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School of Political Studies

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**Liberté, diversité, co-autorité : Towards a Late Modern Praxis of Radical Representative Democratic
Corporealpolitik**

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***Liberté, Diversité, Co-Autorité : Towards a Late Modern Praxis of
Radical Representative Democratic Corporealpolitik***

Jackie F. Steele

*Thèse soumise à la
Faculté des études supérieures et postdoctorales
dans le cadre des exigences
du programme de doctorat*

*École d'études politique,
Université d'Ottawa*

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395, rue Wellington
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Your file *Votre référence*
ISBN: 978-0-494-59476-6
Our file *Notre référence*
ISBN: 978-0-494-59476-6

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■+■
Canada

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Dedication

I wish to dedicate this thesis to my Chinese (AKA Spanish) Canadian Grade 10 Math teacher, Mr. Wei. His recognition and belief in my individual potential to become a “leading political woman” challenged the dominant corporealpolitik of sex/gender and allowed me the psychic space to contemplate politics and a life as a “femme politique” amongst the possible corporealizations for my selves in my future. In fact, this nourished an ontological desire for the *politicus* and equipped me to continually question and (re)imagine my current and future “selves”, as well as those of the political communities in which I circulate. Navigating through Canadian, Québécois and Japanese society, I have chosen and been interpellated to undertake various agonic struggles with/against the dominant monovocal political representations of Canadian citizenship, which this doctoral thesis aims to performatively, discursively, and practically critique, augment, and transform.

Gratitude

First, I wish to thank Professor Linda Cardinal, my doctoral thesis advisor, for her tremendous patience in awaiting this doctoral thesis. My time spent thinking, reading, reflecting, reading some more, and then letting it all percolate for quite some time, was likely discouraging for us both. During my year of writing (November 2007- November 2008), Linda's unique ability to identify the "challenging questions", the "angles morts", and to assist me in articulating the answers to the questions that I was raising, was a tremendously rewarding process. A common passion, I look forward to conversations with her on "the political" for many years to come.

Secondly, I wish to thank my partner, Julie Hamelin, whose generosity of spirit does not cease to amaze and inspire me. The loving support, nurturance and corporealizing joy that she has given to my "thesisizing" days has given me the peace of mind, the "homecare", and the spiritual capacity to push through to the end. As for the funny and fuzzier corporeality in our family, I am endlessly amused by the puppy-like affections and shinanigans of my Japanese cat, Shinshu; in his own ways, he joins me in contesting the boundaries of his personal and national corporealities and has, without a doubt, been the most endearing of my souvenirs from Nagano.

Finally, allow me to admit the extent to which, at many points throughout the writing of this thesis, I have felt fundamentally ill-equipped to engage competently with the feminist philosopher-activist queens whose ideas I explore through this excavation and celebration of the ethical, philosophical, theoretical and practical challenges of corporeality in late modern times. Having arrived at feminist political theory through political science, at feminist legal studies through constitutionalism, and at feminist philosophy through the philosophy of language, the intellectual genealogy that has stimulated my passion for the traditionally "malestream" topics of constitutionalism, democratic theory, republicanism, and political philosophy, has ironically been primarily nourished and supported by the rigorous, highly critical, and radically democratic speaking-subjects of late modern feminisms. For your passion and commitment to opening up the conditions of possibility available to generations of younger women, such as myself, it is an honour to have the opportunity to risk this discussion with you, via these pages.

The Political is Personal!

I wish to recognize the many political mentors, the ‘femmes et hommes politiques’ in Japan (Kasuga Ken, Aoki Junko, Miyasaka Shicho), Québec (Emmanuelle Hébert) and Canada (Nancy Peckford) who have inspired me to the extent that I have chosen to re-invest my energy, desire, intellectual and activist pursuits in “the political” at a particularly apolitical moment in Western history. Cynicism has too often denounced such engagements as either excruciatingly naïve, or suspiciously self-interested. The individuals with whom I have had the pleasure of working, advocating, and debating, are both inside and outside the halls of formal power and I salute you all.

As a feminist activist, I wish to acknowledge the tremendous courage of those allies, female and male, who have challenged the beast of democratic exclusion head on, by attempting a mandate of representation for the political communities in which they live. We cannot underestimate the real risks, for the body and soul, of the active non-recognition and/or perverse mis-recognition of one’s selves on the public stage of democratic contestation. Notably, for those committed to challenging ongoing inequalities and power structures from precarious positions inside of democratic institutions, the real toil and joy of contemporary electoral politics must not be forgotten. As one who aspires to one day take up these risks, I hope to find strength and nourishment from the many activists mobilizing both inside and outside democratic institutions and throughout heterogeneous publics, in the struggle towards social justice, liberty, and democratic equality. It is with a view to enhancing this kind of inside-outside complicity that I issue a call to all feminists, social justice activists, and liberationist theorists to re-appraise the tremendous power and enduring relevance of democratic institutions to the health of our communities.

Whereas the 20th century battle cry around which we mobilized has been the “the personal is political”, contemporary state-sponsored anti-feminist backlash, the passive toleration of systemic discrimination and violence, and the silencing of progressive voices points to the painful reality, and yet emancipatory potential, for a 21st century that emerges bolder with the insight that “the political is deeply personal”.

Feminism is ultimately about politically taking that chance to create new worlds.

Drucilla Cornell, *The Imaginary Domain*

ABSTRACT

TITLE: *Liberté, Diversité, Co-Autorité* : Towards a Late Modern Praxis of Radical Representative Democratic Corporealpolitik

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A critical reflection on the democratic relationship between corporeality, recognition, representation and democratic togetherness, this doctoral thesis follows in the tradition of practical philosophy (Iris Marion Young, Bonnie Honig, Philip Pettit, James Tully) to explore and deconstruct the contemporary challenges of late modern democracy in the face of demands by indigenous peoples, minority nations and various intra-national (non-territorial) groups for effective enjoyment of democratic self-government. An underlying assumption of this thesis is that the emancipatory potential of liberal equality as a political ideal, although rhetorically omnipresent within Anglo-American democracies, has been exhausted and in fact redeployed in ways that diminish the capacity of minorized members of the political community to advocate for their liberty and to protect themselves against domination and oppression from within democratic institutions themselves.

Cross-pollinating the insights of diversity feminism and republicanism, this thesis proposes alternative epistemological foundations of representative democracy to expose the political nature of various struggles of/over the interlocking conditions of *late modern* political corporealization. Specifically, it re-constructs a late modern convention of *self-representation as co-authority* that is grounded in an anti-essentialist and performative conception of political subjectivity (diversity feminism), and an agonistic and institutional conception of political liberty and self-government (republican liberty). These alternative foundations (*diversity, liberty, and co-authority*) lay the normative groundwork for democratic institutional reforms aimed at the re-construction of a late modern praxis of radical representative democratic corporealpolitik that presumes the necessity of heterogeneous institutional outlets of contestation that performatively politicize and democratize asymmetrical power relations between historically minorized/dominant corporealities.

Positing the critical interdependence of *personal freedom* and *collective freedom* as realized democratically through free institutions and practices, the thesis advances a democratic defense of guaranteed thresholds of institutional self-representation for a broader diversity of late modern struggles of/over corporealization that liberalism has often excluded as *apolitical* or *pre-political*. Albeit in normative solidarity with inter-national struggles for democratic self-determination, it probes the specificities of intra-national minorities inflected by the corporealpolitik of sex, gender, race, religion, ethnicity, mother tongue, and disability, given that their “right to exit” the political association is both epistemologically and practically absent.

INTRODUCTION: THE « END » OF EQUALITY?

As the dominant framework of Anglo-American democracies, at a minimum, the epistemological framework and political ideology of liberalism has served as an important ally for the feminist, civil rights, gay/lesbian, and other liberationist movements. It has offered conceptual tools that have grounded transformative social change by providing a legal and political framework within which to demand equality and inclusion in democratic citizenship. As is the case for other concepts that illuminate a society's understanding of itself, the political exclusion of women and other social groups from representative democratic citizenship continues to be conceived from within the dominant political culture and discourse, namely, in terms of the modern liberal-individualist epistemology of *equality*. The past four decades of theorizing and documenting of oppression by emancipatory movements and scholars has resulted in significant gains in the struggle for civil, political, legal, economic, cultural and social rights for a whole range of political outsiders vulnerable to diverse forms of discrimination and oppression.¹ The theory of citizenship developed by T.H. Marshall (1950) underscored the importance and interdependence of various kinds of rights within democracy in the evolution of civil, political and social citizenship²; this has led to important critiques and insights as to the differential impact and rates of enjoyment/acquisition of those rights and liberties by various groups within society, as well as the impacts of legislative, public policy, and welfare-state structures of the late modern

¹ See bibliography for complete references: Abu-Laban 2008; Abu-Laban and Gabriel 2002; Backhouse 1991, 1999; Bannerji, 2001, Bannerji et al 2001; Boyd 2002; Dhruvarajan and Vickers 2002; Elshtain 1993; Green 2005, 2007; hooks 1984, 1989, 1990, 1992; Jhappan 2002, 1996, 1995; Kobayashi 1995; Mohanty 2003; Okin 1979, 1989, 1999; Pateman 1980, 1988; Phillips 1991, 1993, 1995; Rich 1986; Siim 2000; Strongboag 1998; Sugars 2004; Thobani 2000; Tully 1994, 1995; Young 1990, 1997, 2000, 2005. 2007.

² Marshall, T. H. (1950). *Citizenship and social class and other essays*. Cambridge: CUP.

state.³ At the international level, deflected from within liberal commitments to the protection of individual rights, state and non-governmental actors have committed to aggregating empirical data of domestic inequalities flowing from various systemic discriminations caused by xenophobic nationalism, imperialism, misogyny and gender stereotypes, racism and racialization, homophobia and hetero-normativity, and/or prejudice against persons with disabilities. These various systems of oppression affect diverse female and male citizens in terms of their exposure to physical and sexual violence, economic vulnerability, limited access to the justice system, disproportionate responsibilities for carework in society, under-employment and segregation within undervalued sectors of the economy, and a weak presence and political influence within democratic decision-making bodies.

To monitor the progress of governments worldwide, multilateral organizations, such as the *United Nations*, produce the *Human Development Report* with ever more numerous and increasingly nuanced indicators of persistent inequalities. Within international law, the *International Convention on the Elimination of All Forms of Racial Discrimination* (1965), the *International Covenant on Civil and Political Rights* (1966), the *International Covenant on Economic, Social and Cultural Rights* (1966), the *Convention on the Elimination of All Forms of Discrimination Against Women*⁴ (1979) constitute the *legal* commitments of countries to be held accountable for the failure of domestic policies to redress discrimination against social groups that have been historically marginalized by and through domestic laws and policies. The adoption of the *Beijing Platform for Action* (United Nations 1995) by over

³ See bibliography: Clement and Myles 1994; Esping-Andersen 1985, 1990; Fox-Piven 1990; Gordon 1990; Gould 1993; O'Connor 1993, O'Connor, Orloff and Shaver 1999; Shalev 1996; Siim 2000.

⁴ Note that the United States has consistently refused to ratify CEDAW. To read the full text, see www.un.org/womenwatch/daw/cedaw/text/econvention.htm For the list of signatories, see www.un.org/womenwatch/daw/cedaw/states.htm.

180 countries, announced a broad-based *political* commitment to the realization of full participation and substantive equality for women as a cornerstone of good governance. The adherence of 75 countries to the *United Nations Convention on the Protection and Promotion of the Diversity of Cultural Expression*⁵, the advent of the *United Nations Convention on the Rights of Persons with Disabilities*⁶ and the *United Nations Declaration on the Rights of Indigenous Peoples*⁷ reflect the changing normative frameworks⁸ and democratic ideals underscoring the boundaries of our national and international communities, the notion of political belonging and citizenship, national and intra-national identities, the role of social group membership, and the democratic value of diverse ways of being in the world.

Yet, the past three decades has seen the advent of neo-liberal counter-discourses⁹ confirming formal legal equality as the *end* of democratic citizenship, thereby dismissing the ongoing political influence of class, gender, race, culture, language, socio-economic status, indigeneity and disability upon the experience of citizenship. If formal equality has already been largely achieved in the texts of constitutions, then the democratic mechanisms, laws, and programs aimed at overcoming systemic forms of discrimination are deemed obsolete, leading to their dismantling in favour of an equality of opportunity based on individual merit.

⁵ To read the full text, see <http://unesdoc.unesco.org/images/0014/001429/142919e.pdf>. For the list of signatories, see <http://portal.unesco.org/la/convention.asp?order=alpha&language=E&KO=31038>.

⁶ To read the full text, see www.un.org/esa/socdev/enable/rights/convtexte.htm, on political participation, see Article 29. For the list of signatories (December 2006).

⁷ To read the full text, see <http://iwgia.synkron.com/graphics/Synkron-Library/Documents/InternationalProcesses/DraftDeclaration/07-09-13ResolutiontextDeclaration.pdf>

⁸ It is worth noting the 2007 consensus among four Anglo-American countries (Canada, Australia, New Zealand, United States) against this Declaration. See <http://www.iwgia.org/sw248.asp>.

⁹ On neoliberal backlash, see Anita Superson and Ann Cudd (eds) (2002), *Theorizing Backlash: Philosophical Reflections on the Resistance to Feminism*. New York: Rowman and Littlefield; see also the collection of articles in Sandra Grey and Marian Sawer (2008), *Women's Movements: Flourishing or in Abeyance?*, New York: Routledge.

Moreover, by distorting or drowning out the empirical realities of inequality in symbolic commitments or affirmations, the rhetorical tactics of contemporary politicians have led to confusion, among citizens, as to the validity of competing sources of information, such as statistics agencies, and social science research, thereby blurring the ethical and empirical grounds upon which citizens vote. One part of the political game consists in making governments acknowledge the need to address ongoing marginalization, or, at least, to appear to respond to political claims advanced by emancipatory movements. Yet, there is a sense that, although the discursive critiques within liberal frameworks of citizenship (Marxism, socialism, social democracy, feminism, minority nationalism) have exposed the injustices and bias of these formalistic and proceduralist conceptions of equality, in the early 21st century the structures of power regulating representative democracies and the normative grounds of socio-economic cooperation have still managed to maintain a substantial hegemony, in practice.

Liberal Politics in Canada at an Impasse

Canadian democratic theorist James Tully articulates two meanings of citizenship in contemporary times, “modern citizenship” and “diverse citizenship”. Both are said to agree on the differences between ‘civic’ *citizens* and ‘civil’ *subjects* as linked to the idea that individuals have a voice over relations of governance to which they are subjected. He writes:

“If the rules to which we are subject in practices of governance are *imposed* on us by an internal tyrant, a foreign imperial power, or a structure of institutions and processes that subjectifies us ‘behind our backs’, then by definition, we are passive subjects rather than active citizens. We are thus ‘unfree’ in the democratic citizen sense and our powers of citizenship – self-rule, popular sovereignty, and self-determination – are said to be usurped, dispossessed, restricted or colonized. Furthermore, if an imposed system is exempt from democratic transformation by those unfreely subjected to it, and permits only forms of citizenship within its unalterable basic structure, then it

is said to be 'closed' rather than 'open' (a *constitutional democracy* but not a *democratic constitution*, for example."¹⁰

The paradox of contemporary neo-liberal states lies in the space between their presumed legitimacy as *constitutional democracies*, or namely, political communities with constitutional and legal protections for citizens from oppression and discrimination, and the failure to practically advance the *democratic constitution*¹¹ of these protections through various practices of citizenship constitutive of democratic institutions themselves, and by extension the legislative frameworks and social programs regulating socio-political cooperation. A main assumption of this thesis is that the democratic construction of equality begins with the realization of radically contestatory practices of representative democratic deliberations that are capable of yielding decisions that not only symbolically, but also materially lay the groundwork for equal citizenship. Rather than tackle ongoing democratic exclusions within liberal-democratic states, the systemic under-representation of key categories of citizens has largely gone unchecked, contributing to exacerbations of inequalities, the waning legitimacy of democratic institutions, increased voter cynicism, decreased voter turnout, and a weakening of the mechanisms of electoral accountability through the attribution of mandates of representation by smaller and smaller proportions of the citizenry. A correlate assumption of this thesis is that liberal democracies and the social movements mobilizing therein have largely run up against the limits of liberalism as a

¹⁰ James Tully (2005a), "Two Meanings of Global Citizenship: Modern and Diverse", The Meanings of Global Citizenship Conference. <http://web.uvic.ca/polisci/tully/publications/Tully%20Presem%20-%20Two%20Meanings%20of%20Global%20Citizenship%20II.pdf>.

¹¹ Tully 2005a: 2.

liberationist theory and practice of democracy that is capable of accommodating the diverse complexities of late modern democratic citizenship.¹²

In short, recent trends within Anglo-American liberal-democracies, at a minimum, point to the fact that we have likely exhausted the potential of *liberal equality* as a political ideal that is capable of advancing the emancipation of marginalized groups through late modern liberal politics. Rather, “equality” has been effectively redeployed, as a static status within constitutional texts, to legitimate anti-democratic state actions that diminish the capacity of marginalized and average citizens to protect themselves against oppression as they rhetorically affirm support for equality. Given the interdependence of emancipatory movements and the academic theories that support them, the upshot of this observations is likewise that feminist and critical theories of citizenship, social justice, and democratic politics are in need of additional conceptual resources, if their contributions are to significantly pose a challenge to power structures sustaining liberal “politics as usual”. Following Cornell, we believe that feminism and social movement activism generally must not “entrench itself in the realm of legal struggle as the primary arena of its political personal aspirations to change the social world and our form of life.”¹³ Consequently, this project seeks to propose alternative conceptual tools for moving late modern Anglo-American democracies beyond/outside of their modern liberal, juridical epistemologies and towards more genuinely *political and politicizing* frameworks of democratic politics.

¹² Yasmeen Abu-Laban and Daiva Stasiulis have made similar observations on the basis of liberalism’s capability to accommodate claims associated with ethnic diversity. See 2000, “Constructing ‘Ethnic Canadians’: The Implications for Public Policy and Inclusive Citizenship”, *Canadian Public Policy*, XXVI, 4: 479.

¹³ Drucilla Cornell (1995) *The Imaginary Domain: Abortion, Pornography and Sexual Harassment*, New York: Routledge, 27.

Canada: Constitutional Democracy without Democratic Constitution

The current project is inspired by the practical challenges facing contemporary Canadian democracy in particular, and other Anglo-American immigrant-receiving societies with white settler and patriarchal histories shaped by a similar set of linguistic, legal, political, economic, cultural and social institutions, in general. The Canadian experience is far from “typical” of all Anglo-American trends; however, as concerns the persistence of systemic forms of discrimination and the chronic exclusion/under-representation of key categories of citizens from democratic representation, Canada is by no means “atypical”. Figure 1.0 pays witness to the legacy of democratic exclusions and violations carried out by the democratically elected members of the provincial and federal assemblies in Canada since Confederation in 1867.

Figure 1.0: HISTORY OF DEMOCRATIC EXCLUSIONS IN CANADA

| Prov | Fed | Categories of Inclusion/Exclusion | Legislation / Jurisprudence |
|-------|-------------|---|--|
| 1849 | | The right to vote of French-Canadian women living in Bas-Canada (Lower Canada) is repealed | 1849 Under the Baldwin/Lafontaine administration |
| | 1850 - 1951 | The colonial government in British North America begins to record individual Indians and the Aboriginal bands to which they belonged | |
| | 1885 | Chinese (male) immigrants are restricted to 1 person for every 50 tons of a ship's tonnage. | <i>An Act to restrict and regulate Chinese Immigration into Canada</i> S.C. 1885 / 1900 |
| | 1900 | Racial minorities and women are excluded from voting in federal elections if they are ineligible within provincial electoral laws, | <i>Dominion Elections Act</i> S.C. 1900 c. 12 |
| 1908 | | Chinese, Japanese and other "Asiatic" or Indian persons are denied the vote in municipal elections in B.C. | <i>Municipal Elections Act</i> , S.A.B.C. 1908 c. 14 s. 13(1) |
| 1916- | | British and French-Canadian women gain the vote provincially in Manitoba, Saskatchewan, and Alberta | <i>An Act to amend the Manitoba Election Act</i> , S.M. 1917 c. 28 <i>An Act to amend the Saskatchewan Election Act</i> , S.S. 1917, c. 5 <i>The Equal Suffrage Statutory Law Amendment Act</i> S.A. 1916 c. 5 |
| 1917 | | British and French-Canadian women gain the vote provincially in B.C. and Ontario | <i>An Act to amend the Provincial Election Act</i> , S.B.C. 1917, c.23 <i>The Ontario Franchise Act</i> , S.O. 1917 c. 5 |
| | 1917 | Women of British and French-Canadian nationality with family or spouses in the military gain the right to vote | <i>The War-Time Elections Act</i> , S.C. 1917, c.39 |
| 1918 | | British and French-Canadian women gain the vote provincially in Nova Scotia | <i>Nova Scotia Franchise Act</i> , S.N. 1918, c.2 |
| 1919 | | British and French-Canadian women gain the vote provincially in New Brunswick | <i>New Brunswick Electors Act</i> , S.N.B. 1919, c. 63 |
| | 1919 | Women of British and French-Canadian nationality without military relations gain the vote federally | <i>An Act to Confer Electoral Franchise Upon Women</i> S.C. 1918, c.20 |
| | 1920 | Women and men of British and French-Canadian nationality, of the age of 21 years old, gain the right to vote. Asians, Indian, Aboriginals, the Inuit continue to be federally denied the vote, if denied the vote under existing provincial legislation | <i>Dominion Elections Act</i> , S.C. 1920, c. 46 |
| 1922 | | British and French-Canadian women gain the right to vote provincially in Prince Edward Island | <i>The Election Act</i> , S.P.E.I. 1922, c.5 |
| | 1927 | Federal Indian Act forbids Indians from forming political organizations. ¹⁴ | <i>The Indian Act</i> , R.S.C. 1927 |
| | 1929 | Canadian women of British and French-Canadian nationality gain recognition as Persons capable of nomination to the Canadian Senate | <i>Edwards v. Canada (A.G.)</i> [1928] S.C.R. 276 |
| | 1938 | Asian, Indian, aboriginal, Inuit women/men are denied the vote federally, if denied provincially. | <i>Dominion Elections Act</i> S.C. 1938, c. 46 |
| 1939 | | Chinese, Japanese, Hindu or Indian persons are again denied the vote in provincial elections in B.C.. | <i>Provincial Elections Act</i> , S.B.C. 1939, c.16 s. 5, |
| 1940 | | Québécois women gain the vote provincially | <i>Act Granting to Women the Right to Vote and to be Eligible as Candidates</i> , S.Q. 1940,c.7 |
| 1947 | | Chinese and Indian women and men gain the right to vote in B.C. Aboriginals and Japanese and Aboriginal women and men are still denied the vote. . | <i>Provincial Elections Act Amendment Act</i> S.B.C. 1947 c. 28 S. 14 |

¹⁴ See "National aboriginal organizations", CBC News Online, November 16, 2005, www.cbc.ca/news/background/aboriginals/national_organizations.html

| | | |
|------|--|--|
| 1947 | Doukhobors, Hutterites and Mennonites are denied the right to vote after refusing to fight in WWII and swear allegiance to the Crown. | <i>Provincial Elections Act Amendment Act</i> S.B.C. 1947 c. 28 S. 14 |
| 1948 | Restrictions on the basis of race are repealed, enabling Japanese-Canadians in B.C. to exercise the vote federally. Aboriginal and Inuit women and men are still denied the vote. | Section 14(2)(i) is repealed from the <i>Dominion Elections Act, S.C. 1948, c. 46,</i> |
| 1949 | Japanese women and men who had not served in WWII gain the right to vote in B.C. | <i>Dominion Elections Act S.C. 1949</i> |
| 1955 | Doukhobors gain the right to vote federally. | <i>Dominion Elections Act S.C. 1955, c.44, s.4.</i> |
| 1960 | Provisions are adopted to ensure the voting rights of persons with disabilities and persons in hospitals | <i>Loi modifiant la Loi électorale de Québec, 1960.</i> |
| 1960 | The Canadian Bill of Rights is adopted | <i>Canadian Bill of Rights</i> |
| 1960 | Aboriginals women and men gain the right to vote federally even if they do not relinquish their Indian Status | <i>Indian Act, R.S.C. 1960</i> |
| 1982 | The <i>Canadian Charter of Rights and Freedoms</i> is enacted as part of the Constitution Act, 1982 | <i>Constitution Act, 1982, Schedule B, Part I</i> |
| 1988 | | <i>Canadian Disability Rights Council v. R</i> |
| 1989 | Persons with mental disabilities gain the right to vote in Québec. | <i>Loi modifiant la Loi électorale, 1989</i> |
| 1991 | The Supreme Court of Canada decides that S. 3 of the Charter does not guarantee equality of voting power, but the right to effective representation | <i>Reference Re Provincial Electoral Boundaries (Saskatchewan) [1991] 2 S.C.R. 158</i> |
| 1993 | Persons “restrained of his liberty of movement or deprived of the management of his property by reason of mental disease” gain the right to vote. ¹⁵ | <i>Canada Elections Act 1993</i> , in response to the 1988 ruling of the Federal Court of Canada on s. 3 voting rights |
| 1993 | The Supreme Court of Canada decides that prisoners cannot be universally denied the vote. | <i>Sauvé v. Canada (Attorney General) 89 D.L.R. (4th) 644.</i> |
| 1989 | The Supreme Court of Canada articulates the Canadian electoral principle in the “relative equality of voting power” | <i>Dixon (1989), 59, D.L.R. (4th) 247 (B.C.S.C)</i> |
| 1999 | The federal government amends s. 51(e) to deny the vote only to prisoners serving sentences of more than 2 years. The Supreme Court upheld this distinction as adequately “proportional” under the Oakes test. | <i>Canadian Elections Act S.C. 1999.</i> |

Source: Canadian Human Rights Commission, “Human Rights in Canada: A Historical Perspective”, www.chrc-ccdp.ca/en/browseSubjects/votingRights.asp, and see specific footnotes.

Since the *Canadian Charter of Rights and Freedoms* was enshrined in the Constitution of 1982, the Canadian federal, provincial and territorial governments have had the democratic obligation, under the Canadian Constitution, of guaranteeing sexual equality¹⁶ and for protecting and enhancing Canada’s multicultural heritage.¹⁷ Advancing a nuanced appreciation of the interaction of multiple forms of oppression that could prevent the

¹⁵ See Elections Canada (2004), “Persons with Disabilities“, *Electoral Insight*, Ottawa: Elections Canada.

¹⁶ Section 28, “Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.”

¹⁷ Section 27, “This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.”

experience of equality for a broad cross-section of women and men, they articulated a substantive conception of *equality rights* for categories of citizens historically subject to systemic discrimination in Section 15(1).¹⁸ A three-year delay ensured governments adequate time to amend all laws and policies likely to offend these equality rights, before their becoming justiciable in 1985. In light of the trends against affirmative action policies emerging from American jurisprudence, Canadian feminists specifically sought the inclusion of Section 15(2)¹⁹ to ensure the constitutionality of laws, policies or programs that aimed to correct systemic discriminations relating to the grounds enumerated under Section 15(1). The relentless efforts of Canadian feminist legal theorists and activists²⁰ to assert substantive interpretations of “equality” resulted in a rich constitutional precedent for Section 15 of the Charter in the Supreme Court of Canada’s judgements in *Andrews* (1989). In response to neo-liberal backlash, the largely progressive interpretations that had emerged throughout the first fifteen years of Charter jurisprudence and the breadth of Section 15 equality rights have been rolled back, narrowed, and confirmed in the 1999 *Law*²¹ decision.²² Studies of

¹⁸ Section 15.1, “Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”

¹⁹ Sections 15.2, “Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”

²⁰ See Penny Kome (1983), *The Taking of Twenty-Eight: Women Challenge the Constitution*, Toronto: Women’s Press. See Alexandra Dobrowolsky (2000), *The Politics of Pragmatism: Women’s Representation, and Constitutionalism in Canada*, Don Mills, Oxford University Press; and also (ed) Radha Jhappan (2002), *Women’s Legal Strategies in Canada: A Friendly Assessment*, Toronto: University of Toronto Press. See also Anne Phillips (1995), *The Politics of Presence: The Political Representation of Gender, Ethnicity, and Race*, Oxford: Oxford University Press.

²¹ *Law v. Canada (Minister of Employment and Immigration)*, [1999] 1 S.C.R. 497.

²² See Diana Majury (2002), “The Charter, Equality Rights, and Women: Equivocation and Celebration”, *Osgoode Hall Law Journal* 7:2:286-317; (2004) Fiona Sampson, “LEAF and the Law Test for Discrimination: An Analysis of the Injury of Law and How to Repair it”, Legal Education and Action Fund, <http://www.leaf.ca/legal/submissions/2004-law-test-discrimination.pdf#target>, and also (2007) Karen Schucher and Judith Keene, “Statutory Human Rights and Substantive Equality – Why and how to avoid the injury of the LAW approach”, LEAF, www.leaf.ca/legal/submissions/2007-statutory-human-rights-

Canadian Constitutionalism and Charter jurisprudence, combined with political science research, worked to reinforce my reflection on the necessity of democratically constituting the right to self-government and self-representation for women and other marginalized groups was nourished by the feminist critiques of democracy.

Moreover, the practical insights that have emerged from the contemporary literature of women and politics explored the complex relationship between the descriptive and substantive representation of women. In what is arguably one of the most important contributions to Anglo-American political theory and political science during the post-war era, in *The Concept of Representation*, Hannah Pitkin proposes a typology of political representation that consists in descriptive representation versus substantive representation, or namely “standing for”, or “acting for”.²³ Whereas “standing for” speaks to the “descriptive representation, the making present of something absent by resemblance or reflection, as in a mirror or in art”²⁴, “acting for” speaks to not a “making of representation or symbols, but an acting for others, and not just the formalistic trappings that surround action, but the substance of the activity itself.”²⁵ She develops a concept of representation that analytically separates, into rather distinct measurable components, the functions of descriptive (physical presence) and substantive (ideological speech-action) representation. Indeed, she asks the question, “When should men feel that they are represented? When would it be correct to say that they are represented? Or again, What would count as evidence that they are represented?”²⁶

substantive-equality.pdf#target. For an evaluation of Charter equality rights for lesbian and gay rights, see Brenda Cossman, “Lesbians, Gay Men, and the Canadian Charter of Rights and Freedoms”, *Osgood Hall Law Journal*, 40:3-4: 223-249.

²³ Hanna Pitkin (1967), *The Concept of Representation*, New York: Atherton Press, 11.

²⁴ Pitkin, 1967: 11.

²⁵ Pitkin, 1967: 12.

²⁶ Pitkin, 1967: 9.

Investing less rather attention in the psycho-social aspects of politics, nor in the interactions amongst the various forms of representation she observes, Pitkin nonetheless distinguishes these two fundamental forms of political representation as distinct from more symbolic forms of representation implicit in the role of flags, kings, or other kinds of symbols. Rather than seeking a conception that takes into account the possible self-understandings that inhere in the act of representing or being represented, Pitkin's focus is on "not what causes people to have a psychological feeling of being represented but what reasons can be given for supposing someone or something is being represented."²⁷

Diverse Citizenship and Descriptive Representation in Canada

Section 28 of the Charter identifies that all the rights and freedoms therein are "guaranteed equally to male and female persons". Nonetheless, for over fifteen years, notably since 1993, women's representation in the federal parliament has stagnated at around 21%.²⁸ And this, despite the fact that women constitute a demographic majority within the population, had surpassed men's enrolment in universities as early as 1988,²⁹ and obtained a majority (59%) of undergraduate degrees awarded in 2001.³⁰ In 2007, Canada's performance in terms of women's representation (21.3%) was ranked 51st internationally, situated in-between Serbia and China. The 2008 federal elections yielded a 1% increase, allowing Canada to challenge

²⁷ Pitkin, 1967: 10.

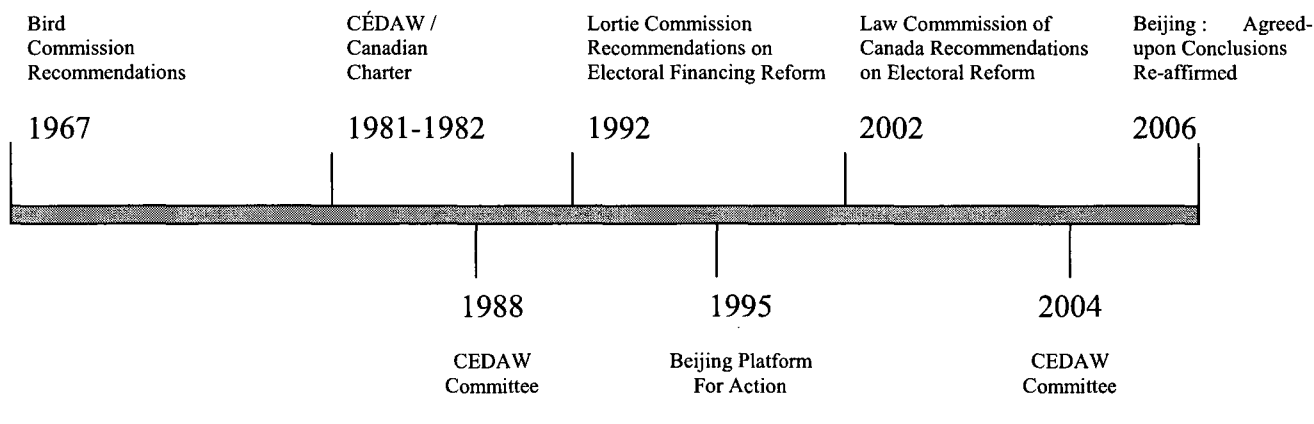
²⁸ See bibliography: Bashevkin 1982; Black and Erickson 2000; Brodie 1985; Erickson 1997, 1998; MacIvor 1996; Matland and Studlar 1998; Pitre 2003; Steele 2001, 2002, Steele and Tremblay 2005; Tremblay 2008, 2005a, 2005b; 2005c, 2005d, 2003, 2002; Tremblay and Andrew 1997, 1998; Tremblay and Galligan 2005; Trimble and Arscott 2003; Young 2000.

²⁹ See Statistics Canada 1990.

³⁰ See "Ivory Towers: Feminist Audits", website of the Canadian Federation of the Humanities and Social Sciences, <http://www.fedcan.ca/english/pdf/issues/indicators2003eng.pdf>.

the achievements in Pakistan, the United Arab Emirates, and Senegal.³¹ Most importantly, for over 30 years, Canadian *governments* have recommended, through Royal Commissions, and committed, through international legal conventions, international political conventions and updated political re-affirmations, to adopting concrete measures to advance women's political representation. Despite the democratic commitments of all Canadian governments under international legal (CEDAW) and political agreements (Beijing Platform for Action), and despite the progressive constitutional framework authorizing governments to advance the democratic construction of more representative decision-making bodies, the post-Charter (1982) era has seen predominantly *rhetorical* efforts by governments, parties³² and political elites to take democratic action to eliminate the practical barriers preventing racialized persons, women, persons with disabilities, and young citizens from securing effective political representation.

Figure 2.0: Rhetorical Commitments of Canadian federal Governments 1967-2007



³¹ See the database compiled by the Inter-parliamentary Union, www.ipu.org/wmn-e/classif.htm

³² The New Democratic Party of Canada is one exception to this Anglo-American trend given their willingness to adopt an affirmative action policy as a formal by-law of their party regulations which prevents nominations from proceeding unless there is at least one candidate from an affirmative action group, identified as women, gays, lesbians, bisexual persons, transgendered persons, persons with disabilities, Aboriginal peoples, and youth (under 26). The leadership of Jack Layton in prioritizing that 60% of winnable seats be attributed to female candidates in the 2006 election has led to considerable gains, including a parliamentary caucus with gender parity.

As concerns the representation of the multicultural heritage of Canada supported in section 27 of the Charter, the studies by Black³³ tracked the representation of ethno-racial minorities in 1997 at 18.6%, with a mere 6.7% representation for “visible minorities”.³⁴ The participation of visible minority women was more severely absent.³⁵ At the same time, Black and Eryckson have found that the women who were elected had to be two and three times more qualified than the average white male Member of Parliament in order to compensate for their sexual and racial differences.³⁶ The recent comparative findings by Karen Bird³⁷ and the collection by Andrew et al (see Figure 3.0) update the numbers and confirm the relative absence of progress in terms of the descriptive representation for women, immigrants and visible minorities alike.

Although Section 15 of the Charter identifies the right to equality of persons with disabilities, their presence within the federal and provincial assemblies has been marginal. Young adults are a final group of interest to this inquiry on diverse citizenship, and that have endured systemic under-representation within democratic institutions. In light of the past two decades of rampant downsizing of social programs, employment insurance, and the persistent under funding of healthcare, childcare and other important supports for social citizenship, the under-representation of young adults in federal institutions constitutes a central democratic

³³ See Jerome Black (2000a), “Ethnoracial Minorities in the Canadian House of Commons: The Case of the 36th Parliament”, *Canadian Ethnic Studies*, 32: 2.

³⁴ A term used by the federal government to identify persons experiencing racialization and vulnerability to racism. See Statistics Canada’s definition www.statcan.ca/english/concepts/definitions/vis-minorit01.htm. This term has been heavily critiqued on a number of grounds.

³⁵ See Jerome Black (2000b), « Entering the Political Elite in Canada: The Case of Minority Women as Parliamentary Candidates and MPs », *Canadian Review of Sociology and Anthropology*, 37, 2: 143-166.

³⁶ See Jerome Black and Lynda Erickson (2000c), Similarity, Compensation, or Difference? A Comparison of Female and Male Office-Seekers, *Women and Politics*, 21:4.

³⁷ Karen Bird (2005), “The Political Representation of Visible Minorities in Electoral Democracies: A Comparison of France, Denmark and Canada”, *Nationalism and Ethnic Studies*, 11, 3:425-465.

deficit that threatens the well being of future generations. The lack of inter-generational vision and solidarity, in terms of social welfare, and notably, in terms of environmental protection, is such that the capacity of young Canadians to see their priorities enjoy democratic influence within political institutions is a uniquely late modern challenge that this project aims to assert within its theoretical exploration of diverse citizenship.

Figure 3.0: Electoral Representation of Immigrants, Minorities and Women across Canada

| | | Gender | | Visible Minority | Foreign-born |
|-----------------------|------------------------------------|--------|--------|------------------|--------------|
| | | Male | Female | | |
| Calgary | Percentage among elected officials | 78 | 22 | 11 | 18 |
| | Percentage among population | 50 | 50 | 17 | 21 |
| | Proportionality index | 1.57 | 0.43 | 0.64 | 0.83 |
| Edmonton | Percentage among elected officials | 77 | 23 | 10 | 22 |
| | Percentage among population | 50 | 51 | 15 | 18 |
| | Proportionality index | 1.55 | 0.45 | 0.66 | 1.23 |
| Halifax | Percentage among elected officials | 70 | 30 | 0 | 4 |
| | Percentage among population | 48 | 52 | 7 | 7 |
| | Proportionality index | 1.46 | 0.58 | 0.00 | 0.57 |
| Hamilton | Percentage among elected officials | 72 | 28 | 4 | 8 |
| | Percentage among population | 49 | 51 | 11 | 25 |
| | Proportionality index | 1.48 | 0.55 | 0.37 | 0.33 |
| Montreal | Percentage among elected officials | 70 | 30 | 3 | 7 |
| | Percentage among population | 48 | 52 | 21 | 33 |
| | Proportionality index | 1.45 | 0.57 | 0.15 | 0.21 |
| Ottawa | Percentage among elected officials | 78 | 22 | 3 | 11 |
| | Percentage among population | 49 | 51 | 18 | 22 |
| | Proportionality index | 1.59 | 0.43 | 0.17 | 0.5 |
| Regina | Percentage among elected officials | 85 | 10 | 0 | 13 |
| | Percentage among population | 49 | 52 | 5 | 8 |
| | Proportionality index | 1.73 | 0.29 | 0.00 | 1.63 |
| Saskatoon | Percentage among elected officials | 70 | 30 | 0 | 3 |
| | Percentage among population | 49 | 52 | 6 | 8 |
| | Proportionality index | 1.42 | 0.57 | 0.00 | 0.39 |
| Toronto | Percentage among elected officials | 72 | 28 | 11 | 33 |
| | Percentage among population | 49 | 52 | 43 | 49 |
| | Proportionality index | 1.46 | 0.54 | 0.26 | 0.67 |
| Vancouver | Percentage among elected officials | 77 | 23 | 23 | 31 |
| | Percentage among population | 49 | 51 | 49 | 48 |
| | Proportionality index | 1.57 | 0.45 | 0.47 | 0.65 |
| Winnipeg | Percentage among elected officials | 73 | 27 | 7 | 15 |
| | Percentage among population | 48 | 52 | 13 | 17 |
| | Proportionality index | 1.52 | 0.52 | 0.54 | 0.88 |
| Members of Parliament | Percentage among elected officials | 79 | 21 | 7 | 12 |
| | Percentage among population | 49 | 51 | 15 | 18 |
| | Proportionality index | 1.61 | 0.41 | 0.48 | 0.67 |

Source: Caroline Andrew et al (2008), *Electing a Diverse Canada: The Representation of Immigrants, Minorities and Women*, UBC Press.

Diverse Citizenship in Canada and Substantive Representation

During this same period, the substantive advancement of protections for diverse women and men were successively scaled back and subjected to significant backlash. Academics have rigorously documented the ways in which privatization and state inaction in Canada have become complicit with neo-patriarchal, neo-racist, and neo-colonial systems of power that openly expose citizens to systemic discrimination and oppression at the same time as political leaders affirmed their support for equality.³⁸ A challenge unique to Westminster-style parliamentary democracy in particular, given that governing parties retain the powers of the Crown through the cabinet, a vast number of significant institutional changes and social programme downsizing was effectuated by executive decree without any parliamentary oversight, let alone civil society or popular consent.³⁹ *Contra* social movement demands, civil society protest, and the advocacy of opposition parties, successive governments have unilaterally changed, diminished and/or dismantled various equality-seeking mechanisms, such as Employment Insurance, the FPT Childcare Agreement, the Social Union Framework Agreement, the Voluntary Sector Agreement, the Court Challenges Programme, the Canadian Advisory Council on the Status of Women, the Women's Programme, the Law

³⁸ See Abu-Laban 1998, 2000; Abu-Laban and Gabriel 2002; Bannerji 2001; Bannerji, Mojab and Whitehead 2001; Boyd 2002; Cossman and Fudge 2002; Jhappan 2002, 1996, 1995; Jenson et al 2000; Kobayashi 1995, Strong-Boag et al 1998.

³⁹ Without consultations with women's groups, in 2006, the minority Conservative Government led by Stephen Harper unilaterally closed 12 of 16 regional offices of Status of Women Canada, downsized the budget allocated for women's groups, and changed the funding criteria to exclude organizations that engage in advocacy at the municipal, provincial and federal levels. Opposition parties attempted to oppose these changes by forcing emergency meetings of the Standing Committee on the Status of Women as a means of publicizing the decisions. This allowed women's organizations the opportunity to publicly document the effects of these drastic changes, however, they could not be reversed given that they flowed from Executive powers of the Minister of the Status of Women, as opposed to formal legislation. See the Tenth Report (Cuts to Status of Women) of the Standing Committee on the Status of Women, and see the Press Release by the Coalition for Women's Equality, "Cuts and Changes to Status of Women Threaten Equality", Ad Hod Coalition for Women's Equality and Human Rights, Ottawa, <http://www.womensequality.ca/resources.html#Cuts>.

Commission of Canada, Status of Women Canada, and the Court Challenges Program. Pace the Charter, the overwhelmingly white, Anglophone, heterosexual male Conservative minority government under Stephen Harper has mobilized the executive powers of the Crown to advance an agenda that has effectively rendered Canada a more closed democracy⁴⁰ at the same time as fiscal, environmental, and social conservatives have advocated against substantive readings of equality.

Indeed, over twenty-five years after the adoption of the *Canadian Charter of Rights and Freedoms*, discourses of equality and freedom have been used by successive governments to legitimate the very exclusions from democratic citizenship that the Constitution Act of 1982 was meant to correct. The rampant discursive affirmations of equality from all political parties have confused the meanings of “substantive” and “formal” equality, fostering collective paralysis as to the solutions needed, and even amnesia as to the real coercive power and capacity of democratic states to do harm to certain categories of citizens. One of the main reasons why contemporary policies of collective inaction and state non-intervention are democratically and ethically untenable lies precisely in the damaging effects of past, historically activist governments. To stymie the informal influence of past democratically adopted exclusions and denigrations of certain categories of citizens, comprehensive strategies of horizontal inclusion have been identified as an important means of increasing the representation of various interests throughout all areas of democratic

⁴⁰ See Tully’s (2005:2) understanding of “closed” and “open” democratic system. The mandate of *Status of Women Canada* abandoned a commitment to equality. Changes to the funding criteria through *Status of Women Canada* effectively disqualified women’s organizations that engaged in feminist advocacy. The elimination of the *Court Challenges Programme* has meant the repeal of funding supports for Charter equality test cases and minority language rights cases. The abolition of the *Law Commission of Canada* has meant the end of a leading equality-seeking institution that consulted citizens and social movements to provide rigorous, future-seeking law and democratic reform proposals to Canadian parliamentarians.

decision-making.⁴¹ Yet over the past 15 years of Progressive Conservative, Liberal, and now Conservative⁴² majority and minority government, no legislative measures have been adopted in an attempt to “Charter-proofing” electoral politics towards more inclusive democratic decision-making institutions.

International Trends in Women’s Political Representation

At the international level, the past thirty years has seen international organizations such as the *Inter-Parliamentary Union*⁴³ begin to monitor and rank countries based on their performance in electing women to national Parliaments. The *International Institute for Democracy and Electoral Assistance*,⁴⁴ in conjunction with the University of Stockholm, has assumed a position of leadership in developing a wealth of information on electoral systems, their impacts upon the election of women, and the use of various institutional (constitutional, legislative, voluntary) mechanisms by over 100 countries to promote gender-balanced legislatures.⁴⁵ Transnational conversations on women and politics have brought into dialogue a wealth of country-specific data and comparative case studies on the impact of various electoral systems, the role of political parties, and the efficacy of policies such as reserved seats, voluntary quotas, legal laws, parity, and other mechanisms.⁴⁶ Although women’s

⁴¹ See CEDAW, Article 7, and notably, sections 190-195 of the *Beijing Platform for Action*. See also the discussions in Kareen Jabre (2006), “Affirmative action at the IPU”, in (ed) Drude Dahlerup, *Women, Quotas and Politics*, Routledge, 266-272; Miyoko Tsujimura (2006), “Law and Praxis for Gender-equal Society”, in (eds) Miyoko Tsujimura and Emi Yano, *Gender and Law in Japan*, Sendai: Tohoku University Press, 7-30.

⁴² The Conservative Party of Canada has dropped the word “Progressive” from its name, as well as the correlate content of social progressive values from its political platform.

⁴³ Website of the Inter-Parliamentary Union, www.ipu.org.

⁴⁴ Website of the International Institute for Democracy and Electoral Assistance, www.idea.int.

⁴⁵ Website of the *Global Database of Quotas for Women*, www.quotaproject.org.

⁴⁶ See bibliography: Andrew et al 2008; Bergqvist 1999; Childs 2004; Dahlerup 2002, 2003, 2004, 2006, 2007; Darcy 1996; De Abreu 2004; Del Re and Heinen 1996; Fauré 1985; Gaspard 1997; Goetz and Hassim 2003;

representation is said to be favoured by electoral systems that are proportional, as compared to their majoritarian/plurality counterparts, women continue to be vastly under-represented in all forms of electoral systems be they proportional, mixed or majoritarian.⁴⁷ Increasingly, feminist movements worldwide and political scientists in both developing and developed countries have taken a greater interest in a variety of institutional mechanisms (reserved seats, results-based quotas, candidacy-based quotas, financial spending limits) that can be used to generate more egalitarian results as to the composition of national democratic institutions. The international research on electoral systems design and the effectiveness of proactive measures for women is substantial.⁴⁸ In short, there is no absence of reliable data on women's under-representation in political institutions and the proactive measures destined to counter (with varying success) systemic discrimination within established and developing representative democracies of the 21st century.

Transnational feminist movements⁴⁹ have sought to change the rules of the democratic game itself through the adoption of constitutional, legislative and party-based quotas ensuring gender-balanced government. This strategy has met with significant success

Krook 2005; Lovenduski 2005; Marques-Pereira 2003; Mansbridge 1999, 2003; Matland 1993, 1999; Matland and Studlar 1996; McAllister and Studlar 2002; MacIvor 1996; Norris 1997, 2000, 2004; Norris and Lovenduski 1995; Phillips 1995, 1998; Pitre 2003; Rule 1987; Rule and Norris 1992; Rule and Zimmerman 1992, 1994; Sawyer 1997, 1998; Schugart 2001; Siim 2000; Squires 1996; Squires and Wickham-Jones 2001; Steele 2007, Steele and Hébert 2006; Studlar and McAllister 2002; Tremblay 2007, 2005a, 2005b; 2005c; Tremblay and Andrew 1998; Tremblay and Steele 2006; Trimble and Arscott 1997, 2003; Tripp 2000; Williams 1998; Young 1990, 1997, 2000.

⁴⁷ The recent collection of articles edited by Manon Tremblay explores the conditions under which this holds true. See Manon Tremblay (ed) (2007), *Women and Legislative Representation: Electoral Systems, Political Parties, and Sex Quotas*, London: Palgrave-McMillan.

⁴⁸ See International IDEA 2002, 2003, 2004, 2005. See also Mona Lena Krook (2005), *Politicizing Representation: Campaigns for Candidate Gender Quotas Worldwide*, Doctoral Thesis, Columbia University.

⁴⁹ See Mona Lena Krook (2008), *Campaigns for candidate gender quotas: a new global women's movement?*, in (eds) Sandra Grey and Marian Sawyer, *Women's Movements: Flourishing or in Abeyance?*, Routledge, 105-115.

on all continents except North America. Rather, the “myth of meritocracy”⁵⁰ prevails and the impact of the socio-symbolic norm of “homo politicus”⁵¹ continues to informally regulate the preferences guiding political party recruitment.⁵² Given the psycho-symbolic and material importance of political representation within federal bodies⁵³ of democratic citizenship, the previous examples illustrate the democratic deficits within the Canadian House of Commons. Contrary to popular belief, the situation at the provincial and municipal levels has been just as disappointing as the federal level,⁵⁴ challenging the myth that political representation will inevitably improve with the socio-economic status of women and other minorities. In fact, comparative cross-national research by Pippa Norris demonstrates that there is no causal link between the economic development of countries and the proportion of women elected to their national legislatures.⁵⁵ This is confirmed within various country-specific case studies and comparative data on women’s representation and inclusion within democratic citizenship and its electoral processes. Building on the core premises of the *Beijing Platform for Action*, *Convention on the Elimination of All Forms of Discrimination Against Women*, and Sections 15/28 of the *Canadian Charter of Rights and Freedoms*, I assume the democratic necessity of systematically mainstreaming the political participation of women at all levels of formal

⁵⁰ See Iris Marion Young’s discussion in (1990) “Affirmative Action and the *Myth of Merit*,” *Justice and the Politics of Difference*, Princeton: Princeton University Press, 195-225.

⁵¹ See Pippa Norris and Joni Lovenduski (1989), “Pathways to Parliament”, *Talking Politics*, 1: 94.

⁵² See footnote 31 on the exceptional policy of the New Democratic Party.

⁵³ In light of the distinct national context, it is worth noting that the Québécois feminist movement has rather invested its energies in the political representation of women, ethno-cultural diversity and regional balance within the Québec legislature, not the federal parliament. See the website of the *Collectif féminisme et démocratie*, who spearheaded and coordinated Québec feminist movement interventions in the electoral reform process in Québec from 2003 through 2008, www.feminismeetdemocratie.ca.

⁵⁴ For example, the highest representation of women was 30% in the municipal councils of Halifax, Montreal and Saskatoon, whereas the highest representation of visible minorities was 23% in Vancouver. See Caroline Andrew, John Biles, Myer Siemiatycki, Erin Tolley (2008), *Electing a Diverse Canada: The Representation of Immigrants, Minorities and Women*, UBC Press.

⁵⁵ Pippa Norris (2005), Paper presented at the *Inter-Parliamentary Union Meeting of Women Parliamentarians* in the context of the United Nations 49th Commission on the Status of Women (Beijing +10), March 3, 2005, New York.

democratic institutions (school boards, municipalities, provinces, territories, federal parliamentary bodies), as well as in all spheres of political representation and decision-making (political parties, crown corporations, the media), given the impact of these public spaces in regulating the conditions of self-determination experienced by women. The presence of constitutional protections in the black letter of the law, unsupported by the democratic constitution of political self-representation throughout democratic institutions, has not proved sufficient in opposing discrimination, nor in foreclosing state-driven attempts to prevent democratization and the self-determination of various categories of citizens.

Power-Sharing and the Rights of Minority Nations

In addition to the normative commitments flowing from feminist movement activism, this project is likewise in sympathy with the liberationist struggles of the Québec people, a French-language minority nation that has sought to affirm a right to self-determination and self-government within the Canadian federation. This sense of shared sympathy stems from personal and academic experiences studying Canadian federalism at McGill University in the context of the 1995 referendum on Québec sovereignty, and moreover, the past two decades of federal government attempts to legislatively constrain⁵⁶ the right to self-determination. Similar to the dismissal of demands from feminist movements, the failure of Canadian governments to substantially respond to the calls for recognition of Canadian multinational diversity put forth by Québécois society, represented by the nationalist and federalist members of the Québec National Assembly, is likewise problematic. Moreover, comparative research evaluating the democratic constitution of equality rights for women and other

⁵⁶ *Clarity Act [2000], c. 26.*

minorities points to the leadership of Québec. Reflecting the interlocking nature of various liberationist movements, the advent of the Quiet Revolution and Québécois nationalism emerged alongside feminist movement struggles⁵⁷ in favour of reforms enhancing the freedom of Québécois women. These national and feminist movements fostered enhanced engagement of Québécois women in the core democratic debates and binding referenda deciding the secession of Québec from Canada. Given the fact that the Québécois feminist movement had effectively mobilized around the *Charte québécoise des droits et libertés de la personne* to ensure the respect of an “égalité de fait”⁵⁸, tensions between their and Anglophone feminist visions of Canada emerged as a result of the ratification of the *Canadian Charter of Rights and Freedoms* without Québec’s consent.⁵⁹ The rupture of the “Canadian” feminist movement has been reconstructed towards multinational democratic strategies of coalition-led interventions, whereby the pan-Canadian movement mobilizes for reforms at the federal level that are sensitive to Québécois feminist demands, and the Québécois movement mobilizes predominantly for reforms through its National Assembly. Moreover, the federal Canadian movement no longer claims to speak for, nor formally represent the voices of Québécois women, just as it no longer claims to speak for Aboriginal women. The current project builds upon concrete experiences of these multinational politics of representation within both the federal Canadian feminist movement, and as a result of intense participation in the Québécois feminist movement efforts to increase the political

⁵⁷ See Diane Lamoureux (2001), *L'Amère patrie. Entre féminisme et nationalisme*, Montréal: Remue-Ménage; see also Micheline Dumont and Louise Toupin (2003), *La pensée féministe au Québec*, Montréal: Remue-ménage.

⁵⁸ “Equality in practice”, as opposed to “Equality in law” or « égalité de droit ».

⁵⁹ See Kome 1983.

representation of women and ethno-cultural diversity⁶⁰ within the Québec National Assembly.⁶¹

Crafting Interlocking Solidarities

Although my interest in the right to democratic self-determination began with a reflection on women's liberty, and indeed, my own liberty as a woman who chooses to live in Québec due to the shared goal of democratic (re)construction achieved in Québec,⁶² relative to other provinces, my involvement within the Canadian and Québécois feminist movements has resulted in a preoccupation for a much broader cross-section of national and intra-national minorized groups who have likewise been subjected to various degrees of political tutelage over the course of Canadian democracy. This reflection calls out for the necessity of alternative conceptions of diversity and of correlate implications for democratically constituting the institutional practices and spaces wherein diverse citizenship may thrive. As such, I aim to bring the insights from the literature of women and politics, and feminist political theory to bear on related literatures dealing with diversity and marginalization. More broadly, this project flows from a desire to critique and expose the legacy of "*democratic minorization*", whereby various bodies ascriptively marked by "differences" from the ruling

⁶⁰ See the Parliamentary Brief of the *Collectif Féminisme et Démocratie*, « La réforme, maintenant, mais pas n'importe comment! », www.feminismmeetdemocratie.ca/collectif/files/2005memoireCFD.pdf, submitted to the Québec National Assembly's *Commission spéciale sur la Loi électorale*, <http://www.assnat.qc.ca/fra/37legislature1/commissions/csle/index.shtml>.

⁶¹ In light of my understanding of the federation of Canada as a multinational democracy, to the extent possible, I will be using language that communicates an appreciation of the Québec nation as a distinct people, of the Inuit as a distinct people, and of the right of Aboriginal Peoples and the Métis to speak as distinct peoples.

⁶² Successive Québec governments have enabled the democratic reconstruction of women's democratic rights and freedoms through national childcare provision, pay equity legislation, generous maternity/paternity/parental leave, funding for women's organizations (mainstream and separate funding for ethno-cultural women's groups), special funding for feminist projects on women and political power, and a legislative requirement of gender parity on the boards of all crown corporations to be achieved by 2011, among other initiatives.

elite were legislated into the status of a “political minor” and placed under the democratic tutelage of the so-called norm of the body politic.

Figure 1.0 served as a reminder of the usurpation of political liberty and the democratically inscribed tutelage enacted by the predominantly Christian, Anglophone/francophone, white, heterosexual men composing provincial and federal governments throughout Canadian history. Although the current project is inspired by and sensitive to the importance of democratically constructing effective self-representation for all groups historically (and in the future) subject to similar usurpations of democratic liberty, including minority or colonized nations (Québécois, Nunavummiut, Aboriginal Peoples, Métis) and official language communities (francophones outside Québec) within Canada, significant discrepancies between the promise of Canadian *constitutional democracy* and the democratic constitution of political liberty stem from the failure of successive Canadian governments to likewise secure the democratic freedoms of “intra-national minorities”. By “intra-national”, I mean the diverse groups of citizens who often benefit from constitutional and legislative rights to non-discrimination, but whose practical access to self-government within democratic institutions has been denied, neglected and/or openly opposed on various grounds. Within the Canadian case, I wish to specifically problematize the lack of democratic representation for groups implicated in the protections of Sections 15, 27, and 28, whose historic subjection to democratic exclusion and chronic under-representation within democratic institutions at all levels has seen precious little improvement since 1982. Proliferating the groups benefiting from constitutional recognition and standing, the adoption of the *Charter of Rights and Freedoms* resulted in an expansion of the constitutional Federal-Provincial-Territorial (hereafter “FPT”) multilogues through the claims to democratic inclusion of a wide cross-section of non-territorial, intra-national “outsiders” that cut across

each of the nations, provinces, and communities figuring within federal and post-colonial relations. As such, the project aims to problematize the marginalization and democratic exclusion of women and other sexual minorities⁶³, racialized citizens, permanent residents, linguistic minorities, persons with disabilities, and young adults. It also aims to be attentive to the various sexual/gendered identities that do not fall neatly within the dominant understanding of sexuality that is perpetuated through the Canadian Constitution and the recognized categories within vital statistics.

Democratic Theory and the Disciplinary Blind spots on Power-Sharing

The dominant international literature on minority rights and political representation has traditionally focussed on consociationism, nationalism, multiculturalism and minority nations or cultures, and the various distinctions between the group-based rights of indigenous peoples, minority nations and ethno-cultural minorities within multicultural societies.⁶⁴ With the exception of the more interdisciplinary contributions of feminist political theory and feminist theories of citizenship,⁶⁵ and very recent conversations between theorists of

⁶³ This aims to acknowledge the recent recognition of individuals who fall outside the binary boundaries of male/female, and who identify as intersexed, transgender, or transsexual. Acknowledging this fact is an important step in diminishing the kinds of violence to which these individuals are subjected. See Judith Butler (2004), "Gender Regulations", 40-56, and "Doing Justice to Someone: Sex Reassignment and Allegories of Transsexuality", 57-74, in *Undoing Gender*, New York: Routledge. See also Emily Grabham (2007), "Citizen Bodies, Intersex Citizenship", *Sexualities*, 10, 1:29-48, and Tamsin Wilton (2000), "Out/Performing Our Selves: Sex, Gender and Cartesian Dualism", *Sexualities*, 3, 2:237-254.

⁶⁴ See bibliography: Bird 2005; Eisenberg 1998; Arendt Lijphart 1977; Kernerman 2005; Maiz and Requejo 2005; McKinnon and Hampsher-Monk 2000; May, Modood and Squires 2004; Maclure 2003, 2004; Shabani 2007; Shachar 2001; Shapiro and Kymlicka 1997; Stasiulis 2002; Song 2007; Williams and Macedo 2005;

⁶⁵ See bibliography: Dahlerup, Deveaux, Fraser and Lacey 1993; Goetz 2007; Gould 1998; Green 2007, Mansbridge 1980; Mouffe 2000, 2005; Pateman 1980, 1988, Phillips 1995, Siim 2000; Voet 1998; Williams 1998, Young 1990, 2000.

feminist/queer theory and multiculturalism,⁶⁶ the bulk of the literature on the intersections on multiculturalism and feminism has largely focussed on the legal frameworks and public policies of the state and their unintended discriminatory impacts, rather than on their synergies as concerns self-determination and political representation.⁶⁷ Within Canada, political theory and political science have been largely dominated by issues of Canadian and Québécois nationalism, and therefore have focussed on analytical distinctions inherent in Canadian federalism, Canada-Québec relations, the federal-provincial division of powers, minority national rights, minority language rights, and more recently, on the right to self-determination for Aboriginal peoples, Métis, and the Inuit.

A rich body of Canadian, Québécois and indigenous literature has played a leadership role in discussions on recognition politics relating to Aboriginal rights, multiculturalism, minority nations/languages, multinational democracy, as they intersect with minorities within minorities.⁶⁸ Will Kymlicka, Charles Taylor and James Tully have acknowledged the shared theoretical lineage of these concerns of recognition politics to issues of gender and ethno-cultural self-determination, but these have not figured at the heart of their inquiries, nor have their theories sought to democratically ground the right to representation. Abu-Laban documents the historic development of discussions on race and ethnicity within Ethnic Studies, rather than within Canadian political science. Citing Audrey Kobayashi's research,

⁶⁶ See Judith Butler (2008), "Sexual Politics, Torture and Secular Time" and Tariq Modood (2008), "A Basis for and two obstacles in the way of a multiculturalist coalition", in *British Journal of Sociology*, 59, 1: 1-12, and 47-52.

⁶⁷ See Susan Moller Okin 1989; Seyla Benhabib 1996; Benhabib et al 2007; Anne Phillips 2007; Razack 2002; Ayelet Shachar 2001; Sarah Song 2007.

⁶⁸ Yasmeen Abu-Laban (1998, 2000), Himani Bannerji (2001), Linda Cardinal (2005, 2007), Avigail Eisenberg (2005, 2006), Alain-G. Gagnon (2001, 2008), Joyce Green (2005, 2007), Jane Jenson (2000), Will Kymlicka (1995, 1998, 2007), Jacob Levy (2004, 2005), Dominique Leydet (2002), Patricia Monture-Angus (1995, 1997), Michel Seymour (1999), Taiaiake Alfred (1999), Charles Taylor (1989, 1992), James Tully (1993, 1995, 2000), Ellen Turpel (1992, 1996).

they write, “There is little literature in the discipline that assesses the impact of public policies relating to antiracism and human rights for minorities,” and following the conclusions of Daiva Statiulis, they likewise state, “There is also much work to be done on the political participation and the representation of minorities and ethno-cultural association in national, provincial and urban political processes”.⁶⁹ Most often framed within the context of the cultural rights of collectivities,⁷⁰ Kymlicka’s typology asserts group-specific representation as an entitlement only if a) members are subject to systemic disadvantage in the political process, or b) members have a claim to self-government. This distinction leads him to acknowledge only the latter groups (Aboriginal peoples, Québécois) as having the right to self-government given that they formed “self-governing nations prior to their incorporation into Canada”.⁷¹ As concerns other kinds of group-differentiated representation, such as that rigorously defended by Young⁷², Kymlicka expresses scepticism as to the possibility of identifying groups in ways that does not result in an endless proliferation and fragmentation.⁷³ Rather, Kymlicka grounds the normative legitimacy of democratic rights of certain groups, to a large extent, in the migration patterns establishing white-settler societies such as Canada; he disaggregates the group-specific rights of the “old” minorities from

⁶⁹ Yasmeen Abu-Laban and Tim Nieguth (2000), "Reconsidering the Constitution, Minorities and Politics in Canada," *The Canadian Journal of Political Science* XXXIII, 3:469. See also Stasiulis 2002. On the role of ethnic group leaders' roles, see Miriam Lapp (1999), "Ethnic Group Leaders and the Mobilization of Voter Turnout: Evidence from Five Montreal Communities", *Canadian Ethnic Studies*, 31:2.

⁷⁰ See Will Kymlicka (1995), *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford: Clarendon Press.

⁷¹ Will Kymlicka (1998), *Finding Our Way: Rethinking Ethnocultural Relations in Canada*, Oxford: Oxford University Press, 115.

⁷² See Iris Marion Young, (1990), *Justice and the Politics of Difference*, Princeton: Princeton University Press, and Iris Marion Young (1994), "Gender as Seriality: Thinking about Women as a Social Collective", *Signs*, 19, 3:713-738.

⁷³ Kymlicka, 1998: 115.

“new” minorities.⁷⁴ This narrow definition of the normative grounds for democratic representation produces an analytical and normative blind spot to “intra-national” groups, such as women, persons with disabilities and young adults, whose democratic rights may not be linked to migration, territorial concentration, nor cultural groupness, yet whose inherent rights to self-government clearly predate the formation of modern democracy, although liberal and republican theories of democracy have often failed to admit of this fact in their understandings and representations of citizenship. The theoretical frameworks supporting progressive articulations of the right to self-determination and self-government of territorially-defined peoples has not found resonance when it comes to the similar challenges of marginalization confronted by non-territorial markers of citizenship, such as gender, race, ethno-cultural heritage, age, or ability. The contributions that appear in the recent collection by Andrew et al, (2008) *Electing a Diverse Canada: The Representation of Immigrants, Minorities and Women*, has gone a long way in drawing out these interdisciplinary gaps within Canadian political science in terms of the empirical or description representation of non-territorial, intra-national groups. At the same time, the literature on the political representation of persons with disabilities is likewise scarce in Canada. Within the review issue produced by Elections Canada,⁷⁵ one of the articles addresses this issue and brings attention to various candidates with physical disabilities or mobility challenges, not all of

⁷⁴ Will Kymlicka (2008), *Multicultural Odysseys: Navigating the New International Politics*, Oxford: Oxford University Press, 77.

⁷⁵ See Elections Canada (2004), “Persons with Disabilities“, *Electoral Insight*, Ottawa: Elections Canada. For an overview of an international example, see “Strengthening representation of persons with disabilities in local councils in South Africa”, Disabled People of South Africa, <http://www.danidadevforum.um.dk/NR/rdonlyres/106ABD10-74F6-493A-B547-C9E687990A4C/0/StrengtheningSouthAfrica.pdf>.

whom we would classically understand to be “disabled”.⁷⁶ Within the American context, in his examination of Fraser’s conception of *participatory parity* in the context of persons with disabilities,⁷⁷ Michael Bérubé notes the failure of left-leaning theorists of the politics of recognition to extend their analyses to issues of disability.⁷⁸ The work of Martha Nussbaum⁷⁹, albeit not predominantly focussed on political representation, is a leading exception to this general oversight. Within the Disability Rights Movement in Canada, there has been more focus on the necessary supports and services that governments ought to provide to ensure mobility rights, as opposed to on access to self-representation.⁸⁰ Finally, as concerns young adults, the focus within the political science literature in particular has predominantly framed the issues in terms of voter turnout and electoral participation in voting practices,⁸¹ rather than in terms of access to representational mandates.⁸² Gordon’s study of the gendered paths to youth activism provides unique insight to the interlocking effects of multiple variables of non-territorial, intra-national identity (class, race, gender,

⁷⁶ The majority of articles deal with access to voting rights, however, for mandates of representation, April D’Aubin and Deborah Stienstra (2004), “Access to Electoral Success: Challenges and Opportunities for Candidates with Disabilities in Canada”, *Electoral Insight*, Ottawa: Elections Canada, 8-14. For the experiences of Sam Savona, see John Feld (1997), “What a Candidate! What a Campaign!” *Abilities*, 32 (Fall):13-14.

⁷⁷ Michael Bérubé (2003), “Citizenship and Disability”, *Dissent*, Spring, 56.

⁷⁸ Bérubé 2003: 53.

⁷⁹ Martha Nussbaum (2006), *Frontiers of Justice: Disability, Nationality, Species Membership*, Cambridge: Belknap Press.

⁸⁰ See Council of Canadians with Disabilities (2003), *A Framework for a National Disability Supports Plan*, Council of Canadians with Disabilities.

⁸¹ The Elections Canada special issue on youth focuses exclusively on voting. See Elections Canada (2003), “Youth Participation in Elections”, *Electoral Insight*, Ottawa: Elections Canada.

⁸² See Henry Milner (2005), “Are Young Canadians Becoming Political Dropouts?”, *Choices* 11:3, Montreal Institute for Research on Public Policy. Also see Erin Tolley, “Political Processes and the Intersections of Diversity: A Challenge Paper”, Paper written for the Metropolis Project, Citizenship and Immigration, http://canada.metropolis.net/events/Diversity/Challenge_Papers/Political_Processes_e.doc, 3. She compares the average age of Members of Parliament (52.9) with the Canadian average of 39 years of age, using Statistics Canada’s 2001 Census data and that provided on the parliamentary website.

age) upon citizen engagement.⁸³ In sympathy with Gordon, the current project likewise situates young people as “citizens-in-the-making” and political agents in their own right whose exclusion from democratic self-representation and dependence upon the benevolence of significantly older generations who are not in touch with their realities is increasingly in evidence. By beginning with this perspective, we can better articulate the democratic necessity of re-constructing the rights to representation of young adults as a means of countering past legislative acts that place them under the tutelage of more *mature* adults.

Reconnecting Democratic Theory with Theories of Representation

Much of the dominant international and Canadian political theory and political science literature has thoroughly mapped many of the empirical aspects of political representation of intra-national minorities, but has not developed theoretical frameworks that expose the theoretical and normative filiation that exists between issues of self-determination, self-government, and guaranteed access to political self-representation that is largely taken for granted within discussions of the democratic rights and freedoms of peoples or nations. The best of contemporary critical democratic theory has been largely inattentive to the uniquely *democratic* challenge posed by the under-representation of various “intra-national minorities” within democratic decision-making processes throughout heterogeneous publics and multi-level governance. Deliberative democrats (Benhabib, Deveaux, Habermas), agonistic/contestatory democracy theorists (Pettit, Tully) and radical democratic politics (Honig, Mouffe) have all positioned themselves in normative harmony in denouncing the

⁸³ See Hava Rachel Gordon (2008), “Gendered Paths to Teenage Political Participation: Parental Power, Civic Mobility and Youth Activism”, *Gender and Society*, 22, 1:31-55.

democratic injustices of systemic exclusions from democracy. None, however, have theorized the specific democratic institutional conditions necessary for ensuring the utopian scenarios of “ideal-speech”, genuine “multilogue”, “contestatory”, or “radical democratic politics”. Despite Deveaux’s assertion of the need to include minority women within deliberations dealing in conflicts of culture,⁸⁴ she does not tackle the pragmatic challenge of ensuring that these minority women will be invited to the table, included in the deliberations, and free to air their dissenting views as against the dominant leaders within the community; nor it is clear that issues of discrimination on the basis of gender, sexual orientation, disability and age are best understood through the mantle of “cultural conflict” and “cultural values”, as opposed to “political conflict” and “democratic values”.

Albeit extremely efficient in mapping the empirically measurable aspects of political representation, such as the descriptive “composition” of legislatures, the substantive “actions/decisions” enacted by legislatures, or the symbolic impact of “role modeling”, Pitkin’s conception of political representation has overwhelmingly been applied in ways that reproduce, in various ways, the modern binaries (mind/body, formal/informal politics, public/private) inherent in liberal epistemologies of liberty and political subjectivity. Given that this will be a central point of normative and practical tensions that emerges from the epistemological project to be developed in this doctoral thesis, I will briefly recap the core contributions of several feminist democratic theorists that have built upon the Pitkinian model of political representation. Carrying forward the limits that liberal conceptions of political subjectivity, liberty and representation have imposed, an ironic result has been that

⁸⁴ See Monique Deveaux (2005), “A deliberative approach to conflicts of culture”, in (eds) Avigail Eisenberg and Jeff Spinner-Halev, *Minorities within Minorities*, Cambridge: Cambridge University Press, 340-362.

these implicit binaries continue to figure within the feminist democratic theory literature, despite their conscious efforts to displace these modern liberal dichotomies through their rigorous critiques of contemporary liberal democratic politics.

The following section will briefly summarize some of the normative projects of group-based representation and the practical solutions they put forward. In particular, it is important to note that, amongst those feminist political theorists and feminist democratic theorists that have specifically attempted to theorize the conditions of democratic inclusion within various political, judicial, and civil institutions, all are likewise in normative agreement as to the detrimental, and undemocratic nature of systemic exclusion; they have all eloquently and usefully theorized and documented the detrimental normative and practical effects upon groups, deliberation and democratic decision-making. None of these theorists have defended the idea that the democratic representation of marginalized groups requires *democratic* and *legislative* action, a resistance that we understand to be deeply tied to conceptual limitations of contemporary liberal democratic thought and practice, which this thesis aims to overcome.

Anne Phillips

Improving upon Pitkin's articulation of political representation as constituted in "standing for" and "acting for", Anne Phillips fleshes out a more dynamic relationship of both forms of representation as they intersect with the socio-political implications of political identity, subjectivity, and marginalization. In her 1995 work entitled, *The Politics of Presence*⁸⁵, Phillips is critical of the overemphasis on the "politics of ideas" within liberal democracy,

⁸⁵ Phillips, 1995, Oxford: Clarendon Press.

which obtains in disproportionately valuing only “the diversity of beliefs, opinions, preferences and goals, all of which may stem from the variety of experiences, but are considered as in principle detachable from this.”⁸⁶ Indeed, she suggests that this focus on the “politics of ideas” and the complacencies of a “free market in politics” has not proven adequate in overcoming the problems of political exclusion.⁸⁷ Arguing in favour of a dynamic understanding of descriptive and substantive representation, Phillips stresses four main points, namely, 1) the importance of symbolic representation, 2) the need to tackle exclusions relating to party-based politics, 3) the need for more advocacy on behalf of disadvantaged groups, and 4) the importance of politics of transformation that opens up the full range of policy options.⁸⁸

Moving beyond the typological delineation articulated by Pitkin, Phillips’ contribution begins to lay the normative groundwork for enhanced political representation to compensate for the under-representation of groups on the basis of gender, ethnicity and race, as opposed to “stricter notions of group representation”.⁸⁹ *Pace* Butler, she affirms the “self-evidence” of two sexes in her appraisal of the use of minimum quotas for women and men⁹⁰, as opposed to the preferable nature of flexible targets for ethnic difference that tend towards less self-evident divisions by virtue of the presence of one ethnic majority and several ethnic minorities.⁹¹ At the same time, following liberal assumptions of existing neutrality, Phillips conceives of group-based mechanisms as a form of positive action, suggesting an assumption

⁸⁶ Phillips, 1995: 6.

⁸⁷ Phillips, 1995: 13.

⁸⁸ Phillips, 1995: 25.

⁸⁹ Phillips, 1995: 167.

⁹⁰ Phillips, 1995: 168.

⁹¹ Phillips, 1995: 170.

that the benefit inheres specifically to the groups in question, as opposed to a necessary condition in the constitution of democratic politics and liberty itself.

Melissa Williams

Another leading theorist within the diversity feminist current, in *Voice, Trust, Memory: Marginalized Groups and the Failings of Liberal Representation* (1998)⁹², Melissa Williams likewise advances important normative insights as to the role that the political representation of marginalized groups plays in advancing the distinctive voice of a group (women)⁹³, in overcoming conditions of inter-group oppression (blacks)⁹⁴, and ensuring the collective narratives (memory)⁹⁵ of the histories of discrimination and oppression within the political community. Williams' contribution is significant in its eloquent capacity to articulate the intangible (psycho-social) and tangible (material) impacts of past exclusions, discriminations and oppressions upon existing democratic practices, as they are affected by inter-group dynamics of mistrust and incommensurability yielding practical barriers to fair representation within contemporary liberal democracy. Criticizing the ways in which "liberal views of equality are inattentive to the role of history in the reproduction of inequality"⁹⁶, Williams concludes by advocating a conception of "descriptive representation with a difference" that identifies the definitive role of institutions of political representation in

⁹² Melissa Williams (1998), *Voice, Trust and Memory: Marginalized Groups and the Failings of Liberal Representation*, Princeton: Princeton University Press.

⁹³ See Chapter 4, *Voice: Woman Suffrage and the Representation of "Woman's Point of View"*, 116-148.

⁹⁴ See Chapter 5: *Trust: The Racial Divide and Black Rights during Reconstruction*, 149-175.

⁹⁵ See Chapter 6: *Memory: The Claims of History in Group Recognition*, 176-202.

⁹⁶ Williams, 1998: 239.

addressing marginalization and that insists that “no system of representation is fair in which legislative assemblies fail to reflect the characteristics of the body of citizens.”⁹⁷

Re-building the relationship between descriptive, substantive, and symbolic aspects of political representation, Williams importantly defends the need of both a *process-based* view of equality that takes seriously the access of previously silenced groups to discursive practices and processes, and a *results-oriented* component that is critical of policies that systematically reproduce the inequality of historically marginalized groups.⁹⁸ Although she affirms institutions of representation as our “most important tools for managing conflict”⁹⁹, she nonetheless takes pains to articulate her lack of support for institutional mechanisms that “will *guarantee* proportional representation for marginalized groups” (her emphasis).¹⁰⁰ This she sees as infringing upon the autonomy of individuals insofar as it entrenches group identity in legal-institutional arrangements. Rather, she recommends more fluid, outcome-conscious review processes that could identify structural barriers preventing electoral success for marginalized groups.

Moreover, she advocates alternative systemic-wide devices, such as proportional systems of electoral representation (the cumulative vote, single transferable vote), and/or semi-PR devices such as multi-member districts whose magnitude is 7 or more.¹⁰¹ Finally, she discusses the relevance of replacing districting commissions with electoral commissions that enjoy gender, ethnic and racial balance, and that would have oversight for electoral system changes with a view to enhancing the representation of various groups. Albeit in

⁹⁷ Williams, 1998: 240.

⁹⁸ Williams, 1998: 242.

⁹⁹ Williams, 1998: 243.

¹⁰⁰ Williams, 1998: 234.

¹⁰¹ Williams, 1998: 234.

tension with her understanding of individual autonomy and the need to refrain from entrenching group-based identity, Williams suggests that the role of these commissions would be “less determinative of ultimate electoral outcomes than are existing districting bodies.”¹⁰²

Jane Mansbridge

Following Pitkin’s core assumptions of the relative merits of substantive representation over descriptive representation and of their practical distinctness, in her important discussion on the relationship of descriptive and substantive representation in her 1999 article entitled, “Should Blacks Represent Blacks and Women Represent Women? A Contingent ‘Yes’”, Jane Mansbridge likewise critically augments Pitkin’s typology of representation by fleshing out the specific contexts in which descriptive and substantive might be prone to more intimate interaction and interdependence.

At the same time, rather than assuming the mutual implication of the physical, ideational and symbolic in performances of political representation undertaken by all corporealities, as with Phillips and Williams, Mansbridge likewise takes great pains to articulate the exceptional circumstances wherein the descriptive representation of marginalized groups can be understood to figure as a productive complement that strengthens the legitimate objective of substantive representation, as opposed to those contexts when descriptive representation will tend towards fragmentation of the political community, essentialist treatments of a group, and lack of accountability between the representative and the represented. In particular, she identifies four (4) acceptable

¹⁰² Williams, 1998: 235.

circumstances when descriptive representation can be positively framed, notably by 1) improving inadequate communication in contexts of group mistrust, 2) unleashing innovative thinking in contexts of uncrystallized interests, 3) promoting social meaning of the “ability to rule” for members of a group where this has been questioned, and 4) countering low levels of de facto legitimacy of democratic institutions.

Advancing a rather instrumentalist view of the beneficial aspects of descriptive representation to the pursuit of more substantive forms of political representation, Mansbridge nonetheless attempts to ground the democratic legitimacy of certain forms of groups-based representation. Mansbridge defends the contingent legitimacy of descriptive representation in light of certain criteria. First, she asks if the current electoral system has resulted in lower proportions of certain groups relative to the population that are suspect. Secondly, she suggests we ask if the group in question considers itself able to adequately represent themselves. If so, then we are to evaluate whether there is evidence that dominant groups have made it difficult or illegal for members of the under-represented group to represent themselves. If there is, then in these instances specifically would a group be a good candidate for affirmative selective representation.¹⁰³ Following upon this contingent approach to descriptive representation, Mansbridge explicitly advocates only those institutional designs that are fluid, dynamic and easily subject to change. As such, she argues against the use of permanent quotas in light of their static and highly essentializing effects, preferring techniques of cumulative-voting, proportional representation, and *voluntary* party

¹⁰³ Jane Mansbridge (1999), "Should Blacks Represent Blacks and Women Represent Women? A Contingent 'Yes' ", *Journal of Politics*, 61, 3:639.

quotas, rather than those embedded in laws or constitutions.¹⁰⁴ In her recent article specifically on quotas, (2004) “*Quota Problems: Combating the Dangers of Essentialism*”, Mansbridge asserts three dubious claims, each of which undermines the democratic legitimacy of democratically constituted quotas with liberal myths. Firstly, without specifying how or the practical and technical effects of various forms of implementation, she grossly over-generalizes in asserting that quotas potentially produce “institutional rigidity”. Secondly, in contradiction with her normative claims in favour of descriptive representation, she suggests that quotas will “inevitably increase essentialist beliefs.”¹⁰⁵ Perhaps the most alarming myth, she assumes the *inevitable* march of democracies towards increasing progress and states that, “their [voluntary quotas] need should decrease as structural and cultural conditions improve.” One wonders if she is oblivious to most recent backlashes within Anglo-American societies that has the dismantling of various institutional mechanisms understood to support equality, despite the flagrant persistence and even widening disparities within American and Canadian societies, at a minimum.

Iris Marion Young

The final author, whose contributions to contemporary diversity feminist conceptions of representation, democracy and oppression are foundational, is Iris Marion Young. In her seminal 1990 reflection on *Justice and the Politics of Difference*¹⁰⁶, Young articulated one of the most comprehensive critiques of liberal-individualist conceptions of equality (myth of merit), impartiality (group identity), and political neutrality (public institutions). Articulating

¹⁰⁴ Mansbridge, 1999: 642-653.

¹⁰⁵ Mansbridge, 1999: 622.

¹⁰⁶ Iris Marion Young (1990), *Justice and Politics of Difference*, Oxford: Oxford University Press.

a structural conception of oppression that manifests itself through the five faces of exploitation, marginalization, powerlessness, cultural imperialism, and violence¹⁰⁷, Young mobilizes her concept of the social group¹⁰⁸ to further lay the normative groundwork for democratic practices of differentiated citizenship attentive to the group-based differences yielding marginalization and oppression. Most provocatively, Young advocated for group representation supported through institutional mechanisms and public resources sustaining “1) self-organization of group members so that they achieve collective empowerment and reflective understandings of their collective experience and interest in the context of the society, 2) group analysis and group generation of policy proposal in institutionalized contexts where decision-makers are obliged to show that their deliberations have taken group perspectives into consideration; and 3) group veto power regarding specific policies that affect a group directly”.¹⁰⁹

Building on her conception of group representation as deferred across actors and over time¹¹⁰, in her latest comprehensive work, entitled *Inclusion and Democracy* (2000), Iris Marion Young further develops her thinking on democratic practices and oppression through her processual conception of “communicational democracy” as a mediated relationship between members of a constituency, between the constituency and the representative, and between representatives in a decision-making body, each of which depends upon the resources of diverse social perspectives.¹¹¹ Young is both concerned with the external

¹⁰⁷ See Chapter 5, The Five Faces of Oppression.

¹⁰⁸ This is further developed in Iris Marion Young’s 1994 article, “Gender as Seriality: Thinking about Women as a Social Collective”, *Signs*, 19:3.

¹⁰⁹ Young, 1990: 184.

¹¹⁰ See Iris Marion Young (1997), “Deferring Group Representation”, in (ed) Ian Shapiro and Will Kymlicka, *NOMOS XXXIX*, 349-376.

¹¹¹ Iris Marion Young (2000), *Inclusion and Democracy*, Oxford: Oxford University: 125-133.

exclusions, as well as the internal forms of communicational exclusion. Distinguishing between the plural forms of representation associated with interests, opinions and social perspectives, Young suggests that the idea of perspective in particular “is meant to capture that sensibility of group-positioned experience without specifying unified content to what the perspective sees. The social positioning produced by relation to other structural positions and by the social processes that issue in unintended consequences only provide a background and perspective in terms of which particular social events and issues are interpreted; they do not make the interpretation.”¹¹²

Abandoning her initial prescription of group-based vetos, Young maintains her commitment to the inclusion of under-represented social groups through political and associational institutions that are designed “specifically to increase the representation of women, working-class people, racial or ethnic minorities, disadvantaged castes, and so on.”¹¹³ Similar to Williams, she speaks in favour of group-based representation on non-elected bodies, such as commissions, affirms the desirability of quotas for women on party lists and/or party conventions.¹¹⁴ While she is not opposed to racial districting in a political system that produces important exclusions, she is sympathetic to Guinier’s critique of majority-minority districting.¹¹⁵ At the same time, she is sympathetic to critiques of measures for social group representation in the formal representative institutions, suggesting they tend towards the reification of group identity and the fragmentation of politics.¹¹⁶

¹¹² Young 2000: 139.

¹¹³ Young 2000: 141.

¹¹⁴ Young 2000: 150.

¹¹⁵ Young 2000: 151.

¹¹⁶ Young, 2000: 150.

In short, within the leading international and Canadian literature on democratic theory and practice, the literature on minority rights, within the electoral systems design, women and politics, and feminist democratic theory, the right and freedom of *democratic self-government* and *guaranteed access to political representation* for intra-national, non-territorial groups, such as women, ethno-cultural minorities, persons with disabilities, linguistic minorities (official or otherwise), and young adults remains seriously under-theorized. The current project attempts to fill these theoretical and practical voids by proposing an alternative conception of political subjectivity/politics as constituted in the dynamic interplay of diversity as interlocking corporealities, liberty as agonistic individuation, and co-authority as self-representation.

Beyond the Liberal Bodypolitik

The proposed research project invites a philosophical, if also personal, reflection on the role of political representation, and notably, the stories that we, in modern society, have been telling one another about who, which bodies have the freedom to represent the path of discovering, knowing and enjoying the benefits of the political community in practice. It seeks to challenge the stories and discourses that speak to modern commitments to *the individual*, which, as a result of the ideological blinders of liberal individualism itself, are not yet synonymous with democratic constitution of the full spectrum of diverse bodies into which citizenship must be conjugated. I aim to expose the epistemological frameworks and onto-political assumptions within liberalism and liberal conceptions of democratic politics that work to normatively legitimate the monopolies of political control throughout democratic spaces and institutions, by an unrepresentative minority of somebodies. Moreover, I aim to provide the democratic tools for asserting the legitimacy of the practical

legislative mechanisms that would be capable of not simply overcoming the chronic under-representation of key categories of citizens, but rather, of laying the democratic foundations for the reconstitution of a less oppressive bodypolitiks. As an alternative late modern “norm” of contemporary representative democracy, the radically reflexive and authoritatively representative democratic politics would be grounded in formal power-sharing mechanisms, by democratic design. To that end, this inquiry into the ideological foundations of representative democratic politics seeks to develop an anti-essentialist and socio-politically grounded understanding of late modern subjectivity and diverse citizenship, and the correlate practices capable of fostering its democratic constitution through the radicalization and diversification of the democratic institutions and heterogeneous publics constitutive of late modern constitutional representative democracy.

Statecrafting Diverse Representation, by Democratic Design

The current project is interested in fostering a dialogue between the literature on political representation, and « the broader issues related to citizenship, democracy and civil society », ¹¹⁷ notably those raised by feminist and gender studies ¹¹⁸, multiculturalism, minority rights, minority nations, and the democratic challenges inherent in the exclusion and chronic under-representation of various non-territorial, intra-national categories of citizens. Since the seminal work of Hannah Pitkin (1967), ¹¹⁹ the concept of representation and the study of representative democratic institutions within the political science literature have been predominantly focussed on the *empirical* relationships between various forms

¹¹⁷ Stephen Laycock (ed) (2004), *Representation and Democracy Theory*, Vancouver: UBC Press. ix.

¹¹⁸ See bibliography: Butler 2008, 2004, 1999, 1990.

¹¹⁹ Hannah Pitkin (1967), *The Concept of Representation*, New York: Atherton Press.

(descriptive, substantive, symbolic, surrogate)¹²⁰ of representation. In late modern times, the normative value of political representation and representative democratic institutions has been challenged and undermined from both the right and the left. As Laycock (2004: viii) observes,

From the right, direct democracy is often presented as a partial remedy for failures of representational accountability and the purported power of “special interests”. From the left, social movement activities, outside parties and legislatures, are seen as a response to party failures of inclusion and recognition, and to the power of corporate interests in public life. Both right and left claim that ordinary people are excluded from and disadvantaged by existing institutions and processes of representation.

At the same time, there has been renewed interest in the normative value and democratic foundations of political representation to the extent that it advances a participatory democratic framework¹²¹, fights oppression and strengthens the capacity for the substantive influence of marginalized groups.¹²² It has not, however, been conceived with the logic of democratic self-government requiring structural mechanisms that ensure the capacity of substantial numbers of individuals from within marginalized groups to performatively and actively challenge dominant significations of their corporeality as a democratic right.

Following Urbinati (2000:759), we refuse the traditional dichotomy that has been mounted between representation (indirect democracy) and participation (direct democracy) and rather, see the two “not as two alternative forms of democracy but as related forms

¹²⁰ See bibliography: Childs 2004; Diamond and Hartstock 2998; Dovi 2002; Leydet 2002; Mansbridge 1998, 1999; Phillips 1998; Shapiro 1998; Trimble 2008, Williams 1998, Young 1990, 2000.

¹²¹ See the collection of articles by (ed) Laycock 2004. Nancy Fraser’s recent shift from “recognition” and “redistribution” towards “representation” in (2005) “Mapping the Feminist Imagination: From Redistribution to Recognition to Representation,” *Constellations: An International Journal of Critical and Democratic Theory* 13, 3: 295-307.

¹²² Mansbridge, Phillips, Young, and Williams.

constituting the *continuum* of political action in modern democracies.”¹²³ My suspicion is that Anglo-American democracies have run up against the limits of liberal conceptions of politics that dichotomously position the state in an oppositional relation to social movement advocacy outside of democratic institutions; this has in turn led to a normative privileging of activist tactics and “micro-politics” of resistance outside democratic institutions as the *primary* and indeed only legitimately “pure” space for political liberation for marginalized groups. Rather, I wish to issue a call to social justice movements, including feminist movements, to invest their energy in political contestation aimed at more structural democratic transformation and reconstruction. Attempts to convince political decision-makers of the persistence of structural inequality by investing copious amounts of time documenting the empirical absence of equality with reified snap-shots of statistical data and social science research has not yielded significant gains. Successive Canadian governments have demonstrated that they are largely indifferent to rhetorical appeals to the moral obligations of governments to recognize and protect the equal moral worth of marginalized citizens. They have successfully responded with rhetorical affirmations of their commitment to equality and with highly symbolic apologies, so as to better affirm a “clean starting point” of *empirical equality* that justifies the non-necessity of democratic action or collective social responsibility for persistent inequalities. The domestic protests, international boomerang (shaming) tactics, and electoral mobilization have not only failed to serve as a check on government power, it has not even yielded electoral defeat in subsequent elections.

¹²³ Nadia Urbinati (2000), “Representation as Advocacy: A Study of Democratic Deliberation”, *Political Theory*, 28, 6:759.

In short, we have run up against the practical limits of liberal discourses grounded in *equality* as the singular normative ideal in whose name we politically mobilize.¹²⁴ As a static, indeed de-politicizing, concept grounded in juridical notions of status, or conversely, in economic notions of material wealth, the politics of equality does not articulate the kinds of dynamic processual practices that both sustain and/or attenuate imbalances of political power among various social groups through democratic institutions and heterogeneous publics throughout representative democracy. The *end* of moral equality has restricted political interventions towards piecemeal public policy reforms that affect only one aspect of citizenship and/or lead to legislative reforms that symbolically yield equal recognition without fundamentally democratizing power, leaving social movements ill-equipped to defend against subsequent roll-backs.

To be very clear, I am not arguing in favour of abandoning our moral commitments to the pursuit of equality and the recognition of the equal moral worth of each individual as a regulatory *democratic* ideal. What I am suggesting is that it may not be the only, and certainly not the most effective discourse through which to pursue the more explicitly *political/politicizing* goals of *democratic equality and democratization*. For that, we must challenge head-on, the essentialist nature of representative democratic institutions, of the rules of electoral competition itself, and the reified so-called “democratic” processes foreclosing the diversification of electoral politics beyond the monovocal norms regulating the conditions of late modern socio-political and economic cooperation. The radical representative democratic politics sought in these pages requires broad-based coalition

¹²⁴ See also Cornell’s recent interest in conjugating freedom with equality, Drucilla Cornell (1998), *The Heart of Freedom: Feminism, Sex, and Equality*, Princeton: Princeton University Press.

tactics undertaken both inside and out of formal politics in pursuit of democratizing mechanisms that alter the rules of representative democracy in ways that transform and re-connect the socio-symbolic norms of citizenship, the juridico-political practices of self-advocacy and representation throughout the system, with policy outputs that are authoritatively infused with the perspectives and realities of a diversified late modern bodypolitik. My wager is that the kind of energy and advocacy that is currently invested in fighting government actions primarily from outside democratic institutions, must also seek the means of infiltrating and finding constructive expression within representative democratic institutions to advance a complementary strategy of advocacy and resistance throughout all the available spaces of democratic representation. The epistemological contestation undertaken outside democratic institutions is crucial to educating and changing public attitudes towards historically marginalized groups. However, this advocacy must penetrate to the core of political deliberations and discourses underpinning the decisions taken within the halls of democratic institutions of political self-representation, as a means of diluting the rhetorical purchase of neo-liberal norms of citizenship as *the* sole authoritative knowledge system capable of providing normative legitimacy to representative democratic institutions.

My critique of modern liberal politics, and by extension, of representative democratic institutions is first and foremost undertaken from the perspective of the democratic exclusion of “intra-national/internal minorities”, whose political subjectivity/corporeality has paradoxically been *legislatively* and *democratically* classified as politically incompetent, or incapable of democratic self-representation. To the extent that they remain systematically under-represented within contemporary representative democratic institutions, and practically written-out of membership in the political imaginary of the bodypolitik, demands

for political representation of these markers of contemporary citizenship constitute not only a call for recognition of the democratic injustices of past governments, but a demand for recognition of the “right to play” in the game of democracy, and the right to actively contribute to the democratic construction of practices ensuring the right to self-representation in the future. This thesis aims to advance, not a moral defence, but a democratic defence of the formal institutionalization of the right to self-representation as a means of putting an end to the monopolies of political control that are upheld and legitimated under the current laissez-faire of free market electoral competition. Similar to NHL regulations against cross-checking, which ensure that physical dominance on the ice will not become the primary “norm” dictating the quality of the game, nor the main factor in recruitment, it suggests the need for “anti-trust” measures for democratic competition to similarly diversify the norms that dictate the nature of the political contest. This will be defended on the grounds of dereifying the essentialist views of self-representational competence as a means of ideologically and institutionally dismantling the tutelage usurping the political liberty of various groups. Moreover, it is a means of dynamizing and legitimating representative democratic practices within late modern times by proliferating public performances of co-authoritative self-government by the diverse citizens whose corporeal complexities and realities stand to enrich and diversify the game of democracy and the norms of citizenship for generations to come.

Contributions to the Field

This doctoral thesis aims to make several contributions. First, it aims to bring into dialogue the various constitutional, legal, political science, women’s studies, and ethnic studies research interested in democracy and the political representation of historically marginalized

or oppressed groups be they territorially constituted as a collective or people as a minority nation, or a social group following non-territorial, intra-national expressions of diversity that have been inflected with social or informal systemic disadvantage. The theoretical postcolonial filiation understood within this project identifies the decolonisation of democratic institutions as a means of overcoming democratic and socially sustained forms of oppression that violate liberty, self-determination and the democratic freedom to practically enjoy access to the democratic contests epistemologically and materially regulating one's life possibilities.

Secondly, within political theory, a contribution of this project is to map the unique contributions of diversity feminist theory and republicanism in solving some of the late modern challenges to representative democracy and electoral politics. Exposing these strange bedfellows/bedsisters as in fact very promising allies, and in cross-pollinating their helpful critiques of liberal politics, from the perspective of diverse corporeal identities and from the perspective of liberty as non-interference, the alternative convention of radical representative democratic politics I develop can serve to practically overcome the epistemological impasses within each of the currents, and the practical void in terms of recommendations for deconstructing the existing free-market logic of social power that underpins liberal democratic practices within Anglo-American societies.

Another contribution specific to republicanism lies in the restoration of Machiavelli's key nuances in differentiating between horizontal and vertical social discords. This distinction seems to have been largely lost within the discussions, not only of Machiavelli, but consequently in the discussions of Rousseau's "association partielles" which stemmed from Machiavelli's attention for nuance. This has interesting implications for the presumed indivisibility of sovereignty within contemporary discourses of French republicanism, which

was ironically mobilized by the Constitutional Court to defeat the initial efforts to adopt a gender parity law in France.

Fourth, by focussing on the harms specific to intra-national, non-territorial groups that do not enjoy a practical, territorial right to exit, I aim to articulate, not an egalitarian or an affirmative action-driven rationale for mechanisms ensuring guaranteed self-representation, but rather a democratic defence of the democratic necessity of legislatively reconstructing social discords in ways that foster and proliferate contestation and mobilize anti-essentialist categories of complex human subjectivity. Mobilizing my knowledge of the technical intricacies and insights offered by the international literature on electoral systems design, I aim to further conversations that place democratic theory in critical dialogue with democratic practices; the goal is to advance concrete public philosophy solutions aimed at founding a radical representative democratic politics within late modern Anglo-American societies.

Finally, in addition to the alternative normative principles asserted as a guide for evaluating the democratic design of mechanisms guaranteeing varying levels of self-representation for intra-national diversity, such as women, I likewise propose a four-phase spectrum (tutelage/monopoly – partial tutelage – emergent self-representation – constituted relative effective self-representation) of substantive criteria of “radical representative democracy” against which the performance of current democracies worldwide could be classified and ranked along concurrent axes of intra-national diversity such as gender, race, language, disability, and age.

Limitations of the Project

The current project has overwhelmingly focussed on the challenges confronting Anglo-American democracies. Although certain of the theoretical insights may be applicable to other societies, the need to delineate the normative criteria in ways that resonate with the problems of democracy raised by Anglo-American theorists is essential so as to not over-extend the generalizability of culturally Anglo-American preoccupations. To the extent that the Québec model tends to fall outside the boundaries of the category Anglo-American, I have attempted to provide counter-examples. Nonetheless, the level of abstraction that inheres in a discussion of epistemological frameworks is both a strength and limitation of the current project.

Although it is a mainstay within various feminist, post-colonial, critical race studies and other forms of academic methodologies that experiment along the margins of political and legal theory, the mobilization of auto-biographical examples to illustrate the epistemological framework of personal/political subjectivity that resonates within these pages is both a strength and a weakness. It is a weakness in that it can be read in ways that render my academic contributions less « intelligible » as such. It is strength in that it engages many forms of communicational action (narrative, greeting, rhetoric, argument, legal reasoning) in the advancement of the epistemological and political project of which I have attempted to convince the reader.

Albeit an academic thesis, I have understood myself to be engaged in several democratic conversations requiring a performative praxis of inter-subjective individuation through which I may agonically situate myself in productive tension with other critical, feminist, republican, legal theorists committed to carving out space for democracy, liberty and diversity within our societies. Consequently, I intentionally engage in various language

games that empower natality, convey multilinguality, and establish differing degrees of distance and self-implication at different moments within the writing. One of the weaknesses of the diversity of tactics that figure within these pages, and of the linguistic transliterations that I have attempted is the loss of a common horizon of meaning within which to make sense of, and evaluate these contributions to knowledge.

The discussion in the following pages aims at proposing alternative late modern foundations for a praxis of radical representative democratic politics. It has been inspired by the practical realities and challenges experienced by Canada and nourished by the rich literature of electoral systems design engaging the finite technicalities of various power-sharing mechanisms. Given that each situation is different, and that the devil is always in the details, the final chapter dealing with possible democratic existensions is rather cursory. In future post-doctoral work, I hope to undertake more rigorous applications of the democratic defence developed in the philosophical and theoretical portions of this thesis.

A final avowal, if not weakness, flows from the political choice that I made in limiting my discussion of intra-national diversity to gender/sex, racialization, language, age, and disability. Although I take these groups to have been formally and democratically placed under tutelage, this is not the only valid criteria from which to start. However, were we to successfully mainstream the inclusion of these five social groups within Canada, I believe that it would open the possibilities for further democratic existensions. Nonetheless, I have excluded issues of religion. Unlike Québec society, which has honestly attempted to work through some of these tensions,¹²⁵ in Canada we have yet to open up a large-scale

¹²⁵ I am referring to the recent *Commission sur les accommodements raisonnables*. The evaluations of the Report are predictably mixed. (See the papers presented at the October 13, 2008 CRIDAQ conference

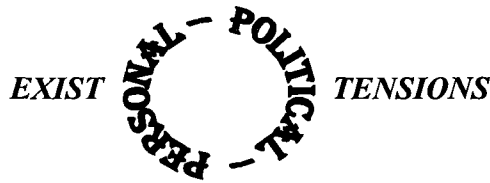
societal conversation about the kind of « secular » balance that might be desirable or at least an acceptable contingent compromise. As for sexual orientation, following the contributions of Diana Majury¹²⁶, our attention to sex/gender is understood to be one of the most effective means of addressing homophobia by virtue of diversifying and proliferating gender/sexual self-representations that challenge and decentre hetero-normative gender norms grounded in patriarchy and heterosexuality. As such, in our discussion of the practical applications for democratic institutions, we assert the need to create the conditions for the representation of a diverse range of sexual orientations and gendered performativity by ensuring a minimal threshold (40%) of both women's and men's self-representation; I recognize that, for some queer theorists and activists, this might be seen as an insufficient means of ensuring the self-representation of various sexual orientations and gendered identities.

Finally, an observation about the tremendous challenges of interdisciplinary research that relies on multiple analytic frameworks, concepts and theoretical perspectives, not all of which are easily communicable across disciplines. If the current project convinces of anything, surely it is an appreciation for the fact that contemporary social inquiry and academic systems of knowledge must attain an ever-increasing complexity, sophistication and reflexivity in order to offer practical solutions that will do justice to a broader spectrum

“Penser la diversité québécoise”, <http://www.cridaq.uqam.ca/spip.php?article88>). However, as a process supporting the self-representations of various contradictory and self-surprising collective self-understandings through democratic conversation, it constitutes a tremendously courageous example of the kinds of citizenizing practices we need. For the Report, see Gérard Bouchard and Charles Taylor (2008), *Building the Future: A Time for Reconciliation*, Commission de consultation sur les pratiques d'accommodement reliées aux différences culturelles, Québec: Gouvernement du Québec, www.accommodements.qc.ca/documentation/rapports/rapport-final-integral-en.pdf.

¹²⁶ Diana Majury (1994), "Refashioning the Unfashionable: Claiming Lesbian Identities in the Legal Context", *Canadian Journal of Women and the Law*, 7, 2:286-317.

of diverse corporealities yearning to figure amongst the protagonists of the late modern human condition.



The hybridity and linguistic creativity of the word “existension” will serve as the leitmotif of this Doctoral Thesis in Political Theory. Existension is an idea developed by Taiko Master Art Lee,¹²⁷ for whom it connotes a blending of the projects of “existence” and “extension”. In the spirit of the generative power of language, of music, and indeed of the art of taiko, I have graphed three additional layers of meaning to Lee’s unique concept. First, by pluralizing to “existensions”, I wish to place the diversity of existence and of all forms of life at the core of our thinking. Much of political theory has spoken to the plurality of ideas, ideologies, and conceptions of the good. It has explored the plurality of nations, nationalities, cultures, religions, and languages. A significant contribution of feminist political theory, the reality of diversity has enriched our analyses of the heterogeneous experiences of human subjectivity, political agency, and legal personality as well as the multiple meanings and markers of citizenship. Secondly, existensions will be used to highlight the ways in which

¹²⁷ Ironically, Art Lee was one of the individuals I met working in Nagano Prefecture, Japan. The Assistant Language Teachers and Coordinators for International Relations employed throughout Nagano endeavoured to perform an adapted version of “Anne of Green Gables” as a means of promoting cross-cultural understanding. Presented in simplified English, and supported by minimalist Japanese narration, the content of the musical was explicitly Japanized to increase the possibility of intercultural empathy and mutual recognition with our Japanese audience. One of the special additions consisted in a rousing taiko solo by Art Lee. Since that time, Art has undertaken very inspiring “existensions” to become a Taiko Master in his own right, and indeed, is the first foreigner to be granted an Artist Visa, allowing him to pursue his vocation as a professional Taiko Artist in Japan. As a taiko performer, I was particularly pleased to discover that the origin of this linguistic innovation figured as the title and theme of Lee’s most recent compilation of taiko compositions.

our “existence” within a political community implies dealing with ongoing “tensions” of *symbolic differences*, much of which practically plays out and has been violently inscribed upon the *material existence* of those with less power. These kinds of *epistemological* tensions have inevitably produced “existentialist” questionings behind the various growing pains and democratic deficits of Western liberal-democracies of the early twenty-first century, and that motivate this inquiry. Finally, bridging the gap between the symbolic aspects of political community and inter-subjective becoming and the institutional means through which our collective existence is projected into the future, the concept of “existensions” figures in the final section as a practical concept referencing the concrete democratic institutional arrangements through which we might formally recognize and democratically manage the elements of diversity and social discord internal to the various political communities within which we each navigate. In Chapter I, *A Genealogy of Feminist Subjectivity*, I will begin by tracing the meaning of political subjectivity that figures within various feminist theories of citizenship. Chapter II, *Diversité : Epistemological Existensions of Feminist Corporeality*, will attempt to engage, question and augment the rich insights of diversity feminist accounts of subjectivity, with a more dynamic conception of subjectivity grounded in political practices of inter-subjective corporealization. In light of this alternative figuration, it will identify some of the practical impasses that emerge from diversity feminist political strategies that remain grounded in liberal conceptions of politics.

As a means of moving feminist theory beyond the practical impasses we identify, Chapter III, *A Genealogy of Republican Liberty*, will undertake an excavation of republican conceptions of liberty to articulate the connections between psycho-social experiences of personal subjectivity and the juridico-political and democratic institutional frameworks of public liberty regulating the conditions of possibility of political corporealization. This will

help us lay the normative groundwork for a democratic defence of institutional mechanisms and democratic practices that formally guarantee access to self-representation for diverse segments of the population. In light of the complexities of diversity feminist conceptions of subjectivity, and the insights flowing from commitments to practices that are anti-essentialist, relational, and contingent, Chapter IV, *Liberté : Epistemological Existensions of Republican Bodypolitiks*” addresses the practical impasses of republican conceptions of liberty exposed in Chapter III, by augmenting them with the late modern complexities of political subjectivity defended within diversity feminism.

Chapter V, *Political Representation, Re-loaded*, will cross-pollinate augmented, dynamic conceptions of diversity (feminisms) and liberty (republicanisms) in a critical discussion around the unresolved impasses within diversity feminist and neo-republican prescriptions for more participatory democratic processes capable of unleashing widespread social transformation. Our final Chapter VI, *Co-autorité : Democratic Existensions of Self-Representation*, will explore and evaluate some of the heterogeneous sites and practical institutional mechanisms of democratic (re)construction that would need to be implemented in order to unleash the political liberty and diverse corporealizations of various of the intra-national minorities that figure at the heart of this reflection on late modern constitutional democracies, such as Canada. In our conclusion, *Towards a Late Modern Praxis of Radical Representative Democratic Corporealpolitiks*, we briefly discuss implications of this democratic defence of guarantees to self-representation as a means of constructing a radical representative democratic politics that not only supports the self-determination of marginalized corporealities, but moreover, that is capable of both materially contributing to social justice and symbolically unleashing the performative legitimacy of late modern

democracy through its transformation into radically representative, agonically deliberative, and performatively co-authoritative practices of democratic corporeal politics.

James Tully suggests that diverse citizenship is “prior to and complementary to modern citizenship” by virtue of being grounded in the right to self-rule of diverse citizen-subjects who have been conceived outside of modern citizenship, and moreover, that diverse citizenship serves to call into question various relations of power within modern citizenship so as to push the boundaries of democratic governance beyond its current form of institutionalization.¹²⁸ For her part, Iris Marion Young has described social justice as “the institutional conditions for promoting self-development and self-determination of a society’s members”.¹²⁹ The realism of Machiavelli and Althusius¹³⁰ likewise point to the importance of studying human relations as they are, *not as we naively wish they were*, and then of realistically and practically paving the way forward in light of the utopian *and dystopian* possibilities of human relations. Following this tradition of practical¹³¹ philosophy, the current project begins, not with any Polyanna appeals to the decency of human nature, but rather, with a pragmatic appreciation of how social diversity and political conflicts practically manifest over time, in ways that both disappoint and inspire. These more honest self-understandings will better equip us, as political philosophers, citizens, and activists, to both face, and work through the serious challenges of corruption, homogenization and misrecognition, undermining democracy in these late modern times.

¹²⁸ See Tully, 2005: 3.

¹²⁹ See Iris Marion Young (2000), *Inclusion and Democracy*, Oxford: Oxford University Press, 33.

¹³⁰ See Thoman Hueglin’s discussion of Althusius’ conception of societal federalism in (1999), *Pre-Modern Concepts for a Late Modern World: Althusius on Community and Federalism*, Waterloo: Wilfred Laurier University Press.

¹³¹ What Michael Sandel has termed “public philosophy”. See (1998), *Democracy’s Discontents: America in Search of a Public Philosophy*, Belknap Press, and (2005) *Public Philosophy: Essays on Morality in Politics*, Harvard University Press.

Before the project of existension can rightly begin, our conversation must first trace the epistemological deconstruction of the liberal conceptions of subjectivity and liberty that hold captive the hearts and minds of too many somebodies. This will be achieved through a critical engagement with a wide cross-section of feminist theories and discourses on equality and difference that fall within liberal epistemologies of democratic citizenship.

CHAPTER I: A Genealogy of Feminist Subjectivity

The current inquiry is interested in evaluating whether we have run up against the limits of Western Enlightenment epistemologies, and notably the liberal-cum-neo-liberal variants implicit in the abstract ideal of individual “equality”, as the most effective normative foundation for democratic citizenship in these late-modern times. In the previous chapter, I suggested that we have exhausted the capacity of this political concept to serve as an emancipatory tool capable of grounding political reforms that could ensure the democratic empowerment of various intra-national minorized subject-positions, whose enjoyment of self-government would enrich the legitimacy and unleash critical existensions of contemporary democracies.

Given the fact that mainstream political theories have not always explicitly articulated their ontological or epistemological assumptions, the major contribution of feminist political theory/philosophy has been to reveal and critically evaluate the implicit epistemological and ontological views underpinning normative projects of justice, equality and inclusion. Judith Squires suggests that this has been done in a three-stage process of a) uncovering and rendering explicit the ontological assumptions in existing advocacy debates about justice, b) critically evaluating these ontological assumptions, and c) reconceptualizing the advocacy debates in the context of this new ontological backdrop.¹³² Much of feminist theory has tackled the first and second tasks; for its part, the current project is interested in the third, particularly contemporary challenge. In the following chapter, as a means of unleashing a reconceptualization of the debates around political representation, we will challenge the epistemic foundations of subjectivity that both provide legitimacy to the status

¹³² Judith Squires (1999), *Gender in Political Theory*, Cambridge: Cambridge University Press, 5.

quo of representative democratic institutions and actively prevent reforms that would enhance the democratic agency of minorized, intra-national corporeal subjectivities.

Through an exposition of Judith Squire's typology of feminist political theories, we will first outline the core epistemological contributions of three strands of feminisms that mobilize respectively around the ideals of "equality", "difference", and "diversity". Wishing to strengthen the practical impact of the third family, I will then place in dialogue and compare the post-structuralist feminist philosophy of Italian-Australian Rosi Braidotti and the post-modern, feminist-queer theory of American Judith Butler, both of whom figure prominently within the English-language intellectual/activists debates since the 1980s. Both philosophers focus on the intersections of subjectivity, difference, and democracy, with a view to advancing progressive social transformation through a discursive politics that affirms diversity through the displacement of the abstract Western phallogocentric subject. Finally, I will identify the elements contributing to both a discursive and a practical impasse between these different strands within contemporary deconstructionist diversity feminisms, and this, despite their shared normative commitments and epistemological projects.

FEMINIST POLITICAL THEORY

Although the bulk of dominant Western political philosophy has been focused on the realization and conditions of equal citizenship, justice, and the ideal society, most of these conversations historically have focused on the abstract concerns relating to the rights and freedoms of the *individual* or the primacy of the *community*, and have remained silent and/or have inadequately dealt with the kinds of exclusions that pertain to the diverse complexities of differences constitutive of a given *bodypolitik*, be they related to conceptions of heterosexuality, race, indigeneity, nationality, age or physical ability, to name just a few.

Over the past three hundred years, feminist theorists have explored and theorized the boundaries of equality and difference, with increasing attention to the multiple contexts, meanings and influences complicating their conceptual and practical relationships, as well as their intersection with issues of identity, subjectivity and democratic citizenship.

Squires' Typology of Feminist Theory

Making a central contribution to political theory, in (1999) *Gender and Political Theory*, Judith Squires develops three archetypal approaches to the question of subjectivity that have emerged in response to the persistent blind spots within mainstream political theory. To fully apprehend the theoretical grounding and practical contributions of Judith Squires' typology of feminist theories, it is helpful to first situate feminist theory within these three approaches, epistemological frames and ontological assumptions that guide the knowledge claims of political theory itself: objectivity, interpretation, and genealogy. Squires states that from the perspective of objectivity, 'the project of political theory is the elaboration of abstract universal values', whereas from the interpretative frame, the goal of the theorist is to 'uncover and interpret the values which already exist within concrete communities'. Third, within the genealogical frame, the goal of political theory is in fact 'to deconstruct meaning claims in order to look for the modes of power they carry and to force open a space for the emergence of counter-meanings'.¹³³

Squires sees these three orientations to subjectivity, which she later describes as "individual", "essentialist" and "relational"¹³⁴, echoed in the critical debates within feminist

¹³³ Ferguson 1993:6, quoted in Squires 1996: 81.

¹³⁴ Judith Squires (2001), "Representing Groups, Deconstructing Identities", *Feminist Theory* 2, 1:7-27.

theory that flow from epistemological projects grounded in *determinism*, *constructionism*, and *deconstruction*.¹³⁵ Specifically, Squires argues that these three epistemological worldviews roughly can be mapped onto an 1) *equality politics* aimed at *inclusion* through the neutrality of the universal subject, versus 2) a *difference politics* aimed at reversing patriarchal values through *affirmations* of the feminine. Indeed, in their seminal collection on the shifting meanings of equality and difference, European theorists Gisela Bock and Susan James note the confusion that can emerge from situations wherein “women’s liberation has been seen sometimes as the right to be equal, sometimes as the right to be different”.¹³⁶ In her exploration of these themes, British theorist Anne Phillips notes the increasing “feminist impatience with abstract universals of the Enlightenment tradition” resulting in a homogenizing framework of equality as sameness to Man, given the fact that “feminism contained within itself a double impetus towards both equality *and* difference”; she suggests that this has led to “a more productive emphasis on heterogeneity, diversity and difference.”¹³⁷ Squires situates this third family of feminist theory within the context of a *diversity politics* aimed at deconstructing traditional categories of analysis so as to *displace* the binary logic underpinning the false dichotomies of modernist thinking in general and the equality/difference (male/female) debates in particular. In the context of the three approaches within political theory, whereas conceptions of “natural sex” would be most often aligned with a biological determinism, Squires correlates the “sex/gender” dichotomy with social constructivism yielding differentially the equality and difference feminisms,

¹³⁵ Squires, 1996: 54.

¹³⁶ Gisela Bock and Susan James (eds) (1992), *Beyond Equality and Difference: Citizenship, Feminist Politics, Female Subjectivity*, London: Routledge, 4.

¹³⁷ Anne Phillips (1993), *Democracy and Difference*, University Park: The Pennsylvania State University Press, 55-56.

whereas the category of “gender or corporeality” has been mobilized predominantly with deconstructivist feminism associated with diversity politics.¹³⁸ Each of these families of feminist theorizing has problematized the “equality/difference” debate from varying perspectives. An important consequence of their different epistemological foundations lies in the kinds of feminist strategies that are prescribed in the pursuit of emancipatory social transformation.¹³⁹

Before continuing, it is important to comment on the various competing significations of the concepts of equality, difference and diversity in light of the national and historical contexts of the societies within which feminist theorizing occurs. As a historically situated endeavour that is often bound up with meanings relevant to the feminist movements of a particular socio-political and cultural framework of a specific political community, the core concepts within feminist theory likewise reference different legacies of democratic struggle. For example, the formalistic notion of “equality” associated with Squires’ first family of American feminist theory stands in stark contrast to the conception of “equality” advanced by neighbouring Canadian and Québécois movements from the late 1970s to the present. Heavily associated with dominant European (French, Italian, British) and American strands of liberal/socialist feminism, the significations of “equality” within Squires’ categorization maps less effectively upon other dominant and minority national feminist voices (Irish/Scottish¹⁴⁰, Canadian¹⁴¹, Québécois¹⁴², and hispanophone¹⁴³) for whom equality is

¹³⁸ With respect to the corporeal turn in feminist sociology, see Anne Witz (2000), “Whose Body Matters? Feminist Sociology and the Corporeal Turn in Sociology and Feminism”, *Body Society*, 6, 2:1-24.

¹³⁹ This section summarizes Squires 1996: 80-88.

¹⁴⁰ See Linda Connolly (2002), *The Irish Women’s Movement: From Revolution to Devolution*, London: Palgrave.

¹⁴¹ As noted in Ch I, alternative significations of the concept of equality within Canadian feminist commitments led to substantive reading that was ultimately enshrined in the 1982 *Charter of Rights and Freedoms* to

more conceptually linked to the normative project of diversity feminist understandings of subjectivity. Indeed, Squires is clear in acknowledging both the schematic nature of her typology, its historical origins, and the use of other possible typological correlations such as first, second, or third-wave feminisms. Moreover, Squires stresses the need to not confuse archetypal purity with actual complexity, and suggests that most theorists and activists likely oscillate between one or more of these strategies in practice.¹⁴⁴ To that end, she stresses the plausibility of concurrent temporality for each of these three strands of feminism, rather than assert a teleological assumption whereby “equality politics” would evolve into a “difference politics” and ultimately progress into a “diversity politics”. Indeed, the past few decades of neo-liberal revisionism have resulted in a contemporary form of neo-liberal “equality politics” defended by neo-conservative women within Canada¹⁴⁵, Québec¹⁴⁶, and the United States¹⁴⁷. While these women identify both with and against the feminist label, all of them believe themselves to be advancing women’s well-being, if admittedly through gender-blind strategies that encourage women to “transcend” their individual disadvantage in pursuit of formal equality.

acknowledge both the interactions of multiple axes of oppression and the legitimacy of positive legal intervention aimed at correcting structural discrimination.

¹⁴² Within *francophone* America, Québécois feminists (FFQ, CFD, RTF) have mobilized within Québec, as well as at the international level (La Marche mondiale des femmes) in advancing commitments to an “égalité de fait” and/or an “égalité différenciée” that address informal power relations inflected by multiple oppressions, including minority national/linguistic positionings.

¹⁴³ Within Spanish-speaking America, Moyneux (2007) argues that the notion of “differentiated equality” is associated with conceptions of gender justice coming out of the Latin American and Caribbean region. Maxine Moyneux (2007), “Refiguring Citizenship: Research Perspectives on Gender Justice in the Latin America and Caribbean Region”, in (eds) *Maitrayee Mukhopadhyay and Navsharan Singh, Gender, Justice, Citizenship, and Development*, Ottawa: Zubaan/IDRC.

¹⁴⁴ Squires, 1996: 4.

¹⁴⁵ The role of key women within R.E.A.L. Women of Canada and notably, those women who have been vocal within the minority Conservative government are particularly relevant.

¹⁴⁶ The role of key women with the *Action démocratique du Québec* is one such example.

¹⁴⁷ The role of key women within the Bush administration and Republican Party is one such manifestation.

Equality-Neutrality-Inclusion

The first theoretical orientation within Squire's typology of feminist theory has centred on the strategy of *equality* that seeks the *inclusion* of women within the existing political structures, which were understood to be *neutral* to sexual differences, and ought to continue to be indifferent to sexual differences. The goal was not to transform existing structures, which were taken to be legitimate in their neutrality. Rather, early feminist theory problematized biological determinism that assumed that sex determined one's destiny, one's social and cultural characteristics or roles.¹⁴⁸ Distinguishing between sex and gender, the first important advance within feminist theory flowed from social constructivist approaches of "equality feminism" that sought to construct gender as a cultural product so as to locate the sources of women's oppression in sex-specific social practices, rather than in their biology *per se*.

Following the insights of Simone de Beauvoir, much of Anglo-American equality feminism asserted that, regardless of their "sex", women could also behave in ways that were rational, individualistic, and competitive in a manner similar to men, but that they had been socially conditioned into inferior roles and attributes through culture.¹⁴⁹ Squires suggests that this strategy resulted in an "equality politics" that accepted the universal ideal of neutrality, as well as a conception of individuals as rational and autonomous. In this view, gender difference is seen as an effect of sexism used to legitimate inequality between the sexes,¹⁵⁰ rather than an effect of an ontological difference. Strategies that emerged out of "equality politics" assumed that, in order for inclusion to be achieved, those female

¹⁴⁸ Squires, 1996: 55.

¹⁴⁹ Squires, 1996: 55.

¹⁵⁰ Squires, 1996: 117.

differences that coded as inferior ought to be transcended through the creation of a political sphere that is gender-neutral, thus restoring women's common equivalence with men.

The project of inclusion aimed at asserting that gender ought not to be politically relevant, both in theory and in practice.¹⁵¹ Despite these attempts to distinguish between the facticity of sex and the construction of sexist gender differences, the dualist logic of sex/gender inadvertently provided legitimacy to Cartesian thinking founded on a mind/body duality that continued to hierarchically structure the mind in a position of superior, rationalist control over the emotions and body. These dichotomies continued to be mapped onto the hierarchical logic underpinning both the sexual binary of male/female as well as the gendered binary within social constructivism that spoke of the masculine and feminine. In fact, the strategy of gender neutrality resulted in a common measure that still looked strikingly like male dominance in practice. Given the unequal status and disparate enjoyment of citizenship that women continued to experience despite the arrival of formal equality, the second family of feminist theorists identified by Squires renounced the strategy of gender-neutrality. Moving towards a more dynamic understanding of gender as a relational structuring of power between men and women, the second variant of feminism likewise took a constructivist approach to women's subordination. This was located not only in the cultural attitudes about sex/gender and nature/nurture rationalist logic, but also in macro-level structural arrangements informing women's positioning and roles vis-à-vis their male counterparts throughout the public and private spheres of society.

¹⁵¹ Squires, 1996: 117.

Difference-Affirmation-Reversal

Rejecting the notion that assimilation to the male model could ever be empowering in practice, the second family of feminist theorizing mobilized around strategic *affirmations* of the feminine and female ways of being or doing, and around the celebration of women's *difference*. Taking what had historically been coded as weakness, inferiority and the source of subordination, this objective is to *reverse* patriarchal values that denigrated women's differences from men by celebrating those "nurturing, peace-loving, intuitive and emotional qualities" unique to women.¹⁵² Certain theorists argued for the need to likewise affirm, not only women's characteristics, but also their social roles, and to encourage all of humanity to equally value both feminine and masculine traits for their unique contributions to society generally. By affirming the equal value of womanhood to manhood, and the particular value to society that women's differences make, "difference feminism" sought to restore the realm of affectivity, emotions, connectedness, an ethic of care, and those activities or characteristics aligned with the feminine. In so doing, it was thought that the strategy of *reversal* might unleash a reconfiguration and even a re-ordering of the political sphere to make it more open to women, and perhaps even positively aligned with the superior qualities flowing from the gendered specificity of women's experiences. Squires notes that this current within feminist theory has been associated with radical, maternal and/or cultural feminism and has been mapped onto the perspectives of French or Italian feminisms. These feminists aimed to protect, or at least ensure a re-valuing of the distinct perspectives of male

¹⁵² Squires, 1996: 118.

and female gendered identities, regardless of whether their origins were grounded in biological, structural and/or socially constructed differences.¹⁵³

Beyond Equality and Difference

Squires notes the tremendous political significance of the arguments advanced by equality feminism and difference feminism. Both sought to problematize the sex/gender distinction and the hegemonic logic that suggested that men were the standard to which women must evolve. At the same time, critiques from women on the margins of feminist theory and feminist movements problematized the raced and classed assumptions that implicitly positioned middle class white women as the standard for all women, all the while mobilizing around a supposedly shared experience of womanhood. The assumed commonality of woman's oppression and the assumed universality of woman's experiences, as distinct from the commonly shared realities of man, were likewise in need of further nuances if they were to resonate with many marginalized women. Within immigrant-receiving, colonial/white-settler societies such as the United Kingdom, the United States, Canada, and where national experiences were internally diversified by the presence of important national and linguistic minorities, the past 30 years saw increasing challenges to these kinds of monolithic feminist theories and feminist movement activism. Strengthened by the insights of those who felt likewise marginalized within the "sisterhood" of mainstream feminism, universal assumptions of women's "sameness" were exposed by women of various backgrounds, be

¹⁵³ On the perceptions of Anglo-American vs. French/Italian feminist commitments, see James and Bock (1992), *Introduction*, 1-16.

they black/women of colour¹⁵⁴, aboriginal women¹⁵⁵, Québécois feminists¹⁵⁶, postcolonial theorists¹⁵⁷, lesbian feminists¹⁵⁸, women with disabilities¹⁵⁹, Indigenous feminists¹⁶⁰ and Inuit feminists¹⁶¹, to name just a few. Attempts to enrich and complicate the sex/gender dichotomy have opened up space for the necessary recognition of the complex, multiple intersections¹⁶² of marginalization and of the interlocking¹⁶³ systems of power informing women's subjectivities, as inflected by the experiences of race, class, colonialism, mother tongue, sexual orientation, and/or disability.

¹⁵⁴ hooks 1981; Lourde 1984, Patricia Hill-Collins 1990; Sherene Razack 1990, Sunera Thobani 2000; Jhappan 2002, 1996, 1995.

¹⁵⁵ Mary Two-Axe Early, Janette Laval, Ellen Gabriel; Beverly Jacobs; Patricia Monture-Angus.

¹⁵⁶ See bibliography : de Sève 2000, Lamoureux 2001, Labelle and Rocher 2000, among many others.

¹⁵⁷ See bibliography: Abu-Laban 2002, 2000, 1998, Abu-Laban and Gabriel 2002, Abu-Laban and Nieguth (2000), Abu-Laban and Stasiulis 2000; Bannerji 2001; Green 2007, 1996; Kobayashi 1995; Mohanty 1992, 2003; Sugars 2004; Turpel 1992, 1996.

¹⁵⁸ See bibliography: Butler 2004, 1990; Demczuk 1998; Majury 1994; Rich 1980; Smith 1999; Wittig 1992.

¹⁵⁹ See the *Charter* activist work of Yvonne Peters in Canada.

¹⁶⁰ I mention aboriginal women first in light of the historically tenuous relationship that has existed between indigenous women and feminism in Canada. Certain of these women may also self-identify as feminists; Joyce Green's recent work documents the presence, among indigenous and aboriginal activist women, of explicitly feminist-identified women. See (ed) Green (2007), *Making Space for Indigenous Feminism*, Zen Books.

¹⁶¹ I mention Inuit feminists separately for two reasons. The Inuit have not historically considered themselves under the rubric of Aboriginal peoples in Canada, and therefore their activism has often been separate from Indian, Métis, and/or Aboriginal women in Canada. Moreover, Inuit women have not historically adorned the feminist label, but rather have understood their struggle to be in complementarity with Inuit men. Nonetheless, certain writings suggest a presence of feminist-identified Inuit women. See Aani Palliser Tulugak, "Inuit Women in Action", in (eds) Huguette Dagenais and Denise Piché (1994), *Women, Feminism, and Development*.

¹⁶² Intersectionality has been developed as a tool for feminist inquiry and has different variants, some of which focus on the intersections of two or more variables and underscores the interdependence of various axes of oppression. See Trina Grillo (1995), "Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House", *Berkeley Women's Law Journal*, 10: 16-30; See also, (2006) "Intersectional Feminist Frameworks: An Emerging Vision, A Critical Reflection Piece, Ottawa: Canadian Institute for the Advancement of Women.

¹⁶³ Sherene Razack has argued in favour of the concept of interlocking systems of power, as opposed to intersectionality, which she suggests fails to convey the ways in which systems of power are not simply additive by virtue of their intersections, but rather are mutually constitutive of one another. See Razack (1998), Introduction, *Looking White People in the Eye*, Toronto: University of Toronto Press, 3-22, see also, Patricia Hill Collins (1990), "Black Feminist Thought in the Matrix of Domination", *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, Boston: Unwin Hyman, 221-238.

Squires notes that the result of these counter-critiques has been that most contemporary feminist theory has moved away from the singular sex/gender focus and no longer speaks of womanhood, but rather of the diversity of women. One can think of the evolving contributions over the past thirty years probing the structural conditions and reproduction of femininity, state-sponsored male sex right¹⁶⁴, caring ethic and human psychoanalytical development,¹⁶⁵ mothering, sexual reproduction, compulsory heterosexuality,¹⁶⁶ or of the institution of marriage, legal paternal authority, patrilineality, and property ownership.¹⁶⁷ Attempts to produce a “grand theory” of women’s subordination linked to only one causal explanation have been complicated with richer understandings of the intersecting nature of various systems of oppression that differentially affect women of various racial, linguistic, or economic backgrounds. Consequently, the bulk of contemporary feminist theory probes multiple social structures of oppression, and the contextual complexities of a given area of women’s oppression, be it welfare state assumptions about equal pay or the breadwinner model¹⁶⁸, public childcare¹⁶⁹, constitutional interpretations¹⁷⁰, or the production of knowledge/discourse and knowing subjects.¹⁷¹

Squires locates the main sources of conflict within the three families of feminism, as relating to a different kind of constructivism that probes: 1) whether one considers gender as a manifestation of contingent stereotyping or of structural power relations (equality feminism

¹⁶⁴ Bartky 1990; MacKinnon 1989.

¹⁶⁵ See bibliography: Chodorow 1989; Elshtain 1993, Gilligan 1982; Ruddick 1989.

¹⁶⁶ See bibliography: Okin 1989; Rich 1980, 1986; Hartsock 1982.

¹⁶⁷ See bibliography: Backhouse 1999, 1991, Boyd 2002; Hirschon 1984; Pateman 1988; Stannard 1977.

¹⁶⁸ See bibliography: Gordon 1990; O’Connor 1992; O’Connor et al 1999.

¹⁶⁹ See bibliography: Jenson et al 2000; Turnbull 2008.

¹⁷⁰ See bibliography: Eisenberg 2005, 2006; Fraser 2003, Fudge 2001, Majury 2002, Mahoney 1992, Okin 2005.

¹⁷¹ See bibliography: Braidotti 1994; Butler 2004, 1990; Cornell 1998, 1995; Harding 1993; Haraway 1990.

/ difference feminism); 2) whether one considers these structures to be singular or multiple (difference feminism / diversity feminism); and 3) whether one considers these structures to be material or linguistic (diversity feminist / deconstruction feminism).

Diversity-Deconstruction-Displacement

Contemporary debates over the paradoxical nature of *equality* and *difference* have been re-articulated to unleash the third current within feminist theory mobilized behind a normative commitment to diversity. Focussed on complicating the dichotomous debates around equality and difference and invoking a strategy of epistemological *displacement*, the political strategy is to *displace* the categories of sex and gender in order to unleash the inherent *diversity* that is masked by hegemonic understandings/discourses of gender and sex as binary, natural, and correlate with the bodies of women and men. Squires suggests that this family of feminist theorizing is interested, not in multiple social structures describing the *material* construction of gender, but rather, in the relational construction of gender through *power*, *language* or *discourse*. In this context, “gender becomes a fundamentally political category”¹⁷² that no longer presumes sex to be foundational, nor posits a causal connection between sex and gender, however culturally elaborated. In fact, if the meaning of femininity or masculinity have no ontological signification, then they need not be understood or restricted to the material bodies of the female or male sex, but rather in relation to binary discourses proscribing an oppositional relation for the feminine and masculine.

Moving beyond Cartesian dichotomies and the epistemological baggage of the monovocal, abstract, universal citizen implicit in Western Enlightenment ideals of totalizing

¹⁷² Squires, 1996: 60.

rationality, diversity feminism aims to reveal the complicity of dominant discourses in hiding, denigrating and eliminating the complexities of contemporary forms of human existence. Whereas equality and difference feminist constructivism “explores how men and women become masculine and feminine subjects”, deconstruction invokes the Foucauldian notion of discourse whereby gender is understood to be “both the material effect of the way in which power takes hold of the body and an ideological effect of the way power ‘conditions’ the mind.”¹⁷³ The argument follows that female/male, feminine/masculine are relational, taking on meaning only within a specific historical context and society. This has led to explorations within feminist theory of the idea that “the structures of social construction from the universal and atemporal to the historically and socially contingent are infinitely mutable”.¹⁷⁴ An important consequence of the linguistic turn has been the realization of the futility of the sex/gender dichotomy to “an understanding of a single, variegated... porous, permeable, notion of corporeal subjectivity”.¹⁷⁵

For those pursuing a diversity politics through the strategy of displacement, the goal is to deconstruct the discursive regimes that work to gender (race, disable, other, infantilize etc.) the subject within the political, so as to legitimate exclusion. Theorists within this current adopt a genealogical methodology, speak of *plural* subject positions and of gendering as a verb, rather than as a reified content, and reflect the rich exchanges between feminism, post-structuralism, post-modernism and psycho-analysis.¹⁷⁶ The fruits of these discussions

¹⁷³ Squires, 1996: 64.

¹⁷⁴ Squires, 1996: 62.

¹⁷⁵ Prokhovink 1999:113, cited in Squires, 1996: 64.

¹⁷⁶ See Seyla Benhabib, Judith Butler, Drucilla Cornell, Nancy Fraser, *Feminist Contentions: A Philosophical Exchange*; New York: Routledge; Seyla Benhabib and Drucilla Cornell (1987), (eds), *Feminism as Critique*, Minnesota: University of Minnesota; Linda Nicholson (1989), (ed), *Feminism/Postmodernism*, New York:

have resulted in productive tensions that displace the traditional sex versus gender debates in the construction of women's complex identities. Moreover, they have pointed to the need to explore the pre-ontological and post-metaphysical assumptions about human interaction and political inter-subjectivity. On this account, a revisiting of de Beauvoir's contributions suggests that "woman is defined not by biology, or even material structures based on biology, but by her otherness to men."¹⁷⁷ From a poststructuralist perspective, Kristeva argues that femininity has no substantive content and is simply "that which is marginalized by the patriarchal symbolic order".¹⁷⁸ Building on Derridean contributions, Cornell argues the liberationist aspects of affirming the feminine, as metaphor; given its radical indeterminacy within the relational positioning of the phallogocentric symbolic ordering of the sexes, it is necessarily open to subversive re-invention.¹⁷⁹

Although not covered in depth by Squires, one of the most exciting debates within this third current of contemporary feminism can be linked to the philosophies of Judith Butler and Rosi Braidotti. Following the Foucauldian notion of discourse, Butler argues that

"[g]ender ought not to be conceived merely as the cultural inscription of meaning on a pre-given sex (a juridical concept)... gender is not to culture as sex is to nature; gender is also the discursive/cultural means by which 'sexed nature' or 'a natural sex' is produced and established as 'pre-discursive', 'prior to culture', a politically neutral surface *on which* culture acts."¹⁸⁰

She argues that femininity and masculinity are highly volatile, having no correlative grounding in the biological category of female or male empirical sexed bodies, and rather

Routledge; Judith Butler and Joan Scott (1992), *Feminists Theorize the Political*; Teresa Brennan (ed), *Between Feminism and Psychoanalysis*, New York: Routledge.

¹⁷⁷ Squires, 1996: 60.

¹⁷⁸ Kristeva 1997: 248, quoted in Squires, 1996: 61.

¹⁷⁹ Cornell 1995:100.

¹⁸⁰ Butler, 1999: 7.

that they are capable of manifesting themselves in the biological other in innovative ways. Consequently, she challenges the sex/gender dichotomy as implicitly referencing and limiting 'gender' to two forms (male/female), and thereby reinforcing the "presumption of a binary gender system.... whereby gender mirrors sex or is otherwise restricted by it."¹⁸¹

Contra Butler, building on Foucauldian and Deleuzian insights on the transformation/technology of the self and notably on the politics of location articulated by Rich, Rosi Braidotti maintains that the fundamental asymmetry between the sexes within the symbolic order forecloses the possibility that the dissolution of sexual difference might result in multiple, equally powerful genders.¹⁸² Rather, she argues for the displacement of phallogocentric thought through the re-signification of the sexual difference underscoring Western conceptions of subjectivity; this can be achieved in performative manifestations of the epistemological agency and political standing of the female subject, whose empirical reference has both historically been and will continue to be the diverse bodies that code as women.

In the following section, I will examine and then build upon the conceptions of subjectivity advocated by these two leading "diversity feminisms". My aim will be to push the conversation beyond a diversity politics focused on deconstruction of categories yielding *discursive* displacement, and rather, to seek a reconstructive diversity politics grounded in a radical representative democratic politics; this alternative praxis would be capable of performatively displacing and decentering the current fictional citizen-subject underpinning late modern conceptions of citizenship, political belonging, and democratic self-government.

¹⁸¹ Butler, 1990: 6.

¹⁸² Braidotti 124.

To that end, I will propose an alternative *convention* of political subjectivity that is grounded in historically situated power relations constitutive of various “corporealities”, that is attentive to the dynamic, relational, and performative processes of juridico-political, physiological, and socio-symbolic “corporealizations”, and that is sufficiently practical to lay the groundwork for structural reforms that enhance the political advocacy and self-representation of minorized corporealities within heterogeneous publics and decision-making bodies constitutive of late modern democratic *corporealpolitik*s.

Third, I will place the epistemological projects of Braidotti and Butler in dialogue with Canadian feminist legal theorist Sherene Razack and Japanese-American feminist anthropologist Dorinne Kondo. Building on their insights, I will propose an alternative figuration of political subjectivity that has practical applications in all sites and spheres of political representation. This reconstructivist conception of political subjectivities will be grounded in a post-metaphysical conception of multiple, interlocking “corporealities”, inflected by ascriptive (and sometimes chosen) corporeal referents. These multiple axes of political subjectivity are understood to be constituted through dynamic interaction with dominant political discourses, real experiences of situated inter-subjectivity, and multiple processes and practices of democratic citizenization inflected by reified significations of corporeal difference.

The Politics of Displacement

Squires’ typology helps us make sense of the varying strategies associated with the different currents within feminist theory, philosophy and social movement activism. Moreover, it provides insight into their respective epistemologies of subjectivity and the correlate normative projects motivating the tactics of intervention each strand privileges in the pursuit

of social transformation. Ferguson has described the distinctions between these three archetypal strategies (inclusion, reversal, displacement) of feminist engagements as follows, “in the first, women’s exclusion is problematized, in the second, men are problematized, and in the third, ‘the gendered world itself becomes a problem’”.¹⁸³ For her part, Di Stefano has labelled these three projects as rationalist, anti-rationalist, and post-rationalist, whereby “*she* dissolves into *he* as gender differences are collapsed into the (masculine) figure of the Everyman”, “*she* is preserved at the expense of her transformation and liberation from the conventions of femininity”, and “*she* dissolves into a perplexing plurality of difference, none of which can be theoretically or politically privileged over others.”¹⁸⁴

Sexual difference theorists who are committed to diversity have invested in advancing alternative significations of the feminine. In response, advocates of deconstructive displacement into diversity have charged that this strategy simply entails a reversal that reinforces dominant perspectives on gendered identities and the hierarchical binary it presumes. At the same time, theorists of sexual difference critique deconstruction theorists’ investment in an ontologically desexualized and gender-free position. As Squires observes, there is some uncertainty as to whether we can understand the “project of displacement” to be a “normative project” at all.¹⁸⁵ The immense challenge tackled by contemporary feminist political theor(activ)ists stems from the paradoxical situation of proposing a future-seeking, deconstructionist epistemological conception of human subjectivity that avoids the pitfalls of essentialist frameworks that reinforce the gender binary, but that is likewise effective in transforming existing modern practices of democratic citizenship to take stock of the more

¹⁸³ Ferguson 1993:3, quoted in Squires 4.

¹⁸⁴ Di Stefano 1990:77, quoted in Squires 4.

¹⁸⁵ Squires 1999: 5.

complex experiences of “late-modern” subjectivities that are inflected with multiple political positionings, one of which is sexual/gendered. The following section will aim to flesh out the full implications of this paradox through an exposition of the epistemological projects and political prescriptions defended by Judith Butler and Rosi Braidotti.

THE BUTLER-BRAIDOTTI DEBATES

Judith Butler: Proliferating Gender Performances

Building upon the insights of Foucauldian postmodern thought, in her 1990 *Gender Trouble: Feminism and the Subversion of Identity*, Judith Butler challenges the legitimacy of feminist theory’s assumption of a unified category of organization and political mobilization in the name of “woman”. In opposition to the totalitarian dangers and oppressive nature of dominant norms inscribed through juridical power, Butler advocates a strategy of resistance through micro-politics, wherein feminist theory/movements would explicitly problematize the unitary identity-content of the “we, women” who are purported to be included and represented as the main protagonists in whose name feminism mobilizes. As such, she is critical of the discursive exclusion of other gendered identities and argues that a language and politics in the name of “women”, as the subject of feminism, makes an uncritical appeal to the same system of power that it seeks to dismantle, making the tactic in search of women’s emancipation self-defeating.¹⁸⁶ Following Foucault, she assumes that juridical power works to “regulate political life in purely negative terms – that is, through the

¹⁸⁶ Judith Butler (1990), *Gender Trouble: Feminism and the Subversion of Identity*. New York: Routledge and Kegan, 2.

limitation, prohibition, regulation, control and even “protection” of individuals related to that political structure”.¹⁸⁷ If, as she notes, “the qualifications for being a subject must first be met before representation can be extended,”¹⁸⁸ then the language of a gender binary itself precludes the identities that fall beyond the categories of women or men.

Concerned about the violent exclusions inherent in the reified content of the categories “women” and “men”, rather than invoke and reinforce the latent subject/object dichotomy generated by Western epistemology, Butler encourages feminists to mobilize the “agency...located within the possibility of a variation”¹⁸⁹ to be found in the moments and acts of iteration and repetition of their gender. That is to say, she argues for a feminist praxis that performs and speaks an epistemological vision wherein “the subject is not *determined* by the rules through which it is generated because signification is *not a founding act*.”¹⁹⁰ She suggests that it is possible to have feminist theory/movements without a unified subject “woman” at its centre because the agency to be unleashed is located, not in those conferred to be “women”, but rather in the discursive, iterative opportunities inherent in language and discursive power. She understands language to both sustain and threaten bodily existence by virtue of its intersubjective character and prior power over the conditions of possibility of our constitution.¹⁹¹ She states, “One comes to “exist” by virtue of this fundamental dependency upon the address of the Other. One “exists” not only by virtue of being recognized, but, in a prior sense, by being *recognizable*.”¹⁹² This recognizability can be further expanded if

¹⁸⁷ Butler 1990: 2.

¹⁸⁸ Butler 1990: 1-2.

¹⁸⁹ Butler 1990: 145.

¹⁹⁰ Butler 1990: 145.

¹⁹¹ Judith Butler (1997), *Excitable Speech: A Politics of the Performative*, Stanford: Stanford University Press, 2.

¹⁹² Butler 1997: 5.

feminists develop a coalition politics that discursively challenges “the univocity of sex, the internal coherence of gender, and the binary framework for both sex and gender” by exposing them as “regulatory fictions that consolidate and naturalize the convergent power regimes of masculine and heterosexist oppression.”¹⁹³

Following queer theory’s opposition to “all identity claims”, and the “unwanted legislation of identity”, Butler favours micro-political interventions by an epistemological community of anti-homophobic activists¹⁹⁴, and puts her faith in local proliferations of multiple gender identities as an active form of resistance that assumes the non-fixity of identity, and of the interests said to flow therefrom. Consequently, Butler rejects the language of sexual difference and advocates for a proliferation of multiple gendered identities as a means of moving beyond Western rationalist conceptions of the hierarchical sexual binary. Her theory of gender as performativity aims to critique and expose notions of sexual difference that, she argues, work to sustain and reproduce the very regulatory regimes of exclusion that feminists purport to undermine. She traces the discursive production of gendered fictions in an effort to “think through the possibility of subverting and displacing those naturalized and reified notions of gender...to make gender trouble, not through the strategies that figure a utopian beyond, but through the mobilization, subversive confusion, and proliferation of precisely those constitutive categories that seek to keep gender in its place by posturing as the foundational illusions of identity.”¹⁹⁵

By speaking of a proliferation of gendered identities and by affirming them to be intelligible within contemporary understandings of “the human”, Butler aims to confer

¹⁹³ Butler 1990: 33.

¹⁹⁴ Judith Butler (2004), “Gender Regulations”, 40-56, and “Doing Justice to Someone: Sex Reassignment and Allegories of Transsexuality”, 57-74, in *Undoing Gender*, New York: Routledge, 7.

¹⁹⁵ Butler 1990: 33-4.

discursive and epistemological recognition on the gendered lives that fall outside the phallogocentric “subject”, thereby discursively decentring “substantive sexed identity”. As a strategy of deconstructionist displacement, Butler aims to discredit the presumed facticity of the “naturalizing narratives of compulsory heterosexuality” and of its central protagonists: “man” and “woman”.¹⁹⁶ As such, the question for feminism becomes not “whether to repeat, but how to repeat... through a radical proliferation of gender, to displace the very gender norms that enable the repetition itself.”¹⁹⁷ For Butler, asserting that gender is discursively constructed and policed through regulatory norms of performativity offers a more substantive challenge to contemporary understandings of sex/gender that advocate conceptions of sex/gender as pre-ontological. Through discursive and performative challenges to this presumed facticity resides the possibility for change to effectively unleashed. These alternative discursive and performative representations can yield a new way of thinking about gender and identity that is no longer encumbered by the confines of scripted masculinity and femininity ordained by masculine heterosexist thought.

Reflecting, in fact, all three of the political strategies that Squires associates with her typology of feminist theories, Butler first seeks *equal* recognition and *inclusion* within the category of the “human” and within what counts as a “livable life”,¹⁹⁸ for those who experience “gender trouble” and whose gendered identities fall beyond the existing binary. To that end, she aims to *affirm* the existence of marginalized performances of gender and celebrates the subversive power of drag in particular. Butler’s interest in drag lies not in a reified facticity of a so-called “drag identity”, but rather in its performative effects in

¹⁹⁶ Butler 1990: 146.

¹⁹⁷ Butler 1990: 148.

¹⁹⁸ Butler 2004: 1.

symbolically *deconstructing* and performatively *displacing* the presumed stability of gender identity within human subjectivity. Moreover, drag challenges the categorical ascription of a primary gender identity, and assumptions that it necessarily coheres with the physiological sex of the body that performs it. This proliferation and destabilization of gender performance has the potential to displace “the entire enactment of gender from the discourse of truth and falsity.”¹⁹⁹

Butler views the conditions of possibility for social critique and social transformation to be located in the agency of these individual performances, which mobilizes the critically iterative power of language/discourse. Consequently, she puts her faith predominantly in the capacity of discursive micro-politics undertaken through coalition politics outside the formal halls of power to foster a paradigm shift that might enable the multiplicity of current proliferations of diverse gendered identity to “become articulable within the discourses that establish intelligible cultural life.”²⁰⁰ At the same time, in her latest work, *Undoing Gender*, Butler begins to acknowledge the reality whereby individuals likewise rely on “institutions of social support...to exercise self-determination with respect to what body and what gender to have and maintain”.²⁰¹ Whereas her earliest works assumed, following Foucault, the necessarily oppressive nature of juridical power, recent reflections suggest an understanding of the fact that “self-determination becomes a plausible concept only in the context of a social world that supports and enables that exercise of agency.”²⁰²

¹⁹⁹ Butler 1990: 137.

²⁰⁰ Butler 1990: 149.

²⁰¹ Butler 2004: 7.

²⁰² Butler 2004: 7.

Rosi Braidotti: Nomadic Speaking Subjectivities

In *Nomadic Subjects: Embodiment and Sexual Difference in Contemporary Feminist Theory*, Rosi Braidotti proposes the figuration of “nomadic subjectivity”. As a “situated, postmodern, culturally differentiated understanding of the subject”, the bodily roots of subjectivity are “understood as neither a biological nor a sociological category, but rather as a point of overlapping between the physical, the symbolic, and the sociological”.²⁰³ She proposes “nomadic consciousness” to feminists and other critical intellectuals as an epistemological position, “a form of political resistance to hegemonic and exclusionary views of subjectivity”²⁰⁴ and “a form of intervention on the debate between feminism and the postmodernist crisis of values and representations of the subject”.²⁰⁵ Building upon poststructuralist insights, Braidotti mobilizes this new form of corporeal materiality “by emphasizing the embodied and therefore sexually differentiated structure of the speaking subject”.²⁰⁶

If Braidotti acknowledges sexuality as power, institution and semiotic code, moreover she stresses the fact that it is our inscription into language that “organizes our perception of morphological differences between the sexes” given that there can be no subjectivity outside sexuality or language.²⁰⁷ She writes, “the subject is always gendered: it is a ‘she-I’ or a ‘he-I... not a nominal essence but merely a convenient fiction, a grammatical

²⁰³ Rosi Braidotti (1994), *Nomadic Subjects: Embodiment and Sexual Difference*, New York: Columbia University Press, 4.

²⁰⁴ Braidotti 1994: 23.

²⁰⁵ Braidotti 1994: 28.

²⁰⁶ Braidotti 1994: 3.

²⁰⁷ Distinct from American Sign Language, Japanese Sign Language pronouns are inflected with a gendered location that is produced with two hands. See Wendy Sandler and Diane Lillo-Martin (2006), *Sign Language and Linguistic Universals*, London: Cambridge University Press, 376.

necessity holding together a multiplicity of levels of experience”.²⁰⁸ Similar to Butler, Braidotti understands sexual difference and gender as a technology of the self. However, she is clear is assessing both the negative and positive conditions of possibility that this entails, arguing that “the acquisition of subjectivity is a process of material (institutional) and discursive (symbolic) practices, the aim of which is both positive – because the process allows for forms of empowerment – and regulative – because the forms of empowerment are the site of limitations and disciplining.”²⁰⁹

Although the concept of “sexual difference” has been accused of only signifying heterosexist notions of differences that inhere in inter-group differences between men and women, for Braidotti, it necessarily entails recognition of the diversity inflecting intra-group differences among women, as well as of the internal diversity inherent in each individual woman’s subjective positionings.²¹⁰ She defends a radical rejection of essentialism and suggests that one “*speaks* as a woman, although the subject “woman” is not a monolithic essence defined once and for all”.²¹¹ As a feminist epistemological and political project, Braidotti defends the continued assertion of the three plateaus of sexual difference, not in ways that ascribe an essential content to the term *woman*, but as the facticity of our being. She writes, “ ‘I’, woman am the female sexed subject who is mortal and endowed with language.”²¹² Her figuration of the *nomadic subject* is the “site of multiple, complex, and potentially contradictory sets of experiences, defined by overlapping variables such as class,

²⁰⁸ Braidotti 1994: 199.

²⁰⁹ Braidotti 1994: 157.

²¹⁰ Braidotti 1994: 177-78.

²¹¹ Braidotti 1994: 4.

²¹² Braidotti 1994: 4.

race, age, lifestyle, sexual preference and others”.²¹³ Asserting this ethical figuration of subjectivity in “nomadic consciousness” to guide the female feminist at a minimum, and perhaps all subjects²¹⁴, Braidotti likewise aims to displace gender-neutral and gender-hierarchical postulates within phallogocentric thought. The goal is not to get rid of the universal, but rather to challenge and debunk the dominant epistemological grounding of “the abstract universal subject” by radicalizing it through recognition of its three constitutive layers of sexual difference.²¹⁵

Highlighting the dynamic interaction between the physical, the symbolic, and the sociological²¹⁶, Braidotti stresses the fact that identity and subjectivity are constituted through both representation and experience. It is precisely because women pay *in their bodies* for the metaphors of femininity, through a process of “metaphysical cannibalism” that the female feminist may not “relinquish easily the game of representation of woman, nor... loosen the tie between the symbolic or discursive and the bodily or material”.²¹⁷ As such, she rejects Butler’s prescription that feminism abandon female identity or its signifier *woman* in favour of proliferating multiple gendered positionings. For Braidotti, to do so is to deny the actual violence enacted upon women’s minds, bodies, and ontological desires. She argues that the invocation of the signifier ‘woman’ is “no gratuitous appropriation given that ‘I woman’ am the direct empirical reference of all that has been theorized about femininity, the female subject and the feminine.”²¹⁸ Advocated by Butler in the name of theoretically or discursively displacing sexual bimorphism to allow for the recognition of multiple “livable”

²¹³ Braidotti 1994: 4.

²¹⁴ Braidotti 1994: 198.

²¹⁵ Braidotti 1994: 203.

²¹⁶ Braidotti 1994: 4.

²¹⁷ Braidotti 1994: 187.

²¹⁸ Braidotti 1994:187.

forms of gendered identity, Braidotti argues that the practical result is the maintenance of the asymmetrical power relations channelled by phallogocentric thinking and, in turn, the denial of the epistemological agency of minority gendered positionings, including “woman-as-thinker”, within the discursive power game of our postmodern era.

As a strategy seeking *inclusion* of women within the category of “speaking/known subjectivity”, Braidotti defends the idea that “being-a-woman,” - just like “being-in-language” and “being-mortal” - is one of the constitutive elements of subjectivity²¹⁹ that may no longer be denied or effaced by phallogocentric epistemologies of the subject. Following Rich, she sees the relationship between “she-self” and “she-other” as the continuum of women’s experiences to be unleashed in acts of self-legitimation in order that the fact of being a woman become “a positive, self-affirming political force” in the here and now.²²⁰ As such, Braidotti seeks to *affirm* the female speaking subject so as to challenge the monological, heterosexist and ethnocentric conceptions of the subject and sexual difference within Western Enlightenment thinking. In so doing, this strategy of displacement aims to unleash “the representability of a feminine subject as a self-representing entity”²²¹ through a *deconstruction* of “the abstract universal subject”. This alternative strategy of displacement, grounded in a proliferation of speech-action by female feminists, Braidotti advocates for feminist movements’ crucial role in empowering increasing numbers of women-as-thinkers to take up responsibility for their gender, and proactively re-symbolize the status of all women through inventions, enactments, and empowerment “in “our” speech, our practice,

²¹⁹ Braidotti 1994: 187.

²²⁰ Braidotti 1994: 200.

²²¹ Adriana Cavarero (1992), “Equality and sexual difference: amnesia in political thought”, in (eds) Gisela Bock and Susan James, *Beyond Equality and Difference: citizenship, feminist politics, female subjectivity*, London: Routledge, 32-47.

our collective quest”.²²² At the same time, she names the ongoing challenge facing feminist movements in light of the priority given by contemporary feminists to an embodied subject constituted by multiple networks of “interrelated variables of which sexuality is but one, set alongside other powerful axes of subjectivization, such as race, culture, nationality, class, life-choice preferences and so on.”²²³ This she describes as the double-edged project of feminism, which entails “both relying on genderized or sex-specific notions in order to redefine the female subject, all-the-while deconstructing them at the same time.”²²⁴ It is a project that attempts to mobilize and harness the conditions of possibility “between the no longer and the not yet”.²²⁵

The Politics of Language

The epistemological projects of Butler and Braidotti highlight the importance of re-conceptualizing and re-presenting contemporary understandings of subjectivity as the result of multiple bodily locations constituted in dialogue with the historically reified effects of interlocking systems of power/discourse. At the same time, both stress the need to keep our conceptions open to alternative meanings and possibilities by virtue of the dynamic relationality of symbolic processes of inter-subjectivisation. Both are committed to “identify[ing] points of exit from the universalism implicit in the patriarchal and phallogocentric system”, and to challenging the “universalistic stance of scientific discourse

²²² Braidotti 1994: 188.

²²³ Braidotti 1994: 199.

²²⁴ Braidotti 1994: 199.

²²⁵ Braidotti, Audio Lecture, “Between the no longer and the not yet: Nomadic variations on the body”, <http://orlando.women.it/cyberarchive/files/braidotti.htm>.

by exposing its inherent dualism”.²²⁶ In so doing, the epistemological and political projects of both Braidotti and Butler point to a radical democratic commitment to “the remainders”²²⁷ in a given socio-political arrangement, the “political outsiders”²²⁸, those within the symbolic field of “soto”, whose existence falls in excess of the political imaginary of thought, discourse, and political representability in the here and now by virtue of not sharing the core characteristics of “homo politicus.”²²⁹

Unleashing the normative value of “non-closure as an intellectual and ethical style”²³⁰, Braidotti describes the decline of the universal in the age of modernity as an “opportunity of a nomadic standpoint that is based on differences while not being merely relativistic”.²³¹ Likewise, the Butlerian project makes appeals for the survival of lives heretofore deemed “unlivable” because they are unintelligible within contemporary gendered constructs. Located at different points along the spectrum of corporeal living and thriving, Butler acknowledges Braidotti’s assertion that she “sometimes stays within the theology of lack” and “am often concerned with survival”.²³² Butler admits that although there is no affirmation without survival, survival is not enough. She appreciates Braidotti’s attempts to consider pain, suffering and limitations, but “to find the way through and beyond them, to engage a certain activism that overcomes passivity without taking the form of mastery or

²²⁶ Braidotti 1994: 153-4.

²²⁷ See Bonnie Honig (1993), *Political Theory and the Displacement of Politics*, Ithaca: Cornell University Press.

²²⁸ See Ogai Tokugo (2001), “Japanese Women and Political Institutions: Why are Women Politically Unrepresented?”, *PS: Political Science and Politics*, 34, 2 (June 2001): 207.

²²⁹ See Pippa Norris and Joni Lovenduski (1989), “Women Candidates for Parliament: Transforming the Agenda?”, *British Journal of Political Science*, 19, 1: 94.

²³⁰ Braidotti 1994: 201.

²³¹ Braidotti 1994: 98.

²³² Butler 2004: 195.

control.”²³³ I wish to ask if their normative *political* projects of “politics of nomadic subjectivity” and “politics of gender performativity” go far enough to practically guide a new way of linguistically speaking the epistemological projects they announce, of representing the post-metaphysical world they see, and of supporting the socio-institutional transformation implicit in the ethico-political commitments they declare.

Given the centrality of sexual difference to Western phallogocentric thinking, Braidotti has argued that “sexual difference theorists” prefer a “working through the old system, through the strategy of ‘mimetic repetition’”²³⁴ so as to destabilize the asymmetrical power relations inherent in sexual difference. *Contra* Butler, she is critical of the ways in which the term “gender” occludes this fundamental asymmetry²³⁵ and fails to take seriously the differential power that the multiple genders will wield, in light of the ways in which female non-conformity is asymmetrically taxed within patriarchal society. She privileges a strategy of displacement through deconstruction of the universal subject, and of re-signification of sexual difference to convey a positive content. Albeit grounded in an epistemological diversity, “sexual difference” remains consciously wedded to a re-working of terms predominantly depicted as dichotomous and oppositional by the symbolic order of Enlightenment. Theorists such as Butler have argued that this consists in a strategy that inadvertently gives legitimacy to the very dualist thinking that sexual difference theorists aim to undermine.

²³³ Butler 2004: 195.

²³⁴ Braidotti 1994: 153.

²³⁵ Braidotti 1994: 151.

Differing from these initial concerns raised by Butler (1990)²³⁶, I question the extent to which the terminology of “sexual difference” can not only be re-signified to overcome its presumed heteronormativity in society at large, but, moreover, meaningfully communicate the complex “network of simultaneous power formations” inflected by race, class, and other axes of difference with which Braidotti is concerned. Although Braidotti speaks to a complex understanding of diversity, the language of sexual difference disproportionately references but one possible system of domination that may not be read as “sexual diversity” outside of academic halls of feminist philosophic debate or feminist/queer movement activism. In light of Braidotti’s belief in socio-political constitution *in language*, her investment in the concept of “sexual difference” as the privileged “linguistic tool” expected to convey the full range of intra-subjective, intra-group, or inter-group diversity that most women (and men) experience is indeed puzzling.²³⁷ She is aware that many women and men may not experience sexual location as the primary axes of oppression, identity or empowerment.²³⁸ But then is it helpful to ask these individuals to take up the language of sexual difference to describe and articulate the various othering, marginalizing, and minorizing representations of their selves they confront in practice? I would suggest not.

²³⁶ Butler initially mistook the theory “sexual difference” articulated by French feminists to assume a) a heteronormative content, b) sex as a prior essence and knowable truth, c) the stable norms of the categories “man” and “woman”. In light of her current understanding of sexual difference theorists’ various positions, a second question she poses is whether the symbolic is eligible for social intervention and therefore, the strategic value of affirming the feminine, female-subject within a context of sexual difference over the displacement of this binary towards a multiplicity. See the “The End of Sexual Difference?” and “The Question of Social Transformation” for her more recent positions.

²³⁷ For example, Braidotti demonstrates a sensitivity to the effectiveness of the concept “gender” within English language debates, but that has had “little or no relevance to theoretical traditions in the Romance languages”. Braidotti 1994: 150.

²³⁸ See Rosi Braidotti (1994), “Sexual Difference as a Nomadic Political Project”, in *Nomadic Subjects*, 146-172.

At the same time, we must similarly ask if the diversity that Butler seeks is somehow made more communicable through the sociologically grounded term “gender” or the discursive norms implicit in her idea of “performing gender”. Do these figurations, does the language of “sexual difference” or “gender performance” predominantly point to the multiplicity and non-fixity of multiple axes of exclusion, or do we mostly mean for them to do work relating to the diversity of possible sexual and gendered realities/locations/identities? Does a discussion of the proliferation of multiple gendered identities actually capture or unleash a simultaneous referencing off in directions of race, ability, age, and so forth, as core constituents of one’s worldviews and of one’s self-understanding as a corporeal entity constituted within the (collective) discursive political imaginary in which we circulate? And if social movements such as feminist, anti-racist, queer, disability rights movements and so forth, aim at social transformation that are to be fought in coalition, and are understood to be the leading vehicles of democratization, what are the implications for the language in which we speak our way to society-wide paradigm shift?

Although both authors are steeped in the linguistic turn, ironically, their strategies of displacement do not fully harness the socio-symbolic aspects of linguistic constitution. The language-based inter-subjective communication produces ongoing misunderstandings between self and other, but can also be asked to facilitate mutual empathy so as to better resonate with those for/with whom recognition is sought. Given Butler and Braidotti’s commitments to diversity, is it not necessary to craft an alternative terminology of embodied subjectivity so as to practically name and create space for the full spectrum of interlocking inflections of embodied experiences that include, but may not be adequately communicated through language that primarily references sex/gender? Firsthand, I would argue that the

displacing potential of Braidotti and Butler's epistemological projects - its non-fixity and its internal, inter-subjective diversity - is held back in part by the limitations of the nominal signifiers that they empower to carry them forward into the world.

Beyond the Butler-Braidotti Debates

In the previous pages, I have outlined Squires' typology of the competing feminist epistemological projects within feminisms that have pursued an "equality politics", a "difference politics" and a "diversity politics". I have attempted to clarify the epistemological conceptions and describe the competing ontological foundations of subjectivity that lie at the heart of each, in order to understand the normative foundations motivating the correlate political projects and solutions that each strand advocates. Each stream attempts to both re-signify the full range of citizen-subjects available to the human experience and thereby lay the groundwork for overcoming the violence of past exclusions of certain bodies from political subjectivity.

Given the rich theoretical resources and political insights developed by this third strand, I then outlined the projects of two leading theorists, Rosi Braidotti and Judith Butler, whose normative commitments aim at the deconstruction and displacement of the essentialist, binary thinking that underscores contemporary forms of sex/gender-based violence and political exclusion in which I am interested. Despite widespread consensus as to the diversity of positionings and disciplining forces constitutive of contemporary subjectivity, whereas Butler advocates the re-signification of "sex/gender" through a proliferation of gender performances that displace its presumed facticity and binary structure, for her part Braidotti advocates the re-signification of "sexual difference" through the diversification of the self-representability of female thinking/speaking subjects, so as to displace the presumed facticity

of the abstract (but male) universal subject of Western phallogocentric thought. Whereas Butler tends towards a conception of subjectivity that requires a dis-investment in the relevance of sex/gender to identity that ironically threatens to practically reinforce Western discourses of the abstract universal subject it aims to undermine, Braidotti's investment in sexual difference as a core grounding of identity threatens to reinforce reified, essentialist, and binary conceptions of sex/gender that Western phallogocentric thought advocates.

In light of the democratic project that I defend, I am concerned with the practical efficacy of the diversity feminist projects Butler and Braidotti announce. My aim was to briefly expose the uniquely late/post-modern dilemma that seems to posit diversity feminist thought at an impasse with effective political action achieved through non-exclusive discursive and linguistic strategies capable of representing the full complexity of bodily experience. Each of these projects raises important questions as to which epistemological, and therefore linguistic, strategies of displacement ought to be taken up as feminist strategies of intervention within contemporary democracies in pursuit of social and political transformation. The epistemological assumptions embedded within discourse and language point to the immense challenge inherent in discursive contestation. In the previous pages, I explored both the promise and the practical limitations inherent in our socio-political institution in language.

In the following chapter, I will explore even further the epistemological tensions, discursive contradictions and practical impasses that emerge from the Butler-Braidotti debate and the dominance of Western liberal epistemologies of selfhood that tend towards a hierarchical ordering of corporeal identities.

CHAPTER II « *Diversité* » : Epistemological Existensions of Feminist Corporeality

Following contemporary assumptions of “diversity feminists” concerning the democratic value of diversifying and de-centring the hegemonic power of dominant norms towards more heterogeneous publics²³⁹, I aim to build upon Young’s important project of “understanding the implications for political philosophy, of the claims of new group-based social movements”.²⁴⁰ Following the linguistic turn within postmodernism, post-colonialism, and post-structuralist feminisms, I also take seriously the challenges raised as to the utility of invoking categories of political solidarity, such as “women”, “sex”, “gender” or “race”, that render possible the uncritical re-deployment of these categories in disempowering ways. The practical result however has been to discursively threaten the normative legitimacy of feminist and other social movement organization around an empowered speaking subject grounded in these very same categories of political corporeality.

The continued relevance of various categories of social diversity within constitutional, legal, political, social or symbolic facets of citizenship cautions against the practical merits of abandoning these categories of political subjectivity just yet. Moreover, emancipatory movements and the theories that nourish them are interested in practical social transformation, which shall come in part, from the power of new ideas about the political nature of these categories, but that also, realistically speaking, must find expression within the institutional norms regulating contemporary representative democracy. Feminist theory has never been interested in the production of theory for theory’s sake. Braidotti states that, for feminists, the personal is not only political, it is also theoretical. As a feminist theorist,

²³⁹ See Young 2000.

²⁴⁰ Young, 1990:1

my individual corporealities and the epistemological project I defend are intimately engaged by a “politics of subjectivity” and a “politics of representation” that seek recognition, voice, and self-representation for the diverse corporealities constitutive of both myself(s) and the heterogeneous publics constituting the contemporary multinational, multicultural, and intra-nationally diverse democracies of Canada, Québec, and Japan within which I have developed. Following the insights of Canadian/Québécois philosopher Charles Taylor, this understanding of subjectivity assumes that “discovering my own identity doesn’t mean that I work it out in isolation, but that I negotiate it through dialogue, partly overt, partly internal, with others.”²⁴¹

Theorist Anna Yeatman outlines eight epistemological orientations of post-modern feminist theorizing to include: a deconstructive orientation to the modern and modernist theoretical traditions we inherit; a post-universalistic mode of theorizing as the disruptive assertion of “minority” voices in respect of the inevitably universalistic aspects of theorizing; a demonstration that binary constructions of difference not only specify a border that divides, but that this is simultaneously a border which unites, and is thus an insistence on the instabilities and ambiguities of these constructions; perspectivalism as a relational, not relativist theory of knowledge; the conception of acts of theorizing as historically contingent, and the acceptance of disjunctive and conjunctural shifts and developments in theorizing; an assumption of the significance of the positions of the theorist(s) in relation to both institutionalized intellectual authority and to their actual and prospective audiences; an assumption concerning the significance of the embodied subjectivity of the theorists(s); and a

²⁴¹ Charles Taylor (1992), *Multiculturalism and “The Politics of Recognition”*. Princeton : Princeton University Press, 36.

conception of language as a “material, active, productive system” and of theoretical debates as a language politics.²⁴²

These orientations find resonance with the conception of political inter-subjectivity that seeks validation in these pages, notably as concerns the idea that different subject positionings and/or identities are relational and co-constructed through symbolically and materially complex linguistic exchanges with others, each of whom is always inflected by socio-political contexts shaped by existing systems of power. My attempt to carve out space for historically marginalized corporeal subjectivities aims to expose and overcome the kinds of onto-political violence that inheres in certain humans being recognized as lesser human, or not human at all, within the political communities in which we circulate. It speaks to what Braidotti understands as a kind of “ontological desire”, whereby feminism is understood to “liberate in women...their desire for freedom, lightness, justice, and self-accomplishment. These values are not only rational political beliefs, they are also objects of intense desire.”²⁴³ As Butler echoes, “[i]f part of what desire wants is to gain recognition, then gender, insofar as it is animated by desire, will want recognition as well.”²⁴⁴ Indeed, bell hooks likewise names the ontological yearnings that motivate black American liberation when she writes, “Surely our desire for radical social change is intimately linked with the desire to experience pleasure, erotic fulfillment, and a host of other passions.”²⁴⁵

The debates between Rosi Braidotti and Judith Butler are particularly salient in exposing this difficulty, within feminist, queer, and critical race theory, of trying to theorize and/or ideationally work our way towards a post-foundational, anti-essentialist future of

²⁴² See Anna Yeatman (1994), *Postmodern Revisionings of the Political*, New York: Routledge, Ch 1.

²⁴³ Braidotti 1994: 167.

²⁴⁴ Butler 2004: 2.

²⁴⁵ bell hooks (1990), *Yearning: race, gender, and cultural politics*, Cambridge: South End Press, 13.

political subjectivity, without foreclosing the possibility of agency for diverse marginalized citizens in the present. The dilemma of diversity feminism lies in finding effective practical strategies of exposing the socio-political norms that placed and continue to place certain forms of corporeal difference under the political tutelage of historically dominant groups. This requires the discursive contestation of the oppressive reifications of certain categories of corporeal difference in ways that undermine the actual oppression, rather than the agency of the individuals ascriptively associated therein.

The following pages will tackle precisely these complex issues by discussing the epistemological and practical strengths and weaknesses of the diversity feminist positions animating Chapter I. Building upon the epistemological insights flowing from Butler's idea of gender as performance and from Braidotti's theory of diversity within sexual difference, I will first articulate an alternative understanding of performative political inter-subjectivities through the epistemological-cum-linguistic conventions of "corporeality", "corpo-realities", "corporealizations", and "corporealpolitiks". Secondly, as a means of demonstrating the need to push beyond the language of sex/gender, I will contribute my own experiences of complex corporeality within three nationalinguistic communities that differentially inflect experiences of subjective intelligibility and communicability. To that end, I will attempt to articulate the onto-political struggle towards a more democratic world as grounded in contemporary personal experiences of political corporealization that arbitrarily constrains the spectrum of potential corporealities that are intelligible within contemporary democratic institutions.

In light of these personal, practical, and epistemological underpinnings of the language of corporealities, I will evaluate the linguistic impasse inherent in the epistemological projects of Butler and Braidotti, and the paralyzing effects that result in the

inability to name which actors constitute viable agents within political contestation to effectively challenge the juridico-political and socio-symbolic institutions through which onto-political yearning is achieved in practice. I will conclude by briefly naming the practical *impasse* that inheres in the failure to unleash an activist politics of self-representation and corporeal advocacy within authoritative sites of political corporealization, such as those constituted through representative democratic institutions.

THE POLITICS OF CORPOREALIZATION

Akin to Braidotti's figuration of "nomadic consciousness"²⁴⁶, or the futuristic hybridity and fluidity of Donna Haraway's conception of feminist subjectivity inherent in the "cyborg"²⁴⁷, I wish to contribute to this dialogue among feminist political philosopher-activists on, not "the" subject of feminism, but rather, on our understanding of the diverse subjects animating contemporary solidarity movements. Moreover, I aim to advance our appreciation of the socio-symbolic and institutional processes regulating the conditions of possibility of human becoming in community. The term "corporeality" is used by Elisabeth Grosz to articulate a conception of subjectivity that moves beyond the binary thinking of Western phallogocentric thought by avoiding the impasse posed by accounts of the person that "divide the subject into the mutually exclusive categories of mind and body,"²⁴⁸ avoiding the correlation of corporeality and its historic burdens with one sex (ie: women), or with one race²⁴⁹, by

²⁴⁶ "Sexual Difference as a Nomadic Political Project", in *Nomadic Subjects: Embodiment and Sexual Difference in Contemporary Feminist Theory*, New York: Columbia University Press, 146-172.

²⁴⁷ Donna Haraway (1991) "Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century", in *Simians, Cyborgs and Women: The Reinvention of Nature*, New York; Routledge, 149-181.

²⁴⁸ Elisabeth Grosz, *Volatile Bodies: Toward a Corporeal Feminism*, Indiana: Indiana University Press, 21.

²⁴⁹ Grosz 22.

refusing singular models of what may represent the “human” in favour of its richness and variability²⁵⁰, by avoiding biologicistic and essentialist accounts of the body and regarding the body as “a cultural, *the* cultural product” and a site of “social, political, cultural, and geographical inscriptions, production, or constitution”,²⁵¹ by theorizing the interaction between the psychical and social dimensions of the body, or namely including a “psychical representation of the subject’s lived body as well as of the relations between body, gestures, posture, and movement in the constitution of the processes of psychical representations,”²⁵² and by speaking the body as cultural product in excess of binary pairs, not by denying previous categories within those binaries, but in also creating new terms and conceptual frameworks.²⁵³

Taking seriously the continuing material and symbolic relevance of bodies, following Grosz, I take the conditions of possible corporeality to be constituted not strictly in the body, but in the interactions between the bodily, cognitive, emotional, and ontological desires that are evoked in inter-subjective exchanges with the real or imaginary selves with whom we understand ourselves to be relationally positioned and in light of the real or imaginary selves we are understood to represent and reference. Following Braidotti, my understanding of corporeality is relational and contextual, speaking to the three layers of diversity, the first arising within any and all individual subject-positions, the second layer of diversity being inherent within any and all social groups, and the third layer of diversity residing in the various aspects differentiating any two social groups. Following Butler, this figuration of political inter-subjectivity is performative and places the agency of each unique constellation

²⁵⁰ Grosz 22.

²⁵¹ Grosz 23.

²⁵² Grosz 23.

²⁵³ Grosz 24.

of corporealities, be it an individual, a community, or a nation-state, at the heart of potential socio-political transformation.

Pushing beyond Grosz' conception of "corporeality" as a singular noun, I wish to speak of the multiple axes of concurrent corporeal significations as "corporealities", of the dynamic notion of "corpo-realities" as naming the corporeally-inflected worldviews that emerge from both material experiences of one's corporeal positionings in relation to others and to discursive representations of corporeality. I wish to explore the psychosocial and material constitution of corporealities through socio-symbolic and juridico-political processes of "corporealizations". Finally, I understand the conditions of possibility of various corporealizations as evolving within the national, historical, and linguistic "corporealpolitiks" inflecting by interlocking systems of power deemed to be salient within the particular political community.

Corporealities: Interlocking Axes of Corporeal Significations and Worldviews

As juridico-political phenomena constructed through the norms unique to a political community, the term "corporealities" names the myriad *axes of corporeal signification* that are potentially constitutive of socio-political identities. These interlocking axes of "corporeality" voluntarily and involuntarily perform various juridico-political identities through corporeal signifiers, including sex, sexual orientation, gender, race, skin colour, ethnicity, mother tongue and accent, linguistic communities, economic class, religion, nationality, marital status, and disability. Likewise, as psycho-social phenomena constructed through lived experiences of the juridico-political and social norms at play within a political community, the term "corporealities" denotes the myriad corporeally-inflected *worldviews, social perspectives, bases of knowledge, and lived realities* that resonate and ring true for

those experiencing the various axes of corporeality. These corporeal ‘horizons of meaning’ do not exist in a void. Rather, they are constituted over time through the unique interplay of one’s voluntary and involuntary performances of corporeal identity with the voluntary and involuntary performances of corporeal identity of others that consciously and unconsciously register along various spectrums of similarity-difference. And they are constituted in dialogue with dominant juridico-political meanings and/or psycho-social and symbolic representations that inhere in the specific corporealities at play.

Corporealizations: Processes of Corporeal Constitution

Impacting upon an individual’s sense of their-selves and of the conditions of possibility of various corporeal futures, corporealizations name the processes of corporeal constitution over time, inflected by myriad axes of corporeality understood to voluntarily or involuntarily constitute psycho-social understandings of one’s “corporealities”. An inter-subjective process of mutual constitution that is relative, corporealizations occur in relation to, and as mediated by the corporealities of others, by the juridico-political horizons of social meanings, political becomings, intelligibility, and/or by juridico-political truths understood to flow therefrom.

Corporealpolitik: Contexts of Corporeal Penalties/Privileges

Performatively constituting multifarious “horizons”²⁵⁴ of meaning and plural normative and juridico-political “sources of our self”²⁵⁵, these inter-subjective processes, conversations,

²⁵⁴ Charles Taylor (1989), *Sources of the Self: The making of modern identity*. Cambridge: Harvard University Press, 17.

discussions, exchanges and multilogues work across a spectrum of power and agency that ranges from affirming/repeating to contesting/undermining the reified penalties and privileges of minorized/dominant corporealities within contemporary democracies such as Canada. The political institution into one's unique "corporealities" is constituted through performative processes of inter-subjective corporealization undertaken in dynamic interaction with the norms of pre-existing systems of power inflected by the linguistic and cultural contexts of the transnational, (multi)national, subnational, community, and subaltern "*corporealpolitiks*" in which one circulates.

Corporeal Agency: Constellations of Corporeality

As an entity with agency, any given historically situated "constellation of corporealities" is inflected by multiple interlocking systems of power that ascribe privilege and penalty to the corporeal belongings and identities being voluntarily and involuntarily signified. Endowed with language and therefore agency - be it an individual, a social or cultural group, a community, a nation, or even an organization - this complex political entity is constituted dynamically through multiple axes of political belonging inflected by relational, performative and inter-subjective processes of "corporealization". The possible conjugations and "corporealizations" available to each "constellation of corporealities" are in turn defined and delineated, in part, by relevant juridico-political axes of corporeality, the "corporealities" flowing from lived experience of those axes, in dialogue with others and with the symbolic representations constitutive of the "*corporealpolitiks*" within the political community.

²⁵⁵ Taylor 1989.

Desiring Corporealizations

To assume that the conception of corporealities defended herein is based upon ahistorical notions of the good or the just derived from universal principles arrived at through abstract reason is to misunderstand the situatedness of feminist theory and of the feminist philosopher herself. If the Braidotti-Butlerian debates *speak* to me, this is due, in large part, to the various subaltern corporealities of my selves. To describe these dynamics further, I will attempt to articulate some of the corporealizations that I have experienced within three unique political (and linguistic) communities inflected by quite distinct corporealpolitiks. The inspiration of this research project springs from a rather personal quest for understanding, one that could make sense of the ongoing tensions between the stories that we, in the modern era, and within modern political theory, continue to tell one another about human subjectivity, the political community, and individual freedom.

George H. Mead has described the “temporal duality of the self” wherein we are both a subject, “I”, and an object, “me”. The “I” is present in the moment, spontaneous, released at the moment of action, whereas the “me” is a memory of the “I” produced after action.²⁵⁶ But there is also the “me” that has yet to become. In many ways the current project is most interested in exploring the practical means of social transformation in the present, with a view to enhancing the conditions of possibility of corporealities inflecting my future “me(s)”. Indeed, Taylor has described the impact, upon individuals from subaltern groups of non-recognition or mis-recognition,²⁵⁷ as a result of sexual, racial or culturally discriminatory

²⁵⁶ Mead 1934: 174.

²⁵⁷ Taylor 1992:25, 36.

views that denigrate and distort the intelligibility and possible becomings of the individuals affected.

The Corporealpolitik of Intelligibility: Sex, Gender, Woman

Being of the dominant white, middle-class, anglophone demographic, my personal displacement from “normal” belonging within the Canadian political community began with my sex and gender. It began with the curious linguistic invisibility of female subjectivity in my education into the Kingdom of Man, but also, with the numerous symbolic systems of meaning that resulted in materially contradictory experiences of myself and numerous “she-I”²⁵⁸ individuals like me. Both a personal and political investigation, the current reflection emerges from a kind of “psychic disequilibrium” that results in the repetitions of non-recognition or mis-recognition that flow from experiencing oneself as an “outsider”, a political minority, as “different” from the norm and therefore descriptively, but also substantively devalued as “abnormal”, or of “lacking” epistemological legitimacy; this was true to the extent that my being was arbitrarily being evaluated by those with the political, economic, cultural, legal, and/or social authority, to name. Adrienne Rich has described these kinds of existential disjunctions and “psychic disequilibria” as follows:

When those who have the power to name and to socially construct reality choose not to see you or hear you ... when someone with the authority of a teacher, say, describes the world and you are not in it, there is a moment of psychic disequilibria, as if you looked into a mirror and saw nothing. Yet you know you exist and others like you, that this is a game with mirrors. It takes some strength of soul--and not just individual strength, but collective

²⁵⁸ Braidotti 1994: 199.

understanding--to resist this void, this non-being into which you are thrust, and to stand up, demanding to be seen and heard.²⁵⁹

Naming and labelling is a political activity wherein “to give a name is to give power *to*, or gain power *over*, the named.”²⁶⁰ Speaking of the experiences of growing up Aboriginal in a white settler society, Patricia Monture-Angus has described this feeling of non-being and nominal negation:

Growing up “Indian” in this country is very much about not having the power to define yourself or your own reality. It is being denied the right to say, “I am!”—instead, always finding yourself saying, “I am not!”²⁶¹

The constant need to contest the content that others both consciously and unconsciously inscribe upon one’s corporeality, one’s self, and one’s value in the world constitutes an indescribably pernicious, however informal, taxation of one’s existence that effectively diminishes the possibility for positive political identification and corporealization. As Butler observes, if the nominal description, the address, and the language that is used to invoke a being can indeed sustain the body, then it is also capable of threatening its very existence.

She writes:

Thus, to be addressed is not merely to be recognized for what one already is, but to have the very term conferred by which the recognition of existence becomes possible. One comes to “exist” by virtue of being recognized, but, in a prior sense, by being *recognizable*.²⁶²

²⁵⁹ Adrienne Rich (1986), *Of Woman Born: Motherhood as Experience and Institution*. 10th anniversary edition, W.W. New York : Norton and Company.

²⁶⁰ Valerie Alia, “Women, Names, and Power”. *Women and Language* 8: 34.

²⁶¹ Patricia Monture-Angus, Patricia (1995), *Thunder in my Soul: A Mohawk Woman Speaks*. Halifax : Fernwood Publishing: 3.

²⁶² Butler 1997:5.

The travesty of “the Enlightenment” is that a narrow unrepresentative group of men was able to crown itself as “the norm”, and thereby enlist, *as universal*, a logic that denigrates and/or effaces both their allegiances to women and their relative differences from various other men and women. Most tragically, this so-called revolution in democratic thinking led to the denial of the equivalent normative and corporeal value of the unique individuals born to what remain perfectly constituted bodies. Not surprisingly, my onto-political desires found recognition within feminist activism at the pan-Canadian, and Québécois contexts, wherein women’s diverse corporealities were affirmed as ‘normal’, and experiences of inequality and oppression could be voiced and validated against the backdrop of political myths defending the linear progress of homogenized Canadian corporealizations.

To understand the gendered dimensions of power, and of its social and discursive construction, gender is better described as a verb, rather than a noun or physical ascription.

Butler notes:

One does not “do” one’s gender alone. One is always “doing” with or for another, even if the other is only imaginary... What I call my “own” gender appears perhaps at times as something that I author or, indeed, own. But the terms that make up one’s own gender are, from the start, outside oneself, beyond oneself in a sociality that has no single author (and that radically contests the notion of authorship itself).²⁶³

The incidents of my social institution into “sexual difference”, of “psychic disequilibria” and of “unrecognizability” emerged from a range of corporeal dispositions and experiences said to be atypical for my sex/gender. Susan Moller Okin has described a patriarchal gender system as the “deeply entrenched social institutionalization of sexual difference”.²⁶⁴ That is

²⁶³ Butler 2004:1.

²⁶⁴ Okin 1991:181.

to say, my psychic disequilibria was caused by the atypical corporealizations into “athleticism”, “academic excellence”, and “independent thinking” that my parents supported despite my being female. Growing up in Canada during the widespread optimism of the post-Charter era, my mother and father raised my two sisters and I to understand that we could be and do anything. Yet, these corporealizations were challenged in my daily interactions, yielding various “undoings” that aimed to constrain the possibilities of my sex/gendered corporealization. Although in theory, sex/gender was said to be an illegitimate limit to my human potential and individual value to the political community, as young woman, I soon learned that certain transgressions of the boundaries of sexual difference were not available to me in practice.

The Corporealpolitik of Marriage: The Incredible Shrinking Woman

A flagrant breakdown between the professed values and actual practice of Charter “equality” emerged, in 1997, from a decision to seek legal recognition of the project of *vivre ensemble* I had undertaken with a male-bodied person. The value of continuing the project of my individuality, crafted from birth and registered formally with the political community under the personhood of “Jackie Frances Steele”, was suddenly, and arbitrarily, questioned by virtue of my female body. Strangers and distant acquaintances might indeed fail to show concern for my continued socio-political “existence” under my birth name. But most problematic was the sudden confusion and non-recognition I confronted from the very friends or family members who had inspired and nurtured my individuality and sense of equal value, notwithstanding my sexual corporeality. They had led me to believe that the patriarchal roles/functions of “wifedom”, which had historically prevented female bodies from becoming “somebodies” in their own legal names, was firmly in the past. As I would

find out, what Elizabeth Cady Stanton called, “the gospel of individual sovereignty”²⁶⁵ continued as a normal corporealization only for male “somebodies”. In late 20th century Canada, the compatibility of independent personality, female corporealization, and the institution of marriage remained deeply contested, and indeed unintelligible, to many.

Over the course of my wedding engagement, a zero-sum game of “hearts” played out before my eyes wherein the (independent) value of all male face-cards trumped the (socially derivative) value of female face-cards. Albeit legally legitimate for a husband and wife to have distinct family names in British Columbia, socially, the role of wifedom continued to inhere in an expectation that women voluntarily relinquish the value of an independent personhood and merge into their husband’s more esteemed legal personality. Failing to do so led to investigative interrogations by ‘significant others’ as to my ‘commitment to my spouse’, ‘the family project’, and indeed, my freedom of conscience as a feminist. My intelligibility as a “normal woman” was blurred by this failure to embrace the opportunity of being “Mrs. Him”, “the little Mrs.”, his “feme covert”²⁶⁶. Notwithstanding the over 22 years investment in my existing social and juridico-political corporealities, the modern concept of inviolate personality²⁶⁷ and the right to self-representation through one’s birth name did not apply to the female sex. Rather, the doctrine of *coverture* still did.

²⁶⁵ Elizabeth Cady Stanton, quoted in Una Stannard (1977), *Mrs. Man*, San Francisco: Germainbooks, 83.

²⁶⁶ Blackstone articulated the common-law doctrine of *coverture* whereby a woman becomes “feme covert” as follows: “The very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband; under whose wing, protection and cover, she performs everything; and is called in our law-French a *feme covert*, *faemina viro co-operta*; and is said to be *covert-baron*, or under the protection and influence of her husband, her baron, or lord; and her condition during her marriage is called her *coverture*.” Quoted in Donna Dickenson (1997) *Property, Women and Politics: Subjects or Objects?* New Brunswick : Rutgers University Press, 83.

²⁶⁷ See Allen’s discussion of this concept in relation to privacy and autonomy. Anita Allen (1997), “The Jurispolitics of Privacy”, in (eds) Mary Lyndon Shanley and Uma Narayan, *Reconstructing Political Theory: Feminist Perspectives*, Pennsylvania: Pennsylvania State University Press, 68-83.

Despite feminist struggles to enforce the legal legitimacy of women's birth names after marriage²⁶⁸, fully 15 years after Canadian feminists won the inclusion of Section 28²⁶⁹ in the *Charter of Rights and Freedom* I became crudely aware of the constraints upon marrying women in common law Canadian provinces.²⁷⁰ Social attitudes regulating normal "gendered performances" contributed to the doings and undoings of the complex corporealities of marrying heterosexual women and illustrate what Butler calls, "a practice of improvisation within a scene of constraint".²⁷¹ Women continued to face the social obligation of taking a husband's name²⁷² in order to be intelligible and indeed "normal" as female-bodied person in a committed (heterosexual²⁷³) relationship. The symbolic heteronormative gender system prescribed that a woman adopt a *subsidiary* personhood under her

²⁶⁸ As a result of the ongoing confusion about the legality of a woman's birth name after marriage, two books were written to help women make sense of their rights. See Constance Mungall (1977), *Changing Your Name in Canada: How to do it legally*. International Self-Counsel Press: Vancouver; Margaret McCaughan (1977), *The Legal Status of Married Women in Canada*. The Carswell Company: Toronto.

²⁶⁹ See Kome 1983.

²⁷⁰ Within Quebec, since 1981, as a means of countering the social pressures that forced women into patronymic naming practices, women have had the legal obligation of maintaining their birth names for all transactions with the state affecting their civil, legal or political rights. For a discussion of the Canadian and Québécois family law frameworks as they relate to naming, see Jackie F. Steele (2008), "Republican Liberty, Marital Naming and the Meaning of Citizenship in Canada and Quebec", in (ed) Yasmeeen Abu-Laban, *Gendering the Nation-State: Canadian and Comparative Perspectives*, Vancouver: UBC Press, 220-238.

²⁷¹ Butler 2004:1.

²⁷² A different framework was adopted in Québec via reforms to the civil code. According priority to the principles of 1) birth name permanence, and 2) equality of both parties, and following the recommendations of women's groups, such as the Fédération des Femmes du Québec, in 1981 the National Assembly legislated that married women must legally retain their birth names in order to exercise their civil rights. See *An Act to Establish a New Civil Code and to Reform Family Law*, L.Q. 1980, c. 39, s. 7. See Boivin 1985 and also Fédération des femmes du Québec 1979.

²⁷³ At this time in Canadian history, same-sex marriage had not yet become legal. The Quebec, [*Hendricks v. Quebec (Attorney General)*, [2002] J.Q. No. 3816, (S.C.)], and British Columbia, [*EGALE Canada Inc. v. Canada (Attorney General)*, [2003] B.C.J. No. 994 (C.A.)] decisions struck down the legislation, but provided a time frame within which the federal government was expected to produce new legislation. In 2003, the exclusion of same-sex partners from legal marriage was struck down in Ontario, effective immediately, by the *Halpern* case. *Halpern v. Canada (Attorney General)*, [2003] O.J. No. 2268 (C.A.). The federal government finally adopted *Civil Marriage Act* in 2005. Albeit constitutionally and legislatively authorized, same-sex marriage continues to be contested by patriarchal and Christian fundamentalist voices in Canada, whose opinions have been disproportionately amplified by the current minority Conservative government. See bibliography: "Canadian Conservatives Win...", Bailey 2006 and Bonoguoire 2006.

male partner's name, which publicly asserted the socio-political importance of "normal" (male) subjectivity to the political community, to the family heritage, and to the identity of future children. Sharon Lebell describes patronymy as plugging women "into an artificial patrilineal scheme which confers intergenerational potency on the patronymic family name and on the male family figures, who are seen as the principal actors in the family's historical drama".²⁷⁴

The experience of having my (female) body socio-politically mobilized against myself resulted in an important loss of faith in the idea that all of the "somebodies" and all of the possible sexual corporealizations in my political community were of equal value and, moreover, had the freedom to discover, develop, affirm and represent their unique individuate experiences in practice.²⁷⁵ This particular experience of myself made "sexual difference" or "gender" the primary axis of political salience by virtue of the context of Canadian corporealpolitik in which it played out. That is to say, both my fiancé and I were recognizable as heterosexual, white, and non-religious. We were similarly situated in terms of our relative socio-economic and cultural positionings. The one politically-inflected axis of "difference" emerged from the corporealpolitik of male supremacist and patriarchal self-interest privileging a hierarchical ordering of heterosexual spouses, and from the supremacy of the husband/father over the wife/mother, in the social identity and juridico-political corporealization available to all future members of the family. By usurping the liberty of

²⁷⁴ Sharon Lebell (1988) *Naming Ourselves, Naming Our Children: Resolving the Last Name Dilemma*. Freedom: The Crossing Press, 20.

²⁷⁵ The symbolic effects of the socio-juridical production of patronymy (patriarchal naming of wives) upon women's citizenship in Japan, Canada, and Québec became the topic of my Masters Thesis in Legal Studies. See Jackie F. Steele (2003), "NAMING: THE INEQUALITY. Women as Citizens or Women as Wives/Mothers-in-Waiting: Marriage Laws, "Surnaming" and the Politics of Recognition in Japanese, Canadian and Québécois society", MA Thesis, Ottawa: Carleton.

female-bodies to publicly affirm and perform distinct corporealizations after marriage, female subjectivity is effaced and assimilated into performances that reproduce the dominant heterosexual male “norm” of corporeality.

Inter-national / Multinational Corporealpolitik

Although the experiences of corporeal doings and undoings of myself began with sexual difference inflected by the corporealpolitik of hetero-normative patriarchy, they are quite a bit more complicated in 2008. My corporeal doings and undoings have accelerated during the past 10-15 years studying, working, negotiating and attempting to present myself as “intelligible” within the corporealpolitik of two societies (Québec, Japan) that are linguistically and culturally distinct from the multicultural, yet white, anglophone dominated corporealpolitik of suburban Vancouver. Several foundational evolutions of my corporealization have resulted from multi-national, multi-cultural and multi-lingual doings and undoings. Cross-national and cross-cultural exchanges are inflected with essentialist notions of the differences that “the other” embodies, represents, and symbolizes. I was confronted with stereotypical representations of myself as an (white, straight) anglophone from Vancouver, in relation to (predominantly white, straight) French-speaking Québec.

Whereas my gender and age were less politically salient to my socio-political interactions in my early encounters with Québécois society, my mother tongue and ties to the dominant linguistic group (English) in Canada almost always functioned in the background of inter-subjective exchanges. The fact that I had come from a geographically distant, Western-Canadian province (B.C.) and was of a younger (presumably more progressive) generation that had chosen French immersion, I was rewarded with predominantly welcoming receptions. At the same time, my corporealities were not always intelligible in

light of my ability to speak fluent French. This was sometimes understood to be “incredible”, producing astonished yet heartfelt encouragement of my interest in French. And it was sometimes quickly dismissed as “inconceivable”, resulting in repeated attempts by my interlocutors to switch back to English so as to ensure communication with me.

This ongoing process of linguistic-cum-national differentiation of my political corporealities continued, not as a function of my skin-colour, nor my gender, but until my accent became sufficiently Québécoised for me to linguistically “pass” and silence this audibly “othering” element of my corporeality. Yet the most marked epistemological challenges to my selves have come from exposure to non-Western language games, notably through relationships to Japanese culture and Japanese linguistic communities. Fascinated by the ways in which Japanese language inflected gender through degrees of politeness, this process began during high school and continued until my utter integration and assimilation into rural Nagano ways of being in the world. In Japan, I was “intelligible” as a young white, married, female, native English-speaking, Canadian “gaijin”²⁷⁶ and eventually colleague, in relation to representations of a Japan that is ethnically and linguistically homogenous, and is deferential towards respected, senior (married) men understood to be the national protagonists whose work supported companies and the economy.

As an employee of Koshoku City Hall (Nagano), for various segments of the population I served, the intersections of my foreignness (whiteness), my sex/gender, my marital status, my age, my ties to the English language, my Canadian nationality, and my unnatural ability to speak Japanese were almost always *all* “salient”. I was variably

²⁷⁶ The Japanese characters 「外国人」 (pronounced) *gaikokujin* that literally translates as ‘person from an outside country’.

“intelligible” as a young woman, a mature (because married) adult, as *the* resident (native)English-speaking (white)Canadian, and/or the multilingual anomaly. While these inflections/conjugations of my corporeal experiences provided the backdrop of my interactions for those who did not know me, by the end of my second year in rural Nagano, for the Japanese colleagues and friends with whom I was in constant collaborative relationships, I eventually became recognized in my radical individuality, allowing the unique combination of my various corporeal locations to be simply known through the socio-symbolic linguistic referent, “Jackie-san”.

At the same time, this accomplishment of inter-subjective recognition and belonging across national, linguistic, and cultural differences was all too quickly undone by the experiences of myself as, once again, complete other with a presumed non-belonging to Japanese culture, which was echoed through my exchanges and relationships within numerous Japanese strangers in the metropolis of Sendai and the Japanese-Canadian community of Ottawa, for whom my white skin seemed to matter almost exclusively. Distinct from my experiences in a predominantly white Québécois society, as a visible “foreigner” in Japan (albeit of a positively-signified racial group), my “whiteness” was such that it was all-but-impossible for me to shirk my corporealities so as to “pass” as belonging to/within Japanese society. Given rural Japanese preferences for transparent, face-to-face exchanges for serious exchanges and relationship-building, in only a few rare cases when seeking information or anonymous customer services by telephone had it been possible for me to “pass” as a result of my interlocutor’s limited access to only linguistic/audible indications of my corporealities and the non-necessity of disclosing my (foreign) name.

The Contingent Corporealpolitik of Identity

The conception of subjectivity defended herein is necessarily reflexive. In addition to the insights of feminist theory, it has been reinforced by personal experiences navigating diverse inflections of (rural, metropolitan, academic) Japanese culture, nourished by critical and feminist Japanese studies of the family, the self and gender.²⁷⁷ Denoting informal and formal systems of power, obligation, privilege, expectation, and desire constituting inter-subjective relations, within the Japanese cultural-linguistic codes of “uchi” (inside)²⁷⁸ and “soto” (outside)²⁷⁹, corporealities are performed relative to one’s positioning in proximity to the relevant socio-political “inner circle” implicit in a given context or relation.²⁸⁰ It inflects the fluid boundaries of relationships constituting our-selves and other selves as internal to, and/or navigating between the salient circles of intimacy, belonging, formality and distance. This non-Western epistemological source of subjectivity has further complicated and enriched the axes of corporeality constitutive of my-selves. My linguistic participation in Japanese performances of “uchi” and “soto” were necessary for others and for myself, in

²⁷⁷ See bibliography: Bernstein 1991, Brinton 1993, Chalmers 2002; Fujimura-Fanselow and Kameda 1995; Gelb and Lief Palley 1994; Hudson 1999; Imamura 1996; Ito 1984; Iwao 1993; Liddle and Nakajima 2000; Kondo 1990, Rosenberger 1994, 2001; Tsujimura 2001; Ueno 2004, Uno 1991. For examples of racist and orientalist attitudes towards Japanese-Canadians, see, Adachi 1976; Granatstein and Johnson 1988; Miki 1991; Sunahara 1981.

²⁷⁸ The Japanese character 「内」 that literally translates as “inside” and/or references an in-group, or inner circle. It can be used as a synonym for one’s home.

²⁷⁹ The Japanese character 「外」 that literally translates as “outside” and/or references an out-group, those beyond the borders of the in-group or inner circle. When used in combination with country 「国」 and person 「人」, it signifies a “foreigner” 「外国人」, or person from an outside country, which is colloquially abbreviated to “gaijin” 「外人」 or “outside-person” to reference anyone who looks non-Japanese.

²⁸⁰ See Takie Sugiyama Lebra (2004), *The Japanese Self in Cultural Logic: opposition and contingency*, also Lidia Tanaka (2004), *Gender, Language and Culture*, John Benjamins: Amsterdam, 22-27; Nancy Rosenberger (ed) (1994), *Japanese Sense of Self*, Cambridge University Press; Roger J. Davies and Osamu Ikeno’s discussion in “Uchi to Soto: Dual Meanings in Japanese Human Relations”, in their (2002), *The Japanese Mind: Understanding Contemporary Japanese Culture*, Tuttle Publishing, 217. For a unique discussion of uchi/soto as it is impacting on lesbian identities in Japan, see Sharon Chalmers (2002) *Emerging Lesbian Voices from Japan*, New York: Routledge.

conveying the socio-political intelligibility of my corporealities in interactions with Japanese-speakers.

The post-structuralist insights into the historical contingency and fluidity of human identity strike me as deeply resonant with the fluidity of inter-subjective relations inflecting the multiple spectrums of uchi/soto relations implicit in the Japanese performance of selfhood. Dorinne Kondo describes the contingent foundations of Japanese subjectivity as follows:

The plethora of available “I’s” throws into relief the multiple ways people present themselves and their identities in particular situations. You are not an “I” untouched by context, rather you are defined by the context. One could argue that identity and context are inseparable, calling into question the very distinction between the two. In more technical, linguistic terms, a case could be made that identity in Japan is not linked to the use of pronouns as anaphora, where the “I” stands for a proper noun that has been registered in discourse.²⁸¹

Citing Bachnik (1982) and Wetzel (1984), Kondo describes a Japanese linguistic ideology wherein “so-called pronouns...are indexical and deictic, shifting with social positioning and the relations between “self” and “other”, confirming an “I” that “is shaped by formality, kinship, occupation, other people’s desires and usages, and myriad other “contextual” factors; it does not stand for a proper noun that has already been registered in discourse and remains a constant irrespective of the particularities of a given situation.”²⁸²

Takiyama proposes a more complex typology of the Japanese self through four zones of social layering that nuance beyond “uchi” (interior) and “soto” (exterior) to delineate

²⁸¹ Dorinne Kondo (1990) *Crafting Selves: Power, Gender, and Discourses of Identity in a Japanese Workplace*, Chicago: University of Chicago Press, 29.

²⁸² Dorinne Kondo (1990) *Crafting Selves: Power, Gender, and Discourses of Identity in a Japanese Workplace*, Chicago: University of Chicago Press, 29.

“omote” (front) and “ura” (back), as well as a cosmological layer.²⁸³ She states, “If the social self engages in conversation with other in dialogue and triologue, the inner self communicates through monologue or soliloquy. The cosmological layer of self, meanwhile, centres on transcendental beliefs and fantasies, supplemented by aesthetics. It will be noted that as one progresses from the social to the inner to the cosmological layer, cultural distinctiveness magnifies.”²⁸⁴ For his part, Smith has observed that, “the use of personal referents is one of the most difficult features of the (Japanese) language to teach Americans, for whom the apparently irreducible “I” presents a major stumbling block to the easy adoption of the constantly shifting, relational ‘I’ of the Japanese, which is not detached from the other.”²⁸⁵ Grammatically speaking, Japanese subjectivity is linked to the contextually implicit (and most often unuttered) multiplicity of pronouns²⁸⁶ marking the relational speaker.

Communicated, through linguistic codes, expressions and verb-tenses signifying the hierarchies and relations of obligation inherent in a particular context, as well as the complexities of the proximity or distance of the interlocutors, one’s social positioning is culturally constituted as relative, a continually re-constructed and re-presented figuration that adapts in light of real and imaginary conversation partners, as well as in light of the responsibilities akin to membership within a graduated spectrum of diverse formulations of “uchi” and “soto”. The parameters of the language games one might play/perform point to ever-present beneficent, malicious and non-active hierarchies, to formal and informal power

²⁸³ See Chapters 2-3 of Takie Sugiyama Lebra (2005), *The Japanese Self in Cultural Logic: opposition and contingency*, University of Hawaii Press.

²⁸⁴ See Sugiyama Lebra (2005), Prologue xvii – xxi.

²⁸⁵ Cited in Kondo 1990:29.

²⁸⁶ Numerous spoken, written, literary, dialectic and colloquial terms are available in Japanese as a means of demarcating (kinship, marital status, gender, race, age, class, professional position etc) an interlocutor through various forms of “I” (watakushi, watashi, wasshi, atashi, boku, ore, uchi, ware, jibun, wate, wai), or “you” (anata, anta, kimi, omae, omee) or as innumerable third party relation.

relations, and to the deep interdependence of human inter-subjectivity informing personal/political relations between individuals, genders, families, social groups, linguistic groups, communities, provinces/prefectures, races, religions, economies, nations, and/or countries.

Similar, yet still different from the contextual and relational approaches advanced by contemporary Western diversity feminisms, implicit in the conceptions of “uchi/soto” is a relationality constituted by multiple, interlocking systems of variously coercive relations prescribed by both the situation at hand, and the temporal location of the relationships implicated. The multiplicity and dynamism of these socio-political relationships are consciously communicated to varying degrees through Japanese linguistic codes that denote degrees of politeness/familiarity, deference/authority. This involves increased attention to how each individual understands her/his corporeal subjectivities, but also how one’s interlocutor situates the relational positioning of those corporealities temporally in the present, and with a view to laying the groundwork for the kind of relationality desired in the future. The literal transparency that this kind of linguistically-inflected relationality demands fosters a level of inter-subjective honesty about one’s positioning and the possible inflections (marital status, sex/gender, kinship group, familial role, employment or professional status, disability, friendship group, mother tongue, minority nationality, alien resident status, local, prefectural or racial belonging) that might be considered salient not simply to oneself, but notably, to those with whom one is in interaction. In light of these insights, in the following section, we will attempt to blend and extend the epistemological projects articulated thus far, so as to overcome their respective limitations.

Ethico-Political Existensions

Braidotti's figuration of "nomadic consciousness" conveys a fluidity of corporeal identity generating critical distance. She writes,

[a]ccording to this vision of a subject that is both historically anchored and split, or multiple, the power of synthesis of the "I" is a grammatical necessity, a theoretical fiction that holds together the collection of differing layers, the integrated fragments of the ever-receding horizons of one's identity. The idea of "differences within" each subject is tributary to psychoanalytic theory and practice in that it envisages the subject as the crossroads of different registers of speech, calling upon different layers of lived experience.²⁸⁷

In light of these different layers of lived experience, is there not a performative contradiction in Braidotti's prescription of the necessary affirmation of the female-subject position occupied by women as the linguistic means for affirming all other inflections of one's corporealities? In an attempt to complicate the meaning of "gender", Canadian critical legal theorist/educator Sherene Razack focuses on the interlocking nature and simultaneity of capitalism, patriarchy and white supremacy as the systems of domination she theorizes. Whereas Braidotti conveys three layers of diversity through the concept of "sexual difference", Razack chooses to wrap her arguments "in a mantle of race".²⁸⁸ Distancing herself from additive models of oppression²⁸⁹ (sex + race = double discrimination) by invoking the language of 'interlocking'²⁹⁰ oppressions, Razack likewise presumes the mutually constitutive aspects of discourses of othering so as to move the feminist conversation beyond essences to focus on how systems of domination are reproduced.²⁹¹

²⁸⁷ Braidotti 1994: 166.

²⁸⁸ Sherene Razack (1998), Introduction, *Looking White People in the Eye*, Toronto: University of Toronto Press, 11.

²⁸⁹ Razack 1998: 12.

²⁹⁰ See Razack 1998. She references Patricia Hill Collins, and Trinh T. Minh-ha, among others.

²⁹¹ Razack 1998: 14.

She chooses the language of “whiteness” to highlight the “physicality of the encounter between powerful and powerless groups and on the importance of the visible in colonial encounters – who and what is seen and not seen.”²⁹² Although these figurations mean to convey the complexity of multiple, interlocking systems of power, I question the linguistic inclusivity of “sexual difference” or “whiteness” to adequately reference the full range of oppressions and their mutual constitution. To move away from a hierarchy of oppressions that diminish the possibility for solidarity politics, Razack importantly moves the conversation forward by asking the question: “How are we each implicated in the violence?”²⁹³

Advocating a feminist “politics of accountability” that aims not at inclusion, but at anti-subordination, Razack stresses the need to evaluate the extent to which our essentialism and our anti-essentialism contribute to anti-subordination.²⁹⁴ Moreover, she invites us to become implicated in the various contexts and/or relationships that generate positions of both *penalty* and *privilege*, and to take responsibility for the ways in which we benefit from and engage in performances of ourselves from positions of dominance.²⁹⁵ Following Razack and Braidotti, *contra* Butler, I believe in the importance of maintaining the connections between the empirical grounding of bodily locations to which the symbolic field of discourse necessarily refers. Braidotti speaks of the body as “biocultural”,²⁹⁶ “the threshold of subjectivity”²⁹⁷, the “corporal reality of the female”²⁹⁸, or echoing Nietzsche, the “bio-

²⁹² Razack 1998: 11.

²⁹³ Razack 1998: 20.

²⁹⁴ Razack 1998: 160.

²⁹⁵ Razack 1998: 159.

²⁹⁶ Braidotti 1994: 187.

²⁹⁷ Braidotti 1994: 182.

²⁹⁸ Braidotti 1994: 180.

psychic entities”²⁹⁹ that blend the material, the spiritual and the libidinal. Underscoring the deictic inter-subjectivity demanded from Japanese linguistic exchange, Razack’s “politics of accountability” entails taking responsibility for one’s corporealities and the *corporealpolitik* through which they are constituted to consciously and unconsciously yield corporeal privileges and penalties.

I choose to identify as a feminist activist enriched by struggles in solidarity with a diverse cross-section of Québécois and pan-Canadian women and men animating contemporary Canadian and Québécois *corporealpolitik*. Indeed, the constellation of corporealities of my self do not easily identify with the abstract universal subject, nor with the unifying logic and unifying pronoun of a monovocal and unchanging “I”, Jackie Frances Steele. This epistemological-cum-linguistic fiction of a unified self does not do justice to the multiple ways in which I understand the complex, inter-locking, and dynamic corporealities of my self, and of the multiple socio-political locations they might differentially signify, in light of the evolving *corporealpolitik* of the different nationalinguistic communities (English, French, Japanese) in which I am constitutive/ed.

I was born into what I understand to be a federated, multinational country with diverse indigenous peoples (Inuit, Aboriginal, Métis), a vibrant French-speaking national community (Québécois), and a rich tapestry of ethno-cultural and linguistic diversity internal to each of these nations and to the provincial and territorial boundaries constitutive of the federation. I assume that Québec’s future within Canada will be democratically decided by the Québec people. I remain grateful for having benefited from the alternative vision of political community Québec offers within English-speaking North America, and in the face

²⁹⁹ Braidotti 1994: 181.

of hegemonic anglophone nationalisms that often instrumentalize diversity and democratic plurality in the interest of Anglo-centric dominance and self-interest. As a trilingual citizen, the possibility of navigating between English-Canadian and francophone Québécois culture, as well as within the hybrid spaces created by Japanese-Canadians and Franco-Ontarians in Ottawa helps to protect the conditions of possibility for plurality against the neo-conservative epistemological projects within federal political institutions that aim to protect and even restore the arbitrary privileges of white, anglophone, heterosexual Canadian corporealization. As a feminist woman, the ongoing leadership of the Québec nation in the active realization of institutional arrangements and mechanisms³⁰⁰ promoting gender-equal corporealizations has provided an important internal counter-example to the retrograde decisions of successive federal governments.

The ongoing challenge, it seems is the question of how to discursively and performatively challenge and undo the reified denigrations of corporeal difference in ways that de-centre dominant corporealities, thereby normalizing a broader spectrum of normal corporealization. What are the discursive and institutional practices of feminist, pro-queer, anti-racist, and multi-national political belonging? What corporeal doings must we mobilize individually, and what collective practices of diverse democratic corporealization could carve out space for Québécois, Aboriginal, Inuit, and Métis self-determination within a multinational Canada? How do we not only acknowledge the legitimacy of same-sex relationships, but also, commit ourselves to decentring heterosexuality and heterosexual self-interest from the language, assumptions, and representations of normalcy underpinning the

³⁰⁰ For example, national public childcare system, pay equity legislation, generous maternity/parental leave, funding support for women's organizations and for ethno-cultural minority women's organizations, funding, mandatory gender parity on the boards of Crown Corporations to be achieved by 2011.

policies and programs adopted by democratic institutions? How do we allow ourselves to see the differences within, and to acknowledge the value that these differences make to democracy? Practically speaking, what are the linguistic, social, political, judicial, economic, institutional, and ethical conditions of possibility for the corporealization of this alternative epistemological project?

Braidotti's post-metaphysical figuration of the nomadic subject is meant to serve as an alternative to the Western abstract, ahistorical subject for the female feminist, at a minimum, and possibly for all contemporary subjects. It is one whose bodily situatedness is divested of any exclusive "home" and therefore enjoys the freedom and mobility necessary for self-critical engagement. Yet for those most marked by physical disability and/or racialization, notably in an era of globalization, the proliferation of various Diaspora communities (immigrant, refugee and exiled) suggests that this mobility and freedom is hardly within reach. Following Razack, I would suggest that this freedom to take refuge within another, or within multiple bodily homes and social locations is all-but-impossible when the gaze of dominant (racial/abled) corporealities reifies one's difference into permanent exile/lack/otherness/non-belonging.

Is the individualistic freedom of which Braidotti speaks not more realistically available to a constellation of corporealities inflected with dominant racial/abled corporealities and/or mitigated by financial and educational resources akin to the polyglot? It is worth noting here the privilege that flows from having grown up in an upper middle-class neighbourhood where French immersion and Japanese language instruction was offered. If democratic contestation is sustained by diversity, its practical possibilities are necessarily constrained or enhanced through access to, and practical experience engaging in various language games. It is my capacity to speak French and Japanese that led to opportunities to

live and work amongst people with different cultural traditions, be it Québec, or a non-Western country, such as Japan.³⁰¹ Is there not some excessive optimism in the idea that changing homes, social locations, language groups, and/or nationalities will be equally available to all corporealities, let alone empowering for those most visibly vulnerable to denigrated representations and significations of difference? What if the onto-political desire seeks not another home or the possibility of several homes, but simply an end to the arbitrary taxation of one's assumed corporealities? Finally, the pragmatist in me wonders if this figuration is a realistic, let alone desirable way of being for most contemporary constellations of corporeality, feminist or not? Echoing Razack's question, I must ask if it provides practical tools to dismantle the kinds of subordination and oppression that non-nomadic corporealities will continue to confront daily? Moreover, what are the epistemological and onto-political foundations, however contingent, of political corporealization and can we reasonably expect all individuals to desire contingent forms of personal and political identity?

As for Butler's political project, her focus on micro-political resistance seems to privilege an extremely individualistic, voluntary associative framework of coalition politics wherein, as the saying goes, "if everyone is responsible, no one is responsible". Can we locate a politics of accountability within the Butlerian political project? Butler's assumption that pro-queer political coalitions of solidarity will be sustained by activists as a result of abstract epistemological commitments to the ethical value of diverse (non-dominant) gendered realities, regardless of the "liveability" of their own corporealities, seems naively

³⁰¹ Indeed, one of the weaknesses of the growing literature in praise of "cosmopolitanism" is the deafening silence of these scholars as to which individuals would, in practice, enjoy "global citizenship" by virtue of their national mobility, economic class, professional status, and proficiency in multiple languages.

confident in the power of ideas alone to motivate sustained and effective political agency. It seriously underestimates the necessary ontological desire and courage motivating social justice activists' willingness to assume the risks, in the here and now, of enhanced exposure to a range of physical, social and emotional violence, in the hopes of building more just socio-political arrangements securing a more livable future. This ontological yearning refuses to be a passive victim, and rather contests the contemporary corporealpolitik by asserting the value of one's minority corporealities. But although the Butlerian project announces the power of gender performance as the conditions of possibility created in language, her tactics of displacement deny her the linguistic tools to convey which corporealities or subject-position pronouns will be "doing gender" in subversive ways; there is an anonymity in the proliferation of gendered identities that results in the linguistic inability to speak of the subjects with/for whom she seeks recognition. As such, it becomes difficult to construct, within language and therefore the political imaginary, the kinds of bodily agents who will be practically proliferating the resistance she advocates.

Finally, what of the remainders? Although Butler asserts the importance of carving our space for multiple gendered identities, what does she suggest we do with the (non-nomadic) women or men for whom sex/gendered identity "as a woman"/ "as a man" has found a home in the "female"/"male", the "she-I"/"he-I"? If this home has been consciously re-crafted to performatively counter heterosexist and/or patriarchal representations, can we not capitalize on these ironic performances as well? Does this not deny to certain gendered identities the freedom to perform, eyes wide open, an anti-sexist, pro-queer womanhood as a means of contesting hegemonic patriarchal and hetero-normative representations of "woman"? Is it acceptable, or even necessary for queer/feminist political theory and/or queer /feminist movements to definitely judge these choices for all feminist/pro-queer

theor(active)ists, for all women/men/LGBT-identities, or for all the corporeal citizen-subjects whom we hope to convince of the value of diversity, as opposed to reified false dichotomies? If it is necessary, how can this be done in ways that honour Razack's "politics of accountability"? Or can the displacement of the universal subject of Western Enlightenment be more effectively undertaken, as I suggest, through linguistic representations that constantly complicate, infect and implicate all corporeal experiences in the multiple interlocking systems producing political oppression/privilege within our shared body(s)politiks?

Discursive Existensions

To think new thoughts and attempt to speak about the new ways of thinking about the world is to run up against the limits of existing political conventions, be they transmitted through the collective institutions of language, law, deliberative bodies, legislatures, art, or music. The first institution of discursive regulation, however, is in the existing language games of our times. To push through to the future, through linguistic renovation, I argue that a new language of diverse subjectivity is in order. First and foremost, to achieve ideational viability, a new linguistic terminology for these ideas must seek recognition, communication and intelligibility. For the citizen-subjects of interest herein, the concept of "sexual difference" Braidotti advocates, and of "gender performance" defended by Butler seem ill-equipped to name the breadth of political exclusions and oppressive corporealpolitiks emerging from interlocking oppressions inflected varyingly by sex/gender, racialization, disability or age. This is not unique to the projects of Braidotti and Butler, but rather reflects one of the most striking challenges of feminist theory/practice in this late modern era.

By proposing the language of “corporealities”, in allegiance with the projects Butler and Briadotti defend, I aim to linguistically and performatively inflect the multifarious and contingent diversity constitutive of the inter-subjective corporealizations inflecting individual subjectivities; this is a means of underscoring the various axes of oppression that performatively enact/act upon one’s subject-positionings in practice. Following Kondo, we take this radical relationality seriously to include interlocking status positions that shift depending upon the relationships in question. As such, as a leading force of democratization, “diversity feminism” must speak the spectrum of power relationships producing plural, concurrent and interlocking “minorized” and “dominant” positionings that can violate the equal moral value accorded all citizen-subjects within a democracy. Following Razack’s politics of accountability, we must expect all constellations of corporeality, in their plurally inflected individuality, to take responsibility for the privileges/penalties their bodies perform, and for the historical representations that have arbitrarily reified certain corporealities into a materially-privileged position of symbolic political tutelage.

Does a feminist theory grounded in diversity politics cease to be properly “feminist” if it commits itself to an epistemological politics grounded in linguistic representations that work simultaneously on the full range of oppressive corporealizations? Is this the case even if women and sex/gender do not always figure at the heart of the linguistic referents of political becoming being contested?³⁰² Does the normative project become simply “democratic”, as opposed to specifically feminist? Or, rather, does this normative project precisely articulate the power of feminist epistemologies as the leading force of emancipatory politics and democratization in late modern times? In positing corporealities

³⁰² Squires 1996 raises this same question in her conclusion, 231.

and corporealization at the centre of the political project of socio-political transformation, can we not begin to craft our body(s)politiks so that they speak to the corporeal performances of all possible allies-cum-audiences? Rather than investing energies deciding a) which corporealities may or may not serve as protagonists, or b) affirming the purity of informal spheres of political intervention, can we engage in a different kind of diversified language game that interpellates all corporeal performances inflected with privilege/penalty?

Jean-François Lyotard has stated, “For us, language is first and foremost someone talking. But there are language games in which the important thing is to listen, in which the rule deals with audition. Such a game is the game of the just. And in this game, one speaks only inasmuch as one listens, that is, one speaks as a listener, and not as an author.”³⁰³ Do contemporary feminist movements and/or pro-queer activists assume that primarily women, or primarily gender-troubled individuals will be the appropriate “target audience” to be invited into these alternative epistemological worldviews? To be clear, I am not suggesting that the speaking-agents and performative representatives animating these social movements will cease to be overwhelmingly female-sexed/gendered corporealities that may continue to refer to themselves as “women”, nor that the predominant speaking-agents of pride activism will cease to be corporealities with multiple gendered identities articulated in various kinds of new and old linguistic pronouns.

Rather than implicate the corporealities of the speaker, the language of Western political theory has more often unidirectionally marked the bodies and corporealities of the

³⁰³ Jean-François Lyotard and Jean-Loup Thébaud (1996), *Just Gaming*, Minnesota : Minnesota University Press, 71.

“generalized others”, rather than the “concrete others”³⁰⁴ with whom dominant subject positions have interacted. As Braidotti rightly notes, “established conventions about what subjectivity is and what it entails are radically challenged by a number of “minorities”, who claim representation in the political and discursive sense”.³⁰⁵ But what of the corporealities of those who have historically done the inscribing? And how are we each implicated in sustaining our own privileges and penalties in our inter-subjective performances of corporeality? I am asking pragmatically, with whom, with which complex corporealities and social locations do we expect our alternative epistemological projects to resonate? Should we not expect and encourage them to resonate with all those variously inflected by privilege and penalty? To that end, should the discursive representations we invoke not seek to maximize their purchase upon as many of the infinite combinations of nationality, language community, culture, sex, race, ability and age dynamically yielding both privilege and penalty within each of our corporeal constellations? How do we expose the arbitrary unfairness of our individual corporeal burdens in ways that will commit us to cease defending our individual corporeal privileges? Will this not help foster solidarity movements committed to performative practices of corporeal accountability?

What authoritative language games have been used to inscribe the epistemological assumptions of a univocal, hetero-normative, patriarchal, Anglo-ethnocentric corporeality as the radical particularity of the most value and normalcy? If we take Braidotti’s three layers

³⁰⁴ For a critique of modern Western conceptions of the “generalized other”, see Seyla Benhabib (1987), “The Generalized and the Concrete Other: The Kohlberg-Gilligan Controversy and Feminist Theory”, in (eds) Seyla Benhabib and Drucilla Cornell, *Feminism and Critique*, Minneapolis: University of Minnesota Press, 77-95.

³⁰⁵ Braidotti 1994: 96.

of diversity³⁰⁶ seriously, how many individuals in Canada would enjoy one of these positions of privilege, and what can their ‘abnormal’ corporealities teach them? What kinds of language games must feminist philosophers/activists and social justice movements mobilize to successfully displace the binary understandings of reified difference that practically inflects the corporealities of the many, without discursively invoking and implicating the many? What tactics and strategies can reveal the concurrently contingent nature of corporeal dominance and minorization to which we are positively and negatively vulnerable in our life, and over time? Finally, how can diversity feminism move beyond the “position of innocence” of which Razack speaks, that is implicit in privileging the ethical purity of micro-political resistance outside the halls and institutions of political power? Razack forces us to ask: “Where am I in this picture? Am I positioning myself as the saviour of less fortunate peoples? As the progressive one? As more subordinated? As innocent? These are moves of superiority and we need to reach beyond them.”³⁰⁷

Under various circumstances, in Canada, Québec and in Japan, depending on the context and significant others in question, a diversity of unconscious assumptions held by my interlocutors and by myself resulted in various privileges and penalties being imposed/bestowed upon my corporealities, triggered by the signifiers of my and their corporealities that symbolically refer back to historically constructed meanings of political and cultural incapacity inflected by sex, marital status, race, age, mother tongue, nationality, as well as point forward to future corporealpolitik. The power dynamics implicit in these referents were at times overcome through critical self-reflection, allowing for a “politics of

³⁰⁶ 1) differences relative to those in the out-group, 2) differences relative to those of the in-group, 3) differences relative to one’s selves.

³⁰⁷ Razack 1998: 170

accountability” to be performed. At times, the corporealpolitik of privilege and penalty were simply (re)produced. It is these disconnects, contradictions, corporeal doings/undoings, and dropped stitches within the tapestry of my personal life, the academic disciplines of political science, law and political theory, and within the political communities in which I am simultaneously forced, but also choose to navigate, that have motivated my curiosity, need and desire to investigate, read, question, investigate some more in the generation of these pages.

Be it personal or national, what renders one’s identity and political subjectivity intelligible is the horizon of meanings developed through intersubjective relations of corporealization that are imagined, fluid, symbolized, reified, contested, questioned, but most importantly, that are co-authoritatively produced within complex webs of corporealpolitik. This imagining and projecting of one’s selves is negotiated through benign interpersonal conversations in multiple spheres and heterogeneous publics at the micro-political level, as well as through ideologically charged, highly contested public debates invested with symbolic meaning and political authority that yields concrete, material effects. Within parliamentary assemblies, these conversations result in concrete interventions and decisions made in the name of an imagined political community, the relevant inner circle of citizens, the “we”, the “uchi”, in relation to whom there is always an outgroup or “soto” of political outsiders. National identity/subjectivity is similarly constructed through a series of publicized founding moments whose meanings are contested, re-interpreted and continually re-presented through conversations with oneself and with others.

Taking seriously feminism’s imperative of a substantial dialogue between theory and practice, I have tried to shed light on the paradox whereby the strategies for social transformation advocated by two leading diversity feminists inadvertently sustain, in practice,

the very binaries they aim to displace in theory as a result of the monovocal location of the performative politics they prescribe. As such, I remain unconvinced that the projects of deconstruction towards discursive “displacement” are practically equipped to inform and guide a normative political project that, I believe, must take responsibility for proposing not only alternative epistemologies, but also alternative institutional practices through which they may be instituted, constituted and projected into the future. Which is not to erase my tremendous debt towards the epistemological politics advanced by diversity feminism to the current project. Although my search for an alternative convention of performative political corporealities stems from reservations as to the practical effectiveness of the tactics of affirmation and displacement defended by Judith Butler and Rosi Braidotti, I remain in full sympathy with the normative underpinnings of the epistemological projects they represent. Mobilizing aspects of a “politics of inclusion” in the livable human/speaking-subject, a “politics of affirmation” of intelligibility/epistemological standing, and of a “politics of displacement” of a binary gender system/sexual difference as asymmetrical power. Albeit critical, I support the goals, for Braidotti, of a “politics of reconstruction” of a contingent foundation of female feminist subjectivity from which to imagine the epistemologies and practical strategies needed to radically transform the actual landscapes and experiences of citizenship for the corporealities with whom, and in distinction to whom, I advocate.

Conclusion

The strategies advocated by “equality feminisms” (liberal, socialist) have largely legitimated the universal abstractions of liberal-individualism and French republicanism by advocating in favour of legal neutrality to diverse corporealities within state institutions and laws. For their part, the strategies adopted by “difference feminisms” (radical, maternal) have

inadvertently mobilized existing dichotomous hierarchies within Enlightenment thinking in ways that reify diverse ways of being in the world and re-inscribe them onto a given essential corporeality. Not fitting neatly within Squires' typology, whereas socialist feminisms have focused on the re-distribution of material resources, legal feminisms have focused on the constitutional and legal status of various corporealities within the *bodypolitik*. Reflecting a particularly liberal understanding of politics that reduces democracy to the activities of a state that is likewise presumed to be oppressive, contemporary feminisms have largely rejected political institutions as possible sites of liberty, agency and emancipation.

Consequently, I have attempted to show why I believe that we have run up against the limits of deconstruction and displacement as an effective *political* strategy, given the fact that it has consistently been confined to emancipatory movements and a role of oppositional resistance outside representative democratic institutional politics. I will suggest that we cannot easily separate the epistemological projects of feminisms from the strategies of intervention and social transformation they prescribe. Consequently, we must critically examine the *actual* transformative power of epistemological projects grounded in "diversity" that remain captive to a monovocal privileging of one form of political intervention, notably that of micro-political resistance through feminist movements/LGBTI³⁰⁸ activism (Butler) and/or through feminist movements (Braidotti). The privileging, by diversity feminists of the ethical or tactical purity of individual acts of micro-political resistance exposes itself to the dangers of the epistemological strategies of reversal Butler critiques as "self-defeating". Premised on positing the feminist/gender-bending subject as outside of formal democratic institutions and power, her protagonists need not identify their complicity in the system and

³⁰⁸ Lesbian, Gay, Bisexual, Transgender, Transexual, Intersex.

take political responsibility within heterogeneous publics, including the halls of formal power, to institutionally craft and re-signify the legislative contours of a more livable future. Rather than fundamentally decentre or displace the hegemonic force of oppressive epistemologies authorized through contemporary representative democracies, it serves to reinforce them in practice.

I have proposed an alternative epistemological grounding of practices of political subjectivity that is sufficiently attuned to the pitfalls of reification/essentialism so as to not foreclose necessary existensions of contemporary representative democracies. At the same time, this alternative understanding of political corporealizations is sensitive to the practical requirements enabling important democratic transformations that decentre and diversify the existing terms of political belonging beyond the exclusionary significations and practices referencing past (and re-constituting contemporary) experiences of denigrated corporeality. This alternative grounding of subjectivity takes seriously the voluntary and involuntary axes of corporeality that are juridico-politically, psycho-socially and symbolically constituted within contemporary democracies through inter-subjective processes of political corporealization inflected with both the corpo-realities and corporealpolitiks.

It is my belief that the practical impasse within much of contemporary feminist thinking flows, in part, from the particularly modern liberal (Western) epistemologies of a unitary self, combined with the specifically liberal conception of liberty and democratic politics underpinning all three strands of feminism. The previous pages have attempted to propose an alternative figuration of political subjectivity as the first of three building blocks capable of moving the project of feminism and democracy forward. But the paradox lies in

the challenge of thinking the body, subjectivity, and collective belonging as sitting critically in productive tension, in Braidotti's words, "between the no longer and the not yet".³⁰⁹ A remaining practical impasse likewise flows from the essentialist conception of electoral politics and democratic institutions as sites of disciplinary oppression alone. Razack's "politics of accountability" exposes the practical and ethico-political limitations of social movement strategies that performatively presume a "constitutive outside" to political and juridical power. At the same time, she does not clearly identify what political praxis might move us beyond this practical impasse.

Wishing to acknowledge the rich insights, as well as push beyond much of the past thirty years of feminism, I take the view of an increasing number of contemporary feminist theorists/philosopher-activists³¹⁰ who see value in the restoration of republican conceptions of political liberty, when placed in critical dialogue with feminist understandings of citizenship, as a means of advancing the project of *democratic feminism* at the grassroots level of social movement activism, as well as founding a more diversified praxis of *radical representative democratic politics* informed by post-structuralist feminist epistemological insights on political subjectivity, as it is inflected by multiple, dynamic, and relational processes of individual and collective corpo-realization. Young, in particular, has described social justice as "the institutional conditions for promoting self-development and self-determination of a society's members".³¹¹ In solidarity with the normative project she

³⁰⁹ See Rosi Braidotti, "Between the No Longer and the Not Yet: Nomadic Variations on the Body", <http://orlando.women.it/cyberarchive/files/braidotti.htm>, audio lecture.

³¹⁰ See bibliography: Mary Dietz (1991) and Bonnie Honig (1995) on Arendt; see Lynda Lange (1991) on Rousseau; see Rian Voet (1998) and Iseult Honohan (2002) on civic republicanism; see Jacqueline (2004) on Machiavelli, see Young (2000, 2001) on Pettit's (1997) concept of liberty as non-domination.

³¹¹ Young 2000: 33.

defends³¹², and her more recent engagement with neo-republicanism, I am convinced that republicanisms deserve a more attentive reading by both mainstream and feminist theorists alike. They offer important insights into the possibility of a representative democratic politics that is more genuinely aligned with the principles that both constitutional democracy and feminism espouse.

In the following chapter, I will excavate three republican conceptions of liberty as an alternative praxis of juridico-political cooperation and contestation so as to deconstruct contemporary feminist assumptions about republican universalism as epistemologically ill-equipped for the normative commitments that diversity feminists defends. In so doing, I aim to decentre and displace the epistemological hegemony of liberal conceptions of the political so as to assert the value, for emancipatory social movements such as feminism, of investing in the collective re-construction of a radical representative democratic praxis as a means of advocating and advancing the liberty of various minorized corporealities within late modern democracies.

³¹² The later Iris Young began to positively engagement with neo-republicanism through Pettit's (1997) conception of liberty as non-domination. See her (2000) "Two conceptions of self-determination" in Austin Sarat and Thomas R. Kearns (eds), *Human Rights: Concepts, Contests, Contingencies*, University of Michigan Press, and (2001) "Self Determination as Nondomination: Ideals Applied to Palestine/Israel", *Ethnicities*, 5:2

CHAPTER III: A Genealogy of Republican Liberty

Reducing the scope and ethical value of democracy, modern liberal-democratic institutions derive their legitimacy, first and foremost, from a modern liberal-democratic conception of “liberty” that has been simplistically operationalized into minimal state interference and measurable practices of voting.³¹³ In contemporary times, the occurrence of regular, so-called “free” elections is meant to attest to the presence of democratic self-government and the consent of the governed. Rather than seek a more substantive practice of liberty, the late modern liberal-democratic era has experienced quite the opposite trend, whereby the decisions of formal political institutions are defended as legitimate despite the experiences, voiced by increasing segments of the population, of domination, alienation, and discrimination by these same institutions. As illustrated in the previous chapter, the universal subject that has been historically endowed with practices of liberty, self-government and political representation has in fact occluded the broader range of individual corporealities constitutive of the bodypolitik subject to the laws of the polity, and this, from the very naissance of the so-called modern democratic era.³¹⁴

The collective narratives and contemporary democratic re-presentations of modern democracies continue to democratically construct certain corporealities as political minors, in relation to those constructed as invested with the authority to self-govern. First, we can think of those legally constructed as internal to the juridico-political community, but who are

³¹³ The current thesis will not re-trace the rich critiques of liberal conceptions of liberty and its state-centred conception of politics. This chapter is clearly inspired by Philip Pettit’s thesis in favour of restoring Roman republican conception of liberty as “non-domination” as a means of pursuing a more substantive theory and practice of liberty and democratic self-government. See Philip Pettit (1997), *Republicanism: A Theory of Government*, Oxford: Oxford University Press.

³¹⁴ On sexual amnesia within Western political thought, see Caverero (1992), on the racial and sexual exclusions during the French Revolution, see Landes (1995), on women in Western political theory generally, see Okin (1979), on contract theory, see Pateman (1991).

denied democratic representation by virtue of their corporealizations outside of democratic citizenship, as temporary workers, immigrants, refugees, and permanent residents. Secondly, we can think of those who have *historically* been constructed as internal to the juridico-political community, yet denied the democratic freedom of self-government on the basis of arbitrary grounds of corporealization, such as indigeneity, sex, race, religion, or disability. Through feminist, indigenous, civil rights, and disability rights movements, these corporealities have been formally invested with the authority of democratic self-government, however, those inflected with these corporealities continue to be denied practical enjoyment of self-government within democratic institutions. Rather, they continue to experience corporealizations as *socio-political* “others”, in relation to the corporealities who/that performatively construct and affirm themselves as the authoritative democratic representatives of the community.

If the practical and/or socio-political denial of self-government continues to be performatively upheld through modern representative democratic institutions in practice what steps must be taken to unleash further democratization in search of the liberty of these corporealities? What normative claims can expose the fact that contemporary democratic institutions - and the rules of the game themselves - are complicit in upholding existing monopolies over democratic self-government and political representation? What epistemological deconstructions can point to the need to displace the corporeal referents of dominant Western phallogocentric subjectivity qua *essential* and *normal* embodiment of human existence, moral worth, political judgment, and ethical authority?

Albeit a motivating factor in our interest in alternative, more robust conceptions of liberty, the current chapter will not enumerate this critique of the failures of liberal-democracy to substantively advance political freedom for all; others have eloquently and

rigorously developed such contributions over the past two decades.³¹⁵ At the same time, the current project is inscribed within the “epistemological politics” and “politics of representation”³¹⁶ akin to late modern feminist theory that seeks to decentre the monovocality of modern knowledge claims about subjectivity, the political community, and those aspects of human experience invested with the authority to regulate and represent universal ways of being in the world. To that end, in the following pages, we will undertake a genealogical excavation of republican thought with a view to exposing the points of convergence between diversity feminist conceptions of subjectivity and republican conceptions of political liberty. Each offers important insights that, when cross-pollinated, can point to solutions attuned to the challenges of contemporary democracies, moving both bodies of political philosophy beyond the epistemological and practical impasses that they each confront.

Republicanism and the Republican Revival

Before moving full-speed ahead in search of these classical, modern, and late-modern conceptions of liberty, it is helpful to situate the contemporary relevance of republicanism as a theory of government that foreshadows and lays the groundwork for the re-signified conception and praxis of liberty sought in these pages. Amongst English-language publications, in his comprehensive *Foundations of Modern Political Thought, Volumes I and II*, Quentin Skinner³¹⁷ has mobilized the history of ideas to map the forgotten contributions and evolution of Roman political thought constitutive of a distinctly republican tradition. For

³¹⁵ See Pateman (1980, 1988); Mansbridge (2003, 1999, 1990), Mouffe (2005, 2000, 1993); Pettit (1997), Phillips (1995); Williams (1998); Young (2000, 1990).

³¹⁶ Yeatman 1994: 15.

³¹⁷ See also Quentin Skinner (1998) *Liberty Before Liberalism*, Cambridge: Cambridge University Press.

his part, in *The Machiavellian Moment*, J.G.A. Pocock has restored to contemporary discussions the ideas, insights, and varying interpretations of Machiavelli's writings and their influence on the development of modern politics, and in particular, Machiavelli's rather paradoxical relationship to the ethical foundations that are said to legitimate modern democratic practice. Within the Irish context, Iseult Honohan's contributions³¹⁸ in this area are notable, as are the works of Maurizio Viroli in English and Italian and Gisela Bock³¹⁹ in English and German. Jean-Fabien Spitz³²⁰ is closely identified with the republican revival in France and French-language publications, not to mention the rich literature emerging from Québécois and Canadian scholars.³²¹ The breadth of the literature speaks to the influence and relevance of republican ideas, themes and conceptions of liberty across various linguistic and national communities within contemporary times. The current project aims to foster further engagement of feminist political theory and philosophy with the themes raised by the republican revival. Moreover, it aims to offer the insights of diversity feminism on political subjectivity in order to strengthen the purchase of republican conceptions and practices of liberty in light of the contemporary complexities and diverse corporealities of late modern democracies.

³¹⁸ Iseult Honohan and Jeremy Jennings (2005) (ed) *Republicanism in Theory and Practice*, London: Routledge; also Iseult Honohan (2002), *Civic Republicanism*, London: Routledge.

³¹⁹ Gisela Bock, Quentin Skinner, Maurizio Viroli (1990) (ed) *Machiavelli and Republicanism*, Cambridge, Cambridge University Press; Maurizio Viroli (1999), *Republicanism*, New York : Hill and Wang.

³²⁰ Fabian Spitz (2005), *Le moment républicain*, Paris : Éditions Gallimard; also (1995) *La liberté politique*, Paris: PUF; also Serge Audier (2004) *Les Théories de la république*, Paris : La découverte

³²¹ Pierre Boyer and Linda Cardinal (eds) (2001), « Enjeux contemporains du républicanisme », *Politiques et Sociétés*, 20:1; Louis-Georges Harvey (2004), *Le printemps de l'Amérique française: Américanité, anticolonialisme et républicanisme dans le discours politique québécois, 1805–1837*, Montreal: Boréal; Christian Nadeau and Daniel Weinstock (eds) (2004), *Republicanism: History, Theory, and Practice*, London : Frank Cass, Taylor & Francis; Janet Ajzenstat and Peter J. Smith (1995), *Canada's Origins: Liberal, Tory, or Republican?*, Montreal: McGill-Queens Press.

Republicanism and Diversity Feminism: Strange Bedsisters?

Building upon these valuable excavations, reflections and analyses, the current project is interested in evaluating the tools offered by Roman and neo-republican political thought in light of contemporary debates within feminist political theory and practice. As such, in the following discussion, I will focus on the productive intersections and synergies that are possible between feminism and republican political thought. I will not fully examine the historically acrimonious relationship between feminism and republicanism; Phillips discussion of these tensions is informative. In her survey article entitled, “Feminism and Republicanism: Is This a Plausible Alliance?”³²², Anne Phillips usefully outlined three main debates to which republican political thought has offered useful resources to critical theorists interested in advancing democracy, in practice.

The first point Phillips raises highlights the ongoing distaste for interest-group pluralism and the reduction of politics to competing forms of nepotism and the production of public policy and laws through ethically hollow bargaining. Albeit sceptical of “Rousseauian fantasies of a general will”, Phillips notes that most contemporary republicans nonetheless seek a form of public life that is more substantively just than that generated by attempts to “look after one’s own”.³²³ From this perspective, republican attention to a space for deliberations on public affairs makes room for substantive political conversations as to what is considered just. The second area of convergence of critical theorists and feminists in particular, flows from a commitment to a kind of liberty that exceeds liberal contentment with guarantees of non-interference or the theoretical possibility of choice in relation to

³²² Anne Phillips (2000), “Feminism and Republicanism: Is This a Plausible Alliance?”, *The Journal of Political Philosophy*, 8, 2:279-293.

³²³ Phillips 2000: 282.

various courses of action. Finding significant resonance with feminist reflections on dependency and domination, neo-republican authors have revived the important relationship between freedom and self-government. Finally, the third shared preoccupation that republicanism is said to address is the overwhelming privatization that has flowed from modernity, wherein there is reduced opportunity for public discussion, waning commitment to the creation and use of public space, and a progressive regression towards concerns with private, personal fulfillment, and therefore little investment in public life and the cultivation of public-spirited roles and contributions.³²⁴

Each of these points finds resonance with the feminist concerns and democratic project announced in these pages. Although feminism and republicanism may seem strange bedfellows/sisters, the following discussion will demonstrate that their intellectual traditions can be strategic allies against contemporary neo-liberal revisionism that works to deny the empowering aspects and ethical importance of political belonging achieved through democratic practices of citizenship. The current project likewise sees value in reviving the political philosophical tools offered by republicanism, given their potential to simultaneously address the dynamic relationships between the above-mentioned structural trends within modern Canadian and Anglo-American politics, which form the over-arching backdrop of the feminist preoccupations with democracy and diversity motivating this doctoral thesis.

In the following chapter, rather than throw out the republican baby with this so-called Rousseauian bathwater, I will explore the diversity of republican thought through the works of Niccolò Machiavelli, Hannah Arendt and James Tully. In so doing, I aim to challenge the

³²⁴ Phillips 2000: 283.

essentialist conflation, by various mainstream liberal³²⁵ and feminist theorists,³²⁶ of all “republicanisms” with a specific interpretation of *Rousseauian* universalism. The conceptions of democratic liberty articulated by Niccolò Machiavelli speak to a pivotal tradition within classical or Roman republican thought, and one that largely inaugurated early modern democracy as we know it. The contributions of Hannah Arendt announce the specific historical concerns unique to modern industrialized democracies of the late 20th century, many of which were experienced egregious forms of national, racial, and religious domination and oppression. Finally, we will trace the contributions of James Tully, a leading Canadian thinker whose insights on republican conceptions of liberty have been central to late(post)modern challenges associated with the systemic oppression of diverse cultural groups within contemporary constitutional democracies, such as Canada.

The excavation in the following pages aims to indirectly challenge the liberal epistemological framework of liberty underpinning contemporary democratic theory and institutions, by exposing the promise of various republican conceptions of liberty. Combined with the diversity feminist epistemologies of subjectivity, I believe this cross-pollination may pave the way forward for possible strategies of democratization grounded in republican

³²⁵ For an overview of the relationship of diversity to various other republican authors, see Doug Moggach (2007) “Republicanism and Difference: Hegelian Perspective”, in (ed) Omid A. Payrow Shabani, *Multiculturalism and the Law: a critical debate*, Cardiff: University of Wales Press, 182-201.

³²⁶ See Okin (1979) on Rousseau. See Young (1989) “Polity and Group Difference: A Critique of the Ideal of Universal Citizenship”, *Ethics*, 250-74. Reprinted in (ed) Anne Phillips, *Feminism and Politics*, Oxford, 401-429. Chantal Mouffe likewise equates civic republicanism with oppressive social obligation in (2002) “Feminism, Citizenship and Radical Democratic Politics”, in (eds) Butler and J. W. Scott, *Feminists Theorize the Political*, London, 378. Judith Squires re-iterates this perspective as late as 2000 in her survey article, “Feminist Visions of Political Citizenship”, in (eds) Catriona McKinnon and Iain Hampsher-Monk, *Demands of Citizenship*, Continuum, London: 38. Karen Bird also adopts the standard view of republicanism as intolerant of difference in (1999) “Group Recognition in the Civic Republic: Citizenship, Equality and Pluralism in France”, in (ed) Cyril Levitt, Scott Davies, Neil McLaughlin, *Mistaken Identities: The Second Wave of Controversy over “Political Correctness”*, New York: Peter Lang, 221-240, and (2001), “Liberté, Égalité, Fraternité, Parité...and Diversité? The Difficult Question of Ethnic Difference in the French Parity Debate”, *Contemporary French Civilization* 25, 2:271-292.

practices of liberty that could legitimately and democratically enhance the liberty of diverse minorized corporealities.

REPUBLICAN EXISTENSIONS OF POLITICAL LIBERTY

Early Modern Republicanism: Machiavelli

Second-wave liberal and maternal feminist reception of Machiavelli's political thought has been largely unforgiving, not only of his assumption that political excellence is an exclusively male preserve, but also of the misogynist prescriptions for the conquest of "Fortuna" by political man, and of his association of military prowess with citizen virtue. The rigorous feminist analyses and critiques of Machiavelli's male supremacist assumptions about politics, liberty and full citizenship have been well-developed elsewhere³²⁷, and are therefore not the focus of the discussion at hand. Rather, in an attempt to "turn Machiavelli on his head"³²⁸, I wish to mobilize Machiavelli's conception of political liberty in the service of liberating not only women, but the myriad other corporealities whose practical enjoyment of liberty was curiously "bracketed out" by the vast majority of "enlightened" advocates of modern democracy. In particular, Bock's rigorous analysis of the Machiavellian conception of *sètte* will expose the reductionist readings that have reified all republican thought *qua* homogenizing and oppressive vehicle for communitarianism.³²⁹ I believe that the application

³²⁷ Hannah Pitkin (1984), *Fortune is a Woman*, Berkeley: University of California Press; also Elshtain (1981), *Public Man, Private Woman*, Princeton: Princeton University Press, 91-99.

³²⁸ In the tradition of feminists Lynda Lang (ed), who likewise mobilized feminist interpretations of Rousseau in (1991) *Feminist Interpretations of Jean-Jacques Rousseau*, Pennsylvania University Press. Or of Bonnie Honig's deployment of Arendtian political thought in (1995), "Introduction: The Arendt Question in Feminism", in (ed) Bonnie Honig, *Feminist Interpretations of Hannah Arendt*, Pennsylvania State University Press, 1-16.

³²⁹ See Frazer and Lacey's nuanced evaluation of the differences between liberalism, republicanism, and communitarianism within the context of concerns for democratic freedom, individual rights, and structural

of old political philosophy tools by more rigorous contemporary thinkers proves a worthy endeavour in the discursive contest of democratic struggle against oppression.

One of the central contributions of feminist theory to both the academy and contemporary democracies resides in its exposure of the subtle workings of anti-democratic uses of power, infused with racial, gendered and ableist conceptions of human excellence, as a means of challenging and eliminating oppressive, anti-democratic laws, norms and practices within contemporary democracies. In turning our focus to those aspects of Machiavelli's legacy that may constructively ground a feminist praxis of democratic politics, rather than probe the "woman/gender question" in relation to Machiavelli, I wish to probe Machiavellian liberty in relation to the feminist commitments to democracy and diversity.

Two aspects of Machiavelli's political philosophy are helpful in democratically grounding the dynamic, diverse, and relational conception of political inter-subjectivity elaborated in Chapter I. The first resides in Machiavelli's insights on corruption as a psychosocial disposition and behaviour that both threatens individual liberty and is constitutive of the substantive corruption that diminishes personal and public freedom for the political community as a whole. The second contribution of interest to the discussion at hand resides in the specific form and uniquely constructive role of civic discord that Machiavelli innovatively defends as constitutive of liberty. To better understand Machiavelli's conception of liberty, we must first probe the delicate interdependence that he establishes between that which is considered 'civic', its ethical ties to the practice of politics, and the

forms of domination affecting women. Elizabeth Fraser and Nicola Lacey (1993), *The Politics of Community: A Feminist Critique of the Liberal-Communitarian Debate*, Toronto: University of Toronto.

ways in which corruption and civic discord, at the personal and collective levels, serve to alternatively threaten or promote the liberty of the city.

The Ethical Interdependence of Civitas, Politicus, and Corruption

The first contribution that Machiavelli offers to the current project is his nuanced understanding of the ethical, cultural, and psycho-social equilibrium between civic life, politics, and corruption. Early receptions of Machiavelli's thought painted him as the father of modern *realpolitik*, and as the end of ethicality as a driving force within contemporary electoral politics. Indeed, he has been called, "the murderous Machiavel" by Shakespeare,³³⁰ and political theorists such as Strauss have advocated the widespread opinion that Machiavelli was "a teacher of evil" and the fountainhead of a modern political thought "that rejects the ancient striving for the best regime."³³¹ On the other hand, scholars such as Skinner assert that Machiavelli articulated a political vision that is "best understood as a series of polemical – sometimes even satirical – reactions against the humanist assumptions he inherited and basically continued to endorse".³³² Civic republicans (Arendt, Dietz, Honohan) and neo-republican theorists (Pettit, Pocock, Skinner, Viroli) contributing to the revival of early republican, or Roman thought look to Machiavelli's writings, warnings, and prescriptions for liberty and domination. The current project is situated within this latter interpretation of Machiavellian insights.

To historically situate the purchase of this "republican idea of politics", Viroli suggests that, following Cicero, Machiavelli built upon existing notions of the relationship

³³⁰ Quentin Skinner (2000), "Machiavelli: A very short introduction", Oxford University Press, 1.

³³¹ Athanasios Moulakis (2005), « Leo Strauss and Eric Voegelin on Machiavelli », *European Journal of Political Theory*, 4, 3:249-251.

³³² Skinner 2000: 1.

among rhetoric, the art of persuasion, politics, and the art of ruling a city.³³³ Machiavelli's contemporaries, such as Bruni, likewise identified 'la politique' as the highest among the humane sciences, the most noble activity of man, whose aim is "to rule a city according to reason and justice."³³⁴ In this contemporary understanding, Viroli notes that to live *politically* is to live under laws and good institutions. He who refuses to live in a political community "either lowers himself to the level of a brute beast, or ambitiously seeks to be, like God, above laws and justice".³³⁵

Contrary to late modern understandings of 'politics' restrictively located in the activities involving legislative bodies and/or more broadly to social movement activism, as per Baldus de Ubaldis, the late 13th century signification of *politicus* was "the appropriate qualification for a people living in a 'civitas', defined by its rule of law and justice."³³⁶ Salutati refers to *scienticia civilis* and the purpose of politics as the ordering of the laws designed to promote the common good and ensure the enjoyment of *politica felicitas*. As such, the laws as "the substance of politics" may not be conflated, nor associated with "the pursuit of power or the enlargement of the *stato* of the prince."³³⁷ Most importantly, within this conception of *politicus* and *civitas*, the goal of political philosophers was to design public institutions promoting the *politicus*, whereby success went "beyond the formal design of the constitution and the body of civil laws" and inhered in the capacity "of shaping the citizens' passions and inclinations."³³⁸

³³³ Maurizio Viroli (1990), "Machiavelli and the republican idea of politics", in (ed) Gisela Bock, Quentin Skinner and Maurizio Viroli, *Machiavelli and Republicanism*, Cambridge: Cambridge University Press, 148.

³³⁴ Viroli 1990: 148.

³³⁵ Viroli 1990: 149.

³³⁶ Viroli 1990: 149.

³³⁷ Viroli 1990: 150.

³³⁸ Viroli 1990: 150.

Viroli argues that the language Machiavelli mobilized drew upon the understandings of his contemporaries, whereby “*politico* is always linked with the familiar vocabulary of the *civitas*”, and is used ethically in contrast with authority that is tyrannical, because not constrained by laws.³³⁹ Machiavelli defended the normative idea that the *vivere civile* may not have the rule of law merely in form only, and that, if the laws and institutions failed to “embody the common interest of the city” or were designed to sustain the interests of a faction, rather than *vero vivere libero e civile*, then there existed not the rule of law, but the rule of factions, “con le sètte più che con le leggi si vuole mantenere”.³⁴⁰ Viroli identifies this key element in the concept of civic equality in republican thought, articulated by Machiavelli, as requiring not only equality before the law for all citizens, but also *aequa libertas*, or namely, equal access for all citizens to the highest offices, regardless of social position or birth.³⁴¹

This humanist assumption of the potential virtue of all citizens found expression within republican forms of government wherein all virtuous citizens could gain access to contest the highest honours in service to community.³⁴² By facilitating and stimulating the expression of a diverse spectrum of human *virtù* in promotion of civic liberty, Machiavelli likewise puts forward the notion of the free city as a product of participatory processes of statecraft, whose foundation, future, and condition of possibility resides in the constant renewal of human virtue. He writes:

³³⁹ Viroli 1990: 152.

³⁴⁰ Viroli 1990: 153.

³⁴¹ Viroli 1990: 154-5.

³⁴² Quentin Skinner (1990), “The republican ideal of political liberty”, in (eds) Bock et al, *Machiavelli and Republicanism*, Cambridge: Cambridge University Press, 180.

Should a Republic be so fortunate as frequently to have men who by their example give fresh life to its laws, and do not merely stop them from going to rack and ruin, but restore their former vigour, such a Republic would last for ever.³⁴³

Whereas early interpretations of Machiavelli saw him as an advocate of an interest-based party politics grounded in negative liberty and motivated by protecting one's selfish interests against one's neighbour, the neo-republican readings have drawn out the more nuanced insights into Machiavelli's understanding of civic equality and liberty as a consequence of intense political involvement by citizens practicing civic virtue, rather than crass self-interest.³⁴⁴

Bock notes that Machiavelli initially uses the word *parte* to refer both to *umori* and to *sètte*. However, "he clearly condemns lobby-like groups based on the securing of *partigiani* and *amici*, pleading in the *Discourses* and *Istorie Fiorentine* for "the abolition of vertical contrapositions and for the acceptance and tolerance of horizontal divisions based on social differences, not on clans."³⁴⁵ His commitment to the humanist notion of *politics* remained, but where he innovated was in his realization that this art of state entailed a most difficult, yet practical, necessity of "handling civic discord as a fact of life in the city."³⁴⁶ Machiavelli defends a form of political equality that is established within the constitution, but whose realization depends upon its practical implementation through a "broadening of the social basis of government so that each of the 'humours' would have 'la parte sua' in

³⁴³ *Discourses* 467, cited in Skinner, 180.

³⁴⁴ Skinner 1990: 181.

³⁴⁵ Gisela Bock (1990), "Civil discord in Machiavelli's *Istorie Fiorentine*", in (eds) Bock et al, *Machiavelli and Republicanism*, Cambridge: Cambridge University Press: 198.

³⁴⁶ Viroli 1990: 160.

government”.³⁴⁷ She argues that Machiavelli’s equality “is not economic or social, but legal and political, meaning equality before the law and equal access to office, in the terms of the *Discorsi*, it is not ‘equalità di sustanze’ or ‘della roba’, but ‘equalità di grado’ or ‘de’ onori’.”³⁴⁸ As such, civic equality is both the ontological *pre-condition* and the *substantive product* of active manifestations of political liberty, a state of affairs understood as a process of engagement in the *politicus*. One of the benefits of placing Machiavelli in context has rightly been the ability of scholars to nuance the messages he writes for differing target audiences, such as in *The Prince* versus that in the *Discourses*. Viroli notes that, if his reading is correct, it would be consistent that Machiavelli expressly not employ the language of *politicus* in *The Prince*, as it is a discussion concerned not with the free city, but with the principalities and how they can be preserved by Princely rule.³⁴⁹

Another important consequence of this re-reading lies in the relationship between civic equality, liberty and politics; Machiavelli announces the effects of their absence in his conception of corruption. His reflections and descriptions of corruption assumed it to be, not simply that which afflicts leaders in high office, but also a widespread disease or condition reflecting a lack of sufficient virtue amongst the citizenry and afflicting the system itself. Honohan makes this point when she states that Machiavelli takes for granted the fact that “human beings live in society, and that the ‘body politic’ is a living unit to which they need to belong to reach their fullest realisation.”³⁵⁰ Machiavelli acknowledges, eyes wide open, that all human affairs are constantly changing, in a state of flux, and it is this human precarity in the face of, not only fortuna, but also competing *umori*, that makes politics both an

³⁴⁷ Bock 1990: 189.

³⁴⁸ Bock 1990: 189.

³⁴⁹ Viroli 1990: 161.

³⁵⁰ Honohan 2002: 45.

opportunity for progress, but also a possible cause of decline. This is why politics is “the art of the city.”³⁵¹

Machiavelli is clear as to the threat of corruption or decay, understood not only as a “characteristic of short-sightedly selfish or misled individuals, but also as a natural hazard that will affect the body politic qua natural organism.”³⁵² In politics it is associated with cyclical decline from freedom to domination.³⁵³ This is due to the corruptibility of human nature that stems not from Machiavelli’s cynicism, but rather from his understanding of the influence that power-holding and partisan gain can exercise upon the passions and civic judgement of the *umori*. The cumulative effects of the micro-tendencies of the plebs, the nobles, the various conflicting humours within a society, as a temporal phenomenon, corruption manifests itself in the selfish actions taken by leaders and also by citizens. As a psycho-social force, with dynamic effects that can afflict all members of the polity, corruption is manifest in the absence of civic virtue required to maintain active involvement in “the art of the city”. This is what contributes to the downfall of the free city, and the diminishing possibility of enjoyment of public and personal liberty.

Having studied human nature as it was, not as it ought to be, Machiavelli’s realism committed him to making recommendations that contextualized both how to temper unreliable, deceitful, and selfish human dispositions, and how to foster, support and give voice to the virtuous elements within each of the humours. He believed that humans were “educable”³⁵⁴, hence the important role that good laws play in making good men. The selfish, partisan ends that he identified as leading citizens astray naturally included material gain or

³⁵¹ Viroli 1990: 160.

³⁵² Quentin Skinner (2000), *Macchiavelli: A Very Short Introduction*, Oxford: Oxford University Press, 64.

³⁵³ Honohan 2002: 46.

³⁵⁴ Honohan 2002: 46.

personal fame, as evidenced in his discussion of the failure of the Florentine Republic. Breaking with the received notion that spirituality made citizens virtuous, Machiavelli saw in Christianity a threat to liberty given that it turned their attention away from caring for the challenges of the real world, towards a promised pay-off of individual spiritual salvation in the afterlife. If not dealt with properly to serve the political community, Machiavelli likely saw in religion not only the possibility of fuelling selfish concerns with purely personal salvation, but moreover, the threat of religion being mobilized into vertical *sètta* that might divide the *politicus* into religious partisan clans. Furthermore, the desire to dominate others, also articulated in the Florentine people's efforts to exclude the nobles from government, is likewise cited as proof of excessive ambition and the arrogant exercise of power.³⁵⁵ Broader still, corruption referred to citizens who relied on mercenaries to fight their battles, which he saw as a kind of cowardly shirking of civic responsibilities necessary in the maintenance of autonomy. Most importantly for our purposes, Machiavelli identified any reluctance to take the time or effort to perform public duties as a clear sign of corruption as it allowed for the City to become the prey of the wicked, rather than remain a well-ordered, self-governing body.

In short, corruption in Machiavellian terms can be understood as that which may lead a citizen to put selfish interests above those of the common good, or at least those obligations of service that are necessary for the maintenance of liberty for the City and therefore the citizen. It arises, as heteronomy, in being swayed by partial interests, and results in a failure of political judgement(s), such that priority is given to short-term, individual gratification, rather than to more substantive, long-term shared goods that depend upon each citizen

³⁵⁵ Bock 1990: 190.

performing their duties and sustaining their personal commitment to the protection of the *civitas, politicus, and vivere libero*. The onset of corruption is equated with the loss of *virtu*, which Skinner summarizes in the following two ways:

A body of citizens may lose its *virtu* – and hence its concern for the common good – by losing interest in politics altogether, becoming ‘lazy and unfit for all *virtuoso* activity’. But the more insidious danger arises when the citizens remain active in affairs of state, but begin to promote their individual ambitions or factional loyalties at the expense of the public interest.³⁵⁶

The particular empirical proof or indicators of corruption can be identified as a system wherein only the powerful are able to propose measures, wherein the proposal put forward take from the public to enhance their own power, rather than promote common liberty, and wherein the “magistracies” that are appointed do not represent the highest virtue, understood as competent virtuosity in the art of state.³⁵⁷

Civil Discord as a Productive Praxis of Liberty

Skinner identifies two main contributions of Machiavelli’s political thought that can be seen as *sui generis*. The first can be located in the heterodox stance that Machiavelli takes in the fourth chapter of his opening Discourse in favour of social discord. Against contemporary volumes in praise of Venecian stability and unity, he asserts that one cannot take the position that the maintenance of liberty requires that no segment of the populace may seek to satisfy its selfish interests and simultaneously assert that tumults or civic discords are inevitably damaging to the freedom of the Republic. Rather, Machiavelli identifies stability in the constitution of Rome as a result of the productive presence of ‘two

³⁵⁶ Skinner 2000: 64.

³⁵⁷ Skinner 2000: 64.

different dispositions', the plebs and the upper classes, whose "tensely-balanced equilibrium...ensured that neither party was able to oppress or ignore the interests of the other".³⁵⁸

In her examination of this novel difference, in "Civil discord in Machiavelli's *Istorie Fiorentine*", Gisela Bock likewise traces the ways in which Machiavelli understood civil discord, not only in the Discourses, but also in this later work. Whereas Skinner's discussion associates Machiavelli with an unqualified positive interpretation of civil discord upon the maintenance of liberty, Bock asserts a more complicated appreciation by Machiavelli of, "not so much the demony of power, but of the dynamics of power".³⁵⁹ Both readings help us draw out Machiavelli's appraisal of civil discord in the construction and maintenance of political liberty. However, Bock's reading is particularly useful in establishing the kinds of social conflict that Machiavelli held to be not only natural, but in fact desirable in promoting the freedom of the Republic.

In Book III of *Istorie Fiorentine* (hereafter IF-III), Machiavelli summarizes the emergence of "natural enmities between the common people and the nobility [that] are caused by the desire of the latter to command and of the former not to obey; these two contrasting attitudes are the *umori* and their diversity, and they are the cause of 'all the evils that arise in cities'."³⁶⁰ Audier suggests that the notion of *umori* has been restricted by Pocock and Skinner's reading yielding an overly Marxist analogy of class struggle. Rather, he stresses that the purchase, during Machiavelli's times, of medical theories on the

³⁵⁸ Skinner Quentin (1978), *Foundations of modern political thought, Volume One: The Renaissance*, Cambridge, 181, citing (1970) *The Discourses*, (trans) Leslie J. Walker and (ed) Bernard Crick, Harmondsworth, 114-5.

³⁵⁹ Bock 1990: 184.

³⁶⁰ Bock 1990: 188.

functioning of the human body resulted in these kinds of metaphors of the bodypolitik *qua* living organism, whose well-being likewise relied on an internal management of opposing *umori*, or humours.³⁶¹

Indeed, Machiavelli's discussion focuses upon a comparison between the unique contexts of two collectivities, the Roman and Florentine republics, in which the "diversity of humours" played out. He asserts some rather paradoxical assessments as to the ways in which the 'evil' in question may yield very different outcomes, some quite positive. Whereas Patrizi, Machiavelli's contemporary, likened a well-ordered city to a choir that creates a concord out of diversity through the production of harmony through different voices,³⁶² Machiavelli argued, citing the Roman example, that "as long as the plebs were able to 'clamour against the senate', while the senators in their turn were able to decry the plebs, the net effect was to engineer a tensely-balanced equilibrium which ensured that neither party was able to oppress or ignore the interests of the other".³⁶³

Bock carefully traces Machiavelli's conscious attempt to name and then classify those divisions and discords that could be properly understood to contribute to the liberty of the Republic, versus those that would lead to its downfall. She suggests that it is in *Istorie Fiorentine* Chapter IV that Machiavelli specifically deals with discord and division. He suggests that not all cities, albeit republics in a formal sense, are 'well-ordered' in the management of discord. Many allow for "frequent changes of 'governi e stati'" that reflect a vacillation between servitude and license, not liberty and servitude.³⁶⁴ Introducing a new concept to his illustration, Bock's analysis of Machiavelli's discussion of civil discord in the

³⁶¹ Audier 2004: 18.

³⁶² Viroli 1990: 151.

³⁶³ From Machiavelli's *Discourses*, cited in Skinner 1978: 181.

³⁶⁴ Bock 1990: 196.

first six books yields the novel use of the term *sètte* (sects, factions) to classify and describe “the divisions not between the horizontal, class-like *umori* but between vertical groups such as families, clans, client groups, patronage systems.”³⁶⁵

Whereas in Book III, Machiavelli had argued the *umori* to be natural, unavoidable and even leading to equality if handled and checked in a civilized way, Bock notes that his appraisal of *sètte* in Book IV is distinctly concerned with struggles for power that can and should be avoided because destructive of liberty. These he associates with *modi privati*, or access to political power achieved by means outside the constitutional institutions, such as wealth, generosity or protection granted to partisans. These observations allow Machiavelli to evaluate the discord within Florence to be predominantly of the negative kinds of disunity marked by *sètte*.³⁶⁶ In IF-VII he states:

Some divisions harm republics, and others benefit them. The ones that harm are those accompanied by *sètte* and partisans, those that benefit are carried on without *sètte* and partisans. So since the founder of a republic cannot make provisions against civil discord, at least he should take care that there are no *sètte*.³⁶⁷

Bock argues that the concept of *sètte* figures, albeit not within the literal text until Book VII, very prominently in the historical narrative of Book I in his discussion of religious sects, in his account of powerful, rivaling families in Book III, and in his references to the armies of the condottieri in Books V and VI.³⁶⁸ She argues that his normative articulation of *sètte* in the introduction to Book VII allows him to discriminate clearly between those legitimate and ‘natural’ groups that figure in Book III and those associated with the decline

³⁶⁵ Bock 1990: 196.

³⁶⁶ Bock 1990: 197.

³⁶⁷ IF-VII/I, 792-3, quoted in Bock 1990: 197.

³⁶⁸ Bock 1990: 197-8.

of liberty, which she notes, are echoed in Rousseau's references to 'associations partielles',³⁶⁹ in *Du contrat social*.³⁷⁰

This lack of attention, by subsequent generations of political thinkers, to the particular context to which Rousseau's *associations partielles* referred, notably to Machiavelli's *sètta*, have contributed to a hegemonic reading of the republican conception of the "common good" as painting all "difference", "discord" and "differentiation" with the same brush, and as being essentially destructive of liberty. These interpretations of Rousseau have resulted in Young's central critique of republicanism, the common good, and an epistemological perspective that is said to conflate universalism with homogeneity. Bock suggests otherwise:

It seems then that Rousseau did not really misunderstand Machiavelli when he cited his distinction between two kinds of divisions in the *Contrat social*; Rousseau also distinguished between two kinds of 'différences' of interest among the citizens: one which does not exclude, and even leads to, the 'volonté générale' or 'common interest', in contrast to that which is organized in 'associations partielles' in such a way that they take the place of, and win over, the 'volonté générale'. Obviously, the latter correspond to Machiavelli's 'sètta'.³⁷¹

In fact, Machiavelli's perspective, as articulated in *Istorie Fiorentine*, points to a significantly more nuanced understanding of differences, whereby those of a horizontal character are seen as 'natural', inevitable and even productive to political liberty, versus those vertical partisan interests whose mobilization results in a corruption that cannot be considered similarly foundational to the maintenance of the free city.

³⁶⁹ Bock 1990: 198.

³⁷⁰ See the specific reference to Machiavelli's thought in, Jean-Jacques Rousseau, *Du contrat social ou Principes du droit politique et autres écrits autour du contrat social* (introduction, commentaire et notes par Gérard Mairet), Chapitre II, « Des Bornes du Pouvoir Souverain », 65, first footnote.

³⁷¹ Bock 1990:198.

In light of these alternative understandings of *umori* and *sètte*, what are the implications for a feminist democratic project grounded in an epistemology of citizenship that presumes a diversity of corporealities to play a foundational and indeed constructive role of advancing political liberty? Contrary to the logic of difference-blind liberalism and neo-liberal overtures to formal equality, the maintenance of liberty within a Machiavellian conception of *politicus* would aim, not to deny, wipe out or eliminate the diversity of socially constituted *umori*, but rather to facilitate “une issue légale et institutionnelle positive, favorable au bien commun.”³⁷² What would it mean to follow Machiavelli’s conviction that a free city may only preserve personal and public liberty by promoting a *vivero politico* that constructively “deals with social conflicts”³⁷³ by conscious institutional design? Moreover, what kind of constitution is necessary to ensure that the city, the people, and its leaders, will be kept virtuous so as to fend off the disease of corruption? What are the limitations of an approach to social discord that primarily presumes and focuses upon essentialist, dichotomizing and exclusively conflictual understandings of relations among *umori*? And finally, is it reasonable to expect that all citizens, or even most citizens, will accept the responsibilities of active participation to ensure their own liberty and stave off personal corruption? If not, what conception of the art of state must we seek in order to facilitate and sustain citizen virtue in practice?

Before engaging in a thorough evaluation of these important questions, the following section will probe the contributions of the concept of liberty that figures within Arendtian political thought

³⁷² Audier 2004: 17.

³⁷³ Viroli 1990: 158.

Modern Republicanism: Arendt

If Machiavelli ushered in an era of thinking informed by its times, the contributions of Hannah Arendt must also be understood in this light. The reception of Arendtian political thought by radical feminism has been perhaps even more scathing than the critiques of Machiavelli given her unique position as a leading female political theorist. Indeed, there is often increased disappointment when a woman is thought to have given credence to phallogocentric thought, or to have failed to identify gendered identity as a primary, or at least pertinent location yielding critical political thought. Arendt's silence and/or perceived complicity has been seen to reinforce women's denigration and exclusion from the political.³⁷⁴ Conversely, Dietz has likewise traced the gynocentric readings of the Arendtian concept of "natality" and "beginnings" in the works of Hartsock, Winant, Elshtain and Ruddick, whose discursive strategies of reversal links womanhood with politics in foundational ways.³⁷⁵ Taking the third tack towards a strategy of displacement beyond the inclusion/exclusion divide, Bonnie Honig looks beyond the gendering of Arendt to radicalize and augment her ideas, all the while openly acknowledging that Arendt is an "odd, even awkward figure to turn to if one is seeking to enrich the resources of a feminist politics".³⁷⁶ Indeed, one of the joys of exploring issues of diversity at this critical moment in late-modern, third-wave feminist times is in the power of re-symbolization (Cornell). Processes of re-signification (Butler) have been pushed wide open and feminists of all walks are occupying

³⁷⁴ Adrienne Rich (1979), *On Lies, Secrets and Silence*, Norton; see Benhabib's discussion of the difficulties of this reception in Seyla Benhabib (1995), "The Pariah and Her Shadow: Hannah Arendt's Biography of Rahel Varnhagen", in (ed) Honig, *Feminist Interpretations of Hannah Arendt*, 83-104.

³⁷⁵ See Mary G. Dietz (1995), "Feminist Receptions of Hannah Arendt", in (ed) Bonnie Honig, *Feminist Interpretations of Hannah Arendt*, 17-50.

³⁷⁶ Bonnie Honig (1995) "Toward an Agonistic Feminism: Hannah Arendt and the Politics of Identity", in (ed) Bonnie Honig, *Feminist Interpretations of Hannah Arendt*, Penn State University Press, 135.

this unique space beyond traditional dichotomies to innovatively mobilize discursive contestation in the re-imagining and further re-imagining alternative political possibilities of being-in-the-world.

Following Honig, what is being sought in my exploration of Arendt's political thought is not motivated by the variously gendered interpretations of her conception of politics, nor by those aspects that might allow women in particular to assert a privileged place or agency, relative to men, within the political order. Rather, I turn to Arendt as "as a theorist of a politics that is potentially activist"³⁷⁷, given the fact that feminist praxis and democracy alike require ongoing nourishment by activist theories and practices with practical import. Notably, it is the Arendtian conditions and praxis of political liberty that offer promise to the project of diversifying political contestation in ways that take the epistemological grounding of performative political subjectivities seriously, as a matter of democratic self-government for minorized and dominant corporealities. In what follows, I will map her conception of political liberty as a public performative practice of intersubjective individuation that resists social homogenization, and that is pursued both in solidarity and in competition with others.

Political Liberty as a Performative Praxis of Inter-Subjective Individuation

Arendt's primary concern in the *Human Condition* is with the socio-symbolic conditions necessary for unleashing and protecting the possibility of performative agency. She laments the ongoing displacement and all-but-complete disappearance of publicly shared recognition

³⁷⁷ Bonnie Honig (1992), "Toward an Agonistic Feminism: Hannah Arendt and the Politics of Identity", in (eds) Judith Butler and Joan W. Scott, *Feminists Theorize the Political*, Routledge, 215.

of the value of interdependent human relations, the absence of which allows for a different kind of tyranny whereby all become “imprisoned in the subjectivity of their own singular experience, which does not cease to be singular if the same experience is multiplied innumerable times.”³⁷⁸ As such, Arendt’s conception of liberty can be derived from her understanding of *vita activa*. In the *Human Condition*, she defines the *vita activa* as being constituted in three fundamental human activities: labor, work and action. The last activity she identifies as that which “goes on directly between men without the intermediary of things or matter”, and corresponds to “the human condition of plurality, to the fact that men, not Man, live on the earth and inhabit the world”.³⁷⁹ Invoking the language of the Romans, “the most political people we have known”, she observes the symbolic play that emerges from the synonymous verbs “to live”, and “to be among men” (*inter homines esse*).³⁸⁰

For Arendt, plurality is *the* condition of all political life, because it is the condition of possibility of both action and speech. Building upon the most general sense of the Greek word *archein*, she understands action in the sense of “to begin”, “to lead”, and of the Latin *agere*, “to set something into motion”.³⁸¹ Only through action can the individual emerge from the sameness of humanity and a shared human condition. Action’s effects are simultaneously homologizing and diversifying, because plurality “has the two-fold character of equality and distinction.”³⁸² She notes that “if men (sic) were not distinct, they would need neither speech nor action to make themselves understood. Signs and sounds to

³⁷⁸ Hannah Arendt (1958), *The Human Condition*, Chicago: University of Chicago Press, 58.

³⁷⁹ Arendt, 7.

³⁸⁰ Arendt, 7.

³⁸¹ Arendt, 177.

³⁸² Arendt, 175.

communicate immediate, identical needs and wants would be enough.”³⁸³ As Honig eloquently states, “At stake, for Arendt, is the loss of action itself, the loss of a realm in which the actionable is vouchsafed. This is a real cause of concern, given the astonishing and disturbing success of the ‘innumerable and various rules’ of the social in producing normal, well-behaved subjects.”³⁸⁴ It is this capacity for initiative taking that allows for human distinction and those who act are enabling not the creation of a thing, but rather the constitution of a <who>; it is through the action itself that part of the agent is revealed and unleashed, albeit unintentionally and often unknowingly. Arendt writes,

This character of startling unexpectedness is inherent in all beginnings and in all origins... The fact that man is capable of action means that the unexpected can be expected from him, that he is able to perform what is infinitely improbable. And this again is possible only because each man is unique, so that with each birth something uniquely new comes into the world. With respect to this somebody who is unique it can be truly said that nobody was there before. If action as beginning corresponds to the fact of birth, if it is the actualization of the human condition of natality, then speech corresponds to the fact of distinctness and is the actualization of the human condition of plurality, that is of living as a distinct and unique being among equals.³⁸⁵

This praxis of risking the comfort of private security through the public performance of one’s who-ness³⁸⁶ continually (re)constitutes and re-affirms unique individuation within a shared public, and the socio-symbolic force field that inter-subjectively facilitates resistance to the tyranny of human isolation leading to Leibnizian monadism and an apolitical system

³⁸³ Arendt, 176.

³⁸⁴ Honig: 1995: 146.

³⁸⁵ Arendt, 178.

³⁸⁶ I borrow the term “who-ness” from Sharon Lebell: Speaking of the power of naming and of the custom of patronymy in denying and effacing women’s “who-ness”, she writes, “Personal names are the linguistic device we use to evoke and address someone’s “who-ness”...when a man is addressed by his name, his ‘who-ness’, his uniqueness is affirmed; his claim to his name is affirmed; his worth is affirmed.” Sharon Lebell (1988), *Naming Ourselves, Naming Our Children: Resolving the Last Name Dilemma*. The Crossing Press: Freedom, 5.

that breeds impotent singularities devoid of freedom, the possibility for action that resists the who becoming a what.³⁸⁷ This self-revelatory risk-taking unleashes the uniquely human process of distinguishing oneself from all others, and by definition, this presence of others needs the formality of the public, constituted by one's peers.

The Public Realm as Precondition for the Constitution of Political Imaginaries

The specific value, for Arendt, of the public realm, lies in its being the socio-symbolic and material condition of possibility of freedom, understood as a praxis of struggle realized in action that undermines and resists the human conditioning forces of homogenization, uniformity, and individual retreat into radical isolation. Honig stresses that the agonal passion for distinction may be read as a "struggle for emergence as a distinct self: in Arendt's terms, a "who" rather than a "what," a self possessed not of fame, *per se*, but of individuality, a self that is never exhausted by the (sociological, psychological, and juridical) categories that seek to define and fix it."³⁸⁸ Arendt understood that there can be no individuation, no socio-symbolic possibility for spontaneously individuating action if there is no shared socio-symbolic space (the public realm), or to use Taylor's words, no horizon of meaning within which to make intersubjective individuation both intelligible and valued by members of the polity. Performances of spontaneity in the public realm, understood as a modeling of the possibility of intersubjective individuation, call into being the shared socio-

³⁸⁷ The premise of *The Matrix* would be one such example of a system that breeds impotent singularities through the enslavement of human minds. Kept physiologically dormant through psychological capture within a virtual reality from which they are not likely to awake, humans are bred for their physiological outputs in the form of electric energy necessary to sustain the community of machines.

³⁸⁸ Honig, 1995: 159.

symbolic space of reality that serves to sustain plurality *qua* the freedom to actualize one's who-ness.

For Arendt, the value of performative human distinction achieved through publicity derives not, as some have argued, from Arendt's adherence to a form of politics glorying macho posturing amongst agons.³⁸⁹ The pursuit of individuation Arendt values is not to be confused with, nor reduced to human actions undertaken in public to affirm an exhibitionist narcissism motivated by vanity, or a crass craving for fame. Rather, for Arendt, individuation unleashes the spontaneity of novel action that constitutes the commonly held *public good* of freedom for all individuals. Arendt would likely argue that the narcissist too deserves the opportunity for human freedom through public performativity. However she knows that s/he especially will be risking "the world". Indeed, they will be subjected to the possibility of coming "undone", to use Butler's words, as this exercise of self-revelation in the public realm unleashes a re-naissance. It is always unpredictable, given that we are never in control, nor fully cognizant of the motivations inspiring our actions³⁹⁰, let alone capable of ensuring evaluations of our agency by others, in terms that comfort our self-understanding/being-in-the-world. Not a factual status, nor an empirical phenomenon to be measured in material well-being, human freedom is experienced in human initiative as natality, re-birth, the possibility of re-discovery and augmentation of one's who-ness, in dynamic tension with the articulations of one's polity.

But this exercise of freedom *qua* action cannot take place just anywhere and be of any kind. An Arendtian understanding of the "public realm" views the polity as *the* central

³⁸⁹ See Honig's critique of Seyla Benhabib's distortion of Arendt's conception of agonism in Seyla Benhabib "Feminist Theory and Hannah Arendt's Concept of Public Space", in Honig's revised article (1995) (same title): "Toward an Agonistic Feminism: Hannah Arendt and the Politics of Identity".

³⁹⁰ See Honig 1995: 138.

referent for the human world because it is that which constitutes reality by virtue of the fact that the speech-action has appeared in that space where it “can be seen and heard by everybody and has the widest possible publicity.”³⁹¹ What makes it “public” derives not from the empirical facticity of concurrent witnesses whose mathematical addition somehow proves or disproves the reality of an event, but rather from the qualitative synergy of the inter-subjective relations that simultaneously separate and individuate in the “presence of others who see what we see and hear what we hear”.³⁹² For Arendt, the public realm, in this sense, refers to the relationality that “gathers us together and yet prevents our falling over each other, so to speak.”³⁹³ It is a fundamental intermediary that fosters the mutual, inter-subjective constitution of human relations and human realities in dynamic tension and dialogue with multiple individual (private) realities of past, present and future human worlds.³⁹⁴

Honig argues that Arendtian action is distinctively agonistic; “resistability” is a *sine qua non* of Arendtian politics and human freedom depends upon the unpredictable ability to realize identity through innovative performative activity, rather than the expressive condition of an essential agent.³⁹⁵ To be performative, there must be an audience before whom one enacts the action. Arendt is unrelenting in her assertion that no other human performance requires speech to the same extent as action and that this speech-action entails the revelation of one’s “unique personal identities” and the disclosure of the “who” that often appears

³⁹¹ Arendt, 50.

³⁹² Arendt, 50.

³⁹³ Arendt, 52.

³⁹⁴ Arendt, 55.

³⁹⁵ Honig, 1995: 136.

unmistakably clear to others, and yet likely hidden to self.³⁹⁶ Consequently, the performative aspect of Arendtian speech-actions must take place within the public realm given that the revelatory quality “come[s] to the fore where people are *with* others and neither for nor against them – that is, in sheer human togetherness.”³⁹⁷ Arendt stresses that “it cannot be the casual, familiar presence of one’s equals or inferiors”.³⁹⁸ What makes this action agonistic is twofold: firstly, the disclosing action is undertaken *with* others in the public realm so as to allow for individuation, and secondly, it entails a real risk of self-revelation that puts one in a dynamic tension and contra-distinction with and against others.

Is the public realm of which Arendt speaks created by virtue of the revelatory action alone, or does it require something further? Can this risk of self-revelatory action take place just anywhere and still be considered political and of the public realm? *Contra* Fraser’s assertion that Arendtian politics can take place everywhere, and so take place nowhere,³⁹⁹ Honig suggests that we understand the Arendtian public realm not as a specific location, like the classical Greek agon, but rather “as a metaphor for a variety of (agonistic) spaces, both topographical and conceptual, that might occasion action”.⁴⁰⁰ Action for Arendt helps to distinguish between public and private, because it is the performative product of political struggle, hard-won and always temporary. Honig’s augmentation of the Arendtian *public* both allows for the inclusion of issues historically encoded *private* and also of political struggle that takes place within those spaces traditionally termed “private”.⁴⁰¹ As such, this

³⁹⁶ Arendt, 179.

³⁹⁷ Arendt, 180.

³⁹⁸ Arendt, 49.

³⁹⁹ See Nancy Fraser (1989), *Unruly Practices: Power, Discourse and Gender in Contemporary Social Theory*, University of Minnesota Press, chapter 4 in particular.

⁴⁰⁰ Honig 1995: 146.

⁴⁰¹ Honig 1995: 147.

conception of the public protects the democratic necessity whereby “nothing is necessarily or naturally or ontologically *not* political.”⁴⁰²

To be clear, Arendt is not concerned with valuing the public space for the functional or mechanical role it plays in “gathering us together”. The public realm is not a mere *location* or an *instrument* passively expressing or facilitating what is held in common; it is an interactive component, a dynamic force field⁴⁰³ constitutive of the condition/effects of togetherness in the world, or at least, the shared polity. The agonistic and public nature of this perform-activity fosters the possibility of resistability, and the means for realizing individuation. This publicity is a fundamental ingredient in self-revelatory risk-taking, because to reveal the self under these conditions forces one to situate our selves within the context of others constitutive of the shared force field, those before whom we perform-act, and whose active presence inadvertently leaves us unpredictably exposed to a mediated process of co-authorship of our “who-ness”.

Action, in this context, convokes the interdependent relationality of the human condition, constituted through performative acts of inter-subjective individuation and distinction that are concurrently witnessed, experienced and then re-interpreted post-factum in publicized realities that are therefore accessible (and resistable) by all individuals navigating therein. How does the Arendtian notion of public action as a praxis of intersubjective individuation strengthen and complicate Machiavelli’s *umori*? Are the protagonists of Arendtian action indeed compatible with the diverse corporealizations that figure at the heart of diversity feminism?

⁴⁰² Honig 1995: 147.

⁴⁰³ To use the language of Star Trek.

Before attempting to answer these particular questions, in the final section probing the diversity of republican thought, we will look to James Tully's very contemporary conception of political liberty as constituted through participation in the democratic constitutional multilogue, which he argues is crucial to the ability of individuals and notably of minority cultural groups to resist both assimilation and domination in an age of diversity.

Late Modern Republicanism: Tully

Feminist reception of James Tully's political thought, notably as elaborated in *Strange Multiplicity: Constitutionalism in an Age of Diversity*, has been mixed. In their review of the influence of feminism on Canadian political science, Jane Arscott and Manon Tremblay argue that the best-known male theorists of citizenship (Taylor, Tully, Kymlicka) have paid "next to no attention at all to gender".⁴⁰⁴ Analyzing the "woman problem" within Tully's conception of citizenship, they suggest that his theory virtually precludes "women and other equality rights-seeking groups" and is "inadequate in its conceptualization of women".⁴⁰⁵ For her part, Anne Phillips criticizes Tully's invocation of a cultural feminist conception of womanhood, in his description of women as a "cultural group" analogous to Indigenous peoples or other minority nations deserving of recognition and of a place within contemporary struggles of and over recognition.⁴⁰⁶ Whereas her criticism focuses on what she reads as an overly homogenizing categorization of "women's culture"⁴⁰⁷, other feminist

⁴⁰⁴ Arscott and Tremblay, (1999) "Il reste encore des travaux à faire: Feminism and Political Science in Canada and Québec", *Canadian Journal of Political Science*, 32 :1 :142.

⁴⁰⁵ Arscott and Tremblay, 1999: 144.

⁴⁰⁶ Anne Phillips (2002) "Feminism and the Politics of Difference: Or Where Have All the Women Gone?", in (eds) Susan James and Stephanie Palmer, *Visible Women: Essays on Feminist Legal Theory and Political Philosophy*, 20:11-28.

⁴⁰⁷ Phillips 2002: 21.

interpretations positively welcome Tully's plural and dynamic understanding of culture as "contested, imagined and reimagined, transformed and negotiated both by their members and through interaction with each other".⁴⁰⁸

These criticisms have varying degrees of purchase, depending on whether their focus is on "the woman/gender question" within citizenship, recognition of the intersectional nature of the political subjectivities that figure within Tully's discussions, and/or (anti)essentialist readings of his treatment of culture within his exploration of constitutional multilogue. Although these are important areas requiring further inquiry, the current project is most interested in probing the role of Tullian liberty in evaluating re-articulating (late)modern "recognition politics", and the ways in which his republican notion of political freedom can be mobilized in the service of de-colonizing diverse minorized corporealities within contemporary constitutional democracies. Similar to Machiavelli and Arendt, Tullian liberty is likewise manifested through multiple forms and practices of democratic contestation within a given society.⁴⁰⁹ Tully's originality and contribution to the project at hand is twofold. First, his pragmatic attempt to render explicit the norms underscoring constitutional democracy yields important applications in practice, and can be understood as an emergent litmus test for evaluating the legitimacy of the content of various constitutional democracies, notably as concerns the contestability of the rules by which the specific socio-political struggle and cooperation is maintained. Secondly, of fundamental consequence to realizing self-rule for diverse historically minorized corporealities, Tully's unique conception of liberty allows him to render intelligible the formal and informal struggles over norms of

⁴⁰⁸ James Tully 1995: 11, quoted in Rita Dhamoon, "'Cultural' versus 'Culture': Locating Intersectional Identities and Power", Paper presented at the 2004 CPSA, <http://www.cpsa-acsp.ca/papers-2004/Dhamoon.pdf>, 7.

⁴⁰⁹ James Tully (1999), "The Agonic freedom of citizens", *Economy and Society* 28, 2:161.

intersubjective public recognition and socio-political cooperation *qua* democratic manifestations of “liberty”, or namely, the pursuit of self-rule.

Problematizing the Norms of Modern Constitutional Democracy

Inscribed in a tradition of what he calls “practical philosophy”, Tully argues that, in late modern times, two co-equal principles have come to be recognized as the constitutive “guiding norms” of legitimate forms of contemporary political association. The first, constitutionalism (the rule of law), requires that the exercise of political power “in the whole or in every part of any *constitutionally* legitimate system of political, social, and economic cooperation should be exercised in accordance with and through a general system of principles, rules, and procedures, including procedures for amending any principles, rule, or procedure.”⁴¹⁰ In its broadest sense, this “constitution” of the political association “includes the rule of law, or those system(s) of laws, norms, conventions and procedures that govern the actions of all those subject to it.”⁴¹¹ The second principle of democracy (popular sovereignty) requires that a people or people(s) comprising a political association be subject to the rule of law, but that they impose it upon themselves in order to remain sovereign or free and the rules themselves must be likewise open to challenge and amendment by the people.⁴¹² These two principles of constitutional democracy are equi-primordial, or co-equal in their purchase, and the indefinite nature of the association is considered agonistic given

⁴¹⁰ James Tully (2005b), “Exclusion and Assimilation”, in (eds) Melissa Williams and Stephen Macedo, *NOMOS XLVI*, Penn University Press, 192.

⁴¹¹ Tully 2005b: 193.

⁴¹² Tully 2005b: 193.

that no rule of law, procedure, nor agreement derived from either of these two principles can be considered final.⁴¹³

The philosophical implications of these two co-equal principles of modern constitutional democracy become apparent in Tully's conception of freedom. He attempts to re-focus our attention, not simply on the constitutional texts or legal principles understood to constatively affirm the existence of citizenship, but rather on the ways in which the co-equal roles of constitutionalism and democratic praxis work to flesh out the norms of socio-political cooperation through a dialogue that structurally precludes a final consensus, definitive solution, or end to contestation and revision. Following Skinner, he states that citizenship is defined in terms of two concepts: "free peoples" and "free citizens".⁴¹⁴ Moreover, to be a free citizen, "it is not sufficient to simply be a member of a free people. It is necessary to participate in some direct or indirect way in the exercise of political power: to be an 'active' citizen. If members do not have a voice in the way in which political power is exercised, and thus power is exercised over them without their say, 'behind their backs', as in the market or bureaucratic organizations, then they are, by definition, 'subjects' rather than 'free citizens'."⁴¹⁵ He writes, "If the rules by which the demos are governed are imposed by someone else, and even if they have a range of freedoms within this other-imposed regime, they are not self-governing, self-determining or sovereign, and are thus unfree".⁴¹⁶

This conception of liberty moves modern democracies away from the liberal notion that it would be legitimate, from the perspective of 'freedom' for the constitution, the courts,

⁴¹³ Tully 2005b: 194-5.

⁴¹⁴ James Tully (2000), "The Challenge of Reimagining Citizenship and Belonging in Multicultural and Multinational Societies", in (eds) Catriona McKinnon and Ian Hampsher-Monk, *The Demands of Citizenship*, London: Continuum, 213.

⁴¹⁵ Tully 2000: 213.

⁴¹⁶ Tully 2002: 206.

or legislative bodies to impose the final word on citizens. He notes, “None has the final word. None is the definitive law-maker.”⁴¹⁷ This leads him to applaud the Canadian Supreme Court of Canada’s 1998 decision in *Reference re Secession of Québec*⁴¹⁸ for acknowledging that “members of a diverse constitutional democracy have the right to initiate political and constitutional change (up to and including secession) and the correlative duty to enter into political and constitutional negotiations with the member who invokes this right by a legitimate procedure.”⁴¹⁹ He likewise observes, however, that “[a]ny agreement will be less than perfect. It will rest to some extent on unjust exclusion and assimilation and thus be confronted with ineliminable reasonable disagreement (overt or covert) in theory and practice. A norm of recognition is thus never final, but questionable.”⁴²⁰ The imposition of a ‘final solution’, however benevolent it may appear, nonetheless reneges on the freedom of ‘a free people’, by rendering ineffective the co-equal principle of self-rule whereby all rules must be self-imposed and therefore subject to possible revision and change. Indeed, inherent in the normative vision of republicans and democrats is the idea that liberty is not a legal status, nor a set of rights, but rather, “freedom is the practice of freedom”.⁴²¹ The consequence, in terms of what qualifies as democratic citizenship, is that ‘democratic citizenship’ may no longer be reduced to “a set of rights and duties, nor is it sharing in a national identity... It is an achievement acquired through engaging in the multitude of activities of imposing the laws on ourselves. Citizenship, according to Tullian liberty, is an

⁴¹⁷ James Tully (2007), “The Practice of Law-Making and the Problem of Difference: An Introduction to the Field”, in (ed) Omid Shabani, *Multiculturalism and Law: a critical debate*, Cardiff: University of Wales Press 34-5.

⁴¹⁸ *Reference re Secession of Quebec*, [1998] 2 S.C.R. 217.

⁴¹⁹ James Tully (2001), *Introduction*, in Alain Gagnon and James Tully, *Multinational Democracies*, Cambridge: Cambridge University Press: 7.

⁴²⁰ Tully 2007: 34-5.

⁴²¹ Tully 1999: 162.

identity that we acquire by being ‘free citizens’, “by engagement in the institutions of self-rule of a free people.”⁴²²

The normative upshot of Tully’s multiple texts published over the past seven years in particular is that he implicitly recommends a specific normative reading of what democracy requires. Notably, he encourages late modern societies to begin to understand and indeed act as though they were constituted through both constitutional democracy and democratic constitutionalism. For Tully, the presence of democratic freedom and the ability to declare a people “free” is intimately linked to not simply the ‘possibility’ of engaging (the formal right to vote, stand for election), but the actual participating by citizens in the praxis of imposing norms, laws, rules, and regulations (often through parliaments, courts, NGOs, campaigns, coalitions, schools, the family and other loci of political contestation) upon themselves. This normative framework provides important tools with which to better evaluate the kinds of democratic deficits that remain, and how best to redress them. The “civic freedom” of a “free people” likewise depends on participation in amending the “rules of the game”, or namely, the norms and rules regulating the system of constitutional democracy delineating that very praxis of rule-making. In some ways, Tully’s re-signification of “what counts as freedom” is one such engagement in this dialogical process wherein, *pace* Iris Young, no-one, not even the lofty philosopher, belongs to a “constitutive outside” of the political field under inquiry. This is indeed one of the important contributions of feminist praxis, what Tully alternatively has termed “practical philosophy”, or Sandel has called “public philosophy”.

⁴²² Tully 2000: 214.

Struggles for/over Recognition as a Democratic Praxis of Freedom (Self-Rule)

The second major contribution of Tullian liberty flows from its broader re-conceptualization of what *counts* and is indeed constitutive of “democratic citizenship” and therefore freedom. Indeed, Tully’s brush paints an infinite, inexhaustible, and indeed dynamic field of possible democratic activity in his assertion that we reconceive “the problem of difference as a multiplicity of democratic struggles over the existing ‘intersubjective norms of mutual recognition’ to which individuals and groups are subject.”⁴²³ Equipped with his republican reading glasses, Tully is able to accord “recognition” to, and to coherently “recognize” struggles over recognition *qua* intelligible democratic struggles, that seek more than symbolic demands for the recognition of particular “difference”. If this is the case, then the primary goal sought within “recognition politics” is not what liberals have misunderstood as a demand for “recognition as ‘free and equal’ individuals”.⁴²⁴ Rather, Tully asserts that recognition struggles do not foremost seek affirmation of a specific identity, or even of a particular difference. What is sought, by those engaging in recognition politics, is the freedom of self-determination.⁴²⁵ The implication then of Tully’s processual and dialogical conception of freedom lies in its ability to move modern democratic politics beyond reductionist readings of “identity politics” as somehow qualitatively different from other political struggles aimed at material redistribution or access to power. Rather, recognition politics constitute and are constitutive of democratic politics through the activity of mutual disclosure.⁴²⁶

⁴²³ Tully 2007: 20.

⁴²⁴ Tully 2007: 22.

⁴²⁵ Tully 2001a: 5.

⁴²⁶ Tully 2001a: 4.

Tully notes that liberal notions of citizenship, politics and freedom have led to certain kinds of democratic politics being occluded from view, and misrecognized as either “merely symbolic” and/or undeserving of accommodation given the superficiality of the (essentialist) claims to recognition of cultural, ethnic, sexual difference that is not admitted as a legitimate basis of political identity. These monological readings of demands for recognition extract them from the political contexts within which they have been manifested to assess, in abstract terms, whether they are being defended in terms of rights, identities, or cultures.⁴²⁷ Moreover, they assume a “constitutive outside” occupied by those doing the evaluating, and so misunderstand that the demand *qua* initiation of a democratic struggle, aims not at procuring a right to be different, nor a public symbolic permissiveness of one’s specificity, but rather joins the democratic contest, so as to force a re-calibration of (relational) power as it is enjoyed and exercised by various actors within the system. But Tully reminds us that regardless of the language through which it is advanced, “a demand for recognition is never ‘merely symbolic’... it alters, in complex and often massive ways, the social, economic and political relations of power that constitute the present system of cooperation.”⁴²⁸

A further consequence of this dialogical conception of freedom and democratic struggles lies in the fact that no one (theorists, political practitioners, activists) may claim to independently know, or discover alone, the specific content of recognition required, or the “just arrangement” needed to end the struggles. A rigorous application of Kantian ethicality, of legal principles (feminist or otherwise), or of philosophical reflection resulting in a solution that is handed down “from above” fundamentally misunderstands the meaning and

⁴²⁷ Tully 2007: 21.

⁴²⁸ Tully 2001: 15.

activity of freedom for late modern democratic politics. The activity of mutual self-disclosure is itself the constitutive activity of “citizenization” through which the development of an identity *qua* citizen is negotiated through active participation in the practice of democratic contestation. Freedom is not something that can be given, but rather must be realized one person at a time.

Following Tully’s logic, struggles over recognition are therefore “struggles over the intersubjective ‘norms’ (laws, rules, conventions or customs) under which the members of any system of government recognize each other *as* members and coordinate their interaction.”⁴²⁹ In this view, the recognition sought is not inherently grounded in the (il)legitimacy of the specific claim or the purchase of the particular language invoked to articulate the demand, but rather can be understood as a performative act of self-recognition of one’s membership in the association. It can therefore claim a democratic ‘say’ over the reigning ‘intersubjective norms of public recognition’. What Tully terms “citizenization”, or the process of politicization into action and self-constitution *qua* member of the democratic association, is the crucial aspect of recognition politics to the democratic process. Conversely, monological readings of politics and so-called identity politics, in particular, have focused disproportionately on the validity of the constative content motivating the act of claim-making itself.

By focusing on the processual nature of liberty manifested through demanding recognition, Tully brings into view the democratic (and therefore legitimate) nature of the act of demand-making inherent in late modern “identity politics”, which must be understood within the specific historical context of the late modern democratic demands in question.

⁴²⁹ Tully 2007: 22.

Moreover, Tully demands that we identify these struggles in relation to the multiple actors peopling the field of action, against whom the demands are being levied, and with whom the struggles are pursued via concurrent multilogues of discursive contestation. This conception of liberty reflects a uniquely late modern or post-modern conception of both political subjectivity and of what specific activities figure at the heart of modern constitutional-democratic politics. Rather than the static constitutionalism of old, Tully identifies multiple processes of dynamic, relational and infinite contestations over norms of recognition that are concurrently constitutive of personal and public liberty. In so doing, Tully effectively re-articulates and renders intelligible the complex symbolic-cum-material nature of late modern democratic politics as constituted through various forms of “recognition politics” aimed at contesting the democratic legitimacy of existing norms of intersubjective public recognition sustaining socio-political cooperation, as well as the democratic legitimacy of the very rules constitutive of the boundaries of the democratic association itself.

Conclusion

The philosophical excavation in the previous pages points to two important theoretical advancements and three correlate implications for democratic practice. First, the recovery of diverse republican political theories presents a serious challenge to liberalism and liberal-democrats’ efforts to corner the market as concerns normative commitments to diversity and liberty. Authors within the republican tradition offer intellectual resources for those critical theorists, feminists, post-colonialists and radical democrats who are dissatisfied with the status quo, and, moreover, who refuse to be convinced that liberal-democracy, as institutionally practiced in contemporary times, could be democratically-speaking, “as good as it gets”. In so doing, they provide political theorists and activists aligned with the

liberationist aspirations of minorized groups and peoples with alternative democratic resources and arguments with which to contest and push beyond the limited choices inherent in liberal-individualist and/or contemporary neo-liberal democratic frameworks that attempt to affirm the presence of equality or liberty, rather than dynamically assess the degree of equality or liberty enjoyed. For example, international organizations such as Freedom House⁴³⁰ would need to significantly re-think how they might dynamically and relationally “track” the quality of freedom enjoyed by various groups within a given democracy, as opposed to through crass indicators and formal criteria that reify and over-generalize the experience of freedom as pertaining to all those residing within a given society.

Secondly, in light of the leading expertise of feminist theories with complex, interlocking forms of diversity, many of which were overlooked by liberals, communitarians, and republicans alike, the (re)discovery of these alternative diversity-embracing republicanism offers feminist political theorists more constructive points of entry to engagements with “the political” and more sophisticated conceptions of “liberty” attuned to the realities with which feminist theories have been most interested. Paying attention to alternative philosophical traditions is an important means of moving feminist assumptions beyond liberal straight-jackets and the kinds of dichotomizing (liberalism vs. communitarianism⁴³¹) reductionism that shuts down democratic debate by re-presenting the complexity of political issues in ways that merely justify liberal-individualism’s assumptions and ongoing hegemony. It can likewise move feminist theory beyond the often anti-political

⁴³⁰ For example, Freedom House tracks the existence of political and civil liberties and freedom of the press, rather than the extent to which citizens are in fact availing of them. The Gender Empowerment Index of The United Nations Human Development Report, for example, more aptly captures the dynamic sense of freedom we seek.

⁴³¹ For an excellent mapping of these debates, in dialogue with feminist concerns, see Fraser and Lacey (1993).

assumptions within social feminism⁴³² and Marxist or maternalist feminist critiques of liberalism⁴³³ by using republican democratic theory to re-cast ‘the political’ as more socially and ethically accountable than neo-liberal politics are willing to admit. As such, this dialogue constitutes a vital means for re-framing and then realizing, through a more performatively critical contestation, the kinds of egalitarian and participatory democratic transformations that most feminists seek through a wide array of contestatory sites and practices.

We can identify three practical implications of this philosophical, theoretical and epistemological excavation of republican thought. First, it points to the unique possibilities that various republicanism offer in democratically grounding the ‘right to play’ for various historically minorized constituents demanding access to the game of contemporary democratic contestation in general. Second, it philosophically paves the way for reforms to the ‘rules of the game’ such that additional players can engage within the multiple sites and practices of democratic contestation. Third, it exposes the pressing need, within the French republican context in particular, for a more rigorous, indeed Bockean, reading of Rousseauian political thought, to ensure liberty-enhancing constitutional interpretations⁴³⁴ of various institutional mechanisms (positive measures, quotas, financial constraints) aimed at,

⁴³² See the Introduction in Squires 1996.

⁴³³ See Mary G. Dietz’s excellent discussion of this dilemma in “Context is All: Feminism and Theories of Citizenship”, in (ed) Anne Phillips, *Feminism and Politics*, Oxford, 378-400.

⁴³⁴ The longstanding assumption that Rousseauian political philosophy demands the indivisibility of the people, without nuancing as to the ethico-political reasons legitimating ‘differentiation’, has served to stall democratic reforms aimed at enhancing representative democratic institutions. Notably, the *Conseil constitutionnel* rejected as “anti-constitutional” French legislation prescribing institutional mechanisms to ensure gender parity in democratic institutions. Similar developments have been seen in the constitutional developments in countries as different as the United States, Italy, Japan, Britain, and Costa Rica. See International IDEA www.quotaproject.org

following Machiavelli, acknowledging the conflicting *umori* within the population and generating a “volonté générale” through their institutional constitution.

In the following chapter, I will outline the strengths and weaknesses of the republican conceptions of political liberty and politics in relation to the feminist democratic project that I advance. To that end, I likewise identify key areas in which republicanism stands to gain from the rich understanding of diversity feminisms’ conception of political subjectivity. It is my belief that this cross-pollination will enrich diversity feminisms with democratic strategies enabling the institutional (re)constitution of diversity feminist epistemologies of political subjectivity, as well as expose the epistemological capacity of republicanism to ground the democratic de-colonization of contemporary representative practices in light of the liberty of diverse minorized intra-national corporealities. The fruits of this important dialogue amongst practical philosophers will lay the groundwork for an anti-essentialist, reconstructivist praxis of radical representative democratic politics informed by the unique insights of feminism on diversity, and of republicanism on practices of liberty. This re-symbolized conception of political representation will be grounded in agonistic and performative practices of co-authoritative corporealizations. To re-establish ethical legitimacy of late modern constitutional democracies and the electoral politics that animate them, these alternative praxis of corporealizations require formal democratic constitution in the institutional norms regulating the diverse forms and public sites of contemporary self-government.

CHAPTER IV « Liberté » : Epistemological Existensions of Republican Bodypolitiks

In light of our forward-looking commitments to a new democratic politics and the politicization of all forms of oppression and domination, the current project is interested in political representation given the uniquely holistic harm that is *democratic* exclusion, and its capacity to exact far-reaching consequences. It speaks to a form of political marginalization from ethico-political standing as an epistemological source capable of exercising judgement in the construction of one's life and well-being, as well as that of one's political community. Indeed, it is democratic exclusion, realized through coercive state legislation and action, that has led to certain subjective corporealities being marked as "different", their corporeal locations being denigrated, and ultimately, those arbitrary constructions of corporeality being concurrently signified and objectively invoked *qua* an insurmountable impediment to universal citizenship, political liberty, and participation in democratic self-government. The previous chapters have exposed the fact that all political subjects are constituted through a unique combination of interlocking corporealities, and that each represents an authoritative, however partial or contingent, epistemological source of ethico-political judgement. Each has the right, responsibility and capacity to decide and influence their lives and corporealizing well-being, as well as the contemporary-cum-future constitution of the democratic corporealpolitiks in which they circulate. From this perspective, "liberty" involves the right/responsibility of individual and collective access to self-governmental and the contestatory multilogue of competing worldviews and corporealities orienting the various life-paths and diverse conditions of being-in-the-world.

Highlighting the shared philosophical and normative commitments that have motivated attempts, by republicans and feminists alike, to lay the groundwork for an ethical

conception of socio-political cooperation that is as effective in practice, as it is convincing in principle, Skinner states,

One legitimate aspiration of moral and political theory is surely to show us what lines of action we are committed to undertaking by the values we profess to accept. It may well be massively inconvenient to suggest that, if we truly value individual freedom, this commits us to establishing political equality as a substantive ideal. If this is true, however, what this insight offers us is not a critique of our principles as unduly demanding in practice; rather it offers us a critique of our practice as insufficiently attentive to our principles.⁴³⁵

Machiavelli, Arendt and Tully make important contributions to the diversity feminist project announced herein, given that their understanding of democracy is grounded in the realities of how political power manifests itself in practice. Rather than build a political system upon an essentially ideal conception of humanity and socio-political cooperation, they advocate democratic solutions grounded in the practically benevolent and malevolent potential inherent in human nature. Consequently, each begins with the critical distance necessary to understand that the mere existence of democratic institutions is not proof, in and of itself, of an ethical system of self-government and socio-political cooperation, nor does it preclude the possibility of domination, oppression and anti-democratic uses of power from continuing, and indeed, being legitimated by democratic institutions. Rather, democratic self-government is always a precariously human project that is vulnerable to a spectrum of abuses, such as system capture, manipulation, and corruption that results in the demise of the free city and of the personal liberty of the citizens living therein.

One of the challenges facing diversity feminism consists in the impasse that emerges from the difficulty of naming and delineating the subject of liberty. Whereas Braidotti would

⁴³⁵ Skinner 2000: 78-79.

assert the need to name and reclaim the power of minorized corporealities as free speaking subjects, Butler would caution against political strategies that might reinforce or give legitimacy to existing categories of oppression that are political fictions, and favours a proliferation of plural positionings that performatively transgresses these categories. Both of these positions shed light on the contributions and limitations of the conceptions of liberty that figure within the thinking of Machiavelli, Arendt and Tully. In the following pages, I will first identify the epistemological and practical strengths and weaknesses of the republican conceptions of liberty articulated by Machiavelli, Arendt and Tully. I will focus specifically on the concrete “subjects of liberty” and the practical “constitution of liberty” to demonstrate the capacity of republican conceptions of liberty to move diversity feminism beyond the practical impasse inherent in strategies of discursive displacement.

This discussion will indirectly map the synergistic ways in which diversity feminist conceptions of subjectivity and republican conceptions of liberty may be productively mobilized to overcome the shortcomings inherent in both traditions. In so doing, this cross-pollination of the epistemological and practical insights of both diversity feminism and republicanism will point to alternative possible conjugations of diversity and liberty that would more effectively empower the late modern corporealities and the social discords that figure at the heart of our thinking within these pages,

THE SUBJECT OF REPUBLICAN LIBERTY?

De-reifying Machiavelli's 'Umore'

In the previous chapter, we raised the following question: “What are the limitations of an approach to social discord that primarily presumes and focuses upon essentialist, dichotomizing and exclusively conflictual understandings of relations among *umori*?” The

most strategic point of synergy between Machiavelli's thinking and the proposed project is his assertion of the interdependent relationship between the constitution of liberty of diverse *umori* and the constitution of the free city. As seen in the previous chapter, Bock's careful excavation underscores Machiavelli's nuanced appreciation of the constructive relationship between only the latter type of social discord to the constitution of the free city. Machiavelli's insistence on the importance of naming and providing an institutional outlet for these horizontal social conflicts lays the groundwork for the ethico-political recognition and democratic constitution of analogous forms of contemporary social discords afflicting the intra-national corporealities figuring within these pages. At the same time, the insights of diversity feminism in seeking anti-essentialist conceptions of groups raise red flags as to the viability of Machiavelli's conception of *umori*.

Machiavelli's *umori* delineate horizontal social conflicts that he presumes to be rather permanent and essentially adversarial in nature. The insights contributed by both Braidotti and Butler would caution against the apparent lack of plurality within Machiavelli's *umori*, and moreover, the reified conception of *umori* understood as constituted through social discord. Indeed, Machiavelli acknowledges the possible evolution of social discord into variously named *umori*, for example, speaking of the *popolo* and the *nobili*, who are also called the *plebe* and *popolo* in other contexts; however, he does not presume it to be possible, let alone desirable, to successfully challenge the foundations of these social discords within the population. Machiavelli would understand these social discords to be a socio-political given for which the art of state must find constructive institutional management.

Returning to the essentialist aspects of Machiavelli's *umori*, Braidotti's attention to three levels of diversity would require that we further complicate his conception of *umori* to acknowledge, not exclusively the differences between two *umori*, but also, the differences

internal to each *umori*, as well as the differences internal to the individuals constitutive of these *umori*. This second level of diversity within *umori* does not find open confirmation, nor does his understanding of *umori* suggest an appreciation for the ways in which the humours are constituted through interlocking systems of power whereby individuals are members of multiple *umori*, producing concurrent loyalties across and within *umori*. This oversight leads to the construction of *umori* in purely oppositional terms, silencing the fruitful production of liberty through more agonic relations, which allow not only of oppositional conflict among *umori* constituted in an equilibrium of democratic power, but also cooperative relations across *umori* depending upon the context and struggles at hand. We will return to this point in our discussion of Arendtian action.

The third layer of diversity raised by Braidotti finds partial, and under-theorized expression in Machiavelli's assertion of the need for *aequa libertas* (equal access to the highest offices) for all individuals, regardless of social position or birth.⁴³⁶ This recognition flows from Machiavelli's commitment to fostering the political conditions wherein virtuous citizens of all walks may invest their talents in the art of state as a means of protecting the free city. Although there is no explicit indication that Machiavelli correlates virtue with concurrent loyalties, he does place the self-interested desire to dominate others at the heart of corruption. Further theorizing the productive role of social diversity within Machiavelli, we can augment and flesh out the conditions of potential virtue he attributes to all individuals with Braidotti's ethical stance of non-closure. This, she locates in the critical standpoints flowing from nomadic subjectivity, which ensures the practical capacity of individuals to critically assess and keep in check their multiple and competing self-interests through the

⁴³⁶ Viroli 1990: 154-5.

maintenance of a political community wherein no single *umori* could mobilize the art of state towards the domination of all others.

For her part, in the name of those falling in-between existing *umori*, Butler would aim to dismantle the political construction of social discords producing dichotomous relations between horizontal *umori*. What presumptions motivate Butler's privileging of the space in-between? Are those located in-between *umori* occupying a neutral position of innocence? Is her normative goal the affirmation of here to for excluded forms of life aimed at anti-oppression through the recognition of the fact that their liberty and self-interest are hindered by the dichotomous dominance of existing *umori*, or is Butler simply interested in a proliferation of radical individual diversity, *contra* social diversity, as the exclusive source of human freedom within the political community?

Clearly, the current project finds stronger resonance with Braidotti's assertions of the need to recognize power differentials among individuals and among *umori* as a means of restoring the capacity of all individuals to performatively advocate their liberty as speaking-subjects. At the same time, Machiavelli does not speak to the need of asymmetrically recognizing only one of the *umori* as permanently subject to oppression. Rather he names both *umori* constitutive of the social discord and stresses the need for balance between the two. He speaks not only of the need of the plebs to "clamour against the Senate", but also the capacity of the senators "in their turn...to decry the plebs".⁴³⁷ Given that his presumption that all individuals and all *umori* are corruptible, he locates the problem in institutional arrangements that enable asymmetrical relations of power that can then be mobilized by any given *umori* due to excessive self-interested ambition, in pursuit of

⁴³⁷ From Machiavelli's Discourses, cited in Skinner 1990: 181.

domination over others to the extent of destroying the tensely-balanced equilibrium constitutive of the free city. Indeed, Machiavelli denounces the efforts of the people of Florence to exclude the nobility from government altogether as leading to the decline of Florence⁴³⁸, just as he criticizes the Roman nobility for obstinately defending its private property to the extent of placing the plebs in servitude, resulting in the destruction of the free city through violent civil war.⁴³⁹

Akin to Razack's politics of accountability, for Machiavelli there is no position of ethical purity or innocence that might be invoked to legitimate the asymmetrical conferral of power upon only one of the *umori* figuring within social discord. The challenge is therefore to understand what structural configuration within democratic institutions would ensure the delicate balance so as to practically prevent against the possible corruption and abuse of power by either *umori*. Is there not a presumed position of innocence that likewise figures unconsciously within Butler's epistemological project? We suppose that, *contra* Machiavelli, she would object to the dichotomous construction of social discord into two dominant *umori*, as she locates liberty in discursive deconstructions of the fictitious identity and presumed shared interests of dominant *umori* themselves. Transgressive performances by those located in the in-between serve therefore as a reminder of the fluidity between the two *umori* groups. Moreover, this analysis exposes the reality wherein those located 'in-between' existing *umori* do not see their existence, their interests, nor their liberty advanced by a monopoly of power that is brokered between just two *umori* within what Butler takes to be a more diverse spectrum. Moreover, she would suggest that the personal freedom of individuals allied with

⁴³⁸ Bock 1990: 190.

⁴³⁹ Bock 1990: 192.

existing *umori* would likewise be enhanced through the dissolution of this binary into internal diversification.

Machiavelli's epistemological orientation appears to part company with Butler by virtue of his assumption of horizontal social discords to be not only foundational to human society, but moreover, productive of the liberty of the *umori* in question. However, there is no indication that social discord, chez Machiavelli, manifests itself exclusively through dichotomous *umori* although his examples do speak to this convention. If, for Machiavelli, the threat to liberty lies not in the discursive, sociological or political presence or absence of *umori*, but rather, in the means by which existing power relations between *umori* are handled, then he would likely see the value in institutional arrangements regulating relations between existing *umori*, and that consciously carve out space for existing, potential virtue, and liberty of those individuals located in the in-between of existing *umori*. This would, however, find resistance in queer theory's opposition to the "unwanted legislation of identity" and preference of micro-political interventions by an epistemological community of anti-homophobic activists.⁴⁴⁰ For Machiavelli, however, the maintenance of liberty through vigilant resistance outside democratic institution and through vigilant participation in the art of state is a shared and concurrently exercised political responsibility that cannot be abdicated, and that cannot realistically be left vulnerable to capture by vertical *sètte* sustained by private, and therefore corrupt, bases of power.

On this last point, Butler and Machiavelli's practical prescriptions for social transformation point off in opposite directions. Machiavelli's commitment to institutional protections aims to ensure that power relations, and social discord, are assuaged, not

⁴⁴⁰ Butler 2004: 7.

exacerbated, and by democratic design. Institutional arrangements regulating social discord among various *umori* are productive of liberty by virtue of ensuring equal access to high offices for all virtuous individuals, including those identifying as “in-between” or “beyond” the options of existing *umori*. Not only does this help promote virtuous practices of the art of state, but moreover, those engaged in the art of state would be confronted with the practical realities and demands for liberty of a greater ‘diversity of the humours’⁴⁴¹ constitutive of the *politicus*, and perhaps also the contested nature of existing conceptions of those *umori*.

In-Corporealizing Arendtian Action

In the previous chapter, in reaction to Arendtian thought, we asked the following questions: How does the Arendtian notion of public action as a praxis of intersubjective individuation strengthen and complicate Machiavelli’s *umori*? Are the protagonists of Arendtian action compatible with the “deep” diversity articulated by diversity feminism?

Whereas the Machiavellian view tends toward a construction of *umori* as mutually exclusive categories of citizens with a unified structural positioning or interest in need of institutional outlet, the Arendtian focus on individuals and groups as acting in plural relationships of solidarity, difference and distinction allows for a conception of politics/discord that is neither exclusively oppositional, nor premised upon overly homogeneous conceptions of in-group or individual togetherness and unity. Her agonism, in fact, requires that various groups and individuals partake in agonistic contestation, in cooperative and oppositional distinction to one another. This approach to human agency

⁴⁴¹ From Machiavelli’s *Istorie Fiorentine*, quoted in Bock 1990: 190.

fundamentally complicates the levels of contestation that occur both between groups and also within groups, towards the kind of anti-essentialist reading of political subjectivity echoed in two of the three levels of diversity articulated by Braidotti.

Although she captures the first two differences, that between two groups and the differences within a group, the third level of diversity Braidotti identifies remains under-theorized within Arendt's avowed accounts of political action and the human condition. For diversity feminism, human constitution resides in "multiple, complex, and potentially contradictory sets of experiences, defined by overlapping variables such as class, race, age, lifestyle, sexual preference and others".⁴⁴² Although Arendt does not explicitly articulate this level of internal diversity, Honig suggests that, in practice, the Arendtian conception of action requires a "multiple, acting self".⁴⁴³ Moreover, Arendt admits that political actions are indeed self-surprising, wherein, "it is more than likely that the 'who' which appears so clearly and unmistakably to others, remains hidden from the person himself".⁴⁴⁴ There is a sense in which the Arendtian actor is potentially plural by virtue of being unconscious of the multiple motivations, identities, interests or desires that may ontologically drive towards unpredictable forms of political action. Indeed, it is through action that Arendt suggests that identical biological entities are reborn to "show who they are, reveal actively their unique personal identities and thus make their appearance in the human world."⁴⁴⁵

At the same time, perhaps more closely aligned with Butler's preference for the anonymous ambiguities of plural, uncategorized genderings, Arendt remains largely silent as to the constitutive factors that might inflect one's political identity. Although her conception

⁴⁴² Braidotti 1994: 4.

⁴⁴³ Honig 1995: 141.

⁴⁴⁴ Arendt, quoted in Honig, 140.

⁴⁴⁵ Arendt, 179.

of liberty as a process of inter-subjective individuation is relational, akin to Butler's belief in the proliferation of multiple gendered identities, there is no acknowledgement of the influence of existing systems of power in positioning various actors within multiple horizons of corporealization whose asymmetrical access to power complicates and constrains efforts at "individuation", making the opportunity for "distinction" practically intelligible for only certain dominant corporealities. Arendt seems to assume that all groups and all individuals are equally at risk of social homogenization and have equal capacity to engage in political action in pursuit of this individuation.

In fact, the one identity Arendt admits to having *political* importance is her existence as a Jew.⁴⁴⁶ Yet, we can find inadvertent hints of the possibly political nature of other kinds of social identities and positionings, notably in Arendt's admission of a desire to narrate the life of Rahel Varnhagen, "as she herself *might have told it*".⁴⁴⁷ Given her skepticism towards women's movements and open rejection of any shared identity with women, as Benhabib notes, it is rather ironic that Arendt would think herself uniquely situated, and perhaps experientially qualified, to understand and write the individuality of Rahel Varnhagen, and in ways that openly contradicted the account given by Rahel's own husband. Benhabib argues that Arendt sought to re-write the biography some one hundred years late due to a desire to reclaim Rahel's memory from a husband whose representation tried to make her less Jewish and more aristocratic.⁴⁴⁸

Consistent with Arendt's acknowledgement of the "political" nature of her Jewish identity, we might have expected the title of the biography to read, "Rahel Varnhagen: The

⁴⁴⁶ Benhabib 1995.

⁴⁴⁷ Benhabib, 1995: 87.

⁴⁴⁸ Benhabib, 1995: 87.

Life of a Jew”, rather than the further nuanced subtitle she chose as, “The Life of a Jewish Woman”. This suggests that, at an unconscious level, Arendt likely appreciated the ways in which Jewishness inflected differently for Jewish men and Jewish women. Benhabib notes that in her 1956 preface to *Rahel Varnhagen*, Arendt openly comments on the “Woman problem” within Rahel’s life as reflecting “the discrepancy between what men expected of women “in general” and what women could give or wanted in their turn”.⁴⁴⁹ She suggests that Arendt admired Rahel’s own attitude toward her Jewishness, which led her to take up the role of the “self-conscious pariah, who transforms difference from being a source of weakness and marginality into one of strength and defiance”.⁴⁵⁰

Indeed, what began as a kind of political action motivated by Jewish political identity, Arendt’s re-writing of the biography of Rahel Varnhagen reveals perhaps some self-surprising aspects of her unavowed selves, including latent recognition of the gendered corporealities she and Rahel experienced as Jewish women who did not hide the fact of their Jewishness. Similarly, in a 1946 letter to her friend Karl Jaspers, Arendt writes of her decision to resist assimilation by using her own name, despite being married. She writes, “That is a common practice in America when a woman works, and I have gladly adopted this custom out of conservatism (and also because I wanted my name to identify me as a Jew).”⁴⁵¹ This suggests a keen awareness of the political impact of her choice of name, in light of her non-Jewish husband, and yet Arendt fails to explore why women changed their

⁴⁴⁹ Benhabib, 1995: 92.

⁴⁵⁰ Benhabib, 1995: 90.

⁴⁵¹ Arendt’s January 26, 1946 letter to Karl Jasper, quoted in Kaplan Morris, “Refiguring the Jewish Question: Arendt, Proust, and the Politics of Sexuality”, in (ed) Bonnie Honig, *Feminist Interpretations of Hannah Arendt*, Pennsylvania: Pennsylvania State Press, 107.

names historically, and why working women (in fact professional women) alone adopted this modern distinction.⁴⁵²

These passages point to Arendt's appreciation of the political nature of certain so-called private affairs that remained unarticulated within her political writings. Indeed they resonate with our understanding of the power of naming as a political act, and of the political importance of re-deploying the language of contemporary identities, such as Jew, woman, or wife, as a means of displacing the anti-egalitarian relations regulating their initial construction. Rather than "loosen the tie between the symbolic or discursive and the bodily or material",⁴⁵³ Braidotti argues that it is because women (or as Arendt might add, Jews), pay in their bodies for the metaphors of femininity (Jewishness) that the strategy of self-conscious pariah is perhaps the more effective and empowering choice of performance. Echoing the normative commitments of diversity feminism generally and Machiavelli's warnings as to the interdependence of the free city and the personal freedom of citizens, in *The Jew as Pariah*, Arendt writes of the moral of Nazism, "failures of solidarity with the victims will soon be punished by one's own victimization."⁴⁵⁴

Recall that the importance of political action, for Arendt, was its performative impact in allowing individuals or groups to resist social homogenization which she viewed as a form of tyranny that precluded the possibility for uniqueness, creative innovation, and individuality by imposing sameness upon all those of a given group, location, or political identity. As such, it is the largest range of political action and or performances of human

⁴⁵² For a more in-depth exploration of the gendered, raced, religious and national inflections of the custom of patronymy, see Steele 2003, 2008.

⁴⁵³ Braidotti 1994: 187.

⁴⁵⁴ Hannah Arendt, *The Jew as Pariah*, quoted in Hannah Pitkin (1995), "Conformism, Housekeeping, and the Attack of the Blob: The Origins of Hannah Arendt's Concept of the Social", in (ed) Honig), *Feminist Interpretations of Hannah Arendt*, 77.

collaboration and opposition that helps constitute a shared public reality, the public realm, within which the plurality of distinctly individuated entities may emerge to enact new beginnings both in concert and in opposition. The Arendtian conception of political liberty as a performative praxis of *intersubjective individuation* inflects a public realm constituted in concurrent togetherness and separation from one another, and one that fundamentally implicates each individual in the perpetual equilibrium tending towards agonistic corporealizations conducive of liberty, or totalitarian annihilation of human creativity through homogenization.

Arendt asserted the critical role of augmentation and innovation by individuals and groups as an ongoing democratic praxis, not only in the face of threats of social homogenization, but also in light of the ways in which the reification of meanings likewise served to constitute and constrain individual distinction within the public realm. Public speech-acts figure as the performative testaments to the possibility of change, innovation, newness and augmentation of what already exists through the unique creativity of individuals. This possibility of renewal, or of founding anew, however contingent, was the very precondition of liberty, plurality and the human condition. The possibility of liberty, however, requires the possibility of political subjectivity and political action for all individuals, not simply those having gained ascendance within the political system.

Re-joining Machiavelli, this points to the necessity of ensuring, not only the material and institutional conditions of formal institutional corporealization, but also the psycho-social predisposition to augment one's "who-ness" through acts of individuation and performative distinction in solidarity with, and distinction from others, thereby augmenting the conditions of corporealization as against forcible assimilation. Arendt believed in the constant necessity of resistance against sameness, and by extension, the constant necessity of

difference and plurality. The absence of a public space within which to act, as well as the absence of individual risk-taking itself, forecloses the democratic possibility of augmenting the horizon of meaning within which one circulates, and of resisting future foreclosures of liberty that squelch the latent plurality and collective renewal that these political acts may unleash. It is this foreclosing of individual action and of the possible futures they help to construct that poses the most serious of threats to personal and public liberty for all individuals and groups constitutive of the political community.

Fast-forwarding to a very contemporary philosopher within the republican tradition, as with Arendt, we find that Tully likewise brings a distinct pre-occupation with the discursive, symbolic, and psycho-social conditions of ancient and modern liberty, as they intersect to constitute the various practices of late-modern constitutional democracy.⁴⁵⁵

Silent Partners in the Constitutional Multilogue

As the dominant form of late-modern socio-political organization, constitutional democracy brings together not only a commitment to democracy, but also to the rule of law and the possibility that the polity may self-impose limitations on itself and its government through its written constitution. As such, constitutions very literally, however contingently, prescribe, delineate, and name the individual and collective political actors empowered to engage in inter-subjective processes of individuation constitutive of a shared public realm and various counter-public realms. Moreover, written constitutions identify, recognize and symbolically legitimate sources of social discord that inflect and dynamize various cultural groups into being within the political community. In so doing, they often acknowledge the particular

⁴⁵⁵ Tully, 2005a.

historical and cultural context of various social discords and articulate various “issue légale et institutionnelle positive, favorable au bien commun.”⁴⁵⁶ This socio-symbolic process of constitutional speech-acts of mutual recognition creates the horizon of meaning within which more quotidian performative practices of inter-subjective individuation may occur, and the axes of citizenship seen as not only inherently conflictual, but also those understood to pose a threat to human freedom by virtue of their homogenizing effects, and whose ongoing plural flourishing requires structural mechanisms of resistability.

One of the first contributions of Tully’s conception of liberty within modern constitutional democracies is the connection he draws between the articulation of demands of recognition by a diversity of newer “cultural groups” (national, linguistic, ethnic minorities, multicultural groups, women, aboriginal peoples)⁴⁵⁷ as demands for democratic self-determination and self-government. Although critics of the politics of recognition have attempted to reduce and conflate “identity politics” to another form of interest group politics, Tully locates these democratic demands as substantively different from the myriad demands of special interest groups for increased access to economic or political resources. Located within the democratic context of relational inter-subjectivity, Tully understands the assertions and agency of contemporary cultural groups as invested with the capacity to force existing democratic players to engage, respond to, and thereby recognize them as players within the democratic contest. This interaction itself serves to affirm the democratic freedom of challengers to critique the norms regulating existing inter-subjective recognition and arrangements of socio-political cooperation. Akin to the insights of Braidotti and hooks,

⁴⁵⁶ Audier, 17.

⁴⁵⁷ Tully, 1995, 2.

Tully's conception of liberty understands the demands of contemporary cultural groups as motivated by a yearning for ontological legitimacy and democratic standing *qua* constitutive element of the constitutional democracy in which they live. As such, this agency performatively affirms the democratic right of these groups to seek to change the existing state of affairs through changes to the very rules of the democratic contest.

Tully's conception of liberty promotes a nuanced approach to contemporary "struggles for recognition" as dynamic constituents of the game of late modern democratic contestation and a central process of "citizenization".⁴⁵⁸ Demands for constitutional (or other forms of) institutional recognition do not seek symbolic recognition of a reified content of "otherness" that these cultural groups are said to embody, nor of any essential "difference" of which their interlocutors must be convinced. Rather, demands for recognition should be understood as performative assertions of a group's right to political liberty and self-government. As acts of advocacy that performatively constitute the political standing of these new players and assert their understandings of how democratic corporealizations ought to evolve and be reconstructed, cultural groups assume the democratic freedom to "seek to modify and often reverse the rules of recognition of the game as their identities and diverse ways of being themselves change over time and generations, often as the result of participation in dialogues with diverse others."⁴⁵⁹

In fact, both kinds of demands, those seeking new forms of socio-political cooperation and those seeking to change the rules constitutive of the democratic community, are themselves constitutive of the conditions of possibility of democratic corporealizations

⁴⁵⁸ Tully 2005b.

⁴⁵⁹ Tully, 1999: 175.

sought by cultural groups and those with and against whom they engage. Initial theorists of the politics of recognition often situated “identity politics” as driven by the psycho-social needs of individuals to affirm their unique authenticity. It focused on the need to affirm diversity in and of itself, and sought to proliferate positive role models of difference that could help subaltern communities overcome historical denigration or misrecognition.⁴⁶⁰ Albeit sympathetic to the politics of recognition, certain theorists alleged that such strategies seeking symbolic affirmations of difference were insufficient as compared to more fundamental demands for re-distribution of access to economic, social and cultural resources essential to equal status and equal material standing within the community.⁴⁶¹ Building on the insights of social movements, political theorists such as Iris Young asserted the need for multiple heterogeneous publics that recognized and affirmed the differences of social groups and of their ways of being as a means of overcoming oppression.⁴⁶²

Articulating the interdependence of symbolic and material processes of intersubjective recognition as a vital part of “citizenization”, Tully’s identification of both new contemporary actors (cultural groups) and a multiplicity of sites and forms through which the rules of the democratic game are performatively contested and re-constituted, paves the way for a re-signification of the role of constitutional contestation in delineating the “meta-game” of late modern democratic politics. As with democratic institutions, within diversity feminist theorizing, this is yet another crucial site of struggle that needs to be theorized more thoroughly. Within late-modern representative democracies, critical theorists (feminists, neo-republicans, deliberative democrats) have increasingly begun to re-assert and

⁴⁶⁰ Taylor, 1992: 25.

⁴⁶¹ See the debates between Honneth and Fraser in Fraser 2003. See also Fraser’s recent evolution towards an understanding of recognition as representation in Fraser 2005.

⁴⁶² See Young 1990.

re-discover the democratic value of political participation, not simply as an empirical indicator of equality, but rather as an inter-subjective process of “citizenization” that is central to democratic contestation and the ability of a plurality of democratic actors to recognize and situate themselves in a relation of adversarial conflict, agonistic contestation, and collaborative cooperation, all of which are essential elements constitutive of the interdependent plurality of formal and informal sites, socio-symbolic-cum-material practices and processes of democratic self-government.

Tully is right to assert the importance of formal multilogues, such as constitutional recognition, as constitutive of the dialogue and disagreement over the substance of socio-political cooperation and the rules of inter-subjective recognition and engagement themselves. His recognition of six contemporary examples of cultural groups seeking political liberty through democratic contestation is likewise helpful. However, his theorizing of the constitutional multilogue remains overwhelmingly silent on the practical institutional arrangements and democratic mechanisms needed to ensure a multiplicity of performative corporealizations within these formal “multilogues”, in practice. Similar to Arendtian action, Tully is somewhat naïve as to the practical implications and regulatory effects of asymmetrical relations of power amongst those participating in the presumed representative multilogue and that will be mobilized to both listen and silence the other side.

He does not outline protections against the multilogue becoming a site of democratic capture that perpetuates and disproportionately advocates the partisan self-representations of dominant corporealities, nor does he propose mechanisms aimed at breaking up discursive monopolies over the horizons of meaning that gain expression within the multilogue. Yet, these corpo-realities serve to regulate which corporealities may be constitutive of the emergent political community being negotiated. Tully is surprisingly optimistic in expecting

those in positions of dominance to adhere to the injunction *audi alteram partem* and be genuinely willing to “listen” to the other side. He posits a tremendous magnanimity of spirit in all human beings to the extent of assuming that all will be interested in “hearing” about the injustices with which they are complicit, from which they benefit, and moreover, that they will also be “moved” to political action to eliminate the sources of their own personal power and/or corporeal dominance. Blake similarly chides Tully for having too much faith in agonism in situations wherein marginalized individuals will likely carry a differential burden.

He writes,

We may examine Tully’s vision of the agonistic practitioner as akin to an Olympian athlete, who wakes up each morning thanking her gods ‘for such a challenging game and such worthy opponents’ ready once again to engage in the struggle of democratic self-rule. Such an image, fails to describe the experience of marginalized groups facing pervasive hatred; individuals faced with pronouncements denying their moral equality and very right to participate in political self-government are unlikely to thank the gods for the opportunity to run this particular race again.⁴⁶³

Indeed, unregulated, free market constitutional multilogues are most likely to reinforce the relational asymmetry among various corporealities by amplifying the influence of the intersubjective exchanges and horizons of meaning that are of interest and of benefit to dominant corporealities. Tully invites us to have faith in the possibility of the “multilogue” to result in accommodation of the demands, corporealities, and horizons of meaning put forward by historically minorized cultural groups, as though these democratic contestations were peopled with only the most virtuous of citizens. Whereas Blake suggests the need to take certain issues off the table of political contest in the interest of marginalized groups, I would

⁴⁶³ Michael Blake (2005), “Liberal Foundationalism and Agonistic Democracy”, in (eds) Melissa Williams and Stephen Macedo, *NOMOS XLVI*: 235-6.

suggest that, following Machiavelli, the construction of institutions that ensure sufficient numbers from all camps, and that protect against and diminish the possibility of corruption is a better, more activist solution. Within Tully's constitutional multilogue, there is no regulative protection against the possibility of corrupt actors, and therefore these precious sites of democratic corporealization lay vulnerable to partisan capture and domination in practice.

Displacing the Threats of Corruption

For Machiavelli, the maintenance of liberty is a shared and concurrently exercised political responsibility that cannot be abdicated. No one, no *umori* may rationally de-vest themselves of this individual responsibility, nor should they naively count on others to advocate on their behalves. Nor, within the Arendtian conception of political action, could one fight the forces of homogenization by having someone else attempt to individuate us in our stead. Nor could the Tullian multilogue flourish if only one group was present for deliberations. For Machiavelli, the impetus to defensive self-advocacy is particularly important in the case of existing horizontal social discords where there is either the appearance, or in fact the existence, of a structural conflict of (self)-interests between identifiable *umori*. Consequently, he prescribes open contestations as a means of ensuring that social discords find institutional resolution and may contribute to substantively just outcomes for various *umori* in law. The destruction of this equilibrium leads to its opposite, or the corruption and demise of the *politicus* as a result of capture by partisan *sètte* or *partigiani* aimed at self-interested domination. Through virtuous participation in various practices and sites of the art of state, including elected democratic institutions, all citizens must take responsibility, because personally vulnerable to domination, homogenization, and invisibility, the active

prevention of which staves off the destruction of personal and public liberty. Of the three authors, Machiavelli is the only one to clearly suggest that, given the opportunity, all corporealities may be tempted to usurp their political powers and selfishly mobilize the art of state towards the domination of others, leading to the decay and demise of public and personal liberty for all.

Machiavelli associates corruption with the ‘capture’ of high offices and art of state by unrepresentative and partisan self-interested *sètte* that distort and misrepresent the common good. Protecting against this eventuality, however, is a shared responsibility of all citizens and all *umori* within the *politicus*. Arendtian action identifies the solution in political action, and the risk-taking that helps produce a common world within which inter-subjective individuation remains possible, but she does not identify the kinds of corrupt human agency, nor the particular agents that might be mobilizing for greater domination, nor those especially vulnerable to assimilation. The Tullian constitutional multilogue is likewise supposed to act as a therapeutic corrector to non-recognition, invisibility, or the inaudibility that comes from failing to “listen to the other side”. But only Machiavelli takes seriously the desire of some to dominate or assimilate others, or the explicit willingness to silence, misrecognize and consciously or unconsciously maintain the “inaudibility” of contesting corporealities.

This critique helps us identify not only why the exclusion of numerous corporealities from public office constitutes a dangerous form of political corruption that can and does take place within a so-called democratic context, but also how the democratic constitution of guaranteed access to political representation can practically prevent this eventuality. Materially-speaking, Machiavelli recognizes the ways in which democratic capture occludes the advocacy of alternative epistemological viewpoints within the conversations and

deliberations occurring within formal institutional settings. He likewise assumes that the upshot of this absence of corporeal self-advocacy will be manifest in the fabrication of the socio-symbolic, political and legislative ‘norms’ of socio-political cooperation, political belonging, excellence in statecraft, and virtuous citizenship that are then infused into the laws and public policies adopted therein. Rather than laws infused with the fruits of a tensely-balanced equilibrium amongst agonistic engagements amongst various *umori*, the laws and norms of citizenship will narcissistically and selfishly advance the private interests of an unrepresentative and usurping gaggle of democratic dictators. Machiavelli explicitly identifies equality within the *civitas* as both a pre-condition of belonging, as well as a product of a ‘well-ordered city’. In so doing, he asserts the symbolic and material interdependence of the ethical value of the political community (*politicus*), and its practical corporealizations through equal access of key *umori* to high offices (*equalità di grado, de’ onori, aequa libertas*) as a means of protecting against the corrupting possibilities inherent in superficial, or strictly formal equality before the law.

Public liberty and civic equality both depend upon the equal influence of various *umori* upon the law through access to high office.⁴⁶⁴ To that end, the promotion of *vivere civile* requires “handling civic discord as a fact of life in the city”,⁴⁶⁵ such that “the laws and institutions are designed to sustain...the ‘vero vivere libero e civile’”.⁴⁶⁶ More than a descriptive presence or superficially empirical conception of representation, influence within democratic institutions through access to high office is understood to yield a broad range of substantive outcomes in civic equality, personal and public liberty, and the constitution of the

⁴⁶⁴ Viroli 1990: 154-5.

⁴⁶⁵ Viroli 1990 : 160.

⁴⁶⁶ Viroli 1990 : 153.

free city, by ensuring that none of the various *umori* within the *civitas* may oppress or ignore the interests of the others.⁴⁶⁷ Liberalism's positive readings of all interest groups misunderstands Machiavelli's *sette* to be of equivalent ethical value to the constitution of liberty; in fact, he understands liberty to be advanced only by horizontal social discords or *umori*, when he pleads for a "broadening of the social basis of government so that each of the 'humours' would formally have 'la parte sua' in government"⁴⁶⁸ and influence over the production of just laws. Because Machiavelli views horizontal social discord to be inevitable, foundational and indeed a productive constituent of the *bodypolitik*, open institutional contests amongst the various player is simply a challenge of the art of state to be realized by conscious democratic *design* in protection of liberty. Since our epistemological conception of subjectivity requires the recognition of the diverse, relational political corporealizations that have structured various social groups into relations of dominance and minorization, we agree with Machiavelli's assertion of the need to provide institutional outlets that could more effectively manage these power relations in the service of public and personal liberty. The question then becomes how to acknowledge horizontally constituted *umori* within democratic institutions, and in ways that fosters a "tensely-balanced equilibrium" wherein neither party may oppress or ignore the interests of the other.⁴⁶⁹

Consistent with diversity feminist conceptions of politics as including social movements and everyday interactions, for Machiavelli, the art of state is not restricted to the sphere of formal politics. At the same time, his understanding of public and personal liberty as interdependently constituted, serves as an important reminder to diversity feminism of the

⁴⁶⁷ Skinner 1978: 114-5.

⁴⁶⁸ Machiavelli quoted in Bock, 1990: 189.

⁴⁶⁹ Machivelli quoted in Skinner 1978: 114-5.

important role of the art of state, and the practices of political advocacy undertaken therein, to the well-being of minorized corporealities. Indeed, for Machiavelli, all citizens, social movement activists, business leaders, and elected decision-makers would be personally implicated in the maintenance of public freedom through vigilant surveillance of formal elected officials. To be clear, these sites of political activism are likewise essential contributions to democratic contestation; however, Machiavelli's understanding of liberty points to the pivotal role of democratic institutions in providing a space where social discords are formally given recognition and formally result in material constitution through the norms informing the laws of the political community.

For Machiavelli, disengagement from the art of state constitutes an illegitimate, and in fact, unethical abandonment of the well-being of the full range of diversity of one's own corporealities, and by extension, of the diversity of one's political community. This Machiavellian insight rejoins Razack's assertion of a "politics of accountability" to the extent that he similarly understands there to be no constitutive outside to politics, and therefore no pure "position of innocence" within the political community, from which to act as an untainted saviour. Consequently, Machiavelli would defend the necessity of mobilizing the agency of marginalized *umori* to strategically work across all sites of the art of state, and particularly within formal political institutions to numerically hold the line against possible domination. Machiavelli would likewise denounce as a threat to liberty this unethical shirking of political responsibilities that flows from the abstention of citizens and groups from maintaining active participation, attentive oversight, and ethical caregiving of the *politicus* and its public officeholders. The failure to invest in the performance of public political roles constitutes a significant missed opportunity for all corporealities, but most definitely for historically minorized corporealities.

Much of contemporary feminist theory has, following liberalism, reduced politics to the state, thereby conflating all formal political activity and democratic institutions with the perpetuation of patriarchal power, and instituting a false dichotomy of political participation versus political representation. The upshot of this analysis has been the abdication of democratic institutions as a possible site of emancipatory struggle and political resistance for marginalized groups. Within this perspective, minorized corporealities engaging in politics are presumed to be monolithically powerless and therefore destined to co-optation, silencing, and further victimization. Consequently, certain feminisms have privileged “purer” spaces of activism and advocacy *outside* formal politics, such as Butler’s privileging of a micro-politics of resistance undertaken at the individual level or through social movement activism. Braidotti has likewise articulated the value of feminist movement activism and the kinds of critical discursive resistance possible within Women’s Studies Departments.

Indeed, the same may be argued as concerns mobilization through social movements, given the possibility of elected officials to ignore, silence, or misrepresent the claims of social movements within official political debates. Machiavelli might understand this choice as flowing from either a lack of virtue or courage to assume one’s responsibilities, or an inability to recognize one’s long-term interest in contributing to the overall equilibrium of liberty within the polity. For Machiavelli, this interest entails a concern for political offices so as to ensure they do not fall under the sway of the wicked. For Machiavelli, choosing to abstain from formal political institutions is an irresponsible act that contributes to the corruption of the *politicus*. Moreover, be it for apathetic citizens or purist activists, he would argue that withdrawal from vigilant caretaking of the political community is not only ineffective in ensuring ethical purity, given that all will suffer a decline in liberty, but moreover, this so-called strategy effectively reinforces the possibility of capture of

democratic institutions by partisan *sette* who will be increasingly tempted towards a course of domination resulting in the absence of liberty for all.

Machiavellian insight into the symbolic-cum-material role of social discord and the advocacy of various *umori* within the art of state in the maintenance of *aequa libertas*, points to the fragile interdependence of personal and public liberty, and the various dispositions that practically contribute to the corruption and downfall of the *politicus*. Machiavelli speaks to both the conditions of liberty, the means for its maintenance, but also the very real possibility of its evaporation as a result of human actions undertaken within the democratic framework itself. Albeit no guarantee of democracy or indication of liberty in and of themselves, the capacity of democratic institutions to regulate a well-ordered city and serve as a productive outlet for constituent social discords underscores not only their centrality within modern representative democracies, but also the practical material effects that democratic institutional design has upon the fragile equilibrium of liberty.

Indeed, Machiavelli's insights speak to the vital role of active participation within formal political offices by the virtuous elements within each constituent *umori* figuring within contemporary democracies, as a practical means of preventing corruption and thereby contributing to the constitution of liberty. Given his assumption that all men (sic) were both corruptible and educable, the monolithic privileging, by feminist (and other social) movements, of activism outside political institutions, practically restricts their capacity to formally resist corruption within democratic institutions, and to publicize and defeat corrupt legislation aimed at diminishing public liberty. Machiavelli would see this as a performative failure of these virtuous individuals to effectively share responsibility in the constitution of the *politicus*, for which the political liberty of all corporealities requires constitution through institutional outlets if an overall equilibrium of liberty is to be achieved.

Republicanism and Diversity Feminism: Strategic Bedsisters

If Machiavelli posits the role of the law, democratic institutions and politics at the heart of the public realm within which various *umori* are constituted, the Arendtian investment in “political action” articulates not a specific space, but rather the nature of the actions to be undertaken. Whereas Machiavelli’s strength lies in his unwavering commitment to the central role of formal democratic institutions and political representation in the creation of just laws advancing the personal liberty of various *umori*, and consequently the maintenance of a free city, Arendt’s focus on political action carves out a broader range of settings and sites of political contest constitutive of the public realm. Given that her preoccupation is not primarily with political action qua art of state, her first concern is with the conditions of plurality and the construction of a shared political imaginary or public realm that symbolically serves to either enable or diminish the capacity for innovative speech-action that diversifies, distinguishes and individuates entities within the bodypolitik. In light of diversity feminism’s commitment to resistance within multiples spheres and locations, and given our conception of political identity as constituted through a performative praxis of inter-subjective corporealization, following Honig, we can understand the Arendtian concern for political action as laying the groundwork for a common world within which politically significant acts can take place within heterogeneous publics and counter-publics, including social movements, civil society, or even interpersonal relations, and other so-called private sphere activities yielding individuating self-representations that affect the psycho-social realm of the political imaginary.⁴⁷⁰

⁴⁷⁰ Charles Taylor speaks of the “social imaginary”, (2004), *Modern Social Imaginaries*, Durham: Duke University Press.

As an important means of countering certain anti-theoretical and anti-intellectual strains⁴⁷¹ within contemporary emancipatory movements (feminist theory, queer theory, critical race theory, post-colonialism), the Arendtian focus on speech-action opens up space for an appreciation of philosophy and theoretical contestation as a possible site of democratizing speech-action and advocacy aimed at resisting social homogenization and hegemonic discourses that constrict the socio-political imaginary and shared public realm, thereby precluding the broadest range of possible individuation within. It builds connections to Young's assertion of practical philosophy as a critical means of advocating against social injustice and oppression, or to Braidotti's theoretical figuration of nomadic subjectivity as a critical political stance of non-closure grounding feminist activism. At the same time, Arendt's focus on the public realm forces a realistic assessment of the extent to which these various activities figure in the constitution of a shared political imaginary, as well as their capacity to yield social transformation that is not simply ideational, but also material and institutional.

Albeit rich in terms of their capacity to re-connect the personal liberty of diverse corporealities to heterogeneous publics and practices constitutive of the freedom of the political community at large, important weaknesses remain within the conceptions of liberty developed by these republican authors in terms of the practical realization of diverse corporealities. The feminist philosophers we discussed were at an impasse in terms of the political strategies used to advance their normative commitments to diversity through a displacement of oppressive Western patriarchal epistemologies from outside formal democratic institutions. Albeit epistemologically compatible with plurality and diversity

⁴⁷¹ See Squires' discussion, 1996: 12-14.

generally, for their part, the republican authors we discussed outline the importance, to political liberty, of formal democratic institutions (constitutional contestation, institutional design) and yet fail to sufficiently theorize the full range of plurality and diversity to be constituted therein. Nor do they theorize the various kinds of mechanisms that could structurally ensure that the relevant *umori*, actors, or cultural groups are practically engaged in the various relational (self)defensive, (self)advocative, (self)representational, (self)contestatory processes of performative inter-subjective corporealizations constitutive of both the current and future conditions of late-modern democratic self-government.

The Limits of Liberal Equality and Liberal Politics

Machiavelli's realism offers a damning critique of existing institutional designs sustaining liberal "politics as usual", and the ethical and practical impotence of contemporary liberal-democratic theory/practice to provide solutions for the ongoing exclusions and under-representations of key *umori* within contemporary representative democracies. Taken in this light, men's historical legacy of democratically legislating the exclusion of women from formal politics and their persistent monopolies over winnable party nominations and democratic representation point to an excessively selfish ambition yielding ideological corruption, whereby men fail to recognize that the liberty of the political community itself depends likewise upon the liberty of women. Similarly, within white settler societies, the overt use of treaties and legislation to deny the political liberty of indigenous peoples, Asian, Indian, and other ethno-cultural, immigrant or minority religious communities exposes, as corruption, the usurpation of political liberty through the partisan mobilization of democratic office to the detriment of the personal liberty of many, and the destruction of free society. If his conception of corruption exposes, as corrupt, the political monopolies perpetuated by

dominant national and intra-national corporealities, Machiavelli's positive and nuanced evaluation of horizontal social discords demands that political elites take seriously the demands for guaranteed access to political participation to overturn the corrupt effects of past legislators. Indeed Machiavelli's correlation of unbalanced levels of participation, and unrealized institutional outlets for constitutive social discords functions as an effective indicator of past corruption and partisan capture of democratic institutions. Moreover, it affirms the "right to play" in the game of democratic contest, and this, for all significant corporeal *umori* that figure as protagonists within the social discords of a given political community.

On the flip side, Machiavelli's insights on political liberty and corruption serve as a critique of various contemporary social movements, including feminisms, that remain ideologically invested in dichotomous conceptions of informal politics as ethically pure, versus the state as site of cooptation. This ideological corruption precludes the possibility of electoral politics and democratic (self)representative institutions as a vital, and potentially productive space within the art of state, in which vigilant advocacy, public contestation, and open resistance by marginalized corporealities ought to necessarily figure prominently. Political participation in all spheres and at all levels, including formal democratic institutions, is conceived as both a duty that may not be shirked, and a right that affirms one's civic equality. As such, it renders illegitimate various "obstacles" flowing from the actions of democratic states that fail to alleviate the constraints of mothering/childcare, or that appeal to these corporealities as a means of explaining away the failure of political parties to recruit sufficient numbers of women, minorities, immigrants. Similarly, it debunks oft-cited "reasons" such as a presumed "lack of interest" (women, minorities, youth) that aim to normalize the under-representation of certain corporealities in formal political activities or

public elected positions. If we begin from the premise that these *umori* must also be called upon to contribute to the maintenance of liberty through democratic institutions and other outlets, then guarantees of systemic access would more adequately nurture the interest of these corporealities, thereby ensuring the maintenance of the overall political equilibrium of liberty.

Finally, Machiavelli's conception of what political liberty requires fundamentally discredits dominant views that assume, in essentialist and reductionist ways, that all members of minorized corporealities are necessarily less experienced and less competent, relative to dominant corporealities, to be entrusted with the responsibilities of democratic (self)representation. On the contrary, Machiavelli assumes the non-identical and therefore democratic necessity of systematizing the access and constitution of the broadest range of experiences, interests, and perspectives, through democratic institutions, of all *umori* inflected by social discords. Although, he postulates that the most virtuous within each *umori* will be selected to take on the responsibilities of the art of state, at the same time, he reminds us, eyes wide open, that all individuals invested with power, regardless of the various *umori* whom they claim to represent or defend, are at risk of temptation into corruption and the abuse of their democratic powers for selfish gain.

If these types of explanations and arguments aimed at justifying the democratic legitimacy of ongoing exclusions no longer enjoy ethical purchase, most importantly, the advocacy and defence, by existing political elites, of these exclusions can be more clearly exposed as a form of corruption that has led to ongoing, illegitimate, and indeed undemocratic attempts of dominant elites to selfishly protect their monopolies over public offices. As such, they underscore the democratic necessity that citizens, social movements, and elected representatives alike remain vigilant and take seriously the democratic necessity

of constantly renovating, diversifying, and thereby renewing and reconstituting the actors within, but also renewing the legal and institutional outlets of social discord to overcome persistent over-representation of only certain dominant *umori* constitutive of the corporealpolitik.

Conclusion

Combining the insights from diversity feminist conception of subjectivity and republican insights on liberty has helped us lay the groundwork for the epistemological foundations of a late modern conception of political representation. As articulated in our evaluation of the perspectives inherent in the epistemological projects of Rosi Braidotti and Judith Butler, the conceptions of subjectivity within diversity feminism tend towards the normative and discursive contestation of the conditions of diverse corporealization through performative self-advocacy preferably within micro-political and non-authoritative spheres of collective existence. Conversely, the republican conception of liberty inherent in the writings of Machiavelli, Hannah Arendt and James Tully tends towards the constitutional and institutional contestation of the conditions of social conflict through public self-representation within the authoritative sites of democratic publics. How do these insights from feminist and republican democratic theory pave the way forward towards creative augmentation of contemporary liberal politics? Cross-pollinating the insights of feminist and republican thought, the following chapter will address just this question by proposing a late modern convention of political representation as a praxis of co-authoritative self-government. This concept will aim to re-connect the interlocking nature of relational (symbolic, descriptive and substantive) and performative practices of inter-subjective corporealization with the inter-dependence of public and personal authority implicit in practices of democratic

self-constitution. I will argue that this conception is better equipped to overcome the deficits of liberal politics and do justice to the kind of late modern social discords demanding institutional outlet. This, I assert, cannot simply be achieved through the discursive deconstruction of oppression, nor of the categories through which it has been justified, nor can it be achieved through a “bodypolitics as usual” that fails to formally address the monopolies of political power invested within the hands of an unrepresentative cross-section of hegemonic corporealities.

Rather, it demands the formal augmentation and democratic renovation of the comprehensive conditions of symbolic, juridico-political, and psycho-social forms of violence, exclusion, and denigration that, in Bradottian terms, cannibalizes the existing and future viability, intelligibility and authority of our diverse aspirations, bodies, and corporealizations. This fundamental distinction forces a reflection on the personal implication and collective processes of democratic constitution and reconstruction capable of enhancing personal and public liberty within late modern constitutional democracies. An articulation of the implications of these insights will be the traffic of our next chapter.

CHAPTER V: Political Representation, Re-loaded

In Chapters I and II, we outlined and discussed the unique contributions and limitations of diversity feminist epistemologies to advancing alternative conceptions of political subjectivity in light of the complexities of late modern democracies. In Chapters III and IV, we aimed to overcome certain of the practical impasses generated from diversity feminist epistemologies of subjectivity, and of the epistemological impasse of republicanism in the face of late modern diversity. To that end, we explored the compatibility of various republican conceptions of liberty with diversity feminism and uncovered certain epistemological limitations of the republican thinking on the complex relationship of corporeality to the bodypolitik. Similarly, we explored the compatibility of late modern diversity feminist conceptions of politics with insights from republican liberty on the role of democratic institutions. Both lines of thinking stand to gain from the augmentation the other offers.

In the following pages, I will briefly recap the practical impasses that flowed from the epistemological blind spots within diversity feminist conceptions of politics and republican conceptions of subjectivity to expose the spectre of liberalism that lurks implicitly within their assumptions about what representative democracy requires. The epistemological insights that each contributes correct for the weaknesses of the other, thereby re-connecting the democratic interdependence of diverse citizenship and formal practices of democratic constitution. To illustrate this point, I will then undertake the conjugation of republican liberty with diverse feminist subjectivity to propose an alternative convention of political self-representation as a praxis of co-authority that is realized in democratic practices of co-authorship and co-authorization.

To Discursively Diversify? Or To Discursively Deconstruct?

The previous pages have been motivated by the belief that the cross-pollination of the insights of late modern, diversity feminist epistemologies of subjectivity with republican epistemologies of political liberty can help solve some of the epistemological and practical impasses within contemporary theories and practices of political representation that have prevented the decolonisation and further democratization of late-modern societies, such as Canada. In her (2003) “Current Controversies in Feminist Theory”⁴⁷², Mary Dietz argues that feminist political theorists have been “engaged in debates about what it might mean to conceptualize a feminist political praxis that is aligned with democracy but does not begin from the binary of gender.”⁴⁷³ Clearly, the current project aims to contribute to this fascinating debate. But I would argue that these central epistemological tensions are likewise implicit in the struggle to carve our democratic spaces for “diverse corporealities” within the literatures on multinational democracy, asymmetrical federalism, minority nationalisms, multiculturalism, intraculturalism, and minorities within minorities. Each of these disciplinary niches is struggling to lay the foundations for an alternative equilibrium between the reconstructive/deconstructive democratic tensions inherent in the politics of recognition, personal/public identities, systemic privileges/oppressions, and the role of democratic politics in their partial remediation. Indeed, the late modern challenge to critical theory is whether it can provide the normative framework for emancipatory practices of liberty; this entails that we find ways to ground the integration of diverse corporealities of personal identity into the public conceptions and practices of self-government breathing life

⁴⁷² Mary Dietz (2003), “Current Controversies in Feminist Theory”, *Feminist Theory*, 6:399-431

⁴⁷³ Dietz 2003: 419.

into the democratic bodypolitik. I will begin by briefly mapping the two currents within feminist democratic theory as an illustration of the kinds of tensions and difficult vacillation across many of these literatures.

Mary Dietz proposes a typology of feminist theory that sheds light on the epistemological impasses within the feminist literature as it explicitly relates to the *political strategies* of feminist democratic politics. Whereas Squires identifies diversity feminism as one large current, Dietz disaggregates this collection of theorists into two tendencies: the diversity-tending current and the deconstructionist current. This distinction allows Dietz to further analyze the differences between feminist theories of feminist democratic pluralism by examining the two core approaches to democracy, notably, the associational approach and the agonistic approach. Dietz suggests that the feminist theorists within both approaches seek “a feminist conception of democratic citizenship that would render sexual difference ‘effectively nonpertinent’, and for which the turn towards plurality “posits democratic society as a field of interaction where multiple axes of difference, identity, and subordination politicize and intersect.”⁴⁷⁴ The associational approach is closest to the epistemological project of diversity feminism given that it tends to “begin with politicized identity and then theorize (democratic) politics in terms of the proliferation, negotiation, and coordination of multiple intersecting identities, selves, or groups”.⁴⁷⁵ Found in the work of Iris Marion Young, Anne Phillips, Nancy Fraser and Seyla Benhabib, Dietz argues that it is interested in

⁴⁷⁴ Dietz 2003: 419.

⁴⁷⁵ Dietz 2003: 419.

the “politics of recognition” and the conditions necessary to achieve truly democratic discourse, communicative interaction and solidarity”.⁴⁷⁶

Conversely, Dietz identifies the projects of Chantal Mouffe, Bonnie Honig, and Judith Butler with the agonic approach. Rejecting identity-based formulations akin to deconstruction feminism, this approach theorizes politics “as a persistently constitutive antagonism that is disruptive and potentially subversive; thus, singular identities such as “women”, or even multiple identities such as “la mestiza”, are never pre-articulated but rather are the productions of speech and articulation, constantly vulnerable to contestation, transformation, and destabilizing maneuvers as performativity”.⁴⁷⁷ Consequently, agonists view the category of “women” as an empty signifier, not the subject that precedes its claim. Rather, it is the “articulation of a political identity”. Dietz suggest that what divides the associational and agonistic theories of politics is the “emancipatory quality of language or discourse as politics”.⁴⁷⁸ Butler’s agonism surfaces in her later work⁴⁷⁹ where she “distances her own speech-act approach from the procedural and modified Habermasian conception of public sphere deliberative politics favored by Benhabib (1996), and amended by Young (2000).”⁴⁸⁰

For Butler and Mouffe, the formation of subject positions “takes place within complex webs of power relations that also mark permanent diversity within the semantic field.”⁴⁸¹ As such, politics is not aligned with a public communicative space, but rather is

⁴⁷⁶ Dietz 2003: 420.

⁴⁷⁷ Dietz 2003: 420.

⁴⁷⁸ Dietz 2003: 422.

⁴⁷⁹ See Judith Butler (1997), *Excitable Speech: A Politics of the Performative*, Stanford: Stanford University Press.

⁴⁸⁰ Dietz 2003: 422.

⁴⁸¹ Dietz 2003: 422.

conceived as practice of creation, reproduction, transformation, and articulation (not coalition). Mouffe in particular argues that the rules of the game, as well as the players, are never fully explicit, stable, or fixed; and they are always constituted through acts of power.⁴⁸² As concerns the issues of concern to this project, namely democratic citizenship, political representation, and the late modern conditions of inter-subjective corporealization, Dietz summarizes their fundamental disagreement as follows: “Simply put, associational feminists scrutinize the conditions of exclusion in order to theorize the emancipation of the subject in the public sphere of communicative interaction; agonist feminists deconstruct emancipatory procedures to disclose how the subject is both produced through political exclusions and positioned against them.”⁴⁸³ As with the epistemological blind spots identified with the projects of Braidotti and Butler, the epistemological assumptions and political strategies advocated by diversity feminism and deconstruction feminism are both found to be practically wanting. Neither genuinely commits to a praxis of democratic reconstruction/deconstruction that would practically displace the oppressive norms and contemporary practices that sustain oppression.

Dropped Stitches: Corporealizing Late Modern Democracy

Within the current of deconstruction that allies with agonistic approaches to democratic politics, the critiques by Chantal Mouffe and Judith Butler of liberal democracy are without compare. *Contra* diversity-seeking feminist perspectives on the social and symbolic constructions of subjectivity and politicized identity, in the name of a “radical democratic politics”,

⁴⁸² Mouffe, quoted in Dietz 2003: 422.

⁴⁸³ Dietz 2003: 422.

“proliferating subjects”, deconstruction feminists retreat from the recognition and affirmation of politicized identities in general, and from their democratic constitution within institutional sites of democratic politics in particular. In light of the republican insights examined in the previous discussions, what is the particular paradox that emerges from deconstruction feminism’s search for a radically diverse and agonic politics that fails to recognize the corporealities of the agonic conflicts within democratic institutions as relevant or empowering sources of political contestation? Arguing against the essentialism of a politics that attempts to deal with constituted political identities, Mouffe states, rather, that “the aim of a radical democratic citizenship should be the construction of a common political identity that would create the conditions for the establishment of a new hegemony articulated through new egalitarian social relations, practices and institutions.”⁴⁸⁴ As a means of fostering a radical and plural democracy, Mouffe suggests that “as a result of the construction of nodal points, partial fixations can take place and precarious forms of identification can be established around the category ‘women’ which provide the basis for a feminist identity and a feminist struggle”; in this light, feminist politics is understood not as a separate form of politics designed to pursue the interest of women as women, but rather, “the pursuit of feminist goals and aims within the context of a wider articulation of demands”⁴⁸⁵ The intriguing question then becomes, why is it that radical democrats such as Mouffe fail to understand demands for the representation of all corporealizations as one such “feminist goal” being advanced in the context of “a wider articulation of demands”.

⁴⁸⁴ Mouffe (2005), *The Return of the Political*, Verso, 86.

⁴⁸⁵ Mouffe 2005: 87.

Deconstruction -- Displacement – Practical Impotence

Although Mouffe accuses Young of an essentialist treatment of “identity” in ways that assume constituted identities, she curiously acknowledges the strategy of differentiated citizenship through access to political representation as a “first stage towards the implementation of a radical democratic politics”.⁴⁸⁶ If she admits of the possibility of “partial fixations” and “precarious forms of identification”, and if the absence of a pre-given unity “does not preclude the construction of multiple forms of unity and common action”, then why is it undesirable to foster the institutional conditions of multiple combinations of these “nodal points” within democratic politics by recognizing the existing categories of politicized and politicizing identities in which these nodal points of contingent solidarity may intersect and take root? Why can these nodal points only find expression within the fictitious “constitutive outside” to institutional politics? What assumptions are being made about the practical power of social norms and conventions and their capacity to legislate political identities within civil society? What “banality of evil”⁴⁸⁷ do we unleash when we allow our democratic institutions to remain “indifferent”, “dismissive”, and more importantly, performatively “impotent” with respect to the oppressions that inhere in certain forms of politicized and politicizing identities? Rather than explore the full spectrum of radical democratic politics that is possible within all of the heterogeneous publics constitutive of late modern democracies, what is lost in the investment, by deconstruction feminism in the power of political resistance, contestation and individual agency on the political margins of critical

⁴⁸⁶ Mouffe 2005: 86.

⁴⁸⁷ Hannah Arendt (1994), *Eichmann in Jerusalem: A Report on the Banality of Evil*, Toronto: Penguin Classics.

theory, within social movements, but always removed from the disciplining institutions of democracy itself?

Indeed, there is a rather naïve faith in the capacity of activist social critique alone to unleash the kind of radical social transformations implicit in mainstreaming new norms of human inter-subjectivity, and this, in the absence of democratic supports that could actively enforce their normative authority and legitimacy over time, without necessarily foreclosing the possibility of their evolution. Ironically, the same kind of strategy was advocated by “equality feminism”, which assumed that if only the sexually discriminatory attitudes and prejudices could be changed, overcome, broadened to welcome the moral equivalence of women, then the intelligibility of a political identity grounded in the notion of sexual equality would take root within the hearts and minds of fellow citizens, as well as in the practical inclusion of women within existing structures of democracy. Whereas “equality feminism” presumed the norms regulating democratic participation, contestation and representation to be neutral and fair, deconstruction feminism rightly acknowledges, challenges and deconstructs the oppressive norms underpinning current conceptions and practices of subjectivity. The main difference with the deconstruction feminist strategy lies mainly in their epistemological starting points, yet, the practical strategy of ideational change through grassroots resistance and awareness-raising possibilities of individualized liberation achieved within the emancipatory locus of civil society and social movement activism is strikingly similar. Deconstruction feminism articulates a critical awareness of the pitfalls of essentialist perspectives of sex/gender inherent in equality feminism, yet fails to see the pitfalls of essentialist conceptions of liberal-democratic politics and micro-political tactics of feminist resistance that mis-recognize the agonistic struggles to be fought within, through and over the norms of democratic institutions themselves.

More disturbing still, strategies such as investing solely in the progression of “social change” through public awareness, education, and the latent possibility of liberation for certain individuals within marginalized groups, are likewise the mantra of neo-conservative and neo-liberal ideologies. They similarly assume the ideational, rhetorical, and discursive power of advocating the moral equality of all individuals, yet they are most often used as a means of justifying the inaction, non-interference, and non-intervention of democratic governments with the “natural course” of societal progress as they consciously and unconsciously authorize democratic actions and decisions that create, reproduce and actively sustain oppression and domination. Given that these epistemological projects are located at opposite ends of the political spectrum, surely the similar investments in strategies harnessed on ideational super-powers and optimistic hope in the power of one, and in strictly bottoms-up forms of social transformation must raise some eyebrows. Moreover, there is a denial, or a disturbing amnesia and contemporary denial of the myriad ways in which the legacy of historically oppressive political identities continues to be re-inscribed, legislated, and institutionalized throughout multiple democratic practices, laws, and public policies in practice, and in ways that are significantly more constraining and oppressive than the conceptions of political identity that deconstruction feminism can offer. The disengagement of deconstruction feminists from contestation occurring within democratic institutions not only leaves open the discursive field of meaning to epistemological capture by less progressive voices within democratic institutions, but moreover, it comforts revisionist perspectives suggesting that systemic oppressions are a spectre of the past, rather than the result of ongoing democratic re-constitutions and systemic reproductions of marginalized political identities in contemporary times.

There is a failure within the deconstructionist camp to appreciate the ways in which democratic constitutional and institutional locations of politics likewise offer opportunities for educating, contesting, and resisting the oppressive and reified nature of *socially hegemonic* and *democratically hegemonic* norms through the publicized debates and deliberations on the kinds of alternative conventions that might more appropriately support the freedom of various groups; notably this can be achieved by augmenting and de-reifying the essentialist norms regulating socio-political cooperation and democratic power exercised through and within democratic institutions. The norms of a liveable life, human intelligibility, and political identity can be contested and augmented through the performative acts of corporealization and the political resistance against social homogenization inherent in all forms of self-representation, self-advocacy, self-definition, and self-constitution through micro-political, social movement, institutional, and constitutional forms and inter-subjective sites of democratic political contest. Most importantly, in pursuit of freer and purer forms of political contestations, deconstruction feminism fails to invest in the possibility of institutionalizing alternative, less oppressive norms that are attentive to the creative spaces of agency, natality and transformation they are committed to protecting. Rather, they fall prey to another form of essentialist thinking, namely, that which presumes, not only that micro-political activism is a monolithic space of human emancipation and freedom outside disciplinary forms of power, but likewise, that the legislation and institutionalization of political identity through authoritative democratic politics is monolithically oppressive, a source of domination, and therefore destructive of individual liberty.

The upshot of this kind of essentialist thinking, which ignores Machivallien insights as to the oppressive *and emancipatory* possibilities inherent in the construction of liberty

through the art of state and democratic politics, is not in fact “anti-subordination”, as Razack would have us prioritize. Rather, it leads to the occlusion of one’s complicity in the collective responsibility of innovating, augmenting, and democratically reconstructing a broader range of human becoming, corporealization, and positive political identity. It speaks to an unwillingness to be democratically accountable for the community in which one lives, and of an abdication of the caregiving responsibilities of each member of the political community to not only resist the actions of corrupt, oppressive, unrepresentative democratic governments, but also to be personally implicated, eyes wide open to the dangers of personal failure and the corruptibility of oneself and one’s allies. In risking political actions capable of unleashing and sustaining the corporealizations of all members, collective investments in active participation in the democratic constitution of available horizons of political meaning, belonging, and identity are investments that put the world at stake.

Dropped Stitches: Democratizing Late Modern Corporealization

The second current within diversity feminism allies with associational approaches to democratic theory and political representation. Melissa Williams, Jane Mansbridge, Anne Phillips, and Iris Marion Young have all offered rigorous reflections on the relationship between deliberative-communicational democracy and the specific injustices of the symbolic, substantive and descriptive exclusions of various marginalized groups from participation and representation within democratic contestation and decision-making. In normative sympathy with the current project, as identified in Chapter I, each has documented and convincingly demonstrated the marginalizing impact that democratic exclusion has in constituting and perpetuating oppression experienced by various marginalized groups in contemporary Anglo-American democracies. All have likewise argued in favour of the specific value of

political representation to emancipation and social justice, and has defended the need for enhanced political representation for various historically marginalized social groups. Yet the concerns of reifying political identity and the charges of essentialism from the deconstructionist camp loom large, warning of the detrimental effects of promoting group-based forms of representation that would freeze and re-inscribe the oppressive effects of existing categories, as well as foreclose the possible evolution of existing political identities towards greener pastures. Indeed, there is a denial of the fact that current legislation and institutionalizations of the categories that convey existing realities of political identity, through democratic representation, can be countered by informal, micro-political means that are less authoritative and therefore less dangerous in terms of inscribing old and new forms of domination. In fear of formally re-inscribing categorical exclusions, diversity feminism has largely rejected political institutions as possible sites of liberty, agency and emancipation. Most often, this has led to a disengagement from democratic institutions and a privileging of contestatory resistance outside of politics. Moreover, to avoid the hard choices involved in attempting to reinscribe alternative, less essentialist categories of politicized identity, diversity feminism has ventured to prescribe contingent, fluid, and voluntarist mechanisms of inclusion that result in the critical redeployment of existing categories within heterogeneous publics, with the expectation that this will eventually displace those being vehiculed through formal state apparatus and institutions.

Even though these theorists understand current procedures legitimating democratic politics to be grounded in arbitrary exclusions flowing from biased norms (reason, rationality, merit, and competence) that constrain and misrecognize the corporealities and conditions of corporealization available to various marginalized groups, they continue to frame and name mechanisms such as reserved seats, quotas, and/or race-conscious districting within the

liberal language of “positive action”, “special temporary measures”, and “affirmative action” in ways that suggest the provision of a particular benefit to only the groups in question, rather than to the experience of democracy and public liberty. Moreover, although enhanced participation is unquestionably desirable, the democratic legislation of guaranteed access to representational mandates is said to pose more risks than legislative silence, and more harm than the perpetuation of laissez-faire forms of institutionalized political identity that consistently affirm and project the broadest possible conditions of corporealization for only *dominant* corporealities within the political community. An important consequence of this spectre of essentialism and reification has been the distinct preference, among all of the leading diversity feminist democratic theorists to err on the side of existing category-neutral structures regulating democratic politics, following the assumption that the natural progression of attitudes within political parties as a result of voluntary mechanisms such as quotas, constitutes less of a threat than the legislative recognition of the historic social discords implicated in the dynamics of systemic over/under-representation, with the norms of democratic politics themselves. Consequently, diversity feminists have under-theorized the *democratic* means of re-constituting an anti-essentialist praxis of radical democratic politics, not only within democratic practices undertaken within micro-political publics, but notably within the formal democratic practices constitutive of representative democratic institutions. These contradictions place diversity feminism at an impasse in terms of the practical means available for advancing social transformation in pursuit of a more empowering future.

Diversity -- Deconstruction – Precarious Inclusion

The insights of deconstructive feminism have exposed the essentialism and the political/politicizing nature of political categories themselves. However, to assume that the

discursive deconstruction of these categories within civil society will single-handedly result in their public enshrinement within the myriad democratic laws, public policies and programmes regulating the political community through the state is wishful thinking, at best. In an Arendtian terms, it constitutes an exercise in “willing”, rather than of “acting”⁴⁸⁸ and results in a performative failure to bring lasting democratic transformation. Although we can understand micro-political resistance to be a part of the political actions we need, the formal authority of the actors and the publicity of the acts undertaken remains partial and limited. As such, the capacity of these alternative horizons of meaning to impact on the public realm of togetherness in ways that can force a lasting paradigm shift requires democratic affirmation in the laws adopted within democratic institutions. Indeed, the standard prescriptions from all of the diversity feminists have allied against the *democratic* constitution, through legislative and institutional design, of a practice of political representation that would systematically actualize and recognize the various forms of social discord, and the politicized identities they constitute, that have produced multiple axes of privileged and penalized corporeality for each and every member of the political community.

The irony is that they can *never* completely immunize their political projects from the charges of essentialism that emerge from the deconstructionist camp given that any category of politicized identity, be it territory, language, electoral riding, or religion, enacts a minimum of essentialist assumptions. If they truly believe in the necessity of beginning with politicized identity to seek the democratic structures that could accommodate its diversity, whether this political strategy is pursued within feminist theory, micro-political spaces or within formal democratic institutions, there will always be a minimal vulnerability to

⁴⁸⁸ See Hannah Arendt, *The Life of the Mind, Vol II: Willing*.

critiques from the deconstructive current that outright rejects, even anti-essentialist politicized identity, as a possible source of empowerment worthy of democratic constitution. Indeed, the challenge to diversity feminism consists in deciding what risks of political action we are willing to undertake in the reconstruction of a shared public realm that honours our commitments to anti-essentialist understandings of subjectivity and that practically lays the foundations, however contingent, for the conditions of possibility necessary to the corporealizing contestations of a broader diversity of citizens.

Suggesting the potential for a productive dialogue between these two political strategies within diversity feminism, Honig admits that there will always be exclusions or “remainders” that exhaust and exceed the categorical formulations that carry our epistemologies into the world in the form of democratic practices. To the extent that we advance alternative frameworks that carve out space for these remainders through our commitments to categorical non-closure, we transgress and augment the closed binaries that continue to be democratically and socially reproduced throughout all heterogeneous publics in the here and now. These are the kinds of risks of feminist political action and radical democratic action that can advance anti-oppression in pursuit of more lasting democratic transformations and opportunities for democratic resistance to exclusion, domination, and homogenization.

Dropped Stitches : Reconstructing Late Modern Democratic Statecraft

Akin to the tensions that emerge from the deconstructionist and diversity feminist tendencies, late modern republican theorists have been likewise ambivalent in situating themselves clearly in favour of the democratic reconstruction of diverse corporealities. Tully has taken pains to identify and validate the importance of recognizing past exclusions of various

cultural groups inflected by marginalized corporealities, but in ways that have not practically implicated himself in the project of democratic reconstruction. His constitutional multilogues discursively demand inclusive conversation, but practically fail to prescribe the concrete mechanisms or means that will produce the democratic inclusion and formal recognition of all corporealities within the processes of democratic contestation around the rules of the democratic game. Tully fully acknowledges the disciplining effects of social and democratic norms in marginalizing diverse *corporealities* from democratic contestation, but although he identifies the democratic complicity of past governments in producing the legacies of oppression to which he is sensitive, he does not theorize the democratic responsibility of current governments in democratically redressing those oppressions through formal mechanisms of inclusion. Although he identifies the social movements as engaging in self-advocacy that empowers, he does not foresee the democratically empowering possibilities for those corporealities that inhere in the democratic constitution of a fairer democratic game itself.

The leading voice within neo-republican democratic theory, in his discussion of a contestatory and inclusive republic, Philip Pettit's thinking on liberty as non-domination ventures towards an appreciation of democratically constituted access to representation. At the same time, after vaguely referring to the need for "a certain minimum of statistical representation for the major stakeholder groupings," whom he does not identify, he only clearly ventures an opinion as concerns women, suggesting that political parties may need to be required to field 40% women candidates.⁴⁸⁹ Although gender is one of the corporealities of concern, the radical contestation we seek requires a much broader spectrum of diversity to

⁴⁸⁹ Pettit 1997: 190-1.

be *concurrently unleashed* in dynamic interaction. Pettit only explicitly raises religion, class and ethnicity as pertinent in the context of the representativity of administrative and judicial bodies,⁴⁹⁰ but does not speak to their guaranteed access within the sites of democratic contestation. Whereas issues of *control* require protections such as *non-domination*, Markell suggests that a parallel threat of *usurpation* requires quite different kinds of mechanisms to ensure *involvement*.⁴⁹¹ From this perspective, Markell likewise identifies an insufficiency within Pettit's conception of liberty as non-domination that helps to explain the under-theorization of what, in our opinion, justifies guaranteed self-representation to prevent usurpation and likewise enrich the democratic contest.

In Pettit's later discussion of electoral and contestatory democracy, *pace* Young, he focusses his discussions on the "common interests" of citizens and prescribes the procedural mechanisms that could ensure authorial and editorial control, but this time, in the absence of any reflection on the composition of the legislatures exercising this control.⁴⁹² Despite Pettit's clear attempt to situate himself within the Roman republican tradition, there has been only a fleeting attempt to problematize and practically theorize the democratic mechanisms of ensuring the democratic representation of social conflicts inflected by corporealization as a constitutive element of the late modern contestatory democratic politics he seeks. Even among republicans, Machiavelli is alone in asserting a positive appraisal of the horizontal discords constitutive of the various *umori* within the population, in locating both their disciplining and empowering potentialities, and in demanding their democratic constitution by ensuring effective access to elected offices.

⁴⁹⁰ Pettit 1997: 192-93.

⁴⁹¹ Patchen Markell (2008), "The Insufficiency of Non-Domination", *Political Theory*, 36, 1:9-36.

⁴⁹² Pettit (2000) "Democracy, Electoral and Contestatory", in (eds) Ian Shapiro and Stephen Macedo, *Nomos XLII Designing Democratic Institutions*, New York: New York University Press, 105-146.

Implicating Our-selves: Critical Theory, Practical Philosophy, and Democratic Risk

The late modern challenge to critical theorists consists in re-articulating the relationship between *corporealization, liberty and democratic politics*, and then accepting the political risks of asserting the spectrum of corporealities understood to be constitutive of our bodypolitics, with a view to re-designing the institutional means of their democratic inclusion. Echoing Skinner's observations on the failure of democratic practices (and I would add democratic theories) to adhere to the principles to which we are purportedly committed, Razack honestly admits to the similar failures within feminist practices. She observes,

When we as feminists engage in 'saving' other women, what we fail to consider is how we are implicated in the subordination of other women. An attention to complicity has not strongly emerged in feminism because, for the most part, we continue to avoid any inquiry into domination and our role in it when we confront issues of difference and diversity. Instead, each of us feels most safe in these discussions anchored in our subordinated position by virtue of our being of colour, disabled, economically exploited, colonized, a lesbian, or a woman. Identifying as part of a marginalized group allows each of us to avoid addressing our position within dominant groups and to maintain our innocence or belief in our non-involvement in the subordination of others. Knowing the difficulties involved in confronting our own role in systems of domination, we may find that being anchored on the margin is more preferable. Yet, if we remain anchored on the margin, the discourse with women subordinated to ourselves stops, and various moves of superiority, notably pity and cultural othering, prevail. We become unable to interrogate how multiple systems of oppression regulate our lives and unable to take effective collective action to change these systems.⁴⁹³

To the extent that democratic states are capable of disciplining and constraining human agency, they are likewise capable of empowering and nurturing human agency. Have our privileged positions within our own feminist movements, or within our democracies allowed us to lose touch with the ways in which our sister/fellow citizens and permanent residents

⁴⁹³ Razack 1998: 132.

pay in their bodies. Do we not experience joy, agency, and ethico-political meaning in our corporealities or have we thrown out the body with the bathwater of modernity? I would argue that our corporealities ground us, nurture us, and affectively support our fragile egos with experiential knowledge that helps us embark upon risks of compassion, solidarity and loyalty across differences, not simply rhetorically, but performatively and daily.

What are the corporeal roots of this late modern ambiguity among critical democratic theory as to whether corporealities and the politicizing identities that flow thereof can be an empowering source of *democratic* power that publicly rewards political acts of solidarity, rather than passively denouncing the narcissistic license. What would convince the sceptics within critical theory and within contemporary political elites that corporealities are in fact catalyzing of democracy? This catalyst emerges from the onto-political yearning for recognition throughout heterogeneous democratic publics that meaningfully ground/deny a sense of belonging and affinity across multiple nodal points of corporealization, all of which are essential (but not essentializing) to our corporealpolitiks. Is it that our cultural and sexual hybridity, our privileged cosmopolitanism, our multilingual proficiency, our freedom to escape the penalties of our corporealities have threatened our understanding of the temporal rootedness, however dynamic and contingent, of political community and of the politicized corporeal identities constituted therein? Democratic theorists, feminist/queer theorists, and social justice activists must return to the centres of democratic power and take up responsibility for the risks and normative uncertainties that the modern era and democratic self-determination have unleashed; we may not simultaneously affirm our discursive solidarity with marginalized corporealities and then fail to mobilize the privileges our corporealities entail, by retreating from the democratic institutions that corporealities like ours continue to monopolize in practice.

This ambivalence underscores, in part, the uniquely late modern scepticism and theoretical uncertainty with the political project of democratic reconstruction itself given the political responsibility and demands for accountability that flow from our own corporealities. I am concerned that it reflects a disturbing unwillingness, among critical theorists, to risk leaving our positions of innocence, our roles as the enlightened saviours, without practically taking ownership for the privileges that our corporealities yield within our own democracies. It offers insight into the corrupt times within which this project of radical representative democratic politics is attempting to appear. Rather than being content with theoretical and discursive displacements of oppression, must not critical theorists dig deep to find the personal courage to identify the corporealities with whom they are willing to struggle in practice, and then assume the risks of theoretically prescribing the democratic solutions to the demands of recognition they identify within their own scathing critiques? Through practical theories that take up these political challenges and correlate political actions, perhaps we can restore the public realm to counter corruption, enable and proliferate contestation, empower diverse corporealities to political action, and secure the liberty of our democratic communities.

In the following section, I will attempt to practically mobilize the epistemological insights articulated in previous chapters, thereby taking up these challenges, however imperfectly. The cross-pollination of alternative conceptual resources from feminism and republicanism can help expose and move contemporary critical theories of democracy beyond the ideologically disciplining impacts of liberal epistemologies of politics, *vivere politico*, that mask our complicity, constrain the practical natality, and discredit alternative ways of thinking about the human condition, liberty and political representation.

Democratic Existensions: Conjugating Liberty and Diversity

One of the core insights from late modern diversity feminist epistemologies of subjectivity is its articulation of individual and collective self-determination as founded in multiple performative relationships of inter-subjective corporealization yielding political and politicizing privileges and penalties. It is an anti-essentialist conception of human subjectivity grounded in diverse performative corporealizations. One of the core insights of modern republican epistemologies of liberty is its articulation of individual and collective liberty as founded in multiple agonistic practices of inter-subjective distinction, contestation and constitution resisting domination and homogenization through democratic constitutions, institutions and publics. It is an activist conception of liberty grounded in social conflicts between diverse humours constituting society. Albeit a rather schematic attempt to articulate the component parts of diversity feminist conceptions of subjectivity and republican conceptions of liberty, Figure 4.0 attempts to summarize the characteristics of both epistemologies to highlight their areas of convergence, compatibility, and blind spots, which their cross-pollination stands to correct in the form of a late modern praxis of political representation in radical democratic politics.

Figure 4.0 Conjugating Liberty and Diversity

| Late Modern Feminist Conceptions of Subjectivity | Republican Conceptions of Liberty | Late Modern Praxis of Self-Representation as Co-Authority |
|---|--|--|
| Corporeality | Social discords | Diverse corporealities |
| Contextual | Inter-dependent | Inter-locking |
| Relational | Agonic | Co-authoritative |
| Anti-essentialist | Constituted | Critically reconstructive |
| Normative | Practical | Ethico-Political |
| Historicized | Contingent | Partial |
| Intra-subjective | Personal | Corporealizing |
| Inter-subjective | Public | Corporealpolitiks |
| Performative | Participatory | Activist |
| Dynamic | Augmenting | Radically reflexive |
| Micro-political | Institutional | Heterogeneous Publics |
| Self-advocative | Self-defensive | Self-representing |
| Privileging/Penalizing | Educative/Corrupting | Collectively self-implicating |
| Politicizing | Citizenizing | Democratizing |

The late modern praxis of co-authority as political self-representation articulated aims to carve out space for the accommodation of diverse corporealities that are relational, agonic, and co-authoritative. Contemporary liberal politics occludes the democratic necessity of co-authority by falling back on the theoretical capability of any citizen-subject to adequately self-represent the desiring corporealizations of all others, as well as naively assuming that this can and will take place in practice, in the absence of the kinds of onto-political desiring that corporealization implies. Political representation is deeply entwined with our diverse, complementary and conflicting onto-political desires of becoming, which makes the likelihood of advocacy on the behalf of other corporealizations dependent upon the self-understanding of our own investment and implication, positively or negatively, in the liberty of others. These are the onto-political desires that yield a willingness to take the risk of political action for others, which ultimately ends up being, for our understandings of our

selves, and so inspires the kinds of self-defensive and activist resistance in agonic togetherness.

Both diversity feminist subjectivity and republican liberty articulate the contextual and inter-dependent nature of human relations, which we have expressed through a late modern praxis of self-representation that is constituted in interlocking, contextually-specific and inter-dependent systems of political power. Whereas, diversity feminist understandings of inter-subjectivity assume its relational, conflictual and/or collaborative, nature, the republican conception of liberty is likewise agonic; these insights point to the importance of a conception of political representation that situates the agonic relation, but moreover, asserts the co-authoritative prerogative that corporealities enjoy over the conditions of their shared spaces of corporealization. Maximizing the possible nodal points of contingently interlocking political solidarities, feminist commitment to an anti-essentialist conception of subjectivity aims at categorical non-closure in both its understanding and linguistic representations of the corporealities constituted in various social discords within late modern democracies. As an ethico-political approach to political representation that demands a normative and practical open-ness to non-dominant ways of being in the world, this commits us to pursue critically reconstructive proliferations of multiple, historicized, contingent, fluid, and partial 'nodal points' of politicized/politicizing identity. Self-representation as a praxis of co-authority understands social discords to influence intra-subjective and personal becoming through corporealization, as inflected by the agonic contestations inherent in the inter-subjective and public becoming of late modern corporealpolitik. As such, this late modern praxis of political self-representation aspires to critically reconstruct a radical representative democratic politics that is performative, participatory, and fundamentally activist. The dynamism of subjective positionings, and augmentative nature of these performances of

liberty are seen as constitutive of the radically reflexive nature of the corporealities engaging in political action, and of the radically reflexive quality of the democratic polity itself. This depends on the ongoing nourishment, exercise, and contests amongst the micro-political, the institutional and the heterogeneous publics within which self-advocacy, self-defence, and self-representation would be empowered to take place.

The normative and practical foundations of political representation require ongoing reconstitution within the micro-political, social movement, and grassroots locations, the constitutional, institutional, and legislative sites, as well as acknowledgement of the interdependent nature, democratically reinforcing nature of agonistic interaction and mutual implication amongst all of these heterogeneous publics animating radical democratic politics. The dynamic nature of this kind of political representation in radical democratic politics would unleash the possibility of augmentation as a means of maintaining radically open conditions for current and future corporealizations that support individuation or agonistic distinction, but also belonging or togetherness. In light of the privileging and penalizing aspects of intersubjective corporealization, and of the educative and corrupting nature of various practices of liberty, co-authority as self-representation asserts an understanding of the political and of democratic politics as collectively self-implicating. As critical sites and valuable sources of proactive self-advocacy, self-defensive resistance, and collective self-realization, the self-representative imperative inherent in this praxis of radical democratic politics systematically sustains the possibility of educating against corruption, and deconstructing anti-democratic privileges/penalties through the critical reconstruction of co-authoritative practices of self-representing corporealizations that are politicizing, citizenizing, and democratizing. Co-authority as self-representation is concerned not only with the procedural norms providing legitimacy to the political community, but also with the ethico-

political norms that regulate and are constitutive of the substantive quality of the democratic community and the degree of liberty constituted therein. There is no constitutive outside to which citizens, social movement activists, philosophers, or political leaders may retreat. There can be neither abdication of democratic freedom nor abdication of the responsibilities of self-representation in favour of being an innocent bystander that passively watches the game of democracy go by. In short, within the praxis of co-authority as self-representation, and the radical representative democratic politics it seeks to reconstruct, democracy is not a spectator sport, but rather presumes the centrality of particip-action for all corporealities, throughout all levels and in all spheres of democratic corporealization.

The cross-pollination of the insights of diversity feminist epistemologies of political subjectivity with republican insights on the constitution and maintenance of liberty offers the epistemological resources for a uniquely late modern figuration of political self-representation as a praxis of “co-authority”: a form of socio-symbolic recognition affirming status as a member of the political community, an ethico-political standing affirming rights to self-government over corporealization, and an institutional praxis of power-sharing supporting the relative effective influence of diverse corporealities within the legislative content (laws) and democratic actions (decisions) of the political community. Neither strictly material nor exclusively symbolic, as a historically situated process of democratic becoming, this view of political self-representation is dynamic, relational, and grounded in performative practices of agonic corporealizations throughout the heterogeneous publics and institutions of representative democratic deliberation and decision-making that legitimates contemporary corporealpolitik.

As a political praxis, co-authority as self-representation invokes the formal democratic recognition/standing (co-authority) of diverse social discords and of the practical

democratic freedom of diverse corporealities constituted therein, in authoring the norms of agonic corporealization (co-authorship). Moreover, it requires a relative democratic influence of various corporealities over the democratic actions and decisions (co-authorization) constitutive of the corporealpolitik and liberty of the political community. This conception of self-representation seeks to articulate the interdependent relationship between the democratic agency of constitutive corporealities and the conditions of corporealization ensured through democratic corporealpolitik, to highlight the complex interactions amongst the psycho-social (symbolic), ethico-political (institutional), and material (realities) of democratic transformation. It is our hope that this re-articulation will expose the dropped stitches within liberal understandings of statecraft and democratic politics that has ideologically and practically prevented its augmentation towards a more radical representative democratic politics.

Co-Authority

For most contemporary constitutional democracies, the democratic constitution of social discords begins with the actual constitutional texts delineating the constituents of the democratic community. It is the space within which recognition of the *political agency* and therefore the *concurrent political authority* (co-authority) of politicized/politicizing corporealities is born. In her eloquent evocation of injurious speech, Butler observes,

“Language sustains the body not by bringing it into being or feeding it in a literal way; rather, it is by being interpellated within the terms of language that a certain social existence of the body first becomes possible. To understand this, one must imagine an impossible scene, that of a body that has not yet been given social definition, a body that is, strictly speaking, not accessible to us, that nevertheless becomes accessible on the occasion of the address, a call, an interpellation that does not “discover” this body, but constitutes it fundamentally. We may think that to be addressed one must first be recognized but here the Althusserian reversal of Hegel seems

appropriate: the address constitutes a being within the possible circuit of recognition and, accordingly, outside of it, in abjection.”⁴⁹⁴

Constitutional texts perform just this function of bringing into being the bodies constitutive of the political community. Following Taylor, recall that above and beyond what Butler, following Althusser, delineates in the binary choice of recognition and misrecognition (abjection), there is likewise the deafening limbo of existential *non-recognition*. Rather different from *misrecognition*, the non-recognition of one’s existence does not merely fail to appraise and situate us negatively or positively within the psychic space of the political (family) portrait, rather we are simply not there at all. It names the injury that inheres in the psychic disequilibria that flows from the power of others to construct a social reality in which our corporealities do not exist, or rather, do not count as political.

Clearly social movement activism has been an important source of collective resistance to the kinds of non-being that have been enacted upon countless somebodies. But within late modern times, the capacity of this collective resistance to be heard within the public realm, and find reflection in the mirrors of our institutions, our media coverage, our political commentaries, points to the limits of micro-political activism alone. Articulating a feminist theory of legal equality, Drucilla Cornell suggests that the point of law, and by extension, constitutionalism, is the constitution of “the imaginary domain”. Understood as the public psychic space within which individuate becoming is made possible, she advances three conditions to ensure a minimum degree of individuation necessary for the equivalent “chance to transform ourselves into individuated beings who can participate in public and political life as equal citizens: 1) bodily integrity, 2) access to symbolic forms sufficient to

⁴⁹⁴ Butler 1997: 5.

achieve linguistic skills permitting the differentiating of oneself from others, and 3) the protection of the imaginary domain itself.”⁴⁹⁵

The reconstructions of co-authority as self-representation must problematize the constitutional and legal texts that flesh out the corporealities of the democratic community. These are the founding illocutionary addresses that bring the members of the political community into what Arendt might call ‘agonic togetherness’. More than simply proclaiming the facticity of ‘being-in-the-world’, rather, they linguistically *flesh out* the interlocking systems of symbolic and material power regulating social discords and the existing conditions of ‘agonic togetherness’ inflecting its corporeal constituencies. Moreover, through practices and institutions of democratic contest, constitutional texts project the existing conditions of co-authoritative corporealization into the future, as a means of protecting/ensuring the onto-political desires of future conjugations of corporealization that future corporealities are likely to require and seek.

Alia argues that naming is a political activity and that “to give a name is to give power *to*, or gain power *over*, the named.”⁴⁹⁶ Indeed, the corporealities attempting to found the democratic community invested their co-authority into constitutional texts as a means of giving power to specific corporealities, and of gaining power or co-authority over and with those corporealities that were both named, and consciously left unnamed and unconstituted. As symbolic-cum material speech-acts that concoct, name, and convocate the imaginary domain of a given democratic community, constitutions and laws name the possible protagonists that are empowered to influence its democratic becoming by delineating the

⁴⁹⁵ Cornell, 1995: 4.

⁴⁹⁶ Alia 34.

very conditions of its democratic corporealization. In Butler's words, constitutional texts perform an illocutionary function in that "the speech-act is itself the deed that it effects."⁴⁹⁷ Distinct from perlocutionary speech acts, "the illocutionary speech act performs its deed at the moment of the utterance, and yet to the extent that the moment is ritualized, it is never merely a single moment. The "moment" in ritual is a condensed historicity: it exceeds itself in past and future directions, an effect of prior and future invocations that constitute and escape the instance of utterance."⁴⁹⁸

The understanding of co-authority as the freedom and obligation to engage in performative self-representation assumes the symbolic and material necessity of actively animating and vigilantly nourishing the "agonic togetherness" announced in our constitutional texts and re-affirmed through our democratic constitution. The recognition of social discords and of the co-authority of the corporealities whose democratic agonism is in tense equilibrium, comes into existence within the illocutionary moments of constitutional foundation and of the ongoing contests of democratic founding that take place within representative institutions. The corporealities giving life to the constitutional texts, the subsequent amendments, legislative reforms, all work to democratically re-constitute the addresses that convey not only recognition "for what one already is, but to have the very term conferred by which the recognition of existence becomes possible... One "exists" not only by virtue of being recognized, but, in a prior sense, by being *recognizable*"⁴⁹⁹ that is to say, radically situated within the broader horizon of meaning that renders the family portrait itself intelligible.

⁴⁹⁷ Butler 1997: 3.

⁴⁹⁸ Butler 1997: 3.

⁴⁹⁹ Butler 1997: 3.

This understanding of co-authority as the freedom and responsibility of self-representation assumes the performative necessity of illocutionary speech-acts that both represent and bring into existence the agonic togetherness of the community, and the conditions of consent. These are enshrined, not only within the constitutional *amending formula* articulating the foundational conditions of co-authoritative corporealization, but also within the access to self-representation ensured within democratic representative institutions where the tense-equilibrium of co-authority is performatively re-affirmed, re-founded, and re-constituted in ways that affect the survival, corporealizations, and co-authoritative freedom of self-representation of constitutive corporealities. In addition to establishing the constitutional co-authority of diverse corporealities inflected by inter-national and intra-national sources of social discord, the democratic constitution of co-authoritative corporealizations must be exercised in the practical and institutional, albeit contingent agreements, on socio-political cooperation.

Albeit not an exhaustive list, Figure 5.0 identifies the various kinds of horizontal social discords of particular interest to this reflection, the agonic relations in need of democratization, and the various heterogeneous publics within which self-representation would galvanize contestatory practices of co-authoritative inter-subjective individuation and agonic corporealization.

Figure 5.0 Mapping a Praxis of Co-authority as Self-Representation

| Co-Authority (Social discords) | Democratic Conditions of Political Corporealizations | Heterogeneous Publics of Democratic Self-Representation | Diversity of Constitutive Corporealities |
|---------------------------------------|--|--|--|
| Indigenous-Settler | Relations between indigenous and non-indigenous political communities | Sites / Practices / Institutions of Treaty/Confederative Indigenous and Settler self-determination | Indigenous/settler nationalities ideologies/epistemologies gender/sexualities age/generational realities physiology/physical abilities |
| Intra-Indigenous | Relations internal to constituent indigenous political communities | Sites / Practices / Institutions of Indigenous self-determination | Indigenous nationalities ideologies/epistemologies gender/sexualities age/generational realities physiology/physical abilities |
| Inter-national | Relations among nations within a multinational political community | Sites / Practices / Institutions of Multinational federal self-determination | nationalities linguistic communities ideologies/epistemologies gender/sexualities race/ethnicities age/generational realities physiology/physical abilities |
| Intra-national | Relations within minority nations | Sites / Practices / Institutions of minority national self-determination | Indigenous nationalities linguistic communities ideologies/epistemologies territories/regionalities gender/sexualities |
| Sub-national | Relations within provincial, territorial political communities | Sites / Practices / Institutions of provincial, territorial, self-determination | race/ethnicities age/generational realities physiology/physical abilities |
| Intra-communal | Relations internal to local political communities | Sites / Practices / Institutions of Municipal self-determination | indigenous diasporas linguistic communities ideologies/epistemologies gender/sexualities race/ethnicities age/generational realities physiology/physical abilities |
| Inter-cultural | Relations amongst cultures | Sites / Practices / Institutions of multicultural self-determination | ethno-cultural realities racial realities |
| Intra-cultural | Relations internal to any ethno-cultural, linguistic, religious, communities | Sites / Practices / Institutions of ethno-cultural, linguistic, religious self-determination | ideologies/epistemologies gender/sexualities age/generational realities physiology/physical abilities |
| Inter-Linguistic | Relations between official languages | Sites / Practices / Institutions of linguistic self-determination | official languages |
| Intra-linguistic | Relations between official and unofficial language groups | Sites / Practices / Institutions of multilingual self-determination | official language unofficial languages |
| Inter-generational | Relations amongst generations | Sites / Practices / Institutions of inter-generational self-determination | generational realities |
| Inter-Gender-Sexual | Relations amongst genders/sexualities | Sites / Practices / Institutions of gendering/sexual self-determination | gendered realities sexualities |
| Inter-abled | Relations amongst differently-abled bodies | Sites / Practices / Institutions of enabling physical self-determination | physiological/physical realities |

Co-Authorship

The concept of “co-authorship” underpinning our understanding of the praxis of political self-representation speaks to the infusion of co-authoritative corporealities, epistemological assumptions, and nutritional requirements for flourishing, into the practical norms and laws sustaining socio-political cooperation. Although constitutional co-authorship is ensured through the amending formula of the constitutional text, interventions within the judicial process, and/or constitutional negotiations, the bulk of democratic co-authorship depends upon the democratic constitution of institutional guarantees of relative effective influence over the political deliberations shaping the ethico-political norms of corporealization in legislation, public policies, programs and services. Building upon the symbolically performative effects of constitutional texts and laws, co-authority as self-representation likewise has significant implications in the construction of representative institutions and the heterogeneous publics within which representation takes place.

In the context of bringing agonistic togetherness into being, constitutional texts most often formally delineate the relative effective democratic influence of various corporealities within various institutions of self-representation where the legal texts will likewise be born. If the constitutional interpellation gives birth to the political community, its representative democratic institutions are that which provides nourishment and physical fitness to the *bodypolitik* through daily exercises of legislative contestation. To ensure the co-authoritative standing of the corporealities constitutive of the community, constitutions capture and attempt to sustain the tensely-balanced equilibrium between corporealities as a means of ensuring that one may not, in the present, nor at some future time, usurp the self-representative powers inherent in democratic co-authorship of the conditions of possibility of the shared world. To ensure co-authorship of the norms, laws, and corporealities that

performatively affirm democratic legitimacy through democratic institutions, self-representation within democratic institutions must be foreseen to prevent corporealities with access to other social sources of power to achieve the democratic means of political domination through the silencing of the self-representations of other corporealities with whom agonic togetherness is foundational to personal and public liberty. This requires that the rules of the democratic game performatively guarantee co-authority as self-representation, as a means of sustaining the democratic equilibrium that staves off consolidated monopolies of corporeal control within and throughout the sites of democratic contest themselves. Indeed, the illocutionary point of constitutional texts is not only the co-authoritative birthing of the community, but the co-authoritative nourishment through constestation, augmentation and agonic exercises of self-representation through the democratic co-authorship of the various sites of institutional, material, legislative, judicial, and socio-economic norms of corporealization. Figure 6.0 attempts to articulate the sites of co-authorship for the norms of corporealization within a parliamentary system, such as Canada.

Figure 6.0 Heterogeneous Sites of Democratic Co-authorship (Parliamentary System)

| Norm-Generation | Co-authors | Corporeal Self-Representation |
|--------------------------------|----------------------------------|--|
| <i>Constitution</i> | | |
| | Founders / Constituents | Textual Agreements Amending Formula |
| <i>Political System</i> | | |
| | Executive | Prime Minister's Office Cabinet Cabinet Committees Ministers' Offices Secretaries of State Advisory Committees Appointments Committees |
| | Parliamentary | Parliament Parliamentary Committees Parliamentary Caucuses All-party Associations Parliamentary Delegations |
| | Electoral System | Electoral System Electoral Financing Regulations |
| | Political Parties | Electoral Teams Candidate Recruitment Committees |
| | Civil Society / Citizens | Social Movements / NGOs Linguistic, Religious, Ethno-cultural communities Public action committees |
| <i>Judicial System</i> | | |
| | Judiciary | Highest Court of Appeal Superior Courts Lower Courts Family Law Courts Tax Law Courts Immigration Appeal Court Amicus Curae |
| <i>Economic System</i> | | |
| | Regulatory Agencies Companies | Boards of Governance Public Boards Crown Corporations Private Companies receiving subsidies |
| <i>Civil Service</i> | | |
| | Public Service | Deputy Ministers Employees |
| <i>Familial System</i> | | |
| | | Parents/Guardians |

Whereas the Habermasian concept of “co-authoring” within deliberative democratic frameworks flows from the normative view of the equal moral value of abstract (unincorporealized)⁵⁰⁰ individuals, and moreover, assumes the existence of a discoverable universal standard of “reason” or “truth” through abstract understandings of the “generalized other”, the current project is in normative sympathy with Benhabib’s critique of Habermasian impartiality and assumes the democratic necessity of the self-representation of “concrete others”⁵⁰¹ to practically ground co-authority in all performative practices of corporealization. Not surprisingly, we reject the possibility of founding the ethical legitimacy of democratic institutions and practices in ideal speech conditions that optimistically assume the possibility of inter-subjective relations untainted by the corrupting nature of corporeal power⁵⁰², notably when there are no guarantees of relative effective access to political self-representation within the democratic procedures constituting the participants of these “ideal” conditions of deliberative debate. Moreover, rather than begin from the *moral* conception of subjectivity⁵⁰³ that inheres in the need for co-authorship due to the “equal moral worth” of individuals, we deem it necessary to begin from our *political* and *politicizing* conception of subjectivity that asserts the democratic right and responsibility of self-representation for all corporealities whose corporeal constitution and future conditions

⁵⁰⁰ See also Nick Crossley’s critique of Habermas’ failure to theorize corporeality within his theory of communicative action in “(1997), “Corporeality and Communicative Action: Embodying the Renewal of Critical Theory”, *Body Society*, 3,1:17-46.

⁵⁰¹ Seyla Benhabib 1987.

⁵⁰² For example, in the Habermasian belief in the participation of “‘free and equal members in a co-operative search for truth in which only the force of the better argument may hold sway’. Jurgen Habermas, cited in Phillips 1995: 154.

⁵⁰³ See Jurgen Habermas (1990), “Discourse Ethics: Notes on a Program of Philosophical Justification”, in *Moral Consciousness and Communicative Action*”, Cambridge: MIT Press.

of corporealization are vulnerable to the corrupting practices of political power, exercised through democratic and social practices and institutions.

We wish to build upon the broader theory of communicational democracy developed by Iris Marion Young that admits of the performatively affective *content* of political action, such as greeting, rhetoric and narrative,⁵⁰⁴ by articulating the performatively corporealizing (*art*)*form* of political actions aimed at affirming co-authorship. As a political performance that views inter-subjective exchanges and relationships as potentially conflictual and potentially cooperative, co-authorship aims at the performative recognition and democratic constitution of political actions that affirm the diverse interlocking sources of social discord constitutive of political corporealities and the corporealpolitiks they voluntarily and involuntarily signify. Distinct from the political project Young advanced, the goal is not to defend the legitimacy of “group rights” for specific marginalized groups. Rather, following our understanding of corporealization as an inter-subjective and performative process yielding in context-specific privileges and penalties for various corporealities, the goal is to acknowledge the existence of social discords capable of threatening public and personal liberty through the usurpation of democratic authority towards ever-more concentrated monopolies of political power grounded in private, non-democratic sources of power. Moreover, the practical outcome sought is the democratic reconstruction of a tensely-balanced equilibrium between the parties that empower their public contestation.

Rather than seeking *mirror representation* that seeks statistical congruence of self-representing demographics, we build upon the literature on the dynamic interactions of

⁵⁰⁴ See Young 2000, Chapter 2.

critical mass⁵⁰⁵ and critical acts.⁵⁰⁶ As such for mechanisms of co-authorship, we look to the insights of *proportions* theories⁵⁰⁷ of political representation and inter-group dynamics. In normative sympathy with the notion of liberty as non-domination defended by Pettit, but that leave under-theorized (aside for women) the numerical thresholds at which point non-domination might become effective, our conception of co-authorship assumes a causality between the numerical presence of the corporealities within the spectrum of a social discord and the capacity for relative effective self-representation. Over and above the identification of an abstract numerical target, we are interested in the relationship between the numerical presence and the practical influence constituting the terms of relational inter-group power dynamics. Moreover, following the logic of qualitative research methods such as elite interviewing, we presume there to be a correlation between a numerical threshold of representations and the *point of saturation*, or level whereat additional self-representations are less likely to introduce new and distinct perspectives. This diversity of self-representation would be sought for all corporeal performances as a means of fostering the discursive (socio-symbolic), normative (juridico-political), and institutional (material) non-closure/open-ness of the categories engaged in inter-group and intra-group practices of

⁵⁰⁵ See Drude Dahlerup (1988), "From a Small to a Large Minority: Women in Scandinavian Politics", *Scandinavian Political Studies*, 11, 3:275-6. Sandra Grey (2001), "Does Size Matter? Critical Mass and Women MPs in the New Zealand House of Representatives", Conference Paper, 51st Political Studies Association Conference, 10-12 April 2001, Manchester.

⁵⁰⁶ See Sarah Child and Mona Lena Krook (2005), "The Substantive Representation of Women: Rethinking the 'Critical Mass' Debate, *American Political Science Association Conference*, September 1-4. On the UK, see Sarah Childs (2004), "New Labour's Women MP's: Women Representing Women", New York: Routledge. On the Alberta legislature, see Linda Trimble (1993), "A Few Good Women: Female Legislators in Alberta 1972-1991", in (ed) Catherine Cavanaugh and Randi R. Warne, *Standing on New Ground: Women in Alberta*, Edmonton: University of Alberta Press.

⁵⁰⁷ See Linda Trimble's discussion on the strengths of proportions theory over critical mass theory in (2008), "Assembling Women, Gendering Assemblies", in (ed) Yasmeen Abu-Laban, *Gendering the Nation-State*, Vancouver: UBC Press, 83-85.

agonic self-constitution of their corporealities through multifarious and at times contradictory political acts of self-representation themselves.

Moreover, we are interested in the thresholds of representation that can create the conditions for intra-group diversity to support the performative de-reification of anti-essentialist and stereotypical corporealpolitik that constrain and deny the enjoyment of individuation akin to minorities within minorities whose corporealities are disproportionately defined and mis-represented through the lens of dominant corporealities within their group as well as external to their group. We understand there to be greater “safety in numbers” within deliberative-cum-aggregate decision-making frameworks within which historically minorized views can become silenced and sidelined, but moreover, wherein the corporeal messengers are made to pay in their bodies by becoming targets of defamation, ridicule and marginalization within the deliberative bodies. The likelihood of these kinds of informal bullying tactics increases in situations where one of the corporealities constituting the social discord is a permanent numerical minority that cannot easily mobilize a “critical mass”, or undertake sufficiently effective “critical acts” to upset the existing inter-group balance of power. Additionally, these kinds of silencing or bullying tactics can take place within minorized corporealities as a means of consolidating stronger inter-group positions.

Naturally, the various practices of political self-representation contributing to institutional co-authorship of the norms of agonic togetherness within representative institutions are iteratively influenced by the agonic performances of self-representation by diverse corporealities throughout the broader context of heterogeneous publics challenging the norms of co-authoritative corporealization. The further radicalization of these interactions through additional procedural mechanisms of co-authorization that force concurrent or compound thresholds of democratic accountability within democratic

institutions along multiple axes of corporealizations would contribute to the practical promise and reflexive nature of this radical representative democratic politics. These procedural mechanisms would provide self-defence mechanisms for various corporealities subject to attacks on the conditions of a central aspect of their corporealization. This will foster reflexivity throughout the system by virtue of systematically re-building the interlocking nature of the various systems of democratic power to be mutually constitutive and compound across heterogeneous democratic publics. As opposed to the existing relative autonomy enjoyed by contemporary democratic institutions, they would be brought into more intimate interaction with social movement activism, judicial review, and/or popular consent. Moreover, the excesses within democratic institutions, in terms of executive domination over the legislature and parliamentary committees would be problematized to force further iterative tensions within the formal democratic institutions themselves.

Co-Authorization

The praxis of co-authority as self-representation, and the radical representative democratic politics sought within these pages, assumes the symbolically co-authoritative nature of the diverse corporealities constituted through agonically democratized social conflicts. Through the formal and democratic construction of realistic thresholds of self-representation, it ensures the relative effective democratic influence of these corporealities within the contests over corporealization that take place within democratic institutions, representative bodies, and heterogeneous publics constitutive of the public realm of agonic togetherness. Moreover, the praxis of corporeal co-authority as self-representation assumes the necessity of democratic thresholds of consent for specific issues that strike at the heart of the capacity of

corporealities to not simply ensure survival, but to enjoy corporeal self-determination that lays the groundwork for corporeal flourishing.

Certain aspects of corporeality are foundationally constitutive of the horizons of meaning of liberty itself. As such, co-authority as self-representation would foresee the democratic constitution of a *relative effective influence* over corporealization not simply within the substantive deliberative debates that inaugurate the co-authorship of the norms of corporealization, but also in those *foundational “moments” of democratic authorization* of the conditions of corporealization inscribed into laws, programs, and policies. In short, co-authority requires specific thresholds of performative self-representation and consent, not simply within the bodies engaging in legislative co-authorship of the norms of corporealization, but also at the moment of executive adoption, vote aggregation, and democratic authorization. Rather than veto powers⁵⁰⁸ as the privileged mechanism that would serve to reconnect the co-authority of corporealities over the specific conditions of their corporeality that are most central to liberty, we would advocate for the democratic constitution of double majorities in those instances when a majority of one of the relevant corporealities feels that an issue is foundational to democratic self-determination and self-government. The double majority would be comprised by a majority of the legislative assembly or decision-making body in question, as well as a majority of the individuals whose corporealities is understood to be threatened. In practice, the group that invokes the double majority mechanisms is, in a sense, calling upon all members of the democratic decision-making body to be accountable for the privileges and penalties that inhere in their

⁵⁰⁸ In Young’s recent book, she backtracks from her earlier prescription of vetos for marginalized groups in her (1990) reflection on this topic of enhancing the existing accountability mechanisms. See 2000: 144, footnote 27.

corporealities; moreover, it is a request for public positionings that specifically generate democratic accountability for various kinds of “surrogate representation”⁵⁰⁹ that offer vital information to citizens on politically controversial votes/issues that cut across lines of political party ideology or territorial constituency, which are currently the main bases of information mobilized in subsequent elections to ensure electoral accountability.

To the extent that certain corporealities are present, but nonetheless restively minorized in terms of relative effective influence at the moment of co-authorization, this mechanism levels the playing field so that a majority of both the democratic representatives of the community and the majority of the elected representatives whose corporeal self-determination is perceived to be threatened are collectively and individually held publicly accountable for the privileging/penalizing conditions of corporealization that are to be co-authorized. This provides an opportunity for issues to be placed on the democratic agenda within the media, social movements, public opinion, to foster the educational and citizenizing function of democratic institutions. Moreover, it provides an incentive for historically marginalized or depoliticized citizens to undertake ongoing contact with civil society organizations advancing their views on politicized issues of corporealization, and to take note of which elected representatives may be called to cast a decisive vote on an aspect of one’s corporealization. This would allow citizens increased information as to which of the corporealities that may look like them, in fact, holds similar political views as them, thereby overcoming the challenge of verifying that substantive representation will flow from descriptive representation.

⁵⁰⁹ See Mansbridge 1998, 1999.

Dropped Stitches: Re-Constructing Democratic Institutions

To clarify the institutional implications of this praxis of co-authority as self-representation, in the following chapter, I will discuss the kinds of practical solutions and democratic reforms that would institute the structural power sharing amongst various late modern corporealities throughout the heterogeneous publics of representative democracy. When it comes to the nitty gritty of specific institutional designs, the normative distance between myself and leading Anglo-American democratic theorists may seem insignificant at first view, yet it forges an insurmountably deep chasm in terms of the recognition of various reforms as *consistent* with democratic principles, and moreover, of what democracy *requires*. Our view demands the self-implication of established democracies and their political philosophers in acknowledging that the “best” of liberal-democracies are in fact seriously crippled by various kinds of institutional corruption. In short, it requires a willingness to publicly admit of the impact of corruption, not only in *other* (third-world, non-Western, developing) political communities, but as a mainstay force requiring attention within *our* own democracies as well.

CHAPTER VI « *Co-Authorité* » : Democratic Existensions of Self-Representation

What happens when, in 2008, significant portions of the citizenry are no longer convinced by the fiction of liberal politics, nor willing to deferentially accept the moral authority of this political faith, or the institutional practices it takes to be legitimate, democratic, and constitutive of liberty for all? How does a late-modern critical democratic theorist and feminist philosopher-activist make sense of the exclusionary, undemocratic practices that are said to have instituted “modern democracy” and that perpetuate, to varying degrees, the original political exclusions that have been since discredited, in theory, as counter-intuitive to the revolutionary democratic ethic of modernity? What is revolutionary about an Enlightenment legacy that only practices the recognition of the equal moral worth of certain corporealities? To what theories and philosophies should we turn when the late-modern liberal mythology no longer offers the tools to overcome arbitrary political exclusions in practice? And do we not have a *democratic* interest in Canada (as elsewhere), as a so-called “free and democratic society”, in continuing the democratic revolution and in renewing our institutions of democratic citizenship towards more sophisticated and inclusive practices constitutive of mutual respect among diverse citizens?

In her discussion of the politics of representation, Yeatman aptly reminds us that not only “power over”, but all forms of power can be mobilized to produce both democratic and undemocratic ends.⁵¹⁰ The current project defends the idea that democratic power must be exercised by all constitutive corporealities as concurrently “power over”, “power to”, and as

⁵¹⁰ See Anna Yeatman (1997): “Feminism and Power”, in (eds) May Lyndon Shanley and Uma Narayan, *Reconstructing Political Theory*, Pennsylvania: Pennsylvania State University Press, 144-57.

Frazer and Lacey suggest, as a practice of “power with”.⁵¹¹ As an agonic praxis of co-authority as self-representation, we see the late modern challenge facing Anglo-American democracies to be the democratization of the undemocratic nature of various social conflicts by democratic design, not in their benevolent neglect by the liberal state. In light of the dynamic interplay between co-authority, co-authorship, and co-authorization, corporeal self-representation requires institutional and practical supports throughout the representative political and judicial institutions, deliberative practices, social movement contestations, mediatic representations, family relations, and interpersonal exchanges animating our collective existence within heterogeneous publics.

Given that the focus of this discussion has been on the implications of our alternative epistemological foundations upon the democratic design of representative democratic institutions in particular, in the following pages, using Canadian and international examples, we will briefly map the kinds the democratic practices that would allow for the corporealizing of democratic contestation in ways that remain attentive to the demands of anti-essentialist formulations of identity and belonging. Given that the devil is in the details, we will undertake a more technical discussion of the various mechanisms of intra-national co-authorship, and also discuss the implications of mechanisms of co-authorization for both inter-national and intra-nationals sources of social conflict over the conditions of corporealization. These are the seed beginnings of a longer reflection on the practical implementation that might be appropriate in various societies, and as such will be fairly tentative and schematic, identifying which kinds of mechanisms would be in keeping with the democratic insights explored in previous chapters.

⁵¹¹ See Fraser and Lacey 1993, chapter 6.

INTER-NATIONAL DISCORDS / SOLIDARITIES

Restoring the Canada-Québec Equilibrium

Much of the inspiration for this broader reflection on power-sharing and intra-national diversity stems from an appreciation of the democratic importance of existing Constitutional protections and federal practices, however imperfect,⁵¹² and that were designed with a view to securing a voice for the Québec minority nation within a multinational Canada.

Co-Authority

The co-authority of francophone and anglophone Canadians has been established in the Constitutional texts forming Canada since Confederation. Building on the provisions in the *Québec Act of 1774*,⁵¹³ the Canadian Constitution instituted a formal recognition of the co-authority of democratic corporealization across linguistic, religious and legal corporealities (British Protestant Common Law : French Catholic Civil Code) as a means of ensuring a voice for the catholic, French-Canadian minority. This has translated in concrete practices of co-authorship, if not co-authorization.

Co-Authorship

The co-authorship of Québec and predominantly anglophone provinces was likewise established through the federal institutions of Canada. The democratic constitution of guaranteed self-representation was explicitly articulated in sections 22⁵¹⁴, 40, and 51(1)⁵¹⁵ of

⁵¹² See Andrée Lajoie (1999), "Avis juridique: le sens de l'expression 'question claire' dans le *Renvoi relatif à la sécession du Québec*." Montréal, Université de Montréal, Faculté de droit.

⁵¹³ The *Quebec Act, 1774*, 14 George III, c. 83 (U.K.)

⁵¹⁴ Section 22: "In relation to the Constitution of the Senate Canada shall be deemed to consist of Four Divisions: 1) Ontario; 2) Québec, 3) The Maritime Provinces, Nova Scotia, New Brunswick, and Prince

the *British North America Act* of 1867.⁵¹⁶ In virtue of Section 40, sixty-five (65) electoral seats were reserved for Québec in the House of Commons, and in virtue of Section 51(1), the attribution of electoral seats reserved for the protestant, British provinces was fixed in proportion to the relative demographic weight of Québec seats/Census population.⁵¹⁷ This has established a constitutional principle of proportionate representation that is accepting of “imperfect representation by population”.⁵¹⁸

Co-Authorization: Democratic Existensions

As will be identified in our table documenting various axes of co-authorization, the additional mechanism that requires democratic constitution to ensure the relative effective influence over corporealization at the moments of decision-making is the practice of concurrent majorities within the Canadian House of Commons and the Executive. That is to say that in matters of provincial jurisdiction, co-authorized legislation would have to benefit from both a majority of parliamentarians and a majority of Québécois parliamentarians. This would ensure that Québécois MPs would be empowered to negotiate asymmetrical federal arrangements, and/or, if they wish to work with the predominantly anglophone provinces to support the federal government intervention (Health Care, for example), they would be empowered to ensure adequate attention to the specificities of Québec in the practical and

Edward Island; 4) The Western Provinces of Manitoba, British Columbia, Saskatchewan and Alberta; which Four Divisions shall (subject to the Provisions of this Act) be equally represented in the Senate...”

⁵¹⁵ Section 51(1), “There shall be assigned to each of the provinces a number of members equal to the number obtained by dividing the total population of the provinces by two hundred and seventy-nine and by dividing the population of each province by the quotient so obtained, counting any remainder in excess of 0.50 as one after the said process of division.”

⁵¹⁶ *British North America Act*, 1867, 30-31 Vict., c. 3 (U.K.)

⁵¹⁷ See Kent Roach, “One Person, One Vote? Canadian Constitutional Standards for Electoral Distribution and Districting”, in (ed) David Small, *Drawing the Map: Equality and Efficacy of the Vote in Canadian Electoral Boundary Reform*, Ottawa: Minister of Supply and Services, 7.

⁵¹⁸ *Campbell v. Canada (Attorney General)* (1987), 21 B.C.L.R. (2d) 132.

technical design of the federal legislation. Similarly, in light of the existence of legal dualism by virtue of Québec's civil code tradition, the *Supreme Court Act*⁵¹⁹ explicitly reserves 3 of the available 9 seats on the Supreme Court of Canada for appointees trained by the Québec Bar to ensure the self-representation of the civil law tradition and of Québécois perspectives on the highest court of appeal invested with interpreting the conditions of co-authoritative corporealization (federalism) itself.

INTRA-NATIONAL DISCORDS / SOLIDARITIES

Most contemporary Anglo-American constitutional democracies identify, within the black letter of the constitutional text, various historical discords inflecting the diverse character and experience of political belonging deemed relevant by constituent membership at the time of foundation, and which have been further augmented through various politically constituted amendments and judicially-constituted jurisprudential decisions. At the same time, the constitutional recognition of the various intra-national sources of social discord has not systematically benefited from democratic constitution in the form of democratic practices of co-authority as self-representation. The social discords between peoples, nations, ethnic groups or religions have been more apt to enjoy self-constitution, given that they have the capacity to exercise or threaten to exercise, however tenuously, the right to exit, given their territorial concentrations within a specific region; consequently, they have more often been acknowledged as a constituent whose consent is required. In light of this ability to threaten the stability and unity of the constitutional agreement itself, predominantly inter-national

⁵¹⁹ *Supreme Court Act*, R.S., 1985, c. S-26.

(majority/minority nations) discords have resulted in the democratic constitution, through federalism or consociational democracy, of power-sharing arrangements that ensure co-authority and relative thresholds of political self-representation within all relevant institutions of corporealization.⁵²⁰

Co-Authority

Intra-national corporealpolitik shaping the imaginary domain and future liveability of intra-national corporealities were most often constrained, not simply by constitutional mis-recognition, but by non-recognition within the constitutional family altogether. Their historical onto-political *non-recognition* has either depoliticised these social discords as *natural, pre-political, or apolitical* (Anglo-American liberalism), and/or their onto-political *mis-recognition* through nationalist discourses has treated horizontal social discords as though they were the same as vertical discords, thereby preventing their democratic constitution on the grounds that they are *destructive of the political community* (contemporary French republicanism).⁵²¹ That said, within late modern times, constitutional texts and democratic institutions have increasingly been invested with the agency inherent in

⁵²⁰ See Jacob Levy (2004), “Des minorités nationales sans nationalisme”, in (ed) Alain Dieckhoff, *La Constellation des appartenances: Nationalisme. Libéralisme, et Pluralisme*, Paris: Presses de Sciences Po, 2004, Daniel Weinstock (2005), “Exit ‘exit rights’: reframing the debate” in (ed) Avigail Eisenberg and Jeff Spinner-Halev, *Minorities within Minorities*; Melissa Williams (2007), “Nonterritorial Boundaries of Citizenship”, in (ed) Seyla Benhabib, Ian Shapiro and Danilo Petranovik, *Identities, Affiliations, and Allegiances*, Cambridge: Cambridge University Press.

⁵²¹ The French debates for and against gender parity rested on various arguments. However, that which prevailed in favour of gender parity explicit asserted the conformity of the political constitution of sexual difference with French universalism and the indivisibility of the sovereignty of the people. This was accomplished through assertions of the universal and *natural* bi-sexed nature of humanity. This was meant to ensure that the augmented concept of French universalism admitting of sexual parity could not be seen as grounds for further radicalization of the universal to include ethnic diversity. See Françoise Gaspard (1997) (ed), *Les femmes dans la prise de décision en France et en Europe*, Paris: L’Harmattan; Janine Mossus-Lavau (1998), *Femmes/Hommes pour la parité*, Paris: Presses de Science po; Joan W. Scott (2005), *Parité : L’universel et la difference des sexes*, Paris: Albin Michel.

various intra-national or intra-communal sources of social discord, which are non-territorial and most often cut across and figure within each of the plural nations, peoples, or communities. Given their non-territorial nature and assumptions of the rights of self-government as inhering only in peoples or nations, groups affected by intra-national social discords have rarely been recognized as endowed with the right to self-government, nor have they practically been capable of exercising an effective right of exit from the political community.⁵²² Rather, the right to share in authority and to exercise self-representation was most often resolved one-sidedly, with authority being legally invested unilaterally in only one of the parties constitutive of a social discord and their unitary political representation, (i.e. husbands for the married couple, fathers for the family unit, parents for children, white legal proxies for ethnic minorities, disabled persons by a guardian). The naïve and paternalistic presumption was that their interests, needs, and perspectives were exclusively harmonious and consistent with those of their legal tutors, who could then be trusted to adequately defend their liberty and wellbeing in their stead.

Social movement activism, within late modern democracies has forced the recognition of the *political nature* of these intra-national sources of social discord, and of the need for independent legal and political standing for all of the corporealities constituted therein. Traditional political science literature on political participation and recruitment has likewise asserted that citizen politics or mass politics⁵²³ is the only prerequisite to participation in elite politics.⁵²⁴ In other words, if the capacity of intra-national corporealities to vote is restored, presumably their access to self-representation is secure. Yet given the

⁵²² See Jacob Levy (2005), "Sexual orientation, exit and refuge", in (ed) Avigail Eisenberg and Jeff Spinner-Halev, *Minorities within Minorities*, Cambridge: Cambridge University Press, 172-188.

⁵²³ Heather MacIvor (1996), *Women and Politics in Canada*, Peterborough: Broadview Press, 235.

⁵²⁴ MacIvor, 229.

intra-national nature of these corporealities, the capacity to threaten the stability or viability of the political community is diminished, eliminating an important means of overturning the usurpation of democratic access to self-representation within democratic institutions in practice. Occulting the logic of power and the possibilities of corrupt behaviour, until more recently, political scientists have rather simplistically assumed that simply gaining formal recognition within the black letter of the law would be sufficient in restoring the authority of these corporealities and of resulting in their access to political self-representation. As such, electoral systems have been presumed to be neutral in their impacts on various groups, and unimplicated in the perpetuation of the power and democratic monopolies of certain corporealities to the detriment of the freedom of self-representation of others. The last twenty years have seen a marked shift in the electoral systems literature, and the problematization of the political impacts and uses of electoral systems designs and of electoral laws themselves as a means of shutting out or limiting the access of democratic competitors.⁵²⁵ Electoral laws that democratically constitute the access of various corporealities to mandates of self-representation through quotas, reserved seats, and financial incentives work, akin to anti-trust laws, to break up, dissipate, and further prevent concentrations of political power amongst a small segment of the population with homogeneous corporealities.

⁵²⁵ See bibliography: Farrell (2001); Gallagher and Mitchell (2005), IDEA (2005); Lijphart (2003); Lovenduski (2005); Massicotte, Blais and Yoshinaka (2003); Norris (2003); Shapiro and Macedo (2000); Sawyer, Tremblay, and Trimble (2006); Tremblay (2008).

Co-Authorship: Democratic Existensions

The literature on women and politics offers some of the most advanced analyses of the impacts of electoral systems design for intra-national sources of social conflict.⁵²⁶ As discussed in the introduction, we have seen the adoption of various constitutional (Sections 15, 27, 28) and legislative affirmations (*Multiculturalism Act*) of the *existence* of these corporealities within the Canadian political community and of their symbolic co-authority within the political community, but we have not yet restored their democratic rights of self-government through the democratic constitution of self-representation within the institutions within which the conditions of corporealization are co-authored and co-authorized. The democratic inscription within the contestatory framework of constitutional *and representative democratic institutional* multilogues establish the ethico-political stake and influence that intra-national corporealities have in securing effective influence within performative practices of corporeal self-representation. As a means of shaping the conditions of corporealization authorized by the political community, and therefore, the evolving nature of corporealpolitik simultaneously deconstructing and reconstructing the oppressive/empowering nature of the democratic project of agonic togetherness, co-authority as self-representation requires *democratic* constitution.

Inter-sexual Conflicts / Solidarities

Distinct from *mirror representation* that seeks statistical congruence of self-representing demographics, we are interested in the dynamic interactions of critical mass and critical acts.

⁵²⁶ See the references in footnotes 40, 41.

The technical mechanisms of co-authorship align with *proportions theory*⁵²⁷ generally. Inspired by Kanter's⁵²⁸ typology of "uniform"- "skewed"- "tilted"- "balanced" inter-group proportions, we articulate standards of the enabling conditions of relative effective presence (descriptive/critical mass) and influence (substantive/critical acts) for self-representational activities. This allows us to identify the *thresholds* at which certain degrees of substantive self-government can be presumed to be absent (tutelage) or ineffective (permanent minority) versus emergent and democratically constituted, in light of the relative numerical weighting of implicated corporealities. As articulated in our previous chapter, these technical legislative mechanisms aim to construct practices of self-representation that support anti-essentialist views of the corporealities implicated within the social discord. To that end, from the perspective of inter-group dynamics, they are meant to function in ways that allow for self-defensive protection of the conditions of corporealizations as well as self-advocacy of the specific epistemological corporealities or perspectives that come from one's positions within the balance of power regulating corporealizations. In terms of intra-group power dynamics, these thresholds of self-representation lay the groundwork for agonistic practices of intersubjective individuation internal to the diverse corporealities constituting both ends of the spectrum of inter-group social discord. Finally, thresholds of self-representation help to ensure diversified self-representation for all relevant corporealities to avoid reification and essentialist understandings of the corporealities occupying positions of compound

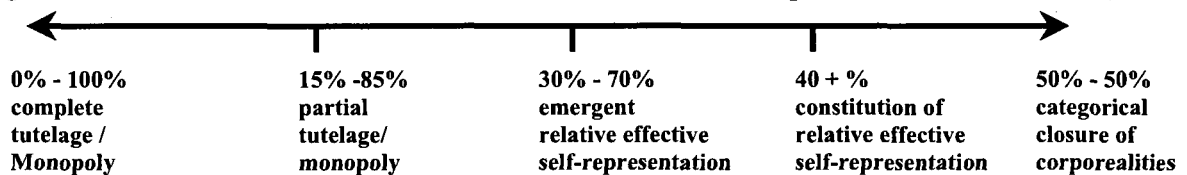
⁵²⁷ See Linda Trimble (2008), "Assembling Women, Gendering Assemblies", in (ed) Yasmeen Abu-Laban, *Gendering the Nation-State*, Vancouver: UBC Press, 83-85.

⁵²⁸ Rosabeth Moss Kanter identifies "uniform" (0:100), "skewed" (15:85), "tilted" (35:65) and balanced (50:50) scenarios of group-based ratios, (1976), "Some Effects of Proportions of Group Life: Skewed Sex Ratios and Responses to Token Women", *American Journal of Sociology*, 82:5.

minorization that flow from token or symbolic inclusion and situations that Kanter has associated with a “skewed” (15:85) threshold.

As such, in Figure 7.0 we identify 0%-100% self-representation as the end of the spectrum that delineates complete democratic tutelage, or conversely, a complete monopoly over democratic self-representation by one corporeality that figures within the social discord. The 15%-85% proportion of relative self-representation or “skewed ratio” delineates a partial tutelage, or partial monopoly over democratic self-representation, notably, because the under-represented corporeality is not in a numerical position to overcome its position as a permanent minority. We situate democratic self-representation to be *emergent* at the 30%-70% mark, and assume that relative effective self-representation is democratically constituted. Whereas the United Nations has suggested 30% self-representation for women to be the minimum threshold,⁵²⁹ given that we seek the relative effective threshold of self-representation, rather than the minimum threshold, we identify relative effective self-representation to sit at or above 40% of available seats; consequently, the requisite mechanisms will differ depending upon the fundamentals of the electoral system in question.

Figure 7.0 Democratic Constitution of Relative Effective Self-Representation (Sex/Gender)



⁵²⁹ Cheema, Shabir (1999), United Nations Development Programme: Management, Development and Governance Division, Speech given at the *Meeting on Women and Political Participation: 21st Century Challenges*, New Delhi, India, March 1999, <http://magnet.undp.org/Docs/Gender/Speechsc.doc.html>, accessed November 19, 2002. See also Dahlerup 1988.

In light of this spectrum of relative effective self-representation, in Figure 8.0, we have identified four benchmarks to guide the construction of mechanisms aimed at democratically constructing relative effective co-authorship: The mechanism must 1) identify the social discord that politicizes corporeal identity, 2) democratically reconstruct a more productive relative effective influence for the corporealities involved, 3) assert the epistemological non-closure of the category of corporeality in question, and 4) constitute relative effective self-representation in practice. Figures 10.0, 11.0, and 12.0 document the various mechanisms (constitutional, legislative, voluntary) that are used within over 100 countries with proportional and majoritarian systems. In terms of fostering the democratic constitution of self-representation to levels of 40+% in ways that respect the co-equal principles, only legislative quotas articulating a minimum/maximum ratio of 40:60 for sex/gender would fulfill the normative criteria.

Figure 8.0 Mechanisms Democratically Constituting Co-authorship (Sex/Gender)

| Normative Criteria Mechanism | Identifies parties in the social discord | Categorical non-closure of corporealities | Democratic Constitution | Relative Effective Self-Representation |
|-------------------------------------|--|---|-------------------------|--|
| PROPORTIONAL SYSTEMS | | | | |
| <i>Party-based mechanisms</i> | | | | |
| Women 30 | NO | NO | NO | Emergent |
| Quotas – Sex/Gender 30:70 | YES | YES | NO | Emergent |
| Quotas – Sex/Gender 40:60 | YES | YES | NO | Constituted |
| Quotas – Sex/Gender Parity 50:50 | YES | NO | NO | Constituted |
| <i>Legislative Mechanisms</i> | | | | |
| Reserved Seats – Women 30 | NO | NO | YES | Emergent |
| Quotas – Women 30 | NO | NO | YES | |
| Quotas - Sex/Gender 30:70 | YES | YES | YES | Emergent |
| Quotas - Sex/Gender 40:60 | YES | YES | YES | Constituted |
| Quotas – Sex/Gender Parity 50:50 | YES | NO | YES | Constituted |
| MAJORITARIAN SYSTEMS | | | | |
| <i>Party Candidate Quotas</i> | | | | |
| Reserved Seats – Women 30 | NO | NO | YES | Emergent |
| Quotas - Sex/Gender 30:70 | YES | YES | NO | Emergent |
| Quotas - Sex/Gender 40:60 | YES | YES | NO | Constituted |
| Parity 50:50 | YES | NO | NO | Constituted |
| <i>Legislative Mechanisms</i> | | | | |
| Binominal Sex/Gender Parity Ridings | YES | NO | YES | Constituted |
| Reserved Seats – Women 30 | NO | NO | YES | Emergent |
| Quotas – Sex/Gender 30:70 | YES | YES | YES | Emergent |
| Quotas – Sex/Gender 40:60 | YES | YES | YES | Constituted |
| Quotas – Sex/Gender Parity 50:50 | YES | NO | YES | Constituted |

Following Machiavelli’s realism, I assume that, unless the ordering of names on party lists is clearly identified within the party regulation, that the distribution of winnable positions/seats, moderately winnable positions/seats, or losing positions/seats affecting party list/ridings will not be proportionally distributed between the corporealities.⁵³⁰ Similarly, unless the ordering

⁵³⁰ For example, the women of the Swedish Socialist Party eventually demanded the formal adoption of gender quotas within the party by-laws specifically in reaction to the fact that systemic discrimination continued within the party. See Lenita Freidenvall (2003), “Womens’s Political Representation and Gender Quotas: The Swedish Case”, Working Paper Series, Quotas: A Key to Equality? The Research Program on Gender Quotas.

of names on party lists is clearly identified as an obligation within the electoral law regulations, I assume that the distribution of winnable positions, moderately winnable, or losing positions on party lists will not be proportionally distributed between the corporealities.⁵³¹

Sex/Gender Quotas in Costa Rica

One of the most interesting examples of democratically constituting gender-balanced legislatures comes from Costa Rica.⁵³² In 1996 a 40% quota (for either sex) was introduced in the Electoral Code and applies to all public elections. At the national level, the electoral system is proportional. In accordance with these regulations, all political parties are required to adjust their internal party statutes. Moreover, in 1999 the Supreme Electoral Tribunal interpreted this regulation to imply a correlate 40% (of either sex) quota for winnable positions on the party lists, or what has been termed a “double quota”. Parties that failed to comply with the regulations have their lists rejected and are consequently disqualified from competition. Within just two elections of adopting these measures, the tense equilibrium of inter-sexual relations has been restored, with women occupying 38.6% of national seats since 2006.

⁵³¹ See the discussion of the distortions of the spirit of the quota regulation by Belgian political parties in Petra Meier (2005), “Le système belge et les rapports de genre”, in (eds) Bérengère Marques-Pereira et Petra Meier, *Genre et Politique en Belgique et en francophonie*, Bruxelles: Academia Bruylant, 23-34. Within the Latin American context, following the non-respect of the spirit of the quota in Costa Rica, the minimum 40% quota for both sexes was explicitly interpreted to inflect the ordering of female/male names on the party lists, in order for a political party to be eligible to compete. See www.quotaproject.org, Costa Rica. For a similar prescription, see the discussion by Petra Meier (2005), “Le système belge et les rapports de genre”, in (eds) Bérengère Marques-Pereira et Petra Meier, *Genre et Politique en Belgique et en francophonie*, Bruxelles: Academia Bruylant, 23-34.

⁵³² For information on Costa Rica’s electoral law regulations, see the Global Database of Quotas for Women, Costa Rica, <http://www.quotaproject.org/displayCountry.cfm?CountryCode=CR>.

Inter-Generational Conflicts / Solidarities

As concerns the self-representation of young adults, there have not seemingly been any attempts to quantify or identify an appropriate threshold of relative effective influence for Canadian society. Moreover, the situation would likely differ across societies, for example, with the distinctly younger population comprising the Inuit-majority living in the Territory of Nunavut. For young adults, we build upon the definition of many Canadian government departments with special programs targeting youth aged “35 years and under”. In light of the importance of constituting democratic institutions that are resistant to reification and tend towards future-seeking re-constructions, the self-representation of young adults may require weighting over and above their demographic presence. Following the democratic goals articulated in this thesis, we would seek to secure a relative ratio and reach a threshold of relative influence between those under 35 years old, and those over 35 years old.

Interlocking Conflicts: Gender, Generation, Ability in Rwanda

The avant-garde efforts of Rwanda⁵³³ for both youth and persons with disabilities is notable, although it does not go far enough in terms of achieving what we understand to be relative effective self-representation. Out of 80 seats in the national parliament, the Rwandan Constitution reserves 30% for women elected by a proportional representation list by women only, and which are distributed regionally. This ensures two women representatives from each of the provinces, as well as two representatives for the capital city of Kigali. Through the electoral law, there are two seats reserved for youth, and one seat reserved for a disabled

⁵³³ For information on Rwanda’s constitutional and legislative provisions, see the Global Database of Quotas for Women, Rwanda: <http://www.quotaproject.org/displayCountry.cfm?CountryCode=RW>.

representative. As concerns the mechanisms of implementation, in light of our four principles, the Rwandan use of categorical closure and of reserved seats that reinforce the categorical non-closure, these mechanisms would be not meet our attention to solutions that promote anti-essentialist re-constructions that de-reify existing sex/gender norms both in form and content. At the same time, the notion of having women vote to send women representatives from the region asserts the kind the accountability mechanisms that we will propose in our evaluation of mechanisms of co-authorization. Again, the failure to impose a similar level of accountability from male representatives towards men is in contradiction with the spirit behind the democratic defence articulated in these pages and moreover, the lack of inter-sexual space for solidarity building across sex/gender is not fostered through these particular mechanisms.

Co-Authorization: Democratic Existensions

In light of the opportunity structure that ensures guaranteed access to self-representation throughout decision-making bodies for conservative and progressive ends of the corporeal spectrum of any social discord, concurrent or double majorities create an incentive for all corporealities within the deliberative bodies to “listen to the other side” throughout the spaces of democratic deliberation, such as in the cabinet, parliamentary committees and within the larger parliamentary caucuses of each political party. The failure to listen to the other side and attempts to advance legislation in key areas that affect corporealization and against the will of the corporealities affected would be effectively met with formal democratic resistance at the moment of co-authorization. This re-focuses the point of legislatures on the challenge of finding compromise positions that are acceptable to a broad cross-section of the representatives, rather than a strict majority. Moreover, it protects

vulnerable corporealities who enjoy perhaps a relative threshold of self-representation within the deliberative bodies, but that nonetheless remain permanent minorities within the context of majority-seeking vote aggregation.

Building synergies across democratic publics, concurrent majorities encourage pan-partisan organizations within parliament, such as the All-Party Women Parliamentarians' Association, to deliberate on controversial issues and assess if there is a clear view that they wish to assert as against more conservative tendencies within the parliament as a whole. Fostering synergies with civil society, the possibility of demanding concurrent majorities promotes participation and collaboration on controversial issues between progressive activists and progressive representatives to advance democratizing results on non-territorial issues of corporealization that are systemically marginalized within majoritarian electoral systems. This does not preclude the possibility of conservative activists and representatives from working to similar ends; however, I would argue that they have successfully advanced this strategy to date, often exerting influential political power that is disproportional to the popular support of the ideas within the population.⁵³⁴ Indeed, the working assumption of this reflection is that the full spectrum of corporealities, and naturally, ideological orientations ought to benefit from expression to the extent that they enjoy support within the population. As such, I am not positing that only the corporealities of feminist women deserve self-representation, but rather the agonic contestation amongst women must take place within and throughout democratic institutions as well. In either case, the specific views will be publicized in votes requiring the consent of both majorities.

⁵³⁴ For example, see the discussion of the influence of Christian fundamentalist values and of *Focus on the Family* within the Conservative government under Stephen Harper. See Ruth Kaplan (2006), "Stephen Harper and the Theo-cons", *The Walrus Magazine*, October 26, 2006, 1.

The upshot of this scenario, I believe, is that progressive social movements will become more invested in ensuring that a majority of the corporealities cutting across any given axis of political identity supports liberty-enhancing legislation, rather than relying disproportionately on micro-political advocacy and public protest outside of democratic institutions. Finally, fostering iterative possibilities throughout the system, the capacity for politicized corporealities to be mainstreamed within democratic bodies of co-authorship, as well as at moments of co-authorization provides the impetus for political activists mobilizing around issues of corporealization to make a democratic difference and bring their voices to bear on institutional deliberations through the pursuit of formal mandates of representation within democratic institutions themselves. Not only is there the promise of having a self-defensive substantive impact at the moment of co-authorization, but also mandates of representation would be seen to effectively and practically reinforce the effects of the diversity of tactics (micro-political, judicial, educational) that were advocated for in our earlier discussions. Figure 9.0 identifies some examples of issues from the Canadian context that could have usefully benefited from the invocation of a double majority rule to ensure the consent of majorities within the legislature and within the group that perceives its position to be threatened.

Figure 9.0 Concurrent Majorities Constituting Democratic Co-Authorization

| Controversial Issues of Corporealization | Double Majority Invoked by |
|--|---------------------------------------|
| Reproductive Freedom | Women |
| Sexual Assault / Violence against Women | Women |
| Religious Arbitration in Family Law | Women (Women of faith) |
| Family Law (Divorce, Child Custody, Property) | Women / Men |
| Sexual Health Policies on Circumcision | Men / Men of faith |
| Official Language Protections | Francophones |
| Official Languages Services | Francophones |
| Federal Spending in Provincial/Terr. Jurisdictions | Québécois / Inuit / Provinces |
| Foreign / Diplomatic Policy | Québécois / Inuit / Provinces |
| Same-sex marriage and Adoption Rights | Lesbians, Gays, Bisexuals |
| Childcare Services | Parents (Single Mothers and Fathers) |
| Maternity / Paternity / Parental Leave | Biological Parents (Adoptive Parents) |
| Disability Services | Disabled persons |
| Social Programs / Access to Higher Education | Young Adults |
| Environmental Protections | Young Adults |

For complex issues that cut across multiple equilibriums, a triple majority threshold of consent may be necessary. For example, whereas a majority of secular women may wish to oppose the legal recognition of religious arbitration in family law matters, a majority of women of faith may wish to allow it under specific democratically regulated circumstances with judicial oversight. These distinctions amongst minorities within minorities would either require that women as a group broker a common position and that secular women vote in solidarity with women of faith. However, if this is impossible, women of faith should have the option of likewise demanding a triple majority consent threshold so that their specificities as women of faith are publicly registered at the moment of co-authorization.

Femocracy: Between the No Longer and the Not Yet

What would a feminist democracy (femocracy) look like? What conception of liberty figures at the heart of late modern democracies? What would a feminist republican democracy desire? How can Machiavellian realism, Roman republicanism, Arendtian action, and

Tullian constitutionalism strengthen the onto-political projects that both diversity feminism and critical democratic theory defend? Why do we tolerate essentialist understandings and simplistic practices of representation? How can the monovocal authority of contemporary liberal, or French republican forms of democracy be decentred by the insights on corporeality that diversity feminism affirms? What are the epistemological dangers, to a human thriving that requires diverse corporealization, of living on a continent that is politically equipped with an alarmingly restricted number of democratic traditions and counter-traditions, philosophical currents and counter-currents, publics and counter-publics? Why has social movement activism and citizen-led protest become uniquely vulnerable and largely impotent in the face of late modern rollbacks supported by conservative governments? Why is electoral accountability so diminished? These are some of the questions that have motivated this doctoral thesis, that it has directly or indirectly raised, and to which it has, to varying degrees of success, offered some contingent answers and insights.

I do not assume that inclusion in representative democratic institutions is the only salient manifestation of equality, nor a simplistic, one-stop, catch-all “public policy” solution for addressing poverty, racism, disability, violence against women, or homophobia. But to deny the ways in which representative democratic institutions work to lay the material conditions and normative parameters of possibility for corporealizations is to deny the political ramifications of the late modern human condition altogether. Consequently, I am preoccupied with the symbolic-cum-materially productive role of diversified practices of self-government and self-representation in unconsciously and consciously de-reifying, contesting, and opening up a plurality of meanings associated with minorized/dominant corporealities historically marked by stigmatization/normalcy, difference/universality and second-class status/excellence. This can only be achieved by conscious advocacy throughout

all levels of democratic contestation, including formal sites of political power such as representative democratic institutions. As such, I do take them to be extremely significant sites of struggle and political self-defence within which there is the possibility of addressing, in part, the social, cultural, material, legal and political well being of the whole corporealpolitik.

The catalyst for this inquiry emerged over 15 years ago when I began to more rigorously take note of the ongoing absences, under-representations, and othering-representations of myriad corporealities in the symbolic political imaginary, in democratic institutions/practices, and in the substantive content of the law. It forced me to wonder what might reconnect the concepts of diversity that we say we cherish in Canada, by ensuring the practical liberty of the diverse somebodies whom we claim to embrace. It seemed increasingly tenuous that the corporealities of a diverse citizenry could find expression and that anti-oppression could be a project of collective democratic constitution if we continued to deny the corporealities of our collective belonging, and the fact that we continue to pay in our bodies for the democratic blind spots and performative failures of late modern liberal politics. The question then became how we might ground an alternative praxis of democratic representation as a means of ensuring a more genuinely *shared authority* over the conditions of diverse corporealizations and upheld daily through performative self-advocacy and agonistic solidarity that inhere in acknowledging the diverse corporealities constitutive our own multiplicitous “whoness”, and naturally of the multiplicitous solidarities animating our public practices of corporealizing togetherness.

CONCLUSION

Towards a Late Modern Praxis of Radical Representative Democratic Corporealpolitik

In the year 2000, Tully aptly identified the unique challenge as linked to the capacity to « reimagine citizenship and belonging in multicultural and multinational society ».⁵³⁵ The current project has been one such attempt to reimagine how and why alternative foundations might do a better job of grounding practices that foster belonging and a distinct appreciation for the productive diversity of faces into which citizenship might conjugate within one multinational, multicultural society with varying layers of horizontal intra-national diversities as well.

To that end, we looked to feminist understandings of diversity and began with an exploration of three families (equality, difference, diversity) within feminist theory. To illustrate the tensions that many critical theorists are struggling with across disciplines, we evaluated the core contributions of two leading (Braidotti, Butler) epistemological projects of political subjectivity that figure within the diversity feminist current. Each attempts to do justice to the dynamic complexities of inter-subjective relations of power inflecting late modern constitutional democracies. Following Braidotti, we retain the ethical importance of maintaining categories that help us name and expose the asymmetrical power imbalances constituting late modern corporealizations, the burdens of which continue to be materially borne by too many somebodies within the political community. Following Butler, we took the challenge of deconstruction seriously and attempted to acknowledge the ways in which the contemporary use of dichotomous categories (sex, gender, race) of socio-political identity can inadvertently legitimate essentialist and oppressive norms, through their repetition and

⁵³⁵ Tully 2000.

moreover, through the epistemological exclusion of those bodies that fall beyond the intelligibility implicit in those modern categories.

Building on the insights uncovered in Chapter I, in Chapter II we attempted to reconstruct an alternative figuration of political subjectivity inspired by diversity feminism. Following Razack's political imperative that both our essentialism and our anti-essentialism advance anti-oppression, in addition to Braidotti's diverse speaking-subjects grounded in sex, gender, race, class, disability and age, or the proliferated genderings of which Butler speaks, we saw value in having individuals and social movements name their experiences of corporeal identity and oppression in the terms that resonate best, and offer the broadest *linguistic possibilities* capable of referencing the multiple axes of corporeal belonging constitutive of various "constellations of corporealities", be they individual or collective. Acknowledging the persistence of asymmetrical relations of power, we do not assume any constitutive outside to the overlapping webs of corporealpolitik prescribing the conditions of corporealization available to various individuals and groups in a given national, sub-national, or local community. This alternative *convention* of political subjectivity is grounded in historically situated, interlocking systems of power constitutive of various mutually constitutive "corporealities" that are influenced by the dynamic, relational, and performative processes of juridico-political and socio-symbolic "corporealizations". As a dynamic concept that allows us to delineate the axes of oppression and speak of the full complexities of the power relations that produce both penalty and privileges, this alternative *figuration of subjectivity* aims to lay the groundwork for practical structural reforms that enhance the political advocacy and self-representation of minorized corporealities within heterogeneous publics and decision-making bodies constitutive of late modern democracies.

Drawing on Razack's "politics of accountability", and Kondo's articulation of the radical situatedness of Japanese-linguistic relationality, by situating the relational complicity of all corporeal locations within the political community, this conception of political subjectivity highlights the ways in which the majority of individuals, as constellations of corporealities, both consciously and unconsciously participate in performative corporealizations in their daily interactions with others, and draw upon the norms of existing corporealpolitik, which position them along a spectrum of normative dominance/minorization that inflects the relative privileges/penalties that each enjoys and/or expects to enjoy by virtue of their specific corporealities.

In Chapter III, we excavated three types of republicanism from the early modern (Machiavelli), modern industrialized (Arendt), and late modern (Tully) era in order to highlight three conceptions of liberty that figure within this tradition of thinking on democratic citizenship, as well as identify certain of their limitations. In Chapter IV, we then exposed and evaluated the varying degrees of compatibility of these conceptions of liberty with the complex understandings of diversity that figure within the late modern feminist epistemologies influenced by post-structuralism (Braidotti) and deconstruction (Butler), and of our own figuration of corporealization. By complicating and diversifying Machiavelli's conception of *umori* to take account of late modern corporealities, we were able to lay the groundwork for guaranteed mechanisms of political representation within democratic institutions that might better handle contemporary social discords. By exploring the corporeal underpinnings of Arendtian action, we were able to apply her insights on resistance against homogenization to take into account the various sites and encounters of contestation in which individuals initiate performances of inter-subjective individuation constitutive of the public realm of psycho-social possibility. Tully's insights on the distinctions between

constitutional democracy and the democratic constitution of a political community helped locate the democratic demands of various contemporary social movements, as attempts to evolve not only the norms regulating socio-political cooperation, but also, the norms that provide ethico-political legitimacy to the game of democratic constitution itself. This discussion of liberty sought in Chapter IV was then strengthened by the diversity feminist insights on subjectivity so as to pave the way towards inter-subjective practices of liberty that are relational, performative, and capable of epistemologically laying the groundwork for diversified conditions of inter-subjective corporealization and individuation throughout all sites of democratic contestation, including democratic institutions.

The cross-pollination of these augmented insights from diversity feminism and republicanism were mobilized in Chapter V to produce an alternative figuration of co-authority as a praxis of political self-representation that lays the normative groundwork for the kinds of radical democratic reconstructions we believe necessary in the creation of a more empowering kind of democratic corporealpolitik. In Chapter VI, in light of our alternative figuration of co-authority, we identified the weaknesses in the practical prescriptions for reforming representative democracy defended by associational diversity feminists and agonistic deconstruction feminists, as well as neo-republicans. Moreover, we briefly mapped the kinds of democratic reconstructions that could be undertaken within heterogeneous publics to advance the epistemological displacement of liberalism, the normative commitments to diversity, and the collective reconstruction of liberty through a radical representative democratic politics. As a performance of agonistic self-distinction that has allowed me to mobilize the resources of my unique corporealities in this discursively performative process of inter-subjective individuation, I have aimed to position myself

simultaneously in normative allegiance with, and in practical contra-distinction to these formidable allies, to whom my thinking on democracy owes a tremendous debt.

If I have been successful, my alternative political conventions of “diversité”, “liberté”, and “co-autorité” will have convincingly contributed to the discursive or epistemological displacement of liberalism, and moreover, will have effectively re-signified the normative foundations of a radical representative democratic corporealpolitik from within the rules of democracy itself. It will have shown the normative potential for moving late modern constitutional democracies, such as Canada, out of the democratic impasses of oppressive settler/indigenous relations, and provided support for asymmetrical federal arrangements ensuring a better equilibrium of co-authoritative corporealization for Canada and Québec. More specifically, I have proposed an alternative epistemological framework, and correlate practices of self-representation within democratic institutions as a means of unleashing the democratic energy of intra-national social discords that have historically been non-recognized and or mis-recognized as apolitical. This has laid the groundwork for a democratic defence of democratic practices aimed at the corporeal diversification, and regulation of corporealpolitik throughout heterogeneous publics.

Ultimately, this epistemological re-articulation of human subjectivity (diversity), democratic self-government (liberty), and political representation (co-authority) aims at a re-signification of the intimate interdependence of physical (corporeal), psycho-social (corporealities), and juridico-political (corporealization) facets of democratic self-government and of the imperative within late modern constitutional democracies of appreciating the uniquely productive (material, socio-political, and symbolic) role of political self-representation. As such, it hopes to re-situate, for feminist, republican and democratic theorists, alike, the practical challenge for this late modern era, of proliferating, re-

connecting and radicalizing a broad spectrum of representative democratic publics/institutions. It is within these spaces that members of the political community (citizens, permanent residents, refugees) can engage in the art of self-government, through statecraft and civil society organization, in ways that both performatively constitute their corporealities and co-authoritatively legitimates the evolving norms of intelligible corporealization. Most importantly, it is through these performative practices of corporealpolitical reconstruction that we can ideationally recover and democratically renovate our shared worlds towards a more radically empowering praxis of late modern representative democratic corporealpolitik wherein difference and belonging are no longer presumed to be destructive tension. In Tully's excellent 2008 survey of the field of multiculturalism and law-making,⁵³⁶ despite his commitments to diversity, the requisite paradigm shift has not yet seemingly taken place. Counter-intuitive to the epistemological perspective defended in these pages, Tully begins his mapping process in light of "the problem of difference"; rather we wish to name the real late modern threat to democracy, namely, "the irrational drive to unicity" that has resulted in a panoply of state-sponsored disciplining tactics aimed at assimilation, homogenization, and the usurpation of democratic self-rule.

Dietz has suggested that, at the heart of contemporary feminist controversies, are the two dominant tendencies amongst diversity feminist theorists of democracy. Whereas the associational approach pushes for the discursive re-construction of democratic institutions through social power in light of the diversity of human experiences, the agonic approach seeks to discursively deconstruct, through social power, the processes of democracy to

⁵³⁶ See Tully 2007.

expose the ways in which they create subjectivity. Rather than be forced to take sides in this dichotomous understanding of democracy as *either* associational *or* agonic, rather than accept that my choices are to assert diverse politicized identities as the alternative norm of democracy, *or* to deconstruct the norms of politicized identity itself, I believe we need a *diversity of tactics*, all of which are *political*, to be undertaken democratically and concurrently throughout all available heterogeneous democratic publics and counter-publics, most certainly within the authoritative spaces of representative democratic institutions. The normative project of diversity feminist democratic theory and late modern neo-republicanism cannot be solely invested in politicized identity and the prescriptions for more inclusive democratic processes that posit democratic solutions. Yet, this is a vital *reconstructive* tactic that takes seriously the fact that various corporealities pay, in their bodies, for the oppressive aspects of politicized identities, in the temporal here and now. But in light of contemporary suffering, critical theories would be remiss to invest solely in exposing the discursive fiction of political identities through the deconstruction of the disciplining power of political categories, on the naïve assumption that a less oppressive future will be ushered in simply by rhetorically exposing the arbitrary nature and grounding of politicized identities. Rather, this tactic sustains the democratic non-recognition and lack of freedom of certain corporealities to be performatively self-representing. In light of the existing monopolies over self-representation and authoritative sites of democratic knowledge by privileged corporealities, it is absurd to believe that the ideational force of democratic reasons within civil society alone will naturally result in the institutional deconstruction of oppressions that continue to be perpetuated through democratic institutional practices. More importantly, the problem is not that we have politicized identities that give us meaning, purpose, and a sense of belonging, but that we have been restricted to a pre-determined set of identities that must likewise be

organized into a hierarchy of loyalties that reflects the perspectives, priorities, and self-interests of certain dominant corporealities.

In “This Universalism which is not One”, Linda Zerilli offers an eloquent review of Laclau’s *Emancipation* to underscore the late modern challenge not in a return to the “universal”, but in a more creative understanding of the complex relationship between the universal and the particular. Praising Laclau’s philosophical, yet politically informative approach to the idea of democracy and the rules of self-government, she recounts his explanation through Wittgensteinian language games. Laclau states, “if for Wittgenstein every instance of a rule’s use *modifies* the rules as such, it cannot be said that a rule is being *applied* [in the sense of communal repetition], but that it is being constantly constructed and reconstructed, between an abstract rule and the instance of its use in a particular context, it is not a relationship of *application* that occurs, but a relation of *articulation*.”⁵³⁷ In this light, to think about the political community, or human subjectivity itself as a universal regulated through language-games, Zerilli suggests that Laclau invites us to “explore the limits and the possibilities of its (re)articulation in various social and political contexts”⁵³⁸ that will take shape through the articulation of intersubjective agreement itself. Consequently, Laclau would suggest that we have been “looking for answers in all the wrong places because we have not taken seriously enough the meaning of human plurality, or, taking it too seriously, namely as an overwhelming problem, the problem of innumerable particulars, we treat plurality as something to be subdued or even overcome by an intersubjective agreement that

⁵³⁷ Cited in Linda Zerilli (1998), “This Universalism which is not one”, *Diacritics*, 28:2:6.

⁵³⁸ Zerilli, 7.

is grounded in universals.”⁵³⁹ In my discussion I have attempted to reveal the ways in which these so-called “agreements” have been imposed through democratic coercion and then socially sustained by stealth. Surely less violent, less idealized, less reifying (re)articulations of the productive tensions between democracy and universality, individuation and belonging, of diversity and togetherness are available us, but must we also then relinquish our aspirations to control the process, the ebb and flow, and the direction in which these re-collective re-articulations might self-surprisingly take us and future generations.

This doctoral thesis is a call for a more dynamic appraisal of representative democracy as a self-implicating, performative and reflexive process over time of material, institutional and discursive becomings that are perpetually in reconstructive and deconstructive tension within and outside of democratic institutions. At some point, the iterations, contestations, and alternative norms defended within civil society must be given democratic re-articulation and constitution, however contingently, in the laws regulating the performativity of the game of representative democracy itself, as well as the institutional outputs that our more radical representative democratic contestations can uncover. Democracy consists in the ongoing human reality and temporal necessity of deconstructing *and reconstructing* the political community in light of the changing material, psychosocial and onto-political needs, interests, and yearnings of the constantly renewing corporealities constituted therein/constitutive thereof. Consequently, akin to feminist and social justice activism, we must develop and insist upon the concurrent deployment of a diversity of tactics within and across critical democratic theories and practices. In order to make good on the normative project of fighting oppression and augmenting late modern democracy, we need

⁵³⁹ Zerilli, 7.

epistemological projects that ground the democratic deconstruction of oppressive forms of power, the proliferation of the imaginative spaces, practical sites, and dynamic processes of democratic contestation, and that advocate the democratic reconstruction of less oppressive practices of political power. This dynamic reflexivity within democratic theory/practice strikes to the heart, and renders possible, the contributions of late modern feminist philosophies of subjectivity to modern republican and liberal democratic theory, and points to the important contribution of republican philosophies of liberty to late modern feminist philosophy and modern liberal democratic practice.

Mobilizing the alternative conventions of late modern human subjectivity as “diverse corporealities” and late modern liberty as activist practices of agonistic self-government, I have attempted to re-signify and ground late modern diverse citizenship in a performative praxis of co-authority as corporeal self-representation. This alternative understanding of what late modern representative democracy requires lays the epistemological foundations for a “tensely-balanced equilibrium” between deconstruction and reconstruction; in so doing, it renders intelligible and practically nurtures the productive temporal iterations between the competing conceptions of democracy advanced by various critical theorists (deliberative democracy, post-colonialism, neo-republicanism, deconstructionist feminism, diversity feminism) and the modern liberal-democratic oppressions we seek to dismantle, with a view to laying the democratic foundations, in the here and now, for the alternative post-modern democratic futures we desire. The focus, I hope, of many grassroots political contestations and interdisciplinary academic conversations to come, the democratic framework and praxis of co-authority as self-representation defended herein, aims to expose the normative and material impotence of late modern liberal equality, late modern liberal democratic institutions, and the corporeal essentialism of late modern liberal citizenship. We see this as

one of the possible means of resisting the ideological foundations that affirm the performative monopolies of contemporary liberal states as the legitimate *end* of democratic citizenship. Cornell argues that “[e]thical feminism must paradoxically turn on the philosophical elaboration of a limit to any theoretical analysis that claims to have the last word on what it means to be a woman.”⁵⁴⁰ The alternative epistemological foundations of democracy in liberty, diversity and co-authority constitute, not the *end* of democratic equality, but the beginning of more empowering experiences of contestation and self-government. They philosophically elaborate a practical limit to the liberal theories of democracy that claim to have the last word on what it means to be free, by returning the power to name and delimit liberty to the diverse corporealities within the democratic community that seek self-representation. These ontological desires for additional horizons of corporealization have motivated the alternative epistemological and democratic existences defended in these pages. If given the chance at democratic constitution, I believe they will inaugurate a radically critical, and indeed, more self-representative praxis of empowering corporealpolitik for late modern Anglo-American constitutional democracies, such as Canada.

And one should bear in mind that there is nothing more difficult to execute, nor more dubious of success, nor more dangerous to administer than to introduce a new order to things.

Niccolò Machiavelli, *The Prince*

⁵⁴⁰ Cornell, 1995: 26.

Figure 10.0 Constitutional Quotas (Sex/Gender) for National Parliaments

| Country | Number of women elected | % women |
|---|--------------------------------|----------------|
| Afghanistan | 68 of 249 | 27.3% |
| Argentina | 90 of 257 | 35.0% |
| Bangladesh | 6 of 300 | 2.0% |
| Burundi | 36 of 118 | 30.5% |
| France | 107 of 577 | 18.5% |
| Guyana | 20 of 65 | 30.8% |
| Iraq | 70 of 275 | 25.5% |
| Kenya | 16 of 224 | 7.1% |
| Nepal | 12 of 205 | 5.9% |
| Rwanda | 39 of 80 | 48.8% |
| Serbia | 51 of 250 | 20.4% |
| Somalia | 21 of 269 | 7.8% |
| Taiwan (UN: Province of China) | 50 of 225 | 22.2% |
| Tanzania, United Republic of | 97 of 319 | 30.4% |
| Uganda | 73 of 305 | 23.9% |
| Total countries: | | 15 |
| Average % women: | | 22.4% |
| Total countries previously having constitutional quota provisions for national parliaments: | | 3 |
| Average % women: | | 19.7% |

Source: www.quotaproject.org, accessed October 20, 2008.

Figure 11.0: Election Law Quota (Sex/Gender) Regulation, National Parliament

| Country | Number of women elected | % women |
|----------------------------------|--------------------------------|----------------|
| Afghanistan | 68 of 249 | 27.3% |
| Albania | 10 of 140 | 7.2% |
| Argentina | 90 of 257 | 35.0% |
| Armenia | 12 of 131 | 9.2% |
| Belgium | 55 of 150 | 36.7% |
| Bolivia | 22 of 130 | 16.9% |
| Bosnia and Herzegovina | 6 of 42 | 14.3% |
| Brazil | 45 of 513 | 8.8% |
| Burundi | 36 of 118 | 30.5% |
| China | 604 of 2980 | 20.3% |
| China | 604 of 2980 | 20.3% |
| Costa Rica | 22 of 57 | 38.6% |
| Djibouti | 7 of 65 | 10.8% |
| Dominican Republic | 35 of 178 | 19.7% |
| Ecuador | 25 of 100 | 25.0% |
| Eritrea | 33 of 150 | 22.0% |
| France | 107 of 577 | 18.5% |
| Honduras | 30 of 128 | 23.4% |
| Indonesia | 62 of 550 | 11.3% |
| Iraq | 70 of 275 | 25.5% |
| Jordan | 7 of 110 | 6.4% |
| Korea, Dem. People's Republic of | 138 of 687 | 20.1% |
| Korea, Republic of | 39 of 299 | 13.0% |
| Liberia | 8 of 64 | 12.5% |
| Macedonia | 34 of 120 | 28.3% |
| Mauritania | 17 of 95 | 17.9% |
| Mexico | 113 of 500 | 22.6% |
| Nepal | 12 of 205 | 5.9% |
| Niger | 14 of 113 | 12.4% |

| | | |
|---|------------|-------|
| Pakistan | 73 of 342 | 21.3% |
| Palestinian Territory, Occupied | 17 of 132 | 12.9% |
| Panama | 13 of 78 | 16.7% |
| Paraguay | 8 of 80 | 10.0% |
| Peru | 35 of 120 | 29.2% |
| Philippines | 49 of 240 | 20.4% |
| Portugal | 49 of 230 | 21.3% |
| Rwanda | 39 of 80 | 48.8% |
| Serbia | 51 of 250 | 20.4% |
| Slovenia | 11 of 90 | 12.2% |
| Spain | 127 of 350 | 36.3% |
| Sudan | 66 of 450 | 14.7% |
| Tanzania, United Republic of | 97 of 319 | 30.4% |
| Uganda | 73 of 305 | 23.9% |
| Uzbekistan | 21 of 120 | 17.5% |
| Total countries: | | 44 |
| Average % women: | | 20.4% |
| Total countries previously having election law quota regulations: | | 3 |
| Average % women: | | 10.3% |

Source: www.quotaproject.org, accessed October 20, 2008.

Figure 12.0: Constitutional or Legislative Quota, Sub-National Level

| Countries | |
|------------------------|---------------------------------|
| Argentina | Nepal |
| Bangladesh | Pakistan |
| Bolivia | Palestinian Territory, Occupied |
| Bosnia and Herzegovina | Paraguay |
| Brazil | Peru |
| Costa Rica | Philippines |
| Dominican Republic | Portugal |
| Ecuador | Rwanda |
| France | Serbia |
| Greece | Sierra Leone |
| Honduras | Slovenia |
| India | South Africa |
| Korea, Republic of | Spain |
| Lesotho | Taiwan (UN: Province of China) |
| Macedonia | Tanzania, United Republic of |
| Mauritania | Uganda |
| Namibia | |
| | Total countries: 33 |

Source: www.quotaproject.org, accessed October 20, 2008.

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