

A black and white photograph of Janet Halley. She is wearing a dark, long-sleeved top and a dark headscarf with a thin white headband. She is looking slightly to the right of the camera with a neutral expression. She is holding a small, white mouse in her hands, which are positioned in the foreground. The background is dark and out of focus.

JANET HALLEY

# SPLIT DECISIONS

How and Why to Take a Break from Feminism

Split Decisions: How and Why to Take a Break from Feminism, Janet Halley, Princeton University Press, 2008, 1400827353, 9781400827350, 424 pages. Is it time to take a break from feminism? In this pathbreaking book, Janet Halley reassesses the place of feminism in the law and politics of sexuality. She argues that sexuality involves deeply contested and clashing realities and interests, and that feminism helps us understand only some of them. To see crucial dimensions of sexuality that feminism does not reveal--the interests of gays and lesbians to be sure, but also those of men, and of constituencies and values beyond the realm of sex and gender--we might need to take a break from feminism. Halley also invites feminism to abandon its uncritical relationship to its own power. Feminists are, in many areas of social and political life, partners in governance. To govern responsibly, even on behalf of women, Halley urges, feminists should try taking a break from their own presuppositions. Halley offers a genealogy of various feminisms and of gay, queer, and trans theories as they split from each other in the United States during the 1980s and 1990s. All these incommensurate theories, she argues, enrich thinking on the left not despite their break from each other but because of it. She concludes by examining legal cases to show how taking a break from feminism can change your very perceptions of what's at stake in a decision and liberate you to decide it anew..

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Masochism , Gilles Deleuze, Leopold Von Sacher-Masoch, 1971, Literary Criticism, 293 pages. Includes "Coldness and Cruelty," by Gilles Deleuze, a study of masochism and sadism, as well as "Venus in Furs," the original novel by Leopold von Sacher-Masoch.

Law's Order What Economics Has to Do with Law and Why It Matters, David D. Friedman, Feb 15, 2001, Business & Economics, 329 pages. Publisher Fact Sheet Examines the relationship between economics & the law..

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Toward a Feminist Theory of the State , Catharine A. MacKinnon, 1989, Philosophy, 330 pages. "Toward a Feminist Theory of the State" presents Catharine MacKinnon's powerful analysis of politics, sexuality, and the law from the perspective of women. Using the debate ....

Is it time to take a break from feminism? In this pathbreaking book, Janet Halley reassesses the place of feminism in the law and politics of sexuality. She argues that sexuality involves deeply contested and clashing realities and interests, and that feminism helps us understand only some of them. To see crucial dimensions of sexuality that feminism does not reveal--the interests of gays and lesbians to be sure, but also those of men, and of constituencies and values beyond the realm of sex and gender--we might need to take a break from feminism.

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"A groundbreaking book examining the contradictions and limitations of feminism in the law. . . . Halley is critical of feminists for relying primarily upon a 'prohibitionist' approach that identifies what's bad in the world and then writes a statute making it unlawful."--Michelle Bates Deakin, Harvard Law Bulletin

"Janet Halley's readings of texts are an example of a form of theorizing that can take a break from feminism without dismissing feminist theory from the discussion. As a polemic the book pleads for openness as theorists, an engagement with ideas, events, and politics without knowing in advance our purpose or end point."--Claire Rasmussen, Law and Politics Book Review

"A provocative and refreshing look at where the pieces have fallen since the feminist sex wars of the 1980s and theoretical developments that have followed in the past two decades. Halley's first person, conversational style . . . is bold, witty, candid, incisive and accessible. A potentially polarizing call to take a break from feminism could not be more elegantly presented."--Prabha Kotiswaran, Feminist Legal Studies

"Split Decisions is a bold and nuanced new approach to questions of feminism and sexuality. In a field that's crowded with politically correct dogma and snide reaction, it stands out as critique in the noblest sense of that tradition: Halley is sensitive to feminism's contributions but she also refuses to apologize for its contradictions and its limitations. Split Decisions is more than a critique; it initiates a paradigm shift--Halley offers insights into the intersection of law and feminism that have never been seen in print before."--Richard T. Ford, Stanford Law School

"This is a wide-ranging, vastly original, knowing, and challenging book; there is nothing like it in any of the antinormative challenges of the last two decades. What's more, its cheerful polemic is a pleasure to read."--Lauren Berlant, University of Chicago, author of *The Queen of America Goes to Washington City: Essays on Sex and Citizenship*

Janet Halley's *\*Split Decisions\** is an impressive piece of critical inquiry. In it she outlines a genealogy of theoretical feminism from Catherine MacKinnon's work in the early 1980s through queer and trans theory in the late 1990s. Providing close readings of representative texts from this especially dynamic/fraught era in feminist thought (which coincides with the institutionalization of Women's Studies on college campuses), Halley offers the most complete picture to date of the major figures and theoretical debates in academic feminism.

Halley's first-person, conversational tone makes these debates accessible, even enjoyable, for lay audiences to follow. She breaks down difficult jargon terms into their constitutive elements, showing how theoretical feminists use language itself (and not just content-driven argument) to convey critical and political points. This sensitivity to language leads Halley to re-read the early work of MacKinnon in a way that's not supported by most theoretical feminists. By refusing the caricature of MacKinnon as the "anti-sex," power-hungry lawyer, Halley is able to understand and appreciate the radical appeal of her early work -- and how that appeal echoes throughout the feminist canon, even in unexpected domains (e.g., Judith Butler's "Against Proper Objects"). Such careful attention to language is rare in contemporary academic theory circles, where the "idea" is typically prioritized over clear, detailed analysis of language. As a legal and literary scholar, Halley brings a refreshing perspective to theory, and gives us examples of the many illuminating connections that can be made if we simply paid more attention to not only what people are saying but how they're saying it.

Halley's tone also makes it easier for readers to assess their own feelings about the so-called "Break" in feminism inaugurated by queer theoretical work on sexuality in the 1990s. While Halley is quite clear about where she stands in the debate (the book's subtitle advocates for "taking a break" from academic feminism), she presents the debate itself in pragmatic terms: "here are some of the gains and losses involved in leaving feminism behind to work on sexuality, but perhaps you see it differently" (my paraphrase). In other words, Halley's conversational approach doesn't lead you to think that hers is ultimately the "right" position to take in the Break debate. She's invested in persuading us that Taking a Break from feminism is desirable, but Halley's (legal) pragmatism also wants to acknowledge the appeal of viewpoints (such as Butler's) that diverge from hers.

In sum, whether or not you decide to leave feminism behind (as Halley does) to pursue other forms of critical inquiry, *\*Split Decisions\** is necessary reading for understanding the overall landscape of contemporary debates in academic feminism. And again, while it's true that Halley has a point to make about Taking a Break from feminism, the conversational tone of her analysis resists compelling you to believe that she is "right." Perhaps it is in this regard that Halley's book enacts the best example of Taking a Break from feminism: NOT forcing you to side with her, making you feel bad for not siding with her, or saying that your investments in or outside of feminism aren't important for whatever kind of work you do. Read more &rsaquo;

This book is not actually a critique of feminism so much as a critique of feminism's ubiquity as a framework within which to think about gender and sex/sexuality. It has much more to do with stepping outside of the structuralism and moralism of feminism, to get a different perspective. It's also a great model for students, who will benefit from seeing a top scholar do close readings of important texts. I appreciate that while Halley is trading in big and often complex ideas, she writes to reveal and is very readable. I got a lot out of it.

What sounds like an intriguing book falls flat upon reading it. Halley's version of feminism is an elite and whitewashed feminism that has been under attack for 25 years. Her critique is nothing new. By positing her definition of feminism, Halley exposes her own ignorance, particularly of the central place women of color have in feminism. What's also frustrating is the complete lack of political efficacy in her argument. She completely avoids issues of reproductive rights, which are central to feminism. She attacks feminism on the ivory tower theory level (which just so happened to have

helped get her, and other female professors, her job) but completely ignores the other side of feminism: activism. Halley's book was dated when it was published and does more harm than good. To critique feminism, she needs to use a fuller, more accurate, and contemporary definition.

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Looking back over the past 20 years, Janet Halley, a professor of law at Harvard University, perceives a "fierce turn in American feminism towards the state" and a powerful tendency towards "criminalising and illegalising as many of the bad things that men did to women as feminism could articulate". In the process, she believes that feminism "has lost a certain power of critical thinking", the clarity of vision that would allow it to focus on "what law really does in a complex society". Feminism, she argues, should "take a break" - and a good, long, thoughtful look at things as they are.

I want to know exactly what she means. Take a time-out, as in basketball, before returning to the fray? Or "break away from old forms of feminism altogether"? She doesn't answer directly. The phrase, she says, "tells you a lot about your personal anxieties about feminism. And I hope I can use that ambiguity to reveal how people individually feel about the centrality of feminism. The purpose of my book is to push against the idea that feminism - or any theory that the left has about power and sexuality - is somehow 'right'. I want to move the issues from that certainty to a place of hypothesis."

But feminism is a "movement", I argue. Surely, like the shark, if it stops moving forward, it sinks? "I don't think so, no. I think feminism is pretty resilient and thoroughly embedded in the world that we inhabit now. Feminism should be credited with more strength than people often give it credit for. The paranoid attitude that if we're not religiously loyal to feminism, in a devotional sense, then it will die is not a healthy attitude. It was fairly common in the 1990s in America and helped create a sense of paralysis - I attribute that disabling paralysis to the mandate that one must be feminist all the time, without a break. That's not responsive to the complexity of the world."

In her book *Split Decisions: How and Why to Take a Break from Feminism*, Halley distinguishes between power feminism, sex-positive feminism, cultural feminism, liberal feminism, socialist feminism and governance feminism. "It's a sign of the vitality of feminism that it hosts so many alternatives. Which is why, by the way, I think it's important to 'take a break'.

Let's say you walk into a grocery store. You find yourself among a swirling crowd of shoppers. Let's assume you see a mom who's separated from her kid. Huge crowd, lost kid. The kid's crying for its mom. At last they're reunited. But instead of being happy and relieved, the mom screams violently at the kid, maybe even slaps it. Now, how are you going to understand that interaction? I'm going to assume that this mom felt so guilty, she felt so scared and ashamed that her child was lost, that she had to behave like that - not that the mom is a child-abuser. You need hypothesis to get to that conclusion.

Now think about feminism. Historically it's developed around opposition between male and female. But maybe it's not about that. Maybe it's about old and young, maybe it's about anxiety or fear, maybe it's about something else. You need to get outside, to stand apart, to understand in an



effective way what these interactions between people and positions are about."

Halley doesn't seem to buy into what one might call the wave-theory of feminism. "It's not the thing I'm most interested in, no. But I do, historically, note that there have been waves. And there are certain texts - Catharine MacKinnon's articles in the 1980s, for example, that are historically embedded in that moment, and should be regarded as classics. But we can also use them to perceive social formations which are still with us, even though that wave has passed."

So is her position essentially post-feminist? Have the battles fought since the 1960s been won, so that we can now enjoy the luxury of internal debate, dispute and disagreement? It turns out that she is talking specifically about a particular kind of American feminism. "There are still places where male domination has a very familiar, structural and immobile character and I think we need feminism to help us with that."

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