The argument that women suffer from "false consciousness," or that their choices are unconsciously determined by gender ideology, has been a continuing source of controversy in feminist theory. The controversy has taken a new turn with a growing debate over how such claims are intended by their authors. Until recently, many commentators assumed that "false consciousness" or "ideological determination" claims were offered solely for their truth value. When Catharine MacKinnon said that some women eroticize dominance, or want to believe that they "already have [consensual sex] more than they want to have it," commentators saw this as expressing an unqualified belief that women learn to view coercive sex as consensual. This view of ideological determination arguments made them immensely problematic, exposing their proponents to charges of reductionism, essentialism and the same pretensions to objectivity of which feminists had accused men.

More recently, however, some feminist theorists have advanced a
different view of these claims. Scholars such as Frances Olsen have argued that feminists do not offer "ideological determination" arguments because they reflect some aperspectival "truth" about certain women's experiences. Instead, proponents offer concededly partial views of women's experiences because they possess a strategic advantage. By describing the influence of ideology on women's choices in a particularly strong way, proponents expose the reach of gender inequality and prevent their arguments from being assimilated to conventional understandings. Because arguments such as Olsen's attempt primarily to explain the purpose of ideological determination claims, they do not ask whether viewing these claims as instruments of strategy renders them any less problematic. In this Essay, I take up this question. While my analysis does not yield a simple answer, it suggests that the strategic interpretation of "ideological determination" arguments does not completely ameliorate their substantial drawbacks. Although the strategic view mutes some objections that go to the author's understanding, and raises the possibility of persuasive advantages, it also raises the specter of some potent strategic drawbacks. Ideological determination arguments may be particularly off-putting for women who have understood, or resisted, the pull of ideological influences; they may cast doubt on women's capacity for choice in contexts in which such doubts may be particularly costly; and they may, by presenting women's choices as determined by one socially diffuse influence, impede remedial inquiry into the complex array of factors that shape women's choices. In this Essay, I will highlight these drawbacks and will ask how feminist scholars might develop ways of examining women's choices that retain the capacity to pose a comprehensive challenge to existing gender relations, yet avoid these distinctive dangers.


There are some senses in which Olsen does ask and answer the question of whether viewing MacKinnon's ideological determination claims in this way makes them less problematic. Olsen's interpretation suggests that feminists making these arguments are somewhat less vulnerable to charges of reductionism: they do not hold unidimensional views, but simply emphasize simplified explanations when they believe their audiences require them. But Olsen's argument does not take on the question of whether viewing these claims as strategic responds to objections beyond reductionism, or whether the strategic advantages of these arguments exceed their strategic costs.
I. Ideological Determination and Feminist Theory

"False consciousness" claims have long been affiliated with radical critiques, finding their origins in the work of Engels and Marx. The analogous claims in feminist theory are often distinguished on the ground that they do not assume an aperspectival position from which feminist scholars can determine women's "objective" interests. "Women's situation," as Catharine MacKinnon writes, "offers no outside to stand on or gaze at . . . . There is no Archimedean point—or, men are their own Archimedean point, which makes it not very Archimedean." Yet these claims have several elements in common with false consciousness arguments. First, they purport to explain behavior through which an oppressed group contributes to or perpetuates the patterns of its own oppression. Second, they describe such actions as being the product of internalization, by the oppressed group, of essential elements of the dominant ideology. Third, they describe this internalization of and determination by ideology as occurring beyond the conscious comprehension of the oppressed group: members of the group may perceive their actions as freely chosen, or as influenced by a range of non-ideological factors.

The play of these characteristics is illustrated by perhaps the best known of ideological determination arguments: Catharine MacKinnon's claims regarding sexuality. MacKinnon's claims arise in the context of her central argument: that coercion is paradigmatic of heterosexual relations and constitutive of the social meaning of gender under gender inequality. This argument points to the controversial conclusion that, by engaging in heterosexual relations, women may be contributing to their own subordination. This claim often prompts the challenge from MacKinnon's audiences that many women enjoy, and voluntarily choose to engage in, heterosexual sex. This choice and this experience cast doubt on the contention that forced sex is paradigmatic and on the possibility that women could be contributing to their own oppression.

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6 C. MacKINNON, TOWARD A FEMINIST THEORY, supra note 5, at 117.

7 See generally MacKinnon, Feminism, Marxism, Method and the State: Toward Feminist Jurisprudence, 8 SIGNS 65 (1983).

8 See C. MacKINNON, FEMINISM UNMODIFIED, supra note 2, at 217-18.
innon responds that both the choice and the enjoyment of sex may themselves be shaped by the practice and the ideology of male dominance. Women are socialized to expectations of veiled (or not-so-veiled) force in sex; they come of age in a culture permeated with pornography's eroticization of violence. Women may believe that they are enjoying sex, or engaging in it by mutual consent, when in fact they are engaging in ritualized forms of domination which have become almost eerily familiar. As MacKinnon explains:

The deeper problem is that women are socialized to passive receptivity; may have or perceive no alternative to acquiescence; may prefer it to the escalated risk of injury and the humiliation of a lost fight; submit to survive. Also, force and desire are not mutually exclusive under male supremacy. So long as dominance is eroticized they never will be. Some women eroticize dominance and submission; it beats feeling forced.

MacKinnon does not rule out the possibility that an individual woman may find herself within a crack in the system of gender inequality—a rare experience which may transform her "choices"

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9 I understand MacKinnon to be making the claim that, because women's attitudes are shaped by an ideology that operates beyond their conscious comprehension, women may not accurately describe (or fully understand) their choices or experiences of sexuality. I do not understand her to be making the claim, which is a part of some ideological determination arguments, that women's ideologically influenced attitudes—in this case, women's eroticization of dominance—play a primary role in their subordination. In much of MacKinnon's work, discussions of dominance are sufficiently focused on male responsibility, that it would be difficult to reach the conclusion that she assigned women a leading role in their own subordination. In MacKinnon's oral presentations, such as those recounted in Feminism Unmodified, supra note 2, there seems to be greater attention given to the ideological determination of women's attitudes and choices, perhaps in part because MacKinnon is confronted with recurrent questions on this topic from her audiences. Her focus on this question in certain contexts and her tendency to amplify the effects of ideology on women's choices may give some readers or listeners the impression that she sees ideologically infused choices as contributing substantially to women's subordination. I do not understand this to be her point; although in keeping with her strategic purpose, MacKinnon might have taken greater pains to prevent this misimpression.

10 See generally C. MacKinnon, Toward a Feminist Theory, supra note 5, at 172-83 (describing coercion and consent in sex).

11 Id. at 177.

12 "Sex feeling good," MacKinnon explains, "may mean that one is enjoying one's subordination; it would not be the first time. Or it may mean that one has glimpsed freedom, a rare and valuable and contradictory event. Under existing conditions, what else would free-
into choices and make her "consensual" sex consensual—yet this is rarely the way she responds to women's reports of such experiences. She is more likely to ask, for example, whether lesbians who engage in forms of behavior that resemble heterosexual relations "express the male supremacist structure or subvert it" or to suggest that those people, including women, who report consensual sex "want to believe they already have this more than they want to have it." Through such explanations, MacKinnon depicts women's purportedly unencumbered choices as ideologically infused acts which contribute to their own subordination, and suggests that women's perceptions of their experiences are less reliable than her own.

Not all ideological determination arguments, however, take the same form or involve equally expansive claims about the ideological coloration of women's attitudes. In her article, *Deconstructing Gender*, Joan Williams discusses women's decisions regarding the workplace in ways which often reflect greater subtlety in depicting constraints on women's choices, but ultimately seem to rest on assumptions similar to MacKinnon's. *Deconstructing Gender* is directed toward feminists of difference, particularly those who take their bearings from the difference theory articulated by Carol Gilligan. Williams argues that Gilligan's description of gender differences constitutes an updated version of the Victorian ideology of domesticity. Although this account contains, or implies, a critique of the possessive individualism that has shaped the workplace, it has not resulted in a restructuring of the workplace. It has been used instead to justify and celebrate the rejection of the workplace.

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15 See Williams, Deconstructing Gender, 87 Mich. L. Rev. 797 (1989) [hereinafter Deconstructing Gender].
16 Williams notes that Gilligan's updating differs in certain respects from the original. She suggests that Gilligan is ambivalent about whether women's morality is of a "higher" order. She adds further that relational feminists "reclaim the compliments of Victorian gender ideology while rejecting its insults:"

Thus relational feminists agree with the Victorians that women are more nurturing than men . . ., less tied to the questionable virtues of capitalism, and ultimately more moral than men. But they disagree with the Victorians' view that women are also more passive than men, less competent, more timid and naturally demure.

Williams, Deconstructing Gender, *supra* note 15, at 807.
by women who leave their jobs to care for their children. The modern ideology of domesticity paints such abdication as "virtue," facilitating the economic marginalization of women and short-circuiting workplace reform.

Although Williams' primary target is the ideology of domesticity itself, she also casts a critical gaze on the women who heed its siren song.17 She describes the decision to leave the workplace as a "choice,"—a decision which is less free than the women making it suspect.18 Williams' descriptions of this "choice" vary in the self-awareness she attributes to women and the role she ascribes to domestic ideology in shaping their decisions. In some sections, Williams seems to suggest that women's choices are not so much determined as constrained, that women are not so much unaware of the reasons for their choices as mixed in their motives. This is true, for example, when Williams invokes Gramsci's notion of "consent" to explain the concept of "choice":

Gramsci painted a complex picture of how the dominant culture rules with the consent of the governed by shaping a "hegemony" of values, norms, perceptions, and beliefs that "helps mark the boundaries of permissible discourse, discourages the clarification of social alternatives, and makes it difficult for the dispossessed to locate the sources of their unease, let alone remedy it."

. . . For Gramsci consent is a complex state fraught with ambiguities, a " 'contradictory consciousness' mixing approbation and apathy, resistance and resignation."

17 As my explanation here suggests, this claim constitutes only one portion of Williams' argument about the dangers of Gilliganesque domesticity. I do not regard my differences with Williams' characterization of women's choices here as implicating her larger argument that modern domesticity shaped the perspective of the court in Sears, infra note 18, and contributed to women's marginalization in the workplace and the economy.

18 I suspect Williams also uses the term "choice" (meaning use of the word choice combined with the use of quotation marks) as an ironic commentary on the invocation of unencumbered choice by the court in EEOC v. Sears, 628 F. Supp. 1264 (N.D. Ill. 1989) (finding EEOC failed to establish a prima facie case of sex discrimination by Sears Roebuck & Co.), aff'd, 839 F.2d 302 (7th Cir. 1988).

19 See Williams, Deconstructing Gender, supra note 15, at 829 (citations omitted) (quoting from Lears, The Concept of Cultural Hegemony: Problems and Possibilities, 90 Am. Hist. Rev. 567, 569-70 (1985)).
Yet in other portions of her discussion, Williams’ focus is less on the struggle than on the self-congratulatory serenity produced by the ideology of domesticity; women’s “contradictory consciousness” is not so much an ambivalent by-product of male hegemony as its surprisingly puissant partner. Williams notes that

Sears showed how traditionalist judges can use women’s culture against women. The more troubling question is the extent to which women use it against themselves, as they do every time a woman “chooses” to subordinate her career “for the good of her family” and congratulates herself on that choice as a mature assessment of her own “priorities.”

Or, in another passage, Williams argues that

both discrimination against women and women’s “choices” must be seen as elements of an integrated system of power relations that systematically disadvantages women . . . . Women’s choices show how women perpetuate the gender system themselves; discrimination shows how others join them in policing the gender system.

Taken in sum, Williams’ depictions contain a descriptive precision and a thread of complexity that is not consistently present in MacKinnon’s accounts; yet the two arguments contain important elements in common. Like the women discussed by MacKinnon, Williams’ subjects contribute to their own subordination (this

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20 Id. at 830. In a footnote to this argument, Williams offers the following qualification: I do not mean to imply that all women who take primary child care responsibility at the expense of their ability to be ideal workers do so because they are persuaded by domesticity’s reassurance that their choice places them on a higher moral plane. Many no doubt settle for part-time work or make other trade-offs with the sense that they are making the best of a bad bargain through a temporary expedient not desirable but inevitable under the circumstances. Yet my sense is that the societal message that women are inherently more nurturing and self-sacrificing and less competitive and ambitious, often plays a role in helping persuade women that what is inevitable is also “natural” and desirable.

Id. at 830-31 n.144. See infra note 39, where I discuss the implication of this qualification.

21 Id. at 826.

22 This is perhaps not surprising, considering that Williams states that she begins from MacKinnon’s central premise that “inequalities are the core feature of the gender system as we know it.” Williams, Deconstructing Gender, supra note 15, at 822.
time, economic rather than sexual), with only limited understanding of the constraints on their choices and little sense of these choices as systematically self-destructive.

When ideological determination claims are regarded as unambiguous explanations of controversial choices made by women, they are vulnerable to a range of criticisms. They are vulnerable, first, to the claims of reductionism that haunt any "grand theory"\(^2\)\(^3\) of oppression. Whether guided by post-structuralism or our complex, practical reconstructions of our own choices, many feminists are skeptical of theories which attribute entire categories of decisions to ideology or any single influence. The decision to leave the workplace, for example, seems to be a function of many things: the needs of the child, the inherent interest of the job, the financial needs of the family, the availability of childcare, the flexibility of the employer—as well as a variety of attitudes toward work and family that seem to vary palpably among women.\(^2\)\(^4\) It is difficult to concur with an explanation which neglects the complex interaction of these influences. Moreover, even if ideological influence could be identified as primary in some choices—a subset of sexual encounters, for example—it is hard to imagine that it could be determinative of the choices of an entire group of people.\(^2\)\(^5\)

This last question foreshadows the related though politically distinct charge of essentialism. By arguing that the social meanings ascribed to gender affect most women in the same (strong) ways, ideological determination arguments neglect the crucially diversifying influences of race, class and sexual orientation.\(^2\)\(^6\) The nine-

\(^2\) See Olsen, supra note 3, at 1168. Olsen explains that "MacKinnon's theory of gender oppression is a total or grand theory in that it attempts to explain a major portion of American social reality—gender—on the basis of a single powerful construct." Id.


\(^4\) See generally The James McCormick Mitchell Lecture, Feminist Discourse, Moral Values, and the Law—a Conversation, 34 BUFFALO L. REV. 11 (1985) [hereinafter The James McCormick Mitchell Lecture]. In this conversation, feminist scholar and activist Mary Dunlap argues that the extent to which sexuality is enjoyed and chosen and the extent to which it is colored by ideological influence varies among different groups of women. Id. at 30-32.

\(^5\) See, e.g., b. hooks, Ain't I A Woman: Black Women and Feminism (1981); E. Spelman, Inessential Woman: Problems of Exclusion in Feminist Thought (1988); Harris, Race and Essentialism in Feminist Legal Theory, 42 STAN. L. REV. 581 (1990); Minow, Feminist
teenth century ideology of domesticity, for example, played little role in the socialization of black women, suggesting that their response to its modern incarnation may differ from that of whites. In the area of sexuality, Angela Harris and Elizabeth V. Spelman have argued eloquently that the social construction of the sexuality of women of color has often differed radically from that of whites. Neglecting these powerful sources of differentiation, at best, duplicates the obscuring reification characteristic of the dominant ideology and, at worst, presents as universal the specific experiences of white, middle-class, able-bodied heterosexual women.

Perhaps the most potent claim against ideological determination arguments arises from the feminist critique of objectivity itself. If, as MacKinnon attests, experiential ways of knowing have led feminists to question the possibility of an aperspectival, objective position from which to assess the situation of women, several features of these arguments seem problematic. It would seem more difficult than proponents assert to determine that a particular action chosen by women contributes to women’s subordination. And it

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27 See generally b. hooks, supra note 26. Particularly applicable in this context is hooks’ invocation of the historic speech of Sojourner Truth at the second annual convention of the women’s rights movement in Akron, Ohio in 1852. Responding to screams of white women that she not be allowed to speak, and to the jeering challenge of one white man, “I don’t believe you really are a woman,” she replied:

Dat man ober dar say dat women needs to be helped into carriages, and lifted ober ditches, and to have de best places ... and ain’t I a woman? Look at me! Look at my arm! ... I have plowed, and planted, and gathered into barns, and no man could head me—and ain’t I a woman? I could work as much as any man (when I could get it), and bear de lash as well—and ain’t I a woman?

Id. at 160.

28 See Harris, supra note 26.

29 See E. SPelman, supra note 26.


31 See E. SPelman, supra note 26; Harris, supra note 26.

32 See C. MACKINNON, TOWARD A FEMINIST THEORY, supra note 5, at 95-105 (describing evolution, through feminist consciousness raising, of new epistemological approach).

33 Both MacKinnon and Williams might meet this argument by saying that gender discrimination is not simply a motive subjectively experienced by the perpetrator or an effect subjectively experienced by the victim, but a system whose features can be denominated and whose effects can be presented in verifiable, quantitative form. Thus, MacKinnon frequently begins her articles or presentations by quantifying the extent of sexual harassment, spousal abuse or rape, and Williams devotes a portion of Deconstructing Gender to the
would seem particularly problematic to claim that a woman does not understand the causes of her own actions or that a feminist scholar’s explanations of her choices should be categorically preferred to the woman’s own. When MacKinnon argues that women who claim to enjoy consensual sex eroticize dominance, or want to believe that they have attained mutuality more than they want to attain it, her arguments not only suggest a belief in the same kind of unsituated or objective knowledge she decries, but they also display a dismissive approach to women’s accounts of their own experience that recalls the stance of the dominant ideology.34

Responding, perhaps, to the force of these objections, some feminist scholars have begun to view ideological determination arguments in a different light.35 They argue that, in advancing such claims, proponents do not see themselves as presenting the unambiguous truth of all women’s experience. Instead, proponents understand such perspectives to be partial. Yet they present them in particularly unambivalent ways, because such presentations offer strategic advantages. In discussing MacKinnon, for example, Frances Olsen describes as a strategic choice MacKinnon’s decision to depict claims of consensual sex as the products of gendered ideology. MacKinnon does not, Olsen suggests, deny the possibility of mutual, consensual heterosexual sex. Yet she selects an argument or, as Olsen describes it, an emphasis, which presents such relations as a virtual impossibility, because that presentation offers certain advantages in conveying her dominance theory to an often-resistant audience. The uncompromising character of her claim

description and quantification of the feminization of poverty. If gender discrimination is not a perception but a system, victims’ experiences are one but not the only route to its discovery. However, there is still the question of the extent to which a particular choice or set of choices contributes to this system. A feminist scholar who wishes to contest the victim’s view of her choices as free or as not contributing to subordination, must still evaluate the contribution of those choices from some perspective outside that of the victim whose existence many feminist scholars have been reluctant to acknowledge. MacKinnon seems to argue that such a perspective is possible: a view that is neither “objective” nor “subjective.” C. MacKinnon, Toward a Feminist Theory, supra note 5, at 116. This view emerges when women speak from their experience of victimization rather than their denial. Id. at 173. As I note and have noted elsewhere, I find the latter distinction difficult to draw in practice. See infra note 91.

34 Katharine Bartlett makes this point in a concise and insightful review of Feminism Unmodified. See Bartlett, MacKinnon’s Feminism: Power on Whose Terms? (Book Review), 75 Calif. L. Rev. 1559, 1564 (1987).

35 See Olsen, supra note 3.
may jar many people into awareness who would be impervious to subtler claims of gender oppression. The choice of an unqualified explanation over a more nuanced, fully-balanced treatment may prevent her understanding from being “‘rounded up’ or ‘rounded down,’” that is, assimilated to less radical understandings of many groups in the larger population. An unqualified claim of ideological determination may also prevent MacKinnon’s audience from focusing on any qualifications to the exclusion of her larger message.

The strategic perspective blunts the force of some of the initial objections by suggesting that proponents of ideological determination arguments may be aware of the potential drawbacks of their strategic choice. Joan Williams, for example, does not believe that all departures from the workplace are caused by ideology. She risks the charges of reductionism that may arise from her singular focus, to prevent observers of the workplace from ignoring the central role of the new domestic ideology. Similarly, Catharine

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26 Id. at 1175.
27 Id. at 1176.
28 Id. at 1176 n.117. Olsen describes MacKinnon’s response to an article in which Olsen had stated that there were “nooks and crannies in which the beginnings of a new sexuality could be discovered.” Id. Olsen relates that “MacKinnon did not suggest that I was wrong, but warned that my statement about nooks and crannies might be the only thing people would quote from the article and that the force of my critique would be lost.” Id.
29 Williams acknowledges as much in a footnote described earlier. See Williams, Deconstructing Gender, supra note 20, at 830-31 n.144. The fact that Williams offers her reservations in a footnote, while presenting a less qualified version of her claim in the text is, to me, indicative of the strategic presentation of a concededly partial claim. She seeks to awaken her audience with the bold claim that women deploy women’s culture against themselves “every time a woman ‘chooses’ to subordinate her career ‘for the good of the family’ and then congratulates herself on that choice as a mature assessment of her own priorities.” Id. at 830. Yet she wants to assure those readers interested or careful enough to look “below the line” that she “do[es] not mean to imply that all women who take primary child-care responsibility at the expense of their ability to be ideal workers do so because they are persuaded by domesticity’s reassurance that their choices places them on a higher moral plane.” Id. at 830-31 n.144. By remarking on Williams’ apparent strategy here, I do not mean to criticize her choice—I consider it preferable to add these qualifications in a footnote than to not to—nor do I mean to take on the practice, altogether common in law review articles, of stating a general point in the text and offering elaborations or qualifications in footnotes. In the remainder of the article, however, I hope to suggest that there may be alternative ways of communicating both the possibility of ideological influence and the role of other contributing factors.
30 It is interesting to note, however, that even when Williams acknowledges that all departures are not attributable to ideology, she does not elaborate on the other causal factors that may play a role in women’s decisionmaking. See id. at 830-31 n.144.
MacKinnon risks the charges of pretending to objectivity, or devaluing women's accounts of their experience, in order to highlight certain accounts that she finds paradigmatic of, and essential to understanding, gender oppression. This interpretation strengthens the position of ideological determination arguments by presenting their drawbacks not as casual oversights, but as calculated decisions to undertake substantive and methodological risks in the interests of feminist strategy.

But this benefit does not, to my mind, conclude the matter. In fact, it reveals less about the value making of ideological determination claims than about the value of viewing those which are made strategically. The strategic interpretation makes sense because it explains how arguments with evident vulnerabilities can be offered by innovative and sophisticated feminist scholars. To say that there is a calculus that explains these arguments, however, does not tell us whether that calculus is correct. The strategic judgments which yield ideological determination claims might be better than oversight, but still be critically flawed. Consider, for example, the charge of race or class essentialism. We may judge it more intellectually subtle or politically sensitive to risk universalizing a portrait of white, middle-class, heterosexual response, than to believe that such a portrait really represents all women. Yet risking the erasure of the experience of lesbians or women of color remains a substantial cost of any theoretical approach. We need to know more about its comparative advantages and the availability of alternatives before we can judge whether such risks are justified. As this example suggests, viewing ideological determination claims as strategy does not provide answers to the quandaries these claims create, it simply substitutes a new set of questions. And the information we need to assess these questions is currently incomplete. If we are to evaluate these claims as calculated judgments about feminist strategy, it is not enough to know their potential benefits; we also have to know the range of potential costs.

Some of these costs—such as the risk of oversimplification or methodological inconsistency—are intellectual or reputational costs to the proponents of such arguments. Others are costs which are sustained primarily by subgroups whose experiences are obscured in the quest for a unitary portrait. Still others are costs

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41 The exclusion of subgroups ought to redound to the disadvantage of the scholar or
which are paid out in the very currency in which proponents claim their advantage: practical progress in feminist persuasion and institutional reconstruction. Although ideological determination arguments may have advantages in awakening some audiences to gender discrimination, or facilitating analytic clarity under some circumstances, these advantages do not exist across the boards. Some audiences are likely to be less receptive to ideological determination claims; some are likely to embrace them in ways that impede feminist change. Under some circumstances these arguments are likely to create analytic confusion rather than clarity. These costs have not been thoroughly investigated in the literature assessing such arguments. In the following section I explore several of these tactical costs and then ask how they affect ideological determination arguments.

II. STRATEGY AS A VANTAGE POINT

Before considering the strategic costs of employing ideological determination arguments, it may be useful to consider how feminist legal scholars have come to focus on strategy and what specifically the term "strategy" might refer to in discussions such as Olsen's. The connection of even theoretical choices with political strategy is largely a product of the relations that feminist scholars have envisioned between theory and practice. Many forms of feminist theory arose coterminously with, or in response to, women's political struggle for gender equality. That connection has led many feminist scholars to contest the traditional distinction between theory and practice, and to argue instead for an integration, or a dialectical relationship that stressed their interrelation. This perspective has reinforced the practical orientation of some feminist legal scholars, whose professional training has led them to ask what role legal institutions might play in producing social change. One feature of this orientation toward practice has been a concern

activist perpetrating it as well; yet, such exclusion is so pervasive that it frequently does not.

with strategy: asking not simply what changes need to be made, but how such changes might be grounded, developed and presented in a political context which makes their introduction controversial. Some strategic questions, for example, concern the approach that is optimal for addressing a particular type of audience: an audience lacking any awareness of the problem, an audience whose awareness has sparked resistance to change, or an ambivalent or supportive audience. Others ask what choices should be made to facilitate a particular stage of reform: What arguments work best for mobilization? Which approaches help to explicate the complex origins of social or institutional discrimination? Which approaches contribute to remedial efforts? In identifying so broad a range of strategic concerns, feminist legal scholars assume that the work of feminist legal reform is dependent upon, and integrally connected with, the examination and reconstruction of understandings which have traditionally been viewed as more political than strictly legal in nature.43

Considered from this vantage point, it is evident that ideological determination arguments have strategic advantages not associated with their more qualified counterparts. For example, I suspect that Olsen's analysis only begins the list of the advantages that might flow from MacKinnon's choice. The amplified character of MacKinnon's claims may awaken an audience lulled by its immersion in the status quo, may focus her listeners on her argument rather than its exceptions and may prevent audiences from assimilating her radical claims to their more conventional understandings.44 But her unqualified descriptions of women's choices regarding sexuality also require that her audiences take her message personally. MacKinnon explains:

Many women in this country believe gender is a crushing reality from which no woman is exempt. They also believe, or rather act a belief on a daily basis, that they are or can be exempt. If every tacit "present company ex-

43 MacKinnon's career and explicit arguments were among the first to highlight this inter-relationship; but many feminists have been working from a method that begins with insights gleaned from feminist theory and epistemology, and uses these to reform legal method. See Abrams, Feminist Lawyering and Legal Method, 16 L. & Soc. Inq. (forthcoming 1991) [hereinafter Abrams, Feminist Lawyering].
44 These are the primary advantages Olsen cites. See Olsen, supra note 3.
cluded" exception I encountered on the road were excluded from the analysis, an analysis would remain that everyone accepts as generally true, but that almost no one—meaning nearly everyone—acknowledges applies to them in particular. Sexuality is like this with a vengeance.  

By declining to acknowledge the possibility that women's choices regarding sexuality might be free from ideological determination, MacKinnon prevents women from exempting themselves from her analysis. An analysis that omits the obligatory "present company excluded" challenges each woman to re-examine her own life and search out the ideological influence over her own choices. 

Williams' argument, the amplification of which seems both subtler and more self-evidently strategic, also has advantages that a more qualified account would lack. Modern proponents of domesticity may present a more pointed danger even than women who claim to enjoy heterosexual relations. The former not only manifest a particular pattern of choice, but offer a rationale for preferring it—the claim of virtue. Williams' argument may be understood as an effort to counteract this influence by suggesting that departure from the workplace does not reflect virtue; in fact, it does not even reflect choice. It shows only the influence of a justificatory explanation which has been employed for decades to prevent women from claiming their social and economic equality. In this context, the powerful influence of the adversary seems to justify a maximally forceful iteration of the competing claim. If Williams were to give freer reign to the qualifications she occasionally acknowledges—if she were to describe domestic ideology as yet another factor encouraging women to abandon the workplace—she might never awaken women from the trance of self-affirmation induced by difference feminism. Additionally, Williams' argument contains the important reconstructive point that women whose critical view of possessive individualism might contribute to the reform of the workplace are being lost through family-related departures. Her reluctance to acknowledge the justifications—or even the agency—of those who depart, like MacKinnon's reluctance, forces women to take her message personally. It challenges them to

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45 C. MacKinnon, Feminism Unmodified, supra note 2, at 218.
consider her point that by declining to become part of the solution, they become part of the problem.

In other respects, however, ideological determination arguments carry disadvantages not associated with more qualified claims. MacKinnon and Williams seem, in varying ways, to posit an audience whose capacity to hear a feminist message is blocked by layers of ideology. Because the particular impediment suffered by this audience is a kind of auditory deadening or insulation, elements of presentation (such as the ideological determination claim) that "turn up the volume" on the feminist message offer a strategic advantage. For many people, however, a failure to embrace feminist arguments arises not simply from a failure to hear them, but from resistance that arises after they are heard and (mis)understood. In many cases, this resistance may be fed by ideological determination arguments and the escalation of the "volume" they entail. Women socialized to the conception of the autonomous, self-determining individual perpetrated by liberal society may find incomprehensible or unpalatable the lack of agency which appears to be ascribed to them under these theories. Even those willing to acknowledge socially constructed impediments to autonomy may bridle at the premise that they do not understand the central motivating factors in their choices. Men who are initially opposed to equality for women may find in such arguments not a challenge to their beliefs, but support for their position that women lack the capacities for self-determination necessary to give them autonomous control over all spheres of their existence.

The same may be said of ideological determination arguments in relation to different phases of feminist reform. Arguments such as those above assume that we are at the very outset of a long struggle for gender equality, in which it is crucial to focus audiences on glimpsing the problem itself. They are, not surprisingly, most effective at mobilizing or raising the consciousness of potential activists. MacKinnon's claims about sexuality may penetrate the happy ignorance of the politically insulated, alert lukewarm feminists to

46 Both MacKinnon and Williams, of course, understand this fully. In offering ideological determination claims, they either diverge from my view that these arguments will fuel resistance or make the judgment that winning those audiences who can be reached by such claims should take priority presently over reaching those audiences who cannot or who, indeed, might be put off by such claims.
the scope of the problem and challenge all women to reconsider their own sexuality. Similarly, Williams' forceful message about domesticity may shed new light on departures from the workplace that are sapping the energy and critical orientation necessary for change. These claims, however, may be less productive in addressing the task of remediation. Claims that magnify the determining influence of a single factor in women's choices may limit inquiry into the many interacting factors, inquiry that is necessary to redirect choices and restructure the environments in which these choices occur. And arguments that magnify the effect of a diffuse socio-political influence such as ideology may short-circuit the inquiry into particularized institutional causation that can be important to legal remediation.

In the interests of beginning a broad evaluation of the strategic implication of ideological determination claims, I will consider three specific problems posed by such arguments. The first is their potential for distancing women who are able to hear the argument being offered, but unable to accept its implications. The second is the danger the arguments pose in contexts where women's agency is increasingly called into question. The third is the barriers these arguments create to remedial analyses which require decisionmakers to identify the range of factors that influence women's choices.

A. Distancing Women

There is little doubt that ideological determination claims are off-putting to many women.48 Catharine MacKinnon reports that

47 For MacKinnon, this may not be a critical drawback. Although she is the architect of several important remedial efforts—including the use of Title VII to address sexual harassment and the enactment of municipal ordinances to regulate pornography—MacKinnon has become well-known for her policy of promulgating no remedial strategy before its time. She resists invitations to speculate on the “endstate” toward which feminist theory is intended to produce and argues that focusing prematurely on remedy is not only unproductive but also may distort emerging understandings of the problem. See C. MACKINNON, FEMINISM UNMODIFIED, supra note 2, at 219. But Williams, who spotlights the maternal exodus as a preliminary to restructuring the workplace, and other feminists, who believe that the task of remediation must go on despite incomplete social understanding, may regard it as problematic that arguments offered to expose the problem may complicate its remediation.

48 There are probably some women, however, who find such claims affirmatively appealing. Carol Weisbrod explains, for example, that ideological determination arguments may be viewed by women as relieving them of responsibility for their choices, a result that might be applauded by women who look back with discomfort on choices made earlier in their lives.
women find dozens of ways to resist her hypotheses about "consensual" sexuality. Women who stay home with their children bristle at the suggestion of working parents that they are reflexively following outdated patterns. The academic furor over ideological determination arguments may reflect the alienation of many feminist scholars from the images of women implicit in these arguments. These responses, in and of themselves, do not justify abandoning such ideological determination claims. Resistance may simply signify—as it sometimes does with male audiences—that these arguments "hit too close to home": they describe a pattern that women dimly recognize but would prefer to ignore or one that seems too burdensome to change. Yet they justify a closer look at women's responses: there may be additional animating factors that cast ideological determination claims not as needed medicine but as flawed strategy.

Several factors explain a response on the part of women that moves beyond rejection toward indignation. Some women, many of whom would identify themselves as liberal feminists, resist ideological determination claims as part of a larger effort to judge the choices made by women. According to this group, the purpose of feminist reform is to make more important life choices available to women; what women do with these choices should be trusted to their own judgment and considered a question beyond the scope of feminist theory. Other women, more subliminally infused with certain liberal assumptions underlying our political society, resist ideological determination claims because they do not ascribe to women the powers of self-determination that presumably inhere in all human beings. They may consequently be heard to complain that ideological determination arguments "demean women." Still

Telephone conversation with Carol Weisbrod, Professor of Law, University of Connecticut (Sept. 13, 1990).

49 See C. MacKinnon, Feminism Unmodified, supra note 2, at 217-18.

50 For an interesting treatment of this issue in the popular media, see Mommy v. Mommy, Newsweek, June 4, 1990, at 64 [hereinafter Mommy v. Mommy].

51 Women whose choices are "determined" by deeply embedded ideological influences they neither detect nor understand do not appear to be the autonomous, self-determining agents of liberal theory. Carol Weisbrod describes one version of this tension in her article in this symposium issue. See Weisbrod, Practical Polyphony: Theories of the State and Feminist Jurisprudence, 24 Ga. L. Rev. 985 (1990).

52 MacKinnon describes this response in C. MacKinnon, Feminism Unmodified, supra note 2, at 220-21.
other women may support the critical scrutiny of women's choices and may concur in accounts which present women's autonomy as compromised by ideology; yet they resist these arguments as unacceptably facile in their depiction of gender ideology's effect on women's lives.

The first response offers little ground for dismissing ideological determination arguments as flawed strategy. This reaction seems more indicative of a division among feminists—between those who see the goal of feminism as securing more choices for women and those who believe that, to make those choices meaningful, feminism must provide a substantive critique of the institutional and attitudinal context in which those choices are made, a critique which may sometimes implicate women. This division could be exacerbated by ideological determination arguments—feminists of the first category are likely to display less tolerance toward arguments which contest women's choices in categorical terms—but the effect is unlikely to be substantial. Feminists who seek primarily to create opportunities for women's choice are unlikely to view favorably any argument which critiques the exercise of those choices.

The second response is only slightly more suggestive of strategic drawbacks. In its strongest form, this argument is almost too extreme to credit—a reductio ad absurdum of liberal assumptions. It is remarkably difficult, in the face of contemporary findings on rape, sexual harassment, the wage gap or work/family conflict, to conclude that women enjoy, and should be represented by feminists as enjoying, uncompromised powers of self-determination. It is also evident that arguments such as those made by MacKinnon and Williams do not present women as lacking in all features of

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53 It is my view that the former position has, in most areas, foundered on the gap between formal opportunities for choice and the practical consequences for women of exercising them, and that, increasingly, feminist scholars and activists offer variants of the latter position. See generally Abrams, Gender Discrimination and the Transformation of Workplace Norms, 42 Vand. L. Rev. 1183 (1989)(discussing gender equality in the workplace).

54 Nor do I believe that feminist scholarship has any obligation to present women as having such uncompromised powers of self-determination, in order to make women feel somehow empowered. To this extent, I agree with MacKinnon when she says, "Since when is politics therapy?" C. MacKINNON, FEMINISM UNMODIFIED, supra note 2, at 220. I do believe, however, that it is strategically advantageous for feminist scholars, in communicating with even vaguely receptive audiences, to avoid presenting women's powers of self-determination as largely or completely compromised where they are only partially compromised. Here, I suspect that MacKinnon and I part company.
agency or control over their lives. Yet, to the extent that female readers move from an argument that choices are being determined by ideological influences to a conclusion that women are being depicted as lacking in the attributes of agency, this suggests that ideological determination claims can be "rounded up" or "rounded down" as easily as their more conventional counterparts.

The third response is more indicative of strategic drawbacks. This response suggests, in short, that women are put off by ideological determination arguments because they present as simple or reflexive choices that women experience as complex, considered and painful. Arlie Hochschild provides support for this interpretation in her pathbreaking study of work/family conflict, The Second Shift. Hochschild depicts a gender ideology which directs even working women to take primary responsibility for home and children, yet whose effects are modulated by family background, socioeconomic status and marital relationship. Moreover, her analysis makes clear that even decisions to acquiesce in an unequal allocation of responsibilities are not easily made, but often result from a long siege of struggle, resistance, emotional frustration, physical exhaustion and unsuccessful efforts at compromise. Interestingly, Hochschild points out that the ideological rhetoric which is sometimes taken to signal women's reflexive capitulation often appears only when a long struggle has reached its end. The exhausted woman seeks to protect herself from further antagonism by embracing rhetoric that enjoys broad cultural acceptance and that creates few social waves.

Hochschild tells, for example, the story of Nancy Holt, a self-identified feminist and social worker who battles unsuccessfully with her non-professional husband for a more equal allocation of household work. Confronted with his passivity in response to her requests for assistance, with his alternating forgetfulness and hostility in response to her creation of "work schedules," with his intimations that she is shirking her responsibilities and with his demand that she take a part-time job if she is unable to finish the housework, she realizes that her demands for equality will cost her her marriage. Unable to face the personal or economic consequences of that choice, she begins to acquiesce in a greater share of household responsibilities. It is only at this point of resignation

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65 The Second Shift, supra note 24.
that she begins to justify her choice by reference to claims such as "[w]omen always adjust more, don't they?" or "I was brought up to do the housework. Evan wasn't."

Findings such as these highlight the potentially alienating characteristics of ideological determination claims. First, they seem to take as dispositive in a woman's decision ideological factors which play only a contributing role and which are mobilized rhetorically only when a decision has already been made. Second, these arguments seem to describe women, through their assimilation of gendered ideology, as playing a leading role in their own subordination, when closer scrutiny suggests that such ideology only hinders women in what is often a pitched battle with external adversaries—men and the institutions they create. Women may oppose these arguments not simply as reductionism, but as reductionism that conceals, on the one hand, women's acts of assertion on their own behalf and, on the other, the depth and variety of the forces arrayed against them.

Finally, women may feel that such arguments conceal the affective component of their struggles. Ideological determination arguments describe a woman who operates reflexively or at worst resignedly, while many women's experiences are more indicative of the tension and anxiety that accompany hard choices. Joan Williams illustrates this point in a recent discussion of Carol Gilligan and her subjects. Examining Gilligan's interviews of several

56 Id. at 43.

57 Id. at 55. Ironically, at this point, Nancy also begins to create a myth of more equal division than in fact exists, to hide from herself and others the full extent of her defeat.

Although Hochschild's point about the late appearance of rhetoric which might be labelled ideological does not necessarily conflict with Williams' argument about the importance of domestic ideology in influencing women's departures from the workplace, this point seems to suggest a view that the role of ideological arguments is less causative than justificatory. As I understand Williams' view, she also understands domestic ideology to play a prominent role in women's justifications for their choices, and would welcome its re-examination in that context as well. Telephone conversation with Joan Williams, Professor of Law, American University, Washington College of Law (Oct. 2, 1990).

58 Ellen DuBois articulated a version of this view when responding to Catharine MacKinnon in The James McCormick Mitchell Lecture, supra note 25, at 72. DuBois stated, "I am just struck that although you see a kind of seamless historical unity in the oppression of women, so much so that there is no significant change, you see absolutely no historical unity in the efforts to combat that oppression." Id.

59 See Williams, Domesticity as a Dangerous Supplement of Liberalism (forthcoming in J. Women's Hist.) [hereinafter Williams, Dangerous Supplement] (manuscript on file with the author).
young women who face a decision whether to abort a pregnancy, Williams criticizes Gilligan for highlighting their reflexive responses of nurturance and responsibility for others, when the interviews are, in fact, more expressive of tension and conflict. These women feel pulled between an ideology of "neutrality" that teaches them that if they apply themselves like their male counterparts, they can expect to enjoy the high-achieving career of the "ideal worker" and an ideology of domesticity that teaches them that this self-centered kind of career can take its toll on the lives of others. The affective impression communicated by these interviews is not of the automatic assimilation of the more nurturing point of view, but of the anguish of being pulled in two different directions. Hochschild’s case histories also illustrate the anger, frustration, depression and physical illness that punctuate the efforts of women to negotiate a more equal arrangement. This emotional struggle sometimes persists indefinitely, and is almost always precedent to the numb acceptance which prevails in cases of insuperable resistance. By presenting women as having reflexively assimilated views that contribute to their own subordination, ideological determination arguments deny the tension and anguish that often replace, and at the very least precede, this numb acquiescence. This may make them unpalatable to many women.

Commentators such as Olsen might say that proponents of these arguments recognize women’s struggles; they simply elect to mute these elements so as to call attention to the gender ideology that contributes to and cloaks women’s defeat, and point up the fact that defeat remains pervasive, almost inevitable. My point here is not to contest this interpretation but to argue that, with a substantial group of women, it may have costs. Many women resent this choice as a decision to record women’s defeats without honoring their struggles: the progress that even the will to struggle represents, the many adversaries whose opposition necessitates it, the varied forms it takes and the massive personal toll it exacts.60

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60 Joan Williams argues that the need for a more critical reassessment of the effects of a "women’s culture" arises precisely from the fact that women’s struggles have been depicted in terms that are too unremittingly celebratory. She notes:

In their effort to do justice to the dignity of women, [women’s historians and other feminists] resoundingly rejected the image of women as victims, and instead have celebrated women’s "nearly inexhaustible resources for resistance."

Now that this refusal to see women as victims has been transposed into a
Women may also resent such arguments for what they see as a misplaced emphasis: for spotlighting the limited role of women in perpetuating a system of gender inequality they did not create.\(^1\)

These responses also shed light on the first two categories of resistance discussed above, which I first dismissed as too broad to be indicative of countervailing strategic considerations. While they may in fact be unnecessarily broad arguments based on distinct premises that are of little interest here, they may also be magnifications of the responses discussed above. Women may argue that judging women's choices is not the purpose of feminist theory because they find it difficult to reach conclusive judgments about women whose lives are inevitably complex and whose capitulations are not dictated by a single factor but are the products of many influences, some of which the observing women may not them-

\[\text{blame-the-victim argument through the rhetoric of choice, there is an acute need for a more balanced view of women's culture.}\]

Williams, *Deconstructing Gender*, supra note 15, at 829 (citation omitted).

I concur in Williams' goal of creating a "more balanced view," but question whether her depiction of women as being eased into self-marginalization by the "compliments of domesticity" moves too far in the opposite direction. We need to honor women's struggles, even as we acknowledge their all-too-frequent defeats; and, as I argue below, I believe the best vehicles for communicating this are not celebratory encomia, but complex explanations revealing the many factors shaping women's choices and narrative accounts revealing the palpable diversity within the common threads of women's experiences. See infra text accompanying notes 93-99.

\[\text{The sensitivity many women feel about arguments that highlight their role in their own subordination is generated, in the first instance, not by scholarly articles which highlight women's role in perpetuating a complex, male-created system of gender inequality, but by popular presentations of women's struggles which perversely depict women as each other's worst enemies in their efforts to get ahead. A good example of an article in this genre is Mommy v. Mommy, supra note 50. It highlights the antagonism between women who work during the infancy of their children and women who stay home, focusing on the instances of mutual exclusion and social stigmatization that mark their increasingly infrequent interaction. At a time when many workplaces have made little effort to accommodate record numbers of working parents and when many parents unable to arrange childcare face the decision whether to leave jobs in favor of public assistance, one might legitimately question whether this is the most significant or newsworthy focus Newsweek could have chosen. One might also question why the authors of such articles so rarely attempt to put the internecine quarrels among women in their proper political context. Newsweek might, for example, have titled its article Employers v. Mothers: Skirmishes Behind the Lines, and explained that the gendered expectations of employers made working mothers uneasy about women who seem to give credence to those images and that the social devaluation of parenting, combined with the difficulty of obtaining accommodation at work, had made those mothers who had left the workplace resentful of those who remained.}\]
selves have experienced. Similarly, those who claim that these arguments depict women as devoid of agency actually may be objecting that these claims obscure what efforts at self-determination women have been able to mount on their own behalf and conceal the very real and identifiably human emotional repercussions of these efforts.

So against the benefits of shaking into awareness a particularly impenetrable part of the population, feminists must balance the costs of alienating a more receptive portion of their audience. A second category of costs suggests that even with this "impenetrable" group, ideological determination arguments may not present a purely advantageous strategy.

B. Women as Rational Decisionmakers

Among the tangle of attitudes that generate discrimination against women is the belief that women are deficient in those faculties necessary to make important decisions. This attitude not only fueled the exclusion of women from the jury and the franchise, but also contributed, in the view of some scholars, to

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62 Christine Littleton makes the point that to describe women's responses as appropriate, given a particular factual context, is distinct from, and to her mind preferable to, the liberal position that broadly validates all women's choices. See Littleton, Women's Experience and the Problem of Transition: Perspectives on the Male Battering of Women, 1989 U. Cmty. LEGAL F. 23, 27. See also Bartlett, Feminist Legal Methods, 103 HARV. L. REV. 829, 880 (1990) (describing "positionality" as a stance which "acknowledges the existence of empirical truths, values, and knowledge, and also their contingency").

63 It is interesting and ironic that, understood this way, female critics of ideological determination claims seem to be "turning up the volume" on their objections, just as Olsen argues that proponents of ideological determination claims are "turning up the volume" on arguments that women may be unconscious contributors to their own subordination.

64 In Deconstructing Gender, Joan Williams traces several different incarnations of this view. Before the mid-eighteenth century, this view was expressed through the image of the "weaker vessel." Women were creatures of "intense sexuality and fundamental irrationality" who required guidance from men to prevent them from slipping into "collusion with evil." Williams, Deconstructing Gender, supra note 15, at 804. After the Enlightenment, philosophers began to celebrate logic and reason, and "women's intellectual inferiority came to be expressed as an inability to engage in rigorous, abstract thinking." Id.

65 See generally S. EVANS, BORN TO LIBERTY (1989); Weisbrod, Images of the Woman Juror, 9 HARV. WOMEN'S L.J. 59 (1986). As authors such as Evans and Weisbrod note, arguments regarding women's "difference" were used both to oppose and to buttress women's demands to participate in public life. Opponents of women's inclusion argued that women were too delicate to take part in robust debate over public matters and lacked the judgment and understanding necessary to reach sound decisions. Advocates of inclusion sometimes simply claimed their "equal rights," but at other times argued that a distinctive female
the efforts of state officials to regulate reproductive experience. The persistence of this attitude among substantial groups in the population creates a volatile environment for the injection of ideological determination claims. These claims are not intended to suggest, nor does their careful interpretation lead to the conclusion, that women are not responsible decisionmakers. Because of their potential for misinterpretation by groups which hold the latter view, however, such claims may give unintended succor to efforts to restrict women's choices. While feminist advocates have been exquisitely sensitive to this danger in some areas, they have been less alert to it in others. I will explore this phenomenon by looking at feminists' responses to two sets of choices made by women: the choice whether to abort a fetus and the choice whether to leave (or substantially reduce one's commitment to) the workplace upon the birth or adoption of a child.67 The reproductive choice is rarely, if ever, the subject of criticism or arguments of "ideological determination"; the work/family choice, on the other hand, has been subjected to increasing critical scrutiny. Not only is it the case that the decision to leave the workplace has been the subject of continual, practical second-guessing, but also some scholars have begun to analyze departure from the workplace as the product of gender ideology. By discussing the factors that have contributed to this difference in treatment, I hope to highlight another set of strategic dangers to the use of "ideological determination" claims.

Morality would be useful in cleaning up corruption and would be suitable to the new nurturing or service-providing role of the state. See S. Evans, supra, at 152-56.

66 See Ashe, Zig-Zag Stitching and the Seamless Web, 13 Nova L.J. 355 (1989). Both ordinary and extraordinary legal regulation of reproductive experience, Ashe argues, raise a series of common questions: "Who will be permitted to exercise the power of extinguishing certain forms of human life? May women be entrusted to exercise such power? Ought the choice of mortality by women—or the willing assumption of certain risks of death—be tolerated by law?" Id. at 372. Arguing for deregulation in such areas as abortion, home births and court-ordered caesarians, Ashe concludes, "I want a law that . . . recognizing the violence inherent in every regulation of female 'reproduction,' defines an area of non-regulation, within which we will make, each of us, our own 'mortal decisions.'" Id. at 383.

67 My focus on the question of women's departures from the workplace in this section and the next should not suggest that my disagreements with Deconstructing Gender are greater in any way than my disagreements with Feminism Unmodified or other works involving ideological determination claims. In fact, as the above analysis suggests, I believe Deconstructing Gender is subtler and involves less amplification than some other examples of ideological determination arguments. I consider the question of women's departures from the workplace at length simply because my own work in the work/family area makes this question particularly interesting to me. See Abrams, supra note 53.
In the rhetoric and scholarship of pro-choice feminism, the right to choose is pre-eminent: there is little or no effort to judge the way that choice is exercised. This can be seen in the political campaigns waged to protect choice: the National Abortion Rights Action League "Silent No More" campaign publicized a range of stories by women who had obtained legal abortions, evincing a thoroughgoing neutrality toward the range of reasons revealed. This reluctance to judge women's choices is evident in the scholarly literature as well. Some scholars have criticized the process of investigating and deliberating through which women approach the choice to abort; others have argued that certain ways of framing or describing the reproductive choice reflect the influence of ideology. But few, if any, feminist scholars have made the claim that a decision to abort or to carry to term is the product of gendered ideology. MacKinnon, in an essay intensely critical of the privacy rationale inaugurated in Roe, argues that the decision to engage in (unprotected) sex is often the product of ideological determination, necessitating a right to abortion. Yet even she stops short of arguing that the choice itself may be dictated by gendered ideology. This restraint contrasts markedly with the chorus of critical arguments that have erupted in the area of work/family choice.

What accounts for this difference in treatment? Surely not the fact that decisions regarding abortion are free from the influence of gender ideology. In my feminism seminar, I ask my students to read three fictional works relating to abortion: Alice Walker's short story "The Abortion," and excerpts from Meridel LeSuer's The Girl and Gloria Naylor's The Women of Brewster Place. In each of these stories, a woman approaches a reproductive choice strongly, and sometimes reflexively, influenced by the desires of the man with whom she is involved. In Walker's story, Imani aborts a pregnancy, notwithstanding her own palpable ambivalence, because her distracted husband fails to express a desire to

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69 Williams, Dangerous Supplement, supra note 59.
raise the child. In *The Girl*, the narrator is driven by her lover’s threats of violence to seek an abortion she does not want. In *The Women of Brewster Place*, Ciel dejectedly obtains an abortion in an unsuccessful effort to hold her lover, who accuses her of being “good for nothing” but “babies and bills.” Though any of these women might defend their decisions as “choice,” these decisions reflect a strong, intuitive response to the expressed preferences of the men in their lives—a response which ranges from fear of violence to desire for connection.

Nor are instances of such influence restricted to the pages of literature. Surveying a group of empirical studies on male and female responses to abortion, John Stoltenberg concludes that male opposition is often a critical deterrent for women otherwise anxious to obtain abortions:

Knowing that he can make her life miserable if she transgresses, if she crosses him in any way, she opts for a lesser misery. As she surrenders her will to his, it doesn’t make a lot of difference whether she does so grudgingly, thinking, ‘He’s making me do this,’ or whether she does so completely browbeaten, believing, ‘This is what I wanted anyway.’ What matters is that he gets his way. Often as not, she carries an unwanted pregnancy to term rather than provoke her male partner’s threatening rage. It’s easier, she imagines, to live with the screaming of a defenseless, unwanted child.

Stoltenberg’s argument suggests not only that an ideologically-instilled range of feelings from fear to deference may prompt the decision to continue an unwanted pregnancy, but that women sometimes manifest a response resembling “false consciousness”: they

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74 Ultimately the narrator escapes from the home of the abortionist (and her coercive relationship) and proceeds to carry and deliver her baby. Interestingly, this story, in which the woman rebels against the pressure of male preference, is the only one of three stories in which the reproductive choice, and its relational consequences, appear to be satisfying to the woman in question. In *The Abortion*, supra note 71, Imani’s growing resentment over her husband’s casual disinterest in their potential child leads her to detach herself from her marriage; in *The Women of Brewster Place*, supra note 73, Ciel’s sacrifice of a pregnancy she wanted does not prevent her lover from leaving her.

75 See J. STOLTENBERG, REFUSING TO BE A MAN: ESSAYS ON SEX AND JUSTICE 91-100 (1989).

77 Id. at 95.
interpret a self-destructive decision as their choice when it is actually the product of ideological influence.

The avoidance of claims of "ideological determination" in the abortion area, then, stems not from the impossibility of making them, but rather from some decision that they are inappropriate or unwise. What might lead feminists to such a decision in the area of abortion, even as they reach a different verdict in the area of work/family choice? I see two possibilities. First, the abortion area is, with abundant reason, considered to be vulnerable, embattled ground. Even so uncompromising a critic as MacKinnon acknowledges, in rejecting a privacy ground for abortion, that "we have not been able to risk thinking about these issues on our own terms, because the terms have not been ours, either in sex, in life in general, or in court."5 At a time when a woman's right to choose is afforded decreasing protection from the courts and is subject to curtailment or compromise at the hands of state legislatures, any argument which questions the ways in which women choose or impugns their capacities as rational decisionmakers seems unaccountably reckless. Ideological determination claims do not, in fact, prove what detractors allege—that women lack the faculties to perform the basic analysis of pros and cons necessary to reach an important decision. They do suggest, however, that women develop a tendency to value certain costs (such as male disapprobation) too highly or that they may not understand all the reasons behind the choices they make. These arguments, when offered by feminist advocates themselves, may be eagerly grasped as fodder for broader claims by detractors of women's choice.

A second explanation might attribute the difference in response to a difference in the nature of feminist goals in each area. For better or for worse, the purpose of feminist activism in the area of abortion is to protect women's opportunities for choice from governmental regulation. Some feminists support this goal as optimal, regarding the enhancement (but not the content) of women's choices as the primary object of feminist efforts. Many other feminists regard this goal not as optimal, but as inevitable—the unfortunate consequence of a flawed litigation strategy and a hostile judicial response. Both the initial decision to pursue a privacy

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5 See MacKinnon, A Study in Male Ideology, supra note 70, at 46.
rationale and subsequent cases such as *Harris v. McRae*\(^{79}\) have undermined efforts to create an affirmative public role (such as funding or publicly-supported counseling) in reproductive choice. With efforts to reconstruct the public sphere either impossible or undesired, there seems little reason to look beyond the formal occasion for choice: there is little to be gained (and arguably much to be lost) by inquiry into the grounds of women’s choices—including inquiries into ideological determination.

Those feminists who seek reform in the work/family area confront a different task. Neither chastened by judicial or legislative defeats nor restricted by liberal privacy rationale, these activists are less inclined to view the creation of opportunities for choice as their primary goal. They seek instead the comprehensive institutional change that makes it possible for women to exercise choice without financial cost or stigma. In this posture, it becomes essential to analyze the attitudes that fuel choices by both men and women in the workplace. By analyzing the attitudes of those men still largely responsible for shaping the workplace, feminists can identify the barriers that may prevent formal choices from being meaningful. By analyzing the choices of women who respond to work/family conflicts, feminists can better understand the ways in which contemporary workplaces thwart many women’s (and some men’s) ability to manage both roles. The scrutiny of women’s decisions that was superfluous or harmful to the protection of choice in the area of abortion becomes central to facilitating choice in the work/family area. Criticizing and highlighting the elements of “ideological determination” in these decisions might be defended as part of that task.

To my mind, however, neither the need for caution in the abortion area nor the need for a substantive critique of participants’ choices in the work/family area justifies the differential resort to “ideological determination” claims. First, it may be naive to assume that the practical threat which makes care prudent in the area of abortion is limited to that area. Doubts about the capacity of women to make critical choices, as I note above, have long played a role in the opposition to equality for women. The fact that these arguments no longer occupy the primary ground of po-

\(^{79}\) 448 U.S. 297 (1980) (finding Hyde Act, which severely limits use of federal funds to reimburse cost of abortion under medicaid programs, constitutionally valid).
itical debate does not mean that they have been successfully banished; in some cases, they have lurked beneath the conversational surface, only to emerge in restrictive enactments. It may be no coincidence that many of the most popular forms of legislation restricting abortion require women to secure the consent of others, rather than allowing the reproductive choices to be made by the women by themselves. Moreover, two recent categories of enactments relating to work/family conflict reflect doubts about women’s ability to make rational cost-benefit calculations in this area.

The most controversial example is the fetal protection policy. In this type of policy, pending now before the Supreme Court in International Union, UAW v. Johnson Controls, employers have enacted a blanket exclusion of potentially fertile women from certain types of jobs, because they involve exposure to chemicals which pose a threat to the health of a fetus. This blanket exclusion in some cases replaces earlier policies which permitted women to evaluate for themselves the hazards of becoming pregnant in a potentially toxic environment. Such policies are based on an array of explicit rationales: they are necessary to protect employers from staggering liability for birth defects in children, which cannot be waived by their mothers; they are necessary to protect women who may not be aware that they are pregnant. Yet the breadth of these prohibitions and their choice over options which offer more autonomy to fertile women suggest at least an indifference to, and at most an abiding suspicion of, women’s capacity for choice. In his dissent in Johnson Controls, Judge Easterbrook highlighted the ways in which fetal protection policies impugn a woman’s capacity to make rational choices about her work and family. He compared the policy to state laws which assume “that women are

80 886 F.2d 871 (7th Cir. 1989) (finding fetal protection policy precluding fertile women from working in high lead exposure position did not violate Title VII), cert. granted 110 S. Ct. 1522 (1990).
81 See id. at 877-79.
82 Johnson Controls’ policy, for example, defines women of childbearing capacity as “[a]ll women except those whose inability to bear children is medically documented.” Id. at 876 n.8.
83 See Becker, From Muller v. Oregon to Fetal Vulnerability Policies, 53 U. CHI. L. REV. 1219, 1241-43 (1986). Becker’s article was, of course, written before International Union, but discusses earlier fetal vulnerability cases such as Oil, Chemical & Atomic Workers Internat’l Union v. American Cyanamid Co., 741 F.2d 444 (D.C. Cir. 1984).
less able than men to take the precautions essential for healthy children\textsuperscript{64} and concluded that "no legal or ethical principle compels or allows Johnson to assume that women are less able than men to make intelligent decisions about the welfare of the next generation . . . .\textsuperscript{65}

A similar assumption is reflected in the "alternative work schedules" currently being promulgated by some large law firms. These policies permit mothers (or, occasionally, parents) of small children to work a reduced schedule, but impose an unconditional requirement that they exit the partnership track upon so doing, with no guarantee of re-entry.\textsuperscript{66} These policies signal to those within the firm that lawyers who commit substantial time to parenting are not "ideal workers\textsuperscript{67}" (perhaps not even "serious" professionals); yet they also raise questions about the abilities of women attorneys to make rational decisions about their professional progress. By removing the decision whether to remain on partnership track from the hands of the women involved, these policies protect the firm from the inconvenience that might be perpetrated by women who misestimate the priority they will be able to place on their work. To assume that such misestimation would be so endemic as to create a problem that could not be handled on an individual basis—to assume, moreover, that it would be prevalent among women who would have every professional reason to be conservative in their estimations—is to raise substantial doubts about women's abilities to make work/family choices.

The doubts underlying these programs are not the same ones expressed by proponents of "ideological determination" claims. It is not clear that the architects of such programs are familiar with these claims, or that a careful reading would lead them to view

\textsuperscript{64} International Union, 886 F.2d at 912 (Easterbrook, J., dissenting).

\textsuperscript{65} Id. at 913.

\textsuperscript{66} A thumbnail empirical survey I initiated in connection with an earlier article suggested that neither "alternative work schedules" nor the requirements imposed by some such programs of exit programs from the partnership track are regular features of law-related workplaces. Both the programs and the exit requirements, however, are appearing in numbers sufficient to warrant careful examination. Of approximately twenty legal employers surveyed (including law firms, investment banks, law schools and a municipal corporation counsel), six had "alternative work schedule" programs, and two of these required participants in such programs to exit the partnership track. See Abrams, supra note 53, at 1242 n.220.

\textsuperscript{67} I take this phrase from Joan Williams. See Williams, Deconstructing Gender, supra note 15, at 823.
these claims as supportive of their efforts. Yet to the extent these policies reveal a re-emergent suspicion of women's decisionmaking powers, they suggest the hazard of arguments that systematically amplify the uniformity, reflexivity or self-destructiveness of choices made by women. This circumstance does not demand the censorship of all arguments which impugn the judgment of women: it would be pointless and misleading to deny that women make bad judgments or that ideology exerts some influence over their choices. But it does suggest the need for a middle path. We need ways of describing the influence of gender ideology on women that avoid amplifying its effect on their choices or women's confusion about their own motives.

C. Ideological Determination and Remedial Efforts

This is also the conclusion I reach by reflecting on the second factor that distinguishes the work/family area from that of abortion. The goal of reconstructing a workplace that is more receptive to women's choices makes it helpful, in fact necessary, to examine the choices of those within the workplace. Yet, it is not clear that arguments of ideological determination are the most useful instruments in that examination. Indeed, ideological determination arguments have a troubled relationship to efforts at reconstructive change that may be explained in several ways. In many cases, ideological determination arguments have a troubled relationship to efforts at reconstructive change that may be explained in several ways. In many cases, ideological determination arguments structure the feminist agenda in ways that do not give priority to reconstructive efforts. This may sometimes be intentional: proponents deliberately focus attention on the problem of women's ideological indoctrination, a focus

88 Taken literally, the ideological determination arguments discussed in this Essay might even seem to run counter to the animating norms of these restrictive programs. The argument made by Joan Williams in Deconstructing Gender, for example, suggests that gender ideology causes women to neglect their professional interests in order to "take responsibility" for their families. The assumption of architects of fetal protection and alternative work-schedule policies appears to be that women will neglect the interests of their families in order to advance their careers. It is difficult, however, to be sure whether the architects of these programs would take such arguments literally or would use them more loosely as evidence of the inadequacy of women's decisionmaking capacities.

89 To my mind, it does not even demand the rigid self-scrutiny which has characterized the area of abortion. I agree with those scholars who have argued that feminist analysis in this area has been circumscribed too strictly by the possibility of courting political danger. See, e.g., Ashe, supra note 66; Colker, supra note 68; MacKinnon, A Study in Male Ideology, supra note 70.
which illuminates the scope, rather than the remediation, of the problem. It may also be unintentional: the controversy generated by ideological determination claims keeps these issues, rather than remedial questions, on the front burner. Even where these arguments do not divert attention from remedial efforts, they may discourage women from undertaking them. Ideological determination claims present women’s choices as determined by pervasive, diffuse influences which operate in many cases beyond their awareness or complete comprehension. If these claims are embraced by women, rather than resisted, they may suggest to some women that they are ill-equipped to judge the kinds of changes which are necessary. More likely, they will suggest to women that the kinds of limited changes that could be most readily achieved are no match for the forces holding them in place.

More importantly, even where ideological determination arguments are offered to facilitate change by illuminating the influences operating on women, these arguments may be less useful than others which depict such influences as more numerous, more contingent and more heterogeneous. Most of these drawbacks concern the elaboration of causation. A complete understanding of causation can be important to remediation, not only because it can reveal the range of factors whose control may ameliorate the problem but also because it can reveal the role being played by institu-

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90 I find in teaching MacKinnon, for example, that students spend what I view as a disproportionate amount of time trying to decide whether she actually believes that women eroticize dominance or that much of what is conventionally considered to be intercourse is rape and whether this possible belief affects the credibility of her theory.

91 I see this possibility as less likely, but I am not sure whether this is true because ideological determination claims are not, in fact, so debilitating or because, at some subconscious level, even women who try to take them seriously and personally continue to resist them.

Catharine MacKinnon would contest this possibility: in her view, the fact that women’s choices may be determined by gender ideology does not necessarily make women’s perspectives on the changes that need to be made less reliable. She argues that the same experience of domination that may give rise to ideological determination also gives women a singularly accurate perspective on gender inequality. See, e.g., C. MacKinnon, Toward a Feminist Theory, supra note 5, at 173 (describing as instrumental to legal change a “view [of rape] that derives most directly from victims’ experiences, rather than from their denial”). I find the view, that women’s perspective is both dominated and accurate, a paradox in MacKinnon’s thought that is not fully explained; moreover, looking at the examples she gives, I find it difficult to distinguish women victims’ “experiential” views from women victims’ “denials,” except by reference to MacKinnon’s own perspective. See Abrams, Feminist Lawyering, supra note 43.
tions or actors who may be liable under law. Several features of ideological determination arguments have made them unhelpful or even counterproductive in efforts to illuminate causation. If we assume, as many readers have, that ideological influence operates independently of institutional or other causal factors, the strategic amplification of this influence is the root of the problem. "Turning up the volume" on ideological influence obscures the role of other factors whose identification may be important to remediation. If we assume, on the other hand, that the ideological coloration of women's views bears some relation to other causal factors, we encounter a different problem. The ways in which ideological determination is depicted by feminist scholars make this relation, which might be crucial to remediation, difficult to discern.

The ideological coloration of women's attitudes is often presented as a kind of a testament to the completeness of a system of gender inequality, something which emerges when all the other components of gender domination are in place. Inasmuch as we are encouraged to think at all about the etiology of this phenomenon, it seems to arise, as in MacKinnon, from the sum total of the structures of gender discrimination. Even those scholars such as Williams, who have spoken more precisely about its development, have focused on the exacerbating influence of scholarly arguments taken up by the public. Little scholarship in this area has focused on the generation of these attitudes among women, or, perhaps more importantly, on the relationship between ideological influence and institutional patterns and practices. This has meant

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92 I recognize that while my objection to the arguments of MacKinnon in this respect is based on a claim of imprecision in her work, my objection to the arguments of Williams may be based on a difference of opinion about historical causation, that is, about the comparative roles of institutions and ideas. It is not, however, a difference upon which I would lean too hard: as lawyers, we may be better equipped to address institutional causation; but as legal scholars and as activists, we need to know about the influence of ideas as well. Thus, beyond the claim that Williams focuses on the exacerbation of ideological influence, while I would like to see more inquiry into the generation of ideological influence, my difference with her focus exists only to the extent that its amplification of such influences as Gilligan's work obscures the possibility of an institutional contribution to the ideological coloration of women's attitudes.

93 One exception is the work of Vicki Schultz. See Schultz, Telling Stories about Women and Work: Judicial Interpretation of Sex Segregation in the Workplace in Title VII Cases Raising the Lack of Interest Argument, 103 Harv. L. Rev. 1749 (1990). In this article, Schultz considers the argument, raised in Title VII cases, that women lack interest in particular categories of jobs. She argues that both "liberal" decisions rejecting and "conservative" de-
that the generative or contributing role of institutions most readily subject to legal remediation—institutions such as workplaces, police forces or legislatures—has remained largely beyond the reach of reconstructive thought.

III. TALKING ABOUT WOMEN'S CHOICES

These musings on the strategic consequences of ideological determination claims yield no easy solutions. Clearly, highlighting women's assimilation of gender ideology has important advantages. It communicates the important point that neither biological sex nor the experience of oppression makes one immune to the influence of a pervasive ideology. It points to the politically valuable conclusion that securing opportunities for women's choice can rarely be viewed as the alpha and omega of feminist reform. It challenges women to apply the unsparing scrutiny of feminist theory to their own lives. Yet making this point too strongly may also have the negative repercussions suggested above. These consequences suggest that feminists cannot restrict themselves to, or rely too heavily on, the strategy of "turning up the volume" epitomized in ideological determination claims. Feminist scholars and activists need alternative modes of discourse through which to analyze controversial choices made by women: forms of discourse that acknowledge the possibility that women may be influenced by the internalization of the very ideology that has subordinated them, yet avoid the claims of determination that alienate women, facilitate the misrepresentation of their decisionmaking capacities and impede the inquiry into contributing causal factors which may be more readily subject to remediation. We also need an ongoing debate over what circumstances make particular modes of discussion most advantageous or appropriate. Fortunately, the question of a suitable discourse for discussing women's choices has begun to be considered by feminists in several different contexts.4 In these
cisions accepting the lack of interest argument have assumed that women's job preferences are formed outside the workplace. She argues that these approaches incorrectly focus judicial attention outside the workplace and therefore have only limited potential for transforming the workplace. Schultz advocates, instead, new explanations of women's choice which reveal the role the workplace plays in shaping women's preferences for particular jobs. These explanations, which Schultz finds to be supported by sociological evidence, will require deeper judicial scrutiny of the way employers have structured the workplace.

4 See, e.g., Bartlett, supra note 62; Littleton, supra note 62; Mahoney, Legal Images of
concluding thoughts, I will draw on some of this work to suggest the contours of an approach which holds out more strategic promise.

1. Complex or Multi-Causal Explanations. The first feature of an alternative discourse is a willingness to explore multi-causal explanations of controversial choices made by women. This approach would begin from the premise, articulated by Williams, MacKinnon and others, that it is possible for women to assimilate parts of an ideology that oppresses them. Given the pervasiveness of these norms in our society, it would indeed be surprising if women were able to avoid it. This approach would, however, avoid the claim that these assimilated norms determine the choices of women as a group—that they constitute a singular force which overshadows the impact of other factors and that they exert a comparable influence over diverse segments of the female population. It is from these premises that most strategic drawbacks of these arguments flow. The focus on ideology as a primary causal factor evokes resentment and impedes remediation among women: it suggests that their choices can be largely explained by forces that women neither fully understand nor credit and it obscures other influences that shape and constrain women's lives. The implied uniformity of this influence not only makes it less credible to women, but makes it vulnerable to abuse by those who would circumscribe women's choices.

One way of avoiding these drawbacks would be to offer ideological influence arguments not as conclusive or even primary explanations, but as elements of a more complex picture of women's choices. A woman leaving the workplace on the birth of a child, for example, might be described as responding to an ideologically inculcated belief that it was "virtuous" to "take responsibility" for the lives of her family; but she might simultaneously be described as having been thwarted by a workplace which refused her request for a job-sharing arrangement, frustrated by a husband who refused to share responsibility for night-time feedings and defeated by the collapse of her childcare arrangements. This approach would not deny the influence of ideological assimilation, but would present it as a part of the attitudinal backdrop against which relational or institutional impediments arose, and the woman's re-

Battered Women, 43 Stan. L. Rev. (forthcoming 1990); Schultz, supra note 93.
spouse to them took shape. Another way of pursuing these goals would be to inquire more systematically into the development of ideological influence itself. We might attempt to identify discrete influences—specific cultural conventions or institutional practices—which contributed to the ideological coloration of women's opinions. Such inquiries, if productive, could simultaneously connect ideological influence more closely to the system of gender discrimination and reduce its implication that women are somehow a primary source of their own subordination.

Although these approaches might “turn down the volume” on ideological influence claims, such de-escalation might make it easier for such claims to be heard. Ideological determination arguments often seem to involve a mismatch between the expectations of proponents who believe that such arguments cannot be heard unless singularly stressed and the response of many audiences whose defensiveness or sensitivity leads them to amplify any hint of “false consciousness” they hear in advocacy claims. Inclusion of these arguments in multi-causal explanations will make them less threatening to many audiences. It will assure women they are not being fingered with weighty responsibility for their subordination; it will assure men and women that the structural and institutional factors they regard as playing a role in women’s choices are actually a part of the picture; and it will give those focused on the task of remediation a less diffuse and more appropriate set of starting points for their work. A less defensive response from audiences may make it more promising for feminist scholars and activists—even those who seek to jar their audiences from their complacency—to try a more modulated mode of discourse.

In her article, Legal Images of Battered Women, Martha Mahoney challenges feminists to look for ways in which the state may be implicated in some women’s tendency to submit to their husband’s assertions of control over their lives. She offers, for example, a story about a couple who went to a state office to obtain a marriage license; upon completion of the requisite forms, the woman (not the man) was presented with a packet containing detergents, cleansers and other household implements. Mahoney views this story as offering provocative suggestions, deserving of further inquiry, about the role of the state in fostering women’s attitudes of subordination in the domestic sphere. See Mahoney, supra note 94.

Some of these proponents may fear that multi-causal explanations of women’s choices will bring in causal elements that are not related to gender. Although there are bound to be some such elements, I suspect this view neglects the complex character of gender discrimination—increasingly evident in both the area of sexuality and the area of work/family conflict. Multi-causal analysis can be a useful educational tool in this respect, because it shows us or reminds us of the numerous forms discrimination can take. See Littleton, Equality
2. Narrative Accounts. Communicating multi-causal explanations of women’s choices can be a difficult enterprise. This is particularly true because the causal factors and the relationships among factors may vary among women or groups of women. General or categorical statements of explanation may not capture this variety, and even abstract descriptions of particular patterns (such as the one attempted above) may not convey the interplay among factors. Feminist scholars may be able to convey a better sense of this complex pattern of causation by offering narrative accounts of women’s choices. Narratives have been used by many feminist scholars to supply the often-excluded perspectives produced by women’s experience. Some early narrative accounts tended to highlight a single attribute or pattern in women’s experience that had been excluded by mainstream legal arrangements or analysis. However, more recently, narrative scholars have offered more complex accounts to critique both mainstream legal solutions and the singularity implicit in early feminist explanations.

A narrative detailing the attitudes, employer policies, spousal obstacles and logistical pressures that led a primary, parent to leave her workplace would expose the range of factors contributing to her choice. It would also describe their interplay: the way that a “domestic ideology” conditioned not only the expectations of the woman but the leave policies of her husband’s employer or the hours of her childcare center; the way that the lack of flex-time arrangements or the low esteem assigned to part-time work made it difficult to attend to a sick child; the way that the inflexibility of requirements for travel made her husband impatient and resentful or made her feel that she had failed in her “responsibility” for her family.

Narrative accounts also have several advantages that permit them to reap some of the benefits of ideological determination claims without risking the rigidity such arguments can entail. First, the inevitable particularity of narratives makes it possible to communicate the variety that exists even within similar choices or


An interesting example of such an effort is the work of Martha Mahoney on spousal abuse. See Mahoney, supra note 94. Mahoney uses narratives from the lives of battered women to suggest the need for a more complex account of the battering relationship than that provided by theories of “learned helplessness.”
comparable patterns of behavior among women. All decisions to submit to aggressive sexual pressure, or to leave the workplace on the birth of a child, do not look the same when they are reported in close detail. Narratives may provide a way for readers to see the diversity in perception or response—if not in ultimate choice—that are attributable to race, class, sexual orientation, family background or other individual factors. Moreover, because narratives make it possible to examine a woman's response over time, they can communicate protracted resistance or a war among competing impulses in a way that simple description of the choice made or the justification offered cannot. Because of this quality, narratives become a vehicle for honoring women's struggles, as well as documenting their all-too-frequent defeats. Finally, the concreteness of narrative accounts makes it far easier for readers to take their message personally. It is one thing for a woman to exempt herself from a statistic or from a generalized pattern of behavior; it is quite another for her to insist on her difference from women whose spouses, jobs, desires or constraints seem tangibly similar to her own.

These benefits are manifest, for example, in Arlie Hochschild's *The Second Shift*. Drawing on an exhaustive set of interviews, Hochschild tells the stories of ten two-career families who attempt to allocate the extra day's labor involved in the care of home and children. These stories are set in the context of a comprehensive sociological discussion of work/family conflict; they are communicated through a complex interweaving of narration and analysis, which highlights the causal influences and the relationships among them. The particularity of these accounts make vivid the numerous factors that can influence women's choices, even as the repetition of particular patterns bespeaks the persistence of ideological influence. Hochschild's ten families vary by race, socioeconomic status, family background, job descriptions and the arrangements they ultimately arrive at for allocating the labor of the second shift. Yet, the prevalence of gender differentiation in the tasks assigned and the persistence of gender stereotypes in the "myths" mobilized by both men and women to justify inequalities emerge as unmistakable themes. The patient detail in which these stories are elaborated also makes it possible for readers to appreciate the resistance these

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women wage against a world of rigid employers and insensitive spouses, even as we steel ourselves for the virtual inevitability of their capitulation. Finally, the variety and concreteness of these accounts makes it difficult to evade their message. These women travel the road to compromised aspirations over so many different paths that it becomes virtually impossible to see oneself as exempt from the forces they face. These stories produce the same systematic accusation and the same call to self-scrutiny that is implicit in MacKinnon’s approach. Yet they do so without erasing women’s differences or undervaluing their struggles.

In elaborating these alternative forms of discourse, I do not suggest that they will be appropriate in all settings. A lack of background in one’s audience may make multi-causal analysis a treacherous undertaking. Limitations of time or space or the need for a concise analysis may make multiple narrative accounts impossible. It may be that ideological determination claims will remain a useful instrument in some contexts, such as introducing gender inequality to the uninitiated. In exploring new ways of characterizing women’s choices, I mean simply to suggest that feminists and other legal scholars have at our disposal a wider array of tools for expressing our situation and persuading each other than we sometimes suspect; and that we may come to useful insights about using them by considering their effects on our audience and on those tasks of reform of which our scholarship is a part.

In concluding her discussion of MacKinnon, Frances Olsen offers a telling analogy:

A story about Clarence Darrow, perhaps apocryphal, describes the famous lawyer engaging in discussions of all sides of a variety of public questions with a young man who afterwards hears Darrow make simplistic, one-sided comments to the press on the same issues. Darrow’s explanation, when confronted by the young man, was that the kind of complex, balanced statements he had presented in their earlier discussions would not have made news.¹⁰⁰

¹⁰⁰ See Olsen, supra note 3, at 1176 (citing I. Stone, Clarence Darrow for the Defense 172-73 (1943)).
Darrow's seemingly instinctive strategic feat, in fact, rested on the development of multiple forms of discourse and carefully honed judgment about the situations that called for each. Feminist discourse about women's choices will benefit from committed attention to both of these questions.