

Feminism Unmodified:

Discourses on Life and Law

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My work is considered not law by lawyers, not scholarship by academics, too practical by intellectuals, too intellectual by practitioners, and neither politics nor science by political scientists.

I notice that law gives me some credibility, but that being woman-identified takes it away. The law gives male credibility; female identification erases it.

關於本書

- 1981-1986之間的演講集，共16+2篇文章
 - Approach
 - Applications
 - Pornography

- The readers as audiences:

I want you to hear me speak , rather than read me writing

Sometimes I think to myself, MacKinnon, you write. Do you remember that the majority of the world's illiterates are women? What are you doing?...I see it as fundamental to develop a politics of language that will be constructive as well as deconstructive.

You can't be inspirational in speaking about women without being controversial.

- A second look at the second wave of feminism in the United States
 - 1983~: Dworkin & MacKinnon的反色情法案戰爭
 - ERA運動的興盛與挫敗

Feminism “Unmodified”

- 被修改的女性主義所依賴的理論（liberal, socialist or Marxist）忽略了女性主義所應說明的問題：男性宰制女性權力的政治問題
- 被修改的女性主義意味著女性主義無法獨立存在，且總是依賴於其他理論
- 本書的目的之一，在於建立未被男性的理論或觀點所修改、污染，可獨立成立的女性主義：

feminism seeks to empower women on our own terms... We seek not only to be valued as who we are, but to have access to the process of the definition of value itself. In this way, our demand for access becomes also a demand for change.

Discourses on Life and Law

- The art of the impossible
 - *Feminism has not changed the status of women...social change is glacial, law is inadequate to move anything basic, and power is powerful.*
 - *The definition of women in law and in life is not ours...As I think about law and life, the life of the law and a life in law, I wonder, whose experience?*
- Not by law alone
 - The law alone cannot change our social condition. It can help.
 - Not much help and a few exceptions

認識論與政治

- 馬克思主義與女性主義的比較
 - Work is to Marxism what sexuality is to feminism: what is most one's own but most taken away.
 - Value is to Marxism what desire is to feminism
 - 都是關於權力及其不平等分配的理論
- 政治：權力問題
 - 宰制與臣屬的性慾化創造了性別，性別創造了我們所知的男女角色，因此性別差異與宰制臣屬是相互定義的
 - 男性權力 = 其觀點定義了世界為何
- 認識論：to look at the world objectively is to objectify it
 - The male knower, male standpoint as objectivity
 - 知者與被知的關係是客體化 (objectification) 的關係，而客觀性就是以客體化為社會過程的認識論立場，在此之下，男性宰制就是政治
 - 在男性優越之下，性化的客體化將女人定義為性的、而且性就是女人

差異與宰制

- 從「不平等論」到「宰制論」：
 - 主流法學與道德觀：
 - 平等 = 相同，性別 = 差異
 - The man standard and the lady standard: the role of a successful lawyer is a male role regardless of the biology of its occupant.
 - 宰制論：
 - 平等與性別都是權力問題
 - 男性標準 = 客觀標準；中性 = 男性性；抽象權利 = 男性權力
- 差異論下的三種差異
 - 虛構的 (imagined)、被強加的(imposed)、原生的(original)
- 差異論與宰制論的不同世界觀
 - 差異論：差異→區分→宰制 (= 不合理的區分)
 - 宰制論：宰制 (權力上的宰制與臣屬) →區分→差異
 - 每一個男人跟女人不同的『差異』，都已經有等同於『優惠差別待遇措施』的措施在運作中，這又另稱為美國社會中的男性宰制結構與價值。

差異與女人

■ 關於例外:

- *To be poor, financially dependent, and a primary parent constitutes part of what being a woman means... That some men find themselves in a similar situation does not mean that they occupy the status as men, as members of their gender. They do so as exceptions, both in norms and numbers.*
- *All women are not the same... what we have in common is not that our conditions have no particularity in ways that matter. But we are all measured by a male standard for women, a standard that is not ours.*
- *Until all women can, none of us succeed as women, but as exceptions.*

■ 文化

- *Who's culture is this culture? Why do you make me choose between my equality as woman and my cultural identity?*
- *It looks more like inequality is the white idea. And what women like Julia Martinez might make equality mean, no white man invented.*

On Roe: Privacy v. Equality

- 不平等/強迫的性
 - 多數懷孕的前提是性，但不能假定性是被平等決定的
 - 如果「不」可以認為是「要」，「要」有多自由？
- 隱私論證強化了公私的性別分野與男人的權力
 - 女人追求「不需考慮後果的性」= 追求和男人一樣
 - Susan Sontag: 性本身對女人而言並不解放... 更多的性也不會讓性更解放。問題在於，女人應該解放以享受什麼樣的性？
 - Andrea Dworkin: Getting laid was at stake.
 - Roe將隱私領域的意識型態轉化為女人的隱私權，而這就是用女人的集體需求來滿足男性優越：
 - 生育是性的→男人控制性→國家支持男人的利益
 - 只要女人無法控制性的進用，墮胎就強化了女人的異性戀可進用性（heterosexual availability）。
 - We got control over reproduction that is controlled by “a man or The Man,” an individual man or the doctors or the government.
 - The right to privacy is a right of men “to be let alone” to oppress women on at a time.

On Rape: Sex and Violence

- 1970s:
 - 性與暴力的二分
 - 強暴法的中性化
- We are saying we're *oppressed* and they say we're *repressed*.
 - Against rape = against sex = support Victorian womanhood.
 - Against sexual harassment = against sex = support Victorian womanhood.
- Rape is defined according to what men think violates women
 - To define rape around penetration is a very male point of view on what it means to be sexually violated. And it is exactly what heterosexuality as a social institution is fixated around.
 - We criticize the idea that rape comes down to her word against his --- but its reality is her perspective against his perspective, and the law has been written from his perspective.
- Sex Violence
 - 不容易區分被陰莖侵入與被拳頭打的差別：女人是性物，暴力是性化的，男人對女人的施暴就有性在內
- It doesn't mean they all want to fuck us, they just want to hurt us, dominate us, and control us, and that is fucking us.

並非道德問題

■ 性騷擾

- 權力而非道德問題
- To a degree women's experience can be written into law, even in some tension with the current doctrinal framework.
- law is not everything in this respect, but it is not nothing either.

■ 色情

- Gender is sexual. Pornography constitutes the meaning of sexuality.
- Men's power over women means that the way men see women defines who women can be. Pornography is the way.
- Pornography, in the feminist view, is a form of forced sex, a practice of sexual politics, an institution of gender inequality.

猥褻與色情

- 猥褻是男人的法律：
 - The law of obscenity, the state's primary approach to its version of the pornography question, has literally nothing in common with this feminist critique. **Their obscenity is not our pornography.**
 - 猥褻是關於良善好壞評價的道德觀念，色情是政治實踐、權力與無權的實踐
- 色情的傷害：
 - Pornography conditions male orgasm to female subordination.
 - Only words? “White Only” is only words. Law is only words.
- 反色情不等於反猥褻
 - 反猥褻：道德的刑法
 - 反色情：反歧視的民權法

His freedom and her powerlessness=“just the construction she chooses to put upon it”?

言論自由「市場」

When world hunger is discussed, is it necessary to have the pro-hunger side presented?

Linda, Andrea, and I would not have been allowed by Stanford to give this panel unless we also provided this forum to Burton Joseph, the chairman of the board of the Playboy Foundation. Is it a coincidence that each of us also represents a pornographic stereotype? Linda is the whore, Andrea is the feminist bitch, and I am the liberated lady lawyer.

自由與平等

- *Pornography is the silence of women.*
- *The situation of women suggests that the urgent issue of our freedom of speech is not primarily the avoidance of state intervention as such, but getting affirmative access to speech for those to whom it has been denied.*

Feminism, Law and Life

- *The question then becomes not whether one trusts the law to behave in a feminist way. We do not trust medicine, yet we insist it respond to women's needs...If women are to restrict our demands for change to spheres we can trust, spheres we already control, there will not be any.*
- *To participate in defining the terms that create the standards, to be a voice in drawing the lines*
- *Law – only words, words that set conditions as well as express them, words that are their own kind of art, words in power, words of authority, words in life – respond to women as well as to men.*