

Catharine MacKinnon

... and the Invisibility of Women



I was born on Oktober 7, 1946. I hold a J. D. from Yale Law School (1977) and a Ph.D. in Political Science from Yale Graduate School (1987). My major interest is the law and politics of sex equality. I have taught law for 12 years and am currently a tenured full Professor at the University of Michigan Law School, where my teaching focuses on equality and freedom of expression. I designed legal claim for sexual harassment as a form of sex discrimination and co-authored ordinances recognizing pornography as a violation in its essentials by the Supreme Courts of Canada. Major Publications: *Sexual Harassment of Working Women: A Case of Sex Discrimination* (Yale University Press, 1979). *Feminism unmodified: Discourses on Life and Law* (Harvard University Press, 1987). *Pornography and Civil Rights: A New Day for Women's Equality* (with Andrea Dworkin, Organizing Against Pornography, 1988). *Toward a Feminist Theory of the State* (Harvard University Press, 1989). "Reflections on Sex Equality Under Law," *Yale Law Journal* N° 1281, 1991). *Only Words* (Harvard University Press, 1993). — Address: Law School, University of Michigan, 625 State St., Ann Arbor, MI 48109-1215, USA.

My year at the Wissenschaftskolleg was productive and gratifying. Coming from the American Academy, it was a singular relief to find a place on earth where scholarship is taken seriously as a life pursuit. The environment was conducive to accomplishing a great deal.

My major project was my legal casebook, *Sex Equality*, centering on American case law with extensive commentary, notes, and comparative law. I wrote the first three chapters (225 pages) and outlined the entire 17 chapters in detail. Working with my German colleague, Susanne Baer, comparative materials were selected, translated, and integrated. Being in Berlin facilitated this collaboration immeasurably. Foundation Press has recently expressed its interest in publishing this book.

The following scholarly projects were also completed:

1. Introduction to the British Edition of *Only Words* written and prepared for publication;
2. Third Lecture of *Only Words* revised to incorporate European legal materials, and the entire manuscript prepared for the British edition;
3. Article, "Equality and Speech", based on third lecture of *Only Words*, finished and prepared for publication in *Collected Courses of the Academy of European Law*;
4. Article, "Prostitution and Civil Rights", written and prepared for publication in *Michigan's Journal of Gender and Law*;
5. Extended Book Review, "Pornography Left and Right", of Richard Posner's *Sex and Reason* and Edward deGrazia's *Women Lean Back Everywhere*, written;
6. Essay, "Speech, Equality, and Harm", written and prepared for publication in a collection by Laura Lederer and Richard Delgado (eds), *The Price We Pay* (Farrar, Strauss);
7. Book proposal for *Death's Whore: The Pornography of Murder*, written;
8. Collection of previously unpublished or uncollected writings and speeches, *Men's Laws, Women's Lives*, designed and submitted; Harvard Press has expressed its interest in this book.

In addition to freeing time, the "headroom" provided by the Wissenschaftskolleg made possible the conception of longer-range scholarly projects, such as the new book proposal and the new collection design. I was also freed to edit and revise Jeffrey Masson's *When Elephants Weep*, on the question of animal emotions, and to assist with his translation of Feuerbach's Kaspar Hauser manuscript on soul murder, both of which are also relevant to my scholarly interest.

I restricted my lecturing but, in addition to a seminar on *Only Words* (March) and my Colloquium (July) at the Kolleg, made the following major presentations:

1. "Rape as Nationbuilding", World Structures Convocation, Washington, DC (November 1993);
2. Training for the Expert Commission on crimes against women in ex-Yugoslavia (Zagreb, Croatia, March 1994);
3. "From Auschwitz to Bosnia", Yale Law School conference sponsored by Orville Schell Human Rights Center (March 1994);
4. "Pornography, Civil Rights, and Speech", Oxford University (June 1994)
5. and 6. "Toward a New Theory of Equality" (two different versions), Humboldt-Universität Berlin and Institut für Sozialforschung, Frankfurt, (July 1994).

Being in Berlin provided welcome respite from the American press. I did, however, give a number of interviews and went to London for extensive publicity for the UK edition of *Only Words* in early June. In winter, Susanne Baer translated it with my participation; *Nur Worte* came out from Fischer Verlag in July, 1994.

Considerable research was conducted for *Sex Equality* and the other publications and lectures listed above, particularly on European law. The Kolleg's computer assistance was particularly crucial in this work. I also engaged in empirical and archival investigations for *Death's Whore* throughout Europe.

The Berlin location supported my international human rights work as well, as particularly facilitating contact with Muslim and Croatian women survivors of Serbian genocide. I assisted clients and the Expert Commission on war crimes in the former Yugoslavia in investigating breaches of international law. I also conducted and supervised extensive investigation for our civil suit against Radovan Karadzic.

In addition, valuable connections were made with German women lawyers, judges, scholars, politicians, and journalists. (I particularly appreciated the efforts of the Rektor to introduce me to German legal counterparts.) Friendships and collaborations with German colleagues could grow. My fluency in German improved to the point of understanding lectures and answering questions, as well as reading in my field, passably conversing, and assisting with translations. Germans speak wonderful English, but access to the language opened a whole world — social, cultural, professional, and personal. If I had had time to take classes, it would have been even better. The importance of learning German cannot be overstated. The structured social expectations also required learning some social skills I had previously been able to avoid. I look forward to a lifetime of intellectual and personal contact with colleagues and friends from this year.

My major criticism concerns not only the massively disproportionate absence of women fellows (a defect partially remedied next year), but also the intellectual environment of gender illiteracy. Almost 25 years of scholarship on woman and of study from the viewpoint of women in virtually all fields was not only little represented, it was treated as disruptive. Typical reactions ranged from pride in ignorance to arrogant dismissal, giving the sense that whatever the topics of gender or women might raise for a subject — as angle of vision or as object of study — is either beneath knowing or already known. Perhaps two male fellows brought depth of knowledge of feminist scholarship in their own fields.

About halfway through the year, it occurred to me that most of the lectures could accurately have had "and the invisibility of women" as a subti-

tle. Examples included: a philosophical discussion of Enlightenment values without noticing their exclusion of women or the extensive literature on this subject, together with a development of the thesis of "local realism" without recognition that feminism has been practicing precisely that for 25 years; a presentation on equity in South Asian economic development without discussing its impact or lack of impact on sex equity (this lecturer did, however, distinguish himself by knowing a lot about the subject and being able to answer questions); a presentation on human rights and the state without mention of the work in the women's human seminar on "cultural upheavals" and social transformation, in which the women's movement was not, apparently, mentioned even once; a presentation on the notion of "the barbarian" in which a good many of the archaeological artifacts studied depicted females, but neither women nor gender was noticed; a lecture on concepts of time in history without considering whether the historical constructs apply to women's experience of time; and a consideration of a change from one philosophical approach to another in German history, largely traced through two different treatments of "the uterus", without considering the implications of its location in women's bodies.

Then there was the passing reference to the East German state as "weiblich", without discussion of what women had to do with that regime or what it had to do with women. And the biodiversity project could have used some sense of the historical uses of difference in deciding who survives. This is not at all to single out these presentations but to characterize a reigning atmosphere. Only one lecturer, upon questioning, expressed humility at his ignorance and acknowledged the crucial role of relations between the sexes for his subject. Other than my own colloquium, only one I attended (I did miss a few), on German constitutional law, systematically took issues of gender into account, as if ignoring 53 % of the population would be intellectually inadequate and gender literacy were normal.

Whether raised by a man or woman, identifying gender issues in public always produced snickers, coughing, body shifting, eye averting and embarrassment, as if the real discussion were being returned to a discussion in which gender was unmarked and the voices were almost unrelievedly male. This institutional mood persisted in spite of the support of the Rektor and others in authority for women's concerns and in spite of the many individuals who, approached one at a time, proved receptive to considering the impact of these issues on their work. Shifting the demography of the fellow population will improve this environment only if scholarship on women is better represented and respected.

As a further feature of this setting, it is inexplicable that so many stunningly able and gifted women populate the staff, yet all the top positions are occupied by men. As to arrangements and accommodations, child care

must be provided. Apart from improving the lives of staff, this is essential if women are to be fellows, as well as to permit something beyond a "Hausfrau" existence for partners who accompany fellows and children. Also, our year was overwhelmingly and outrageously white and apparently exclusively heterosexual, both gaps which need to be permanently filled to produce the stimulating intellectual environment of the high quality to which the Kolleg aspires.

Although the Wissenschaftskolleg is hierarchical, I have every confidence that it will prove open to these changes, and will continue to grow intellectually and socially, becoming an even more receptive, supportive, and engaged place than the one I was privileged to benefit from this year.