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**Janet Halley: Split Decisions**

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## THE ARGUMENT

Over the last twenty-five years the U.S. Left has produced a rich range of theories of sexuality. These theories differ a lot, partly because they were made by people involved in a context of deep internal critique, debates so intense that they were sometimes experienced as “war.” The result is a wide array of incommensurate theories of sexuality and of power.

This book argues that the splits between the theories are part of their value. It proposes an alternative to the normative demand to harmonize them, reconcile them, and smooth out their clashes. I argue here for a politics *of* theoretic incommensurability. I think it will be better for the Left—we will make better decisions about what we want, and possibly even win more conflicts with the Right—if we lavish attention and appreciation on the capacity of our theory making to reveal the world as a normatively fraught, contradictory, conflictual place, a place where interests differ, change over time, and come into zero-sum conflicts, a place where all our decisions—even our decisions to abstain from deciding—shift social goods among highly contingent but pressing, urgent, vital interests.

As part of this argument, I also argue that theory making has been crucial to left-of-center politics of sexuality. What people have done theoretically has changed reality for them, has changed them so deeply it has shifted their very beings; and it has changed their political situations. And as their political life has changed, the demands they bring to theory have shifted; the desire for theory has been a political desire.

I assume here that human beings operate according to the maxim “I’ll see it when I believe it”—or perhaps more accurately, “I’ll see it when I can and do theorize it.” And so I’ll argue that

our different theories about sexuality are useful to the extent that they throw into visibility different stakes which we then distribute when we act politically and legally. Theory produces reality not only by making it visible, moreover, but by shifting the available terms for consciousness, desire, and thus interest. And so theory is part of how we distribute social goods toward and away from various constituencies and interests. Inasmuch as we are *all* legal decision makers when we decide what political aims to pursue and resist, when to engage and when to hang out on the sidelines, the perceivability and ethical urgency of various social interests are deeply contingent on the theories we have developed and on our selection of some of them in favor of others.

This book argues that, at least when it comes to sexuality, the responsible way to engage in a politics that depends on theory and that produces it—a politics that shifts social resources toward and away from safety and risk, men and women, gay men and lesbians, pleasure and danger (etc., etc., etc.) in part by rendering them theoretically salient, culturally productive, and thus phenomenologically accessible—is to decide in the splits between theories and between the interests they make visible, produce, and narrate. That’s how this book got the title *Split Decisions*.

The book got its subtitle because one of the chief impediments to my being able to persuade people to take the attitude I’ve just described (that is, to desire it) lies in the particular place that feminism occupies at the moment in left-of-center U.S. sexual politics. Three commitments that attend feminism today are involved here. The first seems always to be part of feminism today in the United States: it is persistently a subordination theory set by default to seek the social welfare of women, femininity, and/or female or feminine gender by undoing some part or all of their subordination to men, masculinity, and/or male or masculine gender. That is, there are three parts to this first part: a distinction between something m and something f; a commitment to be a

theory about, and a practice about, the subordination of *f* to *m*; and a commitment to work against that subordination on behalf of *f*. In my shorthand throughout this book, these three parts are *m/f*, *m > f*, and carrying a brief for *f*. It's not necessary for feminism to hold to these three points, but my experience is that so far, in the United States, it always does.

The second is the deeply held but entirely dispensable view that feminism is an indispensable element, if not the overarching structure, of any adequate theory of sexuality, gender, *m/f*, and associated matters.

And the third is a series of interconnected assumptions that almost all feminists share with almost all left-of-center theorists of sexuality in the tradition I study here: that one theory is better than many; that integrating alternative theories together is the goal of our work; that reality must come fully into line with, be engulfed by, theory; that theory will tell us all the crucial things we *need* to know about moral value and emancipation. I'll call this the prescriptive deployment of theory. The consequence of thinking this way, in the debates I examine in this book, is a pervasive consensus that any particular theory is a compact, dense mass of valid description, correct normative judgment, and indispensable emancipatory aspiration.

The story of feminism that I tell here is the story of people setting some of these commitments aside. First, feminism has been highly productive both as a social force and as an idea generator for the Left; and some of its offspring are not feminist. That is, many important strands of left-of-center thought and practice about sexuality don't posit feminism as an indispensable element of what they think and do, and thus don't hold to a theory of social subordination in which emancipation is figured as the release of women, femininity, and/or female or feminine gender from its subordination to men, masculinity, and/or male or masculine gender. Of course these splits have been highly controver-

sial, painful, and life-changing for those involved in making them. I argue here that they should also be remembered for the sheer joy that they made possible, both inside feminism and in its prodigals. They have multiplied the desires and interests that we can see and articulate, and among which we distribute social goods. I think that has been a good thing, most of the time. I tell a story here in which the very vitality and usefulness of feminism as a social theory seems to have waxed when the commitment to its omnipresence wanes, and vice versa.

Finally, I think some of the agony of split decisions, both at the theoretical and at the political and legal levels, arises from the assumption that feminist theory—or a particular feminist theory, or a competitor of feminist theory—is inevitably aspirational and normative even when it operates at the level of description, that it *must* be deployed prescriptively. Most of the theories that I present in this book deploy theory in order to map a moral universe of good and bad sex and of sexual emancipation and sexual oppression, and to produce from that map a morally valid political plan for getting people more of the former and less of the latter. This is a compelling project, and we all do it. But sometimes we deploy the theory that results prescriptively: we stipulate that it does or must describe reality *and* explain why different aspects of it are good or bad, *and* point the only way to emancipation. Our practice of theory then presupposes that the theory that does all of this will necessarily either enfold into itself or invalidate other, incommensurate theories. When we're behaving this way, we're set by default to say that if anyone takes a break from our theory, she becomes incapable of noticing or caring about real-world moments when theory's constituents are oppressed, injured, exploited, harmed in sexuality.

I don't want to see theory that way. I want to see it as the effort to form hypotheses about what is happening in the world and about the various social goods and bads that are being distributed

among people. Instead of working to defend, protect, and maximize theory as an account of the world and program for the world, I am trying to see it as theory fragments lying about that we can use quite instrumentally, pragmatically, and disloyally to deal with problems we perceive and want to do something about. Let's imagine that you are working on a problem. My hunch is that, during most of your work, your sense of the real is very contingent, can shift, is itself fragmented, not coherent; and that your sense of your goal will often be very loose, even just an impulse or a desire; it could be an ideological predisposition or taste. In any event, you are shuttling between interpretations of the world and formulations of your objective, reforming each in light of the other.

Of course it can be quite otherwise—there are moments when everything begins to gel; a consolidated theory meets a preternaturally clearly ordered reality—and that can be a moment of wonderful energy, power, and effectiveness. A bold total theory can startle you out of worn-out habits of mind, enable you to see newly and act creatively. But in my experience—yours, too?—it's horrifying to live that way too long: when reality presents you with experiences that don't fit, the paranoia you feel can be intense; and as theory hardens into dogma, you attract the wrong sort of people to work with you. Suddenly you're surrounded not by adventurous lively people but by complainers and bullies. So even in the times of consolidation, my desire is for a pragmatic posture, a sense of being *in relation to* problem seeing and problem solving; and for an existentialist attitude that understands being as just the appearance of phenomena to a being. My desire is a posture, an attitude, a practice, of being in the problem, not being in the theory.

Almost any theory can “receive” this attitude. Even a theory devised by someone aiming to deploy it prescriptively can be cannibalized in fragments; opted for and against on the grounds not

of its truth but of its usefulness; lived, loved, and set aside in the pragmatic, existentialist attitude that, in writing this book, I am trying to seduce you to want for yourself.<sup>1</sup>

If we work with this attitude, it makes a lot of sense to say that we can have a whole lot of different theories of sexuality. Feminism is one, and it's got really important contributions to make. If I'm right that feminism as it is practiced in the United States today is dedicated to thinking in terms of male and female (masculine and feminine, etc.), noticing instances of male power and female subordination, and working on behalf of subordinated female interests, we can convert these aspirational and prescriptive commitments to hypotheses, and then take a break from them and try to see other arrangements of m and f and other kinds of power. And we can elect to "be for" other interests (we can aspire and moralize differently) *without losing access to feminist theory*. Any one person can "flicker" in and out of feminism—the term is Denise Riley's; she was writing about how one flickers in and out even of being a woman<sup>2</sup>—without feminism's being destroyed or even rendered theoretically inaccessible; and across our debates about what the Left should aim for in its politics of sexuality, leftists can vary in the same way. We might even try to see sexuality in terms that don't refer to male and female at all. Feminism would still be there for us to resort to if this effort to understand things differently seemed not to correspond to the world and our political aims. Sustaining competing theories for describing the same social arrangements can expand our sense of the stakes at stake when we make our choices about what to see as a social good and a social bad, how to understand their distribution, what to think of as normatively bad, and what to aspire to. We can become more responsible.

If we deploy feminist theory (or any other social theory of sexuality) prescriptively—if it is *itself* emancipatory—then taking a break from it is to give up on emancipation. If it's not—if it's

about hypothesis formation and about seeking to “see the world” politically—taking a break from one hypothesis might expose you others, and so to new insights into power that are different, clashing perhaps, but possibly also emancipatory. You might face a split decision about what to think and do then, but that would be a vital and engaged moment.

Perhaps my ultimate point is that we can’t make decisions about what to do with legal power in its many forms responsibly without taking into account as many interests, constituencies, and uncertainties as we can acknowledge. To wield power responsibly, we need to fess up to the fact that, in deciding to advocate, negotiate, legislate, adjudicate, or administer one way or another, we spread both benefits and harms across social and ideological life—and that some of these benefits and costs, however real, may be constituted by our very practices of accounting for and attempting to redress them. One of the consequences of thinking that we “see it when we believe it” is having to face, moreover, a situation of persistent theoretic incommensurability and conflict: as long as that is our situation, uncertainty is an inescapable condition of deciding. Thus I argue, finally, for an integration of critical thought into the work of deciding.

So I hope to elicit your desire to think that no one theory, no one political engagement, is nearly as valuable as the invitation to critique that is issued by the simultaneous incommensurate presence of many theories (past, present, and still to be made). We decide immense questions of social distribution and social welfare—substantive, strategic, and tactical—when we commit to one of these theories over another. I am promoting a left-of-center political consciousness that makes such commitment perpetually contingent on redecision at the level of theory. I am urging us to indulge—precisely because we love justice but don’t know what it is—in the hedonics of critique.

To do that we (or at least some of us) have to be willing to Take a Break from Feminism. Not kill it, supersede it, abandon it; immure, immolate, or bury it—merely spend some time outside it exploring theories of sexuality, inhabiting realities, and imagining political goals that do not fall within its terms. Because it is so very difficult for so many people on the left in the United States to think in these terms, this book has the subtitle *How and Why to Take a Break from Feminism*.