The Politics of Freedom and Power: A Feminist Critique of Liberalism

An Honors Thesis (HONRS 499)

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Abstract

The focus of this paper is to show how the dominate ideology of liberation in Western society, otherwise known as liberalism, goes wrong in its assumptions about how power and freedom function. The arrogant missteps in the underpinnings of liberal ideology have played a significant role in setting up and maintaining systematic barriers against women and minorities which work to the benefit of white men. In this paper I will follow the reasoning of Hannah Arendt, Michel Foucault, Marina Oshana and several feminist thinkers to show that autonomy and power are intertwined as mobile and constantly shifting sets of relations of power or force (in both a passive and active sense) that emerge from every social interaction and thus pervade the social body. Liberal notions of autonomy and freedom discussed either in terms of human rights or authorship of one’s own choices are problematic and of limited value. I argue that even human rights are politically created, often in a way that advantages certain social groups over others. I also argue that regardless of whether one leads a life of her own choosing, one may still make choices that are disadvantageous to herself. Thus, I will be discussing freedom in terms of the capacity to begin, to start anew, to do something unexpected; while power will be discussed as phenomena experienced through our collective social engagements which run counter to, restrict, mold or otherwise inhibit our capacity to begin anew (i.e. behave in ways which the social groups in power have made previously unavailable or undesirable). The aims of liberalism are incompatible with these notions of freedom and power, which are relational, dyadic conditions, not commodities that can be acquired, possessed, and distributed.

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-Blessed with the love, support and encouragement of my parents, Sean Didier (mother) and Robert Savage (father), I have been afforded a wonderful education at Ball State University, of which I hope this project is evident.
In Marilyn Frye’s *Oppression*, she describes oppressive barriers to women as consisting of “cultural and economic forces and pressures in a culture and economy controlled by men which, at every economic level and in all racial and ethnic subcultures, economy, tradition—*and even ideologies of liberation*—work to keep at least local culture and economy in male control.”¹ The focus of this paper is to show how the dominate ideology of liberation in Western society, otherwise known as liberalism, goes wrong in its assumptions about how power and freedom function. The arrogant missteps in the underpinnings of liberal ideology have played a significant role in setting up and maintaining systematic barriers against women and minorities which work to the benefit of white men.²

Although feminism and liberalism are both movements championing emancipation, they differ in many critical ways. Historically, liberalism has fractured on many issues, but liberals have typically maintained that humans are naturally in a “state of perfect order to their actions… as they think fit… without asking leave, or depending on the will of any other man.”³ Prima facie, liberalism appears to be a freedom creating movement as it stresses individual property rights, natural rights and the protection of civil liberties. For example, feminism’s call to regulate pornography or to transform the traditional family, has often been seen by liberals as failing to respect the fundamental value of individual liberties. However, liberal accommodation of cultural and individual diversity, as well as liberal failure to engage with radical analyses of the...

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² It may be the case that white men suffer as well, albeit, through operating from a blindly immoral role. In this sense one may be inclined to believe that the character or moral fabric of white men is in jeopardy. However, the affects of such suffering are far less identifiable (at least to me) than the suffering of women and minorities.

constructive effects of social power, has led many feminists to see liberal theory and practice as a barrier to, rather than an ally in, the fight to liberate women. It seems that if emancipation (from any constraint) is an end worth seeking, then we must question whom our liberation ideologies are truly serving.

In this paper I will follow the reasoning of Hannah Arendt, Michel Foucault, Marina Oshana and several feminist thinkers to show that autonomy and power are intertwined as mobile and constantly shifting sets of relations of power or force (in both a passive and active sense) that emerge from every social interaction and thus pervade the social body. Liberal notions of autonomy and freedom discussed either in terms of human rights or authorship of one’s own choices are problematic and of limited value. I argue that even human rights are politically created, often in a way that advantages certain social groups over others. I also argue that regardless of whether one leads a life of her own choosing, one may still make choices that are disadvantageous to herself. Thus, I will be discussing freedom in terms of the capacity to begin, to start anew, to do something unexpected; while power will be discussed as phenomena experienced through our collective social engagements which run counter to, restrict, mold or otherwise inhibit our capacity to begin anew (i.e. behave in ways which the social groups in power have made previously unavailable or undesirable). The aims of liberalism are incompatible with these notions of freedom and power, which are relational, dyadic conditions, not commodities that can be acquired, possessed, and distributed.

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4 My primary concern here is not necessarily something that is disadvantageous to individual woman’s happiness or utility, rather her status as a moral agent as recognized by society.

5 I am not denying the existence or significance of the kind of centralized or governmental power that liberalism almost exclusively focuses on. However, I do contend that liberalism’s concern with this sense of power creates a conceptual gap or barrier when trying to understand feminist arguments, perspectives, or ideals.
I: The Politics of Personal Autonomy

In order to show where liberalism goes wrong, we first need an understanding of the inherent assumptions built into its ideology; both preservation of autonomy and human (or “natural”) rights are mainstays of liberal ideology that I will be discussing as political concepts in this and the following section. Most strands of liberalism claim the authority of the state rests on the consent of the governed, specifically, when this consent is given autonomously.6 While the core meaning of autonomy remains heavily debated, Rainer Forst describes two distinct conceptions of autonomy that are common to autonomy literature: “moral autonomy,” whereby one is morally autonomous if one has the capacity to subject oneself to objective moral principles (which I address in a later section), and “personal autonomy,” an apparently morally neutral characteristic that persons have when they alone direct their decisions, actions or lives.7 Marina Oshana outlines the assumption many theorists make regarding the latter conception of autonomy. These theorists assume there exists,

a “self” that is capable of acting, that this self has a coherent and sustained identity over time, and that the actor is “truly” or “deeply” herself in acting. A capacity for unimpaired critical self-reflection is included in standard accounts of autonomy as well. The task of self-reflection is to appraise aspects of a person’s self, such as cognitive, affective, valuational, and dispositional states, as well as personal commitments, social roles, and ideals, to determine if these are components of the person’s life with which the person “wholeheartedly identifies” or embraces without reservation so as to render them “authentic” to her.8

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However, Oshana rejects this mainstream view, and contends that even if one believes that her self-conception is unhindered or uninfluenced by forces external to her, she may still have a significantly restricted level of autonomy (i.e. an unauthentic self-conception). In order to understand Oshana’s argument, we must interpret one’s “self-conception” as being what one considers the “ineliminable and intractable aspects” of oneself. Oshana argues that a self-conception of this sort is necessary because it gives autonomy the “notion of self-directed choice and action plausibility and coherence.” However, Oshana points out that some of the “ineliminable and intractable aspects” of a person’s self that inform her self-conception might be ones that she does not endorse after she has critically reflected upon them (because she was previously unaware of their existence and influence). For example, a person’s race and gender would be ineliminable and intractable aspects of her self-conception, for we “cannot escape the racialized [and gendered] norms that define us, and that inform our self-concept, even where we regard these norms as alien.” In other words, as long as we are members of mainstream society, we remain subject to the perceptions, treatment, and expectations that others have of our particular race or gender. I agree with Oshana that this subjection creates scripted identities or roles that members of each gender or race tend to fill regardless of whether they are cognizant of this process. Further, one’s autonomy might be impugned by these inescapable aspects of her self-conception because the social circumstances that she lives in might be such as to prevent her from being fully able to exercise her autonomy.

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9 Ibid, 80.
10 Ibid, 84.
11 Ibid, 90.
12 Ibid, 91.
situates one in a position that narrows the range of one’s autonomy even if being Black is not itself antithetical to autonomy,” a point that can also be said true with respect to women and their social position.\(^{13}\)

The process of fulfilling a scripted role is continuous and cyclical, which makes it difficult to see in action and even more difficult to fight against.\(^{14}\) Since most of us do not see that race or gender roles are scripted or rigged by society, we often interpret our perceptions and attitudes of others merely as being responses to how specific groups of people naturally behave. For example, many men often admit feelings of contempt for women in general because they seem to naturally occupy themselves with less significant activities, hobbies and jobs than men. Whether its reading gossip magazines, putting on makeup or being employed in assistant-type positions (e.g. secretary, nurse, receptionist, babysitter, etc) women are trained from childhood in patriarchal society (both directly and indirectly) to be interested in these womanly activities which comprise their scripted roles as women.\(^{15}\) Often, these roles work to the financial, sexual, political, social, emotional and intellectual benefit of men.

Marilyn Frye more fully develops how social circumstances narrow the range of autonomy for women, contending that there is a place, a sector, which is inhabited by women of all classes and races, not defined by geographical boundaries but by function. That function is

\(^{13}\) Ibid, 91.

\(^{14}\) I am using the term *cyclical* to describe the social process whereby individuals are trained as members of certain groups (due to classifying by physical attributes), such as females into the group women, and then live on to fulfill the roles and behaviors expected of their respective group. This process reinforces society’s bias toward certain social groups, as the bias is misinterpreted as rational conceptions of the way these groups naturally behave. For example, as society observes women as generally interested in trivial matters more often than men, then this is what becomes expected of women from a young age (it reinforces their training).

\(^{15}\) For a further account of role “rigging,” see Marilyn Frye’s *Politics of Reality: Essays in Feminist Theory*. 
"the service of men and men’s interests as men define them…”16 For example, women’s service work always includes personal service (e.g. the work of maids, cooks, secretaries), sexual service (e.g. provision for men’s sexual needs, bearing children, appearing physically desirable), and ego service (encouragement, praise, attention).17 For those women fortunate enough not to directly serve in these ways, many are generally still responsible for hiring and supervising those who do it. The subjective experience of servitude varies with economic class, race, tradition and the personalities of the men in question, but regardless, women’s service work is characterized by the destructive combination of responsibility and powerlessness: “we are held responsible and we hold ourselves responsible for good outcomes for men and children in almost every respect though we have in almost no case power adequate to that project.”18 I do not contend that women are incapable of satisfying their own interests, nor deny that in some cases women’s independent interests do overlap with men’s. What I am asserting is that women who choose “pink collar” jobs or remain at home to care for their children do so at least in part because their other options are relatively unattractive and even less personally gratifying.

Even so, liberals like Christina Sommers argue against this typical feminist criticism of women’s societal roles. Sommers actually classifies herself as a “liberal feminist,” aiming to promote equality of opportunity so that women have a fair chance to get what they want, whatever that might be. This stance is distinct from my position, which Sommers refers to as a “gender feminist,” who regard traditional male-female relationships and social arrangements as inherently oppressive to women and who hold that such patriarchal institutions are detrimental to

16 Frye, 9.

17 Frye, 9.

18 Frye, 9.
women's interests, regardless of whether or not women wish to participate in them, and ought to be dismantled. Sommer's line of argument appears to be this: if women make free, rational and informed choices to remain faithful to conventional gender roles then there cannot be anything wrong with a state of affairs in which they occupy such roles. However, even if most women choose to pursue "traditional" goals (i.e. pink collar jobs/domestic service), it does not follow that these are the outcomes they would prefer all other things being equal. It seems a great many women who rationally choose traditional roles, in the workplace and at home, are making the best of a relatively bad thing (as compared to the options available to men).

Thus, unless our social environment affords women the same opportunity of exercising their autonomy as it does men (i.e. erasing gendered roles/identities which work to keep women restricted from, and often disinterested in, male-dominated jobs and activities), then one might conclude that the only thing of moral relevance regarding autonomy is that most women are currently satisfied with their roles and self-conception. Oshana's critique of autonomy undermines this liberal understanding, whereby "autonomy calls for an absence of alienation" and so "a person cannot be autonomous if she feels estranged from an aspect of her character that is essential to her self-concept." Many of the restrictions and limitations women and minorities live with are more or less internalized as part of their self-concepts, and are part of their adaptations to the requirements and expectations imposed by the needs and tastes and tyrannies of others. Thus, many women and minorities do not even feel alienated, because their self-


20 Ibid, 407.

21 Frye, 93.
concept has been molded and rigged by a social power system in a way that trains them not to see the differences in privileges as unjustified or sometimes even existent. An extreme form of this rigging is described in what Malcolm X refers to as “house niggers,” who were slaves that tended to the master’s personal needs and were kept close to the master’s home. They were closely attached to their masters and identified with their master’s values and reasoning. They were given preferential treatment to the “field nigger” who lived and worked in the fields amongst the hogs and were treated as such. Since the house nigger was treated slightly less horribly than his fellow slaves in the field, he did not see the severity of his own oppression and did not consider his plight to be grotesquely unjustified and wrong.

Oshana’s account of autonomy is to be understood as a political concept. A question of whether one is autonomous with respect to (for example) her choices or her actions is a question that concerns whether it is she, and not someone else, who is directing them. This notion is distinct from the metaphysical view that many contemporary autonomy theorists hold, such as Harry Frankfurt, who are concerned with “what conditions must be met for one to act freely and of her own free will.” Thinking of autonomy as a political (shaped/directed by social forces) rather than metaphysical concept is important for understanding the systematic manipulation of gender roles. Since the political and metaphysical concepts are not synonymous, intuitions that surround one of the concepts should not be drawn upon in discussions of the other. For example, one can act freely and of her own free will in the metaphysical sense of freedom (i.e. where she is not determined so to act, or if she is, this is compatible with her enjoying freedom of the will)

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23 Taylor, 503.
even if she is manipulated into so acting by another person. Liberals tend to view autonomy in this metaphysical regard and therefore, do not levy blame on any manipulators. For instance, let’s say a woman interviewing with male employer knows she will only be hired if she wears revealing clothing. Certainly the woman has the choice to wear what she wants or to even attend the interview. Yet, the woman is in a bind involving lack of employment on one hand and objectifying herself on the other. However, regardless of whether the woman feels comfortable or complicit with her situation, she is still in a bind, one that liberalism tends to ignore, because its primary concern is that the woman simply has a choice and is capable of choosing. My point is that the situation has been manipulated so that both options contribute to the systematic oppression of women (i.e. keeping them unemployed and sexual objects), yet, the system of manipulation is not always criticized or even recognized by liberals, because the woman is still considered free (metaphysically) to make a choice. It seems then, that liberalism’s emphasis on metaphysical autonomy actually does little in way of emancipating individuals who are blind to or complacent with their own oppression. Thus, a disconnection must be made from metaphysical autonomy in our discussion of freedom. Carrying on my criticism of liberalism’s failure to recognize the political nature of its core concepts, the following section will argue that even human rights are politically created, often in a way that advantages certain social groups over others.

24 Ibid, 505.
II: The Politics of Rights

The location of human rights in a metaphysical notion of autonomous sovereign subjects plays the leading role in the modern liberal conception of human rights. In this framework, human rights are viewed as inalienably possessed by sovereign subjects understood as bearers of rights. The two hallmarks of modern human rights, therefore, are individual agency and self-determination. Looking at the work of Thomas Hobbes, we can see the roots of liberal notions of human rights.25 Hobbes defines natural right as the “Liberty each man hath, to use his individual power as he will himself, for the preservation of his own Nature, that is to say, of his own life; and consequently, of doing any thing, which in his own Judgment and Reason, he shall conceive to be the aptest means thereunto.”26 Hobbes locates natural right in the individual’s own power and movement to do what he can do to preserve his own life. Hobbes then goes onto define liberty as “the absence of external Impediments,” in other words, man has a natural freedom or right to everything. However, Arendt argues that this liberal tradition with its paramount concern for freedom and justice, does not grasp that politically even more fundamental than these supposed rights, is the right to action and opinion and the right to belong to a political community in which one’s speech and action are rendered significant.27

Demonstrating that full agency is contingent upon one’s social/political standing, Hannah Arendt’s own experience as a refugee reflects the political nature of human rights. Outside the law, and not belonging to any political community, Arendt and her fellow refugees found

26 Hobbes, 91.
themselves in a moment when protection under the auspices of universal human rights was most desperately needed, yet no protection was given. Their outsidedness reduced them to “mere naked human beings” in a condition of complete rightlessness.”

Arendt argues: “If a human being loses his political status, he should, according to the implications of the inborn and inalienable rights of man, come under exactly the situation for which the declaration of such general rights provided. Actually the opposite is the case. It seems that a man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a fellowman.” Those excluded from the political body also seem to be excluded from the status of full moral agent. Thus, liberal ideology jumps the gun with its concern for the preservation of natural rights, whereas Arendt (and myself) are concerned with first recognizing that these rights are contingent upon agency recognition among a political body.

Further, Arendt rejects the notion of human rights as tied to Hobbesian sovereignty, and instead ties them to (as stated previously) the right to action and opinion and the right to belong to a political community in which one’s speech and action are rendered significant. Arendt uses this rejection as her basis in reformulating the dominant philosophical understanding of freedom, which from Augustine onward has largely been understood as located in a subjective will. Arendt’s understanding of freedom, like Oshana’s, is political, located not in the “I will” but in the “I am able.” Following Aristotle, Arendt argues that freedom is experienced only in the process of acting. This capacity to act and move must be understood as the capacity to begin: “The Greek word archein which covers beginning, leading, ruling, that is, the outstanding

28 Ibid, 296.
29 Ibid, 300.
qualities of the free man, bears witness to an experience in which being free and the capacity to being something new coincide."\textsuperscript{31} From the outset, Arendt’s understanding of freedom is inseparable from power, and the ability to begin. The “I am able” must be understood as the ability to act in a public space, to move in a space of freedom with others.\textsuperscript{32} As mentioned earlier, there is flaw in liberalism’s assumption that if an individual is autonomous (metaphysically free as they see it), then she has the ability to act in public space.\textsuperscript{33} While this may be true, one’s actions mean very little if her moral agency is not fully recognized in a manipulated public space, which is often the case, as evidenced by Arendt’s own account of political outsidedness. However, the less extreme, but much more prevalent example of agency denial occurs when claims by women and minorities about manipulated binds in America (such as the previously mentioned example of the woman interviewing for employment) are treated in public space as mere nagging rather than legitimate claims of political injustice. My concern for agency recognition through public space will be more fully covered in a later section which incorporates both Arendt and Foucault’s notions of power. However, we can conclude from this section that the natural rights liberalism values (e.g. right to happiness, property, speech, etc) only exist (or are at least recognized) when an individual is part of a political body. This means that persons lacking full membership in a political body will be denied the privileges or rights of those with full membership. Formal political equality did little to open new opportunities for women or materially improve their lives. Long after women had won the right to vote, serve on juries and hold public office, they were excluded from educational and vocational opportunities.

\textsuperscript{31} Ibid, 166.

\textsuperscript{32} Binningham, 55.

\textsuperscript{33} Liberals talk about political freedom, but they tend to do so in a Hobbesian sense—that is only within the governmental construct.
available to men. Thus, what liberal values would afford (i.e. protection of various natural rights) does not change the kind of oppression that women and minorities face as partial members of the political body. The following section provides a similar criticism of the political nature of liberal fundamentals, which are taken by liberals to be nothing less than natural facts; I will show how liberalism's reliance of default background facts for political justification also works to inhibit the full agency of women.

III: Objectivity and Liberalism

Following the argumentation of Catharine MacKinnon, this section is intended to show that liberal theory tends to treat sex inequality primarily as a form of unjustifiable discrimination and thus fails to notice or address the systematic oppression of women that does not arise from such discrimination. According to Mackinnon, liberalism employs the "difference approach" to sex equality, in which "the legal mandate of equal treatment...becomes a matter of treating likes alike and unlikes unlike; and the sexes are defined as such by their mutual unlikeness." In other words, sex inequality is a result of women being treated differently from men on occasions when they are, in fact, similar to men (e.g. a man is hired over an equally qualified woman). While this does indeed happen, MacKinnon claims that the problem of sex inequality is one of systematic exploitation of women by men. Thus, establishing sex equality involves more than working out the relevant differences between men and women in order to root out unwarranted


36 Ibid, 32.
discrimination. Instead, it involves abolishing the relations of domination and exploitation of sexuality which serve to both oppress and define women.

Further, liberals do more than just misdiagnose the nature of sex inequality. MacKinnon argues that objectivity is liberalism's "standard for standards," and yet adopting this standard prevents liberalism from considering the kind of oppression she highlights as raising issues of sex inequality.37 The basic problem is that liberals conceive of political justification in a manner that leads them to ask the wrong questions about sex inequality. My argument is not a criticism of objectivity per se, but of how a objectivity is used in political justification. Political justification involves drawing connections between political judgements and some set of pre-political background facts. Many liberals rely on a position that holds that the background is made up of distinctions that are "morally relevant," or which are not "arbitrary from the moral point of view."38 Anthony Laden describes background facts and their social significance in the context of what he calls "social ontology."39 For example, what explains that biological difference in primary sex characteristics is regarded to be both a descriptively and normatively significant difference between people, whereas toe length is not? Often, background facts are used to justify social facts, which include the contents and shapes of our social roles (i.e. our identities). For example, "Jesse is a woman," picks out a social fact if it means that Jesse manifests the set of social characteristics associated with being gendered female.40 Descriptively, this means that what explains the significance of a particular social distinction is the existence of

37 Ibid, 42.
38 Laden, 137.
40 Ibid, 138.
a significant background fact with which it correlates—these objective background facts are taken as primary. For instance, if we want to know if gender differences are descriptively significant, we need to ask about the significance of the correlating background category: sex. The significance of background facts is in turn taken to rely on information contained within the realm of those facts. Many liberals point to the lack of differences in rationality, autonomy or other essentially human attributes between men and women to determine that sex differences are morally irrelevant, and thus not significant background facts. Upon deeming sex differences irrelevant and thus attempting to establish equal grounds of gender capability, liberals are ignoring the significant impact gendered (and racialized) social molding and rigging has upon the societal roles and behaviors (such as those discussed in previous sections) which give rise to the oppressive differences between men and women.

MacKinnon argues that for at least some categories, including gender, it is the social world (rather than background facts) that is primary. For such socially constructed categories, then, their significance is not traceable to, or justifiable by, any set of correlating background facts. Rather, it is social power that constructs these social categories directly, by organizing them, and carving up the social world using them, and thus marking them as significant. Thus, it is the mapping from the social (i.e. politically created facts/norms) to the background facts, rather than the purported intrinsic significance of the background categories themselves, that makes certain “objective” differences significant by giving them social relevance.

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Since liberal policy employs a justificatory method that relies on what liberals consider “morally relevant” background facts in things like judicial decisions and congressional debate, of which sex differences are excluded, it allows for the systematic disadvantaging of women without ever having to mention sex (because it is not significant in their view). MacKinnon argues that such policy will only need to rely on the “morally relevant” characteristics that a patriarchal society has implicitly designated as masculine or feminine.42 If MacKinnon’s theory of constructive power is correct with regard to gender, however, then the reason that such a policy will appear justified, will not appear as discrimination at all, is that social power has done its work all too well. Adopting background facts as primary and objective, can lead us to accept the deepest features of our social world as given, rather than as the result of unequal distributions of social power, and thus keeps us from challenging the status quo. Since the state often shapes the social world not directly through its actions, but indirectly, by determining what counts as injustice and what is legitimate, the state can and does play a hidden role in the objectification and oppression of women.

Thus, if liberalism is to open its eyes to the systematic oppression of women, what is needed is not further refinement of the category of “moral relevance” or discussion of what, precisely, is “arbitrary from a moral point of view,” but a wholly different conception of political justification—a conception formed around different notions of power and freedom. The liberal treatment of sex differences as irrelevant background facts works to deny women public space to voice and discuss gender differences that cause legitimate inequalities. As stated in the previous section, inhibited or partial membership in a political body denies individuals crucial human

42 Laden, 142.
rights; the denial of adequate public space for women is one such product. In the next section, I will follow the thinking of Michel Foucault to explicate a notion of power which is compatible with Hannah Arendt’s notion of freedom as the capacity to begin anew and act in public space. This discussion will coalesce into my overarching concern of the recognition of women’s moral agency.

IV: Foucault and Arendt: Power as a Decentralized Notion

Although Foucault and Arendt develop different ways of conceptualizing power, their respective conceptions are ultimately rooted in a critique of one and the same understanding of power, which Foucault labels the juridical model and Arendt refers to as the command-obedience model. This model equates power with the rule of law and presupposes that the paradigmatic power relation is that by which a sovereign imposes his will on his subjects. When power is conceived of in this way, the primary sphere in which power is seen as operating is that of the State. This notion of power is paradigmatic of the concerns of classic liberalism. Insofar as this model views the exercise of power as the imposition of the will of a powerful individual on that of a powerless one, it tends to conceive of power as a fundamentally restrictive, repressive, negative force. As Arendt phrases it, this model rests on the assumption “that men can lawfully and politically live together only when some are entitled to command and the others forced to

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44 The study of Foucault's thought is complicated because his ideas developed and changed over time. Just how they changed and at what levels is a matter of some dispute amongst scholars of his work. The notions of power I am using come from his later work toward the end of the 1970s.
obey.” Likewise, Foucault claims that this model views power in terms of “an essentially negative power, presupposing on the one hand a sovereign whose role is to forbid and on the other a subject who must somehow effectively say yes to this prohibition.” Both Foucault and Arendt start their own analyses of power by challenging this notion of power as sovereignty; in other words, both strive to cut off the head of the King, who is centralized in liberalism.

Foucault puts forth two main criticisms about the juridical model of power. First, he is critical of its assumption that power is restricted to a very limited sphere within social and political life. On this model, power resides in the hands of the sovereign and is extended outward in social space only by being wielded over individuals in and through the sovereign’s commands. Consequently, it is assumed that wherever individuals are out of the reach of the sovereign, they are free from power. However, Foucault’s aim is to invert this mode of analysis and in doing so, call attention to “not the domination of the king in his central position,... but that of his subjects in their mutual relations: not the uniform edifice of sovereignty, but the multiple forms of subjugation that have a place and function within the social organism.” Let me note that this method does not commit Foucault to denying that there are regulated forms of power in those central locations; all it does commit him to is the claim that the peripheral relations of domination and subjugation that are obscured by a narrow focus on such centralized forms must also be given their due.


48 Ibid, 133.

Foucault's second criticism of the juridical model is that it views power as an essentially negative, repressive, and prohibitive force. According to Foucault, this repressive model is too narrow as it "enables power never to be thought of in other than negative terms: refusal, limitation, obstruction, censorship. Power is what says no." In light of these criticisms, Foucault champions a new power model, viewing power as "diffuse and capillary, omnipresent, and both productive and repressive." The juridical model, given its assumption that power is always and only repressive, presupposes a conception of the individual subject/agent as a fully formed, stable and unified entity that then gets caught up in power relations which are external to its own constitution. However, according to Foucault, "it is already one of the prime effects of power that certain bodies, certain gestures, certain discourses, certain desires, come to be identified and constituted as individuals. The individual, that is, is not the vis-à-vis of power; it is, I believe, one of its prime effects."

For Foucault, individual subject/agents don't come into the world fully formed; they are constituted in and through a set of social relations, all of which are imbued with power. Thus, power is a key element in the very formation of individuals. Foucault asserts that individuals are subjected in a dual sense: they are subjected to the complex, multiple, shifting relations of power in their social field and at the same time are enabled to take up the position of a subject in and

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50 Foucault PS, 139.

51 Allen, 133-134.

52 I am using the notions of subject/agent found in Amy Allen's "Power, Subjectivity, and Agency: Between Arendt and Foucault." Allen interprets subjectivity as a precondition for agency, claiming that one cannot have the ability or capacity to act (i.e. agency) without having the ability or capacity to deliberate (i.e. a thinking subject).

53 Foucault TL, 98. Note: My interpretation of Foucault does not commit him to the strong claim that the individual is merely or nothing more than an effect of power, but that his account of power offers an analysis of the historically and culturally specific condition of possibility for subjectivity and agency in modern, Western, industrialized societies.
through those relations. In short, Foucault claims that power is a condition for the possibility of individual subjectivity. Understanding these notions helps in identifying the systematic manipulation that arises from the power discrepancy between the social roles of male and female. Within this context, it seems that patriarchal society shapes the identities of women to be more severely or intensely subjected to the relations of power, whereas men are more often enabled to take up the position of an acting and influential subject through those relations.

Like Foucault, Arendt has two main criticisms of the juridical or as she calls it, the command-obedience model of power. First, she argues that the command-obedience model came about when two interdependent aspects of action—beginning or leading (archein) and seeing an action through or achieving (prattein)—were separated. When this happened, the beginner or leader became the ruler who gives commands, and action became identified with the mere seeing through or executing of those commands on the part of his subjects that was originally characteristic of prattein. In other words, once power began to be understood in the command-obedience model and action began to be identified with the execution of the ruler’s commands, these original conceptions of action and power were covered over and forgotten.

As I mentioned in a previous section, Arendt aims to recover the original understanding of action as beginning something anew. In *The Human Condition*, Arendt links this notion of acting with the human condition of natality, the sheer fact that all human beings are born into the world. Natality derives its significance from the fact that the newcomer is capable of action.

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54 Allen, 135.


56 For Arendt, natality represents not only the birth of each unique individual, but the capacity of each individual to act and hence to begin something new. Arendt writes that "natality, and not mortality, may be the central category of
This notion of action is constitutive of the individual as an agent. Action discloses who, instead of what, the actor is: "In acting and speaking, men show who they are, reveal actively their unique personal identities and thus make their appearance in the human world."\(^{57}\) Arendt’s account of the dialectical constitution of the individual agent through action seems to prefigure Foucault’s account of the constitution of the subject through subjection. She claims, "nobody is the author or producer of his own life story...the stories, the results of action and speech reveal an agent, but this agent is not an author or producer. Somebody began it and is its subject in the twofold sense of the word, namely its actor and sufferer, but nobody is its author."\(^{58}\) Arendt’s agent is at the same time both sufferer and doer, both subject to the constraints of the actions of others and made into a subject with the capacity to act by the web of social relationships within which one must act.

However, while power is the result of action (specifically, collective action), it is also a condition for the possibility of action. Arendt maintains that power, defined as “the human ability not just to act but to act in concert,” both makes possible and preserves the public, political realm in which individuals act.\(^{59}\) Insofar as one’s identity as an actor is only fully realized in and through action in the public, political realm, which is constituted by power, for Arendt, power is a condition for the possibility of the full achievement of agency. Additionally, Arendt maintains that power “preserves the public realm and the space of appearance... without

\(^{57}\) Ibid, 179.

\(^{58}\) Ibid, 184.

\(^{59}\) Ibid, 198.
power, the space of appearance brought forth through action and speech in public will fade as rapidly as the living deed and the living word. Once more this brings us back to the limited role of women in society; the vast imbalance between men, trained and identified as active doers, and women, trained and identified to act more passively, maintains a confining social role for women. For instance, from a young age men are taught to ignore their emotions because they hurt a man’s ability to get things done, to be a doer, while on the other hand women do not receive such training and are often in the role of having a doer do unto them (e.g. common vernacular treats the male role in intercourse as an accomplishment on his part, of having done her).

V: The Macroscopic Problem

The criticisms I have layed forth against liberalism are both large in scope and multifaceted. These criticisms do not apply to all subsidiary schools of liberal thought, but are intended to raise caution in the minds of those who fundamentally value freedom in terms of natural rights or autonomous action. For these individuals seem to often overlook that socio-political recognition of one’s moral agency is primary, and that their concern for rights and autonomy are contingent upon this recognition. In the Two Concepts of Liberty, Isaih Berlin explains the difference between the two main ideas of liberty in terms of positive and negative liberty. Whereas classical liberals aim for liberty in its negative sense, that is, the liberty from external constraints, the modern form of liberalism tries to achieve liberty in its positive sense, by providing opportunities and presenting alternatives. Certainly, the latter sounds like an aim

60 Ibid, 204.

condusive with feminist goals of liberation, for women to have the opportunities to enjoy the benefits of men. However, we must question what kinds of opportunities and alternatives our society is seeking and whom do they actually serve. As Malcolm X warns, a “good” opportunity for the slave who is blind to his oppression may be to better his standing with his master, instead of doing something anew or unexpected such as fleeing, or breaking away from his bondage. In this sense, what an autonomous individual believes to be a good-creating act is inconsistent with a freedom-creating act. Perhaps most unfortunate in this case is that should the slave realize his unjustified social position, the lack of recognition of his agency or right to have rights, he will likely be intimidated by the severe consequences of acting unexpectedly. The same can be said true of the plight of the modern women, who if acting in the unexpected ways of feminism or lesbianism is outcast by patriarchal mainstream society. Doing something anew in this way suggests a breach of the rigging of the gender roles we are born into; it is an empowering declaration from the acting individual that she is not the kind of being worthy of her typical treatment and is capable of not obeying those who deem her actions as insubordinate or even just silly. A woman loudly voicing her frustrations with being constantly objectified is often construed negatively as bitching or nagging and is countered with criticism and contempt intended to make her feel crazy for thinking what is happening to her is wrong. This process denies women adequate public space to communicate and have their concerns be given uptake as legitimate societal problems worthy of national political attention and action.

Further, Foucault and Arendt’s analysis of power as a pervasive web of social relationships offers a more practical framework to discuss gender inequalities than the classical liberal take on power as a centralized force constraining all those sovereign to it. Liberalism’s focus on the central power of the State keeps public attention to the condition of power in our
individual relationships merely in the peripheral. Thus, we tend not to think of ourselves as the products of an interplay of personal relationships of power, but rather as beings trying to escape certain undesirable restrictions of the powerful central government. Whether it be tax reform, homeland security issues, or otherwise, what is seen as legitimate and worthy political concerns primarily deal with the effects of centralized power, pushing the concerns of the feminist to the wayside.

Additionally, the liberal reliance on background facts about human rights is not all together destructive. In light of Arendt, if our fundamental facts we use to justify policy changes and political action were centered around preserving the right of individuals to have rights and the right to access public space, perhaps situations in which the agency of women is jeopardized would arise less frequently. Liberals faced with evidence of gender inequality and policies that might redress it, will have no theoretical tools with which to take up such charges or see such policies as calls for equality rather than special pleading or unwarranted interference with citizens' “private” lives (because they do not recognize gender differences as morally relevant). Until the feminist’s concerns and feelings about gender differences are given political uptake, they cease to be legitimate or real; and as holders of illegitimate and unreal conceptions of how society functions, women (feminist or not) are forced to operate in positions of limited agency.

It may seem condescending or arrogant to convey the aims of this paper in a way which suggests that many content individuals who consider themselves free and capable of acting as they wish, may in fact be oppressed and currently incapable of freedom-creating actions. Liberal critics of feminism, like Sommers, assume that women currently have the same options as their male counterparts and then point to the fact that women, by and large, still make different
choices from their male counterparts as evidence that most women prefer la difference. The assumption is however, plainly false. As stated earlier, formal political equality did little to open new opportunities for women or materially improve their lives. Long after women had won the right to vote, serve on juries and hold public office, they were excluded from educational and vocational opportunities available to men. Currently, legislation mandating equal opportunity in employment is routinely ignored and women who succeed, against the odds, in breaking into “non-traditional” jobs are treated very differently from their male colleagues. It should scarcely be surprising that most women prefer traditional roles to non-traditional roles under conditions of harassment, prejudice, contempt, belittling, etc. However, this does not show that most women prefer traditional roles to non-traditional roles under the conditions on which they are available to most men.

Furthermore, even apart from ongoing discrimination in hiring harassment on the job women remain at a disadvantage because they continue to work the double shift. The market appears to treat women as individuals in their own right. However, so long as women carry the double burden of unpaid work in the reproduction and maintenance of human resources as well as paid work producing goods and services, then women are unable to compete with men in the market on equal terms. Legislation for equal pay and opportunities and diminution of “traditional” barriers to women working outside the home cannot by themselves free women from domestic burdens and expectations. Access to markets has benefits for women, but those benefits are always limited, even if markets are entirely free from gender discrimination.

Benefits are limited because the reproduction and maintenance of human resources is structured

\[62\] Elson.

\[63\] Ibid.
by unequal gender relation. Women with high incomes can reduce their disadvantage in the
market relative to men by buying substitutes for their own unpaid work—employing cleaners,
maids, nannies, and cooks. But even this does not obliterate their disadvantage, as they still have
responsibility for household management. All other women who are not in the highest income
groups do not have this option and must undertake a “double day” of work.64

The moral is that a little progression away from our current norms of patriarchy is a
dangerous thing insofar as it burdens women with wage labor in addition to domestic work,
without the opportunities men have in the labor market or the support services they enjoy at
home. If women reject this state of affairs it may not be, as Sommers suggests, because feminism
as gone too far, but rather because it has not, yet, gone nearly far enough.

The classical liberal response to this entire feminist critique is that if individuals are
acting as they wish, regardless of social influences, then they are free. However, to accept this
stance is to accept the plight of the house nigger. It seems there are extreme cases in which it is
permissible to attempt to reveal a macroscopic picture of oppression to those that are blind to
their own oppression. My hope is that this paper lowers our standards of what counts as extreme,
and that the plight of the modern woman is remains one of inhibited agency in a web of
systematically oppressive relationships.

64 Ibid.


Foucault, Michel. “Two Lectures,” *Power/Knowledge: Selected Interviews & Other Writing*


