

❖ DIALOGUE WITH JUDITH BUTLER

Martha Nussbaum

b. 1947

Martha Nussbaum was born in 1947 in New York City. She attended Wellesley College and studied acting at New York University before taking her B.A. there in 1969. She completed her doctorate in classical philology at Harvard University in 1975 and went on to teach philosophy, classics, and literature at Brown University. After her appointment as Ernst Freund Distinguished Service Professor of Law and Ethics at the University of Chicago, she taught in the philosophy and classics departments, the Law School, the Divinity School, and the College. Her many books have included Love's Knowledge (1990), Poetic Justice: The Literary Imagination and Public Life (1995), Sex and Social Justice (1999), Women and Human Development: The Capabilities Approach (2000), The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy (2001), Upheavals of Thought: The Intelligence of Emotions (2001), and Hiding from Humanity: Disgust, Shame, and the Law (2004).

Nussbaum's ferocious response to Judith Butler came in a 1999 review of Excitable Speech in the New Republic, and attacked her as an ethical philosopher who cynically sidestepped the issues she uncovered. It caused a furor in academic circles, some viewing the attack as personal rivalry, others as an overdue assault on an overinflated reputation.

From *The Professor of Parody*

The idea of gender as performance is Butler's most famous idea, and so it is worth pausing to scrutinize it more closely. She introduced the notion intuitively, in *Gender Trouble*, without invoking theoretical precedent. Later she denied that she was referring to quasi-theatrical performance, and associated her notion instead with Austin's account of speech acts in *How to Do Things with Words*.¹ Austin's linguistic category of "performatives" is a category of linguistic utterances that function, in and of themselves, as actions rather than as assertions. . . .

Butler's point is presumably this: when we act and speak in a gendered way, we are not simply reporting on something that is already fixed in the world, we are actively constituting it, replicating

it, and reinforcing it. By behaving as if there were male and female "natures," we co-create the social fiction that these natures exist. They are never there apart from our deeds; we are always making them be there. At the same time, by carrying out these performances in a slightly different manner, a parodic manner, we can perhaps unmake them just a little.

Thus the one place for agency in a world constrained by hierarchy is in the small opportunities we have to oppose gender roles every time they take shape. When I find myself doing femaleness, I can turn it around, poke fun at it, do it a little bit differently. Such reactive and parodic performances, in Butler's view, never destabilize the larger system. She doesn't envisage mass movements of resistance or campaigns for political reform; only personal acts carried out by a small

¹See J. L. Austin, p. 679.

number of knowing actors. Just as actors with a bad script can subvert it by delivering the bad lines oddly, so too with gender: the script remains bad, but the actors have a tiny bit of freedom. . . .

What precisely does Butler offer when she counsels subversion? She tells us to engage in parodic performances, but she warns us that the dream of escaping altogether from the oppressive structures is just a dream: it is within the oppressive structures that we must find little spaces for resistance, and this resistance cannot hope to change the overall situation. And here lies a dangerous quietism.

If Butler means only to warn us against the dangers of fantasizing an idyllic world in which sex raises no serious problems, she is wise to do so. Yet frequently she goes much further. She suggests that the institutional structures that ensure the marginalization of lesbians and gay men in our society, and the continued inequality of women, will never be changed in a deep way; and so our best hope is to thumb our noses at them, and to find pockets of personal freedom within them. "Called by an injurious name, I come into social being, and because I have a certain inevitable attachment to my existence, because a certain narcissism takes hold of any term that confers existence, I am led to embrace the terms that injure me because they constitute me socially." In other words: I cannot escape the humiliating structures without ceasing to be, so the best I can do is mock, and use the language of subordination stingingly. In Butler, resistance is always imagined as personal, more or less private, involving no unironic, organized public action for legal or institutional change.

Isn't this like saying to a slave that the institution of slavery will never change, but you can find ways of mocking it and subverting it, finding your personal freedom within those acts of carefully limited defiance? Yet it is a fact that the institution of slavery can be changed, and was changed — but not by people who took a Butler-like view of the possibilities. It was changed because people did not rest content with parodic performance: they demanded, and to some extent they got, social upheaval. It is also a fact that the institutional structures that shape women's lives have changed. The law of rape, still defective, has at least

improved; the law of sexual harassment exists, where it did not exist before; marriage is no longer regarded as giving men monarchical control over women's bodies. These things were changed by feminists who would not take parodic performance as their answer, who thought that power, where bad, should, and would, yield before justice.

Butler not only eschews such a hope, she takes pleasure in its impossibility. She finds it exciting to contemplate the alleged immovability of power, and to envisage the ritual subversions of the slave who is convinced that she must remain such. She tells us — this is the central thesis of *The Psychic Life of Power*² — that we all eroticize the power structures that oppress us, and can thus find sexual pleasure only within their confines. It seems to be for that reason that she prefers the sexy acts of parodic subversion to any lasting material or institutional change. Real change would so uproot our psyches that it would make sexual satisfaction impossible. Our libidos are the creation of the bad enslaving forces, and thus necessarily sadomasochistic in structure.

Well, parodic performance is not so bad when you are a powerful tenured academic in a liberal university. But here is where Butler's focus on the symbolic, her proud neglect of the material side of life, becomes a fatal blindness. For women who are hungry, illiterate, disenfranchised, beaten, raped, it is not sexy or liberating to reenact, however parodically, the conditions of hunger, illiteracy, disenfranchisement, beating, and rape. Such women prefer food, schools, votes, and the integrity of their bodies. I see no reason to believe that they long sadomasochistically for a return to the bad state. If some individuals cannot live without the sexiness of domination, that seems sad, but it is not really our business. But when a major theorist tells women in desperate conditions that life offers them only bondage, she purveys a cruel lie, and a lie that flatters evil by giving it much more power than it actually has. . . .

²*The Psychic Life of Power: Theories in Subjection* is a 1997 book by Judith Butler.

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