay men.

But why is it the end of the world "to be fucked?" Why do we think of all forms of oppression in terms of "getting fucked?" Is the problem with "getting fucked" or is it with the system of gender representation that defines the masculine, and the corresponding self as the one who does not "get fucked?" MacKinnon, of course, has an answer to these questions: To "be fucked" is to be turned into an object of masculine desire in which the woman, not the man, loses her subjectivity. But, as Bataille continually reminds us, eroticism demands nothing less than the risk of self.¹¹⁴ In erotic passion, the boundaries of selfhood yield to the touching theories.¹¹⁵ Does MacKinnon successfully distinguish the inherent value, ability and risk to the self involved in eroticism from the specific feminine position of "being fucked?" I think she does not. Indeed, she cannot as long as she re-casts the subject as seeking freedom, not intimacy, in sex. As long as it is accepted that to be masculine, to be a self, is to not "be fucked," then if women are "fucked," we cannot be *individuals*. Therefore, women cannot be individuals until they give up "getting fucked." The only slogan that can follow from this accept-

¹¹² In MacKinnon's view, which she elaborates on in her writings, the world is divided into two groups: the "fuckors" and the "fuckees." Needless to say, MacKinnon considers women to comprise the latter group.

¹¹³ C. MACKINNON, *supra* note 63, at 54.

¹¹⁴ See G. BATAILLE, *supra* note 62, at 50-52.

¹¹⁵ See *id.*

ance of the definition of the self as the one who does not "get fucked" is MacKinnon's "out now."¹¹⁶

I completely agree with MacKinnon that in a system of gender representation like our own we do not choose heterosexuality. The reality of the sanctions against those who attempt to define their sexuality differently makes meaningful choice impossible. One *cannot choose* homosexuality then either. The ideology inherent in the words "sexual preference" is exposed as ideology. MacKinnon remarks:

Those who think that one chooses heterosexuality under conditions that make it compulsory should either explain why it is not compulsory or explain why the word choice can be meaningful here. And I would like you to address a question that I think few here would apply to the workplace, to work, or to workers: whether a good fuck is any compensation for getting fucked.¹¹⁷

I take MacKinnon's question with all the seriousness it deserves. Having done both, I want to insist that "getting fucked" and working in a factory do not yield the same experience of domination. This difference is, in part, that I reject the transposition of the Marxist paradigm *without modification* into the realm of gender identity. Of course, we cannot escape the reality of the economics of sex, and the way exploitation affects the very definition of sex and sexuality. Yet when we go on strike against an employer, we do not risk living mutilation in the same way we do when we cut ourselves off from the affective, and, if we interpret ourselves as heterosexual, the erotic relationships we have with men. But I wish to ask an even more fundamental question: Why should we endorse a view of selfhood, defined from the side of the masculine, as the one who does not "get fucked?" If this is what it means to be a self, why would a woman desire to become "it?" (I use the word "it" deliberately.)

Under this view of the individual or the subject, the body becomes the barrier in which the self hides, and the weapon—the phallus—asserts itself against others. The feminine self, as it is celebrated in myth and allegory, lives the body differently. The body is not an erected barrier, but a position of receptivity. To *be* accessible is to *be open* to the other. To shut oneself off is *loss* of sexual pleasure. As loss, castration is rejected. If one *views* one's body in this way, then "to be fucked" is not the end of the world. The endless erection of a barrier against "being fucked" is seen for what it "is"—a defense mechanism that creates a fort for the self at the expense of *jouissance*.¹¹⁸ It is not that a "good fuck" is compen-

¹¹⁶ C. MACKINNON, *supra* note 63, at 61.

¹¹⁷ *Id.*

¹¹⁸ In contemporary philosophical and psychoanalytic discourse, *jouissance* means wo-

sation for "being fucked." It is not even that the economic rhetoric of the rational man is not adequate to *jouissance*. My suggestion is, instead, that it is only if one accepts a masculine view of the self that "being fucked" *appears* so terrifying.

Elizabeth Bishop, in her poem, *One Art*, wrote: "It's evident/ the art of losing's not too hard to master/ though it may look like (*Write it!*) like disaster."¹¹⁹

To "be fucked" is to lose the self. But those of us who have mastered the "One Art" know that there are more important things to do—like loving—than maintaining the self against all comers.

I agree with MacKinnon that within patriarchy gender is not just a matter of difference but of domination. But from this insight MacKinnon concludes:

I am getting hard on this and am about to get harder on it. I do not think that the way women reason morally is morality "in a different voice." I think it is morality in a higher register, in the feminine voice. Women value care because men have valued us according to the care we give them, and we could probably use some. Women think in relational terms because our existence is defined in relation to men.¹²⁰

MacKinnon's rhetoric gives her away. Men may well value "getting hard" because that is the example *par excellence* of masculine as-

man's uniquely feminine, total sexual pleasure. This explanation, however, is an oversimplification. For a more detailed explanation of the term and its nuances, see H. CIXOUS & C. CLEMENT, *supra* note 59, at 165-66.

¹¹⁹ Elizabeth Bishop's entire poem reads as follows:

One Art

The art of losing isn't hard to master;
so many things seem filled with the intent
to be lost that their loss is no disaster.

Lose something every day. Accept the fluster
of lost door keys, the hour badly spent.
The art of losing isn't hard to master.

Then practice losing farther, losing faster:
places, and names, and where it was you meant
to travel. None of these will bring disaster.

I lost my mother's watch. And look! my last, or
next-to-last, of three loved houses went.
The art of losing isn't hard to master.

I lost two cities, lovely ones. And, vaster,
some realms I owned, two rivers, a continent.
I miss them, but it wasn't a disaster.

—Even losing you (the joking voice, a gesture
I love) I shan't have lied. It's evident
the art of losing's not too hard to master
though it may look like (*Write it!*) like disaster.

Elizabeth Bishop, *One Art*, in *THE COMPLETE POEMS 1927-1979*, at 178 (1983).

¹²⁰ C. MACKINNON, *supra* note 63, at 39 (footnote omitted).

sersion. Why should we seek this form of impossibility for ourselves?

MacKinnon argues that sex does not bring empowerment for women.¹²¹ If empowerment is defined as self-assertion and if, in turn, self-assertion is identified with "getting hard," then clearly sex for women does not bring empowerment. But again, I want to suggest that sex in the best of all possible worlds should *not* bring empowerment. Empowerment is not and should not be the ultimate goal in all relationships. Perhaps, if nothing else, the identification of empowerment as the sole political goal of feminism shows how profoundly we remain under the sway of masculine symbolism.

Furthermore, I disagree with MacKinnon that feminine desire can be completely identified with masculine constructs. Desire negates; desire does not, by definition, simply confirm what is. To argue that feminine desire loses its *power* of negativity because it is socially constructed from the male point of view implicitly asserts that a social construct can be turned into a fortress sturdy enough to fend off the transformations inherent in the metaphoricity of language in which it is built. Why bolster the fortress by asserting its unshakability? Instead, let us seek the new idiom in which we can speak of feminine desire. I am not advocating that we deny male power. I am only suggesting that we not make the masculine our world by insisting that we are only what men have made us to be. As Cixous writes: "She is a woman, heaven knows,/What is the difference? It isn't only the sex,/It's the way that love loves, above walls, despite armour, after the end of the world,/But I don't know how to say it."¹²² I don't know how to say it either. But if there is a reason to keep writing, it is for the sake of trying to say it.

MacKinnon would remind us that as women we do not choose to be losers. We must, she would argue, stop losing. I am suggesting that we can only find a way beyond the rhetoric of winners and losers if we endorse the "One Art" as a good, or at least a better way of loving. That is undoubtedly frightening for the masculine self. Yes, yes, I am writing that it is better to "be fucked" than to live out the empty victory of never being penetrated in the name of a self that seeks to be *selbststaendig*.¹²³ When I engage with MacKinnon, I must take on the world of heterosexual male violence that MacKinnon makes us see. Certainly, engagement with other women

¹²¹ *Id.* at 46-62.

¹²² Hélène Cixous, *Tancredi Continues*, in *WRITING DIFFERENCE* 37, 52 (Susan Sellers ed. 1988).

¹²³ This is translated roughly as "self contained," or "self sufficient." I mean this to depict the "empty victory" of a self-fulfillment grounded in non-interconnectedness; a "masculine" ideal of autonomy that MacKinnon advocates. I contrast *selbststaendig* with the "One Art."

potentially offers us release from this world. But as Irigaray reminds us:

For women to undertake tactical strikes, to keep themselves apart from men long enough to learn to defend their desire, especially through speech, to discover the love of other women while sheltered from men's imperious choices that put them in the position of rival commodities, to forge for themselves a social status that compels recognition, to earn their living in order to escape from the condition of prostitute . . . these are certainly indispensable stages in the escape from their proletarianization on the exchange market. But if their aim were simply to reverse the order of things, even supposing this to be possible, history would repeat itself in the long run, would revert to sameness: to phallogcratism. It would leave room neither for women's sexuality, nor for women's imaginary, nor for women's language to take (their) place.¹²⁴

The very language of MacKinnon's either/or, "getting fucked" or casting "them" out, envisions feminine desire within the constraints of heterosexuality. If we are to open the space for feminine desire, we need to affirm our desire as *feminine*, and it is precisely the affirmation of the feminine that MacKinnon disallows. Once "they" are out, MacKinnon offers us no other world in which we could speak from feminine desire. The vision of the body as wall against, rather than as connection to, creates a stark phallic image. Irigaray, on the other hand, has envisioned a different, feminine view of the body—and the body in Irigaray should itself be understood as metaphor and not as the *basis* for female reality—as she imagines two women making love:

No surface holds. No figure, line, or point remains. No ground subsists. But no abyss, either. Depth, for us, is not a chasm. Without a solid crust, there is not precipice. Our depth is the thickness of our body, our all touching itself. Where top and bottom, inside and outside, in front and behind, above and below are not separated, remote, out of touch. Our all intermingled. Without breaks or gaps.¹²⁵

We are returned to Bataille's vision of the intimacy of water in water. Again to quote Irigaray:

How can I speak to you? You remain in flux, never congealing or solidifying. What will make that current flow into words? It is multiple, devoid of causes, meanings, simple qualities. Yet it cannot be decomposed. These movements cannot be described as the passage from a beginning to an end. These rivers flow into no

¹²⁴ Irigaray, *This Sex Which Is Not One* 23, in L. IRIGARAY, *supra* note 59, at 33.

¹²⁵ Irigaray, *When Our Lips Speak Together* 205, in L. IRIGARAY, *supra* note 59, at 213.

single, definitive sea. These streams are without fixed banks, this body without fixed boundaries. This unceasing mobility. This life—which will perhaps be called our restlessness, whims, pretenses, or lies. All this remains very strange to anyone claiming to stand on solid ground.¹²⁶

Some things, as Bishop reminds us, are filled with the intent of being lost. Virginity is one of these “things” to lose, but only under the circumstances of the woman’s desire and with the hope that yes can mean, even now, something more than the affirmation of the masculine. If there is a feminist categorical imperative, it is to *put love into action*, knowing all the while that this risks the impossible.

Is the “art of losing” just one more excuse for masochism? The difference between masochism and the art of losing is not obvious. It cannot be when sadism seems to be the only alternative. The art of losing is only masochism if we continue to think within the hierarchy that privileges the “winners.” To think beyond this hierarchy we have to transform from within. We have to dare to be out of step. MacKinnon tells us that we must give up collaboration.¹²⁷ A crucial aspect of this collaboration is the attempt to succeed within their system:

I’m evoking for women a role that we have yet to make, in the name of a voice that, unsilenced, might say something that has never been heard. I will hazard a little bit about its content. In the legal world of win and lose, where success is measured by other people’s failures, in this world of kicking or getting kicked, I want to say: there is another way. Women who refuse to forget the way women everywhere are treated every day, who refuse to forget that *that* is the meaning of being a woman, no matter how secure we may feel in having temporarily escaped it, women as women will find that way.¹²⁸

I am advocating that the art of losing is necessary if we are to find “that way.”

To give one’s self up is to relinquish the phallic notion of the self as *selbststaendig*, as the subject who stands up against the other and strives desperately to be on top. This alternative has also been beautifully evoked by Joyce: “Sea, Sea! Here, weir, reach, island, bridge. Where you meet I.”¹²⁹

Returning to the beginning of the essay, if we do not bring the “feminine” reality from the “rere” to the “front” we will be imprisoned in the genderized reality that MacKinnon so eloquently de-

126 *Id.* at 215.

127 C. MACKINNON, *supra* note 63, at 198-205.

128 *Id.* at 77 (italics in original, emphasis added).

129 J. JOYCE, *supra* note 1, at 626.

scribes, in which everywhere we look we find the male.¹³⁰ But the project of bringing the "feminine" from the "rere" to the "front" is dangerous. Throughout this essay I have warned against the re-instatement of naturalist theories of Woman. Yet, even in my debate with MacKinnon, I have relied on myth to defend the deconstructive, ethical allegory of the feminine. As Barthes rightly describes myth, "[w]e reach here the very principle of myth: it transforms history into nature."¹³¹

Have I not, by defending the allegory of the Feminine through myth, fallen into a naturalist theory, if even in the form of a myth of Woman? I am aware of the danger. But I am also indicating—indicating, rather than asserting, because, after what I have just written, I cannot assert—that the best weapon against myth is to signify it in turn, and to produce an artificial myth; and this reconstituted myth will in fact be mythology.¹³² I am suggesting that even an allegory of Woman that protects the beyond as beyond can only express itself through an interchange with a mythology of the Feminine. I am also suggesting that this co-existence is acceptable if we are to give body to the figure Woman. We must give Woman body if we are to translate the Feminine into an ideal which represents a better way of being human. The danger, as Kristeva reveals, is of turning Woman into a religion.¹³³ But, if Bataille is right, and I endorse his interpretation, religion itself is an expression of the desire for intimacy that we associate with Woman.¹³⁴ Religion and Woman may well go hand in hand if both are understood to represent the desire for intimacy. The danger of turning Woman into religion is precisely the danger of feminism unmodified. The only solution to this danger is to understand myth as artificial mythology so that the structure of second nature reinstated by myth will appear as our mythology. Nothing more, nothing less. There can always be other mythologies.

X

THE SIGNIFICANCE OF MYTH AND THE FEMININE AS AN IMAGINATIVE UNIVERSAL

The role of myth in feminist theory is essential to the reclaiming and re-telling of "her story" because of our inability to escape our genderized context. The word "myth" emphasizes the hold that

¹³⁰ See C. MACKINNON, *supra* note 63, at 1-17.

¹³¹ ROLAND BARTHES, *Myth Today* 109, in MYTHOLOGIES 129 (Annette Lavers trans. 1972).

¹³² See *id.* at 134-35.

¹³³ Kristeva, *Women's Time*, *supra* note 3, at 207-11.

¹³⁴ See generally G. BATAILLE, *supra* note 62.

representations of the Feminine have over both individuals and cultures. They are remarkably unchanging. Hans Blumenburg has defined myth as follows:

Myths are stories that are distinguished by a high degree of constancy in their narrative core and by an equally pronounced capacity for marginal variation. These two characteristics make myths transmissible by tradition: their constancy produces the attraction of recognizing them in artistic or ritual representation as well (as in recital), and their variability produces the attraction of trying out new and personal means of presenting them. It is the relationship of 'theme and variations,' whose attractiveness for both composers and listeners is familiar from music. So myths are not like 'holy texts,' which cannot be altered by one iota.¹³⁵

Myth is one important way in which the Feminine achieves what Blumenburg calls "significance." Significance is myth's capacity to provide symbols, images and metaphors which give us an inspirational and shared environment. Myth's constancy allows us to recognize ourselves in the great mythic figures of the Feminine and to engage with them as touchstones for a Feminine identity. Cixous, for example, has powerfully evoked mythical figures to give significance to the deliverance of the Feminine writer, seeking to find her way beyond a system of gender representation she finds crippling.¹³⁶ The appeal to the mythic heightens the intensity of our own struggles to survive within patriarchal society. Our engagement with mythical feminine figures heightens the shared sense that our struggle really matters.

This memory is recollective imagination. We re-collect the mythic figures of the past, but as we do so we re-imagine them. It is the potential variability of myth that allows us to work within myth to re-imagine our world and, by so doing, to begin to dream of a new one. In myth we do find Woman with a capital letter. These myths, as Lacan indicates, may be rooted in male fantasy, but they cannot, as he would suggest, be reduced to it.¹³⁷ The reality presented in myth cannot be separated from the general metaphoric capacity of language. This is why we can work within a right to create an artificial mythology. As a result, even in myth, reality is always shifting as its metaphors yield a different and novel interpretation of the myth's meaning.

The feminist reconstruction of myth, which we find in the novels such as Christa Wolf's *Cassandra*,¹³⁸ and in Carol Gilligan's

135 HANS BLUMENBURG, *WORK ON MYTH* 34 (Robert M. Wallace trans. 1985).

136 See, e.g., H. CIXOUS & C. CLEMENT, *supra* note 59, at 63.

137 See generally J. LACAN, *supra* note 38.

138 C. WOLF, *supra* note 107.

discussions on love¹³⁹ involve re-covering the Feminine as an imaginative universal which will feed the power of the Feminine imagination. This use of the Feminine as imaginative universal does not and should not pretend to simply tell the truth of Woman as she was, or is. This is why our mythology is self-consciousness and artificial mythology: Woman is discovered as an ethical standard. As she is discovered, her meaning is also created. Better to love like Dido, than to found the Roman empire. Similarly, we have no doubt after reading Wolf's *Cassandra* that Achilles had his priorities all wrong and that we should have listened to Cassandra because she saw the connection between destruction and masculine subjectivity.¹⁴⁰ In this sense, the reconstruction of myth can bring into the light and out of the shadows, the *differend*. Moreover, the reconstruction of myth also involves making explicit the utopian aspiration which the reinterpretation expresses. As Wolf explains: "The Troy I have in mind is not a description of bygone days but a model for a kind of utopia."¹⁴¹ That utopian Troy is Cassandra's Troy, not that of Achilles! When we speak of Cassandra, of her experience, of her Troy, we do not return to essentialism. We dream from the standpoint of the ideal which could redeem the feminine from the shadows in which it has been obscured. We bring the feminine from the "rere" to the "front."

We can now see how Catharine MacKinnon has obscured the real power of the celebration of the utopian potential of the feminine. In her discourse with Carol Gilligan, MacKinnon challenged her opponent for affirming the conditions of women's oppression.¹⁴² In her empirical work, Gilligan argued that women speak about ethical questions in a different voice from that of the young men in her study.¹⁴³ Women, as she put it, enacted an "ethic of care,"¹⁴⁴ rather than a morality of rights.¹⁴⁵ MacKinnon did not challenge Gilligan's empirical findings of whether this "ethic of care" was actually correlated with women. As we have seen, she argued instead that to the degree that women demonstrated these characteristics, it was because they had been subordinated.¹⁴⁶ As a result, these characteristics should be rejected as suspect. MacKin-

¹³⁹ See *Feminist Discourse, Moral Values, and the Law—A Conversation*, 34 BUFFALO L. REV. 11 (1985) [hereinafter *Feminist Discourse*].

¹⁴⁰ See generally C. WOLF, *supra* note 107.

¹⁴¹ *Id.* at 224.

¹⁴² *Feminist Discourse*, *supra* note 139, at 73-75; see also C. MACKINNON, *supra* note 63, at 38-39.

¹⁴³ See generally CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT (1982).

¹⁴⁴ *Id.* at 30.

¹⁴⁵ *Id.*

¹⁴⁶ *Feminist Discourse*, *supra* note 139, at 74.

non recognized that we might accept these values on an independent basis (but under her own analysis what would such a basis be?) but not because they were feminine.¹⁴⁷ As we haven seen, for MacKinnon, what is Feminine is only there as the male point of view. She argnes that women accept these values only because men tell us this is what they want us to do. In a free world, woman might still accept these values, but it would only be in such a world that the choice would be meaningful.

As I have argned, there are several problems with MacKinnon's approach. The one I want to return to here is the disparagement of the Feminine, which can itself be a reflection of the acceptance of Feminine castration as the inevitable price we pay for entering the realm of the symbolic to play ball with the men. In her discourse with MacKinnon, Gilligan claims not only that men and women love and care about people differently, but also that women's difference should be valued, if not as a better, then as least as an equal mode of intersubjectivity. Within the perspective I have offered here, it is not important whether women have actually achieved a different way of loving that is superior and, therefore, valuable. Gilligan's narrations may be a part of our artificial mythology. As we tell the *story*, however, we are beginning to create the *reality* in which women achieve a superior way that is valued. What matters is that the re-telling of the feminine as an imaginative universal gives body to the "doubly-prized world" which makes this one appear hopeless and gives us the hope and the dream that we may one day be beyond it. If there is a last word in feminism, it is not the testimonial to an unmodified reality. Feminism calls us to the dream of a utopia of sensuous ease in which the *reality* of the castrated subject appears as a nightmare from which we are trying to awaken. Feminism calls us all to wake up and to "see" the doubly-prized world which might be ours. The world recast by Wolf's *Cassandra* is truly doubly-prized, not only as a disruptive power of difference, but also as the opening of the space of the feminine so "her story" can be told, in all its suffering and pain, as well as in all its glory.

147 *Id.* at 74-75.