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Globalization, Privatization, and a Feminist Public

SUSAN H. WILLIAMS*

The central claim in Professor Zillah Eisenstein's article¹ is that the process of globalization is leading to increasing privatization, and that privatization, in turn, contributes to substantial suffering for women around the world. Eisenstein suggests, however, that feminism may offer some hope for a revitalization of the realm of the public as a basis for resisting this trend toward privatization. I will pursue this suggestion in several stages. First, I will trace out three of the different manifestations of privatization that Eisenstein mentions. Second, I will consider the feminist criticisms of existing conceptions of the public and the related concepts of the State and citizenship. Third, I will briefly offer the outlines of a new vision of the public. Finally, I will explore the ways that a feminist revisioning of the public might address the criticisms of the old version of the public and also help ameliorate the privatizing impact of globalization.

"Globalization" is the process through which forces and actors that transcend national boundaries shape life and law within nations.² Transnational corporations are one of the prime movers of globalization, but they are hardly alone. Globalization is also driven by economic forces other than transnational corporations (e.g., the interrelationship of monetary systems) and noneconomic forces that cross national boundaries (e.g., the destruction of the environment or the transmission of diseases). I think it would be fruitful to consider a feminist assessment of these other forces of globalization, but Eisenstein's argument focuses on the particular impact of transnational business enterprises and the technology that makes them possible. Consequently, I will use the term "globalization" in Eisenstein's qualified way.

Eisenstein mentions at least three forms of privatization that are encouraged or enforced by this process of globalization. First, there is what might be called economic privatization. Economic privatization is the

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1. Zillah Eisenstein, *Stop Stomping on the Rest of Us: Retrieving Publicness from the Privatization of the Globe*, 4 IND. J. GLOBAL LEGAL STUD. 59 (1996).

2. See Alfred C. Aman, Jr., *Indiana Journal of Global Legal Studies: An Introduction*, 1 IND. J. GLOBAL LEGAL STUD. 1, 1-2 (1993); Jost Delbrück, *Globalization of Law, Politics, and Markets—Implications for Domestic Law—A European Perspective*, 1 IND. J. GLOBAL LEGAL STUD. 9, 10-11 (1993).

abdication of public responsibility for the economic welfare of the people within a nation. Eisenstein points to recent moves to deregulate workplaces and to cut back on welfare programs—including medical coverage for the poor and elderly and vaccinations for poor children—as examples of this “elimination of public responsibility.”³ Economic privatization is caused by the fact that “[t]ransnational capital needs privatization of multiple publics.”⁴ It is, of course, inconvenient for transnational corporations to deal with a variety of different regulatory and administrative systems in the different countries in which they operate. More importantly, the corporations can choose to locate their operations where they are least likely to be hindered by regulations, thus generating a race to the bottom: countries must compete for corporate capital by reducing regulations that serve the welfare of their people in order to pander to the economic interests of the corporations.⁵

The second type of privatization might be called political privatization.⁶ The increasingly global scope of issues, forces, and institutions affecting people’s lives leads to a decrease in the importance of the local and national political arenas in which they exercise citizenship. People respond to this change by focusing more of their attention on the individual material consumption made possible by global markets and less of their attention on the construction of a collective social world. In other words, globalization encourages people to see themselves as private consumers rather than as public citizens.⁷

Finally, Eisenstein makes a very interesting argument about how the forces of globalization have led to the privatization of feminism itself. Western feminism becomes yet another product for export to the world. The effect of this mass marketing is to reduce feminism to “a caricature of sex equality and victimhood.”⁸ Victimhood becomes privatized and individualized, as in the fascination with violence against women in the media, where the violence is

3. Eisenstein, *supra* note 1, at 61.

4. *Id.* at 63.

5. See Katherine Van Wezel Stone, *Labor and the Global Economy: Four Approaches to Transnational Labor Regulation*, 16 MICH. J. INT’L L. 987, 989 (1995).

6. Although the argument made in this paragraph is not explicit in Eisenstein’s paper, her many references to the role of government and citizenship indicate that it is one concern underlying her objections to globalization. See Eisenstein, *supra* note 1, at 62-63.

7. Some contemporary observers have argued that many of the forces of modern life, including but not limited to globalization, have a similar effect. Cf. MICHAEL SANDEL, *DEMOCRACY’S DISCONTENT* 200-08 (1996) (arguing that the increasing scale and complexity of life at the start of the twentieth century led to “the loss of a public realm within which men and women could deliberate about their common destiny”).

8. Eisenstein, *supra* note 1, at 69.

completely disconnected from systematic gender subordination.⁹ Sexual equality becomes privatized and consumerized, as in the use of “beautiful, healthy, fashionable women” to represent the freedom of the West in advertising.¹⁰

In her article, Eisenstein argues that all three of these forms of privatization are particularly harmful to women. With regard to economic privatization, women are “the cheapest of the cheap workers,” and they work long hours for unbelievably little pay.¹¹ Moreover, this oppressive employment is combined with a lack or loss of State support for women's roles in both the market and the domestic sphere.¹² In other words, the economic privatization that has attended globalization has a particularly harmful effect on women.¹³

Political privatization also imposes a distinctive harm on women. It is only very recently that women have had any voice in political decisionmaking, and they remain largely silent in many parts of the world. It is ironic that just as women are beginning to demand and exercise political power, politics is coming to be seen as irrelevant and impotent.¹⁴

Finally, the privatization and mass marketing of feminism is also particularly damaging to women. Anything that robs feminism of its critical and radically disruptive potential is a loss to women suffering under various forms of gender oppression. In addition, this distorted and washed-out version of Western feminism becomes an easy target for antifeminists around the globe¹⁵ and a difficult and unappealing ally for feminists in the South and East.¹⁶ The fragmentation of women that results is also harmful to the long-term hopes of women worldwide.

9. *Id.* at 74-75.

10. *Id.* at 69.

11. *Id.* at 67-68.

12. *Id.* at 68.

13. This effect may be exacerbated for women because of their preexisting economic vulnerability. Women and children are disproportionately represented among the poor of the world, and the process of globalization relies upon and often exaggerates the gendered division of labor that is used to justify and perpetuate this inequality. See Eisenstein, *supra* note 1, at 68. In other words, gender and poverty are related but independent reasons for the particularly harsh impact of economic globalization on women.

14. There is an interesting analogue in the recent move to destabilize the concept of the “self” in postmodern philosophy. Just as women and other traditionally excluded groups are beginning to claim that they are “selves,” entitled to the modernist panoply of rights and powers traditionally enjoyed only by white men, postmodernists are arguing that such “selves” are incoherent and irrelevant. See JANE FLAX, THINKING FRAGMENTS 220 (1990).

15. See Eisenstein, *supra* note 1, at 74-75.

16. See *id.* at 78.

In light of these damaging effects of privatization, it might be tempting to suggest that women should return to some traditional notion of the public realm that predates these powerful forces of globalization. Perhaps, even if we cannot reverse globalization itself, we could reverse some of the privatization that has accompanied it. Eisenstein suggests, however, that our goal should be a new vision of the public rather than a return to some older conception. I agree with this view, and I would like to offer a few arguments in support of it.

First, the traditional conception of the public realm rests on a contrast between public and private which has been the subject of extensive feminist criticism.¹⁷ There are two common conceptions of the public and both have been the target of such criticism. First, public sometimes refers to everything but the family, so that workplaces and voluntary organizations count as public.¹⁸ This vision of the public rests on and institutionalizes the sexual division of labor in which women are associated with the private sphere—even when they are allowed (or even encouraged) to enter public realms like employment.¹⁹ This association of women with private life is then used to justify the inequalities and lack of liberty that women experience as natural, inevitable, and unrelated to the public social realm in which notions of justice apply.²⁰

In the second common usage, public refers to the State, thus all nongovernmental entities, like workplaces and voluntary associations, are private.²¹ In that case, the private realm is conceived as the arena of free and voluntary choice, as opposed to the public realm in which government coercion operates.²² Feminists have pointed out, however, that women's experiences in this private realm have often been oppressive and exploitative.

17. See generally Ruth Gavison, *Feminism and the Public/Private Distinction*, 45 STAN. L. REV. 1 (1992); Frances Olsen, *Constitutional Law: Feminist Critiques of the Public/Private Distinction*, 10 CONST. COMM. 319 (1993).

18. See CAROLE PATEMAN, *THE DISORDER OF WOMEN: DEMOCRACY, FEMINISM AND POLITICAL THEORY* 20 (1989); see, e.g., JOHN LOCKE, *THE SECOND TREATISE OF GOVERNMENT* 44, 50 (1690) (Thomas P. Peardon, ed. 1952); Jean-Jacques Rousseau, *THE SOCIAL CONTRACT*, in *THE ESSENTIAL ROUSSEAU* 8, 9 (Lowell Bair trans., 1974).

19. See PATEMAN, *supra* note 18, at 118-120.

20. See Gavison, *supra* note 17, at 22. For a related objection arguing that children cannot effectively be taught a sense of justice in such an unjust family, see SUSAN MOLLER OKIN, *JUSTICE, GENDER, AND THE FAMILY* 14-22 (1989).

21. See PETER L. BERGER & RICHARD J. NEUHAUS, *TO EMPOWER PEOPLE: THE ROLE OF MEDIATING STRUCTURES IN PUBLIC POLICY* (1977).

22. See Gavison, *supra* note 17, at 5.

Consider spousal abuse, marital rape, and lack of reproductive control in the family.²³ In other words, both of the traditional conceptions of the public fail to account for women's experiences and contribute to gender hierarchy.²⁴

The feminist difficulties with the traditional view of the public do not end with this rejection of the common versions of the public/private distinction. Feminists have also argued that the categories of the State and citizenship--both of which are integral to the traditional view of the public--are at best problematic from a feminist perspective.

The "State" raises both pragmatic and theoretical difficulties for some feminists. The pragmatic concerns revolve around the issue of whether feminists should work through the State to seek reforms. Many feminists have worked long and hard, with varying degrees of success in different countries, to use the apparatus of the State to help women and promote gender equality. Nonetheless, these efforts have met with serious criticism from other feminists. According to Anne Curthoys, "A common thread in these more negative assessments is that feminist apparent successes have involved an increase in the powers of the state in individual lives, a decrease in family and collective power, and a giving of benefits to white, middle-class women rather than to women as a whole."²⁵ In addition, these reforms tend to be limited to very specific areas of government policy such as child care, health services, and social welfare. Feminist bureaucrats or ideas rarely have an impact on government policy on issues like foreign affairs, trade, defense, or financial policy.²⁶

Some feminists go a step further and argue that, from a theoretical perspective, even the conceptual category of the State is not useful to feminism. Judith Allen, for example, has argued that the State does not well serve either of its most common roles in feminist theory. First, the State is inadequate as a heuristic for male power because male power is more omnipresent and interstitial than this conceptualization would suggest. Second, the State is not usefully conceived of as a collection of locations for feminist struggle, because those locations (i.e. police, bureaucracy) are too

23. See CATHARINE A. MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE 191-92 (1989).

24. For a more complete account and critique of these models of the public sphere, see Susan Williams, *A Feminist Reassessment of Civil Society*, 72 IND. L.J. (forthcoming Feb. 1997).

25. Ann Curthoys, *Feminism, Citizenship and National Identity*, FEMINIST REV., Summer 1993, at 19, 31; see also Jean Bethke Elshtain, *Antigone's Daughters*, in FREEDOM, FEMINISM, AND THE STATE 61 (Wendy McElroy ed., 1982).

26. See Curthoys, *supra* note 25, at 31.

diverse to be lumped together. Instead, each should be seen as part of the larger cultural phenomena to which it connects.²⁷

Another line of feminist criticism points out that the nation-state, as a concept, has often rested on both real gender oppression and symbolic gender imagery. For example, women “often come to symbolize the national collectivity, its roots, its spirit, its national project.”²⁸ In many places, women are given primary responsibility for transmitting culture in the form of customs, songs, food, and language.²⁹ And, of course, the social control of women’s reproductive capacity is used to ensure the production of “national stock” for nations concerned about racial or ethnic purity.³⁰ Thus, there are powerful feminist arguments suggesting that the State is of neither practical nor theoretical use to feminists.

The concept of citizenship has also been subjected to serious criticism by feminists. In particular, feminists have objected to the liberal view of citizenship as “something like equal membership in an economic and social sphere . . . less a collective, political activity than an individual, economic activity—the right to pursue one’s interests without hindrance in the marketplace.”³¹ Many feminists argue that this Western liberal conception of citizenship “is derived from a set of values, experiences, modes of discourse, rituals, and practices that both explicitly and implicitly privileges men and the ‘masculine’ and excludes women and the ‘female.’”³² They also worry that this individualistic and privatistic image of citizenship robs us of the sense of politics as the striving of interrelated people to create a shared and substantively valued social world.³³

In light of these difficulties with the existing conception of the public realm—and the related concepts of State and citizenship—the feminist response to harmful privatization must provide a new vision of the public. I suggest that the vision should be based on a commitment to shared responsibility for the reality we inhabit, responsibility that is exercised through participatory, democratic mechanisms. This notion of the public would make it, not a realm,

27. See Judith Allen, *Does Feminism Need a Theory of The State?*, in *PLAYING THE STATE: AUSTRALIAN FEMINIST INTERVENTIONS* 21 (Sophie Watson ed., 1990).

28. Nira Yuval-Davis, *Gender and Nation*, 16 *ETHNIC AND RACIAL STUD.* 621, 627 (1993).

29. *Id.*

30. See *id.* at 628-30.

31. Mary G. Dietz, *Context Is All: Feminism and Theories of Citizenship*, *DAEDALUS*, Fall 1987, at 1, 5.

32. Kathleen B. Jones, *Citizenship in a Woman-Friendly Polity*, 15 *SIGNS* 781, 781 (1990).

33. Dietz, *supra* note 31, at 12.

but an orientation, a way of addressing or approaching issues. The public would not be defined in contrast to the private, but rather in contrast to the self-regarding, the irresponsible, or the nondemocratic.

This vision of the public responds to the feminist criticism raised earlier. First, this vision of the public does not depend upon the usefulness of the State, in either a practical or conceptual sense. The public would not be limited to the State; many other social institutions could operate as mechanisms of democratic, shared responsibility. For example, workplaces can and should provide frameworks for participation in shared responsibility. Thus, this vision of the public is workable regardless of how one resolves the feminist criticisms of the State.³⁴

Second, this conception of the public provides for a more meaningful vision of citizenship. Citizenship would be broadened to include all forms of participation in such shared responsibility. This broader conception of citizenship could then function as the vehicle for pursuing a substantive vision of the good society rather than merely as the freedom to pursue one's own good. I do not mean to denigrate the freedom to pursue one's own vision of the good, even if others disagree. Indeed, I believe that this orientation toward one's own good is an excellent redefinition of the private, a concept that is as much in need of revision as the public and that is also, I would argue, central to the construction of a full human life. The focus of this paper, however, is on reclaiming the public. The meaning of citizenship, in my revised version of the public, answers the feminist criticisms of citizenship raised earlier.

Finally, this notion of the public also stands in a less problematic, although perhaps more complex, relation to the family. Families would neither be clearly within nor clearly outside this understanding of the public. Because they will often operate in a nondemocratic fashion, families will often qualify as nonpublic—but that may not always be the case. Families can be one of the most powerful forms of shared responsibility and can, at least in some instances, function in a participatory and relatively democratic way. A family that met this standard would not be barred from the label public simply because it was a family.

Consideration of families raises two important points about this new conception of the public. First, the question whether any particular form of social organization is public in this sense is not a question that one can answer in the abstract. It is, instead, a question that requires close attention to the

34. See *supra* text accompanying notes 25-30.

particular details of a given social arrangement. One cannot speak of “the family” as public or not; one must talk about specific cultural and personal contexts and relations. This contextual, particularized approach is consistent with some of the widely shared commitments of feminists.³⁵

Second, a consideration of families leads inevitably to the conclusion that this conception of the public will require greater attention to the meaning, value, and nature of democracy. In order to determine whether any family is sufficiently democratic to qualify as public, we need a robust sense of the meaning of democracy and the value that it serves. While such an examination of democratic theory is beyond the scope of this paper, I would suggest that it is a strength of this vision of the public that it requires such an examination. A conception of the public that is closely tied to the substantive value of democracy promises to hold sufficient moral power to respond to some of the crises of privatization that Eisenstein describes.

So, how might such a feminist revision of the public help us to deal with the various forms of privatization outlined earlier?³⁶ I think it is fairly clear that a commitment to democratically exercised shared responsibility would directly counteract the movement toward economic privatization. If we share responsibility for each other, then we cannot abdicate control over the economy at the cost of harming the most vulnerable in our populations. Important questions and disagreements might remain, of course, about the best mechanisms through which such responsibility should be exercised (i.e., government, business, voluntary associations) and about the most appropriate or effective level of organization (i.e., local, state, national, regional, international). The focus of the conversation would, however, shift to the question of how best to take responsibility and away from the present arguments over why we are justified in avoiding it.

Similarly, the concept of the public that I am proposing would provide immediate resistance to what I have called political privatization. Accepting a concept of the public as fundamentally a matter of democratically shared responsibility, and of citizenship as participation in such responsibility, is in direct contradiction to viewing oneself as simply a private consumer. The global scope of the problems to be addressed would still pose important

35. See Margaret Jane Radin, *The Pragmatist and the Feminist*, 63 S. CAL. L. REV. 1699, 1707 (1990).

36. See *supra* text accompanying notes 3-10.

challenges, to be sure, but those difficulties would not alter the fundamental obligations of public citizenship.

Perhaps the most interesting implications of this approach to the public are, however, for the privatization of feminism itself. First, an orientation toward shared responsibility should lead us to resist the depictions of women's victimization as private and individual. We should search for the ways in which broader social forces both cause the violence that women suffer and could be used to combat that violence. Additionally, sexual equality would be seen as a collective achievement, to the extent that it exists, and a collective failure--which we share the responsibility to remedy--to the extent that it does not. In other words, this vision of the public aspect of feminism would help us to resist the privatization that Eisenstein describes.

Perhaps most importantly, a vision of feminism as itself a public, characterized by democratically exercised shared responsibility, might help women from different parts of the world come together. Such a vision would emphasize that feminism is not a preexisting set of principles to which newcomers must subscribe in order to join. It is, instead, a community of women searching together, through participatory and respectfully democratic mechanisms, for a shared vision of a good social life. Such a vision of feminism does not require that we all agree on everything. What women in one part of the world believe is a good life may be different from what women in other places believe, and as Aihwa Ong points out in her paper,³⁷ we must accept and welcome these differences. But we can, I think, agree that this is the conversation in which we as feminists are engaged and that, however multiple our visions of the good life, we are committed to shared responsibility for making those many visions a reality.

37. See Aihwa Ong, *Strategic Sisterhood or Sisters in Solidarity? Questions of Communitarianism and Citizenship in Asia*, 4 *IND. J. GLOBAL LEGAL STUD.* 107, 130 (1996).

