ABSTRACT: Drucilla Cornell’s singular approach to feminist jurisprudence braided together psychoanalysis, deconstruction, and liberal legalism to formulate a simultaneously radical and practical remedy for women’s sexual subjection. Crossing epistemological and methodological divides in a disciplined and creative way, her brilliant work charted a path through the Scylla and Charybdis of over-regulation sacrificing freedom and libertarianism sacrificing equality.

KEYWORDS: feminism, jurisprudence, imaginary domain, poststructuralism, psychoanalysis, mourning

To claim our legacy as women is to remember what has yet to be, and to demand it as already “ours.”
—Drucilla Cornell, The Imaginary Domain

Why, on occasions of public mourning and memorials like these, do we so often end up talking about ourselves?

Sigmund Freud steers us away from the obvious culprit of narcissism and toward the identification he places at the heart of mourning and melancholia alike. Both ways of responding to loss, he insists, are structured by identification. With melancholia, identification is fierce and nearly total as we incorporate the lost object, either becoming it and thus becoming lifeless and depressed, or assuming responsibility for its death, its abandonment of us, by practicing relentless self-beratement. With mourning, there is also identification, yet, as Jonathan Lear phrases it, “the imaginative playground” of the psyche is preserved: we process our loss through memories, feelings, ideal-
izations, along with resentments and potentially anger at the departure (Lear 2023). Mourning is a meaning-making practice achieved through attributing to the lost object what we yearned to have or to be. As meaning-maker, the mourner thus remains at the center of mourning.

If Freud is right—and I imagine Drucilla greeting this humiliation of any attempt at selfless grief and memorialization with one of her great cackles and wry but uncruel smiles—we may as well stop trying not to speak of ourselves as we speak of her in these pages. Even in reflecting on her ideas, plays, or political work, we will find ourselves mired in projections and idealizations emanating from the unbearable psychic wound of her death. We will write not of Drucilla but of our fantasy of what we wish her to be for us and, indeed, wish to be—whether brilliant or brave, befriended or beloved, bedazzling, brazen or badass. She was all these things, but not only, and not without a large measure of suffering.

Rather than trying to escape the quandary, then, I will recount Drucilla’s spectacular drop into my universe thirty-five years ago. In 1988, the small liberal arts college where I was a young assistant professor hosted a day-long symposium on “Interpretation and the Bill of Rights.” I recall the day as long and dull until mid-afternoon when a woman with fiery red hair and an astonishingly direct gaze, in a shimmering flowery dress, strode to the podium. Speaking with barely a note in front of her, in a voice unabashedly raspy and loud, she unfolded an argument about legal interpretation that started with Vico, moved through Hegel, Pierce, Wittgenstein, Dworkin and Derrida, and culminated with her own recent experience in organizing clerical labor at the University of Pennsylvania, for which she had been fired. Part deconstruction, part philosophical argument, part political polemic, the composite was stunning for its fusion of intricacy and force, philosophical dexterity and political passion.

The argument aside, I had simply never witnessed such a female figure in the academy: her soaring intellect was uncontained by any anxiety to please, her scholarly capacities were matched by authority and confidence, and the entire performance was borne through female embodiment that was sensually, even aggressively present. (The very possibility of this combination, I will suggest in a moment, is what she wanted to place at the heart of feminism.) The fineness of her mind, boldness of her style, and ferocity of her politics broke something open for me that day. She literally exploded the parameters of what a femme feminist thinker could be and say, Joan Riviere be damned.

Over the years, as I came to know Drucilla’s personal vulnerabilities, pain, and struggles, this early idealization tempered. And yet. There is no book Dru-
cilla wrote that was absent this vision of being and that was not brilliant, complex, honest, passionate, and reaching for emancipation. Each text featured suffering, yearning, and demand, and if this was especially so of her explicitly feminist and partially programmatic works like *Beyond Accommodation* (1991) and *The Imaginary Domain* (1995), it was also true of her collaborations with South African comrades in the ubuntu project of her final decades.

Feminism—a rich, radical psychic-social-political-legal and inclusive feminism—never ceased to be Drucilla's lodestar. But she was also deeply anti-racist, and had solidarity with the laboring and poor, immigrants, lost youth, and Irish republicans. None of us, and no cause, however, was merely added on. Rather, politically and intellectually, Drucilla made queer kinships *avant la lettre*. This was also true of her theoretical work. A rare model of the powers of auto–didacticism, she honored no disciplinary or even epistemological divides, no camp and no school, and revealed through her work the benefits of ignoring these boundaries and largely eschewing internal methodological debates.

This practice of drawing from every disparate intellectual tradition was not pluralism or bricolage—she was too savvy about power for the former and too systematic a thinker for the latter. Rather, her recognition of the complexity of humans and her commitment to our thriving could not brook a single epistemology, a single discipline, or a single story of what makes, enables, or constrains us. No one and nothing got our entirety, and, rather than being daunted by or turning away from this, she simply made the scholarly crossings and combinations apt to whatever predicament she was trying to emancipate us from.

Drucilla was a wild thinker who was singularly disciplined, committed to linguistic clarity, and tightly organized arguments. A radical thinker who injected her radicalism into liberal legalism to stretch and remake it. A liberal thinker who brought social and psychic elements of subordination into demands on liberal theory, an accomplishment as difficult as it was important because she knew that emancipation was psychic and social, not only political or economic. She thought like a philosopher yet argued like a lawyer. And not just any philosopher but one oriented by the Continental tradition in general and poststructuralism and psychoanalysis in particular. And not just any lawyer, but one dedicated to emancipation now rather than after the revolution and to substantive rather than abstract freedom. She knew both law's power and its limits, especially in the domains of sexuality, language, and image. Working these limits in the service of emancipatory possibility was her master craft. If she never worshipped at law's shrine, she never stopped looking for ways we could use it by remaking it.
These qualities shape *The Imaginary Domain*, still my favorite work in Drucilla’s extraordinary oeuvre. It was born from and aimed to transform two lively intra-feminist battles in the 1990s: the feminist theory wars over poststructuralism and especially “the subject of gender,” and the sex wars, framed by some as pitting sexual freedom against women’s equality, and by others as sex-positivity versus censorship. The book also anticipated what would become the eroding legal ground of *Roe v. Wade* and Title IX sexual harassment law. It sought to put women’s right to abortion and to freedom from harassment on sturdier foundations, and it sought to allow women to avoid misogynist pornographic images of themselves in public spaces without censoring porn itself.

To these ends, Drucilla made “equal protection of minimum conditions of individuation” the essential principle of equality that could twin it with freedom and reach from our psychic interiors to our inhabitation of public space. She proposed the *degradation prohibition* as a legal vehicle for securing these conditions of individuation. And she formulated women’s sexual imago as the domain in which sexualized gender degradation was always potentially at play. These moves reconstructed both the nature of the rights-bearing subject and the criteria for its violation that were most familiar in the law. In Drucilla’s deep and radical form of feminist jurisprudence, the female legal subject had both a psyche and a body; both could be degraded, and both sites of degradation bore on rights to equality and liberty. This sequence of moves permitted Drucilla to build on the theory of gender constructed through sexuality organized by male domination that was Catharine MacKinnon’s signature, while avoiding the iron cage that MacKinnon built in which our freedom was impossible.

In short, Drucilla took up the poststructuralist deconstruction of the subject without surrendering the power and promise of individuation and autonomy. She adopted psychoanalytic accounts of a sexual imaginary and of femininity as masquerade while nesting them in quotidian practices of a male-dominated order. And she drew on feminist accounts of the sexually subordinating construction of women while eschewing the determinism and totalization of such accounts. Together these permitted her to recast sexual harassment, lack of reproductive rights, and misogynist porn as more than infringements of women’s formal autonomy or equality—their abstract personhood, as both Karl Marx and Critical Legal Scholars would put it. Instead, she identified them with psychic and social degradations of women that prevented the conditions of individuation fundamental to freedom and equality. And she mobilized the power of law to restrict the constant shadow of this degradation, its day and night stalking of our sexual imaginaries in both public and intimate spaces. With the degradation prohibition, abortion rights, far from being a
matter of privacy or even bodily autonomy, become fundamental to our status as free and equal sexual subjects. So does outlawing harassment in schools and workplaces and zoning out misogynistic pornography. (Drucilla insisted on the right to privately access porn while mobilizing the degradation prohibition to literally get it out of women’s faces on city streets.)

Regrounding and reformatting abortion, harassment, and pornography as pertaining to gendered sexual imagos that are entitled to be unwounded by degradation does several remarkable things. Above all, perhaps, it allows yearnings for emancipation to find a home in legal remedies that do not sell out those yearnings. It conjoins freedom with equality, enriching the conventional liberal meaning and expanding the conventional liberal reach of both. It translates feelings or fears of degradation into rights demands without descent into subjectivism. It reconnects abortion to the sexual acts necessitating its unrestricted availability, and it repatriates the problems of porn and harassment to the deep psychic ways in which these things may be lived by subjects they render as objects. It does not depend on essentializing claims about what women are, or totalizing claims about how sexual violation or sexual freedom are lived. It only enhances conditions for the individuation necessary to freedom on the streets and in the embodied psyche. It only demands that we never be made to choose among sexual freedom, respect, and equality. It only tries to make modestly self-determined sexual being possible for women for the first time in history through magisterial theoretical work brought to the formulation of practical legal demands. That’s all.

This artful bridging of the radical and the immediately practical was one of Drucilla’s singular powers. It is both foreign and elusive to me, and I am not certain I believe in it even as I admire it. In this, perhaps I have broken a bit of the identification in which Freud insists our mournfulness is enmeshed. All the more reason for Drucilla to have the final words:

Many of us have learned to live with workplaces, and a society in general, in which we are denied equal respect. Many of us have learned to survive in degrading circumstances. What we will never know is how much psychic energy has been drained away from our creativity in the course of our efforts to find self-worth in spite of our degradation. . . . Feminism demands a world in which no woman has to put up with anything less than the equal provision of the social bases of her self-respect. Thus feminism does not heed the claims of the so-called “reality” of what we have to expect from the world the way it is. The claims of the real world should not be allowed to influence what we can legitimately expect. (1995, 212)
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**REFERENCES**
