

# SPEAKING VOLUMES: MUSINGS ON THE ISSUES OF THE DAY, INSPIRED BY THE MEMORY OF MARY JOE FRUG

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**Liz:** The symposium began with a discussion about history—the history of feminism and of women’s law journals. Many of us who participated were part of this history, and Mary Joe Frug was as well. Since April 4, the day that the symposium was held, was the twelfth anniversary of Mary Joe’s tragic death, Regina and I were asked by the conveners of this symposium to bring Mary Joe into our conversations. Mary Joe was a feminist law professor at New England Law School. She had previously taught at Villanova Law School, and before that she had been a legal writing instructor here at Columbia Law School. She was murdered on April 4, 1991, in Cambridge, Massachusetts, where she lived. She was a dear friend of ours and Regina and I have both spoken and written on her work.<sup>1</sup>

Mary Joe was an extraordinary woman, brilliant, engaged, and alive; she was an inspiring teacher, an important scholar, and a true “girlfriend,” in the best sense of the word.<sup>2</sup> She would have loved to be at this symposium, and would have added a great deal to our discussions about feminism. We miss her terribly. We also want to make her present and honor her memory.

In 1991, I was visiting at Harvard Law School and spent a lot of time with her, including the morning of the day that she was killed. Regina had been visiting at Harvard the year before and had spent a lot of time with her that year. We have many recollections of being with her during those years, especially at her wonderful dinner table.

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<sup>1</sup> See Regina Austin & Elizabeth M. Schneider, Mary Joe Frug’s Postmodern Feminist Legal Manifesto Ten Years Later: Reflections on the State of Feminism Today, 36 New Eng. L. Rev. 1 (2001); Regina Austin, Black Women, Sisterhood, and the Difference/Deviance Divide, 26 New Eng. L. Rev. 877 (1992); Elizabeth M. Schneider, Violence Against Women and Legal Education: An Essay for Mary Joe Frug, 26 New Eng. L. Rev. 843 (1992).

<sup>2</sup> Austin & Schneider, *supra* note 1, at 2.

In this short piece we want to bring Mary Joe's spirit, the liveliness of her ideas, and her dinner table to all of you.

**Regina:** There is no way that we can convey in the space allotted to us what a wonderful person Mary Joe Frug was. We cannot even hope to explore the range of her ideas about gender, postmodernism, and the law. This is our second effort to generate a dialogue between ourselves, and among ourselves and other feminists, using as a starting point Mary Joe Frug's A Postmodern Feminist Legal Manifesto (An Unfinished Draft), which was published in the Harvard Law Review after her death.<sup>3</sup> Our first effort focused on passages and themes taken from her Manifesto.<sup>4</sup> We see Mary Joe's work as a bridge between Second Wave feminists, whom she knew and prodded, and Third Wave feminists, whose inspiration in postmodernism she shared.

What is the difference between the two? Permit us to overgeneralize a bit. Whereas Second Wavers fervently sought and seek women's relief from victimization through consciousness-raising, mobilization in the political and legal spheres, and the creation and enforcement of equal rights, Third Wavers eschew victimization and pursue power, pleasure, contradictions, hybridity, inclusiveness, and coalition-building primarily through their efforts in the cultural sphere. Mary Joe's work suggests that there ought to be an acceptance, if not a celebration, of this proliferation of differences among feminists, and a commitment to work through them to arrive at strategies that will support localized disruption and legal reform efforts. As she wrote in her Manifesto,

Although a powerful, broad, and coherent legal community is critical to feminist law reform projects, I believe it is a mistake to fear or avoid or condemn differences among feminists as we pursue these projects. Accepting . . . our differences, in my view, is a critical component of challenging the ideology of gender difference, which includes the assumption that there is a feminine essence that unalterably unites women, binding us together under the generic category "woman."<sup>5</sup>

As a way of honoring her memory, we thought we would turn this space into the equivalent of her dining room, where we used to talk about a range of topics suggested by the news and current events. We kicked her husband, Harvard Law professor Jerry Frug, out of the house. Stephen, her

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<sup>3</sup> Mary Joe Frug, A Postmodern Feminist Legal Manifesto (An Unfinished Draft), 105 Harv. L. Rev. 1045 (1992) [hereinafter Manifesto].

<sup>4</sup> Austin & Schneider, *supra* note 1.

<sup>5</sup> Frug, *supra* note 3, at 1070.

son, was in college, and her daughter, dear Emily, sweet Emily, would give us a look and head for her room.

Feminists need spaces where we can hash out our differences and develop our points of view. Of course, in lieu of a dining room table, there are always feminist law journals. Whereas television rips stories from the headlines, we thought we would just start with the headlines themselves and see what kind of a discussion they generate; we must keep in mind the idea that differences are nourishing for the psyche and the body, particularly the body politic.

**Liz:** We are calling our dialogue today "Speaking Volumes." We think that the title captures several aspects of what we are doing at this symposium. We are speaking volumes in terms of the substance of our discussion because there is much to be said about the topics we raise. But we are also talking about actual volumes of law journals. So Regina and I are going to offer some provocative headlines to spark dialogue on feminist issues and Mary Joe's work.<sup>6</sup> We see this approach as related to the important work that feminist law journals do. Feminists take headlines, fragments of news or current events, and turn them into the stuff of conversation and scholarship, which generate more conversation, more scholarship, and hopefully activism.

#### HERE WE/THEY GO AGAIN!

**Headline:** *"Hormone Therapy, Already Found to Have Risks, Is Now Said to Lack Benefits"*

**Text:** *Medical experts report that while hormone replacement therapy "somewhat diminished hot flashes and night sweats in a subgroup of women, they were no better than placebos in improving other measures of quality of life."*

*"Women taking the drugs did not feel more energetic, or have more sexual pleasure or even more restful sleep. They were not less depressed, their minds were no clearer and their memories did not appear to have improved."*

*Cindy Pearson, executive director of the National Women's Health Network, an advocacy group, "said so*

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<sup>6</sup> At the luncheon, the headlines and text were projected on a large screen so that the audience could read them. Direct quotations from the articles cited are set off by quotation marks.

*many women had told her the drugs made them feel better that she assumed it was true.*"<sup>7</sup>

**Headline: "Delusions of Feeling Better"**

**Text:** *"A lot of the presumed benefit [of hormone replacement therapy] may have been a placebo effect."*<sup>8</sup>

**Regina:** A mind is a terrible thing to waste. How many times are we going to let ourselves be caught in the same mind/body bind? When the medical establishment and the pharmaceutical industry have a pill that they think will work, the problem is our bodies. When they discover that the pill does not and will not ever work, suddenly it was all in our minds. Our concerns are somewhat age-dependent; that I must admit, but whether the issue is menopause, sexual dysfunction (i.e., sexual dissatisfaction),<sup>9</sup> contraception, or infertility (the latter two of which are more likely of concern to younger women), we should be able to unite on the need to politicize women's consumption of medical care and pharmaceuticals, and to demand more accountability from the medical establishment and more efficacy in the treatments they prescribe.

We can learn much from our differences with regard to how we define our medical problems. Our "problems" should not be "problems" simply because they generate "problems" for men. Moreover, the medical establishment tends to set up a dichotomy between health on the one hand and pleasure and quality of life on the other. We can learn from those feminists who have considered ways of getting beyond the pleasure/danger dichotomy both as a matter of ideology and as a matter of practice. Media discussions of female sexual dissatisfaction contain a heteronormative bias. If fear of the taint of lesbianism keeps women from having a frank exchange about their sexual pleasure and discontents, we need to get over it. We should even seek out solutions that bypass the male-dominated medical establishment and zero in on alternative sites of knowledge and wisdom.

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<sup>7</sup> Gina Kolata, Hormone Therapy, Already Found to Have Risks, Is Now Said to Lack Benefits, N.Y. Times, Mar. 18, 2003, at A30.

<sup>8</sup> Editorial, Delusions of Feeling Better, N.Y. Times, Mar. 19, 2003, at A28.

<sup>9</sup> Viagra for men has sparked interest in the existence of a quick fix for female sexual dysfunction, although some experts suggest that dissatisfaction is a more apt term where women are involved. See Theresa Agovino, Pursuit of Female Viagra Raises Questions, The Kansas City Star, Mar. 15, 2003, available at <http://www.kansascity.com/mld/kansascity/business/5384857.htm>; Jason Hidalgo, In the Bedroom: Medical World Turning Attention to Women's Sexual Woes, Reno Gazette-J., Feb. 25, 2003, at 1.

**Liz:** Issues about the interrelationship of mind and body were very central to Mary Joe's work. In the Manifesto, she wrote about the materiality of the body.<sup>10</sup> In our prior dialogue, Regina and I discussed how many Second and Third Wave feminists appeared to have different views on the materiality of the body, and more generally, the centrality of women's material circumstances to feminism.<sup>11</sup> Women's medical problems relate to both forms of materiality and raise important questions about how they play out in terms of Second and Third Wave debates.

### HOW WIDE THE GAP?

#### **Headline: "Surprise, Mom: I'm Against Abortion"**

**Text:** *"Teenagers and college-age Americans are more conservative about abortion rights than their counterparts of a generation ago. Many people who are old enough to have teenage children and who equate youth with liberal opinions on topics like gay rights have been surprised at this discovery."*<sup>12</sup>

#### **Headline: "Home Alone: Many Immigrant Mothers Struggle Without Family Support"**

**Text:** *"The lot of mothers is often difficult, from raising kids in troubling times to working long hours and keeping the household going."*

*"Immigrant moms face other hurdles, many saying that raising their kids amid American customs and laws is confusing and difficult."*

*"If you're an immigrant mother, you're doing all of this in a culture far different from your own, struggling with a language you don't speak and, perhaps the toughest of all, doing it all alone, far from your family."*<sup>13</sup>

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<sup>10</sup> Frug, *supra* note 3, at 1049-50.

<sup>11</sup> Austin & Schneider, *supra* note 1, at 9-11.

<sup>12</sup> Elizabeth Hayt, Surprise Mom: I'm Against Abortion, N.Y. Times, Mar. 30, 2003, § 9, at 1.

<sup>13</sup> Norma de la Vega, Home Alone: Many Immigrant Mothers Struggle Without Family Support, San Diego Union-Trib., May 18, 2002, at E1.

**Regina:** Perhaps that is “Gap” as in “The GAP,” the trendy clothing store! Not all differences among women who claim to be feminists are easily traversed. I wonder if divergent views regarding abortion between mothers and daughters are not the result of secular, liberal, bourgeois women’s efforts to raise children who are sensitive, idealistic souls. Perhaps, though, this is what happens when you bring up kids in a material world of bourgeois comfort that does not expose them to the realities of women’s material deprivation first hand. Were it only possible that every child born throughout the world today might be as precious and affordable as the daughters featured in the New York Times’s article.

The world is becoming a smaller and smaller place every day. We Second Wavers have no guarantee that our children will be immune from true want throughout their adult lives. We have no guarantee that the poverty the rest of the world suffers from will not be brought home to our loved ones. If their material conditions change, or if the plight of others somehow generates sufficient empathy, perhaps the point of view of these sons and daughters will change too. But the lag time may be cruelly long—if not for them, then for those they are in the position to oppress.

If it is any comfort, middle-class American women are not the only ones estranged from their children because their children belong to a different material and cultural world by virtue of such parents’ economic efforts. Immigrant mothers are too. It is a variation on a theme that suggests linkages rather than cleavages among women and we should explore that.

**Liz:** Rather than seeing linkages, we all too often see cleavages—ways that issues of race and class divide—and not points of connection. So one of the issues that we are talking about today is: how do we change that? How can the work that needs to be done, the mobilizing, the organizing, make those connections rather than emphasize those cleavages? And how can feminist law journals help as well?

#### BELOW THE RADAR SCREEN

**Headline:** *“Military Mirrors a Working-Class America”*

**Text:** *Women comprise sixteen percent of the enlisted members of the Army, fourteen percent of the Navy, nineteen percent of the Air Force, and six percent of the Marines.*

*Black women comprise forty-six percent of the enlisted women in the Army, thirty-one percent of the enlisted women in the Navy, twenty-eight percent of the enlisted women in the Air Force, and twenty-three percent of the enlisted women in the Marines.*

*Black women comprise fourteen percent of the civilian population between eighteen and forty-four years old.<sup>14</sup>*

**Headline: “Worry Over Soldiers’ Racial Makeup”**

**Text:** *New York City Council Deputy Majority Leader Bill Perkins stated, “‘While we support our men and women—black, or whatever color—in the service . . . clearly the question of equity and fairness about who is on the front line is raised.’”*

*“But Councilman Peter Vallone Jr. (D-Astoria) said race was not the issue. ‘Any attempt to make this action a racial issue is beneath contempt,’ said Vallone, who is white. ‘Men and women of all races will fight to protect the United States.’”<sup>15</sup>*

**Regina:** I did not know anything about black women’s role in the military. When and how did this happen? What does this say about the opportunities of black women in the civilian labor force or in civilian government service?<sup>16</sup> What does it say about the opportunities of working class women in general? No wonder there has been less support among blacks for the war in Iraq. Blacks are concerned not only about their sons, but also about their daughters. Blacks are concerned not only about the liberation of the Iraqi people, but also about the liberation of socially and economically marginalized groups at home.

But there I go again thinking primarily in terms of victimization. There are women, blacks included, who are feminists who want to be in the

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<sup>14</sup> David M. Halbfinger & Steven A. Holmes, A Nation at War: The Troops: Military Mirrors a Working-Class America, N.Y. Times, Mar. 30, 2003, at A1 (see the chart, “The American Military,” at B13).

<sup>15</sup> Curtis L. Taylor, Worry Over Soldiers’ Racial Makeup, Newsday, Mar. 19, 2003, at A16.

<sup>16</sup> The military offers black women job opportunities, job security, and monetary incentives for joining the ranks. See Brenda L. Moore, From Underrepresentation to Overrepresentation: African American Women, in It’s Our Military, Too: Women and the U.S. Military 115, 127 (Judith Hicks Stiehm ed., 1996). Because of its formal bureaucratic structure and the availability of “coercive compliance” to assure enforcement of anti-discrimination policies, the military has achieved a level of racial integration unmatched by other American institutions. See Brenda L. Moore & Schuyler C. Webb, Perceptions of Equal Opportunity Among Women and Minority Army Personnel, 70 Soc. Inquiry 215, 233 (2000); Brenda L. Moore, Reflections of Society: The Intersection of Race and Gender in the U.S. Army in World War II, in Beyond Zero Tolerance: Discrimination in Military Culture 125, 141 (Mary Fainsod Katzenstein & Judith Reppy eds., 1999). This increases the incentive for black women to enlist.

military. There are women who wanted to be in the military but could not be because of discriminatory reasons. There are women who were kicked out of the military because of their sexual orientation, who still want to be in the military. There are probably myriad cultural reasons why black women join the armed forces. A desire to be a credit to one's race and/or one's gender, to prove the innate equality of one's group, may prompt some enlistees. Patriotism, love of country, and other such ideals no doubt motivate some. As one black female veteran of WWII put it, "Anybody who's ever been in the army loves peace. You know that because peace is what you fight for. Peace and the well being of your fellow man are your ultimate goal."<sup>17</sup> And now that I think about it, I suspect that any formerly segregated institution that has 68,000 black women<sup>18</sup> connected with it cannot be the same institution it was before they arrived.

Violence in general is a complex subject and the role that women play in fostering and supporting, let alone perpetrating, state-initiated and sponsored violence is an even more perplexing topic. As Emma Coleman Jordan suggested in the discussion, Western bourgeois women (minority women included) must interrogate "the paradox" of our being both subordinated and subordinating. Women must acknowledge their responsibility as the "purveyors of [oppressive] violence." Indeed, feminists have supported the use of violence in connection with what seemed to be a progressive international agenda for social, political, and economic justice, at the same time that they have been in the vanguard of those protesting the masculine bravado and nationalist arrogance that fuels war and terrorism.<sup>19</sup> We must accordingly engage the subject of violence "in a not simple way," to borrow the phrase Janet Halley used in the discussion. A fuller analysis of women's accountability for and participation in violence is a largely unexplored area that would be a fit subject for analysis in a feminist law journal.

**Liz:** The war in Iraq has revealed divisions in attitudes about that war, war in general, and the impact of race and class on military service. Having members of the military in one's family or as close friends impacts on these divisions. There is a similarity between the generational gaps dividing feminists and the cleavages the war has created. Is there a way to explore the linkages? Can we find points of connection?

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<sup>17</sup> Quoted in Brenda L. Moore, Changing Laws and Women of Color in the U.S. Military, 13 *Minerva: Q. Rep. on Women & Military* 15, 15 (Fall 1995).

<sup>18</sup> Dawn Fallik, In Desert Storm, Black Servicemen Erased Many Gender and Racial Barriers, St. Louis Post-Dispatch, Feb. 27, 2002, at A1.

<sup>19</sup> See Marlene Nadle, Women Will Have to Save the World, Pacific News Service, Aug. 29, 2003, available at <http://news.pacificnews.org/news>.



## THE MORE THINGS CHANGE . . .

**Headline:** *"Women Hold Half of Senior Positions, Lag in Pay; Exec Salaries Show Enduring Gender Gap"*

**Text:** *Women hold forty-six percent of management positions.*

*"Almost 16 percent of men working full-time earned at least \$75,000 a year, compared with 6 percent of women."*

*Twenty percent of men made between \$50,000 and \$75,000, compared with twelve percent of women.*

*"Women earned 76 cents for every dollar a man earned, surpassing the previous high of 74 cents to the dollar recorded in 1996." <sup>20</sup>*

**Headline:** *"Gender-based Wage Gap Can Still Take Us by Surprise"*

**Text:** *A twenty-two year old female sales representative was "stunned" by the dimensions of the wage gap. Says she, "I grew up believing that I'm just as equal as any man in my graduating class. . . . I didn't realize that was such a problem."*

*"And who can forget the Iraqi video splashed on television of the first female soldier of this war to be held as a prisoner of war?"*

*"I was appalled that days after that unforgettable image I should be reminded again that her gender is a large determinant of what she'll earn in her lifetime."*

*"A stretch you say? Not for me, not when we're asking women today to make that proverbial ultimate sacrifice for their country. They deserve to be treated on a par with men, as do we all." <sup>21</sup>*

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<sup>20</sup> Genaro C. Armas, Women Hold Half of Senior Positions, Lag in Pay; Exec Salaries Show Enduring Gender Gap, San Jose Mercury News, Mar. 25, 2003, at 3C.

<sup>21</sup> Denise-Marie Santiago, Gender-Based Wage Gap Can Still Take Us By Surprise, Rochester Democrat & Chron., Mar. 28, 2003, at 1B.

**Regina:** How Second Wave of us to be concerned with such things. The struggle for equality continues, albeit in a context where parenting leaves and bureaucratic procedures for dealing with discrimination are common. Clearly the work of the Second Wave is not yet done, and younger women have the right to indict us if we do not keep up the battle. But the Third Wave probably has a point as well. I find the effort to link pay to women in the military interesting. We should not steamroll over differences. Before we link the interests of female soldiers to those of us who are civilians, we should consider how we are implicated in the wage discrimination suffered by women of the economic status of those in the military rank and file.

**Liz:** I think there are some really important questions about the material aspects of discrimination. However, there seems to be a measure of battle fatigue regarding these issues. In working with younger women who are my students around these issues, I see much denial. When they read about the pervasiveness of employment discrimination, wage differentials, pregnancy discrimination, or sexual harassment today, some say "I can't believe it's true."<sup>22</sup> Others just cannot deal with it; they find the topic so deeply disturbing that they simply want to move on to thinking about feminism in a more cultural way. How do we educate about the history, keep the pressure up, and this dialogue going? These are pressing questions that feminist law journals need to continue to explore.

#### THE LAST SEGMENT: RULES OF ENGAGEMENT

##### **Headline: "Hey, Serena, Ditch that Ugly Cat Suit"**

**Text:** *"I'm not sure that I can even call it an outfit. It was more like a costume—a skin-tight, black, sleeveless Lycra thing that showed a lot of leg and even more of her, um, assets. The texture mimicked that of a garbage bag. I'm surprised Puma even wanted its name anywhere near that getup."*

*"There are many girls on the tour who can play and who look good doing it—like Daniela Hantuchova, Martina Hingis, Jelena Dokic and Elena Dementieva, in that order. . . . None of those women feels the need to resort to obnoxious stunts like wearing an outfit colored 'strawberry ice' or a tiara, for goodness sakes."*<sup>23</sup>

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<sup>22</sup> Eve Tahmincioglu, Pregnant Workers Filing More Complaints of Bias, N.Y. Times, Sept. 14, 2003, § 10, at 1.

<sup>23</sup> Lyn Montagna, Hey, Serena, Ditch That Ugly Cat Suit, Orange County Reg., Sept. 9, 2002.

**Regina:** Who are these players? I have never heard of some of them. I like the Williams sisters. I can even respect their father for forging ahead in the face of criticism that he was not molding his daughters to conform to the model of the quintessential female tennis player. Those young women are black, they know they are black, and black people love them for that. Serena is just pursuing her dreams. She is a symbol for young African American women and other women too for that matter. She is attractive, she is strong and fit, and she is powerful. She is no victim. Both young women are inventing and reinventing black femininity and black beauty in a way that clearly moves it away from and beyond white standards.

That said, I am equivocal about Serena's catsuit. I know that I am not the only person who watches the British Broadcasting Corporation's What Not to Wear.<sup>24</sup> Though I would defend Serena's right to wear that thing, I nonetheless have doubts. Catsuits were popularized in the 1960s. Catsuits were inspired by the space age; they are basically one-piece outfits, buttoned or zipped up the front, made of modern synthetic, slinky, clinging fabric. Serena's was black lycra and sleeveless. Lycra looks cheap to me. I do not care how many diamond bracelets or tiaras she wore to dress it up. And a catsuit is just not appropriate when your chief rival is your older sister (spoken as an oldest). Anyway, despite the staid image professional tennis tries to project, Serena got away with that outfit, unlike poor Tommy Haas who thought that he would make a statement with a sleeveless shirt.<sup>25</sup> Now is that fair?<sup>26</sup> Serena is a fierce competitor, and it does not surprise me

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<sup>24</sup> What Not to Wear is a television series produced by the British Broadcasting Corporation that features two brutally honest fashion stylists who do makeovers of women nominated by their friends and family because of their dismal lack of style. See Sarah Lyall, Britons Go Bonkers for Cheeky Makeover Shows, N.Y. Times, July 21, 2003, at E1 (describing What Not to Wear as a show about clothes "in which people's appalling dress sense is exposed and then rectified").

<sup>25</sup> See Angela Allen, Chic Talk: A Fashion Double Standard in Tennis?, *Columbian*, Sept. 19, 2002, at D1 (comparing the official reception accorded Haas's sleeveless shirt with the revealing apparel worn by the Williams sisters and Anna Kournikova).

<sup>26</sup> As Carlin Meyer observed during the discussion, we could say much more about the role that fashion and style have played in the success that professional women's tennis has achieved in the past thirty years. See Nancy E. Spencer, Once Upon a Subculture: Professional Women's Tennis and the Meaning of Style, 1970-1974, *J. Sports & Soc. Issues* 363, 372-74 (1997) (noting that the Virginia Slims tour hired a dress designer to make the athletes "prettier" and more glamorous). Monetary success as a female professional athlete has required strict compliance with the dictates of "hegemonic femininity" which reinforces, in turn, "hegemonic masculinity." See John Harris & Ben Clayton, Femininity, Masculinity, Physicality and the English Tabloid Press: The Case of Anna Kournikova, 37 *Int'l Rev. Soc. Sport* 397 (2002). The relationship between femininity and feminism, a point of contention between the Second and Third Waves, is nowhere more problematic than in the world of women's sports. Race complicates the matter even further because the femininity of black women has historically been questioned.

that she would wear a catsuit, the uniform of the cartoon super-action hero. I have heard little about the women on the pro tennis circuit that suggests that it is a sorority. Nonetheless, the image of women as cats fighting, or fighting cats, is one feminists should ponder.

As the discussion and debate between the Second and Third Waves heat up, let us give some thought to the rules of engagement, to the language and rhetorical styles of advocacy we use, to the structure of our arguments, to the name calling and epithets we fling at one another. Gossip may be the preferred weapon of the weak, but at the same time, we should not forget the horror of the Salem witch trials. Now this is a subject that Mary Joe Frug really thought about, as is evident in the last section of her Manifesto. She was disturbed by the polarization of the feminist community that the effort to secure the passage of anti-pornography ordinances generated. At the same time she wrote:

The closing lesson I want to draw from the anti-pornography campaign about feminist organization is the observation that exploring, pursuing, and accepting differences among women and differences among sexual practices is necessary to challenge the oppression of women by sex. Only when sex means more than male or female, only when the word "woman" cannot be coherently understood, will oppression by sex be fatally undermined.<sup>27</sup>

**Liz:** Mary Joe would have loved, loved, loved Regina's invocation of Serena. Mary Joe wore whatever she wanted, and every time you saw her she challenged some normative appearance standard of what feminists were supposed to be wearing and how they were supposed to look. So this is a wonderful example of making Mary Joe present here today.

As we close, however, I want to go back to where we started, with the fact of Mary Joe's death. Kendall Thomas reminded us during the discussion that Mary Joe died on the same day as Martin Luther King, Jr.:

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The forced femininity of female pros suggests why Second Wavers are so often ambivalent about popular culture. Examples of this abound. During the luncheon discussion, Suzanne Goldberg recounted a story that she heard when she was a law student about Mary Joe. Mary Joe wanted to see the film Pretty Woman (Touchstone Pictures 1990), but did not want to contribute to the profits of those who had produced it. Pretty Woman is about the romance of a rich emotionally-repressed corporate raider and a beautiful working-class street prostitute who is smart, sexy, and truly virtuous. Though the film might be considered feminist in many respects (particularly with regard to its sexual openness), it did little to improve on the traditional story of Cinderella with its message that men are a source of self-worth, protection, and financial security for women. See Karol Kelley, A Modern Cinderella, 17 J. Am. Culture 87 (Spring 1994). Mary Joe found a solution to her quandary, however. She went to the multi-screen theater where it was playing, bought a ticket for another movie, but went to see Pretty Woman instead.

<sup>27</sup> Frug, *supra* note 3, at 1075.

April 4.<sup>28</sup> Mary Joe wrote a great deal about violence, and used the phrase “the terrorization of the female body.”<sup>29</sup> As Kendall observed, it is important to remember that there are costs to transgressing gender roles. We know how intimate violence is shaped by power and control and how much it is aimed at women’s assertions of independence.<sup>30</sup> Yet we cannot accept simplistic notions of victimization because, as mentioned earlier, women can also be “purveyors of violence.”<sup>31</sup> Mary Joe’s “terrorism of the body” and the invocation of terrorism since September 11th highlight the complexity of violence and the dangerous divides violence produces.

How can we even question whether there is a continuing need for feminist law journals? We have so much important work to do.

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<sup>28</sup> Martin Luther King, Jr., was killed by a sniper’s bullet on April 4, 1968. See Africana: The Encyclopedia of the African and African American Experience 1099 (Kwame Anthony Appiah & Henry Louis Gates, Jr. eds., 1999).

<sup>29</sup> Frug, *supra* note 3, at 1049.

<sup>30</sup> See generally Elizabeth M. Schneider, Battered Women and Feminist Lawmaking (2000).

<sup>31</sup> Kendall Thomas, Emma Coleman Jordan, and Janet Halley raised some of these issues about violence in the luncheon discussion.