

Chapter 1

DIFFERENT WAYS OF CONCEPTUALIZING SEX/GENDER IN FEMINIST THEORY AND THEIR IMPLICATIONS FOR CRIMINOLOGY

KATHLEEN DALY

At a recent feminist conference held at the Australian National University, I was struck by the varied vocabularies and assumptions used to discuss sex and gender. There is nothing unusual about seeing differences among women and feminists when we speak and write, but the categories of difference I saw took a new form. They were not marked by the familiar distinctions of liberal, radical and socialist-feminist; nor by identity politics in terms of a speaker's self-declared race-ethnicity, sexuality, nationality, physical ability, and the like. Nor were they ordered—at least not explicitly—by method and epistemology, including feminist arguments 'for' or 'against' post-modern ways of theorizing. What I observed set in motion a rethinking of the ways that sex and

gender are conceptualized in feminist theory and in criminology. They can be termed 'class-race-gender,' 'doing gender' (and subsequently, 'doing difference'), and 'sexed bodies.' In describing and presenting these modes of feminist enquiry, I do not want to suggest that they cover the field.¹ Rather, I wish to clarify the contributions and limits of each to criminological knowledge.

My essay has two parts. In the first, I sketch major challenges to feminist theory that emerged in the 1980s concerning the production of knowledge and truth claims. This can be termed the 'knowledge problem' for feminism. The second describes three modes of feminist enquiry that responded, in part, to the challenges of the 1980s.

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CHALLENGES TO FEMINIST THEORY

Engaging academic feminism in the 1960s and 1970s was how and whether sex, gender and 'women' could be linked or 'added on' to liberal and Marxist theories. A burgeoning literature developed that compared liberal, radical, Marxist and socialist feminist perspectives (see, for example, Jaggar, 1983; Sargeant, 1981). In 'Feminism and Criminology,' Meda Chesney-Lind and I appended an overview of these perspectives on the 'causes' of inequality and strategies for social change (Daly and Chesney-Lind, 1988: 536–8). We did so reluctantly: while we wished to show that a range of feminist positions was possible, we worried the typology would become fixed precisely when it was unravelling.² It became apparent by the mid-1980s that the task for feminist theory was no longer how 'to remove "biases" [from Marxism and liberalism] but to see this "bias" as intrinsic to the structure of the theories in question' (Gatens, 1996: 60).

Shifting Ground in the 1980s

In the 1980s, feminist theory was especially influenced by scholars in philosophy and literature. This signalled a shift from the socio-cultural and historical emphases of the 1970s, when scholars began to 'uncover' women's histories and to reveal ethnographic diversity and commonality in women's lives. Michele Barrett (1992) characterizes this shift as moving from 'things' to 'words.' In the 1970s, feminist scholars had referred to *women* or *women's experiences* unproblematically, and they had stressed the importance of distinguishing biological sex from socio-cultural gender, and of developing a comprehensive feminist theory that might replace liberal, Marxist or psychoanalytical theories. But those efforts became untenable in the 1980s. A related critical challenge came from women marginalized by feminist theory and from a variety of postmodern/poststructuralist texts and theorists.³ These developments set in motion questions about how feminist knowledge is and should be produced and evaluated.

Early critiques of racism (hooks, 1981) and heterosexism suggested a failure of previous feminist scholarship to reflect on its own 'white solipsism' (Rich, 1979: 299) and 'compulsory heterosexuality' (Rich, 1980). Just when some

feminist scholars sought to develop a women's standpoint on knowledge, drawing either from Marxist terminology of proletarian consciousness (Hartsock, 1983) or women's bifurcated consciousness (Smith, 1979, 1987), the grounds for claiming a singular women's standpoint began to dissolve. Increasing attention was given to differences among women, which spawned what was termed *identity politics*: naming who one 'was' in terms of social location or 'identity,' with a particular set of experiences and viewpoints, and hence, different knowledges 'about women.' Voices that had been excluded from or ignored within feminist thought—e.g. self-identified radical women of color (Moraga and Anzaldúa, 1983) and black feminists (Collins, 1986), among others (Cole, 1986)—gained presence in the 1980s, giving notice to the dominant white, middle-class voices of feminist thought that theirs was not the only feminist analysis in town.⁴

Feminists who drew from postmodern thought also challenged the term *woman*, though for the reason that it lacked a stable and unified referent.⁵ But, like the early critiques from women marginalized by feminist thought, which raised questions about whose knowledge or 'experience' was legitimate, feminists working with postmodern texts raised questions about power in the production of knowledge.

Several major feminist literary theorists—Jane Gallop, Marianne Hirsch and Nancy Miller—discussed the role of feminist critique and their fears of being criticized by other scholars. As Gallop admitted,

I realize that the set of feelings that I used to have about French men I now have about African-American women. Those are the people I feel inadequate in relation to and try to please in my writing. (Gallop et al., 1990: 363–4)

Gallop's comment suggests that her feminist literary analysis was *first* affected by French men and *then* by black women.⁶ I suspect this chronology was common for US feminist literary scholars. Certainly, it was more so for this group than for US feminists in sociology, who responded first to the charge of racism in feminist thought and who were relatively more resistant to postmodern influences. These different histories of coming to terms with 'French men and black women' have important consequences for how we think through the problem

of ‘difference’ (both among and between men and women) and the degree to which postmodern/poststructuralist theoretical terms are embraced.⁷

For feminists in sociology, the problem of difference is commonly understood to mean mapping variation in women’s (and men’s) lives, of documenting power and resistance in interaction, and of assuming that one’s engagement in social structures (and especially, class, race-ethnicity, gender, sexuality and age) matter in shaping one’s consciousness, patterns of speech, behavior and capacity to affect social structures. In sociological empirical terms, difference is hardly novel; it is another way to theorize variability and power in social life. For literary scholars, the problem of difference is more often understood primarily as a discursive construction, its elements being binary oppositions in language, the construction of the ‘masculine’ and ‘feminine’ as constitutive of hierarchical sexual difference, and for some, an interest in the unconscious psyche. This contrast renders these approaches more oppositional than I would like, but two observations can be made.

First, humanities scholars set the feminist theoretical agenda in the 1980s; they were quicker than social science scholars to work with postmodern texts and theorists and, as such, they were more interested in the ways in which language and discourse set limits on what could be known. One result of the dominance of the humanities in the production of feminist knowledge is that scholars may not appreciate—indeed they may misunderstand—the practices of empirical social research. Another is that the work exhibits a form of theoretical imperialism or theoreticism, where the primary activity is discussion of concepts in the abstract.

Second, and more speculatively, I suspect that many humanities scholars read the race critique through postmodern terms, whereas the order may have been reversed for those in sociology (and kindred social sciences), who read the race critique through modern terms and who took on postmodern texts later. There have, of course, been different directions taken by feminist scholars in response to critique from within and from without. My point here is to note a confluence between the ‘problem of difference’ in feminist theory and a problem of power in the production of feminist knowledge. It is illustrated by Maria Lugones (a philosopher and

Latina), who describes how ‘white women’ addressed the problem of difference:

White women conceived [not] noticing us as a theoretical problem, which they label the problem of difference. . . . But white women theorists seem to have worried more passionately about the harm the claim does to theorizing than about the harm the theorizing did to women of color. The ‘problem of difference’ refers to feminist theories—these theories are the center of concern. The attempted solutions to the ‘problem of difference’ try to rescue feminist theorizing from several . . . pitfalls that would render it false, trivial, weak, and so on. (Lugones, 1991: 41)

As Lugones suggests, the problem of difference was framed by many feminist theorists solely as a problem for theory. Whereas she locates this tendency as stemming from ‘white women’s theorizing,’ I see it stemming from a disciplinary-based theoreticism, especially evident in philosophy, but which may also have a class and racial nexus.⁸ In comparison to philosophy, there was a larger group of feminists in sociology who called for ‘incorporating’ class-race-gender into the curriculum and research (see Andersen and Collins, 1992).⁹ That incorporation is not without problems (see Piatt, 1993), but it remains a major theoretical point of entry, especially for feminists of color, and a strategy for coalitional knowledge-building across groups.

Contrary to the claims of radical feminism of the early 1970s, Moira Gatens (1996: 62) suggests that it would be naive to think that feminists can produce ‘pure or non-patriarchal theory.’ This issue is central to the knowledge problem for feminism: it invites a rethinking of how we adjudicate among competing claims about ‘women’ or ‘women’s experiences.’ Are some better than others, and how do we decide?

Empiricist-Standpoint-Postmodern Feminisms

In the mid-1980s, Sandra Harding made an important contribution when she compared different epistemologies in producing feminist knowledge: empiricist, standpoint and postmodern (Harding, 1986, 1987). She noted the paradox (Harding, 1986: 24) that feminism was a political movement for social change and yet feminist researchers were producing knowledge

in the natural and social sciences that was more 'likely to be confirmed by evidence' than previous scientific claims. Harding wondered, 'How can such politicized research be increasing the objectivity of inquiry? On what grounds should these feminist claims be justified?' She suggested that there were two 'solutions' (empiricism and standpointism) and one 'agenda for a solution' (postmodernism).

By *feminist empiricism*, Harding referred to improvements in knowledge by removing sexist and androcentric biases. This meant to 'correct' but not to transform the methodological norms of science. Such a stance was dominant in 1970s feminist social science work, including criminology; and it remains strong in the 1990s. An unfortunate legacy in Harding's analysis is the choice of the term *empiricism* in light of its connotations in social research.¹⁰ In the social sciences, *empiricist* or *empiricism* are distinguished from *empirical*. The former terms refer to non-theorized empirical enquiry: that which exhibits the 'imperialism of the technique' or that which assumes a firm foundation of knowledge through observation (Wagner, 1992). However, one can do empirical work without being empiricist or without assuming an epistemology of empiricism. It seems crucial, then, that the term empirical not be tied to a particular epistemology. It is as large as 'text,' and both can stand in a constructive tension in the practice of social research.

By *feminist standpoint*, Harding (1986: 26) referred to how 'women's subjugated position provides the possibility of more complete and less perverse understandings' than the dominant position of men. This 'standpoint' is informed by women's experiences as understood from the perspective of feminism; thus, it can be taken by both men and women. Several problems are immediately evident. Can there be just one feminist standpoint if subjugated experiences vary by class or race, etc.? And, 'Is it too firmly rooted in a problematic politics of essentialized identities?' (Harding, 1986: 27).

The possibility of a feminist standpoint in law was most explicitly theorized by Catharine MacKinnon (1982, 1983), who contrasted a Marxist ontology of exploited and alienated labor (that of a nongendered proletariat) with a radical feminist ontology of exploited and alienated sexuality (that of women). Her arguments have been discussed and criticized at length by others (see, for example, Smart, 1989) so I will not repeat them here. Despite its problems, the

idea of a feminist or women's standpoint remains popular. It has evolved, shifting from an initial justificatory claim of superior feminist knowledge to anti-elitist claims of 'women's gendered experiences' (Fineman, 1994). It continues to resonate with the variety of 'hyphenated' feminisms—black (or African-American) feminism, Native American feminism, and the like—as scholars identify and validate a set of subjugated experiences and knowledges (see, e.g. Collins, 1990); and it is relevant for those examining the consequences of 'lived sexed bodies' for the 'sexualization of all knowledges' (Grosz, 1995: 36, 43). This larger set of positions congenial with standpointism reflects postmodern strains that soon become evident in standpoint thinking (Harding, 1986: 27).

By *feminist postmodernism*, Harding referred to a heterogeneous set of critiques of Enlightenment thought with its associated hierarchical dualisms (mind over body and reason over emotion, among others), disembodied claims of truth 'innocent of power,' and assumptions of a stable, coherent self (see Flax, 1990: 41–2). During the 1980s, US feminist engagement with postmodern texts and theorists was emergent; more developed analyses and debates soon followed (e.g. Butler and Scott, 1992; Nicholson, 1990).

One cannot make sense of feminist knowledge debates today without reference to postmodern ways of thinking about multiple and partial knowledges. For example, Harding (1990: 93) suggests that 'the knowing subject of feminist empiricism inadvertently but inevitably is in tension with Enlightenment assumptions,' and she views the modernist assumptions embedded in standpoint epistemologies and the postmodern skepticism of science, as reflecting 'converging approaches to a postmodernist world' (Harding, 1987: 295). Like other commentators, she notes that many modernist assumptions are embedded in postmodern texts and that feminist thinkers had already been challenging the assumptions of Enlightenment knowledge without benefit of postmodern thought (see Bordo, 1993; Carrington, 1994; de Lauretis, 1990; Henry and Milovanovic, 1996: Ch. 2; Seidman, 1994).

Discourse and 'A Real World Out There'

Modern/postmodern boundaries are more often blurred than sharp in feminist knowledge debates. However, for those engaged in social

research, important tensions remain concerning the status of 'the real' or the 'extra-discursive' in connection (or disconnection) to 'discourse.' Cain (1995: 70) puts the matter this way:

Do we emphasize the privilege or necessity of a downsider perspective, or do we buy in to the full postmodern package as a way of dealing with the differences within the downsider group?

By the 'full postmodern package,' Cain refers to a tendency to accord 'primal ontological status . . . to texts (or discourses) . . .' (p. 70). She suggests that the fallacies of epistemological primacy ('human knowledge calls the world') and epistemological privilege ('the social world has no potency outside of discourse'), which are present in many postmodern texts, 'arrogant[ly] place human knowledge at the centre of the universe.' Cain argues for

an autonomous existence for the material world, . . . which . . . include[s] not only untouched stars and virgin forest, artefacts with a knowledge component such as houses, fields, cakes, gardens, radios, bicycles, and income tax forms, but also social relations. (p. 74)

She envisions an 'empirical argument about the unthought and unspeakable relationships which yet have (so much) power' and thus, she wants to claim an ontology for social relations which 'like discourse . . . exist powerfully in a state of radical and uncaused autonomy' (p. 75). She suggests a methodological strategy of 'mapping . . . the articulations between relationships and knowledge/discourse.' She sees this strategy as implicit in Foucault's earlier work on discourse and the extra-discursive (see also Cain, 1993) and proposes that 'genealogy needs a sociology, as sociology has needed to understand the autonomy and power of the text' (p. 75).

Cain's arguments assist me in several ways. First, she recreates a space within postmodern thought for 'a real world out there,' although not a world that is transparent or knowable to an observer in empiricist terms. She terms her approach 'realist feminist,' which she links to a relational standpointism that is not given by biology but by social relations and an act of political will (Cain, 1993: 88–94; see also Cain, 1986, 1990). Second, she offers a way to see the limits of discourse analysis and, as such, challenges current hierarchies in feminist

knowledge: of words 'over' things and of philosophy and literature 'over' the social sciences.¹¹ I do not think it is coincidental that Cain's (1995) interest in reconciling 'apparently incompatible ontologies' (p. 73) has been forged from reflecting on the subjugated knowledges both of First World women in the metropole and of Third World men and women in the post-colonial Caribbean.

How has research in criminology been affected by these shifts in feminist thought? In the 1970s and 1980s feminist research on Real Women challenged the androcentrism of the field, as scholars filled knowledge gaps about women law-breakers, victims and criminal justice workers. By the 1990s, several scholars signalled a shift in interest from Real Women to The Woman of criminological or legal discourse (see Smart, 1990a, 1992). This reflected a move toward postmodern thinking on crime, courts and prisons, which is evident in the works of Bertrand (1994), Howe (1990, 1994), Smart (1995), Worrall (1990), and A. Young (1990, 1996). While sympathetic to postmodern texts, others have not wanted to abandon Real Women; they include Cain (1989), Carlen (1985, 1988), Carrington (1990), Daly (1992), Joe and Chesney-Lind (1995), and Maher and Daly (1996). Those studying violence against women may be especially resistant to letting go of Real Women because their voices and experiences have only recently been 'named' (compare Marcus, 1992 and Hawkesworth, 1989; see Radford et al., 1996). I am, of course, simplifying here, but I do so to highlight where feminist debate remains keen, both within and outside criminology, on the politics of knowledge. By retaining Real Women, feminists may take 'the ground of specifically *moral* claims against domination—the avenging of strength through moral critique' (Brown, 1991: 75). Real Women can be mobilized as 'our subject that harbors truth, and our truth that opposes power' (p. 77).¹² But for others, Real Women, their moral grounds and 'truths,' must be set aside (Smart, 1990b, as discussed below). Concurring with Smart, Brown asks

What is it about feminism that fears the replacement of truth with politics . . . privileged knowledge with a cacophony of unequal voices clamoring for position? (Brown, 1991: 73)

A good deal, many reply (e.g. di Leonardo, 1991; di Stefano, 1990; Harding, 1987). And that is why the knowledge problem continues to be

contentious for feminist theory and politics. One response has been sketched by Smart (1995: 230–2), who now admits that while we ‘need to address this Woman of legal [or criminological] discourse, . . . this kind of analysis alone gives me cause for concern.’ She suggests that discourse analysis of, for example, ‘the raped woman is of little value unless we are also talking to women who have been raped’ (p. 231). To Smart, this is not the same as asserting some truth about Real Women, but rather to be cognizant that ‘women discursively construct themselves’ (p. 231).¹³

Let me summarize and reflect on my argument in this first section. I identified problems resulting from a dominance of the humanities in feminist work: theoretical imperialism, insufficient attention to and a misreading of social science enquiry, and analyzing women’s ‘differences’ solely in linguistic or discursive terms. I would not wish to claim superiority of ‘the empirical’ or of social science enquiry. Such a position does not reflect what I have learned from feminist work in philosophy, literature and media studies. Nor does it reflect my interests to develop interdisciplinary ‘hybrid knowledges’ that break down disciplinary boundaries (Seidman, 1994: 2). It is to say that social science research has a key role to play in feminist knowledge and that empirical enquiry can be as radical and subversive as deconstruction.

THREE MODES OF FEMINIST ENQUIRY

The challenges to feminist theory in the 1980s, both by women marginalized by its terms and by postmodern texts, were not isolated. They were part of a general mood to unsettle social theory and to re-engage a critique of positivist social science (Seidman, 1994). Thus, we would expect to see reworkings of old concepts and the emergence of new ones. Two ways of reconceptualizing sex/gender in feminist enquiry—‘class-race-gender’ and ‘doing gender’—have been developed by feminists in the social sciences, especially those in sociology. ‘Sexed bodies’ has been developed by feminists in philosophy, and more generally, by re-readings of Foucault.

Class-Race-Gender

My work has been most influenced by class-race-gender or what I have come to term *multiple*

inequalities (Daly, 1993; 1995a). In the 1980s, it was not French men but black women whose critique of feminist thought had the greater influence on my thinking. Class-race-gender need not be interpreted literally to mean a sole focus on these three relations; its meaning can be stretched to include others, e.g. age, sexuality and physical ability. For many scholars, the term retains an allegiance, though not complete fealty, to notions of determining structures of inequality. For example, Pat Carlen (1994: 139–40) suggests the need to theorize inequalities that ‘both recognizes and denies structuralism.’ The term varies in application across and within the disciplines: from statistical analyses of wages and law-breaking for particular sub-groups (e.g. King, 1988; Simpson, 1991) to biographical and autobiographical storytelling forms (e.g. Abrams, 1991; Lorde, 1984; Pratt, 1984; Williams, 1991). In the US, class-race-gender is used to denote a more inclusive college-level curricula (see, for example, Belkhir et al., 1994 and the new journal *Race, Sex & Class*), and it has become a popular title in marketing readers in women’s studies (e.g. Andersen and Collins, 1992; Jaggar and Rothenberg, 1993; Ruiz and DuBois, 1994). While, on balance, curricular change and new readers are a good thing,¹⁴ they are but a small slice of a wider class-race-gender project.

Class-race-gender conceptualizes inequalities, not as additive and discrete, but as intersecting, interlocking and contingent. In the US, class-race-gender emerged from the struggles of black women in the Civil Rights Movement; it came into academic institutions (and especially sociology) in the late 1970s through articles and books by women of color. This early body of work not only critiqued ethnocentrism in feminist theory, but also established a rhetorical ground for women of color (see, e.g. Baca Zinn et al., 1986; Combahee River Collective, 1979; Dill, 1983).

Conceptualizing multiple relations of inequality has only just begun (for a recent effort in criminology, see Schwartz and Milovanovic, 1995). It will not take the same form as previous efforts to theorize ‘systems of inequality’ (as in relationships of capitalism and patriarchy). And while its proponents often claim its ‘greater inclusiveness,’ we should expect that like other ideas, it is ‘condemned to be haunted by a voice from the margins . . . awakening us to what has been excluded, effaced, damaged’ (Bordo, 1990: 138). Like others (e.g. Anthias and Yuval-Davis, 1992; Collins, 1993) I see the project as mapping

the salience and contingency of gender, class, race-ethnicity, and the like, both separately and together. For Floya Anthias and Nira Yuval-Davis (1992: 99), this means 'specifying] the mechanisms by which different forms of exclusion and subordination operate.' For Patricia Hill Collins (1990: 226–7), it means showing how social relations operate in a matrix of domination at three levels: personal, group and systemic. Authors' uses of terms such as *power* and *social structure* may vary: they range from earlier, more deterministic understandings of power as something individuals 'possess' in varying degrees, depending on their location in social structures external to them (e.g. Davis, 1981) to recent understandings, which are more context-dependent. These recent ways of conceptualizing social structure as fluid pose major challenges to previous understandings of power, subordination and human emancipation (see Collins, 1990; Henry and Milovanovic, 1996: Chs. 2–3; Yeatman, 1995).

Bordo (1990: 145) observes that the 'analytics of class and race . . . do not seem to be undergoing the same deconstruction' as gender and women. I would agree: relatively less intellectual discussion has been devoted to showing the lack of a unified referent for racial and class categories compared to those for gender. One reason is an under-theorization of race-ethnicity and its links to other social relations, e.g. the 'gendering' of race or the 'racializing' of gender. This is one of several building blocks in developing a class-race-gender analysis in criminology, but as yet, movement has been slow. Discomfort levels are high, not coincidentally because criminologists are so 'white' and advantaged, while the subjects of their crime theories more often are not (despite some attention to organizational crime). Moreover, scholars of color in criminology have only recently been in a position to challenge the white-centered assumptions of the field and to develop anti-racist theoretical and research agendas (see Russell, 1992; Walker and Brown, 1995; Young and Greene, 1995).

There are many ways to work with the idea of multiple inequalities. One is to use it to transform research and writing practices in the social sciences (see Daly, 1993, 1994). For example, to show how racial discrimination 'works,' one could use Richard Delgado's (1989) method of presenting multiple accounts of the 'same event.' In this case, Delgado describes what happened when a black man was interviewed for a job at a law school. The multiple perspectives of the

participants, as orchestrated by Delgado, bring the white reader into the story in such a way that racial discrimination toward the black man becomes visible to the white reader as part of his/her routine interpretations and practices. Delgado offers a nuanced picture of how race relations routinely work to disadvantage black job applicants through the organizational frame of 'neutral' job criteria. This kind of multi-perspectival approach could also be used by authors in communicating research findings and, as such, class-race-gender can be a vehicle by which to develop collaborations across academic-community locations and identities (see Austin, 1992; Daly and Stephens, 1995).

To date, class-race-gender has been most vividly revealed through literary and storytelling forms (see, for example, Bell, 1987; Delgado, 1989; Jordan, 1985; Lubiano, 1992; Pratt, 1984; Williams, 1991).¹⁵ Unlike a good deal of traditional social science, these works reveal (1) the shifting salience of race, class, gender, nation and sexuality, and the like as one moves through space and time, and (2) the different world-views or lenses that participants bring to social encounters. A major question is whether one can bring these literary or storytelling forms into research practices in sociology and criminology. It may be possible, if researchers use narrative modes of reasoning (see Richardson, 1990; Stivers, 1993; Ewick and Silbey, 1995).

The contribution of class-race-gender to criminology is an insistence that everyone is located in a matrix of multiple social relations, i.e. that race and gender are just as relevant to an analysis of white men as they are to black women. With an emphasis on contingency, one can explore the varied positions of 'black women'—as offenders, victims, and mothers and wives of offenders and victims—to 'white justice' (Daly, 1995b). And as Lisa Maher (1995: Ch. 9) demonstrates in her ethnographic research on women drug-users in New York City, one can reveal varied angles of vision for African- and European-American women and Latinas in neighborhood drug markets. Class-race-gender can also be used to politicize and problematize knowledge in collaboration with others. In this regard, Collins (1993) is right to emphasize the piecing together of work by different scholars as bits in a wider mosaic; the quest to theorize the 'totality' of multiple inequalities is ill-founded. One set of theoretical problems, discussed by

Anthias and Yuval-Davis (1992: 17), is how to relate the 'different oncological spheres' of class, race and gender divisions, while simultaneously showing the ways they intermesh in concrete situations. Another challenge is to identify new vocabularies to discuss multiple, intersecting or interlocking inequalities. Otherwise, we may easily slip into additive, mechanical analyses of power, oppression and the heaping of disadvantage and advantage.

Doing Gender

Candace West and Donald Zimmerman (1987) coined the construct 'doing gender' to describe gender as a 'situated accomplishment':

[Gender is not the] property of individuals . . . [but rather] an emergent feature of social situations: . . . an outcome of and a rationale for . . . social arrangements . . . a means of legitimating [a] fundamental division . . . of society. [Gender is] a routine, methodical, and recurring accomplishment (p. 126) . . . not a set of traits, nor a variable, nor a role [but] itself constituted through interaction, (p. 129)

R. W. Connell (1987, 1995) and James Messerschmidt (1993) have developed linkages between 'doing gender' (more precisely, 'doing masculinity') and gender relations of power. Susan Martin and Nancy Jurik (1996) have also utilized 'doing gender' in their analysis of women and gender in justice system occupations. All four authors have elements of 'class-race-gender' in their work. They view structure as ordering interaction, and interaction as producing structure, drawing on Anthony Giddens' (1984) efforts to transcend the sociological dualism of interaction and social structure.¹⁶

In 1995, West and Fenstermaker published 'Doing Difference,' in which they attempt to incorporate 'doing gender' with 'class-race-gender.' Rather than viewing each relation of class or race or gender as a 'structure of oppression,' they propose that the whole be viewed as 'experience.' Thus, every social encounter, no matter who the participants are, can be conceptualized as being classed, raced and gendered. The terms used in 'doing gender' are extended without modification to 'doing race' or class. For example, the authors say that

the accomplishment of race (like gender) does not necessarily mean 'living up' to normative conceptions of attitudes and activities appropriate to a particular race category; rather, it means engaging in action at the risk of race assessment. (West and Fenstermaker, 1995: 23–4)

Later that year, several scholars replied to West and Fenstermaker's article (Collins et al., 1995). Critics objected that it ignored power and oppression, as it did resistance and conflict (Collins et al., 1995: 491–4, 497–502).

What vexed the critics, in part, was that the 'isms' of inequality—racism, classism, etc.—were not sufficiently addressed with West and Fenstermaker's version of social constructionism. Also vexing was that gender or race, etc. could be viewed merely as an accomplishment or performance. In this regard, Barrie Thorne (1995: 498–9) noted similarities between 'doing gender' and Judith Butler's (1990) discussion of gender as the performance of sex; both, in her view, neglected the importance of seeing gender (and other social relations) as extending 'deep into the unconscious . . . and outward into social structure and material interests.'¹⁷

Some feminist skepticism toward 'doing gender' lies in a desire to retain 'structures of power' that both precede and are produced by gender or race, etc. as 'accomplishments.' Whether sex and gender are understood to be produced in interaction or in discourse, feminist critiques (specifically, by sociologists) are based on retaining some semblance of social structure or materialism. As we shall see, some feminists using 'sexed bodies' also wish to include a form of materialism ('materiality'), but its constituents are the body and sexual difference.

Messerschmidt (1993) applied 'doing gender' in his analysis of crime as 'a resource for doing masculinity in specific social settings . . .':

Crime . . . may be invoked as a practice through which masculinities (and men and women) are differentiated from one another. . . . [It] is a resource that may be summoned when men lack other resources to accomplish gender. (p. 85)

Whereas West and Zimmerman (1987: 137) had focused on how the doing of gender 'creat[es] differences between . . . women and men' that materialize as 'essential sexual natures' (p. 138),

Messerschmidt suggested that the doing of gender also produces multiple forms of masculinity and crime.

One problem Messerschmidt encounters is how to conceptualize crime as a gendered line of social action without once again establishing boys and men as the norm, differentiating themselves from all that is 'feminine.' Although masculine subjectivity and lines of action may be described with these terms (see Jefferson, 1994), it is disputable that feminine subjectivity and lines of action could be. Specifically, would the claim that crime is a 'resource for doing femininity'—for women and girls 'to create differences from men and boys or to separate from all that is masculine'—have any cultural resonance? Probably not. But nor should theories necessarily have to employ symmetrical sex/gender terms. That is to say, arguments that crime is a resource or situation where masculinities are produced may be useful: they normalize crime but problematize men and masculinity.

In applying 'doing gender' to criminological research, scholars will have to let go of thinking about gender or race, etc. as attributes of persons and examine how situations and social practices produce qualities and identities associated with membership in particular social categories. Despite the creative efforts of some to employ doing gender in quantitative analyses of self-reported delinquency (e.g. Simpson and Elis, 1995), it is better suited to analyses of social interaction. Researchers will need to be mindful that categories taken from theorizing masculinity may be inappropriately applied to femininity. Gender categories are not neutral, and the terms used to describe men and women 'doing gender' are not likely to be interchangeable. These are major points for those using the 'sexed bodies' construct.

Sexed Bodies

Gatens (1996: 67) observes that 'there is probably no simple explanation for the recent proliferation of writings concerning the body.' She credits Foucault's work on the (male) body as a site of disciplinary practices, coupled with that of feminist social scientists, who showed that even the most privileged women have not attained equality with men in the 'public sphere.'¹⁸ Perhaps feminists would need to face, yet again but in different ways, 'questions of corporeal specificity' (p. 68). The trick, Gatens suggests, is

to acknowledge 'historical realities . . . without resorting to biological essentialism' (p. 69):

The present capacities of female bodies are, by and large, very different from the present capacities of male bodies. It is important to create the means of articulating the historical realities of sexual difference without thereby reifying these differences. (p. 69)

Feminists have been analyzing a large philosophical literature on 'the body' and its connection with 'the mind' (see, for example, Butler, 1993; Gatens, 1996; Grosz, 1994, 1995). Sexed bodies are theorized in several ways: some emphasize the discursive construction of 'sex,' including cultural inscription on bodies, whereas others work at the edges of the 'materiality of sex' and 'culture.' For the moment, I will focus on the latter in reviewing three interrelated themes: the sex/gender distinction, power as productive of gender and sexual difference, and dualisms in western philosophy.

Sex/Gender. In 1983 Gatens challenged the familiar distinction between sex (the biological categories of 'male' and 'female') and gender (the social categories of 'masculinity' and 'femininity' that are linked to sex) (reprinted in Gatens, 1996: Ch. 1). She was critical of the assumption that 'the mind of either sex is initially a neutral, passive entity, a blank slate on which are inscribed various social "lessons.'" The 'alleged neutrality of the body, the postulated arbitrary connection between femininity and the female body, masculinity and the male body' troubled Gatens because it 'encourage[s] . . . a neutralization of sexual difference and sexual politics . . . and the naive solution of resocialization' (p. 4, Gatens's emphasis). Moreover, by denying sex-specific corporeality, key differences are overlooked 'between feminine behavior or experience that is lived out by a female subject and feminine behavior or experience that is lived out by a male subject (and vice versa with masculine behavior)' (p. 9).

Power. Drawing on but moving beyond Foucault's account of 'the manner in which the micropolitical operations of power produce socially appropriate bodies,' Gatens (1996: 70) proposes that we view gender as

not the effect of ideology or cultural values but as the way in which power takes hold of and

constructs bodies in particular ways. . . . The sexed body can no longer be conceived as the unproblematic biological and factual base upon which gender is inscribed, but must itself be recognized as constructed by discourses and practices that take the body both as their target and as their vehicle of expression.

Gatens's conceptualization of gender as 'the way in which power takes hold of bodies and constructs them in particular ways' raises questions for the relationship between social construction and materiality, which Butler (1993) takes up:

To claim that sex is already gendered, already constructed, is not yet to explain in which way the 'materiality' of sex is forcibly produced. What are the constraints by which bodies are materialized as 'sexed,' and how are we to understand the 'matter' of sex? . . . (p. xi)

Butler proposes a 'return to the notion of matter, not as site or surface, but as a process of materialization' (p. 9) and suggests we should ask, 'Through what regulatory norms is sex itself materialized?' (p. 10).

Dualisms. Elizabeth Grosz (1994) argues that current understandings of 'the body' reflect dualisms in western thinking, and by rethinking 'the body,' subjectivity can be reconceptualized. She rejects the view of the body as 'natural' or having a 'presocial' existence and, simultaneously, she rejects the view of the body as 'purely a social, cultural, and signifying effect lacking its own weighty materiality' (p. 21, Grosz's emphasis). (As such, she takes issue with feminist approaches she terms egalitarian and social constructionist.) She wants to

. . . deny that there is the 'real' material body on the one hand and its various cultural and historical representations on the other. . . . These representations and cultural inscriptions quite literally constitute bodies and help to produce them as such. (p. x)

Grosz uses the metaphor of a mobius strip to suggest the 'inflection of mind into body and body into mind . . . the torsion of the one into the other . . . [the] uncontrollable drift of the inside into the outside and outside into the

inside' (p. xii). Terms such as 'embodied subjectivity' and 'psychical corporeality' (p. 22) might be used to characterize this inflection.

Why are sexed bodies and corporeality important? When viewing the mind as 'linked to, perhaps even part of, the body' and 'bodies themselves as always sexually (and racially) distinct, . . . then [we can see that] the very forms that subjectivity takes are not generalizable.' We therefore cannot assume 'universalist ideals of humanism' nor can we produce and evaluate knowledges that are not 'sexually determinate, limited, finite' (Grosz, 1994: 20).

'Sexed bodies' is excellent for revealing the 'neutralization and neutering of . . . [sex] specificity' and with it the 'cultural and intellectual effacement of women' (Grosz, 1994: ix). Its practitioners are on weaker ground, however, when they attempt to connect, in a theoretical sense, sexual difference and racial, cultural and class divisions. Grosz suggests that interconnections be viewed as 'interlocking'—using similar terms as Collins (1990) and West and Fenstermaker (1995)—and like these theorists, she is concerned that class, race, etc. should not be conceived as 'autonomous structures which then require external connections' (p. 20). A major difference is what is being explained. For Collins, it is inequality and oppression; for Grosz, it is sexual difference and multiple subjectivities.

Grosz argues (1994: 18) that scholars working with a sexed bodies construct share 'a commitment to a notion of the fundamental, irreducible differences between the sexes' and while they acknowledge that 'class and race differences may divide women, sexual differences demand social recognition and representation.' Arguing against those who say that theirs is an essentialist analysis, Grosz suggests that the task is to undermine the dichotomy between 'sex as an essentialist and gender as a constructionist category' (p. 18).

Grosz and colleagues' work on sexed bodies is one way the construct can be used. Another emphasizes cultural inscription *on* the body (see review in Howe, 1994: 194–205). The work I shall consider is Carol Smart's (1990b) on the production of sexed bodies in legal discourse.

Smart is interested in how 'law constructs and reconstructs masculinity and femininity, and maleness and femaleness' that produce a 'common-sense perception of difference' (p. 201). One sees affinity between Smart's claim that legal

discourse produces gender and that of West and Zimmerman for whom situations produce gender; but there are key differences. Smart wants to consider how 'law constructs sexed (and not simply gendered) subjectivities' (p. 202), that is, 'the sexed body' (p. 203).¹⁹ She does so by examining rape and rape trials. Smart's (1990b) article was published at around the same time that analyses of the 'matter' or 'materiality of sex' were emerging; this may explain why she does not engage with authors like Grosz who viewed 'sexed bodies' neither as natural nor as signifying effects of culture. Instead, Smart analyzes the sexed body as produced both by legal and feminist discourse: the 'natural' sexed woman, who during a rape trial becomes a victimized sexed body. In feminist discourse this is the body of the eternal victim, whereas in legal discourse, it is the deserving victim (pp. 207–8). Smart cautions that it will be difficult for feminists to 'construct rape differently' because the effort to 'deconstruct the biological/sexed woman is silenced by the apparition of law's sexed woman to whose survival it is unwillingly tied' (p. 208). In other words, feminist efforts to challenge rape law will be thwarted by law's discursive power.

'Sexed bodies' can contribute to criminology in several ways. We can see that gender categories 'neuter' sexual difference, both in research and in policy. For research, we might explore how the 'sensual attractions' of crime (Katz, 1988) are differently available to and 'experienced' by male/female bodies and masculine/feminine subjectivities. We could analyze the variable production of sexed (and racialized, etc.) bodies across many types of harms (not just rape) or for other sites of legal regulation such as family law. We could take Howe's (1994) theoretical lead by investigating women's bodies as the object of penalty. For policy, 'sexed bodies' is useful for showing that reputedly gender-neutral policies are tied to specific male bodies. Sexed bodies may worry some feminists because the construct seems to revisit the spectre of biologism and body types that has long haunted criminology. This need not be the case. Sexed bodies calls attention to how we 'experience' sexual difference and its relationship to gender. It also calls attention to dualisms in western philosophy and how dualisms such as reason/emotion, mind/body and male/female are constituted in and through law, science and criminology.

A problem with sexed bodies is the strong temptation to see social life primarily through a lens of sexual difference. It is not just that feminist analyses may unwittingly collude with say, legal discourse in 'reifying these differences' (Gatens, 1996: 69), as Smart's (1990b) analysis reveals so well. Nor that for those who take 'phallogocentric culture' as the start point, the recommended strategy of 'thinking outside the confining concept of the natural/sexed woman' (Smart, 1990b: 208) may be foreclosed by its own terms. From an empirical point of view, the problem is that claims such as 'the utterances of judges constantly reaffirm [the natural/sexed woman]' and 'almost every rape trial tells the same story' (Smart, 1990b: 205–6) are theoretical claims. While they may help us see a pattern of discursive power, they should be seen as open to empirical enquiry not asserted as ahistorical discursive 'fact' (see Carrington, 1994 on this point). A second problem is that variation and particularity in sexed bodies (by race or age, etc.) is posited by theorists but not explored with care. As a consequence, sex and gender are foregrounded whereas other socially relevant divisions are accorded secondary status.

CONCLUSION

I have highlighted the different contributions and trajectories that class-race-gender, doing gender and sexed bodies take, but I have also endeavored to identify points of convergence. 'Class-race-gender' and 'doing gender' share a common sociological heritage, the former emphasizing social relations of inequality and the latter, the production of social categories in interaction. Thus, scholars have drawn from each to get around the sociological 'macro-micro level' problem and the structure-agency dualism. Most feminist scholars today are concerned with linking sex/gender to other social relations and with making particular (not generic) claims about women or men. Those working with 'class-race-gender' have begun to articulate what the linkages might look like and to conduct empirical research along these lines. Those working with 'sexed bodies' continue to challenge the thinking of 'class-race-gender' and 'doing gender' analysts by emphasizing that sexual difference is qualitatively different from other social categories and divisions. The 'sexed bodies' construct

takes several forms: one relies on discursive power inscribing 'sex' on bodies (e.g. Butler, 1990), and another aims to bring a 'materiality' to the cultural construction of 'the body' (e.g. Bordo, 1993; Butler, 1993; Grosz, 1994).

Recent interest by feminist philosophers in 'materiality' reflects, I would argue, a recognition of the failure of discourse theory or deconstruction alone to adequately represent social relations and human existence. It also signals a need to rethink the relationship between 'the discursive' and 'the real' in feminist and allied social theories, a development I welcome. Therefore, I would disagree with Charles Lemert (1994: 274), who proposes that sociologists (and criminologists) ignore our 'thirst for reality, and consider it . . . as though it were . . . a huge, ugly but plausibly discursive text.' We may do better by working the boundary between 'the discursive' and 'the real world out there,' not seeing either as prior or foundational. This would permit greater openness to theoretical and methodological innovation. It may also require reconciling 'apparently incompatible ontologies,' as Cain (1995: 73) suggests, and challenging the dominance of the humanities in contemporary feminist and allied social theories. Theoretical space must surely be large enough to include 'French men' and 'black women' and many, many others.

NOTES

1. Any such typology is likely to reflect one's disciplinary background with its 'core' set of texts and theories; these are modified further by national and academic milieux. Many other typologies are possible, e.g. those arraying psychoanalytical and literary theories, or highlighting disciplinary debates. My typology draws largely from sociology. Readers will appreciate that my sketch of shifts and disciplinary differences in feminist thought is done with broad brush strokes.

2. Even in the better discussions in US undergraduate textbooks and readers (Beirne and Messerschmidt, 1995: 550–61; Price and Sokoloff, 1995: 1–3), this typology remains in place.

3. Following Seidman (1994: 2) I use the terms modern and postmodern 'to refer to broad social and cultural patterns and sensibilities that can be analytically distinguished for the purpose of highlighting social trends.' Elements of each may be embedded in the other, but among those associated with modern are 'the claim of the exclusive truth-producing capacity of science,' centered and transcendental subjects

and causal relations; for postmodern, a rejection of Enlightenment theories of knowledge, decentered subjects or multiple subject positions, and non-causal relations. Most scholars working with a postmodern sensibility term their analyses 'poststructuralist,' which signals an interest to deconstruct hierarchical binary oppositions in language and to analyze the role of discourse in 'shaping subjectivity, social institutions, and politics' (Seidman, 1994: 18). I shall use postmodern and poststructuralist loosely and interchangeably, although others have suggested ways of distinguishing them (see Smart, 1995: 1–15; see also Henry and Milovanovic, 1996: 1–15; Schwartz and Friedrichs, 1994).

4. As Lise Vogel (1991) suggests, some members of the second generation of feminist scholars, who came into the academy in the mid-1980s, can also be criticized for their poor revisionist history of 1960s and 1970s feminist thought, one major strand of which did address class and racial-ethnic divisions.

5. Also raised was the problem of essentialism in feminist thought (see de Lauretis, 1990; Grosz, 1990; Martin, 1994). I see this problem as far more relevant for feminist philosophers than for social researchers. Whereas the former reflect on 'woman' or 'women' as analytical categories, the latter assume and describe variability in particular women studied (see Roseneil, 1995, on this point).

6. Her particular reference is to Jacques Lacan and Deborah McDowell (Gallop et al., 1990: 364). There are, of course, several 'French women' who have been highly influential in feminist thought (see Spivak, 1992).

7. This claim is impressionistic and is based on reading the major US feminist journals (*Signs* and *Feminist Studies*) in the past two decades; it could be explored empirically. Many feminist scholars might also say that 'French men and black women' had a simultaneous impact on their thinking.

8. Major feminist philosophers themselves have made the same point (Bordo, 1993: 285–300; I. Young, 1994: 717).

9. Evidence for this claim comes from several sources. First, sociology has been the disciplinary home for more feminists of color than has philosophy; and it was feminists of color who put race (and class-race-gender) on the agenda. Second, institutional support, including materials for curriculum integration, was developed by sociologists at a key US center in Memphis State University. In general, 'incorporation' of race-ethnicity did not require a fundamental rethinking of the canon in sociology (or in history or anthropology) to the same degree as it did in philosophy and literature.

10. Naffine (1994: xi–xxx) has developed a modified version of this knowledge typology; she uses the terms empiricism and empirical interchangeably.

11. This hierarchy is also in place when one says that words 'contain' things. See Norris (1992: 28–31)

for other critical realist arguments and Bordo's (1993: 291) critique of discursive foundationalism in which 'language swallows everything up, voraciously, a theoretical pasta machine through which the categories of competing frameworks are pressed and reprocessed as "tropes."'

12. Brown (1991) gives a good characterization of how Real Women is mobilized by feminists, but she argues that it should be set aside.

13. One problem with positing The Woman of legal or criminological discourse is the assumption of a single or overarching discourse. I prefer the notion of discordant discourses; but in any event, this should be open to empirical enquiry, not presupposed.

14. In the readers just cited, articles describe a particular group at a particular time, but the editors identify no historical or relational linkages between them. These readers tend to reinforce notions of 'experience' and 'identity politics,' which have been ably challenged by postmodern feminist scholars (e.g. Scott, 1992).

15. To me these are excellent examples of class-race-gender in action, but the authors may not claim them as such.

16. As such, I see more discussion of 'structure' in Connell, Messerschmidt, and Martin and Jurik than in the original West and Zimmerman (1987) article.

17. Thorne (1995: 498) said that 'Butler [who] writes within the tradition of poststructuralism seems to be unaware of sociological analyses of . . . gender, which predated her work by more than a decade' (see also Epstein, 1994). Young's (1994) philosophical argument of gender as 'seriality' has affinities with 'doing gender.'

18. By contrast, Bordo (1993: 17) suggests that 'the body' was a preoccupation of feminist scholars prior to the influence of Foucault.

19. In a more recent essay, Smart (1995: 228–30) discusses law as a 'gendering practice' and a 'sexing practice,' which 'work alongside' each other. The former 'render[s] women as perpetually feminine, [and the latter makes] women perpetual "biological" women' (p. 229). Smart uses 'sexed bodies' to refer to the ways that women (more often than men) are constructed as 'sex' or simply as 'mere bodies' by legal discourse. Grosz (1994) discusses the women/body equivalence as one of several elements of 'sexed bodies.'

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