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Beyond victimisation and misandry

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Unless feminism acquires a politics of justice that reaches beyond victim-status and misandry, it cannot move us towards a gender-balanced society. Feminists fret over Janet Halley's apostasy in *Split Decisions: How and Why to Take a Break from Feminism*, but the more probative assertions sit outside this debate. Irrespective of Halley's relationship to feminism, she pierces the feminist armour by critiquing what she calls 'Governance Feminism' and the 'Injury Triad'. These critiques motivate a serious reconsideration of gender inequality remedies, as they reframe but do not entirely undermine the feminist enterprises that seek to dismantle the male/female ('m/f') divide. Even those committed to feminist norms can embrace Halley's definition of feminism as $m \neq f$, $m > f$, and carrying a brief for f, advocating on behalf of women. Halley's assertions require an answer and a shift in feminist politics, even in those that seek to reduce the m/f divide. What consequences do these critiques hold for continued engagement in feminist enterprises?

Governance Feminism and the Injury Triad highlight the real consequences of Halley's post-identitarian theory. Governance Feminism involves the installation of feminists and feminist ideas in actual legal and institutional sites of power, including a multiplicity of non-state and para-state institutional forms. Governance Feminism's havoc falls on men, Halley asserts. Governance Feminist efforts to eliminate consent as a defence to rape in the context of war crime tribunals rely on an excessive criminalisation of sexuality in which some contact may be consensual. Here, Halley asserts that Governance Feminists presume their own disarray when in fact their agendas 'walk the halls of power' in a variety of contexts. The consequence, as others have argued, is institutionalised misandry.[1]

Governance Feminism's mistake draws on the Injury Triad. The Injury Triad, Halley tells us, is 'female injury + female innocence + male immunity' (p. 324). The Injury Triad has a dangerous potential to elevate women above their own subjectivity. This self-perception of constitutional innocence can carry its believers to extremes. The Injury Triad explains how feminists, despite their inclusive methodology, moved from a consciousness-raising ethos to disregard some of the consequences of their actions. To connect the dots more closely, the Injury Triad is at the heart of that lack of self-consciousness within the exercise of power at the heart of Governance Feminism.

Power necessarily has costs. Exercising power, even power in the interest of equality or justice, causes some people some harm. Halley wants Governance Feminism to own this possibility of getting blood on their hands. Governance Feminist utopianism blocks feminist insight, as Halley says, 'around the corners of its own construction' (p. xx).

Extending Halley's argument, not only does it become impossible for feminists to see the potential for male injury, but it blinds them to the unintended consequences of feminist interventions, imprisoning women inside a second-wave sexual paradigm. In this recreated cage of yellow wallpaper, it is not men's perception of women's hysteria that traps women, but women's own obsession with victimhood. A will to power feels foreign; women take power, but in a conflicted, guilty and unself-conscious way.

The alternative, Halley urges, is for feminism to recognise its will to power and 'thrill to the ferocity with which it sometimes wields the power it has won' (p. 32). It is this will to power that sits at the core of my project over the past few years to examine various quotas instituted to promote women's political and corporate representation. France's Parity Law requires political parties to name women as half their candidates for public office. Brazil's Quota Law requires thirty percent of candidacies. Norway's Corporate Board Quota requires a forty percent floor for either gender. Over one hundred state parties to CEDAW, the Convention for the Elimination of All Forms of Discrimination against Women, have adopted some sort of quota. This movement is largely invisible from within the United States, one of the very few nations

1 This work on misandry serves as part of the basis for my current work, *Unsex CEDAW: What's Wrong with Women's Rights*, which argues that the Convention for the Elimination of All Forms of Discrimination against Women should centre on gender instead of 'women'.

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not to adopt CEDAW at all. My analyses employ an international and comparative method that attempts several border crossings. Frame-shifting of identity and nationality inspires a reconsideration of the ambivalent relationship between group inequality remedies and identity of any form.

A counter-intuitive reading of Halley's critique leads to a reconsideration of women's taking and exercising power. Governance Feminism needs to convert more to Government Feminism, in which women express their will to power. Political power is structurally masculinised, more in a Jungian sense than in a second-wave feminist sense. The masculinised component in political power may be carried by women or men.[2] Within that context, women still maintain a lack of a will to power; women avoid positions of power, whether as a result of individual will or male expectations. Women 'play bottom' (p. 298).

To evoke Halley's extended discussion of sadism and masochism in the *Twyman v. Twyman*[3] case: 'Once we really do admit masochism into our vocabulary of sexual pleasures, we make it hard to know that any particular social outcome involving sexuality broadly conceived is a cost or a benefit, a good or a bad. Even there, we must – constantly, existentially, pragmatically, and in uncertainty – decide' (p. 363).

This point connects to the broader critique of Governance Feminism. The masculine crowds out the feminine at the helm of the state, but at some level 'playing bottom' carries fewer risks than taking control. Masochists have a tight relationship to the law – in particular contract law, as Gilles Deleuze explores in his *Présentation de Sacher-Masoch* (1991). In this book, Deleuze does a close analysis of the founding text of masochism, *Venus in Furs*, written in 1870 by Leopold Von Sacher-Masoch. *Venus in Furs* describes a man, Severin von Kusiemski, who requests to be the slave of a woman of whom he is enamoured. He encourages her to treat him in progressively more degrading ways. As Deleuze says, the masochist depends on contractual relations to structure his or her sexual interaction. One might connect Halley's argument on Governance Feminism to her comments on *Twyman*: women's refusal to own their power reflects an adherence to the 'bottom' role. When playing 'top', they refrain from owning the role, leading to more dangerous results than a self-aware negotiation of power.

Halley's call for a women's sexuality that includes masochism brings us to the need to recognise that all sexual and gender choices may not fit neatly into our left-centred equality visions. In a counter-intuitive way, embracing masochism may, in some material sense, liberate women to take the reins of social and political power. As the Jungian psychologist Robert Johnson argues in his book *Owning Your Own Shadow* (1994), it is through seeing and accepting one's dark side that one can attain positive achievements.

Reducing the nefarious effects of the Injury Triad and Governance Feminism requires instituting quotas. The problem with Governance Feminism is the refusal to own power. Quotas reduce this problem, sharply in some cases. Over the course of time, as quotas take effect and women occupy more and more positions of power, it will become an excuse for them to exercise power and, thus, it will become less and less likely for them to deny their own power-wielding.

In each of these contexts, efficacy confronts the ambivalence of the subordinate group in realising envisioned rights and equitable redistributions. Women 'playing bottom' in the power game comes out in the reluctance to take the reins of power, a reluctance that augments sexist exclusion to create the need for the quotas in the first place. One of the key reasons for Norway's Corporate Board Quota requirement was that, despite women's respectable participation levels in politics, corporate leadership was below ten percent. Some assert that links between feminism and socialist ideals led women to shun joining the power structure of what was defined as the enemy. Another example of women's conflicted relationship with the exercise of power surfaces in the hurdles faced by the French Parity law. Women, along with men, seem to prefer voting for male candidates for public office. Finally, feminists in the United States seem to prefer to focus on anti-discrimination theory and criminal law practice (rape/domestic violence work) rather than taking over political power by running for and obtaining political office. On a more practical level, studies by Emily's List, for example, show that women and men running for office for the first time tend to have similar levels of experience. The reason the men make it into office is that they run again after losing, whereas the women give up trying after their first loss.

2 Think of Amy Poehler telling the US public to 'grow a pair' or 'you can borrow mine' – women politicians occasionally embody masculinity more than their male counterparts.

3 *Twyman v. Twyman*, 855 S.W.2d 619 (Tex. 1993).

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Thus, women's superego tells them they *should* want and have political power but, due to either structural resistance or false consciousness, women avoid it. Perhaps this assessment is an example of paranoid structuralism, as Halley calls it. Quotas, as a political movement, function to force women to engage in power wielding. Quotas force women into positions of power and in so doing rob Governance Feminism of its self-denial. Quotas also work in degendering power relations. Even if individual women are not 'carrying a brief for f', out of a large group, some will be, and more will have the freedom to do so. Even if the second-waver 'up with women' types benefit, quotas still bring new actors into governance. Once there, the self-denial about power holding will shrink as women hold power and exercise it. Anti-essentialists cringe at such literal identity-driven remedies. It is possible that such remedies cut directly against the anti-identitarian project Halley performs. One core response to these concerns surfaces in Jane Mansbridge's (2001) anti-essentialist, pro-quota arguments. She recognises that although identity is no proxy for behaviour, fluid remedies that utilise identity in certain contexts may still prove to be effective without leading to the unintended consequences of reifying hierarchies and dichotomies. If we read Halley's Governance Feminism point correctly, more responsible exercises of power by women may result.

Simply increasing women's role fails to account for the flaws in Governance Feminism, while gender balance oriented remedies do. Here, it is worthwhile to distinguish promoting women from instituting policies that foster gender balance. The Scandinavian vision of gender equality attempts to extend benefits to men that exist for women. Thus, fathers are forced to take parental leave and are encouraged to push strollers in public service advertisements. De-gendering parenthood may yield greater results in eliminating gender inequality than Governance Feminism criminalisation efforts. For example, Norway's Corporate Board Quota, in the long run, protects men from eventual dominance by women, since a current majority of students in advanced degree programmes are women. Particularly in a knowledge economy, this presages the potential for a sharply increased role for women in taking on leadership roles in government and industry. If women constitute sixty-six percent of college students, as they will in the coming decades, eventually women may play a substantially larger role than men. Thus, the forty percent minimum for the minority gender can protect men as well as women.

Norway's move suggests a way for feminism to learn from Halley's critique and move forward. Remedies that seek to empty gender of its power investment may prove more effective as goals than the second-wave set of assumptions that focus on a narrow understanding of power relations and of gender. Power, like gender, is complex. Halley reminds us that unless feminism moves beyond attachment to victim status, it will fail to liberate us from gender inequality.

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