

Nature of piece / subject

significance

Objectives

assumptions

broader them

Background info

Suffering Rights as Paradoxes

Wendy Brown

It is hard to acknowledge that liberal individualism is a violating enablement.
Gayatri Chakravorty Spivak¹

This paper does not take a stand for or against rights, but rather seeks to map some of the conundrums of rights for articulating and redressing women's inequality and subordination in liberal constitutional regimes. The paper responds to the question posed by the organizer of an American Philosophical Association session as that session's title: "What is the value of rights language for women?" An impossible question in many ways, especially when it is uninflected by historical, political, or cultural specificity, I nevertheless took it as an opportunity to consider, at a very general level, the difficult relation between selected contemporary feminist ambitions and rights discourse in the United States. There is a certain political immediacy to the study of this relation, given the transposition of venue, from the streets to the courtroom, of many social movements over the last two decades. If much of the struggle against male dominance, homophobic practices, and racism now dwells inextricably in the field of rights claims and counter claims, what are the perils and possibilities of this dwelling?

Speaking for the disenfranchised in loose cross-cultural fashion, Gayatri Spivak depicts liberalism (and other modernist emancipatory formations) as "that which we cannot not want."² This from a Derridean Marxist postcolonial feminist critic keenly aware of what liberalism cannot deliver, what its hidden cruelties are, what unemancipatory relations of power it conceals in its sunny formulations of freedom and equality. Indeed, Spivak's grammar suggests a condition of constraint in the production of our desire so radical that it perhaps even turns that desire against itself, foreclosing our hopes in a language we can neither escape nor wield on our own behalf. Patricia Williams refigures this condition of entrapment as one that might be negotiated through dramatic catachresis. Forcing rights out of their usual ruses of abstraction that mystifies and universalism that excludes, she insists that we procure them for "slaves . . . trees . . . cows . . . history . . . rivers and rocks . . . all of society's objects and untouchables."³ Albeit in a very different register, Drucilla Cornell argues in parallel with Williams, insisting that women's right to "minimum conditions of individuation," and in particular to an imaginary domain in which a future anterior is not beyond women's grasp, is the surest way to finesse the tradeoff between liberty and equality that liberal rights discourse is generally thought to force.⁴ Yet even in

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