

Spring 1997

Redefining Women's Agency: A Response to Professor Williams

Kathryn Abrams

Northwestern University School of Law

Follow this and additional works at: <https://www.repository.law.indiana.edu/ilj>



Part of the [Civil Law Commons](#), and the [Law and Gender Commons](#)

Recommended Citation

Abrams, Kathryn (1997) "Redefining Women's Agency: A Response to Professor Williams," *Indiana Law Journal*: Vol. 72 : Iss. 2 , Article 7.

Available at: <https://www.repository.law.indiana.edu/ilj/vol72/iss2/7>

This Symposium is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in *Indiana Law Journal* by an authorized editor of Digital Repository @ Maurer Law. For more information, please contact rvaughan@indiana.edu.



JEROME HALL LAW LIBRARY

INDIANA UNIVERSITY
Maurer School of Law
Bloomington

Redefining Women's Agency: A Response to Professor Williams

KATHRYN ABRAMS*

Commenting on a paper by Susan Williams is never an easy task. Her work so seamlessly combines comprehensive synthesis of large portions of a field with nuanced observations that break new ground, that it can be very hard to know where to inject oneself. I'm going to start with an invitation that she issues approximately halfway through her paper, where she writes:

[T]here does indeed remain substantial work to be done to explain and describe the nature of [a revised, constructivist autonomy]. This work is, however, preferable to the effort to reconcile the older conception of autonomy with social constructionism because it is more conceptually coherent and more tied to actual human experience.¹

What I would like to do is to elaborate the feminist conception of autonomy that Professor Williams introduces, and follow it in some directions that she doesn't pursue. I will then, as she does, ask what these directions mean for the feminist use of the diverse institutions that make up her third definition of civil society.

Professor Williams is concerned with "narrative autonomy," a capacity that permits us to bring our actions into conformity with our sense of ourselves and our life stories. It is a capacity that combines an element of integrity—we act in a way that honors our conception of ourselves—with an element of creativity—we are not constrained to accept the version of ourselves that dominant culture offers us, but are able to engage in subtle acts of reinterpretation. She develops this conception by thinking about the needs of feminism as an academic discipline and as a movement; a need to move beyond an unpersuasive distinction between internally motivated and externally compelled; a need to reject a version of social constructivism so strong as to render women victims whose desires and roles are socially dictated. She describes how it is achieved, by "a person review[ing] her personal history,"—a history, I would add, that is subtly shaped but not dictated by the dominant view of her social location—"weighing the particular of [her] past in terms of more general moral values, and discerning a course of action which expresses a commitment to those particulars."² It is a conception of autonomy developed from the outside in, and though she uses all three words interchangeably, it is more resonant, I think, with autonomy than with the terms "agency" or "resistance"—in part because it is developed theoretically, without any explicit

* Professor of Law, Northwestern University School of Law. This Article was written while I was O'Byrne Visiting Professor of Law at Indiana University School of Law—Bloomington. I am grateful to Dean Fred Aman and the faculty of the law school for the wonderful, collegial support they showed me as I was working on this piece, and during the rest of my stay.

1. Susan H. Williams, *A Feminist Reassessment of Civil Society*, 72 IND. L.J. 417 (1997).

2. *Id.* at 431 (quoting Hilde Lindemann Nelson, *Resistance and Insubordination*, HYPATIA, Spring 1995, at 23, 27 (1995)).

connections to the specific contexts in which women exercise agency or resistance.

I propose to look at autonomy—or perhaps more appropriately agency or resistance—from the inside out: by starting with two first-person accounts of what I would describe as women's resistant self-assertion. I will suggest that they point us toward elements of agency that are either not implicit in, or are not highlighted by Professor Williams's conception of narrative autonomy. I will argue that these elements should not be neglected when feminists think about agency and autonomy, and that they, too, have implications for the feminist rehabilitation and use of the institutions of civil society.

The following are two narratives that I take to be about women's self-assertion, although perhaps only the first would traditionally be recognized in these terms. Both describe resistant self-assertion that takes place in the context of a battering relationship. The first is from an essay by Cory Dziggel:

Since apologizing didn't work, since leaving the room didn't work, I started throwing things back at her when she would throw things at me. . . . This didn't really work either because she would get more and more angry. . . . So I guess what I mostly did was leave the house when she started to get this way because nothing else seemed to work. At first I started to leave with the car. But that was a big mistake because she would stand on the bumper or lay across the windshield, daring me to hurt her. . . .

What was crazy about all of this was that since I wanted the relationship to work, I wanted it to last more than anything else. I thought that as long as we could fight and then get back together again and work it out laughing at ourselves for the craziness of what had happened, we would come closer together and somehow the relationship would improve.

. . . The relationship lasted for eleven years. The violence got worse, just like they say. It became more frequent. Smaller things set it off. I could feel it coming. . . . I remember the time when she choked me and I began passing out, seeing black in front of my eyes. It was then I realized how fragile my life was. I understood that she really could or would or wanted to kill me. Something within me snapped. I regained my strength and got away from her.³

The second narrative comes from an article by Martha Mahoney:

Two days after he broke the glass in the door, it was the middle of a hot summer afternoon. My son was asleep in his crib in my room, my daughter was taking a nap in hers. I was lying in bed reading. Suddenly, I heard a popping noise, and glass started crashing to the floor. Someone was shooting through my windows. There were no bullets flying around—I remember wondering if it was an air rifle. The windows kept shattering, and I didn't know what would happen if anything hit the baby.

I grabbed him out of his crib, got down toward the floor, and half-crawled out of the room. I took him downstairs. Of course, he was only three-months-old, when he woke up he had to nurse. Then I had to change his diaper. Then my daughter started crying—she had waked up from her nap. Then I had to

3. CORY DZIGGEL, NAMING THE VIOLENCE: SPEAKING OUT ABOUT LESBIAN BATTERING 64-65 (1986).

change her diaper. Then she was hungry. Then I had to change his diaper again. By then he had to nurse again . . .

At 5:30 when I took them upstairs for their baths, I noticed the glass on the floor. That was when I remembered what had happened. . . . I started crying and I called my mother long-distance. I said, "Mama, it finally got to me, I've finally lost my mind. If your window is shot out and you crawl out of the room with you baby in your arms, you're not supposed to forget about it. It should at least be the main event of the day!"⁴

In the first example, the woman's agency, in recognizing her danger and separating from her lover, is obvious. In the second example, while more traditional readers and perhaps the woman at the time of the incident herself, might say that there is no agency or resistance in evidence, I would say that the woman manifested agency by persevering in the care and protection of her children—showing alert attention to their numerous, ongoing needs—even under hideously oppressive circumstances. In neither example, however, does the agency in question fit easily into Professor Williams's model of narrative autonomy as using creative reinterpretation to render action consistent with one's self-conception or life story. In the first example, agency is achieved more by a sense of rupture than by a sense of reinterpretation: the woman must experience a radical break with her sense of who she is and what matters before she can fully grasp her danger and leave the relationship. In the second, the woman acts more consistently with her previous life path, but it does not seem to be through creative re-imagination or even reasoned reflection: rather she doggedly puts one foot in front of the other, performs all the minute, quotidian tasks that she needs to perform in order to secure her family in the face of abuse. It is my perception that many women who survive oppressive circumstances or abusive relationships do it in precisely this determined, incremental way. As one of my students, who survived and exited an abusive relationship and raised a child as a single, teenage parent, once put it—"there was nothing so special about it, I did what I had to, to survive." It is possible that these examples could be incorporated within a more fully-elaborated account of Professor Williams's theory—the first lies at the far end of the spectrum, on the side of re-imagination; the second, at the other end, on the side of an integrity so entrenched as to become almost reflexive. It is possible that they could be added to her narratively-oriented theory to create a more complete feminist account of agency or autonomy. But they are examples that it would be worthwhile for her to consider, because they reflect kinds of agency I believe we frequently see when we look at specific, concrete examples of women's resistance.

Do these examples also bear on the kinds of institutions or communities within that third definition of civil society that would be useful for feminists to acknowledge and work with? I think so. Taking into account these images of agency modifies or supplements Professor Williams's view of the institutional preconditions of autonomy in several ways. First, it confirms her requirement of non-oppression within traditional constitutive communities. But it further points

4. Martha Mahoney, *Legal Images of Battered Women: Redefining the Issue of Separation*, 90 MICH. L. REV. 22-23 (1991).

to one means by which we may be able to achieve it: by redefining and advocating new configurations of traditional communities with a potential for oppressive influence. For example, in my second narrative, it was the battered woman's commitment to her children that drove her clear-headed, resistant behavior. Feminist legal theorist Martha Fineman has proposed that we redefine the family to put the mother-child dyad, rather than the sexual unit, at its center.⁵ A family so defined would not eliminate the potential for women's oppression—women's autonomy is sometimes severely and unfairly constrained by their commitments to their children—but it would de-emphasize some of the traditional configurations that have exposed women to systematic oppressive treatment. Second, it also underscores the need for plural or multiple institutions in any given woman's life, though perhaps for different reasons than Professor Williams specifies. In connection with forms of agency that are characterized by a rupture with previous self-understandings, a woman may need—at least temporarily—to rely on communities that did not help to foster her earlier sense of self and life story. She may need to rely on groups of people whose more recent, or differently-based, knowledge of her permits her to draw on an unrecognized or underacknowledged part of herself in setting a course of action.⁶ Finally, I would not rule out as quickly as Professor Williams seems to the contribution of instrumental institutions or communities. Many are the stories within feminism of a woman who comes to view her relationship (or her treatment by her spouse) differently when she leaves the home for a job, or develops a sense of efficacy in one part of her life by glimpsing her effectiveness in another. Non-constitutive communities, including groups bound by purely financial or commercial interests, can nonetheless have these constitutive effects. A woman may need to be seen as a person by at least some others in order to integrate the various parts of her life story, or prepare for action consistent with her self-understanding. But she may develop important elements of that self-understanding—particularly where it is connected with radical re-visioning or rupture—within settings that do not involve the experience of being seen and understood by others as a human being of a particular sort.

5. See MARTHA ALBERTSON FINEMAN, *THE NEUTERED MOTHER, THE SEXUAL FAMILY AND OTHER TWENTIETH CENTURY TRAGEDIES* (1995).

6. It is worth noting that ultimately, however, she may want to return to her earlier communities to help integrate her new conception of herself with pre-existing self-understandings.