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'We Must Find Words or Burn': Speaking Out against Disciplinary Silencing¹

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Abstract

Susan J. Brison's paper illustrates, with the use of a first-person narrative, how Catharine MacKinnon's work reveals the role of silencing in the construction of the disciplinary reality of philosophy.

Keywords: sexual violence, silencing, engaged theory, hostile environment, agency, first-person narrative

Preface

This is a lightly edited version of a talk I gave at the APA Pacific Division meeting in Vancouver, April 4, 2015, at a session on the occasion of the twenty-fifth anniversary of Catharine MacKinnon's *Toward a Feminist Theory of the State*. Although, in philosophy, criticism is taken to be the sincerest form of flattery—even to the extent that not engaging in it can be construed as not taking someone's work seriously—my presentation was in the form of a grateful tribute, not that of a scholarly critique. But it wasn't just a thank you note. In it, I attempted to illustrate, with the use of a first-person narrative, how Catharine MacKinnon's work reveals the role of silencing in the construction of the disciplinary reality of philosophy. I also wanted to show how MacKinnon's work—and her personal example of a scholar-activist—enabled me to break through this silence.

As MacKinnon observed, in *Feminism Unmodified*, "Having power means, among other things, that when someone says, 'This is how it is,' it is taken as being that way. When this happens in law such a person is accorded credibility. When that person is believed over another speaker what was said becomes proof. Speaking socially, the beliefs of the powerful become proof, in part because the world actually arranges itself to affirm what the powerful want to see" (1987, 164). MacKinnon

¹ I am grateful to Lori Watson for inviting me to give this talk and for cajoling me into publishing it. Without her encouraging advice, and that of Karen Jones, Danielle Tumminio, Tom Trezise, and two anonymous referees for this journal, I would not have had the nerve to publish this.

further elaborated the metaphysical consequences of our epistemological practices in *Toward a Feminist Theory of the State* by showing how “in life, ‘woman’ and ‘man’ are widely experienced as features of being, not constructs of perception, cultural interventions, or forced identities. Gender, in other words, is lived as ontology, not as epistemology. Law actively participates in this transformation of perspective into being” (1989, 237). So, as MacKinnon has discussed, when Justice Potter Stewart says, of legally proscribable obscenity, “I know it when I see it”—and then asserts, of the film in question, that *this* isn’t it—what he says goes, because he has the power to make his perspective the truth about the law, or, in other words, he has the ability to make the world conform to the way he sees it (1989, 195–214).

Some have criticized MacKinnon for failing to adequately acknowledge women’s agency in changing the world in which we’ve been constructed as relatively powerless. But the whole point of her life’s work has been to enable women to seize power and change the world, as she herself has done through her many legal interventions. Yes, Mackinnon writes, “male dominance is made to seem a feature of life, not a one-sided construct imposed by force for the advantage of a dominant group. To the degree it succeeds ontologically, male dominance does not look epistemological: control over being produces control over consciousness, fusing material conditions with consciousness in a way that is inextricable short of social change” (1989, 238).

But social change is possible, on MacKinnon’s account, and, indeed, imperative, for “the world is not entirely the way the powerful say it is or want to believe it is. If it appears to be, it is because power constructs the appearance of reality, by silencing the voices of the powerless, by excluding them from access to authoritative discourse. Powerlessness means when you say ‘this is how it is,’ it is not taken as being that way. This makes articulating silence, perceiving the presence of absence, believing those who have been socially stripped of credibility, critically contextualizing what passes for simple fact, necessary to the epistemology of a politics of the powerless” (1987, 164).

I did not plan to publish this talk and was reluctant to do so, but the comments from many women philosophers afterwards confirmed that both my experiences in philosophy and MacKinnon’s influence on how I dealt with them were far from unique to me. I think the sincerest form of gratitude is paying it forward, so I decided to overcome my trepidation and publish this talk in hopes that it will encourage and embolden others working to make philosophy more relevant and inclusive, including the one, identified only as “Young Feminist” on the Daily Nous blog, who thanked me for “reminding us why philosophy matters.”

I'm honored and elated to be speaking at an APA session on the twenty-fifth anniversary of Catharine MacKinnon's *Toward a Feminist Theory of the State*—an earthquake of a book that demolished what had been taken to be the foundations of political and legal theory, and one that then went on to construct a whole new world out of the rubble. I'm also daunted by the task, and I'm not even sure how to refer to this book's author: "MacKinnon" sounds brusque and vaguely disrespectful, "Professor MacKinnon"—respectful, but too formal (and too many syllables), "Catharine"—too breezily familiar, "Kitty"—not a name I've used to refer to her and not one I'm about to start using now. Plus, I don't want to speak about this author in the third person, as if she's not in the room. She *is* in the room, and I want to address my remarks to her (as well as to you, the audience), so I'll use the second person.

My talk's title is a phrase from "Artemis," the poem by Olga Broumas that begins Chapter 5: "Consciousness Raising":

I am a woman committed to
a politics
of transliteration, the methodology
of a mind
stunned at the suddenly
possible shifts of meaning—for which
like amnesiacs
in a ward on fire, we must
find words
or burn.
(Broumas 1977, 24)

Re-reading *Toward a Feminist Theory of the State* in preparation for this session, I was overwhelmed with gratitude—wild, ferocious gratitude—for the words you've given us, for the ones you've enabled us to find for ourselves, and for giving us the courage to use them—whispering them to one another, screaming them to those who never seem to hear, using them to cheer each other on and hold each other up, to remind us that we're not alone, we never were, and we never will be, using them to drown out all the voices telling us to keep quiet.

I have so many of those voices in my head it can be hard to hear myself think. I sometimes wonder if my interest in the power of words to silence started when I was ten, riding in the car with my mother, after my teenaged brother had done something, yet again, to bully and frighten me—"teasing," my parents called it—and I said to her: "Sometimes I wish he'd never been born." She pulled the car

off the road, stopped, stared deeper into me than anyone had ever done before, and said "Don't you ever say that again or you'll go to hell."

And I never did *say* it, although I've *mentioned* it—to a therapist or two and, now, publicly—and perhaps that counts. But I don't care if I'm risking eternal damnation. I'm not worried about the afterlife. It's getting through this one I'm concerned about.

My mother, who had a traumatic childhood, was told by her mother that she needed to be a rock. As I wrote in *Aftermath*, "She was schooled, no doubt benevolently, in the ontology of silence, as if, without the words to say it, there wouldn't be so much pain" (2002, 117). The first time I saw her after I was raped, beaten, strangled into unconsciousness, hit in the head with a rock, and left for dead in a ravine, in 1990, I started to cry and reached out to hug her. She held me at arm's length and fixed me with that same stare and said, "From now on we're going to be happy." "No," I said to her, for the first time in my life, at age thirty-five, "sometimes I'm going to be angry and sad, and sometimes I'll cry and maybe even yell." It took being raped and nearly murdered to realize that *sometimes* my perceptions of reality were correct and my words didn't deserve to be silenced.

Fast-forward three years, to 1993, just after I published my first scholarly article on sexual violence,² when, still an assistant professor, I had my annual evaluation meeting with my senior colleagues. They informed me that this article didn't *count* as philosophy and that, if I wanted to get tenure, I should stop writing about rape. The nice one said, "I'm sure writing it was very therapeutic, but now you can put that behind you and go back to doing philosophy."

Don't say that again or you'll go to hell . . . or you won't get tenure or . . . what next? To be safe, just keep quiet.

I had already gone against the advice of my only female colleague in the department who'd said, when I told her I was writing about rape, "Just wait. You can always write about that *after* you get tenure." This was in the fall of 1991, during the Clarence Thomas hearings, and some female students asked me to speak at a rally about sexual harassment. I urged them to speak out about their experiences of harassment and assault. Now. "Don't wait," I said, and then I told them: "I was sexually harassed by my senior thesis advisor, and I kept quiet since I thought it was probably my fault, and, besides, I was headed to graduate school and didn't want to have a 'reputation.' Then, during my first year of grad school, I was sexually harassed by one of my professors. I figured I would say something about it eventually, but first I needed to get my PhD."

² From Brison (1993). This article was translated into French by Thomas Trezise and published in *Projets féministes*, No. 2, *Avril* 1993, pp. 62–81, and has, over the years, been reprinted in several anthologies edited by philosophers.

When I was harassed in college and in grad school, I didn't have the conceptual tools to recognize what had happened to me as sex discrimination.

I didn't have the words I needed to *experience* what happened as unjust, let alone speak out against it.

It took me awhile to find those words or, rather, to learn that you had already articulated them. Although your groundbreaking book, *Sexual Harassment of Working Women*, had come out in 1979, the year after I was sexually harassed in grad school, by then I was studying analytic philosophy of mind and language (my harasser was a Husserlian, so I thought I'd gotten away from *that*) and I didn't read it until nearly a decade later.

But by the fall of 1991, when I was speaking to Dartmouth students about Anita Hill's testimony in the Clarence Thomas hearings and about the importance of speaking truth to power, I had the words "sexual harassment," and "hostile environment"—words you'd given us to describe what had formerly been just life. You'd given us, not only the words to talk about it, but a framework in which to think about it, as well as about gender-based violence against women, and, yes, pornography—in the harm-based way you and Andrea Dworkin had so brilliantly reconceptualized it.

By 1991, I'd read *Sexual Harassment of Working Women*, *Feminism Unmodified*, and *Toward a Feminist Theory of the State*, and I knew that waiting quietly wasn't going to give any of us any more power or credibility, and so I said to the students at the rally: "I've been told all my life to wait before speaking out about being the victim of an injustice. 'Just wait till you're older, till you're more established, more respectable, more credible.' And now," I told them, "even after having been nearly murdered by misogyny, I'm being told to wait to speak out about it until after I have tenure. If I keep on following this advice, I'll be waiting till I'm dead. And"—here's what I had come to realize, what made it impossible for me *not* to speak out—"that could be tomorrow."

Speaking out about sexual violence was a matter of life or death. It certainly mattered to me more than tenure.

When my senior colleagues told me that what I had written about sexual violence wasn't philosophy, they were right, in a sense. It wasn't what *they* had taken to be philosophy. And that's because philosophy had to change, in light of the experiences of women and others who had not been listened to in the discipline, just as you had shown that the fields of law and political science had to change.

One of the many things your work taught me is how reality gets socially constructed through the mechanism of silencing, how metaphysics and epistemology are fundamentally interconnected. The reality of what "counted" as philosophy was determined by what those in power in the profession perceived it to

be. Their ability to say, with authority, “I know it when I see it” created, sustained, and policed what “it” was able to be.

In the winter quarter of 1990, I team-taught a course entitled “Introduction to Moral Philosophy” with two of my senior white male colleagues. The course had been taught in the same way for decades, focusing on a few “great books” in ethics. There were no white women or people of color on the syllabus. There never had been. (Might this have had something to do with that fact that there were no white women or people of color in the department when I arrived?³) I met with my two fellow instructors the term before to discuss the syllabus, and I proposed some changes. Although I was at that time using feminist ethics and critical race theory in my own research, I thought I’d start off by asking to include an article or two by Philippa Foot or Judith Jarvis Thomson, analytic moral philosophers whose work was extremely influential by that time, even in mainstream departments, and widely considered to be “real” philosophy.

The immediate reaction to my modest proposal was, to my astonishment, “no.” In the two-hour long debate that ensued, my arguments for the inclusion of anything by these women were met with stonewalling, including these responses: “These women have never been included before, so why start now?” and “This a course on classic texts in the history of ethics, in which we assign just a few great books, so we can’t assign any contemporary articles.” Our “conversation” ended when one of my two colleagues said, “You show me a woman of the stature of Aristotle and I’ll put her on the syllabus.”

I gave up at that point. It was late in the afternoon, I was worn out, and I just wanted to go home. I didn’t know until later that one of the required readings on the syllabus would be an article by this very colleague.⁴

You emboldened me to become an activist-theorist, and your writings warned me about how my colleagues would react to attempts to change the discipline of philosophy. You wrote: “The anxiety about engaged theory is particularly marked among those whose particularities formed the prior universal. What they face from this critique is not losing a dialogue but beginning one, a more

³ There have been, to this day, no tenure-track faculty of color in the department. Some of us—and, most recently, all of us—have made sincere efforts to recruit faculty of color, but we have obviously not been doing enough. One thing we need to do—and I think this is the most difficult thing—is question our own epistemic power and privilege when it comes to determining what counts as philosophy—or as the “best” philosophy.

⁴ I was sexually assaulted the following summer and, although I lost several years of my professional life while recovering, I gained the strength never again to acquiesce in such matters.

equal and larger and inclusionary one" (MacKinnon 1989, xvi). But they didn't see it as an invitation to begin a dialogue. They felt threatened. I think something about your work and mine felt to *them* like a matter of life or death.

I continued to write about sexual violence, as well as about pornography, sexual harassment, and hate speech and, although I did get tenure—fortunately, I'd written enough that somehow "counted"—two of my colleagues wanted me fired and told me that they fought their battle all the way to the level of the Trustees. They lost.

Some years later, these two colleagues were joking around at the beginning of a junior female faculty member's tenure meeting—the meeting at which we would decide whether or not she was worthy of a permanent position in our department. One of them—the one-with-the-stature-of-Aristotle—had recently published an article in *Playboy*, and the other was saying he'd looked for it everywhere around town but hadn't been able to find it yet. They were laughing, other colleagues were chuckling, and I was fuming, silently, thinking about what schemas about young women were being activated by this banter. I complained afterwards to my associate dean and my dean, both women, who urged me to keep quiet about it since they were concerned about the word getting out and Dartmouth getting bad press (which it was already getting a lot of in those days). They chastised me for speaking (privately) to some colleagues outside the department about it, since, as we all know, whatever is said during a tenure meeting is supposed to be strictly confidential.

A few days after the tenure meeting, I found, in my mailbox, the *Playboy* article that had been the subject of such merriment at the meeting. That did it. I walked into the office of my colleague who had written it and asked "Did you put this in my box?" "Yes." "Why?" "Oh," he replied, "I didn't just put it in *your* box, I put it in everyone's box. I'm very proud of that article and where it was published. More people are going to read it than have read anything I've ever published before."

I will leave what happened next to your imaginations. Suffice it to say that, in the "discussion" that followed, the only thing greater than my outrage was his refusal to countenance that he'd done anything I could possibly be upset about.

In 2001, I was offered a position as Full Professor in a highly regarded department that wanted to increase its graduate offerings in feminist philosophy. For personal reasons—I came to realize that the move would not make a difficult commute between my husband's job and mine any easier, but, rather, more challenging—I didn't accept it. But I didn't ask to be promoted to Full Professor at Dartmouth at the time, even though this was the year my book *Aftermath* was published and even though this other department clearly thought I deserved to be promoted to Full. (And they weren't the only ones to think this. As part of the process, they had to solicit letters from numerous experts in my field.)

I didn't put myself up for promotion to Full Professor at Dartmouth until twelve years later. Why did I wait so long? I didn't want to put myself in the position of being scrutinized by those two colleagues who still hadn't come to terms with the fact that I'd gotten tenure over their protests. I told myself I'd wait until they left or died. And that's what I did.

Friends couldn't understand my waiting so long to get something I deserved. At first, I couldn't explain it to them—or to myself. And then I found the words. I said that to put my fate in the hands of these men, I'd have to be like the women who agreed to go on Howard Stern's TV show almost naked and give him the opportunity to critique and make fun of their breasts and other body parts. Why would anyone do such a thing?

I wouldn't do it—or what felt to me equivalent—if my life depended on it. Some things, I learned twenty-six years ago, are worse than death. I was not going to allow myself to be subjected a second time to anything like my tenure ordeal.⁵ Your work enabled me to characterize the harm I had endured and to realize that it was rational for me to put off promotion, as a form of self-care. At the same time, your courage and persistence in the face of even greater professional abuse gave me the determination not to allow myself to be driven out of the discipline.

Re-reading *Toward a Feminist Theory of the State*, I was struck by the many ways in which you anticipated and replied to your critics' objections—objections that got made anyway—and by the subtle and nuanced, yet incisive, at times devastating, language you used. I felt a resurgence of anger at your critics, wanting to defend you against them, while at the same time realizing there was no need. You'd already done it yourself. They just weren't listening.

I'm not going to repeat your critics' misguided objections or respond to them here. I'm going to let your words speak for themselves: "The book analyzes how social power shapes the way we know and how the way we know shapes social power in terms of the social inequality between women and men. In broadest terms, it explores the significance gender hierarchy has for the relation between knowledge and politics. In other words, it engages sexual politics on the level of epistemology" (1989, ix). That most philosophers didn't realize the importance of these words at that time—and most still don't—is a discredit to our discipline.

While your writing is dead serious, there is also a playfulness in it that's escaped many commentators. Listen: "I began by trying to disentangle the economic from the sexual roots of women's inequality: Is it sexism or capitalism? Is it a box or a bag? . . . Is it sex or class? Is it a particle or a wave?" (1989, x). Your project

⁵ I had also, by that time, witnessed several other women's degrading tenure ordeals. One woman compared hers to the experience of being gang-raped.

became, as you wrote, "a meta-inquiry into theory itself—Is it feminism or Marxism? Is it relativity or quantum mechanics?" (1989, xi).

It became a huge and hugely significant project, yet one that you approached with an admirable humility. Listen to what follows: "this book does not try to explain everything. . . . To look for the place of gender in everything is not to reduce everything to gender. For example, it is not possible to discuss sex without taking into account Black women's experience of gender." And "this book does not pretend to present an even incipiently adequate analysis of race and sex, far less of race, sex, and class" (1989, xi–xii). Far from claiming to do so, you, instead, refer readers to recent contributions by legal theorists Kimberlé Crenshaw, Patricia Williams, and others, giving credit and recognition where they were due. If only those who have been so profoundly influenced by you could give you the credit you so clearly deserve. (I don't know whether to go on here about Jeremy Waldron and some others who fail to give you credit. At least Waldron gives you credit for coming up with a new approach to pornography, but he says that what he's writing about, racist hate speech, is totally different from pornography. And then he goes on to apply what is, in fact, *your* approach to *that*. I really want to stay focused on you. But, *damn*, it's annoying.)

I was invited to meet with a class at Georgetown Law Center a couple of years ago. It was a team-taught interdisciplinary course with law students and grad students in philosophy and they'd all read *Aftermath*. The instructors asked them to prepare some questions for me in advance, and just yesterday I came across this one:

"Women are already only about twenty percent of tenured philosophy professors. Are you worried about the danger of the few women philosophers we have losing legitimacy by abandoning the traditional detached form of writing? What if no one takes papers written this way seriously?"

I don't recall how I responded then. What I'm tempted to say now is: who cares? And: so much the worse for philosophy. Let the discipline destroy itself with its willful irrelevance.

You were in an even more hostile academic environment twenty-five years ago, when you published this book. You took enormous risks and now the fields of law and politics—and the world—are better off because of it.

We're told they're "only words,"⁶ but we live and die by them. We're born into them and made out of them. They welcome us to the world—whether harshly or warmly—and, if we're lucky, at the end of our days, they may help to ease our way as we leave it. In between, they undo and remake us, destroy and sustain us.

⁶ That harmful speech is so much more than this is demonstrated in MacKinnon 1994.

They are never simply the construction we choose to put on things. They are our inheritance and our legacy, our ancestors and our descendants, our past, our future, and who we are now.

In my lifetime, I've met no one who has used them to greater effect than Catharine MacKinnon. And failing to find ones equal to my, to our, indebtedness, these are the only ones I have to say, but I say them now with all my heart: "Thank you."

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