

CARE AND DANGER: FEMINISM AND THERAPY CULTURE

Angela P. Harris

ABSTRACT

From the mid-1980s to the mid-1990s, several prominent feminist legal scholars made a case for “difference feminism.” Inspired by psychologist Carol Gilligan’s classic text, *In a Different Voice*, these scholars argued that social relationships, caring, and the emotions should be recognized as important to jurisprudence and legal regulation. Today, difference feminism is no longer a dominant movement within legal scholarship, but reformers are bringing “mindfulness,” “emotional intelligence,” and attention to relationships into law and business – a development dubbed “therapy culture” by its critics. This essay describes some of the manifestations of therapy culture in law and argues for more feminist engagement.

Keywords: Feminism; therapeutic culture; psychology; neoliberalism; emotions

INTRODUCTION

The sun was dazzling on San Francisco Bay as I stood in the parking lot of San Quentin Prison with a handful of students from King Hall School of Law, UC Davis. It was November 2013, and we were there for the graduation ceremony of a year-long program for prison inmates called GRIP (“Guiding Rage Into Power”). After being ushered through the prison’s metal doors, showing our identification, and having our hands stamped, we were welcomed into the Protestant Chapel and seated at tables set for a celebratory luncheon. A rainbow of men of color all wearing prison blues – 75 graduates in all – stood on stage, facing not only law students and professors but other inmates, correctional staff, a reporter from the San Quentin Times, survivors of violence, community members, family, and political leaders.

Jacques Verduin, founder of Insight-Out, the organization that developed and runs GRIP, was on hand to emcee the festivities. A rough-looking, soft-spoken man with some of the hulking delicacy of Gerard Depardieu, Verduin called inmates and others up to speak. Politicians rose to praise the program, as did victims of violence. After all the speeches were made and the graduates presented, the all-male San Quentin Choir sang chorus after chorus of “Oh Happy Day,” while the audience formed a cheering human bower through which the graduates walked one by one, pausing for hugs, tears, pats on the back, and fist bumps. Then it was time for the audience to leave, and for the men in blue to return to their cells. All of the graduates of GRIP are serving life sentences in prison.

According to Insight-Out’s website, GRIP

offers an in-depth journey into the participants’ ability to understand and transform violent behavior and replaces it with an attitude of emotional intelligence. The 1-year long program helps participants to comprehend the origins of their violence and develop the skills to track and manage strong impulses before they are acted out in destructive ways. Students become “emotionally literate” by fully understanding feelings of anger and rage, learning to recognize the body signals that accompany those emotions, and engage in a process to stop and discharge the buildup of tension in a safe manner. The course helps participants to identify and communicate the feelings underneath anger and process “the feelings within the feelings” such as sadness, fear and shame. Students also develop the skills to understand and express the unmet needs that are covered up by the experience of rage. (Insight-Out, 2014)

GRIP graduates also take the “Nonviolence Peace Pledge.” Some of the elements of this pledge are as follows:

- Seek to understand and communicate the needs underneath my anger or frustration. Commit to processing and communicating my feelings, and find strength in my ability to be vulnerable.

- Take responsibility for how I regulate my emotions, understanding that ultimately, other people never make me feel the way I feel.
- Understand that blaming, judging, and criticizing are disempowering and create conflict.
- Respond rather than react by learning to mindfully observe my experience through regular practice, so that I can make wise decisions (Insight-Out, n.d.).

GRIP is not a unique program. Five months after the graduation ceremony, Verduin and I, along with about 15 other academics and leaders of nonprofit organizations, were invited to a “working group convening” at the University of California, Berkeley School of Law titled “Transforming Criminal Justice.” Sponsored by the Berkeley Initiative for Mindfulness in Law, the meeting was facilitated by its directors Charles Halpern and Dan Carlin, along with Fleet Maull of the Prison Mindfulness Institute. The position paper Carlin wrote for the gathering noted that “mindfulness-based programs and other transformative programs” – including yoga, restorative justice processes, “motivational interviewing,” and others – “have spread and expanded in the criminal justice system, now serving not only prisoners but also in a few jurisdictions correctional officers, at-risk youth, juvenile offenders, and police officers” (Carlin, 2014, p. 4). The paper asserted that “programs and processes fostering inner awareness, reflection, empathy, and a sense of interconnection are critical for fixing our broken criminal justice system at a deep and sustainable level;” and the central question on which we were asked to reflect was, “What might a criminal justice system grounded in mindfulness, empathy and interconnection – as aspirational as that might sound – look like?”

In the 1980s and 1990s, legal theorists associated with “difference feminism” (also called “cultural feminism” or “relational feminism”) – inspired in part by Carol Gilligan’s best-selling and influential book, *In a Different Voice* (1982) – argued that practices, capacities, and concerns culturally associated with women had been wrongly undervalued in the broader society. Chief among these were practices associated with emotion: caretaking, especially mothering, and the maintenance of intimate relationships. These practices, typically performed in the home, had been portrayed as a female specialty, an outgrowth of feminine instinct and natural inclination: a product of love, not labor (see Silbaugh, 1996). Moreover, traditionally feminine virtues and practices had long been considered irrelevant to the higher-esteemed worlds of business and the state, worlds associated with men and masculinity. Difference feminists argued not only for more public recognition and support for women’s work in the home but also argued that empathy, caring, and relationship should matter in the public spheres

of state and market. Thus, for example, Robin West argued that “our capacity for care should be at the center of our understanding of our public and legal, as well as private and personal, virtues, and specifically that it should be central to the meaning of legal justice” (West, 1997, p. 9; see also Finley, 1989; Karst, 1984; Menkel-Meadow, 1985; Minow, 1987; West, 1988).¹

Today, as if in response to these calls, concern for emotions, caring, and relationships is being professed everywhere. As our 2014 mindfulness gathering indicates, even within law the sharp dichotomies that difference feminists once criticized between reason and emotion, masculine and feminine, individual autonomy and relational interdependence seem to have blurred. Techniques of alternative dispute resolution such as mediation and arbitration are rapidly displacing litigation, and influential champions of these techniques emphasize the importance of addressing the participants’ emotional needs and desires (Cohen, 2011). Criminal division judges are running “drug courts” that borrow from therapeutic treatment methods (Nolan, 2001). Some commentators argue more generally that law is taking on the language and strategies of psychology (see, e.g., Friedman, 1998; Piar, 2008).² These new developments in legal institutions and practices have their parallel in the business world and in the world of politics. “Emotional intelligence” is being touted in the pages of the *Harvard Business Review* (David & Congleton, 2013), while American politicians and voters, some scholars have argued, now move in an “intimate public sphere” (Berlant, 1997) in which entire nations are imagined to suffer “trauma” and experience “healing,” and elected officials’ romantic entanglements and psychological journeys are considered relevant to their professional worthiness. In San Quentin Prison, in corporate meeting rooms, and in the pages of lifestyle magazines, everyone is learning to meditate and to be mindful, to manage their emotions, to “consciously uncouple” rather than to “divorce,”³ and to pursue happiness with a scientific zeal, in public as well as intimate life.

But the present efflorescence of mindfulness, empathy, caring, healing, and connection is not being driven by feminists or feminism. “Therapy culture” is the name scholars have given the contemporary phenomenon in which public life is increasingly understood and talked about in psychological terms. Therapy culture furthers some of the goals that difference feminists identified in the 1980s. Indeed, therapy culture goes further in valuing the feminine than some feminists ever did. Scattering feminine virtues throughout institutions in civil society, the market, and even the state, it liberates femininity from gendered-female bodies, exhorting all to care and share, to be mindful, to take connection seriously, to examine our

emotions, and to act from our deepest values. Therapy culture promises salutary transformations of public and private life. Such transformation is badly needed for the criminal justice system in particular, given its immersion in racialized gender violence (see Harris, 2011).

The relative absence of feminist voices in therapy culture, however, is a cause for concern. Today, many feminists decry the abuses that have resulted when an earlier generation of feminist reformers allied themselves with prosecutors and “tough on crime” legislators to more extensively criminalize rape and domestic violence (see Goodmark, 2013; Gruber, 2009). Similarly, the introduction of therapy culture into the criminal justice system without a feminist commitment to anti-subordination may produce new abuses of power. This essay is a call to feminist advocates and theorists to examine and engage with the language and the practices of therapy that are increasingly being introduced into law.

In the first part of this essay, I describe therapy culture, relying on the work of others who have traced its emergence since World War II. In the second part of the essay, I evaluate some of the language and practices of therapy culture from a feminist perspective. Therapy culture, I will argue, has the potential to subvert the aims of feminist movement. At its most insidious, it makes the political personal, sending ripples of needless suffering through individual lives, legitimizing the “great risk shift” in governance from market and state institutions to individual households, and consolidating the modern narrative of selfhood as ennobling victimhood. Even at its slightly less insidious, it threatens to erase power relations in a soothing bath of intimacy and to enable domination by disguising it as care.

Despite their points of conflict, therapy culture and feminism are not wholly separate. As a historical matter, second-wave feminism owes a debt to therapy culture; difference feminism, after all, traces its roots to the psychological theories of Gilligan and Kohlberg. But especially if it is to be incorporated into state institutions and the law, therapy culture needs a stronger dose of feminist attention to subordination. Disciplined with a critique of power relations, therapy culture holds the potential to re-politicize as well as de-politicize. Therapy culture offers tools with which to ease individual suffering, including the suffering caused by subordination. As the difference feminists desired, it can draw individuals into relationship and into collective action, rather than cutting them off from it. Therapy culture may even have something to give back to feminism: it has made possible new ways of addressing subjection and the interrelation of the individual with culture and history. But much work remains for feminists if this

progressive turn is to be realized – both the work of curbing the individualist tendencies of therapy culture, and also the task of understanding and resisting the abuses of power made possible by relations of care and connection themselves. I conclude that one of the tasks of twenty-first century feminist movement is to ensure that therapy culture becomes, or remains, a political project, not an antipolitical one.

DEFINING THERAPY CULTURE

As Jessica Grogan observes, the discipline of psychology took off in the United States in the years after World War II, partly in response to the large numbers of functionally impaired veterans returning home from the war (Grogan, 2012). At the same time, psychology entered the popular consciousness, appealing to the healthy as well as the sick. In 1957, “Life magazine’s five-part series ‘The Age of Psychology in the U.S.’ bore the tagline: ‘Less than a Century Old, the Science of Human Behavior Permeates Our Whole Way of Life – At Work, in Love, in Sickness and in Health’” (cited in Grogan, 2012, p. 4). This popular version of psychology aligned itself with a long-standing American interest in personal self-mastery and the cultivation of interpersonal connections.⁴ The architects of “humanistic psychology,” including Rollo May, Abraham Maslow, and Carl Rogers, focused on mental health rather than illness, seeking to release human potential from the constraints of mass society. Outside academia, devotees of the human potential movement flocked to places such as Esalen, attended seminars on est, “primal scream” therapy, and Transcendental Meditation, and attempted to open the “doors of perception” (Aldous Huxley’s term) with hallucinogenic drugs.

Together the academic and the popular strands of humanistic psychology formed the basis of what is now termed therapy culture. Grogan notes that humanistic psychology “has seeped into our relationships, our self-expression, our self-talk. We speak regularly of our ‘potential’ and our need for ‘growth’. We look for marriages to be growth-fostering, therapeutic. We may even ask of our spouses the very things one could expect of a humanistic psychotherapist (unconditional acceptance, impeccable emotional attunement, and empathy)” (Grogan, 2012, p. xiii).

Nolan (1998) identifies five distinct characteristics of therapy culture. First and foremost, what he calls “the therapeutic ethos” is focused on the self as the ultimate source of moral and ethical values. This is so because

older moral orders based on obedience to one's community leaders, one's religious leaders, one's elders, natural law, or divine reason have all been challenged and discredited or dethroned. The self is the only thing left standing.⁵ Nolan quotes the philosopher Alasdair MacIntyre: "I cannot genuinely appeal to impersonal criteria, for there are no impersonal criteria" (quoted in Nolan, 1998, p. 3). Thus, Nolan argues: "Where once the self was to be surrendered, denied, sacrificed, and died to, now the self is to be esteemed, actualized, affirmed, and unfettered" (id.).

A second distinctive feature of therapy culture is its emphasis on emotions as the path to the authentic self. It is important to learn to feel one's emotions, to identify them, articulate them, and manage them appropriately with others. One's character is frequently judged in terms of one's emotional integrity and facility. As Nolan puts it:

[T]he basis for honesty becomes one's willingness to be in touch with and to express one's feelings. It is not honesty in the sense of truthfulness to an objectively measured empirical reality or to an external worldview that enjoins the individual to hold certain things as true and adjust his or her behavior accordingly; nor is it the honesty of intellectual deference to reason or even, in some instances, to conventional protocol. It is honesty defined by the open communication of one's feelings. (Nolan, 1998, p. 6)

A third defining feature of therapy culture is the public esteem in which people who are professionally trained to understand and manage the self are held. Scholars of therapeutic culture all remark on the explosion in the twentieth century in the numbers of psychologists and clinical social workers, as well as to the authority that these experts and other sorts of therapists, such as addiction specialists of various kinds, now wield in the public sphere. Despite the waxing and waning of specific movements within psychology, such as the rise and fall of Freudian psychoanalysis and humanistic psychology, we are all now conversant with the basic concepts and practices used by clinical social workers and marriage and family therapists. Professional middle-class people know how to use "I statements" when talking to our partners and our children, and we are encouraged to teach our children to do the same. We even turn to therapy culture in times of public crisis; Frank Furedi, for instance, points to the mobilization of thousands of therapists after the attacks on the World Trade Center on September 11, 2001, standing ready to treat traumatized New Yorkers (Furedi, 2004, pp. 12–14).

Nolan's fourth defining feature of therapy culture is "a ... situation in which an increasing number of behaviors are interpreted on the basis of healthiness and sickness, rather than on the basis of whether actions are

good or bad, moral or immoral, right or wrong” (Nolan, 1998, p. 9). Along with this comes “the belief that a growing number of human actions represent diseases or illnesses that need to be healed” (id.). This feature of therapy culture is controversial because it competes with a still-powerful moralistic inclination in American culture. Addiction and obesity are two issues, for instance, over which there is heated disagreement: Should fat people and people who drink to excess be considered sick, or should they be judged weak and lazy – as people who have failed in their moral duty to control their bodies and their appetites? Therapy culture takes the former position, offering a medical model for social pathologies.

A fifth and final defining feature of therapy culture is equally controversial: the moral significance of suffering. Eva Illouz argues that central to therapy culture is the story of a victimized or suffering self that needs to be redeemed: “Indeed, the therapeutic narrative functions only by conceiving of life events as the markers of failed or thwarted opportunities for self-development” (Illouz, 2008, p. 173). This means of self-definition requires people both to suffer and to change, to transcend their suffering by treating it as an opportunity for personal growth. Illouz argues that therapeutic culture therefore “makes one responsible for one’s future but not for one’s past. It promotes a self that is passive – in that it is defined by wounds inflicted by others – but is commanded to become highly active, in that it is summoned to change” (Illouz, 2008, pp. 185–186).

Therapeutic culture is easy to ridicule and often ridiculed. It is especially hated by conservatives worried about the erosion of personal moral responsibility, but liberals have also been known to wince when the self-serious “affirmations” come out. Why, then, is it everywhere? The conventional scholarly answer is that therapeutic culture represents a kind of endpoint of modernity – the world we live in after the death of God and the rise of modern science. Nolan, for example, argues that therapeutic culture responds to at least three tensions or needs in modern times. First, one feature of modernity is a split (a split that is gendered, as feminists have observed) between home and work, the public and the private. Living with this split arguably requires us to be two different people as we travel from home to work and back again; public life is bureaucratic, rationalized, and highly impersonal, whereas private life is intimate, emotional, and above all personal. Therapeutic culture, however, bridges the gap, bringing the public into the private and vice versa. As Nolan observes, “The private therapist who counsels the individual on his failing marriage or sexual identity problems speaks the same basic language as the business consultant who gives seminars on conflict resolution and stress management within the work environment” (Nolan, 1998, p. 18).

Second, under modernity the sense that there is a single substantive common good has eroded. Liberalism as political theory begins with an agreement to bracket questions of the right and the good and to unite instead around fair procedures. Yet the architects of the American political system also always assumed the necessity of a common culture, a “civic religion,” as the precondition of a functioning liberal democracy. The source of this common culture is in question in contemporary times, as traditional churches lose adherents, religious faith has become ever more pluralized, and more and more people identify themselves as not religious but rather “spiritual” (Fuller, 2001). As a “nation of immigrants,” the United States also lacks a rich common culture based on ethnicity. Moreover, civic life in general is disappearing as most Americans go home and watch TV in the evenings (or surf the web) rather than going bowling with their friends and neighbors (Putnam, 2001). Therapeutic culture, it is said, fills a void that neither religious belief, nor the bonds of common ethnicity, nor a richly interconnected civil society can fill. As Nolan argues, therapeutic culture borrows from science, a language that claims great prestige in modern society; but it also borrows from religion (Nolan, 1998, p. 19). Indeed, it is perhaps better than religion because it lacks religion’s history of divisiveness. Therapeutic culture brings us together with a common purpose – to better ourselves, to experience personal growth, to become fully “self-actualized,” to become happy, to improve our self-esteem – while remaining deferential to science and technology to show us how.

Finally, therapeutic culture arguably serves as “the most suitable antidote to the difficulty of life in a highly mechanistic world” (Nolan, 1998, p. 19). The argument here is that many people today experience a crisis of meaning at some point in their lives. Magic, mystery, transcendence, and a sense of life’s purpose go missing when science and technology assure us that everything can be known, explained, and controlled by humans. Many people still want to believe in something larger than themselves. The “spiritual turn” (Fuller, 2001) represents one response, but therapeutic culture is a close, less mystical ally, locating truth and meaning within the ever unknowable, yet tantalizingly improvable, self.

SHARING AND CARING IN PUBLIC

Although therapy culture is not a product of feminism, in some ways it might as well be. Therapy culture today valorizes certain conventionally feminine traits and practices as valuable and good in the public sphere as

well as the private. Therapy culture makes traditionally female skills of emotional intelligence and the work of “emotional labor” and emotion management relevant, if not essential, to public life – just as difference feminists hoped. Indeed, it extends the project of difference feminism, by not only revaluing traditionally female skills and female labor, but also insisting that these traits and this labor are important for men as well as women. One of the criticisms of difference feminism was that it implied or asserted that emotional labor and care work belonged naturally to women, thereby embracing the ideological gender binary that accompanied the political economy of domesticity (see Harris, 1990). Today’s business literature on emotional intelligence, in contrast, unabashedly portrays male captains of industry as seeking relationship and craving affirmation (see, e.g., Fisher & Shapiro, 2005). Business success, insist the therapy culture gurus, requires that everyone cultivate the ability to recognize, articulate, and manage one’s emotions and the emotions of others. Indeed, as the humanistic psychologists once hoped, the new business literature recognizes the work world as a place of potential joy, happiness, and satisfaction – even spiritual growth.⁶ Caring and sharing have thus spread from the home to the marketplace. Difference feminists argued several decades ago that empathy has a place in public life. Contemporary therapy culture insists that businessmen as well as women cultivate the bonds of care.

The business orientation toward empathy, emotional intelligence, and relationship coheres with a recent literature of regulation that emphasizes collaboration and flexibility over hierarchical “command and control” governance within the state as well as the marketplace. Michael Dorf and Charles Sabel have proposed “democratic experimentalism” in regulation as a key organizing principle of a democratic society (Dorf & Sabel, 1998). Jody Freeman argues that the job of administrative agencies is now “regulatory research and development,” rather than regulatory decisionmaking; this shift requires “an ethic of experimentalism in which errors are not viewed as failures” (Freeman, 1997, p. 31). Orly Lobel argues that we are in the midst of a major societal shift “from the traditional New Deal regulatory era to a ‘Renew Deal’ governance paradigm” (Lobel, 2004, p. 343). In this new paradigm, William Simon explains, “enforcement is occasion not only for the vindication of established norms but also for their reconsideration or revision. The idea is that the enforcers sit as a consensual, deliberative, ongoing body for the revision of the norms in the very process by which they are being enforced” (Simon, 2005, p. 500).

This demand for consensus, deliberation, and the democratic collaboration of multiple stakeholders, as well as the importance of informal

regulatory norms, requires governance by people skilled in interpersonal interaction, and presumably favors those with “emotional intelligence.” Indeed, Amy Cohen, examining the emergence of alternative dispute resolution (ADR) in the late 1970s and early 1980s as a vital form of legal practice and legal culture, observes that its distinctive contribution is to blur some of the nineteenth-century boundaries between “the family” and “the market:”

ADR, as many analysts observe, brings economic rationalities associated with the market to social domains – by, for example, applying ideas of Pareto efficient contractual exchange to a range of everyday (family, community, relational) disputes. But, * * * ADR also brings social rationalities associated with the family to economic domains – by, for example, simultaneously describing nearly all contractual exchanges as produced through intensely social interactions driven by emotion, empathy, trust, solidarity, and shame. ADR, in other words, envisions communities of people who resolve conflict, correct criminal behavior, make deals, and manage organizations, because they are bound together – like the family – by affective, interpersonal, inti- mate, localized, and ethical relationships as much as by the mutual self-interest of the market or the collective political belonging of the nation-state. (Cohen, 2011, p. 93)

Recognition of the webs of connection and relationship that pervade market and state governance – not just “private life” – is the first step in what difference feminists ultimately sought: a commitment to empathy, nondomination, and caring in the public sphere. As Yxta Maya Murray writes in a recent look back at difference feminism:

Reverence for human connectivity constitutes [a] second feature of the ethic of care, as its adherents “construct[] moral problem[s] as a problem[s] of care and responsibility in relationships [T]he logic underlying an ethic of care is a psychological logic of relationships” This is to be contrasted with the standard of justice’s reverence for “rights and rules,” “equality and reciprocity,” and “the formal logic of fairness.” Most of all, the difference between an ethic of care and a standard of justice is in attitudes toward connectivity and separateness. (Murray, 2009, p. 77).

The pervasiveness of therapy culture in public life and institutions would seem to offer new opportunities for women, who traditionally have excelled at building and maintaining relationships and have, unlike men, long been encouraged to value emotional expressiveness and facility. Some observers have indeed confirmed a certain female-friendliness in contemporary corporate culture. In the late 1990s, sociologist Arlie Hochschild was surprised to find women workers at a Fortune 500 company experiencing their work lives as a haven from their home lives; she found that work was offering stimulation, guidance, and a sense of belonging, while home had become the place in which there was too much to do in too little time (Hochschild, 1997).

More recently – and controversially – journalist Hanna Rosin has argued that the contemporary economy actually favors women workers over men. Based on interviews in the American Midwest, Rosin theorizes that conventional masculinity scripts have held men back in the contemporary economy (Rosin, 2012). She recognizes that the American manufacturing economy of the 1950s and 1960s has given way to a service economy in the 2000s. Women’s facility with the emotional labor necessary for service work, women’s greater willingness to invest in education and training, and women’s greater flexibility and comfort with changing life scripts have all given them a leg up in the job market. These opportunities mesh with the new, relationship-friendly ideology of business management: The ideal worker and the ideal manager are now expected to be flexible and emotionally intelligent, while the worker who continues to conform to hegemonic masculinity with its reluctance to recognize, engage with, or manage emotions will increasingly be left behind at promotion time. Women are surging ahead in employment and education, Rosin argues, while men lag behind.

Governance Femininity?

Therapy culture thus furthers the feminist project of undoing the ideology of domesticity – the “public man, private woman” binary – and it does so without the gender essentialism that some found objectionable in difference feminism. In demanding that workers, managers, and regulators learn to collaborate and to acknowledge one another’s emotional lives, it lays the groundwork for the ethics of care and nonviolence that feminists have long envisioned. At a more abstract level, therapy culture is congruent with the incorporation of interdependence into liberal theory – the “connection thesis” that Robin West, Martha Fineman, and others have long championed as fundamental to an adequate theory of the state.

But therapy culture also has a dark side, and its name is depoliticization. It can encourage people to think individually and personally instead of collectively, structurally, and institutionally. It can collaborate with neoliberal ideology by steering social institutions and ideologies of governance in the direction of individualism, placing “personal responsibility” and personal happiness and self-expression at the center of public life and de-legitimizing the social welfare state. Blind to structural inequality, it can perpetuate that inequality in economic, political, and civic spheres.

Consider, as an example, Rosin’s thesis about the end of men. June Carbone and Naomi Cahn point out that if women workers seem to be

gaining an advantage in the labor market, it is only because the low-end service sectors that have long been “pink ghettos” contain the only jobs that cannot be further degraded or sent overseas (Carbone & Cahn, 2013). They argue that the growing predominance of women in higher education and in the workplace is not primarily about a cultural edge that women are enjoying, but an economy that is busy creating more “bad jobs” – seemingly ideal for women workers – while destroying the (traditionally male) “good jobs.” From this perspective, the gender story that Rosin highlights has the capacity to misdirect social policy. It is not the “end of men” but the “rebirth of class” that feminists and policymakers should attend to; the predominance of women in the new economy is a symptom of a deepening and increasingly brutal class inequality.

Critics of therapy culture make a more general point: Therapy culture can, and has been, coopted to serve as a pacification technique for workers and families brutalized by neoliberalism. As Hochschild observed, the comfort in relationship that her informants felt in their corporate workplaces – the performance awards, the rituals of belonging – prevented them from complaining about the long hours they worked (Hochschild, 1997). Another concern is that the version of therapy culture touted in management theory not only highlights connection and emotional intelligence but also promotes the entrepreneurial self, encouraging workers to treat themselves as a brand and to become comfortable with short-term, contingent employment. In this way, therapy culture’s focus on “working on yourself” impedes collective action; it encourages individuals to take institutional conditions as a given, to alter themselves rather than their situation. Therapy culture may encourage men as well as women to feel connected to one another, but in service of a capitalism that exploits workers’ emotional labor, deepens inequality, and takes advantage of a “great risk shift” from corporations and the state to individual households (see Hacker, 2008) while promising spiritual fulfillment through corporate devotion and personal authenticity through buying things.⁷

Critics of 1980s difference feminism also worried that an ethic of care could mask abuses of power, and this concern applies as well to modern therapy culture, particularly in state settings. An important feminist critique of ADR, restorative justice, and other governance techniques that rely on informality and collaboration is that such techniques can perpetuate or even intensify power differentials under the pretense of equality (see Grillo, 1991; Ptacek, 2009).⁸ The mask of therapy can also facilitate arbitrary enforcement. Warning in 1968 of the dangers of framing the activities of criminal justice as “therapeutic,” Herbert Packer noted:

It is quite understandable that sensitive men involved in what has been called the “grim negativism” of the correctional process should wish to have their activities dissociated from anything as unpleasant-sounding as Punishment. But there are good reasons for denying them that psychic gratification. Their euphemistic language tends to obscure the fact that they are acting against the will of the subject and not primarily for his benefit, and in effect are depriving him of rights that he would enjoy if it were plain that he was being subjected to Punishment. To allow the characterization to turn on the intention of the administrator is to encourage hypocrisy and unconscious self-deception. (Packer, 1968, p. 33)

Finally, therapy culture can be criticized for the subjects it cultivates. First, many scholars have criticized therapy culture for creating, or at least coddling, selves with “wounded attachments” to suffering. Wendy Brown has argued that intrinsic to contemporary identity politics is the centrality of harm: Political identity is shaped around the proof of subordination and thus requires narratives of subordination and injury (Brown, 1995). Therapy culture similarly cultivates a suffering self that demands to be made whole, although in therapeutic narratives the wounded self does not necessarily need others or even a collective identity to transcend its pain – just a therapeutic insight and the will to transcend. The reliance on suffering in order to make both personal and political meaning makes the personal-political divide easy to cross in both directions: Politicians rise and fall on their ability to tell persuasive stories about becoming better people through facing their demons, while individuals use their personal suffering to claim collective and political space. In both domains, injury is simultaneously denounced and desired, while transcendence of suffering is obsessively sought but always insecure.

A second, much-criticized failing of therapy culture is at first glance the reverse of the first charge: its tendency to cultivate an obsession with happiness.⁹ In the 1950s, humanistic psychology began as a protest against a discipline that studied only the pathology of the human mind; today, “positive psychology” has again declared an interest in what constitutes mental health, and how to achieve it. Both movements, however, were quickly incorporated into – and transformed by – a culture in which personal satisfaction is the highest goal. One of our founding national political documents, the Declaration of Independence, grants all men a right to the “pursuit of happiness.” Contemporary critics of therapy culture complain that subjective happiness has become an end in itself, and that relentless positivity is expected even (or especially) from the suffering (see Ehrenreich, 2009).

Happiness, however, is not a political value. Aldous Huxley wrote *Brave New World* to make this point: In his fictional world, the elite lived

carefree lives that were morally meaningless at best, immoral at worst because of their reliance on the suffering of other groups presumed naturally inferior (Huxley, 2013). Ahmed (2010) goes further to defend bad feelings – dissatisfaction, outrage, resentment, melancholy, disaffection – as the seeds from which political movement, including feminist movement, grow. From this perspective, therapy culture produces apolitical people.

Third, and as an outgrowth of the first two critiques, therapy culture is widely criticized for fostering the belief in individuals that they personally, and not their physical environment, their genetic inheritance, their families or communities, or the social institutions in which they find themselves, are solely responsible for the quality of their lives. Through therapy culture, the ideology of neoliberalism links with an ideology of self-mastery and self-discipline that Foucauldian theorists of the state identify with the project of “governmentality.”¹⁰ To properly exercise their freedom, state subjects must be regulated; above all, they must be schooled in being responsible for themselves. “Dependency” is antithetical to full social citizenship in the modern state (Fraser & Gordon, 1994). The line is arguably thin, however, between the willingness to work and discharge one’s obligations to the state and the denial that sickness and other forms of dependence are inevitable. Therapy culture, it can be argued, creates individuals for whom the recognition of interdependence – or worse yet, dependence – is intolerable: people who are characterologically as well as ideologically individualist.

From a feminist perspective, then, therapy culture is dangerous in two related ways. First, it can help make institutional and structural inequality invisible or irrelevant, placing the onus on individuals to succeed. For example, the GRIP program described at the beginning of this essay no doubt makes inmates serving life in prison not only happier but easier to control. Does the energy spent making prisons more humane inevitably drain the political energy away from the goal of abolishing prison? Does the recalcitrant inmate who refuses to participate in such programs and instead embarks on a hunger strike become viewed as an oddball troublemaker rather than as a catalyst for political action? From this perspective, therapy culture has the potential to function as the very opposite of feminism, making the political personal.

Second, in settings with extreme power differentials – such as the criminal justice system – therapy culture has the potential to make possible extensive and damaging abuses of power in the name of caring. This danger is acute in the context of criminal justice, where the asymmetries of power are already extreme. In her study of “decarceration courts” – programs,

such as drug courts, that provide therapeutic alternatives to incarceration for criminal offenders – Allegra McLeod provides an example from Glynn County, Georgia: “For infractions as minor as a first offense of forging two checks totaling 100 dollars, one young woman was sentenced to ten and a half years under criminal supervision: five and one half years in the Glynn County Drug Court, including fourteen months behind bars, and then an additional six months locked up, followed by four and one half years on probation” (McLeod, 2012, p. 1615).¹¹ McLeod concludes:

Courts operating on a therapeutic model embrace an anti-formalist, problem-oriented, discretionary approach that rejects * * * externally imposed, pre-fixed constraints. This model, when it comes to predominate over other approaches to criminal law administration, thus threatens to place judges with extraordinary power in a position where they act in what they perceive to be defendants'/clients' therapeutic interests but with unchecked, potentially punitive effects, unimpeded by principles of proportionality characteristic of a retributive theory of punishment. This is all the more troubling because these judges may lack formal psychotherapeutic expertise and many are likely exhausted by the undoubtedly difficult work of dealing with criminally accused addicted or mentally ill individuals, often in under-resourced environments. The relaxation of procedural safeguards as part of an anti-formalist, team-based, therapeutic approach only stands to exacerbate these problems if judges are not particularly conscientious. (McLeod, 2012, p. 1617)

Such exercises in domination ostensibly for the disempowered party's own good are conventionally called “paternalism.” In the context of therapy culture and its adherence to stereotypically feminine values and practices of care and emotionality, however, this potential dark side of therapy culture might better be dubbed the threat of “governance femininity” (see Halley, Kotiswaran, Shamir, & Thomas, 2006). Such abuses are feminism's nightmare vision: the reinforcement of power differentials that feminists meant to destroy, offered in the name of caring.

Towards a Feminist Therapy Culture

While therapy culture threatens twenty-first century feminism with an anti-politics that enables and even possibly celebrates abuses of power, it can't simply be denounced as antifeminist. For one thing, therapy culture and second-wave feminism are deeply entangled, and the distinctions between them can be overdrawn. Eva Illouz argues that despite long-standing misogyny within the discipline of psychology, and feminist attacks on that misogyny and on the discipline itself, “feminism and psychology proved to be ultimate cultural allies because they shared common schemas or basic

cognitive categories ultimately derived from the social experience of women” (Illouz, 2008, p. 121). She observes, for example, that a quintessential tool of second-wave feminism – the consciousness-raising group – borrowed from similar techniques being employed in psychology at the time, such as the T-group (see Herman, 1995, pp. 276–304). She adds that “in considering the [feminist] claim that the personal is political, it should not be forgotten that this could appear to be so because the personal had already emerged as a constituted cultural category, mostly through the active presence of psychology in American culture” (Illouz, 2008, p. 130).¹²

Difference feminism, as we have seen, itself emerged from the work of feminist Carol Gilligan, who used the language of psychological development to assert the moral significance of a self not boldly independent of others, but interdependent with them.

The interconnections between feminism and therapy culture make it plausible to suggest that feminist voices and values can bring a progressive politics into therapeutically oriented discourses and practices. Feminist attention to the dangers outlined in the previous section, however, is critical. First, the project of strengthening individuals’ capacity to be reflective, mindful, and emotionally intelligent must not eclipse the project of resisting institutional and structural subordination. Second, particularly as therapeutic practices are increasingly folded into state practices such as practices of punishment, we need more feminist work that takes seriously the kinds of abuses of power specific to therapeutic action – the dark side of caring and connection. With its dangers curbed, therapy culture may be brought into alignment with and even enrich twenty-first century feminism.

Feminist work on restorative justice provides a good example of situating the language of caring, relationship, and healing within a larger context of structural subordination. As I have pointed out elsewhere, feminist critics have challenged the tendency of some restorative justice advocates to ignore the racist and heteropatriarchal foundations of the criminal legal system (Harris, 2011). The feminist-led shift from “restorative justice” to “transformative justice” marks the dangers inherent in the language of “restoration” and indicates a commitment to making power and privilege visible (*ibid.*). Transformative justice advocates embrace restorative justice’s critique of the criminal legal system as broken at its foundation, while challenging restorative justice advocates’ assumption that existing institutions in the state and the community can provide places of safety for women (see Smith, 2009). At the level of practice, a few therapeutic programs for prison inmates have contained a feminist component linking emotional intelligence to a critique of masculinity (see Harris, 2010, p. 208). A stronger feminist voice

in the design of such programs could do better in pushing a radically transformative agenda.

In other legal and political arenas as well, the language of therapy culture can be mobilized not to occlude but to make visible the need for institutional and structural change. For instance, Eric Yamamoto draws on the language of therapy culture to buttress justice claims against state and non-state actors in the form of reparations, expanding the purview of the state to “social healing.” Yamamoto argues that the successful reparations campaign for Japanese-American citizens wrongfully incarcerated in internment camps during World War II can serve as a template for and an incitement to other demands for the state to redress historic injustices:

[R]edressing the deep wounds of injustice has become a matter central to the future of civil societies that claim legitimacy as democracies in part through a commitment to civil and human rights. Whether a country heals persisting wounds is increasingly viewed now as integral to its stature and prosperity both domestically and globally. First, healing is integral domestically to enable communities to deal with pain, guilt, and division linked to its past in order to live peaceably and work productively together in the present. Second, healing is integral globally to legitimize a country as a democracy truly committed to civil and human rights (which affects a country’s standing on international security and responsible economic development). People, communities, and governments – especially democracies claiming allegiance to human rights principles – all have a stake in justice that repairs (Yamamoto, 2012, p. 81).

Yamamoto’s “social healing through justice” sounds in the language of therapy culture, but adds a twist that makes explicit demands of the state. He argues, for instance, that “repair must occur in two realms simultaneously – the individual (micro) and the institutional (macro)” (Yamamoto & Obrey, 2009; see also Yamamoto, 1999). Yamamoto uses the language of international human rights to connect these quintessentially “private” and “public” realms in the service of addressing racial and gender subordination.¹³

Feminists are familiar with the problem of informal processes accommodating subordination (see Grillo, 1991), and to the extent that new legal practices incorporate such informal processes we must remain vigilant about the possibility of abuse. In addition, new legal practices informed by therapy culture might draw more explicitly on feminist analyses of power relations in intimate settings. In the 1970s and 1980s, for example, feminists helped politicize violence against women and children, revealing the extent to which husbands, fathers, and boyfriends, not just “strangers,” were perpetrators, and rejecting narratives in which women and children “asked for” sexual abuse. This movement infused therapy culture with powerful new terms such as “survivor” rather than “victim,” and, by calling attention to the lasting

effects of child sexual abuse, made possible challenges to powerful social agents such as the Catholic Church (see Angelides, 2004; Rich, 2013).

Yet, the work of rethinking and restructuring family and intimate relations along feminist lines remains unfinished. As critical race theorists, feminist theorists, and queer theorists have observed, feminists turned against one another in the “sex wars” of the 1980s, and the ferocity of the battles created an impasse around the theorization of sexuality that has not yet been surmounted (Abrams, 1995). Feminist theorists have still not come to terms with how to frame women’s sexuality. Similarly, feminists have yet to fully come to terms with the problem of “deviant motherhood” (see Ashe & Cahn, 1993; Roberts, 1993). Feminist refiguring of the intimate sphere is an ongoing project. As therapy culture introduces the “private” language of connection and care into new social spaces, more feminist attention to the problems of subordination that arise in sites defined by intimacy and care is urgently needed.¹⁴

To the extent that the spread of therapeutic culture into more and more institutions and practices of governance incites more feminist advocacy and theory, therapy culture may in fact turn out to enrich feminist work. For example, at the level of anti-subordination theory, therapy culture’s language of trauma and healing offers new opportunities to conceptualize, and intervene in, the dynamics of racism and sexism. The recent work of a few younger legal scholars provides an example. SpearIt argues that “destructive masculinity,” facilitated and strengthened by prison culture, permeates poor black and brown communities (SpearIt, 2011). A generation ago, this conversation might have been sucked into the black hole of polarized debate over Daniel Patrick Moynihan’s “matriarchy thesis” – a debate that pitted a privatized “black culture” against a public economic and social “environment” (see Self, 2012). Today, the language of trauma, healing, and resilience (developed by Herman, 1992 in the context of the sexual abuse of children within the family) takes advantage of the scrambled walls between the public and the private. The idea that the injuries of racialized and gendered subordination are carried forward in family dynamics and within the criminal justice state rejects the blame-the-victim strategy of traditional conservatism, without turning a blind eye to the “private” suffering of women and children under toxic masculinity.¹⁵ Similarly, the language of trauma makes possible Fenton’s (2012) argument that slavery and its aftermath have had lasting effects on the white American family, contributing to the perpetuation of incest as a spectacle in plain sight that is simultaneously displayed and disavowed in popular culture and in family relations.

SpearIt and Fenton use therapy culture's trope of the "dysfunctional" family, but instead of placing the responsibility of recuperation solely on individuals, they turn to law and the state for redress. In similar fashion, several scholars have used the concept of "root shock," drawn from therapy's language of trauma and resilience, to claim a "right of return" for poor and minority individuals and communities displaced by natural disasters and the neoliberal "reconstruction" projects that often follow in their wake (see Fullilove, 2004; Jourdan & Feinberg, 2010). These are feminist projects, even when female subjects are not the focus. In their adherence to the feminist slogan that "the personal is political," they incorporate therapeutic concepts into claims for justice.

Other feminist uses of concepts consonant with therapy culture push toward restructuring the state itself. Martha Albertson Fineman's theoretical work on "vulnerability," for example, argues for a reframing of citizen-state relations (Fineman, 2010, 2013). With a clear debt to the difference feminism of the 1980s, Fineman argues that recognizing that human beings are embodied beings necessitates a recognition of our intrinsic vulnerability:

We will be dependent, weak, in need, as well as empowered and strong at different developmental stages in our lives. Throughout our lives we may be subject to external and internal negative, potentially devastating, events over which we have little control—disease, pandemics, environmental and climate deterioration, terrorism and crime, crumbling infrastructure, failing institutions, recession, corruption, decay, and decline. We are situated beings who live with the ever-present possibility of changing needs and circumstances in our individual and collective lives. We are also accumulative beings and have different qualities and quantities of resources with which to meet these needs of circumstances, both over the course of our lifetime and as measured at the time of crisis or opportunity. (Fineman, 2013, p. 637; see also Eichner, 2012).

For Fineman, the universal fact of vulnerability requires social institutions to help build resilience so that humans may adequately respond to the many kinds of conditions and situations to which we are vulnerable. The important role of social institutions, in turn, highlights the importance of the state as a guarantor of equal access to, and capacity-building within, these institutions. Rather than the classical liberal "night watchman" state, then, Fineman argues that we should envision a "responsive state." She concludes:

We should be rethinking contract, corporation, family, and education law – not from the perspective of identities, but from the perspective of privilege and disadvantage and with a firm grounding in a theory of state responsibility for the vulnerable legal subjects who actually populate society. (Fineman, 2013, p. 639)

Transformative justice initiatives, SpearIt's and Fenton's reassessment of the harms of racial subordination for black and white communities, Yamamoto's praxis work, and Fineman's theoretical scholarship – all draw on the language of therapy culture, but to re-rather than de-politicize human suffering. Their focus on human suffering as the starting point of state and legal obligation owe a debt to difference feminism's calls for caring and empathy as central to public as well as private life. This work, like difference feminists' work, also points beyond the liberal framework of equality. There is yet no catchword for the ideal value that animates a feminist therapy culture, although some human rights theorists and constitutional law scholars are tinkering with "dignity" (see, e.g., Baer, 2009). Neither "equality" nor its cousin "liberty" quite capture the feeling-self-in-connection that is the subject of therapy culture. All of this work, however, seeks to incite a progressive politics for the intimate public sphere.

These feminist projects may converge with other social-justice-oriented projects that draw on practices and beliefs associated with therapy culture. For example, I have begun to write elsewhere about the links between the Buddhist-inspired but secular "mindfulness" movement and the goals and techniques of social justice lawyering (Harris, 2012; Lin, Selbin, & Harris, 2007). The argument here is that large-scale movements for social change based on nonviolence and peacemaking have borrowed practices from therapy culture and from anticolonial struggle; to the extent that techniques associated with therapy culture clear and calm the mind and make interpersonal engagement more effective and less filled with needless personal drama, they have the potential to make political action more effective as well. Finally, as the apparent heir to public religion, therapy culture may by necessity become the ground from which new social movements spring. The next sustained public uprising against racism might well be born in networks of "engaged Buddhism" sanghas rather than in the black church, simply because movements spring from wherever people come together to talk about the conditions under which they live.¹⁶

CONCLUSION

Therapy culture did not begin as a feminist project, but it offers new possibilities for feminist movement. Lynne Segal observes that the slogan "the personal is political" began as a defense of feminist consciousness-raising in the 1970s, and later was absorbed into consumer culture, to reappear as an

“entitlement to individual satisfaction” (Segal, 2013). The contemporary obsession with the self and with “happiness” can and has been effectively criticized as just another reason to “work, buy, consume, die.” But therapy culture does not only valorize emotional labor in crappy pink-collar jobs; in the hands of feminists it can be turned, like other tools, to the project of mobilizing against inequities in the distribution of power and wealth, and to the project of interrogating the capitalist order in which we all live and die. What is needed to build a feminist therapy culture is, first, a strong feminist voice within therapeutically oriented practices to keep doing what feminism has always done – pay attention to power relations; and, secondly, more feminist work on the abuses of power particular to therapeutic settings. Difference feminists did not fully accomplish this work. Twenty-first century feminism has the opportunity to do so.

NOTES

1. For literature reviews of difference feminism, see Murray (2009) and Minow (1990).

2. Sample comments on the incursion of therapy culture into legal culture include Piar (2008, p. 652) (“If the life of the law once was reason, logic, or experience, it is now good feeling, individual fulfillment, and therapeutic healing.”) and Friedman (1998, pp. 8–9) (“In our individualistic age the state, the legal system, and organized society in general thus seem more and more dedicated to one fundamental goal: to permit, foster, and protect the self, the person, the individual.”). Extending mental health law to law generally, David Wexler and Bruce Winick have championed “therapeutic jurisprudence,” suggesting that “the law itself can be seen to function as a therapist or therapeutic agent” (Wexler & Winick, 1991).

3. The actress Gwyneth Paltrow made this term famous when using it to announce her breakup with her husband, rock musician Chris Martin. Paltrow took the term from Dr. Habib Sadeghi and Dr. Sherry Sami who define it this way on their website:

A conscious uncoupling is the ability to understand that every irritation and argument was a signal to look inside ourselves and identify a negative internal object that needed healing. Because present events always trigger pain from a past event, it’s never the current situation that needs the real fixing. It’s just the echo of an older emotional injury. If we can remain conscious of this during our uncoupling, we will understand it’s how we relate to ourselves internally as we go through an experience that’s the real issue, not what’s actually happening. (Sadeghi & Sami, 2014)

4. Dale Carnegie’s classic *How To Win Friends and Influence People*, for instance, was first published in 1936 and is still in print today (see Carnegie, 1998).

5. A brilliant and painstaking work of intellectual history showing how this happened is Charles Taylor’s *Sources of the Self* (Taylor, 1992).

6. As Grogan notes, Abraham Maslow, who found himself sought after as a business consultant, saw himself “as something of an abolitionist, extending democratic principles to the workplace; emancipating workers who had been down-trodden, angry, and only passively resistant; and giving them an avenue for creative expression” (Grogan, 2012, p. 152).

7. Humanistic psychology, a precursor of today’s therapy culture, faced a similar problem. Although the founders of humanistic psychology criticized the culture of the “man in the gray flannel suit” and saw psychological health in dissent, Jessica Grogan writes that “humanist psychology’s theories and techniques found their widest, and most overt, application” in the business world, where corporations “used humanistic psychology to make their workers more efficient, more productive, and happier” (Grogan, 2012, p. 317). Then, business leaders enthusiastically embraced T-groups; today, Google employees are mindfully meditating (Baer, 2013).

8. Failing to acknowledge power differentials can give the upper hand to privileged participants; it can also result in “net widening,” the tendency to subject more and more people to state regulation with the justification that it is good for them. Net widening similarly follows the rules of path dependency: the most disadvantaged people lose their liberty first. It is therefore a concern of critics of restorative justice and alternative courts (see McLeod, 2012; Ptacek, 2009).

9. How is it that therapy culture can simultaneously create people obsessed with their suffering and obsessed with their happiness? Eva Illouz explains that therapy culture establishes a narrative trajectory for the successful life: You must begin your journey in suffering, then struggle to find meaning in that suffering. When you have successfully done so, the result is not only wisdom but a transcendence of suffering which produces deep and lasting joy and satisfaction (see Illouz, 2008, pp. 176–177). Some of us struggling to fit our lives into this narrative cling to suffering as our anchor of meaning. Others, not surprisingly, attempt to skip the suffering part and go directly to happiness.

10. As Mitchell Dean observes, “The exercise of authority presupposes the existence of a free subject of need, desire, rights, interests, and choice. However its subjection is also a condition of freedom: in order to act freely, the subject must first be shaped, guided and moulded into one capable of responsibly exercising that freedom through systems of domination” (Dean, 2009, p. 193).

11. McLeod notes that this judge, for whom the drug court was “personal” because there was addiction in her own family, also espoused a theory of “tough love.” On at least one occasion she was observed “screaming” at the young woman before her (McLeod, 2012, p. 1615).

12. Illouz continues:

Similarly, because the language of psychology was intrinsically individualizing, it could recycle and naturalize the ambient feminist language of rights; because psychologists acted as arbitrators in conflict and claimed to teach negotiation skills, the language of psychology readily incorporated the feminist claim to equality. Because of its emancipatory structure, the therapeutic discourse offered a powerful narrative of growth and liberation that resonated with the feminist political claim for liberation. Thus the conjunction of feminism and psychology actually contributed to convert the private self into a public construct and even ... into a public performance. The therapeutic ethos

transformed the home into a micro-public sphere in which emotions and private needs could be argued over according to norms of fairness and equality. (Illouz, 2008, pp. 130–31)

13. See Yamamoto and Obrey (2009, p. 28) (asserting that the Social Healing Through Justice framework “integrat[es] now widely acknowledged international norms of reparatory justice, particularly the principles of the United Nations ‘Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law’ and the recently adopted ‘Declaration on the Rights of Indigenous Peoples’”).

Yamamoto also connects the Anglo-American language of therapy culture with related concepts and practices from indigenous cultures and explicitly applies his Social Healing Through Justice framework to historic gender wounds. For instance, he refers to the reparations process in East Timor for women who suffered sexual violence as state policy:

The request for reparations by the East Timorian mother, raped repeatedly by soldiers during the Indonesian occupation, coalesces these many reparatory forms. She sought payment from the Truth and Reconciliation Commission for her children’s education. “I ask for help,” she said, to change our lives and to “put my children through school. I was used like a horse by the Indonesian soldiers who took me in turns and made me bear many children. But now I no longer have the strength to push my children towards a better future. Education is what they need.” (Yamamoto & Obrey, 2009, p. 35)

14. In a private conversation, for instance, one criminal justice reformer who uses mindfulness techniques expressed misgivings to me about the possibility of “scaling up” such programs, given the importance of individual character and interpersonal dynamics in their effectiveness. Feminist perspectives on deviant motherhood could potentially shed light on the complexities of caring relationships situated in power differentials.

15. Indeed, Herman’s book is an interesting case study in the use of therapy culture toward feminist ends. Herman’s project was explicitly feminist, in challenging Freud’s assertion that the dynamics of psychological “repression” concealed fantasized, rather than actual, child abuse. Herman was also concerned with exposing the power dynamics within the family that enlisted children in accepting and legitimizing their own abuse. Finally, Herman explicitly linked the traumatization of child abuse to the traumas suffered by victims of genocide and war.

16. Others express a similar hope about using ideas drawn from therapy culture to radically change market relations. Consider, for example, the website of the “Enlightened Business Academy” (Enlightened Business Academy, 2014), which asks its “enlightened entrepreneurs,” “Do you want to integrate your heart and soul into your business so that you are showing up authentically and fully every day – and encouraging others to do the same?” The site goes on to reassure its readers that they are “delivering transformational products and services that can change the world.” I find this vision naive, given the structural centrality of growth and profit to contemporary capitalism. More intriguing is the suggestion that therapy culture’s

investment in personal happiness might instill anticapitalist or post-capitalist ideas in economically marginalized people – as some advocates involved in the “sharing economy” appear to suggest (see, e.g., Orsi, 2012).

REFERENCES

- Abrams, K. (1995). Sex wars redux: Agency and coercion in feminist legal theory. *Columbia Law Review*, 95, 304.
- Ahmed, S. (2010). *The promise of happiness*. Durham, NC: Duke University Press.
- Angelides, S. (2004). Feminism, child abuse, and the erasure of child sexuality. *GLQ: A Journal of Lesbian and Gay Studies*, 10(2), 141.
- Ashe, M., & Cahn, N. R. (1993). Child abuse: A problem for feminist theory. *Texas Journal of Women and Law*, 2, 75.
- Baer, D. (2013). 3 reasons why everyone at google is meditating. *Fast Company*. Retrieved from <http://www.fastcompany.com/3013333/unplug/3-reasons-everyone-at-google-is-meditating>. Accessed on June 21.
- Baer, S. (2009). Dignity, liberty, equality: A fundamental rights triangle of constitutionalism. *University of Toronto Law Journal*, 59, 417.
- Berlant, L. (1997). *The queen of America goes to Washington city: Essays on sex and citizenship*. Durham, NC: Duke University Press.
- Brown, W. (1995). *States of injury*. Princeton, NJ: Princeton University Press.
- Carbone, J., & Cahn, N. (2013). The end of men or the rebirth of class? *Boston University Law Review*, 93, 871.
- Carlin, D. (2014). Transforming criminal justice: A review of the movement for mindfulness in criminal justice, and proposal for a New National Program. Unpublished draft.
- Carnegie, D. (1998). *How to win friends and influence people*. New York, NY: Pocket Books.
- Cohen, A. J. (2011). The family, the market, and ADR. *Journal of Dispute Resolution*, 2011, 91.
- David, S., & Congleton, C. (2013). Emotional agility. *Harvard Business Review*. Retrieved from <http://hbr.org/2013/11/emotional-agility/ar/1>
- Dean, M. (2009). *Governmentality: Power and rule in modern society* (2nd ed.). Thousand Oaks, CA: SAGE.
- Dorf, M. C., & Sabel, C. F. (1998). A constitution of democratic experimentalism. *Columbia Law Review*, 98, 267.
- Ehrenreich, B. (2009). *Bright-sided: How the relentless promotion of positive thinking has undermined America*. New York, NY: Metropolitan Books.
- Eichner, M. (2012). The family and the market – Redux. *Theoretical Inquiries in Law*, 13, 97.
- Enlightened Business Academy. (2014). *Creating a thriving business you love that helps change the world*. Retrieved from <http://enlightenedbusinessacademy.com/course/EnlightenedBusinessAcademy3>
- Fenton, Z. (2012). An essay on slavery’s hidden legacy: Social hysteria and structural condonation of incest. *Howard Law Journal*, 55, 319.
- Fineman, M. A. (2010). The vulnerable subject and the responsive state. *Emory Law Journal*, 60, 251.
- Fineman, M. A. (2013). Feminism, masculinities, and multiple identities. *Nevada Law Journal*, 13, 619.

- Finley, L. M. (1989). Breaking women's silence in law: The dilemma of the gendered nature of legal reasoning. *Notre Dame Law Review*, 64, 886.
- Fisher, R., & Shapiro, D. (2005). *Beyond reason: Using emotions as you negotiate*. New York, NY: Viking Press.
- Fraser, N., & Gordon, L. (1994). A genealogy of dependency: Tracing a keyword of the U.S. welfare state. *Signs*, 19(2), 309–336.
- Freeman, J. (1997). Collaborative governance in the administrative state. *UCLA Law Review*, 45, 1.
- Friedman, L. M. (1998). *The republic of choice: Law, authority, and culture*. Cambridge, MA: Harvard University Press.
- Fuller, R. C. (2001). *Spiritual, but not religious: Understanding unchurched America*. New York, NY: Oxford University Press.
- Fullilove, M. T. (2004). *Root shock: How tearing up city neighborhoods hurts America, and what we can do about it*. New York, NY: Ballantine Press.
- Furedi, F. (2004). *Therapy culture: Cultivating vulnerability in an uncertain age*. New York, NY: Routledge.
- Gilligan, C. (1982). *In a different voice: Psychological theory and women's development*. Cambridge, MA: Harvard University Press.
- Goodmark, L. (2013). *A troubled marriage: Domestic violence and the legal system*. New York, NY: New York University Press.
- Grillo, T. (1991). The mediation alternative: Process dangers for women. *Yale Law Journal*, 100, 1545.
- Grogan, J. (2012). *Encountering America: Humanistic psychology, sixties culture, and the shaping of the modern self*. New York, NY: Harper Perennial Books.
- Gruber, A. (2009). Rape, feminism, and the war on crime. *Washington Law Review*, 84, 581.
- Hacker, J. S. (2008). *The great risk shift: The new economic insecurity and the decline of the American dream*. New York, NY: Oxford University Press.
- Halley, J., Kotiswaran, P., Shamir, H., & Thomas, C. (2006). From the international to the local in feminist legal responses to rape, prostitution/sex work, and sex trafficking: Four studies in contemporary governance feminism. *Harvard Journal of Law & Gender*, 29, 335.
- Harris, A. P. (1990). Race and essentialism in feminist legal theory. *Stanford Law Review*, 42, 581.
- Harris, A. P. (2010). Book review, beyond the monster factory: Gender violence, race, and the liberatory potential of restorative justice. *Berkeley Journal of Gender and Law*, 25, 199.
- Harris, A. P. (2011). *Heteropatriarchy kills: Challenging gender violence in a prison nation*. *Washington University Journal of Law & Policy*, 37, 13.
- Harris, A. P. (2012). *Lawyering as peacemaking*. *Villanova Law Review*, 56, 819.
- Herman, E. (1995). *The romance of American psychology: Political culture in the age of experts, 1940–1970*. Berkeley, CA: University of California Press.
- Herman, J. (1992). *Trauma and recovery*. New York, NY: Basic Books.
- Hochschild, A. R. (1997). *The time bind: When work becomes home and home becomes work*. New York, NY: Metropolitan Books.
- Huxley, A. (2013). *Brave new world*. New York, NY: Random House, Everyman's Library (Originally published 1932).
- Illouz, E. (2008). *Saving the modern soul: Therapy, emotions, and the culture of self-help*. Berkeley, CA: University of California Press.

- Insight-Out. (2014). GRIP program at San Quentin State Prison. Retrieved from www.insight-out.org
- Insight-Out. (n.d.). Insight-Out's GRIP curriculum: Guiding rage into power. Retrieved from www.insight-out.org
- Jourdan, D., & Feinberg, R. (2010). Valuing grief: A proposal to compensate relocated public housing residents for intangibles. *University of Florida Journal of Law & Public Policy*, 21, 181.
- Karst, K. L. (1984). Woman's constitution. *Duke Law Journal*, 1984, 447.
- Lin, M., Selbin, J., & Harris, A. P. (2007). From "the art of war" to "being peace": Mindfulness and community lawyering in a neoliberal age. *California Law Review*, 95, 2073.
- Lobel, O. (2004). The renew deal: The fall of regulation and the rise of governance in contemporary legal thought. *Minnesota Law Review*, 89, 342.
- McLeod, A. (2012). Decarceration courts: Possibilities and perils of a shifting criminal law. *Georgetown Law Journal*, 100, 1587.
- Menkel-Meadow, C. (1985). Portia in a different voice: Speculations on a women's lawyering process. *Berkeley Women's Law Journal*, 1, 39.
- Minow, M. (1987). Justice engendered. *Harvard Law Review*, 101, 10.
- Minow, M. (1990). Making all the difference: Inclusion, exclusion, and American law. Ithaca, NY: Cornell University Press.
- Murray, Y. M. (2009). A jurisprudence of nonviolence. *Connecticut Public Interest Law Journal*, 9, 65.
- Nolan, J. (1998). The therapeutic state: Justifying government at century's end. New York, NY: NYU Press.
- Nolan, J. (2001). Reinventing justice: The American drug court movement. Princeton, NJ: Princeton University Press.
- Orsi, J. (2012). Practicing law in the sharing economy: Helping people build cooperatives, social enterprise, and local sustainable economies. Washington, DC: ABA Book Publishing.
- Packer, H. L. (1968). The limits of the criminal sanction. Palo Alto, CA: Stanford University Press.
- Piar, D. (2008). A welfare state of civil rights: The triumph of the therapeutic in American constitutional law. *William & Mary Bill of Rights Journal*, 16, 649.
- Ptacek, J. (2009). Restorative justice and violence against women. New York, NY: Oxford University Press.
- Putnam, R. (2001). Bowling alone: The collapse and revival of American community. New York, NY: Simon & Schuster.
- Rich, C. G. (2013). Innocence interrupted: Reconstructing fatherhood in the shadow of child molestation law. *California Law Review*, 101, 609.
- Roberts, D. E. (1993). Motherhood and crime. *Iowa Law Review*, 79, 95.
- Rosin, H. (2012). The end of men: And the rise of women. New York, NY: Riverhead Books.
- Sadeghi, H., & Sami, S. (2014). Conscious uncoupling. Retrieved from <http://www.goop.com/journal/be/conscious-uncoupling>
- Segal, L. (2013). Out of time: The pleasures and the perils of ageing. New York, NY: Verso.
- Self, R. O. (2012). All in the family: The realignment of American democracy since the 1960s. New York, NY: Hill and Wang.
- Silbaugh, K. (1996). Turning labor into love: Housework and the law. *Northwestern University Law Review*, 91, 1.

- Simon, W. (2005). Comments on a roundtable on new legal realism, microanalysis of institutions, and the new governance. *Wisconsin Law Review*, 2005, 479.
- Smith, A. (2009). Beyond restorative justice. In J. Ptacek (Ed.), *Restorative justice and violence against women*. Oxford: Oxford University Press.
- SpearIt. (2011). Gender violence in prison & hyper-masculinities in the 'hood: Cycles of destructive masculinity. *Washington University Journal of Law & Policy*, 37, 89.
- Taylor, C. (1992). *Sources of the self: The making of the modern identity*. Cambridge, MA: Harvard University Press.
- West, R. (1988). Jurisprudence and gender. *University of Chicago Law Review*, 55, 1.
- West, R. (1997). *Caring for justice*. New York, NY: NYU Press.
- Wexler, D. B., & Winick, B. J. (1991). *Essays in therapeutic jurisprudence*. Durham, NC: Carolina Academic Press.
- Yamamoto, E. K. (1999). *Interracial justice: Conflict and reconciliation in post-civil rights America*. New York, NY: NYU Press.
- Yamamoto, E. K. (2012). The evolving legacy of Japanese internment redress: Next steps we can (and should) take. *Seattle Journal for Social Justice*, 11, 77.
- Yamamoto, E. K., & Obrey, A. (2009). Reframing redress: A "social healing through justice" approach to native Hawaiian-United States and Indigenous Ainu-Japan reconciliation initiatives. *Asian American Law Journal*, 16, 5.